

O'CONNOR CLAIMS A PLACE

Surviving Member of Poynter Police Board Demands His Seat.

INSISTS HE IS A DE JURE MEMBER

New Commission Growing Out of the Supreme Court's Latest Opinion in the Matter of the Omaha Commission.

J. J. O'Connor now is, or claims to be, a member of the Board of Fire and Police Commissioners.

When the board met in regular session at its office in the city hall Monday afternoon O'Connor was there with a written application for permission to participate in its deliberations.

"The way the matter stands now," said he, "I am the only legal member of this board. You are de facto members, but I am both a de facto member and a member de jure."

"The other members seemed deeply impressed by this, and none had the hardihood to contradict the statement. His application was ordered placed on file."

"I had no idea it was as bad as that," said Mayor Moore, "but if you say so, it goes. Meanwhile we shall be pleased to have your society. Have a chair."

"Do I understand that I am to be permitted to participate in your deliberations?" asked O'Connor.

"How about that, gentlemen?" asked the mayor, turning to Members Collins, Kennedy, Mead and Henney. "Is he?"

"Well," answered Kennedy, "we're not going to deliberate very much today. Here are applications from five firemen who want a ten-day leave of absence each, and after that will come the adjournment."

"It does really seem that the five of us ought to be enough to do that," said Collins.

"We're solid on allowing these leaves of absence," said Henney. "Now if you'll promise not to outvote us, we'll let you sit in."

"That's agreeable to me," said Mead.

"So, as there seemed to be no objection to the new member" sitting at the table permission was granted by tacit consent, and the question was not put to a vote.

O'Connor retained his seat during the session. When the vote was called on whether the leaves of absence should be allowed, he voted affirmatively with the others, and also voted on the motion to adjourn, but the secretary did not record his vote, a fact which he affected not to notice.

The greater part of the session was given over to staff similar to the foregoing.

Appointed by Poynter.

Attorney J. J. O'Connor was appointed as a member of the Board of Fire and Police Commissioners for a term of three years, March 16, 1920. To serve with him on the board the governor appointed Harry Miller, William J. Broatch and Dr. J. H. Peabody. Miller was to serve one year, Broatch two years and Peabody four years.

Since the terms of Miller and Broatch have expired and Dr. Peabody has resigned, O'Connor is the only member of the board created by Governor Poynter who has even a shadow of a claim upon the office.

The Miller-Broatch-Peabody-O'Connor board was a board in name only, since it never performed the functions of its office. It having been held by the supreme court in the fall of 1919 that the act of the legislature which placed the power of appointment in the hands of the governor was unconstitutional.

At the time of O'Connor's appointment another board, appointed by the mayor, was holding office in Omaha. The attorney

neys of the new board brought quo warranto proceedings as a step preliminary to securing control, but it failed of its purpose.

The supreme court held that the case was judicial, "within its compass," said Mr. O'Connor, "that the old board had no right to exist, but since it did exist it could keep on existing."

Brought Up by Redell.

The next time the matter came up John Redell, former chief of the fire department, was the relator. He had been dismissed by the present board, so brought proceedings to have the present board ousted and to have the governor appoint a new board in hope that he (Redell) would be reinstated. This also failed. The supreme court refused to mandamus the governor to appoint the board.

The latest decision of the court is in effect that it is the duty of the governor to appoint the board.

"Under this ruling," said O'Connor, "any board that is appointed by anyone except the governor is necessarily illegal. I was appointed by the governor, so I hold the office legally. I shall expect to have a voice and vote at the meeting of the present board."

Mr. O'Connor declined to say what he would do if denied a voice, but it is understood that he will resort to legal proceedings to oust the entire board as it now exists.

Complicates the Case.

"This movement on the part of O'Connor complicates matters most decidedly," said Mayor Moore, "and it is impossible to tell how it will terminate. Here is a board of six members, four of whom I appointed and one of whom was appointed by the governor. The appointment having been made under two distinct and antagonistic laws. It is an interesting mixup."

Appropos of the new ruling of the supreme court many discharged firemen and policemen are returning to the city in the hope of being reinstated. Captain Hays, Nick Halter and Captain Conrath are among the old-time employees of the city who have declared themselves so far, also W. W. Cox, the hero of the "battle of Cox's Run." As yet no advice has been received from Al Sigwart.

MISTAKE MAKES FOOT RACE

Young Man Leads Two Policemen a Merry Dash Up Leavenworth Street.

A nephew of Edward H. Nash, 809 Park avenue, had an experience with two police officers whom he thought were hold-up men, and two police officers had an experience with Mr. Nash, whom they thought was a burglar, that was only tested the sprinting ability of all three, but that waked a half dozen sleepy residents of the vicinity of Mr. Nash's home and scared the greater part of Mr. Nash's life out of him, a few nights ago.

The nephew had missed the last car and was completely at a loss. At Twenty-second and Leavenworth streets he spied two men acting in a suspicious manner across the street, standing in the shadow of a telephone pole. Mr. Nephew walked a little more rapidly a few paces and looked back over his shoulder. The two men were coming in his direction, and as there was not much else of note in that direction he concluded they were coming for him. He struck a dog trot. So did they. He broke into a gallop. They called to him to halt. He did the opposite at a faster gait. The men took a fresh spurt.

The nephew then turned out on Leavenworth street at a pace that killed. When almost at Twenty-ninth the young man, though slightly winded, took a fresh spurt and ran around behind a building into the alley, and as the men came in sight they saw the nephew's fence into a back yard. One man followed and the other ran around to head him off in front.

When both arrived at the front of the house they heard their burglar, between his gasps for breath, yanking at the screen and yelling:

"Uncle Ed, open the door! They are after me!"

As the two men reached the porch the young man gave one more appeal to his "Uncle Ed."

"My God, uncle! It's too late. A white-robed individual opened the door and caught the young man as he fell in. The police explained to the uncle. A half dozen neighbors, who by this time had congregated, in company with the two police officers, whose wideawakeness had caused the commotion, walked away, discussing the love of the twentieth century youth for late hours.

AT KING AK-SAR-BEN'S COURT

Last of the Distinctly Omaha Nights Seen a Good Crowd at the Den.

It was simply an Omaha night at the den last night when the Knights of Ak-Sar-Ben met for the last time before the reduced rates on the railroad became effective. The chairman during the course of his remarks said that the paid initiations this year were 200 in excess of the number recorded at this time last year, and this number will be materially increased during the coming weeks.

Congressman Mercer was the first speaker on the program after the new members had been enrolled. Referring to the elegant stage setting, he said that it reminded him of an experience in Japan, which he visited on one of his free junkets, and the story he told had its peak when he actually paid fare on a Japanese railroad operated between the coast and the interior.

The principal speaker of the evening was Rev. E. F. Trefz, who took occasion to boom the coming exodus into the Black Hills country. He was followed by Carl Ritter, who amused the crowd with a few stories.

In the games of the evening the interest was intense. The final was played with interesting good luck, capturing the majority of the circulating medium from their less fortunate competitors early in the game and striving steadily for the victory at the close. The game was won by Mr. Norris, who generally held larger hands than Mr. Jensen.

Among those from the state who were made knights of the Nebraska order were James White of Ord, T. P. Shively of Fairfield, Harry C. Haverly of Hastings, F. G. Zehrung of Lincoln. From Iowa came George Winter and Charles Weber of Sioux City, W. M. Francis of Fort Dodge, E. W. Phillips of Des Moines, and C. A. Menesse of Dubuque. Others enrolled were E. R. Hughes of Deadwood, Carl Ritter of San Francisco, Harvey Mace of Denver, W. B. Welsh of Butte, L. Osborn and J. E. McComber of Kansas City, Roy Perry of Phoenix, Ariz., and Harry Ingraham of Topeka.

If you have no appetite for your meals something is wrong with your digestion, liver or bowels. Prickly Ash Bitters cleanses and strengthens the stomach, purifies the bowels and creates appetite, vigor and cheerfulness.

PERSONAL PARAGRAPHS.

Hon. J. H. Mickey of Osceola is at the Millard.

Judge Hopeswell of Tekamah was at the Millard yesterday.

Misses Anna and Gertrude Jansen, daughters of Hon. Peter Jansen of Jansen, Neb., are at the Millard.

BADLY MANGLED BY HORSE

Charles Brink Probably Fatally Injured While Attending His Team.

WAS ALONE IN BARN WITH ANIMALS

Passing Neighbor Discovers His Plight and Rescues Him from a Dangerous Situation—His Condition Critical.

Charles Brink, an engraver, was dangerously wounded early yesterday morning in a battle with horses in a barn at Twenty-sixth and Douglas streets and was taken home unconscious, with his left leg broken above the ankle, a deep gash in the back of his head and his left shoulder badly bruised and discolored. His condition is critical.

Mr. Brink was discovered in the barn at 7:30 by a passing man, who stopped in to talk to him. He was sitting on the edge of a manger, his hands holding tightly to the rails of the horse, only partially conscious. Blood from a deep gash in his head had run down his clothing and his eyes had the appearance of an insane man.

The alarm was given and the wounded man was removed to his home at 2609 Douglas street and Dr. Porter summoned. The left leg of the injured man was so badly mangled that it is probable that amputation will be necessary.

No one witnessed the fight between the horse and man and it is not known how it occurred. Mr. Brink left his home at an early hour to attend to his horses and he has not rallied sufficiently to make a statement.

He and his family intended to start yesterday afternoon on a pleasure trip to New Mexico to spend the summer and he had gone to the barn to see that his horses were in good condition, preparatory to making the start. He has for a number of years, said Mrs. Brink, been a devotedly fond of his horses and had never before been attacked by any of them.

While the family were attending to Mr. Brink, word was sent that F. H. Gwynne, a son-in-law of Mr. and Mrs. Brink, employed by the telephone company, had been taken seriously ill during the night and had been removed to a hospital. Mrs. Brink immediately sent an ambulance for Mr. Gwynne, and both he and Mr. Brink were brought to the suffering from nervous prostration and is a very sick man. Mr. Brink is 55 years of age.

Mr. Brink is still in a critical condition and his recovery is doubtful. Mr. Gwynne was reported much better last night.

SPECIAL SESSION OF COUNCIL

Passes Appropriation Ordinance and Listens to Suggestion as to Improvements.

A special meeting of the city council was held Monday afternoon to pass the monthly appropriation ordinance to pay all bills incurred by the city "during the month of July and prior thereto." It carried an aggregate of about \$48,000. Before its final reading it was amended by the addition of an item for \$7,000.50 to pay interest on coupons on special improvement bonds which had been declared invalid by the courts and therefore had become an obligation upon the general treasury. The ordinance was passed by a unanimous vote.

J. H. Adams, present city auditor, made an address to the council in which he advised that no more paving, repaving or grading be done by the council on anything less than a unanimous petition until an amendment could be secured to the city charter authorizing the disposing with the present petition system.

"As it is now," said he, "we can never tell whether a petition is a majority petition or not, because we can't tell whether the signers are in fact owners of the property for which the sign. A man may be of record in the office of the registrar as owner of the property, but for all we know to the contrary another man to whom he has conveyed it may have a pocket deed. Then the man with the pocket deed will bob up later to contest the validity of the improvement and knock out the bonds."

"It is impossible to avoid these complications the way the charter reads now. It could be amended by dispensing with petitions and leaving the matter of whether or not a street should be paved entirely with the mayor or council, or it could be amended by adding the words, 'as such ownership shall appear in the office of the registrar of deeds.' I don't care to go on record as approving or disapproving either of these amendments, but I say they offer a possible solution of the problem."

WOMAN FALLS IN A TRANCE

Attacked Just After Being Locked in a Cell at the Police Station.

Throwing out her hands to shield herself, Lucy Snowden, a colored woman of about 20 years of age, suddenly fell forward on her face in a cell of the police station yesterday evening in an unconscious condition and at 1:30 a. m. still lay in a trance. At about 6:45 o'clock the jailer took the woman to a cell to lock her in with several other female prisoners. She at first refused to enter, but soon went and was locked in the cell. He had only gone a few steps when the woman in the cell cried out and he returned to find the prisoner lying on the floor. As the first measures taken for her relief did not apparently change her condition, the city physician and others were sent for. These came to the conclusion that the symptoms were those of the lethargic state of hypnosis, but would not make any statement pending further developments. Lucy Snowden was arrested on a charge of using profane language on complaint of her employer, J. O. Wilson of 209 Center street. They had had some quarrel over a question of wages earlier in the day.

HE TOOK HIS TIME TO REPORT

George Hirst of Columbus Asks Police to Investigate Robbery of Month Ago.

George H. Hirst, who comes from near Columbus, Neb., has just reported to the police a theft which occurred July 3, by which he claims to have lost \$120 and a \$2 watch. On that day Hirst started out for a carriage ride. He remembers that he paid the driver \$10 and that there was some woman in the hack, but none of the minor details impressed themselves on his memory. Afterward he did not have his money or watch. The driver, Lee Sheffer, has been arrested and will be held until investigation can be made. The woman who was in the carriage was also apprehended, but she said Hirst pushed his hand through the closed window of the hack and did other things which she refused to say. She was released. The police have found where Hirst spent \$25, so that he probably did not lose as much by theft as he supposes.

A Wonderful Chance.

Weak, sickly invalids are soon changed by Electric Bitters into healthy men and women. They cure or pay 50c.

DOC HAYNES VISITS FRIENDS

Former Treasurer of the Boyd Spends a Couple of Days in Omaha.

D. W. Haynes of New York visited relatives in the city Sunday and Monday. He is now connected with the management of the Lulu Glass Opera company and succeeded in producing "Dolly Darden" Wednesday at the Herald Square theater in New York last season, the play being one of the big successes of the season. This summer Mr. Haynes has managed a summer season of light opera in Chicago, but returned to New York in September. Lulu Glass is known in Omaha, where she appeared as leading lady for Francis Wilson, and will probably be here in February at the head of her own company.

"The most interesting thing in light opera which the New York press is looking forward to," said Mr. Haynes, "is the coming production by F. C. Whitney of the opera 'When Johnnie Comes Marching Home.' The scene is laid in the north and the time at the close of the revolutionary war. The New York production will require 324 people and tax the resources of the house. There is a rumored revival of the Shakespearean drama in New York by Wagenhall & Kemper, the Kansas City men who made such a success of Louis James in past seasons. Just what this will amount to is problematical, as Shakespearean revivals are often prophesied, but seldom materialized.

"In Chicago they are looking for the 'Wizard of Arles,' which will be put on by a strong company. It was written by Fred B. Lewis of Chicago, and the cast a preference will be given to Chicago talent.

"On the whole the year has been a success from a financial standpoint, and the prospects are that the next season will equal it."

JOHN H. MICKY IN THE CITY

Republican Candidate for Governor Makes Three Speeches This Week.

John H. Mickey of Osceola, republican candidate for governor, arrived in the city yesterday afternoon and will remain here on a business visit until today. Mr. Mickey is already doing some active campaigning. He has three dates for this week, though none of them are of a political character. Tuesday he speaks at the Chautauqua at Tecumseh upon "Pioneers' Day." Thursday he addresses the old settlers at Rulo and Saturday he speaks at an emancipation protraction at Falls City.

Mr. Mickey is rather enjoying the campaign so far, though he admits he has not gotten into the strenuous part yet.

WASHINGTON OFFERS HELP

(Continued from First Page.)

up Sixteenth to Farnam, east on Farnam to Ninth, north on Ninth to Douglas, west on Douglas to Twentieth, north to LaBor Temple, the place of starting.

The strikers, all of whom, with members of other labor organizations, will participate in the parade, have secured a promise from Mayor Moore for a platoon of police to head the parade. The parade will start at 10 o'clock and will last for 100 paces. It is expected that several hundred men will be in line.

Tonight the boilermakers' helpers will be organized into a family body. They will then become subject to regular benevolent provisions for which have been under arrangement for several days. This was one of the most vital missions of President McNeill's visit.

Bee's Story Endorsed.

The following communication refers to the story published in The Bee yesterday to the effect that the conductors and brakemen on the Union Pacific and every other trunk line in America are to be paid on the Lawrence river would make a concerted demand for an increase in wages on August 15, of which story a Union Pacific official yesterday said:

"The Bee's story regarding dissatisfaction among the trainmen is a pure invention. We do not get any strike the day of which they intend to make their demands, but for some time we have been aware that this thing was coming."

Views of a Trainman.

OMAHA, July 28.—To the Editor of The Bee, Omaha: Dear Editor—Trainmen may not be paid on the Lawrence river, but in the Daily Bee of July 25 I see an article headed "Trainmen Demand Quit," which contains a damaging story. I am sure that a damaging prestige to the conductors and brakemen of the two others in the United States.

In speaking of the railways being confronted by a serious labor trouble, which extends to the trunk lines of the country, I believe the Lawrence river will say that in the first place I cannot see any reasonable cause for such a strike. The wages of the conductors and brakemen are not being paid per hour as much as some of the menial laborers in other parts of the country. The rates on the lake fronts, as well as our seaboard, are paid 35 cents per hour, which means 8 hours a day, or \$2.80 a day. The rates on the lake fronts, as well as our seaboard, are paid 35 cents per hour, which means 8 hours a day, or \$2.80 a day.

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AFFAIRS AT SOUTH OMAHA

Petition to Allow Saloons to Open on Sunday Shows Up.

COUNCIL'S LICENSE COMMITTEE HAS IT

Fate Questioned Back to Point Where It Stood When Anti-Saloon League Commenced Its Agitation.

A petition containing about 3,000 names requesting the mayor and council to permit business houses of all kinds to remain open on Sunday was presented to the council at the meeting held last night. The petitioners asserted that on account of the closing of business houses here on Sunday which, of course, means the saloons, as no other business places have been interfered with, large sums of money are spent in Omaha and other places on Sunday, much to the detriment of the business interests of South Omaha.

After the reading of the petition the mayor referred the document to the license committee. There was no comment on the petition by either the mayor or any of the members of the council during the session. A dozen or more members of the Anti-Saloon league were present and remained until adjournment, expecting that some action would be taken on the petition.

The matter of Sunday closing is now right back where it was when the agitation was started by the Anti-Saloon league a little over a month ago. When the question of Sunday closing was first brought to the attention of the council the matter was referred to the license committee, which is composed of Frederick, Welch and Atkins. This committee in making a report referred the entire proposition to the mayor and as the council had not seen fit to take the responsibility the mayor ordered the saloons closed. Now that the petition to open the saloons has been referred to the same committee which had charge of the request to close the saloons there is considerable interest manifested in the report of the committee, which will under the regular order of things be handed in next Monday night.

Through his attorney, H. C. Murphy, R. J. Sutcliffe of Bellevue filed a claim for damages in the sum of \$1,500 against the city alleging serious and possible permanent injuries. Some weeks ago Sutcliffe was thrown from a wagon on Twenty-fourth street near B street and was badly injured and he remained at the South Omaha hospital for about ten days. It is alleged that the defective condition of the street caused the accident.

Councilman Smith offered a resolution directing the mayor to appoint August Miller as city commissioner. By a vote of 5 to 1 the resolution was turned down.

Adkins offered a resolution directing the appointment of a committee to wait upon the officers of the Nebraska Telephone company for the purpose of making some arrangement for an adequate alarm service for the city. The committee will take the matter up some day this week.

Only one bid was received for the repaving of the pavement on Twenty-fourth street. That was from the Grant Paving company, which offered to lay asphalt for \$150 per cubic yard and concrete base for 75 cents per cubic yard. As the bid was considered too high it was rejected.

A petition for an arc light at Seventeenth and Z streets was referred to the lighting committee.

A hospital association asked that the taxes on the property occupied be cancelled. The finance committee will consider the request.

A number of sidewalks and street repairs were ordered, after which the council adjourned until next Monday night.

Another Contract Let.

An adjourned meeting of the Board of Estimates held last night to let the contract for a two-room brick addition to the Al-bright school was let. T. C. McDonald secured the work, his bid of \$7,125 being the lowest. The next lowest bid was filed by Contractor Charles Winters, who wanted \$7,400 for the construction of the building.

Miss Nellie Fitzgerald, Etta Reed and Miss Griffin were placed on the unassigned list of teachers.

The West Side school is to be painted at the cost of \$150 and the High school building is to be shingled all over.

Superintendent McLean requests that all new teachers send their names and addresses to him as soon as possible.

Repairs to a number of buildings were ordered after more or less wrangling among the members as to the cost and the necessity for advertising for bids.

The county superintendent of schools reported that \$5,002 of the state apportionment was now on hand to the credit of school district No. 2. This money will be placed in the treasury of the board as soon as the transfer can be made.

Jungmann School Roof.

About \$150 has been spent by the Board of Education within the last year on repairs to the roof of the Jungmann school building and now the members of the building and grounds committee propose to have a good, substantial roof placed on the building in order to prevent leaks in the future. The present roof is of galvanized iron, and President Miller said yesterday that the seams had cracked to such an extent that water had run down onto the ceilings and had caused quite a bit of plaster to fall off. He favors a good gravel roof, one that will be guaranteed for a term of years.

Arrangements are to be made to replace the old roof with a new one and repair the plastering before school opens in September.

Building Permanent Culvert.

During the last few years the city has spent considerable money in repairing and building new wooden culverts at Thirtieth and Y streets. When the rains this year washed out the street and carried away the old box culvert City Engineer Beal decided that something should be done to stop the continual repairing of this culvert. He talked with the members of the council and the result is that a new culvert with a base of concrete is being laid at a lower level than heretofore. When the new culvert is completed it is expected that it will last for a number of years without any repairs.

Hearing Set.

James Sheehan and August Papez appeared before Judge King yesterday and were served with complaints charging them with keeping their saloons open on Sunday. The hearing of Sheehan was set for Wednesday of this week, while that of Papez was put off until August 14. The Sheehan case will come up at the same time that the others charged with a similar offense is set for.

Fire Department Matters.

Chief Ritter of the fire department said yesterday that he would be able to move into the fire hall in the fourth ward on Friday or Saturday of this week. The siding pole has not arrived from Chicago yet, but this will not make any material difference for a few days, as the chief says the men can use the stairs temporarily. Just as soon as the wiring is completed and the gong is placed in service No. 2 company, which has been stationed

One-Sixth Glycerin

Half the worth of a good toilet soap is the glycerin—but it's costly. There was never another moderate price soap made one-sixth pure glycerin.

Jap Rose Soap

It is the queen of transparent soaps -- the finality in the art of soap making. We spent 25 years in learning how to produce it.

JAMES S. KIRK & COMPANY, CHICAGO

White Russian Laundry Soap Wrappers exchanged for valuable premiums, at our store, 1615 FARNUM STREET.

at No. 1 house since the fire, will move back to its old quarters.

Sanitary Inspector Vigilant.

The first of the cases to be tried against the residents of lower Twenty-fourth street on the charge of allowing private sewers to empty into the streets was tried yesterday in the police court. Gus Werderman was the first of the accused to be tried and Judge King gave him a fine of \$2 and costs, which was promptly paid.

In addition to Werderman about twenty-five complaints have been drawn out and will be sworn to by Sanitary Inspector Jones, who declares that he will have every one of these people arrested. All have been notified to make regular sewer connections or use cesspools, but he claims that such warnings have thus far been disregarded.

PLAN FOR A NEW BOULEVARD

Driveway Along Barine Through Northwest Part of Town.

City Engineer Rosewater Has Details Worked Out and Councilman Hoye Will Present the Matter to Council.

A new roadway and sewerage system is to be established in the northwestern part of the city, which, according to the present plan, will ultimately form a part of the Saddle creek boulevard and sewerage system. Councilman Hoye will make the initiative move at Tuesday night's council meeting by reporting in favor of the appointment of a board of appraisers to