More Serious Problems.

Passing from these striking instances

common with resorts where gambling is

carried on for large stakes by professionals

SINGLE COPY FIVE CENTS.

DISCRETION OF EXECUTIVES

What Might Be Done if All Laws Were Rigidly Enforced.

EFFECT OF THE DEAD LETTER STATUTES

Address by Edward Mosewater Before the Omnha Y. M. C. A. in 1895 that Has Immediate Application.

Eleven year ago, in March, 1885, Edward Hosevater delivered an address before the Omaha Young Men's Christian association on "The Discretion of Executives in the Enforcement of Law." It has never been published, but it is so pertinent today that it is offered as it was then dei.vered. Mr. Resewater said:

It is decreed by the constitution of Nebraska that the supreme executive power shall be vested in the governor, who shall take care that the laws be faithfully executed.

Liv. or arguming the function of chief executive the governor is required to make outh that he will support the constitution of the United States and the constitution of the state and that he will fatthfully discharge the duties of his office according to the best of his ability.

Is the governor to have no discretion in the discharge of his duties? Is he under obligation to enforce every law on the statute books regardless of the consequence or circumstances? Or is be per mitted in the discharge of his duties to exercise common sense and diverge from the perpendicular line of absolute enforcement wherever the condition and public sentiment compel a divergence? Do not custom and usage, which make law, fully demonstrate that the executive must often exercise discretion in the interest of good government, as well as for maintaining popular respect for law.

In examining the statute books we find obsolete laws, inoperative laws, impractical

laws and pernicious laws. The statute of Connecticut and other New England states have for two centuries been encumbered with what are known

since become obsolete. I used instance only a few of these laws to convince may rational mind that their enforcement in our day would only tend

Connecticut Blue Laws.

Who will contend that the present gov- and not theories. ernor of Connecticut is bound to enforce Is it not manifest, from what I have these laws to the very letter? Does it not siready stated, that if the governor was stand to reason that under existing condi- impeachable for failing to enforce every

might even provoke rioting and violence? | twenty-five years? Massachusetts. The laws I have quoted are now obsolete

Rogues and vagabonds, persons who Rogues and vaganoma, persons who as any juggling or unlawful games or plays, common pipers and fiddlers, common drunkards, night walkers, both male and female, may be committed to the House of Industry or workhouse for a term not ex-

each offense.

Whoever, keeping a house, shop, celtar or place of public ent tainment or refreshment, entertains there in on the Lord's day any person other than travelers, strangers or lodgers, or suffers such persons on such day to remain therein, or in the yards, orchards, or fields appertaining thereto, drinking or spending their time idly or at play, or in doing any secular business, shall be punished by fine, etc.

Connections.

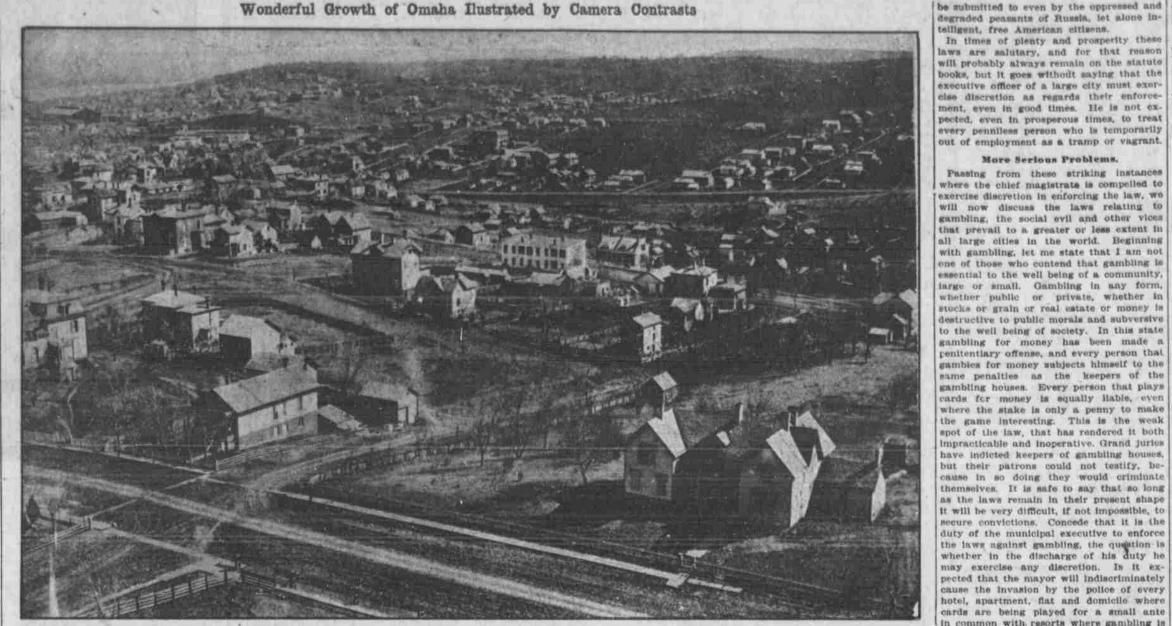
vagrancy laws as Massachusetts.

All mayors, wardens and selectmen are empowered and requested to appoint special constables, whose duty it shall be to acrest and prosecute all tramps, in their spective bonnets or dresses.

a law on our statute books which makes necessity, and therefore the mayor would

We have a law on the statute books that day paper is not a necessity any more prohibits betting on elections, either state than a Sunday paper, it would be his duty or national, and that, of course, would into cause the arrest of the publishers and
the broker must make every effort to sell and all of which are priced far above their and broker alike. to those who would gues the name of the paper before midnight on Sunday, which successful candidate or the number of votes would practically make it impossible to most money and on the best terms obtain. In disgust and goes home. that would be cast for him. This law has print a paper for Monday morning. Everyremained a dead letter simply because pubone knows that a carriage ride is not a
advertise the property for sale through the

requires every employer of female help in all livery stables and arrest all parties stores, offices or schools to provide a chair, who take a drive in a hired rig on the are in the market for real estate of that they are listed on an average with four backed up. If he is offered \$5,000 by a man studi or seat for each and every such em- Sabbath day. ploye, upon which these female workers. The world managed to exist without tele- mary of the duties of the conscientious and will permit, and any neglect or refusal to therefore, telephones not being a necessity, with It.



OMAHA, SOUTH AND EAST, FROM THE HIGH SCHOOL GROUNDS, TWENTIETH AND DODGE.-From an Cld Photograph Taken About Twenty-five Years Ago.

as puritan "Blue Laws," which have long are equally inoperative with the no-treat law.

Observance of Holidays. The laws of this state make New Year's day, Washington's birthday the Fourth of to bring ridicule and odium upon law in July, Labor day, Thanksgiving and Christmas legal holidays. In the eyes of the law their observance is just as imperative as No food or lodging shall be offered a the observance of the legal Sabbath, which Quaker, Adamite or other heretic. If any person shall turn Quaker he shall be banished and not suffered to return on so regard them and it would be impossible If any person shall the Quaker he sand be banished and not sandred to return on pain of death.

No one shall run on the Sabbath day or walk in his garden or eleswhere, except reverently to and from meeting.

No one shall travel, cook victuals, make beds, sweep house, cut hair or shave on the Sabbath day.

No woman shall kiss her children on the Sabbath day or fast day.

Whoever wears clothes trimmed with gold, sliver or bone lace above 2 shillings per yard shall be presented by the grand jurors and the selectmen shall tax the of fender on his estate.

No one shall read the common prayer book, keep Christmas or set days or play on any instrument except the drum or jewsharp.

Married persons must live together or be imprisoned in Jail.

Who will contend that the present gov-

tions this enforcement is utterly impossi- law on our statute books that we should ble and if attempted would be resisted and have been without a governor for the last

Powers of the Mayor.

Let us now pass from the state to the and dead, but the following laws are still municipal executive. Under the charter for metropolitan cities the mayor is the chief executive officer and conservator of the pea s throughout the city. He has the supervision and control of all affairs of the city and it is made his duty to see that the provisions of the charter and ordinance

Industry or workhouse for a term not exceeding six months.

Tramps shall be punished by imprisonment in the House of Correction or state workhouse for not less than six months or more than two years. All idle persons who, not having visible means of support or live without lawful employment, shall be deemed vagrants and imprisoned not more than six months.

Innkeepers may refuse to supply food to strangers and travelers on Sunday.

Whoever travels on the Lord's day, except from necessity or charity, shall be punished by a fine not exceeding \$10 for each offense. I apprehend that no such construction can rationally be placed upon the duty of the

executive. The mayor is expected to enforce the laws shooting or quarreling on Sunday he may Every person who shall engage in any sport or recreation on Sunday between sunrise and sunset shall be fined not more than \$4 nor less than \$1. Every person who shall be present at any concert of music, dancing or other public diversion on Sunday, or on the evening thereof, shall be fined \$4.

Same vastancy laws or Management and sunday and hunting, but how about quarreling on Sunday? Suppose the mayor should direct the police to arrest every should direct the police to arrest every should be supposed to the police to arrest every should be supposed to the suppose the mayor should be supposed to the suppose the mayor should be supposed to the sup be confined in the county jail for twenty man who quarreled on Sunday morning Any sheriff, deputy sheriff, constable or over his waffles, his boiled eggs or his officeman may upon view arrest tramps, without warrent, and on conviction is entitled to a reward of \$5 to be paid by the over his waffles, his boiled eggs or his

Sunday Work in Omaha. For the last thirteen years we have had that a Sunday paper is not an absolute of employment. lic scattment does not back it up sufficiently necessity, except for the rich who go to best advertising mediums and in the most church in their own vehicles, therefore it We have a law on our statute books that would be the duty of the mayor to close

all be allowed to rest when their duties phones for several thousand years, and, efficient broker, provide a chair or stool for every female it would be the duty of the mayor to close worker subjects the eniployer to fine of the telephone exchange Sundays. But some from \$10 to \$500, which fine shall be paid to people insist that telephones have become property being listed with a number of the female worker whom he has neglected a necessity, because you might want to brokers and the owner retaining the privito provide with a chair or seat. I doubt call for a doctor or order a carriage from lege of selling it on his own account, the may believe he has a customer at a good owner and not be drawn by the broker whether anybody can cite a solitary in- a liveryman to attend a funeral or order broker cannot afford the time and exstance where this law has been enforced drugs from a druggist. Right here we pense of chicago should adopt urally turns to the lessar, and those memupon any employer or where any fine has reach the point where the mayor must exupon any employer or where any fine has reach the point where the mayor must exever been collected for failure to comply ercise discretion, and he must decide her or make known the identity of the him. whether or not work in the telephone ex- owner, knowing well that I had worked over so long, and had ation of liquors and other laws which the Sabbath in violation of law. But the the owner or to some other broker.



stickler for strict enforcement of the let-1 out of employment who live in taverns, force the vagrancy law at the present against humanity. Such a thing would not in the city owns and occupies its own

abeyance by the courts.

Vagrancy in Practice. The statutes of Nebraska designate as a forming manual labor by physical inability, all things, we must be humane if we want than any other citizen. It is the duty of ter for sound and substantial permanency tramp any person going from place to place and all such, if the law was strictly en- to be just, and wherever any law seeks to all law abiding citizens whenever they so much as a good substantial bank buildagainst Sabbath breaking. The statutes and asking or substating on charity. All forced, must be sent to the almshouse of degrade and punish respectable bread- know that a crime has been committed to ing, bearing its name. Omaha's national provide that if any person above the age lide persons not having visible means of the proper city or county.

ter of the law would say the mayor must groceries, sheds, barns or in the open air, time (1895)? If all the able-bodied men and who make a living out of this crimfnal enforce the law until it had been inter-preted or declared invalid by the courts. and all persons wandering about and beg-preted or declared invalid by the courts. and all persons wandering about and beg-ging, or who go from door to Omaha were dealt with according to the mayor and the police the enforcing of the Theoretically this would be correct, but door or from place to place, are declared by the laws of Ne strict letter of the law we should have to gambling laws would invite frequent disship and very often would precipitate con- braska vagrants, and upon conviction shall construct falls that would hold four or turbances and invasions of private rights. flicts between police and citizens while the be fined and imprisoned in jail, and be sub- five regiments of people. Who would be Right here let me call attention to the a third and moved into the latter's buildinterpretation of the law was being held in jected to hard labor in jail or elsewhere so cruel and inhuman as to attempt to fact, which every lawyer will admit to be in the county, as the court may order. The execute this law, even if the mayor should fundamental, that the mayor is not exonly exception to this harsh law is made so order? I contend that the cuintessence pected to make complaints against occupying buildings of their own. In favor of persons disqualified from per- of all law is justice and humanity. Above gamblers and gambling houses any more is nothing that helps give a bank a charac-

OMAHA, SOUTH AND BAST, FROM THE HIGH SCHOOL GROUNDS, TWENTIETH AND DODGE.-From a Photograph Taken Last Year.

winners because they are unable to find enter complaint, and it will then devolve banks are all right on this point, as well of 14 years shall be found hunting, fishing, support and maintenance, and all persons Now, how could the mayor of Omaha ention against every offender, whenever he has become satisfied that a crime has been committed.

Conclusion of Experience.

The experience of ages has abundantly real estate man. "Haven't you noticed confirmed the prevailing belief among all how rapidly things have been moving should direct the police to arrest every to go about marketing his property, but mission under those circumstances are too that broker to sell the property. One good, well informed people that the social evil that way? There are a dozen street floor a man who has only one or two small small to warrant the expense of advertis- hard-working agent is worth ten poor or can never be stamped out. All that can real estate and abstract offices in Omaha holdings to dispose of is apt to go wrong, ing. When he does find a prospective cus- indifferent ones. Having ascertained its be done is to keep it within bounds and today where there were but three or four The value of real estate depends largely tomer he dares not hold out for the high- true value, the agent should refuse to put under strict police surveillance. While the a few years ago. A man has to be doing on its being convertible into cash. It est price and best terms. Should be do it on his list at an exaggerated price. statutes make the renting and keeping of business to pay the stiff rent these places who quarreled on Sunday about sleigh often seems unsaleable because the owner so, the customer is apt to go to another Having accepted a piece of property to houses of ill fame a misdemeanor and subdoes not know how to sell it. Too much broker or to the owner directly to see if sell, he should sell it. Let him have a ject the immates to fines and imprisonment occupy the very best office space to be good advice cannot well be given on this he can do better. The first broker, there- thorough knowledge of all the property on in jall the charter clearly recognizes the fore, is often constrained to sacrifice the his books and let him undertake at one discretion of the executive in the enforce-

Section 22 of the charter for metropolitan in this field has a pile to do with the recites (1995) provides that the mayor and sults. The ground floor office room used than forty years and already we have piled labor on Sunday, except charitable work council shall have power to restrain, proif he will let me first point out what the real estate for sale under the present sys-employ two or three lawyers to do the of prostitution, opium joints, or dens, etc. the of prostitution opium joints, or dens, etc. C. E. Mayne's place down here on Fif-Now to restrain clearly implies to hold in teenth street? After the boom burst a show him why no broker can discharge books oh, yes; and if any man providen- A broker should be trusted as much as a check, to curb or to repress, or to confine the mayor what is necessary? We know those duties under the prevailing method finily happens along who wants to buy lawyer. An owner of property who wishes within certain limits. If it was the duty a piece of real estate he is handed a job to sell it should not have a lot of agents of the mayor absolutely to suppress, then a little & deak room corner was more what would be the use of giving him power. treating a misdemeanor, and yet there is be obliged, if he wanted to enforce the not a single instance on record where the Sunday law strictly, to close the newsnot a single instance on record where the enforcement of this law has ever been at tempted. It has been a dead letter from its inception and will remain a dead letter, the work after midnight Saturday, and of the inception and will remain a dead letter, the work after midnight Saturday, and smine the property and locality, estimate that value. In a word, he knows nothing real estate broker under present condiamine the property and locality, estimate tuni value. In a word, he knows nothing real estate broker under present condiinspection of the premises and tell the The prospective customer looks at two or ence as the proprietor of a junkshop. The ble. The so-called burnt district is after restrain where suppression is impracticaowner whether his price is too low or too three of the bargains, no one of which business is in a had rut, and the results high. After the price has been made right, comes within a mile of what he wants are unsatisfactory to vendor, purchaser the broker must make every effort to seil and all of which are priced far above their and broker alike.

Ole. The so-called burnt district is after all simply an expedient to hedge in and keep under surveillance the class of abandoned women who have chosen for themdoned women who have chosen for themselves a life of open shame.

The most eminent political economist agrees with the ablest medical experts advertise the property for sale through the broker does as well as can be expected have not the exclusive agency and owners class is followed by the spreading of indecency and immorality.

The January number of the Medical Age, published in Detroit, contains long before been worked out by somebody an editorial on the control of the social evil from which the following extract is sued on them. I had that experience once

price, but he will seize the opportunity with a view to his own security alone. The In a choice between two evils, one nat- upon for the title of my book, and the opento sell at a lower price rather than run real estate brokers of Chicago should adopt urally turns to the lesser, and those mem- ing sentence in this book was almost idento the principal and of which no agent who naticism and rule or ruin sentiments have There are have prohibiting the adulter change is a necessity or a desecration of intending purchaser may go directly to upside down. If you want to sell your justly complain. Peter Van Vilssingen in the only definite and estisfactory solution written and published a book about it fifty of the problem.

be submitted to even by the oppressed and degraded peasants of Russia, let alone in-

laws are salutary, and for that reason Pertinent Suggestions Prompted by the Quickening Activity in Omaha.

VETERAN RECALLS SOME ANCIENT HISTORY

Interesting Grist of Gossip for People Interested in the Buying and Selling of City Lots and Lands.

The wonderful transformation that has been wrought to the building line of Omaha and its general building topography within comparatively short time is hardly realized even by those people who have lived here through it all. The most striking way to enforce these changes upon those who have forgotten how Omaha used to look, or upon newcomers who never knew the Omaha of old, is through picture contrasts, showing the same portion of the city as it to the well being of society. In this state appeared in days gone by and as it appears gambling for money has been made a now. The two photographs reproduced on this page present an object lesson of this gambles for money subjects himself to the kind. They show a section of Omaha that same penalties as the keepers of the is rapidly getting to be the very heart of the business area, having been taken from the corner of the high school grounds, embracing all that lies to the south and east the game interesting. This is the weak as far as the eye can reach from that spot of the law, that has rendered it both point. The older picture dates from about Impracticable and inoperative. Grand juries twenty-five years ago and the newer have indicted keepers of gambling houses, but their patrons could not testify, because in so doing they would criminate themselves. It is safe to say that so long as the laws remain in their present shape it will be very difficult, if not impossible, to not both pictures is the old Meredith house negure convictions. secure convictions. Concede that it is the duty of the municipal executive to enforce has just changed hands. This residence, which was at one time the pride of Omaha, was later occupied by Dr. J. C. Denise, whose wife was a daughter in the Meredith family, whose home it originally was, and after the death of Dr. Denise it became rental property, being now occupled by the family of the clerk of the federal court, George H. Thummell. It is In the center of spacious grounds and easily discernable. Aside from the few other notable old landmarks like this. however, there are really few buildings in this district that were there twenty-five years ago, and are still there.

> "The Bee's strictures on real estate speculation and real estate option trading loubtless struck lots of people as timely and to the point," declared the veteran real

estate man. "But no city can have brisk activity in real estate without more or less speculation and the speculative tendency is one of the surest signs that real estate values are moving upward. If a man has property to sell and sees a chance to get his price, he is not likely to care very much whether the purchaser intends to improve it or to hold it till he can get a profit on his investment-that is he is not likely to care unless he has other property adjacent which he would like to have benefited by improvements on the piece sold. When it comes to real estate option trading, it resolves itself into a simple question of turning the property over fast. A man usually buys on time, making a first payment of only a small part of the purchase price, and if he sells before the next payment is due is the same thing as trac option; if he decides he has not struck a bargain and lets the property go without making additional payments, it is the same thing as taking an option and letting it lapse. The speculation business can, of course, be driven to death and carries a large margin of risk and abuse in its wake, but I do not regard it as in itself vicious or demoralizing so far as a healthy tone of real estate business is concerned."

"Do you know that Omaha can again point to the fact that every national bank building?" pursued the veteran real estate man. "It used to be so once before, but for several years prior to the merger last ing. I doubt whether the merger would ever have taken place had they all been as on all other points."

"Another good eign in the local realty street floor office," declares the veteran had makes business for him to components I don't care what you think about it, but real estate man felt himself lucky to have now he is ready to rent the best corner

Years of Labor Lost.

"I have been told," said a man of experience, "that it is not unusual for men to spend much thought and toll over inventions of one sort or another, only to find when they took these things to Washington to be patented that the same ideas had else and that patents had already been is-

"Somebody else had had the same the years before."-New York Sun.

Question of Exclusive Agency Listings

aubject.

The law declares that every person above for sale with as many brokers as possible. from him, leaves him no profit for all his for him and for his customer. The statutes of Nebraska date back loss 14 years of age who shall be found doing That is where he makes his mistake, the pains. able to enforce and no governor has been guilty of a misdemensor and subject to arduties of his broker should be and then tem? The land is entered on the broker's same work, but they have usually rued it.

effective way, and abould by every means bring it to the notice of the people who general character. Such is a partial sum-

Workings of Present Plan, Under prevailing conditions of employment he can do none of these things. The

The rich proprietor generally knows how Besides, his chances of making a com- you can trust, then make it an object to

as it has in Wisconsin, where it first origthe property as soon as possible for the value. Then he gives up the fruitless quest Conditions will improve and real estate

System is Wrong.

commissions on one out of a dozen. The owner is only too eager to sell directly of the lower price, he will find the given the broker a fancy price, expecting to secure a buyer himself at a much lower man, by another broker.

The conditions of the agency should be in shunned by such owing to the fact all institutions of this class are constantly under police supervision and without either back entrance or side exits.

With a book.

"I spent fourteen years once writing a back, and I had it all but completed. And then one day, stopping at a second-hand bookstall, I picked up from among a lot of send prospective purchasers. A broker writing. They should protect the property police supervision and without either back entrance or side exits.

gent estate begin by finding one broker Record-Herald.

The average owner's idea of how to sell interest of the owner in order to close the time only so many as he can handle hon-ment of this law. his real estate is summed up in listing it bargain before somebody else, taking it estly and efficiently. This will be better

will become more saleable just as soon as the better class of real estate agents re-It is the system that is wrong. The fuse to handle property for which they that every attempt to scatter the vicious

under adverse conditions. Of a thousand learn that it is to their interest to operate items on his sales books nearly all are in this way. A broker cannot guard your listed with half a dozen other firms. If interest unless he knows that he will be agents his chances are slim of earning whom he thinks he can work up to \$5,000, make him safe while he does so. Do not owner is only too eager to sell directly put him in a position where, unless he tries