

NEW PLAN ADOPTED

City Council Determined to Have Good Sidewalks.

PASS A NEW ORDINANCE

Knocks Out the Objectionable Remonstrance Clause.

At the regular meeting of the city council last night a new plan was adopted by the city, regulating the construction of sidewalks, it having been decided to operate under the state law empowering cities of the first class to pass their own sidewalk laws.

The law under which the city heretofore has followed provided that a remonstrance signed by over one-half of the property owners along whose sidewalks are proposed shall take precedence over the petition asking for the walk. About the only material clause from the present plan is the abolition of the prohibitive clause, and all the requirements now necessary is a petition from twenty-five property owners.

There have been several cases where remonstrances have been filed against the building of walks where they were needed badly, but the board was unable to do the work. Under the ordinance passed last night, the council can build walks wherever they think they are an absolute necessity.

Two ordinances providing for the issuance of public bonds to pay for the construction of the new sewer in sewer district number 10 was also passed. The ordinance provides for the issue of what is known as installment bonds. There will be ten of the bonds and one will mature each year for ten years. The amount of the interest is \$7,000, and each bond will be for \$700.

The committee on police and prisons favorably reported the motion instructing the city engineer to install fire alarm call boxes at different points in the city, as directed by the police department. One of these phones was put in at the corner of Main street and Douglas avenue some time ago and it has proved very satisfactory. An electric light is placed on the pole so that when the clerk at the station wants to talk to the office, he rings up the alarm and the office is notified, and an automatic switch is connected so that the lamp is lit and the office on that best knows that he is wanted. The committee also made a motion that the chief of police be instructed to buy hats for the patrolmen.

The fire and water committee reported a motion to have the water mains extended on the west side of Douglas south of Oak street to Maple, then west on Maple to Elm. The people living in that part of town have petitioned the council to have the mains extended and the committee moved that the petition be granted. The health committee reported that they had selected the old land pit at the corner of Eleventh street and Eleventh avenue for a dumping ground. The street runs through the pit and it was understood that the owner of the ground was anxious to have it filled up.

Under the head of public improvements, several motions were made. The committee moved that the city engineer be instructed to fill up the ditch on the north side of Central from Sherman avenue to the river, and to put in lining. It is necessary to fill this ditch because the new street car line will be up a large part of the street and as the ditch is about ten feet wide, there will not be enough space for the passage of teams.

They also recommended that a six foot, tight board fence be put up on the north side and a picket fence on the east of the lots just east of the city building that belong to the city, and that the space should be used as a material yard. Motions were made to have the bridge on the north side of Harry street cut down and to have the trees on the south side of Central removed from Wichita to Main street. The trees were at the side of the street, but now the street has been widened, and they stand close to where the street car line will be laid.

The fire marshal reported that he had examined the buildings on lots 16 and 18 West Douglas avenue, and had found them to be in an unsafe condition and had ordered them to be torn down or removed.

A petition from the residents who live on Fourteenth street near the Little river was read to the council. They stated that the river had washed away the bank at that point and was damaging property, and would soon commence to wash away the street. They asked that a dam be built across the river to prevent further damage. A motion was made and carried to grant the petition.

A motion was made that be read as the St. Francis hospital should pay their taxes amounting to \$17.75, that amount should be refunded to them by the city. The council decided to open Ballou street from Market street to Lawrence, and passed a motion that three disinterested householders should be appointed to appraise the value of the land which should be condemned and bought by the city in order to open the street.

Sidewalks came up for consideration. A petition was read for a permanent sidewalk on the north side of Third street from Indiana to Washington avenue. The petition was granted. A petition also read was a remonstrance against the building of the walk, signed by all the property owners in one block. After considerable discussion the council reconsidered its vote on the petition and ordered both petitions to the councilman from the Third ward. The contract for building concrete walks was amended to \$1.40 a cent, at 35 cents per square foot, and 25 cents per cubic yard for sand filling, and the contract for cinder walks to A. C. Weber, at 75 cents per lineal foot.

After reading these contracts the council went into executive session.

TESTING THE LICENSE LAW

Case of James Fawcett Against G. H. Willis Continued by Judge Kirk. The case of James Fawcett against George H. Willis was tried in the city court yesterday. After hearing the evidence, Judge Kirk continued the case until next Saturday when it will be argued. Both sides are making a hard fight over a point which was indirectly

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Are prepared from Nature's mild laxatives, and while gentle are reliable and efficient. They

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brought in the case. This point is whether a real estate man can collect commission on a sale which was made by him before he had paid for his license. Fawcett sued Willis for money the latter owed him and, believing that O. C. Deary had money which belonged to Willis, garnished him. The money which Deary is supposed to owe Willis is commission for the sale of the block on the southwest corner of Douglas and Topeka, which was sold to James Slattery some time ago. Deary claims that he does not owe Willis anything for the sale of this building because, at the time when the deal was closed Willis had not taken out a city license. The rules in regard to the licenses are that they shall be renewed every six months, July 1 and January 1. Mr. Willis took out his license about the 15th of February, but the license was to take effect on the first day of January. Mr. Deary claims that Willis is entitled to no commission for the reason that he had not taken out his license before he made the sale of the building. Of course if Mr. Willis is not entitled to any commission, the garnishment of Mr. Fawcett does not amount to anything.

There have been other cases similar to this. One, a federal case, was taken to the supreme court. The government was prosecuting a man for selling liquor before he had taken out a license, but the license took effect at the first of the year, and the liquor was not sold until after that date. The supreme court dismissed the case on the ground that as long as the government had accepted the money and had granted the license the man had violated no law for which he could be punished.

QUESTION OF FACT

Costs in Vandever-Rogers Case Exceeds the Annual Income.

In the district court yesterday the case of J. S. Vandever against C. E. Rogers was called for trial. This is the second time this case has been tried in the district court and was appealed from a justice's court. The suit was brought to recover damages for smothering one of the school of Mr. Vandever's buggy. The accident happened about a year ago and at the time the rig was hitched in front of the Rock Island book store.

Mr. Vandever claims that his team was hitched in front of the store and that the buggy was in close to the curb. He alleges that one of the big dogs belonging to Rogers was passing along and that it was driven so close to the curb that it struck his buggy, breaking one of the wheels. Mr. Rogers claims that his team was being driven along the street next to the car track and that the team hitched to the buggy backed up into his wagon.

The case was first tried in justice's court about a year ago and judgment rendered in favor of the plaintiff. It was then appealed to the district court, came up for trial during the last term. But the jury could not agree and was discharged. In his petition the plaintiff claims that he was damaged to the extent of \$100, but the judgment given by the justice's court was for only about \$25. The costs have already run up to over \$100, besides the trial when the jury was hung, which cost the state about the same amount.

HE HELD HIS TRUNK

Elk Marking Has B. W. Daniels Arrested on Charge of Theft.

Yesterday Elk Marking went before Police Judge Mitchell and made a complaint against B. W. Daniels, the proprietor of the dry goods store at 211 North Main street. Marking alleged that Mr. Daniels had taken his trunk and was holding it for a debt which he, Marking, did not owe. Marking is one of the members of the Boomer company and said in court that Mrs. Hansen, the manager of the company, had bought some costumes from Daniels, but was unable to pay for them and took Mr. Daniels to come and get them. Part of them were in Marking's trunk and it is claimed that Daniels took the trunk and its contents, most of which belonged to Marking, and was holding it until the rest of the goods should be returned. He also claims that he had tried to get the trunk, but Mr. Daniels had refused to give it up, claiming that Marking owed him for a pair of trousers.

Judge Mitchell wished Mr. Daniels to turn the young man's trunk over to him, but he refused to do this and wished the case postponed until today, so that he could get an attorney. He afterwards came back and said that he would turn over the trunk and such of the contents that did not belong to him.

DUNCAN PLEADS INNOCENCE

Tried to Effect Release by the Habeas Corpus Route.

Deputy Sheriff Syd Duncan returned from Garden City yesterday morning with Charles Marion, who was arrested there for stealing a horse belonging to E. C. Crossley, who runs a livery barn at Cheney, Kansas. The officers at Garden City had outside a time with Marion. He was arrested two days ago and at the end of the first twenty-four hours, commenced habeas corpus proceedings and got himself out, but was immediately arrested again. Before the second twenty-four hours was up, Mr. Duncan had arrived and started to bring him to Wichita. On the way back Marion told Mr. Duncan that he did not steal the horse, but just took him and expected to bring him back. He says that he was anxious to get to where his sister lived and hid her goods, as she was to leave for Paris in a few days. He said that he took the horse to Stafford, Kansas, and left him there and took a passenger train to Dodge City, and from there went to Garden City on a freight. He said he had no intention of stealing the horse, but expected to come back to Stafford and drive the horse back to Cheney.

FOUR MORE BRIDGES

County Commissioners Award Contracts to George Bradford.

The county commissioners yesterday signed the contract with George Bradford of this city for the construction of four steel bridges. The contract was \$300 for all the bridges. Bids from seventeen different bridge companies were received, some of them coming from St. Louis and other points. Two of the bridges are 50-foot spans, one 60, and the other a 30-foot span. One will be put in near Keck, one near the poor farm, one in Wach township and the fourth in Calan.

LOOK OVER THE TOWN

Orient Railroad People Impressed With Wichita.

CONFER WITH COMMITTEE

But Reach No Conclusion on the Bond Proposition.

The committee of railroad gentlemen representing the Kansas City, Mexican and Orient Railway company were here again yesterday looking over the situation and after holding consultations behind closed doors all day, left last night for Kansas City. The delegation composed Judge John A. Eaton, general solicitor from the legal department of the company, who has been taking care of the Wichita end of the project; E. E. Martin, director and a member of the executive committee of the company and vice president of the Guardian Trust company, which is back of Mr. Stillwell; C. W. Atkinson, president of the construction company which has the contract for a portion of the road; W. C. Edwards, who is associated with the construction company, and W. K. Armstrong, chief engineer of the company.

The gentlemen were driven over the city by the local committee and shown the many approaches to the town. The result of the conferences is being kept from the public until something definite is determined, and all reports that have been made during the past several days, the committee asserts is sheer speculation. To a reporter for the Eagle President John of the Commercial club said last night that no special meeting was called, but the proposition to land the shops or other terminal facilities was simply talked over by the two interested parties with the view of reporting on the measure understandingly.

None of the gentlemen here yesterday were empowered to act for President Stillwell, but they were given such information about Wichita's special advantages by the committee that will enable them to make it clear to Mr. Stillwell and thoroughly define the situation.

The railroad men are very favorably impressed with the advantages of the town, the hospitality and cordiality of the people, but as to the nature of the proposition that is pending they were reticent, from the fact that no agreement of any kind was reached and nothing is in readiness for publication as to the true status of the situation.

The Kansas City people were in conference with the members of the club until almost 10 o'clock last night, when they took the Missouri Pacific train for Kansas City to report the situation.

Sentiment in Wichita is in favor of the railroad company building its lines through here. At any event, whether all bonds or terminal bonds are voted or not the officials assert that the road will take in Wichita. But foremost in the minds of Wichitans and the Commercial club is the effort to obtain the shops.

Before leaving last night Judge Eaton said that nothing definite had been decided upon and the situation will remain in statu quo until all propositions now before all interested can be judiciously and understandingly discussed in every phase.

Wichita is the right distance from Kansas City and also the right distance from the central terminus for the shops, and it is the consensus of opinion that a railroad institution of this kind would be more advantageous to the lines located here than at any point in Kansas, and that it would be a good thing for both the town and company.

It has been argued that bonds to the extent of \$500,000, and even more, would not be a hardship on the taxpaying element for the reason that the taxes realized from the property would more than amount to the interest on it and pay off the principal in from fifteen to twenty years.

SUN TWO-THIRDS GONE

Eclipse Observed by Hundreds Through Smoked Glasses.

It is so seldom that people in this latitude have an opportunity to see an eclipse of the sun that even those who are not accustomed to getting up early broke over this habit yesterday morning and were up bright and early to watch the shadow gradually well the sun in the southern states the eclipse was total, but in Kansas it was only about two-thirds obscured. Shortly before 7 o'clock the moon's shadow passed between the earth and the sun and in a half an hour all but a small crescent was invisible. Everybody who was interested had a supply of smoked glass and an excellent view was obtained through small telescopes and smoked glass and were afforded a prettier view. Through this combination the eclipse resembled the new moon. It was watched by thousands of eyes until the shadow slowly passed off, restoring the sun to its normal state. The obscurity did not cause much darkness and those who thought the chickens would return to their roosts were somewhat disappointed. What was left of the sun was too bright to view with the naked eye and those who tried it are now consulting opticians.

BIG FREIGHT BUSINESS

Merchants Buying in Large Consignments for the Fall Trade.

There is a noticeable increase in the freight business on all railroads running into the city, and many extra trains are being run to supply the large volume of trade. The wholesale houses in the city are sending out large shipments. The fall trade promises to be exceedingly large in all business channels. The retail merchants in the city are purchasing in large consignments this year and some of the fall goods are already beginning to come in. Commercially Wichita is doing more business this year than any other town in the state, said a prominent railroad man to a reporter for the Eagle yesterday. "The freight business is increasing wonderfully. It is not only confined to foreign business, but the wholesale houses in the city are sending out a large quantity of goods. The volume of trade is better at this time than it has been for several years."

WILL HAVE ELECTRICAL FLOATS

P. J. Toomey of St. Louis Will Be Here to Consult Street Fair Men.

P. J. Toomey, a prominent electrical man from St. Louis, will arrive here today to advise with the Carnival and Fair Festival association regarding the proposition to build twelve electrical floats to be used in the parade during the big week in October. Each of the floats will be equipped with 500 electrically powered incandescent lamps and it will be one of the grand features of the carnival. The display will be supported by St. Louis's country's agricultural products and will

AT Cash Henderson's See Our North Window

The Embroideries you see there are a special sale offering for Friday, at 20c. They are worth from 25c to \$1.00 everywhere. These Embroideries are extra quality and as nice as the Embroideries imported from Switzerland. We think you will consider them a bargain when you see them.

119-121 NORTH MAIN.

Wait Until the Morrow

To gather the flowers you would strew over his grave—they will be fresher—but get your little men ready today—come here for their washable Suits. We are selling pretty Blouse Suits of blue striped madras, unbleached linen, crash and plain and figured galatea cloth, at \$1.00 the suit. All have wide sailor collars, neatly trimmed, and with each Suit we give free a cute orange wood whistle.

Herman & Hess

The Big Auction

Continues at W. W. Pearce's. Goods are being sold at your own prices.

W. W. PEARCE

128 North Main St. Wichita, Kansas.

Wichita is pushing to the front as rapidly as possible, and is also a good argument that it is the commercial center of Kansas.

DOUBLE GAME BASEBALL

Court House-Drug Clerks and Friends Hold for Tomorrow.

Instead of the single game announced for Wednesday (Decoration day) by the court house and drug clerk clubs, a double game will be played and the diamond will first be in possession of the Friends University and the Doid packing house teams. Half of the gate receipts will be donated to the Welles Circle of King's Daughters, and in virtue of the double bill an admission of 25 cents will be charged. The fun promises to be hot and furious and a great crowd is anticipated.

Pneumonia follows in grippe, but never follows the use of FOLEY'S HONEY AND TAR, the great throat and lung remedy. G. Gehring, 60 E. Douglas; Geo. Van Warden, 28 N. Main; Wichita Drug Co., 119 E. Douglas; Gus Saur, 224 E. Douglas.

RUNAWAY CAUSES EXCITEMENT

Street Car Team Takes a Run Down Douglas.

The business men and pedestrians on Douglas avenue were given amusement yesterday afternoon in the form of a runaway team which came down the avenue at breakneck speed. No one volunteered to get in front of the two animals until at the corner of Douglas and Main, when C. U. Slaybaugh and E. T. Hoax rushed out and caught the old horse by the bridle and threw it as far as it fell with a steady hammer. The fall did not hurt the horse and after the harness was removed it got up and was as calm as anything. A number of spectators witnessed the two men flip the animals, and they assert that it was the proudest catch they ever saw. The driver of the team came up later and the outfit was turned over to him without damage. The team and wagon belonged to the street car construction gang and the horses got away from the driver on North Market street.

TO HEAL A HURT

DR. BANNER'S BALM, the great healer, is guaranteed for cuts, wounds, burns, piles and all skin diseases. Take no substitute. G. Gehring, 60 E. Douglas; Geo. Van Warden, 28 N. Main; Wichita Drug Co., 119 E. Douglas; Gus Saur, 224 E. Douglas.

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Flour than any other brand. That's good evidence of its superior quality.

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Imperial Cigar Co's CIGARS

Best Union Made.

Genuine Sumatra wrapper and Havana filler. The leading brands.

La Flor De Alfonso

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For sale at all first-class cigar stores.

H. K. CONVERSE, Traveling Salesman.

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By Mrs. A. Bamberger

Terms very reasonable and up-to-date instruction. Studio 22 West Third street, or leave orders with Theo. Shaw, the music man.

One of the most beautiful and effective displays ever constructed or seen in this part of the country. It will even outstep attempts of the kind in the eastern cities.

Daily Eagle, delivered 10c a week.

Trade at Fulton's—It Pays. Bat-Wing Tie. Is the latest and most popular style in fashionable Neckwear. We have a fine line of them, including the new, snappy patterns; oriental designs; all colors, bright and modest. Our stock of Neckwear is always complete, and we always show the newest things.

Wash Suits for Men, Boys and Children. Children's Wash Suits, 24c and up; Boys' Wash Suits, 50c and up; Men's Wash Suits, \$1.50, \$2 and up; Men's Office Coats, 45c. ...GOLDEN EAGLE... Wichita's Greatest Money-Saving Clothing Store, 226-228 East Douglas Avenue, Corner Lawrence.

This Mantel. Business of ours is growing at a rapid rate. We have the largest stock, best assortment and finest line in the west. If you are building or repairing your home and wish it modern you can't afford to omit putting in a fine Mantel and Grate. We have a large stock and excellent assortment of high grade Mantels, all up-to-date styles and designs.

East Side Racket. 528 East Douglas Avenue. Quote Prices. Yes, by all means. We keep our patrons advised of the advances and declines on goods. We keep our patrons posted as to our being the cheapest store on first class goods, in the state.

Shoes. The prettiest outfit in the city. Men's Work Shoes, \$1.50 to \$1.75. We are exclusive agents for Blue Our Secretary (E.T. 6412) 1.50. Boston School Shoes for Misses.

A Word on Fly Nets. Our West Side store over-bought on Fly Nets and we are making prices on them to help them out. We are offering you some genuine bargains. Remember the Price. Remember the Place. 528 East Douglas Ave. Opposite Carey Hotel. *CLEANLINESS IS NAE PRIDE, DIRT'S NAE HONESTY.* COMMON SENSE DICTATES THE USE OF SAPOLIO. The Daily Eagle Delivered 10c a Week.

BEECHAM'S PILLS. Improve the general health. 10c and 25c.

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