

# THE BRYAN DAILY EAGLE.

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## DANGEROUS MOVE,

### Is That to Abolish City Government.

## LEGAL PHASES OF THE ISSUE.

### Disorder and Confusion Will Surely Follow.

## THE SCHOOLS IN DANGER.

### THE WHOLE QUESTION FULLY DISCUSSED.

#### THE ISSUE.

A vitally important public issue has been suddenly and almost unceremoniously precipitated upon this community—a proposition to abolish the city government by a vote of property taxpayers at an election to be held on Friday, 24th inst. A petition signed by the requisite number of resident tax-paying voters has been presented to County Judge Hudson, and he has ordered the election for that date. The citizens of Bryan have, therefore, less than a fortnight in which to investigate this grave question and prepare to cast an intelligent ballot. It is without doubt the most important issue, of a purely local nature, with which the citizens of this town have ever been confronted.

#### IMMEDIATE EFFECT, IF CARRIED.

In the first place, the direct and immediate effect of a majority vote in favor of abolishment, would be a surrender of the city charter, the repeal of all municipal laws, ordinances and regulations, and the vacating of all city offices. Bryan would no longer be a body corporate; it would have no legal entity; could not sue or be sued, implead or be impleaded, contract or be contracted with; would have and could exercise none of the rights, powers, privileges, immunities, or franchises now possessed and enjoyed by reason of its separate corporate existence. The city would be dead; the county commissioners would administer on the estate, settle the debts, and turn over the surplus (if any) to the public school trustees. City taxes levied for this year would be collected, if at all, and handled by county officials—without bond, as I construe the law; but as there is no provision of law under which this year's city assessment could be completed or the tax rolls made out, it is difficult to conceive how the taxes could possibly be collected.

All city property, except school and other property "devoted exclusively to public use," would be turned over to the county treasurer, to be disposed of at will by the county commissioners (the law does not say, however, what disposition they shall make of the proceeds); the school property would vest in and be controlled by the trustees, while all other public property and works would be managed by the county commissioners' court, but said court would have no power to levy or collect one dollar of tax to defray expenses, keep them in repair, or renew them when worn out or rotted down. They could only levy a tax on what is now city property to pay off existing indebtedness.

#### ABOUT THE SCHOOLS.

They would be controlled (says the law) by the present trustees

during the remainder of their term of office; but as two go out of office this year, two next, and two the year after, there would be but four trustees the first year and only two the next. The present law provides for six; under the district system, for three white and three colored trustees. The commissioners' court could make one or more school districts of the four square miles of territory at present comprising the city limits. After this year, there would be no special school tax, and there would be doubt about the collection of that already levied, for the reason above given. Under the district system, into which we would doubtless be thrown, there could be levied, by a two-thirds majority vote of the property taxpayers, a special tax of one-fifth of one per cent, less than half the present levy, and wholly inadequate to sustain the schools.

This would be the status of affairs if we abolish the city government and stop there. Let us see what else could be done.

#### ALTERNATING ELECTIONS.

In the first place, fifty resident tax-paying voters could immediately petition the county judge to order another election for re-incorporation, under Chapter 1, Title 17, of the Revised Statutes, just as we are now; and if defeated, another could be ordered, and another, and another; and if ever carried, the anti-incorporators could forthwith have another election ordered, and so on, ad infinitum, et ad nauseam. I can find nothing in the laws to prevent this, and perhaps nothing short of a very decisive majority one way or the other at the first election would prevent it.

#### GREAT ADVANTAGES.

This connection it cannot be amiss to call attention—especially of those who favor disintegration, to the decided advantages the friends of incorporation will have in these subsequent contests: To re-incorporate as now, fifty petitioners can secure an election, and no tax-paying qualification restricts the voting—any legal voter can vote, and to incorporate as a town or village only twenty signers are required, and all legal electors can vote. This essentially popular feature of the elections to incorporate rarely ever fails to secure an affirmative result.

#### WHAT ELSE?

If you should at once re-incorporate as a city, three other elections would follow, viz: One for the election of officers, one to decide the question of assuming control of the public free schools, and another to levy a special tax for their support. If all carried, we would then be back just where we are at present. To incorporate as a town or village, and to run the schools, the same routine of elections would be necessary. If you preferred to incorporate "for school purposes only," that could be done at an election held for that purpose, at which all legal electors could vote. Sixteen square miles of territory could be included in this corporation. A second election would have to be held for five trustees, and to levy a special school tax another election would be necessary, at which only property taxpayers could vote, and requiring a two-thirds majority to carry the proposition. Under this system there would be no local government for any other purpose.

#### A WHOLE LITTER OF PHENIXES.

At any of these elections for re-incorporation, the corporate limits could be fixed to suit the will or fancy of any twenty or fifty citizens who saw fit to petition the county judge to order an elec-

tion. Bryan could be cut up into about twenty towns or villages, or school corporations, as a population of 200 is all that is required. To re-incorporate as a city, 1000 inhabitants will suffice; so that Bryan, after dying, could be resurrected in "broken doses," and from the ashes of the defunct city a whole litter of Phenixes could arise to torment taxpayers and all who oppose city government!

#### WOULD ORDER EVER COME OUT OF CHAOS?

I have endeavored, faithfully and conscientiously, to present the legal phases of this question, and believe I have done so, fully and without material error. As to the possibilities of future action, as above outlined, of course all would depend on the sweet will of the people, divided up as they doubtless would be into squads of 20, 50 or 100, for election-ordering purposes.

Are the conservative, thoughtful citizens of Bryan prepared to cut loose from their present safe and ample moorings, to embark on the uncertain waters of an unknown sea? Chaos would at once result, and whether from that vortex of perplexity order would ever return, is a question that should "give us pause." Again I ask, are the conservative, sensible, progressive citizens of this fair town ready for this experiment—ready for a "wild dedication" of themselves to

#### WHAT ARE OUR ILLS?

Is it not better, after all, to bear the ills you have, than fly to others you know not of? Besides, what are the ills of which you complain? Is taxation one of them? Then the remedy is with you. You, or your agents, fix the rate of taxation. The agents are of your own selection. In other words, you are exercising in the broadest sense of the term the right of local self-government. Are you incapable of the trust? Being an average community of the county, if you cannot satisfactorily govern yourselves, it follows "as the night the day," that the county cannot do it for you. The whole argument tends to anarchy.

Be not misled into support of this proposition. You have ruled yourselves, and ruled gloriously and prosperously; for a quarter of a century, the remedy is yours. The malady, if any, is not constitutional. Perhaps you are not as badly off as you imagine. We are all subject to disorders, but a little headache is nothing to die about. The organs are sound, vigorous, and still well adapted to perform their functions.

#### MUST BE BORN AGAIN!

But, says a reformer, we must die, and be born again. We must be cut up, and put into Medea's cauldron—reduced to our original elements, and boiled over again, that we may come out rejuvenated and fitted for a glorious immortality. Is the principle of local self-government such a disastrous failure? Must the principle itself be thrown away, or so crippled as to prevent this community from directing its own means for its own advancement? If so, we are no longer a free people, and are without hope in this world.

#### HUNKERS AND BARNBURNERS.

But, says one, it is our only way to get certain men out of office. The story—or rather the history, of the hunkers and the barnburners is well remembered. Is the incident to be repeated, or attempted, in our midst? Do you propose to burn down the barn in order to get rid of the rats? O, says one, we will first

remove the corn, then set fire to the barn, and clean out the rats. Ah, but where do you propose to house the corn? "Why, in the county crib, of course." Ay, that is what we thought; turn the city grist over to that ancient set of courthouse rats. (No allusion to the "combination.")

#### GOVERNMENT A NECESSITY.

The restraining and protecting influence of government, is a necessity, even in sparsely settled communities; and in crowded towns and cities, is an absolute essential, and when properly administered cannot be too abundant. I profess to believe in democratic progress—a power to which I trust (God knows I do) for the ultimate liberation of man from every chain but that of reason and prudence, from all thralldom but that which the divinity of justice and truth within him necessarily imposes. But we are not yet prepared to embrace Utopia. We need government; it is a necessity. We need police regulation; we need good streets and sidewalks; fire limits and fire protection; a water supply; lights for our streets and homes; and above all, we need schools—good schools—free schools—schools for all—white and black, rich and poor.

#### AN APPEAL FOR OUR SCHOOLS.

What will become of our graded school—the pride and boast of our city? A temple at whose altar we have been wont to worship; in praise of whose glorious proportions we have loved to exhaust the utmost powers of language; a temple which contains within its time-honored walls and shelters beneath its lofty dome deposits more precious than all the treasures which Grocian or Asiatic superstition ever heaped upon the shrine of Diana! Would the barnburners also wrap in flames this structure, more precious than the Ephesian dome?

My appeal is for this institution and our other schools. I appeal to those whose votes will control this election, in behalf of their neighbors whose voices are silenced by the stern decree of law. There are widows—property taxpayers some of them, and others, and minors whose estates pay taxes; laborers, those who are bound to you by personal service; the clerks who sell your goods; the mechanics who build and repair your houses; the laborers who handle your cotton and merchandise, work your streets, care for your stock, prepare your meals; do all that contribute to your prosperity, happiness and comfort. They will have no voice in this election; but they have rights, hopes and aspirations. My appeal is in their behalf. They are weak, and need all the protection of the strong arm of the law. They are poor, and their children need education. In the name of justice, in the name of humanity, do not imperil the life of our public free schools.

#### THE RIGHT SORT OF CHANGE.

If we make a change, let it be in the line of progress; let us have more schools; and better schools; let the free school age be extended from 6 to 20 years; let us have additional buildings, let the suburban country be added, and let the good news go forth to all the world that Bryan will take no step backward; that with us the watchword is "onward and upward!"

#### POOR ECONOMY.

I have carefully estimated the possible saving to the taxpayers of the city, taking it for granted that the schools would be kept up to the present standard, and that proper provision would be made for meeting the indebted-

ness and carrying out existing contracts. The saving would not then exceed three thousand dollars per annum—less than one dollar per capita for the town population. Can you afford to take such a great risk for a chance to save this trifling sum? Our bonds are held by non-residents; they could sue in the federal courts; put the city in the hands of a receiver; tie up over fifty thousand dollars worth of public city property, and otherwise embarrass, vex and seriously injure the property owners. There would be no growth, no improvement, no development. There would be stagnation and death.

#### CONCLUSION.

I have prepared this paper by request of some partial friends, and the publishers of The Eagle and The Pilot have generously consented to give it space in the valuable columns of their respective publications. It is submitted in all kindness, and with the utmost regard for the opinions of all who favor abolishment.

R. M. SMITH.

#### A Sound Liver Makes a Well Man.

Are you bilious, constipated or troubled with jaundice, sick headache, bad taste in the mouth, foul breath, coated tongue, dyspepsia, indigestion, hot, dry skin, pain in back and between the shoulders, chills and fever, etc. If you have any of these symptoms, your liver is out of order, and your blood is slowly being poisoned, because your liver does not act properly. Hmann's will cure any disorder of the liver, stomach or bowels. It has no equal as a liver medicine. Price 75 cents. Free trial bottles at Geo. W. Norrell's drug store. jan10-dAwly

#### Notice to Contractors.

Sealed bids for the erection and completion, according to plans and specifications now on file in office of G. S. Parker, of a two story iron front building on Main street, Bryan. Right reserved to reject any and all bids. Bids will be received sealed at office of G. S. Parker until Saturday, 25th inst. at 4 p. m. d-1w. M. PARKER.

#### BRIGGS LOST HIS CAT.

North Dakota's Auditor Is Now a Lenient, Catless Functionary.

Frank Briggs, North Dakota's popular auditor, has lost his cat. Mr. Briggs and family feel the loss keenly; it had been in the family for forty-two years having been a present to Mr. Briggs' father when a kitten. It was originally a white cat, but since living in Mandan it changed color every time the house was painted, and at the time of its disappearance was yellow with white trimmings. It wore side whiskers and sandburrs in its back hair, with a changeable tail. A big scar adorns one hip, which it got in the civil war the night it slept in the cannon. There was either some misunderstanding about the time of starting the cannon or the cat overslept; and it struck a tree three miles in the country and was lame for a week. It has always borne a good character, was amiable, modest and always seemed satisfied with Mandan mice or meat market liver. Two years ago it fell in with a bad dog and lost some of its expression on its left side, but no one ever blamed the cat in the matter and the dog didn't live long enough to be blamed. When Mr. Briggs moved from Mandan to Bismarck a few weeks ago he carried the furniture and Mrs. Briggs carried the cat in a large basket; everything went well until the bottom dropped out of the basket and the cat hastened away and has not been seen since. Mr. Briggs' friends are doing everything in their power to assist him in recovering the cat. His office hours for inspecting stray cats is from 2 to 4; they are brought and sent to him from all parts of North and South Dakota and he has opened up a branch office in Montana, the manager of which is now confined to his room from too close inspection of a wild cat brought in by a cowboy.—Grafton Record.

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