

MUNICIPAL COURT UPHELD BY REDICK

Judge Decides Court is Constitutional and Appointment of Judges by Governor Valid.

JUSTICE SHOPS LOSE OUT

Omaha's new municipal court was upheld as constitutional and the appointment by Governor Morehead of A. H. Murdock, Richard L. Hunter and Robert Patrick as its first judges was held to be valid by District Judge Redick in an opinion in court yesterday.

The judges expect to secure quarters in the city hall or court house and to begin holding court as soon as practicable, they said. They will have jurisdiction of lawsuits in which amounts up to \$1,000 are involved. The law creating the new court was passed by the legislature for the purpose of providing a substitute for justices of the peace as "the poor man's court." At the expiration of their present terms, justices of the peace, with the exceptions of one, will go out of existence.

Quo warranto proceeding, brought in

the name of County Attorney Magney by attorneys hired by local justices of the peace, were instituted in an attempt to oust the newly appointed municipal judges. The issues raised by the relators were disposed of by Judge Redick, as follows.

Held Vacancy Existed.

Held that a vacancy existed immediately upon the taking effect of the law creating the municipal court, namely July 1, last, notwithstanding that new judges will be elected at the next election.

Held that the governor had the power to make the appointments, arising from his general powers conferred by law, in the absence of any prohibition of such action in the constitution or statutes.

Held that the law, itself, is valid with relation to the following points:

The act is not broader than its title. It is not an amendatory act in such a sense as would require mention of other laws.

Municipal courts are of a different class than justice courts and consequently differences in procedure and disposition of witness fees are immaterial.

Although no change of venue is provided, none is required by the constitution.

Provisions for appeal and for trial by jury are covered by the laws governing procedure in justice courts, which are made applicable to municipal courts.

Appeal powers superior to justice courts

and county courts not conferred on the new court by the law establishing it.

If the act purports to confer jurisdiction upon the judges rather than upon the court, itself, it is the duty of the trial judge to construe the act so as to make it valid, the jurisdiction referred to belonging to the court and not to the judges.

No Special Legislation.

The act is not special legislation. On this last point Judge Redick said: "So far as the classification may enter into the problem, the classification of cities has been so often approved by the supreme court of this state that it is too late to speculate upon it."

"The question, however, recurs whether or not the act is invalid for the reason that it creates a municipal court for cities of the metropolitan class and those of the first class having over 25,000 and less than 40,000 inhabitants, and omits from its provisions cities of the first class, (which are all cities having over 40,000 and less than 100,000 population) and in an unreasonable classification, making the legislation special. It is somewhat difficult to fathom the reasons of the legislature for establishing a municipal court for the city of Omaha and one for the city of South Omaha and failing to provide for such a court in the city of Lincoln, and I shall not attempt a solution of this problem, as I do not deem it necessary. I think it may be conceded that the legislature may select in its discretion, those classes which are

to be included in the provisions of the act, and unless it can be affirmatively asserted that the action of the legislature is absolutely without logical support, the courts may not interfere with such discretion."

HAL BUCKINGHAM COMES TO OMAHA FOR HOLIDAYS

Hal Buckingham, formerly chief clerk in the Burlington's Omaha freight department, but now president, general manager, superintendent and general passenger agent of the Mt. Tamsic & Main Woods Railroad company, the crookedest railroad in the world, is in the city for the holidays. Mr. Buckingham and his railroad are located in California, the latter extending from San Francisco to the top of a mountain twenty-five miles away.

ASKS JUDGE FOR THIRTY DAYS AS XMAS PRESENT

"Do you want to give me a Christmas present, Judge?" asked John Hambert, aged 65 years, of Minneapolis. "Then send me to the county jail for thirty days." Hambert was arraigned on a charge of drunkenness and was in such a pitiable condition of nerves as the result of his indulgence that the judge granted his request. "I thank you, sir," said John, "and a Merry Christmas to you," he continued as he paused at the bull-pen door.

CHILDREN ADVISED NOT TO CONGREGATE

Health Commissioner Issues Warning to Prevent Spread of Contagious Diseases.

MANY HOMES QUARANTINED

Health Commissioner Cennell reluctantly announced that on account of the scarlet fever situation he would advise parents to keep their children away from all gatherings, particularly where other children attend.

"The scarlet fever situation in Omaha today is worse than at any time since I have been health commissioner, which has been nearly ten years," seriously said the commissioner.

Fifty homes are under quarantine, with a total of more than seventy-five patients in these places; also forty-five scarlet fever patients at the City Emergency hospital on Douglas street. The scarlet fever cases are scattered

over the city. Health officers are enforcing quarantine regulations in a strict manner and the health commissioner urges physicians to report without delay all cases under their observation. A few weeks ago a serious outbreak of scarlet fever was noted in the Central Park school district and for a while the health commissioner believed the situation was well under control, but this week an increase of cases prompted Dr. Cennell to increase his efforts.

It is not believed that this will interfere with the reopening of school on January 3, unless the situation grows worse. The health commissioner believes that with the children in school frequent examinations will result in detecting symptoms quicker than if the children were kept at home or allowed to run around.

HIGHWAYMAN HOLDS UP DOWN TOWN DRUG STORE

A lone bandit entered Merritt's pharmacy at Twentieth and Farnam streets, in the early morning, and at the point of a revolver forced the clerk, William Hackett, to deliver \$50 from the cash register under the threat of death. "The kids will have a Christmas this year, or I'll know the reason why," muttered the thief in true story book style, as he backed from the door and ran north on Twentieth street. Hackett was alone in the drug store at the time.

Former Omaha Woman is Dead at New York City

Word has been received announcing the death of Mrs. E. S. Curtis in New York City Friday morning. The Curtis family formerly lived in Omaha and after moving to New York often returned to visit their many friends here, besides looking after business interests.

The Curtises had just returned to New York from Omaha several weeks ago. Colonel Curtis had been in Omaha at the Hotel Loyal and was suddenly taken seriously ill, so that Mrs. Curtis and the two daughters, Miss Lynn Curtis and Mrs. Dison Bird, hurried from New York to his bedside. Mr. Curtis improved rapidly, however, and the family returned to New York, taking up their residence at the Hotel Van Rensselaer.

The immediate cause of Mrs. Curtis' death was a breaking down following an attack of the grip.

NEWSIES FAST FOR FEED GIVEN BY GEORGE BRANDELS

Three hundred newsboys will enjoy a big Christmas feast at Hotel Rome Saturday evening at 6 o'clock. Mogy Bernstein is master of arrangements for the dinner, which is annually donated to the kids by George Brandels.

A MERRY CHRISTMAS

Xmas Greetings

From the

Hudson Car

GUY L. SMITH
"Service First"

2561-3-5 Farnam Street
Omaha, Neb.



The
Mitchell Motor Co.
and
"The Six of Sixteen"
Wishes everybody a
Merry Xmas



Stevens-Knight
McIntyre Auto Company
2417 FARNAM STREET, OMAHA, NEB.



A Merry Christmas
and
A Happy New Year
To All Our Friends
and Patrons
Mickel's
Nebraska Cycle Co.
15th and Harney



The
MID-NITE MAIDS
MIDNIGHT SHOW at The
GAYETY
NEW YEAR'S EVE.
Dec. 31 at 11:30
SEATS NOW



We Wish to
Engrave on Your Mind
Our Best Wishes for
A Merry Christmas
Bee Engraving Dept.
Bee Bldg.
Omaha, Neb.



We Wish
All Friends
and Patrons
a Merry
Christmas
and a
Prosperous
New Year
Dr. Taft
Dental Parlors
1517 Douglas St.



N. S. YAFFE
Rush Printer
Wishes You
A Merry Christmas
and
A Happy New Year
512 So. 16th St.
Phone Douglas 770



We Wish You a
Merry
and
Healthful
Christmas
But if you
Need Medicine
we can supply it,
even today, with
our accustomed
promptitude.
Sherman & Mc-
Connell Drug Co.
4 Prescription
Stores



We Wish You
UNBOUNDED
Joy and Happiness
All Day Long
Apperson Motor Co.
JOE ROBERTS, Mgr.
2417 Farnam Street



We Congratulate
Ourselves on having
so many friends
and patrons in
Omaha and want to
wish each
A Merry
Christmas and
Prosperous
New Year.
McKenney
DENTIST
14th and Farnam.
Phone Doug. 2872.



The Orpheum, wishes all patrons and friends a Merry Xmas and a Happy New Year
Orpheum **NEXT WEEK**
Starting Sun. Mat., Dec. 26
The Coming Attraction of the Theater Season
May Tully's New York Fashion Show
WITH
Mable Hamilton and Twenty Stunning Models. **COIT ALBERTSON and BEAU BRUMMEL**
Everything designed by those supreme creators of Women's Emery: Lucille (Lady Duff Gordon), Redfern, O'Sullivan, Paternak, Bonwit-Teller, Joseph, Hickson, Ambergrosbie & Fitch, Geo Bernard, Maison Martinie, Estelle Mershon, Harry Collins, De Pinna, Nardi, Maison Bernard, J. M. Gidding & Co., Monte Sano & Vergo, and Jean, and displayed in a magnificent setting of superb splendor.