## MUNICIPAL COURT UPHELD BY REDICK

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

JUSTICE

Omaha's new municipal court was upheid as constitutional and the apand Robert Patrick as its first judges was held to be valid by District Judge Redick in an opinion in court yester-

The judges expect to secure quarters in the city ball 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 f the peace, with the exceptions of one, will go out of

Quo warranto proceeding, brought in

atterneys hired by local justices of the new court by the law establishing it. ust the newly appointed muncipal were disposed of by Judge Redick, as trial judge to construe the act so as to

Held Vacancy Existed.

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

Held that the governor had the power to make the appointments, arising from pointment by Governor Morehead of his general powers conferred by law, in A. H. Murdock, Richard L. Hunter the absence of any prohibition of such action in the constitution or statutes. Held that the taw, meer, 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

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 ventie is

vided, none is required by the constitu-

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

make it valid, the jurisdiction referred to belonging to the court and not to the HAL BUCKINGHAM COMES

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 classifi ation of cities has been so often approved by the supreme court of this state that it is too late to speculate upon it.

question. whether or not the act is invalid for the cason that it creates a municipal court for cities of the metropolitan class and those of the first class having over 25,000 | twenty-five miles away, and less than 40,000 inhabitants, and emits from its provisions cities of the first class, (which are all cities havi g over 40,000 and less than 100,0.0 popula tion), and is an unreasonable classification, making the legislation special. It is somewhat difficult to fathom the reas ns 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

the name of County Attorney Magney by and county courts not conferred on the to be included in the provisions of the act, wance, were instituted in an attempt to | If the act purports to confer jurisdic- seried that the action of the legislature is tion upon the judges rather than upon absolutely without logical support, the udges. The issues raised by the relators the court, itself, it is the duty of the courts may not interefere with such dis-

TO OMAHA FOR HOLIDAYS

Hal Buckingham, formerly chief clerk in the Burlington's Omaha freight department, but now president, general MANY HOMES QUARANTINED superintendent and general passenger agent of the Mt. Tamalipais & Muir Woods Railroad company, the crookedest railroad in the world, is in California, the latter extending from San Francisco to the top of a mountain

ASKS JUDGE FOR THIRTY

"Do you want to give me a Christmas present, judge?" asked John Hamsend me to the county jail for thirty sioner. 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 patients in these places; also forty-five his request. "I thank you, sir," said John, scarlet fever patients at the City Emer-"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 Contageous Discases.

Health Commissioner Connell reluctantly announced that on account that with the children in school frequent the city for the holidays. Mr. Buck- of the scarlet fever situation he examinations will result in detecting trusham and his railroad are located in would advise parents to keep their symptons quicker than if the children children away from all gatherings, around. particularly where other children at-

"The scarlet fever situation in DAYS AS XMAS PRESENT Comaha today is worse than at any time since I have been health commissioner, which has been nearly ten bert, aged 6 years, of Minneapolis. "Then years," seriously said the commis-

Fifty homes are under quarantine, with a total of more than seventy-five gency hospital on Douglas street. The scarlet fever cases are scattered

over the city. Health officers are en forcing quarantine regulations in a strict manner and the bealth 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. Connell to increase his efforts.

It is not believed that this will inter-fere with the reopining of school on January 3, unless the situation grows worse. The health commissioner believes were kept at home or allowed to run

HIGHWAYMAN HOLDS UP

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 \$55 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 etreet. 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 leath of Mrs. S. S. Curtis in New York City Friday morning. The Curtis family formerly lived in Omaha and after mov ing 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 Rotel Loyal and was suddenly taken seriously Ill, so that Mrs. Curtis and the two daughters, Miss Lynn Curtis and Mrs. Dimon Bird, hurrled from New York to his bedside. Mr. Curtis improved rapidly, however, and the family returned to New DOWN TOWN DRUG STORE York, taking up their residence at the Hotel Van Renssalaer.

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

NEWSIES FAST FOR FEED

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

## CHRISTMAS

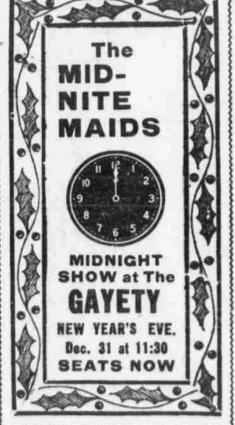


SA TON TON





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



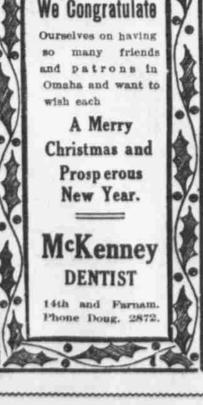














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Everything designed by those supreme creators of Women's Finery: Lucille (Lady Duff Gordon), Redfern, O'Sullivan, Paternak, Bonwit-Teller, Joseph, Hickson, Ambercrombie & Fitch, Geo Bernard, Maison Maurice, Estelle Mershon, Harry Collins, De Pinna, Nardi, Maison Bernard, J. M. Gidding & Co., Monte Sano & Vergo, and Jean, and displayed in a magnificent setting of superb splendor.