THE OMAHA BEE: TUESDAY, DECEMBER 26, 1922.

Attack on Court Procedure ment is not being complied with, and have the court require the elimination of the unnecessary or additon of necessary matters. Legal controversies are like blades of grass in that they resemble each other and yet of Combined Fleet Local Lawyers Inclined to Question Attitude of there is always some little difference.

darkest days of their history.

Urges Intermediate Courts.

I believe that about the most pracber of the Michigan bar and now a tion, and afterward elected at a gentical change in our present procedure would be the working out of a system constituted United States fleet, con- book, "The Law and Its Sorrows," an mistakes are made by lawyers, as a of intermediate courts so that all sisting of both the Pacific and At- argument for judicial reform. The class, than are made by men engaged cases would not reach the supreme lantic naval forces, will rendezvous at author frankly states that he does not in any other pursuit of life, be they court, or providing that cases involv-ing less than a certain amount could may yet get identification." Panama February 19 for winter expect co-operation from the lawyers physicians or merchants or bankers. maneuvers and great gun target prac- in his campaign for the reform of le- More financial disasters have befalnot be appealed unless there was a tice against the old battleship Iowa, gal practice and procedure, but he len the people in every community new or unsettled principle of law involved therein. The latter, I believe, presents his case to the bar of public through the mistakes of business men is especially practicable as litigants bow to the decision when final deci-sion has been reached and decision in-volving small matters and old princi-Bates lamented. "There's your work is especially practicable as litigants than have arisen through the fault or pals of law should be determined at as

> of judicial procedure should be so formed that litigation will be disposed of with the greatest dispatch possible consistent with the due administration derstand that I do not willingly forego formed that litigation will be disposed superficial in a great degree. The practice procedure is a game played philosophy of the law is as true today as it ever was, and cau no more of justice but always keeping in mind be changed in its fundamental printo what was accompanied in England ciples than the laws of gravitation that not speed, but the ascertaining of the rights of the litigants that justice may be done between them should be the control element in framing or maintaining a system of procedure.

Reported on Mend

Labor Situation

Our country is greatly indebted to **Employment Prospects Bright**

for Remainder of Winter-

Shortage in Some Lines.

Washington, Dec. 25 .- The employent situation is encouraging and prospects are bright for the remainder of the winter, according to a survey just completed by the employment service of the Department of Labor. Nearly all states reported a condition much better than at this time last year, and the situation was described as fain to read in a strain to speedily find Mr. Maurice Trask." described as fair to good in most sec-

States affected by seasonal suspension of logging operations or farm work, and those where trans-

portation is hampered by strikes and car shortages, were the only ones re-porting unfavorably, and in all of them improvement was expected soon after the first of the year. BY JUDGE BEN S. BAKER. There seems to be much criticism porting unfavorably, and in all of their darkest days. He is against has about the law and its procedure in the them improvement was expected soon United States, and elsewhere, for that after the first of the year.

Building operations throughout the Undoubtedly there are reforms that might be adopted to better country were reported holding a pace the condition of legal procedure in our almost unprecedented, only a few country. This is true in the federal states in the north showing a slowing courts as well as in the state courts. up because of the weather.

We have no two states that have the The manufacturing states, almost same procedure, due to statutory law. without exception, reported shortage Most of the states have what we of skilled mechanics. Textile mills its fundamental principles, is more call the common law, or rather court- were running full blast and needed made law based on precedents and labor. The automobile industry also decisions of the common law. It is was running 100 per cent, but the well known to the profession that labor supply about equalled the decourt-made law is based on common mand. The steel industry showed a law of England. However, the Amer- general expansion, with a demand for ican courts have drifted far from the all kinds of labor and the call for precedents of the English courts, and material workers generally exceeding

ume on "The Law and Its Blessings cisions, instead of being followed, SAVE 25 to 50%

THE MYSTERY GIRL By CAROLYN WELLS. (Copyright, 1922.)

(Continued from Yesterday.)

Gordon Lockwood. Also, there were other prints there, slightly smaller. that Cray immediately assumed to be that Cray immediately assumed than usual, if that were possible. "How can you identify the prints of a man not here?" he asked with an incredulous look. were made." "Huh! footprints! Corinth is full of

footprints." "Yes, but these-listen. Esther-

these lead straight from the Waring house over to this house. And back again.

again." "How can they?" Mrs. Adams looked mystified. "That Japanese didn't come over here." "You can't say that he didn't. And, look here, Esther, where's Miss Aus-tin? What's she doing?" "Miss Austin? She's in her room. She hen't here anite up to the mark

She hasn't been quite up to the mark for a day or two, and she's had her meals upstairs.'

derstand that I do not winnigly lorego it all in favor of a distant relative, whom, Mr. Crimmins tells us, Dr. Waring did not care for at all." "I should say not!" and Crimmins looked positive. "It will be an outrage if Mr. Trask inherits the estate al-ready willed to Mrs. Bates. I stand mode to do all I can to see instice

"Well, she is one—I grant you that. Have you told her about Dr. War-ing? Though I daresay it wouldn't ready to do all I can to see justice

"Yes, agreed Crimmins, "and the whole matter opens up a new train of thought. May not the distant cousin, this man Trask, be in some way re-sponsible for the destruction of the will and the death of the decedent?" "It is a new way to look." Cray agreed, with a thoughtful air; "and we will look that way you rest assured. newspaper clipping, if she wants it! You're a tyrant, Esther! Don't you

ever try to boss me like that!" The good-natured smile that passed between them proved the unlikeli-hood of this, and Old Salt went on, "I wish you'd tell her, wife, about the tragedy. Seems like she ought

to know." Mrs. Adams stared at him. "I'l room, and though it seems more ex-plicable in the case of a member of

about it." "Good morning, Miss Austin." the good lady said, soon after, "better this morning?"

"Yes, thank you. My cold is al-most entirely well." A Suspicious Cold. The girl was sitting by the window in an easy chair. She had on a Japa

"Look here, Esther," said Old Salt to his wife, "that's a mighty curious nese dressing gown of quilted silk embroidered with chrysanthemums case over at Waring's. "How you do talk! I should think and listlessly gazing out across the snow-covered field opposite.

The Adams house was on the out-skirts of the little town, and sepa-rated by a wide field from the Warng place can't bring him back to life to hang his murderer. And to my mind it's

"Heard the news about Dr. War-ing?" Mrs. Adams said in a casual heathenish-all this detectiving and tone, but watching the girl closely. evidencing-or whatever they call it. You?' "No; what is it?"

The words were simple and the voice steady, but Miss Austin's hands Adams looked at his wife with a mild reproach. "Woman all over! No sense of justice, no righetous inclutched the arms of the chair and dignation. Don't you know the mur- her face turned perfectly white.

"Why, what ails you? You don't white, her face drawn and scared, and soon she exclaimed, with a burst of nervous fury, "Stop! please stop know the man, do you?" "I-I heard him lecture, you know.

"I--I heard him lecture, you know. Tell me-what is the-the news?" "He's dead." Mrs. Adams spoke bluntiy on purpose. She had felt in a vague way, that this strange per-son, this Miss Mystery, had more in-terest in Dr. Waring than she ad-mitted, and the landiady was deter-mined to find out. To her own satisfaction she did find To her own satisfaction she did find

To her own satisfaction she did find out, for the girl almost fainted. She Austin myself."

didn't quite lose consciousness, in-deed, it was not so much a faint as such a desperate effort to regain her able turn of affairs. Mrs. Adams went.

such a desperate effort to regain her poise, that it unnerved her. "Now, now, Miss Austin, why do you take it so hard? He was a stran-ger to you, wasn't he?" "Yes-yes, of course, he was." "Why are you so disturbed then?" "He was such a-such a fine man--" the girl's stified sobs impeded her speech. "Well, somebody killed him." At that Miss Austin seemed turned to stone. "Killed him!" she whis-pered, in accent of terror.

harden to a stony blankness, as she replied, "It is a bit intrusive, but I've

to stone. Allied him: she whis-pered, in accent of terror. "Yes—or else he killed himself— they don't feel sure." Mrs. Adams, once embarked on the narrative, told all she knew of the circumstances, and in the exciting recital almost for-got to watch the effect of the tale on her listener." I haven't been here quite a no reason not to tell. I am an art student, and I came here to paint

noted.

"I haven't been here quite a week yet-and I've been picking out availher listener. But this effect was not entirely unable bits-and for two days I've had a At the partly open door, Old cold. "How did you get cold?" The voice Salt Adams stood, eavesdropping, but

with a kindly, anxious look on his face that boded no ill to anyone. was kind but it had a definite note, as if desirous of an accurate answer. Miss Mystery looked at him. And he noticed that the girl's atten-(To Be Continued Tomorrow.) ion was wandering. She was pitifully

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being designated as squadrons 11 and charged to inefficiency of the judges. great controversal questions of his-12. In addition the battle fleet in- the delay in procedure and trial of toric national interest have been setcludes light cruiser, submarines and causes is due largely to the judges. tled by lawyers. Most of the statesaircraft divisions, none of which are Ablest lawyers are not on the bench." men-whose names have been written President Dysart of the bar associa- on the honor roll of our country were tion takes a different view, in which trained as lawyers. Jurists turned he states that it is unthinkable to statesmen have illustrated every page

Battleship division 1 is assigned to the scouting fleet and includes the Utah, North Dakota and Delaware, with the Florida and Arkansas to will be destroyer squadron 9, consist- a level below the justice courts in ty judicial procedure.

Need Public Support.

Mr. Webster, who has appeared in

Following, in part, are the statements of the two men:

BY JOHN LEE WEBSTER.

J. Hannibal Clancy, who wrote the volume entitled "The Law and Its it is not infrequent that they follow the supply. Sorrows." would have performed a decisions of other courts, where opin-

better service had he written a vol- ions are illogically reasoned. Such de-

rons of the battle fleet which, for the members of the bar and get an hon- the great men who were in the conmaneuvers, will employ two squad- est opinion therefrom, a large per- vention which framed the federal conrons of 19 destroyers each, the units centage of the difficulties would be stitution were lawyers. Many of the

join later. With the scouting fleet ing of 19 destroyers and the flagship The U. S. S. Wright is assigned as

flagship and tender of the aircraft squadrons, scouting fleet, Capt. A. R. all of the courts to the supreme court Gerhardi commanding. The ship will of the United States, declares that a leave January 7 for the rendezvous, forceful, outspoken expression of pubgoing via Key West, Fla. The air- lic sentiment in favor of observance plane equipments will be 17 scouting of the law and a stronger adherence to planes and 18 torpedo planes.

Old Battleship

Iowa to Be Target

Pacific and Atlantic Forces to

Meet for Joint Maneuvers

in Southern Waters on

February 19.

which will be radio-controlled during

ships under the new consolidated fleet

the U. S. S. California, which will

sail from the Pacific coast February

4, for Panama, and the scouting fleet

will leave the east coast on January

3 for Guantanamo bay to join the bat-

tle fleet at Panama. Vice Admiral McDonald, aboard the U. S. S. Wy-

Leave Coast March 31.

Admiral Jones, commander-in-chief of the fleet, with his flagship, the

Maryland, and the battleships Arkan-

sas and Florida, will leave the At-

aboard the New Mexico, the New

Mexico, Idaho and Tennessee forming

the fifth division, and the New York,

old cruiser Charleston, as flagship,

Division No. 1.

now in commissio

Rochester.

will continue until March 31.

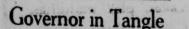
oming, will command

plan

the maneuvers. Secretary Denby opinion. also announced the assignment of He co

Admiral Eberl's flag will fly from lings.

Rear Admiral L. R. DeSteiguer, to be desired just now than a propaaboard the U. S. S. Relief, will com- ganda for law reform. mand the train, including repair, hospital and other auxiliary ships, while Rear Admiral J. V. Chase will command the fleet base force, including mine layers, sweepers and similar vessels, his flag flying on the U.S.S. Froevon.

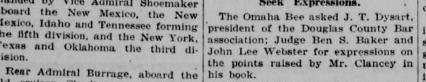


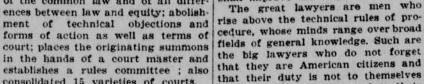
ing men who were active in preparing Judge Baker, in his statement, and adopted the declaration of inde will command the destroyer squad- wrote: "If we were to consult the pendence were lawyers. Nearly all of

dispense with the requirements that and brightened every year of carefully prepared pleadings be filed. country's history. The elimination of formal pleadings, he holds, would lower our courts to

lantic coast after the scouting fleet to participate in the maneuvers which As now assigned, the battleship division of the battle fleet will be commanded by Vice Admiral Shoemaker

Washington, Dec. 25 .- The newly stir throughout the country by his





Author of "The Law and Its Sorrows,"

but Admit Situation Can

Be Improved.

J. Hannibal Clancey, former mem- | first be nominated at a primary elec

We can safely assert that no more

The lawyers, as a class, in what

Agitation Superficial.

mistakes of lawyers.

Seek Expressions.

He contends that the judges have

usurped too much to themselves; that

have a simple statement of the case

made by a "master" of the court. He

avers that the present system of

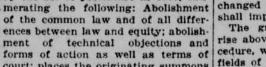
between the lawyers with the judge

by the act of judicature in 1875, enu-

acting as umpire. The author refers

The Omaha Bee asked J. T. Dysart, president of the Douglas County Bar its lawyers for its liberty, for its conassociation; Judge Ben S. Baker and stitution, for the stable quality of its Texas and Oklahoma the third di- John Lee Webster for expressions on government, for its prestige among the points raised by Mr. Clancey in the nations of the earth. The lead-

alone, but to humanity and to their country.



In the place of pleadings, he would ly, almost supreme

forms of action as well as terms of court; places the originating summons

resident of Florida, has created a eral election.

consolidated 15 varieties of courts.

can be altered; nor can it be so changed until our increasing wisdom shall improve the ethics of life. The great lawyers are men who rise above the technical rules of procedure, whose minds range over broad fields of general knowledge. Such are

pleadings are childish, senseless quib- they have accomplished for state and national welfare, stand out prominentearly a time as possible Personally I believe that our system The agitation for law reform is

Evokes Opposing Opinions

there is always some little difference, and if a system was adopted that would eliminate formal pleadings and require simply a formal statement of the parties to a court official, our courts would soon fall to a standard lower than the justice courts in the that the processes, it was courts would soon fall to a standard lower than the justice courts in the

not identification." "Supposition said Cray, gravely. "But we're nar-

"Get the Jap back," advised Old Salt Adams. "That's your next move, Cray. Get him, check up his finger-prints and all that, and best of all

Bates lamented. "There's your work cut out for you. I am not unduly mercenary, but when I know how anxious Dr. Waring was that I should inherit his estate, when I realize what

it meant that he drew this will before "What's the matter with her?" "A slight cold, she says. I can't make her out, Salt. What's she do-"Don't pester her, my dear. How you and Bascom do love to pick at that girl! Why does she have to do

anything?" "It's queer, though. And I hate

done in this matter." "But justice, as you see it, can only result from the finding of the will,"

said Cray. "Yes, agreed Crimmins, "and the

will look that way, you rest assured. We will at once get in touch with this

Whom do they suspect now?

we will at once get in touch with this cousin, you will give us his address, and learn where he was and how em-ployed on the night of Df. Waring's death. We still have to face the prob-lem of an outsider's exit from a locked

tell her, as a matter of course, but I don't know why you're so anxious the household, yet a new suspect brings fresh conditions, and perhaps

Over Code Positions

Lincoln, Dec. 25 .- (Special.)-Governor Bryan has drawn a hornet's nest of spoilsmen about his ears because he does not accept the proffered resignations of republican office holders and replace them with deserving democrats, . There are six \$5,000 a year jobs known as code secretaries that are held by republicans, and the governor is asking that these republicans hold ofifce until he abolishes the code.

The democrats think that they might as well have the enjoyment their jobs by opposing any change

merce

Democratic workers are urging the governor to at least fill the positions of bureau chiefs, which pay from \$2,000 to \$3,600 a year, as they argue that these will have to be filled if the code departments are shifted to other state officers or boards of officers as is planned. Governor Bryans says he will do nothing until he finds out what the legislature does with his recommendations for a regrouping.

Inmates of Penitentiary

thousand inmates of state institutions of the litigant.

wealth of Christmas cheer. At the Clancy, that in England a legal propenitentiary nearly 2,000 parcels came ceeding may be installed by service to the 600 inmates, a chicken dinner of a summons in lieu of the filing was served, yard privileges were of a pleading in court; but it is given during the day to all persons equally true that practice has prenight. At the hospital a Shriners' a long period of time, but without any chorus sang Christmas carols early beneficial results.

the morning, a big chicken dinner at the code in that state than in any noon and a baseball game in the after-noon were the features of the cele- of Illinois where the common law bration.

The children in the dependent home had a tree, a big dinner and a gift distribution.

Early Morning Fire Destroys **Emmet Hay Company Office**

O'Neill, Neb., Dec. 25 .- Early Sat- you can abolish civilization. urday morning fire destroyed the one of the front windows in the Tom itself.

Strong garage was broken and some

-The Foundation of Justice-The should be ignored. Perhaps Protector of American Rights." say too many courts haven't the What we need at this time is not a breadth of thought and reason to depropaganda in favor of law reform, cide cases on their own judgment. but rather a forceful, outspoken ex- If we were to consult the members pression of public sentiment in favor of the bar and get an honest opinion of due observance of the law and a therefrom, a large percentage of the stronger adherence to its fundamental difficulties in court decisions would principles. This is evidenced by the be charged to the inefficiency of the brutal murders committed at the Illi- judges. It is a conceded fact that

matter.

nois mining town, which, in their the ablest lawyers are not upon the atrocities, were never excelled ex- bench, and yet many of the judges cept in the age of barbarism; by Ku are of the very highest type of legal Klux Klan organization, which has learning, broad and capable of hanswept over nearly every southern dling and applying the law and the state, endeavoring to hold officials, facts to each case; but such are not

state and judicial, under its control the majority of the judges. by threats and intimidations; by the The delay in procedure and of the of these salaries for whatever length attempted impeachment of the attor- trial of causes is due largely to the of time they are to be drawn, but the ney general of the United States, sim- judges. For instance, many judges governor is not anxious to put in ply because he endeavored to enforce will permit lawyers to argue every men who will naturally try to keep the law against a group of conspira- trivial objection made, when the court tors who were unlawfully and wrong- knows before the argument, as well such as the governor is pledged to fully interfering with interstate com- as afterwards, just what it is going to Prompt rulings would shorten trials materially, and this is particu-

Work Reforms Here.

larly true in equity cases. We recognize that many reforms in I am not one that believes in breakthe administration of justice have been ing down all barriers of technicality. worked out in England, but it is All pleadings should be technical in equally true that similar reforms are use of language-clear and concise being worked out in America to acthat litigants may know just what complish the same general purposes. his opponent may be contending for. Mr. Clancy states that in England Amendments should be allowed in all demurrers have been abolished. So pleadings even to the extent of the have they, by the rules adopted by court suggesting or requiring amendsupreme court of the United States ments to be made where they are for the government of all federal necessary for the protection of liticourts. Nevertheless, in England and gants.

in America the sufficiency of a plead-If courts are wisely selected, in the ing may be tested by a motion, to the interest of justice and fairness, and Given Christmas Dinner end that if it does not set forth a le-gal cause for action, that time, labor will ignore precedents and will strike right out from the shoulder, then we and expense may be avoided by an will have a reform that would be

Lincoln. Dec. 25.-(Special.)-Two ex parte determination of the rights startling. Will they do it?

By J. T. DYSART. in and around Lincoln were given a It may be true, as stated by Mr. A system of court procedure is like set of traffic rules and must be framed for the common good of all. There are always some who believe in hasty dealing out of what they be and a vaudeville show was staged at vailed in the state of New York for lieve to be justice, this class ranging from those who believe in lynch law

and that might is right, to those who in the morning, a chicken dinner, fol- Other reform methods were worked believe in court procedure with inlowed by a Christmas gift distribution, out by the adoption of extended civil adequate time for preparation and was served, and special music was codes. David Dudley Field, in his presentation of a cause to properly lifetime, was chairman of a commitdetermine the rights of the parties

At the orthopedic hospital there was tee which carried this method to the that justice may be done. We have a tree, an entertainment, hundreds farthest limits in New York, with the some enthusiasts for the dispatch of gifts, a Santa Claus and a big ultimate results that there are more with which other jurisdictions and dinner. At the state reformatory a conflicting decisions arising out of countries dispose of litigation, but Christmas entertainment and tree in the interpretation and application of after an investigation, the enthusiast usually prefers to have his controversies determined under our system. Leads To Criticism. system is pending, prevails. Our system of procedure prescribes

numerous forms of action, and if by Can't Abolish Common Law. It is said that Mr. Clancy has mistake a controversy is brought into

court under the wrong form, the case declared that England has abolished is necessarily dismissed, and this has the common law. That is a fundamental mistake. England has not led to much of the criticism against abolished the common law. You can the technicalities of the courts. Our statutes require parties simply no more abolish the common law than

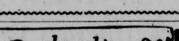
to state their respective demands and We may admit that mistakes have defenses in ordinary and concise lan- to flush clogged kidneys and stimuoffice and contents of the Emmet Hay been made by lawyers and judges in guage, without repetition; and in my company at Emmet, a village seven the administration of justice. But opinion any attempt to dispense with helps neutralize the acids in the urine west of here. The origin of the these have been the result of human the requirements that carefully pre- so it no longer irritates, thus helping fire is unknown. During the night infirmities-not the fault of the law pared pleadings be filed is unthink- to relieve bladder disorders. able. The essential element to the

In contrasting the judicial systems dispatch of litigation is that the exact makes a delightful effervescent lithia auto accessories taken. A bottle con- of England and America we must issue in every law suit be clearly and water drink which everybody should taining "shine" was found at the keep in mind the political customs of definitely defined, and there can be no take now and then to help keep their entrance of the poultry house of the J. C. Graham meat market, which judges are appointed, selected for there can be no better way of meeting A well-known local druggist says had also been entered during the their ability and their fitness for the this requirement than by giving each he sells lots of Jad Salts to folks who aight. The glass in the front door of duties to be performed. In most of party the right to call the court's at- believe in trying to correct kidney se was also broken out. the American states, our judges must tention to the fact that this require- trouble while it is only trouble.

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Jad Salts is harmless: inexpensive:

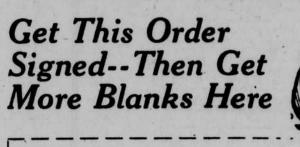
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