

THE APPLICATION IS DENIED.

Nebraska's Supreme Court Dismisses the Cause to Oust Chief Seavey.

THE COMMISSION VINDICATED.

"The State the Unit of Political Power and Responsible for the Peace and Morals of Its People"— Full Text of the Opinion.

The following is the opinion in full in the case of Simeral vs. Seavey: State, ex rel. Simeral vs. Seavey. Same vs. Bennett et al. Quo warranto. Dismissed. Opinion by Cobb, J.

The appointment of the respondent as chief of police of the city of Omaha by the board of fire and police commissioners, appointed by the governor under section 145 of the constitution...

The State ex rel. Edward W. Simeral, county attorney, vs. Webber S. Seavey, chief of police of the city of Omaha. This is an original proceeding in this court by Edward W. Simeral, county attorney of Douglas county, relator, against Webber S. Seavey, respondent.

The complaint is, in substance, an information in the nature of a quo warranto. Its general object, to obtain a judgment against the respondent upon his right to exercise the office of chief of police of the city of Omaha. It alleges that the city of Omaha is a city of the metropolitan class...

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ment of said board of fire and police commissioners have been prescribed by an ordinance of said city; yet it is true that the board of fire and police commissioners did, on the 16th day of May, 1887, prepare and adopt certain rules and regulations for the guidance of the officers and men of the fire and police departments of said city...

It is urged that the appointment of fire and police commissioners, and they acting together with the mayor, appointing a chief of police for the city, is the imposition by the board upon the city of a tax for the purposes of section 7, article IX, of the constitution, which reads: "Legislature shall not impose upon municipalities, corporations, or the inhabitants or property thereof, for corporate purposes..."

Section 145 provides that before entering upon their official duties, the said commissioners shall file with the city clerk a certain and peculiar official oath therein prescribed. The section does not provide that they shall file an official bond, as is required by law in the case of other officers...

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ment and discipline of the officers and members of the police department." We also find section 33 in the following language: "Sec. 33. The mayor and council shall have power to elect, regulate and support night watch and police officers to perform the duties thereof, except as otherwise herein specially provided."

Now this is a general provision which, it is suggested, would furnish authority for a police establishment for any city of the metropolitan class, section 145 excepted from the rule. This, I think, would be so, and yet it by no means follows that with any exceptions in the act, 145 does not contain by far the more studied, elaborate and perfect expression of the will of the legislature. In fact, it is believed to be a sound rule of construction, in law and logic, that general provisions will give way to the force of special provisions, when the latter are clear enough to cover the whole ground, and express the undoubted intention of the legislature.

It is urged that the appointment of fire and police commissioners, and they acting together with the mayor, appointing a chief of police for the city, is the imposition by the board upon the city of a tax for the purposes of section 7, article IX, of the constitution, which reads: "Legislature shall not impose upon municipalities, corporations, or the inhabitants or property thereof, for corporate purposes..."

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WE EXPECTED

Our big special sale of overcoats would cause a commotion, but we must confess we never anticipated such a rush as we had all last week, and especially Saturday. Our 35 salesmen were busy from morning till late at night, to wait on the throngs of customers that crowded our store, and we regret that we were not better prepared, as even that large force of salesmen was not sufficient to attend to all, and a good many had to go away. Saturday's business made big holes in our overcoat piles, but we are not through yet. Over one hundred cases of suits and overcoats from our great New York purchase, are still on the way and coming in daily, and we propose to get rid of them as fast as they come in.

Last week we have convinced thousands of customers that they never bought overcoats so cheap as we offered them. This week we will show how low good suits can be sold. Suits that were made by one of the best houses in the country. This is the greatest opportunity men of moderate means ever had to procure good first class garments at about one half the real value. We cannot describe them all, but we mention a few of the larger lots and which are especially big bargains:

\$4.75 300 good heavy Cassimere Suits, warranted strictly all wool, lined with good heavy serge. No all wool suit of such quality and such make was ever offered for less than \$7 to \$8. Our slaughter price is \$4.75.

\$6.50 This is the price we have placed on about 200 fine black, warranted real worsted, Corkscrew Suits, some lined with silk serge, some with good double warp Italian, well gotten up. This will make a good dress suit for men of moderate means, and will give good satisfaction. It is in every respect as good a suit as is sold by other houses for \$10 to \$12. Our slaughter price is \$6.50.

\$9.75 This lot contains about 250 plain, double and twist, and silk mixed cassimeres, some fine chevots, elegantly made and trimmed, every one worth \$15.00, and that is the price which other dealers would ask for them. Our slaughter price is \$9.75.

\$13.50 Nearly 400 fine tailor made Suits, the choicest of the great purchase; cassimeres, beautiful fancy worsteds and diagonals. The material is the product of some of the best mills in the country, and some imported. These suits were manufactured for the finest city trade, and have been made up to sell at retail for from \$18 to \$25. Our slaughter price is \$13.50.

Several large lots of Pea Jackets and Vests, chinchillas, plush and astrachan, lined with fine cassimere and Italian goods, which are usually sold for \$10, \$12 and \$18. Our slaughter price is \$4.25, \$4.75, \$9.00 and \$11.75. A few extra fine imported astrachans with elegant satin lining, and fully worth \$28 to \$30, we offer at \$16.90.

We wish to call the attention of ladies to a small but especially attractive assortment of fine children's overcoats, which fell into our hands with this great purchase. These are made of the best of material in Cassimere, Chinchilla and Astrachan, elegantly trimmed with fur and plush, and of exquisite designs. These garments were manufactured for the cream of city trade, and in every respect first class. There are only a few small lots of them, and as the sizes are somewhat broken we have marked them at about one third their real value.

We are daily in receipt of numerous mail orders from out of town parties, and wish to say that we cheerfully send goods by express C. O. D., with privilege of examining when parties are willing to pay express charges, both ways in case goods are returned, and we require a deposit to cover such charges. We sell goods with such a small margin of profit that we cannot afford to pay expressage.

All goods marked in plain figures and at strictly one price.

Nebraska Clothing Company, Corner Douglas and 14th Streets, Omaha.

Omaha Medical and Surgical Institute. For the treatment of all Chronic and Acute Diseases. N. W. Corner of 13th and Dodge Streets.

DRS. S. & D. DAVIESON, 1707 Olive Street, St. Louis, Mo. Specially to the Treatment of Nervous, Chronic and Blood Diseases.

DR. POWELL REEVES, 301 1/2 South 12th St., Omaha, Neb. The Old Reliable Specialist of many years' experience.

Nebraska National Bank. Paid Up Capital, \$250,000. Surplus, \$50,000.

JAMES MEANS \$4 SHOE, JAMES MEANS \$3 SHOE.

Pianos, Chickering, Knabe, Vose & Sons. Instruments exchanged, rented and sold on easy payments, below factory prices.

WOODBRIDGE BROS. Remarkable for powerful symphonic tone, pliable action and steady touch.

ROYAL BAKING POWDER. Absolutely Pure. This powder never varies. A marvel of purity, strength and wholesomeness.