

TRIED FOR CRIMINAL LABEL

Ex-Sheriff Bennett's Case Against the Editor of The Bee Heard.

SHOWING OF FACTS MADE FOR THE STATE

Attorneys Insist that Not Enough to Even Suggest Conviction Has Been Established by the Testimony that Was Introduced.

The cases brought against Edward Rosewater, editor of The Bee, by ex-sheriff Bennett and his wife, charging criminal libel, were called in police court yesterday afternoon.

The information upon which the suit is based cites the open letter to the citizens of Douglas county, headed a "Last Word of Warning," which was signed by Mr. Rosewater and appeared in The Bee of November 6.

In substance it reviewed the conduct of George A. Bennett from the time he assumed the duties of sheriff in sheriff up to the date upon which the article was published.

It called attention to the fact that Mr. Bennett was neither a competent nor efficient law officer; his office work was done by a substitute; his executive work as custodian of prisoners had fallen into the hands of negligent and law-defying deputies; jail deliveries were frequent; instances of jailer Bennett's inhumanity were quoted.

The case of the 15-year-old white girl and the alleged abortion was cited. Other instances which completed the series of loose methods in vogue under the Bennett administration were given at length.

The Mosher scandal was also referred to. It stated that the "county jail had not only been turned into a gambling house, but a veritable bachelorette in which custodians of prisoners acted the part of procurers."

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of guilt. It would not do to establish any such precedent as to presume this defendant guilty merely because this suit had been brought. The witnesses for the prosecution in their mouths, minds and hearts to swear to the falsity of the assertions made in the article in question if they had so desired, but instead of doing that they merely swore to their having been candidates or to the positions they held. Had they done this they would have put the defendant on the defense, but up to this time they had certainly not done so.

Estelle again insisted that no case had been made out, and called attention to the change in the law that makes criminal libel now a felony instead of a misdemeanor. The state had recognized that law in seeking to make out the paper to be one of wide circulation, and now wanted the court to presume the two essential elements necessary to make out the crime charged. It might be possible for a jury to presume malice from the facts of the defendant or from facts before them, but the law did not presume malice, and no one could presume the falsity of the article.

The state would probably admit that some of the matters set forth in the article were true, but they denied none of them, and it would be impossible for the defense to know what it was expected to meet.

Mr. Day said that there were two justifications for an article—its truth and a good motive in its publication—and it was for the defendant to show that the publication of the article was not justified.

The court advised that inasmuch as each side was positive that it was right it would be well for each to submit authorities on the positions taken, and fixed the time at 2 o'clock tomorrow afternoon.

Bennett as a Shogger. Yesterday George A. Bennett, the ex-sheriff of this county, met a man in the corridors of the New York Life building, pounced upon him and struck him three times, inflicting some painful bruises. The individual was a party who had worked for Bennett's interests during the last political campaign.

The Advertising. Of Hood's Sarsaparilla is always within the bounds of reason because it is true; it always appeals to the sober, common sense of thinking people because it is true; and it is fully substantiated by endorsements which, in the financial world, would be accepted without a moment's hesitation.

Hood's pills cure liver ills, constipation, biliousness, jaundice, sick headache, indigestion.

Wait! Wait! Wait! The Globe Clothing company's loss is adjusted. The stock is being put in shape and the biggest free sale of clothing ever had in the city opens positively Saturday, Feb. 10, at 8:45 a. m.

Only Twenty-Two Hours to Texas. Cheap excursion to all points in Texas via the Chicago, Rock Island & Pacific railway, Tuesday, February 13, through car Omaha to Houston.

Special Excursion. To the Fruit Lands of Southern Texas. Tuesday, February 13, I will run a special low rate excursion to Houston and Galveston, Tex., and return, leaving Omaha from Webster street depot at 10 p. m.

Home-Sekers' Excursion South. Via the Wabash R. R. The next excursion south at half fare via the Wabash will leave Omaha at 4 p. m. Tuesday, Feb. 13th.

Big Pardun. For interrupting you, but you may possibly be going east. If so, there are a couple of trains you should really bear in mind.

Texas Wants You. The Gulf coast of Texas is a charming resort for invalids and for those who love the sun and sea.

Four Trains a Day. Leave Omaha for Lincoln via the Burlington route. The first departs at 8:15 a. m. and the others at 10:15 a. m., 4:30 p. m. and 6:30 p. m.

"Sunshine, Fruit and Flowers." The Milwaukee International exposition will be held in San Francisco beginning on January 1, 1894, and continuing six months.

Medley Concert Program. The program prepared for the musical medley at the Westminster church Friday evening gives promise of an excellent entertainment.

Dr. Price's Clean Baking Powder. Awarded Highest Honors World's Fair. The only Pure Cream of Tartar Powder.—No Ammonia; No Alum. Used in Millions of Homes—40 Years the Standard.

HAYDEN'S FRIDAY SPECIALS

Cleaning Out Remnants on Friday—Lively Times—Everybody Come.

MUSLIN UNDERWEAR SALE

Black Satine 5c Yard—Elegant Night Gowns at Almost Your Own Price—Swiss Embroideries to a Yard—Silk Specials—Flour and Fish in Basement.

REMNANTS. Remnants of lining cambric, 1 1/2c yard. Remnants of black satine, 5c yard.

Remnants of 35-inch wide serge, 5c yard. Remnants of 33-inch wide shirting, 5c yard. Remnants of white checked nainsook, lawn, India linens, etc.

Remnants of muslins and sheetings. Remnants of wash dress goods at less than half their value. Remnants of English and French satine, only 10c yard, worth 25c and 35c.

Remnants of light or dark calico only 3 1/2c yard, best make, too. Best shirting prints, 3 1/2c yard. Best 36-inch wide percale made, worth 19c, reduced to 10c yard.

MUSLIN UNDERWEAR. Letting down prices on muslin underwear. Closing out the balance of gents' over-shirts in dark colors at less than cost.

GENTS' FURNISHINGS. 4 pair heavy seamless socks for 25c. Gents' fine camels' hair socks, 15c, worth 25c.

Very fine Swiss and cambric embroideries for 1c per yard. Lovely edge and wide trimming embroideries for 3c per yard.

Printed China silks on dark grounds worth 40c a yard at 25c. Yard wide white habutai wash silk worth \$1.25 a yard at 85c.

Hayden's Fish Department. We have now over one car load of fish on hand that we are going to sell at prices never heard of before.

Flour. Hayden Bros' 5X flour, \$1.10. Good rye flour, \$1.00. Strictly pure rye, \$1.25.

ANNOUNCEMENTS. "The stone which the builders rejected has become the chief stone of the corner."

Notice of the Union of men under this head, fifty cents each additional fee, ten cents.

PETERSEN—Mrs. J. D., aged 27 years, at Second and Broadway streets, February 7, 1894.

Funeral of George F. Rohm, who died of pneumonia February 8, will take place at 2 p. m. at the residence of his mother, Mrs. J. H. Rohm, 1111 S. 16th street.

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A Steaming Combination.

Since returning from the east, Mr. D. H. Stearns has perfected the strongest combination ever organized in the northwest for the purpose of colonizing Oregon and Washington lands.

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CONTINENTAL

Our great cash purchase of Fine Clothing consisting of 3,000 Worsted Sack Suits is all here now and is being closed out rapidly at

50 cents on the Dollar

A CARD.

This sale is worthy of the attention of everyone who appreciates fine clothing as the goods are elegant worsteds Sack Suits, which usually retail for \$20 and \$25 Your choice of any of the

Sack Suits \$10 and \$12

Don't wait too long, for they are going rapidly and first choice is always best.

At The CONTINENTAL N. E. Cor. 15th and Douglas

MANHOOD RESTORED "CUPIDENE" The reason suffering men are troubled with Prostatitis, CUPIDENE is the only known remedy to cure without an operation. It is a powerful, safe, and reliable medicine, and is the only one that cures the disease in its early stages.

"CLEANLINESS IS NAE PRIDE, DIRT'S NAE HONESTY." COMMON SENSE DICTATES THE USE OF

SAPOLIO

RARE FRAMES. GREAT EST LABOR SAVER THE LEHIGH WASHER

It makes washing easy instead of a drudge. It is simplicity itself. Cannot get out of order. Fits any tub. A 12-year-old child can run it. Operator need not put her hands in the water.

Chas. Shiverick & Co., 1206-1238 Douglas St., MILLARD HOTEL BLOCK.

W. Douglas's BOYTON WATERPROOF SHOES

Full Set Teeth \$5

Dr. Withers, 4th Floor, Brown block, 16th and Douglas Streets, Omaha, Neb.

THE ALOE & PENFOLD CO. RETAIL DRUGGISTS Prescription Pharmacy

Invalid Chairs, Supporters, Atomizers, Syringes, Crutches, Batteries, Water Bottles, Shoulder Braces.

PHYSICIANS' SUPPLIES. INVALIDS' NECESSARIES. THE ALOE & PENFOLD CO. 1408 Farnam St. Opposite Paxton Hotel

NEW New Styles. New Sizes. New Backgrounds. New Accessories. New Ideas.

THE LEHIGH WASHER It makes washing easy instead of a drudge. It is simplicity itself. Cannot get out of order. Fits any tub. A 12-year-old child can run it.

DRUNKENNESS Or the Editor of the Daily Bee, Omaha, Neb. It can be given in a cup of coffee or tea, or in food, and the patient will be cured in a few days.

A FAIR PRICE PAID FOR GOOD Dental Work

BIRNEY'S Catarrh Powder

Dr. Withers, 4th Floor, Brown block, 16th and Douglas Streets, Omaha, Neb.