

ATTACK ON THE PARK BOARD

Its Legal Existence Denied by the City in Doane Dispute.

LAW AUTHORIZING IT INVALID AND VOID

Court Grants Modified Writs but Holds that if Services Alleged Were Performed Payment is Mandatory.

The mandamus suit instituted by George W. Doane to compel the payment of \$235 as attorney's fees for prosecuting the market house injunction case in the supreme court...

Mr. Doane's application for the writ of mandamus came up before Judge Ambrose Monday afternoon, and on the showing that was made in affidavits he issued a peremptory writ, or, rather, two of them. One commanded the finance committee of the city...

As soon as the writs were served members of the finance committee took steps to fight the case, and yesterday went into consultation with City Attorney Cornell. The result of the deliberation was the drafting of a motion, asking the court to modify the peremptory writ so that the order would be alternative. It was also asked that more time be given the councilmen in which to make answer to the writ.

BOARD WITHOUT AUTHORITY

A number of reasons are advanced in support of the motion. The principal ones attack the legality of the board and the constitutionality of its appointments. They are as follows: That the so-called Board of Park Commissioners referred to in said proceedings has no valid or lawful authority to perform the duty purported to authorize the appointment of said Board of Park Commissioners by the judges of the district court...

The exciting horse race continues to attract great interest, and the other unique features seem to have lost none of their powers of amusing. "On the Mississippi," the great American play, by William Hawthorne, will open a four-night engagement at the Grand Opera House commencing with the usual matinee Sunday, December 22, with a special holiday matinee Christmas. "On the Mississippi" treats of the life of the great river and the city of New Orleans. The author has selected for his incidents the thrilling episodes of reconstruction days...

MODIFIED WRIT GRANTED

The hearing on the application of the city council for a modification of the writ was had before Judge Ambrose at 2 o'clock yesterday afternoon. At the close of the arguments the modification asked for was granted and the final hearing was set for Tuesday, December 24.

In support of the petition City Attorney Cornell argued that the facts as stated in the petition were entirely misleading. The finance committee had never declared that it would not allow the item for Judge Doane's fee, but simply retained the bill pending an investigation which had not been completed. As a matter of fact the fee had not yet been earned, as the case had not been decided by the supreme court, and it was expected that there would be a hearing by argument when the case was reached. He also attacked the bill of \$235 for expenses, which he declared was excessive. He held that it would be a manifest injustice to enforce the peremptory writ until the members of the council had had a day in court and an opportunity to show that the facts as stated in Judge Doane's petition were not correct.

RECEPTION TO THE TEACHERS.

One of the most cordial greetings that the school teachers of Omaha ever got as a body was that extended to them last night at the rooms of the Young Women's Christian association. The reception committee of the association was assisted by twelve of the teachers, members of the association. Light refreshments were served during the two hours by the women of the Second Presbyterian church. Piano and flute music in duets and solos was furnished by Mrs. Currier, pianist; Mrs. Metcalf, Parlin, and Lehman, flutists. The rooms were crowded to overflowing.

THE CHICAGO, MILWAUKEE & ST. PAUL.

"This is the road that has the electric light." "This is the road that has the electric light." "This is the road that has the electric light." CITY TICKET OFFICE, 1504 FARNAM ST.

Hayden Bros.' ad is on page 2.

AMUSEMENTS.

The popular actor, Clay Clement, whose artistic character acting in his latest success, "The New Dominion," has received much favorable notice, will open a three-night engagement at the Creighton, commencing Thursday, December 19, presenting his successful play to an Omaha audience for the first time.

"The Fast Mail" closes its engagement at the Creighton with two performances today, the usual matinee being given at 2:30.

"The War of Wealth" is one of the great successes of the season. It is an American play, written by C. C. Bennett, the author of "In Old Kentucky." Manager Litt has spent a great deal of money in procuring it with elaborate scenery, and it is a production of an American play given in this country. It will be seen at Boyd's Friday, Saturday and Sunday evenings.

Leon Marquies, manager of the Dime Opera company, with Manager Haynes that the report which has been given circulation here by irresponsible parties that the principals of the company will appear at Omaha engagement. His exact words are: "Report absurd; will bring entire company of 290, including all the principals."

Frank Mayo has escaped from "Davy Crockett." The hoopline through which he turned on Monday night is the title role in his own dramatization of Mark Twain's "Pudd'nhead Wilson." For many years Mr. Mayo as an actor has been under the burden of a great success, "Davy Crockett."

The Christmas attraction at Boyd's theater, opening Monday, December 22, will be Jacob Litt's play, "In Old Kentucky." This entertaining domestic story, embellished by very striking novel features and faithful scenic pictures, is familiar to every theatergoer in Omaha, and, in fact, has been honored on prior visits by the largest patronage ever accorded a similar production in Omaha.

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DISASTROUS FAILURE

We can mention no failure more disastrous than that of physical energy. It involves the partial suspension of the digestive and assimilative processes, and entails the retirement from business of the liver and kidneys. Only through the good offices of Hostetter's Stomach Bitters can the restoration of its former vigorous status be hoped for.

LOSES ANOTHER DIAMOND.

Howard N. Hattenbauer found the pastime of losing diamonds so exhilarating while in Council Bluffs that he had hardly gotten outside the city before he repeated the operation. The Kansas City Journal of last Saturday reports that Mr. and Mrs. Howard N. Hattenbauer of Chicago are stopping at the Coates house, having arrived Friday evening from Lincoln.

HERE'S YOUR CHICAGO TRAIN.

The Burlington's "Vestibled Flyer" Leaves Omaha—5:00 p. m.—PRECEDELY. Sleepers—Club Cars—Dining. Tickets at 1324 Farnam street.

LOOKOUT MOUNTAIN IN OMAHA.

General Henderson, the second of the speakers at the lecture, in a course which is being given by the Unity club during the winter, re-delivered his Chattanooga address to an audience which filled the hall at eight o'clock last night.

A DANCE TUESDAY NIGHT.

U. S. Grant Relief Corps will give a dance and social entertainment Tuesday evening, Dec. 17, at the Metropolitan hall. The proceeds will be for the benefit of the relief fund. These entertainments are very enjoyable affairs and should be well attended, as the object is a worthy one.

WOMEN TO LEND ASSISTANCE

Fair Shoulders to Be Placed Against the Omaha Wheel.

WILL TAKE HOLD OF UNION DEPOT PROJECT

Club Meeting at Which the Members Open Up the Discussion of Their Sundry and Diverse Themes.

One of the most enjoyable programs of the year was presented at the Women's club Monday afternoon to a smaller house than usually assembles on such occasions.

After some routine business had been disposed of, on Mrs. Powell's motion the chair appointed Mrs. Peattie, Mrs. Keyser and Mrs. Heller as a committee to devise a plan for helping the Farnam street union depot project.

Mrs. Frank Cross, one of the club's charter members, who has been the guest for the past year, gave a brief account of the club into which her Omaha club visiting card had admitted her. She says every New England village has at least one club, and most of them are made up of women.

The program opened with a song by Mrs. Erkkhart, "And There Were Shepherds." This beautiful Christmas music was followed by a paper on "The Christmas Eve" by Mrs. Emma C. Gordon. Mrs. Gordon traced the growth of Christmas song from that first glad and angelic hymn to the merry carols of holly and yule, and through the later hymns and songs to the familiar "The Christmas Eve" by Mrs. Gordon.

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CAPTAIN BECK ON THE INDIAN.

Respects in Which the Red Man Has Made Progress and His Future.

ARE AFTER BARNES' PLACE.

Firemen Would Like to Be Second Assistant Chief.

Members of the Fire and Police commission met in regular session last night, transacting considerable routine business.

August Williams, captain of hose company No. 2, asked to be promoted to the position of second assistant chief of the department. Engineer Windheim of engine company No. 4, George C. Crager, captain of No. 4, and Horace Clements of engine company No. 1 asked for the same position.

When the present generation of the Indian, the link between the old and the new type, passes away then will the education of the Indian be more effective. I do not believe in the indiscriminate distribution of lands among all the Indians. I would educate the Indian and then say to him: 'Here's the land of your fathers. I will give you a piece of the white man's land. I will give you a piece of the white man's land. I will give you a piece of the white man's land.'

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HOLIDAY RATES.

VIA NORTHWESTERN LINES 200 miles in any direction Dec. 24-31, Jan. 1st.

5:15 P. M. or a quarter to six.

The Omaha-Chicago Special, via the Northwestern line, arriving at Chicago next morning a quarter to nine, 8:45 a. m.

CHICAGO, MILWAUKEE & ST. PAUL. Short Line Between Omaha and Chicago.

No. 4 leaves Omaha 6 p. m., arrives Chicago 9 a. m.

No. 2 leaves Omaha 10:45 a. m., arrives Chicago 7:15 a. m.

No. 1 leaves Chicago 6 p. m., arrives Omaha 8:05 a. m.

No. 3 leaves Chicago 10:25 p. m., arrives Omaha 8:25 p. m.

Oberlin (O.) Students and Alumni. Former students and alumni of Oberlin (O.) College in Omaha, Council Bluffs and vicinity are requested to leave or send name and address to 1523 Douglas St. (basement), Omaha, Neb.

Comfort to California. Yes, and economy, too. If you penalize the Burlington's personally conducted one-week excursions, which leave Omaha every Thursday morning.

A Clean Train Direct from Omaha. A CLEAN TRAIN DIRECT FROM OMAHA. Evenings at 5:45.

The Omaha-Chicago Special. Via the Northwestern Line. ENTIRE TRAIN FROM OMAHA Union Pacific depot 5:45 p. m. Expressly for OMAHA.

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Xmas Presents

To prepare for Christmas in a big store like this, is as difficult as rigging a ship from jib to cargo.

Here is a special buyer, ransacking every nook and brook in the markets, bidding on anything and everything worthy of our reputation, working like a Trojan to buy things cheaply, taxing brain and wit to accomplish more than the next. But the results are gratifying, and as Shakespeare quoted 'labour is ever rewarded.'

Satin Suspenders—embroidered—at 25c; worth 75c. Embroidered Satin Suspenders in single glass box, 50c; worth \$1.00. 3 assorted Handkerchiefs for 25c, fully worth 50c.

All linen bordered Handkerchiefs 15c; worth 25c. Satin Mufflers, brocaded, 75c, worth at least \$1.25. Satin Mufflers, hand worked, \$1.00, worth \$1.75 at least.

Silk Handkerchiefs, hemstitched, quite large, 25c; worth 50c. Silk handkerchiefs, hemstitched, white or black, 45c; worth 75c. Silk handkerchiefs, flowered, for ladies or gents, 50c; worth \$1.00.

250 dozen neckties at 25c—better than the grades that sell at 50c. 150 dozen lovely \$1.25 and \$1.00 ties—your choice, 45c. Elegant Mocha dress gloves at 75c; others charge \$1.00 to \$1.25.

4-ply linen bosom shirts—double front and back, 50c. Is it not surprisingly less? And how about other things and their prices? Nothing—really nothing—is sold here without a saving margin.

All kinds of gloves and mittens—nightrobs—collars and cuffs—jewelry—suspenders—even underwear is considered by some a sensible and useful Christmas present.

A show window fronting Douglas street contains all things suggestive for a sensible present. Goods and prices are displayed together. All you have to do is the picking.

"A FAIR FACE MAY PROVE A FOUL BARGAIN." MARRY A PLAIN GIRL IF SHE USES SAPOLIO

This'll be black suit week at the Equity Quitting Business Sale, All our fine black suits, cutaways, frocks and Prince Alberts—in all the standard fashionable suits—English clay worsteds, vicunas, Thibets, Riverside worsteds, doeskins, broadcloths and all the well known weaves.

They're correct for street—church or full dress wear—They're correct to get married in—to get divorced in—They're correct for all occupations and conditions—And they're as standard as sugar in the market.

But we've cut every price in two—right in two in the middle—because we quit in two weeks, \$6 buys a fine clay worsted that sold for \$12.50, and the finest \$25 suits go for \$12.50. Lots of prices in between.

Buy your dress suit now. Furnishings at half price also. THE EQUITY CLOTHING COMPANY, Quitting Business, 13th and Farnam

Raymond—Jeweler. In Sterling Silver, or Mounted with Silver. CHRISTMAS GIFTS FOR GENTLEMEN. Hair Brushes, Hat Brushes, Cuff Links, Pen Holders, etc.

JUST THE THING FOR A Christmas Present. "Scovill's Gold". Any lady will appreciate such a useful and beautiful gift as our "Scovill's Gold".

Puff Box AND A BOX OF Pozzoni's Celebrated Complexion Powder. Pozzoni's is the Ideal Complexion Powder—beautifying, refreshing, cleanly, healthful and harmless.

POWER FROM GASOLINE. DIRECT FROM THE TANK. CHEAPER THAN STEAM. Otto Gasoline Engines. Stationary or Portable. 4 to 50 H. P.