d the

# Coming here with the throng

Naturally and with the best of reasons the steps of the discriminat. ng buyers of gifts tend toward this store. The certainty of finding the substantial, season able and sensible things sought is, we presume, the predominating influence, and then there is that comfortable feeling that buying here is always safe—that prices are right—and that frowns never meet the returning customer who is not quite satisfied. All of these have an able and sensible things sought is, we presume, the predominating influence, and then there influence. The crowds are here and are welcome,

Agents for McCall's Bazaar Patterns-Ioc and 15c-no higher

MEN'S

complete.

FURNISHINGS

Silk Suspenders-

just the thing for a

gift and our line

was never more

Hand embroldered

6

S AL

Hand Painted Fans, mounted on beau

satin Suspenders gold plated buckles, 35 a pair.

LACES Laces of every description for Christmas work. Valenci-Same and the second

2

ennes in real and imitation Ville all widths, plain and dotted footing; Cotton Laces in cream and white; Sik Laces, Chiffons, etc.

OSTRICH BOAS Don't fail to see our

line before buying 20-Inch Ostrich Boas from \$2,50 to \$6,00

Longer Boas in higher prices, up to \$17,00 each, We also have black Plumage Boas, 45 inches long at 75c, \$1,00 and \$1,59 each,

CORSETS W. B.No. 410 made of Cou-

tille, with sateen stripes in DRESS White and Drab; also in fast Black; of 600DS lasting cloth; White lined; boned bust; Many a two side steels; double busk; handsemely face can flessed silk edging at \$1.00 each.

#### CHRISTMAS To assist you in m a k i n g morning BARGAINS IN THE CLOAK DEPARTMENT you. Christ- for a mere

mas selec- trifle of tions, we name some very decided bar- costgains in our Cloak Department-every item is much below its value.

20 CHILDREN'S REEFER Coats, size 20 CHILDREN'S REEFER Coats, size
6 to 8 years, the last of our immenses
stick, one price to close, \$2,75 each,
15 FINE PLUSH CAPES, beautifully
embroidered with jet and braid,
trimmed with fur, plaited back, Christmiss price, \$5,00 each, worth double,
MISSES JACKETS, sizes 14, 16, 18 years,
You will find some rare bargains in this
line, We have them at \$1,75 and \$5,00,
worth \$5,00, \$8,00 and \$10,00.

UNDERWEAR Ladies' Ribbed Swiss

Vests and Pants in

mixed wool and cotton, 75c each. Ladies' Natural Wool Ribbed Vests and Pants, \$1,00 each, Ladies' all Wool Scarlet Underwear, \$1.00

a garment, Ladies' Extra Fine Fleeced lined garments, 50c each, open or closed pants, Ladles' mixed Wool and Cotton combi-nation suits, \$1.00 each. Ladles' Fleeced lined Vesis and Pants, very nice quality, 25c each. GENTLEMEN'S We have just ten SILK SMOKING Japanese silk

For the Holiday Season-We KID GLOVES are showing a remarkable, we will close at \$4.00 each.

line of Gloves for all occasions for ladies, gentlemen and chil- HOLIDAY For the Christmas table, or

dren-LINENS

prices,

A read kid skin Glove at \$1.00 per pair. The latest Paris novelties in embroidered Kid Gloves, The correct Pique Kid Gloves, in all the newest and most fashionable styles and coloring, for streat wear.
 The new Mousquelairo Gloves in Kid.
 12, 18 and 39 button length, for recep-tion and evening wear.
 The newest novelty in white glace kid Gloves, with jewel hooks and embroid-cred to match the jewels.
 All the latost styles and highest qualities in Men's Kid and Leather Gloves, for street, dress and riding.
 All at most attractive prices.



Real Duchesse and Point Lace Handkerchiefs, nitial, Hemstitched and Embroidered Linen Handkerchiefs, ( At Zie each, The largest line we have ever shown in women's all linen em-broidered and hemstitched handker-Initial, chiefs, z 25c each for Initial Handkerchiefs for men and women, all linen, hand em-broidered Initial. Men's White Silk Hemstliched Handker-chiefs at 25c, 50c and 75c each.



sensible gift in the way of a dress pat-tern for a mere trifle. Three great bar-

gains. REDUCED FROM 30C AND 40C Standard goods, and little prices, they are all this season's goods, good styles and choice colors, 33%C, REDUCED FROM 40C,

33%C, REDUCED FROM 40C.
 These handsome chevlot checks are very new and stylish, the check is not large, beautiful quality for children's and misses' school dresses.
 35C, REDUCED FROM 40C.
 Mixed chevious or mingled novelties, you would call them cheap at 40c, but for Christmas selling the price we have marked them? will burry them and.
 Come carly to avoid b in ; cl'appenned

ZACKETS, \$4.00 Smoking Jackets, 1.119 embroidered, which

white and colors. a gift for a friend, these splendid Linens will be satisfying. Nothing less than bestwould be a wonder that we can say such

under the resolution which they have published; from interfeting with The Boe in its solicitation of business in publishing these licenses.

Omaha 12-15-97,

BEE HAS A PROPERTY RIGHT. "Now, as I say, I have not hadr all the

advice in this case, perhaps, that I ought to have, but I regollect somewhere, and I believe authorities can be found that a statute like that confers a property right This statute says that the notice shall be paper should have the right to publish it because that paper would give it the widest publicity. Now, then, whether they in-tended that or not, the effect of the statute is to confer upon the newspaper having the largest circulation the exclusive right to publish these notices; it is valuable and it is a property right. As I say, I cannot cite this morning any authorities upon that proposition, but I have a dis tinct recollection of coming across such authorities some years ago, and I am satified I could find them if I had the opportunity to search. "So then The Bee Publishing company

comes into this court with a property right, and they ask that that property right be protected. Now, then, here is a question of furisdiction, as I understand it, from Mr. Hall's statement, when he was skirmishing

Fancy plaid and figured silk suspenders, gold plaited buckles, \$2,25 a pair. Fancy silk suspenders, with solid silver buckles, \$2,75 a pair. Fancy silk suspenders with solid silver around the edges of this case. It is ad-mitted here, by Mr. Hall, for the police board, that the police board had no power to designate the newspaper. That is ad-mitted. It is admitted that two years ago, in bucklea, 82,75 a pair,
Fancy silk suspenders with solid silver buckles, \$1,75 a pair,
Fancy crochet suspenders, kid ends,
black, white, navy, maroon, light blue and light green, \$1,50 a pair,
Plaid silk suspenders, \$1,25 a pair,
Plaid silk suspenders, \$1,25 a pair,
Plain black shatin suspenders, \$1,00, \$1,50 and \$2,00 a pair,
Plain white satin suspenders, \$1,00 a pair,
Men's cotton suspenders, 25c, 50c, 75c and \$1,00 a pair, January, the police board did take that power upon themselves and did say that the Daily World-Herald had the largest circulation, and it is admitted that this present police board adopted a resolution, standing upon that finding which was made two years ago. And now, then, it is argued to me, and I admit that I felt humiliated to have a lawyer make such a proposition to me, but it was done here, it was argued

HOSIERY We have just received a to me that the finding that the World-Herald in 1896 or 1895, as the case may be, January very nice line of Ladies' 1896, had the largest circulation at that Ume, was an adjudication that it had the largest circulation at this time, and that

Pure Silk Black hose, with high spliced heel and double toe, \$2,00 pair. Also a very nice spun silk Hose in black only \$1.00, in all sizes, this court and the police board were bound by such a finding as that until it was reversed or set aside. WOOL The most beautiful Yarns for

QUESTION FOR TODAY.

"Now, then, it is not a question of what the circulation of these papers was in 1896, fancy work are to be found in in January. The question for our l license applicant today to determine is, liquot what

is the circulation of the papers today. Which is the one now in which he is to publish his Have you seen our Astrachan Wool Bave you seen our Astrachan Wool yarns.
We have some colors left that we close out at 25c per skein, former price 75c. Our Starlight Spanish yarn makes durable mittens and gloves for children, 20c per skein.
Fleur de Lis Floss is slik and worsted; exquisite for fine work and novelties, 20c per skein.
Try our Lady Grey yarn, it is beautiful for fine fancy work. 20c per skein.
Our Utopia Ice wool is the finest in the land, 10c per ball. notice or proposes to publish his notice, has the largest circulation? That is the question, and the finding by a police board of two years' ago, which was made without any authority whatever, as to what the circulation at that time was, did not bind anybody, not even this police board or this court, as to the circulation of the newspapers at the

"Now, to show the good faith of that plea let us suppose for a moment that two years ago the police board found The Bes had the largest circulation, do you suppose that this present collee board, by their attorney, would come into court and say they were bound by that finding? Not for a minute. In my judg-ment the pea was not made in good faith, it Holiday Giftwas not a lawyer like plea to make to a cour of the dignity of a district court, and I fel ndignant to think that a lawyer would com assortment of in here and presume that this court did no know any more of law than not to be able to Hand Painted distinguish the fallacy and foolishness of that kind of a plea. Now, then, it is said the jurisdiction of this court, that this court has and Spangled Fans, mounted

on bone. shell, no jurisdicton of the case; if the police board had no authority to determine what newspape pearl, ivory and ebony sticks, in black,

QUESTION OF JURISDICTION.

s entitled to be treated with respect, and have given it my best consideration, but I confess, as I said the other day, that if the police board had no authority to designate the

Fancy Garters, beautifully made up Dinner Set. Bleached Damask Table cloth, 68x90 inches, and one dozen napkins, 20 inches, to match, \$3,50 a set. Hamstitched Bleached Damask Table cloth, 64x90 inches, \$2,50 e a.et. Handsome Cameo Quilts in blues and pinka, \$2,25 each. Fringed Quilts for metal bedsteads, \$3,90, \$3,50 and \$4,00 each.

FANS

Acceptable

a superb

other court would restrain the making of that kind of affidavit. MADE TO DECEIVE.

"The regular bona fide circulation of the Dally World-Revald?" There is a statement, in my judgment, that was made deliberately. with intent to deceive the public, because there is not a newspaper published within this city of any such designation as the Dafly World-Herald, and you cangot, nor I cannot, nor any other person ennuot say, from that affidavit, whether it means the Morning World-Herald, such as I now have on my desk, or whether the Evening World-Herald, or both. The affidavit is misleading; it does not prove anything, and it was sent out in connection with this resolution, published at the bot-tom, which the license board passed, and then down at the bot-tom it says, in very plain letters: "You can't get your license less you advertise in the World-Herald." "Now, then, I think I am justified in find

tween the district court and the police board ing that when the license board, in advance, without a case before them, without an issue made up, decided that the World-Herald had and the court and police board are to fight it out like boys in a ring, which is absolutely not so, "This court will make such orders as it the largest circulation, on a finding made two years ago, by another board, that they deems right, and the police board will obey them. There is no doubt about that. I have intended that the World-Herald should make use of that for the purpose of obtaining these publications of licenses CONSIDERS THE DEFIANCE.

"Now, I have got one other thing to say about this case and I am done. This newspaper reports that night before the the rights of a private party. The sympa-thies of the people of this community were with the company, because they all wanted board passed a resolution: 'Whereas, The Bee Publishing company has brought suit in the district court, Judge Keysor presiding, and under pretext of seeking a restraining order has sought to put in issue the present circulation of the newspapers of Douglas county in which the notices of application for licenses may be published; and whereas, This board has answered by a plea to the jurisdiction of the said court, and has refused to take any issue upon the circulation of the newspapers published in Douglas county in that this board has primary jurisdiction to try sole determine the matter, and no issue has yet been raised before this board upon which appeal can be taken to the district court. Now that is correct; in my judgment they have the sole primary right and jurisdiction to determine which newspaper has the greatest circulation when they are asked to grant a license, but that is the only time

they have got that right, and the supreme court has said so. "Now, then, because they have got a right to determine that whenever they grant their license, does that deprive this

court of the right to determine that, when a man comes in here and asks that his property rights be protected? I not think so. I have tried to give property this caim and dispassionate consideration, and I do not think, I do not see how the action

of this court in passing upon this tion. In order to determine whether ques The Bee has any standing in court to ask re-lief that it affects the right of the Board of Fire and Police Commissioners to pass upor that question when it comes before them on an application for a license, and I do not think it does, and I do not think the plea to the jurisdiction is well taken for that reason. Then it says: 'Now, there-fore, this board directs its attorneys, Hall & McCulloch, that they proceed no further therein, and in courtesy advise the court that we stand upon our plea denving the jurisdiction of the district court in the mat-

> OVERRULES THE PLEA. "As I understand the law of this case, as

it has been presented to me, I think that plea must be overruled, because it does not kn "I will say this, that if we had had a case fringe upon their jurisdiction in determining the question of circulaton when they pass upon the queston whether or not a license that could have been made out, that the mat-ter would not have been ignored. And I say

to the police board that if an order is made in this case, they may ignore the proceed shall be granted. "Some other matters in this, it says (here is a statement in quotation marks, which I ings of this court, but they had better not ignore its order. And I will enforce that order not by a fine, but by some other means that is within reach of suppose is true, otherwise the paper would not put in quotations marks.) It purports to the police board. 'We have great respect for the police board. 'We have great respect for the courts and we have been courteous and considerate to a great extent, but we also considerate to a great extent, but we also to be said, but if the idea is abroad that I the equitable rights of the parties in this and we shall not allow any judge to deprive case. And I want to say, and I say it em-pustically, now, that in passing upon the cir-

"I do not think there is any judge in this upon me in this case. This newspaper last state, at least I am not aware of it, that week lines me up and down in a proceeding

"If it were not for the courts their police department would soon become a nullity. If it were not for the courts punishing the criminals they arrest and assisting them in the enforcing of public order, they would soon be without a job; and that is the fact. And I say now that I know every one personally of these members of this police board, and I do not believe now and I can-not believe that these men intend to deiberately say that they propose to ignore and disobey whatever order may be made by the court. Judge Gregory is a member of this board, a judge and a lawyer a man who has all his life been engaged in the business of either obtaining justice for his clients or of administering justice as a judge, and I do not believe that Judge Gregory woold solemnly and soberly stand up and say that they proposed to enter into a conflict, with the district court, of this kind, and ignore its orders. I am inclined to thick that this newspaper has put it a good deal stronger than it was for the purpose of spreading it ou in this community that there is a fight be

injunction case where a ratiroad company undertook to take an alley and infringe upon

that the city of Omaha, through its

and I stated that in that finding.

word against obedience to the law or obedi-once to the orders of the court. COURTS SUPPORT THE POLICE. "If it were not for the courts their rolling defendants in the sum of \$200 with approved sureties conditioned as required by law. By the court.

WILLIAM W. KEYSOR, Judge. Omaha, Dec. 15, 1897.

## Soldiers Shot by Smugglers.

DETROIT, Dec. 15 .- Private Fred Mo-Millen of company F, Nineteenth infantry, will lose his right hand as the result of an will lose his right hand as the result of an encounter with smugglers early this morn-ing. The soldier was patrolling his beat around the barracks at Fort Wayne, when two men crossed the road ahead of him, He ordered them to halt. One of them stopped until the sentry came within ten paces, when he fired. Later the officer of the guard found McMillen bying helpless and the ground spattered with blood. The smugglers have been operating recently be-tween the vicinity of the fort and the Cang-dian shore. McMillan's home is in St. Louis.

### Australians Follow On.

SYDNEY, N. S. W., Dec. 15.-The Austra-lan eleven in the ericket match with the lian eleven in the erscket match with the visiting English team, which began on Monday last, were all out today in their first innuing for 237 runs. As the English-men, in their first innings, ended yester-day, were all out for 501 runs, the Austra-lians followed on with their second innings and at the close of play today had 125 runs to their credit for one wicket down, never had any occasion, and I say it with a good deal of gratification, to punish anybody, for contempt. Last summer I had a depot

# CURES QUICKLY AND SAFELY.

The Pyramid Pile Cure Cures the Most Aggravated Cases of Plles With Absolute Safety.

a depot, and I wanted a depot. I wanted to see a good depot there. But it seemed to me Pyramid Pile Cure will cure the most agthat that was the time for the court to stand gravated case of hemorrholds in an astonup for what seemed to be the law, notwith ishingly short time. It relieves the congesstanding public opinion, and in my best judgment I said that this rall-road company tas got no right to take private property without first hav-ing it condemned according to law, and ted parts, reduces the tumors instantly, no matter how large, allays the inflammation and stops the aching or itching at once, Thousands who have resorted to expensive city surgical treatment have been cured by the council has no right to vacate streets and Pyramid Pile Cure-in a number of instanalleys and give them away to a corporation, ces persons who have spent months in a

There hospital under a pile specialist, was another case where the same question It is a remedy that none need fear to apwas involved between the city, and the city ply even to the most agravated, swollen and inflamed hemorrhage tumors.

of Omaha was restrained before Judge Scott, and he held in his judgment under the Lindsay case that the city did have If you are afflicted with this stubborn disease you can master it and master it authority to vacate an alley and dispose of it. Our rulings were somewhat in conflict, quickly,

This remedy is no longer an experiment, but a medical certainty. Druggists sell at 50 cents per box. It is becoming the most popular pile cure this country has ever known and druggists everywhere are ordering it for their customorning about 10 o'clock, was in a hurry for something to be done, and I told him

For book on cause and cure of piles ad-dress Pyramid Co., Marshall, Mich., (for-merly of Albion, Mich.



am going to let the dignity, the power of this court, to go to decay, because I do not an ower newspaper attacks that have been made

publish their licenses.

ORDER OF THE COURT.

In the District Court of Douglas County

Mornlog World-Herald and the Evening

the court to pass upon the legality of the action of the said defendants in the passing of the resolution of November 29, set forth

in the plaintiff's petition; the court overrule

said plea to the jurisdiction and fi nds that

it has for the purpose of action complete

World-Herald, and also the jurisdiction

HIS SOLEMN WARNING.

ter. the license should be published in, then this court has got no eathority to do that.

tiful sticks, from \$1,00 up to \$15,00 each "This plea to the jurisdiction of the cour NOTIONS .We are showing a very handsome line of ladies'

culation of these newspapers I am not passing upon the circulation, and I do not intend.

be brightened on Christmas No.

WOOL



THOMPSON, BELDEN & CO.

or a demurrer or some specific writ or ac-tion presented to the court on which a ruling least two weeks' notice of the filing of the dealer applies for a license, it is the duty of could be based.

"Thereupon Mr. Hall, as attorney for the police board, asked that the case he postoned until yesterday morning, in order that he might examine the showing that was on hie, and make such showing as he might dosire, and be prepared to argue the motion for a temporary lojunction.

Ycetorday torday morning, when this case was at the time appointed Mr. Hall sppeared here very briefly and stated that he had been instructed by the police board to take no further action in the case and make no further appearance in court except to state to the court that they insisted upon publication begins. their plea to the jurisdiction of the court. Thereupon he withdraw from the court room

pany. That was done. The case was submitted to the court. It was taken under advice ment uctil this morning.

"These proceedings up to this point are or remarkable. Here is the police board of the city of Omaha asked by a proper writ come into the court and make a showing. It files an answer, sets up a lot of matters, and then at the last moment abandons them all, except the plea of jurisdiction, and its authority in advance to designate what newsattorney walks out of court, does not argue the plea to the court, nor does not state on grounds they c'alm that their plea such authority. what rests. It may be a proper way for a litigant to use a court, but in my judgment it is not right for these. If these defendants have any rights here, it is their duty to assist the court in determining what those rights this

#### BLAME RESTS WITH THEM.

"Now, I have taken this case under ad and examined the pleadings and the evidence, and am going to decide the best I can. If there is any mietake made in this case as against this police board, or against the World-Herald, it is the duty of these people to lay the blame upon themselves and not upon the court.

"Now, then, what is the issue in this se? I want to say at the outset that it seems that this police board, in collusion with this newspaper, have done everything they could to befog the leaves of this case,

and to deceive the people of this community is regard to what they are. "Yesterday morning the Morning World-Herald usines out with the statement, 'Llconsis board stands pat. Will resist encroachment upon its powers relating to the granting of caloon licenses.' Now that statement is absolutely and unqualifiedly false, so far as the issues in this case are concerned. This court has not been asked to " censis. interfere with this board in any way, chape

or manner, with reference to the issuing of icon licenses, and if such a request had en made it would have been refused absolutely and unequivocally without any heal-

"What is the question in this case? Section of chapter 1, relating to liquor licenses, provides that no action shall be taken upon such application (relating to the application

... IHE BEE Voting Contest FOR .... Queen of the Ice Carnival MY CHOICE FOR QUEEN POLARIS Ballot Boxes located at Millard Hotel, Bee Bidg, King Pharmacy, 27th and Leavenworth sts.; Chas A. Tracy's, 16th and Douglas; Bhrader's Drug Store, North 24th and Seward sts. NORRIS & LOVE, Carnival Managers. **DEC. 16** This bailot must be deposited within 3 days 'rom date. Caupons may be mailed within two days to Carnival Fen't. Bee Office, Omaha.

shall be

same has been given by publication in a the board to consider his acolication, newspaper published in said county, having to look at his service of notice by publi-the largest circulation therein. Then the cation, to hear any protest, and take evistatute goes on to provide: 'If there be no dence in the matter, and pass upon the newspaper it may be done by posting whole question, and grant him or refuse him newspaper it may notices,' etc. That is the only provision that I can find in this chapter relating to this question of the publication of notices. The statute says explicitly that it must be in a refuse a license, is the question of having the largest circulation. or police board or anybody, except a liquor cially has no right, before any application paper has the largest circulation what newsewspaper But the statute does not give to any court paper has the largest circulation, when the tion without a hearing.

BOARD HAS NO AUTHORITY. Therespon he withdraw from the court room and left the case to be argued and presented by the attorney for The Bes Publishing comurt when I was on the criminal bench, is affirmed by the supreme court, and that quesread the syllabus, the third paragraph: 'A show their circulation, if they so desired, license board has no authority to designate and to obtain this printing if they could es-

"Now, I say that the statute in express terms does not give this police board any authority in advance to designate what newspaper publication shall be made in, and the supreme court have said that they have no

seemed to me, that a newspaper that is good enough to publish the notice for the sale of the property of the people in this judicial district is good enough to publish a liquor license in, but

hat did not seem to have been the intention ! vided that these notices may be published in a legal newspaper, but in one newspaper, culation. Now, then, I suppose the object of that was, as has been stated, namely, that notices and have as wide a notice as possible, and I suppose and I believe that that was the intention of the legislature. Now, then, any man, or any body of men, who desire to comply with the law of this state, will see, so far as he is concerned, that his notice, or that Houor notices are put in the paper having the largest circulation, because that was the sor the legal fees. We ask that this board intent of the legislature, and this license be restrained from proceeding any further board, the Board of Fire and Police Commissioners, by their own plea, are the ones that are interested in having the notices put in the paper of the largest circulation. so that they can hear all the protests that

muy be brought against the issuance of li-"Now, then, I state here, that the issue

in this case is not whether the question of which paper has the largest circulation determined as to the validity of license that may be issued or may be refused.

but the question in this cas, is whether or not this circulation shall be passed upon by this court as a jurisdictional matter for the exercise of equity power. "The functions of the board, as I under

a licence, and it seems to me that that is a judicial function, and one of the things to be decided by them is, when they grant of or not a proper notice has been published

BOARD'S EX PARTE PROCEEDING.

"Now, this board, in this case, did no wait until a liquor dealer presented application for a license and then take his testimony; they did not call in all the news-papers of this city, as they ought to have done, if they were going to have a hearing the newspaper in which the publication of such notice shall be made.' circulation. But, so far as oppears to the court, without notice to snybody, unless it ignates the newspaper in which these ac tices shall be published, and cays to the

liquor dealers of this city, 'if you don't pub-Now, it seems to me, and it has always lish your notice in that newspaper you don' board. in, but largest circulation." "The Bee Publishing company comes into

vided that these notices may be publicated of any newspaper in this county and in in a legal newspaper having the largest eir-and that newspaper having the largest eir-this city; we claim that we have a prop-erty right in the publication of these notices and that this board has not given an application for a liquor license shall us a hearing; that we have not had an op portunity to present the question of ou that there is no issue before circulation; this board for determination when this resolution is passed; that this resolution works us an injury in the obtaining of these licenses for publication; that it is valuable privilege to publish these licenses

# Scrofula Eruptions

Little Girl the Victim of Impure **Blood - Suffered Intensely Until** Hood's Sarsaparilla Cured.

"When three months old, my little daughter had eruptions on her face. I was obliged to keep her hands tied at night and it was necessary to watch her during the day. She would scratch herself whenever she got the chance, until her clothes would be covered with blood. We concluded to try Hood's Sarsaparilla because I had great faith in it, and after awhile we could see that she was getting better. People often asked 'How did that child burn her face?' and they said she would certainly be left with scars, but she was not. It is now a year since she was cured by Hood's Sarsaparilla and her face is as smooth and white and soft as that of any child." MRS. WILBUR WELLS, Warren, Conn.

N. B. Be sure to get Hood's because Hood's Sarsaparilla Is the best-in fact the One True Blood Purifier. Sold by all druggists. \$1; six for \$5.

Hood's Pills take, easy to operate. the

nd do not expect to bind, and do not think for a moment that I am binding the police board as to which paper has the largest circulation, when they come to cass upon the validity of any license that is asked 'I believe just as thoroughly as this po

Nos board believes, that public authorities should be allowed to proceed according to law, within the scope of their own power case of doubt I would refuse to and in stretch forth my hand to interfere with them But the question is as to the equities of this case to-day, whether or not The Bee Publishing company has any standing in this case, and I stated here the other day, and I still think I am right that Mr. Rosewater or The Bee Publishing company, would have no standing to this court at all, in this case, unless he alleged in his petition and made proof that he did have the largest circulation. because, if he did have the largest circula tion, what business was it to him what the police board does about it.

HERE ARE THE FACTS.

"Now, then, what are the facts? In this case there are filed numerous affidavits; a saowing is made here which on its face seems to be very reasonable; seems to be fair; I cannot find anything wrong about it. It is undenied. Neither cannot tion was decided in that case, and I will and give all these newspapers a chance to the World-Herald has come in here to dis-read the syllabus, the third paragraph: 'A show their circulation, if they so desired, pute it, nor has the police board ever offered any evidence against it, and whether the affidavits be true or untrue, so far as I can observe, they are true and I am bound to take them, because they are, in my judgment, and the uncontradicted testimony in this case is that The Evening Bee has largest circulation of any newspaper in this

Now, then, if that is so, then The Even ing Bee has got a property right, under this atatute, and the question then comes whether or not that property right is being invaded or infringed by the action of the police

### COLLUSION IS CLEAR.

"It is charged here, in the amended peti-tion, that the Omaha World-Herald and the police board are in collusion; that they have joined in a conspiracy for the purpose of obtaining this printing for the World-Herald, or of keeping The Bee Publishing company from getting it. Now, I cannot go into de tail into all of this proof, but the fact that the attorney for the World-Herald appears here for the police board; not a single ber of the police board has appeared in this court; that every time this case has come up the World-Herald has been here, either represented by Mr. Hitchcock or others, or both; that the World-Herald is directly interested in this proceeding; that they have een present in the police board when these otices, these resolutions were passed notices,

that they have published this res-olution and sent it out to the liquor dealers, with a threat attached to their publication; I say, I think without any question the poset shows here that without any question these two carties, the police heard and the World-Herald, are acting together designedly, and that as a matter of fact they are doing so in my judgment, the evidence amply justifies the finding that

such one knows what the other is doing, and hat they are acting together for the purposes harged in this amended petition, and in the Here is an affidavit of circula-

tion, sent out through the United States mails on a business man's postal card, sent to a liquor dealer here, and filed as an exhibit to this affidavit, and of course none of these affidavits are dealed. This states that: "Thomas E. Harman, manager of the circulation of the Daily World-Herald, being first duly sworn, on oath states: That the regular bona fide circu-lation of the Daily World-Herald in Douglas county is now and has during the past month been more than 9,000 copies per day." This affidavit is signed by Thomas E. Harman, manager circulation, and is swarn to before and subscribed in the presence of W. H. Wilbur, a notary public, on the 6th day of December, 1897. There Is a

good deal of complaint about the restraining order of a court of equity, but I think it would be a mercy to the employes of paper if this court or thu 60210 wants to deprive them of their office, or of that was pending, that good lawyers hav advised me was contempt of court, but I said, any power, or of any right, or of any authority which they may exercise. The only no, we have too much contempt proceedings question is, whether this court will deprive in this court. I will let it go and let my record take care of me.

contempt.

them of the right to do things which the "It seems that they have come to the con-dusion that because I have not paid any atlaw says they shall not do, to prejudice the property rights of any citizen or corporatention to these proceedings that they can ignore the orders of the court. I say to them tion. This goes on to say: 'The matter governing the police and fire department and the granting of saloon licenses or the re-fusing of them is in our hands.' "Undoubtedly, there is no question about now that if they do it they will find out that there is a tribunal here that will stand by the

law as the people of this state have enacted that, and I am glad it is in their hands. I am glad it don't devolve on this court to issue it. I will inforce its order and let them go to the supreme court and correct me if they these licenses. And we shall keep it there, and in doing so shall not hesitate to think I am wrong. Now, then, if there is any here, if there is any lawyer here, put our authority to the test. Then this anybody can tell me why this relief asked f in this case under this showing shouldn't be granted, I will be glad to hear it. paper goes on to say that this board proposes to ignore the proceedings of the court Here is the uncontradicted and undisputed and to proceed as they see fit in the matter, Well, I have only got one other remark to vidence that The Evening Bee has got the

largest circulation. Here is the police commake about this. I, as a citizen, and as mission practically withdrawing all of its answer except as to the question of jurisdicpublic officer, I have respect for the consti-tuted authorities of this country. It doesn't tion. And I say that in my judgment what I

make any difference what their polities am doing does not infringe upon their jur their religion is. Here is the police board that has been appointed according to law diction in regard to liquor licenses, and I do not think, in view of the decision of the supreme court, in view of the provisions in nvested with the power of managing the police department of this city, and as such I respect them. If their official acts do not correspond with my judgment I am free, the statute, that this board has not any right without an issue before it, without a case as a citizen, to e cism. But when it before it, to stand upon a resolution made express my it come to crititwo years ago, as to what the circulation i now, and thereby prejudice The Bee Pub official matters I propose to treat this board with just as much respect as any lkigant, or any other officer in this state, and I think ishing company in its rights to solicit this advertising. The order of this court is that the relief they are entitled to it. But, on the

prayed for will be granted, and that this police board, acting collectively or singly, hand, I think that this tribunal is entitled to just as much. Here is a court that is es tablished by the constitution of this state and their officers, are enjoined from proceed ing under this resolution which they have here is an officer that is ejected by the this is a higher tribunal; it traces adopted to interfere with or to fluence liquor dealers as to where they its origin further back than theirs; the shall are appointees of the governor under legis shall have taken judicial action, as they ought to do when a case is before lative enactment. They have not been elected by the people of this district, and I them, they can stand on that judicial action think it ill becomes a body of that kind to and the only relief the members will have

stand up and say that they propose to is-nore the proceedings of a constitutional will be an appeal to the district court or the supreme court tribunal like this. It doesn't make any differ ence who the judge is, and of all the people of all the bodies in this state, that is the body that ought to be the last to say one Nebraska. The Bee Publishing company,

# A GIRL'S TALE.

Ive been used to eating and drinkly passed; ance I was a boy, I was trained that way no. I fear some change has taken place in my body and I sall never be well again.'

did not hurt him and were a comfort; eo we acquiesced until one day sister insisted on making the coffee ½ Postum Food Coffee and it was made that way for about 10 days until papa seemed brighter and complained leas of his head.

'That's it!' alter explained, and from that day she served Postum alone without any jurisdiction to hear and determine all o said questions. And the court further find coffee

as a jurisdictional fact in this case from the undisputed evidence on file herein that as Papa never detected the difference for we have learned the secret of making Postum between The Evening Bee and the Morning Evening World-Herald, the said Evenie to give it a prime, crisp flavor, it is easy enough, just allow it to continue boiling 15 Bee is the newspaper printed in Douglas inutes, counting from the time boiling county having the largest bona fide circulacommences, not from the time it is placed on tion therein.

It is therefore ordered by the court that until the bearing herein the said defendants. Robert E. L. Herdman, D. D. Gregory, J. H. Perbody, W. C. Bullard, W. J. Welshans and the Board of Fire and Poice Commissioners. Well the dear old soul seemed day by day to take on new life, he began to stay at the office later and was full of fun when he came home in the evening.

proof is plain enough that, morning individually and officially, their agents servants and their co-conspirators, the presi-dent, managers and officers of the World The after morning, year in and year ont, we had een feeding our dear old governor with cof Publishing company, a corporation, be, an the same are hereby temporarily and unit

fee that is really a strong liquid drug and it was gradually but surely kliling him. When it was partially removed he got a little better and when it was entirey removed the further order herin, enjoined from refe ring to officially or otherwise the said lliegal resolution of November 29, 1897, or from carrying the same out in letter or in spirit, and the pure food coffee, Postum served. his recovery was rapid.

for the purpose of inducing any person, firm or corporation by threats, intimidation, co-We don't fool Papa on many things, bu we just had to this time for he was steadily and surely leaving us and we love the dear ercion or solicitation to place any liquor notices or druggists' permits in the news-papers known as the Evening World-Herald old man too much to leave anything undone that will keep him here.

It is woman's privilege you know to tease, cajole and beg, then 'finesse if the dear old lard headed things wont listen to reason.



The perfect accuracy of Eigin Full Ruby Jeweled Watches is one of the reasons for their world - wide reputation. Their great durability is another. It pays to own a watch of known merit.

Full Ruby Movements are made in sizes for ladies and gentlemen. Appropriate Holiday gifts. At all dealers-everywhere.

An Elgin watch always has the word "'Elgin"' engraved on the works-fully guaranteed.

ELGIN NATIONAL WATCH CO., Eigin, III.

> AMUSEMENTS. 1.1

in

When they

------

BOYD'S THEATER Friday Five. 17. GRAND CONCERT Direction Homer Moot NORDICA CONCERT COMPANY Exchange tickets now on sale at Chase's, 1518 Farnam St. Hox office at theatre open to these tickets only on Tuesday. Regular sale of seats opens Wednesday at 9:00 A.M.

plaintiff, against Frank E. Moores, Robert E. L. Herdman, D. D. Gregory, J. H. Pea-body, W. C. Bullard, W. J. Weishans and the of seats opens Wednesday at 9:00 A. M. Prices \$2.50, \$2.00, \$1.50. Boxes, \$15 and \$10 Gallery, \$1.00. Steinway Plano, used. ONLY CHANCE TO HEAR A GREAT VOCAL ARTIST THIS SEASON.

This day this cause coming on to be heard for a temporary injunction upon the order CREICHTON | Postor A show cause heretofore made, and the pet tion and amcodments thereto of the plaintiff TELEPHONE 1831. said plaintiff, and the answers of the d 3 NIGHTS | Sunday Mat | DEC. 19

Always in the Lead HOYT'S A BUNCH OF KEYS (Or the Hotel)

ADA BOTANER as TEDDY. Prices-25c, 50c, 75c, \$1.00. Matinee prices-25c, 35c, 50c.

GUILL'S Concert Garden S. E. Cor 16th and Davenport Sts. CONCERTS EVERY NIGHT 7:30 TO 12 Thit and Saturday, 2:30 THIS WEEK'S ATTRACTIONS .... Master Arthur Gaff-Cornet Virtuso. The original Wrothe and Wekefield, frish

HOTELS. THE MILLARD 13th and Douglas Sts., Omah CENTRALLY LOCATED. nerican plan, \$2.50 per day up. European plan, \$1.00 per day up

Comedians. Purita and Georgie, Lilliputian Sketch. Helen Eloane. Bessle Raymond. - Ella Kirchner, Soloist. J. E. MARKEL & SON, Props. BARKER HOT THIRTEENTH \*\* OW TO LOS PCCORES man-140

### Board of Fire and Police Commissioners of the City of Omaha, defendants, With a Reason for Misleading the Father. "We have tried for a long time suade proa that perhaps his diet had some-thing to do with their ill feelings, he used duly verified, and the affidavits on b to laugh good naturedly and say 'why girls. and plastin, and the plastic of the for-femdants, and also the plast to the juris-liketion of the court to pass upon the question of the circulation in Douglas county of the newspapers known as The Evening Dec. the Newspapers World World

We often suggested that he leave off coffee and tobacco, but he urged that they