

#### PUWER MEN CRY TRAITOR

Friends of Sheriff Attributes Latter's Defeat to Double-Dealing.

"OLD MAN" SAYS HE HAS NO SORE SPOTS

Victorious Candidates Receive Congratulations - Drezel Has No Choice as to His Opponent for County Clerk.

"Traitors in the camp" was the sentiment of Sheriff Power's close friends and supporters, when they learned that Tom Flynn had defeated the sheriff in the democratic

One Power man said: "Perhaps a better way to put it would be that the influential democratic leaders and the business men who urged the sheriff into the race for a fourth term failed to back up their sentiments by their votes. They made the mistake of thinking he could not be defeated at the primaries, and feeling this they remained away altogether. An analysis of the vote, and the fact that only about 1,500 votes were cast for the two candidates,

proves this fact." Sheriff Power took the result with good grace. There are some things de in disappointed over, notably the failure of his substantial friends to get out and work, or at least vote. There are of course some other matters that have caused him perplanity recently, but he said:

"I have all along felt that even if I should be defeated the people of Douglas county have treated me in a manner to make any man feel proud. I can go back to my cooperage business with a good grace, because those who were on the inside know that I did not want to run for even a third term, and supported Mr. Flynn in good faith, so long as he had any chance. to land the nomination. This time I was urged to be a candidate again by men in whose assurances of active and loyal support I relied to the utmost. But there are no sore spots on me over the result of the primary. You can make that emphatic."

Fink Showered with Bouquets. County Treasurer Fink was immensely pleased, as well he might be, over the splendid vote he received at the primaries, when he had no opposition and had made no effort to secure a large vote. He was the expression of confidence thus given by the republican voters of the county. He will assuredly prove a source of strength to the ticket, if the primary returns count for anything at all.

D. M. Haverly and William G. Ure also were receiving numerous congratulations,

### THE VALUE OF CHARCOAL.

Few People Know How Useful it is in Preserving Health and Beauty. Nearly everybody knows that charcoal is value when taken into the human system ment the second time; for the same cleansing purpose.

Charcoal is a remedy that the more you take of it the better; it is not a drug at the way through Omaha to Sarpy Mills all, but simply absorbs the gases and im- and back again daily between now and the purities always present in the stomach and campaign to do it. I have plenty of reaintestines and carries them out of the sys- sons to urge why he should not be elected

Charcoal sweetens the breath after smoking, drinking or after eating onions and He dropped me from his office at the other odorous vegetables. Chargoal effectually clears and improves

safe cathartic. It absorbs the injurious gases which collect in the stomach and bowels; it disin-

poison of catarrh. All druggists sell charcoal in one form or many lives.

another, but probably the best chargoal and the most for the money is in Stuart's Charrather, in the form of large, pleasant tast- seller. Very liberal terms. Large profits. ing lozenges, the charcoal being mixed Agents wanted everywhere. Write George

The daily use of these losenges will soon New York, for full particulars. tell in a much improved condition of the general health, better complexion, sweeter breath and purer blood, and the beauty of it is that no possible harm can result from their continued use, but, on the contrary.

benefits of charcoal, says: "I advise Omaha, Neb. Stuart's Charcoal Losenges to all patients suffering from gas in the stomach and bowels, and to clear the complexion and purify the breath, mouth and throat: I also believe the liver is greatly benefited by the daily use of them; they cost but twenty-five cents a box at drug stores, and although in some sense a patent preparation, yet I believe I get more and better charcoal in Stuart's Charcoal Lezenges than in any of the ordinary charcoal tab-



CONTAINS NO QUININE STERMAN & MCCONNELL DRUG CO. Cor. 16th and Donge Sts., Ometa.

especially the latter. Such a race as Mr. LANE MAKES REPLY TO HUNT Ure made in almost every precinct would be flattering to any man, he feels, and he wants his friends to know that he is appreciative of their efforts in his behalf.

The rooms occupied by the county judge was the scene of many impromptu joilification meetings. Chief Clerk Leslie had received the benefit of the work of a large number of young hustlers, an advantage the other candidates did not have, with the result that he won out quite handily. He declares that the same kind of a campaign will be pursued in the election contest proper.

County Clerk Drexel, the only democratic official in the court house who was renominated, had not had any occasion to worry over the result at any time, as he was mopposed. As to whether he would prefer to run against Bandle or Haverly Mr. Drexel said he had no choice.

"What's the use of worrying over choice of opponents?" he asked. "The people will decide between the candidates as they think best, and that will be satisfactory to me. I am not the worrying kind." The law provides that the mayor, city clerk and city treasurer shall begin the canvass of the city returns at 11 a. m. the second day after the election, Thursday, and that the county clerk shall appoint two assistants and begin the county canvass Fri-

Whether the supreme court sustains the validity of the Dodge primary election law or whether it is declared void, the repubican committee of Douglas county will not change complexion. A decisive majority will continue to represent the regular republican organization, even though the irregulars have captured two or three important positions on the ticket by reason of a multiplicity of opposing candidates.

CRAWFORD PURSUED BY NEMESIS Thinks Some Fate Follows Him in

All Campaigns, Among the victorious candidates on the republican ticket one had just a shade of gloom in his voice. This was Bryce Crawed nominated for police magistrate. H had contemplated the manner in which 12.50.

Jules G. Lumbard, his democratic opponent, DULUTH, ASHLAND AND BAYFIELD had contemplated the manner in which snowed under 8. I. Gordon for the nomination on that ticket. It is the universal opinion that Mr. Lumbard won through what is known as a "sentimental" vote, due to his long career as a singer of patriotic and religious songs. Said Crawford: "It seems to me that every time I get ominated for an office the opposition insists upon putting up some man not amenbeing congratulated all day Wednesday on able to political rules and usages to dispute my path to office. For instance, there was is a man going to go up against such predicaments as this and not feel a little leary?

> ability I think I have to manage the joh." Chicego to Montreal and Niagara Falls, OUT TO DEFEAT FORMER CHIEF

S. Arion Lewis Swears Vengeance on Flenting. Said S. Arion Lewis, who was City Tax the safest and most efficient disinfectant Commissioner Fleming's deputy during the

> "I am going to defeat William Fleming for county treasurer if I have to walk all

county treasurer. It was I, as deputy, who forced his hand in the rallway tax matter. behest of a committee representing railway influence and pressure. I am asking all the complexion, it whitens the teeth and my democratic friends to vote against further acts as a natural and eminently William Fleming and I am sure that many will do so."

Try Chamberlain's Colic, Cholera and fects the mouth and throat from the Diarrhoea Remedy and you will never wish to be without it in your home. It has saved

There is Money coal Lozenges; they are composed of the in taking subscriptions to the Four-Track finest powdered willow charcoal and other News, the great illustrated monthly magaharmiess antiseptics in tablet form, or, sine of travel and education. A quick H. Daniels, publisher, 7 Fast 42d street,

Greatly Reduced Rates

Wabash R. R. Sold November 30-Account Home Visitor Excursions-Call at Wabash city office or & Buffalo physician, in speaking of the address Harry E. Moores, G. A. P. D.

> See Harrison & Morton's special acreage and farm values in today's paper.

The following births and deaths have been reported to the Board of Health dur-ing the twenty-four hours ending at noon

Wednesday:
Births—John Coatsworth, 2009 Woolworth
avenue, boy; Charles Ely, 2120 Binney, boy;
William Bell, 312 Pine, boy; R. D. Allen,
247 North Twenty-eighth, girl.
Deaths—Mrs. Mary Hayes, 2605 Bouth
Twentieth, 18.



ent Telephone for Himself and Not for Omaha.

Says Hunt is Boosting His Independ-

General Manager Lane, on being asked what he thought of A. B. Hunt's paid article in the Bee, World-Herald and News, which was headed "Endless Chain," said: "Hunt is doubtless working for the same \$20,000 in cash which he was to have had for securing the ordinance last year, and for which sum he had signed an agreement to sell the franchise to non-residents of Omaha. E. M. Fairfield, and others assotated with Hunt, had also signed an agreement by which, for some of the company stock, they were to sell their interest in the franchise to outside parties. Hunt has been for years working the city council and the people of Omaha for garbage and other contracts; and every one knows that he is now wanting a telephone franchise for the good of Hunt and not for the good of the people. Ask the people of Minneapolis and St. Paul and Indianapolis and St. Louis, or any other city where two telephone companies have been in existence for a few years or more, and if the parties are not stockholders in the new company they will tell you that under no circumstances should more than one telephone company be permitted to do business in any city. The old, or so-called Bell company, has in use in Minneapolis over 14,000 telephones, and the new company has been n operation about five years. The old company never reduced its business rate, which is the same as Omaha's rate, and Omaha's residence rate is much less than the residence rates in Minneapolis. Hunt's advertisement should not read, Boost for but should read, Boost for

Like Dursting. When you head feels like bursting, Dr. King's New Life Pills quickly cure the cause, constipation. 25c. For sale by Sherman & McConnell Drug Co.

St. Paul and Revern

and return DEADWOOD AND LEAD and return \$18.75. VERY LOW RATES NOW TO ALL POINTS EAST via The Northwestern Line. City Offices 1401-1408 Farnam Street.

Superb Service, Splendid Scenery Dave O'Brien for the council and now it is enroute to Niagara Falls, Muskoka and Jules Lumbard for police magistrate. How Kawartha lakes, Georgia bay and Temagami region, St. Lawrence river and rap-Thousand Islands, White mountains I am confident, however, that I can defeat and Atlantic sea coast resorts, via Grand Mr. Lumbard by making a campaign on the Trunk Railway System. Double track

N. Y. For copies of tourist publications apply to Geo. W. Vaux, A. G. P. & T. A., 135 Adams St., Chicago.

Cheap Rates To Crear Lake and Return. and purfler in nature, but few realise its latter's first term but failed of reappoint. VIA CHICAGO GREAT WESTERN RAIL-WAY.

Tickets on sale every Saturday. Final return limit the following Monday. Good fishing, boating, bathing. Reasonable hotel rates. For further information apply

to S. D. PARKHURST. General Agent, 1512 Farnam St., Omaha Neb.

Harry B. Davis, undertaker, Tel. 1228.

OMAHA MEN AND THEIR HOBBIES



CHARLES E. WILLIAMSON-Hypnotizing the Stranger.

COUNCILMEN IN CONTEMPT Such is Decision of Judge Sutton of the District Court.

Back, Dyball, Evans, Huntington and Schroeder, Who Voted for Gas Ordinance, Are the Defendants,

SENTENCE COMES SATURDAY MORNING

Judge Sutton Wednesday morning ansounced that he would hold Councilmen Back, Dyball, Evans, Huntington and Schroeder guilty of contempt of the district court of Douglas county when they voted to pass the so-called gas ordinance through the city council despite the restraining order of the court to the contrary. The court deferred sentence until Saturday morning. At that time W. J. Connell, counsel for the five men held to be in contempt, will present a formal motion for a new trial. It is expected that this will be overruled and sentence passed. What this will be cannot, of course, be guessed, but whatever it may be there undoubtedly will be an appeal, and in case the sentence should be to jail habeas corpus proceedings at once will be resorted to, it s understood.

Judge Sutton took considerable time to give his reasons for the finding of guilty and to state the conclusions of law he had

Text of the Ruling. In handing down his decision Judge Sut-

Few Defenses to Be Made. Now, it appears to the court that there are few defenses that can be made in a

are few defenses that can be made in a contempt case.

Of course, whether or not the court had jurisdiction of the subject matter is always a defense, and if it did not then the writ would be absolutely void, and about the only matter or the only other defense to a contempt is that you have not got jurisdiction of the person.

In this case, the writ was presented to the court and signed, the bond was giventhere is no dispute about that. So that these defendants were presented with a writ commanding them not to do a certain thing. The court had jurisdiction of the subject matter. So in my judgment a proper writ based on a proper petition was

thing. The court had jurisdiction of the subject matter. So in my judgment a proper writ based on a proper petition was presented to the city councilmen.

New, the other question as to whether or not the defect-fatal defect in the passage of an ordinance is a good defense in a contempt proceeding, is not quite so clear. I have an abiding conviction in the matter, however, but it is not quite so clear because our supreme court has not reased

because our supreme court has not passed on that same proposition.

Our supreme court has passed on this proposition, however, that where a city council has been directed by the courts to pay—by mandamus—a judgment, and they failed to do that, and the court im-

## Here Are Some New Arrivals in Popular Price Women's Suits!

WOMEN'S NEW TAILOR-MADE SUITS-Made up in the new 27-inch coat style-also 45-inch long swell coat suits-in pan cheviots and handsome mixtureshave the new plaited skirts- well made and perfect fitting-SPECIAL VALUE AT .....

SMART 45-INCH NEW FALL SUITS-Made of fine broadcloths, pan cheviots and Scotch tweeds-in the new mannish fitted styles-elegantly tailored and lined-will compare with any thirty dollar suits in the city-SPECIAL THURSDAY .....

### An Important Fur Sale

The great Fur Sale continues all this week. You can save 20 per cent by buying your furs now. Lots of women took advantage of this sale. Every fur offered in this sale is strictly new-this season's styles. Pick out any fur you wish, make a payment of one-third down, and we will lay the garment aside until you wish it.

ton said:

When the court took this case under advisement it did so for the purpose of investigating mainly one question, whether or not a fatal defect in the passage of an ordinance was a defense in a proceeding for contempt.

The court also has investigated another proposition that has been extensively argued, and that is whether or not, the court had jurisdiction of the subject-matter in the petition for injunction.

It appears to the court that the test of its appears to the court has jurisdiction whether or not the court has jurisdiction to contempt.

Did Best to Violate Writ.

argued, and that is whether or not, the court had jurisdiction of the subject-matter in the petition for injunction.

It appears to the court that the test of whother or not the court has jurisdiction of the subject matter of a bill for injunction proceedings but it is not a defense in the citation of the subject matter of a bill for injunction in the court that the test of whother or not the court has jurisdiction of the subject matter of a bill for injunction proceedings. But it is not a defense in the citation of the subject matter or a bill for injunction proceedings. But it is not a defense in the citation of the subject matter or not it is ministerial, legislative—whether or not it is ministerial, legislative and contracting for inse and imprisonment for offenses against their legislation—in the judgment of the court this court would have no jurisdiction whatever in any manner or form, and would not have jurisdiction of the subject matter in a petition alleging such legislation. But where a proper petition has been presented to the court, and where the city council is about to enter into a contract of agreement, where it is a contractual relation—now, it may be ministrial, it may also be legislative—but, if there is an element of contract in the legislation, then in the opinion of the court that where it is entering into a contract of the city council is about to enter into a contract of the court always has jurisdiction.

Now, it is the opinion of the court that where the city council is a surfaction, then in a certain extense in the court always has jurisdiction of the subject matter.

Court Has Jurisdiction.

Now, it is the opinion of the court that where the city council is entering into a contract with any conjuant, person, or corporation, then in a certain exten, is a party to that contract. And it is the opinion of the court, that the court always has jurisdiction of the court, that the court always has jurisdiction of the court that the court does not believe it would be addense.

Now, in this par

jurisdiction of the subject matter when the courd is about to piace a burden upon the taxpayers.

Now, in this particular case before the court, or in the injunction suit, the city with the Omaha. Gas company providing that a certain contract between the people of Omaha. or between the city of Omaha and that a certain contract between the people of Omaha. or between the city of Omaha and the Gas company, the consideration of which was to be pald by the taxpayers or by the city of Omaha, whichever way you want to put it.

Now, in that case, if the petition was a proper one, there is not the shadow of a doubt in the mind of the court but what the court had jurisdiction of the subject matter of that petition for injunction.

Now, it has been contended here, by very able counsel, that that petition does not state a cause of action, and that there is a mixture of conclusions of fact and law plead in the petition.

New, in the judgment set the court, that is a matter, in the opinion of the court so that cannot be raised in a contempt case. So that, no matter whether or not this as the injunction proceeding, is concerned or fact are plead there or uct, or whether the petition is insufficient itself, in the injunction suit, if the court had jurisdiction of the kind and quality of the matter in the petition for injunction, then the court had jurisdiction of the kind and quality of the matter in the petition is insufficient itself, in the injunction suit, if the court had jurisdiction of the kind and quality of the matter in the petition over the subject matter within the meaning of the prosecution for contempt,

Few Defenses to Be Made.

Intent of the Law.

Now, it seems to the court that section 569 was designed by the legislature, and it was the intent not only to punish for contempt of court after an injunction had been absolutely violated, but to prevent the violation of the writ and also to punish during this violation.

Therefore it is the opinion of the court that inasmuch as these defendants undertook to pass this ordinance—they did actually pass the ordinance, and whether or not there is a fatal defect in the ordinance is not a defense in a contempt proceeding.

Why, if we construed the section of the estatute in that way, and the court could actually see a building being torn down, he would have to wait until the last brick was removed before he could punish for contempt, or if he would enjoin them from moving a building off a quarter section of land, they could successfully move that building over to the line, and because they did not move it off the quarter section of land, they could successfully move that building over to the line, and because they did not move it off the land, then they could not be guilty of contempt. And I must consider, and I feel an abiding conviction in this case, that these defendants are just as guilty of contempt as if the ordinance was perfect and as if the contract was in force today between the people of Omaha and the Omaha Gas company.

Now, let me divert a moment in this case. When this writ was presented to the court by Mr. Giller, I said to Mr. Giller, in substance, that it was always my practice

by Mr. Giller, I said to Mr. Giller, in substance, that it was always my practice never to grant a temporary injunction and only to grant a restraining order for such a short time that the matter might be speedly vacated in the event that it was improperly granted, and I told Mr. Giller I would put the hearing for Friday—the writ was granted on Tuesday—and I would sot it for Friday, to give the council an opportunity to vacate this writ of the court if it was improperly issued.

No Mitigating Circumstances.

No Mitigating Circumstances.

Now, the court cannot see any mitigating circumstances in this case at all. I don't know of anybody clamoring that this contract should be entered into. The old contract would not expire until the last day of December, as I understand it; so there is no excuse, in any manner, shape or form, for the violation of this writ. Why, if this writ was improperly issued by the court, the court set a speedy hearing for the matter to be dissolved, so that this ordinance might have been passed and disposed of in very short order. So that inasmuch as this was not a public improvement in which the people generally were interested, and it being a contract that they were about to enter into, it seems to the court that it is as aggravating a contempt of court as the court has ever known during its occupancy of the bench or as a lawyer at this bar. Now, I am very sorry about this matter—very sorry, indeed—this is a very disagreeable case.

In my judgment, after these councilmen were presented with this writ, and especially after the city attorney told them not to violate the writ, that after that they violated the writ, that after that they violated the writ, that after that they wis a sufficiently in the city council that night than has been done by all the chicken thieves in Omaha during the last year. Anarchy and revolution reigned that night in the city council. While Mr. Connell in this case feels that No Mitigating Circumstances. While Mr. Connell in this case feels that the court has been harsh-has caused these defendants to remain in court during the trial—yet the court feels that this has been a very unusual violation of the writ of the court.

If some railroad company was working its way into Omaha, or large interests being developed here, such as an elevator or something of that kind, or there was a clamor we will say for some public improvement and some taxpayer was asking an exorbitant price for his property and enjoining an ordinance then there would be some excuse. But in this kind of a case in the judgment of the court there is no excuse. And the court is firmly of the opinion that these defendants are just as guilty as if that contract today was binding between the Omaha-and the court finds that these defendants and each of them have been guilty of contempt of the Court Sees No Excuse. them have been guilty of contempt of the district court of Douglas county Nebraska. Mr. Connell, attorney for the councilmen then said

"We desire to except and to give notice of the filing of a motion for a new trial That is a necessary preliminary that we have to take, your honor," The Court-Yes, sir. How long would you want?

Mr Connell-I would want to carefully prepare that motion for a new trial, say three days, the statutory time. The Court-This is Wednesday, we will



set it for Saturday morning, when it will be finally disposed of

What the Councilmen Say. Attorney W. J. Connell, who defended the councilmen, said: "I declare right here and now that these men will not go to jail under this charge. The case is not settled that way yet, by a good deal." Councilman Evans: "The case will be taken to the supreme court. I suppose an appeal will be taken to anticipate a sentence by the judge. Further than that I have nothing to say."

Councilman Huntington: "If we are in contempt it is too bad we didn't get the ordinance passed. I accept the decision of the court without criticism." Councilman Schroeder: "No doubt we

were technically guilty of contempt. We did our best to violate the court's order. That we did not succeed does not alter the situation much in my mind. But I conjust and right. It is to be hoped the judge will show leniency in his sentence, Councilman Dyball: "We bow to the law as expressed in the decision of the court.

to stand out for my convictions in the face of injunctions. Councilman Back: "We must stand by

the law. If I have done wrong, I am willing to suffer for it.

Announcements of the Theaters. A mid-week matinee at which the longestablished popular prices will prevail will be given at the Orpheum this afternoon. The bill on this week includes a variety of entertainment limited only by the number of acts and is of the sort that scores heavily. There is an abundance of lively comedy on the program that is calculated to appeal to the women and children.

"The Forbidden Land," which comes next to the Boyd, is the one play in which the librettist has visited an unknown land for his theme, the scene being laid in Thibet. Here the action of the story takes place, and the quaint and grotesque customs and dress of the country are drawn upon to give the life and go to the comedy that abounds. The music is quite in keeping with the theme and the whole is a great success. It will be seen at the Boyd on Sunday, beginning with the matines and continuing for seven performances.

This afternoon at the Burwood will be given another of the matinees for which that pretty theater bids fair to become famous. It offers a rare chance for the women and children to spend a pleasant hour or two. "The Girl I Left Behind Me"

Sandbagged by a heavy cold or cough, your lungs are helpless till you cure them with Dr. King's New Discovery, 50 cents and \$1.00. For

sale by Sherman & McConnell Drug Co. Brownell Hall's Biggest Year. Brownell Hall's Biggest Vear.

The fall term of Brownell Hall opened Wednesday morning with the largest attendance in the history of the school. The entire boarding capacity of the institution has been reached, fifty-one young women being enrolled, while the day pupils number ninety-five. The out-of-town pupils come from as far west as California and as far east as Ohio, though the majority are from Nebraska and lowa. Owing to the limited accommodation for boarders a number of applications has had to be rejected, while others who have not yet finished the schools in their home towns have been placed on a waiting list. The classes are being organized and the regular schedule will be completed by Priday.

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Its results are

PAYMENTS, but we don't charge INSTALLMENT PRICES. You will save trading here, and anything you buy of us will prove absolutely satisfactory. SPECIAL When I think I am right in the future, however. I believe I will have the courage PRICE \$33 complete, and you can't equal this anywhere in Omaha. We Furnish the Home Complete OUR TERMS: \$25 Worth \$1.00 Week \$50 Worth \$1.50 Week \$100 Worth \$2.00 Week MAHA FURNITURE AND CARPET CO. BETWEEN 12TH AND 18TH

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