

CONNELL CAUSES SURPRISE

Springs New One in Proposition to Have Gas Ordinan s Passed.

WHAT CHARTER HAS TO SAY ON IT

Tough Legal Point to Solve in What Constitutes a Modification of

a Franchise Such as This.

The announcement that Attorney W. J. Connell expected to have the new \$28 gas street lighting ordinance passed by the council after two weeks publication in The Bee and World-Herald, even though Judge Sutton decided it is a modification of the franchise in that it refers to the lamps and not the quantty of gas consumed per hour, has caused no end of surprise. Assistant City Attorney Herdman was asked about the matter and read section 16 of the charter.

No ordinance granting, extending or medifying the conditions of any franchise shall be passed until at least two weeks shall have elapsed after its introduction, nor / stil after the same has been published daily for two weeks in two established daily papers of the city. No new franchise shall hereafter be granted, nor any extensions of franchise heretofore granted be lawful unless an annuity to the city be provided, based upon either a fixed reasonable amount per year, or a percentage on the gross earnings of the owners of said franchise, nor until a proposition for the same has been submitted to a vote of the electors of the city at a general city election, or a special city election called for that purpose, and to carry such proposition it shall require a majority of the electors voting on such proposition,

"This section of the charter is not generally understood," said the assistant city attorney. 'It makes it look as though ested on one hand and the mayor and and Dr. Coffman, who added their testicouncil on the other agree to it. The tough legal point to solve is what constitutes a modification. It might be argued that a change in price is more than a modification and so on. On the face, however, it looks land Wells Magee and Jerome Pratt Mavery much to me as though the right of gee, grandsons of Colonel James H. Pratt the people to grant franchises is pretty of this city, and Allan Brittain Wilson, nearly rendered without value, if the mayor and council have the right to assent to City. vital modifications, proposed or desired by the corporation interested. It is clear that extensions cannot be granted without sub-

CARNIVAL PIANO SALE AT HOSPE'S A BIG SUCCESS

Home and out-of-town plane buyers are crowding the A. Hospe Co.'s 1513 ugias street music rooms for the big sale is on and Pianos and Organs are selling fast. Prices have been stove in to where profits are lacking. You want a good Plane. You want low price. You want easy terms, All these things are now at your

We have over 100 Pianos to select from. We can supply as many du-plicates as the trade demands. We have stocked up with Knabe Pianos, Kranich & Bach Pianos, Kimball Pianos, Cramer Pianos and s great lot of fine Kimball and Hospe

beautiful instruments are nade in Spanish and San Domingo mahogany, in golden oak, in French ourl and American curiy walnut, as well as rosewood and birch. Prices all cut, in half on many,

one-third off on others and one-fourth off of the highest grade Planos ever placed on the market. Just see what you can buy in an p-to-date finely veneered Plano, full

size, handsomely finished plate, 3-pedal, 3-string Cabinet Upright Grand fresh from the factory, for 8148, \$165, \$185, Then see the high grade Planes for

\$225, \$275, \$300 and \$350. Another line of the very highest type of first class Pianos which cost \$400 to \$500, in art cases. Don't forget we accept \$10 cash and

month. Our terms on other grades are known to be the lowest. You cannot miss it on quality, for we save the best. We buy carloads for eash. We deduct cost of the box and its freight, as the factory pays the reight, and you pay nothing for the coxing, as we receive Planos unboxed. great saving. It knocks competion, for we undersell from \$50 to \$100 ander their lowest prices. Fine Piano Scarfs and Stools, Pianos Tuned, Repaired, Refinished Pianos Moved, Packed and Shipped.

1513 Douglas St.

mission to people, but this relates merely to time. So far as I can see, unless the word 'modification' can be interpreted differently, not a single franchise outstanding is iron-clad if the company interested and the mayor and council will it other-

"With these facts in consideration it is easy to undertsand how Judge Sutton consents to the gas street lighting ordinance, provided it is published two weeks before final passage.

LOYAL LEGION AND THE GUARD Nebraska Commandery Will Help the Local Companies Secure an Armory.

General J. H. Culver, adjutant general of he Nebraska National Guard, General Charles F. Manderson and Clement Chase once, collected the money, and left the were last night appointed a committee to represent the Nebraska commandery of the dence supplied at the city hall. The first Loyal Legion in the effort that is to be made at once to secure an armory building in Omaha.

The three companies of the National Guard now in Omaha maintain separate armories at a considerable expense to assignments were to L. A. Goldsmith, a themselves, the state granting only \$250 a saloon keeper of the burnt district, to the year for rentals. If they could be housed in one building it would not only lessen the burden they now bear, but at once place them on a battalion footing with a later than the others, which appeared at major in command.

General Culver introduced the subject in the co-operation of committees to be appointed from the Loyal Legion, the Grand Army of the Republic, the Commercial club Detective Baldwin had shaken Omaha dust and the Business Men's association, all and the delights of the Ak-Sar-Ben from working together to raise a fund or bring his sturdy frame, got his hands on a pressure to bear for a legislative appropriation, or both. The idea seemed to meet with instant approbation. Captain Broatch, General Bates of Aurora and Mr. Chase spoke on the subject.

The paper of the evening was read by General Bates, who described the bravery mony to the very interesting recital of the valor of "The Black Regiment."

The following were elected to member ship in the Nebraska commandery: Way-William L. Wilson of Nebraska

Marriage Licenses. The following have been granted license

marry Name and Residence. Viggo Walthers, Omaha Mamie Anderson, Omaha Raiph W. Moody, Omaha Jean A. Campbell, Omaha Roland W. Stanard, Omaha Hattie A. Garrett, Omaha Frederick T. Wath, Fresno, Cal....... Lydia C. Bruechart, Omaha Charles G. Hunt, Council Bluffs... Sarah A. Rowels, Omaha Theodore T. Bedessen, Omaha Minnie J. Strob'e, Omaha Nip Neueman, Council Bluffs . Balbina Dorgaczewski, Omaha Gus Bunz, Bennington, Neb...... Kate Schneede, Calhoun, Neb..... Godfrey Linder, Omaha Anna Johnson, Omaha Robert J. Riley, Omaha Mary A. Ferkitson, Omaha John Olson, South Omaha Esther Erickson, South Omaha 22-K wedding rings. Edholm, jeweler.

Omaha Detective Assigns Salary, Draws it of dollars getting and trying to keep and Leaves the City.

second Time During His Career as Peace Officer He Has Left His Home in This

Detective Dan P. Baldwin of the Omahla police force assigned his September salary at least four times and his October wages city for parts unknown, according to eviassignment presented was to L. Heller and was for September and October as well.

The September claim will be paid to Heller, as he had the luck to get his assignment over the bars first. The other Duff Green Loan company and to Arthur Metz. The last named assignment was presented, but not accepted. It came in different hours September 26. That something was wrong was suspected in the written communication in which he urged comptroller's department, but nothing was said about the matter until L. A. Goldsmith appeared with the information that bunch of money and lit out.

Last Time on Duty. Baldwin was on duty the last time a week ago Monday night. He was working on the night shift at the city jail at the time and was emergency officer. He gave no intimation of his sudden departure to nothing stands in the way of changing of the colored troops under his command the officials of the police department. Chief the prices and other stipulations of any at the siege of Petersburg. This brought Donahue and others of the department on Broatch are at a loss to account for Baldwin's conduct. Baldwin was one of the most reliable and valued officers on the Omaha police force. There was nothing too hazardous for him to undertake. His asleavetaking. He left a wife and several children who have not heard from him. A number of years ago Baldwin disappeared suddenly, to turn up later at Kansas City, where he was picked up by the

> returned to Omaha and since that time has been a faithful officer. Baldwin has been widely known for his emarkable physical strength, being almost a giant in powers and endurance

police in a state of mental aberration. He

Harry B. Davis, undertaker. Tel. 1226.

COOK-James, age 49 years, mail carrier, at his residence, Thirtieth and Boulevard, at 1:45, October 4. Funeral arrangement later.

FAMILY AND FRIENDS AT A LOSS

and a terror to rebellious evil-doers.

E. D. Keck, voice teacher, Davidge Bldg.

Woman Wants Divorce. Daisy Batten has brought suit for divorce from Thomas A. Batten to whom she was married in September, 1892. Mrs. Batten, in her petition alleges that Thomas is perfectly able to make a living for her but that he spends his time in riotous living and has left it to her to make the living for herself and five children. These she says she is willing to turn over to her mother who will help her care for them.

DIED.

Postoffice Department's Order.

Retail Grecers Gain Another Victory In

BLOW TO CATALOGUE HOUSES

KNOCKS OUT NUMBER MAIL DELIVERY

Suspends Order Recently Made Granting Postmasters Permission to So Distribute Mail in Rural Free Delivery Districts.

Another battle has been won by the retail grocers in their fight against the fice department giving postmasters permission to deliver mail to rural free delivery boxes when addressed to them by number only, has been suspended.

The order in question was issued August Before the month was over the retail merchants and their friends learned that letters and circulars, hundreds and thousands of them, were pouring into the farmers of the west from catalogue houses in Chicago and other large cities. They were addressed by the number of the

A trade paper of St. Louis called the attention of the trade press to the matter. Trade papers all over the country took up the matter and as a result of their efforts and the protests of numerous grocers' organizations, the order has been suspended, that part at least, which permits delivery of mail by number only. The part of the order which permits the postmaster to furnish lists of numbers or rural free delivery routes, still stands.

Blow to Catalogue Houses. The suspension is a hard blow to the catalogue houses. Their business is to ell goods directly to farmers and other onsumers on 'he representations of their catalogues, and they have spent thousands corrected, lists of farmers along free delivery routes. This practice proved very

expensive. When the recent order of the department went into effect it meant that the big cuses found it no longer necessary to go to the expense and trouble of keeping the corrected list of names. All that was necessary was to write to a postmaster and ask him for the numbers of his routes and the HAVE TO SCRATCH AT HOME numbers of the boxes along the routes. He was permitted to furnish them. If he did not it was easy for the catalogue houses to get the route numbers and they knew that the box numbers ran at least as high as fifty. They sent their mall by number and the postmaster was bound to deliver it.

A local trade paper, the Retail Merchants Journal, is urging the merchants to take action to insure the final abolishment of the suspended order. It advises them to write to the postmaster general and to their congressmen protesting against the numbering of rural free delivery boxes and especially against the delivey of mail by

AN ORIGINAL IDEA

Conceived in the Mind of Mr. J. A Swanson of the Berg-Swanson Co. and Realized on Their Spacious Second Floor.

creasing business in evening clothes, in consequence of which one of the best departnents in the west has been established Full Dress, Tuexedo, English Frock Cutaway and Prince Albert Suits are sold exclusively on their second floor, and since these garments are the most perfect of men's attire, so this department is the most perfect in its equipment

Large, carved cabinets of oak, with full plate glass fronts of artistic shape and col-oring, have been placed as recepticals for throngs of sightseers that were viewing oring, have been placed as recepticals for the magnificent and beautiful Hors these garments. Tables made after the dic tation of Mr. swanson are arranged in their respective locations, with an eye to proper display before the prospective buyer. "The fact that we have such an elaborate sociates feel keenly his unceremonious department," said Mr. Swanson, "Is the best guarantee that we shall continue to sell more of these garments than ever before. The man of taste goes to those who know right selection. We are prepared for him. We buy from manufacturers whose tailors work on nothing else. A very few years ago the thought of a dress suit, ready tailored, was ridiculed; today it is the surest sign of wisdom upon the wearer's partthat is, providing he buys here. Here he gets smart style, neither before nor behind the fashion, but right in all the intricate details which go to make up grace and good form in men's evening clothes.

> Chamberlain's Colic, Cholera and Diarrhoes Remedy cures diarrhoes and dysentery in all forms and in all stages. It never

Lambert Has a Lively Time. Harry Lambert was arrested last night, charged with being disorderly. It is stated that he came home early in the evening, me North Eightsenth, and finding no one at home proceeded to show his displeasure by attacking the furniture, most of which he destroyed. He kicked the sewing machine into a corner, pulled the covers of the covers o chine into a corner, pulled the covers off the beds, and satisfied his yindictiveness

Ak-Sar-Ben Sale Boys' Clothes

Boys' Fine Suits,

BOYS' SUITS AT \$3, WORTH \$4.00 These are "extra special" values tra special because they are made bet--look better-and will wear better than any other suit offered in town at four dollars-The fabrics are of the latest fall and winter weavesin all the desirable patterns and plain

BOYS' SUITS AT \$4, WORTH \$5.00

There's something about these boys' suits that raises their value equal to any \$5 or \$6 suit-It's the way they're made—the way they fit—the way they hang—the way they'll hold their shape. Nowadays mothers want boys' clothes not only to wear well, but they are very particular to have them look well.

BOYS' SUITS AT \$2.25, WORTH

new assortment of Boys' Suits to sell at the popular price of \$2.25 will greet you here tomorrow-They are wonders for



Boys' O'coats at \$3.00

Made of plain oxford, cheviots and fancy cheviot, in stripes and plaids, strictly all wool mixtures, well lined and trimmed, worth \$4.00-Special this week 3.00

Boys' O'coats at \$4.00

Made of strictly all wool frieze, in black, and oxford gray colors-fancy cheviot, in all the newest colorings-The styles are long, loose fitting, with belt and without, and medium lengths box coats-to fit boys sizes 4 to 16 years— worth \$5 to \$6, for this week—special at 4.00

Boys' O'coats at \$5.00

Made of high grade fancy chevious and silk mixed cheviots-black and oxford gray Irish frieze-the best of linings and trimmings-styles long and medium lengthswith and without belts-to fit boys up to 16 years-worth \$7.50-Special for this week-

> On Farnam at 15th Sts.

On Farnam Debraska Clothoug

by beating the face off the clock. He up-set the stove, and threw crockery and dishes at everything in sight. Some of the neighbors notified the police and he was taken in charge. So far there has been no estimate of the damage.

C. J. Smyth Gets Injunction to Prevent Visits from Neighbor's

Chickens. The chickens and dogs and ducks which have heretofore gamboled and played on the beautiful green lawn which surrounds the house of C. J. Smyth at 623 North Thirty-sixth street, kicked up their heels and cavorted, must hereafter remain at ome or they will be in contempt of court and may be turned over to the probation officer of the juvenile court. This because Mr. Smyth has secured an injunction against his neighbors, Patrick and Mrs. O'Brien, to compel them to keep their chickens at home. The injunction was is sued by Judge Troup upon the application of Mr. Smyth, who in his petition alleges that the chickens, ducks and dogs owned by the O'Briens come upon his lawn and feed and scratch around and make of his It remained for this rapidly growing firm lawn a regular chicken lot, and though o hit upon a modern method for their in- he had repeatedly asked the O'Briens to keep them at home, they did not do so.

Terrible Disaster Averted. The terrible disaster of nervous breakdown, caused by dyspesia, is averted by Electric Bitters, 50c; guaranteed. For sale by Sherman & McConnell Drug Co.

Farnam Street Blockaded. Last evening between the hours of 8 and window of the Nebraska Clothing Comnever before in the history of Omaha has such a beautiful window display taken place It certainly shows our trend toward metroany city, no matter whether east, west, north or south, to excel this beautiful work of art. Due credit must be given the Neraska Clothing company for its enterprise n giving visitors to Omaha an opportunit; of viewing such up-to-date displays.

The "Kilties" are coming. Girl's Hand Hurt.

Miss Lydia Sprecher of 2821 North Twenty-ninth avenue, met with an accident yesterday afternoon at the printing establishment of Kramer & Chandler on Douglas street. The young woman's left hand was badly crushed in a printing press. She was removed to her home and attended by Dr. F. J. Wearne.

MRS. WINSLOW'S TWENTY-PIVE ORNTS A SOTTLE.



The favorite toilet soap of discriminating users. Its mild and soothing qualities make it

particularly desirable for sensitive skins. Its perfume is the

delicious odor of natural flowers.

> James S. Kirk & Company



We manufacture our own trunks, traveling bags and suit cases. We make them of the best material. Our workmanship is unexcelled. We sell them for less than inferior grades would cost you elsewhere. If you buy of us you will get the best—you will save money—you will be better satisfied. Leather Bound Matting Suit Cases, \$3.50, \$3.75 and \$1.00. We do repairing.

OMAHA TRUNK FACTORY, 1209 Farnam Street.

A fine room with a vault-hearlight-water-janitor service-in a fire proof office building for \$18.00-The Bee Building.

OMAHA MEN AND THEIR HOBBIES



W. H. INDOE-Writing Out the Checks

Bargains in Oldsmobiles

This-is the best chance anybody ever had to get an Oldsmobile



It may seem unusual to the public to see a bargain sale on automobiles advertised. But that is just what we are doing now. The cars we agree to take for fall delivery must be sold quickly. We cannot have our money tied up any longer. These prices are lower than ever before and lower than they are likely to

be again, and the cars are all regular standard Oldsmobile models. Look over these prices and then come and see the cars at once and have them demonstrated to you.

Oldsmobile 20 h. p. 2-Cyl. Touring Car, Regularly \$1400 Oldsmobile Standard Curved Dash Runabout, Regularly \$650

Oldsmobile Touring Runabout, 1905,

If you do not fully appreciate the unusualness of this offer, we know you will after you have examined the cars, but above all, do not put this matter off, as they are likely to be sold out in a very few days. If you are out of the city and want us to hold any special car for you, telegraph us. The 1906 Oldsmobile Runabout, known as Type "B," \$650, including lamps and horn.

THE POWELL-BACON COMPANY, - 2044-46-48 FarnamSt.