GAS ORDINANCE CASE ARGUED

Introduction of Testimony Ends with Examination of City Clerk.

ELBOURN SAYS RECORDS ARE STRAIGHT

Denies Implication of Zimman that Connell or Any Other Had Tinkered with the Council Proceedings.

At the morning session of the gas ordinance hearing before Judge Sutton Wednesday Mr. Connell recalled Harry B. Zimman to the stand. He asked Mr. Zimman where he came from to the council meeting on October 11. The reply was: "From my office in the New York Life building."

"Mr. Zimman, are you armed this morning?"

"Oh, no, Mr. Connell," said the president of the council with a smile.

"Will you swear positively that you have no weapon on your person at this moment?"

"Yes, sir."

Mr. Connell relaxed his stern look and smiled as if reassured. He then took a new tack, with the question:

"Hadn't you been to the office of the electric light company to see Mr. Nash that morning?"

"No, sir."

"That's all, Mr. Zimman."

City Clerk Elbourn was called. Mr. Giller had him identify several gas ordinances, among them the one in question in the suit at bar, also the proposed contract and bond and the bids submitted by the Omaha Gas company and the Cleveland Street Lighting company.

Plaintiff Rests Case.

Plaintiff then rested his case and Mr. Connell took the witness. In reply to questions Mr. Elbourn denied that either Mr. Clabaugh of the gas company or Mr. Connell had made any suggestion or had anything at all to do with making up the record of the meeting of October 11.

This was in denial of an intimation by Mr. Zimman when on the stand that it was common rumor about the city hall and the clerk's office that the two men named had framed up for Elbourn the record of the meeting.

Mr. Connell then read to the court the proceedings had on the evening of October 10 and the morning of October 11, in the city council. The record of the meeting went in against plaintiff's objection.

Arguments were proceeding yesterday afternoon.

Must Find Some Way.

In his argument for plaintiff Mr. Giller contended that, as the court had in the previous case found the proposed ordinance was a modification of the gas franchise, so in this case it must find the same thing.

"This ordinance is almost word for word the same as the one whose passage was enjoined by this court in the other proceeding," said the attorney. He also maintained that Attorney Connell and Mayor Moores were guilty of constructive contempt of court, at least, because of their endeavors to have the ordinance passed without publication for two weeks, as provided by the city charter. He argued at length that the council was acting under duress, that the attempted passage of the ordinance was void, and that temporary injunction should issue as prayed for.

Mr. Connell asserted that the attorney for the plaintiff had not shown a single reason or ground for the granting of a temporary injunction. "There is no need or necessity for an injunction at this time. If the contract price is excessive that can only be shown on the final hearing of the case. Really the only question in the case is as to whether or not the franchise terms have been violated in any way. I contend they have not."

Mr. Connell emphatically denied that any conspiracy had been shown or that the five councilmen had not acted in good faith in every step taken toward the passage of the ordinance. He gave it as his conclusion that no action of any kind was necessary on a committee report before proceeding to act on an ordinance or any matter of regular business.

"The majority of any legislative body must rule," said Mr. Connell, "and that principle has been firmly established in this country since the turbulent scenes accompanying the famous ruling of Speaker Tom Reed."

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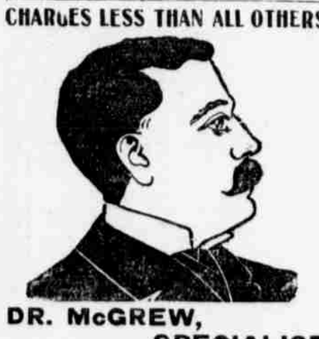

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The new Vaginal Syringe. Injections and Douches. Best—Safest—Most Convenient. It Cleanses Instantly.
Ask your druggist for it. If he cannot supply the MARVEL, accept no other, but send stamp for illustrated book—sealed. It gives full particulars and directions invaluable to ladies. MARVEL CO., 44 E. 23d ST., NEW YORK.
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J.P. Those suffering from weaknesses which sap the pleasures of life should take Juven Pills. One box will tell a story of marvelous results. This medicine has more rejuvenating, vitalizing force than has ever before been offered. Sent post-paid in plain package only on receipt of this adv. and $1. Made by its originators C. I. Hood Co., proprietors Hood's Sarsaparilla, Lowell, Mass.

MEN AND WOMEN.
Use Big G for unnatural discharges, inflammations, irritations or ulcerations of mucous membranes. Painless, and not astringent or poisonous. Sold by Druggists, or sent in plain wrapper, by express, prepaid, for $1.00, or 3 bottles $2.75. Circular sent on request.

BAXTER WILL PRACTICE LAW

Deposed District Attorney Joins with Van Dusen—Rush Will Hold On.

"You may say for me," said former United States District Attorney Baxter Wednesday morning, "that I am enjoying the best of health and shall resume the practice of law with the firm of Baxter & Van Dusen in the New York Life building. I have not the remotest idea who my successor is to be here. I leave the office with the consciousness of having performed my duty as best I knew how. I have no criticism to express over my removal. The incident is closed and I am now but a private citizen and rather enjoy it."

Special District Attorney S. R. Rush was asked if he intended to resign or if he had been asked to hand in his resignation. His reply was:

"I do not intend to resign, nor have I been asked to tender my resignation. I am proceeding along in the even tenor of my way in ferreting out the land frauds. I have not been asked to desist from the work, but, on the other hand, have been urged to continue the work against the cattlemen, land fencers and fraudulent homesteaders relentlessly, and am doing so."

Special District Attorney Rush received instructions from the Department of Justice Wednesday afternoon to proceed at once with the trial of the case against Rev. George G. Ware, under indictment for conspiracy in the U. B. I. ranch land fencing cases. The trial of the case will begin on January 8. Between seventy-five and 100 witnesses are to be summoned in the case. Rev. G. G. Ware was jointly indicted with Frank Lambert and Harry Welsh for conspiracy.

JEROME MAKES BIG GAIN

Official Returns Increase the Plurality of the District Attorney Nearly 5,000 Votes.

NEW YORK, Dec. 27.—District Attorney Jerome's plurality was increased by nearly 5,000 over the police returns made on election night by the official returns made public today by the Board of Elections. His plurality is 15,064, instead of 11,450, as originaly printed.

This gain was the result of corrections made by the canvassers and the counting of so-called void ballots before Justice Geigerich.

FORECAST OF THE WEATHER

Fair Today in Nebraska, Colder in East Portion; Fair Tomorrow—Fair in Northwest Iowa Today.

WASHINGTON, Dec. 27.—Forecast of the weather for Thursday and Friday:

For Nebraska—Fair Thursday; colder in east portion; Friday, fair.

For Iowa—Fair in the northwest, rain or snow in east or south portion Thursday; Friday, fair.

For Kansas—Partly cloudy Thursday, colder, rain or snow in the east portion; Friday, fair.

For Wyoming, Colorado, South Dakota and Montana—Fair Thursday and Friday.

Local Record.

OFFICE OF THE WEATHER BUREAU, OMAHA, Dec. 27.—Official record of temperature and precipitation, compared with the corresponding day of the last three years:

	1905.	1904.	1903.	1902.
Maximum temperature	43	3	44	28
Minimum temperature	34	—5	30	5
Mean temperature	38	—1	37	14
Precipitation	.00	.22	.00	.00

Temperature and precipitation departures from the normal at Omaha since March 1 and comparison with the last two years:

Normal temperature	19
Excess for the day	19
Total excess since March 1	114
Normal precipitation	.03 inch
Deficiency for the day	.03 inch
Total rainfall since March 1	27.39 inches
Deficiency since March 1	2.70 inches
Deficiency for cor. period, 1904	5.33 inches
Excess for cor. period, 1903	2.15 inches

Reports from Stations at 7 P. M.

Station and State of Weather	Tem. 7 p. m.	Max. Tem.	Rain-fall.
Bismarck, clear	26	32	.00
Cheyenne, cloudy	36	36	.00
Chicago, clear	44	46	.00
Davenport, cloudy	42	48	.00
Denver, clear	32	40	.00
Havre, partly cloudy	28	32	.00
Helena, cloudy	28	32	T
Huron, clear	30	40	.00
Kansas City, cloudy	42	44	.00
North Platte, clear	28	44	.00
Omaha, clear	41	45	.00
Rapid City, clear	24	40	.00
St. Louis, clear	46	52	.00
St. Paul, clear	24	38	.00
Salt Lake City, cloudy	28	38	.14
Valentine, clear	30	42	.00
Williston, cloudy	28	32	.00

T indicates trace of precipitation.
—indicates below zero.

L. A. WELSH, Local Forecaster.

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The Scotch with the Pear-drop flavor.
To be had of Riley Bros. & Co., and at Clubs, Cafes, Hotels and of Dealers.
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SOLE AGENTS FOR U. S. A.

CHINA FOR THE CHINESE

Object to Movement on Part of Orientals Educated in America.

BOYCOTT MAY BE PERMANENT WEAPON

India May Feel Effect of Anger of Natives Over Action of British Assessor in Punishing Women.

PEKIN, Dec. 27.—The most conservative and best informed foreigners agree in expressing apprehension at the constantly growing irritation of the Chinese against foreigners, which for nine months has been gradually spreading through the country. "China for the Chinese," summarizes the objects of the movement, among the chief promoters of which are male students educated abroad and newspapers conducted by Chinese, who have been educated in America and Europe. These papers are beginning to gain great influence. The anti-American boycott has been followed by a discussion of China's wrongs at the hands of foreigners generally and a determination to redress them. The hostility shown against Americans has now extended to all foreigners. The Chinese are pleased at the result of the boycott in producing conciliatory orders from President Roosevelt, but the boycott is nowise ended and it is asserted here, continues seriously to affect American trade in the Canton and Yangtse regions.

The Chinese are so satisfied with the movement that they are talking of the boycott as a permanent weapon for the national armory. The newspapers advocate the boycott of Indian opium because of the action of the British assessor of the mixed court at Shanghai in ordering the imprisonment of Chinese women in the municipal jail instead of in the Chinese prison, which caused the recent disturbances there. One result of the present movement is to discourage concession hunting. The government has adopted a policy of Chinese control of railroads, mines and similar enterprises, refusing to grant new concessions and trying to regain or annul several concessions previously granted.

Some Foreigners Sympathetic.

While many foreigners sympathize with the objects of the agitation, they realize the danger of inflammatory speeches and articles in the newspapers leading to mob uprisings like that at Shanghai and the recent massacre of American missionaries at Lienchau. Regarding the Shanghai incident the ministers of the powers have practically decided that the municipal officers exceeded their rights under the treaties and will direct the to recede from their position. There is no doubt that the aggressive spirit of the Chinese has been decidedly increased by the late war and the sucessful maneuvers of the Chinese northern army in October. Japan's victory has encouraged the Chinese to believe that they could be equally successful. Foreigners living in cities where the government is strong are assured of protection, but the danger of the present situation lies in possible friction between foreigners and Chinese where the officials are weak or indifferent, leading to further outbreaks. The proposed withdrawal of the remaining international troops in the spring has been meeting with opposition since the Shanghai riots.

JOHN BURNS OPENS CAMPAIGN

Labor Leader in British Cabinet Makes Public Address at Battersea.

LONDON, Dec. 27.—John Burns, president of the local government board, made his first public address since his entry into the cabinet when he opened the election campaign at Battersea tonight. In a characteristically courageous speech he said his accession to office was the elevation of his constituents to power—the honor was theirs, but the work was for him. He declared that he would pander to no section of the population, but would do his duty for the benefit of the whole community.

Mr. Burns said he had such strong sympathy with all the interests of the working classes that he had no sympathy to spare for the loafer, "cadger" or drunkard. His ideal was fewer work houses, smaller charities, larger wages, more pleasure and less drink.

In the smaller cities and in the larger villages he was already appointing committees to enable the rate payers to have their accounts prepared in such a way that he who ran might read.

He vigorously attacked what he called "orientalized imperialism," of which Somaliland was the fruit and South Africa the "rotten-ripe product." He denounced Chinese labor as being politically dangerous, "because it would lead to absolute chattel slavery."

JUBILEE OF POPE PIUS X

His Holiness Orders that Celebration Be of Strictly Religious Character.

ROME, Dec. 27.—Preparations are going on to celebrate in 1908 the jubilee of the pope's ordination as a priest. Being asked if he desired the festivities to be similar to those witnessed on the occasion of the priesthood jubilee of the late pope, when an international exposition was held in the Vatican, the pope answered. "Certainly not. I wish the celebration to maintain a strictly religious character."

Committees will be organized all over the world with the purpose of presenting the pope with large offerings during the jubilee mass.

SYMONS JOINS HIS FAMILY

Church Organist, Wife and Boy Walk Out of Court on Dismissal of Case.

Upon the motion of Deputy County Attorney Shotwell the case of wife abandonment filed in the police court some time ago against John Prower Symons, organist, was dismissed by Police Judge Berka Wednesday morning. The state's attorney explained he felt satisfied the local courts had no jurisdiction in the case as it now stands. The deputy county attorney, however, explained to Symons that if he now refuses to support his wife and child he would place himself within the pale of the Nebraska laws which provide a penitentiary sentence and be subject to rearrest and trial.

After the man was discharged he picked up his little boy and kissed him lovingly. Husband, wife and child left the court room together.

Mr. Symons would not talk of his plans further than to say he intended to remain in Omaha. Mrs. Symons appeared to be hopeful that the breach between herself and husband would seen be closed.

A Miraculous Escape
from bleeding to death, had A. Pinske, Nashotah, Wis., who healed his wound with Bucklen's Arnica Salve. 25c. For sale by Sherman & McConnell Drug Co.

DIAMONDS—Frenzer, 15th and Dodge.

McClellan Takes Oath.

NEW YORK, Dec. 27.—Mayor George McClellan today was sworn in as mayor of New York for the next four years.

SPORTS OF A DAY.

EVENTS ON THE RUNNING TRACKS

Four Favorites and Two Long Shots Win at Ascot.

LOS ANGELES, Cal., Dec. 27.—Favorites had their innings in four of the six races at Ascot today, the other two events going to outsiders, both as good as 10 to 1. The fourth resulted in an accident. As the horses turned from the down stretch opposite the paddock Jockey Kent, on Lockett, made an attempt to get through, and was badly jammed. Kent was thrown violently to the ground and was stepped on by Harbor. He was picked up and carried into the paddock, where it was discovered that no bones were broken and that he was uninjured except for a bad shaking up. Weather clear, track fast. Results:

First race, one mile and a sixteenth: Gilpin won, Needful second, King Stelle third. Time: 1:48⅝.

Second race, five and a half furlongs: Lyon won, Marpesa second, Betsy third. Time: 1:08⅘.

Third race, futurity course: Don Domo won, Incantation second, Hermitage third. Time: 1:09⅘.

Fourth race, one mile: Michael Brynes won, Firmfoot second, Workman third. Time: 1:42.

Fifth race, six furlongs: Loyal Front won, Masterson second, W. H. Carey third. Time: 1:13⅘.

Sixth race, Brooks course: Condona won, Hoodwink second, Filled Or third. Time: 1:04⅘.

SAN FRANCISCO, Dec. 27.—Results at Ingleside:

First race, five and a half furlongs: Yo San won, Angleta second, Blumenthal third. Time: 1:10⅘.

Second race, seven furlongs: Dr. Gardner won, Ramus second, Tenordale third. Time: 1:30.

Third race, six furlongs: Procrastinate won, Mrs. Bob second, Jerry Hunt third. Time: 1:16⅘.

Fourth race, one mile and a sixteenth: Gateway won, Bannock Belle second, Christine A. third. Time: 1:51.

Fifth race, one mile and twenty yards: Cloche D'Or won, Warte Nicht second, Buchanan third. Time: 1:45.

Sixth race, six and a half furlongs: Albert Fir won, St. George, jr., second, Magraine third. Time: 1:23.

NEW ORLEANS, Dec. 27.—Results at fair grounds:

First race, six furlongs: Verness won, Schoharie second, Arabo third. Time: 1:16⅘.

Second race, five and a half furlongs: Stoner Hill won, Dr. Heard second, Devilltree third. Time: 1:09.

Third race, one mile: Horse Radish won, Torchello second, King Ellsworth third. Time: 1:44.

Fourth race, six furlongs: Calabash won, Snow second, Rolla third. Time: 1:16.

Fifth race, six furlongs: Columbia Girl won, Hyacinth second, Arsenal third. Time: 1:16.

Sixth race, one mile: Colonel White won, Wedgewood second, Henry O. third. Time: 1:45⅘.

NEW ORLEANS, Dec. 27.—Results at City park:

First race, five furlongs: Kingsmere won, Self-Reliant second, Red Ruby third. Time: 1:02⅘.

Second race, five and a half furlongs: Dutch Ollie won, Capitano second, J. Ed Grillo third. Time: 1:10⅘.

Third race, seven furlongs: Oddeletta won, Big Bow second, Yatching Girl third. Time: 1:33⅘.

Fourth race, short course, steeplechase, handicap: Chanley won, Lord Radnor second, Lionel third. Time: 3:16.

Fifth race, one mile and a sixteenth: Envoy won, Gravina second, Maledictor third. Time: 1:53⅘.

Sixth race, seven furlongs: Happy Jack II won, Grosgrain second, Del Carina third. Time: 1:33⅘.

ARMY POSITION ON FOOT BALL

West Point Delegate Instructed to Broaden Scope of Agreement.

WEST POINT, N. Y., Dec. 27.—General Albert L. Mills, superintendent of the military academy, today sent a letter to H. M. McCracken, chancellor of the New York university, in which he names Captain Palmer E. Pierce as the delegate of the military academy to the national football conference of universities and colleges to be held in New York tomorrow and encloses a copy of the instructions for the guidance of the West Point delegate. The instructions, General Mills says, were adopted by the council of the army athletic association at a recent meeting They are in the form of resolutions, as follows:

"The representative for West Point should endeavor to secure the passage of the following resolutions:

"First—That the first action taken at this conference shall be submitted to all colleges prominent in foot ball, including those here represented, with a request that the same be ratified and shall be binding on any institution only upon ratification by that institution.

"Second—That a foot ball rules committee of five members shall be elected by the members of this conference and that this committee be directed to act as follows:

"To communicate with the representatives of Yale, Princeton, Harvard, Pennsylvania, Cornell, Annapolis and Chicago universities, who constitute the committee that has formerly governed foot ball, and propose that the committees be amalgamated into one which shall formulate rules under which foot ball shall be played.

"If this amalgamation shall be refused then the above named committee of five shall proceed to formulate rules under which foot ball shall be played by the institutions ratifying the actions of this conference.

"That the five members elected by this conference shall be guided in their actions so as to secure the following:

"An open game; elimination of rough and brutal playing; efficient enforcement of rules; making the rules definite and precise in all respects, such as the definition of brutal playing, holding, tripping and in general all infringement of the rules for which penalties are given; organization of a permanent body of officials.

Davidson Holds the Title.

Harley Davidson defended his title of roller skating champion at the Auditorium Wednesday night, when he defeated J. S. Pitt of Chicago, challenger for the honor, in the third race of the series which has been run this week. Pitt won the first race for a mile Monday night, when Davidson fell. Davidson won the second race Tuesday night at two miles, and again last night he won the third and last race, which was for one mile. The race was scheduled for three miles, but Pitt had demonstrated that he was not in condition to race for three miles, so Davidson consented that it should be for one mile. Pitt took the lead as usual, and made the running for four laps, when he fell just after Davidson had passed him. Davidson then gave a splendid exhibition of sportsmanship, when he slowed down until Pitt had caught him, and then, letting out a few kinks, he speeded up until at the finish he was half a lap to the good, winning in the time of 3:17.

Tonight the rink will be used for a masked ball on skates, and many costumes have been planned to try for the cash prizes which Manager Gilian has offered for the best costumes. On Friday night Davidson will try to beat the world's record for five miles, which he now holds. His record is fifteen minutes for the distance, and he says that he thinks he can lower it.

WITH THE BOWLERS.

The Storz Blue Ribbons won two games from the Onimods last night. After the first game it looked as though the shoe men would have an easy thing, for the Storz team had to put 130 pins in the last frame of the second game to win by twelve pins. The third was in doubt to the very finish. Forscutt had high total with 588 and McCague the high single game with 221. Score:

STORZ BLUE RIBBONS.

	1st.	2d.	3d.	Total.
Fritscher	165	176	171	512
Forscutt	192	194	202	588
Weber	162	184	182	528
Marble	150	182	198	530
Tonneman	183	178	164	525
Totals	852	914	917	2,683

ONIMODS.

	1st.	2d.	3d.	Total.
McCague	185	221	152	558
Tracy	186	170	173	529
Encell	197	172	189	558
Magill	176	151	167	494
Francisco	205	188	197	590
Totals	949	902	878	2,729

Sporting Brevities.

Connie Mack will carry thirty players to Montgomery, Ala., for spring training, and announces that few of his regulars of past seasons have a cinch on their jobs.

Some Chicago fans are cussing President Murphy for letting four good players go for Jim Sheckard, whom no one seems to rate as a valuable player any longer.

The Chicago Nationals say the National league championship stares them in the face with the acquisition of Third Baseman Steinfeldt, Outfielder Sheckard and Catcher Moran.

Hal Chase of the New York Americans and Frank Chance of the Chicago Nationals, both Californians, played in the Pacific Coast league after finishing the season with their teams in the east.

As the time for the coming of the Gunthers approaches the three local teams are fast rounding to form to try to wrest the bowling honors from the cracks of the whole country. Omaha has some bowlers who stood well at the top at some of the recent national bowling affairs and these may be able to give the Gunthers a run for their money.

All that is best in whiskey you will find in

Old Underoof Rye

It is thoroughly matured, soft and rich.

CHAS. DENNEHY & COMPANY, Chicago.

2

When you travel—have you had it rubbed into you—about the old census scandal—about how Omaha went backwards?

Omaha is going forward—we know it—by leaps and bounds—we know it—but the old impression still sticks

We want to wipe this out—don't we? The Bee wants it forgotten—you want it forgotten—so does everybody in Omaha, who is proud of Omaha and its enterprises.

The Bee has started a plan to wipe the slate clean—to show the world—Omaha—in a panorama, which will surprise people who do not know what Omaha is. The bird's-eye view of Omaha, which will be sent out with sixteen pages, showing Omaha in detail, will be the biggest advertisement ever sent out of any city.

This is one of the times when all Omaha must pull together. Will you take hold of the rope and help pull?

Every subscriber to The Bee gets one copy free on January 1st. Extra copies 10 cents

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CURE Hydrocele, Varicocele, Stricture, Emissions, Impotency, Gonorrhoea, Blood Poison (Syphilis), Rupture, Nervous Debility.

KIDNEY and URINARY Diseases and all Diseases and Weaknesses of MEN due to evil habits of youth, abuses, excesses or the result of neglected, unskilled or improper treatment of specific or private diseases.

If we could but see and treat all men when the first symptoms show themselves there would soon be little need for so-called specialists in chronic diseases, and there would be few men seeking a rejuvenating of their physical, mental and sexual powers, and there would be none marked with the indelible stamp of constitutional Syphilis, and the sufferers from VARICOCELE, GLEET, STRICTURE, Kidney and Bladder Diseases would be reduced to a minimum. But as long as MEN continue to disregard the golden adage, "A stitch in time saves nine," and continue to neglect themselves or to exercise indifference or poor judgment in securing the right treatment at the outset, just so long will there be multitudes of chronic sufferers.

We make no misleading statements or unbusinesslike propositions to the afflicted, neither do we promise to cure them in a few days, nor offer cheap, worthless treatment in order to secure their patronage. Honest doctors of recognized ability do not resort to such methods. We guarantee a perfect, safe and lasting cure in the quickest possible time, without leaving injurious after effects in the system, and at the lowest cost possible for honest, skillful and successful treatment.

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