COAL MEN PILE UNTO CLUTE

Feveral Indicted Dealers and Their Em-

DENY REFUSING TO SELL TO HIM

miums in Court to Prove They Did Sollett in Competition for Trade.

a number of their employes testified in the did make denial of the charges set upagainst them by the state.

H. S. Rhondes, in the employ of E. E. Howell, said he never refused to sell coal to F. M. Clute, a coal dealer in banket lots, Mr. Clute's testimony to the centrary notwithstanding. He admitted on cross-examination that Attorney Baldrige had read to him parts from the testimony in the other coal trial, so as to refresh his memory previous to going on the stand.

C. A. Grimes, yardmaster for C. W. Hull ever had a conversation with Jensen about under the will, coal. George F. West, general agent of the "Mrs. Kitchen, was going to take the train for this ex- decided to state the facts." cursion, and Brown told him he couldn't get coal from the company because he was not a member of the exchange. This conversation having taken place in October, 904, was proved by the defense immaterial, being barred by the statute of limitations. Mr. Brown was placed on the stand and testified he did not sak Jensen anything about coal on the occasion of that con-

Proof of Soliciting. To prove the members of the Coal exchange were soliciting busines in spite of the constitutional provision prohibiting personal solicitation, the defense exhibited a collection of articles given as premiums. Match holders, thermometers, papers of pins and needles and other things were shown, E. E. Howell on the stand said he had gone forth as usual in the fall of holders and solicited business. "And what are these little half cupa for?" asked Mr. Connell, holding up

"To hold matches," replied Mr. Howell "I wanted to make sure," said Mr. Con ell, "they were not meant to hold a bushel' of Clute's basket coal." The defense had alleged a benevolent object in barring the basket dealers from memberbecause they gave small measure.

Mr. Howell was asked about certain en tries in the minute book of the exchange, recording the fact that "the dealers filed their prices on coal." He said this printed list of coal prices never governed him in his business. He just hung it up in his office and didn't pay any more attention "What was the object of this filing of

and the printing of the list?" asked the county attorney.

"Oh, that was just a matter of courtesy,"

Strenuous Fight for Trade. The fact was pretty well established by of suit. the defense in the Sunderland case yesterday that the members of the coal exprovision in the constitution and bydefense continued to introduce witnesses during the afternoon for the purpose of as prayed for, would be \$26,060. proving this. It seemed there was an inemployes in the hall, and one by one they were called in and swore to the fact that they solicited strenuously for trade.

Each witness named a number of people whose orders he had secured by personal solicitation. E. E. Howell even declared he had solicited County Attorney English and "Where did you solicit Judge Troup?"

asked the county attorney. "Well, not on the bench," replied Mr. Howell. But he did not remember where he had called upon the judge for his coal order.

BABY'S DREADFUL

Extended Over Entire Body -- Mouth Govered With Crusts as Thick as Finger Which Would Bleed and Suppurate — Disease Ate Large Holes in Cheeks — Hands Pinned Down to Stop Agonized Scratching—Three Doctors' Best Efforts Failed to Give Relief.

BUT CUTICURA WORKS A MIRACULOUS CURE

"When my little boy was six months old he had excess. The sores extended so quickly over the whole body that we at once called in the doctor. We then went to another doctor, but he could not help him, and in our despair we went to a third one. Matters became so bad that he had regular holes in his cheeks, large enough to put a finger into. The food had to be given with a spoon, for his mouth was covered with crusts as thick as a finger, and whenever he opened the mouth they began to bleed and suppurate, as did also his eyes. Hands, arms, chest, and back, in short the whole body was covered over and over. We had no rest by day or night. Whenever he was laid in his bad, we had to pin his hands down, otherwise he would soratch his face and make an open sore. I think his face must have isched most fearfully.

"We finally thought nothing could help, and I had make up my mand to sond my wife with the child to Europe, hoping that she sees air might ours him, otherwise he was to be put under good medical care there. But, Lord be blessed, matters came differently, and we soon saw a miracle. A friend of ours spoke about Cuticurs. We made a trial with Cuticurs Soap, Ointment, and Reschvent, and within ten days or two weeks we noticed a decided improvement. Just as quickly as the flickness had appeared it also began to disappear, and within ten days or two weeks we noticed a decided improvement. Just as quickly as the flickness had appeared it also began to disappear, and within ten days or two weeks we noticed a decided improvement. Just as quickly as the flickness had appeared it also began to disappear, and within ten days or two weeks we noticed a decided improvement. Just as quickly as the flickness had appeared it also began to disappear, and within ten days or two weeks we noticed a decided improvement. Just as quickly as the flickness had appeared it also began to disappear, and within ten days or two weeks the collisions. So to 20 Rink Alley, South Bestietes Reterves see Reterves for the collisions and Adule coole

ployes Contradict His Testimony.

The examination was puncutated by the ons from the attorneys for the de fense and occasional protests from the county attorney against what he termed mfair means taken by attorneys for the lefense to get before the jury statements which had been ruled out by the court. The three attorneys for the defense, Cor nell, Stout and Haldrige, took turns at ex-

amining the witnesses. Mr. English conducted the examination for the state. The witnesses vesterday afternoon wer Charles Contant, E. E. Howell, Carl Brandets. A. B. Cook, A. F. Prohasks, T. D. Sunderland trial before Judge Troup Mon- Dakin, J. E. Hammond, A. D. Toreslin, day morning and they all with one accord Bandall K. Brown, A. J. Psynowski and

'In your office," said Mr. Howell,

county attorney smiled skeptically

The defense expects to complete its case by noon today.

MRS. KITCHEN DROPS FIGHT Gets Forty Thousand Dollars Plus Bequest by Settling Suit on Husband's Will.

The notice of contest of the will of the company, denied the statement made by late J. B. Kitchen was withdrawn from the Andrew Jensen that Jensen had been re- county court Monday by Mrs. Kitchen. A fused coal there because he was not a settlement has been made between Mrs. member of the exchange. P. A. Haskell Kitchen and Ralph Kitchen, nephew, one of Sunderland Bros. company denied he of the executors and a heavy beneficiary

passenger department of the Northwestern secures \$40,000 in addition to what the will railroad, was placed on the stand to prove allows her," said General John C. Cowin that the Ak-Sar-Ben excursion to St. Paul last night to The Bes. "I did not at first took place in October, 1904. Jensen had think best to state the terms of settlement stated he met G. P. Brown, solicitor for but since a guess has been made which the Sunderland Bros, company, when he comes within one-half of being correct I

> The estate is valued at nearly \$200. 000. Mr. Kitchen bequeathed a large amount of property to five young wo clerks at the Paxton hotel. He made other bequests outside his family and on the whole Mrs. Kitchen was convinced she had not received what was due her.

> "I have made a compromise with Raiph Kitchen. The compromise gives me more than I would get by the will but if I were to contest, I know I would get still more My health will not permit me to do this, however. Mr. Kitchen made a will a year ago that allowed me an equitable share. I did not know he had made this last will and it was made at a time when he was not in his right mind. Every day was expected to be his last."

1906 and of 1906 with a pocket full of match FIRST SUIT OF KIND IN YEARS

Action Against Clay Center Concern on Alleged Violation of Certain Patent Law.

William A. Sumner of Clay county has rought suit in the United States district ourt in his own behalf and of the United States against the Sure Hatch Incubator company of Clay Center for \$52,100.

The suit is brought under section 4001 of the United States statutes, which provides for a penalty of \$100 against parties who sell or advertise such articles as patented upon which no patent has been issued by the government. The statute provides a penalty of \$100 for each offense.

In the present case Sumner alleges in his petition that the defendants have manufactured and sold 521 "brooders," unpatented articles, as patented, the article having the words, "Pat'd Dec. 29, 1908," with the by selling them as patented articles. The plaintiff therefore prays for a judgment of \$52,100 against the defendants and for costs

The law further provides in such cases that one-half of the fine shall go to the Combine Which Pats Creighton Man change solicited for business in spite of party instituting the suit and the United States shall receive the other half. Mr. laws prohibiting personal solicitation. The Sumner's part of the proceeds, should the suit succeed and the judgment be awarded

The case is the first of its kind brought

People Take Advantage of Oppor-

tunities Offered by Miller,

Stewart & Beaton. Shoppers turned out in force to visit the formal opening and souvenir sale of the Miller, Stewart & Beaton company Monday, which will continue for three days. The place throughout its entire four acres of floor space is a bower of beauty. For this sale and opening the firm has furnished a string orchestra and also thousands of violets, which were pinned upon those who

Nearly every piece of furniture in the entire store has been marked at a remarkably low figure for this opening and souvenir sale, and judging from the crowds which were attending the opening the people of Omaha are taking advantage of their op-

People wondered why everyone was wearing violets on the streets Monday, but the answer was soon given, for one had only to follow the crowd to get a bunch and to be in line with the popular idea of wearing violets. All seemed to enter into the spirit of the opening, and the firm was congratulated on all sides for the magnificent new structure, which is filled with an entirely new line of goods, all the old stock having been sold out before the firm moved from the quarters previously occupied on Far-

SUPPLIES FOR THE INDIANS

Several Thousand Dollars Worth of Food and Equipment Ordered from Umaha.

Bids were opened Monday morning for several thousand dollars' worth of Indian supplies at the office of Major Thomas Cruse, chief quartermaster for the Department of the Missorui. These supplies comprise blankets, clothing, tents and other equipage for the use of the destitute Ute Indians now at Fort Mead. The bidders are all Omaha parties. The supplies are ordered through the quartermaster department, the Indians being under the direct charge of the war department in this instance. The Utes are also being fed through the army branch, most or the provender for their use being bought by Chief Commissary Captain T. B. Hacker in Omahu

PRIES LAKE FOR A LUNA PARK

Parties to Lease it for Minety-Nine Years.

New York amusement promoters want to secure Price lake for a second Luna park resort. They have submitted a proposition to lease the place for ninety-nine years at \$1,000 a year, but their proposition may not receive immediate consideration for the reason that P. Jorgensen, who is in control of the lake and grounds, is sick at Hot Springs. Ark., and unable just now to transact husiness. Mrs. Jorgensen stated Monday in reply to a question as to what her bushend would do that she knew nothing whatever about the matter. "I do not even know who the parties are who have made the proposition," sald she.

Martin Kastle, Newspaper Man, to Blame demanding immediate repair. and Mr. Howell added, "Or perhaps on the for Term of Stinkpots.

IN OMAHA AND TELLS HOW IT

Hack to Cranks Where He Came

The man who caused the late John Alexander Dowle, founder of the Christian Catholic church, to apply the epithet of 'stinkpota" to newspaper reporters is stayng at the Paxton hotel, on his way to St. Louis. This man is Martin Kastle of

"It happened this way," Mr. Kastle said, arrives. while speaking of the late leader of Zion When Mr. Dowle left Chicago with his host to invade New York City, during October, 1908, I was editor of the Washington Mirror. Under personal address to Fifth Avenue hotel, in New York City, I sent this telegram to Mr. Dowle:

"New York evidently does not want you. Go back to the country of cranks you "Mr. Dowie received the telegram as he was going to Madison Square Garden to and giorified city, infinitely greater and address the gathering. The telegram bothered him. He asked who the sender was,

Washington Mirror seven years ago and at new city greater and grander than the old. one time was part owner of the St. Louis Globe-Democrat.

Sunday Mr. Kastle met W. A. Paxton, Both recognized each other.

Auction of Space at Municipal House Carried on by

Eppatein.

Market Master Eppstein Monday mornstalls were sold, fourteen to wholesalers at a premium of \$10 each and eleven to re- dreamer was a failure! tallers at a premium of \$5 each. The latter class are the gardeners who drive in with their own produce. These premiums are paid in addition to the regular market fee built to its dreamers-men and women who of 16 cents per day for occupying the stalls. This year promises to be better than last the human race. year in the way of market regulation. Last year only ten stalls were sold by the city, an association having a large enclosure at Eleventh and Jackson streets and charging fees for stand privileges.

The city council has included the street around this private market establishment in the market district. Already some of this space has been sold by the city.

There are several hundred stalls marked off along the curbing, so there will be always procedes the castle on the earth. space for all who want it without disturbing the commission men. The market will begin to take on life in a few weeks and in view of the final adandonment of the Capitol avenue market house, it is be intent to deceive and defraud the public lieved the market place as now established will be more popular this season than ever

KNOCKOUT DROPS AND WOMEN

severates.

Knockout drops and women lost \$47 to James Bryce of Creighton Saturday night. exhaustible supply of coal dealers and their in the federal courts for many years in this Bryce said he drank a glass of whisky in company with two women in Garrity's saloon in the burnt district and became CROWDS VISIT THE NEW STORE sick. He swooned and when he woke up, all his money was gone except 91 cents. Louise Moore and Bell Morris were arrested by the police and identified by Bryce as the pair with whom he drank. The cases against the women were continued unt

Tuesday morning by Judge Crawford. SPANS FOR VALLEY BRIDGE

Contract Let to Rob Drake for Increasing Size of Platte River Viaduct. The county commissioners have let the

contract for building two 150-foot steel spans in the bridge across the Platte river near Valley. These spans are to take the places of the wooden parts removed at the time of the high water this spring. The contract was given to Robert Z. Drake of the Standard Bridge company. The contract price is \$16,700 and the work is to be done at once.

The work is done under the provisions

of the smergency statute, which permits this magnitude for public improvements when damage has been done by fire or flood

DEBTS DUE TO DREAMERS Visioners Applanded as True Prophets of Modern Achleve-

Once when Emerson was in the company of men of affairs, who had been discussing railroads stocks, and other business matters for some time, he said, "Gentlemen, now

let us discuss real things for a white." Emerson was called 'the dreamer of dreamers," because he had the prophetic vision that saw the world that would be, the higher civilization to come. thousands of men and women today stand Kastle Park, Washingotn, D. C. Mr. where he stood almost alone. Dreamers Kastle is known to many in Omaha, where in this sense are true prophets. They see the civilization that will be long before it

It was such dreamers who saw the great metropolis of Chicago in a straggling Indian village, the Omahas, the Kansas Cities, the Denvers, the Sait Lake Cities, the Los Angeleses, and the San Franciscos many years before they arrived, that made

their existence possible It was such dreamers as Marshall Field, in the ashes of the burned Chicago a new

grander than the old. As it was the dreamers of '40 who built and on being told it was a Washington the old San Francisco and made it the newspaper man, he relieved himself during greatest port on the western coast, when the evening by telling the crowd what he San Francisco lay in ashes, a few months thought of reporters, calling them stink- ago, and 500,000 people were homeless, it pots and agents of the devil. From that was the dreamers of today who saw the time Mr. Dowje nursed a grievance against city in the ashes of the old, where others saw only desolation, and who, with in-Mr. Kastle is something of a globe trot- domitable grit, that unconquerable Ameriter, having 300,000 miles of travel to his can will that characterised the pioneers oredit since he left Omaha. He owned the of a half-century before, began to plan a

What a picture the dreamer Columbus presented as he went about exposed to continual scoffs and indignites, characterwhom he had not seen for twenty years, ized as an adventurer, the very children, taught to regard him as a madman, point. ng to their foreheads as he passed! He dreamed of a world beyond the seas, and, in spite of unspeakable obstacles, his visions became a giorious reality.

He died a neglected beggar, although his dreams had enriched the world; while a pickle dealer of Seville gave his name to the mighty continent Columbus had discovered. But was the Genoese dreamer a ing began the annual sale of stalls in the failure? Ask more than 100,000 people who market place. ,Up to noon twenty-five inhabit the vast wilderness, the greatest continent the sun ever shone upon, if this

Our public parks, our art galleries, our great institutions are dotted with monuments and statues, which the world has dreamed of better things, better days for

Take the dreamers out of the world's history, and who would care to read it? The most of the things which make life worth living, which have emancipated man from drudgery and lifted him above commonness and ugliness—the great amenities of life we owe to our dreamers.

Our visions do not mock us. They are vidences of what is to be, the foreglimpses of possible realities. The castle in the air Success Magazine.

LOBINGIER TALKS IN MANILA former Omaha Attorney Delivers Course of Lectures on Primi-

tive Law of Philippines. C. S. Eigutter has received a letter from first instance at Manils, P. L., stating that he is now delivering a unique and comprehensive course of lectures on legal topics before the Manila Young Men's Christian

The lectures are discourses on the primitive law of the Philippines, tracing the crude jurisprudence through the centuries to the ascendency of the Spanish regime, with its influence on the native laws, and then of the effect of power of Islam, closing with an analyzation of the effect of American occupation upon the jurisprudence of the tsland.

PRIZES FOR COVER DESIGN Rewards Will Be Such as Will Com pensate Those Striving

for Them. Many inquiries are being received by Commissioner Guild of the Commercial club and much interest is evinced in the competition by local artists for the cover design of the itinerary to be published by the club for use on the "Great Northwest" trade extension excursion next June.

Although the advertising subcommittee has not definitely decided upon the prises to be offered for the accepted design, they will be such as will be compensatory for extra effort and several printers, lithographers, architects and artists are preparing designs for submiss

VAL BLATZ

BREWING CO.

MILWAUKEE,

Druggists

BEER-Our Nation's Beverage contains but

Is brewed and aged on honor.

Full of character and beer body.

A hop tonic, malt nourishment

and delicious beverage, all in one.

Try any of these brands-

whether on draught or in

bottles-wherever you can

Private Stock, Wiener, Muenchener, Export

Omaha Branch,

802-10 Douglas St., Cor. 8th.

Phone Douglas 1081.

-for the Bowels

They act like Exercise.

The modern way to "get there" If you want to talk in a hurry you don't write,

you use a telephone.

If you want to get somewhere quick you don't walk, you ride in an automobile or take a street car.

If you want to write fast you don't use pen and ink, you use a typewriter.

If you want help of any kind,

If you want a position,

If you want to sell out,

If you want to get into business,

If you want to get out of business,

If you want to sell some old thing,

If you want to rent a room,

If you want to sell a horse,

If you want to sell a farm,

If you want to sell chickens,

If you want to buy, sell, rent, hire, swap or advertise---

Use a three line want-ad in The Omaha Daily Bee



Why three lines?

Because three lines will give you a chance to say enough to make people understand what you want, or what you are offering. If you cut down to save words, you fail to interest people. Tell them fully and plainly.

Why in The Bee?

Because people rely on The Bee; they rely on Bee advertisers, too. Nobody pays much attention to papers filled with sensational news, manufactured without regard to truth or decency; they have confidence in The Bee and confidence in Bee advertisers.

Because, too, The Bee goes to more homes in Omaha, South Omaha, Council Bluffs and the towns in Nebraska, Iowa and the Black Hills than any other paper. A clean paper is admitted to all the homes: the mechanic is as particular what his daughter reads as the banker; he knows, too, that The Bee has been on the side of right regardless of class, and The Bee is the workingman's paper. The influence of a strong paper is not for sale, yet you get the benefit of part of this influence, each time you advertise.

Because The Bee gives its patrons more for less cost than any other paper.

A three line want-ad

Three times Seven times One time 25c 45c 10c

Every drug store is a Bee want-ad branch office, or Phone Douglas 238, if you cannot call at

THE BEE OFFICE

17th and Farnam-"The want-ad corner"

Within everybody's reach--- teaches everybody.