2

however, is not strictly accurate. The coneither one of two things, namely, a differ- out elevating them or improving their ence in judicial interpretation of the law, moral tone. Until the lawmakers expressly. or the connivance of public officials at will- provide for such sweeping changes in the ful violations of the statutes.

"In some states base ball played on Sun- ple it is not proper for the courts by conday is expressly prohibited by statute. Thus, struction to impair their natural rights to in Indiana, the statute forbids baseball enjoy those sports or amusements that are on Sunday for an admission fee. (See neither main in so nor main prohibita-State against Hogriever, 152 Ind., 652.) But neither immoral nor hurtful to body or in spite of the statute, Sunday games are soul. We, therefore, conclude that there is played in many of the cities of the state. no law in this state which prevents playing In Ohio Sunnday base ball is expressly pro- a game of base ball on Sunday. hibited. (Bates Annot. Stat. Section 708a.) And it has been held under this statute that arrests for its violationes may be bearing upon the question are paragraphs on Sunday. (See Ex. p. Carrol, 12 428 and 429 of the criminal code, which pro Whig. Law Bull. 2.) Nevertheless, National vide a fine for any one who shall disturb league games are played in Cincinnati on the peace of society or of a private family Sunday and American league games in by engaging in any amusement or diversion Cleveland. (The writer means American on Sunday. Evidently it has never ocassociation games in Columbus instead of curred to any one in Illinois that Sunday Amorican league games in Cleveland), ap- tase ball games disturb the peace of soparently without a word of protest from ciety, for the practice is common there, any one. These two jurisdictions furnish and an inspection of the state reports fall noteworthy examples of willful violation of to show any decision in which the question the statutes.

"In some other jurisdictions Sunday base ball is made illegal, not by express statuinterpretation of statutes. Thus, in Michi-\* \* take part in any sport, game or play on the first day of the week." This statute has been conceded to include base ball. Bee Scougale versus Sweet, 124 Mich. \$11, wherein it was also held that playing ball on Sunday was a breach of the peace under another statute referring to the duty of the sheriff to disperse unlawful assemblages. Similarly, in Nebraska, it has been held, under a statute providing that if "any person of the age of 14 years or upward shall be found on the first day of the week, commonly called Sunday, sporting, rioting, quarreling, hunting, fishing or shooting, he or she shall be fined." etc., that playing base ball comes within the definition of 'sporting." (See State versus O'Rourke, 35 Neh., 614.) This decision was followed and reaffirmed eleven years later, in Seay versus Shrader, 69 Neb., 345, wherein the court said: "Since the decision was rendered the legislature has been in regular session no less than six times. It is fair to presume that if the law as there ansounced had been offensive to public sentiment, or the interpretation there put upon it, had been generally regarded as erroneous, it would long since have been changed." Notwithstanding these positive ing within the meaning of the statute, candecisions, however, base ball continues to be played on Sunday, both in Michigan and in Nebraska,

In Missouri the situation is somewhat different. There the existing statute is decided in 1898, it was held (citing People held not to apply to base ball. The man- vs. Moses) that ball playing on Sunday ner in which this result was reached is is a misdemeanor and that an arrest thereinteresting. In the early case of State for may be made without warrant. versus Williams, 35 Mo. App., 541, it was held that the game of base ball is included in the words "or games of any kind" in a statute providing as follows: "Every person who shall be convicted of horse racing, cock fighting or playing at cards or games of any kind on the first day of the week, commonly called Sunday, shall be deemed guilty of a misdemeanor," etc. The court said: "The statute was not alming to prevent the doing of things immoral per se, or the tendency of which is supreme court chambers, in the case of immoral, as the inhibition is not against People ex rel, Poole vs. Hesterberg, 43 gambling or betting on the games, but Misc., 510. The case was a habeas corpus merely against doing the act on that day, proceeding to test the legality of certain though it be not immoral or tending to immorality. The object of the lawmakers learned justice adhered to his decision in being thus apparent, and the language used the Bedell case and handed down an opinto cover that object so apt, would it not be inexcusable technical refinement for the courts to say that the general words 'or games of any kind' did not include the game of base ball?

### Is National Pastime.

vorce, corporations and the like. This, have been as illegal as any other. Such the playing of ball on Sunday on certain construction would have curtailed many of premises, declining, however, to pass upon fusion in this particular is attributable to the pleasures of many of our people with- the merits of the question. lives and customs and habits of our peo-

Common in Illinuis.

"In Illinois, apparently, the only statutes has been passed upon. "In New York the law is probably in a

was People against Dennin, 35 Hun., 327, to include base ball. decided in 1885. It was therein held that thing prohibited must be to a greater or lesser extent public."

"This decision was criticised in People vs. Moses, 140, N. Y., 214, wherein it was restrictions." said that the Dennin case was not correctly decided. The court said: 'That playing ball by several persons in a place open to view of the people who may be in the vicinity, or who may pass by, is condemned by the principles which lie at the bottom of the Sunday laws, and is an act of playnot be doubted.' It is to be observed, however, that the question of base ball playing on Sunday was in issue in the Moses case. In matter of Rupp, 35 N. Y. App. Div., 468,

Police Above Law.

"In People ex rel, Bedell vs. Mott, 88 Misc. (N. Y.), 171, decided in 1902, Judge Gaynor followed People vs. Dennin, declaring that it was not overruled by People vs. Moses, and held ball playing on Sunday was not a crime when it did not amount to an interruption of the repose and religious liberty of the community. In 1894 the question again came before Judge Gaynor, at arrests for playing ball on Sunday. The

A Contradiction.

state: We have an obiter dictum by the court of appeals that Sunday base ball is illegal, but we have a positive declaration by the supreme court, not yet overruled. that Sunday base ball is not illegal except when an admission fee is charged to wit- Palidini, S to 1, Outgames Favorite ness the game, or when the public peace is unduly disturbed. This contrariety of views is largely responsible for the fact that base ball is played on Sunday in some parts of

the state and not in others. The magistrates before whom the cases of alleged violation of the law come for decision are at liberty to adopt either view, or to declare, as has been done in some cases, that the question is too unsettled to warrant. them in rendering any decision whatever. It may be said that if the Missouri argument as to legislative intent has any force it is fully applicable to New York state. As far back as the New York Revised Statutes of 1828 we find the following prohibition: "There shall be no shooting, hunt-

ing, fishing, sporting, playing, horse racmore confused and perplexing state than ing, gaming, frequenting of tipping houses tory provision, but by virtue of judicial in any other jurisdiction. Section 255 of or any unlawful exercises or pastimes on the penal code prohibits 'all shooting, the first day of the week, called Sunday. gan, the statute reads that no person shall hunting, fishing, playing, horse racing, Base ball was then not known, but when gaming or other public sports, exercises. the penal code was enacted in 1881 profespastimes or shows upon the first day of sional base ball had been played for sevthe week, and all noise disturbing the eral years. The legislature, however, peace of the day.' The first case con- merely reworded the section, without any struing this statute in reference to base ball change evidencing an intention specifically

"In closing, it may be well to add a word three men who were playing ball on private as to the validity of Sunday base ball leggrounds, without making any noise, were islation. Statutes which expressly pro not guilty of violation of the statute. The hibit the game, or which so result by judicourt considered section 365, together with cial decision, have been uniformly upheld sections 259 and 252, relating to Sunday ob- against constitutional objections. (See servance, and said: 'From the three sec- State vs. Hogriever, 152 Ind., 62; State vs. tions it is manifest that the thing done O'Rourke, 55 Neb., 614; State vs. Powell, must be a serious interruption of the re- 58 Ohio St., 324). If it is a valid exercise pose of the community on Sunday. The of legislative power to prohibit the playing of base ball on Sunday, it is, of course, perfectly possible for legislatures to permit the sport with well-defined limitations and

Contral City Defeats Lincoln.

CENTRAL CITY, Neb., Jan. 4.-(Special Telegram.)-The Central City Young Men's Christian association basket ball league team defeated the Lincoln Young Men's Christian association team by a score of 19 to 15. It was a close and exciting game. 19 to 15.

Sporting Gossip. Lee Quillin goes back to the minors.

Omaha is to be well represented at the A. B. C.

The bowlers will have to be given a ront seat for the next few weeks, as many arge tournaments are scheduled for that

The St. Louis foot balilsts were good In-dians on their own gridiron, but when they got out in the wild and woolly they must have been seized with stage fright.

For years teams have been going from this section of the country to Butte and other points to play foot ball and have almost invariably been besten. The air, alebt wahr? nicht wahr?

The ice man has not begun to interfere with the iceboaters at Cut Off lake and they have the entire sheet to themselves. The wind gets a better sweep out in the middle where the ice men generally work. T. S. Andrews, sporting editor of the Evening Wisconsin, has brought his 1909 evening wisconsin, has brought his and sporting annual record book up to data, containing records of all noted fighters, trotting, pacing, running, bowling track, athletics, base ball and automobiling. Many fine illustrations of the world's prominent fighters are printed, as are the up-to-date moords records.

the Bedell case and handed down an opin-ion which is so remarkable in many partic-ulars that we feel justified in quoting from it at some length. He said: 'No complaint was made in the present case by any citi-sen that the repose and religious liberty of the community or himself were interrupted. considered a very promising catcher.

THE OMAHA SUNDAY BEE: JANUARY 5, 1908.

EVENTS ON RUNNING TRACKS "This, then, is the situation in New York Jockey Dave Nicol Rides Three Winners at New Orleans.

MUDDY COURSE AT OAKLAND

(Continued from Page One.)

Entries Already Coming In.

will also include moisture.

In First Race and Wins in Driving Finish-Besults at Los Angeles.

NEW ORLEANS, La., Jan. 4 .-- The riding of Jockey Dave Nicol was the feature of foday's races at City park, he piloting the first three winners of the day. Hyperion II., at 3 to 3, won the third race in a hard drive through the clever riding of Jockey Nicol. Apache at 8 to 5 won his fifth consecutive race today over the favorite, Alsatian. Weather clear; track fast. Summary:

First race, six furlongs, selling: Meadow Breeze (11, Nicol, 8 to 5) won, Tivolini (105 vide for a beefsteak dinner to visiting dele-

Bummary:
First race, six furlongs, selling: Meadow Breese (III, Nicol, S to 5) won, Thvolini (105, McDaniel, 12 to 1) second, Belle Strome (103, J. Sumter, 6 to 6) third. Time: 1:14%. Air-ship, Rappahannock, Judge Treen, Viperine, Bheen, Heart of Hyacinth, LaFayette, Treer Joli, Debar also ran.
Becond race, five and a half furlongs: Rick III. (III. Nicol, 11 to 10) won, Donaldo (106, McDaniel, 2 to 1) second. Fashion (106, Lee, 15 to 1) third. Time: 1:09%. Ban Ridge, Bitter Man, Silvia G. Helen Holland, Casr, Busy Boy, Knighthead, Major Mack, Maria, My Love and Art also ran.
Third race, five furlongs: Hyperion II. (III. Nicol, 3 to 3) won, Toy Boy (100, Powers, 6 to 1) second. Arch Oldham (115, Molesworth, 50 to 1) third. Time: 0:59%. Handsarra, Momentum, The Bear, Arthul Dodger, Lucy Young, Belmore, Jerry Sharp, Ethylane ran.
Fourth race, six furlongs, handlesp: Jacobite (12, McDaniel, 4 to 5) won. Comediance (12, Raynor, 8 to 1) third. Time: 1:13%. Pinton, Keahor and Refined also ran.
Fith race, six furlongs, selling: Apache (06, 9 to 5) won, Bitter Sir (00, Powers, 15 to 1, second, 160, Arcthour, Keahor, and Refined also ran.
Fith race, six furlongs, selling: Apache (06, 9 to 5) won, Bitter Sir (00, Powers, 15 to 1, second, 160, Non, Reboite, 12, Mask So, Ne Trumper, 1:15%. Fith race, six furlongs, selling: Apache (06, 1 to 5) won, Bitter Sir (02, Powers, 15 to 1, second, Goid Way (106, Keerner, 5 to 1) third. Time: 1:45%, Louise MaeFarlan, Cull, Just So, Ne Trumper, Charles Thompson, Canopian, Jungle Imp, Conde, Matshon and Tribes Hill also ran.
Hex Y Track at Oakland.
OAK LaND, Cal, Jan 4 – The track was

stronger.

Heavy Track at Oakland. OAKLAND, Cal., Jan. 4 .- The track was heavy at Oakland today and the weather for sixteen clubs it will send from Buddenfavorite, Miter. Scamper got the show. does not look like a wild one now. The talent were again wrong when they selected Seven Full to win the second sixteen will be used for the tournament race. She was outgamed in the stretch proper, with the two central ones reserved found dead. He had been dead apparby Ray Bennett. In the fourth event for special matches, chief among which ently for several hours. No evidence of Marian Casey and Adena fought it out, will be the contest between the winners of but the favorite proved the gamlest. Results:

sulta: First race, five furlongs: Palldini (161, Hayes, 8 to 1), won; Mitter (104, Miller, 11 to 1), second; Scamper (102), Davis, 15 to 1), third. Time: 1:03½, Maio, Ontario Oregon, Asusa, Trinta, Radium Dance, Grace Van S., Mrs. F. Newburgh and Joe Kilday finished as named. Second race, five furlongs: Ray Ben-nett (100, Lynch, 10 to 1), won; Seven Full (103, Davis, 7 to 10), second; Gal-vestonian (108, Keogh, 9 to 2), third. Time: 1:02%, May Pink, Remember, St. Orioff and Peerless Lass finished as named.

in the doubles and \$100 in the singles.

Orloff and Peerless Lass finished as named. Third race, one mile and three fur-longs, selling: Rotroue (104, Kirschbaum, 1 3 to 1), won; Isabeilta (98, Rice, 13 to 5), second; Tetanus (102, McClain, 16 to 5), third. Time: 2:31. Wimple, Rosal and Boxely finished as named. Fourth race, six furlongs: Marian Casey (109, Miller, 7 to 5), won; Adena (96, Kirschbaum, 13 to 2), second; Heather Boott (104, Hayes, 3 to 1), third. Time;

(96, Kirschhaum, 13 to 2), second; Heather Scott (104, Hayes, 3 to 1), third. Time: 137%; Reene W., Follie L. and Sand Piper finished as named.
Fifth race, one mile and seventy yards, seiling: Dorado (113, Miller, 7 to 10, won: Ramus (116, Lynch, 7 to 1), second; Fury (108, Mentry, 12 to 1), third. Time: 1.52. Colonel Warwick, Arcourt, Mid-mont, Alta Spa, Santa Ray, Pasodella and Huzzah finished as named.
Sixth race, futurity course, purse: Billy Pullman (105, Moreland, 5 to 2), won; Castile (105, Gübert, 7 to 1), second; Dareington (110, McIntyre, 8 to 1), third. Time: 1:14%, Abbey, Jockey Mounce.

of 1:25. The race was between the two

climbing to the top of the ladder in the Metropolitan league race. They took three games from the Bungalows last night with much case. Charley Gernandt	AFFAIRS AT SOUTH OMAHA
took most of the honors for his team with inf for single game and 566 for grand total. Kaines was high man for the Hungalows with 504 total. The Ortman's Stars and the Eclipse will bowl Sunday. Score:	Police Department Preparing Yearly Report to Commission.
BUNGALOW CITY, Remington	SHOWING MADE IS A GOOD ONE
Totals         459         415         418         1,276           CHICAGO LIQUOR HOU'SE.         Borghoff         122         141         161         425           Adams	O. H. Suyder, a Bartender, Found Dead in His Room—Had Been III with a Cold and Death Was Due to Natural Causes.
Totals	The police department is preparing the

OMAHA BOWLERS TO COMPETE annual report which is to be presented at the pext regular meeting of the Board of Fire and Police commissioners. In many features the work is interesting. It shows that the department has made a good through their series they will be fed, which record. During the entire year only twentyfive men wers bound over to the district Hotels are all in an agreement not to raise prices, and there will be ample room court. Of these only one was charged with murder in the first degree. This was Ed. for all. Rates are low in Cincinnati at all Smith, who shot Bob Singleton and lately times, and this will make the trip a cheap received a life sentence, glad to save his one for visitors. All contestants will be neck, begging his lawyers not to ask for met at the trains and escorted to their

hotels. Additional arrangements will pro- a new trial. John O'Connor was bound over for mangates, alternates and officers on February slaughter. He shot and killed Bernard Carahar with a shotgun. He is still at 14. while the day following a banquet will liberty, as there was no one apparently be served at the Sinton hotel to the same to press the case to a trial. Charles Price was bound over August 9 for wounding Fred Pepple while attempting to commit Entries have started to flow in already. a robbery. Pepple took the gun away and although the list does not close until Janshot Price through the face. Ira Pace uary 28. The first man down with . his was bound over for robbing the Miller money was E. A. Johnson of the Deso-

restaurant September 20 Amos E. Alden toes, St. Louis, who entered the Desoto and Maynard Alden were charged with five-men team-four doubles and seven sinrobbing Ed Gates and were bound over gles. The first five-men team to enter October 1.

from Cincinnati was the North Cincinnat O. H. Snyner Found Dead in Bed. Turnverein, Gerry Herrmann's influence O. H. Snyder, a man 50 years old, was on the ball players will be felt by the en found dead in his bed at the residence try of four of the leading clubs of the of Mrs. L. P. Clouse, 627 North Twenty American and National Base Ball leagues, fourth street, yesterday evening. Snyder while the minors will be there even boarded at the residence and had been a bartender for Otto Maurer for several years. He worked until a week ago, when he laid

Promises of teams from Philadelphia, New York, Brooklyn, Buffalo, Boston, Caloff a few days with a slight cold. He ifornia and South Dakota are already fulwent to bed early Thursday night and did filled with Denver sending two fives. Cinnot get up all day. The family thought cinnati will enter seventy-five clubs, while little of it, for it was not very unusual. Indianapolis has asked for an entire night Mrs. Clouse was sick in the afternoon and sent for Dr. John Koutsky. After the cloudy. In the opening race Ontario Ore-gon took the lead and led into the stretch, send nearly half of the 148 clubs which the fact that Snyder was still in bed, and when he fell back, beaten. Paldint came shot in its city tournament, now just about thinking he might be sick tried to rouse on and in a hard drive outgamed the closing, and the original guess of 400 clubs him. The door was fastened and they looked in over the transom, where they Eighteen alleys will be built, of which saw him in an unnatural position on the bed. The door was forced and he was

> any other than a natural death were disall three events in each of the American covered. The body was taken in charge Howling, National Bowling, the Canadian by G. H. Brewer, Snyder has no relatives and Western congresses. Contestants in in this city. The funeral has not yet been arranged. He has been a resident here this event will have all railroad and travelfor eighteen years, ing expenses paid to and from Cincinnati by the Cincinnati Howling association, so

> Sunday Services. Dr. R. L. Wheeler will preach from the there is no question they will be there. Prizes in this will be \$500 in the fives, \$200 Christian Endeavor motto, "Let This Mind be in You, Which Was in Christ Also," Sunday morning. The evening theme is evangelical. The week will be the week Special prizes to be awarded the bowlers

will be \$5 to the high man on every five- of prayer, with meetings every night. The men team, which will be paid as soon as Christian Endeavor society will hold an the team finishes. Garry Herrmann has installation service. personally donated \$500, which will be dealt "A Work for the New Year" is Rev.

out for the high and second scores in the Andrew Renwick's morning topic. "New five and two-men contests, while the high Year's Resolutions" will be his evening scores in the singles will also be rewarded. theme. Rev. Mr. Renwick and wife cele Women bowlers will have a special tour- brated their silver wedding Thursday nament run for them, for which no en- evening

trance fee will be charged. First prize in Rev. Karl Hiller will preach from the the fives will be \$100 with valuable mer- text, "It Is Written," Sunday morning. chandise prizes in the other events. Trolley "Faith Under Distressing Circumstances" rides, banquets and other entertainment will be the evening theme.

"A Motto and a Message for Year" will be the subject of Rev. George VanWinkle's address at the Baptist church. In the evening the pulpit is to be filled by Rev. Parker Smith of Wayne, Neb. The regular services will be held in the Methodist and the Lutheran churches. Rev. F. P. Day of Downs, Kan., will ocsupy the pulpit at the Christian church, He is to accept the call from this organization. The congregation expects to erect a church at Twenty-third and I streets.



53

This talk about it being possible to please a man accustomed to or desirous of or having an ideal of clothes made to suit his personality, his individuality and his form-with clothing made for anybody who looks "something like him" and is built "something like his," is just the most aeronautical hot air yet invented!

## YOU KNOW THAT!

Now, what do you think of this proposition? We are ready to make to your measure garments made from your own pick of the fabrics

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at the following prices that are not more than a finger's breadth higher than prevailing ready-made prices:

\$50.00 Suitings made to measure in finest fashion, FOR \$35.00 \$45.00 Suitings-richly tailored to measure, FOR \$30.00 \$35.00 Suitings-Flawlessly fashloned to measure, FOR \$25.00 \$30.00 Suitings-Carefully tallored to measure, FOR \$20.00

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"That game is said to have become national, and it is well known that in some police and the information is sworn to by attracts vast crowds of people, rivaling in lege that the repose and religious liberty numbers those which assembled in the am. of the community were interrupted. His phitheaters of Rome or gathered to wit- action seems to be in defiance of the deness the Olympian games of Greece. It is cisions of our courts. He sets himself going farther than we feel at liberty to above the lew, a thing grown very common venture to say that the legislature did not with the police in this city of late years intend to include such a game in the terms and of which there seems no sign of abateof the statute under consideration." This ment by those who control the police. Mr case, however, was impliedly overruled in St. Louis Agricultural, etc., Assoc. vs. Delano, 108 Mo., 217, wherein the court, construing the same statute, held that it did not include athletic games and sports, saying: 'These prohibitious are evidently lev- ernment, like all free governments, is a eled against sports and games that have a government of laws and not of men. demoralizing tendency, and do not extend to mere athletic sports." The court further argued that the words "or games of any kind" fell under the rule which prescribes would desiroy our system of government that where general words follow particular and substitute one of arbitrary power and ones they are to be construed as applicable unlawful force. Ten years ago the police to things or persons of a like nature.

of the city of Brooklyn took it upon them-"In ex. p. Neet, 157 Mo., 527, the question selves to chase, club and look up all boys came squarely before the supreme court and men found playing ball on Sunday in whether the game of base ball was inthe outskirts and remote places of the cluded within the prohibition of the statute. city, while many shows and places of evil Regarding the statute the court remarked resort were open, and trainloads of people that it had been on the statute books of were being carried by to them; but on the Missouri in exactly the same words since protest of citizens they were stopped in 1835, and that playing a game of base ball their course by a police commissioner who on Sunday (or on any other day) could not came to understand the limitations of his have been in the minds of the law-makers powers and duty, and of those under him, when this provision of law was first enunder a free government such as ours. acted, for the very simple reason that such Since then ball playing and golf playing a game was wholly unknown at that time on Sunday have been unmolested here. It The court affirmed the principle laid down in St. Louis Agricultural Association versus Delano, and disapproved State vs. Williams. It then proceeded: 'Base ball does not belong to the same class, kind, species or officiousness. genus as horse racing, cock fighting or card playing. It is to America what cricket is to England. It is a sport of athletic exercise and is commonly called a game, but it forward of private accusers before the is not a gambling game nor productive of immorality.

" 'In a qualified sense it is affected by chance, but it is primarily and properly a game of science, of physical skill, of trained endurance and of natural adaptability to athletic skill. It is a game of chance only to the extent that chance or luck may enter into anything man may do. But when chance or luck is pitted against skill and science it is as fair an illustration of what will result as any test that could be applied. If the view of the Williams case had been adapted this statute would have been elastic enough to cover every game that ever was or ever will be invented, no matter whether it was harmless, promotive of physical or mental development, Anglo-Saxon world as well as elsewhere or deleterious to both. It would prevent until recently in the city of New York. games of chess, backgammon, jacks, auth-It is a maxim of the law that you can not ors, proverba, faro, keno and poker allice, indict a whole community. The Angloand when played on Sunday any one would Suxon sheds statutes which grow obsolete

\* Kidney and Heart Troubles.

A very prominent Chicago physi-cian has authorized the publication of the prescription he is using with most marvelous success in all cases of kinney and heart troubles. Here if is—cut this out and give ft to some friend who is afflicted:

One half ounce Fluid Extract Cova Silk. One-half ounce Fluid Extract Peach Leaves. One ounce Cone/h-trated Lecto Compound (distributed by Foung Drug Co., Newark, N. J.) Two ounces Syrup of Ginger.

Mix and shake well—take one tea-spoonful before each meal and at bed time. This has cured hundreds of cases where all other remedies have failed to relieve.

failed to relieve. The ingredients can readily be sup-plied by any first-class drug store. If they do not keep all the ingredi-ents in stock they can easily secure them from the wholesale houses.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

The arrests were voluntarily made by the sections of the country and of this state it a captain of police only. He does not al- BOYS ALL BUT LOST IN RACE Score at End of Second Half Stands Twenty to Six in Favor Score-Giris, 20; Boys, 6. The situation in the vital statistics department of the city health office which at seven furlongs from Waterbury by a tion, trustee." has been critical since the advent of the neck after a driving finish in the fast time and women are being arrested daily on new year was not improved by the birth charges which the courts have decided over returns received in the twenty-four hours and over again do not constitute any crimnding at noon Saturday. inal offense. It cannot be too often said The immense prepanderence of births of to those who rule the police that our gov-

Police Meddle.

and obnoxious the same as a snake sheds

its skin. He has seldom bothered to re-

peal them, as every one acquainted with

citizen any longer makes a complaint un-

der them, and thus they become dead-

letter laws. It is not the business of the

rupt the repose of the community,' People

vs. Poole, 44 Miss. (N. Y.), 218.

such purpose.

the history of laws very well knows. No

hour of the new year was kept up and instead of matters being made better they "Those who turn it into one of men and were made worse; instead of the usual not of laws are more dangerous to society proportion being registered it was made than any other class of lawbreakers, or still more grotesque. all other lawbreakers combined. They

During the twenty-four hours ending at oon Saturday six girls were born and only three boys.

of Girls.

"If we had italics type we should certainly use it for the above paragraph," said the editor.

Those who have kept posted on the strangely erratic course of the births in Omaha since the beginning of the year will agree that the use of that alarming type would be warranted, quite as much warranted as putting in italics such a sentence in an exciting story as "He found that his head had been cut off and he still lived;" or "I was clinging with one finger to a frail rope a thousand feet above the street." Colonel John Barker, keeper of vital

would seem that we are now on the eve statistics, has a decidedly worried look on of another similar movement by the police, his usually placid countenance. As each for such movements come periodically, and mail came in his hand trembled percepfor no reason whatever other than mere tibly as he picked up the postal cards on which reports of births are written. Some

said a groan escaped his lips as his eye "There are many minor offenses which fell again on the fatal word, "girl." He should be left for redress to the coming felt the good name of his office was threatened.

magistrates or other authorities, as our The record from the beginning of the laws and the procedure of our courts conyear to Friday noon showed fourteen girls template. The accusatory method of enand three boys born in Omaha. Colonel forcing the criminal laws is open to every Barker, in spite of this fearful propor citizen. The community can take care of tion, or rather misproportion, was still itself in such matters without any police hopeful at that time. In an interview he meddling. Base ball and golf and other innocent and healthful games are being expressed optimistic sentiments, said he ooked for an early readjustment of the played everywhere outside of the city on proportion, and remarked, gallantly, that Sunday without being meddled with by even at the worst, the world could not constables or policemen. Such meddling is fail to be made better by the birth of so practically unknown in this city, where, of large a proportion of girls who would all places, we should have humane, sensible grow into lovely women instead of beand intelligent government. The general coming grouchy men. sentiment of the community has to be con-

But the following twenty-four hours sulted in respect of the enforcement of yielded six more girls and only three boys. certain laws, and always has been in the End second half-10 to 6.

> ried; that is why he has little to say, and that is why his hand trembles when he picks up the postal cards containing reports of births.

Brockett Found Dying. CHICAGO, Jan. 4 .- Charles G. Brockett, 35 years old, amployed as a floorwalker

Pishzak, wife of a state bank examiner, "A month later Justice Gaynor held in found unconscious from bullet were another case that a public game of base wounds, in Grant park, in front of the ball, i. e., a game to which the public is

invited and to which an admission fee is Notes found in Brockett's clothing showed charged, is within the inhibition of the statute. He said: "The prohibitica is only after being taken to a hospital. against public games and exercises, na nely, these to which the public is invited, because the statute presumes that they inter- in a critical condition.

ago. He has a brother in that city, and a sister, Mrs. Dewitt O'Connell, in Daven-

features have also been arranged for the visiting women.

Abe Langtry, secretary of the American Bowling congress, who will have charge of the meet, will be in Cincinnati on January Time: 1:15%. Abbey, Jockey Mounce, Higgun, St. Modan and Compound Inter-est finished as named. 8, and will handle things from then on. Entries are now being received, however, right now by him in room 8, Wiggins Fast Time at Los Angeles. LOS ANGELES, Jan. 4 .- Lisaro, held at block, Cincinnati. Checks should be made 4 to 1 in the betting, won the fourth race out to "The Cincinnati Bowling Associa-

Some Special Prizes.

Preparations at Cincinnati.

CINCINNATI, O., Jan. 4.-Garry Herhorses, the favorite, Sugar Maid, finishing | mann and the Cincinnati tournament com

four lengths behind Waterbury. In the mittee are rapidly getting things in shape second race Lee Harrison II, the 9 to 5 for the eighth annual bowling tournament girls which became evident with the first favorite, after holding the lead to the of the American Bowling congress, to be stretch, was beaten out and finished a held in Cincinnati, beginning on February poor fourth. Wisteria, at 6 to L ran sixth 8. The tournament promises to surpass all to the stretch, where he came through like former efforts in the management and en a flash and won by a length. Results: tertainment of the thousands who annually

a fiash and won by a length. Results: First race, five and a half furiongs: Hereafter (105, Preston, \$ to 5) won, Halton (56, F. Martin, 6 to 5) second, Progress (10, Horner, 8 to 1) third. Time: 1:058; Bearfell, Creston Boy, Nuns Velling, Rust-ling Sik, Nonie Lucille, Gonzales, Con-fessor and Governor Orman also ran. Second race, six furiongs: Wisteria (105, Dugan, 6 to 1) second, Manaard (111, Radike, 5 to 1) second, Manaard (112, Harrison II, Jake Ward, Catherine F. Baboo, Kuropatkin, Bushwhacker, Inter-lude and China Lily also ran. Third vace, one mile: El Czador (10, Harty, 7 to 2) won, Dazzle (07, Schilling, 5 to 3) second, Rubinson (107, Preston, 15) to 5) third. Time: 1:32%, Matador, Silver Fourth race, seven furiongs: Lisaro (15, Schilling, 4 to 1) won, Waterbury (112, Burns, H to 6) second, Susar Maid (10, Burns, H to 7) second, Susar Maid

rooms for all committees, check and toilet of The interior decorations of the women. hall, both illuminative and festive, will be

on the grandest scale over attemped in Cincinnati. In addition to the tourney an international

Fourth race, seven furiongs: Lisaro (15, Bchilling, 4 to 1) won, Waterbury (12, Burns, 11 to 5) second, Sugar Maid (116, Buxton, 6 to 5) third. Time: 1:26. Edu-ardo and Oid Settler also ran. Fifth race, six furiongs: F. E. Shaw, GOT, Martin, 8 to 5) won, Minita (115, Ross., 2 to 1) second, Norfolk (112, Schilling, 6 to 1) third. Time: 1:12%. Money Muns, Julistte, Sink Spring, Astoria Beile and Durbar also ran. championship series between this year's winning five and two-men teams as the individual champions of the American, Durbar also ran. Sixth race, seven furlongs: Blondy (109, Preston, 6 to 5) won, Pepper and Salt (104, Schilling, 4 to 1) second, Don Hart (108, Morlarity, 15 to 1) third. Time: 1.29% Banlada, Belimence, Korisolanyi, Lisbia, Master Lester, Lucky Lad, Black Lock, Dulcinea and Bon Vivant also ran. National, Canadian and Western competitors will be held February 12 to 15. These

games will be rolled on the two center alleys. Gold medals will be awarded the DAHLMAN CLUB winners.

The business sessions of the meeting will be held as follows: Wednesday, February

12, meeting of executive committee; Thursday, February 13, meeting of executive committee; Friday, February 14, session of

The Indians won three straight games from the Stors Blues at the Association alleys last night. The second game finished in a tie, but the extra frame gave it to the Indians. The high Individual total and single game went to the brewers, with 639 and 265. Next week the league games will be postponed to make way for the city tournament. Boore: INDIANS. February 15, election of officers and selection of city for next convention. Entrice close on January 28 .- The secretary of the tourney will be Abe L. Langtry of Milwaukee, who handled the Milwaukee

American Bowling club tourney two years Mr. Hayden's candidacy is as follows: 630 671 589 ago. The Cincinnati tourney will be followed

8d. Total 187 630 506 577 164 539 180 36 182 58 584 by the Canadian championship, to be held at Toronto the week after the Cincinnati tourney ends. The second national associa-2.807 tion events will be held at Rochester starting on March 2.

## Burns and Dwyer.

E. 1.005 STORZ BLUESS 184. 2d. 155 195 190 .775 176 198 149 141 198 179 84. Total. 164 407 190 628 198 54 188 47 179 50 544 478 \$07 Next Thursday night at the Auditorium Prof. M. J. Dwyer of Denver, who gave Farmer Burns such a hard and sensa-913 3,687 tional tussle last month, will undertake three to vanquish the "grand old war horse" of the padded mat.

The match which these two top-notch wrestlers will put on Thursday night will he what is known as a mixed match. TROOPS LEAVE GOLDFIELD Burns is at his best in the catch-as-catch-

can style, while Dwyer is an acknowledged Seven Companies Return to Posts, champion in the Cornish style. They will 507 577 388 502 509 wrestle one bout in each of these styles and the one winning in the shortest time will have the right to name the style

of the third bout. Reserved seats will go on sale Thursday morning at the Audi- night by special train, bound for their re-2,483

Omaha will not hesitate to attend this Totals wrestling match along with their husbands 400 404 407 or gentlemen friends, as it will be thor- William H. Wassall and Lieutenant Goodoughly high class, scientific and in all respects an entertainment which any lady or gentleman who loves athletic sports need 2.345 The Chicago Liquor House team is surely not hesitate to attend.

Magie City Gomip. Miss Katherine McCauley entertained Wednesday evening.

Miss Margaret McGovern and Miss Ryan returned from a visit in Iowa Mr. and Mrs. Gus Anderson, 713 North Fwenty-third, report the birth of a daugh-

Miss Mabel Trapp has resigned her posi-ion as assistant in the building inspector's

The Omaha Packing company paid its municipal tax recently, amounting to municipal \$7,417.0L James Colvin's condition is slightly im-proved. He has had several sinking spells

nce Christmas. Miss Florence Campbell has gone on a visit of a month's duration at Newman Grove and Tilden, Neb.

W. J. LeDloyt of Lincoln, a former resi-dent of South Omaha, was in the city yes-terday calling on old friends.

Butchers' local No. 23 will give a ball at Barton's hall, Twentieth and Q streets to-night. Prizes are offered for the best

william Hines, who has been the guest of the city clerk, J. J. Gillin, for a week or two, has returned to his home at Moor two, line, Ill.

The city council held no session last night, owing to the absence of H. B. Flo-harty and of his inability to report on the jail muddle.

The health officer reports fifty-two cases of smallpox during the month of December. Two cases of diphtheria and two of scarlet fever were reported.

H. B. Fleharty received a call from Lex-ington, Neb., with the intelligence that his mother was very low and possibly dying. He left at once,

ENDORSES Favors Joseph Hayden and George

Rogers as National Delemates.

The Dahlman Democracy club at its meetongress, general business; Saturday, ing last night endorsed Joseph Hayden for delegate at large to the next democratic national convention and George Rogers, president of the club, for district delegate. No endorsement was made for the Second district delegate. The resolution endorsing

Whereas the national campaign is to be

Whereas the national campaign is to be fought out this year, and it promises to be one of the hardest fought campaigns in the history of the country, and Nebraska will furninb' the candidate for the demo-eratic party for president, it is wiadom that the campaign be started now. In our judgment, we must appeal to the business interests as well as other classes to join us in winning this fight. Therefore, the Dahlmas Democracy pre-sents the name of Joseph Hayden, one of our large business men of this city, to the democrats of this state as delegate at large to the next democratic national convention. And we piedge ourselves to use all honor-able means to bring about his election. The club also passed a resolution deplor-The club also passed a resolution deploring the illness of E. E. Howell and hoping for his speedy recovery.

Leaving 135 Men on Guard in Mining Camp.

GOLDFIELD, Nev., Jan. 4 .- Seven compantes of United States troops, under command of Colonel Reid, left Goldfield last

torium. It is hoped that the ladies of spective California posts. The troops remaining in camp, about im men, have been divided into two full companies. Captain well will be in command.

CARSON, Nev., Jan. 3 .- By stipulation the Goldfield injunction case has been continued until January 19

reason. Insist on the Genuine-Reject the Counterfeit.

D. C. SCOTT, D.V.S. (Successor to Dr. H. L. Ramaccietti.) ASSISTANT STATE VETERINARIAR. Office and Hospital, 2810 Mason Calls Promptly Answered at All Hours. "Phone-Office Harney 997. Omaha, Heb. Bes. Douglas 4329. Omaha, Heb. PA ROURKE'S BASE BALL HEADQUARTERS ALL LEADING BRANDS -CIGARS-BOX TRADE A SPECIALTY 316 So. 15th Street.

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HOTELS PONCE DE LEON . . . St. Augustin ALCAZAR. ORMOND . Ormond THE BREAKERS he-Hallfax ROYAL POINCIANA Paim Beach ROYAL PALM Miami THE COLONIAL (Bahama Islanda)

110 MILES NEARER CUBA. The new rail five along Florida Keys, will be a operation to Knithts Key, consecting with samelups for Havana and Key West, alter many 15th. ormation relative to tickets, hotel reason

ition, space in sleeping and parlier cars, accomo-lations on steamers. Write or apply to FLORIDA EAST COAST

130 ADAMS ST. 240 FIFTH AVE. CHICAGO NEW YORK OR ST. AUGUSTINE, FLA.

Score: BRODEGAARD CROWNS 2d. 178 196 100 100 1#t 129 .193 .193 .117 .272 .107

Totals .

Totals

French

Durbar also ran.

WITH THE BOWLERS.

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Pagurberg Vosa Strawbridge Linds Bush

Totais ... Traynor ....

Bmith Pollock aughlan Thomas

Einghamton, refused to dissolve an injunction secured by property owners against port, Ia.

# Hartley .... Bungele Zimmerman That is why Colonel Barker looks wor-Totals Fritscher Moore ..... Francisce SUICIDE PACT IN CHICAGO

Mrs. Ruby Piahank, Formerly of Brownsville, Neb., and Charles G.

police to revive them. They are not employed and paid by the citizens for any n a State street store, and Mrs. Ruby

# Auditorium Annex last night.

that the shooting was in pursuance of a suicide pact. Brockett died a few minutes Mrs. Pishzak was shot above the heart and is

At Mrs. Pishsak's room the police found a note addressed to her father, John Fur nas, Brownville, Neb. Brockett came to Chicago from San Francisco a few months

"In Dunham vs. Binghamton, etc., Asso., 44 Misc. (N. Y.), 112, Justice Forbes, at