ORGANIC LAW IS INVOKED

Federal Constitution Drawn on Council for Razing Cambridge.

MERCER THREATENS A BIG SUIT

Owner Claims Redress Under Clause Conranteeing No Deprivation of Property Without Due Process of Law.

Has the democratic city council been vicinting the federal and state constitutions which provide that a man can not be deprived of his life, liberty or property

without due process of law? The contention is made that the legislative branch of the municipal government of the city of Omaha has done so and in the event that it refuses to settle a large claim for damages about to be filed. action will be instituted in court to de termine whether the constitution of the nation and the constitution of the state are supreme, or whether the eleven democrats who compose the majority of the council of the city are all powerful.

This action is the outgrowth of the condemnation of the old Cambridge hotel, Thirteenth street and Capitol avenue. In tion, the council not only appeared as the cost of \$4,600. plaintiff in the case, but also sat as the jury and as the judge decided the action. In this it will be claimed that the condemnation proceedings were not tried in a day, also be claimed that the council, whenever it condemns buildings, does so at its peril.

Defense Not Heard. for condemnation, the owner of the building, the S. D. Mercer company, was notito appear and show cause why it should not be declared a nuisance and torn down. This was done, but the company's attorney, Judge E. M. Bartlett, declared that no attention was paid to the showing of the defense and that the statements of City Building Inspector Withnell were final with the council. When the owner of the old hotel took no steps to dismantle the structure, the building inspector put a force of men at work and the old landmark is now being slowly razed.

Judge Bartlett says that the company could have applied for an injunction restraining the building inspector from tearing down the building, but this he deaibly years. Instead, he will file with the council at its next meeting a formal claim

Photographs for Evidence.

In the event the case goes to court, the owners of the old hotel will attempt to show by photographs and expert testinulsance. Pictures were taken of the mantling began and as the Work procerds additional photographs are being and not decayed sufficiently to carry out the contention that it is a menace to the public good.

But the principal ground on which the plaintiff will rest its case will be that of constitutional provision which states explicitely that a man can not be deprived of his property without due process of law. By due process of law the conproceedings should be instituted in a court of competent jurisdiction and the city council, it will be contended, does not constitute such a court.

In addition to the suit to be brought by the Mercer company against the council as a whole, two tenants of the building are preparing suits against individual members of the council and they will be held liable on their bonds. These tenants are Mrs. Minnie Jackson and W. Sigel, and they will set up in their pleas for retribution and damages that they were caused hardship and suffering by means of the summary razing of the hon

Says it Caused Child's Death.

Mrs. Jackson was living in the hotel when the razing process began and she alleges that the dismanteling of the building, before she was given an opportunity age. The child was not well when the disnaturally leaked and the dampness caused says resulted from the racket caused by Mr. Sigel had rented the entire building

and he will sue for damages. Both of the tenants have obtained copies of the bonds cover from their bondsmen.

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The above question is often asked con-serning Dr. Pierce's two leading medi-cines, "Golden Medical Discovery" and "Favorite Prescription." The answer is that "Golden Medical

Discovery is a most potent alterative or blood-purifier, and tonic or invigorator and acts especially favorably in a cura-tive way upon all the mucous lining sur-faces, as of the masal passages, throat, nchial tubes, stomach, bowels and bladden curing a large per cent of catar-bladden curing a large per cent of catar-rhal cases whether the disease affects the nasal panages, the throat larynx, bron-chia, stomach (as catarrhal dyspepsia), bowels (as mutous-larges) bladder, uterus or other pelvic organs. Even in the chronic or uterative stages of these affections it is often successful in affects it is often successful in affect-

The Favorite Prescription is advised r the cure of one class of diseases—those cultar weaknesses derangements and regularities incident to women only. It is powerful jet gently acting lavigorating touch and nervine. For weak wornout over-worked women—no matter what has caused the break-down, "Favorite Prescription" will be found most effective in building up the strength, regulating the womanly functions, subduing pain and bringing about a healthy, vigorous condition of the whole system.

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by physicians of all the schools of practice as guides in prescribing, say of each ingredient entering lato these medicines.

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their medical brethren and know whereof they speak.

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Dr. Pierce's Pelleta, small, sugar-coated, easy to take as candy, regulate and invigurate stemach, liver and boweis.

BRIEF CITY NEWS

Have Boot Print It. Rudolph F. Swoboda, Public-Accountant Thomas W. Blackburn for congress, adv. Bowman, 117 N. 16, Douglas shoe, \$3.50

Pa Beurke for Quality cigars, 316 S. 15th. Minchart, photographer, 18th & Farnam. James C. Einsler for county att'y. Adv. John L. Pierce for state auditor. Adv. Donglas Printing Co., 314 S. 19th. Tel.

Equitable Life-Policies, night drafts at maturity. H. D. Neely, manager, Omaha. Burgess-Grandin Co., 1511 Howard St. Gas, electric fixtures, electric wiring and repairs. Residence electric fans, \$10.50. Oruelty and Desertion-Sterling Forrest has filed suit for divorce from Altha For-

cet, alleging cruelty and desertion. Keep your money and valuables under own lock and key in the American Safe Deposit Vaults in the Bee building. which are burglar and fireproof. Boxes rent for \$4 a year, or \$1 for three months. Extreme Cruslty for Divorce-Hattle Saturday morning that her husband, Jonas for twenty years and then deserted her.

Five Concrete Bridges for County-At the condemnation proceedings, as in the board let to the Western Bridge company deal of attention to politics." condemnation of other buildings alleged the contract for five concrete bridges to to be in a dilapidated and unsafe condi- be built over drainage ditches, at a total

Last of the Withdrawals-The last canwas J. A. Taggart, democratic candicourt of competent jurisdiction and it will date for coroner. After Saturday noon no could easily roll up its accustomed repub-When the Cambridge hotel was slated fifty-nine names on the democratic ballot believe. to seventy-nine on the republican.

No Blame for Death-Accidental death Saturday morning on the death of William been more equally distributed and never McMannis, the Merchants' Express driver before has a man occupied the White caught between two freight cars while try- feel that we have a representative governing to cross the railroad tracks east of ster streets.

Short-Measure Men Pined-Short-measre peddlers had a session in police court Saturday morning, when A. P. Grobeck and | will rectify it. clined to do because it would tie the build- Joseph Haullet were haled before Judge ing up in the courts for months or pos- Crawford by Inspector of Weights and Measures Pegg for selling their goods in short measures. Haullet had a short peck. for damages in a total amount approach- half bushel and bushel measure with ing \$40,000. This not only includes the value which he had been accustomed to sell of the building, but also the loss of rents. full to his customers as full measures. but there is a great difference between Should the claim be not allowed, then ac- Greteck is a milkman, whose quart meastion will at once be instituted in the ures were short. Each was fined \$1- and costs and the phony measures were confis-

Inquiry for Melatives-Mrs. W. H. Seward of Protty Prairie, Kan., has written the postmaster at Omaha for information mony that the building is, or was, not a of John Kelly, formerly in the drug business, or Edward Seward of Omaha, or of building the day before the work of dishusband, W. H. Seward. Her letter states this condition of affairs about 'if' he is that her husband is desperately ill and is taken, showing that the structure is plumb not expected to survive. She has no personal acquaintance with her husband's relatives, and thus seeks to find them. She states that her husband is a member of the Modern Woodmen and Knights of Pythias orders.

> New Mail Collections in Effect-The new system of mail collections recently authorized by the Postoffice department went into effect Saturday in Omaha. These involve nineteen daily collections of mail in the business districts and several daily collections in the residence districts. it does not stand for equitable and rep-Two collections will also be made on Sunday in the residence districts and four in the business sections of the city, with one from his stand of 1896, and again from night collection. These mails will be taken direct to the postoffice in time to be sent on the next outgoing mails. Four new carriers have been added to the carrier force to meet this extra work, and the new country.

forty members to the Elkhorn river Satur- freight rates? to secure other quarters, directly resulted day for a day's fishing trip. The singers in the death of her little child, 2 years of proposed to try a new method of fishing for catfish. They took along a quantity of mantling began and the noise of tearing limburger cheese, which they proposed to nificent state, Mr. Bryan said that Sheldon off the roof and ripping apart beams caused tie in small mosquitobar sacks, so that the was a good man, but that Shallenberger it to have brain fever, the mother asserts, water would not wash it off the hook. was better and would make a better gov-When the tin roof was taken off the roof Catfish are supposed to like limburger ernor. I therefore feel at liberty to say the child to take pseumonia and the little said that they can smell it a mile off. man, but that Mr. Taft is better and one died Friday. Mrs. Jackson also suf- With the cheese the Danish fishermen ex- would administer the affairs of the nafered from nervous prostration, which she pected to return home with enough fish tional government more judiciously and to give all their friends and acquaintances meat enough to last several days,

A Viper in the Stomach

Switch Engine with String of Cars Behind it Crashes Into Empty Passenger Train.

rain, who sustained a sprained wrist.

being taken to the Webster street yards tional executive committee. from the Union depot after unloading at Mr. Kennedy told of his close personal the latter point. It was in charge of Pilot friendship for Mr. Taft, which came about ohn Nugent and Engineer J. H. Witty, when he was in congress and which friendthe special crew employed for such switch- ship taught him the frankness of the repubing, and was going about seven or eight lican candidate and of his wonderful grasp miles an hour west on California street on important affairs. He also spoke of over a Missouri Pacific track when the ac- Mr. Bryan and his oratory and expressed cident occurred.

apolia & Omaha engine number 181, and present to the people the issues of the cam had neared the Missouri Pacific track when paign. the other train was seen approaching. The The McKinley club dinner was served at which was derailed and had its side stove delivered. The freight engine then rebounded and hit the passenger coaches twice again, and was itself turned around at right angles to the track it was on, although the tender kept the ratis. Engineer Bonnemier and Fireman Frank Haffner jumped in time to escape being pinned in the wreckage of their cab, which was completely

By using the various departments of The is to write to some friend out in the state feat the mayor of Omaha, and that they C. E. Fanzing, George Rogers and L. J. Bee Want Ad Pages you get best results and ask him as a personal favor to vote will move heaven and earth to nominate Piatti, a recently appointed press commitat least expense.

Building Permits.

NEBRASKA NOT DEMOCRATIC

Governor Sheldon Makes a Prediction and Gives His Reasons,

REPUBLICANS MUST NOT BE IDLE

Problem of Direct Vote for Senator Has Been Largely Solved by the Republicans by Means of the Direct Primary.

"Nebraska is not going democratic this fall, and I feel sure that we can carry the state for Taft with an overwhelming majority if we do our whole duty. I was never more sure of this than I was Wednesday at the notification of Bryan. When Bryan came home from his trip around the world a great concourse of people gathered in Lincoln to welcome him. The crowd in the capital city two days ago was not nearly as large and the enthusiasm was very much less. We can Beckman alleges in a divorce petition filed and we will carry this state for the republican party, but we must get out and Beckman, was guilty of extreme cruelty carry to the homes and the firesides the great principles involved and impress them upon the people, who have been too busy he Saturday regular meeting the county in these prosperous times to pay a great

Speaking in an earnest, sincere and straightforward manner, Governor Sheldon at the McKinley club banquet Friday night convinced the 200 young republicans there didate to withdraw his name from the pri- gathered that the favorite son proposition mary list, which goes to the printer Mon- will not be the "paramount issue" in the coming campaign and told them the state withdrawals were accepted and the men lican majority if the party members do not still on the list will be put on the ballots. rest on their oars, but will instead get out The withdrawal of Mr. Taggart leaves and work for the principles in which they

"The issue, as it has been marked out for us by our friends, on the other side, by being crushed between two freight cars. is: 'Shall the people rule?' " continued the with no blame attached to the train or governor. "But this is not the issue, for engine crew, is the substance of the verdict | the people do rule. Never has there been of the coroner's jury at the inquest held a time when the affairs of the nation have who was killed in the freight yard of the House who has stood closer to the people Northwestern Friday morning by being than now. This is true in state affairs. I ment and that no fault can be found with Fourteenth street between Burt and Web- the republican representatives in legislative or state positions. If there is fault to be found in the representation from the Second district I hope then that the people

Real Issue in Campaign

O'clock

Except

Satur-

HOODED FOLDING GO-CARTS

"Our friends do not mean, 'Shall the people rule? They mean, Shall the democrats rule?

"I do not intend to enter into any lengthy discussion of the two platforms, the platform of the republican party and the platform of the democratic party. The republican platform is the platform of the people and made by the people, but the democratic platform is the work of an individual, for an individual. "The democratic national platform de-

clares for the election of United States senators by the direct vote of the people. and Mr. Bryan pledges himself to bring elected-which he will not be. But let me tell you, an amendment to the constitution of the United States can not be passed in that the republicans of this state have long been pledged to the election of United States senators by direct vote. But the direct primary meets the issue as well as by the direct vote of the people. Under the direct primary the legislature becomes nothing more than an electoral college when voting for a United States senator. "I cannot feel that it can be justly charged against the republican party that resentative government, and it seems doubly strange that the man wh his stand of 1900, should charge the republican party with treason.

"If free silver in 1896 was the best means for solving the currency question, why do not our friends consider it a good thing plan thus puts Omaha on a similar basis now, when financial matters are largely with all the metropolitan cities of the in the ascendancy? If government ownership was a good thing when Bryan got Danish People at Picnio-Prof. Otto home from Europe and made his speech in Wolfe, Danish consul in Omaha and head New York, why do not our friends conbookkeeper in the office of the city comp- sider it a good thing now, when there is troller, took his Danish singing society of much agitation about the railroads and

Comparison of Men.

"Two years ago when I was honored with the nomination for governor of this magcheese better than a German and it is that our distinguished neighbor is a good equitably than would Mr. Bryan." G. W. Wattles and John L. Kennedy also

spoke briefly, Charles E. Foster, president of the club, presiding. Mr. Wattles, who is dyspepsia complicated with liver and returned earlier in the day from a six of the councilmen and they will sue the kidney troubles. Electric Bitters heip all months' trip around the world, spoke officials individually and attempt to re- such cases or no pay, 50c. Beaton Drug mainly of his journey and of the conditions abroad as he viewed them. He told of the evidences of friendly feelings for this country in all the old world countries, which were enhanced by the recent trip of Mr. Taft, and said that a letter of introduction from the former accretary proved an open sesame for him everywhere. Mr. Wattles learned of the nomination of Judge Taft In a wreck at Fourteenth and California while he was in Siberia and enroute home streets at 7:05 o'clock Friday evening, be- learned of the promotion of William Haytween an empty passenger train and a ward to the secretaryship of the national freight train, the engine of the latter was committee through a Marconigram received padly demolished and two coaches of the in mid-ocean. He said that Nebranka passenger sustained damages, one of them ought to be proud of Mr. Hayward on acbeing deraited. The only person injured count of the high honor paid him and also was Engineer J. C. Bonnemier of the freight the state ought to be proud of Victor Rosewater, honored not only by being made passenger was the regular Missouri national committeeman from this state, but Pacific train from Kansas City, which was also by being made a member of the na-

the belief that the platform erator has not A long string of freight cars was just the power of former years, but that this has being pulled out of the Northwestern been supplanted by the power of the press, freight depot by Chicago, St. Paul, Minne-which can more succirculy and lastingly

airbrakes of the freight were applied, but the Her Grand and covers were laid for the momentum of the many heavy box nearly 200. The dinner was in three courses. cars carried the engine up to the other Following the dinner cigars were passed track in time to strike the third coach, and the three short addresses were then

> JIMSONIANS ARE LAYING PLANS Club Members to Make Personal Can vans of Their Friends.

The Jimsonians propose to secure 1,600 votes for Our Jim from out in the state. This was framed up at the meeting of the club last evening. The club claims a memfor Mayor Dabiman for the nomination for the duke of Alma. This is because Our tee, are to see to it that every paper in the

The Jims give it out cold that the fight was elected governor he would not help the candidacy of the mayor. T. J. Flynn, Henry Rodenburg. 5139 South Fifteenth street, frame dwelling, \$1.375; J. Jensen Dreyer, 4345 Seward street, addition to dwelling, \$2.000; G. R. Rathbun, Thirty-first and Corby streets, frame dwelling, \$2.000; the bad corporations are back of the Shallenberger campaign, that the railroads and have been organized for Dahlman, is the homes of the best people. is to be between Dahlman and Berge and the brewers to sell another case of beer. Lee Bridges and Myer Kline were appointed the bad corporations are back of the Shal. Four-fifths of the countles of the state | Advertise in The Bee: it goes into the

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Now that our July Clearance Sale has completely exhausted all our warehouse stock of Spring designs in furniture and Spring patterns in Rugs, we are anxious to close out the floor samples and thus prepare our store for the receipt of new Fall goods. These floor samples are all of finest workmanship and finish but they're offered to you at one-half regular prices because we have no use for the samples when our warehouse stocks are completely cleared away. Just run your eye over these prices. Study your Savings.





1.50 Brussels Bugs, 6x9 feet. Prices just about half. Never such sacrifices before. Make your selections NOW 8.99 Wilton Velvet Rugs, size 6x9 feet, high pile patterns, all placed in 1 lot and priced now Brussels Rugs, 814x1014 feet, best Brussels Rugs that ever so Omaha at the price—yes, at anywhere near the price..... Goods purchased dur-ing this sale, stored free and delivered when desired.

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oak finish, with imi-

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THE DIRECTRESS, Box 81, Notre Dame, Ind.

Conducted by the Sisters of the Holy Cross. School year begins September 10, 1908.

bership of 1,000 and each of these members the brewers have gone into cahoots to de- information given out at headquarters, and EARTH SWALLOWS UP TEAM Fill Undermined by Rain Opens and Horses Sink, One to His

> While Charles Lee, who drives a wagon for the city and who lives at 2410 South Fifteenth street, was driving along Fifth street near Hickory early Saturday morn ing he was shocked to see his team of

Denth.

horses disappear from sight, literally swallowed up by the earth. An investigation disclosed that the place where the horses disappeared is an old fill and the weight of the team, following the rain of Friday night, caused the ground to sink several feet. The norses dropped several feet and one of the animals was killed by the

Dr. Ross, Dentist, 415 Barker Block.