

BARRED BY AN OLD ORDER

Action Brought by Attorney General Smyth Violated an Injunction.

SURPRISE SERVED ON HIS SUCCESSOR

Front Finds That His Predecessor Has Overlooked an Order Made by Judge Dundy in 1805 on the Maximum Rate Case.

LINCOLN, Feb. 22.—(Special.)—The proceedings of the last sitting of the supreme court brought out the fact that former Attorney General Smyth was acting either in ignorance or violation of an injunction issued by the United States court...

Granted by Judge Dundy. The injunction which was so suddenly brought to the attention of the court was issued by Judge Dundy August 2, 1892, and served on the attorney general and all members of the State Board of Transportation...

It is said in behalf of the former attorney general that he did not know this injunction was in force when the suit was begun...

At the close of the last sitting the supreme court instructed Clerk Herdman to notify the various attorneys interested that they would be given an opportunity to argue the questions that arose from the injunction...

Assignment of Cases. The following cases have been assigned for hearing at the sitting of the supreme court which will begin on March 5: Omaha Savings Bank against Simeral, Douglas; Bates against Egger, Douglas; Lester against Granger County, Carter; Hurler against Edgely Building and Loan Association, Douglas; Second against Brown, Clay; Union against S. S. Hutton, Clay; State against Chicago, Rock Island & Pacific Railroad Company, original; Hill against J. A. Johnson, State against Newfeldt, Hamilton; Tecumseh National Bank against McGee, Johnson; State against Omaha National Bank, Douglas; Scott against Powers, Lancaster; Trimble against State, against Hopkins, Nebraska; In re McCarty against Hopkins, Douglas.

GARDNER CHALLENGES FREELY

One Hundred and Twenty-One Men Examined and Still No Jury.

FREMONT, Neb., Feb. 22.—(Special.)—In the case of the State against Edward Gardner, on trial in the district court for the murder of Herman Zahn at Snyder in January, the entire day yesterday was taken up in trying to get a jury. One hundred and twenty-one men, including the special venire, have been examined so far. When court adjourned last evening at 10 o'clock the defense had issued thirteen peremptory challenges and the state had waived five, leaving the defense three and the state one. The eleven men in the box were placed in charge of the halliffs and court adjourned to Saturday morning at 9 o'clock. Today the prospective Jurymen were given...

A Mother's True Friend

"I would like to express my gratitude for the benefit of the very best and wonderful medicine, 'Favorite Prescription,' writes Mrs. H. C. Anderson, of South Britain, Iowa. 'I had a little boy that was very sick during the pregnancy I could not keep anything on my stomach...'

END OF AN ELOPEMENT

Both Man and Woman Are Married, but Not to Each Other.

SWIFTLY PURSUED FROM MINNEAPOLIS

Heard Of in Grand Island, When Both Declare Repentance—Woman May Return Home.

GRAND ISLAND, Neb., Feb. 22.—(Special.)—A Minneapolis eloping couple is at present in the vicinity of this city, apparently awaiting the return of their parties in the case are would be repentant and willing to go back. No arrests have been made.

Wednesday afternoon a well-dressed, fat-looking man and a woman stepped off from the train at 101. This man carried no suitcase. They made inquiries as to when the next train carrying a sleeper would come from the west and were told it would be at 8:30 o'clock in the evening. They decided to wait for this train.

On the special home-seekers' ticket the man subscribed the name of Oliver A. Thomson to both his own and the woman's ticket. He is said to be a well-to-do man of Minneapolis, the home of the couple, a laboring man. Both express repentance and are said to be willing to go back.

Nebraska's University Third of a Century of Its Life and Growth.

There had been several "State Universities" and "Universities of Nebraska" chartered in territorial days, but none of them had survived the infantile maladies, so statehood found Nebraska with no provision for higher education...

By the year 1891, the doors swung open to less than a hundred students—most of whom were in the preparatory classes. From this modest beginning the number of professors and instructors has increased...

But the most important question for our discussion perhaps is, the relation of the university to the other part of the public school system. What has it done to elevate the standard of education? What has it done in the way of giving more efficient teachers? What has it done to give better health and vigor to the people?

BOYD AND THAYER SHAKE

Men of Omaha and Lincoln Clasp Hands on Great Birthday.

AGREE TO LET BYGONES BE BURIED

Are Photographed After Reconciliation in Presence of Happy Gathering of State Notables.

LINCOLN, Feb. 22.—(Special Telegram.)—The bad feeling that has for several years existed between James E. Boyd of Omaha and General John M. Thayer of this city came to an end today when the two men met at the executive mansion to attend a social conference and luncheon with Governor Dietrich as host.

WEST POINT, Neb., Feb. 22.—(Special.)—August Mewis, manager of the Bankers' shoe store, left here on a freight train Tuesday morning, leaving his brother in charge of the store.

WEST POINT, Neb., Feb. 22.—(Special.)—Theresa Gentrup, wife of Henry Gentrup and one of the pioneer women of this county, died last evening at the city residence.

LYONS HELD AS SUSPECT

COLUMBUS, Neb., Feb. 22.—(Special.)—Butler county sheriff is wanted in Shelby last month. The man refused to say much except that his name is Daniel Lyons and he is 30 years old.

SULLIVAN-HARKINS CASE CONTINUED

PLATTSMOUTH, Neb., Feb. 22.—(Special.)—The case of A. N. Sullivan against Hattie Harkins, wherein the plaintiff sues for \$175 attorney's fee, has been continued by Justice Archer until March 21.

GILLETT MAY COME BACK

Former Kaw Town Commission Man, Stranded in Mexico, Promises to Return. KANSAS CITY, Feb. 22.—A special to a local paper from Chihuahua, Mex., says that Grant Gillett, the Kansas cattleman who fled to Mexico two years ago to escape the wrath of creditors, from whom it is said he secured nearly \$1,000,000, will soon return to Kansas City and give a full account of himself.

'INCURABLE' HEART DISEASE SOON CURED!

By The Great Specialist in Treating Weak and Diseased Hearts. Franklin Miles, M. D., LL. B. Will send \$2.50 Worth of His Special Treatment Free as a Trial.

A UNITED STATES SENATOR

Says Pe-ru-na, the Catarrh Cure Gives Strength and Appetite.

Hon. W. N. Roach, United States Senator from North Dakota.

Hon. W. N. Roach, United States senator from North Dakota, personally endorses Peru-na, the great catarrh cure and tonic. In a recent letter to the Peru-na Medicine Company, at Columbus, Ohio, written from Washington, D. C., Senator Roach says: 'Persuaded by a friend I have used Peru-na as a tonic, and I am glad to testify that it has greatly helped me in strength, vigor and appetite.'

No other remedy can take the place of Peru-na. Mr. Ed. J. Makinson, contractor and builder, 610 Grand hotel, Wabash street, St. Paul, Minn., says: 'Many doctor bills can be saved by the use of Peru-na. I have all my friends taking Peru-na, and I have heard nothing also the further fact that it is a substitute for no rival. Insist upon having Peru-na. Let no one persuade you that some other remedy will do nearly as well. There is no other systematic remedy for catarrh but Peru-na.'

When the breath is foul and the appetite disordered, breakish and bitter is the remedy needed. It purifies the stomach, cleanses the bowels, sweetens the breath, promotes vigor and cheerfulness.

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Imperial Hair Regenerator. It is every hair recognized as the STANDARD HAIR COLORING and is the only one of its kind. It is not affected by heat, its application is so simple that it can be used by anyone. It is the only one that works to the higher, nobler and altruistic. It does these things its future is brighter than its past, which has been almost phenomenal in character.

THE OMAHA DAILY BEE: SATURDAY FEBRUARY 23, 1901.

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CURE YOURSELF! Use Big 40 for unusual cases of dandruff, itching, or eruptions on the scalp or face. It is a permanent cure for itching, dandruff, and all other scalp troubles. It is sold by druggists, or sent in plain wrapper, \$1.00 per bottle, \$3.00 per six bottles. Circular sent on request.

DR. KAY'S RENOVATOR. Dr. Kay's Renovator purifies and renews the system, purifies and renews the blood, cures the worst dyspepsia, constipation, headache, indigestion, and all other ailments. It is sold by druggists, or sent in plain wrapper, \$1.00 per bottle, \$3.00 per six bottles. Circular sent on request.

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