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AUDITORIUM CORNER.

BOILERS IN THE THEATERS

Building Inspector Withnell Proposes to Stand by Ordinance.

COUNCIL'S RESOLUTION IS NOT ENOUGH

Ordinance Should Be Enforced Without Favor, Says the Inspector, Who Proposes to Test Matter in Courts.

Building Inspector Withnell says the council may resolve until it is black in the face, but he will not permit boilers under the theater of the Omaha Commercial college building until the sections of the building ordinances forbidding such location is repealed. He defends his action in the whole matter and says he was imposed upon by Shimer & Chase, the firm erecting the building which is at Nineteenth and Farnam streets.

"The plans filed in this office do not show any such theater as is now proposed," says the inspector. "It does show a kind of a theater, but it was my understanding that it was to be used for school purposes. Under these conditions there was no particular objection to permitting the boilers to be placed at the northeast corner of the basement and neither directly under the stage or the auditorium. Now I discover that the theater is going to have a large balcony, extending well towards the stage, boxes, etc., which are not shown on the plans filed, and that it is to be used for public purposes.

"As a matter of fact a thoroughly equipped little theater is to be put in on the first floor on the side of the building nearest the alley. This changes the complexion of the whole matter, and I have insisted and shall insist that the boilers be placed out from under the auditorium or stage, the same as at the Boyd and the Orpheum. Again, when the plans were filed it was distinctly agreed that alterations would be made. If I saw fit, in order that there be no delay in starting construction."

"I am ready to test the matter as to whether the building department has any authority at all, and if there is any way its enforces building regulations in this city. I am heartily sick of having the council upon my best efforts to make contractors and owners live up to the law, and I should like to find out just where I am at. The action taken with regard to the Krue theater boilers was a disgrace and I am glad that I can't be held responsible for it. Neither do I propose to be set up against anything of this kind with respect to the Omaha Commercial college building."

BERGE TELLS OF HIS PLANS

Will Make His Lincoln Newspaper an "Anti-Pass" Organ, with Distinguished Contributors.

LINCOLN, April 19.—George W. Berge, fusian candidate for governor of Nebraska last fall, has purchased the Nebraska Independent, owned by Frank D. Eager and edited by T. E. Tibbles, popular candidate for vice president in the last campaign.

ANCOVER AN ARROW QUARTER SIZE 18 CENTS EACH: 2 FOR 35 CENTS OLIETT, PEBODY & CO., MAKERS OF CIGARETTES AND TOBACCO SMOKERS.

Easter Sorosis The styles were never so beautiful as now. The makers of this great line of women's footwear deserve great credit for the elegant styles this season in both high and low shoes. They are the equal of any in the world. \$3.50 and \$4.00 Sorosis Shoe Store, 203 S. 15th St. FRANK WILCOX, Mgr. The new tailor-made, seven button monogram welt has just arrived. \$2.50 Always.

Berge today announced that he would reconstruct the paper, make an issue of the press and would publish the contributions of Senator LaFollette, Governor Wisconsin, Governor Deneen of Illinois, Governor Folk of Missouri and ex-Governor Larrabee of Iowa. He will take charge of the paper next week. Tibbles will retire from the paper. Berge will be the editor and publisher. The Independent has been devoted to single tax and the doctrines of Thomas Watson.

News of Nebraska

SEWARD.—Mrs. L. C. Johnson, who was found on the floor in an unconscious state, last Tuesday night, has regained consciousness and is recovering from the paralytic stroke. THEATRICE.—A carload of horses was shipped to Omaha, Kan., yesterday by Kist Patrick Bros. to be used on the construction work of the Marysville-Topeka cut-off of the Union Pacific Road. BEATRICE.—The Beatrice Military band gave its last promenade concert of the season in Lincoln last evening. The affair was very largely attended by the young people of the city. BEATRICE.—An entertainment consisting of music and recitations was given here last night by the Young Men's Club at the home of Mrs. J. W. Taylor. A banquet was held at the close of the program. SUTHERLAND.—A business meeting of the stockholders of the Keith and Lincoln Counties Irrigation company was held here today when it was voted to transfer the holdings to an irrigation district.

NEBRASKA CITY.—The members of the Nebraska State Bar Association, held their annual meeting here last night. After the dinner and supper was served in honor of the visitors. SUTHERLAND.—The petition to the county commissioners asking for an enabling act to organize the village of Sutherland has been granted. The trustees appointed by the board are H. W. Worrell, W. C. Blackmore, E. C. Brown, C. W. Burkland and E. A. Crosby. BROKEN BOW.—The preliminary hearing of W. S. Haddock, charged with killing Butler last Sunday, will take place before County Judge Armstrong tomorrow. Attorney Johnson stated this morning that the charge against Haddock would be murder in the first degree.

NEBRASKA CITY.—At 1 o'clock this afternoon Jacob A. Rohde, a young business man of Denver, and Miss Bertha V. Lloyd of this city were united in marriage at the home of the bride's mother, Mrs. Mary J. Rohde in Denver. ROSEOLA.—Joseph P. Hutton was granted divorce over the law suit filed by his maiden name, Jessie Pyle, restored. Minnie Spitt and her husband, Henry D. Spitt, were divorced. Mrs. Spitt was awarded custody of their child, E. Davis, restored. Christina C. Johnson was divorced from Frank W. Johnson. BEATRICE.—During a fight with some young men on a farm near the German church, west of Beatrice, on Monday, a man named Harn Harms was stabbed in the chest, once in the side, in the shoulder blade and near the heart. He is now in the hospital in charge of Dr. H. W. Taylor. The case in charge express little hope of Harms recovery.

SUTHERLAND.—The funeral services for the late John Martin, Sr., were held this morning from St. Joseph's Catholic church in this city, and were largely attended. Mr. Martin came to Omaha with the upbuilding of this county. He left a wife and several grown children. WEST POINT.—The reins of the city government are over the head of Mayor Rosenheim to his successor, Herndon E. Mead, an Amandan who was sworn in as councilman, and Charles C. Deane, a Democrat, who was sworn in as a certain legal complications which were expected to take place did not materialize, the transfer of the reins of the city government administration being made with great harmony.

SUTHERLAND.—The crop outlook is good for this time of the year. Winter wheat and small grains are looking exceptionally well. This season, and there is a heavy harvest of the table land which were deserted in the drought years will be farming. The farmers are striving to take up the part of renters to secure enough money to farm. Many of the Kinkaid homesteaders are striving to take up their abode on the claims and the country is a scene of much activity. BEATRICE.—In the damage suit for \$5,000 brought by one Syphard against his father-in-law, Adams, who is charged with alienating the affections of Mrs. Syphard, causing her to leave her husband, Judge Kellgar ruled in favor of the plaintiff, allowing him damages to the amount of \$5,000. Another case entered against the estate of Enos Powell, suit brought by plaintiff to recover \$1,000 for caring for the late Mr. Powell, was heard in court and decided in favor of the defense. Judge Kellgar dismissed the jury for this term and will put in the remainder of the week with equity cases.

FREMONT.—Frank Thompson was arraigned in justice court this morning on the charge of the larceny of a horse from R. E. Fiedler. He pleaded guilty and demanded an examination. The evidence showed that the horse disappeared from the barn one day last week and that it was found in Thompson's barn a few days later with its mane and tail cut off. He was in the field at the time and continued to work for him until his arrest Monday evening. He admitted cutting off the mane and tail and claimed that the horse strayed to his place and he took it up, not knowing whose was, though he had driven it every few days for two weeks. He was bound over to the district court.

STROMSBURG.—Stromsburg is to have a Young Men's Christian association. That fact was decided at an enthusiastic meeting of the citizens and business men of this city, which was held in the First Baptist church Tuesday night. J. P. Bailey, state secretary of the Young Men's Christian association, and T. H. Mead, president of the Young Men's Christian association, were present to address the meeting. Nathan Wilson, cashier of the Farmers and Merchants bank presided. Sixty men signified their desire to become members of the association. The building has been leased for a term of three years and will be equipped with reading room, gymnasium and bath rooms and all other conveniences to be found in an up-to-date Young Men's Christian association building. Commercial club of the business men of Stromsburg is to be organized and will occupy quarters in the Young Men's Christian association building.

For restoring the stomach to the normal condition or to overcome that tired feeling so prevalent in the Spring the Bitters should be your first choice. It never fails in cases of Spring Fever, General Debility, Impure Blood, Indigestion, Dyspepsia, Constipation or Malarial Fever. HOSTETTERS' CELEBRATED BITTERS

BARTLEY BOND CASE AGAIN

Attorney General Asks Court to Finally Dispose of Litigation.

BINGHAM LOSES OUT IN HIS CONTEST

Supreme Court Finally Disposes of Contest for Office of Clerk of the Courts in Douglas County.

(From a Staff Correspondent.) LINCOLN, April 19.—(Special.)—After having dragged itself through the supreme court three times during the last seven years, the Bartley bond suit is again before the judges of the supreme court, and in his brief the attorney general asks the court to make this the final appearance of the case by basing its opinion on the facts and definitely establishing the rights of the state in the matter. The decision was brought up by the state from the Douglas county district court and this morning was advanced on the docket and laid on for briefs.

The suit was originally brought in 1927 in Douglas county by the State against Joseph S. Bartley, one-time state treasurer, and the sureties on his official bond. The amount alleged as shortage was in round numbers \$20,000. During the several trials the case has been adjudicated to all surety defendants and Joseph S. Bartley the plaintiff, except the defendants W. A. Paxton, E. E. Brown, John H. Ames, Amos Swobe, C. C. McNish and Cadet Taylor, who are the defendants in error in this proceeding. The state seeks a reversal of the decision of the lower court, which ordered the case dismissed.

Attorney General Brown holds the evidence before the lower court was entirely insufficient to sustain the verdict. He divides the shortage into three divisions, as follows: First—Excessive deposits in state depositories, amounting to \$18,000. Second—The conversion of state funds on deposit in the Omaha National bank on the 23 of January, 1927, amounting to \$2,134.00. Third—School or trust funds unaccounted for, amounting to \$1,866.

Bingham Loses Contest. William W. Bingham has lost out in his contest for the office of district clerk of Douglas county, which is now held and will continue to be held by Frank A. Broadwell, the supreme court having so decided this afternoon. The decision of the lower court is affirmed. The opinion was written by Commissioner Ames and concludes as follows: Whatever may be said of individuals and of special interest, it will not do to presume that the rules of procedure are fraudulent or corrupt. When, if ever the time shall come, that such a presumption shall be just, the means, if any, of the preservation of society will be the abolition of the law of procedure of free government. In the present instance no specific charge or pretense of corruption or fraud is made. It is only an attempt to ask to enter such an offense from apparently accidental or awkward, or ignorant or malicious mistakes of some of the ballots selected from some two score precincts, a part of them in the county, the other in the county, the number selected from each varying from one to six or eight and the average being about two and one-half. We are expected to hold them constructively fraudulent. We doubt if the doctrine of constructive fraud is applied to such cases, but if it were so the presumption could be rebutted by the evidence. The verdict is affirmed. The ballots were collected from such scattered sources, in such small numbers, in such a haphazard manner, of combination, or design, or that they were cast with other than an honest intention.

The syllabus is as follows: A voter who has complied with the statute by obtaining from the election board a ballot envelope in writing with the names of two members of the board, both of whom were actually not in the county, is not entitled to have his ballot counted. If he is so deprived of his vote by the mere fact that one of the names is not on the list of the election. Minor irregularities by the members of the election board in writing with names at a polling place, unaccompanied by fraud or conduct affecting the integrity of the ballot, will not render the ballot invalid. Irregularities and defective or unauthorized markings of a ballot apparently the result of innocent awkwardness, inattention or inadvertence, were approved and not intended or made use of for the purpose of subsequent identification, will not justify the rejection of such ballot. The intent of the voter can be ascertained therefrom. Lindgren Loses Appeal. The supreme court has affirmed the decision of the district court of Douglas county in the damage suit of Victor G. Lindgren against the Omaha Street Railway company, finding for the street railway company. The action was a suit for injuries received by Lindgren in crossing a street car and buggy in which the plaintiff was riding. The decision is to the effect that the company showed no actionable negligence.

One Contestant Wins. D. B. Griffith is the county assessor of Jefferson county, having won in his contest against F. F. Donawitz, the present incumbent. The decision of the district court was affirmed by the supreme court Wednesday, the opinion being by Commissioner Ames, and following the same line of law laid out in the first opinion. He holds that the entire election cannot be thrown out because of a few technical errors. University Too Slow. The case of the Nebraska Wesleyan university, plaintiff in error, against Andrew Bowen, administrator of the estate of William Bowen, a suit to enforce a claim against the estate of the deceased, filed after the time permissible under the law, was decided by barring the right of the claimant, the Wesleyan university. The court holds that a county court ought not to permit a claim to be filed against the estate of a deceased person which is not presented until more than eight months have elapsed since the expiration of the time fixed by an order of court for that purpose, in the absence of a manifest diligence and of unavoidable mistake or accident or of fraud of a nature analogous to that which warrants the interposition of a court of equity to grant a new trial in ordinary cases.

Life Losses His Claim. Infatuated with Mrs. A. F. Farman, his landlady, Oscar Hansen today committed suicide by taking a dose of morphine. He was an electrician, about 25 years of age, and has relatives, a mother and a sister, living in Wahoa. Several weeks ago Hansen attempted to commit suicide but his life was saved. In the young man's trousers' pockets was found a letter written and signed by himself, addressed to Miss Anna Archer, Wahoa, Neb. The envelope was stamped and had been sealed, but later torn open. The stamp was uncancelled and showed that he had intended to send the missive, but later changed his mind. In it reference was made to the past, and of the times "which I shall always hold in my memory." Mention was also made of a man whom Hansen believed the girl was going to wed. Hansen's mother, Mrs. Lina Lindskog, with his sister, now reside at Wahoa, and had evidently just been notified by him and lay on the table near the window.

Tibbles Goes to New York. T. H. Tibbles, for years editor of the Independent, will probably go to New York, where he will accept the presidency of a bank, and assist Toussaint, who has lately started a magazine. Supreme Court Proceedings. Following are the miscellaneous orders issued April 15 and 19, in the supreme court: Graham against Hicel, stipulation

THE CENTER FOR THE WIDELY USEFUL CRAVENETTE

Ray Swanson Co. 15th & DOUGLAS Correct Dress for Men and Boys.

APPROVED The Accompanying Illustration

Shows the inner parts of our widely favored sack coat. In all well made clothes it is the workmanship, the inside trimmings, and the manner in which they are put in that gives permanency of shape. The Improved Hair Cloth Fronts, the Hand Felled Collars, the Pocket Stays, details of vital importance make our garments retain their original shape and fit until destroyed.

Special Easter Offerings

We offer three unequalled suit values for Easter week. We have centralized our efforts for many months upon the presentation of greater values than ever before at this time. How far we have realized our endeavors is self manifest in the garments which now fill our tables.

At \$15 and \$20 we show over 1,000 different weaves and colorings of improved models, in single and double-breasted styles. If you can approach, if you can equal, if you can even get a tithe of such garments, such master workmanship from your merchant tailor for \$35 to \$60 we will return your money, permitting you to keep your purchase with our compliments.

WE CONTROL FOR OMAHA THE FOLLOWING BEST MAKES—The Stein-Bloch Co., B. Kuppenheimer & Co., The Washington Tailors, A. B. Kirschbaum & Co., Hackett-Carhart & Co., Hart, Schaffner & Marx, makers of uncommon clothes for men and young men.

granted, mandate waived; Lewis against Williams, stipulation granted, same continued to May 15, 1935; First State Bank against Stephenson Bros., stipulation granted, same continued to May 15, 1935; doctrine of constructive fraud is applied to such cases, but if it were so the presumption could be rebutted by the evidence. The verdict is affirmed. The ballots were collected from such scattered sources, in such small numbers, in such a haphazard manner, of combination, or design, or that they were cast with other than an honest intention.

counsel on each side. Fremont, Elkhorn & Missouri Valley Railroad company against Hagberg, overruled; Fidelity and Deposit company against Libby, overruled; Allen against Kufner, overruled; Smith against Curtice, allowed. Governor Goes South. Governor Mickey and a small party left today for Galveston, Tex., to attend the Northern Settlers congress. Governor Mickey will be the guest of the governor of Texas during a part of his visit.

CHAMBERLAIN SEEKING BONDS Understanding He Has Secured Large Portion of Amount. TECUMSEH, Neb., April 18.—(Special.)—In the custody of an officer, Charles M. Chamberlain is at work canvassing among his former friends and co-business men for signers on his bond, which the district court fixed at \$25,000. It is said he has succeeded in raising the best part of the amount. Mr. Chamberlain has promised to go to work on the books and to straighten out some things in the affairs of the failed bank which now are not understood. It is hinted here are people here who are working for him with money some things that had been left in the dark as far as they are concerned. The truthfulness of this statement will develop later.

...1905... CADILLAC Family Touring Car—Side entrance, electric, \$950. Two Passenger Runabout. Sweetest small machine seen in Omaha streets... \$750. We guarantee a limited running expense per month for the Cadillac. Don't Buy Experiments. But get a car that has a past record for durability, reliability, power and speed. You get more of these, and as much style and elegance in a Cadillac than in some cars at \$2,000. All models now on our floors. Some immense bargains in machines taken in trade, and in last year's models. DEALERS WANTED. WRITE FOR CATALOGUE. Everything for automobiles in our accessory and supply department. Mail orders given prompt attention. We are agents for the celebrated Swinehart solid rubber tire. H. E. FREDRICKSON, Fifteenth and Capitol Avenues, Omaha, Neb.

Following are rulings upon miscellaneous motions: State against Several Parcels of Land, etc., motion of appellant to advance suit, cause advanced to hearing June 8, 1935; Lowe against Prospect Hill Hotel, motion of appellant to advance suit, cause set for hearing June 6, 1935; Midgley against United States Fidelity and Guaranty Company, motion of defendant for leave to file additional record sustained subject to the objects of this case; City of Lincoln against Lincoln Street Railway Company, former motion of defendant to abrogate as to competency. On the recommendation of the Bar committee, David S. Veatch, Havelock, Neb., was admitted to practice. Lowe against Prospect Hill Cemetery company, motion to dismiss overruled; Reid against Baines, reversed and remanded; Holcomb, C. J. Goken against Dalgage, reversed and remanded; Letton, C. J. Smith against Wharton, affirmed; Letton, C. J. McLean against Omaha and Council Bluffs Railway and Bridge company, former motion of plaintiff to abrogate as to competency; Lindgren against Omaha Street Railway company, affirmed; Oildham, C. J. Chase against Omaha and Omaha Railway company against McManis, judgment against defendant reversed and set aside and action as to it dismissed; Letton, C. J. Smith against Wharton, affirmed; Letton, C. J. Kuppe against Polk, modified and affirmed; Ames, C. E. Scritt against Michaelson, reversed with instructions; Oildham, C. J. Conservative Savings and Loan association against Omaha, reversed with instructions; Letton, C. J. Lessor against Simon, affirmed; Oildham, C. J. Butler against Garret, reversed; Oildham, C. J. Terry against Johnson, affirmed; Oildham, C. J. McCaskey against Souger, affirmed; Letton, C. J. Davis against Wolf, reversed and remanded; Oildham, C. J. Bingham against Gardner against Shrader, affirmed; Ames, C. J. Litter against Garret, reversed with directions; Oildham, C.

Woman's Assaultant Sentenced. NORFOLK, Neb., April 18.—(Special.)—Admitted in court that he had assaulted Mrs. Helen Peterson, an attractive young widow, and that he had threatened to kill her if she refused to obey his commands. W. Scott, aged 22, a young farmer from West Point, Neb., was today sentenced to ten days in jail for following the woman on the streets for a number of nights and had chased her at one time until she faintly away. Last night, on a dark street, with officers' eyes upon him, he grabbed the woman in his arms and threatened her life. Then he was arrested. The woman had given him money with which to buy food when he begged at her door.

Hotel Clerk in Trouble. SEWARD, Neb., April 18.—(Special.)—Monday night the sheriff of Lancaster county came to Seward with a warrant for the arrest of Emil Schneider, a clerk at one of the hotels. The warrant was served and the young man accompanied the sheriff on his return to Lincoln. Lucille Blue, a young woman who formerly was employed at a hotel with Schneider, made the complaint, a paternity charge. The preliminary hearing was held and the testimony of the girl taken. Since she left Seward she has worked in Lincoln. Schneider was bound over to the district court on a bond of \$500.

Missionary Societies Meet. NEBRASKA CITY, Neb., April 18.—(Special.)—The eighteenth annual convention of the Woman's Foreign Missionary society of the Nebraska City district of the Methodist church is being held in this city this week. Interesting programs have been arranged for the entertainment of the delegates. On Thursday morning the annual convention of the Woman's Home Mission society will convene at 8 o'clock. Three interesting sessions have been scheduled for the day. Splendid programs have also been arranged for these meetings.

Sprecher Libel Case On. SCHUYLER, Neb., April 18.—(Special Telegram.)—District court is in session this week and Judge Hollenback on the bench. This evening a jury was secured in the famous Sprecher libel trial and the taking of testimony will begin in the morning. Ray Reha, charged with assault and attempt to commit robbery, was acquitted by the jury today.

Gordon Hats \$3 WHY argue about a W to certainty? Apply this to your hat buying and your new Spring hat will be a Gordon (soft or stiff). One who has worn a Gordon Hat, knows that there is no better hat made than a Gordon.

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