SIMPLY PRINTED THE NEWS.

No Malice in The Bee's Publications Concerning Linton J. Usher.

ARGUMENTS PRESENTED TO THE JURY.

Newspapers Cannot Be Prohibited from Printing News Obtained from Reliable Sources—The Judge's Charge.

In making his argument for the defense in the case of L. J. Usher vs. The Bee in the federal court yesterday Mr. John L. Webster spoke substantially as follows:

The case presented for your consideration, gentlemen of the jury, is fraught with many peculiarities. I can safely say that after twenty years of practice I never had the handling of one of so much strangeness. The story detailed by Floretta Russell, and which has been made the subject of this action for damages, is one of marvelous intricacy and perplexing mystery. The action of the plaintiff, too, is peculiar. The fact presents itself that he stands charged with some things that are strange and astonishing, and, not insisting on his innocence, he asks for a vindication of character in so many dollars and cents. He shields himself behind the presumption of the law, that a man is innocent until proven guilty. This kind benificence the law shadows over him.

There was a way, a clear and untrammeled way, open for an inquiry, but he did not seek it. We do not come here as prosecutors, but the probability of the truth of this story is entitled to consideration. But we will take the case where he himself put it.

The complaint alleges that The Bee published these articles with the full knowledge that the facts they embodied were false, that they were published maliciously and with the purpose to injure and damage Mr. Usher. We say simply that the story was gathered from the channels where truthful information is supposed to be gathered, and that there was reasonable cause to believe in their truth, and that there was no purpose whatever to injure or damage Mr. Usher. We stand simply on a general denial, and circumstances in mitigation of damages for the mere publication of the articles, but Usher's guilt or innocence stands without proof or disproof, and the jury must draw such conclusions as it sees proper.

The story was one calculated to convince the most incredulous when told. I care not who it was who gathered the information, dropping from the lips of a woman, running back through years and weaving in its body the peculiarities that were touched upon. It was a story that could not have been thrown aside until proved, and there was ample justification in giving it to the public. It was first told to the policeman, then the woman is taken before the chief, who was so impressed with its serious character, that he sends immediately for the county attorney, that he might be brought into consultation upon the necessities apparent. It took the county attorney more than a half hour to hear Floretta Russell's story, he's a skilled lawyer, a trained prosecutor of criminal cases, and so convinced was he of its truthfulness that he makes no delay in drafting the information charging robbery. When the chief of police and the county attorney were so convinced of the reliability of this story that they felt justified in stretching out the strong arm of the law to arrest this supposed criminal, it is not probable that you will say that The Bee should have disbelieved what these high officials deemed true—that The Bee should have stamped it as a fabrication and an untruth.

Long before the articles appeared in the press criminal complaint was filed in the police court. It detailed the charges against Usher of robbery in accordance with the woman's story. Floretta Russell went before the police judge and under oath declared the facts set forth in the affidavit as the truth.

The Bee not only had the story as detailed by Officer Haze to the chief of police and county attorney, but last and above all, the testimony of this woman that this crime had taken place.

Look at the story from another standpoint, and see what the impression will be upon your minds. Put yourself in the position of a newsgatherer, and listen to the story as it emanates from the official sources, wouldn't you believe there was good foundation for it?

Mark when it begins, back ten years ago, in Kansas, where Usher lives. Floretta tells you of Usher & Harvey's cattle transactions with a graphicness of detail I shall not attempt here. Is it not conceded to be the truth? She tells of her connection with them, of the mysterious death of the young man, said to have been murdered by poisioning, of Harvey's subsequent adversity and suicide. Then the confession made by Usher and its closeness to the story by Russell, as told the raporter. Her story of the agreement between herself and Usher, that he, to purchase her silence, was to give her a certificate of deposit for $10,000, payable one year later, her acceptance, her subsequent life in want and misery at Kansas City, how she was watched and dogged, not only there, but on her journey to this city. How she was approached while on her way to the bank in this city by a stranger, who called her by name, then snatched her handsatchel containing the certificate, and fled. How she applied to the police, and at noon of same day saw Usher and another stranger take a hack at the Millard and how County Attorney Mahony hurriedly drew up his information in order that the criminal should not escape.

Now Usher comes here in an action of this kind, shielding himself under the protection of the law, which presumes his innocence. Remember not one word goes to this jury that says that this story is not true. And this petition for damages, gentlemen, is an evasion of that question. Is it Usher's name attached to these allegations, is it Usher who swears to these averments?—no indeed, but the name of his lawyer, A. C. Troup, and it is A. C. Troup who swears to the truth of these averments. He didn't take much time to file the papers in this suit. Two days, only two days, after this story had been detailed to the reporter, Mr. Troup rushes forward and charges The Omaha Bee with maliciously slandering his client, a man whom he had never before this time laid eyes upon.

Mr. Webster then read the articles published in The Bee on the morning of July 16, showing that not a single word had been said about this man Usher, that his name nowhere appeared, but instead the name originally given, that of John L. Rush, and not Lincoln J. Usher. There is no similarity even in the two names, but instead of that, there was a John L. Rush in this city, a prominent citizen and office holder, and the people did not connect him with this crime, then why Usher? The Bee had never heard at that time of Lincoln J. Usher; didn't know that such a precious being graced the face of the earth, but he takes to himself what was charged against another. The first time his name was developed was in the publication of complaint filed in the police court. After that there was no further recital of what these offenses were. But what did The Bee do? It then immediately sent a telegram to Kansas City to find out who Lincoln J. Usher was, in all honesty and fairness toward a man who might have been injured by alleged connection with a crime, and on July 18 The Bee publishes his side of the story in his full vindication. Then there is this woman, Florett Russell, the fountain head from which all this impure water flowed. She walked these streets free and unmolested, and Usher never once raises his hands against her, never once seeks redress at her hands, never once declares that she committed perjury in her story to the police and county authorities, yet he comes here and asks for $50,000 damages against The Omaha Bee, and Mr. Rosewater had offered every reparation, offered them space to rebut all that had been said, and even offered to write a column in vindication himself if the material for vindication was offered him.

When the other side comes to argue this case they will probably tell you of Usher's being a son of a member of Lincoln's cabinet, in fact the last of a great family. This tracing of ancestry reminds me of a little story of a couple of California horsemen, who were expatiating upon the merits of their flyers. One of them traced his steeds back through an almost interminable lineage, back to the days of the colonies, and farther yet, into England in the days of George II, giving sire and dam, and dam and sire with precision of truth itself. When he had finished, the other horseman asked him how far back he could trace back his own family, and he couldn't go beyond his grandfather—showing that with him the animal predominated over the man. So with Usher, he wants damages because he was the son of an illustrious sire, not the re-establishment of his own good character, not the honorable vindication he might have possibly obtained through the generosity of Mr. Rosewater and his paper, but the solace of money, that's the vindication Usher wants, money! Now you are not here to defend any man's ancestry. We are American citizens, without tithe or title to nobility, but man to man, one enjoying the same rights and prerogatives as the other, notwithstanding his birth, whether it be of high or low degree. And so it matters not whether this man descended from the palace of nobility, or the hovel of poverty, he stands on his own bottom, and must be dealt with strictly according to his individual deserts. Remember you are here to protect the Omaha Bee from the venal assault this man makes upon it. He is not here to speculate on his reputation, and yet he throws it into the balance as proof of damages and to add to the magnitude of your verdict. Not only has he brought his ancestry into this case but he appeals to the name of his good father and aged mother and throws them into the contest, as the speculator takes his money to gamble on the board of trade. In courts of justice we tread titles and rank into the dust. None here would do more than your speaker to add any wreath to the glory and fame of Lincoln and his cabinet. But here we deal with American citizenship and individuals alone. The man may live in a humble cottage. The rain man trickle the shattered roof. The winds may blow the broken windows, the heat or cold may make entrance around the old and decrepit door, nevertheless it is the home of a man. When he appeals to this court the judges whose presence grace yonder bench will extend to him the like protection and no less than shall be accorded the man who dwells in a palace or prides himself in a titled ancestry.

Is it vindication you want? Vindication of what? Your character and your reputation? If so why did you shun the offer of Rosewater to publish any vindication you wanted?

True vindication is in proving innocence of crime, yet you bring a law suit in such form that your guilt or innocence cannot be inquired into. The way was open to you. A criminal complaint had been filed against you. Floretta Russell had signed that criminal complaint. She had raised her hand upward toward the heavens and sworn in the presence of her God that the criminal charge was true. The complaint was then lodged in a court. A warrant was issued by the judge. The officers of the law were in search of you. You avoided the arrest by remaining in the state of Kansas. When a requisition was out for you, you still did not surrender. Possessed of full knowledge of these proceedings you failed to welcome or surrender to the summons of the law.

If you were honest in your desire for a vindication of your character why did you not flee to the court of criminal jurisdiction and face your accusers and prove your innocence in the channels that were open to you? Floretta Russell yet lives in Omaha, yet you have not faced that woman on this charge. The law was open to you to punish her if she slandered you, yet you do not. If she committed perjury you had your remedy, yet you improved it not. You come here only under the protection of this court as a witness in your own suit to recover damages for the publication of a criminal complaint which you have not the courage to meet.

Gentlemen of the jury, well may it be true that Rosewater does not know whether this man be innocent or not. We give him the presumption of innocence that the law throws about as a beneficent shadow and rely upon our honesty of purpose and as faithful historians of current news in publishing the information that was gathered in the channels and from the sources whence comes the secrets and records of public crimes.

The name of Edward Rosewater is a synonym for energy. He is a Napoleon in pluck and endurance. His pen is an enemy to corruption in local government. The venal in high and low places shun his displeasure. The cowardly are afraid to face his courage. When almost a boy he came to Omaha poor in purse, but proud in spirit. He has kept pace with the growth of the city and expanded in thought and mental grasp, with the extended development of the state.

The Omaha Bee, at its first adventure in the field of journalism, was a little sheet that hovered about in uncertainty as to its influence or duration. It was the magic hand of Rosewater that made it develop. He determined that it had been born not to die, but to live. We remember it when issued from a little printing house that an enemy burned to destroy it, but phoenix like, it arose from the ashes. Today we see it issued from that magnificent palace on the hill. From its humble beginning it has gone on until it became established in the largest newspaper building in the world.

Three hundred men and women and boys there find employment. Six hundred agents and correspondents belong to its corps of workers. Two hundred thousand dollars in wages are paid out by it annually. Its value to the community in financial work is a rival to the banks and manufacturers. It has surpassed in circulation and influence newspapers of Kansas City, St. Joseph, St. Paul, Minneapolis and Denver. The states of Kansas, Iowa, Indiana, Wisconsin, Minnesota and Colorado do not furnish its equal. It surpasses every newspaper published in the southern states, with the single exception of the Louisville Courier-Journal. It is today the greatest newspaper between Chicago and San Francisco. Of the 20,000 newspapers and periodicals published in the United States and Canada only sixty are its equal or superior. Its 26,000 daily circulation, speaks to over 60,000 people from New York to the Pacific ocean. Its vast development, having reached almost monumental grandeur, is the work of Edward Rosewater and his corps of assistants, moved and controlled by his energy and ability. Such is Edward Rosewater, against whom this jury is asked to render a verdict. Such is the editor and proprietor of The Omaha Bee, whom this plaintiff asks you to punish by damages to vindicate the plaintiff's reputation.

The history, the career, the energy, the ability and the manly courage of Edward Rosewater is a stronger appeal to you to do him justice than any appeal that I, as an humble lawyer, can make in his defense.

The Judge's Charge.

The following is Judge Dundy's charge to the jury:

You are instructed by the court that no newspaper has any right to trifle with the reputation of any citizen, or by carelessness to injure his good name and fame or business; and the reporter of a newspaper has no more right to collect the stories on the street or even to gather information from policemen or magistrates out of court about a citizen and to his detriment, and publish such stories and information as facts in a newspaper than has a person not connected with a newspaper to whisper from ear to ear the gossip and scandal of the street.

You are further instructed by the court that if, from the evidence in this case and the instructions of the court, you believe that the plaintiff is entitled to recover herein, then you should, in estimating the damages to which he is entitled, consider the defamatory words themselves, the age and condition of the plaintiff, his mental suffering, if any be proved, caused thereby, and the injury, if any be proved, to the character and reputation of the plaintiff caused by such defamatory words, and you should find your verdict accordingly, not exceeding in amount the sum claimed.

You are further instructed by the court that if you believe from all the evidence in this case and the instructions of the court that the plaintiff is entitled to recover herein, then, in estimating the plaintiff's damages, you will not be restricted to the mental suffering of the plaintiff, if any be proved, or the injury, if any be proved, to his character or reputation caused thereby prior to the bringing of this suit; but you have the right in such case, in estimating the damages, to consider the mental suffering of the plaintiff, if any be proved, or the injury, if any be proved, to his character or reputation caused thereby during his entire life, prolonged during the usual period of expectation, according to the ordinary experience, and these damages, if proven, should be assessed against the defendant without any reduction on account of the want of malice, if proved, of the defendant in publishing said articles.

If the wrong was actually done to the plaintiff by the publication of the articles in question it would be wholly immaterial so far as his right to recover for the actual damage is concerned, whether or not the publication was done through malicious motives. If the publication was wrongful, however, and if the plaintiff was actually damaged thereby in his feelings or his reputation, whether or not the party

who published the article, or the paper that published it, it is wholly immaterial whether or not it was maliciously done so far as the actual damages are concerned. But to go farther, I will say that if the publication was wrongful, and it was maliciously done, then you might go farther and punish the wrong-doer for the wrong done to the injured party.

The court instructs you that if you believe from the evidence in this case that the defendant published of and concerning the plaintiff the articles sued upon, and that the plaintiff suffered mental pain and was injured in his character or reputation by said publication then and in that case such mental pain and suffering and such injury to plaintiff's character or reputation are actual damages, and cannot be reduced or mitigated by proof that the defendant published said articles in good faith and without any malice toward plaintiff. That should be taken in connection with the other instructions, and when that is done both are moderately plain.

The court instructs you that it is not necessary to render an act malicious that the party be actuated by a feeling of hatred or ill will toward the individual, or that he entertain and pursue any general bad purpose or design. On the contrary, he may be actuated by a general good purpose, and have a real and sincere design to bring about a reformation of matters; but if in pursuing that design he wilfully inflicts a wrong on others, which is not warranted by law, such act is malicious. That is, if they wilfully do the injury to the person who complains of the wrong, then the responsibility attaches.

The jury are instructed that to prove that the publication of the articles in question by the defendant was malicious, it is not necessary for the plaintiff to show that the defendant had a personal ill-will or hatred toward plaintiff; but the court instructs you that even if you believe from the evidence that the defendant and its officers were entirely unacquainted with plaintiff at the time of the publication of the articles in question, yet, if you further believe from the evidence in this case that the defendant published said articles recklessly and without using any reasonable endeavor to verify the same, or to ascertain whether the statements contained in said articles were true, and published the same without any reasonable regard for the rights of plaintiff then you have a right to infer that the publication of said articles by defendant was malicious in law.

I propose to explain that. Now, if there was no testimony at all outside of the publication of the articles themselves to show that the defendant or its agents or representatives acted in good faith, in doing what was done in this particular instance, then the jury might probably infer that the publication was malicious in its character. That is, if there was no testimony at all that explained the motives and gave the reasons for gathering the information and securing it in the manner in which it was done, and publishing it in the paper, then you might infer that it was maliciously done. But there is evidence here that shows or tends to show the very facts connected with the inception of the proceedings, how the information was obtained, what steps were taken to get it, the officers applied to who officially furnished the information sought, and all about it, you are to say whether or not the defendant in publishing the article in question used due diligence in procuring the information and verifying the reports published.

I want to go further and say: You heard the question of privileged communication discussed during the progress of the trial. It is well understood what is meant by privileged communication; a paper may publish, and be justified in publishing such information, even though it be slanderous. Where the proceedings take place in open court, as they have taken place here, that everything that is said and done in connection with the prosecution from beginning to end is a privileged matter, and a newspaper may properly publish it. A newspaper has the right to do it, where the public have a right to be present to hear what is said, and anybody that wants to know or has a curiosity to know about what takes place in a court of justice may know it. Here was the information verified by the oath of the accusor kept in the office of the police judge, and its contents were communicated to some of the police officers, a warrant was issued, and placed in the hands of an officer; the testimony seems to show that. You know for yourselves what the facts were as shown by the proof. But where other information existed, where an information was made before the county attorney, as is claimed to have been in this instance before Mr. Mahoney, who represented the county as county attorney, and whose business it was to proceed against the party, where the information is laid bifore him and he interests himself enough to prepare an information, and he has the party to go before the officer and verifies it on her oath, placed it in the hands of the police judge for the purpose of having him issue a warrant thereon, and the warrant is issued; is placed in the hands of the police officer and after that is done it is claimed that THE BEE, or the officers representing THE BEE, procured this information from the sources stated. Now when that source of information is opened up would not an ordinarily prudent and reasonable man have reason to believe the truth of the matters that are there? If not, why then THE BEE wguld not be justified in printing or believing it to be true; and if the facts and circumstances of disclosing the information to the parties who represented THE BEE, and who prepared and published these articles, if they were such as to induce a reasonably prudent man to believe that they were true, then they effectually rebut the presumption of malice. You must inquire finally, whether or not the sources of information being opened to the parties representing THE BEE (as they were) they procured the information and believed it to be true. If so that rebuts the presumption of malice. If that be true no punishment ought to be inflicted upon THE BEE or its representatives because of any claim there may be made here that it was maliciously done.

The court instructs you that if you believe from the evidence in this case that the defendant published of and concerning plaintiff the articles complained of herein, and that plaintiff was injured thereby, and if you further believe from the evidence that the defendant in publishing said article was actuated by malice or ill will towards said plaintiff, then and in that case you may assess in your verdict against the defendant, in addition to such actual damages, if any, sustained by plaintiff by reason of such publication, exemplary or punitive damages, and you are instructed that in determining the question whether defendant in publishing said articles was actuated by malice, you have a right to consider all the facts in evidence concerning such publication; and you have a right to infer the existence of malice from the absence of probable cause, if proved, for making such publication, or from a want of care, if proved, or negligence, if proved, in the verifying of the statements in said articles or in the attempts to ascertain the truth thereof.

The jury are instructed that the fact, is proven, that Edwad Rosewater, the editor of THE OMAHA DAILY BEE, was absent from the city of Omaha at the time the articles were published in said paper, is no defense to this action and does not relieve defendant from its liability, if any, to plaintiff because of such publications.

For the purpose of proving, so far as can be done, by positive proof, or by any witness who might be placed on the stand that no malice existed; placing Mr. Rosewater on the stand, is for the purpose of showing that he was out of the city when the paper containing the libel was published, and did not know anything about the plaintiff in this suit, that he was a stranger to him. This is done simply to rebut any testimony that might exist to show that there was any malicious intent or motive on the part of anybody connected with the paper, so far as he was concerned. Then again, Hunter, the party under whose direction the articles were prepared, as claimed, was placed on the witness stand and he was asked the same thing, and he claimed he did not know anything about the plaintiff, and there could be no malicious motive towards him so far as he was concerned. So on, through the catalogue. Take all the testimony together, examine the motives of the parties controlling the paper for this purpose, of showing whetder or not they had any maliciods intent or bad motives towards the plaintiff in publishing these articles.

If you find for the plaintiff at all you have got to find what damage he has sustained and how he has sustained them. Take into consideration the fact that he is young, the fact that he is liable to live much longer than if he were sixty or seventy years of age, the amount of physical and mental agony that might result from the publication of such an article, whether or not he has been injured by those who have seen and read and know anything about the articles in question, and if so, what is the extent of the injury that he has sustained in consequence of the bad impression made on the neighbors, friends and acquaint-

ances, and that strangers may have formed of his character by the articles in question! All that is to be considered, and it is that which is to make up his actual damages. Now, the question arises, how are you going to do that! I don't know. There is no way that you can measure it in the shape of dollars and cents. You must take into consideration all the facts and circumstances relating to the damage he has actually sustained. If his neighbors and acquaintances who read the paper did not believe a word of it, as far as they were concerned his reputation would not be much injured. But if the people generally around the country, and the neighbors believed it so, that his presence would be distasteful and repulsive to them, or a part thereof, that may be properly considered. That the plaintiff is the son of the distinguished John P. Usher, who was in the cabinet of President Lincoln, makes no difference. This plaintiff must stand on his own merits. He must recover on his own reputation if he does it at all. He stands no higher here, and is entitled to no more consideration than if his father was not a prominent man. Linton J. Usher stands here with his character unblemished so far as we know, unless blemished by these articles, and you must treat him the same as any other son of any other father.

The burden of the proof is on the plaintiff to show that he has been damaged, and he must show it by a preponderance of proof. What I mean by a preponderance of proof is proof that is stronger, better, more convincing and therefore more reliable than that produced in opposition thereto.

Has the plaintiff produced testimony to so satisfy you? Is the preponderance of proof in his favor that satisfies you that he has been damaged? If so, then find accordingly. Then you must find a verdict in his favor to the extent of the injury that has been inflicted on him by the alleged publication of these articles.

At 9 o'clock last night the jury returned a sealed verdict, which will be received by Judge Dundy at the opening of court tomorrow morning.

WORLD'S FAIR MATTERS.

Thomas Edison Advocates Cheap Admission and Sunday Opening.

CHICAGO OFFICE OF THE BEE, }
CHICAGO, May 16. }

Before leaving for New York yesterday Thomas A. Edison conferred with some of the world's fair directors in several matters. He argued for 25 cents admission and opening of the fair on Sunday—the latter for the reason that thousands of laboring people must go on Sunday or not at all. The officials were impressed with the argument for 25 cents admission and the matter will be laid before the directory.

World's fair labor matters are much nearer a solution than they were before the conference meeting last night. While no action was taken on the question at issue, it is understood that they will accede to the demands of organized labor. The directors listened to arguments by the labor leaders for the fixing of a minimum basis of wages and finally concluded to hear members of the builders' exchange on the subject next week. The opinion of several directors is that the minimum rate will be conceded.

CHICAGO B. & O. TERMINALS.

The Baltimore & Ohio road has finally settled the question of terminals in Chicago and will erect a magnificent passenger depot at Harrison and Halstead streets. At that point it is said the railroad company already has purchased nearly an entire block of land. The various plans for terminal facilities which have been mentioned in the past have been entirely changed. The Chicago & Calumet terminal road right of way will be used as far northwest as the junction it makes with the Chicago Central road at Blue Island. At that point the right of way of the latter is taken up and followed directly north to the line of the belt line, where the road continues along the west side of the Pan Handle line, crossing it at Thirty-ninth street and coming down over a new right of way to the depot at Halsted and Harrison. Ever since the Chicago Central road was started it has been uncertain who was building it. It was supposed that the Northern Pacific was behind the project, but it has now become known that the Baltimore & Ohio people are the real ones interested.

WANTS A DIVORCE.

Mrs. Velma R. Coombs today applied for a divorce from her husband, Charles F. Coombs of Omaha, od the ground of desertion. The decree will be granted.

WESTERN PEOPLE IN CHICAGO.

Among the western people in Chicago today are the following:

At the Palmer—Mr. and Mrs. G. E. Moin, Waterloo, Ia.; T. Riegchman, Des Moines.

At the Auditorium—George W. Gray, Omaha.

At the Grand Pacific—E. E. Naugle, Omaha; Mr. and Mrs. D. A. Siegfried, Sioux Falls, S. D.; H. F. Batcheller, Miles City, Mont.

At the Sherman—T. A. Carpenter, Des Moines, Ia.; C. A. Penfield, Fremont, Neb.

F. A. ATKINSON.

TIMBER RESERVATIONS.

Circular Letter of Instructions to Special Agents.

WASHINGTON, May 16.—A circular letter of instructions to special agents, relating to timber reservations, was today promulgated from the general land office. After quoting Section 24 of the general land act of March 3, 1891, the circular says: "To carry into effect certain provisions it becomes important to reserve all public lands bearing forests or covered with timber or undergrowth on which the timber is not absolutely required for the legitimate use and necessities of the residences of the state or territory in which the lands are situated or for the promotion of settlement or development of the natural resources of the section of the state or territory in the immediate vicinity of the particular lands in question. In so doing it is of first importance to reserve all public lands in mountainous and other regions which are covered with timber or undergrowth at the headwaters of rivers and along the banks of streams, creeks and ravines where such timber or undergrowth is the means provided by nature to absorb and check the mountain torrents and to prevent the sudden and rapid melting of the winter's snow and the resultant inundation of the valley below, which destroy the agricultural and pasturage interests of the communities and settlements in the lower portions of the country. For the purpose of securing the necessary data upon which to base recommendations for such forest reservations, the commissioner gives full and explicit instructions. A summary of these instructions are to the effect that special agents, upon being detailed to secure the data in question, are required to proceed without undue delay to make in the districts assigned them a thorough and careful personal examination of the public lands bearing forests or covered with timber and undergrowth and ascertain by personal observation and by interviews with government and state officials in the vicinity of such lands and with citizens who have an interest in the public welfare of all facts pointing to the value of said forests or timber lands for all uses, purposes and requirements, and to promptly report upon the same to the general land office. Before submitting his report, but after making an examination of the timber lands of any drainage basin, and having decided to recommend the same for reservation, the agent is required to publish a notice of his intention in order that any persons interested may be heard upon the subjects.

It is a well known fact that Secretary Noble and Commissioner Carter are very much in earnest to preserve the forests of the west, and every effort will be made to speedily carry out in a liberal spirit the provisions of the act of March 3, 1891, which relates to this subject. It is not yet decided how many agents will be assigned to this special work, but it is believed that all who can be spared will be ordered to begin at once.

Had a Brush with Outlaws.

WICHITA, Kan., May 16.—A report received from Norman, Oklahoma, says that a scout from the interior of the Choctaw nation reports a brush last night between a posse of deputy United States marshals and a gang supposed to be the Dalton brothers and their fellow outlaws, who held up and robbed the Santa Fe train near Wharton, I. T., Saturday. The officers surprised the outlaws' camp and after the interchange of shots the robbers mounted their horses and escaped in the darkness, leaving their camp equipments behind.

ITS WHEELS READY TO RUN.

Omaha's New Advertising Agency Will Begin Operations on Monday Morning.

GEORGE P. BEMIS FOR SECRETARY.

List of Officers, Directors and Advisory Board—Some Opinions of Weight and Value—Encouraging Outlook.

The Omaha Real Estate Owner's association has completed its organization and is now ready for the active prosecution of the work before it.

Mr. George P. Bemis has been chosen secretary of the association and rooms have been secured on the second floor of the New York Life building. Commencing on Monday morning the rooms will be open from 8 a. m. to 6 p. m. daily.

The heaviest property owners in the city are members of the association and it is expected that great good will result from their united efforts in directions planned by the officers and advisory board of the association. The members represent fully $1,000,000 worth of Omaha realty and they feel that with such an interest they should unite their efforts for the general advancement of the city's interests.

The object of the association is to concentrate the forces at its command in an effort to work out general good for the city and the people in the way of securing the location of additional manufactories, the advertising of the city, the planning for a general system of public improvement satisfactory and equitable to the owners, the election of good men to office, the reduction of taxes and the more equal distribution of the burden thereof, to look after the voting of bonds, the disposition of franchises, the enactment of wise and reasonable real estate laws, the encouragement and protection of labor and the general advancement of all the interests of the city, as well as citizens.

With an organization of this kind Omaha is equipped for any emergency; greater confidence will be inspired at home as well as away from home; money will pour in freely, as investors look upon such an organization as a guarantee of safety and an assurance that their interests shall receive all necessary protection.

It is believed that not less than fifteen thousand owners will willingly become members of an organization of this kind and freely contribute to its support. The expenses will be very light, especially on the poorer class of owners, while those who are more able will doubtless be willing to contribute more liberally. All, however, should come in on the same footing, as men and influence are needed instead of large amounts of money.

The officers of the association are: George H. Boggs, president; John T. Cathers, vice president; George P. Bemis, secretary; directors: George N. Hicks, George P. Bemis, J. S. Gibson, W. S. Poppleton, George H. Boggs, A. L. Reed, John T. Cathers, Jeff W. Bedford, Erastus Benson, C. R. Scott, St. A. D. Balcombe, W. J. O'Donohoe.

The members of the advisory board are: Herman Kountze, Joseph H. Millard, C. W. Hamilton, Max Meyer, H. W. Yates, J. L. McCague, Henry Bolln, O. M. Carter, Alvin Saunders, J. J. Brown, John A. Creighton, William A. Paxton, Samuel E. Rogers, W. Kendall, A. J. Simpson, Guy C. Barton, George B. Lake, James Creighton, John A. Horbach, James E. Boyd, L. W. Hill, A. J. Poppleton, E. Rosewater, C. S. Chase, G. M. Hitchcock, George L. Miller, F. Krug, sr., F. Metz, sr., R. N. Withnell, Byron Reed, Charles Turner, A. J. Hanscom, C. J. Karbach, J. B. Kitchen, S. D. Mercer, Benjamin Smith, L. S. Reed, James M. Woolworth, J. B. Finlay, Henry Pundt, A. P. Wood, James Forsyth, Clement Chase, George W. Lininger, Warren Switzler, Cadet Taylor, Chris Hartman, John B. Evans, C. C. George, W. J. Connell.

A meeting of the officers and members of the advisory board will be held at the association rooms at 4 p. m. on Tuesday, when a general plan of action will be decided upon.

The time is ripe for an effort to place Omaha's advantages before the money holders of the world and the officers of the association feel that steps looking to this end should be taken at once. Omaha is getting a good deal of gratuitous and beneficial advertising just at present from sources that command universal attention. The Philadelphia Press in a recent issue says:

"The other day, with a group of distinguished railway men about him, Mr. Depew put his finger on the dot which represented Omaha on the map, and, speaking with great seriousness and earnestness, he declared that here was about to be the center of the American business empire—the center from which should flow the prosperity, colossal and magnificent, beyond the dream of any imagination, which awaited the people of the United States in the lifetime of many of those who are even now past their majority."

President Harrison, in his address on Wednesday, paid the following highly complimentary tribute to Omaha's greatness: These mighty structures dedicated to commerce, these majestic churches lifting their spires toward heaven, these many school houses consecrated to teaching those who shall in the future stand in our places and assume the responsibility of your public institutions, these great stockyards where the meat is produced which is raised by the great Missouri valley, these thousands of happy and comfortable homes—all characterize your great city. It is a marvel, a tribute to the power and enterprise of the American people, and is unsurpassed by any city in the United States."

Secretary Rusk and Postmaster General Wanamaker also added their tributes. Mr. Rusk said: "Nebraska is decidedly the sweetest state in the union," and Mr. Wanamaker said: "In my opinion, Omaha has more business energy to the square inch than any other city in the United States."

To take due advantage of the favorable impressions caused by such complimentary and voluntary tributes as these is one of the objects of the Real Estate Owners' association.

DR. BRIGGS DEFENDED.

Manifesto from the Faculty of Union Theological Seminary.

NEW YORK, May 16.—Concerning the discussion of Rev. Dr. Briggs of the Union theological seminary, the faculty of that institution today issued a manifesto in which the following paragraph occurs: "After years of familiar acquaintance with Dr. Briggs and his teachings we are moved to utter our protest against the spirit and language with which in so many cases he has been assailed. If in any of these writings Dr. Briggs, as is charged, has wantonly offended the honest convictions of good men, or has in any other way sinned against the ethical code of Christian scholarship laid down in the new testament, it is not our business to defend him therein; he must answer for it to his own conscience and to God. But in the public discussion in a matter of opinion it is neither right nor decent that an earnest, devoted scholar and faithful teacher, even though mistaken, should be attacked with virulence, contemptuous flippancy and imputations of unworthy motives. We know Dr. Briggs to be an earnest Christian, a devout student of the bible, an indefatigable teacher and worker and one who held the standards of the church with an intelligence based on exhaustive study of their history and literature. The numerous testimony of his students during seventeen years prove that he inspires them with a deep reverence and enthusiasm for the bible. In like manner we protest against the manner and temper of assaults on the Union seminary. By its history of over half a century, by the character and standing of its graduates and by the amount and value of its contributions to Christian literature this institution should be insured against such assaults. Its value to the Presbyterian church needs no demonstration. From the days of Edward Robinson, the pier of Palestine exploration and the founder of biblical lexicography, Union seminary has steadily pressed forward on the lines of advanced biblical study. If professors in subscribing to the Westminster standards have always been understood to do so with the concession of that measure of freedom of the right of Christian scholars. They honor venerable confessions of the past ages, but they place

the bible above the confessions and hold themselves bound by their loyalty to Christ and to His church to follow the truth whithersoever it may lead them. We insist and must insist upon the liberty exercised by the reformers and by the early church to discuss the scriptures *freely* and reverently and to avail ourselves of all the light which may be thrown upon them from any source. It is in the interest of God's truth to set forth scripture as it is and not to expose its friends and teachers to humiliation and defeat by claiming for it what cannot be substantiated. In the words of Ulmann, 'Not fixedness nor revolution, but evolution and reform is the motto for our times.' We maintain that human conceptions of the bible of its inspired teachings are subject to revision. To grasp the results of deeper research and to apply them with caution, reverence and boldness to the examination of scripture is not only our privilege, it is our solemn duty in the discharge of the sacred truth committed to us by Christ and His church. More light is yet to break from God's word. We would be found ever upon the watch and to transmit its rays. No theological person could take any other attitude without neglecting his duty and releasing his hold upon Christian students. That such a method may dissipate or modify certain traditional views as to the origin or date of the books of scripture, that it may expose and correct certain tongue established errors of interpretation; that it may modify certain theological dogmas, is only what is to be expected from similar results in the past. But we have no fear for the bible. The word of God will come from the fire of reverent criticism as fine gold with a new creation of testimony to its divine origin and a new power of appeal to the world."

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CROOKED BANKERS ON TRIAL.

How They Borrowed Funds to Fool the Examiner.

PHILADELPHIA, May 16.—The hearing of Gideon W. Marsh, president, and Charles W. Lawrence, ex-assistant cashier of the broken Keystone National bank, charged with falsifying the returns of the bank to the comptroller of the currency, was resumed here this morning before United States Commissioner Bell.

John Hayes, cashier, testified that he never assisted in making up the bank account for submission to the comptroller, but signed it when it was presented to him by President Marsh. He had implicit faith in Marsh's honesty. When the bank examiner was expected to visit the bank Marsh would borrow from $60,000 to $70,000 in cash from hte Spring Garden National bank and place it among the assets of the bank, by which means the bank's reserve would be raised to the legal requirement by law. No entry was ever made of these losses on the bank's books, and when the examiner had concluded his examination the money would be returned to the Spring Garden bank. No collateral was ever deposited at the Spring Garden bank for these loans. Money was also borrowed from the Third National bank.

J. Frank Lawrence, a brother of Charles Lawrence, one of the accused men, testified that he had charge of the ledger from which the pages were cut. He discovered that the pages had been cut from the book and spoke to his brother and Marsh about it, but was told by them that it was all right.

J. T. Jackson, Charles C. Torr and Dr. Charles Sheltonberger, all of whom are or have been at some period directors of the bank, testified that they were never allowed to examine the assets of the bank, as a special committee appointed by Marsh did this and reported to the board. They all placed great confidence in Marsh and trusted him without question.

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SUICIDED IN LONDON.

Strange Disappearance of a Kansas Man Cleared Up.

KANSAS CITY, Mo., May 16.—Arthur Dean, aged thirty-seven, a member of the real estate firm of O. H. Queal & Co. of this city, mysteriously disappeared December 7, 1889. No clue to his whereabouts was obtained until last month, when the cashier of the Kansas City safe deposit and savings bank received through the mail from the coroner of Central Middlesex, London, a key with a tag belonging to the vault rented to Queal. The coroner reported that the key was taken from the body of a young man who committed suicide by drowning April 9. Photographs were sent to the coroner and established beyond a doubt that the body of the suicide was that of the missing Arthur Queal.

INDIANAPOLIS, Ind., May 16.—O. R. Johnson, who until recently was United States vice consul general at London, was shown the message in reference to Arthur Dean Queal, and said: "I investigated the case as thoroughly as possible at the time of the finding of the body, but could not identify it, as the man went under the name of Dean in London. He came to London about January 1, 1890, with $3,500 in cash and drafts for $1,500. This money he spent in carousing until he became penniless and testimony at the inquiry showed that he was almost insane.

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RACED TO HIS DEATH.

A Wisconsin Farmer Killed While Running His Horses.

MILWAUKEE, Wis., May 16.—A race between a business man of the city and a farmer from Prospect Hill, seven miles beyond North Greenfield Thursday evening, resulted in the tragic death of the farmer at North Greenfield. The parties in the race were John D. Bowes, a prominent insurance man of this city, Mr. and Mrs. Joseph Shackell of North Greenfield, and a farmer named Plumb. All were returning from the city, Plumb in an empty wagon, and the others in a carriage. The road was exceedingly dry and neither party seemed inclined to take the dust from the other. A spirited race for first place resulted, both teams being put to their utmost speed. It was nip and tuck between them for several miles and when the village was reached the carriage was a few rods in the lead. In front of McCullough's in the little town is a rough plank platform a foot or two high, used in loading wagons. Plumb's wagon struck this platform while going at full speed. He was thrown some distance in the air and fell heavily to the ground, breaking his back and receiving internal injuries from which he died several hours later.

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TRIED TO MOB STANLEY.

Socialists Created a Disturbance While the Explorer Was Lecturing.

LONDON, May 16.—While Henry M. Stanley was delivering a lecture at Sheffield last evening the hall was invaded by a gang of socialists, who began to sell among the audience a pamphlet attacking the explorer. The pamphlet was very freely bought under the belief that it contained a report of one of Stanley's lectures. When the fraud was discovered there was a great commotion and the venders were violently expelled. The gang tried to mob Stanley as he left the hall, but his friends gathered around him, and with the assistance of the police kept off his assailants until he drove off in a cab.

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BURIED TREASURE FOUND.

A Discovery at Truckee, Cal., Causes Great Excitement.

TRUCKEE, Cal., May 16.—There is great excitement here over the discovery of a portion of the treasure buried by the Donner party in 1846-7, which is said to amount to $10,000. Nearly $200 in silver have already been found and numbers of people are looking for the remainder. The coins are of all dates prior to 1845, and consist of pieces from France, Spain, Bolivia, the Argentine Republic, a number of other foreign countries, and also a number of rare American coins. The relics are very valuable.

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England's Noted Invalids.

LONDON, May 16.—The prince of Wales is suffering from muscular rheumatism in the legs which prevents his standing for any length of time.

Gladstone is in a much more improved condition of health than he was yesterday.

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Weekly Bank Statement.

NEW YORK, May 16.—The weekly bank statement shows the reserve has increased $149,000. The banks now hold $4,913,000 in excess of legal requirements.

PALATIAL BOSTON STORE.

Thousands of Purchasers Attend Its Most Successful Opening.

DESCRIPTION OF ITS MANY DEPARTMENTS.

Crowning Result of Energy Which Rears a Model Metropolitan Store in Sixty Days.

Sixty days ago a glass hot house stood on the northeast corner of Douglas and Sixteenth streets.

Today in its stead stands a stately three-story pile of brick, iron and glass, weighted with a stock of dry goods valued in the thousands.

George Francis Train caused people to marvel because he built a frame hotel in thirty days.

But what may be said of the enterprise and energy which rears a business palace in nearly the same length of time and stocks it with the work of the shuttle and loom from every section of the known world!

The achievement was accomplished by J. L. Brandeis & Sons and the result is the stately Boston Store which yesterday for the first time received its customers by the thousands.

It was only with difficulty that a BEE representative gained admittance to the emporium. It seemed a veritable ladies' day during the holiday season in an eastern bazaar. A corps of experienced floor men, however, kept passages open and the unattended scribe made his way through the great establishment, discovering new attractions at every step.

The imposing entrance, forty feet in width, opens upon a large area into which run the aisles from all the departments of the first floor.

The nearest department is that of the silks, presided over by a corps of gentlemanly linguists whose experience was yesterday tested to the uttermost. The counter was surrounded with purchasers the whole day, and yard after yard of faille, roy amuies, pere de soirs, vermeulleaux, crepe de chines, satin luxors, grosgrain and China were disposed of at the wonderfully low prices which the firm had advertised.

To the west of the silks and facing the Douglas street side is a very fine colored dress department filled with choicest materials.

This is followed by the muslin and underwear, the lace, ribbon and notion departments, in which the purchasers will appreciate the flood of light which pours through the plate glass windows.

Running along the south wall of the building are the corset and parasol departments with an almost infinite variety of goods from the leading manufactories in those important lines.

Turning to the right after entering, the visitor passes ately posts sheathed in velvet and the grea glove department, in which half a dozen lady clerks are busy fitting and selling gloves all the way from those intended for the merest sprite to those which are to encase the hand and arm of the belles of the coming season.

Further along is a circular counter upholstered in velvet upon which rests a massive basket of flowers. It is accompanied with the congratulations of the sender, Mr. Oberfelder. Another souvenir making memorable the occasion is from Murtzburger & Goldsmith of New York. On the same counter are several female busts in wax, each a work of art. They are attired in most costly silks and brilliant jewels enhance their beauty.

Further along are found the hosiery and men's furnishing goods, each occupying ample space and comprising a variety as great as was ever seen west of the Missouri.

Then the visitor enters the millinery department. All that he has seen scarcely prepares him for what he finds in this extensive section.

Glass cases line the wall. They are filled with all varieties, shades and colors of artificial flowers, plumes and bonnets. These assortments seem works of art hung upon the walls. They appeal to the masculine sense of the beautiful and irresistibly challenge the attention of thousands of ladies who linger in their presence.

This department extends along the east half of the north and almost to Douglas street along the west wall of the store. Courteous ladies are in attendance. The beautiful articles are handled with the air and skill of experts, and the purchaser experiences little delay in finding what she seeks.

East of the millinery and running beside the north wall, is the mantle department. In a continuation of the line of glass cases, all of which are draped with brocaded maroon velvet, are hung shawls, capes and jackets of all the prevailing styles and of both home and foreign manufacture.

Above this department is a gallery. It commands a view of the whole floor. The sight is almost bewildering. The display of color defies description, while the human activity displayed by attendant and purchaser seems almost incomprehensible.

In this gallery are the cashiers and wrappers. There are four of the former and eighteen of the latter. They are all busy. To this gallery lead seventy-five lines of aerial railway. The terminus of each of these lines is denominated a station. Into the station rattles the basket laden with the purchased articles, the checks and the cash. The arrival of each train twangs a wire of greater or less tension. The effect is not unlike a rough melody, the more grateful because it proclaims the success of the great enterprise under consideration.

This gallery extends to the west wall and thence to Douglas street. At the angle are located the handsome offices of the house and the advertising department, from which may be had a view of every inmate and every part of the store.

On the eastern extremity of the gallery is the ladies' waiting room, which has been richly upholstered.

The "Bargain Mine" is the name happily designating the basement. To this place there are two large entrances, one leading from the main floor and the other from Sixteenth street. Both are broad and the descent is gradual. The place is lighted by windows on all sides. It is a mart of multifarious articles. It is a hive of industry. Counters predominate. There are shelves only along the north and west walls. The counters are piled high with goods which the visitor handles. The prices range from a penny up to dollars. Clerks are everywhere. They are besieged with customers. Everybody speaks scarcely above a whisper. It can scarcely be comprehended that so many mortals can come together, each bent on making an exchange of money for some needed article, and yet make so little noise. The purchase over, another aerial railway does its part of the transaction. The article purchased returns wrapped in convenient form and the purchaser retires. As she passes out, however, she sees a magnificent soda fountain near the steps. Then she stops, quaffs a glass of flavored soda which costs only 3 cents or indulges in an ice cream soda for 6 cents.

This scene was witnessed all day yesterday and last night until the closing hours. Thousands came and went and thousands bore away with them purchases which sustained the reputation which the Boston Store has achieved for excellent goods and reasonable prices.

Every purchaser also retired with a souvenir, and the supply of souvenirs was most varied. It extended from a mirror to a silver fruit knife, and the clamor for the souvenir was as great as the demand was for purchases.

The opening was a success. It could not have been otherwise. Nothing was left undone which would prevent the firm from keeping its promises. From the humblest cash boy to the honored senior member of the firm, everybody was on duty. From the humblest and youngest clerk behind the counter to the fourteen floor gentlemen in in their full dress suits, every attache was attired as if for a gala occasion. Simplicity in female attire often sets off female beauty and it was the simple holiday attire which characterized the young ladies of the store. More would not have added to their charms and those charms, it must be said, are most remarkable. A more beautiful collection of young women could scarcely be desired. Neither could a more competent one be obtained. Their efficiency was yesterday displayed in 20,000 cash tickets, representing just so many sales.