

FAKE EDITIONS DON'T COUNT

Judge Keyser Declares Against the World-Herald's Pretensions.

COURT DECISION IN THE LICENSE CASES

The Fake-Factory's Scheme to Overrule Supreme Court Rulings Knocked Out—Helmman Estate in Court—Mrs. Russell Wins.

At the session of the court held yesterday Judge Keyser decided the appeals from the Board of Fire and Police Commissioners in the liquor cases. By the terms of his decision the licenses of S. S. Lanyon, Snow, Lund & Co. and J. J. Saville are granted, while those of Michael Wallenz and Fred Pinesham are refused.

In all of the cases the applications were published in the World-Herald, and it was to that publication that the protest was filed. In summing up the case the court said that the question for determination were, first, did the applicants publish their notices in the newspaper prescribed by law; and, second, if not, did they publish them in some other paper in good faith, believing it to have the largest circulation?

The court is of the opinion that the applicants did not publish their notices in the prescribed newspaper, but that they did so in good faith, believing it to have the largest circulation. The publication of said notices is considered as a matter of public interest, and one does not publish his notices in the newspaper prescribed by law the burden of establishing his good faith in publishing them in some other paper is upon him. The court has ruled that the applicants' good faith is presumed if he makes any publication at all in a newspaper, and that it devolves upon the remonstrator to show the contrary. Under this rule the evidence falls to show that at the time Lanyon, Snow, Lund & Co. and J. J. Saville, Co. advertised in the World-Herald, they did so in bad faith and with knowledge that the Omaha Evening News had the largest circulation, but in the opinion of the court, it does establish bad faith on the part of Pinesham and Wallenz. The attempt of the board to add advertisements to the Evening News in order to insert their notices was commendable, but the resolution was defective, in that it did not name which edition of the News was the lawfully published one, and its service on applicants had but little bearing on the question of good faith.

There are in fact no newspapers published in this county which are headed and designated as The Bee, or as the World-Herald. These terms are only the peculiar names given by people referring to news printed in the World-Herald and the Omaha Evening News.

The morning World-Herald and the evening Omaha Evening News contain different articles and the papers are delivered to different sets of subscribers. The publisher of these editions when on the witness stand claimed that they constituted the World-Herald and refused to state the circulation of each. The liquor licenses taken to The Bee Publishing Company were printed in the Omaha Evening News only, the publisher, asserting that the two editions were separate and distinct newspapers. The testimony shows, however, that the combined circulation of the said morning, noon and evening editions of the World-Herald exceeds that of The Evening News, and it quite clearly shows that The Evening News has a greater circulation in the county than any one of the editions of the World-Herald. The law requires the publication of these notices to be in the newspaper having the largest circulation in the county and not by the paper that prints and sells the greatest number of papers.

NEW ACTIONS.

Suing for Life Insurance—Wants Damages for Being Jailed.

The Mutual Reserve Fund Life association refused to pay a \$5,000 policy on the life of George Beard, who died last October, and the widow, Catherine Beard, has begun a suit in the district court to recover.

Nel J. Peterson has sued Hugh Murphy for \$2,000 damages. Peterson bought from the Leavenworth street property owners the wooden paving blocks that were torn up last fall. While removing the blocks Murphy, who had the contract for restoring, happened along and saw him arrested. He spent several hours in jail, but was honorably discharged. Svenning Hagelund has begun a similar suit against E. J. Jones.

Alexander G. Knapp has sued E. J. Jones and F. P. Kirkendall for \$15,000 damages. His son Walter was caught in the elevator machinery of the Douglas block, owned by the defendants, and was badly mutilated.

W. J. Connell has sued the county of Douglas, and at the same time he has secured an injunction which restrains the county treasurer from collecting the taxes assessed against certain lands and lots owned by Mr. Connell and situated in Griffin & Smith's and other additions to the city. For a cause of action the plaintiff alleges that in making the 1892 assessment the precinct assessors who listed the property in that portion of the city raised to an unreasonable value the value of the property. Not only that, but they failed to return the assessment in accordance with law.

WOMAN'S VICTORY.

Mrs. Russell May Go Her Way with Her Children.

Mrs. George F. Russell, whose legal fight for the possession of her children has attracted much attention, has gained a victory and will leave this week for her home in St. Paul. In the district court yesterday Russell's attorney filed a motion to dismiss his divorce suit and dissolve the injunction restraining the wife from taking the children out of the county jurisdiction. The motion was granted, and Mrs. Russell was free to go to her pleasure.

Later in the day Russell's attorney filed another petition for divorce, alleging adultery. He declared that his wife was unfit to have charge of her children, but did not ask for their custody. In explanation of this peculiar action the attorney said the other suit had been dismissed because he was not ready to go to trial.

ON TRIAL.

Trying to Save a Brother—Damages for a Broken Leg.

Douglas McGuire is being tried on the charge of being one of the burglars who operated in North Omaha. His brother, Cad, who pleaded guilty and was sent to the penitentiary, testified that he and not Douglas was the guilty man.

due to the carelessness of the company's agents who were in charge of the train.

Court Calendar.

The call for today is as follows:

Law room No. 2—JUDGE SCOTT.
29-261—McGraw vs Sloan, Johnson & Co.
30-15—Hyde vs Kent.
30-17—Omaha Printing company vs Garnean.
30-53—Walla vs Casper.
30-107—Omaha Tinware Manufacturing company vs Edwards Burner company.
30-114—Whelan vs Omaha Brewing association.
30-175—American Loan and Trust company vs Peterson.
30-213—John vs Commercial National bank.
30-223—Ernst vs Stratton.
30-231—Rose vs Griggs.
30-262—Fairbanks, Morse & Co. vs Goodlet & Johnson.
30-284—Dunn vs Roeder.
30-302—Devoe vs West.
30-327—Winspear vs Griffin.
30-329—McGraw vs Fallon.
30-347—Omaha National bank vs McConnell.
30-371—Faxon vs Eklund.
30-390—Olson vs Missouri Pacific Railroad company.
31-25—Jensen vs Anderson.
31-32—First National bank vs E. M. Hulse company.
31-77—Lee, Clark Andersen Hardware company vs Morrison.
31-93—Johnson vs Peterson.

LAW ROOM NO. 3—JUDGE DAVIS.
28-100—Woods vs Murphy.
28-304—Burke vs Way.
28-323—Madden vs Omaha Street Railway company.
28-325—Mason vs South Omaha.
28-326—Scire vs Sweeney.
28-371—Say vs Murphy.
28-372—Faxon vs Eklund.
28-105—Creighton vs Sherwood.
28-243—Hayes vs Hicks.
28-244—Havile vs Midland Mining company.
28-307—Warner vs Omaha National bank.
28-308—Good vs Omaha Tinware Manufacturing company.
28-344—Burt vs Anderson.
28-345—Omaha Land and Investment company vs Miner.
28-64—Manley vs Clarke.
28-65—Manley vs Sullivan.
28-71—Walter A. Wood Manufacturing company vs Moline, Millburn, Stoddard & Co.
28-202—Denny vs Schaefer.

LAW ROOM NO. 4—JUDGE FERGUSON.
23-27—Emerson, Talbot & Co. vs Hanna.
23-28—Hille vs Helman.
23-29—Hille vs Helman.
LAW ROOM NO. 5—JUDGE OGDEN.
27-303—Harbach vs Shields.
27-311—Gutzmann vs Wren.
27-326—Purvis vs Helman.
27-335—Leavenworth vs Central Loan and Trust company.
27-336—Carter vs Niday.
28-62—Underwood vs Stein.
28-128—Nobleska Savings and Exchange bank vs Stewart.
28-135—Rondesen vs Schneiderman.
28-129—Tucker vs Omaha Street Railway company.
28-137—United States National bank vs Johnson.

EQUITY ROOM NO. 6—JUDGE HOWELL.
22-225—Bieser vs Sloan.
30-373—Clark vs Johnson.
31-24—Ledwith vs Connell.
31-55—Hampton Lumber company vs Goddard.
31-61—Daley vs Omaha.
31-62—Daley vs Omaha.
31-125—Snyder vs Westworth.
31-123—Ames vs Stubbs.
31-101—Meridith Savings bank vs Spottswood.

EQUITY ROOM NO. 7—JUDGE IRVINE.
28-184—Globe Loan and Trust company vs Brown.
30-81—Shimmon vs French.
30-100—Aycock vs Cowin.
30-135—Hutchinson vs Omaha.

New remedies are being constantly introduced to the public, but Dr. Bull's Cough Syrup still maintains its pre-eminence.

SPECIAL LOW RATES.

To Mobile, Ala.

On Monday, March 6, my second excursion will leave Council Bluffs for Mobile, Ala. 600,000 acres of choice farming and fruit growing lands along the line of the Mobile & Ohio R. R. at from \$1.50 to \$5.00 per acre. Stop over privileges at all points south of Jackson, Tenn. For further information and a descriptive land folder call on or write J. R. Rice, Room 201 Merriam Block, Council Bluffs, Ia.

See Dentist Keim, 49 & 41 Barker blk.

Cleveland's Inauguration.

Greatly reduced rates to Washington, D. C., and return via the Northwestern line, February 28 to March 2, good till March 12 returning. City ticket office 1401 Farnam street.

See the celebrated Sommer piano at Ford & Charlton Music Co., 1508 Dodge.

The service offered by the Burlington line, train for Denver is a perfect combination of fast time, magnificent equipment and smooth track.

The next time you go west take the "four-fifty." It'll land you in Denver at 7 a. m. sharp, on time.

Ticket office, 1223 Farnam st.

A Promise Office Seekers and Others Can Depend Upon.

All who go to the inauguration are promised an enjoyable trip at low rates via Pennsylvania lines. Low fare tickets over this direct route from Chicago can be purchased at principal railway ticket offices in the west and northwest. Four fast trains leave Chicago daily for Washington over these lines. Apply to H. R. Dering, A. G. P. Agt., 245 Clark street, Chicago.

Send a Telegram to H. R. Dering, Chicago.

If you are going to the inauguration he will aid you in securing Pullman accommodations on fast through trains over the best route—the Pennsylvania lines. Special low fare; stop-over at Baltimore, both ways; four daily trains from Chicago; every desired convenience for an enjoyable trip.

The President's Inauguration.

For this occasion the Burlington route will, on February 28, March 1 and 2, sell round trip tickets good until March 12, to Washington, D. C., at the low rate of \$34.65.

The Burlington's eastbound flyers, leaving Omaha at 4:35 p. m. and 12:40 a. m., carry sleeping, dining and smoking chair cars and make close connections in Chicago with fast morning trains for the national capital.

City ticket offices, 1223 Farnam street.

Marriage Licenses.

The following marriage licenses were issued by County Judge Alley yesterday:

Name and address. Age.
Peter Berg, Valley, Neb. 27
Emma A. Lang, Valley, Neb. 25
Philip Nelson, DeWitt, Neb. 25
Grace M. Hender, Omaha 17
Charles G. Jensen, Red Oak, Ia. 28
Amanda V. Carlson, Omaha 23

A Popular Remedy for Colds.

Mr. J. B. Copeland of Meyersdale, Penn., who has been engaged in the drug business in Kansas, New Jersey, Florida, New York and Pennsylvania for the past nineteen years, says: "Chamberlain's Cough Remedy is the best selling cough medicine I have ever handled." "People who use this remedy are so much pleased with it that they recommend it to their friends and neighbors. There is nothing better for a bad cold. It relieves the lungs, preventing any tendency toward pneumonia. It is also a pleasant and safe medicine for children. 50 cent bottles for sale by all druggists."

AFFAIRS AT SOUTH OMAHA.

Lively and Interesting Contest for the Mayoralty Honor.

COUNCILMAN BULLA WON ON SIXTH BALLOT

First Steps Toward Raising \$10,000 in Bonds for Buying Fire Apparatus—Serious Injury to a Street Car Conductor.

All members of the city council were present at the meeting last night. The committee on fire and water, to whom was referred the petition of the school board praying for a hydrant at Thirty-second and W streets, reported adversely on account of no funds.

A petition from citizens asking that the park in the north part of the city, between Twenty-fourth and Twenty-fifth and B and D streets, be named "Highland park" was referred to the committee on streets and alleys, with instructions to ascertain whether or not the title is in the city. It seems the land company denies that the park belongs to the city.

Fire Chief Smith reported that he had suspended John Frigate for ten days for intoxication while on duty, and appointed John Handy to act in his place.

Ex-Chief of Police Beckett presented a bill for services as chief for December, January and February at \$85 per month. The bill was referred to the finance committee.

Haley nominated Bulla for acting mayor during Mr. Walters' absence, and Woods named Schultz. Two ballots resulted in a tie, but Bulla was chosen on the sixth ballot after every member had been placed in nomination.

A plat of Maxwell & Freeman's addition was presented and accepted.

The city attorney was instructed to draft an ordinance for laying six feet sidewalks on the south side of K street from Twenty-second to Twenty-fourth, and on the east side of Twenty-second from K to L.

A contract for sloping banks was awarded to Cash Bros., who bid 21 1/2 cents per cubic yard. Dan Hannon bid 25 cents.

A resolution was passed declaring that steps be taken to submit to the electors a proposition to issue bonds to the amount of \$10,000 to buy a hook and ladder and other fire apparatus. Another resolution was passed that the Hammond stock yards and Omaha departments for their help at Sunday's fire.

Chief Smith was authorized to buy a set of harness for the team brought in from the country not to exceed \$40 in cost.

The committee on fire and water and Chief Smith were instructed to ascertain the cost of ladders for temporary use.

A cart load of dirt was reported piled up at one end of the hall leading to the city offices and a janitor at \$10 a month was wanted. Wyman kicked and his motion that the chief of police be instructed to work chain gang prisoners up stairs was carried.

Clerk Dixon gave notice that the city council would sit as a board of equalization next Friday, Saturday and Monday.

Bills amounting to \$105.77 were referred to the finance committee.

Squeezed by Street Cars.

The deadly motor claimed another victim last night. Conductor James Cusick was caught between the cars while making a coupling at the end of the line at Twenty-fourth and N streets and was badly crushed about the body. He was carried into Seykora's drug store and was attended by Dr. Bell, who took the wounded man to his home at 3712 N. 24th street.

The physician feared injury to the spine, but it was impossible to tell how seriously the man was injured.

Cusick is one of the best men on the line and has been connected with the company ever since it began business. He helped set poles and lay rails before the rolling stock was put on and has been with the company ever since. He has a wife and child and his parents reside at Sherman and Burdette street. He has a brother running a train on the Walnut Hill line.

That Sewing Machine Case.

The C. H. Murray sewing machine case was continued. It is a badly mixed up affair, but the facts seem to be that an agent left a sewing machine with Mrs. J. Robinson on trial. Murray boarded with the Robinsons and was induced by them to make a sneak on the machine and get some cash for it, which he did. Mrs. Robinson on trial informed the police, whereupon Murray hastened to the machine back and succeeded before he could be arrested. Robinson then refused to prosecute, as he claimed that he had given the machine. His reluctance to prosecute is now explained and it is likely he will be called upon to explain the transaction.

Perfect action and perfect health result from the use of De Witt's Little Early Risers. A perfect little pill.

ANNOUNCEMENTS.

Tonight John Stetson's company will give the second and last performance of "The Crust of Society" at Boyd's theater. Do not miss the last opportunity you will have of witnessing the great sensational in fashionable drama.

There is something about Shakespeare's text in his play of Henry VIII, which Modjeska produces at the new Boyd theater next Thursday night and at the Saturday matinee, which calls for luxurious surroundings, and Modjeska has supplied them with a lavish hand. When the queen's death takes place at Kimbolton there is a vision of angels and clouds represented by impressive lighting, while through the street in Westminster is supposed to be passing the pageant of Anne Boleyn's coronation, which gives the effect of great dramatic music. The music, too, for that is an important part of the performance, is most effective, a lovely intermezzo being played before the curtain is raised. The coronation music being dignified and characteristic. To mount this drama adequately and to do justice to the continual changes and drafts on historic pageantry, is so costly an affair that this alone goes far to prove why Henry VIII has been presented so comparatively few times since Peppys saw him on New Year's day, 1664.

Champion James J. Corbett is not the only great feature in his rather clever play of "Gentleman Jack." Visitors to Gotham who have passed an entertaining evening on the gaily illuminated Madison square roof garden, listening to the entrancing musical selections and drinking in the delights of numerous specialties, will find it difficult to readily recognize the scene in the third act of the above mentioned play. The most striking feature of this act is two Danish warblers, Dagmar and DeSelle, who render several songs of different nations and with each song appear in a change of picturesque costumes typical of the nation of which the songs are characteristic. DeSelle is a handsome young fellow, possessing a sweet, robust tenor voice, while Mile. Dagmar has remarkable control over a contralto voice, which, for richness and power, has seldom been excelled upon the operatic stage of this country. At the Farnam Street theater two nights, Friday and Saturday and Saturday matinee, March 3 and 4. Matinee prices same as night.

Imprisoned for Forgery.

CINCINNATI, O., Feb. 27.—An affidavit charging A. L. Landis, Jr., of Nashville with

forgery and counterfeiting bonds was filed today in the police court, and the bond was fixed at \$10,000. It has not yet been given. The important discovery was made today that Landis had ordered made here a fac simile of the seal of the street railway company whose bonds he had counterfeited and a rubber stamp for the bank which negotiated the bonds. He had ordered these in the name of J. G. White, representing himself as the secretary of the street railway company. Landis says he never was a member of his father's firm.

Y. M. C. A. WORK.

Secretaries Meet in Omaha to Discuss Interesting Topics.

There assembled at the Young Men's Christian association building in this city yesterday morning about fifty secretaries and physical directors of the local Young Men's Christian associations of Nebraska and Iowa. One secretary each from Kansas, South Dakota, Nebraska, Missouri, were present, as were C. K. Ober and C. L. Gates of New York City, representing the international committee.

They met for conference upon subjects interesting to the membership of the association, and the meeting was incidental to the Iowa gathering at Council Bluffs. Three sessions were held yesterday.

A. M. Wright of South Dakota read a paper on "Cultivation of Personal Piety," and the theme was discussed by other members. "Peculiar Western Problems," led by State Secretary McGee of Iowa; "The Secretary's Relation to the Personal Life of Young Men," led by T. E. Munger of Muscatine, Ia.; "How to Get Things Done," led by Frank W. Ober of Omaha; Association Athletics," led by H. P. Kallenberg of Iowa City; "Getting Members and Getting Them Somewhere," led by C. C. Smith of Cedar Rapids, Ia.; "Secretaries' Responsibility to Railroad Men," led by C. L. Gates, international secretary; "Sharing Continuous Course of Bible Study," by I. E. Munger of Muscatine, Ia.; "Evening Lectures of the Association Building," Harry Curtis of St. Joseph, Mo. The discussions were very interesting and the knowledge of the subjects imparted was of great benefit to the secretaries. No business was transacted, the entire time being devoted to discussion. A number of those in attendance left on the earlier trains and were not present at the evening session. At 6 o'clock supper was served in the hall by the local association.

Piles of people have piles, but De Witt's Witch Hazel salve will cure them.

Clowry Will Not Succeed Dr. Green.

CHICAGO, Ill., Feb. 27.—Colonel R. C. Clowry, vice president and general superintendent of the central division of the Western Union Telegraph company, declares there is no truth in the rumor that he is to succeed Dr. Green as president of the company. This denial has been received from Mr. Clowry by his chief clerk, S. C. Mason.

Women Will Vote

as usual at the next school election—but for many candidates. They give a unanimous vote—every day in the week—in favor of

KIRK'S

WHITE RUSSIAN

SOAP

because they know it has no equal as a labor and temper saver on wash-day. The "White Russian" is a great soap to use in hard or alkali water. Does not roughen or injure the hands—is perfectly safe to use on the finest fabrics.

JAS. S. KIRK & CO., Chicago.

Dusky Diamond Tar Soap. Makes the Hair Soft and Smooth.

NEBRASKA

National Bank,
U. S. DEPOSITORY, OMAHA, NEB.

Capital.....\$400,000

Surplus.....\$65,000

Cashiers and Directors—Henry W. Yates, president; H. C. Gresham, vice president; C. W. Macfarlane, J. V. Moore, John S. Collins, J. N. H. Patrick, John J. Reed, cashier.

THE IRON BANK

THREE GENERATIONS of Smokers have smoked and enjoyed



For 25 years it has been first in quality, first in purity, first in fragrance and first in the good will of tobacco smokers everywhere. The most fastidious smokers praise its peculiar excellence. Try it. Sold everywhere. Made only by

Blackwell's Durham Tobacco Co.,
DURHAM, N. C.



BLACKWELL'S BULL DURHAM SMOKING TOBACCO.



Short Lived Shams



If we should give you a

Five Dollar Bill

Would you take it?

We will try you

Wednesday, March 1st.

We will give a five dollar bill to every purchaser of \$20 worth of suits or overcoats, or both. 500 different patterns to choose from. All the most desirable fabrics.

FIVE DOLLAR BILL GRATIS.

NERVOUS, CHRONIC AND PRIVATE DISEASES.

Send 4 cents for their illustrated new book of 120 pages, "Know Thyself."

Consultation free. Call upon or address, with stamp,

Drs. Betts & Betts,

119 S. 14th Street.

Cor. Douglas St.,

OMAHA, - NEB.

OPIMUM

Morphine Habit Cured in 30 Days. No pay till cured. Dr. J. M. Leabason.

The Mercer.

Omaha's Newest Hotel

COR. 12TH AND HOWARD STS.

40 Rooms at \$2.50 per day.

50 Rooms at \$3.00 per day.

10 Rooms with Bath at \$5.00 per day.

50 Rooms with Bath at \$5.00 to \$6.50 per day.

OPENED AUGUST 1st

Modern in Every Respect. Newly Furnished Throughout

C. S. ERB, Prop.

MURRAY HOTEL.

The only hotel in the city with hot and cold water, and steam heat in every room. Table and dining room service unsurpassed.

RATES \$2.50 TO \$4.00.

Special rates on application.

B. SILLOWAY, Prop.

Kool-spor

Agents Wanted Everywhere.

THE RENOWNED COAL SAVER

Saves one quarter of your coal bill, prevents soot and cinders, destroys coal gas, produces perfect combustion, keeps boiler free from scale, makes hot fire in five minutes, acts equally well on hard or soft coal. One piece costing 25 cents is sufficient to treat one ton of coal. For further information call on or address with stamp.

L. S. ELLSWORTH & CO.,

406 S. 13th St., Omaha, Neb.

RAYMOND, THE JEWELER.

How Cut Glass is cut—

It's the best quality of flint-glass which has either been cast or blown and then ground on emery wheels or grind stones of fine grain until it assumes the desired shape. Our out-glass in the basement is one of the most beautiful sights in the city.

RAYMOND, FIFTEENTH AND DOUGLAS, OMAHA.

DrDOWNS

1316 Douglas Street, Omaha, Neb.

The eminent specialist in nervous chronic, private, blood, skin and pulmonary diseases. A regular and registered graduate in medicine and osteopathy, is affiliated with the greatest schools of medicine, just graduated, and holds all forms of professional diplomas. No unnecessary treatment for loss of vital power. Parties unable to visit may be treated at home by correspondence. Medicines of extraordinary merit. All mail or express orders promptly filled. No charge for consultation or examination. (This personal interview preferred.) Consultation free. Current in latest scientific progress. (This is a statement of life and health. Of course, no one can be healthy and strong without a healthy body.)

PRICES

Cream Baking Powder.

The only Pure Cream of Tartar Powder—No Ammonia; No Alum.

Used in Millions of Homes—40 Years the Standard.