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# The Bee Publishing Company, Omaha, Neb.

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Tenants Are Expected to Avoid Injury from Defects in Property.

PROPER TIME TO HIT THE LANDLORD

If House is Out of Repair Get it Fixed at Once and Charge Up the Cost to the Owner.

If there is a broken window in a tenant's house he has no right to let it remain open, allow the March winds to send his family to bed with the pneumonia and then sue the owner of the property for damages. The tenant's duty is to have the window repaired as soon as possible and charge the cost of the work up to the owner.

Such an illustration was used by Judge Slabaugh yesterday when he was ruling on a motion to instruct the jury in the case of the Northwestern Mutual Life Insurance company against Lewis H. Kent. In this case the plaintiff seeks to recover about \$1,500 rent and the defendant comes back with a counter claim for \$15,000 damages. It appears from the evidence in the case

that the insurance company rented the building to Kent for hotel purposes during the exposition and contracted to keep it in repair. About two weeks after he opened the hotel Kent discovered that the furnace flues were out of repair, the gas pipes leaked and the wall paper was on crooked. Because smoke and gas sifted through the house and the wall paper failed to meet the aesthetic requirements of the guests, the business of the hotel suffered, and on this Kent bases his claim for damages. Defects Are Visible.

It appears from the evidence that Kent not have them corrected, as it was possible

for the plaintiff moved that the court in- until they had in many cases inspected struct the jury to ceturn a verdict for them Chicago stocks. The curtosity and dison the ground that there was no testimony counts caused them to turn their eyes to market. Dealers expect that prices will be to support the defendant's counter claim Omaha, and while here they have placed for \$15,000 damages. Judge Slabaugh de- some handsome orders. cided to allow the case to go to the jury.

it can't be repaired, throw it out and put amount sufficient to secure the rebate. in a new one, charging up the cost to the owner who has contracted to keep the house in proper shape. Don't let your family freeze and then go after your landlord for

damages. "In this case it appears that the injury was the result of circumstances that could have been avoided by the tenant, and I shall therefore instruct the jury that he is entitled only to nominal damages, if any,

Frank Talbott, the big colored man who knocked out Loren Faust in an impromptu pugilistic round on the night of March 3, is on trias in the criminal court for assault.

Mattie Trusty tells the district court that

"I was given up to die from heart and tles each of Dr. Miles' Heart Cure and Nervine cured me."-Mrs. John Wollet,

THEY COME FROM ILLINOIS Milliners Establish Precedent by

Coming West to Buy.

This week is Illinois week in Omaha's millinery trade. The makers of women's headwear from the Sucker state are here in force, that state sending nearly 30 per cent of the buyers now in the city. The knew of the defects in the building, but did late arrival of the eastern dealers is accounted for by the fact of their proximity for him to have done. He just refused to to Chicago, where they can go and get their pay the rent, suffered the loss that came to goods generally at any time before the ments to secure consignments. They rehim under the circumstances and put in a opening of the retail season. Special inclaim for damages when he was sued by his ducements were offered this season by and that the acreage will be about the same Omaha millinery jobbers, and the milliners After the evidence was all in the lawyers did not make up their minds to come west been considered among the principal ship-

In the dry goods houses the fourth week but with instructions from the court which of the spring trade finds little falling off would prevent it from reaching a verdict in the sales, and the traveling representa- high prices will prevail. contrary to the law and the evidence in the tives are still so busy entertaining visitors that they have no time for the road. It is

COURT AGAINST EASY MONEY of avoidable circumstances enters," said during the season, which may be said to be the court, "and the law on that question practically closed this week, although many is so well settled that it might as well be buyers will come in until the week before taken into consideration in instructing the Easter. An attempt to estimate the number jury. If a man suffers an injury that he of visitors in the dry goods lines would be could have avoided by the exercise of absurd, for while the Manufacturers' and prudence he cannot recover damages for Jobbers' association has kept a record of that injury. If you rent a house and find those to whom railroad fare has been rethat the furnace is out of repair it is your funded, no attempt has been made to report duty to get it fixed, and if it's so bad that those whose purchases have not reached an

> The books reviewed on this page can be had of Barkalow Bros.' "Bookshop," 1612 Farnam street and Union Station.

STRAWBERRIES ARE COMING First Shipments of the Fruit for the Season Arrive Here in a Week or Two.

Omaha commission men are getting ready for the annual crop of strawberries, which in a week or so will begin to arrive in quantities which at times tax the efforts of the local distributing houses. By March 20 the first strawberries from Mississippi. her hisband, fred M. Trusty, began to littreat her the very first day of their married life and kept it up until she was forced to leave him. She wants a divorce, their chief claim for attention is the fact their chief claim for attention is the fact that they are the first and most expensive. The first week in April sees the arrival of the first car loads of berries. They come from southern Arkansas and are of better quality and generally of lower price than the first fruit.

> Two weeks after that the berries of northern Arkansas begin to arrive and the season is then approaching its height. The busy time of the market is between May 1 and May 25, when the southwestern Missouri berries are being handled. Omaha is considered one of the best markets in the country for the strawberries of Missouri and several carloads are consigned to dealers each day. Then the price reaches its lowest point and the berry season is in full

> Representatives of local houses are now at Springfield, Sarcoxie, Pierce City and other strawberry centers making arrangeport that the prospect for berries is good as usual, although some places which have ping points have practically gone out of business and other places have entered the considerably higher than last season on account of the prosperous condition of the country, but believe that as there will be a large crop nothing in the way of extremely

While the commission men are getting ready to welcome the strawberry they are "This is a case in which the question estimated that 650 milliners visited the city bidding adieu to white plume celery. The last consignment arrived this morning, and there will be enough to supply the market until next week, when it will disappear until time to go on with the Thanksgiving turkey next fall.

> "My stomach was affected by grip and I could eat nothing but crackers and milkbegan taking Dr. Miles' Nervine and Pain Pills and the trouble disappeared."-Mrs. Lindsey, Montrose, Minn.

Mortality Statistics.

The following births and deaths were sported to the city health commissioner or the twenty-four hours ending at noon Thursday:
Births-Otto Sandberg, 3H4 Cass, twin soys; Tinley Combs, 132 North Nineteenth, coy; Arthur Metz, 528 South Twenty-sixth, boy; E. T. Yates, 618 North Seventeenth, boy; Joseph La Chappel, 1801 Frederick,

Death-Margaret C. Pumphrey, 402 North Fourteenth, aged 51. Eugene J Hall, the poet and publisher, says that one doze of Folcy's Honey and Tar restored his voice when hoarseness threatened to prevent his lecture at Central Music hall, Chicago. Nothing else as Meyers-Dillen Drug Co., Omaha;

Dillon's drug store, South Omaha.

Second of Harpers' New Series of Novels Makes Its Appearance.

RELIGIOUS STORY BY MRS. CHENEY

American Soldier Writes of His Ad ventures While a Captive in the Philippine Blands-The Riverside Biographical Series.

"The Sentimentalists," by Arthur Stanwood Pier, is the second of twelve American novels to be published by the Harpers during 1901, written for the most part by new American writers and dealing with different phases of contemporary American life. The first volume of the series, "Eastover Courthouse," was noticed in these columns last month. "The Sentimentalists" is a novel of contemporary social life in Boston and the west, a love story from beginning to plot is such as to hold the interest of the

end. There is no lack of incident and the reader throughout. In Mrs. Kent, the leadng figure, the author has created a character both interesting and unique. She is a woman of unbounded ambition large abilities and strong personality and the reader cannot fail to be deeply interested in her career, as well as touched by her tragic death. Harper & Bros. Price, \$1.50.

Albert Sonnichsen left San Francisco for Manila to 1898 on the transport Zealandia, of which vessel he was quartermaster. After the capture of Manila he joined the Utah battery and was subsequently taken prisoner, remaining in the hands of the Filipinos some ten months. Under title, "Captured by Filipinos," he has written an account of his many experiences while a prisoner of war. The story which he tells is one of great interest and will be greatly enjoyed by readers fond of stories of adventure. The volume is especially valuable for the ideas it gives as to the true character of the Filipinos. Additional interest is given to the recital by the fact that Lieutenant Gillmore and his party were imprisoned with him. While at times the author's treatment was bad, he records many instances of kindness received at the hands of the natives. Of them he writes:

Considering the circumstances, the poverty of those who held us, themselves sometimes starving, we ought not to complain. Those who really have come in sufficiently close contact with the Filipinos to know them, and are enabled to judge them without racial or national prejudice, cannot but admit that they are as entitled to be called civilized as other nations, and even more so than some whose representatives we receive at our capital nations, and even more so than some whose representatives we receive at our capital and accord the same honors as those of the most polished nations. Considering the chances they had had, or rather not had, and who their teachers were, the Filipinos have certainly behaved as well, if not better, toward their prisoners than other nations have done in recent wars.

Charles Scribner's Sons, New York.

"The King's Gold" is a new story by Mrs Elizabeth Cheney, author of "The Lapadadomestic in taste, choosing to remain and gives us a clear insight into her relations care for her parents and eventually marrying a man of respectability and solid worth. ings by the late queen are presented. There

drel who made her life wretched and drove Max Pemberton, is as entertaining as usual. her to an early grave. The real heroine of For a frontispiece there is a splendid picthe story is a daughter of this last men- ture of the new king and queen of England. tioned union and the plot turns upon her Rudyard Kipling presents the fourth chapdetermination to lead an upright religious life in spite of a dissolute father and his writers present the usual array of good equally dissolute friends. The story closes with the triumph of the heroine over all

opposition and her marriage to a cleryman who, like herself, was devoted to the cause of ameliorating the condition of the laboring classes. Eaton & Mains, New York

Price. \$1.25.

Pacheco, is a stirring novel not wanting in quently finds its way even into publications dramatic characteristics, but somewhat on for children. the sensational order. The characters are either very good or very bad and in either case somewhat overdrawn. Still, there is something about the story that will unquestionably please a large class of readers. The story opens in Arizona, where the hero, the proprietor of a cattle ranch, saves the life of a visiting Englishman, who turns out to be the villain of the story. The ranchman, by the death of relatives, becomes an English lord and the scene is continued at his castle in England. While the hero is pictured in the most exalted light as a man of impeachable honesty and sterling qualities, the author makes him do a good many absurd things, so much so as to cause a suspicion of his sanity. Abbey Press, New York. Price, \$1.

William Penn, the founder of the commonwealth, of Pennsylvania, left such an indelible stamp upon the character of one of the great states of the union that his life and personality will always be a matter of interest to the American people. That the state which he founded should be in wealth and population second only among all the states of the union certainly speaks well for his foresight and knowledge of statecraft. The story of his life, written by George Hodges, ought therefore to find many readers among the people interested in the early history of their country. It is published in a little volume of 140 pages and is entertainingly written, being a part of the Riverside Biographical series, Houghton, Mifflin & Co., Boston, Price, 75 cents.

The Jewish Publication Society of America has done a great deal by means of its various historical publications to familiarize the reading public with the history of the people which it especially represents It has also a very noteworthy list of fiction including among others several works by I. Zangwill. The latest work from its preas is entitled "Songs of Exile by Hebrew Poets," translated by Nina Davis, . Readers will be surprised by the depth of feeling and the profound religious fervor of much of this verse. The Jewish Publication So ciety, Philadelphia.

"Too Many Maidens" is the title of the latest addition to the Town Topics Library. It is of the same general character as all the publications coming under that head and it is not necessary therefore to enter into details regarding it. Paper, 50 cents.

Cassell's publications stand very high ries." It is a well written story, spiritual among the leading magazines of the counin tone, in fact might be described as of a try. In fact nothing has ever been at semi-religious character. The author has tempted that could equal the Magazine of worked up into an entertaining story a bit Art. Not only does it aim to instruct the of family history which is not lacking in lover of art, but it is itself an example both the pleasing and tragic events of of fine art. Typographically it is perfect every-day life. The scene is laid in New and the illustrations are of the highest England and New York and, while the au-order ever attempted by magazine pubthor does not directly point a moral to the lishers. The March number has for a story, the reader can readily draw his own frontispiece a representation of the bust, conclusions from the strong contrast between the lives of two sisters. One was Queen Victoria, and the leading article

ter of his new serial story, "Kim." Other

fiction. Cassell's Little Folks has for a cover design a striking picture of a little child with a candle in her hand and ready for bed, little pamphlet of thirty-one pages entitled "Maurice Hewlett," a sketch of his career and some reviews of his books, with a portrait. Very few writers are better the magazine is singularly free from the objections his made up.

"The New Don Quixote," by Mary the objectionable matter which so fre-

best calculared to entertain youthful readers. This magazine is singularly free from the objectionable matter which so frequently finds its way even into publications for children.

Perhaps the most noteworthy article in the Literary Era for March is the very brilliant paper, "The Paganism of Kipling," by Charies Johnston, whose name is attracting attention from his writings in the North American Review and elsewhere.

Mr. Johnston, although for several years a resident of New York, is the son of a member of the English Parliament from Belfast and was formerly in the Bengal civil service. "The Paganism of Kipling is an acute and discriminating analysis of the impression Kipling makes upon his readers, which is found in the fact that he appeals with immense artistic effect to the animal senses—to the eye through his color painting, to the ear, to the sense of smell and to the interest in things in motion. Mr. Johnston puts in words the impression many of Mr. Kipling's admirturers have felt without quite realizing why. His paper will be of especial interest to writers.

From the point of view of the personality of the author, what should be one of, the more important books of the spring in the department of memory is 'A Salloy's 1698."

The Love Letters of a Liar," by Mrs. William Allen, which originally appeared in the later, will be brought out in book form by the desired to be Mrs. Allient, which originall

From the point of view of the personality of the author, what should be one of the more important books of the spring in the department of memoirs is "A Sallor's Log."

by Admiral Robley D. Evans, which D. Appleton & Co. have in preparation. In Megeath Stationery Co., 1208 Farnam St.

forty years of United States naval life. Several pages, we are told, will be devoted to the author's personal recollections of the German kaiser, whom Evans entertained on board his ship at the opening of the Klel canal.

Brentano's have for immediate publica-tion a novel by F. Frankfort Moore, en-titled "Nell Gwyn, Comedian;" a finer plece of literary work than "The Jessamy Bride," by his same author, which was such a pronounced success two years ago. The Macmillan Conjoury has published a

The above books are for sale by the

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