NEW CHAPTER IN OLD STORY

Rich London Lawyer Gets Decision for Money Loaned Bridal Couple.

SIXTY-FIVE THOUSAND DOLLARS AT STAKE

Phoebe R. E. E. Linton, Defendant, and Groom Were Beneficiaries of Loan Years Ago in Europe.

Another chapter in the now celebrated case of John Morris, a solicitor of London, Eng., against Phoebe R. E. E. Linton of Omaha was brought to a close in Judge Button's session of the equity district court when he handed down his decision finding generally for the plaintiff.

The cause of action dates back for many years and involves the title to about $65,000 worth of property in Omaha, and the whole transaction develops a state of facts that will prove the truth of the old adage that truth is stranger than fiction.

Phoebe Rebecca Elizabeth Elwyna Linton was the daughter of a noted preacher in the east and when 17 years old was sent abroad to complete her education. On the passage she became acquainted with a man named Linton, who hailed from Australia and professed to be a titled Englishman. The result of this chance acquaintance was that on the arrival of the steamer at Liverpool Linton and the American girl were married without any further delay, and in spite of protests of Miss Linton's guardian for the voyage.

Man Without Means.

It developed that Linton was a man without an income, and while Miss Linton was an heiress to the extent of $250,000, left her by her grandfather, who made his money in the Pennsylvania oil fields, this money was left in trust to her until she should become of age. At this time it had practically all been invested by the trustees in different parts of the country, approximately about $100,000 having been put into Omaha real estate. So, while the young couple had but little ready money, they began a tour of Europe on what they had and Linton's confidence in his ability to raise more on the strength of his wife's prospects when the time should come that they were in need of funds.

Living in the style they did it came speedily and true to his word—the husband raised the coin. At some place in Italy the couple became acquainted with John Morris, a London barrister, and to him unfolded the tale of their necessities and also of the resources in prospect. Mr. Morris let them have $2,500, or some such sum, incidentally taking a mortgage on some of the wife's Omaha property. Later on, the operation was repeated several times until the amount had reached the sum of $65,000, Mr. and Mrs. Linton meantime continuing their honeymoon trip and living on the fat of the land. Finally they returned to America to receive the paternal forgiveness and blessing of Mrs. Linton's parents, which, report has it, was not forthcoming. They finally settled in Atlantic City in fashionable quarters where they now are.

Mortgages Begin to Come In.

As time went by the mortgages given to Morris began to come due and were not paid, and several months ago foreclosure proceedings were begun by him for the acquirement of the Omaha property. After the return to America of Mr. and Mrs. Linton, two children were born to them, and it is on the ground of an ante-nuptial agreement between husband and wife to the effect that should there be any issue of the marriage all the property of the wife should become the property of such issue by mutual consent of husband and wife that the claims of John Morris are being contested.

All the evidence submitted in favor of the plaintiff is in the form of depositions taken in London, and all of that for the defendants being in the form of depositions by the interested parties in the east, none of either side appearing here. As above stated, Judge Button found generally for the plaintiff, and the case will at once be taken to the supreme court on exceptions filed during the trial by the counsel for the defense.

E. W. Simeral appears for the plaintiff and John O. Yeiser for the Linton heirs.

STOCKMEN GO TO RAPID CITY

South Omaha Men Will Charter Car for Trip to South Dakota Convention.

A special car of South Omaha stockmen will leave Monday evening for Rapid City, S. D., to attend the convention of the Western Stock Growers' association. There will be about thirty in the party. Another car will leave on the same date from Sioux City, which will carry about the same number of dealers to the convention.

BURNS WINS MINING CASE

Gets Decision Over Doyle from the Supreme Court of Iowa.

James F. Burns finally wins his mining case from James Doyle, both of Colorado.

Word was received in this city today from the Iowa supreme court to the effect that the decision in the case of James Doyle against James F. Burns, president of the Portland Gold Mining company of Colorado, rendered April 9, 1902, for $466,922.73, with $8,000 interest and $8,000 costs, has been reversed.

This is the famous case which was started by Doyle in February, 1898, to recover his interest in the Portland Gold Mining company properties, which he claimed under grub stake contract with Burns and other promoters of the Portland company.

Doyle claimed a one-third interest in the "Bobtail," "Tidal Wave" and "Devil's Own" mines. He sued for almost $1,000,000. November 21, 1898, Doyle secured judgment by default for $717,000. This judgment was later set aside on a showing made by Burns after Doyle, who was mayor of Victor, Colo., had spent six months in the Victor jail for contempt of court which had ordered him to discontinue proceedings in Iowa, but with which order he refused to comply.

James Burns is a brother and the financial backer of Tom Burns, the Colorado base ball magnate. The case has attracted wide attention and has been of particular interest in Colorado.

GLAD OF CHANCE TO LEAVE

Weary Wayfarer Jumps at Opportunity to Quit Town Rather Than Go to Jail.

Like a bird that flits athwart the clear noonday sky, so in the flotsam and jetsam of vagrants that are daily arraigned before Police Judge Berka occasionally will appear one who bears the marks of better days, with a manner reminiscent of the past, but resigned to fate. Such a one was Thomas Ford, who came to Omaha Friday afternoon and was arrested on a charge of vagrancy. When arraigned before the police magistrate the prisoner said he had just left Council Bluffs, where he had served a sentence of twenty days on bread and water, and came to Omaha, as he had heard that the cuisine of the Gate City was more inviting than that of the Iowa town. When Judge Berka asked the man if he wanted to tarry awhile and test Omaha's bed and board with that of other large communities the prisoner immediately became restless and offered to leave town under the self-inflicted penalty of a ninety-day sentence if found within the gates of the city within an hour after being released. Ford was allowed to depart, and he moved out of the court room with a Happy Hooligan stride and smile.

SCOTLAND AND SIR WALTER

William Kennedy Gives His Hearers an Evening of Rare Enjoyment by His Lecture.

If everything that William Kennedy, the versatile and talented advertising man of W. R. Bennett & Co., said of Scotland in his illustrated lecture Friday night in Kountze Memorial church is deserved, then Scotland is all right. The truly Scotch quality of the evening did not prevent a goodly number of Scotts and Americans with "Mc" to their names from turning out to hear Mr. Kennedy's lecture, "Through Scotland with Scott." The church, which was last night used the last time for a public entertainment, was fittingly garbed for the occasion. Streamers of red and white and of the color that kilts are made of were draped from the ceiling to the balconies. A profusion of American flags were displayed about the balcony as a foil to the red ensign of British commerce which was fastened back of the pulpit.

As Mr. Kennedy, without glancing at his manuscript for half hours at a time, told of "Marmion" and the other creations of Scott, Will J. Stevens with his stereopticon showed views of the places with which the pages of the great writer dwelt. Mr. Kennedy began the evening by singing "Scotland" in his reasonant and highly pleasing bass voice. During the program Mrs. H. W. Fitt sang "Jock o' Hazledean," "Coming Through the Rye," and "The Flowers of the Forest." Mr. Kennedy favored his audience again with "Scots Wha Hae," and W. H. Wilbur gave "Bonnie Banks of Loch Lomond." The works of Scott, with which the illustrations dealt, were "Marmion," "Tantallon," "The Lord of the Isles," "King Robert Bruce," "The Lady of the Lake," "The Silver Strand," "The Chase," and others. The evening was under the auspices of Clan Gordon.

CHASES ENEMY WITH KNIFE

One Woman with Weapon in Hand Makes Another One Hard to Catch.

For threatening to cut Pansy Parker, Lizzie Cohen, 119 North Eleventh street, has been given by Judge Berka in police court thirty days in the county jail. The trouble is said to have occurred Friday evening at the Cohen house, where the Cohen woman took exceptions to the presence of the defendant. According to the testimony of the arresting officer the Parker woman was annihilating space with her feet at a lively clip, with Lizzie Cohen and her knife a close second. Mlle. Parker was too shifty for Senorita Cohen, however, so that no incisions were made with the knife. Both of the women were said to have been laboring under the effects of cocaine.

PERSONAL PARAGRAPHS.

L. Walker, mayor of Norfolk, is an Omaha visitor, a guest at the Merchants.

J. W. Ralston and daughter of Manilla, Ia., are Omaha visitors, registered at the Merchants.

Caspar E. Yost, president of the Nebraska Telephone company, is back from a trip to Iowa.

Judge John Reese, receiver of the United States land office at Broken Bow, is a guest at the Millard.

W. H. Cundey of Denver, J. H. Jones of Rushville and T. Whittenson of Lincoln are at the Iler Grand.

Mrs. E. Dickinson has arrived in the city in the private car of President Stillwell of the Orient line from Kansas City.

R. B. Schneider of Fremont, national republican committeeman, passed through the city going home from Washington.

J. F. Peck of Denver, Harry S. Osgood of Tacoma, F. Hoch of West Point, A. G. Evans and H. E. Matthews of Lincoln are at the Paxton.

Miss Anna Craig of Beatrice, traveling chief operator for the Nebraska Telephone company, is in the city on business connected with her office.

Mrs. E. W. Foster of Lincoln, Mrs. R. B. Tubbs of Stratton, Joseph Novak of Howells and E. E. Brindley of Butte, Mont., are at the Millard.

B. F. Marshall of York, F. H. Borton of Fairmont, D. McLeod of Schuyler, George Heywood of Papillion and Robert Stewart of San Francisco are at the Murray.

Dr. A. C. Stokes of the Omaha Medical college returned Friday afternoon after a year spent in Europe doing post-graduate work. Dr. Stokes studied in Germany, France and England.

S. S. Brown of Deadwood, A. E. Mason of Grand Island, G. W. Scoville of Hartington, J. S. Buch of Franklin, H. N. Hancock, H. M. Moore of Riverton and J. J. Loots of Milwaukee are at the Merchants.

BARTLETT SUCCEEDS BAXTER

Appointed by Governor Mickey to Place on District Court Bench.

COMMISSION TAKES EFFECT AT ONCE

Retiring Jurist Immediately Steps Into New Office, that of United States District Attorney, Succeeding Summers.

Governor Mickey has appointed Edwin M. Bartlett of Omaha judge of the district court to succeed Irving F. Baxter, resigned to become United States district attorney. Mr. Baxter's commission came from Washington today and he assumed his new position the same day on which the governor announced the appointment of his successor.

The Douglas County Bar association was on the verge of convening for the purpose of considering the advisability of whether or not to offer a suggestion to Governor Mickey as to the appointment of the new judge, such a course having been customary heretofore. The association was apprised of the appointment, however, and relieved of the trouble of holding the meeting.

The appointment of Mr. Bartlett is greeted with cordial interest by his professional and other friends and associates in Omaha, where he has practiced law so long. Among Mr. Bartlett's rivals for the position were Howard Kennedy, jr., and former Judge W. W. Slabaugh. Former Judge Fawcett's name had been prominently mentioned in connection with the candidacy, but Judge Jawcett declared in a personal letter to the newspapers he was not an applicant and did not care to be.

Long Career as Attorney.

Mr. Bartlett came to Omaha twenty years ago from Keokuk, Ia., and immediately took up the practice of his profession which he has maintained continuously and successfully. In a quiet way Mr. Bartlett has exercised an interest in politics, always being a republican, but never before has held an office and not until last fall did he accept an active position of leadership in politics. But he became chairman, last fall, of the republican judicial committed and conducted the campaign with faithful and untiring energy.

Mr. Bartlett's commission is to take effect at once, the bench having been vacated by Judge Baxter assuming his new position as United States district attorney.

Baxter Takes the Oath.

The oath of office was administered to Mr. Baxter by Judge Munger in the presence of the retiring district attorney, W. S. Summers, Assistant District Attorney Rush and one or two newspaper representatives.

After congratulations from a number of friends the new district attorney at once proceeded to his office and entered upon his duties. On his desk was a note from his predecessor, which read:

My Dear Judge: Welcome. May you find much pleasure in the discharge of your duty. May your labors meet the approval of your superiors and be looked upon with favor by all good citizens, is my sincere wish. I greet you cordially.

W. S. SUMMERS.

ELLA HURST STILL SILENT

Domestic Refuses to Talk Even When Confronted by Second Formal Complaint.

Ella Hurst has been arraigned in police court on a second complaint, Ernest W. Arthur, 914 South Thirty-Third street, having filed the second information against the woman. This case has been set for Monday morning in the police court. The Hurst woman is charged with stealing a quantity of sugar, butter and lard from the Arthur residence at which she worked as a servant.

The prisoner has just served out a fine of $30 and costs imposed some time ago in the case of DeForrest E. Chapin, 2580 Harney street, the last place at which the woman worked in Omaha and where she was arrested several weeks ago.

The woman still maintains the stoic silence that has marked her actions from the first, and has given no indications of changing her intentions of standing "pat" and letting the authorities do the rest.

MISSION HOTEL IS OPENED

Dellone Formally Dedicated to the Uses of the Interantional Christian Institute.

The formal opening and public reception of the Dellone hotel since it had been under the management of the International Christian institute took place Friday night. The first part of the evening was devoted to showing visitors around the building, which has to a large extent been refurnished. The reception rooms were prettily decorated with ferns and flags. Shook's orchestra and the T. K. quartette furnished the music during the evening and speeches were made by C. F. Robel, manager of the institute, Rev. Hubert Herring and I. W. Carpenter.

The institution was originated by various business and church men of Omaha, whose plan it is to make it the headquarters for charitable and gospel missions in the city. In time it is intended to push the work further and include a business school in connection with the institute. The hotel feature is looked upon to make the money for the other branches, but that is a secondary motive, the primary object being to provide a home for young people who are strangers in Omaha until they have had time to suit themselves with a permanent home.

"I have found," said Mr. Robel in his speech, "that many young lives are influenced either for bad or good during their first few weeks in a new city and this hotel is started to influence these lives for good."

Mission services are being conducted in the hotel and oddly enough in the room which formerly was used to serve as a saloon. The bar now does service as an imposing sideboard in the dining room and the glasses which used to be pushed across the bar at 5 cents per, now hold nothing stronger than iced tea.

Mr. Robel, who has charge of the institute, is from Canton, O., and has had great experience in this class of work before. Under him are Mr. C. H. Hall, the head of the hotel, S. A. Kirk, who manages the restaurant, and Rev. E. A. Potter, who has charge of the educational work. The institute has received the hearty endorsement of all denominations.

The restaurant will be opened on Monday and will be apart from the hotel, which is run on the European plan. If the institute is a success it is intended to have another restaurant serving cheap meals. The management gave out last night that another reception would be held later on, and thus allow many an opportunity to inspect the building who had been unable to attend last night on account of the weather.

LIGHTING COMPANY CONTROLS

Gains Point in Matter of Poles by Votes of Lobeck and Withnell.

A resolution authorizing the Omaha Electric Light and Power company to substitute on the plans filed white wooden supporting posts and intersection suspension of arc lamps in the conduit district, instead of iron corner posts, was adopted by the Board of Public Works yesterday afternoon, Chairman Rosewater going on record as emphatically opposed to the change. In a communication accompanying the amended plans the light company said intersection suspension is necessary to maintain the present "efficient lighting."

The resolution as already prepared was introduced by Building Inspector Whithnell and was promptly seconded and voted for by Comptroller Lobeck, the engineer's protest against haste to the contrary notwithstanding. Mr. Rosewater repeated the arguments made by the electrician to show that the light company had violated the ordinances in putting in the suspended lamps. He said the present effort in progressive municipalities was toward embellishment as well as safety and that the present system of swinging the lamps contributed to neither.

Rev. John McQuaid, S. J.

BOSTON, April 9.—Rev. John McQuaid, one of the oldest and best known Jesuits in America, died here last night. He was born in Ireland in 1828.

STORM EXHAUSTS ITS FURY

Raging Wind Subsides and Spring Once More Seems Possible.

STRANGE, BUT TRUE, LOSSES ARE LIGHT

Stock Not as Badly Injured as Feared, Fruit Saved and Mortal Accidents Are Not Reported.

The storm that has prevailed over the central valleys for the past few days exhausted its fury early yesterday morning and went out of business. However, Colonel Boreas concluded to stay his departure long enough to see that the thermometers did not get above the freezing point, and hence at 7 a. m. 28 above was the record, 2 below the record for the same hour Friday morning.

The raging wind prevailed throughout Friday night and was very lively up to almost noon, just as Forecaster Welsh had predicted it would be. The morning was decidedly disagreeable, while Friday night pedestrians, exposed to a clean sweep of the gale, found it a difficult task to maintain their footing at all times. But about noon the wind died out and the sun peeped from behind the clouds, hinting that, after all, it was only one of winter's jokes.

Severe and unprecedented as it was, it was remarkable that no very severe cold accompanied the storm. The minimum temperature hereabouts was but 28. Had a temperature of 10 or 15 degrees lower prevailed, with the high winds, sleet and snow, it is agreed the damage to live stock on the ranges could not have been otherwise than enormous.

"The abatement of the storm gives assurances that whatever suffering may have prevailed on the cattle ranges may be easily recuperated from, and the damage to live stock be reduced to a very small percentage," said a cattleman.

Fruit is Safe.

Fruit likewise is said to have escaped injurious effects from the storm, as it was not far enough advanced to be dangerously exposed. Property loss and mortal accidents, which might have been very heavy, are confined to a trifling minimum.

"The storm has moved eastward," said Weather Forecaster Welsh yesterday, "and is now central over the lake region, and has diminished in severity. Strong winds with snow and rain prevail eastward in the Mississippi and Ohio valleys to the lake region. The conditions so far as high winds are concerned are not severe in those sections, nor are the high winds in the lake regions so severe as prevailed here. The weather has cleared west of the Missouri river, though it is yet cloudy in the upper valley. The outlook is for fair and warmer tonight with warmer Sunday."

Some old-timers compare this storm with one that prevailed in this locality about twelve years ago and the antiquarians point with pride to the great storm that happened somewhere about this part of the world April 7, 1874. No records or reminiscences are available of any previous storm spurts in this balmy month of April, and there seems to be a disposition on the part of all reliable authorities to give the prize to the storm just passed on all points and particularly for its very wide extent.

GOSSIP ON COMMISSION ROW

Bermuda Onions and Strawberries Are Severely Chilled by the Cold Snap.

What a morning for the first Bermuda onions. A carload of these mild dispositioned and sweet tasting packages of fragrance have arrived, coming straight through New Orleans from their tropical home. They were so chilled by their reception that the air of Eleventh and Howard streets did not hold the least indication that onions were within forty miles. These mild favorites are to be started on their wholesale career at $2.50 a crate.

The strawberries would have chapped hands this morning if they had any hands. They looked red enough, anyway, to sell for $3 a case to the buyers from the grocery houses. Two weeks ago they were selling at from $4.50 to $5 a case, and the price will continue to decrease as warmer weather comes. These Texas berries are not as large as the strawberry in the market earlier. Arkansas begins shipping April 24.

The oranges are up a little in price and the apples down a little. The orange crop has now reached the height of luciousness and the shippers' organization has concluded they are worth a little more than they have been. The apple tried to be a high-priced luxury, but people were compensated by the cheap orange and turned to it for consolation. So the apples were not eaten as much as they could have wished.

The Florida tomato has been here a week or more and is doing very well. Wax beans from the same state sell for $3.50 a box. Radishes are slightly higher in cost than they were a few weeks ago. Fresh peas are in assortment now, coming from Illinois, from California and from the gulf states. They are being jobbed at about $2.

Inflammatory Rheumatism Cured.

William Elsiffer, a brakeman of Dennison, Ohio, was confined to his bed for several weeks with inflammatory rheumatism. "I used many remedies," he says. "Finally I sent to McCaw's drug store for a bottle of Chamberlain's Pain Balm, at which time I was unable to use hand or foot, and in one week's time was able to go to work as happy as a clam."

BOTH VICTIMS DOING WELL

Hotel Porter and Fireman Hurt at Fire Resting Easily at Their Hospitals.

It is reported that Kirk Anderson, the Thurston hotel porter who jumped out a third-story window during the progress of a fire at Mrs. Butler's rooming house, 1411 Jones street, at an early hour Friday morning, is in a fair condition. The injured man is at St. Joseph's hospital and is being attended by Dr. H. P. Hamilton, who says there are hopes for Anderson's recovery.

George Pickerell of No. 2 fire engine house is resting quite well at Clarkson hospital. He fell through a burning stairway at the same fire, sustaining an ugly cut on the head and a number of minor injuries, but did not break any bones.

FORMER SAFECRACKER DEAD

"Old Bill Vosburgh" Was One of the Most Notorious Criminals in the World.

NEW YORK, April 9.—William H. Vosburgh, better known in police records as "Old Bill Vosburgh," is dead. Vosburgh was 77 years old. He belonged to the old-time Dan Noble gang, who, before the organization of the detective bureau by Thomas Byrnes, cracked safes and robbed houses. They were concerned in the Lord bond robbery in 1886. Vosburgh was one of the most notorious criminals in the world.