

AMOUS DIVORCE RULING

Abstract Made by Attorney Goss from Text of Supreme Court's Decision.

ONLY ONE COPY IS RECEIVED IN OMAHA

Under Seven Separate Propositions the Scope of the Decision is Covered, Showing Its Exact Import.

The only copy of the famous decision of the United States supreme court bearing upon the question of the recognition of divorces obtained in states other than the domicile of matrimony, and declaring the domicile of the wife to be the domicile of the husband, has been received by United States District Attorney Charles A. Goss. Attorneys are keenly interested in it. Mr. Goss has been at some pains to formulate an abstract of the decision, which is:

Case of Haddock against Haddock. The decision involves the effect of the federal constitution which says that "full faith and credit shall be given in each state to the public acts, records and judicial proceedings of every other state." The question arose in a divorce suit brought in 1899 by the wife in the state of New York and in the courts of New York, where personal service was had on the husband, who was a resident of Connecticut, and the husband pleaded that he had in 1881 obtained a divorce in Connecticut, which was conclusive and was a bar against the suit of the wife. The object and result of the suit of the wife were to secure a separation and alimony. On the trial the New York court refused to receive in evidence the husband's divorce proceedings had in Connecticut and granted the wife's petition.

It appears that the parties were married in New York in 1883; that the wife was then and remained a resident of New York; that after the marriage the parties never lived together, and that shortly thereafter the husband's divorce proceedings were abandoned.

The supreme court affirmed the decision of the New York courts in these words in part: "Without questioning the power of the state of Connecticut to enforce within its own borders the decree of divorce which it has issued, and without intimating a doubt as to the power of the state of New York to give a decree of that character, we are of the opinion that, within the borders of the state of New York, and as to its own citizens, such efficacy as it may be entitled to in view of the public policy of that state, we hold that the decree of the court of Connecticut rendered under the circumstances stated is not entitled to obligatory enforcement in the state of New York by virtue of the full faith and credit clause."

Seven Main Propositions. The following propositions are fairly deducible from the arguments, the principles discussed and the cases referred to by the court:

1. That no state is bound by the full faith and credit clause of the constitution of the United States to recognize a divorce granted in another state where constructive service (by publication), was obtained on the defendant, who is a non-resident.

2. That the divorce, however, secured by such constructive service is enforceable and valid in the state where secured.

3. That where the parties are domiciled in different states and the defendant is personally served within the jurisdiction of the suit of the plaintiff, the decree of divorce may be enforced in any state.

4. That where both husband and wife are domiciled in the same state there exists jurisdiction in such state, for good cause, to enter a decree of divorce which will be entitled to enforcement in another state.

5. That where the domicile of the husband is in a particular state and that state is also the domicile of matrimony, the courts of such state having jurisdiction over the husband may, in virtue of the duty of the wife to be at the matrimonial domicile, disregard an unjustifiable absence therefrom and treat the wife as having her domicile in the state of matrimonial domicile for the purpose of the dissolution of the marriage, and as a result have power to render judgment dissolving the marriage which will be binding upon both parties and be entitled to recognition in all other states by virtue of the full faith and credit clause.

6. That, also, where the domicile of matrimony was in a particular state, and the husband abandons his wife and goes into another state in order to avoid his marital obligations, such other state to which the husband has wrongfully fled does not, in the nature of things, acquire a new domicile of matrimony, and, therefore, is not to be treated as the actual or constructive domicile of the wife, hence the place where the wife was domiciled when so abandoned constitutes her legal domicile until her new actual domicile be by her elsewhere acquired.

7. That an analysis of the cases in all

ALL DO STUNTS FOR CHARITY

Many Theatrical Folks Join in a Beneficial Matinee at the Orpheum This Afternoon.

Indications are that the Orpheum theater will be filled this afternoon, when the matinee performance for the benefit of the San Francisco relief fund is given. A more attractive program was never offered in Omaha. Not only does the object of the performance appeal to public interest, but the quality of the program is such as ought to make it doubly attractive. To begin with Miss Croftman and Mr. Putnam will be down for a scene from "Mary, Mary, Quite Contrary," probably one from the second act. This is unusual in itself. Then the Lyman brothers will sing and the sextet from "The Bachelors" company is to sing. The Burwood folks will be on hand and will contribute something out of the ordinary. Miss Ward is to do an Irish specialty and Mr. and Mrs. Schofield will contribute a sketch. The Orpheum will add its share and other actors and actresses will find a way to amuse the people. Each is a willing performer in the cause of charity.

Eva Lang is to sell flowers and she will be assisted by some of the younger members of the society circle. Eddie Monaghan will be head usher and will have Albert Morrison as his chief assistant. Carl Reiter will auction a box of California cherries, the first received, and expects to realize quite a sum of money from this source. "Doc" Brest of the Krug is to be stage manager for the afternoon and will put in his time in keeping the stage occupied. The sale of tickets is already large but Treasurer Byrne says he doesn't care if he has to count twice as much money, so long as it goes to help San Francisco.

MAN IS WANTED FOR FORGERY

J. A. Rogers Charged with Passing Bogus Draft for Fifty Dollars.

J. A. Rogers, who was arrested Wednesday at Crescent City, Ia., by Deputy Sheriff Canning of Pottawattamie county, is wanted in Omaha on a charge of forgery. The complaint against Rogers was filed in the police court last week by Deputy County Attorney Foster on information furnished by the Nebraska Electrical company. Rogers was charged with passing a draft for \$50 made in favor of Elias E. Guthrie, whose name Rogers is said to have endorsed on the back of the document. The Omaha police received a tip Wednesday that Rogers was at Crescent City and Detective Donohoe was about to start for the man when the authorities received advice that Sheriff Canning arrested Rogers on various charges filed in Mills and Pottawattamie counties.

Successful Strike

Against lung trouble can be engineered by Dr. King's New Discovery for Coughs, Colds and Weak Lungs. See and Buy For sale by Sherman & McConnell Drug Co.

Mr. and Mrs. Gahn and Hans Albert farwell concert, Boyd theater, Monday, April 30. Box office sale opens tomorrow morning. Tickets, \$1, 75c and 50c.

Verdict of Accidental Death

A coroner's jury returned a verdict yesterday afternoon that Edward J. Croft, Union Pacific switchman, was accidentally killed Tuesday evening at Twentieth street and the railroad tracks. Croft was caught in a frog between the two tracks and lost his right leg and hand. He died the next morning at St. Joseph's hospital. The funeral services were held this morning at St. Philomena's cathedral. Burial at Holy Sepulcher cemetery.

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BROWN'S SUIT CALLED ROT

Attorney General's Attack on Lumbermen Charged as Political Play.

D. C. BRADFORD SAYS THERE IS NO TRUST

His Firm is Named as One Defendant and is Not, He Asserts, a Member of the Association.

"This agitation against the Nebraska Lumber Dealers' association is nothing but buncle. I am not ready to say positively that Norris Brown is not sincere, for it may be that he is, but it looks very much as though his attack on the lumber men is for political effect. As a play to the people it will be of great value to him if the case can be dragged out in the courts until after the next senatorial campaign, as no doubt it can."

Such were the sentiments expressed by D. C. Bradford, president of the Bradford-Kennedy Lumber company, when asked concerning the action of Attorney General Norris Brown in securing from Judge Lenton of the supreme court a temporary restraining order against the members of the association to prevent them from combining to control prices and to prevent the officers from burning the records. The Bradford-Kennedy company is named among the defendants.

New Members Association. "I say this from an unbiased standpoint," continued Mr. Bradford. "I am not with the association or with Norris Brown. Although this firm is one of the defendants in the case, according to the daily press, it is not a member of the association. Several other firms mentioned in the petition are not members. This firm and the others are mentioned in the records and the circulars of the association as 'honorary members.' What constitutes honorary membership I do not know, unless it is that every firm which advertises in the association's circulars is placed on the list by way of courtesy. It is certain the association has arbitrarily and without authority used the names of numerous dealers as honorary members. If the list of defendants as given in the Bee is correct, Norris Brown has simply taken the names of members and honorary members of the association. Many dealers, among whom are the Diets Lumber company and the Uplike Lumber and Coal company, are marked in the circulars of the association as nonmembers, and they are not named in the petition."

Working Not. "It is nothing but rot. There is no lumber trust and nothing that approaches a control of prices, unless perhaps agreements have been made in some towns between local dealers. We are experiencing cut-throat competition with members of the association and non-members alike. For instance, at Auburn and Ogallala, the competition is so fierce that business cannot be done at a profit. At the latter place, we do not name the price at which our agent can sell lumber. We tell him what it costs and let him do the best he can. William Paxton wanted to build a church for Ogallala and asked me to quote him prices. I told him I would give him \$50 for the church if he would buy the lumber from the other fellow."

Originally the object of the association was to prevent the big wholesalers from selling to small jobbers in Omaha and South Omaha, who sold direct to the consumer out in the state. The association threatened to boycott wholesalers who supplied goods to such dealers. "Since the members have come to realize that they cannot get any results along this line, they have made no attempt to control trade in any way. They come to the meetings of the association because they attend in Omaha, Lincoln or Lincoln once a year. They meet royal good fellows, they are the guests of the wholesalers, and they have a bully time. "All the meetings of the association are open to the public. If there were any such combination of interests in the lumber, in the same business, outside of the association, would be the first to know it."

VOLUNTEERS TO WATCH BOOKS

Law and Order League to Prevent Illegal Registration and Prosecute Offenders.

The Law and Order League has determined to prevent any illegal registration of voters on Saturday and has issued this call for volunteers to aid in the work: To Friends of Good Government: It has come to our attention that a desperate effort will be put forth by the interests opposed to Mr. Benson and good government to register on Saturday a large number of imported voters from Council Bluffs, South Omaha and construction camps. Owing to the fact that the registration and the election, which occurs on Tuesday, it will be most difficult to check up fraudulent registration so as to prevent imported voters from voting on election day. The Benson committee has put forth every effort in its power with the limited means at its command to check up, discover and arrest a great number of persons who attempt to register or vote illegally, but there should be a company of good citizens in every precinct in the city who will volunteer to take charge of half a dozen books in the precinct where they reside to see that no illegal vote is registered from such district. Such volunteers should work in the precinct where they reside all day Saturday and all day Tuesday. On Saturday they should watch the registration and see that every man who offers himself for registration has lived at the place he gives as his residence for the proper length of time to entitle him to vote, and if any man should offer himself for registration from a vacant lot or from some house where he does not live, the name and address of such man should be reported to the Law and Order League, who will see that a warrant is issued for the arrest of such person.

On election day these volunteer workers should be on hand to guard against the voting of any man who is not entitled to vote, and if any such illegal voter should present himself he should be at once placed under arrest.

For the purpose of carrying into effect the above plan meetings will be held on Friday evening, April 27, in each of the wards.

Those who will volunteer for the above work should report to:

THE LAW AND ORDER LEAGUE, C. A. MANGUEL, Secretary, 109 South Thirtieth street, Phone Douglas 1885.

BIG CROWD WILL SEE GAME

Grand Stand and Bleachers Will Be Filled at Y. W. C. A. Baseball Saturday.

When Manager Edith Baker sends the umpire into the diamond Saturday to call play at Vinton Street park between the professionals and the Originals the boxes and grand stand will be well filled with the elite of the city, who will turn out to help in this way to swell the Young Women's Christian association building fund.

All receipts of tickets sold around town go to the fund and one-half of the receipts taken at the box office at the gate. Miss Baker was captain of one of the teams which was engaged in raising money for the association building fund and her whole team, assisted by many of the young women of the association, has been working hard all week in selling tickets. The result has been most encouraging.

It is chafing a little over the defeat of his team at the hands of the Union Pacific shop team Monday and his men have instructions to go right after the Lee-

DR. RALPH NOT AT INQUEST

Health Commissioner is Not Summoned as Witness in Hearing of Bennett Case.

The inquest held Thursday morning into the death of Mrs. Mary Jane Bennett, the old woman who fell from a second-story window at 716 North Sixteenth street last Tuesday morning, resulted in a verdict of accidental death.

One witness said he saw the woman sitting in the window at 5:30 a. m. and directed his wife's attention to the fact. Another witness declared he saw the woman up at 3 o'clock in the morning washing dishes. The general evidence tended to show that the woman went to sleep in a chair at the rear of the building and fell through a low window, struck a clothes line and turned over before reaching the ground. Members of her family said they did not realize the seriousness of the wounds for some time after the woman was carried upstairs.

The inquest brought out the facts that Dr. B. B. MacDiarmid reached the patient at 5:30 o'clock Tuesday afternoon, but was summoned on what he was led to believe was an ordinary case; then, according to his testimony at the inquest, he turned the case over to City Physician Ralph at 10 a. m. Dr. MacDiarmid's connection with the case consisted of administering strychnin to the woman and making a cursory examination of the wounds. He said he tried to get the patient into a charity ward of some hospital and offered his services if the woman was sent to a hospital. But just why the case was not treated at the hospital, as he discovered the seriousness of the injuries, was neither explained nor asked.

Dr. MacDiarmid said the woman's relatives declined to allow the patient taken to the county hospital. The doctor said he did what he believed to be his full duty in the case and was handicapped as a patient himself, who was obstinate, the squallid quarters and the general lack of interest manifested by Mrs. Bennett's family.

The chief feature of the inquest was the evidence that City Physician Ralph was given the case by Dr. MacDiarmid at 10 o'clock in the morning and it was well nigh 1:30 in the afternoon when one of Dr. Ralph's representatives, Police Surgeon Morrison, reached the woman. Without sending aid to the woman immediately Dr. Ralph tried to get the county physician, Police Surgeon Morrison, to testify to the knowledge he had of the case was nearly 1 o'clock while at a restaurant.

City Physician Ralph was not summoned to appear at the inquest.

GIRL'S LAST WORDS ARE SONG

Miss Helmsing Sings "Hello, Central, Give Me Heaven," and Dies in Few Seconds.

A strange circumstance in connection with the death of Miss Anna Helmsing, killed while driving across a railroad track last Sunday evening at Florence, was brought to light yesterday afternoon at the coroner's inquest into the death of the young woman. Miss Marie Cornish, one of Miss Helmsing's companions, testified that at the time the train struck the carriage Miss Helmsing was singing "Hello, Central, Give Me Heaven." In a few seconds after that the woman was dead. The witness explained that the young people were in the best of spirits and had no knowledge of their nearness to a railroad track until the terrible crash came upon them.

The jury returned a verdict that the young woman came to her death from accidental causes and that no blame was attached to anyone of the train crew of North-western, which was traveling west.

Ernest Stalnhower, who was driving at the time of the accident, is recovering from his injuries. He is at the Wise Memorial hospital. Wesley Hobson and Miss Cornish are both out and quite recovered from the experience. Miss Helmsing was buried at Wahoo Wednesday afternoon.

Rheumatism Makes Life Miserable.

A happy home is the most valuable possession that is within the reach of mankind, but you cannot enjoy its comfort if you are suffering from rheumatism. You throw aside business cares when you enter your home and you can be relieved from those rheumatic pains also by applying Chamberlain's Pain Balm. One application will give you relief and its continued use for a short time will bring about a permanent cure.

Last Day to File Notices.

In view of the assembling of the May term of the federal court on Monday, May 7, the announcement is made from the office of the United States circuit clerk that Friday will be the last day for filing notices for trial for the term. Thus far but thirty-six cases have been filed in the circuit court, of which eleven are equity and twenty-five law cases.

NEW YORK MILLINERY STOCK.

J. L. Brandeis & Sons Purchase Entire Stock of Hats and Flowers from E. E. Saxe, Broadway, N. Y. ON SALE SATURDAY, APRIL 28. Right at the height of the millinery season Brandeis announces this wonderful sale. This immense stock comprises the highest class pattern hats, trimmed and untrimmed and all kinds of new flowers.

All the patterns and models that H. Samuels sold at \$5 to \$9, in 2 lots, at \$2.50, \$5 and \$10.

All the untrimmed shapes that H. Samuels sold at \$6 to \$1, at 10c and 25c.

All their high cost flowers, in 2 lots, at 10c and 25c.

Sale begins Saturday, April 28. J. L. BRANDEIS & SONS, Boston Store.

Very Low Rates Tuesday.

Every Tuesday, balance of the year, the Chicago Great Western railroad will sell homeseekers' tickets to Minnesota, North Dakota and Canadian northwest at about half rate; to other territory first and third Tuesdays. Write H. H. Churchill, G. A., 1113 Farnam street. State number in party and when going.

Case in Federal Court.

Merion C. Cunningham, as administrator of the estate of Adolph W. Larsen, has brought suit in the United States circuit court for \$2,000 damages against the Milwaukee Pacific Railway company and the Merriam & Holmquist Grain company for the death of Larsen, which occurred November 6, 1905, while he was in the employ of the grain company. The case is transferred from the district court of Douglas county.

Marriage Licenses.

The following marriage licenses have been issued: John V. Homan, Cass county..... \$5.00. Mrs. M. M. Homan, Cass county..... \$5.00.

DIAMONDS—Edholm, 16th and Harney.

Building Permits.

The city has issued permits to J. F. Rector for a \$2,500 frame dwelling at

An Extraordinary Waist Sale. Sale Commences Friday and Continues Saturday. Fine Waists at less than half price. The Celebrated "Plume Brand" Waists on Sale at less than half price. An Extraordinary Waist Sale Friday and Saturday. We bought from M. Martin & Co., makers of the celebrated Plume Brand Waists, their entire sample line of high grade waists at fifty cents on the dollar. They are dainty lingerie effects, made of fine mull and sheer lawns, trimmed with Valenciennes lace, panels of embroidery and fine tuckings, all samples—only one and two of a kind—800 waists in all. We have divided them in three lots—all go on sale Friday morning—\$3 and \$4.00 Waists Friday \$1.90 \$5 and \$7.50 Waists Friday \$2.90 \$10 and \$15 Waists Friday \$4.90

The "Nebraska Special" \$2.50. The New Low Shoes for Women--The fashionable will wear these. The smartest, shapeliest, new low shoes for spring and summer wear are our "Nebraska Specials" at \$2.50. They are undoubtedly the best oxford in the state at this price—made in all the new leathers, Goodyear welts and hand turns, in lace, button and blucher styles, military or Cuban heels. They are \$3 and \$3.50 oxfords in everything but their price. 15th Street at Farnam Nebraska Clothing Co. 15th Street at Farnam

Plan Now Your Summer Tour. Burlington Route. To California. Very low and popular round trip rates; from Omaha \$50, direct routes; \$12.50 additional via Shasta Route and Puget Sound. Tickets on sale April 25 to May 5. To California, Portland and Puget Sound, Daily Low Rate Summer Tours. Very attractive excursion rates commencing June 1st, over variable routes embracing the wonderful scenery between the Rocky Mountains and the Pacific Slope. The greatest railroad journey in the world within your reach. Round trip from Omaha \$60.00; via Shasta Route and Puget Sound, \$73.50. To San Francisco for N. E. A. Low rate excursion tickets June 26th to July 7th. One fare plus \$2.00 for the round trip. From Omaha, \$52.00, direct routes; \$64.50 via Puget Sound and the Shasta Route. To Colorado. Daily low tourist rates to Denver, Colorado Springs and Pueblo, commencing June 1st. From Omaha, \$17.50 for the round trip. To Denver, Colorado Springs and Pueblo. Still lower rates for the great Elk's gathering at Denver. From Omaha, \$15.00 round trip; tickets sold July 10 to 15. To Western Resorts Generally. Summer tourists tickets to many Colorado, Utah, Wyoming, Black Hills and Montana destinations, with every facility for including all attractions enroute. Yellowstone Park. Send for handsome park folders descriptive of this recreative wonderland. Very cheap side trip tickets through the part to holders of through tickets, also very low rate tours from the Missouri river through the Park and return, via Gardiner. Describe your proposed trip and let us advise you the best way to make it at the least cost and send you printed matter free. CITY TICKET AGENT, 1502 FARNAM Gen'l Passenger Agent, 1004 Farnam Omaha, Neb.

There and Back California \$50 Low rates from East generally. Account Mystic Shriners. From Omaha and Kansas City. Four special excursions from Kansas City May 1, 2, 3, by way of Grand Canyon of Arizona. Santa Fe All the Way. Ask for Shriners' folder. —IN THE BEE BUILDING— A fine room with vault, heat, light, water, janitor service, in a fire proof building for \$18.00. Double track scenic highway. Connects at Buffalo or Niagara Falls with all lines from the west. F. A. NASH, Gen'l. western agent, 1524 Farnam street, Omaha, Neb. Notice, Omaha Musicians. A special meeting will be held at the headquarters Friday at 9:30 a. m. to arrange for a repetition of the annual concert and ball for the benefit of the San Francisco sufferers. Go to New York on the Lehigh. Double track scenic highway. Connects at Buffalo or Niagara Falls with all lines from the west. Write passenger department, Lehigh Valley R. R., 215 South Clark St., Chicago, Ill.



A MAN who knows his business ought to patronize clothes-makers who know theirs. You can dress as suits you best in Kirschbaum clothes—not too much or too little. The styles last longer because they are not too extreme: just right for the man who wants to look well without carrying a chip on his shoulder. Ask for Kirschbaum Clothes (Warranted). Good stores everywhere, \$12 to \$30. (Look for label) Wear the Eastern Styles. For Sale in Omaha by Berg-Swanson Company