COURT RULES IN FOOD CASE

Nebraska

Holding of Ex-Food Commissioner

J. W. Johnson Overruled.

Selects C. W. McMichael of Holdrege and R. I. Elliott of Chadron Principals Juntor Normal Schools.

(From a Staff Correspondent.) LINCOLN, April 24.-(Special.)-The supreme court today overruled J. W. Johnson, former deputy state food commissioner, who prosecuted Swift and Company for not branding the net weight of wrapped the district court of Lancaster county dein the old food law. The subject of branding most is a dead issue at this time beamended statute specifically exempts meat was decided upon by the people. brand. Judge Barnes, who wrote the decision of the supreme court, sustains the

pate in the case and Judge Dean dissented. things in his paper about the way a jury wrapped ham or bacon is not a package was district clerk and as such participated within the meaning of the term as used in in the drawing of the names. In his paper the statute in question; that the term was Sprecher complained that it was "remarkintended to apply only to such packages as able and peculiar" that none of his friends are put up in artificial sizes or quantities; naming them, were drawn on the panel that ham and bacon in packages are in while so many of his enemies, naming tity, and that they are never sold as of that they were good men and he did not of Omaha, W. H. Garoak, C. A. Warrick fixed weight or quantity. From this declsion the state filed exceptions. What Court Says.

"It must be conceded." says the supreme court, "that the term 'package," is at best that it was meant to charge him with varia vague one and liable to various interpretations. It is well known that many arti- nied this, but asserted that what he printed cles of food are packed, bound or put to- was true. Sucha's attorneys asked the gether in sizes determined by the manu- court to give an instruction that the article facturers, and intended to pass in trade was libelous in itself and that the jury from hand to hand as of given weight or must find for plaintiff in some amount. measure. For example, butter, put up in The court refused to do this. The jury repound packages, strawberries in a box supposed to hold a quart, teas and coffees in pasteboard boxes of a pound. These are strictly packages within the meaning of article is ambiguous or susceptible of two the law. They are packed, bound and put interpretations, it is proper for the jury to together in forms and sizes convenient to say whether the publication was libelous pass in trade from hand to hand."

The court says that where a statute is sustained by the evidence. of doubtful meaning recourse must be had to the record to disclose what the purposes of the legislature were. This, it is evident, dered judgment in the case of Alphia M. was to prohibit the various kinds of fraud Shevaller against T. J. Doyle, finding for years in the manufacture and sale of food for services rendered \$500, which should be May election was without merit. The disproducts, says the court.

in wrapping their meats were for the pur- street. pose of enhancing their value as food prodpaying for the paper wrapping, but if he her against such charge. does not want to do that he can take a Later the woman was also arrested for adoption. follows that the acts complained of are spirit of the statute on which the prose-

Juntor Normal Principals. State Superintendent Bishop T. J. Majors and N. M. Graham, members of the new state normal board, decided to recommend C. W. McMichael, now city superintendent of schools at Holdrege, for the position of principal of the junior normal at Alma and R. I. Elliott, city superintendent of

Governor Shallenberger did nothing more

Self-Poisoning Constipation

Fills the Blood With Impurities Azs Causes Skin Diseases

Constipation poisons the body by rendering the blood impure. The blood becomes simply loaded with all manner of foreign material or impurities, which are absorbed from the large intestines, and carried to all parts of the system, causing headache, sallow or "muddy" complexion, and a feeling of general lassitude.

When a continuous constipation is present, the impurities from the colon or large intestine collect in such immense quantititles that the blood cannot be cleansed of them, although the lungs, kidneys and other purifying organs are compelled to work overtime in their efforts to eliminate them.

They must be eliminated from the aystem in some way or other, however, for if the accumulation in the blood continues, they will poison the system to such an extent, as will actually cause death. through what is known as auto-intoxication, or self-poisoning.

The blood finding itself unable to eam inste, the swiftly-accumulating poisons through the purifying organs, has nothing left to do but send them out through the pores in the form of boils, carbuncles. pimples, blackheads, and other skin erup-

Stuart's Calcium Wafers, the principal ingredient of which, is that most powerful all blood-purifiers, calcium sulphide, acts not only on the blood, eliminating all impurities therefrom, but also on the kidneys, liver and intestines, toning them up. so that they are strengthened and become able to resume their functions as eliminators, and to prevent the self-poisoning or the system.

The constipation is also cured, which prevents the absorption of impure or foreign matter into the blood, and as a natural sequence, the pimples, boils, carbuncles, blackheads, and other skin-gruptions disappear at once.

Don't make the mistake of attempting to cure skin diseases by the local application of salves, lotious, emolients, etc. You simply drive the disease from one point to another, while the real cause, the inpurities in the blood remains as bad

as ever. Give the blood a thorough spring-cleanng and renovating through the use of Stuart's Calcium Wafers, and you will not be annoyed by the presence of skin

Secure a box from your druggist and id yourself of self-poisoning constipation and its consequent blood-and-skin disease Also send us your name and address and we will forward you trial package free. Adress F. A. Stuart Co., 175 Stuart Bldg.,

Nebraska

this afternoon in the way of making ap-pointments than to add a colonel to his military staff. He appointed James C. Stitt of Norfolk.

The governor certified to the state auditor that A. M. Borst of Peru is enitled to the state reward of \$4,000 for the discovery of coal. The auditor will draw a warrant on the State treasury, the legislature hav-WRAPPED HAM NOT PACKAGE ing provided funds for this purpose.

Putting Love on Record. The democrats were incubating a little scheme today whereby a petition was to be presented to Mr. Love asking him to say whether he intended to vote for 6:30 closing or prohibition. Mr. Malone came out at the gram. - The Travelers' Protective associastart in favor of 6:30 closing. He did so then closed its state convention here today being aware that he would not secure the and selected Grand Island as the place for vote, but would be backed by the liberal holding the next annual meeting. element. It is hoped, however, to put Love bacon are not packages in the sense used make the prohibition forces lukewarm

towards him Mr. Love distinctly stated in his declaracause the last legislature amended the tion to the public that he would see to the law under which Johnson operated. The right enforcemen of one of he two policies and meat products from the net weight friends say that the move is simply a trick. Sprecher Wins Libel Suit.

The supreme court today held that Edjudgment of Judge A. J. Cornish of the iter John C. Sprecher of Schuyler did not district court. Judge Ross did not particl- libel Frank A. Sucha when he wrote some Judge Cornish held that a package of list was drawn in his home county. Sucha them, were found in the list. He added court.

> Sucha filed suit for libel, complaining ous things which he defined. Sprecher de- ment furnished and then adjourned. turned a verdict in favor of the editor Sucha appealed.

The supreme court holds that where an per se. The court finds that the verdict is

Lawyer Wins Suit. District Judge Cornish this morning renand deceit too often practiced in recent the defendant, that there is due the latter closing to the voters of the city at the paid within twenty days or he may fore- missal of it also carried with it the suit The court holds that it is apparent that close the mortgage which he holds against brought to restrain the holding of any the processes resorted to by the packers the residence property of plaintiff on Q election at all on the ground that the hold-

Doyle holds a mortgage on this property ucts and by wrapping them in the man- for \$5,500, which was given him last July. having been held there could be no elecner as determined by the evidence no It was originally executed to indemnify tion. fraud or deceit is practiced on the pur- him for bond in the sum of \$5,000, which chaser because he has the choice of taking was furnished by him at the time Mrs. made no mention of this latter phase of the wrapped or the unwrapped meat. He Shevaller was arrested on the grand larceny the controversy, but directed his remarks knows, says the court, that when he buys charge, and to secure attorney's fees of entirely to the one contention over whether the whole wrapped package that he is \$500 which he was to be paid for defending the excise board has the right to submit

part of it at meat price. The court holds that the package is properly branded as to contents and hence there is no fraud or decontents and hence there is no fraud or decontents. The court holds in the district court she discharged Doyle the initiative and referendum law applied and tendered him \$50 for the work he had only to city ordinances, if it was good at Indeed, none could be practiced on done for her in appearing in police court all and had been properly adopted by the the consumer by such a transaction. It at her preliminary examination on the voters. He insisted that the statutes connot violative of either the letter or the that the manual fined the activities of the excise board to this was refused she brought suit to compel Doyle to accept the \$50 and release the lien.

Nine Horses

schools at Chardon, for principal at Broken Contents, Including 2,500 Bushels of Filipino Scared Grain and Farm Implements Destroyed.

> TEXUMSEH, Neb., April 34.-(Special Telegram.)-The barn of Lawrence Coracke. near St. Mary, in this county, with ita contents, was burned to the ground last night. The contents included nine head of horses, 2,500 bushels of corn, several tons of hay, a buggy, implements, etc. The cause of the fire is not known. It was with difficulty the house was saved. Mr. Coracke was protected by but a small insurance.

WAR AT AN END

Bell System Connects with Independents in Merrick County. CENTRAL CITY, Neb., April 24 .- (Spedal.)-Peace seems to have been declared between the Bell and Independent telephone systems of this county after years of warring and disagreement. At a recent meeting of the Chapman Independent Telephone company's stockholders it was decided to connect with the Bell system, so that the Independent subscribers could

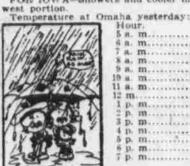
have the use of the Bell's toll lines. Under the new arrangement the independent subscribers can talk with Bell patrons at Central City by paying the toll charge of 15 cents.

A Dangerous Wound

is rendered antiseptic by Bucklen's Arnica piles, eczems and salt rheum. 25c. sale by Beaton Drug Co.

The Weather

FOR NEBRASKA-Cooler. FOR IOWA-Showers and cooler in north-



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	Local Record.
ì	OFFICE OF THE WEATHER BUREAU
	OMAHA, April M Official record of tem
ú	perature and precipitation, compared with
	the corresponding day of the last three
ij	Years: 1909, 1908, 1907, 1906
E)	Maximum temperature 68 74 73 5
	Minimum temperature, 45 52 38 5
d	Mean temperature 56 63 56 7
į	Precipitation
	Temperature and precipitation departure
ß	from the normal at Omana since March !
į,	and compared with the last two years;
	Normal temperature
ď	Excess for the day
ч	Excess for the day
H	Normal precipitation
	Deficiency for the day
Ü	Total rainfall since March 1 1.50 inche
	Deficiency since March 1 2.15 inche
	Deficiency for cor. period, 1908 1.02 inche
87	Deficiency for cor. period. 1907 2.45 inche
	L. A. WELSH, Local Furecaster.
	to a. Whitell, Local Purceater.

Nebraska

Travelers End Their Work at Convention

Next Meeting Will Be Held at Grand Island-W. C. Alexander of Hastings President.

BEATRICE, Neb., April 24.-(Special Tele-

The morning session was opened with an in a hole by making him choose between a address of welcome by J. W. Burgess. stand which would seither insure him the with response by Samuel English of Linvote only of the prohibitionists and give coin. The session was devoted to hearing ham and bacon. The court decided that Malone those temperance votes that are committee reports and general routine businot in favor of prohibition right now, or ness. The legislative committee reported cided justly when it held that ham and else, if he said he was for 6:30 closing, to favorable legislation accomplished along various lines, noticeably the 2-cent fare bill, hotel fire escapes and the Sink bed sheet bill.

A resolution was passed extending thanks to Representative Sink and his colleagues in securing the passage of the latter measure. W. C. Alexander of Hastings was elected president on the second ballot over Carl J. Ochiltree of Omaha and C. A. Warrick of Omaha. Other officers elected are: First vice president, C. M. Cruncleton of Beatrice; other vice presidents, A. F. Sterns of Norfolk, Harvey Hitch of Lincoln, M. Golden of Nebraska City and T. J. Curningham of Grand Island: secretary treasurer, C. L. Hopper of Omaha; delegates to national convention, W. G. Hald, P. B. Helbrook, R. S. Trimble, A. B. Houg. W. D. Eck, E. G. Eldridge and W. D. Fay care anyway. His particular concern arose and F. B. Meyer of Lincoln, R. T. Haison from the fact that he had three cases down of Fremont, F. J. Cunninigham of post E, for trial before juries at that term of R. D. McFadden of post G and M. N. Barnes of post H. Beatrice.

The convention offered a vote of thanks to the people of Beatrice for the entertain

Finds No Merit Injunction Suit

Lincoln Will Vote on Prohibition Issue at Municipal Election in May.

(From a Staff Correspondent.) LINCOLN, April 24.-(Special.)-Judge Cornish this afternoon held that the injunction suit brought to restrain the submission of prohibition and 6:30 o'clock ing of a party primary was necessary before an election could be held-and not

In disposing of the suit Judge Cornish to a vote of the people rules proposed for

Judge Cornish held that the word "exclusive" as used in the statute meant that that power as to licenses was "exclusive" in the board as against the mayor and city council, but that it will not prevent the people from the exercise of the powers shovel to work in one of the cuts east of the people from the exercise of the powers given them by the initiative and referendum law.

Shovel to work in one of the cuts east of the bere and is dumping the dirt west of the Ella Noll. Intermediate; Miss Ida M. Stewart, second primary; Miss Grace Titus, endum law. Burn With Barn given them by the initiative and refer-

Into Insanity of here.

Neighbors at Norfolk Try to Induce
Family to Remove from Neigh
BEATRICE—B. H. Conice and R. S.
Arthur yesterday purchased the elevator of W. N. Spellman on lower Court street.
They will assume charge of the plant in a borhood with This Result.

NORFOLK, Neb., April 24.—(Special Telegram.)—Distracted by the death of her twin babies and by a series of fortune telling seances attempted by a few neighbors, Mrs. John Gamble, a Filipino, will probably be sent to the insane hospital here. Neighbors told her "fortune" to frighten her, so that the family would be forced to leave the neighborhood. Her husband, a negro veteran of three wars, has bought the house and is paying for it on the installment plan. He has appealed to the city authorities.

Who Owns Telegraph Lines! NEBRASKA CITY, Neb., April 24.-(Special.)-County Assessor William Dunn is checking over the holdings of the Burlington railway and the Western Union Telegraph company here. He finds that both corporations deny owning all of the telegraph lines which run along the right-ofway of that road in this and adjoining counties. These lines have escaped taxation day morning. The funeral will take place for years and the county attorney has been instructed to bring suit for the back taxes disease. counties. These lines have escaped taxation day and to ascertain to whom the lines belong.

Mr. Dunn is of the opinion that the telegraph lines along all branch lines of the
Burlington in this state have escaped taxation in the same manner. He has letters from the officers of both corporations deny-Salve, the healing wonder for sores, burns, and to ascertain to whom the lines belong. For Mr. Dunn is of the opinion that the telefrom the officers of both corporations denying the ownership of the lines.

> Test for High School Law. ARLINGTON, Neb., April 24.—(Special.) It begins to look as if the present high chool law will have to be tested before district No. 34 of this city can collect tuition from district No. 27, which is east of this place. The school board of this district says that it will not pay until

the supreme court declares the law con-

situtional and steps will be taken to col-

lect the debt. Bennie Thomas in Kearney. KEARNEY, Neb., April 24 .- (Special.) Bennie Thomas appeared in Kearney Thursday afternoon and held a prolonged conversation with Don W. Hanlen, a former grade manager at the reform school. Mr. Hanlen was ignorant of Bennie's late crimes and did not interfere with his freedom. Bennie says he is going out west and expects to end up at Walnut.

Child Starts Pire.

NORFOLK, Neb., April 24.—(Special Telegram.)—Four-year-old Myron Collamer is supposed to have started a fire which cremated a horse belonging to Joseph Pilant here today. The barn burned belonged to Dr. C. Verges.

handed in her resignation.

RROKEN BOW—The committee appointed by the city council have recommended that the electric light franchise be granted to John W. Early of Columbus, Neb., which practically gives it to him. The franchise, as it now stands, insures the lighting of the city by electricity in less than a year Early personally pledges himself to have the plant in operation within eight months.

Northwestern Double Track.

Northwestern Double Track.

ARLINGTON, Neb., April 24.—(Special.)—
The Northwestern has started a steam

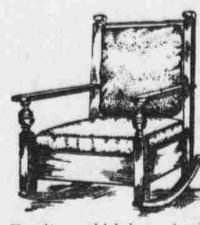
LEIGH—The Leigh school board held its meeting for the coming year on Wednesday evening that many coachmen and teamsters use college and State Surveyor Nelson of Priday morning and whips with a very heavy leather thong whips with a very heavy leather thong and others even introduce into the lash of the state capitol grounds for the purther season's work.

Agents for Globe Wernicks Elastic Bookcases.

FURNISHERS OF HOTELS, CLUBS AND RESTAURANTS, AS WELL AS PRIVATE HOMES ORCHARD & WILHE

414-16-18 South Sixteenth Street.

FLANDERS FURNITURE





This artistic style of furniture just brought out is called "Flanders." It originated in a province of that name composed of a part of Belgium, Holland and northern France. It was made at the close of the 16th and first half of the 17th century. We are showing a large line of Flanders

Furniture which is most suitable for dining room, living room, library and hall. Special display on main floor. This furniture is made of select oak with old oak appearance; is a beautiful dull brown finish, the upholstering is of a dark, dull blue leather. The above illustrations show a few of the Flanders pieces. We invite inspection of this new line of goods. See window display.

Some Interesting Furniture Values for This Week's Selling



use. Full size, high back, mahogany feet; Regular value, \$25. Special, ea.

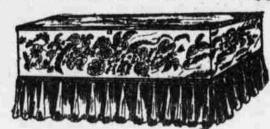
Chair

tion.)

Covered in art

Shirt Waist and Skirt Boxes Shirt Waist and Skirt Boxes, covered in cretonne at

special prices Monday. 1 Shirt Waist box, 24 inches long, regular price \$3.50, special\$2.75 5 Shirt Waist boxes, 28 inches long, regular price \$3.95, special\$2.95 3 Shirt Waist boxes, 32 inches long, regular pric 3 Skirt boxes, 48 inches long, regular price \$7.50. special\$6.25 1 Skirt box, 54 inches long, regular price \$8.75, spec



Matting covered Utility boxes, \$3,35 and \$4.25 up to Work Screens with shelf, pockets, and spool hooks, cretonne covered, \$3.95 each

be used as a part of the double track

which will be built at once. The entire

roadbed between this city and Fremont

will be hauled from the clay cuts east

Nebraska News Notes.

KEARNEY—The town ball team of Shel-ton came up Friday afternoon and played the Normal team on the Athletic park diamond. The normal boys won out by a score of 3 to 0.

BEATRICE-J. C. Cathcart, a prominen farmer living eight miles southwest of this city, died suddenly this morning of heart trouble, aged 63 years. He leaves a widow and four children.

BEATRICE—Rev. F. R. Wedge, who won a fast baxing bout from Harry Forbes at Chicago the other evening, was formerly located at Barneston, this county, where he is known as the "Fighting Parson."

BEATRICE—The Beatrice Commercial club is trying to induce the Rock Island company to put the two passenger trains taken off here some time ago into service again. The trains gave splendid service between Fairbury and St. Joseph.

BROKEN BOW—The Board of County Supervisors, before adjourning yesterday, awarded the bridge contract for the com-ing year to the Standard Bridge company of Omaha. There were six competitors

in the field, everyone being underbid by the Omaha concern,

NEBRIASKA CITY-Fred, son of Mr. and Mrs. Charles Hebard, died at the home of his parents, north of the city Friday morning. The funeral will take piace Sunday afternoon from family residence.

YORK-Friends here have learned that E. Spellman has just had a stroke of paralysis, and is in an alarming condition. For nearly twenty years Mr. Spellman was connected with the York Roller Mills company and only recently sold his property and moved to Kansas.

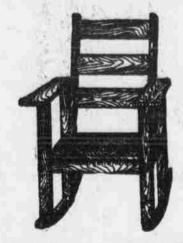
KEARNEY-Henry Hormel, a local carpenter. sistained a broken leg while
shingling the residence of C. W. Hoxie, on
West Twenty-sixth street. While hoisting a heavy plank up on the scaffolding
it fell and struck Mr. Hormel, breaking
his leg about two inches above the ankle.

LEIGH-Miss Selma Helena Fowler and John Karak were united in marriage last Saturday. Rev. Mr. Elliot performing the ceremony. The bride is the eldest daughter of Mr. and Mrs. Frank P. Fowler of this place. Mr. and Mrs. Karak will make their home on the groom's farm near North Bend.

Bend.

ARLINGTON—Miss Bertha Enyart of Hayes Center has been elected as assistant principal of the high school to fill the vacancy caused by the advancement of Miss Alda Grav to the principalship Miss Blanche Wise, who was elected principal decided not to teach the coming year and handed in her resignation.

for two terms.



500 of these rockers on special sale Monday. Tuesday and Wednesday. They are full size, substantially constructed, made of solid oak weathered or fumed finish. Seat upholstered in excellent quality of imitation leather. Regular selling price \$5.50. For Monday, Tuesday and Wednesday, each-

\$3.50

Bolster Rolls, heavy pasteboard, each......\$1.25 Bolster Rolls, open back for pillows\$2.00

Have you visited our stove and kitchenware department in the basement.

LEIGH—The town board met Thursday evening. The newly elected members of the board, Messrs. Ed Wurdeman and Dr. C. D. Eby, qualified. The other successful candidate at the recent election was unable to qualify as his present position of mail carrier bars him from holding any municipal office. H. P. Buhman was elected chairman of the board and he appointed J. E. Spafford as village clerk and R. J. McNary village treasurer.

R. J. McNary village treasurer.

NEBRASKA CITY—The city council met last evening and granted saloon licenses to Chris Schnelder, J. W. Hobson and George Bader, and a druggist permit to Henry Schwake. They then heard the remonstrance filed by H. P. Dixon against John P. Michelson, and overruled the same and granted the license. They then adjourned until next Friday evening, when they will take up the matter of granting the other licenses. There will be fifteen saloon licenses and five druggists' permits granted for the coming year.

Man Who Had Been Arrested in

Bomb Outrage Case is His

Assailant.

NEWARK, N. J., April 24.-An attempt to

assassinate the Rev. Giacomo Seucarelli,

pastor of St. Rocco's Roman Catholic

church here, was made on the parochial

grounds today. The would-be assassin

fired two shots at the priest as the latter

was standing in the door of the parochial

schoo house, but did not wound him. The

priest's assailant, who said his name was

Salvatore Musumecci, surrendered to the

police immediately after the shooting. An

investigation, with a view to developing a

Father Seucarelli recently brought suit

against Musumecci for \$10,000 for defama-

tion of character. The priest worked with

the police on a bomb outrage of a year

ago and when Musumecci was arrested in

connection with it he attributed his arrest

is Reported Dead

Rumor in Paris Says New York Grand

Opera Director Died at

Meran.

PARIS. April 24.-It is reported here that

Heinrich Conreid, formerly director of the

Cruel Paris Drivers.

eived confirmation by an order just issued

Mrs. Conreid was with him.

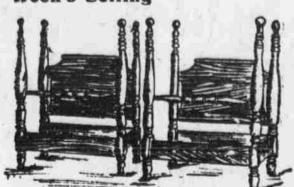
Heinrich Conreid

motive, has been instituted.

to the pricat.

Italian Priest

Attempt to Kill



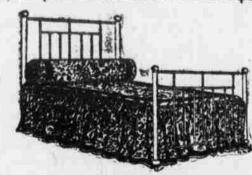
Agents for Herrick, Refrigerators

Colonial Post Bed

Either in full or twin size, heavy post design, in the dull satin finish. These beds sell regularly at from

French Muslin Bed Spreads

with valance all around, extra full bolster cover, complete in all colors \$3.95



Cretonne bed spreads with border covers in all colors for full size beds; special, per

French Taffeta bed spreads with band sewed on both top and valance complete with bolster cover to match, in all colors, per set, at\$9.50

HALF-MINUTE STORE TALK

We have the reputation of being the biggest "cranks" in the clothing business; manufacturers all agree on that. They say we 'fuss and fume over our purchases twice as long as any other retail clothiers." We'll acknowledge we are pretty hard to pease and we are proud of our reputation. We are "finicky" all right enough when we buy and expect our customers to be "finicky" when we sell. Come in, any time, put us to a lot of trouble, we like it.

THE NEW STORE



You Can't Postpone Buying a

Spring Suit Much Longer The weather wont allow it-with

these conditions in mind wouldn't it be a good idea to decide today where you will buy it? We offer the following plain truths for you to con-

Our store is unquestionably the large and best. Our prices are backed by a 'money-back guarantee' to be considerably less than a corresponding quality can be sold for at other stores. We offer you an assortment of all new Spring 1909 clothes, in greater variety than any other store can show, even if they include the carried overs from last year.

\$10 to \$35

\$15 is a great price-level here-Saturday we sold what we think was the most \$15 suits any Omaha store sold -we might be wrong, but if any store sold more they had to "go some" and then some more



Survey of Capitol Grounds. PIERRE. S. D., April 24 - (Special Tele-

work with the aid of state employes,

YANKTON, S. D., April 24.-(Special)-The government snagboat Mandan, four by Prefect of Police Lepine. He states gram.)-Prof. N. E. Hanson of Brookings days but from Sioux City, arrived here Friday morning and passed on up the river whips with a very heavy leather thong Mitchell today made a preliminary survey for Fort Benton and Yellowstone points for

Metropolitan opera house of New York, pieces of iron or lead, hidden in the knots, pose of making a plat for parking the died today at Meran, in the Austrian Tyrol. and he asks his men to watch carefully tract, the present plan being to do the for any such cases with a view to prose cuting the offenders. PARIS. April 34.-The old charge against Paris that it is "a hell for horses" has re-

Snug Boat Begins Work.