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HEIRESS FINDS LOVE A LAWYER

Fanny McComb Wins \$4,000,000 Suit.

Wedded Louis Herzog Despite Her Father's Will and Did Not Lose Estate.

(Journal Special Service.) NEW YORK, April 3.—Mrs. Louis Herzog will not lose millions because she married the man of her choice. Threatened in her father's will with practical disinheritance she went ahead and married, taking a chance on getting the millions later. Now the Supreme Court says she won't lose a cent by the transaction. James Jennings McComb was the young woman's father. He was the owner of the Navarre apartment houses, Central Park South, and much other valuable real estate, and had a superb country mansion, known as Etherwood, at Dobbs Ferry, where he died on March 21, 1901, leaving a widow, Mrs. Mary Esther McComb, who died on July 2, 1901, and four children, Mary Alice Coxz, Lillie McComb Garth, Fannie Rayne (now Mrs. Herzog), and Jennings Scott McComb.

When Mr. McComb's will was opened and read a sensation was caused by this clause:

"It is my will and I hereby direct that in case my daughter Fanny shall marry Mr. Louis Herzog the provisions which she shall enjoy from my estate shall be as follows:

"An annuity of \$15,000 a year shall be paid her so long as she may live free and clear from any enjoyment or interference thereof on the part of her husband, and upon her death the sum of \$200,000 shall be divided among her children who may survive her or the issue of any child of her who may have previously died, such issue to take the parent's share. The principal so to be divided upon her death shall be \$300,000."

Married Him Anyway. Fanny Hayes McComb defied the parental injunction, married the man of her choice, and then turned around and for two years fought in the courts to regain the fortune from which she had been cut off.

Justice Maxwell handed down a decision yesterday in Mrs. Herzog's favor. He awards her one fourth of her father's real estate, which is variously estimated at being worth anywhere from \$15,000,000 to \$20,000,000, and also one fourth of the personal property, which could not be taken away from her, is not less than \$750,000. She gains somewhere between \$4,000,000 and \$5,000,000, is wedded to the husband of her choice, and is blessed with a chubby-faced baby boy, born only a few months ago.

"What can I say?" said Mrs. Herzog last night in the apartments she occupies in the Bryant studios with her husband and baby. "What can any mother say if after a long and bitter fight she proves victorious? I am pleased for my own sake, but I am overjoyed because of what it means for my baby. I am naturally very much pleased."

said her husband: "but we are hardly out of the woods yet. For I take it as a matter of course that Mrs. Herzog's relatives will carry the matter to the higher courts."

Few romances of recent years have attracted such universal attention as that of Mrs. Herzog, who chooses the risk of sacrificing her share of her father's millions for an annuity of \$15,000 a year in order to marry the young man whom she had loved for many years. Her father, for some unaccountable reason, strongly disapproved of her choice, although Mr. Herzog was a most estimable young man and a rising artist.

Loves a Good Law Book. Miss McComb first met Louis Herzog on the golf links at Ardsley. Their friendship ripened into love. When her father died Miss McComb went to work in a most business-like way to determine just how binding in law was the clause in his will which disinherited her. She brought suit to have a construction placed upon the clause to have it declared inoperative and void.

Justice Scott decided that, inasmuch as the young heiress had not married Mr. Herzog, there was nothing for him to pass upon at that time. Whether Miss McComb took this as a hint to marry Mr. Herzog or not has never been revealed, but it is a fact that within six weeks she, he and two friends went to the Fifth Avenue Presbyterian Church, and there she was made Mrs. Herzog. The honeymoon was spent at Mr. Herzog's home in Philadelphia.

The decision Justice Trux handed down yesterday is a formidable document, but the gist of it is in the words: "The ninth clause of the third codicil is invalid because it suspends the power of alienation for a longer period than the lives of two persons in being at the time the will and codicil became operative."

SLEEPING CARS ON ELECTRICS

(Journal Special Service.) DAYTON, O., April 3.—Sleeping cars will be run on the Appleyard electric roads in Ohio in the near future. The Dayton, Springfield & Urbana Electric Railway, one of the roads of the system, is arranging to double track its line from Dayton to Springfield. As soon as the Ohio River & Western Railway, another of the lines of this system, has been made standard gauge, passenger cars and sleeping cars will be run from Cincinnati to Wheeling, W. Va., with connections for Pittsburg.

FAVOR BRYAN PLAN.

(Journal Special Service.) DES MOINES, Iowa, April 3.—A significant feature of the Jeffersonian banquet in this city last night was the staunch support given by the 300 Democratic present to the Bryan idea that no reorganization of the party should be attempted. The speakers included former Vice President Adlai E. Stevenson and W. J. Bryan. Stevenson said he stood solidly by the Kansas City and Chicago platforms and that he was opposed to any attempt to secure harmony by surrendering the principles for which the party had continued and suffered.

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PETER BURNS IN JAIL ONCE MORE

Released as Incendiary, He Is Arrested as a Drunk.

Peter Burns, the coal oil purchaser, and at one time supposed to be the fire fiend, was turned loose from the city jail yesterday afternoon by Chief of Police Hunt, but before midnight he was again incarcerated.

When Burns was released, instead of going to Ryan's grocery store and buying 10 cents worth of coal oil, as the police say he did before his arrest, he went to a saloon and began to imbibe freely of the vintage that produces visions.

When Patrolman Downing found Burns, he was feeling very exuberant, and fearing he would become too happy and soar away to the skies, called the wagon and sent him to jail. Burns seemed pleased to get back again, and laughed heartily as he greeted the officers at the station.

Chief of Police Hunt stated this morning that instead of being a bold, bad fire bug, Burns has proved to be an object of pity.

"The man needs and must have something done for him," said the Chief. "He needs clothing, and medical attention. He has quite a number of good friends, and I understand they propose to see that he is cared for."

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The Men's Wear Store 171 FIRST STREET ONE-PRICE MEN'S OUTFITTERS

REBELS FIGHTING HARD.

SANTO DOMINGO, April 3.—Fighting is going on almost continually between the government forces and the insurgents. In a battle fought on the banks of the river Ozama, after three hours

of fighting more than 100 men had been killed. The rebels are holding out against surrender. The U. S. S. Atlanta is in charge of the city and expects an attack from the government troops. Unlike any other—Monopole Catsup.

We import our family liquors and warrant them as good as ever made. Our teas and coffees are of the same high class, as all other goods we sell. We have special pride in our grocery department, which represents the best always, that the jobbers have in stock. Make it a point to call in here on Saturday and see for yourself. Forth, West Park and Morrison street.