

JUSTICE FORBIDS STORE COMPANY'S 'CUCKOO' AD PLAN

Grants to The World Temporary Injunction Against Levy Brothers.

LONG LEGAL FIGHT WON

Insertion of Sheets in Newspaper "Plainly to Deceive," Says Court.

Justice Stapleton, in the Brooklyn Supreme Court, granted to The World today a temporary injunction against the further operations of one of the most persistent of those engaged in the activity of inserting advertising pages—"cuckoo sheets"—in the leaves of the Sunday World. This action of the Court, directed against the Levi Brothers & Co., incorporated department store, No. 103 Broadway, Brooklyn, is a victory for The World which follows a legal fight that has been carried through the courts since last March.

In its determination to put a stop to the intrusion, the Press Publishing Company, publishers of The World, The Evening World and the Sunday World, made application for an injunction against The Berlin, a department store originally owned by Albert and Nathan Levi, in the Brooklyn Supreme Court last March.

The Berlin then made it a practice of inserting with certain advertisements in Brooklyn to insert between the pages of the Sunday World full sized pages of advertising matter for The Berlin which in typographical make-up and size were exact duplicates of the World's advertising pages and which, according to the World's contention, were designed to deceive the casual reader into the belief that these papers were a regularly published portion of the Sunday issue.

Upon the application for the injunction the legal representative of the Levi Brothers visited the office of the Press Publishing Company and gave assurances that his clients' practice would be discontinued. But shortly thereafter, when the suit against the Levi Brothers had been withdrawn, the "cuckoo" sheets again made their appearance in the Sunday World.

Again application was made for an injunction, but Justice Kelly dismissed the writ because the Levi Brothers had changed the type in the white paper, later changed to black ink on green paper and the inserted sheets bore the legend "The Berlin Messenger; this publication is not a part of any newspaper."

Taking up the contention of the Levi Brothers' lawyer that The World, once having sold its copies to a newsdealer, had no further power over the papers thus disposed of and could not rightfully complain of any act the newsdealer might do in connection with them, Justice Stapleton in his opinion says:

"The sale (of the paper) is for circulation, and that the publication be distributed in form and substance as issued, without improper or unfair addition, subtraction or defacement, is implied from the circumstances of the transaction. The sale of the commodity by the plaintiff does not involve the impairment or destruction of its right to protect and control its advertising business."

"PLAINLY A DESIGN TO DECEIVE THE CASUAL READER."

Continuing, Justice Stapleton said: "The plaintiff (the Press Publishing Company) has a business of value, the character of which is peculiar and the essence of which is its advertising capacity. It has the right to send its print through the ordinary channels of fair dealing, unobstructed by the imposition of any device having an unjust purpose; it matters not how ingenious the design or how plausible the disclaimer of an intent unlawfully to interfere."

"The obvious purpose of the defendant (the Levi Brothers) was not alone to secure distribution of its advertising matter, but to lack such matter on to the plaintiff's publication, to impress some persons with the belief that it was part of the newspaper to trade on the favorable reputation of the plaintiff in an unfair and dishonest manner by the use of an ingenious device which, unless the design to deceive is otherwise purposes."

"The scheme (of the Levi Brothers) is plainly a design to deceive the casual reader, casually reading, into believing that an extensive advertisement of the defendant is printed in a newspaper or recognized as an advertising insertion. It is not essential that the simulation be perfect and complete if it is such a resemblance as will probably deceive the ordinary reader, giving attention to it as is ordinarily given."

For Young or Old, Cough or Cold. Red Cross & Co. Disp. Co. per box—Advt.

FOR BETTER OR WORSE? Is Happiness in Marriage an Illusion Unrealizable, or an Attainable Dream?

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Napoleon Believed that the Husband had the Right to the Supreme Declaration, "I Am the Family!" and He Asserted, "Marriage is Not an Institution of Nature."

"Let Each Man Have the Right to Marry as Many Women as Are Willing to Share His Lot. Surely Four or Five Women Ought to Be Able to Support One Man," Writes J. S.

BY NIXOLA GREELEY-SMITH.

The question of the happiness or unhappiness of marriage has occupied the minds of men and women ever since the family was instituted. The greatest intellects have been baffled by difficulties which here and there have been dissolved by the love and faith and courage of a simple household.

Napoleon, who was twice unhappily married, believed that, just as Louis IV. exclaimed, "I am the state!" the husband had the right to the supreme declaration of autocracy: "I am the family!" This was of course but the continuance of the old Roman notion of domestic despotism wherein the husband and father was literally the lord of life and death in his household. During a discussion of that Code Napoleon, which still enchains the women of France and in which the present laws of the State of Louisiana had their origin, the greatest military genius of the world, made this declaration:

NIXOLA GREELEY-SMITH world, who was betrayed by both his MARRIAGE MUST UNDERGO GRADUAL DEVELOPMENT.

"Marriage is not an institution of nature. The family in the East is entirely different from the family in the West. Man is the servant of nature, and the institutions of society are grafts, not spontaneous growths of nature. Laws are made to suit manners, and manners vary. Marriage must, therefore, undergo the gradual development toward perfection, to which all human affairs submit."

Napoleon's notion of domestic happiness was of a household wherein strife was rendered impossible by the absolute ownership of the husband. And so long as women accepted it, this was an excellent formula. But in its "gradual development toward perfection" proposed by this greatest of generals and most pitiful of husbands, marriage has reached its highest expression in the United States. Here men and women are for the most part, equal before the law and before each other.

Away back in 1829, when Balzac published his "Physiology of Marriage," this great student and interpreter of human nature, called attention to the fact that the happiest marriages existed in America, where women were even then, most free. Probably this great book, written by a bachelor—Balzac married very late in life—contains more wisdom on the subject of matrimony than had ever been uttered before.

It contains one sentence which every married woman should learn by heart—this one: "Marriage must necessarily contend with a monster which devours everything—Familiarity." And for men—especially those who live in New York or other big cities and have been smirched by the cheap cynicism which is its breath—there is this admission from one of the world's greatest artists and greatest lovers: "It is as absurd to deny that it is possible for a man always to love the same woman as it would be to affirm that some famous musician needed several violins to associate a piece of music."

We know that two-thirds of the divorcees in the United States are granted to women, and that in the greater number of these divorces the inconsistency of the husband is the real or the hidden cause.

THE LITTLE JOKER IN THE MARRIAGE CEREMONY.

Yet there are numbers of men who admit when they speak freely among themselves that, so far as the majority of their sex is concerned, the vow of eternal constancy is merely the little joker in the marriage ceremony. These things and many others—the contempt bred by the slipshod, careless familiarity of wives, the inconsistency of husbands—contribute to the difficulty of removing the question mark from the end of that solemn phrase in the language, "For better or worse."

In a happy marriage an unrealizable illusion or an attainable dream? If the latter, how may one gain it? I have received several letters from Evening World readers dealing in a general way with marriage, but they do not shed the light of personal experience on the great problem. A strange orient of the modern situation is the following:

PROPOSITION TO PUBLICLY PRACTISE POLYGAMY.

Dear Madam—Here is a solution that will get rid of that puzzling problem, the superfluous woman. Let each man have the right to marry as



DREW LOTS TO SAY WHO SHOULD WED PRETTIER SISTER

Brothers Decided That Question Before They Saw Future Wives.

ROSENTHAL GUNMEN FILE NOTICES OF APPEAL AND EXECUTION IS POSTPONED.

Their Conviction Must Now Be Reviewed by the Appellate Division.

"Gypsy the Blood," "Dago Frank," "Whitey" Lewis and "Lefty" Louie, the four gunmen sentenced to death by Justice Goff for the murder of Herman Rosenthal, will not die in the electric chair at Sing Sing in the week beginning Jan. 6, as Justice Goff ordered.

SUED FOR \$30 BATHING SUIT.

Seamstress Makes Total Claim of \$900 Against Actor's Wife.

HER MOTHER GETS \$1,000.

May Wessel's Employer Must Pay for Loss of Services.

FOG HOLDS LINERS DOWN THE BAY AND ONLY TWO GET IN

Laconia Passes Quarantine, but Is Unable to Get Up to Her Pier.

When the fog lifted a little this morning more than a score of steamships lay in the bay. Most of them had been held up last yesterday by the heavy pall that made the city miserable and traffic by water impossible.

WHITE SLAVER TO PRISON.

Sentenced for Making Girl Support Him and His Father.

"Just Say" HORLICK'S It Means Original and Genuine MALTED MILK The Food-drink for All Ages.

Threatens Old Sweetheart.

GILLIES CHRISTMAS COFFEE SPECIAL

BROKEN COFFEE Our celebrated broken coffee is made from the small and broken beans of high grade coffees carefully blended. It is a most delicious cup at a minimum cost. Regular Retail Price, 35c. 28c per lb.

Threatens Old Sweetheart.

WOMAN ENDED HER LIFE.

BEAUTIFUL ART CALENDAR FREE TO EVERY CUSTOMER

CRANDALL'S

AMERICAN WATCH & DIAMOND CO.

6 MAIDEN LANE TAKE ELEVATOR

WORLD WANTS WORK WONDERS.

GEN. JONES HOARSE, BUT SHE CAN STILL CRY 'ON TO ALBANY!'

Light Brigade—Very Light—of Suffragettes Trudges On Through Mud.

ONLY FOUR ARE LEFT. Sore Feet Do Not Deter Quartet, Though Baggage Man Deserts.

Four militant, bedraggled and limping suffragettes marched out from the Halfway Hotel at Peekskill today and turned their determined eyes toward Albany.

Gen. Rosalie Jones came out with husky voice and a flannel muffler about her throat. The general wore rubber boots, which looked as though they would feel heavier by nightfall.

The faithful Four were escorted out of Peekskill by a quartet of local suffragettes, Mrs. Anna McKellar, Mrs. L. H. Finch and Mrs. Joseph Finch.

WHITE SLAVER TO PRISON. Giuseppe Spano, a barber, of No. 430 West Thirty-ninth street, who was convicted of a form of white slavery, was sentenced to Sing Sing prison for not less than six years nor more than nine years, to-day, by Judge Swann in Central Session.

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WORLD WANTS WORK WONDERS.

PARK & TILFORD Are Offering at These Prices Christmas Delicacies

- Stuffed Dates, Leonore's, Nut filled, .25
Caravan Dates, Packages, .09
Stuffed Figs, Small jars, .45
Medium size, .65
Figs & Dates, Stuffed, Small jars, .50
Medium size, .75
Layer Figs, small boxes, .18
Pulled Figs, boxes, .65
French Prunes in 2 lb. jars, Violett's Superior, 1.00
Violett's Extra, 1.35
Violett's Excelsior, 1.60
Wiesbaden Prunes, 1 lb. boxes, .40
Finest Malaga Raisins, Quarter boxes, about 9/2 lb., 1.90
Quarter cartons, about 9/2 lb., 2.25
1 lb. carton, 48 2 lb. carton, .90
1 lb. Raisins, detached clusters, .30
Seeded Malaga Raisins, pages, .23
Seeded Calif. Raisins, pages, .23
Currants, Cleaned, cartons, .16
Choicest Cranberries, quart, .12
Candied Citron Peel, lb., .22
Candied Lemon Peel, lb., .22
Candied Orange Peel, lb., .22
(Our candied Fruits are the highest grade imported.)
Nuts, Grenoble Walnuts, lb., .20
Mixed Nuts, lb., .22
Calif. Paper Shell Almonds, lb., .22
Italian Chestnuts, large, lb., .10
Imp'd Paper Shell Almonds, lb., .38
Brazil Nuts lb., 15 Filberts lb., .21
Pecans, lb., .35
Lychee Nuts, 1/2 lb. boxes, .50
Salted Almonds, jars, .55
(We sell no Nuts of inferior size or poor grade.)
Full Cream round boxes, .22
Rofort Cheese, lb., .39
Stilton, Cheddar and other Cheese in large variety.)
Richardson & Robbins—
Plum Pudding: 1 lb. cans, .23 2 lb. cans, .43
3 lb. cans, .60 4 lb. cans, .75
Crosse & Blackwell's English: 1 lb. cans, .38 2 lb. cans, .70
3 lb. cans, 1.00 4 lb. cans, 1.35
Anne Hathaway's, in bowls Small, 1.25 Medium, 2.00 Large sizes, 3.00 & 5.00
Mince Meats, of the best ingredients and flavored with pure Brandy: Miss North's, jars 1.00
Miss Martin's, jars 1.10
Gordon & Dilworth's jars .80
Crystallized Fruits, the finest: Assorted, 1 lb. cartons .70
2 lb. cartons 1.35
Cherries, 1 lb. cartons .65
Apricots, 1 lb. cartons .90
2 lb. cartons 1.65
Bar-le-duc Jellies, Jars, Currants or Strawberries, .25
Jams, Southwell's, purely made and put up in England: Assorted Fruits, glass jars, .22
Flickinger's Apricots, Peaches and Sliced Peaches All in No. 3 large cans, .24
Guava Jelly, small jars, .20
large jars, .35
Lady Betty's delicious Orange Marmalade, jars .30
Brandy Peaches: Miss North's, quart jars 1.70
Miss Martin's, quart jars 1.75
Gordon & Dilworth, qt. jars, 1.50
Melba Peaches, Miss North's, Large Jars, .80
Peeled Spanish Grapes, tins, .25
Pate de Foie Gras No. 10 Terrines, 1.25
Larger Terrines, 2.35
Lemarchand Sardines, Largest boneless fish packed, Half tins, .38
Anchovies in Oil, .70
Tunny Fish, Ipa, Small tins, .15
Large tins, .28
Caviare for Toast, 1.4 cans, .35
D. & H. Brand, 1.4 cans, .65
Olives Farces in Oil, .32
Green Olives, P. & T.: 16 oz. bot., 25 26 oz. bot., .38
The dainty Nabisco, Tins, .20
Hydrox Crackers, a chocolate delicacy, Tins, .24
Sunshine Fruit Cake, Box, 1.00
Nut Buns, a confection. Small box, .25 Large box, .50
Japanese Rice Wafers, Box, .25
Lebkuchen, Haberlein's, imported from Germany, a large variety on display.
Many Fancy Christmas Biscuits from Huntley & Palmer's, in decorated tins.
Holiday Candies, Holiday Wines & Liqueurs, Cigars in Holiday Packings.

PARK & TILFORD STORES 26th St. and 5th Ave. 41st St. and B'way. 59th St. and 5th Ave. 72nd St. and Col. Ave. 87th St. and B'way. 101st St. and B'way. 112th St. and B'way. 126th St. and Lenox Ave. 9th St., near 6th Ave.

This Comb FREE Till Christmas. This handsome black comb of imported rubber, guaranteed absolutely unbreakable, sells regularly at 50 cents. We will give one FREE—until Christmas only—to every purchaser of one of Dr. Scott's Electric Hair Brushes. The power in this brush stimulates the scalp and brings a larger supply of blood to nourish the hair. It prevents dandruff and falling hair—removes the cause of baldness, itching, itching, nervous headaches and neuritis. There are no wires to break the hair or injure the scalp—only carefully selected bristles. Call at our office or send \$1.00 and receive postpaid comb, brush and comb to test it power on your 30-day trial. If the brush doesn't make long, rich, glossy hair, you return the brush and get your money back. Write for booklet on Brushes, Combs, Bites and other Specialties, FREE. Park & Tilford Electric Co., 125 W. 44th St., New York, N.Y. over 30 years.

DIAMONDS ON CREDIT Xmas Presents LARGEST ASSORTMENTS Diamonds, Watches GOLD JEWELRY Open charge account and pay in weekly or monthly payments. No employer's reference necessary. ALL GOODS GUARANTEED. Pay at our convenience. Call, write, phone 8807 Corlies St., 125 W. 44th St. if you are in doubt. Open House.

AMERICAN WATCH & DIAMOND CO. 6 MAIDEN LANE TAKE ELEVATOR WORLD WANTS WORK WONDERS.