

MULES CAN'T BE STOPPED

Court Dismisses Suit to Prevent Shipment to South Africa.

JUDGE PARLANGE CITES HIS AUTHORITIES

Holds that Belligerent May Buy Munitions of War Here - He May Also Export Them as Freight.

NEW ORLEANS, April 12.—Judge Parlange, in the United States superior court, today handed down a decision dismissing the suit brought by the Boer representatives here to prevent the shipment of mules and horses out of New Orleans to the British army in South Africa. The decision is a lengthy one.

Consents Without Jurisdiction.

Judge Parlange holds that the transactions between citizens of the United States and the British government are conducted under the order of private citizenship and that the courts had absolutely no jurisdiction to interfere. The horses and mules, the court said, were bought in a neutral territory.

Judge Parlange continues: "If the complainants could be heard to assert here rights personal to themselves in the treaty divided, and if the mules and horses involved in this case are munitions of war, all of which is disputed by the defendants, it would become necessary to determine whether the United States intended by the declaration of the treaty of Washington, May 8, 1871, to subvert the well-established principle of international law that private citizens of neutral countries can sell supplies to belligerents."

"It is almost impossible to suppose a priori that the United States would have done so, and would have thus provided for the most serious and extensive derangement of and injury to the commerce of our nation, whenever two or more foreign nations should go to war; and it would seem that there is nothing in the treaty especially, when its history and purposes are considered, which would warrant the belief that the United States insisted upon inserting therein a new principle of international law from the great damage that might result to the commerce of this country and which was absolutely different from and antagonistic to the rule and policy which the government of this country has heretofore strenuously and invariably followed."

"The principle that neutral citizens may lawfully sell to belligerents has long since been settled in this country by the highest judicial authority."

Judge Parlange cites numerous authorities in support of action and continues: "The principle has been adhered to by the executive department of the government from the time when Mr. Jefferson was secretary of state to the present day."

"Mr. Jefferson said in 1793: 'Our citizens have always been free to make, vend and export arms. It is the constant occupation and livelihood of some of them. To suppress their callings, by any means, perhaps, of their subsistence, because a war exists in foreign and distant countries in which we have no concern would scarcely be expected. It would be hard in principle and impossible in practice.'

Not Required by Law of Nations.

"The law of nations, therefore, respecting the rights at present does not require from them such an internal derangement in their occupation."

"To the same effect are numerous expressions and declarations of the executive department of the government from the earliest period of the country to the present time."

"Affidavits in the cause purpose to show that the vessels which make the exportation of mules and horses, of which the bills complain, are private merchant vessels, that they are commanded by their usual officers, appointed and paid by the owners; that they are manned by their usual private crews, which are also paid by the owners; that they are not in the military service of Great Britain nor controlled by the naval authorities of that nation; that they carry the mules and horses as they would carry any other cargo, and that the mules and horses are to be landed, not on the territory of the South African Republic or the Orange Free State, but in Cape Colony, which is territory belonging to Great Britain."

"If these affidavits set out the facts truly, it is difficult to see how a cause of complaint can arise. If a belligerent may come to this country and buy munitions

OMAHA MAKES GOOD START

Rourke's Disciples Win from Des Moines in Initial Game.

OUTCOME OF MATCH HOTLY CONTESTED

Nine Players Who Will Wear the Word Omaha on Their Banners Show Their Worthiness to Defend the Honor.

Your Uncle William Rourke's galaxy of base ballists gave a splendid exhibition of all-round ball playing down at the Vinton street reservation Saturday afternoon, defeating the Des Moines team by scores of 4 to 2. It was the first exhibition game with an aggregation which will contend with the Omahas for pennant honors during the progress of the season, and the locals did themselves proud.

The day was not calculated to arouse the enthusiasm of player or spectator to a very high pitch and yet the Rourke family played a snappy game. Each man was up and a-coming at every stage and when Captain Stewart sauntered down the coach line and called out, "Heads up, boys," they fell glancing up and played such ball as to make the case-hardened fan on the bleachers rub his hands gleefully and admit that President Rourke's team would certainly make good.

Herman and Coons occupied the slab for the Omahas. They pitched bang-up ball, during the first inning that Herman was in the box not the semblance of a hit was made of his delivery. "Dusty" Coons went in in the sixth. It was his first experience since the close of last season and he gave a first-rate account of himself.

Des Moines Try Three Times.

Des Moines tried out three pitchers Freddie Glade, the favorite of last year's team, pitched the first three innings. He was in his old-time form, but he discovered that every man who faced him with the word "Omaha" emblazoned on his uniform was a good stickler. Freddie was taken by surprise. He didn't expect that his pet curves would be pounced upon and lambasted all over the lot. At the end of the third inning Glade held a short conference with President Chase.

The star pitcher for the Prohibitionists advised the president to give every pitcher that accompanied the team a crack at the Omahas. "If you will 'em good,'" said "These fellows are cat-birds with the rollingspins and it's a good chance for our twirlers to introduce themselves to the article of ball they can expect whenever Omaha is the opposing team."

President Chase agreed that it was a brilliant opportunity to show his pitching staff a thing or two, so Morrison and Polchow were tried out in the box. Morrison freed his debut by giving the first two men up free transportation to first. Then he settled down and pitched steadily until the sixth, when Dave Calhoun rapped out a two-bagger and Morrison had a fit of nervous prostration. Polchow was touched up for two hits in the two innings that he held down the slab.

Omaha Starts Out Well.

The Omahas started the ball rolling in the very first inning. Toman was panned to first and was retired at second on Carter's infield hit to the pitcher. Carter in turn died at second on Tommy Letcher's infield hit. Bill Reid passed out a beauty that gave him second base and Dave Calhoun rapped out a single, scoring Letcher and Reid.

In the second Lannon gained first through a bungle on the part of Penn, advanced to second on Captain Stewart's infield hit and scurried down to third when the Prohibitionists were busy putting the captain out on Herman's pop-up to the pitcher. Lannon scored on Toman's out from Gleason to Rebsamen.

The aqua pura advocates corralled a brace of runs in the sixth. Up to that time their side of the score sheet was a blank. Leppert got to first on an error of Calhoun and stole second and third, while McVicker was busying himself striking out.

McVicker then sauntered up to the plate for the third time. His first two efforts reminded the fans of old times, for he struck out twice. Determined to show the assembled multitude that he really was the star hitter in the league last year he lined out a single, scoring Leppert. Mattie rated clear to third on a wild pitch and scored on Rebsamen's subsequent hit.

In the eighth the locals appropriated another score on a couple of singles by Letcher and McAndrews and the visitors added one to their total to 4. Rebsamen poked his bat into the leather and

GIRL SEEKS BOY'S WORK

Leaves Home, Dresses in Male Attire and Hires Out to Herd Sheep.

YANKTON, S. D., April 13.—(Special.)—Edith Kellome, 15-year-old daughter of Charles Kellome, who lives south of Yankton, left her home a week ago Friday and made her way to Pukwana. She wore a boy's coat and cap, and carried a bundle containing a shirt and pair of trousers. Arriving there, she went to a barber shop and had her hair cut short. From there she went out south of town and changed her clothes, putting on boy's apparel. She arrived at Fred Kenna's house and hired out as a boy to herd sheep this summer. Mr. Kellome came into town Monday afternoon, but could find no trace of her. On his way home he stopped at Mr. Kenna's place and there found his daughter. Mr. Kellome says the girl's mind must be affected, as she had never attempted to leave home before. The Kellome family has sold the farm and is ready to leave for Canada.

EXAMINE MINING PROPERTY

Denver and New York Capitalists Preparing to Make Big Deal.

HEADWOOD, S. D., April 13.—(Special Telegram.)—W. L. Reed of Colorado Springs, together with John C. Montgomery and George Charter of Denver, arrived today to examine a big mining property in the Flagged Top district, which joins the ground of the Spearhead Mining company of Colorado Springs, now one of the largest dividend payers in the Black Hills.

The group to be examined by Reed and the party comprises 400 acres in the heart of the cyaniding district. H. J. Mayhew of Denver also arrived today. H. S. Shaw, A. M. Stevenson and New York parties will arrive tomorrow and with Mayhew will complete the big mining deal north of Lead. Richard Lloyd of Colorado Springs is also here looking over several properties.

TU WED SENATOR CLARK

Engagement of Miss Hattie Rose Laube of Huron is Reported.

HURON, S. D., April 13.—(Special Telegram.)—News from Los Angeles, Cal., that Miss Hattie Rose Laube, oldest daughter of Gottlieb Laube, the inventor of this city, will wed Senator W. A. Clark of Montana on his return from Europe. Soon after Miss Laube's departure from here with her father a few months ago for California, it was reported that her engagement to Senator Clark would soon be announced. Miss Laube's mother is here, but declines to discuss the matter other than to say that her daughter and Senator Clark are very good friends.

Varsity Defeats Old Grads

Cretighton University Students Give Modern Exhibition of Base Ball to the Old Timers.

The Cretighton university team opened up its base ball season yesterday by defeating the alumni by a score of 10 to 2. The game took place on the university campus and a large crowd of students and patrons lined the side lines. In the first three innings the varsity team played exceptionally fast ball and gathered in seven rallies from their opponents. During the last four innings, however, they eased up and allowed the visitors a chance to show their prowess.

This they did by making seven runs in remarkably short order. Welch and O'Keefe of the varsity's battery, Murphy and Keogh did some excellent fielding, for the varsity and Calhoun and Murphy shared the honors at the bat. The alumni put three pitchers to work, Edward Welsh, Calhoun and O'Connor. Welch and Reed did the batting honors for the visitors.

Yale vs. Wesleyan

NEW HAVEN, Conn., April 13.—The Yale nine defeated the Wesleyan university nine this afternoon by the score of 5 to 0 in a slow game. The score:

Table with columns: Name, R, H, E. Yale: 2 0 0 0 1 1 1 1 1 1 1 1. Wesleyan: 0 0 0 0 0 0 0 0 0 0 0 0.

States in Plunder Team.

PHILADELPHIA, April 13.—(Special.)—For some time lovers of base ball in this part of the country have feared that Philadelphia would have a team in the field this season. Last year it had one of the best in the state. Word has been received here that Philadelphia will have a team in the field, first-class in every respect. Doc Hilliard will be at the helm. It is understood that besides Doc Hilliard, the Philadelphia managers have secured Homer Hilliard, one of the best pitchers in the world, Moran and Steinwender, who is playing second base for Princeton. This gives Philadelphia six star players and the team, when completed, is expected to hold its own with any in South Dakota, northwestern Iowa or southern Minnesota.

Will Manage Columbus Club.

COLUMBUS, O., April 13.—James A. Gardner, the old Pittsburgh National league pitcher, has signed to manage the Columbus Western Association club. Gardner pitched for Indianapolis in the American league last season.

Base Ball Saturday.

At New York—New York, 6; Rochester Eastern league, 1. Philadelphia—Philadelphia National league, 7; Toronto Eastern league, 4; Illinois—Chicago, 11—Michigan, 9. Cincinnati—Cincinnati National league, 4; Cincinnati—Cincinnati National league, 4; Cincinnati—Cincinnati National league, 4.

White Stockings Return.

CHICAGO, April 13.—The White Stockings of the American league reached home today from Excelsior Springs, Mo., where they have been in training for the season's work. They are in excellent health and weather permitting will be in practice on the home ground tomorrow.

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Special Sale in China Mattings—prices cut for one day only. Spinning Fork as good as any made, fully warranted 72c. 12 Tooth Garden Rake—18c. Child's Garden Set, rake, hoe and spade 9c. Grand Rapids Ideal Carpet Sweeper 1.98. Rubber Hose, 1 1/2 foot, only 7c. Drain kettle, on sale Monday, 10c. Dupress Tea or Coffee Strainer 10c. Lava Enameled Kettles, best and heaviest made 48c.

Jewelry Sale Look at these prices for Monday. You will need them some time—better get them now. Hair Barrettes, regular price 25c and 25c—sale price 5c. Hat Pins, regular 10c and 15c pins—sale price 5c. Dumb Bell Cuff Links, regular price 20c—sale price 5c. Gent's Shirt Studs, plain polished, separable back, regular price 25c—sale price 5c. Rolled Plate Twist Wire Waist Pins, per dozen only 5c. Silver Plated Salt and Pepper Shakers, regular 25c per pair, sale price, each 5c. Horseshoe Lace Pins, regular 20c—sale price, only 5c. Solid Silver Finger Rings, regular 25c—sale price, only 5c. 17 Jewel Elgin Adjusted movement, patent regulator, Burguet hair spring, in 3 ounce silver, open face case, 10.25. Our watches range in price from 5c to \$150.00. Nice clean up-to-date stock to select from. Alarm Clocks—Seth Thomas clocks, only 98c.

Trunk Dept. We also carry the largest and best line of washing machines in the city. In this department you will find a complete line of trunk suit cases, telescopes and leather bags, before buying elsewhere, it will pay you to look ours over. Our prices are the lowest. We have a fancy modern covered trunk, iron bound, and iron bottom, with leather handles and brass tray, and hat box, only 1.98. For \$2.50 you can get a good sized top canvas covered trunk, from bottom, heavy hinges, and deep tray, with leather handles and brass tray, the best in market for price, 2.68.

W. R. Bennett Co. Furniture 3d Floor. Another of our phenomenal furniture sales will take place Monday—don't fail to be present, if you need furniture. Solid oak bed room suit, 15.98. Golden shell 6.50. Velour Couch, 6.50. 6-foot Extension Table, hardwood, 2.98. Solid oak, natural finish, Sideboard, 8.50. Antique Hall Tree, 6.50. Everything in being sold at very low prices.

Great Moving Sale. New store will contain only new goods—Everything in the present quarters must be sold regardless of present values—Sale will continue till new store is complete. An opportunity of a lifetime for our friends and customers—watch the daily papers.

Stationery Dept. Fine stationery at the low prices. We carry a complete line of the finest grades of stationery, books, etc., and can save you money on every item. Teachers Bible with combined concordance, maps and numerous illustrations and additional features—leather bound 98c. New Testaments, durably bound, at 10c. Paper Napkins, assorted designs, regular 30c per 100 quality Monday, per 100, only 10c. Fine split bamboo rugs—1.24. Willow Leaf Bait, 10c. Treble hook, feathered, at 9c. Spinner, for rod or trolling line, at 9c. Grubs, Frogs, Flies, Shell hooks, double or single Gut, Ringed hooks, Kirby or Carlisle, Leaders, double or single, Reels, 19c. A good plain reel—14c. at 14c to 20c. 40 yards, Nickel—30c. at. Multiplier Click and Drag—Baltimore handles—55c. at.

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W. R. Bennett Co. CHAMPION VARSITY GIRLS. Nebraska First Team Takes State Basket Ball Leadership. DEFEAT OF LINCOLN HIGH SURPRISES. University Second Team Takes Consolation Prize from Omaha Young Woman's Christian Association. LINCOLN, April 13.—(Special Telegram.)—By defeating the plucky players from the Lincoln High school, the University of Nebraska's first team today won the championship in the girls' state basketball tournament. The university second team defeated the Omaha Young Woman's Christian Association and captured the consolation prize. The result of the final match for the championship was a surprise to the local enthusiasts. The Lincoln High school girls played a terrific game in the opening of the tournament and some of the experts predicted they would defeat the older and more experienced players from the university. But in the final game tonight the university was victorious, 24 to 1. Miss Archibald made the only point for the High school by skillfully placing a goal from the foul line. The first match today was between Wahoo and Lincoln, resulting in favor of Lincoln, 9 to 2. The university second team defeated the Omaha Young Woman's Christian Association, 12 to 2. BANKERS LOSE THREE GAMES. Nebraska Shirts Put It Over Bankers—Plumbers Lose to the Jobbers. Two match games of tennis were played at Clark's always Saturday night. The contest was the Nebraska Shirts against the Merchants' National bank and the jobbing plumbers against the plumbers. The Nebraska Shirts defeated the bankers three straight games and the jobbing plumbers look two of the three games in their race with the plumbers. In a prize match which was also bowled at Clark's last night, the winners were E. S. Hunter, C. A. Goss and W. J. Little. Scores: SHIRTS. Davison, 1st, 24, 24, Total, 48. Yost, 1st, 15, 15, Total, 30. Inches, 1st, 26, 26, Total, 52. Bungee, 1st, 15, 15, Total, 30. Fengele, 1st, 16, 16, Total, 32. Total, 78, 87, 165, 234. BANKERS. Wood, 1st, 24, 24, Total, 48. Neale, 1st, 14, 14, Total, 28. Weyguller, 1st, 15, 15, Total, 30. Headinger, 1st, 14, 14, Total, 28. Yoder, 1st, 19, 19, Total, 38. Total, 56, 70, 126, 216. JOBBERS. Purcell, 1st, 24, 24, Total, 48. Griffith, 1st, 15, 15, Total, 30. Swartz, 1st, 13, 13, Total, 26. Wray, 1st, 16, 16, Total, 32. Conrad, 1st, 19, 19, Total, 38. Total, 55, 70, 125, 225. PLUMBERS. Lynch, 1st, 24, 24, Total, 48. Read, 1st, 14, 14, Total, 28. Norton, 1st, 15, 15, Total, 30. Casper, 1st, 14, 14, Total, 28. Total, 51, 70, 121, 225. PRIZE MATCH. Little, 1st, 24, 24, Total, 48. Hunter, 1st, 15, 15, Total, 30. Total, 39, 39, 78, 156. Harvard, S. Virginia, 5. RICHMOND, Va., April 13.—Harvard defeated the University of Virginia at Charlottesville this afternoon in a very pretty game. It was a pitcher's battle, Harvard getting decidedly the best of it. Score: Harvard, 6 0 0 0 2 2 3 0 0 8 3. Virginia, 1 0 1 0 0 0 2 1 0 4 5. Batteries: Harvard, Reid and Steelman; University of Virginia, Neill and Carter.

ICE ICE David Talbot, RESERVOR ICE OFFICE: 324 South Sixteenth Street. Tel. 455 Tel. 455. FASTEST TRAINS SHORTEST LINE THE UNION PACIFIC FOR WESTERN POINTS. THE FOLLOWING NEEDS NO COMMENT: MISSOURI RIVER TO SALT LAKE CITY . . . 10 HOURS QUICKER THAN ANY OTHER LINE. SAN FRANCISCO . . . 13 PORTLAND . . . 14 MISSOURI RIVER TO SALT LAKE CITY . . . 238 MILES SHORTER THAN ANY OTHER LINE. SAN FRANCISCO . . . 310 PORTLAND . . . 258 DETAILED INFORMATION FURNISHED UPON APPLICATION TO New City Ticket Office—1324 Farnam, Telephone 316. ARE YOU FEELING BADLY? PRICKLY ASH BITTERS WILL CURE YOU.

All Talk. That's about all there is to the scores of cough medicines you see advertised. They talk and talk and keep on talking. They haven't any record back of them, no cures to report, nothing to rely upon. When you see the words, "Ayer's Cherry Pectoral," you see the medicine you took when a child, something your parents and grandparents used. There's a record of sixty years of cures back of it. For asthma, croup, whooping-cough, huskiness, hard colds, and coughs of every kind it is the standard remedy the world over. "All one winter I could not speak above a whisper because of a severe throat and lung trouble. Everything was done for me that could be done, but without result. I then began to use Ayer's Cherry Pectoral. It relieved me at once and soon I was completely cured."—Mrs. W. J. BELL, Festus, Mo. Three sizes 25c, 50c, \$1.00. All druggists. To keep on hand you will like the \$1.00 size best, and you will need this amount to cure a chronic or very severe case. The 50c. size is just about right for bronchitis, hoarseness, la grippe, croup, etc. The 25c. size is convenient when traveling, and is enough to break up a fresh cold. J. C. AYER CO., Lowell, Mass.