

NEWS OF INTEREST FROM IOWA.

COUNCIL BLUFFS.

MINOR MENTION.

Devis sells drugs.
Lester's glasses fit.
Sackett sells carpets.
The Faust cigar, 5 cents.
A store for men—'Beno's'.

CHANEY TELLS OF MURDER

Expresses Opinion Rogers is One of Two Men Who Did the Shooting.

STORY SAME AS TOLD TO THE CORONER

Ex-Sheriff Cousins and Physicians Who Made the Postmortem Examination Also Pinned on the Stand.

James Chaney, a former Omaha hack driver, was the principal witness yesterday in the trial of W. C. Rogers, charged with the murder of Bert Forney, the Broadway saloon keeper. Chaney was, according to his story, playing cards with Forney at the time he was shot and as far as he knows was the only eye witness of the crime. His testimony was substantially the story he told to the coroner before the coroner's inquest. Chaney did not deny that he had his story of the crime attracted a large crowd, especially during the afternoon, and every available inch of standing room in the court was occupied, a number of women being accommodated with seats inside the railing.

Chaney asked if he could identify the prisoner as one of the two bandits who entered Forney's saloon on the night of April 3 and shot Forney to death. Chaney answered that Rogers was in his best judgment one of the two bandits and the man who fired the first shot. He said that while he was not personally acquainted with Rogers he had seen him at the saloon frequently seen him in Omaha during the fall of 1902. He described the position of the two bandits, the lower part of whose faces were covered with handkerchiefs, when the first shot was fired and Forney jumped from his seat and started to run toward the door. Chaney said he did not think the first shot was directed at him or Forney, but merely to emphasize the demand for them to hold up their hands. The second and third shots, both of which struck Forney, he said, were fired in rapid succession, and on the third shot Forney fell to the floor inside the doorway leading into the side hall. Not over five or six seconds elapsed, he said, between the firing of the first and third shots.

Chaney said that apparently somewhat nervous Chaney proved a good witness and gave his testimony clearly and without hesitation. He was subjected to a lengthy and direct cross-examination by counsel for the defense failed to make him change his testimony in the slightest particular.

Ex-Sheriff Cousins' Story. The first witness placed on the stand by the state when court convened yesterday morning was ex-Sheriff Cousins. He said he was standing at the corner of Tenth street and Broadway in company with his visiting friends and some friends who had been visiting them, when he heard a shot. After seeing his daughter on a car which was approaching he hastened in the direction of the shooting and noticed three men running across Broadway at Eleventh street past the Forney saloon. At the time he supposed they were running toward the place where the shot had been fired and inferred that the shooting had taken place on the south side instead of on the north side of the street. As he was approaching Eleventh street he met Chaney, who had run across to the resort conducted by his wife on the north side of the street and who informed the sheriff where the shooting was and said, "They've killed Bert." Cousins then told of entering the saloon, which he found deserted, and the discovery of Forney's dead body in the doorway of the side hall with a revolver between his feet. This, however, he said, had not been discharged, and he subsequently identified as having belonged to the murdered man. The cash register was undisturbed and there had evidently been no attempt to rob the place after Forney had been shot.

Following Mr. Cousins, City Engineer Ely was placed on the stand. He testified to the measurements of the day following the shooting of the interior of the saloon showing the direction, height of the bullet hole through the stove and into the wall and other such data.

Dan O'Leary, employed as porter in the saloon, testified as to the location of the tables, chairs, stove and other furniture in the place.

Coroner Trevnor and Dr. M. A. Tinley, who made a post mortem examination of Forney's body, testified as to the location of the wounds and the finding of the two bullets. The bullet which caused the fatal wound in the chest was weighed by them and was found to weigh 128 grains. One of the bullets taken from Rogers' revolver and weighed by them weighed 200 grains with the grease on it.

Rogers' Revolver in Court. Chief of Police Tibbitts was the last witness for the day. He testified to searching Rogers when the latter was arrested by Detective Callaghan and to the finding of the revolver tucked under his waistband in front of him in his pocket. He said he examined the gun and found that three of the chambers bore evidence of having been recently discharged. Counsel for the defense tried to show that when Rogers was searched there was a receipt for railroad fare among his papers but that same had been since destroyed or hidden. Chief Tibbitts testified that he did not remember seeing any such paper among Rogers' effects.

After Chief Tibbitts had identified the revolver taken from Rogers, the weapon was handed Rogers' attorney to inspect. Rogers began to handle the weapon but he had no sooner got hold of it than Deputy Sheriff McCaffrey was at his back watching his every move until he laid down the gun. While it was in his possession Rogers took the gun apart and closely examined it with the aid of a lighted match. This incident excited quite a little ripple of excitement in the crowded court room.

J. Boenert, clerk at the Hotel LeGrand, Wells and Kinzie streets, Chicago, is here to testify for the defense. He will testify that Rogers was a guest at the hotel April 2 and 3 and did not check out from the hotel until 5:45 of the evening of April 3. He has the hotel register of that date with him.

Plumbing and Heating. Bixby & Son. Favor Changes in Game Law. The Council Bluffs Fish and Game Protective association at its meeting last night voted in favor of recommending numerous changes in the present game laws of this state and will endeavor to have the desired changes brought before the legislature at this session if possible. The club favored the imposition of a \$1 license or tax on all guns used for hunting purposes and that this tax, together with the present tax or license of \$20 paid by nonresident hunters, instead of being paid to the county auditor be paid to the state treasurer and used in enforcing the state game laws. It also favored the changing of the law so that the \$10 license for nonresident hunters

should be good for the entire state instead of in a single county issuing such license. The club also will recommend that deputy fish and game wardens be paid a salary of not to exceed \$1 a month. Another recommendation decided on is that the closed season of game birds be extended from November 1 to December 30 and that duck, jack snipe and coots be included in the list of protected birds. Some changes in the law governing sealing in private lakes will also be made.

TWO SCHOOL BUILDINGS WANTED.

Board of Education Defers Action Until Tuesday Evening. Shall there be levied upon the taxable property of the district \$2000 for the school house fund or so much thereof as may be necessary to be used in erecting a suitable site and the erection of a two-story four roomed (or more) school building in the territory bounded on the east by Eleventh street, on the south by First avenue and on the west by Twentieth street.

Petitions that the above propositions be submitted to the voters at the school election next month were presented at the meeting of the Board of Education last night. The board is in favor of submitting the first proposition but is opposed to the second. After several hours of discussion in which residents from the two districts desiring additional school facilities participated the board deferred action until Tuesday evening, recommending that in the meantime the two factions get together and effect a compromise.

In response to the demand for the establishment of the seventh and eighth grades in the western part of the city the board has practically decided upon building an addition to the Avenue B school at an estimated cost of \$25,000. Now come residents in the vicinity of the Illinois Central railroad north of Broadway and demand that a school be built in that neighborhood. This board is at present opposed to such a plan, but last night's meeting which combined meant the levying of a tax of \$40,000, are submitted at the coming election the voters will turn both down while if only the proposition for the addition to the Avenue B school is adopted it will result in favor of the hands of the voters and the additional grades needed in the western part of the city can be established.

The West End Improvement club, in addition to presenting the petition for the submission of the proposition for the addition to the Avenue B school presented a petition calling the attention of the board to the need of better school facilities in the western part of the city and asking that the board take the necessary steps looking to the establishment of the seventh and eighth grades either the Seventh avenue or the Avenue B schools at the earliest possible date.

The committee on buildings and grounds through its chairman, Member Keller, reported in favor of erecting an addition to the Avenue B school as an additional twelve room building at a cost of \$25,000. Former Mayor Rohrer and Attorney Galvin, who spoke on behalf of the petition for the new school building asked for by residents in the vicinity of the Illinois Central railroad tracks, would insist that the proposition be submitted to the voters and referred to the board to the law on the subject, which provides that such propositions must be submitted if the petition has the signature of fifty bona fide taxpayers of the city. Both parties have the requisite number of signatures and if the two factions fail to reach an agreement the board will be forced to submit both propositions at the election.

Petitioners for the new school stated that at present they were obliged to send their children to either the second or the twenty-third street school, the Avenue B and Twenty-fifth street school or the North Eighth street and Avenue G school. Miss May Sedgewick was appointed a substitute teacher at a salary of \$65 a month. Miss Sedgewick is competent to teach in the high school and next Tuesday the statistics report of Superintendent Clifford for the six weeks of school ending January 22 gave the following figures on enrollment: Entire enrollment, boys, 2,225; girls, 2,671; total, 4,896. Monthly enrollment, boys, 2,363; girls, 2,551; total, 4,914; average daily attendance, 4,256.67.

Supreme Court Divided. The Iowa supreme court found itself divided again on one of those nice distinctions of law relating to what constitutes evidence of guilt. In the case of Peter Decker and Miller, three roving characters, convicted of robbery in Union county, the court had instructed the jury that if it found that "the defendants at once after the alleged offense fled to Missouri and endeavored to avoid arrest and prosecution by flight, such fact would be presumptive evidence of guilt." The court, in an exhaustive opinion by Justice McClain, holds that this was erroneous instruction, as fully authorizing a finding of guilty on evidence of such flight practically alone. The court holds that flight after a crime has been committed may be considered as evidence tending to show guilt. But Chief Justice Deemer, with Justice Ladd agreeing, filed a sly dissenting opinion, holding just to the contrary. "After all," says the dissenting opinion, "the whole matter is left to the jury. If a jury is not justified in considering unexplainable flight under the circumstances pointed out in the instruction as evidence of guilt, then such evidence is inadmissible for any purpose. This is all the instruction warrants it in doing; and if it does not announce the law, then I have read the books to no purpose." The case is reversed by the decision of the majority, but all agree that there is no doubt of the guilt of the defendants, there being abundant other evidence.

Court Decisions. The following are the decisions of the court announced today: A. R. Schrimplin against Farmers Life Association, appellant; Polk county, Judge Bishop; modified and affirmed, by Justice Deemer. H. E. Kuehny, appellant, against John H. Woodbury county, Judge Oliver; affirmed, by Deemer. Isabella Fraxie, appellant, against John M. Hill, Cherokee county, Judge Hutchinson; affirmed, by Deemer. W. J. Kirkhart, appellant, against J. E. Roberts, Van Buren county, Judge Roberts; affirmed, by Deemer. D. M. Smith, appellant, against W. T. Brown, Louisa county, Judge Smythe; affirmed, by Deemer. State against Claude J. Poe, Harry Miller and Robert Decker, appellant, against McClain, dissent by Deemer and Ladd.

Political Affairs Stalling. The republican state committee meets here tomorrow to fix the time and place for the republican state convention. It will be held in Des Moines, but there is much difference of opinion as to the date, the stand-patters desiring a late date, while the Cummins people are for an early one. Only one name has been mentioned for temporary chairman, that of John S. Irwin, a merchant of Keokuk; but a number of conventions have already been called in counties and there is some political activity. In Winnebago county the convention is to be held next Saturday and the caucus in the county seat are Thursday evening. The line is already sharply drawn there as between State Treasurer Gilbertson on the one side, with Albert O. Olson as a candidate for delegate to the national convention, and on the other side S. A. Plummer, a wealthy banker, seeking the delegation to the congressional convention as a candidate for congress. The fight has become intensely interesting already. A number of other conventions and primaries have already been called.

LEGISLATORS BACK AT WORK

Proposal to Try the Gothenberg System of Regulating Liquor Sales.

PARDONS COMMITTEE HEARS KUHN CASE

Republican State Committee Meets to Fix Time and Place for Holding the Next State Convention.

(From a Staff Correspondent.)

DES MOINES, Feb. 16.—(Special.)—The legislature commenced work again this afternoon with nearly all members present, the visiting committee of the appropriations committee having returned from the various state institutions and members generally expressing themselves as well pleased with the investigations made as to the necessity for additional appropriations. On convening of the legislature the governor sent to the houses the following message: It is with great sorrow that I officially announce to you the death of Senator Marcus A. Hanna of Ohio, which occurred at Washington yesterday afternoon. Senator Hanna was one of America's most distinguished statesmen, a statesman of high order and a citizen of rare worth. His death brings universal mourning and grief to the people of his state. The house spent much of its time debating a concurrent resolution to provide the speaker of the house and the president of the senate with a chair each. The discussion arose over an amendment to strike out the preceding officer of the senate, the ground that he was given a chair two years ago. The resolution was passed. The resolution laid over previously to out of consideration of the appropriations bills save those relating to educational institutions, the capitol repairs and a few other subjects, was called up by Mr. Geneva and lost.

The senate passed the Lewis bill to provide that the bridge fund tax levy may be increased from 3 to 4 mills in counties where there is a certain debt on the bridge fund. The child labor bill was taken up and discussed in the senate and amendments were not finally passed. An important bill was introduced in the senate by Mr. Courtwright providing for adoption of the Gothenberg system of liquor sales in large cities of Iowa, under which system a corporation might be formed to have the exclusive right to the sale of liquors and to establish a limited number of drinking places. The bill provides complete regulations of these places, including prices and quantity of the drinks and disposition of profits, etc. It does not change the present law, but adds to it and provides that this system may be used where the license to sell has already been voted.

Senator Hughes introduced a resolution to call a constitutional convention for Iowa for revision of the state constitution. Among bills introduced in the house was one by McNeie providing for seizure of gambling devices under certain circumstances. Both houses adjourned to 10 a. m. Wednesday.

Pardon Hearings Continued. The pardons committees of the legislature met this afternoon and took up the case of Sarah Kuhn of Keokuk county, serving time for the murder of her husband, a crippled shoemaker of Delta. The application for pardon was found to be very strongly backed by leading citizens of the community in which the trial was had. It was also fortified by a dissenting opinion of one of the judges of the supreme court in which he declared the evidence insufficient to convict the defendant of the crime and severely scored the majority of the court for having permitted the judgment of a life sentence to stand.

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Marble Men Meet. For the purpose of discussing a schedule of prices and the possibility of getting a reduction of freight rates the Iowa Granite and Marble Workers' association will hold a convention at the Kirkwood hotel tomorrow. Invitations to meet here have been sent to all the principal marble workers in the state by Mr. Fields of Craton, and it is expected that fully fifty will be here for the gathering. This morning when seen the leading merchants in tombstones in Des Moines dealt any solicitation with the association. They said it was a movement to fix prices and fight the railroads on freight rates. The object is said to be to cut down the keen competition which exists in the granite works.

Cummins Deplores Death. DES MOINES, Ia., Feb. 16.—Governor Cummins today read a message to both branches of the legislature, deploring the death of Senator Marcus A. Hanna. The message was ordered spread upon the records of both houses.

Clinton Firm Assigns. CLINTON, Ia., Feb. 16.—(Special Telegram.)—The firm of Nelson & Jacobson has made an assignment for the benefit of their creditors. Liabilities, \$40,000; assets, \$2,000. The firm produced a large store.

DEATH RECORD.

E. L. Eno. FREMONT, Neb., Feb. 16.—(Special.)—E. L. Eno, a well known hotel man and formerly proprietor of the Eno hotel in this city, died last night of paralysis, in his 75th year. The most of his life had been spent in the hotel business at various points in Nebraska and Iowa. In 1879 he built the Eno hotel in this city and ran it for several years. He was at one time proprietor of the Palmer house at Grand Island. For the past few years he has made his home in this city. He leaves a widow and three daughters, Mrs. Phillips of Cedar Rapids, Ia., Mrs. B. E. Smith, Los Angeles, Cal., and Mrs. R. Moulton of this city.

Dr. Carl Swenson. SALINA, Kan., Feb. 16.—A telegram from Los Angeles announces the death there of Dr. Carl Swenson, president of Bethany college at Lindsborg, Kan., from pneumonia aged 84. Dr. Swenson was one of the foremost Swedes in the United States and founded Bethany college. He went to San Francisco recently to dedicate a church and later visited Los Angeles, where he was taken ill.

John B. Mumford. BEATRICE, Neb., Feb. 16.—(Special.)—John B. Mumford, residing ten miles north of Beatrice, died Sunday morning after an illness covering a period of several years. His death was due to inflammation "rheumatism." He was born in Maryland, September 2, 1829, and located in this county in 1865 where he has since resided. A widow and six children survive him.

J. C. Cleveland. CREGGTON, Neb., Feb. 16.—(Special.)—Mr. J. C. Cleveland, an old resident of this place, died suddenly at 9 p. m. last night. Deceased was 75 years old. Death is attributed to a stroke of apoplexy.

Captain J. A. Trimble. CEDAR FALLS, Neb., Feb. 16.—(Special Telegram.)—Captain J. A. Trimble died today, aged 78. He ran the first steamboat ever placed on the Cedar river.

Book Store at Huron. HURON, S. D., Feb. 16.—(Special.)—M. E. Barker's book store was damaged to the amount of between \$800 and \$1,000, by fire Saturday night. It was a close call for a big conflagration, and except for the prompt action of the fire department many buildings in Dakota avenue would have been destroyed. The loss is covered by insurance.

Five Hundred for One Letter. SIOUX FALLS, S. D., Feb. 16.—(Special Telegram.)—John J. Engbrecht, a young school teacher and son of a wealthy Russian farmer in Turner county, who pleaded guilty to an indictment charging him with sending objectionable matter through the mails, was sentenced by Judge Carlant of the United States court in this city to pay a fine of \$50. Engbrecht paid the sum assessed against him and has been released from custody. The letter was mailed June 10 last at the Dolton, S. D., postoffice department.

Capture Alleged Horse Thief. CHEYENNE, Wyo., Feb. 16.—(Special.)—Thomas G. Walton was arrested yesterday near Archer, charged with stealing a horse from F. R. Dildine, a local liveryman. Walton is alleged to have rented the horse last Saturday morning. He rode the animal to Archer and left it at the Rutledge ranch, continuing east on foot. Deputy Sheriff Snow followed, recovered the horse and captured Walton.

New Carnegie Library. CHICAGO, Feb. 16.—At the annual dinner of the Chicago Alumni association of Beloit college at the Grand Pacific hotel President E. D. Eaton has announced that the board of trustees has approved the contract let for the erection of a \$200,000 library, the gift of Andrew Carnegie. One of the speakers at the evening was Horace White, editor of the New York Evening Post, who took for his subject, "Person, Recollections and Reminiscences of Abraham Lincoln."

FOUND BELOW THE DEAD LINE

Larry Summerfield, the Confidence Operator, Arrested Just in Time.

ABOUT TO CLOSE DEAL TO SELL STOCK

Detective Runs Across Criminal in the Financial District of New York, Posing Under the Name of Morton.

NEW YORK, Feb. 16.—Found below the famous "dead line" drawn years ago by Police Inspector Byrnes around the New York financial district, Larry Summerfield, an alleged confidence operator, and now under heavy bail pending trial on a charge of grand larceny, was arrested in Wall street today, just in time, it is claimed, to prevent the consummation of an attempt to swindle William D. Luther, an insurance agent of Dallas, Tex., by the sale of fraudulent mining stock. Summerfield and Luther were leaving a broker's office when a police detective who had seen them enter, accosted Summerfield by name, and asked him what he was doing below the "dead line."

"You must be mistaken," said Luther. "This gentleman's name is not Summerfield, it's Morton."

"I guess not," retorted the detective. "Mr. Summerfield and I are well acquainted."

He then asked Luther what dealings he had had with Summerfield. Luther told of answering a newspaper advertisement telling of how an investment of \$4,000 could be doubled in a very short time, and of receiving a reply signed "H. B. Morton." Luther was in Boston at the time and hurried to meet "Morton" at a hotel there.

Morton, explained Luther, said he had stock in the Erie Creek gold mining company rated at \$100,000 to sell at a bargain and referred me to A. N. Hayden, treasurer of the consolidated exchange, Philadelphia, by whom I was informed the stock was first class.

By arrangement Luther came to New York today to meet "Morton" in Wall street, and was about to go with him to close the deal when "Morton" was arrested. A charge of attempt to swindle was made on which Summerfield was arraigned, and held for examination tomorrow.

MOBILE, Ala., Feb. 16.—Robert P. Manser, manager of the United Fruit company at Belize, British Honduras, who is in Mobile, says that if there is a revolution in Honduras now he does not know of it. Mr. Manser states that an American company, including Sir William Van Horne of the Canadian Pacific, Miner C. Keith and other capitalists and railroad men, also the United Fruit company, acquired the Guatemala railway, a line running from Port Barrios, 135 miles inland. The new company is to take over the management of the road after the meeting of the Guatemalan congress, on March 1, and binds itself to extend the road sixty-five miles, tapping the most fertile regions of Guatemala.

That Awful Cold. And its terrible cough can soon be cured by Dr. King's New Discovery for Consumption. Try it. No cure, no pay. 50c. For sale by Kuhn & Co.

WILL HAVE MUNICIPAL FERRY. New York to Establish Transportation Line Between Staten Island and Manhattan.

NEW YORK, Feb. 16.—A fast ferry line to Staten island is to be established under municipal control. The Board of Sinking Fund Commissioners for Greater New York has authorized advertisement for bids calling for the construction of five high speed ferry boats to cost approximately \$700,000 each.

Nearly \$5,000,000 will be spent in building boats and constructing terminals. It is expected by the residents of Staten Island that when the service shall have been inaugurated under control of the city they can reach Manhattan in twenty minutes.

It is an easy matter to buy whiskey for a less price than Old Underroof Rye sells at, but the buyer is sure of the highest quality when he gets Old Underroof Rye.

CHAS. DENNEHY & CO., Chicago.

A Few Desirable Rooms at Reasonable Prices. There are four, and only four, vacant rooms in the whole building. Among them are one or two exceptionally desirable medium sized rooms, as follows:

Room 511: The size of this office is 16x18 and is located in front of the elevator, on the third floor. This is one of the few smaller offices in the building. It is situated in hard wood, including the floor. Price \$10.00 per month. Room 512: This office is 14x18 and is very convenient in the elevator, the entrance being almost opposite to the entrance door. It is on the south and is a very comfortable office both in summer and winter. Price \$10.00 per month. Room 513: This office is 14x18 and is very convenient in the elevator, the entrance being almost opposite to the entrance door. It is on the south and is a very comfortable office both in summer and winter. Price \$10.00 per month. Room 514: This office is 14x18 and is very convenient in the elevator, the entrance being almost opposite to the entrance door. It is on the south and is a very comfortable office both in summer and winter. Price \$10.00 per month.

EPITHELIOMA

Covering One Side of Face and Reaching to the Eye CURED BY CUTICURA

Which Acted Like a Charm After Doctors and Hospitals Failed.

Here is another of those remarkable cures of torturing, disfiguring skin humors daily made by Cuticura Resolvent, assisted by Cuticura Ointment and Soap, after physicians, hospitals and all else had failed.

"I feel it my duty to try to help those suffering from skin diseases. My case was a very bad one, covering all of one side of my face and had reached my eyes. I had two or three doctors prescribe without any relief. They said my disease was Epithelioma. I was then advised to go to one of our hospitals, which I did, taking their treatment for some time. I had given up all hope when my husband asked me to try the Cuticura Remedies. My face being in such a very bad state, I used the Cuticura Sosp with lukewarm water and a small silk sponge and then applied the Cuticura Ointment. I took one teaspoonful of the Resolvent four times a day. They acted like a charm, and in one week's time my face was cured entirely and has remained so. I certainly can recommend the Cuticura Remedies as infallible."

MRS. A. G. SMITH, 2400 Catherine St., Philadelphia, Feb. 9, 1903. The purity and sweetness, the power to afford immediate relief, the certainty of speedy and permanent cure, the absolute safety and great economy have made Cuticura Remedies the standard skin cures, blood purifiers and humor remedies of the world.

Used for over 70 years. For the Liver, Kidneys and Bowels.

Wright's Indian Vegetable Pills are not a speculation but sure and positive. A pure herb remedy.

Dr. McMan's Elixir of Opium For Nervousness and Insomnia. For sale by all druggists.

CHICHESTER'S ENGLISH PENNYROYAL PILLS. Will Care the Following Symptoms: Pains in the side, back, under the shoulder, smothering sensations, palpitation of the heart, a feeling of heat in the stomach, coated tongue, blotches and pimples. 30 days' treatment. All druggists.

Dr. BURKHART'S VEGETABLE COMPOUND. Will Care the Following Symptoms: Pains in the side, back, under the shoulder, smothering sensations, palpitation of the heart, a feeling of heat in the stomach, coated tongue, blotches and pimples. 30 days' treatment. All druggists.

LEWIS CUTLER, Notary Public, 28 Pearl St. Omaha, Neb. Phone 97.

man's Flower's Cocoa. Of unequalled value as a household beverage. Best & Goes Farthest.

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