NEWS OF INTEREST FROM IOWA

COUNCIL BLUFFS

BURNS OUSTED AS PRESIDENT

Vote of Stockholders is Almost Three to One Against Him.

DECLINES TO JOIN THE MINE OWNERS

Much Stronger Resolutions Are Offered by the Burns Faction, but They Are Voted Down by the Stockholders.

The annual meeting of the stockholders of the Portland Gold Mining company of Colorado, after a two days' session, came to a close at a late hour last night, and with it the defeat of James F. Burns, president of the company since its organization in 1894.

The faction opposed to President Burns succeeded in voting a large majority of the stock and thereby electing its slate for the Board of Directors. The directors elected are Irving Howbert, Frank G. Peck, Thomas F. Burns, Carl S. Chamberlin and Dr. D. Rice. The last two, who are administrators of the Stratton estate, take the place on the board of James F. Burns and R. G. Shannon.

Of the $3,000,000 stock $2,540,000 was represented at the meeting and voted. President Burns voted 693,000 shares, while the opposition controlled 1,847,000. Burns was a candidate for re-election as director, but received only the vote which he controlled, namely, 693,000 shares.

It was 8 o'clock last night before the committee on credentials announced that it was ready to report and it was 11 o'clock before the meeting was brought to a close.

The test vote came on the proposition to allow the voting of 431,000 shares, including the Shannon interests, on which the committee made no recommendation. Burns voted against the proposition, but it carried by a vote of about 1,300,000. These shares were then voted against Burns.

A resolution thanking President Burns for his efficient management was unanimously adopted.

The following resolution was adopted, President Burns alone voting against it:

Resolved, That it be the sense of the stockholders assembled that the directors of the Portland Gold Mining company are hereby directed not to advance any of the funds now in the treasury of the Portland Gold Mining company, or that hereafter may be in the treasury, for the use or benefit of the Cripple Creek Mine Owners' association or any association of like character.

Strong Resolution Defeated.

These resolutions were offered, but failed to carry:

And be it further Resolved, That the directors of the Portland Gold Mining company be directed not to join or become members of the said Mine Owners' association or any other association similar in character.

Be it Resolved, That it is the sense of the stockholders in meeting assembled that the board of directors be instructed to give instructions to the assistant manager of the mine, or its superintendent or whoever may have active charge of the property, that he or they desist from compelling employes of the company to go before a military commission, or any other committee, for the purpose of taking out cards of membership or any other cards either in the Cripple Creek Mine Owners' association or any other association or organization of whatsoever character or purpose.

Resolved, That it is the sense of the stockholders assembled that the directors be requested to institute a suit in the federal courts against James H. Peabody for the sum of $100,000 damages for the unlawful and arbitrary acts in closing down the Portland mine by the military authority on June 6, 1904.

INVESTIGATING MOTOR CHARGES

Committee to Inquire Into Rights of Street Railway.

The city council, at the instigation of Mayor Macrae, has decided to discover, if possible, under which franchise the motor company claims to operate its street car system in Council Bluffs. For the purpose of making the required investigation a special committee consisting of Aldermen Younkerman, Crippen and Gilbert has been appointed. This committee has been instructed to devise and recommend some method by which all but one of the franchises can be annulled, the mayor being of the opinion that one is sufficient for the motor company to operate under.

There are three franchises in existence, but as to their validity it is said there is a question, and more than one city official has given it as his opinion that if the matter was probed deep enough there would be a grave question whether the motor company had any valid franchise at all. In the first place, there is the old franchise granted to the Omaha & Council Bluffs Railway & Bridge company. This the company sought to have extended for a further period of fifty years in 1897, but the supreme court held that the ordinance was invalid for want of proper publication. It will be remembered that Hon. George Carson, then mayor, only attached his signature to the ordinance at a late hour of the night preceding the day on which the new code went into effect and under which all franchises had first to be submitted to a vote of the people before being granted. The ordinance was published in an extra edition of a local newspaper issued just before midnight of that night and a few copies hawked on the streets by officers of the motor company. The courts, however, held that the publication in this special issue was not sufficient and that therefore the ordinance was null and void.

Then, again, there is another franchise granted to the Council Bluffs, Lake Manawa & East Omaha Construction company, which was duly voted on at a special election by the citizens. This company started to build the line to Lake Manawa and to construct an opposition system to the old street car company. It was absorbed by the Omaha, Council Bluffs & Suburban Railway company, of which Colonel Charles R. Hannan and his associates were the organizers. Later this company was absorbed by the Omaha & Council Bluffs Railway & Bridge company.

Under a resolution adopted by the city council a few years back the suburban company was granted permission to parallel or "straddle" the tracks of the old company on all of the principal streets, and it is contended that the motor company today depends on this resolution for its right to certain streets.

It has been questioned whether the franchise to the Council Bluffs, Lake Manawa & East Omaha Construction company was valid, it being argued that the company was merely a copartnership and not a corporation. Anyhow, these are all the questions which the special committee has now to investigate and report back its conclusions to the city council.

Another special committee consisting of Aldermen Maloney, C[illegible]on and Olson has been appointed to investigate the complaints that the Illinois Central railroad is attempting to evade the conditions of its bridge charter by failing to provide proper approaches so that vehicles can pass over the bridge. This committee has been instructed to report back to the city council at as early a date as possible.

Federal Juries Drawn.

The following grand and petit juries for the March term of United States court in this city, which will open Tuesday, March 14, were drawn yesterday by W. C. McArthur, clerk of the court, and Captain O. H. Lucas, jury commissioner for the western division:

Grand Jurors—Sherman F. Myers, Anita; T. P. Armstrong, Lenox; John W. Rush, Red Oak; J. M. Royer, Woodbine; Bennett Mills, Atlantic; Ed Ford, Des Moines; John N. Edwards, Irwin; R. M. Bell, Prescott; S. H. Moffitt, Greenfield; F. A. Hetter, Stanton; J. C. Bonwell, Ross; William Henderson, Afton; Frank Zanher, Modale; William Fortune, Elliott; E. M. Lewis, Kirkman; George Bolger, Menlo; W. H. Vance, Winterset; A. L. Kennedy, Collins; J. H. Croak, Pacific Junction; George Manderson, Yale; Alfred Wright, Denison; J. S. Criswell, Strahan; Thomas Powell, Casey; E. J. Ginn, Breda; T. A. Fisher, Shannon City; James Holden, Scranton.

Petit Jury—John K. Churdan, Churdan; Homer McConnell, Waukee; W. Johnson, Brooklyn; E. S. Garrison, Logan; H. McCartney, Thurman; H. G. Lynch, Spaulding; Hermann Baumhover, Carroll; M. M. Parr, Mount Ayr; George S. Wilson, Malvern; William C. McGinnis, Bedford; Joseph Ankeny, Prescott; John N. Miller, Clarinda; William Metzger, Manning; Lewis Gould, Cromwell; James Durbin, Emerson; W. W. DeWitt, Glenwood; Robert Hogue, Tingley; A. M. Langel, Breda; J. A. Chambers, Ralston; J. C. Millman, Logan; Lee Nagle, Clarinda; F. C. Snyder, Bayard; John Weighton, Audubon; E. Y. Burgan, Corning; G. H. Messenger, Adel; C. H. Thomas, Lenox; E. Vial, Adel; J. J. Linn, Jefferson; T. A. Hazelette, Guthrie Center; R. R. Howland, Exira; W. N. Rugg, Manning; W. N. Adams, Missouri Valley; E. Y. Young, Atlantic; H. L. Carr, Blockton; A. Hollowell, Keokuk; B. McCord, Harlan; Thomas Weidman, Red Oak; E. G. Evans, Lenox; H. K. Forsythe, Griswold; Frank Dinnal, Dow City; J. E. Wenks, Des Moines; E. T. Cold, Irwin; H. J. McFarland, Davenport; Ray Mills, Audubon; Edwin Perry, Manning; Charles Williamson, Williamson; L. B. Wilson, Creston; J. E. McGuire, Exira.

Real Estate Transfers.

These transfers were reported to The Bee February 7 by the Title Guaranty and Trust company of Council Bluffs:

John D. West and wife to William Poppe, lot 18, block 19, Railroad add., w d	$ 250
Anna E. Cook to H. M. Lembke, e½ se¼ sw¼ 36-75-38, w d	350
L. F. Potter and wife to J. M. Williams, lot 3, part lot 2, block 1, Big Grove add., Oakland; part lot 4, Aud. sub., nw¼ sw¼ 12-75-40, q c d	1
Mary L. Marshall and husband to R. Bergman, part lot 2, block 12, Hall's add., w d	700
William Poppe and wife to George Howe, lot 18, block 19, Railroad add., w d	100
James Brown to Emily Brown, lot 7, part lot 6, Aud. sub. of outlot 3, Macedonia; part lot 5, Macedonia, w d	2.00
Six transfers; total	$3,901

For Rent.

An excellent office location at 10 Pearl street. Only four doors from corner Broadway and Pearl street. Centrally located on ground floor and a nice large show window. Call at 10 Pearl street, Bee office, Council Bluffs.

Rooms and cafe. Ogden hotel.

N. Y. Plumbing Co. Tel. 250. Night, F667.

Dies at Age of Ninety-Seven.

Mrs. Mary Hooker, aged 97 years, died yesterday noon at the home of her daughter, Mrs. Emil Rosch, 211 Fifteenth avenue, death being due to the infirmities of old age. Besides Mrs. Rosch one son, Fred C. Hooker of this city, survives her. Mrs. Hooker was the widow of John Hooker and was born April 25, 1808, in Franzburg, Germany. She came to America thirty-five years ago, since when she made her home with her daughter, Mrs. Rosch. Despite her extreme age Mrs. Hooker retained all her faculties until a short time preceding her death. The funeral will be held from the residence, 211 Fifteenth avenue, Thursday afternoon at 2 o'clock and interment will be in Fairview cemetery.

Program of Editors' Convention.

This program has been arranged for the third semi-annual meeting of the Western Iowa Editorial association to be held in this city Friday and Saturday, February 24 and 25:

SATURDAY.

9:30—Called to order.
9:45—"Local Amenities," Bert Smith, Avoca Journal-Herald.
Discussion.
10:30—Question Box, T. Child, Dunlap Herald.
11:45—"All Home Print," P. B. Brown, Shelby County Republican.
Discussion.
12:00—Dinner.
1:30—"Country Correspondence," W. C. Campbell, Harlan Tribune.
Discussion.
2:15—"Fifty Years a Printer," H. C. Ford, Woodbine Twiner.
3:00—"Advertising, from a Country Merchant's Standpoint," H. S. Fleming (Carey & Fleming, merchants), Glenwood.
Discussion.
4:00—"The Editorial Page," W. C. Hills, Oakland Acorn.
Discussion.
5:00—Introduction and installation of new officers.

The sessions will be held in the rooms of the Commercial club. There will be no business Friday afternoon and the time will be devoted to a social gathering. Friday evening, according to present plans, the visitors will be tendered a theater party at the local opera house. The opening business session will be Saturday morning.

These are the officers of the association: President, E. T. Child, Dunlap Herald; secretary, E. A. Stevens, Silver City Times. These comprise the program committee: F. M. Beymer, Avoca Journal-Herald; Everett Stewart, Persia Globe; E. A. Stevens, Silver City Times.

MINOR MENTION.

Davis sells drugs.
Leffert's glasses fit.
Stockert sells carpets.
Valentines at DeLong's.
Don't miss Duncan's discount sale.
Plumbing and Heating. Bixby & Son.
Big discount on shoes at Duncan's.
Drs. Woodbury, dentists, 30 Pearl street.
Duncan does the best repairing, 23 Main.
Go to night school, Western Iowa College.
Best place to buy valentines, DeLong's, 406 Broadway.
Lowest prices at DeLong's.
Mr. and Mrs. Leon Smith left Monday for a two months' trip to Cuba.
School drawing, practice and music papers. C. E. Alexander, 333 B'way.
Justice of the Peace H. H. Field is confined to his home with an attack of the grip.
Mrs. P. C. DeVol and son will leave tomorrow for an extended trip through the south.
If you tell us what you need in the lumber line we will tell you how much we can save you on it. C. Hafer.
W. Waugh Lauder will give a series of lectures, recitals and concerts at St. Francis' academy February 18, 20 and 21.
The report of City Physician Tinley for January shows seventy-three births and thirty-seven deaths during the month.
A marriage license was issued yesterday to Ed D. Allen of Underwood, Ia., aged 24, and Eva Gatrost of McClelland, Ia., aged 23.
William Hansen and family of 522 North Eighth street left yesterday for a three weeks' visit with relatives in Wahoo, Neb.
Mr. and Mrs. George W. Thompson, who recently resigned the management of the Ogden hotel, left yesterday for San Francisco.
Rev. H. W. Starr, rector of St. Paul's Episcopal church, and wife are expected home today from a visit to relatives in Texas.
Missouri oak dry cordwood, $4 a cord, cobs $1.75 per load, shell bark hickory $7 per cord, delivered. William Welch, 16 North Main. Telephone 128.
The Dodge Light Guards are having extra drills three nights in preparation for the annual inspection, which will be held some time in March.
The suit of H. Goldstein against John S. Morgan, sheriff, has been transferred on motion of the plaintiff from Pottawattamie county to Mills county.
Mr. and Mrs. C. W. McDonald left yesterday for a trip to New Orleans and other southern points. They expect to return the early part of next month.
Fidelity council, Royal Arcanum, has arranged for the appearance of Jessie Bartlett Davis and co[illegible]pany at the New theater February 17 [illegible]der its auspices.
The Ladies' auxiliary of the Union Veteran Legion will meet this afternoon at the residence of Mrs. S. E. Hayden, 34 Benton street, to sew for a needy family.
Alfred M. McCulloch, a farmer of Manning, Ia., has filed a voluntary petition in bankruptcy in the federal court here, with liabilities scheduled at $4,328.67 and assets valued at $1,896.73.
The Board of Park Commissioners held its regular monthly session yesterday afternoon. Routine business such as allowing bills and the monthly payroll was all that engaged the attention of the board.
The suit of the First National bank of this city against A. Brown, F. A. Brown and D. Brown, residents of Carroll county, involving promissory notes to the amount of $8,000, has been transferred from the superior to the district court.
The trial of the suit of Mrs. Alice Shields against Calvin Shafer, in which the plaintiff seeks to recover the price paid for a horse which it is alleged was not as represented, was begun before a jury and Judge Thornell in district court yesterday.
The Illinois Central railroad has settled the suit brought by Mrs. Jane L. Knowles against it for $2,000. Mrs. Knowles sued for damages for timber cut from her land and used by the railroad for riprapping at "the narrows" between here and Missouri Valley.
Local insurance agents stated yesterday that the announcement made in a morning paper that they were planning to hold a banquet at the Grand hotel next week was entirely without foundation. They also deny the report that they were preparing to agitate the question of larger water mains.
The Fruit Growers' Building company has awarded the contract for the construction of its warehouse to the Consolidated Construction company of this city. The building will be two stories and a basement, 36x60 feet, and of brick construction, with an interior driveway. The cost will be between $4,000 and $5,000.
The receipts in the general fund of the Christian Home last week were $133.83, being $66.17 below the needs of the week and increasing the deficiency in this fund to date to $2,769.95. In the manager's fund the receipts were $18, being $17 below the needs of the week and increasing the deficiency in this fund to date to $357.35.
The Ladies' auxiliary of DeLong mission No. 2, 1030 Avenue F, will meet this afternoon at 2:30 o'clock to make arrangements for the supper to be given February 17 to the children of the Industrial school. The supper to the children will be given in the afternoon and in the evening to the older folks. Several prominent citizens have promised to be present and make addresses.
Rev. Henry DeLong, owing to his advanced age and the increasing duties devolving on him in connection with the two missions and industrial schools which he now maintains in this city, has been compelled to resign as missionary for this district of the American Sunday School union, which has its headquarters in Philadelphia. The resignation has been accepted to take effect March 1. Rev. Mr. DeLong has served as missionary for eight years.
Fire Chief Nicholson has received word of the death of his brother, Murray Nicholson, at his home in Harlem, Mont., Friday of last week. Chief Nicholson's brother went to California in 1858 and two years later located in Montana, since when he never returned east. He was one of five men who discovered the Comstock mine, but sold his interest for $10,000 before the real value of the property was known. He served as chief of government scouts in Montana for several years. He was 67 years of age and is survived by two sons and a daughter. Chief Nicholson visited with his brother at his home in Montana for several months a year ago.

Nominations by President.

WASHINGTON, Feb. 7.—The president today sent to the senate the following nominations:

Consul General—David F. Wilbur of New York, at Singapore.
Marshal—George P. Perry of Alaska, for Alaska No. 3 district of Alaska.
[illegible] promotions in the army and navy.

MEAT PRODUCERS CONVENE

Corn Belt Association of Iowa is Holding Meeting at Des Moines.

NATIONAL LIVE STOCK MEN PRESENT

Committees Are Appointed and First Day is Devoted to Routine Business and Discussion of Various Subjects.

DES MOINES, Feb. 7.—The second annual meeting of the Corn Belt Meat Producers of Iowa convened here today, with 100 delegates present. Committees were appointed and the balance of the day devoted to discussion of various subjects.

Ex-Senator Harris of Chicago, prime mover in the reorganization of the National Live Stock association at Denver, who was turned down by the executive committee upon his invitation to the Iowa body for affiliation with the National association, stated today that he was not here to interfere with the Iowa body, but that he merely "dropped in" in passing through the city.

Secretary A. E. de Riqules of the American Cattle Growers' association, an offspring of the national association, has been invited to address the Iowa body.

Former Governor VanSant of Minnesota and Governor Cummins of Iowa tonight spoke on railroad rate issues, addressing a large audience. They urged farmers and shippers of Iowa to assert themselves for freight rate regulation and held out hope that by so doing they would get what they wanted.

The association declared itself in favor of the Townsend-Esch bill in congress, denounced railroad passes and asked their prohibition and endorsed President Roosevelt and the United States supreme court. The convention also declared that the Iowa delegation in congress does not hear the voice of the people as it should. The attendance at the convention was large and representative.

Bankruptcy Cancels Judgment.

A judgment against a man's property for costs in a criminal action is not a state tax according to the supreme court of Iowa, and a discharge from bankruptcy is a discharge from the obligation. The decision was given today at the beginning of the second period in the case of James K. Olds against Elizabeth P. and A. D. Forrester from Dallas county. Olds agreed to sell certain real estate, but later the defendants refused to accept it because of a judgment against the land.

Levied Tribute on Neighbor.

A case has been presented to the state railroad commissioners in which an owner of a coal mine has been levying a tribute of 25 cents a ton on all the coal mined by a neighbor. A railroad had built a spur to one man's coal mine and in doing so crossed a second man's land. Later the second man discovered coal and began to load on cars on the spur. Finally he tired of paying 25 cents for every ton he mined and he wrote to the commissioners. The commissioners wrote to the railroad and they claimed they knew nothing of it. It has since been discovered that the tax was levied by the neighbor without authority. No action has been taken yet, but it is possible that criminal action will follow. For this reason the names are not given out.

War on Catalogue Houses.

Five hundred members of the State Retail Hardware Dealers' association are expected in the city to the annual convention which opens tomorrow. One of the principal matters of business will be a war on the catalogue houses. Thursday night there will be a supper, smoker and vaudeville entertainment at the Commercial club rooms.

MANNING HAS DISASTROUS BLAZE

Lack of Water Hampers the Work of Firemen.

MANNING, Ia., Feb. 7.—(Special Telegram.)—Fire broke out this morning at 9 o'clock in the rear of the Rea furniture store. When the fire company arrived it was discovered that no water was to be had and an hour and a half was spent before any action to fight the fire was begun. The Carroll and Manilla fire companies were wired for and arrived just as the building occupied by Mareshel & Son collapsed. They were great help in preventing the other buildings from catching on fire. This is the second big fire Manning has had, fire a few years ago sweeping the entire town of its frame buildings.

Below is given as many of the losses, with insurance carried, as could be learned at this time:

	Loss.	Ins.
Lorenzen Bros., brick building	$10,000	Part
Mareshel & Son, stock of merchandise	4,500	2,200
Rea-Gilbrath Furniture Co.	4,000	2,200
Peter Stephany, insurance and real estate	600	300
Manning Telephone Co.	600	.....
Dr. Risneis, building	10,000	3,000
Dr. Risneis', office, laboratory, surgical instruments	1,600	.....
Gus Franke, tailor shop	1,000	500
Boss & Flinn, saloon	4,000	2,000
Gohansen meat market (total loss)	500	.....
Dr. Miller, dentist	500	300
Douglas Rogers, law books	500	.....
Charles Larson, photographer	1,000	500
Hoffman & Co., merchandise	10,000	.....

At 5 o'clock the fire is still burning but is under control.

Dentists End Convention.

IOWA CITY, Ia., Feb. 7.—(Special Telegram.)—The annual meeting of the Iowa Alumni Dental association closed today. Nearly 200 dentists were in attendance. The officers for the following year are: President, J. B. Perrin, Central City, Ia.; vice president, A. W. Starbuck, Iowa City; secretary, E. A. Rogers, Iowa City; treasurer, C. W. Work, Ottumwa; executive committee, W. A. Hosford, Iowa City; K. M. Fullerton, Cedar Falls; R. S. Bandy, Tipton.

Farmers to Hold Public Sale.

LOGAN, Ia., Feb. 7.—(Special.)—A free public sale for the benefit of nearby farmers has been arranged to occur at Dilley's livery stable in Logan at 12:30 p. m. on Monday, February 13. Thirty horses and mules, many cattle, hogs, hay, harness, vehicles and implements have been listed for the sale. E. A. Dilley is manager and B. A. Keller will act as auctioneer.

FOLK AGAINST GAMBLING LAW

Says Pool Selling at Tracks Should Be Stopped by the Legislature.

JEFFERSON CITY, Mo., Feb. 7.—Governor Joseph W. Folk today forwarded to both houses of the legislature a special message dealing chiefly with legislation affecting the proposed repeal of the breeders' law, which licenses bookmakers to sell pools in certain enclosures, the fee going to the support of the state fair.

Governor Folk urges the amendment of the breeders' law so as to eliminate the licensing of gambling by the state.

"The breeders' law," Governor Folk stated in his message, "enacted in 1899, forbids under penalties the selling of pools on horse races, except within certain enclosures, and is a good law as far as it goes, but it does not go far enough. If pool selling is an evil thing, it should not be permitted at all."

The governor continues:

Stripped of its useless verbiage, this act levies tribute upon gambling upon the results of horse racing; in this respect it is indefensible from any moral standpoint.

If it be argued that men will gamble and that the state might as well profit by their lust for the game, it could with equal force be argued that men will kill, and therefore the state should license murder in certain forms and in certain places so as to profit by this weakness of mankind.

This is not the demand of a frenzied morality, but of a sound and healthy public sentiment. It must be kept in mind, however, that the repeal of the breeders' law in its entirety would allow pool rooms to run unrestrained, as there was, previous to this law, no statute prohibiting them.

I recommend that the law be amended by striking out the license features; or, if repealed altogether, the enactment of a law prohibiting pool selling anywhere in the state on horse races run either within or without the state. In order that the state fair may not suffer by losing the revenue, I recommend that an amount equal to the income now derived from the licensing of pool selling be appropriated for the maintenance of the state fair.

MACHEN AND GROFFS IN PRISON

Postal Boodlers Will Serve Their Time in West Virginia Penitentiary.

WASHINGTON, Feb. 7.—August W. Machen, the former head of the entire free delivery system of the Postoffice department and the foremost figure among the officials, politicians and contractors indicted as a result of the postal investigation, and Diller B. Groff and Samuel B. Groff, both of this city, convicted in connection with the promotion of a letter box fastener scheme, left Washington with a party of eleven other convicts for the Moundsville, W. Va., penitentiary shortly after 6 o'clock tonight to serve a sentence of two years' imprisonment. None of Machen's relatives were at the depot to see him off, but a large number of friends greeted him, shook his hand and in several cases pledged him their readiness to supply him money if he needed it. A letter carrier, not uniformed, grasping his hand, said he had the sympathy of thousands of carriers. Groups of curious spectators were gathered at the depot.

Mr. Machen, in an interview with the Associated Press just before he left, said:

I have made a good fight and was courageous to the last. I am now facing the inevitable and will take the consequences with bravery, fortitude and philosophy. I expect to be in Moundsville for twenty months, reducing the two years' sentence to this time by good behavior. I have no intention at this time of asking for a pardon. I wish to thank all my friends who have stood by me and believe in me in this trouble. I am innocent; my friends know that I am innocent, and time will show that the man who put me here will have to answer for what he has done.

Mr. Machen said that he had spent practically all his money in his defense; that he never had owned any real estate in his own name and therefore had none to transfer. He said that to liquidate the fine of $10,000, which he also was sentenced to pay, he would take the oath of insolvency and spend one more month in the penitentiary.

Machen and Diller B. Groff today surrendered themselves to the United States marshal and were placed in the cell room of the city hall. Samuel Groff, whose counsel sought to have his removal to the penitentary deferred because of illness, was ordered brought into court and later was placed in the cell room with the others.

The case came up today on the receipt of a mandate handed down by the court of appeals directing the immediate execution of the sentence on Machen, Dr. Lorenz and the Groffs. Attorney Maddox, for Samuel A. Groff, produced a certificate of two physicians saying that he was not in condition to be moved, from his house and suggesting that if the district attorney wanted to imperil his client's life as well as his liberty he had better take a gun and go to the house.

District Attorney Beach replied that Samuel Groff, his surety and his attorney, had been advised of the possibility of this mandate for some time; that Samuel had visited the district attorney's office last Thursday and that Groff's son yesterday communicated with the district attorney's office to know what clothing his father might take with him to the penitentiary today. Under these circumstances the district attorney suggested it was a rather sudden stroke of illness. Mr. Beach insisted upon the immediate appearance of the prisoner, and he was sent for. Nothing has been heard today of Dr. Lorenz, who is reported ill at his home in Toledo, O.

ARGUMET IN THE HEARST CASE

Commerce Commission Listens to Suit Against Anthracite Coal Roads.

WASHINGTON, Feb. 7.—The hearing of arguments in the case of William R. Hearst of New York against the anthracite coal carrying railroads, growing out of the coal strike of several years ago, began at the Interstate Commerce commission today. Clarence J. Shearn of New York argued for the complainant and contended that a pool existed among the railroads; that the coal purchase contracts are really contracts by means of which the railroads depart from their published rates and discriminate, and that the published rates are unreasonable. He claimed that an increase in the price of coal of $1.14 a ton, such as has taken place in the domestic sizes during the last five years, means imposing an additional burden of $40,000,000 on the public. He pleaded for scrupulous observance of the reasonable published rates as a matter of fair dealing between the railroads and the purchasers. He claimed that the coal companies were identical with the railroad companies.

Mr. Shearn applied the principle of the Northern Securities case to the case now under argument; contended that the Interstate Commerce commission itself had "brushed aside the device of a subsidiary company and had treated the parent company as the substance," and said the courts had held the Lehigh Coal company and the Lehigh Railroad company to be identical.

The hearing was adjourned until tomorrow.

Report on Armor Plate Bids.

WASHINGTON, Feb. 7.—The board of officers appointed by Secretary Morton to investigate the capacity of the several armor plate companies has recommended that the bid for 8,000 tons of armor for the battleship New Hampshire and the armored cruisers North Carolina and Montana, of the Midvale Steel company be rejected. It is said that two-thirds of the contract will be awarded to the Bethlehem company and the remaining one-third to the Carnegie company.

Later in the day Secretary Morton announced the award of the contracts for the armor as follows:

To the Bethlehem Steel company, the armor for one battleship and one armored cruiser, 5,666 tons, and all bolts and nuts, ninety-four tons.

To the Carnegie Steel company, the armor for one armored cruiser, 2,162 tons.

Monarch Coal
JUST WHAT YOU WANT

The king of all Wyoming coals—comes from Sheridan district—is the hardest Lignite coal mined—no soot, no clinkers, no sulphur, little smoke, clean ashes—holds fire longer than any soft coal known—takes the place of Anthracite and is much more economical. Comes in lump and egg size. Lump, $6.50; Nut, $6.00 per ton, delivered. Try a ton and be convinced.

I also sell Dry Missouri Oak Wood—$6.00 per cord delivered.

Wm. Welch
OFFICE, 16 N. MAIN ST.
Tel. 128.
YARD, 8th St. and 11th Ave. Tel. 977.

DAY SCHOOL | NIGHT SCHOOL
WESTERN IOWA COLLEGE
Big Winter Term Opens Monday, Jan. 2, 1905. New Classes in all departments.
E. P. MILLER, President.
Masonic Temple. 'Phone B614.

CHATTEL LOANS
A. A. CLARK & CO.
Established 1882.
Broadway and Main St.—over Pierce's Shoe Store.
You can borrow any amount on cattle, horses, household furniture or any chattel security.
Payments can be made on principal at any time to suit borrower, and interest reduced accordingly. All business confidential. Lowest rates. Office open every evening till 7:30; Saturday evening till 9.

LEWIS CUTLER
MORTICIAN
28 PEARL ST. PHONES: Res. 63 Office 97
Lady Attendant if Desired.

EXPOSITION UNIVERSELLE ST. LOUIS MEDAL 1904
Quaker Maid Rye
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