

THE DAILY BEE. COUNCIL BLUFFS.

Monday Morning, June 15, 1885.

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MINOR MENTION.

Abn Lincoln post had a merry camp-fire Saturday night.

The Rev. Dr. Hulbert, of Chicago, occupied the baptist pulpit here yesterday.

The Rev. Joseph Smith, of Lamoni, Ia, preached in the Saints' church yesterday.

Twenty-five per cent. reduction on ladies straw hats at Mrs. O. A. Rogers', 341 Broadway.

Genuine New York turtle soup at 10 o'clock. St. Louis house, No. 709 Broadway. A. Doerflinger.

The board of trade is to meet this evening to consider the question of putting up a board of trade building.

Mr. Mellien has sold his restaurant business, located next to Kapp's on Broadway, to William Briz.

The district court adjourned Saturday until Tuesday morning, at which time the trial of criminal cases will commence.

The strawberry season is drawing to a close. There are few, if any, being shipped in here now, and the home production will be exhausted in the course of a week.

A supper will be given by the woman's exchange on Tuesday evening in the vacant building next to Officer & Pusey's bank. Admission and supper, twenty-five cents.

A short distance foot-race on North Main street yesterday, between two well-known residents of the city, was declared a foul, because one of them took a tumble, and fell in a soft spot in the street.

There seems to be a good deal of trouble between the two colors on Pierce street, the whites and blacks living in that locality getting into rows almost daily. There was one Saturday afternoon and the police went up, but made no arrests.

Under the recent action of the council the city engineer is to keep the city sewers flushed out and as often as he deems it necessary he can call to his help in this work the fire department, the firemen to be paid for their time at the usual rates, except those working by the month.

The suggestion is made that when an alarm of fire causes the department to turn out, that all teams on the streets along which the hose carts pass, should turn to the side of the street, thus leaving a clear course for the department, and doing away with the risk of collisions.

Besides the mission at the corner of Sixth avenue and Fifteenth street, the Broadway Methodist church now opens a mission in the church formerly occupied by the united brethren, on Tenth avenue, between Sixth and Seventh streets. Prof. McNaughton is to have charge of the Sunday school.

Complaint is made of the water allowed to stand on certain lots on Tenth avenue, between Third and Fourth streets and there is every prospect for disease being caused by the stagnant pools, as the green scum has already gathered there. The board of health should look after it.

It was understood at the close of the trial of Dr. Montgomery for taking the chain from one of his patients that he would voluntarily give up the chain and have no more trouble about it, but it seems that he does not propose to give the property over, and Saturday Justice Frayne issued a search warrant.

George Wooliver, the contractor, is suffering from severe injuries received by being thrown from a dirt wagon while driving along Fifth avenue, there being a hole in the street which caused him to fall off in front of the wheels, the wagon with its heavy load passing over him, breaking several of his ribs.

The Mueller music company is the name of the house formerly known as J. Mueller. The many customers and friends of Mr. Mueller will be glad to learn that he is to continue to look after their musical wants, and that he has so arranged business matters as to carry forward the enterprise in a more successful and satisfactory manner than ever.

Messrs. Straub, Herman, and Brown are at work repairing the damages caused to the institution for the deaf and dumb by the storm Friday night. A temporary roof is being put on, and other repairs made, so that the building can be protected and occupied. The damage to the building is now estimated as not exceeding \$4,000.

Poor "Sport" Miller made a sad show of himself on Broadway, just as the folks were on their way to church. He was so drunk that he could not keep on his feet, and could not keep his clothes decently on. The police finally picked him up and took him to the station. The man who sold him the whisky is the one who ought to have been locked up.

E. T. and C. J. Best who have made and kept many friends here, have issued the first number of their paper at Neligh, Neb., and have christened it the Leader, and created it up in democratic ether. The new born is a healthy appearing, and vigorous one, and in introducing it to the public the prediction is made that the writer of its obituary is not yet born.

The report that Mr. Spencer and Mr. Lynchard, late of the Council Bluffs Herald, are about to start a society paper in Omaha proves to be a little off, these gentlemen having decided not to make their paper of that nature, but to

publish a general family weekly, to be largely devoted to stories, poetry, and in fact to be more of a literary paper than anything else.

In the case of Royer vs. the Wabash, in which the plaintiff claimed damages on account of property burned by sparks from a passing engine, the jury agreed on a verdict Saturday night, after the adjournment of court, and returned it sealed. It is understood that the jury gave the plaintiff \$0 a ton for sixty tons of hay destroyed.

Mr. Otto Volger and Miss Emma Smith were joyously joined Saturday evening by Justice Schurz, the ceremony taking place at the residence of Mr. Theodore Beckman, on Washington avenue, in the presence of a happy gathering of friends. Mr. Volger is one of the firm of Beckman & Co., on Main street, and both of the parties are well-known, and the congratulations are many and hearty.

Some of the catholic citizens who indulged in the sleepy task of reading the old lady's scrap book yesterday, were surprised at the position the Nonpareil has now taken in regard to catholicism, one of its leading editorials yesterday being devoted to a discussion of some troubles in a church at Aurora, Ill., in which financial differences arose between priest and people. What makes the catholic blood tingle is that instead of giving the public the facts, the Nonpareil takes occasion to charge the catholic church with superstition, and to predict that the people are soon to revolt. The old lady in trying to turn her scrap-book into a bundle of tracts against romanism, has got out of her sphere.

A young German girl, en route for some small town in the western part of the state, claimed Saturday to be most foully used by some strange young man, who, in pretending to show her the way to the depot, where she wanted to take the train, misled her, and getting her into a rather unrefined place on the bottom tried to rob her of what little money she had. She screamed, and somebody chancing to be within hearing, the fellow ran away and left her. Such was the substance of the story told by her, and she showed in corroboration some marks on her neck, where the man had choked her. The girl was a young, simple, working girl, and she was so badly frightened that she was only too glad to get the train for home, without stopping to have the police hunt up the case.

BATTLING WITH SMALLPOX

The Testimony of One of the Nurses in the Shenandoah Epidemic.

There have been a good many reports of an exaggerated nature, as is usual in such cases, about the small-pox at Shenandoah, Iowa. Yesterday a Bex man had a talk with one of the nurses who had been employed there, and who has had a good deal of experience in like cases elsewhere, and who knows the usual mode of handling the disease by the authorities. This informant stated that he had never seen more or better care shown in the handling of such an epidemic. There have been twenty-five cases, and four or five of them have proved fatal, but now all are getting along well, and there is no more fear felt about the further spread of the disease. The quarantine has been rigorous, and every house infected has had a guard constantly on hand to prevent egress or ingress. With all the close quarantine, there has been no neglect of the wants of those shut off from the rest of the world. Nurses have been provided each place, and these nurses have been compelled to lay aside their usual clothes before entering on their duties, and to don others, which are burned on the finish of their duties. The nurses have only been required to make their wants known to the guard outside of the house, and in a very short time the supplies would arrive. There was no starving or neglecting of patients. Lately an old church was purchased, and this has been moved out of town, to serve as a pest house, and every possible means has been taken to prevent the spread of the disease, and to provide the necessary comforts for the sick. It is thought that all danger of further trouble is now at an end.

DAY FOR CHILDREN.

Pleasing Services at the Methodist Church.

The services at the Broadway Methodist church yesterday were of a specially interesting nature, and very appropriate to the day, which was known as "Children's Day."

The interior of the audience room was made very attractive, the pulpit and platform being transformed into a veritable summer bower by the generous and tasty arrangement of plants and flowers. Festoons of green were hung across the church, and from the center, over the pulpit, was suspended a floral wreath, made of green and white, while in large letters of pure white, on a background of green appeared the words, Children's Day.

The services consisted of responsive readings, music, recitations, etc., the whole being so arranged as to make a harmonious presentation of truths and teachings of the church, appropriate to the day. The music was especially fine, the accompaniment consisting of a flute, cornet, violinello and organ. A quartette led in the singing, and the chorus of children's voices was sweet. Several pleasing recitations were given, they being scattered through the programme. The service thus varied proved very interesting, and though rather long, seemed to hold the attention and interest of even the little folks.

Occurs at George Heaton's, 628 Broadway.

Read Judd & Smith's off: of \$1,000 reward in another column.

CANNOT CHANGE.

A Decision on the Question of Sending the Saloon Cases Into Uncle Sam's Court.

Like Cases Still Pending Here.

The move made recently here to have the injunction cases, brought against the saloon men, removed from the state to the federal courts, has caused much interest, and there has been much anxiety to learn what would be the decision of the judges before whom these cases are pending. The same motion has been made in the courts in other parts of the state, but thus far no decision has been reached by any of the Iowa judges. In Kansas, however, there has been a decision reached on this same question, and the result is against the saloon men.

This decision was rendered by Judge Martin, of the district bench, at Atchison, last week. It was a criminal prosecution brought by the state for a violation of the prohibitory law, it being claimed that the defendant had kept a place for the sale of intoxicating liquor as a beverage and not for medical, scientific nor mechanical purposes, and without having a druggist's permit therefor.

The defendant applied for the removal of the case to the federal court, under section 641 of the statutes of the United States.

The defendant claimed that the state legislation was repugnant to section 1 of the fourteenth amendment, and that a federal question being raised by his application for removal, the case comes within the section 641, providing for removal of certain cases.

The court refused to grant the desired change, the following being the reasons as given:

The application for removal does not show that the defendant is denied any right secured to him by any law providing for the equal civil rights of citizens of the United States, or of all persons within the jurisdiction of the United States; and therefore, the case does not come within the provision of said section, 641; and, in the opinion of the court, the application for removal should be denied. The construction contended for by the defendant should obtain, then said section 641 would be of doubtful constitutionality.

By section 2 of article 3 of the constitution, as modified by the eleventh amendment, it was expressly never contemplated that the inferior federal courts should have jurisdiction of an action, civil or criminal, between a state and one of its citizens, and to the exclusion of state tribunals. The operation of a sovereign state being compelled to go into the tribunals of another jurisdiction, in the first instance, to enforce her penal laws against her own citizens, could never have entered into the imagination of the framers of the federal constitution.

In the forcible language of Judge Field in his opinion concurring specially in the case of Virginia vs. Rivers, supra, "it is difficult to believe that the wise men who framed the constitution and advocated its adoption ever contemplated the possibility of a state being required to assert its authority over offenders against its laws in other tribunals than those of its own creation and of all in an inferior tribunal of the new government. I do not think I am going too far in asserting that, had it been supposed that a power so dangerous to the independence of the state and so calculated to humiliate and degrade them lurked in any of the provisions of the constitution, that instrument would never have been adopted."

The judiciary act of 1789, which being construed with the actual operation of the constitution itself is the best possible construction of the judicial article, it was only the supreme court of the United States that had supervising jurisdiction in any action to which a state was a party. By the 25th section, which appears almost in its original form as section 709 of the revision, a final judgment or decree in any suit in the highest court of a state in which a decision in the suit could be had, where there is drawn in question the validity of a statute of, or an authority exercised under any state on the ground of the same being repugnant to the constitution, treaties or laws of the United States and the decision is in favor of the validity thereof, it may be re-examined and reversed or affirmed in the supreme court upon a writ of error.

The opinion of the court therefore is that this case does not come within said section 641 of the revision and cannot be removed to the United States circuit court for trial; that, if said section should be given such a broad construction, that it would be unconstitutional. For the jurisdiction acquired by the federal court by removal from the state courts is original, not appellate, and congress has no power or authority to require a state to resort to the federal courts to enforce its penal laws; that, if a federal question is raised by the defendant, it will be the duty of state courts to pass upon such questions in the first instance, and, if the ruling be adverse to the defendant in the supreme court of his state, then he may resort to the supreme court of the United States by a writ of error under section 25 of the judiciary act of 1789, being section 700 of the revision, for the final decision of such federal question.

Reiter is offering great bargains at his merchant tailoring establishment, No. 310 Broadway. See his goods and get his prices.

"Lone Wolf" Will Stay.

The form and face of Dr. Palmer, known as "Lone Wolf," on account of his long connection with the Indians, are getting quite familiar to the residents of this city, and he purposes to make them still more so, as he has decided to remain here permanently, and as soon as a location can be selected he, with others, will start a surgical and medical institute here. In the meantime he is making headquarters at the Scott house on North Main street, and at his parlors there is receiving and treating many patients.

"Lone Wolf" is an eccentric character, and he departs from many of the old paths of travel in the treatment of disease. His pet theory is that the true cure is to put the system in such a healthy condition that nature will do the work of getting rid of the disease. He has created a large demand for his remedies, and his rooms are crowded daily by those seeking his advice and help.

Substantial abstracts of title and real estate loans. J. W. & L. Squire, 101 street.

Read Judd & Smith's off: of \$1,000 reward in another column.

Advertisement for various businesses including Real Estate Dealer, Dentist, Millinery & Notions, Meat Market, and others.

LIVE STOCK. STOCKERS AND FEEDERS. WINDOW & CRAMPTON, Waverly, Iowa.

KIEL SALE STABLES. Keep Horses and Mules constantly on hand which we will sell in retail or carload lots.

\$1,000 REWARD. For any case of Kidney or liver disease or dyspepsia, rheumatism, or any disease induced by a lack of native power, that cannot be cured by the use of Dr. Judd & Smith's Electric Belts and Appliances.

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Eiseman, Rodda & Co's PEOPLE'S STORE, The Leading Store in the City, the Grandest and Greatest Dry Goods Stock in the West.

SPECIAL SALE. In all the above departments during this week. Goods to be sold for less than half the regular retail prices.

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Dr. E. J. Balcear, 28 North 9th St., Council Bluffs, Ia.

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