THE OMAHA BEE.

COUNCIL BLUFFS. OFFICE: No. 12 PEARL STREET.

Delivered by Carrier in any part of the City. H. W. TILTON - . . MANAGER.

TELEPHONES: Business Office, No. 48, Night Editor, No. 23,

MINOR MENTION.

N. Y. P. Co. Council Bluffs Lumber Co., coal. Craft's chattel loans, 204 Sapp block. Real Rock Springs coal. Thatcher, 16 Main. If you want water in your yard or house go to Bixby's, 202 Merriam block.

Heary Hensing and Dora Clover, both of maha, were married Friday afternoon by Justice Cones. Mr. and Mrs. Porkins will hold a spiritual

Istic meeting in the Grand Army of the Re-public hall this evening. The Woman's Christian association will meet Monday, April 27, at 3 p. m. at the residence of Mrs. R. M. Osborne, 630 First ave-

Prof. Chambers will take charge of the dance programme at the Unity Guild May party, in Hughes hall, Friday evening, May 8.

Seventy cases have been commenced in superior court for the May term. This is one or the largest griste that has ever been nled for any term, and there are no whisky

Mamie, five-month-old daughter of John Bro, died yesterday of pneumonia. The funeral will take place this afternoon at 4:39 o'clock from the residence, 2316 South Sixth

In the Seamons divorce case, the decre which was rendered yesterday refused the plaintiff's petition, and awarded the divorce d custody of the minor child of the parties to Dr. Seamons.

The choir of St. Xavier's Catholic church is at work on a operetta by H. P. Danks, entitled "Zanie." It will be performed during the latter part of May. The music is of a very taking character. Judge Smith held a session of district court yesterday morning in the library room to try the divorce case of Lizzie Long against John Long. The case was submitted to the court

and taken under advisement. Albert O., son of Frank Peterson, died yesterday morning of lung fever, aged ten

months. The funeral will take place this afternoon from the residence at 2 o'clock. Interment in Walnut Hill cemetery. Attention, Independent Order of Oddfellows—All members of Council Bluffs lodge, No. 49, are requested to meet at the hall this evening at 7 o'clock to attend services at the

Prinity Methodist church. Members of other lodges and visiting brethren invited to attend John Lenchan is confined to his home by an accident which he suffered Friday night. He was walking down Pearl street, when he stepped on a rusty nail, which penetrated his shoe and entered his foot for over an inch. He was compelled to call a physician later in

the evening. Another initiation was held in the Scottish Rite hall last evening by the Commercial Pil-grims, and forty-five new candidates were initiated into the order. The lodge is con stantly growing, and from the present out-look it will not be long until every traveling man in Council Bluffs will be enrolled in its membership.

A number of music lovers were entertained at a musicale last evening at the residence o Henry Robinson on Broadway. Hans Albert, the famous violinist, and Herr Gahm, the pianoist, both of Omaha, were the main attractions of the evening. The music was ex-quisitely rendered, and all who were present were delighted.

The veteran firemen will give a ball in the asonic Temple next Friday evening, May One of the attractive features of the evening will be the May pole dance. A wreath will be voted to the most popular young lady, who shall be crowned May queen. The Veteran Firemen's association has been organized for two years, and during that time has spent over \$700 in caring for the sick and burying the dead of those who belonged to the fire department in the days when it was a volunteer affair.

J. W. Gittings was looking for a motorman last Friday evening, with a large quantity of warm, red blood in his eye. A little girl of Gittings' narrowly escaped being run over by a train at the foot of Ridge street, at the same spot where a little boy was killed last winter. The motorman called back to the father, who was standing not far off, that if he "didn't keep his d— young ones out of the way some of them would get killed." This sert of an apology did not exactly suit Mr. Gittings, and he gave it out cold that if he could catch him he would pulverize him. Fortunately for the motorman, Gittings could not find out who he was, so that he still has his scalp.

The Boston Store, Council Bluffs, will close hereafter at 6 o'clock Tuesdays, Wednesdays, Thursdays and Friday evenings. Mondays 9 o'clock, Saturdays 10 o'clock, Boston Store, Council Bluffs, Fotheringham, Whitelaw &

The Catholic Mutual Benefit association will give another grand ball at Hughes hall, corner of Broadway and Park avenue, Tuesday evening, April 28. A grand time is an ticipated by all who attend. Good music in attendance.

Furnished rooms for rent, sightly located and convenient to center of the city. Address

Newest styles in furniture and carpets; best cooking stoves in the world at Mandel & Klein's installment house, 320 Broadway.

Do you want an express wagon or boy! Ring up the A. D. T. Co., telephone 179, No. 11 North Main street.

PERSONAL PARAGRAPHS. A. A. Clark is in Chicago.

Mrs. W. B. Fisher left yesterday morning for Atlantic, where she will visit friends. L. Biederman leaves today for Creston, where he will deliver an address tomorrow at an anniversary of the Odd Fellows,

Mrs. Julia Desmond and daughter, Kittie, of Dubuque are the guests of D. A. Farrell and family. They leave today for Denver. J. W. Templeton of Garner township re turned yesterday from Chicago, where he attended the funeral of his mother, who died at the age of one hundred and one years.

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Drs. Woodbury, dentists, 30 Pearl street, Telephone 145. High next to Grand hotel. grade work a specialty.

When about to build don't fail to get prices on lumber of The Judd & Wells Co., 813 Broadway. Telephone 287,

Max Bouticius, having associated himself with the Council Biuffs Music Co., desires to thank the public for the patronage in the past and bespeaks its good will for the future. He will be pleased to wait upon his old friends, as well as new ones, at the Coun cil Bluffs Music Co.'s place of business, 538

Arbor I ay Aming the Mutes

Arbor day was celebrated at the Deaf and Dumb institute on Friday. The pupils were given a holiday. In the afternoon appropri ate exercises were neld in the chapel, Prof. G. L. Wyckoff delivering a lecture to the school. At the close of the exercises the teachers filed out at the head of the respec tive classes and wended their way to the grounds in front of the building where they proceeded to set out about one hundred apple trees. Great interest was taken in the work by the pupils.

The Boston Store, Council Bluffs, will close hereafter at 6 o'clock Tuesdays, Wednesdays, Thursdays and Friday evenings. Mondays o'clock, Saturdays 10 o'clock, Bostor e, Council Bluffs, Fotheringham, White

It is to your interest to consult Mandel & Klein before you buy your furuiture, carpets

or stoves. Seed oats, corn, millet and seed potatoes garden seeds of all kinds, at H. L. Carman's, 500 Main and 501 Pearl streets.

NEWS FROM COUNCIL BLUFFS.

Referee Ross Completely Vindicated from Imputations of Prejudice.

NO SURPRISE OVER THE CASE'S OUTCOME.

Started from a Misunderstanding and Ended in a Full Exoreration of the Accused-What the Judge Said.

Referee Ross, who has had his soul sorely tried for a few days past, got balin and solace yesterday, Judge Deemer rendered a decision that the charge of prejudice was not sustained, thus exonerating Mr. Ross fully. The decision is no surprise. Mr. Ross has lived here so many years and has such a firmly established reputation for integrity that no one would have the hardihood to charge him with being maliciously or knowingly partial in his action as referee. Even those who sought to have the case taken from him, simply claim that circumstances rather than volition were causing him to be prejudiced in favor of the Evans Brothers. Mr. Ross frankly admitted having been an attorney for T. J. Evans, but that gentleman is not one of the defendants n this case. As to Mr. J. F. Evans, Mr. Ross denies emphatically that he had been his attorney or on such intimate terms

as to warrant any intimation that he was liale to be prejudiced. In rendering his decision Judge Deemer stated that there were three grounds upon which the modification of the order was asked. One of them was that an un-due intimacy had sprung up between the referee and the family of one of the defendants; another was, that the refered had been retained as attorney by the de fendants. Both of these charges were wholly unsustained by proof. The third ground claimed by the plaintiffs was that the referee had been retained as attorney by T. J. Evans the brother of one of the defendants. Thi was admitted by the referee, but was, in the opinion of the court, immaterial. He thought that there was proof of incompetency, and therefore overruled the motion for the modi-

For widow shades, curtain poles, lace curtains chenille curtains, brass rods, drapery silks, wall paper, try the Boston Store, Council Bluffs. Get their prices before purchasing elsewhere. Boston Store, Council

> lee! Ice! Ice!!! If you want it pure and n And at a reasonable pr Follow no new dev But send to us in a tr At our off

Mulholland & Co., No. 4 Pearl st., Tel. 162, Trees, all kinds, guaranteed to grow, prices cheap, at Mairs', Broadway, opposite postof

No Scab or Non-Union Goods.

That which serves the interest of the laboring man, the mechanic, the bone and sinew of the country, and today the active and aggressive creative brain of the world, is that which directs the swing of the hammer and the whirr of the wheel, serves also the interest of the merchant. There are no two classes where the bond of sympathy stronger or more directly nected. Realizing this fact and con

cious of the additional fact that the prosperity of the merchant rests upon; the prosperity of the great army of toders, we desire to assure every man in Council Bluffs. Omaha and vicinity that we have not in any manner, directly or indirectly aided the em-ployers who have sought to reduce the earnings of their workinen; that we have not in our store a single article made by seab or non-union labor. It is true that we have taken advantage of the necessity that forced upon the market a large stock of clothing owned by the Rochester manufacturers whose demands induced the great strike of the cutters, but not a single garment of the purchase we made was made by scabs or non-union men. We purchased the goods at a heavy discount after they were thrown upon the market by the manufacturers who were nearly driven to the wall and who were con pelled to resort to forced sales to obtain ney to keep their heads above the tide This purchase was more in the interest of the workingmen than the manufacturers, for it enable us to sell the workingman as goed a suit of clothes as can be made at more than

25 per cent below the regular cost.
We regret that some of the gentlemen who constitute the labor assemblies in this city have misunderstood us, and we take this means of stating positively what our posi tion is. We are not manufacturers, only purchasers on the open market. We will thank the labor assemblies of Council Bluffs if they, through their officers, or members, will give us any pointers that will enable us to further protect our own interests as well as theirs, and if they can find any scab goods in our store that our buyers have picked out we will refuse them and hold them here sub-ject to the order of the houses that sent them.

AN IMPORTANT TELEGRAM Feeling confident that we were in the right, but still desirous of ascertaining if it were possible for us to have any of the ob oxious "scab" goods in our stock, we wired the greatest manufacturing house in Rochester yesterday noon and received this prompt reply, which we respectfully submit to the embers of the Knights of Labor in this city

and Omaha: Rochester, N. Y., April 25, 3:30 p. m.—To Jack Goldstein, Model Clothing House, Coun-cil Bluffs: All labor troubles settled long ago. Boycott has been removed six weeks ago. Continue to slaughter goods. Have another snap for you. Publish this. Moorg & Bern. The dispatch was received here at 4:10 yes-

Thanking the public and the workingmen who have given us such hearty encouragement in our efforts to establish a first-class metropolitan clothing store here, where eastern prices will prevail, we are, with great respect to all, yours,
THE MODEL CLOTHING CO.,

A. H. Goldstein & Co., Props New Sapp block, Council Bluffs, Ia.

The Grip and the Death Rate. At last a shrewd Yankee has solved the problem, and its simplicity is wonderful. It

is nothing more or less than a regular sized gasoline stove that lights like gas without smoke. Take a little chloride of sodium, heat dry and inhale vapor.

If you do this regularly during the summer and buy one of Cole & Cole's ice saving refrigators you are liable to escape the grip. Get the stove anyhow, or you will die of the grip if your wife's neighbor has one.

FOR RENT-A new 9-room residence on Broadway, corner of Sixteenth street; also a 11-room residence on North Scott street. Both houses are conveniently arranged and beautifully located, convenient to motor lines and just suited for Omaha business men. J. C. DEHAVEN.

Shugart & Co. carry largest stock of bulk field, garden and flower seeds in the west Catalogue and samples by mail.

Fruit farm for sale on reasonable terms; within one and one-half miles of the P. O.; all in bearing; good buildings; possession given at once. Call on D. J. Hutchinson & Co., 617 Broadway.

Storage at reasonable rates, J. R. Snyder, 22, 24, 26 Pearl street, Council Bluffs.

Freight for 150 miles prepaid on all goods bought of Mandel & Klein, 330 Broadway.

Friday night the house of Elijah Shubert, at 204 Pacific avenue, was on fire, and it took nearly an hour for it to be extinguished. from the fact that the hose could not stand the pressure and bursted several times. the pressure and bursted several times. The water at last proved the master, however, but not until the house and all its contents were badly damage. The fire originated from the explosion of an oil lamp. The dam-

age will amount to about \$600. A bad accident was narrowly averted in connection with the fire. Officer Peterson turned in the alarm at the corner of Broad-wap and Twenty-third street, and then ran up to the corner of Twenty-first street to stop

the fire department when it should come down. It was dark, and the man who was driving the hose cart did not see him. In jumping out of the way of the hose cart he came directly in the path of the large hook and ladder truck. One of the horses struck him, and he fell down, the wheels of the wagon passing over his body. He was badly brulsed, but otherwise his injuries did not

Assisting the Locked Out. At a recent meeting of Local Assembly No. 1900, Knights of Labor, of Council Bluffs, the

resolutions were unanimously Whereas, The clothing manufacturers of Rochester have formed in a combine, con-spired together and locked out the clothing cutters in their employ, claiming no other grievance than that of their belonging to a

labor organization; and,
Whereas, The clothing manufacturers have
dared to deny their cutters the rights of American citizens—the right to belong to a lawful organization; therefore, be it Resolved, That the representatives of organized labor of Council Cluffs and vicinity emphatically protest against the action of the

clothing manufactures of Rochester in de priving their employes of their liberties; and be it further Resolved. That we will not purchase any Rochester ready-made clothing nor patronize any retail clothing dealer handling the same.

and we recommend to all liberty loving citi-zens that they do the same. Resolved, That we pledge our hearty sup-port to all retail clothing dealers in Council Butts who will withhold further patronage from the Rochester combination of ready-made clothing until the combine will concede to its employes the same rights which they enjoy as employers—the right to belong to a

lawful organization. Resolved, That these resolutions be publisyed in the city papers of Council Bluffs. HENRY NUTT, J. A. STEFFEN, T. F. CALLAGRAN,

Committee on Publication Don't fail to attend the grand opening display of spring and summer goods at the Boston store, Council Bluffs, Ia., Fotheringham. Whitelaw & Co., Monday evening, April 27. Doors open from 7 to 9 o'clock, Everybody

Judgments Against Eisemans. Judgments were given in superior court yesterday afternoon in the following cases against H. Eiseman & Co.: Van Dyke Knit ting Works, \$319.50; Green, Joyce & Co., \$272.50; Gwernard Bros., \$1,122.47; David Alder & Sons, \$68; Steiner, Kahn & Co., Alder & Sons, \$568; Steiner, Kahn & Co., \$450; Kaye & Einstein, \$84; Young & Kutherford, \$283.39; A. Ellinger & Co., \$1,469.25; Werzburger, Goldsmith & Co. \$1,691; Weisell Brothers \$551.50; Wright Brothers & Co., \$260.75; John Pullman & Co., \$626; J. Blanrock, \$795; Simmons, Micho & Co., \$1,445; L. Heilprin & Co., \$1,692; Young, Smithfield & Co., \$1,887; Mills & Gibbs, \$4,449.22; James McCreary & Co., \$2,261.16; L. Koch & Co., \$577; Arnold, Constable & Co., \$3,87.87; Brickner, Woolen mills company, \$432.35; Oppenheimer, Colmills company, \$432.35; Oppenheimer, Col-lins & Co., \$908.50; Switzer & Schussel. 8203.95; R. Blankenburg & Co., \$831.92; A. E. Burkhart & Co., \$2.669.95; Lamb knit goods company, \$212.80; Wiel, Dryfus & Co., \$700; Carter & Co., \$50.41.

Don't fall to attend the grand opening display of spring and summer goods at the Bos-ton store, Council Bluffs, Ia., Fotheringham, Whitelaw & Co., Monday evening, April 27, Doors open from 7 to 9 o'clock. Everybody

Try Duquette & Co.'s Pomona fruit juice tablets. They are delicious,

J. C. Bixby, steam nearing, sanitary en-gineer, 202 Morriam block, Council Blutts

Death at St. Bernard's

George Kimball died yesterday morning at St. Bernard's hospital of apoplexy, caused by an attack of la grippe, at the age of sixty-five years. The deceased has been a resident of Council Bluffs for many years. He was a follower of Potter Christ, whose life and doings have become a part of the early history of Pottawattamie county. When Potter Christ tried to make his great ascension from the top of the court house, Kimball was with him. When he died, Kimball was one of the chief mourners.

In 1885 be was found to be insane, and confined in the asylum at Davenport. From there he was taken to Mount Pleasant and afterwards to Clarinda, where he stayed until last February, when he was brought to Council Bluffs and placed in confinement in rnard's h The funeral will take place this morning

from the undertaking establishment of Lunkley & Porter.

A grand ball will be given by the Catholic Mutual Benefit association at Hughes hall. corner of Broadway and Park avenue, Tuesday evening, April 28.

The Chicago Times, Tribune and Herald arrive in Council Bluffs 5:10 p. m. on day of publication, and are delivered at once to all parts of the city by swift and careful carriers at only 20 cents a week, including the mam-moth Sunday issued. The Saturday or Sunday issue alone 5 cents each. F. R. Nugent, agent, postoffice box 164.

District Court News.

Judge Deemer Friday night heard the suit prought by Mrs. Ellen Boyle for the purpose of preventing the motor company from buildng the road past her house till she was paid he damages which she claimed.

Yesterday was taken up with the trial of saloon injunction cases. The cases against U Liebold and Jacob Neumayer were tried ad submitted. A decree was granted against Ella Price. In the case of Sarah J Hunt against Hattie J. Berger et ai a default was taken as to

f foreclosure was granted as prayed. Don't fail to attend the grand opening display of spring and summer goods at the Bos-ton store, Council Bluffs, Ia., Fotneringham, Whitelaw & Co., Monday evening, April 27, Doors open from 7 to 9 o'clock. Everybody

the defendant. Hattie J. Berger, and a writ

Mair has all sorts of fruit, snade and orna mental trees, B'way, opposite postoffice

Everything in house furnishing at Mandel & Klein's on easy payments. 320 Broadway

Dumped from a Wagon. Friday night Mr. Hillard Cornellson was driving out to his home in Pony Creek, accompanied by two ladies. When they had arrived at Eighteenth avenue and Tostevin street the team took fright at a passing bicycle and shied, overturning the wagon and dumping the occupants out in a heap on the ground. One of the ladies was knocked enseless, and had to be taken to the house

of Officer Peterson, where she was cared for until morning, when she went home. Dr. nas, who attended her, states that she will not be out for a week The Fairmount 5c cigar at the Fountain. For rent, to family without children, good

room house, No. 220 South 1st street. A Bluffs Musician. Miss Julia Officer, who is studying music

Chicago, appeared in a recital on the 17th,

together with B. B. Young and Mme. Muzzucate Young of Omaha. Miss Officer played two solos entitled "Lieberstraum," by Liszt, and "Mazurka," by Leschetizky, and received many words of commendation for the brilliant manner in which they were rendered. For Sale-Two hundred tons of baled hay,

Manuel & Klein sell furniture, carpets and stoves on easy payments. 320 Broadway.

Lace curtains cleaned from 50c to \$1.25 per pair, at Twin City dye works. Ball Game Today

There will be a ball game this afternoon at the driving park between the N. B. Falconers of Omaha and the Models of this city. Motors will run to the grand stand every fifteen minutes, and the game will be called at 3 o'clock. The grounds are in first-class condition, and a good game may be expected.

Fell Down Cellar. Mrs. W. W. Bilger, with her three-yearold son, Ted, were calling on Mrs. J. G. Tipton Friday. While there the youngster fell

intimation that anything was wrong, and when Mrs. Bilger investigated she found her young hopeful lying on the ground at the bottom of the cellarway, senseloss. He re-mained in an unconscious state for several

hours SAYWARD CASE POSTPONED. Voluminous Brie's Filed by Counsel

on Both Sides.

WASHINGTON, April 25.—The supreme court has postponed the hearing in the Sayward and lottery cases until October 19. The goverument and counsel representing the British government were prepared to go on with the Sayward case, mvolving jurisdiction over the Behring sea, but the continued illness of Justice Bradley causes the court to order a postponement, a full bench being desired to hear a case of so much importance. The briefs of both sides are very voluminous. They may be divided into two parts-first, the legal argument involving the right to bring the case before the court in the rather unusual form of a writ of prohibition, and, second, a politico-legal argument, involving the relations between departments of the government. In the brief of the government it is maintained that a writ will not under the law issue unless want of jurisdiction is shown on the face of the proceedings by which forfeiture was decreed as libel. It maintained that even if the United States has not control over the waters more than three miles from the shore the conclusion must necessarily be drawn that the court found according to what was the jurisdiction of the United States, whatever that jurisdiction may be. Numerous authorities are cited in support of the denial of the claim of counsel for the British government that the supreme court has a right to go beyond the face of the returns and determine whether or not the court actually and rightly had jurisdiction to try the offense. The point is made that though the Alaska court is subject to prohibition, it is not when sitting in admiralty an inferior court in a technical sense, but a superior court whose decrees are entitled to every presumption favorable to its urisdiction.

Counsel for Great Britain held that no ight of appeal lay from the Alaska court to the supreme court in admiralty cases and that therefore the latter court should exer-cise more extended jurisdiction in prohibi-tion after sentence than if the party had ther remedy. This matter turned upon the mean-

ing of the words "in other cases," as used in the Alaska court, and it is maintained that it is much too narrow a view to hold that by these words the supreme court is excluded from the power of review and that it was really intended by these words to give the supreme court the same power of review that it had over all other ower courts, Counsel for the United States then con-

tended that these things being true and the Alaska court having jurisdiction over the offfense alleged, and jurisdiction over the claim ant by reason of his voluntary appearance in court, it follows that the finding of the court that seal killing was committed within the jurisdiction of the United States is conclusive and cannot be impeached. A great number of authorities are then cited as es-tablishing the doctrine that the finding of the Alaska court on the matter of fact jurisdic on was conclusive and that the petition for prohibition must, therefore, be dismissed, the supreme court having, it is asserted, no power in collateral proceeding to re-try and review the evidence. As to the seizure of a vessel on the high seas, it is contended that any objections based on illegal seiz-ure were waived, and, furthermore, that even if the seizure were illegal, a municipal law having been violated, the court, when it found the vessel owner in its juris-diction, had nothing to do with how he came there, but solely with his trial for violation of law. Counsel did not admit that a seizure on the high seas was unlawful and cite from the the figh seas was unlawful and ette from the supreme court decisions as establishing con-clusively the right of the United States to seize vessels on the high seas for offenses committed in places over which this govern-

ment has jurisdiction. This brings the argument down to the political aspect of the case, and it is contended with great force, supported by citations from numerous decisions, that the territorial jurisdiction of the United States is a political question, from the consideration of which the court is stopped by the action of which the court is stopped by the action of the executive and of congress in deciding copy of the action of the Omaha license that the United States has jurisdiction over waters where the Sayward was seized.
The decision of Justice Storey in
the Suffolk insurance case, counsel
say, defeats the claim of the petitioner that the executive has no power in himself without legislation to decide the question of sovereignty. The existence of such power is made obvious, moreover, by the act under which the seizures were ordered, which directed the president to seize vessels taking seal in the w president to execute this command of congress if he does not determine for himself what waters of the Behring sea are within the dominion of the United States: Could congress have made plainer its wish that he should decide? Counsel say that numerous seizures attest the fact that the executive has decided that the United States has jurisdiction over the Bebring sea and voluminous correspondence between the

British and American governments is quoted from as establishing this beyond all doubt.

Messrs. Choate and Carlisle, in opening their case, may down the position of the British government broadly that on the high seas a seizure and condemnation by a district court for an offense committed many miles from land are wholly unwarranted by the law of nations, while with equal confidence it is submitted that no law or treaty of the United States warrants such seizure and condemnation, and that the district court of Alaska never had furisdiction of the vessel or its alleged offense. Counsel maintain that the power of the preme court to grant a writ of prohibition cannot be questioned. The claim of the United States that scals might have been killed within three miles of land is declared "mere riotous imagination," the record dis-closing that the Sayward was never nearer than ten miles to shore. The strictly legal argument that the supreme court is bound not to go behind the record of the Alaska court is attacked, it being maintained that the supreme court cannot be prevented from

thoroughly examining the correctness of the Coming down to the rights of the United States over the Behring sea, it is asserted that the Russian treaty of cession does not purport to convey any dominion in the waters of the Behring sea, and if any dominion over the waters passed, it must have been as an incident or appurtenant to the transfer of land under the law of nations, the established rule of which limits territorial waters to three miles from shore. Counsel say it is ot necessary to take the ground that it the duty of the court to release the seized vessel, notwithstanding the explicit declara-tion directing seizure on the high seas are subject only to the jurisdiction of the flag they fly. It is admitted that congress and the executive might by co-joint action have actermined the extent of the dominion of the United States over the Behring rea, but it is insisted that they have not sworn to do so, nor to make provision by which the executive is to determine the question, and under the constitution it therefore devolves under the constitution it therefore devolves upon the court. The right of the executive to deal with persons and property can never, it is maintained, be a political question, and any so-called legislative construction of an

act of congress must always be subject to judicial determination.

In conclusion counsel denies that the judiciai power of the United States extends to the trial and condemnation of a British vessel wrongfully seized in time of peace on the high seas; denies that the forcible bringing into the limits of a district court of such vessel can enlarge or extend the judicial power of the United States. The judicial power of the United States as an independent nation is limited by the law of nations.

thus prevent the appearance of ages, use Buckingham's dye for the whiskers, the best dye made. See Potter & George Co.'s ad. page 17.

To keep the beard from turning gray, and

Feels Damaged. Lars Soderberg has sued the Omaha gas company and asks for \$10,000, claiming that August 4, 1890, he was caught in a cave-in while working in a ditch that the company down a cellar way. A scream was the first I was digging. His shoulder was broken, and I the police court May 5. Mr. Mead, who is | and ticket broker, and who for many years

as a result he avers that he has been crippled for life. He makes another charge, saying that October 4, 1890, his physician, J. C. Jones, through fraud, induced him to sign a document releasing the gas company from all

SOUTH OMAHA'S LICENSE.

damages.

duty of the council.

Animated Discussion of the Question of Advertising. The city council met last night to dispose of the license applications and protests, E. W. Simeral simply stated the position of THE BEE, the requirements of the law and the

Mr. Rosewater stated that the present law was enacted in 1881, which required publication of license notices in the paper having the largest circulation in the county, and during all these ten long years THE BEE's right has never been contested till this year, when in an underhand method twenty-five or thirty out of two hundred and forty or two hundred and fifty were obtained. Then when Tuz BEE was compelled to snow its hand, it had some two thousand more circulation the World-Heraid. The World-Heraid is like a contesting political delegation—if you won't let me in tarow the other fellow out. The cheek of the World-Herald is equal to its undertaking in this matter, when it comes in with a resolution stating what the council shall do. This is stating what the council shall do. This is pretty cool, I assure you. Some one suggests to kiss and make up, but we simply want our rights and there will be no kissing and embracing till justice be meted us at your hands. The rights The Bee have been maintained before the Omaha police commission and The Bee now publishes all notices for license applications in Omaha. The right of The Bee under the federal laws requiring publication in the paper, having the largest ublication in the paper having the largest scal circulation could not be attacked even by a democratic administration, nor had a democratic postmaster general authority to give it to another paper. In closing Mr. Rosewater wanted an expression of what the council would regard as a circulation and what periods of time it should cover.

Henry Martin, a resident of and saloon-keeper in South Omaha, was called and testified to having received before he published, a notice from The Bee giving The Bee's circulation and the requirements of the law. He published his notice in the World-Herald. Did not receive a notice of circulation. Councilman Rowley wanted to understand if Mr. Martin required a stepfather!

Also got a notice from the World-Herald before having advertised. That notice stated that the council having failed to designate a paper to advertise license notices in, I was at liberty to select for myself, and that the World-Herald had the largest circulation. Mr. Rosewater, the next witness, stated that he was editor of The Bar and president

of The Bee publishing company.
There are several editions of The
Bee, morning, evening, Sunday and
weekly. The bona fide circulation of The
Bre in Douglas county in February was 11,406 and in March 11,249.
On cross examination Mr. Rosewater did not know what editions the notices were ad-In reply to an insinuating question about

the loss of circulation the witness reminded

the examiner that as the question was impertment, it was none of his business. When the question whether the circulation of The Bur had not declined during the first ten months of 1890, Mr. Simeral interposed the objection that it had nothing to do with the case. The question is simply what was the circulation at the time or immediately before the notices were being published.

In answer to questions Mr. Rosewater showed from a statement in hand that the circulation of The Evenne Bee had run up from 9,317 in January, 1890, to 11,126 in De-cember of the same year. The witness did not know what edition the license notices

A letter from Postmaster T. S. Clarkson of Omaha was read and offered in evidence showing that under similar provisions of the national law all advertisements of letters were made in THE BEE. The mayor ruled the Henry Martin was recalled and stated that

were published in. These statements are made by employes in whom he had confi-

he published his notice twice in the World-Herald, the first time during the first week in April. Hitchcock of the World-Herald read E. O. Mayfield's affidavit of the circulations in South Omaha, the affidavit of William H. Dox of the circulation of the World-Herald, of Frank Trumball and William Warren of new subscribers obtained, some of which

On being sworn Mr. Hitchcock thought the morning circulation of the World-Herald was about three thousand and the evening edition about seven thousand, but didn't know whether it included other than paid or bona fide subscribers, "We give sample bona fide subscribers, "We give sample copies to canvassers, but do not know how On being shown a paper of April 11, 1891,

coard was then read.

with a notice reading. This is the last day on which the World-Herald will be delivered free of charge," and being asked bow many such copies were thrown around, the witness could not tell, intimating that was the duty of the business manager. License notices were published in both morning and evening editions.

Mr. Rosewater, on being placed on the stand, showed that The Bee circulation had increased 1,100 lately, and several hundred more would be added Monday next. "And these are all paid for. I have some regard for a man who pays for his paper and regard for a man who pays for his paper and not much for the man who wants to give it away and force it on people besides." Mr. Rosewater showed that not only had the po-lice commission ruled that all license notices after January 29 last, must be published in THE BEE, but the clerk stated that not a single license had been granted since that time. the notice of application of which had not been published in THE BEE. After a ten minutes' argument on each side the council adjourned to meet Wednesday evening to dispose of the other contests.

Fell in a Cellar. A young child aged two years, son of Mr. and Mrs. Patrick McMahon, Twentieth and N streets, fell from the ground floor to the cellar, a distance of some ten feet. The child fell face downward and received terrible broises and cuts all over the face. A sur-geon sewed up the cuts and dressed the

Loaded with Coffee. John Peterson and nineteen bags of coffee were navigated into the police station yesterday to answer as suspicious characters.

UNITED STATES JURORS. Names of the Good Men Drawn Yes te day Afternoon.

Scipio Dundy, clerk of the United States district court, drew the names of the men who will serve on the grand and petit juries during the next term of court, which begins during the next term of court, which begins on May 11. Following are the names that were drawn for the grand jury: R B. Graham, Lincoln; H. A. Homan, Omaha; Lorin Clark, Albion; B. R. Cowdery, Columbus; A. D. Buckworth, North Platte; D. C. Howard, Kearney, W. H. McGann, Hay Springs; J. D. Parish, Lincoln; George H. Hocknell, McCook; J. W. Bivens, Purdum; William McBride, Lincoln; S. H. Atwood, Plattsmouth; A. G. Robinson, Nelson; W. W. Wilson, Chadron; A. W. Bufflan, Tecumseh; W. H. Dunmor, Grand Island, J. C. Warner, Red Cloud; Frank Phillips, Hastings; Charles Richards, Valis City; Hastings; Charles Richards, Valls City;
J. H. McCall, Lexington; P. A. Black,
Bloomington, E. C. Carnes, Seward.
Names drawn for the petit jury service
are: W. M. Foster, H. M. Bodweil, William

Bateman, R. R. DeGraff, Omaha; William Harrison, Valley; William Farr, South Omaha; Herman Reagie, Falls City; John Diffley, Elkhorn; James Hensman, Douglas S. L. Roberts, Alma; Charles Graw, Omaha W. M. Erwin, Alma; Peter Nusson, Omaha; W. M. Frwin, Alma, Preer Susson, Olmada, J. S. Dew, Tecumseh; J. A. Phelan, Johnson; J. H. Umstead, Fulierton; John Wheeler, Minden; O. M. Shores, Waverly; John F. Duncan, Davenport; Antin G. Santaer, A. D. Seifken, Frank Fernandes, H. L. Seward, sr., Edward Gurske, William Rowitzer, James Anderson and John Kimmerting, Omaha; Louie Meyer, Lincoln; Harry Abbott, Denton; C. H. Morrill, Lincoln; W. T. Brandon, Omain; Alexander Palmer, Fullerton; J. C. Smith, Clearwater; J. C. Doane, Crete; J. T. Bomfor, Western, Saline county, and L. A.

Stocks, Geneva.

Malicious Prosecution. Mr. William E. Mead, the victim of a maicious prosecution, gave bond yesterday in the sum of \$750 to appear for examination in

well known in this city as an estimable gen-tleman, had for surety on his bond Mr. Frank Murphy, president of the Merchants' Na-

tional bank.

Mr. Mead says that he has no doubt in the Mr. Mead says that he has no doubt in the world that the case will be dismissed in the lower court. He says further that Mr. Frank Selberling, secretary and treasurer of the Elepire mower and reaper company, Akron, O., is on his way to Omaha. It was through the Omaha agent of this company that Mr. Mead was accested. Mr. Mead says that he infers that Mr. Selberling has a proposition to make looking to a companying and it his to make looking to a compromise be true Mr. Mead says that he will be disappointed.

COURT CASES SETTLED.

Several Decisions of Interest Handed Down Yesterday.

horn liquor case, which has attracted considerable attention, On January 20 August Bierbach applied to the board of trustees of Eikhorn precinct for a license to sell liquor. On January 28 his notice was first published in the Waterloo paper and the license granted January 31. C. Uhtoff, a citizen of Eikhorn, pretested on tho grounds that sufficient time had not elapsed between the date of publication and the date of the granting of the license, and for the reason that the Waterloo paper, not having the largest circulation in the country, as provided by law, the advertisement was illegal and void. Mandamus proceedings were prought, compelling the trustees to cancel the licensese issued and the case went nto court. In handing down his decision Judge Doane said the only question was whether an appeal would lie upon the face o the papers upon which the trustees had granted the fleense. He decided that the appeal was properly taken and that the trustees had no authority to issue the licens as the application had not been properly made and that the publication of the notice had not been made according to law. He held that the mandamus should issue; that the trustees had illegally issued the license In this case as in all others where a paten has been made and an appeal taken th saloon must be closed pending a settlement of the case. Two years ago John Rowe sent to New

York for men to take the striking plumbers places, advancing money for transportation After their arrival the new men refused to work or return the money, and Rowe at tached their tools and baggage. The lowe court hold that they were not attempting to defraud and the attached property was there

fore exempt from execution and lovy. Judge Wakeley sustained this decision.

An injunction was granted Ferdinand Streitz against the city of Omaha. A portion of the plaintiff's lots on Nineteenth and Center streets was taken for street purposes and instead of receiving damages he was assessed for benefits. The suit grew out of the city's attempt to collect the taxes. The court could not conceive how the taking of Streitz's roperty resulted in benefiting the same. The application for a receiver in the case

of the Omaha loan and trust company vs Delia A Vaughn et al. was granted. The case is a relic of the Democrat publishing company. Vaughu berrowed money from the plaintiff, but did not pay it back. Judge Hopeweil sustained the decision of the lower court in the case of Coburn sheriff, vs John P. Shening, and the sheriff's condition were released. This case grevout of the failure of the old Omaha bank. Before Judge Doane, A. C. Stonehill was harged with contempt in violating the order decourt in restraining him from counterfeitng the signs of the Boston store and their method of arranging goods for display. As oon as the case was heard Stonehill removed his sign of "Bonton" score and changed his display, and the court held that the centempt was thus purged.

POLICE PARAGRAPHS.

M sdeeds Recorded at the Central Station Last Night.

While some carpenters were working at the Deering factory on Capitol avenue yesterday afternoon, and were up on a scaffold, a sneak thief came along and stole a box of cols. The thief made a great run down Capitol avenue, chased by a couple of carpenters and Officer Hudson. For some time the flecing thief kept a distance of over a block in advance of his pursuers. When nearing the smelting works the tools were dropped, and the fugitive managed to hide among the freight cars and thus escaped arrest. Between 8:30 and 9 o'clock last evening a

gang of boys, most of them old enough to know better, amused themselves by throwing stones at the motor cars as they passed the corner of Twenty-four;h and Vinton streets. The police were notified by telephone and the approach of a couple of officers dispersed the crowd. There were no arrests. Bertha Dehring, a sixteen-year-old miss, was arrested last ovening charged with stealing some ribbon and lace from Stone-

hill's. Opposite her name on the police blot-ter is placed the charge of petit larceny. George Chapman was working the old shell game swindle before a crowd on Lower Far-nam street last night and was arrested by Officer Sullivan. Patsey Havey put in the night practising with the shells in anticipation of the board's meeting on tomorrow

night. DeWitt's Little Early Risers, best pill. See Potter & George Co.'s ad. page 17.

LOCAL BREVITIES. A meeting of property owners will be held rooms of the real estate exchange on Tuesday evening. The Vidanta Theosophical society meets very Sunday afternoon at 4 o'clock at room

Frenzer block. All are invited. The board of trade has accepted the pro-position of Messrs. Brainard and Eastman of the Paxton to entertain the presidential party while in Omaba. Invitations are out for a party to be given by the Mayflower pleasure club on Friday next, May 1, at the residence of Mr. Ed

Free, 4315 Farnam street. The members of the Woman's Relief corps, George A. Custer, Grand Army of the Re-public, will give a calico ball May 1 at Metro-politan hall, for the benefit of the relief The regular services will be held at the

First Congregational church this morning and evening by Rev. Joseph T. Duryea. Wednesday evening a grand praise meeting will be held, to which all are invited. The Pennsylvania excursionists now in California will arrive in Omaha on the first of May and will be entertained by the board

of trade in approprirte style. This will be the third and last of the Pennsylvania ex-The Omaha Kennel club has filed articles of incorporation in the office of the county clerk. The incorporators are J. C. Evans, Charles H. Sabine, Barney Gordon and Charley Ogden, who, with a capital of \$2,000, propose to go to raising dogs.

The ladies of the First Christian church have arranged for a musicale in the church pariors, corner Capitol avenue and Twen-tieth streets, Thursday evening, April 30. Some of the best talent in the city will contribute to the evenings's entertainment. A Good T ing for the Grip.

From the Allmquerque (N. M.) Imity twizen,
Several persons highly recommend Chamberlain's Cought Remedy as a remedy for the
grip, now so prevalent. E. W. Kilbourne,
the county surveyor, says a bottle of this
remedy gave him relief. This medicine is prepared by Chamberlain & Co., Des Moines, lowa, and it is having a big sale in this city. For sale by all druggists.

Building Permits. The following permits were issued by the superintendent of buildings yesterday:

Anton Prenal, one-story frame cottage, Park Forest
Cornelius Haltine one and one-fourth
story frame dweiling. Clifton Hill
T. J. Dickey, one and one-fourth story
frame dweiling. Forty-third and Burdette streets
G. L. Groveland, one-story frame cottage, Forty-night and Pacific streets.
Frank Prehal, one story frame cottage,
Park Forest
A. P. Tukey, one and one-half story
frame dwelling. Clifton Hill
Four minor permits.

See Potter & George Co.'s ad. page 17. Death of John G. Parker. John G. Parker, an old time railroad man

was connected with the Union Pacific railway company, illed last evening at 0:30 o'clock and will be buried tomorrow from his late residence, col Marcy street. Mr. Parker, who was fifty-five years of age, has been suffering for the past three months. from a complication of disorders. His death will be much regretted by a large circle of friends and acquaintances.

PERSONAL PARAGRAPHS.

G. W. Kirby of Eastings is at the Millard. N. I. Hawthern and wife of Wahoo are at

 H. D. Travis of Weeping Water is a guess
at the Casey.
 R. E. Funke and daughter of Kearney are at the Paxton Mrs. N. N. Baldwin of Grand Island is a

guest at the Dellene. R. M. Hoge and M. E. Catron of Nebrasks City are at the Dellone. Judge Doane yesterday decided the Elk-F. H. Olmsteau and A. S. Campbell

Hastings are at the Casey. W. I. Allan of Chicago, assistant general manager of the Rock Island, is at the Mil-

Mrs. F. Metz, sr., left for Grand Island yesterday to attend her lather's eighty seventh birthday. M. A. Lunn, editor of the Beet Sugar En-terprise of Grand Island, is in the city in the interest of his paper.

Mr. and Mrs. A. Robbins and Mrs. N. T. Spoor of St. Louis, who have been visiting Mr. and Mrs. Thomas Rogers, left for home vasterday. J. R. Hamilton and wife went east vester-

day afternoon over the Burlington Mrs. Hamilton will go to New York and Mr. Hamliton will stop in Chicago. Mr. A. B. Campbell of the Omaha Elevator company returned to the city yester av : f : r a trip through the grain growing districts of Kansas and Missouri. Mr. Campbell reports the crop prospects very promising.

of trade, is in the city making arrangements for getting out advertising matter extelling beauties and advantages of the country arrounding Minden, with a view to induc-ing immigration in that direction. W.S. Dunning, who has been officiating as tay clerk at the Hotel Deflore, has accepted the appointment of clerk at the Windsor hotel in Denver and left for that place yesterday.

J. A. Cline, president of the Minden board

A. Pitzgerald, a well known hotel man, esides at the desk of the Deliene. A very small pill but a very good one. De-Witt's Little Early Risers.

DEATHS.

Notices of five lines or its white this is (4, 1979) cents; each additional line ten cents. NELSON-Frank aged 20 years. Killed April 23. Interment April 25 at Forest Lawn. HOLMES-charles D., aged 25 years. Killed April 24. Burial from Burk t- Sunday at 3 p. m. to Forest Lawn. ARSON—At 9:40 p. m. April 25, aged 12 years, Howard, son of Mr. and Mrs. W. M. Carson, Funeral from residence, 2711 Shirley street, Monday, April 27, at 2 p. m. Interment at Forest Lawn.

SPECIAL NOTICES. COUNCIL BLUFFS.

FOR SALE or Trade—A fine imported Clydesdale stallion. Call on D. J. Hutch-inson & Co., 617 Broadway. FOR RENT-To family without chibiren, good 4 room house. No. 2.0 South 1st street,

WANTED-Competent girl in family of two at 312 High School avenue. Mrs. E FOR SALE-Two good lots in Wright's addition; will take horses in payment. Apply to Leonard Everett.

FOR RENT - 60-acre farm in Fremont county, flows. House, well and shed for one-third of crop on farm. Apply to Leonard Everety Council Bluffs, Iowa. FOR SALE-Cheap. Two fine ponies. In-For SALE-Hotel centrally located, doing good husiness. Or will exchange for good farm in western lowa.

Hotel lease, furn ture and fixtures; an A

Hotel lease, furn ture and fixtures; an A No. 1 chance to step into a good paying business. Reasons for selling, other business requiring all owner's attention.

Bargains in residence and business property. R. P. Officer, real estate and insurance agent, No. 12 N. Main st. Council Bluffs. GARDENS Some choice garden land near Council Bluffs for sale on easy terms, also vineyards and a large list of Iowa farms. Johnston & Van Patten.

FOR SALE—A fine family horse, 7 years old this spring, weighs 1039 pounds, color orrel. Bred by Robert MacGregor. Address H. F. Hattenhauer, 27 to 31 Fourth street, Council Riuts.

HAVE cash customer for four lots between 21st and 25th sis, between Ave D and 4th ave., J. P. Greenshields, 619 Broadway. FRUIT farm for sale or trade; well located and all in bearing; goot house and barn. Will take some good city property, and good time give, on balance. Call on or address D. J. Hutchinson & Co., 617 Broadway.

FOR RENT-The McMahon block, 3 story brick, with basement and elevator. J. W. Squire, 101 Pearl street. FORSALE-A bargain; new modern possi-with all the late improvements, seven rooms; will sell on easy payments; located on the Fifth avenue motor line D. J. Hutchin-son, cl? Broadway.

FOR SALE or Rent-Garden land, with houses, by J. R. Rice. 10) Main et. Council

Bluffe CITIZENS STATE BANK

Of Council Bluffs. TOTAL CAPITAL AND SURPLUS 225.000

Directors—I. A. Miller, E. O. Gleason, E. L. Shugart, E. E. Hart, J. D. Edmundson, Charles R. Hannan. Transact general banking business. Largest capital and surplus of any bankin Southwestern Lawa. INTEREST ON TIME DEPOSITS, RAGS AND IRON

Highest cash price paid for rags and all kinds of scrap metals. Country dealers and merchants will find it to their advantage to communieate with us before disposing of their stocks. GHANSKY BROS., Union Broadway Depot. Council Bluffs, In.

OFFICER & PUSEY.

BANKERS. Corner Main and Broadway,

COUNCIL BLUFFS, IOWA.

Dealers in foreign and donestic schange Collection made and interest paid on these NEW OGDEN HOTEL

The New Ogden Hotel, in Council Bluffs, has been completed refarmished an implemized throughout, and is now only of the best notels in the state. It is located in the best ness part of the city and the electric metars plass the door every four minutes. Fare excepts and fire alivant throughout the builting. Steam heat, not and cold witer and sunshine in every room. Table unsurpassed anywhers. Rates, \$2.00 a day.

GEO. M. WHITNEY, Manager. THE GRAND Council Bluffs, Ia.

This Elegantly Appointed Hotel is Now Open, Cragin & Co., Proprietors. Gas Heating Stoves.

No Asnes! No SMOKE. Just the thing for bath rooms, hed rooms, etc. Call and see our arge assortment.

211 Pearl and 210 Main Street,

C. B. Gas and Electric Light Co.