

THE OMAHA DAILY BEE COUNCIL BLUFFS OFFICE, - - NO. 12 PEARL STREET

NEWS FROM COUNCIL BLUFFS

Edgington's Attorneys Seeking a New Trial for Their Convicted Client. MISCONDUCT OF A JUROR IS ALLEGED.

Affidavits Presented to the Court Show that One of the Twelve Good Men Had a High Old Time Over Sunday. It now looks as though in the future when a Judge, on letting the jurors out for a recess, cautions them about talking with outsiders about the case on trial he will have to insert an admonition against loyally with the flowing bowl.

The arguments of the motion for a new trial were an interesting feature of yesterday's session of federal court. Judge Woolson was clearly averse to admitting the claims of the defendant's attorneys, and one of his most remarkable remarks was that he was satisfied that his instructions to the jury had been all right, and he did not care to hear any arguments on that point.

At this point Mr. Shea read an affidavit of Nels Sanderson, day porter at the Kiel hotel, stating that on the Sunday afternoon, April 14, before a drink was given to the jury, he saw George Hart, one of the jurors, drunk in the hotel bar; that he engaged in a quarrel in the bar; that Hart was put to bed and was still drunk in the room when Sanderson took some of the jurors' clothes from the room.

The court held that this decision covered the case in point, so far as it was set forth in Sanderson's affidavit. Rather a different result would be reached if it were held that Shea introduced another affidavit, signed by L. T. Genung, one of the defendant's attorneys, in which it was stated that Genung had been present at the trial, and that he had seen the defendant, and that he had seen the defendant in the presence of Genung and A. W. Askwith.

When court reconvened the attorneys for the defense stated that some of the parties who knew of Juror Hart's misconduct refused to make affidavits, and asked the court to appoint a commissioner, who might compel them to do so. Commissioner Steadman was appointed by the court and will take the statements of these witnesses under oath in his office at the federal building this morning at 9 o'clock.

SENTENCED THE BANK ROBBERS. The Crawford bank robbers, W. J. Smith, alias George Wilson, and J. J. Wilson, alias "Spooney" Butler, were then brought in to receive their sentences. Colonel Dailley, their attorney, besought the court's leniency in an affecting speech, and asked that the sentences be commuted to life imprisonment. He also stated that he had recently written to his father a letter in which he expressed his regret at having been the cause of a father's affliction, instead of going around the country robbing banks.

Contradictory Evidence. The \$10,000 damage suit of Anna Damitz against William Bauerkneper was finished yesterday afternoon in the district court and given to the jury. Bauerkneper sought to prove that on the day on which the crime was committed the fact that he was in Minnesota holding his sister's baby up to be christened. Dr. C. Deeken of this city was put upon the stand to swear to the fact. This question of his whereabouts on that day was not raised, however, on the first trial, in the criminal proceedings.

Now the fact that the statements he made in this trial that the statements he made in the former trial were false. The case was submitted at the hour of evening adjournment.

In case a trial should be held, in any state court, and to keep him in his custody until after the trial was over, after which the defendant should be taken care of, the penitentiary to serve out the remainder of his sentence. Court then adjourned until next Tuesday, when Judge Shiras will read the testimony in the case of Richmond, Crawford and Muffy, the promoters of the Union Building and Savings association. Before they were taken back to the county jail, Judge Wilson held a brief conference with Colonel Dailley and District Attorney Fuller, in which they both spoke bitterly of the trial just closed and made several sarcastic remarks as to the jury which would believe the witnesses brought forward by the government.

SOCKED IT TO THE BOOTLEGGERS. During the day several bootleggers took their life in their hands, and one of them, John Collett, a member of the Hellman gang that shot Deputy United States Marshal Gray at Abbia last St. got off a terrific assault on his companions, George and Gabe Johnson, on account of evidence that made him appear a less desperate character than his pals. He was taken back to the county jail at Logan and fined \$100.

Manufacturers of Cops' Beer Will Prosecute Its Jealous Traders. We have this day instructed our attorney to notify one L. Rosenfield of Red Oak, Ia., that he will prosecute him for failing to mark and seal his beer, and to require a government, or any other license.

Do you want any fencing? If so, don't fail to see the DeKalb wire picket fencing, 45¢ per roll, to 70¢ per roll, including a fitting Turn everything, Cole & Co., Main street. The concert at the First Presbyterian church, Friday evening, by the Omaha Glee club will be the most interesting of the season. It will be assisted by the Dudley Bunk, male quartet, Jules Lombard, J. H. Simms and Prof. Albin Hunter.

They're After Him. If you have read this paper you will see that our manager, E. G. Bartlett, has not only got a big grocery store, but a \$20,000 damage suit. Now we feel that we must assist him and to do this, in order to raise \$30,000 for him, we must cut the prices on groceries lower than ever. See our ad tomorrow, Bartlett Grocery Co.

Best Roman gold for china painting, 45 cents, at Chapman's new art store, 17 Main street. The opera house has been engaged for a grand mass meeting for men only next Sunday afternoon at 3 o'clock, under the leadership of P. F. Pierson, who will inaugurate the union evangelistic meetings. Admission will be by ticket, as it is expected that the seating capacity of the hall will be taxed to its limit.

Bridal Tour by Bicycle. Neil T. Ryan and Matilda Cress of Omaha rode up to the court house on their bicycles yesterday afternoon, and going inside, asked the judge to give them the license they wanted to enable them to get married. A license was procured and they went to the office of one of the clerks, where the knot was tied. They returned to Omaha on their wheels.

Carrying Licenses. The following marriage licenses were issued by the county clerk yesterday: Name and address. Age. T. W. Gray, Neola, 28. Nettie Vesely, Neola, 22. Neil T. Ryan, Omaha, 25. Matilda Cress, Omaha, 22.

Gasoline Has Ris. But it won't stay long. Gasoline stoves are lower this week than ever. Four-burner, high, only \$19. Three-burner, high, \$18. Cabinet Radios, \$25 to \$35, and \$20, worth \$24. Monarch Cabinet, best tone made, no smoke and two large ovens, \$26. At DeVols, 634 Broadway.

SUSPICION TOOK HIM HERE

Reasons Why John M. Thurston Was in St. Paul Last Tuesday. FORESTAL SURPRISE IN SHORT LINE CASE. Was Understood That American Loan and Trust Company Would Seek to Submit Affidavits at the Hearing—Attorneys Deny It—Date Stands.

Judge John M. Thurston, attorney for the receivers of the Union Pacific, was not in St. Paul Tuesday to represent his clients "at the hearing before Judge Sanborn of the separate receiver case of the Oregon Short Line & Utah Northern," as stated by a local press report. Mr. Thurston's presence in St. Paul was for a different purpose, hardly a half dozen people in the headquarters building knowing the attorney for the receivers was out of the city. He was in St. Paul to represent Winslow S. Pierce of New York, attorney for the first mortgage bondholders of the Oregon Short Line & Utah Northern, under whose foreclosure proceedings the present receivers of the American Loan and Trust Company stand.

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REPORT PUBLISHED HERE THIS AFTERNOON THAT Henry Villard had again secured control of the Northern Pacific. He said there was no truth in the rumor, asserting that it was merely a false statement printed in a New York paper a few days ago.

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FAILED TO KEEP A PROMISE

Causes of Some Interesting Litigation at Mt. Ayr, Ia. GEIGER-PAYNE CASE UP FOR TRIAL. Young Music Teacher Asserts that a Wealthy Farmer Agreed to Marry Her and Asks a Fortune for His Abandonment.

MT. AYR, Ia., April 24.—(Special Telegram.)—The special district court of Ringgold county is in session with Hon. H. M. Towner on the bench. The noted Geiger-Payne breach of promise and seduction case was again before the court on motion for continuance on the part of the defendant, A. C. Payne. The ground for continuance was that one of the defendant's attorneys, M. Campbell, had died April 6 and that he was unable for trial. The motion was overruled and the case set for trial tomorrow.

Prof. Larabee's Promotion. CRESTON, Ia., April 24.—(Special Telegram.)—Prof. H. B. Larabee, superintendent of Creston's public schools for eleven years, has resigned his position to accept a position at the University of Chicago. He is likely to be his successor.

Fire at Cedar Rapids. CEDAR RAPIDS, Ia., April 24.—(Special Telegram.)—At an early hour this morning fire in Otis & Wines' drug store, on Grand street, caused a loss of \$10,000, fully insured. The origin of the fire is not known.

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Weather Forecast. Partly Cloudy and Cooler, with Variable Winds for Nebraska. WASHINGTON, April 24.—The forecast for Thursday is: For Nebraska—Partly cloudy; cooler; variable winds.

Reports from Other Stations at 8 P. M. STATIONS. High, Low, and Average Temperature, Precipitation, Wind, and Clouds.

JUST AT THIS SEASON.

What is It That So Strangely Effects People Now Days? "There is an epidemic of tired feelings at this time of the year." The speaker was a prominent man, and he added, "and even the strongest people feel its debilitating effects. Most depressing. There are few men or women who do not get up in the morning with a sense of exhaustion and a desire for more rest. This," he said, "shows that the system is in a low condition and needs stimulating. To overcome this weary condition I know of nothing better than the use of a pure whisky, because it quickens the blood and purifies the body as nothing else can do."

When Buying Fruit Trees, Buy the best. A minute lost can never be recovered, and it's a calamity to lose several years, which so many Iowa and Nebraska people have done when they have bought foreign grown, unacclimated fruit trees.

First National Bank of Council Bluffs, Iowa. Capital, \$100,000. Profits, \$12,000. One of the oldest banks in the state of Iowa. We solicit your business and collections. We have the best of all other banks. We will be pleased to see and serve you.

Messmore & Clement, Brokers, Grain, Provisions, Stocks, 80 1/2 Broadway, Tel. 203. Council Bluffs, Iowa.

Special Notices-Council Bluffs. CHIMNEYS CLEANED, VAULTS CLEANED, 243 Burke, at W. S. Homer's, 333 Broadway.

Castoria for Infants and Children. Castoria cures Croup, Constipation, Stomach, Diarrhea, Eruption, Kills Worms, gives sleep, and promotes digestion. Without injurious medication.

Sexine Pills RESTORE LOST VIGOR. Result in 4 weeks. SHERMAN & MCCONNELL DRUG CO., 1513 Dodge street, Omaha, Neb.

DAVIS' DRUG, PAINT AND GLASS HOUSE. Carries a larger stock of glass than all the other drug houses in the city combined. 200 Broadway.

Cleaning and Dyeing of Garments and Goods of Every Description. Schoedsack's Twin City Dye Works, Cor. Avenue A and 26th St., Council Bluffs, Office, 1521 Far nam St., Omaha. Send for Price List.

PERSONAL PARAGRAPHS. Congressman A. L. Hager of Greenfield, Ia., registered at the Grand hotel yesterday. G. B. Stuer, supreme grand deputy of the Independent Workmen of America, is in the city.

PERSONAL PARAGRAPHS. Mr. and Mrs. John Brooks of Atlantic are in the city, the guests of their daughters, Mr. and Mrs. B. B. Moore.

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