

CURRENT EVENTS OF IOWA. COUNCIL BLIFFS.

ROAD TAX FIGHT UP AGAIN

Colonel Baker Says He Will Expend County Funds Just Where He Pleases.

CHAPTER THREE IN BAR DOCKET CONTEST

Avoca Canning Company Asks Exemption from Taxation for Three Years So Far as the County is Concerned.

The annual controversy between the city and the county supervisors over the expenditure of the portion of the county road fund levied within the city limits is again to the fore.

Before Colonel Baker's advent on the county board the city council and the supervisors succeeded in effecting a compromise in the matter by which part of the fund collected within the city was turned over to the committee on streets and alleys and the other part expended by the supervisors wherever it desired.

Colonel Baker, however, declined to enter into any such arrangement and the result has been a constant controversy between the board and the city council.

The ordinance prohibits the assigning, leasing or transferring of the franchise by the company until notice of same has been filed with the city clerk and approved by the city council.

The ordinance provides that there shall be not less than twenty-five toll stations and public pay stations, together with a central office, but does not limit the maximum number.

The special committee consisting of Aldermen Lovett, Tinley and Casper, Mayor Morgan and City Solicitor Snyder, expects to meet Saturday, before the ordinance will probably be revised before it is submitted to the committee of the whole for its approval.

Marriage Licenses. Licenses to wed were issued yesterday to the following:

Frederick H. Ashley, Missouri Valley, Ia. 21 Emma Helen Morrill, St. Louis, Mo. 21 Julia H. Hagan, Des Moines, Ia. 21

Plumbing and heating, Bisby & Son. Davis sells drugs. Stocked with carpets.

Expert work repairing. Leffert, 423 E. F. Celebrated Metz beer on tap, Neumayer. FOR rent—Modern house, 719 Sixth ave.

Twelve-piece chamber set, \$38. A. B. Howe, 210 Broadway. Clothing, 1 cent a dozen at A. B. Howe, 210 Broadway.

G. F. Camp has gone to Arkansas to look after private interests there. Real estate in all parts of the city for sale.

Thomas E. Cassidy, 22 Pearl street. Born, to Mr. and Mrs. W. E. Bock, 207 Harrison street, yesterday morning, a son.

Born, to Mr. and Mrs. Pehl, corner of Main street and Fifth avenue, a daughter. The regular meeting of Myrtle lodge No. 20, Degree of Honor, will be held this evening.

Before papering your rooms we want to show you our elegant new designs. C. B. Paine, Oil and Glass company. Good Friday will be observed at St. Paul's Episcopal church today with a three hours' session from 10 to 3 o'clock.

A sneak thief tapped the till in the office of the Metropolitan hotel Wednesday evening during the absence of the clerk and secured \$17.50. Mrs. William Cadwallader and daughter Hazel of Lincoln, Neb., are guests of Mrs. Cadwallader's parents, Captain and Mrs. L. B. Cousins.

Mrs. W. J. McDonald will entertain the Missionary society of the First Christian church at her home, 719 Madison avenue, this afternoon. Frederick H. Ashley of Missouri Valley and Emma Helen Morrill of St. Louis, Mo., were married in this city yesterday by Rev. J. A. Hitchcock.

E. A. Wickham returned from Chicago last evening, where he secured a contract for twenty-five miles of work on the Chicago & Eastern Illinois railroad out of Woodlawn. A minstrel show will be given at the New theater Friday, April 11, for the benefit of the Union Pacific strikers.

The troupe is made up mostly of Omaha talent and the show has already been given in that city. The Council Bluffs High school baseball team will play its first game of the season Saturday afternoon with the Iowa school for the deaf on the latter's grounds. The game will be called at 3 o'clock. A return game will be played Saturday of next week.

County Superintendent J. J. McManus will go to Stuart, Ia., today, where this afternoon he will act as one of the judges at the Iowa High School Delectatory association contest. The other judges will be Prof. C. C. Cole of Atlantic and Miss Clara Powers of Cedar Falls. The Council Bluffs Rowing association will give the first dance of the season Friday evening, April 11, at the Grand hotel on Lake Manawa, on the following dates: June 5 and 19, July 3, 17 and 31, August 14 and 28 and September 11. Henry Thomas, colored, was arrested yesterday, charged with the theft of a lap robe from the store of Dr. Meador. He was with him a grip full of clothing. Later in the day West Chapman, also colored, of Omaha, called at the police station and identified the clothing as belonging to him. He said Thomas stopped at his house Wednesday night and when he left Thursday morning the clothing was found to be missing. Thomas was wearing a pair of trousers which Chapman also claimed as his property.

Woman Takes Long Trip. SIOUX CITY, Ia., April 9.—(Special.)—Mrs. Ellen Arthur is here from Texas, from which point she walked the entire distance. The woman was confronted with her choice of walking or starving and she chose the latter, pulling a little express wagon with her 8-year-old girl. Mrs. Arthur found judgment for alimony to be amount of \$2,000 awaiting her here. She is divorced from her husband. Rate of Cost of Building. AMES, Ia., April 9.—(Special.)—The board of trustees of the State college has authorized the building committee to figure on a building for the central hall to cost \$300,000 instead of \$25,000, as formerly planned. The committee reported that the modifications could not be made without injuring the building, to reduce it to the lower sum. The bids will be opened May 6.

TELEPHONE ORDINANCE READY

Several Aldermen Are Not Satisfied with it in Its Present Form.

KNOTTY PROBLEM FOR JUDGE

Supreme Court Wrestles with Question of Presumption of Guilt of Them.

TAKES CASH TO SQUARE THE PROMISE

Superintendent of Hospital Says Farmers in Posses Shot Fleeing Incubates Only When Attacked by Them.

MERGER IS ENJOINED

(Continued from First Page.)

defeat the will of the national legislature, as expressed in a law relating to interstate trade and commerce, over which courts have absolute control. Presumptively, at least, no charter granted by a state is to have that effect, or be used for such a purpose, and in the present instance it is clear that the statute did not intend to grant a charter under cover of which an object denounced by congress as unlawful, namely, a combination which has the power to restrain interstate commerce might be formed and maintained because the enabling act under which the securities company was organized expressly declares that three or more persons may avail themselves of the provisions of the act and become a "corporation for any lawful purpose."

Restocking Blue Lake.

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Laws of New Jersey.

Laws of New Jersey, 1899, page 473. This language is not merely perfunctory; it means obviously that the courts of the incorporations saw fit to assume, they must hold for the accomplishment of lawful objects. The words in question operate, therefore, as a limitation upon all the powers enumerated in the articles of association which are filed by the promoters of the securities company, so that however extensive and comprehensive the powers may seem to be, the state of New Jersey has said, you shall not exercise them so as to set at defiance the combination lawfully enacted by the congress of the United States or any statute lawfully enacted by any state wherein you are to exercise your powers.

The contention that whatever restraint upon interstate commerce there may be is indirect and remote, and therefore not to be forbidden by congress, is not found to be well sustained.

The contention that if the existing combination is in violation of the anti-trust act then the statute only restricts the rights of the individual to make contracts and is invalid, is declared to be entitled to little consideration.

Provision of the Constitution.

The court says: The provision of the constitution does not, as we believe, exclude congress from legislating with regard to contracts of the nature, while in the exercise of its constitutional right to regulate commerce among the states. On the contrary, we think the provision regarding the liberty of the citizens is to some extent limited by the commerce clause of the constitution, which gives the power of congress to regulate interstate commerce, and it is the right to regulate interstate commerce which is the right to regulate interstate commerce.

The further contention that the anti-trust law was not intended for such combinations as the one in question, and that it was enacted in aid of commerce and not to restrain it, is not tenable, as clearly stated in the first point, and that the second point is a mere verbal subtlety, and that the anti-trust act, as to the last contention, it is to be possible, but not a matter for the court to decide.

The decree is then entered, as already given above. Circuit Judges Caldwell, Sanborn, Thayer and Van Devanter heard the case and all concurred in the opinion, which was written by Judge Thayer and filed in the United States circuit court of appeals in this city.

Notice was at once given of an appeal to the United States supreme court. The defendants are the Northern Securities Railroad company, James J. Hill, William P. Clough, D. Willis James, Norris Kennedy, Robert Bacon, J. P. Morgan, G. D. Baker and Daniel Lamont.

Says Order is Inconclusive.

NEW YORK, April 9.—One of the leading counsel in the Northern Securities case said: As yet this is an undigested opinion, but from the hasty glance I have given it I call your attention to the holding of the judge's order, which practically nullifies the whole effect of the decision. It provides that the Northern Securities company may transfer and assign the stock of the Northern Securities company to any person or persons, now held by it, to such person or persons as they may desire, and the right of transfer is vital and it seems to me to render nugatory the main conclusion of the court. However, it is too early to say more.

J. P. Morgan said: Until I see the full text of the decision I shall not care to express an opinion on it. This is a novel case, however, it will not rest where it is.

The question of the right of two or more railroads to be operated by a holding company will be taken to the United States supreme court. Instead of looking upon the decision of the court today as a blow to railroad enterprise I should say that the reverse is the case.

Capital all over the country is anxious to know its rights in the matter of railroad construction and operation. Railroad men want to know where they stand. The decision today is just one step closer to a decision from the United States supreme court, which shall be final, for even if the Northern Securities had won today the government would probably have appealed.

The question was of such importance that an appeal was assured, no matter who won. These facts are plain. Both railroads held by the Northern Securities company still exist and are doing a good business. When railroad men know exactly how the law is to be interpreted they will probably find good ways to see that their properties are operated economically and profitably.

A conference of leading financiers was held this afternoon in the office of J. P. Morgan & Co. to discuss the details of the decision and its bearing upon railroad properties in the future. An effort was made to see J. J. Hill, but he kept himself in seclusion and denied himself to callers.

President J. J. Hill of the Northern Securities company went to his office this afternoon, where he received only W. P. Clough, general counsel and first vice president of the company. General Clough took an active part in arranging the legal preliminaries of the company, and also in the preparations of the arguments of the company's cases before the court.

Mr. Clough said he has received only the most meager and unsatisfactory advice from St. Paul, and that he could arrive at no clear understanding of the matter until he had learned the full text of the decision. He declared, however, that the case would be carried to the court of last resort.

Ex-Judge William H. Morris, who is one of the dominant factors of the Rock Island company, is quoted as saying: "The decision in the Northern Securities case will in no way affect the Rock Island-Frisco deal. They are not connecting lines and the case is in no way analogous."

Credit Belongs to Knox.

PITTSBURG, April 9.—When informed of the decision in the Northern Securities case E. D. Watson, special counsel for the government, said: The credit for this victory belongs to Attorney General Knox. It is not thought that the case through and arrived at the conclusion that the formation of the Northern Securities company was in violation of the anti-trust law. He so positively advised the president and cabinet that the case was so vigorously and industriously pushed the case and the decision fully sustains him in his course.

NEW YORK, April 9.—In the outside market, Northern Securities, which had sold up to 1903, broke to 100, on receipt of the news from St. Paul, but later recovered partially, closing at 104.

Teacher Sues for Damages.

ONAWA, Ia., April 9.—(Special Telegram.)—Another big damage suit was filed today in the district court.

What Shall We Have for Dessert?

This question arises in the family every day. Let us answer it to-day. Try Jell-O,

Jell-O,

a delicious and healthful dessert. Prepared in two minutes. No boiling! No baking! Add boiling water and set to cool. Flavors—Lemon, Orange, Raspberry and Strawberry. Get a package at your grocers to-day. It's.

W. E. Atkinson, late principal of the Moorhead, Ia. schools, demands \$10,000 damages of C. W. Blackman of the same town for alleged slanderous words spoken away from Blackman in consequence thereof.

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"Hobson's Choice" Tobias Hobson was the first man in England who let out hackney horses. When anyone wished to hire a horse, he was obliged to take the one standing nearest the stable door—he had no selection. Hence the old proverb, so familiar now, was born. "To elect there is but one— 'Tis Hobson's choice—take that or none." Before the introduction of Uneeda Biscuit buying soda crackers in a paper bag, was like hiring Hobson's horses—there was no choice. In kind and quality there was but one—take that or else take none. Whether stale, soggy, dirty or old—'twas ever the same "Hobson's Choice." Uneeda Biscuit in In-er-seal Packages have revolutionized this old method and set an example that has received the stamp of public approval, as the sale of over 200,000,000 5 cent packages attest. The In-er-seal Package insures their quality, cleanliness and crispness, because it is airtight, moisture proof, dust proof and germ proof. NATIONAL BISCUIT COMPANY

Medical Lake Tablets Would you possess the energy and attractiveness of PERFECT HEALTH? MEDICAL LAKE TABLETS are the newest and most unflinching of Health Tonics. Dropped in cold water these tablets produce a delicious, sparkling, effervescent drink, immediately thirst-quenching and permanently stimulating. The crystals from which the tablets are made are concentrated—pure as Lake Washington, — which science has declared the most remarkable natural concentration of health elements in any form ever yet discovered. For many centuries the stalwart Indians, to whose splendid physique these waters added rare elements of grace, guarded the secrets of Medical Lake with their lives—as a reservoir of health power bestowed especially upon themselves by the Great Spirit. Medical Lake Tablets will found a wonderful cure for RHEUMATISM, GOUT, BLADDER, KIDNEY AND LIVER TROUBLE, INDIGESTION, DYSPEPSIA, CONSTIPATION, AND ALL BLOOD DIFFICULTIES, and neither home nor traveller's outfit can well afford to remain unprovided with the tablets, and their kindred Medical Lake Remedies. Though they are absolutely free from all drugs they are sold mostly by druggists. Not Patent Medicines. Medical Lake Tablets, 25 Cents a Bottle. MEDICAL LAKE SALTS, for the Bath, and MEDICAL LAKE SOAP, for the Toilette, —are deliciously stimulating and cleansing— MEDICAL LAKE SALTS MFG. CO., SOLE MFRS. NEW YORK AND SPOKANE, WASH.

For Sale by SHERMAN & McCONNELL DRUG CO., Cor. 16th and Dodge Sts., Omaha, Neb.

Moore's Stoves Always Please The Only Range with Hinged Top The handy way to broil, toast or fix the fire. MOORE'S STEEL RANGE has Oven Thermometer, Automatic Controlling Damper, and every facility for cooking with ease and certainty. Ask to see it. FOR SALE BY LEADING STOVE DEALERS.

DR. SEARLES So well and favorably known as the leading, most reliable and successful SPECIALIST in all DISEASES OF MEN. They have been many years in establishing their reputation for honest and honorable treatment of the afflicted. DR. SEARLES' consultation and advice are FREE, in person or by letter, and are given confidentially in all diseases. Written contracts given in all curable diseases of men, or refund money paid. Many cases treated \$5.00 per month. CONSULTATION FREE. TREATMENT BY MAIL. Call or address, Cor. 14th & Douglas. DR. SEARLES & SEARLES OMAHA, NEB. California for \$33 From Chicago \$30 from St. Louis, \$25 from Kansas City. Low rates from East generally. Daily, to June 15. Through tourist sleepers and Harvey meals. Home-seekers traverse by this line the rich San Joaquin Valley. "Santa Fe all the way," Chicago and Kansas City to Los Angeles, San Diego and San Francisco. Interesting pamphlets free—telling about cheap lands in California. E. L. Palmer, P. A., 409 Equitable Bldg., Des Moines, Ia. Laxative Bromo Quinine Cures a Cold in One Day, Crip in 2 Days E. W. Brown on every box. 25c

LEWIS CUTLER MORTICIAN 22 Pearl St., Council Bluffs. "Phone 8."