DENNISON HELD BY COURT

Fails to Secure Writ of Habeas Corpus and Will Appeal Case.

UDGES DECIDE EVIDENCE IS SUFFICIENT

Day, Troup and Redick Unanimous in Holding Relator Failed to Prove He Was Not Fugitive from Justice.

Tom Dennison's application for a writ of habeas corpus has been denied by the distriet court. His attorneys have taken exceptions to the findings of the court and given notice that they will move for a new trial next Tuesday, and in the meanwhile the final order of the court will not be entered and Governor Mickey's warrant of extradition will be in abeyance. Attorneys for the Civic Federation stated in court yesterday that they would give reason able time to the attorneys for Mr. Dennison to make their record upon which to

carry the case to the supreme court. Court room No. 1 was crowded when Judges Day, Troup and Redick read their findings in the habeas corpus case, in which all three of the jurists concurred, although they read separate opinions. The main opinion was read by Judge Day and is as

Day Rends Main Opinion.

Day Rends Main Opinion.

The legal questions involved in this actions are new to the jurisprudence of this state. So far as I am aware this is the first time in the history of the state in which the courts have been called upon to pass upon the questions here presented. They are also of great importance, not only to the relator, whose rights are to be determined in this action, not only to the sovereign state demanding his extradition for the purposes of trial for an alleged violation of its laws, but also important to this commonwealth, because it may establish a precedent by which the rights of any citizen who is sought to be extradited may be hereafter determined. And I am sure that throughout this trial, and during the deliberations of the judges who have participated in it, the importance of the question involved has been constantly before the court, and the court has had but one purpose constantly before the court, and the court has had but one purpose constantly before it, namely, to ascertain what the law is and to follow it wherever it may lead.

It seems hardly necessary at this time to review the reasons by which we reached the conclusions announced upon the hearing of the motion of the respondent to quash the writ of habeas corpus. It is sufficient at this time to say that after a more mature deliberation and consideration we adhere to the ruling then made, which is, in substance, that a party who is held under a warrant of the governor, issued in ohedlence to a requisition of a governor of a demanding state, has the right by habeas corpus to have the courts determine whether the jurisdictional facts upon which alone the governor of the state asking the extradition; second, that the accused has been duly charged with the commission of a crime against the laws of the demanding state, has the right by habeas corpus to have the courts determined whether the jurisdictional facts upon which alone the governor was prima facte valid, and that we would hear testimony for the purpose of determining whether o

mission of a crime against the laws of the state of lowa.

Upon the hearing it was also contended on behalf of the relator that the statute of limitations of the state of lowa had run against a prosecution for the offense charged in the indictment. In our view, however, this position is not well taken for two reasons: First, the statute of limitations under the decisions of the lowa court does not apply in "case where the accused is absent from the state; and, second, the statute of limitations as sought to be here pleaded is a matter of defense to the merits of the indictment and sheds no light on either of the jurisdictional questions which we are considering.

As to Shercliff's Evidence.

Another question which was presented

to be mere presented in a matter of defense to the merits of the inderment and shelts of the inderment and successors which we are considering.

As to Shereliff? Evidence.

Another question which was presented the affluart and copy of Shereliff and the accomplishment of a personal or the purpose of showing what evicence was been shown to the accomplishment of a personal or the purpose of showing what evicence was been shown to the purpose of showing what evicence was been shown to be prostituted for like ends. On the purpose of showing what evicence was been shown to be prostituted for like ends. On the purpose of showing what evicence was been shown to be prostituted for like ends. On the purpose of showing what evicence was been shown to the law may be upheld by the punish-davit before the governor is competent evicence in the shown of the law may be upheld by the punish-davit before the governor is competent evicence in the state of lows. At the outset of this case the burden was on him to show that is was not in the state of lows, and one of the counsel for relator announced that he was not in the state of lows. At the outset of the case of the state of lows, and one of the counsel for relator announced that he was not in the state of lows and one of the counsel for relator in the charge of the purpose of the evidence was not in the state of lows and one of the counsel for relator to end the purpose of the evidence was not in the state of lows and one of the counsel for relator to end the purpose of the evidence was not in the state of lows and one of the counsel for relator to end the purpose of the evidence was not in the demanding state at or heavy to be the state of low the purpose of the evidence was not in the demanding state at or l

What the Court Decides.

We therefore hold: 1. The warrant of the governor is prima facte valid, and in connection with the evi-dence before the governor makes a prima facte case.

I. The indictment is properly authenticated and establishes the fact that the relator stands charged with the commission of a crime against the laws of the state of town. fows.

I That the warrant of the governor is not valid because it falls to recite the findings the jurisdictional facts.

The amdavit and copy of Sheroliff's

YOU CAN SAVE

Your family much needless anxiety in future years by protecting your estate with any one of the excellent policies to be obtained of the

Bankers Reserve Life Company

Of Omaha, Nebraska.

The man of modern times does not neglect this very important duty.

Additional agents wanted to develop choice territory on liberal terms.

B. H. ROBISON, President.

evidence before the grand jury are not competent evidence in this proceeding to prove either of the jurisdictional facts.

5. The statute of limitations has no application where the parties are fugitives from the justice of the state.

6. The burden is upon the relator to establish by clear and satisfactory evidence that he was not in the state of lows and at or about the date of the alleged offense, and

7. The evidence and circumstances in evidence do not clearly and satisfactorily show that the relator was not in the state of lows on or about the 5th day of November, 1892, the date of the alleged offense.

The findings will therefore be:

1. That there was a legal demand by the governor of lows upon the governor of Nebraska for the extradition of the relator in this case.

2. That the warrant of the governor of Nebraska is sufficient in form and issued upon sufficient and competent proof beforehim, and that the relator is now held undersaid warrant.

3. From the facts proven upon the trial the relator has failed to establish that he was not in the state of Iowa at or about the time of the alleged crime.

The writ of habeas corpus prayed for is therefore denied.

Troup on Law Points.

BUSH SHIPS OUT HARVESTERS

Gets Seme Men to Help Put Up Creps in Kansas, Nebraska and

Other States.

Deputy State Labor Commissioner Bush has succeeded in obtaining and shipping upwards of fifty harvest hands to Phillips-burg, Kan., by means of the free labor employment bureau established in Omaha Thursday. The shipments were made by way of the Rock Island, the last one being made Friday evening. Another shipment to the same section was made last evening and another Tuesday.

The bureau has been thronged with applicants for work, though a number conceive the idea that the bureau is established for all kinds of employment.

The wit of habeas corpus prayed for is therefore denied.

The writ of habeas corpus prayed for is therefore denied.

Judge Troup's opinion dealt almost excurively with the law points involved in the case, especially with the question as to the sufficiency of the warrant of extradition. On this subject he said:

the accused is a fugitive from the justice of the demanding state. We also held that the warrant of the governor we have been as a fugitive from the justice of the demanding state.

Ample Evidence for Warrant.

Upon the trial it was first urged that there was no evidence before the governor of the state had no jurisdiction to issue his warrant. In our view, however, this centention is not well founded. The requisition of the governor of lows upon the governor of Neoraska is sufficient evidence that a crime has been charged against the laws of the demanding state. These facts being presented to the governor of Neoraska is sufficient evidence that a crime has been charged against the laws of the demanding state. These facts being presented to the governor of the state the accused was a fugitive from the justice of the demanding state. These facts being presented to the governor of Neoraska under which the relator is held, is void upon its face because it falls to rectice the findings of the purposes of the hearing before the governor of Neoraska under which the relator is held, is void upon its face because it falls to rectice the findings of the purposes of the hearing before the governor of Neoraska under which the relator is held, is void upon its face because it falls to rectice the findings of the purposes of the hearing before the governor of Neoraska under which the relator is held, is void upon its face because it falls to rectice the findings of the purposes of the hearing before the governor of Neoraska under which the relator is held, is void upon its face because it falls to rectice the findings of the purpose of the state of lows.

It was also urged that the indictment itself was not propely authenticated. We have examined the authorities cited by counsel and are convinced that the fallings of the void of the propely authenticated. We have examined the authorities cited by counsel and urged in the warrant to find the provisions of the law in obtaining and the void of the provision of the counsel itse

tion to the assertion by Mr. Connell, in the argument of the case, that the prosecution of Dennison had its inception in Omaha,

of Dennison had its inception in Omaha, saying:

The questions involved in this case are of very grave importance, involving, as they do, not only the liberty of a citizen of this state, but also the right claimed by the state of Iowa under the constitution and laws of the United States. For, while it was asserted in the argument that the prosecution of the relator had its inception and instigation in this state, we are not permitted to inquire into the motives prompting the prosecution, and if we were we assuredly cannot presume that the distinguished governor of a sister state would permit himself to become an instrument for the accomplishment of a personal or political revenge and allow his high office to be prostituted for like ends. On the contrary, the presumptions are well nigh conclusive that the authorities of the demanding state have acted in good faith, and with the sole object that the majesty of the law may be upheld by the punishment of all public offenders.

It follows, that while the courts of this state will guard with exact jealousy the liberty of one of its citizens, they should with equal solicitude recognize and enforce the rights of a state, abstractly speaking, those rights co-exist, but concretely they do not. In a given case one of them must sieve way or suffer suspension, and generally, if not always, the personal rights of a citizen must succumb to the just demands of the state.

Question of Facts.

July 3, the Chicago Great Western railway will sell round-trip tickets at one fare to Great Western park, Manning, Ia. For further information apply to S. D. Parkhurst,

general agent, 1512 Farnam st., Omaha, Neh. Miss Margaret Boulter has returned from Chicago and will resume her piano teaching mornings through July and August. Studio, 518 McCague building.

Bush. "The establishment of this bureau in Omaha is only temporary and is at present maintained for the procuring o harvest hands only."

Applicants are again reminded that they must pay their own railroad fare to the harvest fields, which is at the rate of

Imperial Council Nobles of the Mystic Shrine,

Atlantic City, N. J., July 18-15. The Chicago Great Western railway will, on July 9 and 10, sell round trip tickets at one fare, plus \$2, to Atlantic City, N. J. Tickets limited to July 23. On return trip stopovers will be allowed at Philadelphia Baltimore and Washington. For further in formation apply to S. D. Parkhurst, General Agent, 1512 Farnam street, Omaha

The event of the glorious Fourth of July at Lake Manawa. The big program will be climaxed in the evening with the grand est fireworks display ever seen here.

Disorders of the bowels are extremely dangerous, particularly during the hot weather of the summer months, and in order to protect yourself and family against a sudden attack, procure a bottle of Chamberlain's Colic, Cholera and Diarrhoea Remedy. It can always be depended upon, even in the most severe and dangerous cases, and when reduced with water and sweetened is pleasant to take.

Don't miss attending the monster Fourth of July celebration at Lake Manawa. The display of fireworks will be the finest ever

July Fourth Excursion waves via Rock Island System.

East of Missouri river, one and one third fare for round trip between stations within 200 miles. West of Missouri river, one fare plus 50 cents for round trip between all points on Rock Island and Frisco systems. Tickets on sale July 2, 3 and 4. Return limit July 5. For further information call at 1323 Farnam street or Union station.

F. P. RUTHERFORD, D. P. A., 1323 Farnam Street, Omaha, Neb.

18 K. wedding rings. gidholm, jeweler. Fourth of July Excursion Rates. Via the Northwestern Line. Excursion tickets will be sold at low rates to points on the Northwestern system within 200 miles of Omaha, July 2, 3 and 4, good re-

turning until July 5, inclusive. Apply to

city offices, 1401-1403 Farnam street.

Henry Keiser, the stationer, purchased this week from the Excelsior their printing and engraving business and will conduct it. along with his stationary business, in his new store at 1609 Farham street. Although branching out in this new business, he desires it stated that "Henry still sells sta-

Special Trains to St. Louis. To accommodate the number of persons arriving in Omaha on the late trains the Wabash has arranged to run two special trains, Omaha to St. Louis, one July 4, one July 5. These trains will leave Omaha Transfer station 9:45 p. m., arriving World's fair station and St. Louis early sist of baggage, coach, chair and sleeping cars. All local agents can sell you through from your station, routing you via the Wabash. For berths and other information call at Wabash city office, 1601 Farnam street, or address HARRY E MOORES. G. A. P. D., Wabash R. R., Omaha, Neb.

Liveral premiums with every purchase until June 80th only. See Sixteenth street window. People's Store.

Men Wanted for Harvest The State Free Employment bureau, at Labor temple, 1422 Dodge street, is in need of several hundred men for Kansas harvest. Low rates. Wages \$1.50 to \$3.00, board and lodging. Have Root print it.

Fourth of July Rates. The Illinois Central will sell excursion tickets to points within 200 miles of Omaha at rate of fare and one-third for the round Farnam street

Men's clothing, bats, sinces, ladies' suits skirts, waists, millinery; cash or credit People's Store, 16th and Farnam streets. DENVER. July 2.—Colorado delegates to the national democratic convention, accompanied by many other democrats and a band, left for St. Louis today on board a special train, which will run east from Pushlo over the Missouri Pacific railroad. The band will give serenades at various stopping places. The Colorado delegation is uninstructed, but a majority is said to favor Parker for president.

Harvard Piano was 12548

The number nearest to it was

12531

MISS EFFIE KEWITT, of Osceola, Neb., owning a CAMP ORGAN, NUMBER 12531, was awarded the New HARVARD PIANO, according to the terms of the

The number of the Harvard Piano was unsealed in the presence of representatives of the Bre, the World-Herald and the Daily News.

To those who did not win the Plano, we will have something interesting to say that may show to them our appreciation of their interest in this contest.



DR. BRADBURY - 1506 Farnam Painless Extraction

Without Gas. Fillings.....50c up Gold Crowns, \$2,50 up Bridge Work \$2.50 up TEL 1756.

We positively remove nerves from teeth without the least particle of pain. Plates \$2 up.

Come to Headquarters To Buy Your Drugs

There is a substantial saving in TIME AND MONEY by coming to OUR STORE to buy your DRUGS. The business policy of the SHERMAN & McCONNELL DRUG CO. has always been a clearly defined one. FIRST OF ALL, we handle only such goods as are of undoubted good quality and genuineness.

SECONDLY, WE ALWAYS SEE that pur price is as low as the lowest. We will not be undersold.

THIRD, we maintain a service which for promptness, skill and accuracy cannot be excelled in our line.

SOME ATTRACTIVE PRICES

1.00 Kilmer's Swamp-Root for
1.00 Crystal Tonic for
1.00 Munyon's Paw-Paw for
1.00 Horsford's Acid Phosphate for
1.00 Horsford's Acid Phosphate for
1.00 Horsford's Acid Phosphate
1.00 Horsford's Acid Phosphate
1.00 Horsford's Acid Phosphate
1.00 Horsford's Paw-Paw for
1.00 Horsford's Paw Borax for
1.00 Horsford's Paw Paw For
1.00 Horsford's Acid Phosphate for
1.00 Horsford's Acid Phos

Freight paid to any part of the west on \$10.00 orders—or more. Sherman & McConnell Drug Co. Cor. 16th and Dodge Sts., Omaha.

ANNUAL MEETING

Grand Lodge Benevolent and Protective Order of Elks. Cincinnati, O., July 18-23.

The Chicago Great Western railway will, on July 15 and 17, inclusive, sell round trip Union station 9:30 p. m., Council Bluffs tickets at one fare, plus \$2.25, to Cincinnati, O. Tickets good for return until July 23. For further information apply to 8. D. the following morning. Trains will con- Parkhurst, General Agent, 1512 Farnam street, Omaha, Neb.

The Ringlings Are Coming. The Les Colini-Clairons troupe of ec sentric dancers are a sensational novelty with Ringling Bros.' world's greatest shows this season. There are four mer and four women, and their whirlwind terpsichorean specialty is repeating the success for which it was famed in European capitals. The most thrilling achievements of gymnastic heroes are gracefully woven into their whirling dancing performance with a sympathetic rhythm of motion and newildering fascination of speed and change it is impossible to picture in words. Every national dance is illustrated in alluring fashion, and new figures involving the supplest agility of the superbly trained athlete are danced with marvelous grace and velocity. The specialty is exhibaratingly novel and forms the greatest exhibi tion of graceful, difficult and novel dancing trip. Tickets on sale July 2, 3 and 4 good ever offered the American public by this for return until July 5. Tickets at 1403 greatest circus in the world. July 20 is the date of this wonderful circus.

> One Good Argument. is that the scenery along the line of the Erle railroad is unequalifed for beauty and charm. There are MANY OTHERS, Three fine trains daily to the east. Excursion rates. Free stop-overs at Niagura Falls Chautauqua Lake and Cambridge Springs Write the ERIE RAILROAD COMPANY 555 Railway Exchange, Chicago, for booklets of Summer Tours, special Chautauqua



A man may be fond of the turf and still you can't persuade him to touch a lawn mower. A suit may look cool

without being cool. But these Gun Metal Gray Worsteds have the double advantage of both looking and being cool. But such hard thin fabrics are hard to shape gracefully. Talented tail-ors must back up these worthy fabrics before be worth much And just as talented tailoring will back them up during this SUMMER CLEARANCE

SALE as if we were receiving the full and original price. And right now we're making up all our \$30 worsteds, as well as all other \$30 suitings, for \$25, Gracefully modeled \$35 suitings to your measure for \$28. \$40 suits to your measure for \$32. And as you'll need extra trousers, we're making

\$8 trousers for \$6. \$9 trousers for \$7. \$10 trousers for \$8. \$12 trousers for \$9. MacCarthy Tailoring Company, 104-306 5. 16th St.

Next door to Wabash Ticket Office.

Phone 1808.

DR BURKHART'S CURES KIDNEY TROUBLE.

and regulates the urine, curing kidney dis-ease, rheumatism, constipation and all dis-eases of the blood and stomach. 12,286,655 cases were treated in 1903 and 80 per cent were restored to health. 30 days' treatment 25c. All druggists.

HAYDEN BROS.

Buy the Boston Store, Council Bluffs. A sale of importance in dry goods annals such as will eclipse any heretofore held in this city will begin on Tuesday at Hayden Bros, store in consequence of their purchase of the entire stock of the Boston greatest circus in the world. July 20 is the | Store, Council Bluffs. Tuesday and this week should be red letter days in Omaha's dry goods store, as the shopping oppor-tunities are such as will bring the ladies out in full force

Missouri Pacific will sell the usual holiday tickets on the 2d, 2d and 4th. Limit, 5th. Also a special round trip ticket to the World's fair. For information call at the Union station, or city offices, southeast corner 14th and Douglas streets, Omaha,

HAYDEN'S

ANNOUNCE

The Purchase of the Entire Stock of

Boston Store

BROADWAY, COUNCIL BLUFFS.

This magnificent Stock, well-known as one of the largest and best General Dry Goods stocks in western Iowa, will be on our counters ready for sale

Tuesday Morning, JULY 5th.

Great Bargains IN Great Bargains

DRESS GOODS, WASH GOODS, SILKS, LACES, NOTIONS, MENS' AND LADIES' FURNISHINGS, MILLINERY, CLOAKS AND SUITS.

This is the most magnificent money-saving opportunity ever offered the public.



Attend the Grand Opening Sale Tuesday.

ELEGANT LAWN SWINGS To introduce them. Prepaid to destination. Can you afford to be without this beautiful twopassenger swing AT THIS
PRICE? It is nicely painted in
two colors. Not affected by the
weather. This is not an **EVERYWHERE** ordinary, cheap, wooden affair, but a first-class steel article. Remit by express or postoffice order. Write your address plainly. Your order will be acknowledged by return mall. NOTICE—Only one Swing sold to a per-son. Above swing is for children. Large 10-foet Fam-ily Swing \$2.50, as long as they last. Same swing costs \$6.50 to \$8.00 at stores.

AMERICAN SWING CO., DEPT. F., MILWAUKEE, WIS.

4th of July Bumps

have to be patched up, of course. We keep all the little things that help to heal small wounds. The first and main requisite is a box of HOW-ELL'S CARBOLIC SALVE, the best antiseptic and healing dressing BURNS AND CUTS.

Bandages
50c Antiphiogistine
25c Mentholatum
Red Cross Cotton
1 pound Absorbent Cotton
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I yard Adhesive Plaster

Court Plaster, package

Me Phenol Sodique

Howell Drug Co 16th AND CAPITOL AVE.

Extra Specials for Tuesday Se bottle Florida Water

is bottle Bay Rum.
Sic Rubber Complexion Brush.
Sic an ounce Perfume.
A quart bottle of Port Wine.
A quart bottle of Vine Springs Mais A quart bottle of Vine Springs Malt Quart bottle of Vine Springs Malt Whiskey
Duffy's Mait Whiskey
Pocket Mirrors
Quart bottle full strength Witch Hazel
4-pt, bottle Wood Alchohol (bottle ex(tra)
Warner's Safe Cure
Syrup of Figs
Talcum Powder
Ice Cream Soda
20 sticks Standard Gum

DRUG DEPT.

