

NEWS OF INTEREST FROM IOWA

COUNCIL BLUFFS.

Office 15 Scott Street. Both 'Phones 43.

WATER CASE IS TO WAIT

No hearing Expected Before Judge McPherson at This Time.

EVIDENCE IS TO COME LATER

Issues Must Be Made Up in Time for Trial of Cause by the First Day of May.

It is not likely that any hearing will be had today before Judge Smith McPherson in the United States court in the action brought by the C. B. Nash company of Omaha to restrain the city of Council Bluffs from proceeding further to issue the \$500,000 for the construction of the proposed municipal waterworks plant. An agreement has been entered into between counsel for the C. B. Nash company and City Solicitor Kimball by which it is expected, all the preliminary issues, including the taking of testimony, will be completed and the case finally submitted to the court not later than the middle of May.

The stipulation entered into between counsel on both sides provides that the answer of the city to the petition filed by the C. B. Nash company must be filed some time before February 1. The plaintiff company is then given ten days in which to prepare and file its reply to the answer of the city. Upon the filing of this reply, whether it be in ten days or less, the plaintiff company is given not to exceed forty days, or until March 20, in which testimony in support of its contentions may be taken. As soon as the taking of testimony on behalf of the plaintiff is completed the city will then have not over a like period in which testimony for the defense may be taken. This must be completed in any event by May 1. The plaintiff is then allowed fifteen days in which to procure testimony in rebuttal.

The evidence is to be taken before some stenographer and not before the court direct. Judge Smith McPherson will be asked to make a formal order in accordance with this stipulation. The appointment of some stenographer before whom the evidence will be taken will, it is expected, be made by the court today. The spring term of United States court in this city opens March 9 and will probably not last over two weeks, as the term in Creston begins on March 23. The waterworks case, being an equity case, is triable at any time that the court may direct and not necessarily during any term.

MATTERS IN DISTRICT COURT

Weber Damage Case Set for Trial the First of March.

Judge Thornell of the district court, yesterday by agreement of the attorneys interested, made a special assignment of the \$30,000 personal injury damage suit of L. A. Weber against the Rock Island railroad company, for trial on March 1. The case had been assigned for February 1, but the attorneys found it would be impossible for them to try it on that date. Weber sues for injuries received in a wreck near Homestead, Ia., several years ago. The train on which Weber was working as a mail clerk was derailed and he was seriously injured. Weber's claim is based on the theory that the wreck was caused by a defective roadbed and track, while the defense of the railroad is that the train was deliberately wrecked by Eric von Kutzleben, a young man who resided in the vicinity of Homestead. Kutzleben was convicted on the strength of a confession, but the court set aside the verdict and remanded the case, which is still undecided.

Mrs. Leonard Hanna filed suit for di-



MME. YALE'S HAIR TONIC

This well known toilet article is extensively used and highly recommended by men and women everywhere. It is a standard article of toilet necessity. MME. YALE says: "I can conscientiously recommend my Hair Tonic to all who are in need of an article of this kind. I have used it myself for over thirty years, and the perfect condition of my hair and scalp is sufficient proof of its excellence. Hundreds of thousands of people all over the civilized world will say as much for YALE'S Hair Tonic as I can." YALE'S Hair Tonic is good for falling hair. This Hair Tonic is also recommended for Scalp Treatment.

A Most Efficient Hair Dressing

For the perfect grooming of the hair, nothing equals YALE'S Hair Tonic. It gives the hair a delightful texture, gloss, softness and richness of color. Everyone who uses it will find decided benefit to hair and scalp.

YALE'S Hair Tonic comes in three sizes. Our special prices—

25c size, special, 23c
50c size, special, 45c
1.00 size, special, 85c

Ask for a free copy of Madame YALE'S 32-page Souvenir Book at our Toilet Goods Department. All mailed free to those living out of town. Write for a copy.

Drug Department

FRANZEL'S

PROD FOR THE LEGISLATURE

Lieutenant Governor Reminds Senate it is Time to Get Busy.

SENATORS SEE FORCE OF REMARK

House Follows Suit and as a Result Committees Are Busy Grinding Away on Bills and Formulating Reports.

(From a Staff Correspondent.)
DES MOINES, Jan. 27.—(Special.)—The Iowa legislature today jumped into the harness and is hard at work. The incentive was the crack of the whip over the senate this morning by Lieutenant Governor Clark, when he mildly but firmly reminded the senators that they were waiting too much on their laurels and should get down to business. He called attention to the fact that of the seventy bills introduced forty-nine had been printed and these were referred to sixteen different committees. Notwithstanding that, but one bill had been reported from committee. He announced that he hoped to have in the course of a few days enough bills to start a working calendar.

He strongly intimated that unless the senators got to work they would find themselves at the end of the session with more work than they could efficiently handle. He said they should be busy cleaning up to date. Immediately a half dozen senators announced committee meetings for the afternoon, and the real grind is on in earnest. The spirit crossed the corridors to the house when it was learned the senate was actively opposing a house resolution to adjourn and send visiting committees to the state institutions. Representatives called numerous committee meetings and this afternoon, the capital was a veritable beehive of industry.

A spirited debate was caused in the senate on the house resolution to adjourn and appoint junketing committees. Senator Bruce of Cass county made a motion to amend by making these committees auditing committees also. This amendment, after an hour's discussion, was lost. On the original motion the vote was 24 to 24. There being a tie, the resolution was declared lost for want of a majority. So there will be no institution visiting committees and no vacation for some time at least.

Encourage Farmer Lines.

Representative Bauman of Linn county this morning offered a bill in the house providing that farmers organizing co-operative telephone lines shall be exempt from the incorporation tax of \$25 the same as farmers' co-operative creameries, etc.

Change in Railroad Commission.

Henry Wallace was one of those who a number of years ago led in the movement to make the railroad commission elective instead of appointive, and he now heartily commends that part of the biennial message to the general assembly which recommends that there be a return to the appointive system. He states that the change was made at the time of the adoption of the present Iowa law in the belief that if the railroad commissioners were responsible to the people and had to go back to them for re-election each time, better men could be secured, but that time has shown that this is not the case. Mr. Wallace states that it is significant change should be urged in both the biennial message and the inaugural address.

Brewers Meet.

Representatives of the Iowa Brewers' association held a meeting in Des Moines today. They are planning an aggressive fight to protect the saloons and breweries during the session of the legislature. Retail liquor men and the brewers are expected to stand together to prevent a popular vote on the prohibition question in Iowa. Representatives from all over the state were in the city for the meeting.

Half Rates to State Fair.

Iowa people will get half rates to the state fair this year. A letter received by the local Commercial club this morning from P. S. Eustis of the Burlington practically settles the matter.

Conference Meets at Logan.

As a result of the special services at the Methodist church of Logan, a number have been added to the church. Large congregations attended the meetings. Rev. Mr. Adams of Hamburg, Ia., is assisting Rev.

Charcoal Purifies Any Breath

And in Its Purest Form Has Long Been Known As the Greatest Gas Absorber.

Pure willow charcoal will oxidize almost any odor and render it a sweet and pure. A painful in a foul cellar will absorb one hundred times its volume in gas. The ancients knew the value of charcoal and administered it in cases of illness, especially pertaining to the stomach. In England today charcoal poultices are used for ulcers, boils, etc., while some physicians in Europe claim to cure many skin diseases by covering the afflicted skin with charcoal powder.

Stuart's Charcoal Lozenges go into the mouth and transfer foul odors at once into oxygen, absorb noxious gases and acids and when swallowed mix with the digestive juices and stop gas making, fermentation and decay.

By their gentle qualities they control beneficially bowel action and stop diarrhoea and constipation. Bad breath simply cannot exist when charcoal is used. They are used for all sorts of ailments. Don't take our word for it, but look into the matter yourself. Ask your druggist or physician, or better still, look up charcoal in your encyclopedia. The beauty of Stuart's Charcoal Lozenges is that the highest pharmaceutical expert knowledge obtainable has been used to prepare a lozenge that will give to man the best form of charcoal for use.

Pure willow and honey is the result. Two or three after meals and at bedtime sweeten the breath, stop decay of teeth, and the digestive apparatus and promote perfect bowel action. They enrich the supply of oxygen to the system and will not offend your stomach and bowels.

Stuart's Charcoal Lozenges are sold everywhere in vast quantities, thus they must have merit. Every druggist carries them, prices twenty-five cents per box or send us your name and address and we will send you a trial package by mail, free. Address F. A. Stuart Co., 209 Stuart Bldg., Marshall, Mich.

W. N. Graves of Logan. Next Saturday evening the second quarterly conference of the Methodist church will be held at Logan. Rev. C. L. Baxter of Des Moines and superintendent of the Council Bluffs district will be present and have charge of the evening services.

Iowa News Notes.

ATLANTIC—Mrs. A. M. Johnson died at her home in Atlantic, Kan., last night at 4 o'clock of cancer of the liver, from which she had been suffering for some time.

ATLANTIC—Frank Thurman of this city has traded a farm in Benton township, located at 17 1/2 miles from Atlantic, Kan., for a section of land in Keith county, Nebraska, this land being worth about \$15,000.

PORT DODGE—Homer Delano, aged 32, while assisting in ice packing at the Townsend & Huntley company ice plant sustained very bad injuries which, besides mashing both legs badly, may prove to have affected internal organs.

IOWA CITY—It is believed here that who lost his life in the Republic lifeboat off Nantucket, was the husband of Oklahoma, Mrs. M. A. Griffith, formerly resident of this city.

LOGAN—The marriage of Miss Marie Nordin and William Maaske of Magnolia was celebrated at the Methodist church Sunday afternoon, Rev. W. N. Graves officiating. On returning to Magnolia a reception was given by the many friends.

IOWA CITY—Iowa City, through the Commercial club, has selected a committee to make a study of the river navigation. A committee will be sent to Washington, D. C., or will turn over to a set of four resolutions to Congressman A. F. Dawson in order that he may lay the matter before congress.

CRISTON—In the second series of the high school debates being held in southwest Iowa, the students of the Criston high school met at Bedford, Iowa, and were pitted against those of the northern and seven. The debate was on the question of whether or not Ames was given the victory by the vote of the judges. The winner in the debate was the student of the Criston high school. The Criston high school students were victorious in the debate.

ATLANTIC—The people in the vicinity of Atlantic met yesterday and in an informal caucus selected their candidates for directors of the Atlantic Northern & Western railway. The candidates were elected and of these the people of the southern end of the line are to select eight and those of the northern end seven. The selections made are purely informal and will not be binding.

IOWA CITY—The annual convention of the Twenty-second district of the Knights of Pythias will be held in Iowa City, Ia., on Monday, Jan. 29, at 8 o'clock. Deputy Grand Chancellor E. A. Patterson will preside. The convention will be held at the Hotel Hamilton. The territory that will be represented in the convention will extend from near Liberty, Mo., to near Council Bluffs, Iowa, and from near Council Bluffs, Iowa, to near Council Bluffs, Iowa.

CRISTON—Rev. W. I. Gaston, pastor of the First Baptist church here, has tendered his resignation, to take effect April 1. Mr. Gaston has been the pastor of the First Baptist church here for several years. He was the prime mover in building the handsome new church now owned by this denomination. He has been a member of the First Baptist church here for many years. He was a member of the First Baptist church here for many years. He was a member of the First Baptist church here for many years.

FLEET HEADS FOR TETUAN BAY

Sixteen Battleships Preparing for Last Lap of Their Trip Around the World.

NICE, Jan. 27.—The entire American fleet of sixteen battleships will be plying the Mediterranean westward on Thursday, headed for Tetuan bay, on the north coast of Morocco, where it will reassemble on January 31 to coal and provision for the homeward journey.

The first division, headed by Rear Admiral Schreder, composed of the Missouri, Ohio, Louisiana and Virginia has already left Smyrna. The Georgia and Nebraska, part of the second division, Rear Admiral Richard Wright in command, sailed today from Marseilles for Tangier, under instructions to take the place of the first division.

The third division, headed by Rear Admiral Sperry's flagship Connecticut, the Kansas, Minnesota and Vermont, now at Ville Francaise, will steam out of that port tomorrow, and on Thursday the fourth division, under Rear Admiral Pollock, composed of the Wisconsin, Illinois, Kearsarge and Kentucky, will leave Algiers. This division will be preceded by the Panther and Ajax and is due at Tetuan bay on Saturday.

The Yankton, a naval tender, will bring up the rear. After coaling at Tetuan bay, the Yankton will proceed by a more southerly route, going by way of the Azores and Bermuda, in order to avoid bad weather. It will arrive at Hampton roads a day ahead of the fleet.

ANIMAL QUARANTINE LIFTED

No New Cases of Foot and Mouth Disease Reported for Six Weeks.

WASHINGTON, Jan. 27.—No cases of foot and mouth disease having been found in New York, Michigan or Maryland for six weeks, the federal quarantine on those states was further modified today by the secretary of agriculture so that live stock, hay, straw, hides, etc., may now be shipped interstate from the states except from certain counties.

Hides and skins removed since January 14, from animals slaughtered in the areas described, may be moved interstate provided they have not been in contact with hides or skins from animals slaughtered in those areas before January 1. Other hides and skins in those areas must be disinfected and certified before being moved interstate.

HIRAM BENNETT IS INJURED

Pioneer of Nebraska and Colorado Falls from Street Car at Denver.

DENVER, Colo., Jan. 27.—(Special.)—Hon. Hiram P. Bennett, who was a member of the Nebraska legislature in 1865 and was Colorado's first delegate to congress, was seriously injured today and may not recover.

Mr. Bennett was about to board a trolley car when a careless motorman started it, and the aged man was thrown heavily to the pavement, sustaining a fracture of the hip and other injuries. As he is 82 years old his physicians fear that he will not recover, saying that it will be almost impossible to keep him still long enough for the bones to knit.

The Glad Hand removes liver inaction and bowel stoppage with Dr. King's New Life Pills, the painless regulator. 25c. For sale, by Beaton Drug Co.

GOV. GILLET SENDS MESSAGE

California Executive Advises Against Any Anti-Japanese Legislation.

TWO MEASURES COME UP TODAY

President Roosevelt Telegraphs that He Has Wielded Another Letter that Will Throw Additional Light on Situation.

SACRAMENTO, Cal., Jan. 27.—Governor Gillett's message on the Japanese question sent to the legislature today had the effect of crystallizing the sentiment for and against the bills by Drew and Johnson against which President Roosevelt had invoked his power.

The president informed the governor that it would be extremely dangerous for the legislature to enact any laws that might be construed by Japan as discriminatory. He urged Governor Gillett today that another letter to him was on the way. This is expected to throw more light upon the situation as regards Japan and America.

Grove L. Johnson, author of the bill segregating Japanese in residential districts, at the option of the municipalities moved today, when the measure came up for third reading, that it be made a special order for tomorrow. Thus two of the anti-Japanese measures will then be before the lower house and the whole issue will likely be revised. The bill by A. N. Drew denying aliens the right to hold land, was set for consideration tomorrow, after the governor had indicated that he desired such legislation held up.

Speaker Stanton and the assembly organization is against all of the bills objected to by the administration. The fight for them will come from Grove L. Johnson, the San Francisco delegate and assemblyman who has a great number of union labor constituents.

Message of Governor.

The message in part is as follows: To the senate and assembly of the state of California.

There is certain legislation now pending before you which I believe to be of grave concern, not only to our state, but to the nation as well, and which should be most thoroughly considered before acted upon.

Certain bills have been introduced, some of which have been favorably reported by your committee, and which are intended to affect the Japanese people at least such is the impression abroad. These bills have attracted the notice of the whole nation and have caused Japan to call the attention of our government to them. They have produced an agitation, not only in our own country, but throughout Japan, and the Japanese minister at Washington has stated to the authorities in Washington that if the bills should be passed the government of Japan would consider it very embarrassing.

While the settlement of the questions of immigration are pending we should be careful about any legislation not absolutely necessary for our immediate protection. The Japanese people are law-abiding and we must also recognize the fact that the Japanese among us are the owners of a friendly nation and are entitled to the same treatment under our laws and the same privileges and immunities as are guaranteed to the subjects of the most favored nations.

The president of the United States and the secretary of state have issued a warning against passing any bills of the nature proposed. Their warning should be heeded. This matter is one in which the whole country is interested.

The passage of all or any of the proposed bills will not prevent a single Japanese from leaving here or cause one to leave the country. They will in no way check immigration or change the Japanese way of doing business or his manner of living.

Whatever we shall attain in the way of restricting Japanese immigration will come to us through treaties entered into by the federal government or through laws enacted by congress.

Our efforts should be made through the proper channels and we should prepare a series of facts to support any petition we may present.

I would therefore recommend that a sufficient appropriation be made to enable the state to take a census showing the number of Japanese now in the state, the number of Japanese laborers, and those engaged in agriculture, the number of acres of land owned by Japanese and the number of acres leased, and to get such other and further information as may be useful in making a proper report to the president of the United States and to congress.

With such a census we can ascertain hereafter whether or not the Japanese population of this state is increasing or decreasing, and whether or not they are extending their real property holdings.

Contents of Letter Withheld.

WASHINGTON, Jan. 26.—No idea of what the letter contained which President Roosevelt has written to Governor Gillett of California could be gained at the White House. Secretary Loeb said there was nothing to say.

COSTS AGAINST LABOR MEN

Defendants in Contempt Hearing Must Pay Expense of Taking Testimony.

WASHINGTON, Jan. 27.—President Samuel Gompers, Vice President John Mitchell and Secretary Frank Morrison of the American Federation of Labor, recently adjudged in contempt of court and sentenced to imprisonment in the District of Columbia jail, were today ordered by Justice Wright of the district supreme court to pay the costs incurred in the proceedings which resulted in the sentence for contempt. These aggregate about \$1,500.

The labor leaders opposed the motion of the United States marshal to take the testimony of the defendants in the contempt hearing. They claimed that most of the matters concerning which proof was taken was admitted by their answers and that therefore the

WE WISH TO ANNOUNCE THAT Our Annual February Clearing Sale

Will Begin

Monday, February 1st,

FURNITURE, CARPETS, RUGS, LACE CURTAINS and DRAPERIES will be offered at Reductions ranging from 10 to 50 per cent.

Each article will be ticketed with a Red Ticket, showing the exact Clearance Price.

This stock does not represent odds and ends, or goods manufactured for "Special Sale", but our regular stock, the choicest goods of all the Reputable Manufacturers in their particular lines.

It has always been our policy to dispose of all goods purchased for one season at its close, so we may start each season with an entire new stock.

Goods purchased may be held for future delivery.

The advantages this sale offers are enormous—no one can afford to overlook it. Look for Red Tickets.

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FOREIGN TRAVEL.

EGYPT ORIENT

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S.S. "Grosser Kurfuerst"

74 Days 8350 Upwards

From New York Feb. 11, 1909

No extras except side trips. Passengers entertained free of charge at each port of call. Tickets for the cruise have privileges permitting passengers to return before August 1, 1909, without extra charge, by any steamship of the company.

DELLHANS & CO., Gen. Agts.

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taking of testimony to substantiate these allegations was useless and the cost of such testimony should be paid by the complainants.

The complainants urged that only portions of the allegations were admitted by Mr. Gompers and that these were not sufficient to make out a case of contempt.

MAIL ROBBER IS CONVICTED

George Frank Hauser to Be Given Life Sentence for Holding Up Train in Montana.

HELENA, Mont., Jan. 27.—George Frank Hauser was found guilty of robbing a Great Northern train, extracting \$40,000 from the registered mails and placing the lives of the custodians in jeopardy, by the jury in the federal court here today and he will be sentenced by Federal Judge W. H. Hunt Thursday. Under the law he must serve the rest of his life in a federal prison at hard labor. Aside from a slight twitching of his face the prisoner showed no emotion. It is probable that Hauser will be sent to Leavenworth, Kan.

DEPENDENT CHILDREN' LAW

President Will Recommend Legislation Along Lines Suggested by Conference.

WASHINGTON, Jan. 27.—"I shall send a special message to congress," said President Roosevelt, at a dinner in connection with the conference for dependent children tonight. "I shall recommend the establishment of a dependent children's bureau and a law for the District of Columbia and the federal territories which shall apply the principles and methods you advocate in practical fashion."

"I want to explain to those present," he continued, "that when I have sent such a message to congress, it does not do any good to write and ask me why it is not passed."

He declared that he frequently received such queries in regard to his messenger. He repeated, "and then you do your part. It got it into a law. I will do all that in me lies to see that your great work at the federal capital and for federal government bears immediate fruit."

Declaring that agencies which were the best possible agencies a decade or more ago had been passed by, he said: "We were then in the miracle-loading stage in the fight against evil. Men and women did mighty good work with the muggle-loaders, but we want to use breech-loaders now. Institutions have a great load to play, but the most important of all institutions is the home, and where we have to utilize an institution as a substitute for it it will make the unit of influence as small as possible—that is to adopt the so-called cottage plan as nearly as may be to reproduce the conditions that make the home of such inestimable value to the growing child."

Word has been received here from the Department of the Interior that the department would furnish the plans for the new land office building and that a man

would be sent. The committee wired for him to come at once, as they were ready to begin building. The letter also stated that the office would be moved from Mitchell to Gregory on March 15.

Mr. Carroll, vice-president of the Chicago Homeless children's association, a company formed of winners in the "Tripp county drawing," which has attained considerable notoriety, is in Gregory this week interviewing the real estate men and locators in the interest of the association. There are more than a hundred in the club and they are going about the matter in a systematic way.

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