

Road Scrapers--Road Plows

I carry the above in stock in the celebrated Western Wheel...

Both Phones 664

JAS. H. SHEPHERD,

"New Shepherd's Rescue"

KUROPATKIN WANTS TO FIGHT IN MANCHURIA

DOES NOT ANTICIPATE FORCING DECISIVE BATTLE IN COREA.

STORY OF BIG FIGHT ON YALU REPEATED

It is Officially Denied By St. Petersburg Authorities Today -- Chinese Take An Active Interest in War -- May Withdraw Minister

St. Petersburg, April 23.—The rumor is still current in this city that the Japanese sustained a heavy loss while attempting a landing near the mouth of the Yalu river.

Paris, April 23.—Information reaching the highest quarters here, tends to confirm the report that a rather serious engagement has occurred on the Yalu river.

St. Petersburg, April 23.—(8 p. m.)—The Associated Press is authoritatively informed that the government has no advice supporting the rumors of heavy fighting on the Yalu river.

St. Petersburg, April 23.—In spite of the reports from Seoul and Tokio that the Russians are amassing 50,000 men to resist the Japanese crossing the Yalu river, it can be asserted with great positiveness that an obstinate destruction of the enemy's crossing is no part of Kuropatkin's tactics.

To Fight in Manchuria. The Russians intend that the Japanese shall have the river behind them before giving battle in force.

China Grows Belligerent. Paris, April 23.—The correspondent

Dr. B. A. STOCKDALE WILL BE AT

Ballingall Hotel, OTTUMWA, Thursday, May 12, 1904 From 8 a. m. to 5 p. m., ONE DAY ONLY—Returning every four weeks.



Pay When Cured.

It is the perfect confidence we have in our treatment that warrants us in adopting the above terms.

Dr. Stockdale's reputation for curing chronic diseases is unsurpassed by any other specialist in the state.

He positively cures Chronic Catarrh, Diseases of the Eye, Ear, Nose, Throat, Lungs, and Kidneys, Dyspepsia, Constipation and Rheumatism.

Men who are suffering from nervous and physical debility, a positive guarantee to cure.

Blood and Skin Diseases and Diseases of Women. Consultation Free and Confidential.

Dr. B. A. STOCKDALE Citizens National Bank building, Des Moines, Iowa.

To see Dr. Stockdale in Des Moines office, call Mondays and Saturdays.

WAPELLO COUNTY DEMOCRATS ARE FOR HEARST

CONVENTION IN SESSION THIS AFTERNOON IS RULED BY ONLY ONE IDEA.

WALSH CARRIES HIS HOME COUNTY

Secretary of National Democratic Committee is Given Endorsement by His Fellow Partisans and Hearst Instructions Are Adopted.

A Hearst and Walsh delegation of thirty-two members, each with a one-half vote, was chosen this afternoon to represent the democrats of Wapello county at the state democratic convention to be held in Des Moines May 4.

Japanese Near Wiju. St. Petersburg, April 23.—An official telegram received here says Russian scouting parties report the Japanese are concentrated in considerable force with war material and pontoons, at and around Wiju.

Alexieff's Report. Alexieff's telegram to the emperor says that a series of reconnaissances on the Yalu have shown that the Japanese are concentrating in considerable force and that they are beginning to concentrate troops in Wiju.

Proper Treatment of Pneumonia. Pneumonia is too dangerous a disease for anyone to attempt to doctor himself, although he may have the proper remedies at hand.

Makes Plea For Walsh. "Fellow democrats, I appreciate the honor you have conferred on me by selecting me as your chairman. I feel that it is a higher honor to be chosen to this position by the delegates to this convention than to be refused that place by the county chairman.

Following the address and the reading of the roll call E. C. French moved a call by the precincts for the naming of one member from each precinct to form the committees on credentials and permanent organization.

FOUR YEARS FOR TAYLOR

CONFESSED BIGAMIST RECEIVES SENTENCE IN KEOKUK COUNTY COURT.

RESULT OF "WILD OATS"

Marriage of Young Preacher To Delaware Woman Some Years Ago Believed By Friends To Have Been Only a Prank—Iowa Wife is True

Sigourney, April 23.—(Special.)—Four years at hard labor in the penitentiary is the sentence meted out yesterday afternoon to Rev. Irvin B. Taylor for the crime of bigamy.

Took the News Calmly. Taylor took the sentence very calmly. When asked by the judge if he had anything to say as to his sentence should not be passed he replied in the negative and sat quietly while the court reviewed the case and the allegations made against him before stating the length of the sentence.

Has Made Friends. Rev. Taylor has made many friends since he was brought to Sigourney to answer to the charge of bigamy.

Iowa Wife is True. Taylor was tried in Delaware some months ago and sentenced to a term in the Wilmington work house for failure to support his real wife, who lives in Delaware.

Permanent Organization Effected. The report of the committee on permanent organization that the temporary organization be made permanent was received and adopted.

No Proxies Allowed. The report further said: "We find each precinct represented except Keokuk and Columbia, second. We find delegates instructed to work and vote for W. R. Hearst for presidential and C. A. Walsh for national committeeman.

Earl Duke, Cedar Rapids Youth, Meets Death Under Train.

Cedar Rapids, April 23.—(Special.)—Earl Duke, aged 16 years, the son of an employee of the Great Northern, was killed by a train at the Milwaukee depot today.

BOY'S HEAD CUT OFF.

Earl Duke, Cedar Rapids Youth, Meets Death Under Train.

tion to be held at Des Moines, May 4, 1904.

Keefe Against Walsh. T. E. Keefe announced that he wanted to distinctly understand that there was one delegate in the convention that had no Walsh brand on him.

I think it unnecessary for me who has been serving on committees for six years to reply to those who have accused me of taking no interest in politics.

An Advisory Committee. Mr. Walsh asked that one man from each precinct meet with him as an advisory committee in the choice of the state delegates.

Manager Maxwell of Iowa's Hearst Bureau Makes Strong Statement. Des Moines Bureau of the Courier, Des Moines, April 23.

Manager Maxwell of the Hearst Bureau says that Hearst today has within about 200 enough delegates to instruct for him at the coming democratic state convention.

About sixty democratic conventions have been held. The gold men still insist upon their claims of last week—that the ratio of Hearst gains is not sufficient to win him the battle.

There is one trick for which the gold men have not prepared themselves. While Hearst plainly is in the lead, there is no necessity of his fellows trying to play it. But let the gold men approach the controlling mark in the convention delegates selected, and it is thought that the Hearst managers then will not hesitate about adopting sharp tactics.

Sharp Tactics Possible. At present there is a contest over seating thirty-one delegates.

For instance, in the second district, it is morally certain that the German democrats and the Wade influence will defeat Hearst instruction in most of the counties there.

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After Results. When the contest developed in Des Moines county that plan was suggested by some of the friends of the Hearst movement.

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his party loyalty, his high business standing, his great ability and his great usefulness to his party.

We, therefore, declare that the candidate of our choice is William Randolph Hearst; and we instruct the delegates selected here to use, in good faith, all honorable effort to secure his nomination as the democratic candidate for president of the United States.

We also demand that the delegates elected here today shall vote as unit on all questions, and that no proxies be permitted, and that those delegates present at the state convention shall cast the full vote of Wapello county.

We also declare our entire confidence in our distinguished townsman, the present secretary of the democratic national committee, the one democrat that has let the world know there is a democratic party in Iowa, the Hon. Chas. A. Walsh, and we hereby instruct the delegates elected at this convention to use in good faith all honorable means to secure the retention of Mr. Walsh as Iowa's member of the national committee.

CONFIDENT OF SUCCESS.

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When the clouds roll by and the roads get good you will be wanting that NEW BUGGY, SPRING WAGON, OR SURREY. I handle

The Genuine Columbia!

If you don't see these buggies before purchasing you may wish you had. Better stop and see them anyhow.

GEO. W. DAVIDSON

226 and 228 SOUTH MARKET ST., NEXT TO THE BRIDGE

NO RIGHT OF WAY

WABASH RAILROAD SAID TO HAVE ABANDONED TRACK ALONG RIVER ON SOUTH SIDE.

Believed That Land Has Reverted To Original Owners—Property May Be Condemned For the Purpose of Making River Improvements.

The Wabash Railroad Company has abandoned its right of way extending along the bank of the Des Moines river in South Ottumwa and the property has reverted to the original owners, in the opinion of City Solicitor W. H. C. Jaques, if the facts bear out the representations of a number of South Side citizens that the company has not run a train over the track referred to for several years.

The Wabash company recently refused to riprap the river along its right of way. It was hoped by the citizens of South Ottumwa that the company would at least show a disposition to run work trains along its track so that the right of way could be filled in with dirt and be ready for the riprap.

A special meeting of the city council has been called for Monday night to consider the proposition of river improvement in this portion of Ottumwa.

It is expected that at the meeting Monday night steps will be taken to order the improvements on the river. It is thought, however, that by increasing the size of the street force, the work can be done better and cheaper.

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Following is the opinion of City Solicitor Jaques which he intended to read at the mass meeting of citizens which was to have been held in South Ottumwa last evening, but which was postponed until some action was taken by the city council.

"Honorable S. P. Hartman, Residents and Members of South Ottumwa River Improvement Association: 'Gentlemen:—On April 15 you sent me a communication asking that I investigate the city's right to condemn the right of way or a part of the right of way of the Wabash railway company adjoining the Des Moines river, the riprap the south bank from a point where the riprap now ends to a point near old Richmond.'

"Answering your inquiry, I have the honor to report that through the kindness of Hon. A. W. Buchanan, representative from this county, I have been furnished a copy of Senate File No. 310, passed by the thirtieth general assembly, which bill makes provision for straightening, altering, widening and making such other improvements as may be necessary to protect cities from damage by floods and providing for the levying of taxes, issuing of bonds and certificates to defray the expenses of same and giving cities the right of eminent domain.

"This bill in section 7 thereof, has the following provision: 'Said cities may also purchase or condemn and appropriate so much private property as may be necessary to carry into effect the provisions of this act and the cost thereof shall be included in and paid as a part of the cost of said improvement.'

"Right to Condemn Land. 'Under this section the city would have the undoubted right, if it adopts the plan of improving the river provided for by that bill, to condemn so much private property as may be necessary to make such levee and riprap as it deems expedient. The only question between it and the Wabash railroad company would arise in this manner: If the Wabash railroad company should have continued to run and operate its trains over its right of way that was acquired during the year of 1893, the initial step for the acquiring of which was taken by proceedings to condemn the right of way, finally resulting in the making of a deed by the various property owners, whose property was so taken, to the railroad company for a right of way fifty feet in width, then the railroad company would be

"Very respectfully, 'W. H. C. Jaques, 'City Solicitor.'

using this right of way for a public purpose, and under the holding and decision of the supreme court of Iowa in the case of Diamond Joe Line of Steamers vs. the City of Davenport, 114 Iowa, 434, and of the C. M. & St. P. Railway Company vs. Starkweather, 97 Iowa, 159, the city would not have the right to condemn and take the right of way used for one public purpose and use it for another public purpose. In other words the law is well settled that property having been either acquired by condemnation proceedings for a public purpose, or acquired by purchase for a public purpose, such as a right of way for a railroad which is a 'quasi' public purpose, cannot be taken for another and the grant purpose, thus doing away with the purpose for which it was originally taken. Such is the settled rule of law.

"This, however, would not prevent the city from condemning the right of way for a street across a railroad right of way, as was done in the case of the Milwaukee Railroad Co., vs. Starkweather, 97 Iowa, because the use of the right of way for a street would not destroy the use of the railroad's right for railway purposes.

Abandon Right of Way. "This doctrine might possibly be extended to the extent of taking part of the right of way acquired by the railroad company, if its right of way were made wide enough so that the part taken would not and could not materially interfere with the use of the right of way for the purpose for which it was condemned, in my judgment.

"There is, however, another question of fact in this case that I don't care to give my opinion upon because I am not sufficiently conversant with the facts. It is reported to me that while the Wabash Railroad Co., graded its right of way from its depot in South Ottumwa to the right bank of the Des Moines river and from there to and through old Richmond, it also graded its right and placed its iron thereon, that it never in fact used said roadway to run and operate its trains upon, that for ten years it has not run an engine over the line in question and that for several years the road bed in question has been washed out and it has been impossible for it to operate a train over its tracks, so that it is possible and I may say that if the facts are as reported to me it is altogether probable that the Wabash Railroad Co., has abandoned in law its right of way.

Provision of Deeds. "All of the deeds made to the railroad company for the right of way contain this provision: 'If after constructing its railroad it should permanently abandon its line of railway across such premises, then said tract or strip of land above described shall at once revert to the grantor.'

"Now, if the time has come when this company can be said to have permanently abandoned its right of way as in said deeds provided, then the strip of ground no longer belongs to it but to the adjacent owner from whom it was so purchased. This as you may see is a question of fact and not of law.

"Section 2015 of the Code of Iowa governs this question of abandonment, notwithstanding the provision made in the deeds aforesaid. That section provides: 'That where a railroad constructed in whole or in part has ceased to be operated for more than five (5) years...'

"If the railroad or any part thereof shall not be abandoned or permanently abandoned its line of railway across such premises, then said tract or strip of land above described shall at once revert to the grantor.'

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