

### JUDGEMENT FOR FELIX T. HUGHES

Another Step in Well Known Menz Litigation Which Has Been Hanging Fire For Number of Years.

### CONNABLE DEFENDANT

Judgement in Favor of Plaintiff for Attorney Fees in the Sum of \$250—Review of the Case.

Felix T. Hughes yesterday recovered judgment for attorneys fees in the sum of \$250, for services rendered in the well known case of Lee County vs. John Menz et al. The case was tried in the district court before Judge Bank, jury having been waived by both parties to the suit. Originally the petition was filed in the superior court, but Judge W. L. McNamara did not feel justified in trying the case, for various reasons. The case presents another step in the well known Menz litigation, which has not yet been freed from the entanglements of court.

Attorney Hughes was employed, together with other defendants, by the defendant, John Menz, in the case of Lee County vs. John Menz, and James F. Daugherty Howard Connable and Edward Walsmith, as sureties on Menz's bond. The original Menz contract included a \$250 retainer fee, when the case was tried and 10 per cent of all money saved.

Menz died in the meantime and Felix T. Hughes entered into a contract with Connable and the other sureties, and it was upon this suit that Hughes brought action some time later. While in the superior court, Hughes dismissed the case as against James F. Daugherty and Edward Walsmith, leaving Connable as the sole defendant. It is on the basis of this contract that the case was just decided.

It is this does not end the litigation as far as attorney's fees are concerned, for Hughes has a suit now pending for \$1224 and some odd cents, which is alleged to be a part of the money saved.

Connable's defense in the recent case was that the legislation legalizing Menz's act in placing the county's money in the Commercial bank, was brought about by outside influence and further that according to a strict interpretation of the contract he was entitled to no further relief.

After exposure, and when you feel a cold coming on, take Foley's Honey and Tar, the great throat and lung remedy. It stops the cough, relieves the congestion, and expels the cold from your system. It is mildly laxative. Refuse substitutes. Wilkinson & Co.

### BURLINGTON AND GREAT NORTHERN

Rumor that Two Big Roads Will Merge—Are Under One Management But on Distinct Lines.

Burlington Gazette: A rumor in railroad circles that will not down is that the Great Northern and the Burlington, two of the greatest railroads in the country, are to be merged in one great road. Both of the lines are now so-called "Hill lines," that is, they are under the management of the rail king, James J. Hill, or his cohorts. However, they are operated as distinct lines. The consolidation is not more than three or four months distant at the most, according to reports from Chicago and which are seemingly reliable.

The Northern Pacific, the Burlington and the Great Northern all "Hill lines," have an aggregate mileage in the neighborhood of 25,000 miles. The Great Northern and the Northern Pacific were consolidated in the Northern Securities company only a few years ago but the merger was dissolved by the United States courts on the grounds that the roads were parallel lines and the interstate commerce laws forbid a merger of roads paralleling each other and natural competitors.

The Burlington and Great Northern cannot, however, be termed parallel lines the financiers believe who are working towards the consolidation, it is stated.

The Great Northern has an almost due east-west route from St. Paul to the Pacific coast while the Burlington's line westward is far to the south, cutting through Nebraska. It swings to the northeast as it leaves Denver, Colo., finally terminating at Billings, Mont. In no sense of the word can it be termed a "parallel competing line" with the Great Northern is the claim of the high officials of the road, according to advices received here.

### SUDDEN DEATH OF MRS. PHILLIPS

Mrs. William Phillips, Residing Near Summitville Passed Away Suddenly at Home This Morning.

### HEART TROUBLE CAUSE

Death Occurred at Four O'Clock and Was Due to Heart Failure From Which She Was Sufferer.

Mrs. Sarah Phillips, for many years a respected resident of Lee county and residing about five miles from Keokuk, suddenly passed away at her home this morning at Summitville, after a short illness, death being due to heart disease from which the deceased had been a sufferer for some time. Mrs. Phillips had arisen early with her husband and was sitting in one of the rooms in a rocking chair at her residence and her husband, William Phillips, was in an adjoining room. He heard his wife breathing heavily and ran to her. Mrs. Phillips was at that time seriously ill and within a moment had passed away and was dead when the other members of the family had been summoned to her side by the father. Water was thrown in her face and other means of restoring her, but without success. Doctor Coulter was summoned, but Mrs. Phillips had passed away previous to his arrival.

Coroner Summons  
Coroner Kerschegen was summoned by the physician but on facts given him by the doctor and members of the family, he did not think it necessary to hold an inquest over the body. Death was very sudden and the members of the family though they knew of her illness were shocked to learn of the sudden death of Mrs. Phillips who has been a resident in this community for many years. She was a woman about fifty-two or fifty-three years of age and besides a husband leaves several children to mourn her loss.

Aches and Pains of rheumatism are not permanent, but only temporarily, relieved by external remedies. Why not use an internal remedy—Hood's Sarsaparilla, which corrects the acidity of the blood on which rheumatism depends and cures the disease?

### MRS. AYRES IS SOLE BENEFICIARY

Last Will of Late David J. Ayres Opened and Read Today in District Court.

Mrs. Virginia M. Ayres is named as sole beneficiary of the late David J. Ayres, in the latter's will which was opened and read today in the district court.

The will is marked by its brevity and contains but nine lines of handwriting, which, when put into type-written form, it contained four lines less. Everything is left to his wife and she is named as executrix without bond. The will was made on January 20th, 1908.

### MINOR MATTERS IN DISTRICT COURT

Fred Davis, Juvenile, Was Not Given Sentence for Larceny Pending Good Behavior.

Fourteen year old Fred Davis, of Fort Madison, charged with larceny, appeared before Judge H. Bank Jr., in the juvenile court this morning, but during good behavior the lad was released and the sentence suspended.

William Russ was granted a decree of divorce from Mary Russ, the ground for his petition having been desertion.

The estate of Zack Andrews was closed up and the executor discharged.

### JURORS DISMISSED UNTIL TUESDAY

Cases Being Set This Afternoon, While Special Assignments Will Be Taken Up Next Week.

Judge Bank dismissed the jurors this morning and they will not have to report until Tuesday afternoon, 2 o'clock. Many of them received their money, the treasurer being called upon to pay more than \$500. There are some special assignments which will be taken up when the jurors return on the above day.

This afternoon court cases were set, and it is expected they will be disposed of during the remaining three days of the present week and next Monday.

### CITY NEWS.

Fine skating at Roll-a-way. The B. & H. store open evenings all next week to accommodate buyers at big discount sale.

William Kummer and T. H. R. Rollins are spending the day in the country enjoying a hunting trip before the expiration of the game law this evening.

By a deed filed today with the deputy recorder Rudolph Dollery, et al, have transferred to D. W. Haggerty, lot 8, block 38, Kilbourne addition. The consideration was \$900 and the property is near the cemetery.

Commencing Saturday, the B. & H. Clothing store will be open evenings until Christmas to accommodate buyers at big discount sale.

Joe Harris, colored, entered a plea of not guilty to assaulting H. C. Ruby, a foreman at Pond's, when arraigned in the superior court today. He will be given a trial.

There is to be a bowling match Thursday evening on the Drexel alleys between the Runts and Giants, two young teams of the city which have been recently organized. The former team is composed of Larson, J. Banghart, H. Well, J. Smitherman, and H. Breitenstein, while the latter is composed of A. Larson, A. Alkon, P. Kavanaugh, A. McCoy and C. Reed.

Ed. Moander, a local nirod, killed thirty-five rabbits and one of the finest specimens of a red fox ever seen in this vicinity in a hunt yesterday near Connable's farm.

Miss Florence Brinkman who is attending the Chicago Conservatory of music is expected home tomorrow to spend the holidays with her parents.

John Hunter of St. Louis, superintendent of power for the Public Utilities Co., was in the city yesterday conferring with Engineer Hugh L. Cooper about the Keokuk water power.

Judge Logan was able to be at his office today and was warmly greeted by many friends.

A special meeting of Lee county Division No. 1, Ancient Order of Hibernians, will be held tomorrow evening in St. Peter's hall. State President Malloney and Rev. P. N. McDermott, former county president, will be present.

The second of the series of basketball games between the class basketball teams of the high school are being played this afternoon at the Y. M. C. A. gymnasium.

Some of the pupils of the high school will give an entertainment the Thursday before Christmas which has to do with Dr. Cook and Commander Perry, the rival polar explorers. Chas. King and Edward Hawkes will be in the title roles. The affair will be simply for the pupils of the school.

Miss Laura Alton departed this afternoon for New York city, where she will be the holiday guest of Miss M. McClure, a college friend of hers.

Albert Zoellner returned from Quincy this afternoon, where he has been teaching at the musical conservatory.

There will be a special meeting of the humans society tomorrow evening, at which an election of officers will be held.

Several of the officials of the Rock Island railroad were in the city today coming in a special car. The party included Superintendent A. W. Kelso, Division freight agent A. W. Eberhart and trainmaster V. H. Hagelbarger, their business was not learned.

Mrs. F. W. Roberts and daughters Jessie of Denver who have been visiting in the city with relatives departed today for Burlington for a short stay.

A negro by the name of Best in the charge of sheriff Clarke of Appanoose county came in on the K. & W. this afternoon from Centerville and after taking lunch at a restaurant proceeded on to Ft. Madison, where he will be lodged in the penitentiary to serve a term varying from one to twenty years for assault with attempt to commit rape. He was sentenced last Saturday at Centerville. The prisoner was handcuffed when he went through here.

C. J. Smith went to Ft. Madison this afternoon on legal business.

H. Schere, chief of police at Ft. Madison was in the city this morning returning again at two o'clock.

Mrs. Ackerson, Mrs. M. C. Beaver and Mrs. Botte will entertain their friends Friday afternoon in the Trinity church parlors.

### PERSONALS.

J. M. McLaughlin, chief court reporter for Judge Withrow was in the city yesterday on business.

E. D. Rockwell, district passenger agent of the Northern Pacific Railway with headquarters in Des Moines was in the city yesterday afternoon on business.

R. J. Tozer, traveling freight agent of the Northern Pacific with headquarters in St. Louis was in the city today on business.

Miss Frances Runner is visiting in Warsaw with friends.

J. A. McArthur of Hamilton was in the city this morning on business.

Mr. and Mrs. John Hughes of Hudson, Ill., attended the funeral of little John Edward Thon, here yesterday.

Not Wholly in Vain. Uncle Allen Sparks was returning home from the funeral of an acquaintance. "Well," he said, brightening visibly after a period of profound thought, "this life was a useful one, after all. He once planted a tree."

### FILED PETITION IN BANKRUPTCY

Old Firm of S. P. Pond and Company Today Filed Papers in the United States District Court.

### THE FIRM'S LIABILITIES

Figures Given Place Them at \$153,779.66, Part in Secured Claims and Part in Bills which Are Due.

S. P. Pond and Company, a former Keokuk concern, today filed a petition in bankruptcy in the United States district court, this city.

The total liabilities of the company are given as \$153,779.66 of which there is \$60,500 in secured claims and \$74,000 in notes and bills due. Property exempt is placed at \$29,875.

As an asset an open account amounting to \$366,509.97 with the Pond-Decker Manufacturing Company of Newport, Arkansas, is given. This is money advanced by the firm to finance the concern. It is said that nothing can be realized on the account.

This is not the company doing business in Keokuk now, for the present company is known as The S. P. Pond Company. The old company did business for a number of years in this city and was composed of Charles S. Pond, Thomas H. Pond and Sanford P. Pond, deceased.

The peculiar properties of Chamberlain's Cough Remedy have been thoroughly tested during epidemics of influenza, and when it was taken in time we have not heard of a single case of pneumonia. Sold by Wilkinson & Co., Pharmacy, and J. W. Kiedalsch & Son.

### Iowa Farmers Have Money.

Traer Correspondence Marshalltown Times-Republican: A banker that has unusual opportunity for being well posted says that 60 per cent of the farms of Iowa are unencumbered, i. e. free from mortgages. That a large per cent of the farmers even after making many outside investments in farms in other states and the Canadas, still have so much cash on hand in the banks of Iowa that they seriously interfere with the loaning of money by the banks themselves. He mentions several cases where the farmers cut under his regular rate of interest and knocked him out of a loan. This is an awful condition of affairs and something ought to be done about it.

Mrs. S. Joyce, Claremont, N. H., writes: "About a year ago I bought two bottles of Foley's Kidney Remedy. It cured me of a severe case of kidney trouble of several years standing. It certainly is a grand, good medicine, and I heartily recommend it." Wilkinson & Co.

### You Know.

Aurora Beacon: Lest you forget—remember to do your—but, there, you remember now.

The greatest danger from influenza is of its resulting in pneumonia. This can be obviated by using Chamberlain's Cough Remedy, as it not only cures influenza, but counteracts any tendency of the disease towards pneumonia. Sold by Wilkinson & Co. Pharmacy and J. F. Kiedalsch & Son.

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A Shield of Soap. Customer (to barber)—Lather me thoroughly; here comes my tailor.

Coughs and Colds.—At this season when coughs are so prevalent, an effective remedy, and one easily obtained, is Perry Davis' Painkiller. It is a new nostrum, vended by unknown agents, but has stood the test of over seventy years; and those who use the article, internally or externally, will connect with it grateful recollections of its worthy inventor.

### AMUSEMENTS

James K. Hackett, supported by a superb company and a wealth of special scenery and stage accessories, appeared last evening at the Grand before a large sized and delighted audience, which greatly appreciated the presentation of "Samson," a Parisian story which was presented in faultless style by the company.

Mr. Hackett is one of America's foremost actors and Keokuk people enjoyed a rare treat last evening in being able to see him. The performance was beyond criticism and was another of the many high grade things which Keokuk theatre goers are being privileged to witness since Mr. Hughes has taken charge of the opera house here.

Nothing but praise could be said of the attraction of last evening and all who were present were more than satisfied with the evening.

I have been somewhat costive, but Doan's Regulents gave just the results desired. They act mildly and regulate the bowels perfectly.—George B. Krause, 306 Walnut Ave., Altoona, Pa.

ATTENTION A. O. H. Special meeting Thursday night, St. Peter's hall, to meet state President, Malloney and Father McDermott.

Don't think because you have taken many remedies in vain that your case is incurable. Hood's Sarsaparilla has cured many seemingly hopeless cases of scrofula, catarrh, rheumatism, kidney complaint, dyspepsia and general debility. Take Hood's.

A specific for pain—Dr. Thomas' Eclectic Oil, strongest, cheapest liniment ever devised. A household remedy in America for 25 years.

### Farms for Sale

Stock farm 316 acres well improved, 10 miles out, (\$50) per acre. A splendid grain farm, close to Summitville, 160 acres practically all in cultivation, (\$65) per acre. Land all around this last farm selling for from (\$80) to (\$100) per acre. 140 acres 7 miles out, well improved, (\$45) per acre. 156 acres 9 miles out, 1/2 in cultivation, lays fine, (\$35) per acre, improvements good. Dozens of others.

### SEE

M. S. ACKLES Room 1, Estes Bldg., Keokuk, Iowa.

### WANT COLUMN

WANTED.

WANTED—Men to learn the barber trade. Splendid pay after few weeks with us. Shop experience and wages while learning. Tools, demonstrations, and diplomas given. Big demand for Moler graduates. Catalogue mailed free. Moler Barber College, St. Louis, Mo. tf

WANTED—To buy cheap horse that will do to drive. Address "Z" care of Gate City. s-w

WANTED—Young man wants board for doing chores out of school hours. Address "XZ" care of this office.

### FOR RENT.

FOR RENT—Modern cottage, 516 Orleans ave. Inquire 504 Orleans ave. tf

FOR RENT—213 Concert street. Inquire W. B. Daniels, or 206 High street. tf

FOR RENT—Dwelling on Fulton street, and dwelling on Morgan, modern improvements. Inquire 727 Morgan. tf

### FOR SALE.

FOR SALE—One-half section fine farm land, five miles from Sidney, Neb., creek running through same. For particulars write H. McFadden, Box 356 Sidney. 12-4t

FOR SALE—Cutter and harness, 903 North Twelfth street. tf

FOR SALE—Good milk cow; also a coal bed; inquire F. Clemenson, 1026 Palcan street. tf

FOR SALE—Fox hound pups, six weeks old \$1.00 apiece while they last. For information address "H." care this paper. s-w

### FINEST Display of

Leather Goods

EVER SHOWN IN KEOKUK

NOW ON DISPLAY AT

City Drug Store

700 Main

### Failed in Health

"My mother died six years ago," writes Miss Ruth Ward, of Jerseyville, Ill., "and left me to care for six children. I had never been strong; and this, with the shock of her death, was too much for me. "I failed in health. I was tired all the time and did not want to go anywhere, nor care for company. I had the headache all the time and such bearing-down pains. "A very dear friend advised me to take Cardui, as it had done her so much good, so I commenced to use it and now I am in good health."

### Take CARDUI

The Woman's Tonic

Women's pains are relieved or prevented and women's strength is quickly restored, by Cardui, the woman's tonic. You yourself know best if you need it, or not. If you do need it, do not delay, but commence to use it at once. Every day of delay, only lets you slide further down the hill.

Don't wait, then, but begin to take Cardui today, for its use, no matter how prolonged, cannot harm you and will surely do you good.

Write to: Ladies' Advisory Dept., Chattanooga Medicine Co., Chattanooga, Tenn., for Special Instructions, and 64-page book, "Home Treatment for Women," sent free.

### Emerson PIANOS

Established 1849

Loewenstein MUSIC STORE

### DAILY GATE CITY

A Complete Newspaper

Send in your subscription--

By Mail, \$3.00 Per Year

### Physicians Advise

the use of a good laxative, to keep the bowels open and prevent the poisons of undigested food from getting into your system.

The latest product of science is VELVO Laxative Liver Syrup, purely vegetable, gentle, reliable and of a pleasant, aromatic taste. Velvo acts on the liver, as well as on the stomach and bowels, and is of the greatest possible efficacy in constipation, indigestion, biliousness, sick headache, feverishness, colic, flatulence, etc. Try VELVO

### VELVO LAXATIVE LIVER SYRUP

### FRATERNAL CARDS.

MASONIC. Hall, corner Fourth and Main Eagle Lodge, No. 12—Holds its regular meeting the first Tuesday evening, of each month.

Hardin Lodge, No. 29—Holds its regular monthly meetings the second Monday evening of each month.

INDEPENDENT ORDER OF ODD FELLOWS. Hall Seventh and Main Streets. Keokuk Lodge, No. 13, meets regularly Monday evening at 7:30 o'clock. A. N. Matheny, N. G., A. G. Hershey, Recording Secretary.

Pucketchuck Lodge, No. 43, meets every Friday evening at 8 o'clock. W. E. Rokey, N. G., Geo. W. Immergart, Per Sec.

Herman Lodge, No. 116 (German), meets regularly every Wednesday evening at 8 o'clock. C. Loeffler, N. G., Albert Zelfer, Rec. Sec.

Pucketchuck Encampment, No. 7. Meets first and third Tuesday evening of each month. Otto Anschutz, scribe.

A. O. U. W. Keokuk Lodge, No. 256—Meets every Thursday night at 7:30 o'clock at hall over Keokuk Savings bank corner Fifth and Main streets. Visiting brethren cordially invited. C. W. Trott, M. W.; Ed. W. Moore, Recorder.

K. of P. Morning Star Lodge, No. 5.—Meets Fifth and Blondeau, K. of P. Building Tuesday at 7:30 p. m. W. E. Strimback, Chancellor; J. A. Burgess, K. of R. and S. Visiting Knights fraternally invited.

KNIGHTS AND LADIES OF SECURITY, KEOKUK COUNCIL, No. 1039. Meets the first and third Monday of each month, at A. O. U. W. hall at 8 o'clock. E. E. Hawkes, president; E. Whitmarsh, Financier; Mayme C. Schenk, secretary.

MODERN WOODMEN OF AMERICA. Gibbons Hall. Keokuk camp No. 622—Meets every Wednesday evening at 7:30 p. m. Our latch string is out to neighbors. J. P. Johnson, V. C.; J. A. Pollard, Clerk.

B. P. O. ELKS. Keokuk Lodge, No. 106—Meets first and third Thursday nights at Elks' hall Gibbons opera house block Sixth and Main streets. Club rooms open daily. Visiting brothers cordially invited. L. J. Wolf, E. R.; William Reinbold, Secretary.

FRATERNAL ORDER OF EAGLES. Keokuk Aerie, No. 633—Meets first and third Wednesday of each month at Horn hall, corner Eighth and Main. Visiting brothers cordially invited. Leo Anschutz, W. President; A. Noaks, Secretary.

ORDER OF OWLS. Regular meeting of the Order of Owls the first and third Tuesday's of each month at their hall in the Schiltz building corner Third and Johnson streets, third floor. Visiting Owls are cordially invited. Chas. Off, worthy president; Paul T. Peckstein, secretary.

You Needn't keep on feeling distressed after eating, nor belching, nor experiencing nausea between meals. Hood's Sarsaparilla cures dyspepsia—it strengthens the stomach and other digestive organs for the proper performance of their functions. Take Hood's.

Mankind's Great Deed. From Boston comes this wall from a long-suffering man: "God made the neck, man made the collar and the devil invented the starch." This generation boasts of many things accomplished by its predecessors as its own, but no genius has yet arrived to give suffering man a soft neck bandage, which is much more needed than aeroplanes and other curiosities.

**Your Hair is Worth It**  
Afraid to use hair preparations? Don't know exactly what to do? Then why not consult your doctor? Isn't your hair worth it? Ask him if he endorses Ayer's Hair Vigor for falling hair.  
**Does not Color the Hair**  
J. C. AYER COMPANY, Lowell, Mass.