

PHILLIPS OUSTER CASE IN OTTUMWA

Defense Asks For More Specific Statements, Declaring the Petition Not Sufficiently Explicit.

MOTION WAS SUSTAINED

Attorney General's Office Must Furnish Definite Charges Against Mayor of Ottumwa Before Case Can Continue.

Claiming that the petition of the state of Iowa ex rel. H. W. Byers vs. J. T. Phillips, mayor of Ottumwa, is not sufficiently explicit in its charges, Judge J. C. Mitchell, one of the counsels of the defendant, yesterday opened the Phillips ouster case, which promises so much interest not only in Ottumwa, but throughout the state.

The Ottumwa Courier in a report of the first day's proceedings says: A mere handful of persons, numbering no more than half a dozen, were assembled as spectators during the opening of the trial. Judge K. E. Wilcockson and Reporter J. Farrell Bray of Sigourney arrived this morning on the Milwaukee at 10 o'clock and the case was begun at 11:15 o'clock.

After hearing the arguments and the answers, the court took a short recess, and at 2:25 o'clock in the afternoon returned with the announcement that the defendant's motion for a more specific statement was sustained in practically every paragraph.

Wants More Information. Judge Mitchell opened the hearing by speaking at great length on the motion of the defense for a more specific statement from the plaintiff, whose petition, it is claimed by Judge Mitchell, deals not with facts so much as with a conclusion of law. "Unless the prosecution shows us something specific," said Judge Mitchell, "unless he tells the defendant when he was and where he was intoxicated; what official duties are claimed to have been neglected and when and where, and how often and on what date or dates, our client will be at a loss to prepare a defense. It will be impossible to take account of all the days of his administration on which saloons were operated under the mulct law and find out which of those and how many may have kept open after 10 o'clock at night, and who the minors were who entered them. The same

may be said as to the general charges, and I am sure that the attorney general must know the specific charges filed, but unless the defendant is made acquainted with this knowledge he is at a loss to make any defense."

Senator Cosson's Reply. Senator George Cosson, who is conducting the case for the state, in replying to the arguments of Judge Mitchell relative to gambling and to boys being in pool and billiard halls, said that while the mayor may not have had specific knowledge of it, he should have had because he was the chief executive. He also said the prosecution expected to prove that the practice was notorious and that as mayor, Mr. Phillips should have known of it. Mr. Cosson, in speaking of the manner in which the case was being prosecuted, stated that the defendant would have ample time to secure witnesses needed.

LILLEHAN WENT TO BED IN DOORWAY

Drunk Arrested Yesterday Afternoon Without Shoes on—Cherokee Indian Gets into Trouble.

Pat Lillehan went to sleep in a doorway at Fifth and Johnson streets yesterday afternoon after he had "taken on" a few drinks too many. An officer went to the place where Pat had laid down after removing his shoes, and told him to get up and put on his shoes. This the drunk refused to do

and he was paraded to the station in his sock feet. This morning Lillehan was given two days in jail. John Knee was arrested on an old mittimus this morning and given ten days for being drunk. Arthur Head, a drunk and disorderly man, was given thirty days.

Fred DeLong, who lives on Ninth and the Canal below Ninth and Grand avenue, filed information this morning in the superior court against Louis Fulton and wife for assaulting him with intent to do great bodily injury. Hinton, DeLong's assailant is a half-breed Indian and is familiarly known by the name of Cherokee. Last night, the filer of the information claims that Cherokee and his wife started in to clean him up, the half-breed using his fists and the wife had an axe which she was flourishing around in great style.

Smoking for French Youth. It is curious that while in this country a child is not allowed to smoke cigarettes but may consume chocolate limitations to its heart's content, in France the case is exactly reversed. Boys may smoke as much tobacco as they like, but any one serving them with chocolate "cigarettes" would be liable to heavy punishment, and a lady in Paris has recently been fined for this offense.

It appears that an article of the French code, passed in 1835, prohibits the sale of spurious tobacco or other substances to be sold as tobacco, and was intended to prevent competition with the state monopoly.

WILLIAM HIPSELEY KILLED IN WRECK

Was a Mail Clerk Running Out of Keokuk—Had Been in This Service for the Past Thirty Years.

RUNAWAY COAL CARS

Five Coal Cars Ran Down Steep Incline and Hit Passenger Train Tossing Engine and Splintering Two Cars.

The Toledo, Peoria & Western train that left here yesterday morning at seven o'clock, carried to his death, William Hipsley, a mail clerk who has been running into Keokuk on the Toledo, Peoria and Western for about thirty years. Besides the death of Mr. Hipsley a score of passengers were bruised and injured.

started and did not stop until they crashed into the ill-fated passenger train.

Special Sent Out. Immediately upon receipt of the information the T. P. & W. officials sent out a special and the passengers and such of the baggage as could be moved were brought into Peoria.

There were many women on the train, and scenes of wild excitement ensued when it became known that a man had been killed. At first rumors that both the engineer and the fireman had been killed also spread and this added to the general confusion.

John Brodman, in charge of the mail transfer station at the Union depot, went at once to the scene and took charge of the body of the dead mail clerk.

Cause of the Accident. The cause of the accident is attributed by those at the mine to the carelessness of the crew of the switch engine which was working at the mine at the time the three loaded cars started on their long trip toward the main line. Six hundred feet below the mine is a derail switch. Had this been left open the cars would never have reached the main line and the wreck could not have occurred. As it was the switch was closed and the cars started on a wild run toward the main track.

The distance from the point where they started is some 3,000 feet, down hill all the way. As the cars traveled onward they gained momentum until at the time they struck the train they were going at a terrific rate.

Investigation Ordered. The P. & P. U. has ordered an investigation into the cause of the wreck. The track on which the coal cars stood belongs to that road and the switching crew at work in the vicinity of the School mines is blamed for the accident. Had they opened the derail switch as they should have done the accident could never have happened.

The train always carries a heavy passenger list and it is the first train in from the west in the morning. That more people were not killed and injured seems almost a miracle.

The ground for a hundred feet around is covered with coal and when the cars struck the air was filled with flying fuel. The property loss will amount to several thousand dollars.

Many Narrow Escapes. Veteran railway men who were at the scene of the wreck after it had occurred, declare that it is one of the strangest that they have ever seen, and the trainmen lay the fact that there were not more killed or seriously injured to the fact that when the runaway cars came down the incline the string broke and a single car hit the oncoming train first. This tended to slacken the speed of the passenger train and gave the passengers and trainmen a chance to brace themselves. Before the last section of the runaways struck the train the engineer and fireman had jumped.

Dead Man Had Many Escapes. Mail Clerk Hipsley, who lost his life in the wreck, was one of the veterans of the mail service and had a record of having more than the usual number of narrow escapes that fall to the lot of the railroad. Only last week he took his vacation and this was his first run since a week ago.

The cause of the wreck will be settled by the coroner's jury and as yet it is not known what started the cars on their death dealing journey. The school mine is situated on the hills near the Bartonville asylum and is connected by a switch track that comes down around the hill and strikes the main line of the P. & P. U. railway near the South Bartonville station. The mine track is supposed to be protected by a derail, which if it had been working properly would not have allowed the cars to come down the incline.

Parrot an Interesting Pet. Parrots, always popular, are now quite the rage, and any girl acquiring one for the first time will find him a most interesting pet. Mr. Poll need not screech or be otherwise objectionable to those who do not admire him, and, indeed, never will be noisy unless he is unhappy because hungry, thirsty, ill or lonely.

Use of these conditions we humans cry out until relieved, and Polly will do the same. He is a most sociable fellow, and though sometimes a great talker, he is a good listener as well, cocking his little head on one side when conversed with, and seeming to take it all in in a most intelligent and often most comical way. If left too much alone he gets very unhappy and mopes so that unless you understood the cause you might think him seriously ill.

Music in any form he adores and it will always brighten him when he is grumpy. Another of his peculiarities is that he dislikes to be disturbed when asleep, and as, like humans, he is susceptible to drafts when slumbering, it is wise as well as kind to cover his cage at night with a cloth.

One Version. There is only one thing worse than a person who gossips, and that is the person who cares what the gossips say about him.—Life.

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Mob-Coddling by Congressmen

A measure to protect the people was butchered by cowardly congressmen and saved by a brave President to whom honor is due for his protection.

\$200,000.00 was to be appropriated for use by the Dept. of Justice in prosecuting offenders against the Sherman Anti-Trust law, which is intended to protect men at work, whether they be working with hands, heads, or both.

Protect them from "combinations and conspiracies in restraint of trade."

That means combinations of men who conspire to prevent other men from earning a living.

Two or three large oil companies might "combine and conspire" to freeze out a small dealer.

He has a right to conduct a business and earn a living for his family and should have protection from "combinations" which "conspire" to ruin him.

It also applies to "combinations" of workmen who "conspire" to drive other workmen from work.

The great "Labor Trust" has been seized by certain men who now have control.

They force every member to pay fees, which aggregate several hundred thousand dollars a year.

They intend that no men who refuse to pay fees to them shall work.

Whenever independent men or those who form their own union seek to work, the big trust orders strikes on the jobs to force the independent men or independent union men out of work until they join the big trust and pay fees to the leaders.

One illustration will suffice: On June 22nd, 1910, the N. Y. Building Trades Council (part of the labor trust) declared a strike of all trades on a 12-story building at 35th and 11th Ave., because of the employment of members of an electrical union, not members of the trust. Work on the entire building was stopped.

The Sec'y of the "trust" said that general strikes would be ordered on every building where the "obnoxious electricians" are employed.

These electricians belong to a union formed under the arbitration plan some time ago and kept their jobs. The employers afterward contracted, under pressure, with the big trust and were told to and did order the independent union to join the Labor Trust. The men refused because they did not like the trust methods of coercion, bullying, slugging, and general violence.

This is only one illustration of hundreds of cases where the trust "conspires in restraint of trade."

That, is by combination they conspire to and do stop work, interfere with industry, and prevent men from earning a living unless they pay fees to the trust leaders.

There is perhaps never one single day in a year but what the Labor Trust is engaged somewhere in America, in "restraining trade," preventing men from working and stopping the flow of industry. No trust in this country breaks the law one-tenth as many times, or takes the bread from men's mouths as frequently as the Labor Trust.

No trust has ever "restrained" such volumes of work or stopped the payment of so much money.

No trust has maimed and killed so many men or blown up and destroyed so much property and yet the attorney-general has been held back from prosecutions for some unexplained reason. What does a working man care about the prosecution of the oil trust when the big labor trust keeps him out of work every now and then. Suppose you write Pres. Taft and ask why the Atty Gen'l does not protect the people against the biggest

and most hurtful trust.

The authorities forget there are about thirty million workers in this country and only about 1,700,000 members of the Labor Trust and that most of them are coerced into membership.

How can the authorities answer to the vast army of 28 million free workers, farmers and householders whose affairs are from time to time interfered with and who have to bear the loss of stopped industries brought about by the leaders of the Labor Trust in their manipulation of men seeking to drive them into fee-paying slavery?

The 28,000,000 workers, not members of the trust object to being driven from work or having R. R. trains stopped with all the far-reaching losses, or the street cars stopped and men and women prevented from getting to and from work, or factories struck and perhaps destroyed, the weekly pay roll stopped and the sustenance of at least part and perhaps all of a community withdrawn.

The great Philadelphia street car strike was forced by the big labor Trust, not on account of wages and hours but to throw out about 4,000 men who had their own union, a peaceable one.

These men did not want to pay fees to the trust leaders and be subject to their whims so they formed their own union for self protection. Thereupon the big trust called a strike, blew up and burned cars, attacked and slaughtered men, kept people from getting to and from work, forced their other slaves to quit work and cost the people of Phil. several million dollars and untold suffering and inconvenience solely for the purpose of "showing" them the power of the Labor Trust to "force" people to "mind" and force these independent men to join the trust, "obey" and pay fees to the leaders.

That is a serious state of affairs in this free country and is enough to awaken every American to the necessity of curbing such men in their insane race for notoriety, power and feathering.

Citizens want industry, commerce and wages to continue without interference from any set of men either employers or employees who seek selfish gain to themselves alone, without regard to how much all the people outside the trust may be inconvenienced and damaged.

The trust leaders, to make stronger their control of members, fight valiantly to be allowed to boycott and conspire to ruin all free citizens either employers or workmen who do not pay fees to the trust leaders.

Therefore when this \$200,000.00 appropriation bill came up they deluged Congress with demands to exempt combinations of labor from prosecution if they broke the law and, starting as it may seem, over a hundred congressmen voted to so exempt them. In other words voted to permit one set of men to break the law and dominate the great majority of citizens, while the majority must keep the law and submit to the damage, losses, inaction and idleness put upon them by the comparatively small band of trust members.

"Why were these Congressmen cowards?" you ask. Because the trust managers sent word to their local managers in all parts of the country instructing them to fire letters and telegrams to Congressmen whenever they considered it worth while offering him \$100,000.00 a year if he would accept.

This organization takes in many of the best skilled workers in various crafts. They are pledged to no strike, no boycott, picketing, coercion or violence of any kind. They present their cause peacefully and with dignity.

presses the members of Congress with the belief that the whole mass of laboring men are crying for exemption from punishment or law-breaking.

In this particular case the President induced Congress to reconsider the vote and protect the masses from the proposed tyranny.

Don't forget the issue. The Labor Trust leaders called for exemption from prosecution when they break the law of conspiracy and they sought to be free to drive millions of free workmen into idleness.

These freemen will not soon forget the effort of their representatives in Congress to force them into the irksome slavery of the big Labor Trust which seeks to dictate first, monthly fees, then, when and where they can work, for whom, or what wages and how long.

That kind of "hand tying" is not relished by the millions of free men or by thousands of "tied" men now forced into membership in order to get jobs and not be slugged, yet they are ordered on strike from time to time and made to boycott, picket and act as lawbreakers at the behest of the leaders fighting to hold power over them.

"How can the citizen and free man protect himself?" Write to your Congressman and Senator. (Address them at home now.) Say "Whenever any measure comes up, presented by the Labor Trust leaders and intended to give them more power over us, and restrict our liberties, please protect us by voting it down; analyze each measure carefully and vote only for laws intended to protect the great majority of your constituents in their freedom, unconcerned by any set of men either of capital or labor. It is dangerous to give any combination privilege or power to dictate to other citizens. We will support you if you protect us, but we must put in a representative who will defend the majority of the people if you refuse." Write him and write him now.

Don't sit in silence and permit your liberties to be taken from you because the big Labor Trust, supported by fees, stirs its local managers to continued activity, while the plain every day citizen says nothing, having no organization.

Experience in the past has shown that the great big factor known as the "common man" may not be so quick as local Labor Trust leaders to write his Congressman for protection, yet he reads and votes; that is why many a candidate who thought he could help push through the trust laws of either Capital or Labor, seeking gain or control of the average citizen has met defeat when he comes up for reelection.

No one leads the common people but they are neither fools nor children and they are at least 90 per cent in the majority. Many new and peaceful organizations of labor are being established free from the fee-hunting tyranny of the big Labor Trust.

One of these, The Nat'l Trades and Workers Ass'n with headquarters at Battle Creek, Mich., recently offered Ex-Pres. Roosevelt its Presidency.

The Ass'n hadn't means enough to pay a suitable salary for this great ability and moral wealth.

I became so strongly impressed with the honesty of purpose and progressive principles of this labor organization that I considered it worth while offering him \$100,000.00 a year if he would accept.

Guard your sacred personal liberty actively and at all times, for the interests which would like to harness you are busy day in and day out.

Permit no set of men to gain power to force you to buy only what they order, hire only those men they name, also to order when you can work, where, for whom, at what wages and how long.

Fail in watchfulness and you will drift into humiliating servility from which it will be difficult to free yourself.

This is a time when individual liberty is being attacked. Guard yours as you would your soul. There's a Reason.

C. W. POST.

If settlements cannot be made, the case goes to a carefully selected board of mediation. When the facts are brought out in a friendly conference a settlement is reached in a great majority of cases. If not, the facts on both sides are given the local press and thus the citizens of the community become entirely conversant with the matter and public opinion steps in.

It's hard for either side to stand for a wrong, with the great weight of public opinion opposed.

Up to the time of the mediation proceeding the men keep at work and the flow of money through the community is continued. If, thereafter, they feel they can do better elsewhere, they have a right to withdraw 50 per cent of the men each day and go to a job better liked but they make no objection to the employer putting new men in the places they leave. It seldom comes to that.

The practical working of the plan shows the industries go on and the employer holds his time-tried men to him on any reasonable terms and they and he are friends working together whereas if they settled by the club and force, hate would invariably follow, greatly to the detriment of the industry and the men personally.

The Trades and Workers Ass'n is growing rapidly among some of the best workmen in America.

It marks a new epoch. Let workmen write the Trades and Workers Ass'n of Battle Creek, Mich., for a constitution and by-laws and study the new peace movement.

Practically all real workers dislike to have their negotiations conducted by strikes, violence, hate and general disturbance, but the noisy ones have gained control of the big Labor Trust and they force the peaceful ones, and by such methods have brought much odium on the name of Labor.

A better day is coming. A day of peace and steady prosperity for the workers, but it will be delayed by cowardly Congressmen if they mistakenly vote to put more power in the hands of the trust leaders and make them immune from prosecution when they boycott, slug, burn and dynamite, using such means to hold workmen in their power to extract motley fees from them and to force the rest of humanity to "obey" them or take the consequences. It is high time the people were protected by the strong arm of the law.

Reader if you want to retain your freedom talk plainly to your Congressman and Legislators. Remember the high priests of the labor Trust are always busy hounding Congressmen to pass new laws to protect them in their attacks on workmen and citizens.

Do your duty and compel your representatives to protect you. If they don't respond, see you are at the polls and cast a vote for the man who has first agreed to stand by the majority and give "exemption" and special privilege to no fight and snug combination of either Labor or Capital.

Guard your sacred personal liberty actively and at all times, for the interests which would like to harness you are busy day in and day out.

Permit no set of men to gain power to force you to buy only what they order, hire only those men they name, also to order when you can work, where, for whom, at what wages and how long.

Fail in watchfulness and you will drift into humiliating servility from which it will be difficult to free yourself.

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C. W. POST.

Superintendent Deemy, of the mines, saw the loaded cars start and immediately telegraphed a warning ahead, but for some reason this did not stop the train. At that time he supposed that the switch leading to the derail had been left open as it should have been, but he was astonished to see the loaded cars go reeling from side to side down the track at top speed. It was then that he frantically called the station to warn South Bartonville what was coming.

It is supposed that the switch at the derail was left closed by the members of the switching crew. The crew in charge of the switch engine was Charles Morris, engineer and W. Jackson, fireman.

Men at the mine say that the cars apparently started of their own volition. Whether the brakes were left loose or the blocks usually placed in front of the wheels had been removed is not known. At any rate the cars