

SOMETHING ABOUT ELECTRO SMELTING

How Johnson Factory Which Will be Built Here Will be Operated is Described by an Expert.

ZINC CAN BE EXTRACTED

This Will Save Penalties Attached Under Old Process—Method is Interesting One.

Since the announcement Monday in The Gate City, that a \$75,000 electric smelting plant was to be located in Keokuk, there has been considerable interest evinced as to the exact processes used in smelting ore by this electric process.

Mr. Rhodes' answer was that the process is that of taking complex ores, containing lead, copper, silver and zinc, and subjecting it to an electric process which extracts from the ore all the metals in one operation at a minimum cost.

Zinc, as one expert has expressed it, has played the baby of the metallurgy family ever since man began to work the ore.

Three Parts to Process. A bulletin issued by the Canadian Mining Institute containing a paper by Woolsey McAlpine Johnson on "The Commercial Aspect of Electric Zinc Lead Smelting" contains a very clear and interesting account of the process.

There are three parts to the process as described in Mr. Johnson's paper. First there is a rough roasting process to expell a large part of the sulphur until it does not exceed from 4 percent to 6 percent.

Final Reduction in Furnace. "Pre-heating and pre-reducing the ore with admixture of soft coal" is next according to Mr. Johnson's outline. "This is to reduce much of the iron oxide to metallic iron which is necessary in the subsequent treatment in the electric furnace.

VERY UNSIGHTLY PIMPLES ON FACE

Red and Festered. Also Had Dandruff. Could Be Seen Plainly. Used Cuticura Soap and Ointment. Free from Pimples and Dandruff.

New Sharon, Iowa.—"Two or three years ago pimples began to come on my face and I had dandruff. The pimples made a very unsightly appearance. They were red and numerous, some came to a head and festered and the itching caused me to scratch them. The dandruff on my head could be plainly seen."

Samples Free by Mail. A generation of mothers has found no soap so well suited for cleansing and purifying the skin and hair of infants and children as Cuticura Soap.

cheaply in this pre-heater. "The final reduction to metals in the continuous zinc furnace in order to decompose the sulphides of zinc and lead, forming a metallic zinc which is volatilized and collected in the condenser, copper matte, and lead bullion which are collected in the bottom of the furnace and molten slag which floats on the top of the matte is the most important step in the process."

How Furnace Works. The Johnson furnace for the electric smelting process contains a crucible in which the smelting relations occur. At the bottom of the crucible is a water cooled tap hole for the molten matte and lead bullion and there is also a tap hole for the removal of molten slag.

Some Chemical Reactions. It would not be possible to give in comprehensive form all of the chemistry changes. To quote from Mr. Johnson's paper in the bulletin, "The sulphur combines with reduced copper, first, and then with reduced iron to form copper matte, which collects some silver and gold and settles to the crucible. Similarly the reduced

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Lead in molten metallic form collects the rest of the gold and silver forming a base-bullion which settles. Silica and some other metals form slag which floats on top of the matte. The zinc which is reduced to metallic form is immediately vaporized at the temperature of the furnace and passes to the condenser at the side where it is condensed and collected in a molten condition."

A Good Investment. W. D. Magill, a well known merchant of Whittemound, Wis., bought a stock of Chamberlain's medicines so as to be able to supply them to his customers. After receiving them he was himself taken sick and says that one small bottle of Chamberlain's Colic, Cholera and Diarrhoea Remedy was worth more to him than the cost of his entire stock of these medicines.

MAPLES IS STILL ELUDING HOUNDS

Warsaw Fugitive is Trailed on Second Day by Springfield Animals.

Quincy Whig. Tracked for two days by man-hunting blood hounds and trailed by a small army of deputy sheriffs and farmers bent on taking him dead or alive, Henry Maples, wanted for the murder three weeks ago at Meyer, Ill., of Jesse Ferguson, is still a fugitive, and last night Sheriff Lipps, with Deputies Coens, McNay, McGinley, Jacobs and Grubb, returned from the hunt, leaving the fugitive to wander in the dense forests that surround the western boundaries of Hancock and Adams counties.

That the man being hunted effected his escape was admitted last night by Sheriff Lipps when he told a Whig reporter that all day yesterday not a trace or even a warm trail was picked up. There appears to be some doubt in the mind of Sheriff Lipps that the dogs and posse were really on the trail of Maples, but at the same time the man who was trailed was identified positively Monday as Maples by a farmer living south of Warsaw, who has known him for several years.

In the hunt Tuesday two hounds belonging to a man named Daily, at Keokuk, were used and the dogs worked efficiently, but the long tramp tired them out and late Tuesday afternoon one of the animals collapsed. Sheriff Lipps telephoned to Springfield for H. G. Strumpfer's dogs and they arrived at Alexandria early yesterday morning in charge of William McLaughlin, who has been working with Strumpfer for some time. The Strumpfer hounds used yesterday are known as "Mack" and "Bob," the former being a second to the famous dog "Nick Carter" that was used in the Planschmidt case.

—Read The Daily Gate City.

AN OPEN LETTER TO JUDGE DEEMER

(Continued from page 4.)

the Iowa supreme court has power to do. But it does not follow that the U. S. supreme court, in reversing the lower court can always render judgment upon the finding of facts. In Exchange National bank vs. Third National bank, 112 U. S. 276, 23 L. ed. 722, the lower court made a special finding of facts and rendered judgment for defendant. The U. S. supreme court held upon the finding the judgment should have been for the plaintiff. Of course the lower court, having rendered judgment for defendant, made no finding of damages sustained by plaintiff. In this predicament the supreme court said:

"It is therefore, plain that the judgment must be reversed. But judgment cannot now be rendered for the plaintiff for damages. There must be a new trial. Although there is a special finding of facts, it does not cover the issue as to damages. No damages are found. The action is one for negligence, sounding in damages. Although the complaint alleges that the drawers and the indorser are discharged for want of notice of non-acceptance, and although it is found that the drawers were in good credit when the drafts were discounted, and that the drawers and indorser had become insolvent by the 12th and 19th of October, 1875, there is nothing in the finding of facts on which to base a judgment for any specific amount of damages. On the new trial that question will be open, and we do not intend to intimate any opinion on the subject."

In order that the supreme court may be empowered to render a judgment upon a finding of facts there must be a finding upon every issue in the case, and in the event that there is a failure to find upon any issue of fact, the power of the court is limited to a reversal of the judgment of the lower court.

Ward vs. Cochran, 150 U. S. 697; 37 L. ed. 1195. It follows from the premises stated, that in law case tried to the court in which there is rendered a general finding and judgment, the supreme court is under the constitution and the statutes, at best, limited to a reversal of the judgment of the lower court.

The phrase of Sec. 4139 of the Code, that said court may "render such judgment as the inferior court should have done," is applicable to a law case, tried without a jury, only when the lower court makes a separate finding of facts under Sec. 3654 of the Code. It does not and cannot, if the constitution of Iowa is given consideration, apply to any other law case tried without a jury, or, more accurately speaking, tried with the court acting as a jury, whether the case be a personal injury case or a case in probate in which the parties had a right to a trial by jury.

The foregoing is preliminary to the statement that the opinion of the court in re Cook Estate, 143 Iowa, 733, written by you, is unconstitutional. The substance of the decision is that the supreme court finally decided the case when it was previously before the court, 126 Iowa, 158.

The case is not, and was not, one in chancery, but is and was one in which constitutional power of the court was limited to correcting the errors at law of the lower court. In the opinion in 126 Iowa, 158, the court held that the lower court erred in its conclusion of law that the damages recovered for the wrongful death of decedent did not pass under his will, and reversed the judgment.

In reversing the judgment of the lower court the supreme court went as far as it had the right, or jurisdiction, to go under the constitution. With its judgment reversed, the case stood in the lower court as though it had never been tried, without this, that if upon a new trial the facts are proven to be the same as upon the first trial, the lower court must apply the law as declared by the supreme court in correcting the error of law made upon the first trial.

Besides being unconstitutional the opinion in 143 Iowa, 733, makes an unheard of application of the doctrine of res adjudicata. The distinction between that doctrine and the doctrine of the "law of the case," is as clear to the profession as it seems to have been to Justice Evans who dissented from your opinion. The supreme court has not much further to go to knock out the provision of the constitution as to its power in actions at law completely and also the provision in regard to the right of trial by jury. For if it can in a law case tried to the court, a de jure jury, in which there is no finding of facts, finally determine what the judgment in the case shall be, what is to prevent it so deciding in a law case tried by a jury de facto. Surely, not the constitution.

Courts are constituted to render justice according to law, and not as an abstraction. The purpose of a new trial is to attain that end. What is the very right, under the actual facts of the case and the established rule of law applicable thereto? That is legal justice, to dispense which the judge takes his oath of office. What if it does take two or more reversals to attain that justice? Shall the supreme court get so impatient with the lack of infallibility of human nature and the bar that it will by its acts declare that the constitution of the great state of Iowa has no application to that tribunal?

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to correcting errors at law. It is the province of the people in the community where a case is tried, through a jury, of either 12 men or of one man, to settle and determine the facts of the case. Perhaps if cases submitted were discussed and decided before opinions were written the constitution would not be so often over-looked. For in the multitude I counsel there is wisdom. Respectfully yours, W. J. ROBERTS, of the Lee County Bar. —Read The Daily Gate City, 10 cents per week.

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