

## HUNTING FOR EDEN.

He traveled in search of purer air. And he found where it was, one day. But the water supply was beneath there, and he declined to stay. He hunted far to discover the kind of water his health required. But where it was he was pained to find more winter than he desired.

He looked for a climate to suit his taste. And he found just the kind, at last. But all around was a barren waste. Where never a traveler passed. So he hurried on and he searched around for climate and water and air. But wherever a perfect thing was found some other was lacking there.

He started in search of a healthful place. When his form was erect and strong. When the color of health appeared in his face. But his visage got pale ere long; He traveled to keep bad health away. He noticed his pallor and worried. Till he found just the proper place, one day. And there, on the next, was buried. —S. E. Kiser, in Chicago Record-Herald.

## A Knave of Conscience

By FRANCIS LYNDE.

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### CHAPTER IX. CONTINUED.

It was all over in a moment. Charlotte saw the mate try to spurn the disabled negro, and saw the white man step between. Then the mate's right arm shot out in a mighty blow at the peace-maker, who was standing just within the low guard with his back to the river.

She looked to see him hurled to his death in the brown flood; and what she did see was scarcely less horrifying. The fugitive had stepped aside, and the mate, carried off his feet by the impetus of his own blow, stumbled on the low rail and dropped into the river.

Charlotte saw instantly what would happen. If the mate were not drowned outright, the devouring paddle wheel would swiftly overtake him and batter the life out of him. But what did happen was more astounding. Like a flash the man whom the mate would have sent to the death which was to be his own sprang overboard fairly upon the shoulders of the struggling bully, carrying him deep under water just as the roaring wheel was about to engulf him.

All this Charlotte saw; and the rescue of both a few minutes later, the mate insensible and the other in the throes of exhaustion; and when it was over she was fain to go back to her room, with her letter to Mr. Galbraith still in her bosom. For heroism is a law unto itself, and were a man guilty of a thousand crimes, the woman does not live who could give him up to justice on the heels of such a deed.

### CHAPTER X.

When Charlotte had made sure of the pseudo deck hand's identity in the forenoon of the second day out she had thought the assurance unassailable and had concluded accordingly. But when she awoke late on the morning following the brave rescue of the mate, assurance had departed.

With the admission of the smallest doubt, she could by no means go on with her plan of betrayal until the doubt was removed; and, not knowing what else to do, she went to the captain to find out if possible all he knew about the mate's rescuer.

The interview was most unsatisfactory. She led up to the subject by telling the captain the story of the rescue, and so was privileged to ask a few questions about the rescuer. Did the captain know him? And, above all, did the captain know the day and hour when the man had joined the crew?

Capt. Mayfield knew no more than that the man's name was John Gavitt, and that he had joined some time during the day of departure from New Orleans. He was a sick tramp, working his way home to some small river town in Iowa.

So the doubt remained unsolved, after all, and her hands were tied unless it could be removed. She could think of no other expedient, save an interview with the man himself, and this she knew was impossible—in its bringing about and in any definite result that could accrue. For if she could bring herself to question him, surely he would lie in his own behalf.

And yet it was the impossible thing that happened. For that evening just at dusk, while she was standing on the guard upon which her stateroom window opened, she heard a step on the stair leading from the deck above. A man descended slowly, and when he came near enough she recognized him. She let him go until her opportunity was all but lost; then, plucking courage out of the heart of desperation, she recalled him.

"One moment, if you please; I—I want to speak to you," she faltered; and he turned obediently and stood before her.

Followed a pause, surcharged with the electricity of things ominous. He was generous enough to come to her rescue.

"You have something to say to me?"

"Yes; I want to ask you at what time you joined the crew of the Belle Julie."

The question did not surprise him, nor did he attempt to evade it, though he knew to what it would lead.

"Between twelve and one o'clock the day before yesterday."

"Will you tell me where you were at 11 o'clock that day?"

"Yes, if you ask me."

"I do ask you."

"I was in a certain public building in New Orleans, as near to you as

I am now. Is that sufficiently definite?"

"It is. I thought—I had hoped—oh, why did you do it?" she burst out.

"It was the old story of one man's plenty and another's need."

"But surely—"

"I know what you would say. I was willing to work; I was not willing to beg. I know it was all wrong, from your point of view, but I should be sorry to think that I did what I believed to be wrong."

"Surely you must know it is wrong."

"No, I don't. If I did, you would be relieved of what I conceive to be a painful duty. I should surrender myself at once."

"Then you are not sorry? I saw you yesterday afternoon, and hoped you were."

"I was sorry then—and am now; for the very good reason that I have lost the money."

"Lost it?" she gasped.

"Yes." And he told her about the hiding of the treasure and its disappearance.

"Oh, dear!" she said; "that makes it all the harder."

"For you to do what you must? You mustn't think of that. I shouldn't have made restitution in any event."

"Then you know what I must do?"

"Assuredly. I knew it yesterday. It was merciful in you to relieve me even for a few hours, but it was wrong."

"Wrong!" she burst out. "Is it generous to say that? Are you so indifferent that you think everyone else is indifferent?"

"I know you are not indifferent—you couldn't be. But you must be true to yourself. Will you go to the captain now?"

"I thought of doing that at first," she began. "It seemed to be what I ought to do. But when I saw what would happen; that I should be obliged—"

"I understand. We must guard against that. You must not be dragged into it. But since you can't go to the captain, what will you do?"

"I—I wrote a letter to Mr. Galbraith."

"And you have not yet sent it?"

"No; otherwise I shouldn't have spoken to you."

"To be sure. But now you must rewrite it, without signing it, and send it. I suppose you have described me so the officers will have no difficulty?"

"Ye-es; that is, I tried to. But why mustn't I sign it? They will pay no attention to an anonymous letter; and, besides, it seems so—so cowardly."

"They will telegraph to every river town within an hour after it reaches New Orleans; you needn't doubt that. And as for its being cowardly, it is nothing of the kind. It is your duty to point me out, and when that is done your responsibility ceases. There are plenty of people who can identify me if I am taken to New Orleans."

"It is very dreadful," she murmured; "only you don't seem to realize it at all."

"Don't I? You must remember that I have been awaiting from your point of view. I shall escape if I can do it without taking advantage of your candor."

By this time her fear of him had so far departed that she asked him what he would do.

"I shan't try to run away. So far you have bound me by your frankness. When the officers appear, my parole will be at an end. Is that fair?"

"It is more than fair. I can't understand."

"Can't understand what?"

"How you can do this—how you could do what you did last night, and yet—"

He finished the sentence for her. "—And yet be a robber of banks. I suppose it is a bit puzzling—from your point of view. But there are many things indivisible by any rule of two. May I go now?"

She suffered him, and when he was gone she went to her room to rewrite her letter. She finished it and hurriedly gave it to the night clerk, and straightway knew that her peace of mind was wrecked for the remainder of the voyage.

Such, indeed, was the fact. After time enough had elapsed to admit of the letter reaching New Orleans she became a coward of landings, fearing lest she should see him taken.

Nor was Griswold without his nerve-wrenchings, though as the voyage grew older he began to take heart of grace. In the ordinary course of things, Miss Farnham's letter should have reached New Orleans in time to have procured his arrest at Greenville; but when the Mississippi town was passed, and many others farther on, he began to fear that she had recanted, and to bewail his broken ideal.

He had no means of knowing that her letter had lain on the clerk's desk until Cairo was reached, but such was the pregnant fact, and to this oversight Griswold owed his first sight of the St. Louis landing.

It was at the landing, at the very end of the long period of suspense, that Charlotte saw the final act in the drama.

The swing stage was poised in air, and two men dropped from its outward end and dragged the mooring line to a ring in the levee pavement. And then, while she looked, there was a scuffle of four, a darting away of one of the Julie's men with a small bundle and one of the attackers in hot pursuit, followed immediately by the surrender of the other. The great eye of the searchlight over her head swung slowly shoreward, and she saw the prisoner's face and the glint of metal when the officer handcuffed him.

Whereupon her eyes filled and she saw no more. For, when all was said, it was she and no other who had

clashed the manacles upon the wrists of the man who was on his way to punishment.

### CHAPTER XI.

After all the despairings on the score of the lost treasure, it had come to light in the final half hour of the voyage; had not been disturbed, as the finding proved. Some sudden jar had shifted the cargo of coffee, causing the cranny into which the treasure had been thrust, and opening another one.

With the prize once more in hand, Griswold had a return of the levitant joy which had thrilled him in the earliest moment of success. Once again he was on fighting terms with the world; and if, as he made sure, the final struggle was awaiting him on the levee at St. Louis, he should not fight as one to whom victory is barren.

He made ready for the possible struggle while there was yet time. The negro whose part he had taken in the melee with the mate was grateful, and of him Griswold made a confederate. They would go ashore together on the mooring line, and in event of an attack the negro was to snatch the bundle and run. Further than that, his instructions were brief but definite. If Griswold should be overpowered, the bundle, certified by its owner to contain "confiture," harmless if undisturbed, was to be flung into the river. And for all this Griswold paid well, and in advance.

It fell out much as he had pre-figured. When the Belle Julie had edged her way into the flotilla of steamers at the landing Griswold and the black trailed the mooring line up to a ring on the paved slope. There was a noontide glare of electric light, and the thick-piled pyramids of freight on the paved levee cast inky shadows. Out of the nearest of the shadows leaped two men at the moment of rope-knotting, and the fight was on.

At the critical instant Griswold dropped his bundle, and the negro snatched it and ran, with one of the officers in pursuit. And a battle-blown minute later the fugitive found himself looking into the muzzle of a revolver. Even then he would have fought on had he not caught a glimpse of Charlotte looking down from the Belle Julie's guard. But, knowing what it would mean to her to see him shot down in a struggle for which she was responsible, he chose the greater of the two evils and submitted.

So it was that the air castles crumbled and he was marched unresistingly up the levee and thrust into a waiting carriage. Here there was a slight hitch in the official programme. Five minutes passed, and the officer's colleague had not yet brought in the negro; and when impatience blossomed into thirst the officer went into a saloon hard by to get a drink, first commanding the cabman to come down and watch the prisoner.

The driver was a little, wizened Irishman, and he went about the guard duty with whining protest. Griswold saw his opportunity, and seized it when the detective's back was turned.

"What's your job worth, my man?" he whispered, with his face at the window.

"Don't ye be temptin' a poor man wid a wife an' sivin childer hangin' to um—don't ye do it, sor!"

But Griswold persisted. "It's a hundred dollars to you if you can get me footloose. Have a runaway—anything! Here's your money!"

The cabman took the sheaf of banknotes. Followed a quick swish of the whip, and the purchased runaway; the driver hanging to the reins like a faint-hearted Antolycus.

Griswold saw the detective dash out of the saloon at the alarm, and waited only until the electric glare was left behind. Then he opened the door on the river side of the plunging carriage and rolled out.

### CHAPTER XII.

When the plunging carriage and its yelling escort of pursuers were gone, Griswold sat up and felt for broken bones. Happily there were none, and in a trice he was afoot and on his way back to the "Belle Julie," the handcuffs hidden by a bit of bagging. The flank movement was not of impulse; it was only the carrying out of a plan well defined at the outset; the determination to do the thing that the professional robber would not do.

The mate was at the heel of the footplank when he went aboard, and he saw the manacles.

"Hi, there, Gavitt!" he called, "what's to pay with you now?"

Griswold explained in barest outline.

"Who was it, then? Thugs, I suppose, after your bit of pay, and the cop hustled the wrong man, av course. How come ye to get footloose?"

"Legged it. But I can't get these off."

"I'll bet you can't. Come with me; you did be doing me a damn good turn was night, and I'm not forgetting it."

He led the way to his room, found a pair of handcuffs and a key, and freed the prisoner. After which he gave him a long-tailed coat, much the worse for wear, and an old hat.

"Take them and be off with you, before the cops come down to look for their bits of scrap-iron," he said.

Griswold would have thanked him, but speech—Gavitt speech—was not to be had.

Once on the levee again, with all the improbability of finding the negro and the treasure confronting him, he had an ill-turn that was most disquieting. In the midst of it he found his man, who had successfully dodged the officer and saved the precious bundle.

Griswold promptly doubled the black's reward, and went his way to begin a series of metamorphoses. The series began in a pawnshop next door to the saloon which had seduced the detective. Here he made a change of clothing from top to toe, bought a handbag much too large to be filled with the cast-off garments of the deck hand, and sallied forth to seek a barber's shop of cleanly promise.

The shop and its bathroom made the next step in the series; and from thence Griswold went uptown to an outfitting establishment of the better sort, and made another complete change; made it with such ample provision for the future that he was obliged to purchase two traveling cases to hold the overflow. Here he explained that he was just up from a fever district, and begged the opportunity to burn all the cast-off clothing in the furnace of the steam-heating plant. It was given him, and when a cab was called to take him to the hotel, no one who had known him in New Orleans, or on the main deck of the "Belle Julie," would have recognized the clean-shaven, well-dressed young man who had tossed his traveling-cases up to the driver and gave the terse order: "To the Marlborough!"

No one, I say; and yet it must have been the very irony of fate which sent to him the very cabman who had so lately assisted him in the hazardous escape on the levee. For, among all those who were most nearly concerned, surely none but the sharp-eyed little Irishman would have penetrated his disguise—as he did.

"'Tis the devil's own self he is," muttered the sharp-eyed one on the short drive to the hotel. "There's nothing left av him but thim eyes, and that cut on his forehead, and his manner of spakin'." But thim I'd swear to if I'd live to be as old as Father McGuinnis—rest his soul!"

[To Be Continued.]

### OLD-TIME BELIEF IN DEMONS.

In the Age of the Reformation It Was Rife, and Even Luther Believed the Devil Visited Him.

The cures of Jesus excited so much surprise among his contemporaries because they were effected by His word and look alone, and needed no adventitious aid of magical drugs; though even He would send on his patients to the priests to be finally purified by magical ablutions from the unclean spirit's visitation. In the age of the Gospels everyone, from the beggar in the streets to the emperor on the throne, believed in the existence of demons infesting men and animals, haunting trees and rivers, even inhabiting statues as their tenements. It was only a question of which name was most potent in exorcism, and in Acts 18:16 Gallio drove from the judgment seat the Jews, who were rioting about mere words and names; that is to say, were assailing Paul for invoking the name of Jesus Christ as a defense against the invisible powers of evil rather than the names of Abraham, Isaac and Jacob, says the International Monthly. In that age, as in the ages that followed, there was thus a background of demonological belief into which fitted the stories which are a stumbling block to modern divines like Farrar and Ian MacLaren. In the age of the reformation, this background of belief in evil spirits causing madness and sickness and bad weather was still intact, and entered as a factor into men's lives and conduct to a degree which only those can realize who will consult the literature of that age. Even Luther, who burst so many bonds of superstition, never questioned the reality of the visits which the devil paid him.

### Some Fool Questions.

"We all have our troubles," said the colored philosopher who runs the elevator in the post office, "but the worst of it is that we think no one has any but ourselves. My greatest trouble is answering fool questions, and I get a good many of them in the course of the day. Yesterday there was a hung jury, and one of 'em asked me if we had good beds for jurymen who were kept over night! I told him I hadn't seen any yet, and I'd been here for a good while. To-day the weather bureau hung their sign as usual in the elevator. It said 'Fair,' and that's all, same as it often does. It hadn't been there five minutes when a man from up the state came in and asked me: 'Where's this yer fair at?' I told him it was in the circuit courtroom if it was anywhere. 'Wall,' says he, 'I can't take it in. I've got to go to the circus.' And that's the way I get 'em right along."—Philadelphia Telegraph.

### A Heavy Fall.

In a certain school not far from Tarrytown, the head master, with the object of giving his higher class a practical lesson in the use of the barometer, placed that instrument on the window about seven feet from the ground, and told his senior scholars to note any change in it, and report to him. During dinner-hour one boy, more meddlesome than the others, began tampering with the glass, with the result that it fell to the ground and was broken to pieces. Anticipating matters, he watched for his master's return from dinner, and, rushing to meet him, observed, excitedly: "Sir, the barometer has fallen!" "How much?" asked the pedagogue, thinking of climatic change. "Seven feet!" was the reply, to the amazement of the master.—Woman's Home Companion.

### The Flour Was Tough.

Mrs. Youngbride—I've come to com plain of that flour you sent me.

Greecer—What was the matter with it?

"It was tough. I made a pie with it and it was as much as my husband could do to cut it."—Philadelphia Press.

### ARMY ENLISTMENTS.

Master Roll of Those Who Have Been Taken Into the Service in Iowa Since Oct. 1.

Lieut. Fred L. Perry, who has been conducting the branch office of the Des Moines recruiting station at Davenport, has been transferred to Dubuque, where he will have charge of the Dubuque station and its branch stations. Capt. H. E. Ely has been enlisting a number of recruits during the fall months. The following have been taken into the service since October 1:

Christopher S. Ruff, of Marshalltown, at Sioux City, and assigned to infantry service at Presidio, Cal.

Daniel Judson, of Chillicothe, Mo., enlisted at Ottumwa and assigned to the Thirteenth cavalry, stationed at Fort Meade, S. D.

Albert Haverfield, of Ottumwa, enlisted at Ottumwa, and assigned to infantry service at Presidio, Cal.

William A. Haverfield, of Oskaloosa, enlisted at Ottumwa, and assigned to troop A, Fourteenth cavalry, stationed at Fort Du Chesne, Utah.

John J. Mumm, of Brillion, Wis., enlisted at Davenport, and assigned to infantry service at Presidio, Cal.

Christopher S. Morton, of Evansville, Ind., enlisted at Davenport, and assigned to infantry service at Presidio, San Francisco, Cal.

The following enlisted at Sioux City for infantry service: James Harvey, Joseph G. Jackson, Levie Morical, George Murphy, Edward McClain, Charles E. Smith, Forrest Williams. Those enlisted for cavalry service are George Caple, Joseph L. Lamb and William G. Timmons.

### ALL IN ONE HOUR.

Young Business Man in Des Moines Confesses to Forgery and His Wife Secures a Divorce.

In an hour's time Saturday, William E. Bueck, a young business man engaged in the selling of photographic supplies, had confessed before Judge McVey, in Des Moines, that he had forged a marriage certificate to conceal his relations with Miss Anna McMillan, a 17-year-old girl, had been sentenced to a year's term at Fort Madison, and his real wife had been granted a decree of divorce and allowed to resume her maiden name.

The case was an extremely dramatic one. Bueck's wife clung to him with unshaken devotion all through the trial of the action for forgery. He steadily denied he was guilty, but at last broke down and in tears confessed. Then his wife's demeanor changed at once and she applied for a decree of divorce immediately. It was granted in a few minutes and Bueck was led down into the county jail to be transferred to Fort Madison to-day.

Bueck's troubles started over his relations with Miss McMillan, a handsome young woman here. Her mother suspected his intentions, and in order to throw the elder woman off the track, he went to a printer, got 500 marriage certificates printed and then filled one in, forging the name of Judge Hamilton, of Davenport. He represented to Mrs. McMillan that her daughter was his wife. He maintained to Miss McMillan that Mrs. Bueck, whom she had seen at his place of business, was his sister.

### RURAL DELIVERY.

Several New Free Routes Are Ordered Established in Iowa, Service Beginning Dec. 1.

The following rural free delivery service will be established December 1:

Battle Creek, Ida county, one carrier; length of route, 24 miles; population served, 412; post office at Midway, Woodbury county, to be supplied by rural carrier.

Hull, Sioux county, one carrier; length of route, 24 miles; population served, 462.

Kingsley, Plymouth county, three carriers; length of routes, 75 miles; population served, 1,483.

Newell, Buena Vista county, two carriers; length of routes, 49 miles; population served, 874; post office at Crozier and Racine discontinued.

### Fear the Smallpox.

There are symptoms that Iowa will be troubled this winter by another epidemic of smallpox. The number of cases reported to the state board of health is increasing rapidly as the fall season advances. Dr. J. F. Kennedy says that the number of cases reported thus far in October was greater than the number reported the entire month of September. It is felt at the office of the board that timely precautions against the disease should be taken in all communities and thus if possible prevent a repetition of the experience of last season.

### Second Trial Failed.

Two divorcees from the same man is not often seen, but this is the case of Mary McClain, who was for the second time granted a divorce in Dubuque from Calvin McClain. In 1892 she made a similar application which was granted. Soon afterward she regretted her action and married her former husband. Her accusation was cruelty and desertion. Mrs. McClain is the only woman in Dubuque county who has received two divorces from the same man, both of which were granted in a Dubuque court.

### Lion in a Kitchen.

One of the lions on exhibition in the animal show at Dubuque escaped from the keeper and after creating panic among the crowd jumped through the window of Cassette's restaurant and made a wreck of the kitchen. He was finally captured.

### WAS A GOOD FAIR.

Official Statement Issued by Agricultural Department Shows a Surplus of Over \$30,000.

The state department of agriculture October 1 had a balance of \$31,438.79 on hand. The official financial statement was issued by Secretary Simpson yesterday.

The statement shows the fair this year was the best from a financial standpoint ever held in the state. The entire receipts were \$63,914.06; the expenses, \$41,535.88, leaving as the actual net profit \$22,378.18, none of the permanent improvements preceding the fair being taken into account. Secretary Simpson remarked yesterday that had the weather been good throughout fair week, the surplus would have been \$10,000 greater. The following is the department's financial statement:

Balance on hand Dec. 1, 1902.....\$ 34,244 82  
State appropriation for stock pavilion..... 37,000 00  
State appropriation, insurance..... 1,000 00  
Ticket sales at fair.....\$46,379 77  
Expt. receipts at fair..... 17,939 37  
Misc receipts fair..... 574 60  
Total.....\$126,158 99

DISBURSEMENTS.  
Premiums paid, 1902.....\$ 23,736 31  
Expense of holding fair..... 39,709 57  
Paid on stock pavilion contract..... 42,469 89  
Other improvements..... 18,821 88  
Insurance..... 1,622 00  
Ex-secretary's salary..... 1,000 00  
Supt. of F. G. salary..... 600 00  
1901 bills paid..... 94 25  
Expense of finance com., Dec., 1901..... 80 20  
Balance on hand..... 31,438 79  
Total.....\$126,158 99

It is not yet certain what permanent improvements will be made next year. A new pavilion for judging hogs and another one for judging sheep are likely to be erected. Additional sidewalk is needed and a considerable amount will probably be built. The statement shows the Iowa state fair is one of the most profitable in the country.

### RICH MEN TARGETS.

Mysterious Shooter Causes Much Anxiety to the Police Department in Keokuk.

The police in Keokuk have been working unsuccessfully to solve a mysterious assault made on Thomas H. Pond, a wealthy business man of this city. Mr. Pond went into his back yard at night and saw standing inside the fence a man, who shot twice at him, both bullets missing their mark. The man escaped down the high Mississippi river bluff near by.

The police put bloodhounds on the trail within an hour, but the dogs lost the scent within a short distance. Mr. Pond caught an uncertain glimpse of his assailant 30 feet away, but has no idea who he was. Recently a wealthy farmer living in a suburb of Keokuk was shot at his home early in the night and the police and a detective agency have found no clew to the perpetrator. The similar but unsuccessful attempt to shoot Mr. Pond causes the suspicion that a homicidal lunatic is at large.

### BATTLESHIP IOWA.

Costly Model of the War Vessel Has Been Secured for the State Historical Department.

The state historical department is about to be enriched by the addition of a large model of the battleship Iowa, secured from Cramps' shipyard through the offices of Speaker Henderson for Curator Charles Aldrich.

The model is to be sent to Dubuque in charge of Judge Lenihan, and there placed on exhibition for the opening of the Henderson library in that city, after which it will be repacked and sent to the historical building on capitol hill.

It will be from six to eight feet in length and encased in plate glass. It will be an absolutely accurate reproduction in miniature of the great ship which passed through the Spanish-American sea fights and has added to the fame of this state. The cost of these models is said to be very great. Probably between \$4,000 and \$5,000 will be expended on this one.

### Big Land Deal.

Iowa capitalists composing a land syndicate have made one of the big deals of the year, involving 20,000 acres of land near Winnipeg, Man. The transaction involves \$250,000 and includes several tracts of land in the vicinity of Carmen. The leaders at the head of the syndicate are T. J. Masterson, a well-known jobber of Dubuque, and S. X. Way, a prominent citizen of Wesley. The other members of the syndicate live at various points in northern and northwestern Iowa.

### Contempt of Court.

George W. Smith and wife, of Gilman, Marshall county, have been sentenced to five months in jail and a fine of \$500, having been convicted of contempt of court. They had been enjoined several months ago from selling liquor anywhere within the Seventeenth judicial district. The evidence not only showed they sold liquor, but did so openly and even solicited patronage. Not only that, they ran a wide-open gambling house and kept licentious women in the guise of dining-room girls.

### Pioneer Ruling.

Judge Wakefield, of the district court at Sioux City, made a pioneer Iowa ruling in the damage suit of C. F. Thompson vs. A. L. Frace. He held that while provocation of an assault might be used as a defense against a claim of malice and therefore an estoppel of a claim for exemplary damages, it could not be introduced as a defense against a claim for actual damages. As a result the jury gave Thompson \$55, whereas he claimed \$1,650.