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A. E. PETERSON,

ENT LOSES PANAMA LIBEL SUIT AGAINST NEWS-PAPER.

Judge Anderson of the United States Circuit court, has decided in favor of the Indianapolis News, in the noted suit instituted against the New York World and Indianapolis News by Roosevelt when he was president. These newspapers were charged with libel for claiming that there was corrupt profits in the sale of the Panama canal to the United States.

The government had the publishers of these papers indicted in the District of Columbia, and sought to have them taken there for trial. The Court decided that it was by no means certain that the articles were libellous, but even if they were the defendants could not be taken to the District of Columbia for trial.

The following are extracts from the decision of the court.

"I was very strongly impressed this morning with Mr. Winter's argument on the proposition that these articles are not libellous.

"Up to that time it had not occurred to me that there was any question about their being libellous, but I am not so sure about it. I think myself that there is good deal in the proposition that, when articles charge people with swindling and with thievery, and if in the articles is contained a statement of the facts upon which the charge is based, that does not necessarily follow that because the words 'thieves and swindling' are used that the article is libellous per se. I will go that far off hand.

"Now, on two other questions that have been discussed here, I have more definite notions. I will take these up in their order—in the order in which they have been discussed and presented during this hearing.

Duty to Print the Truth.

"Now, let us go back a little bit. I have had occasion to say before that a newspaper has a sort of duty to perform. It was well stated by a former Judge of the United States, 'It is the duty of a newspaper to print the news and tell the truth about it.' It is the duty of a public newspaper, such as is owned and conducted by these defendants, to tell the people, its subscribers, its readers, the facts that it may find out about public questions or matters of public interest. It is its duty and its right to draw inferences from the facts known to draw them for the people.

"I might just discuss long enough to suggest that it is not everybody that can draw inferences. Now here was a great public question. There are many peculiar circumstances about the history of this Panama Canal business. I do not wish to be understood as reflecting upon anybody in office or out in connection with that matter, except such persons as I may name in that way.

"The revolution in Panama, the circumstances surrounding it, were unusual. It was unusual, and the circumstances were unusual and peculiar. The people were interested in the construction of a canal. It was a matter of great public concern. It was much discussed. A large portion of the people favored the Nicaragua route. Another portion of those who were interested in it officially or personally, or just interested, preferred the Panama route.

Sudden Drop in Price.

"A committee was appointed to investigate the relative merits of the two routes. They investigated and reported in favor of the Nicaragua Canal. Shortly afterward—I do not recall just how soon afterward—they changed to the Panama. Up to the time of the change, as I gather from the evidence, the lowest sum that had been suggested at which the property of the Panama Canal Company could be procured was something over a hundred million dollars. Then, rather suddenly, it became known that it could be procured for forty millions of dollars.

"Now, there were a number of people who thought there was something not just exactly right about that transaction, and I will say for myself that now I feel a natural curiosity to know what the real truth was. Thereupon a committee of the United States Senate was appointed to investigate these matters—about the only way that that matter could be investigated.

"The committee met, as stated in these articles; and the man who knew all about it—I think that is the proper way to speak of Mr. Cromwell. 'Knew all about it'—he was called before the commission.

"Now, Mr. Cromwell, upon having certain questions put to him, more or less pertinent, stood upon his privilege as attorney, and refused to answer. That was the state of the case as shown by the evidence; when we adjourned last June.

Court's Impression of Cromwell.

"At this session, certain parts of the record showing the proceedings before the Senate committee have been introduced by the Government, and the impression made upon my mind from such parts as the Government has seen fit to introduce is not more favorable to Mr. Cromwell's position than it was upon the former hearing.

"So far as the record has been read—and that is all the part that I have an acquaintance with—Mr. Cromwell stood upon his privilege whenever questions were asked the answers to which would, or might, reflect upon him and his associates, but whenever a question was asked him which gave him an opportunity to say something in their behalf he ostentatiously thanked the examiner for the question and proceeded to answer it.

LAMENT OF THE IRISH EMIGRANT.

I'm sitting on the stile Mary,
Where we sat side by side
On a bright May morning, long ago,
When you were first my bride;
The corn was springing fresh and green,
And the lark sang loud and high;
And the red was on your lip, Mary,
And the love-light in your eye.

The place is little changed, Mary,
The day as bright as then;
The lark's loud song is in my ear,
And the corn is green again;
But I miss the soft clasp of your hand,
And your breath warm on my cheek
And I still keep listening for the words
You never more will speak.

'Tis but a step down yonder lane,
And the little church stands near—
The church where we were wed Mary,
I see the spire from here;
But the graveyard lies between, Mary,
And my step might break your rest—
For I've laid you, darling down to sleep
With your baby on your breast.

I'm very lonely now, Mary,
For the poor make no new friends;
But Oh, they love the better still,
The few our Father sends.
And you were all I had, Mary,
My blessing and my pride;
There's nothing left to care for now,
Since my poor Mary died.

Yours was the good, brave heart,
That still kept going on,
When the trust in God had left my soul,
And my arm's young strength was gone;
There was comfort ever on your lip,
And the kind look on your brow—
I bless you, Mary, for that same,
Tho' you cannot hear me now.

I thank you for the patient smile
When your heart was fit to break—
When the hunger pain was gnawing there,
And you did it for my sake;
I bless you for the pleasant word,
When your heart was sad and sore
Oh, I'm thankful you are gone, Mary,
Where grief can't reach you more.

I'm bidding you a long farewell,
My Mary—kind and true,
But I'll not forget you, darling,
In the land I'm going to.

They say there's bread and work for all,
And the sun shines always there—
But I'll not forget old Ireland,
Where I sit and weep as I fair.
And the sun shines always there—
I'll sit and weep as I fair,
And my heart will travel back again
To the place where Mary lies;
And I'll think I see the little stile,
Where we sat by the side,
And the springing corn, and the bright May morn,
When first you were my bride.

for suspicion. I am suspicious about it now.

"As shown by the evidence subsequently, upon further examination in this matter, I suppose, knowing that he would be examined about certain transactions in connection with it, he took the pains to get the privilege released by his then client; and the reasons given for distinguishing, or varying, rather, his conduct in the former instance, were about as unsubstantial as the reasons given up on the first instance for not answering them.

"So we have this situation here. Here was a matter of great public interest, of public concern. I was interested in it; you were interested in it; we all were interested in it. Here was a newspaper printing the news, or trying to. Here was this matter up for discussion, and I cannot say now, I am not willing to say, that the inference are too strongly drawn.

"I am not approving of the inferences I am simply saying that I am not able to say that they were too strongly drawn. Now, if that is the situation—and as I understand the truth, that is the way it stands—the question is, did these defendants under the circumstances act honestly in the discharge of this duty which I have spoken of, if the law recognizes it, or were they prompted by a desire to injure a person who was affected by their acts?

If it were necessary to decide this case upon the question of privilege, the lack of malice, I would hesitate quite a while before I would conclude that it was my duty to send these people to Washington for trial, but that is not all.

This indictment charges these defendants with the commission of a crime in the District of Columbia.

"The Indianapolis News was owned, the evidence shows, by these defendants, conducted and operated by them, printed and published by them in the city of Indianapolis, in the State of Indiana, at the time covered by this indictment. It had a daily circulation of about 90,000 copies, some of which were sent to subscribers in the District of Columbia.

No Middle Ground.

"Now, there is no middle ground to take. When these defendant put these alleged—I will treat them for the purpose as libellous articles—put these papers containing these libellous articles into the post-office here in Indianapolis, and they went through the mails throughout the country, through various States, counties and districts of the United States, either they committed a crime, a separate, independent crime, every time one of those papers went into another county or State or district, or there was but one crime, and that crime was here.

"Counsel for the Government thought, in the case that I supposed, where the paper is deposited here in Indianapolis and circulated throughout the ninety-two counties, when I asked whether it could be prosecuted in every county—whether it was an offense in each county—counsel for the Government thought it could be. Then the question is put: suppose there was a conviction in Posey county, would that be a bar to a prosecution in Marion County? Counsel for the Government thought it would. I do not think it would avail.

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tion in Marion County? Counsel for the Government thought it would. I do not think it would avail.

"I am just so certain that it would not that I almost feel like saying I know it.

"I am speaking of the facts as shown by the evidence here—that where people print a newspaper here and deposit it in the Post-Office here for circulation through out other States, Territories, counties and districts, that there is no publication, and that is here. If this is true, there is no publication, under the evidence in Washington.

"That man has read the history of our institutions to little purpose," said Judge Anderson in concluding his decision, "who does not view with apprehension the success of such a proceeding as this, to send that citizen could be dragged from their homes to the District of Columbia, the seat of Government, for trial, under the circumstances of this case. The defendants are discharged."

A SERIOUS ACCIDENT.

(From the Brooklyn Eagle.)

"Why, what's the matter, my dear," cried Mrs. Spoopendyke, as Mr. Spoopendyke limped into the room, and dropped into a chair. "What on earth has happened to you?"

"I fell down and killed myself," moaned Mr. Spoopendyke.

"How? Where?" asked Mrs. Spoopendyke, bustling around him in all nervousness. "How did you do it?"

"Slipped on the ice and broke my arm from head to foot," sighed Mr. Spoopendyke, faintly.

"Great gracious," ejaculated Mrs. Spoopendyke, "whereabout? Where did it happen?"

"Out doors, dodd gass it. Where d'ye spose I did it? Think I brought the ice in, the house and then laid down on it? O dear, I'll never get my clothes off again. I've got to sit here and die," and Mr. Spoopendyke leaned back in the chair and closed his eyes with resignation.

"I'll help you off with your hat and overcoat," said Mrs. Spoopendyke tenderly. "Let me help you."

"Be very careful about taking off my hat," said Mr. Spoopendyke, rousing up. "Take it off easy or you'll hurt my elbow. Pull the left arm of my overcoat down so it will slip off—What ye doing? Trying to skin me? That sleeve's full of broken bones, I tell ye. Now help me into a chair. I know I must go some time, but I never expected to die so suddenly as this," and Mr. Spoopendyke lifted his sprained arm and dropped it again, to see if there were any animation left in his system.

"Can't I do something for you, dear?" asked Mrs. Spoopendyke, with tearful eyes.

"If you could sing a hymn without starting up the cats it might make my last minutes more peaceful," replied Mr. Spoopendyke, putting his feet on a chair and composing himself for dissolution.

"You'd better let me attend to your arm," recommended Mrs. Spoopendyke. "If it is badly sprained you ought to have something on it."

"Didn't I tell ye it was broken?" Just got curiosity to see it, haven't ye? Can't wait for the post-mortem, can ye? Go ahead. Do what you please. In a little I'll be beyond pain. Just take and do what you like with it," and Mr. Spoopendyke stuck the maimed arm out straight, and waved it around like a ham.

"If you'd let me rotate it a little, and then bind it with arnica, you'll be all right in an hour," cooed Mrs. Spoopendyke affectionately.

"Rotate it then," murmured Mr. Spoopendyke. "I don't suppose it will make much difference to my estate. Take it down in the kitchen and rotate it. You might—hold on, dodd gass it. What d'ye think I am—a pump? Got an idea I'm a clock? Let go that arm, will ye?" and Mr. Spoopendyke pranced around the room. "Oh, you're a surgeon, you are. All you want is a back-saw and a broken balustrade to be a medical college. Going to pull it out by the roots? S'pose that's a tooth? It isn't—It's an arm, and it's busted like a torpedo" and Mr. Spoopendyke who had been brandishing the injured member, began to stroke his shoulder and sympathize with himself.

Let me bathe it in arnica," said Mrs. Spoopendyke. "That's the best thing in the world. Just let me turn up your shirt-sleeve and I'll fix it in a minute."

"Very good," said Mr. Spoopendyke. "I don't suppose it will do any harm to hurry matters. Is my dress suit all brushed? Have I got a shirt with a button on the back to be buried in? Have I got a pair of socks that my immortal soul won't shine through the toes of? 'Cause, if I haven't ye'd better use some of your measly arnica on my clothes. If you think I'm going into the tomb all covered with grease and my shirt, flapping around on me like a clothes line, you are mistaken, that's all," and Mr. Spoopendyke eyed his wife gloomily, while she prepared to lave his sprained shoulder. "Will you put me in a basket?" he moaned, as she began operations.

"Yes, dear," replied Mrs. Spoopendyke.

Mr. Spoopendyke regarded his wife with one eye, and granted feebly.

"And you'll put on a silver plate with my name and age, and get a few flowers? You don't want many, I shan't miss 'em if there ain't more'n six. Will you attend to it?"

"Yes," answered Mrs. Spoopendyke. "I'll see that you have lots of flowers and a big fun—"

"I don't want any big funeral. S'pose I'm being cut off in the middle of my usefulness just because funerals are cheap? Have you got a clean handkerchief to put in my pocket when I'm dead?"

"Certainly, 'ear," replied Mrs. Spoopendyke; and, having thoroughly bathed the arm, she bandaged it carefully. "Don't you feel better?"

"Perhaps if it were amputated in time I might get well," rejoined Mr. Spoopendyke hitching his arm around to see if he could fin' a pain anywhere. "What kind of a crust have I got to wear in case of—of the event of—the worst?" and Mr. Spoopendyke approached the climax of his question as becomes a man who shrinks from the inevitable.

"The one you've got on will do, won't it?" inquired Mrs. Spoopendyke.

"No, it won't ether. Is that all I've got? Expect I'm going to be buried among strangers in a dog-gasted necktie that won't hold together four days longer? Calculate that I'm going to the Promised Land as though I was hunting for a job? Want me to prowl around among the late lamented as though I'm buste' up in business? Think I'm a measly tramp and Mr. Spoopendyke tore off the tie and stamped on it, and then dove into bed.

"Can't you bring up my breakfast?" demanded Mr. Spoopendyke the next morning. "My arm's so lame I can't go down stairs."

Mrs. Spoopendyke brought it to him, and an hour later, when dressing, he asked for his necktie.

"I wish you'd look for it," said he, querulously. "You know I can hardly move."

"Here it is, dear," said Mrs. Spoopendyke, handing it to him. "You tore it off last night with your sprained arm," and she left for down stairs without waiting to hear his remark about "measly wives, who only need a long beard and a comic song book to be a Solomon."

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