

NO CAUSE FOR ACTION SAYS SUPREME COURT

Ruling on Defendants' Demurrer in Brown-Calhoun Cases Is Affirmed

BARBER COMPANY APPEALED

Bought to Make Defendants Pay for Actual Value of Paving to Property, About \$660 in Each Case—Defendants Demurred on Ground of No Cause for Action.

In the supreme court Tuesday afternoon the cases brought by the Barber Asphalt Paving company against Timothy Brown and G. W. Calhoun, to recover the actual value of street paving to the defendants' properties, were affirmed in accordance with the ruling by Judge Bradshaw on the defendants' demurrer in the lower court.

The Brown case was tried before the late Judge Caswell, and the Calhoun case before former Judge Burnham, and in each instance the court set aside the assessment of the city as made against the properties, on the ground that the contract had not been completed.

The Barber Asphalt company then brought suit against both Brown and Calhoun, asking that it be given a judgment quantum meruit, or for the actual value of the pavement to the property, which footed up in round numbers \$660 in each case. This was heard by Judge Bradshaw, and the defendants demurred on the ground that the Barber company had no action, as the matter had already been adjudicated by setting aside the assessments, and that no appeal had ever been taken from the judgment setting aside the assessments. The demurrer was sustained, and the Barber company took the case to the supreme court. The higher tribunal now affirms Judge Bradshaw's ruling on the demurrer.

WALLACE-MONTGOMERY PARTY.

Nearly 200 Guests Entertained at Delightful Affair in Redmen's Hall.

The largest and most thoroughly enjoyed social event held in Marshalltown for some time took place Tuesday afternoon, when Mrs. Wallace and Mrs. May F. Montgomery entertained 190 of their lady friends at the Red Men's hall. The room was beautifully decorated with potted palms and salvia. The guests were directed to the cloak room by Patience Wallace and Margaret Thompson, who also acted as usher.

The program prepared for the entertainment of the company, opened with two vocal solos, "O, Let Night Speak of Me" (Madwick), and "The Blackbird" (Brainard), by Mrs. Jasper Fisher, whose accompanist was Mr. Ralph Hix. She responded to an enthusiastic encore, with "The Vow" (Meyer-Holmund). The feature of the afternoon was Miss Ethel Elliott's effective reading of "Enoch Arden," with the musical setting played by Mr. Hix, preceding which, Mr. Hix gave an interesting interpretation of the Enoch Arden music, showing the relation of the different themes to the characters in the poem.

Following the program dainty refreshments were served, the hostesses being assisted in serving the guests by Mesdames W. H. Thompson, C. A. Ellis, M. E. Chesley and C. F. Bradford, and Misses Esther Forney, Elsie Stern, Mabel Miller and Bertha Horton, while Mrs. George Darling and Mrs. F. S. Hynds presided at the coffee tables, coffee and coffee-cake being served buffet style.

Guests present from out of the city were Mrs. F. G. Stewart, of Minneapolis; Mrs. E. P. Wheeler, of Chicago; Mrs. G. H. Keeler, of Springfield, Mo.; Miss Ella Freer, of Chelsea, Mich.; Mrs. William Lineaweaver, of Denver; Mrs. Madison Bentley, of Ithaca, N. Y.; Mrs. A. E. Wilbur, of Los Angeles; Mrs. D. W. Norris, of Grand Rapids; Mrs. Frederick Elsie, of Sterling, Ill.; and Mrs. W. H. C. Woodward, of Marietta.

GETS EIGHT YEARS

Owen Ball, Self-Confessed Train Robber, Sentenced to Term at Hard Labor at Stillwater, Minn., Prison—Implicated Frank Shercliffe in Northern Pacific Robbery.

Owen Ball of this city, was sentenced to eight years at hard labor in the state penitentiary at Stillwater, Minn., in the district court at Minneapolis. Ball confessed his crime, which was the holding up of a Northern Pacific passenger train in the outskirts of Minneapolis on April 16. In his confession he implicated Frank Shercliffe, who is now a fugitive from justice in Colorado, where he recently escaped from the Leadville sheriff while being taken to the penitentiary to serve a long sentence for murder.

Ball's arrest, on a minor charge preferred in Des Moines, was made in this city last summer, while in company with Shercliffe's wife. After being taken to Des Moines he confessed the Minneapolis crime and implicated Shercliffe. After being removed to Minneapolis he helped the detectives find the loot, which was discovered in the hiding places Ball had told of.

A reward of \$1,000 was offered by the Minneapolis authorities for the arrest of the train robbers. Half of this sum is payable on Ball's arrest and conviction. It is not known whether the police here, who arrested Ball, will figure in the reward money or not.

In the District Court. The state rested shortly before noon today in the case against Charles Martin, charged with breaking and entering box cars. Only one witness for the

defense was examined before noon. The case will probably not be finished before late this afternoon or Thursday morning.

The motion for a continuance in the case of Edward Henry, charged with manslaughter in the killing of Mathias Skele, was sustained by Judge Parker this morning, and the case will go over to the next term of court.

The case brought in the name of L. H. Fuller, trustee, in behalf of Dell Hoes, against the Chicago Great Western railway, for damages of \$3,000 claimed to have resulted from personal injury, was dismissed without prejudice this morning.

The juryman not hearing the Martin case were excused this morning until Thursday morning.

APPEARING OLD

Acts as a Bar to Profitable Employment.

You cannot afford to grow old. In these days of strenuous competition it is necessary to maintain, as long as possible, one's youthful appearance. It is impossible to do this without retaining a luxurious growth of hair.

The presence of dandruff indicates the presence of a burrowing germ which lives and thrives on the roots of the hair until it causes total baldness. Newbro's Herpicide is the only known destroyer of this pest, and it is as effective as it is delightful to use. Herpicide makes an elegant hair dressing as well as dandruff cure.

Accept no substitute—there is none. Sold by leading druggists. Send 10c in stamps for sample to The Herpicide Co., Detroit, Mich. Two sizes, 50c and \$1.00. For sale at all drug stores.

A NEW COAL COMPANY.

Marshall Coal Company Under Management of A. E. Gunzenhauser.

The Marshall Coal company, under the management of A. E. Gunzenhauser, has opened the coal yards at 400 South Center street and is now ready for business. They have excellent facilities for serving the trade and have on hand a full line of high grade coals, including Virginia split, Ohio Hoeking, Southern Illinois and also a good grade of Iowa coal. Their phone number is 188. They invite your patronage and promise prompt delivery and fair, honest dealing.

TRANSFER LINE MOVES

Woodmansee & Hutt, White Transfer Line, Leases Big Building at 18 South First Avenue—Up-to-Date Storage Facilities and Dray Equipment.

Woodmansee & Hutt have rented the entire building, both stories, at 18 South First avenue, and will fit it up for their office and for storage purposes. They have already taken possession and are putting the building in shape for their use. The office will be located in the front portion of the first story and the balance of the building devoted to storage. An elevator will be put in and the company will employ the very best equipment for taking proper care of all goods entrusted to their keeping. Those who have household goods, merchandises, etc., to be stored, will appreciate the convenience which will be afforded. Facilities for packing, storing and inspection will be employed and the charge for the service will be moderate.

Woodmansee & Hutt have been adding to their equipment and have now the best facilities for both heavy and light drayage. A covered moving van, the only one in the city, has recently been added for moving household goods and for protection of perishable articles in stormy weather. The firm takes this opportunity to thank their many patrons for the liberal treatment accorded them, and to promise their best efforts for improved service in the future. Their phone number will remain the same, 26.

Mrs. Mitchell's Funeral. The funeral of Mrs. Chris Mitchell was very largely attended Tuesday from the Church of the Sacred Heart at St. Anthony, the girlhood home of the deceased. Solemn requiem high mass was said at 10:30, Rev. L. D. Tobin acting as celebrant, Rev. Father Wilbering, of Tama, as deacon, and Rev. W. J. Convery, of Eldora, as sub-deacon. Many beautiful flowers were offered by sympathizing friends, relatives and neighbors. Included in the pieces were pretty floral designs from the Knights of Columbus, the Catholic Order of Foresters, and the machinists' and machinists' helpers unions, of this city. A ladies' quartet from St. Mary's church, composed of Misses Florence and Vina Herman, Josephine Welch and Cecelia Minetor, sang. Flower bearers were chosen from among the girl friends of Mrs. Mitchell at St. Anthony. The pall bearers, from this city, were Messrs. John J. Pink, Frank Kunkel, John Coughlan, Peter Griffin, T. Bendigae, and James Collins.

GOOD MILL FEED.

Henry Weber Has a Large Stock of All Kinds. I have a large stock of all kinds of good mill feed such as bran, shorts and middlings. I also have a special brand of middlings called the Germ Middlings, which is the best food on the market today for growing hogs. Come and try it. If not as recommended will refund your money. It is worth your while. HENRY WEBER, 502 South Center street.

Local Weather Record.

A marked rise in the temperature late Tuesday broke the severe cold wave that set in Saturday afternoon the lowest temperature during yesterday being 28 above zero the temperature registered at 7 o'clock yesterday morning. The maximum for the day was 57, and at 7 o'clock this morning the temperature was 49, which was not far from the lowest point reached during the night.

Epworth League Supper.

At the Methodist church Wednesday at 6 p. m., until all are served.

MENU.

Beef loaf, mashed potatoes Pickles, jelly Baked beans Ice cream and cake Tea and coffee. Admission 25 cents. Everybody come.

REV. C. P. BOARDMAN ENDS LIFE'S WORK

Former Pastor of Congregational Church of This City Dies in Minneapolis

ILLNESS NOT KNOWN OF HERE

End Came This Morning, and Funeral Will Be Held Thursday — Mr. Boardman Was Pastor Here Two Years, and Was Later at Red Oak— Also Former Pastor at Webster City.

A telegram this morning to Mr. C. C. Trine from Mrs. C. P. Boardman, at Minneapolis, announces the death there this morning of Rev. Mr. Boardman. Mr. Boardman was at one time pastor of the Congregational church of this city, and friends here had not been aware that he was ill. Particulars of Mr. Boardman's illness were not stated in the message.

Rev. Mr. Boardman was pastor of the church here for two years, coming from Webster City, where he had been pastor of the Congregational church. He left here five years ago, going to Red Oak, where he was pastor of the Congregational church until two years ago, when he went to Minneapolis. His home was at 3716 Portland avenue.

Surviving Mr. Boardman are the widow and four children. The funeral will be held at Minneapolis on Thursday.

CHRISTIAN CHURCH MEETINGS.

Evangelistic Services Are Arranged for November.

The Christian church of this city has arranged for a series of evangelistic meetings which will continue throughout the month of November. Rev. J. H. Gilliland, pastor of a Christian church at Bloomington, Ill., will be here to conduct the meetings and he will be preceded for a week by Rev. H. D. Williams, of Ames.

Rev. Gilliland is not a professional evangelist but he has a phenomenal record as a pastor and preacher. He took charge of a struggling society in Bloomington seven years ago and built it up into a strong church with a new stone building. He then resigned to take charge of a Christian church society in another part of the city and built them a large stone church, and now he is engaged in organizing the third Christian church in that city.

TWO CENTS TO BRITAIN.

New Letter Postage Rate Goes Into Effect Tomorrow.

The new 2-cent letter rate between the United States and Great Britain goes into effect tomorrow, Oct. 1. To gether with the lowering of the postage from 5 cents to 2 cents the change also provides for an increase in the weight from one-half ounce to one ounce.

PAGES 10 AND 11.

Pages 10 and 11 today are devoted to city news, and contain much of interest.

On Page 10 will be found an account of impending new developments in the Toier manslaughter case; Bryan's visit to Marshalltown and how the Bryan Marching club didn't get out to see him; An appeal to the Fremont voters; together with much other news of interest, and late City News in Brief, will also be found on this page.

On Page 11 will be found the county fair awards for different classes of live stock, which are of general interest. Other awards of the fair in different classes will be found on Page 8.

It's In The BLEND

LEADER COFFEE

A Delicious Satisfying Drink

25c The Pound

SINCLAIR'S

Big Land Auction in Canada.

A quarter million acres Canadian farm lands for sale at public auction at Regina, Saskatchewan, Oct. 12 to 17. Special homesteaders' excursion rates from all points via the Chicago & Northwestern railway, Tuesday, Oct. 6. For full particulars inquire of ticket agents The Northwestern Line.

Petition for Rehearing Denied.

In the supreme court Tuesday a petition for a rehearing in the case of Walkup vs. Beebe was denied. The action was one for personal injuries by reason of a runaway caused by the plaintiff's horse becoming frightened by the defendant's automobile.

Licensed to Wed.

James H. Vasey, farmer, aged 21, of Colo., and Edna May Woodward, aged 18, of State Center.

W. A. Badger, farmer, aged 31, of Kelllogg, and Nina Rice, aged 21, of Gilman.

SELL OUT

The Fisher Governor Company Sell Out Their Stock of Eastman Photo Supplies to The Hull Company.

A deal was put thru yesterday afternoon whereby George H. Beebe, president of The Fisher Governor company disposes to The Hull company their entire camera and photo supply business, which they have operated here for a number of years. The transaction carries with it the exclu-

sive agency to The Hull company of the Eastman kodaks and supplies. With this stock, in addition to what The Hull company already carry, they will have one of the largest and best assorted stocks in the state of Iowa. Mr. Walter H. Hull, manager of The Hull company, states that the stock will invoice about \$1,500.

Cold Weather.

Don't forget your hard coal for next winter. The Appleby Fuel company have a carload of hard egg on track. Will deliver to any part of city at the same old price. 409 South Second avenue. Phone 19.

Wood! Wood! Wood!

Now is the time to buy your wood. If you wish to have a good fire buy your wood of Henry Weber. It will surely pay you.

The City in Brief

Mr. George H. Beebe was in Cedar Rapids today on business.

Mr. and Mrs. Sylvester Dickerson, of Liscomb, spent the day in the city.

Mr. F. W. Isaacson left for Buffalo Center this morning for a short stay on business.

Carl Ingledue, son of Mayor and Mrs. O. L. Ingledue, while cranking the Ingledue auto, sustained a bad fracture of the right wrist when the crank flew back. Both bones of the wrist were broken, just above the joint.

Scarlet King Coffee

2 Lb. Can 75 Cents

ALL DEALERS

Ask Your Dealer to Get It For You

ROASTED IN MARSHALLTOWN

SUIT SALE

Of fine man tailored garments, made up by a prominent manufacturer, to order, but for some reason he decided to not make shipment, and accepted our spot cash offer for the entire lot. Values, \$22.50 up to \$35.00, at a price enabling us to place all these Elegant Tailored Suits on sale

THURSDAY, OCTOBER 1, 1908

CHOICE

\$15.00



CHOICE

\$15.00

No suits on approval and no alterations at this price, but the biggest suit bargains ever offered.

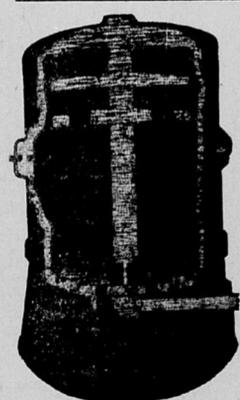
Also on sale at special prices, a big line of Ladies' Fine Dress Skirts and Ladies' and Children's CLOAKS and FURS.

Novelties each day in our splendid Millinery Department. Best Styles, Lowest Consistent Prices



Agents For Never-Darn Hosiery

Don't Discredit Your Property



by installing a furnace or other obsolete heating apparatus. A Hot Water Heating System will soon repay its cost in fuel saving, lessened labor, absence of repairs and low insurance. If property is sold you get back its full value; if leased, you get 10 to 15 per cent higher rental.

Great-Western Heaters

are daily displacing furnaces and stoves in cottages, homes, hospitals, where they have proven wasteful and deficient. You never heard of any one returning to the discomforts of any other heat after they have enjoyed the comforts of a Hot Water System.

—CALL OR WRITE—

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