

JUDGE IN ODD ROLE

SHOULD McPHERSON UPHOLD SA- LOONISTS' CONTENTIONS SIT- UATION WILL BE PECULIAR.

OPINION WOULD BE COUNTER TO SUPREME COURT RULING

General Opinion Is That McPher- son Will Hesitate to Set Himself Against Unanimous Court Which Has Passed on All Points Involved in Present Suits.

Special to Times-Republican.

Des Moines, April 18.—Judge McPher- son, in the matter of certain li- quor cases, appears just now in the role of an appellate court to pass on the legal judgment of a unanimous su- preme court. If he decides that the injunctive feature of the Iowa law in regard to liquor nuisances is illegal it will, in effect, be a reversal of the decision of six Iowa judges supposed to deal finally with such questions. The case which Ben Salinger took to McPher- son, involved the Iowa liquor law, is identical with the one the Iowa court has just decided. The Iowa court, following a long line of decisions, has upheld the law in every respect. Now McPher- son is asked to do the other thing.

Mr. Salinger in his argument to the courts contended that so much of the Iowa statute as provides for granting an injunction restraining the illegal sale of liquor is unconstitutional. For con- tempt proceedings is void, because un- der this one who has been acquitted of violating an injunction may, in viola- tion of both the state and federal con- stitutions, be again put in jeopardy for the same offense and so forth. He also contended that the rights granted under the constitution, includ- ing the right to acquire, possess and protect property; depriving the de- fendant of his property without due process of law; laws not of uniform nature, etc.

The Iowa supreme court, in order that there might be no mistake as to what they hold, set forth all these claims in their opinion, and then pro- ceeded in fewer words than it took to make a statement of the claims, to de- molish the whole structure, saying: "The sections of the statute here re- ferred to are those relating to injunc- tion proceedings for the suppression of the unlawful sale of intoxicating li- quors. It will be noted that the sub- stance of the criticism of these sections is that they discriminate between classes of persons and that they there- by violate certain provisions of the constitution of Iowa and that of the United States. We have been enforcing these statutory provisions for many years on the theory that they were con- stitutional and valid, nor do we see any infirmity in them now in that respect. They are uniform in their operation as to all persons. They do not discrimi- nate as between persons or classes. Whoever offend the law by the un- lawful sale of intoxicating liquors are subject alike to its provisions. The fact that the injunctive method is not ap- plicable to all classes of criminal of- fenses is not a discrimination as be- tween classes of persons. The classi- fication of persons in the sense argued by appellant. We are united in the opinion that the sections referred to are not unconstitutional."

Against such a sweeping statement of the situation the Iowa supreme court judge will have to set himself, and there is no expectation that he will do so.

Publication has been made of a state- ment that in case McPher- son holds with Salinger on these various cases it will knock out the Iowa prohibi- tory laws and the mulct law and nearly everything. This is not the view of Mr. Osborn, the special counsel for the state defending the laws. The injunc- tive feature might be declared wrong without materially affecting other provisions of the law. But there is no doubt that the attack is on the en- tire law.

MURTAGH TO OPPOSE PICKETT.

Waterloo Democrat Will Be Candidate For Congress.

Waterloo, April 18.—James Murtagh, democrat, announces that he will be a candidate for member of congress from the Third congressional district to op- pose Congressman C. E. Pickett of Waterloo.

In making his announcement, Mr. Murtagh said he will enter at once upon an aggressive campaign of speech- making over the entire district and will go after the job with blood in his eyes.

He says that he will stand upon the same platform and fight for the same policies and principles that he ad- vocated during his former campaign four years ago, when he ran against Con- gressman Birdsell and was defeated.

FAITH SUPPLANTS ELDORA.

Townsite Change on Railroad in New- ly Opened Territory Affects Iowans. Special to Times-Republican.

Eldora, April 18.—Mrs. S. D., which was started about a year ago by Clayton Haas, son of C. M. Haas, of this city, has been passed up as a town site by the railroad company, and they have chosen a section of land about a mile from his store to locate on and have named the new place "Faith." The railroad has been graded to within twenty miles of Eldora and is now working in the townsite. The demand for the town was so great that the railroad was compelled to estab- lish the town before they built the road. Two bank buildings are now under way and three more are char- tered. Clayton Haas will move his store to "Faith."

The country is fast becoming popu- lated and the Eldora colony is located within a mile of the new town, so that they are well situated. Mrs. Lenora

Smith and son and daughter, of Grinnell were fortunate in securing three relinquishments about a mile from the town site. Mrs. Smith is a sister of C. M. Haas, of this city. As soon as the college year at Grinnell closes Mrs. Smith and children will go to their claims.

UNION COUNTY PROGRESSIVES.

Organization Effected at Afton for Ac- tive Primary Campaign Work. Special to Times-Republican.

Creston, April 18.—The meeting of progressive republicans at Afton Friday afternoon, held in the office of Mayor Craig, and presided over by J. B. Harsh, of this city, with Carl Daven- port for secretary, perfected an or- ganization to take an active part in the coming primary campaign. O. B. Emerson, of Afton, was elected Presi- dent, and Carl Davenport, of Creston, secretary. A good attendance was in evidence, every voting precinct being well represented. A vice president for every precinct in the county was elected, the object, as stated, being to gain control of the next state conven- tion.

The keynote of all the speeches made indicated that all differences would be dropped, at the result of the primaries.

M. W. A. AT HAMPTON.

Annual Picnic of Boone Valley Associa- tion There on June 16. Special to Times-Republican.

Hampton, April 18.—This city will be the mecca of members of the Modern Woodmen of America of this portion of the state on June 16, when the annual picnic of the Boone Valley Association will be held here.

These picnics always attract large crowds from different towns in the territory, as well as many from the locality in which they are held, and it is certain that Hampton will be in gala attire to receive her visitors on June 16. This is the second time within a few years that this city has secured this meeting.

Crushed Under Traction Engine. Waverly, April 18.—John Oaks, a resident of this city, met almost in- stant death near Parkersburg. He and W. W. Chandler, also of this city, were moving a traction engine and portable sawmill from Waverly, over to the Parkersburg vicinity to saw lumber.

While crossing a bridge, it gave way, precipitating the engine and Mr. Oaks to the bed of the creek below. He was caught between the engine and tender and so terribly crushed and scalded that death ensued almost immediately. Mr. Chandler saved himself by jump- ing, and he was not injured. The coroner of Butler county was notified but he decided that under the circum- stances no inquest was warranted. Mr. Oaks leaves a wife and two children. He also has relatives in Kansas City. The funeral services be held this afternoon.

Married Fifty-Nine Years.

Davenport, April 18.—Mr. and Mrs. William S. Chenoweth, of this city, yesterday observed the fifty-ninth anniversary of their wedding, which occurred on April 17, 1851.

Mr. Chenoweth, who has passed the 84th milestone in life's journey, has been a resident of Davenport for forty- one years and for twenty-eight years was one of the most prominent repre- sentatives of the Aetna Fire Insurance Company of Connecticut. During this time he averaged 25,000 miles a year on the motor for the company. He was born in New Castle, Pa., Sept. 26, 1825. Sixty-three years ago Mr. Chenoweth joined the ranks of the Inde- pendent Order of Odd Fellows, and has since maintained active membership in that fraternity.

Mr. Chenoweth is today one of the oldest insurance men in the state.

Rural Service Examination. Special to Times-Republican.

Hampton, April 18.—The announce- ment is made at the local postoffice that a civil service examination will be held here Saturday, May 14, to secure a list of eligibles from which to make appointments to the rural delivery service. The last examination for this service was held three years ago, and the resignation of Charles L. Soper, which went into effect Friday, created the first vacancy in the force of carriers from this of- fice.

New High School at Centerville.

Centerville, April 18.—The board of education has let the contract for the erection of Centerville's new high school building to Whitney & Berg- dahl, of Mt. Pleasant, whose bid was \$31,975. The heating contract was let to the Centerville man, M. Eder- man, for \$4,329, and the plumbing to Wallace & Linnane, of Des Moines, for \$3,637.

It was decided to construct the building of dry press buff brick from St. Louis. Work will be begun as soon as possible, with the expectation of completing in time for use next fall.

Presbyterian Pastor Resigns. Special to Times-Republican.

Estherville, April 18.—Rev. Edward Campbell, of the Presbyterian church, presented his resignation to the con- gregation Sunday morning, to take ef- fect May 2, at which time he accepts and takes the presidency of Buena Vista College, at Storm Lake.

Mr. Campbell and his estimable wife have been with the church here for more than four years and have greatly endeared themselves in the hearts of the people, and the best wishes of a host of friends will go with them in their new field.

CHURCHMEN'S MEETING

WESTERN CONFERENCE OF LUTHERAN SYNOD TO BE HELD IN WEBSTER CITY.

MAY 11 AND 12 DATES FIXED FOR BIG GATHERING

Splendid Program Prepared Includes Prominent Speakers—Waterloo Pres- bytery Convenes at Grundy Center— Will Continue in Session Three Days—Other Iowa News.

Webster City, April 18.—The western conference of the Evangelical Lutheran synod of Iowa meets in Webster City on Wednesday and Thursday, May 11 and 12. The sessions of the conference will be held in the local English Lutheran church. A splendid program has been arranged and many prominent speakers from over the state will attend the meeting and take part in the deliberations of the conference.

The program is made up of ad- dresses, papers, discussions, etc., of practical interest to the different de- partments of the church. The sessions of the synod open on Wednesday after- noon, May 11, at 2:30 with a devotional service, and the meeting closes on Thursday evening, May 12.

The members of the local church are making special arrangements for this important gathering and are anticipating a very profitable and interesting meeting.

PHELPS ADMITS GUILT.

Great Western Operator Confesses to Stealing Funds.

Waterloo, April 18.—Accounting for his rash act in taking \$275.75 of the money from the Great Western safe at the east side station last Monday, T. B. Phelps says he can only explain it that he must have been crazy when he took the money.

"I must have been crazy when I took that money," declared T. B. Phelps yesterday afternoon in the county jail in conversation with newspaper representative. Phelps was brought to Waterloo yesterday morning by the sheriff who took his prisoner in charge at Cedar Rapids, where he was ar- rested Friday night about 11 o'clock.

He made a full confession of the crime and says now that all he can do is to let the authorities do as they desire with him. He is a young man only 17 years of age, of apparently average intelligence, and was not picked out for a criminal. He still wears the youthful exuberance that later grows into what is commonly called whiskers and does not look a day older than he says he is.

SERIOUS RUNAWAY ACCIDENT.

Wife of L. G. Case Badly Hurt at Belle Plaine. Special to Times-Republican.

Belle Plaine, April 18.—L. G. Case, a well-to-do farmer and his wife, liv- ing four miles southwest of Belle Plaine, across the Iowa river were se- riously injured in a runaway accident here. Both were thrown from the buggy and Mrs. Case was unconscious when picked up. She was carried into the E. A. Palmer home, where she still remains and is being cared for. Mrs. Case is in a very serious condition, having sustained cuts and bruises about the face and head and is suffer- ing from internal injuries. Mr. Case was badly bruised about the shoulders, but is able to be about.

GETS YEAR IN PEN.

Light Sentence for Assailant of Oper- ator Creeden Owing to Latter's Default. Special to Times-Republican.

Creston, April 18.—Thomas Edwards, the man who shot James Creeden, the Afton Junction telegraph operator, a few weeks ago, has been sentenced to one year in the penitentiary at Fort Madison, and officials left with him Saturday for that place. No trace of Creeden could be found during the pro- gress of the trial and owing to this handicap the prosecution was obliged to change the charge against Edwards, making it an attempt to do great bodily injury instead of intent to commit murder, and Judge Evans gave Ed- wards the limit allowed on that charge. It is believed here that Edwards would have received a stiff term had he been sentenced on the first charge.

LOST TEETH IN CHICKEN PEN.

Owner Can Hardly Have Any Use For Fowl Now. Coin, April 18.—When C. E. Fish went out to his chicken park the other morning he found a set of teeth for the upper jaw lying on the ground. The teeth had recently been used. The chickens in the hen house had been disturbed and a hen, which had been set two weeks ago, had been driven from the nest. It is supposed that the party in trying to catch the hen had lost the teeth out of his mouth, but no one has called for them yet.

Grinnell and Vicinity. Special to Times-Republican.

Grinnell, April 18.—Miss Anna Man- ning, who was for several years a resident of this city, but who has been spending the past two years or more in southern California and other parts of the west, arrived here on Saturday evening for a very brief call upon friends. In two days from now she goes to Chicago and from there to Boston where she takes steamer to Sunday next for Europe to be gone indefinitely. On the same steamer Mrs. George Marsh goes back to her 75-year-old family and work in Bul- garia after a year of absence.

J. A. Kingsland and his brother-in- law have bought of B. Urdangen the lot and building on Fourth avenue now occupied by Fowler as a blacksmith shop, the consideration being \$3,500. Mr. Kingsland will take possession as soon as the present occupants can find another location, and will continue the blacksmithing and repair business.

Peptiron Pills From the blood, tone the system, strengthen the stomach, aid digestion, and pro- mote sweet, regular, and healthy bowels. They are easily assimilated, and the best medicine for nervousness, indigestion, and all ailments of the stomach and bowels, and all ailments from the effects of drugs or medicine. G. J. Reed Co., Lowell, Mass. Sold by druggists everywhere.

The lot is 80x25 feet and the building is of brick.

Mrs. T. A. Dungan, who has been visiting her parents at Talladega, Ala., since Easter, has just returned to her home in this city. She reports that her parents, who are both workers in the college at Talladega, are well.

The city council held their first formal meeting in the new city office under the Citizen's bank on Saturday afternoon. Professor W. M. Barr, of the State College at Ames, was present and discussed the various feasible plans for the disposal of the city sewage with less occasion of offense to those living near the present septic tank and those owning land on the borders of the little creek below it. The plan of putting in a filter bed of sand is not at present practicable because of the cost, which was stated to be at least \$12,000. The plan of making a settling tank and treating the liquid overflow with chemicals was pro- nounced comparatively cheap and completely effective. The city engineer reports the necessity of cleaning out at least one side of the septic tank now in use just as soon as water conditions will allow. No definite action relating to this matter was taken, it being referred to the sewer committee.

The subject of the inspection and probable repair of the steel tank stand- ing 110 feet up in the air was taken up and an expert is expected here soon to examine and report. It is thought that the upper two or three sections of steel will have to be taken out and replaced with new and possibly heavier material, as an opening of considerable size is apparent from the leakage about six feet below the top of the tank.

W. A. Preston, D. O., who for many years was known in this city as "The Handy Man" but who sold out his business three years ago or more and took up the study of osteopathy and is now located at Alton, Ill., came here on Saturday evening for a stay of a couple of days to meet old friends and look after some business interests.

Rev. H. N. Dabrowski of the Congrega- tional church of this city, who is giving a series of Sunday evening sermons on the ten commandments, an- nounced last evening that, as next Sunday is the one in which the min- isters of the Iowa conference will be on the subject of tuberculosis, he will preach in the evening on the fifth commandment, taking as the topic, "Modern Murder."

The previously announced visit of Ambassador James Bryce at the home of Professor Mayo of this city, has been changed from the 30th to the 28th and arrangements have been made for him to address the public on the evening of the 28th at the Congrega- tional church.

The first baseball game of the season, scheduled for Saturday afternoon on Ward field, between Leander Clark College and Grinnell College, failed to materialize because of the snowstorm and the game was cancelled.

Scranton News Screenings. Special to Times-Republican.

Scranton, April 18.—Mr. Mac Hunter, an old time Scranton boy, has pur- chased a drug store at Buffalo, center, and will move his family there and make that place his future home.

A large crowd was at the opera house to see the home talent company put on the play, "Hazel Kirke," and a handsome sum was realized. The play was staged for the benefit of the band and all told about \$200 was re- ceived. Scranton has about as good a band as any small town in the state.

Mr. and Mrs. O. N. Wright have returned from their trip to North Da- kota.

R. S. Finnessee has accepted a posi- tion on the Lyman Holmes ranch. W. W. S. Crossin left Saturday night for Genese, Ill., and for eastern points for a visit with relatives.

Every family and especially those who reside in the country should be provided at all times with a bottle of Chamberlain's Liniment. There is no telling when it may be wanted in case of an accident or emergency. It is most excellent in all cases of rheuma- tism, sprains and bruises. Sold by all dealers.

Injurious Concrete Floors. Opponents of the use of concrete for floors in factories contend that the stonelike surface is injurious to the feet and backs of workmen, and that the dust ground from the concrete finds its way into and injures the machine bearings.

There are too kinds of hot water heating systems —OURS AND THE OTHER KIND. THE DIFFERENCE BETWEEN THEM LIES IN THE FACT THAT THE SATISFACTION GIVEN BY OUR SYSTEM INCREASES AS YEARS PASS; WHILE WITH THE OTHER SYSTEMS

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