

ARGUMENTS BEGUN IN SALOON CASE

ACRES ARGUES SELLING LIQUOR
IS ONLY PRIVILEGE AND
NOT A RIGHT.

CLOSING EVIDENCE IN
CASE IS SUBMITTED

Law Points Involved in Contention
That Taking in Additions to City
Nullified the 1900 Mullet Petition of
Consent Are Begun—Case Will Be
Submitted Soon.

The evidence was completed Wednesday afternoon and the arguments were begun this morning in the John Zundt saloon case, which the state and the anti-saloon league are seeking to close by injunction. The state closed its case with the evidence of F. A. Bellus, 1419 South Center street, by whom it showed the number of families taken into the city when the territory south of the city was annexed in 1903.

Mr. Bellus thought there were eighteen, and he was able to name most of them. The testimony of the defense on the facts in controversy was rather brief. It showed by a witness that there were not more than forty families taken into the city in the several additions made since the mullet petition was circulated.

Make Many Motions.
When the state rested its case a number of motions, which asked that the court deny the petition of the plaintiff and find for the defendants, and that the costs of the action be taxed to the state, were read into the record. Judge Parker did not rule on any of these motions, which were made for the purpose of completing the record in case of an appeal.

Privilege Not Right.
His entire argument was based on the contention that the selling of liquor at retail and the conducting of a saloon is not a vested right, but a mere privilege. He read from decisions of the supreme court to sustain his point and argued it in much detail, frequently quoting authorities.

His contention was that, after the additions were taken into the city, the lawful procedure should have been to have circulated a new petition of consent, and by not doing so, he claimed, the old petition had been invalidated. **City Is No Longer the Same.**
"There was nothing," he said, "to prevent John Zundt from circulating another petition to open his saloon. No one claims I am sure that when Zundt opened his saloon that a petition of consent had been circulated in Marshalltown as it now is. When the mullet petition of consent was circulated there was no such town here as there is now."

"Will anyone seriously contend that the sale of intoxicating liquors in Iowa is a right under any conditions that can possibly be imagined. I am claiming that no man in Iowa has a vested right to sell liquor, and he can not get that right by any possible means, except as to its manufacture."
Vested Right Not Affected.
"When the outside territory was brought into the city it did not affect any of the vested right held by any one here, such as the public utilities or the right to operate some particular business. Why was that? Because, to have affected those vested rights, such a policy would be repugnant to the public and unconstitutional."
"But the man who opened a saloon had no rights that any one need respect. Frank Gifford or John Zundt could spend thousands of dollars in saloon stocks and fixtures and the next day the city council could take away his privilege to sell without notice and without indemnity."
Has Been Done Repeatedly.
"This was done repeatedly years ago. The same condition applied to breweries. The legislature of Iowa has said that the sale of intoxicating liquors is all in violation of law, but that if you do certain things you can escape punishment, and we will let you do so until some one objects. If the man who owns property next door withdraws his consent, the saloon must close, and it has not the right to purchase the consent of the adjoining property owner. The whole policy against the saloon is to reduce the sale of intoxicants to the minimum, because it is recognized that it is a curse."
"To sell liquor is not a vested right, it is a mere privilege, and the regulations, granted by the people when a majority wills to do so, and taken away by the people when they will it."

"The selling of liquor is a mere license or privilege upon compliance with certain laws, which right may be taken away without notice. A privilege to sell booze is not a right. If John Zundt was in any kind of business that had some tangible legal footing to stand on he would not be affected. He merely has the privilege under police protection and regulation."

Defense Has Its Lining.
F. E. Northup opened the argument for the defense shortly before court adjourned for lunch. His argument up to the time court adjourned was based principally on the contention that the people of the additions taken in, when such territory became a part of the city, became subjected to all the privileges and burdens of the original territory of the city.
"They say," said Mr. Northup, in referring to the contentions of the state, "that we will take all the privileges, such as the schools, city water, and sewers, and we will receive all of the benefits of annexation to the city, but there is one burden that we will not accept. They say the annexation was actual for every purpose excepting one."
Cannot Raise Question Now.
"We hold that when these additions were taken in that it was a complete taking in of these people and they cannot question the act or results now. If this plaintiff has passed the point

where he can object to the annexation he has long since passed the point where he can object to the effects of that annexation. He is bound to all of its effects.

"It is alleged that the people of these additions have not had a chance to give their consent on a mullet petition. The same applies to every young man who has reached the age of 21 since the mullet petition was circulated. He has not lost his right in this matter, because he has the right to sign a petition of revocation, which establishes his rights in this question."

Has Same Duties Imposed.
"Now as to the effect of the annexation of territory by a city. When territory is taken in it comes under the jurisdiction of the original territory of the city. The laws impose upon the annexed territory the same duties, privileges, and burdens that obtained in the original territory of the city."

BUY ORANGE LAND.
T. N. Downs and E. H. Martin Invest in Arizona Tract.
T. Nelson Downs, of this city, and his friend, E. H. Martin, of Webster City, have joined in an investment in orange land in Arizona. Mr. Downs and Mr. Martin have purchased forty acres three and one-half miles northeast of Phoenix, for which they paid \$150 an acre. The land is unimproved, and the new owners expect to plant the entire tract to oranges.

COMMENCEMENT GIFTS
Many Desirable and Suitable Articles For Commencement Presents For the Young Lady or the Young Man, to Be Found at Hull's.

Choosing a commencement present for the young lady or young man graduate is not the easiest matter in the world. These young people have reached a turning point in their lives, making it necessary for the giver to use careful judgment in selecting a gift. It is only in the large, well-selected stocks that one may find something appropriate for the occasion and which will appeal to any taste. We took the greatest care in making our purchases for the commencement season and have to offer the best line of graduation gifts ever shown in the city. One may find in our large stock gift books, latest popular literature, pictures, useful articles for the desk, fountain pens, and innumerable other desirable articles. Call and see the special commencement offerings.

THE HULL COMPANY.

MOVE TO MARSHALLTOWN.

Mr. and Mrs. C. Clarkson, of Minneapolis, Coming Here to Live.
Mr. and Mrs. C. Clarkson, of Minneapolis, are coming to Marshalltown to make their home about the middle of June. Mr. Clarkson is a salesman for the Washburn-Crosby Company, and will travel out of this city.

ROBSON'S DATE CANCELED.

"The Rejuvenation of Aunt Mary" Will Not Be Seen Here in June.
May Robson, who was booked to appear at the Odson on June 22 in "The Rejuvenation of Aunt Mary," has cancelled her engagement owing to the lateness of the season. It is quite likely that next Sunday's attraction will be the last of the season.

COLE TO AMES.

Soldiers' Home Chaplain to Deliver Memorial Address at Ames.
Chaplain Jesse Cole, of the soldiers' home, has been invited to deliver the annual Memorial Day address at Ames. The exercises at Ames are to be held under the direction of the Ames G. A. R. post.

For Dyspepsia
Take Horsford's Acid Phosphate
Relieves the continued sense of hunger, sick headache, nausea and sour stomach.

FLAG TOURNEY MONDAY.

Novel Golf Tournament to Be Held on Memorial Day.

Memorial Day, with a series of events making up the program, will be observed by the members of the Country Club at the club grounds next Monday, provided the weather is at all suitable. The feature of the day's program will be a novel golf tournament, something out of the ordinary, that has been called a handicap flag tournament.
The tournament will be at nine holes medal play, although it will be possible for some of the players to play more than nine holes. The number of strokes of the handicap given each player will be added to the 41, the bogey of the course. The number of strokes of the handicap and the bogey of the course will be added together and with this number of strokes to play, the player who goes the farthest on his number of strokes wins the tournament. It will be easily possible for some of the players to play the entire nine holes or the entire 41 strokes of the bogey, and the handicap that will be added.

Each player will carry a good sized flag and will stick it in the ground at the point where his ball stopped after playing his last stroke.
The pairs will start from the first tee where the pairings will be made and the handicaps given, at 2 o'clock. The entries will close at that time.
In addition to the golf tournament there will be a ball game in the afternoon and a dancing party in the evening.

ENTERTAINS TAMA GUESTS.

Mrs. T. F. Bradford Hostess to Former Classmates.

A happy reunion of the members of the class of '85 of the Tama high school was held in this city today at the home of Mrs. T. F. Bradford, who entertained seven of her former classmates and a few other friends from this city. Six of the members of the class still reside at Tama, and upon their arrival this morning breakfast was served at the Bradford home at 10 o'clock. The decorations were in pink and Mrs. Bradford was assisted in serving by Mrs. C. H. E. Boardman. This afternoon Mrs. Bradford took her guests on an automobile drive about the city, the trip ending at the Bradford home, where tea was served at 5 o'clock. The members of the class who enjoyed the reunion are Mrs. May Murray Johnston, Mrs. Mollie Wilson Chase, Mrs. Sadie Hollen Bentley, Mrs. Lola Pippinger Arb, Mrs. Alta Seaman Redman, and Mrs. Maude Brice Clutter, all of Tama; Mrs. Libbie Hollen Edmondson, of the city, and the hostess for the day, Mrs. Emma Cadbury Bradford. This afternoon Mrs. Bradford also had as her guests Mrs. A. H. Simon, Mrs. Charles Wiley, and Mrs. C. H. E. Boardman.

YELLOWSTONE PARK,

Colorado, Utah and California and North Pacific Coast.

Special low round trip rates during the summer months via Chicago, Union Pacific and North Western line to Denver, Colorado Springs, Pueblo, Glenwood Springs and other points in Colorado; the Yellowstone Park, and to Salt Lake City, San Francisco, Los Angeles, San Diego, Portland, Tacoma, Seattle, Vancouver, and other points on the Pacific coast; also to Wyoming and the Black Hills.
Extensively equipped fast trains. Choice of routes. Liberal stop-overs and return limits. Rates, dates and descriptive matter on application to ticket agents, The North Western Line.

MARRIED.

Patterson-Moir.
Rev. L. B. Hix, pastor of the Congregational church, united in marriage at his home, 602 West Main street, Wednesday evening at 6:30, Mr. Harvey J. Patterson and Miss Nellie B. Moir, both of Eldora.

Local Weather Record.

Sixty-six was the maximum temperature Wednesday, compared with 59 for the day before. The temperature dropped to 37 during the night, which was four degrees cooler than the minimum for the night before. At 7 o'clock

this morning the temperature was 62, compared with 50 for the same hour Wednesday morning.

GIVE PLAY AT STATE CENTER.

"A Modern Knight" to Be Given by High School Cast Tomorrow.

The high school cast that recently produced "A Modern Knight" so successfully here, has made arrangements to give the play at the Grand Opera House, State Center, Friday night. Aside from the forty members of the cast who will participate thirty or forty others expect to attend from this city. From State Center it is learned that the advance sale for the musical comedy is large, and it is expected that the home talent company will play to capacity. "A Modern Knight" is the musical comedy written by Howard Miller and Ralph Crowl.

Soldiers' Home Concert.

The regular weekly concert of the soldiers' home band will be given this evening from the pavilion in front of the main building. The program follows:
March, "The Falcon" Chambers Overture, "The Crusader" Rollinson Waltz, "Carmen" (arr.) Barnhouse Selection, "Drigo's Serenade" Drigo Intermezzo, "Roger Williams" Lindeman Selection, "Hungarian Fantasia" (arr.) Tobani March, "Celebrity" Richards National Air.

BARGAIN IN BERRIES

Large, Choice Illinois Strawberries at Two Boxes for a Quarter at Carlson's Grocery Friday and Saturday.

For Friday and Saturday we are offering the finest Illinois strawberries at two boxes for 25 cents. These are fine large berries, the most select fruit shown in the market this season. We have made a large purchase and will offer them at these low prices for two days only—Friday and Saturday. Leave your order early before it is too late.
CARLSON'S GROCERY,
8 East State street.

CANVASS FOR MEMBERSHIP.

Y. M. C. A. Will Make Effort to Secure Summer Members.

A one day's campaign for members for the Railroad Y. M. C. A. for the summer months is to be pushed by the association on June 5. The campaign is for members for the months of June, July and August at the rate of \$2 for men and a corresponding reduction for boys. The memberships, in addition to carrying the usual privileges, of the association, also give those owning them a chance to receive individual instruction in learning to swim in the pool. At the expiration of the summer period the amount paid by the memberships can be made to apply on a yearly membership.

BOYS TO CAMP IN JUNE.

Association Lads to Have Two Weeks' Outing.

Instead of holding the annual summer camp for the boys of the Railroad Y. M. C. A. later in the summer, the date has been changed to June 21 to July 7, two weeks. The camp is to be held this year at Lake Frances, Minn., the same place last year's camp was situated. The boys will leave here on the night of June 21, and arrangements have been made on the return trip to pay a short visit to the Twin Cities. The expense of this side journey will be in addition to the regular cost of the outing, which will be \$14, including railroad fare to and from the lake. The camp will be in charge of officers of the association.

In the Police Court.

A. E. Francisco and George Bradley, arrested by the police for being drunk, paid the costs in the mayor's court this morning.

READ THE T.-R. WANT ADS.



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SEEMS like a small thing to lay much stress on--but its a cardinal principal here--willingness to wait upon you

Our salesmen don't take you in tow with nervous haste as though their lives depended on their making so many sales by six o'clock.

We wait upon you--that means wait until you've found what you want in our stock. We'll show you every model as willingly, as courteously, as deliberately as one.

Your satisfaction is the thing we're striving for, and will serve you well in the

New Spring Models

in every thread of every garment they're clothes of service--at your service--here.

You see in the illustration the Chester, a clean cut style and one of our best sellers.

It comes in a variety of attractive fabrics with a range of color and pattern to suit every taste, fashionable grays, the newest light shades, beautiful dark mixtures and blue serges.

We Submit to the Women

of Marshalltown for inspection the greatest variety of ready-to-wear garments ever shown by this store.

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| Fine White Dresses | White Waists |
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| Wash Automobile Coats | Lawn Dresses |
| White Wash Skirts | Percalé House Dresses |

Women's Suits, Women's Capes and Children's Capes

are being closed out at extremely low prices.

Dress Goods

Several new pieces of fine Black Voiles, Black Panamas and Novelty weaves just received, especially desirable for summer wear.

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DRY GOODS, CLOTHING & SHIRTS
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