

LITIGATION WITH A HISTORY ON TRIAL

OLD CASE OF MCCOY VS. NUESSE, OVER DANNENBRINK ESTATE, BEING RETRIED.

SUIT NOW IN COURTS FOR OVER EIGHT YEARS

Since Lawsuit Was Begun Three Lawyers in It Have Become Judges and Two of the Principals Have Died - Has Been Tried in District Court and Reviewed by Supreme Court.

Especially assigned for today, the case of McCoy vs. Nuese, that promises to establish a record of hotly-contested and long-drawn-out litigations in central Iowa, was begun before Judge B. F. Cummings in the district court this forenoon.

There are some unusual things that are directly connected with this litigation that are of more interest than the case itself. They are that two of the principals have died since the first proceedings were instituted, and three of the lawyers have become judges in the same time.

Without attempting to enter into the details of the claims and counter claims of each side, the suit involves Fred Dannenbrink's estate. He lived in Tama county and died a pauper after being found of unsound mind, and a spendthrift by a jury.

The attorneys for the plaintiff have another explanation and allegation on this point. They allege Nuese, who was a close friend and adviser of Dannenbrink, had had a large sum belonging to Dannenbrink. It was for the return of this money that the heir, Sophia McCoy, sued. The defense alleges, however, that whatever money Nuese may have had was returned by Nuese before Dannenbrink died.

The heir sued for \$25,000. By the time the case came to trial Lawyers Parker and Bradshaw were judges of the district, so the case was taken before Judge Lee, at Nevada. He entered a judgment of \$9,000 against Nuese. The defense appealed, and the supreme court, Judge Weaver writing the opinion, reversed the ruling and set the judgment aside two years ago.

The present trial will consist mostly of documentary evidence, a great part of it being testimony given at the previous trial in story county.

INJURED BY FALL

H. A. Butler, of Boone, Painfully Hurt - Other Hospital Cases.

H. A. Butler, of Boone, foreman of the construction company, in charge of the remodeling of the power plant at the gas plant, slipped and fell from the top of the building and seriously injured his right hip Saturday afternoon. Mr. Butler fell on some chains, severely injuring his back and right side, but his condition is not considered dangerous. He is now receiving care at the Deaconess hospital.

Mildred Martin, the 7-year-old daughter of Charles Martin, 912 South Eleventh avenue, submitted Saturday afternoon to a nose and throat operation at the Deaconess.

Mrs. L. Kiker, of Melbourne, underwent an operation on the nose Saturday afternoon at the Deaconess. Mrs. Kiker had been suffering for some time from a serious infection in the left side of her nose, which necessitated the operation. Her condition today is satisfactory.

Mrs. B. F. Kessler, of Algona, submitted this morning to a nose and throat operation at the Deaconess. Miss Margaret Dunham, 207 West Grant street, underwent a nose and throat operation this morning at the Deaconess.

William Meagan, of Eldora, who underwent an operation for mastoiditis at the Deaconess last week is doing nicely.

Miss Grace Goodman, of Melbourne, is a patient at St. Thomas hospital, where she submitted this morning to a nose and throat operation.

TWO DIE AT SOLDIERS' HOME.

First Deaths of New Year Occur at State Institution. Two deaths, the first of the new year, occurred at the soldiers' home Saturday and this morning. Edward A. Mercer, of Des Moines, died at 9 o'clock this morning of heart disease, and Isaac R. Gaddis, of Donipate, succumbed to cerebral hemorrhage Saturday.

Mr. Mercer had been a member of the home since Nov. 9, 1905. He was a native of Greene county, Ohio, where he was born June 17, 1830. He enlisted at Fort City, Dec. 10, 1861, in Company A, Tenth Iowa Infantry, and was discharged at Huntsville, Ala., Jan. 31, 1864. He re-enlisted in the same company and regiment on the day following his discharge, and was finally mustered out at Little Rock, Ark., Aug. 15, 1865. Surviving Mr. Mercer are a brother and two sisters - Horace Mercer, and Mrs. Emma Furnace, of Des Moines, and Mrs. Minerva Brubaker, of Spring Hill, Warren county.

The other member of the home who died, and the first to pass away in the new year, was one of the older members of the home, his membership dating from Oct. 26, 1899. He was born in Uniontown, Pa., Nov. 12, 1834. He served in Company I, Nineteenth Iowa Infantry, having enlisted at Bentonport in August, 1862. He was discharged in February, 1863, at Springfield, Mo. A daughter, Mrs. Merritt Platt, lives at Claremont, Cal. Funeral services were held from the assembly hall at 3 o'clock this afternoon in charge of Chaplain H. O. Pratt. Burial followed in the home cemetery.

STATE CENTER MAN DEAD.

Edwin Jackson, Trustee of State Center Township, Dies in Des Moines. Death at 3:45 o'clock Saturday afternoon claimed Edwin Jackson, of State Center, whose critical illness followed an operation for intestinal cancer performed in the Methodist hospital, Des Moines, a week ago Saturday. Mr. Jackson was widely known in the western part of the county, and for several years had been a trustee of State Center township. He was highly respected as a citizen, and a successful farmer.

Mr. Jackson was born near Philadelphia Aug. 12, 1851. He came to Michigan as a boy, and at Monroe, Dec. 24, 1874, took as his wife Katie Lang. Mr. and Mrs. Jackson came to Iowa in the spring of 1875, settled in Cedar county, where they remained three years. In the spring of 1878 Mr. and Mrs. Jackson settled on a farm three miles southwest of State Center, which they occupied until they moved to State Center in 1905. Mr. Jackson was a member of the Methodist church of State Center.

Surviving Mr. Jackson are his widow and three sons. The latter are John W. Jackson, of Shelby, Minn., and George W. and William E., who live on the old home place. Three brothers also survive, in the persons of Frank Jackson, of Mechanicsville; Walter, of State Center; and John, of Forest City, Henry Jackson, of Mechanicsville, and Mrs. Hulda Armstrong, of New Boston, are a half brother and sister.

Mr. Jackson's body was brought to State Center on a special train from Ames at midnight Saturday. The funeral will be held from the Methodist church at 2 o'clock this afternoon, in the home of Mrs. F. West, Interstate street, west side.

William Lang, of Spencer, a brother of Mrs. Jackson, was a member of the funeral party that accompanied the body from Des Moines to State Center.

OBITUARY.

Elias M. Hall, 106 May Street, Dies of Paralysis. Elias M. Hall, aged 84, died at his home, 106 May street, at 5:30 this morning, of paralysis. He had been ill a year. Mr. Hall was a native of New York state, where he was born Dec. 2, 1830. He is survived by his wife and seven children. The children by the first marriage are Albert Hall, eight miles southwest of the city; Mrs. Mamie Hall and Mrs. R. Johnson, this city; and Mrs. Furt McBride, Cedar Rapids. The surviving wife's children are Elmer, Lena and Frank Hall. Mr. Hall is also survived by three sisters and a like number of brothers, but with the exception of Mrs. John Worden, a member of the soldiers' home, and Mrs. Rhoda Wilson, of this city, the addresses are unknown.

Funeral services will be held from the residence at 1 o'clock Wednesday afternoon, in charge of Rev. R. B. Davidson. Burial will follow in Timber Creek cemetery.

DEATH AT QUARRY.

Thelma Johnson, Aged 6, Victim of Pneumonia Saturday Evening. Thelma Johnson, aged 6, younger daughter of Mr. and Mrs. Ole Johnson, of East Quarry died Saturday evening of pneumonia, after a week's illness. Mr. and Mrs. Johnson lived in Marshalltown until about four years ago. The funeral will be held Tuesday at 12 o'clock at the home, Rev. A. J. Hansen will conduct the service assisted by Rev. Orlando Ingvaldstad, of this city. Interment will be in Pleasant Hill cemetery.

PUPILS ARE GRADUATED.

Class of Twenty-One Finishes Work in Primary Sunday School Department. Twenty-one boys and girls, members of the primary department of the Baptist Sunday school, were graduated Sunday afternoon and became members in the secondary department of state.

The graded Sunday school. Exercises of graduation took up the entire Sunday school hour, and included the final examination test, conducted by Mrs. Elzbie Opples, and an address by Rev. R. B. Davidson, made in connection with the presentation of diplomas. The members of the class were Lena Hall, Miriam Williams, Ethel Pinkerton, Eva Lampman, Nelle Sanders, Marian Hovey, Lena Davis, Mina Kitts, Mildred Clinton, Paul Davidson, Gerald Pinkerton, George Sundell, Lyle Bates, John Norris, Frederick Beckwith, Raymond Rasmussen, Walter Boeky, Alvis Clemens, Jerome Yelley, Orville Pratt, and Elery Shugart.

At the communion service, held in connection with the morning church service, Rev. Mr. Davidson extended the right hand of fellowship to twenty-one new members the pastor has recently received into the church.

CLERK COLLECTS \$5,489.

Fines in Criminal Cases in Year 1914 Were \$955.65. Showing fees and fines and other items of cash amounting to \$5,489.01, the annual report of Clerk of Courts S. H. Rilly was filed with the board of supervisors Saturday. The district court fees collected amounted to \$2,504.35, and the probate court fees to \$2,238.50, of which the clerk retained \$300. Fines paid in criminal cases during the year totaled \$955.65. These were the largest items of the receipts.

There are always items of fees and deposits in estates that are unclaimed. During the year these items totaled \$90.61. They have been turned over to the county treasurer. There are also a gold watch and \$13.60 which are unclaimed. The timepiece and money were the property of Nicholas Flood, who was killed by a train June 8. The property has never been claimed and has now been turned over by the clerk to the county treasurer.

The report of the clerk for the criminal business of the juvenile court for the year shows three boys were sent to the industrial school at Eldora, one girl was sent to the Mitchellville school and one girl was sent to the school for feeble minded at Glenwood.

Documents Filed Number 3366.

Three thousand three hundred sixty-six documents were filed for record in the office of the county recorder, according to the annual report of Miss Edna Northup, former county recorder. The receipts of the office from filing fees were \$2,315.50. Most of this were receipts of \$1,200.00 for recording mortgages and \$736.55 for recording deeds.

The receipts made the office self-sustaining, as the salaries of recorder and deputy were \$2,380, or \$35.50 less than the receipts.

COUNTY HAS \$22,825 CASH.

Balance of Funds in Deposit Less Than Year Ago. The county has \$22,825.73 in cash, according to the count of the money made by the board of supervisors on Saturday. This sum is \$9,000 less than the balance Jan. 2, 1914. Of the amount \$21,089.37 is on deposit in the banks of the county, and \$1,736.36 is in the hands of County Treasurer S. M. Gause. Only part of this money belongs to the county, as the total contains amounts that have not been distributed to towns, townships, schools and bureaus.

Provide Nursery During Revival

Tired mothers with wailing babies who wish to attend the meetings now being conducted at the Central Church of Christ will be given an opportunity to take their babies to a nursery now established in the ladies' parlor in the basement of the church, where babies and small children under 5 years of age may be taken and left during the services.

Mrs. C. H. VanLaw will have charge of the nursery, assisted by several other capable women. Two ladies will always be in charge of the nursery, during both the morning and evening services. C. R. L. Vawter and party make this suggestion wherever they go, and it has often been adopted permanently after they have left.

Cots to accommodate ten babies have been provided, and dolls, rattles, picture books and other playthings have been furnished, so that the little folks will be amused while their parents are being instructed. The nursery was used for the first time Sunday evening, and accommodated about ten children.

CARWORKERS ENJOY AFFAIR.

Members and Families Attend Annual Oyster Supper and Hear Addresses. Members of the local union carworkers and their families enjoyed the second annual oyster supper at which the carworkers have entertained Saturday evening at the I. O. O. F. hall. There was a large attendance and after the supper R. H. Grim, vice president of the national organization, and J. R. Humphrey, of Chicago, who is general organizer of the American Federation of Railway Workers, gave a very interesting address on the work of the organization. Mr. Grim and Mr. Humphrey also addressed an open meeting held by the railroad men of the city Sunday afternoon in the trades and labor hall. This meeting was largely attended.

MISS GARDNER UNDERSTUDY.

Actress, Former Marshalltown Girl. Miss Gussie Gardner, a former Marshalltown girl, and the daughter of the late Mrs. Fred Garmshausen, was the guest of Miss Lou Vogel, 10 East State street, Sunday. Miss Gardner is understudying the role of the chaperone, or Widow Rhodes, and has already appeared in the role several times. Miss Gardner was last seen here with "A Knight For a Day," and prior to that was here with "Peter Pan." In private life Miss Gardner is the wife of Louis Egan, who appeared in the cast Sunday night as Thomas Hayden, the millionaire president of the R. & A. suburban.

Marshall Rebekahs Install.

Miss Rose Duncan, district deputy grand president, Saturday night installed the officers of Marshall Rebekah lodge, No. 40. The new officers are: Noble Grand, Mrs. Roy Barriage; vice grand, Mrs. C. R. Gaunt; recording secretary, Mrs. E. B. Clinton; financial secretary, Mrs. P. Wertenberger; treasurer, Mrs. C. Reese; right support noble grand, Mrs. Ross Sheert; left support noble grand, Mrs. Belle Daly;

Local Weather Record. Twenty-six and 9 were the extremes of temperature Sunday, compared with 18 above and 2 below Saturday, and 37 and 20 a year ago Sunday. At 7 o'clock this morning the temperature was 14, two degrees cooler than at the same hour Sunday morning. The snowfall Saturday amounted to .20 of an inch of precipitation.

Odeon Theater, Saturday, Jan. 9. Last Season's Best Liked Attraction. JOHN CORT PRESENTS MCINTYRE and HEATH. IN THE NEW EDITION OF THEIR BIGGEST MUSICAL COMEDY SUCCESS. The HAM TREE. COMPANY OF 100. BOOK BY GEORGE V. HOBBART. LYRICS BY WILLIAM JEROME. MUSIC BY JEAN SCHWABER. Prices Lower Floor, \$1.50 and \$2.00. Balcony 75c, \$1.00 and \$1.50. Gallery 50c. Seats on Sale Friday at 10 a. m.

WOOD CHOPPERS TOOLS. Guaranteed Axe—Both single and double bitt. Disston one-man saws, 3 1/2, 4 and 4 1/2 feet. Disston two-man saws, both narrow and wide blade. For axe handles, tool grinders, iron wedges, high grade files, saw sets, etc., see Horne & Gelvin.

Oberlin College Glee Club. INTRODUCTION. The Oberlin College Glee Club stands unique among similar organizations for the real artistic merit of its work, and has gained the highest commendations from the critics for its style, finish, precision, shading and ensemble. INFORMATION. twenty young men. Each member of the organization is selected with a view to musicianship. The club has appeared in twenty-eight states of the Union. A limited number of concerts are given, since the club is en route only one month in every year. Practicing rehearsals are continued throughout the college year. The concert is given with all the spirit and enthusiasm characteristic of student life. The program includes the best classics, folksongs, and college airs. Specially costumed acts replete with "mirth-provoking stunts" are among the features of the entertainment. Congregational Church Tuesday, January 5 at 8 P. M. Admission 50 Cents. TICKETS ON SALE. R. L. Lays, B. A. Morgans, Benedict & Brintnalls, McBride & Wills, J. D. Palmers.

SIMON STYLE SHOP. 134 East Main Street. WE MAKE NO CHARGES FOR ALTERATIONS. A Clearance Sale of Real Merit. Women's and Misses' High Grade Wearing Apparel. The reduction on all our garments range easily from 33% to 100%. "The reason," after a very successful first season, we are going to make a clean sweep of all our winter garments preparatory to putting in a line of spring garments such as we used to carry, not in quantity but quality and exclusive in styles and assuredly correct. Coats. The latest styles only, at \$2.99, \$4.95, \$7, \$10.00 to \$17.50 up. Made in Hindu lynx, Pomorie, German astrakan, Salt's plush and all other fancy material. Sold formerly from \$6 to \$35. Suits. Latest styles, the balance of entire stock your choice—\$9.00. Skirts. JUST THREE LOTS. Among these some of the very latest twelve-gored skirts. Other advanced spring models in all the new materials; satins and pan velvet, poplins, voile and serges. Prices \$3.00, \$5.00, \$7.00 and \$9.00. Formerly sold from \$5.00 to \$17.50. Dresses. Stout dresses from 39 to 55 bust measure, \$5.75 and \$7.75. Formerly sold up to \$15.00. All our entire stock of dresses, equally low in prices. Waists. They do not need description—they are all reduced to clearing prices and you must see them to appreciate them. Crepe de chine and messaline from \$2.00 to \$3.75. Formerly sold up to \$7.50. Look For the Blue Ticket Price On Each Garment. We have just received a small line of ladies' and misses' balmaccan coats—sold regularly at \$12.00, \$15.00 and \$25.00, our clearance price, \$8.00, \$10.50, and \$14.00. Children's plush coats made of Salt's plush, quilted lining, formerly sold at \$7.50; clearance price \$4.95. FURS! FURS! FURS! Balance of all of our Furs go at 1-3 and 1-2 off.