

FATE OF LAW DEPENDS

SUPREME COURT ADVANCES CASE WHICH INVOLVES NON-PARTISAN JUDICIAL STATUTE.

TWO CLAIMANTS TO PLACE ON BENCH AT PERRY

Question Involved is Whether Superior Judge is Judicial or County Officer—Right of Candidate to Secure Place When Name is Not Legally on Ballot Chief Point at Issue.

Special to Times-Republican.

Des Moines, Sept. 23.—The supreme court made an order yesterday advancing and fixing date for oral argument on the case involving the right of Judge W. W. Cardwell, of Perry, to sit as a superior judge, and the claims of Robert S. Barr to the judgeship. This will bring to a head a decidedly interesting case, one which involves the fate of the whole non-partisan judiciary law.

Now what will the supreme court do in a case of that kind, with three members elected under the nonpartisan judiciary law and four elected under the old law, and at least a majority of the members not overly jubilant about the present nonpartisan judiciary law?

Barr was appointed by Governor Clarke to be judge of the superior court, following the death of his predecessor. He sought nomination on the nonpartisan judiciary ballot and there being no other candidate he was declared nominated and his name went on the ballot. Just before election Cardwell became a candidate. On election day he induced voters in sufficient numbers to write his name on the ballot so that he had more to his support than had Barr. The figures were certified to the state board of canvassers and a certificate issued to Cardwell, since he had the votes.

But Judge Barr did not let the matter rest. He made a contest before the board of supervisors and the board decided he was not entitled to a certificate. Then on appeal to the district court that body held with Barr and that Cardwell was wrongfully holding the office. There was a question as to whether it was a county or a judicial office which caused a difference of opinion.

Cardell Appeals. Cardell appealed the case. In the meantime Barr went to the court house each day and appeared, so that he could lay in a claim afterwards for salary for the full time he would win. The big point in the case, unless the supreme court can, by some strange process, dodge and avoid a decision that way, is to the right of a candidate to secure an election to a judicial position in Iowa by having his supporters write his name upon the ballots. To do so means to ignore the nonpartisan judiciary law, which contemplates a sort of elimination process of the various candidates at the primary and confining the voting to certain candidates receiving favorable consideration at the primary. The voters who wrote the name of their favorite on the ballots did so under the old law and not under the nonpartisan judiciary law. If the voters can do that in Perry they can do it anywhere. If they can ignore the nonpartisan judiciary law in one respect they can in all respects. Where the whole law is found to be of no force and effect.

If the supreme court holds that the nonpartisan judiciary law is in force and must be followed literally, then the honorable judge of the superior court must give up his seat. The contestant is becoming quite old and the order for an advantage was secured in the hope that he might live to have the case decided and that another election might not ensue before this one is decided.

But which one of the supreme judges will write the opinion in a case involving a law which one of them wrote?

Negro Appears For White Client.

In the supreme court yesterday George H. Woodson, a negro attorney,

appeared in behalf of his client, William Hesse, a white man. This is considered very unusual that a colored attorney should appear to defend a white man. Hesse, who is out on bond, was convicted in the lower court of the killing of Mrs. J. W. Carson. The evidence was largely circumstantial and attorneys generally believe Mr. Woodson has a good case before the higher court. Mr. Woodson himself furnished the money for the \$4,000 bond on which Hesse was released.

Ruth Carson lived with her husband, J. W. Carson, on a farm in Union county and Hesse had land back of Garsons and was compelled to use a private road to reach his land. It seemed there was more or less trouble between the parties regarding his use of the road and his stock, etc. Following a dispute on the road with Hesse and his hired man, Griffin, Mrs. Hesse was found dead. Hesse maintains that she died of epilepsy and that he and Griffin notified Hesse of their findings of her falling in the road. Carson claims that she was struck with a club and says he saw the club in the road near which she was found.

Divorce Case in Court. Attorneys were before the supreme court yesterday arguing for a rehearing in the case of Ida May Dennis, of Montgomery county, against Ernest J. Harris, et al. This is the strange occurrence of where a wife, who has been divorced, asks the court to set aside the divorce after her husband and she are now being purchased and shipped from all parts of this country to Europe for war purposes. France, it is thought, is now buying a large per cent of the horses being shipped out of the country.

The shipments from Creston every week averages from five to seven or eight car loads, or from 100 to 150 horses. These horses are bought up from around the country by a number of local dealers and are herded together at the east end feed yard. Once each week Frank Hanley, a buyer from Chicago, comes here and purchases such horses as he wants from the local dealers. Last week six car loads, consisting of 121 horses, were shipped from Creston. Mr. Hanley ships these horses to Chicago and St. Louis, where they are bought by the agents of the foreign countries. Although a large majority of them go to Europe it is possible that a few of them are sold to firms in the large cities of the country.

From the number of horses that are being shipped out of the country, it looks like the price of horses would increase, but this is not so according to the buyers. In fact they claim that the prices have suffered a considerable decrease since the month of June. This is probably due to the fact that fewer horses are being shipped out of the country at the present time than a few months ago. However, good prices are being paid for good horses in all parts of the country.

Woman Wants Case Reversed. Hon. N. E. Kendall, of Abbia, appeared before the supreme court today to argue for the defense in the case of state of Iowa versus Addie Minella, of Monroe county. Mrs. Minella was convicted in the Monroe county courts about a year ago of the crime of killing her husband and is now confined in the reformatory serving an eight-year sentence. As her attorney Mr. Kendall is pleading before the higher court for a reversal of the lower court's decision on the grounds that the lower court erred in its ruling in its admission of testimony and in its instructions to the jury.

The claim of the defense is that Mrs. Minella shot her husband to prevent his inflicting an injury upon her. Charles Foyre, the trouble arose when the family was having a family gathering at the home of Mr. and Mrs. Minella June 21, 1914.

CITY OF AMES DOING THINGS.

Council Awards \$70,500 Sewer Contract—Work to Begin at Once. Ames, Sept. 23.—The contract for the building of the new storm and sanitary sewers was let Monday night by the council to the Dearborn Construction Company of Waterloo. The bid of this company for the entire contract totaled something over \$5,300 less than the next highest bidder.

For the sanitary sewers in the First, Second and Third wards the bid was \$24,788.50 in Colgate Heights \$13,981.50 and for the storm sewers in the Fourth ward \$28,837.35. The bid of Cole Bros. was the next highest. Their bid for the sanitary sewers in the first three wards was \$25,962.40, in Colgate Heights \$14,509.70 and for the storm sewers in the Fourth ward \$28,793.25.

The contract requires that work begin on or before the first day of October, 1915, and that it be completed on or before Aug. 1, 1916. The work must also be kept in good repair by the contractors for one year after acceptance by the city.

Farmer Attacked by Bull.

Boone, Sept. 23.—Tuesday while Justus Anderson, who resides about five miles northeast of Boone, was engaged in doing the chores about his farm, he was attacked by a bull. He received a cut on the face, and a broken rib. A physician was called and he is getting along as well as could be expected.

Despite the nature of his injuries his condition is not serious and he will recover.

HORSE BUYERS ACTIVE

CRESTON BECOMING CENTER OF ACTIVITIES IN SOUTHERN IOWA.

AGENTS SENDING MANY ANIMALS TO EUROPE

Declare That Despite Foreign Demand Prices Are Decreasing Rather Than Advancing—From Five to Eight Carloads Going Out of Creston Every Week.

Creston, Sept. 23.—Creston has been for some time and is getting to be more and more the leading horse market in this part of the state, as may be readily seen from the number of horses that are being shipped out every week.

The European war has created quite a demand for horses, and they are now being purchased and shipped from all parts of this country to Europe for war purposes. France, it is thought, is now buying a large per cent of the horses being shipped out of the country.

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Former Iowa Resident Dead. Special to Times-Republican. Mason City, Sept. 23.—Mrs. Ralph Richardson died at her home in Minneapolis yesterday afternoon, according to information received here. Mrs. Richardson was Miss Cora Yelland, of this city, prior to her marriage. She was a young woman with a large circle of acquaintances. The body arrived in this city last evening over the Rock Island and funeral services were held this afternoon, conducted by Dr. Minchen.

LARGE SUM FROM AUTOISTS.

Des Moines Men Must Pay \$5,742 For Death of Woman. Des Moines, Sept. 23.—Guy O. Daggly was awarded \$5,742 damages by a jury in the district court here today from Ira and William Miller and Roy Wagner, of Ankeny, for the death of Mrs. Daggly in April, 1913.

The evidence showed that Mrs. Daggly was knocked from the buggy in which she was riding with her husband near Ankeny, when the buggy was struck by an automobile driven by Ira Miller, and that the automobile driven by Wagner which was following close behind the Miller car, ran over her prostrate body which was lying in the road. The two automobiles were racing, according to testimony.

TOLEDO PRINT SHOP DAMAGED.

Fire and Water Cause Chronicle to Be Issued in Reduced Form. Toledo, Sept. 23.—A fire which originated from the ignition of a quantity of gasoline which came from the burner of the linotype machine caused a few hundred dollars' damage to the building, machinery and stock in the Chronicle office, at about 7 o'clock Tuesday morning. The fire was discovered promptly by the Chronicle publishers and was put out on the floor by the use of fire extinguishers, but some fire got beneath the floor, which spread to the walls, and owing to the shortage of water in two city water faucets a few feet away, the fire got beyond control and the fire alarm was given. The fire department gave some valuable assistance with water.

FALLS TO HIS DEATH

John Wells, Old Resident of Maxwell, Breaks Neck in Fall From Tree—Death is Almost Instantaneous.

Special to Times-Republican.

Maxwell, Sept. 23.—John Wells, an early settler in this community, while picking plums, fell out of the tree, Wednesday, and broke his neck. He died before help arrived.

AMES HOTEL LEASED.

Mrs. Hibner, of Iowa Falls, to Conduct New Hostelry. Ames, Sept. 23.—A lease has been signed by officers of the Ames Improvement company for the rental of the new Sheldon-Munn hotel, to Mrs. E. T. Hibner of Iowa Falls, for a period of ten years. Mrs. Hibner leases the building under the name of E. T. Hibner, Incorporated.

Negotiations for the lease of the hotel were opened by Mrs. Hibner several weeks ago, but it was not until last night that the final details of the lease were agreed upon and the papers signed. The terms of the lease give Mrs. Hibner the hotel, and the cafe room on the south side of the building. The other store room on the south side and its connecting store room in the basement, are reserved by the Improvement company together with the two small office rooms on the east and barber shop room in the basement.

Fire Chief Assaulted. Des Moines, Sept. 23.—Fire Chief William Burnett, one of the best known fire chiefs of the west, was knocked down and beaten in the city hall, just outside of the council chamber, by Sam Parks, a discharged fireman.

The story of the trouble arose that Parks, who used to be a pugilist, resenting the fact that the chief had seen fit to fire him, and waylaid Burnett in the city hall. After a warm argument, Parks took a poke at the chief's face, and witnesses claim knocked two of the chief's teeth out. No arrests have been made in the case.

His Rest Was Broken.

O. D. Wright, Rosemont, Neb., writes: "For about six months I was bothered with shooting and continual pains in the region of my kidneys. My rest was broken nearly every night by frequent action of my kidneys. I was advised by my doctor to try Foley's Kidney Pills and one 50 cent bottle made a well man of me. I can always recommend Foley Kidney Pills for I know they are good." This splendid remedy for backache, rheumatism, sore muscles and swollen joints contains no habit forming drugs. McBride & Will Drug Co.

CONFERENCE AT COULTER.

Annual Session of Iowa District, United Danish Evangelical Church. Special to Times-Republican. Coulter, Sept. 23.—The annual conference of the Iowa district of the United Danish Evangelical church was held at Coulter, Sept. 17, 18 and 19. Twenty churches were represented and about 300 delegates and visitors were present from various parts of the state. During the conference meals were served free in a big electric lighted tent.

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FIRE PREVENTION DAY.

Oct. 9 to Be Observed in Many Communities General Clean-Up Day. Special to Times-Republican.

Des Moines, Sept. 23.—Fire prevention day on Oct. 9 will be observed by many Iowa communities according to the reports coming in to the fire marshal's office. In some places it will be a sort of a clean up day in which inflammable trash especially will be cleaned out of basements and other places likely to be in danger of catching fire.

The state fire marshal's office is sending out notices to mayors of cities, chiefs of police and to public school superintendents calling their attention to the observance of the day. In his letter to the school superintendents, State Fire Marshal Roe, among other things, says:

"Many ways of fittingly observing the day will suggest themselves to the teachers. Among other things it should be made a day for general cleaning up of all inflammable rubbish in and about the school buildings and grounds. It could also very properly be made the occasion for the rendering of a program which should include a talk on fire prevention by the teacher or one of the patrons of the school, the reading of original compositions on the same subject by some of the pupils and other exercises of similar character."

It is suggested that inasmuch as Oct. 9 falls on Saturday that Friday the 8th be observed by the school.

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You don't think clothes can be cleaned without boiling unless injurious chemicals are used? Well, you're wrong.

FELS NAPTHA is absolutely free from the chemicals you dread. The naphtha in combination with other harmless cleansers loosens the dirt, dissolves the grease, so all that is required is a little rubbing and rinsing. Just as wonderful for all household cleaning.

It Is Unsafe to Keep Valuable Papers at Home. This Bank has just installed 100 additional SAFETY DEPOSIT BOXES to provide protection for important papers. A Safety Deposit Box Saves Worry \$1.00---Per Year---\$1.00 Fidelity Savings Bank MARSHALLTOWN, IOWA.

Invest Your Money at 7% Send today for circular describing the 7% Preferred Stock of the Iowa Railway and Light Company. An investment opportunity in a Strong Public Utility. C. L. Van Valkenburg, Fiscal Agent IOWA RAILWAY & LIGHT COMPANY 304 Dows Building Cedar Rapids, Iowa

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The Best Mill Cannot grind good flour from poor wheat, nor can the human body get good health from food and drink which is not fitted to the individual. Right food—the kind the system requires, goes a long way toward putting one ON THE ROAD TO WELLVILLE. This road leads to comfort, happiness and long life. Grape-Nuts Is a delicious food scientifically prepared from wheat and barley. In the making, the starch of the grains is partially pre-digested for quick and easy assimilation—and furnishes the nourishment Nature requires for the daily rebuilding of body and brain. It pays to keep oneself in the highest condition of physical and mental vigor. "There's a Reason" for Grape-Nuts Sold by Grocers everywhere.