

Shop Early While  
Roads Are Good  
For It May Snow

# Evening Times-Republican

Weather For Iowa:  
Rain Probable;  
Colder Thursday

VOLUME FORTY-ONE

MARSHALLTOWN, IOWA, WEDNESDAY, NOVEMBER 24, 1915.

NUMBER 276

## MORE HOPEFUL TURN IN SERBIA

Advance of Central Allies  
on Both Fronts Some-  
what Checked.

## FATE OF MONASTIR STILL IN BALANCE

Bulgarians May Be Awaiting Arrival  
of Austro-German Army Before En-  
tering City—German Report Indi-  
cates Russia is Prepared to Launch  
Extensive Campaign in Balkans—  
Petrograd Reports Slight Advances.

London, Nov. 24.—Contradictory  
claims to victory in the Balkans leave  
the present situation in doubt, but it  
is evident the advance of the Austro-  
German armies and their Bulgarian allies  
is not so rapid as earlier reports  
indicated. Apparently heavy fighting  
is under way in the section where the  
Teutonic invaders are attempting to  
form a junction with the Bulgarians.

The fate of Monastir is still in the  
balance. News from Athens states  
that the Bulgarians, having regard for  
Greek susceptibilities, are waiting for  
the Germans to come up and occupy  
the city.

In the entente capitals confidence is  
professed that Greece is moving toward  
complete agreement with the wishes of  
the allies. Berlin has revived the report  
that Russia is contemplating a  
great campaign in the Balkans, for  
which a large army has been gathered  
at Odessa.

The Germans who have given public-  
ity to this report do not seem at all  
sure that Roumania will refuse per-  
mission to this army to cross her ter-  
ritory.

Russians on Styria River Advance.  
Petrograd reports an advance on the  
Styria river, with sharp checks for the  
Germans on both the northern and  
southern positions on the eastern front.

Vienna, however, says there is nothing  
worth reporting along this line. Nev-  
ertheless, there is apprehension in  
Vienna and Berlin of the result of the  
expected Russian offensive in the ex-  
treme southeast.

Italy looks for the immediate fall of  
Greece, which is demoralized by Ar-  
mies of Greek sides and forms a no-  
man's-land.

Italian Landing Troops.  
Italian troops have begun landing on  
Albanian territory to go to the help of  
Serbia, according to a Chiasso dis-  
patch to the Journal La Suisse, for-  
warded by the Central News corre-  
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Demands Upon Greece.  
A Reuter message from Athens says  
the entente ministers presented a col-  
lective note to the government de-  
manding that Greece define her atti-  
tude. The cabinet was immediately  
called together.

After the cabinet meeting Greek  
ministers said the situation had been  
cleared by the presentation of the note,  
which gave the government definite in-  
formation of what the allies expected.  
The demands were less exacting than  
had been expected.

Premier Asquith told the house of  
commons today it had not been consid-  
ered advisable to place all the land  
forces on the western front under one  
commander. The premier's statement  
was in reply to a question by Sir  
George Scott Robertson.

**BOLD MOVE BY SERBS.**  
Concentrating 90,000 Men to Make  
Dash Against 120,000 Bulgarians.  
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confirmation of the report that the  
Serbian army of General Bokovitch is  
now opposing only a thin screen to the  
Austro-German advance," says a  
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the Temps today. "The main forces  
have been concentrated on the Kos-  
ovo plain. General Bokovitch will  
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Bulgarians guarding the defiles of  
Katchanik and Kortchovo."

"The Serbs may even attempt the  
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and then on to Velez, there to join  
hands with the French. But in order  
that the battle shall end in anything  
but a sublime suicide the operation must  
be carried out energetically and suc-  
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"There is good reason to believe that  
the Bulgarians will not occupy Mon-  
astir until the Austrian troops arrive."

**New Effort by Allies.**  
Important new effort in the Balkans  
by Great Britain and France  
have been promised to Serbia, accord-  
ing to the Saloniki correspondent of  
the Petit Journal. He says a member  
of the Serbian government informed  
him that Premier Asquith telegraphed  
the Serbian government assurances of  
the allies' intention to carry thru the  
Balkan expedition. Mr. Asquith is  
quoted as having said:

"I can assure you France and Eng-  
land are preparing surprises in the  
Balkans. You will shortly have cor-  
roboration thereof."

Telegraphing from Saloniki under  
date of Nov. 23, the correspondent of  
the Havas News Agency says:  
"Four transports heavily loaded with  
troops arrived in port this morning."

**Premier Skoufoulis of Greece** is  
quoted by the Petit Parisien today as  
saying that if the allied forces in  
Macedonia retreat across the border,  
Greece may demand them, altho the  
Greek government has not committed  
itself on this point.

The ministers of the entente allies  
at Athens called on the Greek govern-  
ment in a body at noon Tuesday, to  
discuss what action Greece would take  
should allied troops now in Macedonia  
be compelled to retreat across the

## Government Buildings Under Special Guard to Prevent Attacks

Washington, Nov. 24.—The watch-  
fulness of the guards about all the  
principal government buildings in  
the capital have been redoubled  
on special orders. Today guards  
were stationed at strategic posi-  
tions commanding all entrances to  
buildings which housed the war,  
state and navy department. Any  
one carrying a package of any sort  
was subject to questioning. Since  
a bomb explosion wrecked a room  
in the capital last summer, and  
bomb plots have generally kept the  
government detectives busy, there  
has been more than usual activity  
among guards. Guards employed  
by railroad companies are con-  
stantly on duty in the railroad  
tunnel leading to the bridge over  
the Potomac river.

frontier, says a Havas dispatch from  
the Greek capital. The messages de-  
scribed the step as friendly. Official  
confirmation of the report has not  
reached Paris.  
"After the occupation of Pristina the  
Bulgarians attempted a large turning  
movement to envelop the Serbians in  
the Katchanik defiles. The troops in  
the defiles had been reinforced by part  
of the Serbian troops in Albania."  
"Another violent engagement took  
place yesterday on the northwestern  
front and resulted in the repulse of the  
Bulgarians for the third time. Hun-  
dreds of Bulgarians, who had been  
taken prisoners by the French troops,  
arrived here (Saloniki) yesterday eve-  
ning."

**Italians Advance on Gorizia.**  
Rome, via Paris, Nov. 24.—Further  
advances for the Italian forces in their  
attack on Gorizia are announced by  
the war office in tonight's statement.  
The crest of the Calvario Height, west  
of Gorizia, was reached and main-  
tained, it is declared, and the positions  
recently won northwest of Osavia  
were strengthened.

**Says British Lords Need Muzzle.**  
London, Nov. 24.—The Earl of Derby,  
in charge of British recruiting, ap-  
peared before the stock exchange today,  
declared that the house of lords needed  
a censorship. He denounced freedom  
of speech such as that employed in the  
recent harangue delivered by Lord St.  
Davids, in the house of lords, in which  
he attacked the British headquarters staff.

"The man who gives information to  
the enemy," said Lord Derby, "goes by  
worth of report along this line. Nev-  
ertheless, there is apprehension in  
Vienna and Berlin of the result of the  
expected Russian offensive in the ex-  
treme southeast."

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## BERWIND ACTED AS SUPPLY SHIP

Captain of American Vessel  
Describes Voyage to  
German Fleet.

## CARRIED FUEL AND FOODSTUFFS

Left New York, Supposedly For Buenos  
Aires, Under Direction of Joseph  
Poppinghaus — Remained Within  
Three-Mile Limit to Avoid Enemy  
and Steamed Up and Down Sixty-  
Mile Path in Wait For Cruisers.

New York, Nov. 24.—How the Ham-  
burg-American Line succeeded in  
reaching German warships in the At-  
lantic, in August, 1914, with 2,000 tons  
of coal and large amounts of food-  
stuffs, by the steamer Berwind, an  
American boat, was told today on the  
witness stand by the Berwind's cap-  
tain, Fritz Edward Falkenberg.

Captain Falkenberg was a govern-  
ment witness in the trial of Dr. Karl  
Buenz, George Kotter, Adolph Hoch-  
meister and Joseph Poppinghaus, all  
officials of the Hamburg-American  
line on trial on charges of conspiring  
to deceive and defraud the United  
States.

The Berwind sailed from New York  
at 9:30 at night, Aug. 5, supposedly for  
Buenos Aires, with Poppinghaus as  
supercargo and in charge.

**Movements of Berwind.**  
Taking up Captain Falkenberg's  
story, there he movements were as  
follows: First Poppinghaus ordered  
him to stay within the three-mile limit  
after leaving Sandy Hook to avoid  
British cruisers, but later instructed  
him to steer for Cape Roque. There  
he was told to steam back and forth  
as he might meet German ships. For  
thirty-six hours the Berwind did  
steam back and forth over a sixty-mile  
course and finally on Aug. 8, sighted  
a German fleet of five ships.

She failed to reach Buenos Aires,  
the port from which she cleared, Captain  
Falkenberg said.

The government charged that the  
Berwind was the only one of the six-  
teen boats chartered by the defend-  
ants at a cost of \$2,000,000 to relieve  
German cruisers, which succeeded in  
their errand. The others, it is believed  
were all captured before they reached  
Germany.

Captain Falkenberg said George  
Kotter, superintendent of the Ham-  
burg-American line, made him a pres-  
ent of \$500 in return for his services  
when the Berwind got back to New  
York.

**Sixteen Days With Fleet.**  
The ships were the Cap Trafalgar,  
the Pontas, the Eleanor Woermer,  
the Santa Lucia, and the tiny German gun-  
boat Eber. The Cap Trafalgar, under  
a signal "B. M." meaning "come  
nearer," after the Berwind, "com-  
pingshaus" order, had hoisted the same  
letters. The weather was stormy so  
the Berwind, unable to discharge her  
cargo, stayed sixteen days with the  
German fleet. When the elements  
moderated, she discharged her ves-  
sels, forty tons of foodstuffs and  
much coal, to the Cap Trafalgar and  
the Eleanor Woermer.

On Sept. 10, or thereabout, three of  
the fleet sailed away, leaving only the  
Pontas and the Cap Trafalgar, to  
which the Berwind was still disch-  
arging her cargo. Before leaving, how-  
ever, the Eber gave up her guns—two  
four-inch rifles and six one-pounders  
—to the Cap Trafalgar.

**Surprised by British Warships.**  
On the morning of Sept. 14, 1914,  
Captain Falkenberg testified, the Cap  
Trafalgar and the Pontas were sur-  
prised by the British auxiliary cruiser  
Carmania and another British boat  
which came on fast, intending to give  
battle.

The Germans turned to sea, and the  
Berwind, weighting anchor, trailed  
slowly behind, steering out of range.  
"The Carmania gained fast," Cap-  
tain Falkenberg said. "The Cap Tra-  
falgar steamed south about a mile,  
then turned right about and faced the  
Carmania."

"The Carmania fired the first shot,  
and then almost one before the Cap  
Trafalgar replied. The Pontas kept  
on her way leaving the Cap Trafalgar  
to fight alone. In half an hour both  
the Carmania and the Cap Trafalgar  
were badly on fire and in two hours  
the Cap Trafalgar was sunk."

"Poppinghaus was aboard the  
Eleanor Woermer at this time," Cap-  
tain Falkenberg said. The Berwind  
later rejoined the Woermer, went to  
Rio Janeiro, got a cargo and returned  
home."

**BOY-ED VIOLATED NO LAW.**  
German Attacks Apparently Com-  
mitted No Illegal Act.  
Washington, Nov. 24.—Secretary  
Lansing made it clear today that so  
far as he was able to judge Captain  
Boy-Ed was not guilty of violation of  
law in supplying funds for sending  
out from American ports supplies for  
German vessels at sea.

The secretary pointed out that the  
matter could not become a subject  
for cognizance of the state depart-  
ment unless it was proved in trials  
now in progress in New York that  
Captain Boy-Ed had knowledge of  
German vessels at sea.

It is not understood that Cap-  
tain Boy-Ed is so charged.

Secretary Lansing holds that the ar-  
rangement to supply belligerent ves-  
sels at sea was not a violation of law,  
unless the same warship was being re-  
peatedly supplied from American ports.  
It was pointed out that the state  
department to ask for the recall of any

## Japan to Send Army to Aid Her Allies If One is Needed

Paris, Nov. 24.—Japan is willing  
to send a strong army to Europe if  
the need arises, the Tokio corre-  
spondent of the Petit Parisien  
says. A statement to this effect is  
credited to Baron Ishii, Japanese  
foreign minister. Baron Ishii is  
quoted as follows:  
"If needed, Japan will imme-  
diately send in an expedition, a  
very strong army. Japan does not  
intend to risk a check."  
The foreign minister is quoted  
as saying only one-third of the  
men mobilized by Russia had been  
armed but that by the end of the  
month Japan would have done  
much toward arming the other  
two-thirds.

diplomatic officer does not require the  
proof of any violation of law but re-  
lies on proof of obnoxious activity.

## NEW LAW VALID

Iowa Supreme Court Up-  
holds Workmen's Com-  
pensation Statute.

## TEST CASE FROM JASPER COUNTY

Liability of Employers Held to Be  
Constitutional But Case Is Re-  
manded For Trial to Enable De-  
fendant Company to Show Contribu-  
tory Negligence by Way of Mitiga-  
tion of Damages.

**Special to Times-Republican.**  
Des Moines, Nov. 24.—The supreme  
court today upheld the constitutionality  
of the workmen's compensation and  
employers liability act, which was being  
tested out in a suit brought by  
George Hunter, a miner, against the  
Consolidated Coal Company, of Colfax.

Hunter was an employe of the coal  
company and was injured by a fall of  
coal while in that employment. The  
case was brought before Judge John  
F. Talbot of the Jasper county dis-  
trict court, and he held that Hunter  
was entitled to \$100 damages with in-  
terest at 4 per cent from July 24, 1914.

The coal company appealed from this  
decision, alleging that the new em-  
ployers liability law under which the  
award was made was unconstitutional.  
In that it took away from the em-  
ployee his right to prove to a jury the  
facts in his case and to give evidence  
in his own way to blame for the ac-  
cident.

**Remanded For Trial.**  
In the lower court Judge Talbot  
ruled that the coal company could not  
make such a showing and denied the  
company a jury. The supreme court  
held to the contrary, however, and de-  
clared that under the new employ-  
ers liability law of Iowa the employ-  
er is not precluded from making this  
defense, and points out that the lower  
court erred in not permitting the coal  
company to come in and give evidence  
to a jury that it was not at fault. The  
case was remanded for a new trial on  
that point.

"On this the supreme court says:  
"The trial court erred in holding that  
the act precludes the defense that the  
employer is in no wise at fault for the  
injuries charged to him. For this re-  
versal must ensue. The cause is re-  
manded to enable the appellant to  
make such a showing, assuming the bur-  
den of proof thereon, and to plead con-  
tributory negligence by way of mitiga-  
tion of damages if advised to do either.  
In all other respects the decision be-  
low is right and the vitality of the  
statute under consideration is hereby  
affirmed."

**BANDITS AND POLICE  
IN REVOLVER DUEL**

**Running Fight Results in Fatal  
Wounding of One Robber and Shoot-  
ing of an Officer—Three Bandits  
Escape.**

San Francisco, Nov. 24.—Police and  
bandits fought a running battle from  
Golden Gate park to the Presidio mili-  
tary reservation, a distance of more  
than a mile, thru a well populated and  
prosperous district early today. The  
bandits got away except one who stood  
off the police from behind the Presidio  
stone wall, and was fatally shot.

Police Corporal Frederick Cook was  
wounded in the side and arm.  
Joseph Ross, the wounded bandit,  
was taken to a hospital and question-  
ed.

"I was foolish," he said, "I got what  
was coming to me," and as his ques-  
tioners persisted, said:  
"For God's sake, let a man die in  
peace. I won't squeal."  
He died without changing his mind.

Ross and three others held up a  
road house and got money and jew-  
elry valued at \$500 from a supper  
party. They fled in an automobile.  
Ross was rear guard at the Presidio  
wall.

**ORDER KELLY'S EXTRADITION.**  
Millionaire Contractor to Be Returned  
to Canada For Trial.

Chicago, Nov. 24.—Thomas Kelly,  
millionaire contractor, accused of de-  
frauding the provincial government in  
connection with the erection of new  
parliament buildings at Winnipeg,  
Manitoba, was ordered extradited to  
Canada today by Judge Landis.

## WILSON FAVORS 400,000 ARMY

President in Message Will  
Approve Military Plan  
of Garrison.

## DEFENSE, REVENUE MAIN FEATURES

President Also Will Urge Estab-  
lishment of Merchant Marine—Greater  
Self Government For Filipinos and  
Rural Credits—Need of Army and  
Navy Is Men—Democrats Planning  
to Hold National Convention Early.

Washington, Nov. 24.—President  
Wilson's annual message to congress,  
approved unanimously by the cabinet,  
was nearing completion today. Beside  
questions of national defense and re-  
venue, other questions on which the  
president looks to congress for action  
will be taken up. These include a  
merchant marine, conservation, greater  
self government for the Filipinos  
and rural credits.

The message will declare that the  
United States has a humanitarian mis-  
sion of peace in the world and there-  
fore must be ready to defend its right  
to independent and unmolested action.  
Secretary Garrison's plan for a contin-  
ental army of 400,000 will be strongly  
supported.

The president will, as he did last  
year, declare that it is proper for  
young men to learn to be soldiers but  
expressed the belief that plans sub-  
mitted by the army general staff call  
for a standing force larger than the  
country wants. In referring to the  
navy plans, the president will declare  
that it is as necessary to provide men,  
munitions and equipment as it is to  
build warships.

**Early Democrat Convention.**  
New York, Nov. 24.—Democratic  
sentiment, judging from reports re-  
ceived by William F. McCombs, chair-  
man of the national committee, favors  
an early national convention. Mr. Mc-  
Combs said today that from what he  
had gathered from members of his  
committee, it was likely the convention  
would be held during the first two  
weeks in June.

"We are the dominant party now,"  
he said, "and usually the party in  
power holds its convention first. I  
believe we are all open minded as to  
where the convention should be held."  
Bids for the convention have been  
received from Chicago, St. Louis, Dal-  
las and San Francisco. Mr. McCombs  
expects a full meeting of the commit-  
tee in Washington, Dec. 7, when an  
effort will be made to decide on the  
time and place for the convention.

**OLD COSTUME CHAFED LEG.**  
Count Okuma's Indisposition Due to  
Cumberstone Coronation Garb.

Tokio, Nov. 24.—The operation last  
Monday on Count Okuma, the Japa-  
nese premier, resulted in inflammation  
which appeared in that part of his leg  
which had been left after an amputa-  
tion. The inflammation was caused by  
walking in an ancient costume at the  
coronation.

In 1888 a would-be assassin threw a  
bomb at the count's carriage. The  
count's right leg was so badly torn that  
amputation was necessary.

**INCREASED ROAD EARNINGS.**  
Net Earnings of Southern Pacific For  
October Sets New Record.

New York, Nov. 24.—The Southern  
Pacific Company today issued its  
statement of earnings for October,  
showing a net increase over the same  
month of the preceding year of \$1-  
198,107. This is the largest gain for  
that month in the history of the road,  
and is in keeping with returns recently  
made by other large transportation  
companies, especially in the west and  
northwest.

**AERO SQUADRON DELAYED.**  
Hazy Weather Prevents Departure  
From Austin This Morning.

Austin, Tex., Nov. 24.—Because of  
hazy weather conditions the First Aero  
Squadron, U. S. A., did not start this  
morning on the last leg of its flight  
from Fort Hill to Fort Sam Houston.  
It was hoped a start might be made  
this afternoon.

**SIX DATE OF EXECUTION.**  
Hans Schmidt to Be Executed  
Week of Jan. 1.

Albany, N. Y., Nov. 24.—The court of  
appeals today fixed the week begin-  
ning Jan. 10, as the time for the ex-  
ecution of Hans Schmidt, the unfor-  
eaten priest, convicted of slaying Anna  
Amuller in New York in 1913.

**Burglary at Fernald.**  
Special to Times-Republican.  
Nevada, Nov. 24.—Some time during  
last night burglars broke into the Dar-  
mer's Co-Operative Mercantile Com-  
pany's store at Fernald and stole a  
quantity of merchandise, consisting of  
a heavy mackinaw overcoat, overalls,  
shoes, overalls, two Ingersoll watches,  
one of them in a gunmetal case and the  
other in a nickle case, and other  
property. No clue has been found as  
yet.

**Liberty Bell at Buffalo.**  
Buffalo, N. Y., Nov. 24.—The Liberty  
bell, enroute from San Francisco to  
Philadelphia, arrived here at 9 o'clock  
this morning and was viewed by a  
throng made up largely of patriots  
and fraternal societies and school chil-  
dren. Governor Whitman with Mrs.  
Whitman will accompany the relic on  
its journey across the state.

## T-R BULLETIN NEWS OF THE DAY

The Weather.  
Sun rises Nov. 25 at 6:57; sets at  
4:37.  
Iowa—Increasing cloudiness, with  
rain tonight and Thursday; warmer  
in east and central portions tonight;  
cooler Thursday.  
The low pressure area referred to  
yesterday as being over Alberta has  
moved southward and now overlies  
Wyoming and western Nebraska. It  
has been attended by rain on the  
middle and north Pacific coast and by  
rain or snow over the northwestern  
slope of the Rockies and has caused  
increased cloudiness and higher  
temperature over the central valleys.

## PAGE ONE.

Telegraphic News:  
More Hopeful Turn For Serbians.  
Bold Attack Planned.  
U. S. Ship Employed to Supply Ger-  
man Raiders.  
Villa Making War on Americans.  
Iowa Compensation Law Valid.  
Japan to Aid Allies.  
Wilson Favors Army of 400,000.  
PAGES TWO, THREE AND FOUR.

Iowa News:  
Butter Rules Fixed.  
Twelve Injured at Waterloo.  
War to Affect Labor Situation.  
County Bond Issue For Road Build-  
ing.  
Man and Money Missing From Grin-  
nell.  
PAGE FIVE.

Story:  
The Heart of Night Wind.  
PAGE SIX.

Editorial:  
When Wilson Made Friends.  
Making Each Hand Wash the Other.  
Where Mr. Ford Is Right.  
Topics of the Times.  
Iowa Opinion and Notes.  
PAGES SEVEN, EIGHT, NINE, TEN,  
ELEVEN.

City News:  
Thanksgiving Donation Generous.  
School Children Give to Poor.  
Estate Case in Court Friday.  
Grain Men Discuss Conditions.  
Millikens Married Sixty-two Years.  
General and Brief City News:  
PAGE TWELVE.

Markets and General News:  
Record Price For New Corn.  
Wheat Market Easier.  
Cattle in Good Demand.  
Hog Prices Irregular.  
Daniels to Push Battleship Plan.

## FORD PLANS PEACE MISSION TO EUROPE

Detroit Manufacturer to Take Delegation  
Abroad to Urge Cessation of  
Hostilities — Negotiates For Scan-  
dinavian-American Line Steamer.

New York, Nov. 24.—Henry Ford, the  
Detroit manufacturer, announced to-  
day he would take a peace delegation  
to Europe in an attempt to end the  
war. Mr. Ford will ask leading Amer-  
ican peace advocates to join the ex-  
pedition.

Negotiations have been opened with  
the Scandinavian-American line for the  
charter of the liner Oscar II. If  
the boat is secured, it is proposed to  
start from New York on Dec. 4.

**Flood of Peace Messages.**  
Washington, Nov. 24.—Telegrams by  
the thousands poured into the White  
House today from all sections of the  
country urging President Wilson to  
assist the movement for a conference  
of neutrals to end the European war.

Mrs. Henry Ford recently gave 10,000  
to the women's peace party toward  
the telegraph campaign. The mes-  
sages, which were suggested by Miss  
Jane Addams and other peace advoca-  
tes, were identical.

Friday a delegation of women peace  
advocates will call on the president.

**Iowa Supreme Court.**  
Special to Times-Republican.  
Des Moines, Nov. 24.—The supreme  
court today handed down the following  
opinions:  
Lawley et al. appellants, vs. Keyes  
et al. Polk county. Modified and af-  
firmed.  
Rehearing overruled.

Mitchell, et al vs. Flynn Dairy Com-  
pany, Polk county. Modified and af-  
firmed. Rehearing overruled.  
State of Iowa vs. Asbury, appellant.  
Appanose county. Reversed and re-  
manded.

State of Iowa vs. Albert Chesley, ap-  
pellant. Linn county. Affirmed.  
Hunter vs. Colfax Consolidated Coal  
Company, appellant, Jasper county.  
Affirmed in part, reversed in part.

Fitzmaurice vs. Merchants National  
Bank et al. appellants, Wright county.  
Affirmed.  
Providence Washington Insurance  
Company, appellants, vs. Iowa Tele-  
phone Company, Scott county. Af-  
firmed.

Mullany vs. Cutting, appellant, Win-  
nesiek county. Affirmed.  
Tetzloff vs. May, et al. admin-  
istrator, Fell et al. intervenors, appel-  
lants, Floyd county. Modified and re-  
manded.

C. R. I. & P. Railway Company, ap-  
pellant,