

FORD CASE DEC. 14 FULL BENCH OF SUPREME COURT TO PASS ON WRIT OF HABEAS CORPUS.

STATE RESISTS EFFORT TO PROCURE BAIL BOND Attorney General insists Sioux City Politician Held For Participation in Bank Robbery Shall Be Held in Jail Until Tried—County Fair Gambling Charges Not Sustained.

Special to Times-Republican. Des Moines, Dec. 11.—At a full bench of the supreme court to be held Tuesday, Dec. 14, the writ of habeas corpus in the Charles Ford case, appealed from the Woodbury county district court, will be considered.

Under all the circumstances in this case, the state attorneys declare in their printed argument, "considering the fact that all the testimony introduced in testimony which supports and upholds and sustains the indictment and to overcome which the appellant has introduced absolutely nothing, there can be no sound theory upon which it can be contended that in this case proof is not evident and presumption great."

The executive committee of the state board of agriculture yesterday decided that the charges of gambling on the Lyons county fair and the Chickasaw county fair were not sustained and ruled that these two fair associations be given their state aid as claimed.

The state board of control has purchased two blocks of ground containing two warehouses from the American Hay Tool Company for \$15,000. These two concerns are going out of business inasmuch as contract labor has been done away with at the state prisons.

State Commissioner of Labor A. L. Urick probably will start a general inspection of fire escapes in all of the larger cities of the state soon. One of the state inspectors is now working with a city inspector in Des Moines and new fire escapes are being ordered where the present ones do not comply with the law.

WILL CONTEST BONE'S CLAIM.

Attorneys Give Opinion That Patent is Invalid. Special to Times-Republican. Des Moines, Dec. 11.—At a conference held in the attorney general's office yesterday the validity of the patent claimed by Frank A. Bone, of Columbus, O., was investigated.

Bone claims a patent on a method of reinforcing retaining walls. Attorneys are now claiming that his patent is not good and that his case against the Dubuque contractors will not hold.

At the conference yesterday were Edwin Austin, an attorney from Topeka, Kans.; Arthur G. Bush, an attorney from Davenport; Prof. Milo Ketchum, of the University of Colorado, Boulder; Thomas H. McDonald, of Chicago, Ill., writing your name and being made to mount the animal, according to Jack Heaton of the park force.

WOULD DECLARE MAN DEAD.

Suit Brought to Settle Estate of Missing Brother. Fort Dodge, Dec. 11.—Mary J. Twining, sister of Gasper C. Line and James O. Line, filed a petition Thursday afternoon in district court asking that her oldest brother be declared legally dead. He was of a roving disposition and would disappear from place to place occasionally visiting Fort Dodge, his headquarters. In the summer of 1904, without a word to anyone, he slipped out of town and since that time not a word has been heard from or about him.

Another brother of the plaintiff, James O. Line, in 1912, disappeared from this city and he too has not been heard from since that time. He left one son, Gasson J. Line, now 19 years of age. In May, of 1912, Mrs. Mary A. Line, the mother of the two missing men, and the defendant, Mrs. Twining, died, leaving an estate of \$15,000. As the older brother's share \$5,000

was set aside. This is put aside for him. In the action started it is asked that the defendant be declared legally dead and the money put in the hands of Mrs. Twining as administrator. If Gasson Line is living he is now 59 years old. The missing brother would be 63.

LONG-DALTON LIBEL SUIT.

Court Takes Rescess to Consider Objections by Counsel. Special to Times-Republican. Rockwell City, Dec. 11.—The court room was well filled with a very attentive audience Friday as the testimony was being received in the Long-Dalton libel suit. For some time the plaintiff, concluded his testimony Friday forenoon. He made a good witness and the most rigid cross examination failed to shake him in the least. His niece, Miss May Corry, was the only other witness for the plaintiff.

John Dalton, the defendant, was the first witness for the defense. One of the most prominent men of Mason, M. W. Fitz, a leading banker there, was the next witness. He was the one to whom was largely due the reconciliation proceedings of two years ago when the first libel case was dropped. He told about the incident in detail. He was called by the counsel for the plaintiff, and said that he regarded the plaintiff as a man whose word was perfectly good.

Dr. Young, called by the defendant, gave the same testimony that he regarded Mr. Long as an honest man and one who could be trusted. The testimony is probably all in. The judge adjourned court till Monday afternoon at 1:30, in order that he might have time to go over some objections by the counsel and prepare his instructions for the jury. The case will probably go to the jury Tuesday.

TWO TAKEN TO ASYLUM.

Chinaman Serving Jail Sentence Found to be Insane. Northwood, Dec. 11.—Deputy Sheriff A. K. Trustum, of this city, and Deputy and Mrs. Howard Cady, of Kensett, accompanied two patients from Northwood to the state hospital for the insane at Cherokee, one being the Chinaman, Mack Beck Fook, and the other Miss Elizabeth M. Hoffman, for the past few months a teacher in a rural school in Hartland township.

Fook, it will be remembered, is the Chinaman who robbed the local lumberman a few weeks ago, and after trial was sentenced to serve thirty days in the county jail. It was while in jail the Chinaman showed the first signs of an affliction of mind. He was kept by Sheriff Gullickson and other members of the household awake by his peculiar noises and other disturbances, and it was concluded he was mentally unbalanced.

FARMER HAS CLOSE CALL.

H. G. Fillenwarth, of Calhoun County, Attacked by Bull. Special to Times-Republican. Rockwell City, Dec. 11.—H. G. Fillenwarth had a very narrow escape from death yesterday afternoon when a bull he was leading to water became enraged and attacked him. He was knocked to the ground and the animal gored him and trampled upon him and had it not been for a dog whose barking took the attention of the infuriated animal just long enough for Mr. Fillenwarth to get a short hold on the rope fastened to a ring in the bull's nose and jerk it violently, there is little doubt that Mr. Fillenwarth would not be alive to tell the story. As it is he is very seriously injured, has three broken ribs, a knee cap torn off, and internal injuries the extent of which can not be ascertained as yet. His cries attracted the attention of two men passing by who rescued him from his dangerous position.

HERD OF SHEEP STOLEN.

Eighty Head Driven From Minnesota at Night. Special to Times-Republican. Mason City, Dec. 11.—Stealing a sheep isn't much of a trick but to steal a whole flock is going some. John Fox, who lives over the state line in Minnesota, had bought eighty registered sheep, but later on he was browsing around and were doing fine. A few days ago he went to look after them and nary a sheep could be found. There was no evidence that they had broken thru the fence and Fox commenced a systematic search for them. He has been unable to locate them and his neighbor has seen them. Fox is now convinced they were stolen. He paid \$1,200 for the flock.

Mother Buffalo Dies Suddenly.

Des Moines, Dec. 11.—The mourning in the Buffalo family at Columbus, O., was investigated. The mother was reared in Des Moines and spent her entire life here. Plans are being made to mount the animal, according to Jack Heaton of the park force.

Provide Medical Inspection.

Onawa, Dec. 11.—The Onawa schools have inaugurated a system of medical inspection of pupils. Four of the local physicians have volunteered their services until all of the pupils have been examined. The examination is to cover the eye, ear, nose, throat, tonsils, adenoids, teeth and skin and general condition. So far only one objection has been out of 200 examined.

Purchases Electric Franchise.

Sheldon, Dec. 11.—Art Anderson has purchased the transmission line and electric franchise of G. A. Healey between Pringhar and Sanborn as well as the franchise in Pringhar and will operate the same hereafter. He pays \$10,000 for the equipment and franchise and also pays half the gross receipts for the current furnished.

Our Jitney Offer—This and 5c.

DON'T MISS THIS. Cut out this slip and mail it to Foley & Co., Chicago, Ill., with your name and address clearly. You will receive in return a trial package containing Foley's Honey and Cat Compound for coughs, colds and croup; Foley's Kidney Pills for pain in sides and back; Headache Tablets, for headaches and migraines; and Foley's Cathartic Tablets, a wholesome laxative for constipation, biliousness, headache and sluggish bowels. McBride & Will Drug Co.

POLICEMEN BLUNDER SIOUX CITY OFFICERS SHOOT RAILROAD EMPLOYEE THRU MISTAKE.

MISTOOK HIM FOR HIGHWAY ROBBER. Victim, L. L. Harrison, Thought Officers Were Hold-Up Men and Reached For Gun—Policemen Regret Killing But Declare They Were Justified.

St. Vincent's hospital from wounds received when shot by Police Captain George Overmire Thursday night. An inquest will probably be held.

"It is too bad, but he should not have made such a play for his gun," said Captain George Overmire, in explanation of the shooting of Harrison, 1206 Sixth street. "We had been looking for a hold-up man and saw Harrison. We thought he answered the description of the man wanted and stopped to question him. He acted suspicious and when I said, 'I don't care whether you are officers or not' and reached for his gun, I shot."

Thinking, as he said, that Policemen Gary and Captain Overmire, were hold-up men, and consequently not regarding their commands, Harrison was shot and when he fell he was in the police car Thursday night, is the account given by the police. They had been north and were returning down Virginia street when they saw two men standing at the corner of Sixth and Virginia.

The police were after some men who had been in two shooting scrapes and Gary stated one of the men standing on the corner answered the description of one man wanted. The man was ordered stopped and Gary jumped out the car and Harrison separated by this time and Harrison one of the men, was walking south on Virginia street. He was about fifty feet from the corner when the policeman shouted to him, is the account given by Gary.

"Wait a minute, I want to talk to you," is the manner Gary claims to have accosted the man. The lights of the police car were turned on Harrison and the police were out of the car. No attention was paid to the first command, but later on, an officer, "wait a minute," brought an exclamation of "What the hell do you want to see me for?" from Harrison.

With that, Gary asserts, Harrison turned slightly and started walking backwards. Gary tells of advancing towards the man and just as he was

about ten feet away of saying, "Can't you wait a minute, I'm an officer and want to see you?"

They came the one act, Gary says, that might be responsible for the death of the man. Gary was walking towards Harrison and had his hand on his revolver in his coat pocket and a flashlight, not lighted in his left hand. Overmire was close by and the two other policemen were slightly to the rear.

COUNTY STEWARD ENDS LIFE.

George H. Daiker, of Carroll County, Fires Bullet Into Brain. Special to Times-Republican. Carroll, Dec. 11.—George H. Daiker, steward at the county poor farm, committed suicide late Thursday afternoon, shortly after his return home from Carroll, by placing the muzzle of a rifle to his temple and discharging the contents thru the top of his head.

The story given by Mr. Daiker upon returning home engaged in a dispute with members of the family. It is said that Mr. Daiker was slightly intoxicated and made things quite disagreeable thereabouts. He made the remark that he would settle it and headed for the room where the gun was kept. Frightened, his wife and other members of the family rushed out of doors and hid behind the buildings, expecting to be pursued by the enraged man. Shortly thereafter a rifle shot was heard. Fearing to attempt an investigation, members of the family called for help and found the lifeless body lying in his own pool of blood on the parlor floor. The coroner was called and the investigation proved that the act was deliberate and that Daiker's death was self-inflicted.

Mr. Daiker was nearly 50 years old and leaves a wife and several young children. For a number of years Mr. Daiker has been steward at the county farm and has attended to the work very satisfactorily.

PRISON TERM FOR BANKER.

Hartford and Percy Financier Sentenced to Ten Years. Knoxville, Dec. 11.—C. C. Carter, who Wednesday was found guilty of fraud in connection with the failure of his two private banks at Hartford and Percy, was sentenced yesterday to ten years in the penitentiary by Judge Applegate.

Steele, of Des Moines, attorney for Carter, filed notice of an appeal to the supreme court and the appeal bond of \$3,000 was signed and Carter liberated.

Big Fraternal Picnic Planned.

Work will be done on the grounds of a big fraternal picnic to be held next summer were taken last evening at a meeting in Pythian temple. Fifteen local lodges and societies were represented, and a committee was appointed to formulate plans for carrying out the project.

Ida Grove Theater Sold.

Ida Grove, Dec. 11.—The Princess theater, one of the best equipped and most attractive movie playhouses in northwest Iowa, was sold this week to J. H. Pooler of Lake City, who takes possession Monday, Dec. 13. Mr. Pooler is a former grain and real estate man of Lake City and will move his family to Ida Grove and make this his home. The present employees will be retained.

ORIGINAL NOTICE.

In the district court of Marshall county, Iowa, January term, A. D. 1915. H. C. Chapin, plaintiff, vs. J. C. Bentley, Joseph C. Bentley, Elvira A. Bentley, Louisa E. Bentley, Harriett J. Bunch, Harriet J. Bunch, Harriett J. Bunch, Eliza M. George, John B. Bentley, Alonzo Bentley, D. A. Wilbur, Charles Miller, E. H. Trease, W. M. Trease, and the unknown claimants of the following described real property, to-wit: The north half (n/2) of the northwest quarter (nw/4) of section three (3); also the north half (n/2) of the northwest quarter (nw/4) of section two (2), all in township eighty-five (85) north range nineteen (19) west of the 5th P. M. Marshall county, Iowa, defendants.

To J. C. Bentley, Joseph C. Bentley, Elvira A. Bentley, Louisa E. Bentley, Harriett J. Bunch, Harriet J. Bunch, Harriett J. Bunch, Eliza M. George, John B. Bentley, Alonzo Bentley, D. A. Wilbur, Charles Miller, E. H. Trease, W. M. Trease, and the unknown claimants of the following described real property, to-wit: The north half (n/2) of the northwest quarter (nw/4) of section three (3); also the north half (n/2) of the northwest quarter (nw/4) of section two (2), all in township eighty-five (85) north range nineteen (19) west of the 5th P. M. Marshall county, Iowa, defendants.

You and each of you are hereby notified that there is now on file in the office of the clerk of the district court in and for Marshall county, Iowa, the petition of the above named plaintiff claiming of you that he is the owner in fee simple absolute of the following described property, to-wit: The north half (n/2) of the northwest quarter (nw/4) of section three (3); also the north half (n/2) of the northwest quarter (nw/4) of section two (2), all in township eighty-five (85) north range nineteen (19) west of the 5th P. M. Marshall county, Iowa, defendants.

That none of you whomsoever have any right, title or interest in and to said property and praying that plaintiff's title in and to said property be established as a title in fee simple absolute and that any and all rights that you may have or claim to have in and to said property be forever barred and that plaintiff's title to said property be established as against you and each of you as and for a title in fee simple absolute. Also claiming that the north half (n/2) acres of the northwest quarter (nw/4) of section two (2), township eighty-five (85) north range nineteen (19) west of the 5th P. M. Marshall county, Iowa, same being the January A. D. 1916 term of said court, which will be begun and holden at the court house in Marshalltown, Iowa, on the 23rd day of January, A. D. 1916, your default will be entered and judgment and decree will be rendered against you quieting plaintiff's title and establishing his title in and to said property as a title in fee simple absolute and the prayers of plaintiff's petition will be granted by said court and any and all rights that you may have or claim to have in and to said property will be forever barred and such other and further relief will be granted as equity may direct in his favor.

E. H. LUNDY, DEAN W. FERLIN, W. H. SOPER, Attorneys for plaintiff.

NO BAN ON MALTED MILK Sales at Soda Fountains Not Restricted by Law, According to State's Attorney's Ruling—No Change in Law as to Patent Medicines.

Des Moines, Dec. 11.—Malted milk drinks may be sold at soda fountains without violating the state prohibitory laws, John Fletcher, assistant attorney general, yesterday stated in an opinion given to Al Falkenheimer, secretary of the Iowa Pharmaceutical association. The state official completely exonerates malted milk of the charge of containing alcohol, when mixed with drinks and consumed while fresh.

In the opinion Mr. Fletcher also clears up a number of points which have been puzzling legislators of the state. Regarding malted milk, he says: "Malted milk in the condition in which it is prepared by the manufacturers does not and can not by reason of its character contain alcohol, and the addition of milk, ice cream, charged water, used as a stimulant at soda fountains would not in any way generate alcohol."

"It is true of this, however, as it is of many sweetened drinks or foods, that if permitted to stand a sufficient time after being mixed, a fermentation will take place which would cause the formation of more or less acids and therefore alcohol. But when made up and drunk while fresh no fermentation is possible and therefore there is no alcohol present or any other ingredient that would produce an intoxicating effect."

"Hence there would be no violation of the prohibitory laws in selling a drink which does not contain an intoxicating ingredient in any quantity when sold."

Answering the question whether a drugist after Jan. 1, 1916, may sell patent medicines containing alcohol, Mr. Fletcher says: "No change was made by the Thirtieth general assembly in the prohibitory laws which in any way affect the sale of patent medicines containing alcohol. The law on this question therefore is the same as it has been for years past; that is, that when alcohol or other liquor is used in connection with substances of a medical character and so compounded with substance as to lose its character as an intoxicating liquor and is not desirable for use as a stimulant, the sale thereof is not prohibited in this state no matter what the per cent of alcohol may be."

Nora Springs Store Burns. Special to Times-Republican. Mason City, Dec. 11.—The Nora Springs Mercantile Company store was destroyed by fire yesterday at 7:30. It was thought to have caught from a big stove used in heating the store. Mayor C. A. Coon was the owner. The loss of stock will reach \$3,000. The damage to the store will not exceed \$500.

Ida Grove Theater Sold. Ida Grove, Dec. 11.—The Princess theater, one of the best equipped and most attractive movie playhouses in northwest Iowa, was sold this week to J. H. Pooler of Lake City, who takes possession Monday, Dec. 13. Mr. Pooler is a former grain and real estate man of Lake City and will move his family to Ida Grove and make this his home. The present employees will be retained.

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E. H. LUNDY, DEAN W. FERLIN, W. H. SOPER, Attorneys for plaintiff.

Advertisement for Detroit Electric cars, featuring an image of a car and text describing its features and availability from the Iowa Motor Car Company.

Advertisement for The Hawkeye Fuel Co., featuring a large image of a fuel tank and text promoting coal and wood.

Advertisement for A. W. Carroll Co., featuring text about electrical work and contact information.

Railroad Time Table for Chicago Great Western, including routes like 'Corn Belt Route' and 'GOING WEST', with departure and arrival times for various stations.