

CARROLL CASE IS NOT TAKEN FROM THE JURY

JUDGE HOWE OVERRULES MOTION OF DEFENSE ASKING DIRECTED VERDICT IN GOVERNOR'S LIBEL TRIAL

COURT OUTLINES HIS INSTRUCTIONS

SAYS HE WILL INSTRUCT JURY THAT GOVERNOR MADE SELF LIABLE IF HE WENT BEYOND BOUNDS OF SELF DEFENSE.

Des Moines, Sept. 24.—(Special.)—Judge Howe this morning overruled the motion of attorneys for Governor Carroll to take the libel case from the jury and instruct a verdict of not guilty, and announce his intention of submitting the case to the jury, both as to the law and the fact. He denied the claim of the defendant as to the privileged character of the communication and stated that under all circumstances he would not be justified in saying that there was no question to be submitted to the jury. In regard to what he would do in instructing the jury, Judge Howe said: "The jury will be told of the constitutional and statutory provisions relating to criminal libel, and the law in relation thereto will be fully expounded as is usual in cases of this character."

"The jury will be told that if the truth of the statement or statements contained in the article upon which the indictment is based is established, it would constitute a defense to such statements and no conviction could be predicated thereon."

"That the defendant as governor possessed the legal right to determine the manner of the discharge of his official duties and that such official acts are privileged and cannot be made the basis of a criminal prosecution for libel."

"That the general rule as to self defense obtains insofar as it is applicable to the statement issued by the defendant and that when Governor Carroll's character was attacked in the open letter of Mr. Cowles, he had a right to defend himself, and that the right to defend himself had to be defended in person had been attacked."

"That so long as his act consisted only of a self defense he is not amenable to the law of libel, and can be held for libel in this case only in the event he exceeded his legal rights and himself became the aggressor by maliciously libeling the complainant as charged in the indictment."

"That the jury will be told further that by a constitutional provision, the people have reserved to themselves the right, speaking through a jury, to deal with the matter of criminal libel."

"That this is not with a view of punishing the innocent but in order to give the jury greater latitude to say whether the accused should be punished or whether in view of the circumstances of the case, the interest of society will be subserved by acquittal."

The defense will commence introducing evidence Monday.

The case was put in the hands of the court yesterday afternoon through a motion made by the defense at the conclusion of the state's testimony. Arguments were heard all during the afternoon session. The court announced at adjournment that the decision would be made this morning.

The principal issues raised by the defense were:

That Governor Carroll was privileged in publishing the charges against Cowles.

That the article published by the governor was not libelous in itself.

That no testimony has been introduced by the state showing malice on the part of the governor.

The main contentions of the state are:

That Governor Carroll was privileged in no degree in publishing a single one of the charges against Cowles.

That his published letter answering Cowles' statement was libelous per se.

That Governor Carroll overstepped his right and showed malice in telling editors and politicians of the charges against Cowles, and that he should have stated the charges only to the state senate.

That his claim of privilege under the law is an admission on his part that he believed the charges made against Cowles were untrue.

TO REPRODUCE CIVIL WAR FAIR

DUBUQUE'S PATRIOTIC LADIES' PLAN TO HELP MEMORIAL FUND.

Dubuque, Sept. 24.—Relative to the movement at present afoot for the raising of funds for the proposed Memorial hall here, it is planned to reproduce the fair given in Dubuque at the time of the civil war, for the purpose of raising funds to help along the movement.

Much interest has been aroused among the women who are at the head of the proposition, and active work towards its consummation will begin shortly.

Some of the Plans. Following is a statement relative to the fair which has been given out by one of the ladies interested:

The women of the civil war have a plan for a state wide movement that will advertise Dubuque more than it has been in twenty years.

Next year they plan to reproduce as far as they can, the fair which was held in Dubuque in 1864, when the projectors of it realized eighty thousand dollars. (The record of it can be found in the Public Library.)

We would introduce in it new features other than those of the present time—these would be hundreds of booths presided over by ladies from all patriotic and religious societies. It will create a deep interest in all circles, and will appeal to everybody; for all sections of the city would be recognized and interested in this fair.

This all would be done for the purpose of raising money for the purchase of a Memorial hall. The memorial association and the Allison and Henderson associations are all interested in the memorial hall scheme. We plan to purchase the Frank Stout home for our memorial hall, and when the time comes, to dedicate it, months hence. When the monuments to Allison and Henderson are ready to unveil, then let that be the time for holding this fair, to close this year by holding a "congress of nations," and we would say for illustration, it would be a Monday, and we would call it Lincoln's day, when we would invite President Taft to be our guest and speaker and we would invite the people of Des Moines and adjoining towns to also be our guests. The women of the civil war being the hostesses for the day.

Tuesday and Wednesday could be Allison or Henderson days, and Col. Roosevelt or some very close friend, could be invited to be the guest and speaker, and the prominent ladies of the city be the hostesses those days, inviting people of a certain group of cities to be their guests.

Thursday could be Grand Army day, when the national commander and state commander of the Grand Army, with a ladies highest in honor in the ranks be their guests, and the ladies of Shilo circle and the Women's Relief Corps could be the hostesses, and invite the different chapters, circles, corps or divisions of the whole state to be with us upon that occasion.

Then Saturday could be Dubuque day, when it would be a drawing card (Dubuque being democratic) to invite William Jennings Bryan to be our guest and speaker. Also some of our senators and congressmen; bring them here, let them know we are still on earth, and when we want to put a petition through congress, not to forget us.

CELEBRATION AT OSCEOLA. Woodmen Make Big Plans for Log Rolling and Baby Show.

Osceola, Sept. 24.—The plans for the big Woodman Log Rolling in October are progressing nicely, and everything will be in readiness before the time rolls around. One thing is certain, and that is this, that the people of Osceola are going to make every effort to show our visitors a glorious good time.

Quite a number of free attractions will be secured, and among those already secured are the Credo's, an acrobatic team and one of the very best and most expensive to be had, and Trux McHale, who is quite well and favorably known here.

On October 6th, will occur the Baby show. The contestants are limited in age from 6 months to 24 months, and the prizes are to be a \$10 go-cart, donated by Horton & Bailey, for first prize, a solid gold locket, chain and pin set, donated by Bond Bros. Jewelry and three dozen \$2.50 photos, donated by Robinson's photograph gallery.

The judges are J. J. Fleming, Geo. LeHuguet and Rev. R. Howry. No mother would dare question the verdict of such eminent baby authorities.

MEET AT DIAGONAL. Annual Convention of Ringgold County Sabbath School Association October 3-4.

MT. AIR, Sept. 24.—The annual convention of the Ringgold County Sabbath School association will be held at Diagonal Monday and Tuesday, October 3 and 4. W. B. Buck of Rice township, secretary of the association has issued a circular letter urging every Sunday school in the county to send at least one delegate. Mr. Buck's letter follows:

To the Sabbath schools of Ringgold county: The Ringgold County Sabbath School association will hold its annual convention this year at Diagonal on Monday and Tuesday, October 3 and 4.

We are planning for a great convention. Rev. F. F. Fitch, secretary of the Iowa Sabbath School association will be present and speak on the following subjects: "The Sunday School's Greatest Need," and "The Strength of Sunday School Associations."

We also will have with us Clarence L.

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WIT AND WISDOM CLUB MEET

FAIRFIELD LITERARY PEOPLE HOLD THIRD ANNUAL PICNIC.

Fairfield, Sept. 24.—The third annual picnic of the Wit and Wisdom club was held at the Old Settlers' Log cabin and was one of the most delightful meetings which the members of this organization have ever enjoyed. Almost the entire membership was present.

The members and their friends were taken to the Old Settlers' park about 5 o'clock, the ladies among the members having prepared a sumptuous repast which was arranged on the tables in the cabin.

At the conclusion of the repast a program was given. Prof. W. A. Wirtz acting as toastmaster. The following members were on the program of the evening.

Miss Florence Avery—German fairy tales. Rev. W. W. Montgomery—Clubs. Prof. H. M. Gage—"The Strenuous Life."

Rev. H. J. Hogan—"The Wisdom of Wit."

A program committee for the coming year was elected and the members are Rev. W. W. Montgomery, Mrs. J. E. Johnson and Prof. Charles Carter. The first regular meeting of the year will be held on Friday, October 7, at the home of Mr. and Mrs. Theodore Hochuly on East Burlington street.

DAMAGE CASE IS NEARING END

ARGUMENTS TO JURY IN JACKSON & BLAIR VS. EXPRESS CO. WILL FINISH SOON.

The case of Jackson & Blair against the Wells Fargo Express Co. for damages in the sum of \$2,000 owing to the loss of two stallions shipped over the company's lines, is now nearing the end. The testimony concluded this morning and the arguments were commenced this afternoon.

It is the purpose of the court to bring this case to a close this week in order to avoid interference with the criminal docket which begins Monday. Few cases with no greater amount involved have taken so long a time in the hearing in Wapello county court than this case.

In the course of the hearing, witnesses from Kansas City, Mo., and Albuquerque, N. M., have been used, and a great amount of depositions from persons connected with the case were taken.

HERMANN WANTS MORE EVIDENCE

HEAD OF NATIONAL COMMISSION BECOMES INTERESTED IN OTTUMWA'S CLAIM.

That the national commission, the highest court of organized baseball, is anxious to shift to the bottom the failure of Owner C. W. Murphy to live up to his statements regarding the exhibition game here with the Chicago Cubs on September 9, is made positive by the correspondence passing between the Cincinnati official and the Ottumwa League Baseball club. Mr. Hermann has requested a copy or photograph of the register page of the Ballingall hotel where the Cubs were quartered while in Ottumwa and also an affidavit from the clerk setting forth whether one man signed for the Cubs or whether each individual signed his own name.

This information is sought to thoroughly establish the claim of the Ottumwa baseball directors that the Cub management sent Jimmy Evers and Toots Hoffman to Ottumwa masquerading as the original Johnny Evers and Artie Hoffman. Their names appear on the Ballingall register as "J. Evers" and "A. Hoffman."

President Lynch received a card from Manager Egan this morning saying that he had finished his business in Chicago and had started to his winter home in St. Paul. He said a letter would follow. In this letter Mr. Egan will doubtless advise the Ottumwa directors what success he had in Chicago yesterday.

RICHARDS CAUGHT TOO MANY FISH

ARRESTED FOR ILLEGAL FISHING AND PAYS A FINE OF \$10.

Having more luck than the average fisherman, C. H. Richards, into trouble this morning. He was arrested near the red house by Deputy Fish and Game Commissioners J. C. Hall of Des Moines and George Kitterman of Hevick for unlawful fishing. He had his possession fifty-four channel cats measuring from five to eight inches long. Forty fish is as many as one person can have in his possession according to the state law. All fishes caught must also be over six inches long. For these violations Richards was arrested. He was arraigned before Justice G. B. Kell and pleaded guilty. He was fined \$10 and costs which he paid.

INCOMPLETE LIST OF 1910 RAG WINNERS

- Incomplete list of 1910 pennant winners: National—Chicago. American—Philadelphia. American association—Minneapolis. Eastern—Cincinnati. Southern—New Orleans. Tri-State—Altoona. Northwestern—Spokane. New York State—Wilkesbarre. Central—South Bend. Three-I—Springfield. Texas—Dallas. Connecticut—Waterbury. New England—New Bedford. South Atlantic—Columbus, Ga. Ohio and Pennsylvania—Akron. Cotton States—Greenwood. Virginia—Danville. West Virginia—Appleton. Central association—Quincy. Northeast Arkansas—Disputed by Carutherville and Paragould. Western Canada—Disputed by Calgary and Edmonton. Eastern Carolina—Fayetteville. Minnesota—Wisconsin—Eau Claire. Southeastern—Knoxville. Washington State—Raymond. Nebraska State—Freemont. Michigan State—Cadillac. Virginia Valley—Huntington. Illinois—Missouri—Pekin. M. I. N. K.—Palls City. Central association—Greenville. Eastern Kansas—Sabetha. Kansas State—Hutchinson. Connecticut association—Middletown. Blue Grass—Paris. L. I. T.—McLeansboro. Ohio State—Fortsmouth.

TWO FALL FROM SMOKESTACK.

Clinton Stepmoore and Ed. Pearson, employed in erecting a smokestack at the Clinton Gas plant, had a narrow escape yesterday afternoon when the scaffolding on which they were working, 150 feet in the air gave away. The men fortunately landed on another scaffold thirty feet below, breaking the downfall. Stepmoore suffered a fractured limb while Pearson escaped with a few scratches.

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The Government Irrigated Homestead Lands

Big Horn Basin and the Yellowstone Valley

are today the garden spots of the country. Several farms are now ready to homestead, and the Government Surveyors are laying out more new farms for new settlers who are lucky enough to get on the ground in time to get the choice of these new locations. Our new literature just from the press tells how you can homestead these lands and enjoy the government the actual cost of the water right in ten yearly payments without interest.

CAREY LANDS ACT. Several thousand acres of Carey Act lands just open to entry—only thirty days' residence required. The settler buys these lands from the state and the perpetual water right from the irrigation company. Long time given to settlers to pay for these lands and water rights.

Join our personally conducted excursions the first and third Tuesdays of each month.

Write for specially prepared Wyoming Literature. D. CLEM DEEVER, General Agent LANDSEEKERS' INFORMATION BUREAU. 1004 Farnam St., Omaha, Neb.

Burlington Route

Spring, Mo., Monday to visit his son Alva. D. H. Kirkby is taking a trip through Oklahoma this week. J. T. Lowry was in Centerville on business Monday.

Miss Osa Kaufman left for Gettysburg, S. D., Tuesday to visit relatives. James Daniels left Tuesday for a visit with his brother D. W. Daniels at White Lake, S. D.

Joe Mills of Powersville was a Seymour visitor Tuesday. John McKeever returned to her home in Alva, Okla., Monday after a visit with her mother Mrs. A. Wooden and other relatives.

James E. Tichen and Elmer Bonner left Tuesday for Lewistown, Mont. Mrs. Carl Howry of Powersville, left Tuesday for Roundup, Mont., after a visit with the Boyssel family and other relatives.

Mrs. Arthur Bedell and family of Gravity, Ia., left Monday for Mt. Zion after a visit with relatives. James Mullen and family went to Powersville Sunday to visit relatives.

Mrs. Sarah Webb left Sunday for Staunton, Ill., to visit relatives. Miss Frona Best of Mystic returned home Sunday after a visit with relatives here.

LIBERTYVILLE. Clyde Morley and wife moved to Libertyville Thursday, where they expect to make their future home. Miss Daisy Shenick left Monday for Maud, Ariz., to visit her sister Mamma.

Fred Stansberry and Everett Faye left Monday for Fontanelle, Ia., where they will work on an elevator to be erected there. Miss Frieda Carter of Burlington visited over Sunday with her father and brother.

Bud Laughlin and wife of Floris spent Sunday with relatives here. Mr. and Mrs. Jerry Wolf spent several days last week with the former's parents at Udell.

Fred Ray Leach and daughter of Fairbury visited several days this week at the C. Vaught home. Mrs. Charley Yost and children of Conway, Texas, are visiting at the Ward and Harley Yost homes.

Misses Mary and Anna Ashmead of Pennsylvania have been visiting relatives here. Mrs. R. O. Sherrick was shopping in Ottumwa Monday.

Ivan Pollock expects to leave this week for St. Louis to attend school. Mr. and Mrs. M. D. Peebler have returned from Wyoming where they spent the summer. Mrs. Peebler is in very poor health.

James Peebler was a business visitor to Farmington Wednesday. Mrs. W. H. Riggs and son spent Sunday with relatives in Richmond. Pauline Chambermaid of Fairfield spent Thursday with her sister, Mrs. Charley Webb.

Charles Leach and Ira Bartholomew at the Ballingall hotel in Ottumwa last Wednesday. The ceremony was performed by the Rev. Jeffrey of the First M. E. church of that city. The bride has been a resident of Fairfield for a number of years and is very well known and respected in that large city of friends, who will wish them a great deal of joy.

BLAKESBURG. Mrs. Roy Miller and children of Dudley are visiting at the Kent Chism home.

Charles Crawford and family returned Wednesday from Powersville, Mo., where they attended the county fair at that place.

Wilbur Snow who has been quite ill with typhoid fever is recovering. Rev. Scott the new M. E. minister from this circuit is moving in the parsonage.

Chas. Cochran and wife were Albia visitors Wednesday. Chas. Fulmer and family of Davis City, Neb., are visiting relatives here.

Phillip Tinsley of Spencer, Neb., came Thursday to attend the funeral of his mother Mrs. Pliny Tinsley. Grace Herron is visiting in the country with her mother Mrs. Dave Major.

EDDYVILLE. Mrs. W. A. Nye and daughter came up from Chillicothe Thursday and moved into the Vance property which Mrs. Nye has leased for the winter.

Miss Edith Pierson of Ottumwa visited this week with her sister Miss Gertrude Pierson. Miss Harriet Wade of Cody, Wyo., is the guest of her aunt and uncle, Mr. and Mrs. Chas. Stuber.

Ray Valentine of Virleville, O., is visiting his uncle Mr. and Mrs. Chapman and other relatives. Mr. and Mrs. Wm. Chapman and Mrs. Valentine visited with Mrs. Strange in Kirksville on Thursday.

Mr. and Mrs. O. P. Awtry have been visiting relatives in New Sharon and attending the New Sharon fair. Mrs. Chas. Oldham and Mrs. Chris Johnson were Ottumwa passengers on Thursday.

Miss Gertrude Pierson and Miss Carpenter entertained the teachers of the Eddyville school at the home of Mrs. H. J. Wing Friday evening. Jim Davidson has returned from a

CASTORIA For Infants and Children. The Kind You Have Always Bought

Bears the Signature of J. C. Watson