

CAPITAL NEWS VINDICATED IN COURT

(Continued from First Page.)

basis of the complaint and which the Capital News declared was true, in which claim it was substantiated by the jury, was as follows:

INSPECTION OF SLAUGHTER HOUSE IS REVELATION

Place Kept by the Central Meat Market Closed by Order of State Health Authorities.

With files breeding and covering almost everything in sight, with maggots working around in newly rendered lard, with a pile of offal three feet high and 20 feet across the base, James H. Wallis yesterday decided that the slaughter house of the Central Meat Market was no place to kill meat that is to be sold to Boise consumers and he closed the place down.

Seals of the state were placed over every door and on every vessel containing the lard, while nearly \$300 worth of newly cut beef was confiscated and placed in cold storage until the termination of the case which the inspector started at once against the company. A complaint was sworn out charging, as the first count, that M. F. Bosworth, manager of the place, had killed animals between the hours of 8 o'clock and 4 o'clock.

The state inspector also charges the market with keeping its stock in the pen for more than 48 hours without food or water when the limit is 20 hours. He charges them with maintaining an insanitary place, with not tanking the offal according to law, with running the blood and other refuse of the animals into the river without legal right, and with violating the pure food laws in many other ways.

Damaging to Pierce Park.

For 300 feet the waters of that branch of the Boise river which flows through Pierce park is contaminated with blood of the animals slaughtered by the market. The water has a tinge of red for that distance. The magnificent specimen of flies and mosquitoes that can always be seen at Pierce park in such abundance breed from the place, the inspector thinks. He believes that a beautiful pleasure ground is being spoiled by the maintenance of the decidedly insanitary conditions that he found on his inspection trip.

Large vessels of lard, rendered in a place so dirty that a person shuddered as he entered, were opened by the state department and the maggots exposed. They were crawling around over the dingy white surface of the goods that would have been, the inspector says, in the homes of a few hours.

But the filthy building in which the lard was rendered and the decidedly insanitary conditions under which it was prepared for market was only one of the long string of grievances that the state inspector has against the company. In the slaughtering room he found piles of old offal covered with flies and dirt and lying within just a few feet of the place where the butcher was cleaning the newly killed animal when the officer arrived. From the gigantic offal pile just outside the building to the smaller one, lying on the concrete floor of the slaughter house and back to the rendering tank and the lard cans is only a short distance for the armies of flies.

Standing in their places as they were watching the work, the inspectors saw the blood and other refuse washed down the chute into the branch of the river that flows under the two bridges in Pierce park. They discovered the reason why the park is always so infested with flies and mosquitoes and why it sometimes is the place where disease begins is the personal experience of nearly every one present at the inspection, the great green flies and mosquitoes have been seen down the stream in the park.

Without Food or Water. Locked in their pens without food or water were found three or four hogs and nearly a dozen sheep. The company's man admitted that he had planned to kill the animals that night, which the inspector says is also against the law. He declares that the law prohibits the slaughter of animals that have stood for 20 hours without water or for a slightly longer period without food. It is claimed that animals slaughtered at that time are in a feverish condition and are absolutely unfit for human use.

Shut off from the rest of the world by a small forest along the bank of the river and almost inaccessible except for a treacherous road out from the bluff down to the bottoms, no one in the party had ever discovered the slaughter house before. In the inspection party were James H. Wallis, the state inspector; Dr. M. W. Smith, Deputy White and the Misses Irvin, state human officers.

Answer Was Filed. Without waiting the legal length of time in which to answer, the Capital News instructed its attorneys to file an answer forthwith declaring that the article stated the truth. This was done and the case was called Sept. 16. A jury was quickly secured and the introduction of evidence was begun and continued until Sept. 26, when the case was closed. The jury was then taken to the slaughter house to see for themselves in the light of the evidence and argument was heard and the case submitted, Sept. 27, the jury returning a verdict in favor of the Capital News as above stated, therefore, finding the article to be true in substance and, as the court instructed them, in "its sting."

Judge K. I. Perky and B. S. Crow, of the firm of Perky & Crow, had

charges of the case for the Capital News and the best evidence of the fact that they handled it well is shown by the verdict. They interposed few objections unless such objections were deemed necessary to prevent the introduction of prejudicial evidence wholly irrelevant and immaterial, but on the other hand permitted to go to the jury without objection much evidence they felt could have been excluded. They were acting upon the belief that the plaintiff should be given every opportunity possible to establish the falsity of the article if it could do so.

No case in recent years has attracted so much public attention as this one and the evidence as published from day to day was eagerly read for the purpose of judging, each for himself, whether the paper was justified in the publication of its article, and after the jury retired the office of the Capital News as well as the office of the bailiff of the court was frequently asked whether or not the jury had yet agreed, and after the result was announced the officers and reporters of the Capital News were frequently congratulated.

CHARGE AGAINST OLD SOLDIER DISMISSED

The first of the two battles which occurred at the Soldiers' Home this week was aired in justice court this morning when John Brooks, who was arrested upon complaint of J. Andrew Jackson Leonard, charged with assault with a deadly weapon, appeared in court and entered a plea of guilty to battery, to which the charge was changed. Upon recommendation of the management of the Soldiers' Home a fine was not imposed, Brooks having agreed to accept a permanent discharge from the home. He announced that he intended to make application for admittance to the National Soldiers' Home located near Tacoma.

Ennis McCafferty, the other old soldier arrested for battery, who was last evening released on his own recognizance to appear this afternoon for trial, last night created another disturbance at the home and was re-arrested and locked in the county jail.

By Wage Earners.

Dr. Sadler estimates that about \$50,000,000.00 in wages is lost annually to the American people as a direct result of colds. Lost time means lost wages and doctoring is expensive. Use Foley's Honey and Tar Compound promptly. It will stop the cough, and heal and soothe the sore and inflamed air passages. McCrum & Deary, Ballou-Lattimer Co.

HOTEL ARRIVALS.

OWYHEE—H. M. Barker, New York; W. H. Cunningham, Salt Lake; H. Hausman, San Francisco; S. J. Ruch, Blackfoot; C. H. Senior, Denver; W. H. Millam, St. Louis, Mo.; Charles S. Thrasher, Cleveland, O.; Harvey W. Hurlbeaus, Milner; William H. Hodgkinson and wife, San Francisco; J. W. Staff, New York City; J. C. Goldstein, New York City; W. E. Daniels, Chicago; J. C. Rouse, Salt Lake; A. B. Furlong, New York; T. W. Cosford, Chicago; Martin Greas, Omaha; Freeman Owens, Chicago; W. B. Bolton, St. Joe; H. G. Whitehouse, St. Joe; G. A. Sears, Portland; Mrs. O. J. Dickinson, Parma; A. H. Boomer, San Francisco; E. G. Nold, Spokane; J. W. Gamble, Helena; O. W. Miracle, Kallispell, Mont.; Edward Eoff and wife, Wendell; Charles B. Bell, Tacoma; L. Colwell, Salt Lake; E. C. Denver, G. M. Wells, Boise; Weiser; O. J. Parrott and wife, Baker; Ore.; H. R. Willie, Salt Lake; H. Gladstone, New York; H. W. Loveland, Portland; W. R. Baxter, Salt Lake; A. W. Rose, Chicago; James McDewitt, Placerville; J. W. Wheeler Shoshone; H. C. Van Arsdale, Twin Falls; I. R. Darrow, Twin Falls; S. T. Johnston, Los Angeles; J. M. Maurer, Minnesota; Mr. and Mrs. Berryman, Blackfoot; J. M. McKinney, Washington, D. C.

BRISTOL—L. A. Keshner, St. Louis; S. B. Taylor and wife, Glens Ferry; J. V. Elliott, Idaho City; James B. Newport, Notus; S. F. Norton, Salt Lake; Charles M. Dickey, Portland; Mr. and Mrs. Harland, Payette; Mrs. O. E. Meyer, Parma; Anna Wagner, Pontiac, Ill.; Mrs. Denord Wagner, Chenoa, Ill.; W. T. Tschige and wife, Brogan; A. S. Stehouse, Salt Lake; P. E. Shoemaker, Salt Lake; Leontine J. Dahl, Minneapolis; Freda A. Goebel, Minneapolis; L. C. Jones, Gooding; W. C. Miller, Baker City.

Real Estate Transfers. Edward Seaton to Wakefield Land company, \$10; that part of southwest quarter southeast quarter and east half southeast quarter, section 21 and northwest quarter northeast quarter section 28, township 5 north, range 2 east, lying east of county road. Edward Seaton to Wakefield Land company, \$10; that part of southwest quarter southeast quarter and east half southeast quarter, section 21, and northwest quarter northeast quarter, section 28, township 5 north, range 2 east, lying west of county road. Frank Foster et ux to L. L. Folsom, \$10, east half southeast quarter, section 17, township 3 north, range 1 east. Eliza E. Everett et ux to Frank A. Cavanagh, \$10; lots 1 and 2, block 2, Ellis addition to Boise.

WILL PLAY LEADING ROLE IN DRAMA DEALING WITH DOMESTIC RELATIONS



Miss Emily Stevens, who has starred in "The Boss" and other recent successes, is to play the leading role in the new Brady production, "The Point of View," a four-act drama in which domestic relations hold the spotlight.

SAYS GIANTS WERE FAVORED BY UMPIRES

Chicago, Sept. 28.—Horace Fogel, president of the Philadelphia National league team in a signed statement issued here today, charged that the New York National league team had been able to win the pennant because it had been unduly favored by the umpires.

FOOTBALL SEASON OPENS IN THE WEST

Chicago, Sept. 28.—Western colleges formally opened the 1912 football season today. Although only two universities in the "big nine" conference, Minnesota and Indiana, are scheduled for regular contests, all the others had arranged practice games with second or freshman teams of their own schools. Nearly every team in the smaller colleges of the central west had planned a game with some high school.

Con W. Hesse, Watch Inspector of O. S. L. for 16 years. There's a reason. Dentist, Dr. Carpenter, Idaho Bldg. 44

TOO LATE TO CLASSIFY.

WANTED—Young man quick in figures. Brink's. S-28

FOR RENT—Furnished housekeeping rooms. 1421 Grand Ave. O-4c

FOR SALE—Cheap—2 saddle horses. Call 1110 N 8th. Phone 1379 J. S-29

FOR RENT—3 large furnished or unfurnished front rooms. Phone 320 W. O-4

WANTED—Work by the day. Address Mrs. C. Lien, 911 Washington St. O-4c

FOR RENT—Six-room modern; one block from cars; \$20. Bruce & Fuld Loan & Trust Co. S-30c

FOR RENT—Neat furnished front bedroom private entrance, \$2 per week. 212 S. 45th. S-28

WANT TO RENT—Good tent size about 24 by 40 feet. What have you to offer? Call phone 278. S-30

BOISE EMPLOYMENT OFFICE—Help supplied on short notice. 227 South 10th St. Phone 1478-W. 4f

FOR RENT—Three small nicely furnished rooms for light housekeeping; ground floor. 1418 Jefferson St. S-30

FOR RENT—Furnished room with heat and bath. Gentlemen only. One block from Owyhee. 1213 Idaho St. O-4

FOR RENT—Nicely furnished large front room; private family; 4 1/2 blocks from Main St. 616 So. 13th St. S-30

TO EXCHANGE—Two acres with 4-room plastered house for small place in the city. Call 1945-J after 7 p. m. O-4c

LOST BLACK SADDLE HORSE TODAY

ON THE BENCH SOUTH OF BOISE BRANDED TL ON RIGHT SHOULDER, had on saddle, bridle, rawhide rope and shaft, silver mounted bridle. Liberal reward. Herbert Lemp, Owner, Boise.

FOR SALE 2 Acres Almost Adjoining City 5c car fare Value \$3500. Quick Sale \$2500. Box 52 care Capital News. O-4

BREVITIES

John P. Brooks, charged with making a threat to kill, was discharged by Justice of the Peace Bower.

Gardner Adams, who has been working at Arrow Rock for some time, has returned to Boise and will spend the winter here.

The county recorder issued a marriage license today to John F. Williams of Ledgerwood, N. D., and Leannah J. Ekin of Parma.

Harry M. Palmer, formerly with the Idaho-Oregon Light & Power Co., is now with the Electric and Gas Light Power Co. at Butte, Mont.

C. L. Blase, charged with the embezzlement of automobile property, paid a fine of \$100 in the probate court this morning and was discharged.

W. T. Booth will leave tonight for Salt Lake, where he will attend the National Irrigation congress and will then go to Pueblo and Denver, Colo., to look after interests.

The Moonlight dance given last night at the White City was a great success. The crowd was one of the largest that has ever attended a social event at the park and all had an enjoyable time.

Quite a number of prominent Chinamen, who have been successful in business here, are returning to China this fall. Six departed for their oriental homes this week and a number went the week before.

A commercial man handling holiday goods, who has been in the city several days, went to Nampa this morning and checked out 22 trunks. His excess on baggage from here to the Junction city amounted to \$5.60.

At the Methodist parsonage at 11 o'clock this morning, Rev. W. S. Matthews united in marriage John F. Williams of Ledgerwood, N. D., and Mrs. Leannah Ekin of Parma, Mr. and Mrs. Williams will make their home at Parma.

Ernest F. McCafferty this afternoon received his permanent discharge from the Soldiers' Home and the case brought against him in Judge Bower's court by O. M. Hale, for battery, was dismissed upon motion of the prosecuting attorney.

The Pony, running between Boise and Huntington, which for several weeks has been held Sunday evenings until 8:30 o'clock to accommodate excursionists visiting Boise, will return to its regular schedule tomorrow, leaving Boise at 4:30 p. m.

C. E. Little, building supervisor for the school board, leaves tonight for Salt Lake, where he will make investigations of a number of heating plants in order to secure the best possible methods of heating for the new wing of the high school building.

Six automobiles were sold this week by the Inter-Mountain Auto company. The machines were all the 1913 model Overlands. Three were purchased by ranchers living near Boise, one was sold to a physician and the other two were shipped to outside points.

Rev. Ludwig, superintendent of the Congregational churches of Idaho; Rev. A. J. Sullens and Rev. Minnie J. Dickinson have returned from Weiser, where they attended Congregational conference. Prior to the close, Pocastello was selected as the next meeting place.

H. M. Hand, secretary of the Idaho Hardware Dealers' association, has returned from an extended trip through California and Washington. On his return trip he attended the "Round-Up" at Pendleton and reports that there were 20,000 in attendance there on the opening day.

A. Abram, arrested for being drunk and disorderly, forfeited \$5 cash bond in municipal court today as did also Robert Allison through failure to appear and answer the charge of plain drunk. James Conley, charged with begging on the streets, was found guilty and fined \$10 and costs and

committed. Rally day will be observed tomorrow at the Wright Congregational church on the bench. Special music will be rendered and short addresses will be made by the pastor, Rev. Minnie Dickinson and Rev. R. B. Wright. All members of the Sunday school are requested to be present at 10 o'clock. A silver offering will be taken for the State Sunday School association.

If the joy rider who took his machine out of the garage and traveled about 20 miles through the country would replace the gasoline that he used, A. E. Tillotson, 1605 North Twelfth street, says he will "call it square." When the joy riders returned the yellow Buick, they missed the house and Mr. Tillotson discovered his machine this morning out in front of a neighbor's house. Nothing was damaged by the fun that his guests apparently had.

Dave Addison, who lives on North Sixth street, is up in arms over the killing of five mallard ducks which he had owned for over a year and which were as tame as any domestic fowls. The ducks have always had the freedom of the Cruzen ditch but were so tame that no sportsman would think of killing them. Yesterday or the day before the five were slaughtered while swimming in the ditch near his home. This afternoon Mr. Addison swore to a complaint against the man who shot them for discharging firearms in the city.

C. S. Crawford, who lives at 700 Fort Street, is searching for a hobo who disappeared with his lawn mower Thursday. On Wednesday the fellow came to his home and wanted a job cutting his lawn and was given the work, which he did in first class style and seemed pleased that he was favored. Thursday he returned and stated he had a job of cutting another lawn in the same block, but did not have a lawn mower and asked permission to borrow the machine for an hour. Since then Mr. Crawford has not seen the hobo nor his lawn mower and he has asked the police to help him locate them.

Helen Larrick, a little girl living on the bench in the Cole school district, caused her parents considerable anxiety for several hours last night having become lost, but she was finally located at the home of M. M. Mellinger about 1:30 o'clock this morning. The child went to the home of one of the neighbors and her mother thought she was with her father, who was away from home and upon his return at 10:30 o'clock without the child an investigation began and the little one was located at the home of a neighbor, where she was taken by a man riding a bicycle who was going in that direction.

Subscribe for the Capital News.

PERSONAL.

J. C. Pence has returned from a business trip to Portland.

Mrs. Al Hoganson has gone to Lehi, Utah, to visit relatives for a few weeks.

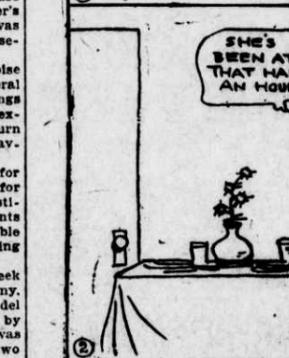
Rev. J. H. Barton has gone to Twin Falls, where he will conduct services Sunday.

Miss Ethel Matthews arrived here this morning from Manitou, Colo., and will spend the winter in Boise.

M. H. Barr, who has been visiting relatives here for some time, left yesterday on his return trip to Atlanta, Neb.

GINK AND DINK

By C. A. Voight



BOUND OVER ON THE CHARGE OF LARCENY

Richard Frankie, a prizefighter and a stranger in Boise, who was arrested by the city detective department on the charge of larceny from the person upon complaint of John Thomas, who alleged the theft of some \$30 in money, was last evening bound over to await the action of the grand jury by Judge Bower, who placed his bond at \$500 which he was unable to furnish.

Thomas charged that Frankie took his money and three checks by force in a room in the Modern rooming house, where he choked him and searched his pockets and clothing and even went so far as to take off his socks, which were found by the detectives in the room of the defendant. Frankie also had \$30 in money in the denominations which Thomas claimed were stolen from him and in his testimony yesterday was positive of the man who robbed him and the manner in which he did it, although he admitted he was under the influence of liquor when fleeced.

DENIES PETITION IN SNEED MURDER CASE

Amarillo, Tex., Sept. 28.—Judge Brown denied today the habeas corpus petition of John Beal Sneed, charged with killing Al G. Boyce and Sneed was remanded to jail to await trial. Sneed's attorney will appeal.

VERA CRUZ REBELS MAKING PROGRESS

Washington, Sept. 28.—Dispatches to the state department continue to tell of the growth of a new rebel movement in Vera Cruz led by General Aguilera, former federal officer. It is reported several towns have been taken by Aguilera and his forces are rapidly increasing.

How to Cure Sick Headache.

C. E. Mustoe, of Fresno, California, has adopted the correct treatment for sick headache. He says: "I have used Chamberlain's Stomach and Liver Tablets for sick headache and constipation for the past two years. I have never found any preparation so satisfactory in every respect for this trouble. For sale by all Dealers. T Th S

A class ad in these columns will reach 50,000 readers.

Organ Recital Enjoyed.

Several hundred lovers of high class music filled the new Congregational church last night and listened to the first recital given on the pipe organ recently installed, which was demonstrated by Frederick Fleming Beale, of Caldwell, a gifted musician who brought out full richness of the tones of the new instrument in a manner which highly pleased the audience.

Mrs. F. H. Brandt, one of the prominent soloists of the city, rendered a number of vocal selections which added greatly to the evening's entertainment.

We have repaired over 35,000 watches. Why? CON W. HESSE, Jeweler.

IMPROVEMENT OF FROST WARNING SERVICE PLANNED

Section Director Wells Proposes to Establish Series of Auxiliary Stations Throughout Fruit Belt.

Extensive frost service reports that will cover all of the fruit belt will be inaugurated next spring by the United States weather bureau.

Edward L. Wells, section director, has planned a series of auxiliary stations through the fruit belt of the state to give the orchardists ample warning of frosts that may be expected within the following 24 hours. The plans include the biggest and most elaborate system of frost warnings that this state has ever had and will be able to tell the owners of the orchards just the temperature that they may expect every hour through the night.

Every evening the auxiliary stations will report to the Boise office by telephone or telegram the temperature that they observe. Special observations will be made at these stations for the benefit of the fruit industry. These reports, taken together with the official weather chart, will be made the basis for special forecasts for each of the auxiliary stations and will give the orchardists advance knowledge of impending danger from frosts.

Last spring, the section director spent a great many nights in the fruit districts of the valley investigating the conditions and superintending the work of the orchardists in the prevention of loss through frosts. He will probably be in the field a good part of next spring and will send out his warnings from this office by telephone or telegram to all of the stations of the fruit belt.

This will materially increase the work at the office here but will notify the orchardists when to start their fires and what temperature they may expect to have within the time covered by the forecasts. Last year even the limited work of the office saved large acreages of fruit and it is expected that the more elaborate plans will prove of material benefit to every fruit grower of the state.

\$80,000,000.00 Lost Annually

U. A. Smith, Bridgeton, Ind., had kidney trouble for years, and was so crippled with rheumatism he could not dress without help. He started using Foley Kidney Pills, and says: "I began to get better at once, and now all my trouble has left me and I do not feel that I ever had rheumatism. I rest well at night and tho' 49 years old, can now do the work of a man of 35 years. I would like to be the means of others getting benefit from Foley Kidney Pills." Refuse substitutes. McCrum & Deary, Ballou-Lattimer Co. T Th S

We have repaired over 35,000 watches. Why? CON W. HESSE, Jeweler.