

# CURRENT NEWS OF IOWA

## COUNCIL BLUFFS

### BATTEY CASE GOES TO JURY

No Verdict Reached When Time for Going to Bed Arrived.

### MANY RECORDS TO EXAMINE

Judge Macy, in His Charge, Goes Extensively Into Discussion of Law Points Involved, Consuming Forty-Five Minutes.

Whether H. V. Battey shall be removed from the office of clerk of the district court or shall be permitted to resume the position from which he was suspended by Judge Wheeler pending the determination of the master suit was not determined Saturday by the jury before which the case was tried. The instructions were given to the jury at 11:30 Saturday morning and at 10 o'clock last night it was announced that no decision had been reached and that the jury had retired for the night and would resume its deliberations this morning. Nothing could be learned last night as to how the jury stood, but it was said the entire afternoon was devoted to examining the large number of books and records which had been introduced during the trial, before a ballot was taken.

On court convening Saturday morning Emmet Tinley, one of the counsel for the defendant, completed the closing argument for the defense and was followed by County Attorney Hess with the closing argument for the state.

The reading of the instructions of Judge Macy occupied forty-five minutes. They were read by John H. Clark, the court reporter. The instructions included a full statement of the thirty-one counts of the petition, besides a review of the legal questions presented. The jury was instructed that its verdict must be in general form and must find the defendant guilty or not guilty of either or all of the charges preferred against him, and that if the defendant is found guilty, it must find the defendant guilty of corruption in office, maladministration in office. These three terms were defined by the judge.

The jury was instructed that a public official had no personal interest in fees collected in his official capacity and that all the fees involved in the case belonged to the county, but if the jury found that the defendant received any such fees believing honestly and in good faith that they belonged to him, he would not be guilty of corruption in retaining them. In determining the intent of the defendant, the jury was instructed to take into account all the evidence and the circumstances surrounding the several transactions. The jury was also instructed that it should take into account the question of how such fees had hitherto been considered by the defendant and his predecessors in the office of clerk of the district court.

Regarding the erasures and alterations in the records, the court instructed that if the jury should find that such alterations had been made, that fact would create the assumption that they were made by the defendant and would throw upon him the burden of proof to show that he did not make them, and that they were not made with his knowledge or approval. The clerk, the court said, had the right to erase erroneous entries and correct errors in the records, and that such erasures would not render him guilty of the offenses charged in the petition.

During its deliberations the jury is occupying the district court room on account of the large number of books and records to be handled. All doors leading to the court room were securely locked and J. B. Macklack, the court bailiff, placed in charge of the jury.

### Howard Again in the Tods.

Frank A. Howard, one of the four men who escaped from the county jail during the storm Thursday evening, has been captured in Galesburg, Ill. He was arrested in the Illinois city on a charge of burglary and confessed to breaking jail in Council Bluffs.

Sheriff Canning received a telegram yesterday morning from G. W. Palmer, chief of police in Galesburg, saying that Howard had been arrested there for burglary and had been confessed that he had broken jail in Council Bluffs. Sheriff Canning at once notified the Galesburg authorities to hold Howard for him.

Howard was serving a nine months' sentence in the county jail for breaking and entering the saloon of Ed Murphy, 20 West Broadway, and had been in the jail since February 4. Nothing so far has been heard of Walter Gunn, the negro, and the young fellows, Richard Dempsey and George Davis, who escaped with Howard from the county battle.

Howard will eventually be brought back here, but when and where on the length of the sentence, if any, he receives in Galesburg, particulars of the burglary for which Howard is under arrest in Galesburg have not been received here.

### Real Estate Transfers.

These transfers were reported to The Bee this morning by the Pottawattamie County Abstract company of Council Bluffs:

Charles F. Copley, administrator, to Anton Anderson, part s.w. 3/4 sec. 2, 200  
C. E. Price and wife to Jessie E. Cox, lot 1, in block 1, w. d. 1, 3.55  
W. J. Wells and wife to Charles E. Johnson, lot 1, in block 1, w. d. 1, 200  
R. W. Ames to W. J. Wells, lot 2, in block 1, w. d. 1, 50  
J. N. MacAllister and wife to Wm. Arnd, lots 18 and 19, in block 18, in Williams' 1st add., Council Bluffs, Ia., w. d. 1, 1  
Five transfers, total \$3,435

### No Addition to Pierce School.

That it would be inadvisable to erect an addition to the Pierce street school to provide further accommodation for the children living in the eastern part of the city was practically determined by the members of the Board of Education, who met yesterday afternoon as a committee of the whole and visited this school.

### BOOSTING FOR DES MOINES

#### Committee Busy with Plans for More Beautiful and Larger City.

#### VISITING LOCAL FACTORIES

Judge McPherson on a Loss to Know Where to Send Woman Prisoner Who Pleads Guilty to Blackmailing.

(Prof. a Staff Correspondent.)  
DES MOINES, May 17.—(Special.)—Plans of Des Moines for the "Booster Committee" to have East Locust street widened so as to give a better approach to the state house and an unobstructed view of the building from West Des Moines. The first six or seven blocks of East Locust street nearest the river are occupied by business houses and the expense of widening the street there would be prohibitive. The other blocks are occupied by residences.

Under the impetus of the movement that gave Des Moines the commission form of government and started the work of "cleaning up," several new plans have begun to take form. One resulted in the business interests of the city engaging a freight commissioner, who has already saved many times his salary in securing lower rates. Another is the proposition to clean up the river, beautify the banks, remove all the billboards, widen East Locust street so as to "set off" the state house better, and probably before it is over it will result in removing the Iowa soldiers' monument from the obscure position back of the Catholic Church of the Visitation to a position on the east river bank, with an entire block as a setting.

#### Factory Day a Success.

Des Moines Friday held its second annual "Factory day" observance. Citizens were invited everywhere to turn out and visit the Des Moines factories, and were asked to sign pledges to use Des Moines made goods where the price and quality was as good as that made elsewhere. The affair was considered in every way a very great success. It was conducted by the "Booster committee."

#### Woman to Pentecost.

Judge Smith McPherson, in federal court today, failed to sentence Mrs. Nettie Mitchell to the penitentiary because he was at a loss to know where to send a woman, having not had to sentence any for years. Mrs. Mitchell is the white wife of a colored man and was convicted of attempting to blackmail J. L. Carey, a wealthy citizen of Des Moines. Judge McPherson, in announcing the matter, stated that since Mrs. Mitchell pleaded guilty she had attempted to get Carey to pay her fine under threat of making further trouble for him. Judge McPherson characterized it as an outrage.

#### Graves to Fort Leavenworth.

Judge McPherson today sentenced F. C. Graves to a fine of \$50 and fifteen months in the Fort Leavenworth penitentiary for fraudulent seed enterprise.

#### Proposed Electric Road.

MARSHALLTOWN, Ia., May 17.—(Special.)—The proposed Iowa Electric road now seems to be a reality for the near future. Today G. W. Scott of Chicago, chief engineer of the road, arrived with surveyors in Eldora to begin the work of the preliminary survey. In ten days more men will be put on the work, and it is expected that the survey and preliminary estimates will be completed within six weeks. The proposed route of the road is from Iowa Falls to Des Moines via Eldora, Gifford, McCallburg and thence south to Des Moines. For part of the way the line will parallel the railroad of the Iowa Central. Nine right-of-way of the proposed line has been offered to the public and it is understood that only a limited amount will be sold, the balance having been already subscribed for.

#### Edge Tool in Ancient Mound.

BOONE, Ia., May 17.—(Special.)—Joseph Vontres and B. F. Hull of Worth township, this county, opened a mound situated about three miles west of Luther. They found that it contained a bronze spearhead, a flint arrowhead, a flint knife, a flint pipestone and other belongings were also found. But the most puzzling thing found was a small piece of copper, which seems to be highly tempered and the edge is quite sharp. The finding of edged tools in the mound is a new thing and particularly any such tools made of copper. A part of the relics found in this mound are now in the collection of the Marsh Historical society. There are other mounds in the county and now that the spirit has taken hold of the people others will probably be opened.

#### AMES TO FRONT IN BASE BALL

Clyde Williams Brings Team Up to Championship Standard.

AMES, Ia., May 17.—(Special.)—With their recent victories on the diamond over Cornell college and Minnesota university, Cornell are beginning to awaken to the possibility of the fact that Ames really has an exceptional base ball team. This team, under the skillful training of Clyde Williams, has already defeated every college team in Iowa which it has met. Moreover, it put to rout the doughy Cornhuskers from Nebraska and though largely unknown by the masses, it held the University of Missouri to a tie, and has defeated the University of Minnesota, the champions of the western conference.

#### Fruit Not Badly Injured.

MARSHALLTOWN, Ia., May 17.—(Special.)—Reports from the horticulturists in fifty-three townships of the five counties of central Iowa, received within the last two days, is in effect that the coming crop of cherries, plums and apples will be one of the largest ever produced in this section of the state, despite the reports of the damage said to have been done two weeks ago by the successive severe frosts. Although the frosts were so severe that some nights the ground and ice was frozen, the fruit blossoms were not materially damaged. This is explained by experts, who give as the reason that cold days succeeded the colder nights, which was the saving power. Had the frosts been followed by warm, bright days the fruit blossoms would have been killed.

#### Life Young on Stamp.

SHENANDOAH, Ia., May 17.—(Special.)—Lafa Young, editor of the Des Moines Daily Capital, and Auditor Carroll addressed a large crowd at the armory last evening from a standpat republican platform.

#### Iowa News Notes.

WOODBINE—C. J. Tuttle has sold his interest in the restaurant and bakery to Mrs. Florence Johnson.

IOWA FALLS—Mrs. N. E. Lowden, mother of Congressman Frank O. Lowden, died at her home in this city this afternoon following an illness of several weeks from heart trouble. She was 72 years of age. She will be buried here Tuesday.

### BARLEY AND HOPS—a food and a tonic.

### A trifle of alcohol—an aid to digestion.

### That's beer. If you get a pure beer—well aged—nothing is better for you.

### It is not good advice to say "Don't drink beer."

### There are many who need it.

### Your doctor advises beer. The healthiest peoples of the world drink the most of it.

### But it is good advice to say, "Don't drink the wrong beer."

### Some beer causes biliousness. Schlitz does not.

### Schlitz beer is both good and good for you.

### Nine people in ten would be better for drinking it.

### Schlitz is the home beer, because of its absolute purity. It is aged for months, then filtered, then sterilized.

### There are no after effects.

Ask for the Brewery Bottling. Common beer is sometimes substituted for Schlitz. To avoid being imposed upon, see that the cork or crown is branded Schlitz.

Phone Douglas 978 Independent Agent Jos. Schlitz Brewing Co. of Neb. 719 So. 9th St., Omaha



## The Beer That Made Milwaukee Famous



### BENEFITS OF CONFERENCE

#### Nebraskans See Great Good Out of Gathering of the Governors.

#### REVISING RULES OF THE HOUSE

Congressman Norris Has a Proposal Which Will Rob the Speaker of His Present Arbitrary Power.

(From a Staff Correspondent.)  
WASHINGTON, May 17.—(Special Telegram.)—Governor Sheldon and Prof. E. O. Burnett of the University of Nebraska left for Lincoln today. Before leaving Governor Sheldon said that his trip from San Francisco to Washington to meet the conference of governors at the call of the president was more than justified and that his travel of more than 7,000 miles in the last three weeks going to the Pacific coast to assist in the presentation of the silver service to the magnificent warship Nebraska, and his journeying from the Golden Gate to the capital of the nation to meet his colleagues in the first conference ever called together of the executives of the states by a president compensated for much weariness of flesh and some discomfort.

The governor in parting with The Bee correspondent, speaking of the result of the conference, said: "The meeting was educational to a degree. It outlined a possible uniformity of laws wherein the states are at variance. It brought closer home to those who participated in the several meetings the variance between the laws of the states and the nation as to the permission given men or associations of men to control the natural resources of the country. It is a shame, not only to the state as well as to the nation, that there should be permission given to such associations to use the natural resources without let or hindrance. It is not the light the governors shed upon the questions discussed which had an intimate relation to the several commonwealths; it is not the light shed by scientists and men of affairs who participated in the conference from which results will follow, but it is the concreteness of the knowledge gained and the education of the whole people as to the problems which confront us as one of the greatest, if not the greatest nation in the world, from which great good must result.

#### Results in the Future.

"When the governors met in the historic east room of the White House and were presided over by Theodore Roosevelt great curiosity was aroused. When the several governors who addressed the very distinguished assembly presented the views of their respective states, the speaker's curiosity was succeeded by interest, and when the president summed up the result of the meetings it was universally admitted that much had been accomplished. But when the people have closely studied the questions which were presented by the master minds at the conference they will themselves solve them. It is to my mind, however, the beginning of the establishment of a policy of development whose benefits will be seen a quarter of a century hence."

Governor Sheldon had the distinction of being appointed with Governors Folk of Missouri and Wagon of Kentucky on a committee to report upon the advisability of getting the governors together every year in some one of the cities of the country for the purpose of a mutual interchange of ideas and the cultivation of friendly relations. Governor Sheldon, as one of the committee, having met many of his colleagues on that famous trip down the Mississippi river with President Roosevelt, enthusiastically favored the scheme



### COE AND NORMAL ARE TI

#### Cornell Takes Third Place in Intecollegiate Meet.

CEDAR FALLS, Ia., May 18.—(Special Telegram.)—The Iowa collegiate track a field meet held in this city today drew large crowds on the Iowa State Normal campus to witness the program. There were 150 entries. The prizes were gold medals to the winners of first places, silver medals to second and bronze to third. The competing colleges were Coe of Cedar Rapids, Cornell of Mt. Vernon, Lenox of Hopkinton and State Normal of Cedar Falls. Six marbles:

100-Yard Dash—First place was won by Benbow of Coe; second, Kramm, Cornell.

Serious Lacerations and wounds are healed without danger blood poisoning by Bucklen's Arnica Salve the healing wonder. 25c. For sale Beaton Drug Co.

#### Proposed Change in Rules.

Judge Norris of the Fifth Nebraska district, as outlined several weeks ago in The Bee, today submitted a resolution in the house changing in a material way the rules of the house of representatives, with particular reference to the appointment of the committee on rules. He takes away from the speaker the power to appoint the standing committee of congress, vesting in that official only the appointment of select and conference committees and giving the power of appointment of the standing committees to the rules committee, which, by the Norris resolution amending the rules of the house, is to consist of fifteen members, nine of whom shall be members of the majority and six of the minority, and who shall be selected by the state delegations, the majority party being divided into nine groups, the minority into six. The rules committee is to select its own chairman, the speaker not being eligible to membership.

This resolution, which is championed by Judge Norris, is the outgrowth of protests against the power of the speaker as an abstract proposition and is not aimed at "Uncle Joe" any more than it would be aimed at Champ Clark of Missouri if it happened to occupy that exalted position next to the president.

Judge Norris' objections to the rules of the house as they at present exist is that the speaker has the veto power which the house cannot override, although congress may override the veto of the president. In this particular the speaker is bigger than the president. If the rules are changed according to the Norris plan the power will be scattered all over the country and responsibility for legislation will once more rest upon the house, where it belongs. Of course, the resolution will not pass this session. It will not even



### 2 TRAINS DAILY

### To Saint Paul and Minneapolis

Leaving Union Station 8:30 P. M. and 7:30 P. M.

### CHICAGO GREAT WESTERN RAILWAY

CITY TICKET OFFICE 1512 FARNAM ST., OMAHA.

### SUMMER FLOWERING BULBS

CALADIUMS, Mammoth Bulbs, each 25c; 5 for \$1.00  
TUBE ROSES, Mammoth Pearl, doz. 35c; 3 doz. \$1.00  
GLADIOLI, in Superb Mixture, doz. 30c; 50 for \$1.00  
CINNAMON VINE, Extra Large, each 10c; 12 for \$1.00  
DAHLIAS, Assorted, each 10c; 12 for \$1.00

THE NEBRASKA SEED CO., 1613 Howard St.