

The suit is based on the allegations that the proposed \$600,000 bond issue is illegal and contrary to the provisions of the conatitution of the state of Iowa and that the suit brought by L. H. Jensen is not being 21, 1908, had real and personal property of prosecuted in good faith.

### Grounds for Suit.

The petition is a lengthy document covering eleven pages of typewritten matter. property to Holdrege he received in ex-It sets forth that the plaintiff company owns real estate in Council Bluffs to the value of over \$50,609, upon which it pays Perseverance Mining and Milling company, annually over \$300 in taxes. A list of the real estate holdings of the company is at- 000 against the bankrupt's estate and obtached to the petition.

proposed bond issue is illegal for the rea- by Pierce as a secured claim. son, as it is alleged, that the indebtedness of the municipality is in excess of the con-stitutional limit. The constitution of the state prohibits the incurring of indebtedness in excess of 5 per cent of the actual value of the municipality is in excess of the con of the taxable property of the city. The value of the taxable property is given in the petition as \$4,212,819, while the indebted-order has been sold at public auction. the petition as \$4,212,810, while the indebtedness of the city is said to be \$312,0:0.

Regarding the section of the state law which permits the voting of bonds in excess of the 5 per cent limitation for the purpose of "purchasing, crecting or mainpurpose of "purchasing, erecting or main-taining and operating" water works plants, and other public utilities such as electric light plants, gas works, power plants, etc., the allegation is made that this section of the allegation is made that this section of the statutes is absolutely unconstitutional and void, insofar as it attempts to authorine the incurring of indebtedness in any manner and for any purpose in excess of

the constitutional limit.

is said to now hold title to some of the property involved, is made party defendant in the suit against Mr. Holdrege. It is set out in the petition that Pierce who was adjudged a bankrupt November the value of \$250,000 and all the pieces of real estate are enumerated. Under the contract by which Pierce conveyed his

pose of killing the insurance bill. That measure was passed by the house, but was BIG change 300 acres of land in Owhee county, killed by the senate. Idaho, which embraced a mine called the Mr. Holdrege has filed a claim of \$400,jections to it have been filed by Trustee In the first place it is claimed that the Arnd. This claim of \$400,000 was scheduled

Iowa News Notes. of the insurance commission of which Mr. Bleakley was a member, and he, too, favored the department bill. Senator Dowell says that he expects there will be a healthful discussion over the measure, but that he believes this assembly will enact it into a law.

MARSHALLTOWN-Fred Dircks of Lit-tle Rock, Ia., died this morning as the re-suit of being knocked down in a drunken brawl in a saloon at Little Rock by Alfred Zart, a laborer, who says Chicago is his

MARSHALI/TOWN-C. H. B. Johnson, a prominent farmer of near Mason. Poca-hontas county, committed suicide by shoot-ing himself with a shotgun yesterday. Ill health is supposed to be the cause for the act.

of Hamburg in the revival.

in twenty minutes.

FORT

in the house, it is claimed, largely through of the Corn Growers' association. This will the influence of then Auditor B. F. be given for the best ten ears of corn ex-Carroll and now governor-elect. The bill hibited by a boy or girl between the ages introduced in the house providing for of 12 and 17. This trophy is in the form changing the banking and municipal ac- of a golden ear of half husked corn, set counting departments from the office of in a beautifully engraved cup. That this state auditor to state treasurer and was trophy is doing a great deal to interest the introduced, it was claimed by the insur- boys and girls is shown by the great numance department supporters, for the pur- ber of entries being made in these classes

Eight Fourteen-Inch Guns.

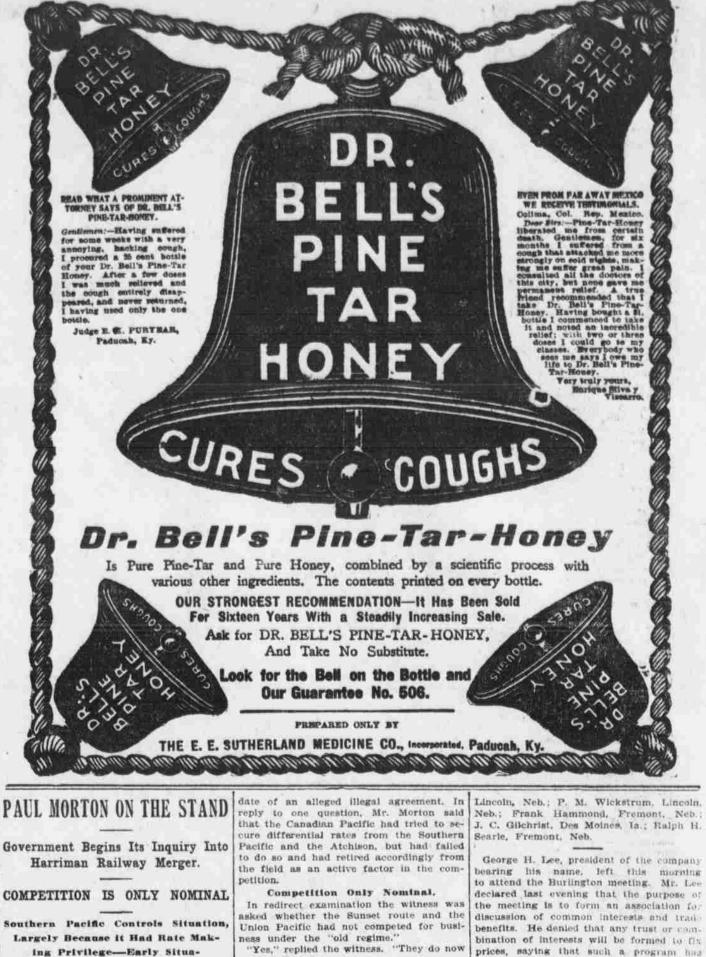
WASHINGTON, Jan. 6 .- Plans have been utlined by the navy bureau of construction for a great battleship of 25,000 tons, designed to carry eight 14-inch guns. This

making public of testimony given before the house committee on naval affairs sev-

chief constructor. No indication has been given yet that

that there is in the minds of the officials Nela J. Lee of Emmet county and George of the department the possibility of ask-White of Story county were the first two ing for an appropriation for a ship of candidates for speaker of the house of rep- larger type than the Dreadnought type is resentatives to reach Des Moines. Members attracting attention among members of

ship is the chief topic of discussion. Rep-Representative Foss of Illinois, chairman NEW YORK, Jan. 6 .- Delayed for several resentative Feeley of Blackhawk county is of the naval affairs committee, endeavored expected here tomorrow as are other as- to learn whether any appropriation would attorney for the defense, hearing of the pirants for the position. Representative be required this year for the construction government's suit to dissolve the so-called John Sullivan of Des Moines, who was of a larger ship than has been built bere- Harriman railroad merger begun yester-



not ocen contemplated at all. "But their offices have been amalgamated PANAMA AND COLOMBIA AGREE

> All Matters Between These Countries and United States Are Settled by Treaty.

WASHINGTON, Jan. 6 -- it was learned here tonight that negotiatl

A somewhat different phase presents itself this year. Auditor Bleakley, then a member of the senate, supported the insurance department bill heartily and now

that he is auditor will probably not ap pear against the measure. Mr. Byrkett, an appointee in the insurance department of the auditor's office, was then secretary

fact became known tonight through the eral weeks ago by Rear Admiral Capps.

such a battleship will be authorized, but

are coming into the city and the speaker- congress.

weeks by the iliness of Attorney Lovett.

mentioned early as a candidate for the tofore, should the construction of such a day in earnest, with Paul Morton, president honor, is not active at present, but may be ship be authorized by congress. of the Equitable Life Assurance society, relying on the simmering down process. He specified a ship of 25,000 tons and as the first witness. Admiral Capp's office replied that his bu- Mr. Morton, who was from 1896 to 1904 the caucus is called the candidates will reau has outlined plans for such a ship second vice president of the Atchison, Tomembers and learn their real strength they and would need an appropriation this year peka & Santa Fe. one of the defendant to commence the work of construction.

BATTLESHIP PLANNED Navy Department Wants to Build Vessel of 25,000 Tons, Carrying

### Legality of Election Attacked.

It is also alleged that the petitions for the submission of the proposition to issue bonds were insufficient. It is alleged that they were signed by less than 200 qualified persons, instead of 214, the number of signers claimed. The law, as quoted in the petition, requires a majority of the qualified electors to sign.

The further allegation that the special election held on October 27 was illegal is made. Seven distinct and separate reasons for the alleged illegality of the election are set forth in the petition, as follows: That women voted contrary to the constitution

That the statute that permits women to That the mature that permits women to vote provides for separate returns of their vote, which was not done. That women voted in other precincts than those in which they resided. That the polls were not kept open in all cases from 7 a. m. to 7 p. m., as required by hew

That many persons were permitted to

# **Foul Breath**

Made Pure and Sweet By the Use of Stuart's Charcoal Lozages.

Trial Package Sent Pree.

Do not go among your friends with a breath so odious as to make your presence distasteful. Foul breath is capable of easy removal if you will take a little time to be avercome it. Generally foul breath comes from one of two causes, impure gases or foul digestive fluids.

Charcoal is the strongest absorbent of foul gases known. "It positively attracts to poisons and neutralizes their ovil effects.

bolsons and neutralizes their ovil effects.
A noted French physician swallowed strychnine enough to kill three men and with a teaspoonful of charcoal removed the bad effects of this terribly swift poison.
A little charcoal in a bed room or cellar will make foul air pure. Pure willow charcoal mixed with honey are the component parts of Stuart's Charcoal Lozenges and pure breath is the result of their use after
bis father and shot him.
LOGAN-Court convened here this morning. Judge E. B. Woodruff presiding. There is twenty-one criminal, sixty-one equity, sixty-five probate and sixty-seven law cases on the bar docket. The Soldier river drainage case will come up for hearing this term of court. This case is by far the most important of the session, as the drainage project contemplates the reclamation of 8000 acress of swamp and lands subject to overflow in the Soldier river drainage district. pure breath is the result of their use after district.

pure breath is the result of their use after meals. Simply dissolve two or three after meals and at bed time and foul breath flees at once. No matter how you cause these gases, whether by had food, alcohol or abuse of the stomach. Stuart's Charcoal Lozenges will stop gas making and sweeten the breath. They are perfectly harmless and the eat-ing of a box would cause you no incon-venience whatever. Charcoal is hord to prepare for the stomach because it must be strong and pur-and most people will not take it unless made palatable. Stuart's inimitable process

made palatable. Stuart's inimitable process

made palatable. Stuart's inimitable process presents charcoal to the taste and system in all the nicety deared.
Choice virgin willow is burnt into desirable charcoal; this is mixed with pure honey and the combination is compressed under tremendous power into a lozonge of great pleasantness and efficiency.
Don't let your bad breath make people cross the street to avoid you; go to the nearest dring store and buy a box of stuart's Charcoal Lozenges today and eat what you will. Two or three after the mean will sweeten your breath at once. If you want proof of this fact send us your name
CRESTON—Beautiful and impressive fumeral servises were conducted yesterday over Nelson Almon Gray of this clip by the local Elks at the request of the Council Blufts lodge was present and unstread in the fineral closer was present and interment was made at this place. Mr. Gray came from the same family of which Captain John Gray of revolutionary fame and Captain Robert Gray who carried the wortid were members. He was a veteran of the clip want proof of this fact send us your name want proof of this fact send us your name and address and we will send you a triat package by mail free. Address F. A. Stuart Co., 200 Stuart Bidg., Marshall, Mich.



LAKE CITY-Dr. T. W. Johnson of Lake City went to Chicago Christmas eve on what he said was a pleasure trip. A day or two ago some of his intimate friends received cards announcing his marriage to Miss Mildred Thayer. Older members here predict that before practically all have left the field but one or two. When candidates get to talk to the

LogAn—The different churches of Logan are now engaged in a week of prayer pre-ceding the revival services to be held at the Methodist church. Rev. Graves of Logan will be assisted by Rev. Mr. Adams are liable to gracefully withdraw. The house caucus, it is now said, will he held Friday night and the senate caucus Saturday night. The only heated contest CRESTON-After seven years of conbefore the senate members is the selection tinuous service as county superintendent of schools, F. M. Abbott of this city stepped down and out yesterday and the newly elected superintendent. Mrs. Syl-via Cook, assumed the authority of that office. of a secretary, In this position S. W. Neal of Washington is contesting with George A. Newman of Cedar Falls for the honor.

Plans for Insugaration. It is expected that President Pro Tem Smith of the senate will announce the com-

Speakership Contest.

BOONE-Word was received today telling of the death of John Parks in Kansas City. The families had just concluded eating a reunion dinner when a neighbor lad rushed into the dining room. Seeing John mittee on inaugural from the senate before the legislature convenes. The appointment is looked for about tomorrow or next day shed into the dining room. Seeing John shot him through the heart, and he died This is necessary in order to have time to perfect the plans. The house committee

DODGE-The Western Grain PORT DOLOGE-The Western Gran Dealers' association meets in Fort Dodge in convention Wednesday, Japuary 6, and J. C. Lincoln, president of the National Industrial Traffic league and also traffic commissioner of the Merchants' Exchange of St. Louis, will address the meeting on The Proposed Readjustment of Grain Rates From Northern Iowa to St. Louis." of course, cannot be named until the

and the probability is the exercises will be WEBSTER CITY-It has just been learned here that C. Bryant Huff and Miss Florence Vorhes, both of this city, where held in the house chamber of the legislative halls. Iowa Insurance Securities.

they are socially prominent, were married last Thursday afternoon in Rockwell City. Mr. Huff is on the road with the Shamrock Trio, a Slayton attraction, and Miss Vorhes has been studying music at Grinnell. They met in Rockwell City by arrangement and ware meriled of the newly elected auditor, Mr. Bleakley, the following insurance securities were diswere married.

closed to be on deposit with the state; MARSHALLTOWN-George Green. MARSHALLTOWN-George Green, aged 55. a farmer near Sibley. In., died vester-day of gunshol wounds inflicted by his son. Ernest Green, on December 30. The shooting was the result of a violent quarrel between the father and son while the former was drunk. It is claimed the elder man chased his son upstairs with a club and threatened to kill him, when the boy turned upon his father and shot him. LOGAN Court convend here this more American Life Insurance Co.....\$ 215,191,0 Brotherhood American Yeomen. 848,250,0 Bankers Life Insurance Co. Bankers Acodent Insurance Co. 10,000.00 Central Life Assurance society. 982,046.87 Cedar Rapids Life Insurance Co. 2,173,515.94 Equitable Life Ins. Co. of Iowa. 6,844,670.57 Fraternal Bankers Res. Ass'n... 22,000,00 Guaranty Equation Pre. Life Co. 35,000,00

Guaranty Equation Pre. Life Co. Iowa Life Insurance Co...... Limited Term Life Ass'n. Mutual Life Ass'n of Iowa..... Mutual Aid society Merchants Life Ass'n. Modern Brotherhood of America Mystic Roders Mystic Rollers Modern National Reserve society Northwestern Nat'l Life Ins. Co.

Boh. Catholic union. Nobles. lightand

Vestern Boh, Fraternal Ass'n. Total Old Expressman Dead.

in the service of the United States Express company, and retired only last year, died here this morning. He was a ploneer of CRESTON-Beautiful and impressive

Des Moines and lowa. Five Dead at Fort Dodge.

FORT DODGE, Ia., Jan. 5 .- (Special.) Five Fort Dodge people, four aged, one an infant who barely saw one new year, passed away on Sunday. Three others saw another new year only a few hours before death called them away. Mrs. Hannah Croke, aged 35, fell dead when told that her baby nephew, Harold Hopkins, had just passed Mrs. Henry Johnson, aged 73, who away. survived her husband but three weeks; Mrs. A. K. Hand, aged aunt of W. S. Kenyon, general attorney for the Illinois Central, and William Lynch, sr., aged 54, a veteran saloon keeper of the city, are in the death list.

> Old Taxes May Null Title. IOWA CITY, Ia., Jan. 6-(Special.)-Be-

cause Le Grand Byington did not agree with the policies of the United States government at the time of the civil war and accordingly failed to pay taxes on his property, several thousand acres of valuable farm land in Linn and Clinton counties lorgs.

Admiral Capps 'said that if 12-inch guns should be adopted for such a ship, twelve bination, was called by the government to of them could be installed, but this would require a displacement of 26,000 tons. The had secured a monopoly of the transportalargest vessels thus far authorized have tion business in the far west in violation only ten 12-inch guns.

The speed of the new battleship would be from twenty and a quarter to twenty and a half knots under trial conditions, according to Admiral Capps. There are four ships in course of construction of the 20,000 tons class, which are the largest ever authorized for the American navy.

FOREST RESERVES TO STAY Government Wins Case Against Cattlemen Who Attack Validity of the Act.

DENVER, Colo., Jan. 6 .- The United States government today won its case in defense of the constitutionality of forest reserves, when Judge Lewis, in the United States district court, handed down a de-

claion in favor of the complainant in the privilege. case of the United States against Fred In checking out the office of auditor of Light et al. The case involved the right state for B. F. Carroll and the instaliation utmost importance in the west,

The case was brought shortly after the Life insurance Co...... 10,858,144.89 charge a fee for grazing on forest lands, been afforded by the "boat lines to San Accident Insurance Co. 10,009.00 Cattlement of Colorada a fee for grazing on forest lands. several men of the Cattlemens' associa- ing agents in the cast, he said. tion refused to pay the fee, Fred Light and Cross-examined by Former Judge Lovett, 103,064,83 5,100.00 several others on Battlement Mesa and Mr. Morton gave it as his opinion that the 2.350.00 Holy Cross reservations being chosen to concurrence of the Southern Pacific to 3,400,00 stand for the cattlemen. The government any rate to the coast had always been brought suit in equity to compel payment. essential owing to its "link with the coast." 176,000.00 The constitutionality of the forest re- Former Judge Lovett in his questioning 634.099.991 79,050.0 serves was the most important question endeavored to establish that the Sunset involved. The point that there was a con-2,290,400,45 flict between state and federal laws was owned by one company, had "naturally," 87,459.00 against the government the whole system

of grazing fees would have been defeated and cattlemen would have gone on the re-2,036,280,27 4,600.00 serves without charge. The case, it is 25,100,00 5000.00 | said, will be appealed to the United States 9.500.00 supreme court.

\$32,881,310.33 Bigger, Better, Busier-'i'hat's what advertising in The Bee does for your bust-

W. H. Quick, who for fifty-one years was ness. UNION GUILTY OF CONSPIRACY

> Finding of Referee in Charges Brought Against Anaconda Printers by New York Publishers.

> > HELENA, Mont., Jan. 6 .- That both the Anaconda Typographical union and the Montana Federation of Labor were guilty of violating the anti-trust law in that they were guilty of combination or conspiracy in restraint of trade, was the report given today by Oliver T. Crane, master of chancery in the circuit court. The case was that of a New York publishing company and a number of Montana

> > labor unions, against whom the former had asked injunctions. The case has been in the court since last spring and has been bitterly contested by both sides, the publishing company having brought witnesses from New York.

> > The master in chancery recommended that the case against the other unions be dismissed and the injunctions against those named in this action be made permanent.

> > > Dynamite Wrecks Buildings

as completely as coughs and colds wreck Cure them quick with Dr. King's may nave their title invalidated. The vast New Discovery. 50: and \$1.00. For aste acreage was sold at tax sales shortly after by Beaton Drug C

tion is Described.

companies, with the Union Pacific, Southern Pacific and other in the alleged comsupport its contention that the ailied roads of the Sherman anti-trust law. Mr. Morton was led by counsel for the government to describe the situation as regards freight shipments between the central states and the central Pacific coast prior to 1901, the date when the alleged combine was formed,

and after that time. He said that in the earlier period the Northern Pacific, the Southern Pacific and the Great Northern railroads had been in competition for transcontinental business. The Rock Island system, before building into El Paso, had connected with the Union Pacific at Omaha and the Denver & Rio Grande at Pueblo, he said.

### Southern Pacific in Control.

"The situation," said Mr. Morton, "was apparently controlled by the Southern Pacific, which controlled the rate-making

business in the country was inaugurated. The meeting was a secret one, called by "That before the Union Pacific purchased Nebracka manufacturers. Iowa, Illinois, Minnesota, Indiana and Pennsylvania were also represented.

Mr. Morton added that formerly competition for San Francisco traffic had

F. Holcomb, Clay Center, Neb.; Otto Barth, soon.

rates without consulting with other railroads in the traffic association. I don't been concluded between the governments mean that rates were never made secretly. of the United States, Colombia and Pan-All the companies did that.'

"Yes, the competition never amounted to

"You've made rates yourself in the old

days without consulting anyone, have you

"Oh, no I haven't. I never published

not?" asked the government counsel.

in New York."

much there anyhow."

plaint was based.

Firms

\$4,000,000.

n Chicago."

"There was competition then?" "It was illegitimate competition."

adjournment was taken until tomorrow.

Large Percentage of the

Country's Output.

campaign for the control of the incubator

ama whereby all matters in controversy between them are settled. The treaty or treaties have been signed by Secretary of Preceding Mr. Morton's testimony the State Root for the United States, Minister government read into the record a mass of Cortez for Colombia and Minister Arose-

testimony taken at the Interstate Commena for Panama. merce commission's hearing in the case of By the terms of the treaty Colombia the Harriman roads. The present action recognizes the independence of Fanama was begun while the Interstate Commerce and the two countries resume diplomatic commission was investigating the history and commercial relations.

of the merger and it was upon the evidence Panama agrees to pay to Colombia \$2,500 obtained by the commission that the com-000 in anual installments of \$250,000 for ten years as its share of the Colombian na-Mr. Morton was still on the stand when tional debt incurred at the time when Panama was a part of that republic.

The United States agrees to furnish to MEETING OF INCUBATOR MEN Panama the money to be paid to Colombia n accordance with the terms of the exist ing treaty between the United States and Represented Manufacture Panama, the first payment to be made nine years after date of the treaty.

It was also learned that the treaty pernanently fixes the boundary line between BURLINGTON, In., Jan. 6 .- (Special Tele Colombia and Panama. This is directly of egram.)-At a meeting of manufacturers interest to the United States: as it comes of incubators representing a wide section within the Panama canal zone. of the United States and representing a capital of \$2,000,000, the organization of a

## FIRST LOBBYIST TO REGISTER

Representative of Organized Labor First to Comply with New Law in Missouri.

JEFFERSON CITY, Mo., Jan. 6 - Austin W. Biggs of St. Louis, representing the While it was strenuously denied that the State Federation of Labor, was the first purpose of the meeting was to organize a person to register as a lobhylst with the fight, the facts leaked out, and accordsecretary of state under the new law ing to them, a well-known manufacturer requiring such action of such persons acin Buffalo, N. Y., who has been seriously tive. In advancing measures before the cutting into the business of the other inlegislature. Biggs registered this afterubator makers, is to have a strong comnoon and declared that the purpose of bination pitted against him. It is stated his employment is "to advance the enactthe firms represented here turn out ninement of such measures as promote the intenths of the incubators sold in the United terests of labor and to oppose such meas-States, whose value is the snug sum of ures as may be deemed detrimental to labor." As the legislature assembles to

morrow and the law declares professional The following incubator manufacturers from Nebraska and Iowa were present at tobbying a felony unless the tobbyist is the meeting: E. G. Thompson, Fairview, registered, it is expected that several others Neb.; G. D. McClosky, Papillion, Neb.; W. will fulfill the requirements of the act

boli

TEDAL

SOUR

GOLD MEDAL FLOUR

Gold Medal Flour Its & Biscuit Flour Its & Pastry Flour Its & Bread Flour Its a Cake Flour

WASHBURN-CROSBY'S

GOLD MEDAL

FLOUR

THE VERY HIGHEST QUALITY

'I believe so," was the reply. Cattlemen of Colorado determined to test Francisco" and the Canadian Pacific. the right of the government to make such Prior to 1901 the Union Pacific and the charges. In order to bring a test case Southern Pacific had maintained solicit-

route and the Southern Pacific, both also brought up. Had the declsion been as he put it, controlled rates before the

"Is it your opinion." he was asked, of the department of forestry to charge a large amount of Southern Pacific stock grazing fees and was regarded as of the the two roads were in competition?"