

THE NEWS IN IOWA.

The district court of Chickasaw county convened on the 1st. Judge A. N. Hobson, of West Union, on the bench. The grand jury was called, instructed and then discharged. There is very little criminal business and as the civil list is quite limited it will be a short term.

John M. Koney, of Keokuk, present sheriff of Lee county, and democratic candidate for re-election to the same office at the recent election was, on the face of the returns, defeated by Frank Lightfoot, republican, by 23 votes, in a total of 7,500 votes cast. Now, however, Koney has filed with County Auditor Finch a statement of intention to contest the election. This statement charges irregularities in several of the townships and a miscounting of the votes. There are some specific and other general charges.

The easy divorce laws of South Dakota were given a jolt in Judge Howe's court at Des Moines a few days ago when, in rendering an opinion in the Fagen case, he held that the late Alderman Fagen was not legally divorced from Mrs. Fagen, nee Lily Bowen, who sued for her dower rights in the Fagen homestead. Fagen married Lily Bowen secretly. They lived together but a short time when he went to Dakota and procured a divorce under the South Dakota laws. He afterwards died. Mrs. Fagen sued for her dower rights in the homestead and the heirs resisted on the grounds that she was divorced from her husband at the time of his death. The court holds that, under the evidence, Fagen went to Dakota for the purpose of procuring a divorce and for no other purpose. The decree is therefore held null and void.

On the criminal docket of the Jasper county district court which convenes on the 1st, appears the case of the State of Iowa vs. Hannah Lavelleur. It was thought by many that this case would never be tried again, but from some sources it is demanded that the wife be again put on trial for her life charged with the murder and burning of her husband. Among those who are familiar with the evidence, however, it is not thought that a conviction will be secured, the whole case resting upon circumstantial evidence. Since the last trial the state has been working upon new clues and now evidence. With what success is not known, but what was thought to have been unknown was the exhuming of Lavelleur's body at Mingo. This was done by the county attorney who directed three physicians to make a careful examination with a view of getting further medical testimony as to whether the legs and arms were burned off during the fire in the barn or cut off. It is thought the trial will last ten days or two weeks.

The intimation given out that the board of control does not consider the old location of the school for the deaf at Council Bluffs a suitable location upon which to rebuild the burned structure, is likely to produce a hard fight among Iowa cities to secure the institution. Grinnell has already entered the lists and Dubuque is expected to do so. Council Bluffs has awakened to the necessity of doing something about the school if it would not fall to the school taken away. The board of control has visited the city recently and in conversation with the business men let it be known pretty clearly that a more suitable location would have to be provided. The expectation that Dubuque will enter into the competition is prompted by the effort which the people of Dubuque have made at different times to have a new school established there. Their contention was that if a school for the deaf should be built in Iowa and that the second one should be built there. The matter will come up before the legislature for decision and the claims of the various cities that may enter the competition will be presented there. The members of the board of control say they will take no part in the fact. They will make no suggestions either as a body or individually but will let the different cities fight the matter out for themselves.

The hearing on the big Moline Harrison ditch was concluded at Orwa after six days' hearing and the board of supervisors voted "that the proposed ditch is conducive of public health, convenience and welfare of the community," which virtually established the ditch, although certain other steps are necessary in regard to appointment of appraisers, etc., before the ditch is finally established. The work is regarded as the most important improvement that has ever been carried out in Boone county. The ditch with outlets of Little Sioux river (and without outlets, which have been struck out) is estimated to cost \$21,000 by the government expert, C. Y. Elliott, and R. S. Fessenden, engineer. The latter's estimate was \$20,000, but it was decided to leave it out for the present. The evidence in the hearing has been very lengthy, over thirty witnesses being examined for petitioners and three for the objection. More interest has been taken in this matter on the west side of the county than on any proposition presented for years, and the general sentiment is strongly in favor of the establishment of the ditch. It is expected that an appeal will follow.

That river traffic is improving on the upper river there can be no doubt. The records of the engineer of the big bridge draw at Burlington show that over 300 more steamers passed through the bridge at that place this season than last, and last season was considered a good one.

The body of Nathaniel P. Jackson, son of Mrs. Mary E. Jackson, Lavilla, was found under a railroad bridge at Sioux City a few days ago. Foul play was suspected at first, but the young man's money and watch were found intact and the murder theory was abandoned. It is likely he fell from the bridge. The young man had been working the harvest fields in South Dakota and probably was on his way home.

Judge P. B. Wolfe, of Clinton, created considerable of a sensation by ordering an investigation into the motives which have prompted the prosecution of Clinton liquor dealers in the past few months and has appointed three Clinton attorneys as a committee of the bar to make an investigation and report to him. If the rumors are proven true that many of these cases were commenced for blackmail, there will be some debarred lawyers in Clinton county.

T. J. Calvin, a well known farmer living near Kirkville, received injuries in a run-away accident from which he died about an hour later. He was driving a team of colts to the field when they ran away with him, upsetting the wagon and throwing him out with such force as to break his collar bone and injure him internally. The unfortunate man was 53 years of age. His family consists of the wife and son and daughter. He was a man of prominence in the neighborhood, having held various township offices.

The large general merchandise store of Walter Thomas at Green Mountain was set on fire and completely destroyed by the explosion of a gasoline lamp. Ambrose Thomas, a son of the merchant, was lighting a lamp, when he fell, pulling the lamp down. He was severely burned, and his father's face and hands were badly injured. The store is located near a number of dwellings and their roofs were frequently on fire. All the farmers in the vicinity were called by telephone, and in a short time 400 or 500 people were on the scene. A bucket line was formed and the fire was kept in bounds, although the town was in serious danger. The goods of persons living near the store were taken to places of safety. For a while it seemed impossible to control the fire.

The largest fee for one day's testimony ever drawn from Hamilton county will be drawn by George Birnes, who testified in a matter before the court a few days ago. The bill rendered by Mr. Birnes is \$133.15. Mr. Birnes was upon the witness stand only a part of the day. For this the amount allowed by law is \$1.25. However, the law also allows a mileage fee of 10 cents per mile one way for the distance traveled in coming to the court. Mr. Birnes traveled 1,319 miles to come to Webster City to appear in the case in which he testified. Mr. Birnes came all the way from New York City to give his testimony. From Webster City to Chicago it is 359 miles and from Chicago to New York it is 960, making a total of 1,319 miles. The total mileage bill rendered by Mr. Birnes is \$133.10 and the \$1.25 allowed by law makes a total of \$133.15 as fees to be allowed to Mr. Birnes.

The grand jury of Lyons county has found that the charge that John Donovan, formerly a jeweler and real estate dealer of Rock Rapids, by hypnotic influence induced Violet Bowen, cousin of Mrs. Donovan, to elope with him, was substantially true to indict Donovan for seduction and for rape. Miss Bowen had lived with Mrs. Donovan, who belongs to one of the old families of the county. She disappeared with Donovan and later wrote to her parents that they need not expect her to return. He lived with her a year at Le Mars and then left her to return to his wife. Several testified before the grand jury to having seen Miss Bowen completely under Donovan's hypnotic influence several times. Hypnotists have claimed that the hypnotic influence is not sufficient to induce a subject to violate the moral law, but the state attempts to prove in this case that it can be done. Donovan will not be tried before next term.

It is being said to have been of long standing between neighbors living east of Marshalltown, has culminated in the arrest of Joe Walter. He is charged with assault with intent to commit murder upon James Hanly. Mrs. Anna Hanly, wife of James Hanly, filed the information. Walter is a German, living on the old Kerkens farm just east of the city. What was the exact cause of the trouble which has existed between him and Hanly, who lives near by, cannot be learned. Mrs. Hanly claims that while she and her husband were passing the Walter home, he came out, threw rocks at them and fired upon them with a gun. The shot did not take effect. Walter was arrested by Constable Lecch, and it is asserted that he is said to have claimed that he acted in self-defense, as Hanly was threatening him with a revolver. No time has yet been set for his arraignment.

DRAKE'S WILL IS PRODUCED

Ex-Governor Had Left the Document With High Masonic Order.

\$50,000 TO DRAKE UNIVERSITY

Remainder of the Large Estate Is Divided Equally Among His Six Children—Will Probably Amount to About One Million.

Des Moines, Nov. 30.—The last will and testament of the late ex-Governor Francis Marion Drake, for which diligent and unavailing search has been in progress at Centerville since the time of the general's death, was produced in Des Moines yesterday by the Des Moines consistory of the Scottish Rite Masons. Today it will be sent to Centerville by registered mail, to be probated.

In this will, made in 1897, General Drake gives \$50,000 to Drake university and divides the remainder of his property equally among his six children.

The will is now in the possession of the Des Moines consistory, of which the late General Drake, for many years a prominent Mason, was a member. It was written at the time of his becoming a member in 1897. It is one of the briefest wills probably ever made by a millionaire, and no executor is named. The text of the will follows:

"In the Name of God, Amen! I, F. M. Drake, being of sound mind and memory, but knowing the uncertainty of human life, do now make and publish this, my last will and testament, that is to say:

"I will all my possessions, real and personal to be equally divided between my six children, Millie D. Shonts, Jennie Sawyers, Eva D. Goss, F. E. Drake, John A. Drake and Mary Lord Sturdevant, except that out of my estate shall be paid \$50,000 to Drake University.

"F. M. Drake. (Seal.)

"Signed, sealed, and published, and declared by the said F. M. Drake, the testator, and for his last will and testament; and we, at his request and in his presence, and in the presence of each other, have hereunto subscribed our names as witnesses thereto, this 26th day of January, A. D., 1897.

"R. M. J. Coleman. "Geo. Fairburn."

The history of the will is unique and is characteristic of the simplicity with which General Drake was accustomed to do things of moment.

It is the rule of the consistory that whenever a member is elected, he shall make provision for his family. General Drake became a member, with six others, and like the rest, had his attention called to this rule. Accompanied by George Fairburn, then commander of the consistory and now a banker at Fonda, and by R. M. J. Coleman of Des Moines, secretary of the consistory, General Drake went into the small room provided for this purpose. He sat down to a table and without hesitation scratched off the document which will probably dispose of his property. It was witnessed by Mr. Coleman and Mr. Fairburn, and then placed in the vault of the consistory in charge of the secretary.

Ex-Governor Drake's wealth has been variously estimated, some estimates placing it as high as \$4,000,000 and others placing it as low as \$300,000. Probably a proper estimate would place the figure at \$1,000,000 or close in the neighborhood of that sum. A few years ago it would probably have been correct to estimate his wealth in millions. But the general was a generous giver. His charities were almost unnumbered. He gave to colleges all over the United States, to various charitable institutions, and helped his friends.

COMPETITION FELT.

Canadian Competition Felt in England and America.

London, Dec. 1.—The Standard this morning, noting the recent curtailment of pig iron production in the United States, says:

"Notwithstanding this severe reduction in output, stocks have steadily increased here from 203,000 tons in May to 507,000 tons in October, largely owing to the imports of bounty-fed Canadian iron and steel. This Canadian competition, which is bound to grow in view of the high price of iron and steel in the United States that has forced the British producer from the severe effect of a competition fostered by a direct subsidy from the colonial government."

The center of the coal and iron in the province of Ontario is Cape Breton. The extraordinary richness of the fields, the cheapness of production, and the government bounty of \$2.70 per ton on pig iron makes this island the center factor in the markets of the world.

It is understood an Iowa company, the Cape Breton Coal & Iron company, of Des Moines, has immensely valuable holdings on the island, and, if all reports are true, will realize handsomely on the investments made.

NOTES FROM THE CAPITAL

Des Moines, Dec. 3, 1903.

According to a report emanating from Winterset, the Rock Island has practically completed arrangements for the construction of a new line across Iowa which will be the shortest line between Davenport and Council Bluffs and incidentally the shortest between Chicago and Omaha. The distance between Davenport and Council Bluffs will be shortened between forty and fifty miles. The terminals of the new line will be Knoxville and Council Bluffs. It is said that surveys have already been made for the greater part of the route, where the route will be almost a direct straight line across Marion, Warren, Madison, Adair, Cass and Pottawattamie counties. Knoxville is now the terminal of a branch of the Rock Island, which is built almost straight west from Davenport. The country to be tapped by the proposed extension has very poor railroad facilities, nearly all the lines reaching it running north and south.

Among the towns that will probably be reached by the proposed extension are Indianola, Winterset, Greenfield, Cumberland, Griswold and Carson. It is said that the main object in building the road is to facilitate the handling of through business on the Rock Island.

If a repeal or modification of the present road law is secured at the next legislature, it will be done only after a most strenuous fight. There is no doubt that the road law is unpopular in many quarters, but it is considered so far superior to the old road law which resulted in nothing but a waste of time that it is considered doubtful if such men as E. D. Chassell of Plymouth, who promises to introduce a bill for its modification, will be able to secure any action by the legislature. "I am sorry," said a prominent state house official, "that Mr. Chassell has decided to undertake this measure. Chassell is a good fellow, and we would like to see him get one of the best committees in the house, but he will have to be good." The good roads committee may take up the fight in favor of the law.

George A. Wells, secretary of the Iowa Grain Dealers' association, estimates 40 per cent of Iowa grain is now being shipped south. The bulk of it goes to Memphis, Tenn. It is thought more of it will be shipped to the gulf for export than heretofore, on account of the eastern roads increasing the freight rate 2 cents per hundred pounds December 1.

On Tuesday, December 22, Governor A. B. Cummins will represent the state of Iowa in an event which will do honor to the memory of one of Iowa's most picturesque figures. The people of Vinton have decided to place a bronze tablet to the memory of Senator and Captain Thomas Drummond, and will place it in the State College for the Blind. The unveiling of the tablet will take place on December 22, Hon. Cato Sells of Vinton making the presentation speech and Governor Cummins accepting the tablet on behalf of the state. There is appropriateness in placing a tablet to the memory of Senator Drummond in the college for the blind, as it was Senator Drummond who introduced the bill which established the college, and it was also through him that it was located at Vinton. Senator Drummond has the distinction of having been the first Iowa soldier to get to the front. He attended the inauguration of President Lincoln, and was there when the war broke out. He immediately offered his services to President Lincoln, and was commissioned a lieutenant of volunteers.

In his report to the governor, Game Warden Geo. A. Lincoln, reopens the famous Bonaparte dam question, makes some important recommendations, relative to the game season, and incidentally asks for an appropriation of \$16,000. For years the Bonaparte dam has withstood all efforts of legislators to have it removed. Legislators, attorney generals, sports men and game wardens have gone against the proposition, only to retire with defeat. Now there seems a possible chance that the obstruction will be removed, and with the assistance of nature. Game Warden Lincoln calls attention to the fact that the heavy rains of the spring damaged the dam considerably, opening it up in places to such an extent that if the owners were to attempt to repair it they could be stopped under the authority of the law against the obstruction of fishways.

In his report to the governor, Adjutant General M. H. Byers recommends the appropriation of sufficient money to erect an arsenal for the department with sufficient room to accommodate the entire department and also recommends the purchase and establishment of permanent camp ground for the Iowa National guard.

The recommendations are important and are along the lines of the scheme which military men have had at heart for a long time. The erection of a separate building for the military department of Iowa appears absolutely necessary. The present quarters are cramped and are inconvenient, and the adjutant general with his office force, according to the assignment of rooms at the state house, will have to move down stairs.

Levy men are always boasting of what they are going to do tomorrow.