## SIX O'CLOCK.

**WEARY WOMEN WATCH FOR THAT BLESSED HOUR.**

**Help for our Working-Girls and Women Near at Hand.**

[SPECIAL TO OUR LADY READERS.]

ON the stroke of six ends the day's work at stores, offices, factories, mills, where women are employed. But their necessary work at home, sewing, mending, etc., must be done after that time, and "theirwork is never done."

All women work; some for ambition, some for economy in the household, but the great mass of women work for their daily bread. All are subject to the same physical laws; all suffer alike from the same physical disturbances, and the nature of their duties often quickly drifts them into the horrors of all kinds of female complaints, ovarian troubles, inflammation, ulceration, falling and displacement of the womb, leucorrhœa, and perhaps irregular or suppressed "monthly periods," causing severe backache, loss of appetite, nervousness, irritability and weakness.

*Lydia E. Pinkham's* Vegetable Compound is the unfailing cure for all these troubles. It strengthens the proper muscles, and cures displacement.

Backache, dizziness, fainting, bearing-down, disordered stomach, moodiness, dislike of friends and society—all symptoms of the one cause—will be quickly dispelled. Write Mrs. Pinkham about your trouble.

You can tell the story of your pain to a woman, and get the help that only woman can give. Mrs. Pinkham's address is Lynn, Mass.


## STREET-CLEANING MACHINERY.

**Contention as to the Merit of Sweepers Before the Works Board.**

Almost all of yesterday morning was consumed by the Board of Works in hearing the claims of the various bidders for the street cleaning contracts for next year. The bids were received several days ago and were held over for consultation. Fuehring Bros. made the lowest bid in three of the four districts and the Indianapolis Street Cleaning Company, which owns the Furnas sweeper, submitted the lowest bid for the other district. There was considerable contention among the bidders as to the quality of the work done by each. Fuehring Bros. announced that they were now having constructed a new air-blast sweeper, which they would use as soon as it was completed, but would not want to agree to use it on all streets.

The board will consider the question again to-morrow and will probably let the bids at that time. It is almost certain that they will be awarded to the lowest bidder in each district, for the showing made yesterday was that either of the bidders will be prepared to do much better work than they have done heretofore on account of the improved machinery which they will use.

## THE PARK APPROPRIATION.

**Commercial Club Favors $50,000—Special Council Meeting.**

The Commercial Club's committee on city interests held a meeting yesterday afternoon and adopted a resolution favoring a large appropriation for public parks. The resolution reads as follows:

Whereas, It is believed to be unfortunate for the best interests of Indianapolis that the development of a park system should be retarded during the next year by the lack of sufficient funds, therefore, be it

Resolved, By the Commercial Club's committee on city interests that in its judgment the appropriation for parks should not be reduced below $50,000.

**Water Tower in Kansas City.**

The following letter has been received by the Board of Safety from Robert W. Reid, of Kingan & Co., which explains itself:

"The advisability of purchasing a water tower for the city's use is now being publicly discussed. I beg leave to mention to you that a water tower did eminent service in March last at the Reid Brothers' packing house fire in Kansas City. The water tower saved two adjoining buildings which were filled with merchandise when it seemed almost impossible to save them. The main building was a mass of flames, which were rising at times 135 to 140 feet in the air, yet the constant volume of water from the tower kept the flames in control at the end adjacent to the smoke house and office and these buildings were saved, together with about $200,000 worth of meats and other property."

**Improvement Petitions Granted.**

Improvement petitions were granted and the necessary specifications ordered by the Board of Works yesterday as follows:

Paving east sidewalk of Stillwell street with brick, from Madison street to the first alley south.

Grading and graveling Sycamore street, from Pleasant avenue to Sylvan street.

Grading and graveling Sylvan street, from Sycamore to Cypress street.

**Menacing Safety Gates.**

The Board of Works yesterday ordered the Union Railway Company to remove the stands at Washington and Noble streets that were formerly used for safety gates. They are not now used, and are a menace to drivers in the street. They are about ten feet out from the curb.

**The Pleasant Run Bridge.**

The new Columbus Bridge Company was yesterday granted the contract to put sidewalks on the bridge over Pleasant run at Spruce street. The city furnishes all lumber and the company all other materials. The contract price is $480.

**Special Council Meeting.**

A special meeting of the Council has been called for Thursday night to consider the appropriation ordinance.

**New East-End Christian Church.**

A new Christian Church was organized last night on Rural street. This church is the outgrowth of a Sunday school that has been in existence in the neighborhood for several months. The officers elected last night are as follows: Elders, Henry Holt and B. S. Ging; deacons, Martin Bonzsoff, F. B. Hobson, J. H. Brown and L. A. McCannon; trustees, Henry Beville, John Bates and George Fate; clerk, A. C. Ward.


Now see that your blood is pure. Good health follows the use of Hood's Sarsaparilla, which is the one great blood purifier.

## THREW UP THEIR JOBS

**RESIGNATION OF RECEIVERS OF THE NORTHERN PACIFIC ROAD.**

**False Report Regarding a Prospective Strike on the Wabash—Rates Not Restored.**

Henry F. Payne, Thomas F. Oakes and H. C. Rouse, receivers of the Northern Pacific road, tendered their resignations to Judge Jenkins at Milwaukee yesterday. Judge Jenkins will take the matter under advisement and will decide on Friday. The resignations give a complete history of the appointment of the receivers and dwells on subsequent legislation. Reference is made to the attack made on the receivers by President Ives in the Washington courts. The proceedings are set forth and excerpts made from the opinions of Judges Gilbert and Hanford. The receivers then proceed: "Your receivers manifestly cannot administer the trust with justice to the parties interested or themselves if subject to orders and instructions as to the general administration from two or more independent tribunels. We cannot abide, nor can we ask our sureties to abide, the danger of the differences of opinion between courts, each assuming to be controlling, as to the expenditures of the receivership in the general administration, in view of the immensity of the sums involved."

The letter then states that, while willing to answer any charges which are or can be made against the receivers' administration, the order of the United States Circuit Court of the District of Washington "renders it necessary for us, on or before the 2d day of next October, not only to answer, plead or demur to the charges there filed, but to give within that jurisdiction each a bond of $100,000, and to file in that court a full, just and true account of their receipts and disbursements since the date of the account of said receivers last reported on by said A. L. Cary, master, as aforesaid, and of all and singular their receipts and disbursements, acts and doings since that date, and hereafter from time to time monthly. The result of a failure to comply with the order of said court need not be pointed out; in other words, unless your receivers recognize, as they understand it, that that honorable court is the court of primary jurisdiction, they will of necessity be in contumacy and cannot attend on said court to support any answer to said charges in person without being liable to punishment for contempt of court for failure to make such general accountings. Your receivers are not willing under any circumstances to file an additional bond in such jurisdiction, nor are they willing to put themselves or their sureties in a position to endanger their right to challenge the jurisdiction of that honorable court."

The receivers then petition that the court for the district of Washington be directed to present the charges filed there for trial before the court in Judge Jenkins's district, not only because the nature of the charges seem to render the court at Milwaukee the appropriate tribunal, but because the disposition of the charges in this court would be final, and would protect the receivers from again defending the charges in various jurisdictions. Further, because some of the charges have already been disposed of in a trial in this city.

Continuing, the report says: "We deem it for the best interests of the estate that we should promptly resign our trust to this honorable court and such other courts as may recognize its primary jurisdiction to appoint new receivers who will owe no duty, technically or otherwise, to any court not recognizing primary jurisdiction, and who will therefore be able to deal with separate receivership, and the operation of the system in sections cannot be otherwise than a calamity to the trust, estate and to the public." In conclusion the letter says that a road like the Northern Pacific can only be administered, as it has been done, through a single court. The receivers hope that the conflict of jurisdiction and the appointment of separate sets of receivers, which will greatly increase the expense of the road and demoralize the service, may be averted.

**No Strike on the Wabash.**

The St. Louis Post-Dispatch declares that there is a big strike brewing on the Wabash railway, which threatens to tie up the entire system from Toledo to Kansas City. The paper adds: "For several weeks past the company, through its officials, has been quietly ferreting out the members of the various brotherhoods in its employ, and one by one they have been discharged. The reason given has usually been incompetency, drunkenness, bad record or other causes equally as good, but the discharged employes had no recourse. It is claimed, however, that a majority of the men discharged were released because they are members of the Brotherhood of Locomotive Engineers, Firemen, Order of Railway Trainmen, Railway Conductors or the Switchmen's Mutual Aid Association. These five organizations embrace all classes of men actually engaged on the road in keeping trains moving, and they are said to be well organized. An engineer said to-day that the lodges of all five orders at Decatur, Springfield and Moberly would take the matter up and demand the reinstatement of all men who are not discharged for good and sufficient causes. 'If they are not reinstated,' he said, 'there will be the biggest strike the Wabash ever knew, and we'll make it cost the company more than it could save on nonunion men in a hundred years. The St. Louis lodges will also take the matter up.' Vice President and General Manager Charles A. Hays and General Superintendent Magee are both absent from the city. Mr. Logan, private secretary of Mr. Hays, said the Wabash road employs both union and nonunion men, but prefers men whose allegiance is to their employers, and not to any brotherhood. He said he had no official information on the subject, but does not anticipate trouble."

A dispatch from St. Louis last night said that information derived from Wabash railroad headquarters and other reliable sources is to the effect that the reports circulating here of disaffection among employes of the road, threatened strike, etc., are entirely untrue. The reports are said to have originated in a Springfield, Ill., paper and were probably based on the dismissal of one or two employes for good and sufficient cause, which is an almost daily occurrence on any railroad in the country. Officials of the road state positively that there is no disaffection among their men and that no trouble of any kind is apprehended.

**Meeting Trolley Competition.**

The Pennsylvania and the Philadelphia & Reading have been sufferers from the inroads the trolley lines have made on the passenger business. At first the roads paid but little attention to the traffic which was being diverted from them owing to the cheapness of the transportation, and it was thought that the regular riders would soon tire of the trolley lines and come back to the steam roads, but time has demonstrated that the passenger officials of these extensive systems of railways, which reach so many important towns in Pennsylvania, were not correct in their theories, and now the passenger officials of the steam roads propose to protect their business by offering lower rates. Beginning to-day, both the Pennsylvania and the Philadelphia & Reading will put into effect a new passenger tariff which considerably reduces the cost of transportation between numerous points on their respective lines. The Philadelphia Press says: "The Reading company has practically reduced all its passenger rates to points where there is trolley competition. The Pennsylvania Railroad Company has done the same, but the Reading took the initiative when it made the sweeping reduction on its Germantown branch. Since then its passenger business has greatly improved and as the trains are run at more frequent intervals better results are obtained. While the railroads in this vicinity have reclassified their passenger rates there are other points along the systems where trolley competition is making itself felt. The passenger department of the Pennsylvania Railroad Company is now considering the advisability of making a reduction on its local rates between Baltimore and Washington. While no decision has been reached it is understood that the change will be made. There will be issued package tickets as well as one hundred-trip tickets, and in all probability the rate will be 2½ cents a mile, instead of 3 cents, as is now charged. The trolley lines have been responsible for the changes and the railroads have been compelled not only to reduce the fares, but to make quicker time. It is thought that in a short time further changes will have to be made."

**Did Not Restore Rates.**

The freight representatives of the Western roads met in Chicago yesterday to see if they could not evolve some method to stop the demoralization in rates which has become apparent within the last week. The meeting was without success and adjourned without taking action of any kind. The trouble seems to be that the cause of the cut rates is too deep to be eradicated in so short a time. Ever since the collapse of the Western Trunk line committee all of the rates have been cut and if the reductions have not been heretofore apparent it was only because there was not enough of the business to call for a fight over it. Now, however, the freight has commenced to move and the cut rates which really have been in effect since the collapse of the committee have come to the surface. The general opinion at the close of the meeting was that the time is not ripe for a settlement of the rate troubles, the reason probably being that all of the roads have made contracts for the transfer of freight which they could not fulfill if they observed any agreement for the preservation of a higher tariff.

**The Joint-Inspection Bureau.**

The appended statement shows the gains in revenue for August of the joint inspection and weighing bureau in the Indianapolis district, of which J. B. Eckman is inspector. At Indianapolis, through weighing carload freights, the gain was $11,469.23; weighing platform freights, $1,537.35; change in classification, $705.62; total, $13,707.20. At Louisville, through weighing carload freights, $4,637.43; platform freights, $710.76; change in classification, $526.34; total increase, $5,894.53. At Terre Haute, through weighing cars, $6,105.76; weighing platform freights, $33.53; change in classification, $727.48; total, $7,134.07. At Evansville, through weighing carload freights, $1,959.72; platform freights, $453.67; change in classification, $1,872; total, $2,432.01. At Vincennes, through weighing carload freights, $1,900.16; platform freights, $52.22; total, $1,952.38. The total increase in revenue to the railways at the five points was $31,020.19.

**Fast Time on the New York Central.**

A special train created a new record between Albany and Syracuse on the New York Central yesterday morning, making the 149 miles in two hours and fifteen minutes. The official time was: Left Albany, 5:58:30 a. m.; arrived at Syracuse, 8:13:30. The train consisted of two cars drawn by engine No. 999. A New York newspaper also ran a special exclusively for its edition and made time as follows: Left Albany, 6:22:30 a. m.; arrived at Syracuse, 8:44:12. This train would have broken the record, but was frequently delayed in not getting clear block signals at signal towers. As it was she was within two minutes of the best previous record of 140 minutes, 35 seconds.

**The Aggressive Ingalls.**

Buffalo Courier.

It is of interest to recall the fact that months ago, when urged to bring his roads into the Trunk-line Association, President Ingalls, of the Big Four and Chesapeake & Ohio, addressed a curt letter to President Roberts, of the Pennsylvania, in which he expressed the opinion that the Trunk-line and Central Traffic Associations had outlived their usefulness, and membership in either was not only valueless, but involved an expense, both as regards time and money, that was just so much waste. Soon after, to the great surprise of those who were familiar with this circumstance, the roads of which Mr. Ingalls is the chief executive, were enrolled as members of the two associations. It was suspected that he had received assurances that his aggressive ideas concerning the measures necessary to work out a reform would receive consideration. Subsequent events have rather justified that conclusion, for it is well understood that Mr. Ingalls is the author of the radical measures calculated to stop rate cutting and to which such strong exception has been taken. The question now presenting itself is as to whether he will subscribe to the agreement if his propositions are so radically modified as to leave little trace of the original ideas that they embraced, and produce a condition but little better than what was prevalent before he and the other members of his committee did their work at Manhattan Beach. It is not difficult to apprehend what roads are unwilling to accept his plan in its entirety.

**Personal, Local and General Notes.**

George Lowell, general superintendent of the Monon lines, is expected in the city to-day.

Ticket scalping is prohibited by law in Canada, and the roads see that its provisions are enforced to the letter.

C. P. Huntington, president of the Southern Pacific, on Monday, started on his annual inspection of the entire system.

The Chicago Elevated Terminal company is an organization of the past, having been absorbed by the Santa Fe reorganization committee.

The net earnings of 138 roads for the seven months ending July 31 were $101,208,115, an increase over the corresponding period of 1894 of $10,222,299.

William S. Johnson, special agent of the United States Express Company, died on Saturday at Rosedale, N. J., where he had gone on special duty.

J. J. Turner, superintendent of the Panhandle's Pittsburg division, returned on Monday from a two weeks' vacation which he spent at Mackinac.

F. G. Darlington, superintendent of the Indianapolis division of the Panhandle lines, is not improving as expected. He is now at Deer Park, Md.

The special train which hauled the private car of George Gould on the Wabash made the run from Chicago to Detroit in six hours and six minutes, 272 miles, on Thursday last.

Within the last few weeks 2,500 carloads of gravel have been distributed on the Western division of the Peoria & Eastern, and its track is said to be in excellent shape for winter.

F. H. Mauter will on Oct. 1 succeed G. M. Sargeant as commercial agent of the Santa Fe at Kansas City, and on that date C. L. Millhouse will succeed Mr. Mauter as commercial agent of the same road at Peoria, Ill.

M. L. Akers, recently appointed general agent of the Big Four at Louisville, is already at work. He has taken rooms at the Galt House, at that city, where, with his mother and sister, he will be for the winter.

E. P. Brinegar has been appointed to represent the passenger department of the Chicago & Rock Island in New England, and F. E. Meek will succeed him as traveling passenger agent with headquarters in Omaha.

The reorganization of the Toledo, Ann Arbor & North Michigan Railway Company has been perfected. General Manager Ashley denies emphatically that the Ann Arbor is to be consolidated with some other road.

The day passenger train south over the Michigan division of the Big Four now reaches Indianapolis one hour earlier than under its former schedule, making connections with all the Big Four trains leaving at or about 3 p. m.

The Cincinnati, Jackson & Mackinaw will this week complete the work of securing a right-of-way for its Jackson extension. Its line will be a very direct one, and cross but few streams. The construction of the extension is to be commenced at once.

Bayard Cutting, formerly president of the Indianapolis, Peru & Chicago, accompanied by his family, passed through the city yesterday en route from New York to Colorado, where one of his sons lies quite ill. The party traveled on a special car.

F. C. McDonald, commissioner of the passenger department of the Central Traffic Association, is in New York. He tells railroad men that rates in the West have been badly demoralized, but the situation is improving and the outlook for business very promising.

The managements of the Indiana, Decatur & Western and the Toledo, St. Louis & Kansas City are still trying to arrange for through car service between Indianapolis and St. Louis. The question of the equipment of the train is the only thing delaying the enterprise.

W. D. Fancher, late in the office of F. G. Darlington, superintendent of the Indianapolis division of the Panhandle, has been appointed agent of the company at Lewisville, Ind., vice J. B. Guerin, deceased, who had been agent of the company at that point for twenty-five years.

It is stated that R. P. Owens will probably succeed Frank McClure, deceased, as agent of the Big Four at Mattoon. Mr. Owen is now acting agent, and was agent at this important station before transferred to Cairo, on the Big Four, taking control of the Cairo & Vincennes.

The San Francisco Chronicle says: J. Kruttschmitt, general manager of the Atlantic system of the Southern Pacific company, has been appointed to the vacancy created by the death A. N. Towne, thus becoming general manager of both the Atlantic and Pacific systems of the road.

Passenger Conductor James Jennings, on the Monon, last week attempted to put a man off his train who refused to pay his fare, and in the encounter was badly bitten on the hand by the unruly passenger. Blood poison has set in and it is feared it may become necessary to amputate the hand.

The Chesapeake & Ohio night express from the East yesterday was three hours late in reaching Cincinnati, and the Big Four made up a special to take the passengers for the West, running through to St. Louis, for which point and Western connection there were thirty-seven passengers.

It is stated that the railway employes will press more strongly than ever on the next Congress the passage of a bill protecting employes in belonging to secret societies, which failed to pass the last Congress. Already steps are being taken to bring the matter before Congress early in the session.

The Knickerbocker express over the Big Four has now been in operation eleven months, and but five times has the train been turned over to the Lake Shore at Cleveland late. Since put on, three times has the speed between St. Louis and Indianapolis been quickened, and in each case fifteen minutes.

The fact that the Santa Fe should cut Pacific coast rates at the time when travel to California sets in is much of a surprise to passenger men, as no road can be hurt in its business more than can the Santa Fe in a rate war which will surely come unless reports of what its representatives have been doing are exaggerated.

P. A. Bonebrake, superintendent of the Louisville division of the Pennsylvania line, is devoting three days this week to going over the line, accompanied by subordinate officials, to see what further must be done this fall to put the track in good condition for winter and for the fall inspection of the higher officials of the Pennsylvania.

A one-fare rate for the round trip has been announced by a number of the Western roads for the general triennial convention of the Episcopal Church, which will be opened in Minneapolis on Oct. 2. The original rate was a fare and a third, but the Southwestern lines made a one-fare rate through St. Louis and the Western roads were compelled to make the same rate. Not all of them have put in the cheap rate, but they will do so.

Next month two robber-proof mail cars now building will be put in service on the New York, New Haven & Hartford. These cars have no platforms, and are curved and vestibuled into the train, thus preventing robbers getting a foothold. There are double doors at the end of the car for use if necessary. The mail clerks, however, enter by a trap door which shuts down and thus seals up the end of the car. Hand-brakes, to be used in case of an emergency, are located inside.

"The old wooden freight depots of the Bee-line on South Alabama street are certainly fire proof," said one of the Big Four officials, "else when the elevator near by burned on Thursday last these depots would have burned." In this connection it is stated that Robert Geiger, when agent of the Bee-line at this point, issued an order that in case either of these depots caught fire, if any employe did anything to prevent their burning the employe would be discharged. Several times buildings near by have been burned, but these depots always have escaped serious damage.

T. M. Pierson, assistant grand chief of the Order of Railway Telegraphers, is in New England organizing new lodges. When he was at Philadelphia on Sept. 17 a second lodge was instituted with 400 charter members, the most of whom are telegraphers on the Pennsylvania system. General Manager S. M. Prevost came out plainly and said that he was not opposed to the organization, and that any objection on the part of subordinate officials was not sanctioned by him and would not be tolerated if brought to his office. In this he agrees with the views of John G. Williams, of the Vandalia system.

All details have been completed by the Chicago & Alton for the opening of its Chicago-Peoria line on Sept. 29. The road will be opened for both freight and passenger traffic on that day. The passenger service will consist of three solid fast through trains in each direction every week day, and two trains in each direction on Sunday. Through freight rates will be quoted and through bills of lading will be issued from all points on the Alton and points west, and Chicago and points east. In a short time it is expected to extend the service from Peoria to Springfield, St. Louis, Jacksonville and Kansas City.

C. F. Muir, general freight agent of the Southern Pacific company, announces that the transcontinental railways have practically agreed to consummate an arrangement for the making of west-bound freight rates from what is known as the Central traffic territory on the basis of the same rates as prevail west-bound from New York city, subject to a minimum of 75 cents. This means a reduction in west-bound rates to the amount of the local rate now applying from the point of shipments to either New York or Chicago, and will be shared by all the roads forming the through lines between points in the Central traffic territory and California.

Michael Higgins, the founder of what is now known as the Brotherhood of Locomotive Engineers, died at Windsor, Ont., last week. It is stated that he was the originator of the idea and years ago went to Battle Creek, where he explained his idea to Robinson, the best educated engineer on the Grand Trunk system. Robinson was then the recognized leader of the unorganized men and he readily grasped Higgins's idea, and with two or three others held a meeting in an old freight car, where the "Brotherhood of the Footboard," as it was then called, was formed. The order grew rapidly and its ideas were carried out by the Brotherhood of Locomotive Engineers, which sprung up shortly after and absorbed the older organization.

In forming new passenger and freight lines the question of distance, unless it be marked, cuts but little figure, as in the case of the Big Four's new Louisville and Chicago line via Indianapolis. From Louisville to Chicago, over the Pennsylvania lines, it is 303 miles; over the Louisville, New Albany & Chicago main line, 324 miles; over the Big Four, 326 miles. The Big Four's line from Indianapolis to Chicago is 194 miles, the Panhandle 193 miles, and the Monon 183 miles. Singular as it may seem, the Big Four, in connection with the Peoria & Eastern, has the shortest line between Crawfordsville and Louisville, the L., N. A. & C. being 176 miles and the Big Four 175 miles. For points in Northern Michigan the Big Four, from Louisville, will have much the advantage in mileage, being twenty miles shorter to Benton Harbor than any of its competing lines.

## SAYS HE SHOT A MAN.

**Bert Ferguson Makes a Serious Charge Against Himself.**

A young man giving his name as Bert Furguson and accompanied by his wife called at the police station last night, about 10:30, and stated that he had shot another man. Furguson first requested of Sergeant Kurtz that he be allowed to carry a revolver, as he thought that there was a man who was attempting to get into his house, No. 3 Margaret street. The sergeant referred him to Captain Campbell, but as soon as he met that officer he stated that he had shot his brother-in-law, Isaac Smith, living at No. 61 Fayette street, and wished to be locked up. He explained that Smith's wife and his own were sisters, and that Mrs. Smith had been out with himself and wife during the evening, and that when they took her home Smith was waiting for them. He claims that he spoke to Smith, who called him a vile name and then struck him. Furguson says he then drew a revolver and shot Smith. The woman corroborated the story told by her husband.

After Furguson had been locked up, his wife left. In talking of the matter, after being placed in a cell, he contradicted himself several times and threw an air of mystery about the entire affair. He said that Smith was jealous of his wife. He also stated that he did not hit Smith when he fired, and that after he had fired they both walked about in a friendly manner. Mrs. Furguson had previously stated that Smith had been hit in the hip. Furguson explained the matter of his having a revolver at the time of the occurrence in that some one had been in his house during the early morning hours for several mornings recently, and he claims that the person looked very much like Smith, although he could not positively state that it was he. Officers were immediately detailed to search for Smith and his wife.

**Klein Hurt in a Runaway.**

Yesterday morning as Henry Klein, a driver for Stephen Crawford, wholesale butcher, was driving on Indiana avenue near the Yellow Bridge, his horses took fright and ran away. At Ohio and Illinois streets the wagon struck a telephone pole and was smashed, while Klein was thrown to the pavement. Klein was picked up in an unconscious condition and taken to the house of his employer, 277 North Mississippi street. He suffered a fracture of the lower jaw and a few minor bruises. The team was stopped after another collision with a tree at the corner of Meridian and Ohio streets.

## OLD PRACTICE VOID

**SUPREME COURT SURPRISES THE LAWYERS BY ITS RULING.**

**Notices of Appeal Must Not Be Directed to Attorneys—Tate-Love Tragedy Recalled.**

Attorneys who have recently appealed cases to the Supreme and Appellate courts under that provision of the statute which provides for the issuing of notice of appeal by the clerk of those courts are likely to have their appeals dismissed under the ruling made yesterday by the Supreme Court in the case of Tate against Churchman and others, holding that the practice, which has been pursued without a murmur of dissent for forty years, is wholly unlawful and absolutely without force in giving those courts jurisdiction over appellees.

The case in which the ruling was made is itself an interesting one. In its various phases it has been in the courts for twenty years. The number of lawyers who have represented the parties has been unusually large, even for a case occupying so great a length of time—a fact attributable to the financial importance of the litigation and the character of the parties to the action. Early in the seventies Jacob T. Wright and Carlin Hamlin, who at that time were prominent operators in real estate in Indianapolis, purchased from Jacob Dunn and William Love, who, under the firm name of Love & Dunn, were also leading real-estate men, a large farm on White river in Washington township. The consideration was about $40,000. The purchase money was paid in part by promissory notes. After all the notes but one had been paid the panic caught Wright & Hamlin, and they were unable to meet their paper. The unpaid note meantime had been assigned by Love & Dunn to Warren Tate, and was one of a series of transactions between those gentlemen which finally terminated in the sensational trial when Tate killed Love in the corridor of the courthouse. In his action to foreclose Tate was given judgment by Judge Elliott, who was then presiding in Room 3 of the Superior Court, together with a decree foreclosing the mortgage as a first lien upon the real estate. Some time after the judgment and decree were entered it was discovered that the note had been materially altered after its execution. Hamlin & Wright thereuopn asked to have the judgment and decree set aside, alleging that the note was a fraud and forgery, and that they did not know that fact in time to urge it as a defense to the action. Fletcher & Churchman, who were junior lien holders, also made application to the court to be relieved from the judgment for reasons similar to those stated by Hamlin & Wright.

Judge Elliott sustained the application as to Fletcher & Churchman, holding that, inasmuch as they were not parties to the note, they could not be presumed to know its contents, but at the same time he ruled agains Hamlin & Wright, holding that their neglect to bring the matter to the court's attention was inexcusable, inasmuch as they had made the note and knew or should have known what its provisions were. From the decree granting relief to Fletcher & Churchman Tate appealed to the Supreme Court, which affirmed Judge Elliott's decision. A number of years following were occupied in making up the issues subsequent to the decision of the Supreme Court, and in 1889 Tate was again defeated in the Supreme Court. His case was then appealed to the general term of the Superior Court, where it was pending when the last Legislature abolished appeals to that tribunal.

On May 8 Tate's attorneys, Capt. S. M. Shepard and Messrs. McCullouch & Spaan, filed in the office of the Clerk of the Supreme Court a transcript of the record and assignment of errors and caused the Clerk to issue a notice directed to the appellees or their attorneys, naming them. The notice was served by the sheriff of the county on some of the many attorneys, who had, at one time, been in the case, but none of those served had represented the appellees for the last five years. On the return of this notice the case was submitted to the court for decision.

At this point W. V. Rooker, entering a special appearance for the appellees, moved to dismiss the appeal for want of notice, the time having passed in which notice could be served under the statute. The grounds for the motion were want of jurisdiction over the appellees. It was on this motion that the court made its ruling yesterday. It holds that the clerk of the Supreme Court has no right to issue a notice directed to an attorney of record, but he must issue it only to the appellees. The court calls attention in its ruling to the plain provisions of the statute, and also to the fact that for forty years no person had called attention to it, also to the error in the practice, and holds that all notices so issued are invalid when served upon the attorneys, and conferred no jurisdiction on the court. A great many of the appeals taken in recent years have been upon notices issued by the clerk of the court, and universally the practice has been to insert in the notice the names of the attorneys of record. The sheriffs of the counties have found it more convenient to serve the attorneys than to serve the parties, and the result is that a large majority of cases have been so appealed that the court was really without jurisdiction until the appellees voluntarily appeared and submitted their cause to the court for decision. It is probable that motions to dismiss will be filed in all cases in the Supreme and Appellate courts where the notice was issued and served as in this case.

## DEITCH WAS IRRITABLE.

**The Suit of Mrs. Effie Stokes for Long Services Begins.**

The trial of Miss Effie Stokes's claim against the Deitch estate was resumed yesterday in Judge Brown's room. The morning was taken up with the opening statement to the jury of the opposing sides. Mr. Thompson, of Carson & Thompson, made the address on behalf of the plaintiff and Mr. Howe for the defense. Mr. Carson stated that the plaintiff had come into the home of the deceased testator when she was eleven years of age, and that she had lived and grown up there, working for Deitch in the most menial duties. She was never paid anything, but it was supposed that she would share in his estate by the will. She bore with the most exacting demands upon her strength, even to blacking Deitch's shoes, hitching up the horse and cleaning the stable. Deitch, Mr. Carson said, was a man of very irritable nature and had come to look upon plaintiff as his own property. He abused her with harsh words and treated her almost as a slave, but she bore with him and did her full duty, as if she had been a daughter. When she married, he vented his spite at her by revoking the provision in his will which gave her $5,000.

Judge Howe in his reply, said that the statement of the plaintiff's counsel had made the most of every circumstance, but that he would show that the girl had been well treated, everything having been provided for her and that she had a piano, and instruction in music. She was a part of the household, sharing in all its comforts, and had no right to expect compensation in the will.

There are more than fifty witnesses drawn from the neighborhood in which Deitch lived and kept his horde of gold and cash hidden away. Among those who testified yesterday was Dr. Waterman, who said that Deitch was very irritable and unreasonable, especially when he was sick. He was then almost unbearably fretful and testy, and sometimes even offensively so. "For instance," said the Doctor, "at one time he called for me because his nose was bleeding profusely and he became frightened. I did not reach him as soon as wanted for some reason and when I entered his room he said: 'Time you were coming. You ought to have sense enough to come at once when a man's dying.'"

**Court Notes.**

The Union Trust Company was yesterday appointed guardian of Samuel Ehrman, insane.

The will of James McGinnis was probated yesterday and the Union Trust Company was appointed administrator.

Judge Brown yesterday appointed the Union Trust Company trustee of Henry Magel's property, in place of Edward Flaherty, removed.

## THE COURT RECORD.

**Supreme Court.**

17193. Electric Company vs. Branham. Marion S. C. Affirmed. Hackney, J.—1. One may recover on a common count notwithstanding the evidence discloses a special contract. 2. Nonexperts who are shown to be familiar with the extent and character of particular services rendered may properly give their opinion as to their value. 3. The qualifications of a witness to testify as an expert are for the decision of the trial court and when such discretion is not abused it will not be reviewed in the appellate tribunal. 4. It is not error for the judge to charge the jury that they may "take into account their experience and relations among men" in reaching a verdict.

17634. Grimes vs. Butch. Vanderburg S. C. Reversed. Jordan, J.—The laws of a foreign State under which a guardianship is pending control the ward, and guardians when they are domiciled in such State and if the guardianship is sought to be changed application must be made to the proper court where the guardianship is pending.

17305. Holder vs. City of Crawfordsville. Montgomery C. C. Affirmed. Howard, C. J.—The Common Council may delay the proceedings for the opening of a street or alley until the benefits are collected; unless this is done the damages assessed are due and collectible from the city as soon as the appropriation of the land is made.

17380. State ex rel. Blair vs. Wilson. Shelby C. C. Affirmed. Monks, J.—Where an act provided that a city attorney may be chosen by the Common Council and by an amendment the time of holding office was changed from the first Tuesday in May to the first Monday in September, such change in the length of the term did not change the right of the Council to abolish the office or remove the incumbent thereof at its pleasure after the first Tuesday in May and elect his successor.

17611. Tate vs. Hamlin. Marion S. C. Submission set aside. McCabe, J.—There is no legal authority for the appellant through the clerk to issue the notice of the appeal against the agents of the appellee, and in no case can service of notice of an appeal to this court on the attorney of the appellee alone confer jurisdiction over the appellee.

17231. McMahan vs. McMahan. Hamilton C. C. Petition for rehearing overruled.

17262. Baker vs. Paine. Allen C. C. Dismissed.

17459. Sedbetker vs. Winchel. Grant C. C. Petition to reinstate overruled.

17534. Strable vs. City of New Albany. Clark C. C. Motion to dismiss overruled.

17646. I. I. & I. Railway Company vs. Cannon. Stark C. C. Appeal dismissed.

17707. Yeagley vs. Yeagley. Fulton C. C. Cause reversed on confession of error.

**Appellate Court.**

1566. Street-railway Company vs. Meadows. Warrick C. C. Affirmed. Ross, J.—1. Where the facts pleaded show a duty a violation of that duty is negligence. 2. A person rightfully on a train and not an employe is a passenger and entitled to all the protection due a passenger, although riding simply on an invitation of the company's agent.

1660. Spurgeon vs. Swain. Delaware C. C. Affirmed. Davis, J.—1. A consideration is presumed in the case of bills of exchange or promissory notes and in complaint it is not necessary to aver the consideration. 2. An oral acceptance to pay a money order is a promise to pay one's own debt and not the debt of another.

1663. Miller vs. Michel. Vanderburg S. C. Affirmed. Gavin, J.—1. Where a tenant is ousted by the landlord from part of the land leased he has a right to abandon the whole. 2. A landlord's entry upon leased premises must be under an assumption of title. 3. Where property is leased to one person for a period of years and before the termination of said lease the landlord leases to another person the first lessee may treat the second as a trespasser or he may treat the same as his own eviction of the premises.

1890. Lime Company vs. Mock. Delaware C. C. Motion for certiorari overruled.

**Superior Court.**

Room 1—John L. McMaster, Judge.

Ogle & Hubbard vs. Calvin W. Sheeley et al.; receiver. Judgment for plaintiff for $573.

E. A. Combs vs. Insurance Company of America; policy. Jury out.

Rebecca Kemp vs. Harrison Kemp; divorce. Dismissed.

Room 2—Vinson Carter, Judge pro tem.

Mamie Collins vs. Alexander Robertson; damages. Dismissed by plaintiff.

Sterling R. Holt vs. Patrick J. Mullaney; foreclosure. Judgment against defendant for $4,967.86. Decree of foreclosure.

Sarah F. Fletcher vs. Louis and S. Monroe; partition. Special finding of facts. Judgment against plaintiff for costs. Appeal granted to Supreme Court.

Boyle vs. Christian; new trial. Dismissed.

McNaught vs. Cronkhite; replevin. Dismissed.

Room 3—Pliny W. Bartholomew, Judge.

Archibald Runyon vs. S. P. Moody; mechanic's lien. Dismissed by agreement.

Jerry Sheehan et al. vs. Joseph Lybrand et al.; sewer lien. Dismissed.

Sarah Canine vs. H. J. Milligan. On trial by jury.

Hulda A. Stout vs. William M. Cunningham; foreclosure. Finding and judgment for plaintiff for $875.12.

**Criminal Court.**

Joseph B. Kealing, Judge Pro Tem.

State vs. Jordan Ell; assault and battery to commit murder. Finding of guilty. Sentence of six months and $100 fine.

State vs. Charles Young and William Kane; petit larceny. Finding as to Kane of guilty and fine of $1 and costs and fifteen days.

State vs. Bert Williams and Harry Hodges; robbery. On trial by court.

**Circuit Court.**

Edgar A. Brown, Judge.

Edmund Zoeller vs. Caroline R. Sutter's Estate. Claim allowed by agreement for $240.

Effie Strickler Stokes vs. Joseph Deitch's Estate; claim. On trial by jury.

**New Suits Filed.**

(Superior Court.)

Marion Adams vs. Jacob J. Hill et al.; mechanic's lien.

George O. Carver vs. W. E. Slager; mechanic's lien.

Edward Hendrickson et al. vs. Eighth-street Methodist Protestant Church; mechanic's lien.

Joseph Beringer vs. Albert H. Johnson; note. Demand, $783.34.

Emma Crabtree vs. City of Indianapolis et al. Damages, $2,500.

**Secretary Owen's Wife's Condition.**

A letter received yesterday from Secretary of State Owen announced little improvement in the condition of Mrs. Owen. Sunday she was able to sit up, but only for a short time. Mr. Owen writes that he will not return to Indianapolis until his wife shows [illegible]


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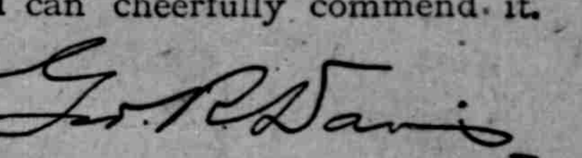

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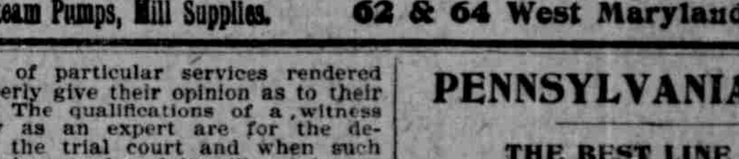

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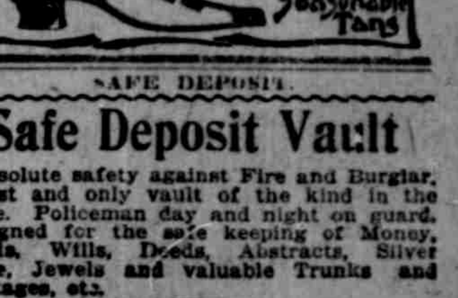



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