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COAL—Coburn Coal Co., East 22d street. Anthracite, coke, hard and soft coal. Phone 2445.

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DIED.

LAUT—Clara Laut, wife of H. W. Laut, jr., Jan. 11, aged twenty-four. Funeral from residence, 1528 Fletcher avenue, at 1:30 p. m. Interment from Evangelical Lutheran St. Paul's Church, corner South New Jersey and McCarty streets, at 2 p. m.

CHURCH NOTICES.

Baptist.

FIRST BAPTIST CHURCH—Northeast corner New York and Pennsylvania streets. The Rev. Thomas J. Villers, pastor. Bible school, 9:30 a. m.; preaching services, 10:45 a. m.; topic, "The Ministry of Reconciliation." B. Y. P. U., 6:30 p. m.; evening service, 7:30 p. m.; topic, "The Savior of Many Physicians." Music by large chorus choir; A. P. Preston, organist and director. Regular prayer and conference meeting, Thursday evening. The pastor and people extend a cordial invitation to the public to the services of the church.

Episcopal.

CHRIST CHURCH—Monument place. A. J. Graham, rector. Holy communion, 9:30 a. m.; service and sermon, 10:30. At 3 p. m. a mass missionary meeting of all city Sunday schools. Addresses by Father Huntington and Dean Peters and Rev. F. C. Woodard.

ST. DAVID'S CHURCH (Episcopal)—Talbott avenue and East Twenty-first street. Holy communion, 7:30 a. m.; Sunday school, 10 a. m.; morning prayer, 10:30 a. m.; choral celebration, 11 a. m.; evensong, 7:30 p. m. Preacher morning and evening, Rev. Fr. J. O. S. Huntington, O. H. C. Fr. Huntington will preach every evening of the week at 8 o'clock and on every afternoon at 3 o'clock he will give a talk to women.

ST. PAUL'S CHURCH—New York and Illinois streets. G. A. Carstensen, rector. Holy communion (in the chapel), 7:30 a. m.; holy communion (in the church), 8:45 a. m.; Sunday school, 9:30 a. m.; morning prayer and sermon, 10:45. No evening service. Rev. Dr. Test, of Richmond, will officiate.

Methodist.

CENTRAL-AVENUE M. E. CHURCH—Corner Central avenue and Twelfth street. Sermon at 10:30 a. m. by the Rev. E. B. Rawls, and at 7:30 p. m., by the pastor, Dr. C. C. Lasby. Sunday school at 2:30 p. m.; Epworth League meeting at 6:30 p. m. All are welcome.

MERIDIAN-STREET METHODIST EPISCOPAL CHURCH—The pastor, Rev. William A. Quayle, will preach at 10:45 a. m. and 7:30 p. m.; Sunday school at 9:30 a. m.

ROBERTS PARK M. E. CHURCH—Corner Vermont and Delaware streets. Sunday services: Preaching, by the pastor, Dr. C. E. Bacon, 10:45 a. m.; subject, "Deity a Fundamental Principle of Faith;" 7:30 p. m., sermon and song service. Classes, 9 a. m.; Sunday school, 10 a. m.; Epworth League, 6:30 p. m. Everybody invited.

Presbyterian.

FIRST PRESBYTERIAN CHURCH—Southwest corner Pennsylvania and New York streets. The pastor, Rev. M. L. Haines, D. D., will preach to-morrow at 10:45 a. m and at 7:30 p. m. Special music by chorus choir. Sunday school meets at 9:30 a. m.; Society Christian Endeavor at 6:30 p.m. Special midwinter services on Tuesday, Wednsday, Thursday and Friday evening, at 7:45 o'clock, with address each evening by Rev. Dr. Work, of Ohio. A cordial invitation to all.

TABERNACLE CHURCH—Corner Meridian and Eleventh streets. Rev. J. Cumming Smith, pastor. Preaching by the pastor at 10:45 a. m. and 7:15 p. m. Morning subject, "The Cry for a Reconsecrated Church;" evening, "The Cry of Jesus Over Jerusalem." Sunday school, 9:30 a. m.; Y. P. S. C. E., 6:45 p. m. Preaching in West Washington-street Chapel at 7:30 p. m., by the Rev. Patrick Sharkey.

Temperance League.

MURPHY GOSPEL TEMPERANCE LEAGUE—Meeting held every Sunday afternoon, at 3 o'clock, in Shover's Hall, 321 East Market street. Rev. Charles C. Lasby, D. D., will address the meeting to-morrow afternoon. Everybody welcome.

Universalist.

THE UNIVERSALIST CHURCH—Corner of New Jersey and Fifteenth streets. Rev. Marion Crosley, pastor. Preaching services to-morrow at 10:45 a. m. and 7:45 p. m.; morning subject, "Our Degree of Advancement;" in the evening, "Our Neighbors." Sunday school, 9:30 a. m.; Young People's service, 6:30 p. m.; Lord's supper administered at 7:15 p. m.

FINANCIAL.

LOANS—Money on mortgages. C. F. SAYLES, 75 East Market street.

$100,000,000 to invest through bankers, brokers, etc. Send for circular. Investors' Directory, N. Y.

LOANS—On city property; 5½ per cent.; no commission; money ready. C. N. WILLIAMS & CO., 319 Lemcke building.

MONEY—To loan on Indiana farms; lowest market rate; privilege for payment before due; we also buy municipal bonds. THOS. C. DAY & CO., Rooms 805-812 Law building, Indianapolis.

FINANCIAL—Loans made to honest salaried people holding permanent positions with responsible concerns on their own names. Easiest terms. Get others' rates then see us. Strictly confidential. SECURITY MORTGAGE LOAN CO., 207 Indiana Trust building.

FINANCIAL—We will make loans of $1,000 and above on centrally located Indianapolis property at 4½ to 4¾ per cent., interest payable annually, with privilege of making partial payments upon principal, etc. HOWARD M. ATKINSON, Wabash, Ind.

WANTED—MALE HELP.

WANTED—Cash for acceptable ideas; state if patented. Address THE PATENT RECORD, Baltimore, Md.

WANTED—Young man to learn engraving; pays salary from $15 to $50 per week. Address Lock box No. 63, Indianapolis.

WANTED—FEMALE HELP.

WANTED—Ladies to sew; $8 a week guaranteed; reply with stamp. Lock Box 938, Chicago, Ill.

FOR SALE.

FOR SALE—Ten R.I.P.A.N.S for 5 cents at Druggists; one gives relief.

FOR SALE OR LEASE.

FOR SALE OR LEASE—Coal lands to sell or lease. I have a large tract of coal land, two veins, land on railroad and switch already constructed. Will sell the land or lease the coal on royalty. Land near Terre Haute, Ind. MARSHALL G. LEE, 225 Rose Dispensary building, Terre Haute, Ind.

STORAGE.

STORAGE—INDP'LS WAREHOUSE CO. W. E. Kurtz, Pres. H. A. Crossland, Mgr. (New) 517-523 S. Penn. 'Phone 1343. We STORE, PACK AND HAUL.

STORAGE—The Union Transfer and Storage Company, corner East Ohio street and Bee-line tracks; only first-class storage solicited. CRATING AND PACKING OF HOUSEHOLD GOODS A SPECIALTY.

Two New Associations.

The following companies were incorporated yesterday: The Carmichael, Reeves & Wicks Stone Company, of Bedford; capital stock, $10,000. Directors, Michael T. Carmichael, J. M. Reeves and W. W. Wicks.

The Washington Light and Power Company of Washington; capital stock, $21,000. Directors, Robert A. Brown, A. J. Padgett, Henry M. Geiger and M. F. Burke.

THE NEW RATES OPPOSED

EASTERN AS WELL AS WESTERN MERCHANTS ENTER PROTEST.

President Newman, of the L. E. & W., Will Make No Change in Officers, but Will Improve Train Service.

The attempt of the trunk line roads and those of the Central Traffic Association to advance rates on certain merchandise through a revision of the freight classification is meeting with strong opposition by shippers generally in the territory which this classification affects. Eastern merchants in general strongly oppose adopting such classification. They say the change will be a severe blow to many lines of business, and if persisted in is bound to work hardship to those most affected. Over sixty of the roads operated in the territory north of the Ohio River are combined in the new ruling, and commercial organizations throughout the East, as well as in the West at which arrangements were made, have entered a vigorous protest against the change. The Boston Chamber of Commerce is one of the organizations strongly opposed to the new classification, and yesterday a conference between the transportation committee of the chamber and of members who are unfavorably affected by the changes referred to was held for proper representation at the meeting in New York city, Jan. 22, when a hearing will be given by the official classification committee representing the trunk lines and Central Association organization.

Siberian Road Unsafe.

Before the completion of the Siberian Railroad it has become necessary to reconstruct the work already done, and this will cost not less than $25,000,000. The information is supplied to the State Department at Washington by Commercial Agent Greener, at Vladivostock. His report, compiled from Russian sources, shows a curious condition of affairs on the road. In the haste of construction and anxiety to get everything cheap, the road was laid with a twelve-pound rail instead of a twenty-four-pound rail. The bridges were built of wood, and crossties were laid far apart. Consequently, more than twenty miles an hour cannot be made on the level with safety. Only one passenger and two freight trains a day are run. To add to the danger there has been put on the line some of the heaviest engines in existence, the compound system. The light rails, the steep inclines and the high gradings combined make traveling risky. On steep inclines, owing to the light rails, the heavy engine cannot be held, and running at a speed of thirty-eight miles an hour turns the rails out.

No Change in Officials.

W. H. Newman, the new president of the Lake Erie & Western, on Thursday, said to a reporter of the Cleveland Leader: "At the meeting in New York no change was made in the officials who are to have directly the charge of operating the property. It will be continued to be operated with George L. Bradbury as vice president and general manager, and with other officials in the same positions that they now occupy. It is not the intention that the road shall be made a part of the Lake Shore, but shall be operated as entirely separate and independent."

This was an utterance that has been looked for with a good deal of interest since the Vanderbilts took charge of the property. It was at first supposed that the Lake Shore would take entire control of the property, and for the sake of economy make one set of officials have control over all the line. It is now said that aside from harmonizing the train services of the two roads there will be little or no change in the internal arrangements of the absorbed line.

Big Four Earnings.

The Big Four lines proper earned in the first week of January $252,336.10, an increase over the corresponding week of 1899 of $20,817.42.

The Peoria & Eastern earned in the first week of January, $39,510.30, an increase over 1899 of $7,276.12. Mileage considered, the increase of the Peoria & Eastern is phenomenal.

Personal, Local and General Notes.

Ray M. Bell, who was last week appointed train dispatcher of the Baltimore & Ohio at Connellsville, is but twenty-two years of age.

The Queen & Crescent supplies its patrons on the Florida limited with beautiful engraved postal cards descriptive of the scenery along its lines.

W. G. Collins will, to-day, sever his connection with the Chicago, Milwaukee & St. Paul as its general manager, and will spend one year in Europe.

J. N. Tittemore, who has been acting general manager and general freight agent of the Iowa Central, has been given the title of general traffic manager.

The consolidation of the Ohio Central and the Hocking Valley will result in the building of new docks in Toledo for the united roads, near Maumee bay, to cost $1,000,000.

A. P. Griest has been appointed traveling auditor of the Pennsylvania Company by Controller John W. Renner. Mr. Griest was formerly auditor of the Cleveland & Marietta.

A. B. Caswell, who has been traveling freight agent of the Chicago, Milwaukee & St. Paul at Minneapolis, goes to Cleveland for that road with the title of commercial agent.

W. K. Christie has accepted the position of superintendent of motive power of the Pere Marquette lines. Mr. Christie began work in 1873 in the shops of the Wabash at Peru as an apprentice.

A large force is at work at Anderson on improvements making at that point by the Big Four. The new yards are nearly completed. It has been decided to build sixteen instead of twelve locomotive stalls in the roundhouse.

M. W. Mansfield, superintendent of the Indianapolis & Vincennes, has returned from Jersey City, where he went at the request of one of the officers of the Pennsylvania road to examine work in progress at that point.

J. R. Wood, general passenger agent of the Pennsylvania Railroad, has been chosen as orator for the next annual meeting of the American Association of General Ticket and Passenger Agents, which convenes at Buffalo Oct. 9.

Arrangements have been made to give the coal operators and officials of the coal roads who attend the national convention next week a trip around the Belt road, visiting the Union stock yards and other large industries on the Belt.

A meeting of the Western Traveling Freight Agents' Association will be held in Rockford, Ill., Jan. 25. The meeting is for the purpose of completing the organization. It will be followed by a banquet, for which an interesting programme has been prepared.

The passenger department of the Pennsylvania lines west has issued a new form of time schedule which is novel, attractive and complete, the time schedule of every division being so arranged that one can ascertain any information desired with little study.

The officials of the Evansville & Terre Haute and of the Southern Indiana have come to a satisfactory agreement concerning the Southern Indiana crossing the tracks of the E. & T. H. at Terre Haute, and President Walsh says trains will be running into Terre Haute May 1.

Shippers and manufacturers of Buffalo held a meeting in that city on Tuesday, and charges were made by several men that the railroads have been discriminating against that city for ten years, and as a consequence large manufacturing concerns have been forced to move their plants to other points.

The operation of the Lake Erie & Western by the Lake Shore in the future is practically a continuation of the present arrangement. The Vanderbilts have for a year past owned the Brice stock, but deferred announcing it pending the question as to who should succeed the late Calvin S. Brice as president.

Caesar A. Rodney, agent of the Vandalia at Indianapolis, who is in poor health, left last evening for Florida for several weeks' stay. Mr. Rodney has been on the pay rolls of the Terre Haute & Indianapolis road thirty-two years and has been agent of the company since December, 1888, when he succeeded the late Harry Wetsell.

James Charlton, who on Jan. 1 retired as general passenger agent of the Chicago & Alton, in speaking of his future, said that "he did not propose to rust, but would soon again be in the harness." The Journal has information that the general passenger agency of the Kansas City, Pittsburg & Gulf is open to Mr. Charlton should he choose to accept it.

The grievance committee of the Order of Railway Trainmen on the entire Erie system is in conference this week at Hornellsville, there being thirty-one delegates in attendance. Jame Hurlburt, secretary of the order, says the statements published to the effect that the men would strike if their wages were not increased has no foundation, the relations between all employes and the officials being most cordial and satisfactory.

The Massachusetts State commissioners are opposing the sale of the Fitchburg stock to the New York Central, and further accusing the New York Central and the Boston & Albany with having entered into an agreement to divert traffic from the Fitchburg road, and it is alleged that the arrangement is illegal and legislation is asked to protect the Fitchburg road. The State of Massachusetts owns $5,000,000 of the stock of the Fitchburg.

Two of the new large consolidated freight locomotives of the Big Four arrived at Brightwood yesterday. They are monsters, and the engineers who are to run them are much elated. The firemen take a different view of the matter, feeling that it means heavy work for them, but William Garstang, superintendent of motive power, is convinced that with but little increase in coal consumption these engines will handle the increased tonnage they are expected to haul.

The statement published to the effect that the Atchison, Topeka & Santa Fe Railway Company had signed a new contract with its trainmen, granting what amounted practically to a 15 per cent. increase in wages, proves to be untrue. A long conference was held on the subject between the officers of the company and the representatives of the employes and a satisfactory adjustment was reached on the basis of rectifying certain inequalities, but no change was made in wage rates.

Although the plans of the St. Louis, Iowa & Dakota Railway, which will be built this spring from Sioux City to St. Louis, are kept profoundly secret a glimpse of the profiles of the road reveals fifty towns dotted along the route, but as three surveys, and in places five surveys, have been run to obtain the best possible concessions, the exact location of these fifty towns is uncertain. Although Kirksville, Mo., of tornado fame, is one of the largest towns on the lines, one survey has been run around this place as a threat. None of the surveys are over 467 miles long.

Bunker Hill, Ind., claims to have sent out more railroad men than any town in the country of like population. Of the number are P. A. Bonebrake, superintendent of the Panhandle's Logansport division; H. F. Brekell, assistant superintendent; L. H. Dille, train dispatcher on the Vandalia; John W. Baker, engineer on the Panhandle; W. H. Scott, train dispatcher at Logansport; S. C. Keegan, chief clerk in the Panhandle offices at Chicago; P. Cleary, superintendent of track of the Logansport division; Frank Zeigler and William Arbuckle, both holding good positions on the Lake Erie & Western.

The officials of the Philadelphia & Reading on Wednesday were in Pittsburg, and this has revived the rumor that the Buffalo, Rochester & Pittsburg and the Philadelphia & Reading are to unite in a traffic alliance that will make it, with other roads, another trunk line between the West and New York and Philadelphia, using as western connection the Pittsburg & Western, the Lake Erie & Western and the Toledo, St. Louis & Kansas City, which would give a short line between the Atlantic seaboard and the Mississippi river of vast importance to the lines concerned. Through passenger and freight service will be established in a short time between Pittsburg and the Atlantic seaboard over the Buffalo, Rochester & Pittsburg and the Philadelphia & Reading.

INDIANA EDITORS.

The Annual Meeting to Be Held in This City Jan. 25 and 26.

Wallace B. Campbell, of the Anderson Herald, and secretary of the Indiana Editorial Association, has issued the invitations for the twenty-third annual meeting of the association. The editors will assemble here, with headquarters at the Denison Hotel, on Thursday and Friday, Jan. 25 and 26. Thursday evening the banquet will be spread at the Denison. The toasts for that occasion are: Governor Mount, "The National Administration;" State Chairman Charles Hernly, "What Does the Party Owe the Party Paper?" Miss Cora Berryhill, of the Tipton Advocate, "The Editor's Daughter;" Mrs. Wallace B. Campbell, of the Anderson Herald, "The Moral and Educational Value of the Newspaper." The business session of the meeting will be held on Friday, when the following topics will be discussed:

"Rural Mail Delivery—Its Effects on the Local Paper," N. S. Cragun, Patriot, Lebanon; discussion by A. A. McCain, Journal, Crawfordsville. "Foreign Advertising," Fred A. Miller, Tribune, South Bend; discussion by E. J. Marsh, Commercial, Portland. "The Dignity of the Profession," A. M. Willoughby, Review, Greensburg. "The Editorial," Marshal Hacker, Republican, Columbus; discussion by R. B. Oglesby, News, Muncie.

1:30 p. m.—"Managing Circulation Weekly," H. M. Smith, Banner, Greencastle; discussion by W. W. Lockwood, Republican, Peru. "Managing Circulation Daily," J. A. Kautz, Tribune, Kokomo; discussion by A. W. Tracy, Times, Hartford City. "History of Association," M. W. Pershing, Advocate, Tipton; A. C. Beeson, Journal, Winchester; W. S. Garber, Courier, Madison. Election of officers. Miscellaneous business.

SALE NOT CONSUMMATED.

A Letter Received from Assistant Secretary of the Treasury.

Some time ago Charles F. Sayles, representing the prospective purchasers of the present postoffice building and the building adjoining, in which are located the United States marshal and other federal officers, made a proposition to the federal officers in which he agreed to erect a two-story brick building on Market street immediately adjoining the postoffice, and the United States marshal and the revenue officers were to vacate their present quarters, and remove to the new building. Quarters were also to be provided for the mailing room of the postoffice department. The proposition was rejected by every officer in the federal service, and a written protest was forwarded to the Secretary of the Treasury.

Yesterday Marshal Kercheval, the custodian of the buildings, received a communication from H. A. Taylor, Assistant Secretary of the Treasury, which, after acknowledging the receipt of the protest, continued as follows: "In reply you are advised that the present purpose of the department is, in case of sale of the premises known as the courthouse and postoffice site, to retain the use of all that portion now occupied for official purposes, together with the ground floor of 122 Court street."

Some of the officers in discussing the letter expressed surprise that it should have been worded "in case of sale," all of them having understood that the building had been practically sold. It was even hinted that there might be some hitch in the present contemplated sale which would ultimately defeat it. But whatever the outcome in regard to the sale of the property, the officials are all rejoicing in the fact that they will not have to change their quarters until the completion of the new federal building.

New Street-Car Barns.

The street-railway company has its new car barn on Louisiana street completed and is now wiring it preparatory to housing their cars when not in service. It contains ten tracks and each will hold ten cars. A number of the tracks have pits so that the electricians can readily get under the cars and make necessary repairs. The building is fireproof, constructed of stone, brick and iron.

Young & McMurray, Tailors, 42 N. Penn. st.

ROMANCE ENDS QUICKLY

JESSIE CONSTANCE BENEDICT IS GRANTED A DIVORCE.

Her Husband, She Said, Had Failed to Provide for Her as She Desired—Turner Murder Case—Gossip.

"It's the story of 'Beauty and the Beast' over again," remarked the young man with the flaring red neckscarf as he leaned back in his comfortable chair behind the railing in Room 3, Superior Court, yesterday. He referred to a divorce case that had just been tried by Judge Carter, and granted. He was making it a little strong, for it was not shown that the husband ever struck his wife so much as a light blow. It was simply a case of failure to provide.

The plaintiff was Jessie Constance Benedict, a handsome, stylishly dressed young woman of about twenty-five. She complained of Charles Truman Benedict, to whom she was married in this city in March, 1896, and from whom she separated in September, 1897. There was the least bit of romance about the case. Mrs. Benedict before her marriage was Jessie Constance Carter. She was an orphan. During her early girlhood she lived in Nashville, Tenn., and was acquainted with the family of the man she afterward married. In fact she and Benedict were playmates. Years afterward Benedict came to Indianapolis to accept a position and here he found his former playmate.

The plaintiff told Judge Carter that her husband failed to provide her with all that she required in the way of the necessities of life. Finally her husband suggested to her that they go to Nashville to his people and live with them. One day there came a sum of money from Benedict's father and the young man told his wife that the funds had been sent to pay their way to Nashville. He explained that his family was expecting them. Mrs. Benedict consented to accompany her husband to his home. When they arrived there she found he had deceived her. His people were not expecting them and she soon discovered that they had no room for her. She also found that the sum of money Benedict had received from his father had been sent him with the understanding that he was to invest it in some business enterprise in which he talked of engaging. When the wife learned these facts she started North immediately.

Mrs. Benedict has been earning her own living as a clerk in one of the large downtown dry goods stores. Judge Carter was impressed with the manner in which she told of her matrimonial difficulties and granted the divorce. The plaintiff's maiden name was also restored.

THE TURNER MURDER TRIAL.

Letters Written by Turner to His Wife While in Jail Are Read.

Two letters were read to the jury yesterday in the Turner murder case. Both were written at the jail and were penned by Turner to his wife, who was at the hospital suffering from the awful wounds in her throat which Turner inflicted the night he assaulted her at the home of her sister, in West Indianapolis. These letters were written in September, a week or two before Mrs. Turner died.

Turner was very affectionate in his letters and began them with "My dear wife." He frequently referred to her as "darling." He begged her to come to him as soon as she could, saying he was ill and in a wretched condition. He pleaded with her to come and save him from a long term of imprisonment. He appeared to think that fourteen years in prison would be his sentence if his wife did not interfere. He suggested that if she would interest herself in his behalf he could get off with a jail sentence. He expressed great sorrow at what he had done and promised that if his wife would forgive him and assist in getting him out of the trouble he would always take the best of care of her and see that she wanted for nothing. These letters were read to Mrs. Turner at the hospital, but they were never answered. Both were written in the same strain.

The State's attorneys were somewhat annoyed yesterday when it was announced that the razor with which Turner assaulted his wife could not be found. The State desired to introduce the weapon in evidence, but no one seemed to know what had become of it. It appears that the last time the razor was seen by the State's attorneys was in Police Court at the preliminary examination of Turner. Deputy Prosecutor Wall said yesterday that while the State would like to have the razor to use as evidence, the fact that it cannot be found will not injure the prosecution's case. The deputy prosecutor pointed out that if this were true criminals might always hide the weapons with which they committed murderous deeds and thus escape punishment.

A large number of colored people, many of them women, were in attendance at the trial yesterday. A woman named Elsie Turner arrived here Wednesday from Jeffersonville. She may testify against the accused man, as she claims she was married to him in 1894. She claims that Turner once assaulted her with a razor. It is not certain yet that the State will have an opportunity of introducing her evidence. If she testifies at all it will be in rebuttal. The State closed its case yesterday afternoon, but as the defense had no witnesses ready Judge Kealing adjourned court until Monday morning.

The defense closely cross-examined yesterday as to the manner in which Mrs. Turner, after her throat was cut, got to the house next door. The defense is bringing this out, it is believed, to show that Mrs. Turner was not seriously injured. The cross-examination continues to indicate that one of the defenses will be that Mrs. Turner really did not die from her wounds. It has been suggested that an attempt will be made to show that the woman died from blood poisoning.

HELD TO THE GRAND JURY.

John W. Miller Will Have to Answer for Assaulting William Ritchie.

John W. Miller, the discharged fireman who assaulted William Ritchie at Engine House No. 5 a few days ago, was bound over to the grand jury yesterday from Police Court. Ritchie was quite badly injured, and the fight is said to have been caused by Ritchie's efforts to have Miller discharged. Ritchie admitted yesterday that he had endeavored to secure Miller's discharge.

James Disher, a traveling man, who interfered when other firemen attempted to separate Miller and Ritchie, was fined $20 and costs on a charge of assault and battery.

High Court Decisions.

The Supreme Court yesterday reversed the decision of the court below, which directed the county treasurer of Elkhart county to pay over to the school city of Elkhart the sum of $5,900.

The Appellate Court reversed the judgment in the case of Simon Nading against W. H. Howe & Co., of Hartsville Crossing. Nading brought suit for damages against Howe & Co. for profit which he might have made on 3,000 bushels of wheat, which the defendants had refused to turn over to him. The Circuit Court decided against Nading but the Appellate Court reversed the judgment.

A decision in the case of Harry E. Jennings against John W. Durfling in which a judgment was obtained by the plaintiff, as the price of some coil hoops was affirmed by the Appellate Court.

The appeal in the action brought by Kingan & Co., to assert title to a part of White river, at Broad Ripple, and determine its rights to take ice from the river above the dam, was set for oral argument in the Supreme Court on Jan. 31.

To Recover Invested Funds.

Charles C. Dunn yesterday brought suit against the No. 2 Fidelity Building and Savings Union and against the No. 3 organization of the same name, to recover funds which he alleges he had invested in the two associations. He says that on Dec. 19, 1897, he served notice on the board of directors of each association that he desired to withdraw. Neither association has ever paid him, he avers, and he demands judgment against the No. 2 concern for $3,700 and against No. 3 for $2,700.

Wants Divorce and Alimony.

Lulu Rae Harrison is suing Fernando Harrison for divorce on the ground of cruel treatment. They were married July 28, 1892, and separated in 1900. The plaintiff avers that for seven years she was the victim of her husband's cruel treatment. She charges that he beat, kicked and choked her. She says he receives a salary of more than $100 a month, and she asks that she be granted, in addition to the decree of divorce, an allowance of $5 a week for the support of their child.

Judgments Are Given.

J. D. Lowe and Alvin Shane were given judgments yesterday in Justice Lockman's court against the Bankers' Fraternal Society of Hammond, Ind, on claims for insurance. The judgments were each for $50 and went by default of the defendant.

THE COURT RECORD.

SUPREME COURT.

19076. Wood vs. State ex rel. Seiler. St. Joseph C. C. Reversed. Hadley, C. J.—1. The right of mandamus must be clear and certain in order to be invoked by a court. 2. Where a treasurer of a school city filed his petition to mandate the county treasurer to compel the latter to pay an alleged balance due upon certain orders previously drawn by the county auditor in favor of the school city, held that the relator was required to show, (1) that he had an interest in the subject matter, (2) that the orders in controversy were in part unpaid, (3) that the amount unpaid was fixed and certain, (4) that there was sufficient money in the treasury liable to the payment, (5) prior demand and refusal of the defendant to pay; the mere delay of sixteen months in bringing the action will not of itself make the complaint bad. 3. Where a county treasurer is exercising a state function relative to funds in his charge he is in no sense an agent of the county so as to make the latter responsible for his acts. 4. The office of county treasurer is a continuing one and demand upon one treasurer for payment of money in the treasury is a demand upon his successor. 5. The court will not undertake to make a county officer do a thing that is impossible of performance.

18705. Fidelity, etc., Union vs. Byrd. Howard S. C. Dismissed. Monks, J.—1. The transcript of the record must be authenticated by the seal of the lower court and the clerk must subscribe his name to the certificate to present any question to this court. 2. A court speaks by its record and unless the same is authenticated by the certificate of the clerk and seal of the court there is no evidence that it is the record of the court.

18847. Morrow vs. Mass., etc., Ins. Co. Marion S. C. Dismissed.

1914. Kelly vs. State of Indiana. Huntington C. C. Transferred to Appellate Court.

APPELLATE COURT.

2999. Nading vs. Howe. Bartholomew C. C. Reversed. Black, J.—1. The exercise of dominion by one person over the goods of another to the exclusion of the latter in defiance of his rights constitutes a conversion. 2. When a person employs another to act as his agent in buying grain, the grain when purchased becomes the property of the principal and he is entitled to make such profit thereon as might be made by sale thereof, and when the agent withholds from the principal an amount of grain purchased the principal may recover from the agent the amount of profit he would have made by a sale of the grain.

2931. Jennings vs. Durflinger. Henry C. C. Affirmed. Henley, J.—1. A simple payment and acceptance of a less sum of money in satisfaction of a greater liquidated sum due will not be sufficient to sustain a plea of accord and satisfaction. 2. To make the receipt of a part of a debt a discharge of the whole, there must be a new consideration or a voluntary compromise of a disputed and disputable demand or an accord and satisfaction by the substitution of a new contract or a submission of the matters in dispute to arbitration.

2973. L. E. & W. R. R. Co. vs. Grover. Henry C. C. Reversed. Wiley, J.—1. To attach liability to a railroad company for an injury received at a crossing by a person colliding with a passing train, the railroad company must be negligent and such negligence must be the proximate cause of the injury, and the person injured must not by his own negligence contribute to his injury; and when such facts are found by the general verdict they will stand as against such facts specially found unless such facts affirmatively show that one or more of the necessary elements established by the general verdict is untrue. 2. When a person approaches a known railroad crossing it is his duty to use diligence to ascertain whether a train which he knows is due is approaching, and if by using such diligence a collision would have been avoided an injury received without taking such precaution is attributed to his own negligence; and the fact that obstructions are in his view impose upon him the duty of increased care in the use of his senses of sight and hearing.

SUPERIOR COURT.

Room 1—John L. McMaster, Judge.

William Magill vs. John Asterman. On check. Dismissed; costs paid.

Indianapolis Manufacturers' and Carpenters' Union vs. Miller et al. Mechanic's lien. At conclusion of evidence plaintiff accepted defendants' tender made by defendants. Judgment against defendant for cost.

William Stringer, receiver, vs. Mary Lutz et al. Foreclosure. Finding and judgment for plaintiff against defendants, Lutz and Lutz, for $425 and costs.

Anna Ray vs. Thomas Ray. Divorce. Granted plaintiff with custody of minor child, age thirteen years. Judgment against defendant for costs.

Joseph Williams vs. John W. Murphy. On account. Plaintiff dismisses as to John W. Murphy.

Milburn Wagon Company vs. Jefferson Caylor. On judgment. Finding and judgment for plaintiff against defendant for $635.91 and costs.

Room 2—James M. Leathers, Judge.

Terre Haute Brewing Company vs. Edward and John Doyle. Replevin. Submitted to court. Evidence heard. Finding that plaintiff is the owner and entitled to possession of property. Judgment against plaintiff for costs.

Emily A. Teague vs. Citizens' Street Railroad Company. Damages. On trial by jury; further evidence heard and continued.

Room 3—Vinson Carter, Judge.

John Miller vs. Indianapolis Natural Gas Company. Damages. Dismissed and costs paid.

Margaret Collins vs. Thomas E. Collins. Divorce. Granted plaintiff and former name, Margaret Grotes, restored. Judgment against defendant for costs.

Phebe M. Hart, administratrix, vs. C., C., C. & St. L. Railway Company. Damage. Jury instructed to return verdict for defendant.

CIRCUIT COURT.

Henry Clay Allen, Judge.

Anna E. Greeves vs. The Life Assurance Company of America; for receiver. Dismissed by plaintiff. Judgment against plaintiff for costs.

Michael E. Howard vs. The New Birdsall Company. From justice of the peace. Finding for plaintiff. Judgment against defendant for $140.10 and costs.

Ida M. Stewart vs. Louis C. Stewart; divorce. Defendant files appeal bond in sum of $200 with Charles C. Gilmore as security. Approved.

Henry N. Plummer vs. Board of County Commissioners of Marion county. Appeal. Submitted to court. Evidence heard. Finding for plaintiff. Judgment against defendant for $15, and against plaintiff for costs.

Newton Kunkle vs. Almira Adams's estate; claim for $5,558. Dismissed by agreement at cost of estate.

NEW SUITS FILED.

Samuel A. Hollensbe vs. Thomas G. Davidson et al.; suit on acount. Circuit Court.

Marcus F. Lewis vs. Louis Kaminsky et al.; mechanic's lien. Superior Court, Room 1.

Co-operative Mining Association, of Indianapolis, vs. William Keppel; replevin. Circuit Court.

William Buschmann et al. vs. Lawrence E. Allison; suit for rent. Circuit Court.

Charles C. Dunn vs. The No. 2 Fidelity Building and Savings Union; suit to recover money. Superior Court, Room 3.

Charles C. Dunn vs. The No. 3 Fidelity Building and Savings Union; suit to recover money. Superior Court, Room 1.

The Anheuser-Busch Brewing Association vs. Morris J. Jeft; notes and account. Superior Court, Room 3.

Julia A. Budenz vs. Christian W. Reisner; suit to quiet title. Superior Court, Room 2.

Co-operative Mining Association of Indianapolis, vs. Fred S. Coffman; replevin. Circuit Court.

Belle Gilwee vs. John E. Gilwee; divorce. Circuit Court.

Lula Roe Harrison vs. Fernando Harrison; divorce. Superior Court, Room 2.

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