

THE DAILY DEMOCRAT.

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THE

HOUSEWIFE KNOWS

As was natural, the statement made by ex-Governor Durbin that the people are suffering from the "cost of high living" and not from the "high cost of living," is being resented by the consumers, who know better. It is only necessary to ask any housewife to learn what the real truth is. She knows. When she figures up her weekly expenses and finds they are double what they used to be, or that, on account of restricted income, the family has only been able to get half as much for the money available as formerly was the case, she has no illusions. It is not "high living" that puts wrinkles about her eyes. It is the problem of living at all. The housewife knows. She cannot be fooled for a minute by claptrap phrases.

The statement has been put forth that those republican politicians whose only interest in political contests centers about the spoils of office will rally to the support of the state ticket. But what if they do? It is not the spoils of office that the people are concerned about. On the contrary it is the honest and economical administration of public offices that they have in mind. It is the votes of the taxpayers that will count this year, and not the support of the spoilsman.

FOR SALE—Spring wagon, in good condition. Call on George Schieffelin, R. R. No. 7. 19156

THE MYERS- DAILEY CO.

We're still harping on the same old tune about those Summer Suits —A suit bought now at the price we are offering is a good investment. You still have two months to wear one, if you're wise you'll take this hint before the stock is closed.

\$20.00 and \$22.50 Suits
\$15.00

\$16.00 and \$18.00 Suits
\$12.45

\$12.00 and \$15.00 Suits
\$9.75

THE MYERS- DAILEY CO.

HARD ON MR. PECK

Strange History of a Damage Case and How It Has Been Buffeted.

BY INDIANA COURTS

Eight Years of Litigation and Now It is Lying Dormant in Courts.

DEMOCRATIC NEWS BUREAU.

325 Pythian Building.

Indianapolis, Ind., Aug. 22—(Special to Daily Democrat)—On March 8, 1902, while in the employ of the P. C. & St. L. Ry. Co., as a switchman in the city of Logansport, Charles M. Peck was injured by having his right leg crushed through the alleged negligence of an engineer on the same railroad while in charge of one of its locomotives.

From that day to this Peck has, under the employers' liability law, been endeavoring to obtain justice. His case went to the supreme court of Indiana, where it now rests, having been buffeted about between the supreme and appellate courts until Peck is bewildered and dazed by the operations of the higher courts of Indiana. For more than eight years he has been trying to get a decision and apparently he is no nearer to it than when he started. The cause of most of the delay is an inability in the higher courts to decide which court has jurisdiction to decide which court has jurisdiction. While these two courts are quibbling over this question of jurisdiction, the costs have accumulated. If now the case is decided against Peck he will have to pay all the costs which include those incurred by the personal differences between the two courts.

Section 12 of the Bill of Rights in the Indiana State Constitution provides: "Justice shall be administered speedily, and without delay."

If Peck has ever read this section the ghastly humor of his own situation must have appealed to him.

Suit was filed by Peck under the Employers' Liability Law on January 10, 1903, and a jury in due time awarded him \$2,400 damages. On appeal this verdict was set aside by the supreme court November 28, 1905, because of an alleged technical defect in the complaint, and the cause was sent back to the Cass circuit court for a new trial. (See P. C. C. & St. L. Ry. Co. vs. Peck, 165 Ind. 537; 76 Northeastern Reporter 163.)

The case having been retried on an amended complaint, brought to Peck a verdict of \$4,000 instead of \$2,400. The railroad company appealed again, this time raising the question of the constitutionality of the Employers' Liability Law. On February 19, 1909, the appellate court transferred the case to the supreme court for decision, the latter court alone having jurisdiction of cases involving constitutional questions. (See 87 Northeastern Reporter, page 153.)

Here the supreme and appellate courts differed on the question of constitutionality and began tossing the case back and forth, encumbering the record with valueless argument and forcing the injured plaintiff to wait.

On March 9, 1909, the supreme court transferred the case back to the appellate court for decision, with the statement that the constitutionality of the law in question had been settled and therefore jurisdiction was in the appellate court. (See 87 Northeastern, page 644.)

On June 4, 1909, the appellate court in a lengthy opinion refused to take jurisdiction of the case and sent it back to the supreme court. (See 88 Northeastern, page 627.)

On July 1, 1909, the supreme court in an equally lengthy opinion, again refused to take jurisdiction of the case and again transferred it to the appellate court with a mandate for the latter court to take jurisdiction of and decide it. See 88 Northeastern, page 939.)

On January 7, 1910, the appellate court again transferred the case to the supreme court for the reason that a majority of the judges of the appellate court could not concur in a decision. (See 90 Northeastern, page 339.)

The case now rests in the supreme court, not having been again transferred to the appellate court, and not having been decided.

Lawyers wonder, as undoubtedly does Peck, if the highest courts of the state, because of petty jealousy and feeling, one against the other, that could be tolerated only between small boys, are juggling with the rights of litigants and violating the constitutional provisions of the Bill of Rights that "justice shall be administered speedily and without delay."

Lawyers feel that such delay and apparent personal differences of opin-

ion are calculated to lower the standing of the state's highest courts. They believe that the least part of the cause may be traced to personal feeling between the courts. Some years ago the appellate court asked the supreme court to overrule certain of the supreme court's decisions, in the belief that they were not sound. This is said to have engendered a feeling of resentment which has not improved with years. It has resulted in delay, has added to the cost of litigation, and it is the poor man who suffers most—as does Peck.

It is pointed out by lawyers that the best way to settle points in controversy, as in the Peck case, would be a personal conference between the judges of the two courts. They could discuss the questions then and settle them without encumbering the court records with argument that has no value. This record, such as is contained in the Northeastern Reporter, must be paid for by attorneys. Page after page is burdened with the Peck case, which has no value to the attorneys. They say it is out of place there.

REMEMBER "MY WIFE'S FAMILY."

At the Bosse opera house will be presented the musical farce comedy, "My Wife's Family," by Hal Stephens and Harry Linton and under the direction of Wallace R. Cutter. It is one of the real musical comedy successes of the season, and has played to enormous business since its original production. It will be found by local theater goers to be a delightful and welcome change, for with one or two exceptions patrons of the playhouse have had a steady diet of heavy drama and melodrama all season.

There is a real life plot in "My Wife's Family," and it deals with that old story of the hen-pecked husband, the more than usually obnoxious mother-in-law, and a family of brothers, sisters, cousins and aunts and so on, all sewed up in a new dressing, so bright and breezy that one almost forgets that he ever heard the term "mother-in-law" before. The story is that of a young man making a determined effort to dispose himself of the bondage of many relatives by marriage. He has one ally, and only one, and the two encounter a combination of funny experiences and hair-breadth escapes, which is framed up into one of the most delightfully ludicrous stage productions of the season. "Jack Gay," the husband, interpreted by Giles W. Harrington, and "Doc Knott," his fake physician friend, played by John Mylie, are the leading comedy doles, and they have plenty of witty dialogue, in addition to catchy songs and an excruciatingly funny automobile. The company is a strong one throughout, and includes besides Messrs. Mylie and Harrington, Myrtle Bigden, the laugh-provoking comedian. Numerous high-class specialties are introduced during the progress of the play, making it one of the best all-around entertainments on tour.

OBITUARY.

Effie May Snodgrass, daughter of Mr. and Mrs. Will Rinehart, was born in Adams county, Ind., July 12, 1884, and departed this life August 18, 1910, aged 26 years, 1 month and 5 days. She grew to womanhood in the county of her birth, where she was united in marriage to Martin E. Elzey of Decatur, Ind., on December 29, 1901. To this union there was born one son, Chalmer. Six years ago she, with her husband and son, moved to Phoenix, Ariz. She was later united in marriage to Charles W. Snodgrass of Phoenix, Ariz., where she lived a happy and contented life until six weeks ago, when she came east to visit with her many friends and relatives of her girlhood days. While on this visit she was stricken with typhoid fever at the home of her sister, Mrs. S. F. Sheets. Her decline was very rapid, she being sick only twelve days. She was not a professor of Christ in her younger days, but had often expressed a desire of leading a Christian life, but had been negligent until Friday night before death she called her sister to her bedside at midnight and asked her to pray for her, and they prayed together with much earnestness, but did not receive a satisfactory blessing until Saturday evening, when Revs. Elzey and Jones of Ossian came and prayed with her, and she was saved in the arms of her dear Savior, and the expression of her face changed from sorrow to a smiling light. Her friends and relatives will miss her smiling face and kind words, but we know that her Savior does all things for the best, and she is resting in peace with him and her father, mother, two sisters and two brothers have received her in the great beyond. She leaves to mourn their loss besides her husband and young son, five sisters and two brothers: C. F. Rinehart, Mrs. Emory Mallonee, Mrs. S. P. Shee's and Mary Rinehart of Decatur, Ind.; Mrs. Isaac Moore of Elkhart, Ind.; C. C. Rinehart and Miss Vena Rinehart of Phoenix, Ariz.

Mr. and Mrs. Charles Philley, two sons and niece, Miss Mayme Philley, drove here from Fort Wayne Sunday evening. They were entertained for luncheon at the home of Mrs. Harriet Coverdale and returned late in the evening.

The Pythian sisters are requested to meet at their hall at 7:30 o'clock this evening, at which time business of special importance will be discussed. Please be there.

The Misses Emma and Ella Mutchler entertained a number of friends at a 6 o'clock dinner in honor of Miss Belva Stone of Portland, who is visiting them.

Mr. and Mrs. W. A. Kuebler entertained members of the Spies, Crawford and Kuebler families at dinner Sunday.

Mr. and Mrs. Clem Voglewede entertained at 6 o'clock dinner Sunday in honor of Charles Archbold of Cleveland, Ohio.

Mrs. Chris Beery entertained Mrs. Noah Mangold, Mrs. Dr. Mangold and

SOCIETY DOINGS

Messrs. and Mesdames Earl Brackett and J. H. Heller Were Entertained.

THE PYTHIAN SISTERS

The Schurger Family Entertained Friends at 6 O'clock Dinner Yesterday.

OBITUARY.

Cynthia J. Daniel was born in Adams county, Indiana, June 22, 1861. She was married to Ira Webster March 11, 1880, at North Manchester, Ind. Seven children were born to this union: Earl, who preceded her a little over a year ago; Mrs. Emmet Young, Mrs. Jesse Miller, Wanda, Naomi, Hazel and Merlyn. In her early girlhood she gave her heart and life to Christ, and his church, and never for a moment did her faith waiver. Instead it grew stronger as the days went by, her heart wish being that all her family would be Christians. All during her life she was at her place in the church work whenever possible, often sacrificing the comforts of life that she might contribute to its support. In her home life she was always a devoted wife and mother, no duty being too hard for her to perform. It can truthfully be said of her as of the woman of the Master's time, "She hath done what she could." She leaves the husband, six children, one sister; her only brother having gone before her just three months. She departed this life August 19, 1910. J. M. Dawson of Decatur officiated at the funeral.

Mrs. Arthur Fisher for dinner last Saturday.

The Schurger family, west of town, entertained friends at a 6 o'clock dinner Sunday.

OBITUARY.

A sweet and charming bride of fall is Miss Gertrude Marie Cunningham, whose approaching marriage to Mr. William Henry Ryan or Memphis, Tenn., is announced by her father, Mr. James Cunningham, of Masteron avenue. Miss Cunningham has made her home in the south during the past three or four years, but her Fort Wayne friends have been loath to part with her, and she has always paid most loyal allegiance to this city. Mr. Ryan is a graduate of the Virginia and Vanderbilt universities. For several years past he has been located in Memphis, which he makes his headquarters for the N. K. Fairbanks Co. of Chicago. The wedding day has not been set, but the marriage will probably take place early in October. Fort Wayne Journal-Gazette. Miss Cunningham is well known in this city, having visited here on several occasions, and this news will be received by her friends with much interest.

Mr. and Mrs. Earl Brackett, with Mr. and Mrs. J. H. Heller as their guests, enjoyed a trip to Rome City Sunday morning in Mr. Brackett's Jack Rabbit car. It was a most delightful ride, the morning being a perfect one and the roads just right, and the journey was made in about two and one-half hours. Arriving at the popular resort the party found that the Decatur colony there had planned for them a reunion dinner and supper and about thirty sat at the table together, including the families of Mr. and Mrs. C. A. Dugan, D. M. Hensley, John W. Tyndall, Henry B. Heller, L. G. Ellingham, Mr. and Mrs. Brackett and Mr. and Mrs. J. H. Heller. The trip home by moonlight was also a most pleasant one.

Mr. and Mrs. Milton Hilpert gave a 12 o'clock dinner Sunday, the following guests being present: Mr. and Mrs. Jesse Daugherty and son, Clyde, of Kalamazoo, Mich.; Mr. and Mrs. F. C. Hoeneisen and daughters, Grace and Fern, of Decatur; Mrs. Jason Hobbs and daughter, Hazel, and son, Lycurgus, and Clarence Chronister of Rivarre.

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