

THAT HE WAS IN DANGER.

The Reversal Practically Means the Acquittal of the Murderer of R. J. Holthouse.

Boston Weston, the big brute of a cabman who killed Roman Holthouse, of this city, at Huntington last January, has been practically freed by the supreme court, his case being reversed yesterday. The notes on the case say: 20847. Weston vs. State. Huntington C. C. Reversed. Gillett, J. (1) Where testimony was introduced on a trial for manslaughter that defendant struck the deceased with his naked fist as deceased came quickly toward him, threatening to knock his head off, and that the five companions of deceased were bearing down on defendant at the same time, it was error to instruct the jury that the blow could only be justified by the fact that defendant "was in imminent danger, etc. since threatened danger which causes actual fear justifies a blow in self-defense, although there is no actual danger. (2) A blow with the naked fist may be justified by an assault and threatened injury which falls short of a threat of "death or great bodily injury," and the fact that unforeseen circumstances make the blow to result in causing death, does not make it any less justifiable.

Decatur people feel that this is unjust. Weston will be returned from prison and will likely go free. In commenting on the case the Indianapolis Star said this morning: "That the right of self-defense does not apply merely to cases where danger actually exist, but where there is a belief that danger exists, is the substance of a decision of the supreme court yesterday in the case of Boston Weston, appealed from the Huntington circuit court. Weston was charged with manslaughter, and was tried and convicted.

On the night of January 30 last six men were on their way from Decatur to Huntington to attend minstrel performance and a lodge banquet. Upon their arrival in Huntington they grew bolder and at the close of the banquet they telephoned for a hack and Weston, who was driving one, responded to the call. When the men were taken to the depot they paid Weston only half of their fare. Weston insisted upon the payment of the remainder, and was threatened by the men, who boasting refused to pay. One of them, Euston J. Holthouse, advanced upon Weston as if to strike him, and the latter promptly struck him in the face. In falling Holthouse's head struck the pavement, the skull being fractured and the man died. The supreme court reversed the case, because, in instructing the jury, the judge had limited the theory of self-defense to actual danger. The opinion is by Judge Gillett. The decision practically states that if Weston was justified in striking Holthouse he can not be held responsible for the death which resulted from the fall, and is therefore not guilty of manslaughter."

Weston was tried in the Huntington circuit court last spring, found guilty of manslaughter and sentenced to prison for a term of from two to twenty-one years.

JUDGE ERWIN MARRIES A COUPLE

Nellie Pence Granted a Divorce and All-mony—The Keifer Case Submitted.

Monday is the last day for paying taxes and consequently this was a very busy day for Treasurer Lachot and his deputies.

The election commissioners, R. S. Peterson and C. J. Lutz and Deputy Clerk Baumgartner were busy today handing out the tickets for the Tuesday election. Inspectors from the various precincts called at the clerk's office.

A marriage license was issued this morning to Leonidas Weaver and Miss Ida Bricker, both of Geneva. They immediately repaired to the court room, where his honor, Judge Richard K. Erwin, united them in the holy bonds of wedlock, and they returned home this afternoon happy.

A marriage license has been issued to James A. Courtney, aged twenty, of Mask Center, Ohio, and Maggie A. Cookson, aged seventeen, of Blue Creek township.

A marriage license has also been issued to Menno A. Naosrtaord, an ice cream dealer, and Mary Ann Beer, a milliner, both of Berne.

Charles D. Porter vs. Alice Carpenter et al., suit on contract, separate demurrer by each defendant to complaint.

Anna Keifer et al., vs. John Keifer et al., submitted, title quieted and partition ordered. Paul G. Hooper was appointed a commissioner, bond fixed at \$1,250.

John Teeple vs. Theophilus Phillips et al., deed reported and approved by commissioners discharged.

James O. Harman was granted letters as administrator of the estate of Sarah Jane Harman and filed bond for \$200.

With Thanksgiving only a little over three weeks away there is positively nothing doing in the turkey market and may not be this week. When the eastern markets open prices on the bird are expected to open low, about ten cents per pound and to remain much lower this year than they were last. Last year dealers lost money paying higher prices than they could get in New York and they are not going to make the same mistake this year.

KOKOMO LADY WANTS DAMAGE.

Says Clover Leaf Must Pay for Bleached Face and Figure

Alleging that she is permanently disabled in body and blemished in face and figure, a result of being run down by one of the company's trains on a grade crossing in Kokomo. Lizzie Levering, of that city, has made the Toledo, St. Louis and Western Railway Company defendant in a damage suit for damages in the sum of \$5,000.

The plaintiff sets out that on July 11th last she was approaching the Smith street crossing of the defendant's tracks when her progress was blocked by a train that was switching. She waited until the way was clear, she says, and then acting upon the instructions of the flagman who was guarding the crossing, started across the tracks. Before she could get across, however, she represents that a cut of ears was backed into her, smashing her buggy, throwing her out and dragging her for fifteen feet along the tracks.

It is averred that the plaintiff was badly bruised about the stomach, loins, back and spine; that her arms were wrenched and lacerated and her face bruised and scratched. She asserts that her nervous system was so greatly shocked by her perilous experience that it never will be restored to a normal condition and that her hurts rendered her permanently disabled physically. Moreover, she alleges that her face is permanently disfigured, a thing that causes her much suffering and humiliation.

M'GINNITIE CASE IS REVERSED.

Supreme Court of Indiana Makes a Decision.

The supreme court has reversed the decision of the Adams circuit court in the case of McGinnitie vs. Silvers, tried here a year ago. The syllabus says: 20847. McGinnitie vs. Silvers. Adams C. C. Reversed. Montgomery, J. (1) If the vacation of a plot of territory disannexed from a town is petitioned for under Section 4229. Burns, 1901, and an owner of property affected files a remonstrance, the board commissioners must exercise judicial power in hearing and passing on his objections, and an appeal to the circuit court may be taken from its decision. (2) The filing of such a petition, stating facts showing that the remonstrance owned lots reached by some of the streets sought to be vacated, and that such vacation would destroy his means of access, made the remonstrator a party and entitled to appeal without filing an affidavit of his interest and that he is aggrieved, etc.

DATA FROM WEATHER BUREAU

Concerning a Period of Past Thirty-five Years.

The following data, covering a period of thirty-five years, have been compiled from the weather bureau records at the Indianapolis station, and are compiled to show the conditions that have prevailed in November during this period, but should not be construed as a forecast for the month. The mean or normal temperature during the thirty-five Novembers was 42. The warmest November was in 1902, with an average temperature of 50; the coldest was in 1890, with an average of 31. The highest temperature was 76, November 1, 1888, and the lowest was 5 below zero, November 22, 1880.

The average number of clear days was 8; partly cloudy, days 9, and cloudy days 13. The prevailing direction of the wind has been from the northwest; the average velocity has been 11 miles an hour, from the south, November 11, 1901.

GAVE HALLOWEEN MASQUERADE.

Miss Rose Christen Hostess at a Delightful Event.

Miss Rose Christen entertained twelve of her friends at an old fashioned halloween masquerade last evening. The house was all lighted by jack-o'-lanterns and candles. Master Dick Durkin and little Miss Katherine Christen dressed as little pages, received the guests. Much fun was had in trying to name the guests. There were ghosts, maids, spinsters, witches, dukes and military girls in the crowd.

Miss Gertie De Voss proved herself the champion of the evening and carried home the souvenir. At midnight Miss Rose served an elegant luncheon. The guests were Mesdames Dugan, Reid, France, Heller, Gregg, Peterson, Christen, Durkin and the Misses Eva and Minta Acker. Congleton, Peterson, Craig and De Voss.

Clem Knoff was arrested yesterday by Marshal Green and lodged in jail, to lay out an old fine assessed against him some time ago and which he had failed and neglected to pay. He will now be compelled to take his vacation with Sheriff Butler.

The weather man certainly hit the mark when he said there would be perfect weather on election day. In fact, the day was an ideal one and kept many farmers away from the polls who took advantage of the same to husk corn.

An editor in a wedding report wrote: "The bride was preceded by two little girls in white, acting as pallbearers." It is presumed the writer was a cynical old bachelor.

HELPLESS PARALYTIC BURNED.

Mrs. Dick Hunter, of Bluffton, Can Not Recover.

A helpless paralytic, unable to extinguish the flames which were rapidly crisping her flesh and unable to make anyone hear her frantic cries for help, Mrs. Dick Hunter, residing on North Main street, was this morning burned in a manner which leaves no hope at all for her recovery and the physician in charge of her case stated shortly after the accident that her death was merely a matter of a few hours. The accident is one of the most pitiful ever occurring in this city. Mrs. Hunter, who is fifty-four years of age, has for some time been a victim of paralysis and has absolutely no control over her left side. She had a large rocking chair in which she sat propped up with a number of feather pillows. She has been for a long time under the care of her mother, Mrs. Rohn, but at the time of the accident Mrs. Rohn was in the yard in the rear of the house and did not hear the cries of the burning woman. Mrs. Hunter, her husband, was at work at the Merriman restaurant where he is regularly employed. Mrs. Hunter, like many women of her age, smoked a pipe and it was while lighting this that her clothing caught on fire.—Bluffton Banner.

IN CITY OF HUNTINGTON.

In Which It Is Learned That Judge Watkins Will Vote for R. K. Erwin.

Not for a long time has there been such a legal battle fought in the court room as was presented this afternoon between R. A. Kaufman and C. W. Watkins on one side and Daniel Simms, Judge Hammond, of Lafayette, and J. Fred France, of this city, on the other side. The battle was on from the ground floor of argument to the top mast of irony. The case was the one in which Charles Vandewater brought suit against the Wabash railroad for damages. The argument and battle centered on the instructions to the jury in which each side took exceptions to what the other wanted the court to submit.

The joke turned at one point on to Judge Watkins who, Daniel Simms, understood to say, was going to vote for a democrat.

It so happened that Mr. Simms read a decision by Judge Monks of the supreme court. Watkins took exceptions to the decision and roasted Monks considerably. Daniel Simms then pointed out that Monks is a republican candidate for re-election and from what Watkins said it must be understood that Watkins is going to vote for R. K. Erwin, the democratic candidate against Judge Monks.—Huntington News-Democrat.

DR. J. W. YOUNG TO MARRY.

It Is Rumored That He Will Try His Luck Again.

Specials from Fort Wayne to the metropolitan papers announce that Dr. J. W. Young, the specialist of that city, who makes regular monthly visits over Indiana, is about to take another bride, in the person of Mrs. Genevieve Patterson, a wealthy widow of St. Louis.

Although the doctor has often declared that after his recent stormy matrimonial experience, he would not marry again, the best woman on earth, there is at least some ground for the circulation of the rumor. On his last visit here a couple or three days ago, he was accompanied by a stylishly dressed woman of a little below middle age to whom he showed marked attention, but whom he deigned to introduce to no one. When the doctor called at this office on business, he was accompanied by the woman, and after asking for the latest copy of the Fort Wayne papers, they stopped just outside the door, and spent several minutes in eagerly scanning their columns as if in search of an expected announcement of some sort.

An announcement of the Doctor's re-marriage within a short time would be a surprise to no one acquainted with his changeable mind.—Portland Commercial-Review.

Being converted when quite young and joining the Methodist Episcopal church, she has been led to lead a very true and faithful Christian life.

Nette always possessed a clear understanding and a keen sense of duty and obligation together with the love of God in her heart to make a most loving and lovable friend, neighbor and wife. In all her years of work in the school room, in her service to the church, in the happiness of her own home, or wherever she might be called, she did her duty with a tenderness, cheerfulness and willingness that can but characterize the life of a true Christian.

She leaves a husband, one son, Chauncey Eugene, a father, mother and one sister, together with many other relatives and a host of friends to mourn their loss.

"Leaves have their time to fall, And flowers to wither at the north wind's breath, And stars to set—but all, Thou hast all seasons for thine own, O, Death."

AT HOME OF MRS. W. S. MAJOR.

New Federation Will Be Accomplished and Bulletin Will Be Issued Soon.

Shelbyville, Ind., Nov. 2.—The meeting of the executive committee of the Indiana State Federation of Clubs, held at the home of Mrs. W. S. Major, in this city, beginning Tuesday last, adjourned last evening. Mrs. O. P. Kinsey, Valparaiso; Mrs. Virginia C. Meredith, Cambridge City; Mrs. Charles B. Woodworth, Fort Wayne; Miss Katherine McElvane, Vincennes; and Mrs. E. Mummert, Goshen, attended the meeting. The executive committee selected district presidents for the thirteen congressional districts, and also the various standing committees. Indianapolis was chosen as the next meeting point.

Mrs. Frank B. Saylor, of Fort Wayne, secretary of the joint conference in Fort Wayne, October 12, has prepared a bulletin to be issued at once to all the clubs in the state federation, making clear that any club affiliated with the Indiana Union of Clubs, or with the State Federation of Women's Clubs, will be recognized as affiliated with the new state federation.

District Presidents.

All the vice presidents will be known as district presidents, as follows:

First District—Mrs. Annie Lemke, Evansville.

Second—Mrs. E. B. Hyatt, Washington.

Third—Mrs. C. E. Poindexter, Jeffersonville.

Fourth—Mrs. Annie Wheat McEwen, Columbus.

Fifth—Mrs. J. P. D. John, Green-castle.

Sixth—Mrs. Virginia C. Meredith, Cambridge City.

Seventh—Miss Grace Julian Clark, Irvington.

Eighth—Mrs. John Niblick, Decatur.

Ninth—Mrs. H. H. Ristine, Craw-fordsville.

Tenth—Mrs. J. E. DeWolf, Michigan City.

Eleventh—Mrs. Eva B. Rohback, Wabash.

Twelfth—Mrs. G. V. W. McClellan.

Thirteenth—Mrs. E. E. Mummert, Goshen.

The chairmen of the various committees are: Program, Mrs. J. T. Barnett, Indianapolis; art, Miss Eliza M. Niblick, Indianapolis; civil service, Mrs. Elizabeth G. Kettering, South Bend; civics, Mrs. H. W. Alexander, Vincennes; education, Mrs. W. O. Valette, Valparaiso; house economics, Mrs. O. N. Guldin, Fort Wayne; industrial and child labor, Mrs. H. C. Durbin, Anderson; library, Mrs. Morrell C. Earl, Crawfordsville; legislature, Mrs. George C. Hitt, Indianapolis; music, Mrs. E. A. Youche, Crownpoint; reciprocity, Mrs. Frank B. Saylor, Fort Wayne; Robert Dale Owen, Mrs. Julia S. Conklin, Westfield.

ARGUMENT ON MC LAUGHLIN SEWER

Judge Heller and P. G. Hooper Argue the Question—Taken Under Advisement

At the city council met in executive session last evening at the council chamber and resumed the hearing of the McLaughlin sewer. A number of witnesses were used by both sides as to the benefits and damages to be derived therefrom, and the evidence varied considerably. At the conclusion of the evidence the council agreed to allow each side one half hour's argument in the case and D. D. Heller immediately started in and presented the side of the petitioners in a clear and concise manner. He was followed by P. G. Hooper, attorney for the remonstrators, who also made a fine argument setting out his facts and points in a forcible manner. He was followed again by D. D. Heller, who by virtue of his position in the case, had the closing argument, which he gave to making certain legal points clear. The council then decided to take the case under advisement until next Wednesday, when they will render their decision, the matter being of such importance that they desired to give it due consideration. No further business coming up the council adjourned to meet next Wednesday.

MRS. MARY OPPENHEIM DEAD.

Died at Marietta, Ohio—Had Relatives Here.

Mrs. Mary J. Oppenheim, aged seventy-five years, died at 11 o'clock last night at the home of her son, Albert Oppenheim, at Marietta, Ohio. She was a sister of Jesse Niblick, late of this city, and was an aunt of the Niblicks who reside here. She was quite well known in this county and her death keeps on the outskirts in order not to come in contact with the police.

He offers what he calls "pebble stone glasses" at a greatly reduced price and tries to make those who are wearing glasses believe that they are not using what they should. In order to push his sales he uses a fictitious name, giving that of some well known optician who is a constant advertiser, and who is likely to be known by reputation, but not sight. In this way he gets into your confidence and sells you a worthless pair of glasses, and in many cases carries your good ones away with him, having inveigled you into a trade.

You discover when it is too late that your old glasses were worth a dozen times what you paid for those secured from the fakir, and that you have been beautifully taken in.

Peter Le Brun arrived last evening from Jeffersonville, where he served a year's time in the reformatory.

Peter was paroled yesterday and at once started for home. He is looking well and says no more reformatory for him. This resolve on his part is a good one.

Frank Miller returned this morning from Lancaster, Ohio, where he had been called, owing to the illness of his father.

Mrs. Dorwin arrived today from Fort Wayne to be in attendance at the funeral of Mrs. John Christian.

HALF DOZEN PARTIES GIVEN.

And Each One Proved a Delightful One For Those in Attendance.

A delightful hallowe'en party was which was given by the Misses Ethel Ehinger and Agnes Kohne at the home of the latter. Games and guessing contests were played, and in the vegetable contest Margaret Galloway won the prize. In the corn contest Marie Gass captured the prize. Another game which proved to give much enjoyment was that in bobbing for apples and at which Bernadette Forbings was the winner. In the drawing contest Verna Niblick proved the artist at a late hour a two course lunch was served, after which the guests departed, all declaring they had a fine time. The guests were the Misses Anna Meyer, Vera Rademaker, Marie Gass, Emma Kenny, Genevieve Berling, Verna Niblick, Eva Stren, Genevieve Bremerkamp, Ester Corbett, Agnes Coffey, Margaret and Carrie Gallogly, Stella Smith, Bernadette Forbings, Agnes Meibers, Marie Kintz, Celest Mylott, Naomi Niblick.

POPULAR LADY OF THIS CITY.

Message Caused a Shock—Her Father

Was Enroute to Her Bedside.

Decatur, Ind.

Mrs. John Christian, formerly Miss May Coverdale, daughter of Dr. and Mrs. J. S. Coverdale, and one of the most popular ladies of this city, died very suddenly at her home at Paducah, Kentucky, early Sunday morning.