

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: 20887. 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 death 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 exists, 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 a minstrel performance and a lodge banquet. Upon their arrival in Huntington they grew boisterous 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, Roman 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 Alimony—The Kiefer 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. Cookman, aged seventeen, of Blue Creek township.

A marriage license has also been issued to Menno A. Naashtoord, 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 to each defendant to complaint.

Anna Kiefer et al. vs. John Kiefer et al. submitted, title quieted and partition ordered. Paul G. Hooper was appointed commissioner, bond fixed at \$1,200.

John Teepie 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 Blamed 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 company'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 cars 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.

MCINNITTIE 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 McGinnittie vs. Silvers, tried here a year ago. The syllabus says: 20847. McGinnittie vs. Silvers. Adams C. C. Reversed. Montgomery, J. (1) If the vacation of a plat of territory annexed 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 1880, with an average of 31. The highest temperature was 76, November 1, 1888, and the lowest was 5 below zero, November 22, 1880.

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 Gertrude 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 hulk out.

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. Mr. 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. YOUNGE 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. Younge, 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 declined 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.

Obituary of Nettie Estella Clem.

Nettie Estella Miller was born November 22, 1882, in Union township, Adams county, Indiana, and died at her home in Dixon, Ohio, October 22, 1906, aged 23 years and 11 months. She was united in marriage to Melvin A. Clem, April 26, 1905. The joy of these lives was very marked, and the harmony of the same approached perfection.

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

Nettie 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. Merseth, Cambridge City; Mrs. Charles B. Woodworth, Fort Wayne; Miss Katherine McIlvaine, Vincennes, and Mrs. E. 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.

District Presidents.

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

- First District—Mrs. Annie Lemcke, 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, Greencastle.
- Sixth—Mrs. Virginia C. Meredith, Cambridge City.
- Seventh—Miss Grace Julian Clark, Irvington.
- Eighth—Mrs. John Niblick, Decatur.
- Ninth—Mrs. H. H. Ristine, Crawfordsville.
- Tenth—Mrs. J. E. DeWolf, Michigan City.
- Eleventh—Mrs. Eva B. Rohback, Wabash.
- Twelfth—Mrs. G. V. W. McClellan, Goshen.
- 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, Goshen; forestry, Mrs. Kate L. Agnew, Valparaiso; house economics, Mrs. O. M. Gulldin, Fort Wayne; industrial and child labor, Mrs. H. C. Durbin, Anderson; library, Mrs. Morrell C. Earl, Connersville; legislature, Mrs. George A. 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 McLAUGHLIN SEWER

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

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 is deeply regretted by relatives and friends. The remains will be taken to Bluffton this evening and the funeral will be held in that city Monday afternoon at two o'clock.

Peter Russell and Jesse Hill were arrested last evening by Marshal Green, being charged with public intoxication. They were arraigned before Squire J. H. Smith, plead guilty and were given a ten days' jail sentence.

"There's another spoke in the Hub," So says Jacob Kalver, as he passes out ten-cent cigars, winks and adds: "It's a boy, eight pounder. What can I do for you today in the line of a winter suit or overcoat?"

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

HALF DOZEN PARTIES GIVEN.

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

A delightful halloween party was that 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 Forbing 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 Coffee, Margaret and Carrie Gallogly, Stella Smith, Bernadette Forbing, Agnes Melbers, Marie Kintz, Celest Mylott, Naomi Niblick.

Miss Pansy Bell delightfully entertained thirty of her young lady and gentlemen friends at her home on Third street at a masquerade halloween party, and from all reports a most delightful time was had. The guests commenced to arrive about eight o'clock in their gruesome costumes and at 8:30 the event was on in full blast. The first thing on the program was an animal hunt, which chose the partner for the guests during the evening. After each one present had secured his or her partner a flower contest was had, the prize being won by Miss Francis Merryman, a beautiful bouquet of flowers. A music contest was then indulged in, which was won by Miss Winnifred Johnson, a box of beautiful writing paper. Other games that afforded more or less amusement were played until a late hour, when refreshments were served, after which the guests departed for their respective homes.

Master France Carter last evening at his home on North Fifth street delightfully entertained twenty-five of his young friends at a masquerade halloween party, and from the amount of noise the youngsters made they certainly enjoyed themselves to the limit. The evening was spent in playing numerous games, for which prizes were awarded the successful ones. The house was decorated in halloween style and presented a very picturesque sight. Refreshments were served and at a late hour the guests departed, voting Mr. Carter a charming entertainer.

Miss Mary Frislinger celebrated halloween in a very appropriate manner, last evening by giving a masquerade party at her home in the south part of the city. The crowd consisted of twenty of her little friends and some of the makeups were amusing and bordering on the ridiculous. The evening was spent in playing games and numerous pastimes and at a late hour the guests departed fully impressed that it was the greatest halloween they had ever celebrated.

Miss Vera Myers entertained fifteen girl friends at a masquerade party at the home of her sister, Mrs. Arthur Hall, on Jefferson street. The home was prettily decorated in red and white. The evening was spent in games and music, the prize game being "Mule Maud," in which Miss Florence Myers captured first prize, a pretty Oriental statuette, while Miss Edith Green was given the booby, a toy pig. All left at a late hour, voting Miss Vera a fine entertainer.

Halloween has passed again and the goblins were out in force, garbed in various fantastic costumes and accompanied by witches and fairies. The usual harmless jokes and tricks were enjoyed but the destruction of property was not nearly so great as usual. There were a number of entertainments of various kinds, among which were the following:

Lillian Meyer entertained the W. C. T. club last evening at a halloween party and a good time was reported.

AN OLD FAKIR IS ABROAD.

Spectacle Grafter Is Working this Part of the State.

Readers are warned against a spectacle peddler who is traveling in this part of the state, selling his wares, and he does most of his business in the country, or if he works cities he 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 dozens 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.

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

POPULAR LADY OF THIS CITY.

Message Caused a Shock—Her Father Was Enroute to Her Bedside.

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.

The news caused a terrible shock here, where she was universally known, admired and loved. Her health had not been good for several years but until late Saturday evening was it known to her relatives that her condition was any worse and even then her illness was not considered serious. About nine o'clock Saturday evening her husband called her father, Dr. Coverdale, by phone and said that May was not feeling well and desired him to come to her. The doctor left a few minutes later. Over the Clover Leaf but could not arrive at Paducah until Sunday evening. About eight o'clock Sunday morning the following message came: Paducah, Ky., Nov. 4.

Dr. Earl Coverdale,

Decatur, Ind. May died very suddenly at 4:40 this morning.

JOHN CHRISTIAN.

The news flashed over the city rapidly, causing grief and saddened hearts everywhere. Mrs. Coverdale was prostrated when she heard of her daughter's death and still requires the almost constant attention of her son, Dr. Earl Coverdale. The father arrived at Paducah last evening and was not aware of his daughter's death until that time. He will probably accompany the remains home, arriving probably tomorrow morning. A message from Clark Coverdale, a brother living at Cardwell, Missouri, was received this morning stating he would arrive here this evening.

Mrs. Christian was twenty-three years old. She was born and reared and educated in this city. An accomplished and beautiful lady she was popular with everyone. Last winter she accompanied her mother to Thomasville, Ga., both being in rather declining health. While there Miss May met Mr. John Christian, of Paducah, Ky., and a pretty love affair resulted in their marriage at Albany, Georgia, on March 2 last. They were very happy and recently the report concerning May's health were that she was improving, consequently the sad message Sunday morning could scarcely be believed.

At one o'clock this afternoon the following message was received: Paducah, Ky., Nov. 11.

Dr. Earl G. Coverdale, Decatur, Ind.

Leave here at 11 o'clock today. Arrive via a Clover Leaf at 5:30 tomorrow morning.

J. S. COVERDALE.

BUSINESS PRACTICALLY CONCLUDED

Will of Mathias Schafer Probated—His Estate Divided Among Relatives.

Only three more days in which to pay taxes—Friday, Saturday and Monday.

The September term of circuit court is practically over, there being but two days and no business of very grave importance is set for hearing on those dates. Judge Erwin was on the bench this morning but there was nothing doing further than roll call.

Deputy Sheriff Dallas Butler was busy today filling out the appointment sheets for election sheriffs in the various precincts of the county.

A marriage license was issued to James McCullough, aged twenty-five, of Pleasant Mills, and Bessie May Shaffer, aged seventeen, of near Pleasant Mills.

The last will and testament of Mathias Schafer was probated. After providing for the payment of debts the will states that inasmuch as he has deeded forty acres of land in Root township to his wife, also the dwelling on Winchester street and the household goods, that she take nothing further. A life insurance policy in the Metropolitan for \$1,000 is to be used for the payment of debts. He bequeathed his farm building near the C. & E. railroad to his brother, John Schafer, and sisters, Mary Schmitt and Anna Imphum, but Mrs. Schafer is to receive the rents so long as she remains a widow. Peter and Michael Schafer shall each have five dollars. Mrs. Daisy Schafer and Peter Stimbach, the latter of Germany, are each to get fifty dollars. The will was written October 18, 1906, and was witnessed by D. E. Smith and Robert Blackburn.

While a through freight on the Erie railroad stopped at the water tank last evening for water a car of merchandise was broken into and a number of shoes were stolen. The work is supposed to be that of hobos, and the railroad detectives were here looking into the case today.