

SWISS HEIRS FIGHT STATE AND CONTEST FOR PROPERTY

Arguments of Plaintiff Are Said to Be Controverted by an International Treaty.

COURT IS CONSIDERING

Argument was heard yesterday before Judge Allen, of the Circuit Court, in the case of the State of Indiana brought by Attorney General Miller against the heirs to the estate of John Lehman.

The suit, which was filed a few days ago, sets forth that under the provisions of the state statutes of 1885 property on East Ohio street and in Hall place to the value of about \$15,000, and which formerly belonged to Mr. Lehman, but at his death went to his heirs in Switzerland, has now in the eyes of the law reverted to the State of Indiana. The statutes referred to provide that no alien shall hold property in the United States except by will or inheritance, and in such case the property can only be his for a term of five years, and if not sold in that time it must revert to the State. On these grounds the State is making its prosecution, and so argued before the court yesterday through its attorney, Charles Martindale.

The Swiss heirs are represented by Frank Edenker, who argued that the state statutes of 1885 are null because of their conflict with an international treaty made by representatives of this country and Switzerland in 1850, which five years later was ratified by the United States Senate.

This treaty, it was argued, contains provisions giving to the citizens of either country the broadest possible powers respecting personal property belonging to them situated in the other country, and provides that these provisions "shall be applicable to real estate within the States or the American Union or within cantons of the Swiss confederation in which foreigners shall be entitled to hold or exhibit real estate."

It was said that this treaty, which was confirmed by a number of supreme courts of the country, had precedence over any state statute that may have been passed to the contrary.

The question was then under advisement by the court.

Man Asks for Divorce and Wife Partial Separation

Whether or not husband can secure an absolute divorce when the wife is asking for a limited separation is the question that Judge Carter, of the Superior Court, must determine. Some time ago Kate Harrington brought suit for a limited separation from James Harrington, and the defendant filed a cross petition to the petition, asking for an absolute divorce. Yesterday L. C. Cox filed a motion with the court to strike the cross complaint from the files on the grounds that the new law of February, 1903, does not provide for an absolute divorce.

In the original complaint Mrs. Harrington claims cruel and inhuman treatment and asked \$1,000 alimony.

Union Traction Company Is Sued for Breach of Contract

The Cincinnati Traction Company of Ohio filed an amended bill of complaint against the Union Traction Company of Indiana in Federal Court yesterday. The plaintiff alleges that the Union Traction Company failed to carry out its contract relative to the disposition of the Mill Creek Valley Street-railway Company and demands \$1,000 for the breach of contract.

THE COURT RECORD.

Room 2-James M. Lathers, Judge.

L. R. Smith vs. W. R. Ryan, account evidence heard. Taken under advisement.

John Beezley vs. Minnie B. Beezley; dismissed.

Room 3-Vinson Carter, Judge.

Walter J. Hubbard vs. Jessie J. Pruitt et al. Judgment for plaintiff and judgment against Jessie J. Pruitt for \$15.17 and costs. Decree foreclosure.

Emma Scholl vs. Susan Dennis et al. Judgment on verdict for \$300 and costs.

CIRCUIT COURT.

Henry Clay Allen, Judge.

Lawrence Hanlon vs. Sabine Hanlon. Submitted to court. Evidence heard. Finding for defendant. Judgment against plaintiff for costs.

Pearl E. Swineford vs. Harry F. Swineford. Submitted to court. Finding for plaintiff. Degree of divorce granted. Judgment given to the wife. Earl O'Farrell. Judgment against defendant for costs.

The convention adopted the rising sun as the party emblem and on motion of one enthusiastic delegate it was decided that the emblem this year should "show that the sun had risen a little higher up."

Felix McWhirter Named for Governor by Prohibitionists

(CONCLUDED FROM FIRST PAGE.)

Realize that you deserve the election and fight to the finish, and victory will come." MAN GIVES \$20 IN "SINEWS."

The first business taken up was the call for subscriptions for a campaign fund. The Rev. W. P. McKinsey, of Plainfield, who took charge of the work, declared that the party needed \$50,000 to elect its ticket in Indiana this year, and expressed his confidence that the Prohibitionists of the State would put up the amount. Subscriptions of \$1,000 were first called for, but there was no response. When the amount was doubled to \$250 Charles Eckert, of Auburn, took charge of the work, and headed the list, and numerous smaller subscriptions followed, the total of which reached considerable sum.

A wave of enthusiasm passed over the convention when it was announced that eight schoolboys of Greencastle had contributed the sum of \$3.

The report of the committee on resolutions was received with cheers, but its adoption, which was taken up plank by plank, was prolonged into the afternoon, and there was a general sense of weariness. The sentence, "The repeal of all liquor tax and liquor license laws will give us the natural condition of prohibition," was adopted, and it was decided that the repeal of all such laws would not bring about absolute prohibition, but with a tax and license laws liquor could be "given up" and the consumption would not be reduced.

ARE CITIZENS INSULTED?

"For the honor of our State, the safety and protection of the people, the financial and moral benefit to all, for the health, comfort and happiness of homes, we declare for a constitutional and legislative enactment forever prohibiting the manufacture, sale, importation, exportation and transportation of intoxicating liquors for beverage purposes within the State and within the Nation and our foreign possessions."

"We call attention to the fact that the remonstrance feature of the Nicholson law is against the individual applicant for license, and not against the existence of the State, in the matter of townships; notwithstanding a majority may sign remonstrance, other applicants may apply. Unreasonable burden is entailed upon the people by this law, which has failed to serve a purpose in the number of saloons."

Since its enactment saloons in Indiana have increased on an average of 200 a year, being in a ratio of double the increase of population. Moreover, such law does not sever the complicity of the State with the liquor business. It insults every honest citizen by assuming that until he has signed the petition he will be subject to the State and the saloon as favoring the infamous traffic.

EQUAL SUFFRAGE FAVORED.

"Believing in equal rights for all and special privileges to none, we favor equal suffrage regardless of sex."

"We declare ourselves in favor of legislation which will place labor and capital upon an equal footing before the law, both with regard to the rights of property and of individuals. To this end we recommend boards of arbitration, constituted with due authority and guaranty of strict impartiality in their decisions. We insist upon more rigid inspection of the condition of mines and all places where labor is employed."

"We recognize with greatest apprehension for our public welfare the growing disregard for law observance. We fear for the perpetuity of our government and trace the cause of lawlessness to the influence of the licensed liquor traffic. Larger cities are under metropolitan police boards, determined by politicians who are influenced by the same element. We believe that only the safety of the people rests in the election of candidates of the Prohibition party who are free from the complicity and domination of the saloon people and favor the impartial application of all laws. We earnestly urge all voters of Indiana to join with us in this patriotic and unselfish endeavor."

"DEMOCRATIC PARTY IS DEAD," SAYS CHAIRMAN

Oliver W. Stewart Declares that Only Fragmentary Principles Remain as Issues.

Oliver Wendell Stewart in his address to the Prohibitionists of the State at Tomlinson Hall last night delivered a funeral oration over the Democratic party and lauded it "a party of the past and without an issue."

After a review of the two histories of the political parties, he said: "The Democratic party had but one issue in its life, and that was settled during the civil war. It has never had any since. It has never elected a President since Buchanan and my predictions are that it never will. You may say 'What about Cleveland?' I say that Cleveland never was a Democrat, but a Republican of the first type. This was produced during the great Chicago strike riot, when, in spite of the refusal of the Governor of that State, who was a Democrat, to call out the militia, he sent government troops and quelled the riot."

"That was no act of a Thomas Jefferson Democrat, but of an Abraham Lincoln Republican."

"As a matter of fact, the Democratic party is really dead," he said. "It has no issues whatever, and is merely existing."

At no time in the last ten years has it carried a single State except on some local and temporary basis.

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DELEGATE ELECTION IS TEDIOUS.

The selection of the presidential electors and delegates-at-large was a long and tiresome piece of work, as almost every district had a "favorite son" whose friends sought honors for him in this connection.

In accepting the nomination for Governor, Mr. McWhirter gave a brief speech that stirred the convention to frenzied and prolonged applause. Mr. McWhirter has been frequently mentioned in connection with the nomination for Vice President on the presidential ticket, but the party leaders in the State said that the party could not spare him to the national ticket and that he could do more good for the party by helping to nominate a candidate.

"The Democratic party is dead," he declared, "the Republican party is dying and it is time for us to get busy."

In addition to the national convention ticket, the state delegation to the state ticket, the convention named Felix T. McWhirter, of Indianapolis, and Charles Eckert, of Auburn, as members of the national convention delegation.

John H. Clarke, of Fort Wayne, and Preston Rider, of Columbus, as presidential electors at large, and State Delegates C. E. Noland, of Crisp, of Ludington, of Munster, and Dr. Homer J. Hall, of Franklin, as delegates-at-large to the national convention, with Harvey Rating, of Marion, J. R. H. H. of Indianapolis, Harry Thompson, of Greensburg, and John Zahn, of Gantsburg, as alternate delegates-at-large.

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