

HEAVY DAMAGE SUIT FILED

Little Edward Dailey's Parents Ask for Seventy-Five Thousand Dollars, and Suit Will Be Filed in Superior Court.

W. M'ALEER ENGINEERS THE BIG LAW SUIT

Six Railroad Companies and an Engineer Are Made Party Defendants, and Engineer M. J. Dugan Is Also Held Responsible in the Suit That Is Filed.

Little Edward Dailey, who, on May 22, was struck by a Michigan Central freight train at the Hohman street crossing while riding on his bicycle resulting in the loss of both limbs below the knee, now seeks to recover, through his attorney, W. J. MacAleer, \$75,000 damages from the various railroads which, it is claimed, were responsible for failure to properly safeguard this crossing.

The railroads made defendants in the big suit are the Chicago, Indiana & Southern, Indiana Harbor Belt Railroad company, Michigan Central, Chicago, Indianapolis & Louisville, New York, Chicago & St. Louis railroad, Indiana Harbor Railroad company and Matthew J. Dugan, jointly.

Says Defendants Are Liable. In brief, the complaint states that the above defendants are liable by reason of the fact that there was no flagman stationed at the crossing, that the gates were not lowered as they should have been, and that the row of buildings on Hohman street, north of the tracks and within a few feet of the Michigan Central right of way, obstructed the view of the plaintiff.

The suit was brought jointly against the railroads whose cross Hohman street, just north of Plummer avenue, by virtue of the fact that all of them are mutually interested in the operation of the gates and the employment of the watchman.

The outline of the damage case relates the fact that young Dailey on the day of his injuries was riding toward the south on his bicycle, and seeing that the gates were up in front of the Michigan Central tracks, started to cross. Just as he reached the tracks a freight train, which was being backed up at the excessive rate, it is charged, of twenty-five miles an hour, backed into him, throwing him under the wheels and knocking him under the wheels of the forward car.

Story Fresh in Public Mind. Not only were both of his legs cut so that it necessitated amputation, but his head and body were badly cut and lacerated. A large crowd, which gathered around him at the time of the accident—5:30—still recall the tragic details of the affair.

It is also charged that two of the city ordinances, that in which the speed limit was fixed at six miles an hour through the city limits of Hammond, and that in which the railroads were compelled to install and properly maintain the gates at the crossing, were violated. It is also stated that after the boy had entered upon the crossing that the gates were then lowered and that he was then prevented from escaping by reason of that fact.

The defendant named, in addition to the railroad companies, Matthew J. Dugan, is the engineer on the engine which backed up and struck the boy while going at a greater rate than six miles an hour.

The suit filed today is the largest personal injury case ever filed in the Lake superior court. Dailey, who is a minor, is bringing suit by his father, George P. Dailey, who is superintendent of the Enterprise Bed company.

GILBERT GREW TIRED OF HER

The latest Crown Point romance to find its culmination in the courts is that of Irene Ayling and her husband, Gilbert Haven Ayling, a medical student, who were married July 9, 1907. They lived together only five days after the ceremony. She testified that after marriage her husband installed her in a flat at 727 North Western avenue, near a telephone exchange.

"He worked in the telephone station," she said, "but he also studied medicine. He just seemed to grow tired of me."

Judge Tenthill granted the decree.

WANTS HIS STEAM SHOVEL

Suit for replevin of a \$2,000 steam shovel was filed this morning by Attorneys Bomberger, Sawyer & Curtiss against A. C. Torbert of the A. C. Torbert & Co. of this city. The complaint states that the owner of the machine is William J. Stein, who asks \$500 damages in addition to the steam shovel.

The shovel is described as the Bucyrus Crane type of overhead swing shovel, and is valued at \$2,000. The complaint states that the company had unlawfully retained possession thereof, and that it had not been seized on execution or attachment.

When called up this morning a clerk, giving the name of Perry, who was the only one in the office, said that he "simply didn't know anything about it."

GROSS IN FURTHER TROUBLE

Ex-East Chicago Constable Is Sought by Gary Constable, Who Has a Warrant for Him on the Same Old Charges.

Constable Edward Gross of Judge Huber's court, who was recently arrested in Hammond on an extortion charge, and said to have been nearly mobbed in East Chicago for a similar instance, and who has been prosecuting a blackmailing game since his arrival in Gary a few weeks ago, had a warrant sworn out for his arrest yesterday afternoon, but could not be found to have the paper served on him.

Andrew Lorine, an Indiana Harbor saloonkeeper, was arrested by Gross on July 19 on the charge of selling liquor without a license. He was brought to Justice Huber's court for trial. The justice was out at the time and Lorine avers that Gross told him that if he appeared before Huber the fine would amount to forty dollars. "Plead guilty before law," the constable is said to have told the "fugitive," "and I will only fine you \$25."

Lorine said that he pleaded guilty to the constable, but that he then gave him \$20 and a note for \$5 in payment for the "fine." Gross in return gave a receipt for \$12.50, which read that Lorine had paid the sum for a provocation fine.

Later Lorine engaged an attorney, Louis Gottlieb, of Gary, and then he learned where he stood. A warrant was sworn out for Gross and when his superior, Constable Miller of Indiana Harbor, heard of the charge he revoked his commission as a deputy. In the evening when Chief Martin went out to search for the constable he found him not.

Gross got into trouble in Hammond some weeks ago when he was arrested on an extortion charge. After that he took some established in Judge Huber's dispensary of justice as a constable, and then he immediately began a series of operations which have caused much comment.

When Gross first came to Gary numerous people were warned to be on the lookout for him. It is said that if he got the chance he would endeavor to arrest citizens for violations of the blue laws in order that he would get his costs out of the fine.

PRESIDENT WHITNEY HAD NO KNOWLEDGE COMPANY HAS NOT FILED BOND

Burnham, Ill., Aug. 7.—The little nine-round bout between Marty Lavin and Marty Kane last Thursday night, pulled off here unknown to the city officials, is still the talk of the town. It has been considered "successful," because there was no interference from the authorities, and the sports are wondering whether the thing can be repeated. Judging from an interview with C. W. Whitney, president of the town board, the "going" next time will not be easy. For Mr. Whitney is opposed to this form of law violation. This was probably known by the promoters, and they took all necessary precaution, and while it is not probable that there will be an aftermath, Mr. Whitney will instruct his police to be doubly watch in the future.

No prize fight has taken place in Burnham with my sanction, and there never will be as long as I am president of the board," said he. "Prize fighting in Illinois is against the law, and I mean to enforce that particular phase of it. If a fight was held last Thursday night it was without my knowledge and I will investigate the matter."

NIX ON THE BLUE LAWS TOMORROW

Merchants and Dealers in Gary Get no Notice and Think Mayor Knotts Has Experienced a Change of Heart.

Cigar stores, ice cream parlors, restaurants, hotels, Chinese laundries, etc., will be open, and street cars, trains and the Indiana steel company's mills will operate as usual and the blue laws will not be enforced in Gary tomorrow.

Even if it has been the intention of Mayor Knotts to enforce the blue laws, as it has been noised about town, he must have suddenly had a change of heart, as none of the storekeepers have been notified to close their places of business tomorrow. So with all the talk that has been circulated about town Gary will remain the same on Sunday as it has in the past, with the exception that it will be a dry Sunday.

The electric line is doing a good business row and is taking a large number of people to the wet districts, such as Miller, East Chicago and Indiana Harbor. It is said that thirty-six cases of beer were brought to Gary early this morning by an East Chicago foreigner who owns a saloon at that place.

PLENTY OF DIVERSION FOR THEATRICAL GOERS

Entertainment of Diversified Nature Provided for Hammond.

If the people of Hammond are seeking amusement during the next week it will be necessary for them to leave the city and divert the revenue derived from the pleasure seekers from this city.

The reason is plain and forcible. In that three good shows and the Lake Front park have been contributed to the people of Hammond and vicinity to keep them and their money at home, and the entertainment provided is of such a diversified character that all classes and ages should be appealed to. For instance, tonight the Washington Society Ball, an aggregation of thirty-five active chorus girls, accompanied by a few others in the cast, will appear at Towle's Opera House this evening in the first burlesque show of the season.

The company starts the season at Hammond, where, of course, all of the costumes will be brand new and a special attempt will be made to make the show a winner. All day Friday and today they have been holding rehearsals, getting ready for "the big night tonight."

Monday afternoon and evening the Sells-Floto shows will be in Hammond and the men, women and children will have an opportunity of seeing a big high class circus for the first time this season. The children especially are looking forward to this big event with a great deal of expectancy.

Another good show which will be given at Towle's Opera House will be the Cow Puncher, one of the well-known melo-dramas which have proved so popular in this city.

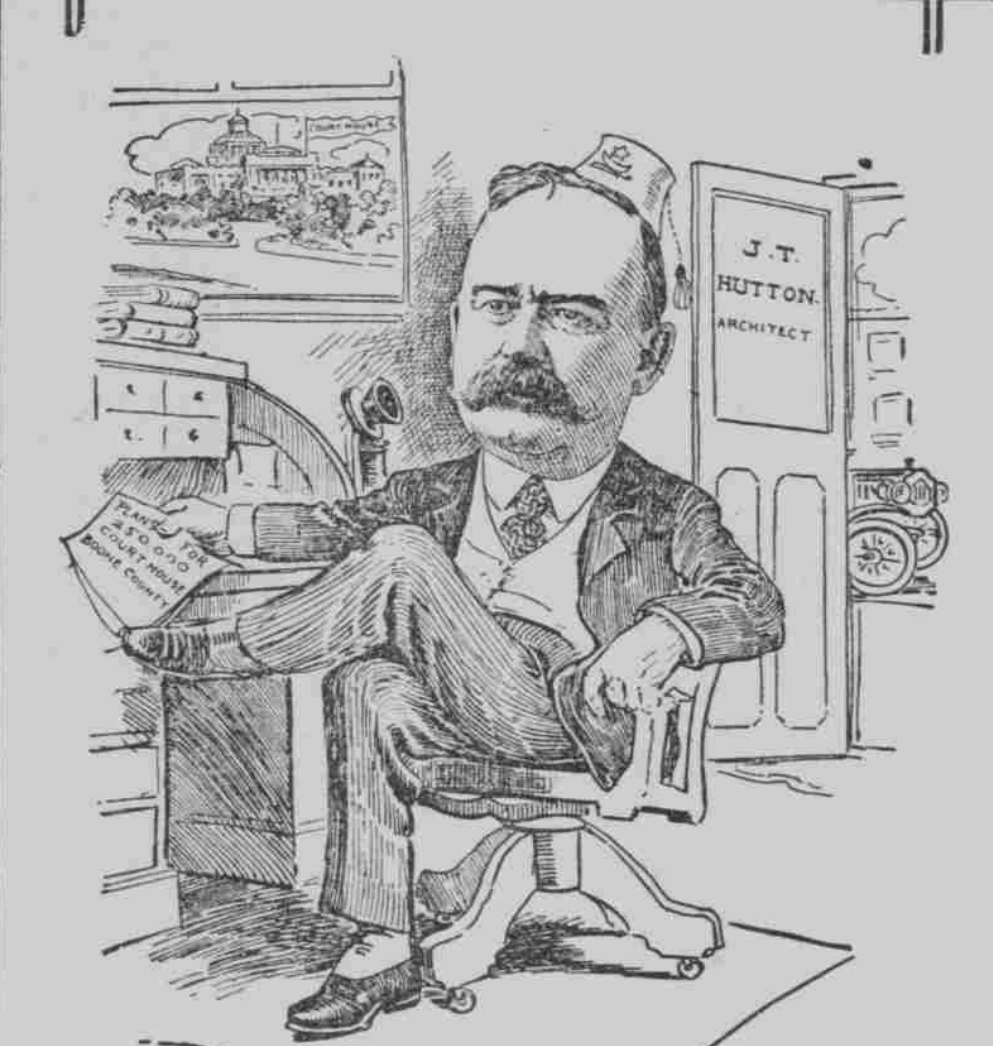
COMPANY HAS NOT FILED BOND

Up to noon today the Indiana & Chicago Traction company had not filed a bond with the city, which the franchise, which it recently received, at the hands of the Hammond city council, requires.

Attorney W. J. Riley, who has represented the company in all its transactions, could not be reached, he having been away from Indiana Harbor for some time.

Adam R. Ebert, president of the board of public works, is still awaiting a conference with Mayor Becker in the matter, but this too is delayed because Mr. Becker has been absent from the city for some time.

Hammond Men of Affairs



J. T. HUTTON.

Architect James T. Hutton is one of the professional men who have helped to make Hammond famous in a good many respects. His latest deed was at the head of the contract to make plans for a \$250,000 courthouse in Boone county. There were thirty other architects from all over the United States who "did their darndest" to get the plum, but Mr. Hutton won out above all his competitors. He is very prominent in Masonic circles and has induced many a Mason to tread the hot sands—first to the Mason's anxiety and then to his joy.

HAMMOND LADS HAVE BULLY TIME AT "BOY CITY"

(By a Staff Correspondent.)

Away up in the northern part of Michigan, on the shores of beautiful Pine lake, is situated one of the most interesting and unique summer communities in the country. It is known as Boy City.

Here, in the midst of a great forest of maples and birches, seemingly placed by nature just for this purpose, over 500 boys from all over the midwest have gathered in a tent city and are running a municipality just as their fathers are doing at home. Under the careful surveillance of men accustomed to the management of boys, they have chosen a mayor, city clerk, city treasurer, and board of public works, all kids, elected by kids, and working solely for the interests of kids. And who betide the grafter or dishonest officeholder who is found out, for without any reservation or delicacy of sentiment such a culprit would be driven from the gates in disgrace by the whole body of citizens.

The originator of the Boy City idea is Judge Willis Brown, a man who has won international fame by his success in winning the hearts of wayward boys brought before him when he was judge of the juvenile court of Salt Lake City, and helping them to become good citizens instead of worthless vagabonds.

About six years ago, when Judge Brown was at the head of the juvenile court in Salt Lake City, he realized the need of some place where boys, not bad boys nor reformatory boys, but just plain every day city boys of good families could go for recreation and at the same time learn the rudiments of good citizenship. So, as in his way, he started out to fill the want. Around him he gathered a group of men interested in the welfare of boys and established the first Boys' City at Wilkeson Lake, Ind. While this city is still in existence, its organizers soon found that the small lake and grove there formed too insignificant a setting for the stupendous work before them, and started out to make a better one. Then the National Boys' City association was organized, with Rev. Walter McPherson, assistant pastor of St. Paul's church, Chicago, as president. Circuit Judge Frederick W. Mayne of Charlevoix, Mich., is vice president; Frederick H. Brown of Salt Lake City general manager; Hon. William A. Gardner of St. Louis treasurer, and Judge Brown director-in-chief.

The association then began to hunt for a camping grounds large enough to

establish post roads and, in conformity with that grant of power, congress in the earlier days built roads in Alabama, Arkansas, Florida, Illinois, Indiana, Iowa, Kansas, Montana, Mississippi, Missouri, Nebraska, New Mexico, Nevada, Ohio, Oregon, Washington, Wisconsin, Colorado and New York, costing over \$10,000,000. Congress also constructed the old national road, extending from Cumberland, Md., through Pennsylvania, West Virginia, O., Indiana and Illinois at a cost of \$6,000,000.

Seven great highways are proposed in the bill, all of them to radiate from Washington. The two which it is proposed shall pass through Indiana are as follows: Lincoln National Highway—Beginning at Washington and extending by the most direct route to Seattle, Wash., passing through Maryland, West Virginia, Ohio (via Columbus), Indiana and Illinois to Chicago; thence through Madison, Wis., and Minnesota to St. Paul and Minneapolis; then through Minnesota, South Dakota, North Dakota, Montana, Idaho and Washington to Seattle. Jefferson National Highway—Beginning at Washington and thence to San Francisco, passing through Virginia, West Virginia, Ohio, Indiana, Illinois to St. Louis, thence through Utah and Nevada to California.

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(Continued on page 2.)

ROAD WILL HELP TO MAKE HAMMOND STICK OUT ON MAP

It is possible that within the next few years Hammond will be on the course of two of the great highways, which are now being planned as a part of a system of seven which will extend over the country with Washington, D. C., as a hub. The Ridge road, south of Hammond, which is famous throughout the country, is a part of a national highway, such as are being now contemplated, and was constructed at a cost of \$5,000,000.

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FINDS CARS WERE NOT RACING

The result of the coroner's inquest over the body of Corniel DeKryger, the 7-year-old boy who was killed by Chicago automobilists Wednesday night, near Highlands, vindicates the chauffeur of the machine, L. H. Swartout, the Chicago automobile salesman.

The result of the finding is to the effect that the machines were not racing at the time that the boy was killed, as many of the residents in the vicinity of the accident claimed that they were. Swartout, the driver, and W. C. Smith, the chauffeur of the machine which they were passing at the time, stoutly maintained the fact that they were running at a reasonable rate of speed.

The testimony of the residents in the vicinity is thought to be due more to the excitement over the accident than to the fact that they were really going at the rate of forty miles an hour, as they claimed. The conduct of Swartout after the accident also helped to mitigate the evidence which was introduced against them.

FAMILY SUFFER OVER FATHER'S INJURIES

John Christowski, Hurt in Street Car Wreck, Is Taken to Hospital.

HUNT FOR HIM IN VAIN

For Forty Hours Family Did Not Know Whether Father Was Dead or Alive.

As is always the case in an accident of more or less public nature, the street car collision near Roby last Thursday evening is entailing its share of suffering.

For forty hours the family of John Christowski, 5034 Forsyth avenue, has been living in terrible suspense, not knowing what happened to the father of the family. Only this noon it was learned in a round about manner that John Christowski, who was one of the wreck victims, lay in St. Bernard's hospital suffering from a broken leg and other injuries.

Last Thursday morning the man left his family to go to Chicago, leaving word that he expected to return in the evening. About 7 o'clock the news of the disaster spread through the Calumet region in greatly exaggerated form.

Get News Today.

The Christowski family, awaiting the father's return, attempted to console itself with the thought that the father had not been a passenger on the ill-fated car, but now news came to relieve the suspense. They are unfamiliar and unacquainted with the "red tape" that must be followed in a case of that kind, and this made certain information doubly hard to get. Yesterday morning the Chicago papers printed a list of the casualties, and among them was the name of John Christowski, stating that he had suffered a broken leg. Still no news of certainty, and the friends who tried to interest themselves in behalf of the family were just as unsuccessful as the family had been. This morning another attempt was made to locate the missing man, and it was learned that he had been taken to St. Bernard's hospital in Englewood along with a number of other injured, which had been placed in a coach from the train which struck the street car.

Engineer George Whitmore of the Pennsylvania train made a statement which corroborated that of Egar.

Conductor Gave Signal.

"As our train rounded the curve I saw the street car standing still and also saw the conductor signal the motorman to go ahead," said Mr. Whitmore. "I immediately blew the whistle and put on the brakes, but could not stop in time to avert the accident. The train was running about twenty miles an hour."

As a result of the visit of the coroner to the scene of the accident he ordered that the brush at the side of the road be cut down, as he thought that the railroad track might have been hidden by them.

The personnel of the coroner's jury impaneled by Mr. Hoffman is as follows: J. E. Eberhardt, Alfred Blumrose, C. M. Crandall, Frank O'Malley, Neil Lykko and W. J. Ketter.

Should be Flagman.

"There certainly should be a flagman and gates at this crossing," said Alderman Emerson of South Chicago yesterday. "It is within the authority of the commissioner of public works to instruct the railroad to put in the gates, and I will bring this place to his attention at once."

The body of Otis Best will be taken from the undertaking rooms at 2945 Commercial avenue this morning to Roselawn, Ind., where his aged parents reside. Isaac Best, the father, and other relatives visited the morgue and the venerable man broke down and wept as he looked upon the mangled body of his son. Pending the disposition of the remains the father has been staying with a cousin of the deceased, Mr. and Mrs. Edward Rhode, on South Hohman street.

The remains of the young man arrived in Hammond this morning on its way to Roselawn.

DEAD MAN WELL LIKED BY FRIENDS

Conductor Otis Best of H. W. & E. C. Lines, Who Met His Death, Was Very Highly Esteemed by Former Employers.

CORONER HOFMAN BEGINS HIS INQUEST

Engineer of Pennsylvania Train Substantiates Statement of Passenger on Car and Place Blame on Dead Conductor for the Tragedy at Dead Man's Curve.

EMPLOYERS LIKED HIM.

"Conductor Best was one of the most reliable men we ever had; pleasant, sober and industrious."—Manager H. E. Green, of the Hammond, Whiting & East Chicago Electric railway.

"Otis Best was in my employ several years ago as ticket clerk and ticket agent. He was the best fellow in the world. I cannot speak too highly of him. I considered him a model fellow and as straight as a string."—Captain Downing, local agent for the Monon railroad.

The investigations of Coroner Peter Hoffman of Cook county, who has taken personal charge of the inquest over the body of the Hammond street car conductor killed in the wreck on Indianapolis boulevard Thursday night, reveals the possibility of the victim being responsible for his own death.

Although Conductor Best had the reputation of being one of the most reliable men on the line, a witness to the accident, Alois Egar, 10308 Avenue M, South Chicago, declared that Best alighted from the car, looked south along the railroad track, then signaled the motorman to go ahead without giving a glance in the direction from which the train was rushing toward them in plain view not more than 200 feet distant.

Others Differ With Him.

Other passengers, however, controvert his statement by saying that the dummy train speeding around "death curve" could not be seen at the time the crossing was flagged, and that the engine reached them before the car had barely started to cross the track. They also substantiate this story by the fact that three other similar accidents have occurred on this same crossing in this manner.

James R. Spriggs, the Hammond motorman on the ill-fated car, was so badly injured that physicians at the South Chicago hospital would not allow the police to get his side of the story yesterday.

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