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The South Bend Tribune.

THE WEATHER: Probably showers and warmer. Temperatures at 6 a. m. 40 above. Sun rises 6:31; sets 5:46.

TWENTY-NINTH YEAR. SOUTH BEND, INDIANA, MONDAY, MARCH 9, 1903. PRICE TWO CENTS.

WORK COMES TO END

SESSION OF INDIANA GENERAL ASSEMBLY ADJOURNS.

SCORES OF PRIVATE BILLS

Resume of Transactions Shows That Session Ranks With Others in Importance and Unimportance—Special Legislation.

Special to The South Bend Tribune.

Indianapolis, March 8.—During the session of the Indiana general assembly which was adjourned to-day, she die, 434 bills were introduced in the house and 349 in the senate. There were a dozen joint concurrent resolutions. Less than one-third of the bills have been enacted into laws.

The records at the secretary of state's office show that the governor has signed 150 bills but there are over 150 waiting his signature or veto. The acts of 1901 contain 286 laws. The acts of 1901 will probably be larger. A resume of the transactions shows that the session ranks with others in importance or unimportance.

Much Special Legislation.

The new laws of general interest could be enumerated on the fingers of two hands. A vast majority of the bills have been in behalf of some private corporation or individual. The interurban companies, for instance, have fared well. Nearly everything they asked for was done. The interurban syndicate which is practically controlled by the Yerkes-Elkins crowd of capitalists of Philadelphia and New York was behind most of the interurban legislation.

The important bills they have enacted provide for consolidation of interurbans, the organization of big companies to promote and construct interurbans, giving interurbans the right of eminent domain to condemn right-of-way for double, interurbanizing interurbans, taking advantage of the subsidy laws and providing for crossing between interurbans and steam roads.

Big Electric Combine.

These bills, it is understood, are the forerunners of some big Indiana deals. It is rumored that a combination is being formed to amalgamate some of the interurbans with the Union Traction and the Interurban Terminal Traction company, which includes the Indianapolis street railway. This would require the expenditure of many millions, but the new law makes it possible for the syndicate to complete the deal without fear of interruption.

The eminent domain bill will permit this syndicate to condemn property where it has had trouble in getting a right-of-way. There has also been a bill passed to permit interurbans incorporated as steam roads to reincorporate under the street railway act.

Work of Fair Lobbyist.

Perhaps the one feature of the session in which the most interest was displayed was in the fight of Miss Lillie Gallaher of Evansville, for an appropriation for a school for the dumb at her home.

After it had been killed in the house she appeared and single handed almost turned the tide in her favor. She lost by one vote in the senate after a number of her timers among the members worked day and night against her. The sentiment probably carried the thing along as the bill was not establishing a good precedent for the handling of the school, but the fight was in every way one of the most remarkable and most interesting of the session.

Liquor Forces Defeated.

The liquor forces have been compelled to abandon the fields in the temperance people. The latter have the majority in both houses and not only prevented any change in the Nicholson law but they succeeded in passing a bill to prevent the sale of liquor within a mile of the soldiers home at Lafayette and Marion.

This means the loss of several hundred thousand dollars in property and business to the liquor men. The reformers have had their day in the general element, but there is little use for the liquor men to hope for any favors.

Spent Much Money.

The session has probably not increased the cost of taxation more than any other but it has made a good record in that respect. The governor had to point out right at the adjournment that the funds were running low. It is understood that the amount of the appropriations is so large that the state debt cannot be wiped out during the Durbin administration.

DOWIE ASSAILS BUCKLEY.

Latter Had Classed Religion of Zion With Mormonism.

New York, March 8.—John Alexander Dowie takes occasion in the columns of his paper, "Leaves of Healing," bitterly to assail Rev. Dr. James M. Buckley, editor of the Christian Advocate of this city, accusing the latter of having classed Dowieism with Mormonism.

"Have I ever advocated Mormonism?" Dowie asks. "Why does he dare to attempt to dishonor me by speaking of me in association with that thing? Because he is letting Satan make him mean, wicked and sinful.

"He is a living incarnation of anti-Christian meanness and shameful wickedness."

New Fire Gong at City Hall.

City Electrician William Williams and Police Electrician Thomas Beasley installed a new fire alarm gong in the main corridor of the city hall building today near the office of the board of safety. The gong was removed from the police stable. It is to announce alarms so that the police department may respond to the down town districts.

TRAINMEN FILE ANSWERS.

Deny All Allegations Made by Wabash Railroad.

St. Louis, Mo., March 8.—The answer to the Wabash injunction was filed in the United States district court at 10:45 o'clock this morning. The answer as filed is a joint and several answer of all the defendants named in the bill of complaint and against which the injunction was issued.

It is a specific denial that the Wabash railway was ever a union or brotherhood road employing railway union or brotherhood members in its service and also denying that the brotherhood of railway trainmen and the brotherhood of locomotive firemen, the organizations involved in this proceeding, ever made any demand or attempt to compel the Wabash railway to place any restrictions upon its employes as to their connection with any brotherhood or union.

It specifically denies that such organizations were responsible for the action of the Pullman palace car employes strike in 1894, as charged in the bill of complaint, and admits that the Wabash railway company never made any distinction in the selection of its employes as to whether they were members of any brotherhood or union, since or prior to the Pullman palace car company employes strike of 1894.

The answer states that the several companies engaged in the train service of the Wabash railway company have frequently presented their grievances to the Wabash officials for adjustment and a settlement, and that the officers of said company have persistently refused to take up and consider or discuss such grievances.

POWER CONTRACTS ARE LET

Circuits For Electric Currents From Hen Island Dam to be Built.

Elkhart, Ind., March 8.—The contractors of the new Hen Island dam for the power generated at the Hen Island dam to Elkhart, Mishawaka and South Bend, while under the general contract of Sanderson & Porter, who are building the dam, will be under the supervision of C. F. Hewitt, head superintendent of the Elkhart Electric Co. The contracts for materials have been closed and delivery is to begin at once. Just as soon as possible the workmen are to be put to the task, and a gang of 15 linemen will be employed. Mishawaka will probably be the distributing point for the Elkhart and Mishawaka but poles will be taken from the river bed and will be used in Elkhart. The line is to cost about $45,000. There are to be two 3-phase circuits to Elkhart, four 2-phase circuits from the dam to Mishawaka and two 2-phase circuits from Mishawaka to South Bend. The poles, crossarms, brackets, copper and insulators, in fact every detail of the construction, are to be heavier than anything of the kind ever used in this section. The line between Elkhart and the dam will be on the north side of the river, following Mishawaka street out of the city, though it will leave the highway at different times and pass over private land. From the dam to Mishawaka the south side of the river will be followed. The two circuits into Elkhart will be sufficient to carry 2,000 horse power.

YOUNG WIFE ENDS HER LIFE

Tragic Death of Mrs. Fanny Monteson Wurster at Goshen.

Goshen, Ind., March 8.—Mrs. Fanny Monteson Wurster, 19 years old and wife of H. bert J. Wurster, and prominent here in a $150,000 estate, committed suicide Saturday afternoon by swallowing two-thirds of an ounce of carbolic acid. She died in awful agony.

Mr. and Mrs. Wurster had been married about a year, and two days ago she sued for divorce, alleging she was driven to suicide through the conduct of her husband, who belonged to an old and highly respected family. This tragic ending is the culmination of a romance which started only two years ago. Fanny Monteson was the niece of Mrs. Frank Baldwin, prominent of Goshen, but now of Toledo and came here to reside, her father being a resident of Grand Rapids. Her mother died when she was a mere child and she had made her home with her aunt, Mrs. Frank Baldwin since that time.

The Baldwins formerly resided in Mishawaka, Mr. Baldwin being the Lake Shore agent at that point.

EXTENSIVE RESEARCH WORK

University of Michigan Professor to Study American History.

Special to The South Bend Tribune.

Ann Arbor, Mich., March 8.—Prof. A. C. McLaughlin will go to Washington, D. C., on the faculty of the new National University there, the institution indorsed by the Carnegie millions. The board of regents recently granted him a leave of absence of one year in order that he may devote his time to research work in American history, one of the principal parts of his duties at the head of the history department of the new, post graduate university.

HIS BODY IS NOT CLAIMED

Medical College to Get Remains of A. Compton.

Special to The South Bend Tribune.

Laporte, Ind., March 8.—A dispatch received here from Grand Rapids, Mich., says that the body of A. Compton will go to a medical college unless relatives claim the body. The family is in Elkhart or South Bend. Compton died suddenly in Grand Rapids of uraemic poisoning. He was a Lake Shore news agent.

Charged With Assault and Battery.

Monca Amber and Jane Burnsland are being tried this afternoon in Justice Luther Lindsday's court on a charge of assault and battery preferred by Kate Langel.

SCENE IN CIRCUIT COURT DURING THE BOONE TRIAL.

BAD FOR MEL BOONE

M'CLELLAN CALLOWAY DENIES GUN STORY OF DEFENDANT.

CASE GOES TO THE JURY

Testimony All in at Two O'clock and Attorneys Take Up Arguments—Mrs. J. J. Kreusberger Gives Damaging Evidence.

The fate of Melvin Boone is in the hands of the jury, the evidence of the prosecution and defense all being introduced before 2 o'clock this afternoon. Pat Melvin Boone the day, indeed, was dark. The state introduced his testimony in regard to the revolver, its size and the statements that he returned it to McClellan Calloway by placing Miss Lillian Jennings, the court reporter, and McClellan Calloway on the witness stand. Miss Jennings, as predicted in Saturday's Tribune, testified that Boone, at the examination of Jan. 24 stated that the gun which he had was a 32 caliber with six loads. Calloway stated that he did not receive a gun from Boone on the day following the murder and that he did not at any time within six months lend the defendant a gun. He also denied that he had asked Boone to return a gun owned by his wife.

The state also introduced a surprise by the defense in the testimony of Mrs. Kreusberger, who the stand to identify the men who left the corner of Portage and Forest avenues on the night of the murder. When asked if she saw any men in the court room who was in the party she pointed to Boone and said that he looked very much like one of the men.

Dr. C. J. Hickman on taking the stand said: "I have been a physician and surgeon for 7 years in this place and have seen Melvin Boone at my office accompanied with the defendant's reputation, which is good." On cross examination Dr. Hickman stated that he knew with whom Boone associated during the last few weeks. I do not know that Boone has ever lived or worked in a gambling house. On re-direct Dr. Hickman said he did not know that Boone was arrested and or convicted for the previous shooting. "The state put Boone on the stand and he stated that he was right handed. "I never had a picture taken with a revolver in my left hand," he said. The state here introduced as evidence a tin-type picture of Boone in which it was shown that he was holding a revolver in his left hand. The picture was passed to the jurors as Boone said: "That picture looks spooky to me."

"I was never arrested and convicted for gambling," Boone said. "I have not been in Laporte for 13 years. I never drew blood on a human being in my life. I never drew a razor on any man." In answer to his attorneys Boone said: "I do all my work with my right hand. That picture there was taken upside down."

Mrs. Kreusberger Testifies.

Mrs. J. J. Kreusberger took the stand and said she lived on Portage avenue. "I saw three persons in the vicinity of the Grimom market about 5 o'clock in the evening of Dec. 13. I was up town that evening and returned about 8 o'clock. I saw three men in the vicinity of the market when they separated. I looked them on my way home. Yes, I see one face in the court room that very much resembles one of the men I saw that night. He sits there," she said, pointing to Boone.

On cross examination she said: "I went down on the night of Dec. 13 about 7 o'clock. I traded and started home about 8 o'clock. I got home at 8 o'clock. Two of the men spoke to each other. They were about two feet from me. I had to face the men in order to go by. The one on the sidewalk said we can get down town before that car gets back. I was frightened and ran to the house of a neighbor. I went home at 10 o'clock. I did not see the men when I went home. I had to pass nearer than Mr. Boone. Two men were of the same size. I told of what I saw that night. I heard of the Kreusman murder the next morning. A few days after two persons came to my house and asked me of what I had seen. I answered their questions. A man came to my house Saturday. He said he was sent by Mr. Boone. I told him what I had told the others. I never went for Mr. Boone. He came to my house yesterday. That was the first time I talked to him about the case."

On redirect examination Mrs. Kreusberger said: "I told the police officer when they came to my house that I saw three men on the night of Dec. 13. I did not know Mr. Dutcosh until yesterday."

On cross examination she said: "I am not against the colored. I believe in a hereafter." Before leaving the stand she said she lived in the first house southeast of the Grimm butcher shop.

McClellan Calloway on taking the stand testified as follows: "I know Mel Boone. I remember the Kreusman murder. I saw Mel Boone the day following the murder. I did not get a gun from Boone that day. I did not let Boone have a gun since last July. It returned it two weeks later since then I have not given him any gun. My wife has a gun, but I do not know that Mel ever used it. I don't remember telling Boone to bring my wife's gun home. Yes, I was drinking the day of the murder. I was drunk but no drunk that I could not tell of what was taking place.

"I saw Mel between 7 and 8 o'clock on the night of Dec. 13. I also saw him at 11 o'clock that night at the colored club on North Main street. I don't remember telling Boone anything about a gun.

"My wife was in the room with me on Sunday (Dec. 14), and no gun was given to her by Mr. Boone."

Elkhart Policeman Heard.

Chief Charles Silvers, of Elkhart, stated that he had been chief of police for over two years. "I know Harry Brandon and have known him for 10 years. His reputation in Elkhart is bad." On cross examination he said: "Brandon has been in the city of Elkhart for twenty years. I never had any personal trouble with Brandon, never tried to handcuff him. I am speaking of him from personal knowledge. Yes, I have arrested him. We did not ever come nearly to blows and never quarreled." The state then offered to show that Brandon had been arrested in Elkhart for larceny, keeping a house if ill fame, assault and battery, carrying concealed weapons, prostitution, assault and battery with intent to kill, but on objection by the defense was excluded.

Sergeant George Whiteman, of the Elkhart police department said: "I have been a member of the department for 18 years. I know Brandon to have a bad reputation." On cross examination Sergeant Whiteman said he did not know much of Brandon during the last year.

Policeman A. J. Miller said on the stand that he had been a police officer for 18 years. "I was chief of police from 1891 to 1897," he said. "I have known Harry Brandon for 16 or 17 years. His reputation is bad.

Constable William Dwight, of Elkhart, testified that he knew Harry Brandon. "I have been acquainted with the reputation of Harry Brandon to be bad."

John Brandough, justice of the peace at Elkhart, also testified that the reputation of Harry Brandon was bad.

Miss Lillian Jennings, official court reporter, testified that she took an examination of Melvin Boone on Jan. 24, 1903, at the city hall and that Blair's Axiom was read to the defendant, Officer Rudolph Schlosser, Dr. Hickman, Mr. Dutcosh, Mary Poparity, Mr. Eikel and Mr. Shoots were present. "I took the examination of Mr. Boone," she said. "He said six loads were in it (the gun)."

E. C. McDonald, photographer, was called by the defense to testify as to the tintype produced by the state. He testified that the negative had been destroyed. He also stated that he had posed for the tintype.

Alexander J. Hodkin, as witness for the state, testified that he had been a police officer for 15 years. He said: "I talked with Clarence Elkert on the Monday after the murder. He told me, said Boone, that he had been at his house the night before on the night of the murder, because there were so many persons there at the time. I talked with him on the day following Boone's arrest. He told me he could not remember the night or time he saw Boone."

Mrs. McClellan Calloway was called by the defense. She said she had known Mel for 20 years. "He is a neighbor of mine. I have been acquainted with him for some time. I remember the day of the Kreusman murder. Mel was up to my house on the afternoon of the following day between 4 and 5 o'clock. Mr. Boone brought a revolver to me then. The revolver was mine. I have had it for over five years. He got it early in the morning. He did not bring it home until after the Kreusman murder. I brought it to the court room and gave it to Mr. Dwyer."

The Evidence Concluded.

Long before the opening of court Monday morning the corridors of the crowded and hundreds who reached the county building between 12:30 and 1 o'clock were unable to obtain entrance to the trial room. The defendant, Boone, was later than usual in entering. He came just before 1:30 o'clock, seemingly much refreshed and looking much better than when he retired at the close of the trial Saturday. Attorney Dwyer the eyes of the spectators were leveled on him.

Court opened with Mrs. Calloway on the stand. The defense asked the witness to state who owned the gun which she brought to the court room. No objection by the state was sustained. An offer to introduce the revolver in question as evidence was objected to by the state. The court sustained the objection.

Mrs. Calloway said: "I did not tell Officer Hodkin that I didnot know anything about Mel Boone having a revolver."

J. C. Barrett took the stand this afternoon and testified that he saw Attorney Dwyer and McClellan Calloway in his cafe about three weeks ago. Mr. Barrett said: "Calloway and Boone brought a revolver to his residence on the Sunday night after the murder. The reputation of Melvin Boone is good."

Officer Hodkin testified that Mrs. Calloway told him that she never received a gun from Mr. Boone and that he did not take a gun out of her house since last July; that she did not know anything about a gun transaction with Melvin Boone and that she did not have a gun."

The argument to the jury began at 2 o'clock this afternoon. Attorney C. P. Dutcosh spoke for the state.

The Opening Argument.

Mr. Dutcosh in opening the argument said: "We are not your peers, because we bear malice against the defendant, but we are here to tell you that the men who committed that awful crime in morning John M. Kreusman are brought to Justice. This is not a case where relatives of Mr. Boone are appearing against each other. This is a case where the state of Indiana is trying to punish a man who is a disgrace to humanity, not a man to bear malice against Boone because of his race for I am a man who believes that all men are created equal and stand upon the same ground. You gentlemen are the judges of the law in this case and it is for you to say if this man now on trial must suffer for the murder of Mr. Kreusman. The indictment returned by the grand jury against Melvin Boone, charges the murder. I ask the jury by Mr. Dutcosh as one of several authorities on the law. The position of the state," said Mr. Dutcosh, "is that each and every man who engaged in the murder of Mr. Kreusman are all and equally guilty of the murder of one of the most respected citizens. It matters not which one struck the fatal blow which resulted in his death. Whenever a man goes out to kill another man, a man, he is guilty of murder in the first degree. If the state lacks evidence to convict the men, the night can discharge one of the defendants and then have him come in and testify against the other. This, however, is not the case in this instance, as the state has not made any agreement with the other parties concerned. Hickman and Mallory are not friends of Boone's and Boone's friends have not been any proposition of trading off if they will be brought into this court to be cited for this crime. They have given testimony which has convicted of murder in the first degree." As Mr. Dutcosh was speaking Boone watched the jury and frequently moved a few points brought out by the attorney. In speaking of Mr. Dutcosh said the jurors of The Tribune as quoting notes.

NEARLY CUT OFF HIS FOOT

Colored Man Meets With Accident—Calls For Ambulance.

John Hayes, a colored man, 22 years old, while cutting wood near the city to-day, accidentally chopped his left foot nearly severing the big toe and the lower portion of the foot. He was taken to Dr. F. M. Mitchell's office soon after receiving the proper attention was removed to 821 West Division street in the police ambulance.

Mrs. Jacob Williams, of 713 South Fellows street was removed from the Epworth hospital to her residence Sunday afternoon. She is suffering with a fibroid tumor.

This morning Tony Wesniewski, aged 17 years, was removed from 2816 Kenwood avenue to the St. Joseph hospital. He is ill with pleurisy.

MEN DECLARED INNOCENT

Pinkerton Detective Says Reynolds Murder Suspects Would Go Free.

Laporte, Ind., March 9.—The arraignment of Wagner and Tony Reynolds murder suspects, has been postponed until next Monday. A Pinkerton detective in a statement published to-day declares that the Reynolds murder suspects and the three men in jail here are innocent and that the real murderers are at large and that they are without clews upon which to bring about the solution of the mystery.

"Bulletin" cigars are absolutely tobacco only; the very best at that. $10

MANY TURNED AWAY

EXERCISES IN HONOR OF POPE LEO XIII AT AUDITORIUM.

DOORS WERE CLOSED AT 7:30

Vast Audience Listened to Fine Addresses by Local Orators—Music Was a Special Feature of the Programme.

The exercises in honor of the 25th anniversary of the coronation of His Holiness, Pope Leo XIII, given at the Auditorium last evening was a success to the Catholic population of South Bend. The Auditorium could not hold the people and hundreds were turned away disappointed. At 7:30 the doors were closed and as soon thereafter as possible Hon. Edward J. Fogarty, mayor, opened the exercises by a brief explanation of the course of the meeting. The first number on the programme was an organ solo by Miss O'Neil, followed by a selection by the Eibel orchestra and a chorus from the Notre Dame Glee club rendered "Gremus pro Pontifice Nostrio Leone," Hon. Timothy E. Howard delivered an excellent address on "Pope Leo XIII as a Man." He spoke of the early life of the pope and how he came from the people. He gave a short biography of Pope Leo XIII and said: "Little of his 93 years has was a man of the modern world, a statesman, a scientist and poet whose memory would be cherished for generations." In conclusion Judge Howard read from the pastiral by the pope and delivered to his archdiocese in 1877 the year before his election as pope.

Following Judge Howard a grand chorus from St. Stanislaus and St. Hedwig's choirs rendered Mozart's Magnificat" and the Eibel orchestra rendered "Neaer Mr My God to Thee."

Hon. Benjamin F. Shively spoke on "Pope Leo XIII as a Statesman."

Gounod's "Sanctus" as rendered by the Union choir was one of the finest musical numbers on the programme and was followed by William F. McDermott who spoke on Pope Leo as Pontiff. In part he said:

Mc. McInerny's Address.

"The people in its heart recognize the zeal of Pope Leo XIII in the uplifting of men, characterize him as among the greatest of the popes. The degree of praise intended by each comparison is appreciated when we recall that in all the centuries of Christian civilization the papal influence has stood for law and order and recognized authority.

"The world prophesied a dark, and stormy career for the newly elected pontiff. Influences had spread throughout Europe disturbing long established institutions. The papal power had fallen, the pope was literally a prisoner within the Vatican. Men declared that the papal institution was a thing of the world past. He has survived the wreck of all the material glories. Despite adverse conditions that independent of all temporal accidents he belongs the government on earth of that kingdom of which there is no end. The Apostolic see remains not as some decayed or antiquated station but with all the force and vigor of its earliest days.

"The pope is recognized as a statesman. His diplomacy is not the fabled intrigue of the court, rather it is the victory of truth and reason over prejudice and intolerance. His encyclical on Nihilism and socialism silences the suggestion that he is indifferent to the principles of civil liberty while he asserts his distrust of theories that poison men's minds, influence their passions, disturbing peace and order, but failing to give any substantial method of reform. The present pope has refused many oft-repeated calumnies. His reign has been a period of enlightenment. Many who have hitherto stood in the pathway of progress unwittingly will, a never that crusades and wars have ceased, that the peaceful training of a generation of men have accustomed to find in the pontiff, a good and lovable man, who has sought throughout his fellowman, seeking to bring all people to the way of right living pleasing to his Divine Master. The man may die, the institution will remain, as Lord Macaulay writes—this has seen the establishment of all the governments of earth and all ecclesiastical institutions and there is no assurance she will not see the end of them all."

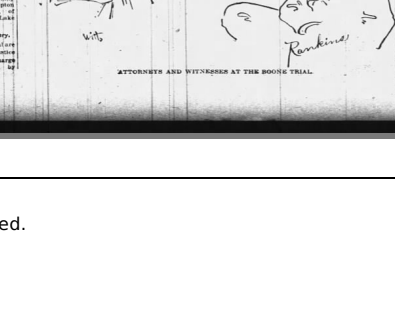
The Benediction.

Rev. Valentine Czyzewski invoked the divine blessing and the vast audience closed the meeting by singing "Holy God."

The Auditorium was prettily decorated for its occasion. The stage was decorated with the National colors and also the papal colors, yellow and white. The representatives from the different parishes who occupied prominent seats on the stage were: Dr. Oscar Barandy, William N. Bergan, John Bierman, Michael Cygielski, Peter Dankowski, Peter DeBerthe, Louis Dorwin, John J. Gehring, Michael Hlasiski, Francis Hostnski, Anthony Hostnski, Joseph Kish, F. X. L. Kunz, Joseph Kovats, Jacob P. Lechner, Charles Leskera, Stanislaus Lukasewski, Patrick O'Brien, Eco Rogiest, John M. Siegler, Joseph Szymanski, Frank C. Toepp, Lacius G. Tong, Emanuel R. Wills, Casimer Wolzman.

Slight Wreck on Lake Shore.

Sunday afternoon a slight wreck occurred in the switching yards of the Lake Shore near the Scott street crossing. Two freight cars were slightly damaged and dismounted from their trucks. Spreading of the rails is said to have caused the accident.



ATTORNEYS AND WITNESSES AT THE BOONE TRIAL.

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