

## Four Persons Killed As Passenger Train Brushes Signal Tower, Derailed

WELLINGTON, Ohio (UPI)—A New York Central passenger train brushed a signal tower and derailed Sunday night, killing four persons and injuring 41.

A baggage car burst into flame, but the fire did not spread. Seven cars of the 10-car Southwestern Limited apparently were pulled off the track after a diesel engine unit and a baggage car scraped and knocked over the 40-foot wooden tower. The train was slowing down for a message pickup.

Most of the cars remained standing at a 45-degree angle, a New York Central spokesman said. But a baggage car slammed into a combined passenger and baggage car and fell on top of it. "Everyone was thrown from their seats," said M. E. Sebenol, 51, of Sandusky, Ohio, who was in the passenger-baggage car. "A woman and her two children were in front of me. I don't know how they did it, but they escaped without a scratch."

**Crash Hospitalizes 26**  
Sebenol, a postal clerk, was hospitalized with possible internal injuries. Twenty-six persons were admitted to hospitals, in Oberlin, Lodi, Medina and Elyria, but only one was listed in critical condition.

The New York Central spokesman in Indianapolis said the wrecked cars still were being searched for additional victims, but he said he believed all had been found.

The dead included the train's fireman, Phillip J. Lehman, 46, of Cleveland; two Pennsylvania Railroad conductors, Kenneth V. Hale, 42, of Rosedale, Ind., and George

P. Rummel, of Indianapolis, who were en route to a union convention in Cleveland, and Mrs. Audrey Cox, 64, St. Paris, Ohio, a passenger.

The St. Louis-Cleveland train carried about 118 passengers. "Glass blew all over the place," said M. Sgt. Arthur W. Cyphers, 43, stationed at Griffiths Air Force Base, Rome, N.Y. "All the seats came loose and the luggage rained down."

**Tower Attendant Escapes**  
Cyphers, who also was in the passenger-baggage car, said "we were all trapped until someone got the door open with a sledge hammer."

A railroad employee stationed in the wooden tower escaped just before the train struck.

Ambulance driver Arthur Salo, of Oberlin, said the woman had been "squeezed to death."

"She was buried under seats and we had to pull two living passengers from atop her body," he said.

Marion Tudor, 20, of Wellington, said he saw the wreck and ran to the derailed cars to help rescue passengers.

Tudor said the engineer, A. Kerstein, was injured and dazed. "I have no brakes, no air, no horn, no speedometer and no nothing," Tudor quoted him as saying.

Kerstein was hospitalized but was not reported in critical condition.

In addition to the baggage car and the passenger-baggage car, the train had three passenger coaches, three sleeping cars and a mail car, and was hauled by three small diesel units.



GOING-AWAY PRESENT—Roger Thompson, 7, presents Lisa Harsh, also 7, with a going-away present of flowers and a doll, in Seattle, Wash. Lisa is the daughter of a family which are joining others in colonizing the Galapagos Islands.

### One Of Sturgill Brothers Escapes

The three-state search for the two young southerners, who walked out of the Wells county jail Sunday, continues with added vigor today.

One of the escapees, Billy James Sturgill, 21, of Pennington Gap, Va., formerly resided with his still confined brother in a Decatur apartment house. Donnie DeWayne Sturgill, the 24-year-old brother of the escapee, did not join the pair in the break.

**Walk Out Unmolested**  
Sheriff Ray Durr of Wells county said that Sturgill and William Ray Chadwick, 22, of Wallis Creek, Ky., apparently pried open a dumb waiter, and inched their way up to the third floor, where they walked down the three flights of stairs and out the front door.

Two other prisoners also did not join the escape.

The Sturgills, who had been apprehended by F.B.I. agents and Virginia state police near their home, were scheduled to appear on the auto banditry charge Feb. 1 before Judge Homer E. Byrd in connection with the Nov. 4 shooting of Howard Vaughn, 26, formerly of route 4, Bluffton.

Vaughn was slightly wounded by the shotgun blast, and since his recovery has moved to Peru. He was shot outside a Bluffton teenage hangout. Sheriff Durr said that he believed Vaughn had been mistaken for another Bluffton resident, a cousin of the Sturgills.

No statement has been made by the Sturgills since their return to Indiana by state police detective Walter Schindler, of Berne.

**Sturgill Reports Break**  
The break was reported by the elder Sturgill youth to sheriff Durr when he returned from covering an accident report.

Chadwick has been in jail since Dec. 28 on charges of public intoxication and driving a car without a license. He told sheriff Durr that he was wanted in Kentucky on a shooting investigation. No word has been received from Harlan county, Ky., however.

### Fort Wayne Firemen Overcome By Smoke

FORT WAYNE, Ind. (UPI)—At least nine Fort Wayne firemen were overcome by smoke Sunday while fighting a fire in a downtown radio-television store.

Two of the men, Walter Schweitzer and Howard Esterling, were taken to St. Joseph's Hospital for treatment of smoke inhalation. They were reported not to be in serious condition, however.

### Joseph Malle Dies At Toledo Hospital

Joseph T. Malle, 87, former well known Decatur resident, died at 7 o'clock Sunday morning at a hospital in Toledo, O., where he was taken after becoming ill Saturday afternoon at his home in Perrysburg, O.

Mr. Malle, who left Decatur many years ago, was a former custodian of St. Mary's Catholic church in this city.

He was a member of the Catholic church at Perrysburg. He made his home in that town with a daughter, Miss Celia Malle. Also surviving are another daughter, Sr. Carol Marie, Fon du Lac, Wis., and one son, Bro. Borromeo of the University of Notre Dame. A number of nieces, nephews and cousins reside in Decatur and vicinity.

Funeral services will be conducted at 10 a.m. Wednesday at the Catholic church in Perrysburg. The body will then be brought to Decatur for burial in the Catholic cemetery. Friends may call at the Witzler funeral home in Perrysburg until time of the services.

### Joseph N. Metzger Is Taken By Death

Word has been received here of the death of Joseph N. Metzger, 60, a native of Adams county, who died at General Hospital in Pontiac, Mich. He had been ill for three years but death was unexpected.

He was born in Adams county, a son of Joseph and Catherine Metzger. He was formerly a member of St. Mary's Catholic church and attended the Catholic schools here.

Mr. Metzger moved 38 years ago to Pontiac, where he was general foreman of the Fisher Body Works.

Survivors include his wife, Hazel; three children, Joseph, Philip, and Juanita, all of Pontiac; three sisters, Sr. M. Virgine, of the St. Agnes order, Beloit, Wis., and Mrs. Marie Anderson and Mrs. William J. Kruse, both of Decatur.

Funeral services were held in St. Michael's Catholic church at Pontiac, with burial in the Mt. Hope Catholic cemetery.

### Freak Accident Kills Local Man's Brother

Gerhardt Sprunger, 54, a native of Adams county, was killed shortly before noon Saturday in a freak accident at the Central Dairy, Inc., plant in Fort Wayne.

He was pronounced dead on arrival at the Lutheran hospital at 11:27 a.m.

Sprunger was asphyxiated when a plug in a steam boiler gave way and spewed scalding steam into his face. The accident victim, a boiler engineer for the company for the past 19 years, suffered first, second and third degree burns about the face, chest and hands when the 4 1/2-inch plug blew out shortly after 11 o'clock.

The boiler had been shut down for several months and was being overhauled and readied for service by Sprunger.

The accident victim is survived by his wife, Alta; a daughter, Cheryl, at home; four brothers, Philomen Sprunger of Chicago, Martin Sprunger of Decatur, Simon Sprunger of Walkerton, and Albert Sprunger of Monticello; and four sisters, Misses Emma and Selma Sprunger, both of Huntington Park, Calif., Miss Elvina Sprunger and Mrs. Herman Hirsch, both of Berne.

Funeral services will be conducted at 10:30 a.m. Tuesday at the First Mennonite church in Berne, the Rev. Cornelius Vlot of officiating. Burial will be in the MRE cemetery. Friends may call at the Klehn funeral home in Fort Wayne until 10 o'clock tonight.

## Conviction Of Peak Upheld

INDIANAPOLIS (UPI)—The Indiana Supreme Court today affirmed the false notarization conviction of Milan attorney Robert Peak in the Indiana highway scandals.

It was the first time the high court has affirmed a conviction in the Hoosier highway scandal trials, a series which started in 1957 and resulted in prison terms for six men.

The high court issued a 2-to-1 decision. Peak was sentenced in Marion Criminal Court on April 7, 1958, to 1 to 3 years in prison and fined \$1,000 for falsely attesting acknowledgment of the fake "Dean Burton" signature on a deed to two Madison Ave. Expressway back lots in Indianapolis.

**May Ask Rerearing**  
Barring further appeal, Peak could become the first of the Hoosier highway scandal defendants to actually serve a sentence. However, he has 30 days in which to file for a rerearing if his attorneys so elect.

The lone dissenter to the majority opinion was Justice Arch N. Bobbitt. His dissent was based on technicalities. Bobbitt said Peak was not afforded a fair trial because he was indicted on one charge—falsely acknowledging execution of a deed before him as a notary public—but convicted on evidence which might sustain a conviction for conspiracy to defraud the state.

However, Chief Justice Norman Arterburn's majority opinion said Peak's contention was not legitimate that there was no fraud in his notarization of the "Dean Burton" name rather than that of former highway chairman Virgil (Red) Smith.

"The use of fictitious names is not to be encouraged by the courts," the opinion, concurred in by Justices Harold Achord and Frederick Landis, said. "It tends itself too readily to fraud by reason of concealment involved and thus is too likely to be used against a public interest or a private interest."

Peak "Not Naive"  
"The average person views with suspicion any use of a fictitious name. If it involved a public official, as Peak well knew in this case, who is dealing in property connected with this person's official duties as highway commissioner, there is every reason to

conclude the motive is not in the public interest. Such concealment cannot be condoned or approved."

The opinion said Peak was not "so naive as an attorney as not to suspect the illegality involved in the use of the fictitious name."

The high court made a point of Peak's and Smith's long acquaintanceship as fellow residents of Milan, a small town in southeastern Indiana.

"He (Peak) knew Virgil Smith was married," the opinion said, "yet Peak prepared the deed and acknowledged which stated that 'Dean Burton' was an unmarried man."

The false notarization conviction was Peak's second. He also was convicted in 1957 on charges of conspiracy to embezzle public funds and was sentenced to 2 to 14 years imprisonment and fined \$2,500. Peak also appealed this.

Other appeals are pending by Smith on two embezzlement, conspiracy and bribery convictions, by former Indiana Adj. Gen. Elmer W. Sherwood on a bribery conviction, by former state official William E. Sayer on a bribery conviction, and by Austin house-mover Marvin Preble on a false claim filing conviction. All four were sentenced to 2 to 14 year terms but none has served any time yet.

**Heart Massage Fails To Save Girl's Life**  
WABASH, Ind. (UPI)—Miss Patricia Ann Duncan, 17, R.R. 5, Wabash, died in Wabash County Hospital here Saturday after surgeons had restored her heartbeat by massage during an emergency appendix operation. She died less than an hour after her condition was reported improving.

**Two Fishermen Are Drowned Saturday**  
FRANKFORT, Ind. (UPI)—The bodies of two Kokomo fishermen were recovered Sunday from a gravel pit near Forest, about 15 miles northeast of here.

The victims were identified as Porter A. Metzger, 50, and Albert Ladowe, 40.

Officials said the two were last seen ice fishing in the pit Saturday, and that they probably drowned when soft ice broke beneath them.

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### Annual Report Made By County Recorder

The annual report from the Adams county recorder's office from Mrs. Mabel Striker showed that 3,024 instruments were recorded during 1959 at her office with \$5,025.90 being collected.

Over a ten-year period, the 1959 figure is the second low in number of instruments filed, but third high for total amount of money collected for the county. Mrs. Striker gave the reason for the low amount as the insurance on chattel mortgages. By insuring these mortgages at almost the same price as a recording, the same amount of protection is given. She cited as an example the 1952 figure of chattel mortgages filed at her office as 1,467 and the 1959 figure was 853.

**Instrument Breakdown**  
A breakdown of the year's total recordings shows marginal releases topping the list with 923 and chattel mortgages second. Others are deeds, 679; mortgages, 497; divorces, 396; releases, 317; reports of separation, 41; articles of incorporation, 23; plats, 21; mechanics liens, 21; old age assistance, 15; assignments, 14; honorable discharges, 12; official bonds since July 1, 8, and powers of attorney, 4.

In the statistical report, an estimated amount of money involved in the manipulation of instruments shows city deeds, 355, were valued at \$197,038, while 324 farm deeds were valued at \$421,211, for the 679 total and \$628,249.

Of this total 318 city deeds were one-dollar considerations, and 276 of the farm total were likewise.

**City Mortgages Lead**  
Of the mortgages filed, 233, which were valued at \$2,220,515 were of farm land. City mortgages totaled 262 for an estimated \$2,077,920. Two school fund mortgages totaled \$4,200. The 21 liens amounted to \$12,661, while the 853 chattel mortgages were totaled at \$8,068,466.

A total of 1,134 satisfactions, those mortgages, and liens that are paid off, resulted in \$3,412,084. The total mortgages and liens amounted to 1,571 for \$12,383,762. A ten-year comparison of instruments filed shows an increased tendency for less to be filed for a larger amount of money. In 1958, which was generally regarded by most economical observers as a recession, the trend, of course, was broken. But this is not a true indicator of the general trend.

Year	Instruments	Amount
1952	4,755	\$3,276.55
1953	4,537	\$2,325.40
1954	3,856	\$2,967.75
1955	4,606	\$5,098.10
1956	4,178	\$5,267.93
1957	4,197	\$4,952.40
1958	3,597	\$4,523.70
1959	3,824	\$5,025.90

Likewise, chattel mortgages are in a more pronounced decline at the recorder's office. The listing from 1952 to last year are: 1,467, 1,381, 1,082, 1,144, 1,068, 1,074, 870, and 853. The release of these mortgages from 1952 to 1959 are: 1,325, 1,244, 915, 1,055, 916, 943, 797, and 740, denoting a strong trend from 1955 to last year.

### Red Cross Unit At All Tourney Games

A doctor or nurse, plus two aides, trained in first aid, and an ambulance will be on hand at each session of the county tourney Thursday, Friday, and Saturday, Mrs. Wanda Oelberg, executive secretary of the Red Cross, announced this morning.

Each year the doctors, ambulances, and helpers are rotated so that no group gets to be present for the final game each year. This year the schedule is set as follows:

January 14: Dr. Harold F. Zwick, Gillig & Hunt ambulance, aides, Mrs. Burl Hunt and Leo King, Jr.

January 15: Dr. J. V. Scheigen, of Geneva; Zwick's ambulance, aides, Mrs. David Robinson and Robert Hall.

January 16, afternoon: Mrs. Amzie Miller, R. N., Black's ambulance, aides, Mrs. N. Lobisger and Mrs. Leonard Schwallier.

Evening, Dr. Robert L. Boze, of Berne, Yager's ambulance, aides Iris Lehman, Roy Gilliom, and Gerald Durkin.

### Mrs. James Rhoads Dies At Wapakoneta

Mrs. James Rhoads, 85, former resident of Adams county, died Sunday at the home of a daughter, Mrs. Bessie Acheson, at Wapakoneta, O. Also surviving is another daughter, Mrs. Frank Riff, also of Wapakoneta.

Funeral services will be held at 1:30 p.m. Tuesday at Wapakoneta. The body will then be brought to the Mt. Hope cemetery for graveside services at 3 p.m.

## Name Committees For School Group

Four advisory committees were tentatively appointed from the more than 212 names from all 12 townships and four cities and towns by the county school reorganization committee in session Saturday.

Persons named by the board will be notified, and asked to accept appointment on their respective committees.

Harold Schwartz of Adams Central and Elmer Johnson, of Jefferson, will head the census committee, with 17 unit chairmen selected Saturday.

R. H. Everett, of St. Mary's township, appointed nine to the school building and facilities committee which he heads. Recommendations were made by the various most familiar with the names.

A total of 15 were added to the transportation committee, headed by Eugene Burry, of Hartford township, while ten were added to the finance committee, headed by Luther Yager of Berne-French and L. A. Bann, of Geneva.

The curriculum committee, headed by W. Guy Brown, of Decatur, and including the principals and superintendents of the county, was enlarged to include 15 lay members.

All of the 212 persons named by their various trustees, schools, or other groups, will be asked to serve on the advisory committees. Those named include:

### Decatur

Tom Allwein, Leo Curtin, Dr. William Freeby, Lowell Harper, Dr. Harry Hebbie, Charles Gable, Jim Cowens, Frank Lybarger, Lyman Hann, Norman Steury, R. Earl Sheets, Charles Ehinger, M. J. Pryor, Robert Smith, Louis A. Jacobs, David Moore, Dr. John Terveer, Glenn Mauler, Mrs. R. C. Hersh, Mrs. Richard Linn, Mrs. Stuart Brightwell, Mrs. David Heller, Mrs. Reid Erekson, Miss Frances Dugan, Mrs. Roy Stangely, Mrs. Roger Blackburn.

Mrs. Walter Augsburger, Mrs. Nelson Doty, Mrs. Chester Longenecker, Mrs. Cletus Miller, Miss Glennys Roop, Mrs. Dale Whetstone, Mrs. Francis Howard, Mrs. James Smith, Mrs. Robert Anderson, Mrs. Don Beery, Mrs. John Spaulding, Mrs. Joseph Krick, Mrs. Kenneth Singleton, Mrs. Lawrence Anspaugh, Mrs. Al Geimer, Clement Snell, Mrs. Adrian Burke, Cliff Hoverman, William Hutter, Richard Gehrig, Paul Moore, Mrs. Arthur Beeler.

### Town of Monroe

Howard Habegger, Elmo Stucky, Gene Hike, Martin Steiner, Enos Schrock, Richard Everett, Gerald Tullis, Homer Winteregg, Harry Crownover, Orval Neunschwander.

### Berne

Leslie B. Lehman, Edward Stucky, Dr. D. W. Firewood, Sherman Stucky, Warren Habegger, Vaughn Liechty, Eli Graber, Max Schindler, Ervin Felber, Mrs. E. Gordon Liechty, Mrs. Howard Baumgartner, Carl Luginbill, Dr. Rufus Von Gunten, Gaylord Stuckey, Raymond Beer, Albert Stahly, Fred Von Gunten, Kenyon Nussbaum, Lawrence Blum, Karl Hill.

### Washington Township

Clement Decker, Myron Hart, Earl Harmon, Glen Rupert, Chalmers Barkley, Dr. Norvel Rich, Harry Kershner, Gerald Stricker, Floyd Mitchell, Paul Umick, Weldon Soldner, George Thomas, Warren W. Lehman, Ted Hill.

### Root Township

Derwood Barker, Warren Nidinger, Otto Boerger, Clarence Oetting, Lena Fleming, Marie Weidner, Richard Harkless, Wm. Schnepf, Norval Fuhrman, Mrs. Robert Teagle, George Auer.

### Wabash Township

Mrs. C. S. Armstrang, Mrs. Orel Tschannen, Mrs. George Dynes, Mrs. Wayne Aspy, Mrs. Melvin Meyers, Mrs. Robert Hanni, Mrs. LeRoy Biberstein, Mrs. Virgil Haines, Mrs. Harold Long, Mrs. Robert Whistler.

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ty, Amos Inniger, Richard Lehman, Howard Christner, Jr., Roger Augsburger, Earl Lehman, Mrs. Edward Eichenberger, Mrs. Bruce Sprunger.

### Geneva

Herman Bixler, Otis Bucky, Walter White, Dave Stucky, Myron Simmons, Earl Sortor, Harold Smith, Ralph Smitley, Jr., Mrs. Theodore Wilhoite, Francis Biery.

### Blue Creek Township

Lester Sipe, Maurice Miller, Harry Raudenbush, Mrs. Clifford Roe, Clair Carver, Claude Marckel, George Sipe, Leroy Bollenbacher, Fred A. Myers, Mrs. Merle Riley.

### French Township

Mrs. Harry Willmann, Mrs. Chester Isch, Ruby Moser, Mrs. Harold Ziegler, Mary Schlagenhauf, Martin Kipfer, Baul Baumgartner, John P. Baumgartner, Joe L. Lisch, Leonard Kingsley.

### Hartford Township

Mrs. Merle Alberson, Palmer Augsburger, Robert Lee Augsburger, Wayne Dubach, Mrs. Frederick Duff, Fred Fonaugh, Joseph Glendening, Chris Stahly, Kenneth Wanner, Paul Yoder.

### Jefferson Township

John Robert Myers, Warren Augsburger, Herbert Schaadt, Mrs. Chester Brown, H. David Mosser, Delmas Bollenbacher, Robert Lautzenheiser, Glen Bollenbacher, Andy Myres, Walter Amstutz.

### Union Township

MORE NAMES—GARARD Herman Geimer, Arnold Thiem, Cloyce Crozier, Harry Lehman, Eugene Rydell, Henry Dehner, Ruben Ruble, John Blakely, Erwin Fuelling, Wilbert Thieme.

### Kirkland Township

Robert Kerschner, O. S. C. Brown, Lester Adler, Harvey Landis, Ezra Kaehr, Daniel Lantz, Paul Arnold, William Lister, Glen Griffith, Leroy Kolter.

### Monroe Township

Clifton Striker, William H. Spurgin, Mrs. Elmer Ehrsam, Mrs. Howard Teagle, Mrs. Elmer C. Beer, Christian A. Inniger, Edmon Lehman, Kermit Yoder, Willis Sommer, Don Foreman.

### Frederick Township

Martin F. Gallmeyer, Ervin Buuck, Mrs. Harvey Caston, Vern Linker, Glen Girod, Edwin Reinking, Victor Bieberich, Milton Hoffman, Elbert Fuhrman, Mrs. Robert Meyers.

### Root Township

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## Ike Receives Nikita Note

WASHINGTON (UPI)—President Eisenhower today received a "good will message" from Soviet Premier Nikita S. Khr