

Objectors To School Reorganization Take Case To High Court

Assignment Of Errors Filed By Objectors

The North Adams-South Adams school reorganization case is now before the Indiana supreme court, with the plaintiffs, Robert J. Rice, et al, filing an assignment of errors on March 25, the final day.

The plaintiffs now have 30 days in which to file a brief, which will contain detailed information on the errors which they allege happened in the long suit which was heard in the Adams, Wells, and finally Huntington court, with a Jay and Blackford judge thrown in for good measure.

DeVoss Handles Suit
North Adams community schools attorney John DeVoss will handle the case of North Adams; Severin H. Schurger won the lower court case before the Huntington court, aided by a number of Huntington and local Adams county attorneys representing various different groups. Schurger conferred this morning with DeVoss on the case, and offered his records.

The suit was originally filed against the school reorganization board, now pretty well defunct;

the North Adams school board, and the South Adams school board.

Still Months From Ruling
After the plaintiffs file their brief, the defendants have 30 days in which to file their brief; then the high court would set time for oral arguments, and decide the case. If the group loses again, they may still appeal the case to the U. S. supreme court, if they feel that a constitutional question is involved. Meanwhile, North and South Adams Community Schools continue to operate.

The supreme court office in Indianapolis was closed Good Friday and Saturday, and just sent notification for arrival late Monday. It has been supposed that the group would not carry the case any further, because the Indiana supreme court ruled most aspects of the law constitutional in the school city of Kendallville case, decided Dec. 20, 1963, just three days after the anti-reorganization group filed its petition for a 90-day extension, giving them until March 25 to appeal.

Included with the present fil-

ing was a complete transcript of the new voluminous lower court case. Thomas D. Logan and Clarence R. McNabb are surmised to be still representing the plaintiffs, who are trying to dissolve the North Adams Community school system. If the system is dissolved, it is not known exactly what will happen, since the old school systems no longer exist.

The suit was decided in Huntington circuit court last July 3, when the judge there dissolved the injunction against creation of the North and South Adams community schools. On July 10 the motion for a new trial by the plaintiffs was overruled, opening the way for the appeal to the Indiana supreme court.

Started in 1959
The 1959 legislature authorized the reorganization of all the school districts in the state, and Oct. 17, 1959, Judge Myles F. Parrish appointed the Adams county committee.

June 20, 1961, August Selking, chairman of the committee, received a letter from the state committee granting them an extension until Oct. 17, 1961, to file the final plan.

Oct. 2, 1961, certain of the plaintiffs filed recommendations for changes in the proposed plan, and the committee had to take time to consider the proposals.

Submitted Plan in 1961
The county's plan was submitted to the state commission Dec. 13, 1961. In a letter dated Feb. 2, 1962, the state committee approved the Adams county plan as proposed.

March 9, 1962, the county committee requested Judge Parrish to issue a call for a special election May 8. March 13 the judge issued the call, and ordered the notices published.

The first motion, to vacate the court entry calling the election, was filed by Robert J. Rice, et al, March 26, 1962. On March 27 Judge Parrish set the case for hearing on April 2; on March 30 the defendants filed their certified report of polling and voting places for the special election.

On April 2 the court heard the evidence, and took it under advisement, and on April 6 overruled the motion. No appeal was taken by the plaintiffs.

More Maneuvers
On April 11 a temporary writ of prohibition was filed in the Adams circuit court, followed by a notice of May 2 that the supreme

court of Indiana had on May 1 dissolved the temporary writ of prohibition.

The election was held May 8, and carried in favor of the reorganization. On June 2 the proofs of publication of notices and results of the election were filed.

Meanwhile, on April 26, Robert J. Rice, et al, filed a complaint for injunction and restraining order vs. the election board to try to stop the election, and requested a change of venue from Judge Parrish.

Whiteman Denies Injunction
On May 2 Judge Burl V. Whiteman, of the Jay circuit court, assumed jurisdiction. Judge Whiteman (Continued on Page Three)

Studying Needs Of Berne Fire Victims

The Red Cross investigation of those persons left homeless by the Easter Sunday fire in Berne is continuing today, according to officials of the local Red Cross chapter.

Those persons residing in the apartments destroyed by the fire are Mr. and Mrs. David Crider, Mr. and Mrs. Marvin Zimmerman, Mr. and Mrs. Amos Lindsey, and Bernard Krall.

Each of the above named lost all possessions in the fire which broke out Sunday morning while they — and nearly all Berne firemen — were attending Easter services.

None of the families had any young children, as was previously reported. Which families, if any, are covered by insurance is not known. The Red Cross investigation is being continued today in an effort to discover what the chapter may do to aid the fire victims.

Break Out
Berne fire chief Alfred Clauser said late Monday afternoon that on several occasions during the day small fires had broken out amid the rubble, but were quickly extinguished.

The next step will be removal of the rubble that remains as evidence of the blaze that destroyed four apartments, a vacant apartment, two stores and heavily damaged a third store.

No decision was known yet Monday on whether or not the east wall of the Stucky department store would have to be torn down. The wall was weakened greatly by the fire, and may have to be knocked down as a precautionary measure. The decision will probably be up to a representative of the state fire marshal's office.

French Twp. First To Complete Drive

French township was the first to complete its Red Cross drive this year, going "over the top" with \$242.35, compared to its goal of \$220, John B. Faurote, Red Cross rural fund drive chairman, announced this morning.

The final report included 10 sections, with three 100% sections, Faurote said. The earthquake disaster, and Berne fire, with help going out through the Red Cross, has increased the average size of gifts, Faurote stated.

Preble Next
Close behind French township is Preble township, with 22 of 24 sections reported. St. Mary's, with 11 of 18, is next, and Blue Creek with 17 of 24, and Washington with 25 of 36, are close behind.

Faurote urged every solicitor and township or area chairman to redouble his efforts to wind up the drive now as quickly as possible. March is Red Cross month, and the drive should be completed by the end of the month, when possible.

French Report
Reporting from French township were: Marjorie Minnich, Sec. 3, \$8; Oscar Bertsch, Sec. 4, \$12, 100%; Mrs. Martin Kipfer, Sec. 9, \$13, 100%; Mrs. Roy Sprunger, Sec. 12, \$5, Sec. 13, \$7; Howard Blumh, Sec. 21, \$4, 100%; Mrs. Don Moser, Sec. 22, \$3; Mrs. (Continued on Page Four)

Reflectorized Road Markers Discussed

Reflectorized road markers for each of Adams county's 551 intersections moved a step closer to reality Monday when the Adams county commissioners examined a type of sign offered by one company, Associated Sign & Post Co., of Muncie.

The aluminum green and white signs are 20 inches wide and six inches high. They have aluminum mountings and would be mounted on the top of metal poles. The signs would be one on top of the other.

Numbering Undecided
The commissioners examined the signs, and stated that they also have several other makes under consideration.

The numbering system has not yet been decided on. The commissioners at present seem to prefer the Purdue type system, with 100 N, 100 S, 100 E and 100 W, etc., type of signs, while the county highway superintendent, Lawrence Noll, and county engineer, Walter Gilliom, prefer the more simple system of number which the highway system and maps now include, 1, 2, 3, 24, 25, 26, etc.

Make Wishes Known
County residents, and those who have used different numbering and naming systems, are invited to write the Adams county commissioners at the court house and explain any system they favor or oppose, giving reasons for each. The commissioners have had one estimate of \$8,000 to buy and erect signs, and they wish to please as many people as possible, and avoid any change in the future, since it would involve expensive duplication.

The commissioners are also interested in getting a sign that is least likely to be damaged by malicious youths, a problem that has increased with the availability of autos to young men who seem to have plenty of extra energy, and frequently spend it causing very expensive damage to road signs, and other county highway property, adding dollars to the tax roll every year.

One particular type of sign, discussed above, will be on display in the Decatur Daily Democrat window for a week or so, Noll announced, so that those interested may see it.

Attendance Contest Planned By Lions

The attendance contest to be sponsored by the Decatur Lions club during April and May is ready to go, according to an announcement at Monday evening's meeting. The club has been divided into teams, one captained by Herman Krueckeburg and the other by Jack Gordon. Lions are on notice that if they fail to show up at meetings without notifying their captain they may expect to be pestered by telephone calls and visits.

Also during the business meeting, a letter was read from the leader dog center explaining how a local club can secure a leader dog for a blind person. As part of the procedure the blind person is expected to go through a period of training with the dog at the dog training school under careful supervision, since it is considered absolutely necessary that the blind person and leader dog be well acquainted with each other before they start out on their own.

It was reported that six local Lions have signed up to attend the district convention in Albion next Sunday.

Attention of all Lions is directed to the fact that there will be a meeting of the club next Monday evening due to the fact the Wildcat baseball meeting which had been scheduled for later date.

Cancer Film Shown
The evening's program was devoted to lung cancer due to smoking cigarettes. Robert Holt, program chairman, introduced Mrs. Doyle Collier, president of the Adams county chapter of the American Cancer society and her assistant, Mrs. Robert Krueckeburg. Before presenting the society's film on lung cancer due to smoking cigarettes, Mrs. Collier explained that giving such a program was part of the Indiana Society's RES program. She said "R stands for research; E stands for education; and S stands for service. Under the R part the society has given around \$3,000 yearly to Indiana and Purdue Universities for research. Under the E part the society is showing films to school students, especially at the high and junior high level; and she noted the film shown to the Lions is being shown at every high school in the county. Under the S part the society provides drugs and transportation to cancer centers to those in need of such services.

The film left little doubt that (Continued on Page 3)

Charles J. Miller Dies Last Evening

Charles J. Miller, 76, well known Decatur man and lifelong resident of Adams county, died at 8:30 p.m. Monday at the Adams county memorial hospital, where he had been a patient for the past week. He had been in failing health for some time.

Born in Adams county Sept. 23, 1887, he was a son of Mathias and Mary Ackerman-Miller, and was married to Miss Bertha Steigmeier June 11, 1912.

Mr. Miller was employed for years at the General Electric Co. plant in this city until his retirement a number of years ago. He was a member of St. Mary's Catholic church, the Holy Name society, Third Order of St. Francis, Fourth Degree Knights of Columbus, of which he was a past grand knight.

Surviving are his wife; four sons, Marcellus Miller of Lima, O., Leo Miller of Orange, Calif., and Donald R. and Eugene L. Miller, both of Decatur; three daughters, Mrs. Robert (Lucille) Rumschlag, Mrs. Paul (Dorothy) Wiseman, and Mrs. Wayne (Celeste) Peterson, all of Decatur; one sister, Mrs. Anna Meyers of Avilla; three brothers, Frank, Bernard and Edward Miller, all of Fort Wayne; 25 grandchildren and five great-grandchildren. Three children preceded him in death.

Funeral services will be conducted at 9:30 a.m. Friday at St. Mary's Catholic church, with the Rt. Rev. Msgr. Simeon Schmitt officiating. Burial will be in the Catholic cemetery. The body was removed to the Gillig & Doan funeral home, where friends may call after 7 p.m. Wednesday until time of the services.

The Third Order of St. Francis will recite the rosary at 7:30 p.m. Thursday, followed by the Holy Name society at 8 p.m. The Fourth Degree K. C. will post an honor guard at the funeral home from 7 to 9 p.m. Thursday and will act as honorary pallbearers. Nephews of Mr. Miller will be active pallbearers.

Harvey Haggard Is Attendance Officer

Harvey L. Haggard, a long-time teacher in Adams county, has been named to fill the term of Mrs. Mildred Foley as county attendance officer. It was announced this morning by Gail M. Grubill, Philip Souder and Claren Neuenchwander, superintendents of the North Adams, Adams Central and South Adams school corporations.

The three superintendents, who made the appointment, made the announcement today. Haggard will replace Mrs. Foley, who has been appointed the new bailiff of the Adams circuit court. Haggard's appointment is effective Wednesday.

Although it is up to the superintendents of the three school corporations to make the appointment, the county attendance officer's salary and mileage will be paid by a county appropriation, made by the commissioners.

Veteran Teacher
Haggard is a veteran school teacher, retiring last year after completing 45 years in the profession. He is a native of Adams county and was instructor in social studies at Adams Central high school prior to his retirement at the end of the 1962-63 school year.

The new attendance officer joined the staff of Kirkland high school in 1943 and taught in that school until Adams Central was organized in 1949. After the consolidation of Kirkland, Monroe and Washington township schools, he began as the high school social studies instructor.

He began teaching in the Monroe township grade school, where he taught for five years. Haggard was a teacher in Monmouth, St. Mary's township, Waynedale and Petroleum high school before coming to the Kirkland school in 1943.

In addition to his teaching until last spring, he has been engaged in the life insurance field on a part-time basis for the past 30 years.

Reception Tonight Following Concert

Mrs. Sherman Stucky, president of the Adams county Civic Music Association, announced today that a reception for the membership will be held immediately following tonight's concert at the Decatur Youth and Community Center.

INDIANA WEATHER

Clearing and cold tonight. Wednesday partly cloudy and slightly warmer. Low tonight 25 to 28. High Wednesday 35 to 44. Sunset today 7:08 p.m. Sunrise Wednesday 6:30 a.m. Outlook for Thursday: Partly cloudy and warmer. Lows 28 to 35. Highs in the 50s.

County Board Meets With Mayor Gerber

The Adams county commissioners and Mayor Carl D. Gerber discussed two important questions Monday afternoon:

1. Parking tickets for the county commissioners.
2. The city and county dump problem.

Concerning the first problem, the county commissioners explained the problem which they have in parking near the county court house on Mondays, when they meet, or when they are in town on official business.

Irregular Hours
They arrive after most other businessmen and officials, and have no chance to get a "free" parking place within a reasonable distance of the court house. They cannot just stop work, in the middle of a hearing, or when out of town in someone else's vehicle examining roads and other problems, and return to put money in the meter.

The commissioners suggested that they be allowed to pay by the year for their parking tickets, paying the city a set amount, and returning the tickets to the city police station by mail for audit. Mayor Gerber suggested that county attorney David A. Macklin write up a proposal, and submit it to the city board of works.

They discussed the possibility of not ticketing the commissioner's cars, but decided that that would lead to recrimination of the meter officer by the general public who would see him passing by one car to ticket another, and might even have political repercussions.

County Dump
The commissioners then asked the mayor if the city had accepted any of the bids submitted last Thursday on a new city dump—garbage sanitary burial program. Mayor Gerber explained that the city had received only the one bid, which was for quite a bit more than they had expected,

and that they were studying it, together with the costs of the present method, and the cost of getting a new location.

The commissioners decided to wait until the city had decided on what course it will take before taking further action on a county dump program. The county is presently paying the city \$400 a year for use of the local dump.

Present Dump Full
The present dump site is practically full, and something must be done soon, Mayor Gerber explained. The remaining area will be filled in with street sweepings.

The mayor stated that the city expects to level the new city parking property this spring as soon as the weather permits, stone it, and permit free parking until a means of paving and possibly metering it can be set up that will be paid for from the parking meter fund.

Attendance Officer

Following Mayor Gerber, county superintendent Gerald Vizard asked the commissioners and their county attorney if the county attendance officer's salary, available for the remainder of this calendar year to Mrs. Mildred Foley, although she was actually hired by the three separate school boards, would apply to her successor, Harvey Haggard.

County attorney Macklin said that he felt that it would, but that the three individual school districts should include it in their own budgets for the next year and following years, rather than in the county budget, since there is no longer a county attendance officer needed. The schools are now all under their own boards, rather than under the county board of education, and the county superintendent, as those township schools which had no school board are closed.

Former Local Man Found Not Guilty

James L. Plasterer, 25-year-old Van Wert resident, formerly of Decatur, was found not guilty on a charge of receiving stolen goods, by Adams circuit court Judge Myles F. Parrish Monday afternoon.

Plasterer was arrested August 21, 1963, on the charge, in connection with a burglary at the Hi-Way service station on N. Second St., owned by Francis Ellsworth of Decatur.

Roger D. Death, Decatur, Ronald E. Myers, 18, formerly of near Decatur, and Larry Baumgartner, of Decatur, were also arrested in connection with the burglary. Some five automobile transmissions had been stolen from the garage.

After prosecutor Severin H. Schurger had presented the state's evidence Monday afternoon, Plasterer's attorney, D. Burdette Custer of Decatur, moved the court to find for the defendant. After Custer's closing argument, Judge Parrish found Plasterer not guilty.

Plasterer had entered a plea of not guilty to the charge and had waived his right to trial by jury.

Sheriff Deplores Church Vandalism

"This is a very serious thing," county sheriff Roger Singleton said this morning upon revealing an investigation being conducted by his department into a case of vandalism at the Mt. Pleasant church in Root township.

The incident occurred sometime over the past weekend, and is believed to have happened either Friday evening or Sunday morning of last week. A large amount of damage was done to the church.

"Vandalism is vandalism," the sheriff said, "but entering a sanctuary is a different thing." Objects were thrown through two of the church windows, a brick being used by the vandals to throw through one of the windows.

Several items were pulled away from the church pulpit and a Bible marker was discovered about a half-mile from the church, laying in the road. Books and records in the base of the pulpit were strewn about, the church building.

Glass from the broken windows was also strewn about the church. The sheriff's department is conducting a thorough investigation of the incident.

Mrs. Foley Named As Court Bailiff

Mrs. Mildred Foley, attendance officer for Adams county schools for the past 12 years, has been appointed by Judge Myles F. Parrish as the new bailiff for the Adams circuit court.

Judge Parrish announced the appointment, effective Wednesday, Monday afternoon.

In making the announcement of Mrs. Foley's appointment, Judge Parrish said the well-known local lady will probably become the only woman bailiff in the state of Indiana.

Replaces Bentz
Mrs. Foley, who resides in Preble, replaces the late Samuel G. Bentz, who had served as bailiff of the circuit court for the past 17 years. The court had been without a bailiff since early February, when Bentz became ill and subsequently died March 9.

The new court bailiff has served the county schools for the past 12 years as the attendance officer. She was appointed to that post February 19, 1952. Through her duties as attendance officer, she has been closely associated with the workings of the circuit court.

Stresses Importance
Judge Parrish, in making the announcement, stressed the importance of a court's bailiff.

The bailiff has several duties, including custody of juries and custody of the court's library of law books, which is quite large and valuable in the Adams circuit court. The bailiff is also in charge of court papers and responsible for their proper delivery to the county clerk's office.

G. W. Vizard, county school superintendent, said an appointment to fill the attendance officer is expected in the very near future.

Plan Commission Has Presentation

The Adams county planning commission heard an hour-long presentation by Gerwin K. Rohrbach, president of General Planning and Resource Consultants, who work in the area of county, regional and local planning and urban renewal in the area between the Alleghenies and the Rocky Mountains.

Rohrbach was asked to meet with the local board by David Brower, of the division of community planning, Indiana University, the representative of the federal government in dispensing the 701 project money, which will pay half the cost of the county plan.

At IU Today
The Harvard graduate and Fulbright scholar is meeting with Brower and other IU officials today. Brower will then inform the local board if they recommend the St. Louis-based company to finish up the Adams county plan, and get the local commission in operation. The local board will then meet, and decide if they want to hire Gerwin, or not.

General Planning would replace Metropolitan Planners as the consulting agency, if hired. Harry Sheridan, of Metropolitan, announced Feb. 26 that he would have to withdraw from all five federal projects, because he is understaffed to handle the requirements.

Worked with Sheridan
Rohrbach explained that he had worked with Sheridan on many projects, and regarded him as an outstanding engineer. The base maps prepared by Sheridan have already been approved, with certain other tables. These would be kept. If hired, Rohrbach explained, he would review the rest of the material prepared so far, he and another member of his firm would spend several days out in the county, talking with its people and getting the "feel" of the county and area.

Rohrbach gave each person present a brochure explaining about the background of his company, with the qualifications for each officer and staff member. It listed many of the projects on which his company has worked or is working, and showed how many of the situations, such as

Randolph county, Ill., compare closely with Adams county.

He explained that they frequently stay a number of days in a community, since they work in states covering the broad midwest area.

How He Operates
Rohrbach told how they had worked with one city, about the size of Berne, that was along the Mississippi river. The river frequently flooded the town, so they had built a huge dike, higher than most of the homes in the city, to close out the river. While drawing up the plan for the city, he was able to show them that the river was a valuable asset. He showed them how they could have a small lake, with an outlet into the river, right in their town, for boats, commerce, etc. They decided that they wanted it, and where they wanted it, and most of the adults in the city were finally involved in drawing up the plan, which was then their plan, and a living part of the city.

He stressed that if hired, he would ask the county committee to get all the information before all the people, to form committees to work out every phase of the program. It was to be unique program that will fit Adams county into the growth pattern of the United States and will suit its own particular needs.

Involves Every Person
The planning process of involving every citizen, so that they can see that planning is as important a function as any other governmental operation was carefully explained.

Rohrbach stated that the process by which planning is accomplished, and Adams county made a moving part of the country's growth and economy, is to be stressed, and that when the county hires a county planner, he will work to make him a working planner, out every day among the people, not a map reader stuck away in a dusty county office.

The entire board was present before Rohrbach finished his hour-long presentation. He was introduced by planning commission attorney Lewis L. Smith, following a brief review of the purpose of the meeting by plan commission chairman, William F. Schnepf.