

Democratic Sentinel

FRIDAY DECEMBER 10 1897

Entered at the post office at Rensselaer, Ind.
as second-class matter.

MONON ROUTE

Rensselaer Time-Table

In t July 1st, 1897.

TH BOUND.

No 31-1st Mail (don't wait) 4:48 a m
No 5-Lakeville Mail, Daily 10:55 a m
No. 33-Indianapolis Mail, 1:55 p m
No. 39-Milk account, Daily, 6:05 p m
No 8-Mail and Express, Daily, 5:30 p m
No 46-Local freight, 9:30 a m
No 74-Local freight, 7:45 p m
NORTH BOUND:
No 4 Mail, 4:30 a m
No 40-Milk account, Daily, 7:31 a m
No 32-Fast Mail, 9:55 a m
No 34-Clin. to Chicago Vestibule, 6:15 p m
No 8-Mail and Express, Daily, 5:30 p m
No 46-Local freight, 9:30 a m
No 74-Local freight, 7:45 p m
No 74 carries passengers between Monroe and Well.

No 30 makes no stop between Rensselaer and Endicott.
No 32 makes no stop between Rensselaer and Hammond.

Train No. 5 has a through coach for Indianapolis and Cincinnati via Rosedale arrives at Indianapolis 2:40 p m. Cincinnati 6 o'clock p m.

No 6 has through coach; return, leaves Cincinnati 8:30 a m., arrives Indianapolis 11:30 a m. arrives at Rensselaer 3:30 p m. daily.

W. H. BEAM, Agent.

Church Directory.

PRESBYTERIAN.

Sabbath School, 9:30 a m.
Public Worship, 10:45 a m.
Junior Endeavor, 3:00 p m.
E. P. S. C. E., 6:30 p m.
Public Worship, 7:30 p m.
Prayer Meeting, Thursday, 7:30 p m.

METHODIST EPISCOPAL.

Rev. R. D. UTTER, Pastor.
Sabbath School, 9:30 a m.
Public Worship, 10:45 a m.
Class Meeting, 11:45 a m.
Epworth League, Junior, 2:30 p m.
Epworth League, Senior, 6:30 p m.
Public Worship, 7:30 p m.
Epworth League, Tuesday, 7:30 p m.
Prayer Meeting, Thursday, 7:30 p m.

CHRISTIAN.

Bible School, 9:30 a m.
Public Worship, 11:15 a m.
Junior Endeavor, 2:30 p m.
I. P. S. C. E., 6:30 p m.
Public Worship, 7:30 p m.
Prayer Meeting, Thursday, 7:30 p m.

Judge Thompson's Reasons

For His Injunction In The Tax Ferret Cases.

The following is Judge Thompson's opinion in full, on his recent decision at Fowler, where his first injunction was issued in the Jasper Co. tax ferret case.

Whereas, the matter presented to the Judge of the Jasper Circuit Court is one in which he is personally interested and the same being a matter of public interest it is deemed proper to present some of the reasons why the Circuit Judge should restrain the action of the Board of Commissioners of the County of Jasper which has also judicial powers as well as administrative and ministerial. The case presented in the petition calls in question the validity of two contracts, one made on September the 10th, and the other on November the 17th, 1897, each of these contracts is spread of record and if legal must conform to the provisions of section 5766 R. S. 1881, Sec. 7858 R. S. 1894. This statute permits a tax payer to contest any claim by an employee of the Board, when such employment is to perform a duty assigned by the law to any public officer. This right of contest exists. Also when the employment for any purpose whatever is to be paid for by commission or percentage.

The contract of September the 10th in substance is that the defendants Fleener and Carnahan are to report all sums due Jasper County to the proper officials and to receive for their pay a sum of money equal to one-half of the sums reported to and collected by said officials. For instance, under this contract the said Fleener and Carnahan might report the amount paid out by the County in any ditch cause where the proceedings are in abeyance as a debt due the County to the proper official, the Board itself, this contract would accord to said Fleener and Carnahan one-half of said sum, and the costs of proceedings to collect by the Board, which is the proper officer, would be subtracted from the other half. This contract is merely to report to the proper official and receive one half for the report.

The second contract is in substance that the defendants Fleener and Carnahan shall search for unassessed taxable property and report the same to the proper officer for appraisal and taxation and they shall receive for such services one-half of all taxes collected upon such property as reported. Under this contract if additional property was assessed to a resident of Rensselaer to the amount of ten thousand dollars the taxes thereon would be three hundred and fifty dollars of which sum the County revenue would receive fifty and there would be paid out of the same revenue to the large attendance enables him to give lower rates than can be had elsewhere. His graduates always in demand.

the prosecuting attorney, the grand jury, the county attorney, the board of Commissioners, the State school Superintendent, and county Superintendent are authorized and paid for correcting all cases of nonfeasance, misfeasance, or malfeasance, in the collection and disbursement of all funds of which the Board have any superintendence, hence the first contract assumes to be an employment to perform duties required of public officers.

The State Board of Tax Commissioners, the County Board of review, the state auditor, the county auditor, the county treasurer, the county assessor, the township assessor, and grand jury have authority to look after the assessment and collection of taxes upon all taxable property. It is made the special duty of the Circuit Court to charge the grand jury to carefully scrutinize the conduct of all public officers, and indict where there is an direction. It must therefore follow that the second contract is also an employment to perform duties required of public officers. The Section of the statute requires that the Board shall perform two judicial acts as a preliminary requisite to the making of a contract of employment of the nature of these contracts. Each contract provides for payment by percentage or commission. In this hearing there was no certified copy of the judicial proceedings showing a case of indispensable public necessity for either the matter or manner of either of these contracts.

The doctrine of strict construction has been applied in this State, denying the Board's power in many cases, where it has assumed to act. The Board as a public agent is not the owner of the County revenue in the sense that a man owns his personal property. No public officer has the right to squander sequester, waste, or even distribute bounties out of the public fund in its official custody.

Payment for services by a partition of the thing recovered or a sum to the value thereof is not favored in the law. Such a contract presents temptations to corruption which a public agency should avoid and the statute was passed to compel the members of the Board of Commissioners not to make such a contract unless an indispensable public necessity demanded the same, there could be no such necessity while the officers chosen by the people and by their agents remain fitted physically, mentally, and morally to proceed with their official duties. The judicial determination of the necessity should be at the instance of others and upon some notice so an appeal could be taken.

Each of the contracts set forth in the complaint seeks to enroach upon supersede and curtail the authority of public salaried officers. These contracts are subject to many objections, first; they are unconstitutional and require the County revenue to be wasted for others' benefit; Second; They are chameleons in form, and against an enlightened public policy; Third; There does not probably exist an indispensable public necessity for them; Fourth; Their enforcement would be an usurpation of public office by unauthorized persons. From as full a consideration as I have been able to give the matter it is very clear to my mind that the enforcement of each of said contracts must be restrained for the protection of the County revenue. The Judge as an officer of a Court of more general jurisdiction must not be understood as being opposed to a strict surveillance of the acts of all public officers. It is made his bounden duty to charge the grand jury to make diligent enquiry and report to the Circuit Court any negligent or corrupt or wrong practices on the part of any public officer including himself.

If the Board, as a court, did make due enquiry in a case and did find and entered of record that there did exist on September 17 1897 "an indispensable public necessity" for the employment of an expert to report unassessed taxable property to the County Auditor.

And in addition did as a court make due enquiry in a case and did find and entered of record that there did exist on September 17 1897 "an indispensable public necessity" that such expert should receive out of the County revenue a sum equal to one half he reported, this can be shown on the final hearing. The injunction must go.

LABORATORY METHODS

Explain the reason why students can complete book-keeping a shorthand in one-half to two-thirds the time required anywhere else.

These methods are patented and Mr. Vories has exclusive right.

See his ad in another column of this issue and get his illustrated catalogue giving full explanations.

The large attendance enables

him to give lower rates than can

be had elsewhere. His graduates

always in demand.



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President Polk in the White House chair, while in Lowell was Doctor Ayer; Both were busy for human well One to govern and one to heal. And, as a president's power of will Sometimes depends on a liver-pill, Mr. Polk took Ayer's Pill I trow For his liver, 50 years ago.

Ayer's Cathartic Pills

were designed to supply a model purgative to people who had so long injured themselves with griping medicines. Being carefully prepared and their ingredients adjusted to the exact necessities of the bowels and liver, their popularity was instantaneous. That this popularity has been maintained is well marked in the medal awarded these pills at the World's Fair 1893.

50 Years of Cures.

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POPULAR MUSIC PUB. CO., Indianapolis, Ind.

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W. YERINGTON, St. Louis, Michigan

SHERIFF'S SALE

By virtue of an Execution issued on a judgment rendered in the Jasper Circuit Court, on the 14th day of July, 1897, and to me directed by the Clerk of said Court, I will offer for sale, at public auction and outcry, to the highest bidder, at the door of the Court House, in Rensselaer, Indiana, to-wit:

FRIDAY, DECEMBER 31, 1897, between the hours of 10 o'clock A. M. and 4 o'clock P. M. of said day, the rents and profits for a term not exceeding seven years, of the following described real estate, situated in Jasper County, in the State of Indiana, to-wit:

The undivided two-thirds [§] of the south-west quarter [§] of section thirty-five [35], township thirty [30] north of range six [6] west, in Jasper County, Indiana.

The undivided two-thirds [§] of the south-west quarter [§] of section thirty-five [35], township thirty [30] north of range six [6] west, in Jasper County, Indiana.

The undivided rents and profits to satisfy the judgment and decree of said Court, I will, at the same time and place, and in like manner as aforesaid, offer for sale public auction and outcry, to the highest bidder, all the right, title, interest and estate in fee simple of S. B. Nichols in and to the above described real estate, or such part thereof as may be necessary to satisfy the judgment and decree aforesaid, which is in favor of William P. Irvin and against S. B. Nichols and George H. Brown.

Sai real estate will be sold without relief whatever from valuation or appraisement laws of the State of Indiana.

NATE J. REED, Sheriff

Wm. B. Austin, Atty for Plaintiff

Nov. 27, 1897-\$10.

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The undivided two-thirds [§] of Lot Fourteen [14] and fifteen [15] in Block nineteen [19], in Weston's Addition to the Town now City of Rensselaer, Indiana.

And in case found and entered of record that there did exist on September 17 1897 "an indispensable public necessity" for the employment of an expert to report unassessed taxable property to the County Auditor.

And in addition did as a court make due enquiry in a case and did find and entered of record that there did exist on September 17 1897 "an indispensable public necessity" that such expert should receive out of the County revenue a sum equal to one half he reported, this can be shown on the final hearing. The injunction must go.

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