

FARMERS FILE SUIT TO HALT TAX UNDER TUTHILL KIPER ACT

Injunction proceedings to enjoin Ralph Lemcke, treasurer of Marion County, from collecting taxes based on the horizontal increases under the Tuthill-Kiper act and also to restrain the State Board of Tax Commissioners from attempting to carry out its "pretended equalization orders," yesterday was filed before Judge Linn Hay of Superior Court, Room 2, by William Bosson, Dayton L. Dawson and Jonas Johnson, farmers of Marion county and members of the Marion County Farmers' Federation.

Representatives of the Farmers' Federation served notice on the Marion County Board of Review some weeks ago when the board bowed to the will of Governor Goodrich's tax board that "purported to operate 'under provisions of the Tuthill-Kiper act.'

The reputed illegal and arbitrary attempt of the Goodrich Legislature to compel the people to pay horizontal increases in face of a decision of the highest court in the state, which held that the horizontal increases, as ordered by the State Tax Board in 1919 were illegal, again has resulted in legal steps being taken by the citizens of Marion County to protect themselves against such legislation.

Judge Hay has not announced the date of hearing on the injunction petition.

The action taken by the plaintiffs is in the interest of other taxpayers in Washington Township, who seek relief from the "arbitrary and illegal action of the Goodrich Legislature attempting to legalize the 'illegal and invalid horizontal increases.'

Judge Hay is the judge who was sustained by the Indiana State Supreme Court in holding the horizontal increases, as ordered by the State Tax Board, invalid.

The action of the Washington township farmers in filing the new suit, probably will restrain the treasurer of Marion County from compelling payment of the taxes based on the horizontal increases, if Judge Hay sustains the prayer of the petition.

In attacking the "pretended" actions of the State Tax Board on July 31 in reversing and reconsidering its order dated Aug. 28, 1919, as proposed for under the Tuthill-Kiper act, the plaintiffs base their legal stand on the following points:

That no notice of any kind was given to the taxpayers of Marion County that the tax board proposed to consider the increases of such assessments and that the state tax act to equalize assessments is illegal and void.

That the Tuthill-Kiper bill does not authorize the tax board or the County Board of Review to reverse and set aside the judgment and decree of Judge Linn Hay.

That the Tuthill-Kiper act recognizes the binding effect of final judgments rendered by the Superior Court of Marion County and such decisions practically enjoins the collection of taxes based on order of Aug. 28, 1919.

That such "pretended" action of the board of review and the tax board deprives the plaintiffs and other taxpayers of the right to protect their property without due process of law and the actions are in violation of the fourteenth amendment of the United States Constitution.

That such pretended equalization order results in the reversal of the judgment rendered by the Superior Court of Marion County.

That if the Tuthill-Kiper act purports to authorize such action, "then it is void because it violates constitutional provisions," and if such actions by the Tuthill-Kiper act, then the actions are void because they were taken without authority of law by the tax board and the board of review.

That the Tuthill-Kiper act does not purport to validate the assessments which were made in contravention of the provisions of the taxing act of 1919, but purports to validate assessments which were made in pursuance of the said law.

That the tax board and the Marion County board of review is without authority of law to enter an order of equalization, the effect of which is to reaffirm the void order of equalization of Aug. 28, 1919.

That the latest pretended order of equalization results in an assessment against the property of the plaintiffs and other taxpayers in exactly the same amounts as fixed in the order of Aug. 28, 1919, and that this action is beyond the power of either the tax board or any board of review.

CHARGE NO REVIEW WAS MADE

That the state tax board and the Marion County board of review did not in fact review and equalize the assessments on property in the several townships, but attempted to readopt and reaffirm the pretended order of equalization of Aug. 23, 1919.

That the failure to properly and legally notify the members of a meeting to be held to take such action, which was done, resulted in the taxpayers being taxed on personal property and real estate "without due process of law."

That a statute which attempts to confer on a board of equalization power to increase the assessment of property of individuals or of all taxpayers within a certain territorial subdivision is invalid and void and results in the taking of the taxpayer's property without due process of law.

That the Tuthill-Kiper act purports to authorize the State Board of Tax Commissioners and the County Board of Review to take certain proceedings with reference to a particular order, that is the equalization order of Aug. 23, 1919, and permits said board to take special and additional action in a particular case, and is, therefore, in violation of section 22 of article IV of the Indiana Constitution.

CALLS ACT A SPECIAL LAW.

That the Tuthill-Kiper act is a special and local law on the question of taxation and therefore violates the state constitution because it attempts to lay down a particular and special rule for a particular order of the tax board, namely, the order of equalization made on Aug. 28, 1919.

The suit charges that County Auditor Leo K. Fesler has entered the "pretended" order of increase and equalization on the tax duplicates of Marion County and has delivered the same to the county treasurer.

The petition contends that the "pretended order of equalization" has become a law of the land and is binding on all taxpayers in Washington township.

MRS. HUGH McGIBNEY AT HEADQUARTERS.

Mrs. Hugh McGibney is chairman of the headquarters committee, which will be in charge of the headquarters in the room now occupied by the housing committee at Market and Pennsylvania streets.

Members of the committee are: Mrs. Richard Lisher, Mrs. Russell Strunk, Mrs. H. E. Stanford, Mrs. Linton A. Cox, Mrs. Joseph B. Keeling, Mrs. Wilbur Johnson, Mrs. Clyde Roach, Mrs. R. C. Bennett, Mrs. Edwin Clark, Mrs. S. E. Perkins, Miss Katharine Fertig, Mrs. E. Neu, Mrs. G. M. Henderson, Mrs. Philip H. Hixson, Mrs. J. S. Ferris, Mrs. E. Hallinan and Mrs. Emma Lusk.

Mrs. Clyde Roach is chairman of the Red Cross committee in charge of the booth at the Union station; the Caroline Scott Harrison Chapter, D. A. R., Mrs. E. H. Darrach, chairman, in charge or booth at Terminal station; the Service Legion, Mrs. Arthur G. Wells, chairman, in charge of booth at Indianapolis and Illinois streets; the Jewish Welfare Association; Mrs. Harry Jacob, chairman, booth at the State House; the Spanish-American War Veterans; Mrs. H. E. Hendry, chairman, booth at Court House; Soldiers Reconstruction and Daughters of the Revolution; Mrs. E. H. Hendry, chairman, booth at Monon Place; American War Mothers, Mrs. Alice Bierhaus, chairman, booth at Monon and Washington streets; Catholic Women's Service League, Mrs. J. S. Ferrell, chairman, booth at Ohio and Penn.

The complaint is a lengthy one as it embraces more than thirty finely typed written pages.

The suit was filed in behalf of the plaintiffs by Attorneys Emery W. Johnson, Miller, Dailey and Thompson, who successfully represented the farmers in the suit contesting the illegal actions of the tax board.

The complaint goes into detail regarding the various steps taken by the various bodies in an attempt to fasten the horizontal increases on the citizens of Marion County.

The action filed today principally at

Dead When Dug From Under 5 Tons of Earth

Special to The Times
ZIONSVILLE, Ind., Sept. 15.—Clayde Shelburne, 35, was buried under five tons of earth Monday, while helping to build a water tank at Eagle Creek for the Big Four Railroad, and was dead when dug out by other workmen.

The widow and one daughter survive.

TELEPHONE MEN ARE IN SESSION

"The telephone business is, to a greater extent than any other utility, dependent for its success on the maintenance of amiable relations with the public," said Frank N. Wampler, vice president and treasurer of the Indiana Bell Telephone Company, in an address before the first annual convention of the Indiana Telephone Association yesterday.

The convention, attended by directors, managers and other officials of telephone companies opened this morning at the Claypool Hotel for a two days' session, with an address of welcome by Mayor Charles W. Jewett.

The response to the address of welcome was made by President Henry A. Barnard of Rochester, who set forth the objects of the association.

The association has the idea of abolishing the Public Service Commission, and of going back to the old days when "public utilities were dependent on election results and some officials were dependent on the liberality of public utilities."

Officers of the association are Henry A. Barnard, Rochester, president; W. W. Harbaugh, Sullivan, first vice president; Samuel Thompson, Plymouth, second vice president; F. O. Cupp, Lafayette, secretary, and Max F. Hause, Indianapolis, treasurer.

Mr. Wampler, in part said:

"Police must be based on service and not service on police."

"We should be guided by the rules of a fixed general policy adjusted to the Golden Rule."

"Give a dollar's worth of goods for every dollar you receive."

"Maintain such contact with your customers that they will know they are getting value received."

"Stand ready at all times to render efficient and dependable service."

"Do these things and you need not be afraid of any opposition that the public will not accept."

Hundreds of persons stood on the sidewalk watching the celebration following the exercises, dropping cards bearing the announcement of the big public meeting tonight at Tomlinson Hall held under the auspices of the War Mothers.

The national anthem will be sung in all the theaters and motion picture houses tonight, and many have included special programs.

Business houses in all parts of the city were decorated with flags and they were from the porches and windows of hundreds of Indianapolis homes all day.

CITY OBSERVES ANTHEM'S BIRTH

Factory whistles and church bells saluted the 106th anniversary of the writing of "The Star-Spangled Banner" at noon yesterday.

At the same time the Eighty-First Army Band from Camp Knox played the national anthem at the Soldiers' and Sailors' monument, the strains of which were carried for blocks by a sound amplifier placed on the top of the monument.

While the notes of "Oh, say, can you see?" were in the air scores of red and blue balloons were released by the Marion County Chapter of the American War Mothers and went floating upward with the inspiring anthem.

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G. O. P. MACHINE GROOMS BRYSON

Robert H. Bryson, city comptroller, looks today as the most likely man to be backed by the Mayor Jewett-County Treasurer Ralph Lemcke forces for mayor next spring, this being indicated by conversation of other officials of the administration who are in position to respond quickly to the desires of the leaders.

Political sources in Marion say that Jewett-Lemcke men are passing around the word that "it looks like Bryson is the logical man," and "we ought to have Bob Bryson," while the Republicans who are known as the "anti" continue to prepare their guns to put over a candidate of their own.

The men who gathered under the "house rule" at the most municipal election have let it be known they, too, are to be reckoned with again.

At the same time that the city controller is being advanced, the Jewett men are taking care to prevent the embryo boom for Leonard Quill, president of the Marion Club and one of their cohorts, from assuming too dangerous proportions.

Quill is a fine fellow, all right," they whisper, "but he could never be elected."

The antis, regardless of the fact that the antis are the success of the Democratic county ticket grow greater with the widening of the breach in Republican ranks, are going right ahead with their plans to oust the Jewett-Lemcke machine from county party control.

Of the several candidates being advanced, the most prominent is Probate Judge Mahlon C. Ball, apparently has the inside track, particularly since it is understood he will have the support of the Indianapolis News.

Not a little angling is being indulged in for the landing of the followers of George V. Coffin, who have disapproved of the "home rule" rule since he was removed as chief of police.

The Jewett forces favor Bryson for the added reason that the Coffin adherents are said to be friendly toward

Gustav G. Schmidt, president of the city council, who has been a leader in the fight against every administration scheme, whether it be the "home rule" or any other.

The adoption of Vivian Elsie, 10 months, by Mr. and Mrs. Owen H. Williams of Beech Grove.

The adoption of Boyd Marion Moore, 5 months, by Mr. and Mrs. Lawrence Detmer of Claypool, Ind.

The adoption of Harry Leon Shaw, 25 months, by Mr. and Mrs. Fred Daniels of Ft. Wayne, Ind.

The adoption of Glenn Tollire, 10 months, by Mr. and Mrs. Ross Eshelman of Anderson, Ind.

The adoption of Harold Harvey Leonard, 6 months, by Mr. and Mrs. Henry Brink of Indianapolis.

The couple has under advisement the petition of Mr. and Mrs. Otto Klett for the adoption of Clifford Earl Williams, 6, because a needed legal step has not been taken up to this time.

Meanwhile, all of the politicians are hoping to Jettewell, from whom they expect

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