

## 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 unless the board upheld the decision of Judge Linn Hay and the Indiana Supreme Court in declaring the horizontal increases illegal, action would be instituted to test the legality of the Tuthill-Kiper act.

The action taken by the plaintiffs is in the interest of other taxpayers in Washington Township, who seek relief from the "arbitrary" and "unlawful" 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, practically 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 21 last in reviewing and reconsidering its order dated Aug. 23, 1919, as provided 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 "pretended" action of the tax board 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 in the courts and such decisions practically enjoin the collection of taxes based on order of Aug. 23, 1919.

That such "pretended" action of the board of review and the tax board deprives the plaintiffs and other taxpayers of the right to receive 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 it is not in the power of the Governor to reverse the judgment of the court in full force, to dissolve and set aside the perpetual injunction granted by the court by the actions of the tax officials to authorize collections from the plaintiffs and other taxpayers.

That the Tuthill-Kiper act does not purport to validate 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 valid order of equalization of Aug. 23, 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. 23, 1919, and that this action is beyond the power of either the tax board or any board of review.

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 taxpayers of a meeting to be held to take such pretended equalization steps has resulted in the taxpayers being taxed on their 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 pretended order, that is the pretended order of Aug. 23, 1919, and equalize said board to take special and exceptional action in a particular case, and is, therefore, in violation of section 22 of article IV of the Indiana Constitution.

That the Tuthill-Kiper act is a special law.

That the Tuthill-Kiper act is a special law 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 an order of equalization made on Aug. 23, 1919.

The suit charges that County Auditor Leo K. Fessler 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 "lien" on the real estate of all taxpayers in Washington township.

It is charged that the treasurer will collect the illegal increases unless restrained and contends that an injunction issued at the hands of Judge Linn Hay is necessary to prevent the carrying out of the "pretended" order.

The plaintiffs claim that unless the injunction is granted they "will sustain and suffer irreparable injury" by being compelled to pay taxes largely in excess of those authorized by law and their real estate and personal property will be subject to levy and sale because of the "illegal" taxation.

## Dead When Dug From Under 5 Tons of Earth

Special to The Times.  
ZIONSVILLE, Ind., Sept. 15.—Clyde 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 by President Henry A. Barnhart of Rochester, who set forth the objects of the association.

He denounced 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. Barnhart, Rochester, president; W. W. Harbaugh, Sullivan, first vice president; Samuel Tomlinson, Plymouth, second vice president; F. O. Cuddy, Lafayette, secretary; and Max P. Hosen, Indianapolis, treasurer.

Mr. Wampler, in part, said: "Policy must be based on service and not service on policy."

"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 paid to you."

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

"Do these things and you need be under no apprehension that the public will not meet you more than half way in a spirit of cooperation."

Dr. Frank B. Bohn, general manager of the Home Telephone & Telegraph Company, Ft. Wayne, told of the absolute necessity of association in every line of industry, for the mutual protection of all parties and to promote the best interests of the respective businesses which such associations represent.

Fred Bates Johnson, member of the Public Service Commission, addressing the convention, said that the commission, who was to have spoken, told the telephone men that what the public demanded at the present, and what the telephone men must give, is service.

Those joining in the afternoon discussion were S. M. Isom, Mitchell, Southern Indiana Telephone Association; C. R. Stoops, Nappanee, Northern Indiana Telephone Association; T. E. Hanway, Monticello, Benton Telephone Association; H. F. Farwell, Terre Haute, West Central Indiana Telephone Association; C. M. Moore, Ripon, East Central Indiana Telephone Association; Wilbur Van Horn, Wabash, Wabash Valley Telephone Association; and William E. Bowers, New Haven, Northeastern Indiana Telephone Association.

## SUIT FOR \$32,500 FILED

Judgment for \$32,500 is asked in a suit filed in Superior Court, room 2, by John Kittle against Arthur Jordan for money said to be due the plaintiff.

## Marriage Licenses

Muri Tatus, 313 N. Pine st., 21; Mae Miller, 344 Park ave., 15; Carlos Morris, 245 N. Dearborn st., 15; Ruby Taylor, 245 Terrace ave., 20; Edward Osburn, 729 1/2 Mass. ave., 20; Bonnie Feber, 1141 W. Thirty-Seventh st., 20; Herbert Avels, 1469 Union st., 20; Bertha Rinker, 359 Prospect st., 20; Elmer Weaver, 427 E. South st., 19; Gladys Helton, 437 South East st., 19; Lorena Hardy, Bloomington, 13; Clyde Miles, 1925 Prospect st., 21; Lillian Hamilton, 1115 Marian st., 21; Paul Thompson, 264 Northwestern ave., 21; Ida Sine, City Hospital, 21; William Masters, 4287 Oxford ave., 21; Helen Stevenson, 1143 English ave., 21; John Baird, Indianapolis, 21; Clara Bashara, Indianapolis, 21; John Gaddie, 1432 Missouri st., 52; Irene Webster, 334 Drake st., 49.

## Births

Andrew and Eva Pon, 975 W. Pearl, girl; Thomas and Gladys Roberts, 1041 Berwick, boy; Joseph and Mary Phillips, 544 Verla, girl; Clarence and Nellie Melton, 1910 Valley, girl; Thomas and Gladys Meunier, 1124 N. Alabama, girl; Claude and Nellie McConnell, 506 Bright, girl; Paul and Beulah Jackson, 7208 Columbia, boy; Don and Nancy Hoppes, 6355 Ravenna, boy; George and Mary Spearling, St. Vincent's Hospital, boy; W. and Elsie Reid, 3825 N. Capitol, girl; A. C. and Louise Mitchell, 4501 Guilford, boy; Horace and Anna Wheeler, 1555 Parkway, girl; William and Christabel McDonald, St. Vincent's Hospital, girl; Howard and Evelyn Anchors, City Hospital, girl; Isiah and Alice Galbreath, City Hospital, boy; Lee and Mary Latham, 534 Linn, girl; Joseph and Frances Sauer, 1666 S. Talbot, boy; George and Lois Melzer, Methodist Hospital, girl; Forest and Zena Pape, Methodist Hospital, boy; Dene and Mabel Zahn, Methodist Hospital, girl; Louis and Ruth Spies, 515 N. Oakland, girl; Grant and Tillya Richardson, 3026 Carson, girl; William and Leota Daglish, 1110 E. Vermont, boy; Francis and Mae Lewis, 544 Fletcher, boy; Hoover and Bernice Johnson, 809 Church, girl; John and Dorothy Eble, St. Vincent's Hospital, girl; Morris and Doris Baganz, St. Vincent's Hospital, girl; Oliver and Matilda Gray, 1111 English, girl; John and Manda Wilde, 1295, Bacon, girl; Hardie and Nellie Martin, Long Hospital, boy; William and Margaret Kay, Long Hospital, girl; Edwin and Maude Bruce, Deaconess Hospital, boy; Fred and Minnie Fero, City Hospital, girl.

## Deaths

William Cooper, 1 month, 1821 N. Capitol, pneumonia; John P. Buckley, 59, St. Vincent's Hospital, diabetes mellitus; Richard Marshall Buchanan, 6, 2310 Central, acute gastritis; David Smith, 3513 Roosevelt ave., pneumonia; Esther Hazel Petty, 4, 5438 E. Twenty-Fifth, diphtheria; Benjamin F. Sharp, 71, 1950 Adams, cerebral hemorrhage; Helen J. Reid, 66, 2246 N. Alabama, cerebral hemorrhage; Margaret Starks, 56, Deaconess Hospital, acute dilatation of heart; Mary Ellen Bickford, 59, 1246 N. New Jersey, diabetes mellitus; Kenneth Patterson, 23, 1237 Lafayette, pulmonary tuberculosis; Horace Carpenter, 23, 232 Rankin, pulmonary tuberculosis.

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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 the Republican nomination 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.

Persuader, but quietly, the 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 going right ahead with the preparation their guns to put over a candidate of their own.

The men who gathered under the "home rule" banner in the last municipal election have let it be known they too, are to be reckoned with again.

At the same time that the city comptroller is being advanced, the Jewett men are taking care to prevent the embryo boom for the nomination of O. W. Marion Club and one of their coteries, from assuming too dangerous proportions.

"Leonard's a fine fellow, all right," they whisper, "but he never could be elected." The anti's, regardless of the fact that chances for the success of the Democratic county ticket grow greater with the weakening 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 groomed for the support of Jewett and Lemcke, 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 Jewett rule ever since the Coffin removal as chief of police.

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

Gustav G. Schmidt, president of the city council, who has been a leader in the blocking of practically every administration scheme since Mayor Jewett's reach of the legislative body, appears to be the most likely "home rule" candidate with whom the Jewett crowd would have to fight.

Privately the Jewett men state it as their belief that Mr. Schmidt be in the field unless a union of the "home rule" and anti forces is effected, and admit they fear the strength of Mr. Schmidt is said to have among south side voters because he has championed their causes in the council.

Meanwhile, all of the politicians opposed to Jewett and Lemcke are anxious to hear from Lew Shank, the only definite thing they know about Mr. Shank's political plans being that he has never said he would not be a candidate for mayor.

## CAIN CONFESSES 7 AUTO THEFTS

Names Alleged 'Fences' and Aid in Signed Statement.

Thomas Cain, 348 Orange street, admitted yesterday in a signed statement to detectives that he had stolen seven automobiles from south side garages during April, May and June.

Cain's statement was made following his arrest Friday on the charge of entering a garage to commit felony when he was captured by George E. Kenny in a garage at the rear of Kenny's home at 1446 Lawton avenue.

All the machines were sold to John Dampier, former saloonkeeper, and Clifford Alley, garage repairman, according to the confession of Cain, who stated also that he was assisted in the thefts by Ralph McGuire, 2211 Shelby street, who is now under arrest on charges of burglary and grand larceny.

Dampier and Alley, also under arrest, are now awaiting action by the grand jury on charges of grand larceny. The charges held against both Dampier and Alley allege the theft of several automobiles.

Dampier was arrested in July after five motor cars, three of which were identified as having been stolen from south side garages, were found.

Two of the cars were located at Trafalgar, two in a garage at the rear of Dampier's house, and Dampier himself was driving the fifth car when arrested.

Alley was arrested after he was caught by Walter Galamore, 367 Prospect street, when Galamore recognized the automobile Alley was driving as the one stolen from him.

Following is a list of owners of the cars stolen by Cain and McGuire, according to the confession of the former: George Smock, 934 Elm street; Harold Watson, 1420 Spann avenue; William H. Ross, 1505 South New Jersey street; Edward Walters, 721 Cottage avenue; William G. Fox, 2144 Singleton street; Florence West, 1214 Churchman avenue; and L. W. Luther, 2157 South Meridian street.

The cases of Cain and McGuire are being investigated by Detectives Ruggen, Hyman, Fields, Hanks, Irick, Giles, Rademacher and Pents.

## LAWSON AIR LINE GIVEN MAIL JOB

WASHINGTON, Sept. 15.—Postmaster General Burleson has announced he had accepted bids of Alfred W. Lawson of Milwaukee to carry mail by airplane on three new routes connecting New York with St. Louis and Atlanta, Ga., and making deliveries at Pittsburgh, Harrisburg, Ft. Wayne, Raleigh, N. C., Columbia, S. C., and Washington.

Lawson will receive \$100,000 a year for operating the planes, of which thirty will be needed and the landing fields.

Acceptance of Lawson's bids will make possible regular passenger service as well as mail delivery between the cities mentioned. Service will commence soon after Nov. 15, under the terms of the contract.

All routes will be operated daily by the middle of the winter. Lawson plans to use planes that will carry 12,000 pounds of mail and fuel and twenty passengers. The planes will have a maximum speed of 120 miles an hour.

## Single Taxers Plan to File Electors' List

Plans for the filing of a list of names of presidential electors in Indiana were discussed by the State committee of the Single Tax party at a meeting at the Washington Hotel Monday morning.

Those who attended the meeting included John F. White, State chairman; Frank D. Brown, Conrad Rust, Ralph P. Lancaster, G. R. Slater, Dr. J. J. Bowles, John Henry Hewitt and Edward Barker, all of Indianapolis.

Robert C. Macauley of Pennsylvania is the party's candidate for the presidency, and R. B. Barnum of Ohio is its candidate for the vice presidency.

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## Asks Observance of Constitution Day

In a statement issued yesterday Governor Goodrich called on the citizens of Indiana to recognize the birthday of the constitution of the United States, Sept. 17.

In his statement the Governor points out that it is hardly necessary for Indianapolis to be reminded of the fundamental part the constitution has played in the progress and development of America.

## 'SHINER' FAILS TO SHOW FOR TRIAL

Judge Walter Pritchard's new system of releasing on his own recognizance some prisoners awaiting trial did not work successfully in the case of Everett ("Shiner") Midaugh yesterday.

"Shiner" was arrested Monday afternoon, but that was not unusual for he has been arrested before usually charged with gaming or violating the prohibition laws.

"Shiner" is a white man, but likes to visit some of the places on Indiana avenue, and Patrolman Allison told him there is not room for him on my district.

The policeman's district is Indiana avenue. Therefore, Midaugh was arrested and when he reached the turnkey's office an S. O. S. was sent to Judge Pritchard and he was released on his own recognizance. He was told to appear in court yesterday morning.

## PARENTS GIVEN TO 5 BY COURT

The Probate Court room of Judge Mahlon Bash at the courthouse yesterday was transformed into a nursery for a few hours while the court heard the petition of six married couples who asked the right to adopt six children.

The court granted five couples the right to adopt five of the children. The adoption of William Elaine, 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 Detmerman of Clay City, Ind.

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

The adoption of Glenn Tolbert, 10 months, by Mr. and Mrs. Rosa Belsheim of Anderson, Ind.

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

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

## KINGAN CO. ASKS LOWER RAIL RATE

Kingan & Co., Ltd., of Indianapolis filed a petition with the public service commission today to require a reduction in the charges of the Indianapolis Union Railway Company for the handling of livestock from the Union stockyards to the Kingan plant.

By regulation of freight tariff which went into effect Feb. 18, 1919, a tariff rate was fixed for the Indianapolis Union Railway Company for the handling of livestock from the Union stockyards to the Kingan plant.

On live stock handled by the Union Railway (Belt Railway) from the Union Stockyards to slaughter and packing houses in Indianapolis the Union Railway was allowed to charge \$5 for each car.

A 40 per cent advance on this tariff was scheduled, but by voluntary action of the Union Railway Company the increase was not put into effect.

Kingan & Co. ask for a reduction of rate from \$5 to \$2 per car, and it contends this would give the Union Railway Company a fair return.

## Stout Will Address Kiwanis Luncheon

Elmer W. Stout, first vice president of the Fletcher American National Bank, has been invited to address the Kiwanis Club at its weekly luncheon at the Hotel Severin this afternoon.

Mr. Stout will give his views on general banking conditions of this country and Europe.

## Days Doubled, Fine Same on Appeal

Mike Purzo, charged with operating a blind tiger, was fined \$100 and sentenced to sixty days on the Indiana State Farm yesterday by Judge James Collins of the Marion County Criminal Court.

He was fined \$100 and costs and sentenced to thirty days at the farm in the City Court, but appealed to the higher court.

Judge Collins gave Purzo until Saturday to find a home for his son, 8.

## MOTHER! "California Syrup of Figs" Child's Best Laxative

Accept "California" Syrup of Figs only—look for the name California on the package, then you are sure your child is having the best and most harmless physic for the little stomach, liver and bowels. Children love its fruity taste. Full directions on each bottle. You must say "California"—Advertisement.

## DECAYED TEETH

Will Mar Your Appearance and Ruin Your Health. Let our dental experts make them sound and attractive so you will retain your good appearance and health. Our charges are reasonable and our terms easy to pay.

## New York Dentists

41 East Washington Street  
204 SAKS BUILDING

## BOY HELD AFTER HOLDUP TALE

Following the report of one of the boldest daylight holdups in Indianapolis police history, Harry Victor Freeman, 19, of Boswell, who told the police he was robbed, was arrested on the charge of petit larceny yesterday.

The "robbery" occurred at the home of Freeman's sister, Mrs. Etta Rodgers, 1934 Arrow avenue.

When the police emergency squad reached the scene they were met by Freeman, who told them he had been at a grocery on Ludlow avenue and that when he entered the kitchen of his sister's home a "tall, slim man, wearing a hat and a black mustache" covered him with a revolver and said, "Hands up, I need the money."

Freeman said he gave the man \$10 in paper money and a bank containing \$10 in change.

When the police questioned Freeman, detectives found men working in the rear of the house who said no one had run out of the house in that direction, and a woman sitting on the front porch of another house said no one had left through the front door except Freeman.

The story did not have the right "ring" and Freeman was searched, revealing a purse containing money and a can.

The police officer opened the can and poured out nickels and dimes and pennies until the sergeant counted a total, including what was in the purse of \$13.65.

Freeman admitted he had told a story of a fake hold-up, and robbery to cover the taking of the money from a small bank owned by his sister, Mrs. Rodgers, and Mrs. Alice Serrows, who also lives at the Arrow avenue address.