

UTILITY RATES HEARING OPENS IN U. S. COURT

System-Wide Basis Backed by Attorneys for Wabash Company.

Argument that utility rates for any city should be fixed only a system-wide basis was stressed in federal court here Friday by attorneys for the Wabash Electric Company.

Howard Young, representing the Wabash Electric Company, a subsidiary of the Central Indiana Power Company, an Insull utility, attacked the public service commission's rate adjustment on the basis of evaluation of local property and a "gateway" price struck from an average cost of transmission of power from its source of generation to the transformer leading into a power consuming community.

The entire utility system should be evaluated as an operating unit, and the rates based on cost of operation of the system, Young argued.

He was answered in early argument of Arthur L. Gilliam, South Bend, former attorney-general of the state, who represents the public service commission.

"This utility, when seventeen Martinsville citizens and the city corporation petitioned for a rate inquiry in their corporate limits, made no suggestion for a company-wide inquiry, and filed no cross-complaint when the inquiry was made," he said.

"Real Unit of System"

"The Wabash Electric Company is one of seven utilities owned by the Central Indiana Power Company. The latter, operating over virtually all of Indiana, is the real operating unit of the system.

"How could the public service commission determine what is a reasonable rate for people at Martinsville, thus connected?" he asked.

Opening his statement, Young said that the Dresser plant, on the Wabash, near Terre Haute, supplies approximately 100,000 kilowatts of electricity annually, half of this being consumed by the Northern Indiana Power Company, a subsidiary to the Central Indiana company.

That power flows over a wire direct from Clinton to Lafayette, without transformer, and thus can be supplied more cheaply than can the other 40,000 kilowatt hours, on the general service loop, transformed several times and split up into small packages.

The rate sought by the utility is approximately .025.

To compensate for the difference between .017 and .025, the Northern Indiana Power Company should have to pay a rate equal to that for general service.

That utility can and would buy their power elsewhere, and then the Dresser plant, with virtually the same operating expense, would have only 40,000 kilowatt hours a year output, with the expense falling solely on consumers on its loop in western Indiana, doubling rates to Martinsville and fifty other points, Young contended.

The hearing Friday was on exceptions to the report of Albert Ward, special master-in-chancery, who filed his report last June.

A temporary injunction against enforcement of the public service commission's decision is sought by the utility to be made permanent.

Last of Family Dies

COLUMBUS, Ind., Dec. 19.—John O. Lazzell, 71, lifelong resident of Bartholomew county, is dead following a long illness. He had been in ill health several years and several months ago he fell on a street, breaking a leg, which hastened his death. He was janitor for a number of years at the Wertz Memorial United Brethren church, of which he was an active member. He was also a member of the Moose lodge. He leaves his widow and a daughter, Mrs. Dwight Lazzell. He was one of a family of twelve children and the last of the family to die.

Prisoner Transferred

MADISON, Ind., Dec. 19.—Failure of witnesses of the robbery of two banks here Nov. 12 to identify Thayer Benz, alias Bush, alias Frazier, as one of the participants, resulted in a court order directing that he be turned over to authorities of Cook county, Illinois, where he is wanted on a charge of receiving stolen goods. He was taken to Chicago. Benz was arrested in Calgary, Canada, after cashing \$300 in travelers' checks, which were identified as part of the loot in the hold-up here.

Charity Cloaks Fraud

MUNCIE, Ind., Dec. 19.—With winter relief activities in full force, Community Club officials warn all housewives against impostors who have been soliciting funds here. One man has been dressed in a uniform resembling that of the Salvation Army, and has been pocketing all funds received. He is not connected with any relief organization, it is said, and police were asked to arrest him.

Teacher on Duty Stricken

WARSAW, Ind., Dec. 19.—Miss Ethel Gross, teacher in the Oswego school, who became ill at her desk, is suffering from scarlet fever, physicians announced. Her illness brings to twenty the number of scarlet fever cases in Kosciusko county.

Salem Home of De Pauw to Be Razed

SALEM, Ind., Dec. 19.—The home of Washington C. De Pauw, multimillionaire benefactor of De Pauw university, will be razed to make a site for a Masonic lodge hall here, Emmett Mitchell, attorney for the order, announced, following sale of the property.

The home is of brick and was given by De Pauw to his daughter, Mrs. Ella McIntosh, when he left here for New Albany before the Civil war to start a glass works which brought him wealth.

CASE INVOLVES CAMERA CLICK

Married Man Pictured With Woman Not His Wife.

ROCHESTER, Ind., Dec. 19.—Photographing of a man with a woman not his wife is a point in the trial in Fulton circuit court here of Fred Dyer, Loganport business man, charged with malicious mayhem on the person of Richard Hiteschew, 80, owner of a Lake Manitou boat landing. It is charged Dyer attacked the aged man after refusing to pay him \$2, and that in retaliation, Hiteschew took a picture of the accused and Miss Dorothy Pinner, Loganport, who was with him.

Despite the photograph story, Mrs. Dyer is by her husband's side in court.

Hiteschew's left eye was removed as a result of injuries received in a fight with Dyer, and it is alleged the right eye is threatened. Hiteschew is also plaintiff in a \$5,000 damage suit against Dyer.

EYES START BUSINESS

Salem Man in Need of Glasses Relates Career.

SALEM, Ind., Dec. 19.—A H. Chamberlain, 54, bought an optical business with books of instruction so that he could fit himself, with glasses, he revealed here as he started his thirtieth year as an optometrist.

Chamberlain was told when he was 20 years old that he would have to get glasses, and Louisville, Ky., was the nearest place to obtain them. He didn't have the money for the trip. Shortly afterward a salesman offered to set him up in the optical business on credit, books of instruction included. He bought it and has been in the business ever since.

DEPOSITORS' HOPES DIE

None of Kokomo Three Banks Will Pay Christmas Dividends.

KOKOMO, Ind., Dec. 19.—Depositors of Kokomo's closed banks will not receive Christmas presents in the form of dividends. Receivers of the banks, the People's Trust and Savings, South Kokomo and Citizens, closed nearly a month ago, announced they are uncertain as to when any part of claims will be paid. They say something will be paid as early as possible in 1932. Depositors had hoped to receive at least part of their claims before Christmas or by Jan. 1 at the latest.

Dual Tragedy Probed

ANDERSON, Ind., Dec. 19.—Authorities are investigating circumstances surrounding an automobile accident which brought death to a young man and a woman, dealer, and Philip Winters, 25, son of A. J. Winters, a lumber dealer. Ryan's automobile crashed into the rear of a truck at midnight Thursday three miles south of here. The truck was parked at the roadside for motor adjustment. Claude Taylor and Charles Miles, Lansing, Mich., its drivers, are being held pending outcome of the inquiry.

Student Editor Chosen

GREENCASTLE, Ind., Dec. 19.—Appointment of John Millett, Indianapolis, as editor-in-chief of the De Pauw, student newspaper published on the De Pauw university campus, is announced. He has been acting editor since Thoburn Wiant, Indianapolis, was suspended as a result of an article published in the paper attacking Miss Katharine S. Alvord, dean of women. Millett is a Shortridge high school graduate.

Officer Killed

WEST BADEN, Ind., Dec. 19.—Fatal injuries were suffered by Samuel Roberts, 65, West Baden town marshal, and Frank Abels, 70, may not live as the result of injuries suffered when an automobile in which they were riding collided with a truck at Prospect, one mile east of here.

Receivers Must Sue Selves

HAMMOND, Ind., Dec. 19.—Under an order of Superior Judge Clyde Cleveland, A. Murray Turner and W. C. Belman, receivers of the First Trust and Savings bank, must sue themselves in a case for \$3,000,000 damages against officers of the closed bank. Murray and Turner were directors when the bank closed.

Church Burns

KENDALLVILLE, Ind., Dec. 19.—The Presbyterian church here, being warmed for a Christmas entertainment rehearsal, caught fire from an overheated furnace and burned with a loss estimated at \$20,000.

Auto Kills Aged Man

SOUTH BEND, Ind., Dec. 19.—Zymunt Jnakowski, 60, who died a few hours after he was found lying in a street, is believed to have been the victim of a hit and run driver's automobile.

Aged Widow Dies

ELLETTSVILLE, Ind., Dec. 19.—Funeral services were held today for Mrs. Ishball Ballenger, 73, who died of paralysis. Her husband died three months ago.

OGDEN RULING STUNS STATE TAX OFFICIALS

Confusion Reigns After Attorney-General's View of Chain Act.

Confusion, worse confounded, in the matter of collections, and disappointment in the hope for raising great revenues were the reactions on the chain store tax at the statehouse today, following an interpretation of its meaning by Attorney-General James M. Ogden.

Chairman James E. Showalter, of the state tax board, expressed astonishment that Ogden should list a long line of exemptions in a law which says the tax must be paid by all who sell anything, either wholesale or retail.

"I thought that at last we had a law from which there were to be no exemptions," Showalter said. "It certainly reads that way to the ordinary layman, like myself.

But here comes a lawyer and tells us that the law is not what it seems. The thing practically is ruined so far as being a great revenue producer is concerned."

Lewis Johnson, who is in charge of the huge staff charged with issuance of the state licenses and collection of the tax, said he did not see the attorney-general's opinion, but that he never did believe the law would raise the revenue expected of it.

At the time of its passage it was touted to add more than \$2,000,000 annually to the state funds. Collections have been coming in since Nov. 17, including back tax since 1929, and today amount to only \$104,541. Some of these payments may have been made by parties now exempt under the Ogden ruling, Johnson declared.

Definition of a "store," which must be licensed for a 50 cent fee and pay the tax as scheduled, is as follows:

"The term 'store' as used in this act shall be construed to mean and include any store or stores or any mercantile establishment or establishments which are owned, operated, maintained or controlled by the same person, firm, corporation, co-partnership or association, either domestic or foreign, in which goods, wares or merchandise of any kind, are sold, either at retail or wholesale."

Bill's Author Laments

This wording is taken directly from the 1929 statutes, Chapter 207, Section 8.

Representative H. Curtis Bennett (Dem., Dillsboro) author of the law was at the statehouse Friday also lamenting its application. He is a member of the state senate committee which today approved the state tax board setup for chain store tax collections "until next April."

Bennett then anticipates reorganization of the department, with an eye to reduction of overhead. He also is discouraged about its possibility as a revenue producer.

"My original bill provided \$150 per store tax on the big chains," Bennett explained. "That would have brought in some money from those who could well afford to pay it."

Methods used by the tax board in the collection setup were criticized sharply by the author of the law.

"Why they just took about 100 ward-healers, who don't know what it is all about and sent them out to list these stores," Bennett charged.

Has Had Many Complaints

"When the merchants ask them when and where they should pay, they don't even know that. The blanks ought to have printed on them that the money must be paid at the state tax board offices."

"I've had so many complaints from the merchants who have been bothered by those politicians that I'm almost sorry I fathered the bill."

The 100 Republicans appointed to list the stores get 20 cents a store for each licensed after their listing. There are twelve district supervisors at \$2,400 a year, and Johnson draws \$3,600.

In addition a whole new office staff of stenographers, clerks, and other aids has been ensconced in a specially built balcony in the tax board office.

Bomb Case Dismissed

MARION, Ind., Dec. 19.—A \$50,000 damage suit filed against the city of Marion by Mrs. Emma Legos, widow of one of the Marion bombings, has been dismissed by Judge O. D. Clawson of Grant circuit court for failure to prosecute. Basis of the suit was allegations of false arrest and false imprisonment on two occasions, in connection with an investigation of the bombings.

Taxi Fare Reduced

SOUTH BEND, Ind., Dec. 19.—The first gun in what appeared to be a renewal of a city taxi price war was fired when the American Cab Company announced a 15-cent fare to any section of the city. The last clash of taxi companies here occurred when a 25-cent rate was put into effect.

Grocer Kills Self

SOUTH BEND, Ind., Dec. 19.—A deputy bailiff's clerk, who went to the grocery of William Beecher here to serve notice of a sheriff's sale, found the grocer shot to death in the rear of the store. He clutched a revolver in a hand. He had been dead but a short time.

Store Robbers Get \$35

SOUTH BEND, Ind., Dec. 19.—Two bandits robbed Alphonse Taelman in the rear of his dry goods store. After forcing Taelman and his daughter Dorothy into a wash room, the gunmen took \$35 from the proprietor's pockets and fled.

Business Veteran Dies

SHELBYVILLE, Ind., Dec. 19.—Robert W. Buxton, 69, identified with the business life of Shelbyville for nearly fifty years, is dead of uremic poisoning. He leaves his widow and a son, Harold Buxton, Indianapolis.

Hero Recognition Sought for Fire Alarm Aviator

WALLACE, Ind., Dec. 19.—Citizens of Wallace and Lowell, Ind., and of Centralia, Ill., plan to ask awarding of a hero medal to M. D. Ator, American Airways System pilot, who on three occasions in the last six months has observed fires from his plane and succeeded in spreading alarms.

Early in the morning of May 9, Ator, while flying the Chicago-Atlanta mail, aroused the occupants of a burning house in Centralia, who fled before the roof collapsed. A widowed mother and her two children were in the house at the time.

Next Ator discovered a brush and grass fire advancing upon Wallace, on the night of Aug. 1. Before he could arouse the sleeping citizens several of the homes were scorched, and the citizenship afforded Ator full credit for saving their lives and property.

Ator's most recent rescue was on the night of Oct. 29, when he detected a fire on a farm near Lowell. He flew from his regular course to the scene and aroused two men, who came from a burning house bearing three sleeping children. Ator then flew over Lowell and by serial maneuvers aroused the citizens. The Lowell fire department went to the house and saved the buildings, but the house and all contents were destroyed.

Ator is 33, a native of Jacksonville, Ill., and has had more than 8,000 hours of flight. He has never reported a rescue, the American Airways officials learning of them only when letters and gifts of appreciation reached them from citizens of Centralia, Wallace and Lowell.

AUTO LICENSE FIGHT RAGES AT LAGRANGE

Secretary Mayr Reported to Have Urged War on Chairman Peters.

LAGRANGE, Ind., Dec. 19.—Political wrangling over appointment of an automobile license manager for LAGRANGE county was expected to reach a climax today with the selection of C. R. Vail for the post. The appointment was to have been made Tuesday, but was delayed as local Democrats and Frank Mayr Jr., secretary of state, jockeyed for control of the county.

Walter Atwater, Democratic county chairman, has held the license post for several years. Local Democrats protested loudly when it was announced he was to be replaced by Vail, who is said to have gained his appointment with the aid of a F. Wayne connection.

In a telephone conversation with Mayr, of which stenographic notes were said to have been taken, Mayr was quoted as saying:

"If I can be assured that your county will be against R. Earl Peters, I will talk with you."

Mayr's remark was interpreted here as meaning that if he could be assured the county would oppose Peters when Peters seeks re-election as Democratic chairman next year, Mayr would consider permitting Atwater to retain the license position.

Democrat officials here said they replied to Mayr's offer by saying the party's interest came first and that furthermore, there was no way in which they could support the entire county could be promised.

Whereupon, according to notes made of the telephone conversation, Mayr said he would confirm Vail's appointment at once.

JOB CHANGES PLANNED

Be Different After Jan. 1.

MUNCIE, Ind., Dec. 19.—Many changes in officials and employees of Delaware county will be made Jan. 1.

With a new commissioner, Doris Rector, assuming office, appointive positions will be given other than those now serving.

A new infirmity superintendent, to replace Webb Gray, Democrat, is certain and an effort may be made to remove Robt. Hiron, road superintendent, a Republican, although he has another year to serve under a contract. All other appointees' terms expire at the close of this year.

Mother of Five Dies

GREENSBURG, Ind., Dec. 19.—Funeral services were held today for Mrs. Sarah J. Carr, 82, Greensburg, who died at the home of her daughter, Mrs. Scott Pruitt, Anderson, where she was a guest. She leaves four other children, Miss Clara, Mrs. Clarence Carr, Indianapolis, and Mrs. John T. Owens, Greensburg.

Two Girls Missing

SOUTH BEND, Ind., Dec. 19.—Police here have been asked to aid in a search for two Elwood girls who disappeared a week ago from the home of a relative in Kokomo. Miss Dorothy Lee, 17, and Miss Wattle Capron, 17, went to Kokomo to visit an uncle of Miss Capron. They left there and have not been seen since.

Man, 90, Plays Santa

MACY, Ind., Dec. 19.—Josiah Coffin, Macy, 90 years of age, but he is engaged this year, as he has been in many past, portraying Santa Claus. He needs no makeup to play the part. His whiskers are real and no cosmetics are used to brighten his cheeks.

Spinal Malady Fatal

EVANSVILLE, Ind., Dec. 19.—Mrs. Elizabeth Wagner is the first victim of spinal meningitis here this year. She died after an illness of eight days.

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RIVER BENEATH EARTH MAPPED BY GEOLOGIST

Indiana University Faculty Member Covered 6,000 Feet.

BLOOMINGTON, Ind., Dec. 19.—Dr. C. A. Malott of the Indiana university geology department has mapped 6,000 feet of the underground channel of Lost river, which flows through southern Indiana, and all that portion of the stream which flows above ground.

Accompanied by Richard Schwers, Dr. Malott crawled through water to obtain a view of the underground portion of the river and obtained several photographs. They reached the channel by descending thirty-five feet in a natural pit. Underground, the stream follows an erratic course, at times it disappears under fallen rocks. The explorers finally encountered a waterfall, beyond which it was impossible for them to go.

Photographs obtained include some showing false stalagmites. At first glance these appear to be the usual limestone formations found in southern Indiana, but in reality they are composed of mud.

Above the subterranean channel is a dry bed course marked with openings and during heavy rains, the river rises above ground through the openings.

Monon Railroad Absorption Plan to Be Fought

Renewed efforts of the Baltimore & Ohio to absorb the Monon route will be fought by the state Chamber of Commerce, R. B. Coapstick, counsel and traffic manager, said today.

Coapstick said he had completed writing an intervening petition and protest by the state chamber, to be filed with the interstate commerce commission in Washington.

He will appear Jan. 6 before the commission to represent Indiana shippers who wish the Monon to continue as a separate route.

The petition will assert that absorption of the Monon by the B. & O. would not be in public interest, would retard selling and shipping of products in the state, and would restrict competitive markets.

Carriers in the official territory, between the Mississippi and Atlantic and north of the Ohio and Potomac rivers, will present a plan Jan. 6, for the commission's approval for formation of four railroad systems for the entire territory.

The proposed systems would be the New York Central, Chesapeake & Ohio-Nickel Plate, Pennsylvania, B. & O.

Almost all stock in the Monon is owned by the Southern Railway Company and the Louisville & Nashville railroad, both of whom have attempted the absorption, proposing that the Monon be retained as a part of the Southern line.

"To permit of consolidations not in keeping with the trend of rate making inevitably would result in different schemes of rates for each respective rate territory, resulting in creation of serious rate humps at border points," the petition charged.

DOUBT ABOUT IDENTITY

Drowned Man Said to Have Used False Name.

VINCENNES, Ind., Dec. 19.—Aid of federal authorities has been enlisted in an attempt to identify a man known as William Watkins who leaped from a boat in the Wabash river last week and was drowned. The body was not recovered.

Marcell Garrett, 25, said to be Watkins' common law wife, said he was the son of a prominent Louisville family. She said his correct name was Francis William Hill. According to her, Watkins fled from Louisville after being indicted on charges growing out of his operations as a bonding agent. He had been in the vicinity of Vincennes three years, she said.

Church Elects Officers

COLUMBUS, Ind., Dec. 19.—New officers of the Tabernacle Christian church here: W. G. Irwin, treasurer; Miss Grace Poulton, clerk; O. B. Shank, trustee; Norval Heggs, Sunday school superintendent; Miss Ida Bray, Sunday school secretary, and H. Riley Jones, treasurer. Elections for three years. Mrs. C. F. Peterson, Mrs. George Golay, Mrs. Paul McCool and Mrs. Joe Reeves.

Claypool Man Sentenced

ELKHART, Ind., Dec. 19.—Lloyd Bowman, 28, Claypool, arrested in Mishawaka, Dec. 11, on a charge of using a fraudulent check, was sentenced here to six months at the state prison farm and fined \$110. Bowman was arrested here in 1926 on a theft charge. Soon afterward he and Tom O'Brien, now serving a life sentence for the murder of a South Bend drugist, sawed their way out of the Goshen jail. Bowman was shot in a leg while resisting capture in Chicago.

Sheridan Man Dies

SHERIDAN, Ind., Dec. 19.—Squire Y. Owen, 72, died suddenly at his home here of apoplexy. He leaves two daughters, Mrs. Lowell Pettitjohn and Mrs. Mildred Bellis, and three brothers.

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at all stations Dec. 23, 24, 25; also Dec. 31 and Jan. 1, at special reduced holiday rate, with return privilege good from Dec. 23 to Jan. 4.

INDIANA RAILROAD SYSTEM

Ousted Man Asks \$12,000 From Muncie

MUNCIE, Ind., Dec. 19.—Albert R. Rees, chief of Muncie detectives, is awaiting a ruling of the Indiana appellate court on his suit to collect back pay from the city.

Rees, should he win his case, would collect approximately \$12,000 in principal and interest.

The detective was discharged from the department in 1922 and was not reinstated until 1929, when Mayor George R. Dale assumed office.

Rees alleges he was discharged without a trial as is required. The city was the winner in the case in the Delaware superior court here and the case is now pending in the appellate court on appeal.

DRINKING MAN FACES COURT

Defendant, 77, Accused in Shooting Case.

VINCENNES, Ind., Dec. 19.—Lewis Hawks, 77, whose counsel says "Despite the prohibition law, because of his years, believes he has the right to go out and get a drink," is on trial in Knox circuit court here charged with assault and battery with intent to kill George Adams, 31, Terre Haute, at the home here of his father, Edward Adams.

A bullet fired by the aged man struck the buckle of a belt worn by Adams. This is believed to have prevented a tragedy. Hawks is making a plea of self defense.

Hawks went to the Adams home after the afternoon of Nov. 7 and chased a drink. The younger Adams is said to have started an argument by asserting Hawks did not pay! Hawks left and returned with a revolver. The shooting followed.

FATHER SLAYER GUILTY

Young Man Facing 2 to 21 Year Term Plans Appeal.

SULLIVAN, Ind., Dec. 19.—Leslie Lamb, was convicted of manslaughter resulting from the fatal stabbing of his father, John Lamb, in a sealed verdict returned by a jury in Sullivan circuit court here. The verdict was reached after seven hours' deliberation.

The manslaughter conviction carries a prison sentence of two to twenty-one years. Sentencing was delayed to permit defense counsel to file an appeal.

The elder Lamb was slain in an argument with his son, Oct. 21, over distribution of furniture. The son's plea was self-defense.

DEATH COMES SUDDENLY

TAYLORSVILLE, Ind., Dec. 19.—Mrs. Ida E. Martin, 60, wife of Charles F. Martin, died suddenly at her home. She had been in declining health for some time, but her condition had not been serious. She attended a supper at the Methodist church and in several hours she awakened and asked her husband to get a doctor. He ran to a telephone exchange a short distance away to summon a physician and when he returned he found his wife dead. She was born and reared in Bartholomew county and spent all her life here. She was a member of the Methodist church. She leaves her husband, a son Lewis, a brother, George Cook, and a sister, Mrs. Nora Howe of Indianapolis.

Economy Will Reign

CROWN POINT, Ind., Dec. 19.—Lake county councilmen announced that a program of strict economy in expenditure of public money will be adhered to throughout 1932 and that as far as possible supplies will be bought within the county. They condemned purchase from a Chicago company of beds to be used in furnishing an addition to the county poorhouse.

Church Elects Officers

COLUMBUS, Ind., Dec. 19.—