

MARTINSVILLE RATE CASE TO HIGHEST COURT

Wabash Valley Electric
Files Appeal From
Decision Here.

Action of the Wabash Valley Electric Company in appealing the Martinsville rate case to the United States supreme court will lead to a decision settling definitely the question of whether a utility company serving several communities with a connected system should be considered as a whole for rate making purposes or if its property in each community should be the basis for rates in that community.

The appeal became a reality on Tuesday when the Wabash company filed an assignment of errors in federal court here. The court on Feb. 16 dissolved an injunction which had barred the Indiana public service commission from enforcing lower electric rates in Martinsville.

Refunds Ordered

It was ordered that the company refund to patrons the excess collected over the lower rates while the case was in federal court.

However, Judge Robert C. Baltzell ruled Tuesday that the old rates will remain in effect until the appeal is disposed of, but required the company to post \$60,000 bonds to insure a refund in case it loses in the high court.

In the assignment of errors, the company maintains that the court erred in holding the Martinsville property a segregated unit for rate-making purposes. It is asserted the court did not determine properly the cost of electricity outside Martinsville and its cost delivered to the substation in that city.

Further, the company contends, the value set on the utility property both outside and in Martinsville was less than the true fair value. The court found the value of the Martinsville equipment to be \$101,191, while the company asserts it should have been \$241,176.

Charge Unfair Value

Another error alleged is the placing by the court of an unfair value on all the company's property. The utility declares the value to be \$5,336,091, while the court set the figure at \$4,594,887.

Order of the commission in the case was issued Jan. 26, 1929. It has been estimated that the lower rates would have effected an annual saving of \$25,000 for Martinsville patrons.

Injunction was issued at the company's request against enforcement of the new rates and the case was heard by Albert Ward, master in chancery. His recommendation that the injunction be dismissed was accepted by three judges sitting en banc—Baltzell, Will M. Sparks of the United States circuit court of appeals, Chicago, and Thomas W. Slick of the northern Indiana federal court.

INVESTIGATES DEATH OF WOMAN TUESDAY

Coroner Orders Autopsy on Body of
Drug Store Cashier.

Investigation of circumstances of the death Tuesday morning of Mrs. Will Black, 47, living alone in an apartment at Illinois street and Maple road, was launched today by Coroner William E. Arbuckle.

Mrs. Black, relative of K. C. Brock, president of the Haag Drug Company, was found dead in the apartment after telling persons Sunday not to awake her Monday morning because she was feeling ill. She was employed as cashier in one of the Haag stores.

Autopsy was to be performed today at city hospital by Dr. E. R. Wilson, deputy coroner.

STARTS \$10,000 SUIT

Widow Asks Damages for Death of
Mate Last July.

Damage suit for \$10,000 was on file in circuit court today against George C. Forrey Jr., receiver of the Indianapolis Street Railway Company, in connection with the death last July of W. Smith Turpin, Indianapolis Glove Company employee.

The suit was filed by Mr. Turpin's widow, charging that Turpin, attempting to erect an aerial on the glove company's branch building, was killed when the wire came in contact with a 15,000-volt high tension line of the street railway company. Mrs. Turpin's suit alleges the high tension line was not insulated.

Just Didn't Work Out Right

DETROIT, May 11.—Just two things ruined married life for Elsie Schmitt, she explained in getting a divorce decree. Her husband, Walter, expected her to work and support him, and her employers told her they weren't keeping married women on the pay roll.

Now Comes the New
Tarzan Story in Pictures

TARZAN AND THE ANT MEN

By
EDGAR RICE
BURROUGHS

Tarzan, flying over the boundless forests of inner Africa in his airplane, crashes to earth in an unexplored spot of the great continent. He finds himself the captive of a great she-thing, a woman-warrior of a tribe of giant Amazons. And then the great females are attacked by a horde of tiny men, fierce but diminutive warriors mounted on swift antelopes.

Through strange and thrilling adventures moves the mighty figure of Tarzan of the Apes, conquering all obstacles in his path to a successful and exciting conclusion. "Tarzan and the Ant Men" is hair-raising in its action, and all admirers of Tarzan will revel in the ape-man's unique adventures.

Starting
Monday, May 16,
in The Times

JERRY M'AULEY BECOMES SAVER OF SOULS

Rat of New York Waterfront' Turns From Evil to Rescue His Fellows

Nail hard were the men and women on the New York waterfront for years—some were they. Some live in police records, some in court records and some only in folklore. Then, too, some still live in the flesh. Joseph McAuley, the "rat of New York," has entered some of their stories, of which the following is the fifth.

BY JOSEPH MITCHELL

JERRY MAULEY, who was known in the stale beer emporiums and cellar dives of lower Manhattan in 1857 as "the toughest sporting man on the Fourth Ward waterfront," sat on his cot in a cell in Sing Sing and cried.

He had been in prison for five years, repaying society for his high-handed activities as a wharf robber and sloop pirate. He had passed the major part of this time devising ingenious, but futile, plans for a wholesale jail break.

Now, tearful and penitent, he gazed through the bars into the violet Sing Sing twilight.

"I'm going to cut out these jail-break plans," he said to himself, drying his eyes with a brown prison handkerchief. "I am going to stop stirring up trouble and turn over a new leaf."

McAuley just had been escorted, weeping, to his cell by the chaplain. The chaplain had taken him out to the prison office to speak to a visitor, Orville "Awful" Gardner, a former waterfront confederate of Jerry's who had reformed and transformed himself into an evangelist.

When Gardner, looking through the bars at his friend, sang a hymn, "Through the Lifeline," Jerry had sobbed.

NOW, McAuley felt better. He looked under the bed and picked up a dusty book. It was the Bible the chaplain had given him five years ago. The confessor dusted it off and began to read.

It was a bright moonlight night, and Jerry sat beneath his tiny, barred window and read all night. Once the moon was tramping up the corridor, saw him, and called out a startled warning.

Jerry spoke to the man gently and explained that he was reading the Bible and the guard, bewildered, shook his head and walked on up the corridor.

Jerry rapidly made himself into what is known as a model prisoner. He pleaded with newcomers to take their imprisonment in good grace. In sturdy, full-blooded water front language, he dictated the tracts to the chaplain. They were published widely.

On March 8, 1864, seven long years after he had been dispatched to Sing Sing to serve a fifteen-year sentence for pilfering from wharfs, he was pardoned.

The reformed Jerry, a gaunt and contrite Irishman, in a rough tweed suit, returned to the hulking Water street.

He told about his return, by no means triumphant, in one of the most eloquent tracts of the period, "Transformed; or the History of a River Thief."

WHEN I returned to Manhattan," he wrote, "I kept steadily away from my old con-



A service at Jerry McAuley's mission.

federates. Unfortunately, a gentleman directed me to a lager beer saloon to board. Lager beer had come up since I went to prison and I did not know what it was.

They told me it was a harmless drink, wholesome and good, and simple as root beer. I drank it and then began my downfall. My head got confused. The old appetite was awakened.

"From that time I drank it every day, and it was not long before I returned to stronger fluids.

I obtained work in a large hat shop. I encouraged the workmen to strike and was dismissed. Then, it being Civil war time, I went into the bounty business. Rascally business, that!

"I would pick up men wherever I could find them, get them half drunk and persuade them to enlist. They received a bounty and I forced them to give me half the amount. I made a lot of money and I spent it freely."

"I became a strutting sporting man, followed the horse races, and my downward course was quickened."

I got in with a man who long since has died of the delirium tremens. I have had the horrors many times myself. We would go boating on the East river. We would buy stolen goods from sailors, compel them to enlist out of fear of being arrested, and take the bounty. We might have grown rich if I had saved what we made.

"AFTER the war we went into the boating business exclusively, buying stolen and smuggled merchandise from sailors. I gave counterfeit money for the goods until I became well-known for this, and then I had to give it up, for no one would

crowd he had attracted and offered him funds enough to establish a mission in Water street, "the devil's backyard."

Jerry leased a vacant dance hall at 316 Water street. He scrubbed the floors as if to remove the marks made by the dancing feet of seamen and port ladies. Then he placed a gilt sign over the door—"Helping Hand for Men."

He passed his days preaching, glibly, passionately, in the streets. At night he wrote colorful, vehement tracts. He urged sailors to reform and broke up saloons.

He was not surprised when, one summer afternoon in 1872, a gentleman stepped from a street



New York World-Telegram Staff Photographer.

The Jerry McAuley mission at 316 Water street, and above, evangelist whose name it bears.

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Soon Jerry, who once had been recognized as the most able manipulator of profanity on the beach, began to exhort in earnest.

He filled his pews with the inhabitants of the Bowery, the rum buzzards and dock troughs. The gospel according to McAuley was colorful, forgiving, and vehement.

He punctuated his speeches with nautical hymns. "Wrecked in

U. S. EMPLOYES RAP PAY PLEA

Oppose Recommendation for Salary Slash.

By United Press

FEDERAL employees in Indianapolis today protested vigorously against recommendations for salary reductions made by the Marion County Committee for Tax Reduction, local unit of the Indiana Association for Tax Justice.

The committee's views are expressed in a circular which is being distributed to employees of stores and other businesses.

The circular states the total national income this year will be thirty billion dollars. Federal employees assert that seventy billions is more correct.

The committee is publishing the figures in support of its argument that the relation of taxes to income demands drastic reduction of public expenditures, including

statement of the committee that the average \$1,200 annual income of governmental employees—federal, state, county and city—was nearly two and one-half times greater last year than the average income of other workers, also drew fire of the federal employees. They assert that

Gregory in flowers and cooking.

Mrs. Erickson's attorneys claim it was extortion.

Mrs. Gregory says it was justified heartburn.

"We exchanged garden plants," Gregory, motorman on a suburban train, said. "Then she started to bring me pastry on her way to Chicago.

She gave me a whole roast duck, and the conductor and I ate it.

"One spring day in 1925 she rode to the end of the line with me. We had a fifty-minute stopover. So we went down by the Great Western tracks in a sort of a cow pasture."

That, Gregory said, was just the beginning of the pastoral love lyric.

Finally, the motorman disclosed, his wife discovered he had gone to Mrs. Erickson's home instead of lodge meeting.

The \$5,000, which Mrs. Erickson raised to pay Mrs. Gregory by mortgaging her home, went to pay off a \$4,500 mortgage on the Gregory home, the motorman's wife, who followed her husband as a witness, revealed.

Mrs. Gregory said she offered to get a divorce, but that after payment of the \$5,000 she took back

her errant husband.

FORMER GRID STAR
ATTEMPTS SUICIDE

By United Press

BALTIMORE, May 11.—After writing a letter in which he charged his wife with having wrecked his life, Harry R. Jackson, former Missouri university football star, attempted suicide here late Tuesday.

He is in a serious condition from an overdose of a sleeping potion.

Another note required news of his death sent to his parents, Mr. and Mrs. C. H. Jackson, of St. Joseph, Mo., and his wife, Mrs. Katherine F. Jackson, at the John Wanamaker Building, New York City.

Starting
Monday, May 16,
in The Times

Halt Spicy Trial; Decree Granted Helene Costello

Cross-Complaint Charging Cruelty Serves to Put End to Sensational Case.

By United Press

LOS ANGELES, May 11.—Helene Costello, actress, today had a divorce from Lowell Sherman, on a cross-complaint charging cruelty.

Sensational testimony which began in trial of Sherman's original suit and which threatened to send the Sherman family skeletons chattering through Hollywood, was cut short when Miss Costello was granted a decree.

She spent but five minutes on the witness stand and was given her decree.

"You charge your husband with cruelty in your cross-complaint?" attorney Milton M. Cohen asked her.

"Mr. Sherman continually referred to me as his mental inferior, and said constantly that I was not a fit companion for one of his intellectual attainments," Miss Costello replied.

"He also said that he made a great mistake in marrying me. He neglected me and constantly on my keepering.

"He found fault with the amount of money I spent, and charged that I was extravagant, although I was receiving as much or more money than he.

"His continuous conduct of nagging and fault finding finally forced me to leave our home. I had a nervous breakdown and was forced to take a long trip for my health."

Judge Thomas Ambrose then granted a divorce on the cross-complaint and denied Sherman his decree.

Under the terms of a property settlement, Miss Costello was officially reported to be receiving \$32,000.

SELECTS JUNE 20 FOR
WORLEY CASE TRIAL

Baltzell Makes Change in Date at Lawyer's Conference.

The income tax evasion trial of Claude M. Worley, former Indianapolis police chief, will be held in federal court, June 20, it has been announced by Judge Robert C. Baltzell.

Worley pleaded not guilty when arraigned last Saturday. Baltzell set the date for May 19, but changed it late Tuesday after a conference with George R. Jeffery, federal district attorney, and Worley's

attorneys.

Defense attorneys asked additional time in which to prepare their case. Worley is charged with having failed to pay \$4,037.72 tax on an income of \$6,505.80 from 1927 to 1930.

ACUTE INDIGESTION

By United Press

Screen Actress to Live in France, Says Comtesse de la Falaise.

By United Press

LONDON, May 11.—The Comtesse de la Falaise, sister-in-law of Constance Bennett, the screen actress, said today she had received a letter from Miss Bennett announcing her permanent retirement.

The letter said she