

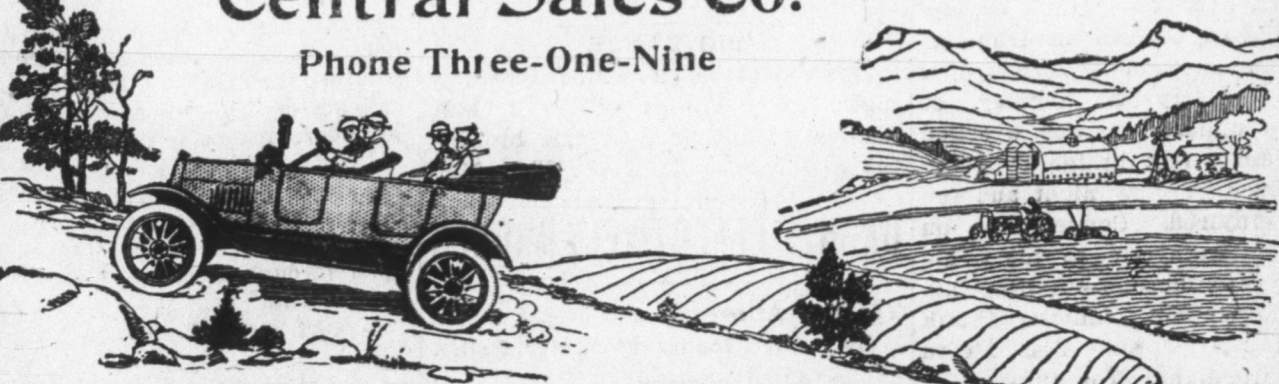
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F. E. BABCOCK, Publisher.

OFFICIAL DEMOCRATIC PAPER OF JASPER COUNTY

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SATURDAY, JULY 17, 1920.

GOODRICH'S SECOND SPECIAL

Panicky Feeling Permeates Breasts of G. O. P. Politicians.

Republican politicians are just a little bit panicky about special legislative sessions in this state, but when they found that they are now in control of the thirteenth special session to be called in Indiana and that it got down to work on July 13, they failed to see anything funny about it. They may not be superstitious but there is hardly a Republican legislator or candidate for state office who does not express the ardent wish that the thing was over with.

Indianapolis, July 15.—The ends to which the Goodrich administration will go in order to perpetuate its control of the state legislature was made apparent in the selection of Jesse E. Eschbach of Warsaw, chief of state accounting board, as speaker of the house of representatives for the special session. The speaker's election was protested by Represent-

tative J. L. Axby of Lawrenceburg on the ground that under the constitution he cannot hold two lucrative offices at the same time.

Mr. Axby's objections were overridden by the Republican majority. Eschbach, sensing the gathering storm, had resigned as head of the accounting board in order that he might preside as speaker. His resignation was offered, it is generally understood, under the belief that Governor Goodrich will re-appoint him after the session.

According to reports prevalent about the state house, however, Eschbach, who has exercised considerable independence in the accounting department, has been enmeshed in an adroit political move engineered by Goodrich. It is said that the governor, now that he has Eschbach's resignation in his hands, may threaten to appoint another man in his place unless he follows executive orders in expediting the Goodrich bills. Eschbach, now fearing the loss of his office, is expected to follow the governor's bidding, according to his close friends.

In protesting against the selection of Eschbach Representative Axby set out the following points:

"No person shall hold more than one lucrative office at the same time. Constitution of Indiana, Art. 11, Sec. 9.

"The office of a member of the general assembly of a state is a lucrative office.

"A person holding the position of chief examiner of the department of inspection and supervision of public office, occupies a lucrative office. The constitution prohibits Mr. Eschbach from holding both of these offices at the same time.

"At the time Mr. Eschbach was appointed to the last named office, he was a member of the general assembly of the state of Indiana. When he was appointed to the second office, such appointment and his acceptance operated, as a matter of law, to vacate his office as a member of the general assembly.

"It is well settled that the acceptance of a second office of the kind prohibited, operates ipso facto to absolutely vacate the first."

Mr. Axby then cited a number of authorities to prove his contentions and continued:

"No judicial determination is therefore necessary to declare a vacancy in the first office, but the very moment the new office is accepted the old one becomes vacant. As is said in one case, his acceptance of the one was an absolute termination of his right to the other,

and left no shadow of title, so that neither quo warranto nor a motion was necessary.

"A resignation by implication occurs when the occupant of an office accepts an appointment to another office incompatible with the former one.

"When Mr. Eschbach accepted the office of state examiner of the department of inspection and supervision of public affairs, his office as a member of the general assembly became vacant at once by operation of law. Since that time the office has remained vacant and he has today no shadow of title to the office of representative for the district from which he was elected.

"The office thus made vacant can be filled only by a special election, called by the governor to fill such vacancy, as provided in Art. 5, Sec. 19, of the constitution.

"The fact that Mr. Eschbach may have resigned his office of state examiner does not re-instate him in his former office. Before he could be entitled to serve in such office he would have to be re-elected by the people of his district. When the office became vacant by his acceptance of the new office, the people were entitled to fill the vacancy by electing a person of their own choosing. He cannot, by resigning the new office, take back again the office he voluntarily abandoned.

"Under the constitution of this state, as construed by the supreme court, Mr. Eschbach is not a member of the general assembly, and has not been such a member since the time he accepted the new office. He is not entitled to sit as a member of this body, or preside over it as its speaker.

"Every member of this body has taken an oath to support and uphold the constitution of this state. You cannot, under the constitution, recognize Mr. Eschbach as speaker for he is not a member of this body; you can not permit him to preside over your deliberations unless you are willing to disregard the oath that you took when you assumed the duties of your office."

Another member of the house, Truman P. Tillman of Booneville, representing Vanderburg and Warwick counties, is also said to be an employee of the state board of tax commissioners. Tillman, however, has not made a technical resignation and according to information about the house is still holding two lucrative positions under the state.

The right of Governor Goodrich to defy the state constitution by not calling special elections to fill three vacancies in the state senate was questioned by Senator Edward P. Elsnor of Seymour. He presented a resolution asking that a committee be named to inquire of the governor why the vacancies had not been filled. The motion was defeated by the Republican majority, however.

The vacancies were caused by the death of Austin Retherford of Anderson; the resignation of Glenn Van Auken of Auburn to accept a place on the public service commission, and the conviction of Thomas J. Hudgins of Martinsville, Republican, of a serious offense.

As a result of what is termed the governor's defiance of the constitution there are three senatorial vacancies and one in the house of representatives caused by the death of William Frick of Huntington.

According to many of the legislators the failure to call special elections in these districts may give opponents of the acts passed by the legislature ground for attacking the

measures in the courts on the ground that they are unconstitutional. It is pointed out that more than 300,000 persons are without representation in this session and that many acts vital to the interests of the people will be passed.

Within just a little more than one year after the seventy-first general assembly, which Governor Goodrich had characterized as "the best legislature in 50 years," had adjourned the governor was obliged to stand before the second special session of his regime and confess that the state's affairs were in a disordered tangle as a result of the legislative session passed in the regular session.

According to men who have attended many assembly sessions it was a most humiliating spectacle to see the governor go before both houses and plead with them to rectify the mistakes they had made and that the legislators themselves sensed the situation was evident from the smattering of applause that greeted the governor on his appearance and in the sparse hand-clapping that his message received.

The dominant issue will be the tax law and Governor Goodrich late particular stress on some of the defects of the measure—the same measure he defended so glibly in his "swing around the circle" last spring.

"Mistakes in the administration of the law, of course, were inevitable," confessed the governor in his message. This particular sentence is said to have stirred the ire of the tax commissioners, who contend that all of their arbitrary acts were taken only after Governor Goodrich had given his approval, and they object, as one member said, to being made the "goats" for an unpopular law.

In urging changes in the measure he left the plain implication that he does not yet know what remedial effects should be applied to make it a practical document.

"I suggest," he said, "that the following changes may well be made in the tax law at this special session, leaving to the next general assembly the making of such other amendments as the operation of the law may develop to be necessary for the further strengthening of the tax law." Then followed his plea for the restoration of tax levy and bond issue control to local units. In this he followed the Republican state platform, the tax law plank of which he wrote.

In referring to the supreme court's decision that the horizontal increases were unconstitutional the governor admitted that "a chaotic condition obtains in the various taxing units of the state. This unfortunate situation," he said, "cannot be met by further litigation, but an adequate solution can only be furnished by the general assembly."

The concluding lines in Gov. Goodrich's message in which he expressed the desire that his "important measures may receive the undivided attention of the general assembly and that its deliberations may be concluded at the earliest possible moment," dropped on unsympathetic ears. According to expressions dropped by members of the assembly the governor's appeal for a right of way for his own crowd program will meet with resistance, but it is evident that the administration crowd is in the majority and will run close to the line drawn by the state executive.

Few of the legislators, save the favored ones, had seen the bills prepared by the governor until they assembled here Monday and heard his message. The Republican candidates for state offices had already approved of the program under the dictation of Mr. McCray, but no opinions had been sought from the law-

makers themselves.

It is said to be the first time in the legislative history of the state that a governor has prepared a program, drafted his own bills and called the assembly together with a plain and direct request for them to enact his ideas into law and then adjourn. The governor plainly indicated in bringing his message to a close that he did not favor the injection of extraneous measures and, although many were dropped into the hopper by outstate members, only those that are necessary are expected to receive attention.

Governor Goodrich has enlisted powerful allies to assist him in forcing his "rubber stamp" program through his second special session of the legislature. His most valuable support is coming from Senator James E. Watson, candidate for reelection to the United States senate, and Warren T. McCray, the Republican gubernatorial nominee, but he is also finding much comfort in the actions of the other Republican candidates for state office who are swarming about the legislative halls.

Not the least among those who have been helping the governor line up assemblymen inclined to balk at the specially prepared program is Ora J. Davies of Kokomo, Republican candidate for state treasurer. Davies is the man whom the state board of accounts found short in his funds while serving as treasurer of Howard county.

The chief scene of interest, however, is the headquarters of Watson and McCray in the Claypool hotel. During the first few days of the session when some of the legislators were voicing protests against the "cut and dried" plan of Governor Goodrich a stream of Republican assemblymen and workers poured into the offices of the leading candidates. Of course just what transpired in these many conferences was not divulged but it was learned on good authority that Watson and McCray were doing their utmost to show the recalcitrant lawmakers the virtues of the Goodrich program.

Of particular interest in this connection was McCray's insistence that the legislature adopt the Goodrich cure-all bill legalizing the horizontal tax increases recently declared illegal by the state supreme court. The nominee's activity in behalf of the legalization of a measure held illegal by the highest court in the state came as somewhat of a surprise to the representatives of the Indiana Federation of Farmers, who are here fighting the adoption of the amendment.

McCray, it was recalled, had based his primary campaign on the statement that he was a farmer and that he was opposed to certain features of the tax law as advocated by Governor Goodrich. When it was learned that he was throwing his influence into the balance in favor of the Goodrich plan the federation officials were highly indignant and charged that he had repudiated his campaign pledges made in stumping the state in behalf of his nomination.

While neither Watson nor McCray is in evidence around the state house, the lesser candidates have become quite active there. They are a unit in backing up the Goodrich plan, having endorsed the bills in a secret session before they were submitted to the legislators themselves.

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No. 36	Cincinnati to Chicago	4:34 a.m.
No. 4	Louisville to Chicago	5:01 a.m.
No. 16	Cincinnati to Chicago	5:17 a.m.
No. 40	Lafayette to Chicago	7:24 a.m.
No. 32	Indianapolis to Chicago	10:32 a.m.
No. 38	Cincinnati to Chicago	2:51 p.m.
No. 6	Louisville to Chicago	3:25 p.m.
No. 39	Cincinnati to Chicago	5:50 p.m.

SOUTHBOUND

No. 15	*Chicago to Cincinnati	1:40 a.m.
No. 36	Chicago to Cincinnati	2:27 a.m.
No. 5	Chicago to Louisville	10:55 a.m.
No. 37	Chicago to Cincinnati	11:18 a.m.
No. 33	Chicago to Cincinnati	1:57 p.m.
No. 39	Chicago to Lafayette	5:50 p.m.
No. 31	Chicago to Indianapolis	7:21 p.m.
No. 3	Chicago to Louisville	11:20 p.m.

*Stop on signal to take on or let off passengers to or from points south of Indianapolis.

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Ward No. 2.....D. D. Allman
Ward No. 3.....Fred Wayne
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Prosecuting Atty.....C. Murphy
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