

WILL MAKE HIS RULING ON WAYNE COUNTY CASE

CHARLES E. NEWLIN, DEPUTY AUDITOR, CONFERRED WITH ATTORNEY GENERAL BINGHAM IN REFERENCE TO THE NEW DEPOSITORY LAW.

BINGHAM ASKS FOR WRITTEN STATEMENT

Opinion Will Be of Interest to the Treasurers of many Cities Of the State, Who Have Similar Complaints—The Indianapolis News Believes Alarm Expressed Is Needless and Gives Its Reasons.

Charles E. Newlin, deputy auditor of Wayne county, consulted with Attorney General Bingham at Indianapolis, regarding what seems to be the embarrassment of certain cities by a conflict of the cities and towns law and the depository law. The treasurer is required to deposit daily all funds coming into his hands, but can not draw out the city's funds except at the time of the semi-annual distribution of taxes. Some way of meeting the current city expenses under this condition of affairs is desired. Mr. Bingham asked Mr. Newlin to send him a written statement of the case, and promised to give him an opinion then. Treasurers in other cities of the state are making the same complaint.

The Indianapolis News editorially, says on this subject:

It seems to us that certain city officers show needless alarm over a supposed defect in the public depository law. The question raised, is, of course, one for the lawyers, and yet it does not seem to be difficult. The only cities involved are those whose treasurer is also county treasurer, as in the case of Indianapolis. The law requires that such officer shall make daily deposits of all money received by him, and "that all taxes collected by the county treasurer shall be deposited as one fund in the several depositories selected for the deposit of county funds, until the same is distributed at the following semi-annual distribution made by the county auditor." The theory is that, under this provision, the cities will not be able to draw on the taxes due them often than once in six months. Obviously such a restriction might be very embarrassing. It is certain that the legislature had no thought of thus hampering the various municipalities, no purpose whatever to do so. As a matter of fact, did it do so? Immediately following the words quoted above are these words:

And no such officer shall draw any check upon any such depository for any purpose except for the payment of a warrant drawn by the Auditor of state, or warrant or order drawn by the county auditor, or the proper officer of a city, town, or school city, or school town, or in payment of a legal claim against a township or school township. * * * All the warrants and orders for the payment of public money, excepting state and township funds shall be drawn by the proper officer upon the proper treasurer, and to each warrant and order, when drawn, may be attached a readily detachable slip, showing the number, date and amount, name of payee, the purpose of the fund upon which it is drawn, and the name and office of the drawer. Such warrants and orders shall be presented to the proper treasurer, who shall detach and retain the slip, and stamp upon the warrant or order the name of the depository by which such warrant or order is payable, and countersign the same, and no warrant or order shall be effective until so stamped and countersigned: Provided, however, that the said treasurer, when such warrant or order shall be presented for stamping and countersigning, may after stamping and countersigning the same, for convenience of the person presenting the same, pay the amount thereof to such holder presenting the same and take an assignment of such warrant or order and deposit the same in proper depository in lieu of the cash so paid out to the holder of such warrant or order.

It seems to us that these provisions cover the whole ground. Under the law as it now is the city controller draws warrants or orders on the city treasurer—who is also the county treasurer—and these are honored by the officer on whom they are drawn. This, as we view the case, may be done indeed must be done, under the new law. For in providing that no treasurer shall draw a check on a public depository "except for the payment of a warrant drawn by the proper officer of the city," it also provides that he must draw a check in payment of such warrant. The law in truth goes even further and provides that the treasurer may pay such properly drawn warrant in cash, turning in the assigned warrant to the depository as cash. The provision that there shall be only the usual semi-annual distribution of taxes does not, as we think, conflict with the provisions that we have set out. Pending the distribution the treasurer may honor checks drawn by the proper officer, in the ordinary course, and according to law, out of whatever funds he may hold on deposit against which the checks are a legal and proper charge. When such a check is drawn by "the proper officer of a city"—in these cases the controller—it seems to us that the treasurer must honor it. Fairly construed we can see no contradiction in the new statute. Though all taxes collected must be deposited as one fund, and kept as such till the

distribution is made there need be no difficulty in knowing whether the city has sufficient credit to cover any check that may be drawn. This, of course, is the real question. For under the present law the treasurer must keep an account of the money received by him for taxes due the city, and on the first day of each month he is required to receipt to the controller for the amount collected for the preceding month, which amount then becomes available for the city's use. But may he not keep such an account now, even though he makes distribution only at the end of each six months? He certainly is not forbidden—but rather is required—to honor checks drawn against the city's deposit. The only question seems to be as to whether he can know what the city's deposit is, or whether it really has a legal deposit in advance of distribution.

If there is any serious difficulty with the law we think the lawyers would do well to give it their prompt consideration. Of course, the fact that the enforcement of the law may embarrass certain cities of the state does not go to its validity or constitutionality, but only to its wisdom. If necessary it can easily enough be amended in this particular. But we are by no means convinced that any amendment in this regard is needed. Possibly it would be well for the Attorney-General to look into the matter. The purpose of the law was to give the people possession and control of their money, to treat it as a public fund and not as the capital of the officer charged with its custody, and not at all to deprive them of its use when it was needed. These ends can be attained without subjecting any city to annoyance or embarrassment. We doubt whether the new law is fairly open to the objections that are now being made against it.

CREW ARRESTED AS RESULT OF WRECK

Two Fatally and Five Seriously Injured in a Collision At Sandusky, O.

SPEED LAW IS VIOLATED.

IT IS CLAIMED THE INTERURBAN WAS RUNNING AT TOO HIGH SPEED AND PROMPT ACTION WAS TAKEN BY THE OFFICIALS.

Sandusky, O., Nov. 22—Two were fatally and five seriously injured in the collision of an empty Lake Shore traction and a city car this morning. The motormen failed to observe each other until too close to stop on the slippery track. The police allege the interurban was running at a high rate of speed, and arrested C. P. Beldon, motorman and Albert A. Laudlin, a conductor. All the injured were in the city car vestibule, which was smashed in. The fatally injured are Fred Horn, motorman, and J. B. Mauf. The seriously injured are John Holzhauser, Wm. Jakes, conductor, Geo. Coleman, John McLaughlin and an unknown Italian.

BIG SHIP BREAKS THE RECORD FOR ONE DAY.

New York, Nov. 22—The big ship Mauretania, the largest turbine in the world, arrived off Sandy Hook on her maiden voyage in a fog today. She broke the one-day record by steaming 624 knots. The official time of the voyage was five days, four hours and twenty minutes.

New Record for Eastern Trip.

Liverpool, Nov. 22—The big Cunard Lusitania, arrived at this port this morning, making a new record for the eastern trip from New York. She had a fine voyage in four days, twenty-two hours and fifty minutes. It is a remarkable showing in view of the gales encountered.

THE WEATHER PROPHECY.

INDIANA—Rain Friday night or Saturday in south portion, fair in north; northwest winds becoming variable.

OHIO—Rain Saturday; light to fresh winds becoming variable.

RICHMOND WOMEN ON PROGRAM AT BLUFFTON

Methodist Home Missionary Society Meets.

MRS. BUNYAN IS HEARD.

Bluffton, Ind., Nov. 22—The sessions of the annual convention of the Woman's Home Missionary society of the Northern Indiana conference, are being held at the First M. E. church, with Mrs. J. C. Murray, of Elwood, president of the district, presiding. Devotionals at the opening of the convention were conducted by Mrs. E. M. Haughton of Richmond.

The convention was in session until noon today and about 100 delegates were in attendance. The convention originally intended to go to Elwood, but only last week was assigned to Bluffton because of the illness of Rev. E. E. Neal, pastor of the Elwood church. The program included reports of district secretaries.

Address, "Our Southern Work"—Mrs. L. H. Bunyan, Richmond.

KEPLER CLEARED BY VERDICT OF JURY IN THE CITY COURT

It Did Not Take Long to Reach A Decision Following the Close of the Argument Thursday Afternoon.

DEFENDANT OVERJOYED BY FINDING OF THE JURY.

By An Odd State Law, Members of the Jury Will Not Receive Pay for Their Work—Some Splendid Argument.

After being tried three times on a charge of assault and battery on Mrs. Laura Evans, a colored woman, Alonso Kepler has at last been found not guilty of the charge. Arguments in the third trial were concluded Thursday afternoon about 4:30 o'clock and the jury immediately retired to consider the case. It was generally thought the jury, like the juries in the two first trials, would be out a greater part of the night before reaching a decision. Much to the surprise of everyone the foreman of the jury announced at 5:30 o'clock that a verdict had been reached. The attorneys in the case and Mr. Kepler were at once notified and by 6:30 o'clock all had assembled at the city court. The jury then filed in and the foreman announced that the defendant had been found not guilty.

Mr. Kepler, with tears in his eyes, rushed to the jury and after vigorously shaking hands with each one of them, he invited them all out to dinner. The jury refused to accept the invitation but lost but little time in inviting themselves to a hearty repast. For the three days the jury members were engaged in this case they will not receive one cent for their services because the defendant was found not guilty. By reason of an odd state law a jury in a city court must return a verdict of guilty before they are entitled to any fees.

Jessup Opened Argument.

Prosecuting Attorney Wilfred Jessup made the opening argument in the case. He refrained from personalities and confined his talk to an explanation of the points of law involved in the case. It was a clear cut argument. Attorney T. J. Study for the defense, followed the prosecutor. Mr. Study argued that Mrs. Evans, the prosecuting witness, had been impeached in that the defense had proven by jurors in the first trial Mrs. Evans had testified that Kepler had taken hold of her twice and that on Wednesday she had testified that he had taken hold of her three times. Mr. Study also cited the fact that Mrs. Evans' prejudice against her race was shown by the fact that all the character witnesses from Fountain City presented by the state were white. Mr. Study used this fact to illustrate the probability of Mrs. Evans becoming angered at Kepler because he had told her she was colored and that he would not negotiate a trade which would place a colored family in a white neighborhood.

John F. Robbins for the defense, followed Mr. Study. His argument was to the effect that the law required that a person should not be found guilty of a charge unless the jury or court was satisfied from the evidence that he was guilty beyond a reasonable doubt. Mr. Robbins stated that in this particular case Mr. Kepler had not been proven guilty beyond a reasonable doubt. The evidence introduced against him by Mrs. Evans, Robbins stated, was uncorroborated and that the defense had impeached Mrs. Evans as a witness. Henry U. Johnson, attorney for the prosecution, closed with a brilliant argument in which he arraigned Kepler in a most vigorous manner.

HOSPITAL DAY IS ENTIRE SUCCESS; \$546.47 SECURED

Receipts Were of Such a Liberal Nature as to Surprise Even the Most Optimistic Promoters of the Plan.

MEMBERS OF THE AID SOCIETY MUCH ELATED.

They Did Not Expect So Large An Amount Would Be Given Unsolicited—Will Abandon The Market Plan.

Hospital day was a success; a success far beyond the most optimistic expectations of the members of the Ladies' Aid society of Reid Memorial hospital, under whose auspices the day was set apart. Five hundred forty-six dollars and forty-seven cents were received from residents of Richmond, and others who made donations through their warmth of feeling toward the cause.

Women of the organization were highly elated when money from the various stations was counted. Mrs. Gertrude Henley, one of the prime movers of the affair, and who for the past year has urged the society to attempt such a plan in preference to conducting annual markets, says she did not expect such a large amount to be given unsolicited. Mrs. Eugene Price, another of the more interested said that little had she dreamed the amount would be so large.

Market Is Abandoned.

The aid society will entirely abandon the annual fall market, through which it has made much of the money to carry on the work at the local hospital. It has already been decided that hospital day shall be repeated next year. It is thought as the public becomes more acquainted with the purposes of the day, it will look forward to the event and each year the donations will be larger.

Women stationed at the various booths about the city report that they received most cordial treatment, and people were loud in their praise of the movement. The idea of free will giving, such as characterized Thursday's event was sanctioned. Women of the society now believe that this is the best way of procedure.

DE BOSS AND LITTLE FIGURED IN "STEW"

A Hostler in the City Court Smacks Strongly of the Bowery Setting.

IS ARRESTED FOR DRUNK.

SAYS RICHMOND IS A CHEAP TOWN AND CLAIMS HE CAN GET BOOZE ON SUNDAYS AND ON HOLIDAYS.

Robert Little, a hostler who claims he has just recently come here from Buffalo, N. Y., but whose looks and language bespeak of the Bowery and the Long Island race tracks, plead guilty to drunk this morning in the city court. Little was picturesque in a red flannel undershirt showing in spots under a blue flannel shirt. The coat was missing. After he had been fined \$1 and costs Little informed the court that he saw no reason why Officer Little, who arrested him, should have taken him to jail without his coat or why the officer had led him down an alley and threatened to club him, or why another police officer had followed in the wake and constantly accused him of other offenses.

"You'll get your coat," said the court.

"Maybe I will. I left that coat hanging in de delivery barn where I was working," (this word "working" is Bowery for "working" for reference consult the George Ade dictionary.) Little then boastfully related how Thursday he and "de boss" had taken a drive and that the boss had produced a bottle and both of them "got stowed." With a laugh Little said that it was "de foist time de boss had tasted a drop of booze in ten years." After Judge Converse left the room Little continued his abuse of the police officers and stated that he knew where he could get booze in Richmond on Sundays and holidays. "Come in and tell the court where these places are," said Officer Vogelsohn. He led Little before Judge Converse but Little impudently refused to make any statements; however, he said Richmond is a cheap town and that he didn't care a whoop for a measly \$1 and costs fine. After making this statement Little was led back to the court room where Judge Converse increased Little's fine to \$5 and costs, the maximum amount for a first offense, then informed Little that he would instruct the sheriff to work him every day he was at the county jail on the stone pile. This statement took a large amount of starch out of the Bowery lad.

Mikesell Reappears.

William Mikesell was fined \$5 and costs for intoxication. Some time ago Mikesell promised the court to cut out the booze. He admitted that his attempt at reform had proven a failure. He blames his son for having him arrested. Mikesell stated that he was sleeping off a jag in his son's coal shed and was harming no one. He was awakened from his alcoholic dreams by the rude grasp of a police officer.

HANDLING A REVOLVER; LOSES INDEX FINGER

Ralph McConaughy Has Accident at Hagerstown.

AMPUTATION IS NECESSARY

Hagerstown, Ind., Nov. 22—While handling and examining a revolver at his home Thursday, Ralph McConaughy, the fifteen-year-old son of T. L. McConaughy, had the index finger on the left hand torn to pieces. Dr. L. C. Lamar bandaged the wound and will amputate one finger tomorrow.

DR. JAY IS NOT IMPROVED.

The condition of Dr. J. W. Jay who has been ill for several weeks, is improved. He is entirely helpless and is still considered in a critical condition.

CONTINUES TO IMPROVE.

Sharon E. Jones, who is in a Chicago hospital, continues to improve.

ANDERSON BUSY IN THE WALSH CASE; DELAY EXPLAINED

As Soon as Hearing at Chicago Is Concluded, Will Take Up the Contention Between Richmond and Traction Co.

LANDIS SUGGESTED, BUT ANDERSON IS PREFERRED

City Attorney Study Is Confident the City Will Win the Point That Is Has Right to Prohibit Operation of Cars.

City Attorney T. J. Study is of the opinion that the case of the Terre Haute, Indianapolis & Eastern traction company against the city of Richmond to permanently enjoin the city from enforcing an ordinance declaring it to be illegal to operate traction cars on Main street from Eighth street east will be heard by Judge Anderson of the United States district court at Indianapolis as soon as the hearing of the John R. Walsh case at Chicago is concluded.

The hearing of this case of national interest is before Judge Anderson. Mr. Study thinks that all of the evidence in the Walsh case will be in within a week's time and that it will take Judge Anderson but little time to reach a decision. "After that," said Mr. Study, "I think Judge Anderson will be ready to hear the case of the Terre Haute, Indianapolis & Eastern against the city of Richmond."

Does Not Want Landis.

It has been suggested that the city ask to have the case heard before Judge Landis of the United States district court at Chicago, but Mr. Study prefers to have the case heard by Judge Anderson. Mr. Study states that Judge Anderson is better acquainted with the case in question than Judge Landis and that consequently he would be able to give it more intelligent consideration.

Mr. Study regards Judge Anderson as one of the most brilliant jurists in the state and he is greatly pleased because the traction company brought this suit in Judge Anderson's court. Judge Fox is also a great admirer of Judge Anderson. It is thought the hearing of the traction case will be made before Judge Anderson within the next two or three weeks and Mr. Study is confident that Judge Anderson will rule that the city has a legal right to prohibit the operation of traction cars over any street in the city. Mr. Study says that the city's case is especially strong by reason of the fact that the traction company has no franchise to operate traction cars on Main street.

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MORMON BANDS SENT OUT TO EVANGELIZE THE WORLD

ADVANCE GUARD HAS ARRIVED IN RICHMOND AND MEETINGS WILL BE HELD ON THE STREETS, SATURDAY, SUNDAY AND MONDAY.

OTHERS WALKING FROM PORTLAND, IND.

Coming of the Missionaries Was Not Unexpected as Some Time Ago the City Was Flooded With Their Literature—Trip from Richmond to Be by Foot to Brookville—Try to Sell Mormon Bibles.

One of the two bands of Mormons, which are now touring Indiana, hoping to further teach the principles of their religion and set aside misconceptions of the customs and beliefs of the church, will be in Richmond Saturday afternoon and night, Sunday afternoon and night, and Monday night, to hold services on the streets. Presiding Elder O. S. Cordon, with one of his assistants arrived in the city today to make preparation for the reception of the six other members of the band who are now walking from Portland, Ind., to this city, distributing Mormon literature enroute. According to the statement of Presiding elder Cordon, the band is one of the hundreds sent out to evangelize the world by president of the Mormon church, Joseph F. Smith, of Salt Lake City, Utah. The men who will be in Richmond carrying the banners of the church are all from Utah and Idaho, the hot bed of Mormonism.

The advent of the Mormons in the city is not entirely unexpected, for several weeks ago Mormon literature of all kinds was distributed freely throughout the city and county by mail. It was then predicted that this would be followed by the missionaries in person, who would further expound the doctrines and teachings of the curious religion, over which so much has been said within the past few years. When asked whether or not it was originally planned that this system

should be followed, Elder Cordon admitted that it was.

Watched With Interest.

The advent of the Mormons in Richmond is watched with interest. Their reception on the streets and their beliefs as they will expound them in these public meetings, are matters of some curiosity. Recently in several Illinois towns Mormon missionaries were forcefully expelled for teaching their gospel.

According to the statement of Presiding Elder Cordon, the United States as a whole, has been divided up into six missions, Richmond being in the one known to Mormon elders as "Northern States." The Indiana district is known as a conference. While one of the bands will be in Richmond, the second state company will be laboring at New Castle.

Monday, the six Mormons who are walking, will leave Richmond for Brookville, via the public highway. During their walk to that city they will further distribute literature and make an endeavor to sell Mormon bibles. Meetings will be held in the small towns enroute. The men who will conduct services in Richmond are: Presiding Elder O. S. Cordon of Rigby, Idaho; J. F. Dayton, Dingley, Idaho; L. J. Jensen, Baysalt, Idaho; W. H. Madison, Salem, Utah; E. R. Mead, Pueblo, Col.; B. Hamilton, Salt Lake City; R. F. Chumway, Clark City, Utah; and J. A. Wheeler of Mapleton, Idaho.

Elks of this city are congratulating themselves that they secured his services.

The coming memorial day will be the seventh conducted in Richmond since the organization of the lodge. Prof. Will Earhart is arranging the musical program which has not yet been completed.

The Gannett theatre will be platted as has been the usual custom, and the play will be opened at the West-coast pharmacy on Monday morning, Nov. 25th, at eight o'clock. Each Elk will be limited to six tickets. As many Elks last year reserved seats which they did not use, the committee in charge of the arrangements, has laid particular emphasis upon the fact that no tickets should be reserved unless the holder is sure he can use them.

Prof. Earhart is laying particular emphasis on the musical program and many of the most prominent singers in the city have been engaged for the occasion.

ANNUAL THANKSGIVING DINNER.

The Williamsburg Cemetery Association will give its annual dinner Thanksgiving day in the Masonic Hall, Williamsburg, Ind. Price 25c. Proceeds to be used to pay running expenses in keeping up cemetery.

CHOOSE ST. PATRICK'S DAY

Minneapolis, Nov. 22—Articles were signed today by Nelson and Gans to meet in a finish fight, March 17th.

TAX RATE IS TEN PER CENT HIGHER THAN IT SHOULD BE

This Is Due to the Fact So Many Fail to Pay Their Poll Tax—Prosecutor Wilfred Jessup Has Been Making an Investigation—Will Make an Effort To Collect all Delinquent Sums.

"For the reason that so few people are delinquent in their poll tax, it will be seen that the strict enforcement of the delinquent poll tax law will be a great benefit to those citizens who regularly and conscientiously pay their taxes. The tax rate of Wayne county is quite high at the present time and a ten per cent decrease would remove quite a burden from the shoulders of the responsible citizens."

Prosecutor Jessup and County Treasurer Myrick have been urged by a large number of property owners to lose no time in taking steps to solve the delinquent poll tax questions. Quite a large number of poll tax delinquents, who have in the past taken this tax as a sort of a joke, have by the actions of the county officials, been awakened to the duty they owe the community and have called at the office of the county treasurer to make their long delayed settlements.

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