

INDIANA LAW PROVES BOARD'S ACTION ILLEGAL

Clearly Defines Methods for Abolishment of Any Township.

PROVIDES FOR REMOVAL

The steam roller used by the Marion County commissioners in abolishing Pike Township by resolution as a rush order of business in an attempt to prevent Clements Purdy, trustee of Pike Township, from casting his vote for Lee E. Swails as county superintendent of schools, today appears to have struck a stone wall.

The commissioners in their haste to "oust" Mr. Purdy following a visit of Commissioners Shank and Tutwiler to him the Saturday preceding the meeting of the county board of education, appear to have failed to acquaint themselves with the law.

That the county commissioners failed to obey the statutes when they attempted to oust Trustees Purdy under the guise of a resolution abolishing Pike Township and making it a part of Wayne Township, is shown by Burns Annotated Indiana Statutes, revision of 1908, in defining the method of removing certain officials, including township trustees.

The statutes provide in Section 2918, that the only way a township trustee can be removed for the period for which he is elected is by impeachment proceedings.

STATUTES CLEARLY DEFINE PROCEDURE

The words of the statutes on this subject are as follows: "An accusation in writing against any county, township or municipal officer, or justice of the peace, or prosecuting attorney may be presented by the grand jury of the county for which or in which the officer accused is elected or appointed."

When this accusation is returned by the grand jury, the case is then tried either in the Circuit Court or the Criminal Court in counties where there is a Criminal Court.

The statutes provide that the accused officer must have a fair trial and proper time to prepare a defense.

That is the only method provided by the statutes for the removal of a township trustee. There has not been the slightest shadow of a fair trial, or even the official conduct of Mr. Purdy and commissioners have never been heard to make any charges against him. The commissioners attempted by what is termed an illegal method to deprive him of his seat at a meeting of the county board which was called under the law to select a county superintendent of schools.

The commissioners handed County Auditor Lee K. Fessler the order "abolishing" Pike Township and Mr. Fessler left right into the plans of the big three county commissioners and refused to record the vote or motions of Mr. Purdy.

At the meeting of the county board, two chairmen presided at the same time. The result was the Fessler crowd declared Robert K. Devericks selected as the next county superintendent of schools and another chairman presided at the same time.

Mr. Fessler, in the mad rush to get Mr. Devericks "selected" as superintendent, overlooked a little bit of law which might result in serious embarrassment for certain officials.

NOTE TAKEN

Article 676 of the statutes, Mr. Fessler will discover, if he reads, that the only way a county superintendent of schools can be selected is "by ballot."

A member of the Fessler-Devericks faction gave county board of education notice of putting Mr. Devericks into office.

After Auditor Fessler declared a "tie vote," Fessler cast his vote for Devericks and promptly announced Devericks was elected.

On page 46 of the acts of 1919, the following law is given concerning the changing of the boundaries of a township: "That no township or townships be divided or changed."

(Continued on Page Two.)

BATTLE HOURS WITH MADMAN

Barred Police Kill Two as Toledo Police Storm House.

TOLEDO, Ohio, June 9.—Machine guns, rifles, pistols and sulphur candles were used by the police here today, in getting James Edward Kelly, a waiter, who had killed Patrolmen Harry Dowell and Harold Mossburger, and who, barricaded in the attic of the house in which he lived, held off almost the entire police department for hours.

After the machine guns had been brought into play the house at 611 Walnut street, near the business district, was rushed and Kelly, with both his hands loaded, was found lying across a cot dead. He had been hit twice.

Kelly furnished a revolver and announced that no policeman would take him alive when Mrs. Nellie Keys tried to collect \$75 which the man owed her for rent.

Mellon Will Confer With Bankers Soon

WASHINGTON, June 9.—Secretary Mellon and probably Secretary Wallace will confer with western bankers in about a week, it was learned today. Extensions to the conference will be held at the White House will go out within a day or two.

WEATHER

Forecast for Indianapolis and vicinity for the twenty-four hours ending at 6 p. m. June 10, 1921. Unsettled weather tonight and Friday; probably thunder showers. Little change in temperature.

HOURLY TEMPERATURE.

6 a. m. 66
7 a. m. 68
8 a. m. 69
9 a. m. 70
10 a. m. 71
11 a. m. 72
12 m. 73
1 p. m. 74
2 p. m. 75

Denby to Act Firmly if Sims Anti-Sinn Fein Talk Proves True as Reported

Secretary's Inquiry of Admiral Affects Later's Future—Interest in Reply Keen.

WASHINGTON, June 9.—The future of Admiral Williams Sims in the Navy was believed to hinge today on the reply he makes to Secretary Denby's inquiry on Sims' anti-Sinn Fein speech in London.

If Sims can repudiate press reports of his speech it was assumed the matter will be dropped; but if the accuracy of the account is admitted, Denby, it was said, is prepared to take summary action.

President Harding is being urged to act also.

There was the possibility of a long controversy over the propriety of the admiral's remarks, naval regulations in such matters being regarded as highly elastic.

Sims' reply to the secretary's cablegram was awaited with the keenest interest. His assertion before the English Speaking Union Club in London that no attention should be paid to Irish sympathizers in America and other stronger remarks had caused a sensation here.

There was a strong belief that Sims' latest "indiscretion" might threaten his career in the navy. For years the admiral has borne a record as an "insurgent" and has been reprimanded by secretaries and President. Some fellow officers criticized his latest speech because it was made in London and the admiral has had the reputation of being strongly pro-British. He himself, has laughingly pointed out that he was described as "the best British admiral in the American Navy."

Sims' sympathies first got him into trouble in 1910 when, in a speech at Guild Hall, London, he declared that if Great Britain was threatened with war, the United States would go to her aid.

He drew a rebuke from the Secretary of the Navy at that time. After the war he was involved in a long controversy with Secretary Daniels when he refused to accept a medal for his war services on the ground that many undeserving officers had been given the honor.

Denby asked Sims to state whether the following extracts from his speech quoted him correctly:

"There are many in our country who

Sims Says He'll Not Repudiate 'a Word' of London Speech

LONDON, June 9.—"I have no reason to believe I was misquoted in cable accounts of my speech before the English Speaking Union," Admiral William Sims told the United Press today. Sims said he had not received the cable sent by Secretary Denby asking if the Anti-Sinn Fein quotations were correct.

"I presume Irish politicians in the United States are trying to stir up trouble," he said.

Sims would not comment on the secretary's action in cabling him. He did not appear greatly worried over the possibility of a reprimand.

"I said nothing that I have not said dozens of times in the United States and in my book," he declared.

Secretary Denby's cablegram, demanding verification of Admiral Sims' anti-Sinn Fein speech here, was re-cabled by the American Embassy at 2:50 p. m.

technically, are Americans, naturalized and born there, but none of them Americans at all. They are American when they want money, but Sinn Feiners when they are making war on America today. The simple truth of it is that they have the blood of English and American boys on their hands.

"They are like zebra and other black with white stripes or white with black stripes. But we know they are not horses—they are asses. But each of these asses has a vote and there are a lot of them."

SENATE VOTES TO PROBE SIMS TALK

WASHINGTON, June 9.—An investigation by the Senate Naval Affairs Committee to determine whether Admiral Sims was correctly quoted in his recent London speech as referring to American sympathizers with the Irish cause as "Sinn Feiners," "asses" and "zebras," was provided in a resolution adopted by the Senate today with a record vote.

DECKER'S 'GIRL' TO BE PLACED ON STAND AGAIN

To Testify About Confession Made to Her by Virgil.

Special to The Times.

WAISAW, Ind., June 9.—Miss Carrie Eggleston, the 16-year-old sweetheart of Virgil Decker, may be called to the witness stand again in the boy's murder trial to testify regarding a whispered confession between them during the court-room during a recess the other day.

"I didn't kill Leroy Lovett, but I'm afraid to tell her it was," Virgil is said to have told the girl. "They left me to get rid of the body."

Prosecuting attorneys refused to say whether this would be placed before the jury. They learned of it from a farmer, who had overheard the conversation and hurriedly made copies of officers at Elkhart, where Carrie lives.

The State directed its efforts in the trial today to proving Virgil did not act under duress when he signed several statements assuming full responsibility for the crime. The statements were introduced as evidence over the objections of Virgil's attorneys who said he was forced to make them. Witnesses were called to the stand for the first time.

Following the State's close defense attorneys plan to summon several witnesses to prove the insanity of their 15-year-old client. Among the witnesses are several who testified for the State and who have known the Decker family for several years. It is understood an effort will be made to show there was insanity at the time of the murder.

The family name was changed from Shingledecker up to the time of the murder.

FIRE DESTROYS BARN.

Fire of unknown origin destroyed a two-story barn owned by O. H. Thompson, 313 Hanson avenue, last night. The loss is estimated at \$1,500.

House Burned Down to Concrete Crime—Posse Scours Countryside.

LOS ANGELES, Cal., June 9.—Apparently attacked and killed by bandits who were discovered while robbing the place, the bodies of Mr. and Mrs. William Steele of Los Pomona, were found today after flames had burned down their large residence.

A posse of deputy sheriffs was sent to search for the bandits in the countryside in an effort to locate the bandits.

The fact that the head had been severed from the charred body of Steele gave authorities first evidence that the couple probably had been slain. The robbers then apparently set fire to the house in an effort to conceal the double murder.

Washington Labor Head Dies in Denver

DENVER, Colo., June 9.—Milton Snelling, Washington, D. C., president of the International Union of Steam and Operating Engineers, dropped dead here this morning.

He retired last night apparently in good health.

Snelling, who was one of the ablest labor leaders in the country, was delegate to the approaching convention of the American Federation of Labor.

Walsh Sponsors War Risk Insurance Sift

WASHINGTON, June 9.—A congressional investigation of the conduct of the War Risk Insurance Bureau and other Government agencies charged with the welfare of disabled, sick and needy service men, is provided in a resolution sponsored by Senator Walsh, Democrat, Massachusetts, and adopted by the Senate today without a record vote.

SHANK FORCES CONTROL PARTY AFFAIRS FULLY

Clever Movement Switches Platform Committee to Advisory Body.

WRECKED VEHICLE MUTE

With Shank forces in control throughout, the general platform committee of the Republican party, named by the Republican city candidates several days ago, was changed into a general advisory committee to work with the Republican organization as a whole and machinery set in motion for the formation of an advisory committee of fifteen to work with the candidates at a meeting at the Marion Club last night.

So quickly, and so neatly was the change made, and so well were the interests of Samuel Lewis Shank, candidate for mayor, protected, that the few agents of the defeated News-Jewett machine could not utter one word of protest. They sat quietly and took an unexpected beating.

The meeting, which had been announced in advance as being held for the purpose of selecting a sub-committee to draft a platform subject to the approval of the entire committee of some forty men and women and the nine candidates, lasted but a few minutes.

Walter W. Wise, candidate for councilman of the Fourth district, and chairman of the candidates' organization, opened the meeting as chairman. He had (Continued on Page Nine.)

LEMAUX AND SHANK MEET

Irving W. Lemaux, Republican city chairman, whose resignation Mr. Shank had demanded, attended, as did Mr. Shank. The two met for the first time in the lobby of the Marion Club. They were introduced by several of the candidates and saying a conventional "good evening" as they happened to come together.

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WOMAN HELD AS SUSPECT IN KABER MURDER

Detectives Believe Killing for Hire Chief Business of 'Murderers.'

CLEVELAND, O., June 9.—Prosecutor Edward W. Stanton today brought together a force to face the two latest suspects held in connection with the murder of Daniel Kaber, wealthy publisher, with each other in an effort to establish their connection with each other in relation to the murder plot which resulted in the death of the invalid nearly two years ago.

The latest suspect, a man believed by detectives to have been the man with a cap referred to by Kaber just before his death, was taken at his home on Mansfield road as he was making preparations to leave the city.

The other suspect, a woman arrested at Sandusky, has been held incommunicado in the county jail except for brief questioning by Prosecutor Stanton.

THIRD ADMIRAL

Authorities are working on the theory that a woman was first hired to administer arsenic to Kaber in the hope of causing his death, but that the poison did not secure results with sufficient speed and that two men were then hired to wield the stiletto, that caused his death.

The woman, according to the police theory, made a business of killing men for hire and Detective Phil Moneys said that at least three deaths by arsenic could be traced to her through evidence secured in the Kaber investigation which has gone on under the guidance of Moses Kaber, father of the murdered man, for more than eighteen months.

Mrs. Mary Brinkel, aged mother of Mrs. Eva Catherine Kaber, the woman hired in the murder plot, is still in the county jail, all efforts by her relatives to secure the \$10,000 bail fixed by Judge Bernon for her release having thus far failed.

JOYCE DECLARES PEGGY'S ASKING MUCH TOO MUCH

Comes Out of Hiding to Testify He Can't Afford \$10,000 Monthly Alimony.

CHICAGO, June 9.—Mr. Peggy III is only worth \$2,995.188.65 and cannot afford to pay his wife the \$10,000 a month alimony she demands.

Stanley Joyce, a country barber, daughter from Farmville, Va., has no right to expect \$10,000 alimony. It would take much less for her to "live in the style she was accustomed to" before she married.

In answer to this, Peggy, who probably will be called into court, is expected to put on the "you made me what I am today," record, saying that Joyce made her extravagant and it therefore takes a lot of money for her to get by these days.

The public was first taken into the secret of the married life of J. Stanley Joyce and Peggy Joyce when the divorce proceedings were started for annulment of their marriage. He charged her with being a bigamist and also with that she had some of the following on both sides of the ocean as convivial associates:

A prince, army officer, duke, bartender, publisher, several live vivants and a confidence man or two.

"I've been a good wife—faithful and true," Peggy has answered.

Meet Him at Jail, He Goes to Farm

Jerry Walker, 23, negro, 541 West Fourteenth street, who was met by Detective Golden and Sullivan Tuesday and arrested on a charge of larceny at the gateway of the jail as he was leaving after serving a fifteen-day jail term for larceny, was found guilty of stealing a bicycle by Judge Walter Pittchard in city court yesterday afternoon and was fined \$1 and costs and sentenced to fifteen days in the jail just seventeen days ago today when he was found guilty of helping himself to the contents of several ice boxes on the north side. The bicycle was charged with stealing by the property of Irvin G. McBride, 2006 North Capitol avenue.

U. S. Freighter Damaged, Report to N. Y.—Extent Is Not Known.

NEW YORK, June 9.—The freighter Charlotte, a United States Shipping Board vessel, crushed her bow against an iceberg last night, according to the naval radio here today.

The accident occurred in the ice fields off Newfoundland. The steamer Columbia went to the freighter's aid. The extent of damage was not known.

The Charlotte was bound from Philadelphia to London and Hamburg.

F. W. Galbraith, American Legion Head, Meets Death in Automobile Accident Here

HIGH TRIBUTE IN MESSAGE FROM HARDING

Letters and Telegrams Pouring in at Headquarters Here.

ESTEEMED AS CITIZEN

Tribute to the "commanding personality, tireless zeal and intense devotion to country and companions in arms" of Col. Frederick W. Galbraith, Jr., national commander of the American Legion who was killed in an automobile accident here early today, is paid by President Warren G. Harding, in a message of condolence to Mrs. Galbraith, who is on her way to this city with her two children, from North Port Point, Mich.

The President's message follows: "Please know of my sympathy in the great and sudden sorrow which has come to you. It was my fortune to know Col. Galbraith not alone as the national commander of the American Legion, but as a fellow citizen of Ohio and I have highly valued his commanding personality, his tireless zeal and his intense devotion to country and companions in arms. The Legion and Nation share with you the great loss which has come so suddenly."

"WARREN G. HARDING."

Messages pour in at headquarters. Letters and telegrams expressing grief over the death of Mr. Galbraith poured into national headquarters of the American Legion here today from all parts of the country. Among the first to arrive was one from John B. Reynolds, general secretary of the Indianapolis Chamber of Commerce.

It is as follows: "For me to even attempt to describe my feelings at this moment would be foolish in the extreme. Words simply fail under such circumstances. It is almost impossible to realize that Col. Galbraith, whom we heard deliver such stirring messages of sound common sense twelve hours ago, is not with us and that his fine leadership will no longer be available to the American Legion."

"This hurried note is sent you to say that I am with you at all that I can do at this time. I will consider it a great honor to have you call on me. I will be sorry to hear whether what I may be that you wish come."

DR. T. VICTOR KEENE MAKES STATEMENT.

Dr. T. Victor Keene, national executive committee man from Indiana, issued the following statement: "Commander Galbraith died in line of duty. He had large responsibilities, but he met them fully. Commander Galbraith's work will be carried on. The splendid effort he has made to foster a purely American Legion and to better the conditions of sick and disabled service men are two features of our country that will live and go on to full realization."

The Rev. G. W. Allison, chaplain of the Marion County council of the American Legion, in learning of the death of F. W. Galbraith, made the following statement: "The tragic death of Mr. Galbraith is a shock to the members of the American Legion. We had learned to respect and admire his good judgment and fearlessly spoken convictions. His voice and his presence will be sorely missed in our councils. A brother and comrade has fallen but the rank must move forward."

JOHN B. REYNOLDS, CHIEF OF COUNCIL SYMPATHIZES.

J. Frank Cantwell, chairman of the Marion County executive committee of the Legion, issued the following statement: "Every service man in the country mourns the loss of a great leader. His death was a blow, but in that short space of time the men here learned to appreciate his prowess as a leader of a great nation of true Americans. In the intense grief occasioned by his death may the Nation-wide devotion and admiration for him be a tribute to the shock of his family. The sympathy of the Marion County council of the Legion is carried to the members of his family."

John B. Reynolds, president of the Service Club, said: "Mr. Cantwell has well expressed the sentiment of every member of the Service Club."

Mr. Galbraith was a guest of the Service Club yesterday at the Claypool Hotel.

Chief of Staff Goes Over Curb on Boulevard Named in His Honor.

CHICAGO, June 9.—Gen. John J. Pershing, chief of staff, narrowly escaped an automobile accident today when he left his car on the first time the Chicago boulevard named in his honor.

As the General's car was turning into Pershing road, a taxicab dashed madly in front of it. The General's chauffeur turned sharply aside and ran his car up on the sidewalk. The General was shaken as the car went over the curb.

While in Chicago, Pershing was the guest of Gen. Charles C. Dawes. He left this afternoon for West Point.

Police Chiefs Name 'Frisco for 1922

ST. LOUIS, June 9.—San Francisco was chosen today as the meeting place for the 1922 International Association of Chiefs of Police. In selecting San Francisco, Chief August Faltner of Berkeley, Cal., was unanimously elected president of the organization. The convention will close with a banquet tonight.

3 More Surrender

Three more utility concerns today surrendered their franchises under the new law, which provided for the public commission for intermediate permits under which to operate.

They are the Chicago, South Bend and Northern Indiana Railway Company, operating in South Bend, Mishawaka, Elkhart, Michigan City, Osceola and New Carlisle; the Hammond, Whiting and East Chicago Railway Company; and the Frankfort Water Works Company.

The petition of the Chicago, South Bend and Northern Indiana Railway Company stated the franchise was being surrendered "because of local political conditions."



Frederick W. Galbraith, Jr., of Cincinnati, Ohio, national commander of the American Legion, who was killed in an automobile accident here last night.

'Our Duty to Prepare for Defense in Emergency'

In his last public utterance Frederick W. Galbraith, national commander of the American Legion, who was killed in an automobile accident here shortly after midnight, warned the American people that "it is our duty to prepare a citizen's military training camp and I pray that he will acquire himself with honor by his country and his family."

"It is our duty to see that our Nation is strong, that it is virile, and that it is always right. We must train our boys to fight, if need be, to maintain these ideals."

"The United States of America must never again be caught in a condition of unpreparedness to defend itself against an enemy such as we were in when we got into the world war," said Mr. Roosevelt.

"If you are the sort of man we like to call an American, and a man insults you or hurts you, what do you do?" He asked, and then continued: "Why, you fight him. And what do you want to accomplish by fighting him? You want to lick him—just plain lick him, that's all. But before you can lick him you must know how to fight. That is the thing we all wished we knew, but so few of us knew, when we had to get into the world war and flush it up."

Before introducing the speakers, William P. Evans, prosecuting attorney, who was permanent chairman of the meeting, briefly outlined the aims and ideals of the camp.

A brief address was made by Governor Warren T. McCray, who urged that Indiana fill her quota of 400 men to attend the camp.

Other speakers were Maj. Gen. Milton Foreman of Illinois, and Albert Stump of Indianapolis, a veteran of the World War.

A concert was given by the 40th Infantry Band, from Ft. Harrison.

DISARMAMENT.

Mr. Galbraith's last statement written just before his death, was a plea for simultaneous disarmament among the world powers.

The American Legion, however, Galbraith said, is "unwisely copying" to any plan for disarmament by the United States which shall not be accompanied by the simultaneous disarmament of the other world powers.

The statement asserted that plans are under way to launch in this country a nation-wide campaign advocating disarmament by the United States "on the theory that we shall thus set an example which other nations will be obliged to emulate."

Colonel Galbraith characterized such a course as "foolish and dangerous." He asserted the "goal of goals" of the American Legion is to bring about world peace and he was making plans toward that end, working in conjunction with affiliated veterans' organizations in other countries.

Lemuel Bolles, national adjutant of the Legion; Franklin D. Oller, former commander of the Legion; L. R. Gierke, Indiana commander of the Legion; L. Russell Newgent, State adjutant; Dr. T. Victor Keene, Indiana national executive committee man; Walter Meyers, chairman of the national committee on disarmament; Russell G. Creston, assistant national adjutant; Robert H. Tyndall, national treasurer; and Miss Pauline C. Curlick, executive secretary of the women's auxiliary, and Mr. Cantwell were among the Legion officials to ride on the funeral train.

DEPARTMENT OF INDIANA TAKES CHARGE OF BODY.

The department of Indiana under the direction of Mr. Gignillett took charge of the body shortly after it was removed to the undertaking parlors and will deliver it to the Ohio department when the train reaches Cincinnati. Since 3 a. m. a guard of honor composed of legionnaires has been stationed over the body.

Seward Galbraith, brother of the commander, came from Cincinnati and operated with the legion officials in the details connected with the service here. Mr. Gignillett issued instructions to all (Continued on Page Eight.)

CAR GOES OVER EMBANKMENT AT STREET JOG

Henry Ryan and Milton J. Foreman, Riding With Him, Injured.

PINNED UNDER WRECK

American Legion posts throughout the country were plunged into the deepest grief today, following the death here at 12:15 o'clock this morning of Frederick W. Galbraith, Jr., national commander of the Legion, when an automobile overturned while en route to the Union Station from the Country Club. Mr. Galbraith was killed instantly, and Henry Ryan, living in the Spink Arms, chairman of the national Americanization committee, and Milton J. Foreman, Chicago, national committeeman for Illinois and chairman of the national finance committee, are in the city hospital suffering from slight injuries.

The accident occurred in Indiana avenue, near Sixteenth street, when the machine in which the men were riding failed to negotiate a slight turn in the street, ran onto the curbing and plunged down a fifteen-foot embankment. Mr. Galbraith suffered a fractured skull, and death was instant. The car, in falling, turned a complete somersault, landing nose down and turned on its side.

FAITHFUL TO HIS DUTIES TO LAST.

Mr. Ryan was driving fairly swiftly in an effort to catch a 12:30 o'clock train for Chicago, which Mr. Galbraith was to take. The legion commander had spoken at the meeting at the Moumoun circle last night, in connection with the citizens' training camp at Camp Knox, Ky. He and Mr. Foreman had attended a meeting of the national finance committee earlier in the day.

Mr. Ryan told policemen he slowed down to about twenty-two miles an hour, for the turn, but said something failed to work in the steering apparatus, or he failed to properly judge the distance of the turn.

A number of persons who happened along immediately following the accident, called the ambulance, and Mr. Ryan, who was leaning on Mr. Galbraith's dead, had lost control of himself, was removed to the hospital. Mr. Foreman was taken to the hospital by Louis Benjamin, 1201 Broadway, who passed by the scene of the accident.

Attaches of the city hospital stated at noon Mr. Ryan, while extremely nervous, was resting easily. Mr. Foreman, they said, has regained consciousness and is "feeling better." He will recover from his injuries, it was stated.

CORONER BLAMES STEERING APPARATUS.

William G. Settle, Chicago, Illinois State coroner, who is heading the Union Station for Mr. Galbraith. He was tending to go to the Union Station from the club with the Galbraith party, but he said, Mr. Ryan's car would hold only three people. Mr. Ryan told the coroner he was in the car, and that he was in the grips at the station, ready to depart.

Coroner Paul Robinson, who investigated the accident, with policemen, stated he was certain something was wrong with the steering apparatus of the automobile. Mr. Ryan told the coroner Galbraith had been driving the car on Tuesday and had made a remark about the steering gear.

Mr. Galbraith was