

BLACKBURN DEFENSE HOPES TO REST TODAY

Accused Man Probably Will Take Stand as Initial Witness This Afternoon—Attorneys Indulge in Bickering During Morning.

HOSPITAL INTERNES ARE SUMMONED TO TESTIFY

Mother of John Martin, Slain Man, Breaks Into Tears When Clothes Are Brought to Courtroom—Introduced as an Exhibit.

The defense for William R. Blackburn, 56, of 809 Congress Ave., on trial in Criminal Court on charge of second degree murder, expects to rest its case later this afternoon. Blackburn is charged with fatally shooting John P. Martin, 24, of 245 Central Ave., the night of Oct. 25, 1924, at a dance at the Athenaeum, 401 E. Michigan St. Martin died 7 p. m. following morning at the city hospital.

Arthur Robinson, chief defense attorney, called hospital internes and others whose testimony they hope will convince the jury that Blackburn used a revolver in self-defense and that the weapon was discharged accidentally. Frank A. Symmes, defense counsel, said Blackburn would probably be the first witness this afternoon. A number of character witnesses, some from Oklahoma, will be called, he said.

Bickering and petty rebukes were passed throughout the day between Michael A. Ryan, assisting Prosecutor William A. Remy for the State, and Robinson. Since the trial got under way Tuesday afternoon both State and defense attorneys were continually admonished by Judge James A. Collins to eliminate their side talk. Each would accuse the other of attempting to argue with witnesses.

Mother Weeps

Mrs. John Martin, the slain man's mother, broke into tears when Remy brought the overcoat and other clothing removed from Martin after he was rushed to the City Hospital. She wept for several minutes, but managed later to compose herself. When the clothing was introduced by the defense as an exhibit and offered several times to witnesses for identification, Mrs. Martin managed to control herself.

Blackburn, who takes keen interest to testimony of each witness, seemed in a very happy mood. He smiled occasionally and seemed more relieved than during any previous day of the trial. A large number of Blackburn's friends were in the courtroom. At conclusion of the session they would crowd around to talk with him.

David A. Brown, City Hospital orderly, was the second defense witness called. He said he was in the admitting room of the hospital when Martin was brought in. Upon searching Martin's overcoat, Brown said he found an opened spring knife with a three-inch blade. This knife was produced by the State and offered as an exhibit by the defense.

Lyness on Stand

Arnold Lyness, 21, of 115 E. Fall Creek Blvd., upon the stand Tuesday said to his knowledge Martin did not have any weapon upon him. Brown said Martin's breath smelled of liquor. He said he also noticed a wound on the left face above the cheek bone near the temple.

Miss Lydia Bishop, 33, Oakland St., charge of the hospital linen room, testified Martin's clothing had powder burns upon it. Dr. Wayne Harmon and Dr. John Bondurant, internes who attended Martin when brought to the hospital, said they smelled liquor on Martin's breath. He also said Martin had a ragged wound on left side of face.

Miss Margaret Leonard, supervisor, and Miss Grace Mising, surgery supervisor, testified they smelled liquor on Martin's breath. Richard Murray, 1408 Fletcher Ave., hospital yard master, failed to identify Martin's clothing.

Brown followed Smith Martin, 30, son-in-law of Blackburn, who took the stand when court reconvened. Martin was the last witness on the stand Wednesday afternoon and was grilled in cross-examination by Michael A. Ryan, who is assisting the State.

Martin testified both Martin and Arnold Lyness, 21, of 115 E. Fall Creek Blvd., who tried to pass him to get into the dance hall without tickets, struck him several times and nearly knocked him down. Attempts of Ryan to confuse Martin and make him deny being attacked proved futile.

While on the stand Tuesday, Lyness denied making any blows at any one.

"Both tried to pass me," Martin said. "I told them they would have to have tickets. They pushed me back and said, 'To— with you and your dance, we're going in.' I told them they were not fit to enter."

Says Both Drunk

Martin said both of the men were drunk. He said Martin struck him once and knocked him half down and continued to beat him. Martin testified he was in a crouching position when he heard the revolver explosion. He said he saw a flash and that was all he could remember. However, Martin asserted he did see Blackburn just before the gun went off and that he struck Martin on the left side of the face with it.

Martin testified that when the gun exploded he became frightened and heard John Martin say, "My God, let's get out of here!" He said Lyness and Martin locked arms and left the building.

Upon cross-examination by Attorney Ryan, Martin apparently became confused and was slow and reluctant to answer. Invariably

Boy 'Cop' Is Hurt by Auto

School Principal Appeals for Protection—Says Traffic Terrible.



James Carson

James Carson, 13, son of Mr. and Mrs. R. S. Carson, 21 W. Twenty-First St., Apt. 504, was suffering from a burst ear drum today and may be deaf the rest of his life as result of being struck by an auto Wednesday afternoon as he was going on duty as a school traffic officer.

His principal, Miss Lizzie J. Stearns, of School 32, at Illinois and Twenty-First Sts., has appealed again to the police department for better protection for her pupils, and is planning a petition to be circulated among parents asking for an additional police officer to be stationed near the school.

Traffic Terrible

Miss Stearns said traffic conditions near her school were "terrible," with Meridian St. blocked by Fall Creek sewer construction. Traffic as a result is going down Illinois St. in front of the school, she said.

James was traffic officer at Meridian and Twenty-First Sts., and was crossing Illinois St., on his way to his post when he was struck by an auto, which turned into Illinois St., from Twenty-First St. Claude Neal, 23, of 211 E. Forty-Sixth St., the driver, was slated. Witnesses said the auto did not run over the boy, but threw him to the street. The lad was suffering intensely from his injuries today, Mrs. Carson said.

Three Killed

Miss Mary Moore of the accident prevention bureau, stated that one officer was stationed at Meridian St. for school traffic duty and that an additional one for Illinois St., as requested by Miss Stearns, was not available.

Three children have been killed and eighty-six injured in traffic accidents thus far this year. Miss Moore said, who stated that police power was taking children home to their parents when found playing in the street.

Miss Moore said children had been warned enough by police.

several times. Both attorneys for the State and defense became irritated and exchanged verbal blows.

First witness for the defense was Ray W. Powell, 26, of 2126 N. Meridian St., an attorney who assisted Max Blackburn, the defendant's son, in promoting the dance, which was advertised as a feature of the Washash-Butler football celebration. He testified he saw Martin, Lyness and Mrs. Virginia Reddick Randall, 19, of 2228 Ashland Ave., talking outside the dance hall doors just before the shooting.

He said it was his opinion Martin and Lyness were drunk.

Doctor Testifies

Dr. Fred B. Crum, who attended Smith Martin, said Martin received a black eye, laceration on the face and a sprained back. Max Blackburn testified that after he was taken to police headquarters following the shooting he heard Lyness say there: "I don't know which of us hit Martin."

Lyness denied this statement Tuesday.

For forty minutes Robinson summed up the defense case in his opening statement to the jury. He ended by saying Blackburn had been persecuted and not prosecuted, and should never have been indicted.

Mother on Stand

The State rested its case at 1:40 p. m. The last witness called by Prosecutor William H. Remy was Mrs. John Martin, mother of the dead man. She was hardly on the stand five minutes and was not cross-examined by defense attorneys.

She said she had never known her boy to drink liquor and had never seen him under its influence. In contrast to the previous day, Mrs. Martin was composed and answered questions in a clear, calm voice.

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MOTOR BUSSES WILL BE UNDER LAW OF STATE

Recent Moorhead Act Gives Regulation to Public Service Body.

While the public service commission as yet has come to a definite conclusion as to the office machinery for regulating motor busses, several meetings have been held recently in which the new law which puts busses under control of the commission has been discussed. This act, known as the Moorhead law, will go into effect about May 1, when all laws not carrying emergency provisions are promulgated by Governor Jackson.

In assuming regulation of busses the commission will parcel out the work to its different departments and heads. Each member of the commission will be expected to bear his share of the additional work.

Commissioners have definitely agreed that " jitneys" and busses operating entirely within the corporate limits of cities and towns will be exempt from State regulation. Other classes of bus and motor traffic exempt will be taxicabs, hotel busses, funeral vehicles, school busses and motor vehicles used only for casual hire.

Intercity bus lines operating "over a fixed route with a substantially regular schedule for a period of ninety days immediately prior to the taking effect of the act shall receive from the public service commission a certificate of convenience and necessity to continue such operation, upon submitting to the public service commission within thirty days . . . verified proof of such continued service," the law reads.

For bus lines not having operated ninety days the owner or management must submit to the commission a petition from which the body will determine the matter of convenience and necessity. Issuance of certificates must take place only after a public hearing on the petition. Liability bonds must be submitted by bus owners and must be approved by the commission.

Penalty for violation of any clause of the Moorhead bill carries a \$10 to \$100 fine for each offense, and each day the violation continues a separate offense may be charged.

Right of the State highway commission to suspend right of busses to operate on any road is preserved in the law.

Rumor Joins Their Names



CUSTODIAN IS NAMED

VALUATION IS DELAYED

Fix Figures for Indiana Bell Telephone Next Wednesday

By United Press WASHINGTON, April 9.—Frederick C. Hicks of New York today was appointed by President Coolidge to be alien property custodian, succeeding Col. Thomas Miller, resigned. Hicks is a former member of Congress from New York, and was eastern director of the Republican national campaign last year.

Opinion on Tax Given While life insurance policies themselves are not taxable, money due on matured endowment policies constitutes a taxable debt. Attorney General Arthur L. Gilliom held to day in an opinion submitted to the State Tax Board.

Regulation of the railroads through the Interstate Commerce Commission requires the services of more than 14,000 people.

EASY TO TELL IF GERMS ARE DEATH CAUSE

State Medical Association Makes Statement on Shepherd Case.

"The use of typhoid germs for criminal purposes such as is said to have caused the death of William N. McClintock, millionaire orphan of Chicago, can be detected more easily by a competent pathologist than if certain poisons had been used to cause young McClintock's death," says a bulletin today from the Indiana State Medical Association.

The bulletin which discusses the scientific side of subjects brought out in the recent grand jury hearing which resulted in the indictment of Shepherd and Palmer, "a fake doctor," for the murder of young McClintock, continues:

"The body of William N. McClintock, millionaire orphan, was exhumed for examination. Expert pathologists found unmistakable evidence that McClintock died of typhoid fever. Such experts can determine the exact chemical or poison which was used, or in death from disease they recognize the exact character of the disease by effects it has produced."

"The use of disease-producing bacteria for criminal purposes is not common, but when so used the cause of death can be shown by a competent pathologist even more readily and surely than if certain poisons had caused the death. Each variety of bacteria has its own particular manner of getting into the human body, and when it enters by some other route it is usually harmless. Some germs, such as the bacillus of tuberculosis, produce infection if inhaled with dust. If young McClintock had been given tetanus bacilli (those which cause lockjaw) by mouth, no ill effects of any kind would have followed."

"Evidence before the grand jury in the McClintock case shows that Shepherd had some difficulty in securing virulent typhoid bacilli, and that he took a short course in bacteriology in order to know what to do with them. He would have had no success in securing bacteria nor instructions in handling them had he gone, as perhaps he did, to some recognized medical school, hospital or university."

The production of Canadian newsprint during February was the greatest on record.

Vicar of St. Paul's Blames Make-Up



Rev. A. Wellesley Orr, vicar of St. Paul's Church, Kingston, England, says women are the vain sex, according to the teachings of the ages, but before the camera, men hold title to vanity and and "flirt" conduct, Indianapolis photographers say.

Business appointments and cares of the day are shelved while the man subject tackles the delicate and lengthy task of adjusting the necktie, a Pennsylvania St. studio owner said.

It is arrangement of the tie that causes more disputes between photographers and their male patrons than any other matter.

Wrinkles in the coat bother men more than the arrangement of woman's dress, a favorite masculine comment being "that coat looks like I'd slept in it."

Women's dresses are so filmy nowadays that the question of a fold more or less is immaterial, the picture takers say.

Many women have their pictures taken once a year, but few men are photographed more than once a decade, it was stated.

Indianapolis photographers are chuckling over the reply of a harassed member of their profession, who faced the fire of a woman customer.

"This picture doesn't do me justice," the woman said.

"Mercy, not justice is what you need, Madame," was the photographer's rejoinder.

The price of Belgian coal has been reduced ten francs a ton to meet foreign competition.

PHOTOGRAPHER SAYS MEN ARE THE VAIN SEX

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GILLION GETS BELL PAPERS

Law Head Considers Appeal in Phone Case.

Attorney General Arthur L. Gilliom today received a copy of the Johnson County Judge's jury instructions in the case in which the State was defeated in its suit to revoke charter of the Indiana Bell Telephone Company with the American Telephone & Telegraph Co.

Gilliom will make a thorough study of the case before deciding whether to file motion for a new trial. It is indicated that the case might be appealed to the State Supreme Court if motion for retrial should be denied.

To Install Control Devices

By United Press

WASHINGTON, April 9.—The Interstate Commerce Commission today granted the application of the Chicago, Indianapolis & Louisville Railroad Company to install automatic train control devices upon its lines between Hammond and Monon, Ind., in lieu of installation required in a prior order between Chicago and Louisville.

One-Day Clearance—Over 1,000 Pairs

\$5, \$6, \$7 All-Wool Trouser

For Men and Young Men

Every Suit All-Wool

15.75

15.75

15.75

15.75

15.75

15.75

15.75

15.75