

SEEK COURT OPINION IN PARK FIGHT

Johnson to Take Ouster by Duvall as Board Head to Judge.

LAWYER SCORES STRIFE

Mayor Determined Two Others Shall Go.

A suit to determine who shall act as park board members was to be filed in one of the Marion County Superior Courts today as a means of settling the controversy arising from the dismissal by Mayor Duvall of Emsley Johnson, park board president, and Duvall's determination to demand the resignation of Albert M. Maguire and Frank P. Manley, other board members, Johnson said.

The suit was to be in the nature of quo warranto proceedings to determine the legal aspect of the situation. The park board law says members shall not be removed unless for cause, Johnson maintains.

Johnson said the attorneys employed by the ousted park board are Miller, Daily and Thompson and Samuel Ashby.

Deplores Clash

The clash between Duvall and city park board members was deplored by Joe Rand Beckett, attorney. Beckett said strike is injurious to the commercial and civic interests of the city.

Such clashes could not occur under the city manager form of government, proposed for Indianapolis, he said.

But the mayor, who insists that Johnson has resigned as board president, indicated that the two other board members are to be dismissed. He expressed his sentiments in verse as follows:

"We shall meet but we shall miss them;
There shall be two vacant chairs.
We shall miss them at the meeting,
When we take up park affairs."

Manly and Maguire Shank appointees, supported Johnson at park board meeting, Thursday, when Duvall tried to seat Clarence E. Baker, whom he has appointed as president. Johnson refused to vacate the post.

Duvall said that Manly and Maguire showed lack of harmony with the board work when they adjourned the session. He stated he would investigate the board's work in the past. Board members asked Duvall to produce Johnson's resignation, but the mayor refused.

Beckett assailed the scrap for the reason it advertised Indianapolis as a city of petty petulants, too ab-

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Freedom of Air Is Upheld

By United Press

CHICAGO, April 16.—Federal Judge James H. Wilkerson today ruled the Zenith Radio Corporation, operating station WJAZ, was not guilty of interfering with other stations in using wave lengths not assigned to WJAZ.

The Government brought suit against the Zenith corporation on a charge that it had "usurped" the wave length of five Canadian stations. Zenith officials contested the suit, claiming "freedom of the air" was at stake.

MEMBERS OF CLUBS VISIT HOME EXHIBIT

Large Crowds Expected on Concluding Days of Exposition.

Indianapolis luncheon and civic club members were guests at the fifth annual Home Complete Exposition today.

The doors opened at 10 a. m. and will open at the same time Saturday for the last day of the exposition this year at the Manufacturers' Bldg., State fairground.

Show officials estimated that more than 65,000 people have attended the exposition since it opened last Saturday night. A crowd of 16,000 passed through the aisles Thursday.

With Club day today and Building and Loan and Out-of-Town day Saturday, it is believed the combined attendance for the two days will soar above the 40,000 mark.

A feature of the show Thursday night was the parade of more than fifty workmen who aided in the construction of the Mediterranean bungalow, the centerpiece of the exposition. The house was erected by R. H. Shelburn & Co.

Delegations of realtors from Milwaukee and Detroit were in Indianapolis today giving the show and the city the "once-over." They arrived Thursday and will leave this evening.

William Low Rice, who during the first two days announced the sale of eight lots in north side additions, said Thursday that his total had reached fourteen.

No More Red Tags for Your Car

The red police sticker will soon pass into oblivion.

Inspector Lester Jones today announced yellow stickers, to conform in color with traffic signs, will replace red tags now used to inform motorists they have broken parking regulations and must pay a \$2 fine. About 50,000 yellow stickers will be ordered.

SPRING BACK AGAIN

Mercury Rises—Fair Weather to Continue, Says Forecast.

Indianapolis experienced spring-like weather again today, following a rise of the mercury Thursday. Temperature at 7 a. m. was 40. Though 8 degrees below normal, this still was 13 above the mark for the same hour Thursday.

Fair weather should continue tonight and Saturday, the United States Weather Bureau announced. Slightly lower temperature Saturday is included in the prediction.

HOURLY TEMPERATURE

6 a. m.	36	10 a. m.	52
7 a. m.	40	11 a. m.	53
8 a. m.	44	12 (noon)	55
9 a. m.	49	1 p. m.	59

APPOINTED MANAGER

Jack E. Dawson Named Head of Reliable Furniture Store.

Jack E. Dawson, for thirteen years associated with the Reliable Furniture Company, 33 S. Illinois St., has been named manager of the Indianapolis store of the company. The company operates stores in twenty-six cities.

BULLET PROOF SHIELD

Glass on Sheriff's Auto to Protect Deputies.

Sheriff Omer Hawkins reported today that one of his emergency machines has been equipped with bullet-proof glass to protect his deputies from bullets while chasing bank bandits and run runners.

"It's lucky you're not here answering the charge of murder," Judge Collins said.

Farmer Put to Death

Pays for Slaying Husbands of Dairy Maid.

By United Press

EDWARDSVILLE, Ill., April 16.—Enril Fricker, a once wealthy farmer, went to his death on the gallows here at 9:11 a. m. today.

Fricker murdered John Nungesser and Robert Kehrl, husbands of a dairy maid, whom he loved with a passionate jealousy.

SAVE BOOZE TILL CHECK IS FINISHED

Destruction Delayed for Investigation of 330 Missing Cases.

WARD MAKES REQUEST

Judge Baltzell Grants Postponement.

Until a complete check has been made of about \$300,000 worth of W. P. Squibb Company liquor stored in the Federal Bldg. here, to determine why because of 330 missing cases of the stock, the liquor will not be destroyed as a result of action today by Federal Judge Robert C. Baltzell.

A petition of District Attorney Albert Ward to hold up certification to the United States marshal of a mandate from the United States Circuit Court of Appeals, ordering destruction of the liquor, was granted by the judge.

This mandate confirms the decision of Judge Baltzell in 1923, when a libel case was instituted by the Government. The court held that the liquor should be destroyed.

"Very Proper"

However, today the judge stated that it was "very proper" that destruction of the liquor should be held up.

In his petition Ward said that he believed it to be "essentially necessary" that this said liquor and boxes in which it is contained should be preserved until after a thorough and complete investigation has been made of the disappearance of a person named "F.".

That the liquor was missing was revealed by Attorney General Sargent a few days ago, after a check made the last of March by Meredith and Signaigo, has been compared with a 1923 check. The comparison showed the 330 cases missing. Representative La Guardia started the ball rolling by charging, in Congress, that some of the liquor had disappeared. Sargent ordered Ward to investigate.

Check Numbers

Meanwhile serial numbers on the liquor cases are being checked by United States Marshal James E. Meredith, Department of Justice Examiner A. J. Signaigo and E. T. Kenworthy, an agent of the department, working with four trustees from the Marion County Jail.

By knowing exactly the numbers on cases in storage it can be found where the order of the numbers is broken. Through the missing serial numbers the cases might be traced.

At the Department of Justice office it was said no official report beginning the investigation had been received. Henthorn is not assigned to the case, it was said.

"Unknown Agent"

It was indicated when Ward outlined briefly his investigation plans that a Department of Justice agent unknown in this district would work on the case.

Ward said the investigation will proceed through the regular channels and that after the investigation a report will be made to him by the agent on the case. He then will review the facts and if they warrant criminal action he will present them to a grand jury.

Because of the possible lengthiness of such an investigation it was believed that it will not be completed in time for presentation to the grand jury, May 5, even if the facts warrant it.

E. C. Yellowley, prohibition administrator of the Thirteenth District, arrived in the city Thursday when the liquor re-check was started, and visited Deputy Administrator A. R. Harris at the Federal Bldg.

Expect Fireworks in Sky Tonight

Doubt was expressed today by Russell Sullivan, 1431 N. Meridian St., astronomer, that Mother Earth's fireworks in the northeastern part of the sky tonight will be clearly visible to Indianapolis observers.

The pyrotechnics, he said, likely will be seen best in Virginia. The display will be caused by a swarm of meteors, known as Lyraids, entering the earth's atmosphere and being heated into incandescence by the friction produced by their passage through the air.

A dozen small swarms of no particular brilliance may be visible to the naked eye, Sullivan said, but unless a person is watching for it, the momentary brightening of the sky might not be recognized.

EXTRA \$4,500 PAY ROLL ROBBERY HERE

About \$4,300 was secured today by two men, who held up the paymaster and messenger with the pay roll for the Duesenberg Motor Car Company on the Washington St. bridge over White River.

The men escaped in a Ford coupe.

GOODY, GOODY! PEGGY

Wife May Permit Hubby to Be Fifth Mate.

By United Press

CHICAGO, April 16.—Peggy Hopkins Joyce may yet be permitted to go through with her plans for a fifth marriage. The wife of the man she hoped to marry has announced she might sue for divorce and allow her husband, Stanley Comstock, to marry the former Follies star.

MANY MEASLES CASES

Total of 2,126 Reported by State Health Board for Week.

Another outbreak of measles during the last week is shown today in the weekly morbidity report of the State board of health, 2,126 cases being reported.

Other communicable diseases prevailing are scarlet fever, 194 cases; whooping cough, 139 cases; influenza, 110 cases; smallpox, ninety-four cases; chicken pox, forty-six cases, and diphtheria, thirty-five cases.

Whether this difference of opinion between the President and Andrews means the imminent retirement of the chief enforcement officer is uncertain. Drys are demanding that Andrews be dismissed.

Andrews has sought to take the edge from the wave of criticism directed at him for his statement.

Andrews' Statement

"The hypothetical question put to me before the Senate committee was: 'If non-intoxicating cereal beverages or beer could be distributed under Government supervision for home consumption, and in bona fide hotels, to be taken with meals, would you support such legislation?'"

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LAND VALUE IS REPORTED \$70

Statistics Show Drop From 1920 Estimate.

Average value of Indiana plowlands is \$70 an acre compared to \$119 an acre in 1920, the United States Department of Agriculture and Purdue University reported today in a table of statistics replete with illustrations of farm ills.

Low March temperatures retarded winter wheat's growth in the northern part of the State, while the rest of the State's wheat held its own, it was shown. Farm labor supply is 99 per cent of the demand, with wages unchanged, the report said.

The rye crop was reported "retarded" with improvement expected.

JACKSON TARGET OF MINE UNION

Protest Appointment to Industrial Board.

By United Press

TERRE HAUTE, Ind., April 16.—District 11, United Mine Workers of America, today addressed a protest to Governor Jackson, declaring the organization realized he had "ignored our desires" in the appointment of Walter Willis to the State industrial board.

The miners said Willis is not an experienced mine worker.

The letter also protests the displacing, a year ago, of Charles Fox, former Terre Haute man, on the board.

Butler's First Clash With Kendrick

Editor's Note—This is the ninth installment of General Butler's story of his life in money. He was pushed down an alley near Howard and Shepherd Sts., he reported to police today.

By Smalley D. Butler

As a result of the harassment of the Mayor by politicians opposed to my presence in Philadelphia, there occurred the first clash between us. It had no real aftermath, but it was highly significant.

I was endeavoring to have the salary of Assistant Director Elliott increased. He was being paid \$4,000 a year, less than some of the bureau heads subordinate to him.

I wrote the mayor a letter, urging him to support the request for an increase. I told the mayor of Elliott's ability, loyalty and honesty, and explained how invaluable he was to me.

"I realize," I wrote, "that charges of disloyalty to political affiliations are brought against him, but I know this will have no weight with you, as you have so consistently adhered to the policy of the divorce of the department of public safety from politics. I don't know the meaning of the word trimmer, so used, but am absolutely at a loss to understand its application to a department divorced from politics and running on merit. I feel, sir, that unless you take a hand neither Elliott nor any one else I advocate will have a chance."

A week or so after I sent this letter the mayor and I drove up to Eaglesville to a charitable institution.

"Well, I read your letter," the mayor opened up rather brusquely. "The high point of it seems to be to get more money for that fellow Elliott. Won't you do it. Council never will and I don't want to. Elliott's making all the trouble, anyhow."

I told him Elliott was my friend and close associate and I didn't want to hear him run down.

The mayor then turned upon me, rather belligerently, and I sensed that he was seeking an opportunity to quarrel. I knew of the pressure brought to bear upon him to dismiss me.

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SPANKING LOOMS FOR DRY CHIEF

Andrews May Be Called on Carpet for Statement Favoring Beer.

LAW'S DEFENSE OPENS

Churches Refute Testimony Prohibition a Failure.

By Times Special

WASHINGTON, April 16.—While dry supporters took the stand today before the Senate prohibition investigating committee to refute a week's testimony by the wets that Volsteadism is a failure, word came from the White House that Lincoln J. Andrews, dry czar, probably would be "called on the carpet" for his statement that return of beer would aid law enforcement.

President Coolidge himself may censure Andrews, it was said. That it may be Secretary of the Treasury Mellon.

Against Modification

It was made known that the President is opposed to restoration of beer or any other weakening of the Volstead act.

The President does not believe the Volstead act should be weakened in any direction, the contrary, he has approved the legislative recommendation.

May Plug Britain

Following a conference between President Coolidge and Secretary of Treasury Mellon today, it was learned that several high officials of the prohibition enforcement organization may be sent to London early this summer to negotiate a treaty with Great Britain to stop all importation of liquor from the British dominions to the United States.

memoranda and budget requests for additional authority and funds to make enforcement more effective.

Whether this difference of opinion between the President and Andrews means the imminent retirement of the chief enforcement officer is uncertain. Drys are demanding that Andrews be dismissed.

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GRAND JURY TO QUIZ ROSS CASE

Facts on Flight to South Will Be Given.

Facts concerning the source of funds with which Dr. Nelson E. Ross of Muncie, a "lifer" at the Indiana State prison, traveled to New Orleans and St. Louis following explanation of a temporary parole will be placed before the Marion County grand jury soon, it was announced today by Dr. George S. Henninger, president of the State pardon board.

Dr. Ross was back in his cell at Michigan City following his capture Thursday in St. Louis by prison police officers. He was convicted in 1909 of the murder of Dan Linder, an interurban conductor, following an altercation over a ten-cent fare.

Henninger indicated he had definite information as to the donors of Dr. Ross' travel money, but refused to divulge the names of persons suspected. "We'll lay the facts before the grand jury soon," Henninger declared.

He failed to return to prison April 11 when a sixty-day parole to visit his sick mother here expired. He was traced by letters he wrote to Indiana newspapers, including one to The Times.

Ross, according to an United Press dispatch, attacked the chief of detectives while being questioned in St. Louis.

NEW QUESTION IN BUTLER WAR

Did General Bring Pressure on Juniors?

By Times Special

MARINE BASE, San Diego, Cal., April 16.—The battle against Colorado cocktail was given by General Butler, firebrand of the Marines, continued today with additional witnesses called before the court-martial hearing drunkenness charges against Col. Alexander S. Williams.

The new witnesses were called to determine what pressure, if any, General Butler brought on junior officers to secure affidavits that Colonel Williams was drunk.

This came through Butler's admission Thursday that he was amazed at the testimony given by the officers to the effect they did not believe Williams was drunk.

Marine dignitaries also were hoping to determine whether the wobbly condition of Williams was due to cocktails or that drug hexyresorcinol.

POSTAL CUT FAVORED

Reduction of second, third and fourth-class postal rates is favored by Edward O. Sneath, seeking Democratic nomination for Congress, he said in keynote address Thursday at the Fourteenth Ward meeting at 1730 W. Morris St.

Sneath will stand on his record as a civic leader since coming to the city. He was Federation of Civic Clubs president three years.

"Immediate relief for the farmer is an important plank in my platform. The farmer feeds us all and his status affects Indianapolis people. More than 2,000,000 Indiana farms last year," Sneath said.

Sneath favors the export corporation to handle surplus crops, proposed by the Farm Bureau Federation.

AUTOPSY IS ORDERED

Malachi Kelly, 30, of 167 Gelsendorf St., died at city hospital today. Dr. Paul F. Robinson ordered an autopsy, saying that from appearances Kelly died of meningitis or from injuries received in a fight at Detroit, Mich., several weeks ago. He was admitted to the hospital on April 5.

Mother, Son United After Five Years

Tommy and his mother, Mrs. Halcie Moore

After five years separation, Mrs. Halcie Moore, 135 E. Michigan St., and her 14-year-old son, Tommy, were united today.

The mother, joyful as she contemplated the future, tearful as she considered the past, and the boy, dumfounded by quick quirk of events, arrived home at 6:40 a. m., from Knoxville, Tenn., where Mrs. Moore found her son Thursday.

Mrs. Moore said five years ago she was granted a divorce from Clyde Moore, and given the custody of Tommy, who was only nine then. But, the husband disappeared taking the son with him, she said.

Tuesday, Knoxville friends wrote her that they believed Tommy was attending school there. She made a flying trip to the southern city and fearing trouble about gaining his custody, sought the sheriff, who located Tommy in Young's High School.

Tommy was living with friends of his father.

The father, Mrs. Moore said, told Tommy she had died of the flu, shortly after he had taken him to Knoxville.

"But shoot," said Tommy today, "I knew at the time she wasn't dead." He had not told his father of his belief.

When called to the principal's office at the southern school, Thursday, Tommy did not know his mother until she began to tell him of things he did when he was a boy.

"Have you still got my rifle," he asked. "Have you still got my watch?"

"Yes, I've cried over them many a time," she replied and took the dollar watch out of her purse and thrust it in his hand.

Mrs. Moore said Tommy will start to Shortridge High School.

NEW BATTLE FORESEEN

Troops Who Evacuated Peking Being Chased.

By United Press

PEKING, April 16.—The Kuomintang troops (national people's army), who completed their evacuation of Peking overnight, were being pursued today by the Feng Tien cavalry of Gen. Chang Tso Lin, victorious war lord. A battle may be fought between the retreating forces and Chang Tso Lin's army at Nankow.

REALTY FIRM FORMED

Ninety-Nine-Year Lease on Downtown Corner Sought.

Incorporation papers for the Delaware and Maryland Realty Company were filed today at the Statehouse, preparatory to obtaining a ninety-nine-year lease on the southwest corner lot at Delaware and Maryland Sts. Capital stock of \$38,000 consists of \$23,000 common and \$15,000 preferred. Incorporators are Julius Falender, Samuel Falender, Ella E. Falender and Belle R. Falender.

VALUATION INCREASED

Pullman Company Figure Raised to \$2,251,799.

Taxation valuation of the Pullman Company of Chicago today was increased from \$2,129,358 to \$2,251,799 by the State board of tax commissioners. Although the Pullman Company operates cars in Chicago, it is assessed on the basis of mileage of the railroad lines over which Pullman cars operate.

UNLUCKY DAY FOR WITNESS

Identified as Second Man in Hold-up.

Today was an unlucky day for Harry White of Noblesville, who appeared in Criminal Court as a witness for Walter Ward, 26, Noblesville, charged with holding up a filling station at E. Thirty-Eighth St. and Fall Creek Blvd. Dec. 1, White, used as an alibi and character witness for Ward, was identified by Jacob E. Councilman, attendant, as the man who participated in the hold-up with Ward. Councilman said a third man remained in an automobile while Ward and White entered the station.

White was taken into custody and ordered held until officers complete their investigation. Charge against Ward was continued.

Ward denied he held up the station. He said he was home in Noblesville sick.

BABY WANDERS AWAY

Police Today Were Asked to Find Barbara Sims, 3, of 47 N. Hawthorne Lane, whose mother said she wandered from home wearing a brown coat and a blue bonnet.

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When Is Petting Public?

Lovers may pet, publicly but not privately, in the city's parks this summer.

As long as lovers keep within limits, which limits he wouldn't define, Inspector Claude Worley said police will not bother them if they don't try to hide.

But sixty guardians of the public park morals will descend upon them to drag them off to jail, if they try to hide.

Worley said the usual force of twelve to fifteen patrolmen will be assigned to parks when they open. About forty park custodians and watchmen will be clothed with police authority to curb private petting. It was learned at the park board office. The board also will have other police to make up the maximum "anti-petting" force of sixty, when the park season reaches its peak. Policemen have not been assigned to parks regularly for four years.

STEPHENSON SECRETARY SURRENDERS

Fred Butler, Charged With Arson Conspiracy, Out on Bond.

MISSING SIX MONTHS

Indicted as Result of Fire at Employer's Home.

After an absence of more than six months from the city, Fred O. Butler, former secretary of D. C. Stephenson, today surrendered himself to Marion County authorities to answer a charge of conspiracy to commit arson. He was released under \$2,000 bond, signed by Mrs. L. L. Wittenberg.

Stephenson is serving a life sentence at the Indiana State prison for murdering Miss Madge Oberholzer. Butler was indicted on the conspiracy charge by the county grand jury Oct. 5, 1925, as a result of a fire at Stephenson's home, 5432 University Ave.

Out by Noon

Alfred Cowan, attorney for Butler, said the missing man returned about 11 a. m. Before noon Butler had surrendered and was out on bond.

Just where Butler has been during the last half year, since his indictment, remains a mystery. Neither he nor his attorney would tell. He plans to remain in Indianapolis until his case comes up for trial, he said.

At the time of the indictment Butler was said to have been in Florida, but when a detective went there to arrest him he had disappeared.

Cowan conferred with authorities Thursday and secured their promise Butler would be released on bond if he gave himself up.

The Stephenson house fire occurred April 17, two days before Stephenson, Earl Klink and Earl Gentry were indicted upon murder charges. As a result of these charges Stephenson received his life term. Klink and Gentry were freed. They are now at liberty under \$5,000 bonds pending trial on the arson charge. Stephenson also was indicted on this charge.

Butler will be arraigned in Criminal Court on May 3 before Judge James A. Collins. There will be no haste in setting the case against Butler, Klink and Gentry for trial, Prosecutor William H. Remy said.

"That case will be handled just like any other case," said Remy. "I'll try it when I get danged good and ready. None of that Stephenson bunch is going to dictate to me," Remy declared.

ADMITTS SELLING STOLEN AUTOS

Negro Says He Delivered From 50 to 60 in Indiana.

State Motorpoliceman Charles Bridges and Lawrence Shields today obtained a confession from Joe West, 19, Negro, that he has delivered from fifty to sixty high-priced automobiles stolen in Chicago to persons in Indiana cities, including Indianapolis.

Bridges and Shields arrested West on State Rd. 6, north of Traders' Point, Wednesday evening in a Chrysler coupe which he admitted had been stolen in Chicago. West said he was delivering the car to a man at Indianapolis whose name State police refuse to reveal. West said he escaped from the Indiana State farm April 7, 1924, after serving twenty days on a one-year sentence imposed in Criminal Court for auto theft. He is held in the Marion County Jail. West said he received from \$20 to \$50 for each stolen car. He is understood to have worked with a gang.

AVIATORS STILL GOING

By United Press

AGRA, British India, April 16.—Captains Lorge and Gallaz of the Spanish Madrid to Tokio flight arrived here from Karachi at 2:45 p. m. They left Karachi at 8 a. m.

FLAPPER FANNY SAYS

Bright lights dim many futures

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MAN CHOKED, ROBBED

Daniel Howell Reports Hold-Up Men Took \$31.

Two Negroes held up David Howell, 1333 Hatt St., Thursday night, choked him, took his wrist watch and glasses valued at \$80 and \$160 in money. He was pushed down an alley near Howard and Shepherd Sts., he reported to police today.

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