

## MERGER IS NOT LEGAL, AT TRIAL OF CONTENTION

Matson, Before Commission, Denies Petitioning Firm Is Utility.

### JURISDICTION ATTACKED

Case Which Body Followed Is Cited.

Electric utility officials are not following the law in their attempt to merge the Indianapolis Light and Heat Company and the Merchants Heat and Light Company, Frederick E. Matson, representing the Chamber of Commerce, charged at the hearing on the merger this morning before the public service commission. The petitioner in the \$35,000,000 merger case, the Indianapolis Power and Light Company, has not commenced operation, has no assets or property and therefore is not a public utility within the meaning of the law, Matson declared.

Therefore the commission has no jurisdiction to authorize the merger, he asserted.

#### Cites Case

In support of his contention, Matson cited the case of the Flat Rock Hydro-Electric Company decided by the commission in 1924.

Attorney General U. S. Lesh at that time ruled that the mere incorporation of a company promising to supply light, heat and power does not make it a public utility and that therefore the public service commission had no jurisdiction.

Commissioners John W. McCord, Samuel M. Artman, Frank Wampler and Oscar Ratts, following the ruling of Lesh on the Flat Rock case, denied the petition for lack of jurisdiction.

**Says They Are Identical**

It was Matson's contention that the Flat Rock case is identical with the present case in legal import.

The entire commission heard arguments this morning on a motion made by Matson Friday attacking jurisdiction of the commission. The arguments continued this afternoon.

If the commission overrules the jurisdiction motion, it will take up petitions of the Chamber of Commerce, Federation of Civic Clubs, and large power users that the merger hearing be continued to allow those opposed to prepare their cases.

Samuel O. Dowden, representing the civic federation, also argued in favor of Matson's contention. William Bosson, representing taxpayers, and Charles Mendenhall, in behalf of the city, were to present arguments today.

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## GIVES 'PEACHES' REDUCED ALIMONY

Court Allows \$300 a Week— Asked \$4,000 Monthly.

WHITE PLAINS, N. Y., Nov. 22.—Mrs. Frances Heenan Browning was awarded \$300 a week alimony and \$8,500 counsel fees by Justice Morschauser in Supreme Court today in the suit for separation filed against her by Edward W. Browning, wealthy real estate man, and her counter-suit.

Browning's suit and the counter-suit of his wife have been consolidated so the case may be tried together.

Browning's young wife, the former "Peaches" Heenan, asked \$4,000 a month alimony and \$25,000 counsel fees.

She said her husband had an income of \$300,000 a year and owned real estate worth \$10,000,000.

Justice Morschauser said the suit probably would be heard in January.

## COLDEST THIS SEASON

18 Mark Today—Should Be Warmer Tonight and Tuesday.

After reaching 18 degrees, lowest temperature of the season, at 7 a. m. today, the mercury is due to rebound a bit tonight, and register between 25 and 30, according to the United States Weather Bureau. With a warm sun overhead the temperature climbed to 35 at noon.

Tuesday will see somewhat warmer and partly cloudy weather, under the prediction, but there is no indication of decidedly higher temperature.

## Owner in Church; Guns Are Taken

James Hymers, 5227 Guilford Ave., representative of the Remington Arms Company, attended services at the First Baptist Church Sunday morning, parking his auto near Vermont and Meridian Sts.

## BIAS HINTED AT TRIAL OF FALL, DOHENY

Defense Asks Prospective Jurors About Political and Religious Points.

### 'REVELRY' GETS NOTICE

Questions Relate to 'Oil Scandal' Book.

WASHINGTON, Nov. 22.—An intimation that the defense feared possible injection of political or religious prejudice into the famed Fall-Doheny conspiracy trial developed early in examination of veniremen today.

The task of selecting jurors for the trial of former Secretary of Interior Fall and the multimillionaire oil man, E. L. Doheny, on charges of conspiracy in connection with the Elks Hill (Cal.) naval oil reserve proceeded rapidly, and within a little more than an hour after court opened, seven talesmen had been tentatively selected and an eighth had been challenged.

But their assignment to the jury box came only after some had declared they had not read "Revelry," Samuel Hopkins Adams' story of a Government "oil scandal," and had sworn that neither politics nor religion would influence their judgment.

**Approached Brother**

One of the talesmen picked was a Negro.

Clinton Carver, steam fitter, said during his examination by Frank J. Hogan, attorney for Doheny, that his brother had been "approached" a week ago Friday.

"They wanted to know what was my position," said Carver. "They asked my brother about my politics and where I was employed—just about the same questions you are asking now."

Hogan had been asking veniremen if they had any religious prejudices, because his client, Doheny, is a Catholic.

Carver, however, said he would not be influenced by the conversation "they" (he did not say who) had with his brother and he was tentatively accepted. He professed to have no political or religious prejudices.

**Asked About 'Revelry'**

Winfield Martingale, clerk, told Hogan, a friend, had told him about "Revelry."

"What did he say to you?" asked Hogan.

"He said it dealt somewhat with the late President Harding's life," Hogan replied. "But I didn't pay any attention to it."

Martingale was accepted tentatively by both sides.

Bertram A. Sampson, who replaced another tentative juror, said some one had been to his house a "few days ago and asked Mrs. Sampson about me." Hogan did not press this phase of the questioning further.

## FIVE KILLED IN APARTMENT FIRE

Several of Seventy Occupants Hurt in Leaps.

LOS ANGELES, Cal., Nov. 22.—Fire swept the Rangely Apts. here early today, causing panic among seventy guests and taking a toll of at least five lives.

The blaze was discovered shortly after 3 a. m. by Officer E. J. Colias, who entered the building and spread the alarm. Dressed only in night clothing, the occupants of the building rushed frantically to fire escapes and other exits.

Several persons were hurt jumping from their windows to the ground below.

## PUBLISHER FALLS DEAD

Apoplexy Ends Life of C. P. J. Mooney at Memphis, Tenn.

MEMPHIS, Tenn., Nov. 20.—C. P. J. Mooney, publisher of the Memphis Commercial-Appeal, dropped dead here today. Death was due to apoplexy.

Mooney went to his office this morning apparently in good health and followed his usual morning routine. Shortly before noon he complained of feeling badly and went into his private office, where he was stricken and died before medical aid could be called. He was 61 years old.

He was president and managing editor of the Commercial Publishing Company and was one of the most widely known newspaper men in the South.

Recently Mooney announced he would start an afternoon edition of the Commercial-Appeal. He had been working on plans for this new edition, and it is believed that strain and overwork caused his death today.

**HOURLY TEMPERATURES**

6 a. m. .... 18 10 a. m. .... 29  
7 a. m. .... 18 11 a. m. .... 32  
8 a. m. .... 20 12 (noon) .... 35  
9 a. m. .... 25 1 p. m. .... 35

## Fox Hunt North of City Thursday

If there are any foxes in the hills along Williams Creek, west of Pennsylvania St., they had better go elsewhere for their Thanksgiving dinner. For at 10 a. m. Thursday the Meridian Hills Country Club will start its annual turkey day fox hunt.

The hunt will be public, and owners may enter dogs by calling the club, Fred A. Likely, secretary, said. Alexander Holliday, president, named committees to arrange the event.

## Man's Severed Legs Found Near Marsh

MONROE, Mich., Nov. 22.—Monroe County authorities are highly puzzled by the finding of two legs of a man at the edge of a marsh in Erie township near the Ohio line.

One leg apparently had been sawed off above the knee and the other below. They were bare and not bruised. A few shreds of newspaper were found near by.

It was believed the legs were thrown from one of two automobiles, tracks of which were visible on the Foreman road nearby in the snow, some time Saturday.

No other portions of the body have been found despite a systematic search.

## Pay \$140,000,000 for Railroad at Auction

BUTTE, Mont., Nov. 22.—The Chicago, Milwaukee & St. Paul Railway today was sold at public auction to Robert T. Swaine and Donald C. Swatland, representing the reorganization managers, Kuhn, Loeb & Co., and the National City Company of New York for \$140,000,000.

Immediately after the property was struck off to them, the bidders assigned their bid to the Chicago, Milwaukee, & Pacific Railroad Company, by which name the company will be known hereafter.

Reorganization of the system and lifting of the receivership, which began March 18, 1925, was foreseen as a result of the sale.

## No Life Traces in Mine Trap of Six

HAZLETON, Pa., Nov. 22.—Despite the fact that no traces of life were found when drillers penetrated to the No. 1 breast in which the six miners were entombed nearly a week in the Tombligh colliery here, rescue squads today continued to work at top speed to open up other breasts of the flooded mine.

Work on the bore hole into the No. 4 breast is being pushed as rapidly as possible, but early today the drillers, with less than fifteen feet to go, struck rock. This materially slowed drilling operations.

## Under-Secretary of Treasury to Resign

WASHINGTON, Nov. 22.—Under-Secretary of the Treasury J. B. Winston said today he intends to retire from public life within a few days.

It was understood at the Treasury that Representative Ogden L. Mills, Republican, New York, who retired from Congress in 1925, is slated to succeed Winston.

## SLAYS COUPLE AT BREAKFAST TABLE

Man Probably Fatally Wounds Sister.

BRIDGEPORT, N. J., Nov. 22.—Lawrence Hugg, 22, opened fire with an automatic pistol at a group seated around the breakfast table in his parents' home today, killing two and perhaps fatally wounding a third.

He then fled the house, but was captured, without resistance, a few blocks away.

The dead: William Candy and wife, both aged 65, who boarded with Ware's parents.

Mrs. Madeline Maxwell, 26, Ware's sister, was so severely wounded her recovery was considered doubtful.

## SHULTZ DINNER GUEST

Stutz to Honor Driver Who Won Hill Contest.

Glenn Shultz, who won the hill climb contest at Pikes Peak, Labor Day, in a Stutz car, will be guest at a dinner given by the Stutz Motor Car Company tonight at the Indianapolis Athletic Club.

The Penrose trophy, a silver bowl 150 years old, which was given Shultz has been on display at the Stutz-Indianapolis Auto Company show window.

## NEW YORK BUSIEST PORT

WASHINGTON, Nov. 22.—New York easily held first honors as a shipping center last year with total ocean tonnage of 61,710,000, the shipping board reported today. Total ocean-borne commerce handled at all seaports last year aggregated 268,900,000 tons, an increase of 34,400,000 tons, or 14 per cent over 1924.

## WOMAN WHO SAW 'STEVE' UP IN QUIZ

Grand Jury to Question Mrs. Martha Dickinson in Afternoon Session.

### APPEARS THIS MORNING

Conferences Held With Some Probe Leaders.

Some important testimony was expected to be received by the Marion County jury this afternoon in its probe of corruption in Indiana politics with the appearance as a witness of Mrs. Martha Dickinson, Seymour, Ind.

Mrs. Dickinson, scheduled to be questioned during the afternoon session, arrived in Indianapolis this morning. She did not come to the office of Prosecutor William H. Remy, but was known to have been in conference with other persons interested in the grand jury's "Stephensonism" probe.

Her importance as a witness arises from the fact that she holds power of attorney from D. C. Stephenson and so had access to facts which might be valuable in the quiz.

#### Remy On Hunt

Remy was not in his office during the latter part of the morning, having announced that he would pursue some angles of the probe himself. He planned to confer with Mrs. Dickinson before she went before the grand jury.

William Rogers, former city official and Klan member, awaited near the prosecutor's office this morning and talked to Earl Gentry, former aid of Stephenson, Jack Fisher, constable, who has testified before the grand jury, also was seen in the corridors. Rogers appeared before Senator James A. Reed in St. Louis.

Some persons, subpoenaed in the arson case against Gentry, Earl Klinek, Fred Butler and Stephenson, which was to have been held in Criminal Court today, but was postponed indefinitely because of the grand jury probe, appeared in the courtroom. The case grew out of the burning of Stephenson's Irvington home.

The jury shelved the corruption probe for a few hours this morning to clear up investigation of minor cases involving persons held in jail. The prosecutor, in the interests of justice, does not desire to hold in jail any longer than necessary the eighteen persons, whose cases were taken up this morning.

**Good Evidence Expected**

This, the seventh week of the corruption inquiry, was expected to produce some of the most direct evidence.

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## INTIMIDATION BY 'KING BEN' DENIED

Counsel Asserts No Witnesses Approached.

BENTON HARBOR, Mich., Nov. 22.—In an emphatically worded statement "to the public press," counsel for "King" Benjamin Purnell of the House of David today denied any attempts had been made to "intimidate" State witnesses in cases pending against Purnell and asserted "counsel for the respondent are not going to permit threats of prosecution to deter them from discharging their full duty."

## OPPOSE BUSINESS ZONE

School Board Fights Project on East Side.

Martin Hugg, attorney for the board of school commissioners, will appear before the zoning commission Tuesday to voice the board's opposition to the business project at Linwood Ave. and E. New York St., located opposite Emerson School No. 58, it was announced today by Ure M. Frazer, business director.

"It is the policy of the board," Frazer said, "to avoid any congestion of traffic due to business enterprises adjoining schools. As much as possible schools will be kept in residential districts," said Frazer.

## JAIL DRY VIOLATORS

Lawrenceburg Father and Son Given Prison Terms.

Federal Judge Robert C. Baltzell today sentenced Otis Hayes, 61, to six days in Marion County jail, and his son, Henry Hayes, to ninety days, for violation of the liquor law. The men were fined \$300 each.

The case was heard last Tuesday, a jury finding the men guilty together with Robert Sedler, who was fined \$100. The age of the father determined in a large measure the leniency of the sentence, it was said, and the son's sentence was made shorter because of a recent ninety-day sentence served in Cincinnati in connection with the same case.

The defendants had been charged with the sale of liquor and maintenance of a nuisance at Lawrenceburg.

## Important Probe Witness



Mrs. Martha Dickinson, Seymour, Ind., woman, scheduled to be before the Marion County grand jury in its political corruption probe this afternoon and who is expected to be an important witness. She appeared here last Friday after having been sought for two weeks.

## DEFENSE ADHERES TO ALIBI LINE IN HALL-MILLS CASE

Four Witnesses Corroborate Story of Accused Henry Stevens.

COURTROOM, SOMERVILLE, N. J., Nov. 22.—A succession of witnesses came to court today to testify in support of the detailed alibi of Henry Stevens, which forms his defense to the murder charges against him in the Hall-Mills case.

Mrs. Anna Evanson told the jury that on the night Stevens was supposed to have been at New Brunswick while the murders took place he was at Lavallette, N. J., his home. She cooked his dinner that night, she said.

Howard Price of West Philadelphia testified he saw Stevens en route to the beach at Lavallette at 9:55 p. m., the night of the murders. Stevens was going fishing, he said.

Mrs. Marie Applegate said she saw Stevens fishing that night and saw him weigh the now famous bluefish caught by her husband, which Stevens previously testified weighed six pounds.

Arthur Applegate then told the jury of catching the fish and how Stevens weighed it for him.

These four witnesses had given detailed corroboration of Stevens' story of his whereabouts the night Mrs. Eleanor Mills and Dr. Edward Wheeler Hall were killed.

## STAR WITNESS VERY ILL

"Pig Woman," Who Testified From Bed, Not Expected to Live.

JERSEY CITY, N. J., Nov. 22.—Mrs. Jane Gibson had a severe relapse during the night and was in "very bad" condition today, physicians at the Jersey City hospital said.

Mrs. Gibson, star witness for the State in the Hall-Mills murder trial, was reported as unlikely to survive her present illness after she had been returned here last week from the Somerville courtroom, where, from a hospital bed, she dramatically accused the three defendants of participating in the murder.

## COURTS MAKE CHANGES

Gemmell Chief Justice of Supreme Bench, McMahon of Appellate.

Judge Willard B. Gemmell of Marion became chief justice of the Indiana Supreme Court today with opening of the November term of that body. He succeeds Judge David A. Myers of Greensburg.

Judge Willis C. McMahon of Crown Point became chief justice of the Appellate Court, succeeding Judge Solon A. Enloe of Danville. Judge Francis M. Thompson of Versailles ascended to the presiding judgeship of the Appellate Court.

## City Grid Trophy Is Given to Shortridge

Shortridge High School students waved blue and white banners today and they waved them high. Following dismissal of classes at 10:30 a. m. the S. H. S. rosters marched to Monument Circle to witness presentation of the loving cup for winning the city public high school football title from Technical High School last Friday.

School Superintendent E. U. Graff presented the cup to George Buck, principal. Led by the band, students broke the line of march and shouted their praises to Alonzo Goldsberry, coach, who brought the school its first city title in seven years.

## SUPREME COURT RULES AGAINST CITY IN WATER CASE; RATES STAY SAME

### Gun Explodes; No Bandits There

There is a bullet hole in the wall of the lobby of the Indiana National Bank, Virginia Ave. and Pennsylvania St., today. The bullet was from a gun kept at the bank as a guard against bandits.

But, as far as is known, there has been no bandit in the bank recently. A janitor, cleaning up in the bank Sunday night, opened a closet door and the gun fell out and exploded.

### FARMERS STUDY MEANS TO GET RID OF SURPLUS

Annual Federation Meeting—W. C. T. U. Leader Hits Wets

The Indiana Farm Bureau Federation met at the Claypool today in its annual convention to outline means of "removing the inequalities" the Indiana farmer is struggling against in his efforts to make a living.

W. H. Settle, Federation president, spoke defending the McNary-Haugen bill defeated in the last Congress.

**Volstead Blamed**

Mrs. Elizabeth T. Stanley, State W. C. T. U. president, urged the farmers to unite to fight the wets who, she declared, are seeking to blame unfavorable farm conditions on prohibition.

"These are strenuous years for the farmer," she declared. "I think most men who have studied our economic problems know where the difficulties lie. Some are willing and ready to help us remove the inequalities that agriculture is subjected to, others, because of selfish interests or greed are not willing that farmers should have a square deal."

**Surplus Is Problem**

The problem of agricultural surpluses is the most important one awaiting solution," he declared.

The McNary-Haugen bill would have solved this problem. He mentioned the aid Senators James E. Watson and Arthur R. Robinson gave the bill in the Senate.

Settle also declared the farm bureau received perfect cooperation from State officials.

"When we asked the Governor for a favor we received it. When we went before the securities commission we won our case. The tax commissioners have worked for us. The State Legislature has passed the legislation we asked," he said.

Mrs. Stanley urged the farmer to inform himself of general farm conditions and to cast his ballot intelligently.

"The voters of the United States need to know the truth about conditions and legislation affecting agriculture," she said.

"This information will forever dispel the rumors of the enemies of this republic who are now exploiting the unfavorable conditions on the farm as traceable to prohibition."

**Note Don't 'Howl'**

"As a matter of fact, prohibition has been the salvation of agriculture, since it gave men normal appetites for wholesome food, filled the baby's milk bottle, furnished ice cream in homes where it once was a luxury and placed mild bars near the factory for laboring men."

The speaker stressed the fact that farmers must vote and not "howl" on election day because the best men were defeated.

"The time has come," she continued, "when we must make the citizen who willfully absents himself from the polls realize that he bears the same relation to a moral conflict as the soldier who deserts his country's banner before a battle," she said.

## DENTISTS LICENSING VALID

WASHINGTON, Nov. 22.—The Supreme Court today affirmed a Minnesota Supreme Court decision holding the State's dentists' licensing law constitutional, in a test case brought by Charles H. Graves, Minneapolis.

Graves charged the requirement for presentation of a diploma from an accredited dentistry college before an examination was given by the examining board deprived him of his rights.

## VALUATION OF \$19,000,000 Set by Federal Court Is Upheld.

2 DISSENTING OPINIONS

Decision Means Present Schedule Remains.

WASHINGTON, Nov. 22.—Today the United States Supreme Court today affirmed a decision of Federal Judge Geiger restraining the Indiana public service commission from putting into effect lower rates on water for the city of Indianapolis.

The Indianapolis Water Company brought the suit and won in Geiger's court, his decree holding the commission rates were confiscatory, and setting \$19,000,000 as a minimum valuation for rates-making purposes. The commission and the City of Indianapolis appealed, asserting the valuation was too high. Justice Butler announced the decision upholding the commission's valuation.

Justices Stone and Brandeis dissented, asserting Judge Geiger has misconstrued the law by holding that "spot reproduction cost was tantamount to value."

They criticized Geiger for ruling that the company should pay a minimum of 7 per cent on the valuation.

## Forecast

Partly cloudy tonight and Tuesday; somewhat warmer tonight with lowest temperature 25 to 30.

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## Fight Began Here in 1923

As a result of the decision today of the United States Supreme Court sustaining the \$19,000,000 valuation of the Indianapolis Water Company allowed by Federal Judge Ferdinand A. Geiger, present water rates in Indianapolis will continue.

After the Indiana public service commission late in 1923 granted the company a \$15,200,400 rate-making valuation, the company appealed to Federal Court on grounds that the resultant rates were confiscatory. Judge Geiger was named special judge to hear the case.

Throughout the hearing the company contended for a \$19,000,000 valuation and increased rates based thereon.

When the local utility scored in Federal Court the city of Indianapolis and the public service commission countered with an appeal to the United States Supreme Court. Oral arguments of the latter appeal were heard before the Supreme Court last summer. Both the State and the city were represented.

## PLANES PREPARED FOR RECORD TRIP

Naval Craft to Attempt Panama Flight.

WASHINGTON, Nov. 22.—Commander Harold T. Bartlett and an intrepid crew of seven were ready today to hop off in two PN-10 seaplanes for a record nonstop flight from Hampton Roads to Panama, if weather conditions permit, the Navy Department was informed by radio.

Final tests given machines yesterday afternoon proved satisfactory.

If Commander Bartlett and his men finish the 2,100-mile nonstop flight successfully they will have set a new record for seaplanes, shattering the 1,841-mile mark established by the late Commander John Rodgers in his Hawaiian attempt.

Guard ships have been strung along the Atlantic coast from Cape Hatteras to Miami. Old Providence Island to Colon. No safeguard to insure success of the trip has been overlooked.