

been in favor of filing the motion to set aside the jury and return on the directed verdict. They said Jackson was "highly in favor of having his case presented to the fullest extent."

When McCabe left the bench all attorneys shook hands with him.

Jones' Daughter Ill.

Jones came up and said he was leaving immediately because his daughter was sick with diphtheria. "That is the one thing that influenced me to file the motion with the court," he said. "My daughter is very ill and I could not have continued in the case any longer had it gone on."

"We felt that this would be the ultimate end of the situation even though we had presented our side so we decided on the motion."

The court sympathized with Jones because of his daughter's illness and expressed a hope that she would recover. Jones thanked him and hurriedly left the courtroom.

When the court took the bench at 4 p. m. he apologized to the attorneys for being late in returning to the court.

"I don't know whenever I have been presented with so puzzling a proposition," he said.

No Evidence of Threat

After citing a series of authorities and court rulings McCabe then launched into a discussion of the evidence.

"I don't believe any witness mentioned the Ku-Klux Klan by name in conversation with McCray," he said. "I believe Robinson said one of them was a political genius and that if McCray accepted the proposition he could not be convicted of any charge before any jury. So far as Robinson's conversation with McCray I'm not sure if Robinson said McCray could not afford to act on the proposition or not."

"But at any rate, nothing was said by Robinson, that I can recall, in the nature of a warning, threat or that McCray couldn't afford to reject the offer."

"So far as his talk is concerned there was no act of concealment as I recall the testimony. When Robinson first heard the talk in the Secretary of State's office he knew McCray better than anyone and said McCray would not accept the proposition and he was right."

McCray Knew Own Mind

"And Stephenson in his testimony reached a state of conclusion that somebody said they had thrown a scare into McCray and 'put the fear of God into his heart.' Of course we know that would only be an opinion."

The evidence, I think, shows whoever said that was grievously mistaken."

"The fact as to the crime of conspiracy to bribe an officer of the State is, in my mind, an inference that could hardly be drawn by a sane jury, for the reason that if nothing else, McCray was the chief executive of the State of Indiana and was a man of wide experience and he was not weak-minded."

"There is nothing before the court in the evidence of Robinson's visit to the Governor that shows any evidence of fraud, influence or trickery. He came back to the man and reported that McCray had turned down the proposition. Then

Jackson made the remark to Robinson that he had not presented the matter in the proper manner.

Only One Inference

Then Jackson went to McCray and said what was testified to in this court.

"Applying those things to this case it is the duty of the court to consider the evidence in this case to the State, but so far and unless there is some conflict in the evidence only one inference can be drawn and that is in favor of the defense motion."

"In deciding this case it is the duty of the court to consider all facts as shown by the evidence and to draw all the inference that the jury might draw."

"The evidence falls short on the part of it on the point of concealment. There are many allegations in the indictment that have not been proved. However, I agree with Mr. Johnson that it is sufficient that if one instance by the defendant intending to conceal the alleged crime would be proved."

As soon as the court had given the ruling, the order to return D. C. Stephenson, former Indiana Klan dragon, to the Indiana State prison at Michigan City, was given. The guards rushed to the county jail and whisked "Steve" back to prison.

Stephenson, who had been here since Monday afternoon, was kept in the grand jury all morning Thursday awaiting the order while attorneys argued the defense motion. After lunch at the jail, Stephenson was not removed from there until after 5 p. m. when the return trip was started.

Stephenson attempted to testify in the trial Monday afternoon but was blocked by defense objections. Fred Robinson, former State purchasing agent, took the stand Tuesday morning after the former Klan dragon changed his mind Monday night about testifying.

Finally, Tuesday afternoon he decided to testify but was prevented from doing so until Wednesday because defense attorneys kept Robinson on the stand all day.

Steve Followed By Noel.

When Stephenson did testify it was marked with rapid fire exchanges between himself and the prosecutor.

"Sure," said John, and he climbed on the judge's knee to eat candy

Boy Draws Pictures as Parents Clash Over Him

Lad Happy as Father Is Given Custody, Eats Candy With Judge.

John Graf, 6, drew pictures at a Circuit Court counsel table as his divorced parents waged a legal battle for his custody.

A partial victory was won by both sides. John Graf, railroad machinist, 1723 Fletcher Ave., the father, gets to keep the custody of his son. The mother, Mrs. Frank King, now remarried, can have him once a week at her apartment at Twelfth and Alabama Streets.

The mother sobbed when Judge Harry O. Chamberlin made the ruling. The boy seemed happy, because he claims he's satisfied to remain with his father, his grandfather and his two aunts at the Fletcher Ave. address.

The parents were divorced in December, 1924, and the son's custody was awarded officially to the father's grandmother. Since then the grandmother has died, and the mother brought suit for modification of the order.

It was modified to the extent that John can spend the night with his mother, and each alternating school holiday, beginning with George Washington's birthday.

It is unusual that the child should be given to custody of the father. The sister of the father, aunt of John Jr., was awarded the official custody of the boy. This means he will continue to live with his father.

John likes candy, he told Judge Chamberlin. After the evidence was completed, Judge Chamberlin asked that the boy accompany him to his private office.

"Sure," said John, and he climbed



John Graf

and mints, and tell about his home life.

GROUND TO BE BROKEN FOR CHAPEL AT BUTLER

Construction of Dormitories Will Begin at Once.

Remy was the last State's witness.

The State obtained permission from the court to reopen the case over defense objections. He testified he had never heard about the alleged offer until it was published in The Times, July 25, 1927.

A snappy roaster. Buy it now from the clearance sale offerings in the want ads.

By United Press

MICHIGAN CITY, Ind., Feb. 17.—D. C. Stephenson, his day in court ended, was back in the Indiana State Prison here today, working in one of the prison factories.

The former leader of the Ku Klux Klan, now a life prisoner for murder, whose testimony in Governor Ed. Jackson's trial was one of the highlights, was returned to the prison at 9:30 o'clock Thursday night in custody of guards. He had been in Indianapolis since Monday, when he was called as a State witness.

The design for the new chapel will be in harmony with the general theme of the university group.

COMPROMISE FLOOD RELIEF PLAN IS URGE

Bill Providing Payment by Government Will Hasten Proposal.

BY THOMAS L. STOKES

United Press Staff Correspondent

WASHINGTON, Feb. 17.—President Coolidge and Administration leaders are seeking a compromise flood relief proposal designed to meet, in part, the objections of southern Mississippi Valley States to local contributions, provided in the present Administration plan.

The report of the House yesterday of a bill providing for entire payment of cost by the Federal Government, drafted by the flood control committee, will hasten the compromise plan. Among the proposals considered are:

1. Having the States pay 10 instead of 20 per cent of control costs.

2. Paying of the cost of emergency flood control works by the Government, with the States still paying for the land necessary to carry them out.

3. Payment by the Government of all costs for five years, with State contributions thereafter.

4. Construction of the project by Government appropriations, on a year-to-year basis, with an economic commission, meanwhile undertaking a survey to determine just what the proportionate expense should be.

The first two proposals have come from high Administration officials, while the last two were suggested by Chairman Madden of the Appropriations Committee.

Demurral to the ouster suit has been filed in Marion Circuit Court and hearing on it set for Feb. 27.

RETURN SUSPECTS HERE

Two First Thought Sheriff Slayers Admit Burglary.

Clarence Arbuckle, 20, and Harvey Hill, 19, arrested at Decatur, Ill., as suspects in the murder of Deputy Sheriffs John P. Grove and William McClure of Lafayette, were returned to Indianapolis Thursday after admitting burglarizing poolroom at Seymour recently.

They were arrested by Chauncey W. Manning and Forest C. Hunting, State bureau of criminal identification operatives, who were in Decatur aiding in the search for Samuel Baxter and John Burns, alleged slayers of the deputies. Arbuckle and Hill told police they were prisoners with Baxter and Burns at Lafayette.

QUIZ KLAN LEADER

Ex-Cyclop Questioned by Gilliom to Obtain Evidence.

Hugh (Pat) Emmons, former cyclop of the Ku-Klux Klan in South Bend, Ind., was quizzed by Attorney General Arthur L. Gilliom regarding Klan affairs at the attorney general's office Thursday.

Gilliom declared today that other Klansmen and former Klansmen may also be interrogated in getting evidence to support his suit to oust the Klan from the State.

Demurral to the ouster suit has been filed in Marion Circuit Court and hearing on it set for Feb. 27.

FUND GROUP TO VISIT CAPITAL

Delegates Leave Here Saturday for Meeting.

Fred Hoke, Father Francis H. Gavisk and Nicholas H. Noyes, are lay delegates of Indianapolis Community Fund who will attend the National Citizens' Conference on community welfare in Washington, D. C., Monday and Tuesday.

With Homer W. Borst, executive

secretary of the local fund, they will leave Saturday for the capital. Fred Hoke, for six years president of the Community Fund, will preside at the opening luncheon Monday at the Mayflower Hotel. Louis Marshall, New York attorney, and W. H. P. Faunce, president of Brown University will talk on "Where Should Leadership and Responsibility for Community Welfare Be Found?"

With the co-operation of Evans Woolen, president of the Fletcher Savings and Trust Company, Borst has prepared an outline of discussion to be followed by the trustees group.

Hoke, Father Gavisk and Noyes are Community Fund directors.

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