



The Indianapolis Times

Partly cloudy tonight and Tuesday, rising temperature.

HOME

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FIGHT TO BAR STEPHENSON'S STORY OF KLUX CRIMES IN PENNSYLVANIA KLAN TRIAL

Motion Asks Judge to Rule Out Deposition; Orders Battles for Life in U. S. Court; Lynching and Rioting Charged.

COUNSEL IN BITTER CLASHES

Fight Bitterly Over Question of Whether Five 'Rebels' Were Legally Banished; Dragon of Realm Called as Witness.

BY ROSS DOWNING

United Press Staff Correspondent

PITTSBURGH, April 9.—Fight to bar a deposition of D. C. Stephenson, former Indiana Klan grand dragon, as evidence in the Federal Court battle of the Ku-Klux Klan for life in Pennsylvania, was begun today at the first session of the trial.

B. H. Connaughton of Washington, D. C., attorney for the Klan, filed a motion to rule out the evidence of Stephenson, who is serving a life sentence in Indiana.

Stephenson's deposition tells a story of political intrigue, terrorism and murder for which he says the Klan is responsible. Judge W. H. S. Thompson said the motion would be argued later.

Opposing counsel fought bitterly over the question of whether members of the "rebel" faction had been legally banished from the Pennsylvania realm of the order.

The suit in equity brought by the State organization to prevent five "rebel" members from interfering with the operation of the organization, and the counter suit brought by the defendants to have the Klan banished in Pennsylvania, is being tried before Judge H. S. Thompson.

Four Witnesses Called

Four witnesses had been called by the plaintiff organization when court recessed at noon.

The administration forces of Imperial Wizard Hiram W. Evans contended that Attorney Van A. Barrickman and four co-defendants no longer members of the order.

They attempted to establish this through testimony of the Rev. Herbert Shaw, grand dragon of the realm of Pennsylvania.

Barrickman, who also is defense counsel, attempted to show that he and members of his faction had never been properly expelled.

The hearing today is on the suit brought by the Klan against five rebellious members, including Barrickman. They are being sued for \$100,000 each and an injunction is asked to restrain them from interfering with the organization in the state.

The counter suit of the five defendants to have the Klan banished in Pennsylvania and an accounting of money made will follow.

Connaughton of Washington, M. J. Hosack of Pittsburgh and J. H. Sullivan appeared as attorneys for the Klan.

Lewis J. Watkinson of Greensburg, Pa., and Van A. Barrickman of Pittsburgh appeared as attorneys for the "rebel" group of Klansmen.

Shaw testified Barrickman had been banished by the imperial wizard. Connaughton requested that Barrickman bring into court the paper ordering his banishment.

Banishment Is Denied

"I have a paper in my office, but it is no banishment," Barrickman said.

Barrickman questioned Shaw concerning a meeting at which it was alleged Shaw had revoked the charter of the William Penn Klan No. 136 of Pittsburgh, when the Klan had assembled to hear the case of Barrickman.

Barrickman attempted to show that some of the men had not been expelled until after the present suits had been filed.

Shaw claimed he had revoked the charter of the lodge in question because its attitude was "a defiance to the imperial wizard."

Charge Many Crimes

The defendants named in the original suit brought by the Klan are the Rev. John F. Strayer of Latrobe, Pa.; Dr. Charles F. Hunter of North Bessmer, Pa.; William C. Davis of Manor, Pa.; Charles F. Oyer of Wilkinsburg, Pa., and Barrickman.

Murders, lynchings, riots and other crimes were laid at the door of the Klan in the answer and cross bill of the rebels.

These charges were supported by depositions obtained from Col. William J. Simmons, founder and stop former imperial wizard, and D. C. Stephenson, former grand dragon of Indiana, who is serving a life sentence for murder.

The Stephenson deposition was secured by Barrickman, chief counsel for the rebels, who went to the Indiana State penitentiary in Michigan City. An attorney for the Klan was present when the deposition was taken.

Simmons is expected to be the star witness for the rebels. He is said to have been in seclusion in Pittsburgh for several days, conferring with rebel Klansmen.

DEMOCRATS TO WELCOME REED

Speech Wednesday Night Focal Point of Rally.

Appearance of Senator James A. Reed of Missouri at Tomlinson Hall Wednesday night has become the focal point for a Democratic rally.

Reed's managers announced long ago that his talk here will be one of Democratic party principles and not merely a campaign speech for his presidential possibilities.

Evans Woolen, Indiana's favorite son, who is backed by the veteran Democratic leader, Thomas Taggart for the nomination at the Houston convention, will be among those to greet Reed upon his arrival here. Taggart and others have also signified their intention of giving him a great Democratic welcome.

Major L. E. Slack will attend the luncheon planned for Reed at the Democratic Club at noon.

Reed's only other Indiana appearance is to be at South Bend Thursday night.

WARMER' FORECAST

Mercury Back to Normal by Wednesday.

Hourly Temperatures

6 a. m.... 26	10 a. m.... 31
7 a. m.... 26	11 a. m.... 31
8 a. m.... 28	12 (noon).... 31
9 a. m.... 29	1 p. m.... 35

Temperatures will rise slowly to night and Tuesday, but it probably will be Wednesday before they mount again to normal. The high mark for the day was 40 in the afternoon and the low point, 29, at 7 a. m.

HOSPITAL IS APPROVED

Chicago Institution Honored By American Medical Society.

Within Six Feet of Flood Stage at St. Louis.

By United Press

ST. LOUIS, Mo., April 9.—The Mississippi River, already within six feet of flood stage, continues to rise slowly today. Government forecasters said it would rise two to three feet in the next three days.

The forecasters said, however, that precipitation so far this spring was not sufficient to send the river above flood stage.

JACKSON PONDERS FATE OF SLAYER

With the clock ticking away the life of John Hall, 20, convicted slayer of Louis C. Kreidler, South Bend druggist, Governor Ed Jackson this afternoon wrestled with the problem of whether he should stop the execution set for just after midnight.

Frank E. Coughlin, attorney for Hall, pleaded with the Governor for two and a half hours this morning to stay the execution. Coughlin carried a repudiated confession from Thomas O'Brien, pal of Hall, that it was O'Brien, not Hall, who struck the druggist on the head with a revolver two years ago last month in a holdup attempt.

O'Brien is serving a life sentence in Indiana State Prison.

After the conference with the attorney, Jackson announced he had

He Still Chooses to Choo-Choo

"Once a car builder, always a car builder," friends say smilingly of George L. Lucas, who has completed a miniature engine and train for his grandson, Myron Scarbrough, 7, of 273 N. Pershing Ave.

Lucas recently was retired on a pension from the B. & O. R. R. after almost fifty years of service, most of which was spent in building cars. But if Lucas couldn't build a big train, he would work on a miniature one, and admiring little boys have Oh'd and Ah'd through the windows of the Scarbrough garage, where the car builder has wielded his tools for several weeks.

George L. Lucas, his grandson, Myron Scarbrough, and train Lucas built.



MEREDITH NICHOLSON IN COUNCIL; BARTHOLOMEW AND NEGLEY QUIT POSTS

Famous Author Sworn in to Replace Ferguson; Only Two Involved in Scandals Now Hold Office.

CALL SPECIAL SESSION WEDNESDAY

Joint Civic Group Will Assemble Tuesday to Recommend Successors to Pair Who Resigned Today

Indianapolis today was rid of all but two of the seven city councilmen involved in the bribery scandals, following two more resignations at two special meetings held during the noon hour.

Meanwhile, Meredith Nicholson, internationally known author, was elected a member of the council to succeed Millard W. Ferguson, Democrat, Fourth district councilman, who resigned last week.

In rapid order these events took place:

1. Nicholson was elected by the votes of all seven members present.

2. Claude E. Negley resigned as councilman, declaring he is innocent of the bribery charges and has made no deal with the prosecutors.

3. Otis E. Bartholomew resigned as president of the council. He is under indictment.

The first special meeting was ad-

joined. The second special meeting was delayed until Nicholson was summoned from his downtown studio to be sworn in.

4. Then, upon suggestion of Councilman Edward B. Raub, Democrat, one of the two original councilmen not involved in the bribery scandal, election of a successor to Bartholomew was postponed until next Monday night.

Bartholomew Resigns

5. Bartholomew's resignation as a councilman was submitted and accepted. Raub temporarily replaced him in the chair.

6. Council decided on a special meeting at 1 p. m. Wednesday to elect successors to Negley and Bartholomew.

These moves left the council situation, briefly, as follows: Present members, Raub, Robert E. Springer, Nicholson and John F. White, Democrats; O. Ray Albertson, Austin H. Todd and Albert M. Mearns, Republicans, with the chairs of Bartholomew and Negley vacant.

Todd's resignation is on file, effective April 25. Albertson, not inducted, but a State witness, who is telling all in the bribery cases, refused again to say whether he will resign.

Want to Dodge Prison

The councilmen, other than Negley, who have been resigning, have let it be known they hope Prosecutor William H. Remy will permit them to plead guilty to malfeasance charges rather than bribery, so they may escape prison terms, in return for their vacating their offices.

Remy has not indicated definitely whether he will permit this, despite the fact that some of the indicted men already are out of office.

Trial of Walter R. Dorsett, councilman whose resignation was accepted last week, was postponed from 9 this morning until Wednesday morning in Criminal Court, while the prosecutor observed what happened at the special council meetings.

Watches Council Action

It was understood Remy was particularly interested in whether Negley and Bartholomew would get out.

With Todd's resignation effective late this month, only Albertson of the bribery group remains a full fledged councilman. He is expected to resign.

William H. Book, chairman of the Chamber of Commerce civic affairs committee, said the joint civic group which has been recommending candidates to replace the resigning councilmen would be called together Tuesday to nominate men to succeed Negley and Bartholomew.

Negley was not at the meeting. When the session had been called to order, Todd moved a five-minute recess to permit a caucus, but his motion was lost for want of a second.

Linton A. Cox, representing the Board of Trade on the joint civic organizations' committee, presented Nicholson's name as the choice of the civic committee to succeed Ferguson.

Councilman Raub placed Nicholson's name in nomination. Nomination issued this statement:

"I did not seek this office, but I take it as a great compliment that the commercial and civic bodies of my home city nominated me for the position at this critical hour."

"Indianapolis and Indiana have been subject to an ordeal of disturbing significance in the history of American democracy. It is to be hoped that here at home we are emerging from darkness into the light."

"I wish to assure my fellow citizens that I have no political ambitions to be served by taking this place. I take it solely with the idea that I may be of some service in the paramount business of restoring the city to its old-time honorable place in the mind of the nation."

"Let us have peace in Indianapolis!"

Trial of Dorsett, if held, is expected to be almost parallel in evidence to that of Councilman Boynton J. Moore, who was found guilty late in March of accepting \$100 from the then City Purchasing Agent John L. Collins, to influence his vote in impeachment proceedings pending against John L. Duval, then mayor.

The indictment against Dorsett alleges he accepted \$150 from Collins just prior to the impeachment vote.

SCHOOL BOND SALE UP

Board to Vote on \$100,000 Worth Tuesday Night.

Purchase and retirement of \$100,000 outstanding school bonds will be considered at the school board meeting Tuesday night. Business Director A. F. Walsman said today. The board retired \$44,000 school bonds in March.

TWO FLIERS STAKE NORTH GOLD CLAIM

By United Press

DETROIT, April 9.—Floyd Bennett and Bernt Balchan, pilots for Commander Richard E. Byrd, have staked a claim in the Canadian gold fields near Reindeer Lake, Manitoba.

For the last ten days Bennett and Balchan have been in the north country, testing under conditions similar to those in the Antarctic an engine which Byrd plans to use on his South Pole dash.

From the Pas, a fifteen day journey for dog teams, required three hours.

"Every member of our party, including the cook and his helper, staked a claim," Bennett said. "One of the claims was next to our house. We sold for \$20,000 cash while we were there."

Finders Are Keepers; Gallantry's Labor Lost

IT'S hard to talk some woman out of \$10. A. C. Rynerson, 222 N. Delaware St., believes.

Rynerson was one of those who gallantly rushed to aid a young woman whose tire came open as she was walking down Washington St. Saturday. One five and ten-dollar bill danced here and there in the wind as pedestrians lunged for them.

Finally all were recovered and restored to the owner, but a lone \$10. It blew erratically across the street with Rynerson in hot pursuit. Just as he had cornered it on the other side of the street, a middle-aged woman picked it up. Rynerson explained the situation.

"Ha, that's a likely story," laughed the woman. "I won't give it to you any unless they can prove it's theirs. I found it before you did; you can't have it."

Rynerson explained further and the woman finally agreed to wait while he brought over the owner. So Rynerson went across the street. When he returned, the middle-aged woman and the \$10 had gone.