

SUIT TO DECIDE
WHOLE FUTURE
OF UTILITIES

Railway Case Is of Vast
Import; Hearing Opens
Wednesday.

BY RUTH FINNEY
Times Staff Correspondent
WASHINGTON, Dec. 31.—The whole future of regulation of public utilities hangs in the balance in a case to be argued before the United States supreme court Wednesday. It is the so-called O'Fallon case, involving the question on how the interstate commerce commission shall value the property of railroads in determining what rates shall be charged.

Some years ago the commission placed a valuation upon the St. Louis & O'Fallon Railway Company properties and determined that recent earnings had been in excess of 6 per cent upon this valuation, and therefore were subject to recapture.

The question at issue, says this organization, in brief, filed with the court, is one of extraordinary public concern. Leaving out the question of whether production cost is the correct basis for valuation, it stresses the importance of the other two conflicting theories or regulations involved—whether valuation is a judicial function always to be determined ultimately by the courts, or whether it is a legislative function, with final decision in the U. S. C., as representative of the legislative branch of government.

PAY UP, POLICE TOLD

City Employees Declared to Be in Debt to Traugott Co.
Chester L. Zechiel, attorney, 707 Peoples Bank building, today asked the board of safety to order twelve policemen and firemen to pay bills due the Edward Traugott Company. In a letter to the board, Zechiel stated that the city employees owed the Traugott receiver about \$600.

"We do not want to sue these city employees, but feel that you should ask them to pay at once," Zechiel said.

From 'Way Down at the South Pole



These remarkable pictures show what life is like in the grim and icy Antarctic, where Commander Byrd and his men are waging their South Pole quest. (1) A close-up of a penguin; these big, man-like walking birds inhabit the polar continent in flocks of thousands. (2) This remarkable photo, reproduced by courtesy of H. G. Ponting, is the only one ever taken exactly at the South Pole. It shows Capt. Robert F. (center, standing) and his four companions at the pole on Jan. 18, 1912, as they arrived to find that Captain Amundsen had beat them there by thirty-four days. (3 and 5) Glimpses of the Antarctic landscape, showing the difficulties that Commander Byrd will face if his plane is forced down. (4) A bull sea elephant, a huge animal found in the waters that form the outposts of the Antarctic.

LINDY TO DINE HERE

Credit Men Will Be Hosts to Fliers.

Indianapolis Association of Credit Men will entertain Colonel Charles A. Lindbergh and William P. McCracken Jr. at a dinner at the Columbia Club Jan. 24.

McCracken is first assistant in charge of aeronautics in the United States department of commerce. City officials and others interested in the establishment of a municipal airport will be invited. Ulysses Grant, association president, will be toastmaster, and Louis Ludlow, congressman, will attend.

Lindbergh is chairman of the technical committee of Transcontinental Air Transport Company, Inc.

FIRE DISTURBS FUNERAL AND EXCITED BOY HURT

Only Curtains Burned at Home Near Tocsin.

TOCSIN, Ind., Jan. 1.—Upsetting a kerosene lamp against curtains at the home of Mr. and Mrs. Emmanuel Miller near here started a fire which interrupted a double funeral and caused injury to a boy just recovering from a broken hip.

After a daughter of Mr. and Mrs. Miller, who accidentally overturned the lamp, had spread the alarm her parents and others attending the funeral of Mr. and Mrs. Samuel Kinsey rushed to the home. They found that another daughter, Dorothy, 12, had jerked the curtains down and put out the fire with a bucket of water.

During the excitement, Lloyd Miller, 10, who suffered a broken hip two months ago, leaped from bed, fracturing the hip again. He will be bedfast for ten weeks, doctors say.

FAIR ASSOCIATION BILL FOR 1929 ANNOUNCED

State Board Secretary Also Outlines Agricultural Program.

Programs for the annual meeting of the Indiana Association of County and district fairs and the annual delegate meeting of the Indiana Board of Agriculture were announced today by E. J. Barker, secretary of the state fair board.

The former meeting is to be held at the Claypool Jan. 8, and the latter in the house of representatives Jan. 9.

A. P. Sandies, Ottawa, O., will be principal speaker at the county fairs meeting. Mayor L. Ert Slack and Governor-Elect Harry G. Leslie will speak at the annual banquet. State Senator Andrew Durham is also on the program.

WANTED BANDIT BRIDE

Anderson Wife Charges Husband Proposed Robbery on Wedding Day.

ANDERSON, Ind., Jan. 1.—Mrs. Irene Hundley charges in a divorce suit filed here against Harry Hundley that he proposed she aid him in a hold-up to obtain money so they could establish a home.

The wife says the bandit plan was broached by Hundley the day she became his bride, and that she immediately left him. She says before the marriage he represented himself to a man of means and able to provide a home for her and her two children by a prior marriage.

LIFTS FRATERNITY BAN

Earlham College Gives Permission for First Time in History.

RICHMOND, Ind., Jan. 1.—For the first time in its existence of ninety years, Earlham college is to have Greek letter fraternities. President David M. Edwards announces, but they will be honor organizations only.

"Social fraternities are first of all totally undemocratic and have no place on a campus of this sort," President Edwards declared in the announcement.

WHITE AGAIN JUDGE

Reappointed by Jackson to Municipal Bench.

Dan V. White, 32 North Arlington avenue, today began his second four-year term as a municipal court judge after Governor Ed Jackson announced his reappointment Monday afternoon.

White won the place over William H. Sheaffer, former deputy prosecutor; Thomas C. Whallen, former city judge, who is a henchman of George V. Coffin, district Republican chairman, and H. B. Pike, former county pauper attorney.

White received his first appointment as a municipal judge when the court was created in 1925. For more than two and a half years he served on the bench of the criminal municipal courts at police headquarters.

White is 46 years old and was born in Tipton county. During the war he organized employment offices in the state, working under the war department.

White is a member of the Scottish Rite, Irvington Masonic lodge, Century Club, Loyal Order of Moose, and the Society of Indiana Pioneers.

CONTROL OF MUSCLE SHOALS IS TALKED

Interest in Congress Wanes Despite Efforts of Company.

WASHINGTON, Jan. 1.—Although efforts are being made to stir up interest in Muscle Shoals legislation in this congress, little hope is seen for any action by Senator Norris and others advocating government operation of the property.

The activity is being fostered by officials of the American Cyanamid Company which seeks a fifty-year lease, but whose proposal has been defeated in congress.

Senator Norris says that Cyanamid is being kept alive because of President Coolidge's desire to turn the Shoals over to private interests.

REALTY BILL PLANNED

License Measure Will Be Drafted at Meeting Wednesday.

A real estate license bill will be drawn up by the legislative committee of the Indiana Real Estate Association when it meets Wednesday at 2 p. m., at headquarters, 824 Lemcke building.

Members of the committee are: R. B. Wilson, Indianapolis, chairman; R. E. Worley, Terre Haute; John M. Fox, Gary; Walter L. Curdes, Ft. Wayne; Glen E. Surprice, Hammond; and Eli G. Huber, Evansville. William H. Surbaugh of Anderson, retiring president of the association, and Fred W. Keller of South Bend, new president, has been asked to attend.

Annual convention of the association last September went on record as favoring a state license law.

24 YEARS ON ONE JOB

L. A. Miller Given Medal for Telephone Company Service.

L. A. Miller, 1011 Berwyn street, today began his twenty-fifth year of service with the Indiana Bell Telephone Company.

JAZZ STAYS ON
RADIO THRONE,
SURVEY SHOWS

Proportion 4 to 1 Over
Serious Educational
Features.

By Times Special
NEW YORK, Jan. 1.—The next time some serious-minded soul breaks out with that remark about the marvelous educational influence of the radio, you can show him this:

"The proportions of the programs broadcast over America today is four hours of jazz and popular airs to one of serious informative talks and education."

This is the report of Charles Merz, critic, writer and himself a radio pioneer, who has checked up on what is going on in the air, and draws his conclusions in an article appearing in the current issue of the Golden Book magazine.

Ten of the typical smaller stations at Des Moines, Philadelphia, New York, Nashville, Hartford, Baltimore, Cincinnati, Chicago, Kansas City and Dallas were on the air for 204 hours in a recent week," reports Merz. "They gave twenty-eight hours to talks, seventy-seven hours to serious and part-way serious music, and 189 hours to symphony."

Ten of the larger stations in New York, Schenectady, Pittsburgh, Chicago, Cincinnati, Davenport, Detroit, Springfield and Minneapolis were on the air for 357 hours in the same week; used fifty-six hours for talks, forty-two for serious music, and 259 for harmony and rhythm."

And there you have the figures on what the American radio audience demands—for the stations are careful to give it what it wants.

But the real dominance of jazz is even greater than the figures show, the Golden Book article points out, since the talks and serious features of the program usually are used to fill in the gaps in the daylight hours, while light music and wise-cracking vaudevillians take up almost all the evening hours, when upward of 20,000,000 people are likely to be listening.

But Merz is critical neither of the radio directors nor their audiences. On the contrary, he declares that the radio ought not to be criticized if it fails to take over the functions of laboratories, books and art museums. For after all, there are plenty of ways of studying science, drama, literature and history.

"The function of radio is to be a stimulant. Into a nation that lives at top speed and comes home much too awake to settle down, the radio brings a stimulus for tired nerves and something to distract us while we wash dishes or entertain the neighbors. That is its function."

LESLIE WILL SPEAK AT FAIR MEN'S DINNER

State Association Will Meet Jan. 8 at Claypool.

Governor-Elect Harry G. Leslie will be principal speaker at the annual banquet of the Indiana Association of County and District Fairs in the Claypool, Jan. 8, E. J. Barker, secretary-treasurer announced today.

After a welcome by Mayor L. Ert Slack, the morning session will be addressed by E. J. Claypool, of Muncie. A. P. Sandies of Ottawa, O., will address the afternoon meeting.

Annual conference of the Indiana board of agriculture will be held Jan. 9 in the house of representatives. Speakers will include Governor-Elect, President, and Secretary Barker.

Members of the board from the Fourth, Fifth, Sixth, Ninth and Eleventh congressional districts will be elected. A reorganization will be held in the afternoon.

DAILEY COMES HOME

Returns From California to Open New Law Firm.

Frank C. Dailey, Democratic candidate for Governor in the November election, has returned from California where he has been vacationing to open a new law office with Perry O'Neal on the twelfth floor of the Consolidated building.

The law firm of Miller, Dailey and Thompson, noted for the past ten years as one of the leading legal combinations in the middle west, dissolved today officially.

Three new firms grew out of the old combination. Samuel D. Miller, his son, Sidney, and Lou Robertson formed one of the new firms. Dailey and O'Neal formed the second, and Will H. Thompson, Albert Rabb and Tom D. Stephenson, the third.

Fishing the Air

(All references are Central Standard Time)

America's southernmost radio station to be included in the great national chain, situated on a little tropical island in Biscayne bay, makes its annual key on the New Year's night. It is station WIOD, on St. John's island, just in the lee of Miami Beach proper, a new member of the National Broadcasting Company's chain, and the most costly station in the south, if not in the country. It will be on the air nightly, from 8 to 1 a. m. on 1240 kilocycles.

WIOD is the first of the far south stations in the United States to be on a national string. It will take part in the National Broadcasting Company's hookup on General Motors hour from 8:30 to 9:30 every Monday night. The station is 389 miles farther south than any station which previously has been a regular part of a national hookup.

A program of dance music will be broadcast by the Clio Club Eskimos in their weekly program through a coast-to-coast network of stations of the NBC system Tuesday night at 9 o'clock.

Dolores Cassinelli, soprano, and Julian Oliver, tenor, will again be starred as vocal soloists in a program by Los Sevillanos to be broadcast through a coast-to-coast network of the NBC system Tuesday night at 9:30.

"The Octoroon" will be the drama presented by Hank Simmons' Show Boat, in the broadcast Tuesday night at 8 over stations of the Columbia Broadcasting system.

This drama, in five acts, was written by the famous playwright, Dion Boucicault. It concerns an old Louisiana family threatened with the loss of its estate and the sale as a slave of Zoe, the octoroon.

HIGH SPOTS OF TUESDAY NIGHT'S OFFERINGS

3:30—Combined NBC Networks—Football, California vs. Georgia Tech, Pasadena, Cal.
7:06—WOR, Newark (422)—Main street sketches.
8:00—WEAF and Network—Everyday hour.
8:00—WABC and Network—Hank Simmons' Show Boat.
9:00—WABC and Network—United Light Opera Company.

The inaugural program of the Freshman Orchestralians, featuring Lillian Taiz, soprano, and a thirty-five-piece orchestra under Hugo Mariani, will be heard through the NBC system Tuesday night at 9:30. Miss Taiz has selected Hanley's "Sleepy Valley Waltz" for her first number, and presents "Once in a Lifetime," from "Vanities of 1928," as her second.

"Fatinizza," by Franz Von Suppe, will be the operetta broadcast by the United Light Opera Company Tuesday night at 9 o'clock through stations of the Columbia Broadcasting system.

A program of popular pieces, including compositions by Victor Herbert, Lehár and Delibes will be presented by the Mediterranean in their weekly broadcast through the NBC system Tuesday night at 7 o'clock. Under direction of Hugo Mariani, the orchestra will play Victor Herbert's "Woodland Fancies"; Lehár's "Eva Waltzes," from the light opera of that name; an arrangement by Carver of Chaminade's "Scarf Dance" and the exotic intermezzo-waltz from Delibes' "Nala."

"The March of the Priests" from Mozart's opera, "The Magic Flute," opens the hour of slumber music through the NBC system, Tuesday night at 10 o'clock.

Songs made famous by that one-time popular band of entertainers known as Reed's Minstrels will be revived over the air by the Dutch Masters Minstrels during the broadcast through the NBC System Tuesday night at 8:30.

The radio minstrels have chosen "Red Pepper Rag," "The Corner Quaver" and "That Was a Grand Old Song," while "Silver Threads Among the Gold," the favorite solo of Dick Jose, who rose to fame as a member of Reed's group, will be voiced by a specially selected vocalist.

A concert arrangement of the Negro spiritual, "Deep River," will be played by the Sealy Air Weavers orchestra, under direction of Larry Briers, during the broadcast through the NBC System Tuesday night at 7 o'clock.

Dial Twisters

(All references are Central Standard Time)

WFBM (1050 Kilocycles) INDIANAPOLIS
(Indianapolis Power and Light Company)
TUESDAY
Noon—Popular records.
P. M.
12:30—Livestock market; farm fashions.
1:30—Auction bridge game.
4:00—Farrell's home service period.
4:15—WFBM studio orchestra.
4:30—"Ant-Smash," housekeepers' chats and radio recipes.
4:45—WFBM studio orchestra.
5:15—"What's Happening," late news from Indianapolis Times.
5:30—Chapter a day from the New Testament, by Parker Wheatley.
6:00—Longline's time; weather forecast.
6:00—Don Her program.
6:20—New radio code, presented by Lieutenant Owen.
6:30 to 8:00—Silent.
8:00—Music of the hour.
8:45—Jim and Walt, "Gloom Chasers."
9:00—American Legion boxing bout.
10:15—The Columnist; Longline's Times; weather forecast.
10:30—Dick Powell's orchestra from Indiana Roof.
11:30—Date Young on Indiana theater organ.
12:00—Good night.
WKEF (1400 Kilocycles) INDIANAPOLIS
(Hoosier Athletic Club)
TUESDAY
P. M.
6:00—Dinner concert.
6:30—Bair's theaters program.
7:00—Studio program.
8:00—Don Her program.
9:30—International Bible Students' Assembly.
9:40—Apollo theater.
WLW (700 Kilocycles) CINCINNATI
TUESDAY
A. M.
11:15—Organ program.
11:30—Orchestra at Hotel Gibson.
Noon—Montgomery Ward hour.
12:30—Livestock report.
1:30—Montgomery Ward hour.
12:45—Matinee players.
2:15—Vocal trio.
2:30—Miniatures of the Masters.
3:00—Commercial art lesson.
3:15—Date Young.
3:30—Office boys.
4:00—Five o'clock Hawaiians.
4:30—Livestock reports.
4:40—Market reports with novelty notes.
5:00—Henry Thies' orchestra.

MELLON PAINTS
BRIGHT FUTURE
FOR BUSINESS

Steady Progress Made by
U. S. in Last Year,
Says Secretary.

By United Press
WASHINGTON, Jan. 1.—A bright picture of business and financial conditions in 1929 was forecast today by Secretary of Treasury Mellon in a New Year statement to the nation.

"During the last year," Mellon said, "the country has made steady progress. Early in the year the volume of business began to show marked improvement over the slowing months of 1927, and this improvement has continued."

"It has been evident in manufacturing, in steel production, carloadings, automobile production, building contracts and sales of goods to consumers."

Prices Not Unduly High
"All of this is evidence also that buying power has been sustained and that, on the whole, satisfactory employment conditions have prevailed."

"Prices in basic industries have not been unduly high and have remained fairly stable, nor does there seem to be any immediate danger of excessive demand sending prices to such high levels as to make a slump in activity and, consequently, prices, inevitable. In the industrial world, conditions seem to be on an even keel, and it is much better to have them so, with a slight upward tendency, as at present."

U. S. Finances Safe
"In the financial world, there is sufficient money available for all legitimate undertakings. A considerable amount of gold has been exported during the past year. But it has not seriously impaired our credit resources, while, at the same time, it has helped to establish gold standards more firmly in Europe and to stabilize foreign currencies with resulting benefits to our import and export trade."

"Insofar as the government is concerned the finances are in a sound condition. The debt has been reduced to manageable proportions; the revenues are ample for our needs, and during the past year there has been another reduction of taxes, the full benefit of which will be more generally felt during the coming year."

"For all of these reasons, look forward with confidence to continued progress in the year ahead."

MOTION PICTURES

APOLLO

SENSATIONAL VITAPHONE ALL TALKING MELODRAMA

"ON TRIAL"

WITH PAULINE FREDERICK LOIS WILSON, BERT LITVELL VITAPHONE ACTS MOVIE NEWS

The Apollo Has the Pictures

LOEW'S PALACE THEATRE

NOW SHOWING JOHN GILBERT GRETA GARBO

"A Woman of Affairs"

AN M. G. M. SOUND PICTURE METRO MOVIE TONE ACTS MOVIE TONE NEWS—COMEDY

GRANADA

Today (Mat. 1 p. m.), Tomorrow

Vitaphone with Talk

CAUGHT

THE IN FOG

Conrad Nagel May McAvoy

Vitaphone Act—Luella Freese

AMUSEMENTS

Lyric

A Musical Confection

MUSICAL CONSERVATORY

OTHER BIG NEW ACTS

ON THE SCREEN

"SALLY'S SHOULDERS"

With LOIS WILSON

ENGLISH'S

Bargain Mat. Wed.—Also Sat. Mat.

MY MARYLAND

Rousing Male Chorus

Nights, 50c to \$3. Bar. Wed. 50c to \$3 Sat. Mat.

MUTUAL BURLIQUE

"BARE REG

On the Hum

Pain and Soreness Left My Side

"I WAS very pale and suffered a great deal with a pain in my side," writes Mrs. G. M. Futch, of West Anderson Street, Savannah, Ga., whose picture is printed above. "My side was sore to the touch. I would have to go to bed for two or three days at a time. My head would ache, and I would be very nervous."

"My mother was reading in the paper of a case something like mine, that had been helped by the use of Cardui. She decided that it might be good for me to take."

"After I had taken my second bottle of Cardui, I felt better. We sent for two more bottles, and by the time I had taken them, I had gained in weight, the pain and soreness had left my side, and I felt fine. I am very grateful for the good that Cardui has done me."

CARDUI

In Use by Women for Over Fifty Years

GL-135

Cardioelectric, for hygienic reasons, should be used by women as a mild, harmless, non-poisonous, aromatic detergent. For sale by all druggists. Price, 50 cents.

TIRE CROSLLEY RADIO ON CREDIT MOTOR TIRE

Constable Quits After 30 Years FISHKILL, N. Y., Jan. 1.—Since deputy sheriffs and state troopers have taken over the job of chasing law breakers, Constable Leonard Horton has resigned, after holding office thirty years.

Ask Your Friends About Majestic All-Electric Radio The Radio Sensation

We Carry a Complete Line of Fada and Crosley RADIOS \$5 DOWN Installs Either. Chicago Jewelry Co. 203 E. Washington St.

CIRCLE INDIANA Big Holiday Show The madcap "It" girl... CLARA BOW in "THREE WEEK-ENDS" Gay successor to "Three Weeks"... Public Gigantic New Year Revel... "STEP ON IT" with CHARLIE DAVIS And Enormous Cast! Doors Open at 12:45 P. M. Holiday Prices Today

English's Bargain Mat. Wed.—Also Sat. Mat. The Musical Romance Singing Company of 100 Beauty Girls Rousing Male Chorus Nights, 50c to \$3. Bar. Wed. 50c to \$3 Sat. Mat. MUTUAL BURLIQUE "BARE REG On the Hum