



# The Indianapolis Times

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## ZONING BOARD FACES BATTLE ON CREAMERY

About-Face by Plan Group,  
After Banning Firm at  
Location, Under Fire.

### PERMIT IS ASSURED

Neighborhood Uprising Only  
Way to Keep Out Com-  
pany on N. Gladstone.

BY CHARLES E. CARL  
A "right-about-face" executed by  
the city plan commission in prepar-  
ing to permit operation of a cream-  
ery at 1011 North Gladstone avenue,  
after once banning it as a "menace  
to health," threatens a neighbor-  
hood future.

This may spread to other locali-  
ties where the commission's will  
was unbinding.

Officials of the Benner Farms  
Dairy, Inc., said to have originated in  
Louisville, have been informed they  
may file for special zoning of the  
property Oct. 21.

This is equivalent to granting of  
the permit, unless a community up-  
rising forces the commission back to its  
original position of refusal, taken Sept. 23.

Personnel of the city plan com-  
mission and the board of zoning ap-  
peals is identical. In private ses-  
sion, the board sits as the city plan  
commission, frequently voting in  
secrecy on matters upon which the  
public supposes the members still  
open-minded when they emerge in  
public session a few minutes later as the board of zoning appeals.

### Law Twice Violated

When first petition was filed by  
Samuel O. Dungan, president of the  
Polk Milk Company, for use of the  
North Gladstone avenue building as  
a creamery, the zoning appeals  
board heard protests from residents of  
the neighborhood.

Some board members investigated  
and, at the session Sept. 23, the  
petition was denied after George  
O'Connor, president, read a type-  
written statement on the board's  
findings.

The findings included the fact  
that the zoning law twice had been  
violated by uses of the building for  
cremery purposes by the Triangle  
Daries and that much of the equip-  
ment had been installed before the  
petition was filed with the board.

Action of the board probably will  
come as a surprise to the protesters  
when they receive their notices of  
the hearing to be held, one member of  
the board admitted.

### Permit Use for Year

It is learned from a reliable  
source that Roy D. Moore, presi-  
dent of the Benner firm, and  
Dungan have stated that \$7,000 has  
been invested in the building and  
that, being a new firm in the city,  
should be given an opportunity at  
the location.

Dungan is said not to be con-  
nected with the company, but owns  
the structure.

According to information, the new  
agreement will permit use of the  
structure for a year, provided that  
within six months the company  
shows a "bona fide effort" has been  
made to find a new site for the  
cremery.

In the statement at open meet-  
ing, O'Connor said the zoning law  
had been violated twice in the last  
few years by various uses of the  
building.

### No Statement of Voting

... proposed use of the building  
as a cremery or milk handling  
plant will not be in harmony and  
interest of the zoning ordinance and  
proposed use will not be in the  
interests of the public health, safety  
and general welfare of the com-  
munity, therefore the petition is de-  
nied," the statement said, in part.

No statement of the voting in the  
second opportunity for the cremery  
petition was made by the plan com-  
mission after the voting was held.

But for this account, owners of  
property would not have known of  
the new use until they received  
notices, it is said.

Members of the commission and  
zoning board in addition to O'Connor  
are: Louis Borstein, vice-president;  
Mrs. Lillian Taylor; J. W. Atherton,  
executive secretary of Butler  
university; Dr. Fred W. Mayer; A.  
J. Embhardt, park board president;  
A. H. Moore, city engineer; E. Kirk  
McKinney, president of the works  
board; Fred C. Gardner, city coun-  
cilmnan, and Paul R. Brown, county  
surveyor.

### CALLS STUDENTS 'LIGHT'

Spend Time Thinking of Athletics,  
Price of Rum, Says Professor.

KALAMAZOO, Mich., Oct. 14.—  
The "average collegian," said Pro-  
fessor Oscar J. Campbell of the  
University of Michigan, in an  
address at Kalamazoo college, "spends  
his time talking only of athletics,  
the movies and the price of liquor."

A thinking man is surely needed in  
America."

### Come in, Twins

The twins are flocking in!  
And there'll be a lot more of  
them, when full details of the  
Times big contest are an-  
nounced later this week. Send  
in your names, addresses, and  
pictures if you have them. If  
you haven't any late photos,  
The Times will arrange to have  
them taken. Watch for further  
information tomorrow on this  
contest.

## 'Wine in Your Cellar?' Asked School Pupils; Angers Parents

HOW many of you ever have had any wine, cider,  
or 'beverage' in your cellars? Come on, now.  
Come on. I just want to know."

This question, admittedly propounded to boys and  
girls in Shortridge high school classrooms by an  
instructor, has aroused ire of parents, who see in the  
query no educational justification, but an encourage-  
ment to juvenile "snooping."

Answering parents' complaints, the instructor to-  
day told The Times he has asked the question of  
pupils in their civics discussions, with no intent

to embarrass the pupils or make any use of the in-  
formation obtained.

"I think the pupils should be frank and I have  
asked the question without any intent to snoop into  
people's private affairs," he said.

That many affirmative hands were poked up in  
response to the question parents regard as  
beside the case. They see in the practice a reflection  
of recent instructions in a textbook to federal pro-  
hibition agents in which the employment of children  
as dry "snoopers" was recommended.

EXPOSURE of the system brought condemnation  
from high Washington officials. The teacher de-  
nied he had asked in class, "How many of you  
drink?" but said he had asked the question of some  
of the boys in another capacity.

He admitted, however, that the question, "How  
many of you ever have smoked?" has been asked by  
him of girls in "Z class," made up of backward or  
disobedient pupils. Difficulties of handling this class  
of pupils compels the instructors to try to entertain  
them as well as instruct them, he said, and

questions intended to bring out possible reasons for  
their backwardness or disobedience are justifiable,  
he contended.

Parents of grade pupils have expressed to The  
Times growing resentment at the practice said to be  
in wide use throughout the city, of teachers asking  
children to "tattle" on one another.

Teachers frequently ask children in the lower  
grades, in so-called "civics" classes, it is reported,  
to tell "What have you seen Johnny do that is wrong?"  
encouraging, parents contend, the practice of  
"tattling."

## BUSINESS MEN 'ASSOCIATION' IS TOTTERING

### Poison Ends Life of I. U. Instructor

Miss Jessie Hogate Former  
City Teacher; Worried  
Over Ailment.

By United Press

BLOOMINGTON, Ind., Oct. 14.—  
Miss Jessie Hogate, 55, member of  
the Indiana university faculty, killed  
herself by drinking poison at her  
home today.

The body was discovered by Enoch  
Clements, Indianapolis, a nephew  
living with Miss Hogate while he  
attended the university.

Relatives believed the act was  
prompted by despondency over a  
heart ailment. She had entertained  
friends at her home Monday night,  
who reported her hostess noticeably  
discreased.

Miss Hogate was an assistant in  
the department of public discussion,  
extension division.

She was the daughter of Judge  
Enoch G. Hogate, Danville, who  
before his death in 1924 was dean of  
the I. U. law school.

She was a graduate of Alleghany  
college and had taken graduate  
work at the University of Chicago.  
She was a member of Kappa Alpha  
Theta sorority.

Before joining the Indiana  
faculty, Miss Hogate had taught at the  
Danville high school and in the  
Indianapolis public schools. She was an  
active Republican worker in  
Monroe county.

The funeral will be held at  
Bloomington Thursday morning  
with burial at Crown Hill, Indian-  
apolis.

Survivors were a sister, Mrs.  
Mary Clements, Indianapolis; a  
brother, Charles Hogate, Indianapolis;  
a cousin, Julian Hogate, Danville,  
and the nephew, Enoch Clements.

Confers With Byrnes

Whallon Declares He Will  
Quit Organization as  
President.

The Indiana Business Men's As-  
sociation, Inc., appeared tottering  
on the brink of oblivion today as  
Thomas C. Whallon, attorney and  
former judge, who is president of  
the organization, declared he would  
resign his post.

Whallon's move to resign came as  
George Eggleston, deputy prosecutor,  
gathered information about the  
association. Eggleston said the  
decision to probe the association  
came after reports of alleged im-  
proper activities had been received  
at the prosecutor's office.

The association already is under  
fire of the Better Business Bureau  
and the Indiana State Bar Associa-  
tion following reports from Indian-  
apolis business men that they had  
been told in phone conversations that  
the organization "had power in the  
courts" and representatives were  
said to have had claims to ability to  
"fix cases."

### Resignation Is Predicted

Whallon has denied all charges  
and declared no one in the orga-  
nization had been authorized to  
use his name. However, reports  
from business men carried the in-  
formation that the phone calls were  
made by a person who said it was  
"Whallon speaking."

Whallon late Monday addressed  
a letter to Edwin C. Boswell, attor-  
ney and vice-president and general  
counsel of the association, asking  
that the "association meet today to  
receive my resignation as president  
and accept same."

Boswell told Times reporters Sat-  
urday that if the bar association  
frowned on the association's alleged  
activities, he also would resign.

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that the "association meet today to  
receive my resignation as president  
and accept same."

Whallon conferred with David  
Byrnes, assistant manager of the  
Better Business Bureau, late Mon-  
day.

Byrnes told The Times Monday  
the organization had been withheld  
from giving Whallon an opportunity to  
answer charges made to the bureau  
by local business men who said  
they had been approached.

Probe to Be Continued

However, Byrnes today said he will  
continue the bureau's probe of the  
activities of the organization and will  
not "halt until the matter is  
clarified."

The association, officers have ad-  
mitted, was formed for the purpose of  
authorizing publication of the  
Commercial Guide and Reference  
"Manual." Purchase of ads in the  
book automatically made the sub-  
scriber a member of the association.

Whallon is Sixth ward Republican  
chairman and Boswell was an un-  
successful Republican candidate for  
juvenile court judgeship in the last  
primary.

### GAME MAY AID POOR

Notre Dame, Northwestern  
to Play for Needy.

By United Press

CHICAGO, Oct. 14.—A proposal  
that the Notre Dame-Northwestern  
football game Nov. 22 be held at  
Soldiers' field instead of at Dyche  
stadium and that the difference  
in the price of admission be  
used to help the poor was  
proposed by the two schools.

Both schools are in agreement  
on the proposal, but the Northwestern  
athletic manager, A. J. Embhardt,  
said he would not be able to  
arrange the game at the proposed  
site.

Embhardt said the proposed  
game would be held at the  
Soldiers' field.

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