

# The Indianapolis Times

HOME

Partly cloudy tonight and Wednesday; not much change in temperature.

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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. CARLL

A "right-about-face" executed by the city plan commission in preparing to permit operation of a creamery at 1011 North Gladstone avenue, after once banning it as a "menace to health," threatens a neighborhood furor.

This may spread to other localities where the commission's will was unbending.

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 uprising forces the commission back to its original position of refusal, taken Sept. 23.

Personnel of the city plan commission and the board of zoning appeals is identical. In private session, 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 typewritten 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 creamery purposes by the Triangle Dairies and that much of the equipment 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, president 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 connected 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 creamery.

In the statement at open meeting, 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 creamery 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 community, therefore the petition is denied," the statement said, in part.

No statement of the voting on the second opportunity for the creamery petition was made by the plan commission after the voting was held. But for this account, owners of property would not have known of the new move until they received notices, it is said.

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

CALLS STUDENTS 'LIGHT'

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

KALAMAZOO, Mich., Oct. 14.—The "average collegian," said Professor Oscar J. Campbell of the University of Michigan, in an address at Kalamazoo college, "spends the time talking only of athletics, the movies and the price of liquor. A thinking man is sorely 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 announced in 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 encouragement to juvenile "snooping."

Answering parents' complaints, the instructor today 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 information 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 prohibition agents in which the employment of children as dry "snoopers" was recommended.

EXPOSURE of the system brought condemnation from high Washington officials. The teacher denied 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 convert 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

Whallon Declares He Will  
Quit Organization as  
President.

The Indiana Business Men's Association, 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, began gathering information about the association's financial condition.

The association already is under fire of the Better Business Bureau and the Indiana State Bar Association for alleged improper activities had been received at the prosecutor's office.

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Resignation Is Predicted

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

Whallon late Monday addressed a letter to Edwin C. Bell, attorney 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 Saturday that if the bar association frowned on the association's alleged activities, he also would resign.

Confers With Byrnes

With Thomas C. Batchelor, secretary of the state bar association in charge, the board of managers of the bar group will consider the matter Friday and Saturday while in session at South Bend.

Whallon conferred with David Byrnes, assistant manager of the Better Business Bureau, late Monday.

Byrnes told The Times Monday the organization's bulletin on the association had been withheld to give 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 cleared."

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

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

GAME MAY AID POOR

Notre Dame, Northwestern  
to Play for Needy.

CHICAGO, Oct. 14.—A proposal that the Notre Dame-Northwestern football game Nov. 22 be held at Soldier's field instead of at Dwyer stadium and that the difference, probably \$250,000 in receipts be used to relieve needy unemployed persons was under consideration today by officials of both schools and the Western Conference.

Among those who expressed approval were Coach Knute Rockne of Notre Dame and Kenneth Wilson, director of athletics at Evanston. Under the plan, neither school would lose any money and yet a large sum, possibly a quarter million dollars, would be obtained for charity.

The plan is to give the extra money to three charitable organizations, the United Charities, Catholic Charities, and Jewish Charities.

AFFIRM OIL PRORATION

Supreme Court Upholds Right to  
Restrict Production.

OKLAHOMA CITY, Oct. 14.—The right of the state corporation commission to enforce oil proration in Oklahoma was upheld by the Oklahoma supreme court today. The court denied the application of the C. C. Julian Oil and Royalty Company for a writ of prohibition.

Horst Tied Alleged  
TERRE HAUTE, Ind., Oct. 14.—Arthur Presnell will be tried in city court Thursday on a grand larceny charge, it being alleged he stole a horse.

## Poison Ends Life of I. U. Instructor

Miss Jessie Hogate Former  
City Teacher; Worried  
Over Ailment.

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, when reported their hostess noticeably was discouraged.

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 Allegheny 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, Indianapolis.

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

Cuts Wife, Kills Self

CLINTON, Ind., Oct. 14.—Believed en route to Indianapolis to make arrangements for separation and division of a government pension, William H. Payne, 38, blind World War veteran, reportedly attempted to murder his wife and then committed suicide with a razor while she was driving their car along a road west of Clinton today.

Payne, well-known in Vermillion county, was said to have been gassed and blinded during the World War and receiving a \$200 a month pension from the government.

He died almost instantly and Mrs. Payne was brought to the Clinton hospital by a deputy sheriff. Her condition was reported as "probably critical."

JESUIT PRIESTS AND  
PILOT DIE IN CRASH

Missionaries Killed When Plane  
Goes Into Spin in Far North.

NOME, Alaska, Oct. 14.—Two Jesuit missionaries and their pilot were killed when their airplane crashed on the frozen tundra of northern Alaska, it was learned today by authorities here.

The dead are: Father Philip I. Delon, superior of Jesuit missions in Alaska; Father William Walsh of the Kotzebue mission; Ralph Wien, aviator.

All were killed instantly when the plane in which they were returning from a trip to isolated native communities fell into a tailspin at an altitude of 400 feet and crashed.

YOUNG FARMER MISSING

Leaves Greenwood for Louisville;  
Truck Found at Market Here.

Police here today began search for Fred Sherber, 19, Greenwood, who left his farm home there Sunday with a truckload of garden crops destined for the Louisville city market. The truck was found at city market here today.

The boy's mother, Mrs. E. W. Hance, Greenwood, reported the boy missing.

SAW VOTE OFFICIAL 'MARK'

BALLOTS, WITNESSES SAY

Damaging testimony that John L. Biens, Coffin henchman and Republican poll official during the primary election, marked twenty-five ballots after the polls closed in order to nominate himself as precinct committeeman, was heard from the witness stand by a criminal court jury today.

Everett F. Saxton, 3460 Graceland avenue, star state witness, told jurors he secretly watched Biens apply a blue pencil to ballots for more than twenty minutes. Biens, "watcher" in the Ninth precinct of the Fourth ward, is on trial for violating officials duties, penalty for which the state asks imprisonment of five to ten years.

While hundreds crowded the courtroom to hear state testimony today, Saxton told jurors Biens

## MARTIN-PARRY PLANT IS SOLD TO CHEVROLET

City Body Corporation to Be  
Put on Full Time  
Schedule at Once.

Purchase of the Martin-Parry Body Corporation, Indianapolis plant, 1100 West Henry street, by the Chevrolet Motor Company, a part of General Motors, was announced in Detroit today by W. S. Knudsen, Chevrolet president and general manager.

The plant will be used for production of certain types of commercial bodies used by Chevrolet. Although it was operated this year on curtailed schedule the Chevrolet organization will put it into immediate full time operation, a dispatch from Knudsen stated.

Forty Acres of Land

Included in the purchase are forty acres of land, 550,000 square feet of factory floor space, an additional 150,000 square feet of lumber storage space under roof, railway right-of-way, and twenty-one branches operated in various parts of the country.

J. A. Jamieson, Chevrolet comptroller, will come to Indianapolis as general manager of the new development, which will be known as the Chevrolet Commercial Body division of the company. Remainder of the Martin-Parry personnel at the plant will remain intact. Employment at capacity will total 600 men.

Confers With Officials

H. F. Howard was general manager of the Martin-Parry plant here. F. M. Small is president of the company. Howard is in conference with Chevrolet officials in Detroit today.

Despite sale of its main production unit, the Martin-Parry Corporation will maintain its identity and continue to operate at York, Pa., and South Kearney, N. J.

Purchase agreement is effective Wednesday, and Chevrolet will begin active operation at once, Knudsen said. Branches will be taken over Nov. 1 and provisions already in being made to extend the number to fifty to assure adequate national facilities for distributing new products of the company.

REDS BATTLE  
BOSTON COPS

Clash Outside Hotel Where  
A. F. of L. Is Meeting.

BOSTON, Oct. 14.—Police clashed with a group of 300 men and women described as Communists here today just outside Hotel Bradford, where the fifteenth annual convention of the American Federation of Labor is in progress.

For fully five minutes wild scenes were enacted as members of the Communist group attempted to deliver speeches to the crowd.

Not until extra police arrived and charged the throng with drawn clubs was the demonstration quelled. Several appeared to have suffered bruises, but none was believed hurt seriously.

Some of the marchers carried banners and placards bearing such words as "Vote Communist," "Demand Social Insurance," "Work or Wages" and "Help for Unemployed."

A free-for-all battle of fistfights and clubs that lasted five minutes ended when several of the demonstrators were taken away in patrol wagons.

Several delegates left the Labor Federation's session in the nearby hotel to witness the melee, but the convention remained in session.

Hourly Temperatures  
6 a. m. .... 60 10 a. m. .... 75  
7 a. m. .... 60 11 a. m. .... 79  
8 a. m. .... 62 12 noon .... 80  
9 a. m. .... 68 1 p. m. .... 81

## LANDMARK MAY VANISH Once Busy Station Now Passed by



Top—Front view of the old Massachusetts avenue station, a city landmark, which railroads seek to abandon for lack of business.  
Lower Left—The "Highball" Lower Right—J. W. White, station agent, chalking up the time on the station's three trains a day.

## NEGROES ASK \$100,000 FOR 'DISCRIMINATION'

Charge Injury in Exclusion From  
Railroad Dining Car.

Damages of \$100,000 were asked in a suit filed today in Marion circuit court by E. Louis Moore, Negro, attorney for the Independent National Funeral Directors Association, Inc., against the Louisville & Nashville railroad, Louisville.

The suit was based on refusal of railroad employees to allow a delegation of Negro undertakers admission to a dining car between Louisville and New Orleans June 14. The undertakers were en route to a convention in the Louisiana city.

All "suffered mental agony and distress" and were victims of "anticipated suffering," the suit sets out.

DESPERADO NABBED

'Little Jake Fleagle' Is Shot  
and Captured.

BRANSON, Mo., Oct. 14.—"Little Jake" Fleagle, the west's most hunted desperado, was shot and captured on a train today when he refused to surrender to officers who had converged upon him from four states.

"Little Jake" fell with a bullet through his stomach when he whipped out two guns in answer to a command to raise his hands.

One of the officers who had come to trap him beat him to the draw.

## MORROW TO AID HOOVER IN '32

Declares He Is Not in  
Presidential Race.

NEWARK, N. J., Oct. 14.—Dwight W. Morrow, hailed in the east as a presidential possibility in 1932, believes President Hoover will be re-nominated and re-elected.

Although the former ambassador is known to be a close friend of Mr. Hoover, prominent New Jersey leaders consider him a potential candidate for the White House, possibly in the next campaign. Morrow, in a speech opening his campaign for election to the senate, said such statements were unauthorized.

"I look forward with pleasure and with confidence to the opportunity of voting two years from now for the renomination and re-election of Herbert Hoover."

Morrow met the "prosperity" issue raised by his Democratic opponent, State Senator Alexander Simpson. "No Republican," asserted Morrow, "need shrink from a discussion of the commercial depression and the conduct of the Republican administration in regard to it."

"The federal government can not of itself bring back prosperity. It can, however, maintain those conditions which make industrial recovery possible."

Morrow reiterated his liquor stand, although the prohibition issue virtually is removed from the campaign, as Simpson is a wet. Morrow favors repeal of the eighteenth amendment and granting of power to the states.

KING OF SIAM GOES  
IN FOR HOUSE HUNTING

Willing to Pay \$100,000 for Mansion  
in New York.

NEW YORK, Oct. 14.—The king of Siam is house-hunting.

The king is coming to New York soon for an operation, and of course he must have a place to stay.

But no mere royal suite in a hotel will do, according to Alexander Woolcott, radio commentator and writer. Instead the king must have a mansion of at least twelve master bedrooms and twenty-four servants' rooms.

For the privilege of occupying such a mansion for two months, his highness is willing to pay \$100,000.

## Only Three Trains Stopping Daily; Abandonment Is Sought.

BY ARCH STEINEL

"So they say they're going to abandon her."

The words came between slow, meditative puffs of a briar pipe. The smoke slipped out of the grille of the old Massachusetts avenue station and wreathed around and around in the empty station waiting room.

"Tickets sold to all points" mocked a sign on the waiting room wall. The room's benches, with iron arm rests, were dusty from disuse.

"Well you can't sell tickets if they don't stop trains," offered the pipeholder, J. W. White, station agent, as he motioned with the briar to the ticket case.

"Just three trains a day stop here. Two on the Nickel Plate and one on Big Four's Springfield division," and the pipe puffs added to his words as they told of the days of the station "away back when."

You could buy a \$2 excursion ticket, round trip, to Chicago. When the station was the terminus of department store Santa Claus and children jammed its doors to hug the bearded old man.

"Goals to Newcastle"

When traveling men were "drummers" and Bourbon was taken on excursions to Buffalo, N. Y., instead of being brought back.

"She was built around 1878," the agent puffed, "but I've only been here about eight years now. Frank Mesker was her first agent. The telephone kept working then. We don't use it now. Just the telephone, he explained as he motioned with his pipe.

"Some days I don't sell a ticket to any one," he said.

In the application of three railroads before the public service commission for the station's abandonment, the revenue for 1929 was set at \$70.10.

It's Just a Habit

"The Monon doesn't stop any trains. Well I got the 9:22 on the Nickel Plate coming in. Guess I better meet it. I just give them the high-ball to go on if there's no passengers," he muttered as he looked the ticket office door and laid down the cold briar. Locking the door is just a habit with him.

He walked to the track elevation. The truck of "this 9:22" rolled slowly in front of the lonesome station. He "high-balled" with a wave of the hand the customary signal of "no passengers" and stroled back to the station, meditatively puffing his briar.

King Victor Receives MacFadden

ROME, Oct. 14.—King Victor Emmanuel today received Bernard MacFadden, American publisher, in audience, and for thirty minutes discussed MacFadden's efforts toward physical culture development in America.

## LEGS DIAMOND DYING, CLAIM LATE REPORTS

Mystery Man Called to  
Bedside Is Reported  
to Be Priest.

SHOT WHILE FIGHTING

Unarmed Gang Chieftain  
Battled Assaults,  
Probers Learn.

BY HARRY FERGUSON

NEW YORK, Oct. 14.—A man whose identity was concealed closely by police was admitted to the room today in Polyclinic hospital where Jack (Legs) Diamond is near death from four bullet wounds.

It was reported the man was a priest who had arrived from Acra, N. Y., where Diamond has a country home.

For the first time since the wounded gangster was taken to the hospital, the two policemen who have stood guard at his bedside left the room.

That caused reports that the mysterious man was about to take Diamond's last confession and that the gangster had only a little while to live.

Thomas Crain, district attorney, completed his investigation of the Diamond shooting and expressed the opinion that Legs had fought unarmed against the two men who invaded the Hotel Monticello Sunday.

Hunt Hotel Manager

The bullet holes in the ceiling indicated, Crain said, that Diamond had struggled with one of the men and that the shots had gone wild.

The second assailant, according to Crain, waited until Diamond offered a good target and fired four or five shots, all of which struck the gang leader.

Police announced they were intensifying their search for Jacob Ginsburg, manager of the Monticello hotel, whom they consider the most valuable witness in the case.

He has not been seen here since he drove away from the hotel in an automobile shortly after the shooting. It also was learned that Count Miller, described as Diamond's private secretary, had vanished.

Police had veered today toward a theory that Diamond was shot by members of his own gang or at least by persons with whom he formerly associated.

Too Weak for Operation

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