



# The Indianapolis Times

HOME

Fair tonight; Thursday partly cloudy and unsettled, not much change in temperature.

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## NATURAL GAS CASE BURSTS INTO COURT

Petition Federal Judge to Restrain Prosecutor of Vigo County.

### INTERFERENCE CHARGED

Kentucky Firm Declares Whitlock Working for 'Personal Clients.'

Charges that Charles G. Whitlock, Vigo county prosecutor is "using unlawfully" his position "for the private benefit of personal clients and himself," are contained in a petition for temporary restraining order against Whitlock, his deputies and the Vigo county sheriff and deputies filed in federal court here by the Kentucky Natural Gas Company.

This is the same company which is seeking to furnish natural gas to Indianapolis corporations. Hearing on the petition is to be held here Thursday morning before Federal Judge Robert C. Baltzell when substantiating testimony is expected to be produced by Miller & Miller attorneys for the natural gas company.

Outline of what is termed "a program for the purpose of harassing, interfering and stopping work" on the laying of the natural gas company's mains into Terre Haute is given in the petition.

"Attorney for Industries"

It charges that Whitlock is attempting to obstruct the work "in the hope and with the wrongful design and purpose of compelling the plaintiff to make certain agreements as to the furnishing of natural gas to certain individuals and corporations" at Terre Haute "and dictating and controlling the prices at which such gas should be furnished to such corporations and individuals."

Whitlock, the petition asserts, "is attorney for certain individuals and persons and proposes to prevent the gas company from going on with the work of laying the mains until the Kentucky Natural Gas Company would furnish the natural gas on prices which he would dictate."

Alleged threats made by the prosecutor to "kick the natural gas company out of Indiana" are set forth in the petition together with the history of Whitlock's verbal and legal attacks upon the company.

Claim \$1,500,000 Expense

The petition declares that \$1,530,000 is being expended by the company in laying its pipe lines from the Kentucky field through Evansville and Terre Haute to Indianapolis and that the open flow of its pipe wells reach 350,000,000 cubic feet daily.

A franchise was obtained from the Vigo county commissioners to lay the mains into that county; and on April 14, 1931, a contract was made with the Universal Gas Company at Terre Haute to deliver natural gas to the Indiana Consumers Gas and By-Products Company for fifteen years.

Contracts were made with Conner & Sons Construction Company of Terre Haute to lay a lateral main to the plant at a cost of \$20,000 for construction and \$25,000 for pipes. Work started on June 1, 1931, with approximately 125 men employed on the job.

Warrants Are Issued

Warrants for the arrest of the employees were issued, but none was served except on the Kentucky Natural Gas Company. The petition sets out that work was stopped on June 27 and that in the meanwhile Whitlock went before the circuit court to obtain an injunction to halt the laying of the mains.

Not only does the Kentucky Natural Gas Company ask for a temporary restraining order against Whitlock, the sheriff, Joseph M. Dreher and twelve deputies, but Judge Baltzell also is asked to mandate Whitlock to drop his criminal prosecutions and the injunction suit.

## BLAME CREW IN DEATH

Steamer Sailors "Rattled" During Drowning, Says Witness.

By United Press

NEW YORK, July 8.—Ernest O. Pavey of Columbus, O., indicated today he would press charges of "inefficiency" against the captain and crew of the steamboat Tourist if as a result of their reported downing of a passenger Tuesday.

Pavey said members of the crew "ran around like crazy men" when a passenger fell or jumped overboard. Captain George Deming denied the charges.

## CONVICTED FOR FRAUD

Ian, Wife Found Guilty in Badger Racket; Term Is Given.

Held on complaint of a Kentuckian who charged he was a victim of a badger game, a man and wife were fined in municipal court today.

John Rossico, 315 West Ohio street, was fined \$100 and costs and sentenced to six months on the state farm for drawing a deadly weapon, and his wife, Juanita, was fined \$50 and costs on a statutory charge.

## Children Tortured in Federal Prisons, Hoover Board Finds

Startling Story of Dungeons and Floggings Are Detailed to President by His Law Enforcement Commission.

BY PAUL R. MALLON United Press Staff Correspondent

WASHINGTON, July 8.—The Wickersham law enforcement commission, in a report made public by President Herbert Hoover today, details a startling story of alleged prison tortures which it finds are being inflicted upon youthful offenders against society's laws.

The report is that of the section on child offenders and embodies a detailed study of the subject.

Dungeon cells, bread and water diet, flogging and nerve-racking punishments are not unusual for prisoners who laugh or have a concealed 2-cents stamp, the report contends. Fatal consequences were reported in one case.

Writing of conditions at Washington state reformatory, the commission investigator, Miriam Van Waters, said:

"Punishment in the dark cells is given for trivial as well as serious offenses. Not standing at count, speaking in the dining room, laughing in the cell block, and making loud popping noises with the mouth, were listed on some of the discipline slips of the federal cases studied.

"It was related to our field worker by one of the reformatory staff that a prisoner was found dead in one of these cells." Concerning the industrial reformatory at Chillicothe, O., she charged: "A few minor offenses noted in the records as punished by from three to six days in the guard house, possession of a 2-cent stamp; talking in mess line; concealing an apple in a bunk; kicking a refuse can, and stealing five eggs from the kitchen."

Shackling Is Related

Shackling of boys with leg irons and misuse of the flogging system was charged against the national training school for boys at Washington last year, but these conditions were said to have been corrected.

Overcrowding was shown at nearly all places where federal juvenile delinquents are placed. At Chillicothe the living quarters were found to be "in poor repair, crowded, insanitary, and not fireproof." The training school for girls at Murfreesboro, Tenn., was described as "a dismal restrictive place, reflecting its spirit."

The Washington state institution received the severest criticism. Twelve correction cells there contained no light or bedding, the report said. Inmates are required to sleep on a plank on the floor. The aim of the medical aid was said to be "to stave off epidemics, rather than to treat those who obviously are seriously ill."

Reformatory Is Assailed

To merit such lives, the federal delinquent youngsters generally were guilty of one of three crimes, violation of the prohibition law, the immigration laws or the motor vehicle theft act, the commission found.

Of the 2,243 boys and girls under 18 incarcerated during the six months ending Dec. 31, 1930, there were 990 convicted of violating the prohibition law (44.2 per cent of the total), 492 violators of the immigration law, and 392 motor theft miscreants.

Eighteen of the prohibition law violators were under 14 and nearly 250 were 16 or under.

Ask Expert Research

The report did not consider the vast number of state and local delinquents—only those guilty of violating federal laws. Its recommendations, therefore, were confined to what the federal government can do in the situation.

Concluding the report stated: "It is recommended that the federal government recognize the concept of juvenile delinquency and withdraw the child offender from the ordinary operation of federal penal justice, save in cases in which the local processes for dealing with delinquent children prove to be plainly inadequate."

"The precise nature of legislation required to accomplish this result will have to be determined by expert legal research."

## RAIDERS KEEP BUSY

Slot Machine Is Seized at Cigar Store.

War declared by Police Chief Michael Morrissey against slot machines brought another into police headquarters Tuesday, when police raided a cigar store operated by Doc O'Connor at 154 North Alabama street. He is charged with keeping a gaming device.

His Power to Enforce

King said the commissioners left with little definite promise of more speedy progress in the future. The state board of health is empowered to enforce its demands if it so decides.

Members of the sanitary commission

behind to complete his education. "When you finish school, George, I'll send you for," said Mrs. Endres.

The parents settled in Cincinnati. The war started. George was taken from school and placed in the army. Soon he became an aviator. He was made a captain. As months of battling continued, he was recognized as an "ace" in the Hungarian army. Twice he

was shot down. Once he fell 500 feet.

Time and again—twenty-four, to be exact—Captain Endres was paraded before his unit and honored. Each time a medal for valor was pinned on his breast.

"GEORGE is a good boy," says Mrs. Endres. "Say pa, was that the door bell ringing? Better hurry and see, 'cuz it's word from George."

## U. S.-TO-TOKIO PLANE BARELY MISSES CRASH

Graze Wires as Nonstop Refueling Flight Gets Under Way.

### HEADED FOR ALASKA

Fliers Hope to Keep Plane in Skies for 5,100 Miles.

BY GEORGE HELMER United Press Staff Correspondent

SEATTLE, Wash., July 8.—Reginald C. Robbins, 28-year-old breaker of aviation records, and Harold S. Jones, wealthy oil man who took up aviation as a hobby, crawled into the monoplane Ft. Worth today, waved nonchalant farewells and flew away into a hazy Pacific dawn on an ambitious 5,100-mile nonstop refueling flight to Tokyo, Japan, via Alaska.

"Tokio by tomorrow night," Jones shouted from the cockpit as he waited for Robbins to push aside a reconnaissance policeman who didn't recognize the youthful pilot in the little crowd waiting for the takeoff.

Barely Miss Wires

The heavily-loaded Ft. Worth was away at 5:59 a. m. (Indianapolis Time) headed north, with ideal weather ahead, for Fairbanks, Alaska, there to keep the first of its two rendezvous with the waiting refueling ship which will replenish its gasoline supply in mid-air.

Concerning the industrial reformatory at Chillicothe, O., she charged: "A few minor offenses noted in the records as punished by from three to six days in the guard house, possession of a 2-cent stamp; talking in mess line; concealing an apple in a bunk; kicking a refuse can, and stealing five eggs from the kitchen."

The fliers hoped to reach Fairbanks in fifteen or eighteen hours, take on gasoline from the refueling ship while flying along, proceed to Nome for the final contact, then head west over the Pacific on the last half of the attempt.

Robbins at "Stick"

At the Ft. Worth's controls was Robbins, modest, drawing, afraid of crowds, who once decided that the glory of having established a world refueling endurance record was enough for him, but was "kicked" into the Tokyo venture, and went about it with grim seriousness of purpose.

Robbins planned to handle the controls all the way on the roundabout route, letting the business-like Jones, to whom the flight was "just a lark," make full use of his skill at navigating, although in an emergency the rich oil man could take over the pilot's job.

## HEALTH CHIEF HITS AT SANITARY BOARD

Members of the Indianapolis sanitary commission were called before the state board of health today and denounced for inaction in carrying out the sanitary district program outlined by the state.

Dr. William F. King, director of the state health department, declared that the conference was called for a report on progress made on the program laid down and promised to have been executed by the sanitary district commissioners more than a year ago.

Walter Myers, speaker of the house and attorney for the sanitary commissioners, contended that the lack of progress on the program is due, in part, to various tax suits in which the district is involved.

Sewage Plants Delayed

King contends that the sewage disposal plant is but half completed, and no construction has been under way there for the last four years. Truly Nolen is plant superintendent. Salaries of the commissioners now are \$3,600 a year, contingent on the construction program.

When no construction is under way, that is if the plant ever would be completed, these salaries would be curtailed to a nominal sum for part time service. This was one of the points brought out at the meeting.

The matter of the north side sewage being dumped into White river, and thus contaminating the swimming pools, also was up for discussion. The board of health program provides a remedy for this if ever carried out, it was said.

Joseph Hutchinson, deputy attorney-general, was present at the meeting as attorney for the state board.

His Power to Enforce

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Members of the sanitary commission

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was shot down. Once he fell 500 feet.

Time and again—twenty-four, to be exact—Captain Endres was paraded before his unit and honored. Each time a medal for valor was pinned on his breast.

"GEORGE is a good boy," says Mrs. Endres. "Say pa, was that the door bell ringing? Better hurry and see, 'cuz it's word from George."

And away pa shuffles to the door.

"I hope George gives up this idea of making that trip," speaks Mrs. Endres. "You know it's so dangerous. Better send him a telegram pa, telling him to come home and forget about it."

But pa Endres thinks differently. "Now, ma, you stop worrying about George. He'll be all right," confides the aged man. "George is a fine aviator."

## GRIN THAT WON'T COME OFF

'I Missed 6 Feet of Sod,' Explains Billie Arnold



Billie Arnold grins at the "breaks" from his bed at the city hospital.

THE 1931 automobile race at Indianapolis Motor Speedway is far back in most men's memory of spectacular events, but every time Billy Arnold, veteran of the roaring road, turns in his city hospital bed a little twitch of pain recalls that day of castor oil fumes and breath-taking turns.

But those jabs in his legs, from a broken hip, haven't conquered the famous Arnold smile, as this photograph taken this week will show.

A cigaret in his hand, a book on his lap, Billy greeted the photographer with his old-time grin, and hoped he'd quit the hospital in a few weeks.

"A broken leg—that isn't much. It might have been six feet of sod for me," he smiled, recalling the crash that swept certain victory from him on the last 100 miles of the big race.

Oh, Yes!

By United Press

JERSEY CITY, N. J., July 8.—A tall, tanned young man, with a piece of adhesive plaster over one hip, asked John White, branch bank manager, to cash a check. White asked him what he had to identify himself.

"My name is Lindbergh," the man said, producing cards and letters.

While writing out the check, the flier explained he cut his hip while diving at a swimming pool Sunday.

## MERCURY TO GO UP

Warmer Weather for City Is Predicted.

Hourly Temperatures

6 a. m. .... 68 10 a. m. .... 77  
7 a. m. .... 71 11 a. m. .... 80  
8 a. m. .... 74 12 noon .... 80  
9 a. m. .... 76 1 p. m. .... 82

High temperatures today followed by cloudy and unsettled weather Thursday were forecast today by the weather bureau.

Rising to 85 Tuesday afternoon, the mercury reached its highest peak since the heat wave broke last week. Showers reported north of Indianapolis Tuesday night had a cooling effect here, the mercury dropping to 66 early today.

Weather bureau predicted mercury today would reach the high 80's.

Unsettled conditions forecast for Thursday will prevail generally in Indiana, according to the bureau.

## MRS. HOOVER ACCEPTS

First Lady to Participate in Dedication of Drigable Akron.

By United Press

WASHINGTON, July 8.—Mrs. Herbert Hoover has accepted an invitation to dedicate the new navy dirigible Akron now under construction at the Goodyear Zeppelin works at Akron, O., Aug. 8, the White House announced today.

Terms are for two years. Dr. King was re-elected secretary for a four-year term last spring.

## CHARGE TAX ERROR

Chain Stores Prepare for Fight on Levy.

By United Press

CHARLOTTESVILLE, Va., July 8.—Clark McKeeher, general counsel of the National Chain Stores Association, outlined today before the institute of public affairs here the strategy by which the association hopes to persuade the United States supreme court to reverse its decision on May 18 upholding the special tax levied by Indiana on chain stores.

A petition for rehearing, McKeeher said, will be filed with the court July 12.

"It will be based," he added, "almost entirely upon an obvious misapprehension of the facts disclosed in Justice Roberts' partial analysis of the testimony of witnesses before the trial court."

Motorist Killed

By United Press

CLINTON, Ind., July 8.—Jack Logan, 25, Paris, Ill., was killed almost instantly near here when the automobile he was driving crashed against a moving Chicago, Milwaukee & St. Paul freight train.

Decision in the D. C. Stephenson murder appeal may be made this summer or early next fall, it was being predicted at the statehouse today.

Predictions came as the aftermath of the visit here Tuesday of Clarence Darrow, noted lawyer and social philosopher, who spent the day in behalf of his client, the former klan dragon and Hoosier political power now serving life sentence for murder.

Darrow was scheduled to argue for the suppression of a writ of prohibition issued by the supreme court in Stephenson's habeas corpus action instituted in La Porte superior court.

Largest crowd in the history of the court assembled to hear Darrow argue. But if he did any arguing it was behind closed doors in the conference room of the court, where it was voted by the judges to have the whole matter thrashed out in briefs rather than hear it orally.

## BUSINESS MEN WILL SUE TO ENJOIN TOW-IN

Injunction Will Be Asked Today in Fight on Parking Ban.

### MOTORIST IS ARRESTED

Alleged to Have Sworn at Officer and Torn Up Sticker on Car.

In force but a few hours, the new traffic law prohibiting parking in the downtown area from 7 to 9:15 a. m., today neared a new stage when business men, whose ire has been aroused by the ban, were to seek the aid of a court to halt enforcement of the ordinance.

Frank S. Fishback, downtown restaurant operator, was to file an injunction suit in county court asking a temporary restraining order that prohibits enforcement of the ordinance. The suit was prepared and attorneys were attempting to locate a judge to hear the restraining order argument.

The suit was prepared after police had towed in seven cars that violated the rule that no autos may be parked downtown from 7 to 9:15 a. m.

Second Attempt

This is the second time in a month police and city officials have attempted to carry out the letter of the law. The first time, it was revealed that a legal flaw in the ordinance made it powerless.

Correction of this and councilmen turning a deaf ear to pleas of business men resulted in preparation of the suit. Defendants will be members of the board of safety and Police Mike Morrissey.

Fishback, owner of the Virginia Grill, 31-35 East Maryland street, alleges in the suit provisions of the ordinance are "prohibitive, arbitrary, and devoid of any oppressive to this plaintiff and others similarly situated."

The suit is to charge that under the law, there is no allowance for temporary stopping to allow either pick up or discharge of passengers or merchandise and it will leave the streets "barred and devoid of any evidence of business activity" during 7 and 9:15 a. m.

Suffer in Downtown

This, it is alleged, will cause business men to suffer losses while in other parts of the city business men have lenient traffic rulings.

As claimed by William A. Boyce, former city clerk and attorney, the suit sets out there are parking regulations and sticker assessments, that, if enforced, would be sufficient to control the traffic situation.

The tow-in provision is characterized as "an unlawful exercise of police powers" in the suit. Fourteen states out there are attacked, the complaint charging the law provides for free use of the streets by motorists from the center to the right.

Fairly Well Observed

D. S. McCready of the People's State bank was the first victim to pay the tow-in charge. The fee is \$3 where cars are towed in and \$3.50 where a crane is used.

The ordinance was fairly well observed for the first day, according to Captain Lewis Johnson, in charge of traffic.

Johnson said he instructed traffic officers to be reasonable and fair in enforcing the ordinance, taking every precaution possible to avoid towing in cars from out-of-town.

A number of car owners appeared in time to save their cars from being towed in and were given traffic stickers.

Patrolman Roy Losh arrested James "Bugs" 42, of 124 North Pennsylvania street, when Angelo, according to the officer, tore up a sticker for improper parking and cursed the officer. He was charged with improper parking, profanity and resisting an officer. Later Angelo was released on \$25 cash bond.

Enforce Other Provisions

Two ordinances, one repealing the early morning parking ban and the other reducing the area considerably and making it effective for a shorter time, are pending before city council, but probably will not be acted on before the next regular meeting, July 20.

Thus, unless a temporary restraining order is obtained by Boyce in his suit, the ordinance will receive at least a two weeks' further trial, as desired by city officials.

In addition to the downtown ban, police also were enforcing the provision against parking between 7 and 9:15 a. m. on the west side of Meridian street from Vermont north to Sixteenth street. Parking on the east side of the street is forbidden from 4:30 to 6 p. m. during the evening traffic rush periods.

## POST, GATTY IN BOOK

'Round the World in Eight Days' to Appear in Few Weeks.

By United Press

NEW YORK, July 8.—Announcement was made today by George Palmer Putnam, publisher, that a book on the recent world flight of Wiley Post and Harold Gatty would appear in a few weeks.

Notes for the book, to be called "Round the World in Eight Days," were begun by the fliers last week-end when they were on a yachting party.

Infected Scratch Fatal

By Times Special

FT. WAYNE, Ind., July 8.—Rubbing a small scratch on his face caused an infection which ended the life of Charles R. Stickney, 21. He was ill one week.