

# The Indianapolis Times

FORECAST: Occasional rain probable tonight and tomorrow; somewhat cooler tomorrow.

VOLUME 49—NUMBER 189

MONDAY, OCTOBER 18, 1937

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FINAL  
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## PLANE WRECKED WITH 19 ABOARD

### ATTACK ON SEC GETS SUPREME COURT DENIAL

Black Believed to Have Taken Part in Rulings for His First Duties.

### NLRB TEST IS REFUSED

Tribunal Backs Lower Body in Forcing W. Virginia Firm to Negotiate.

WASHINGTON, Oct. 18 (U. P.).—The Supreme Court, with Justice Hugo L. Black apparently participating for the first time, today refused to undertake a review of constitutionality of delegation of power to the Securities and Exchange Commission.

The court's action in the SEC test had been awaited with special interest since it involved the use of SEC powers to subpoena telegrams sent to and by a group of Florida securities dealers.

### Participation Not Revealed

Justice Black's participation in the court's decision was not directly announced by the Supreme Court. However, the list of Supreme Court orders contained no notation that he did not participate. Since a note declaring Justice Black did not participate in the court's determination was appended to the list last week, it is assumed this week was thought to indicate Justice Black had entered fully into his court duties.

Participation by Justice Black in the SEC case had been awaited with added interest since he himself was once the object of a somewhat similar legal attack when he was chairman of the Senate Lobby Committee.

### Seizes Group of Wires

The Lobby Committee, aided by the Federal Communications Commission, seized a group of telegrams sent to and from Hearst newspaper offices. William Randolph Hearst charged in a court suit that the action was unconstitutional and was upheld by the District of Columbia Circuit Court of Appeals.

The SEC case involved similar legal issues since the Florida securities dealers charged that the SEC sought the telegrams for a "fishing expedition." The denial of the SEC attack was the court's principal action today.

The court announced that it would recess from Monday, Oct. 25 to Monday Nov. 8. Presumably the time will be spent in writing opinions on cases which already have been argued.

### Upholds NLRB Order

Argument on a petition asking that it review validity of the New York state law barring branch of promise and alienation of affection damage suits within the Empire State was refused by the court.

The tribunal also refused to review a Fourth Circuit Court of Appeals decision upholding a National Labor Relations Board order directing a West Virginia manufacturer to bargain collectively with employees alleged by the company to have been discharged prior to enactment of the Wagner act. The action came when the court denied the petition of the Jeffery-Dewitt Insulator Co. of Kenova, W. Va., for a review of the Circuit Court ruling.

A petition of Lever Brothers, soap manufacturers, for a review of a Seventh Circuit Court of Appeals decision holding the firm liable for infringement of patents held by the Colgate-Palmolive-Peet Co. and Procter & Gamble Co. was denied. The Circuit Court's ruling reversed a decision of the Federal District Court for Northern Indiana which held there was no infringement.

**MAYOR BANGS' TRIAL DELAYED TO NOV. 2**

MARION, Ind., Oct. 18 (U. P.).—Trial of Mayor Clarence W. H. Bangs of Huntington on impeachment charges today was postponed until Nov. 22 by agreement of defense and prosecution counsel.

The trial, originally set for Oct. 25, was venue here from Huntington County. The delay was taken when Mayor Bangs said his attorney had another case set for Oct. 25. The Mayor was impeached by the Huntington City Council several months ago on charges growing out of his long fight with the Northern Indiana Power Co. over establishment of a municipal utility plant.

**EXPECT DRIZZLE WILL CONTINUE**

A drizzling rain probably will continue tomorrow, but the mercury will return to normal, the Weather Bureau forecast today.

Temperatures were about eight degrees above normal today. Excessive rainfall was reported from state points over the weekend. The fall here was 1.56 inches, the Bureau said.

**TEMPERATURES**

6 a. m. 56 10 a. m. 58  
7 a. m. 56 11 a. m. 59  
8 a. m. 57 12 (noon) 60  
9 a. m. 57 1 p. m. 62

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### 14 Lose Lives in State Traffic; Slippery Pavements Blamed as 21 Are Injured in City Accidents

Four Residents of City Among Victims; Three Die by Trains.

### By United Press

Indiana today counted its week-end traffic dead at 14, with at least a score more injured seriously.

Heavy rain and congested traffic were blamed for most of the high-way deaths, and three fatalities were caused by trains. Four of the victims were Indianapolis residents.

Two Indianapolis persons lost their lives in a head-on collision of automobiles at Bartlett's Chapel, two miles east of Danville on Indiana Highway No. 36. The victims were Edgar Campbell, 50, and Albert McConnell, 25. Four persons were injured. They were Joe Fold, his wife and daughter and Mrs. Anna Sauter, all of Indianapolis.

W. K. Purvis, 44, former Indianapolis resident, was found dead along the Big Four Railroad tracks east of Muncie yesterday. He was believed to have been struck by a freight train.

### Killed in Auto-Train Crash

Henry Willis, 26, Danville, and William A. Haire, 27, his brother-in-law, who lived near the scene of the crash, were killed when their automobile was struck by a south-bound Pennsylvania passenger train at a crossing six miles southeast of Anderson. Dallas Willis, 39, brother of one of the victims, received a skull fracture.

Billy Rogers, 7, son of Mr. and Mrs. Ralph Rogers, Cynthiana, was injured fatally and six others hurt in an automobile collision near Poseyville. The injured, who were taken to an Evansville hospital, were the boy's mother; a brother, Gene; William Mulkey, 30, Poseyville farmer; his daughters, Billie, 11, and Imogene, 17, and Ellis Wooley, employed by Mr. Mulkey.

Jesse Askren, 75, died in a hospital at Elwood from injuries received when struck by an automobile in front of his home at Tippecanoe.

Mrs. Emma Liebmam, 63, was injured fatally in an accident at Ft. Wayne. Robert Gruber, 18, driver of the car which collided with Mrs. Liebmam, was reported to have been killed in the crash.

Five persons were killed in a head-on truck-auto collision near Rushville Saturday. They were Mr. and Mrs. Edward A. Becker, their 6-year-old son, Roger, and Mr. and Mrs. John H. Joke, all of Camp Point. El Estel Johnson, Indianapolis truck driver, was reported in critical condition this morning.

Floyd Wright, Indianapolis, was killed in a head-on auto crash near Waverly Saturday.

### FUND GOAL FOR DAY IS SET AT \$500,000

Community fund workers today reported pledge of \$125,237.77, bringing the total to date to \$545,648.22, or 75.6 per cent of the goal.

(Editorial, Page 12; Radio Details, Page 17)

With their day's goal at \$500,000, Community Fund volunteers today were to hold their sixth report meeting of the drive.

More than \$420,000 already has been pledged in the campaign to raise \$500,000 for the support of 38 private welfare agencies. Only three days of the campaign remain.

President Roosevelt is to make a radio appeal tonight in behalf of the Community Fund drive. Charles W. Taft, chairman of the National Citizens Committee of the Community Mobilization for Human Needs, also will speak.

Indianapolis is the first large city to conduct its Community Fund drive.

**F. D. R. Talk Scheduled For 9.30 Tonight**

HYDE PARK, N. Y., Oct. 18 (U. P.).—President Roosevelt is to address the nation at 9.30 p. m. tonight in a radio appeal for support of Community Chest drives.

Mr. Roosevelt will speak from the library of his home on the Mobilization for Human Needs program. His speech will last five minutes and will be broadcast on all networks.

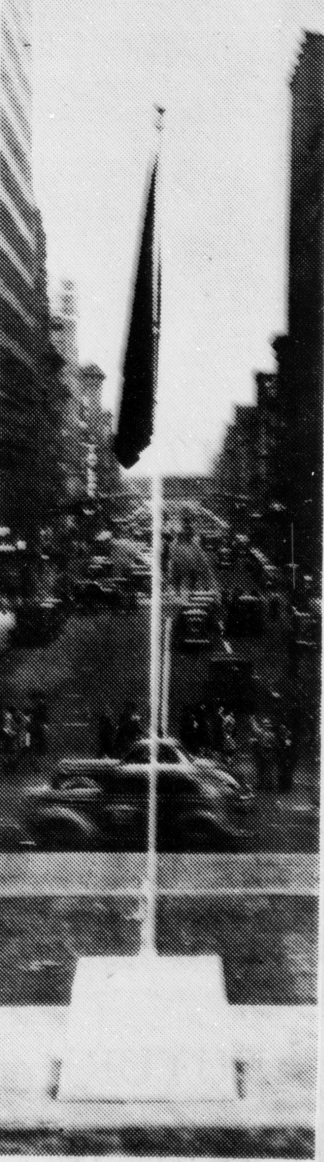
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The Black Flag Flies

### START DELIVERY OF FURNITURE

Stores Release Statement; Milk Situation Remains in Deadlock.

### (Text of Statement, Page 14)

Delivery of furniture from 16 struck stores here has been resumed, the affected dealers announced this afternoon in a written statement.

Meanwhile, the milk tieup continued. Apparently hopelessly deadlocked in their attempt to settle the problem, union officials and distributors today were reported in disagreement over terms of proposals and counter-proposals.

In their statement, the furniture dealers outlined negotiations during the progress of the strike, which started Oct. 8. It also was reported by the State Labor Division that union and company officials were conferring separately today.

Chief Morrissey said he had asked six patrolmen to the furniture strike.

**Claims Scale Cuts Wages**

John T. Williams, secretary of the milk drivers union which has struck three Indianapolis dairies for 12 days, said that the distributors last night offered a wage scale that would cut wages of 50 per cent of the drivers instead of raising them.

C. Winfield Hunt, secretary of the Indianapolis Milk Company, which has suspended deliveries from 21 nonstrike plants for 11 days, said: "The quoted statement of Mr. Williams is so completely divergent from our understanding of the situation that we feel forced to give the public the facts as we know them."

Mr. Williams is quoted as stating that the offer was refused by the union because the proposed wage scale would mean reductions in pay for their members.

"Nothing could be farther from the truth. In the new wage scale, increases were assured a very high percentage of employees. In addition they were assured that the present net income of all employees would not be reduced during the term of the contract."

This morning Mr. Hunt, distributors, and Leon C. Collier, Marion County Area Milk Administrator, conferred. They made no announcement of the results of the conference.

Mr. Hunt said the conference again ended over the closed shop issue, the same point which has stalemated previous meetings.

The union reportedly has refused to accept any agreement not calling for a closed shop. The companies have steadfastly refused to grant a closed shop.

Last night's meeting was held in the office of Thomas R. Hutson. (Turn to Page Three)

### 23 Motorists Get Fines; Death Ends 14 Days Of No Fatalities.

Twenty-one persons today were recovering from injuries received in traffic accidents during a rainy week-end which wound up Indianapolis' Safety Week.

Although Safety Week was over, the traffic campaign continued, and 23 of 43 motorists arrested over the week-end were fined \$153 today by Municipal Judge Dewey Myers.

Meanwhile, Marion County's death toll for the year stood at 118. Death of Henry Winters, 80, of 1706 Arrow Ave., a few hours after he was struck by an auto, Saturday ended 14 days of no traffic fatalities in the city. The black flag of death flew from the Circle flagpole yesterday, but today had been replaced by a white one.

**Driver's Case Continued**

John Fogle, 21, of 1971 Hillside Ave., alleged driver of the car which killed Mr. Winters in the 1500 block on Roosevelt Ave., was given a preliminary hearing in Municipal Court today. His case was continued to the morning of Oct. 28.

In court today, 14 persons were fined \$86 for failing to stop for an automatic traffic signal, and five were assessed \$31 for failing to stop at a preferential street.

Jack Strong, 16, 2406 Guilford Ave., was in City Hospital in serious condition today as the result of an accident yesterday at 15th and Bellefontaine Sts. He received head injuries when his bicycle was struck by a car driven by Herbert Jarrett, 25, of Elwood.

Mrs. Mary Price, 30, 4424 W. Washington St., received scalp lacerations when the car in which she was riding struck a truck that had skidded and gone out of control in the 4900 block W. Washington St. yesterday. She was reported in fair condition today in Methodist Hospital.

Her husband, A. H. Price, 35, and six children ranging in age from seven months to 11 years, were treated for minor injuries. Driving the truck was Edward L. Dorris, 21, of 531 S. Rybolt Ave.

### Pedestrian Is Injured

Mrs. James McElfresh, 28, who received scalp lacerations when she was struck by a car last night as she walked along Hardin St. near Hanna Ave., was reported in fair condition today in City Hospital.

The car was driven by Harold Trisler, 21, of Anderson.

Donald Percefield, 28, of 1233 S. East St., was arrested on a charge of drunken driving after the car he was driving was said to have crashed into the rear of another car yesterday in the 1300 block W. Washington St.

Jesse Leonard, 33, and Mrs. Gwendolyn Weimar, 28, both of 514 Norman St., were treated at City Hospital for injuries they received in the accident. Mr. Leonard was driving the other automobile.

**Two Hurt In Collision**

Two persons were injured in a collision last night at 30th and Dearborn Sts. Mrs. Louise Hussey, 26, of 3167 Boulevard Place, received head cuts and back injuries, and Miss Margaret Turk, 28, of 614 N. Dearborn St., received back injuries.

Both were reported in fair condition today in St. Vincent's Hospital. (Turn to Page Three)

### GAS UTILITY IS CITED IN \$500,000 ACTION

Bondholders Ask Payment of Escrow Funds.

Holders of \$578,000 worth of Indianapolis Gas Co. bonds today filed a complaint bill in Federal court here asking that \$500,000 held in escrow by the Indiana National Bank be paid them as interest for a year and a half.

The complaint also asked that interest at 6 per cent be paid on the money during its escrow period, beginning March 2, 1936. It asked that the agreement between the Indianapolis Gas Co. and the Citizens Gas & Coke Utility, made March 2, 1936, and providing for the escrow, be dissolved and that both parties be enjoined from entering into further agreements which might depreciate value of the bonds.

Bond owners filing today were The Massachusetts Mutual Life Insurance Co., the New England Mutual Life Insurance Co., and the Savings Bank of Baltimore.

**Several Cited in Action**

Defendants named in the bill were the Citizens Gas Co., the Indianapolis Gas Co., the Indiana National Bank, the City of Indianapolis, Individual City's utilities' trustees and directors.

The bill claimed that the Indianapolis Gas Co. owns 370 miles of mains and that in September, 1913, it leased the mains to the Citizens Gas Co. for 99 years.

Outstanding bonds of the Indianapolis Gas Co., the bill said, were \$6,881,000. The lease provided, the bill said, that the Citizens Gas Co. maintain and operate the mains and (Turn to Page Three)

### SHIPMENT OF MEDICAL 'FIND' IS FATAL TO 8

Elixir of Sulfanilamide Is Blamed for Deaths of Tulsa Patients.

### TRACE 375 DELIVERIES

Medical Association Warns Of Dangers in Drug for Sinus Ailment.

CHICAGO, Oct. 18 (U. P.).—The American Medical Association announced today that eight out of ten patients given elixir of sulfanilamide have died at Tulsa, Okla., and the manufacturer is attempting to recall 375 shipments of the medicine.

The association's laboratories began "careful chemical and physiologic tests" to determine whether the deaths were due to an error in manufacture, decomposition of the sulfanilamide in the presence of another substance in the elixir, or the effects of one of the other components of the elixir.

"Indeed the possibilities are unlimited," the American Medical Journal will say editorially this week, "since here we are concerned with a preparation not standardized by any reliable agency, semi-secret in composition and apparently rushed into the market to meet an over-enthusiastic reception of a new remedy."

**Warned of Dangers**

Sulfanilamide has been the sensation of the medical world during recent months. Interest in the drug increased when it was announced that sulfanilamide had been used to treat a sinus disorder of Franklin D. Roosevelt Jr.

The Medical Journal has been cautioning against the dangers of the drug. Several doctors have reported its harmfulness beyond doubt.

"From tests by the laboratory of the American Medical Association not yet complete," the Journal will say Thursday, "this elixir appears to be a solution of approximately 40 grains of sulfanilamide to a fluid ounce of a menstruum containing about 72 per cent diethylene glycol."

"The solvent diethylene glycol is itself not an indifferent substance. Its use is not permitted in food products because of the absence of any scientific evidence establishing its harmlessness beyond doubt."

Since the patients had been taking sulfanilamide tablets without ill effect over a period of two weeks and "then developed the typical signs of systemic poisoning after taking the elixir," the Journal asserts "it would be clear that the diethylene glycol rather than the sulfanilamide was responsible."

### Federal Agent Probes Death

TULSA, Okla., Oct. 18 (U. P.).—Authorities today investigated the deaths of eight persons within the last six weeks, all of whom physicians said had been treated with the drug, sulfanilamide. Six of them were children.

W. H. Hartigan, Federal investigator for the Food and Drug Administration, said an investigation may require many weeks.

"Only when the analysis has been completed will we know what has been the cause of the deaths," Mr. Hartigan said. "It may be that a mixed drug or solvent used in connection with the sulfanilamide has reacted unfavorably."

**AUTHOR'S FATHER DIES**

BALTIMORE, Oct. 18 (U. P.).—Funeral services will be held here tomorrow for Dr. Frank Morley, father of the author, Christopher Morley, who died yesterday of a heart attack.

**MRS. THOMAS HARDY DIES**

DORCHESTER, England, Oct. 18 (U. P.).—Mrs. Thomas Hardy, 57, widow of the famous novelist, died Sunday after an extended illness.

### Holy Land Terror Grows With Bombings; Duce's Paper Raps Britain for Rule

French Ask Proportional Withdrawal of Troops in Spanish War.

JERUSALEM, Oct. 18 (U. P.).—Violence increased throughout Palestine today while neutral observers voiced the opinion that peace between Jews and Arabs under present conditions was impossible.

Military authorities of this British mandate took stern measures to suppress terrorism, but to no apparent avail.

Gen. A. P. Wavell, commander of the 10,000 British troops in Palestine, ordered the homes of Arab terrorists burned, following the destruction of Kalandia Airport, near Lod, with an estimated loss of \$50,000.

Sixty persons were arrested for breaking the 24-hour curfew which amounts to virtual martial law.

### Sees Unity



John C. Taylor

### TAYLOR TO CALL G. O. P. COUNCIL

'Factions Drawing Closer,' Indiana Chairman Announces.

John C. Taylor, Danville, Republican state chairman, said today a State Committee meeting would be called "in a few days" and that "it looks as though the two factions of the party are drawing closer together."

He said prospects for harmony between the two warring party wings "look good." The committee is to be called following a few more "get-together meetings," Mr. Taylor said.

The state chairman said he knew nothing about the anonymous letter mailed to all county chairmen, vice chairmen and workers urging a "cleanup" of the organization.

He said that though the letters were mailed from Ft. Wayne, "I don't think they came from there." The letter, signed "Republican Worker," attacked the Ewing Emission minority of the State Committee, urged a party purge and questioned spending of the 1936 campaign fund.

Ralph E. Gates, Columbia City, majority faction leader, said he did not believe the letter originated in his group of the State Committee. He disclaimed any knowledge of the letter's origin.

### NEWSPAPER HINTS DUKE SAW MOTHER

Windsor Visited Ex-Queen, Daily Mirror Says.

LONDON, Oct. 18 (U. P.).—The Duke of Windsor was reported by the Daily Mirror today to have made a secret airplane flight to England on Oct. 7 for a visit with his mother, Dowager Queen Mary.

Commenting on reports circulating in London about the purported visit, the Daily Mirror said: "It was stated that the Duke flew from Paris to the airfield at Yapton near Bognor, Sussex, and Queen Mary was driven to the airfield in a closed cab from the Balcombe estate of the Earl and Countess of Athlone, with whom she was staying on Oct. 7."

"The report gained support by the fact that no mention was made of the Duchess of Windsor's movements on Oct. 6 and 7, two days immediately following a visit to the Paris Exposition."

**FIVE INJURED IN RODEO**

NEW YORK, Oct. 18 (U. P.).—Serious injuries at the world championship rodeo reached an all-time high today with five performers at Polytechnic Hospital.

### Plane Sighted IN UTAH SNOW, TWO MILES UP

Officials Uncertain Whether Any Passengers Survive; Comment Refused on Rumor Craft Burned.

PACK HORSE PARTY STARTS TO SCENE

Shepherd's Report of Hearing Noise Leads To Discovery of Lost Ship; Two Relief Parties Sent.

SALT LAKE CITY, Oct. 18 (U. P.).—A west-bound United Air Lines transport carrying 16 passengers and a crew of three crashed among the rugged peaks near the Utah-Wyoming border during a storm last night, the Air Line announced today.

The wreckage was sighted from the air by Robert Bergeson and William Williams, United Air Lines pilots, during a checkup of territory where a shepherd reported hearing what he thought was a plane in distress last night.

The big transport was down at an altitude of 10,000 feet at a point in Utah, 26 miles south of Knight, Wyo.

Mr. Bergeson and Mr. Williams could not land at the scene and were unable to determine whether any of the occupants of the wrecked plane had survived. They landed at Knight and started organizing ground searching parties. The scene of the accident is accessible only by mountain trails over which only pack horses can be used. Scouts reported that it may take several hours to reach the plane and determine the fate of the 19 aboard when it crashed, when within 50 miles from its port here.

**Snow May Hamper Search**

A heavy snow was falling in the mountain area at mid-morning and this may further impede progress of the searching parties on the ground.

Announcement of the fact that the plane had crashed was made by Maj. R. W. Schroeder, United Air Lines operations manager here. He would not comment on rumors circulating here that the plane had burned.

The searching party from Knight headed north up the valley in the Poudre River Range. Another party set out from Evanston, Wyo. This party was headed by Walter Cowling of the Wyoming Times, and proceeded westward by automobile over muddy roads. This group planned to use horses on the last stage of its trek.

The plane left Cheyenne, Wyo., at 7:26 p. m. (Indianapolis Time) yesterday and was due here at 9:42 p. m.

Squally weather had been reported between here and Rock Springs. There was a violent rainstorm. The weather here throughout the night was fairly good, though a light fog hung over the airport.

Pilot D. Woodger's last report said: "Over Rock Springs, 1000 feet. Intermittent instruments, (i.e. the fuel gauge) necessary to fly by instruments part of the time." On Rock Springs range, Compass 245, temperature 35. Air slightly rough."

Salt Lake City radioed him a weather report. He acknowledged it at 8:15 p. m. That was his last word.

**Planes East Delayed**

United Air Lines made frantic efforts to locate the plane, particularly at emergency fields, before announcing that it was missing. Every available plane in the vicinity took to the air to search for it. Two passenger planes scheduled to have left here for Chicago at 10:30 p. m. yesterday were held up until dawn today so that they could look for it along the air route.

One of the searching planes was piloted by Frank Crisman, chief dispatcher, and carried as a passenger, Dick Derr, airline reservation clerk, who is a brother of Miss Derr.

A party of volunteers under the direction of D. Ramsay, Sweetwater County, Wyoming, Deputy Sheriff, departed at dawn toward a point 11½ miles south of Rock Springs to conduct a ground search.

Mr. Ramsay had a report early today from Harry Kent, a rancher on route here with a herd of sheep. According to Mr. Kent, a plane "flying very low" passed over the sheep camp "a little after 8 o'clock."

The plane left Newark yesterday morning. It made stops at Cleveland, Chicago, Omaha, Denver and Cheyenne. After leaving here it would have stopped at Reno, Sacramento and San Francisco.

**NEW YORKER DIES AT 105**

MUNSVILLE, N. Y., Oct. 18 (U. P.).—John Smith, who celebrated his 105th birthday Sept. 18, died today at the home of his daughter after a year's illness. In addition to his daughter, who is 78, Mr. Smith is survived by a son, 75.

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