

STATE IS READY WITH REBUTTAL TO STEPHENSON

Starts Arguments Monday; Brands Ex-Klansman's Plea Ridiculous.

By NOBLE REED
Times Staff Writer

NOBLESVILLE, Ind., Oct. 7.—Arguments by State's attorneys against D. C. Stephenson's demand for another trial in his 14-year-old murder case are expected to be completed Monday in Circuit Court here.

The hearing was adjourned yesterday until Monday after Stephenson issued an informal statement declaring "I should have been sent to prison for my political activities, but I am not guilty of this (murder) charge."

Judge Cassius M. Gentry said he would take the Stephenson new trial plea under advisement at the conclusion of the State's arguments and "probably" not rule on it until after Oct. 15.

Prepare Legal Fight

James K. Northam, deputy attorney general, who branded Stephenson's plea as "ridiculous and absurd," said he will furnish legal briefs to disprove defense contentions that the life imprisonment verdict by a jury on a second degree murder charge was illegal.

Stephenson's attorneys contend that the second degree murder charge in the jury verdict was void because the indictment charged only first degree murder and that the verdict could have been only the death penalty or acquittal.

Judge Gentry interrupted the hearing yesterday to ask if the illegal verdict question had ever been raised in the Indiana Supreme Court.

The attorneys replied that it hadn't because no appeal could have been made on a "void verdict."

Discusses Trial Charge

In the closing arguments by defense attorneys E. E. Gies declared that "Stephenson probably was guilty of many political misdeeds but the public is convinced he is not guilty of first degree murder."

Stephenson in his statement to newsmen said he wanted the "opportunity to prove to a jury" that he is innocent of murder.

He declined to give details of the "political activity" for which he said he should have been sent to prison but said "everybody in Indiana knows what went on in politics 15 years ago and I don't have to repeat them now."

He is protected by the statute of limitations from being prosecuted on his admission of political crookedness. The statute of limitations places a time limit on prosecution for crimes less than murder.

Have Another Avenue

If Judge Gentry overrules the defense in the new trial demand, Stephenson's attorneys still have on file the coram nobis writ which asks a new trial on the ground that Stephenson was prevented from testifying in his own defense because of threats against his life.

Hearing on this writ will be held if the judge turns down the other demand. If Judge Gentry sustains the new trial demand, the case will go back to Marion County.

SUES FOR REFUND OF FEDERAL TAXES

Stokely Bros. & Co., packing firm at 2002 S. East St., has filed a suit in Federal Court seeking to recover \$34,710.17 in capital stock and excess profits taxes.

The total includes \$28,664.52 in taxes paid over a four-year period plus 6 per cent interest. W. H. Smith, Indiana Collector of Internal Revenue, is named defendant.

The suit alleges the taxes were collected under certain sections of the Revenue Acts of 1934 and 1935 and the National Industrial Recovery Act. These acts are "without effect because they violate the Constitution," the suit contends.

G. O. P. CLUB HEARS NEUTRALITY APPEAL

William F. Evans, 51 E. 36th St., addressed the Washington Township Republican Club last night on "Neutrality." The meeting was the first to be held in the new clubrooms at 61st St. and College Ave.

Mr. Evans urged that the United States keep "a strict neutrality" during the European War.

CAB-DRIVER REPORTS FARE TOOK HIS \$9

John Sperton, 27, a cab driver, of 641 Ft. Wayne Ave., reported to police that a fare he picked up in the 1200 block W. Michigan St., forced him into a ditch on W. Washington St. and robbed him of \$9.

Mrs. Celia Nieman, 2041 N. Alabama St., told police some one entered her apartment last night and took \$14.50.

PILOT, SISTER UNHURT IN PLANE ACCIDENT

CRAWFORDSVILLE, Ind., Oct. 7 (U. P.)—Lloyd Rhodes, 24, and his sister, Mrs. Ethel Allen, both of Crawfordsville, escaped serious injury yesterday when their plane, piloted by Mr. Rhodes, was swept into a tree northeast of here yesterday.

The plane was taking off and had reached a height of 30 feet when the accident occurred.

KILLED BY HIT-RUN DRIVER

AURORA, Ind., Oct. 7 (U. P.)—Sam Moore, 38, Cincinnati, was killed last night by a hit-run driver as he walked along Highway 56 at the outskirts of Aurora.

District Cornhusking Champ



INDUSTRIALISTS CONFER OCT. 14 ON LABOR AMITY

Improved Relations Between Employer and Employee Convention Theme.

Improved industrial relations between employers and employees through better understanding of mutual problems will be the theme for the first annual Indiana Industrial Conference to be held at the Claypool Hotel Oct. 14.

The conference is under auspices of the Indiana Y. M. C. A. industrial committee.

Scheduled speakers include Governor M. Clifford Townsend, Mayor Reginald H. Sullivan, H. E. Hudson, State Y. M. C. A. chairman; Frank Hockema, assistant to the president at Purdue University, and personnel directors of Midwest industrial firms.

Winegardner Toastmaster

Charles C. Winegardner, vice president and personnel manager of the Diamond Chain and Manufacturing Co., Indianapolis, will be toastmaster at the luncheon at which Governor Townsend, Mayor Sullivan and Mr. Hudson will speak. Delegates will tour the Kingan & Co. plant at 9:30 a. m., following registration.

Mr. Hockema will give the principal convention address at 2 p. m.

He will be followed by four group discussions held simultaneously on "Toward Better Relations Through Contribution of foremen, employers, employees and labor legislation."

Chairman of the "Contribution of Foremen" group will be Ralph M. Phelps, personnel manager of the Link Belt Co. J. M. Baker, Crosley Radio Corp., personnel manager, will act as leader and William H. Mead, general secretary of the Terre Haute, Ind., Y. M. C. A., will be secretary.

Group Discussions Listed

Other groups are: "Contribution of Employers"—Chairman, E. L. Borradaile, personnel and employment manager, Crosley Radio Corp., Richmond, Ind., plant; secretary, Merrill K. Johnson of the Link Belt Co.

"Contribution of Employees"—Chairman, Paul Bergen, personnel director of trades and industry director, Anderson public schools; leader, Frank Gillis, personnel director, Guide Lamp division, Anderson, Ind.; secretary, W. J. Scott, Ft. Wayne, Ind., Y. M. C. A. industrial secretary.

"Contribution of Employers"—Chairman, Howard M. Dicks, Perfect Circle Co., Hagerstown, Ind., personnel director; leader, Wilfred Jessup, Unemployment Compensation Division director; secretary, C. W. Gimbel, Richmond, Ind., Y. M. C. A. general secretary.

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Jessup to Act as Leader

"Contribution of labor legislation"—Chairman, Howard M. Dicks, Perfect Circle Co., Hagerstown, Ind., personnel director; leader, Wilfred Jessup, Unemployment Compensation Division director; secretary, C. W. Gimbel, Richmond, Ind., Y. M. C. A. general secretary.

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Brant Begins Second Term

Walter L. Brant, secretary and treasurer of the Indiana Oxygen Co., today assumed his duties as president of the Hoosier Motor Club for his second term. He was re-elected at the recent annual club election.

Other officers elected for 1940 are Frank D. Hatfield, president of the Frank Hatfield Co., first vice president; Lynn Logsdon, president and treasurer of the Logsdon Fuel & Supply Co., second vice president; W. C. Patterson, president and treasurer of the Patterson Shade Co., third vice president, and A. L. Evans, contractor, treasurer.

Todd Stoops, secretary manager of the club was re-elected to serve his 16th consecutive term.

Directors of the club are Mr. Brant, Mr. Logsdon, Mr. Stoops, Mr. Adams and Mr. Pritchard.

Mr. Stoops has announced a 15 per cent increase in membership this year and both he and Mr. Brant reaffirmed the club's stand to work for the "protection and safety of motorists and pedestrians."

"Changes are constantly being made in traffic laws," Mr. Brant said, "and organized motorists must be on the alert to see that proper laws are enacted. Taxes on the motorist are becoming onerous and they must be watched to see that they are not increased and to see that all of the motorists' tax money goes on the roads."

7 FREE ON BOND IN MILK DRIVERS' ROW

Seven men, charged in affidavits with assaulting drivers of the Polk Milk Co., were out on bond today.

The affidavits charged the men specifically with assault and assault with intent to kill. Some employees of the company have been on strike for several weeks.

Charged with assault are Harold Waechter, Harry Carroll, Joe Lumsford, Carl Bauer, Isaac VanDer Moore, E. Lee Funk and Charles Bush.

Drivers alleged to have been attacked are George Durr, 1239 N. Temple Ave., John Maxwell, R. R. 11, Box 356; Harry Duncan, R. R. 4, Box 354, and Raymond Schaefer, 2816 E. Michigan St.

Cousin Tells of Riley's Life

A cousin of James Whitcomb Riley, Judge William A. Huff of Greenfield, addressed the Broad Ripple High School student body in commemoration of the Hoosier poet's 90th birthday anniversary. Judge Huff told of Riley's early life and recited several of his poems.

Three students, Martha Fesler, Jack Henery and Mary Louise McClain, also participated in the program.

Rehearsal for Festival—The Rev. Frank C. Huston, who will conduct the Townsend Club song festival here Oct. 18, today called a special rehearsal at 7:30 p. m. Tuesday at Cadie Tabernacle.

The meeting place has not been selected.

ENROLLMENT GAIN SHOWN AT BUTLER

Butler University officials today announced a 10 per cent increase in enrollment for the fall semester over the same period last year.

A total of 1830 students enrolled in the university's four colleges and graduate division, 175 more than last year. The liberal arts and sciences division has the largest enrollment with 746.

The education college has 598 and 363 enrolled in the graduate division. Undergraduates in the college of religion have been transferred to the college of liberal arts and 50 are enrolled in the graduate division of the college of religion.

"We managed to kill a few seagulls but after another nine days of near-starvation we had left only 10 meals of rice and 20 gallons of water."

"Then we considered killing our dog and cat but the following morning—Sept. 30—we sighted the Queen Charlotte Islands and got food and water."

The Tai Ping then was buffeted by a storm off Alaska until picked up by the Discoverer. Capt. Anderson cut loose from that vessel and the wind blew them perilously close to the rocks.

They were rescued Oct. 4 by the fishing boat Flying Cloud and towed to Quatsino. Still untried, Capt. Anderson said he expected to sail his 50-foot long boat for Seattle in a couple of days.

Finally, the Tai Ping set sail June 15 and was struck by a typhoon 40 hours from port. They rode out that

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