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LINDSEY HITS JUDGE'S RIGHT TO BAN BIRTH TO BAN BIRTH

Control of Child Bearing by Law Is Declared Wrongful Method.

OTHERS PRAISE JURIST

Cleveland Is Upheld for Refusing to Break Up Home.

By United Press LOS ANGELES, Dec. 5.—Judge Ben B. Lindsey, famous Denver jurist and champion of companionate marriage, is opposed to compulsory birth control.

"I cannot agree that any court has the right to impose birth control on a man or woman," Lindsey said in a statement today to the United Press, commenting on a unique decision handed down by a Cleveland (O.) judge, sentencing a young couple to three years of birth control.

Judge Lindsey recognized, however, the precedent established by the decision.

"The Cleveland decision is unique in that the judge recognizes the legality of birth control," Lindsey said.

Judge Harrison Ewing of the Cleveland common pleas court Tuesday told Mr. and Mrs. Otto Kourim they must refrain from having children for three years. This dictum was in answer to the couple's petition for a divorce. The divorce was refused. Kourim was earning \$24 a week. There were three children born in three years.

Judge Ewing said this was entirely too many to raise on Kourim's salary.

Appraised of the Cleveland judge's action, Judge Lindsey told the United Press that, in his opinion, no judge legally has the right to say to any man or woman "you shall not have children."

Judge Lindsey, meanwhile, intends to carry on his fight for the "opportunity for the freedom of choice of women in this country to have their children when they want them and not on a basis of chance."

Action Called Noble

By United Press NEW YORK, Dec. 5.—Consensus of leading advocates of birth control here today was that Judge Harrison Ewing of Cleveland common pleas court did a noble thing in ordering Mr. and Mrs. Otto Kourim not to have any children in the next three years.

Dr. James E. Cooper, medical director of the clinical research department of the American birth control league, told the United Press he believed Judge Ewing did well to recommend such a solution to the domestic difficulties of the Kourims, who were trying to support three children on Kourim's \$24 a week salary.

Dr. Cooper said he believed the judge used sagacity in refusing to break up the Kourim home.

May Give Advice

Dr. Cooper is author of "The Technique of Contraception," a treatise on birth control which only the medical profession lawfully may possess.

Under Ohio laws, any physician may advise married folk on birth control if it is deemed wise for economic or health reasons. In New York state it is unlawful to give out contraceptive advice.

Officials of the birth control clinic of the league in New York City, have found by observation since 1923 that more than half the cases appealing to the clinic included men or women with incomes less than the industrial conference board's \$36 to \$40 a week estimated standard living cost for a family of mother, father and three children.

Law Is Assailed

The Kourim family is exactly this size—the size of family adopted by all statistical experts as the average family.

Dr. Cooper complained that the New York state law has prevented the league from helping in cases where advice might have brought about cure or prevention of disease.

Mrs. F. Robertson Jones, president of the American Birth Control League, championed Judge Ewing and said, "Lack of birth control causes a great deal of marital unhappiness."

5 ESCAPE IN AIR CRASH

Monoplane Damaged in Forced Landing Near Goshen.

By United Press GOSHEN, Ind., Dec. 5.—Five persons escaped serious injury here when an all-metal monoplane crashed while making a forced landing near here.

Mrs. F. G. Van Buren, Toledo, a passenger, was slightly hurt. The plane, bound from Chicago to Cleveland, was badly damaged.

Three other planes made emergency landings at the local field because of weather conditions. All were en route to the international aeronautical exposition at New York.

Two Hurt in School Hack Spill

By United Press SHELBYVILLE, Ind., Dec. 5.—Two children sustained cuts and bruises when a horse-drawn hack containing twenty-five school children overturned near here. The horses became frightened at a box along the side of the road and backed the bus into a ditch, where it overturned.

NO. 1 WIFE IS NO. 3

'I Usually Love Her,' Says Poet



Virginia Moore (left), was the second wife of Louis Untermeyer (upper right). Below is Jean Starr, his first and third.

By NEA Service

NEW YORK, Dec. 5.—Three popular American poets are involved in the recent marriage of Louis Untermeyer, in which his first wife becomes the third, and Virginia Moore relinquishes her position as second, to become the ex-wife.

Louis Untermeyer, poet and anthropologist, married Jean Starr, a writer of verse, in 1907. He divorced her in 1926 to marry Virginia Moore, one of the loveliest and most promising of the young poets today. Immediately after their divorce, which recently was granted, he remarried his first wife.

"I remarried my first wife," Untermeyer said, "because I usually love her. That is as good a reason as I know for marrying anybody. I am not the first man who has remarried his wife. It happens every now and then."

There were rumors that Untermeyer and his first wife would be reconciled last year, after their son Dick committed suicide at Yale university.

Friends of the two point out that the Untermeyers are fulfilling the prophecy Untermeyer penned ten years ago in his poem, "Home."

NOT GUILTY, IS M'MANUS PLEA

'Honest Gambler' Denies He Is Rothstein Slayer.

By United Press

NEW YORK, Dec. 5.—George McManus, "the honest gambler," was arraigned on an indictment today charging him with the murder of Arnold Rothstein.

He was held without bail and remanded to Tombs prison, where he has been held since his voluntary surrender a week ago.

McManus, appearing dapper in a new blue suit and his black hair combed neatly, was taken before Judge Francis Manusco in general session court this morning. The indictment was read and McManus was asked how he pleaded.

"Not guilty," was the reply. McManus did not seem to mind the ordeal of arraignment—his second since his surrender. The first arraignment was on an affidavit charging him with the murder.

ENGINEER TO SPEAK

Head of Westburg Company Will Be Guest at City Meeting.

Paul A. Westburg, head of the Westburg Engineering Company of Chicago, will address the regular meeting of the Indianapolis-Lafayette division, American Institute of Electrical Engineers, in the Lincoln, Friday night.

He will talk on "Electric Measuring Instruments," following the presentation of a motion picture showing the uses of the instruments.

ASKS SALARY INCREASE

Col. Perry Seeks \$10 Monthly Raise for Monument Employees.

Colonel Oran Perry, superintendent of the Soldiers' and Sailors' Monument, has asked the state budget committee for a \$10 monthly salary increase for all monument employees.

He points out that receipts from visitors to the monument totaled \$14,628.11 during the last fiscal year, while expenses were \$16,933.76, making the state's cost but \$2,305.65.

His annual budget asks \$10,500 for rebuilding the four candelabra and installation of four lights.

CARE URGED IN EXPENDING OF CITY MONEY

Point In Indebtedness Is Reached Where Reserve Is Easily in Peril.

LARGE MARGIN NEEDED

Sudden Catastrophes Might Wipe Out Fund Held for Emergencies.

Indianapolis has reached the point in bonded indebtedness where the city must take careful stock of projected improvements lest the reserve below the \$13,500,000 general city limit permitted by law be wiped out, city officials and bankers are pointing out.

The present indebtedness is \$8,272,000. The flood prevention, track elevation, airport and city hospital building programs now projected will make serious inroads into the \$5,000,000 margin and officials are expected to proceed with caution in committing the city to further large bond issues until a considerable portion of the present debt is met.

Seek to Keep Margin

Officials desire to protect a large margin for protection in case of emergency, such as an earthquake, tornado or gigantic flood, which might destroy expensive public works.

Mayor L. Ert Slack has been studying the bonding situation with the view of curtailing further outlays of public funds.

The mayor is anxious to turn the municipality over to the city manager form of government in 1930 without a heavy indebtedness.

Slack pointed out that three major projects totalling about \$2,045,000 had been "forced" on his administration by circumstances and public necessity.

Blocks Spending Moves

The \$620,000 flood prevention bond issue passed during the Slack regime begun before he took office, the city hospital building program which calls for an expenditure of at least \$750,000 had been pending two years and the \$675,000 airport project grew out of the demand to keep the city apace with other key cities in aeronautics.

Slack temporarily blocked the movement for a \$3,000,000 coliseum which was started by former Mayor John L. Duval's administration because of the heavy load on the treasury.

City Controller Sterling R. Holt declared that there is no danger of the city reaching its bonding limit except in event of a major catastrophe.

Holt pointed out that the park district has \$3,250,000 and the sanitary district \$3,632,000 outstanding in bond. The park bond limit is \$5,161,000 and the sanitary district \$5,122,000. These limits are in addition to the \$13,500,000 general city limit, the park and sanitary districts being separate financial units.

2 WOMEN AUTO VICTIMS

Miss Catherine McMath and Mrs. Jemima March Injured.

Struck by an automobile at Michigan and Meridian streets Tuesday night, Miss Catherine McMath, 51, of 30 East Pratt street, is in critical condition today at city hospital. She suffered a skull fracture, a broken right leg and arm, and the loss of her right eye.

John McGrew, 40, of 414 Concord street, driver of the car, was absolved of blame by witnesses, and was not arrested.

Mrs. Jemima Marsh, 75, of 3251 North Arden, a broken rib and possible internal injuries Tuesday night when the car in which she was riding with her grandson, Fred Koster, hit another machine at Twenty-first street and Capitol avenue.

GRIDIRON SQUAD GUESTS

Indiana University Players to Attend Athletes' Banquet Tonight.

Sixty members of the Indiana university football squad will be guests tonight of the Indiana University Club at a dinner in the Indianapolis Athletic Club.

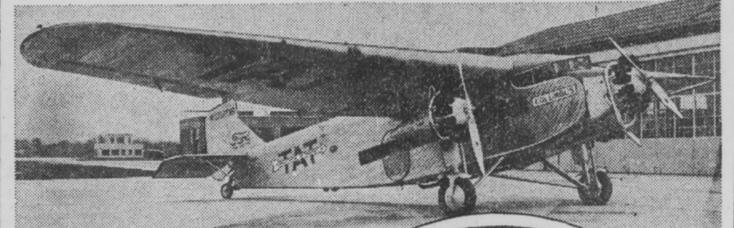
Walter Pfaff, president of the club, will be toastmaster, and Coach H. O. (Pat) Page and Z. G. Cleveland, director of athletics, will be the principal speakers.

ASK ANNUITY INCREASE

Retired U. S. Employees Request Hike of Uplike and Coolidge.

A resolution with seventy-five signatures will be forwarded Thursday to President Coolidge and Congressman Ralph Updike by the Retired Federal Employees Association. It calls for several changes in present federal laws to increase the existing maximum annuity by \$200. It will join a paved road at the Ohio line, according to Williams.

First Pictures of Lindy's 'Flying Office'



The new flagship Columbus, built as a flying office for Colonel Charles A. Lindbergh and other officials of the newly formed Trans-continental Air Transport, is pictured above. The plane is Ford-built and is the first of the fleet to be put in service with the Pennsylvania railroad. Sleeping quarters and office fixtures also are shown. This will be Colonel Lindbergh's personal plane.

JUST APPLE CORES And Divorces at \$50 Apiece

By Arch Steinel

APPLES, six for a quarter—nice apples," cry the vendors raucously on the Delaware street side of the Marion county courthouse.

Apples, glistening from a bath of wet snow, as their guardians tramp up and down the dank pavement, crying to heedless pedestrians passing in and out of the courthouse.

"An apple a day will keep the doctor—"

Evil gave Adam an apple and the battle of sexes was on. In the superior courtrooms on the second floor of the courthouse one might hawk mentally: "Divorces, \$50 apiece—nice good divorces."

She had loved too well. It showed in her face as she took the stand in the courtroom of Judge James L. Leathers.

In tones, harassed by a consciousness of the gawkers awaiting a sexy phrase, she told of her marriage with a man fifteen years her senior. He drank—she didn't. Old-fashioned youth wedded to one seeking the magic spring of life in alcohol, fret with death.

"Divorce granted. Maiden name restored," orders Judge Leathers.

The stars in the American flag back of the judge's bench blink—Freedom. The eyes of the freed one blink—gratitude.

"Practically nothing, Judge. He gave me practically nothing," asserted Mrs. Elizabeth F. Dion, in testifying in a request for a severance of the marriage knot from Theodore M. Dion.

"But what is 'practically nothing,'" asked Judge Leathers smilingly.

"Five dollars off and on over a two-year period," the plaintiff replied.

"Divorce granted." But the judge failed to add, "on practically nothing."

"He was wild about autos," heatedly declared Mrs. Ella Thrush in her suit to regain her birth name from her husband, Perry R. Thrush, real estate dealer.

"Yes, he always was trading cars whenever he took a fancy to one," she asserted in the court room of Judge Harry Chamberlain.

Thrush denied he owned autos. He capped her demand for \$10,000 alimony by citing judgments approximating several thousand dollars obtained against him.

Mrs. Thrush got \$15 a week alimony, attorney fees, and the divorce.

Thrush got the last court word. With gentlemanly fairness he said: "My wife's a mighty fine woman."

Wrangle! Fuss! Thus they mill until at last they find their places. The opposite sides of the court room, the lawyers paw over law books, hunting this section on "common law," that section on "man and wife," to find correct legal pigeon-holes where frailties of each can be tucked away.

"Apples—six for a quarter—nice—"

"Divorce, \$50—"

SUIT HITS CITY FLOOD CONTROL

County Commission Moves to Save Bridge.

County commissioners, represented by County Attorney Clinton H. Given, late Tuesday filed suit against Mayor L. Ert Slack, board of works members and the National Concrete Company, to prevent tearing down of the Morris street White river bridge as part of the flood prevention project.

The suit alleged the plans to destroy the structure and erect a new one have not been those approved by county commissioners.

The complaint alleged county commissioners were under the impressions that the bridge was to be lengthened in span area to reach the river banks after the channel had been widened. It also is alleged that "the pretended contract" calls for tearing down the present structure and that moves already have been taken along these lines.

According to commissioners, they were not informed of the change of plans, and approved only plans to remodel the structure. Merle N. A. Walker, attorney, representing parties involved, told commissioners they were present when the new bridge plan was up for approval and signed in favor of it.

The bridge is the property of Marion county, is adequate to handle traffic, and destruction of it merely would add an additional 45 per cent on the county to pay for tearing down and remodeling, the suit stated.

The suit was filed in superior court three and hearing on a temporary restraining order will be held soon, it was said.

Mostly 'Corn and Grain'

Main supply of the nation's liquor now comes from corn whiskey and grain alcohol illicitly manufactured, the commissioner said. He noted the comments in checking the leakage of industrial alcohol into the bootleg trade, and in diversion of beer from licensed breweries.

Wood alcohol still is used as a denaturant of industrial alcohol, the commissioner said, but in quantities so small that it is impossible to cause death. He denied that deaths in New York just before election were the result of drink, and blamed them to straight wood alcohol drinking.

Admiral Billard, head of the coast guard, said rum had disappeared completely, but that relaxation of vigilance would bring it back again. He reported considerable smuggling from St. Pierre, one island off Newfoundland, and Bermuda.

The Canadian government, he explained, still issued clearances to vessels laden with liquor, and bound for American ports, and had declined to do more than send notice of the clearances to this country. Secretary Kellogg has tried unsuccessfully to have Canada refuse such clearances.

Smuggling Cut Down

Coast guard activities, Billard said, have cut down smuggling to about one-fifth or one-eighth what it was four years ago. Committee members seated at the annual Representative Wood of Indiana said: "The liquor must have been floating in like a duck before." Billard said this was true.

The twenty-two destroyers turned over to the coast guard for prohibition work, the admiral said, now require a tremendous amount of money for upkeep. Each ship needs about \$30,000 a year, according to the estimates.

Though their overhauling for dry purposes cost about \$10,000,000 four years ago Billard intimated they soon would become obsolete even for prohibition work.

The admiral, explaining that he was not an executive officer, declined to hazard an estimate of how many ships would be necessary for more rigid blockade against smuggling. He would not say whether it would be 100 or 500. A shortage of ships, he said, leaves a large part of the Pacific coast unprotected against smugglers.

Hurt as Safety Belt Fails

By Times Special

COLUMBUS, Ind., Dec. 5.—Suffering from bruises and other minor injuries, L. L. Dismore is patient at the Bartholomew county hospital here following a thirty-foot fall from a pole carrying electric wires. Dismore, a lineman, fell when the fastener of a safety belt broke.

SANTA? CERTAINLY WE SHOULD HAVE HIM IN SCHOOLS, DEAN DECLARES

By Rader Winget

SANTA CLAUS has Indianapolis public school officials worried. The jolly old fellow has injected a spirit of uncertainty into the ranks of the teaching profession.

"Should he invite him in?" "Oh, yes. We should take him into our hearts," says Dean Emma Colbert, of the Teachers Col-

lege of Indianapolis, which trains hundreds of first, second and third grade teachers every year.

"The problem of recognizing Santa Claus never has been considered seriously by school officials," says Byron Williams, publicity director of the Indianapolis public schools. "We ap-

proach from the positive side with the theory that each teacher should assert her personality in determining her answer to a child.

"In Santa Claus we have a darling old legend delighting the children," said Dean Colbert. "Older persons take the legend figura-

tively, and they lend enchantment to the idea.

"Children interpret Santa Claus literally, from a figurative explanation. The tots look upon him as their best friend, and teachers from the college foster this belief as long as they can, literally.

"Then comes the time when they think they find 'there isn't any Santa Claus.' Right there we give them the figurative side and show there is a Santa Claus, an old St. Nick who will be their friend always."

Another way to meet the question has been worked out by a local teacher.

Almost every year some child asks, "Is there a Santa Claus?" "Aw, heck, there ain't no Santa Claus," always comes from some boy a little more sophisticated than the rest.

And all is forgotten about Santa while the teacher gives a lecture about the use of rough slang, such as "heck" and "ain't."