



CHAIN STORE KING UPHOLDS BAN ON BOOZE

J. C. Penney, Speaker Here, Is Vigorous Champion of Prohibition.

IRE ROUSED BY QUERIES

Millionaire Declares He Refuses to Drink Even on Foreign Soil.

BY HERBERT L. CECIL

"I know what it is to take a drink of wine or beer, but I have not taken a drink since prohibition, even when I toured foreign countries, where drinks are sold legally."

J. C. Penney, ardent dry, millionaire chain store king, coming here today to speak at the Indianapolis Real Estate Board luncheon, outlined his attitude on prohibition in these words in an interview with The Times.

"I considered that it was illegal for me to drink at home and therefore it morally was illegal for me to drink in foreign lands," Penney declared.

"The millionaire, who started his business activities at the age of 8, when he purchased a pig with his savings, fattened it and resold it to purchase more pigs, and who now operates stores in forty-eight states, became slightly angered when his theories with prohibition were questioned as to their practicability."

HITS DIGEST POLL

"The Literary Digest prohibition poll is not fair; the bulk of America's citizenship does not want a change in the prohibition law," Penney declared.

"More than 50 per cent of the nation's population resides in rural communities and towns and cities under 50,000 population."

"The sentiment of the country, and of the newspapers, is molded by the large cities, which are not a test of the nation's true attitude."

Despite his claim that more than one-half the population residing in smaller communities favors retention of prohibition, Penney opposed a referendum vote on the question at this time.

"Prohibition has not had a fair trial," he declared.

He's Not So Sure

Asked how a "fair trial" was to be obtained, Penney admitted himself at a loss.

"If I could tell that, I would be a great man," he declared. "Every man must recognize the law and obey it, despite his personal convictions."

When this theory was characterized as "millennial" by the interviewer, Penney became slightly angered.

"I could argue all day with you and we wouldn't get anywhere," he declared. "The newspapers of the country are predominately wet and always have been."

"No one wants return of the old saloon. I believe it would be the most dangerous thing in this country's history today to turn back and admit we have failed."

Raps Local Option

"Local option never was a success and state rights would be dangerous. The wetts talk about the Canadian system, but it is a proved failure."

"I am not in favor of a referendum. I know that bank deposits are larger, that business conditions are better, and that the health and morals of the nation are improved under prohibition."

"I can not believe that, even in New York, there are as many speak-easies today as there were saloons before prohibition. It may be easy to get liquor at any town or any hotel, but I never have been approached."

TUNNEY VISITS PRISON

Gene Finds Poison Slayer "Strange, but Charming and Gracious."

NEW YORK, April 10.—Gene Tunney, former heavyweight champion, finds that the Tombs prison is well cared for and believes "Texas Jim" Baker, confessed killer, a "strange person, but charming and gracious."

Tunney visited the prison Wednesday with Charles Francis Coe, short story writer. They talked with Baker and ate prison fare in the guest room.

ASKS RAIL MERGER REIN

Commerce Group Member Demands Authority to Regulate.

WASHINGTON, April 10.—Enactment of legislation giving the interstate commerce commission authority to regulate all railroad consolidations regardless of the manner in which they are effected, was recommended today by Joseph B. Eastman, commission member.

MAYOR ORDERS CITY WORKERS TO 'STAY OUT OF POLITICS'

Help Census

"Fill out and return census questionnaires promptly if they were left at your home or apartment in your absence," was the plea of Delbert O. Wilmet, district census supervisor today to Marion county residents.

"Nine hundred and ninety-nine out of a thousand have no objection to giving census information," Wilmet said. "The census takers report, 'but three out of every four of whose homes questionnaires are left, fail to fill out and mail them to the local census office in the self-addressed envelope left for that purpose.'"

"This failure," Wilmet declared, "not only is making enumerators' tasks more difficult, but is retarding the census seriously."

FOUND DEAD IN HOME

City Man Passed of Heart Disease in Rocking Chair.

Emil Jaeger, 68, of 14 East Iowa street, was found dead in a rocking chair at his home, where he lived alone, when police broke down a door to enter this morning. Neighbors reported he had not been seen since Monday. Coroner C. H. Keever attributed death to heart disease.

HOTEL PADLOCK SOUGHT

Prohibition Clamp May Be Placed on \$2,500,000 New York Inn.

NEW YORK, April 10.—The prohibition padlock may be clamped, for the first time, on an entire hotel if the government wins its suit against the recently raided Cornish Arms, a 350-room hotel built only five years ago at a cost of \$2,500,000. Federal agents claimed they bought liquor there "from stocks kept within the hotel itself."

'CON' GAME IS CHARGED

Man Accused of Using Photograph Scheme to Obtain Money.

Charged with operating a photograph confidence game, Ralph Yates, 21, of St. Joseph, Ill., was arrested today.

It is alleged he visited homes in Indianapolis, obtaining photographs of girls, whose relatives later received letters declaring the photograph had won prizes of \$25 in a contest. Yates asked a "deposit," police allege, for the service he rendered in getting the prize which the families never received.

CITY AD MAN PASSES

Funeral Services for Dante L. Conner to Be Held Friday.

Funeral services will be held at 2 p. m. Friday for Dante L. Conner, 37, of 2033 North Alabama street, who died Wednesday in Methodist hospital after brief illness. He was a member of the A. F. Conner Outdoor Advertising Company.

Burial will be in Crown Hill cemetery. Survivors are the widow, Mrs. Natalia Conner; a daughter, Miss Cornelia Conner, and his father, A. F. Conner.

HUBBY JUST 'BAD BOY'

Young Bigamy Suspect Bailed Out by 63-Year-Old Wife No. 1.

WEBSTER GROVES, Mo., April 10.—Mrs. Letitia Russell, 63, a great grandmother, and one of the two wives 24-year-old William Martin Russell is charged with marrying, appeared at the police station Wednesday night, explained that her husband "is just a bad boy," and bailed him out.

Russell was being held on a charge of bigamy brought by Mrs. Florence Glick Russell, wife No. 2.

CITY BOND ISSUES SOLD

Controller William E. Elder Announces Sale on Joint Bid.

Sale of two city bond issues totaling \$534,000 to the Harrison Trust and Savings Company and the First Union Trust and Savings Company, Chicago, on joint bid, was announced today by City Controller William E. Elder today.

The larger issue, of \$517,000, for reduced assessments and judgments against the city, was sold at par with accrued interest, and a premium of \$20,436. The smaller issue, \$17,000, for repaying police headquarters, was disposed of on the same terms with premium of \$301.

LAMB TRIAL DATE SET

Former Realty Company President to Face Court on May 26.

Date for criminal court jury trial of Lyle T. Lamb, former president of the defunct Realty Finance and Building Company, on a charge of obtaining signatures under false pretense in connection with an alleged gigantic swindle scheme in the sale of real estate, was set today by agreement of prosecutors and defense attorneys for May 26.

Trial date previously was fixed for April 16, but defense attorneys requested a time extension. "Lamb has been at liberty under \$2,500 bond for more than five years."

Primary Edict Is Fired at

All Employees by Sullivan.

City employees were forbidden to participate in politics during working hours in an order issued today by Mayor Reginald H. Sullivan.

Police and firemen were ordered to take no part in the primary except to vote; while "the remaining city employees may take part in the primary after work hours if they wish to do so, as long as their activities do not interfere with the city's work."

Asks Candidates to Quit

Sullivan conferred with the full-time employees who are candidates, asking them to resign, following the voluntary resignation of Stanley N. Chambers, assistant city attorney, for the past three years.

Chambers submitted his resignation to Sullivan, effective today, stating that he felt he "could not do justice to his job" and continue a candidate for probate court. He had considered resigning ever since filing.

Sullivan's edict will not affect Russell J. Ryan, park board attorney, and Howard Caughran, health board attorney, who are only part-time employees of the boards.

Walpole Is Appointed

City employees affected by the ruling include City Prosecutor Herbert Spencer; Benjamin McMullen, health department; Alvin Mosely, street commissioner's department, who withdrew from the race to retain his job; Glenn B. Ralston, chief clerk of the assessment bureau and Barrett law departments, resigned Monday; and Otis Guiley, street commissioner's department, a candidate for Wayne township assessor.

Martin H. Walpole, 959 High street, Eleventh ward Democratic leader, was appointed to succeed Ralston as chief assessment bureau clerk.

There is no indication as to who will be appointed to other posts to be vacated by candidates.

HITS 182-MILE CLIP

Kaye Don Quits for Day After Several Tests.

DAYTONA BEACH, Fla., April 10.—After ten days of idleness, Kaye Don, British racing driver, took to the Daytona Beach sands today, making several speed tests, none nearing the world record of 231 miles an hour, before leaving the track for the day.

Although the sands were a bit bumpy, Don covered the record distance at a 182.74-mile-an-hour clip on his first try. It was his fastest speed of the day.

DICTATOR IS LIKELY

Defeat of German Cabinet Presages Dissolution.

BERLIN, April 10.—The possibility of dissolution of the Reichstag and establishment of a dictatorial government pending elections was increased today when the cabinet again was defeated in the budget committee.

The committee rejected the government's proposal for reform of unemployment insurance.

HOOVER 'ON MOUND'

Agrees to Open American Loop Season Monday.

WASHINGTON, April 10.—President Hoover consented today to open the American League baseball season by throwing out the first ball at the Washington-Boston game next Monday.

MILK INSPECTOR DEAD

Veteran City Employee to Be Buried Saturday Afternoon.

Funeral services will be held at 2 p. m. Saturday for John Flora, 72, of 202 North Gray street, for thirteen years a city health board milk inspector, who died Wednesday night at his home from heart disease.

GIRL BETRAYS GANG

Nurse Trades Information for Immunity.

DETROIT, April 10.—Ruth Jones, student nurse, has agreed to give the state the benefit of her testimony against her former sweetheart, Leonard Koven, and Matt Grimmins, who are held on robbery charges.

In return, James E. Chenot, county prosecutor, will not file charges against Miss Jones, who was arrested last week with other members of a gang of alleged robbers.

START FIGHT TO FREE SIX IN BOMB CASE

Attorney Asks New Judge Be Named to Hear Examination.

DISCARD LABOR THEORY

New Clues Reported Found by Detectives Probing

Marion Deaths.

BY CHARLES E. CARILL

Times Staff Correspondent

MARION, Ind., April 10.—First wedge in attempts to liberate five men and a woman, held as suspects in a series of bombings that killed five men here in the last six months, was driven today by John R. Browne, attorney for Mrs. Erma Legos, widow of one of the slain men, charged with murder and conspiracy to murder.

Browne asked Mayor Jack Edwards, also city judge, to appoint another judge to hear preliminary examination of the sextet.

Under arrest, besides Mrs. Legos are: Harry Danford, alleged Chicago gang leader and so-called bomb expert; Peter Kmiecik and Joe Beckett, Chicago, and Vernon and Duke Humphrey, Elwood brothers.

Edwards said that this afternoon he would disqualify himself and named Hays criminal attorney, or grant Browne's petition for a new judge, and name as candidates Hayes, E. H. Graves and J. F. Charles.

Thrust Aside Theory

However, examination of the sextet was not expected before Saturday when Harley Hardin, Grant county prosecutor, now absent from Marion, will return.

Claiming new evidence had been obtained, investigators today thrust aside the theory that union labor troubles were responsible for the bombings. Several additional arrests may be made in the near future, probers said.

Major part of the morning was spent in interrogation of Vernon Humphrey. All suspects have been firm in their denials of guilt.

The suspects were led singly into a little storage room in the city's ramshackle police headquarters for questioning. The cubby hole, littered with tin cans, housed the prisoners, police and a newspaper reporter who took statements on a portable typewriter.

Sits Under Punching Bag

Above the suspect's chair hung a punching bag that policemen use for exercise off duty.

Mrs. Legos and the Humphreys are accused of murder of John Ashcraft in February. A bomb exploded in his automobile. Mrs. Legos and the Chicago trio are charged with murder of her husband. All are suspects in the death of three men in a blast at the Marion labor temple.

Mrs. Danford arrived in Marion today to fight for her husband's release. With her was Mrs. Lillian Greenberg, wife of Sam Greenberg, one of seven Chicago gangsters who helped up the I. Wolf Auto Company, Indianapolis, about one year ago.

Continuing interrogation of the prisoners today, detectives delved into circumstances of the blasting of the State theater in Hammond a year ago. This and other bombings are to be subject of questions to the sextet.

Connected With Job

The Chicago gang was connected with the Hammond "pineapple job" by the fact that it arranged exchange of marked money with Danford. He told authorities that while Danford remarked that he was "in on that job." Two men now are serving five-year prison terms for that bombing.

Circuit Judge O. D. Clawson temporarily blocked efforts of investigators to present the case before Grant county grand jury by refusing a special session today. The present court term expires Saturday, and the next term begins April 28. Probbers said they would make further demands for a special session.

Wants Dress Uniform for Soldier

WASHINGTON, April 10.—The American soldier, "the best looking in the world"—should be furnished with an attractive blue uniform to wear on parade, Representative Edith Nourse Rogers (Rep., Mass.) believes. She will introduce a bill to accomplish this.

ANNUAL LYING CONTEST NEAR

Followers of Finny Sport Overhaul Their Tackle



Charles Biederwolf, clerk of the supreme and appellate courts (above, left), shows the kind fishermen hope to catch with the new baits offered followers of Izak Walton this year. The thirty-six-pound tiger muskellunge, the head of which Biederwolf holds, was caught last year by him in Lake of the Woods, east of Winnipeg, Canada. Jackson Thomas, 10, son of Mrs. Harry Foster, 2668 Northwestern avenue, frightens a "nice one" with the new artificial crawfish bait as Miss Verna Richey, 36 North Holmes avenue, a Veteran of Foreign Wars sport carnival entrant (above, right), registers surprise and horror seated on the banks of Fall creek as the life-like plug drops on her knee. Below are three of the new plugs which the fish will be tempted to gobble.

3-POWER PACT SMOOTHED OUT

Outstanding Problems of Treaty Solved.

LONDON, April 10.—The American delegation abandoned hope of a five-power treaty for limitation of navies today and attempted to salvage from the wreckage of the naval conference an agreement on certain principles to which the five powers have subscribed.

The proposed five-power agreement would include the accepted proposals for humanization of submarines. A battleship limitation until 1936, classification of aircraft carriers and a global category transatlantic proposal.

The transactional proposal would limit the tonnage of each class of ship but permit transfer, within limits, from one class to another.

Such an agreement would mean some scrapping of vessels on which all five powers have agreed.

In addition, the three-power treaty among the United States, Britain and Japan has been achieved.

Secretary Stimson decided the five-power limitation deadlock could not be broken after he had conferred with Prime Minister MacDonald this morning.

HEAT RECORD IS SET

Mercury Climbs to 80 for 1930 High Mark.

With the mercury hovering a fraction of a degree below the 80 mark at 1 today, a new 1930 high temperature record was set.

Normal temperature for today should be about 50 degrees, according to the United States Weather Bureau here.

Previous high temperatures this year were 70 degrees March 16, and 68 degrees April 5. April's high record is 90 degrees, on April 24, 1925.

High temperatures will prevail until Friday, according to the weather bureau. Showers then probably will reduce them slightly.

Hourly Temperatures

6 a. m. 48 10 a. m. 70
7 a. m. 50 11 a. m. 75
8 a. m. 57 12 (noon) .. 78
9 a. m. 60 1 p. m. 81

Big Catches Reported

Indianapolis plug throwers also are to have an opportunity to determine just how much crawfish appeal to the appetite of the bass. A wide variety of crawfish bait is offered, including one in natural colors and another with flexible legs.

The black baits, such as the catfish and the field mouse, are taking the place of luminous baits for night casting, experts here declare.

Honors to date for the season, however, go to William Zoller, formerly of Greensburg, but now of Indianapolis, who landed a small mouthed bass weighing four pounds and twelve ounces at Flatrock.

Mrs. Helen Ethington, 38 West Thirtieth street, landed two small mouthed bass at Sugar creek, one weighing three pounds seven ounces.

WINS IN LOVE SUIT

\$20,000 Judgment Against 'Other Woman' Given.

LIMA, O., April 10.—A \$100,000 alienation of affections suit against Mrs. Lee Eden, former wife of James Oliver Curwood, author, was reduced to a \$20,000 award by a jury in common pleas court late yesterday. The suit was uncontested.

Mrs. Carl Patton, Lima, claimed Mrs. Eden induced the former's husband to leave her after thirty years of married life.

'ATTIC GHOST' CHARGED WITH LOVE MURDER

Millionaire's Killing Eight Years Ago Is Laid to 'Eaves Hermit.'

WEIRD SOLUTION GIVEN

Lived Constantly in Hiding Because of Wealthy Man's Wife.

By United Press

LOS ANGELES, April 10.—Members of the grand jury were scheduled today to hear how an "attic hermit" allegedly murdered Fred Osterreich, millionaire garment manufacturer, in his home here eight years ago.

Burton Pitts, district attorney, planned to go before the jury to relate the story, and to seek an indictment against Otto Sanhuber, alias Walter Klein, who assertedly crept from his abode in the eaves of the Osterreich residence and shot Osterreich to death.

Authorities contend that Sanhuber's love for Mrs. Osterreich led him to continue his strange attic life over many years and finally to slay her husband.

Mystery for 8 Years

A meek, middle-aged man who lived like a phantom in the home of the married woman he loved, told rather casually, Wednesday, how he rushed from his attic retreat one night to kill the husband who never had known of his presence.

For eight years the murder of Osterreich remained one of Los Angeles' great criminal mysteries. It had been a perfect crime. The widow, Mrs. Walburga Osterreich, ostensibly was alone in the house when police arrived. She was locked in a closet, the key outside the door.

Explanation Is Accepted

She was charged with the murder at first, but police finally accepted her explanation that burglars were responsible.

The "Phantom of the Attic" had retired one night when he heard the woman he loved and her husband quarreling. He feared that Osterreich would harm her and, pajama clad and pistol in hand, crept from his attic retreat, he told James Costello, deputy district attorney Wednesday.

To Osterreich he was a ghost, for the manufacturer never had known that his wife was harboring the man over whose friendship they had quarreled in Milwaukee.

What are you doing here, you dirty rat, Sanhuber said the husband about.

"I replied: 'The same thing you are doing,' and he lurched at me. I had the gun in my hand. A struggle followed. He held my hand in the air when the gun went off and a bullet hit the ceiling. He almost got me, but I got him. It was my life or his."

Then the "phantom intruder" said he told the wife:

"Dolly, this must be burglary," and locked her in the closet. He threw the key several feet away.

According to Sanhuber, he could hear police questioning the woman as he remained alert in his attic room.

Attorney's Story Told

Sanhuber's confession was the main information to place before the jury, but Pitts said he also expected to present the story of Mrs. Osterreich, who once was charged with the murder, and that of Herman Shapiro, former attorney for the victim.

Sanhuber's admissions, relating a strange association with Mrs. Osterreich from 1912 until after the murder, were made only after Shapiro accused the suspect in the affidavit filed early this week.

According to Sanhuber's alleged confession, he first met Mrs. Osterreich eighteen years ago when he was 17 years old. Later he entered the Osterreich home, then in Milwaukee, and constructed a place for himself in the attic.

When the Osterreichs moved to Los Angeles, Sanhuber followed them and built himself another nest in the attic of their California home.

CHECK FRAUDS CHARGED

City Man Is Accused by Police of Illegal Transactions.

Charged with a long series of fraudulent check transactions beginning Dec. 21, 1927, Boyd B. Burner, 1149 North Meridian street, was arrested today by Detective George Hubbard and Edgar Deete. He is alleged to have passed checks totaling more than \$250 on down town merchants, the largest being for \$68.

'JAKE' SALE IS BANNED

Cincinnati City Council Makes Effort to Curb Paralysis Spread.

CINCINNATI, April 10.—A ninety-day ban on the sale of Jamaica ginger, except upon a physician's prescription, became effective here today with the passage of an emergency ordinance by the city council Wednesday in an effort to curb the spread of what is believed to be "jake" paralysis.

COFFIN CHIEFS CLAIM CONTROL

Assert Withdrawals Will Clinch Primary Grip.

Marion county Republican organization leaders today claimed that when the time for withdrawals from the primary race closes at midnight tonight, their hold on the county organization will be clinched and the anti-Coffinists will have fought a forlorn battle.

G. O. P. organization headquarters reported late today that 100 regular precinct committeemen were unopposed and that this number would be raised to 125 by withdrawals of anti-Coffinists.

In order to perpetuate Coffin control of the G. O. P. county committee, only 167 precinct committeemen are needed.

With 125 unopposed, Coffin leaders feel they easily can win the election of forty-two committeemen in disputed precincts.

William J. Boyce Jr., candidate for the Republican nomination for county recorder, withdrew this afternoon, to devote his entire time and efforts to the reorganization program in the Ninth ward.

SCHOOL CENSUS ON

Enumeration by 65 Workers Gets Under Way.

Sixty-five workers today began the task of enumerating the Indianapolis school population, under the direction of W. A. Hacker, director of social service in the public schools.

All residents of Indianapolis between the ages of 6 and 21, and who are single, are to be visited.

The work will require about eighteen days and the estimated cost of the census is approximately \$3,500.

FILIPINO BAN ASKED

House Told Islanders Have Boosted Jobless Ranks.

WASHINGTON, April 10.—Alleging the entry of 10,000 Filipinos at Pacific coast ports in the past year greatly has aggravated the unemployment situation there, Representative Welch, (Rep., Cal.) opened the house immigration committee hearing today on the Welch bill to exclude Filipino immigration.

WIDENING BIDS ASKED

Final Plans for North Side Improvements Are Approved.

Bids on the widening and resurfacing of Delaware street and Washington boulevard from Twenty-eighth to Thirtieth streets were asked today by the board of works following approval of final plans Wednesday.

The widening of Delaware fits into the plan for developing an adequate approach to the bridge over Fall creek.