

KROGER PLANS COURT APPEAL

Kroger Company To Appeal Milk Control Board Ruling

Indianapolis, Oct. 7—(U.P.)—A proposed United States Supreme court appeal by the Kroger Baking and Grocery company in connection with an order of the Indiana milk control board will be only a matter of jurisdiction and not the constitutionality of the 1935 act, Charles Bailey, attorney for the board, said today.

In the event the high court upholds a three-judge federal court which threw out the original action of the chain store for want of jurisdiction, a test of the law's constitutionality is not likely in any particular case, it was said.

An order issued soon after organization of the milk control board prohibited the Kroger company from selling milk in its 44 stores in Fort Wayne for one cent less than the price charged by other distributors.

The Kroger company instituted an appeal against the order, contending proper legal notice of the prohibition of the one-cent differential had not been given.

The state board rescinded the order, which had been asked by producers and distributors to stabilize the market in the Fort Wayne area, but later issued a similar order.

Action was filed by the chain store in northern Indiana federal district court attacking constitutionality of the state board's ruling.

The state milk control board filed a petition to dismiss with the three-judge hearing court, contending that body has no jurisdiction since the amount involved was less than \$3,000—a requirement for filing federal civil action.

The petition was upheld and it is that decision of the hearing court that the Kroger company proposes to appeal to the United States Supreme court.

Reversal of the lower court by the supreme body would open the way for the first federal court test on the merits of the 1935 state law.

The three-judge federal court

has granted the Kroger company a 30-day injunction against execution of the state milk control board order prohibiting the one-cent differential.

Constitutionality of the state milk control law was upheld by the state supreme court in a decision rendered during the November term in 1935 on an appeal by Frank Albert, a St. Joseph county milk dealer who refused to purchase a license.

Citing cases in which the United States Supreme court upheld constitutionality of the state milk control laws of New York and New Jersey—said to be similar to the Indiana legislation—the high state court upheld the decision of the St. Joseph superior court.

"X x x the power of the legislature to regulate and control the production, transportation, processing, storage, distribution and sale of milk for human consumption," was upheld by the court.

The state milk control law was emergency legislation to counteract "demoralizing trade practices x x x which constitute a constant menace to the health and public welfare of the inhabitants of this state and threaten the economic integrity of the milk industry."

The act automatically will become inoperative July 1, 1937 unless it is extended by the 1937 session of the legislature.

GIVE PROGRAM

(CONTINUED FROM PAGE ONE)

Report of the credentials committee and election of officers will close the morning session.

A luncheon will be served at the church at 12:30 o'clock.

The afternoon session will open with assembly singing, followed by the club litany by Mrs. Heber LaMont, Anderson. State officers and eighth district women serving on state committees will be introduced.

Miss Marion Neprud, manager of the Decatur Homesteads, will speak on international relations. Mrs. Alfred R. Putman of Valparaiso will discuss our federation sign post. Mrs. Marker Sunderland will present a solo.

Mrs. Frederic G. Balz, state president, will deliver the principal address, "Make good thy standing place and move the world."

This will be followed by the report of the resolutions committee

and selection of the next meeting place. The afternoon session will close with presentation of newly elected officers.

Committees in charge of the Thursday meeting are:

Reception—Mrs. R. A. Stucky, Mrs. John Tyndall, Mrs. C. E. Peterson and Mrs. W. Guy Brown; registration and credentials—Mrs. A. R. Ashbacher, Mrs. Russell Owens, Mrs. Herb Kern and Mrs. Lloyd Cowens; merit flag—Mrs. J. R. Clark, Mrs. Heber LaMont and Mrs. F. L. Botkins; parliamentary—Mrs. A. F. Meeks; pages, members of the junior department club of Decatur.

LOWER LIGHT RATE

(CONTINUED FROM PAGE ONE)

quoted. Savings in manufacturing costs will also be made with the operation of the new 2,000 KWH turbine, now being installed.

It is the intention of the council and board of works to put the new rates into effect with the November meter readings, which will be on or about November 20. The November bills, payable on or before December 20, will be figured at the lower rates if the public service commission approves the schedule.

All Under One Rate

The new schedule sets up only one bracket of rates for residence lighting and combination light and power in residences. The reduced rates will apply on all residence lighting and a reduction will be given those formerly on the combination rate in the step-down on kilowatts used.

After the first 50 KWH which will be five cents per kilowatt per month, the rate drops to four cents for the next 50, three cents for the next 25 and all over 125 KWH per month, 2½ cents per KWH. This reduced schedule will benefit the large user and make unnecessary the carrying of two schedules. In most cases where the consumer used more than 50 KWH per month, his meter was placed on a combination rate. The minimum charge of \$1.50 per month is dropped to 50 cents, putting both classes on an equal basis.

The dropping to a five cent basic rate will benefit the smallest customer. If a residence has been using only 20 KWH per month, the saving to the customer will be 20 cents. For 50 KWH the saving is 50 cents per month.

The present administration has

been figuring on the lower rates for some time. It was the desire of city officials to bring about a five cent light rate when the change was made so that every customer would benefit.

The installation of the new 2,000 KWH turbine at the city plant will reduce operating costs and it is the intention of the council and city officials to continue the lower rate policy during the next couple years. Reductions will be made as rapidly as earnings permit, officials declare.

Last January the industrial power rates were reduced. The increased use of more power by local industries has more than made up the difference in volume and profits are ahead of a year ago. A low cooking rate was also established. It is believed that 1936 will be the banner year in the history of the local plant. Kilowatt production up to October 1, 1936, is 6,261,000, which exceeds the total for the whole of 1935 and is within 700,000 of the peak year in 1929. It is expected that pro-

duction will reach 8,000,000 kilowatts this year, an all time record.

Net profit of the electric department of the city plant was \$29,668.12, up to September 1, this year. This exceeds last year's showing for the same nine month period.

Monroe Rate Reduced

A contract with the town of Monroe for furnishing electric current to the Monroe light and power line at the south Decatur city limits was approved by the council last night. A reduction in rates is given the utility. For the first 1,000 KWH the rate is cut from five cents per KWH to four cents per KWH. For the next 20,000 KWH the rate will be two cents. All over 21,000 the rate is 1.75 cents per KWH. The Monroe town council has signed the contract and it will be submitted to the Indiana public service commission for approval at the time the Decatur rates are filed.

ROOSEVELT SON

(CONTINUED FROM PAGE ONE)

Nye said that "absolutely no pressure" had been brought to bear from any sources to prevent the development "of any part of this story."

"The committee had no knowledge of a very large part of the story being published in the Aero Digest which was obviously an article largely of insinuation and innuendo," Nye said.

Nye said that the affidavit was released without discussion with other members of the committee but that he believed that the other members would feel that "out of sense of fairness to all parties concerned it should be given out."

Fokker said Roosevelt was paid \$5,000 in cash to sign the contract, but that the price sought for the planes by Roosevelt and an associate was "so high that the Russians would have nothing to do

with the whole business and had not bought any of the planes."

The committee made public the deposition on orders of Sen. Gerald P. Nye, R., N. D., chairman, following published charges that it was withholding information. Committee officials said the deposition was taken by Stephen Raushenbush and Joel Earnest, committee investigators.

At his home in Fort Worth, Tex., young Roosevelt said the charges he was "connected with any group to sell war planes in Europe" were untrue.

"Three years ago when Fokker came out with a new DC-2 type of transport," Roosevelt said, "I was given a contract to sell planes in Europe. By no stretch of the imagination could those planes be construed as war planes."

He said that after signing the contract he decided that the job of selling planes would mean dealing with European governments, "which I thought I had better not do," and that he asked to be re-

leased from the contract and was.

He said his associate, G. W. Stratton of Los Angeles, under a similar contract, received \$5,000 for his work, but that "I received nothing." The charges, he said, "look like an effort to embarrass my father."

Trade in a Good Town—Decatur

WAKE UP YOUR LIVER BILE—

Without Calomel—And You'll Jump Out of Bed in the Morning

The liver should pour out two pounds of bile daily. If this bile is not flowing freely, your food doesn't digest. It just decays in the bowels. Gas builds up your stomach. You get constipated. Your whole system is poisoned and you feel sour, sunk and the world looks punk. A mere bowel movement doesn't get at the cause. It takes those good, old Carter's Little Liver Pills to get those two pounds of bile flowing freely and make you feel "up and up." Harmless, gentle, yet amazing in making bile flow freely. Ask for Carter's Little Liver Pills by name. Stubbornly refuse anything else. 25c.

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Quality Merchandise at a Tremendous Sacrifice

Thur. Fri. and Sat.

Shop Now For The Season's Choicest

COATS

Correct styles in both sport or dress. Wanted materials; fur trimmed or plain. New Fall shades and all selling at

Reduced Prices

NOW IS THE TIME TO BUY

FALL DRESSES

Silk Ripple Crepe Dresses, good assortment of styles and patterns, special in this event

WASH FROCKS, fast colors, wide selection of styles and colors, at

Good Selection of CREPE DRESSES. Better buy at this unusual low price.

82¢ 1.48

SWEATERS

Misses Brushed Wool Sweaters — all styles and wide array of colors. Wonderful buy at only

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Many shades and styles. Quite the thing for Fall. Now selling at, choice,

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9x12 Velvet Rugs, pretty patterns, good selection. Your opportunity to buy a new rug at only

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Heavy Weight — A good buy at only

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Felt Base Stove Felt Base STOVE MATS 54 in. x 54 in. Special

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PREPARE FOR WINTER—LAY IN YOUR SUPPLY OF

Blankets

70x80 PLAID BLANKETS 72c

70x90 WHITE SHEET BLANKETS .. 82c

70x80 PART WOOL BLANKETS .. \$2.35

70x80 PART WOOL BLANKETS .. \$1.19

LANKENAU'S

Birthday Anniversary of James Whitcomb Riley



This simple, dignified tomb standing in Crown Hill cemetery marks the final resting place of Indiana's beloved poet, James Whitcomb Riley.



Miss Katie Kindell, housekeeper for James Whitcomb Riley for twenty-five years, talking to one of her valuable pets, a hundred years old. Incidentally, a parrot was a favorite member of Riley's household.

Read

and

Save

Our Best Prints, 80x 80 count, good selection, 17c yard

Light and Dark Outing, fine quality very special 12c yard

3 pound Part Wool Batt, good quality. Buy now 85c each

Comfort Challie, 36 in., fast color, good patterns, 15c yard

Good Quilting Muslin, bleached, 12c Special, yard

Childrens Black School Hose. Lay in a supply, 10c pair

Childrens School Handkerchiefs good selection and 1c selling for

Wool Crepe, 54 inch, wanted patterns and shades \$1.19 yard

39 in. Ripple Acetate Crepe, rough, nubby effect, 65c yard

Cotton Crepe, fast color, pretty patterns, yard 21c only

12 x 12 Plaid Wash Cloth, good quality, exceptional 4c value

Candlewick Bed Spread, size 85x105. Very special \$1.75 each

Silk Hose, full fashion, chiffon or service weight 49c pair

Better Silk Hose, sheer crepe twist, a real value at 69c pair

Flannelette Gowns, You'll need them this winter. 49c each