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HOME
EDITION

PRICE TWO CENTS
Outside Marion County, 3 Cents

STATE BEER CONTROL ACT IS VOID, JUDGE BAKER RULES

Provisions for Importers
and Rules for Sale Are
Illegal, He Says.

POINTS TO 'MONOPOLY'
Court Declares No Penalty
Will Be Assessed If Food
Is Not Served.

By United Press
HAMMOND, Ind., April 28.—Affidavits alleging that contributions of \$500 to the Democratic campaign fund are demanded from persons seeking beer importers' licenses were admitted in evidence by Judge V. S. Reiter today during a hearing on constitutionality of the state beer control act.

Licensing provisions of the state beer control bill and rules regarding sale and consumption of "three-two" beer were declared unconstitutional today by Criminal Judge Frank P. Baker in a written opinion.

The legislature has tried to do by law what Al Capone did in Chicago with machine guns," Baker declared, after reading his opinion.

In reference to the establishment of an excise director, and importers in established state districts, as well as permits for breweries, Baker held the law unconstitutional, citing provision of the Constitution against state import or export duties.

"This is the creation of a monopoly, is in restraint of trade and against public policy, and is unconstitutional and of no force and effect," the opinion said.

Lashes Importers Provision

Limiting authority of drug stores, confectioneries and others to sell beer, but not to permit it to be consumed on the premises, was held void, with the comparison that the legislature could not regulate consumption of "ice cream sodas."

The opinion pointed out that section 41 of the control bill provides that sections not held void shall remain in effect, and on this grounds definition and penalties for public intoxication were held constitutional by Baker.

Following his remarks, Baker dismissed charge of public drunkenness against Gladys Townsend, Negro, 2727 Oden street, for "lack of evidence."

"Any one may import 3.2 per cent beer without the permit of the legislature or the director created by this act, and it may be imported in bottles, kegs, or barrels, and the legislature has no power to determine otherwise," the opinion stated.

Ruling Doesn't Change Law

In a statement after leaving the bench, Baker announced his intention of freeing any one brought into criminal court charged with violations of the state licensing provisions.

"Any charges on manufacture, import or sale of 3.2 beer without a permit will be dismissed in this court," Baker declared.

"Does that apply to persons serving beer without food?" he was asked by newspaper men.

"Certainly, You might as well legislate that lemonade can not be served unless it is drunk through a straw," Baker replied.

"However, my ruling does not change the law, or its enforcement for public drunkenness," Baker said. "These cases will be handled as usual."

Wilson to Enforce Law

Prosecutor Herbert E. Wilson was present when Baker read his opinion. In a statement later, Wilson declared that all violations of the control bill would bring action by his office.

"There will be no letdown in the enforcement of the law from this office," Wilson said. "As long as the police continue to do their work, we will prepare cases against them and prosecute them in court."

The Townsend case was appealed from municipal court three by Edward McElfresh, county pauper attorney. By bringing the case into criminal court, way was paved for Baker's decision.

No defense had been offered in the case that she had been drinking only 3.2 per cent beer, which was basis of a defense in municipal court, recently, and overruled by the court.

Baker's opinion cited that the eighteenth amendment still is in force regarding intoxicating beverages, thereby preventing any state from regulating drinks of an intoxicating nature.

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BAKER TO GET BANK RECORDS

Cox to Turn Documents in
State Savings Case Over
to Criminal Court.

Records and other documents revealing affairs of the defunct State Savings and Trust Company and its receivership were to be turned over to Criminal Judge Frank P. Baker by Circuit Judge Earl R. Cox today.

Cox announced his intention of placing the information before Baker Thursday after an earlier conference with Prosecutor Herbert E. Wilson regarding charges made against the bank officials and Eben Walcott, receiver, by representatives of the depositors' committee.

Wilson is conducting a personal probe of certain evidence given him by Cox, he announced Thursday.

It is expected by Cox that Baker will summon the grand jury for investigation.

Evidence which is expected Wednesday at a special investigation in circuit court likewise will be given to the grand jury, if warranted, Cox said.

Businesses will be subpoenaed for the hearing by Conner Elliott, present receiver of the bank, for questioning regarding refunded commissions, real estate transactions and abandonment of receivership funds charged by the depositors.

SHARP UPTURN IS REPORTED IN STEEL

Output in Youngstown Area
Is on Rise.

By United Press

YOUNGSTOWN, O., April 28.—The sharpest upturn in steel business since the start of the depression was experienced in the Youngstown district today.

Steel output in the district rose to 30 per cent of capacity, up 5 points to the highest level since early in 1932.

AUTO THIEF, 16, FREED From Judge Baker.

The tender years of Raymond Schaefer, 16, who was "just insane about automobiles to the extent that he took fifteen of them at a time for short joy rides," won him leniency today from Criminal Judge Frank P. Baker.

Charged with the theft of the car of Herbert H. Snyder, 1109 North Franklin avenue, Schaefer admitted he had taken at least fifteen other cars. Two boys implicated with Schaefer will be tried in juvenile court. Baker withheld judgment on Schaefer with a warning to behave.

PARLEY BRINGS NEW PROGRESS ON WAR DEBTS

Roosevelt and Herriot Join
in Statement of Advance
Toward Solution.

By JOSEPH H. BAIRD
United Press Staff Correspondent

WASHINGTON, April 28.—Progress on war debt negotiations was reported today by President Roosevelt and former Premier Edouard Herriot of France, in a joint statement issued at the White House.

This advance in the international attack upon problems which have delayed world economic recovery was coupled with the disclosure that a resolution opening the way for tariff readjustments is ready for presentation in the senate.

It was learned also that the White House is planning issuance later of a communiqué summarizing all developments of this week's conferences between President Roosevelt and representatives of Great Britain and France and Canada.

The Roosevelt-Herriot statement declared that the debt discussions had "proved to be of value" and were of "the most frank and friendly character."

After the statement was issued, the President and M. Herriot entered into their final conversations in the Oval Room of the White House.

The tariff resolution would give to the President the power of negotiating for lowered tariff rates, instead of following the lengthy route of congressional action.

Another development in the international economic situation was the revelation at the state department that May 10 has been set tentatively as the date for a conference of experts from the four large wheat-producing countries at Geneva.

The countries are the United States, Canada, Argentina and Australia.

By SAMUEL DASHIELL
United Press Staff Correspondent

(Copyright, 1933, by United Press) PARIS, April 28.—France is prepared to take a huge loan from Great Britain to bolster her financial position, it was disclosed today, when details of the monetary accord between the two nations were made at the Weddell-Williams racing plane at 7:20 a.m. (Indianapolis time) today, according to a telegram received by Charles E. Cox Jr., municipal airport superintendent.

Previous arrangements had been made with Cox by Turner to have a special grade of gasoline on the field for rapid refueling when Turner lands here, his last scheduled stop before Newark, N. J., his goal. Other stops were to be made at Albuquerque, N. M., and Wichita, Kan.

Turner left Burbank, Cal., in his Weddell-Williams racing plane at 7:20 a.m. (Indianapolis time) today, according to a telegram received by Charles E. Cox Jr., municipal airport superintendent.

Turner originally had planned to stop off on the record flight last Monday, but was prevented by inclement weather, and he delayed start until conditions were more propitious.

He is striving to wrest the present west to east coast speed record from Jimmie Haizlip, who last summer made the 2,470-mile journey in 10 hours 19 minutes.

Turner vied with Haizlip for the record the same day, but lost the race by 15 minutes.

The California aviator already holds the east to west speed record of 33 minutes which he set last November in the face of a stiff headwind, averaging 199.2 miles an hour in the same plane he is flying today.

Turner, who has kept plans for the flight secret, was not expected to remain at municipal airport here more than a few minutes.

By LYLE C. WILSON
United Press Staff Correspondent

WASHINGTON, April 28.—Senators sponsoring immediate cash payment of veterans' compensation claimed at noon today to have forty-two votes pledged to attach their rider as an amendment to the administration currency inflation bill.

The number is only six votes short of an actual majority of the present senate.

News of the boom in bonus stock sent administration leaders scurrying in a counter-offensive. Senator Huey Long (Dem., La.) always optimistic, but likewise an able manipulator of the senate, confidently announced:

"We have enough votes to pass this cash payment amendment, and we are going to do it."

President's Word Awaited

The full influence of President Roosevelt's authority is to be swung shortly into the bonus battle. Senator Majority Leader Joseph Robinson reiterated that the President opposes encumbering the inflation farm relief bill with a bonus rider, even though it is only permissive.

Bonus votes are divided about evenly between senate Democratic and Republican sides, according to estimates of strength made by leaders for and against the amendment.

The progressive American bloc is expected to go almost unanimously for immediate cash payment. Senator William E. Borah (Rep., Idaho)—always a bonus opponent—is doubtful but may swing over.

Senator George W. Norris (Rep., Neb.), who formerly has voted against the bonus, has intimated he will switch on the vote now pending.

Seek Roosevelt's Decision

House Democratic leaders, it was learned today, are ready to place the issue of immediate soldier bonus payment squarely up to the President for a decision.

Speaker Henry T. Rainey and Majority Leader James Byrnes, it was understood, have completed arrangements for a White House conference on the controversial issue of legislation for immediate payment of the \$2,000,000 veterans' claims.

The conference is expected to occur immediately after the senate acts on the pending bonus amendment to the inflation-farm relief bill.

If veterans' compensation authorization is attached to the inflation proposal, the final legislative masterpiece will be of unprecedented scope, including farm relief, acreage reduction, price fixing of agricultural products, a \$2,000,000 mortgage refinancing plan, currency inflation, revaluation of the gold dollar, free coinage of silver, and war debt reduction.

Glass Denounces Program

Conservative Republicans failed Thursday to tempt free silver men into coalition to remove from the inflation bill authority for revaluing the gold dollar. The administration prevailed, 53 to 35, in spite of a bitter denunciation by Senator Carter Glass (Dem., Va.), of President Roosevelt's entire gold program.

The little Virginian began with the gold embargo, side-swiped the executive order compelling citizens to turn in their gold, and wound up with the statement that to revalue the gold dollar would be disastrous.

This convention will be closed with the annual gridiron banquet Saturday at the Sevin.

KISS FIRST LADY'S HAND

French Delegation Takes Leave in Courtois Fashion.

WASHINGTON, April 28.—Former

Premier Edouard Herriot of France

and his delegation took their leave

in a courtly fashion.

McCormick told Mannion impos

ed a fine of \$1 and costs, total \$1,

on Wiggins when he pleaded

guilty to the intoxication charge.

Lacking the \$1, Wiggins was

taken to jail.

Trial on the drunken driving

charge was started before noon

but was postponed until this

afternoon when efforts to find S.

C. Bodner, an attorney, were un-

successful.

McCormick told Mannion impos

ed a fine of \$1 and costs, total \$1,

on Wiggins when he pleaded

guilty to the intoxication charge.

Then when did you file these

affidavits?" the court inquired.

"Well, I wanted to satisfy the

people who made the complaint,"

the officer replied.

and filed charges of drunken driv-

ing and drunkenness.

"

THEN Bodner disqualifed him-

self to hear the case, and it was

sent to municipal court three,

where it is said Bodner and Max

Farb, also an attorney, testified in

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