

FAMED 'SPRIT OF THE LAW' DECISION BY CARDOZO CITED IN MARION VETERAN CASES

Probers of Guardianship Point to Opinion
Handed Down About 'The Punctilio
of Honor, the Most Efficient—'

BY ARCH STEINEL
Times Staff Writer

MARION, Ind., March 6.—"The punctilio of honor, the most efficient—"

Benjamin N. Cardozo, associate justice of the United States supreme court while chief justice of the New York court of appeals, thus defined the moral responsibility of guardians of estates to their wards.

In Grant county, World war veterans suffered, according to the regional division of the veterans bureau of Indianapolis, thousands of dollars of losses through the investment of \$317,302 in trusts of insane ex-soldiers.

B. W. Breedlove, chief attorney of the Indianapolis bureau, says his records show in trusts held at one time by the Grant Trust and Savings Company, now in receivership, that the above amount of investments are shown on the present guardianship records against \$167,696 in properly invested funds.

Indiana's law on guardianships provides that trusts should be managed "for the best interests of his ward."

"The degree of care to be exercised by guardians is the same as prudent persons exercise in their own affairs," cites a case, *Wainwright vs. Burroughs*, 27 N. E.

"It is the duty of a guardian as far as practicable to keep the funds of his wards so invested that they will draw interest, and to use due care in making investments," avers a decision in *State vs. Sanders*, 62 Ind. 562.

In the same case is the citation, "use by a guardian of the funds of the ward in his own business is a conversion of funds."

No Bonds Were Needed

Up to the passage of an act in 1931 governing specifically war veterans' estates under jurisdiction of a guardian it was not necessary for banks, when acting as trustees, to give bonds.

Not only guardianship now in litigation in the Grant circuit court for war veterans was bonded by the depository acting as parent for the ward.

Mr. Breedlove says attempts to pass the act in legislatures prior to 1931 met with opposition from bankers of Indiana.

"They had lobbyists in the legislatures who watched judiciary committees for bills of that type and were quick to oppose the act," explains Mr. Breedlove.

"But we got it through both houses in 1931," he chuckled.

"How Did You Do It?"

"After it was passed a certain banker came to me and said, 'Well, you put it over. How did you do it? No bill like that was reported out of the judiciary committee.'"

"I told him," added Mr. Breedlove, "that it was reported out by the World war memorial committee."

"But what has a World war memorial committee to do with the guardianships of insane veterans?" replied the chagrined banker.

The new veterans' act prevents overcharge of guardianship fees by trustees by setting a maximum of 5 per cent of the estate's income as a fee unless amended by a special court hearing.

It provides that bonds must be made by banks as well as individuals "in an amount not less than the sum then due and estimated to become payable during the ensuing year."

Bonds in Full Required

Mr. Breedlove now requires the present Marion banks, First National in Marion and Marion National in Marion, to give bonds in full for the funds on hand and due in the estates of World war veterans.

The act precludes the investment of a veterans' funds in enterprises in which the guardian may have interest with "Every guardian shall invest the funds of the estate in securities in which the guardian has no interest."

One of the main points of law proving a bone of contention between attorneys for the First National bank of Marion (now in receivership) and Mr. Breedlove is the extent of the liability of the First National (the old bank) in taking over the veterans' guardianships from the defunct Grant Trust and Savings Company.

Attorneys for the old First National declare that in accepting the trusts the bank took them as guardian and executor, but only for "safekeeping and accounting."

Court Records Scanned

Mr. Breedlove and attorneys for the new First National, however, charge that the liability of the old bank is on a par with that of the Grant Trust and that the old First National had knowledge of the shattered securities in the veterans' estate in that Marshall Williams, trust officer in the Grant, became trust officers of the old First National.

Mr. Williams has sworn to a great number of the court reports on conditions of the estates throughout the past ten years, Grant circuit court records show.

Some directors and officers from the old Citizens Trust and Savings Company are followed into the merger with the Grant Trust and thence into the First National of Marion and now into the present institution, First National in Marion, is found in a perusal by The Times of directories and bank statements of officers.

It also is revealed that some of these officers and directors were incorporators of companies or officials in firms whose securities were placed in veterans' estates or were purported to have been purchased for their estates by the guardian bank. In other instances some of the bank officials were interested financially in those companies facing bond issues.

Listed as Secretary-Treasurer

Beginning with the original officers of the Citizens Trust and Savings bank it is shown that Willard E. King, president of that bank at one time, later became acting vice president of the Grant Trust.

Robert P. Kiley, Marion beer im-

porter, is listed as secretary-treasurer of the old Citizens, treasurer of the Grant Trust at a later date, president of the Marion Title and Loan Company in 1930, and vice-president and cashier of old First National of Marion.

The loan company Mr. Kiley headed handled the floating of \$37,500 in Chateau apartment bonds, and Indianapolis realty holding, which were bought by the Grant Trust and placed in the account of insane veterans' trusts.

R. J. Spencer Sr. and R. J. Spencer Jr. are shown as respectively chairman of the board of directors and president of the old Grant Trust as well as incorporators of the Chateau Apartments Company.

Shown as Officers

The Spencers are shown in directories as president and vice-president respectively of the Marion Real Estate Company.

George L. Cole, secretary-treasurer of the Grant Trust at one time, was vice-president of the old First National of Marion.

John A. Rhine, director in the old First National bank was in a report of 1930 to the statehouse at Indianapolis the vice-president of the Marion Title and Loan Company. This company had in addition to Mr. Kiley as president a "Robert J. Spencer, secretary."

America Must Choose— Dramatic Moment in World History Is Near

We Can Stand as Free Men, but We Can Not
Dream Our Way Into That Future.

This is the twelfth of a series of articles written for the Foreign Policy Association and the World Peace Foundation.

BY HENRY A. WALLACE
Secretary of Agriculture

DANGER AND OPPORTUNITY

THIS nation, and all the developed part of the world, has been terribly under the weight of the need to subsist, to keep body and soul together, in the past few years. We can throw off that miserable burden. We can stand as free men in the sun. But we can not dream our way into that future. We must be ready to make sacrifices to a known end. As we wrestle with all the infinite complexities which now beset us, the temptation is to give way to false and easy hopes and to easy ways of thinking. But we can not afford to dream again until we have taken hold of things as they are.

The immediate job is to get rid of differentials in the rigidity of the various parts of our social machinery, rural and urban, and to maintain a decent balance between the incomes of major producing groups within this and other countries. If this can be done, in time, we shall all be ready to move toward any objective we really want to attain.

It is true that the blueprints of the new order can not now exist. We are all of us still educating one another in the fact that we must sacrifice, each of us, some inherited concept, or some childish fable learned at our mother's knee, for the sake of the day to come.

HERE at home, as elsewhere, the problem fundamentally is one of deciding what this people wants to do SOON, how much they want to accept from abroad and how much they wish to send abroad.

Our resources and scientific inventiveness are so great that the problem would be very simple if it were not for the fact that we are continually being lost in superficialities because of the warring selfishness of men who are more interested in keeping themselves above their fellows than they are in co-operating with their fellows so that we may all move forward in a world companionship.

We are all sick and sore at heart as we look at the misery of so many millions of people, including among them many of our close friends and relatives, and we ask again and again why this should be so in a nation so blest with great resources, with nearly half the world's gold, with great factories, with fertile soil and no embarrassing external debt. We look at all this and ask what manning inside of us is broken, and where can we get a new manning to drive us forward.

Business men operating as individuals on the animal plane can destroy us no matter how great our scientific discoveries. As a matter of fact, the greater the discoveries, the more certain the destruction, with things as they are.

WE are approaching in the world today one of the most dramatic moments in history. Will we allow catastrophe to overtake us and, as a result, force us to retire to a more simple, peasant-like form of existence, or will we meet the challenge and expand our hearts, so that we are fitted to wield with safety the power which is ours almost for the making?

From the point of view of transportation and communication, the world is more nearly one world than ever before. From the point of view of tariff walls, nationalist strivings and the like, the nations of the world are more separated today than ever before. Week by week tension is increasing to an unbelievable degree. Here resides both danger and opportunity.

The religious keynote, the economic keynote, the scientific keynote of the new age must be the overwhelming realization that mankind now has such mental and spiritual powers and such control over nature that the doctrine of the struggle for existence is definitely outmoded and replaced by the higher law of co-operation.

When co-operation becomes a living reality in the spiritual sense of the term, when we have defined certain broad objectives which we all want to attain, when we can feel the significance of the forces at work not merely in our own lives, not merely in our own class, not merely in our own nation, but in the world as a whole—then the vision of Isaiah and the insight of Christ will be on their way toward realization.

This co-operation to which I refer depends for its strength on a revival of a deep realization on the part of the individual that the world is in very truth one world, that human nature is such that all men can look on each other as brothers, that the potentialities of nature and science are so vast that we can remove many of the ancient limitations.

This concept which now seems cloudy and vague to practical people must be more than the religious experience of the mystic. It must grow side by side with a new social discipline which leaves free the soul of man. Never has

there been such a glorious chance to develop this feeling as in this country today.

Tomorrow—Middle Ground—
New Dealing With the World.

GRANT PERMIT FOR NEW CITY OFFICE BUILDING

\$100,000 Structure to Rise
on Meridian Street at
Sixteenth.

Permit to erect a two-story, \$100,000 building at the southwest corner of Meridian and Sixteenth streets was granted yesterday to the Hoosier Casualty Company by the zoning appeals board.

Officers of the company informed the board that they had not yet retained an architect and could not present definite building plans. The structure will be used for offices, they said.

The company now is located on the fifteenth floor of the Fletcher Trust Company.

The board set out the restriction that the front of the building should not extend beyond the Lumley apartment building, located immediately to the south.

'DID IT FOR HUSBAND,' SHE SAYS



She tried to raise money for a lawyer to help her husband out of jail, but Betty Jarvis got herself in jail instead. The comely 20-year-old girl is shown (right) in a New York court after she was seized on a charge of attempting to rob a delicatessen store. Her husband had been arrested five days before on a holdup charge.

GOODRICH HITS AT NEW DEAL

Former Governor Attacks
Roosevelt Policies as
Socialism.

Ridicule of the suggested postponement of the G. O. P. state convention until fall, to "see how Roosevelt stands," formed the basis of a talk by former Governor James P. Goodrich last night before the Irvington Republican Club.

He attacked the Roosevelt administration and said that the Democratic party's program "carries more danger than anything since the proposal of free silver."

He requested that the state convention be held at the customary time in June.

He struck at the "new deal" and said other nations were digging out of the depression without the aid of similar legislation.

Pliny H. Wolford presided at the meeting. Archibald M. Hall, M. Bert Thurman and other members spoke briefly.

TO AYRES DOWNSTAIRS

Here's Another Double Barreled
Value—At a Sensational Savings!

A 9x12 RUG A 9x12 Rug PAD

You Get Both
of Them for— **\$20.69**

THE RUG is beautiful all-wool Seamless and Seamed Axminster or a Velvet Rug . . . some slightly Imperfects in the group. Each one a masterpiece in beauty and craftsmanship . . . how splendidly they'll look in your home. The patterns and colors are copies of fine old oriental rugs.

THE PAD is made of jute, a vegetable fibre that's tough and sturdy as the rock of Gibraltar. It has a bound edge. The pad protects the life of the rug as well as its beauty.

Chenille Rugs, Each, \$1.00

Your choice of 2 styles in the group. Group No. 1—Washable Oval Chenille that is tubfast.

Group No. 2—Size 30x60 washable chenilles in green, blue and rose.

Your Last Chance to Get
Gold Seal Congoleum Rugs at \$7.95

A 9x12 size. Your last OPPORTUNITY to buy this rug at this price. The price goes to \$8.75 March 10th. Stock on hand only!



We've Scaled Down
the PRICE—But
Not the COMFORT
on This

Handsome CHAIR and OTTOMAN

Rest your troubles away in this
restful chair complete with Otto-
man. Deep and roomy. Button
tufted back, moss filled and full
web construction. Just sit in it
once and you'll see how comfort-
able it is. In three very beautiful
colors . . . that will "go with"
your living room suite. Rose, rust
or green.

—Downstairs At Ayres.

2,000 Yards Rayon
Dress Materials

39c YARD

- Rough Crepe
- Spiral Crepe
- Crinkle Crepe
- Corded Weaves
- Flat Crêpes
- Novelty Weaves

Dress shades, pastel shades, short lengths. Your choice of very fine quality rayon dress materials . . . for now's the time to start that Easter Sewing.

—Downstairs At Ayres.

Now's the Time to Sew for
Yourself—and Now's the Time to Buy

Wash Goods

Remnant
Lengths From
1 to 8 Yards **15c**
Yard

- Printed Voiles
- Printed Batiste
- Printed Dimity
- Printed Linene
- Printed Percale
- Plain Broadcloth
- Plain Novelty Weaves
- And Many Small Lots of Various Prints and Novelties

Brand new for spring . . . that's the story of these grand cotton wash goods for spring and summer 1934. In this group you'll find every desirable color, combination or print that will brighten up your entire spring wardrobe. These are all the finest materials that we can possibly buy . . . to sell for a price as low as this.

—Downstairs At Ayres.

Sale! Fine Silks

- All-Silk Flat Crepe
- All-Silk Canton Crepe
- All-Silk Satin Crepe

88c

Easter's just around the corner . . . now's the time to start your new Easter dress . . . while you can save plenty. These silks are of excellent quality and will make up into beautiful, smart looking frocks . . . the kind you'll be proud to wear in the Easter Parade . . . and all through the spring season.

Blacks Whites Pastels Street Shades

—Downstairs At Ayres.

YOU CAN'T "KILL" COLDS

but you may Control them!

Don't run risks with so-called "cold-killing" remedies. It's so easy to upset the system with unwise internal dosing.

Play safe with your family's health! Reduce the number, duration and dangers of colds by following Vicks Plan for better Control of Colds. Its worth has been clinically tested—and proved. Details of the Plan are in each Vicks package.



To AVOID many colds
—VICKS NOSE DROPS

At that first nasal irritation or throat-ness, apply Vicks' Nose & Throat Drops. The amazing new aid in preventing many colds.



To RELIEVE a cold
—VICKS VAPORUB

If a cold has developed, apply Vaporub at bedtime. Its poultice-vapor action—all night long—gives soothing relief. Avoids dosing.

VICKS PLAN FOR BETTER CONTROL OF COLDS

AYRES DOWNSTAIRS STORE