

COURT TO HEAR WAGNER LABOR ACT ARGUMENT

Decision Delay Might Permit New Justices to Cast Deciding Votes.

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Judgment of unconstitutionality could be reversed in only two ways.

Rehearing Might Be Asked

The Government or other litigants might present a petition for rehearing. If granted the new Court might be formed before the petition was acted on. Then, presumably, the petition would be granted if the new jurists believed the decision of the earlier Court was erroneous.

Or, if the rehearing petition were not granted, a new Wagner act might be adopted which would again raise the identical questions before the new Court.

In either event, if the new Court by a majority agreed with the Chief Executive in interpreting the Constitution, the earlier Court would be reversed and the law sustained.

Five Courses Open to Court, Political Writer Says

By HERBERT LITTLE
Times Special Writer

WASHINGTON, Feb. 9.—The Supreme Court apparently has chosen to fight passively if not actively against President Roosevelt's plan for its rejuvenation through either enlargement or displacement.

The decision, indicated by Chief Justice Hughes' extraordinary act in formally denying a published report that he would propose a compromise plan providing for retirement at 75, narrows the choice of courses open to the Court. These include:

1. Complete quiet, letting Congress act as it deems best, but meanwhile continuing the Court's rough treatment of New Deal laws—which probably would mean curtaints for the Wagner Labor Act, more anti-Communist among labor, and a better chance for passage of the President's plan.

2. Evasion, through a refusal to decide the Wagner act and other major cases on broad constitutional grounds—as it has refused in the Duke power case and several others this term.

Surrender Is Possible

3. Surrender, through early retirement, of at least three justices, whose replacement might give the New Deal a narrow majority and possibly lead to abandonment of the project to enlarge the Court.

4. Defiant resignations and a hot challenge to battle from five or six justices who would unite in a public attack on the Administration. If either Justice Hughes or Justice Brandeis joined in such a project, the Administration's prestige might suffer great damage.

5. Another method of fight would be a unanimous decision against the Wagner act in the cases being argued this week, but this is deemed unlikely in view of the attitudes of three liberal justices. Such unanimity would preclude a revival of the act even if the Court were enlarged to 15.

Hughes' Denial Difficult

Justice Hughes' denial of the report that he would favor compulsory retirement at 75 must have been particularly difficult for him, not only because it is the Court's policy to ignore newspaper comment, but also because the printed report was based on the book Justice Hughes wrote in 1928.

In this he said no chances should be taken with decrepit judges, and suggested that compulsory retirement at 75 "could more easily be defended" than at 70. He will be 75 on April 11.

Justice Hughes' haste in denying the report was taken also to indicate possible schism in the Court itself, for some people believe he was actuated by fear that his 1928 statement might be accepted as an authoritative exposition of the Court's views today. This would suggest that at least some justices are now determined to fight the rejuvenation plan to the bitter end.

Dignity Is Factor

The great desire of at least several justices to maintain the Court's dignity and high public esteem through complete aloofness is another important factor. Justice Brandeis, for instance, holds strong views on this point.

Resignations of justices to take part in political battles have been rare. The only recent instances involved Justice Hughes, who quit in 1916 to run for the Senate, and Justice Clark, who quit in 1922 to campaign for the League of Nations. While in office, it is a seldom violated tradition that a justice says nothing for publication on any subject, legal or political, outside of his written opinions.

DIVIDEND ORDERED

By United Press
AUBURN, Ind., Feb. 9.—Receiver J. S. Patterson of the Garrett Savings Loan & Trust Co. received authority in De Kalb Circuit Court to pay a 6 per cent dividend immediately. The dividend will amount to \$729,16 and will bring the dividend total to 26 per cent.

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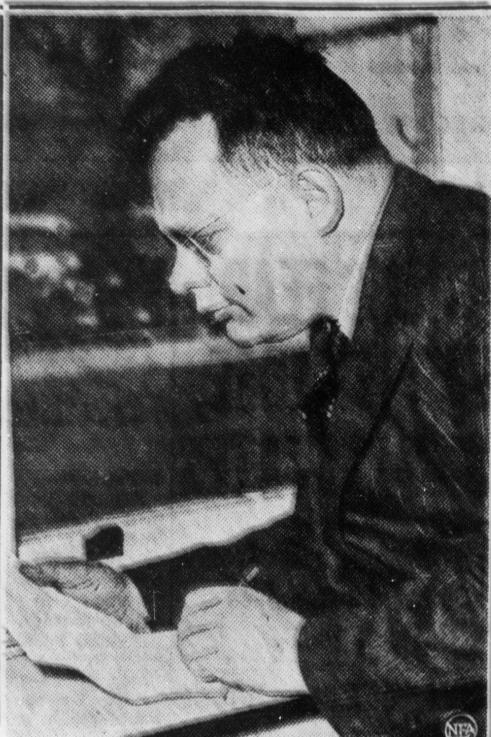
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Leaders Predict Court Reform O. K. by Congress



"One year hence we will look back on this bill as the best thing the Judiciary Committee has done," Senator Henry F. Ashurst of Arizona, its chairman, said as he prepares to introduce President Roosevelt's judiciary reform bill in the Senate, where it faced stern opposition.

President Roosevelt's judiciary reorganization, are left to right, Representatives Hattie Summers, chairman of the House Judiciary Committee; Bertrand Snell, minority leader, and Patrick J. Boland, majority whip. Rep. Boland predicts the House of Representatives will pass the bill in substantially the form suggested by the President.

Rep. Maury Maverick kept President Roosevelt's judiciary reform bill from being a "maverick"—above he puts his brand on the mimeograph copy attached to the President's message. Thus he sponsored the bill in the House, which is expected to pass it with 300 majority.

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DEFICIENCY BILL SENT TO F.D.R.

Measure Approved by Both Houses as WPA Begins To Cut Rolls.

By United Press

WASHINGTON, Feb. 9.—A \$949,000 Relief Deficiency Bill forced through Congress as a compromise to prevent drastic curtailment of WPA work, today was sent to President Roosevelt for approval.

The measure, object of several weeks of bickering between House and Senate, was approved by both houses last night after WPA had started closing down projects during the day. WPA Administrator Harry L. Hopkins said further delay might have cut off activities of 150,000 WPA workers engaged in flood control.

Controversy between House and Senate over use of Government employees by Congressional investigating committee delayed passage of the bill carrying \$790,000,000 to finance relief from Feb. 1 to June 30, end of the fiscal year.

Work Is Restricted

The measure, as finally approved, provided that 30 days after enactment investigating committees no longer can use worker. The restriction, similar to the original House proposal, will affect two Senate inquiries—railroad finance and civil liberties.

TRACTION WORKERS ACCEPT WAGE ORDER

By United Press

ANDERSON, Ind., Feb. 9.—Proposal to call a strike of Indiana Railroad employees here was voted down last night by members of Anderson Local 1069 of the Amalgamated Association of Street Car, Electric Railway and Motor Bus Employees.

Some members had proposed to call a strike to enforce the full 20 per cent wage increase granted railroad employees by a labor arbitration board in Indianapolis Nov. 18. The company recently allowed employees a 12½ per cent increase.

FORMER PRESIDENT OF XAVIER U. IS DEAD

By United Press

WEST BADEN, Ind., Feb. 9.—The Rev. Hugo F. Slocemyer, S. J., 52, former president of Xavier University, was found dead in his room at West Baden College yesterday. He died of heart disease.

Preceding his appointment as president of the University in 1931, Father Slocemyer was president of St. Ignatius High School in Chicago.

SUSPECT HELD ON BOND

Harold Goings, 25, waived preliminary hearing and was held on the Federal Grand Jury under \$1000 bond when arraigned today before U. S. Commissioner Pae W. Patrick on a charge of Dyer Act violation.

The Government charges that he stole an automobile from a CCC camp in Colorado and drove it to Indianapolis.

Dividend Ordered

By United Press

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Six Indiana Counties Damaged As High Winds Follow Floods

(Continued from Page One)

torn from houses, barns damaged and trees uprooted, but no one was reported injured.

As wind aggravated conditions in part of the recently flooded areas, contributions to the flood relief fund of the Indianapolis Chapter of the American Red Cross continued to pour in.

A total of \$241,887.19 was raised here while the national Red Cross reported gifts totaling \$16,750,000 and anticipated a total of \$20,000,000, doubling its original appeal for \$10,000,000.

The newest storm failed to halt rehabilitation plans and progress in sections, drenched when the Ohio reached over its banks.

Heavy rain forced closing of state highways at 29 points in the Vincennes and Seymour districts.

Meanwhile, representatives of State and Federal agencies and the Red Cross met here to draft a coordinated program to speed rehabilitation work.

Strawn to See Governor

Vevay was in darkness last night while men labored to salvage the light and water plant machinery from the crumbling building. Two pumps were en route from Madison to give fire protection while water for drinking purposes was being obtained from approved private wells.

At Shelbyville, the windstorm interrupted electric service and unroofed a portion of City Hall. Windows were broken and chimneys shattered from homes.

Adj. Gen. Elmer Strawn said he would confer with Governor Townsend today on the matter of lifting martial law so that it will be in effect only within the city limits of cities and towns affected by the flood.

He said also that reports to be received from the stricken area today may result in removing half of the approximately 1500 National Guardsmen still on duty.

LEVIES FOR SEWER ATTACKED IN SUITS

Pleasant Run Blvd. Property Owners File Action.

Eleven suits asking that titles to property be cleared of any future assessment for construction of a sanitary sewer along Pleasant Run Blvd. were filed by property owners against the City of Indianapolis in Superior Courts 1 and 2 today.

The plaintiffs claimed they received no benefits from construction of the sewer in 1929 and that assessments ranged from more than \$3000 down to \$300. They claimed

Electric signs were ripped from their hangings, two large smoke stacks of a greenhouse were torn down and a hardware store was demolished.

From rural areas of six counties—Vanderburgh, Crawford, Posey, Spencer, Warrick and Perry—came reports that some farm buildings had been smashed by the storm.

Meanwhile, representatives of

State and Federal agencies and the Red Cross met here to draft a coordinated program to speed rehabilitation work.

At Shelbyville, the windstorm interrupted electric service and unroofed a portion of City Hall. Windows

HEAVY SNOW STORM STRIKES NORTHWEST

By United Press

SAN FRANCISCO, Feb. 9.—The Pacific Northwest dug out from under the heaviest snow storm in 40 years, while California welcomed colder weather which abated floods that drove hundreds from their homes during the week-end.

Colder weather west of the Cascades halted the rise in the Columbia and Willamette Rivers, while cities east of the mountains reported temperatures dropping to near zero.

In California the flooded lowlands of the San Joaquin, Sacramento and Pajaro Valleys slowly emerged as the waters receded. The Pajaro River, which reached its highest level in eight years and flooded 3000 acres, was believed to have reached its peak.

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GROUP STUDIES BILL TO AMEND GROSS TAX ACT

Would Liberalize Law Only On One Point, C. of C. Bulletin Says.

SLEUTHS CALLED IN LEWIS INVESTIGATION

but charge 1 per cent a month on deficiencies.

Provide for appointment of receiver if any assessed tax is not paid within 120 days.

Prohibit the granting of an injunction to restrain or delay the collection of any tax claimed to be due by any court.

Provide that information must be made under oath for all payments of interest or dividends of \$300 or more, or other payments of \$1000 or more.

By United Press

WASHINGTON, Feb. 9.—The La Follette Civil Liberties Committee today sought to determine whether the Pinkerton Detective Agency investigated John L. Lewis, head of the Committee for Industrial Organization, for General Motors Corp.

The committee summoned Pinkerton executives in an attempt to learn whether a visit by one of their operatives to Alexandria, Va., Mr. Lewis' home, was to inquire into activities of the labor leader who is sponsoring the United Automobile Workers strike in G. M. C. plants.

TRAFFIC ENGINEER TO ADDRESS S. A. E.

Burton W. Marsh, director of the safety and traffic engineering department of the American Automobile Association, Washington, is to give an illustrated lecture at the meeting of the Indiana Section, Society of Automotive Engineers, in the Athenaeum Thursday night.

A dinner is scheduled for 6:30 p. m. followed by the meeting at 8 p. m. Traffic and safety officials are invited.

The Chamber states the amendment would:

Enlarge the definition of "gross income" to include practically every type of gross receipts whether in cash or property.

Fail to provide exemption for receipts from interest on municipal bonds, although Superior Court ruled that such receipts were not taxable.

Parade payment of interest at the rate of 3 per cent a year on refunds,

and

all but two of the 94 Indiana firemen who were sent to Evansville and Madison for flood duty returned last night. Chief Fred G. Kennedy has announced.

Two groups of 25 men each returned last night. A pumper and two men still are at Madison.

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