

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 re-
hearing. If granted the new Court
might be formed before the
petition was acted on. Then, pre-
sumably, the petition would be
granted if the new Justices believed
the decision of the earlier Court was
erroneous.

Or, if the rehearing petition were
not granted, a new Wagner act
might be drafted 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 Con-
stitution, the earlier Court would be
reversed and the law sustained.

Five Courses Open to Court, Political Writer Says

By HERBERT LITTLE

WASHINGTON, Feb. 9.—The Su-
preme 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 public report
that he would propose a compro-
mise 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 treat-
ment of New Deal laws—which
probably would mean curtains for
the Wagner Labor Act, more anti-
Court sentiment 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 re-
tirement 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 ar-
gued this week, but this is deemed
unlikely in view of the attitudes of
three liberal Justices. Such unanimi-
ty would precipitate a revival of the
act even if the Court were en-
larged to 15.

Hughes' Denial Difficult

Justice Hughes' denial of the re-
port that he would favor compul-
sory 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 retire-
ment at 75 "could more easily be de-
fended" than at 70. He will be 75
on April 11.

Justice Hughes' haste in denying
the report was taken also to indi-
cate a possible schism in the Court
itself, for some people believe he
was actuated by a 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 re-
juvenation plan to the bitter end.

Dignity Is Factor

The great desire of at least sev-
eral Justices to maintain the Court's
dignity and high public esteem
through complete abstinence is an-
other 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 in-
volved Justice Hughes, who quit in
1916 to run for the Presidency, and
Justice Clark, who quit in 1922 to
campaign for the League of Na-
tions. While in office, it is a seldom
violated tradition that a Justice
says nothing on publication on any sub-
ject, legal or political, outside of
his written opinions.

DIVIDEND ORDERED

AUBURN, Ind., Feb. 9.—Receiver
J. S. Patterson of the Garrett Sav-
ings Loan & Trust Co. received au-
thority in De Kalb Circuit Court to
pay a 6 per cent dividend immedi-
ately. The dividend will amount to
\$729.16 and will bring the dividend
total to 26 per cent.

EYES EXAMINED

GLASSES ON CREDIT

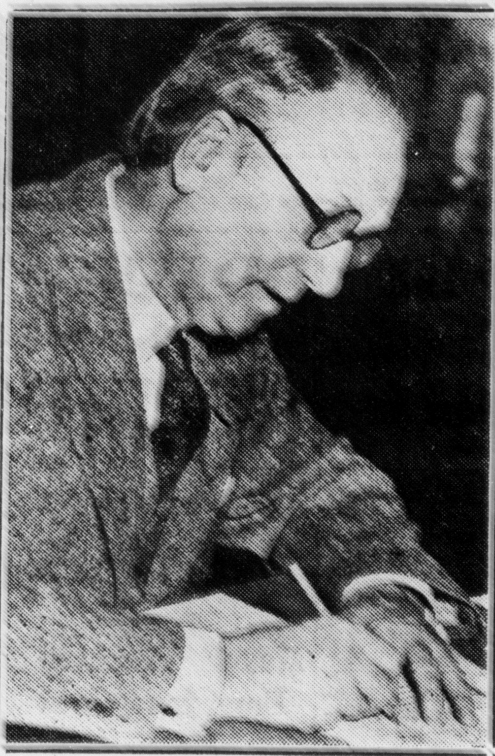
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for You to Enjoy
Good Vision

EYESIGHT, the most precious of
our senses, may be safeguarded
this easy way. A small payment each
week will give you glasses scientifically
fitted to your needs that will be fas-
hionable as well.

Dr. H.C. Fahrback
at
KAY
JEWELRY COMPANY
137 W. Washington St.

EASY WEEKLY
PAYMENTS

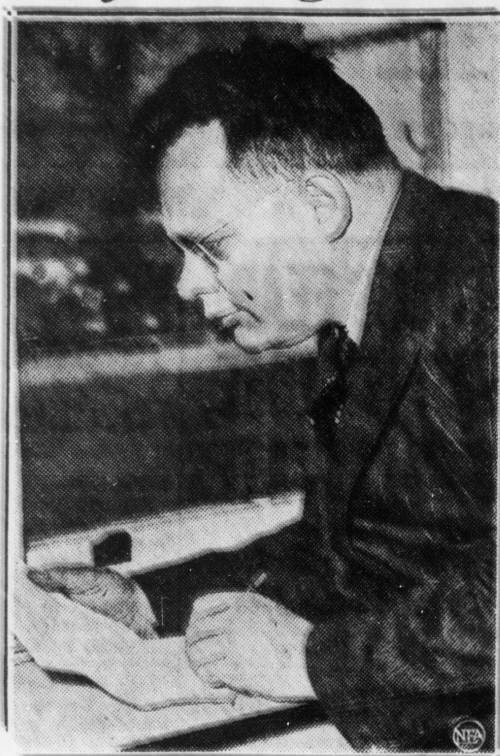
Leaders Predict Court Reform O. K. by Congress



"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.



Settling the technical parliamentary future of the bill to enact President Roosevelt's judiciary reorganization, are left to right, Representatives Maury Maverick, 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 100 majority.

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 \$449,000,000 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 Hopkins said further delay might have cut off activities of 150,000 WPA workers engaged in flood rehabilitation.

Controversy between House and Senate over use of Government em-
ployees by Congressional investiga-
ting committees delayed passage of
the bill carrying \$700,000,000 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 enact-
ment investigating committees no
longer can use relief workers. The
restriction, similar to the original
House proposal, will affect two
Senate inquiries—railroad finance
and civil liberties.

TRACTION WORKERS ACCEPT WAGE ORDER

Times Special

ANDERSON, Ind., Feb. 9.—Propo-
sal 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 rail-
road employees by a labor arbitra-
tion 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. Slotemeyer, S. J., 52,
former president of Xavier Univer-
sity, was found dead in his room at
West Baden College yesterday.

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

SUSPECT HELD ON BOND

Harold Going, 25, waived pre-
liminary hearing and was held for
the Federal Grand Jury under \$1000
bond when arraigned today before
U. S. Commissioner Fae 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.

Choose your piano as the
others do—and you will
select
BALDWIN
Used Baldwin Grand \$250
WILKINSON MUSIC CO.
120 EAST OHIO ST.

Six Indiana Counties Damaged As High Winds Follow Floods

(Continued from Page One)

force working in Lawrenceburg and
Jeffersonville.

Tents and lumber for their floor-
ing are to be provided by the Red
Cross while CCC members are to
erect the camps at Mill Creek and
Rising Sun.

The group is to meet again Feb.
17 in the Indianapolis Athletic Club,
and other sessions are to follow each
week until the emergency has passed.

The Evansville section whipped by
yesterday's wind was one which had
escaped inundation during the flood,
but the wind's velocity churned up
waves from five to eight feet high.

Electric signs were ripped from their
hangers, 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.

Straub 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
pumpers were en route from Mad-
ison to give fire protection while
water for drinking purposes was be-
ing obtained from approved private
wells.

At Shelbyville, the windstorm in-
terrupted electric service and un-
dermined a portion of City Hall. Win-

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 re-
ceived no benefits from construc-
tion of the sewer in 1929 and that
assessments ranged from more than
\$3000 down to \$300. They claimed
payments were suspended.

The largest amount assessed
against plaintiffs was \$3004 on
property of John T. Askren. Other
plaintiffs are Walter E. Shearer,
Walter G. Rice, William M. Shearer,
heirs of the Katherine E. Wagner
estate, Mary Shearer, Lottie Irwin,
Corra and William Harding, Marietta
Farms, Walter S. Irwin and Grace
and Fred Hinchman.

downs were broken and chimneys
shattered from homes.

Adj. Gen. Elmer Straub said he
would confer with Governor Town-
send 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 re-
ceived from the stricken area today
may result in removing half of the
approximately 1500 National Guard-
men still on duty.

HEAVY SNOW STORM STRIKES NORTHWEST

By United Press

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

Colder weather west of the Cas-
cades halted the rise in the Colum-
bia and Willamette Rivers, while
cities east of the mountains re-
ported temperatures dropping to
near zero.

In California the flooded low-
lands of the San Joaquin, Sacra-
mento 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.

W. C. T. U. MEETING SET

A covered dish luncheon is
scheduled following a meeting this
morning of the University Heights
W. C. T. U. in the home of Mrs.
Silas Ryker, 1806 E. Hanna Ave. The
Rev. A. E. Croes and Prof. Alva
Stoneburner were to speak. Mrs.
Edith Stahl Bailey was to furnish
music.

GROUP STUDIES BILL TO AMEND GROSS TAX ACT

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

A bulletin of the Indianapolis
Chamber of Commerce said today
that the bill introduced in the Leg-
islature to amend the 1933 Gross In-
come Tax Act would liberalize the
law on only one point and broaden
the tax base.

The only section which liberalizes
the law is that to increase exemp-
tion allowed retailers from \$1000 to
\$3000, the bulletin said.

Offsetting this, the analysis con-
tinued, "are several proposals to
broaden the tax base. For example,
by including as a taxpayer, a co-
operative association, society, club,
fraternity, sorority, lodge or any
other political subdivision of the
State engaged in private or prop-
rietary activities or business."

The Chamber claims that defini-
tion of the term "person" or "com-
pany" is made more comprehensive
so as to include organizations for-
mally classed as fraternal or edu-
cational and increases the number
of taxpayers.

The organization claims also that
while the amendment would pro-
vide some relief to retailers, the term
"retail merchant" is restricted to "a
person regularly and occupationally
engaged in purchasing tangible per-
sonal property and selling the same
at retail at a fixed and established
place of business."

92 FIREMEN RETURN FROM FLOOD DISTRICT

All but two of the 94 Indianap-
olis 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 re-
turned last night. A pumper and
two men still are at Madison.

DOWNSTAIRS
AT AYRES

DEPENDABLE MERCHANDISE-LOW PRICES

FEBRUARY
S-I-Z-Z-L-E-R No. 8

A VALUE So Hot That We
Can OFFER It for WEDNESDAY ONLY!

"KABO"

Bandeaux's and Brassieres

Salesmen's Samples and Discontin-
ued Styles of Higher-Priced Models!

39c EACH

Many of These Styles Have Sold
for 59c to \$1.50 in Our Own Stock!

You save over half-price because these are classed as
salesmen's samples or discontinued styles. Every gar-
ment of famous "KABO" quality and styling. Choice
of Bandeaux's, Brassieres and Long Brassieres. Lace,
satin, broadcloths and combination materials. Sizes
32 to 46, but not in each style or material.

We Can Fit YOU in
the RIGHT KABO
Foundation Garment

Figures are like faces—seldom do we find two
just alike. Modern corseting is an individual
problem for every woman. But our KABO
stock is equal to it. Whatever your curves
shape themselves, we'll fit them (and smooth
out the bulges). We always maintain a large
and complete stock of Kabo foundation gar-
ments... over 1000 garments always on hand
... over 50 different styles! Come right in
and get your spring foundation before you
buy your spring clothes... it does make a
difference. Kabo Foundations are priced from
\$1.25 to \$7.50.

—Downstairs at Ayres.

PEARSON'S

2 STORES

for dependable radios
and home appliances

WE BOUGHT 300 to get

This Price . . . It's Sensational

Brand New 1937 Model

STEWART-WARNER

Console Radio

ABSOLUTELY no comparison for this value! A
big full sized, full powered nationally ad-
vertised STEWART-WARNER Console radio, at
the price of an ordinary table model. A cabinet of
real beauty and distinction, exactly as pictured. Gets
police calls as well as regular broadcasts.

Your Money
Back

29.50

and
old
radio

PEARSON'S TWO STORES
EST. 1873

128-130 N. Penn.—LI-5513

133-135 W. Wash.—LI-4587

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Open Monday and Friday Evenings

TERMS
\$1 A WEEK

Small Carrying
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