

JURY PANELS ALL ILLEGAL, JUDGE INFERS

Frank P. Baker Says Ruling May Disrupt Other Criminal Cases.

(Continued from Page One)

ton indicated last week he intended to resign.

Mr. Weiss said he would take no action in the jury tangle until Mr. Edgerton returns from a business trip tomorrow.

"I will have something to announce after we have a conference," he said.

Mr. Weiss said he did not intend to resign.

Upon his return to the city today, Mr. Ralston defended the present practice of jury venire selection here, but said new laws should be passed by the next Legislature to clarify the procedure.

In answer to the charges of Joel Baker's defense attorneys that the names for the special venire were not taken from the tax duplicates, Mr. Ralston said this was not practical. He added that the names were taken from the original tax rolls, and that the tax duplicate names also were copied from these rolls.

He said as he interpreted the present laws it was up to the discretion of the jury commissioners whether they included the names of both real and personal property owners. This point could stand clarification by new statutes, he said.

"Go to Trial Now"

Delaying the Joel Baker trial brought sharp protests from Prosecutor Herbert M. Spencer.

"Defense lawyers claim they're interested in going to trial at once—now let's speed it up and hold them to it," he said.

The prosecutor said that speed was necessary because Mr. Coy is due to arrive by plane tomorrow morning after a series of flights half way around the world from Manila, P. I.

"How about setting the case for Aug. 5?" Judge Emmert queried.

"No, judge, we want to go to trial now. Mr. Coy can stay in America only a limited time. Whatever jury is summoned, there will be the same wrangle, so it might as well be a pickup venire," Mr. Spencer insisted.

W. C. Bachelder, one of Baker's attorneys, said: "There is no use of jeopardizing the rights of the defendant just to satisfy a prosecutor's desire for speed."

The defense attorney said he understood Circuit Judge Cox would be back from a vacation trip "early this week" to make necessary orders for refilling the jury box with names for a new venire.

Prosecutor Interrupts

Prosecutor Spencer interrupted: "I heard from authoritative sources that Judge Cox stated before he left the city that he would stay where he couldn't be reached. The responsibility for a bad jury venire is not on the prosecutor's office. It's on the shoulders of Judge Cox."

"Furthermore, the regular panel of prospective jurors drawn for this term were approved by Clyde C. Karrer when he served as judge pro tem. for Judge Frank P. Baker recently," the prosecutor continued.

Mr. Karrer, who is now one of Baker's attorneys, protested reference to his actions while on the bench in another case.

"That has nothing to do with this case," the defense attorney said.

Trial Set for Aug. 2

Judge Emmert ended the argument by setting the trial for Aug. 2.

In holding the special venire and regular jury panel illegal, Judge Emmert said evidence during the hearing revealed that names for the jury box were selected from assessors' books and not from tax duplicates as required by law.

"The further fact that only real estate owners were drawn for service to the exclusion of personal property owners also makes the venire bad," the judge said.

Mr. Weiss, earlier testified concerning facts upon which Judge Emmert based his ruling.

Urges Approval

Arguing that the jury should be approved, Oscar Hagemler, Chief Deputy Prosecutor, cited Indiana Supreme Court rulings which he said upheld juries drawn irregularly so long as the irregularities are not harmful to the defendant.

"Nothing about these jury irregularities have been proven harmful or prejudicial to the defendant in this case," he argued.

Frank A. Symmes, another defense lawyer, argued that there was

Infantry Teaches Cadets



U. S. Army Signal Corps Photo.

Youths attending the Citizens' Military Training Camp at Ft. Benjamin Harrison are being trained in the modern means of warfare by 11th Infantry members.

In the upper picture, Boyed J. Ailliff, Co. H, C. M. T. C., of Ft. Gray, W. Va., is shown being tutored in machine-gun operation by Private Clarence Samuels, Co. H, 11th Infantry.

Corp. James Law of the 11th Infantry Headquarters Company, is shown in the lower picture instructing C. M. T. C. blue candidate companies in the use of trench mortar.

"no reasonable attempt to follow the law in drawing the venire."

"That kind of practice, if upheld by the court, would open the door wide to all sorts of jury irregularities," he argued.

Cancilla Trial to Follow

Peter A. Cancilla, associate of Baker, also charged with assault and battery with intent to murder Mr. Coy, is scheduled to go on trial as soon as Baker's case is finished.

Mr. Coy, now administrative assistant to Paul V. McNutt, High Commissioner to the Philippines, is

TWO HURT IN CRASH

Times Special

PERU, Ind., July 27.—En route from Detroit to Oklahoma to join a baseball team, two brothers, J. D. and Richard Zimmerman of Crosse Rapids, Mich., were injured in a car wreck east of here on Road 24.

INDIANA'S FIRE LOSS FOR PAST YEAR 5 MILLION

\$116,000 of Total Blamed On Arsonists, State Marshal Says.

Indiana property owners lost more than \$5,101,720 through fires during the last fiscal year, according to State Fire Marshal Clem Smith.

Included in the total were losses totaling \$116,695 attributed to incendiary fires, he said.

Property valued in excess of \$70,000 was involved in fires during the 1936-37 period, according to Mr. Smith's report.

There was a decrease of 666 in the number of fires reported, despite the increase of approximately \$54,100 in damages.

54 Due to Arson

Fifty-four fires were attributed directly to arson, Archie McCabe, division director for the State Fire Marshal, reported.

The arson division showed a decrease of 10 fires, but an increase of \$16,700 in damage, Mr. McCabe said.

Arson fires set for revenge accounted for \$66,880 of the total \$116,695 loss, the report said. Fires to defraud insurance companies were charged with \$22,280, while pyromaniacs caused an estimated loss of \$6435.

Property Loss Estimated

Property valued at \$3,111,972 was lost in fires, while building contents lost were valued at \$1,989,750.

Fire protection in Indiana costs approximately \$5,981,852, according to Mr. Smith. The State Fire Marshal's office spent more than \$80,608 during the fiscal year in addition to the cost of county, city and town protection and fire prevention.

Twenty-nine arson arrests were made during the year, the report showed. Juries disagreed on two cases, but 17 convictions were returned.

Criminals Set Two

Two fires were set by criminals trying to conceal other crimes, Mr. McCabe said. They caused a loss estimated at \$1100.

Occupied dwellings accounted for 41 investigated fires, while 21 barns burned under suspicious circumstances, according to the report. Fifty-three fires were reported as "cause unknown" after investigation by the arson division.

More than 870 witnesses were questioned by the arson division during investigations.

Filling Station New Home for Kitten 'Quins'

A mother cat and her quintuplet kittens had a new home today—a gasoline station.

They were taken there by Morris Cantor, theater manager, who found them in the seat of his automobile in front of his home at 3155 E. 10th St.

Mr. Cantor drove the mother and her litter around town three or four hours, wondering what to do with the "family."

Finally, he decided that couldn't go on forever, so he gave them to the filling station attendant.

STARS ACT TO SAVE GRINNING MONTAGUE

Hearing on Fugitive Charge Delayed.

By United Press

LOS ANGELES, July 27.—John Montague, golfer extraordinary and alleged fugitive from justice today appeared to have stymied temporarily efforts of New York officials to return him for trial on charges of aiding in a robbery seven years ago.

Montague, grinning, strode before Municipal Judge Wilbur C. Curtis yesterday and obtained continuance until Aug. 9 of a hearing on a fugitive complaint.

The continuance was taken until an extradition hearing is held before Governor Merriam today or tomorrow.

Governor Merriam said his office had been swamped with letters from screen celebrities and others, requesting that he deny extradition.

Among intercessors were Bing Crosby, Bert Wheeler, Charley Chase, Spencer Tracy, Wesley Ruggles, Humphrey Bogart, Howard Hawkes and Frank Craven.

CADET RIFLE TEAM SELECTIONS MADE

Rifle firing was to continue at Ft. Benjamin Harrison today to choose a Citizens Military Training Corps team to compete in the national matches at Camp Perry, O., Aug. 19.

Ten men were selected tentatively yesterday. A captain, 10 principals and two alternates are to be named. Maj. Merle L. Broderick is in charge of today's eliminations.

Boxing and wrestling finals are to be held in the arena at 7 p. m. today and amateur boxing is scheduled for Thursday night. The Overseas League is to present a program tomorrow night.

The battle is on—Erl Roman, famous sportsman, vs. 600 lbs. of savage, fighting blue marlin!

How would your nerves stand up to two hours of this?

ERL ROMAN LANDS A BIG ONE!

AQUAPLANE EXPERT. Miss Gloria Wheeden is a typical American outdoor girl. "Yes, I smoke," she says. "Like all my crowd, I enjoy Camels—especially at meal-times. I give my appetite full rein—smoke Camels—and enjoy a sense of well-being."



"WHEN I'M TIRED after a match or need extra energy, Camels give me an invigorating 'lift' in energy," says Joanna de Tuscan, U. S. Women's Foils Champion. "Camels are so mild and delicate I smoke often, but Camels do not make my throat rough or harsh."



BENNY GOODMAN SWINGS IT EVERY TUESDAY NIGHT!

Tune in! Hear the trio—the quartette—and all of Benny's boys swing the popular favorites. Every Tuesday at 8:30 pm E.S.T. (9:30 pm E.D.S.T.), 7:30 pm C.S.T., 6:30 pm M.S.T., 5:30 pm P.S.T., over WABC-Columbia Network.



As the Miami, Florida, "Herald" said of Erl Roman's titanic struggle with the big fish (above): "The battle was tough. Erl had his hands full staying in the fishing chair." But a sporting spirit and healthy nerves kept Roman going. After a 2-hour fight, he landed the second-largest blue marlin ever taken on

rod and reel. Mr. Roman, a game angler, considers Camel the preferable cigarette for steady smoking. "Healthy nerves are necessary for keeping on top of things. Camels don't get on my nerves," Erl says. Above, right, Mr. Roman enjoys good digestion and a Camel after his tense fight. "I make it a point,"

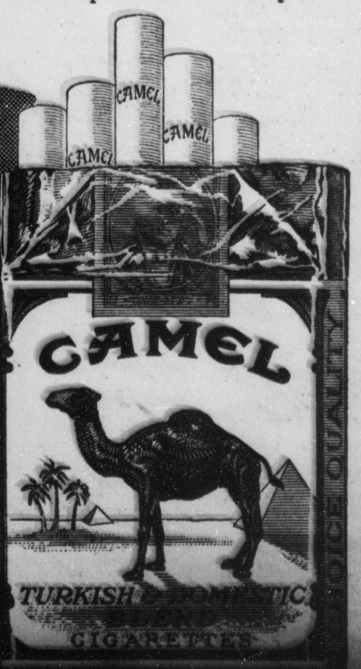
he says, "to smoke Camels with my meals and after 'for digestion's sake.'"

Smooth Blending of Costly Tobaccos. Camels are made from costlier tobaccos, in a matchless blend. A mild, fine-flavored cigarette for steady smoking that does not rasp the throat or upset the nerves.

CAMELS NEVER GET ON YOUR NERVES

Costlier Tobaccos

Camels are made from finer, MORE EXPENSIVE TOBACCOS... Turkish and Domestic... than any other popular brand.



Prescriptions Accurately Filled at HAAG'S Neighborhood Drug Stores

MADE-TO-MEASURE For Gentlemen Who Seek the Finest KAHN TAILORING CO. MERIDIAN, AT WASHINGTON

"This Weather Is Making Me Rheumatic"

the letter says... "I just ache all over." For 75 years doctors have prescribed a natural, alkaline water that tends to neutralize pain-causing acids. Phone or write for free sample and literature. Phone RI ley 0146.

MOUNTAIN VALLEY from HOT SPRINGS, ARKANSAS MINERAL WATER Indianapolis Office 606 Park Ave.