

## Today's News Index

WEDNESDAY, APRIL 5, 1933.

Page.	Page.
Books .....22	Real Estate.35-36
Business .....34	Screen .....22
Buyers .....35	Shipping-Mails.39
Editorial .....18	Society .....23
Financial .....27	Sports .....24
Music .....22	Theatres .....22
Obituaries ....19	Weather .....39
Radio .....26	Wills-Estates..38

### AKRON DISASTER.

73 dead or missing in crash of airship Akron at sea. Page 1

Roosevelt grieves at loss to nation; navy's experts bewildered. Page 1

Wiley tells of vain fight to keep airship aloft. Page 1

Navy blimp J-3 crashes into sea; two drown. Page 1

Admiral Moffett a pioneer in dirigible field. Page 15

Congress prepares for sweeping inquiry into loss of Akron. Page 15

Dr. Eckener lays destruction of the Akron to fire. Page 16

History of airship Akron replete with adventures. Page 16

Moffett once testified Akron was "safest dirigible ever built." Page 17

Seven big airships have met disaster in recent years. Page 17

### NEW YORK.

O'Brien holds Aldermen ready to pass city beer law. Page 3

Plans for Marine Park in Brooklyn may be revised. Page 13

Mrs. George A. Custer, widow of famous General, dies at 91. Page 19

Students talk of strike as Columbia drops Henderson. Page 21

"Fordized" medicine denounced at State doctors' meeting. Page 21

Details of Ellsworth expedition to Antarctic revealed. Page 21

City College newspaper drops peace-poll as "impolitic." Page 21

Women's colleges ask more gifts; find benefactors favor men. Page 21

Hundreds seeking Federal conservation jobs turned away. Page 21

Landscape architects say city makes "eyesores" of parks. Page 21

O'Brien backs Aldermanic bill to revise city charter. Page 21

Move by Fox to dominate European film field indicated. Page 22

"Log rolling" rules English writing, says James T. Adams. Page 22

Shipping men oppose breakwater off Staten Island. Page 39

City marriage clerk goes on trial as an income tax evader. Page 40

### METROPOLITAN AREA.

Jersey beer bill passed, but Senate returns it to House. Page 3

### ALBANY.

Special session looms at Albany over beer bill. Page 2

Lehman expected today to urge action on charter bill. Page 4

Assembly passes bill to fix prices for milk. Page 4

### WASHINGTON.

Congress committees fight to pilot farm-mortgage bill. Page 4

Administration acts to defer World Court move now. Page 5

Senate will revamp secrets bill passed by House. Page 5

## EVIDENCE ASSAILED IN ALABAMA TRIAL

### Credibility of State's Main Witness Against Negroes Attacked by Defense.

### MISTRIAL MOTION REFUSED

#### Leibowitz Offers It When Attorney General Applauds Statement of One of His Witnesses.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

DECATUR, Ala., April 4.—The State of Alabama closed today its second attempt to send Haywood Patterson to the electric chair for a criminal attack on Mrs. Victoria Price two years ago and the defense immediately began its effort to prove her "a perjurer."

A routine motion to dismiss the indictment against Patterson, one of the nine Scottsboro Negroes, on the ground that Attorney General Thomas E. Knight Jr. had failed to establish a prima facie case, was denied by Judge James E. Horton.

The State rested suddenly after calling five witnesses to support the story of Mrs. Price after Mr. Leibowitz accused Attorney General Knight of applauding the testimony of one of his witnesses and asked Judge Horton to declare a mistrial.

This incident occurred while J. A. Woodall, a former deputy sheriff of Jackson County, was on the witness stand. Examining a small penknife which he said he had taken from one of the Negroes at the jail in Scottsboro, Mr. Woodall said the prisoner told him he had taken it "from one of the white girls."

It was the same knife which Mrs. Price identified yesterday as hers, charging that one of the Negroes took it from her and held it against her throat while she was attacked on a freight train between Stevenson and Paint Rock on March 25, 1931.

#### Knight Applauds Evidence.

As the words fell from the lips of the witness, Mr. Knight, who had turned the direct examination over to H. G. Bailey, Circuit Solicitor, brought his hands down flat on the top of the counsel table, showed his elation and dashed into an ante-room, clapping his hands together once.

The Attorney General was out of the court room when Mr. Leibowitz made his protest, but his assistants sprinted after him and brought him back to apologize to the court and jury. He seemed nervous and chastened as he listened to the closing words of the defense lawyer's motion for a mistrial.

"Now, your honor," said Mr. Leibowitz, "I would like the record to show that when the witness gave his last answer, the Attorney General applauded the testimony."

"jungle" and insisted that she and her girl companion were alone when they boarded the freight train.

Ramsay testified, however, that she was with a white man when she started back to Huntsville, her home.

Mr. Knight objected vigorously to the identification without first requiring Ramsay to describe the woman he had seen.

Judge Horton ruled that the identification could be made and Mrs. Price was brought into court from the witness room.

"Yes, that's the girl. She's a little heavier now, but I recognize her all right," Ramsay testified.

#### Counsel Clash Over Evidence.

Mr. Knight, who had been entering objections to almost every question Mr. Leibowitz propounded to Ramsay, asked what relevancy his testimony had and Mr. Leibowitz retorted:

"I'm going to show that the State's main witness is a perjurer. That's what I'm going to show before I'm through. This is only the beginning."

When Ramsay had left the stand, Mr. Leibowitz called his first white witness, Norris Payne, clerk of the Huntsville City Court, in a new but unsuccessful effort to place in evidence records showing the conviction of a Victoria Price for vagrancy, adultery and violation of the prohibition laws. The records were barred from evidence but their import was made plain to the jury.

Judge Horton based his ruling excluding this evidence on the grounds he cited yesterday when it was first offered, that violation of the prohibition law did not reflect upon the credibility of the witness and that infractions of city ordinances were not admissible in impeaching her testimony.

Mr. Leibowitz protested that a conviction involving moral turpitude was pertinent for a jury to consider as to the credibility of the State witness.

Mrs. Beatrice Madox, married sister of two of the Negroes awaiting trial, testified that she had searched the city directory of Chattanooga and conducted a personal investigation and that she had failed to find any one named "Callie Brochie."

When Mr. Knight objected to her testimony Mr. Leibowitz said he was only trying to save time, declaring that he was prepared to call postal officials and others if necessary to prove that there was no one in Chattanooga named "Callie Brochie."

#### Defense Attorney Takes Stand.

G. W. Chamlee, the Chattanooga attorney who is assisting Mr. Leibowitz, testified that for twenty-five years he had occupied an office or residence on Seventh Street, Chattanooga, where Mrs. Price said "Callie Brochie's" house was located and had never heard of her. The street, he said, was "one of the wealthiest" in Chattanooga and contained public or semi-public buildings.

The witnesses called by the State in closing its case were W. H. Hill, station agent at Paint Rock, where an armed posse stopped the train

## M'CORMICK TRIED AS A TAX EVADER

### City Marriage Clerk Faces Federal Jury—Accused Hiding \$228,388 Tips.

### ALL GIFTS, OFFICIAL SA

#### Prosecutor Contends Defendant Made a Business of Exactin Fees From Couples.

Almost a year after his indictment for income tax evasion, James J. McCormick, Deputy City Clerk in charge of the Marriage License Bureau, went on trial yesterday before Federal Judge John C. K. and a jury, who were told Thomas E. Dewey, Chief Assistant United States Attorney, that the defendant had received so many tips from bridegrooms that he deposited his money in thirty-separate banks.

Indictments returned on April 1932, charged that the Deputy Clerk and Tammany leader, willfully evaded and failed to report a taxable income of \$228,388 received from 1926 to 1930, in addition to the present case including only charges relating to 1929 and 1930.

Mr. Dewey told the jury that in 1929 the marriage license clerk received an income of \$50,000 a year, a salary of \$8,500, which was exempt from taxation because it came from the city, and that in 1930 he had received about \$40,000 in addition to this salary.

Martin C. Ansonge and John Bolles, attorneys for McCormick, were prepared to argue, it was understood, that the gratuities received from bridegrooms were of a pure and simple, and that as such were not taxable.

The government contends that the gratuities had been given for services rendered and constituted taxable income, but even if this were not so, during the two year period, McCormick received approximately \$21,000 in interest on his various savings bank accounts. It was contended, though he failed to file a return on this sum.

Opening his case against McCormick, who until recently had been a patient in Metropolitan Hospital for the last several weeks, Dewey said:

"As First Deputy City Clerk, the defendant was entitled to and received a salary of \$8,500 a year. That salary is exempt from tax."

Senate gives broader powers to group for a mistrial. Page 7  
 Green estimates rise in unemployed to 13,000,000 in March. Page 35

**GENERAL.**

Repeal advocates sweeping Wisconsin in referendum. Page 1  
 Up-State cities prepare for sale of beer April 7. Page 2  
 Credibility of State's main witness attacked in Alabama trial. Page 40

**FOREIGN.**

Germany restricts right of foreigners to leave country. Page 1  
 Mount Everest fliers awed by grandeur, accounts reveal. Page 3  
 Everest plane, lost 3 hours, lands safely, out of fuel. Page 3  
 French drop plan for rise in tariffs on American products. Page 6  
 Visit here by MacDonald now becomes probable. Page 6  
 Finance Minister prepares to quit Japanese Cabinet. Page 7  
 Envoys of four powers confer on Chile's nitrate bonds. Page 7  
 Simon introduces Soviet trade embargo bill in Commons. Page 8  
 Red prisoners prepare camp at Dachau for foes of Nazis. Page 10  
 Hugenberg orders his Ministry "purged" of Jews. Page 10  
 Members of Commons press for representations to Reich. Page 11

**FINANCIAL AND BUSINESS.**

Bennett orders inquiry on Curb Exchange listing practices. Page 1  
 Life insurance companies here reducing salaries. Page 27  
 Clearing House to pass today on plan to aid Harriman Bank. Page 27  
 \$9,378,343 cleared by Niagara Hudson Power in 1932. Page 27  
 Loans to brokers go lower in month. Page 27  
 Goldman-Sachs Trading Corp. to pass to Atlas Corp. Page 27  
 Rates in money market here re-advance further. Page 27  
 Plan for merger explained to stockholders of North American Aviation. Page 27  
 Move expected today in splitting of Chase organizations. Page 27  
 Loans by Railroad Credit Corporation total \$62,314,518. Page 28  
 Cullman urges port plan in railway coordination. Page 28  
 Reports of stock markets in London, Paris and Berlin. Page 29  
 Daily crude oil output decreased 9,900 barrels last week. Page 32  
 Aviation Corp. reports \$7,685,098 loss for 1932. Page 33

Page.	Page.
Topics .....27	Meetings .....32
Stock Sales.....28	Curb .....32
Foreign Exch..29	Over Counter..33
Dividends ....29	Wheat .....34
Bond Sales....30	Cotton .....34
Out-of-Town...31	Bus. Records.35

**SPORTS.**

Yanks and Giants score shutouts; Dodgers are beaten. Page 24  
 Stark of Harvard, title defender, leader in college chess. Page 25  
 Konoye upsets Ryerson in North-South amateur golf. Page 26

**ADVERTISING INDEX.**

Page.	Page.
Amusements ..22	For Sale.....38
Apartments ..36	Help Wanted..37
Automobiles ..38	Hotels .....22
Births, Deaths.19	Lost & Found.40
Board—Rooms.37	Moving .....37
Bus. Directory.38	Public Notices..3
Business Opps.40	Real Estate...36
Bus. Places...36	Resorts .....38
Buyers' Wants.34	Situations ...37
Education ...18	Travel .....39
Financial ....27	Wholesale Mkt.34

Turning toward his own counsel table, Mr. Leibowitz shook his head and murmured:  
 "I never saw anything like that before in my life."  
 Mr. Knight apologized and Judge Horton expressed regret that the incident had taken place. He had been looking away from the State's counsel table when it occurred, Judge Horton said, but he ordered the stenographer to note on the record that he had heard a sound of the sort that Mr. Leibowitz described. Then he denied the motion for a mistrial.

**Negro Identifies Mrs. Price.**

It was the most dramatic moment of the day but it was almost equaled soon after the defense opened when Victoria Price stood in the railed-off space before the bench and was identified by Dallas Ramsay, a Chattanooga Negro, as one of the girls he saw with a white youth in the "hobo jungle" alongside the railroad yard in Chattanooga, on the morning of the day when the crime is alleged to have taken place.  
 Mrs. Price had testified that she and Ruby Bates, her missing fellow victim of the alleged attack, spent the night at the home of "Callie Brochie" in Chattanooga, denied that she had visited the

thrown off the train after a fight with the Negroes.  
 Mr. Hill, who did not testify in the first trial, declared that the nine Negroes were taken from one gondola car, but he "could not swear" that the girls were taken out of the same car.  
 Rousseau declared that as the train slowed down the Negroes piled out of gondola cars and ran along the tops of the box cars toward the engine in an effort to get away.  
 Adams, who was working in a field a quarter of a mile from the tracks as the train passed, said he saw a group of Negroes and white men scuffling in one of the gondola cars. It was too far for him to see whether there were any women in the car, he said.

Conflicting statements by Dobbins at the first and second trials as to seeing the girls on the moving train were challenged by Mr. Leibowitz.

The court adjourned an hour earlier than usual to permit Mr. Leibowitz to confer with the nine Negroes in preparation for calling each of them to the witness stand. The conference took place in the court room when the defense counsel complained that the jail was "unfit for a pig to enter."

During the conference militiamen occupied a building facing the court house with machine guns trained on the second floor windows.

**TELEPHONE**  
**Lackawanna 4-100**

**Lost and Found**

75 Cents an agate  
 line, 80 cents Sunday

Advertisements received until  
 Midnight

**LOST.**

**A-B SVENSKA KULLAGERFABRIKEN,** "S. K. F." ten shares, Nos. 927,901 to 927,910; payment stopped; reward offered. S 226 Times.  
**BAG, black, contained gold vanity; Bloomingtondale's, Monday; reward.** Savoy Plaza, Room 1517.  
**BANK BOOK, No. 16465.** Corn Exchange Bank Trust Co., University Branch.  
**BANK BOOK, No. 67-1155.** Corn Exchange Bank Trust Co., East 86th St.  
**BANK BOOK No. 780.** Return to Bank of Manhattan, Arverne, L. I.  
**BOOK N. 11,571.** Corn Exchange Bank Trust Co., Hudson River Branch.  
**CIGARETTE CASE,** lost Sunday; gold, with initials "L. H. R."; suitable reward for return. Mr. Rand, REctor 2-3424.  
**ENVELOPE, brown, addressed Mrs. Thelma Willie Weathers, 55 Park Av., city, containing personal papers, taxi, between 42d St., Madison Av. and 47th St. and 9th Av.; reward.** Return above address.  
**MASONIC PIN, engraved E. Newman; reward.** Hotel Emerson, 75th-Amsterdam Av., Apt. 1518.  
**OPERA GLASSES, black leather case, Saturday, Firenze Tea Room, West 46th, or 5th Av. bus. Reward for return to Manette Marble, 500 Riverside Drive.**  
**OVERNIGHT bag, child's clothing; stationery compartment attached; reward.** Blitz. Wickersham 2-8400.  
**PASSBOOK 28,259.** Corn Exchange Bank Trust Co., 311 Lenox Av. Return to bank.  
**POCKETBOOK, brown, important papers; keep cash; reward for papers.** Tannenbaum. DEwey 9-9458.  
**PURSE, black leather, marcasite frame, initials "L. G. S.," Bonwit Teller's Monday afternoon; liberal reward.** ENdicott 2-1201.

**Jewelry.**

**PIN, round diamond, Park Av., 93d-67th; sentimental value; reward.** ATwater 9-5575.  
**WRIST WATCH, platinum and diamond, Sunday, in or near Central Park; generous reward.** Phone daytime, VAnDerbilt 3-5527.  
**WRIST WATCH, green gold, marked A. K. G., black cord, Saturday, vicinity 33d-72d, east; reward.** Wickersham 2-3157.

**\$40 REWARD.**

Pendant, platinum, diamond and onyx, with miniature, lost night April 1, main ballroom Waldorf-Astoria. H. L. Smith, A. R. Lee & Co., 116 John St. BEekman 3-0280.

**\$25 REWARD.**

Lady's wrist watch, platinum, diamonds, lost April 1 vicinity 102d and Amsterdam Av. Herbert J. Payne, A. R. Lee & Co., 116 John St. BEekman 3-0280.

**Jewelry.**

**\$25 REWARD.**  
 Earring, platinum, flexible, containing one large diamond, in black onyx, set in centre, and numerous small diamonds, lost March 31, between East 48th and Central Park Casino. Return to J. A. Lyons, A. R. Lee & Co., 116 John St. BEekman 3-0280.  
**\$50 REWARD.**  
 Brooch, platinum, black enamel border, containing 36 graduated diamonds, lost April 2 on Park Av. between 92d and 67th Sts. Return to J. A. Lyons, A. R. Lee & Co., 116 John St. BEekman 3-0280.  
**\$175 REWARD.**  
 Lady's wrist watch, black enamel with pearl band, 2 gold dancer charms attached; lost March 21, between East 53d and East 58th Sts. Herbert J. Payne, A. R. Lee & Co., 116 John St. BEekman 3-0280.  
**\$50 REWARD.**  
 Green onyx bead bracelet, with 3 diamond and crystal buckles; lost evening of March 31, East or West 50s, or in taxi. W. H. Soper, 82 Beaver St. BEekman 3-5987.  
**\$100 REWARD for return of 2 rings, one has 3 diamonds set in gold, other has diamond and emerald set in platinum; Grand Central zone. S 179 Times.**

**Wearing Apparel.**

**MINK MUFF, 56th and 73d, on Sunday A. M. Wener, ENdicott 2-7400, or Hotel Hamilton, 73d St. Liberal reward.**

**Cats, Dogs and Birds.**

**COCKER SPANIEL puppy, male, red, white mark on chest, April 3, Bayside; reward.** BAYside 9-2370.  
**FOX TERRIER-BEAGLE, mixed breed, male puppy, black, white; reward.** ORange 4-8659.  
**PEKINGESE, black, tan, female, internal injury, screams with pain; reward.** TRIangle 5-7034.  
**POLICE DOG, female, young, brown brindle, collar marked "Lieut. Lermond"; reward.** Fort Jay or SACramento 2-7385.  
**TERRIER, wire haired, male puppy, brown, black spots head; reward.** Wickersham 2-3320.  
**TERRIER, wire haired, male puppy, brown spots ears, back; reward.** Ossining 211.  
**TOMCAT, large; gray striped, Lexington-Park Avs., 82d; reward.** BUTterfield 8-1095.  
**\$50 REWARD—Strayed Thursday in North Flushing, male poodle, part spaniel, black long curly hair, white paws and breast, wore red leather harness repaired with green; answers "Teddy." INdependence 3-3931.**

**FOUND.**

**DOGS, cats, lost or homeless, awaiting adoption.** Speyer Hospital, 350 Lafayette St.

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Santa Fe's New V

May we send picture folders