

# New York Times.

The New York Times Company.

THURSDAY, APRIL 6, 1933.

M

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## MIDNIGHT EDITION

WEATHER—Rain today and probably tomorrow; same temperature. Temperatures Yesterday—Max., 63; min., 40.

### Greenland Is Denmark's; Accept the Decision as Final

THE NEW YORK TIMES.

Expressing thankfulness for the work Denmark has done to keep Greenland undivided.

The bases of the verdict go as far back as the Nordic habitations in Greenland of the year 900. The verdict also cites the Kiel treaty of 1814, whereby the Kingdom of Norway was transferred to Sweden with the express exception of Greenland, the Faeroe Islands and Iceland. The court mentions Denmark's long undisputed sovereignty over the whole of Greenland, against which Norway urged that the land which she occupied in 1931 was nobody's territory.

The World Court's verdict naturally was hailed over the whole of Denmark, which at many points gave the appearance today of a forest of flag poles, with the Dannebrog fluttering in the sunshine. In Copenhagen throngs flocked to

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### MOB THREAT HEARD AT ALABAMA TRIAL

Judge Orders Guardsmen to Shoot to Kill if Attempt Is Made to Lynch Negroes.

### LEIBOWITZ IS PROTECTED

Doctor Is Skeptical on the Medical Aspects of the State's Case.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES. DECATUR, April 5.—A dramatic pronouncement from the bench interrupted the trial of Haywood Patterson today.

### NAVY BOARD NAMED FOR AKRON INQUIRY; SEARCH IS WIDENED

Hearing Is Set for Lakehurst Monday as Wiley in Capital Reports on Crash.

### ACTION ASKED IN SENATE

King Would Go Into Whole Question of Dirigibles' Use—House Investigation Ordered.

### BITS OF WRECKAGE FOUND

Gasoline Tank and Other Debris Recovered in Wide Search—Hunt Will Go On.

WASHINGTON, April 5.—Acting on the aviation maxim that the best tonic for a flier who has crashed is to take the air again as soon as possible, the three survivors of the Akron crew from New York flew to Washington today and spent the afternoon in making detailed verbal reports to Admiral William V. Pratt, Chief of Naval Operations. Lieut. Commander Herbert V. Wiley, executive officer and second in command of the Akron on the fatal flight, will make a written report, embodying the statements of Richard E. Deal, boatsman's mate, and Hoody Erwin, metal-smith, the other two survivors, to be presented to Secretary Swanson tomorrow.

Officially, the navy has not given up hope of finding other survivors, and tomorrow's search operations will be conducted primarily with that end in view. Navy Department officers have, as yet, sent no

## BEER LEGAL AT MIDNIGHT; BREWERS BAN 'CARNIVAL'; CITY'S REGULATIONS READY

### Beverley Bars Cockfighting, Vetoing Puerto Rican Bill

Wireless to THE NEW YORK TIMES.

SAN JUAN, P. R., April 5.—Cockfighting is not to be legalized despite the bill unanimously passed by both houses of the Legislature. Governor Beverley sent a veto message today saying that he considered it inadvisable for the government to get into cockfighting through the measure's provisions for governmental regulation.

Repeated legislative efforts to establish the sport as legal since the American occupation have failed through Executive vetoes.

### STATE BEER TAX SET BY THE LEGISLATURE

Buckley Measure to Bring in \$12,000,000 a Year Will Be Signed by Governor.

### CONVENTION BILL PASSED

Assembly Completes Action for Repeal Test Along Lines Suitable to Lehman.

By W. A. WARN

### NO 3.2% BREW TONIGHT

Brewers Won't Sell It Until 6 A. M. to Avoid Wet Celebration.

### WYNNE TO REGULATE SALE

City Health Permits as For Soft Drinks Planned in Lieu of State Law.

### PRICE SET AT \$2 A CASE

Earlier Retail Quotation Is Cut—400,000 Barrels and 150,000 Cases Ready.

At midnight tonight it will become legal here to buy, transport, sell and drink beer of normal alcoholic content, but New York will see few if any public celebrations of the end of the fourteen-year drought.

The beer will be transported and sold under a new section of the Sanitary Code drafted yesterday by Mayor O'Brien and Health Commissioner Wynne.



...merely that a mob was plotting to lynch the nine Negro prisoners lodged in the rickety old jail and run Samuel S. Leibowitz, their chief counsel, out of town, Judge Horton ordered the National Guardsmen on duty here to shoot at the first sign of trouble and to shoot to kill.

Despite the increasing impatience of residents of Jackson and Morgan Counties with the painstaking defense prepared for the Negroes by the International Labor Defense, a Communist adjunct, today's proceedings were not marked by the slightest demonstration, not even when Patterson charged that he was "framed" at his first trial in Scottsboro.

The crowd of countrymen in overalls and blue denim shirts listened attentively as Dr. E. E. Reisman, Chattanooga gynecologist, explained to the jury that the Price woman's story of the attack contained biological inconsistencies.

#### Skeptical of Woman's Evidence.

The medical testimony offered by the State against the nine defendants at Scottsboro and against Patterson here, said Dr. Reisman, was sufficient in itself to make a man of science skeptical about Mrs. Price's statement that she was attacked by six Negroes an hour and a half or two hours prior to her examination at Scottsboro.

The Negroes who denied their guilt today were Willie Robertson, Olen Montgomery, Ozie Powell, Andy Wright, Eugene Williams and Patterson. The first three denied that they had engaged in a fight with the white youths or had seen te girls on the train, while the last three denied seeing the girls but admitted participating in the fracas with the white youths.

Aside from the six accused Negroes and Dr. Reisman, the only other witness of the day was Percy Ricks, fireman of the freight train on which Mrs. Price said she was attacked. He testified that when the Negroes were taken off at Paint Rock by an armed posse, the two women seemed just as anxious to get away as the Negroes.

"I saw them both running up toward the engine," he said. "Some of the men with shotguns came around and headed them off. Then they turned and ran the other way until another batch of men came up from that direction and stopped them."

While the Negroes were testifying, Judge Horton, after a whispered consultation with Attorney General Knight and Captain Joseph Burleson, commanding the militia here, ordered the jury taken from the Court. He then delivered his warning in phrases that fell from his lips like the bullets he promised to lynch.

"The court wishes to make an announcement," he began. "The audience generally has been orderly

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at least some of the men who have drifted about for hours on pieces of wreckage of the dirigible, and may have been peiked up by some small ship without radio.

The three survivors were brought directly to the Navy Department after they landed. Secretary Swanson, who was just leaving for a call, greeted them at the door and they were then taken to Admiral Pratt's office.

#### Swanson Praises Men's Courage.

When Secretary Swanson returned to his office, a few moments later, their interview with Admiral Pratt was interrupted for a short visit to the Secretary's office, where the news reels recorded their interview.

Secretary Swanson said:

"I congratulate you, Lieut. Commander Wiley, on being one of the survivors of as gallant a crew as ever constituted the personnel of the navy. In the Akron disaster, the navy witnessed one of its greatest disasters. While there were only three survivors, the rest of the men went down with all the characteristics and traditions of the navy. They went down in discipline and courage. They faced death in a calm and courageous manner."

"Thank you, Mr. Secretary," Mr. Wiley replied. "I would like to say that the discipline on the ship was perfect. The stand-by alarm brought the men to their stations. Even our beloved Admiral Moffet went to his station. The orders were all given in a low tone of voice and carried out quickly. When the order for 'stand by for a crash' came, nothing more was said. There was no further conversation."

Commander Wiley wore the khaki

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Lehman, who will approve it.

It will enable the State to begin collecting its revenue from beer Friday, whether a measure providing State control and regulation has been put into effect or not.

The Assembly also concurred by a vote of 107 to 39 in Senate approval of the Buckley bill setting up machinery for a convention to pass on ratification of the amendment to repeal the Eighteenth Amendment. Nearly half of the Republicans in the Assembly joined with the Democrats in support of the measure, which now goes to the Governor. He is in thorough accord with the plan, which provides for a convention composed of 150 delegates elected by State-wide vote at a special election May 23. The convention would be called to order June 27 by the Governor in the Assembly Chamber at the Capitol.

Before passing the Buckley convention bill the Assembly, although Republican controlled, defeated by 66 to 80 the repeal convention bill sponsored by Assemblyman Willis H. Sargent of Onondaga, a Republican member who wields considerable influence. It provided for 51 delegates at large and 153 district delegates, three from each Senate district.

Shortly after passing the Buckley bill the Assembly approved also, by 84 to 54, a convention bill sponsored by Assemblyman Louis A. Cuvillier, a Tammany member, who, possibly because of the "lift" he gave Republicans Monday night on the Dunkel beer control bill, had managed to have his convention bill reported from the rules committee.

All day discussion of beer-control legislation had been soft pedaled

Continued on Page Two.

## Albany Democrats Back a 1% Sales Tax And an Extra 1% Levy on Gross Incomes

Special to THE NEW YORK TIMES.

ALBANY, April 5.—After a long conference tonight, the Senate Democrats framed an \$85,000,000 new taxation program to balance the State budget, which included a retail sales levy of 1 per cent and a levy of 1 per cent on gross incomes.

The proposals were understood to be in general accord with the ideas of Governor Lehman. The Republican position has not yet been made known, although a fight was made in the Assembly today in behalf of the bill of Assemblyman Stone, Republican, of Onondaga, calling for a 2 per cent retail sales tax.

The Senate Democrats' program follows:

One per cent retail sales tax, excluding food products .....	\$28,000,000
A lowering of income tax exemptions as in the Federal law....	9,000,000
Revenue from the sale of beer....	6,000,000
One per cent gross income tax....	37,000,000
Increase in inheritance tax.....	5,000,000
Total .....	\$85,000,000

With the \$212,000,000 budget already voted, the plan would leave the State with a surplus of \$3,000,000.

000. Governor Lehman's budget message recommended new taxes totaling \$84,000,000.

The one-cent income in the tax on gasoline originally advocated by Governor Lehman would be abandoned as well as the surtax on trucks.

Governor Lehman recommended a retail sales tax of three-quarters of 1 per cent, but it is understood he is willing to consent to a 1 per cent rate. He has opposed efforts to raise it to 2 per cent.

The Democratic program was announced by Chairman John J. Buckley of the Senate Committee on Taxation and Retrenchment, soon after the rules committee in the Republican Assembly reported favorably on Mr. Stone's bill for a 2 per cent retail sales tax.

The Assembly Republicans had planned to pass the Stone bill tonight, but consented to delay final action until tomorrow at the earnest plea of Assemblyman Steingut, the Democratic leader.

Although, Milwaukee, St. Louis and other beer-manufacturing centres are expected to greet the return of legal brew with brass bands and brimming steins, New York brewers and hotel men formed a united front yesterday in opposition to bibulous festivities. Their spokesmen asserted that beer would be greeted with equal sobriety all over the country, even though dispatches from other cities made this appear uncertain.

Despite the stand taken by the brewers and hotel men, however, restaurant proprietors in various parts of the city were preparing to usher beer in with festivities beginning at midnight. Some of those advertising such celebrations admitted they had not completed arrangements for obtaining the beer, but others asserted that breweries had guaranteed delivery of "the real stuff" the moment it became legal.

#### Wynne to Be Regulator.

Not only did the brewers here take a strong stand against intemperance during the small hours of tomorrow morning, they also sounded a warning if any beer were obtainable at that time, it probably would be only a remnant of the "needled" beer that has caused so many headaches during the era of Volstead.

As far as the brewers are concerned, any one who has a thirst for honest beer at midnight tonight might just as well go to bed and dream about it till the opening of business tomorrow morning, when he can telephone to the nearest grocer, drug store or soft-drink parlor and order as much as he likes. The beer trucks will begin distributing to retail stores at 6 A. M. tomorrow and no sooner, the brewers asserted.

In the absence of both State and city legislation, all restrictions upon the sale of beer here appeared to have been pigeonholed successfully. Technically, responsibility for the manufacture and sale of beer rested with Dr. Wynne, and it seemed certain that beer would flow with no more restrictions than those governing soft drinks.

#### Not Tonight, Says Ruppert.

Jacob Ruppert, as president of the United States Brewers' Association, led the move to outlaw the carnival spirit in welcoming the return of beer. He issued a statement saying:

"On April 7 the first step toward a change in the habits of our nation is to take place. Many friends of real temperance—hosts of men and women who believe in the supremacy of law and order—are watching the advent of beer as a non-intoxicating beverage.

"At this time, I want to sound a note of warning. The legitimate brewers—those who since the passage of the Eighteenth Amendment have observed the law requirements strictly—are anxious that

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**AFFORDABLE RATES POPULARIZE IT**  
with prominent people—The Willard Hotel,  
Wash., D. C. \$4 one, \$6 two, up.—Advt.



the purpose of exporting gold which remains under embargo.

### Urges Gold Revaluation.

It should be announced forthwith that prior to lifting the embargo on gold at a future date, it will be the policy of the United States to revalue gold. It is the opinion of the committee that in this revaluation the United States Treasury should raise the price of gold from \$20.67 per ounce to a new price of \$36.17 per ounce. This is an increase of 75 per cent an arbitrary temporary level, estimated to bring the commodity price level to a 1926 base. The mere knowledge that such a program of establishing a high dollar price for gold is planned would start the price-level upward. At this point a new Stabilization Board would operate to maintain the then existing price-level within a narrow range of fluctuation.

A Federal non-partisan board should be created to stabilize the United States general price level of wholesale commodity prices at 100. This is the average of the United States Bureau of Labor price levels from 1921 to 1930. In creating this board we must recognize that control of the general price level, of monetary policy and of foreign exchange is of fundamental importance to the nation's social and economic welfare. Upon the resulting stability depends the well-being of labor, industry and agriculture. The report was issued over the signature of the following directing committee:

ESSING J. ROSENWALD, chairman  
Sears Roebuck & Co.  
H. SEKAUER, president Dairymen's  
League Cooperative Association, Inc.  
H. FRAZIER, chairman General Baking Company.  
NORCENT BENDIX, president Bendix  
Aviation Company.  
H. RAND Jr., president Remington  
Land, Inc.

### PAYS TRIBUTE TO MOFFETT

Admiral Belknap Says He Was  
Greatest of Aviation Authorities.

A tribute to Rear Admiral William A. Moffett, lost in the Akron disaster, was voiced yesterday by Rear Admiral Reginald R. Belknap, retired. Speaking at a luncheon of the Kiwanis Club of New York City, at the Hotel McAlpin, Admiral Belknap said he and Admiral Moffett had been together three years at Annapolis. He described Moffett as "a fine representative of a fine type of American" and said he was "bold, care- and dignified."

No one in the country, and possibly no one in the world, knows more about aviation than he did," Admiral Belknap.

Questioned later as to his views on the continuance of the lighter-air service, he said:

"The history of all new weapons has been attended with accidents. They always have a career at first. We have the same thing in the development of airplanes. I feel that a man so experienced in aviation and in the science of it as was Rear Admiral Moffett would not have been so strongly as he did were not considerable merit

## MOB THREAT HEARD AT ALABAMA TRIAL

By F. RAYMOND DANIELL.  
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and has given respectful attention to the testimony for the most part. These prisoners were given protection at the trial in Scottsboro, and the Sheriff's force and the National Guardsmen are here to protect them now.

"The court also wants it known that it will protect any one else connected with this trial. Whether or not the reports of impending trouble have any foundation, the court does not know. Sometimes rumors occur that are without foundation, but sometimes they reach the point where notice must be taken of them.

"The court is conscious of this fact, that it is trying to arrive only at the truth in this case. If these defendants are guilty they should be punished. If they are not guilty, they should be acquitted. That is for the count and the jury to determine.

"Any one outside, who has not heard the testimony and who attempts to prejudice the case has no right to be heard. These prisoners are under the protection of the court. The court intends to protect them."

### No Tolerance for Mob Spirit.

At this point Judge Horton raised his voice, and his face was stern as he continued:

"Any group of men, and I don't say that there are such, who attempt to take the law into their own hands, are unworthy of the protection of the State of Alabama. They are unfit to be citizens. Men who would join in anything that would cause the death of these Negroes not only are murderers, but cowardly murderers.

"The soldiers and the Sheriff's men are expected to defend these prisoners with their lives. Any man who defies them may expect to forfeit his life.

"I have no tolerance for mob spirit. Your very civilization depends upon the carrying out of your laws in an orderly manner.

"I am going to strengthen the guard if necessary, and remember you've got to kill these guards before you get these prisoners. The guards understand that. When it comes to a question of right and wrong there can be no compromise.

"If there are any meetings in this town where such matters are discussed the men who attend them should be ashamed of themselves."

From officers of the National Guard it was learned that a mass meeting, to which 200 young men of the community were invited by telephone, was held in a hall near the court house last night to "protest against the manner in which Mr. Leibowitz has examined the State's witnesses." There was talk there, the officers said, of riding the New York lawyer out of town and lynching the Negroes.

Upon learning of the meeting, Captain Burleson sent several of his men to the apartment hotel where Mr. Leibowitz is staying and doubled the guard around the jail.

Undercover men reported to Captain Burleson that the strategy of the lynchers, if they decide to flout the warning of the court, will be to start the mob.

Mrs. Leibowitz, who has been with her husband here, left for New York tonight.

"We'll be ready for them if they come," said Captain Burleson. "Just because my men and I are Southerners and these prisoners are Negroes need not lead any one to think we won't do our duty. So long as we have a piece of ammunition or a man alive, those prisoners will be protected."

Arrangements have been made with the local fire department to send an engine to the jail at the first sign of trouble. The cold water treatment will be used first, Captain Burleson said. If that does not disperse the mob, tear gas bombs will be thrown. Bayonets and bullets will be reserved as a last resort but if they are used it will be to kill, said the young National Guard officer.

John Thompson, solicitor of Jackson County who prosecuted the Negroes at their first trial, said feeling was even more intense in Scottsboro today than it was two years ago, but that he had heard nothing of a lynching mob forming there. Scottsboro is more than fifty miles away.

"There might be trouble though," he conceded, "if these Negroes are acquitted or if the trial lasts too long. The first trial cost the people of Jackson County about \$3,000 and this one will cost double that amount.

Each of the Negroes who testified today was confronted by the record of his testimony at the previous trial. Attorney General Knight questioned them sharply on even the most minute discrepancies, causing frequent objections by Mr. Leibowitz and warning by the court to the Attorney General.

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