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TWO CENTS

High Court Kills Child Labor Law

Opinion Holds Act in Regulate Employment of Children in Mines or Factories Unconstitutional.

Opinion Is Unanimous

(By The Associated Press.) Washington, May 15.—The child labor law was declared unconstitutional today by the supreme court. The law, enacted in 1919, was intended to regulate the employment of children in any mill, cannery, workshop, factory or manufacturing establishment under the age of 14 or in any mine or quarry under 16 years, by imposing an excise tax of 10 per cent upon the net annual profits of those employing such labor.

It was attacked on the ground that it attempted to regulate an exclusively state function in violation of the federal constitution and the tenth amendment, and was defended as a mere excise tax levied by congress under its broad power of taxation conferred by the federal constitution.

Three Cases Filed.

The law was attacked in the supreme court by three cases from North Carolina, appealed by the government. Two of these, the Atherton mills and that by John J. George and others, were dismissed on technicalities, but the case brought by the Drexel Furniture company was found in proper form and it was in that the law was declared invalid.

The opinion was delivered by Chief Justice Taft with no dissent announced. The case was dismissed at length.

Refuse to Discuss Decision.

Officials of the internal revenue bureau declined to discuss the decision until they had an opportunity to read the full opinion, but stated that the amount of money involved in taxes was small and that the child labor bureau, employing about 50 persons, would be dismissed.

"Does this law impose a tax with only that incidental restraint and regulation which a tax must inevitably involve?" the chief justice asked. "Or does it regulate the use of the so-called tax as a penalty? If it is, it is clearly an excise. If it were an excise on a commodity or other thing of value, we might not be permitted, under previous decisions of this court, to infer necessarily a prohibition instead of a tax. But this act is more."

Would Prohibit Employment.

After analysing the principal features of the law and its operation the chief justice said: "In the light of these features of the act, a court must see that the so-called tax is imposed to stop the employment of children within the age limits prescribed."

"Its prohibitory and regulatory effect and purpose are palpable," he added. "All others can see and understand this. How can we possibly put our minds to it?"

Declaring it the duty of the court to decline to recognize or enforce laws of congress dealing with subjects not entrusted to congress, but left by the supreme law of the land to the control of the states, the chief justice said the court must perform that duty, "even though it requires us to refuse to give effect to legislation designed to promote the highest good."

20-Cent Tax on Grain Futures Unenforceable

Washington, May 15.—The supreme court today held section four of the future trading act was unenforceable. It held that sections 3, 9 and other sections could be enforced.

The court announced that the injunction against the Chicago Board of Trade and its officers and the injunction against the collector of internal revenue and the district attorney should be granted so far as section four is concerned and the regulations of the act interwoven with it.

Section four, declared to be unenforceable, proposed to levy a virtually prohibitive tax of 20 cents per bushel on all future trading banned under the act. It made exceptions of actual owners of grain or legitimate hedging contracts.

The decree of the lower district court was reversed to the extent stated. In announcing his dissent, Justice Brandeis stated briefly that he could not agree with the opinion of the court in which substance held the law invalid.

Section 3 of the act provided for a tax of 20 cents a bushel upon "privileges," "puts and calls," "bids and offers" and other so-called speculative trades.

Section 9 of the law, which was sustained by the court, empowers the secretary of agriculture to investigate boards of trade, require them to submit statistical and other information, except confidential trade matter, and to publish reports to the public.

Lutherans Hold Diamond Jubilee in Tecumseh

Tecumseh, Neb., May 15.—(Special)—The diamond jubilee celebration of German Lutherans of Johnson and adjoining counties, held in Tecumseh yesterday, was largely attended. It was a celebration of the 75th anniversary of the establishment of the Missouri synod. Many churches were represented. The services were at the chautauqua auditorium and there was special music.

Washington Makes Novel Experiment in Daylight Saving

Washington, May 15.—Washington today began an experiment in voluntary daylight saving.

Thousands of the clocks remained unchanged but under a request by President Harding, with approval of his cabinet, a large proportion of the activities of the executive branch of the government got under way an hour earlier and most of the commercial establishments of the city opened their doors and called their employees to work an hour ahead of the regular schedule.

Congress, on the other hand, holding in abeyance in some quarters by its enactment of a daylight savings law several years ago, has refused to have anything to do with the new plan and will meet and adjourn as usual.

The supreme court has met at high noon by the clock since its history began and also will decline to follow the executive departments.

Limited Train on Rock Island Railway Held Up

Express Messenger Shoots to Death One of Eight Outlaws and Routs Rest Near Tucson, Ariz.

Tucson, Ariz., May 15.—With two well directed bullets, Express messenger H. Stewart early today frustrated a spectacular attempt by eight masked bandits to rob Chicago, Rock Island & Pacific train No. 3, the Golden State limited, bound from Chicago to Los Angeles. Stewart killed one of the octet, apparently wounded a second and cut the hand empty handed.

Passengers were not molested in the holdup, which was staged near James, a flag station eight miles west of Tucson.

Body Identified.

The body of the slain bandit, whose hands were incased in rubber gloves, was recognized by Sheriff Daniels of Pinal county as that of a Tucson pool room habitue. Beside the body was found a sack of dynamite with which the bandits evidently intended to blow strong boxes in the mail and baggage cars.

A red fire, a railroad stop signal, was used by the gang to halt the limited at an isolated spot midway between James and Cortaro at 1:10 o'clock this morning. Three masked men boarded the engine and a fourth stood guard over the passenger coaches. With revolvers leveled, they forced a train they discovered to assist them in uncoupling the mail and express cars from the remainder of the train. The engineer, obeying orders of the armed trio, rolled the mail and express cars about a dozen car lengths to a point where four other masked men were waiting in an automobile.

Fires at Conductor.

When Conductor Madigan thrust his head out of a vestibule of one of the passenger coaches to ascertain what had occurred, a member of the bandit gang opened fire. Meanwhile Messenger Stewart had thrown open the door of the baggage car. When Stewart saw that Madigan was in danger he killed with one shot the bandit who had fired at the conductor.

Stewart then wheeled and fired another bullet at four robbers who were advancing on the baggage and mail cars. One, apparently hit, staggered and shouted to his comrades.

Then all seven of them turned and scurried to two automobiles and sped west in their cars.

The body of the slain bandit was identified here early today as that of Tom Dugat.

On Bandits' Heels.

The bandit was the proprietor of a goat ranch a short distance west of Tucson and well known about the city.

Sheriff Daniels announced that a large force of deputies has been dispatched and is hot upon the heels of the bandit gang, who left the scene of the robbery by automobile on the Casagrande-Tucson highway. Information regarding the direction taken by the robbers was withheld, with the statement that work of the sheriff's office would be hampered should it be released.

The body of Dugat was brought to Tucson this morning. It was understood unofficially that the bandits traveling in a heavy car had taken a western course from the scene of the main traveled highway. All southern Arizona highways for 150 miles in every direction were carefully guarded this morning, particularly those toward the Mexican border, where it was suspected the bandits would direct their flight.

Miner Killed and Deputy Wounded in Gun Battle

Salt Lake City, May 15.—John Tenas, miner of Helper, is dead and R. T. Young, special deputy sheriff who lives in Huntington, is in the hospital with a bullet in his thigh as a result of a clash in Spring canyon yesterday, in which, apparently, only the two were concerned. Young who is in the custody of the sheriff of Carbon county, claims that Tenas shot him first with what he thought was an army Springfield rifle. Witness of the affair, however, do not agree with this story and say that Tenas did not even have a gun when he was killed by Young.

Dentists of Nebraska Open Three-Day Meet in Lincoln

Lincoln, May 15.—Dentists of Nebraska, members of the State Dental society, opened a three-day convention here today with an attendance representative of all sections of the state. Besides the business program, fine banquets and luncheons are on the program of entertainment, as well as an open golf tournament for dentists at the Country club course. Dental assistants also are conducting a meeting and program.

Police Held Blameless for Slaying

Coroner's Inquest Against Police Officers Leo Hayes and George Stephens for Death of Pat La Velle.

Widow Called to Stand

We, the jury, find that Pat La Velle, 3012 Oak street, came to his death May 12 as the result of gun-shot wounds inflicted by a person or persons unknown, and we further exonerate Police Officers Leo Hayes and George Stephens," was the verdict brought yesterday after an inquest into the death of La Velle in a pistol duel with police at 1:30 Saturday morning at South Thirty-second and Oak streets, when officers mistook La Velle and Joe Mulvihill for bandits.

Hayes Tells Story.

Leo Hayes, 2324 North Sixty-fourth street, police chauffeur at South Side station, testified that with Patrol Conductor George Stephens, 4311 South Twenty-sixth street, he was ordered to respond to a call that a man had been held up at Thirty-second and Oak streets.

Hayes said that he and Stephens made the rounds of the neighborhood of the La Velle home and then with the emergency police car went south on Thirty-second street. Near Oak they saw two men, he said, on the west side of the street.

"Stephens said: 'We had better see who those fellows are,' and as the car drove up to the curb, Stephens said: 'Wait a minute boys, we are police officers.'

"After Stephens told the men we were officers, he started to get out of the car and they began shooting.

"The men were about 10 feet from the back of the car. Stephens got out of the car backwards and as he had just lost his foot off the running board he reached for his gun, and, after firing four shots, received a shot in the right shoulder.

"Stevens started toward the men and one of them took deliberate aim and shot Stephens in the right leg, and the man that fired the shot staggered up the alley and went into the back yard at the home of Jack Piszowski, 3002 South Thirty-second street, and went between two houses and up on the porch.

Leinback stated that he went to MacFarland's office at the request of Hall. After Hall told him of the case, Leinback stated that he then went to Mrs. Hall and told her of Hall's plans. He denied that the Brandeis family offered or promised him money for testifying.

Mrs. Hall to Testify.

Mrs. Hall will take the witness stand this morning and is expected to tell the story of her relations with Brandeis, who is named in a \$200,000 alienation suit filed against him by Hall.

Hall on the stand yesterday testified that Brandeis wrecked his home by showering his wife with expensive gifts.

Mrs. J. J. McMahon, Hall's sister, testified that Mrs. Hall became angry when she mentioned Brandeis' name in connection with his bungalow.

"Mrs. Hall told me that E. John was held up and went to the home of Pat La Velle and told him about it, and he went into the house and got two revolvers, giving me one, a .32-caliber, and we went out to see if we could find the stickup men. As we were going along South Thirty-second avenue, near Oak, an automobile drove up to the curb and the men said, 'Just a minute, fellows.'

"I thought it was a holdup-men and we started toward the back of the car for shelter, when the men in the car started shooting. I don't know who fired the first shot, as Mrs. Hall and told her of Hall's plans. He denied that the Brandeis family offered or promised him money for testifying.

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Seven Fall 400 Feet Without Injury in Cascade Snow Slide

Seattle, Wash., May 15.—Mrs. J. T. Hazard of this city escaped without serious injury and seven other persons were unhurt when the eight members of the Mountaineers, an organization of mountain climbers, were swept by an avalanche of snow 400 feet down Clellan's butte, in the Cascade mountains yesterday. The party was within a few hundred feet of the summit of the butte, which is 5,175 feet above sea level, when the slide occurred. Mrs. Hazard was brought to a Seattle hospital, where it was said her injuries were not serious.

Locksmith Called to Stand in Hall Divorce Action

Denies He Signed Paper Stating He Saw Woman in Bungalow With Employer.

Clayton S. Leinback, locksmith, 2912 Faetham street, testified at the divorce hearing of Clarence Hall against Helen Hall, private secretary to E. John Brandeis, before District Judge Sears yesterday afternoon that Hall offered him \$250 to testify in his behalf.

John MacFarland, attorney for Hall, almost clashed with Leinback over a paper alleged to be an affidavit, and asked Leinback if he knew what it was.

" Didn't you sign this in my office?" asked MacFarland.