

WEATHER
TUCSON: Maximum temperature yesterday 71, minimum 40, humidity 60 percent at 10 a. m., evening 10 per cent.

VOL. 92 NO. 82
SIXTEEN PAGES

The Arizona Daily Star

TUCSON, ARIZONA, THURSDAY MORNING, MARCH 23, 1933

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An Independent Newspaper
Printing the News Impartially.

PRICE FIVE CENTS

WIEDEN'S PLEA PUTS SALES TAX INTO LITIGATION

Phoenix Merchant Claims Emergency Clause Made Illegally
FIVE DEFENDANTS
Conference Report Approved by Less Than Two-thirds Vote

PHOENIX, March 22.—(AP)—E. C. Smith, Phoenix business man, through his attorney, Fred S. Struckmeyer, filed suit today challenging the legality of the Rosenbergs privilege sales tax act as an emergency measure.

Signor Monday by Governor Mearns, the act, under its provisions, becomes operative April 15.

Struckmeyer explained the suit was the first of a series of legal attacks intended to make ineffective the provisions of the act.

"The act contains defining the status of the measure," he said, "and two measures will be followed by a later group of amendments and extensions, headed by E. C. Smith."

"Should the courts uphold our contention that the measure is illegal as an emergency act, the provisions will be immediately null and void."

"I believe in this another act will be introduced, but the constitutionality of the act will be tried. This act will be approved by the legislature in a day or so."

The state officials who made defendants in the action. They were William M. Cox, state treasurer; Arthur T. LaFrance, attorney general; and Frank L. Jones, state auditor and Frank Moore, members of the state tax commission.

During the closing days of the 111th legislative session, Representative August Wieden, from Congress, challenged the right of Speaker S. A. Brown of the house to declare emergency measures.

The bill was passed by a 63-31 vote when it reached final roll call on the house on the first morning through that body. After the passage the bill was sent to the senate.

When the bill returned to the house and the senate passed the amendments approved.

Representative Wieden filed formal protest which has been referred to the committee.

The protest contended the house was approving essential parts of the bill without the proper number of votes, since the senate changes amounted to new provisions of the bill.

The complaint filed today asks the court to determine whether this legislative transaction is in violation of article IV, part 1, section 10 of the constitution, and to enjoin the act until it is declared unconstitutional.

WIEDEN PROTEST ENTERED IN JOURNAL
Representative August Wieden's protest against the method of passing the sales tax bill may be the first of considerable importance in this session.

When the bill, which had passed both houses, came back from conference the house voted 23 to 25 to concur in the amendments.

Speaker Weaver stated that the house had concurred. Wieden, however, said that since it required a two-thirds vote of each house to pass his amendment he did not concur.

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Ohio Overflows Its Banks Through Wide Area



Three two flood areas illustrate damage caused when a wave of flooding hit the Ohio river Monday. The flood waters of the Ohio river Monday overflowed their banks in a wide area of the state.

The flood waters of the Ohio river Monday overflowed their banks in a wide area of the state. The water was so high that it reached the roofs of buildings and trees.

At the left two residents of the hamlet of Cincinnati are shown wading through the water on the roof of a house partially flooded by the high water.

At the right a man is shown wading through the water on the roof of a house partially flooded by the high water.

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COULDN'T TRUST WIFE ON STAND, SAYS DR. JUDD

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SINGLE GERMAN STATE TO INCLUDE AUSTRIA PLANNED BY HITLERITE GOVERNMENT

Program Proclaimed Before Reichstag As It Prepares to Turn Over to Cabinet For Four Years Without Checks

WASHINGTON, March 22.—(AP)—A fourth display of Hitlerite strength today spread through the house to a more dramatic climax.

Two days of debate lasting with criticism of the drastic program which authorized only 98 opposition votes when the bill was passed.

The speaker for the union was Wilhelm Kube, the Nazi floor leader. Amid the greatest enthusiasm he saluted eight Alan Nazis who were in the gallery, and declared:

"As the leader of the Nazis in this house and as the order of Chancellor Hitler, I, as a Prussian, say that we Prussians are Pan-Germans, that we shall continue to be so, and that we shall have obtained our goal even if all Germany, including Prussia, is to be united with Austria, in one great state which will have no checks or balances in the world."

BERLIN, March 22.—(AP)—The aspirations of Chancellor Adolf Hitler's Nazis for a political union of Germany and Austria were emphatically proclaimed today at the opening session of the Prussian diet.

The speaker for the union was Wilhelm Kube, the Nazi floor leader. Amid the greatest enthusiasm he saluted eight Alan Nazis who were in the gallery, and declared:

"As the leader of the Nazis in this house and as the order of Chancellor Hitler, I, as a Prussian, say that we Prussians are Pan-Germans, that we shall continue to be so, and that we shall have obtained our goal even if all Germany, including Prussia, is to be united with Austria, in one great state which will have no checks or balances in the world."

MOEUR VETOES CITY TAX BOND
Signs Contractors' Bill and Ends Work of Legislature

PHOENIX, March 22.—(AP)—Governor Moore today signed the bill which authorized the city of Phoenix to issue bonds for the construction of a new city hall.

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AFTERMATH OF FLOOD FEARED

Epidemics and Collapse of Buildings Are Being Guarded Against

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Roosevelt and Garner Smile As They Sign Beer-Wine Law

President Uses Four Pens, Sending Them to Federation of Labor, Legion and Two Congress Sponsors; Asks List of Bootleggers in U. S. Prisons

WASHINGTON, March 22.—(AP)—With smiles, the Roosevelt and Garner today signed the beer-wine law.

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DORAN SEES END OF BEER RACKET

Chaps to Sell Legally, Says Commissioner of Alcohol

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BEER? BUT ONLY IF YOU GET FOOD, TOO

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HUNDREDS CLAMOR FOR BREWERY JOBS

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STUDEBAKER OPENS SOUTH BEND PLANT

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SARAH E. MOGNETT PIONEER, IS DEAD

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DO SOMETHING, IS PLEA OF EMPLOYER

WEST ORANGE, N. J., March 22.—(AP)—A plea of "do something" is being made by employers to the government to help them find work for their unemployed workers.

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