

## GUFFEY COAL ACT HELD UNCONSTITUTIONAL

### JERSEY PRIMARIES GRIP ATTENTION OF NATIONAL POLITICS

Roosevelt Unopposed For  
Delegate Slate, But  
Breckenridge Is En-  
tered There

BORAH AND LANDON  
SEEK G. O. P. VOTES

Fight Between Hoffman  
and Fort To Be G. O. P.  
Delegates Based on Hoff-  
man's Activities for Haupt-  
mann; Both Are Pledged  
To Landon Standard

Washington, May 18.—(AP)—A big  
week of pre-convention politics got  
under way today, with major tension  
directed toward a strength test be-  
tween supporters of Senator Borah,  
of Idaho, and Governor Alf M. Lan-  
don, of Kansas, in tomorrow's State-  
wide presidential primary in New Jer-  
sey.

While neither of these two Repub-  
licans officially entered the primary,  
their supporters put the two names  
into the presidential contest and en-  
tered candidates for delegates in nearly  
all of the 14 congressional districts.

A fight between Governor Harold  
G. Hoffman and Former Representative  
Franklin W. Fort for a seat as  
delegate-at-large to the Republican  
convention is a feature of the New  
Jersey primary. Fort opposes Hoff-  
man on the issue of the latter's ac-  
tivities in the Hauptmann case. Both  
are pledged to Landon.

On the Democratic side, President  
Roosevelt is assured the State's 32  
convention votes, although Colonel  
Henry Breckenridge of New York is  
entered alone in the vote for presi-  
dential preference.

### SEEKS COMPROMISE ON COMMODITY BILL

Senate Agriculture Body Considers  
Changes in Cotton Futures Ex-  
change Contract

Washington, May 18.—(AP)—The  
Senate Agriculture Committee consid-  
ered a compromise on proposed leg-  
islative changes in the New York cot-  
ton futures exchange contract today  
in an effort to reach an agreement on  
the commodity exchange bill.

After brief consideration, however,  
the committee adjourned until tomor-  
row to receive recommendations from  
Secretary Wallace.

The changes suggested as a result  
of the agriculture committee's cotton  
futures investigation would restrict  
trading in cotton futures and reduce  
the number of southern points at  
which cotton sold on New York con-  
tracts could be delivered.

### STOCKS SWING HIGH ON COAL ACT RULING

New York, May 18 (AP)—The stock  
market swung into a sharp advance  
today following announcement that  
the Supreme Court had declared por-  
tions of the Guffey coal act un-  
constitutional. In the buying rush many  
early declines were cancelled and re-  
placed with gains of \$1 to around \$4  
a share.

### Looters In Addis Ababa Given Death

Meanwhile, Europe  
Wrestles With Its  
Problems of Ger-  
many and Italy

(By The Associated Press.)  
Native bandits were executed today  
by military tribunals in the former  
Ethiopian capital for murder during  
the looting of Addis Ababa.  
Ethiopians caught in the act of  
pillaging and killing were placed be-  
fore the guns of the troops as Fas-  
cists sought to halt sporadic raids.  
The annexation of Ethiopia by Italy  
and the still outstanding problem of  
German remilitarization of the Rhine-  
land zone were two vital questions to  
be discussed at a special cabinet ses-  
sion in London. Anthony Eden was  
expected to report to his government  
on the progress of his conferences  
with foreign diplomats at Geneva.

### Human "Guinea Pig"



Jerome J. Shepard

Describing his life as a complete  
failure, Jerome J. Shepard, formerly  
of Cleveland, O., has offered himself  
at Phoenix, Ariz., to medical science  
as a human "guinea pig" for labora-  
tory disease serum tests. Shepard,  
who has been a fireman and also was  
on the legitimate stage with Otis  
Skinner, says he is tired of a make-  
shift existence and wishes to offer  
himself to "service of fellowmen."

### McDonald's Rivals Are Encouraged

They Think McDon-  
ald Strength Defi-  
nitely Waning;  
Claim East Wavers

Daily Dispatch Bureau,  
In The Six Walter Hotel,  
By J. C. BAKER, VILL.

Raleigh, May 18.—There is more  
optimism today in the headquarters  
of Clyde R. Hoey than since the cam-  
paign for the Democratic nomination  
for governor opened. His managers  
and workers are now definitely con-  
vinced that Dr. Ralph W. McDonald  
is slipping and slipping fast all through  
the eastern counties, which so far  
have been overwhelmingly for him.  
The severe hammering which Mr.  
Hoey gave Dr. McDonald and his pro-  
gram all last week in his intensive

(Continued on Page Four.)

### CIVIL GOVERNMENT IN BOLIVIA OUSTED

Peaceful Military Coup Car-  
ried Out By Soldiers  
and Socialists

La Paz, Bolivia, May 18.—(AP)—A  
provisional junta of soldiers and So-  
cialists ruled Bolivia today, after the  
civilian government of President Jose  
Sorzano fell in a peaceful military  
coup.

The new council called war hero  
Colonel David Toro back from the  
Grande Chaco to become president,  
gained suspension of a general strike  
movement and proclaimed as its ob-  
jective to "orient the nation toward  
a socialistic state by prudent, gradual  
means, without convulsions."

Advices from the interior indicated  
absolute tranquility prevailed through-  
out this South American state of  
almost 3,000,000 people.  
Colonel German Busch, acting chief  
of the Bolivian army general staff,  
led the swift, successful La Paz coup  
d'etat.  
So sudden and unexpected was the  
movement that President Sorzano  
worked at his desk until late Satur-  
day night, left the palace without  
noticing the slightest indication of a  
plot and announced he would return  
to his office this morning.

### Measures the Brain



Dr. Hallowell Davis of the Harvard  
medical faculty is shown with the  
instrument with which he measured  
the electrical energy of the human  
brain at the American Medical As-  
sociation's scientific exhibit in  
Kansas City.  
(Central Press)

### HOOVER'S PULL AT CONVENTION TALKED

Walter Brown, Ohio, For-  
mer Postmaster General,  
Speaks for Him

LANDON CHANCE BEST

But Secret Conferences in Clubs and  
on Lake Erie Yachts May De-  
cide G. O. P. Nominee  
for Presidency

By LESLIE EICHEL,  
Central Press Staff Writer  
How strong will former President  
Hoover be at the Republican Nation-  
al Convention in Cleveland next  
month?

That question has been asked many  
times in Cleveland since the Ohio pri-  
maries. The Republican "Old Guard"  
won 47 of Ohio's 52 convention dele-  
gates in a fight with Senator William  
E. Borah.

The "Old Guard" was under the  
leadership of Walter F. Brown, of To-  
ledo, who was Hoover's postmaster  
general. But Clarence J. Brown, also  
a power, who led the field among the  
candidates for delegate-at-large, is Col.  
Frank Knox's Ohio campaign man-  
ager. And Robert A. Taft, for whom  
the majority of delegates are pledged  
to vote for (on the first ballot) as  
"favorite son", is friendly to Gov.  
Alfred E. Landon; in fact, even has  
been mentioned as a running mate.

It must be recalled that the so-  
called Hoover slate won in California  
—although the delegation is counted  
as pro-Landon.

If Hoover is to have any say in the  
convention, it probably will be  
through Walter F. Brown, "boss" of  
the Ohio delegation, a crafty politi-  
cian. He is assumed to be the former  
president's chief tactician.

The question is: "How far will Wal-  
ter Brown go?"

Cleveland, full of pre-convention po-  
liticians, believes that Brown is in an  
admirable trading position. With,  
however, approximately 400 delegates  
(out of a necessary 501) already indi-  
cated for Governor Landon, Brown  
will do his "trading" with the Landon  
forces.

According to the best information  
available in Cleveland, the Ohio dele-  
gation will split like this on the sec-  
ond ballot:

For Landon, 38; Borah, 5, and four

(Continued on Page Four.)

### Eden Says Tales Dum-Dum Bullets Were Fabricated

London, May 18.—(AP)—Foreign  
Secretary Anthony Eden charged be-  
fore the House of Commons today  
that forgery, deception and trickery  
were used to obtain "fabricated evi-  
dence" of Ethiopian dum-dum bullets  
purportedly made in England.  
He said the evidence was obtained  
by Colonel Pedro Lopez, whom the  
British knew as a "notorious purveyor  
of false information."

Stung by Italian allegations which  
were hastily withdrawn from Geneva  
last week, Eden took advantage of  
questions in the Commons to tell the  
story of Lopez's activities.

He began the narrative after tell-  
ing the Commons that he was un-  
aware of any practical steps which  
could be taken to bring the United  
States into the League of Nations.

### NEW DEAL HANDED FURTHER REVERSES IN SUPREME COURT

Six-to-Three Decision Says  
Conclusion Unavoidable  
As To Price-Fixing  
Order

CARDOZO, BRANDEIS,  
STONE DISSENTERS

Chief Justice Hughes, in  
Separate Opinion, Says  
Act Might Be Sustained as  
to Marketing Provisions of  
Interstate Commerce; Big  
Audience Present

Washington, May 18 (AP)—  
The New Deal lost today in the  
Supreme Court in its contention  
that the Guffey soft coal act was  
unconstitutional.

In a trenchant decision, the court  
said the conclusion was unavoidable  
"that the price-fixing provisions of  
the (bituminous) code are so related  
to the dependent upon the labor pro-  
visions, as conditions, considerations  
or compensations as to make it clear-  
ly probable that the former, being  
held bad, the latter would not have  
passed."

"The fall of the former (before the  
court), therefore, carries down with  
it the latter."

"The price-fixing provisions of the  
code are thus disposed of without com-  
ing to the question of their constitu-  
tionality; but neither this disposition  
of the matter nor anything we have  
said is to be taken as indicating that  
the court is of opinion that these pro-  
visions, if separately enacted, could  
be sustained."

The six-to-three decision was deliv-  
ered by Justice Sutherland before a  
crowded audience.

Justice Cardozo, Brandeis and Stone  
dissented.

A separate opinion was delivered by  
Chief Justice Hughes, who contended  
the act might be sustained "in rela-  
tion to the provisions for marketing  
in interstate commerce."

"The decisions of the courts below,  
so far as they accomplish that result,  
should be affirmed," he asserted.

The majority held that Congress,  
in the law, had exceeded its power un-  
der the Constitution in attempting to  
regulate interstate commerce.

Constitutionality of the Guffey act  
to permit Federal control of prices,  
wages and hours in the bituminous  
industry had been challenged by  
James Walter Carter, West Virginia  
and Virginia producer, and by 19 Ken-  
tucky operators.

The majority also held that it was  
an improper delegation of power to  
permit a majority to dominate a mi-  
nority so far as wages and hours in  
an industry are concerned.

"The delegation," the opinion as-  
serted, "is so clearly arbitrary and so  
clearly a denial of rights safeguarded  
by the due process clause of the fifth  
amendment that it is unnecessary to  
do more than refer to decisions of  
this court, which foreclosed the ques-  
tion."

### 8 Drown In 2 Carolinas In Week-End

(By The Associated Press.)  
Eight persons drowned in the Car-  
olinas during the week-end.

Six of them were in North Carolina,  
two in South Carolina.  
A father and three sons lost their  
lives while fishing in the Toxaway  
river, near Brevard.

Raymond Fisher, 35, stepped into  
water over his head while seining  
and three of those who went to his  
rescue, Ben Fisher, 60, Odell Fisher,  
28, and Otis Fisher, 19, drowned with  
him.

Harrison Holden, 14-year-old boy,  
drowned while swimming in the Val-  
ley river near Marble, N. C.

Pinkey Marley, 21, drowned when  
his boat capsized on Kimesville lake,  
near Greensboro.

### OUR WEATHER MAN

FOR NORTH CAROLINA.  
Partly cloudy tonight and Tues-  
day; scattered thundershowers in  
north and west portions Tuesday;  
cooler in west and north central  
portions Tuesday afternoon.

### Resettlement Program Held Unconstitutional In Ruling By District Federal Court

#### The G-Man Has a Heart



Little Iris Arlene Hildebrandt, daughter of a deceased ex-service man,  
pins a Buddy Poppy on J. Edgar Hoover, No. 1 G-man. Hoover halted  
in the midst of his work of apprehending Public Enemies to help the  
cause of the disabled veterans.  
(Central Press)

### Six Lepers Escape And Kill Seven Near Manila

### Zeppelin Battles Rain In Atlantic

New York, May 18.—(AP)—The  
Zeppelin Hindenburg, weathering a  
heavy rainstorm, steadily sped far  
over the North Atlantic today  
on its second flight from Germany  
to the United States.

The Hindenburg left Frankfurt,  
Germany, at 11:35 p. m., eastern  
standard time, Saturday.

At 7 a. m., eastern standard time,  
the Hindenburg reported her posi-  
tion as about 1,500 miles east of  
New York.

### G. O. P.'S CAMPAIGN IS BADLY BUNGLED

"High Command" Unaccus-  
tomed to Operating As  
Minority Politicians

By CHARLES P. STEWART  
Central Press Staff Writer

Washington, May 18.—The ineptitude  
of the Republican management in  
shaping the preliminaries of the G. O.  
P.'s coming campaign is the subject  
of much astonished comment in po-  
litical circles.

In the past the Democrats general-  
ly have been the folk who have bung-  
led.

The Republicans have had a reputa-  
tion as very able strategists. Now  
their fingers all seem to be thumbs.

Individual candidacies for the G. O.  
P. presidential nomination are being  
handled judiciously enough. For ex-  
ample, Governor Alf M. Landon of  
Kansas appears to be an extremely  
crafty aspirant. Colonel Frank Knox  
undoubtedly has done the best he  
could for himself. Senator William E.  
Borah of Idaho has committed no se-  
rious "faux pas." Senator Arthur H.  
Vandenberg of Michigan is a good  
dark horse.

Who isn't the candidates, separately,  
who are so persistently falling over  
their own feet.

It's the Republican organization,  
collectively.

NOT USED TO IT

Apparently the trouble with them

(Continued on Page Five.)

### U. S. AND FINLAND SIGN TRADE PACT

Washington, May 18 (AP)—The  
United States and Finland today sign-  
ed a reciprocal trade agreement de-  
signed to expand their commercial  
relations. Details of the agreement  
were withheld.

### CONGRESS MAY BE ASKED TO REVAMP 1935 RELIEF LAW

Entire Court of Five Holds  
Authority Lacking, But  
Two Partially  
Disagree

RELIEF WORK WILL  
GO ON, REGARDLESS

New Deal Officials Confer  
To Determine Status Of  
Act and Decide on Wheth-  
er To Take an Appeal;  
Opinion of Court Is Sweep-  
ing in Its Nature

Washington, May 18 (AP)—  
Attacking the 1935 relief act  
through a test case involving  
the Resettlement Administra-  
tion, the District of Columbia  
Court of Appeals held today  
that it transgressed the Con-  
stitution.

Three of the five judges ruled, as  
had the Supreme Court in the NRA  
and AAA cases, that the law appropri-  
ating \$4,880,000,000 delegated pow-  
ers improperly to President Roose-  
velt and violated states' rights. The  
Resettlement Administration was con-  
sidered invalid.

New Deal officials conferred at  
once to see where the decision left re-  
lief policy. Whether an appeal would  
be taken was uncertain.

A spokesman for Harry L. Hopkins  
said the work relief program would  
go on, despite the decision.

With Congress in session, he said

(Continued on Page Five.)

### KILLS HIMSELF AS OFFICERS COME UP

Man Wanted for Robbery in Green-  
ville Shoots Himself in Taxi-  
cab in Goldsboro

Goldsboro, May 18 (AP)—A man  
identified by papers in his pocket as  
Rudy Eilers, 20, was shot to death in  
a taxicab here today and officers said  
he committed suicide to avoid arrest.

The Goldsboro police department  
had just received a request from  
Greenville, N. C., police asking ap-  
prehension of a man said to tally with  
Eilers' description, on charges of hav-  
ing held up a filling station. The  
two officers had spotted Eilers in the  
taxicab and were in the act of stop-  
ping the car when the shooting took  
place.

### Tax Revenue Totals Fixed By Treasury

Estimates of Prob-  
able Yield from New  
Compromise Pro-  
posal Submitted

Washington, May 18.—(AP)—The  
Treasury estimated today that the  
latest compromise tax plan of the  
Senate Finance Committee would pro-  
duce \$642,000,000, of which \$173,000,  
000 would come from individual in-  
come tax payers.

Indicative, however, of the fact that  
the committee still is groping for an  
agreement on how to re-write the  
tax bill as it passed the House were  
requests for additional estimates on  
other ways of raising the \$623,000,000  
of permanent revenue sought by the  
President.

Chairman Harrison, Democrat, Mis-  
sissippi, named three sub-committees  
to report Wednesday morning on the  
"windfall" tax feature of the measure  
on a provision for refunds on floor  
stocks on hand at the time of in-  
validation of the AAA and on "the  
question of insurance that might be  
applied to pay the government's  
taxes."