

19 PRIVATE POWER COMPANIES REVOKE SUIT AGAINST TVA

Dismissal in Birmingham Courts Ordered At Request of Companies' Attorneys

MOTION TO DISMISS WAS ALREADY MADE

Similar Suit Is Still Pending, However, In Tennessee Federal Court; Both Were Filed Last May, Challenging Constitutionality of the TVA Act

Lexington, Tenn., Sept. 5.—(AP)—The Tennessee Valley Authority's legal division was notified today that a suit brought against the TVA by 19 private power companies in Federal court in Birmingham had been dismissed at the request of attorneys for the power companies.

James Lawrence Fly, general solicitor for the TVA, said he was informed of the action by a Cleveland law firm, acting for the power concerns.

The TVA motion in the Birmingham suit asked dismissal on grounds that no issue had been raised by the companies that had not been passed on by the United States Supreme Court decision in the Ashwander case.

A suit similar to the one filed in Birmingham still is pending in Federal court in Tennessee.

Both suits were filed by the power companies last May, and asked that the power program of the government agency be decreed in violation of the Constitution of the United States.

"I am pleased to have it reduced to one suit," Fly said.

A TVA motion in the Tennessee suit asked dismissal on grounds of jurisdiction, the Authority contending it could not be sued outside of the northern district of Alabama, its legal residence. Arguments on the jurisdiction question are scheduled before Federal Judge John Gore at Cookeville, Tenn., next Friday.

HIGH AVERAGES ON TOBACCO REPORTED

Rocky Mount, Greenville, Goldsboro, Kinston All Show Good Prices On Weed Sales

Rocky Mount, Sept. 5.—(AP)—Sales of 578,780 pounds of tobacco on the Rocky Mount market yesterday for \$135,823.32 for an average of \$23.48 per hundred brought the week's sales the week's sales here to 2,051,442 pounds for \$438,644.06, an average of \$23.58.

OTHER MARKETS ALSO GET GOOD AVERAGES FOR WEEK

Raleigh, Sept. 5.—(AP)—Tobacco sales on New Bright Belt markets yesterday included: Greenville, 611,126 pounds, \$22.50 average. Goldsboro, 132,784 pounds, \$24.60. Kinston (estimated), 800,000 pounds \$25.

WILSON REPORTS AVERAGE OF \$24.35 IN FRIDAY SALE

Wilson, Sept. 5 (AP)—Sales on Wilson's tobacco market yesterday amounted to 791,458 pounds for an average of \$24.35. Sales since the market opened Tuesday totaled 2,536,090 pounds, bringing farmers \$605,128.87, an average of \$23.86 per hundred, compared with 3,300,018 pounds for \$685,521.71 and \$20.77 average for the first four days of the 1935 season.

Industry Steps To New High

New York, Sept. 5.—(AP)—Steaming along at close to the year's peak, the tempo of industry was speeded up another notch this week.

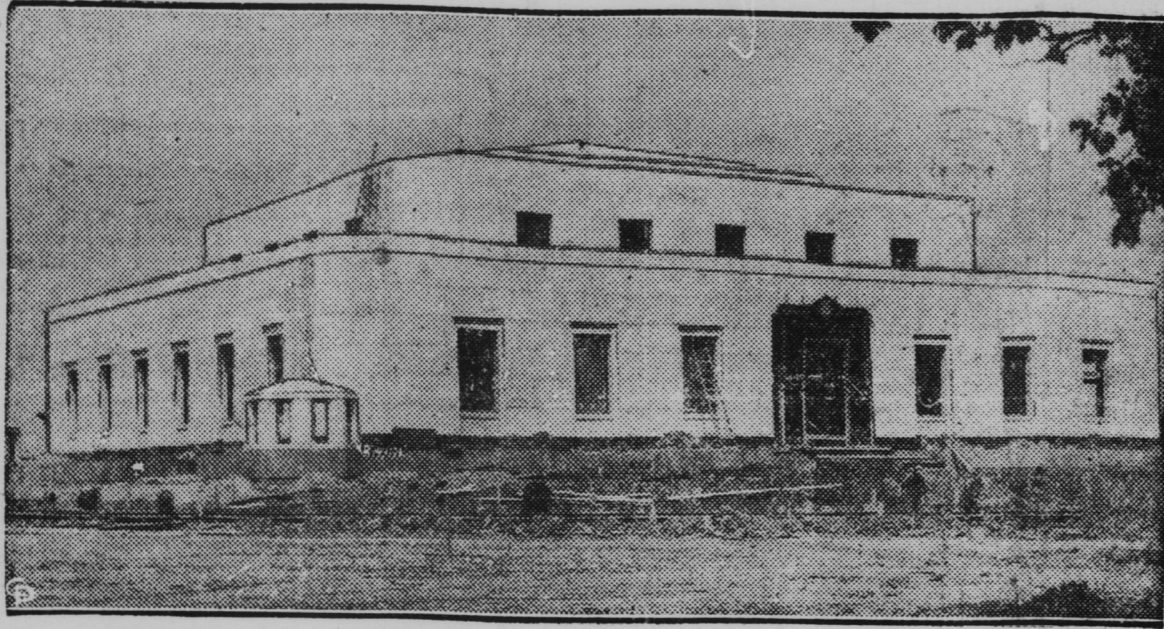
The Associated Press seasonally adjusted index of industrial activity advanced to 5.2 from 95.1 last week and compares with 72.7 in the same week last year.

Electric power output again established a new peak for any week. Residential building pushed ahead to the best figure since July, 1931, with apartment and private home building near the big centers outstripping the most optimistic estimates of a few months ago.

Railroad carloadings scored more than a normal rise, with coal shipments jumping sharply in the face of warnings that the supply this fall and winter might be short.

Automobile production fell and steel mill activity and cotton manufacturing dipped slightly.

GOVERNMENT GOLD TRANSFERRED TO NEW VAULT



The new depository at Fort Knox, Ky. A great portion of the gold supply of the U. S. government is being transferred secretly to this new depository at Fort Knox, Ky., recently completed. The vault is believed to be the most inaccessible in the entire world. It is situated near the army post at Fort Knox. —Central Press

Ten Rebel Unions Officially Out Of A. F. L., Green Says

Gov. Landon Want Labor To Be Free

Topeka, Kans., Sept. 5.—(AP)—Governor Alf M. Landon said today in a Labor Day address proclamation that "labor should be free to organize for fair consideration x x x forever free from governmental or any other form of coercion."

Road Work Proceeds On Larger Fund

Highway Commission Ready To Start Spending \$2,800,000 Immediately

Raleigh, Sept. 5.—Final approval for the expenditure of \$2,800,000 more of the highway fund "surplus" for the further improvement and betterment of the roads, chiefly county roads, was announced today by Governor J. C. B. Ehringhaus and Chairman Capus M. Waynick, of the State Highway and Public Works Commission. This means that the new fall road improvement program which the highway department has had in readiness for several weeks, pending the approval of the expenditure of this additional amount in excess of the amount appropriated by the 1935 General Assembly, will go ahead immediately, Waynick said.

Townsville Road Award Announced

Raleigh, Sept. 5 (AP)—Vance Baise, chief highway engineer, announced today that Godwin & Company, Inc., of Raleigh, had been awarded the contract for grading, structures and surfacing on 6.7 miles of Route 39 from Henderson toward Townsville, in Vance county, with a low bid of \$62,193.

Long-Threatened Split In American Labor at Last Becomes Reality by Action

RIVAL LABOR BODY NOW SEEMS LIKELY

John L. Lewis, Head of Ousted Group, Says He Considers His Organization Outside Federation Now; Will Promote Unions in Unorganized Industries

Washington, Sept. 5.—(AP)—William Green, president of the American Federation of Labor, declared officially today that the ten unions in the committee for industrial organizations were out of the federation.

In talking to reporters Green insisted that the unions led by John L. Lewis, president of the United Mine Workers, had "withdrawn from the federation" and had not been suspended.

On August 5 the executive council of the American Federation of Labor called upon the organizations holding membership in the C. I. C. committee for industrial organization, to make their choice within 30 days as to whether they would withdraw from affiliation with the A. F. of L., or discontinue their membership in the C. I. C.

"These organizations which make up the C. I. O. have made their decisions. Their representatives have chosen to continue membership in the C. I. O. and to withdraw their affiliation with the A. F. of L."

Green's statement that the ten unions had "withdrawn" conflicted with the general impression that the Federation's executive council had suspended them.

The long-threatened split in the federation became an actuality amid hints that suspended unions, numbering about one-third of its 3,500,000 members, would form a rival federation.

The unions, found guilty of "insurrection," defied the federation executive council's order to leave the committee for industrial organization.

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SAYS PRANKSTERS DID ALL FLOGGING

Solicitor Burney Does Not Think White-Robed Night Riders Blamed

Whiteville, Sept. 5.—(AP)—Solicitor John Burney said today rural pranksters and not white-robed night riders were responsible for a series of floggings in a remote section of Columbus county.

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Perfect Marksman



Major William P. Richards (above) of the United States Marines, realized the ambition of every marksman when he shot the first perfect pistol score ever recorded by the Navy. Major Richards' home is in Spokane, Wash. —Central Press

FIREWORKS LIKELY AT LIBERALS' MEET

Statement by House of Support for Ticket Not Binding, Some Say

Daily Dispatch Bureau, in The Sir Walter Hotel, N. J. C. BASKERVILLE, Raleigh, Sept. 5.—Everything may not be hunky-dory when the Liberal Democrats hold their first State convention here Tuesday, September 8, to complete their permanent organization and outline their program for the coming year. It will convene at 12 o'clock noon in the Carolina Hotel and the list of speakers is expected to include Dr. Ralph W. McDonald, of Winston-Salem, who had the support of the "liberal" Democrats for the nomination for governor in the Democratic primaries, although at that time the organization of the Liberal Democrats had not been begun.

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MAN FROM RANKS TO FOLLOW NOBLE

Governor Not To Pay Debts With Job, Though Many Want It Badly

Daily Dispatch Bureau, in The Sir Walter Hotel, N. J. C. BASKERVILLE, Raleigh, Sept. 5.—In spite of the scramble already under way in political circles for the post of assistant commissioner of revenue, which will be vacated by Dr. M. C. S. Noble, Jr. Sept. 15, when he will become an employe of Mr. Rockefeller instead of the State of North Carolina, and in spite of the many names which are being mentioned as "possibilities" for the appointment, no one but Governor J. C. B. Ehringhaus and Commissioner of Revenue A. J. Maxwell really has any idea of who the

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Government Resistance To Rebels Collapses Entirely At Irun In Northern Spain

English Woman Flier Is Grounded In Nova Scotia After Crossing Atlantic

Mrs. Beryl Markham Becomes First Woman Ever To Make Westward Crossing Alone

UNHURT IN LANDING, BUT PLANE DAMAGED

Was Heading for New York as Destination; Fought Desperate Weather All Way Across Water and Encountered It Over Newfoundland in Morning

Louisburg, Nova Scotia, Sept. 5 (AP)—(By Canadian Press)—Mrs. Beryl Markham's tiny monoplane, attempting a trans-Atlantic flight, was wrecked in a forced landing at Balienne Cove, on the northern tip of Nova Scotia, today.

Mrs. Markham was reported to have sustained only scratches about the face. The crash occurred at 12:50 p. m., eastern standard time.

Mrs. Markham notified the Cape Breton Air Club that she was safe and asked that a car be sent for her.

"The Messenger" was brought down in a field and damaged heavily, reports here said.

PLANE BELIEVED SIGHTED OVER NEWFOUNDLAND COAST

New York, Sept. 5.—(AP)—A plane believed to be that of Mrs. Beryl Markham, flying the North Atlantic alone from England, was reported by the Canadian Press to have passed over Renewes, Newfoundland, today at 8:35 a. m., eastern standard time.

The Canadian Press said the airplane was flying low and toward the west.

The time of the report was 19 1-2 hours after the English society woman took off from Abingdon, England.

An hour and a half earlier the woman, who said she wanted to be the first to fly the Atlantic from the east to the west, had been reported apparently sighted nearly 300 miles at sea.

Spectators along the shore of Renewes Harbor said the small airplane circled the bay while its pilot apparently checked maps, then started on a straight line for Cape Race, 25 miles to the southwest.

Ten minutes later persons at Cape Race said the plane had reached there. A few minutes later it flew over Brook Point.

Cape Race is 1,200 miles from New York by flying line.

The coast of Newfoundland was blanketed by heavy mists and rain.

Mrs. Markham fought storms from the moment of her take-off at 12:50 eastern standard time yesterday.

The weather off America was cold, misty and harried by a strong northwester.

Exports Of U. S. Cotton Show Gains

Washington, Sept. 5.—(AP)—An improved position for this country among the major exporters of raw cotton in the world for the season just closed, compared with the previous year, was reported today by the Department of Agriculture.

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Flies Atlantic



Mrs. Beryl Markham in a single-wing monoplane, "The Messenger," Mrs. Beryl Markham, 31-year-old mother and society woman of London, has flown alone across the Atlantic, from east to west to be the first woman to accomplish that feat.

She started from Abingdon, England, airport late Friday, and safely crossed the ocean, but early this afternoon made a forced landing in Nova Scotia. Her plane was badly damaged, but she escaped with minor bruises.

SAYS WAR CRISIS ABROAD CRITICAL

Events Like Bombing of U. S. Destroyer Off Spain Cause Conflicts

By CHARLES P. STEWART, Central Press Staff Writer

Washington, Sept. 5.—The other day I finished an article dwelling upon the ease with which Uncle Sam, despite all his efforts to remain neutral, may be involved in the next overseas conflict, if one breaks out, as seems almost inevitable; soon, too.

About the same hour, European time, that I was ending the article, a Spanish airplane was dropping bombs on the American destroyer Kane, in the Bay of Biscay, and the Kane was answering the Spaniards' fire.

If this doesn't prove that the situation is critical, I don't know how it can be demonstrated.

MISTAKEN IDENTITY The attack on the Kane was a case of mistaken identity on the Span-

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OUR WEATHER MAN

FOR NORTH CAROLINA. Generally fair tonight; Sunday and Monday; little change in temperature.

COUNTER-ATTACKS BY LOYALISTS ARE ALL BEATEN BACK

Desperate Struggle at Bridgehead Results in Terrible Casualties of Fighters

MADRID REGIME IS RESISTING BOLDLY

All Political Differences Submerged in United Effort to Beat off Rebel War; Paris Communists Demand Right to Send Aid to the Loyalists

(By The Associated Press) Government resistance in the rebel-captured city of Irun collapsed today after an unsuccessful counter-attack, while the new Spanish government in Madrid subordinated all political interests to the military emergency.

The government forces swept back toward charred Irun and again seized the approach to the international bridge into France.

Hundreds of their comrades who had fled to France forded the Bidasoa river and swarmed rebel positions before the insurgents had had a chance to fortify them securely.

The rebels rallied quickly, however, and drove the government militiamen from the international bridge with heavy casualties.

As the battle raged on unabated, the government leaders in the Madrid seat of their government directed their full force to aid the armies in the field.

"All political interests are to be subordinated to this end," an official statement said.

The Spanish government also announced rejection of proposals by Foreign diplomats for "humanizing" the civil war.

The war ministry, meanwhile, reported victories of government troops in Toledo province against Fascist columns driving toward Madrid.

Parisian communists threatened a general strike in France if the arms embargo were not lifted so that they could send "guns and planes to the Madrid cause."

Power Firms Would Check Federal Loan

Washington, Sept. 5.—(AP)—The Texas Utilities Company and the Alabama Power Company appealed to the Supreme Court today in an effort to prevent the government from making loans and grants to a number of cities for construction of a number of municipally-owned electric systems.

They asked the court to review a ruling by the United States District Court for the District of Columbia dismissing the petitions for an injunction. One Texas and several Alabama cities are involved.

The power companies said the issues presented by the litigation are

MCDONALD APPEAL IS AGAIN REFUSED

State Elections Board Declines To Reopen July 4 Primary Probe

Greensboro, Sept. 5.—(AP)—Dr. Ralph W. McDonald, who asked that the State Board of Elections reopen the investigation of the second primary on July 4, has been informed by Major L. P. McLendon, chairman of the State Board of Elections, that the matter has already been passed on by the State Board, and that the request is refused.

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