

BURGLAR CHARGE IS DROPPED WHEN JURY BANS ALL NEGROES

Judge Pless in Mecklenburg Superior Court Quashes Capital Count on Negro

SECOND CASE ALSO DEFERRED FOR TERM

Attorneys for Colored Defendants Base Stand on U. S. Supreme Court Ruling in Scottsboro Case; Pless Says Negroes Can't Be Tried if They Object

Charlotte, Oct. 7.—(AP)—Judge J. Will Pless, Jr., today quashed a burglary indictment against a Negro defendant and deferred the trial of two Negroes accused of murdering a taxi driver because there were no Negroes on the Mecklenburg county grand jury that voted the indictments.

Judge Pless, in superior court, upheld the contention of the defense in the case of Tommie Walls, charged with the capital crime of burglary, that the grand jury was "without constitutional status" owing to the failure of the county commissioners to have the Negro race represented.

He announced that the trial of Fred Steele and Sam Jones, youthful Negroes alleged by officers to have confessed the slaying of Clifford Fowler, taxicab driver, last week, would not be called tomorrow, as scheduled, since their attorney had informed him he would raise the same question.

Attorneys for the Negroes based their stand upon the ruling of the United States Supreme Court in the Scottsboro case from Alabama. In that the Negro defendants obtained a new trial because members of their race were excluded from the grand jury.

Judge Pless said the situation left the superior criminal court at the mercy of "the whims of the defendants, who, if they don't want to be tried, cannot be tried."

Before announcing his ruling, Judge Pless heard Baxter Hunter, chairman of the board of county commissioners, testify that it had been the practice to discard the names of Negroes drawn for both grand and petit jury service.

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Lone Survivor of 40



M. Goudec (above) is the only survivor of the ill-fated French exploration ship, *Fourquoi Pas*, which was destroyed in a storm off the coast of Iceland. One of the victims was the distinguished French explorer and scientist, Dr. Charcot.

Dave Clark Big Shot In Grid Policy

Charlotte Textile Leader Both Praised and Blamed for State Dabbling

Daily Dispatch Bureau. In the Sir Walter Hotel. By J. C. BASKERVILLE

Raleigh, Oct. 7.—The remote control exercised over State College football, including its coaches' Dave Clark, Charlotte industrialist and purported "angel" to many of the State players, is one of the things the "matter with the State football squad this year, according to a good many of the "fans" and alumni here who are anything but happy over the showing made by State so far and especially since the defeats by both Davidson and Wake Forest. The reports of friction between the native born North Carolina members of the football squad and the players brought in from other states continue, as do the reports of friction between Coach Hunk Anderson and some of his assistant coaches, although it is difficult to verify these reports since members of the squad shut up like clams if any questions are asked.

But many of the students, alumni, fans and even a few faculty members are dropping remarks here and there which indicate that something is radically wrong with the football business at State College, that all is not as harmonious within the squad as some would make it appear and that there is a lot of bitter feeling among the students and alumni alike towards Coach Hunk Anderson and Dave Clark. For whether there is any truth in it or not, the feeling is prevalent both among many of the State

(Continued on Page Three.)

Says Soil Program Patterned On AAA

Boston, Mass., Oct. 7.—(AP)—Russell T. Fisher, secretary of the National Association of Cotton Manufacturers, declared today the national administration sought, through the soil conservation act, to "secure similar results" to the invalidated agriculture adjustment act.

"The administration, far from being discouraged by this court action,

Fascist Threatened



Sir Oswald Mosley, above, leader of the British Union of Fascists, was threatened with cries of "kill Mosley" when anti-Fascists demonstrated and massed in London to force a sudden cancellation of a parade by the Fascists. Police broke up the demonstration and arrested more than 50.

DISSENSION OVER ASSEMBLIES BAN IN FRANCE VOICED

Communists Ask Socialists To Join In Defense of Freedom of Assembly

SUNDAY'S FIGHTING IN STREETS CAUSE

Communists Favor Suppressing 'Troublesome Leagues' and Were Surprised at Government's Action; Communists Affirm Desire to Assist in Perserving Order

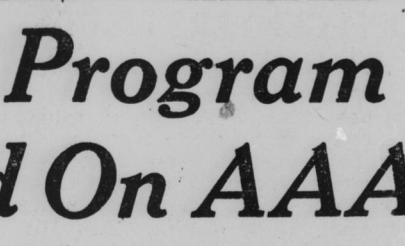
Paris, Oct. 7.—(AP)—Disension among government supporters sprang today from an official ban on political demonstrations.

Claiming communists asked Socialists to join with them "in defense of the freedom of assembly," after Premier Leon Blum's approval of an order prohibiting partisan meetings "susceptible to provoking hostile action and reaction and causing new agitation of public opinion."

(The ban issued by Interior Minister Roger Salengro followed disorder-

(Continued on Page Three.)

OUR WEATHER MAN



FOR NORTH CAROLINA.
Mostly cloudy tonight and Thursday; occasional showers; slightly warmer in north central and southeast portions tonight; cooler in extreme west portion Thursday.

Rebel Big Push On Madrid Begun And Success Follows Insurgents' First Attacks

GOVERNMENT ARMY BATTLES BITTERLY TO HOLD DEFENSES

Crumbling Lines Waver Before Fascist Juggernaut Men, Artillery and Planes

BATTLE RAGES FROM DAWN TO NIGHTFALL

Withering Artillery and Aerial Bombardment Cited by Fascist Leaders as Sample of Speed To Be Employed in Campaign to Capture Spanish Capital

(By The Associated Press.)

General Francisco Franco set the insurgent "big push" rolling against Madrid today.

Government militiamen fought bitterly to hold their crumbling defense lines against the Fascist juggernaut of men, artillery and bombing planes.

With a spearhead driven to within 20 miles of the capital on the southwestern front, the insurgents attempted to straighten out their front in a 40-mile sector from Naval Pearl, northwest of Madrid, to Torrejon, 16 miles southwest.

An insurgent column quickly swept the Santa Cruz del Retamar sector, Fascist headquarters claimed, occupying several strategic towns.

The assault extraordinary for the extent of territory it covered, began shortly before dawn, and lasted until nightfall. It was carried out under cover of a withering artillery and aerial bombardment, and Fascist leaders declared its scope indicated the speed which they intend to strike at the capital.

The harassed government troops held stubbornly to their positions, apparently unaware of the Fascist flanking movement in the Naval Parol sector.

The government claimed capture of three towns. It conceded, however, that insurgent artillery had cut communications between defense outposts and their supply base.

FLOOD CONTROL OF JAP COTTON ASKED

New Englander Asserts Coolie Made Goods Easily Undersell America

Boston, Oct. 7 (AP)—Frank I. Neild, president of the National Association of Cotton Manufacturers called today for "flood control" of Japanese cotton goods importation. Neild, head of a New Bedford cotton textile firm, told the 82nd annual meeting of northern cotton manufacturers that "goods made on the coolie wage scale can undersell goods made on the New Bedford wage scale on any market in the world."

URGES PARENTS TO FIGHT DIPHTHERIA

State Health Head Cites Increase of Disease Over Last Year Period

Raleigh, Oct. 7 (AP)—Dr. Carl V. Reynolds, State health officer, called on the parents of North Carolina children to "stop the terrible annual loss of life due to neglect of immunization against diphtheria."

Dr. Reynolds pointed to the occurrence of 12 cases of the disease in the State last week, nearly double the 64 in the corresponding week last year and up 41 from the 81 in the last week of September.

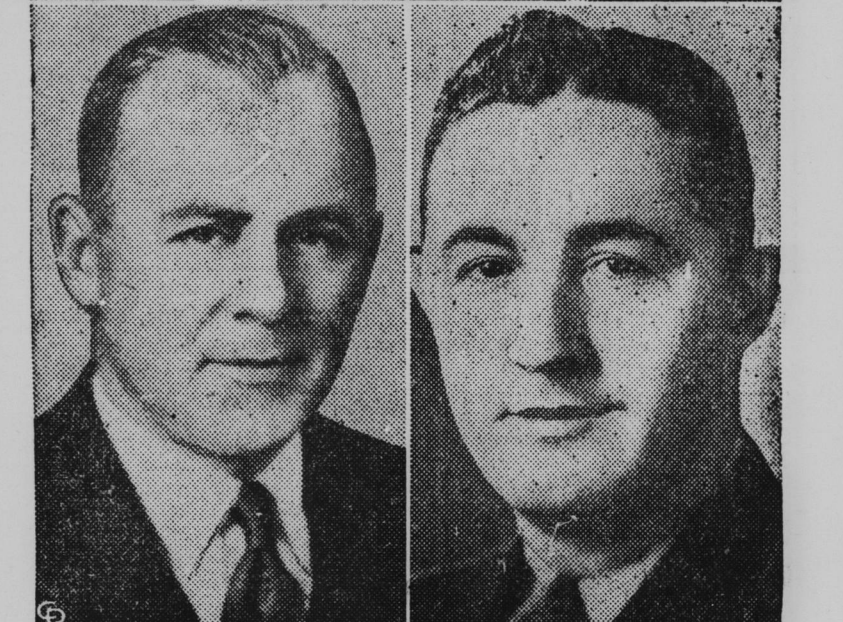
"The increase in diphtheria can be accounted for by neglect of parents to take advantage of immunization of infant children," the officer said.

"The time to really protect a child is when it is from six months to a year old when only one dose of toxoid is needed, and there is no danger from the immunization. Ninety five per cent of such immunizations are effective."

"This state pays a terrible toll. In 1935, the death rate was 4.7 per cent per 100,000 population in North Carolina, close to eight times as large as the .51 per 100,000 in New York State."

(Continued on Page Three.)

MINNESOTA DEAL AIDS F. D. R.?



The Farmer-Laborites, Representative Elmer Lundeen, upper left, and Senator Elmer Benson, upper right.

The withdrawing Democrats, Fred Curtis, lower left, and Patrick J. Delaney, lower right.

In an unprecedented action, the Democratic nominees for governor and the U. S. senate in Minnesota have withdrawn from the race. In withdrawing, the two, Fred Curtis, lower left, and Patrick J. Delaney, lower right, respectively, urged Democratic candidates to throw their support to the two Farmer-Labor candidates, Senator Elmer Benson, upper right, seeking the governorship, and Representative Ernest Lundeen, upper left, seeking the senatorship. A third Democratic candidate, Richard Walsh, also has withdrawn. He was seeking a congressional seat. The deal is supposed to bring Farmer-Labor support to President Roosevelt.

No Word Had From Ocean Solo Flier On His Way To Sweden

Stockholm, Oct. 7.—(AP)—A report that Kurt Bjorkvall, 31-year-old America to Sweden flier, had been sighted off the southern coast of Norway caused a brief flurry of excitement today but investigation disclosed the plane probably was not that of the flier.

The newspaper Tjningen, after an inquiry, announced a plane seen 40 miles south of Christian-sand, Norway, was equipped with pontoons, Bjorkvall, who left New York at 7:35 a. m. Tuesday, was flying a land plane.

New York, Oct. 7.—(AP)—Kurt Bjorkvall, 31-year-old Swedish aviator, flying alone in an attempted non-stop flight from

New York to Stockholm, remained unreported over the Atlantic today, although his red and green monoplane was due off the Irish coast.

His craft, the Pacemaker, carried only a radio receiving set and there was no possibility of receiving word of his progress except from ships, as he swung over the sea.

Bjorkvall's friends here expressed little apprehension for his safety, since the Bellanca plane, driven by a 450-horsepower motor, had a cruising speed of only 120 miles an hour, and he was not expected to make full speed because of the headwinds predicted near the Irish coast.

They said his supply of gasoline was ample.

LABOR OFFICIALS SEE FDR VICTORY

Fletcher Says 34 States' Representatives Predict Re-Election

Daily Dispatch Bureau. In the Sir Walter Hotel. By J. C. BASKERVILLE.

Raleigh, Oct. 7.—The labor officials of 34 states attending the 22nd annual convention of the International Association of Governmental Labor Officials in Topeka, Kansas, almost without exception agreed that the bulk of the labor vote, both organized and unorganized, would be cast for President Roosevelt, and that he would without doubt be reelected. A. L. Fletcher, commissioner of labor in North Carolina, and newly elected president of the International Association of Governmental Labor Offi-

(Continued on Page Three.)

ROOSEVELT'S SON DRAWN INTO FIGHT ON AIRPLANE DEAL

Affidavit Charges Elliott Roosevelt Was To Get \$500,000 on Sale to Soviet Russia

PRESIDENT SPEAKS IN OMAHA SATURDAY

Will Also Talk in Denver, Chicago and Detroit on Trip West; Landon Prepares for Invasion of Lakes States; Wheeler and Knox Dive Into Campaign

(By The Associated Press.)

While New Dealers and their foes whod away at each other more lustily than ever today, an additional argument arose over an affidavit saying that Elliott Roosevelt, son of the President, contracted to sell 50 military planes to Russia, for a \$500,000 commission.

Attributed to Anthony H. G. Fokker, airplane manufacturer, the document was made public by aides of the Senate Munitions Committee, who said Chairman Nye, Republican, North Dakota, had ordered its release.

Young Roosevelt denied he even agreed to sell military planes to any government.

While campaign strategists studied this development, President Roosevelt and Governor Landon spent much time preparing for forthcoming speaking tours.

The only definite date announced for Mr. Roosevelt on his western swing, to start this week, is a speech at Omaha Saturday night, but there were indications of other addresses at Denver, Chicago and Detroit, among other places.

On the eve of a departure for a drive through the lakes states, Governor Landon set aside time to confer today with Gifford Pinchot, former Governor of Pennsylvania.

Senator Wheeler, Democrat, Montana, said in a broadcast address at Washington last night that the administration earned the hatred of "economic royalists" by moving to curb "monopoly and excessive concentration of economic power."

Colonel Frank Knox told a Pater-son, N. J., audience that the New Deal campaign was a "shabby spectacle" and an attempt to gain favor by "lavish gifts from the public treasury."

JOHNSTON ORDERS TROOP WITHDRAWAL

Union, S. C., Mill Begins Operation of Double Shift After Long Strike

Columbia, S. C., Oct. 7.—(AP)—Governor Olin Johnston announced today that a company of National Guardsmen at the Monarch mills strike at Union "probably will be withdrawn in 24 hours."

His statement followed an announcement from the management at Union that the mill would resume double shift operation this afternoon for the first time since textile union members struck September 9.

The governor indicated he had decided not to act upon a request said to have come from 950 Union county residents, a Monarch mill village magistrate and a Spartanburg union asking that he declare a state of insurrection and to put the troops in full charge.

TWO N. C. MEN FACE VA. MURDER COUNTS

Mt. Airy Citizens Charged With Mailing Bomb to Cape Charles Farmer

Eastville, Va., Oct. 7.—(AP)—Charles Langford, Jr., Northampton county prosecutor, said today that the cases of two Mt. Airy, N. C. men, charged with the mail bomb killing of Curry Thomas, farmer, would be laid before a regular grand jury meeting here November 9.

The commonwealth attorney said he had decided that a special grand jury would not be necessary to consider evidence against Dr. H. R. Hege, 37-year-old dentist, and Ed Banner, WPA foreman, both of whom were jailed on murder charges here yesterday morning.

Hege was receiving treatment this morning for a severe cut on the wrist near the artery, which he told officers was accidentally inflicted last night when his watch crystal broke.

Hege and Banner are charged with mailing a bomb which killed Thomas at Cape Charles, July 22, and injured his bride of six weeks.

(Continued on Page Three.)

(Continued on Page Two.)

FARMERS OF NASH TALK OF COMPACTS

Congressman Harold Cooley One of Speakers to 1,500 Farmers Today

Nashville, N. C., Oct. 7.—(AP)—around 1,500 farmers were expected to assemble here today for a tobacco compact legislation session at the court house with Congressman Harold D. Cooley, of Nashville, F. P. Spruill, Rocky Mount banker, and J. E. Winslow, of Greenville, president of the State Farm Bureau Federation, as the principle speakers.

E. B. Sellers, Jr., committeeman for the Nash unit of the farm bureau, said the purpose of the meeting was to discuss plans for tobacco compact legislation to be presented to the State legislature in January.