

TVA LOSES OUT IN FIRST SKIRMISH ON POWER FIRM SUITS

Federal Judge Gore at Nashville Refuses TVA Motion To Dismiss Utilities Complaint

MEANS GORE WILL PASS UPON ISSUE

He Will Decree Constitutionality of Government's Gigantic Power Yardstick; Answers Given in Supreme Court Will Determine Future of Program

Nashville, Tenn., Oct. 16.—(AP)—Federal District Judge John D. Gore, overruled today a motion by the Tennessee Valley Authority to dismiss a suit brought against it by 19 power companies, but did not pass upon the question of the constitutionality of the TVA act.

The effect of the decision, in the opinion of attorneys, is to keep the suit before Judge Gore for hearing on the constitutional issues involved. On the answers eventually given to those questions by the Supreme Court, it is generally agreed the TVA power program likely will stand or fall.

"There may be cases where it would be proper to look to the constitutionality of the act to determine the question of jurisdiction," the judge said in a written opinion, "but I think the case made by the averments in this bill brings it within the jurisdiction of this court, regardless of the constitutionality of the Tennessee Valley Authority act."

"I think the averments, if proven, strip the defendants of their official character and constitute them private citizens in that regard x x x and when such conditions exist they are subject to suit in any court of competent jurisdiction where they are committing said illegal and unconstitutional acts and where process can be served."

The power company suits were brought originally in chancery court in Knoxville and transferred to Federal district court on the plea of the TVA. Subsequently the TVA filed a motion to dismiss, contending that under a section of the TVA act the suit should have been brought in the northern district of Alabama.

Headed for Yale?



Robert Maynard Hutchins

Unconfirmed reports, emanating from a student publication at the University of Chicago, indicate that President Robert Maynard Hutchins, 38, may soon be invited to assume the presidency of Yale university. President James R. Angell of Yale, now in his 68th year, is said to be ready to resign. When Hutchins, a graduate of Yale, was called to head the University of Chicago in 1928 at the age of 30, he was hailed as the most youthful president of a large American university.

—Central Press

Roosevelt To Speak Seven Times In Day

President Bids for Ohio Vote; Landon Plans Trip to The Pacific Coast

(By The Associated Press.)

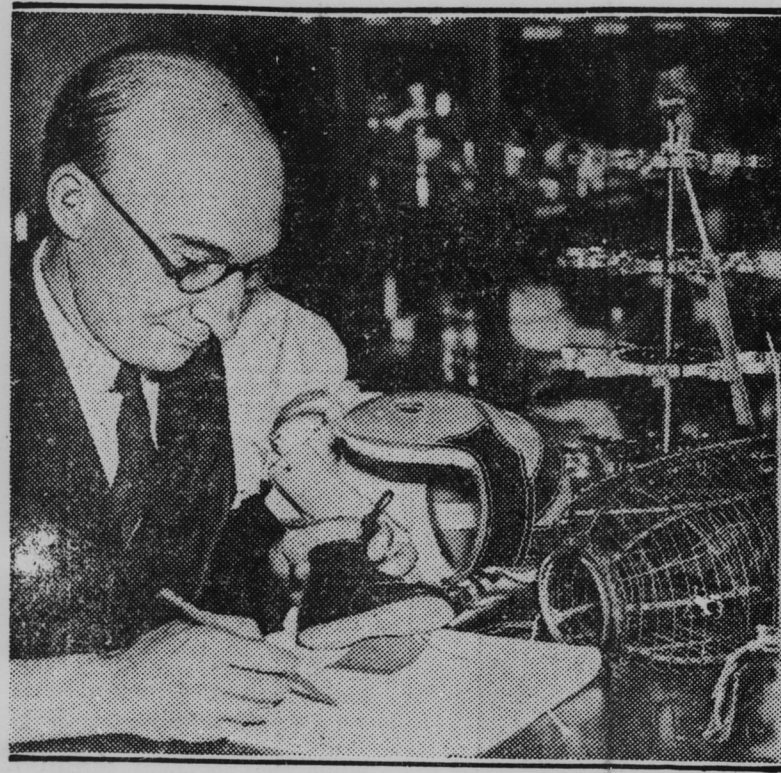
While President Roosevelt pressed his drive into the pivotal state of Ohio, Governor Landon today announced surprise plans for a dash to California.

Seven more speeches were on Mr. Roosevelt's program today as a follow-up to a major address, in which he said at Detroit last night that many manufacturers must, "by planning, do far more than they have done to increase the yearly earnings of those who work for them."

Back in Topeka after his lakes

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When Uncle Sam Goes Shopping



Baby shoes, mousetraps, football helmets, oil cans—when Uncle Sam goes shopping he does a good job. Howard Eberly, official of the procurement department of the Treasury, is shown with a few samples of the thousands of things the government buys—after giving them a thorough once over

(Central Press)

History Must Reverse To Beat Roosevelt, Hoey Says

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

Raleigh, Oct. 16.—The entire political history of the United States will have to be disregarded and completely reversed if President Roosevelt is defeated, since all past history points definitely to his reelection, Governor-nominate Clyde R. Hoey pointed out here today as he passed between campaign speeches.

"The history of past presidential campaigns shows that in every case where a President has sought reelection with the tide of business increasing and prosperity on the upgrade, whether he was a Democrat or Republican, he has been reelected," Mr. Hoey said. "This was true in the case of both Grover Cleveland and Woodrow Wilson, Democratic presidents, and with Theodore Roosevelt and Calvin Coolidge, Republican presidents. For the people are always reluctant to vote against any President during whose administration business has increased and prospered."

"There is no doubt, of course, that business has prospered greatly during the almost four years President

Roosevelt has been in office and that the prosperity of the people is far greater now than back in the dark, dreary days of 1932 and 1933, in spite of the howls of the Republicans and some of the big interests. For the balance sheets of business firms everywhere show that business is better today than it was three and four years ago and that manufacturers, mill owners, merchants and business men of all classes are making more money today than they were then. Cold, hard figures also show that the income of the workers in the lower pay brackets has also increased and that the per capita wealth of the people has almost tripled under the Roosevelt administration.

"This means that the people of the United States are going to reelect President Roosevelt for another four years, unless they forsake all of the rules and rudiments of political psychology in the past and utterly disregard everything that has happened in the past. But they are not going to do this, since the people as a whole are better informed and more intelligent than ever before. They are going to reelect President Roosevelt."

Pledges By Soviets May Mean Break

Europe Fears New Threat to Neutrality Pact; Fascists Advance More

(By The Associated Press.)

Parents of Spain, impressed by the Madrid high command, threw up barbed wire entanglements within 20 miles of the capital today to stop a surge of Fascist soldiers.

At the same time Moscow speculated as to whether Dictator Joseph Stalin's message to Spanish communists, telling them the Soviets are giving them "every assistance in their power," foreshadowed an early open break with the international neutrality convention.

The peasant squadrons worked feverishly to string the barricades, socialist militiamen poured into the trenches, and the newspaper voice of the leftist government warned: "The situation is delicate."

At the war ministry Premier Francisco Largo Caballero, extreme socialist, assumed personal supreme command for the last stand. Reports to his desk said every officer of the brunette command had been slaughtered in the retreat from the Alberche river.

Food and warm clothing in the capital was scarce, although the situation was helped somewhat by relief from Russia.

Sliding through icy mud, the Fascists advanced their battlefront west of Madrid an average of ten miles, snatching ten mountain villages in their stride. On the main Maqueda-Madrid highway the strategic town of Naval Carnero was but a few miles from the Fascist grasp.



OUR WEATHER MAN Rain this afternoon and tonight Saturday partly cloudy; cooler Saturday night.

GOVERNMENT LACKS ROOM AT CAPITAL

Multiplying Departments and Bureaus Overrun All Buildings There

By CHARLES P. STEWART Central Press Staff Writer

Washington, Oct. 16.—Uncle Sam no longer can find shelter in Washington for all the government staffs which are supposed to have their headquarters here.

There simply are not enough buildings in the capital to accommodate the full number of Federal employees. Baltimore is getting the overflow.

That is why, if one visits Washington from elsewhere on government business, taking it for granted that here is the place to transact it, one may find oneself referred to branch offices in the Maryland city instead. It is no great trip—Baltimore being merely 40 miles away—but it serves to concentrate one's attention upon the proportion of expansion of Federal activities in recent years.

WAR STRUCTURES It may not seem as if Washington should be under-built from the government's standpoint.

There was plenty of room for all hands before the war. The war, however, so inflated Uncle Sam's demands for office space that temporary buildings were rushed up, to the number of at least a score.

The "tempo's" were occupied mainly by sub-divisions of cabinet departments or by independent commissions of various sorts—the Census Bureau, the Public Health Service, the Federal Trade Commission, et cetera.

But two entire departments—justice and commerce—were housed in rented buildings. They were not "tempo's." They were good buildings, but they were paid for at the kind of rentals with which landlords usually soak the government—pretty stiff.

Under the Coolidge and, more particularly, the Hoover administrations it began to occur to Federal planners that it would be wise for Uncle Sam to replace his "tempo's" with substantial structures and to terminate his role of tenant.

GOVERNMENT HAD LAND The government went and it had the land.

It down near the Potomac the government owns a tract known as the "triangle," originally intended to serve as the site for Federal edifices. It is a triangle about one-half mile across at its base; about three-

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Future Security Of Country Is Pledged By Roosevelt In Cincinnati Campaign Speech

Mountain Streams Are Worst Swollen In Past 16 Years

Highways Blocked And At Least One Accident Due to High Water In West Carolina

MARSHALL'S SCHOOL SUSPENDS CLASSES

Town of Woodrow, In Haywood County, Is Isolated As Streams Overflow Banks; Many Slides Throughout Mountains Are Choking Highways Also

Asheville, Oct. 16 (AP)—Mountain streams swollen by heavy rains blocked a number of highways in this area today, and were said to have caused at least one accident.

Reports here said Mrs. Hugh Tate, of Greenlea, was seriously injured when she and her brother attempted to pass an automobile near Greenlea and their car plunged down an embankment.

Meanwhile, weather officials here said the French Broad river would rise about two and a half feet above the bankfull stage, but little damage would be done.

At Marshall, however, the river was swirling over Highway No. 213 at the mouth of the Hayes Run river and over Highway 20 at East End. The Marshall school, on an island, suspended operations.

A creek was said to be flowing over highway 174 to a depth of seven feet eleven miles this side of Rutherfordton.

The Cane river blocked traffic on Highway 19-E between here and Erwin, Tenn. Officials said the river was reported at the highest level in 16 years.

The Catawba was said to have necessitated closing of roads three miles north of Marion.

A small detour bridge was washed out on the Asheville-Candler road near here.

STREAMS AT TOP LEVEL REACHED IN 16 YEARS

Raleigh, Oct. 16 (AP)—J. C. Walker, division engineer at Asheville, notified the State Highway and Public Works Commission today that Yancey county streams had reached their highest levels in 16 years due to floods, and that the town of Woodrow, in Haywood county, was isolated by high waters.

"We are having the worst flood conditions in this section today we have had in several years. There are many slides throughout the mountain area which are blocking roads and causing damage in addition to the high waters," Walker said.

U. S. Route 74 was under seven feet of water eight miles west of Rutherfordton, and Route 221 north and south from Marion was blocked being under six or seven feet of water north of the place.

Routes 284 and 110 were blocked by waters of the Pigeon river to cut off Woodrow, Walker said.

Corporate Profit Tax To Be Cut

Washington, Oct. 16.—(AP)—Congressional experts studying the taxing of corporation profits which are not passed on to stockholders indicated today they were giving much consideration to proposals to exempt from taxation such money as is used for addition to a corporation's physical plant.

Although Secretary of the Treasury Magenthau was silent on Jesse H. Jones' proposal for revising the tax, officials of the joint committee on internal revenue taxation revealed that complaints had been received that many corporations would be unable to make contemplated plant improvements or pay off debts this year if forced to distribute their surpluses in dividends.

Committee experts indicated they would be opposed to exempting debt payment from the tax, arguing that firms might create unnecessary debts and pay them off merely to avoid the tax.

Jones, chairman of the Reconstruction Corporation, spoke for the reelection of President Roosevelt Tuesday night and urged amending the

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Calls Banks Stable



J. F. T. O'Connor, Comptroller of the Currency for the United States, told Philadelphians that "the banking structure of the nation is on a firmer basis than ever before." He was photographed at a luncheon meeting of the Democratic Women's Club there.

(Central Press)

French Alarm For Belgium Is Diminished

King Leopold's Neutrality Declaration More Completely Analyzed

Paris, Oct. 16.—(AP)—French alarm over newly asserted Belgian neutrality diminished today as officials analyzed King Leopold's declaration his country would seek to prevent martial entanglements.

With further thought French sources came to the view the Belgian monarch's statement, merely outlined a policy rather than constituting a repudiation of existing security accords.

The French view was strengthened by assurances in London that Belgium would fulfill its obligations under the League of Nations covenant.

(The Belgian ambassador to Great Britain was declared to have given such assurance to British Foreign Secretary Anthony Eden.

(The Belgian representative, it was reported, told Eden King Leopold's declaration was pointed toward establish-

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LIVING PROVIDING DECENT FOOD AND LEISURE PLANNED

President Says He Thinks That on November 3 Decision Will Be For Forward Moves

NOT WORRIED OVER RESULTS, HE SAYS

Government Aid With Works Projects Set Recovery in Progress Throughout Nation, Roosevelt Says as Crowd in Great Stadium Sends Up Mighty Cheer

Cincinnati, Oct. 16.—(AP)—Opening his Ohio campaign before rain-drenched thousands in the University of Cincinnati stadium, President Roosevelt said today he had seen "tremendous improvement" over the country, and the administration was planning for the "future security of the country."

"I don't mean just a living, just having enough to eat and a place to live in," he said. "I mean a living providing a decent diet, education and a reasonable amount of leisure."

He said he was inclined to think on November 3 a decision would be made on whether "we shall continue to work for a greater security and a great human happiness."

"I'm not the least bit worried about the results," he added. "Security," he said, "ought to apply not only to individuals but also to occupations and business." That, he added, is why the administration is "trying to make a rounded picture," and work out something that will "affect every kind of business."

He said he thought the audience understood why the government had helped with work projects such as expansion of the University Stadium. Three years ago, he said, the unemployment situation was so serious that "something had to be done," and the question arose of finding the

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COUGHLIN OUSTER SOUGHT IN COURT

Member of Social Justice Union Files Suit Against Detroit Priest

Detroit, Mich., Oct. 16 (AP)—J. T. O'Donnell, of Pittsburgh, who described himself as a member of the National Union for Social Justice, filed a bill in Wayne County Circuit Court today asking for the removal of Rev. Charles E. Coughlin, its president, and other trustees and the appointment of a receiver for the organization.

O'Donnell, who listed himself as a contributor to the National Union's trust fund, charged Father Coughlin, radio priest, and six other trustees with "mismanagement, unlawful

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Democratic Outlook Is Growing Brighter Daily, Hoey Statement Asserts

Gubernatorial Candidate Wants Majority Large as Possible as Object Lesson To Republicans; Says 1928 Hoey Illusion Still Grips the G. O. P.

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

Raleigh, Oct. 16.—The outlook for a tremendous Democratic victory for both the State and national tickets in North Carolina on November 3 is getting brighter daily, enthusiasm for the reelection of President Roosevelt and for continuing the New Deal another four years is increasing rapidly in every section of the State, Governor-nominate Clyde R. Hoey said here today. Mr. Hoey was present for the big rally of Democratic women here yesterday and remained here last night for conferences with Chairman J. Wallace Winborne, Mrs. J. E. Spillman, vice chairman in charge of women's organization work; Secretary Libby Ward, in charge of the speakers' bureau in Democratic headquarters here, and other workers. He left immediately after lunch to fill a speaking engagement in Pittsboro

this afternoon and will go to Dunn, in Harnett county, for a speech to night.

"There is no doubt, of course, about the outcome of either the national or State contest, since President Roosevelt is going to be reelected and I am going to be elected governor," Mr. Hoey said. "But we want the Democratic vote in North Carolina to be as heavy as possible so that it will serve as a warning to the Republicans in the State and discourage them instead of encourage them. We also want to let the nation as a whole know that North Carolina is for President Roosevelt wholeheartedly and completely, and that those Republicans who have been spreading it abroad that North Carolina might be for Landon are utterly ignorant of the real sentiment of the people in

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Raleigh, Oct. 16.—(AP)—Colonel O. R. McGuire, general counsel to the comptroller general of the United States, and Frederick H. Stinchfield, of Minneapolis, president of the American Bar Association, warned lawyers of North Carolina today that bureaucratic government in the United States threatens the rights and liberties of its citizens.

"The inevitable result and the practical consequences of our existing bureaucratic hodgepodge of numberless governmental agencies," Colonel McGuire said, "have been summarized in a recent publication of the Institute for Government Research, a privately-endowed non-partisan research organization, as follows:

"So great is the complexity that not merely the ordinary citizen seek-

ing to protect his rights, but even a competent lawyer practicing in Federal administrative and constitutional law can scarcely find his way through the jungle. Many agents of the government itself, sometimes the actual authorities who must make quasi-judicial decisions, are uncertain and bewildered concerning these matters."

Stinchfield, paying tribute to the work of Colonel McGuire as chairman of the committee on administrative law of the American Bar Association, told the members of the State Bar, Incorporated, "you know how bureaus have grown."

"I feel that by the growth of bureaucracy our very liberties are threatened—threatened by the theories involved and by the statutes establishing the theories."