

SUPREME COURT SUSTAINS JUSTICE BLACK

BATTLE IS RESUMED ON SHANGHAI FRONT DISTANCE 25 MILES

Huge Wharf and Warehouse
Property Destroyed By
Jap Warships, Loss
\$2,000,000

SHARP ADVANCE BY JAPANESE CLAIMED

Exodus from Capital of
Shantung Increases With
Renewal of Japanese
Threats to Province; Chi-
nese Governor of Shantung
Backs Nanking War

Shanghai, Oct. 11 (AP)—Chinese and Japanese troops crowded out of their muddy burrows along the 25-mile front to the northwest and resumed the almost two-month-old battle of Shanghai.

The smoldering ruins of the China Merchants Navigation Company's lower wharf and warehouses were the only results of the Japanese warships' bombardment of the rich industrial area.

A Japanese naval spokesman announced the Chinese peppered the Japanese warships with machine guns from the wharf and the Japanese retaliated with their big guns.

The property loss was estimated at \$2,000,000, including considerable American and other foreign cargo. The bombardment of Pootung began in a heavy rain during the final hours of Sunday, upsetting an otherwise general quiet day.

Today the Japanese struggled through the muck for a mile advance straightening out their salient between the stubbornly Chinese-shelled Kwangwan race course and Woosung creek north of the international settlement.

The exodus from Tsianfu, the capital of Shantung, increased today as the Japanese threats to the province continued.

General Chang Fu-Chu, governor of Shantung, which the Japanese claimed to have won over, came out flatly today for the Nanking government.

He issued a proclamation urging all government employees to vow resistance to the death against Japan.

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Potato Growers Approve Control

Washington, Oct. 11. — (AP)—Farm Administration officials announced today that commercial potato growers have approved limitation of acreage next year under the present farm benefit program.

Preliminary results from a nationwide referendum showed 24,195 votes in favor of a stabilization program, and 5,425 against.

As a result, the AAA will split up a national acreage limit, or goal, of between 3,100,000 and 3,300,000 acres among the states, counties and individual farmers. The average potato harvest from 1928 to 1937 was 3,346,000 acres.

Farmers who stay within these goals will receive a benefit.

The votes on the potato control program included North Carolina, 2,676 for and 40 against.

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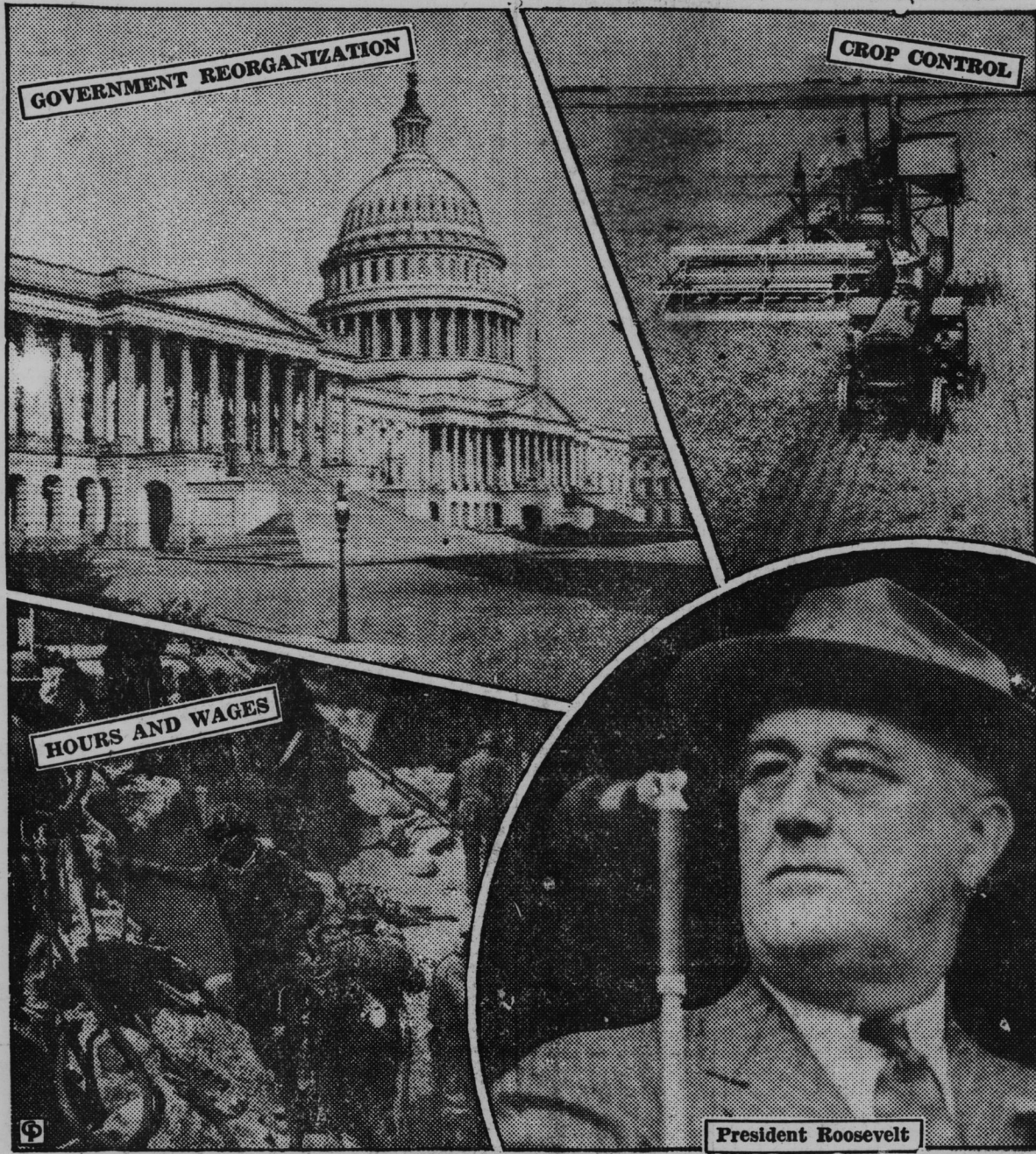
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SPECIAL SESSION TO CONSIDER THESE MEASURES?



President Roosevelt will call a special session of Congress between Nov. 8 and 16, it now is believed. It is expected that these measures will come up: hours and wages, government reorgan-

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LEAVITT'S PETITION AGAINST SELECTION DENIED IN RULING

Important Man



Dr. Stanley K. Hornbeck

One of the most important men in America today is Dr. Stanley K. Hornbeck, the U. S. state department's ace Far Eastern expert and right-hand man to Secretary of State Cordell Hull. Dr. Hornbeck, who served as Far Eastern technical adviser to the American peace commission in 1918, is helping Secretary Hull and President Roosevelt to guide the U. S. course in the Sino-Japanese conflict. Hull has named him "political adviser" during the international crisis. He has been chief of the state department's Far Eastern division.

—Central Press

Kelly's Challenge Also Turned Down on Same Grounds as That of Former Judge

FIGHT WILL GO ON, LEAVITT DECLARES

Chief Justice Hughes Announces Conclusion of Black's Associates on High Bench; Constitutionality of Appointment Was Questioned in Petition

Washington, Oct. 11.—(AP)—The Supreme Court refused today to permit Albert Leavitt, former federal judge in the Virgin Islands, and Patrick Henry Kelly, Boston attorney, to contest Justice Hugo L. Black's right to a seat on the bench.

This action gave Black a clear title to his judicial post, so far as present challenges are concerned.

Leavitt has indicated, however, that he might start other proceedings.

"This fight will not be over if my petition is denied," he asserted.

The court refused to permit Leavitt to file his petition, which contended Black was constitutionally ineligible for the position. Leavitt claimed Black was barred because he was a member of the Senate which voted to increase the "emoluments" of justices by permitting them to retire at full pay after reaching 70, and serving ten years.

He added that the retirement of Justice Van Devanter did not create a vacancy on the court and hence there was no place for Black to fill. He contended that Van Devanter still technically is a member of the tribunal.

Service by Black, the petition said, "will interfere with and prevent the due, proper and lawful administration of justice in the Supreme Court of the United States."

The action of Justice Black's colleagues was announced to a packed court room by Chief Justice Hughes, who said Leavitt did not have sufficient interest in the litigation to justify him in proceeding with it.

The Kelly motion was denied on the basis of the action on Leavitt's petition. Neither mentioned Ku Klux Klan membership.

WEEK AT RALEIGH RATHER QUIET ONE

School Bus Row, Gardner's Labor Citation and Fair Get Attention

Daily Dispatch Bureau, Raleigh, Oct. 11.—Forecasting the Duke-Tennessee result and panning the Giants occupied Raleigh last week almost to the exclusion of real political or business activities, though the football game in Durham Saturday loaded the capital city's hotels from Friday over the week-end.

So far as current of governmental affairs were concerned, there was hardly a ripple except on the school commission front, where a loud war over where Garysburg children should go to school was climaxed by a school commission meeting Friday at which rival delegations took turns at saying

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Doughton To State Plans Shortly Now

Will Soon Clear Up Situation as to Opposition to Reynolds in 1938

Washington, Oct. 11.—(AP)—Representative Robert L. Doughton, of Laurel Springs, N. C., said today there probably will be an announcement soon whether he will oppose Senator Robert R. Reynolds, of North Carolina, in the State's Democratic primary next June. Doughton said he is not yet prepared to make any announcement as to his political future, but added:

"I think there will be some announcement soon as to who is going to run and who is not going to run for the Senate."

Doughton said he came to Washington for a series of conferences on legislative and routine matters.

One of his first callers was former Governor O. Max Gardner, of North Carolina, who came to Washington on the same train with Doughton. Gardner, now a practicing attorney, said the two did not meet on the train. He described his visit with Doughton as of a personal nature.

—(Continued on Page Three.)

Japanese Clamp On Imports Ban, Which Will Aid Americans

Tokyo, Oct. 11.—(AP)—The Japanese government promulgated "ordinance 23" today, officially starting its import restrictions program.

The emergency law will close the doors of Japan to nearly 700 imported articles and place the nation on a basis of stern Spartan frugality.

Starting immediately, Japan will be a "nation without luxuries."

This maneuver, which is one of the most drastic in modern economic history, is designed to cut to the bone Japan's enormous annual international bills, in order to provide maximum strength for the purchase of the

—(Continued on Page Three.)

Four Raleigh Persons Killed In Collision In Spring Hope In Morning

Mr. and Mrs. J. R. King, Former a Bakery Salesman, and Miss Gladys Carroll Lose Lives When Car and Tobacco Truck Collide; Two Others Are Hurt

Spring Hope, Oct. 11 (AP)—A truck and automobile collision here this morning killed four Raleigh people and painfully injured a fifth.

Mr. and Mrs. J. R. King and Miss Gladys Carroll, all of Raleigh, died instantly. Mrs. Bertie Walker, also of Raleigh, died early this afternoon in a Raleigh hospital.

Miss Kathleen Branham was reported to be doing fairly well at the hospital. She suffered painful injuries about the head.

State Highway Patrolman T. R. Burdette, who investigated, said the truck was driven by Charles Smith, of Apex, and that it was meeting the

Raleigh car, driven by King, on the curve near the intersection of the Wake Forest road on Highway No. 64, west of Spring Hope, when the crash occurred.

The truck and trailer attached were loaded with tobacco.

Patrolman Burdette quoted Smith, who was reported only slightly injured, as saying he dimmed his lights when his truck and trailer approached the Raleigh car. King was said to have tried to dim his own lights, but Smith said they went out just before the two vehicles met.

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OGDEN L. MILLS, 53, FORMER TREASURY SECRETARY, PASSES

Had Suffered Several Slight Illnesses During Summer and Sought Long Rests

WAS ARDENT ENEMY OF THE NEW DEAL

Rose to His Highest Prominence in Public Life When Hoover Named Him Treasury Chief in 1932 To Succeed Andrew Mellon; Led An Active Life

New York, Oct. 11 (AP)—Ogden L. Mills, former secretary of the Treasury, died at his home here today after an illness of two weeks. He was 53 years old.

Mills had suffered several slight illnesses in the course of the summer. He took a long cruise in the hot weather on his yacht from his home club, the Cold Spring Harbor Beach Club, ending at the New York Yacht Club station at Newport.

Because of these recurring illnesses, Mills had given up much of his activities in the Republican party.

At the time of his death, Mills' activities were manifold. He was a director of several large companies. Mills rose to his highest prominence in the nation's affairs under President Hoover, who made him secretary of the treasury in 1932, when Andrew W. Mellon, whom he had served as under secretary of the treasury retired.

Mills left public office when President Roosevelt entered the White House and always was a leading foe of the New Deal.

14 ARE IMPRISONED IN LONDON RIOTING

Leftists and Fascists Clash On Sunday and Youth Injures Leader With Rock

Liverpool, England, Oct. 11 (AP)—George Melander, 19, accused as the rock thrower who struck Sir Oswald Mosley, British Fascist leader, with a jagged stone, was remanded for a week today on a charge of felonious wounding.

The Fascist leader was dangerously wounded but not critically. He was the stone thrown in a clash between the leftists and Fascists yesterday. Eleven men besides Melander and two women were charged with lesser offenses in connection with the disturbance.

—(Continued on Page Three.)

Madrid Is Shelled By Insurgents

Madrid, Oct. 11.—(AP)—One of the heaviest artillery battles heard on the Madrid front in months turned into a shelling of Madrid itself today.

Shells dropped all over the central section of the city, several hitting a block from the building in which the foreign correspondents work. The artillery battle began about midnight, with the government's extension of insurgent gun positions south of the city.

The heaviest engagement appeared almost directly south of Madrid, where the roar of exploding shells and bombs was continued throughout the night and early morning. Yesterday there was heavy fighting northwest of the capital, where an insurgent offensive against Madrid last March was turned

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WEATHER

FOR NORTH CAROLINA.
Generally fair to partly cloudy tonight and Tuesday; not quite so cool in extreme northwest portion and near the southeast coast tonight.

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Expect FDR Will Reveal Extra Call

Low Cotton Prices Big Factor in Plan for Congress To Enact Crop Control

Washington, Oct. 11.—(AP)—President Roosevelt may disclose in his "fireside chat" tomorrow night whether he will call a special session of Congress to enact farm control and wage and hour legislation.

Most observers have predicted such a session in mid-November, but the President has withheld a decision until completing a canvass of the farm situation with Secretary Wallace.

The principal doubt that Mr. Roosevelt would ask Congress to reassemble before January disappeared last Friday, in the opinion of many Washingtonians, when the Federal crop report estimated the second biggest cotton harvest in the nation's his-

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