

Justice Butler, Of U.S. Supreme Court, Dies In Washington



Vacancy Gives Roosevelt Chance to Name Fifth Member Of High Tribunal; Now Has Majority; Butler Ill Since Summer; Was 73.

Washington, Nov. 16.—(AP)—Associate Justice Pierce Butler of the Supreme Court died today.

The 73-year-old justice entered a hospital for treatment of bladder trouble last summer, and, with the exception of two weeks, when he was able to return to his home, he had remained there since.

His death meant that President Roosevelt's appointees would be in the majority on the court. Mr. Roosevelt has named four of those on the nine-man tribunal.

Butler was a Democrat, but officials of the Roosevelt administration had termed him one of the two "conservative" members of the court, the other being Justice James C. McReynolds.

Butler ranked next to McReynolds as the tribunal's leading dissenter. Major decisions to which Butler dissented last term included rulings holding constitutional the 1938 agricultural adjustment act, holding that a group of private power companies could not attack the constitutionality of the Tennessee Valley Authority power program, and that a state may impose an income tax on salaries received by federal employees.

Surviving are Mrs. Butler and the following children: Pierce Butler, Jr., William Butler, Francis Butler, all of St. Paul, Minn.; Leo Butler and Miss Margaret Butler, of Washington, and Mrs. Edward K. Dunn, of Baltimore.

Death came so suddenly that neither his doctor nor members of the family were present.

Left Wingers Talked For Butler Post

Washington, Nov. 16.—(AP)—A list of names which might serve as a "who's who" of the judicial world was put forward today in speculation over a Supreme Court successor to Justice Pierce Butler.

High on the roster were such administration stalwarts as Solicitor General Robert H. Jackson, of New York, who has argued many New Deal cases before the high tribunal; Attorney General Frank Murphy, of Michigan, and Senator Wagner, Democrat, New York.

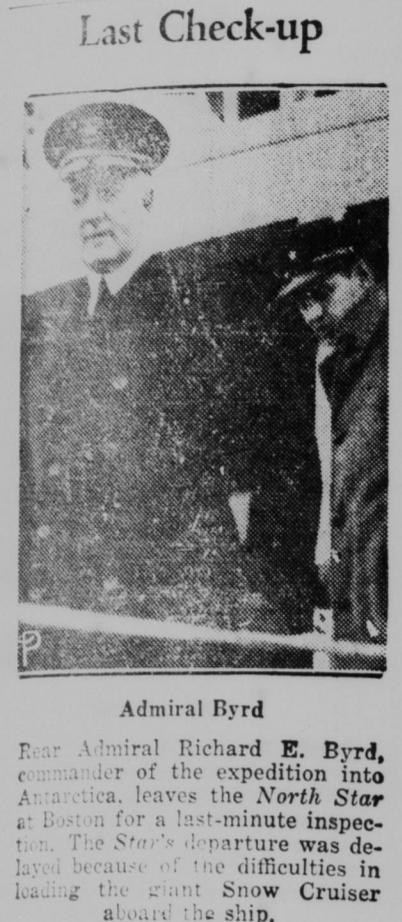
Those who believe the appointment should go to the west mentioned, among others, Thurman Arnold, of Wyoming, assistant attorney general in charge of the anti-trust division; Senator Lewis B. Schwellenbach, of Washington, and Judge Harold Stephens, of Utah, a member of the United States Court of Appeals for the District of Columbia.

Advocates of the nomination of a woman advanced the name of Florence E. Allen, of Cleveland, a member of the sixth Federal Circuit Court of Appeals.

Others mentioned in unofficial speculation included Justin Miller, of California, a member of the United States Court of Appeals for the District of Columbia, and former member of the law faculty of Duke University.

Shuford Presses For Cooperation For Wages, Hours

Washington, Nov. 16.—(AP)—The movement for greater cooperation between the Federal government and states in enforcement of the national wage-hour law received impetus from a committee at the sixth national labor legislation conference here.



Last Check-up Rear Admiral Richard E. Byrd, commander of the expedition into Antarctica, leaves the North Star at Boston for a last-minute inspection. The Star's departure was delayed because of the difficulties in loading the giant Snow Cruiser aboard the ship.

State Rests Kuhn Case; 'Thefts' Cut

Mistake in Accounting Reduces From \$5,641 to \$1,891 Amount Bund Leader Is Accused of Stealing From Own Organization.

New York, Nov. 16.—(AP)—The State rested today in the larceny trial of Fritz Kuhn, after admitting a major error in prosecution testimony.

Discovery of the mistake reduced from \$5,641 to \$1,891 the amount which the stout leader of the German-American Bund is accused of stealing from his own organization.

The change was made when Benjamin Blattner, an accountant attached to District Attorney Thomas E. Dewey's office, returned to the witness stand to amend his earlier testimony.

On Tuesday he had testified to a shortage of \$4,424 in the bund's "legal defense fund"—one of the sources into which the State claims Kuhn dipped unlawfully—but today he said the figure was \$674.

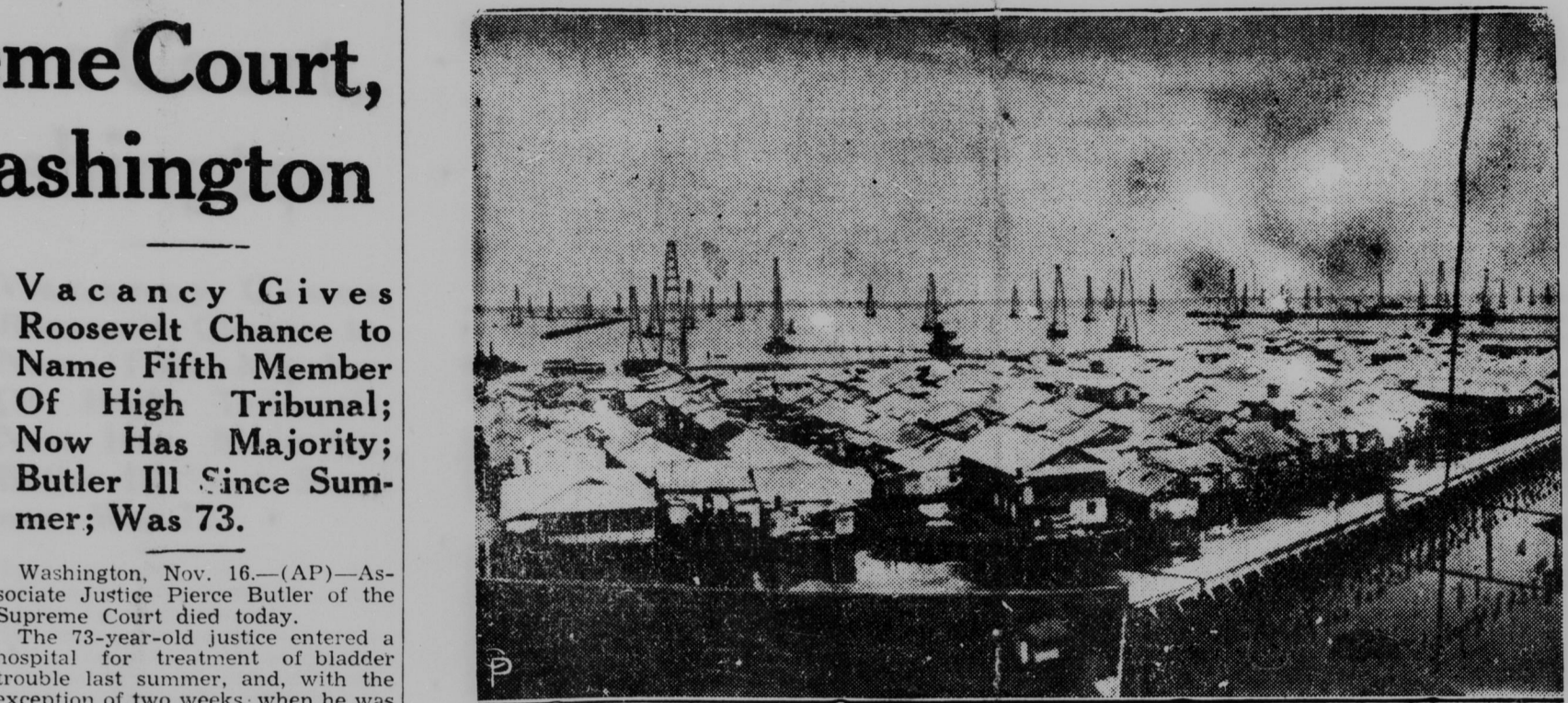
In addition to this \$674, the mid-sized bund leader now stands accused specifically of stealing some \$900 and \$717. The \$300 ostensibly was paid by Kuhn to James D. C. Murray, an attorney, for certain legal services to the bund, and the \$717 allegedly was taken from the treasury by Kuhn to pay the moving expenses of Mrs. Florence Camp, a woman friend.

After this sharp downward revision of the total amount involved in the prosecution, Defense Attorney Peter L. F. Sabatino vainly demanded a mistrial.

Pete Murphy Talked For Eure's Place

Daily Dispatch Bureau. In the Sir Walter Hotel. Raleigh, Nov. 16.—There is a definite movement under way to induce the political war horse and veteran House member Walter (Pete) Murphy to run for secretary of state in next year's primary.

Village on Stilts Wiped Out by Oil Inferno



A view of Lagunillas, oil town near Maracaibo, Venezuela, which was wiped out when fire turned the oil-capped waters of Lake Maracaibo, on which the town was built, into an inferno. Estimates of number of dead and missing range from 500 to 1,000.

New Tax Program Not Decided Yet, Acting Secretary States

Proposals For Higher Levies as Made by Marriner Eccles, Reserve Board Head, Are Not Official Views, Hanes Declares.

Washington, Nov. 16.—(AP)—John W. Hanes, acting Treasury secretary, asserted today the administration had not decided on a tax program, and that recommendations for higher taxes made by Chairman M. S. Eccles, of the Federal Reserve Board, did not represent official views.

Hanes, talking to reporters, had this to say about recommendations made by Eccles at St. Louis last week: "I'll say I don't think he spoke for the administration. I doubt seriously if he spoke for Congress. I am certain he didn't speak for the Treasury."

The acting secretary said the administration had "an open mind" about taxes, and was still studying suggestions from thousands of businessmen, and particularly wanted to study the prospects for increased revenue from present-day rates.

Saying that business prospects for the next six months were "optimistic," Hanes expressed belief that present tax rates probably would yield considerably more revenue.

Seven In Custody At LaGrange Upon Robbery Charges

Raleigh, Nov. 16.—(AP)—Director Frederick C. Handy, of the State Bureau of Investigation, reported today that seven men had been arrested on charges of participating in several robberies at LaGrange in recent weeks.

Herman W. Bimmerman, FBI agent, who assisted Police Chief H. A. Rouse, of LaGrange, in the case, said that William Earl Farmer, James Wade, Landis Vinson, Harold Vinson and Wilford Vinson had admitted participation in the robberies. The seventh man, Herman Farmer, was accused of being the "brains" of the gang, Zimmerman said. All are from LaGrange.

Fayetteville School Closes For Paralysis

Fayetteville, Nov. 16.—(AP)—Fayetteville public schools were ordered closed as a precautionary measure today after two cases of infantile paralysis had been reported from the Haymont grammar school.

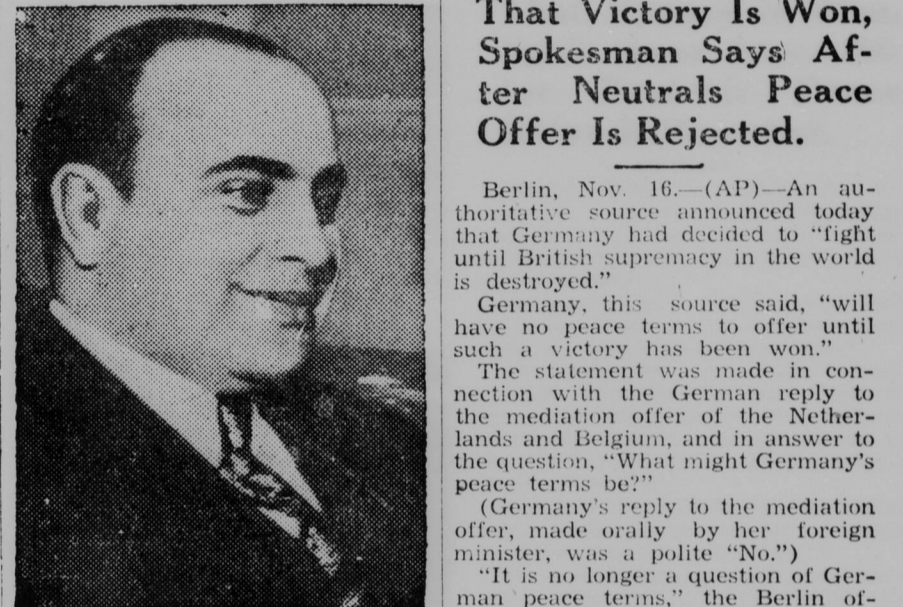
Dr. J. C. Knox, of Raleigh, State epidemiologist, said the disease was not considered epidemic in the cooler months, and that the two cases here were probably incidental, or sporadic, but city authorities decided to take precautions.

Children under 15 were banned from attending moving picture shows, Sunday schools and other gatherings. Those in charge of Fayetteville's sesquicentennial celebration, which begins Sunday after months of preparations, decided to continue with their plans, although they feared the discovery of the two cases would have an adverse effect.

Weather FOR NORTH CAROLINA. Partly cloudy tonight and Friday.

Germany To Fight Till British Power Has Been Crushed

Gang Czar Freed



"SCARFACE AL" CAPONE

Capone Free After Long Prison Term

Once Czar of Chicago Gangland Served Minimum Time of 11 Year Term on Income Tax Charges; Freed at Lewisburg, Pa.

Lewisburg, Pa., Nov. 16.—(AP)—The Federal government freed Al Capone today after seven years in prison, but the whereabouts of the prohibition era gangland czar remained secret.

His release from Federal custody to his relatives was announced at Washington by Federal prison officials. At Lewisburg, however, watchers who waited outside the Northeastern penitentiary gates from dawn until the announcement from Washington hours later said the release must have taken place at a rendezvous outside the small town.

At least part of the secrecy-shrouded trip of "Scarface Al," and an escort of Federal men across the country from the Federal correctional institution near Los Angeles, to which he was transferred from Aictraz, was made by train.

Officials of the Pennsylvania railroad said the one-time bootleg syndicate boss came into Pennsylvania on a train from St. Louis. He was guarded so carefully fellow passengers did not know he was there.

RELEASE IS ANNOUNCED BY WASHINGTON OFFICIALS Washington, Nov. 16.—(AP)—"Scarface Al" Capone, notorious gangster of prohibition days, was released to relatives at Lewisburg, Pa., today by Federal prison officials.

James V. Bennett, director of Federal prisons, made the announcement. He said: "This morning the sentence of Alphonse Capone, having expired today, he was discharged from the United States penitentiary at Lewisburg to his relatives."

Capone was transferred today from the Federal correctional institution near Los Angeles at Lewisburg. Capone began service of a ten-year penitentiary sentence for evasion of income taxes May 4, 1932, and completed this portion of his sentence on January 19, 1939, upon which date he began service of the sentence of one year for (Continued on Page Four)

Mrs. Chas. Bolling, Of Richmond, Made U. D. C. President

Charleston, S. C., Nov. 16.—(AP)—Mrs. Charles E. Bolling, of Richmond, Va., was elected president of the United Daughters of the Confederacy today at the conclusion of its convention here. She succeeds Mrs. Walter D. Lamar, of Macon, Ga., who took a rap yesterday at Winston Churchill, first lord of the British Admiralty, for what she termed a "gratuitous insult" to the South in a recent speech.

Mrs. Bolling and other officers will be installed tomorrow. The other officers included: Mrs. James Edwin Woodward, of Wilson, N. C., second vice-president.

Congress Is Getting Set To Soak Tax-Payers Good

By CHARLES P. STEWART Central Press Columnist Washington, Nov. 16.—Tax-conscious consumers will be heard from when Congress takes up farm money bills at the session opening Jan. 4.

Strong resistance by the keeper of the family purse will be aimed at any revenue raising scheme which advances the cost of living. Consumer interest is increasing daily. Practically all the women's organizations have programs designed to cover needs for information and guidance.

Study forums have been devised to give club women more knowledge on buying, to discuss labeling and standards, to inquire into prices. Tax-consciousness is becoming acute, and vocal and written resistance will flow congressward against any revenue measure which tends to cut down the supply of essential foods on the daily table.

Immediate targets for the club women and consumer groups to shoot at already are before Congress. Bills left over from the last regular session will come up for early consideration in 1940.

Foremost on the calendar will be food and clothing processing tax measures, affecting wheat, rice and cotton. They're not called processing taxes. They camouflage as wheat, rice and cotton certificate allotment plans. All levy on the manufacturer. He can't absorb the cost, so that the levy is passed on to the bread, the pudding and the garments that the consumer eats and wears.

Club women, as such, may be well enough off to meet the additional tax cost, but how about their fellow Americans whose pocketbooks are less corpulent? A spirit of fraternity between the lowly and the better-off is growing.

The Ultimate Consumer. Now let's see what confronts the ultimate consumer at the coming Congress.

At the last regular session there was appropriated out of the federal treasury something in excess of \$750,000,000 for farm benefit payments. Two-thirds was earmarked for soil conservation. The balance is required for crop control and other farm aid, payable during the current fiscal year, ending next June 30.

Agriculture Department economists admit that farm prices have improved since the war's outbreak. They predict continued improvement in 1940—but only on the supposition that "the war will continue for at least a year." They express doubt (Continued on Page Four)

Garner Pleas Reach State Officialdom

Daily Dispatch Bureau. In the Sir Walter Hotel. Raleigh, Nov. 16.—North Carolina's officials and her political big wigs of the Democratic faith have received, or will receive in the near future, campaign literature sent out in the interests of Vice President John N. Garner's campaign for the presidency.

Signed by E. B. Germany and a feminine colleague as "co-chairmen" of the Garner-for-President Committee, 16th Floor, Baker Hotel, Dallas, Texas, the literature is quite artfully worded so as not to offend those Tar Heel recipients who are bound to go through with a pro forma presentation of Governor Clyde R. Hoey's name at the next Democratic national convention.

Berlin Will Have No Peace Terms Until That Victory Is Won, Spokesman Says, After neutrals Peace Offer Is Rejected.

Berlin, Nov. 16.—(AP)—An authoritative source announced today that Germany had decided to "fight until British supremacy in the world is destroyed."

Germany, this source said, "will have no peace terms to offer until such a victory has been won."

The statement was made in connection with the German reply to the mediation offer of the Netherlands and Belgium, and in answer to the question, "What might Germany's peace terms be?"

(Germany's reply to the mediation offer, made orally by her foreign minister, was a polite "No.")

"It is no longer a question of German peace terms," the Berlin official stated. "Such a question might be raised in Paris and London, but not in Berlin. We are far beyond that, and there will be no peace terms until we reach success. We are ready to fight as we were for peace."

This source said there was speculation throughout the world over why Germany did not attack.

No Fear of Attack. "We have no fear of attacking, but intend to let military judgment choose the time, and not be goaded into it by foreign propaganda," he said.

His statement emphasized that it "would be a great mistake for the outside world to get the impression there was weakness here."

Today's communique of the German high command was confined to four words: "No special events yesterday."

Oil Fire Deaths In Venezuela Are Estimated at 300

Caracas, Venezuela, Nov. 16.—(AP)—Informed quarters said today the Venezuelan government would forbid reconstruction of the still-supported shanty town of Lagunillas on Lake Maracaibo, which was destroyed Monday night by a disastrous fire.

The village had long been considered a fire trap, it was said, but efforts to remove the inhabitants to new homes on the shore of the lake had proved futile.

Exact figures on the number of dead remained unavailable as authorities continued the search for bodies. The Maracaibo press estimated that 300 had perished, but the government press office indicated the actual number might be less.

Soviet Fight On Finland Is Pressed

Moscow, Nov. 16.—(AP)—The Soviet Russian press, intensifying attacks on Finnish foreign policy today quoted an Estonian newspaper as saying Finland's "obduracy" was impairing her relations with the U. S. S. R.

In a dispatch from Tallinn, Tass, official Russian news agency, said an Estonian newspaper had criticized Finland's military preparations and urged that "she regulate relations with her great eastern neighbor as soon as possible."

"Finland is hurting herself—no one can deny that," the dispatch quoted the paper as saying.

In another dispatch from Helsinki, capital of Finland, Tass charged that Finns were being taught to "hate Russians" with the encouragement of "the English bourgeoisie."

These attacks, reminiscent of Soviet newspaper comment preceding the Russian march into Poland two months ago, were interpreted by foreign observers as part of a campaign to induce Finland to grant Russia's demands for territorial concessions.

At the same time, Great Britain (Continued on Page Seven)

War Activities On Western Front Are Now at a Minimum

Paris, Nov. 16.—(AP)—A minimum of war activities on the western front was reported today by the French general staff, which announced in a communique that there was "no notable news during the night."

News of the war on the sea was confined to a statement by blockade Minister George Perrot that 233,297 tons of merchandise consigned to Germany had been seized by the French navy up to November 10.

Big Ashe County Forest Fire Now In Part Control

Winston-Salem, Nov. 16.—(AP)—The worst forest fire in the history of Ashe county was believed to be partially under control today as CCC camp boys and Negro convicts joined volunteer fighters in efforts to stem the blaze that has already burned over about 25,000 acres of land.

Fire Chief B. D. Graybeal, of West Jefferson, said today that he understood the blaze had been controlled on the north side of the Long Hope peak, Bend Bowlin and Three Top mountains, but that the fire on the south side of these mountains had not yet been surrounded.