

# GEORGIA SENATE BILL PROVIDES RETIREMENT FOR OLDER JUSTICES

Measure, Offered Prior to Court Plan, Up for Action Wednesday.

A bill to provide for the voluntary semi-retirement of members of Georgia's appellate courts is set for consideration in the senate next Wednesday.

It was introduced by a group of senators on January 25—a full 10 days before President Roosevelt made public his plan for reorganizing the federal judiciary.

Under the bill, judges of the supreme court and court of appeal, who reach 70 and have served 15 years in the state judiciary may ask for "emeritus" appointment to an "advisory appellate council" on two-thirds pay. They would serve for life.

The Georgia constitution provides no system for pensioning judges.

### Four Over Seventy.

Four of the present six supreme court justices are now more than 70 years old and have served the specified time, attaches said.

They are Chief Justice Richard H. Russell Sr., of Winder, and Justices Marcus W. Beck of Jackson, Samuel C. Atkinson of Brunswick and John B. Hutcheson of Jonesboro.

Justice R. C. Bell of Cairo is 57 and Justice W. F. Jenkins of Eatonton is 60.

None of the six court of appeals members would be eligible for the emeritus status at present, the attaches added, Chief Judge Nash R. Broyles, the oldest, is 67.

Acceptance of the emeritus status would be entirely voluntary with the judges.

### Duties of "Council."

Duties of the "advisory appellate council" would be to consult with the supreme court and court of appeals on rules of practice and administrative work. They would not participate "directly or indirectly" in the decision of cases before the courts.

The council would also consult with the attorney general and his assistants on legal matters when requested to do so, and would perform the same function for committees of the general assembly.

The bill permits service on the superior court bench to be taken into consideration in figuring the 10 years of service. There has been talk that an amendment may be offered to provide that a certain number of years must have been served on the supreme court bench.

The original bill was offered by Senators Flynt of Griffin, Pope of Cairo, Allen of Toccoa, Atkinson of Savannah, Phillips of Harlem, Purdom of Blackshear, Terrell of Warrenton, Shannon of Jeffersonville, Lindsay of Decatur, Millican of Atlanta and McCutchen of Dalton.

# Starlets To Take Parts in Junior Follies Show



Constitution Staff Photo—Slayton.

These miniature beauties, budding stars of "the stage, screen and radio," will be presented in a Junior Follies for the benefit of the Church Street P. T. A. at the city auditorium in East Point at 8 o'clock Friday night. They are Joanne Jaynes, left, and Lea Barrett.

# Legislature Wilder Than Circus, Helen Douglas Mankin Discovers

'Lady From Fulton' Writes Vivid Description of Varied Activities of Average House Member During Day of Session.

*Editor's Note: The following article on the Georgia legislature was written by Mrs. Helen Douglas Mankin, of Fulton county. She and Mrs. Helen Williams Coxon, of Long county, are the only women members of the legislature this session.*

**By HELEN DOUGLAS MANKIN.**  
The Georgia state legislature has a three ring circus licked to a frazzle when it comes to diversity of activity and interests.

Everything starts off quite peacefully with a reading from the Scriptures and a prayer but the second that is over it is a case of every man for himself.

The floor leader begins to tell us

the program for the day; a page whispers that someone wants you at the far door; someone else wants you at the near door but before you can move a couple of constituents with floor passes flank you to point out the pernicious points of house bills that you didn't even know had been introduced.

If a person begins a conversation by telling you that he voted for you, the chances are that he ends up by asking for help in getting a job.

The postmistress hands you your mail. Sixteen people insist that you vote this way and an equal number assure you that the other way is the only one with merit.

The clerk begins to call the roll for a vote on a measure and you swim through the fog to find out what it is all about. A kindly member thrusts a soft drink into your hand and you look grateful as you dive into your

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## Judge Gary Announces Ele- vation of Appeal Court Secretary.

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End Business Men's Asso-

William G. England was ap-  
pointed clerk of the Georgia court  
of appeals yesterday afternoon,  
Judge John B. Gary, member of  
the court, announced last night.

He will fill the position left va-  
cant by Logan Bleckley, who died  
Sunday.

A native of Cedartown, he came  
to Atlanta in 1917 and has been  
secretary to the judges of the ap-  
pellate court for about 20 years.  
He has served under such dis-  
tinguished jurists as Judge Nash  
Broyles, Judge Gary and the late  
Judge Bloodworth.

He attended the University of  
Georgia and Mercer law school,  
graduating from Mercer in 1908.

At one time he was city attor-  
ney of Cedartown.

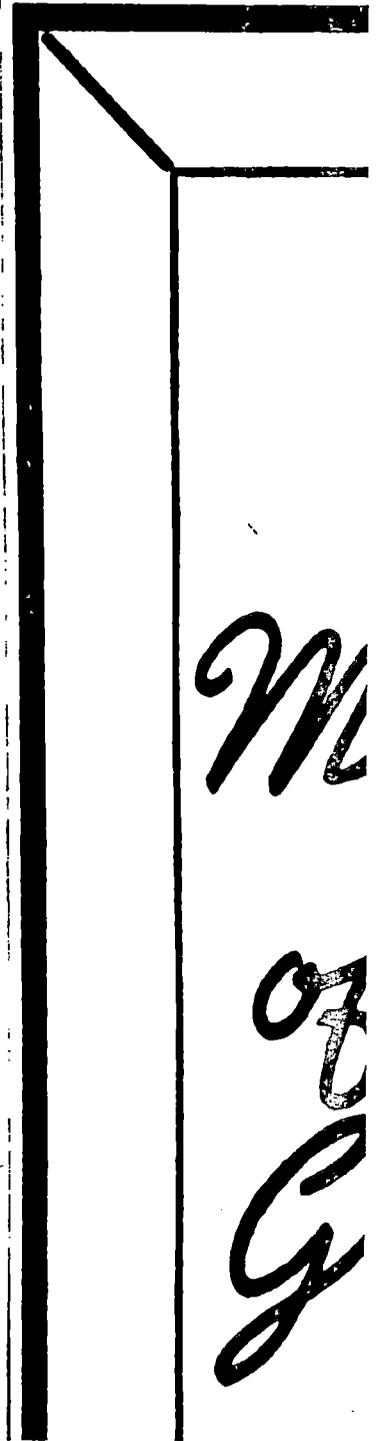
He is a member of Chi Psi fra-  
ternity and lives at 1018 St.  
Charles avenue, N. W.

In announcing England's ap-  
pointment by the judges of the  
court, Judge Gary made it clear  
that the appointment was made  
so soon after Mr. Bleckley's death  
to assure the efficiency and con-  
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**Seeking More Statistics**



L. B. ELLIOTT.

**FUNERAL SERVICE HERE FOR DENVER DOCTOR**

Funeral services for Dr. George W. Bromell, 69, member of the health department staff, Denver, Col., who died here Sunday, were held at 4 o'clock yesterday afternoon at Spring Hill, with Dr. John L. Yost officiating. Burial will be in Denver.

En route to Florida, Dr. Bromell died at the home of his wife's parents, Mr. and Mrs. Charles W. Green, 410 Glen Iris drive, N. E. He had been in ill health for some time.

**SHORT SELLING 'BAN' IS ORDERED BY SEC**

**Sales Must Be Made at Least 1-8 of Point Above Last Trade.**

WASHINGTON, Jan. 24.—(AP)—Short selling in a falling stock market will be virtually taboo under regulations issued by the securities commission today.

A short must sell stock at a price at least 1-8 of a point above the price of the last sale, say the regulations which go into effect on February 8.

This has the effect of outlawing all except rare cases of short selling in a declining market, because when prices are going down, shorts will find it impossible to sell at figures higher than the previous sale.

It will not affect short selling on a rising market, however, because when prices are rising, it will be comparatively easy to sell at 1-8 of a point above the previous sale. SEC officials explained informally that shorts have a desirable, stabilizing effect on a rising market, tending to prevent harmful booms.

The aim of the new regulations, it was indicated, was to prevent short selling from converting a falling market into a demoralized rout.

At present the "big board's" own regulations forbid selling stock short at a price less than the last previous sale. Thus the government regulations are somewhat stricter than those of the New York market.

**His Memory Is Honored**



LOGAN BLECKLEY.

**2 WHISKY CARGOES ARE SEIZED IN COBB**

**3 Men Freed on Bond as Drive on Liquor Transporting Begins.**

MARIETTA, Jan. 24.—Seizure of a truck cargo of 225 cases of liquor and an automobile cargo of 66 gallons and the arrest of three men today had signaled the opening of a drive against liquor transportation through Cobb county—a traffic on which the Cobb county grand jury is expected to make known its views in presentments anticipated tomorrow.

These actions, taken Saturday but not revealed until today, followed closely on the heels of Judge J. H. Hawkins' charge to the grand jury, in which he declared more than 200 trucks pass through Cobb county each month, transporting liquor under Florida bills of lading.

State highway patrolmen Saturday arrested a man giving his name as J. P. Thomas Jr. and a woman companion following seizure of 66 gallons of whisky on Bankhead highway near Austell. Though both were charged at first with possessing and transporting whisky and released under bonds of \$500 and \$100, respectively, charges against the woman later were dismissed. Thomas gave his address as Atlanta.

A man giving his name as Mickey Deitch, of Savannah, and a negro listed as Lee Underwood, also of Savannah, today had posted bonds of \$1,000 and \$500, respectively in connection with the

**TRIBUTES ARE PAID TO LOGAN BLECKLEY**

**Two Courts Recess, House Adopts Regrets, Governor Eulogizes Official.**

State officials and members of the Georgia bar united yesterday in paying tribute to Logan Bleckley, 72, for 32 years clerk of the Georgia court of appeals, who died Sunday after a long illness.

The services were conducted at 2 o'clock yesterday afternoon at Spring Hill by Bishop H. J. Kell, assisted by Richard Flinn. Burial was in West Point.

Honorary escorts were provided from the state senate, the court of appeals, the Georgia supreme court, the Georgia and Atlanta Bar Associations and the Atlanta Lawyers' Club.

Pallbearers were Alexander Smith Jr., John L. Tye Jr., M. H. Smith, Robert Troutman, Almand, William A. Grant, F. A. Alexander, Legare Davis, H. H. Cobb and W. Morgan Thomas.

**Two Courts Recess.**

The supreme court and the court of appeals recessed for the day, the justices and court officials attending the funeral in a body.

Governor Rivers yesterday eulogized the veteran court official in the following statement:

"The death of Logan Bleckley has removed from the state one of the most familiar figures of Georgia officialdom, one of the most stalwart gentlemen of our times and one of the most faithful servants our state has ever known."

"During the 32 years he served Georgia and Georgianians has upheld his heritage from his famous father, the most distinguished figure ever to occupy the bench of the state supreme court."

"While his position will be missed by some one who can conduct the office with efficiency, his successor will find it indeed hard to gain the place Logan Bleckley has in the hearts of Georgians."

**House Adopts Regrets.**

The state house of representatives adopted a resolution of regret over Mr. Bleckley's death.

Born in Washington, Ga., in a family long distinguished in the annals, he was the son of the Logan Bleckley, chief justice of the state supreme court from 1851 to 1894, and grandson of Judge Bleckley, a major general in the state militia and member of the U. S. congress from 1843 to 1851.

He was an honorary life member of the Georgia Bar Association and had served that organization as treasurer from 1922 to 1936.

He lived at 717 Piedmont avenue, N. E.

**REPAIRS ASSURED FOR AUDITORIUM**

City Council Approves Estimate of \$5,000.



# APPELLATE JUDGE TAKES ADDITIONAL OATH OF OFFICE

**John B. Guerry Files Supplementary Document Claimed Missing by Monroe Stephens.**

John B. Guerry, judge of the Georgia court of appeals, yesterday took an additional oath as further insurance to his right to office after discovering a portion of the oath required by the state code was missing from the regular book used by the Governor for swearing in judges of the appellate courts.

Many lawyers, however, said such an action was unnecessary because the present oath "substantially complies" with the code requirements in that the judges must pledge to carry out the duties of the office. With this wording, they hold the oath now in the Governor's office is "valid."

That portion of the judge's oath discovered missing Tuesday by Monroe Stephens, who is claiming the office of chief justice of the supreme court on basis of write-in votes received in the June 6 general election, is as follows:

**Missing Portion Quoted.**

"I swear that I will administer justice without respect to person, and do equal rights to the poor and the rich, and that I will faithfully and impartially discharge and perform all duties incumbent on me as judge of the superior courts of this state, according to my best ability and understanding, agreeable to the laws and Constitution of this state and the Constitution of the United States, so help me God."

This is the oath required of superior court judges and which the code says also must be taken by

## Fulton Employees Get Extra Holiday

Fulton employes will get an extra holiday this week-end on the Monday between Sunday and July 4, but it appeared extremely doubtful that city employes will receive the same.

The county commission yesterday voted to close the courthouse July 3 to make a week-end vacation from Saturday noon to Wednesday morning. Mayor Hartsfield asserted that closing the city hall gives every other employe of the city the same holiday. "In giving two holidays we would be short-handed in the police and fire departments for months and months letting the men off to take their two days," he said. "We can't close up the police and fire departments on Monday or even July 4. They have to operate every day."

City workers are still hopeful.

the supreme court and court of appeals judges.

Lawyers pointed out yesterday afternoon that this oath is an inherent part of that taken by the appellant judges when they swore to discharge all duties lawfully required of them according to the best of their ability and understanding.

**In Use Since 1935.**

These lawyers further indicated it was not likely the appellant court judges would take this additional oath since it would make them swear to "perform all duties incumbent on me as judge of the superior courts of this state." This they could not swear, since appellant court judges do not perform the duties of the lower court judges.

The present book of oaths has been in use since November 12, 1935. In some instances examination of the book disclosed, an additional oath was written in long-hand or typewritten and attached to the official book, while in other cases the judges asserted they took part of the oath verbally.

Judges whom Stephens claimed had not taken the additional oath are Justices Warren Grice and W. H. Duckworth, of the supreme court. Chief Justice Charles S. Reid and Justice R. C. Bell also were sworn in with the current book.

## HOT WEATHER BILIOUSNESS

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### Appeals Court Quotes a Poem About In-Laws

The state court of appeals waxed poetic yesterday in deciding the relationship of in-laws.

"The groom and bride each comes within  
"The circle of the other's kin;  
"But kin and kin are still no more  
"Related than they were before."

The quotation was taken from a decision by the late Judge Bleckley in the case of the Central Railroad and Banking Company vs. Robert, and was used in affirming the \$150 fine of C. L. Lemming on a misdemeanor charge in Floyd city court. Lemming had sought a new trial on alleged relationship of a juror and the prosecutor.

The court ruled: "A juror whose brother married the sister of the prosecutor's wife does not become related to the prosecutor so as to become disqualified."

## HYDROELECTRIC PERMIT QUESTIONED

### Arkwright Expresses Opinion Bartlett's Ferry Action Concerns Technicality.

The Federal Power Commission



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# Judge Guerry Dies of Injuries In Auto Crash

## Car Skids on Wet Road Near Fredericksburg; Wife Slightly Hurt.

Judge John B. Guerry, 58, of the Georgia court of appeals, died last night in a Fredericksburg, Va., hospital of injuries suffered when his automobile skidded on a wet highway and plunged down an embankment 20 miles north of that city.

Mrs. Guerry, who was accompanying the judge to Washington for a meeting of the American Institute of Law, suffered chest injuries and scratches, but her condition was not thought to be serious. She was able to talk by phone from the hospital with Herbert Vining, secretary to the judge, but details of the accident were not disclosed.

First-aid was given at the scene of the accident before the judge and his wife were removed to the hospital, but it was not believed that Judge Guerry regained consciousness following the accident.

A daughter, Miss Vaidee Guerry, teacher in the Atlanta public schools, left Atlanta last night by plane for Fredericksburg. Other children are Ensign John B. Guerry Jr., graduate of Annapolis in 1938, who is now in Honolulu with

Continued on Page 9, Column 2.

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The French war ministry's spokesman ad-  
man armored columns had pushed deep into  
breaking through the Allies' Meuse river front  
sector.

But, he said, the Germans were pinned down  
blows from the air.

(The fighting raged fiercely along a wide  
Meuse river and extended farther north past  
Louvain and Antwerp to the Dutch border,  
estimated 2,000,000 men locked in the titanic  
United Press said.

### Germans Driven Out of Louvain

(The Allied forces appeared to be holding  
before Antwerp, Louvain and Brussels, and  
from the British expeditionary force said that  
had been driven out of the famous university  
Louvain—martyr city of the World War—  
counter-offensive in defense of Brussels, 15  
west.)

The premier spoke twice during the day  
cheering chamber of deputies in person and again  
tion by radio.

Reynaud warned the chamber that "we will  
take measures which in other times would  
revolutionary."

Nevertheless, he emphatically denied a  
spreading through Paris that the government

Continued on Page 2, Column 4.

# War at a Glance

By The Associated Press.

**PARIS**—Military rule extended to Paris; French  
ther German gains in Sedan sector, but claim  
mastery of situation." Reynaud, confident  
victory, says German "break-through" consists

**BERLIN**—Germans mass on Belgian front for  
strategic channel ports to gain jumping-off point  
upon Britain.

**WASHINGTON**—Roosevelt calls for \$1,182,000,000  
national defense program; advocates 50,

about it and talk with the neighbors about it and shake their heads and view with alarm just like any grocer.

Off hand, you would think that cataclysmic catastrophes would inspire them to take their pen in hand and turn out ream after ream of deathless verse. But Mr. Robert Frost, who is by way of being America's leading male poet and the Walt Whitman lecturer at Harvard, says that this is not so.

#### Shuns Poetry.

Mr. Frost, a gentle, bulky man with a tangled thatch of white hair, arrived in Atlanta yesterday afternoon to speak at Agnes Scott last night.

His subject was poetry. But yesterday afternoon at the railroad station he said he'd just as soon not talk shop as talk it. He would like to talk about politics, or war, or religion, or most anything.

Of politics, he said that he didn't think the Republicans would turn a willing ear to Miss Dorothy Thompson's statement that Mr.

### Lemon Juice Recipe Checks Rheumatic Pain Quickly

If you suffer from rheumatic, arthritic or neuritis pain, try this simple, inexpensive home recipe that thousands are using. Get a package of Ru-Ex Compound today. Mix it with a quart of water, add the juice of 4 lemons. It's easy. No trouble at all and pleasant. You need only 2 tablespoonsful two times a day. Often within 48 hours—sometimes overnight—splendid results are obtained. If the pains do not quickly leave and if you do not feel better, Ru-Ex will cost you nothing to try, as it is sold by your druggist under an absolute money-back guarantee. Ru-Ex Compound is for sale and recommended by Jacobs Pharmacy Stores and good drug stores everywhere.—(adv.)



To relieve the "bitey" soreness and help your skin, use Resinol Ointment—its action is twofold. Being oily, its reliable medication stays in contact with the pimply spots, and quickens healing as it soothes irritation. Resinol Soap is agreeably cleansing to tender skin.

Sample free. Write to Resinol, 10, Balto., Md.

**RESINOL OINTMENT SOAP**

(Advertisement)

**Dinnerware 5**

**COUPON**

and four others consecutively numbered with 49 cents entitles the holder to this week's offer at any Redeeming Station.

Those who have no access to our redeeming stations send 49c plus 15c for postage to

Fulton Distributors  
449 ANCIER AVE., N. E.  
VE. 0023 ATLANTA

UNIT No. 32

Three Dinner Plates

Name .....

Address..... City.....

was that, when he was a boy he used to admire Frank L. Stanton very much.

## Judge Guerry Dies of Injuries In Auto Crash

Continued From First Page.

the fleet; Miss Nanita Guerry, teacher at Douglasville, and the former Miss Clara Martin Guerry, now Mrs. Wayne B. Denny, of New York.

Judge and Mrs. Guerry lived at the Atlanta Athletic Club while the appellate court was in session, but maintained their home at Montezuma, where Judge Guerry had resided since 1908.

#### Honor Graduate.

Judge Guerry was born at Georgetown, in Quitman county, Georgia, and was an honor graduate of Mercer University Law school, where he was a member of the Sigma Nu fraternity. Following his graduation in 1907, he moved to Montezuma and entered the practice of law. His first public office was as solicitor of the county court of Macon county, and later he was elected solicitor of the city court of Oglethorpe.

He held this post until 1932, when he made the successful race for the appellate court to succeed Judge O. H. B. Bloodworth, who had died while in office. He was unopposed at the last election.

A distinguished Georgian, he was at one time chairman of the Montezuma board of education and also had served as a member of the board of trustees of Mercer University.

He was a grandson of Theodore Legrand Guerry, a lieutenant colonel in the Confederate army and later president of the Georgia senate.

#### Noted Orator.

Noted as an orator and as a student of Georgia history, particularly of the Civil War period, he delivered the Memorial Day address here at the observance just past. He also delivered the address at the dedication of the tomb of Lee Battle, Mercer's famous janitor, at Covington recently.

Prominent in his own county, where he had large farming interests, Judge Guerry in 1928 was winner of the silver cup given by the Montezuma Kiwanis Club to the city's "most unselfish citizen."

Prominent in church work, Judge Guerry was a member of the board of deacons of the Montezuma Baptist church.

#### Body Arrives Today.

According to H. H. Perry Jr., secretary to Chief Justice Charles S. Reid, and former secretary to Judge Guerry, Mrs. Guerry will accompany the body to Atlanta sometime today. The body will be taken immediately to Montezuma where funeral services will be held at a date to be announced, he said.

Mrs. Guerry was the former Miss Ophelia Smith, of Macon.

Haul out your odds and ends, they'll bring you a profit through Constitution Want Ads.

that will  
what. A suit I can  
and wear all Summer. Born  
big party has 'em down at \$25."



"ROCHESTER-TAILORED TROPICALS are my meat. They make me feel like money in the bank. Try to stop me, when I can get such champagne quality at \$15.00, with 2 trousers."





**MAY GO UP**—Superior Court Judge D. C. Gardner, of the Albany circuit, yesterday rumored as successor of the late John B. Guerry on the state court of appeals.

## Judge Gardner May Advance to Appeals Court

### Mundy Also Considered as Successor to Late Judge Guerry.

By The Associated Press.

Superior Court Judge D. C. Gardner, of the Albany circuit, is being considered seriously as a successor to the late Judge John B. Guerry on the state court of appeals, a source close to Governor Rivers disclosed yesterday.

Another jurist under serious consideration for the place is Superior Court Judge W. W. Mundy, of the Tallapoosa circuit.

The executive department informant said the Governor might act tomorrow in filling the vacancy on the appellate court created when Judge Guerry was killed in an automobile accident last week.

If Judge Gardner is elevated to the appellate court, two prominent men in his circuit are being considered to succeed him. They are Howell Cobb, Albany attorney, and A. B. Conger, Bainbridge lawyer, whose wife is a member of the state board of education.

The appointment will run until Judge Guerry's successor is elected in the September 11 primary, confirmed in the November general election, and sworn in.

### 25 Persons To Testify At Mrs. Burleson's Trial

COLUMBIA, S. C., May 21.—(AP) Twenty-five witnesses, many outside the state, will be called to testify at the trial of Mrs. May Walk-

be hard."

"Why take food?"

"To eat," he explained.

"But I can get along without that. I won't need much."

"You mean you can get along for two days on the train on bread and cheese and sausage?"

"Why not?"

**Chances Against Buying.**

"No reason at all, except that's why you'd better take them with you. Chances are you can't buy them in Spain."

"But I thought that, now, with Franco—"

"Sure, sure," said the American. "That's what we all thought. That's what a lot of the Spanish thought. Only it didn't work out. There are people really starving in that country. And I'm not using any figure of speech."

"But even during the war, there was plenty of food on the Franco side. What happened to that?"

"It got all eaten up," explained the American, "and then no more got produced. And then what was produced, Franco sent out of the country."

"Germany and Italy," said the American. "Franco's very honorable. He's sent every drop of olive oil to Germany to pay for the bombers they sent him to bomb the loyalists. Very honorable fellow. Just stripped the country bare."

"How do the Spanish like that?"

**Don't Like It.**

"They don't at all. You hear all kinds of talk today. They say there are more Reds in Spain now than there were before Franco started shooting them. Only these new Reds, all of them, fought in his army. And another funny thing—these Falangists."

"The Spanish Fascists?"

"Yes. You see, they fought with Franco to push over the old loyalist government. Only now they've taken over practically the whole program of that government—all that social reform stuff—redder stuff than the old reds ever had—and want him to adopt it. Maybe he'll have to."

"Doesn't he want to?"

"Of course not. Anyway, he can't think about things like that. He's just a soldier—just got into this civil war thing because the other generals and the church and the landlords said it was the thing to do. Now with all these new things coming up, he's lost. By the way, they're trying hard to blow him up. Never goes out without a whopping big guard. Still keeps the country full of Moors. Needs 'em. Account of the Reds."

"But I thought he'd shot all the

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**MAY GO UP**— Superior Court Judge D. C. Gardner, Albany circuit, yesterday announced as successor of the late John B. Gardner on the state court of appeals.

**Judge Gardner**

# Foes of F Are Incre White Is

## More Reds Than General Started ing, He He

By WILLIAM L.

Special Correspondent

**GIBRALTAR**—(By "Now listen," said the "if you're thinking of of this place by going Spain, don't forget to You'll have to get past the British food-control here to export it, but be hard."

"Why take food?"

"To eat," he explained.

"But I can get along that. I won't need more."

"You mean you can't live two days on the trip and cheese and sausage?"

"Why not?"

**Chances Against**

"No reason at all, except why you'd better take your chances are you travel in Spain."

"But I thought that Franco—"

"Sure, sure," said the "That's what we saw when we were in the

# Gardner Takes Oath To Fill Guerry Post

## New Appeals Jurist 58; Cobb Named Superior Judge.

Superior Judge Bernard Clay Gardner, of the Albany circuit, was appointed and sworn in yesterday as judge of the state court of appeals, succeeding John B. Guerry, who died from injuries received in an automobile accident at Fredericksburg, Va.

Howell Cobb, prominent Albany lawyer and member of a distinguished Georgia family, was appointed and sworn in at the same time by Governor Rivers to succeed Judge Gardner.

Gardner is 58 years old, and a native of Macon county. He graduated from the University of Georgia Law School in 1908 and practiced in Thomasville, Quitman, Albany and Camilla, his home.

In 1921 he was elected solicitor general of the Albany circuit and in 1929 judge of that circuit, a post in which he served continuously until elevation to the appellate court.

The jurist is a brother of J. D. Gardner, member of the State Board of Regents.

Cobb, in 1934, ran for attorney general and was high man in popular votes but lost on the county unit tally.

The appellate court post pays \$7,000 a year and the appoint-



**PRINTING EXPERT**—John M. Callahan, president of the International Clubs of Printing House Craftsmen, will speak at 6:30 o'clock tonight before the Atlanta branch at the Lawyers' Club in the C. & S. building.

ment is for a term running until the six-year tenure is filled by election in the September 11 primary.

Gardner said he expected to qualify soon for the primary. Cobb said he also would qualify soon for the September primary.

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B. Black, of the Department of Interior, is waiting at a base 800 miles south of the southernmost point of South America, at Marguerite Bay, in Palmer Land. There are 23 men and 80 dogs at that location.

Across the ice, 1,600 miles to the west, is the other group of 33 men and a number of dogs. Their camp is at Little America on the Ross Barrier—a floating ice sheet several hundred miles long and some 40 feet thick. This is approximately 2,000 miles south and east of New Zealand.

**To Chart Coastline.**

The principal task of these groups—constituting the expedition of the U. S. Antarctic Service headed by Rear Admiral Richard E. Byrd—is to chart the coastline lying between their two bases.

A section in the middle, about 900 miles long, was charted last year, but another 600 miles remains to be mapped.

The group at Marguerite Bay is expected to start sooner than the other because it is farther from the pole and hence the night ends earlier. The trek probably began in August. The men at the Little America base must wait until probably October.

When their job is completed, virtually the entire coastline of the immense continent at the "bottom of the world" will be known, and this country's claim to a share in Antarctica, when this is made, will be strengthened considerably.

Both groups will use dogsled and airplane in making their surveys. Black's party probably faces the most difficult job, for in its path is an ice-covered bay, deeply crevaced, and beyond that is a range of mountains some 9,000 feet high.

**Flight to Be Perilous.**

The party's airplane probably can cross the mountain range without serious difficulty, but if the craft encountered trouble on the other side and had to make a forced landing, the situation might become desperate.

**Russell Decides  
16-Year-Old Case**

Robert L. Russell was sworn in 30 minutes ahead of schedule recently so that he could become a federal judge before the hour of his 40th birthday. This week he opened his first Atlanta court session five minutes early because a clock was fast.

Yesterday he figured in the time element again. He handed down a decision ending a lawsuit that had been pending nearly 16 years.

The decision gave Mrs. Robert Reilly, of Chicago, holder of defaulted bonds of the board of drainage commissioners of the New River district, a judgment of \$7,000 plus \$5,468 interest on the bonds. George Willingham, fourth receiver appointed in the case since it was started in Coweta county court December 16, 1924, was ordered to proceed with sale of the defendant's lands to satisfy the judgment.

a quick, deep breath will often freeze a man's lungs, but inside the snow-covered buildings it is warm and the food is good and plentiful.

Both camps are in constant communication with the United States and their chief, Admiral Byrd, who is here in Washington directing and co-ordinating the work at the bases by radio.

The bases each have 500-watt stations. Broadcasts are picked up here, or in San Francisco, Honolulu and elsewhere, depending upon weather conditions.

In addition, the expedition's planes, tractors and even dogsleds are equipped with two-way radio to reduce the hazard as much as possible.

**U. S. To Extend  
Power System**

**Levees Create  
Delta Garden  
In Louisiana**

**5,000 Acres To  
Be Converted to Productive  
Fruits and Vegetables**

POINT A LA HACHE, La., 11.—(UP)—Five thousand acres of rich Mississippi river valley below here is being reclaimed to produce an estimated 10 million freight carloads of produce annually.

Backers of the project, the river levee district drainage board, declare that 5,000 acres of vegetables of finer substance than much of the produce grown in the Rio Grande valley of Texas. That the area also will be suitable for citrus fruit growing.

**Reclaimed Land**

The reclaimed produce area is a rectangular plot parallel to the Mississippi river's west bank. It runs from Port Sulphur to the distance of about 12 miles from the river to Buras, near the delta. It lies between two levees that protect the river lands from the Mississippi on one side and the newly built storm protection levee on the other which prevents ground being struck by tidal waves that flow from the Gulf of Mexico.

This land heretofore has been inundated more by backwash from the Gulf than by the Mississippi. But now a string of pumping stations has been installed to force the water out of the inlandmost points of the tidal protection levee and into the Gulf.

That system, which will operate continually, consists of pumping stations, huge concrete pipes, and wide drainage ditches, all pump the waters off the delta lands into the Gulf.

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ONSTITUTION, ATLANTA, GA., THURSDAY, SEPT. 12, 1940.



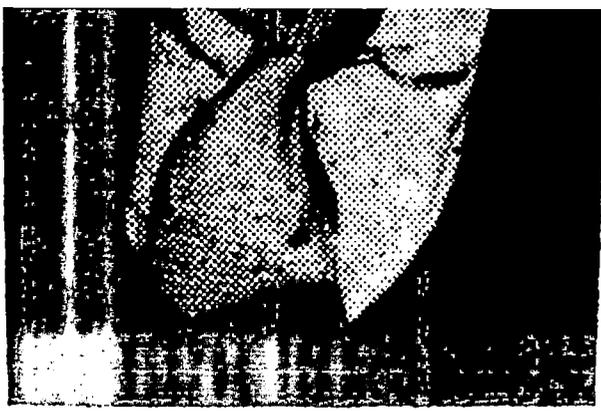
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**JUSTICE**—Charles [Name] was re-elected with-  
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court yesterday.



**APPELLATE JUDGE**—B.  
C. Gardner, member of the  
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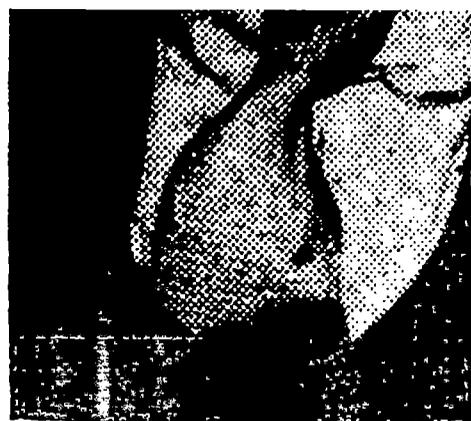
**STATE POST**—Ap-  
Court Justice Hugh  
tyre was re-elected  
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**RETURNED TO POST**—  
Justice I. H. Sutton, of the  
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**CHIEF JUSTICE**—Charles  
S. Reid was re-elected with-  
out opposition to the chief  
justiceship of the state su-  
preme court yesterday.

**APPELLATE JUDGE**  
C. Gardner, member  
court of appeals, was  
elected yesterday with  
opposition.



**ATIVE — W.**  
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**GETS STATE POST**—Ap-  
peal Court Justice Hugh  
MacIntyre was re-elected  
yesterday without opposi-  
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**RETURNED TO P**  
Justice I. H. Sutton,  
court of appeals, was  
elected yesterday with  
opposition.

Lyndon; a sister, Mrs. Bert, of Whitesburg, Ga., and sons, Jack L. Stead and Tom Lewis Jr. Arrangements will be by H. M. Patterson &

## Person Named President of Club

of W. E. Thompson as president of the Transportation Club in Atlanta was announced

chosen were G. W. Leyhe, president; R. C. McLeod vice president; W. H. C. T. Kilgore, industrialist; A. L. Day and J. A. Railroad directors; P. S. J. O. Perry, motor exporters, and Roy Moss and Stone directors.

In election, a supper at a downtown hotel. Annual banquet will be held on Dec. 14 at the Atlanta Club.

## Campbell, 43, Died at Residence

Ma Campbell, 43, died at her residence, 920 N. W. 10th St., S. W.

Survived by a son, G. W. Campbell Jr.; a daughter, Miss Ma Campbell; her mother, S. A. Martin; two sisters, L. M. Hall, of Miami,

I. Davenport Jr.; and brothers, R. H. Martin, of Miami, N. C., and V. A. Martin, both of Atlanta. Funeral will be held at 2:30 p.m. tomorrow afternoon at the First Baptist church. The Rev. Cutts will officiate. Burial will be in Hollywood

to the superior number of guns on British fighter planes.)

While the Britons closed in on Sidi Barrani, a British tank unit reached Buq Buq, where the befuddled Italians bombed so indiscriminately that they killed many of their own fleeing troops.

The captain commanding a big Italian motor transport column which ran into the British tanks near Buq Buq said he had heard firing but paid no attention since he had no idea the British were in the vicinity.

"Thought it must have been the Italians practicing," he said.

The British found one colonel with his duffle bag all packed, resignedly waiting to be carried off as a prisoner. His unit had given up.

## Justices, Judges Sworn In by Rivers

Governor Rivers yesterday administered the oath of office to two state supreme court justices and three judges of the court of appeals, all of whom were elected in the November 5 election.

Sworn in for six-year terms on the supreme court were Chief Justice Charles Reid and Associate Justice Warren Grice.

Judges Hugh J. MacIntyre and I. Homer Sutton were sworn in for six-year terms on the court of appeals, while Judge B. C. Gardner was given the oath for the four-year unexpired term of the late Judge John B. Guerry.

## Armed Cruiser Forfar Sunk, British Announce

LONDON, Dec. 13.—(AP)—The British armed merchant cruiser Forfar has been torpedoed and

sunk. The recovered bodies of those of 38 women and 18 men.

The little steamer was on high seas near Istanbul.

Little hope was held of missing. The captain of the motor vessel, which sailed from Varna, Bulgaria, ashore and was being investigated pending an inquest.

## Algerian Leader 'Comforts'

VICHY, France, Dec. 13.—Governor General Jules Guesbier of Algeria, conferred with Chief of State Marshal Lyautey on his return from a tour of French Guiana, Martinique and Guadalupe.

An official announcement said that General Cardé gave Petain a favorable impression of his trip to the French possessions in the United States and the West Indian Antilles.

It said, however, that Cardé was arrested twice at Antigua of the Leeward Islands and Bermuda.

**(COLORED)**  
**LESTER, Mr. Mack**—Funeral home in Clarkston, Ga., Dec. 13, 1940. Funeral at 2 p.m. later. Chandler Johnson.

**ROSSER, Mr. George**—Funeral home in Clarkston, Ga., Dec. 13, 1940. Funeral at 2 p.m. later. Chandler Johnson.

**BROWNER, Mrs. Will**—Funeral home in Clarkston, Ga., Dec. 13, 1940. Funeral at 2 p.m. later. Chandler Johnson.

# Mann To Run for PS Body, Capitol Hears

entry of an Arnall-Rivers  
tion candidate for Public  
ice Commission, and a shift in  
lineup for Lieutenant-Gover-  
were rumored Tuesday.  
pporters of A. J. Hartley said  
Royal K. Mann, former mem-  
of State Prison Commission  
lost his post when the reform  
rain was launched, would  
lly as a candidate against  
ley for the Public Service  
on Friday.  
was talk that Senate  
William T. Dean, of Conyers,  
ld not be a candidate for Lieut-  
nt-Governor. Adj. Gen. Alpha  
rler, of Douglasville, and  
ry Persons, Mayor of Talbot-  
and member of the State Vet-  
s' Service Board, both were  
tioned as possible running  
for Acting Gov. Thompson.  
are young veterans of World  
II. Dr. W. T. Wall, of Blakely,  
er State Senator, is consid-  
making the race independent  
y political faction.  
ate Capitol reports said that  
Landrum had left to meet  
npson, now on vacation, and  
iss rumors that he might be  
iced as Executive Secretary.  
idrum is not particularly  
dly with former Gov. Rivers.

# Christian Home Head Be Honored

ie Steiner Hook, who  
years as Superintendent  
ie Southern Christian Home,  
Cleburne Ave., N. E., will be  
red at a silver tea from 4 to 6  
Sunday at the home.  
ie tea will be given by the  
of Directors of the South

# Appeals Race Develops As Roan Qualifies

A race for the Court of Appeals formally developed Tuesday, when Judge Augustus M. (Gus) Roan, former Judge of the Civil Court of DeKalb County, qualified for the post now held by Judge J. M. C. (Red) Townsend.

Joe Boone, (Secretary of the State Democratic Executive Committee, also announced from his home in Irwinton that Hoke O'Kelle, of Loganville, had qualified as a candidate for Governor; Sen. Russell had paid his entry fee as a candidate for renomination, and James A. Perry had qualified as a candidate to succeed himself on the Public Service Commission.

Boone said entry fees have been paid by the following others: James T. Manning, of Marietta, candidate for Solicitor General of the Blue Ridge Circuit; Eschol Graham, of McRae, to succeed himself as judge of the Oconee Superior Court Circuit; M. J. Boyer, of Hawkinsville, to succeed himself as Solicitor General of the Oconee Circuit; Andrew J. Ryan, Jr., of Savannah, to succeed himself as Solicitor General of the Eastern Circuit; J. Roy Rowland, of Wrightsville, candidate for judge of the Dublin Superior Circuit; W. H. Lanier, candidate to succeed himself as Solicitor General of the Middle Judicial Circuit, and Edward Parrish, candidate for Solicitor General of the Alapaha Judicial Circuit.

After paying his fee with Boone at Irwinton, Judge Roan went to his old home town of Douglas Tuesday night to open his campaign. He is a son of former Judge C. T. Roan, of the Coffee County Superior Court, and a nephew of the late Judge Leonard Roan, of the State Court of Appeals. He seeks the seat which his uncle held.

# Crushers Elect Williams

M. E. Williams, Vice President of the Dawson Cotton Oil Com-pany of Dawson, was elected

# U. S. Can't Police All 48 States, Talmadge Says

The Federal Government cannot go into the business of policing 48 State governments, and the thousands of city and county governments of this nation. Herman Talmadge, potential gubernatorial candidate, told a civic gathering in South Fulton County last night.

Talmadge addressed a joint meeting of the Tell Section Civic Club Rico, Sandtown, and Cedar Grove Clubs at the Central School-house in Tell.

Opposing President Truman's civil-rights proposals, Talmadge declared "A Federal Gestapo and secret police telling us whom we must hire and fire cannot solve the South's problems. To do so would bring down upon us chaos, anarchy, and oppression."

Talmadge said this nation and the Democratic Party were founded upon a policy of State's rights, and time had proven the wisdom of permitting each State to settle its own problem according to its own peculiar need.

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fund for increased payments to school bus drivers; an \$100 increase for State institutions, chiefly the Milledgeville Hospital; an increase of \$500,000 for the Forestry Department and \$3,000,000 for State participation under the Federal Burton Hospital Construction Act.

contingent appropriation, suggested by Talmadge and the Appropriation Bill with the provision that it will be effective only if additional revenue is available, follows:

- for education, common schools, \$28,151,720.
- for University System building fund, \$4,822,000.
- for teacher retirement, \$1,150,000.
- for highways, \$4,128,000.
- for public health, \$900,000.
- for Tuberculosis Sanatorium, \$1,500,000.
- for public welfare, \$1,500,000.
- for additional Farmers' Market facilities, \$150,000.
- for expanding forest fire protection, \$250,000.

total contingent appropriation, \$42,549,920.

total regular and contingent appropriation, \$150,439,548.

placed with the clamor for city ownership and would they favor the city losing the taxes it now collects on parking lots and garages assessed at \$4,000,000.

Gunby said the questionnaire showed the business men overwhelmingly in favor of having the city set up a traffic engineering department to "eliminate trial and error methods of traffic improvements."

# Women Voters Bar Asks Ban Change On Politics Vote Laws In Courts

Georgia League of Women charged yesterday that proposed by Gov. Talmadge to revise Georgia election laws would bring about "a complete elective process."

Johnnie Hilburn, of Augusta State President, issued the following statement on the proposed legislation:

more than a quarter of a century the League of Women in Georgia has worked to change the machinery through which the citizens of this state exercise their democratic right of government. During these years we have seen many such laws enacted into law.

It is with deep concern and that we now witness the injection of legislation into the hands of a Legislature which would completely wipe out these laws and bring about a complete elective process.

We urge the public and our representatives throughout the State to be alert to understand fully the implications of legislation affecting Georgia's election machinery now pending in the Georgia Legislature."

Albert Henderson, President of the Georgia Bar Association, said yesterday the Association will sponsor legislation in the current General Assembly seeking to remove the Appellate and Superior Courts from politics.

The legislation will ask for a Constitutional Amendment to place the selection of judges on basis combining the best features of the nominating and electing systems.

Under the proposed plan, known to lawyers as the Missouri Plan, nominations for the judgeships would be by a judiciary commission comprising members of the Georgia Bar Association and laymen. Nominees would then be confirmed for the positions by the electorate.

Henderson outlined the plan to members of the Lawyers Club of Atlanta at its regular monthly meeting. Members of the legal profession serving in the General Assembly were honor guests of the Club.

# State Bills Aim At Sex Crimes

Laws aimed to halt molesting of children particularly in Atlanta's neighborhood theaters will be



**FIGHT TO SAVE COUNCIL**—Sen. Leary, left, of Leary, and Sen. Cecil M. Hunta, discuss legislative strategy to save the Georgia Citizens Council. They have introduced, as an economy measure, a bill to abolish the Council, with youth organizations.

# Education Criticized Negro Education

# Christian Fam

Thomas W. Hill, School Business Manager, said the problem will be taken to the Board of Education for study. H. Griffith Edwards is architect on the improvement. Bids are slated to be opened today for a \$225,000 gymnasium for Bass School.

### Traffic Engineer

A subcommittee of a nine-member committee to screen applicants for the position of traffic engineer yesterday culled 15 from the 20 applicants, leaving a field of five. Fred Moore, Chairman of the Subcommittee, said the names probably will be offered the full Committee at a meeting set for 4 p. m. tomorrow. More information is being assembled on three of the five still on the list. Other members of the Subcommittee are Bob Leopold, Francis Craft and Carl T. Sutherland, City Personnel Director. Under the ordinance creating the post, Mayor Hartsfield will nominate for the new post subject to confirmation by Council. Present plans are to activate the new standard traffic code Sept. 22 under the direction of the new traffic engineer.

### Mayor Over Cold

Mayor Hartsfield returned to his office yesterday after a two-day absence laid to a cold. He immediately tackled an accumulation of business which had piled up, and said when he catches up, he plans to get away for a few days rest after his arduous campaign, climaxed last Wednesday when he defeated three other candidates for a new four-year term as Mayor.

## Men, Women! Old? Get New Pep, Vim Feel Years Younger

Do you blame exhausted, worn-out feeling on age? Thousands amazed at what a little pepping up with Ostrex has done. Contains tonic many need at 40, 50, 60, for body old just because low in iron; also supplementary doses Vitamin B1, calcium. New "get acquainted" size only 50c. Try Ostrex Tonic Tablets for pep, younger feeling, this very day. At all drug stores everywhere—in Atlanta at Lane, Liggett, Rozell Stores, Walgreen's and Jacobs.

**BOARDS**  
 Plywood Board—Solid  
 and—16x32 Ceiling  
**REDWOODS** ★★  
 Plywood—Masonite

grant of \$14,000 for establishment of a new training program in its School of Medicine.

The University of Georgia Med-

# Gas Truck Blast Suit Is Upheld

Georgia's Court of Appeals yesterday refused to dismiss a \$35,000 damage suit arising from an explosion of an ammonia gas truck in Albany.

Roy L. Taylor filed a suit against the Atlantic Company, which was shipping the ammonia gas.

Taylor said he was guest on the truck, assisting the driver, Roy Barnedoe, who was killed in the explosion.

Taylor said the manager of Atlantic Company's Atlanta branch had permitted him to make the trip with Barnedoe. Taylor's uncle, and since he actively assisted the driver, the company was responsible for injuries in the accident.

The company asked that the case be dismissed on grounds that Barnedoe, in permitting Taylor to accompany and assist him, "was entirely without the scope of his duties as an employee of the defendant."

Albany City Judge Clayton Jones turned down the motion to dismiss the case. The Atlantic Company appealed to the Court of Appeals.

The high court said the charges are "sufficient to allege that Taylor was an invitee on the truck engaged in an undertaking of mutual benefit to him and the defendant."

Taylor said he was severely burned about the body and that his nose, mouth, throat and lungs were severely seared by the burning fumes.

The Court of Appeals decision means that the case will now proceed to a trial on its merits.

The truck, en route from Atlanta to Albany and Tampa, Fla., exploded on North Jefferson Street last Feb. 10.

## Would King Cole Be Merry With Stomach Ulcer Pains?

The legendary Old King Cole might not have been a merry old soul if he had



*Only one*

**Y**ou know how is the rule in

But every now comes a car that's and headlines sing

Take the styling of exciting from its grilles to the jet-pl

Take the outward easy to garage, act ride in fewer over

Step inside—and interiors ever four full twelve inches

Try the power of pression Fireball levelness of a ride the industry.

Check controls—luxury of Dynaflo and smoothest of optional equipment price level yet!

\*Optional at extra cost.

When better automobiles are built BUICK

last week's presentments," says the Times-Free Press. "For some years Carroll has been having the 'hottest' presentments of any county in this section of the State dished out to it each six months and few results have been noted. Grand juries are advisory and investigative groups and do not seem to carry too sharp a sting. Maybe we've developed an immunity to the repeated stings locally."

**M. L. ST. JOHN**

## A New Judicial Building Next Year?

Georgia may get a new Judicial Building in the not too distant future. The State purchased the land for the Judicial Building a few years ago. Unable to await construction of a new building, the Georgia Public Service Commission has just announced it will remodel a house on this property's site and move in come January. Administrations have hesitated to ask the Legislature for an appropriation to construct a new building on Capitol Square.

Now, it has been learned that State Auditor B. E. Thrasher has a plan whereby the building can be financed without an additional legislative appropriation. Some State agencies are paying rent for offices not on Capitol Square. If the Capitol Square Improvement Committee were given additional power, it could provide offices on Capitol Square for these agencies—charging them rent. The rents could be used to help build the Judicial Building.

Such a proposal is expected to be handed to the General Assembly in January. If the Courts, Law Department, Public Service Commission, and Workmen's Compensation Board were moved into a new building, the Legislature would have office space to hold committee meetings in, itself. This would make for more intelligent legislation, many solons agree.

**THE EFFICIENCY** of county tax collectors in collecting State property taxes is running along at normal. Of a total charge in State taxes for 1948 and past due assessments from former years of \$6,359,432, the collectors took in \$5,909,460 during the fiscal year ending June 30, 1949. This left an uncollected balance due the State of \$556,761. State Auditor B. E. Thrasher said this is about normal—he has seen it exceed a million dollars.

Eleven counties established perfect records by collecting all taxes due the State. They were: DeKalb, which collected \$208,166; Dawson, \$2,151; Cherokee, \$19,373; Chattooga, \$24,747; Chattahoochee, \$917; Gilmer, \$7,062; Houston, \$16,310; Laurens, \$39,795; Pickens, \$8,363, and Walter, \$10,448.

The little county of Catoosa made the poorest

showing in collecting State taxes. It left an uncollected balance of \$6,043 out of total charges of only \$9,607. Big Fulton County had the largest uncollected balance—\$37,524—but it was attempting to collect a total charge of \$2,135,427. Richmond had an uncollected balance of \$21,641 in total charges of \$261,910, and Chatham left \$20,516 uncollected in total charges of \$328,340. Cobb County had an uncollected balance of \$4,206 in total charges of \$78,253.

But the one time in a hundred that an aroused grand jury does come up with evidence of malfeasance in public office, the cost and effort is more than justified.

While some leaders argue over whether the State Tax Revision Committee should report now or after the 1950 elections, we have assurances that insofar as the students of a new tax structure are concerned they will have a report ready for the full State Tax Revision Committee on Nov. 8. Speaker Pro Tem George Smith, of Swainsboro, Chairman of the revision sub-committee, said his group will have recommendations ready for the full committee at this meeting.

"Of course," says Smith, "we should have liked to have had more time to dig deeper into certain phases of the tax structure. Tax revision is a complicated business."

**THE STATE** Highway Department has a new type road sign which it says will save money. It is made of marine plywood, and costs only one-half as much as the metal signs now in use. Maintenance Engineer C. B. Smith is having the plywood signs put on U. S. Highways 1, 80, and 17. He says they have stood up, in laboratory tests.