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CO-OPS WIN BEFORE SUPREME COURT

Signers Must Sell With Association—Court Sustains Contentions of the Co-ops

Raleigh, April 12.—The cooperative system is the most hopeful movement ever inaugurated to obtain justice for and improve the financial condition of farmers and laborers, according to Chief Justice Clark, of the Supreme Court of North Carolina, in the decision handed down by that body yesterday which upheld the contract of the Tobacco Growers Cooperative Association. In today's decision, to which no dissent was filed, the court held that the act under which the Tobacco Growers Cooperative Association was formed is constitutional and that the association is not a monopoly in restraint of trade.

In this decision by the highest tribunal of the state, it was pointed out that the members of the tobacco cooperative are absolutely protected against private profit or unfair manipulation. "The act establishes a complete plan of organization for cooperative marketing of agricultural products under the fullest public supervision and control. Every possible safeguard against private profit, manipulation by a few powerful members, squeezing out of the weaker members and abuse of powers are embraced in the law," according to Chief Justice Clark, who said "instead of creating monopoly, the object is by a rational method of putting the raw product on the market from time to time as there is a legitimate demand for its manufacture, and by the extension of credit to farmers to enable this to be done to prevent a monopoly of the tobacco industry, by those who manufacture it.

The right of the association to collect liquidated damages was made clear by the court, which stated "the law permits liquidated damages in case of breach, indeed, such damages would have been allowed without any statutory provision," and pointed out that on account of the cooperative nature of the enterprise and since it makes no profit, a grower who has breached his contract must pay the cost of the suit, including premium for bonds, expenses and fees in addition, as the membership of the association is limited to growers and a contract breaker breaches his contract against his fellow members, so that it would be unfair to make them pay for his violation.

Declaring that the Cooperative Association increases consumption by furnishing the consumer a regular supply at a less price, and at the same time enables the laborer and the farmer to obtain a remunerative return, Justice Clark made clear that while cotton prices have hitherto dropped in October because the product was dumped upon the market, this year since the Cooperative Associations took control of close to two millions bales of cotton, the price opened at twenty cents in September, and instead of going down, it rose to around thirty cents.

"It is an entire misunderstanding of the fact to assert that an orderly, systematized, cooperation among the producers to prevent a sacrifice of their products and realize a living wage for the laborer and a reasonable profit for the producers, has any analogy to the system by which great combinations of capital have prevented the laborer and the farmer alike from realizing a reasonable reward and a decent living."

Declaring that the legality of cooperative marketing associations has been upheld in many decisions in other courts, today's opinion stressed the fact that the members of the Tobacco Growers Cooperative Association are associating themselves as authorized by the statute, like other persons, and they have signed mutual and fair agreements among themselves which will be futile unless those who have signed such agreements can be held to abide by the terms of their contracts.

Defining the difference between a corporation and cooperative, the chief justice, in handing down the decision of the court, declared "the cooperative principal requires its services to be performed for the cooperating members by their appointed representatives and not by independent business units dealing at arms length and striving for profit."

The extent and benefits of cooperative marketing were brought out in the opinion of the court, which referred to the fact that the annual turnover of cooperative associations in California is approximately three hundred million dollars, that there were at least fourteen thousand farmers buying and selling associations in the United States in 1920, whose annual business has been placed at about one billion dollars.

Today's decision disposes of the case of Maynard Mangum, prominent defendant of Durham, and ex-employee of the association, the case of W. J. Ball, large and wealthy planter of Warren county, and the cases of W. T. Jones and Z. A. Harrell, which were the first to be tried by the Tobacco Growers Cooperative Association.

It also disposes of the case of the Peanut Growers Association vs. C. T. Harrell, a case involving a cooperative organized under the laws of Virginia and operating in North Carolina. Major W. T. Joyner, assistant attorney for the Tobacco Growers Cooperative Association, when interviewed tonight, stated that he considered the opinion of the court as handed down today, the most important cooperative decision yet rendered in the United States and an important mile post in cooperative law, and stated that it settles for all time the legality of cooperative marketing associations and contracts in North Carolina.

Broody Hen Causes Loss of Eggs

Raleigh, N. C. April 15.—A hen is always in a laying condition when she goes broody and if this condition is broken up at once she will almost immediately go back to laying. If she is allowed to remain on the nest for several days, however, the ovary and oviduct will gradually recede to a dormant condition and several weeks of production by this hen will be lost at a time when eggs are most needed. One should begin breaking up the broody condition at once by placing the hen in a specially constructed broody coop, says Dr. E. F. Kaupp, in charge of poultry investigations for the State College and Experiment Station.

Dr. Kaupp states that a good broody coop can be made from laths slatted on all sides including the bottom. This coop can either be placed on legs or hung from a tree. By placing the hen in such a coop just as soon as she begins to cluck, and remain on the nest, and by watering and feeding her grain and laying mash Dr. Kaupp finds that she will start to lay again within three or four days. She can then be returned to the laying house.

Dr. Kaupp advises that as soon as the hen is placed in the broody coop, she should be fed at once so as not to have the chance to absorb the yolks that are developing in the ovary. By having the bottom of the coop slatted the hen cannot hover and soon gives up the tendency to broodiness.

If the hen is left on the nest or if she is not properly fed she will reabsorb the eggs which are already developed so that the care watering and feeding must be done right. Throwing the hen off the nest, dipping her in cold water, or not feeding her, is abuse only and will not break her up. This will often cause trouble. With the assistance of the broody coop and plenty of feed, the hen begins to lay even before she is removed from the coop. A financial loss will thus be saved.

ADMINISTRATOR'S NOTICE

Having qualified as administrator of the estate of Cynthia Yow deceased late of Surry County, North Carolina, this is to notify all persons having claims against the estate of said deceased to exhibit them to the undersigned at the Bank of Mount Airy, Mt. Airy, N. C., on or before April 18th 1924 or this notice will be pleaded in bar of their recovery. All persons indebted to the estate will please make immediate payment. This 18th day of April 1923. The Bank of Mount Airy, By Ewd. M. Linville, V. P. and Trust Officer.

WIFE OF RUSSIA'S PRESIDENT BARRED FROM U. S.

Feeling of Repugnance Against Her Because of Execution of Catholic Prelate

Washington, April 10.—The American government camp has made manifest its deep resentment and abhorrence at the political methods of Lenin and Trotsky.

As an avowed protest against the execution of the prelate, Butskavitch, put to death because he opposed the revolutionary doctrines of the soviet, the state department has withdrawn the authorization under which Ekaterina Kalinin, wife of the Russian president, had planned to pay a visit to the United States.

In announcing their action today department officials left no doubt of their aversion of any further thought of admitting to America hospitality an avowed enemy indirectly connected with the soviet regime. They took the position that even the ostensibly humanitarian purpose of her visit would not counteract the feeling of repugnance against her because of the execution of the vicar general.

"The department of state," said the tersely worded announcement, "has cancelled the authorization for a visa for Madame Kalinin, wife of the president of the so-called soviet republic of Russia. The presence of Madame Kalinin in this country is regarded wholly undesirable by the deep feeling which has been aroused by the execution of Vicar-General Butskavitch. The action of the department is taken especially in protest against this execution."

Even before the death sentence of the prelate was carried into effect many protests against the admission of the Russian president's wife had reached the state department, organizations who have opposed dissemination of soviet doctrines in this country, predicting that she would make political capital of her proposed trip over the country in the interest of Russian relief. Administration officials here could find no legal barrier to her entry into the country, however, and the American consuls at Riga and Reval were instructed to visa her passport.

Since the execution, however, which was carried out over the objection of most of the civilized world and in disregard of an earnest request from the United States for a respite, these protests have greatly increased in volume. Supplementing the short statement given out at the department, officials said the action taken would be a response to these protests as well as a protest in itself against imposition of the death penalty.

Madame Kalinin's tour of the United States was to have occupied two months, during which time she was to address various meetings under the auspices of the American committee for relief of Russian children. It was the understanding here that she was preparing to start for America in the very near future.

Dances 50 Hours And Breaks World Record

New York, April 9.—With a Texan whoop Miss Alma Cummings shook her worn slippers from her feet to-night and did a barefoot pirouette on the floor of an uptown dance hall, and thus was created formally a new world's record of 50 hours' continuous dancing.

Miss Cummings is the San Antonio girl who resented the breaking of her world's record for continuous dancing last week by a pair who went six more hours than her 27. She started off on a new attempt at 7:10 last Saturday evening. At 9:15 tonight she finished her stepping, having gone 50 continuous hours.

She said she was not tired. She used up the energy of two orchestra and seven men partners. Some grapefruit, tomato soup and peanuts were her only food. She would have gone beyond the 50 mark, Miss Cummings said, except that her head began to ache because she was exposed to strong sunlight for three hours this afternoon. During the last six hours ice cold towels were applied to her head. Her employer presented her with a silver loving cup.

Indigestion and Constipation.

"Prior to using Chamberlain's Tablets, I suffered dreadfully from indigestion. Nothing I ate agreed with me and I lost flesh and ran down in health. Chamberlain's Tablets strengthened my digestion and cured me of constipation," writes Mrs. Geo. Stroup, Solway, N. Y.

CLEARING THE COURT DOCKETS

Judge Long Dismisses 304 Old Civil Cases in Mecklenburg County

Charlotte, April 10.—A total of 304 civil suits had been removed from the superior court docket when recess was taken Tuesday afternoon following a day and a half of work by Judge Long and the court in hearing the report of the referees on cleaning up the docket.

This was the first of three sections of the work of throwing out old cases which will never come up for trial, the other two of which will be taken up before July. It is expected that from 800 to 700 suits will thus be removed under Judge Long's direction. There are now 1,111 cases decided with the clerk of the court, and probably half the number probably will be cast aside as "dead wood."

The idea of having a committee from local bar associations go over congested dockets and recommend that obsolete suits be stricken out is an original idea with Judge Long, who follows the plan in all the counties of the state he visits where congestion exists. He inaugurated the plan 12 years ago at Asheville and his procedure has been warmly received wherever he goes.

About three years ago while holding court here, Judge Long took steps to have a number of cases removed from the docket as obsolete. At that time the docket was far smaller than at present. Judge Long intends to continue the plan and will hear two more referees' report during his term here.

This action will relieve the county of considerable expense and will be helpful to the entire court. It is pointed out. Cases dismissed were from two to nine years old. The oldest suit dropped was that of James A. Houston against Thomas Gribble and about 75 other defendants, the contest being over a tract of land. The suit was filed April 9, 1914 and exactly nine years later to the day subsequently, Judge Long signed the order to sell the land for a dividend.

Jurors Locked Up, Have Fight

Philadelphia, April 12.—A remark by one juror to another that he had "a head like a sieve—nothing will stay in it" caused a rumpus in a jury room in city hall last night that gave Judge Charles Y. Audenreid in criminal court something to think about today.

The jury made up of eight men and four women, two of the latter negroes, were locked up all night trying to reach a verdict in an assault and battery case. When Juror Frank Beck, salesman, made the uncomplimentary remark to Juror Howard Johnson, expressman, he accompanied it with a slap on the face, Johnson told the court. It was also related to the court that Johnson seized the evidence in the case, a pistol, and pointed it at Beck, but it was not loaded.

The court was also informed that he acted in an unbecoming manner by jumping into a bed in the presence of the women jurors. A tipstaff told the court that he "yanked him out of bed because supper was being served." The tipstaff did not state whether Johnson had prepared to remain in bed for the night.

Judge Audenreid questioned the women, and while they said they heard the argument between the jurors they were not eye witnesses to the incidents they told the court. The room is provided with accommodations for mixed juries.

The judge finally decided that he would give "due consideration to the disturbance," and ordered Johnson to remain in court. The jury disagreed in the case and was discharged.

Says No Man Shall Hang Or Go To Chair

Oklahoma City, Okla., April 11.—Governor B. C. Walton intends to commute all death sentences of prisoners at the state penitentiary to life imprisonment, asserting that he will not pass the cases to the next governor by a series of postponement.

"Regardless of the criticisms that may be hurled at me, I have the legal authority to say that no man shall die in the electric chair or by the hangman's noose in this state and that is my resolve," the governor said.

Six men are now awaiting execution at the state penitentiary for murder.

HARDING TAKES ANOTHER LICK AT US

South Will Not Be Represented On Reserve Board

Washington, April 10.—President Harding took a wallop at the south today when he made it known he would not name a southerner for the federal reserve board. He is peeved over the failure of the senate to confirm the nomination of James G. McNary of El Paso, and seems to feel that the south was responsible for that. Senator James Couzens, of Michigan, blocked the McNary nomination. Couzens is a republican.

The President is about to appoint a Kansas man to the board, and his explanation that the south is not likely to get a member now, as McNary failed, is a soft place for him to fall on. Southern senators will protest against such action. They think the south is entitled to place, and the republicans are taking it for another section.

It was said at the White House today that the south is not apt to have representation on the board again.

President Harding is feeling fine, but more of a partisan than before. He does not agree with leading Wilson democrats who have asserted that his proposal for United States membership on the court of international justice was a roundabout way of getting into the league of nations. He resents the suggestion that his purpose is to enter the league by the back door.

The administration, it was explained today, is not proposing any new attitude toward the league of nations by recommending the protocol court provision. The issue, according to the White House, is becoming belabored because of the arguments of the friends of the league that Mr. Harding's position is the back door entrance.

Democrats believe they are right. The republicans want to right themselves, but they don't know how.

North Carolina Third From Last in Illiteracy Standing

Chapel Hill, April 11.—Based on the 13th and 14th censuses, the average of white illiteracy in the United States was 3 per cent in 1910 and 2 per cent in 1920, with North Carolina ranking third from the last in standing of states, according to figures compiled by the department of rural social economics, University of North Carolina.

The average in North Carolina was 12.3 per cent in 1910 and 8.2 per cent in 1920. Louisiana and New Mexico were the two states ranking below North Carolina.

"The white illiterates in Denmark are only 2 per thousand inhabitants," it is stated. "In North Carolina, they number 82 per thousand, or 41 times as many. Almost nobody but the feeble-minded are illiterate in Denmark. Illiteracy does not mean feeble-mindedness in North Carolina as in Denmark—not yet at least, but some day in the near future it may have some such significance in this state."

Montana, Idaho, Wyoming, Utah and Washington led the nation in 1920, according to the figures, with Massachusetts, Connecticut, North Dakota, Minnesota, Nebraska, Nevada, Oregon and California next.

21 Years in The Pen For Banker

Cincinnati, Ohio, April 10.—A. H. Penfield, former cashier of the Springfield Ohio National bank, who pleaded guilty to seven of 12 counts in an indictment charging embezzlement of the bank's funds was sentenced to serve 21 years in the federal prison at Atlanta by Federal Judge Hickenlooper late today.

The former banker made no comment when Judge Hickenlooper passed sentence upon him. He will be taken to Atlanta probably tomorrow. Penfield walked in the courtroom with a smile on his face. He was taken to the Hamilton county jail where he spend the time prior to his removal to the federal penal institution at Atlanta.

He appeared before the federal grand jury before his sentence was announced. He was understood to have testified relative to his transactions in the stock and grain market and it was rumored that other persons would be implicated in the manipulation of Penfield, which amounted to nearly \$1,000,000.

The federal grand jury will make its final report to Judge Hickenlooper tomorrow.

JULE CARR A REBEL AND A KU KLUXER

President Harding's Father Addresses Old Soldiers and Eulogizes Lee and Davis

New Orleans, April 12.—General William B. Haldeman of Louisville Ky., was elected Commander in Chief of the Confederate Veterans at the closing business session of the annual reunion here late today and Memphis, Tenn., was selected as the 1924 reunion city.

Only Memphis and Dallas were in the contest for the next reunion, and the Memphis speakers were reinforced with a petition more than 100 yards in length and bearing the signatures of thousands asking that the veterans come there. The document contained the names of 16,000 school children alone. It was a nip and tuck race between the two as the balloting progressed but Memphis always kept a jump in the lead and when the roll call had been completed, had polled 629 votes to 512 for Dallas. A number of the veterans had argued that the reunions, because of the age of the delegates, always should be held in a central city of the South in order that the journey might not be too hard on those residing in the more distant States.

Dr. George T. Harding of Marion, O., father of President Harding, spoke to the veterans twice today. He declared he considered Robert E. Lee the greatest of American generals and Jefferson Davis one of the country's greatest statesmen. He said he felt very kindly toward the South inasmuch as his grandmother was a cousin of the mother of Jefferson Davis.

After thanking the veterans for the manner in which he had been received, he added:

"I want to thank the Southern people, too, for the kindness with which they have treated my son. The South never had a better friend than Warren G. Harding."

Dr. Harding was called to the platform again later when a Daughter of the Confederacy, bearing a huge silk Confederate flag, announced that he had expressed a desire for one. The emblem, the "Stars and Bars," was presented to him and in expressing his thanks, he told the veterans he knew they had stood by it and that "if I had been down here I suppose, I, too, would have been loyal to it."

It was feared this afternoon that the Ku Klux Klan would be injected into the proceedings as an issue. All week there had been vague rumors that a row over the Klan was simmering and that it would break out in full force at the least provocation.

General Julian S. Carr of Durham, N. C., commander in chief at the forenoon session during a discussion of the term "rebel" as applied to the Confederate soldiers, shouted at one point: "I am a rebel and Ku Kluxer too." At the afternoon session he loudly repeated the phrase and this time shouts of "I am, too," came from all quarters of the auditorium.

Must Pay Pledge To 75 Million Campaign

Columbia, S. C., April 11.—Three important cases were decided by the supreme court in opinions handed down Tuesday evening. One is that of Furman university against Coleman B. Waller, et al, administrators of the estate of C. C. Waller, father and respondent, involving a pledge of \$10,000 to the \$75,000,000 campaign of the Baptist church, for Furman university.

In the Furman university case, the late Mr. Waller, father of the respondent, pledged \$10,000 to Furman university in the Baptist campaign. He erased from his pledge card the clause specifying that in case of death relatives could have the pledge cancelled if they preferred to do so. The estate declining to pay the pledge, Furman university brought suit, and the lower court ordered the amount paid. Waller estate appealed, but the appeal is dismissed, and the pledge to the institution stands.

Administrator's Notice

Having qualified as Administrator upon the estate of T. T. Barker, notice is hereby given to all persons owing money to said estate to pay same immediately; and to all persons having debts against the estate to present them on or before March 25, 1924, or this notice will be pleaded in bar of recovery thereon. S-6 c

This 24th day of March, 1923. A. D. Barker, Admr. J. E. Carter, Attorney.