

WEATHER: Partly cloudy Tuesday and Wednesday.

The News and Observer

WATCH LABEL. On page 10. If removed 3 days before expiration and avoid making a single copy.

CROWD OF SERVICE MEN CHARGED ON BY GOTHAM POLICE

Action Taken After Mayor Hylan's Ban Against Presenting German Opera

SOLDIERS DISPERSED BUT RETURNED LATER

Recruited Thousand or More Civilians at Times Square and Return to Engage in Fight With Police; One Section Lay Down Barrage of Bricks; Sailor Injured

New York, Oct. 20.—Despite decision by Mayor Hylan that German opera should not be given in New York until the peace treaty was signed "Die Meistersinger" was presented in German at the Lexington Theater tonight while thousands of soldiers, sailors, marines and civilians fought with the police in an attempt to reach the theater and stop the production.

Several shots were fired as the former service men time and again charged the police lines or laid down a barrage of bricks, stones and other missiles in an attempt to force their way through.

Unable to reach theater Soon after the performance started a crowd of about 300 service men were driven away from the vicinity of the theater but after reaching Times Square were reformed and, about 1,000 strong, started back only to be met by a squad of mounted police which scattered them. During the remainder of the performance the crowd fought valiantly to reach the theater, but failed.

Reports during the early evening as to whether the performance would be presented were confusing alike to service men and patrons. Police stationed around the theater notified both that the play would not be given. Mayor Hylan had prohibited it, they said. Mayor Hylan said so himself in a statement early in the night after he had been requested by the American Legion to stop the opera. But the sale of tickets continued and the crowd was rung up at the scheduled time.

An announcement was then made by the mayor that he had failed to reach the corporation counsel to learn whether he had legal right to order the police to prevent patrons entering the Lexington theater. Because of this failure the police not to interfere until I could obtain advice of the corporation counsel to the end that I may proceed legally.

Only Few Injured. Just before the curtain was raised on the opera, Henry B. Hertz, manager of the opera, rushed to the stage and announced:

"The performance will be given tonight. I am arrested. I want to thresh this thing out in court."

The fighting between the police and groups of service men lasted until midnight, but only a few persons were injured as far as the police could learn, although scores had felt the weight of the officers' night sticks and a few officers had been struck by missiles.

Soldiers Are Angered. Hundreds of soldiers, sailors and marines gathered in front of the theater, and when the doors opened they raised a howl of derision and anger.

Then, with an American flag at its head, a long column of uniformed men swung down the street. At their appearance a call for police reserves was sent in. The service men were led by a marine wearing a Croix de Guerre. A few minutes after the curtain had been raised and the strains of German music sifted out through the doors, the veterans pressed forward only to be driven back and temporarily dispersed by mounted police.

On learning that directors of the Star Opera Company intended to give the performance regardless of his order, the mayor issued a statement in which he said that he had directed the police not to interfere with the opera "until I could obtain the advice of the corporation counsel to the end that I may proceed legally."

GREAT BRITAIN SEEKS NO SPECIAL CREDIT SYSTEM

Atlantic City, N. J., Oct. 20.—British financial delegates to the international trade conference which opened here today told their American conferees that they sought no special credit arrangements or government intervention but simply asked that business transactions go on as before. This announcement came as a surprise to the general body of delegates, especially as sub-committees of many foreign missions asked for American financial assistance and set forth that extension of credits was highly necessary in order that they might successfully meet the reconstruction problems of their respective countries.

A. C. Bedford, of New York, chairman of the executive committee of the conference, told the delegates, assembled in an informal general session that American business men were ready to supply financial aid to the war-stricken allies, but made it plain that they must be frank in explaining political and economic conditions in their own countries.

In Eight Miles of City. London, Oct. 20.—The war office announced this evening that the North-western army under General Yeniditch is within eight miles of Petrograd.

PRESIDENT ABLE TO LOOK AFTER PUBLIC MATTERS WHEN OCCASION DEMANDS

Washington, Oct. 20.—Announcement today that President Wilson had appointed Owen D. Young, of Schenectady, N. Y., as a member of the Public group of the National Industrial Conference was cited by White House officials as refuting reports that Mr. Wilson's illness had rendered him incapable of attending to any business.

These officials said it was not the first official action the President had taken since he became ill. Rear Admiral Grayson, his physician, it was asserted however, would continue to do what he can to dissuade the patient from giving his attention to any affairs other than those regarded as absolutely essential. The appointment of Mr. Young was considered necessary inasmuch as a plan in the Public group of the Industrial Conference had been vacated by the illness of Fuller Callaway, of LaGrange, Ga., the delegate originally appointed.

Unofficial reports at the White House indicated the President's condition had changed but little throughout the day, although a correction of his digestive disturbance on Sunday had been effected.

Dr. Grayson at 10:30 tonight issued the following bulletin: "The President has had a better day than usual."

CHILD LABOR CASE IN HIGHEST COURT

Friendly Test Suit Begun in U. S. Supreme Court To Finally Settle Suit

JUDGE BOYD'S DECISION PASSES ON TO LAST HAND

Solicitor General King Makes Motion In Which All Parties Concerned Concur; Department of Justice Appealed To To Help Suppress Liquor Traffic in Columbus County

The News and Observer Bureau, 603 District National Bank Bldg. By R. E. POWELL. (Special Lashed Wire.)

Washington, Oct. 20.—The government today made a motion before the United States Supreme Court for leave to file a brief "as amicus curiae" and to be heard orally on the appeal of the child labor test case from the United States circuit court. The case originated in the Western District Court of North Carolina.

The circuit court sustained Judge James E. Boyd and held the Federal law imposing a tax on the net profits of mills employing children under fourteen years of age to be unconstitutional. Litigation until this time has been between the mills and the child labor folks. Now the solicitor general moves to intercede and to be heard orally when the case is argued at the present term of the United States Supreme Court.

What The Test Suit Is. The title of the pending action is The Atherton Mills against Eugene T. Johnson and others, and is a test suit. "Now comes the Solicitor-General," reads the motion, "on behalf of the United States of America and shows that in the foregoing case, by the judgment of the court below, that portion of the revenue act of February 24, 1919, imposing a tax on the net profits of mills and manufacturing establishments which have employed or permitted, during the taxable year, children of certain prohibited ages to work for a longer period than the maximum per day and per week and provided therein was held to be unconstitutional; that the question of the constitutionality of said provision is a matter of public concern affecting the revenues of the United States of America and is the principal question presented on the appeal in this case."

"Wherefore, leave is respectfully requested that the United States be permitted as amicus curiae to file a brief in the case and to be heard orally by counsel in its behalf."

The motion was made by Solicitor General Alex C. King and is concurred in by counsel representing all the parties concerned. A motion was made some time ago to move the case upon the calendar of the court and it is expected will be argued some time soon.

Appeal To U. S. To Help Get Shiners. Another appeal for federal assistance in curbing the liquor business in North Carolina came to Representative Gowin today from a citizen of Bunns Level, in Harnett county. Probably inspired by the announcement in this correspondence that revenue agents had been ordered by Commissioner Roper to clear in Columbus county, this constituent asks Mr. Gowin to get the Department of Justice to take a hand in it.

The citizen says he writes "in behalf of the better element of people" and concludes his letter with the rather remarkable statement that "it seems as if the county officials can do nothing more than make a raid now and then without much results." Mr. Gowin sent the letter on to Commissioner Roper.

Far. Pitch and Turpentine. Remus Davis was today appointed postmaster at Procteraville, Robeson county.

Vonsoe Gudger, of Asheville, was here today and called at the office of Representative Weaver.

Whitehead Klutz left here this morning for Fayetteville where tonight he is to deliver an address before the Fayetteville Chamber of Commerce.

SENATE TO RATIFY TREATY BEFORE IT GOES INTO EFFECT

Administration Will Make No Attempt To Put Its Provisions Into Force Now

ANNOUNCEMENT LIKELY TO EXPEDITE ACTION

Secretary Baker Announces That No Troops Are Being Sent To Uppers Silesia For Plebiscite, and State Department Will Not Accept Invitation For Representation

Washington, Oct. 20.—Taking notice of reports that the United States might aid in carrying out provisions of the peace treaty in advance of the treaty's ratification by the Senate, the administration announced today that American diplomatic and military participation in certain of the provisions must wait until the Senate has acted.

At the State Department it was declared this government would not accept the invitation of the supreme council at Versailles to take a place immediately on the international commissions set up by the treaty, and at the War Department it was made clear that no American troops would be used without Senate sanction to police districts where the treaty provides for plebiscites under the military supervision of the great powers.

Will Expedite Consideration. The two announcements were made simultaneously and generally were accepted in the Senate, where the possibility of premature American participation in the treaty has been one of the storm centers of criticism, as amounting to an administration declaration of policy on the subject. Senators on both sides of the treaty controversy expressed the opinion privately tonight that the administration stand would aid in hastening the final roll call on ratification.

In his announcement regarding use of American troops, Secretary Baker denied specifically suggestions made in the Senate debate that 5,000 soldiers recently sent to Coblenz were to proceed to Upper Silesia and help in the plebiscite there prior to American ratification. He declared the department realized fully that it would have no authority to take such a step if a Senate reservation forbidding it were adopted, and added that in the circumstances there was no desire to anticipate Senate action.

A reservation on this subject and one limiting American participation in the various diplomatic commissions to be created are in preparation, although it is understood that there has been no complete agreement regarding either among the Senate majority.

State Reports at Best. One effect of the State Department's announcement was to set at rest reports that President Wilson might disregard the advice of the Foreign Relations committee and name an American to act unofficially on the powerful reparations commission. When he asked the committee's consent to such a step some weeks ago, it replied that neither it nor the executive had any authority to put treaty provisions into force until ratification had been accomplished.

It is understood, however, that financial advisers now in Europe to look after treasury department business and American financial and trade interests generally, will keep in close touch with the work of the commission after it is organized.

LITTLE LIKELIHOOD OF AVERTING COAL STRIKE Head of Miners Says Order Will Not Be Rescinded, Which Operators Demand

Washington, Oct. 20.—On the eve of a conference called by the Secretary of Labor in the hope of averting the strike of 500,000 bituminous coal miners, set for November 1, John L. Lewis, president of the United Mine Workers of America, announced tonight that the strike order would not be rescinded unless operators met all demands, including the five day week.

Unless the strike order is withdrawn, the operators will not enter into negotiations looking to an adjustment of the differences according to Thomas T. Brewster, head of the coal operators' committee. The conference tomorrow will be attended by Secretary Wilson and the full scale committee representing miners and operators, each comprising thirty-two members, but the general view of each group is that nothing would come out of the meeting. Secretary Wilson, acting as government mediator by direction of the President's cabinet, still was hopeful tonight however, that the factions would get together and not plunge the country into a strike at the beginning of winter with not more than a month's stock of coal on hand.

After conferring with members of the miners' committee who arrived here during the day President Lewis declared there would be no compromise of any of the issues involved, reiterated that the old war-time wage agreement went out of existence with the end of hostilities nearly a year ago, and that operators could meet the new wage demands without increasing the cost of coal. Lewis entered vigorous denial of reports that in standing out for the five-day week the mine workers were trying to force through an ultra radical doctrine.

GARY AGAIN GIVES OPINION AGAINST ANY ARBITRATION

Steel Corporation Head Likewise Opposed To Compromise of Strike

OBJECTS TO ACTION ON ISSUE BY CONFERENCE

Restates With Modification Belief In Open Shop Which Draws Fire From Samuel Gompers, Who Says Steel Official Takes Position There Is No Other Opinion

Washington, Oct. 20.—In his first pronouncement before the National Industrial Conference, Judge Elbert H. Gary, chairman of the Board of the United States Corporation, sitting as a representative of the public, today reaffirmed his position that the steel strike "should not be arbitrated or compromised" and objected to action on that issue by the conference.

The steel official also restated without modification his belief in the open shop and the right to determine terms of employment "between employer and employee." This statement brought from Samuel Gompers, president of the American Federation of Labor and leader of the labor group in the conference, the charge that Judge Gary was taking the attitude that "there is no other opinion in the matter."

Referring to the steel corporation chairman's request that the conference take no action in the steel strike, the labor leader declared that if the real industrial issues were to be brushed aside there was no purpose in continuing the conference.

While the clash of the two leaders on the conference floor admittedly further removed the hope of an agreement on the dominant issue of collective bargaining, prospects of conciliation were considered still more remote tonight when it was permitted to become known that the representatives of capital, after an all-day session were steadfast in their refusal to accept the so-called Enderbitch resolution for recognition of collective bargaining, which has been approved by the public and labor groups. The employers again went into session tonight but the members of the group privately admitted that reconvening of the conference tomorrow would probably find them still in no mood to yield on the vital point of dealing with labor representatives chosen outside their own plants.

The general committee of fifteen will meet at 9:30 o'clock tomorrow morning and the representatives of the employers will attend with instructions from their group. The conference adjourned today to meet also at 9:30 o'clock, but Secretary Lane, chairman will not call the meeting until the general committee is ready to report. It is expected that Thomas L. Chadbourne, chairman of the committee, will announce to the conference that an agreement could not be reached, and that the two resolutions on collective bargaining will come before the entire body with such changes in language as have been made in committee and group meetings.

Owing to the absence of the employers' group, the conference was adjourned at its first session because of lack of a quorum and at its second session remained only long enough to hear Judge Gary's statement and reply by Mr. Gompers. Judge Gary who returned early in the day from New York, where he was reported as having conferred with steel corporation officials, read his statement after which Mr. Gompers was recognized and replied:

When it becomes plainly evident that an impasse is reached over collective bargaining, John Spargo, Public Representative, plans to suggest a program, which it was said, has the approval of other members of the public group and also of Chairman Lane. Generally speaking this plan provides for a declaration on such matters as the right to organize and to strike, conditions of employment, and methods of arbitration, together with interpretative clauses appended to each principle.

Captain Smith Has Best Chance For Third Place Chicago, Oct. 20.—With the arrival in New York today of Capt. J. O. Donaldson on the second leg of his double trans-continental flight in the army race, finishing second to Lieut. B. W. Maynard, who completed the 5,402-mile voyage on Saturday, Capt. Lowell Smith tonight stood the best chance of finishing third in the contest.

Captain Smith reached Reno, Nev., this evening after flying from Cheyenne, Wyo., and had only 356 miles to go to finish his flight at San Francisco. Lieut. Earl Manzelman, eastbound, landed at Cleveland tonight with 509 miles separating him from the finish at Mineola. Capt. Alex Pearson, who has been delayed at North Platte, Neb., since Friday on account of a broken motor, got away today and reached Rock Island, Ill., 956 miles from New York.

Colonel House Better. New York, Oct. 20.—Col. E. M. House, who has been in bed at his residence here with grip since his arrival from Europe a week ago, had recovered so much today that he was able to walk around the block. His physicians, however, have refused permission for him to proceed to Washington for the present.

RADICALS ASKED TO AID STEEL STRIKE MARGOLIS STATES

I. W. W. Attorney From Pittsburgh Testifies Before Senate Labor Committee

TELLS STORY OF EFFORT TO START REVOLUTION

Secretary Foster, In Charge of Steel Strike, Comes Into Testimony Not So Much As Radical Agitator As a Seeker For Help In Conducting Industrial Fight

Washington, Oct. 20.—While members of the Senate labor committee investigating the steel strike sat fairly dazed and dumbfounded, Jacob Margolis, of Pittsburgh, I. W. W. attorney and admitted advocate of social revolution, today told them a story of ultra-radical activities which he said underlay and were associated with the nation-wide strike of steel workers.

Even more remarkable to his hearers was the Pittsburgh attorney's delineation of a partially successful attempt covering the past two years to fuse at Pittsburgh for an unstated but vaguely hinted revolutionary purpose the combined forces of the industrial workers of the world, Bolshevik and Russian industrial workers whose imagination, he acknowledged, had been caught by the successes of Lenin and Trotsky in Russia. All were working, he told the committee calmly, "to create a new society within the shell of the old."

Centers Around Foster. Throughout Margolis' story ran the name of William Z. Foster, secretary of the steel strike committee, to whom Chairman Kenyon of the Labor committee, forced a frequent recurrence by a cross examination in which dictograph records of telephone conversations, photographed copies of Margolis' correspondence and similar matter played a large part.

Margolis coolly classified himself as an "Anarchist syndicalist" in which capacity he had worked with and for the I. W. W. organization and "Tolstoevian anarchist." "Governments," he said, "will be of no use when proper industrial conditions are established."

And these industrial conditions, he predicted, will be established when workers, organized along I. W. W. lines, set ready to "take over and operate industry for themselves, more efficiently than private ownership can."

Foster Bought Help. Secretary Foster came into the testimony, not so much as a radical agitator himself, but as a seeker for help in conducting the industrial fight in the steel industry. Margolis told of a "union of Russian workmen," existing in and around Pittsburgh, revolutionary in its objects, and said at Foster's request, or with his cognizance, he secured the endorsement of that organization for the steel strike.

"The Russians had a tri-estate, Margolis explained, Chairman Kenyon leaning and suggesting: "It was a delegate assembly. I went there and made a speech, using them to endorse the steel strike and give it support. This they agreed to do."

Retarded Building Development. St. Louis, Mo., Oct. 20.—There is a retarded building development extending over practically all of the United States which will limit the capacity of existing mortgage machinery to the utmost, according to the report of the real estate securities committee submitted at the convention of the Investment Bankers Association here tonight.

SOUTH CAROLINA SECOND TRANS-CONTINENTAL RACE

Capt. J. O. Donaldson, Who Is Second To Finish, Native of Greenville

Mineola, N. Y., Oct. 20.—South Carolina captured second honors in the Trans-continental air flight and return when Captain J. O. Donaldson landed at Roosevelt field at 10:30 today, the winner of the army air race from this place to San Francisco and return, having been Lieut. B. W. Maynard, of Wake Forest, N. C., who reached here Saturday afternoon at 1:50 o'clock.

Captain Donaldson who made the 5,400-mile journey in a single seater S. E. 5 airplane, is a native of Greenville, S. C. He was in Europe fifteen months as a member of the American general headquarters squadron and also saw service with the British army near Dunkirk.

Captain Donaldson took part in seven of the major operations of the American army, and while flying over Douai, shortly after the Chateau Thierry drive, was attacked by three German planes. He brought down two of them but was captured by the third, later, however, escaping to Belgium.

POSSE CAPTURES NEGRO; ANOTHER KILLS PRISONER

Marion, Ark., Oct. 20.—Alex Wilson, negro, who shot and killed Miss Ruth Murray, 19-year-old wealthy white girl, today while she and Miss Estelle Clifton were riding near here, was shot and instantly killed near the scene of the crime tonight by a posse of citizens after he had been captured by another posse and was being brought to Marion, according to word received here.

GREAT STATE FAIR AND PEACE JUBILEE OPENS THIS MORNING

GOVERNOR BICKETT WILL BE SPEAKER

Will Deliver Address at Fair Grounds at One O'clock In Afternoon

BIGGEST CROWDS IN FAIR HISTORY ARE EXPECTED

Weather Bureau Promises Fair Weather; Raleigh Gets Ready For Entertainment

Unless every sign fails, three hours before Governor T. W. Bickett formally opens the fifty-eighth Great State Fair this afternoon at 1 o'clock, a record crowd will be pouring through the gates and North Carolina's industrial exposition, peace jubilee and family reunion will be on.

With the Weather Bureau promising fair weather for the week, and farm prosperity on a high level, Col. Joseph E. Pogue, who has served as secretary for twenty State Fairs, anticipates that all former State Fair crowds will look upon beside the throngs that will tax Raleigh's capacity to the limit.

Already hotel accommodations are pushed hard and private homes are reaching out for State Fair visitors. But in this day of the flivver, reasonably good roads, the great majority of State Fair visitors will be the transient kind. They will come in, park their cars, spend the day at the Fair and then go home at dusk, possibly, to return the following day.

All day Monday exhibitors at the Fair Grounds were working against time to put their displays in shape for the opening today. Most of them will be ready for the first comes this morning. Some others will require final touches before the public can get the benefit of their completeness.

A change in the program was made necessary yesterday on account of the cotton mass meeting in the city auditorium at 11 o'clock, over which Governor Bickett is scheduled to preside. By agreement with the State Fair officials, the time for the Governor's address was changed from 11 o'clock to 1 o'clock.

The Governor, State officials, officers of the State fair, marshals and others will leave the Yarrowburgh Hotel at 12:30 in automobiles, moving out to the Fair Grounds, directly where the Governor will deliver an address which, for brevity, will smash State Fair precedents.

The racing begins at 1 o'clock and the free attractions then at intervals of thirty minutes during the afternoon, starting at 1:30 with Lieut. Harry Rauser's aeroplane sensations.

SAYS COMMISSION WORKED RADICALS

Senator Watson, Republican, Delivers Broadside Against Trade Body

SOCIALISTS IN EVERY BRANCH OF GOVERNMENT

Disclaims Talking In Defense of Packers But Alleges That Chicago Office From Which Investigation Was Made Is "Center of Sedition and Anarchy"

Washington, Oct. 20.—Charging that the corps of Federal trade commission examiners which investigated the meat packing business was packed with men who are avowed socialists, anarchists, radicals and radicals, Senator Watson, Republican, of Indiana, today told the Senate that the adherents of socialism were entrenched in every department of the government and introduced a resolution for an investigation.

The Senate referred the resolution to a committee and Acting Chairman Murdock, of the Commission, issued a statement declaring that if Senator Watson's resolution would be joined with one recently introduced by Senator Sherman, Republican, of Illinois, charging the Commission, with conspiracy, and both could be investigated at the same time, "it would be decidedly in the public interest."

Disclaiming that he spoke in defense of the meat packers who he declared should be punished if guilty of the charges made against them, Senator Watson told the Senate his contention was that American business should not be investigated by men who avow determination to destroy it and that the government should not be represented by those who preach a doctrine of its overthrow.

Declaring that the Chicago offices of the Trade Commission from which the packers' investigation was conducted, were "a center of sedition and anarchy—a nesting place for socialists," Senator Watson went through the list of men employed by the commission in the investigation and charged various ones with being pro-German, anti-ally, admirers of Lenin and Trotsky, advocates of a soviet form of government, participants in red demonstrations and parades, and disseminators of socialist propaganda.

Clerks Go On Strike. New York, Oct. 20.—About 5,000 bookkeepers, stenographers and other clerical employes of the Burden Condensed Milk Company went on strike today in New York city and suburbs, having recently formed the Bookkeepers, Stenographers and Accountants' Union 12,646 American Federation of Labor. According to union officials some of the strikers have been paid as low as \$13 a week. A wage increase of forty per cent and shorter hours are sought.

Trophies from the battlefields, German military equipment, some of Uncle Sam's fighting tools, and a complete display of models of the fighting ships of the United States Navy will be the culminating part of the War and Navy departments unit.

Raleigh was saturated with the State Fair atmosphere yesterday. The most indifferent couldn't have missed it had he tried. From the diabolical tin whistles shrieking out popular airs, to the doriferous hot dog stands, all the appurtenances of the State Fair were present.

A sextet of men uniformed as American soldiers, with overseas caps and decorations, waylaid pedestrians on Fayetteville street. Talking glibly about the victory, the great sacrifice, and hard luck pinned a little celluloid button with a miniature American flag on the unsuspecting victim and charged twenty-five cents for it. A bedraggled foreigner stood in a side street and wheeled a heavy tumbler from a grind organ while a little monkey at the end of a string did stunts and took up a collection from the noisy circle. Peddlers strolled about with whistles, toy balloons and whirly gigs.

The two men having the hardest time on Fayetteville street were a curstone preacher who addressed an imaginary throng at the Citizens Bank corner, and the traffic cop who operated the new patented "stop and go" signs at the intersection of Fayetteville and Martin.

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