

THE WEATHER  
Cloudy Tuesday with rain or  
snow in northeast; Wednes-  
day warmer, probably rain.

# The News and Observer

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## HARDING DEBATES ON PUTTING SKIDS UNDER MR. MELLON

Revelations Made By the New York World Cause Republicans Lots of Worry

### DAUGHERTY ABOUT ALL COUNTRY WILL STAND FOR

Instead of Super-Statesmen For Cabinet Material, President-Elect Lines Up Choice Political Spirits of Old Guard Organization; Secretary Daniels To Get Chair

The News and Observer Bureau, 605 District National Bank Building. By JOE L. BAKER (By Special Licensed Wire)

Washington, Feb. 21.—With the announcement from St. Augustine today that President-elect Harding had selected Harry M. Daugherty, of Ohio, his pre-convention campaign manager, as attorney general in the new cabinet, the source of considerable worry. According to a story in The Washington Star this afternoon, information has come to Washington of the fact that the President-elect has decided to appoint Mellon, but to choose for the post A. B. Decker, of Minneapolis, president of Minneapolis Federal Reserve Board District.

## Would Hold Public Service Corporations To Contracts

Measure Will Be Introduced in General Assembly Today Declaring That Parties to Contracts Heretofore Entered Into For Furnishing and Consumption of Electric Power Shall Abide by Terms Agreed Upon.

Cotton mill men and their counsel representing interests opposing the Southern Power Company's petition now pending before the Corporation Commission for the abrogation of existing contracts and an increase in rates for power service, supplemented by mill men not involved in this action, last night determined to ask the General Assembly to require both parties to contracts heretofore entered into for the furnishing and the consumption of electric power to abide by the terms of the contracts.

The meeting in which the decision was reached was held in the Chamber of Commerce rooms and did not adjourn until eleven o'clock. According to Mr. C. W. Tillett, attorney of Charlotte and prominently identified in the case which has assumed the proportions of the biggest rate fight of the kind that has ever been conducted before the Corporation Commission, the attorneys and textile men present were unanimous in their advocacy of the measure which will be presented to the General Assembly today.

The proposed bill would provide that in the consummation of any and all contracts for the furnishing and consumption of electric power in this State should not be required to stand by their contracts just as others are required to do. The cotton mills, they say, dismantled their steam power plants at the urgent persuasion of public service corporations, and contracted for power according to certain terms and rates. Now, contract shall be held by the commission to be just and reasonable.

Fending in South Carolina. A similar measure has passed the lower House of the Legislature in South Carolina, in which State the Southern Power Company largely operates. In that State the corporation commission has no authority over the rates of hydro electric concerns. An effort made in the last session of the South Carolina law body to give the State the power of supervision was defeated, and W. S. Lee, vice president of the Southern Power Company and chief engineer, admitted on the witness stand before the Corporation Commission of this State recently, that he went to South Carolina when the bill was pending and fought its passage. It was killed.

At the session now in progress, a similar bill is pending with the provision embraced in the proposed North Carolina act. The measure having passed the House is now awaiting Senate action.

This bill, those engaged in the conference last night declared, sought to be entitled "An act to promote common interests and to provide for the public service corporations of this State should not be required to stand by their contracts just as others are required to do. The cotton mills, they say, dismantled their steam power plants at the urgent persuasion of public service corporations, and contracted for power according to certain terms and rates. Now, contract shall be held by the commission to be just and reasonable.

(Continued On Page Two)

## QUESTION RIGHT OF JUDGE LANDIS TO HOLD POSITION PRISON DIRECTORS FOR EXPLANATION

Members of House Judiciary Committee Convinced That Employment Wrong

### THOROUGH PROBE INTO MATTER TO BE MADE

Representative Welty Claims That Baseball Magnates Named Judge As Arbitrator Because of Position As Federal Judge; Only One Defender Before the Committee

Washington, Feb. 21.—The right of a Federal judge to accept outside employment while serving on the bench was sharply questioned by members of the House judiciary committee today in considering impeachment charges against Judge Keneaw Mountain Landis.

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Left To The Committee. It will be left entirely for the committee composed exclusively of lawyers, to decide whether there is sufficient ground to justify presentation of the case to the House of Representatives. Should the House vote to impeach, the Senate would sit as the trial court.

Three Republican members of the committee, Representative Husted, New York; Goodkowitz, West Virginia and Boies, Iowa, openly expressed opposition to the double service of the judge.

Mr. Husted declared that acceptance of such a large outside salary was "outrageous," but insisted the committee should have facts on which to draw an indictment.

Mr. Boies thought the judge might be forced by public opinion to quit his job.

Mr. Goodkowitz said that if Judge Landis' contract was legally and properly made, there was nothing to prevent the most packers and others employing a man on the bench to look after their interests while still setting as judge.

Why Landis Was Named. Asked to explain why Judge Landis had been picked by organized baseball to sit as arbitrator, Mr. Welty presented a letter from Chicago, which purported to quote one of the magnates as saying that Landis, as a private citizen, meant nothing to baseball, but that Landis as a judge meant everything. Mr. Welty was emphatic in the assertion that this was the real basis for his appointment.

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Only One Defender. The only defense of Judge Landis was made by Representative Gallivan, Democrat, Massachusetts, not a member of the committee, who announced that he desired to be heard. Mr. Welty, Mr. Gallivan asserted, had failed to substantiate his charges.

The attorney general's opinion that Judge Landis was within the law was read, without comment.

There was much discussion after Mr. Husted asked what would happen if every Federal judge should follow the example of Judge Landis. The committee was on the point of going directly into this when the suggestion was made that it was a more proper subject of discussion for another session behind closed doors.

## CONEY TO FLY ACROSS CONTINENT

San Diego, Cal., Feb. 21.—Lieut. William D. Coney, of the 91st Aero Squadron, left at 7 o'clock tonight from North Island aviation station in an attempt to fly to the Atlantic coast within 24 hours. The only scheduled stop in his 2,700 mile flight is at Dallas, Texas.

## GALBRAITH URGES SQUARE DEAL FOR DISABLED HEROES

National Commander of the American Legion Speaks Three Times in Raleigh

### ADDRESSES LEGISLATURE ON NEEDS OF SERVICE MEN

Comes Here From Conference With President-Elect Harding With Feeling That Next President Is In Sympathy With Fight American Legion Is Waging

A square deal for the disabled service men—the forgotten heroes of the World War—was demanded by Col. Frederick W. Galbraith, Jr., National Commander of the American Legion, in three addresses in the city yesterday. Col. Galbraith denounced the negligence of the Federal government toward the disabled soldiers, and said that the Legion would fight without ceasing until these men get what they are entitled to.

At a meeting of over 200 former service men from the city and all parts of the State. He spoke previously at a luncheon tendered him by the Raleigh Chamber of Commerce and at a joint session of the General Assembly. During his stay here he was entertained by State department officials of the legion and by a number of leading citizens of the city. He arrived at noon from Florida where he had a conference with President-elect Harding, and was met at the Union Station by a delegation of legion officials and local citizens.

Hope for relief for the disabled service men under the next administration was confidently expressed by the National Commander, who stated that the President-elect was in sympathy with the fight the Legion was waging. Col. Galbraith quoted Senator Harding as saying that he now understood the problems of the disabled service men as he had not understood it before, and was indebted to the American Legion for bringing it to his attention. Col. Galbraith added that the President-elect stated that one of the first acts of the new Congress will be to provide generous and adequate care for the disabled service men, and that there would be no sissy policy. Col. Galbraith said that after explaining the desire of the American Legion that the Bureau of War Risk Insurance, the Bureau of Vocational Training and the United States Public Health Service be coordinated under one efficient head, the President-elect stated he saw no objection to the plan and that it would have the support of the new administration.

Outlines Task of Legion. In outlining the task before the American Legion in his address in the court house last night, Col. Galbraith said the first thing is to rehabilitate the forgotten heroes of the World War.

"We all came home after the signing of the armistice and all went back into our business and professions, leaving the government departments to care for the sick. We all went back except the disabled service men, and his condition is not so good. There are 24,000 men and women in hospitals now, and numerous others who need hospital attention have nowhere to get it. Up to this time the Federal government has not adopted a program of hospitalization. The government has built a few hospitals, it is true, but they are not the kind we need. The disabled man has been deserted, but we don't propose that he shall remain deserted. In 105 hospitals under government supervision there are about 12,500 men, and in 1,200 other hospitals without government supervision, there are 11,500 others being cared for so much a day. These are in hospitals that are good, bad and indifferent.

"We have just found out the conditions. I had a survey made in every department in the nation, and things are far from being what they ought to be. Do you know that the agencies who disabled service men in hospitals were caring the American Legion because it had deserted them; men were caring their government because it had deserted them. But things have changed now. These men know that the American Legion is fighting to fulfill its promise, and will fight until the promise is fulfilled.

Complains of Conditions. Colonel Galbraith gave several instances of conditions in hospitals where former service men are being treated, and said that conditions in many are unfit for a human being to be kept in.

"The greatest and richest country of the world has no place for its disabled heroes of the world war," he declared.

Colonel Galbraith attributed the cause of present conditions to lack of a central head for the agencies having charge of caring for the disabled men. The Bureau of War Risk Insurance and the Public Health Service have at last been put under one head, he added, but one secretary cannot do much under present provisions granted him. The Board of Vocational Training, he stated, must report to Congress. The trouble with the Bureau of War Risk Insurance, Colonel Galbraith added, is that it is not decentralized and that a service man must go to Washington to have his claims adjusted.

"We want to have these three bureaus put under one head," he contended. "We want to get it fixed so that all the agencies working for the relief of the disabled service men can function under the same head and work in unison. I am confident that we will win this from the next Congress.

"Our government has done everything we asked except one thing—

## Harding's Confidence Remains Unshaken in Political Friend

President-Elect Pays Tribute To His Campaign Manager As Splendid Man

### OPPOSITION CONFIRMS FAITH IN DAUGHERTY

Outlines Principles Guiding Him In Selection of 'Rep. Lion Cabinet'

St. Augustine, Fla., Feb. 21.—President-elect Harding today announced definitely his decision to appoint Harry M. Daugherty, of Ohio, to the Attorney Generalship and at the same time laid down in pointed fashion the public and political considerations on which he is building his cabinet.

In making the announcement, the President-elect paid tribute to Mr. Daugherty, who was his campaign manager, as a splendid man who will make a great Attorney General, and added that opposition had only strengthened his faith in the wisdom of the appointment. Later Mr. Daugherty issued a brief statement from Harding headquarters here saying that no one could refuse to serve under the circumstances.

Speaking of the cabinet generally, Mr. Harding declared three broad principles were guiding his selections. The first quality of an ideal cabinet, he said, was a capacity for efficient public service, while the second was an ability to command popular support and the third must grow out of natural and proper political consideration.

To Have Republican Cabinet. "This is going to be a Republican cabinet," continued the President-elect. "You may count on that. And you may be sure that it will be a cabinet of which the whole country can be proud."

As in the case of Charles E. Hughes, whose appointment as Secretary of State was formally announced Saturday, Mr. Daugherty's selection for the cabinet generally had been expected among those close to Mr. Harding. He is understood to have been approached informally on the subject soon after election day, and his assignment to head the Department of Justice is said to have been virtually decided on early in December. Since he began the uphill fight as manager of the Harding pre-convention campaign early in 1920, Mr. Daugherty has been called into consultation regarding virtually all of Mr. Harding's important political decisions. After the Chicago convention he became a member of the Republican executive campaign committee of five, and since the election has talked with the President-elect many times on the problems that were to face the new administration. He came here several days ago and has kept in close touch with developments, holding daily conferences with Mr. Harding and with important callers, including Mr. Hughes, with whom he was closeted Saturday for more than an hour.

Mr. Daugherty's home is in Columbus, Ohio, and is a former member of the Ohio Legislature. He has been associated with Mr. Harding in State politics for many years.

Daugherty Can't Refuse. The President-elect issued no formal statement in announcing his choice for the Attorney Generalship and did not indicate whether a formal acceptance had been received from Mr. Daugherty. The latter's statement follows:

"No man would refuse to serve a friend and his country under the circumstances. I am appreciative of both the honor and the responsibility."

Regarding other cabinet appointments there were no apparent developments during the day, although it was indicated that decisions might be expected momentarily in regard to both the commerce and labor portfolios.

The selection of a Secretary of the Navy, the only other cabinet post remaining unallotted, probably will not be finally decided until the end of the week.

## RECORD AS LAWYER AND AS POLITICIAN

Examination of Daugherty's Achievements Shows Him Astute Lobbyist

By FRANK L. HOPKINS (In New York World.)

Announcement has been made that in the Cabinet of President Warren G. Harding, Harry M. Daugherty of Columbus, O., will occupy the position of chief law officer of the United States—the post of Attorney General.

In order that the public may judge for itself whether Mr. Daugherty is fitted for this office, one of the chief functions of which is the enforcement of the law against corporations and the protection of the public against special interests, The World has caused an examination to be made of Mr. Daugherty's career, of the esteem in which he is held by his fellow citizens of Columbus, and of the position he holds at the bar.

Find Conspicuous Features. In this inquiry are certain features which stand out conspicuously. Beginning with his exoneration in 1892 by a legislative committee of the implied charge made in a Columbus newspaper that he, as a member of the Ohio Legislature, had been paid to vote for John Sherman as Senator, there follows his five times defeat for public offices to which he has aspired; a period during which he was generally credited with being a lobbyist before the Ohio Legislature; his connection with the Columbus Savings and Trust Company, which failed owing its depositors \$1,235,000—they were subsequently paid 681.2 per cent of this amount; his warm espousal of the cause of William Howard Taft in Ohio; his success in winning a commutation of sentence for Charles W. Morse, and finally his long and intimate association with President-elect Warren G. Harding.

This association began nearly twenty years ago, when, as Daugherty has described it himself, he almost pushed Mr. Harding out on to a platform to make a speech in a small Ohio town, since he considered the ability to make a good speech an essential if Harding was to succeed. Daugherty helped Harding to become Lieutenant Governor in 1904. He subsequently promoted his campaign for Senator in 1914, and finally pushed him into the Presidency, and through it all has occupied a position of friendly counselor and advisor.

To "Watch Appointments." And The World was informed by a man who has long been skilled in Ohio politics—a man who professes himself an excellent friend of both the President-elect and his campaign manager—that Daugherty's going into the Cabinet will be with a view to keeping an eye on the appointments that the President will make, lest Mr. Harding let his judgment be too much warped by sympathy. Such a program would of course enable Daugherty to go a long way toward extending nationally the personal machine that he has already built up in Ohio.

As chief law officer of the country Mr. Daugherty would have to pass on many important questions, including the Justice of starting varied prosecutions, fine points of criminal and civil law that may be involved therein, and the legality of operations which may be undertaken by all sorts of interests which have their own rather than the country's welfare at stake.

Hoover For Cabinet Job. St. Augustine, Fla., Feb. 21.—Such developments as were apparent tonight seemed to make Herbert Hoover a better bet than ever before for the secretaryship of commerce.

## RESOLUTION IS REFERRED TO COMMITTEE FIRST

Sharp Debate Follows Introduction of Measure Which Has Been Bubbling For Week; McCain Wants To Know If Acts of Legislature Are To Be Ignored

A joint resolution stating that "it now seems that on account of the willful refusal of the directors of the State Penitentiary to obey the laws of the State of North Carolina, nine hundred unfortunate and dependent persons will be deprived of the care and treatment that the General Assembly intended they should have," and directing the directors to make explanation in writing within three days, was introduced by Senator Hartwell.

After sharp debate, the motion of Senator Burgwyn, of New Hanover, "that this joint bill of indictment be referred to the Committee on Penal Institutions for investigation" was adopted.

Senator Hartwell spoke against the motion to refer, and a colloquy between him and Senator De Laney provoked another charge against the directors of the prison. In response to the assertion of the Senator from Mecklenburg that the law passed in 1919, approved by the 1919 General Assembly was insufficient, the Senator from Cabarras retorted that the same act gave them the right to sell the Caledonia Farm and use the proceeds for the erection of a new prison.

"But I understand that they sold the farm for notes and not for cash," said Senator DeLaney.

"If they sold that farm at a time when land was worth more than it had ever been worth before without getting money or securities upon which they could borrow money, it is the most unbusinesslike arrangement I have ever heard of and is indefensible," declared Senator Hartwell.

Sensors DeLaney, Burgwyn and Burgwyn thought that charges in a resolution using such strong terms should not be passed without reference to a committee; Senator Naah wanted the resolution passed with the preamble stricken out, and Senator Swain wanted to vote it down immediately, declaring that he had already been convinced that the General Assembly had erred by not appropriating sufficient funds with which to carry out its mandate.

Asks Why Laws Are Ignored. Senator McCain thought the Senator from Tyrrell had hit upon the "milk in the cocoon," and insisted that as between the General Assembly and the directors of the prison there should be no question as to whose judgment should control as to what constituted "sufficient funds."

"I want it clearly understood that I am not making an attack upon any body, but do think that we should know why the laws passed by this General Assembly are calmly ignored," declared the Senator from Vance. He was backed by the Senator from Cabarras, who said that the General Assembly had been in session for over forty days, and that common sense and common decency should have dictated that the directors of the prison inform it of their decision to ignore the mandate of its predecessors.

Senator McCain finally agreed for the resolution to go to the committee, but another clash was precipitated between him and Senator McCooch, chairman of the committee, as to the date of the hearing. The chairman agreed to call a meeting "as soon as the directors can be notified and given time to get here." Senator McCain thought the resolution itself gave them ample opportunity to be heard, and that there was no need in hearing from them at all unless it should be passed. It was finally agreed that the hearing should take place tonight.

## VARNER OVERCOME BY HIS EMOTIONS

Lexington Man Denies Having Had Friendly Relations With Baxter McRary

Greensboro, Feb. 21.—H. B. Varner, defendant in the suit of Mrs. Florence C. Varner, his wife, for a "reasonable subsistence," was so overcome in Federal court today that he was forced to halt his testimony five times to allow his pent up emotions to subside.

Mr. Varner denied ever having friendly relations with Baxter McRary stating that he had never invited him to his home, that he had never visited him, and that he had never spoken to him since he considered him the leader of his race in North Carolina.

Another deposition relative to McRary's health and taken in Baltimore recently by request of plaintiff was read, consuming almost an hour.

Upon cross-examination Varner stated emphatically that if he won suit against Baxter McRary for \$100,000, charged with alienation of his wife's affections, he would devote every cent with the exception of his lawyer's fees to some orphanage or hospital in the State or to some other worthy charity. He said that he wished to punish the negro and that this was the nearest way without killing him.

"If I win suit I wouldn't have one dollar of my dirty money. I'd go to the poor house first. I've got no apology for making suit against him and I will fight it to the bitter end," he declared as he broke down in tears.

He said he had done all in his power to keep the first story of the affair and his picture out of the papers, as this incident was the most humiliating thing that had ever occurred to him in his life.

Four letters were introduced during the afternoon which were received by Mr. Varner from his wife before she departed for Utah. Perhaps the most striking one follows:

"Dear Colonel: I have decided to do you as you wish and will try to leave Thursday night and will go to mamma's. Can I write you and will you answer my letters? I am hoping that you will yet be convinced that I am not guilty of this awful charge. I am innocent and you must believe Anna and I. There is a terrible mistake somewhere. No one has ever been to see me in your absence. You must not condemn me to a life of misery. I love you devotedly and I cannot be happy away from you. Don't deprive me of one consolation of seeing you before I go. It is not right, you must remember I have been accused but not proven guilty. We could be happy somewhere else. Keep that in mind and don't put me out of your life. Mr. Smith has been to see me and said you intended starting divorce proceedings at once. Let me know if it is true. I will not contest, but go slow, wait a while at least. Just give me one ray of hope. I never realized till now what you are to me. I love you and it will kill me to give you up. I am almost crazed with grief. I will try my best to get off tomorrow. I couldn't live with mamma without something to go upon. Must I go to work or will you provide for me? Please delay a while at least till I get my strength. I am in an awful condition. I have eaten nothing since Monday night at supper and have slept only a little. Have been awake since 2 o'clock this morning. It has been such a crushing blow for you to go to hotel, I never thought of you doing such thing. I counted on your faith in me. Don't cast me off without seeing me. Colonel, I beg you to do one thing: Come to see me tonight."

"Love," "Florence."

Mr. Varner was the eighth witness today, taking the stand about 11:30 o'clock. Previous to his testimony eight character witnesses testified and a deposition taken in a hospital in Baltimore in behalf of the plaintiff relative to the health of McRary was read by attorneys representing the defendant. Mr. Varner's testimony consumed a greater part of the day.

Briefly Mr. Varner related the history of his married life, stating that he had married Mrs. Varner December 29, 1900; that they had lived together harmoniously since; that he had always trusted her and that they had always aided each other in all of their undertakings. In answer to questions asked him by his attorneys, he explained that he was editor of the Lexington Dispatch and had been for about 25 years; that he made frequent trips and that during first 10 years of his married life he nearly always took Mrs. Varner with him; that during the past 10 years she had not gone with him on his trips but seldom, giving as her excuse that she would be more comfortable at home; that he was interested in the matter of road improvements; that he made many speeches over the State advocating better roads; that he attended State and National press conventions; that he always insisted that his wife accompany him; that during past 10 years Mrs. Varner had accompanied him two or three times; that he always got their transportation for running regular railroad schedule; that she knew this; that he had never made an agreement with her to stay at home and attend to his business while he was away, and that when she was away he would attend to hers (seeing after the

## TWO MORE DAYS OF SNOW PREDICTED BY BUREAU

Weather Forecaster Says Disturbance Off North Carolina Causes It

Washington, Feb. 21.—Two more days of snow were said by the weather bureau tonight to be in prospect for much of the snow-covered east.

The clear skies, which succeeded the snowfall of Saturday night and Sunday in the region north of Tennessee and North Carolina and east of Ohio, had become clouded tonight, the weather bureau reported, and in a part of that territory the snow again had begun to fall.

Snow was predicted for tomorrow in the Middle and North Atlantic and New England States, and the bureau's forecaster said he was reasonably sure of some snow Wednesday. A disturbance, located tonight off the North Carolina coast, was said to be responsible for the prospective augmentation in many parts of the East. As it passes up the Atlantic coast, the indications were that it would be succeeded by a storm now over Eastern Colorado which the bureau predicted would cause unsettled weather in the States east of the Mississippi River Wednesday with snow and sleet in the north and rain in the south sections.

February Harness Race, \$125 purse. Steeple chase, flat race, Pinehurst, Wednesday.—adv.

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Left To The Committee. It will be left entirely for the committee composed exclusively of lawyers, to decide whether there is sufficient ground to justify presentation of the case to the House of Representatives. Should the House vote to impeach, the Senate would sit as the trial court.

Three Republican members of the committee, Representative Husted, New York; Goodkowitz, West Virginia and Boies, Iowa, openly expressed opposition to the double service of the judge.

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