VOL. CXIII. NO. 78.

OCCUPATION AREA

ALLIES INCREASE

TEN PACES TODAY.

PRICE: FIVE CENTS

FEDERAL CONTROL OF SEPARATION OF RACES SUGGESTED

Decision of District of Columbia Court Raises Interesting Speculation

INTERSTATE BODY TO CONDUCT INVESTIGATION

Judge McCoy Holds Railroads lations With The Commis. sion; Gas Rates Lowered In Washington and May Go

' The News and Observer Bureau, 603 District National Bank Building. By EDWARD E. BRITTON. (By Special Leased Wire.)

Washington, March 18 .- Is the In terstate Commerce Commission to be the arbiter in the "Jim Crow" law contention? If a ruling just made by Chief Justice McCoy of the District of Columbia Supreme Court holds that will be the case, though the Interstate Commerce Commission has as yet found nothing in the law that makes it the judge in the matter. As the case now stands there is matter of interest in it to North Carolina, as well as to all States in which there is segrega-tion of races on trains or laws providing COURT HOLDS THAT

Two negro men riding on the Wash ington, Baltimore and Annapolis Rnil way, having taken the electric cars at Annapolis, were directed by the con-ductor to move from the front of the ear in which they had taken seats to The men refused and were put off the ear.

They brought suit against the railway and Justice McCoy at the hearing yesverdict in their favor, the award being \$500 for each of the men. The court held that in order to segregate white and colored passengers in interstate com merce the railroad companies must first file the proposed regulations with the commission, that with this having been done the railroads had no right to assign passengers to any specific seat.

Asked today about the matter Justice

McCoy said that while the courts had held that a State could not provide for segregation of races in interstate commerce, yet a railroad could provide by regulations for certain parts of the in to be used for passengers as It might direct. If this becomes the accepted law, then it will be up to rail-roads whether they will have "Jim Crow" regulations in interstate traffic. The matter is now being investigated The matter is now being investigated by the Interstate Commerce Commis-

Washington Gas Rate Lowered.

Raleigh, Durham, Winston-Salem, with their rate of \$2.30 per thousand cubic feet, Charlotte and Wilmington with their \$2.10 and \$2.35 rate, can get help in their fight for lower gas rates by taking note of what has happened in Washington, for here the Public Utilies Commission on yesterday reduced ties Commission on yesterday reduced the rate from \$1.32 per thousand cubic feet to \$1.25, this rate to be effective to Be an automatic return to the 95 cents pre-war charge, unless the comin the meantime decrees other wise. The lower rates here is made by reason of the decrease in the price gas oil, this having fallen 3-4 cents, the average price for 1920, to less than 10 cents per gallon, while material and labor have remained at the same level since the present rates were fixed in October, 1920. Washington at \$1.28 and headed for 95 cents this city has far the best of the gas users in the heavily charged North Carolina cities suffering under

Find Oil in South Carolina. Admittedly sunk as a gamble in oil, well sunk at Summerville, S. C., has produced a few ounces of crude petrol-eum, but even this small amount is held as showing there is same oil, and the United States geological survey has got-ten out a bulletin on the subject. As certain sections of North Carolina, say from about the cummock coal mines, Chatham county, nearly to the coast, are in the same general situation as Summerville, it is promable that as the result of the oil finding at Summer-ville there will be investigation of North Carolina territory in the search for oil. The geological survey is very cautious in what it has to say about Summerville, declaring that at present "a place only for a man who thoroughly the oil game," thus knows thoroughly the oil game, thus giving warning to oil well tenderfeet to keep away. Various reasons are assigned for the oil at Summerville, and the survey officials declare that now the well should be thoroughly tested and unless there is full proof that there is goal of forty thousand was passed a real and substantial yield of oil the region will "look unpromising" and The total subscription reported toregion will "look unpromising" and "should still be regarded as only wild-

yesterday.

The total subscription reported to-day was \$55,508, or \$14,477 more than was in hand when the workers gathered for conference and reports yesterday. Enthusiasm runs without abatement, and abounding confidence that the directors will have full sixty thousand to spend for the new Y. building. The While the outlook may appear prom-ising for oil wells about Summerville, or in parts of North Carolina, the wise positive that there is something than a gambling chance to strike campaign will end officially of 6:30 this evening when final reports from all committees will be made.

The postoffice at Southport, N. C., is to remain at its present location. The r'ostoffice Department has accepted the proposed of E. H. Cranmer and E. W. Davis to renew the / lease for a term of ten years from April 1, 1921, or the datei improvements and additions are completed. The lease is to include completed. The lease is to include squipment, heat, water, light, safe, and arreal post and poetal savings furniture when necessary. And likewise the post-office at Leaksville, N. C., will remain in its present quarters, the proposed the Leaksville Power and Light Co.

Covington, Ga., March 18.—Acting on reports of negro disturbances in a settlement near here, authorities today began investigations on the theory that three negroes whose bodies were found weighted down in Yellew River this week may have met death by members of their own race.

Sheriff Jahnson today received information that there was a fight and shooting affray in a negro settlement near Allene bridge a fortnight ago. With deputies he left for the seens. He had not returned up to a late hour tonight. Charlette Scouts Want Loss.
At the request of the scout executive the Charlotte Council, Boy Scouts o series, Senster Simmons has request the Secretary of War to lend to the

Last Chance For Draft Evaders To Remove Cloud From Records

Adjutant General Of Army Announces That Persons Having Reason To Believe They Will Be Charged With Evading Draft May Escape Odium Of Having Names Published By Communicating Facts To Him.

to escape broadcast publication of their names as deserters during the world war, was given today by Adjutant Gen-eral Harris, of the Army. Persons who have reason to believe that they will be charged with evading the draft but who did not actually do so, the Adjutant General announced may escape Must File 'Jim Crow' Regu- the edium of being publicly branded as a deserter unjustly by communicating all the facts of the case to him

without delay.

The final check of the draft evader lists is now being completed by former members of the local draft boards. By the end of the month the War Department expects to begin making the lists federal police, detective agencies, the American Legion and other patriotic

In addition, Secretary Weeks will ask Congress when it reconvenes to provide funds to enable the War Department to pey a seward of fifty dollars to any person who delivers to the military authorities a deserter from the draft. Funds on hand now do not permit paying the full reward.

The department's list of draft evad. ing repa

tained, Means Big Loss To

The Government

government today lost an important tax

suit when the United States Court of

Claims held that every estate, the net amount of which exceeds \$50,000 and

which has been or is hereafter com-

pelled to pay the Federal estate tax, is entitled to deduct the amount so paid

The effect of the decision, should i

be sustained by the Supreme Court, to

which the government noted an appeal

will be that the government will not only

be compelled to refund all taxes aiready

collected fror estates under such cir

cumstances but will be unable to collect similar amounts from estates in the

The court awarded a judgment for \$165,075 in favor of Senator Underwood of Alabama, Alan H. Woodward and Reginald Barrister as executors of Joseph H. Woodward, in a suit to re-

verse the action of the commissioner

of internal revenue in refusing to allow

as a deduction under the income :ax law

the sum of \$489,834 paid by the execu-

The decision in the case was based on

he construction of section 214 of the

revenue act of 1918, which provides that

in computing the net income there

shall be allowed as deductions taxes

paid or accrued within the taxable year imposed by the authority of the United

States except income, war profits and excess profits taxes," the construction of the commissioner of internal revenue

being that the amount paid under the

estates tax law was not a tax which could be deducted but a "toll taken

from the property transferred."

Judge Downey in discussing the posi-

tion taken by the commissioner of in

the statute so as to nullify one of its plain provisions. We not feeel that we

are justified in adding another excep

tion to those provided for in the statute.

If Congress itended that the estate tax

the net income it would have said so.

of this holding and of its possible effec

on revenues and the public Treasury but we cannot conclude that such mat

ters should be in any wise controlling.

Campaign Will End Tonight at

6:30; Expect To Pass

\$60,000 Mark

Fayetteville, March 17 .- Running on

their second wind today, the Y. M. C. A. campaigners rolled up a total of more than fourteen thousand dollars for

the day's work, tomorrow evening when they gather for their final report and

the conclusion of the week, the tota will stand well beyond the second ob

jective of \$60,000 set when the first

BELIEVE NEGROES MAY

HAVE PUT MEN TO DEATH

Covington, Ga., March 18 .- Acting

THOUSAND TO Y MONEY

FAYETTEVILLE ADDS 14

bould not be deducted in determining

"We are, in effect, asked to construe

ternal revenue said:

tors as Federal estates tax.

from its income tax return.

Washington, March 18.-A last opportunity for selective service law evaders Provest - Marshal General numbered nearly 490,000 names, has been reduced by careful checking and by the appre hension of evaders to approximately 150,000 names. The final lists by draft districts are now being tabulated by the Adjutant General's office.

Of the list of nearly half a million names originally compiled it was later found that more than 151,000 had act ually served honorably in the armed forces of this country or the allies. By July 15, 1919, mearly 164,000 of those on the original list had been apprehended by the military or civil authorities leaving an actual balance on that date of about 174,000 names. Since then approximately 13,000 more names public through the newspapers and by have been eliminated on the busis to infurnishing copies to cits. State and formation obtained from various sources and the careful checking of official war service records.

As a lifet check to prevent as far possible branding innocent men as deserters, the department had the lists States and officials of the Navy and Marine Corps. The reports as finally checked at these sources are now berepared for publication in the

LEADERS OF LABOR DIG INTO RECORDS TAX DEDUCTIBLE

Railroad Brotherhoods En-Important Decision, If Susdeavor To-Show a Few Officials Dominate Fight

Chicago, Ills., March 18.-Union labor Washington, March 18 .- The Federal eaders delved into the records of the association of Railway executives today before the railroad labor board in an endeavor to show that the railroads' fight against National agreement was not unanimous but was dominated by a few officials.

An underlying purpose to establish the open shop and crush labor organizations was declared to be behind the fight of the association against national boards of adjustment. The controversy over these boards in the association's labor committee was brought out by erom examination of Thomas Dewitt Cuyler, chairman of the association and his assistant, Robert S. Binkerd, and his assistant, Bobert S. Binkerd, and the introduction of voluminous corre spondence and reports of the committee

into the labor board record. Today's proceedings marked the be-ginning of labor's main fight for continuance of the National rules and working agreements now in effect, the justness and reasonableness of which the board is now trying to decide in hearings which began January 10,

A basic program of eleven points on which labor would be willing to negotiate national agreements was laid before the board by B. M. Jewell, President of the Railway employes—department of the American Federation of Labor when the hearing opened today. Frank P. Walsh, counsel for the unions, immediately followed with an exhaustive cross-examination of Mr. Binkerd and Mr. Cuyler.

The association's labor committee was the outgrowth of the transportation act according to testimony of Mr. Binkerd and was declared to deal with labor disputes. Records brought by Mr. Binkerd was read to show that a divided opinion concerning National boards of djustment had existed in the commit-

As a result of a bi-partisan board appointed at the suggestion of former President Wilson in March, 1920, the National boards of adjustment created under Federal control were continued with the approval of a majority of the

labor committee it was brought out. The majority report of the labor com mittee stated it feared failure to ap point boards as provided under the ransportation act would result in over loading the labor board with disputes an added that if the roads did not take advantage of the features of the law by agreeing to adjustment boards, the of leiency of the labor board might be greatly impaired, resulting in decisions cossibly adverse to the roads.

RUSSIAN-POLISH TREATY FINALLY SIGNED AT RIGA

Rigs, Letvia, March 18.—(By The Associated Press.)—After months of negotinting, peace finally was signed to night by the representatives of Russia, Kkraine and Poland. Twenty-six paratraphs establish the Russian-Ukrainian-Polish frontier, covering the present demarcation lines and allowing for alterations under whien 3,000 square kilo-meters are ceded to Poland near Minsk nd - the district of Polesia on the

WATER FREIGHT RATES ON COTTON SHIPMENTS REDUCED. Memphis, Tenn., March 18.—L. C. Bouchard, general agent for the Southern Pacific Company, announced to-day that, effective March 21, freight rates on cotton shipments by water from New Orleans to New York would be reduced from 66 to 46 cents a hundred pounds, and effective April 21, rates on similar shipments from New Orleans to the Atlantic senboard would be cut 15 cents a hundred pounds.

Ministrippi Bank Closed.

Greenville, Miss, March 18.—The commercial Bavings Bank here closed to today, its affairs being placed the hands of E. F. Anderson, of the ate Banking Commission. According its attenuant the capital and sures amounted to 4300,000, with total courses of \$2,310,000. Deposits are put by officers to have

AMERICANISM IN PROTEST AGAINST **NEARLY TO ESSEN**

Central Freight Yard at Wedau, Largest In Ruhr District, Under Guard

HARDING FACES NEW PROBLEM FOR CONGRESS

Congressional Leaders Think Peace Resolution Only Means To Use While Other Leaders Think It May Cause New Em. barrassments; France Firm In Determination

Duesseldorf, March 18 .- (By the Associated Press .- The occupation area has been extended from Duisburg to self tonight when 14,000 persons crowdstations all along the railroad running from Duisburg to Essen to within two against the meeting held there a few and a half miles of Essen. The central weeks ago to voice objection to the freight yard at Wedau, the largest in "horror on the Rhine," as the occupation of Germany by French colonial carefully checked by the local board freight yard at Wedau, the largest in members, the adjutant generals of the the Ruhr district, and Mulheim station troops was then described. are guarded by French troops. Duesseldorf is quiet.

PRESENTS NEW PROBLEM

Washington, March 18 .- (By The Asadditional German territory is under-stood to have presented to President Harding a new problem arising from a relation of these changed conditions to revious plans for early declaration by Congress of the ending of the State of war between the United States and Ger-

Some congressional leaders who all still think that resolution should be applied as soon as possible. Other leadrs, who are known to be very close to rise to its feet in cheers the President, fear that it would cause embarrassment to the nations with which the United States was associated in the war and should be deferred until the situation in Germany which caused the occupation had clarified itself.

UNLESS GERMANY PAYS

FRANCE UNABLE TO PAY. Paris, March 18 .- If Germany pays, France will emerge from her financial difficulties, notwithstanding the colossal burdens left by the war; if she does not pay, the problem is insoluble.

This statement was made in the Sen-

ate today by Henry Cheron in preate today by Henry Cheron in pre-senting the Senate finance committee's report on the 1921 budget. The French debt, which in August, 1914, stood at 27,000,000,000 france, he explained, amounted on March 1 of this year to 307,000,000,000 frances, to which must be added in the future pensions and war damages estimated at another 218,000,000,000 frances. France, thus far, said Cheron, had

France, thus far, said Cheron, had paid out 38,000,000,000 frames on Ger many's account. Consequently there would be 180,000,000,000 francs more with interest to be added to her obligations if Germany did not pay.

GERMANY CAN TAKE EITHER HORN OF THE DILEMNA

Press)-J chancellor of the Exchequer, replying in the House of Commons today to an argument that the German reparation bill to be effective must be applied by all the allies, said the bill might operate either as a penalty or as a means of collection of reparations. Which of these characters the measure took on, he asserted, depended upon the action of

If the Germans wished to draw penalty upon themselves, Mr. Chamberlain said, they could draw it; but if they wished to avoid penalty and pay a por-tion of their debts for reparations, the bill would not act as a punishment, but as a method of collection. It was not improbable that before long the bill would be acting in the second method, the Chancellor declared.

Even if Great Britain stood alone in this matter, Mr. Chamberlain said he believed the exclusion of Germany from British markets would be sufficient to compel her to give satisfaction British demands. The proceeds of hill, he added, would be applied to the payment of British claims and the disposal of any surplus would be left over for discussion by the allies.

PLAN NO AFTERMATH TO TRIAL OF CLARA HAMON

Statutory Charge Filed Against Woman Will Not Likely Be Prosecuted

Ardn.ore, Okla., March 18 .- There probably will be no aftermath to the trial of Clara Smith Hamon, equitted yesterday on a charge of having murdered Jake L. Hamon in the manner of prosecution of the statutory charge filed against her and Hamon two days after she shot him November 21 last, according to information obtained at the office of the sheriff of Carter coun-

ty today.

Any information charging Frank L Ketch, Hamon's business manager and row administrator of the Hamon estotal with being an accessory after the fet in that he gave Clars \$5,000 and told her to leave Ardmore after the shooting, still was pigeon-holed in the office of James H. Mathers, county attorney, today. It still was undecided whether the information would be filed formally and a warrant for Mr. Ketch's arrest issued.

Clars Ramon and her staff of attor

Chara Hamen and her staff of attor-neys held a conference this morning but after it no announcement as to her if ture movements was made. Chara Hamon this afternoon issued a signed statement thanking the jury that acquitted her, the officers of Carter county for their consideration and courtesy and "the thousands who have sustained me by their sincers ex-pressions of sympathy." She declared she intended to make her home in Ardmore.

Fourteen Thousand People At tend Gathering at Madison Square Garden

GOLD STAR MOTHERS GIVEN A BIG OVATION

General Pershing Pleads For Resolutions Adopted Condemning Spread of Mis. chievous Propaganda; Col. Galbraith Presides

New York, March 18 .- One hundred per cent Americanism manifested it ed into Madison Square Garden to protest with the American Legion

Orators at tonight's meeting hurled scathing remarks at those who would attempt to foster ideals here other than American, and each one was met with FOR HARDING TO SOLVE shouts and cheers from the enthusiastie audience. General Pershing and the occiated Press.) -Allied occupation of gold star mothers shared the honors of the meeting.

A demonstration lasting fully ten minutes occurred as the procession of gold star mothers entered escorted by a marine guard and military band. A few moments later a bugle announced the entrance of General Pershing, and another demonstration equal to the first, took place. Legion posts from all along have been for a peace resolution over the city came trooping in behind their color bearers, and as each arrived it was the signal for the audience to

Although the great hall was packed to overflowing and firemen closed the doors, thousands crowded about outside in a vain effort to enter. Impromptu "four-minute speakers" gathered their audiences on street corners and for several hours those outside were quite as enthusiastic as the ones who arrived early enough to gain entrance to the garden. Four hundred policemen guarded the area, but there were no disturbances.

Col. F. W. Galbraith, Jr., national ommander of the American Legion, presided at the meeting, and when in his brief address he paid a tribute to the gold star mothers no sound but the speaker's voice could be heard. The vast audience bowed its head, men's handkerchiefs went to their eyes and women sobbed audibly. A moment later the crowd broke into prolonged cheering when Colonel Galbraith pointed to a section of the gallery reserve for wounded soldiers and described them as the "real heroes of the war." Pershing Given Ovation.

As General Pershing was introduced to the audience he was given another ovation, the crowd rising to its feet and cheering for five minutes. American flags were not only in prominence as decorations for the hall, but many of those who attended the meeting carried London, March 18 .- (By the Associat- them and they were waved on high for Austen Chamberlain, the former commander of the A. E. F. The gold star flags, carried by the mothers formed a contrast to the red, white and blue, as the women whose sons had lost their lives joined in the tribute to their commander.

Following General Pershing's address resolutions were unanimously adopted condemning "the spread of mischievous propaganda among our people" and resenting as disloyal any attempt to breed dissension between our country and the allies who fought shoulder to shoulder with us for the preservation of human liberty in the greatest war of all times."

Many Unable To Get In. Fifteen minutes before the meeting was called to order by Colonel Frank Galbraith, National commander of the American Legion the fire department officials ordered the doors of the Garden closed to bar further admissions. More than 14,000 persons were then packed into the historic structure, while thousands less fortunate ones were swarming around the building in a frantic endeavor to enter.
General Pershing paying tribute to

foreign-born citizens who served under him in the Philippines. Mexico and France, declared it was entirely proper that foreigners should cling to the folk lore literature and music of the native land but he assailed those who seek to dictate American questions and politi cal policies by the standards of their own countries

"We have no quarrel with the American of foreign birth" he said, "We want them to know that Amerca is an inspiration, that is something spiritual, goal toward which we aim. But we do object to the foreign born citizen who attempts to decide an American question for a foreign reason, whether lineage and pro he be of German lineage and probecause of German prejudice, of whether he be Irish, Italian, Hungarian or Russian, who seeks for similar reas-ons to decide American questions. I bitterly resent the abuse of America ship or residence for the purpos eitizen of political or warlike propaganda oreign countries,"

Navy Wins A Champie Princeton, N. J., March 18. - The Naval Academy won the inter-collegiate gymnastic championskip here tonigh with 23 points. Pennsylvania was accord with 10 points and New York University third with nine points. The midshipmen took first and placed men in every event. Pearson, of the navy, won the all-round title with a total of 223.8 points.

erican Sailor Killed In Cuba American Sailor Killed in Casa Washington, March 18.—The next of kin of Walter A. Johns, Chief Gunners mate who was killed in a kite balloon accident with the Atlantic fleet, was announced tonight by the Navy department as his wife who lives in Norfolk, Va.

PARLIAMENT PASSES BILL TO TAX GERMAN IMPORTS London, March 18 .- (By the Associated Press).-The House of Commons tonight passed the third reading of the reparations bill. The bill provides for a levy of 50 per cent on German goods but this provision will not be effective until March 31. After the House of Commons had passed the measure it was read for the first time in the House of Lords.

TELLS HOW LIQUOR TRUNK WAS ROBBED

Americans For America; Train Crew Emptied It of Contents Quickly, Former Express Messenger Says

> Macon, Ga., March 18 .- How express messengers, a baggage master and a railroad conductor robbed a "whinkey trunk" was one of numerous incidents told here today by W. A. Hughes, former express messenger, before a Federal jury in the trial of more than 50 persons accused of conspiring to steal express shipments from the United States government. "O. L. Smith, baggage master, found

> a trunk full of whiskey" said the witness. "We pushed it into my car and while we were examining it Captain J. N. Smith, conductor, came in and remarked: 'You don't catch this often "When we reached Byron, we had taken everything out of the trunk exput off there, so we pushed it back into the baggage car. Captain Smith into the baggage car. Captain Smith told us not to put it off until the train had discharged its passengers and we were ready to ride. I put my hand on the bell cord and as Captain Smith gave the signal, I pulled the cord and we pushed off the trunk. We could hear them cursing as we pulled out, for they could tell by its weight that it was empty. When we recabed Macon, we had 18 quarts which I gave to R.

much money for it." Attorneys for the defense attempted to have this evidence ruled out, but Judge Evans permitted it to stay in. Hughes went through a list of 20 wittions", he said, enumerating dealings involving six hundred crates of oranges eggs, chickens, fish, pecans, automobile tires, women's underwear, cigars and art

Court recessed at 2 o'clock until Mon-

day morning. The jury is being kept locked up in a hotel room save for the time they are given exercise.

"Henry Barlow insisted that I was obliged to have something to sell with a big earload of freight like this" said Hughes. "He went over to a stack of through express and came back with a package of ties. He later gave me \$5 for them. They were invoiced for \$26." R. C. Chancey told me several times that he was afraid that M. E. Bowdoin

would get 'the whole works' in trouble because he kept so many tires."

"J. A. Bradshaw (who, has never been arrested), told me he was selling M. T. McKinnon," said the witness. 'Mr. Rodgers told me he had gotten a suit of clothes from him."

Hughes said that on June 4, 1919. W. E. Brunner told him he had three barrels of fish in his shipment and and prior to that served three years asked me where to send them. I said on the Superior Court bench. send them to T. A. Lovelace, Atlanta.' In Atlanta they discovered that Lovelace had gone out of the fish busines but the fish were disposed of to another man, he said, and Brunner re ceived a check payable to William Anderson, a fictitious name, for \$39. Hughes said he rigned the name of Anderson to the check and Brunner got

the money on it. "Brunner told me that I ought to come over on the Atlanta-Savannah run," said the witness. "He said, 'You can get, off with more on that run in a day than you can in a year on the Lockhart run. When merchandise falls off we always have fish to play on. If you have an agent or two who are 'all right' you can always have plenty of money."

"Whoopee here's a ham," the witness said Brunner yelled when he found one in a shipment, "Mr. Wilkerson, who was in the ear, said he would buy it. Brunner wanted \$3, but he said it was such a big ham that he thought ought to have \$4. Wilkerson gave him a \$10 bill and received \$6 change. Tires were sold to Charley Burgess the witness said, and shoes to L. C.

Cason. "I asked R. C. Chancey what he could use," said the witness, "and he said 'anything in ladies' underwear and eigars, he said were made to Captain Hardy, J. F. Morris, J. L. Johnson, while he smoked the remainder of one

Walter Crittle, negro porter, Hughes said he had sold automobile tires, a saddle, sugar, eggs and a shipment of shirts.

"Lee Dix was known as the 'egg man,' " s: d the witness. Besides eggs he witness declared that Dix purchased pecans, sugar and overalls.

According to the witness, C. W. at 8 o'clock it was the general opinion of all participants that the jury would receive the case not later than just the best three going to handle shipmants for you."
The witness said he frequently put

off shipments at Oglethorpe for E. E. Dunaway, one of the defendants, who was agent at that point. "On one occasion I put off an art square that had been billed to Douglasville, which was not on my route. Next time my train came through," continued

the witness, "Dunaway and his wife beautiful, all the neighbors admire

Palmette Teacher Dies From Injuries.
York, S. C., March 18.—Miss Ella
Neeley, a teacher in York graded
schools, died today as a result of injuries received Monday when an automobile in which she was riding with
another teacher and five school girls,
was struck by a Carplina and Northwastern teals—hers.

JUDGE O. H. ALLEN TO RETIRE FROM JUDICIAL DUTIES?

May Be First Judge To Leave Bench Under Judge's Retirement Measure

ROUNDING OUT QUARTER OF CENTURY OF SERVICE

Appointed To Unexpired Term By Gov. Carr, and Re-elected For Succeeding Terms; One Other Superior Court Judge and Two Justices Now Eligible For Retirement

Qualified both as to age limit and ength of service, Judge Oliver H. Allen will be the first judge in North Carolina to retire from the Superior Court bench under the provisions of the act of 1921, which allows a judge who has passed the age of 70 and has served on the bench for 15 years or more to retire on two-thirds pay for the remainder of his life, if information that reaches Raleigh is correct.

A well-amenticated report yester-

day was to the effect that Judge Allen had determined upon retirement and returning to his home in Kinston. He could not be reached for verification of the story, but close friends in the city declared that he had fully made up his mind to leave the bench,

The retirement act. ratified toward the end of the recent session of the General Assembly, fixed the age limit for retirement at 70 years, with the provision that a retiring judge must have served 15 years to quality for the pension. The Senste bill, offered by Senstor Stanley Winborne, fixed the J. Gardner to sell for us. I never got retirement pay at three-fourths of the salary received at the time of retirement. The House reduced it to two-

Appointed In '96.

Judge Allen has served continuously on the banch since the administration of Governor Elias Carr, by whom he was appointed to complete an unexpired term. In point of service, he is the oldest man on the Superior Court beach in North Carolina, and his retirement comes at the end of more hian a quarter of a century of uninterrupted judicial

Only one other judge of the Superior Court in the State is eligible for re-tirement during the year, he being Jedge B. F. Long, of Statesville. Associate Justice Platt D. Walker, of the Supreme Court, is eligible for retirement, he having reached his 70th birthday in October, 1919, and has served 19 years on the Supreme Court bench. Chief Justice Walter Clark is also sligible for retirement, he having passed his 70th birthday August 19, 1916, and served for the past 32 years on the Supreme Court bench. Justice William A. Hoke will not be eligible for retirement until October 25 of this year,

GRANT SMALL PART OF RATE INCREASES 'ASKED

when he reaches his 70th year. He has

served 17 years on the Supreme Court,

Richmond, Va., March 18,-In a decision handed down today by the state corporation commission the Virginia Railway and Power Company is grant-ed only a small part of the increases in power rates saked for in recent hearings before the commission. Increases allowed are incidental to straightening out the schedules.

The refusal as to most of the rates is on the ground that the company, on the basis of last year's business, ir al-ready earning 8.18 per cent on the fair value of its light and power division for rate making purposes, which the commission fixes judically at \$14,636, 636.08. An increase in the rate to the largest wholesale consumers, concerns which have been getting current below the cost of production, is one of the increases allowed. This increase af-fects concerns in Richmond, Norfolk and other cities.

MATEWAN BATTLE TRIAL **NOW NEARING AN END**

Williamson, W. Va., March 18 .- In 'anything in ladies' underwear and the summing up process of the Matewan cigars.' I got the cigars for him but battle trials today verbal batteries never collected a nickel. Sales of of counsel were trained on each others fortifications fashioned out of the testimony adduced from approximately 150 witnesses. Sid Hatfield, the town chief of police, and his 15 companions being tried on indictments in connection with the death last May of Albert C. Felts, a private detective, shot during a pistol fight in the village's principal streets, laughed and wept as the attorneys varied their arguments.

When adjournment was taken late this afternoon until tomorrow morning 1:00 o'clock Saturday afternoon. Counsel for both sides were agreed that arguments would be concluded at the morning session.

PARTY OF THREE PISHERMEN DROWN WHEN BOAT OVERTURNS

Hawkinsville, Ga., March 18.—The bodies of Dolphicus Blad Bradier 28, and Fred Summer, 42, were recovered from the Oculgee river here today. The body of J. D. Gardner, 51, was recovered Tuesday. The three men were members of a fishing party that discovered Saturday.

members of a fishing party that disappeared Saturday.

A coroner's jury investigating the case into today held that death we due to an accident. It is believed that the gasoline launch in which the mewere riding either caught fire or exploded and the three men were hurle into the stream. The launch has no book found.

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