

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 Must File 'Jim Crow' Regulations With The Commission; Gas Rates Lowered in Washington and May Go Lower

The News and Observer Bureau, 603 Piedmont National Bank Building, By EDWARD E. BRITTON. (By Special Licensed Wire.)

Washington, March 18.—Is the Interstate Commerce Commission to be the arbiter in the "Jim Crow" law contest? If a ruling just made by Chief Justice McCoy of the District of Columbia Supreme Court holds good that will be the case, though the Interstate Commerce Commission has as yet stated nothing in the law that makes it 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 segregation of races on trains or laws providing for this.

Two negro men riding on the Washington, Baltimore and Annapolis Railway, having taken the electric cars at Annapolis, were directed by the conductor to move from the front of the car in which they had taken seats to that section reserved for colored passengers. The men refused and were put off the car.

They brought suit against the railway and Justice McCoy at the hearing yesterday directed the jury to return a verdict 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 commerce the railroad companies must 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 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 train to be used for passengers as "it might direct." If this becomes the accepted law, then it will be up to railroads whether they will have "Jim Crow" regulations in interstate traffic. The matter is now being investigated by the Interstate Commerce Commission.

Washington Gas Rate Lowered. Raleigh, Durham, Winston-Salem, with their rate of \$2.50 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 Utilities Commission on yesterday reduced the rate from \$3.35 to \$2.75 per thousand cubic feet to take effect on October 1, 1921.

With gas in Washington at \$1.55 and headed for \$1.25 this city has far the best of the gas users in the heavily charged North Carolina cities suffering under a \$2.50 rate.

Find Oil in South Carolina. Admittedly sunk as a gamble in oil, a well sunk at Summerville, S. C., has produced a few ounces of crude petroleum, but even this small amount is held as showing there is some oil, and the United States geological survey has got busy to place a bullet in the subject.

As certain sections of North Carolina, say from about the cummock oak mines, Chatham county, nearly to the coast, are in the same general situation as Summerville, it is probable that as the result of the oil finding at Summerville 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 it is a place only for a man who 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 a real and substantial vein of oil the region will "hook up" and "hook up" should still be regarded as only wild cat territory.

While the outlook may appear promising for oil wells about Summerville, or in parts of North Carolina, the wise investor will not invest until there is proof positive that there is something more than a gambling chance to strike oil.

The postoffice at Southport, N. C., is to remain at its present location. The postoffice department has accepted the proposed of E. H. Crummett and R. W. Davis to remove the office for a term of ten years from April 1, 1921, or the date improvements and additions are completed. The lease is to include equipment, heat, water, light, safe, and parcel post and postal savings furniture when necessary. And likewise the postoffice at Leaksville, N. C., will remain in its present quarters, the proposal of the Leaksville Power and Light Company to make enlargements having been accepted.

Charlotte Needs Well Leas. At the request of the second executive of the Charlotte Council, Roy Rogers of America, Senator Simmons has requested of the Secretary of War to lead 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.

Washington, March 18.—A last opportunity for selective service law evaders to escape broadcast publication of their names as deserters during the world war, was given today by Adjutant General 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 the odium 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 public through the newspapers and by furnishing copies to city, State and Federal police, detective agencies, the American Legion and other patriotic societies.

In addition, Secretary Weeks will ask Congress when it reconvenes to provide funds to enable the War Department to pay a reward 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 evaders, which as originally reported to the Provost-Marshall General numbered nearly 490,000 names, has been reduced by careful checking and by the apprehension 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 181,500 had actually served honorably in the armed forces of this country or the allies. By July 15, 1919, nearly 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 have been eliminated on the basis of information obtained from various sources and the careful checking of official war service records.

As a last check to prevent as far as possible branding innocent men as deserters, the department had the lists carefully checked by the local board members, the adjutant generals of the States and officials of the Navy and Marine Corps. They reports are finally checked at these sources are now being prepared for publication in the final lists.

ALLIES INCREASE OCCUPATION AREA 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 Embarrassments; France Firm In Determination

Duesseldorf, March 18.—(By The Associated Press.)—The occupation area has been extended from Duisburg to stations all along the railroad running from Duisburg to Essen to within two and a half miles of Essen. The central freight yard at Wedau, the largest in the Ruhr district, and Mulheim station are guarded by French troops. Duesseldorf is quiet.

Some congressional leaders who all along have been for a peace resolution still think that resolution should be applied as soon as possible. Other leaders, who are known to be very close to 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.

COURT HOLDS THAT TAX DEDUCTIBLE LEADERS OF LABOR DIG INTO RECORDS

Railroad Brotherhoods Endeavor To Show a Few Officials Demeaned

Chicago, Ill., March 18.—Union labor leaders 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 organization was demonstrated 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 cross examination of Thomas Dewitt Cuyler, chairman of the association and his assistant, Robert S. Binkerd, and the introduction of voluminous correspondence and reports of the committee into the labor board record.

Today's proceedings marked the beginning of labor's main fight for continuance of the National rules and working agreements now in being, the justice 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 Employees' 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 labor committee was the outgrowth of the transportation act according to testimony of Mr. Binkerd brought out in the cross-examination and was declared to deal with labor disputes. Records brought by Mr. Binkerd were read to show that a divided opinion concerning National boards of adjustment had existed in the committee.

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 committee stated it feared failure to appoint boards as provided under the transportation act would result in overloading 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 efficiency of the labor board might be greatly impaired, resulting in decisions possibly adverse to the roads.

RUSSIAN-POLISH TREATY FINALLY SIGNED AT RIGA

Riga, Latvia, March 18.—(By The Associated Press.)—After months of negotiating, peace finally was signed to-night by the representatives of Russia, Ukraine and Poland. Twenty-six paragraphs establish the Russian-Ukrainian-Polish frontier, covering the present demarcation lines and allowing for alterations under which 3,600 square kilometers are ceded to Poland near Minsk and the district of Polesia on the Ukrainian frontier.

WATER FREIGHT RATES ON COTTON SHIPMENTS REDUCED

Memphis, Tenn., March 18.—J. C. Bouchard, general agent for the Southern Pacific Company, announced today 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 seaboard would be cut 15 cents a hundred pounds.

BELIEVE NEGROES MAY HAVE PUT MEN TO DEATH

Ovington, 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 Yellow River this week may have met death by members of their own race.

AMERICANISM IN PROTEST AGAINST RECENT MEETING

Fourteen Thousand People Attend Gathering at Madison Square Garden

GOLD STAR MOTHERS GIVEN A BIG OVATION

General Pershing Pleads For Americans For America; Resolutions Adopted Condemning Spread of Mischief Propaganda; Col. Galbraith Presides

New York, March 18.—One hundred per cent Americanism manifested itself tonight when 14,000 persons crowded into Madison Square Garden to protest with the American Legion against the meeting held there a few weeks ago to voice objection to the "horror on the Rhine," as the occupation of Germany by French colonial troops was then described.

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 shouts and cheers from the enthusiastic audience. General Pershing and the 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 over the city came trooping in behind their color-bearers, and as each arrived it was the signal for the audience to rise to its feet in cheers.

Although the great hall was packed to overflowing and firemen closed the doors, thousands crowded 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 commander 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, many handkerchiefs were in their eyes and women sobbed audibly. A moment later the crowd broke into prolonged cheering when Colonel Galbraith turned to a section of the gallery reserved 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 them and they were waved on high for 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 mischief propaganda among our people" and resending 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 political 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 America is an inspiration, that is something spiritual, a goal toward which we aim. But we do object to the foreign born citizens who attempt to decide an American question for a foreign reason, whether he be of German lineage and proposes to determine an American policy because of German prejudices, or whether he be Irish, Italian, Hungarian or Russian, who seeks for similar reasons to decide American questions. I bitterly resent the abuse of American citizenship or residence for the purpose of political or warlike propaganda in foreign countries."

PLAN NO AFTERMATH TO TRIAL OF CLARA HAMON

Statutory Charge Filed Against Woman Will Not Likely Be Prosecuted

Arden, Okla., March 18.—There probably will be no aftermath to the trial of Clara Smith Hamon, acquitted 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 county today.

Any information charging Frank L. Ketch, Hamon's business manager and her administrator of the Hamon estate with being an accessory after the fact in that he gave Clara \$5,000 and told her to leave Arden 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.

Clara Hamon and her staff of attorneys held a conference this morning but after it no announcement as to her future movements was made.

Clara Hamon this afternoon filed 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 sincere expressions of sympathy."

She declared she intended to make her home in Arden.

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

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 "whiskey 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 except a blanket. The trunk was to be put off there, so we pushed it back 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 reached Macon, we had 18 quarts which I gave to R. J. Gardner to sell for us. I never got 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 witnesses with whom he had "transactions," he said, enumerating dealings involving six hundred crates of oranges, eggs, chickens, fish, peans, automobiles, tires, women's underwear, cigars and art squares.

Court recessed at 2 o'clock until Monday 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 load 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 \$25. R. C. Chanery 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 asked me where to send them. I said 'send them to T. A. Lovelace, Atlanta.'

In Atlanta they discovered that Lovelace had gone out of the fish business but the fish were disposed of to another party, he said, and Brunner received a check payable to William Anderson, a fictitious name, for \$39. Hughes said he signed 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 Lockheed 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 car, said he would buy it. Brunner wanted \$3, but he said it was such a big ham that he thought he 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. Chanery what he could use," said the witness, "and he said 'anything in ladies' underwear and cigars.' I got the cigars for him but never collected a nickel. Sales of cigars, he said, were made to Captain Hardy, J. F. Morris, J. L. Johnson, while he smoked the remainder of one big shipment."

To 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,'" said the witness. Besides eggs the witness declared that Dix purchased peans, sugar and overalls.

According to the witness, C. W. Peores told him that Lee Dix, Captain Meek and Troup Floyd were all right, "just the best three going to handle shipments for you."

The witness said he frequently put off shipments at Oglethorpe for E. E. Danaway, one of the defendants, who was agent at that point.

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 Successing Terms; One Other Superior Court Judge and Two Justices Now Eligible For Retirement

Qualified both as to age limit and length 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-authenticated report yesterday 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 qualify for the pension. The Senate bill, offered by Senator Stanley Winborne, fixed the retirement pay at three-fourths of the salary received at the time of retirement. The House reduced it to two-thirds.

Appointed in '96. Judge Allen has served continuously on the bench 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 bench in North Carolina, and his retirement comes at the end of more than a quarter of a century of uninterupted judicial work.

Only one other judge of the Superior Court in the State is eligible for retirement during the year, he being Judge E. P. 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 eligible for retirement, he having passed his 70th birthday August 19, 1916, and served for the past 22 years on the Supreme Court bench. Justice William A. Hoke will not be eligible for retirement until October 25 of this year, when he reaches his 70th year. He has served 17 years on the Supreme Court, and prior to that served three years on the Superior Court bench.

GRANT SMALL PART OF RATE INCREASES ASKED

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

The refusal as to most of the rates is on the ground that the company, on the basis of last year's business, is already earning 8.13 per cent on the fair value of its light and power division for rate making purposes, which the commission fixes judicially at 6.43, 6.98 and 7.02. 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 affects concerns in Richmond, Norfolk and other cities.

MATEWAN BATTLE TRIAL NOW NEARING AN END

Williamson, W. Va., March 18.—In the summing up process of the Matewan battle trials today verbal batteries of counsel were fashioned out of the testimony advanced 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. Felt, 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 at 8 o'clock it was the general opinion of all participants that the jury would receive the case not later than 1:00 o'clock Saturday afternoon. Counsel for both sides were agreed that arguments would be concluded at the morning session.

PARTY OF THREE FISHERMEN DROWN WHEN BOAT OVERTURNS

Hawkinsville, Ga., March 18.—The bodies of Delphus Bird, Bird, 33, and Fred Sumner, 42, were recovered from the Oulegus river here today. The body of J. D. Gardner, 51, was recovered Tuesday. The three men were members of a fishing party that disappeared Saturday.

A coroner's jury investigating the case late today held that death was due to an accident. It is believed that the gasoline launch in which the men were riding either caught fire or exploded and the three men were hurled into the stream. The launch has not been found.

PALMETTO TEACHER DIES FROM INJURIES

York, S. C., March 18.—Miss Ella Neely, 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 Carolina and North-western train here.