

CLANS GATHER FOR LINNEY HEARING AT CAPITOL TODAY

Morehead Henchman Hands Out Lengthy Diatribe On The Democratic Party

LINNEY DEFENDED WITH RICHLY HONEYED WORDS

One William H. Sanders Hands Out Dope From Morehead Camp On Eve of Hearing Before Senate Sub-Committee; Congressman Kitchin Visiting Tar Heel Home

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

Washington, June 23.—The Linney clans are gathering for the fray of the morrow when the negroes are going after the scalp of the North Carolina Republican State chairman with their protest against his confirmation as district attorney for the Western District of North Carolina. The National Committee man Morehead is here on the job for Linney, as is C. R. Pugh, of Elizabeth City, another of the Republicans who "just dropped in" being former Attorney General Zeb V. Waiser, of Lexington.

It is reported tonight that Frank Linney is also here, but he is certain to be here when the gong sounds, and with him a bunch of his devoted followers ready to meet the negro onslaught. Big delegations of both colors are due here in the early morning. Whether these will have the fruits of an open hearing remains to be seen. Senator Knute Nelson, of Minnesota, chairman of the judiciary committee, told me this afternoon that he expected the session to be an open one. That depends, however, on the position of Senator Cummins, who is to split the tie of Senator Ernst, advocate of secret session, and Senator Overman, strong for the open door. In this matter former Senator Marion Butler told me this afternoon that he had been incorrectly represented in the matter, that he thought there should be an open session.

Yankee booster for Linney. On the eve of the hearing William H. Sanders, once of Indianapolis, later of Charlotte and Asheville, and now of Greensboro, an attack in some capacity of National Committee man Morehead, breaks into print to boost the Linney game. Sanders was a Republican editor in Indiana, his health broke down and he sought North Carolina after a series of letters to John Morehead at the time that the Republicans were talking of a daily paper. He came to Charlotte, the paper was not started, and for a time he was at Asheville with the Asheville Bulletin. Next he went to work in the Morehead office. His boost for Linney is also the opportunity for lambasting the Democratic party. In a sheet of the National Republican of Washington issued as a circular under the date line of Greensboro, June 20, and sent out last night to members of the Senate, he attempted to besmirch the Democracy of North Carolina in this fashion saying:

"It is a notorious fact that often the Democratic primaries in the city of Raleigh have been determined by the negro vote. Previous to the Democratic State primaries there was a public controversy as to which the Democratic candidate for Governor was likely to carry the most negro votes. After the primaries there was a similar controversy as to which of them had actually received the majority of these same negro votes."

No Race Discrimination

"The position taken by Republican leaders in the State, and not only by the leaders but by virtually every man in the ranks, is that there shall be no appeal to the negroes as a class and no attempt to organize them as a class. It seems to them there shall be no discrimination whatever either for or against them." And he proceeds to applaud his view, "as a matter of fact" he states, "the negroes in North Carolina do vote. Personally, I have not heard of a single instance in which a negro was deprived of his vote when the same thing would not have happened to him if he had been white. I have asked many persons if they knew any exception to this, and invariably the answer has been 'no.'"

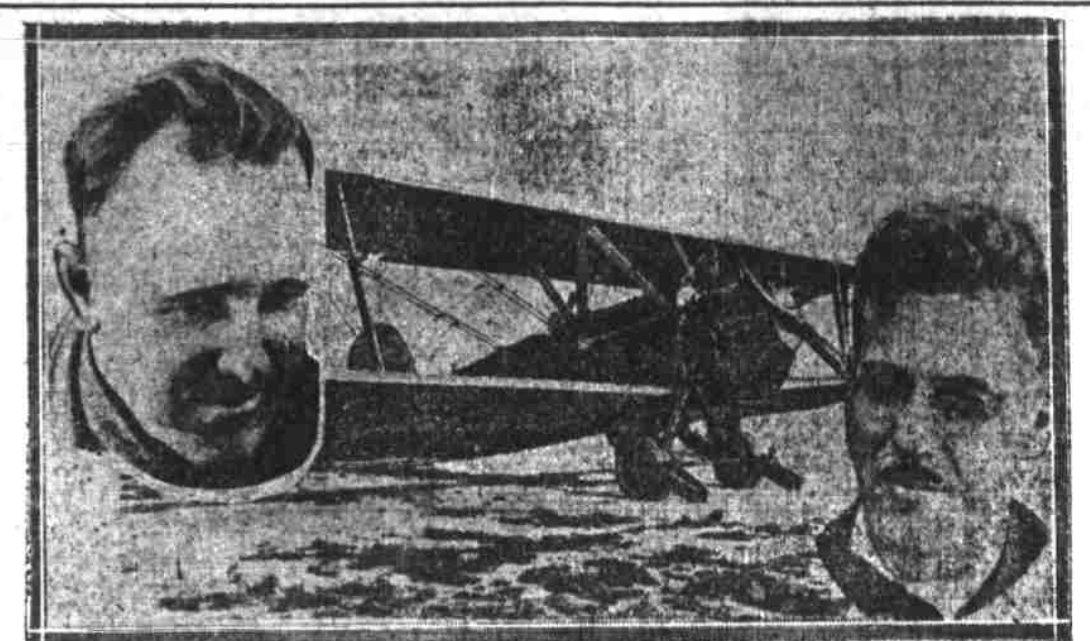
Then Mr. Sanders proceeds to hurrah for Linney, saying he has a warm place in his heart for him, that "he would go out of his way to ditch all right and then another night and then another and another for this same Frank A. Linney, if necessary." Holding that Linney "is a capable and conscientious representative of this cause," which he espouses, he declares that "to prevent his confirmation now, for the reasons alleged, after all this notoriety, would be to sign the death warrant of this cause in North Carolina, so far as an active formidable organization is concerned. No big berth shall cause more sudden or more complete disruption than this would bring to the Republican party in this State. This would leave the State in the hands of one political party without opposition enough to impose even a degree of restraint. And at this in addition to a gross injustice to a capable and reputable man as well as the worst thing politically that could befall the negro himself in whose behalf this opposition is ostensibly urged." The form letter is evidently the keynote upon which the Linney fight for confirmation will be made, for it would appear that it has the Morehead sanction and backing.

Business Confusion Slump

And while the Republicans are fighting over the jobs and are mobbing it towards the close of the business of the country, sometimes to go to the bottom. Here are some of the facts as we get back to the Harding "normalcy."

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AVIATORS PLAN TO SPAN CONTINENT IN A SINGLE DAY



ERIC SPRINGER THE CLOUDSTER DAVID R. DAVIS

Breakfast in Riverside, Cal., one morning, breakfast in New York the next morning is the schedule of David R. Davis, Los Angeles sportsman and aviator. Accompanied by Eric R. Springer, Riverside, Cal., this morning in the Cloudster and attempt a non-stop twenty-four hour flight to New York. Carrying fuel for 28 hours the big machine will be put through its paces. The plane is of the biplane type, 56 feet wing tip to wing tip, 36 feet long and 14 feet high. The power plant consists of a single 420 horsepower Liberty motor. It's cargo will consist of 650 gallons of gasoline.

GOMPERS ASSAILS HEARST'S RECORD

Veteran Labor Leader Denounces New York Publisher In Fiery Address

Denver, June 23.—William Randolph Hearst was denounced on the floor of the convention of the American Federation of Labor today by President Samuel Gompers as a "traitor to the cause of America, to the cause of freedom, to the cause of labor and of Ireland."

The statement with many other denunciatory remarks regarding Hearst, made by President Gompers in reply to a question from the floor as to his stand on the Irish question, was cheered and applauded by the delegates. The veteran labor leader declared Hearst had attacked him because he had declined to be "chained to his mad chariot for the presidency of the United States" and because he had tried to "see to it that Mexico shall go undisturbed and not overrun by the American forces."

DR. GILBERT ROWE IS PROMOTED TO EDITORSHIP

Greensboro, June 23.—Rev. Dr. Gilbert T. Rowe, at present editor of the North Carolina Christian Advocate, has been elected book editor and editor of the Quarterly Review of the Southern Methodist Church by the book committee of the church in session at Nashville. Dr. Rowe will succeed Rev. Dr. Frank Thomas, whose death occurred some weeks ago.

WANTS TO PROHIBIT SALE OF MOONSHINE LIQUOR

Kinston, June 23.—Frank Taylor, who was sued by H. C. V. Peebles here for alleged violation of a dead's terms for bidding the use of property sold by Peebles for the manufacture or sale of liquor, has won the suit. The deed specified that no "licensed" distillery or saloon should be operated on the place. Frank Taylor was convicted of selling whiskey a year or two ago and served time. The question of license did not enter into the case. J. L. Hamme, a former city solicitor, brought the action for Peebles, who now resides at Boston, Mass. The property is now owned by Frank Taylor and brother, Sam Taylor. The jury found against the plaintiff.

LOUISBURG NEGRO HELD ON CHARGE OF RAPE

Louisburg, June 23.—J. H. Malone, a colored printing club proprietor of Louisburg, was held for the next criminal term of Franklin Superior court without bond. Magistrate A. W. Alston, Tuesday on a charge of having committed criminal assault on a negro girl. The evidence before the Magistrate gave the girl a good character and indicated that the man had taken the girl in his car to go to church but went to another place instead.

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PINEHURST WOMAN NOW DENIES GRAVE CHARGE

Jim Maples Still Held In Carthage Jail In Default of \$5,000 Bond

Carthage, June 23.—Although Jim Maples, of Pinehurst, is in the Moore county jail held in default of \$5,000 bail for criminal assault, the charge being that he held his wife and forced her to submit to an assault by a negro, Jake Smith, later facts brought to light cause many to doubt the man's guilt. His wife was in Carthage yesterday consulting an attorney and she denied the charges, stating that while he was drunk she had trouble with her husband and had had him placed under a peace bond.

After they had "made up" and returned home and were sitting together talking, she said a crowd of men approached their house in the Pinehurst neighborhood and carried Maples away. He was taken to Aberdeen and given a hearing before Justice Wicker, who held him for trial in the Superior Court. The negro in the case, Jake Smith, who drives a gasoline wagon out of Aberdeen, was freed.

WILMINGTON GETS NEXT CONVENTION

Charlotte Man Named President of The State Merchants' Association

Greensboro, June 23.—Wilmington was selected for the next meeting place of the State Merchants' Association, which closed its annual convention here tonight. Officers for the ensuing year were elected as follows: President, E. F. Roark, Charlotte; vice-president, A. A. Joseph, Goldsboro; executive secretary, J. Paul Leonard, Statesville; treasurer, A. W. Bunn, of Statesville.

After the auditing committee reported that it had found the books of the secretary of the association, J. Paul Leonard, in good condition and his report was accepted by the convention, the committee on resolutions made a lengthy report which was thoroughly discussed before the vote on the various sections was taken. Among the resolutions passed by the delegates was one, extending the sympathy of the North Carolina association to the family of the late Col. Frederick W. Galbraith, former commander of the American Legion, and to the legion.

Many Resolutions Adopted. Resolutions urging the immediate attention of the governor and the legislature to the evil workings of the recently enacted municipal finance act, opposing the pure-pate law passed by the State legislature, seeking the aid of the commissioner of internal revenue in the removal of the red tape connected with the blanks issued for the collection of income taxes, recommending the combined efforts of the State merchants in destroying the sale of promotion stocks in this State and attacking the practice of exaggerated advertisement, with recommendations that each local association make investigations of all such alleged advertisements were among the more important ones acted upon favorably by the convention.

Not To Continue Attorney. The report of the ways and means committee was made by Chairman Elmer Ostinger, of Wilson, who offered two measures which drew considerable discussion from the delegates. It was recommended that the dues of the association remain the same. In order to meet the expense of increased activity of the association, one of two schemes were suggested. First, it was recommended that assessment be placed on the local associations, which would bring into the State treasury a sum of \$5,000; secondly, it was suggested that fifty merchants of the association pledge themselves to give \$25 each during each quarter for the next year. Several names were secured for this pledge this morning. It was further recommended that provision be made for the payment of the dues of the association.

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DAWES CALLS FOR VOLUNTEER HELP

New Federal Budget Director Says Congress Fails To Provide Needed Funds

Washington, June 23.—Declaring Congress had provided pitifully inadequate machinery for the new bureau of the budget, Charles G. Dawes, director-designate of the bureau, announced today that in organizing his office he would have to put chief reliance on the volunteer services of experienced business men.

"When the call came to me to take this place," said Mr. Dawes, in a statement in which he appealed to business men to give their assistance without compensation, "I had the same abhorrence of the thought of leaving private life to engage in such a task as you have. Only the thought that if I declined the President's call in a time of business emergency like this I would regard myself as a pusillanimous quitter the rest of my life, led me to accept. If there is one of you, who, after enjoying the benefits of great prosperity, success, and prestige under the protection of a government which you claim to love, declines to accept this call except for reasons of life and death, your conscience will be cursed by the same conviction."

Congress, the statement said, had given the budget director authority to choose only four paid assistants at a salary of not over \$6,000 each. "One might as well handle a tooth pick," continued Mr. Dawes, "with which to tunnel Pikes Peak."

In addition to the volunteer aid he was summoned, the new director said he would ask the War Department to detail to his bureau Brigadier General George V. Mosley and Col. Henry Smith, because of their experience in organization work in the A. E. F. He announced that William T. Abbott, his associate in business in Chicago, would serve temporarily as assistant director and that Francis J. Kilkenny, his confidential secretary, and J. C. Roop, of New York, had offered also to contribute their services.

JUSTICE AGENTS PROBING PIRACY

North Carolina Officers Are Engaged In Investigation of Disappearance of Vessels

Department of Justice Agents in North Carolina, under instructions from Washington, are working on the case of the mysterious disappearance of a number of steamers and schooners, some off the Coast of North Carolina. Frederick G. Handy, agent in charge in North Carolina, yesterday declined to discuss details of the workings of his department in the matter but it is known that several agents have already been assigned to the jobs and have gathered data that may be of importance in the clearing up of the mystery that has already aroused members of Congress and cabinet officers, and that now promises to develop into the ranking mystery story of years with piracy conducted under the most approved and efficient methods of 1921. Six vessels have disappeared from Newport News, Va., alone. The North Carolina coast, famed in history for the operation of pirate craft, is peculiarly suited for such operations, even as it was suited in the early days for the depredations of Edward Teach and his kindred spirits who ravaged the shipping in the waters of North Carolina and Virginia.

Cotton Association to Meet

Asheville, June 23.—The Cotton Manufacturers Association of North Carolina will hold their annual gathering in Asheville July 8 and 9, with headquarters at the Battery Park hotel. This convention is expected to attract a large number of cotton manufacturers in the State, on account of the critical condition of this industry throughout the country.

SENDS PEACOCK TO STATE PRISON IN RALEIGH FOR LIFE

Judge T. B. Finley Holds Public Ought To Be Protected From Doctor

LAWYERS FOR DEFENSE WANT TO GET RELEASE

Make Impassioned Pleas For Slayer of Chief of Police In Thomasville; Solicitor Bower Surprised at Effort To Secure Freedom For The Prisoner

Greensboro, June 23.—Dr. J. W. Peacock, Thomasville physician, acquitted by a Rowan county jury in Davidson county superior two weeks ago on a charge of the murder of Policeman J. E. Taylor, of Thomasville, which occurred early in May, will be taken to Raleigh at once to begin his stay in the State hospital for the criminal insane.

Judge T. B. Finley, presiding over a special inquisition held here this afternoon to determine what should be done with the Thomasville doctor decided that in the best interest of the public safety, that Dr. Peacock should be sent to the hospital for the criminal insane and kept there for life, or until, released by a special act of the general assembly, or until such time as he shall have been declared entirely rational by a properly appointed board and this report shall have been accepted both by the plaintiff and the defense.

Will Protect Public. In ordering Doctor Peacock confined to the hospital Judge Finley held that the jury returned the verdict of acquittal after the testimony of the experts had been offered showing that Doctor Peacock was suffering from an insidious disease of the mind known as paranoia which was said by the experts to be long lasting and which might break out at any time.

Dr. Peacock is being sent to the hospital not as punishment but as protection for the public at large according to Judge Finley. The jury has passed upon the case he stated and the defendant cannot now be punished but he can be put in a place where any further outbreaks will find him unable to harm the public.

E. E. Raper, of the Lexington bar made a strong speech for the defense declaring that Dr. Peacock is now sound of mind and should not be confined to the State hospital for the criminal insane. Judge Finley held that the inquisition was held this afternoon as provided by law in such cases and that the burden of proof rested on the defendant to show that he is not of unsound mind. Judge Finley does not believe that the law means that a man may raise and lower the curtain on his mentality and commit a crime and then return to normal.

In common with the testimony of the experts he held that the man has committed a crime and is pronounced insane at the time of the commission of the crime that if it is not proven beyond a shadow of doubt after the commission of the crime that he has returned to a normal mental status that he should be committed to the hospital for the criminal insane.

Strong and impassioned speeches were made by Solicitor J. C. Bower and by H. H. Sink, of the Lexington bar. Mr. Bower characterized the crime as "the foulest that has ever been committed in the State of North Carolina." He further declared that he was shocked and surprised that Mr. Raper should come into the court and try to get his client off after the commission of such a crime and it had been proven to the satisfaction of a jury that he was an insane man.

Dr. Peacock was in the courtroom throughout the trial and was never moved by the talk. He heard the order of Judge Finley with the utmost calm and appeared absolutely uninterested in any of the proceedings.

EDGECOMBE FARMERS TO DISCUSS MARKETING

Tarboro, June 23.—The farmers of Edgecombe county have been summoned to meet in the courthouse Friday morning at 10 o'clock to discuss with Hon. J. Y. Joyner and Dr. B. W. Killebrew the features of co-operative marketing, by which it is believed the problem of fair prices will be solved. The peanut co-operative contract, the first by the way in which the farmers of the South have joined together for mutual benefit, drawn on the lines of the California farmers' protective policy, is now practically out of the way, since more than 50 per cent of the peanut raisers have signed it. Now we must have some form of bargain between the farmers for raisers of cotton and tobacco. If the farmers can get together, see the advantage of co-operative marketing, and protect their crops from slaughter prices, this section, as well as every other section of the South, will immediately revive in prosperity.

SEVEN PERSONS REPORTED KILLED IN THEATRE COLLAPSE

Johnstown, Pa., June 3.—Seven persons are reported to have been killed and many injured in the collapse of the Grand Theatre at Johnstown early today. According to telephone messages relayed here over wires damaged by a severe storm, nine persons were rescued from the ruins and sent to Spangler hospital.

ADMIRAL SIMS REPORTS TO SECRETARY OF NAVY

Submits To Denby Memorandum of What He Claims He Said In London Speech

Washington, June 23.—Secretary Denby expects to announce tomorrow his decision in the case of Rear Admiral Sims, recalled from London to tell the secretary exactly what he said in a recent speech there, reports of which quoted him as severely criticizing Irish sympathizers in the United States.

The admiral reported to Mr. Denby this morning and declared that he had been inaccurately quoted in accounts of his speech. The secretary promptly instructed him to state in writing specifically, as far as possible, the instances in which he had been misquoted and to give, as closely as he could a text of what he actually said. Less than two hours later the admiral had transmitted his report to Secretary Denby and returned to a local hotel to await the outcome.

Secretary Denby carefully studied the admiral's report this afternoon and then took it with him for study this evening. "Admiral Sims has submitted the statement I asked him to give me," Mr. Denby said, "and I have read it. I cannot discuss any feature of it at this time. My final decision will be made public soon, probably tomorrow afternoon."

DANIELS STRONG FOR MORALE BOARD

Stands By Order Approving Appointment of Committee of Enlisted Men

"A morale committee" on every ship in the navy would promote better morale in the entire naval service and would not deprive the captain of the ship of the power of discipline, declared Josephus Daniels, former Secretary of the Navy last night when his attention was called to the action of Secretary of the Navy Denby in relieving Captain Clark D. Stearns, of the battleship Michigan, for having permitted his crew to discuss disciplinary matters with him.

Captain Stearns' ship morale committee was created with the approval of Secretary of the Navy Daniels during his administration and last night the former Secretary stood by his original position.

"A morale committee consisting of officers and enlisted men, such as was instituted by Captain Stearns on the Michigan, on every ship in the Navy would promote better morale in the entire naval service," said Mr. Daniels. "It would be the introduction on ship board in a modified way of the honor system which has worked so well in American colleges. It would not deprive the captain of the ship of the power of discipline but would be a strong help in securing the best and most satisfactory discipline. It would encourage a better understanding and closer co-operation between officers and men. Instead of weakening discipline it would undergird it."

DENBY REMOVES CAPTAIN FOR APPOINTING COMMITTEE

Washington, June 23.—Secretary Denby has taken action on recommendation of Admiral H. B. Wilson, commander-in-chief of the Atlantic fleet, to nip in the bud any tendency toward socialism in the navy. Captain Clark D. Stearns of the battleship Michigan, has been relieved for having permitted his crew to discuss with him disciplinary matters vested only in the ship's commanding officer.

Captain Stearns issued the order which brought about his detachment with the approval of former Secretary Daniels, it is understood, but Secretary Denby is said to hold that while intended to improve morale of the enlisted personnel, approval by the department of the course would establish a precedent that might injure discipline even to the point of setting up "soviet rule" in the navy.

Mr. Denby said today that the maintenance of discipline was vested by statute solely in the commanding officers of ships and that it was contrary to tradition and the established custom of all naval services to give the crews disciplinary authority, direct or advisory, to any extent. The Secretary denied, however, rumors that another battleship captain had been relieved for allowing his crew to vote on what navy yard should be the home port of the vessel. Such a vote had been taken on a dreadnaught of the Atlantic fleet, he said, and the navy department disapproved the idea, but no action had been taken.

The order issued on the Michigan provided for a "ship morale committee" to consist of four petty officers and ten other enlisted men. Among duties assigned to it was investigation and a report to the captain on disciplinary cases which the captain might require and transmission to the captain from the crew of suggestions tending to increase the efficiency of the ship or the naval service.

COMPLETE AGREEMENT ON NAVAL APPROPRIATIONS

Washington, June 23.—Complete agreement was reached late today by Senate and House conferees on the naval appropriation bill. The measure as agreed on, will carry approximately \$17 million dollars. The total of the compromised bill compares with \$90 million contained in the measure as passed by the Senate and \$66 million appropriated by the House. The measure as agreed to carries the Board of Ordnance requesting and authorizing the President to enter into negotiations for disarmament conference at which the United States, Great Britain and Japan would be represented.

The recommendations of the conferees now return to the House for action and if adopted the bill will then be sent to the Senate.

BOYD DECIDES FOR SOUTHERN POWER COMPANY IN COURT

Federal Judge Knows of No Law To Make Corporation Furnish Electricity

EXPECTS, HOWEVER, TO PROTECT TWO CITIES

Court Will Endeavor To See Way Out For High Point and Greensboro So That They Will Not Suffer From Litigation of Corporations; Protect Property Rights Also

Greensboro, June 23.—The North Carolina Public Service Company has lost in its initial effort in the Federal courts to win a judgment ordering that the Southern Power Company continue furnishing it current for distribution in the cities of Greensboro and High Point.

Judge James E. Boyd, who has presided over the trial of the case which has been in progress here since last Thursday morning, decided that after considering the law and the facts as presented in the case that he knows of no law whereby the Southern Power Company can be compelled to continue furnishing power to the North Carolina Public Service Company for distribution in the two cities named above.

The formal decree carrying the judgment of the court will probably be signed at 10:30 o'clock tomorrow morning. Judge James E. Boyd announced at 4:30 o'clock this afternoon that after hearing the facts and the law in the case he is of the opinion that there is no law whereby the Southern Power Company may be compelled to furnish current to the North Carolina Public Service Company for distribution in the cities of Greensboro and High Point.

At the same time and almost in the same breath the Judge declared that the people of Greensboro and High Point have no reason to fear that they will be thrown into darkness by the decree of the court as tonight he is thinking over ways and means of arriving at a satisfactory adjustment of the situation in such a manner that the people of the two cities involved will not be affected by the litigation between the two companies.

Canaler Finishes Argument. Greensboro and High Point named in the suit as co-plaintiffs win and the defendant Southern Power Company wins in accordance with the statement made by Judge Boyd immediately after E. T. Canaler, of the legal staff of the Southern Power Company had completed the final argument in the case.

The court room was warm almost to suffocation as Mr. Canaler brought to a close his three hour address and the case was before the chancellor. Owing to the extreme heat Judge Boyd stated that no formal decree would be made until 10:30 o'clock Friday morning but declared that he would give some idea as to his decision.

After hearing all the evidence and all of the propaganda by the brilliant array of legal talent appearing for both sides he announced that he knows of no law that will compel the Southern Power Company to continue furnishing power here. In other words, he does not feel that he would be justified in rendering a judgment granting the relief prayed for by the plaintiff.

Would Protect Property. However, Judge Boyd does not feel that the North Carolina Public Service Company should be caused to lose all of its property by the decree of the court, therefore, he thinks that by tomorrow morning some plan will be presented whereby the Public Service Company may be in some manner protected.

In rendering his opinion which was in a rather informal way this afternoon Judge Boyd discussed all of the issues that have been presented at some length in spite of the fact that he was plainly oppressed by the heat.

The court held that the North Carolina Public Co. admittedly a public service company, selling current furnished by the Southern Power Co., is not a member of the general public, only in so far as electric current for its own use is needed.

Could Have Made Contract. Neither did the court hold that because the Southern Power Company has connected its lines with those of the North Carolina Public Service Company has it dedicated its property to that usage and in that manner to come under the provisions of the law compelling it to continue furnishing power to the North Carolina Public Service Company for distribution.

The court held that the North Carolina Public Service Co. could have entered the contract with the Southern Power Company before the old contract expired at the rate asked by the Southern Power Company and that the action of the State Corporation Commission would have modified the contract had the price been too high. He held that the Southern Power Company had not acted in an arbitrary manner in refusing to allow the Public Service Company to have current upon such a contract as they had proposed.

A "Good" Monopoly. In discussing the question propounded as to whether or not the Southern Power Company is a monopoly, Judge Boyd arrived at the conclusion that if the Southern Power Company is a monopoly it is a good monopoly and not an unlawful monopoly as in that it develops the resources of and aids to build the State. He further declared that the Yadin River offers a site for further hydro-electric developments and declared that any man or corporation may develop that property as the Southern Power Company has developed its property.

In discussing his refusal to grant the judgment asked by the plaintiff, Judge Boyd declared that there are

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