

**THE WEATHER**  
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VOL. CXIV. NO. 40.

SIXTEEN PAGES TODAY.

RALEIGH, N. C., TUESDAY MORNING, AUGUST 9, 1921.

SIXTEEN PAGES TODAY.

PRICE: FIVE CENTS

## OVERMAN TO CAST HIS VOTE AGAINST LINNEY IN SENATE

### Junior Tar Heel Senator Also Comes Out in Opposition to Confirmation

### FEELS IT HIS DUTY TO VOTE AGAINST LINNEY

### Overman Issues Statement in Which He Says Republican State Chairman Has Intensified Negro Issue Instead of Eliminating It; Opposed to Another "Force Bill"

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

Washington, Aug. 8.—"I regard it as my duty to vote against him," said Senator Overman today in defining exactly his attitude towards the confirmation of Frank Linney as District Attorney of the Western District of North Carolina. Heretofore, Senator Overman has not made public announcement of how he would vote, but he broke his silence this afternoon with the definite statement that his vote would be against Linney, his position determined by the statements Linney had made at the time of the hearing of the protests of the North Carolina negroes against his confirmation.

Senator Overman takes the position that Linney instead of doing things to eliminate the negro issue has rather intensified it, and that his attitude is endorsement of another "force bill" against the South for federal legislation in behalf of the negro, with federal officers and bayonets at the polls. Declaring that he does not propose by his vote to be put in the position of giving his endorsement to Linney's political views, he announces he will vote against him. In his statement Senator Overman says:

"When the protest of the negroes was read before the judiciary committee in connection with the Linney appointment, the committee overwhelmingly reported against his nomination. Recognizing the principle, however, that every man is entitled to a hearing before being condemned, I determined that Mr. Linney be given a square deal and not be condemned without first being given a hearing, which I would have done any North Carolina, Republican or Democrat. The committee, therefore, upon my motion reconsidered its action and granted a hearing.

"Mr. Linney's statement in answer to the protest of the colored people seemed to satisfy them thoroughly, but his statements were a disappointment to me. He stated he did not repudiate the circular letter because he did not think the writer's purpose was to agree to eliminate the negro vote, but the negro issue. He stated to Mr. Britt that in his failure to repudiate it, he did not directly or indirectly intend to strike at the voters of the colored race in 1920 in North Carolina. So instead of eliminating the negro issue in his statement, he has rather intensified it.

"He pointed with pride to the fact that his father had made a speech in Congress advocating legislation for the enforcement of the federal government of the fourteenth and fifteenth amendments, and he stated frankly that he himself had determined, if he could not get relief from the legislature of the State, that he would advocate federal legislation to protect the negro in his right to vote.

"I did not believe in this day and time that there was any Southern man, Republican or Democrat, who would advocate another force bill for federal legislation for the enforcement of the fourteenth and fifteenth amendments. It will be remembered that during the Republican administration since I have been a member of the Senate, Congress almost unanimously repealed and wiped from the statute book, I hope forever, all old election laws passed during the reconstruction days providing for United States marshals, Federal officers and the bayonet at the polls. I do not think it would be possible now to get Congress even to consider passing an act to interfere with the election laws of any State for this or any purpose. It has generally been understood that each State has a right to regulate its own election laws without federal interference.

"As a member of the subcommittee, I did not object to his nomination being referred to the full committee and to the Senate, always reserving the right to oppose him in the open Senate if I considered it was my duty to do so.

"As my voting right, Mr. Linney for a political office might be construed by some as an endorsement of his political

## PREACHER DRAWS TWELVE MONTHS ON WAYNE ROADS

Goldboro, Aug. 8.—Rev. W. H. West, so-called Holiness preacher who is well-known in Goldboro and throughout Wayne county, was sentenced to 12 months in jail today by Judge Bond after West had been found guilty in county court on charges of improperly assaulting a number of white boys here.

The assaults are alleged to have taken place near a swimming hole in Little River near Goldboro, and West was arrested by officers following complaints made by the victims' parents. The officers secured themselves nearby the scene and caught West in the act. He was quietly brought to the city and placed in jail and little was known of the affair until the trial.

Friends of West tried to secure his release on the ground that he was mentally afflicted and not responsible for his acts, but Judge Bond refused to change his decision.

## LAST PHOTOGRAPH OF FAMOUS TENOR



Photograph of Enrico Caruso, the great tenor who died at Naples, Italy, several days ago, taken while with his wife and little daughter, Gloria, in the hotel balcony at Sorrento, Bay of Naples. Caruso was taken ill at Sorrento and rushed to Naples, where he died a short while later.

On Sunday musicians, opera stars and others of the Metropolitan Opera Company at New York gathered for a memorial service and the reproduction of the great tenor's voice brought tears to many eyes. At Chicago a similar memorial service was held and the memorial address made by J. Hamilton Lewis, former Congressman from Illinois.

## Action Drags in Second Act Quarry Drama; On Bottom Today

### Gravity Lowers Efficiency of Pumps and Drainage Delayed

### SOLICITOR TO MOVE WHEN WATER IS OUT

### Distribute Goldfish This Morning To All Comers; Crowd Still Watches

Action dragged in Act II of the drama of the Rock Quarry yesterday. Not because of any lack of capacity on the part of the actors, but because of the force that Isaac Newton discovered when the apple lanced him on the nose some centuries ago. Gravity took toll of the pumps, and their lifting power was greatly reduced when they were lowered ten feet further into the pit.

The curtain will rise upon Act II tomorrow, with the lead role shifted from the shoulders of the Mechanical Superintendent of the Highway Commission to those of the Solicitor. What lines he will speak, what things he will do, remain to be heard and seen. Whether he will move against anybody for throwing automobiles in to the pit, and whether the climax of unfinished Act II will give him further cue, he will not say until the quarry is dry.

The spectators stood in stolid patience yesterday while the laboring pumps struggled with the remaining half million gallons of water in the quarry. Mathematicians among them figured out just how and why and how much their force had been reduced by the lengthened distance the water must be driven. The level fell slowly, and none could say to the hour just when the bottom would be dry, certainly not later than sundown today, unless the pumps fail altogether.

This morning the action will be varied somewhat when Superintendent W. D. Terry dispenses fish, thousands of them, to any who come with a bucket. Any desirous of becoming proprietor of a pair of gold fish may have them provided they bring something to put them in, and they can come without fear that somebody has been ahead of them and got all there is in the pool. No accurate census has been taken of them, but the original estimate of two truck loads must be expanded. There cannot be less than four truck loads.

Standing sixty feet above the water yesterday spectators could see the glint of burnished gold, of polished silver and dusky shadows as the goldfish, silverfish, and black bass wandered about in the water. The constantly shrinking circumference of the pool has driven the fish together in thick masses toward the center. They will be taken out this morning, and given to whomsoever may take them.

The Doctors Lake Fishing Club has asked for the game fish in the water for further stocking their pond. Some of them will be taken there, but there will be enough else besides. It is the goldfish that the public has been demanding, and the public can have them if they bring a bucket to take them away in. The terrapins and the bullfrogs, some of the so big that they have whiskers, Charlie Farmer says, will be left to shift for themselves, and they will probably take up residence in the bottom as came up yesterday was devoid of anything that had the seeming of sensation. Mr. Medlin saw once what he was sure was the heel of a dead man, but it was nothing more than a piece of wood floating in the water. The bottom is covered with slimy filth, and the water becomes more foul with each passing day. The fish and the terrapins are beginning to show the effects of the vitiated water.

The notion grew yesterday that there is nothing more in the pool upon which speculation can feed. "It begins to look like Raleigh is not as wicked as it thought it was," opined Charlie Farmer as the water kept coming down.

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## HOLDS UP HEARING ON CLEMENCY CASES

### Gov. Morrison Will Listen To Appeals For Condemned Men In Raleigh

Governor Morrison will not hear appeals for executive clemency on behalf of the seven men now in the State Prison, awaiting execution until after September 5, when he returns to Raleigh from his stay at the summer capital.

The men under sentence of death include J. T. Harris, Ridgeway merchant, convicted of murdering F. W. Monahan, of Alabama, at Ridgeway, whose execution date has been fixed for October 20. Others in Death Row, whose only hope is interference on the part of Governor Morrison, and their execution dates are: Frank Henderson, of Madison County, Monday, October 19; Doll Little, of Anson County, September 29; Harry Caldwell, Wayne County, October 31; Jesse Foster, Wayne County, November 10; W. H. Westmoreland, Iredell County, November 21; Claude Morehead, Guilford County, November 30.

## FIFTEEN MEN DIE IN FREIGHT TRAIN WRECK

### Bodies of Men, Who Were Unauthorized Persons, Burned Beyond Recognition

Houston, Texas, Aug. 8.—Fifteen men, unauthorized persons aboard, are believed to have been burned to death in the wreck of Gulf Coast Line freight train No. 32, eastbound, near Reeves, La., today, according to advices received at the general offices of the railroad company here tonight. Work of clearing the debris is proceeding. The bodies are burned beyond recognition.

Lake Charles, La., Aug. 8.—Efforts to identify any of the fifteen men killed in a freight wreck to day at Reeves, La., practically had been abandoned tonight. The scene of the wreck was a high trestle, known as Clear Creek Bridge. The locomotive crossed the trestle safely, but practically the entire train of sixty cars fell into the ravine.

The bodies of the men were burned so badly that even their color is in doubt. A number of the cars were destroyed.

## LOUISIANA AND TEXAS WANT COTTON MEETING

### Asheville, Aug. 8.—Telegrams were received today by Governor Morrison from New Orleans and Austin, Texas, asking that the proposed cotton conference be held in those cities. Governor Morrison would not make a statement on the proposed conference place, but it is understood the convention in all probability will be held in North Carolina.

## WANT ALL-AMERICAN MERCHANT SHIP FLEET

Washington, Aug. 8.—In an effort to put the American merchant marine on as near an all-American basis as possible, the Shipping Board has ordered a survey of the personnel on all its ships, including those tied up, and of its several officers, D. J. Keef, former Commissioner General of Immigration, has been placed in charge of the survey and will inaugurate the campaign to attract Americans to ship under the American flag.

Tax State Securities. Washington, Aug. 8.—Federal taxation of State or other tax exempt securities was proposed in a resolution introduced today by Senator Smoot, Republican, Utah, proposing an amendment to the constitution giving the government power to reach the tax-free bonds.

## HOUSE COMMITTEE AGREES TO REPEAL OF LUXURY TAXES

### To Eliminate Taxes on Fountain Drinks, Ice Cream and Wearing Apparel

### TOTAL LOSS WOULD BE LESS THAN 50 MILLION

### Reduction of One-Half In Levy On Sporting Goods Also Said To Have Been Agreed Upon By Republican Majority; Discuss Means of Reducing Taxes and Expenses

Washington, Aug. 8.—Agreement to eliminate the taxes on fountain drinks and ice cream and the so-called luxury tax on wearing apparel is understood to have been reached today by Republican members of the House ways and means committee, sitting in executive session. A reduction of one-half in the ten per cent levy on sporting goods also is said to have been agreed upon.

The total loss of revenue from these proposed changes would be slightly less than \$50,000,000 and the reductions are the first to be passed upon by the majority members in their effort to ease out the announced program of Republican House Leaders to cut half a billion dollars from the Nation's tax bill. Repeal of the ten per cent tax on carbonated bottled beverages, which is collected and paid by the manufacturer monthly, also was discussed at the meeting and favorable action was predicted by some members of the committee, who argued that it was not fair to remove the tax on drinks at fountains in the cities and retain the levy on bottled goods sold largely in the rural districts.

Discuss Reductions. Before undertaking revision of specific sections of the existing revenue law, the committee majority spent several hours discussing possible reductions in both taxes and expenditures, together with the probable amounts of government income from the various sources other than internal revenue. Several sets of figures were considered, but it was said no formal agreement was reached on any final totals.

It is understood that in the course of this discussion there was a suggestion that the committee appoint a delegation to go over the whole situation very frankly with President Harding and Secretary Mellon with a view to obtaining their counsel as well as arguing that the executive departments hold down rigidly on expenditures. So far down rigidly on expenditures, so far as was disclosed no action was taken, but at the conclusion of the day's session Chairman Fordner said he might confer with Mr. Harding upon the latter's return from New England.

Contemplated Cuts. Estimates before the committee today were said to have contemplated total cuts of approximately \$579,000,000 in probable expenditures for this fiscal year, leaving the total at \$3,905,000,000 exclusive of postal, estimated at \$575,000,000. Reductions proposed included \$75,000,000 for the Army, \$57,000,000 for the Navy, \$100,000,000 for the Shipping Board, \$245,000,000 for the railroads and \$100,000 proposed by the treasury to be employed in redeeming War Savings securities.

Tax reductions suggested totaled \$720,000,000, including \$450,000,000 taxes profits, \$90,000,000 income surtaxes, \$50,000,000 unexcise taxes and \$130,000,000 transportation taxes. As an offset against these reductions, estimated increases in all income included \$262,000,000 from the proposed five per cent increase in the corporation tax to offset the excess profits levy, \$70,000,000 from customs because of the

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## WITHDRAW INVITATION TO WILDCAT VETERANS

Charlotte, Aug. 8.—Because of the belief that between \$12,000 and \$15,000 for entertainment could not be raised and 3,000 homes secured for the soldiers the invitation to members of the Wildcat Veterans' Association to meet here in second reunion in September was withdrawn today. Decision was reached this morning at a mass meeting of citizens, attended by directors of the Rotary, Kiwanis and Civitan Clubs, Chamber of Commerce, and other organizations. Business depression was assigned as the reason for the inability to raise the money and an acute housing shortage will not allow placing of ex-soldiers in private homes, it was agreed.

## CONDITION OF LANIUS REGARDED AS CRITICAL

Sanford, Aug. 8.—There is little apparent change in the condition of C. Lanius, prominent Pittsboro merchant, who was brought to the Sanford hospital late Saturday night as a result of a fractured skull, the blow having been inflicted by a robber who took \$105 in money and a considerable amount in checks. While his condition is critical, but it is thought he has a fighting chance. He has never regained consciousness.

## TAKE LEGAL STEPS TO GET VALUABLE DOG IN ORDER TO SATISFY MEAT BILL

Wilmington, Aug. 8.—Legal steps to gain possession of a great Dane dog valued at several thousand dollars to satisfy an alleged meat bill has been instituted by a local meat manager of an amusement resort near here. The dog, which has been insured for \$3,000 by its owner, has not been located by the sheriff's forces.

## LAW PUTTING BAN ON MEDICAL BEER PASSES IN SENATE

### Sent To Conference With Prospect For Final Enactment By The Week-End

### SENATE MAKES SEVERAL CHANGES IN THE BILL

### Restrict Operation of Enforcement Officers By Prohibiting Searches Without Search Warrants; Wet Amendment By Broussard Rejected Without Even a Roll Call

Washington, Aug. 8.—The White-Campbell anti-beer bill was passed by the Senate late today, 59 to 29, and sent to conference with the House with the prospect of its final enactment before the week-end.

Upon being informed of the action, treasury officials said that the beer regulations, which have been drafted and are ready for Secretary Mellon's signature, would not be issued pending action by the Senate and House conferees. The regulations would provide for use of medical beer under the ruling of former Attorney General Palmer, a ruling which the bill is designed to overcome.

Search Warrants Necessary. The ban against the prescribing of beer by physicians and limitations of prescriptions of wine and whiskey contained in the bill as passed by the House were virtually unchanged by the Senate, but a few important amendments were added. These included a provision to restrict operations of prohibition enforcement officers by prohibiting searches, or any attempts at searching of private property or premises without search warrants. A violation of this clause would be a misdemeanor subject to fine of \$1,000 and one year's imprisonment. Penalties of five years' imprisonment and \$1,000 fine were provided for persons attempting searches while posing as prohibition agents.

Fourteen Republicans and six Democrats voted against passage of the bill. A motion by Senator Broussard to recommit the bill to committee was defeated 28 to 23.

Reject "Wet" Amendment. The Senate rejected, with a roll call, the "beer and wine" amendment of Senator Broussard. It would have permitted use of beer containing up to five per cent of alcohol and wine of 14 per cent alcohol by volume by State referendum. Another amendment rejected was by Senator Spenser and would have given physicians power to prescribe wine and distilled spirits in unlimited quantities. The bill limits wine prescriptions to one-fourth of a gallon and that of spirituous beverages to one-half pint by alcoholic content to an individual in ten days. No change was made in the House clause fixing 100 prescriptions as the maximum for a physician in ninety days except by special order of the Prohibition Commissioner.

Other Modifications. The drive of the opposition forces against the bill also resulted in the adoption of several minor amendments modifying the House bill. One would permit importation of wines for sacramental purposes when the prohibition officers should determine that the domestic output of such wines was insufficient to meet home demands. Another would bar the prohibition office from revoking or requiring changes in formulas of manufacturers making products containing alcohol unless it should be determined that such manufacturers were being used as intoxicating beverage in increased volume in communities.

## SENSATIONAL UPTURN IN STERLING EXCHANGE

New York, Aug. 8.—An upturn of unusual proportions in sterling exchange today carried the quotation to \$371 1/2, an advance of 11 3/8 cents.

The rise was generally attributed to recent speculative selling in anticipation of increased offerings of commercial bills against exports of cotton, grain and foodstuffs. The shorts, apparently having oversold the market, were caught unprepared when the quotation opened up about four cents, and hasty covering caused a buoyant upturn which continued throughout the day. Last prices were within a fraction of the top.

Other exchanges moved up in sympathy with sterling. Rates on Holland, Sweden, Denmark, France, Belgium, Italy and Spain rose 20 to 50 points.

## LABOR FEDERATION PLEDGES HELP FOR STRIKING WORKERS

### PRESIDENT OF STATE FEDERATION OF LABOR



Major W. F. Moody, of Raleigh, president of the North Carolina Federation of Labor, which yesterday opened its annual session at High Point with labor delegations from all parts of the State in attendance. Major Moody called the initial session to order and delivered his annual address, which showed the Federation to be making substantial progress.

## TRIAL OF HALLMAN STILL IN PROGRESS

### Young Marshville Man Charged With Criminal Assault; Trial at Monroe

Monroe, Aug. 8.—The fourth day of the trial of Lee Hallman, young white man of Marshville charged with criminal assault upon Miss Louise Tolbert, of Cabarrus county, while she was on a visit near Marshville on Thursday, July 21, ended today with much evidence yet to be offered. Both principals have been on the witness stand.

The prosecuting witness alleges that on the night of July 21 while out riding with Lee Hallman, he made improper proposals to her which she resented, and that following this he assaulted her. The defendant admits the ride and the illicit relationship but contends that it was with the consent of the young woman.

The court room has been crowded every day during the trial. Much of the testimony has been of a revolting nature and the court room was cleared of all persons under 14 years of age by order of Judge Finley. Both the prosecutor and the defendant have many character witnesses summoned and all give the principals as well as other witnesses good characters. The State consumed nearly two days in presenting evidence and the defense has had its inning. The State this afternoon began offering rebuttal testimony.

This will probably occupy all day tomorrow, and argument of counsel two days more. The case will probably reach the jury about Thursday night or Friday morning.

## THREE PERSONS DROWN AS RESULT OF STORM

### Nine People Struck by Lightning In New York Section; Torrential Rain

New York, Aug. 8.—Three persons were drowned and nine struck by lightning yesterday during a thunder storm which was accompanied by a torrential downpour measuring nine tenths of an inch. Heavy rainfall continued throughout the night.

At Gravesend Bay a woman was drowned when a canoe upset. Another woman lost her life in a similar manner in Long Island Sound. In the East River an unidentified boy was drowned while swimming off a city pier.

Lightning struck trees and buildings in all parts of the city and suburbs. At least 13 young women in bathing. One was knocked unconscious, but all three were rescued.

Streets were flooded in many portions of the city to a depth of several inches.

## Last Year's Cotton Crop Worth A Billion Dollars

### Annual Statement of Secretary Hester Shows Tremendous Depreciation in Value; Falls From \$174.15 a Bale in August, 1920, to \$58.91 During Last June

New Orleans, Aug. 8.—The South produced a cotton crop during the year ending with July, seed and all, was worth more than a billion dollars, according to the annual statement issued to the cotton trade today by H. G. Hester, secretary of the New Orleans Cotton Exchange.

Tremendous Depreciations. It was a year of tremendous depreciation in values, says Mr. Hester, the average value per bale falling from \$174.15 during August of 1920, the first month of the cotton year, to \$58.91 during June, the eleventh month. During July, the twelfth month, there was a recovery to \$59.04. The total value of the commercial crop of 11,377,316 bales was \$1,076,380,730. During the preceding year the commercial crop, totaling 12,443,180 bales, was valued at \$2,316,544,320.

## State Organization Adopts Resolution Pledging Moral and Financial Aid at High Point Convention

### ANTI-PICKETING LAW AT CONCORD ATTACKED BY JAMES F. BARRETT

### Declares Ordinance Violates Spirit of the Constitution and Decision of The Supreme Court of The United States; Major W. F. Moody, of Raleigh, State President, Declares Federation Has Moved Forward Despite Its Most Stormy Year; Delegates From All Parts of State Attend Opening Session

High Point, Aug. 8.—A resolution pledging the moral and financial support of the State Federation of Labor to the textile workers now on strike at Charlotte, Kannapolis and Concord and denunciation by James F. Barrett, of Asheville, of the anti-picketing law passed by the Board of Aldermen of Concord featured the first day's session of the 20th annual convention which opened here this morning at 10 o'clock. Mr. Barrett scored the anti-picketing ordinance "during his response to the addresses of welcome.

Major W. F. Moody, of Raleigh, president of the federation delivered his annual address, which showed the federation had made progress despite the fact it had weathered its hardest battles during the past year.

Get Down To Business. With delegates present from all parts of North Carolina, the federation quickly got down to business and the first official act was the adoption of the resolution pledging the moral and financial support of the organization to the textile workers who are now on strike at Concord, Charlotte, Kannapolis and other cities. Delegates to the convention lost no time in unanimously adopting it. It was apparent that the striking cotton mill operatives have won the sympathy of members of the State Federation and the visitors gathered here did not fail to let it be known that they are willing to exert every effort to assist the textile workers in obtaining what they claim are just demands.

A number of resolutions were introduced at the session this afternoon. Several of the petitions were passed, while others were either referred to the committee or withdrawn. The federation adopted a resolution urging that the State have all printing done with in the bounds of North Carolina. In other words, it voiced opposition to going outside of the State to do printing. The federation wired the request to State officials at Raleigh late in the afternoon.

Bible As Text Book. The federation also went on record as favoring the use of the Holy Bible as a text book in the schools of the State, a resolution to that effect being introduced and adopted by the organization.

Decision to form auxiliaries among the wives, mothers and sisters of members of trade unions was reached shortly before adjournment this afternoon. The auxiliaries will work in the interests of the unions and will agree to purchase union made necessities of life.

Calls Meeting To Order. The federation was called to order at 10 o'clock this morning by Grover C. Kerr, of the local Central Labor Union. Prayer was offered by Rev. Thomas Jimison, of Winston-Salem, and addresses of welcome were delivered by Mayor J. W. Hedrick and J. J. Farris, of High Point.

In welcoming the visitors to the city, Mayor Hedrick declared "we not only throw wide open the doors, but we take them down and if you are anything here you want, take it. The mayor assured them that High Point was glad to have the visitors within its gates. He was welcoming them to the City of Laboring People, he said.

James F. Barrett, of Asheville, responded to the addresses of welcome. He thanked the city officials for the interest they were taking in the convention. "There has been a time," he said, "when we couldn't drag a president of a Chamber of Commerce, or mayor into a meeting like this with a log chain and ten mules tied to it."

Denounces Concord Law. Mr. Barrett took occasion to denounce the action of the board of aldermen of Concord in enacting a law prohibiting picketing at the mills where strikes are in progress in that city. He declared that they had enacted a law that nullifies the constitution of the United States and is a violation of a decision of the Supreme Court of the United States.

"My only regret is that the city of Concord hasn't a mayor like the city of High Point," he said. "Men like you are needed."

"Whenever the State Federation of Labor gives the State of North Carolina educated boys and girls, we are not working for labor alone, but for the entire State," he said. He reiterated the statement that labor has no selfish purpose, but is working for the interests of the commonwealth.

"Gentlemen, you are perfectly safe in turning this town over to these boys. I know them and they will never do anything that will cause you to regret what you have done."

Following Mr. Barrett's response to the addresses of welcome, Major Moody, of Raleigh, president of the State Federation of Labor, delivered his annual address and declared that the past year had witnessed a hard fight for organized labor.

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