

THE WEATHER
Generally fair Saturday and Sunday; probably showers in extreme west portion.

The News and Observer

WATCH LABEL
On your paper. Each newspaper has a watch label in order to avoid sending a single copy.

VOL. CXIV. NO. 86. TWELVE PAGES TODAY. RALEIGH, N. C., SATURDAY MORNING, SEPTEMBER 24, 1921. TWELVE PAGES TODAY. PRICE: FIVE CENTS.

BORAH UNABLE TO PREVENT TREATIES GOING TO SENATE

Both Democratic and Republican Committee Members Vote for Favorable Report
WILL CONTINUE FIGHT ON THE SENATE FLOOR
Even "Irreconcilables" Desert Idaho Senator, Who, However, Gets in One Point Forbidding Participation of United States in Foreign Discussions Before Ratification

The News and Observer Bureau, 603 District National Bank Bldg.
By EDWARD E. BRITTON
(By Special Leased Wire)
Washington, Sept. 23.—Senator Borah was not able to hold the day against the administration forces directed by Senator Lodge in the foreign relations committee, and so the committee by a vote of nine to one a favorable report was ordered on the treaties with Germany and Austria. Senator Borah did not lay down his objections to the treaties, fighting to the last, but he got no support, for in the terms in which the treaties were made the Democrats gave their support and the report of the committee was favorable to ratification, but with a reservation, for the insistence of Senator Borah got in one point to his liking, that being the United States should not even participate in any discussion of any commission under the treaty until the Congress of the United States so agreed. And for the purpose of an allied commission is forbidden in the ratifying resolutions, unless the nomination of the President for any such representative is with the advice and consent of the Senate.

Borah Doesn't Give Up
Senator Johnson, Senator Bradley, Senator Shields, all three "irreconcilables," did not go along with Senator Borah in his opposition to a favorable report. But Senator Borah has not quit his fight. He announces that he will take it to the floor of the Senate. What support he gets will be slight, and there is no idea that he can do any more than delay a vote on the matter. It is the talk system of the Senate that comes to the aid of Senator Borah and it is that which is now working the administration as to the revenue bill.

With talk going ahead of the Borah bill for free tolls through the Panama canal for American coastwise vessels, the tactics of the Stanley Reed group in smashing into the anti-bier bill and any old openings for a little more talk, there appears to be a hold up on the plan for quick action on the revenue bill, much to the disgust of Senator Penrose. So there is talk of some kind of closure rule that will cut off too much talk, but how to secure this is the problem that is worrying the administration group. They remember what the agricultural "blow" did to the administration plans and feared out a bill that would promise relief to the farmers, and they are a little skittish in proposing a closure rule, while realizing that it is the best shot they have in their locker to get action on the two important matters before the Senate.

Democrats Not in Way
The fact is that the Republicans are delaying legislation by the inter-party warfare that they are practicing. If they could in any way blame this delay upon the Democrats they would do so in a most harmonious chorus, but the Democrats are not throwing any obstacles in the way of enacting legislation that is being pressed by the administration and are giving the Republicans the middle of the road as well as both sides of it, for it is the Republicans who are now responsible to the country, and the Democrats are deterring them from their own quarrels. With the country in a state of depression, with business calling for legislation that will let it know what it is to do, the Republicans are in a tangle as to what they shall do, and show that the party is leaderless insofar as getting Congress to put its shoulder to the wheels and move things. At the rate things are now going President Harding will have Congress in his hands when the conference on armaments starts up, a thing that may result in a flare back for the administration if some unscrupulous members say things that grate on the nerves of foreign delegates to the conference.

List of Applicants
The list of applicants who have taken the examination for the positions of postmaster at Kannapolis, North Wilkesboro, and Lillington were secured today from the Postoffice Department and are:
Kannapolis, vacancy occurred November 18, 1920, examination held July 26, 1921, salary \$2,400. Applicants, Edgar E. Ledy, F. U. Rogers.
North Wilkesboro, vacancy occurred July 21, 1921, examination held Sept. 13, 1921, salary \$2,500. Applicants, Walter P. Kelly, E. M. Blackburne, Joseph C. Grayson, Rudolph E. Walters, I. H. MacNeill, Dr. G. W. Wiles, Edward B. Bagley, C. C. Gambill, James G. Hackett, Henry Reynolds.
Lillington, vacancy occurred January 8, 1921, examination held August 31, 1921, salary \$1,700. Applicants: Henry T. Atkins, James N. Fugate.

More Nominations
The President today sent to the Senate the nomination of Thad G. Tucker for postmaster at Elk Park, Avery county, and of Henry B. Vroom, as postmaster at Pinehurst. It was only today that the postoffice bulletin announced the appointment of Mr. Tucker as acting postmaster at Elk Park, and but a few days ago that announcement was made on the appointment

MOVE TO DISMISS TOBACCO COMPANY REBATE PETITION

Answer Filed By Doughton and Allen in Rockingham County Case
ATTACK MANNING ON RULING TO RE-OPEN VALUATION FIXED BY STATE TAX COMMISSION FINAL AND REVENUE COMMISSIONER IS WITH-OUT AUTHORITY TO GO BACK OF TIME BEFORE HE ASSUMED OFFICE; HEARING OCTOBER 4

Denial of the right of the Commissioner of Revenue, or the State Board of Equalization and Review to re-hear or in any manner interfere with valuations found by the State Tax Commission prior to May 1, 1921, and motion to dismiss are set forth in the answer filed by R. A. Doughton, Murray Allen and J. M. Sharpe in the appeal of the American Tobacco Company for a rebate of \$12,508 of tax money paid to Rockingham county.
Reduction of approximately a million dollars in the assessment against its property in Rockingham county is pending before Revenue Commissioner A. D. Watts, and set for hearing Tuesday, October 4. The company's property in Rockingham is valued at \$925,985, the value certified to the County Auditor of Rockingham, and the taxes assessed paid without protest by the company.

Manning Telling Wrong.
Direct issue is taken with the ruling of Attorney General Manning that the Revenue Commissioner may reopen and adjust values fixed by the Tax Commission prior to the creation of the office of Revenue Commissioner. The act under which the Attorney General's opinion was given was written largely by Representative Doughton, head of the House Finance Committee, and now appearing as attorney for the county. Under the ruling now under attack, Commissioner Watts reopened the case of the American and Liggett and Myers Tobacco companies and related to them \$110,000 taxes assessed against their property in Durham county. No issue was raised by the Durham county officials, but Rockingham protested the petition, and is prepared for bitter opposition when the matter comes up for hearing next Tuesday week.

Filed No Exceptions.
The Attorney General declared in his opinion that the appeal must be denied by the State Tax Commission, which is excepted from the ruling of the Tax Commission two days before the Tax Commission expired in office and its duties were assumed by the Revenue Commissioner and the Board of Equalization and Review. No specific mention was made of the Rockingham county holdings, in the exception, and if the Commissioner holds against the denial of right to hear, the county will fall back upon the secondary defense that no exception was made in the Rockingham county property.

Had Exhausted Power.
After reviewing at length the tactics employed by the tobacco companies to over rule the values fixed by the Tax Commission, culminating in the final order and certification of April 28, 1921, the answer takes up the rights of the Commissioner to interfere further with the case. The authority of the Tax Commission to review the case was exhausted with the final certification of values, and that no exhausted authority could be transmitted to the Revenue Commissioner, who succeeded to the powers of the Tax Commission. The answer continues:

"That the assessed valuation of the property of the American Tobacco Company in Rockingham county had been finally fixed by the State Tax Commission, and had been entered on the tax books of Rockingham county before the first day of May, 1921, and before the Commissioner of Revenue and the State Board of Equalization had been given any power whatsoever over the assessment of property for taxation by the provisions of Section 1 of the Act of 1921 creating the Department of Revenue, and the said Commissioner of Revenue and the State Board of Equalization, are without the power or right in law to interfere in any manner with the assessment of said property as finally made by the State Tax Commission and as entered upon the tax rolls of Rockingham county."
The validity of the Attorney General's opinion and the validity of the acts of Commissioner Watts in reopening the case of the tobacco companies was attacked by Corporation Commissioner A. J. Maxwell in statements given out after the gift of \$110,000 to the appellants was made some weeks ago. The new attack by Mr. Doughton is in direct violation of the law and is more familiar with its workings than any man in the State, is being watched with keen interest.

CO-OPERATIVE MEETING AT CHARLOTTE MONDAY
Charlotte, Sept. 23.—A meeting of the business men, bankers, merchants and representatives of all commercial interests in conjunction with the farmers of this county will be held here Monday night, under the auspices of the Mecklenburg county fair bureau, for the purpose of launching a drive to be made in behalf of the co-operative marketing movement. Dr. Clarence Poe is to deliver an address.

Senate Foreign Relations Committee Approves Pacts

Two Reservations Attached To Approval of Treaties With Germany, Austria and Hungary, However; Borah in Opposition; Ratification Assured

Washington, Sept. 23.—The treaties of peace negotiated by the administration with Germany, Austria, and Hungary were approved today by the Senate foreign relations committee, but with two reservations.
One reservation—similar to a Lodge reservation to the treaty of Versailles—would require an act of Congress prior to representation on or participation in any foreign agencies or commissions by an American representative, whose nomination would have to be confirmed by the Senate. The other is designed to protect the property rights of American citizens as well as of the American government in the three former enemy countries.

No Objection Raised
Adoption of the two reservations brought from the White House the statement that while President Harding had not seen their text he favored the principles involved and no objection would be raised by the administration to ratification with the proposed reservations attached.
Senator Borah, Republican, Idaho, a leader of the "irreconcilables" in the treaty of Versailles ratification fight, none of the foreign relations committee members stood against the recommendation that the three treaties be ratified with the proposed reservations. Democratic committee members joined with the other Republicans in ordering the pacts reported favorably to the Senate, where they were presented late today by Senator Lodge, of Massachusetts, Republican leader and committee chairman.

Called Up Today.
The treaties, Senator Lodge announced, are to be called before the Senate tomorrow, when he plans to make a preferential motion for their discussion ahead of all other business. It is proposed, however, to give right-of-way next week to the tax bill and to have next sessions, beginning probably next Tuesday, in an effort to hasten ratification.
Committee discussion of the treaties today developed that the administration plans to begin withdrawal of American troops from Germany immediately after ratification. Senator Lodge told the committee he had been so advised by Secretary Hughes, adding that the

American forces would be "greatly reduced" after ratification, but when complete evacuation would be accomplished was undetermined. It was indicated during the discussion that a small body for American representation might remain indefinitely on the Rhine.
"Irreconcilables" Split
The committee's decision to report the treaties brought a schism in the ranks of the "irreconcilables" of the Versailles treaty fight. Senator Johnson, Republican, California, who was associated prominently with Senator Borah in opposition to the Versailles treaty, today voted for ratification with the reservations. Another "irreconcilable," Senator Shields, Democrat, Tenn., also supported the treaties today. Senator Borah indicated after the committee meeting that he would continue his opposition to the new treaties to the last and wage his fight on the Senate floor. Senator Johnson, however, was said to feel that with the reservation relating to Congressional consent to American membership on allied commissions, applicable especially to the reparations commission, ample safeguards against "entangling European alliances" were provided and the league of nations and other features of the Versailles treaty, of which he disapproved, finally rejected.

Ratification Assured
Leaders of both parties tonight declared that ratification of the three treaties was assured. The majority of the Democrats as well as the Republicans were expected to support them. Minority action, however, was not finally determined, some Democrats awaiting the return next week of Senator Hitchcock, of Nebraska, ranking minority member of the foreign relations committee. A conference of the steering committee and possibility of a minority caucus were said to be possible.

Plan to Organize Textile Workers
Charlotte, Sept. 23.—One hundred or more textile union organizers will go to the cotton mill centers of four Southern states, organizing new locals and strengthening those already in existence, as the result of plans formulated during the conference here of textile union officials, organizers and Southern labor leaders.
A central executive committee, headed by Jerome Jones, editor of the Atlanta Journal of Labor, will direct the activities of these organizers, which will be extended over a period of six months and, perhaps a year. The other members of the central committee are James F. Barrett, of Asheville, president of the State Labor Federation and editor of labor papers, and Frank McCoskie, first vice-president of the United Textile Workers of America.

Barrett's Comment
Commenting on the situation, Mr. Barrett had the following to say: "There are no antagonisms in this campaign. We are holding out the olive branch of peace. If the employers are wise and will meet us we can save them millions of dollars in this State in the next twelve months. We would like to do it. We cannot force ourselves upon them. It is up to the employers to say whether peace or war reigns supreme during the next twelve months. We are not hunting a fight, but if the choice is between fighting and running, we never run."

CALE SENTENCED TO LIFE IMPRISONMENT
Cleveland, Sept. 23.—Salvatore Cala, confessed slayer of Daniel H. Haber, wealthy publisher, in his Lakewood home two years ago, was found guilty of first degree murder with a recommendation of mercy by a jury in common pleas court this morning. Judge Dan B. Call sentenced him to life imprisonment.
Following his capture near Buffalo, N. Y., several months ago, Cala confessed to participating in stabbing Haber to death.
Cala is the second person placed on trial for Haber's murder. Mrs. Eva Katherine Haber, widow of the slain man, having been found guilty of first degree murder and sentenced to life imprisonment.

NEGRO WHO COOKED FOR THREE PRESIDENTS DIES
West Point, Va., Sept. 23.—Ollie Armistead, 83, a widely known negro, who served as cook for Jefferson Davis, president of the Confederacy, and for Presidents Harrison and Cleveland of the United States, is dead at his home here.

SENNACHER TELLS STORY OF PARTY IN ARBUCKLE'S ROOMS

Preliminary Hearing In Arbuckle Case Continued at San Francisco
SENNACHER THE ONLY WITNESS DURING DAY

San Francisco, Sept. 23.—The preliminary hearing of Roseco "Fatty" Arbuckle charged with the murder of Miss Virginia Rappe, was resumed in police court today. Alfred Sennacher, the first witness, went into the already known details of the party in Arbuckle's suite of rooms, following which Miss Rappe's death occurred. Arbuckle, appearing more cheerful than heretofore, entered the court room with his wife and mother-in-law.
Sennacher, reported to have told the grand jury in Los Angeles of admissions he said Arbuckle had made, named Arbuckle, Fred Fishback, Lowell Sherman, Ira Fortinosis, Miss Rappe, Mrs. B. M. Delmont, Miss Zeh Prevost, Alice Blake and Mrs. Mae Taube, and he thought one or two others as being present at the party. Arbuckle and Sherman were dressed in pajamas and bath robes and slippers, Sennacher said. The rest were in street attire except Mrs. Delmont, he continued.

Description of Party.
All of the party, except Mrs. Delmont, he said, were eating while some were drinking liquor, which he defined as orange juice "that could have contained gin or anything else."
Sennacher testified that he left the room and on returning half an hour later found a Miss Clark and a Miss Campbell had joined the party. He could not remember, he said, anyone having left the suite.
During the testimony Arbuckle's eyes moved slowly from the witness to Isadore Golden, the assistant district attorney, who conducted the questioning, and back again.

Sennacher explained his omission of Mrs. Taube's name at the inquest to the fact that he did not know her name until later when he saw a newspaper picture of Arbuckle leaning on her, Mrs. Taube and others.
Unlike Arbuckle's first arraignment, when unshaven Monday morning prisoners filled the dock, well-dressed women today pressed their faces against the steel bars to get a better view and hearing of the case.
Plenty of Liquor.
"The liquor on the table at the party came out of bottles," Sennacher testified. "Some of the labels said whiskey, others gin, and mineral water, and some unbranded contained orange juice."
"The people were walking around the room and Miss Blake and Miss Prevost danced together, and I believe Arbuckle and Sherman danced with the ladies," he added. Pressed further, he said his memory about Arbuckle was "vague."

Before Sennacher's second departure half an hour later, Fishback also left the room, Sennacher said.
Sennacher said he went out with Ira Fortinosis, returning about four o'clock, finding the party still drinking, dancing and enjoying phonograph music. Arbuckle was present, according to Sennacher, but he was not sure about Mrs. Delmont and Miss Rappe.
He paid no attention to further movements in the room and soon left to buy cigarettes.
He returned in about half an hour, he said. The party was still in progress, but about ten minutes later two of the women went into room 1219 where Miss Rappe later was found.
"My best recollection is that on my return, the door to Room 1219 was shut," he testified.
The door closed behind the two women and from two to ten minutes elapsed without sound.
"Arbuckle was in room 1220," Sennacher declared. "My recollection is the woman came out of room 1219 in excitement." Sennacher continued.
"They said we should all come in, as Miss Rappe was gone."
Arbuckle, during this bit of testimony, clasped and unclasped his hands and rubbed his cheeks. A five-minute recess was declared by the court, after which the film comedian appeared more composed.
"I saw Miss Rappe lying on the bed, moaning," Sennacher continued. "She tossed from side to side with her hands clasped to her abdomen."
"I am dying, I am dying," he exclaimed, according to the witness.

Girl Was Unclashed
Miss Rappe was unclashed, her garments scattered about. All the women went back to room 1220. We could see through the door the girl putting Miss Rappe into the bathtub," Arbuckle was still in his pajamas, he stated.
Subsequently, he said, the entire party had supper in the comedian's rooms, after which Arbuckle went down stairs in evening clothes.
The torn garments he put into the pocket of his automobile, he said, for exhibition to Miss Rappe and also to dust off his car.
At this point the hearing was adjourned for the day with Sennacher's testimony unfinished. The examination will be resumed tomorrow.

Read Sunday's News and Observer
"MEMORY'S FRIEND, THE OLD SONG," by Nell Battle Lewis. A review of the popular songs of the last 60 years, showing how they echo the temper of the folk at different periods.
"JOHN SMITH, TENANT FARMER," by Ben Dixon MacNeill. The life story of an average tenant farmer in North Carolina, with suggested solution of the tenant problem by Dr. Clarence Poe and Dr. E. C. Brooks.
State Federation Notes—Forward Observation Post, Potash and Perlmuter, George Ade's Fables, James J. Montague, Fuzzy Woodruff Football Review, four-page comic section, and many other features.
Full Associated Press service, Leased Wire service, and State News Service that covers North Carolina.
NORTH CAROLINA'S GREATEST DAILY
Order from your news-dealer Today

DOESN'T THINK WILSON BOYCOTT WILL PREVAIL

Business Manager of Richmond Chamber Gives His Views On The Matter

Richmond, Va., Sept. 23.—Discussing the action of certain Wilson, N. C. merchants in declaring a virtual boycott against the purchase of Richmond goods because that city's baseball team had been disqualified in the Virginia League pennant race for alleged violations of the salary limit, W. T. Dabney, business manager of the Chamber of Commerce, declared today that he did not think the boycott general in Wilson, or of any great consequence. He said: "Richmond's goods are purchased in North Carolina because they are as good as any that can be had for the purchase, and because of deliveries. It is strictly a business proposition with the merchants, and they are doing business with us because of outstanding love for our city. And I don't think those who have contemplated the boycott will permit that plan to prevail. The team must have been guilty of the violation, and surely there can be no complaint when it is called to task for it."
Mr. Dabney said that he knew of several letters that had been sent to Richmond firms protesting against the action by W. B. Bradley, president of the Virginia League, but expressed the view that the entire controversy was a sporting one and not related to business matters.

FIND MORE BODIES IN MASS OF RUINS

Five Hundred Bodies Recovered From Wreckage of German Plant So Far

Mayence, Germany, Sept. 23.—By the Associated Press.—More than 500 bodies have been recovered from the vast ruins of the Badische plant at Oppau and it is considered certain that three hundred persons still are missing. Two thousand wounded, four hundred of them seriously, are scattered in temporary hospitals for miles around the scene of Wednesday's explosion.
There is a military cordon around Oppau keeping out the curious and permitting relatives from carrying out their desire to search the ammunition-drenched wreckage for the bodies of their missing.
The 150-acre plant site and a vast area around it present a picture not unlike that of a shell-torn battlefield. Earth is mixed with pulverized concrete and bits of metal from hundreds of shattered machines. Some bodies have been recovered at a depth of 20 feet.
Engineers add little to the explanations already made of the disaster. There is said to have been 4,000 tons of salts in two reservoirs, one of them causing the other to explode, and that six great gas tanks and other elements detonated from the concussion. The chief engineer of the Badische Company is quoted as declaring himself mystified as it was believed the salts could not explode. "All our efforts to utilize them as explosives failed," he said. These salts are variously described as ammonia salts and nitrate of soda.
All the contents of the French military post in plant are being dug and it is believed the entire post was obliterated by the explosion. Finally, it is stated, the industrial wreckage, valued at 1,000,000 marks, State property, collapsed at Worms, about 40 miles distance, windows are smashed at Park fort while in Heidelberg, 20 miles distant, 700,000 marks' worth of property was destroyed.

GASTON PEOPLE GO TO CHARLOTTE EXPOSITION

Textile County Sends Biggest Crowd Yet; Some "Gaston Day" Features

Charlotte, Sept. 23.—Thousands of Gaston people are expected to attend the textile county exhibit at the exposition, the largest crowd to the exposition of any county so far.
Many of the leading citizens of the county were here, the groups being headed by Mayor A. B. Robinson, Congressman from the North, hundreds came by auto. There never has been such a crowd of out-of-town people from any one county here as Gaston poured into the city today. One of the most interesting events of the day was the reception by the out-of-town cars on the Inland road at 2 o'clock. The show of Gaston delegation entered the exposition grounds in a body.
Congressman Robinson, Mayor S. E. Park and the heads of all official clubs, judges, lawyers, doctors, headed the procession.
Gaston county makes the greatest textile display in the exposition.
Addresses were made by Congressman Robinson and Rev. Dr. George Stuart, noted Methodist preacher.

MACHINE GUNNERS ASK FOR REMOVAL OF TRIAL

Greenville, Sept. 23.—Judge Frank Daniels this afternoon reversed his decision on the question of removing the civil action of Mrs. James Ray, of Greenville, to recover damages from members of the Durham machine gun company for the death of her husband in gun battle between members of an alleged mob and the militiamen, who were granting the Algonquin jail.
Judge Daniels heard argument of the forces for the defendants today and court was then adjourned. The machine gunners were represented by Victor S. Bryant and W. J. Brogden, both of Durham. They claimed that prejudice here would prevent a fair trial of the case and asked that it be removed to another county.
Guilford, Granville or Person counties. They objected to Orange county contending that it is too near to this county.

LEADING BAPTIST ASSEMBLYMAN IS CARTER'S TARGET

In Appeal For Commutation of Sentence For Harris, He Exposes Record of Mays
DECLARES STAR WITNESS NOT WORTHY OF BELIEF

Charging that J. T. Harris, Ridgecrest merchant, under sentence of death for slaying E. W. Monniah, September 3, 1920, had been convicted "upon the perjured testimony of an impostor who stole the sacred cloth of the church to do the work of the devil," Judge Frank Carter, attorney for the prisoner, yesterday in the hearing for commutation of sentence before Governor Cameron Morrison, tore into the character and record of Dr. Livingston T. Mays, star witness for the prosecution, and convinced the Governor that Mays' testimony cannot be relied upon.
It was Mays, corresponding secretary of the Southern Baptist Assembly Grounds at Ridgecrest and member of the faculty at Furman University, who took the lead in the prosecution of Harris for the killing of Monniah, wealthy Baptist from Alabama. It was Mays whose testimony contributed the theory that the dead man met his end as a martyr to the cause of prohibition, at the hands of Harris. It was Mays who supplied the motive for the killing.
The evidence presented to Governor Morrison in a steady torrent of affidavits and records, discovered by counsel for the defense since the trial, put the Ridgecrest assemblyman under heavy indictment for dishonesty to his country in time of war, for immorality practiced while he held pastorates in various churches, and for conduct which caused his dismissal from the service of the government as consul, and from the service of the Y. M. C. A. in army camps during the war.
Y. M. C. A. records, War Department records, secret service reports, affidavits from members of his congregations at a number of points were marshaled in the showing, and long before Judge Carter's hearing, Governor Morrison had reviewed the evidence and expressed the opinion that he had succeeded far enough to accomplish his purpose.
Hearing Lasts All Day
The hearing for the commutation of the death sentence pronounced upon Harris, who is now in Death Row at the State Prison waiting for electrocution, began yesterday morning at eleven o'clock before Governor Morrison, Judge Carter, Judge T. A. Jones, and former Governor Locke Craig appeared in the interest of the defense, while Mark Brown, private prosecutor employed by Dr. Livingston T. Mays, represented the prosecution. At six o'clock yesterday afternoon, Governor Morrison laid before Judge Carter, son of Judge Carter, Judge J. H. Brown, this morning as an ex-officio former Governor Locke Craig will speak.
The only member of the condemned man's family who was present at the hearing yesterday was Paul Harris, his son, who has stood by the father faithfully since the first. He was one of the principal witnesses for the defense.
Governor Morrison at the very beginning of the hearing set out his platform in the matter. In the absence of recommendation from Judge or Solicitor, and in view of the fact that the case was reviewed by the Supreme Court, State and Locke, had dissented from the majority opinion of the court when a new trial was sought, and that the late Justice Allen, one of the majority members of the court, had just before his death expressed to General B. S. Boyer, the opinion that Harris was not fairly tried.

Division in Court.
Attorneys for the defense sought to impress Governor Morrison with the fact that two Justices of the Supreme Court, State and Locke, had dissented from the majority opinion of the court when a new trial was sought, and that the late Justice Allen, one of the majority members of the court, had just before his death expressed to General B. S. Boyer, the opinion that Harris was not fairly tried.

Mays' Testimony.
On the stand in the trial of Harris, Dr. Livingston T. Mays testified that he had seen the probate body of Monniah shortly after he had been shot by Harris, and Monniah whispered the word "Monsieur." He also testified that on the train to Asheville, after the shooting, he sat on the seat with Harris, put his arms around the prisoner to see if he was armed and asked him if he had been drinking. Harris replied, according to the witness, that he had taken a drink after the shooting but not before.
"I wanted to be myself when I did that," Harris was quoted by Dr. Mays as saying. He further testified that he asked Harris as to the grounds for belief that there had been intimacy between Mrs. Harris and Monniah, and that Harris had admitted no actual knowledge of such intimacy but expressed the purpose of putting his son Paul on the stand to prove his case.
According to the defense, by this testimony, the prosecution got in a mighty stroke for the sanity of the prisoner, the motive for the killing, some time discounted Paul Harris, as a witness for his father.
Monniah Not Testifier.
As to the theory of the State that Monniah was a victim of Harris' rage

Division in Court.
Attorneys for the defense sought to impress Governor Morrison with the fact that two Justices of the Supreme Court, State and Locke, had dissented from the majority opinion of the court when a new trial was sought, and that the late Justice Allen, one of the majority members of the court, had just before his death expressed to General B. S. Boyer, the opinion that Harris was not fairly tried.

Mays' Testimony.
On the stand in the trial of Harris, Dr. Livingston T. Mays testified that he had seen the probate body of Monniah shortly after he had been shot by Harris, and Monniah whispered the word "Monsieur." He also testified that on the train to Asheville, after the shooting, he sat on the seat with Harris, put his arms around the prisoner to see if he was armed and asked him if he had been drinking. Harris replied, according to the witness, that he had taken a drink after the shooting but not before.
"I wanted to be myself when I did that," Harris was quoted by Dr. Mays as saying. He further testified that he asked Harris as to the grounds for belief that there had been intimacy between Mrs. Harris and Monniah, and that Harris had admitted no actual knowledge of such intimacy but expressed the purpose of putting his son Paul on the stand to prove his case.
According to the defense, by this testimony, the prosecution got in a mighty stroke for the sanity of the prisoner, the motive for the killing, some time discounted Paul Harris, as a witness for his father.
Monniah Not Testifier.
As to the theory of the State that Monniah was a victim of Harris' rage

Division in Court.
Attorneys for the defense sought to impress Governor Morrison with the fact that two Justices of the Supreme Court, State and Locke, had dissented from the majority opinion of the court when a new trial was sought, and that the late Justice Allen, one of the majority members of the court, had just before his death expressed to General B. S. Boyer, the opinion that Harris was not fairly tried.

Mays' Testimony.
On the stand in the trial of Harris, Dr. Livingston T. Mays testified that he had seen the probate body of Monniah shortly after he had been shot by Harris, and Monniah whispered the word "Monsieur." He also testified that on the train to Asheville, after the shooting, he sat on the seat with Harris, put his arms around the prisoner to see if he was armed and asked him if he had been drinking. Harris replied, according to the witness, that he had taken a drink after the shooting but not before.
"I wanted to be myself when I did that," Harris was quoted by Dr. Mays as saying. He further testified that he asked Harris as to the grounds for belief that there had been intimacy between Mrs. Harris and Monniah, and that Harris had admitted no actual knowledge of such intimacy but expressed the purpose of putting his son Paul on the stand to prove his case.
According to the defense, by this testimony, the prosecution got in a mighty stroke for the sanity of the prisoner, the motive for the killing, some time discounted Paul Harris, as a witness for his father.
Monniah Not Testifier.
As to the theory of the State that Monniah was a victim of Harris' rage

(Continued on Page Two.)

(Continued on Page Two.)

(Continued on Page Two.)