

SENATE IS KIND TO EVERY MEMBER

McBee's Bill For Avery County Is Killed By Committee

The bill to validate a \$30,000 issue of road bonds in Avery county, which was introduced in the House by Representative McBee, of Mitchell county, and passed by that body over the strenuous protest of Representative Hicks of Avery, was yesterday reported unfavorably by the Senate committee on counties, cities and towns.

The committee heard delegations on both sides from Avery county, and listened to widely conflicting statements. However, the committee finally decided to treat the Representative from Avery more kindly than his own House had done, and killed the bill.

The bill, which provided that the road bonds had been spent and stated that the citizens of the county are already heavily burdened by a tax rate of \$1.55.

A closer division prevailed in the committee on the bill to extend the corporate limits of the town of Morganton. The bill was opposed by William A. Erwin of Durham, whose cotton mill at Morganton would be taken by the proposed extension.

Mr. Erwin requested that the bill be placed as Morgan under an agreement made with the town authorities that its site would not be annexed by the town.

A large delegation from Morganton set forth that the agreement was indefinite in extent, and that it was made more than twenty years ago, which, according to Attorney Avery, is long enough to absorb all the moral right as well as all the law and equity in the case.

It was also charged that four of the five aldermen making the agreement were stockholders in the cotton mill at the time.

The committee finally ordered a favorable report by a vote of seven to six after Senators Varner and Hartsell and other lawyers on the committee had "learned some law."

It has been the legislative practice to pass such measures on separate roll calls, but the proponents of the bill were able to produce opinions of the Supreme Court to the effect that such legislation is not embraced in the constitutional requirement regarding measures that "lay a tax upon the people."

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KELLY CONVICTED GETS FIVE YEARS AND \$5,000 FINE

(Continued From Page One)

a battle. It is a quest for truth, and in a charge which carefully reviewed the conflicting evidence of more than a hundred witnesses adduced during the long days since the beginning of the action last Wednesday, Judge Connor sifted the contentions down to the primary elements of the fight.

In the case of Kelly, as set before the jury by Judge Connor, it was a matter of determining the truth from conflicting testimony, on the basis of the transportation of the stolen automobile from one state to another with knowledge that the automobile was stolen.

The conflicts were sharply drawn. After laying down the law, Judge Connor reviewed the evidence, reducing it to the principal transaction surrounding the stolen Cadillac car alleged to have been stolen in Newark, N. J., by Moran, sold to Hoffman in New York, and transported to North Carolina by arrangement between Hoffman, Kelly and Craig, finally becoming the property of Craig through Kelly's guarantee to Hoffman of the purchase price of the car in terms of three stolen automobiles with which he supplied Kelly.

Charge on Scott. Upon charge as to Scott, delivered upon request of J. W. Osborne, counsel for the defense, gave early grounds for the belief that the New York automobile squad detective would be acquitted. To convict Scott, he told the jurors they must have been convinced that Scott knew the Cadillac car had been stolen; that Scott knew Hoffman intended to transport the car out of New York; that Scott, knowing this, had done some act to aid and assist the shipment of the stolen automobile into North Carolina. The evidence against Scott was largely that of Major Hoffman, who testified that he gave Scott \$800 cash money to cover up the handling of stolen automobiles, and that Scott gave him registration cards, one of which was used to conceal the fact that the Cadillac was stolen.

The charge also, in the minds of many in the court room, eliminated Moran, whose conviction, Judge Connor held should depend upon the jury's belief that Moran, who stole the Cadillac in Newark, N. J., sold it to Hoffman for the purpose of transportation to North Carolina. The jury took the case at twelve o'clock. Around one o'clock the twelve men called for the indictment, the charge, and some papers in the case. At four o'clock they filed in the court room and C. A. Dillon, foreman, read three questions which the body wished to propound Judge Connor. They wanted to know if the section of the charge requested by counsel for Scott was a part of the charge, if the transportation of the Cadillac by Moran from New Jersey to New York would come within limitations of indictments and a further instruction as to evidence involving Scott.

jurors had returned with a verdict. Counsel and defendants were summoned into court and the room rapidly filled with the spectators who have followed it throughout. Kelly came in last, dressed as he has been throughout the trial, in a plain blue suit, olive drab shirt and black tie. He carefully placed his hat on a rack at the side of the court room and took his seat. His features all were florid, more more than usually flushed. This was the only sign of excitement he showed.

The clerk propounded the usual question. C. A. Dillon arose and read the fates of the five men. Kelly, as on the list, gulped hard as the verdict was called. Hoffman, and Craig who were convicted showed little sign of depression, while Moran and Scott, acquitted were equally unmoved.

"What have you to say, Mr. District Attorney?" asked Judge Connor. Mr. Aydlitt stated that he had two more cases against Scott, and half a dozen against Kelly. He announced he would pray judgment to the limit against Kelly, but offered the defense the proposal made to buyout of the term. It was to be paid guilty in the remaining cases, except prayer for judgment entered in these, with a sentence in the first trial.

This, he pointed out, would save great expense and much time. W. B. Jones, attorney for Kelly, favoring the usual motion to set aside the verdict as basis for an appeal, made it clear that his client maintained his innocence and would contest all cases. He urged the District Attorney to delay his prayer for judgment until this morning when A. A. F. Seawell one of the counsel for the defendant could be present.

Mr. Aydlitt explained that the illness of his wife made the immediate return to Elizabeth City necessary and Judge Connor held that the defendant would not be deprived of able counsel by an immediate prayer for judgment.

F. J. Gavin, also attorney for Kelly, followed with an indictment of the government witnesses, and of the district attorney.

"I hope your honor, in passing sentence will not try to vindicate the passion of the district attorney in his prayer for judgment," said the attorney.

District Attorney Aydlitt was on his feet. The attack of the attorney for the defense he characterized as a piece of bad manners and a thing without cause. He assured the attorneys for defense that he had conducted the case in accord with his sense of duty and absolutely without feeling against Kelly or any other defendant.

As to the charge of passion he was explicit. "I want to resent it," he declared, "and to hold it back. There is not a word of truth in it."

Jury of Business Men. Before discharging the jury yesterday Judge Connor took occasion to express his appreciation of the services rendered by it and to commend it for a wise verdict. The twelve men were drawn largely from among the business men of Raleigh, four members of the Raleigh Rotary Club being included among the twelve. The jurors were W. B. Drew, C. A. Dillon, R. Enoch, E. J. Smith, Joseph E. Johnson, W. L. Wyatt, John E. Evans, Paul Campbell, E. P. Stone, J. C. McDonald, Frank L. Watson and W. W. Vass.

The History of the Case. The case completed here yesterday with the conviction of three of the defendants grew out of a confession made by Harry Craig in the Wake county jail, after his arrest here by Tom Crabtree, of the city police department, for automobile theft. The confession was made to D. H. Graham, special agent of the Department of Justice. Working under the direction of Fred Haly, in charge of Department of Justice agents in North Carolina, Graham followed up the confession with investigations in Norfolk, Baltimore, Philadelphia, Newark, N. J.; Providence, R. I., and Boston, Mass.

At New York Graham obtained a confession from Hoffman, Moran, and William Nolan. He collected evidence against George Scott, Detective Sergeant N. Y. Automobile Squad, getting a line also on C. J. Kelly, Frank Scott, of Harpers Cross Roads; Dan Melvor, mechanic for Kelly; N. C. Kelly.

Other defendants in cases worked up by Department of Justice Agents are J. R. Prince, son of Norfolk juror, Eddie Brendle, recently connected with a \$15,000 robbery in Norfolk; and C. R. Henley, Alias Ginger.

AMOUNTS NEEDED TO PUSH WORK ON N. C. WATERWAYS

(Continued From Page One)

ditional funds are required for maintenance as there is a balance of \$2,192. Improvement has enabled deeper draft vessels to pass over the bar at mouth of creek and has rendered navigation safer and easier.

War on "Soaked" Scallops. There is a war on with regard to "soaked" scallops and the declaration comes from Morehead City in telegrams to Senator Simmons that the scallop industry is being paralyzed by actions of inspectors in New York and Boston. W. M. Webb wires Senator Simmons that the inspectors at these points are seizing shipments of scallops which they claim are "soaked" and that it is necessary to wash the scallops before shipment, that about a thousand gallons had been seized in New York and about the same in Boston, that if this was kept up it would throw several hundred people out of business as dealers will quit shipping.

He asks that Senator Simmons intervene and have inspections sent to Morehead City to make inspections there holding that there is nothing deleterious to health in soaking scallops, that it is necessary to wash them and the taking up of water is incidental. C. C. Daniels, formerly of Wilson, now a practicing attorney in New York, was one of the principal speakers at the monetary conference called by Senator Ladd held here this week. Mr. Daniels who has made a close study of the subject spoke on the "Federal reserve system."

tonight for Raleigh to spend Christmas with his parents, Mr. and Mrs. Josephus Daniels.

Will Be Tuesday, However, On Legislative Records When Gavel Falls

(Continued From Page One)

lected, and a second new start is made necessary.

New Start On Both. Recall of the school measure was deemed advisable after a review of the means by which it passed to the third reading. It was developed that an amendment had been added during the interim between its second and third readings, and to make sure of its validity, House leaders, under a resolution offered by Representative Doughton, re-acted along with the Finance Act. Both were sheared, and set in motion again.

Love Feast For Metts. Other than these formalities, the House concerned itself mostly with a love feast over the honor of being allowed to raise the salary of the State Adjutant General from \$10,000 to \$12,500, and the ironing out a split in the Mecklenburg delegation over an increase in the salary of the county treasurer down in the middle of liberty. The salary advocated was finally left in the hands of the county commissioners to do with as they wish.

Raising the salary of the Adjutant General came over to the House from the Senate, where it had originally been snored under, and the reconsidered and passed with a 29 to 19 vote. The salary of this office had been inadvertently overlooked, largely because of the modesty of the holder when all salaries were raised during the regular session. When it came to the House with the regular Senate message yesterday morning, motion was made to put it on immediate passage.

Speaker Grier quit the Speaker's stand to come down on to the floor and pay tribute to the worth of Adjutant General Metts, and the valor of the Thirtieth Division generally. Representative Hamilton also spoke of the valiant Thirtieth, with some special allusions to the breaking of the Hindenburg line. Nudry members of the House who had served with the Thirtieth, added their approval, and others from the neighborhood of Concord, where Colonel Metts had handled the strike of the cotton mill workers, made mention of that. Others brought reference to the Long Ejectment bill, which, they said, if passed would vastly increase the duties of the Adjutant General. The bill passed in an uproar of applause, by a vote of 81 to 4.

Row in Mecklenburg. Much less like a love feast was the attending of the session in the Mecklenburg delegation, with two of its members and its Senator arrayed against Representative Person, who opposed the increase to the treasurer. The bill had been killed once in the House at the instance of Mr. Person, and again it was left lying dead by a vote on motion to reconsider. Such motion was again lodged yesterday morning, and finally carried. The measure originated in the Senate with Senator Delaney, of Mecklenburg.

Mr. Person was and is opposed to raising anybody's salary, and made no secret of his opposition. Representative Pharr was somewhat loth to press the matter, because he is related to the treasurer by marriage, but he did not introduce the bill. Mr. Matthews favored it, Senator Delaney favored it, and Mr. Pharr was not opposed to it. He was more concerned at seeing the House interfere with a local measure on which the majority of the Mecklenburg delegation was agreed. On that ground, the House passed the salary bill, with Mr. Person still protesting.

Otherwise the session was calm. Local measures, and minor public bills flowed through the Legislature without objection, with readings and there one sent to the table, as with the law proposed to repeal all local traffic laws, and substitute a rather indefinite system of State regulation. The bill was long, and the House tabled it without considering it. The sentiment was for deferring it until the regular session if it be meritorious.

Senate Devotes Two Long Sessions To Clearing Its Calendar

(Continued From Page One)

ago with the understanding that the mill would never be required to pay taxes for municipal purposes. Senator Patton of Burke was joined in advocacy of the measure by Senator Squires, his Democratic colleague, and the Senate voted 27 to 7 in accordance with their contention that the contract was in violation of public policy and should be abrogated. The Senate also voted down an amendment offered by Senator Long of Alamance, proposing to submit the question to the citizens of the area affected.

School Commission. The Senate last night passed without dissent the Connor bill proposing a commission of five, consisting of three Representatives and two Senators to be appointed by the presiding officers of the two houses for the investigation of the best means of meeting the constitutional requirement of a six months school term, in view of the existing situation with respect to tax laws. The bill provides that the commission shall submit a report thirty days prior to the convening of the next General Assembly.

The only opposition to the measure was in the form of a capricious amendment by Senator Burgwyn, of Northampton, proposing to appoint a committee of three to find the money to defray the expenses of the commission and a suggestion from Senator Dunlap that the commission should endeavor to find a cheaper basis for operation of the schools.

Reversing its Finance Committee the Senate last night by a vote of 22 to 9 reversed the Dunlap bill removing all penalties for deferred payment of taxes. The rules were suspended and the bill was finally passed and sent to the House of Representatives.

The bill was taken from the unfavorable calendar by its author and was strenuously fought by Senator Taylor on the ground that penalties

are necessary, if taxes are to be collected promptly. The Senator cited the experience of his own and other counties this year, the penalties having been temporarily suspended at the regular session.

The bill is not regarded as having much chance of passage in the House as a similar measure has already been adversely reported by the Finance Committee of that body. Senator Varner, chairman of the Senate Finance committee, last night stated he believed he penalty a good business proposition, but favored the bill through the conviction that the penalty is unconstitutional.

With adjournment definitely fixed for the legislative day of Tuesday, the Senate yesterday caused a poll to be taken to ascertain the Senators who would pledge themselves to remain until adjournment. Three Senators agreed unequivocally to remain and about ten others with reservations.

It was explained to the Senate that the last session will be held Monday night, by employing the time honored artifice of turning the clock forward.

The work of the Senate on the municipal finance act, the re-amendment of which was one of the primary objects of the session and which is now the cause of remaining into next week, will be entirely perfunctory. The House, by resolution, yesterday recalled the measure in order to correct its own error on the passage of the bill.

This means that any amendment the Senate might incorporate in the bill would serve to invalidate it, unless it went back to the House for three more days, and Monday night will probably find members of both houses on their way home.

The same status exists in regard to the Department of Education bill, validating schools taxes levied this year, requiring the same tax for next year, before participation in the equalization fund and changing the flat requirement for such participation from a 30 cents tax to 29 cents tax. The House discovered there had also been a defect in the passage of the bill and it was likewise recalled by resolution.

No Public Calendar. At its morning session the Senate did not reach the public calendar but two lively fights were evoked by local bills, both being passed by strict party votes. In each instance Republican Senators made the claim that senatorial courtesy should be shown them and in each instance Democrats took the ground that the facts revealed that the Senators were wholly at variance with the wishes of their constituents.

One of the bills repeals an act passed at the regular session restricting the boundaries of the town of Roseboro, in Sampson county. The statement was made on the floor that it had been conspicuously evaded by the committee that 45 of the 50 citizens who were legislated out of the town wanted to get back, the five who are satisfied including Representative Owens, who secured passage of the original bill.

A solid array of Republicans also found themselves helpless in their resistance to a bill transferring Catawba county from the 17th to the 16th judicial district. However, an amendment was passed postponing the effect of the bill to July 1, 1922, and thus enabling Solicitor Hayes, Republican, to prosecute the cases now on the Catawba county calendar. The bill was accompanied by a companion bill taking Polk county out of the 16th district and placing it in the 18th, it being explained that both changes were desired by the bars of the counties involved, and were in accordance with geographical boundaries which were violated in the re-appointment of 1913 because of the residence of judges then sitting. Both bills have already been passed by the House.

Less than ten new bills were introduced yesterday, but the number included three bills of State-wide interest. Senator Gresham proposed to memorialize the Virginia Legislature in regard to the proposed road between Elizabeth City and Norfolk; Senator Blue offered a proposal against State institutions trading among themselves, and Senator Men-denhall offered a measure making it possible for motorists to use "license applied for" tags under conditions approved by the Secretary of State.

The Senate also passed, without discussion, the House bill repealing the warehouse tax of 25 cents a bale

on cotton. As originally introduced by Representative McSwain, of Cleveland, the bill would have abolished the tax instantaneously and the warehouse loan fund of over \$200,000 which has been collected under its provisions would have been distributed to the several counties for use locally.

However, the measure as passed merely shortens the life of the tax one year, providing that it shall cease on June 30, 1922, and the fund already collected remains intact.

On the opening day of the session Senator Brown, chairman of the Agricultural committee introduced a joint resolution calling upon the Department of Agriculture for information as to the number of bales graded at each gin in the State and the amount of tax collected from each. The resolution was passed by the House on Tuesday, but the report has not yet been received from the department.

CHRISTMAS FRUIT GIVEN BY PUPILS

School Children Contribute Large Quantity For Local Institutions

Nearly ten bushels of fruit were contributed yesterday by the white and colored school children of Raleigh as a Christmas treat for inmates of the Soldiers' Home, St. Luke's Home, the State Hospital for the Insane, the Wake County Hospital, the State Prison, the Wake county jail and the county road camp and pupils of the county schools will add largely to the quantity today. Committees from the schools this afternoon will make up hundreds of baskets, which will be distributed before night.

The suggestion for giving the fruit and other good things to a meeting of school principals by Miss Winona Cary, principal of the Pilot Mills school, and was heartily endorsed. Yesterday was the day set for the school children of the city to make their contributions and today for the county children. The large quantity of fruit from the city schools was hauled to the office of John C. Lockhart, superintendent of the county schools, where the baskets will be made up this afternoon.

The plan suggested by Miss Cary that each pupil bring a piece of fruit was carried out with great success. Although some of the children brought paper bags filled with fruits of different kinds, the majority followed the suggestion by giving an apple, an orange, a banana, etc. Some went out of the bounds of the suggestion, and gave peaches, sweet potatoes, walnuts and canned goods. One jar of watermelon and preserves holds a treat fit for a king.

Mr. Lockhart's office yesterday took on the appearance of a first class fruit store, with barely space left for freedom of action for the superintendent and his office force. With many boxes expected this morning from the county schools, the superintendent will be forced to "call it a day" until the task of making up the Christmas baskets has been completed.

The committees will begin their work this afternoon at 2 o'clock, each school to have two pupils and a teacher as its committee members in preparing the baskets. The job will require most of the afternoon and then the distribution in big motor trucks will begin. Clarence E. Mitchell, of the Mitchell Printing Company, furnished transportation facilities yesterday.

The baskets will be sent as gifts from the school children of Raleigh and Wake county, with wishes of a merry Christmas for their recipients.

The average family of the fur seal is thirty two females.

WOMAN ON BIGAMY CHARGE

Mrs. Bessie May Wilson In City Jail; Warrant Issued For Bobbie Woods

Mrs. Bessie May Wilson is being held in the city jail on a charge of bigamy and the police are searching for Bobbie Woods as a result of the alleged marriage of the two after a judgment granting the woman a divorce from her husband, Donald Wilson, had been set aside last week in Superior court by Judge W. M. Bond. A warrant is issued for the arrest of Woods charges immoral relations. Mrs. Wilson was arrested by the police late Thursday night. Her trial in city court will probably await the apprehension of Woods.

Suit for divorce on statutory grounds was brought against Wilson by his wife and the case was aired in court last week. On day following the divorce decree Wilson appeared before Judge Bond and denied certain allegations in the complaint filed by the woman and the judge set aside the verdict and reopened the case to allow Wilson thirty days in which to file an answer. The judge's reasons for setting aside the verdict were that the complaint alleged immorality in Raleigh on a certain date, whereas Wilson stated to the court that he was not in Raleigh at the time and could prove it by his military record. Wilson is in the military service and is stationed at Langley Field, Virginia. The complaint also alleged that he did not know the whereabouts of Wilson and could not serve notice of the suit. Wilson countered this with the assertion

that his wife had full knowledge at all times that he was at Langley Field.

Following the setting aside of the verdict Mrs. Wilson and Bobbie Woods are said to have disappeared, and to have been married at a nearby town. Warrants for the arrest of the two were issued and the woman was placed in custody late Thursday night. The police have been unable to find Woods so far.

To Stop a Cough Quick take HAYES' HEALING HONEY. It Stops the Tickle, Heals the Throat and Cures the Cough. Price 25c. A free box of GROVE'S OPEN-TRATE SALVE for Chest Colds, Head Colds and Croup is enclosed with every bottle.—Adv.

DOUGLAS FAIRBANKS THE THREE MUSKETEERS

"All For One, One For All" Here you will see "Doug" in a genuinely great production of an incomparable story in which he attains the ambition of his life.

HENS LAY 104 EGGS A WEEK INSTEAD OF 5

Steady Egg Gain for Mrs. Pierce in Cold Winter Weather.

The week before we tried Don Sang, we got 5 eggs from 50 hens. The next week, from a package of Don Sang, we got 73 eggs and the next week 104. Some of our hens are more pullets and Don Sang started them laying.

Mrs. R. P. Pierce, Butler, Tenn. Mrs. Pierce started using Don Sang in the middle of January. Yet she got the eggs. Your flock can lay as well in cold weather, and we'll prove it.

Give your hens Don Sang and watch results for one month. If you don't find that it pays for itself and pays you a good profit besides, tell us and your money will be cheerfully refunded.

Don Sang (Chinese egg-laying) is a scientific tonic and conditioner. It is easily given in the feed, improves the hen's health and makes her stronger and more active. It is guaranteed to get the eggs, no matter how cold or wet the weather.

Don Sang can be obtained promptly from your druggist or poultry remedy dealer, or send 50c for a package by mail prepaid. Burrell-Dugger Co., 214 Columbia Bldg., Indianapolis, Ind.

Coming Soon Superba

Velocipedes for Boys of 8 to 10 Years Old—24-inch wire wheel in front, steel frame black enameled and fitted with spring seat, worth \$7.50. Here at \$5.98

Coaster Wagon—Made of selected lumber throughout, even the wheels roller bearing, long handle, stained in oak and trimmed in red— \$5.95 to \$9.95

Genuine "Kiddie Kars"—Strongly constructed and well braced, red wheels and steering handle, with yellow frame, offered in three sizes, marked special at, each— \$1.25, \$1.89, \$2.25

Engine and Tender—Large size, made to pull around, painted red and trimmed in gilt, a very pleasing toy for little boys; \$2.98 value . . . . . \$1.98

Decorated Tin Tea Set—Large assortment, 25% reduction— 19c and 98c

Mechanical Auto—Nicely decorated; strong spring; large assortment, 29c to \$2.98

Boys' Velocipedes, 16-inch front wheel with rubber tires, spring seat, for boys of 4 to 6 years old; \$6.50 value \$4.48

Toy Drums—6-inch size frame, made of tin fancily decorated, with two wood sticks, 48c value, at . . . . . 25c

Schoenhut's Pianos, with 16 keys, full tone, decorated tops, well stained, look just like full size upright pianos. \$1.98 values, priced . . . . . \$1.49

Mounted Dapple Horses, with saddle and bridle, wood base with wheels, good size; 98c value at . . . . . 59c

Blackboard—Two sides on easel; regular \$1.69. Special . . . . . \$1.29

Circus Cars—Painted red and green, filled with animals; were 69c and 98c. Now— 53c and 75c

Toy Kitchen Range, for little housekeepers, range in imitation brick, with blue enameled top, complete with set of cooking utensils, 48c value, at . . . . . 39c

16-Piece Tin Tea Set, decorated in neat design, each set in box, 98c value, set at . . . . . 49c

Wood Dominoes, in black with white dots, packed in box, 29c value, set at . . . . . 19c

Checker Board and Checkers, 15 inch board in gold and black with checkers to match, board at 50c, checkers at . . . . . 25c

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The 9-inch size, assorted figures, neatly painted, worth \$1.50, at each— 89c

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