

SUPREME COURT "BUSTS" "TRUST"

Holds "Open Competition" of Hardwood Manufacturers Unlawful

RESTRAINT OF TRADE JUDGE CLARKE SAYS

Washington, Dec. 19.—The open competition plan of the American Hardwood Manufacturers Association was declared by the Supreme Court today a restraint upon trade in violation of the Sherman anti-trust law. Department of Justice officials commenting upon the decision said it would form the basis for the government's policy towards hundreds of associations maintained by various industries to exchange price and other trade information. Activities of these associations have been under observation by the department for some time, but definite formulae of policy it has been stated by Attorney General Daugherty, awaited today's decision in the nation's highest court.

In rendering its decision the court divided six and three Justice McKeena, Holmes and Brandeis dissenting. It sustained the United States district court for Western Tennessee, which in April, 1920, granted an injunction perpetually restraining the association from entering into further agreements under the plan for building the further distribution of statistical information under the plan and directing the abandonment of all efforts whatsoever having the purpose or tendency to enhance or maintain prices.

Competition Restricted

The opinion of the court was delivered by Justice Clarke who described the organization of the association's statistical bureau explaining in detail its methods for both obtaining and disseminating information concerning the trade and asserting it was a clear combination to restrict production and to increase prices. Concerted action among the members was obtained, he stated, not only by the distribution of reports issued under the open competition plan, but by frequent meetings and questionnaires.

The meeting of the members resulted in concerted action Justice Clarke, stated, to raise price regardless of conditions, and the plan was termed by him "misleading and manipulative" and "an old evil in a new dress and a new name." He added that instead of a plan to promote open competition it operated to restrict competition. It was futile, he said, to argue that the plan was merely to furnish information which could not be otherwise obtained. The secretary of the Association, through an expert statistician, he asserted, utilized replies to questionnaires and other information furnished by the members of the Association as the basis for bulletins and advice. These replies, he said, also were utilized in predicting and promoting advances in prices, by withholding of products from the market awaiting higher prices.

Sees Nothing in It

Justice Holmes in dissenting stated that the method of the association could not be objected to in "this country of free speech" as a combination in restraint of trade; that while it was a combination among sellers it was not unlawful, that its meetings and information circulating through its bureau was open to the public, that a combination before it can be termed unlawful must engage in an unreasonable restraint of trade and overreach normal market conditions. In the practices of the association he saw nothing that was different from the results pronounced by the government in the distribution of market reports and other information for producers, except that the association sought to reach members "in the backwoods," to whom was not available much of the government information.

TO ESTABLISH UNIVERSITY FOR DISABLED SERVICE MEN

Washington, Dec. 19.—Director Forbes of the Veterans bureau probably soon will ask President Harding to approve the choice of a site for a vocational training university for former service men in the South, it was said today at the bureau. It was believed, officials said that Colonel Forbes would ask for one of the army cantonments in the South, such as Camp Johnston, at Jacksonville, Fla., to be converted into one of these training institutions, which are to be established in the different sections of the country under the bureau's new educational policy.

WENT TO RESCUE COUSIN, LURES HIS OWN LIFE

Charleston, S. C., Dec. 19.—Going back to rescue her little cousin, Alice Oliver, three, from cotton flames near Sellers, Louise Oliver, eleven, also lost her life Wednesday it became known today. The children were found in the ruins of the pack house locked in each others arms charred beyond recognition.

CALIFORNIA'S ANTI-ALIEN LAW IS CONSTITUTIONAL

San Francisco, Cal., Dec. 19.—The constitutionality of the California anti-alien law forbidding aliens ineligible to citizenship from owning or leasing agricultural lands was upheld today by a court of three Federal judges. Several other states have enacted laws patterned on the California act.

ATLANTA FEDERAL BANK REDUCES INTEREST RATE

Atlanta, Dec. 19.—A reduction of the interest rate on all classes of papers from five and a half per cent to five per cent was announced today by M. B. Wellborn, governor of the sixth Federal reserve bank.

France Decides To Accept Plan For Small Navy

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with any recession on the capital ship question the French would attempt to associate some form of assurance that they will be given the privilege of increasing their submarine strength. There is no tendency to link the two into the formal agreement but it is apparent the French want it made perfectly clear that whatever ratio they accept for capital ships shall not apply also to auxiliary craft.

It is not improbable that the French representatives also will want such a modification of the usual holiday plan as will permit them to replace their present obsolete battleships with vessels of the post-Jutland type so far as they can build them within the specified tonnage limit. Because of the war the French naval experts declare their fleet is badly in need of replacement, and there seems to be no disposition to dispute that claim.

SENATOR REED ARGUES BIG CASE IN BOSTON

Boston, Dec. 19.—Complications very serious in nature that have developed in the Senate committee considering the refunding of our foreign loans, were urged by United States Senator Reed in the supreme court today, as reasons for the postponement of the trial of District Attorney Joseph C. Pelletier on charges of malfeasance in office. Senator Reed is counsel for the District Attorney. He asked the court to postpone the proceedings until next Thursday at the earliest.

RICHARD CROKER SERIOUSLY ILL AT HOME IN IRELAND

Fryer, Okla., Dec. 19.—A cablegram stating that Richard Croker, former Tammany chieftain of New York, was very ill sent his wife, Mrs. Blanche Benton Edmondson Croker, has summoned Bruce Garrett, a local citizen hurriedly to Ireland, it became known today. Mrs. Croker is a daughter of Mr. and Mrs. M. S. Edmondson of this city.

Petersburg Merchants Fleece

Petersburg, Va., Dec. 19.—Government officers arrived here today in response to telegrams stating that a "gentleman crook" had fleeced several merchants out of money and merchandise amounting to approximately \$300, by cashing bogus money orders. A local jeweler lost a diamond ring valued at \$72 and \$28 in cash. A clothier is out of \$40 in cash, while a furniture company is out of \$45 in cash.

HOLDS PICKETING OUTSIDE POLICE POWER OF STATE

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opinion of dissent delivered by Justice Brandeis should be sustained, "because in applying its rule in regard to boycott and peaceful picketing Arizona did not deprive the plaintiffs of property without due process of law or deny them equal protection of the law" and "because if Arizona was prohibited from adopting this rule of substantive law it was still free to restrict the extraordinary remedies of equity where it considered their exercise to be detrimental to the public welfare.

for such restriction was not a denial to the employers of either due process of law or equal protection of the laws."

The real object of an injunction, Justice Brandeis said, was to prevent injury to persons or tangible property, and unless there was a threat of such violence an injunction should not be granted in the Arizona case.

Injunction Not the Remedy

Justice Pitney's line of reasoning in announcing his dissenting views was similar to that of Justice Brandeis, holding it within the police power of the State to regulate and control all acts in breach of peace or of violence whether originating in labor disputes or otherwise. He stated that the employers had ample protection of all their rights in the courts through other measures than injunctions.

The case arose out of a strike in Bisbee, Arizona, in which William Traux and other employers sought an injunction to prohibit foramen employees from picketing.

DOUGHTON FIGHTS HIS LAST BATTLE IN HOUSE

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on the consideration of naming the baby of Representative Leslie Johnston, of Pender, born last Thursday while the member was in Raleigh. Mr. Crisp offered a resolution, officially naming the child Carolina, with the suggestion that nobody be allowed to amend the resolution except the Penderite. And so the young lady becomes the first lady ever named formally by the House of Representatives of the State.

Proponents of the Dunlap tax penalty repeal secured the promise of Mr. Crisp to move a reconsideration of the measure when the House convened, parliamentary procedure requiring a member who voted with the Saturday majority to make the motion. Mr. Crisp made it, and immediately asked the House to vote it down. It was done but not immediately. Intervening was an hour of the sharpest debate that any recent session has encountered.

Connor Leads Off

Mr. Connor was the first to take the floor to inveigh against the measure. He declared that it was the big tax payer who deferred the payment of his taxes, that it was the little man who paid promptly, and that because of the aliveness of larger tax payers, it had been the experience of his county that school teachers had to go home without being paid.

During the whole of the debate Mr. Crisp kept generally in the middle aisle of the House, interrupting here and there with observations. After Mr. Connor's speech he offered as reason for his motion the statement that supporters of the bill had charged that steam roller tactics had been employed in the fight Saturday. He wanted to get the bill out in the open and chloroform it properly.

Indictment of the whole tax situation was made by Everett of Durham in what was no doubt the best speech that he has made during his tenure in the House. He protested against further disruption of the system that had already been tinkered with until it is "the worst muddle that we have ever had in North Carolina." Addressing himself to the matter of taxation generally, he recited many instances of discrimination in his own county. Among them a piece of property

bought recently for school purposes in Durham, for which the city paid \$90,000, and it is listed on the tax books at \$45,000. Other similar cases of undervaluation brought about by the indiscriminate reduction in values were cited. He protested against any more tampering with a law that had been laid down as the settled principle of taxation.

Doughton Wades In

All the while Representative Doughton had been sitting tense in his seat, waiting for the time to speak. First he contacted the ruling of the speaker that the motion by Mr. Crisp was in order. He contended that the bill was before a committee, and could not be taken away under the rules of the House until five days were elapsed. The Speaker ruled against him, and he turned to the merits of the Dunlap measure.

Again he appealed to the House to stick to the principle that had been adopted, the principle that provides for a deduction when taxes are paid in advance, that provides for their payment at par within certain periods, and that provides that those who defer payment shall bear the burden of paying the interest on money that the county must borrow until taxes are paid.

Bowie of Ashe, leader of the fight for the Dunlap bill returned to the fray with the declaration that the principle of rewards and penalties is wrong and that it ought to be abolished. Murphy waded into the fight with a long passage with Crisp, and Dr. Whitaker ended the debate proper with an appeal for the penalty provision.

Senate At Standstill

The clash of debate that filled the lobbies, and many members of the Senate had come into the chamber, necessitating an interruption while the Speaker asked the visiting Senators to return to their chamber to restore a quorum. Business was in a state of suspended animation across the Hall. They left, but somewhat reluctantly. It was the first battle of giants of the session.

Grant went into action on a parliamentary front. He declared that the Speaker's ruling, if sustained in the House, would change the House into a mob, working without rules, that it was going into the matter without any precedent, and without any consideration of the established methods of procedure. The Speaker ruled against him, and the Representative proceeded with his argument.

Demands for a roll call on the question were not heard in time by the Speaker, and upon his inability to determine the issue on the yeas and no vote, a standing vote was recorded with a 43 to 40 result, and the Dunlap bill remained in the Finance Committee, with little prospect of emerging before the session adjourns sine die.

Night session in the House saw nothing by way of interest, save for the reassertion of his kinship to Avery county by Representative Crisp, of Dare. He moved to reconsider his relative's primary bill, killed with some considerable ceremony last week, and by dint of his own persistence, induced the State to reconsider and pass it. The Senate with equal promptness laid it on the table, and Avery will have to content himself with relatives and no primary.

Mr. Crisp brought out an armload of petitions and read some of them. Mr. Hendricks brought out another armload, hastily passed out by Representative Hicks, but these were be-

lieved a little later when Mr. Ross casually inquired if the petitions were newly signed. It was admitted that some of them had been in service here for several years. The House laughed, but voted for Mr. Hicks, after he had told how he lost his arm in a sawmill, and even as he watched his life blood flow away, he thought of the Avery county primary.

LONG TURNS AGAINST HIS PUBLICITY MEASURE

(Continued From Page One.)

amended the general law, making it possible for the State road bonds to bear six per cent interest. The bill was recalled from the office of the controlling clerk and the error corrected. Several similar errors have been discovered in the rush of legislation and it is predicted that there is a possibility of still others creeping out after adjournment.

Double Assurance

The Municipal Finance Act passed without discussion and Senator Delaney got through his scheme for the correction of the journal of March 2, which contained the error that caused the bill enacted at the regular session of the legislature. The Senator from Mecklenburg cited authorities to sustain his position that the action of the Senate will enable the cities to fall back upon that measure in the event that further flaws shall be discovered in the bill of this session, which has already once been frowned upon by the Supreme Court, with the result that it became necessary to retrace the steps leading to its passage.

There was no opposition to the bill validating school taxes, but Senator Burgwyn, of Northampton, desired the measure explained. The bill validates all levies made for this year, requires the same levies for next year as a requisite to participation in the state equalization fund and changes the flat requirement for such participation from a tax of 30 cents to a tax of 20 cents. Senator Woodson, chairman of the committee, explained that the bill will af-

fect a maximum of seven counties as all the others have already levied a sufficient tax.

Pension Bill Brings Debate

The pension bill provoked one of the stiffest debates of the session, but the measure was carried by a vote of 23 to 9 over the protest of Senators Harrell and Long, of Alamance, who thought the present requirement of marriage before 1875 before a widow can draw a pension a wise one, and deplored any step that would diminish the amount of pensions received by actual veterans. Senator Varner was of the opinion that the number of deaths would equal the widows to be placed upon the rolls but Senator Harrell quoted the State Auditor as holding a contrary view.

The bill permitting the State Department of Education to place school districts operating under a special charter under the general law was tabled by a vote of 16 to 14.

Senators Woodson, Varner and Long, of Halifax, explained that the bill confers no authority under the state department and that the changes contemplated can be made only by application of the local authorities. However, Senators Gallier, Dunlap and Burgwyn, of Northampton, raised the battle cry of "anti-centralization" and it proved effective.

Delay Loses Again

The "ox-eye" daisy, choice by a plurality of 12,900 in a referendum held among the school children of North Carolina to select an official flower for the State last night made a last stand in the Senate, but the bill was again tabled, by a recorded vote of 17 to 14.

The vote by which the bill was tabled Saturday was reconsidered 60 motion of Senator Walker and Mrs. Walker, who sent the measure to its first death, stated she had "sinned," according to Col. Olds in insinuating the flower was brought to the State in the hay used by Sherman's army. However, Senator Cameron was still willing to "sin" and was of the opinion the bill was an outrage, a view shared by Senator Burgwyn, of Northampton.

The Senate also killed the Avery

county primary bill which had been revived by the House at the last minute.

The session last night closed with a minimum of the ceremonies which usually mark the end of a session. The only presentation was a walking case, given to Major David Gaster, sergeant at arms by the colored laborers, through Senator Long, of Alamance.

The Senate facetiously adjourned "in honor to the dead bills that are sleeping in the vest pocket of the Grand Old Man from Alleghany" on motion of Senator Burgwyn, of Northampton, whose feeling over the death of his bill reducing the personal property exemption from \$300 to \$100 provoked him to lengthy comment with Representative Doughton as his target. "The vestpocket of the Grand Old Man contains the whitened bones of more political aspirations than any sarcophagus in North Carolina," he declared.

STRONG SPEECH BY POU AGAINST ANTI-LYNCH BILL

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voting to determine definitely whether it will be possible or him to participate with St. John's lodge on that occasion. The suggested visit to New Bern has appealed to him very much; not alone because of the very great age of the lodge and the commemoration of the 150th anniversary of the visit of President Washington to that lodge, but the President remembers the numerous messages of felicitations which he received from your State when he took the Scottish Rite degrees. Because of these things he has very much wished to visit St. John's lodge.

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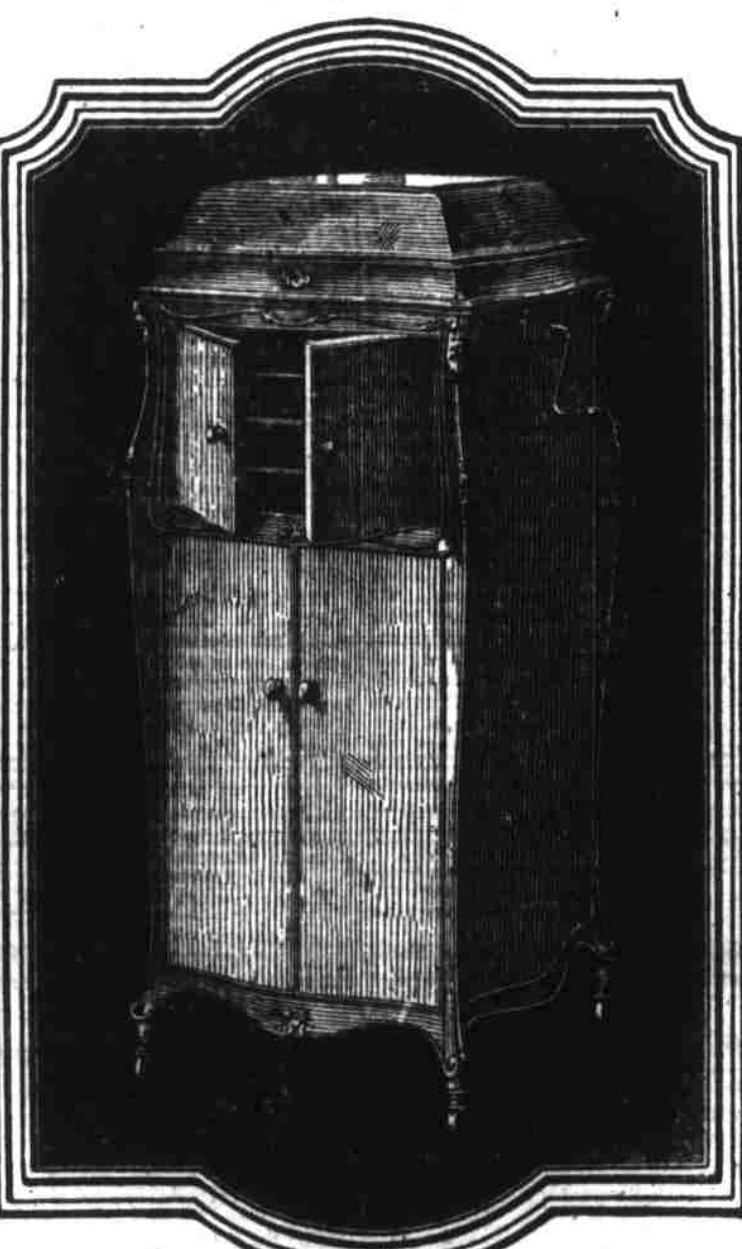
and say a word of fraternal greeting to the Masons there and throughout the great State of North Carolina. He finds however, that he is called upon to cancel all travel engagements, tentative or otherwise, for the month of January. There is a pressing time which will not admit of his leaving the capital. You will understand the necessity of this conclusion when I tell you that he has cancelled a tentative proposal to address the Ohio Society in New York at approximately the same time. Quite apart from these things, he finds that Mrs. Harding has long since dated the Diplomatic dinner for January 19th and the entire of official social program at the White House and among cabinet members has been so adjusted to that date that it is quite impossible to change it. Under all these circumstances, much to the President's regret, he directs me to say that it will be utterly impossible for him to come to New Bern for this occasion. You may be assured that his disappointment is very genuine and it will not be entirely dissipated until some future opportunity is offered for the utterance of greetings which he had so much hoped to make at this time."

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