

THREAT AGAINST WITNESS IN CASE

Another Sensation Marks Seventh Day of Trial of O. G. Thomas

Raleigh, Feb. 21.—A crowd which packed the courthouse in attendance upon the trial of O. G. Thomas, for the murder of Arthur J. Allen was given a decided sensation today just before the noon recess when Judge Webb asked the jury to leave the room and then announced that it had reached the ears of the court that one of the Lawings had made threats against a minister who had testified at the morning session of the court.

The judge asked that some one who could make an affidavit to the facts do so and present it to him when convened this afternoon. Judge Webb said he certainly would punish any one who threatened a witness in his court. When court reconvened an affidavit was handed Judge Webb and after reading it he asked that the man mentioned in the affidavit be cited to appear Thursday morning at 10 o'clock to show cause why he should not be adjudged in contempt of court.

The affidavit which was made out by Rev. D. P. Grant, Methodist minister of Gold Hill, it was stated that he had appeared as a witness for the defense in the Thomas case this morning and had testified that E. E. Lawing, State's witness, had a bad character when Grant lived at Kannapolis. When Grant left the court room he said Matt Laffey, son of E. E. Lawing, accosted him in the lobby and accused him of having lied and spoke of throwing him down the steps, later threatening to come to Gold Hill and get the minister. Lawing said he had just gotten one of the army in time to hear the minister swearing to lie, the affidavit said.

When court adjourned for the day all the evidence was in, and H. S. Williams, for the State, had addressed the jury. John J. Parker makes the first speech for the defense Thursday morning and the attorneys will probably use up the entire day. Mr. Williams argued for a first degree verdict.

Coming over from yesterday was the matter of deciding the admissibility of certain evidence leading to discredit the testimony of Thomas and Mrs. Lows in several particulars.

After argument and the citing of cases by attorneys this morning Judge Webb ruled that the evidence was not admissible.

Woman With Thomas. The main witness of the day was Mrs. Gladys Kinshel who was put up to show that she was the woman seen with Allen and also alone in the road during the absence of Allen; two witnesses having testified that the woman they saw on this occasion was Mrs. Lows. She said she rode from Concord to Kannapolis with Allen the evening of the homicide and he left her alone in the road while he went to see P. M. Mangum at the mill near by.

Allen and Mangum came and picked her up and down the road a piece she and Mangum got out of the car and Allen went on to Kannapolis expecting to come back again and pick them up. Ten minutes after he left them she said she heard the shots and learned some time afterward that Allen was killed.

Mrs. Kimball was put through a severe cross-examination during which it developed that she had a police record in Concord. Several witnesses corroborated Mrs. Kimball in certain particulars and the State introduced several witnesses to give her a bad character. Mrs. Robert Lows was recalled and stated that her hair is the same color now it was the night of the homicide. It is a dark brown while witnesses who saw her woman in the road and with Allen said she had light golden hair.

Mrs. Allen On Stand. Mrs. Arthur Allen was the last witness heard she being recalled to tell the movements of her husband just prior to his leaving home for Kannapolis the evening of the homicide.

The second hearing of this case which was moved here from Cabarrus county began last Wednesday afternoon being consumed in seating a jury, the taking of evidence occupied the court for six days. Large crowds have attended each session of the court and Judge Webb has controlled the situation in splendid manner. There has been an absence of outbreaks of any kind and the occasional fits of laughter were suppressed immediately, the conduct of the entire case being marked with dignity.

LEGISLATIVE GRID

New Senate Bills

The following new legislation was offered in the Senate yesterday:

S. B. 724, by Hodges: To protect game laws in Mitchell county.

S. B. 725, by Sams: To limit indifference of subdivisions of the State.

S. B. 726, by Heath: To provide pensions for colored persons who served in the Confederate army.

S. B. 727, by Harrison: To regulate automobiles for hire in Richmond county.

S. B. 728, by Harrison: To validate certain expenditures of the town of Rockingham.

S. B. 729, by Harrison: To authorize the removal of a cemetery in the town of Rockingham.

S. B. 730, by Ebbs: To create sanitary districts in Buncombe county.

S. B. 731, by Ebbs: To require the auditor of Buncombe county to enter certain items on the tax-assessor's records.

S. B. 732, by Parker: To permit county boards of commissioners to make appropriations for chambers of commerce.

S. B. 733, by Boyette: To place the sheriff of Stanly county on a salary.

S. B. 734, by Wolfe: To require the Printing Commission to pass upon publications of the State Economic and Geological Survey.

S. B. 735, by Griffin: To validate certain bonds of Putnam Graded School district.

S. B. 736, by Varner: To honor the memory of former Senator Frank Thompson of Onslow county.

S. B. 737, by Haymore: To fix the fees of the sheriff of Surry county.

S. B. 738, by Hicks: To authorize Granville county to issue road bonds.

S. B. 739, by Walker: To amend the law relative to the extension of time for beginning work on railroads.

S. B. 740, by McDonald: To make the fees of clerks of the superior court uniform.

S. B. 741, by Brown: To amend the law relative to the quarantine office of Columbus county.

S. B. 742, by Ebb: To revise the official system of Guilford county.

S. B. 743, by Mendenhall: To amend the State banking law economy.

S. B. 744, by Giles: To amend the law relating to court stenographers.

S. B. 745, by Wake: To relieve clerks of the superior court of certain uncollected jury fees.

S. B. 746, by Harris of Wake: To provide for the recording and indexing of mortgages on real property.

S. B. 747, by Giles: To authorize the payment of mileage to Miss Sarah Harrell.

S. B. 748, by Harris of Wake: Relative to mortgages of wards' estates by guardians.

S. B. 749, by Harris of Wake: To authorize refunding the bonded indebtedness of the Western Wake Highway.

S. B. 750, by Harris of Wake: To provide for elections on establishment of recorder's courts at Wake Forest and Wendell.

S. B. 751, by Giles: To permit the holding of election on the establishment of a hospital in McDowell county.

Senate Bills Passed

S. B. 555—H. B. 871: To authorize the erection and maintenance of a new courthouse and municipal building by the city of Charlotte and other counties.

S. B. 746: To honor the memory of former Senator Frank Thompson of Onslow county.

S. B. 508—H. B. 870: To aid in the development of high finance in the State.

S. B. 618—H. B. 871: To provide for an annual audit of the accounts of all the officers of Stokes county.

S. B. 619—H. B. 872: To require the board of education of Pitt county to file an annual financial statement.

S. B. 616—H. B. 873: To partly reimburse E. K. Ferrell of Pasquotank county.

S. B. 747: To validate the recording of certain plats of subdivisions of land in Duplin county.

S. B. 748: To fix the salary of the register of deeds of Surry county.

S. B. 621—H. B. 882: Relating to county commissioners of Rutherford county.

S. B. 622: To facilitate examination of titles and create a presumption of payment of mortgages after 19 years.

S. B. 623: To amend the law relating to eminent domain.

S. B. 737: To regulate the fees of the sheriff of Caswell county.

S. B. 625: To validate an election in Lenoir county.

S. B. 626: H. B. 741: Relating to the business of Duplin county.

S. B. 734: To protect game in Mitchell county.

S. B. 628: To regulate automobiles operated for hire in Richmond county.

S. B. 728: To validate certain expenditures of the town of Rockingham.

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S. B. 749: By Harris of Wake: To authorize refunding the bonded indebtedness of the Western Wake Highway.

S. B. 750: By Harris of Wake: To provide for elections on establishment of recorder's courts at Wake Forest and Wendell.

S. B. 751: By Giles: To permit the holding of election on the establishment of a hospital in McDowell county.

H. B. 881: To protect squirrels, quail and turkeys in Pamlico. H. B. 882: To reduce certain townships in Columbus.

H. B. 883: To prohibit Sunday sales near churches in Gaston county.

H. B. 884: To establish rural patrol and appoint rural police in Buncombe county.

H. B. 885: To provide for uniform system of protecting maps in Buncombe.

H. B. 886: To prohibit carnivals in Alamance.

H. B. 887: To relieve public library in Wilmington.

H. B. 888: To protect game in Davie county.

H. B. 889: To amend act creating Concord Cemetery Commission.

H. B. 890: Relative to non-resident executors in Polk county.

H. B. 891: To incorporate Mountain View College, Wilkes county.

Supreme Court Dismisses Appeal in Power Rate Case

(Continued from Page One)

and went to the jury on the issue of the reasonableness of the schedule of rates fixed in the order of the Corporation Commission.

Before the empanelling of the jury, the case of power mills, admitting the reasonableness of the rates fixed by the Commission, with the exception of the issues and findings of fact and moved to dismiss the appeal and proceedings on the ground that the Corporation Commission was without jurisdiction because of the interstate character of the question involved.

While the Cannon and Johnson group joined in this motion to dismiss they insisted on their exceptions of fact and introduced their evidence on the issues. This went to the jury and a mistrial resulted.

While the jury was considering their verdict, counsel for these two groups of mills moved that the order of the Commission be set aside for the reason that the rates fixed would bring about an unlawful discrimination in favor of South Carolina and because of errors in the basic principle of valuation fixed by the Corporation Commission.

"The issue now pending in the Superior court involving as it does whether the rates established by the Commission shall prevail for companies of this character," says Justice Hoke, "must be regarded as a single, entire, and inclusive" with three of twenty-four or twenty-five respondents may not sever themselves from its effects and presently prosecute on their appeal. If this were allowed and they fail in establishing their motion to dismiss, they could still have the benefits of the ultimate finding of the jury in the cause, in case the rates fixed by the Commission are set aside. It appearing, therefore, that no final judgment of the Superior court respecting the rights of these parties has been entered and no such judgment can be entered while this, the controlling issue, is pending and undetermined, their appeals like the others must be dismissed as fragmentary and premature."

"There could be no better illustration of the wisdom of the rule disallowing fragmentary appeals," that the instant case, where there are at least 24 persons and companies notified and with the right to be heard and seventy or eighty appeared. If three could sever their case from the dominant issue, others could do the like and as said in Pritchard's case: "Each claimant considering himself aggrieved could bring his cause here for consideration, litigation of this character would be indefinitely prolonged, costs unduly enhanced and the seemingly and proper disposition of cause prevented."

CLARK POINTS OUT REVENUE SOURCE

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of the ad valorem tax on the money invested in stocks and bonds, from all taxation and the impossibility of deriving more revenue therefrom from an ad valorem tax upon other property already so heavily burdened, it is absolutely necessary that there shall be a new source of revenue.

He cited decisions which upheld the Pennsylvania 1 1/2 per cent tax in the value of anthracite coal at the mine ready for shipment; the Alabama tonnage tax of 2 cents; the Louisiana Severance Tax of 2 per cent on all the timber cut and minerals mined; the Minnesota occupation tax of 6 per cent on the value of all ores mined bringing into the treasury two billions yearly; the Texas gross production tax of 1 1/2 per cent tax on all petroleum produced which yields the State five millions; the Oklahoma Gross production tax which brings into the treasury eight millions yearly.

"These taxes," declares Judge Clark, "go far to assert that the coal and oil which are placed in the ground by nature are not exempt by public ownership and that, in fact, they are the property of the whole people operated in private hands upon a small rent in the nature of a tax. But at any rate the assertion of this power over them not only opens up a new source of revenue to the State which can thus be drawn from the same source from which so many gigantic fortunes have been built—vast sums which might have gone into the public treasuries. The tax now laid on these properties indicate that the extent of the control of these properties and public utilities rests with the public and not with those who exploit these vast sources of revenue."

Temporary Lull in Senate Filibuster Against Harding's Ship Subsidy

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that aided in the talking campaign. Stolidly standing on guard with their forces within call, Chairman Jones, of the commerce commission, who is in charge of the bill, and other administration leaders continued to await the exhaustion of the opposition or an opening where the use of strategy would allow them to push on with consideration of the legislation.

How Day Passed.

The following shows in brief how the Senate spent the day:

"11 a. m., convened after the recess taken at 11:30 o'clock last night. Senator Harrison, Mississippi, made the point of no quorum and fifty-nine Senators, some of them rather

sleepy-eyed, answered to their names.

"11:13 a. m., Senator Reed, Missouri, resumed his address begun last night in support of his resolution looking toward purchase by the United States from Great Britain and France of their Caribbean possessions.

"1:15 p. m., Senator Reed concluded and on a quorum called demanded by him in closing, sixty-nine Senators answered.

"1:37 p. m., Senator Borah began his speech on recognition of Russia.

"2 p. m., Senator Borah concluded and Senator Lodge began a reply.

"4:47 p. m., Senator Lodge finished his reply and Senator Williams, Mississippi, took the floor to give an address analyzing the preceding speeches.

"6:30 p. m., Senator Williams gave up the floor. Senator Harrison called for a quorum, 70 Senators answered, and Senator Lenroot, Republican, Wisconsin began a speech on farm credits and carried the Senate into the night session.

Line of Battle Is Drawn Around Proposal To Exempt Foreign Stock

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North Carolina merchants' Association was the lone spokesman for the bill before the committee yesterday afternoon when the discussion of the water began heated.

Under the leadership of Lindsay Warren supported by Everett of Durham, Bowie, of Ashe, and the silent alliance of Revenue Commissioner R. A. Doughton who sat in the lobby and watched the conflict, heavy assaults were made on the amendment. With equal ability under the leadership of Parker, of Alamance, the proponents of the measure fought back and the House was in the midst of an issue that raked into the power light of 40 years ago.

Representative Connor, chairman of the House Finance Committee brought the bill to the floor, read and explained two score amendments that were incorporated by the committee, and proposed that the House adopt the entire list of amendments, and then let any member send forward any proposal to strike out such amendments as did not meet his judgment. That action was taken, and Representative Warren took the floor.

Under his counter amendment the Parker amendment would be stricken from the bill, and the statute restored to its original provisions that all stock in foreign corporations residing in the State should be subject to ad valorem tax levied by the city and county in which the owner resided. Mr. Warren announced that after debate, he would call the previous question, and he would demand the yeas and nays.

Everett of Durham opened the opposition, declaring that the exemption was without the sanction of the constitution, either of the United States, or of the State of North Carolina, which requires that all property where ever situated, should be taxed. Specific exemptions were made in the fundamental law, he declared, and the General Assembly had no power to add to them.

Proposed To Set Aside Dismemberment Cape Fear and Yadkin Valley Passes

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the morning hour while the bill prohibiting the marriage of first cousins introduced by Senator Jones of Allghany was last night taken from the unfavorable calendar and made a special order for 8:30 o'clock tonight. The Senate substitute for the Milliken-Knott bill, the prohibition act conforming State laws to Federal laws and other important measures were reported by committees last night and placed on the calendar.

The Mendenhall resolution to examine into the alleged fraud connected with the sale and division of the Cape Fear and Yadkin Valley Railroad in which the State was a minority stockholder and which is now split at Sanford was passed after the sharpest debate of the entire session, although the final vote was by the overwhelming margin of 43 yeas to 8 nays.

Allege Violation of Order.

It is alleged by proponents of the Mendenhall resolution that division of the road at Sanford violated the order of the United States court under which the sale was made. The Atlantic Coast Line took the portion of the road east of Sanford, while the road from Sanford to Mt. Airy is operated as the Atlantic and Yadkin—under the control of the Southern Railway. It is also alleged that the purchase price of about \$5,000,000 represented far less than the real value of the property. At the hearing before the committee Tuesday, George B. Elliott, vice president and general counsel for the Atlantic Coast Line asserted that in all respects the sale and subsequent division were legal and proper.

The matter has been constantly agitated in the General Assembly for more than 20 years and in 1913 a joint resolution was passed directing the Corporation Commission to determine the facts surrounding the sale and transmit them to the Attorney General in order that proper action might be taken. Former Governor T. W. Bickett, then Attorney General, ruled that action should properly be taken in the courts of the United States and requested the Attorney General of the United States to institute such an action. However, no action was ever taken by the Attorney General of the United States and the matter was revived in 1921

proved by the court as being in the public interest. The present bill exempts "mills" and the new law exempts cotton mills. It is said that in a number of instances, not by in a development of the Southern Power Co. in Burke county, numerous developments have been held up by small grist mills. Senator Arnsfield stated that Attorney General Manning had pointed out a passage of the bill might mean the impairment of the sewerage systems of the State Hospital for the insane at Morganton. Senator Squires, however, stated he represented Burke county, that there had been no complaint from the institution and thought the case amply covered by general law.

The only other public bill of importance acted upon at the morning session was a measure introduced by Senator Squires, providing for the easier examination of titles and containing a provision that after 15 years a mortgage shall be presumed to have been paid unless notice is given.

Among the local bills offered yesterday is the Davis of Hyde bill that would allow the people in certain sections of the county to vote upon whether they will remain in stock land territory or whether the county shall return to the free range era. Similar legislation for Currituck county is pending and along with it a bill providing for State-wide eradication of the tick, involving an appropriation of \$150,000.

Exemption of property under mortgage from taxation to the extent of the mortgage is provided for in the measure submitted yesterday by Representative Hauser, of Stokes. An amendment to the constitution involving practically the same provision was offered some days ago by Representative Carr, and has been reported unfavorably. The Hauser bill would apply only to residence and agricultural property.

Provision for local self-determination of the text book problem will probably stop the Deaton amendment to the constitution. "He was among the first to introduce bills for free text books during the session, and later submitted another bill providing for a tax on soft drinks of one cent per drink the proceeds to be applied to a State text book fund. Both bills have been killed in committee.

BRYAN SPEAKS AT TARBORO TONIGHT

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is expected to come to the city to welcome the Comconer and the other distinguished speakers who are to go on to the Edgecombe county capital for tomorrow night's gathering. The Tarboro delegation, headed by Hon. W. A. Hart, who will be the trio will be with in Tarboro, will likewise attend the banquet and share in the honors tendered by the local club.

After the luncheon the Tarboro delegation, augmented by the officers of the local club and probably a number of members, will escort Mr. Bryan, the Governor and Mr. Daniels over the new hard-surfaced highway to the Edgecombe capital, where Mr. Bryan will speak at the Farmers' Warehouse tomorrow night for the benefit of the Kiwanis educational fund.

Many persons from this city and throughout the section are expected to go over for the speaking.

To Put On Music Festival. Greensboro, Feb. 21.—The Rotary Club of this city is behind plans for putting over a music festival to be held in May.

Germany has 6,000,000 men with experience in the field.

THAT CROUPY COUGH A SIGN OF DANGER

Every mother dreads that horrible sound—a croupy cough. You need not suffer that horror. Give the little one Cheney's Expecto-rant, and if you have called the doctor there won't be much for him to do when he gets there. You should always keep Cheney's Expecto-rant in the house, for you never know when you may need it to save your little one from suffering.

Cheney's Expecto-rant is for sale by all druggists and in smaller towns by general merchants in 30s and 60c bottles.—(Adv.)



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An Good-year Special Traction Cord is not only a great safety tire, but it is also a great money saver. It will last longer than any other tire you can buy for the money.

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THE WEATHER

Raleigh, N. C., Feb. 21, 1923.

North Carolina Fair Thursday; warmer on the coast; Friday cloudy and somewhat colder.

Highest temperature 43
 Lowest temperature 22
 Mean temperature 33
 Deficiency for the day 6
 Average daily excess since January first 5.8

PRECIPITATION (in inches)

Actual for the 24 hours ending 5 p. m. 0.00
 Total for the month to date 2.37
 Deficiency for the month 9.55
 Deficiency since Jan. 1st 2.05

HUMIDITY

8 a. m. 31
 11 a. m. 31
 2 p. m. 38
 5 p. m. 38
 10 p. m. 41

PRESSURE

at 9 a. m. 30.52
 at 10 a. m. 30.51
 at 11 a. m. 30.51