

WASHINGTON, May 29.—Forecast for North Carolina: Fair Tuesday and probably Wednesday, little change in temperature.

ESTABLISHED 1868.

"DEDICATED TO THE UP-BUILDING OF WESTERN NORTH CAROLINA"

ASHEVILLE, N. C., TUESDAY MORNING, MAY 30, 1922.

PRICE FIVE CENTS.

Approval of Soldiers' Bonus Bill by Senate Committee Forecast

MASS REVEALS MAJORITY FAVORS HOUSE MEASURE

Expect Bill to Be Reported Out in the Immediate Future.

M'CUMBER READY TO PRESS FOR ACTION

Question Whether Bonus Should Replace the Tariff Bill.

WASHINGTON, May 29.—Approval of the senate finance committee on Wednesday of a soldiers' bonus bill following closely along a line of the house measure with its bank loan provision was forecast today by members of the committee, republicans and democrats, who were publicly discussed for nearly two hours.

An informal canvass of the committee today indicated that the members were divided, 9 to 6, for the house measure with some modifications, the so-called McCumber plan. However, all republicans were reported in support of the Smoot proposition of paid-up life insurance for the veterans in lieu of all other forms of compensation, while one committee member, Senator Williams, democratic, was understood to be opposed to any bonus legislation.

Whether a land reclamation provision is to be included in the McCumber plan is an open question and consequently it may be some time before a bonus bill is reported to the senate. However, the McCumber bill is expected to be reported in the immediate future and he expects to press for action as speedily as is possible.

After reaching the senate, the bill, in the usual course, would go to the committee on veterans' affairs, which is called up by Senator McCumber. There is a difference of opinion among republican leaders as to whether the bonus should displace the tariff bill at any time.

Both the McCumber and Smoot plans have been outlined in some detail to President Harding with a view of obtaining an expression of opinion from him. The McCumber plan was presented to the president today with their consideration, without having received any word from the executive.

Proponents of the McCumber plan believe that he will approve that form of bonus. The Smoot plan is expected to be approved by the president as a change of mind since he had the house ways and means committee to finance the bonus bill as a sales tax or postpone entirely the legislation.

As the legislation to pay cash to veterans whose compensation would not exceed \$50, the McCumber plan would provide for adjusted service certificates on which banks would be authorized to loan funds during the first year, and the balance to be paid during the 20 years of the life of the certificates. The certificates would have a face value equal to about three times the amount of the veterans' adjusted credit at the rate of \$1 a day for domestic service and \$1.25 a day for foreign service and the total would be payable at the end of 20 years or sooner, upon the death of the holder.

There also would be provisions for vocational training and home loans in aid. These and the cash and certificate features are almost identical with those in the house bill, but the land settlement, or reclamation feature in the house bill, has been eliminated. There is a movement in both the senate and house to have some kind of a reclamation provision put back into the bill and a special committee of republican members of the senate committee has heard hearings today on that question.

ARE RELATED THAT RAILROADS MUST PAY STATE TAX

Compelled to Pay Taxes Without Waiting Final Decision in Case

WASHINGTON, May 29.—Professional baseball, as conducted by teams operating under the national agreement, is not interstate commerce and organizations forming the various leagues cannot be prosecuted under the Sherman act as combinations in restraint of commerce, the supreme court today decided in a case brought by the Baltimore club of the defunct Federal league.

The action of the court means that the five railroads which instituted suits against the state taxing authorities, alleging unjust property valuations, must pay the disputed taxes without waiting for the final disposition of the case before the federal tribunal.

The state and counties are expected to receive the full payment of an early date, placing at their disposal tax money which otherwise would have been held up until some time next winter.

Contending that it had been the victims of a conspiracy by which the officials of the Federal league had "sold out" to the National and the American leagues, the Baltimore club entered the federal court at Philadelphia, but permission to sue was denied pending negotiations with representatives of organized baseball for a satisfactory settlement. Failing in that, it instituted a suit under the Sherman act in the courts of the District of Columbia, claiming triple damages for the losses it had suffered when the Federal league disbanded.

A verdict for \$50,000 was obtained before a jury in the supreme court of the district, which was troubled under the Sherman act and made \$240,000 but this was set aside by the district court of appeals.

The opinion of the supreme court, delivered by Justice Holmes, held that games by teams in the national agreement "are purely state affairs."

The transportation of players was described as "a mere incident to the essential thing."

That to which it is incident, the exhibition, although made for money, it was added, "would not be called trade or commerce in the commonly accepted use of those words."

ASBESTOS UNDER PATIENTS AT OTEEN REGISTERED THROUGH ILLEGAL METHODS OF PENNELL AND ELIAS, JONES HOLDS

Commend Citizen's Exposure Election Tactics at Oteen

Investigation at Kenilworth Reveals Scheme Was Also Worked There

Asheville's thinking men and women yesterday seriously considered the startling revelations made through the Monday morning "Citizen" regarding the registration and voting upon absentee ballots at the Oteen and Kenilworth public health hospitals. In practically every quarter of the city it furnished the main topic of conversation.

The trend of public opinion, ascertained definitely through interviews with both men and women of standing in the community, is strong in denunciation of the whole proceeding as a reflection upon the democratic party, or rather, certain of its leaders, and that it is absolutely necessary for the party leaders to be fair and conduct the primaries legally and without the employment of unjust or high-handed methods.

By telephone, calling in person and in other ways of communication, numbers of citizens of known worth let it be known in no uncertain language that they wished to commend the Citizen for its bold exposure of the registration and voting at the government hospitals, and to denounce such tactics.

On last Saturday night about 10 o'clock, just before I retired, I was called to the telephone by a prominent Asheville citizen, who told me that he had just received word from the board of elections of Buncombe county, and whether or not patients at Oteen, who were residents of a state other than North Carolina, had not the right to register and vote in North Carolina, regardless of the length of time in which he has been such a patient. Judge Jones bases his opinion on the law regarding the suffrage status of those on lands acquired by the United States as a government reservation.

In reference to the appointment of Don Elias as registrar of elections for Swannanoa township, by George Pennell, chairman of the board of elections of Buncombe county, and whether or not patients at Oteen, who were residents of a state other than North Carolina, had not the right to register and vote in North Carolina, regardless of the length of time in which he has been such a patient. Judge Jones holds the opinion that Mr. Pennell had no legal power to appoint Mr. Elias, and that such appointment was illegal and that any voters who have voted by Mr. Elias will not be entitled to vote in the primary.

To the Citizen: You have requested my legal opinion, first, relative to the law regarding the appointment of registrars of elections, and whether, under the provisions of our laws, the appointment of Don Elias as registrar of elections for Swannanoa township, by George Pennell, chairman of the board of elections of Buncombe county, is legal; and, second, whether patients of Oteen hospital, who were residents of a state other than North Carolina, have the legal right to vote in North Carolina regardless of the length of time they have been such patients at Oteen hospital.

First—The Appointment of Don Elias as Registrar of Elections for Swannanoa Township: Article Four, Chapter 87, Section 528 of the Consolidated Statutes of North Carolina provides that the county board of elections in each county shall appoint all registrars and judges of elections in their respective counties, and fill vacancies except as herein provided.

Section 529 is as follows: "The county board of elections of the several counties shall select and appoint before the first Monday in September, in the year of our Lord one thousand nine hundred and six, and biennially thereafter, one person to act as registrar of each township, ward, or precinct. The said county board of elections shall make publication of the names of the persons so selected at the county court immediately after such appointment, and shall give a notice to be served upon said persons by the sheriff. If any registrar fail to perform the duties of his office, and for that or for any other cause be removed from office, or shall die or resign, or if there shall be any other cause for a vacancy in said office, the registrar shall be appointed by the county board of elections."

APPOINTMENT OF ELIAS REGISTRAR IS HELD ILLEGAL

Judge Jones Avers Patients Cannot Vote Here

ASSERT OTEEN IS U. S. RESERVATION

Those Registered by Elias Not Qualified to Vote in Primary.

In view of the fact that great confusion appears to exist in the minds of a great many people as to the suffrage status of soldiers at the government hospitals near here, The Asheville Citizen yesterday requested Judge Thomas A. Jones to prepare a written legal opinion.

He holds the opinion that a patient at Oteen hospital, who was a resident of a state other than North Carolina, has not the right to register and vote in North Carolina, regardless of the length of time in which he has been such a patient. Judge Jones bases his opinion on the law regarding the suffrage status of those on lands acquired by the United States as a government reservation.

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NAME STILL WELL SOLICITOR OF 20TH JUDICIAL DISTRICT

Agreement to Abide by G. O. P. Convention Is Fatal to Jenkins.

ELLSBORO, N. C., May 29.—Theodore M. Jenkins, 23-year-old lawyer of Robbinville, had an interesting experience with a real old-fashioned steam roller when his aspirations to be solicitor of the Twentieth judicial district came out of the republican judicial convention held here resembling a flounder or a pocketbook that had been tread upon by a pachyderm.

Mr. Jenkins, of Robbinville, and E. P. Stillwell, of Swain, were candidates for the republican nomination for the post of prosecuting attorney for the district of the extreme west until late Saturday afternoon when the roller had rolled and the name was left in the wreckage of Jenkins' lost hope and of George Ward and John E. Ensey sitting astride the might machine as it pondered its ponderous way.

Hence both filed their names with the state board of elections as candidates for the office and Jenkins had the up on Stillwell and at least his friends so claim. When the pow-wow convened of the republican judicial convention in Bryson City the Stillwell forces induced Mr. Jenkins to agree to let the convention settle the fight and both candidates agree to abide by the decision of the convention. In fact, the Stillwell nomination that the convention would nominate him and gladly agreed to the arrangement, but when it came to a vote there was discord among brethren.

Haywood and Jackson cast their vote for Stillwell; Swain gave Jenkins 10 and Stillwell 2; Cherokee and Graham went solidly for Jenkins; Macon, to the surprise of Jenkins' supporters, was not represented, and when Clay was called for the vote broke. The vote as given above made a majority of 10 for Stillwell, Clay sent no representation, but wired the chairman of the convention to cast her vote for Jenkins, which would have nominated him for the office.

The case was a civil proceeding brought by stockholders in the Baltimore club of the defunct Federal League to recover alleged damages sustained by the club as a result of a strike after a stormy life. The disbanding occurred under what is generally known as the "peace agreement" in the Baltimore club in the District of Columbia supreme court September 20, 1917, after a similar action brought in Philadelphia had been dismissed on motion of counsel for the Baltimore club.

Organized baseball operating under the commonly termed national agreement was charged by the Baltimore club in its suit asking damages of \$1,000,000 with maintenance of monopoly of the baseball business in restraint of trade between the various states. The Baltimore club contended that it had been damaged to the extent of \$300,000 as a result of the failure of the Federal League. The district supreme court upheld the Baltimore club's contention in the main and returning a verdict of damages amounting to \$6,000 which under Sherman Anti-Trust act is trebled to \$18,000. The case on appeal of the district court of appeals of the district was reversed that decision and dismissed the case on the ground that professional baseball is interstate commerce. The Baltimore club then appealed to the supreme court.

NO VIOLATION OF ELECTION LAW IS CLAIM OF PENNELL

Asserts Appointment of Elias Is in Keeping With the Statute.

George Pennell, chairman of the county board of elections, in defending his action in the appointment of Don S. Elias, registrar of Swannanoa township for a day in order to register certain patients at Oteen, yesterday issued the following statement:

The attack in The Asheville Citizen on yesterday morning, editorially and in the news story, upon the chairman of the board of elections, and certain candidates and prominent democratic workers in this county was uncalled for, unjust and unwarranted. It had its birth and conception in a caucus held by certain candidates being supported by Charles A. Webb in an office on Sunday. With reference to the Oteen registration there has absolutely been no violation of any law whatsoever. The same has been regular, open and above board. On Friday before the registration books closed on Saturday, I was called to Oteen. Upon reaching the post exchange, I found J. Marion Roberts, one of the other registrars in the county, in company with Captain Smith and D. S. Elias. Mr. Roberts stated that he did not expect to find so many voters desiring to register; that he had told his wife he would return immediately to his home in Swain county, and on account of his wife worrying about him he wanted to get home as soon as possible. It was suggested that he resign temporarily and a substitute be appointed for him, as he would be cleared in his own mind by the day. In order to comply with the suggestion and request I issued an order of appointment to D. S. Elias for one day only, aware him in regularity and Mr. Roberts returned to his home. The action is clearly within the law, and is not illegal or wrong about it, and was only affording the sick soldier an opportunity to become duly qualified voters, all of whom took the oath required by law that they were duly qualified to vote in the State of North Carolina, and any man who would interfere with the registering was violating the statute.

"The cause for the whole complaint is due to the fact that Charles A. Webb is supporting certain candidates who are opponents of the candidates in the news story of yesterday. As long as the board of elections will comply strictly with the request of Mr. Webb, the board of election is all right, but to disagree with him is to be guilty of heresy and to disagree with the law is to be a heretic. I was closely associated with Mr. Webb in the campaign of 1918, and at the close of the same, in an editorial in The Asheville Times, then owned by Mr. Webb, and which editorial he had the following to say of me: "In the conduct of the campaign in addition to a number of keenly interested men, here and throughout the tenth district, three men stand out as deserving of an expression of the peoples' appreciation. It was the work of the campaign was arduous. It was a service of love, devotion to the ideals of Americanism, impelling the best to be found in a man. A. Hall Johnston, George Pennell, chairman of the board of elections, and W. S. Coleman, stood out as leaders and the service rendered by these three men was marked by intelligent, patriotic and loyal consecration of time and talent to the interest of the people of the county, district, state and nation. "The duties of the chairman of the board of elections was largely increased because of the unusual conditions, and notwithstanding the novelty of some of the demands and the diverse character of the work were executed with the greatest efficiency."

I had also ascertained from reports of The Citizen who went to Oteen at my instance that one of the young men who was registered by Elias arrived at Oteen on the 14th day of April last; that on the 19th day of May, only one month and five days after this young man had come to the hospital and into Buncombe county he was registered by Elias, and that he died at the hospital on the 22nd day of May, just three days after his registration; that one patient came to the hospital from Georgia in the latter part of January of this year, who was registered by Elias, and who came from a western state last August. He was registered; that another came from Augusta, Georgia, last August and that he had been registered, and that, one day last week, Elias and Tom Bird went to the hospital with their pockets loaded down with absentee ballots and voted many of those whom Elias had previously registered. Most of the patients interviewed stated that they could not remember the names of the persons for whom they voted, and that they had voted for such persons as had been suggested to them by Elias and Bird. These ballots were turned over to Elias and Bird, neither of whom were election officers at the time. It became known today.

Expert Tells of Co-operative Market at State College Exercises.

FINDS ADVERTISING IS FARM NECESSITY

Governor Morrison to Address Graduates This Morning.

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BASEBALL NOT INTERSTATE COMMERCE, SUPREME COURT DECIDES.

TRANSPORTATION OF PLAYERS ESSENTIAL

Case Unique and One of the Few of Its Kind to Reach Highest Court.

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WAGE REDUCTION WILL AFFECT 400,000 MEN

CHICAGO, May 29.—Maintenance of way employees of the nation's railroads today face a 44.8 percent wage reduction effective July 1. The railroad labor board last night promulgated the order which will affect 400,000 men. This order, the \$400,000,000 slash of last July, and orders affecting other classes, if they carry the same ratio of labor would place the railroad labor force at what was before \$600,000,000 increases of May, 1920.

Impending decisions governing the wages of 200,000 railway shippers, wages of 600 clerks, telegraphers, station employees and other classes, were expected to follow closely upon last night's order, which cut the pay of nightmen of way workers from one to five cents an hour.

NAME MYERS PHYSICIAN FOR STATE HOSPITAL

BY BROCK BARRELY

RALEIGH, May 29.—Governor Morrison has appointed Dr. Alonzo Myers, of Charlotte, a member of the staff of visiting physicians for the hospital at Morganton.

Dr. Myers, who is the state's best known physician, was decorated with a high French medal by General Pennington.

GENERAL M'POWELL HURT IN FALL FROM HORSE

MILWAUKEE, Wis., May 29.—Brigadier General William Mitchell of the government aviation service, fell from a horse late yesterday and was slightly injured. It became known today.

THE ROBBERY THIS MORNING WAS SIMILAR TO THAT OF A WEEK AGO. A young white man, Gray, entered the Bank of Landman near here and carrying two bank officials took \$500 in cash and disappeared. Ferguson is still at large and it is said that the description of the Summerfield bank robber fits that of the Ransom robber.

IN A FEW MINUTES AFTER THE ROBBERY THIS MORNING, CITIZENS OF THE SUMMERFIELD SECTION WERE SEARCHING THE WOODS FOR THE BANDIT AND AFTERWARDS SHERIFF STAFFORD AND HIS DEPUTIES JOINED IN THE SEARCH. THE BANDIT WAS NOT SEEN UNTIL AFTER DARK BUT WITHOUT SUCCESS.