

BUDGET ACT IN NO SENSE GIVES VETO POWER TO ANYONE

It Does Not Give the Governor or Anyone Else Power to Scale Down Appropriations at Will.

WHAT THE ACT DOES REQUIRE

Impression Created by the Raleigh Morning Paper Are Incorrect—Requirements in Emergency.

Tribune Bureau Sir Walter Hotel Raleigh, Jan. 21.—There is nothing in the present appropriations and budget act which in any sense gives the director of the budget anything akin to the veto power, and attempts that have been made and are being made by some people in Raleigh to make it appear that the budget act makes a dictator of the Governor are being resented by a number of the members of the general assembly and the budget commission, who helped frame the act.

The budget act does not give the Governor power to scale down appropriations at will. What it does do is to specify that in case of emergency only, and when it becomes positively apparent that the revenue is not going to be sufficient to meet the appropriation, then the Governor may, with the concurrence of the majority of the members of the budget commission, reduce the appropriation to match the income. But this can only be done in case of emergency, or when it becomes apparent that more money has been appropriated than is actually needed.

The budget act does not give the Governor power to transfer appropriation from one department or institution to another, as has been charged. It is impossible for the Governor or anyone else to transfer money appropriated for the State Hospital at Raleigh to the Caswell Training School, for instance. But the impression has been deliberately created by a Raleigh morning newspaper that this is the case.

What can be done under the present act, however, and this clause was written into the act at the request of the heads of several institutions is to empower the director of the budget to authorize the head of a department or institution to re-allocate certain funds, contained in the appropriation, to other uses than those originally specified. But this can be done only at the request of the Governor or department or institution, and only as this head recommends.

According to one of the members of the budget commission, this clause was inserted without the recommendation of the Governor, because the commission felt that it was for the benefit of the various departments and institutions.

"Take a hypothetical instance just as an example to suppose that the University funds that the particular sum allotted by the budget for personal service—that is, salaries for instructors and professors—is not adequate," explained the budget commission member. "But on the other hand, there is a surplus in the amount allotted for fuel and heating amounting to several thousands of dollars. This surplus is not needed in this particular bracket for fuel and similar purposes, but it could be used to good advantage in the personal service bracket."

"Thus, under the act as it now stands, President Chase could recommend that the director of the budget allow the transfer of these funds from the fuel brackets to the personal service brackets, and thus increase the efficiency of the entire institution and prevent the possible waste of the excess money under the other head."

"In other words, the budget commission has acted in the assumption that the various heads of institutions, and not even the legislature itself, can foresee all the contingencies that may ensue during every year of the appropriations cover, and that some elastic provision must be included to enable the various departments and institutions to meet the varying needs as they arise. But Governor, not any one else, can make any of these transfers—really, re-allocations—of funds, unless such a change is definitely asked by the head of the institution or department. Consequently the Governor has no external authority whatever, merely being the agent of the institution or department head which desires such a change."

Thus the bugaboo which has been generally spread about that the Governor could dip into one appropriation, and ladle it over to some other department or institution which he might favor over another, would seem to be pretty well banished, though many will persist in holding to this view.

When questioned directly as to this particular clause in the appropriation bill, Governor McLean said that while he thought it was of distinct advantage to the various departments and institutions, that since he did not recommend it in the first place, he would offer no objection should the committee on appropriations decide to strike it out. It gives no direct power to the director of the budget, although it does give considerable power to institutional heads, and should react to their advantage, he said.

A third point in connection with the appropriations budget which has been the brunt of criticism, is the

Rich Broker by Day, Taxi Driver by Night

New York, Jan. 21. What appears to be, for the present at least, a good, old-fashioned mystery developed yesterday in Traffic Court. Late last night, still unsolved, it hung about the head of John Bennett Carrington, broker, taxicab driver, son of a wealthy banker of New Haven—on a mysterious, taxi driver for the Yellow Taxi Corporation.

Magistrate Farrell looked at the defendant in amazement. He asked the clerk if he was sure the defendant was a taxi driver. The clerk said he was. "That's correct," said Carrington smoothly.

"But I don't understand," insisted the Magistrate. "Well," said Carrington, "I'm a broker in the daytime, but I drive a taxicab at night. I work at No. 74 Broadway."

And after paying his \$5 fine Carrington dodged reporters and fled. In the office of Libaire & Co., brokers, at that address it was ascertained that John Bennett Carrington was one of their floor salesmen. Mr. Carrington at first did not wish to be interviewed, but finally offered an explanation.

"I did it for a bet," he said. "Just for one night, the night of December 17, when I was arrested. That's all it was. Really."

Records Confute Bet Story, But Ernest Miller, President of the

Yellow Taxi Corporation, took the trouble to look up the records. "John Carrington," he said, "giving his address as No. 595 Park Avenue, started working for us on Dec. 11 and has been with us every night since. He added that he had records before him, could not be mistaken, and refused to divulge any further information.

Was it, perhaps, a case of financial embarrassment? Paul Engle, a member of the brokerage firm, was certain that was not it. "Mr. Carrington is quite well off," he said. "He has an account with us as well as being our employee, and I can assure you that he is not in need of a taxi driver's salary."

Other Details Doubtful. Mr. Carrington told reporters he had obtained the cab to win the bet by bribing one of the drivers. But it was learned that he had obtained a taxi driver's license at the West 20th Street Bureau on December 6 last.

Patrolman James Reynolds, who made the arrest, was as astounded as any one when Carrington appeared in court. "He had on a Yellow driver's uniform," said Reynolds. "He looked just like a taxi driver to me."

Even Mr. Carrington's valet, Russell Smith, could not solve the mystery. At the Park Avenue apartment the servant said his master was "a broker, not a taxi driver." He admitted he had seen him don a chauffeur's uniform one night about two weeks before Christmas, but added that "he must have been going to a fancy dress ball."

Mr. Carrington's room mate, Leonard S. Platt, of the Bankers' Trust Company, thought the whole thing "ridiculous" and did not care to discuss it.

Records Confute Bet Story, But Ernest Miller, President of the

MINISTER TO CHINA ORDERED TO PEKING TO SEE CONDITIONS

Minister MacMurray and Family Left Peking January 18th for Visit to the United States.

Conditions Not Favorable Now For This Reason Minister Was Advised to Return to Post So As to Watch Developments.

Washington, Jan. 21.—(AP)—American Minister MacMurray on route home for conferences with Secretary Kellogg, has been intercepted by telegram and ordered back to Peking as a result of the increasing seriousness of anti-foreign demonstrations and rioting in China.

Mr. MacMurray left Peking January 18th with his wife and two children. It was emphasized at the State Department that the general increase in the anti-foreign movement and its spread to Foochow and Amoy within the last day or two had prompted Mr. Kellogg to order MacMurray back to his post notwithstanding the Secretary's desire to talk over the situation in person with the Department's recognized authority on Chinese and other Far Eastern problems.

No immediate conditions at Peking had called for the change in plans, it was said, the Department not as yet having been advised of the fears felt by diplomats there that the trouble might spread to the capital itself.

Action of the American Charge, Ferdinand Mayer, at Peking in arranging a code of day or night signals by means of which American residents there can be quickly concentrated in the legation compound, under protection of the marine guard, probably was in line with a decision of the diplomatic corps that steps were necessary as a precaution against outbreaks in Peking, it was suggested at the Department.

With Our Advertisers. The Browns-Cannon Co. is now giving from 20 to 50 per cent. off the price of suits and overcoats, during the Semi-Annual Sale now going on at this store. Opposite Hotel Concord.

Men's young men's hats, latest colors and styles, \$1.95 to \$3.45, at Eird's. Cline & Moore have several barrels of genuine Cabarrus county sorghum, the very best to be had. Also fresh comb honey at 30 cents a pound. Phone 330.

Fresh vegetables and country sausage at the J. & C. Cash Store. The work of the Shepherd Shoe Hospital gives lasting satisfaction. Heavy bath towels, plain white or fancy border, size 22x44, only 25 cents each. See list of many other things at this store just as low priced. See the new ad. today of S. W. Prewler. It will interest you.

Make an appointment with the Boyd W. Cox Studio. Over Correll's Jewelry Store. Many satisfied customers went away from the big store of the Parks-Barkley Co. Thursday laden with big bargains. See list of many other things at this store just as low priced. See the new ad. today of S. W. Prewler. It will interest you.

The Ritchie Hardware Co. wants to sell you hardware as long as you live. Their goods always stand the test. New parchment kid ties, patent pumps, Persian trim, high spike, and low heels, all go in the Change of Ownership Sale at the G. A. Moor Shoe Store. New prices range from \$1.95 to \$4.95. With each pair of shoes size 3 you get a pair of silk shoes free. Potatoes, 4 1-2 cents a pound, at the A. & P. stores. See ad. today for other bargains.

Wire wheels are now optional on Tudor and Fordor sedans at no additional cost. All cars are in colors. See the new ad. of the Reid Motor Co. Phone 228.

ELECTION OFFICERS ARE CONVICTED OF FRAUD Charged That Pittsburgh Officials Made Fraudulent Returns at Primary in May. Pittsburgh, Pa., Jan. 21.—(AP)—Two Pittsburgh election officers were convicted today of making fraudulent returns at the May primary. Two clerks were acquitted of the same charge, and all of the defendants, three women and one man, were likewise acquitted of conspiring to make false returns.

James A. Battles, judge of elections, and Miss Bessy Cundy, an inspector, were found guilty on the one count, while Mrs. Violette Lomady and Mrs. Margaret E. Conner, clerks, were acquitted of both charges. The criminal prosecution followed a contest of the official count of the votes cast in the tenth district of the 22nd ward for the republican nomination for the state legislature.

BAPTISTS OF SOUTH DISCUSS PROBLEMS OF SUNDAY SCHOOL

Standard Sunday Schools Prove Benefit Wherever Used, Tar Heel Speaker Tells Conference.

Memphis, Tenn., Jan. 21.—(AP)—The observance of a vigorous Sunday school program will put new life into the financial and evangelical efforts of the churches, J. N. Barnett, of Hickory, N. C., declared in an address to the Southwide Baptist Sunday School Conference here.

Mr. Barnett, who is rural Sunday school specialist for the North Carolina Baptist Convention, presented figures to show that rural churches in his state without standard Sunday schools reported an average of seven baptisms per congregation last year; while those with standard schools had an average of 17.5 baptisms each.

"If we could get all pastors in the Southern Baptist Convention to use faithfully the standard of excellence as a program of work in their churches, the Baptist churches of the South instead of giving \$10,000,000 or less per year to all missionary and benevolent objects, would immediately go to giving \$25,000,000," Mr. Barnett said. "And in place of reporting 200,000 baptisms per year, these churches would be able to report at least 450,000 members received."

The rural churches, said the North Carolinian, are suffering from lack of a program, and "not from lack of ability."

"Our rural churches are not dead, but sleeping," he asserted. "Not exhausted, but unworked; not weak, but undeveloped; not barren, but uncultivated; not indifferent, but neglected. What they need is real leaders with a program of work."

MOTION TO QUASH FINANCE SUIT DENIED Case Growing Out of Failure of Charlotte Concern May Go to U. S. Supreme Court. Charlotte, Jan. 20.—A motion to quash a suit brought by H. B. Adams, of Waxhaw, receiver of the bankrupt Southern States Finance company, against officers and directors of the company was denied here today by Judge E. Y. Webb in federal court.

The motion on the \$438,000 suit, which is expected to be taken to the Supreme court of the United States, was filed by attorneys for E. S. Cannon, of Wilmington, Del., receiver appointed by a Delaware federal judge.

The motion was made on the ground that Judge Webb was without jurisdiction in appointing Mr. Adams receiver as the Delaware federal judge had adjudicated an involuntary petition against the company prior to the time Judge Webb issued his order.

Judge Webb denied the motion but set February 21 as date for further hearing. Meanwhile he advised James O. Lockhart, attorney for Mr. Adams, to file a motion before the Delaware judge to relinquish his jurisdiction.

Attorneys for the Wilmington receiver predicted that the case would be taken to the Supreme court. "The officers and directors wrongfully used funds of the company."

WILLIAM M. HILL KILLED BY ENGINE Charlotte Man Found Beside Track in Dying Condition—View Obscured by Fog. Charlotte, Jan. 20.—William M. Hill, 53, died at a local hospital this morning of injuries sustained when he is supposed to have been struck by a Southern railroad train at the West Ninth street crossing.

Hill's body, with life practically extinct, was found by the side of the track by negroes going to work early in the morning. He was taken to a hospital but died without recovering consciousness. It was presumed that he was walking along the track and did not see the approaching engine in the heavy fog of the early morning. Railroad officials knew little of the accident and promised a full investigation.

Mr. Hill, a native of Union county, had lived in Charlotte for 30 years. He is survived by his wife and two daughters.

STATEWIDE LAW TO CONTROL GAME NOW BEFORE THE HOUSE

This Was Most Important Bill Presented to House During the Morning Session Today.

Game Warden for State Proposed Measure is Said to Have Support of Various Organizations.—New Bills in Senate.

State Capitol, Raleigh, Jan. 21.—Introduction of a state-wide game law in the House formed the principal business of the General Assembly today.

The game bill is modeled in part from statutes which have been found satisfactory and beneficial in other states, and with consideration of local conditions in North Carolina.

The bill has received the approval of officers of the North Carolina Game and Fish League, and of the Department of Conservation and Development.

High spots of the bill include the creation of a state game commission for the administration of the regulations; the establishment of game sanctuaries; a uniform hunting season for the various game; bag limits; and a uniform license fee.

Acting under appointment and direction of the commission the bill authorizes the appointment of a state game warden to have general supervision over the appointment of a state game warden to have general supervision over the administration of the law. A salary of not to exceed \$5,000 a year is set for the warden. With the approval of the Commission the warden would have authority to appoint deputy wardens over the state.

The committee on roads reported favorably bills to prohibit use of smoke screens on vehicles; to build bridge across the Virginia border; to exclude manufacturers to adjust headlights in accordance with the state laws on automobiles. It also stamped favorably several local bills.

Three of the four new bills introduced in the Senate today were important state-wide measures. One was the general pension bill offered by Senator Woodson of Rowan. The bill sponsored by Col. A. H. Boyden, of Salisbury, reduces the "classifications from four to two for the soldiers and one for widows. Totally disabled veterans and widows who were married prior to April 9, 1865, would get \$300 a year; partially disabled veterans and widows married prior to April 9, 1865, \$240; and widows of soldiers who married after the above date \$100.

One of Senator Askew's bills would make counties liable for fire prevention in their counties by requiring counties to pay the costs of fighting such fires.

The other bill would make it a misdemeanor punishable by fine or imprisonment to neglect efforts to control fire on his lands, and would require saw mills to clear a space of 150 feet around the mill before operating during dry periods.

War on "Jaywalkers." (By International News Service) Atlanta, Ga., Jan. 21.—A police war on "jaywalkers" here has culminated in a veritable epidemic of arrests of public officials.

Former Senator Hoke Smith, Mayor I. N. Ragsdale and Guy Dobbs, mayor pro tem, all were served with "jaywalking" charges within the short period of two days.

And so that it might go down in records that practically all branches of the city, state and national government have been represented in police court, thus slighting no one, a request has been made that Governor Walker and a few supreme court justices kindly allow themselves to be caught crashing the red sign of lawn town.

MINUS SMILE

Worry over his wife's divorce action was plainly written on the face of Charles Chaplin. He posed for this picture in Chicago.

AN IMPORTANT BILL To Prevent Dance Halls and Road Houses From Using Names of Colleges Merely to Draw Crowds. Tribune Bureau Sir Walter Hotel Raleigh, Jan. 21.—Likelihood that the move to purify public morals may spread into educational circles and that a bill to regulate three halls in Buncombe county and prevent them from using the names of denominational colleges or universities in connection with public dances may be made into a state-wide measure was evident following the hearing on this bill, introduced by Representatives Lee and Nettles, before the house committee on education. This fact, and the decision by the committee to work out a composite bill dealing with the having dances, to prevent the giving of bona-fide dances for students, according to Charles G. Lee, Jr., of Asheville, one of the authors of the bill, who appeared before the committee in its behalf. Harry Nettles, the other member of the Buncombe delegation had been granted a leave of absence and could not be present.

Originally intended to apply only to Buncombe county, and to prohibit public dance halls and road houses from exploiting college events through the use of college names, the committee was so impressed with the intent of the bill that it may be widened in scope and made state-wide in its application.

The measure is a purely protective one. "Mr. Lee told the committee," and is designed solely to prevent dance halls and road houses from using the names of colleges and schools merely to draw a crowd and make more money. For instance, a public road house of unscrupulous repute near Asheville, advertised a "Wake Forest Dance" here at the time Wake Forest football team played there this fall. The dance was characterized by drunkenness and very disorderly conduct. The authorities of the college investigated and found that not a single Wake Forest student was present. Yet the happenings caused the school to be discredited. This bill is designed to prevent this.

Although not a member of the committee on Education, Representative Oscar Haywood of Montgomery, noted preacher and Klan Lecturer who has already won renown as the reform legislator of the general assembly as the result of the "purity" measures he has introduced recently, appeared before the committee in favor of the Buncombe county measure, urging that it be made statewide in scope, and that such a measure would awaken a responsive note in the hearts of the better people over the state.

"If those conditions exist in Buncombe county, they undoubtedly exist in other counties and in most college communities," Dr. Haywood said, so I think the committee would do well to consider making it a statewide measure.

No definite action was taken, with indications that the bill would receive further consideration.

The Sesqui-centennial Stadium in Philadelphia, with a seating capacity of 150,000 is by far the largest in America.

Building Permits in Asheville. Asheville, Jan. 21.—INS.—Building permits issued by the City of Asheville in 1926 totaled \$9,299,546, the largest in the city's history, and an increase over 1925 of \$5,270,536, it was learned here today.

The British Undertakers' Work Association predicts "brighter burials," following the adoption of new casket designs, as a result of the ill effects of the treatment she suffered from bed for many weeks.

Charlotte Woman is Suing Beauty Parlor. Charlotte, Jan. 20.—Vanished locks, a charred scalp and excruciating pain as a result of a beauty parlor treatment "going wrong" were alleged in a suit for \$20,000 filed by Mrs. E. H. Westerfield of this city, against Mrs. Mathilda Rollins of the Lorraine beauty parlor. The plaintiff alleges that as a result of the ill effects of the treatment she suffered from bed for many weeks.

Major Steedman 86 Years Old. Raleigh, Jan. 21.—INS.—Major Charles M. Steedman, oldest member of the House of Representatives, will celebrate his 86th birthday on January 28th. He fought under General Lee in the War Between the States.

AMERICAN REFUGEES FROM FOOCHOW TELL OF VIOLENCE THERE

65 Missionaries Arrive in Manila and Tell of Demonstrations in the Chinese City.

WIFE OF CONSUL IN THE PARTY Trouble Started When the Bodies of Chinese Cholera Victims Were Carried From Convent.

Manila, P. I., Jan. 21.—(AP)—Sixty-five American missionaries, refugees from Foochow, arrived here today on board the United States destroyer Pillsbury with stories of the anti-foreign demonstration in the Chinese city which resulted in violence to American and British women.

The refugee party was made up of 31 women, 31 children and three men from the Methodist, Baptist and Congregational missions of Foochow. The majority are Methodists.

Among them was Mrs. E. G. Price, wife of the American consul at Foochow, and her four children. Mrs. Price said that the trouble started when bodies of Chinese who had died of cholera were carried out of a convent while rioting was in progress. The rioters, not knowing the cause of death, attacked and looted the convent.

Missionaries Leaving Chungking. Shanghai, China, Jan. 21.—(AP)—A dispatch from Hankow, dated Wednesday night, says that 27 American missionaries were leaving Chungking in Szechwan province for Hankow today. The message said it was believed in Chinese circles that Eugene Chen, Cantonese foreign minister, had seen the danger in the situation caused by the continued anti-foreign agitation, but that he was helpless against the radical element of the Kuomintang party which is backing the Cantonese government. The radicals were said to be insisting on continued violent measures against foreigners in spite of Chen's attempts to obtain revision of China's present treaties throughout diplomatic channels.

Men Now Seeking Safety. Peking, Jan. 21.—(AP)—The anti-foreign situation at Hankow has developed seriously, says a telegram received today from unofficial sources at the Yangtze River City. One thousand American and British men are leaving, the message says.

There is no official confirmation of the telegram from private sources of the evacuation of the American and British men who had remained at Hankow after sending their women and children to Shanghai, and elsewhere for safety after the riotous demonstrations by Chinese mobs, December 3rd and 4th.

The British concession at Hankow has remained under control of the Cantonese or nationalist government since the coolie mob swept over it early this month. American and British warships lie in the Yangtze opposite Hankow ready to assist their nationals if necessary.

THE COTTON MARKET Opened Steady at an Advance of 2 to 5 Points.—March Goes Up to 13.50. New York, Jan. 21.—(AP)—The cotton market opened steady today at an advance of 2 to 5 points and showed somewhat increased activity in the early trading. Prices advanced to 13.50 for March and 13.90 for July, or about 9 to 10 points net higher on covering by recent sellers, a renewal of trade buying, and a somewhat broadening of the market.

Steady Liverpool cables and continued absence of selling pressure from the South appeared to be the factors on the advance.

Private cables attributed the steadiness in Liverpool to trade clearing with continental buying of late months and reported a fair business in cotton clothes in Manchester.

Cotton futures opened steady; January, 13.32; March, 13.47; May, 13.67; July, 13.85; October, 14.05.

"CATHOLIC REBELLION" HAS PASSED ITS PEAK Minister of Interior for Mexico Says Catholic Clergy Made Mistake in Starting Rebellion. Mexico City, Jan. 21.—(AP)—Adalberto Tejeda, minister of interior, is quoted by the newspaper Excelsior as declaring that the "Catholic rebellion" has passed its peak.

WEATHER FORECAST

Mostly cloudy tonight and Saturday with light rains in the extreme west tonight and in the west portion Saturday; continued mild temperatures. Gentle to moderate southerly winds.

The political and social defeat of the clergy was long ago attained; logically the armed rebellion was due to failure.