

## Poole Presents Long Expected Bill Which Is Against Evolution

Bill Was Taken to State Capital Tuesday by Tam Bowie, Attorney for the N. C. Bible League.

### EDUCATION REPORT ALSO SUBMITTED

Report Shows Commission Appointed by Governor Could Not Agree—Poole Bill Gets Attention.

State Capitol, Raleigh, Jan. 26.—(AP)—Governor McLean presented the education commission report to the general assembly today.

The voluminous document was accompanied by a short message of transmittal which set forth the chief executive's belief that the report "with its wealth of facts and statistics will be found of great value to the members of the general assembly and to all who are interested in education, the most important of all branches of public service."

The long heralded report presented the information that it would cost the state a million and a half dollars more than it is now spending in secondary schools to extend the public school from six to eight months, and found the membership divided on the advisability of submitting the proposal for a constitutional amendment. The majority was against it.

Representative Poole, of Hoke, sent forward his evolution bill at the first call for new bills.

The bill was brought to town last night by Tam Bowie, Asheville county attorney for the North Carolina Bible League. It is entitled "A bill to be entitled an act to prohibit the teaching of evolution in certain schools and colleges in North Carolina."

It would make unlawful for any instructor in any state supported or aided school to teach any "doctrine or theory of evolution which contradicts or denies the Divine origin of man or of the universe as taught in the Holy Bible."

The bill specifically states that it shall not be construed as prohibiting the teaching in such schools of useful arts and science when they are taught in such a manner as not to contradict the fundamental truths of the Bible.

It provides penalties of fine and imprisonment in the discretion of the court in case of violation.

Prior to the session Representative Poole told the Associated Press that he was not a member of the North Carolina Bible League, but that he was the friend of all who favored anti-evolutionary measures.

### Several Statewide Bills.

State Capitol, Raleigh, Jan. 26.—(AP)—Presentation of the education commission's report and introduction of Representative David Scott Poole's anti-evolution bill featured the session of the North Carolina general assembly here today. There were also a number of statewide bills introduced in the house.

One was in the form of a resolution from Representative Stancil, of Mecklenburg, which seeks abolition from Congress of federal estate taxes. Another from Representative Price, of Mecklenburg, would do away with the "stop law" and in its place provides that motor vehicles slow down to eight miles an hour when approaching crossings over which more than two trains a day pass. A third bill from the Mecklenburg delegation was presented by Mrs. McLean. It would raise the commission collected by private employment agencies.

The senate introduced eight new bills of minor importance, passed several local bills, and adjourned.

### Chaplin's Wife Again Blocked in Attempts to Collect Alimony

Los Angeles, Calif., Jan. 25.—Receivers named as a result of Lita Grey Chaplin's suit for divorce were restrained temporarily, at least, from further interference with the California properties of Charlie Chaplin today, when the Second District Court of Appeals, Division One, issued an alternative writ of prohibition sought by the comedian's attorneys.

The writ also restrains the Superior courts from further action in the divorce suit. A hearing on whether the writ of prohibition should be made permanent will be held by the Appellate Court next Tuesday.

The writ makes it impossible for Mrs. Chaplin to collect for at least a week any part of her bill of \$14,400 for alimony and court costs granted her by the Superior Court.

Benjamin Franklin invented a musical instrument called the "harmonica," for which music was composed by Mozart and Beethoven.

### Concord Theatre

TODAY

FAMILY DAY

10c TO ALL 10c

RONALD COLEMAN

—IN—

BLANCHE SWEET

"HIS SUPREME MOMENT"

10c TO ALL 10c

## FLOGGING LAW OF STATE IS UPHELD BY HIGHER COURT

Supreme Court of North Carolina Reverses Judgment Entered by Superior Judge A. M. Stack.

### CASE WENT UP FROM BUNCOMBE

Court Holds That Corporal Punishment for Prisoners Was Not Abolished by the Constitution.

Raleigh, Jan. 26.—(AP)—The Supreme Court of North Carolina today upheld the State flogging law.

The Supreme Court reversed decisions from Buncombe county by Superior Judge A. M. Stack. Judge Stack had fined L. B. Revis, superintendent of the prison camp in Buncombe county, \$25 and costs when he held that corporal punishment for prisoners was abolished by the State constitution, and that the flogging law of the 1823 general assembly was void.

This judgment the higher court in effect knocked out.

The law upheld by the court provides that when any prisoner or convict becomes unruly so as to make it necessary to whip him, the superintendent "shall" call in two persons of good moral character to witness the flogging.

### CAPTAIN C. M. THOMPSON DIES AT THE AGE OF 83

Well-Known Banker and Manufacturer of Lexington Succumbs.

Lexington, Jan. 25.—Capt. Charles M. Thompson, former State Senator and Representative, banker, farmer and manufacturer, who had been active in the life of this city and county for over a half century, died at his home here at ten o'clock today after an illness of several months, aged 83 years.

Funeral services will be conducted at eleven o'clock Thursday from First Lutheran Church here by Rev. B. S. Brown, Jr., pastor, and Rev. E. F. Fuldner, of St. John's Lutheran Church, Salisbury, former pastor here.

Surviving are the widow, who married in 1862, and three daughters, Mrs. C. C. Hargrave, and Mrs. W. H. Mendenhall, of Lexington, and Mrs. J. D. Helig, of Salisbury, and two half brothers, G. M. Thompson, of this county, and Richard Thompson, of Salisbury.

Leaving his studies at the age of seventeen, Captain Thompson entered the Confederate Army at the outbreak of the war and served three years. In the battle of Spotsylvania he lost his right arm at the shoulder.

Returning home he entered the wood turning business with his father at Tyro, later moved the plant here and operated it forty years and then sold to his sons. He was vice-president of the Bank of Lexington, director in several textile plants and other enterprises here and the owner of valuable farm and business property. He represented Davidson in the House in 1889 and in the Senate in 1917, and served for several years as chairman of the road commissioners.

### With Our Advertisers.

The York & Wadsworth Co. not only sells Goodrich tires but they maintain complete service facilities for giving their customers any convenience. They put tires on your rims correctly, inflate them to the proper pressure—also inspect rims, valves and wheel alignment.

Ten cents to all at the Concord Theatre today, Kanche Sweet in "His Supreme Moment."

Year round Zephyrs, Dummarets prints, Miss Muffet prints, 29-1-2 fast Playtime prints, only 29-1-2 cents a yard. Thursday, Friday and Saturday only at Robinson's.

Send your summer frocks to Wiggins at Kannapolis for a thorough dry cleaning.

The York & Wadsworth Co. selling many of the world's standard lines in hardware. See list in new ad. today.

The January Clearance Sale of the Parks-Bell Co. is the most successful this big store has ever conducted. You will find a number of big bargains enumerated in a new ad. today.

Musical Instruments at popular prices at the Kidd-Frix Co.

Distinctive coats for spring at J. C. Penney Co.'s, in sport fabrics and fine woven twills. For women and misses, only \$14.75 to \$24.75.

Gaston's Child Dies After Hit by Auto.

Gastonia, Jan. 26.—(AP)—William Henry Brawley, aged six, son of F. W. Brawley, died in a local hospital last night as a result of injuries sustained Saturday when he was struck by an automobile driven by Will Long, a negro. Witnesses said the child stepped in front of the machine, and absolved the driver from blame. The child was apparently only slightly injured, but became unconscious on Sunday afternoon.

Twelve Die When Steamer Is Wrecked.

Odessa, Ukraine, Jan. 26.—(AP)—Twelve men were drowned when the Greek steamer Anastasia was wrecked against the cliffs at Eupatoria, Crimea.

## Educational Commission Favors Extension Of The School Term By Legislature Enactment Only

And Not by a Constitutional Amendment—With Definite State Aid Plan for Schools.

### THE MAJORITY REPORT GIVEN OUT

Report of the Commission Submitted by Gov. McLean—Seven Members Render Majority Report.

Tribune Bureau, Sir Walter Hotel.

BY J. C. BASKERVILLE.

Raleigh, Jan. 26.—Approval of the extension of the school term in the state to eight months by legislative enactment, but not by constitutional amendment is contained in the majority report of the educational commission in its report submitted to the members of the general assembly by Governor W. McLean today.

The majority report, signed by the seven dissenting members of the commission maintained that an eight months term by constitutional amendment was necessary and that it should be provided, even if the cost was heavy. The majority members of the commission held that the imposition of the eight months term by constitutional amendment would impose too great a tax burden, on the state in that it would cost in excess of \$17,000,000 to maintain the schools in their present scale for the eight months term, and would require in addition a state equalization fund of more than \$4,000,000 a year from the state as a whole.

The reason given by the seven members of the commission who signed the majority report—J. O. Carr, chairman, J. Y. Joyner, secretary, J. K. Norfleet, Edgar W. Pharr, Stanley Wipborne, Sam C. Lattimore, Capt. Nathan O'Berry—are set down as follows:

"I. That the eight months school term is now existing in the localities which now have it, is secured by a local vote of the people. The growth by this means has been one thing, and when acquired by voluntary action is better supported and used. At present 68 per cent of the white children of the state and 75 per cent of all children in the state are in school for eight months or more. If it has been wise, and we think it has, to develop a term of school beyond six months by the voluntary action of the communities up to this time it certainly is wise to continue this policy. We believe that by a continuance of such policy we will reach an eight months school term by easier stages and with greater public support than by a constitutional amendment."

"2. Not a half dozen states in the union have in their constitutions a minimum school term requirement and the most progressive states in education are among those which have no constitutional requirement. We can find no support for the theory that a constitutional provision is in any essential to the extension of our public school term, and we believe that some freedom and elasticity for the exercise of the legislative will have an advantage over a constitutional requirement for a minimum school term."

"3. That the present local tax burden and the deplorable financial condition of the local school system may be traced mainly to the fact that a constitutional amendment providing for a six months school term was adopted WITHOUT PROVIDING A DEFINITE AND CONSTANT SOURCE OF REVENUE."

In further explanation of this third reason, the report goes on to say that when the six months term amendment was adopted, a plan could easily have been provided whereby local property could have borne one-half or two-thirds of the cost of the schools, and a statewide tax on all property in the state could have borne the other half or third, or such other relative proportions as might have been provided.

"The minority objects to the proposal to gradually increase the equalization fund as more and more schools adopt the eight months term, on the grounds that it is taxing the people of the entire state for the benefit of an eight months school in some counties and only a six months school term in others."

"It argues that by increasing the equalization fund to \$4,000,000 a year, the eight months term could be provided for the state as a whole, and that as a result local taxes would be reduced for the communities now supporting an eight months term by at least \$2,500,000, leaving the actual increase to the people as a whole at only \$1,500,000. On the basis of an equalization fund of \$4,000,000, then, the minority report makes the following recommendations:

1. That the major responsibility for the support of the eight months term rest upon the several counties of the state.

2. That because of the great inequalities that exist among the counties in their relative abilities to support education, the equalization fund for the support of the eight months school term, should the amendment be voted favorably, be increased to at least \$5,000,000.

3. That the present general assembly authorize the appointment by the Governor of a State Tax Commission with powers to study "thoroughly and at length" the entire system of taxation in North Carolina, and that it be required to submit a comprehensive scheme for both local and state taxation by April 1, 1928.

### NO CHANGE TODAY IN CONDITION OF E. W. GROVE

Asheville Capitalist and Builder Is Critically Ill With Pneumonia at Asheville.

Asheville, Jan. 26.—(AP)—The condition of E. W. Grove, multi-millionaire capitalist and builder, of Asheville, St. Louis and St. Petersburg, Fla., who is critically ill here, was reported as unchanged today. Mr. Grove is 77 years old. He arrived here from Philadelphia on January 7th, where he had been under treatment for a minor ailment. His condition improved for several days, but pneumonia developed Sunday, and since that time he has been seriously ill. Members of his family are at his bedside.

### PENDER'S STORE SAFE FOUND NEAR ASHEBORO

Thieves Left Valuable Papers in It But Took Around \$500 in Money.

Asheboro, Jan. 25.—The safe taken from Pender's store last Sunday night was found this morning about one mile north of Asheville near the H. P. R. A. and S. railway tracks. The safe still contained valuable papers, but all the money, which amounted to between \$400 and \$500 was gone. No clue to the robbery has yet been found.

The finger ring is believed to have been used as a symbol of slavery, the master putting his ring on all household slaves, including his wives.

eight months school term should be secured in North Carolina by legislative enactment and in the speediest possible way, with a definite state aid plan for financing the schools, supported BY SOURCES OF CONSTANT REVENUE NOT DEPENDENT UPON CHANGING CONDITIONS; but that the democratic policy of local self government be not denied to those communities which wish to determine for themselves their school problems."

The report of the majority then takes up the question of cost of the eight months term, calling attention that the cost to the counties would be in excess of \$17,000,000 and that the equalization fund would have to be increased to \$4,000,000 annually. This fund was only \$1,500,000 a year for the past two years, and it is now proposed to increase it to \$2,500,000 a year for the next two years of the biennium.

"As desirable and needful as an eight months school term is, we believe that the safest, sanest, surest, justest way to get it is to lengthen the term gradually through an increase in the equalization fund from year to year from the state revenues until that fund is large enough to provide the balance needed for a minimum eight months term in every county, on the same basis a six months term is now provided, without necessitating any increase in the uniform county rate of taxation recommended elsewhere by the commission for a six months term."

Those who signed the majority report hold that the only way an eight months school term can be brought about and made state wide is through constitutional amendment, and that they disagree not only with the main proposition of the majority report, but "with substantially every statement submitted in support of this proposition." It also states that those who signed the majority report evidently "did not keep clearly in mind the distinction between the state school term and the local school term."

The five dissenting members of the commission—Mrs. J. A. Brown, Mrs. E. L. McKee, Mrs. James G. Fearing, C. E. Teague and T. Wingate Andrews—hold that the adoption of a constitutional amendment is the only fair way to decide the matter, since it will give an opportunity to all the people to vote for or against, whether or not they are willing to be taxed for the benefit of all the schools of the state.

The minority objects to the proposal to gradually increase the equalization fund as more and more schools adopt the eight months term, on the grounds that it is taxing the people of the entire state for the benefit of an eight months school in some counties and only a six months school term in others."

"It argues that by increasing the equalization fund to \$4,000,000 a year, the eight months term could be provided for the state as a whole, and that as a result local taxes would be reduced for the communities now supporting an eight months term by at least \$2,500,000, leaving the actual increase to the people as a whole at only \$1,500,000. On the basis of an equalization fund of \$4,000,000, then, the minority report makes the following recommendations:

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## OHIO STILL RISING BUT FLOOD'S CREST IS EXPECTED TODAY

Absence of Rainfall Over Watershed Led to Prediction That Water Will Recede Rapidly.

### RAILROADS FEEL STORM'S POWER

Train Service From Cincinnati Interrupted on Two Lines—Buses Replace Street Cars in City.

Cincinnati, O., Jan. 26.—(AP)—Indications today were that the Ohio River, which has flooded Ohio and Kentucky lowlands for a week, would reach its crest at approximately 50 feet before tonight. The river was rising at the rate of barely one inch an hour.

Absence of rainfall over the watersheds led to the prediction that the waters would recede rapidly as soon as the surplus accumulated up stream had passed. Nearby tributaries were back within their banks, except at points near their entrance into the main stream, where they were being retarded by backwater.

Suffering among the inhabitants of lowlands on both the Ohio and Kentucky sides of the river was alleviated by the prompt action of relief agencies and city officials.

As the water continued its steady climb until virtually all of the streets in the lower west end of Newport, Ky., were submerged, city commissioners kept a fleet of flat boats busy moving flood victims and their furniture to higher ground. Coal and food were supplied to the need. The same program was carried out by city officials in low-lying districts of Covington.

Transportation was hampered and several street car lines in Cincinnati cut off by the high water and they were supplanted by temporary bus lines. All railroads with the exception of the Pennsylvania and Louisville division of the Louisville & Nashville, which uses the Pennsylvania station, were operating out of temporary terminals as the result of the flooding of the approach to the central Union depot.

### THE COTTON MARKET

Opened Barely Steady at Decline of 6 to 9 Points, With May Going to 13.46.

New York, Jan. 26.—(AP)—The cotton market opened barely steady today at a decline of 6 to 9 points in response to lower Liverpool cables. A more reactionary or bearish sentiment seemed to have developed since the passing of January contracts yesterday, and offerings increased after the opening, prices selling off to 13.46 for May and 13.38 for October, or about 10 to 12 points net lower.

Part of the early selling was attributed to the belief that spot demand was likely to fall off after the filling of January commitments, and the early buying was attributed chiefly to covering, although there was some trade buying on scale down orders.

Private cables reported increased hedging with London and Manchester selling in Liverpool.

Cotton futures opened barely steady: March 13.30; May 13.50; July 13.71; Oct. 13.90; Dec. 14.10.

### One Hundred and Fifty New Homes Go Up at Kannapolis

Kannapolis, Jan. 25.—With the million dollar addition to the Cannon towel mills nearing completion the erection of 150 new, dwelling houses has begun. Skeletons of more than 20 residences can now be seen and the remainder will get underway at once.

The new houses will occupy several acres of land in North Kannapolis, about one half mile over the Rowan boundary line. The houses will all be of wooden structure and will add to the appearance of this section of the town.

The erection of these houses paves the way for homes of 50 or more operatives who will be employed by the new mill.

### Lenoir-Rhyne Fire Bug Not Yet Apprehended

Raleigh, Jan. 26.—(INS)—The identity of the alleged fire bug who is reported to have recently set fire to two buildings at Lenoir-Rhyne College, at Hickory, is yet to be ascertained.

According to Inspector F. M. Jordan, of the State Insurance Department, who has been detailed to the case, no trace of the fire bug has been found to date.

No definite clue that might lead to the discovery of the alleged fire bug has been made, Inspector Jordan declared.

He is still working on the case.

### MUSICAL COMEDY

Cupid Up-to-Date

THURSDAY, JAN. 27th

H. S. AUDITORIUM

8:15 P. M.

GOOD CAST, PEPPY CHORUSES, BARRELS OF FUN

## British Forces Ready For Action In China; Fleet Now Assembling

Two Killed, Hurt In Allegheny

Camden, Ark., Jan. 26.—(AP)—Two men were killed and three wounded in a pitched battle between a sheriff's posse and an alleged moonshiner near here last night.

Deputy Sheriff Zach Norton and Paul Stanley, whose ten home was raided, are dead. Sheriff Arthur Ellis, Jack Lewis and F. D. Deering, of Lounan, Ark., a bystander, were wounded.

### AUSTRALIAN BALLOT BILL

It Now Seems That Some Kind of an Australian Ballot Law Will Be Enacted.

Tribune Bureau, Sir Walter Hotel.

BY J. C. BASKERVILLE.

Raleigh, Jan. 26.—Although the proposed Australian ballot bills are not by any means out from under the cloud of opposition which has been growing more menacing for several days, a rift through this cloud was seen following the committee hearing held on the bill Tuesday afternoon.

As a result of this meeting, a subcommittee composed of Senators Broughton and McNeill, authors of two different bills, and Representatives Falls, Connor and Crenshaw, was named to attempt to work out a composite bill that would prove acceptable to all factions, and thus increase the hope for its passage.

The trouble has heretofore been in finding a type of Australian ballot that would prove acceptable in all sections of the state, since one section wants one type and others another. The stringent regulations in the Falls-Broughton bill are also said to be drawing opposition from many railroad and traveling men in the state.

However, it now looks reasonably certain that some sort of Australian ballot bill will be accepted by the general assembly, though it is equally doubtful that it will be the one embodied in the Fall-Broughton bill, which has the complete endorsement of the North Carolina Legislative Council of Women.

A distinctly hostile atmosphere pervaded the house during the hearing on the bill, and two representatives of the women's organizations spoke in behalf of the Australian ballot measure, which has been a "pet measure" of the women's clubs in the state for years.

Miss Mary Henderson, vice-chairman of the Australian ballot law and urging that it be approved, since she said the majority of the voters of the state desired it and it was up to the Democratic party as the dominant party to provide it.

Senator Broughton outlined and explained in full the various details of his bill, so that it might be better understood.

### HEARING ON MATTER TAXING THE BUSES

Change Urged from Receipts Basis to That of Weight.

Tribune Bureau, Sir Walter Hotel.

BY J. C. BASKERVILLE.

Raleigh, Jan. 26.—Change in taxation from six per cent of gross revenue to the weight and mileage basis recommended in the budget bill will result in lower taxes for operators holding large and profitable franchises and increase the levy on the little fellows.

The joint finance committee was told yesterday afternoon at a hearing at which representatives of practically every bus company in the state attended.

The proposed legislation, bus owners reiterated, would throttle bus development and progress and might result in operators substituting lighter equipment for the present "heavy" buses in order to keep down taxes.

The budget recommends that buses be taxed one-seventieth of one cent per month for each 100 pounds new weight of the vehicle, multiplied by the number of miles authorized by a schedule approved by the corporation commission.

Bus owners and R. O. Self, chief clerk of the corporation commission and Mr. Cates, of the Department of Revenue, in charge of collecting the state will be approximately the same under either of the methods.

It was brought out that under the current ad. lines doing the largest business pay the largest tax and the little fellows, many of whom are trying to get a foothold and who are operating at a loss in an effort to build up patronage, pay only according to their receipts. Under the proposed law all bill lines will be taxed alike, whether the buses are running filled or empty. General Albert Cox was the first spokesman. He briefly outlined the current and proposed sections relating to bus taxes. Mr. Self spoke next and explained that he drew the tax section at the instigation of the budget commission but in answer to a question from Representative Nat Townsend, denied that he recommended changing from the present six per cent gross revenue levy.

H. H. Patterson, of the Carolina Coach Co., Raleigh, said the new law would have a tendency to keep the good lines out of communities that might in time prove profitable routes. Mr. Bland, of the same company, said the present tax is uniformly and equitably applied and the proposed measure will "penalize progress."

### WEATHER FORECAST.

Cloudy tonight and Thursday, probably rain, changing to snow; colder tonight, much colder Thursday, and wave in west and north portions. Fresh northeast and north winds.

ers Call for Most Impressive Fighting Flotilla Mobilized Since Armistice Ended World War. Mistake Was Signed.

### PROTECTION TO ALL BRITISHERS

Land and Naval Forces Being Concentrated for Action—Nearly 21,000 Soldiers Available.

London, Jan. 26.—(AP)—British land and naval forces are converging on China to protect British life and property.

When the fighting ships ordered to proceed to Chinese waters join warships already on the scene, there will be assembled the most impressive flotilla of fighting units since the armistice ended the World War in 1918.

Estimates of the total number of effectives which will then be ready for eventualities both on land and sea place them at between 19,000 and 21,000. The land forces will be under command of Major General John Duncan, who had notable service in the World War. He left for the East yesterday aboard the transport Megantic, just as 1,000 marines were leaving Portsmouth for Shanghai. Before the end of the week it is expected that more than 11,000 infantrymen will be en route to China.

Although going on steadily with preparations, the officials of the government have not lost hope that an amicable settlement will be reached and that it will not be necessary to resort to arms.

Prominence is given by the principal morning newspapers to the announcement that the American secretary of state, Frank B. Kellogg, would make a statement outlining the views of the white house as regards China, and the decision of the house for relations to report on the Foreign resolution favoring an independent position for the United States.