

Another Suit Entered By Dr. Pentuff Seeks Money from Newspaper

Former Pastor of McGill Street Baptist Church Asks \$35,000 Damages in His Libel Suit.

EDITORIAL CAUSE OF THE ACTION

John A. Park and O. J. Coffin Defendants Along With Raleigh Times. Papers Already Served.

Another split for damages has been filed in Cabarrus Superior Court by counsel for Dr. J. R. Pentuff against the Raleigh Times, John A. Park and O. J. Coffin.

An editorial which appeared in The Times on March 24, 1926, forms the basis of the suit. It is charged that statements carried in the editorial constitute "false, contemptuous, malicious, defamatory and libelous matter" and objection is made to the following excerpts from the editorial:

"One J. R. Pentuff of Concord, by profession a preacher and Ph. D. and by practice of recent months somewhat of an agitator presumably in the interest of the faith founded some two millenniums since by a certain Carpenter of Nazareth, has filed suit against the Times Publishing Co., John A. Park, president, and Oscar J. Coffin, editor."

"There has not to our knowledge appeared in public within the memory of the present generation of North Carolinians a more ignorant man than Pentuff, or one less charitable toward him who might honestly disagree with him."

"There is nothing to add to what has been said; there is no desire or intent on the part of The Times to retract anything. In our opinion J. R. Pentuff is ignorant, he is unmannerly in debate and he is uncharitable in his dealings with good and intelligent men of even his own denomination."

"Several months ago counsel for Dr. Pentuff entered suit against Mr. Park, Mr. Coffin and The Times for a libelous article which appeared in The Times in February, 1926. This case was nolle prossed in his decision Judge A. M. Stack said that the action based on the March editorial instead of the February editorial he would have allowed it to have gone to the jury."

"That said article set forth in paragraph 3 of this complaint was written and published wilfully and maliciously by defendants in consequence of the suit filed by plaintiff in the Superior Court of Cabarrus County, North Carolina, for a former libelous and defamatory attack upon the plaintiff."

"It is charged in paragraph five of the complaint that because of the article 'the plaintiff has been and still is injured in his good name, fame, credit, character and reputation both as an individual and professionally as an educator and as a minister of the gospel.'"

"It is charged further that this editorial, coming after the first one, shows malice and further in the complaint it is charged that because of the statement that the plaintiff is 'ignorant' and an 'ignoramus' the said plaintiff has had difficulty in securing work."

"That by reason of said false and malicious and libelous and defamatory publication a second time by defendants, plaintiff has suffered heart mental anguish both personally and in contemplation of the pain and suffering caused to the plaintiff's wife on account of said publication by defendant, and plaintiff now finds himself a minister without a church, a teacher without a school and has been deprived of his average annual salary of \$2,500 per year."

FRANCE AND ITALY NOT FAVORABLE TO PRESIDENT'S PLAN

Hopes of Effective Naval Limitation Conference Jolted by Answer Given by France.

ITALY EXPECTED TO DISAGREE

Reply From That Nation Expected to Be Unfavorable to Plans for the Conference.

Washington, Feb. 16.—(AP)—Hopes of the Washington government for an effective naval limitation conference have been jolted severely by a polite rejection from France, and a forecast that Italy also will decline to participate.

With the declaration last night of France, the opinion here was that Italy would accept, and still make possible the gathering of representatives of a sufficient number of nations to bring practical results in the limiting of armaments not touched upon at the Washington conference.

A semi-official communique issued in Rome today, however, announced that Italy would follow the lead of France in demurring to the proposal of President Coolidge for the conference, leaving as a matter of conjecture the next step of the American government in seeking methods of obtaining the agreements it has hoped for.

Tentative consideration has been given to a possible four-power conference, participated in by the United States, Japan, Italy and Great Britain, even before the unfavorable French reply was received. Acceptances of the Coolidge invitation were considered as having been assured from Japan and Great Britain but obviously not the attitude of Great Britain may not be affected by the position of France and Italy.

For the moment it is likely that any plan of action will be formulated here in the absence of the British and Japanese formal replies.

The French communication is based on the main contention that the American plan might compromise the success of the preliminary disarmament commission created by the League of Nations. Whether its terms has left room for hope that further correspondence with Paris might create a better understanding of the American suggestions was not disclosed.

Secretary Kellogg will probably defer his decision until the Italian reply is before him.

The statement issued by Mr. Kellogg last night calling attention to evidences of misunderstanding in Paris did not go beyond expressing the hope of ultimate French agreement. The Italian note may offer similar possibilities to the official eye, but the immediate effect of the Rome announcement is the creation of an obstacle to any proposal for limiting cruiser, destroyer and submarine tonnage in accordance with the Washington treaty theory, or of reconciling that theory with French and Italian views.

Will Follow France's Lead. Rome, Feb. 16.—(AP)—Italy will follow France's lead in rejecting President Coolidge's naval disarmament proposal, it was announced in a semi-official communique this morning.

The Italian reply is ready and will probably be delivered some time today.

The reasons for Italy's rejection are not announced, but it is understood they are based upon the insistence that a reduction in submarines, destroyers and other light naval vessels would jeopardize the defense of the long coast lines of Italy proper, and her African colonies.

SOUTH LINKED WITH THE BRITISH ISLES ON PHONE

Sitting in Atlanta, Ben S. Reed Talked With Col. H. S. Schreve in London. Atlanta, Feb. 16.—(AP)—The South was linked with the British Isles today by telephone.

Tried Again



Harry M. Daugherty, former Attorney General, appeared tired and careworn as he attended court in New York for his second trial on charges of conspiracy to defraud the Government in the handling of alien property.

MENARY-HAUGEN BILL SUBSTITUTED IN HOUSE

By Overwhelming Vote Lower Body Of Congress Decides To Substitute It For Bill It Has Been Considering.

Washington, Feb. 15.—The McNary-Haugen farm bill, as passed by the senate was substituted by the house today for a similar measure it has been considering. The vote to substitute was 201 to 62.

Shortly thereafter general debate on a farm relief bill was concluded and the enacting clause of the senate measure read. This brought the bill to a point where amendments are in order.

The house then advanced, leaders agreeing to postpone taking up the measure until Thursday to make way tomorrow for a batch of other bills on the calendar.

Just as discussion came to close, Representative Aswell, Democrat, Louisiana, announced that as soon as the McNary-Haugen bill was brought up again he would seek to strike out its declaration of policy and substitute that in his own bill. Should this motion carry, he said, he would move substitution of his measure for the McNary-Haugen bill.

This motion is expected to be a full test of strength on the Aswell plan. Should it fail, the Aswell bill would be practically out of the running and the fight narrowed between the McNary-Haugen measure and the Curtis-Crisp bill.

The vote today to substitute the senate bill was not construed by either supporters or opponents as constituting a test of strength as a number of members supporting the motion have announced they will vote against passage of the measure.

With Our Advertisers. Spring lingerie in an exquisite display at the Gray Shop. Priced from \$1.95 to \$5.95.

Don't fail to see "Fine Clothes" at the Concord Theatre tomorrow.

See the ad. today on "Frigidate Low Prices" of the Standard Buick Co.

New advanced styles in coats for women at Pfister's. A smart style, white with blue buttons, only \$35.00.

Spring frocks for juniors at J. C. Penney Co., \$9.00 to \$24.75. All the charming colors of spring.

HERE'S LOWDOWN ON INSTALLMENTS

New York, Feb. 16.—Here is the "lowdown" on the much-debated question of installment buying—out of the mouth of an expert:

- 1. Don't buy anything on credit to suit a quick whim. 2. Don't buy anything on credit unless you know it's true value. 3. Don't buy anything on credit that will wear out and lose its value before you have finished paying for it. 4. Don't buy anything on credit that you do not desire greatly enough to be willing to undergo sacrifice in some direction.

The rules are promulgated by John J. Raskob, chairman of the finance committee of General Motors, in an interview in this week's Colliers. He's an expert because he has 600,000 credit accounts.

Today seventy-five per cent. of the motor cars are sold on credit, he declares. But four-fifths of all cars in use are fully paid for, he adds.

AUSTRALIAN BALLOT BILL

Will Probably Reach the Floor of the House in the Next Few Days.

Raleigh, Feb. 16.—The amended Falls-Broughton Australian ballot bill has been favorably reported by the house committee on election laws and will probably reach the floor of the house within the next few days.

The amended bill has not been materially changed from the way it was originally drafted, and those who supported the original bill, and many who declared that they would rather have no Australian ballot than the wrong kind (this includes the women) are satisfied with it as it now stands.

The most outstanding changes are those pertaining to the section on absentee voting, and section 26, rendering assistance to voters. Section 26, as amended, provides that assistants be appointed by the county boards of elections to help disabled or illiterate voters, an equal number from each political party. In case any assistant so appointed shall not appear the voters may be helped by the judges of election to help him.

In small precincts where the vote is light, the county board of elections may omit the appointment of assistants, the judges of election rendering assistance to any voter who shall seek it.

The section on absentee voting provides that a ballot similar to the one used by the regular voter shall be provided for the absentee voter, but if it shall be marked with the letter "A" to distinguish it from the ordinary ballot.

The main opposition was led by Representative Brown, Republican, Wilkes county. Mr. Brown voted against the bill in committee.

Representative E. G. Connor, of Wilson county, on the other hand, came out openly and stated that while he would vote against a statewide Australian ballot bill, he was in favor of reporting the bill favorably from the committee, without altering its content.

He represented that element of the opposition who seem to feel sure of the final defeat of the measure when it comes up on the floor of the house.

Senator Broughton, of Wake, and Mr. Humphreys represented the proponents of the bill. "For my county, I would rather have no Australian ballot than one which allowed the poll worker to enter the booth with the voter," said Mr. Broughton.

"If he is to be there at all, I'd rather see him do his work on the outside." The bill was favorably reported with a vote of eight for and three against it.

OTTO WILL OCCUPY THE SAME OLD CELL

He Will Be Returned to North Carolina by the Indiana Authorities. (By International News Service.) Raleigh, N. C., Feb. 16.—When Otto Wood, North Carolina most notorious bandit-slayer, is returned to State's Prison here he will occupy the same cell along Death Row that he did before he made his sensational third escape from the prison on November 22.

George Rose, prison superintendent, said today that he intended to place Wood in his old cell, Wood is being held for North Carolina authorities in Terre Haute, Ind., where he was wounded in an attempted single-handed drug store holdup on January 25.

SENATE PASSES ON 2ND READING BILL FOR NATIONAL PARK

Only One Vote Was Cast Against Agreed Substitute Bill Carrying \$2,000,000 for the Park.

MARRIAGE BILLS NOT ACCEPTED

Five Bills Covering Marriage and Divorce Were Given Unfavorable Report Today.

State Capitol, Feb. 16.—(AP)—The senate today, 42 to 1, passed on second reading the agreed substitute Great Smoky Mountains National Park bill, and tomorrow will vote on passage of the bill to the house on third reading.

Senator Lawrence, of Hertford, cast the only vote against the bill, which provides \$2,000,000 appropriation for buying the land for a national park. As it is a roll call bill, a day must intervene between the second and third reading.

Unfavorable Report on Marriage Bills. State Capitol, Raleigh, Feb. 16.—(AP)—Unfavorable report on the five marriage and divorce bills sponsored by a state ministers convention at High Point was brought into the house today.

The session got underway half an hour earlier than usual, in order to attack the heavy public bills calendar. Upwards of a hundred bills were reported back to and the already congested house calendar. Among those reported favorably were:

Governor McLean's anti-pistol totting bill, making jail sentence mandatory on drunken drivers; allowing county officers statewide jurisdiction; consolidating fish commission and conservation departments; increasing judicial districts; Australian ballot; and to abolish absentee voting in primaries.

Unfavorable report came in on the Poole anti-evolution bill.

CAPE FEAR BRIDGE BILL PASSES SECOND READING

State Capitol, Raleigh, Feb. 16.—(AP)—Without dissent the House today passed the \$1,250,000 Cape Fear bridge bill for Wilmington and the eastern Carolina counties on the second reading, and will vote on the bill tomorrow on the third reading on the question of sending it to the senate.

The vote was unanimous. The Sutton game bill inaugurated the daily debates, lasting through the noon hour, but discussion was mainly on the details of open season and bag limits of the various game.

Explains Measure.

State Capitol, Raleigh, Feb. 16.—(AP)—The Smoky Mountain park measure came up in the senate with Senator Ebbs, of Buncombe, speaking for the measure, an agreed substitute carrying no material change, but insuring state reimbursement in every event the venture does not materialize.

Senator Ebbs reviewed the whole history of the creating of a national park for North Carolina and Tennessee.

"This bill does not meet what I desire for the state, but it carries every measure," Mr. Ebbs said, adding proponents and opponents favored the substitute.

"I see in the newspapers there are only a few opponents," he said. "The park is being advertised in cosmopolitan newspapers, and the magazines." He then offered several amendments to meet points of view of all interested, but leaving the bill in the same general shape, an appropriation bill covering \$2,000,000 for the land purchases.

Governor Favors Bill.

State Capitol, Raleigh, Feb. 16.—(AP)—Coinciding with virtually unanimous favorable second reading of the substitute Great Smoky Mountain National Park bill, 41 to 1 in the senate today, preparatory to passage to the house tomorrow, Governor McLean made public a statement explaining safeguards put on the substitute bill.

"I am of the opinion, as I have always been, that it is to the interests of North Carolina to make a contribution of \$2,000,000 if that amount will assure the establishment contemplated in the act of Congress," the governor declared.

Greatest Storm In The History Of Pacific Is Diminishing At Present

Sixteen Are Known to Be Dead and 21 Injured While Great Property Damage Has Resulted.

AVALANCHES ARE FATAL TO MANY

High Waters Also Are Menacing Many Sections as Bridges Give Away—Lowlands Covered.

Sau Francisco, Feb. 16.—(AP)—The tail-end of the greatest storm that swept the Pacific slope to an far west as mid-ocean in the history of the United States Weather Bureau, continued today to pound with diminishing violence in southern and central California, while the death toll stood at 16 dead, 21 injured, and much property damage.

The greatest tragedy was in the mountain camp of the Southern California, Edison Company, 75 miles east of Fresno, where 11 persons were killed in a double avalanche early yesterday. The first snow slide crushed bunk houses and sent ten men to their deaths. As rescuers dug in the accumulated snow for the bodies of their companions, the second avalanche struck, and took another life.

Floodwaters in Puente Creek near Whittier, which have assailed the steel trestle across the stream for three days, so weakened the structure that it collapsed as the fast Los Angeles-Chicago flyer of the Union Pacific moved across it last night, plunging engine, tender and two coaches into the flood. Two known dead and three others are believed trapped in one of the coaches. Six persons were injured.

Two were killed in Los Angeles traffic accidents. A boy was drowned when he fell from a San Diego Railroad trestle into a raging torrent which two days before had been a dry creek bed. Two suburbanites in the San Fernando Valley near Los Angeles, marooned in their homes by the flood waters, were rescued by the police in row boats commandeered from an amusement park.

Belief was expressed today that some of the bodies were buried so deeply that they could not be recovered. Edison Company officials said all the injured will recover.

Rude coffins were fashioned out of the available lumber at the camp for the bodies which had been taken out of the slide.

One hundred men were at work in a tunnel about a mile under the surface when a first avalanche struck. They were brought out immediately.

The slides mercifully left the camp hospital building standing, but demolished every structure near it. Seven buildings were crushed to splinters. The loss was put at \$25,000.

The entire Pacific coast felt some manifestation of the storm. A slight earthquake shock was felt in San Francisco yesterday afternoon. The tremor caused some excitement, but no damage was reported.

Hollywood firemen rescued a group of motorists who were left stranded when a bridge went out near Universal City.

Similar traffic throughout the Southland was demoralized by landslides and high water. Rail communication between Los Angeles and San Diego was cut.

Doris Duke Has Right to Get Newport Estate. Providence, R. I., Feb. 15.—The Rhode Island supreme court, in a decision today, granted to Doris Duke, 14-year-old daughter of the late James H. Duke, millionaire tobacco man, the right to acquire ownership of "Rough Point," her father's Newport estate, without being required to bid for it at auction.

Executors and trustees are authorized to make a direct conveyance of the estate without conducting an auction sale as provided for in the will. Under the provisions of the will, the daughter was bequeathed money to be used in the purchase of her father's residences when they were put up at auction, but under the court ruling no auction sale need be held.

Similar decisions already have been made in other states. If regard to the disposal of the Duke residence in New York city and near Charlotte, N. C., the daughter being given the right to acquire each directly, without the formality of an auction sale.

Examining Cafe Employees. Dr. D. G. Caldwell, county health officer, announced today that he had completed the examination of 65 persons who work in cafes in the city. It was said that there are approximately 85 workers in cafes of the city and that the remaining 20 persons would be examined within the next few days.

Formerly notorious sailors "struck" the ship's yard on "their grievances were redressed, and the term 'strikes' thus came to mean a 'with' stoppage of work.

STAR THEATRE THURSDAY-FRIDAY "BERTHA THE SEWING MACHINE GIRL" With Madge Bellamy, Alan Simpson HER BEST PICTURE TODAY-WEDNESDAY "THE GOLDEN STRAIN" With Madge Bellamy and Kenneth Harlan ADMISSION 5c-10c