

THE WEATHER
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The News and Observer

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SIXTEEN PAGES TODAY.

RALEIGH, N. C., TUESDAY MORNING, MARCH 1, 1921.

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PRICE: FIVE CENTS

CONGRESS WINDS UP DISCUSSION ON TARIFF MEASURE

Fordney Bill Sent to President Wilson, Who is Expected to Veto It

SENATE APPROVES THE REPORT OF CONFEREES

Senator Simmons Delivers Final Assault on Measure, Declaring It Was Conceived in Fraud and Brought Forth in Iniquity; Effort to Deceive the Farmer, He Says

Washington, Feb. 28.—Congressional action on the Fordney Emergency tariff bill was completed by the Senate today and the fate of the measure, designed to defeat the slump in farm commodity prices, now rests with President Wilson.

The Senate action which was to approve the report of its conference committee was by a vote of 49 to 36. Eleven Democrats pulled away from the measure. The House adopted the conference report Saturday by a vote of 205 to 127.

Supporters of the bill turned to watch for the next move at the White House. Senator Underwood of Alabama, minority leader in the Senate, recently stated he had announced to the President that he would withhold his signature. Due to the termination of this Congress within less than ten days the President either can veto the bill and send it back with his reasons for doing so or he can simply destroy it by a pocket veto which would give no opportunity for Congress to attempt to override his wishes. Final votes on the measure, its opponents declared, showed slight possibility of the necessary two-thirds majority being given either in the House or Senate for overriding a veto.

Democratic Senators made a final assault on the bill when the report of the conference committee was taken up today and for five hours drove at what they described as the iniquities of the legislation. Although only two votes were cast in defense of the bill and they for only a few minutes, the argument unloosed by the Democrats availed nothing.

If signed by the President the law would remain in force for ten months, although Republicans leaders plan to attempt to repeal the measure either with a second tariff measure or a permanent law. These matters, however, are reserved for the extra session.

Telegrapher Tells Story of How Two Trains Smashed Up

Charles Whitehead, an Eye-Witness of Crash That Killed 37 Persons, Exonerates Leverman of Blame for Wreck; Horrible Sight as One Fast Train Plows Through Michigan Flier.

Porter, Ind., Feb. 28. (By the Associated Press).—Charles Whitehead, telegrapher in the signal tower which regulates the passage of the train over the crossing where a New York Central train last night smashed into the side of a Michigan Central train, killing 37 persons, tonight for the first time gave his version of the events preceding the collision.

He substantiated the statement of Joe Cook, operator of the 56 levers in the tower, that the signals were set against the Michigan Central train, and exonerated Cook of any blame for the disaster.

Whitehead, too unstrung to talk coherently last night, tonight was back at his post and received all messages telling when various trains will arrive," he said. "I have nothing to do with the operation of the signals, and am not considered in any way responsible for them."

"Ordinarily a man named Piering runs the levers, but he wanted to take a night off, and hired Joe Cook, who is a sub-operator, to work for him."

"Because of the mass of switches, levers and the interlocking both of us were last night, far down each track is an appliance which rings a bell in the tower when a train hits it. Last night, when we heard the bell, we saw the New York Central. About thirty seconds later the Michigan Central bell rang. Joe set the signals against the Michigan Central, and opened the track for the New York Central. We sat peering down the New York Central tracks watching the headlight gradually grow larger and larger. We hadn't noticed the Michigan Central."

"The Michigan Central engine gradually grew larger and larger, and finally its outlines were plainly visible. Suddenly I heard Joe shout:

"My God, Charlie, the Michigan Central is coming through the block!"

"I can still hear the shouted warning. I turned around quickly to the right and there, not 150 feet away, was the Michigan Central, No. 20, crashing down at 60 miles an hour. It was so close I could see the spaces between the tender bars. Joe jumped for the door, and I jumped after him."

"We heard a terrific grinding smash. There was a hiss of steam, a brilliant red glare lit up the tower, and our little building shook all over. The crashing of glass and lower windows breaking—singled in my ears, and the tower continued to rock."

"We lay against the door for a moment and then collapsed to the floor. Later—a few seconds later, I suppose—Joe got up and dashed downstairs. I followed him."

"When I reached the ground Joe was running full speed up the road to Cheston, two miles away. I am told that he never stopped until he reached there, although several persons tried to halt him."

"I went down to the wreckage. The conductor of one of the trains came up and tried to ask me something. He couldn't talk, he was shaking so, and I guess I couldn't have answered. I don't remember much after that."

Whitehead explained that the signal system was interlocking so both trains could not have been on at the same time. The Michigan Central automatically opened it to the New York Central, and vice versa, he said.

Whitehead said the Michigan Central probably was making 60 miles an hour, but that the New York Central was traveling slower—probably 40 miles an hour.

"They always travel nearly full speed but last night the New York Central seemed to be coming slower than usual. Perhaps the engineer saw the other train and tried to stop," Whitehead said.

Cook was unable to work tonight, but was not needed. Every train on both roads was ordered to stop before reaching the wreckage, and to proceed only by hand-signal. All derauling switches were locked, and all blocks were set against oncoming trains.

A special crew of signal men guided the trains in their slow progress over the crossing.

FAMOUS LEVER ACT GOES IN DISCARD BY COURT OPINION

Court Hold Unconstitutional Law By Which Government Stopped Coal Strike

CAMPAIGN WAGED UNDER IT TO REDUCE H. C. L.

Washington, Feb. 28.—The Supreme court today held unconstitutional the sections of the Lever act under which the government stopped the coal strike of 1919 and subsequently launched its campaign to reduce the cost of living by prosecuting alleged hoarders of and profiteers in foodstuffs and other necessities.

Practically all of the attacks against the Lever act amendments to the constitution in that it deprived the defendants of their property without due process of law. Other arguments were based on the allegation that enactment of the law on October 23, 1919, after hostilities had ceased was not a proper exercise by Congress of its war power.

It also was argued that the sales were entirely intrastate and therefore outside of Federal jurisdiction.

The court's opinion was rendered specifically in an appeal by the government from a decree in lower courts quashing an indictment against an alleged profiteer in sugar, but it was sweeping in its terms and will have the effect of ending all prosecutions instituted by the Department of Justice in its cost of living campaign.

The action of the government in obtaining injunctions to stop the strike of bituminous miners in November, 1919, was not before the court, but Department of Justice officials said that it was under section four, which was held invalid, that the government had proceeded against the miners.

The opinion of the court was based largely in the infirmities of the sections under review. Chief Justice White, departing from his prepared opinion, remarked that the scope of the act apparently was "too broad, has a hazy imagination" and that the "degree of criminality was left to ever changing standards."

Associate Justice Brandeis and Chief Justice White, in their dissenting opinions, said that the court's decision was reached but occurred in the result.

PENSION BILL IS PASSED WITH FOUR DISSENTING VOTES

With One Exception Democrats Cast Solid Vote Against Cowles Substitute

WOULD HAVE DISRUPTED PROPERTY TAX POLICY

Washington, Feb. 28.—Evidence obtained by Revenue agents in raids conducted without a search warrant cannot be admitted in court proceedings, the Supreme Court ruled today in setting aside the conviction in South Carolina of Lawrence Amos.

Amos was convicted of removing distilled spirits on which the tax had not been paid to a place other than a distillery warehouse and of concealing such spirits. In appealing to the higher court he alleged that the fourth and fifth amendments to the Federal constitution had been violated when Federal officers searched his home without a warrant.

The entire Costa Rica force which occupied Coto was captured. Thirty-five additional prisoners were taken when a Costa Rican launch was captured by the Panamanians. Their arms and army machine gun were taken. Coto was re-occupied by the Panamanians, headed by a force of 100 cavalry, commanded by Col. Laureano Gaston.

Previous dispatches concerning the trouble between Costa Rica and Panama have contained no reference to demonstrations against President Porras. Nor have there been any intimations that American forces were guarding the presidential palace.

WASHINGTON, Feb. 28.—Final settlement of the boundary dispute between Panama and Costa Rica to prevent a recurrence of the armed hostilities which broke out last year was announced today by the United States.

The suggestions made by the United States do not amount to an offer of mediation or arbitration. Under Secretary of State Davis declared today that the State Department, he added, had expressed a firm attitude of opposition to war as a substitute for arbitration as a means of settling the question.

Although cable advice received here today by the Panama Legation stated that the Costa Rican force occupying Coto in the disputed area, had been surprised and had surrendered, no account of the situation was received from Costa Rican sources. The State Department had not been advised, Secretary Davis said, whether the occupation of the territory in question was a formal move on the part of Costa Rica or simply the act of an independent expedition of Costa Ricans.

SUPREME COURT DECLARES SEARCH WARRANTS MUST BE USED TO GET EVIDENCE

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SENATE STANDS BY APPROPRIATION COMMITTEE BILL

Substitute Measure For Twenty Million Bond Issue Presented By Long

SENATE VOTES AGAINST LIMITING DEBATE

Washington, Feb. 28.—The Senate last night accepted the appropriation bill carrying a bond issue of \$5,745,000 to provide a two-year building program for the State institutions by a recorded vote of 24 to 23. The test came on a substitute bill offered by Senator Long of Louisiana in behalf of the Association for the Promotion of Education in North Carolina. The substitute carried an appropriation of \$2,000,000 for the building of a school for the blind at Raleigh, N. C., and the appropriation left to be expended in the discretion of the Building Commission and the Council of State.

Senator Long changed his vote before the result was announced, and immediately lodged a motion to reconsider, which will be voted upon today. Both sides claim final victory. Senator Lambeth, one of the three Senators not recorded, was called out of the chamber before the vote was taken, and announced on his return that he would have supported the committee. Two other Senators not recorded were Jones, of Edgecombe, who is sick, and Griffin, who is out of the city.

If both of the absent Senators return, it is thought their votes will counter-balance each other, Senator Jones being known to favor the committee, while Senator Griffin is thought to favor the substitute, though no one is authorized to speak for him. In case of a tie, Lieutenant Governor Cooper's vote is being claimed by the proponents of the substitute, but there is also some doubt concerning his position.

The vote was followed by the passage of the committee bill on its second reading, every Senator present recording himself in favor of one of the measures. The legislative day was only saved by stopping the clock, the vote not being taken until past midnight.

How They Voted

The vote on the adoption of the substitute was as follows:

Ayes—Brewer, Burdette, Cannon, Cox, Dalaney, Dewar, Erwin, Gallier, Hamilton, Long (Alamance), Long (Halifax), McNeill, Mendenhall, Outlaw, Raynor, Reinhardt, Sams, Swain, Taylor and Woodson—21.

Noes—Blair, Bumgarner, Byrd, Carlton, Carpenter, Dunlap, Hargett, Harrell, Jones (Edgecombe), Kinnear, Kinnear, McColin, McGowan, Nash, Oates, Patton, Ramsey, Robinson, Scott, Varner, Williams and Winborne—22.

Paired—Stubb, for, with Bransfield, against; Walker, for, with McKinnis, against—4.

Absent—Griffin, Jones (Edgecombe), and Lambeth—3.

The first hour of the session was consumed by routine business and the reading of the two bills. The three hours' debate was preceded by a preliminary skirmish, which the committee lost. Senator McColin moved that debate be limited to one hour on a side, and Senator Long opposed the motion, which was defeated 24 to 19.

The lengthy debate was remarkable in that each of the speeches was virtually independent of those that had preceded and in the small number of interrogations indulged in by Senators.

Debate Opens

Following the defeat of the motion to limit debate, Senators McColin and Long opened the discussion with two speeches that created deep impressions both on the floor and in the crowded galleries. The Senator from Halifax urged the Senate to accept the program asked by the institutions themselves and endorsed by civic organizations throughout the State, while the Senator from Vance asked that the Senate support the unanimous judgment of the Budget Commission, backed by almost united judgment of the Appropriation Committees of both houses.

Senator Long began with a statement that he regretted that imperative business matters had called him from the State and prevented him from presenting his substitute to the Appropriations Committee, but stated that owing to the wide support the larger plan had received it was only fair that it should be presented to the Senate and discussed upon its merits.

Comparing the substitute bill with that offered by the committee, the Senator from Halifax asserted that he was unwilling to throttle the State institutions by saying whether they should buy a horse or cow, but that he was perfectly willing to trust the heads of institutions, the Building Commission and the Council of State to see to it that the funds appropriated are expended wisely.

"Can a State that has given millions to relief of foreign lands, afford to beiggardly with its children and its unfortunate as demanded," North Carolina is a great corporation with 2,500,000 stockholders. Up until tonight it has had preferred stockholders; I am unwilling that one citizen of the State should enjoy opportunities at State institutions that any other citizen just as worthy" he asserted.

Urges Economy of Substitutes

Urging the substitute bill as wise from a business standpoint the Senator argued the economy of a well-planned program and asserted that in his opinion, necessary buildings can be erected cheaper within the next two years than it will be possible to do later; "we have the labor and our people need work, moreover, I believe, that before the year is over, the State will be in a position to build up its institutions."

(Continued on Page Two)

RECEPTION GIVEN BY STATE SOCIETY

Secretary and Mrs. Daniels and Congressman Small Guests at Social Event

The News and Observer Editors, 603 District National Bank Bldg. By JOE L. BAKER (By Special Leased Wire)

Washington, Feb. 28.—One of the notable social events of the Wilson administration given by the North Carolina Society, one of the most prominent and active of the State societies at the National capital, was the reception and dance given tonight at a fashionable apartment hotel for Secretary of the Navy and Mrs. Daniels and Hon. John H. Small, who, on March 4th, will retire from Congress after more than 20 years of continuous service. Several hundred North Carolinians and other invited guests called during the evening to do honor to these two North Carolinians who have been prominent in the capital life during the last several years.

There was an enjoyable musical program, including selections by the Marine Band, by a quartette from one of the Washington churches, a solo by Mrs. Marjorie Bowie and piano numbers by Mr. Claude Robinson, both of Washington. There were also several speeches. Representative Small was presented to the guests by E. E. Britton, president of the North Carolina society, of which Mr. Small is a past president, and Mr. Small made a preliminary address when he, on behalf of members of the North Carolina Congressional delegation, presented Mr. Daniels with the chair he has occupied at the meetings of President Wilson's cabinet during his eight years of service. Mr. Daniels will take this chair to Raleigh with him as a prized memento of his official life. There was also on display during the reception an oil painting of the retiring Navy Secretary which will be hung in the Secretary of the Navy's office after the completion of his term. It will hang on the wall along side the four other North Carolinians who have held the same cabinet post, Branch, Graham, Dobbin and Hodger. By an unusual coincidence, all five of the North Carolinians who have been called to service in the cabinet have held the portfolio of Secretary of the Navy.

Another address was delivered by Representative Padgett, of Tennessee, who was chairman of the Naval Affairs committee of the House during the period of democratic ascendancy in the house. Mr. Padgett held this important chairmanship during the world war, and was thus thrown constantly with Mr. Daniels, and a strong friendship sprang up between them.

Representative Ed. Fox, of the Raleigh district, was also on the program.

(Continued on Page Two)

RECOVERING FROM RECENT COLLAPSE

Mrs. Varner in Coherent Moments Reiterates Innocence of Horrible Crime

Greensboro, Feb. 28.—The condition of Mrs. Florence C. Varner, who is receiving treatment following nervous collapse at Glenwood Park Sanatorium, is noticeably improved today, according to Dr. D. D. King, assistant physician at the sanatorium. She began taking food without resistance early this morning and since that time has been fed regularly at two-hour intervals. Dr. King said that yesterday and the day before she ate very little and it looked as if she might die, but she refused food at all.

Since her breakdown, she says that she has recurrent attacks of hysteria as she breaks down and sobs, in a heart rending manner, declaring at intermittent intervals that she is innocent of the horrible crime of which the jury pronounced her guilty. By avoiding a special attack, the physician has no reason for her not recuperating in a speedy manner.

An appeal from the decision of the jury will be made when he can get in consultation with the attorneys who assisted him in Mrs. Varner's suit, Mr. Sapp said late this afternoon. The appeal will be made to the United States Circuit court of appeals. "We have six months in which to file an appeal," Mr. Sapp said.

A petition in the form of an expression of sympathy for Mrs. Varner was drawn up this afternoon by prominent Greensboro society women and will be circulated Monday, if plans now on foot go through.

Today Mrs. Varner was flooded with flowers sent from women sympathizers in Greensboro who although acquitted, yet never attended the trial, appear to be convinced that she is innocent.

ROBESON COUNTY VISITED BY SEVERE HAIL STORM

Lumberton, Feb. 28.—The heaviest hail storm ever witnessed hereabouts visited several sections of Robeson county early Sunday night. The hail covered the ground to a depth of six inches of ice and much of it was on the ground today, according to reports received from Lumberton. Hailstones were accompanied by an electrical storm. The worst damage wrought was to tobacco plant beds.

Everybody is Coming To Raleigh

THURS., MARCH 3

WOULD REQUIRE JUDGES TO GIVE WHOLE TIME

Washington, Feb. 28.—Senator Dial, of South Carolina, who recently cited to the Department of Justice the acceptance by Federal Judge Landis of Chicago, of the position of writer of baseball, today introduced a bill to require all Federal judges to devote their entire time to their judicial duties. The bill was referred without debate to the Judiciary Committee with little chance for action before Congress adjourns.

The bill would require all Federal judges to live in the district to which they are appointed and confine themselves to their bench duties. Violation would be "a high misdemeanor."

(Continued on Page Two)

STATE CANT LEVI SPECIAL TAXES ON BONDERS LIQUORS

Washington, Feb. 28.—Kentucky law levying a special tax on liquors withdrawn from bonded warehouses was held invalid today by the Supreme court. Several millions of dollars in taxes already collected by the State were involved.

The supreme court upheld decrees of the Federal district court for the Eastern Kentucky district that the law under which the taxes were collected violated both the State and Federal constitutions.

The State argued that there was no competition in the liquor business now and that the tax therefore could not be considered confiscatory.

The court sustained lower courts which had granted an injunction to the Kentucky Distilleries and Warehouse Company and the J. and A. Frieberg Company, preventing interference by the State authorities to withdrawals of liquor on which the special tax had not been paid.

The opinion of the court, which was unanimous, was read by Justice Brandeis.

FEDERAL FARM LOANS VALIDATED BY COUNTRY'S HIGHEST COURT

Washington, Feb. 28.—The farm loan act designed to assist the agricultural development of the United States by providing readily accessible credits to farmers through Federal land banks was declared valid today by the Supreme Court.

In an opinion which Commissioner Charles E. Lobdell of the Farm Loan Board declared "clears away every legal question and removes every shadow of question as to the legality of the banks' operations," the court held that Congress had full authority to exempt their bonds from State taxation.

Commissioner Lobdell announced that there would be an immediate issue of farm loan bonds "to an undetermined amount" to finance the hundreds of millions of dollars in loans which already had been approved by the banks and which were held up pending the court's decision.

"A bond offering will be made as soon as the bonds can be made ready," Mr. Lobdell said, and immediately thereafter the distribution of funds began. It will be at least thirty days, however, before funds are available for actual loaning.

"The farm loan board is hopeful that the market may absorb farm loan bonds equal to the borrowing demands of the farmers of the country but no one can predict with safety the result of a financial operation of this magnitude."

The case decided today was an appeal from lower court decrees refusing an injunction sought by Charles W. Smith, a stockholder in the Kansas City Title and Trust Company to restrain the institution from investing its funds in the securities of the land banks. The contention was made that the farm loan act was invalid as Congress had neither the authority under the constitution to establish banks or to exempt their securities from State taxation.

The court in practically unanimous opinion upheld the authority of the government in both instances.

CANTON STUDENT CUTS SOPHOMORE

Uses Knife On E. C. Brooks, Jr., Son of State Superintendent of Schools

Durham, Feb. 28.—E. C. Brooks, Jr., a member of the Sophomore class of Trinity College, is in Watts hospital, suffering from a knife thrust in the chest, inflicted by Jack McClure, of Canton, a member of the freshman class. Doctors declare that the wound itself is not serious and that recovery should be rapid if no complications develop. The chest cavity was slightly pierced by the knife.

Sunday night about 11:30, according to the story told by McClure to college authorities, four or five members of the Sophomore class entered McClure's room and told him that they had come after him. McClure told college authorities that he was in his room, and that he took a seat on the side of the bed. According to his story, Brooks advanced and took hold of his right arm. It was then, he says, that he pulled the knife from under his bedclothes and made a side stroke at Brooks. The blade entered the chest, slightly piercing the cavity.

From other sources the college authorities have been told that the blow was delivered while McClure was still in his bed as Brooks bent over as if to take hold of him.

A follow-up to the affair came this afternoon when John H. Small, Jr., a member of the law school, went to McClure's room, it is said, to tell the latter what he thought of last night's affair. McClure states that Small cursed him and that when this happened he struck him in the face. The skin on Mr. Small's right cheek was broken and McClure's hand bruised to such an extent by the blow that he required the attention of a doctor.

This affair is the first indication that there has been any hazing at the college since Christmas, and students declare that the college had been exceedingly free from this practice since the sophomore class, a short time after the opening of the fall term, met and voluntarily drew up resolutions condemning hazing, the members pledging themselves to refrain from it. College authorities are carefully investigating the affair.

Young Brooks is a son of Dr. E. C. Brooks, State Superintendent of Public Instruction, who formerly held the chair of Education at the college, and Young Small is a son of Congressman John H. Small.

COSTA RICANS GET WORST OF BATTLE

Panamanians Capture Entire Force in Disputed Territory That Threatened War

Panama, Feb. 28.—(By the Associated Press).—Two Costa Ricans were killed and nine wounded and two Panamanians were captured today in the Pacific side of Costa Rica-Panama frontier.

The entire Costa Rican force which occupied Coto was captured. Thirty-five additional prisoners were taken when a Costa Rican launch was captured by the Panamanians. Their arms and army machine gun were taken. Coto was re-occupied by the Panamanians, headed by a force of 100 cavalry, commanded by Col. Laureano Gaston.

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