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RALEIGH, N. C., THURSDAY MORNING, MARCH 24, 1921.

PRICE: FIVE CENTS

VARNER'S ANSWER MAKES DENIAL OF ALL ALLEGATIONS

Prays That Judgment of Court Stand and That Metion Be Dismissed

GOES INTO DETAIL ON POINTS IN COMPLAINT

Answer Specifically Denies The Allegations That Juror Thomas Was Partial To The Defendant and That Deputy Marshal Discussed Case; De. nies Any New Evidence

Greensbore, March 23 .- Attorneys for H. B. Varner, prominent Lexington business; man, today filed in Federadl court as answer to the complaint of Mrs. Florence C. Varuer, his wife, recently denied a "reasonable subsisfrom her husband when a jury found her guilty of adultery Baxter McRary, negro, alleging that she did not have a fair and impartial

she dist not have a fair and impartial trial.

Allegations set forth in Mrs. Varner'a complaint, which was filed several days ago, are fully denied, and the answer prays that the judgment of the court stand and that the motion for setting aside the verdict of the jury and for a new trial be dismissed by Judge Boyd. The answer goes into detail regarding the points covered in Mrs. Varner's complaint and specifically denies the allegations that F. J. Thomas was partial to the defendant. It also desire that Deputy Marshall C. T. Boane, who was in charge of the juriors, discussed the case with them. Flat denial is made of the allegation that Mrs. Hildreth Anderson received pay from Mr. Varner for her festimony.

The answer denies the allegation that since the trial of said case newly discovered evidence has come to the

discovered evidence has come to the knowledge of the plaintiff which is material in her behalf and which was not available to her for the former trial,"

Attached to the answer are affidavits from several jurors denying that they heard Deputy Marshal Beame discuss the game and there are also affidavits as to the character of O. P. Diekerson and others. The answer to the com-

plaint follows:

Text of Asswer

"1—That the rulings of the court
made during the trial of the action to
which plaintiff assigned error in the
record are made in accordance with the
law and are sorrect and that the verdict is supported by and in accordance
with the weight of the evidence offered
at the trial.

3—That the plaintiff had a fair and
impartial trial and that the jury was
impartial, and he denies that outside
influences were exerted and brought to
bear on the jury or that the verdict

influences were exerted and brought to bear on the jury or that the verdict against the plaintiff was affected by any outside influences, and he denies the allegation, "that the verdict as ren-dered did not express the real senti-ment of all the jurors;" and further says that said verdict was rendered by the jury after they had considered and deliberated upon the evidence for near-ly two days and after such deliberation and consideration, rendered their vertheir ver

dice.

3-The defendant denies the allegation "that since the trial of said case newly discovered evidence has come to the knowledge of the plaintiff which is material in her behalf and which was not available to her for the former

That defendant admits that Juror P. J. Thomas swore that he had not formed or expressed any opinion that plaintiff should not recover in this action and he denies the allegation that juror Thomas "was not impattial or that he and formed and expressed the opinion before his selection as a juror that the plaintiff was guilty of the charge of adultory as alleged by the defendant; and he denies that F. J. Thomas "frequently expressed the opinion to other members of the jury that plaintiff was guilty of adultery as charged in the de-fendant answer before all the evidence

Plaintiff is Estopped The defendant further says that the plaintiff is estopped now that the said is reduced to approximately one third F. J. Thomas was not a fair and imparton account of the unsettled conditions tial juror, for that it appears is the P. J. Thomas was not a fair and impar-tial juror, for that it appears in the affidavit of C. W. Edwards, filed by plaintiff, that shortly after the frial began and long before the dvidence was all in the plaintiff's "attorneya were informed of the alleged facts that said Juror Thomas had before the trial in foreign countries, which, in normal times, consume about two-thirds of the American crop. As an evidence of this condition, it is reliably stated that rebegan formed and expressed an opinion against the plaintiff and notwithstanding this information failed and neglected to call the matter to the attention of the court, and cannot now after the rendition of an adverse verdict set up the same as a ground for new trial; that defendant does not deay that 3. C. Thomas, a brother of Juror Thomas, naw said juror at the hotel one evening during the trial, but says upon information and belief that G. C. Thomas went to the hotel to see his brother merely for the purpose of carrying to him some clean underwear, a telegram about business and some cake sent to the jures by his sister; and further says on information and belief that

nothing in the situation to Indicate any increase in price. It seems that the only way to prevent real diagster to cotton farmers and others interested in the cotton section is to reduce the acreage at least 50 per cent and decrease ferfilliers used on the reduced acreage at least 50 per cent.

The committee unanimously agreed to urge the bankers, merchants, farmers and all others interested in the cetton industry to unite in bringing about reduction herein recommended.

"Practically the hame conditions and the same recommendations apply to the tobacce industry." und further says on information and selief that said G. C. Thomas was not necrested in the verdict returned. That the defendant says upon in-formation and belief that the lallega-That the defendant says upon information and belief that the lallegalions in said motion that C. T. Boane,
deputy marshal, was hostile to the
plaintiff and interested in seeing a
verdict returned against her and was
exceedingly serive against the interest
of the plaintiff are untrue and are denied, and defendant further says on
information and belief that it is not
true that said C. T. Boane expressed
the opinion that the plaintiff was
guilty of the charge against her as
alleged in the defendant answer, and
further denies of information and belief that said Rosmortalized in the pressace of the jury against the plaintiff,

Aged Cardinal reported critically ill

nt his home at Baltimore, and is not ex-

Throughout resterday the Cardinal's condition was precarious, and he lapsed

N. C. Cotton Commission and

Bankers Recommend To-

bacco Reduction Also

News and Observer Bureau, God District National Bank Building.

By EDWARD E. BRITTON.

(By Special Leased Wire.)

Washington, March 23.—Decision to ecommend a reduction of 50 per cent

in cotton screage for the present year

of the members of the North Carolina Cotton Commission and a committee of bankers from that State. After reviewing conditions in the cotton market, both foreign and domestic, the conference concluded that the present sur-

plus would be sufficient for a year's

try, also urged a reduction of screage in the golden weed for this year.

Appointed By Morrison.

The North Carolina Cotton Commis-

sion was appointed by Governor Mor-

survey of business conditions with re-

discussing the situation for the greater part, of the day issued a statement

any year in the past. The domestic

consumption is greatly reduced on ac-

cently spot cotton was lower in Liver-pool than in New York, taking into con-sideration the adverse exchange condi-

mand, even if no cotton were grown

URGE REDUCTION

TRADE RELATIONS CARDINAL GIBBONS NEAR DEATH'S DOOR WITH RUSSIA MAY BE RESUMED SOON

For Discussing Opening Trade Channels

MESSAGE FROM SOVIET

Government, Issued Without Comment, Arraigns Former President Wilson For Policy In Dealing With Soviets; Of. fers To Send Delegation

Washington, March 23.-Consideration by the United States of the question of resuming trade relations with the Russian Soviet government appear cd to be a possibility today, when the State Department announced the reccipt of a message from Lenine, the Russian leader, appealing for a conference and announcing that he stood ready to send an official delegation to this country for the purpose of negotiating an agreement to that end.
Government officials were careful

not to commit themselves as to the course that may be taken, but there were indications that the closest scrutiny had been given the recently negotiated British-Russian trade agree-ment and that already a somewhat broader interpretation had been given the regulations that defined the Wilson administration's policy in dealing with the Bolshevik government. The text of the Russian appeal, which

in proposing opening trade relations between the two countries, said "for ment. It was addressed to the United postmasters are concerned. States Congress and to President Hard-ing and contained an arraignment of course taken by President Wilson, who, the note declared "without cause and without any declaration of war," had attacked Russia and "showed during his whole administration a growing hostility toward the Bussian republic." To Send Delegation

this year. Production of a normal crop on top of the present surplus, which those attending the conference said With the formal proposal to send will official delegation here, the note conwas the largest on record for this time of year, would force the price down to 5 or 6 cents, it was predicted. tained what was construed as a pro-mise to exclude the United States from of year, would force the price down to 5 or 6 cents, it was predicted.

The conference agreed unanimpusly to urge farmers, merchants, bankers and all others intercated in the cotton growing industry to units in bringing about the acreage reduction resommended. The conference, agreeing that similar conditions prevail in the tobacce industry, also urged a reduction of agreeing the street also upper a reduction of agreeing. "The Soviet republic, entirely chartes from its field of revolutionary propaganda. "The Soviet republic, entirely chartes in the work of internal recom action and building up its economic life," the note said, "has not the internal affairs of terrening in the internal affairs of the control of the life internal affairs of the life internal affair America and the All-Russian central executive committee makes herewith a categorical declaration to this effect."

Confirmation of Lenine's declaration

of his renunciation of many of the basic principles of Bolshevism, received by the State Department, has been given careful study by the government experts and while it is realized his aprison under act of the General Assem-bly, together with a committee of bank-ers of North Carolina to make a general parent about-face may have been no-thing more than a move caused by the spect to the agricultural situation. The cotton commission was specifically apexigencies of the situation, there was manifest here a disposition to give it

pointed to investigate cotton conditions greater credence Without formal announcement having been made, the attitude of the a chance to get along still prevail.

United States towards the importation The word from the Navy Department with cotton commissions appointed by others of the cotton growing States, as would tend to stabilize cotton condi-tions. The commission is emposed of of gold, supposedly of Russian origin, Everett of Durham chairman, A. B. Drake, Jr., president of the Mez-chants National Bank of Raleigh, and W. L. Parsons, president of the Bank of Pee Dec. The joint committee after risk, leaving the adjustment of any question as to its ownership to the courts. The position of the government is that it cannot well impuga the status of metal which bears the "From the wrost reliable information obtainable, it appears that there is a larger surplus of cotton on hand at the present time than at the same time in

COMMUNIST OUTBREAK

Berlin, March 23. (By the Asset Press) Communist workers seized the city administration buildings in Hambug today, then occupied the Blohm and Voss shipyards and hoisted the Red flag, says a despatch from Ham-

burg. Workers in other shipyards quit work

pool than in New York, taking into consideration the adverse exchange conditions.

Enough On Hand.

"Those who have studied the subject most carefully are unanimously of the opinion that with the present lack of buying power both at home and abroad, there is cotton enough on hand now to supply the actual demand for a year or more even if no cotton at all were raised during the year 1921 in America. At the present time the price of cotton is far below the cost of production. With anything like normal production in 1921 it is likely that not only the new crop mut the old crop now on hand and unconsumed will sell for 5 or 6 conts a pound. There is nothing in the situation to Indicate any increase in price. It seems that the only way to prevent real diagster to cotton farmers and others interested.

A twenty-one year old man was are all an archive the site of dynamics.

Workers in other shippyards quit work and began organizing mass demonstrations, secording to the dispatch. In Leipsic, Dreaden, Redewisch and other cities in central Germany, the Communists, directed their afforts against court houses, city halls, public banks and police headquarters. A bomb exploded in the Leipsic court bouses, city halls, public banks and police headquarters. A bomb exploded in the Leipsic court bouses, city halls, public banks and police headquarters. A bomb exploded in the Leipsic court bouses, city halls, public banks and police headquarters. A bomb exploded in the Leipsic court bouses, city halls, public banks and police headquarters. A bomb exploded in the Leipsic court bouses, city halls, public banks and police headquarters. A bomb exploded in the Leipsic court bouses, city halls, public banks and police headquarters. A bomb exploded in the Leipsic court bouses, city halls, public banks and police headquarters. A bomb exploded in the Leipsic court bouses, city halls, public banks and police headquarters. A bomb exploded in the Leipsic court bouses, city halls, public banks and police headquarters. A bomb exploded in the Lei

To Expel Undestrables.

Paris, March 23.—Expulsion of nearly 100 undestrable Germans residing is Strassbourg, has been decided apon by the authorities there, it is declared in a dispatch from that city to the Petit container for their goods sold in Utak.

HARDING MACHINE FOLLOWING PATHS **DEMOCRATS MADE**

Lenine Appeals For Conference New Government Carrying On What Wilson Administration Was Doing

ONLY FEW THREATS OF LEADER BEING STUDIED CHANGES BY REPUBLICANS

Text of Appeal From Russian Civil Service System of Appointing To Office May Be Altered; Foreign Relations Policy Not Yet Clear; Hard. ing Method of Appointing Big Men Different, However

News and Observer Bureau, 603 District Natl, Bank Bldg. By EDWARD E. BRITTON. (By Special Leased Wire)

Washington, March 23 .- To all out ward appearances, and so far as the affairs of the government are concerned the Harding administration is for the present at least doing nothing but "carry on" what the Wilson administration was doing when it went out of office. What those "herrible Demooffice. What those "herrible Demo-crats" were doing was all wrong while the political pot of before election days was bubbling and boiling, but now that the Republicans are on the inside looking out they find that after all there were good things being done by the Democrats. The only threat of a change as to

what was being done is in regard to the Civil Service system of appointing to office, and while the Republicans are on record as favoring with a mighty whoop the Civil Service, methods, they that purpose the relations between the are thinking up ways and means by two Republics have to be on the whole which to secure a divorce from it in regularized," was issued without com-ment. It was addressed to the United postmasters are concerned. "What is a little Civil Service between friends when there are "deserving" Republicans President Wilson for his policy in deal- to be rewarded for ballot box energy ing with Russia. The hope was ex- is the feeling that is in the air. And pressed that the United States would somehow, sometime—and that very not continue to follow "obdurately" the for the men who want to hail Will Hays as chief of the payroll boys. If the Civil Service truces are kicked it

will be the expected, and only the advocates will be disgruntled. And then, of course, there is to treaty with Germany and the League of Nations are to be dealt with when it omes to the time that a decision must The coming of Premier Viviani from France is not looked forward to with unmitigated pleasure by the administration, for it may be that there will be some slip in the cog wheel which will set Republican against Republican, and that is one thing against which President Harding is desperately

fighting.
Along Democratic Course.
But outside of Civil Sarvice and out foreign relations the outstanding fact is that the Republicans are running the ship along the course charted by the Democrats. In the Treasury Department the Democratic policy of funding the war leans by foreign governments, and the sale of short term notes for raising money, continues on their course The opinion of Attorney General Pal-

-both from Secretary Denby, and from acting Secretary Roosevelt as given out in his speech at the launching of the W. McLean of Lumberton, now a member of the War Finance Corporation, shipped from Stockholm and said to Colorado yesterday—is that the three hankers' committee is composed of H. C. McQueen, president of the Murchison National Bank of Wilmington; W. B. Drake, Jr., president of the Merchants National Bank of Raleigh, and signed would receive it at their own naval officers was thrown overboard, and one hardly expects that the compulsory education of voungeters coming into the Navy, put into effect by Secretary Daniels, will go into the dis-card. In the Departments of Agricul-ture, and Labor, Interior, Commerce, I can learn of nothing new that has been developed, though folks hereabouts are MUNIST OUTBREAK
IN GERMANY SERIOUS

a. March 23. (By the Associated Communist workers seized the ministration buildings in Hamlay, then occupied the Blohm in shipyards and hoisted the stern reproof—or reproof of any kind waiting to hear that Herbert Hoover stern reproof or reproof of any kindgiven to Democracy for the way it has transacted affairs in Haiti and San

But outside of these things President Harding is showing that he is not fol-lowing the plan of President Wilson in making appointments in the various departments.

As to Appointments.
The Woodrow Wilson way was to let the heads of the various departments make their own choice in the "higher up" men under their direction. Not so President Harding. He passes down the word as to the selection to be made word as to the selection to be made-at least so it appears to a man up a tree—and in goes the chosen appointee, as per the cases of Brigadier General Doctor Sawyet, and Comptroller of the Currency Crissinges, both of Marion. It is not known that he even calls into conference Vice President Coolidge, the cabinet annually, when he rets ready.

ly of at least three persons. Others were slightly injured.

A twenty-one year old man was arrested in Auerbach with a sack of dynamite in his possession. A companion who fired at a policeman escaped. The man arrested said he was from Danzig but declined to talk further.

The outrages are believed to be connected with the attempt of the communists to force a general strike.

USE OF WORD "CIGARETTE"

ON CONTAINER IS UNLAWFUL Sait Lake City, March 23.—Use of the word "eigarette" on the label of a tobacce container will be unlawful in the word "eigarette" on the label of a tobacce container will be unlawful in the saite and the young man held in warm others by the follows, when he was secretary of the Democratic National committee, a young man held in warm others by the sofied. The firm has also another man opinion by the attorney general. Car-

CORPORATION COMMISSION IS SHOWN HOW GAS RATES MAY BE REDUCED NOW FORTY CENTS

More Proof That Doesn't Prove

The North Carolina Gas Association comes back with another full page advertisement of proof that doesn't

Not satisfied with presenting the Corporation Commission a list of 343 cities with rates above \$2.00 the Association this morning brings the total to \$65 and prints it as an answer to published statement that in 1259 cities, in which gas rates were increased between July 1, 1917 and September 15, 1920, as reported by the American Gas Association, only 22 were given higher rates than Raleigh, Durham, Winston-Salem and Wilmington, only 38 higher than Charlotte; only 16 higher than Elizabeth City or Washington; only six higher than Goldsboro, New Bern, Oxford or Henderson.

This was the period in which North Carolina Utilities reached their peak rates. The revised tabulation adds no strength to their cause. It brings a positive conviction that North Carolina cities having led the way to rate excesses have been numbered with the 355 long enough. Here is the reason:

190 have a lower rate than Raleigh, Durham and Winston-Salem.

202 have a lower rate than Wilmington. 231 have a lower rate than Elizabeth City or Wash-

268 have a lower rate than Goldsboro and New Bern 285 have a lower rate than Oxford and Henderson. 90 have a lower rate than Charlotte.

AVERT STRIKE IN PACKING INDUSTRY

Packers and Employes Compro-mise Differences Through Federal Mediation

Washington, March 23 .- Prospects of an immediate strike in the packing industry were averted tonight through the mediation of Secretary of Labor

Compromises on the part of the employes in accepting the recently announced wage reduction and on the part of the five big packers in consenting to a six-months extension of the Alsohuler arbitration arrangement sade possible the settlement after three days of conferences, in which representatives of the packers and employes, and Secretaries Davis, Hoover and Wallace participated.

The terms of the settlement as agreed to are in brief as follows:

Reduction of wages amounting to eight cents an hour for hourly workers and to 12 1-2 per cent for piece workers. Retention of the basic eight-hour day and overtime rates as provided in the war-time Alschuler rulings,

next September 15, of the arrangement whereby Judge Samuel Alschuler shall decide all questions of hours, wages, conditions, and adjustments not specifi cally provided for in the written agree-

ment.

Pressure by the government was understood to have been largely responsible for the attaining of the agreement. The controversy between the packers and their employes was the first major labor difficulty to face the new administration and President Harding referred the matter to Secretary Davis, who called in Secretaries Hoover and Wallace to assist him.

Statements issued by the participat ing parties after the signing of the agreement showed some divergence of pinion as to the real meaning of the ettlement. Secretary Davis said, "it has prevented a strike of very serious consequences." The employes' delegates, Dennis Lane and Redmond S. Brennan, declared "the agreement is a truce to prepare for war." The packers' representatives, James G. Condon and Carl Meyer, declared "this will enable the packers to complete plans already sunounced to adjust between them-selves and their employes all matters of mutual interest."

Asheville, March 23.—Mrs. Charles Manis was instantly killed, Mrs. M. Shelton atally injured and Mrs. John Magah and her eight-year old daughter morning, when a logging car of the Suncrest Lumber Company broke loose from the train, sped down grade and crashed into the home of the victims crashed into the home of the victims located near the track. The tragedy occurred about 14 miles above Sun-

PAY BILLION MARKS

STILLMAN DIVORCE SUIT INTO COUR!

Counsel For Bank President Charges_Infant Is Son of An Indian Guide

White Plains, N. Y., March 23,-Pa ternity of two children, Guy Stillman, aged 28 months, and Jay Leeds, three months older, is questioned in affidavits filed with Supreme Court Justice Mprschauser here today after preliminary arguments by counsel in the divorce suit brought by James A. Stillman, president of the National City'

Bank, against his wife, the former "Pits" Poster.

Deliner Nitol, counsel for the bank president, arguing on the defendant's motion for \$10,000 a month slimony and counsel fees of \$75,000, openly charged that Mrs. Stillman had taken "as her lover an Indian guide by whom she had an infant son." The child in The child in question is Guy Stillman. A general denial to this charge was made by the society woman's counsel, who filed affidavits denying all of Mr. Stillman's allegations.

Setting up an "affirmative answer" to the banker's suit, counsel for the galem for direct and cross examination, wife filed additional affidavits, which Leeds," a former chorus girl, and that of her child, Jay, alleged to have been born out of wedlock and whose father is said to be the bank president.

Neither Mr. nor Mr. Stillman were in court during today's proceedings. Mr. Stillman is believed to be living at a club in New York and Mrs. Stillman with her two younger children is at Lake Wood, N. J. "Mrs. Leeds" was last reported to be in Havana. Next Developments.
The next open court development in

the case is expected to be made next Monday, at which time Justice Morschauser announced he would file affidavits presented by both side today and replies thereto, which must be submitted to him before Saturday. At the same time he will temporaril fix aliman. Papers in the case will be filed in Westchester county and transferred to Putnam county, where the divorce action was started.

Plans of the defense to bring Mr. the banker's counsel admitted that Mr. Stillman's het income for 1920 was \$530,000 and that he was willing to allow his wife enough alimony to live "in reasonable luxury."

born November 18, 1918. Fred Beauvais, an Indian guide, formerly employed at the Stillman summer camp
at Three Rivers. Quebec, is mentioned
by the banker as the child's father.
Mr. and Mrs. Stillman are reported to
have senerated in March 1920 and the
least of producing a thousand cubic feet of gas, while
the difference of \$1 per ton in the cost
of coal will affect a difference of ten
eents in the cest of producing a thouhave separated in March, 1920, and the sand cubic feet of gas. divorce action was started the follow-

him by his wife in the spring of 1918, a few months prior to Guy's birth, in which the name of Beauvais is men-tioned. This letter, while not men-tioning any specific act of infidelity; is said to form the basis for the banker's charges.

Counsel for the wife will seek to prove through affidavits already filed and the testimony of witnesses to be heard later, that Mr. Stillman and Tranklin Harold Leeds, described as the husband of Mrs. Florence H. Leeds, are one and the same man and that the child, Jay, is the result of this union. Mrs. Leeds occupied a fashionable apartment here during the war and up ustill a few days ago had been living in a handsome villa at Miami, Fla.

Counsel for the financier told the count that his divorce suit was started because it was impossible otherwise do less that the Commission would not accept as the valuation of the various plants for rate making purposes, the reproduction value as of August 1972.

Continued as Para Tranklin (Continued on Para Tranklin Anumber of valuations have been pre-Counter Charge Made

HEARING BRINGS OUT LOWER PRICES

Commission Flatly Refused To Hear Testimony of Poor Service That Is Offered

WINSTON-SALEM COMPANY HAS HARD DAY'S SLEDDING

O. B. Eaton, of Winston.Salem, Volunteers Attack On Harry Garman, of Indiana, Expert Employed By Cities To Make Survey of Plants In State; Garman Not Here

THINK GAS RATE IN RALEIGH OUTRAGEOUS News and Observer Buress, 603 District Natl. Bank Bidg. By Edward E. Britton

Washington, March 23.—People of Washington who have heard of the \$2.30 gas rate charged in Raleigh are astounded at the high price, which they term outrageous. In Washington the rate has just been reduced from \$1.32 to \$1.25 a thousand cubic feet, the lower price of gas still leaving a figure that makes a profit for the gas company. And Washington has no waterpower to help it lessen the price. The feeling is that Raleigh and all North Carolina cities suffering from the high prices charged for gas should be given relief.

The net result of the second day of the gas rate hearing before the Corporation Commission yesterday, so far as the State situation as a whole is concerned, was the substantiation of the first day's revelation of two-dollar reduction in the cost of gas coal and five cents per gallon reduction in the price of gas oil. Gas company witnesses agreed that \$1 reduction in the cost of coal is equivalent to ten cents reduction in the cost per thousand feet and one cent reduction in the price of oil to three and a half cents reduction in the preduction cost of 1,000 cubic feet

or gas,

By these two items, with wage reduc-tions, growth of business and other facts pointing toward greater economy, the representatives of the cities opposing the continuance of emergency gas rates authorized by the commission in August, express the belief that the way is cleared for a reduction of at least orty cents.
For the individual cities the day

brought several developments. The protestants against the petition of the Caro-lina Power and Light Company for Baligh and Durham, got off the were not made public, bringing into the Sidney Chambers, completed the cross case the name of a "Mrs. Florence H. examination of Paul Tillery, General Manager Carolina Power and Light Company. John Hinsdale, Jr., city attorrey of Raleigh, secured permission to present evidence later on during the hearing for Raleigh. The Washington petition and protest were removed from the floor of the commission for the time being by agreement of the parties to submit the case for that particular town in writing before the commission. Tillery Again Under Fire.

When the hearing was resumed yes-terday morning, Mr. Tillery was again on the stand for cross-examination conducted by former Mayor Frank R. Mc-Ninch, of Charlotte. Mr. McNinch at-tacked the reasonableness of the five per cent depreciation account which the Carolina Power and Light Company witness that in reality the maintenance fund provided for takes care, in the main, of depreciation. Mr. Tillery stated that without replacement in whole or in part, the gas making ma-chinery, mains and the Durham build-Stillman into court to be questioned about his income, so that the court might conclude what alimony should be paid, were automatically dropped when under which the five per cent de-

preciation fund is asked for.
Mr. Tillery also completed the test mony of the previous day in regard to the approximate affect of oil and coal prices on the cost of production. He gave it as his opinion that a one cent Guy Stillman, whose paternity is gave it as his opinion that a one cent questioned by the bank president, was difference in the price of a gallon of

At the end of the examination of Mr Reference is reported to have been made in the banker's affidavits to a testimony showing the quality of service. The Commission, however stood firm on its previous position that standards of gas are not now involved. .ater on, there was intimation from the Commission that the same order fixing Commission that the same order fixing permanent rates may carry with it definite regulations for the testing of gas quality and the report of that test, Mr. Maxwell wanted to know if the gas companies would be willing to pay for an inspector charged, with the duties of keeping gas up to standard. The commanies were willing but Mr. Mc-Ninch and others objected that the support of such inspection by gas companies would be dangerous.

More About Valuations.

It was during this passage of words which broke into the hearing that Commissioner A. J. Maxwell stated definite-

(Continued on Page Two.)

LOGGING CAR CRASHES INTO HOME; TWO KILLED Accident Occurred Near Sun burst Tuesday; Two Others Slightly Hurt

The injured persons were rushed to Waynesville for medical attention where Mrs. Shelton died shortly after attention Mrs. Magah and her daughter gere only slightly hurt and were disarged from the hospital.

GERMANY REFUSES TO

Paris, March 23. (By the Associated Press)—The reparations commission us considered the German statement charding the non-payment of the 1,00,000,000 gold marks today, the date ad by the allies for payment, and is parding a communication to the nan government according to offi-announfcement. This communica-