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TWELVE PAGES TODAY.

RALEIGH, N. C., TUESDAY MORNING, APRIL 19, 1921.

TWELVE PAGES TODAY.

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### RALEIGH PRIMARY NARROWS CONTEST FOR MAY ELECTION

Administration Candidates Lead Except In Race For Commissioner Of Public Safety Where Mooneyham Falls Behind

SHERWOOD UPCHURCH HAS MARGIN OF 70 VOTES

John Bray, Commissioner of Public Works Polls Heaviest Vote With Total Of 2,980; Culbreth's Show Of Strength and Sears' Weakness Sur. prises Of Day's Results

With a vote, fully one thousand under expectations, Raleigh's municipal primary yesterday narrowed down the field of candidates for city officers to be elected May 2 to Mayor T. B. Eldridge and Eugene E. Culbreth for mayor, J. Sherwood Upchurch and A. H. Mooneyham for commissioner of public safety, John B. Bray and R. I. Poole for commissioner of public works and W. C. Harris and C. A. Gosney for judge of

The administration candidates led in each race except that of commissioner of public safety, in which Sherwood Upehurch came out ahead of A. H. Mooneyham by the indecisive margin or 70 votes. While Mayor Eldridge's lead over Eugene Culbreth was considerably beyond this, the 267 vote advantage he polled does not preclude a close race to the finish. On the other hand, John Bray almost doubled the vote of his two opponents, R. I. Poole and D. H. Wins-low, leading the entire ticket, while W. Harris polled almost as heavy & majority against his opponent, C. A. Gos-

Sixteen Voted On.

Sixteen candidates in all were before the Raleigh electorate yesterday, five for the office of Mayor; six for the office of Commissioner of Public Safety; three for the office of Commissioner of Public Works; and two for the office The two highest in each division have the privilege of entering the election two weeks from

The total registered vote, under the new registration was 6,143, including 2,248 women, and it had been generally conceded that the various facus would bring out fully 5,500 votes. However, only 4,621 votes were east for office of Commissioner of Public Safety. Culbreth Surprises.

The heavy vote of Eugene Culbreth for Mayor and former Sheriff J. H. Sears' evident weakness were the sur-prises of the day. Upchurch's lead had been alraedy discounted since even some of the administration supporters had calculated that with Birdsong, Ellington, King, and Smith in the race Mooneyhan would lose some of his normal strength in a complimentary and pledged vote that would hold only for the first contest.

that he will get the majority of the vote cast for King and the other candidates. Both Upchurch and Mooneyham as well as Eldridge and Culbreth, it is expected, will draw a much larger vote in the election, two weeks' hence.

Many women voted yesterday. The novelty of the thing has worn off, now, and the appearance of women at the polls occasioned very little comment and almost no confusion. The mystery of the blalot box has alread ybeen exploded, and women approach the box with mighty little more concern than they do the kitchen cabinet.

Approximately 300 negroes were reg ored for the primary and scarcely any of them got by without a challenge. the heaviest negro wards, committees said to represent the Raleigh organization of the Ku Klux Klan challenged every negro who presented himself to vote Many were able to satisfy the election officials and cast their ballots Others failed in the simple tests and were ruled out.

#### O. B. EATON WITHDRAWS FROM RACE FOR MAYOR

Winston-Salem, April 18 .- Upon the adives of his physician, O. B. Eaton this afternoon withdrew as a condidate one of two aspirants to be voted on in the democratic primary April 26, the other candidate being Alderman James Hanes.

Mr. Eaton served the city sixteen ears as mayor and made a fine record. In his statement this afternoon he says that he has never made the race when so many citizens from every section of the city have urged him to run as during the past few weeks. Mr. Eaton emphasizes his contention that Winston Salem needs a mayor who will give his whole time to the duties of the office and the hundreds of citizens who were urging him to make the race shared in this opinion.

Mrs. W. L. Grimes, wife of Dr. W. L. Grimes, died at a local hospital here today after brief illness. Besides the husband, she is survived by an infant son, mother and sister, the two latter residing in Baltimore. Mrs. Grimes was a native of Hartford county, Maryland, and was married to Dr. Grimes in 1917.

#### ANOTHER DISASTROUS **BLAZE AT HENDERSON**

Henderson, April 18 .-- A carelessly handled match that ignited gas fumes in front of the Landis Motor Company started a fire late this afternoon eaused damage to the extent of \$100. 000, the home of the motor concern and the Banner tobacco sales warehouse being destroyed. A building across the being destroyed. A building across the street occupied by the Star Pressing Morale of the strongest. Club was badly damaged and several automobiles and motor trucks were burned. It is understood most of the loss is covered by insurance. turned mind and nerve and snook the morale of the strongest. Now and again there limped back to port a U-boat which had suffered damage from contact with this concealed loss is covered by insurance.

#### CITY PRIMARY VOTE

Here is the vote for the candidates for city offices in the municipal primary yesterday: 

Joseph H. Sears.......... 610 

O. G. King..... John B: Bray......2,930 

# IN FOREIGN TRADE

Judge City Court

March Foreign Trade Three Quarters Billion Less Than Year Ago

Washington, April 18 .- America's foreign trade last month was nearly three quarters of a billion dollars less than in the same month last year, figures made public today by the Department of Commerce show. Exports for the month were \$384,000,000, as compared with \$820,000,000 in March 1920, while imports were only \$252,000,000 as compared with \$524,000,000. This left a trade balance for the month of \$182,-000,000 as against \$296,000,000 in March,

For the nine months ended March exports aggregated \$5,509,000,-000 and imports \$3,009,000,000 while for the corresponding period of last year exports totalled \$6,050,000,000 and im-Exports of gold in March were \$700,-

000 and imports \$106,000,000 against exports of \$47,000,000 and imports of \$17,-000,000 in March a year ago. For the nine months ended with March gold exports were \$131,000,000 and imports \$481,000,000, compared with exports of \$409,000,000 and imports of

\$60,000,000 for the corresponding period last year.

Exports in March were \$105,000,000

Exports in March were \$105,000,000 less than February and the smallest for any month since before the World War.

Imports in March, on the other war.

Imports in March, on the other hand, that the State can borrow, pending the were the largest since last December, sale of the five per cent bonds provided totalling \$48,000,000 more than in Feb. for, and under the authority given the The trade balance for March ruary. was the smallest since last September and was only slightly more than half as large as it was in Feburuary.

General Assembly, all the money it may require upon as good terms as anylogy in the United States can get it. Killed by Lightning.

Hickory, April 18.—Charlie White, illed Saturday afternoon by a stroke county, 23 miles from Hickory, according to a message received here today.

His mother and sister with him on the porch, were slightly injured.

### STATE CAN GET ALL MONEY NEEDED FOR **NEW** PROGRAM

Council Of State Hears Report From Governor and Treasurer On Finances

WILL BE ABLE TO SELL BOND ISSUES SOON

In Meantime State Officials Are Assured That North Carolina Can Get Money As It Is Re. quired From Time To Time At Favorable Terms On Short Term Notes

"We are going ahead with our building program with absolute confidence and knowledge that the State can get money as it needs it," declared Governor Morrison yesterday, following a meeting of the Council of State in which the Governor and State Treasurer B. R. Lacy laid before that body the result of their investigations of the money situation in New York.

On every hand, according to the Governor, they found assurances in New York that money would be available within a short time at the legal rate of interest in North Carolina and that by the time large sums are required for the building program laid out by the 1921 session of the General Assembly, North Carolina can get the required amounts at favorable rate of interest until the five per cent bond, can be

for six per cent, but it carries the stipu-lation of maintaining deposits at three per cent in the New York banks. According to the mathematics of the Govand the State Treasurer this rnor would in effect be tantamount to an interest rate of nine per cent. And money is not required on such terms.

Following the meeting of the Council of State Governor Morrison issued this statement: Should Be No Delay

"We had a meeting of the Council of State this morning to consider the course to be pursued by the State in regard to financing the constructive prorram adopted by the General Assembly. Mr. Lacy and I spent more than a week York studying the situation. We submitted the information obtained to the Council. After full consideration, we came to the conclusion that we should proceed as rapidly as we can within sound business principles to en-large the institutions for our defective and unfortunate people, and the insti-tutions for higher learning, and with the construction of our roads; that there should be no delay whatever on account of any supposed inability of

Treasurer and Council of State by the The eredit of the State is above all question, and everywhere we were met with the statement that it was only a aged 23, and unmarried, was instantly question of interest. We deem it unwise upon any terms to borrow eight or of lightning at his home in Alexander ten millions of dollars at six per cent

(Continued on Page Two.)

### Daniels Tells Work of U.S. Navy In Defeating the U-Boat Terror

By JOSEPHUS DANIELS Former Secretary of the Navy

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ARTICLE 5

The German U boat almost got the world's nerve. This hidden foe of civilization gliding swiftly beneath the surface of the a, and sending its missile of death and destruction without warning into the vitals of great ships, was the biggest element of terror in the war, the heaviest conference of some length with him. ax upon morale, until—— Suddenly the tables turned.

News flashed through the naval and military organizations of the allied and associated powers that there was virtual mutiny in the German fleet. German sailors were refusing to obey the orders of their commanders. Submarines were lying in harbor because men declined to take them out to the hunting for mayor of Winston Salem. He was grounds in the ocean lanes and channels of transport.

Somehow we had got the nerve of Germany. Then we knew the end was near.

shattering phenomenon, could be suffisuch sailors.

What had happened?

out to sea from their nesting places on the German coast, and vanishing as utterly as the bubble which bursts while the child watches it. No trace was left of them, no record of what fate befell them. The German admiralty knew only that no wireless re-ports came from them, that they never returned to their base. Their comderses assassination missed them, and there spread through the ranks of the wait for their prey the fear of a secret terror, a mysterious Nemesis, which tor-tured mind and nerve and shook the

The break in the morale of the great | destruction. These survivors told navy of imperial Germany has no pre-medent in military history—unless it be They spoke of colliding with mines, found in the collapse of Russia. But hidden below the surface of the sea, Russia's vast horde, when the crash implements of destruction, whose prescame, was an undisciplined mob come could not be guessed. The U-boat came, was an undisciplined mob com-pared with the organized, highly-train- ran into them as a man might run into ed, superbly disciplined naval forces of a low-stretched wire stretched across Wilhelm Hohenzollern. German naval his path on a dark night. By putting personnel was of high type. This was together the evidence of those who specially true of the men selected for came back, and the unuttered testi-U-boat service. Only some extraordi- mony of those who had become forever nary pressure, some psychologically silent, the German admiralty under-shattering phenomenon, could be suffi-state state of the point is the fact cient to produce panic in the souls of that the sailors on the U-boats understood, and when they understood they refused to go to sea, and the spirit of U-Boats Never Retarn their refusal spread to their comrades For weeks U-boats had been putting in other branches of the German naval their refusal spread to their comrades service. The whole magnificent fighting organisation began to disintegrate! Mine Barrage of 230 Miles

Across the North ses, from Norway almost to the Orkneys, there had been stretched a mine barrage 230 miles in length. It was the biggest and most successful innovation in naval warfare the world had seen up to that hour. It consisted of more than 70,000 mines. It was into this barrage the U-boats were running whenever they attempted to get around the north of the British isles into the open sea.

It was a new factor in the war, a se prise for Von Tirpitz. A Moloch of the sea, with big jaws, pawerful enough to devour the biggost submarine, had become the unseen and unknowable

### **WARD GIVES VIEWS** ON CHIEF MATTERS **BEFORE CONGRESS**

Congressman From First District Puts Direct Taxation Problem First

OPPOSES POLICY OF CUTTING APPROPRIATIONS

Major Stedman Has Conference With President In Regard To Appointment Of Judge Con. nor To Fill Pritchard's Place; Butler's Views On Judge. ship Matter

News and Observer Bureau 603 District Natl, Bank Bldg.

By EDWARD E. BRITTON
(By Special Leased Wire)
Washingtonu, Apri 18.—Representative Hallett S. Ward, the ne member
of Congress from the first North Carolina district, has definite views concern-ing matters which have to do with affairs before the extra session of Con grees as I found when I had a talk with im today. As a result of some of the things he said, I asked him to allow me

things he said, I asked him to allow me to quote him, and he gave me the "go to it sign." Here are some of the things which he had to say.

"It is very plain to me," said Mr. Ward, "that to occupy the time of this Congress with politics would be to "fiddle while Rome burns." A work new in all the history of this government is before us-that of constructing a sys em of direct taxation in time of peace Nothing more difficult and important has been done since the Constitution vas constructed.

Dives is on the watchtown with his army of lobbyists and his forces of propaganda, trying to see that he escapes as far as possible and dumps the load on Lazarus. I have read so much of his propagands, and read it so anxiously seeking light that I have felt myself yielding to it. I want the right thing done. I want the wealth of the world to bear its full equitable share and not one ounce nore. I won't say yet as to the sales tax, but it must exempt the things es sential to life and health, such as medi sines and common household necessi ties, before I can vote for it.

"The spirit of the times calls for federal aid to highway construction louder than ever before. It is unfortunate that at this particular juncture we hear so much about cutting appropriations, just as there are so many pressing the cessities for necessary public work. is a day of construction, not of contraction. The appropriations for highways, and rivers and harbors ought to be large. I believe in large appropria-tions wisely expended for the public tions wisely expended for the public good, and we could have them if we were permitted to follow the rule of letting everybody and everything pay according to their ability.

"A separate peace with Germany is simply Russian. It is dishonorable and unnecessary. An inter-racial commission as recommended by the President is a profound absurdity and would do

me the most significant indica tion I have had in this Congress and the most unfortunate, was made on the floor of the House by Mr. Mondell of the majority Friday, just before ad-journment. I understood him to say ported Monday and I drew the clear inference that it will be rushed through as the emergency bill has been. If this is done, I cannot use too strong language in disapproval of that course. It is not a party quarter. that the immigration bill would be re It is not a party question—has not a semblance of legitimate politics in it. I have strong views on the question and will have no opportunity to present them for want of time to examine the bill and collect the information re-

President Harding heard today from Congressman Charles M. Stewman of real reasons why he should name Judge Henry Groves Connor as judge of the Federal circuit court to fill the vacancy caused by the death of Judge Pritchard By appointment, Major Stedman called on the President at 10:30 and had a In that conference Major St. man, by invitation of the President, spoke at length, the President saying to him: "I am not in a hurry, I am glad to

Major Stedman declared to the President that there was no man to be found better fitted for the position, whether in or out of the Federal service, in or out of the State, than Judge Conner; that the North Carolina Federal jurist is a man of the highest moral courage, honesty of purpose, integrity, legal at-tainments and judicial temperament. He told the President of the matter of the appointment of Judge Connor by President Taft and declared to him that both Republican and Democratic lawyere of North Carolina would agree upon the eminent fitness of Judge Connor. And when Major Stedman had concluded the President said to him that he was glad he came. He said he had not yet taken up the matter of the judgeship, or given it any consideration. Major Stedman says that there was no indication of what decision might be reached in the matter.

"I was received most pleasantly by the President," he said. "He gave me

(Continued on Page Two.)

#### Time Honored Custom

In primitive times, one man raised maize (Indian corn), another hunted and trapped for pelts. They ex-changed the fruits of their labor on a basis of "You work for me, I'll

work for you."
That basis, although modernized, never fundamentally changed And the modern way of buying, sell-ing or exchanging whenever it is ssary—is to use the Want Ads.

### U. S. Will Not Tolerate War in Central America

American Government Bound by Treaty Obligations To Protect Panama in Event of Hostile Move by Costa Rica; May Take Drastic Action

and Costs Rica growing out of the present boundary dispute will not be olerated by the United States, it was learned yesterday authoritatively.

Both governments are understood to have been informed that the obduracy of Panama over the acceptance of the White sward, insisted upon by the American government, must not be made the basis for the renewal of hostilities.

It was not revealed in what manner the United States had made known that it would regard hostilities with keen displeasure, but it was assumed that representations had been sent to both Panama City and San Jose. Rumors of Conflict.

Official reports received here recent-Isthmus was again about to be disturbed. These said Panama was mobilizing her army to meet any aggressive from the north, while Costa Rica was assum ing a bellicose attitude and had been assured either formally or informally of the active support of Salvador, Honluras and Guatemala. The American position is understood

Washington, April 19 .- (By the Asso- | to be that the United States is bound ciated Press.) War between Panama by treaty obligation to safeguard the integrity of Panama and that any move be Costa Rica would justify drastic action. Officials declined to indicate what action would be taken if hostili ties were renewed. They are hopeful that the representations made to Pana ma and Costa Rica will serve to prevent ermed conflict between the countries.

Garrison at Panama.

There is a considerable force of American troops in the regular garrison in the Panama Canal Zone. This is supplemented by the force on the special service squadron now in Central merican waters, and in addition the Atlantic fleet is in Cuban waters on winter maneuvers.

reported plan for support of Costa Rica by the three Central American republics was regarded here as having something more than a mere altruistic object, since they are mem-bers of the recently established Confederation of Central America. Costs Rica is expected to ratify the Confederation pact in May and Central Ameri-can diplomats explain that with Costs Rica a member it would be the obligation of the other three to give all sup-

PASSES SUDDENLY

Corporation Official Dies While Morrison Unable To Attend Be-On Private Car Of J. B. Duke

Greensboro, April 18.-Zebulon Vance Taylor, former mayor of Greensboro and prominent corporation official, died suddenly this morning on board the private car of James B. Duke, president of the American Tobacco Company, near Fredericksburg, Va. His death followed that of his wife by five months to the

Mr. Taylor's death was ascribed to an attack of acute indigestion. He was en route to New York.

The body was brought to Greensbord and taken to the home of Colonel and Mrs. J. I. Scales. Interment will be in Greene Hill cemetery but the hour for the funeral has not been arranged Mr. Taylor was 53 years of age. Al-though born in Sparts, Tenn., Mr. Tay-lor spent his youth and his mature years in Guilfard, the native county of his parents, Dr. and Mrs. H. L. Taylor, of Stokesdale. After limited school opportunities, Mr. Taylor began his career as a practicing attorney in Greensbord and while yet a young man became

mayor of this city.

He was engaged ten years ago by J. B. Duke, head of the Southern Power Company and Southern Public Utilities Company, to take a place of responsibility in connection with the developmen of these properties. Mr. Taylor's initial efforts with these corporations was largely in connection with the development of the Piedmont Northern Railway, an electric railway line in the two Carolinas, but later he became president and general manager of the South-

ern Public Utilities Company.

Funeral services for Mr. Taylor will be conducted here Tuesday afternoon at 3:30 o'clock at the First Presbyterian church, Rev. Chas. G. Myers, officiating.

WAS LEADING CITIZEN OF

THE MECKLENBURG CAPITAL Charlotte, April 18 .- Zebulon Vance Taylor came to Charlotte in 1910, re signing the presidency of the Greensboro Electric Company to become as-sociated with the Southern Power Company in the management of its utilities properties, which were at that time be ing purchased in Charlotte, Greensboro, Anderson, S. C., and Winston-Salem, the combination of interests becoming in 1913 the Southern Public Utilities Company, with Mr. Taylor as president.

Mr. Taylor was also active in the or ganization of the Piedmont and North ern Railway and served as a director from organization. At the time of his death he was president of the Southern Public Utilities, and also vice-president of the Durham and Southern Railway.

He was rated as one of the first citi zens of Charlotte, a man of tremendous ability, brilliant lawyer, organizer and a master of men; also a man of supreme bravery as was exemplified dur ing the street car strike. His ideal of service was one of his master points. He considered himself as much a public servant as the mayor of the town.

Mr. Taylor was a member of the First Presbyterian Church of Charlotte. He was also a member of Phalanx Lodge of Masons, the Southern Manu-facturers' Club, Country Club, Charlotte Chamber of Commerce and other clube and organizations, and in these he was most active. He served several terms as director of the Chamber of Commerce, Most of the official family of the

Southern Power Company and Southern Public Utilities Company will attend the funeral in Greensboro tomorrow. Among these are: Mr. and Mrs. W. S.
Lee, Mr. and Mrs. E. C. Marshall, W.
L. Burkholder, E. Thomason, B. L.
Womack, L. H. Adams, S. C. Duckett,
S. W. Whitesides, D. G. Calder, S. W. Latchicotte, A. V. Harrill, J. P. Lucces and others. There will be a number of friends from Charlotte and cities in this

Rev. Dr. Albert Sidney Johnson, pas tor of the First Presbyterian Church, of which both Mr. and Mrs. Taylor were members, also expects to attend the funeral.

Explosion Injures Two Men. the hospital where the injured men were keep the faith of the fathers and serve taken say they will recover. the people, it will perish." taken say they will recover,

cause Of Illness; Fifteen **Hundred Attend** 

Greenaboro, April 18.-Col. Bennehan Cameron, of Stagville, president of the Bankhead National Highway Association, in the absence of Governor Cameron Morrison, who was taken ill on the train at Durham while en route to Greensboro, delivered the chief address at the initial session of the good roads meet, which opened today with approximately 1,500 members present.

A community sing preceded the night meeting. Director General Rountree then made a few remarks. He was followed by former Senator Hobgood, of Greensboro, who welcomed the visitors to this city.

President Cameron related history of the trials and tribulations which the good roads advocates have had to deal with.

"Woodrow Wilson is the first presi-

"Woodrow Wilson is the first president who ever gave good roads advo-cates in this country a chance," President Cameron declared "It was writ-ten in the platform and he lived up to it, although delayed for several years during his war-time administration. "Woodrow Wilson realized as no other President ever has, the need and in-estimable value of Federal aid." he said

He lauded the recent good roads leg-islation and declared a new day had to emphasize the possibility of error in dawned and that the people of this state the verdict. and of the nation "have seen the light Judge Boy Keen disappointment and regret were expressed by Director Rountree and the anyone else.

good roads officials when it was learned that Governor Morrison would be unable to deliver the address of welcome Director Rountree stated that delegates had already arrived from 24 states and that before the week is passed, he expects delegates from every state in

The conventoin was called to order by Director General J. A. Rountree to-night at 8:30 o'clock. Judge E. P. Toney of Arkansas, vice-president of the United States Good Roads Associa-

tion, responded to the welcome address Director General Rountree outlined to the delegates the program of the week. He told of the work he had done and of the importance of the occasion. He boosted the hospitality of the Old North State, and stressed the fact that good roads were one of the essentials of progress. Director Rountree declared it was the paramount duty of every city to see to it that good roads are had regard-

less of cost and toil or taxation.

"Christianity, education and good roads we must have," he said.

The road show, which is being staged in the warehouse, bids fair to be one of the most successful ever held by the association, according to officials. Every foot of space has been or will be occu pied by tomorrow morning, so that the large structure will hold many things of interest to those interested in good roads and road work. Practically every thing used in road construction will be on display.

It is expected that well over 2,000 per sons will attend the convention here during the week.

The convention is a joint session of the United States Good Roads Association, the Bankhead National Highway The meetings will continue through this week, and the different organizations will also hold separate sessions.

#### DISAPPROVES ACTION OF DEMOCRATIC CAUCUS

Washington, April 18 -The action of the Democratic House caucus in oppos-ing tariff legislation was declared to be "unwise politically and unsound econo-mically" by John H. Kirby, president of the Southern Tariff Association, in opening its conference here today. "silent and tremendous conflict" is "silent and tremendous conflict" is going on throughout the South, Mr. Kir-"between the political economic influences on national tariff plete rout of the free traders."

Mr. Kirby said he was a Democrat and High Point, April 18.—John Sartain he "challenged" the authority of Demo-and Joseph Crowder, employes in a cratic Congressmen "to commit the local laundry, were seriously injured Democratic party to a policy of free raw materials, especially at a time when they were operating exploded. The entire front of the laundry was torm away by the explosion. Physicians at Democracy" that unless the party "can

## JUDGE BOYD SETS ASIDE VERDICT IN THE VARNER CASE

**Declares Certain Circumstances** Revealed Clouded Justice Of Verdict

WANT NEW TRIAL IN DIFFERENT DIVISION

Attorney For Varner Sprung Surprise In Asking For Dis. missal So That Case Might Be Fought Out In State Courts; Judge Boyd Gives Reasons For His Decision

Greensboro, April 18. Judge James Boyd, of Federal Court, set saide the verdict against Mrs. Florence C. Varner at 6:15 o'clock this afternoon, declaring that certain circumstances revealed concerning the formation and conduct of the jury while with the case, clouded the justice of the issue and verdict.

Mrs. Varner was found guilty Febru-

ary 26 of committing audultery with Baxter McRary, a wealthy mulatto of Lexington. Since that time she has re-mained secluded in a local sanitarium and has refused to be seen or converse with anyone save her attorneys

Following the ruling of Judge Boyd, E. T. Cansler, leading attorney for Mrs. Varner, made a motion that the new trial be moved to another division of the Western Federal district of North Carolina.. It is known that Judge Boyd favors this procedure, but he would not commit himself to a definite ruling Submission of a large number of af

fidavits and also speeches by four at-torneys, two for either party, consumed the entire day. A large number of witnesses attended the hearing. Judge Boyd spoke for fifteen minutes before announcing his decision.

Grounds For Dec

Judge Boyd stated that several facts introduced in the affidavite for the plaintiff furnished sufficient grounds to set the verdict aside.

The fact that F. T. Thomas, juror, had expressed an opinion before the conclusion of the trial that Mrs. Varner was

guilty, was one, he said.

Another, he declared, lay in the al-

to her mother since their marriage He had stated that Mrs. Varner had not visited her mother since 1907. He admitted in the letter to Judge Boyd that she had visited her mother again in

1917. Attorneys representing Mr. Varner denied all but the latter allegation, which was admitted. However, Judge Boyd maintained and ruled, that they in

mitted that he had his sympathies like

No date was set for a new trial. This, with the court jurisdiction, will be an nounced later.

Canaler Springs Surprise. E. T. Cansler, representing Mr. Var ner, sprung a surprise this morning when he asked Judge Boyd to set the verdict sside, dismiss the action brought by Mrs. Varner and let it be fought out in the state courts. Judge Boyd refused to do so and the motion of Mrs. Varner's attorneys that the verdict be set aside was taken up, the complaint and part of the response being laid before the court when it adjourned for lunch, to meet again at 2:30 this afternoon.

Mr. Cansler's motion came as a surprise, as the verdict of the jury, re-turned on February 26, was a victory for his client. The hearing this morning was on a motion by Mrs. Varner's lawyers to have the verdict set aside. Neither Mrs. Verner nor her husband were on hand for the hearing today.

The court room was about one fourth filled with curious listeners. E. T. Cansler, of Charlotte, E. E. Baper, of Lexington, and Z. V. Walser, and J. R. McCrary, of Lexington, are here to look after Værner's interests. O. L. Sapp. of this city, and T. E. Guthrie, of Charlotte, are Mrs. Varner's lawyers. Sapp Starts Argument. Immediately after Mr. Cansler finish

ed with argument on his proposition, O. L. Sapp settorney for Mrs. Varner, started to argue on the proposition, but Judge Boyd ruled that although in an ordinary divorce and alimony case the Federal court would be without juris-diction, as argued by Mr. Cansler, the latter quoting a decision of the North Carolina Supreme Court rendered by Justice Hoke, that an act of the legislature, ante-dating the decision, conband's property, puts the case under the jurisdiction of the Federal court when it involves two persons holding citizenship in different states.

Judge Boyd took occasion at this juncture to censure severely persons who had by newspaper articles at-tempted "to undertake to influence the action of the court." Such persons, he stated, should by all means sign their names to their articles. The Judge denounced such action as "underhanded" and said that he might see that their identity became known; that he might summon newspaper proprietors to re-

Presents Motion O. L. Sapp then proceeded with the reading of the original motion-his motion-for the setting aside of the verdict, complaining that it was con-trary to the weight of evidence, that the plaintiff did not haven fair and impartial trial and that newly disimpartial trial and that newly dis-covered evidence in behalf of the plain-

(Continued on Page Two)