

"All the News That's  
Fit to Print."

# The New York Times

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NEW YORK, MONDAY, APRIL 9, 1933.

## NEGRO FOUND GUILTY IN SCOTTSBORO CASE; JURY OUT 22 HOURS

Verdict Carries Sentence of  
Death After One Juror Had  
Held Out for Life Term.

### DEFENSE SCORES FINDING

Leibowitz Terms It a Mockery  
of Justice While Lauding  
Fairness of Judge.

### PROMPT APPEAL PLANNED

Prisoners Are Moved to Birmingham as Their Counsel Seek Postponement of Other Trials.

By F. RAYMOND DANIELL.

Special to THE NEW YORK TIMES.

DECATUR, Ala., April 9.—Haywood Patterson, the 19-year-old Negro whose conviction at Scottsboro two years ago for an attack on two white girl hoboes was set aside by the United States Supreme Court, was convicted again today by a Morgan County jury which condemned him to death.

Eight other Negroes, two of them juveniles, are awaiting retrials, the first of which is scheduled to open before Judge James E. Horton here a week from tomorrow.

Samuel S. Leibowitz, chief of defense counsel, said today that he would seek a postponement of the other trials pending the outcome of a second appeal in Patterson's case.

The jury, chosen from a venire composed of white men after the defense lost its motion to quash it on the ground that Negroes were arbitrarily excluded from jury service, took only three ballots in the

## Scandal Is Laid to Member Of Japanese Emperor's Staff

Special Cable to THE NEW YORK TIMES.  
TOKYO, Monday, April 10.—Scandal has occurred in the imperial household, involving Hachiro Saionji, Master of the Imperial Horse and adopted son of Prince Saionji, according to the newspaper Nichi Nichi, which alleges that Kurahei Yuasa, Minister of the Imperial Household, is about to demand Mr. Saionji's resignation on the grounds of dishonorable conduct in office.

He is accused, according to the newspaper, of making a personal gain of 200,000 yen [about \$43,000] from the sales of government land, and also of profiting from running the Emperor's horses in Tokyo and Yokohama races.

## FARLEY AND MACY DIVIDE REPEAL LIST

They Agree on 75 Delegates  
From Each Party, Chairman  
to Be a Democrat.

### DRYS PLAN A STIFF FIGHT

Will Pick Full Slate in Spite of  
Heavy Odds in Drive to  
Block Ratification.

Tentative arrangements for a division of candidates for delegates to the repeal convention, to be voted on at the special election on May 23, were made yesterday at a conference between Postmaster General James A. Farley, Democratic State chairman, and W. Kingsland Macy, chairman of the Republican State Committee. Another conference to arrange details will be held later.

## NEW BEER BILL DUE FOR PASSAGE TODAY, THEN ADJOURNMENT

Lehman and Leaders Go Over  
Revised Draft, With Clause  
Taxing Wine Added.

### LITTLE DEBATE EXPECTED

Many Other Important Subjects  
Await Action, Unemployment  
Insurance Among Them.

### MILK BILL TO BE SIGNED

Some Think Governor Will Fight  
to Push Through Two Utility  
and Budget Measures.

By W. A. WARN.

Special to THE NEW YORK TIMES.

ALBANY, April 9.—The Legislature is prepared for final adjournment tomorrow of the 1933 regular session after it passes the new compromise beer-control bill, a preliminary draft of which was completed this evening.

The bill, which will contain more than sixty octavo pages when printed, was examined paragraph by paragraph at a conference tonight at the Executive Mansion in which Governor Lehman and legislative leaders of both parties participated.

The measure will not be in printed form when finally submitted to the Legislature, which is unusual. The State printer was unable to put his force to work in time to print it, and even printed calendars for Senate and Assembly will be lacking tomorrow for the same reason.

No considerable opposition or protracted debate is expected.

## Muscle Shoals Bill Re First in Roosevelt

Special to THE

WASHINGTON, April 9.—Another unemployment relief plan, the one contemplating development of Muscle Shoals and the Tennessee Valley, which is expected to be incorporated later in the administration's vast public works program to overcome deflationary actions, will be recommended to Congress by President Roosevelt this week, probably tomorrow.

In a special message, which will be accompanied by a bill to be known as the Tennessee Valley authority measure, the President will suggest that the sale of electricity to private utility companies from the development of Muscle Shoals may form a yardstick for utility rates. The Muscle Shoals development, which has been under consideration since the Federal project was started during the World War, has been urged for fifteen years by Senator Norris of Nebraska.

The bill to be presented will

## PAPEN SEEKS TO WIN VATICAN'S SUPPORT

Arrives in Rome to Confer on  
Reconstruction of Centrist  
Party as Ally of Hitler.

### TO SEE POPE AND PREMIER

Holy See Now More Favorable  
Toward German Regime—  
Goering Flies to Italy.

By ARNALDO CORTESI.

Wireless to THE NEW YORK TIMES.

ROME, April 9.—Vice Chancellor



repudiated her former testimony, the jurors voted unanimously for a verdict of guilty. The second ballot was on the question of punishment, which was left to the discretion of the jury under the laws of Alabama. Eleven jurors voted to send Patterson to the electric chair, with one member holding out for life imprisonment. When the third ballot was taken the jurors voted unanimously for the death penalty.

#### Court Only Half Filled.

The verdict was returned at 10:58 this morning, when most of the churches of Decatur were holding services in observance of Palm Sunday. Less than half the seats in the court room where the defense had been battling for a week to save the Negro's life were taken when the jury reported. The only Negro present was the janitor of the court house, who stood silently turning his cap around in his hands as he waited.

At 10 o'clock word was sent from the jury room to Judge Horton in Athens, fifteen miles away, that the "twelve good men and true," who were sent to bed in disagreement at 11:35 last night, had reconciled their differences. A little later Patterson was marched into court from the jail under a heavy guard.

Captain Joseph Burleson, commanding a detail of thirty members of the National Guard assigned here for the trial, led the procession into the court room. Two militiamen followed with rifles ready. The guns of the two guards behind the Negro dug into his back. The militiamen sat down on either side of him behind the defense counsel table.

#### Wait Forty Minutes for Judge.

Three guardsmen took up posts outside the railed enclosure and three more were stationed at the one door leading from the court room. Downstairs other guardsmen cleared the corridors and lawns of loiterers, both white and black.

Patterson lolled in a chair, puffing a cigarette. His expressionless face was immobile in the forty minutes while he awaited Judge Horton's arrival, but sounds of laughter coming from the jury room seemed encouraging to the Negro.

G. W. Chamlee of Chattanooga, the only Southerner aligned with counsel for the defense, whispered a word of cheer to him. Mr. Leibowitz paced up and down the court room nervously. He was hollow-eyed for want of sleep.

Thomas E. Knight Jr., Attorney General of Alabama, called into the prosecution when the State's jury system was challenged by the defense, sat at his table, the muscles of his face twitching nervously.

When Judge Horton arrived and took his place on the bench, Sheriff

Continued on Page Two.

BERMUDA 3 Day Easter Cruise, Including Hotel, \$78, sails April 14. Munson S. S. Lines, 67 Wall.—Adv't.

one dominant in the State, should have the chairman of the convention.

The dry forces of the State, headed by the Anti-Saloon League and the Women's Christian Temperance Union, will nominate 150 candidates for delegates and, against seemingly hopeless odds, will make a stiff fight for their election in the hope of being able to block the ratification of repeal of the Eighteenth Amendment by New York.

Fred A. Victor, State superintendent of the league, Mrs. D. Leigh Colvin and other influential prohibitionists will meet tomorrow to select candidates.

Mr. Victor said there would be two anti-repeal candidates in each of the sixty-two counties and that the other 28 candidates would be selected from the larger cities. A prohibition emergency conference to make the final selection of candidates will be held at Syracuse on April 25 and 26.

It is the plan of Mr. Farley as head of the Democratic State organization to have at least one candidate in every county with sixty or more from New York City, which has sixty-two of the State's 150 Assembly districts. In counties where the local Republican organization is dry, Democrats will be named as the repeal candidates.

Mr. Victor said that he would raise today the legal point that the New York City Board of Elections, as at present constituted, was disqualified from acting in the special election because each of its four commissioners was in favor of repeal. To sustain this contention, Mr. Victor quoted from Section 30 of the election law.

with the Democrats to support the measure. Passage in both branches is a foregone conclusion.

#### Tax on Wine But No Licensing.

After a conference between the Executive and the legislative leaders it was learned late tonight that there would be no State licensing of the sale of 3.2 wine but that provision for a State tax of 10 cents a gallon on the wine would be inserted in the control bill. It was doubted that much of this wine would be sold.

It was also decided that State licensing of beer sale would be made effective June 1. Meantime, however, the Governor would name the control board and have the necessary machinery set up.

Governor Lehman, according to well-informed sources, will sign the Pitcher milk-control bill in the morning.

While interest at the final session will undoubtedly centre on beer, many other matters of legislative import will also concern leaders and members.

Unemployment insurance will probably demand some attention of Assembly members, since the American Federation of Labor unemployment reserve bill was passed in the Senate. The measure is now held in the Assembly Rules Committee, with no prospect of a report, since most of its members oppose enactment of this sort of legislation when industry is suffering severely under the economic depression.

Assemblyman Steingut, the mi-

Continued on Page Three.

## Avalanche Kills English Mathematician, 25, Scaling a Perilous Peak, Near Banff, on Skis

By The Canadian Press.

BANFF, Alberta, April 9.—Caught in a mountainside avalanche, R. E. A. C. Paley, famed English mathematician at the age of 25, recently engaged in research at the Massachusetts Institute of Technology at Cambridge, Mass., was killed near here yesterday.

Climbing on skis to a perilous ledge of Fossil Mountain, of the Rockies, a few hundred feet from the top of a 9,600-foot-high peak, Mr. Paley was pitched into the valley below as one of his skis scraped light rock and started the avalanche.

After long hours of digging in the crumbled rock and snow the body was recovered today.

Mr. Paley was to have competed in a point-to-point ski race from a high shoulder of the mountain and was probably studying the ground. He made the ascent alone, and friends with whom he had been staying at Skoki Lodge tracked him. Just as they sighted him high above them on a ledge, he was swept down with the slide.

Authorities at the Massachusetts Institute of Technology said tonight that R. E. A. C. Paley was regarded as "the greatest mathematician in England and one of the greatest in the world."

Friends here said that he was an outdoor sports enthusiast and expert ski runner, but they had no information as to the identity of his companions on the trip to Canada which ended with his death. He left here about a fortnight ago.

With an international research fellowship awarded to him by the Rockefeller Foundation, Mr. Paley, who was only 25 years old, came to the institute last Fall and worked with Professor Norbert Wiener in a joint research in mathematical analysis.

Possessing an almost perfect technique in this field, he was generally considered to be one of the most brilliant men ever to attend the institute.

Educated at Eton and at Trinity College of Cambridge University, he came of a distinguished English army family, whose home was in Bournemouth, England. His mother and a sister survive him.

of State.

It is understood that any negotiations Colonel von Papen may undertake will be chiefly with the Vatican, as Captain Hermann Goering, Minister without portfolio and chief aide of Chancellor Hitler, left Berlin by plane for Rome today and is expected to take up with Premier Mussolini the problems of Italo-German relations.

The German Vice Chancellor's mission is understood to be discussion with the Vatican authorities of the reconstruction of the Catholic Centre party, to insure its stable support of the present national government in Berlin.

Such a move, if successful, would greatly increase the government's political strength, giving it an even greater number of votes in the Reichstag, if they should be needed, and removing a possible centre of opposition.

#### Centrists Held Balance.

It is pointed out that the Catholics of Germany represent about a third of her population. From the birth of the republic until the last election the Centre party had held the balance of power in the country, having had a sufficient vote in the Reichstag to overthrow either a Right or a Left government that it did not wish to support.

The position of the Catholic Church has also become particularly strong in Germany since the war. Whereas the Vatican was formerly represented in Germany only by a nuncio in Munich and Germany was represented at the Vatican by Ministers from Bavaria and Prussia, now, in addition to those named, the Vatican is represented by a nuncio in Berlin and Germany is represented by an Ambassador accredited to the Vatican.

Moreover, the Vatican has concluded concordats with three German States, Bavaria, Prussia and Baden, since the war, and it has been possible to constitute a Catholic diocese of Berlin with a resident Bishop, although all former efforts in this direction failed, Berlin having remained part of the diocese of Breslau although it numbered more than 800,000 Catholics.

#### Change in Vatican's Attitude.

There has been a noticeable change in the Vatican's attitude toward the Hitler movement recently. At first it was decidedly hostile, as proved among other things by the stand assumed on various occasions by the Asservatore Romano, the official Catholic organ, especially during the last election.

The first acts of Herr Hitler's government, however, decidedly won him the sympathy of the Vatican, which strongly approved of his moral program as well as his immediate strenuous efforts to clean up the night life of Berlin. The new government's declaration that it wished firmly to respect agreements concluded with the Hol-

Continued on Page Six.

Special to THE NEW YORK TIMES.  
CAMBRIDGE, Mass., April 9.—



## NEGROES PROTEST ALABAMA VERDICT

Movement Gains Impetus in  
Harlem to Send 50,000  
With Plea to Roosevelt.

### LABOR DEFENSE TO APPEAL

Brooklyn Minister Declares in  
Sermon Scottsboro Prisoners  
Have Not Had Fair Chance.

Plans were put under way in Harlem yesterday for about 50,000 Negroes from all parts of the country to go to Washington with a protest to President Roosevelt against the conviction of Haywood Patterson in Decatur, Ala.

As soon as word of the verdict was received by William Davis, publisher of The Amsterdam News, a Negro newspaper, he put a notice on a bulletin board outside his office at 2,293 Seventh Avenue, calling upon persons to sign a petition and signify their intention to go to Washington.

This notice was put up shortly before noon and late last night 20,000 persons had signed, while a double line, each of about 2,500 persons, was formed outside the office by those waiting to sign the petition. Five patrolmen from the West 135th Street station kept them in line.

Davis said he had not decided whether to have the petitioners march to Washington or go by bus or train. He said he had sent telegrams to publishers of Negro newspapers in Chicago, Pittsburgh, Philadelphia and Norfolk, asking them to join in the movement.

About twenty-five persons were at work yesterday afternoon in the office of the newspaper receiving the petitions. Davis said his staff was being assisted by a great many volunteers.

### Calls It "Lynch Verdict."

An appeal will be immediately taken in the Patterson case, the International Labor Defense announced yesterday. The case will be fought to the United States Supreme Court if necessary, it was said.

The verdict was characterized by William L. Patterson, national secretary of the organization, as "a monstrous lynch verdict brought in the face of the most indisputable proofs of Patterson's innocence."

A change of venue to Birmingham, Ala., for the remaining Negroes to be tried and adjournment of their trials until after the appeal in the Patterson case will be asked, he said.

"The demands will be made not only to the courts and State authorities of Alabama," Mr. Patterson announced, "but to President Roosevelt, who will be called upon to give protection to the boys, their witnesses and lawyers, whether they are menaced with lynching by a jury or by extra-legal agencies."

### Condemns Wild Public Opinion.

Street, Brooklyn, of which he is pastor.

"A misinformed, misguided public opinion sent Jesus to His death," he said in part. "At the present moment we are witnessing another unfortunate spectacle growing out of a wild and perverse public opinion. The nine Negro boys in the Scottsboro case have never had a fair chance to defend themselves. So intense is the feeling against the Negro in some sections of the South that the State of Alabama had to take all kinds of precautions to protect these boys from the angry mob."

"It is a sad commentary on American civilization when a court house must be guarded with troops instructed to shoot to kill if any attempt were made to interfere with the service of justice."

## NEW YORK WOMAN MISSING FROM BOAT

Miss Ida Lee Owens Believed  
Suicide on Voyage to  
Norfolk, Va.

NORFOLK, Va., April 9 (AP).—Miss Ida Lee Owens of 61 West Seventeenth Street, New York, who Saturday afternoon boarded the Old Dominion steamer Robert E. Lee at New York, was not aboard the boat when it docked here today. Police said evidence found in her cabin indicated suicide.

On a telegraph blank found in her cabin was written:

"Life is so tiresome and futile. Insufferable bores, these human beings, with their petty affairs and pretenses and pitiful ego. The philosophers say that dreams are the best part of life. I have had my dreams. This world is too ugly for me to live in. For one with my ideals, life among such people is no longer endurable, if only he knows how bored I am."

Ship's officers, recalling Miss Owens, said she was between 30 and 35 years old and tall.

In an envelope found in the cabin, stamped, registered and addressed to "Bryan Owens, Wynona, Okla.," were a money order for \$40 made out to the order of "Bryan Owens, Barnsdall, Okla.," and signed by Ida Lee Owens. On a double sheet of white paper in the envelope was the simple tabulation, "\$40 plus \$24 equals \$64." In the envelope also was \$24 in cash.

At 61 West Seventeenth Street, a loft building, no one could be found who had heard of the young woman who described herself as Ida Lee Owens. The City Directory lists a woman of that name, a clerk, as living at 39 West Eighty-eighth Street, but there, a private house, the resident denied that he had known her or that she had lived there.

### To Be Tried in Shooting.

Special Cable to THE NEW YORK TIMES.  
PANAMA CITY, April 9.—Private Richard Heishman, whom Major Gen. Preston Brown refused to surrender to civil authorities of the Canal Zone for trial for involuntary manslaughter as a result of the shooting of C. G. Sumrall, a civilian, on a hunting trip, will be tried by a court-martial convening

## LAND PLAN LINKED TO FORESTRY JOBS

Roosevelt Said to Consider  
Purchasing 1,000,000 Acres  
for Federal Utilization.

### \$1.50 AN ACRE TOP PRICE

Director Fechner Looks to the  
Further Employment of 250,000  
Men to Be Recruited by May 15.

Special to THE NEW YORK TIMES.

WASHINGTON, April 9.—Recruiting of unemployed men for forestation is only a prelude to a larger Federal land utilization program, it was indicated today by Robert Fechner, director of the emergency conservation work authorized by Congress.

President Roosevelt has under consideration, Mr. Fechner said, a plan to purchase from private owners land abandoned to floods and erosion, at prices not to exceed \$1.50 an acre.

Mr. Fechner expressed disappointment over the slowness with which the relief organizations in the three Eastern corps areas charged with the mobilization of applicants for work in the forestry camps were getting them to the various physical examination stations.

He had hoped, on the basis of statements made in a conference last week, he said, to have these men in the physical examination stations by last night, so that they might be examined and sent to the forestry camps. He added that he will take immediate steps to speed this work.

All his information, he said, indicated that a great many more men want to enter the camps than have been called for in the initial allotment of 25,000 men.

The Federal Government, in taking title under the land utilization program now under consideration, would give the State in which the land is located an option at a nominal fee to buy it back at any time for the original price, plus the cost of improvements made by the Federal Government. It is estimated, Mr. Fechner said, that 1,000,000 acres are available at very low prices.

The point was brought out when Mr. Fechner was asked what future he saw for the 250,000 men now being enrolled for a period of six months' work in the reforestation projects. He replied that the President hoped that these men would become interested in forestry, not only through the actual work they would do, but through the classes which will be given by practical foresters during their spare time at the work camps, and that they could be utilized later on the larger projects.

Mr. Fechner predicted that the full complement of 250,000 men would be in the forests by May 15.

First reports on the enrolment, coming in today, gave the following figures as to the number of men already sent to the army conditioning camps: New York 110,2-

rection of W. Frank Persons. activities consist in notifying of the relief officials appointed the Governors of the number their men who can be employed and in establishing liaison between them and the various corps commanders and officials of Department of the Interior whose camps the men are to be concentrated.

Relief agencies under the direction of State officials seek out, Mr. Fechner explained, men between the ages of 18 and 25, unmarried of full American citizenship, who are unemployed and have other persons dependent upon them.

When an applicant is provisionally acceptable he is sent to an army recruiting camp for a preliminary physical examination, intended to weed out the obviously unfit. Those who pass this examination are sent to army conditioning camps for two weeks and then examined again. From there they will proceed to the actual work camps and the army steps out of the picture.

At the work camps the recruits will be divided into groups of about 200 each and placed under the direction of foresters, also chosen from among unemployed experts that line.

Early reports from the army recruiting officers who have passed the candidates indicate that a satisfactory type of man is responding.

### 75,000 NEEDY AIDED.

Protestant Episcopal Mission Society  
\$422,400 in 1932.

The New York Protestant Episcopal Mission Society, 38 Bleeker Street, helped 75,000 persons in 1932, according to the annual report of the society, made public yesterday by its superintendent, the Rev. Dr. L. Ernest Sunderland.

From its seventy-seven stations the society's workers made 230 visits to patients and prisoners, more than sixty public institutions.

"The greatest increase in service was the society's helpfulness to unemployed through its own relief activities and as the agency for the Committee for the Relief of Unemployed of the Episcopal Church," said Dr. Sunderland.

Total expenditures reached \$440,000. To meet all needs the society requires at least \$53,000 in new gifts by June 1.

### PLANE DIVES; 2 TEXANS KILLED

Recently Licensed Pilot and Friend  
Fall 100 Feet at Beaumont.

BEAUMONT, Texas, April 9 (AP).—Fred Lofland, 28, who received a private pilot's license March 18, and Henry Derr, 24, his friend, were killed today in the crash of a light airplane, which slipped out of control at an altitude of about 100 feet.

Witnesses said that Lofland attempted a steep bank while landing at an insufficient speed. Municipal airport attachés said the plane, the property of a flight service here, had been in perfect condition.

### Legislature to Hear Miss Perkins

HARRISBURG, Pa., April 9.—The Pennsylvania Legislature has been invited to hear Miss Frances Perkins, Secretary of Labor.



sermon yesterday morning at the Irving Square Presbyterian Church, Wilson Avenue and Weirfield

surrender Heishman for trial by civil courts in accordance with the request of Governor Schley.

The work of alighting to the various States their quotas of the 250,000 jobs available is under the di-

ing. Pinchot also is to address the me-

# NEGRO IS CONVICTED IN SCOTTSBORO CASE

By F. RAYMOND DANIELL.

Continued from Page One.

Bud Davis and J. H. Green, the clerk of the Circuit Court, occupied the seats on either side of him. The tired-faced young stenographer, John Holland, opened his note-book at a fresh page to take down the last words in a trial that has become a cause célèbre.

## Tense Scene in Court Room.

"Let the jury come in," said Judge Horton.

The tension in the court room tautened. The door to the jury room was thrown open by a bailiff. Through it there filed the twelve men for whose decision America was waiting. They were a tired-looking group, but the faces of only a few bore the imprint of the momentous decision they had made. Some were smiling.

The jurors gathered before the bench, just as they had when they raised their hands as veniremen and swore that they would "a true verdict render" if they were chosen for the momentous task before them some ten days ago. Mr. Leibowitz peered into their eyes one by one as though seeking to read their minds while they stood there silent and still in the hushed court room.

Patterson continued sitting down. Nobody told him to stand up. Hardly a soul looked at him. All eyes were focused upon Eugene D. Bailey Jr., the draftsman who was elected foreman of the jury. In his hand was a slip of paper. He folded and unfolded it nervously. The man beside him nudged him when Judge Norton asked: "Have you agreed upon a verdict?"

## Foreman Appeared Dazed.

Apparently startled by the court's question, Bailey replied:

"We have, your Honor."

"Well, let me have it then," said Judge Horton.

Bailey took two steps forward and handed the paper to the judge who, in charging the jury yesterday, urged them to banish bigotry and prejudice from their minds that they might render a verdict based solely on the evidence before them. Judge Horton took the paper and read the fateful words written upon it in large letters in pencil:

"We find the defendant guilty as charged and fix the punishment at death in the electric chair."

Towering above the jurors, the six-foot jurist stood on the raised dais behind the bench and thanked the jurors for their "patience," and told them he believed they had rendered a verdict which they thought just and fair.

Patterson's face did not so much as twitch as he heard the words that spelled his doom unless the higher courts intervene in his behalf again. From the court room crowd there was not a murmur. There were not many among them who were surprised, despite the elaborate, painstaking defense prepared by the International Labor Defense and presented by Mr. Leibowitz, who has defended eighty-five clients in capital cases

without losing one to the electric chair.

At first Judge Horton said he would go through the formality of pronouncing sentence tomorrow morning. When Mr. Leibowitz and Mr. Chamlee declared they could not be present to represent their client at that time, Attorney General Knight consented to a week's delay.

## Leibowitz Greets Judge.

After the last formal words had been spoken, Mr. Leibowitz walked up to the bench and grasped Judge Horton's hand. The judge shook it warmly. Mr. Leibowitz, who had undertaken the defense of the penniless Negro without a fee, was trembling. He said:

"I am taking back to New York with me a picture of one of the finest jurists I have ever met. But I am sorry I cannot say as much for a jury which has decided this case against the weight of evidence."

"Now you are speaking under the pressure of feeling," said Judge Horton.

"No, I am not, your Honor," said Mr. Leibowitz. "I believe wholeheartedly that if the verdict in this case had been left to your Honor this Negro would have been acquitted."

"That is not my province; I cannot express an opinion on that," replied the judge, relinquishing the New York lawyer's hand.

"I know that, your Honor, but I could not help saying what I did," said Mr. Leibowitz.

## Leibowitz Denounces Jury.

Afterward Mr. Leibowitz issued a statement in which he said:

"This is a black page in the history of American civilization. An occasion where once more twelve citizens of Alabama, swayed by bigotry and prejudice and hearkening to the yelps of a bombastic Ku Klux who hurled mud at the Jew and the people of the great State of New York to sympathetic ears in the court room crowded with lantern-jawed morons and lynchers, brought in a verdict that is a mockery of justice.

"The hatred for New York and other metropolitan centres of commerce and modern enlightenment was even more vicious than the hatred manifested by this outrageous verdict against the Negro.

"You must know this God-forsaken place, some of the creatures that live here, the mobs that burn crosses at night, masked like cowards so that decent people cannot see the sordidness and venom in their hideous countenances in order to understand that the verdict here was just a piece of judicial lynching.

## Pays Tribute to Judge.

"This does not apply in any respect to the wonderful jurist who presided over this trial, but he was like a straw caught in the whirlpool of bigotry and intolerance that surged through the court room, and his calm and judicious warnings to the twelve in the jury box could not have fallen upon understanding or willing ears.

"As far as the defense is concerned, we shall fight with every drop of blood in our veins all the harder now because we feel that this outrageous challenge to humanity itself must be met in no uncertain terms if civilization and the humanity that the immortal Lincoln lived and died for is not

to degenerate into Hitlerism on the one hand, and anarchy on the other.

"Will we appeal this case? Most assuredly; up to the highest court of our land that once before hurled this mess back into the laps of the bigots, and we'll continue to fight until hell freezes over, not only to save nine innocent men, but to uphold the good name of our country to the rest of the world on the plane where every decent citizen feels it rightfully belongs."

After the verdict was returned, Mr. Knight and his assistant, Thomas F. Lawson, left by motor for the State capital at Montgomery. Mr. Leibowitz caught the 2:30 train for New York and Mr. Chamlee drove to his home in Chattanooga. Joseph Brodsky, the International Labor Defense lawyer, left last night while the jury was out, to prepare for the trial of Charlie Weems, scheduled to open a week from tomorrow.

Patterson was removed to the Jefferson County jail in Birmingham, where the other eight defendants were taken last night.

## Case Started Two Years Ago.

The case, which has stirred up feeling not only in the South but in other parts of this country and in Europe as well, originated two years ago on a freight train running between Chattanooga and Memphis, Tenn. On that train were the two women, Victoria Price and Ruby Bates; a dozen Negroes and seven white hoboes. Between Chattanooga and Stevenson, Ala., the white men and Negroes became involved in a fight, which ended when the whites were forced off the train about two and a half miles past Stevenson.

The white hoboes flashed word of their battle with the Negroes to Paint Rock, where an armed posse of between sixty and seventy-five countrymen stopped the train, arrested nine of the Negroes and took the two women into custody as material witnesses. At Paint Rock the girls charged that they had been criminally assaulted by the Negroes.

Judge A. E. Hawkins, at Scottsboro, convened a special session of the grand jury, and while the town seethed with excitement and open threats of lynching, the Negroes were indicted jointly and severally. Within two weeks they were tried, and all but one, Roy Wright, then 13 years old, were convicted. The jury which sat in judgment on the juvenile Wright disagreed. The trials of the Negroes consumed three days, less than was taken for Patterson's trial here.

## Labor Defense Enters Case.

The International Labor Defense, a Communist adjunct, interested itself in the case and prepared an appeal against the conviction of death sentences of the Negroes, although, as far as has been ascertained, none of the prisoners had any connection at that time with the Communist party, or any other radical organization.

The Supreme Court of Alabama affirmed the original verdicts and upheld the sentences recommended by Jackson County juries with one exception. Eugene Williams, one of the Negroes sentenced to death, was held to be a juvenile and a new trial was ordered for him. Attorney General Knight's father wrote the prevailing opinion.

The cases of the other seven Negroes were appealed to the United States Supreme Court, which on

Nov. 7. reversed the criminal verdicts, set aside the death sentence imposed at Scottsboro and ordered new trials on the ground that the first were unfair, because the accused Negroes were not adequately represented by counsel.

The cases were set for trial at Scottsboro on March 6, but Judge Hawkins granted a defense motion for a change of venue on the ground that an impartial consideration of the evidence was impossible at Scottsboro. The defense wanted to try the case in Birmingham, but bowed to the will of the court.

## Will Ask for Trial in Birmingham

Now it is planned to file a new motion for a change of venue before the next trial opens, because of the speech of Wade Wright, County Solicitor, who in arguing the State's case to the jury, urged them to demonstrate that "Jew money from New York can't buy and sell Alabama justice."

Patterson was the first of the nine defendants to be tried a second time for his life. Before his trial actually opened, the defense attorneys waged two unsuccessful battles against the State's selection jury system.

Witnesses were called to prove the contention that qualified Negroes were barred from jury service in violation of the Fourteenth Amendment to the Federal Constitution, through maladministration of a statute the constitutionality of which has been upheld by the United States Supreme Court.

These onslaughts, unsuccessful though they were, helped to crystallize sentiment against the defense, already handicapped by the fact that its clients were Negroes accused of a heinous crime against white women. It was known that the Communists were organizing Negroes and using the Scottsboro case for that purpose.

The word went abroad that the case was being used as a wedge toward effecting social equality for the Negro in the South, and a amount of argument from Mr. Leibowitz, who disclaimed the rôle of reformer and crusader, could counteract that belief.

## Girl Repudiated First Testimony

At the trial, Ruby Bates, who two years ago testified that she had been attacked on the freight train as well as Victoria Price, repudiated her former testimony and charged the Price woman with "framing" the Negroes.

Lester Carter, one of the white hoboes thrown off the train, rounded up by deputy sheriffs and held in the Scottsboro jail until the trials of the Negroes were concluded, corroborated her.

The white hoboes never were called to testify by the State.

The jury, however, chose to believe the Price woman, who stood to the main part of her story, although uncontradicted evidence was presented to show that she did not tell the truth about her activities in Chattanooga.

Members of the jury admitted that they did not consider the testimony of the Bates girl, who was produced by the defense dramatically after a month's absence from her home in Huntsville. They refused to discuss that phase of the case.

Much was made by the State of the fact that Carter and the Bates girl appeared in court in comparatively stylish raiment purchased in New York City.



There was slow progress yesterday in registration for reforestation jobs with the Civilian Conservation Corps at the Army Building, 10 Whitehall Street. Thirty men had reported on assignment from the city's Home Relief Bureau late in the afternoon. The men were sent by subway to the army base at Fifty-eighth Street, Brooklyn. The total registration here is 1,971. The quota allotted to this city for the first increment of forest workers is 7,500. It is limited to men between 18 and 25 years of age, unmarried, and who are willing to assign part of their wages of \$1 a day to dependent relatives. Registrants now will be sent to Brooklyn until 1,200 are assembled at the army base and at Fort Hamilton. Subsequent enlistments will be assigned to other army stations in the metropolitan area.

## FIRST WORK CAMP CLEARED IN FOREST

**Tents and Buildings for 220  
Men to Be Made Ready by  
Rangers in Pennsylvania.**

Special to THE NEW YORK TIMES.  
MARIENVILLE, Pa., April 9.—While jobless men in President Roosevelt's conservation army enter conditioning camps, the Forest Service is hastening to complete, six miles north of here, the nation's first work-camp in the Allegheny forest. The first contingent will arrive April 20.

District Forest Ranger G. L. Varney has the job of transforming a forty-acre site in hilly forest land into a camp where 220 men will live, work and play for a year.

The Marienville camp is the first of ten to be developed by July 1 of this 740,000-acre forest. From these camps 1,000 men will plant millions of seedlings.

Ground plans and grading for the camp were completed yesterday. Tomorrow a fleet of trucks will bring lumber which carpenters will fashion into flooring for living, mess and wash-house tents and to construct wooden buildings for cook-house, office and commissary, recreation hall, blacksmith shop and oil house.

The men will live in tents accommodating six, with wooden floors and side walls. The mess and wash-house tents will be similar, but much larger. A swimming hole in Spring Creek and outdoor recreation facilities will complete the plant.

Natural gas for cooking and for heating in the winter will come from a well on the site. A large spring will provide water.

As the men proceed to their foresting task, they will, in groups of fifteen under a foreman, be equipped with trays holding several hundred seedlings, each eight inches high, and mattocks for digging holes seven inches deep. They will be accompanied by the "plantations" by horses bearing packs of 7,000 seedlings each.

Experienced planters can set out 150 young trees in a day, but the quota now will be 250 per man per day, to assure quality planting.

Around each plantation the men will establish a fire-break by exposing a strip of bare soil ten feet wide the entire circumference of the newly planted area.

During the Spring men from the camp will set out 1,000,000 seedlings of Norway spruce, red pine, white pine and some pitch pine, Scotch pine and larch.

Next winter the men will go into the older portions of the forest and cut out dead trees.

"He has consistently held the attitude that he does not want his illness to play any part in the proceedings, and will act accordingly," Mr. Leisure said.

The banker has been charged with having caused false entries to be made in the accounts of fourteen depositors to cover up his use of bank funds to keep up the price of the bank's stock, which was held at quotations of \$1,350 to \$1,450 a share through most of 1931 and part of 1932.

Not long after the acquisition of the Liberty National Bank by means of an operation carried out by the Harriman Securities Company, an affiliate of the Harriman Bank, the price of the latter's shares began to drop. The last quotations were about \$20 and they now are no longer quoted.

### Harriman Resigned in July.

Mr. Harriman resigned as president of the bank last July and was succeeded by Henry E. Cooper, formerly a vice president of the Chase National Bank and at present the conservator in charge of the closed institution. Mr. Harriman took the position of chairman of the board, which he held until his arrest March 14.

Mr. Cooper's selection to head the institution and the relegation of Mr. Harriman to a nominal connection with the bank's affairs came just about the time that irregularities in the bank's books were first discovered by national bank examiners. According to United States Attorney George Z. Medalie, the Clearing House Association requested the Department of Justice to delay action against the bank until its affairs could be straightened out.

It has been reported that Mr. Cooper's installation at the head of the bank was insisted upon by the clearing house as one of the conditions it laid down in return for its pledge of support. According to counsel for the depositors, two successive chairmen of the clearing house have specifically acknowledged at least an implied obligation for support of the Harriman Bank.

### Views of Problem Varied.

In the last few weeks, however, there has been a difference of opinion among the members of the clearing house about the problem. Counsel for several of the member banks held that it would be illegal for them to contribute funds for the rescue of the Harriman. It was held that the clearing house mutual-protection agreement never had been valid, on the ground that the representatives of the various banks never had authority to pledge their directors and stockholders to employ the funds of their banks in behalf of others.

Early last week a plan for assisting the Harriman banks, under which its depositors would have received 60 to 75 cents on the dollar, was drawn up, but it received a cold reception on all sides. The bankers who felt that there was a "moral obligation" on the Clearing House could see little merit in a redemption in part only of this obligation, while others raised the same legal objections that had previously been voiced.

Discussion of the matter continued along lines which, in the opinion of some bankers, threatened the fate of the Clearing House if the dissension and delay continued.

The Manufacturers Trust Company has absorbed or liquidated many small banks in the last two years. In several of these cases it has acted as the agent for a group of the larger banks in the city.

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Back Saturday, April 22

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