

# The Journal-Patriot

INDEPENDENT IN POLITICS

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THURSDAY, MARCH 22, 1934

## A Praiseworthy Record

Judge Warlick, Solicitor Jones, Acting Solicitor J. Hubert Whicker, members of the Wilkes bar and the grand jury are entitled to the grateful appreciation of the citizenship of Wilkes county for their excellent record during the term of court adjourned last week.

The course taken by court officials will save the taxpayers of Wilkes county thousands of dollars and if the Childress-Tilley case and the Eldridge case were off the docket, the August court would start with something like a reasonable docket. While two hundred and some few cases would be a big calendar for some counties, such a calendar in Wilkes would appear small in comparison with those of recent terms.

It is not improbable that the record of Judge Warlick and Solicitor Jones will be criticised by some. Those who would vent their spleen upon an enemy by digging up some dirt against him and dragging him into court found little sympathy at this court.

Acceptance by the state of nol prosses in numerous minor cases of little merit which had been clogging the docket for several terms will, of course, be criticised to some extent at least. We are not denying the fact that some cases of merit may have been taken off the docket without trial. Some errors in judgment are to be expected. But our guess is that the majority of cases in which a nol pros was accepted should never have been in court in the first place.

The removal of approximately 325 cases from the calendar is a record that should be appreciated by the taxpayers.

The Greensboro Daily News published a news story Saturday in which it was stated that the first use of the conditional nolo contendere plea was made in Guilford Superior court Friday. This plea, which allows the presiding judge to hear the evidence and render a verdict without the necessity of a jury trial, is permitted under an act passed by the last general assembly. It speeds disposition of cases and there is no record that the verdicts have been less satisfactory than jury decisions commonly are.

What apparently was new to Greensboro, was old to Wilkes. Throughout the two weeks term, Judge Warlick was given the right to try cases in this manner very frequently.

Credit for the speed attained in this way goes to the lawyers who showed a praiseworthy disposition to co-operate in every way possible to clear the docket. In our opinion, no group of lawyers ever appeared in a better light than our Wilkes attorneys during the court just ended.

Dispensing with the services of a jury whenever possible, foregoing long arguments to the jury, eliminating long and useless appeals for the mercy of the court and keeping witnesses who would add nothing to the trial from the stand, our lawyers were a credit to our judicial system. And from an intelligent jurist, who appreciates such consideration, they got more for their clients than they could have obtained otherwise.

The grand jury's report was an achievement in itself. Examining 133 bills, the grand jury found 82 true bills, made three presentments and kicked out 48 bills by way of the waste basket route.

The grand jury, as it should, gave careful consideration to bills that had any merit. No action it took is calculated to impair public faith in the justice of the courts.

Here is an example of what the average grand jury has to contend with:

Mr. Anonymous Citizen approaches foreman of grand jury, whispers in his ear, calls him to one side, looks around to see who is in the vicinity and gives expression to the following:

"So-and-So and So-and-So had a fight last Christmas and you ought to indict him."  
Foreman: "Alright. Just step into the

grand jury room and sign a statement of the facts and we'll investigate it."

Anonymous Citizen: "Well, I'd rather not, I don't want to have anything to do with the matter. I-I-I—"

Foreman: "Did you see the fight?"  
Anonymous Citizen: "No, but So-and-So and So-and-So did. They can be called as witnesses."

Foreman: "Did they tell you that they saw it?"  
Anonymous Citizen: "No, but So-and-So told me that they told him they saw it."

Foreman: "Were any deadly weapons used, according to your information?"  
Anonymous Citizen: "No, they just fought with their fists."

Well, Mr. Anonymous Citizen got offended if he tried anything like that at the recent term. His malice cases got nowhere. And unsigned notes advising the Solicitor and the grand jury of a "bad condition" made good fires. It is to the everlasting credit of the grand jury that it endeavored to keep minor cases with doubtful merit from the docket. And incidentally, it means a resultant saving of hundreds of dollars.

Our court system when functioning at its highest efficiency looks bad enough. That there should be changes is no longer secret information.

One case came up at the recent term which illustrates the inadequacy of the system. Some lad, who strayed from the straight and narrow path, was arrested six months ago for stealing five dollars worth of merchandise. There was no evidence that he was an habitual criminal. Yet because he was unable to furnish bond, the county of Wilkes paid for his board at the jail for over five months.

When conditions such as this are revealed under our court system, it is time that the system be changed.

It is time to give our justices of the peace sufficient jurisdiction to prevent such expense to the taxpayers. Having given that jurisdiction, it then becomes necessary to raise the standard of qualifications for the judge of inferior courts. There are entirely too many magistrates and the standard is not all that could be desired.

But with all that, The Journal-Patriot commends those connected with our recent court for the excellent record made by them. They revealed a somewhat antiquated system in its best light.

## Sunday School Lesson

By REV. CHARLES E. DUNN

### REVIEW

Lesson for March 25th. John 10:7-16. Golden Text: Isaiah 9:6.

During this first quarter we have studied some of the principal episodes in the life of Jesus, and have come to grips with basic emphasis in His teaching. Beginning with His birth and childhood, we considered His baptism and temptation, and saw Him launched into the varied phases of His dramatic ministry. We also read the Sermon on the Mount, that sublime epitome of His teaching. We listened to His testimony concerning His own power to heal, cheer, and comfort. And we learned lessons from His parables.

This Sunday assigned for review affords an excellent opportunity for taking stock. Suppose we ask, "Why is Jesus still indispensable? Why is He real today?"

One answer is to be found in the timelessness of his glorious message. What is this message? It is summed up in that splendid proclamation He heralded at the beginning of His ministry, "The kingdom of God is at hand." What is this kingdom? It is a realm over which a sovereign God presides. It is a commonwealth in which love and obedience, not fear and calculation, reign. It is a society in which the individual human soul has absolute value. It is a beloved community where spiritual purposes are supreme. And finally it is a brotherhood whose inward spring is the living Person of Jesus.

Another reason for the Master's continued hold is His sureness of tread in the religious field. He spoke with authority, as one long familiar with the truth He proclaimed.

But a more important explanation of Jesus' attractiveness today is His constant companionship with God. As Dr. Henry Coffin says, Father and Son are united in conscience, toil, and endurance. The Master released His spirit so completely into the larger life of God that He became one with the Father. And there can be no doubt that He found in God the resources He needed.

Former President Doumergue favors a change in the French constitution. A change, no doubt, that will prevent future changes in the French cabinet.—Fredericksburg (Va.) Free Lance-Star.

There is always something to worry about. A German scientist says men 500,000,000 years from now will be 10 feet tall.—Greensboro (Ga.) Herald-Journal.

Wotta world! Your friends are eccentric and your enemies are crazy!—Thomston (Ga.) Times.

Aviation stocks seem to have been doing blind flying.—Philadelphia Bulletin.

## Myrtle Yates Is Winner Of Contest

She Will Represent Wilkesboro High School At Lamar-Rhyme College Finals

Myrtle Yates will represent Wilkesboro high school at Lamar-Rhyme College tomorrow as the result of her victory in a preliminary recitation contest at the school Monday. At the college finals, she will compete with representatives from schools in approximately 20 counties of this section. The subject of her recitation is "Daddy Doc."

Other girls in the preliminary contest Monday were Ethel Davis, who recited "The Crimson Rambler," and Helen Bumgarner, who recited "The Model's Last Pose." Judges were Mrs. N. O. Smoak, Mrs. J. W. White and Mrs. L. B. Dula.

The common house fly is somewhat of speed demon. He makes 330 wing beats a second.

### ANNOUNCEMENT

To the Democrats of Wilkes County:

I have decided to ask the Democrats of Wilkes county to nominate and elect me Clerk of the Superior Court for the four year term beginning December 1, 1934, and ask you to vote for my nomination in the primary, and then go to the polls in November in full force and elect me, and I promise if elected to give my whole time and effort to the successful discharge of the duties of the office.

My experience for twenty-five years as Principal Clerk of the House of Representatives, and of the Senate of North Carolina, and my legal knowledge and experience certainly ought to qualify me for the position.

I trust you will favor me with your votes both in the primary and at the election, I am,

Yours truly,  
FRANK D. HACKETT.  
3-22-Th-1f

### NOTICE OF SALE OF LAND UNDER DEED OF TRUST

Under and by virtue of the power of sale contained in a certain Deed of Trust, executed on the 28th day of October, 1927, by Boone Trail Orchards, Inc., to secure the payment of a note therein mentioned, and default having been made in the payment of same, and demand having been made on me;

I will, therefore, on Tuesday, April 3, 1934, at the hour of ten o'clock a. m. at the courthouse door in Wilkesboro offer for sale for cash to the highest bidder the following described real estate, to-wit:

First Tract: Adjoining the lands of T. B. Finley, Nelson Lovett and others.

Beginning on a maple near the spring and running north 56 degrees west 17 poles to a black gum; thence west 50 poles to a persimmon on the south bank of the branch; thence south 15 degrees west 85 poles to a small chestnut oak; thence east 67 poles to a locust; thence south 17 degrees 30 minutes east 34 poles to a locust and maple; thence south 44 degrees 30 minutes east 45 poles to a chestnut oak; thence south 70 degrees east 34 poles to a large pine near the bank of the branch; thence 51 degrees 30 minutes east down the branch 36 poles to a spruce pine and on the bend of the branch; thence south 79 degrees east 28 poles to a pine; thence south 58 degrees east 11 poles to a pine in the Nelson Lovett line; thence on the said line south 38 poles to a pine on the ridge, the old Dean Kilby corner; thence north 61 degrees 30 minutes west 113 poles to a stake; thence south 60 degrees west 12 poles to the beginning, containing 50 acres, more or less.

Second Tract: Beginning on a persimmon, the corner of the George Bumgarner and Iverson Mitchell tracts, and running north 71 degrees 30 minutes west 25 poles to a stake; thence north 55 degrees west 22 poles to a stake, a corner; thence east 22 poles to the northwest corner of the Iverson Mitchell and George Bumgarner tract; thence east 60 poles to a white pine; thence a Southwestwardly course 7 1-2 poles to a black oak; thence north 85 degrees east 42 poles to a white pine; thence north 74 degrees east 11 poles to a dogwood; thence east 19 poles and 10 links to a stake on the northeast corner of

thence south 4 degrees west 63 1-2 poles to a stone; thence south 52 degrees 30 minutes west 65 poles to a stone, a corner; thence north 43 degrees 30 minutes west 17 poles to a stake; thence north 48 degrees west 38 poles to a stake; thence north 57 degrees west 17 poles to the point of beginning, and containing the H. F. Lovett 26 acre tract, the George Bumgarner 30.25 acre tract and the Iverson Mitchell 11.75 acre tract, sold to W. J. Palmer as shown by survey of C. H. Colvard.

Third Tract: Being a tract of land sold by J. N. Lovett and wife, Lillie Lovett to W. J. Palmer as per deed dated March 10, 1912, recorded in book 89 on page 398, said land having been conveyed to J. N. Lovett by W. W. Marber, Commissioner, and adjoining the lands of J. B. Nichols, H. C. Kilby and others.

This 3rd day of March, 1934.  
C. T. DOUGHTON,  
Trustee.

## "Carolina" Will Be At Orpheum Monday

Janet Gaynor And Lionel Barrymore, Featured In Carolina. Made Screen Drama.

"Carolina," the great drama of the screen, which was written by Paul Green, a North Carolinian, will be shown at the Orpheum Theatre Monday and Tuesday of next week.

Featured in the picture are Janet Gaynor, the sweetheart of the screen, and Lionel Barrymore.

Almost half of the film was photographed in the two Carolinas. According to Henry King, who directed the production, the most beautiful scenes in the picture were taken in and around Charleston, S. C., Mr. King had a staff of 5 cameramen and scenic artists tour the two states in an effort to find the locations that were most in keeping with Mr. Green's depictions in his story.

Just as the background of this picture is authentic and colorful, so does the story team with brilliance. Notable are the flashbacks to the former glories of the two Carolinas in the days before and during the Civil war. One of the most beautiful scenes is that of a dance being held 65 years ago, in the days of Crinoline and the minuet. In this scene Janet Gaynor and Lionel Barrymore lead the assemblage of aristocratic men and lovely belles in a languid Viennese waltz.

The romantic and dramatic moments of the picture are intensified by stirring background music. It is further enriched by the negro folk songs which run

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through it with a chorus of 90 voices interpreting the songs. One of the highlights is the theme song, "Carolina," written especially for the production by Jay Gorney and Lew Brown, two of America's greatest song writers.



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