

# THE MOUNTAIN LABORED AND GAVE BIRTH TO A MOUSE

## Subject Of County Paper Editorial

The following is a reprint of a front page editorial which appeared in The Scotland Neck Commonwealth, issue of Friday, August 22, 1941, under the heading at the top of this page. It is printed here without prejudice and with regret that the names of innocent local persons who were involved must be published. Reason for publication may be found on the editorial page of this issue.

The following evidence, we are informed, was placed before the Grand Jury at the August Term, 1941, in relation to J. W. Crew, Jr., whose conduct in many respects was under investigation:

During 1935 and early 1936, J. Winfield Crew, Jr. was the attorney of Mrs. Martha J. Massey, a widow, living in the Town of Roanoke Rapids, N. C. During this time J. Winfield Crew, Jr. was a director in and attorney for Rosemary Building and Loan Association, a director in, President of and attorney for Citizens Bank & Trust Company of Roanoke Rapids, N. C.

During the period recited Mrs. Martha J. Massey gave to J. Winfield Crew, Jr. the sum of \$10,001.00 for investment in Rosemary Building & Loan Association and savings account in Citizens Bank and Trust Company.

Of the above sum \$4,000.00 was invested in Rosemary Building and Loan stock and the stock was issued in the name of Mrs. Massey. The remainder of said \$10,001.00 with the exception of \$1,000.00 was deposited in said bank as directed.

It was alleged that Crew, Jr. subsequently procured the transfer to his own name the \$4,000.00 worth of stock, sold the same and converted to his own use the proceeds of sale amounting to \$4022.22.

Of the \$5,001.00 placed to the credit of Mrs. Massey in the Citizens Bank all was checked out by said Crew, Jr. or under his authority except approximately \$400.00. The \$1,000.00 was never invested but converted by J. Winfield Crew, Jr. to his own use, it is further alleged.

Why did not the Grand Jury subpoena Mrs. Massey for examination? She was in Roanoke Rapids and at all times available.

On April 7, 1938, J. Winfield Crew, Jr. as attorney for W. V. White of Roanoke Rapids, N. C., received from Citizens National Bank of Emporia, Virginia, the sum of \$4432.50 which represented the proceeds of a loan that the Bank had made to Mr. White. Mr. White instructed Mr. Crew to pay this sum on Mr. White's note to Citizens Bank and Trust Company of Roanoke Rapids, N. C. Mr. White believed that this had been done until the Fall of 1939 when J. W. Rodgerson succeeded G. T. Hobbs as Cashier of Citizens Bank and Trust Company of Roanoke Rapids and Mr. Rodgerson asked him what he was going to do about his note in the bank. From April 7, 1938, until the fall of 1939 Mr. White had not received any notice from the Roanoke Rapids Bank about his note which was past due and all during that time Mr. Crew was President of, a director of and attorney for the Citizens Bank and Trust Company of Roanoke Rapids.

In March, 1938, J. Winfield Crew, Jr. borrowed from Holliday & Whitaker of Enfield, N. C., the sum of \$5000.00 giving his note secured by a deed of trust on 462 acres of land, representing in said deed of trust that he was the owner of said lands in fee simple and that it was clear of all encum-

brances whatever. At the time and as an inducement to Holliday and Whitaker to make said loan, said Crew, Jr. made an affidavit in which he swore that he was the owner of the land covered by said deed of trust in fee and that it was unencumbered and that said land was reasonably worth \$9000.00. It is alleged that Crew, Jr. never owned three of the tracts of land described in said deed of trust and of the 462 acres he only owned 85 acres, the rest of said land belonging at the time and now to Mrs. Martha J. Massey.

On the 17th day of June, 1939 the Citizens Bank and Trust Company made a loan to Joe Turner in the sum of \$750.00 upon the certificate of J. Winfield Crew, Jr. that the title to said land was clear of all encumbrances when in truth and fact there were at the time due against said land tax liens amounting to \$125.01. That on the date said loan was closed the said J. R. Turner paid by check to Winfield Crew, Jr. the sum of \$125.01 with which to pay said taxes, which the said Crew, Jr. endorsed and put to his individual credit in the Citizens Bank and Trust Company, Roanoke Rapids, N. C., and did not pay said taxes, it is alleged. That in June 1941 the Citizens Bank and Trust Company was forced to pay said taxes covering three years and amounting to \$125.01, and in addition to pay in July, 1941 a tax penalty of \$8.03.

That on the 1st day of December, 1939 the Farmers Warehouse through its attorney and president, J. Winfield Crew, Jr., executed three notes of \$5300.00 each secured by a deed of trust on certain property therein described in which it was warranted that Farmers Warehouse was the owner in fee of the property described and that said property was free from encumbrances. Said notes and deed of trust on December 4, 1939 were put up as collateral to note of W. Lunsford Crew to Citizens Bank and Trust Company in the amount of \$6,000.00 and also as collateral to note of Farmers Warehouse to Citizens Bank and Trust Company in the amount of \$6,000.00. J. Winfield Crew, Jr. at this time was a director of, President of and attorney for Citizens Bank and Trust Company.

The facts in relation thereto are as follows: There was a mortgage or deed of trust on the lot covered by one of the warehouses to the State of North Carolina for \$7,000.00. The Farmers Warehouse did not have title to 16 of the lots at the time, it is alleged.

All of the foregoing evidence, we have been informed and believe, was placed before the Grand Jury. The question then arises, why was no presentment made by the Grand Jury in this particular case? It appears almost self-evident that the allegations, if true, constitute breaches of the criminal laws of the state, and certainly appear to constitute the finding of what is generally termed "probable cause," which is the function of the Grand Jury in general terms in criminal cases.

Certainly the members of the Grand Jury, having been chosen because of their intelligence and character, must have known that the facts as alleged, if true, placed Mr. Crew in the position where the least the public might expect was a hearing in open, and the least Mr. Crew might expect was that he have an opportunity to clear his name before a jury of his peers, meaning a properly constituted jury in open court—that is a trial jury and not the Grand Jury, because it is not the function of the Grand Jury to sit as a trial jury.

Going further into this matter, we have discovered that one of the witnesses before the Grand Jury was Edward L. Travis, of Halifax. Mr. Travis acted as attorney for

Mr. Crew in the case brought against the latter by the Citizens Bank and Trust company of Roanoke Rapids. The Grand Jury is supposed to hear only the evidence of the state in any case and is to find if from this evidence there appears to be sufficient foundation for ordering, through an indictment, a trial in open court. The Grand Jury never has had the function in this state of hearing the evidence of the defense. Yet here we have the attorney of Mr. Crew, who to all practical purposes is the defendant, appearing before the Grand Jury. This was unusual, it was contrary to the duties of the Grand Jury, and as this fact becomes known it seems to have a tendency to reflect discredit on the findings of the Grand Jury in this particular matter. Had the gentlemen of the Grand Jury been fully cognizant of the limitation of their functions, we can hardly see how they could have called a defendant's attorney before them, and we doubt seriously that they would have. The most charitable viewpoint seems to be the conclusion that the Grand Jury did not know the limit of its scope, and in ignorance placed themselves in the position where what they did lays them open to public criticism.

In conclusion it looks as if the "mountain had labored and given birth to a mouse," and it further appears that the mouse delivered was the last paragraph of the report of the Grand Jury as follows: "In regard to the newspaper article concerning Mr. J. Winfield Crew, Jr. of Roanoke Rapids, a copy of which was sent to the Foreman of this Grand Jury. We report that we have examined thoroughly every witness whom we thought might have knowledge of the matter referred to in that article, and all witnesses whose names were furnished us, and we do not find that Mr. Crew has done anything for which he should be prosecuted."

Now, what all good citizens of

Halifax County are interested in is, shall justice be stifled at its source? Shall the Grand Jury which is an ancient and honorable body, designed to protect society against the unlawful acts of criminals whether rich or poor, white or black or of high or low estate, be used to protect criminals and prevent their trial in the open?

It appears to this writer that the Judge of the Superior Court should thoroughly investigate the whole matter with a view of preventing such unseemly results in the future.

### "Man Hunt" Is Scheduled At Pitts Theatre

The Pitts' Theatre at Emporia, Virginia, has scheduled as the main attraction today and Friday, "Man Hunt", with Walter Pidgeon and Joan Bennett.

On Saturday, only, the Pitts' will show "Trailin' Double Trouble". Also on the program will be a chapter of a serial, and other shorts.

"A Very Young Lady", with Jane Withers and Nancy Kelly, will be shown at the Pitts' on Sunday only, Sept. 7.

On Monday and Tuesday, September 8-9, "Mata Hari" will be shown. The picture has Greta Garbo and Ramon Novarro in the principal roles.

Wednesday only, September 10, is double feature bargain day. Pictures to be shown are "Kisses For Breakfast" and "Bullets For O'Hara".

### Irene Dunne At Levon In Film Sunday

Irene Dunne and Cary Grant will

be shown at the Levon Theatre in Weldon on Sunday and Monday in "Penny Serenade". A news reel and an act will complete the program.

On Tuesday and Wednesday of next week "Tall, Dark and Handsome", with Cesar Romero and Milton Berle, is scheduled. Also to be shown is a comedy, and an act.

"In the Navy", featuring Abbott and Costello and Dick Powell, will be at the Levon on Thursday and Friday of next week. A comedy and act will also be shown.

On Saturday of next week Rochelle Hudson and Chester Morris will be shown in "Meet Boston Blackie", Tim Holt will be featured in "Six Gun Gold", and Chapter 4 of "The Spider Returns" will be shown, also.

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TUE.-WED.

Adm. 10 & 20c

Cesar Romero-Milton Berle in **TALL, DARK and HANDSOME**

—Comedy and Act—

THURS.-FRI

Adm. 10-20c

Abbott & Costello-Dick Powell

in **IN THE NAVY**

—Comedy and Act—

SATURDAY

Admission 10 & 15c

**DAY AND NIGHT** Rochelle Hudson-Chester Morris

in **"MEET BOSTON BLACKIE"**

Tim Holt in **"SIX GUN GOLD"**

Chapter 4 "The Spider Returns"

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