

Oakes Trial Is Postponed Till March; Solicitor Not Prepared

On Motion of Solicitor Gattis, Judge Devin Postpones Trial of Former Greensboro Policeman, Charged With Killing Tommy Robertson—Defense Disappointed At the Delay.

By ERNEST B. HUNTER
Graham, Dec. 1.—On motion of Solicitor E. M. Gattis the trial of D. B. Oakes, former Greensboro policeman, charged with the killing of Tommy Robertson, of Spray, the driver of the whiskey car from which Policeman Tom McCulston, of the Greensboro force, was shot to death in Greensboro May 4, last, was postponed here this morning until Thursday of the first week in March, 1922.

Solicitor Gattis declared that he was not prepared to take up the case inasmuch as he had been depending upon Rockingham attorneys to do the bulk of the work. There was but one Rockingham lawyer present—A. D. Ivey. And Mr. Ivey pleaded that he was too ill to appear in any case, having been advised by his physician to keep out of the court room.

Solicitor Gattis made it perfectly plain to Judge W. A. Devin, presiding, that he would nolle prosequi the case before he would try it at the term of court. Judge Devin in rendering his decision, stated that he wanted to give both sides justice and, in his opinion, if the state were forced into the trial before it had prepared its case there might possibly be reason for complaint after the trial.

Attorneys for both sides put up a pretty scrappy little fight. It was evident that the defense was very much

disappointed in the postponement decision; but then no one for the defense wanted to see a nolle prosequi. Mr. Oakes wants a verdict as does his attorney.

Judge W. P. Bynum, of Greensboro, chief counsel of the defense, pointed out that the defense was ready and anxious to get a hearing before the court. And the defense was ready. All its witnesses were on hand, including E. R. Holt, of Montgomery, Ala., traveling salesman, who was with Mr. Oakes and Clyde Cobb on the famous 40-mile chase after the "death" car driven by Tommy Robertson.

Young Oakes, whose father remained by his side every minute of the hour's hearing, listened intently to everything that transpired during the arguments.

Judge Bynum was ably supported in his argument by Judge R. C. Strudwick, of Greensboro, and Ned Parker, of Graham. But there was very little for these three attorneys to say other than that they were ready and anxious to proceed.

The solicitor did most of the talking. He emphasized the point that he didn't at present know his case and to commence the trial without knowing where he stands would be nothing short of deserting his pledge to the people of North Carolina. He wants to do his duty. He cited the fact that he would be alone against three of the

ablest lawyers in the state if forced to start today.

Judge Bynum in his brief argument pointed out that the case was transferred from Rockingham county in August and that he thought "time enough had been allowed for the state to be in position to begin the trial. To this Mr. Gattis replied that if the defense was so anxious for a speedy trial it shouldn't have "run away from that good county of Rockingham." Judge Bynum then called the solicitor's attention to the fact that the sheriff of Rockingham and the chief of police of Raleigh and other reputable citizens had signed affidavits declaring that Mr. Oakes, in their opinion, could not get a fair and impartial trial and for that reason alone he had fought for removal. Moreover that Judge B. F. Long's ruling in the matter gives in a measure substantiated the affiant's statements.

Mr. Gattis then called the court's attention to the fact that the case had been removed from a county outside of his district and that if it had been removed from a county in his bailiwick he would not think of asking for a postponement.

The solicitor closed by asserting that if Mr. Ivey were able to assist him he would be willing to start. But Mr. Ivey wasn't able. P. W. Glidewell, Rockingham attorney appearing in the case in behalf of the dead man, was not present. It was stated that he was occupied in another court.

It was said that the state had all its witnesses in the courtroom this morning with the exception of Dr. Taylor, who appeared before the coroner's jury in Wentworth following the killing of Robertson, May 4. But this had little if anything to do with the postponement, inasmuch as Mr. Parker, for the defense, stated that the typewritten report of Dr. Taylor's testimony would be satisfactory to the defense.

Following Judge Devin's decision, Solicitor Gattis said that the special session of the legislature would probably be asked to make several changes in the dates for the holding of Superior court; that it is probable that the term set for the first week in March in Alamance may be moved up to the last week in February. In that event Oakes will be given a trial in February.

Mr. Oakes, it will be recalled, accompanied Mr. McCulston on that fatal trip of May 4 to seize a load of whiskey. After Mr. McCulston had been shot to death, the occupants of the whiskey car, Robertson, Lewis Edwards and Carl Talley, scurried out of town in their automobile. Oakes, with Cobb and Holt, followed in quick haste. Edwards and Talley left the "death" car at the Guilford Battle ground. Robertson stuck to his car until he had gone into Rockingham county about three miles. Being hotly pursued he turned his auto to one side of the road and got out of it. It was when he stepped from the car that he was killed.

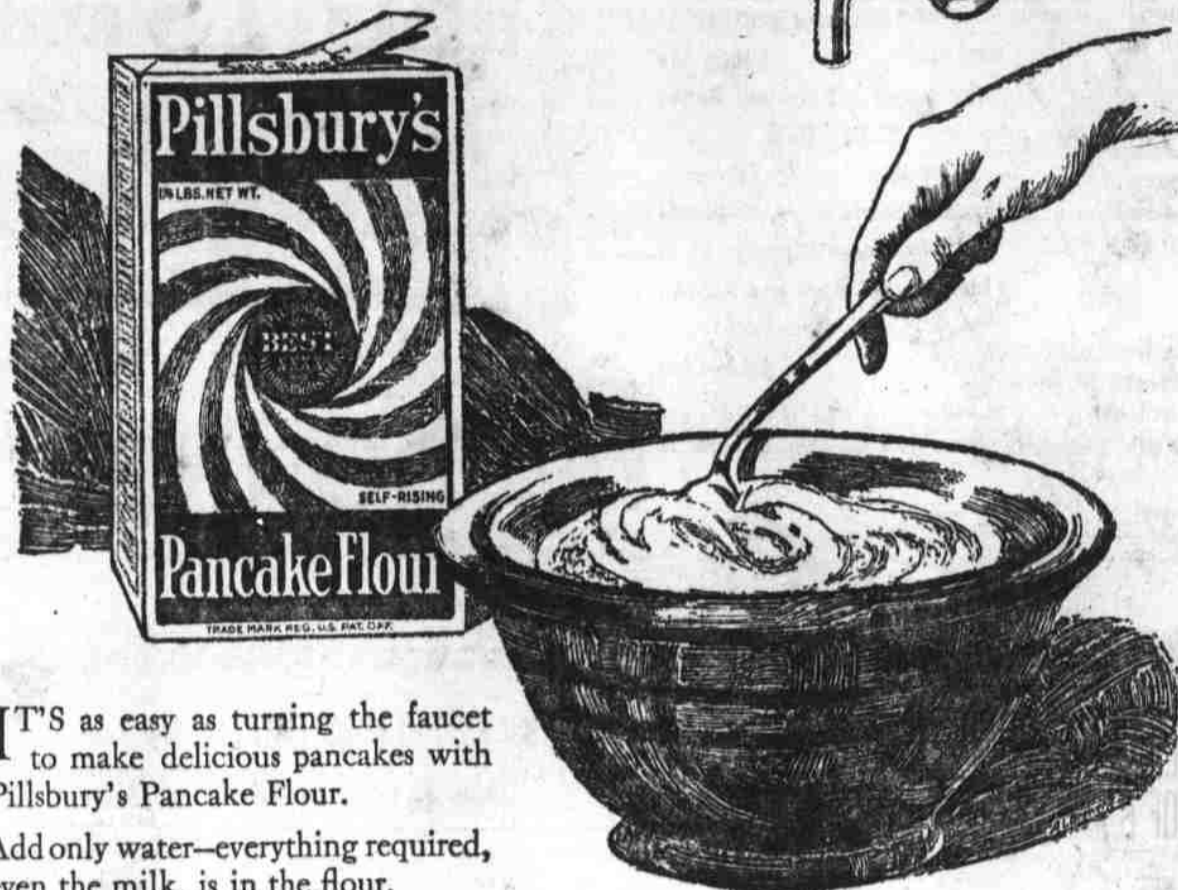
The Rockingham grand jury returned a true bill against the young policeman. Solicitor Porter Graves said that he would be satisfied with second degree murder and Oakes was given his liberty under a bond of \$2,500. He was never incarcerated in any jail.

Before the case was set for trial in Rockingham attorneys for Oakes made a motion before Judge B. F. Long to remove the case, alleging that owing to the sentiment in Rockingham against the young officer it would be impossible for him to be given a fair and impartial trial. Judge Long then sent it to Alamance.

The court room here this morning was fairly well crowded. Many persons from Greensboro were present, a number of whom are witnesses in the case.

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CAROLINA TEAM GOES TO PLAY FLORIDA SATURDAY

Hard Fought Post-Season Game Is Expected—Johnson Will Be In The Lineup.

(Special to Daily News.)
Chapel Hill, Dec. 1.—So intense has been the interest about the Virginia game last week that until now the university has given little or no thought to the post-season game with Florida next Saturday. But, with the team starting off to Jacksonville, today the students are speculating eagerly as to Carolina's chances against the southernmost Southerners.

Both North Carolina and Florida have tied the only team both have played, South Carolina. This would indicate a hard-fought battle in Jacksonville.

When the North Carolina-South Carolina game is considered, however, it must be recalled that Lowe and Johnson, the most efficient ground gainers for North Carolina, were not put in until the last quarter. The truth is that North Carolina was a bit overconfident of winning at Columbia. The two stars were both hurt at the time, and they were being taken care of in anticipation of the Fair Week game with A. and B. For a time it looked like a South Carolina victory, for when the fourth quarter was still under way the home team was still leading by 7 to 6. It was then, when there was desperate need of a touchdown, that Lowe and Johnson were substituted.

Carolina has had one or two disagreeable surprises this season, in games that it expected to win, and therefore the inclination here is not to count the Jacksonville chickens until they are hatched.

The line-up will probably be the same as it was in the Virginia game. One or two of the men are limping a little, but none of them is seriously injured. The eleven starters, then, should be: Morris and Cochran, ends; Kernodle and Jacobl, tackles; Pritchard and Foidester, guards; Blount, center; Lowe, quarterback; Johnson and McDonald, halfbacks; Gillon, fullback. McGee made a good showing in the Virginia game, and some of the closest football observers here would not be surprised to see him begin the game instead of Gillon or McDonald, but Coach Fetzer holds his peace about this as about the rest of the line-up.

TRINITY'S CROSS-COUNTRY RUNNERS GO TO ATLANTA

(Special to Daily News.)
Durham, Dec. 1.—The Trinity college cross-country run team, composed of four men, left this afternoon for Atlanta, to enter the Methodist Road Race to be held Saturday at Emory University. Men from several southern colleges of the south will compete for honors at the meet. The winning team will be awarded a silver loving cup.

Trinity will be represented by Crawford, Cane, Hefner and Bolch. Competition for places on the team has been keen. The men have been undergoing regular practice under the direction of Track Coach Steiner for the past two months. The team going to Atlanta was selected at a test run held Wednesday afternoon. The men made exceptionally good time, completing the 4 1/2 mile course in 25 minutes.

MISS FLOY BELLE JONES AND REV. W. S. GOLDEN TO WED

(Special to Daily News.)
Sanford, Dec. 1.—Mrs. Flora A. Jones, of this city, announces the engagement of her daughter, Miss Floy Belle Jones, to Rev. William S. Golden, of Richmond, Va. The wedding will occur early in January.

Until a few weeks ago Rev. Mr. Golden was pastor of the Sanford Presbyterian church. He resigned to accept the pastorate of the Westminster Presbyterian church of Richmond. Both young people are deservedly popular.

The tusks of an African elephant often weigh as much as 100 pounds each and reach a length of eight or nine feet.



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