

# THE JOURNAL-PATRIOT

VOL. XXVIII, NO. 18

Published Mondays and Thursdays

NORTH WILKESBORO, N. C., THURSDAY, FEB. 8, 1934

\$1.00 IN THE STATE—\$1.50 OUT OF THE STATE

## SOLICITOR JONES WILL PUSH CASE AGAINST THE TILLEY FAMILY

### Hayes Decision In Liquor Cases Upheld By Court

U. S. Supreme Court Holds That Pending Cases Cannot Be Tried Now

### DECIDE LAW ANNULLED More Than 13,000 Defendants In Liquor Cases Are To Be Freed

Washington, Feb. 5.—The person charged with violating the federal prohibition law and not yet tried, or who has been convicted and has an appeal pending in a higher court, will go free.

The Supreme court so ruled today in an unanimous decision handed down by Chief Justice Hughes.

Justice department officials said it affected upward of 9,000 cases involving 13,000 or more persons.

Under the decision, cases pending against persons charged with violating federal prohibition will be quashed. Those who have been convicted and have appeals pending will be set free. The ruling, of course, does not affect persons convicted of violating state prohibition laws.

Convicted ones not affected. Nor, the court explained, will it affect those convicted before repeal of the federal prohibition amendment who are now serving sentences. Attorney General Cummings declined to comment on this phase of the decision until he had had time to read it.

At the justice department, it was explained, however, that the policy so far had been to give considerable consideration to applications for pardons from those who had good records aside from their prohibition violations than to those from racketeers and gangsters.

Today's opinion was given in passing on two cases from North Carolina where Federal Judge Johnson J. Hayes, of Greensboro, ordered the discharge of Claude Chambers and Byrum Gibson. The judge took the position that he was without jurisdiction to proceed with the trial because the 18th amendment had been repealed. This was in the face of a plea of guilty by one of the men. The government appealed to test the question and determine the status of the other thousands of pending cases.

Lost Constitutional Rights. Pointing out that the 21st amendment was ratified on December 5, 1933, the court said that "upon the ratification of the 21st amendment, the 18th amendment at once became inoperative."

"Neither the Congress nor the courts could give it continued vitality," the decision added, explaining that "the national prohibition act to the extent that its provisions rested upon the grant of authority to the Congress by the 18th amendment, immediately fell with the withdrawal by the people of the essential constitutional support."

"The continuance of the prosecution of the defendants after the repeal of the 18th amendment, for a violation of the national prohibition act, alleged to have been committed in North Carolina, would involve an attempt to continue the application of the statutory provisions after they had been deprived of force."

"This consequence is not altered by the fact that the crimes in question were alleged to have been committed while the national prohibition act was in effect. The continued prosecution necessarily depended upon the continued life of the statute which the prosecution seeks to apply. In case a statute is repealed or rendered inoperative, no further proceedings can be had to enforce it in ending prosecutions unless competent authority has kept the statute alive for that purpose."

Saving Clause Void. The court could find no substance in the government's contention that Congress had years ago enacted a saving clause under which it could continue the prosecution of liquor cases. It ruled that the act relied on by the government "could only apply to the repeal of statutes by Congress and to the exercise by the Congress of its undoubted authority to qualify its repeal."

(Continued on page four)

### COMING TO WILKES



Judge Wilson Warlick, of Newton, comes here in March.

### Wheat Reduction Checks Are Here For Distribution

### Twenty-Two Signers Of Contracts Receive From \$10.00 To \$121.00

Wheat reduction checks for the twenty-two Wilkes farmers who signed contracts for a cut in acreage have arrived and are ready for distribution, County Agent A. G. Hendren announced Tuesday afternoon.

Mr. Hendren said cards advising the farmers of the arrival of the checks have been mailed out. Farmers must call at the office of Mr. Hendren and sign a statement that the checks were delivered.

The checks, Mr. Hendren stated, range from \$10.00 to \$121.00. Only farmers producing wheat for sale were asked to sign contracts.

### H. R. Niswonger Is Here Today

### Will Speak To Fruit Growers This Afternoon In County Courthouse

H. R. Niswonger, state horticulturist with headquarters at Raleigh, will speak to Brushy Mountain fruit growers and other interested citizens at the courthouse in Wilkesboro this afternoon at 2 o'clock.

Mr. Niswonger will discuss general orchard problems and lead a general discussion with reference to the spray schedule. Plans will be made at the meeting for visits to orchards for a demonstration tomorrow.

### P.-T. A. Head To Speak In City

### To Address Local Association This Afternoon In School Auditorium

Founder's Day exercises of the North Wilkesboro Parent-Teacher Association this afternoon will be featured by the address of Mrs. J. L. Henderson, of Hickory, state P.-T. A. president.

The meeting will begin promptly at 3:45 o'clock. Besides members of the local association, members of the Wilkesboro association and many guests will bear the address of Mrs. Henderson.

A Founder's Day offering will be taken.

Light refreshments will be served following the regular meeting.

### Complete Steam Distillery Outfit Found In Basement Near City

Deputy Sheriff H. C. Kilby and Jailer E. A. Sheets destroyed a complete steam distillery outfit found in the basement of the home of Dewey Anderson near the County Home Saturday afternoon.

The officers said the distillery had been recently operated. One barrel of fermented mash and four barrels of beer were also found in the basement. One and

### Settlement With Sheriff Is Held Open Until 13th

Board Defers Matter For Further Consideration; To Meet Tuesday

### ROUTINE BUSINESS

Jurors For March Term Of Criminal Court Drawn; Warlick To Be Judge

Final settlement with Sheriff W. B. Somers for 1932 taxes scheduled to come up at the February meeting of the board of county commissioners this week was postponed until Tuesday, February 13. Postponement was decided upon in order to give more time for completing a check of the settlement.

Several other important matters were held open until the next meeting.

Adam Drake and Adeline Drake were admitted to the county home.

Ernest Herman Laws, of Moravian Falls, was granted a peddlers license because he is a World War veteran.

The board met with Clerk of Court W. A. Stroud and Chief Deputy Sheriff Old Wiles and drew the jury for the criminal term of Superior court which convenes March 5. The term is for two weeks and will be presided over by Judge Wilson Warlick, of Newton.

Following is the list of jurors:

- First Week
- O. C. Holcomb, North Wilkesboro; W. A. Brown, Union; W. E. Blackburn, Lewis Fork; C. W. Lyon, Traphill; W. F. Flynn, Edwards; J. M. Gaither, Reddies River; J. A. Miller, Union; R. C. Dancy, North Wilkesboro; Spurgeon Haynes, New Castle; J. O. Triplett, Elk; R. L. Lankford, Reddies River; M. D. Jolly, Traphill; R. C. Wood, North Wilkesboro; Dave Mink, Wilkesboro; C. F. Bretholt, Moravian Falls; C. H. Cowles, Wilkesboro; W. H. Nichols, Reddies River; J. P. Horton, North Wilkesboro; R. C. Eller, Reddies River; W. L. Sparks, Walnut Grove; W. M. Wheatley, Rock Creek; V. M. Day, New Castle; H. M. Broymill, Moravian Falls; J. H. Davis, Stanton; J. I. Myers, North Wilkesboro; R. A. Greer, Moravian Falls; Millard Brown, Edwards; H. C. Somers, Somers; Ellis Woodie, Jobs Cabin; P. V. Lowe, Moravian Falls; J. L. Garwood, Wilkesboro; L. R. Harris, North Wilkesboro; T. H. Harless, Union; J. R. Eller, Reddies River; W. J. Templeton, Rock Creek; H. K. Kilby, Moravian Falls; O. E. Dillard, Mulberry; C. G. Crouch, Edwards; W. B. Beaman, North Wilkesboro; E. R. Minton, Lewis Fork; L. D. Wellborn, New Castle; Worth Sale, New Castle.
- Second Week
- Boss Blackburn, Edwards; W. H. Tevepaugh, Brushy Mountain; T. G. Milam, North Wilkesboro; R. F. Stone, Rock Creek; C. E. Cockerham, Edwards; J. M. Cockerham, Traphill; A. E. Shulmips, Walnut Grove; L. E. Whittips, North Wilkesboro; Caleb A. Lowe, Moravian Falls; G. W. Johnson, Somers; E. M. Wiles, Rock Creek; G. M. Alexander, Rock Creek; C. W. Casey, Traphill; L. S. Riddle, Rock Creek; T. M. Brown, Mulberry; L. B. Myers, Mulberry; R. B. Pharr, Wilkesboro; A. W. Greene, Rock Creek; J. W. Ferguson, Moravian Falls; Alonzo Anderson, Brushy Mountain; J. B. Barlow, Elk; J. T. Rogers, Moravian Falls; Monroe Marlow, Brushy Mountain; A. C. Dennis, Wilkesboro.

### Hanging Her "Duty"



Paducah, Ky. . . . Miss Lurline Humphries, 32, sheriff of Trigg County, Ky., announces "she will do her duty" in the possible hanging of two men for whom the death penalty has been asked, charged with assault on a 9 year old girl.

### Deputy Collector Federal Taxes To Stay Here 3 Days

### Will Assist Taxpayers With Their Returns On February 14, 15 And 16

Glenn Dancy, deputy collector of internal revenue for the federal government, will be located at Hotel Wilkes on February 14, 15 and 16 to assist taxpayers of Wilkes in preparing their tax returns.

In the announcement of his forthcoming visit, Mr. Dancy stated that "if your net income is \$1,000 or over or if your gross income is \$5,000 or over and you are single (or if married and not living with husband or wife), you are required to file a return. If you are married and living with husband or wife and your net income is \$2,500 or over or your gross income is \$5,000 or over, it is necessary that you file a return."

Returns for the calendar year of 1933 shall be filed not later than March 15, 1934. A penalty of not more than \$10,000 or imprisonment for not more than a year, or both, and in addition, 25 per cent of the amount of the tax, is imposed by the statute for failure to make returns on time, Mr. Dancy said.

### Furniture Show At Rhodes-Day's

### Great Showing To Begin Monday And Continue For Next Two Weeks

Elaborate preparations for one of the greatest showings of fine furniture in the history of north-west North Carolina have been completed by the Rhodes-Day Furniture company, according to Mr. C. G. Day, manager of the store.

A modern six-room home has been built on the second floor of the Rhodes-Day building in preparation for the showing.

The Rhodes-Day Furniture company today announces that this extraordinary showing of furniture will begin Monday, February 12, and continue for two weeks.

During the two weeks, home owners of Wilkes and adjoining counties will have the opportunity to view a modern home, equipped with everything needed in the furniture line. There will be several complete changes in all of the six rooms.

Buyers for the local company have been attending the furniture markets for the past several weeks purchasing the latest and most modern furniture that

(Continued on page four)

Mr. and Mrs. C. T. Doughton returned Monday from their extended wedding trip to the north and are now making their home in the Doughton residence in Wilkesboro. Before her marriage to Mr. Doughton on January 27, Mrs. Doughton was Miss Pauline Turner, of Winston-Salem.

### R. T. McNeill Is Elected Member Of City Board

Named To Vacancy Created By Resignation Of L. A. Harris In August

### TWO MEETINGS HELD

Plot Of Town Property Located Outside Fairgrounds Fence Is Leased

R. T. McNeill, prominent local business man, was elected as a member of the city board of commissioners Monday at a called meeting of the local board.

Mr. McNeill, who has been engaged in the bottling business here for several years, succeeds L. A. Harris who resigned in August of last year. Up to Monday, the board was composed of only four members.

Present at Monday's session were Mayor J. A. Rousseau and Commissioners S. V. Tomlinson, Ralph Duncan, I. E. Pearson and J. C. Reins.

The regular February meeting of the city commissioners was held Tuesday evening at 7 o'clock J. C. Reins, mayor pro tem, presided in the absence of Mayor Rousseau who was in Washington, D. C. Other members present were S. V. Tomlinson, Ralph Duncan, I. E. Pearson and R. T. McNeill.

The board voted to increase the compensation of John Lovette for the removal of garbage from the city from \$28.00 per week to \$30.00 per week.

Land owned by the city and located outside the fairgrounds fence to the rear of the Wilkes Milling company was leased to John Watts for \$12.00 for the coming year.

The board adjourned following the transaction of considerable routine business until called into session again by the mayor.

### Tobacco Growers Sign Contracts

### Wilkes Has 195 Farmers To Agree To Reduce Crop This Year

Wilkes tobacco growers have co-operated splendidly in the acreage reduction campaign and 195 contracts are ready to be forwarded to Washington, it is learned from A. G. Hendren, county farm demonstration agent.

The tobacco farms of Wilkes are located in the eastern edge of the county, adjoining Surry and Yadkin. Mr. Hendren said government checks totaling hundreds of dollars will arrive for tobacco growers within 30 or 60 days.

### Hearing Will Be Held Wreck Case

### Joines Boys Charged With Death Of W. W. Gambill In Auto Accident

Don, Dick and Joe Joines, of Pores Knob, who are held in the county jail at Wilkesboro in connection with the death of W. W. Gambill, of Cricket, in an automobile accident Saturday, will be given a preliminary hearing before Justice of the Peace Parks Lenderman in Wilkesboro next Wednesday morning at 10 o'clock.

The Joines boys were said to have been riding in the automobile with Gambill when the latter was fatally injured.

### First Meeting Of County Epworth League Union Will Be Held Sunday

The first meeting of the Wilkes County Epworth League union, which was recently organized, will be held at Wilkesboro Methodist church Sunday afternoon at 5 o'clock.

The theme of the program will be "Planning Programs for Social Development." Several talks will be made on this subject by those

### Former Kaiser at 75



DOERN, Holland. . . . Wilhelm Hohenzollern, former Kaiser of Germany, in exile here since the World War, celebrated his 75th birthday on January 27th and released this recent picture to show himself still " hale and hearty "

### Wilkes Baptist Ministers Will Meet Monday

### Conference To Be Held At First Baptist Church At 10:30 O'Clock

All Missionary Baptist ministers of Wilkes county will meet at the First Baptist church here Monday morning at 10:30 o'clock for an important conference, it was announced yesterday.

The primary purpose of the meeting is to form a permanent organization, Baptist leaders said.

The program for the meeting includes a morning session, lunch at 12 o'clock, an afternoon session and adjournment about 2:30 o'clock.

The importance of the attendance of all pastors of the Baptist churches in the county was stressed in the announcement.

Following is the program.

10:30—Convene. Devotional by Rev. H. A. Bullis.

Reports from churches by pastors.

Presentation of outline for the sermon by Rev. Mr. Payne.

Completion of permanent organization.

12:00—Lunch served by ladies of First Baptist church.

Devotional by pastor to be selected.

Address by Rev. Eugene Olive, First Baptist church pastor, on "What Is Right With the Churches."

General discussion and adjournment.

### Bill Dancy Heads Winnette B.Y.P.U.

### North Wilkesboro Boy Is Installed As President Of Mars Hill Group

Bill Dancy, son of Mr. and Mrs. Charlie Dancy, of this city, was installed as president of Winnette B. Y. P. U. at Mars Hill a few days ago.

Young Dancy is a student at Mars Hill College and is making a splendid record at that institution. Besides his regular classes, he engages in a number of extra curricular activities.

Officers of the union are: Grady Church, president; Louise Melville, vice president; Doris Bumgarner, secretary; Banella Pierce, treasurer; Pauline Bumgarner, publicity superintendent.

It is planned to enroll every Epworth League in the county as a member of the union.

### Hearing May Be Waived; Family Offering Alibis

Father Of Mrs. Luther Tilley Says He Was With Luther On Hunting Trip

### MRS. TILLEY DEPENDED

Jones Announces That Four Counts Will Be Named In Bill of Indictment

Whether the five members of the Tilley family, who are held in jail for the alleged murder of Miss Leota Childress on December 30, will attempt to secure their release on bond, request a preliminary hearing before a justice of the peace or await the findings of the grand jury at the March term of Superior court, has not been revealed by their counsel.

Solicitor John R. Jones, who was in bed yesterday with a deep cold and could not be reached by telephone, has already indicated that he will vigorously oppose any efforts to allow any of the Tilleys bond.

The five who have been in jail since the preliminary hearing Saturday are W. W. Tilley, aged 60, his wife, 59; his son, Luther, aged 32, and Clyde, aged 18, and Luther's wife, aged 30.

Solicitor Jones, whose investigations resulted in uncovering much new evidence following the alleged slaying, announced Sunday that he would give the grand jury a bill of indictment containing four counts against them:

1. Conspiracy to murder Leota Childress.
2. Aiding and abetting in murder.
3. Murder.
4. Accessory after murder.

Detectives are still working on the case and Solicitor Jones is aiding them in gathering all the facts possible.

The Tilleys' side of the tragic affair was reliably stated this week. The statement of Rev. Levi McCann, father of Mrs. Luther Tilley and a veteran Wilkes minister, tends to clear Luther Tilley of the actual murder of the girl.

Rev. Mr. McCann is quoted as saying that he went along with his son, Jim McCann and Luther, on their hunting expedition the morning of the murder and that Luther Tilley was not within 150 yards of the W. W. Tilley home, where the girl's lifeless body was found by Kelly Brown and Nath Tharpe, until Tharpe called to Luther.

Rev. Mr. McCann described the hunting trip to a newspaperman Monday as follows:

"I don't know why I went hunting that morning. I hadn't been in a long while but Luther told me that I hadn't finished taking Christmas and begged me to join Jim and him on the trip. Jim gave me four shells. We went down the creek looking for rabbits. In the early part of the trip Luther got behind some holly bushes to call the dogs. That was the only time he was out of my sight and I will swear that he wasn't within 150 yards of the Tilley home.

"When we got near the house where Leota was found, Nath Tharpe came out waved his arm and shouted something. Luther asked him twice what he said. He took steps across two corn rows toward us and said Nath said for us to come to the house."

"In another minute his face turned as white as a rag and he said:

"Nath said somebody had robbed the house and killed Odie."

Mrs. McCann declared positively this week that the famous note in the case is not in the handwriting of her daughter, E. B. Brooks, of Winston-Salem, and E. T. Yarbrough, of Raleigh. Handwriting experts, given as their positive opinion that Mrs. Tilley wrote the note, leading their conclusion upon a study of the note and her handwriting.

(Continued on page four)

### F. C. Forester Attends District Oil Meeting

F. C. Forester, prominent local independent oil dealer, attended a district meeting of oil dealers at Robert H. Lee Hotel in Winston-Salem Tuesday.