

# Sylvan Valley News

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## TOWN TICKET NOMINATED

The democratic municipal nominating convention was held in the court house Tuesday night, when the following ticket was nominated:

For Mayor—T. W. Whitmore.  
Aldermen—J. A. Miller, Jr., R. S. Morgan, J. W. Duckworth, T. L. Snelson and J. M. Kilpatrick.

While the crowd was slow about gathering, the business of the meeting was soon disposed of after work was once started. N. A. Miller was elected chairman and Ora L. Jones was made secretary, after which the ballots were prepared and counted, resulting as follows:

For Mayor—T. W. Whitmore 38; T. M. Mitchell 1.

For Aldermen—J. A. Miller, Jr., 37; R. S. Morgan 35; J. W. Duckworth 27; T. L. Snelson 23; J. M. Kilpatrick 21; J. S. Bromfield 15; Dr. W. J. Wallis 13; W. S. Ashworth 11; Frank D. Clement 5; T. D. England 1; F. E. B. Jenkins 3; T. B. Sumner 2; C. H. Trowbridge 2; W. T. Basse, W. L. Allen, W. S. Price, R. P. Kilpatrick, F. E. Shuford, B. W. Trantham, and A. M. Vanders, Jr., each received one vote.

The first five named were declared the nominees and the meeting adjourned. Messrs. Duckworth and Snelson have been serving on the old board.

## MS. KILPATRICK DECLINES

Having been informed that at the citizens' meeting of April 20 her name was put forward as a candidate for alderman on the Democratic ticket, I take this early opportunity of declining the nomination. I am thankful to my friends for the honor conferred, but circumstances are such that I cannot serve as alderman.

Respectfully,  
J. M. KILPATRICK.

## AUDITORIUM MONDAY NIGHT

The Betterment Association, through the efforts of Miss Irene Montgomery, has secured for a coming attraction Mrs. F. E. Railing of Asheville, who will be at the Auditorium next Monday night, April 25.

Under the name of Curtis Burnley, Mrs. Railing won reputation as an impersonator, giving her recitals before audiences of the most critical kind. She has the artistic distinction of having appeared under the patronage of some of the most prominent men and women of this country and before crowned heads in Europe.

She is by birth a Southern woman, and experience added to her try talent has given her the ability to represent the peculiar character of the old time darkey. Some of her own composition represent some of the most original and attractive features of her varied program.

The Betterment Association is anxious to secure a large audience not only for the sake of the impersonator but also for the causes which the association represents.

## RUSSELL . SCOTT

Last Saturday night, April 17, Mr. W. S. Scott and Miss Estace Russell were married at the Episcopal rectory, the ceremony being performed by Rev. C. D. Chapman, in the presence of a few witnesses.

Mr. Scott came to Brevard from Asheville a few months ago to accept a position in the job-printing department of the News. He is the first one connected with the force under its present management to enter the married relation.

Mrs. Scott is a graduate of the Biltmore Hospital of Biltmore, N. C. and had already before her marriage taken up the profession of trained nurse. The home of her parents is at Fletcher.

The News extends the warmest congratulations to the young married couple, wishing them a happy time in Brevard and unalloyed bliss for the future.

## REID AND BURRELLS GUILTY

The jury in the case of State vs. John Reid, Silas and James Burrell, charged with the murder of Virgil Owen, found all three of the defendants guilty of manslaughter. Sentence was pronounced on the three men Monday afternoon immediately after court was convened. John Reid and Silas Burrell were each sentenced to the roads of Transylvania County for a period of six years, and James Burrell was sentenced to fourteen months. Notice of appeal was waived in open court, but it is hardly likely that the appeals will be perfected, counsel for defendants having indicated that they will abide by the decision of the court.

The trial of this case has been followed with interest by a very large number of spectators. A large number of witnesses from the upper part of the county were present to give evidence for one side and the other, and the attorneys representing the defendants and the state and private prosecution have contested every point.

The evidence, in brief, was as follows:

The first witness for the state was Charley Owen, a cousin of the deceased. He told of going to the home of John Reid in company with Virgil Owen, the deceased, and James Burrell, one of the defendants. After leaving Reid and Virgil Owen alone for a time he went back to Reid's and was told that a fight had happened after he left and that Reid's eye was in bad shape. Virgil and Reid presumably made friends after the fight but several hours later, when Silas Burrell and his son James were present a general fight started in which Charley and Virgil Owen were matched against the two Burrells and Reid. Charley got a blow on the head which knocked him senseless and he did not hear the shot that killed Virgil. On becoming conscious again Charley saw a light below the house where Virgil fell, and as he arose and started away a shot was fired at him. This witness also told of assisting in carrying Virgil home next day.

Rev. William Teague was the next witness. He told of hearing about the fight and going to the home of Reid where he found Virgil lying on a bed suffering greatly from a gun shot wound. James Burrell appeared to be in a very bad humor and was cursing the Owens boys in a loud manner, making threats as to what he would do if Charley came back. James Burrell swore that Reid told him to lead shot Owen as he ran down the spring path, and that he did see the fatal position and was then sure of it.

John Hanks testified that he saw the fight and says that he heard James Burrell say that Virgil should have been shot in the back to head of in the neck.

Mrs. W. J. Owen, mother of the deceased, testified as to the dying declarations of Virgil Owen, which tended to show that while Virgil was not wholly blameless, he had been shot by Reid while trying to make his escape from the place.

John Reid went on the stand in his own behalf and told about the visit of the Owens boys, staying on their second visit he had told them to stay away from his home, but that they came in anyway. While the fight was in progress Reid testified to firing his gun in the house while Virgil was trying to escape through the kitchen, after which he ran out the front way, saw Virgil and thinking he was gathering rocks to throw at him he fired, after which he put the gun away and went with James Burrell and brought the wounded boy in to the house where he attended to his wants as best he could until his friends came.

Silas Burrell stoutly denied the statements attributed to him by Rev. William Teague, and James Burrell's testimony tended to show that he and his father had tried to keep the peace. All three of the defendants had to undergo a grilling cross-examination by the state's

attorneys, and in some instances became slightly tangled in their statements.

A large number of other witnesses were introduced by both sides, and their statements, for the most part, were corroborative of the contentions of the two sides as outlined above.

After the evidence was all in all the attorneys on the two sides addressed the jury. The state was represented by Solicitor Michael Schenck, of Hendersonville, W. E. Reese and O. W. Clayton, of Brevard, while the interests of the defendants were looked after in an able manner by D. L. English, of Brevard, Walter Moore, of Webster and M. C. Lorg, of Walthalla, S. C.

The jury retired for deliberation about twelve o'clock Saturday, returning about three o'clock for further instruction from the court as to the various degrees of murder. They returned with their verdict shortly before six o'clock. In case the defendants carry up an appeal they may secure bond for \$7,000 each as to John and Silas and \$1,000 for James.

## DEATH OF COL. A. B. ANDREWS

Colonel A. B. Andrews, first vice-president of the Southern railway, died at Raleigh Saturday, April 17th, after a brief illness, at the age of seventy-four.

Colonel Andrews' end came suddenly as the result of an acute attack of pneumonia.

Colonel Andrews was born in Franklin county, North Carolina, July 3, 1841, and received only a common school education. He entered the Confederate army as second lieutenant of the First North Carolina cavalry, was wounded twice and was a captain at the close of the war. After that he engaged in railroad work and in 1880 was superintendent of the Raleigh & Gaston railway, which was afterwards converted into part of the Seaboard. He occupied official position with a number of railroads in this state and Georgia in 1892, going to the Richmond & Danville railroad as third vice-president, later becoming second vice-president, and being finally general agent of the receivers.

When the road became the Southern railway he was made first vice-president and has held that position since, being president of a number of smaller roads belonging to the Southern. His greatest constructive work in North Carolina was the building of the Western North Carolina railroad about 1878. It is estimated that his estate will be about \$500,000.

Colonel Andrews was greatly interested in education and since 1885 has been a member of the executive committee of the trustees of the state university. As a Confederate veteran he was director of the Confederate soldiers' home of the state.

## A REMARKABLE RECORD

In last week's issue of the News was recorded the birth of a daughter to Mr. and Mrs. Harkus W. Barton of Sebec. Since the publication of that item some remarkable facts connected with the family have come to this office from a reliable source.

The infant is a granddaughter of Mrs. Nancy Barton, a resident of the Sebec community. Mrs. Barton is seventy-five years old, and is the mother of thirteen children. Thirteen is no small number when it comes to children, and it seems in this case to have been no unlucky one; for the children of these children are eighty-seven children. Even here the record refuses to stop, for another generation of children of the last named eighty-seven children now numbers forty-seven children.

Put in another form we would say: Mrs. Nancy Barton has thirteen children, eighty-seven grandchildren and forty-seven great grandchildren, making a total of one hundred and forty-seven descendants. Yet she has barely passed her three-score years and ten.

## GENERAL NEWS

The Supreme court of the United States on April 19, held that the state of Georgia had denied Leo M. Frank no right under the federal constitution in sentencing him to death for the murder of Mary Phagan. The court affirmed the action of the Federal district court for northern Georgia, refusing to release Frank on a writ of habeas corpus. Frank's attorneys will have thirty days in which to file an application for a re-hearing. At the end of that time apparently only the governor's power can save the condemned man from death.

A Turkish torpedo boat, which attempted to interfere with preparations for the resumption of operations against the Dardanelles by attacking a British transport ship, was driven aground and destroyed on April 17.

Miles Poindexter of Washington, the only progressive in the United States senate, has announced that he would be a candidate for reelection, not on the progressive, but on the republican ticket. He took his seat in the senate on April 17, 1911, and his term will expire March 3, 1917.

Mayor Donn M. Roberts, Judge Eli H. Redman and thirteen others convicted in the Terre Haute election conspiracy case, were sentenced to the federal penitentiary at Leavenworth, Kansas, and were taken there in a private car on April 18. Roberts was hopeful to the last that he would not have to be taken. He was sentenced to six years in prison and fined \$2,000.

A cable message of five thousand words was recently sent to President Wilson by American missionaries in China recommending intervention on his part in the negotiations between China and Japan. The message characterizes the Japanese demands on China as acts of aggression which will in time be a menace to the United States. It asks that this country take some steps for having the large number of Japanese troops now in China reduced. The Chinese government is praised and defended from the charge of being a republic only in name. The message was signed by a number of leading American missionaries, but in accordance with a recommendation by the American board that missionaries take no part in foreign political affairs, the signatures do not represent a majority in the China mission field.

The activity of Japanese in salvage work on the cruiser Asama, which was stranded some time ago in the San Bartolome Bay, on the coast of Lower California, gave rise to the rumor recently that they were attempting to establish a naval base in Mexican waters. An investigation of the matter was undertaken by United States authorities with the result that the rumor has been discredited. The Japanese embassy also has declared that the operations were solely for the purpose of salvage work on the Asama.

William Barnes of New York has brought suit for \$50,000 damages against Theodore Roosevelt before the Supreme court at Syracuse, N. Y. The suit was based on campaign utterances of Colonel Roosevelt, in which he referred to Mr. Barnes as controlling with Murphy of Tammany Hall a government responsible for corruption in public offices of the state. Roosevelt claims that his words were not prompted by malice but by his desire as a citizen for honest government.

Some of the late reports from Mexico declare that General Obregon, commander of the Carranza forces, recently defeated General Villa's army at Culaya after six days' fighting. Villa's loss is estimated at 6,000 killed and wounded. Advice from Rear Admiral Howard indicate that the west coast will be under Carranza's control in a few weeks.

## LIQUOR LAW TEST CASE

After hearing the evidence in the case of State vs. Grady Galloway, which has been chosen for the purpose of testing the constitutionality of the recently enacted no-shipment law for Transylvania, his Honor, Judge Long, charged the jury as follows:

"Upon the special verdict as rendered in this case the court states to the jury that it has trouble as to whether this particular statute is constitutional, but at the same time it instructs the jury upon these facts to return a verdict of guilty, because it is of the opinion that such will be held to be the law in this case, and upon such instructions the jury renders a verdict of guilty against the defendant for the offense as charged. As the court understands the case is merely a test case to get the opinion of the court and not especially intended to punish the defendant the court forbears to put him on the road as it would ordinarily do in cases of this kind where there is a violation of the liquor law. The court therefore adjudges that the defendant be fined five dollars and to be required to pay the cost to be taxed by the clerk, and is ordered into custody for that purpose.

"To this ruling of the court and to the verdict of guilty under the court's direction, and to the sentence of the court, and to the judgment of the court the defendant in apt time objected and excepted, and moves for a new trial for errors committed, which motion is denied, and the defendant excepts and appeals to the Supreme court.

"Notice of appeal is waived in open court and appeal bond of \$25 is adjudged sufficient."

By agreement of counsel representing the state and prosecution a special verdict in this case has been agreed upon, and the case now goes to the North Carolina Supreme court. The local bar are about evenly divided in their opinion as to the law, some contending that the higher court will throw the law aside as unconstitutional, and others firmly convinced that it will be upheld.

In a conversation with a representative of the News, Judge Long expressed his opinion that the Supreme court will uphold the law, but that he had no idea what would happen when the Webster-Kayton law came before the Supreme court of the United States.

The decision of the higher court will be awaited with interest by all the citizens of this country, and it is to be hoped that the matter may receive a speedy hearing at Raleigh.

## "ROSE MAIDEN" AT INSTITUTE

The rehearsals for the "Rose Maiden," which is to be given at Brevard Institute on May 5, under the direction of Miss Mary E. Blair, give promise of a splendid rendition of this beautiful cantata. The following have been chosen for the solo parts: Misses Mabel Wallis, Hope Wallis and Linda Wagon, Mrs. C. H. Trowbridge, Mr. Chas. Jolley and Mr. C. D. Douglas. The chorus is made up of eight of the best singers of the school.

It is the first time that a work of this kind has been given in Brevard, and, as the singers have been working on their parts since Christmas, it is expected to be given a treat to the music lovers of the community. Secure your tickets early. Admission 25 cents. Tickets on sale at Macfie's.

## LUNCH COMMITTEE

The following committee on lunch arrangements for Sunday school rally day next Tuesday has been appointed. Members of the committee are urged to get to work in order to make the dinner feature a success:

Mrs. W. H. Allison, Mrs. Joe Johnson, Miss Sadie North, Mrs. C. M. Simard, Mrs. W. H. Duckworth, Mrs. T. M. Mitchell, Mrs. Henry Carrier, Mrs. W. J. Wallis, Mrs. Welch Galloway, Mrs. W. J. Pastic, Miss Alma Trowbridge.