

The Stanly News-Herald

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Thirty-Ninth Year.

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November Term Superior Court Convened Monday

Several Cases Have Been Disposed of—Now on Murder Case—Judge McElroy Delivers Masterful Charge.

A regular term of Stanly Superior Court for the trial of criminal cases convened here on Monday morning with Judge P. A. McElroy, of Marshall, presiding, and Solicitor W. E. Brock, of Wadesboro, prosecuting.

J. C. Bostian was chosen foreman of the grand jury, which is composed of the following named men: J. C. Bostian, Foreman; D. C. Klutz Jordan Huneycutt, Ed C. Kirk, J. F. Niven, M. A. Whitlock, Will Mann, J. A. Ritchie, John W. Earnheardt, W. D. Mann, V. L. Mills, J. O. Clayton, Thomas L. Miller, T. P. Lowder, W. R. Young, Berry Lowder, Eben H. Harward, F. E. Ross.

A number of cases have been tried and disposed of, among them being the case of state vs. Joe Harrol and Manuel Scott, charged with assault with intent to kill, and robbery. They were both convicted and sentenced to ten years each in the state prison at hard labor. The case of state vs. John Horton, charged with attempting to manufacture liquor was heard and the defendant adjudged not guilty. Verney Wall, colored, of Albemarle, was convicted of assault and being drunk, and was fined \$100. Lon Huneycutt, charged with receiving stolen goods, was adjudged not guilty. W. H. Haynes was found guilty of larceny. The prayer for judgment against him was continued until the next term of court. John White was convicted under a charge of temporary theft of an automobile and was sentenced to a term of six months on the chain gang.

Possibly the most important case to come up during this term will be the case of state vs. George Culp, charged with murder in the first degree in connection with the killing of James Sides, near Misenheimer on July 18th. Culp was arraigned in court and plead not guilty. A special venire was ordered, consisting of 30 men, and the case was set for trial at the afternoon session today. We shall give a full report of this case in our next issue.

The following are serving as petit jurors: Broadus Yow, J. B. Spence, J. S. Johnson, H. M. Poplin, Z. T. Cranford, Titus Whitley, J. D. Harkey, W. I. Austin, T. T. Johnson, Mike Parker, Walter Simpson, Amos L. Lowder, Raymond Brooks, W. O. Poplin.

Judge McElroy's charge to the grand jury was both interesting and instructive. The following are some extracts from the judge's charge:

It was a requirement of the Common Law in England, which has become a part of the body of our law in this State, that a Grand Jury, before entering upon the discharge of its duties, should be instructed by the presiding Judge as to the law governing their deliberations and investigations.

And in obedience to that law, the court will endeavor, as best it can, to make plain to you the scope of your inquiries and the method of procedure.

"So, Mr. Foreman, and gentlemen, for all practical purposes, the Grand Jury is the fountain head of the criminal law, the source from which all prosecutions must flow. Such being the case the responsibility resting upon you as Grand Jurors of your county is great indeed. You are an integral part of the machinery of the courts of your State, and without action on your part, the Solicitor for the State and the Court itself can neither prosecute nor try any one for a violation of the criminal law.

"Therefore, the peace good order and morality of the community depends in a large measure upon the diligence, intelligence and honesty with which you perform the important duties resting upon you, and you alone. On the one hand you should disregard trivial offenses brought for purposes of prosecution, and on the other, if you fail to indict those guilty of serious infractions of the law, you will bring the law and the courts into disrepute, and will yourselves

merit the contempt of all good citizens.

"No man is above the law, and no man should be too high to be called to account and put upon trial by you to answer for his crimes, neither should any man be too humble to merit your protection from oppression and malicious prosecution.

"Under our system of government, the individual citizen is the Creator. Through his duly elected representatives he enacts our laws and establishes our courts and delegates to the courts thus established the duty of enforcing the laws, vesting in them, even, the power of life and death over the individual citizen, their Creator. Upon the manner in which we execute the trust thus imposed in us, depends in a great measure, not only the life and stability of our Government, but the peace, good order, happiness, security and prosperity of the individual citizen.

"Your next duty, Mr. Foreman and Gentlemen, after acting upon such bills as you may have before you, is to make presentment into court of all violations of the criminal law that have occurred to your knowledge, or of which you may have reliable information. This provision of the law has become almost a dead letter by non user, by the grand juries of the state. And yet, if enforced and carried into effect, as intended by the law-making power, I know of no wiser provision in the entire body of the law. Coming as the various members of your body do, from almost every section of your county, it is impossible for the law to be violated persistently and for any length of time without that fact coming to the knowledge of some member of your body, and by that I do not mean that you must actually be a witness to the violation, but I do mean that if you have reliable information that the law has been violated, that it is as much your duty to make a presentment of it as if it had actually occurred in your presence. So do not delude yourself with the thought that it is not your duty to make a presentment because you actually did not see the law violated, for it is your duty to present every violation of which you have information, and information of the witnesses who did see or know of the violations.

You cannot shift the responsibility to others, for yours is the sworn duty. Neither can you shield your friends and prosecute your enemies and preserve order and respect for the law. You must do your duty fearlessly and without favor if you would see the law enforced and respected. Upon the manner in which you perform your duty depends in a great measure the peace and good order of your county. The Clerk will provide you with suitable blanks upon which to make presentments.

SECTION 1810 of the Revised Statutes, that, "The grand jury of every county is charged with, and shall present to the Superior Court, the names of all orphan children that are no guardian or are not bound out to some trade or employment. They shall further inquire of all abuses, mismanagement and neglect, of all such guardians as are appointed by the Clerk of the Superior Court. The Clerk of the Superior Court shall at each term of the Superior Court lay before the grand jury a list of all the guardians acting in his county or appointed by him."

"The orphan child is the ward of the court, and the law imposes upon the courts of the state the duty of protecting its interests. The section of The Revised I have read you, makes plain your part of the duty thus imposed, which duty I hope it will be your pleasure to perform, for if there is one person more entitled to the protection of the law than another, it is the helpless child who has no one to look after its interests and to protect it from the oppression of the unscrupulous.

"I will also call your attention to Section 3261, of the Revised, which

BRIEF NEWS ITEMS OF STATE WIDE INTEREST

Digest of Happenings of Week Gleaned From the Files of Our Exchanges.

NEWS FROM EVERYWHERE

Professor C. Depler, head specialist at Grace Hospital, Paris, says that he has established positive proof that anyone having had influenza is immune from further attacks, and his discovery was made by inoculation a volunteer patient with microbes of lagrippe during the epidemic of 1918 and 1919. The first time this patient was inoculated a severe case of "flu" resulted. Later the same patient was inoculated in the same way, but the disease did not develop.

Luther Burbank, of Santa Rosa, California, says he will announce the creation of a number of new fruits, cereals, flowers and plants with the dawn of the new year, 1921. One of these new creations is a tomato pepper, which is said to be very sweet, and quite an addition to the vegetable kingdom. Burbank has also created a new kind of strawberry plant which he says will bear throughout the summer. He has also created a new barley which is beardless and a new kind of giant rye. Other creations are a new walnut, several new species of bamboo tree, and the curly leaf kale.

Several Georgia banks, starting with a nucleus of \$1,088,600 capital, will organize the Federal International Banking Company, desiring to open the way for exporting cotton, and thus to establish permanent high prices for that commodity. Other cotton raising states will be requested to join in this movement.

According to a news dispatch, the German Government no longer considers itself bound by the clause of the Versailles treaty by which Germany surrendered her colonies to the Allies.

The Bank of Landisville, Pennsylvania, was robbed of \$100,000 in liberty bonds and securities by three men last Tuesday night. The bank of Glasgow, Va., was robbed on Friday night by three bandits of \$150,000 in liberty bonds and currency.

William S. Claussen, of Claussen, S. C., was killed by a train when an automobile in which he was riding was struck on last Thursday at Florence, S. C.

The taxable incomes of the United States increased in 1918 by over two billions and two hundred and seventy two million dollars, as compared with 1917, according to the statistics issued last week by the bureau of international revenue.

One of the biggest receptions ever accorded to a private citizen of the United States, was that given to president-elect Harding at New Orleans last Thursday, despite the fact that this is one of the strongest dem-

provides, that, "It shall be the duty of each justice of the peace on or before Monday of every term of the superior court of his county, to furnish the clerk of said court with a list of the names and offenses of all parties tried and finally disposed of by such justice of the peace, together with the papers in each case, in all criminal actions, since the last term of the superior court and no indictment shall be found against any party whose case has been so finally disposed of by any justice of the peace. Provided, that this section shall not be deemed to extend or enlarge or otherwise affect the jurisdiction of justices of the peace, except as provided by law."

"My effort, Mr. Foreman and gentlemen, has been to instruct you how to perform the duties imposed upon you by law and to make plain to you the method of procedure in transacting such business as may come before you, and if I have failed in this the court will be ready at all times to give to you such other information as you may desire."

ocratic centers in the United States.

FORMER STANLY BOY IS MAKING A BIG SUCCESS

Is Auditor of Famous Photoplay Corporation and is Fast Making His Mark.

HE HAS A BROTHER HERE

Clau'e E. Miller, a former Stanly boy, is now located in New York City, as auditor for the United States Photoplay Corporation, a two-million dollar concern that is engaged in the production of super-feature moving picture productions.

He has been with the firm almost since its inception, being located for several months in Washington, D. C., where the executive offices of the corporation were first located. It was later found to be necessary to bring the business offices nearer the base of supplies, that is, the studios at Grantwood, N. J., on the famous Palisades of the Hudson River.

Mr. Miller was graduated from the New London High School, and attended the University of North Carolina. He has a brother, Dr. Chas. I. Miller, a dentist, in this city, and his parents, Mr. and Mrs. L. W. Miller, live at Richfield, near here.

He was recently admitted to membership in the American Technical Society. As a hustler, there are few who can equal his record. Starting with the corporation, he rapidly proved his value, and the post of auditor was soon offered to him.

At the present time, Miller is preparing to study higher accounting at Columbia University, and by the time the corporation issues its initial release, "Determination," he will easily be one of the valued members of the firm.

Mrs. Key Scales entertained a number of her friends at her home on Saturday evening from seven thirty to ten o'clock. Two tables were arranged for "Five Hundred." After several interesting games the hostess served delicious refreshments.

Ireland as the days pass, according to the news reports, with the Irish movement for independence.

Hundreds of school teachers from all parts of the State of North Carolina are expected to attend the N. C. Teachers' Assembly, which meets in Asheville Thursday, Friday and Saturday.

The League of Nations, now in session at Geneva, Switzerland, has expressed the hope that "without too much delay" a way may be made for the entrance of the United States. This hope is expressed in the light of an address made by Mr. Harding before his election. Since the convening of the League, fourteen other nations have asked for admission as members.

Mrs. Harry J. Zema, a prominent Charlotte lady, committed suicide on Sunday afternoon, giving as her reason that her husband had left her and that she had nothing further to live for.

Two women and seven children were burned to death in a Quebec village Sunday night. The fire was caused by the explosion of a tank of gasoline which set fire to a number of houses.

Thirty persons were killed in a panic in an Irish City last week due to the uprising of the Irish against the British Government.

Webber Edwards, deputy Sheriff of Saluda, S. C., was shot and instantly killed last week by Elliott Culbath, a negro, whom he was trying to arrest.

Phillip William Love, of York, S. C., said to have been one of the most prominent citizens of his county, committed suicide in his home on Sunday morning by shooting himself in the head with a revolver.

Glenn Lippard was robbed and killed near Hickory last Thursday.

James Hinshaw, of Randleman, was shot and instantly killed last Friday by Overseer Hoffman, of the Randleman Cotton Mills.

Speedy Justice Meted Out To Negro Hold-up Men

Judge McElroy Sentences Two Negroes From Badin to Ten Years Each at Hard Labor.

In our last issue we carried a brief account of the mix-up with Badin officers and two negro desperadoes, wherein Captain R. A. Shiplett of Badin was shot. We clip the following detailed account from The Badin Tribune of last Saturday:

Mr. R. A. Shiplett, conductor on the Winston-Salem Southbound, was shot twice by a negro that he was attempting to capture late Wednesday afternoon. The affair took place near Tuckertown and Mr. Shiplett was rushed to the Badin Hospital where he underwent an operation, and it is stated that unless other complications set in, he is not seriously hurt.

The beginning of the affair started on the Southbound train earlier in the same evening when Chief T. A. Eearly was returning from Winston-Salem. The conductor of the train told Chief Eearly there was a negro in the upper car who was acting suspiciously and thought that he had been in some meanness. Chief Eearly walked to the car door and took a look at the negro and told the conductor that he would investigate after he got into his territory. After passing Tuckertown Chief Eearly went into the negro car and grabbed the negro by the shoulder and asked him what he had on him. The negro must have thought that he was arresting him for having a pistol and raised partly up in his seat and was trying to slip his pistol out of the window, when Chief saw him and covered him with his pistol and told him not to move. At this the negro threw the pistol across the aisle into an empty seat. Chief then told him to go back to the empty seat in the back of the car, which he did, but just as he stopped to pick up the pistol in the empty seat, the negro ran out of the open door of the car and jumped off the train, which was going at the speed of 35 miles an hour.

While Chief Eearly was busy with the negro, his "buddy," who up to this time had not been connected with him, ran out of the car and jumped off the train a few minutes before the other negro.

Chief Eearly stated he looked out of the window and saw that the negro had landed upon his head and balanced there for a moment before getting on his feet. He says that he did not care to shoot, as he did not know of anything they had done and dismissed the matter by saying that the negro got a bruised head and he had a good gun.

Upon reaching Whitney and transferring to Mr. Shiplett's train, Chief Eearly told him about the affair and Mr. Shiplett advanced the theory that maybe they were the negroes that took part in the Gasonia affair that the papers have been filled with recently, when one man was murdered and two women were outraged, and also told the chief of the hold-up that had taken place in a barber shop in North Badin the night before. Mr. Shiplett offered to go back to Whitney on the Southern with Mr. Eearly and make a hunt for the negroes, they thinking they could not go very far because of being hurt from the jump off the train.

Mr. Shiplett, Chief Eearly and Policeman Mabry returned to Whitney on the Southern. Policeman Mabry staying on the train and going to New London, as it was thought that they might cut across the woods and board the train at the brick yard. Chief Eearly and Mr. Shiplett left the train at Whitney.

They proceeded up the track for some little bit and came to a negro cabin near the place where the negroes jumped from the train. The negroes were found in the cabin, having come there to spend the night, one being hurt very badly, having the most of his scalp torn back from his head and a hole broken in his skull.

Chief Eearly and Mr. Shiplett circled around the house and heard the negroes talking. Upon rushing into the front door, they found one negro in the room that the door opened into, and the other was in the kitchen, just sitting down to the table to eat. Both Chief Eearly and Mr. Shiplett rushed

to the door of the kitchen. Chief Eearly said that when they did this, the other negro broke for the door, and also the women who were in the room, and that he shouted to Mr. Shiplett to cover the one in the kitchen and ran out on the porch, where a scuffle took place, and at which time Minnie Dry was shot by a stray bullet from the negro's gun, which later proved fatal. The negro broke and ran, and the Chief gave chase, firing on him four or five times, but the negro out ran him and got into a clump of timber.

Mr. Shiplett's statement says that he had the gun pointing at the negro's breast when suddenly he grabbed his arm and commenced biting his hand, a scuffle of several minutes' duration took place with the result of the negro securing the pistol and shooting Mr. Shiplett twice, one ball entering the left arm at the elbow, shattering the bone, and from which he will have a stiff arm, and the other ball entering the side and coming out below the hip.

Chief Eearly gave up the chase of his negro and returned to Mr. Shiplett when he heard the shooting. When he found that he was shot he secured a gasoline motor car that runs on the track and brought him to the hospital here.

Doctors Moore and Shaver prepared immediately for an examination, for it was feared at first that the shot in the side had punctured his intestines, but it was found that the shot was a glancing one and had only followed the skin, and was still lodged in the fleshy part of his body below the hip. It had broken the skin and at first it was thought that it had gone through the body, but upon investigation the bullet was found. Mr. Shiplett came through the operation splendidly and rested well during the night, and the latest reports from his bedside Friday are that he is getting along as well as one can be expected, and will have a speedy recovery, provided no other complications arise from his wounds.

Chief Eearly gathered a small posse and returned to the scene of the shooting Wednesday night, searching the woods until late Thursday morning, but did not locate his men, although traces were found of them. It was stated that one passed a station going towards Lexington, having a gun in his hand. Chief Eearly says he thinks the other one is dead, as he does not see how he could possibly live, hurt as he is from the jump from the train. All the surrounding towns have been notified, and they are on the lookout for the offender, and it is thought that within the next few days he will be in the hands of the law.

The negroes who had the running fight with Chief Eearly are the ones that robbed Pearson's shop in North Badin Tuesday night and were known Joe Harrol and Manuel Scott. The negro woman who was hit by a stray bullet and afterwards died, was named Minnie Dry. More than likely the negro who shot Mr. Shiplett will be charged with the Dry woman's death.

Later: Chief T. A. Eearly captured the negro who shot Mr. Shiplett in Winston-Salem Thursday night. He carried him to Albemarle and lodged him in jail to await trial.

It turned out that the two negroes were Joe Harrol and Manuel Scott, they both having been arrested, Scott having been taken in Winston-Salem and Harrol having been arrested in Wadesboro Sunday afternoon. Harrol resisted arrest and was shot twice by officers of Anson County. Both negroes were brought to Albemarle where they were tried this morning, convicted and sentenced to a term of ten years each at hard labor in the state penitentiary. Harrol was carried into court on a stretcher, and thus speedy justice was meted out to both of these criminals. It developed in court, and they both confessed, that they were the negroes who robbed a colored barber shop at Badin several days ago.