

THE DANBURY REPORTER.

VOLUME XXXIII.

DANBURY, N. C., FEB. 27, 1908.

No. 5

PRELIMINARY TRIAL OF JIM SMITH

Held By United States Commissioner Wolfe At Greensboro Last Saturday--The Evidence at the Trial--Smith Will Be Allowed to Give Bond In the Sum of \$10,000.

Greensboro, Feb. 22. Jim Smith, of Smithtown, was held by United States Commissioner J. M. Wolfe to answer the charge of conspiring to obstruct the process of the law, and in furtherance of which conspiracy Deputy Collector J. W. Hendrix was killed. It was agreed by counsel, both for the government and for the defendant, that the maximum penalty under the charge would be imprisonment for thirty years, and that Smith could not be held without bail. Commissioner Wolfe took the matter of the size of the bond which he would require under advisement, and in the afternoon fixed the bond at \$10,000, this to cover both the conspiracy charge and the indictment by the grand jury for blockading. Smith was taken to Winston last night, where he will arrange his bond Monday. The case will be tried at the regular term of the federal court beginning the first Monday in April.

The most important testimony brought out at the preliminary hearing yesterday was that of the wife of Oscar Sisk, the only eyewitness to the tragedy. On cross-examination she stated the position in which Smith and Hendrix were standing, and their relative positions to Sisk's house and the distillery. According to her testimony, the place where the killing occurred was on a hillside, that Hendrix was advancing up the hill in the direction of the stillhouse, and that Sisk's house was about thirty yards down the hill and behind Hendrix. She testified that Hendrix commanded Smith to halt, and that both Smith and Hendrix were facing each other with guns drawn when she turned her head and heard two shots, Hendrix fell dead, and Smith walked away.

It was the contention of Judge Bynum, representing Smith, that it was a physical impossibility for Smith to have fired a shot that would strike Hendrix in the back, as was testified to by the physician making the post-mortem examination. According to the physician, the ball entered the back, ranged upward and came out on the other side of the body near the collarbone. The conclusion is, though not expressed at the hearing yesterday, that the shot which killed Hendrix was fired from Sisk's house. In that case the ball would have struck Hendrix in the back and ranged upward, the place where Hendrix fell being higher than the house. The further presumption is that Oscar Sisk is the person who fired the shot, as it was his distillery that the officers were about to destroy.

W. A. Stancil, a deputy collector, who was with the posse of officers making the raid, was the first witness offered by the government. He related the story of the killing about like it has been published several times.

The next witness was William Spencer, of the Smithtown community. He testified that he was passing Sisk's house on the day that the killing occurred. When he got in the yard the officers commanded him to stay with them. He saw the man lying on his back dead, in a pool of blood. He also heard Mrs. Sisk ask the officers if they wanted a cloth to put over the dead man's face. Mrs. Sisk procured the cloth, and

it was placed over Hendrix's face.

Spencer went to his home in the afternoon and found Jim Smith, Will Smith and Oscar Sisk. Jim Smith asked him: "What is the news over there?" Spencer replied to Smith: "There is a dead man over there, and you are accused of killing him." To this Smith replied: "I wish I may die and go to hell if I done it. The officers killed their own man, and damned if I care if they kill more of them."

Then, according to Spencer's testimony, Smith pulled out his revolver and asked those present to examine it and see if they thought it had been fired that day. Spencer said that he examined the gun; it was loaded, and in his opinion had not been fired that day.

The evidence of Spencer was corroborated by John L. Knight, Seth Spencer, Henry Williams and Sam Williams.

Henry Williams testified that while Smith was asking his friends to examine his revolver, he saw Smith take an empty cartridge out of the cylinder and throw it out in the yard. He said that Seth Spencer picked it up. An empty shell was produced, and he said that it was the shell that he had seen Smith take out of the revolver. He had marked it and given it to officers this week. The shell was a 32-20 caliber.

Williams testified further that he and Seth Spencer were at his house when Jim Smith, Will Smith and Oscar Sisk came along the road, and called to them. He and Seth Spencer joined them, went by Sandy William's house and on to Bill Spencer's, where they spent an hour or two. Jim Smith was armed with a shotgun and revolver, Will Smith had a shotgun; Sisk was unarmed. Williams is a brother-in-law of Oscar Sisk, and a second cousin to Jim Smith.

All the witnesses testified that Jim Smith said that the officer shot at him twice as he ran behind the barn.

W. A. Duncan testified that he was at Sisk's distillery on the night before the killing. He left the distillery between twelve and one o'clock at night; that the distillery was in operation that night and Will Smith and Oscar Sisk were both there.

C. H. McMichael and W. P. Bynum, Jr., were Smith's attorneys, while District Attorney A. E. Holton represented the government in the prosecution. In the argument McMichael and Bynum contended that there was no evidence to show a conspiracy, and that if it had been proven that Smith killed Hendrix he should not be held under the charge of conspiracy. Judge Bynum declared that the charge of conspiracy was drawn under the civil rights bill, which was intended to enfranchise the negroes.

District Attorney Holton contended that the evidence sustained the charge. Sisk and Will Smith were operating the distillery on the night before the killing. Jim Smith went to notify Sisk that the revenues were coming, and after the killing, they were all together.

There was some pretty sparring between District Attorney Holton and Judge Bynum. Bynum demanded that Holton pro-

HAPPENINGS AT DALTON.

Quarterly Meeting at Chestnut Grove Fourth Saturday and Sunday In March--A Batch of Personals and a Cake Recipe.

Dalton, Feb. 24.--Mr. Will Schultz went to Winston last Monday, returning Tuesday.

Mr. Sid Pulliam and two children, of King, visited at Mrs. S. F. Coe's last Tuesday.

Mr. Walter Boyles, R. F. D. carrier of this place, went to Winston Friday, returning Saturday.

Messrs. Lonnie Coe and J. L. Rumley went to Rural Hall Saturday night to attend the Jr. O. U. A. M.

Rev. Strider filled his appointment at Chestnut Grove Sunday; also Rev. Connet filled his appointment at Dalton Chapel. The quarterly meeting will be held at Chestnut Grove on the fourth Saturday and Sunday in March.

Mr. Will Schultz spent Sunday with Mr. Frank Hamm, it being Mr. Frank's last day in old Stokes. He left this morning for New York, accompanied by Mr. Ed Spainhower, of Pinnacle. They both went off cheerful. Their many friends wish them much success, though they hate to see them leave.

Miss Maud Coe spent Sunday with Miss Ruby Hamm on Dalton Route 1. Miss Ruby's school at Chestnut Grove closed Thursday.

Mr. Will Rutledge's school at Legislative is two weeks longer yet.

Prof. W. A. Flynt's school is increasing fine since the public schools closed.

Miss Lucy Roberson went to Winston today to have her teeth worked on, after having the toothache for the past week.

"ME."

KING ROUTE ONE.

King, Feb. 24.--The Misses Mosers gave an apron party on the night of the 20; a large crowd was present. Mr. Cicero Cromer won first prize for best sewing. The prize was a nice neck tie.

Mr. Martin Tuttle who is quite feeble is not any better.

The school at Johnson's, taught by Miss Ada Fleming, come to a close Friday with a spelling. A large crowd present.

There was a quilting at Mr. J. M. Gibson's Saturday the 27th, and also a wood-sawing; there was a social at night which a large number of boys and girls all enjoyed.

Mr. Robt. Barr left Saturday for Boonville, where he will attend school.

There will be a spelling at Goff's school house Wednesday night 26th. Everybody come.

Miss Hattie Carroll will teach a subscription school at Mt. View for a while; wish her much success.

Miss Hattie Gibson visited Miss Mary Gibson Saturday. She report a very nice time.

TWO CHUMS.

duce the physician who made the post-mortem examination in order to ascertain whether or not Hendrix was shot in the back. The physician lived at Winston and was not here to testify.

District Attorney Holton introduced Officers Downing and J. T. Milikan, who were present at the examination, and turned them over to Bynum for examination. Holton claimed that in doing this he should have the last speech. Bynum contended and Commissioner Wolfe, not being familiar with the rules governing such cases, referred the matter to Col. J. A. Barringer, who decided in favor of Bynum.

The hearing began at eleven o'clock and it was half-past two when it was concluded.

THE NEWS AT BROWNVILLE

Miss Ella Martin Gives Up Her School On Account of Sickness--A Taffy Pulling Last Friday Night.

Brownville, Feb. 23.--As the last items from our village did not reach the waste basket I will come again.

Mr. and Mrs. J. Wesley Morefield and little daughter, Unice, were the guests of Mrs. Levi Knight Sunday.

Mr. and Mrs. G. T. Brown gave a "taffy pulling" last Friday night, in honor of their daughter Alpha. Quite a number of young people were present, and while the candy was stewing the crowd were most delightfully entertained with violin, banjo, organ, graphophones. The crowd stayed until a late hour, and everyone reports a fine time. The two young men from Sandy Ridge were with us again. Hope they enjoyed themselves more this time, and will come again.

We saw a couple Sunday who said they were hunting for the Parson, but they failed to find one.

Mr. Lem Morefield and Miss Bess Gilbert are expecting to attend the school breaking at the Hartman school next Saturday. Wonder what will happen when they get across the line?

As yesterday was holiday the mail carriers didn't come. One of them, especially, was greatly missed.

Isn't it very lucky that this is leap year? Some of the young men here seem to think so.

Mr. Booker Brown has been indisposed for several days. Think the reason he recovered so early was the fear of having more callers.

Miss Ella Martin had to give up her school on account of sickness. She is greatly missed. Hope she will soon recover and be with us again. Miss Mary Martin is teaching while she is away.

Wonder which our teacher has decided to do, take the trip to Mt. Airy or go into the Mercantile business.

L. B.

People Dancing and Dying In the Gann Section--Other Notes.

Gann's, Feb. 25.--As the weather has been cold and rough our people thought they could do but little work and they must do something and are still having dances. Friday night there was a dance at Mr. W. A. Phillips' and Saturday night at Mr. Walter Rakestraw's.

There have been more deaths in this section for the past six months than at any like period for years and more dances for some time than for any like period. Possibly people have heard the saying "go it while you can, the time will come when you can't."

In talking with the people of the various sections, we find that some sections are strong for prohibition and others are strong antis.

What about the roads? Where are they? The traveling public leave the roads and go through the woods or fields where they can get out of the roads.

The public school here will close next Friday. We have had a splendid school this winter, and but few grumblers.

The stork was at Mr. Frank Martin's last week and left a fine big boy.

The wife of Mr. Sam James was buried at the James graveyard Monday night last.

Mr. Walter Joyce's baby died Friday. Mr. Joyce was reared here but now lives at Bassett, Va.

S. K. ANDERSON SERIOUSLY HURT

A Mule Throws Him, Breaking His Collar Bone and Knocking His Shoulder Out of Place--Oak Grove School Closes--Sickness On King Route Two.

NEWS OF PETER'S CREEK, VA.

School Of Misses Mamie Leak and Flora Hutchens Closes Tomorrow--Other News Of Interest.

People are very busy in this section cutting and hauling saw logs. We have a steam saw mill here, and we are expecting great improvement in our country, which is greatly needed.

Mr. James A. Leak, of East Bend, is visiting relatives and friends at this place.

Mr. Will Mills, of Claudville, Va., and Miss Mary Waller, of Stuart, Va., were happily married last Wednesday at State Line, the ceremony being performed by Rev. E. M. Barnard. Only a few relatives and intimate friends being present as the bride was stolen. It was a very quiet affair. Their many friends are wishing them a long and happy life.

There is one important improvement I failed to mention and that was the great basket factory on the banks of the Dan.

Mr. and Mr. C. W. Blancett made a trip to Carroll county, Va., last week in the interest of his wife's estate there.

Mr. and Mrs. J. W. Hill visited his wife's home in Surry county yesterday.

Messrs. Charlie and Bob Faries, who have been visiting relatives in this part for the past six weeks, returned to their home last Thursday. Their many relatives and friends regret to see them go but hope to have them with us again soon. They were accompanied home by their cousin, Mr. Thomas Flippin, who expects to make Colorado his home for some time.

Mr. Jas. A. Leak is going to Stuart today to visit his son, Dr. J. J. Leak, who is in the hospital there.

The school at this place, being taught by Misses Mamie Leak and Flora Hutchens, will close Friday with a spelling match. We have had a good school this time, and very good attendance owing to measles, smallpox, rough weather, etc.

Mr. Walter Leak and Miss Annie Hutchens will leave in a few days for East Bend where they will enter school.

Mrs. W. W. Leak visited her mother, Mrs. A. J. Flippin, last week.

Ladies Entertained Thursday Afternoon.

The Misses Pepper delightfully entertained a number of the Danbury ladies at their home Thursday afternoon from two until four.

The charming features of the occasion were the floral contests. The first consisted of supplying the proper names in a "Floral Wedding." Neat and attractive cards were distributed among the guests, who with a partner participated in the amusement.

The successful contestants of the first were Mrs. M. T. Chilton and Mrs. A. W. Davis to whom were awarded each a beautiful box of candy.

The first prize of the second contest was awarded to Mrs. J. Spot Taylor, which was a number of packets of flower seeds.

Between the contests the Misses Pepper served a most tempting salad course.

Among those present were: Mesdames D. A. Binkley, C. M. Jones, J. S. Taylor, H. M. Joyce, A. W. Davis, N. A. Martin, J. T. Smith, E. H. R. Blair and M. T. Chilton.

A GUEST.

Oak Grove, Feb. 24--Oak Grove school closed Thursday the 20th.

Mr. C. K. Boyles was the teacher. The exercises were spelling, speeches, etc., by the little boys and girls. Afternoon was a debate by the school boys on the same subject that the girls wrote compositions on, Resolved, "That There Is More Pleasure In City Life Than Country Life." The affirmative was ably discussed by Ruff Smith, Roy Boyles, Chastin Boyles and Asa Smith, while the negative was ably defended by Levi Boyles, C. R. and N. I. Boyles and Samra Smith. The subject was ably discussed by both sides, and lasted one hour and a half, after which the judges decided in favor of the affirmative. The school boys have become interested, and they have organized them a Juvenile Society, and will meet every Saturday night.

Mr. S. K. Anderson's mule threw him and broke his collar bone, and put his shoulder out of place, but he is getting along fine at present.

Mrs. John Boyles is very low with pneumonia. Hope she will soon be up again.

Mr. Robt. Boyles is very low with lagrippe.

SCRIBBLER.

Dr. Fulp Recovering From Illness--Band Boys' Instruments Arrive--Mr. Cooks and Family Come Back To Stokes--Walnut Cove Items.

Walnut Cove, Feb. 22.--We were glad to see our jovial old friend, Johnny Johnson, on our streets Friday, after an absence of many years. He has not grown much though. His home is in Elizabeth City.

The people of our town had quite a scare today. Mr. D. S. Watkins returned from South Carolina and had cut off his mustache and they did not know what kind of a varmint had landed. He says his lip feels mighty curious but guesses he will get used to it in a few days.

A farmer, on his way back from Winston, went in a store here and bought a quarter's worth of cider and the clerk tried to sell him some sausage and some one suggested it would be nice for breakfast. He said "yes, but money is so scarce." O, the terrible thirst for strong drink. Will the tyrant never cease to use his power over our people? I long to see the day come when temperance will cover this land as the waters cover the sea.

Mr. Moses Mabe's mules took fright and ran away as he came back from Winston this week tearing up the harness and doing considerable damage. He says he didn't get a scratch, but he seems to be badly cut about the face.

The Junior Order has a large membership here now and seems to be doing a great good, of which our citizens should feel proud.

The band boys' instruments have all arrived. We hope to have some concerts when the weather gets warm.

There was recently a considerable shipment of cabbage plants to this place. Guess they won't be set soon.

Several of our citizens called on Dr. Fulp yesterday. They say he seems to be slowly recovering from his recent illness.

Mr. J. E. Cookers and family will arrive from Kimball, W. Va., on Wednesday. He will move to his farm near town. He says there is no place like old Stokes county home. We are glad to welcome them back.