

THE TRI-CITY DAILY GAZETTE

VOLUME XXI NO. 86

LEAKSVILLE, NORTH CAROLINA WEDNESDAY, APRIL 4, 1923

Two cents per copy.

SISK BROTHERS CASE BEFORE THE STATE SUPREME COURT

Attorney A. L. Brooks pleads verdict of jury be set aside

CASE WENT UP FROM ROCKINGHAM COUNTY

Raleigh, April, 4.—A. L. Brooks, of Greensboro, argued today before the Supreme court the novel case of state against Sandy and Hardy Sisk, Rockingham county men, who are under conviction and sentence of 20 years for murder in the second degree.

The Sisk brothers were convicted of killing E. C. Ziglar, of Rockingham, April 14, 1922. Ziglar was an officer and as Mr. Brooks narrated the evidence the officer went to the Sisk home to make an arrest. A quarrel followed in which the officer and the brothers seemed to have attracted the attention of the elder Ed Sisk who went up, told the fellows to lay down their arms, and took the shotgun of one of the boys. The old man's testimony thereafter was that when all were quiet Ziglar ordered "hands up" and opened fire on one of the boys, shooting him through the neck. Thereupon the officer shot Ed Sisk thru the nose and Ed Sisk emptied a shotgun into the face of Ziglar, killing him instantly.

The three were tried for murder in the first degree. The defense of Ed Sisk was justifiable homicide—he shot in self defense. The jury acquitted him. Yet the boys are convicted of murder in the second degree when the worst that they could have done was to participate in a homicide which the jury said was no crime. They were tried on the theory that they aided and abetted in the killing, but the jury says the killing was not a crime.

The North Carolina books have no such case. The judgement of Judge Thomas J. Shaw was that the two men should serve 20 years in the state's prison. The appeal means that the defense is seeking, not a new trial, but a declaration of the highest court that the men have been convicted of no crime. There is a Georgia decision in point. In state vs. Kelley, the father and son were indicted for murder. The son there did the killing, but convicted the father. The court says: "The verdict presents this remarkable situation: Russell Kelley, assaulted by Register with a deadly weapon, shoots and kills him in self-defense, and Charles Kelley is convicted of murder in the second degree for being present aiding and abetting his son in committing a justifiable homicide. It seems quite clear that the jury acquitted Russell Kelley on grounds that he killed Register in self-defense, and, that being so, Charles Kelley could not be lawfully convicted of any offense predicated upon his being present aiding and abetting his son in committing a justifiable homicide.

"We have here the anomaly of the same jury having determined that no unlawful killing occurred, that the chief actor is not guilty of any crime, and at the same time convicting the two sons of murder in the second degree, upon the same testimony as aiders and abettors, in a felony that never occurred," Mr. Brooks said.

"The court should, of course have set aside the verdict as to Sandy and Hardy Sisk. A perusal of the record of the evidence and the charge of the court establishes the fact that these defendants have not had a fair trial, and have been unjustly convicted. They certainly can not be convicted upon this record as aiders and abettors of their father, Ed Sisk, in the unlawful killing of Ziglar, because the same jury has said that Ziglar was not unlawfully killed, but was killed by their father in the proper exercise of his lawful right of self-defense."

METHODIST BUILD AT JUNALUSKA

New Sunday school building among improvements at Southern Assembly

Among the notable improvements which will mark the Southern Assembly grounds at Lake Junaluska, N. C., when Methodist clans gather there for their usual summer season of denominational activities, will be the new standard training school building, property of the general Sunday school board of the M. E. Church, South. According to A. L. Deitrich, business manager of the board, will be a model of convenience. It will be erected at a total cost of about \$50,000 and is expected to be ready for use during the six weeks training school for Sunday school workers in July and August.

Mr. Deitrich says that foundations for the new building are now being laid. The building will have a frontage of 150 feet and will be 90 feet deep. It will contain 20 class rooms, a large lobby with galleries, stage and moving picture booth. There will be a library and reading room, faculty rooms, offices for the Sunday school editor and general secretary and business offices. The building is located on the crest of hill between the upper and lower lakes, and faces easterly toward the new missions building. It is on the property recently purchased from E. N. Cole, of Charlotte, N. C. and adjoins other property owned by the Sunday school board and occupied by its cafeteria and dormitories.

The Phillips construction Company, of Waynesville, have the contract and are already at work. The building was planned by the architectural department of the Board of Church Extension of the M. E. Church, South. The architectural secretary of that Board, J. A. Taylor, is cooperating with the Sunday school board in the move to provide buildings especially adapted to Sunday school uses.

Sunday school leaders at Nashville headquarters express the opinion that the approaching season at Lake Junaluska will be among the most successful in the history of the Southern Assembly. They say that a record breaking crowd is expected for the season at Junaluska.

Mr. W. D. Phillips of the Boulevard is confined to his home this week with a severe case of influenza.

ROTARIANS HOLD BANQUET

The Rotarians held a banquet last night at the Colonnade Hotel. Among the outside speakers were Ed O'Hanlon, Winston Salem, Paul Schenck, Greensboro, Carl Jones of South Carolina, Dr. High, High Point, P. H. Gwynn, Jr., Reidsville, and others.

Carroll Jones presented the charter to the Local Club which has been under process of organization for the past three months.

The Gazette was informed today, that there are still other candidates for Recorder, one at least, namely, Mr. O. H. Hodges, the insurance man with offices at Spray.

Mr. Hodges is a young man, married, and has a host of friends.

MAJ. PERCY LANIER REMOVED FROM GUARD

(By Associated Press) Richmond, April, 4.—Major Percy Lanier of Petersburg of the Virginia National Guard, was dismissed from service upon the report of a military board that he has "neither the capacity or general fitness for a commissioned officer in military service of Virginia". The charges which were preferred by Captain W. G. Armstrong were never made public.

CHICAGO RETURNS TO DEMOCRATIC PARTY BY A LARGE MAJORITY

Judge William E. Dever elected Mayor by 103,748 plurality

REPUBLICAN SUCCEEDS JAMES R. MANN

(By Associated Press) Chicago, April, 4.—Judge William E. Dever, running on the Democratic ticket, was elected mayor of Chicago over Arthur C. Lueder, Republican, by a plurality of 103,748, according to complete unofficial returns today.

The vote was: Dever, 387,961; Lueder, 284,213; William A. Cunnea, Socialist, 40,841. A Democratic city clerk and city treasurer also were elected.

While the Democrats swept the city tickets from one end to the other the Republicans were not without consolation, for complete unofficial returns on election in the second congressional district to fill the vacancy caused by the death of Representative James R. Mann, showed Morton D. Hull, Republican elected over Barratt O'Hara, Democrat, by nearly 14,000 plurality.

The vote was; Hull, Republican 56,330; O'Hara, Democrat, 42,495; Seymour Stedman, Socialist, 5,955.

While the election was quiet, it set a record in one respect. Less than 30 minutes after the polls closed it was definitely known that Dever had won. While he had rolled up a large plurality it will not reach the record of Mayor Thompson in 1915.

The withdrawal of Mayor Thompson from the race prior to the February primary robbed the contest of what was expected to be one of its main issues: The merits of the Thompson administration.

Thompson withdrew from the race for a third term after anti-Thompson Republican factions had formed a coalition and selected Lueder as a standard bearer.

Today at Republican headquarters leaders charged that Mayor Thompson's organization had swung almost solidly to the support of Judge Dever.

While there were a few reports of disorder, slugging and kidnappings of election watchers in certain precincts the election was unusually free from the many acts of lawlessness that have characterized election in other years.

One of the surprises of the mayoralty campaign was the vote given to William A. Cunnea, socialist candidate who it was estimated would get close to 40,000 votes. The largest vote the socialists have mustered before being in the neighborhood of 25,000.

PROGRAM FOR U. D. C. MEETING

THURSDAY, APRIL 5th

Talk—Our debt of gratitude to the Black Mammy.—Mrs. E. D. McCall.

Reading—The Mammy and the monument.—Mrs. P. V. Godfrey.

Reading—The First voice against the monument.—Mrs. Lucile Reid.

Solo—Mammy's Growing Ole.—Mrs. A. D. Ivie.

Poem—The Black Mammy.—Miss Kathleen Walker.

Solo—Mammy's Sleepy time Songs.—Mrs. C. Walton Johnson.

SIMMONS WINS KLAN INJUNCTION

(By Associated Press) Atlanta, April, 4.—An injunction which temporarily places William Joseph Simmons in complete authority over the Ku Klux Klan and prevents disbursement of any money except on his order was signed late yesterday by Judge Thomas of Fulton Superior Court, it was learned today. A hearing was set for Saturday.

STRONG SEA BRINGS SEACRAFT TOGETHER

American Destroyer Fox collided with British Cruiser

(By Associated Press) London, April, 4.—The American destroyer Fox collided with the British light cruiser Ceres, at the entrance to the Bosphorus yesterday, according to advices from Constantinople to Lloyds. Both vessels said the report, are adly damaged. A strong current is held responsible for the accident.

VIRGINIA LABOR BODY TO MEET AT NORFOLK

(By Associated Press) Danville, April, 4.—Norfolk was chosen as the next meeting place and present officers were reelected at the closing session of the Virginia Federation of Labor annual convention. A resolution favoring the enactment of more stringent compulsory education law by the general assembly and one condemning the present National Immigration Law as providing for admission too many aliens adopted.

EPISCOPAL CONFERENCE TO CONSIDER EDUCATION

(By Associated Press) New York, April 4.—Educational problems of both religious and secular character will be discussed at the annual conference of educational secretaries of the Episcopal Church, which will be held in Omaha Nebraska, April 12-16, under the auspices of the department of religious education of that organization. The conference will bring together educational leaders from all of the 86 dioceses and missionary districts of the church in the United States.

A feature of the conference will be a discussion of the problem of education in the rural districts, which will be led by Dr. Harold W. Foght, of the United States Bureau of Education, and author of "The Rural Teacher and His Work." Dr. Foght is the government specialist in rural schools. Bishop Longley, of Iowa, will outline the educational problems in the small community, and other speakers on the same subject will be Rev. Charles N. Lathrop executive secretary of the social service department of the church and Miss Charlotte Forsythe of Pittsburgh. Another important topic scheduled for discussion is the moving picture, and a third is that of week day religious instruction in the public schools, the discussion of which will be led by Edward Sargent, who is in charge of this branch of the work for the church.

Rev. Dr. William E. Gardner, secretary of the department of religious education, announced today that plans have been completed under which, on Sunday, April 15, more than a score of cities and towns in the neighborhood of Omaha will be provided with educational addresses and sermons by the distinguished educational leaders and clergymen attending the conference.

In a statement issued by Dr. Gardner on religious education in the public schools, it was announced that in 96 cities in 21 states, secular boards of education are now cooperating with the various religious denominations in granting time from the school day for the religious instruction of pupils, under denominational auspices, whose parents have given their consent to this arrangement.

Rev. Dr. William E. Gardner, secretary of the department of religious education, announced today that plans have been completed under which, on Sunday, April 15, more than a score of cities and towns in the neighborhood of Omaha will be provided with educational addresses and sermons by the distinguished educational leaders and clergymen attending the conference.

DISBARMENT ACTION ATTY LIGHT

(By Associated Press) Richmond, April, 4.—A petition asking for the disbarment of A. H. Light, former commonwealth's attorney of Campbell county, on the ground he "has been guilty of malpractice and unprofessional conduct" was filed in the State Supreme Court by the Legal Club of the city of Lynchburg.

SIMMONS AGAIN IS OUSTED FROM KLAN BY COURT ORDER

Was put in possession yesterday and ousted again today

THREE K'S BADLY DIVIDED AT HEAD

(By Associated Press) Atlanta, April, 4.—Sheriff Lowry of Fulton county with a force of deputies took charge of the Imperial Palace, headquarters of the Ku Klux Klan under an order signed by Judge E. D. Thomad dispossessing W. J. Simmons, Imperial Emperor who took charge of the headquarters and the Klan yesterday, under a temporary injunction obtained against the Imperial Wizard, H. W. Evans. The order directed Simmons and others to show cause this afternoon why the temporary injunction against Evans and other officials of the Klan should not be dismissed.

VA. SUPREME COURT TO HEAR LIGHT CASE

(By Associated Press) Richmond, April, 4.—The rule requiring former Commonwealth's Attorney Light of Campbell county to show cause why his license to practice law in Virginia, should not be suspended or revoked issued by State Supreme court, appeals the order returnable June 5th. The petition asking disbarment of Light on the grounds of malpractice and unprofessional conduct while state prosecutor, was filed with Supreme court yesterday, by the Legal Club of Lynchburg.

HOUSE OF DAVID MUST SHOW CAUSE

Michigan must be shown why Cult should continue

(By Associated Press) Lansing, Mich., April, 4.—Formal charges that the House of David colony at Benton Harbor, is based upon "A foundation of deceit, immorality and fraud" in the Ingham county circuit court by Andrew Dougherty, attorney general for Michigan. The charges were filed in support of quo warranto proceedings to compel leaders of the cult to show cause why the organization should not be disbanded.

ENGLISH TAXES ARE OVERDUE

London, April, 4.—Many millions pounds are due to the British treasury from unpaid super-tax and income tax assessments, according to the chancellor of the exchequer, Stanley Baldwin. The total amounts to about 118,500,000 pounds or approximately \$590,000,000. The income tax arrears alone amounts to 95,000,000 pounds.

In Great Britain and Northern Ireland there are approximately 5,000,000 people with incomes above the exemption limit, but the tax liabilities of roughly one-half of this number are covered by personal allowances, deductions and reliefs.

NEELY COTTON MILL EMPLOYEES STRIKE

(By Associated Press) York, S. C., April, 4.—One hundred operatives of the Neely Cotton Mill here went on a strike, for a wage increase of approximately 20 per cent.

HINES MAKES NEW COMPENSATION RULES

(By Associated Press) Washington, April, 4.—Director Hines of the Veterans Bureau approved new rules of procedure in handling compensation cases designed to prevent political and other pressure from influencing unduly compensation allotments to former soldiers.

MARTIN AEROPLANE FACTORY COMPLAINS

Sues manufacturers on charge of conspiracy asks over one million

(By Associated Press) Washington, April, 4.—Alleging a conspiracy to destroy his business, James Martin of the Martin Aeroplane Factory, Long Island, filed a suit under the Clayton Act to recover \$51,510,000, from the manufacturers Aircraft Association Inc., as 27 other Corporations and 38 individuals.

The plaintiff declared his business had been damaged to the extent of \$17,000,000 and under the Clayton Law he claimed triple damages plus attorney fee. He charged the defendants had conspired to monopolize the aircraft trade, had slandered him, burned his planes, destroyed government reports commending his devices and even made plans against his life. Among individuals named are Benedict Crowell former assistant Secretary of War, Major General Patrick, Chief of Army Air Service and Rear Admiral Moffett, Director of Naval Aviation.

NORTH CAROLINA COLLEGE FOR WOMEN

Greensboro April 4.—High schools from many sections of the state send representatives to the music contest at the North Carolina College, for Women on April 19 and 20. This is the fourth annual contest of the kind, and more schools are sending contestants than ever before. This year no county contests are being held, but all the schools may send representatives to Greensboro. Professor Wade R. Brown is director of the contest.

Contests will be held in Piano playing, violin playing, singing and choral work. The choral work will include boys' and girls' glee clubs, boys quartets, girls' quartets and mixed quartets. Voice solos will be divided into those for soprano, contralto, tenor, baritone and bass. Special selections for each group have been listed by the committee in charge as guides for the schools in choosing numbers for competition.

On Thursday evening, April, 19, the visiting students and teachers will be entertained by the college concert and lecture course.

Edwin E. Slosson, noted writer and lecturer on scientific subjects will lecture at the college on April, 5, his subject being "The Creative Chemist."

Applications are rapidly coming in to the college for next year, and it is expected that all reservations will be taken before June. The number of students now in college who will return for next year is larger than ever before, and the upper classes especially the sophomore, will be much larger than usual next year. There are 123 members of this year's graduating class.

England cannot find out what our foreign policy is by sending her Statesmen over here, unless they get in on bringing up father.

A colored murdered in Hazard Kentucky, asked for an all-colored jury to pass judgment on his case. He got his wish, and the first all-colored jury in the State convicted him in eleven minutes and he was sentenced to the penitentiary for twenty one years.

BANDITS ROB BANK AT WACO, MISSOURI

(By Associated Press) Joplin, Mo. April 4.—A motor car loaded with police and heavily armed left here in effort to head off two bandits who entered the Bank of Waco, Missouri, held up the cashier, scooped up all the money in sight and sped away in an automobile.