

Teachers' Relations to Pupil Is Defined by Judge Bryson

ROD MUST NOT BE USED IN MALICE

The Scott jury reported a mistrial; sending it to a 6 and 6.

Judge T. D. Bryson's charge to the Scott jury in Superior Court Friday morning was probably as clear as charges as had been heard at Westworth in many years.

The Gazette believes that for school discipline, defining as it does the legal relationship between teacher and pupil, is well worthy the careful reading of teachers and school patrons.

In a representative democracy such as ours, the proper and orderly functioning of government, depends largely, if not solely on our ability to make our public schools 100 per cent efficient. This must be brought about through a sane discipline of the student body, especially in the primary grades.

Therefore, teacher and parent care and in Judge Bryson's charge food for reflection, to the end that a more sympathetic co-operation between parent and teacher may be soundly established. The following is Judge Bryson's charge to the jury: Gentlemen of the Jury: The Bill of Indictment, or rather warrant, this being an appeal from a judgment of a lower court, charge the defendant with an assault and battery. The defendant meets this charge with an assertion of innocence and plea of Not Guilty.

Where one is charged with the violation of criminal law and enters a plea of Not Guilty thereto, the law raises the presumption of innocence and this presumption remains with the accused until the State has established his guilt from competent evidence introduced, beyond a reasonable doubt. This rule, Gentlemen, applies in the case that we are now investigating and the burden is upon the State to satisfy you of the defendant's guilt, beyond a reasonable doubt.

In the present case, the rule of law usually applicable in trials of assault and battery and kindred offenses is charged to a certain extent where the relationship of master or teacher and pupil is established as shown, then the law vests in the master teacher a right in the maintenance of discipline, in the enforcement of rules and regulations promulgated, the right when the necessity arises, of inflicting upon the person of the pupil corporal punishment; and in so doing or when such punishment is administered, the law presumes that the act of the master was well within his authority and that he, being the judge of the necessity of inflicting punishment and the extent thereof, on account of his peculiar knowledge of facts and circumstances which influence his action, has acted within his discretion and no criminal offense has been committed; but where the State upon a charge of this nature, established from the evidence and beyond a reasonable doubt that punishment was inflicted by a master upon a pupil and was not done so in the way and manner permitted and allowed by law but on the contrary that such act or acts were indulged in by the master for the purpose of gratifying malice, ill-will, as directed towards the person of the pupil, or generally in its nature, then when such facts are established, the law does not permit such conduct upon the part of the teacher.

ishment, and the State insists if the lad had committed such act as called for or required corporal punishment, that it was not administered as a correcting or corrective agency but was administered in the way and manner which the State insists that it was, in order to gratify the malice of the defendant his ill-will. The State insists that as a preface to the act of the defendant that he made inquiry as touching whether punishment inflicted in fights had ever caused or produced tears on the part of the boy; and the State insists that when this question was asked which the State insists was asked that there was then in the mind of the defendant a purpose or intent not to correct the child to the end that discipline might be maintained and order enforced; but to correct him in such a way and manner as to produce for the personal gratification or the gratification of malice in the mind of the defendant tears to flow from the eyes of the child; and the State contends and insists that he administered the punishment in such a way and manner and for such a continued length of time as is indicative or an attempt to gratify such a desire on his part. The State insists that instead of using one switch that the defendant used two, and that after that had been used and had been worn out that the question was then asked the boy, "Aren't you going to cry?" and the State insists that that was a declaration of the purpose and intent of the defendant who possessed malice which was then in his mind to cause the boy to cry and then to gratify his, the defendant's, malice or ill-will; and the State insists that he resorted to the use of the switches, again using two, and after they had been worn out, he again propounded the same inquiry and again used two switches and for the third time, the State insists, belabored the person of the boy there-with and again for the third time, made the same inquiry and then, for the fourth time, as the State insists, began to administer other blows with two other switches; and the State insists that the defendant should be believed by you and that you should be satisfied beyond a reasonable doubt that such were the words used, as well as the acts of the defendant, and the State insists that as a result of such actions on the part of the defendant marks, bruises, were seen and observed upon the person of the boy, appearing possibly the same day and being apparent and observable and being observed by divers persons, as the State insists for some days thereafter; and that the boy's body bore the mark of such stripes and that in one or two places, as the State insists, upon the calf of his leg the blows had been laid with such severity as to break the skin and cause the blood to flow therefrom; and finally in the course of hearing to scab over and the State contends and insists that the jury should find from the testimony and be satisfied beyond a reasonable doubt of the marks which the State insists were upon the boy; and therefrom should likewise in connection with the other testimony which the State insists should be found, should be satisfied from all the testimony that the defendant, not for the purpose of enforcing discipline, not for the purpose of correcting other offenses committed; not for the purpose permitted by law, inflicted such punishment, but for the purpose of gratifying his malice, his ill-will; and being so satisfied, that the jury should return a verdict of guilty as against him.

The defendant contends and insists that his innocence should be declared and not his guilt. He insists that being teacher of the school, it was necessary for him to maintain discipline to enforce order, to cause obedience to the rules and regulations necessary for the proper government of his school and that as principal thereof, he was the one who was required to maintain such order and such discipline, and he contends and insists that the lad was a rude boy, and on more than one occasion transgressed as against the rules of the school, causing discord and disturbance; that from time to time he had remonstrated with him and endeavored by mild means to correct his way; but that such efforts upon his part had been futile, had not been productive of the desired results and that the act of the lad finally culminated in an encounter or a fight with one of his fellow-students; and the defendant contends and insists after bringing him before him, he, the defendant, having seen with his own eyes the fight, that he questioned the lad in regard to such action and was met by a denial and that he continued to remonstrate with him and endeavored to prevail upon him or influence him to tell the truth; but that he continued to deny the act of the lad and every advance made by the State to require corporal punishment.

Notwithstanding Christ's command "to preach and heal, the Church of England has finally concluded that "no sick person must look to a clergyman to do what it is a physician's or surgeon's duty to do." The report is general in character and admits that the subject is too many-sided and difficult for specific conclusions.

"And what time did the robbery take place?" asked the lawyer. "I think—" began the witness. "We don't care what you think," said the lawyer. "we want to know what you know." "Then I might as well get down on the stand," said the witness. "I can't talk without thinking; I'm no lawyer."

The defendant contends and insists that his innocence should be declared and not his guilt. He insists that being teacher of the school, it was necessary for him to maintain discipline to enforce order, to cause obedience to the rules and regulations necessary for the proper government of his school and that as principal thereof, he was the one who was required to maintain such order and such discipline, and he contends and insists that the lad was a rude boy, and on more than one occasion transgressed as against the rules of the school, causing discord and disturbance; that from time to time he had remonstrated with him and endeavored by mild means to correct his way; but that such efforts upon his part had been futile, had not been productive of the desired results and that the act of the lad finally culminated in an encounter or a fight with one of his fellow-students; and the defendant contends and insists after bringing him before him, he, the defendant, having seen with his own eyes the fight, that he questioned the lad in regard to such action and was met by a denial and that he continued to remonstrate with him and endeavored to prevail upon him or influence him to tell the truth; but that he continued to deny the act of the lad and every advance made by the State to require corporal punishment.

The defendant contends and insists that his innocence should be declared and not his guilt. He insists that being teacher of the school, it was necessary for him to maintain discipline to enforce order, to cause obedience to the rules and regulations necessary for the proper government of his school and that as principal thereof, he was the one who was required to maintain such order and such discipline, and he contends and insists that the lad was a rude boy, and on more than one occasion transgressed as against the rules of the school, causing discord and disturbance; that from time to time he had remonstrated with him and endeavored by mild means to correct his way; but that such efforts upon his part had been futile, had not been productive of the desired results and that the act of the lad finally culminated in an encounter or a fight with one of his fellow-students; and the defendant contends and insists after bringing him before him, he, the defendant, having seen with his own eyes the fight, that he questioned the lad in regard to such action and was met by a denial and that he continued to remonstrate with him and endeavored to prevail upon him or influence him to tell the truth; but that he continued to deny the act of the lad and every advance made by the State to require corporal punishment.

The defendant contends and insists that his innocence should be declared and not his guilt. He insists that being teacher of the school, it was necessary for him to maintain discipline to enforce order, to cause obedience to the rules and regulations necessary for the proper government of his school and that as principal thereof, he was the one who was required to maintain such order and such discipline, and he contends and insists that the lad was a rude boy, and on more than one occasion transgressed as against the rules of the school, causing discord and disturbance; that from time to time he had remonstrated with him and endeavored by mild means to correct his way; but that such efforts upon his part had been futile, had not been productive of the desired results and that the act of the lad finally culminated in an encounter or a fight with one of his fellow-students; and the defendant contends and insists after bringing him before him, he, the defendant, having seen with his own eyes the fight, that he questioned the lad in regard to such action and was met by a denial and that he continued to remonstrate with him and endeavored to prevail upon him or influence him to tell the truth; but that he continued to deny the act of the lad and every advance made by the State to require corporal punishment.

The defendant contends and insists that his innocence should be declared and not his guilt. He insists that being teacher of the school, it was necessary for him to maintain discipline to enforce order, to cause obedience to the rules and regulations necessary for the proper government of his school and that as principal thereof, he was the one who was required to maintain such order and such discipline, and he contends and insists that the lad was a rude boy, and on more than one occasion transgressed as against the rules of the school, causing discord and disturbance; that from time to time he had remonstrated with him and endeavored by mild means to correct his way; but that such efforts upon his part had been futile, had not been productive of the desired results and that the act of the lad finally culminated in an encounter or a fight with one of his fellow-students; and the defendant contends and insists after bringing him before him, he, the defendant, having seen with his own eyes the fight, that he questioned the lad in regard to such action and was met by a denial and that he continued to remonstrate with him and endeavored to prevail upon him or influence him to tell the truth; but that he continued to deny the act of the lad and every advance made by the State to require corporal punishment.

Missoula Postoffice Robbed of \$30,000

(By Associated Press) Butte, Mont., Jan. 28.—Two masked robbers entered the Missoula postoffice, held up two clerks and got away with \$30,000 in currency consigned to a Missoula bank, local post-office officials announced today.

COOLIDGE TAKES ACTION IN OIL LEASE SCANDAL

(By Associated Press) Washington, Jan. 27.—Direct action by both President Coolidge and the senate toward annulment of the naval oil leases is forecast within 24 hours. Announcement of the administration's determination to act promptly on the basis of disclosures before the senate oil investigating committee was made at the White House last midnight after the executive had conferred with several of his advisers, both in the senate and the department of justice.

Special counsel—probably two in number—drawn from both political parties will be selected by Mr. Coolidge to prosecute the cases "so that if there is any guilt it will be punished; if there is any civil liability it will be enforced; if there is any fraud it will be revealed, and if there are any contracts which are illegal they will be cancelled."

SUNDAY ANNOUNCEMENTS

The church announcements when brought to the Gazette office by 10 o'clock Saturday morning are published free of any charge from the copy furnished.

When they phoned to this office and mistakes occur, and they will sometimes, we do not wish to be blamed.

Last Saturday the Gazette found itself in a pickle. A church notice had been phoned the office Friday, and before the message had been entirely written, the party at the other end of the wire, hung up before the name of the church was received. On Saturday it was impossible to locate the pastor of two Baptist churches, for it was known that one of them phoned the notice in, but as neither could be located, there was nothing to do but leave the notice out. Since then we have learned the facts.

This is merely an explanation, no complaint, and we wish all ministers will let the Gazette serve them, by giving us their Sunday service announcements.

John Head spent the week-end in Charlotte. Miss Lottie Lemons is visiting relatives near Stoneville. Tom Walkins has received his new Buck. Some class to Tom. C. M. Lewellyn, of Mt. Airy, was in town calling on friends Sunday.

W. R. Turner, Tom Slope, "Shorty" Martin and Miss Elsie Dehart spent Sunday with friends in Mayodan. Misses Eunice Jerome and Clarisse Rose, of Thomasville school faculty, spent the week-end with friends at the Carolina Home.

Read Your County's Daily Paper First.

Anti-Prohibition Forces for Modification of the Volstead Act

(By Associated Press) Washington, Jan. 2.—Anti-prohibition forces of the nation announced the formation of a joint legislative committee to work for the modification of the Volstead act.

The American Federation of Labor, national association against the prohibition amendment and the moderation league, incorporated, are represented in the committee membership, and co-operation from "all liberal organizations and individuals in sympathy with the modification movement" will be invited.

LONDON HOSPITAL GETS LARGE ENDOWMENT FUND

(By Associated Press) London, Jan. 28.—The London Hospital, which provides free treatment to the poor of the East End, begins the new year with an endowment fund of \$800,000 all contributed within the past six weeks. In November a benefactor who has remained anonymous promised to double every contribution sent in before the close of 1923 up to a total of \$400,000. A 5 P. M., on December 31 the last shilling of the amount had come in from voluntary contributors. Sir Harry Mallaby-Desley then offered to double every contribution in excess of \$400,000 up to \$100,000. Nearly all of England's hospitals are supported entirely by voluntary contributions.

LOCALS

H. G. McGinn, of Greensboro, was in town Sunday.

W. B. Weaver and son, Billy, were in Martinsville, Va., Sunday.

G. L. Bobbitt is in Henderson for a few days.

Mrs. Frank Hedrich is quite sick at her home on Patrick Street.

Billy Dunn, son of Mr. and Mrs. A. W. Dunn, was quite sick Sunday.

Mrs. W. F. Whitt is very much indisposed today.

Mr. and Mrs. Atkins, of Mayodan, were week-end visitors in our city.

John Head spent the week-end in Charlotte.

Miss Lottie Lemons is visiting relatives near Stoneville.

Tom Walkins has received his new Buck. Some class to Tom.

C. M. Lewellyn, of Mt. Airy, was in town calling on friends Sunday.

W. R. Turner, Tom Slope, "Shorty" Martin and Miss Elsie Dehart spent Sunday with friends in Mayodan.

Misses Eunice Jerome and Clarisse Rose, of Thomasville school faculty, spent the week-end with friends at the Carolina Home.

Read Your County's Daily Paper First.

OPEN SAFETY PIN IS LODGED IN THROAT OF CHILD, ARCADIA, S. C.

Spartanburg, S. C., Jan. 28.—With an open safety pin lodged in her throat, point up, the 1-year-old daughter of Mr. and Mrs. W. E. Gillespie, of Arcadia, was taken yesterday afternoon to a Philadelphia hospital, after unsuccessful attempts had been made to dislodge the pin.

The little girl swallowed the safety pin Saturday night. An X-ray picture made Saturday night, showed the pin was open and the point embedded in the throat up to the hinge, in such a manner that it could be pushed down, but refused to come back up. Sunday morning the child was taken a Greenville surgeon, who being unable to remove the pin, directed that it be carried to a Philadelphia specialist.

It is understood that Dr. Jackson, the specialist who removed a tack from the lung of a St. Louis child several days ago, will perform the operation.

IN SUPERIOR COURT

Paul Kirkman, Tug Flanagan and H. C. Collins, for breaking, entering and larceny the W. F. Burton Store, five miles out of Reidsville, were sent to the State prison for a term of years. Kirkman, six; Flanagan, four, and Collins, two years.

Mr. Burton caught them in the act and held them with a gun until relief came. Their stealings ran close to \$200.

Willie Young got two years on the roads with stripes, for entering the store of D. E. Moore & Sons. Young is young in years as well as in name, and probably saved him from being sent to Raleigh.

J. W. McFarland drew a 4-year sentence in prison at hard labor on a larceny charge. He obtained merchandise, valued at \$26.50, from a Reidsville store, and obtained \$10 from a Reidsville hotel by misrepresentation.

Buster Scales for the larceny of an army gun, the property of Captain Gwyn, of Reidsville, got two years on the roads.

Marvin Crouch was charged with breaking, entering and larceny. He was found in an intoxicated condition in a north Spray store at 2 o'clock in the morning. Sentence had not been passed on him Friday.

Edna Hally, of Winston-Salem, was caught in bad company and her case went over to this week.

W. S. Williams and Mrs. A. T. Hopper were in Danville for two days the latter part of last week and attended the funeral of Mr. Smith, father of Mrs. J. S. Williams.

COURT ORDERS NEW JAIL IN LEAKSVILLE TOWNSHIP AT ONCE

(Staff Correspondent of the Gazette) Wentworth, Jan. 26.—The Grand Jury completed its work here late Friday after returning many true bills and investigating county affairs, submitted their final report to Judge Bryson before the adjournment of court.

Among other things the jury recommended was a new jail for Leaksville township, and the judge said if this was not done by time of the next court, he would inquire as to why it was not done.

The condition of the Spray jail was made known to the jury by several persons. They were told that as many as fourteen were locked up there with only room for five or six. Men and women, black and white are often locked up together. Prisoners protest to the officers against being locked up in such a place, but the officers are helpless.

The Grand Jury was complimented by Solicitor Graves and Judge Bryson for their good work in returning bills of indictments and for assistance rendered the court and solicitor.

Tom Smith, of Leaksville, was foreman of the jury, and put in a busy week.

The jury's report will be submitted to His Honor, Judge T. D. Bryson: We, the Grand Jurors, for the January term of court, 1924, do submit the following report.

Jail in Wentworth We appointed as a committee, appointed by the Grand Jury and as forming a part of the Grand Jury, were appointed to investigate the condition of the jail.

We find after investigation the jail to be in good condition, and the prisoners say they are well fed. We would recommend that the cell for the insane be arranged so as the jailor can feed the inmates without going inside.

We also recommend that a stool be placed in this cell. It seems that a space on the second floor needs flooring and this should be attended to at once, so the jailor can walk around the cells and see everything that might be going on. We recommend that a solid floor be made at the door on the front of the second story for the purpose of keeping water or any liquid from going through to the cell below. We also find the spy-vet camp in good condition.

Eleven People Are Killed by Explosion When Lamp Is Lit

Items Right Off the Telegraph Wires

(By Associated Press) Washington, Jan. 28.—The government's suit against the New York Sugar and Coffee Exchange, which was charged with operating in violation of anti-trust laws, was dismissed by the Supreme Court.

(By Associated Press) Washington, Jan. 28.—The right of State to prevent national banks within its borders from establishing branches, was upheld by the Supreme Court which at the same time ruled that the same prohibition was contained in the Federal statutes themselves.

(By Associated Press) Greensboro, Jan. 28.—Demand of some members of the senior class of Davidson College that President Martin be removed, is described by L. Richardson, president of the alumni association as a "tempest in a teapot." "It is a matter for trustees and not alumni association," Richardson said. "I believe the board of trustees is solidly behind President Martin."

(By Associated Press) Boston, Jan. 28.—Finding of suicide reported by Acting Medical Examiner Brickley, in the case of Miss Margaret Harding, daughter of Governor Harding, of Boston, of the Federal Reserve Bank. She died at the Harding home here Saturday. Ill-health was probably the motive, Brickley said.

(By Associated Press) Benton Harbor, Mich., Jan. 28.—Coy Purnell, 40 years old, son of Benjamin Purnell, fugitive king of the House of David colony, died at Shiloh house, his father's home, late yesterday, following a lingering illness, aggravated by pneumonia, it was made known today.

The geographical center of foreign-born population is in Allen County, Indiana, twenty miles further west than in the 1910 census.

Ann: "The man I marry must be able to put the world at my feet." Dan: "Well, I have \$25,000 in cash. Will you be satisfied with Russia and Germany for a starter?"

First Stenog: "The idea of your working steady eight hours a day! I would not think of such a thing!" Second Stenog: "Neither would I. It was the boss that thought of it."

Peevish Pete, the Pipe Peddler, sez: "Like a 'worm of the dust,' man is born and wiggles about for a brief time until some chicken gets him! Say!"

She: "You raised your hat to that girl who passed. You don't know her, do you?" He: "No, but my brother does, and this is his hat."

Alice for the first time saw a cat carrying her kitten by the nape of its neck. "You naughty cat!" she cried, "you ain't fit to be a mother. You ain't hardly fit to be a father!"

"Love girl; my dear love girl, You're the breath o' my life," he cried.

"Won't you hold your breath?" she asked. The Mutt said he had never tried.

Read Your County's Daily Paper First.

THE GAZETTE IN EVERY HOME

Guards Forced to Drink; Bandits Make Big Haul

(By Associated Press) Chicago, Jan. 28.—Bandits are said to have numbered twenty or thirty, raided the Hammond Distillery Company's plant at Hammond, Ind., which is used as a government warehouse, and according to the unique story of three guards, forced them to drink whiskey until they were thoroughly intoxicated, and then robbed the place of sixty barrels of whisky. The guards were arrested for questioning and declared the robbers had three trucks, but left one behind, using the others to haul away the liquor.

(By Associated Press) Pawtucket, R. I., Jan. 28.—Eleven persons were killed by a gas explosion in a two-family house at Manville. Mrs. Michael Conway was awakened by her young daughter, who complained of odor of gas. She lit a lamp and the explosion which destroyed the house followed. Mrs. Conway, her two sons and daughter escaped, but the husband was killed in the adjoining house, where a family of ten, named Hammill, resided and it is believed they all are dead.

BRITISH TO DEVELOP THE BEET SUGAR

(By Associated Press) London, Jan. 28.—Another attempt is being made to develop the British sugar trade, this time in Suffolk County. At Southwold Harbor, it is planned to erect a sugar beet factory in time for next season's beet crop, the factory to be fed by a circular railway forty-five miles long embracing about 200,000 acres for the transport of beet. The new factory is expected to produce 8,000 tons of sugar each year.

DOUBT QUAKEPROOF HOUSES

(By Associated Press) Tokio, Jan. 28.—News that the American government proposes to erect an "earthquake-proof building" in Tokio has aroused considerable interest here, where the question what buildings are quake-proof is being continually asked. Old buildings, which many thought would go at any time, stood after the big shock of September 1. Some modern buildings which were said to be proof against the worst damaged, and in which guaranteed their buildings some cases construction companies earthquake proof are being called upon to replace them.

MRS. J. B. RAY ENTERTAINS THE THIMBLE CLUB

On last Friday afternoon there was a large number of members present at the Thimble Club meeting which was held at the home of Mrs. John B. Ray, on Washington Street. There were also seventeen visitors present on this occasion.

An interesting program had been prepared. Mrs. E. D. McCall sang, Mrs. H. P. Mansfield gave a reading, Mrs. T. H. Barker a reading, one of "Uncle Remus" stories. At the close of the meeting the hostess assisted by her sisters, Mrs. A. W. Dunn and Mrs. W. O. Jenkins, served delicious refreshments consisting of a salad course, hot biscuits, coffee and whipped cream.

ARMSTRONG—JOHNSON

Fred Paul Johnson, of Ochopee, Ga., and Miss Ethel Helen Armstrong, of Linwood, Mass, were married Sunday afternoon at 3:45 o'clock at the Baptist parsonage on Slivina Street, by Rev. J. M. Everett, pastor of the Spray Baptist Church. The couple were unattended and the bride wore a beautiful dress of turquoise-blue chiffon. The groom wore a suit of mixed grey. The bride is a niece of Mr. and Mrs. Pettlingreigh, of Regal Inn and is a charming young lady of considerable unusual talent and is very popular with the younger people. The groom is employed as a compositor for the Acme Printing Co., and is a young man of splendid personality. The couple's many friends wish them great joy and much happiness in their new venture. After a brief honeymoon to Danville and vicinity, Mr. and Mrs. Johnson will return to Spray, where they will make their home.

Water and Gas Delay Rescue Work in Coal Mine; 35 Are Dead

DILLON—DYER

A wedding which came as a surprise to the many friends of the contracting parties was celebrated Saturday, January 26th, at high noon at the Robert E. Lee Hotel, Winston-Salem, N. C., when Miss Irene Elizabeth Dillon and Willard McCloud Dyer were married.

The ceremony was performed by Rev. John Foster of the First Methodist Church. Miss Dillon was given in marriage by her father, John W. Dillon. She was attired in a lovely tailored suit of grey with accessories to match and carried a bride's bouquet of roses and lilies of valley.

Those who attended the wedding were Mr. and Mrs. John W. Dillon, Mattie and Troy Dillon, Mr. and Mrs. John A. Burton, Spray, N. C., Mrs. W. E. Price, Danville, Va.; Miss Ora Wilson, Spray, N. C.; Miss Alma Martin, Martinsville, Va.; Mr. and Mrs. William Simmons, and Miss Mary Simmons. Miss Dillon is the oldest daughter of Mr. and Mrs. John W. Dillon, of Spray, N. C., and is much beloved by a host of friends throughout the State. Mr. Dyer is with the Oliver T. Wallace Real Estate Co., Washington, D. C., and is now located at St. Petersburg, Fla., where the happy couple will make their home after an extended tour to Cuba.

Weather

Fair and warmer Monday and Tuesday; moderate easterly winds.