

EFIRD PAYS

(Continued From Page One.)

grant us a few minutes time. I told him that I thought Miss Benton, who had given Hall an examination to see if he was qualified to take eighth grade work, had graded him too close. I explained to Mr. Allen that Miss Benton had, sometime prior, stated that she did not feel like giving the examination, as she was not familiar with the books for this grade. I tried to persuade Mr. Allen to let Hall go up to the 8th grade on trial, as Miss Bell had stated to me that he had done good work for her during the seven weeks she had been teaching him, and that she thought he was competent to take 8th grade work. Mr. Allen refused to do this, stating that the matter rested with the teachers. I told him that he had charge of the teachers, and could send Hall to the 8th grade on trial if he liked, but he still refused to do so. I then told him that I remembered in a conversation we had had sometime previous that he stated that he "couldn't do anything with the teachers because they would get mad and quit." When I said that, he became angry, and said: "Do you know why your boys won't do good work? It's because, when the teachers keep them in to make up for their work, you send them notes. I've got about fifty from you." My feelings were hurt. After leaving Prof. Allen, I stated to Miss Bell that "I had never had a gentleman to talk to me that way before." She replied that she had not either.

Q. What did your husband say?
A. He said, "did he talk to you in that way?"

Mrs. Efrid testified that her husband's face was badly bruised by Prof. Allen in the affair. He had a black eye; a cut over one eye; a sore neck; and a bruised lip, according to her, as a result of the encounter.

Mr. Cansler continued:
Q. What was the condition of your husband's health?
A. He had been suffering with grippe, and had been under the care of a physician. He lost about 25 pounds.

The witness was turned over to the State. Mr. Armfield cross-examined her, in part, as follows:
Q. How many children have you in school?
A. Two.

Q. On the day you went to see Prof. Allen about Hall, he told you he was busy?
A. Yes.

Q. Notwithstanding, he granted you the interview you sought?
A. Yes.

Q. Did you tell Mr. Allen that he had insulted you?
A. No.

Q. Did you tell him that he used remarks unbecoming to a gentleman?
A. I—no, I don't know.

Q. You stated that your children were not given a square deal?
A. Yes.

Q. Didn't Prof. Allen tell you that he would let the incoming teacher examine Hall to see if he was competent to take eighth grade work?
A. Yes.

Q. And you thanked him?
A. Yes.

Q. Prof. Allen called at your house?
A. Yes.

Q. You remember that an announcement was made that teachers must examine papers?
A. Yes.

Q. Yet you wanted Prof. Allen to over-ride this?
A. Well, Miss Benton had expressed doubt as to her ability to give him a proper examination.

Q. Miss Benton gave the examination?
A. Yes.

Q. He called before Miss Benton?
A. Yes.

Q. He hadn't appointed another examination?
A. No. He quit school 6 or 7 weeks before the close of the session to receive instruction from Miss Bell.

Q. Didn't you send notes to the teachers?
A. I sent six or eight to excuse my boys on account of sickness.

Q. Didn't you send notes to get Hall out of school to drive your car?
A. No.

Q. I ask you if you didn't send twenty or thirty notes about Fay?
A. No.

Q. Wasn't that taken up in the teacher's meeting?
A. No.

Q. You didn't send any notes about Fay?
A. Yes, one or two times to get him out of school to drive the car for his father.

Q. Did you send any others?
A. No.

Q. You sent 6 or 8 notes for Fay?
A. No. For Hall.

Q. When did you tell Mr. Efrid about this?
A. I told him Wednesday after dinner.

Q. Did Mr. Efrid say what he was going to do?
A. No.

Q. You had a conversation with Miss Benton?
A. Yes.

Q. Did you tell her that Prof. Allen was a dirty coward and a liar?
A. No. I told her that I heard he said something untrue in the Krauss trial.

Q. Why did you say this?
A. I was explaining why Hall was taking lessons from Miss Bell.

Q. Well, Mr. Allen wasn't the teacher?
A. No.

Q. At the end of the conversation, Mr. Allen told you that he would let the incoming teacher examine Hall?
A. Yes.

Q. Did you tell Mr. Efrid to assault Mr. Allen?
A. No.

Q. Did you know it was going to happen?
A. No.

Q. Did you think he would get mad about it?
A. I felt that he wouldn't like it.

Q. Didn't you say to Mr. Allen in the presence of Miss Bell, "that when pupils are backward they ought to receive personal attention?"
A. No.

Q. Didn't he say that when your children were receiving personal attention that you would send notes?
A. I don't remember. He said something about 50 notes, but I told him that I only sent one note for Fay.

Q. Didn't he say that from what the teachers said it was nearer fifty?
A. Yes, but I told him that I only sent one for Fay?

Q. Did you ever send Prof. Allen notes?
A. No.

Mrs. Efrid came down from the stand at the conclusion of the cross-examination, and court took a recess for dinner. In the early part of the trial, Mr. Armfield announced that Miss Bell, a very important and material witness, was unable to appear and testify on account of illness.

The Trial Resumed.
Court re-convened at 2:30. Mr. Armfield stated to the court that Prof. Allen would not be able to be back for a while yet, but the State was willing to continue the case if the defense did not put up Mr. Efrid during his absence. This the defense agreed not to do.

T. B. Young, who works in Mr. Efrid's marble yard, took the stand. He stated that he had had a conversation with the defendant on Thursday prior to the difficulty about Mrs. Hinson's tombstone. Mr. Efrid, he said, had told him that Marshall A. Helms would be up on Friday after a tombstone to carry out to the cemetery, and if they got Mrs. Hinson's tombstone ready by this time, Mr. Helms could carry it out along with his, as they both went to the same cemetery. They agreed to get both ready, the witness stated, and Mr. Efrid announced his intention of going to Mrs. Hinson's the next morning after an epitaph that she wanted on the monument of her mother.

It was at this stage of the trial that the defense announced their purpose to show the court that Mr. Efrid was not physically strong, and as he had suffered with a sprained back for years, he was not the physical equal of Prof. Allen; incidentally weaving in the plea that he used his knife in self defense against a much more powerful adversary. Mrs. Efrid had already testified that her husband had been sick for about four weeks previous to the assault, and Mr. Young now testified that Mr. Efrid was not really as strong as he looked to be. He was unable to do any heavy lifting around the marble yards, the witness stated.

Marshall A. Helms took the stand in an effort to corroborate Mr. Young's testimony. The lawyers twisted him up a little on his first attempt, but Mr. Love, on getting him back on the stand, made it clear that Mr. Helms and Mr. Efrid had had a conversation about Mrs. Hinson's monument the day previous to the assault.

Carried Efrid to Town.
Francis Taylor, young son of Henry Taylor, and a nephew of Mr. Efrid's, testified to having taken the defendant up town after the assault had taken place. Owing to the fact that the streets were blocked, the young fellow testified, he was unable to take Mr. Efrid any further than the corner of Main and Church street.

Character Witnesses.
The defense began putting up character witnesses. There were several from Albemarle, and several from Monroe who went on the stand and gave Mr. Efrid a good character.

State Senator John S. Efrid of Albemarle, was the first character witness to take the stand. He stated that he had known the defendant all his life, and that his character was good.

Samuel H. Melton, one time Mayor of Albemarle, ex-Clerk of Court of Stanley county, and father of Henry Melton of Monroe, testified that he had known the defendant for a number of years, and that his character was good. The State had passed up Senator Efrid, but Mr. Armfield called Mr. Melton to a little cross-examination. "You are in business with a kinsman of the defendant, are you not?" Mr. Melton at first denied this, but later sullenly admitted that he had forgotten that he was in a little lumber business with a cousin of the defendant's. He didn't think it worth mentioning, he said. The court laughed with him over the "little lumber business."

S. H. Hearn of Albemarle, after stating that he had known the defendant for years, pronounced his character good. J. W. Efrid, a brother of Senator Efrid, who is engaged in the mercantile business at Albemarle, did likewise.

A little trouble was experienced in getting the Monroe character witnesses in the court room. Judge Pratt, on the motion of Mr. Parker, sent Chief Christenbury out to round them up. Roscoe Phifer was the first to appear. He took the stand and pronounced the defendant's character good. He was about to leave the stand when he was stopped by Mr. Armfield with the following question: "Have you heard that the defendant made it a practice of being cruel to animals?" Mr. Phifer admitted that he had heard this in the last day or two.

Major W. C. Heath stated that he had known the defendant for about 25 years, pronouncing his character as good. Mr. Vann put the same question about cruelty to animals to him, but he stated that if the defendant had ever been cruel to animals, he was not aware of it. Mr. Love asked the Major about Miss Amella Krauss' character. He pronounced it good. Mr. Vann questioned him about Prof. Allen's character. He also pronounced his good.

County Commissioner J. M. Niven, a brother-in-law of the defendant, testified that Mr. Efrid's general character was good. J. J. Crow did likewise.

Mayor Sikos, after admitting that he had been a member of the Legislature, gave Mr. Efrid a good character. On the question of Mr. Armfield, he spoke of Mr. Allen in similar terms.

Defendant Takes Stand.
While the character witnesses were testifying, Mr. Allen had entered the court room. The defense announced that it was now ready to put Mr. Efrid on the stand. He was examined in part by Mr. Cansler, as follows:

Q. Where were you reared?
A. In Albemarle.

Q. How long have you lived in Monroe?
A. About 16 years.

Q. What is your business?
A. Monumental.

Q. Have you held an office?
A. I was a member of the town council. They elected me Mayor.

Q. How long have you known Prof. Allen?
A. Ever since I have been here.

Q. Have you had any business, or committee connection with him?
A. Yes. We were both members of the board of stewards of the Central Methodist church. He was chairman and I was treasurer.

Q. Had you had any previous trouble?
A. No.

Q. You were on good terms?
A. Yes, so far as I have known.

Q. Tell about the conversation you had with your wife.
A. She told me that she and Miss Bell had called on Prof. Allen to secure Hall's promotion to the 8th grade.

Q. How was she received?
A. When he met them at the door, he told them that he was busy, and wanted to know if they couldn't call in the afternoon. However, he consented to see them for a few minutes. She said that she requested him to let Hall go to the 8th grade on trial. Miss Bell told him that in her opinion Hall was able to do the work. Mr. Allen became angry, my wife said, and accused her of having sent about fifty notes to the teachers.

Q. What did you say?
A. I was dumbfounded. I said: "Did he say that?" and she said, "yes, and he shook his finger in my face."

Q. Did you meet Prof. Allen before the day of the difficulty?
A. No.

Q. Tell about why you were at the scene.
A. Mr. Helms was to take a tombstone out Saturday. Mrs. Hinson's to go to the same cemetery. I went to get an epitaph from her to go on the tombstone so I could finish it by Saturday, and let Mr. Helms take both of them out at the same time.

Q. Did you meet anybody?
A. Yes. Mr. Holmes. We talked about the corn patch and about letting his chickens out into the field.

Q. Where did you go then?
A. I went to look at my corn patch on the Griffith road.

Q. Where did you go then?
A. I went towards home, going by Mrs. Krauss'.

Q. Did you have any idea of meeting Prof. Allen?
A. No.

Q. Tell about what occurred.
A. I met him. We spoke. I made the request that he go and apologize to my wife. He refused, slapped me, and grabbed my throat. I realized that I would soon be killed if I did not do something. I first couldn't open my knife, but succeeded later when both of my arms were freed. He struck me four blows over the head. I commenced cutting him.

Q. Did the blows stun you?
A. Yes.

Q. What did you do when you got your knife out?
A. He held me by the throat, and I cut over on his head.

Q. What did he do?
A. He turned my throat loose.

Q. Did you attempt to cut him after this?
A. No. My knife had fell to the ground.

Q. What happened then?
A. We both wrestled and fell.

Q. Did you have knife then?
A. No.

Q. You both got up?
A. Yes. We got up together. I shoved him with both hands, and gave him a kick with the side of my foot. I saw he was bleeding for the first time. Somebody said "get a doctor." I said, "yes, get a doctor." I went up the street, and got into the Taylor car and came up town in search of a doctor.

Q. What did you do?
A. I went to English Drug store.

Q. Did you get a doctor?
A. No, not then. Dr. Ashcraft came in a little later. I told him to go to Prof. Allen. He said he had already received a call to go there.

Q. How seriously were you hurt?
A. I was bruised on the head; the skin over my eye was broken, and my lips were badly bruised. I couldn't see for a while. I sent for Dr. Ashcraft. He gave me a solution to bathe my throat, which was very sore. A purple place remained on my neck for a week or more.

Q. You had been ill previous to the difficulty?
A. Yes. I had suffered a very third attack of grippe. I was 25 pounds off in weight on the morning of the trouble.

Q. Did you not once sprain your back?
A. Yes. About twenty years ago I gave it an awful wrench. I have suffered more or less ever since.

Q. Did you assault Prof. Allen with intent to kill?
A. No.

Q. Why did you use your knife?
A. Because I thought he was trying to kill me.

Q. Did you cut Mr. Allen while he was on the ground?
A. No. I had dropped my knife.

Q. After you got up, what did you do?
A. I picked up my hat and knife.

Q. What did you cut Prof. Allen with?
A. An ordinary pocket knife.

The defense completed its examination of Mr. Efrid. He was cross-examined by Mr. Pou, who up to this time had taken little part in the case. He subjected the defense to a grilling cross-examination. The cross-examination, in part, follows:

Q. You said your back was sprained?
A. Yes.

Q. You have had several relapses?
A. Yes.

Q. Gets worse each time?
A. Well, the first time was the worst.

Q. You have had three attacks of grippe?
A. Yes.

Q. You don't walk to your work?
A. No.

(Continued on Page Three.)

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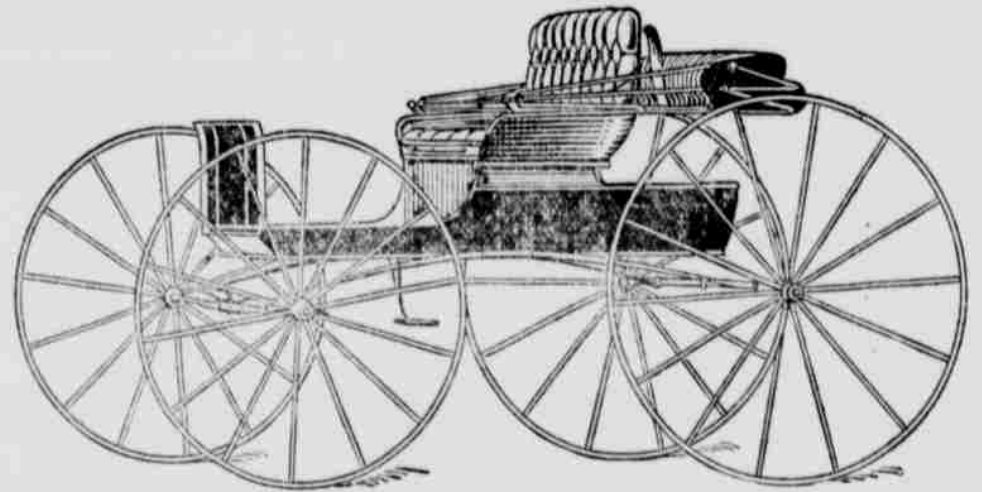
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