

The Mount Airy News.

VOL. XXXII

MOUNT AIRY, NORTH CAROLINA, THURSDAY, NOVEMBER 30, 1911

NO. 20

Get Votes!

Vote To-day for Popular Ladies of Mount Airy and Vicinity

PENN'S PLEASING CONTEST

Christmas is only a few days off. The season will be delightfully enjoyed by those who have prepared for the Holidays. Penns Pleasing Contest is the means of some having a brighter and happier Christmas season than ever—for just at this time is when the \$100.00 will be distributed between six Ladies of Mt. Airy and vicinity for their efforts in securing Votes during Penns Pleasing Contest which ends Dec. 20, at 1 P. M.

The lovers of tobacco economy and satisfaction have been quick to learn of the pleasing products of The F. R. Penn Tobacco Company, of Reidsville, North Carolina. Every tobacco user is guaranteed satisfaction from his choice of Penns No. 1, Sun Light Sun Cured Red J or Queen Quality. The purchaser is entitled to tickets with each nickel purchase good for votes yet started in the Contest can make themselves eligible to one of the awards by voting now to poll votes and keep at it until the Contests closes—Remember there are Six Awards to be made—No Contest was ever conducted along such liberal lines. Every purchase of Penns No. 1 Sun Light Sun Cured Red J or Queen Quality get you 5c worth of the best tobacco on the market and one vote.

The names of the Contestants will again be published in the next issue of this paper according to their standing as to votes polled but the number of votes each has to her credit will not again be published until near the end of the Contest. It is important that you deposit your votes in Ballot Box at Peoples Drug Store each day.

VOTE OFTEN

DOBSON COURT.

While Holt, of Rockford township, was up before the court for fighting. She was at the tobacco barn where her husband had sent her to work at the tobacco and when she got near the barn she saw her neighbor, J. W. Bowles, and she advanced on him with a rock in one hand and a brick in the other. She ordered him away and when he failed to get as fast as she thought he should have moved she let drive with the brick and then with the rock. Without the least delay she was gathering up more deadly weapons and Mr. Bowles thought he was justifiable in opping her further warlike operations by slapping her down. She arose from the ground and charged tigeress and what she did to do for him was a duty. She fastened her grip on his pants in a rather embarrassing way and held on like a death. Mr. Bowles got busy and he had no mean antagonist deal with. He struck her on the arms and tried to break her and when he finally got the enraged woman had nearly every rag of clothing from her body. Bowles got up and well he did, for her intention to fight was not subdued by the tustle they had. The lawyers argued the case at length and able arguments were made on both sides but her reputation for being every man she has of any kind with was that the jury returned a verdict of guilty.

Long was fined ten dollars and the cost for having his gun drawn during a row that with some neighbor boys in the western part of the county. Hodges, a fifteen year old boy, who lives near Mt. Airy, was put to jail for twenty days and his father made to pay one hundred dollars to the father of the girl that he assaulted. Long was committed near last spring and attracted little attention at the time. A young man was first indicted for assault with intent to commit a rape, but owing to his statement from a witness that the child was not injured he was allowed to plead a simple assault. Long's time was consumed by the court trying to decide whether or not the case of L. Long was charged with the murder

of J. W. Jolly, should be tried at this term of the court. Affidavits were presented by his lawyers, Messrs J. C. Buxton and W. L. Reece, to show that he is insane. Eight years ago he was discharged from the insane asylum at Marion, Va. and they claim that his conduct since then has been that of a man who is of unsound mind. They claim that he does not sleep well at night and that he has had a custom of getting up and going to the door in the dark and with his knife try to cut the devil as he was trying to get in through the cat hole. There he would remain for some time and try to keep the devil back by jabbing his knife through the little opening left for the house cat. The neighbors say that if he ever had such spells it was when he was drinking, and, in the opinion of those who live near him, he is a sound man and responsible for his conduct. It is the opinion of those who have expressed themselves that should a trial be had at this time he would go to the electric chair. The case was continued to give the lawyers time to get evidence from the hospital showing his mental condition and to prepare their case. His plea will be insanity. L. Tilley is a very small man and shows to be of a degenerate type. He is a peculiar man and one that you would remember as long as you live should you see him once. His head is very small and the distance between his cheek bones and the lower part of his face is so small that his face looks out of proportion. His little narrow upper lip not more than a quarter of an inch wide and the little mustache all go to show that he is a man out of the ordinary.

Rufus Thomas was fined \$10 and the cost for using his knife on Robert Greenwood in the town of Mount Airy some weeks ago. The boys engaged in an affray in which there was no damage done, but the Thomas boy showed a bad spirit when he used his knife.

Cleve Key had been in jail six months awaiting trial under the charge of cruelty to animals. The boy lives in the country north of Shoals and was in court without a lawyer to represent him. The charge was that he cut a mule with his knife, and the judge thought he had been punished enough. The truth of the matter is the boy is a fit of passion cut a deep gash in the foot long with his knife in the hip of a fine mule and gave as his reason for this conduct that the mule had stepped

his foot. The mule was a fine animal, said to be worth \$250, and was badly hurt.

John Hunter was made to pay the cost of an action in which he was charged with making an assault on J. E. Childress at the home of James Pike in Westfield Township. Hunter married the daughter of James Pike and they have separated. Since their separation they have had numerous difficulties and have been almost constantly before the County Courts.

Will Miles a bright looking young white man of the Siloam section was sent to the roads for twelve months for stealing a shot gun. The facts in the case were that the young fellow stole the gun which was worth twenty dollars and got drunk and sold it for two dollars and a half. He had been indicted before for obtaining money under false pretense. He was in court without a lawyer and his case was disposed of in short order.

R. P. Comer charged with disturbing public worship at Ladonia church in the western part of the county was acquitted by a jury. At a meeting some time ago when the pastor was receiving candidates for membership some one was heard to say "No", in an audible tone when the vote was taken on the candidates. A silence was provoked by the "No" that was heard and some witnesses thought it amounted to disturbing the worship. Other witnesses failed to hear the "No" and thought there was no disturbance. The pastor of the church thought the worship was disturbed. Mr. Comer admitted that he said "No" at the time that the others claimed he did, but his version of the matter was that some one sitting near him offered him a chew of tobacco and he declined it at a time when he was picking something out of his tooth, and while he meant to decline the tobacco in a whisper, he spoke in a tone that was slightly audible.

The worst feature of the case was an effort to inject personal feeling into it. It was argued by the attorneys that all the trouble was due to the fact that Mr. Comer had been active in the breaking up of blockade distilleries, and that this prosecution was due to the neighborhood bad feeling that has long existed.

W. L. Steele and Charly Hodge, both of Mount Airy, were fined ten dollars each and one third the cost for an affray some months ago. D. M. Hodge was taxed with one third the cost and claimed that he did nothing more than try to stop the fight. The young men are near neighbors and had a dispute over the ownership of a tool. Weapons were used but no serious damage done. They have made friends and this feature had much to do with the way the Judge disposed of the case.

A case that consumed much of the Court's time was the trial of Irvin Cobb charged with shooting Tom Valentine near Mount Airy some time last summer. They are both young negro men and liquor was at the bottom of the trouble. The story in brief is that Tom Valentine went to the home of Cobb and was drinking. He had his gun and made threats and terrorized the family. Young Cobb got on a mule and went to a neighbor's home and borrowed a gun and came back in post haste and deliberately emptied the contents of his gun in the shoulder and body of Valentine. The wound nearly killed Tom and he may never entirely recover from the effects. Cobb was fined fifty dollars and the cost and Valentine twenty five dollars and the cost.

Continued to page 2.

There is little danger from a cold or from an attack of the grip except when followed by pneumonia, and this never happens when Chamberlain's Cough Remedy is used. This remedy has won its great reputation and extensive sale by its remarkable cures of colds and grip and can be relied upon with implicit confidence. For sale by all dealers.

KELLAM ACQUITTED

A Jury Frees Thos. Kellam Charged With Killing Henry Whitaker.

The trial of Thomas Kellam for the killing of Henry Whitaker was begun at Dobson on Thursday, Nov. 23, 2:30 P. M. It required all the afternoon to secure a jury and the following citizens were selected to sit on the case: W. F. Lawrence, L. L. Hodges, J. A. Durham, R. H. Hemmings, T. D. Hatcher, W. T. White, W. J. Hodges, G. W. Carver, J. L. Tilley, E. C. Shelton, S. G. Wright and N. W. White. The jury was put in charge of Deputy Sheriff Jim Miller.

The taking of testimony was begun at nine o'clock Friday morning. The date of the killing was Oct. 12th, about 8:30 in the morning, in the town of Pilot Mountain on Main Street and on the side walk in front of the stores of the Fulk Hardware store and Boyles' store. These two places of business are north of the bank and near the post office. The deceased, Henry Whitaker, was about sixty five years old at the time of his death and had been practicing law about two years. He was a man of large body and more than ordinary strength, but he was ruptured badly. For many years he lived in Pilot Mountain and was well known as a business man. He never owned very much property but for years sold sewing machines and, in one way and another, did much business with the general public. He had a habit of buying up old claims that other people supposed were worthless and in his efforts to collect he had no little litigation, and, in this way, made many enemies. He had a respectable family of several children and most of them live here in the county and are numbered among the best people. Mr. Whitaker was considered by many, as the lawyers expressed it, a violent and dangerous man, but in the testimony some of the witnesses declined to say that he was dangerous, but admitted that he had a violent temper. Many witnesses testified that he was both dangerous and violent.

No man would do a neighbor a favor quicker than Mr. Whitaker, and while his neighbors say that he was dangerous and violent, they also say that in his private life he was a good neighbor and that no man could treat a guest at his home with more respect and kindness than he. It was admitted that he had never been indicted in the Superior court for any offense.

Thomas Kellam, the man who killed Mr. Whitaker, is twenty six years of age and has lived in Pilot Mountain ten years. He is the son of Mr. Clark Kellam, a respected citizen, and received his license to practice law about two years ago. He has been crippled from childhood, having no use of his right leg from his body down. He walks with one crutch which he carries under his right arm. Since beginning the practice of law he has had more success and business than one would expect a young lawyer to get at a small town. The neighbors gave him many cases in the magistrates courts and he had some cases in the Superior court. He was making more than a living and his prospects were bright for the future. His father is a man of limited means, but it is understood that he is standing by his son in the present trouble.

In their practice, Mr. Whitaker and Mr. Kellam often met in the local courts, and for some time, almost from the time that they began the practice of the law, they have not been the best of friends. Often in their trials before magistrates they had harsh words. They have at times abused each other on the streets when they would meet. It was in evidence that they had talked in a way that showed bad feeling between them on many occasions. It was an effort of both sides to show that each had threatened the other

but their threats were more in the nature of abuse than that of threats to kill. But from the testimony it was very clear that for months they had both been very hostile towards each other.

The day before the killing Mr. Whitaker had appeared before a magistrate's court in the country east of Pilot Mountain in a case in which Mr. Kellam was indicted for perjury. Mr. Kellam appeared for himself and in their speeches before the Magistrate they were very bitter against each other, and it was the effort of the prosecution to show that Mr. Kellam had tried to get a gun with the purpose of shooting Mr. Whitaker. Some one on the grounds had a gun and Kellam picked it up in a way that made some think that he was hostile and intended to shoot. But he answered the charge by saying that he only picked up the gun out of idle curiosity, and that he did not even see Whitaker at the time that he picked it up. Mr. Kellam was not convicted before the magistrate and the two came to their homes in Pilot Mountain that evening.

The day of the killing Whitaker was preparing to go to the country to appear in a case before a magistrate and went to the post office to mail some letters. He had in his left hand two leather straps, part of his harness, and after mailing his letters got his change and walked down the street, having the change in his left hand as he walked out of the post office. As he walked down the street he was seen to have a knife in his left hand before he had gone but a short distance from the post office.

Kellam went to the Post office early that morning and was sitting in front of the store some distance down the street. When he saw Whitaker come across Main street and start towards the Post office he again started up the street in the direction of the post office, and stated that he was going up there again to see something about a mule. As he went up the street the second time he came to a vacant lot near the post office and stopped in the lot a short time. While he was in the lot Whitaker was in the post office. The lot was only a short distance from the post office. The two men met nearly in front of the Hardware store and several witnesses saw them at the time they met. One or two saw the knife in Whitaker's hand. Kellam was going up the street and on the side next to the buildings. Whitaker was coming down the street and walking near the out edge of the side walk. As the men neared each other, possibly when within fifteen feet of each other, Kellam stopped and took a step back towards the wall and threw his hand to his pistol pocket. Kellam says that he saw that Whitaker was advancing on him with a knife drawn and that as he came he, Whitaker, used words something like these, "You lie swearing s— b—, I'm going to kill you," and advanced on him in a threatening attitude. Kellam says that then he said, "Stop, don't come on me with that knife," and as he rushed on him he drew the gun and fired. Several witnesses saw the men as they came together and all admitted that they were within ten or fifteen feet of each other when Kellam stopped. One witness, a man of character, Mr. Rogers, of Winston, said that he heard Whitaker say several words rapidly, but he could not understand what he said. All the witnesses agreed that Whitaker rushed rapidly at Kellam when he reached a point in the street nearly opposite him. When Whitaker was very close to Kellam, possibly within two feet, certainly not more than three feet away, Kellam fired his pistol and the shot entered Whitaker's head at a point above the ear and caused instant death. The location of the wound would lead one to think that Whitaker

was a man with the intention of grappling with him. When Whitaker fell he was so close to Kellam that his head struck Kellam's shoulder and arm and his blood was left on the arm of the man who took his life. When he struck the sidewalk he was dead, for he never moved a muscle or made a sound after the shot was fired. The ball entered the base of the brain and paralyzed every nerve in the body. The knife he was holding in his hand fell by his side. It was a very large knife, a single blade barlow, and the blade something like four inches long. After the shot was fired Kellam walked a few steps down the street and a crowd quickly gathered around the remains.

Such is the story without giving the testimony of each witness, which would be too lengthy, if we could. A large number of witnesses were examined and there was very little variance in the testimony. Some saw and heard things that others did not see, but in the main the witnesses showed that they were consistent in their statements. Kellam claims self defense. He would have you believe that Whitaker would have killed him in foul murder that morning and was rushing on him with a large drawn knife, and that his only hope was to shoot in self defense.

The State's attorneys would have you believe that Kellam was out hunting for Whitaker, and that when he saw him coming across the street in the direction of the post office he started up the street knowing that he was likely to meet him about the post office. They would have you believe that Kellam

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