

Mount Airy News.

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VERDICT OF PUBLIC MIND VINDICATES JUDGE LEWELLYN

There is enough comment by men of intelligence on the verdict rendered last week by Squire A. L. Sparger in the case of State against Recorder H. H. Lewellyn in which he was charged with being drunk and disorderly, to justify newspaper comment.

As one man expressed it, he went to the trial not to hear what Squire Sparger said about it, but to satisfy his own mind. This shows that Recorder Lewellyn was on trial before the public of this township as well as before Squire Sparger. It was a case of the public sitting in judgment on the charges against a man who has filled an important office to the highest satisfaction of the thinking public and to the terror of the evil minded among us.

It would not be fair to Recorder Lewellyn to withhold the fact that men of high standing who are familiar with all the evidence and the facts in the case, are utterly unable to reconcile the verdict by the court with the evidence before it.

As we get it from talking with a few of our most prominent citizens and from hearing from a great many others the verdict of the public mind was a clear vindication of Judge Lewellyn.

COL. MEEKINS AS AN ORATOR

When Col. Isaac Meekins was nominated for the candidate of the Republican party of this state for governor he was known as an orator of such ability. It was no doubt for this reputation that he secured the nomination. Now for weeks he has been canvassing the state for his party and he has shown clearly that he could make the speeches all right but that he is woefully lacking in knowing what to speak about.

It is well known that he wants to be judge of the Federal court of the eastern district of the State. Senator Simmons lives in the district and he might have much to do with Col. Meekins being confirmed for judge by the Senate. In the light of all this Col. Meekins indulged in a lot of praise about Senator Simmons and when his words showed up in the papers and Republican leaders read it there was nothing for the Colonel to do but deny it all and charge the news papers with misquoting him.

One of the Colonel's favorite subjects is the state banks. He has found in some way that many of these state banks are not sound and in some way, known only to the Colonel, he has learned that there are just 225 of these banks that are unsound and are run by men "God never intended to be bankers." At least that is the way the newspapers report him. The Greensboro News wants to know how he found the number to be 225 rather than 224 or 226. It looks like the Colonel might be on the inside to be able to get the exact number of banks that should be closed up.

Now all this talk about the banks being rotten was a fine subject to get off before folks who had not a cent in a bank nor owned a dollar of bank stock. But when it showed up in the papers next morning and bankers read it as well as politicians there was nothing for the Colonel to do but charge the reporter with misquoting him.

And the Colonel is eloquent in denouncing the state administration by the democrats for extravagance and high taxes. But as soon as he gets a long breath after this round of denunciation, he launches into another denunciation of the Democrats for not furnishing free school books to a few hundred thousand children.

Evidently the Colonel has never thought of the fact that to furnish free books to all the children of the state would make a nice increase in the taxes. It could be done, possibly for three million a year, but the Colonel evidently has not thought of that.

There seems to be no question about the ability of the Colonel to make a speech that entertains, but there seems to be much doubt about the character of the subject matter that he uses.

Business Improvements

There is much work going on in all the rooms of the first floor of the Banner Building. Cook & Budget will be closed for several days this and next week while they are installing new barber furniture. They have purchased a new lot of up-to-date equipment and when it is all installed and in place they can boast of one of the best shops in the state.

Next door O. B. Webb is tearing out all his old wooden shelving and bins and is having installed a complete filling outfit of steel cases in which to store pipe fittings, electrical equipment and other supplies in his line. In the rear of the barber shop is being cut off a room that will be connected with the Post Office. This room is made necessary on account of the increased postal business of the local office. Here will be housed the city delivery force and the old rooms will be used by the forwarding clerks and rural carriers.

Mr. Woodruff Ill in Hospital

W. E. Woodruff, of this city, underwent a serious operation for mastoiditis at Martin Memorial hospital last Sunday afternoon, the operation being performed by Dr. C. W. Banner, of Greensboro. He rallied satisfactorily following the operation and his condition continues to improve although he suffers considerable pain. He was first taken ill about the middle of last week with aching in the ear. Local applications failed to give him relief and on the advice of physicians Dr. Banner was called Saturday when he operated on his ear, but his condition rapidly grew worse and the major operation was decided upon Sunday as the last resort to relieve his intense sufferings.

Mr. Woodruff has a large host of friends in both city and county who wish for him a speedy recovery.

Banner Brannock At Rest

The remains of Banner Brannock, who died of tuberculosis last Friday, were laid to rest at Oakdale cemetery following a funeral service at the Haymores Memorial Baptist church Sunday at 2.30 p. m.

The Junior Order attended in a body and officiated at the grave. Mr. Brannock was for years Captain of the local fire company and members of the fire company in uniform served as pall bearers.

Mr. Brannock was the son of Richard and Dorothy Brannock and was about 45 years old. He is survived by his parents, his wife, formerly Miss Carrie Belle Lowry, four children and other relatives. Three children preceded him to the spirit world.

He was a dutiful son, a good husband, a loving father and a kind neighbor and faced life's duties with a smile.

He professed faith in Christ about five months ago and faced the future with confidence that all was well.

Presbyterian Workers To Meet Here October 23

A meeting which will be of very great importance to all the Presbyterian women in this section of Surry and Stokes counties will be held here in the First Presbyterian church on Thursday October 23. There will be two sessions of the meeting. One will begin at 11 o'clock in the morning and one will be held in the afternoon. At the close of the morning session the Auxiliary of the First church will serve lunch to all present.

Each Presbyterian church in these counties is being urged to send all the women who can possibly come. There will be a number of prominent speakers on the program including the officers of Winston-Salem Presbyterian and one Foreign Missionary who is at home on furlough. At the afternoon session there will be a round table discussion of all matters relating to woman's work in the local churches and in the Presbytery.

This meeting is designed by the leaders to be of such an inspirational nature that all the Presbyterian women in this section will get a vision of the work to be done, and result in the forming of an active Woman's Auxiliary in each church.

Mrs. R. B. Short Painfully Injured

R. B. Short, of this city, had the misfortune to turn his car over about ten miles this side of Wytheville last Tuesday when Mrs. Short suffered a broken collar bone on the right side and had her left wrist and one rib broken.

Mr. and Mrs. Short accompanied by Mrs. Mollie Hogan were en route to Blufffield, W. Va., where Mr. and Mrs. Short were going to attend the bedside of the son of Mr. and Mrs. Mercer Patterson who is seriously ill in a hospital there, and Mrs. Hogan to visit relatives.

In order to avert a threatened collision Mr. Short applied the brakes so suddenly that the car turned over and Mrs. Short happened to be on the under side. The other members of the party escaped with trifling injuries.

Mrs. Short was carried to Wytheville where her injuries were dressed and a few days later she was removed to Martin hospital in this city.

Judge Lewellyn Declared Guilty of Being Drunk by Magistrate A. L. Sparger

For the first time in the history of the county a court official last Saturday sat in judgment against another court official and declared him guilty of misconduct—of being drunk and disorderly—after listening to a large array of witnesses for the prosecution and a still larger number introduced on the part of the defense to refute the charge, but in the end the court sitting in judgment held the court official at trial to be guilty.

The trial in question was that where J. W. Davis, of this city, had sworn to a warrant issued before Magistrate A. L. Sparger, charging Judge of the Recorder's Court H. H. Lewellyn, with assault with serious injury, and being drunk and disorderly. And to further press the charge Mr. Davis had A. E. Holton, of Winston-Salem in court to conduct the case against the defendant. The case originated one night during the fair when these two men, had an altercation at the fair grounds in which Judge Lewellyn struck Mr. Davis as the final climax to their disagreement.

The warrant against Judge Lewellyn for the assault charge was not within the final jurisdiction of the magistrate, so the defense waived examination and was bound to Dobson court for the hearing next week. But in the drunk and disorderly charge the prosecution pressed its point and secured a final judgment against the defendant, the court overruling all motions of the defendant, and declaring, by its verdict, all the evidence on the part of the defense to be insufficient to set the charge aside.

T. W. Davis appeared as the prosecuting witness and by his side was that astute and relentless prosecutor, A. E. Holton, who had been especially retained in the proceedings. J. H. Folger represented Judge Lewellyn.

Little time was consumed in the preliminary proceedings and the case got under way on time with Mr. Davis being the first witness for the prosecution. His testimony sifted down to narrative form was something as follows: "I went to the fair ground Thursday night to look for a party. Met up with Lewellyn talking to Mr. and Mrs. John Simpson, of Green Hill. While talking some one asked what I thought of the political situation. Lewellyn answered and said I was no longer in politics. I said, Harry we're going to beat you this year. After that we walked off up the mid-way, he apparently in the best of humor. He then asked me if I wasn't going to vote for him. I told him I was a Republican, that we had a candidate and that I was going to vote for the Republican candidate. He then said something about if I voted for Robertson I had no damn principle after which remark he knocked me down striking me under the eye. I then got up, picked up my hat, and went on to look for my man, Lewellyn went in another direction. While with him I smelled liquor on his breath. He was drinking, but not enough to stagger."

On cross examination Mr. Folger brought out further facts about Mr. Davis being asked to support Judge Lewellyn. It developed that the court presided over by Judge Lewellyn has had considerable trouble with a son of Mr. Davis and that this perhaps had caused ill feeling between the men, but this Mr. Davis denied contending that the Judge had given him son no more than he has others on the same charges. Mr. Davis would not say to just what extent he thought the defendant was drinking on this occasion, and finally stated in answer to a question of Mr. Folger's that he judged the defendant to be drunk from the way he was treated by Lewellyn.

James Norman on his direct examination told that he saw Judge Lewellyn and Frank Walker take a drink under the grand stand about the time of the free acts Friday night. But Lewellyn was out of the city that night and on further questioning Norman changed his date to Thursday night—the night of the occurrence. He saw them drinking out of a bottle about the size of a pint, but wouldn't say it was whiskey as he could not see well enough for that. This evidence was made much of by the prosecution in its effort to show that the defendant had taken a big stiff drink just before the fight, but it later developed that the time of this alleged occurrence under the grand stand was after the fight and therefore was refuted by the defense as to its correctness.

Mr. Folger put the witness Norman through a grueling examination, during which he changed the time of seeing Lewellyn and Walker together from Friday night to Thursday night. He also was not positive about the kind of bottle or whether the vessel was a glass, cup or what, when pressed by Mr. Folger. It also developed

from the cross-examination by Mr. Folger that Norman had been a victim of the court of Judge Lewellyn for driving a car under the influence of liquor and that he had also been a defendant to liquor charges in the superior court at Dobson. Since the trial it has also developed that Frank Walker was instrumental in having Norman arrested and brought before Judge Lewellyn some months ago on a liquor charge. By bringing out these facts the defense contended that it had shown to the court and to the public the real motive of Norman in connecting together the names of Judge Lewellyn and Frank Walker in the alleged episode that he charged he was an eye witness to.

Dave Carson saw Judge Lewellyn strike Mr. Davis, but was very undecided just how it all came about as it happened just in a second, as he expressed it. He said he heard Lewellyn cuss, and finally narrowed the cussing part of his testimony down to the word damn, which he claimed to have heard Lewellyn use two or three times while talking to Davis. The cross-examination of Mr. Carson by Mr. Folger left the impression that a drunk man, if he were really drunk as the defendant was charged, ought to be able to do a little better job of cussing than related by the witness.

The first tilt between attorneys of the opposing sides occurred during the testimony of Herman Atkins, state's witness, of Eldora township. He saw Lewellyn hit Davis and to the question of Mr. Holton as to what Lewellyn's condition was he answered "I would not swear he was drinking." From the line of questions and the insistence of Mr. Holton one was led to believe that the prosecution wanted some other answer. Anyway the examination took the nature of a quelling of a state's witness by the prosecution. To this Mr. Folger vigorously protested and declared that in all his life he had never known a line of such questions allowed to be propounded to a state's witness by its own attorney. After the lawyers argued the matter out the court accused the witness of appearing not to be sincere, to which remark Mr. Folger also objected as been directed at the state's own witness. About all Atkins finally was able to tell was that Lewellyn looked like he was mad; never smelled any liquor on his breath and again reiterated that he was not willing to swear that Lewellyn was drinking. To about the fifth question of Mr. Holton, as to whether Lewellyn was drunk or sober, Atkins brought a ripple of laughter from the audience when he replied, "I'm not willing to swear whether either one of them was drunk or sober, cause I don't know anything about the condition of any of them." With this piece of evidence both prosecution and defense appeared to have had enough of evidence from Herman Atkins.

C. W. Fulton, state's witness, saw Lewellyn that night, face looked red like he might have been mad or something, wasn't drunk, did not appear anyway unusual, smelled no liquor. With these statements both sides dismissed him.

Doc Bryant saw Lewellyn hit Davis was standing about three feet from them at the time; saw nothing out of the way with defendant. Heard nothing said, no loud talking. With this he was dismissed.

The evidence of Miss Tossie Smith closed the case of the prosecution. She said she passed by the two men and saw from their acts that there was going to be trouble between them and so she hurried. As she passed up the mid-way she glanced back and saw Mr. Davis picking up his hat. Heard no words, smelled no liquor. The defense was satisfied with her testimony which tended to show that the two men were in a heated argument, one that attracted the attention of a passer-by and excused her.

Mr. Folger then moved to dismiss the charge of being drunk and disorderly on the ground that not a single witness had sworn to such a fact, not even Mr. Davis testifying to a certainty that the defendant was drunk but basing his charge on what he thought a drunk man would do, all of which Mr. Folger argued to the court was not sufficient ground for sustaining the charge. The court refused to allow the motion and the defendant began the introduction of testimony.

W. G. Sydnor, prominent insurance man and president of the Fair, was the first witness. He was with Lewellyn all Thursday afternoon until about 5:30. They were in the Judge's stand at the race track. Was in close contact with him all the time. Saw nothing out of the way, smelled no liquor, no sign of drinking much less being drunk. Prosecution passed his evidence.

Buddie Vaughn, merchant of the Quarry section, saw Lewellyn pass out of the gate soon after the fireworks, which was about two hours after the fight. He and his wife talked with Lewellyn, said nothing unusual about him, was sober, smelled no liquor. Prosecution passed this evidence.

W. A. King, electrician, talked with Lewellyn five or ten minutes about nine o'clock, smelled no liquor, looked like he does now (pointing to him behind his attorney).

James Joyce, citizen of the Quarry section, passed Lewellyn several times about seven or eight o'clock near the time of the fight; no indication of being under the influence of liquor, appeared like usual. Prosecution passed this evidence. Mr. F. Satterfield, state road supervisor for the seventh N. C. district, saw and talked with Lewellyn several times between 6:30 and nine o'clock, saw nothing out of the way about him. Knows him for 15 years, ought to be able to tell if he was drinking. Evidence passed by prosecution. Mrs. J. E. Johnson, wife of the editor of The News, and Mrs. F. D. Holcomb both testified that Lewellyn

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ate supper at the Baptist booth about five minutes before the fight. That he remained there ten or fifteen minutes eating his supper. That they served him, talked with him, and were in close contact with him and that he was not drinking. To further questioning by Mr. Holton for the prosecution Mrs. Holcomb emphatically stated that if Lewellyn had been drinking she would have detected it for she was close enough to him to have smelled it—and all this just a few minutes before the fight.

J. C. Hill, W. M. Johnson and J. G. Harrison were all at the same booth eating supper while Lewellyn was there, all talked with him during the several minutes they were there together. Each testified that he was sober, smelled no liquor, nothing unusual about his conduct or appearance. All this just a few minutes before the fight.

W. I. Monday, Town Commissioner saw Lewellyn at the Baptist booth just a few minutes before the fight and then saw him about five minutes after it occurred talking with him more than forty minutes about usual every day happenings. Positively was sober and not drinking, smelled no liquor. The evidence of the witnesses who were with him at the booth and of Mr. Monday who was with him soon after the fight for so long a time was argued as refuting the evidence of the state's witness, Jas. Norman, when he said he saw Lewellyn and Walker under the grandstand at the time he testified to.

Rev. J. H. Hall, a minister of the Westfield neighborhood, was employed as gate keeper at the fair, and ate supper right by the side of Lewellyn at the Baptist booth. Would certainly have known it if he had been drinking, was so close to him, nothing wrong with him, smelled no liquor, talked with him about every day topics. Both left the booth about the same time. About the time I got back to the gate," testified Rev. Hall, "some one came running up and said Judge Lewellyn was on a big drunk and had beaten Warren Davis nearly to death; to this statement I said to the party I know part of it isn't so far it hasn't been two minutes since I ate supper with Judge Lewellyn and I know good and well he wasn't drinking."

Thus closed the evidence for the defense in its effort to refute the charge that Judge Lewellyn was drunk and disorderly, or even so much as drinking, at the time of the fight with T. W. Davis.

Mr. Folger opened the argument and contended to the court that not a single witness for the state or defense had testified to any circumstances that would convict the defendant of being drunk and disorderly. In fact, he argued, the defendant had proven by a great number of witnesses that his conduct was absolutely all right, normal and unquestionable in every way just preceding and also following the fight. He reviewed the evidence from the time Judge Lewellyn entered the stand with Mr. Sydnor at two o'clock that afternoon and remaining with him until 5:30, until the time that the number of witnesses saw him at different intervals just a few minutes before the fight and afterwards up until about ten o'clock. Mr. Folger argued that every step of Judge Lewellyn had been traced by the evidence of witnesses during the whole afternoon and night and that none ever saw anything wrong or unusual with him; that the evidence of Mr. Davis, the prosecuting witness, would not bear out the charge of being drunk and disorderly, as he would not testify further than that he smelled liquor on his breath, and that he, Mr. Davis, based his charge that Lewellyn was drunk from the fact that Lewellyn hit him. All this, Mr. Folger argued, could not possibly be convicting evidence, but with the host of witnesses by the defendant tracing every moment of the time while he was at the fair ground, was unquestionable proof, beyond all convincing to every man, that he was not guilty as charged; that the evidence of Jas. Norman, who told about seeing Lewellyn and Walker take a drink would not be relied upon for several reasons: first that he was mixed up in his time, once saying he saw them

together on a night when Lewellyn was in Washington, D. C.; that his past experience in Judge Lewellyn's court and also at Dobson, and the fact that Walker had a hand in his prosecution before Judge Lewellyn—all this was argued as good grounds to not consider his evidence. He closed his remarks by reviewing the strong testimony of Rev. J. H. Hall, given for the defense, and also the ladies and others around the Baptist booth who came in contact with the defendant, all declaring the defendant to be keeping good order, sober in every way, smelling no liquor—this, Mr. Folger declared was conclusive proof that the charges against the defendant that he was drunk and disorderly was not warranted and asked that the case be dismissed.

Mr. Holton's remarks were brief, he contending that the very fact that the defendant had engaged in the fight was sufficient evidence that he was drunk and disorderly. He then launched into a several minutes talk on the morals that should be followed by judges and officials of the people, closing his remarks by again contending that a man would have to be drunk to engage in a fight as Mr. Lewellyn did with Mr. Davis.

In announcing his verdict Mr. Sparger did not review any evidence or offer any ground on which he was basing his decision. As the time came for him to make the decision of whether or not a Judge of Mount Airy's Recorder's court was drunk and disorderly or not, his face flushed up, and the blood suddenly rushed to a skin grown ashen by 74 years of contact with sun and snow. His only remarks were, in substance, as follows: "This is a painful duty that has fallen upon me. I know I will be severely censured by a great many people for what I am about to do." With this remark many quickly concluded that he was about to dismiss the case and was realizing that he would be the object of scorn from his friends in the Republican party for not convicting a Democratic candidate for this important office on so serious a charge. But such error in their conclusion, for the court's next remark was "I find the defendant guilty, and tax him \$25 and the cost." With this announcement Mr. Folger noted an appeal and the audience which packed the city hall to its capacity began to retire.

The case will be tried over again during the October term of Surry Superior court which convenes at Dobson next Monday.

Gentry-Kerner

Simple and impressive and witnessed only by the relatives of the contracting parties was the ceremony that united for life Miss Susan Fernelia Gentry, elder daughter of Mr. and Mrs. William Sherwood Gentry, of this city, and Robah Bascum Kerner, of Kernersville, in the holy bonds of matrimony.

The ceremony took place in the home of the bride on Rockford street at 1 o'clock P. M. Wednesday October 8 and following the ceremony the happy couple left for Asheville and vicinity. They will be at home in Kernersville after October 20.

Mrs. Kerner was educated at Guilford College after graduating at the local high school. She is a young woman of splendid qualities and an accomplished musician.

Mr. Kerner is a very successful young man and is engaged in agriculture.

Out of town guests were Mr. and Mrs. P. H. Linville, of Walnut Cove, uncle and aunt of the bride, and G. F. Kerner, of Kernersville, father of the groom.

Paul D. Stout who has been with the Blue Ridge hotel for the past three years has accepted a position on the clerical force of the Driscoll hotel in Washington, D. C. Mr. Stout has many friends in Mount Airy who will regret to see him leave but are glad to see him advancing in his chosen profession.