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COURT WEEK AT DOBSON

Judge Michael Schenck Discusses Many Subjects in Interesting Way in His Charge to Grand Jury—Wholesale Absence of Witnesses Halts Work of Grand Jury.

The April term of Surry Superior Court for the trial of criminal cases began at Dobson Monday morning with large numbers of people attending. The weather was ideal and all parties connected with the court and those attending entered heartily into the work of clearing the docket from the start. Rarely has there been a time when so few excuses from service were asked by those summoned to the grand jury box. W. R. Cox, of Pilot Mountain, was excused from jury service on account of being an undertaker which is granted by the statute. There are a number of professions where the parties are exempt from jury duty by special act of the legislature, among them being printers, linotype operators, undertakers, engineers, pilots of boats, millers, druggists and perhaps a few others.

The grand jury is composed of the following: D. O. Totten, of Elkin, foreman, S. S. Lambert, D. K. Holyfield, W. H. Atkins, T. R. Haymore, Robt. Jones, Vestal Taylor, D. C. Beamer, G. W. White, W. P. Boyles, T. J. Hutchens, N. M. Dobbins, John H. Gwyn and F. M. Norman.

The charge to the grand jury by His Honor was listened to very closely by a crowded court room as well as the jurors. His explanation of the duties of the grand jury was to the point and clear in every detail. He reminded that body that it should prove a means of seeing that crime was brought to the attention of the court and also it should afford protection to people who may be maliciously prosecuted by some enemy. One of the main duties of the grand jury, he stated, is to make investigation of cases and determine whether or not the evidence justifies bringing the defendant before the court for trial, for no one can be placed on trial without the consent of the grand jury or the defendant. Another duty of the grand jury is to see that the court's time is not taken up with trivial matters and that the citizenship of the county is not harassed by indictments of a malicious nature. Before a true bill can be returned it must have the approval of 12 of the 18 members of the jury. And in the case of indictments carrying capital punishment the bill must be brought to the judge by the entire body composing the grand jury.

His Honor defined in a brief, clear manner the different offenses that carry with them the death penalty, to-wit: Murder of the first degree, rape, arson and burglary. Murder may be of three degrees—the first, where it is cold blooded and premeditated, and carries with it the death penalty; second degree murder is where it is maliciously committed but the element of premeditation is absent and carries with it a long term in prison; third degree murder, or manslaughter, is where a life is taken by some unlawful act, such as speeding over the highways at an unlawful rate and thereby accidentally killing some child, or other person, where there is no malice or premeditation, yet some unlawful act was the cause of a death—such is termed manslaughter and the punishment is left largely with the discretion of the court.

The other three capital crimes, rape, arson and burglary—the court explained are for the protection of womanhood and the home. The courts, he explained has thus wisely provided laws carrying extreme penalties for any crime against the liberty and virtue of womanhood and the disturbance of her home, either by rape, burning of her home at night which is arson, or burglary at night.

Other crimes that carry with them a lesser degree of punishment are that of seduction and the slander of an innocent woman. Both these offenses are counted serious ones in the eyes of the court and again they are found to offer great protection for women.

His Honor explained how through the ages the people have outlawed fighting between individuals and instead have set up courts for the settlement of disputes in them rather than by physical force exerted by the individuals. And His Honor foresees the time when the resort to physical force between nations will be outlawed the same as physical force between individuals is now banned. "Just as our states are now banded together in one nation," he declared "so there

will develop some allegiance between the nations of the earth that will make war impossible, and some tribunal will be established to serve as a court to settle disputes between nations the same as we meet over here at Dobson and settle disputes between men."

In the instructions to the jury His Honor requested that body to look closely after the upkeep of the splendid court house Surry has. He called attention to the matter of investigating the reports of guardians. The law requires that a guardian shall make annual reports to the clerk of the court, and so careful is the law that minors should have the fullest protection that it has made it the duty of the grand jury to scrutinize these reports and see that they are correct.

His Honor suggested that the grand jury appoint committees to carry out its various inspection activities, for instance, the committee investigating the clerk's office should be headed by an accountant or office man familiar with figures; the committee inspecting the buildings should be in charge of a contractor or builder. When it came to visiting the county home the voice of His Honor seemed to tremble a little as he spoke of the unfortunate ones that are being cared for by the county. "On every hand we hear economy preached," he said, "but God pity the day when we become frugal and stingy in caring for our less fortunate and aged citizens." This committee he said should be headed by a great big hearted man with a Godly spirit alive in his bosom.

With the rapid construction of a state system of good roads His Honor sees the urgent need of making them safe for the public by barring from their use those fellows who get drunk and terrorize an entire community by their wild rides over the country. His Honor threw out a hint to the jury that he would see to it that the county and state would be protected for the next three or four years from the acts of any person convicted in his court of driving an automobile while drunk. "If this court could make the roads of this county safe for the men, women and children the time spent during the next two weeks would be well worth the price," he declared.

Immediately after the charge His Honor started into the work of the day in a business like manner, first announcing that the court would observe the following hours: From 9:30 A. M. to 12:30 P. M., 2 to 5 P. M., and with a twinkle in his eye remarked "and such other hours as the court may find necessary to dispose of this docket," which means some night sessions if the work seems to drag along too slow.

A memorial service was held in the court room Tuesday at two o'clock in honor of the memory of two deceased members of the Surry county bar, the late Hon. R. L. Haymore and the late Hon. John H. Dobson.

The court still has trouble trying to follow the calendar that is prepared under an act of the legislature. As it stands witnesses are not required to attend court until the day the case is scheduled, and under this plan these witnesses cannot be gotten before the grand jury for the purpose of finding true bills. About the middle of the day on Monday the foreman reported he could not secure the attendance of any witnesses as they were not to appear until later in the week and for that reason the jury was unable to transact very much business. And the lawyers have not yet figured out a way to have the witnesses before the grand jury on the first days of court when the calendar calls for their attendance on a later day.

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The Set of the Soul Decides the Goal
One ship sails east and another sails west

With the very same winds that blow;
Tis the set of the sails and not the gales

That tells them the way to go,
Like the winds of the sea are the ways of fate

As we voyage along through life,
Tis the set of the soul that decides its goal,

And not the calm or the strife.
—Ella Wheeler Wilton.

OFFICER IS REWARDED FOR HIS PATIENCE

Deputy Sheriff Jess Monday Makes Capture and Finds His Hands Full of Prisoners—Teetotaler Sufferer Comes to His Rescue

Any officer in this county can unfold an interesting liquor story any time some one can get them to open up and reveal some of their experiences in enforcing the prohibition laws for they are often varied, exciting, and sometimes dangerous and they always make an interesting interview. Last week Deputy Sheriff Jess Monday had an experience out of the ordinary and one that required much patience on his part to bring to a successful termination.

Some time after the noon hour some friend rushed in the Sheriff's office where Mr. Monday was working alone and between gasps of breath informed the officer that a car was bringing a load of liquor to town down the Piper's Gap and if he would hurry he could capture it at a certain branch where it would be hid to await transfer to some parties from this city who were scheduled to bring it to this market.

As often happens in emergencies Mr. Monday could not locate any of his assistants just at that moment and all the time the other fellow was yelling "hurry! hurry! or you will miss them." So the officer set out alone for the designated spot. On his arrival there he alighted from his car but could see no one, everything was as quiet and lonely as midnight in a grave yard. But Jess has developed a sort of Indian instinct for when a fellow moves leaves in the woods he can always detect the disturbance. While pondering on the loneliness of his situation he noticed that the leaves through the woods had been turned over like some one had walked through them. Well here was his cue, and he started out following a trail that required an Indian's eye to see. After winding through the woods and undergrowth for some distance he suddenly came upon two boys in some bushes, who took fright and left at his sight, leaving their coats and two one-half gallon cans of liquor. The officer heard another terrible commotion back of him in the brush and he made for the spot from which came the sound expecting to make another capture. Right on through the brush he rushed when lo, and behold, he found himself face to face with an angry Holstein bull that was bellowing and pawing at being disturbed so unceremoniously. Needless to say Jess effected the command of "right about" without any order and made a record sprint for the fence.

On reaching the road again he sat down to get a breath or two when along came Harvey Vernon, son of Friel Vernon, who had been reported as having liquor. He was halted and searched but no liquor was found, still the officer had information that there was more hid along the road that Vernon was expected to get. About the same time the two boys who had been flushed in the woods came strolling down the road and they also were placed under arrest. And so the officer found himself with three prisoners and Vernon's Essex roadster. By that time several persons had arrived on the scene, and what to do with the situation was a problem that was worrying the officer. If he went to search for the remainder of the liquor his prisoners would escape and if he brought them to town some of their friends would remove the liquor. None of the bystanders would agree to render any aid, and so the officer held to his prisoners, sat down by the side of the road and started a waiting game.

An hour passed by and he stayed right there with his men, and all the time no one would come to town for assistance. Finally a stranger came plodding along holding his left jaw in his hand trying to ease an old tooth that was disturbing his peace. By him the officer managed to send a note to the city for help and so he had to wait another two and a half hours while that suffering fellow plodded through eight miles of dust to the Sheriff's office. Chief Lawrence and Carden Melton were sent to his aid and they found hid on the roadside a 5-gallon can about half full and eight quart fruit jars all full and ready for delivery to the trade. Vernon and the two boys, Bill and Arthur Hawks, were brought

LOWGAP FLORIST FIRM BRANCHING OUT

W. M. Woodruff's Son & Co. May Find It Necessary To Grow Decorative Materials in Florida.

The demand for more decorative greens that is daily being made upon Surry County's large distributors of this line, the W. M. Woodruff's Son & Co., of Lowgap, has caused the proprietors of that concern to take in a larger field of activity which may result in their establishing a branch in Florida. For some time the florists have gradually increased their demand for two articles of decorative material that grow only in Florida, these two items being the asparagus plumosus and the coontie fern. The plumosus is now being grown in Florida in a commercial way and the demand has increased until it is almost impossible for the florists to obtain a satisfactory supply when they need it. As to the coontie fern no one has ever endeavored to grow it commercially and it is to be found only within a small radius of a few miles in the Florida swamps where it grows wild, and it remains for some one to develop a means of cultivating it for commercial purposes.

T. N. Woodruff left this city Sunday and will spend some time in Florida looking over the situation and may find it advisable to purchase a boundary of land with the view of growing these two products for the sole trade of the Woodruff concern. The Woodruff's have a world wide reputation with the florist trade and any new venture they launch will attract the attention of the large decorative concerns. They were the first and original people to perfect a process of artificial coloring and preserving of the galax leaf, laurel and other evergreens, and they can be counted upon to succeed in any undertaking in the development and growing of the coontie ferns and asparagus plumosus in Florida.

KILLING OF SANDY SLATE JUSTIFIED

Federal Officer Will Mathis Exonerated For Shooting Blockader While Making Raid

A preliminary hearing was given Federal Officer Will Mathis in Stuart, Va., last Saturday who on Tuesday before shot and killed Sandy Slate at his home near Kibler, Va. Officers Mathis and Davis were making a raid in the neighborhood of Slate's home when it is charged Slate interfered with them, ordering them away and following up his threats by attempting to shoot Mathis. His pistol failed to fire and Mathis shot him four times, three of the bullets taking effect in his chest and killing him instantly.

The hearing was held before three justices of the peace of Patrick county and they deliberated only about five minutes before reaching a decision declaring the killing to be justified. Deputy Marshal of Salisbury was in attendance at the hearing and had with him a force of 15 Federal officers to see that peace was preserved during the hearing.

The evidence introduced by the state at the hearing in Stuart caused the court of inquiry to render a decision declaring it to be a case of justifiable homicide on the part of the officer, therefore no action was taken to hold him for trial in connection with the killing of Slate.

to the city and later released on bond. The car is held by the officer as he has evidence that the liquor was being transported in it.

And we might say right here that not all the liquor is found coming in Mount Airy. Down in Siloam township officers W. W. Ashburn, A. L. Stewart and J. S. Patterson are uncovering some of the fluid. On last Sunday they made a raid through their section and captured a complete copper outfit. Later on in the day during their wanderings they unearthed a handsome supply buried in the mud below a good cold spring. Right by its side were holes in the ground where two five-gallon cans had just a few hours previous been pulled from its cold reservoir to quench the thirst of some suffering addict.

All male inhabitants of Turkey must work the public roads from six to twelve days each year.

Father and Son Go To Death in Electric Chair

Stewarts Pay Penalty For Slaying U. S. Marshal and Wilmington Detective

FIRST TWO WHITE MEN TO DIE ON SAME DAY.

Relative of Officers Tell of Murder Between the Two Executions

Raleigh, April 19.—C. W. Stewart and Elmer Stewart, father and son, were electrocuted yesterday morning at the State's Prison for the murder of Wilmington City Detective Leon George and Deputy United States Marshal Sam Lilly in Brunswick county July 29, 1924.

After the death of the men David Sinclair, of Wilmington, junior counsel for their defense, who stayed in Raleigh until he was notified that they were dead, made public the confession made by the Stewarts last Tuesday, before the refusal of mercy by Governor Angus Wilton McLean.

The father was allowed to precede his son to the death chamber, with a faint flicker of hope in his heart that during the interval in which his own life was being snuffed some last minute word would come to the Prison commuting the sentence of his son.

First Hired Executioners

For the first time in history electrocutions at the State's Prison were performed by hired executioners. Joe Stone, of Robeson county, with iron gray hair and long mustache, received \$25 for throwing the switch that shot the lethal current through the elder Stewart. J. E. Thomas, of Louisburg, stout and jovial, administered the shocks that killed the boy.

As the prisoners entered the death chamber they did not look the upstanding men they appeared about one week before their death. Old Man Stewart, who was called first, was red-eyed and haggard, as though he had not slept well and had been crying. His mustache had been shorn as well as his iron gray hair and he looked like a sick old man rather than a cold blooded desperado.

He did not appear nervous as he approached the chair accompanied by Rev. W. A. Stanbury of the Edenton Street Methodist Church.

"The Lord is my Shepherd," chanted the minister.

"Men, be Christians," the doomed man advised the handful of witnesses, attendants and newspaper men assembled to see him die. He nodded in recognition to Sheriff George Jackson, of New Hanover, who was present.

"Men be Christians. Don't do anything else. Take care of your souls. God bless you all."

After the strap was applied across his mouth he did not speak again. Only the voice of Rev. Mr. Stanbury was heard:

"I am the Resurrection and the Life."

Elder Stewart Dies

His arms and his legs were strapped to the big chair and a leather strap was fastened about his body. The mask like leather harness was tightened about his face and under his chin leaving only his nose and chin visible. The cloth covered helmet with the sponge in it was placed over his shaven head. The death wire was fastened into the place provided for it on the top of the helmet.

An attendant took an old shaving mug, got some water out of a bucket and poured it over the helmet. Dr. J. H. Norman, the new warden, examined the job then stepped back from the chair and clicked the car pieces of the stethoscope sharply together—the death signal.

Old man Joe Stone at the switch missed the first signal and the doctor had to make a louder one. This time Joe Stone caught it and pulled down the switch.

The relaxed body in the chair suddenly tightened as a patient tightens in a dentist chair when the dentist strikes a live nerve. The chin tilted upwards in a gesture of the ultimate of agony. There came a sound from the chair as of bacon frying and the stench of scorching flesh pervaded the room.

Old Man Stewart's right hand had been lying loose along the arm of the chair with the fingers hanging loosely over the edge of the arm to

fore the current hit him. Immediately the switch was pulled every muscle in the body was drawn taut and the right fist clenched with the exception of the little finger which was caught on the edge of the chair and bent over almost double.

It took three shocks to kill the elder Stewart, the first lasting 28 seconds, the next 34 seconds and the final 26 seconds. When the body was removed it was completely purple except for leprous white streaks which showed where it had strained against the straps caught in the whirl of 1,500 volts of high ampered electricity.

Son Hesitant

Above the hum of the dynamo while they were electrocuting the elder Stewart could be heard the exhorting words of spiritual guidance which were being given the younger Stewart in his cell on death row where he awaited his turn at the chair.

The young Stewart was more nervous than his father, when they brought him in. He seemed to wish to prolong his life. At the first glimpse of the chair he shrank away from it.

"Take your time: 'm in no hurry," he muttered to the attendants who were strapping him in.

"O dear God, be with us all. O dear my father let me meet you in heaven. O Jesus be with me now," he said in a sing song voice over and over again. The strap which was placed across his mouth made the words almost unintelligible but now and again one could catch the words "God," "Jesus," "Father and Heaven."

Dr. Norman held up the moment of throwing the switch to wait for the boy to stop talking but he showed no signs and the death current caught him in the midst of exhortation. Again the chin tilted up at an angle of agony and again came the crackling, cooking sound and the stench of scorching flesh.

The water that had been poured over the helmet steamed and a great blister rose and burst on the boy's leg.

He did not fight for his life like his father. The first shock lasted 104 seconds and the second which lasted 34 seconds killed him.

The bodies were shipped back to the widow and mother of the dead men at Wilmington.

Tell of Crime Between Shocks

L. D. Lilly, nineteen year old son of one of the slain officers, C. T. Lilly, a brother and Ed George, a brother of the other slain officer, were witnesses of the electrocution.

Chief of Police Dobie, of Durham who was over with a pass to the electrocution, gave up his ticket in order that Mr. George, who had none, could see the slayers of his brother die.

During the interval between the electrocutions the relatives of the murdered officers described to other witnesses the sight of the two bodies riddled and mangled by bullets as they were found in their shot torn automobile on the lonely road in Brunswick county after the Stewarts had finished with them.

Following the killing of the officers, which was first believed to have been the work of a mob of moonshiners due to the number of bullets which had been poured into the car, the finger of suspicion was pointed at the Stewarts and they came in and gave themselves up through friends.

They were tried in Brunswick county with Judge Henry A. Grady, holding court, and the jury returned a verdict of guilty in the first degree but recommended mercy. Judge Grady was unable under the law to take this recommendation into consideration and sentenced them to be electrocuted. The Stewarts appealed and the appeal was lost before the Supreme Court.

The Governor after a hearing definitely refused clemency Tuesday and then left the State to visit his wife who is in a Baltimore hospital.

When Elmer Stewart was pronounced dead the total of lives snuffed out in the death chair at the State's Prison, since Walter Morrison, the first victim died on March 18, 1910, numbered 78. It was the first time in history that a father and son have ever been electrocuted at the State's Prison.