The Mount Airy News.

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DOBSON COURT

Liquor Cases Taking Up Much of Court's Time—Grand Jury Makes Interesting Report.

WANT MOURNING BORDER ON COURT HOUSE REMOVED

Many Defendants Appealing From Recorder's Court Plead Guilty Before Judge Schenck — Commissioners Appear Before Court and Discuss Grand Jury Recommendations—McCraw Murder Case Continued.

The Superior Court in session at Dobson is disposing of a large number of cases of a minor nature but has reached only a very few of the important cases. The three murder cases on the docket remain untried and no prediction is made that any of them will be disposed of during this court. Judge Schenck announced Monday that he would adjourn court Thursday in time to leave for his home that day. The trial of Henry McCraw charged with the murder of Mrs. Gabe McCraw was set for trial the first of the week but owing to the illness of W. F. Carter, leading counsel for the defendant, the court permitted a continuance until October court. Posey Whittington was scheduled to be tried Monday but the day dragged by without the case being called Whittington is indicted for killing his father-in-law by striking him over the head with a shot gun causing his death a few hours later. He was lodged in jail at the time of the hearing about three weeks ago but the court has allowed him his freedom under a bond of $2,500.

W. W. Wagoner and C. G. Palmer, two youths of Elkin, plead guilty to transporting liquor. The officers caught them bringing into Elkin in their car a 5-gallon can full of liquor They did not go on the stand but left it up to their attorney to plead guilty to the court for mercy on their behalf. After hearing many good accounts of the boys' characters and the statements that they were boys who did not use whiskey His Honor interrupted the proceedings and announced he was interested in another phase of the case and that was—if the boys did not drink liquor and did not sell it, what were they doing with five gallons on hand, and His Honor speculated as to where they could have found such a large supply. The case was left open and the hint given to the boys that they had better give some satisfactory explanation as to how they came to possess the liquor or they could expect very little mercy at the hands of the court.

The Bowman family of Mount Airy had their day in court and all received road sentences. These cases went up on appeals from the Recorder's Court where convictions were secured against them for dealing in liquor. Hugh must serve 18 months on the roads, Moir six months and Bessie six months. Hattie Bowman was acquitted in a case charging her with vagrancy as she was able to satisfy the jury that she had a means of support.

J. K. Epperson paid the cost in his case and was dismissed. He was tried and convicted in the Recorder's Court several months ago for running over a child in front of the North Main school, and painfully injuring it. Eye witnesses to the accident were of different opinions as to how the accident occurred and the state allowed him to pay the cost.

Friel Vernon, of this city, finds several road sentences hanging over him. Several months ago he was convicted in the Recorder's Court for selling liquor and accepted a suspended sentence. Only a few weeks thereafter he was caught at his old game and Judge Lewellyn placed the former sentence of 12 months on the roads into effect. From this he appealed to the Dobson court and wanted a jury trial, but this the Judge denied him on the grounds that he had accepted the suspended sentence back yonder, and so the case was appealed to the Supreme court. In the meantime the officers had secured other cases against him and Judge Schenck gave him six additional months. In this he also appealed to the Supreme Court.

Robert Peters plead guilty to driving a car while intoxicated and was fined $50 and the cost, is not to drive a car for three years and is to appear at each April and October court for three years and show that he has been a peaceable citizen. His case came up on an appeal from the Recorder's Court.

Walter Carter, colored, was fined $100 and the cost for an assault with a deadly weapon.

John Carpenter, well known character of Mount Airy, who had been in jail for some time waiting for trial on a drunken charge, at first was given 30 days in jail but this was later stricken out and John has until next October to show to the court that he can behave himself.

Walter Fallen was convicted and given a jail sentence some time ago in the Recorder's Court on the charge of being drunk and disorderly. He appealed to Dobson where he plead guilty and was fined $75 and the cost.

Eight months ago Jim Hawks was convicted in the Recorder's Court for selling liquor and given eight months on the roads. From this sentence he appealed to Dobson, and being unable to give bond has been reposing in jail all that time waiting for his trial. For economy's sake, as Solicitor Graves expressed it, a pol pros was taken and he was allowed to go free.

The case of Enoch Webb charged with being drunk and disorderly was disposed of by his paying a fine of $75 and the cost, including the cost of the court sending a doctor to determine his physical condition. Webb sent to the court a doctor's certificate that he was unable to attend to business, which certificate did not prove satisfactory. The court ordered the health officer to accompany an officer and bring him into court if his condition was not precarious. In addition to the fine he is to appear at each April and October court for two years and show that he has been of good behavior and that he has abstained from the use of liquor.

Bert Branson, convicted in the Recorder's court, plead guilty at Dobson to selling liquor and was fined $100. For a like offense Tiney Billings was sent to jail for 30 days.

The outcome of Major Hodge's case evidently lends a ray of hope to those defendants who have been convicted in Judge Lewellyn's court and appealed their case to Dobson. In most of the instances the defendants plead guilty when they arrive in the Superior Court, but not so with Major. He had been given a jail sentence for being drunk and disorderly and at Dobson he called for a jury trial and, lo and behold! he was acquitted.

In an effort to be acquitted at the hands of the jury for driving a car while intoxicated H. F. Gwyn, of the city, found himself so tangled up that he had to accept $50 fine and be taxed with the cost. He was convicted in the Recorder's Court and took the usual appeal to Dobson. The officers arrested him on South street in a drunken condition soon after he drove up to the sidewalk in his car. Gwyn tried to show that he was not guilty of driving while drunk and told how he had gotten out of his car, gone around behind a bill board, taken a couple of drinks and was arrested before he reached his car, and therefore he was not guilty of the charge. At this juncture His Honor interferred with the proceedings and stated that the defendant had convicted himself of violating the prohibition laws by his own testimony. His Honor quoted from the law books: "It is a violation of the law to possess liquor. Possession of liquor includes taking a drink from a bottle, even where the bottle is handed back to another person after taking the drink." And so he was fined $50 and the cost for possessing liquor. In this as in many other cases the defendant could not satisfy the court from whom he secured the liquor.

A. W. Danley, a well known citizen of the Ararat section, was convicted of the slander of an innocent woman of his neighborhood, but sentence has not been passed. It was charged that Danley had reflected upon the character of a newly married girl, and the remarks were of such a nature that it looked as if it was not almost necessary for the young girl to bring the proceedings to clear her name. Expert testimony of physicians satisfied those who heard the evidence as well as the jury that the alleged slanderous remarks in regard to the girl's conduct were untrue. In addition to the criminal action against Danley he is also being sued in the civil courts for damage.

The Grand Jury was discharged last Thursday after presenting to the court a report of its findings after making an investigation of the county's property. The report caused His Honor to summon before him on Monday the Board of County Commissioners and to discuss with that body certain recommendations made by the Grand Jury. The report of the Grand Jury and its findings makes interesting reading and same is published in full below.

Report on County Home

We the undersigned committee appointed by the foreman of the grand jury as instructed by the Judge of April term of Surry Superior Court as a County Home Committee, beg leave to submit the following report:

That upon careful examination of the said Surry County Home we find:

1st. That there are at present 44 inmates in the home all housed in ten small rooms which we believe is entirely out of keeping with today's modern type of living, and that such a condition is entirely unfit for these unfortunates that time, diseases and providence has left to our care.

Therefore we recommend that more quarters be provided for them either by additional rooms to the present building for the inmates or new quarters for the keeper, thus allowing the present rooms now used by the superintendent to become quarters for the inmates of this institution, which would give them five additional rooms.

2nd. We find that some of the beds are of wooden structure or mere frames or boxes of wooden boards. We recommend that they be disposed of and cots or beds of iron be installed in their stead, thereby adding greatly to their sanitation especially as regards to vermin, bugs, etc.

3rd. That quite a lot if not all of the bed clothing appears to be practically worn out. We recommend that new bedding be purchased and used more especially for those that have mind enough to properly care for same.

4th. That some of the inmates upon close examination appear and are very dirty especially in their heads. This should be looked after more closely and that they be required to keep as clean as possible.

5th. In conclusion we find the inmates all well satisfied with the treatment accorded them by their keeper, Mr. Marion, and we wish to compliment him in the very highest manner possible upon his management of the home affairs with the equipment now on hand.

O. B. Webb, D. C. Beamer, F. M. Norman, Committee.

Report on Clerk's Office.

We the undersigned committee of the Grand Jury to inspect the Clerk of the Superior Court office report that we find said Clerk's office kept in good condition and papers and books properly indexed and in proper files.

John H. Gwyn, S. S. Lambert, J. D. Venable, Committee.

Report on Jail

We the Grand Jury as instructed by the Judge of April Term Surry Superior Court visited the jail in a body and beg leave to submit the following report:

1st. That a drain pipe from kitchen sink be grounded and drained a reasonable distance from the building.

2nd. That a new roof be put on building at once as we were informed by the keeper that the present one leaks in several places and he has to place tubs, buckets, etc., under the leaks.

3rd. That it be reguttered and connected with drain pipes at ground and drained sufficient distance from building.

4th. That the floor, because of lack of ventilation underneath and weight of cells, has given away injuring partitions in building and rendering it dangerous to the lives of the inmates, be replaced at once. The cells are pressing against one partition causing it to lean and has sprung one of the doors in partition three inches from square.

5th. In conversation with the inmates they spoke highly of the courteous treatment and food provided by the keeper and found everything in sanitary condition.

6th. In conclusion we find the floor and foundation were reported unsafe by the Grand Jury at February Term we further urge this be looked after at once.

D. O. Totten, Foreman.

Court House and Grounds

We the committee appointed by the Foreman of the Grand Jury submit the following:

That the grounds and walks are well kept, that the Court House is well kept. We learned from the Register of Deeds that the house leaks in the north end of the building, also in south end, thereby causing the plastering to fall off. We recommend that the said leaks be repaired, that the parapet wall be fixed so as to avoid leaks, also that the black paint on parapet wall be removed or painted out, or the wall be removed.

Vestal Taylor, G. W. White, N. W. Dobbins, Committee.

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BODY OF COLLINS TAKEN FROM CAVE

Stone Weighing Around 100 Pounds Entrapped Him, Another Near Disaster.

Cave City, Ky., April 24.—Sand Cave has yielded its prisoner and now the body of Floyd Collins, taken from the bottom of the original rescue shaft after resting their overnight, lies in a Cave City undertaking establishment. Burial will be on a hill overlooking Crystal Cave, a cavern which the explorer discovered several years ago.

As the sun rose over the cavernous hills of Barren county yesterday morning, its rays revealed a lone guard standing sentinel over the mouth of Sand Cave, at the bottom of whose 70-foot pit rested the body of the dead cave explorer, free at last from the rock shackle that fell on him on January 30 and held him till death relieved him after 17 days of suffering.

Late Wednesday miners engaged in a second effort to release his body from the fastnesses of the cave, succeeded in tunneling under a huge limestone rock in the path of a new lateral from the 70-foot level and came upon the body. Instead of encountering a mammoth rock supposed to be pinning the body, they found a stone of but 75 to 100 pounds weight across his ankles. Morsels of food, rope, chisels and hammers, carried to him during the early days of his entrapment was found by his side. It was the work of but a short time to clear away this debris, and soon afterwards the miners had dragged the body to safety at the foot of the shaft.

Their efforts beat disaster by only a few minutes, for shortly after the body had been withdrawn the lateral where they had been working and where the cave explorer died, collapsed, caved in and slid 100 feet below into a dark pit. This substantiated Collins' remarks to rescuers who crawled to him in the early days of his imprisonment, that a deep pit was behind him.

The body, according to W. H. Hunt, Central City, Ky., engineer in charge of the work, was in good condition, kept so by the dampness and low underground temperature.

Although final funeral arrangements have not been announced, the body will lie in state for a few days at the Baptist church here and then, in compliance with the original wishes of the aged father Lee Collins, and Floyd's brothers, it will be buried on a hill above Crystal Cave, another cavern discovered by Collins.

Collins lost his life while exploring Sand Cave, hoping to find beautiful cave formations which would attract tourists. It was while returning from a trip into the pit in which part of the lateral fell yesterday that a boulder fell and caught him.

SENATOR WHEELER ACQUITTED

Montana Senator Freed of Charges of Unlawfully Using His Influence

Great Falls, Mont., April 24.—Senator Burton K. Wheeler was acquitted of a charge of unlawfully using his influence as Senator before the Department of the Interior by a jury in Federal Court here tonight. The jury was out but three hours.

The accused Senator received two pieces of good news simultaneously—his acquittal and the birth to Mrs. Wheeler of a daughter in Washington.

Senator Wheeler only smiled when the verdict was announced. Judge Frank S. Dietrich, before the verdict was read, warned spectators against any demonstration.

Senator Wheeler said he would issue a statement for the press later. His chief counsel, Senator Thomas J Walsh, declared the case merely as an offshoot of the Teapot Dome investigation, which he started nearly two years ago, and said he felt it his duty to appear as counsel for his accused colleague.

John L. Slattery, United States district attorney, who prosecuted Senator Wheeler said:

"It was just a case for me. I am the district attorney and had no choice other than to prosecute. There is no ill-feeling."

But one ballot was taken. In spite of Judge Dietrich's order against demonstrations, there was a rush toward the bench when the verdict was read. Friends of Senator Wheeler crowded about him and offered double congratulations—on the birth of a daughter and acquittal.

Governor McLean Favors Death Only in Extreme Cases

However, the Governor Doesn't Intend to Upset Judgment of Courts.

PROPOSE LETHAL GAS

On Anesthesia Before Going to Chair, May Be Put Up to Legislature

Raleigh, April 23.—Governor A. W. McLean will have to undergo a rather considerable change of mind if the movement to abolish capital punishment in North Carolina gets anywhere during his administration.

He made his position perfectly clear in his usual conference with newspapermen today. The impression he left in a conversation of more than half an hour is that he favors capital punishment only in extreme cases but in those cases he does not intend to upset the judgment of the courts.

Right now he has two capital cases under consideration. It happens that both of the condemned men are negroes. Both have been denied new trials by the Supreme court. In one cases the judge and solicitor and some of the jurymen have recommended commutation of sentence. In the other the judge and solicitor have been silent and the jurymen, those who have said anything, have opposed commutation.

Heinous Offense

He regarded the murder done by the two Stewarts, father and son, as a particularly heinous offense. The criminals were deliberate in setting out to slay a couple of prohibition enforcement officers and they were brutal in their method of killing the two men. The fact that officers of the law were slain weighed greatly with the governor. While the facts would have been unchanged had they been other than officers, Governor McLean, nevertheless confesses to the feeling that this made the crime more aggravated. He regards it difficult enough now to enforce the law and especially the prohibition law.

In the discussion of the Stewart case, Pardon Commissioner Hoyle Sink, disclosed the elder Stewart's object, as the old man confessed it, in shooting the dog that accompanied the officers. Stewart said that he was "in a killing notion" and wanted to slay everything human in sight. He did.

Association Formed

There is an association in North Carolina which was organized for the purpose of putting on an organized campaign to secure the passage of a law wiping capital punishment off the books. Dr. Oscar Haywood, once a prominent New York evangelist—with a Calvary church connection—was president and W. T. Bost well known Raleigh newspaperman, was secretary. Dr. Haywood and the late Governor Bickett held many conferences over the matter but Dr. Haywood, at the height of his popularity deserted the movement and went off after the kluckers.

Brutal Method

The conservative feeling in the state is that the present method of killing is entirely too brutal. Something ought to be substituted for the horrible old chair which the state uses now. Eminent clergymen here who do not go as far as Rev. W. A. Stanbury, who wrote the governor there is no excuse for capital punishment, feel that another method of carrying out the law ought to be devised.

There are two suggestions which may receive legislative treatment before the McLean administration ends and it is not believed the governor would offer opposition to the adoption of either. One is the administration of lethal gas. The other is the application of anesthesia preliminary to the turning on the electric current.

Lethal Gas

Lethal gas has been tried in the western states, some of them, and is about as humane a substitute for electrocution as can be found. The way the thing is done now, in the opinion of many people who have given a great deal of thought to the subject, hanging would be preferable to the burning which accompanies the consummation of the death sentence.

It is entirely probable that the state's first step toward abolition of the death penalty will come through the substitution of lethal gas for the chair. Then it is entirely probable that the number of crimes punishable by death will be reduced to one. When these two things are legally accomplished, as the barbarous penalty is inflicted now, the state will need a breathing spell before attempting to wipe out the death penalty entirely.

MINISTER SAYS DO AWAY WITH DEATH

Executions Were Too Much For Mr. Stanbury and He Says it Was State Suicide.

Raleigh, April 22.—"Capital punishment should be administered only in extreme cases, but I consider it very necessary for the protection of society," Governor McLean said to newspaper men this afternoon, registering his attitude in response to a letter received by him today from Rev. W. A. Stanbury, Methodist minister of Raleigh, who pronounced the execution of the Stewarts, the first he had witnessed, as "utterly barbarous, cruel and unjustified."

Abolition of the electric chair is a matter for the general assembly, the executive reminded, but he was firmly of the conviction, despite the fearful responsibility of deciding the fate of condemned men, that it would be unwise to abandon the death penalty now.

He had before him for consideration the cases of three negroes under sentence of death. Last week he was called upon to act with finality in the Stewart case. In one of the cases before him today that of Chatham Evans, Nash county negro whose execution date had been set for May 1, a respite was granted until May 22 to permit a further investigation into the man's mental condition. No decision was reached as to Jim Collins, of Anson county, sentenced to be executed next Friday for the murder of A. C. Sedberry, member of a prominent Anson county family, nor Alex Rodman, under sentence to die Friday of next week for slaying John Fesperman, son of Chief Vic P. Fesperman, of the Mecklenburg rural police.

The letter of Mr. Stanbury, who is pastor of Raleigh's largest Methodist church, submitted a severe arraignment of the death penalty. It was received by Governor McLean this morning, but no reply has been prepared.

"If the stark absurdity and cruelty of that scene could be witnessed by the citizenship of the state," wrote Mr. Stanbury, who has given his reactions to the Stewart electrocution, "that execution would be the last. Men would rise up and change our laws and bring them more in accord with modern civilization, not to say christian principles. The punishment of the criminals would be with discipline and redemption rather than with grim, unrelenting vengeance. As to the peace and dignity of the state, it disappeared utterly from such a scene. If it was wounded by the crime of the Stewarts, it committed suicide in the deeds which were done at 10:30 last Friday."

Davie Farmer All Set For Raising of Foxes

Winston-Salem, April 21.—Paul Miller, a prominent Davie county farmer, who was here today, announced that he had decided to engage in the fox raising business. He now has ten red foxes for which he has refused several hundred dollars. While out hunting with his hounds yesterday, Miller jumped a red fox and before the race terminated the animal was captured alive. It was a female. A search followed and a den of eight baby foxes was located. While Miller was excavating to get them out, Old Daddy Fox was discovered approaching with one of Miller's hens in his mouth. When he got the lay of the land he dropped the fowl and scampered away. The mother and her babies were housed in a corn crib. This morning when Miller went out to look after them he was astounded to find "Old Dad" in the crib in front of his mate's cage. He too was captured and placed in custody. The story is verified by Miller's neighbors.