

DOBSON COURT CLOSES

Murder Charge Against Posey Whittington is Abandoned, Evidence Establishing Self Defense—Friel Vernon Withdraws Appeal and Begins 12 Months Sentence For Selling Liquor—Jeff Hawks Goes to Roads For Three Months—Solicitor Strengthens His Argument With Quotations From the Holy Writ.

More than 100 cases on the criminal docket of the Surry Superior Court were disposed of during the two weeks' term which closed last Friday morning. It was the hope of those who attended court that its sessions would close Thursday afternoon at the termination of the Posey Whittington murder trial, but His Honor, Judge Michael Schenck, noticed that there appeared one case of seduction on the docket that had not been disposed of, so he announced in court Thursday night, (for the court did not close on that day until 8 P. M.) that the case against Wade Spillman, of Mount Airy, charging him with seduction must be tried before the court took adjournment and all were ordered by him to appear back Friday morning for this trial. Judge Schenck time and again stated that all slander and seduction cases on the docket demanded an early disposal out of consideration of the women or young girls that were involved in their outcome.

This request of the lawyers on the part of some of the doctors brought forth a decided expression of opinion from Judge Schenck. "I cannot understand," His Honor stated, "why doctors and other professional men should expect more for attending a court as a witness than men of other vocations in life. It's just as much their duty to come to court and testify in matters that they know and learn of in their regular occupation as it is the duty of the laboring man or farmer to come to court as a witness. Yes, the doctors of this country seem to have a wrong idea about the whole matter. Of course where they are called in to make some special examination on the part of the state they can then ask for extra compensation. But, Mr. Attorney, as a witness they are entitled to no more than other witnesses and I cannot allow your claim."

About as much effort on the part of both state and defense was expended in the case against William Shinault, of Ararat, as in any case of a minor nature that was tried in the court. William, or "Bauldy" as he is known by his friends, was charged with stealing apples from a farmer's barn. Bauldy and some of his chums were going down the road one night and on passing a tobacco barn one of them remarked that the farmer had a hed of apples stored in it. So they stopped and one of them reached through the crack of the barn and started to get him an apple. But the owner of the apples happened to be hid in the barn waiting for just such an occurrence as he had been missing his apples and had been sleeping in the barn for several nights to catch the guilty parties. The owner grabbed the boy's arm when he reached for the apple. They sawed back and forth on either side of the barn for some minutes and the young fellow could not get loose. Finally one of his chums got a stick and began jabbing it through the crack and thus forced the owner of the apples to release the boy, after which they all broke and attempted to make their escape. The farmer rushed out and managed to catch Bauldy and he was charged with the theft, although they never did succeed in getting an apple. His Honor was lenient with Bauldy allowing him to pay the cost and show his good behavior to the court for two years.

Walter Galyean was released from jail and the case against him dropped. He was charged with shooting Saunders Lowe in the mountains above Lowgap more than a year ago, but was released when Wesley Smith, a youth now living in Grayson county, confessed to the shooting, claiming it to be accidental on his part. He pleaded guilty to an assault with a deadly weapon and was released on a good behavior bond. Lowe is still suffering from the effects of his wounds and His Honor expressed the greatest sympathy for him. He stated that in disposing of this case he had in mind helping Lowe all he could rather than the punishment of the boy who had shot him. In consequence of this feeling toward Lowe the court ordered that the county pay the expenses connected with the case and that Wesley go back to Lowgap, get him a job, save all the money he can during the summer and come back to court next October and pay into the Clerk's office all he had saved, this to be paid over to Lowe. And if the boy shows an honest effort to pay Lowe some damage then the court will take this into consideration as to what course will be pursued in the future. However His Honor stated that it was the intention of the court to see that Wesley makes an honest effort to pay some damage to Lowe from his savings during the next two or three years.

Two boys from Elkin, Wagoner and Palmer, who were caught with five gallons of liquor one night, finally secured a suspended sentence and paid a fine of \$75 each and the cost. When they told the court they did not know the man who sold them the liquor they backed up their statement by stating they could show the officers where the fellow lived. So His Honor held up the case while the boys went in company with Federal Officer Lovelace, of Elkin, and pointed out the place of their purchase. This act on the part of the boys impressed the Judge of their sincerity and saved them from a term on the roads.

The state failed to make out a case of homicide against Posey Whittington, and a compromise verdict was reached. He plead guilty to an assault with a deadly weapon and paid the cost in the action. Whittington was charged with killing his father-in-law, Cass Jester, on Easter Sunday night. An entire day was taken up in hearing witnesses in the case and when the evidence was closed the boy had developed a good case of self defense. As previously reported in these columns Jester was killed when he went to the home of Whittington, raised a fight in which Whittington struck the old man over the head with a shot gun, fracturing his skull from which he died in a few hours.

The defendant and his wife, the daughter of the deceased, were the only eye witnesses to the tragedy and the state was unable to make any dent in their statement of the circumstances. On Easter Sunday afternoon the Whittington boy and a son of Jester engaged in a difficulty, with no serious damage to either party, and when Jester heard of the affair that night he started for the home of his son-in-law with the announced intention of straightening things out. Trouble was anticipated so other members of the family went in pursuit of him but he arrived at Whittingtons' home and was struck his death blow before the party arrived to restrain him from engaging in the trouble.

The abandonment of the charge of murder against the young man met the hearty approval of the court. In addressing the members of the family who had become estranged by the trouble in their midst His Honor admonished them to put away any hatred that lingered in their hearts and that they should reach a reconciliation and be one family once more. As is the case in all instances where judgment is suspended the Whittington boy was placed under a bond of good behavior. In doing this the court spoke to the sons of the deceased—several bright, stalwart young men—that it was incumbent upon them not to provoke any trouble with Whittington just because he was under a good behavior bond and in this way cause him to break it. His Honor made it plain that any party who purposely engaged in a difficulty with a person under bond for good behavior, for the purpose of causing him to break his bond, would be dealt with most strenuously in his court.

One of the last cases to be disposed of by the court was that of John Surratt, of Mount Airy, who plead guilty to selling liquor. The Judge plainly stated that he believed Surratt was a bootlegger but the earnest plea of his attorney, J. H. Folger, caused His Honor to let him pay a fine. But before he agreed to do this all kinds of conditions were thrown around Surratt that he must obey to save himself from the roads. It was brought out in the evidence that he had been getting his liquor from the Bowmans over in Monkey Bottom and the court thought he should be stopped from associating with them, especially so as to the Bowman women as he had the reputation of running around with them. "Yes Your Honor," spoke the Solicitor, "I think myself its a splendid idea to separate him from that Bowman woman, for as the Holy Writ says, 'her steps take hold on hell.'" And Mr. Graves' quoting from the Scriptures brought forth an interesting discussion from the court as to whether he was quoting correctly. As a diversion from the strenuous duties of the court proceedings Solicitor Graves sent for a Bible and in a few minutes was reading from it to prove his quotation correct. He read from the fifth chapter of Proverbs, which is a portion of King Solomon's description of the harlot.

"My son, attend unto my wisdom, and bow thine ear to my understanding; That thou mayest regard discretion, and that thy lips may keep knowledge. For the lips of a strange woman drop as an honeycomb, and her mouth is smoother than oil; But her end is bitter as wormwood, sharp as a two edged sword. Her feet go down to death, her steps take hold on hell."

And so it was decided that Surratt was to cease his association with the Bowman women. This brought forth the suggestion from His Honor that it would be well for the defendant to

stop going to the home of any of the Bowmans of Monkey Bottom fame. Then it was that Solicitor Graves again precipitated another discussion when he quoted, "Yes, Your Honor, as King Solomon has wisely said, 'her house is the way to hell, going down to the chambers of death.'" And to prove the correctness of his quotation he read as follows from Proverbs, 7:24 to 27:

"Hearken unto me now, therefore, O ye children, and attend to the words of my mouth. Let not thine heart decline to her ways, go not astray in her paths: For she hath cast down many wounded; yea, many strong men have been slain by her. Her house is the way to hell, going down to the chambers of death."

The conclusion of all this discussion caused the court to require Surratt to pay a fine of \$125 and enter into a bond of \$300 that he is not to be found associating with any of the members of the Bowman family of Monkey Bottom, or found visiting their homes, and is not to be found handling liquor in any way, either drinking himself or selling it.

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35-MILE SPEED-LAW NOW IN OPERATION IN STATE

Becomes Effective May 1st—Interpretation of Regulations—New Features.

North Carolina's new automobile speed law went into effect May 1st, making it permissible for motorists to travel at a maximum speed of 35 miles an hour as opposed to the 20 miles an hour regulation heretofore in effect.

The Carolina Motor club has issued notice of the effectiveness of the new law to its members. Several changes in the old law are included in the new. One is to raise the state law speed limit through business sections of towns from 10 to 12 miles an hour, retaining the 20-mile limit in the residential sections.

"No section of the state highway shall be constituted a built-up residential section, whether within or without the corporate limits of a city or town, if there are not more than eight houses on either side of the road continuously for 1,000 feet," is the construction of C. W. Roberts, state secretary, of Greensboro. "Fifteen miles per hour is permitted while passing churches or schools—but this is only effective when people are leaving or entering the grounds. At all other times, 35 is permissible.

"When the driver's view is obstructed for 100 feet before he reaches intersection, and 200 feet on the intersecting road, he shall slow down to 15 miles. If he can view both roads as designated, he may travel the full 35 miles provided by law. Only 15 miles is permitted when the driver is traversing curves or corners of the road unless he can view the highway for 300 feet.

"Another interesting feature of the bill is the ruling against misuse of signal devices. Open muffler, cut-outs, exhaust whistles or horns are considered 'objectionable' devices. The law is more explicit and makes possible a complete understanding by all motorists. It is uniform with many other states and will save many motorists the fine being imposed by operators of so-called speed traps."

Statesville Daily Goes Under.

Statesville, May 2.—The doors of The Statesville Daily Sentinel were closed today upon petition of creditors and stockholders, and J. W. Sharpe has been named receiver. It has been understood for some time that the paper has been running behind financially. An inventory is expected to be made Monday for the purpose of determining the excess of its liabilities over its assets. The Sentinel has been issued as a daily for some time under the management of J. L. Caton, who came here from Knoxville, Tenn., about three years ago.

Hon. J. M. Hooker Named State Chairman.

Richmond, Va., April 27.—J. Murray Hooker, of Stuart, former congressman from the Fifth Virginia district, was named chairman of the state Democratic committee to succeed Harry Byrd resigned, to become a candidate for governor. Meeting here tonight the committee by unanimous vote named Mr. Hooker to head the Democratic forces in the old dominion.

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W. J. BYERLY DISCUSSES GRAND JURY REPORT Declares Many Facts in Their Report To Be Erroneous

Editor Mount Airy News:

Please allow me space in your paper in replying to the report of the committee appointed by the foreman of the Grand Jury at April term of Surry Superior Court on investigation of conditions of county home, jail and court house, the committee being composed of O. B. Webb, D. C. Deamer and F. E. Norman. The reported stated:

"1st. That there are 44 inmates in the home all housed in ten rooms." The foregoing statement is incorrect. There are 13 rooms in the main building and in two detached buildings. Three of the inmates occupy quarters in the rooms with the superintendent, Mr. Marion. Three are off on furloughs which leaves 38 inmates occupying 13 rooms. We admit that the home is crowded but as you know it takes money to build houses and we have no provision at this time by which to raise the money to erect additional quarters at the home. We did have it in mind, when we collect, using a part of the money Ex-Treasurer Flody Eldridge owes Surry County, which is about \$18,100.00. It is either this or levy a tax on the people for the erection of another building at the home.

"2nd. We find that some of the beds are wood." We admit this but the Board of Commissioners had instructed the superintendent, Mr. Marion, to replace the wooden beds with iron beds and Mr. Marion had gotten prices on these beds from merchants in Mount Airy and was investigating prices in Elkin—we wanted to buy them as cheaply as possible. Had the committee asked Mr. Marion about this they would have been informed but not a word did they say to him so he advises the writer.

"3rd. That quite a lot, if not all of the bed clothing appears to be practically worn out."

This is an incorrect statement. We have ample bed clothing, not worn out, but on the other hand in very good shape, a lot practically new and clean. Of course we have no silk bedding. Now we do use some old worn out bed quilts in the rooms in two of the detached buildings occupied by two men and we do this to protect the underneath bedding as the two old fellows are very untidy, sit up in their beds, chew tobacco and spit right in the middle of the bed. We have tried to break them of this filthy habit but you might as well try to reverse the current of the Yadkin river.

"4th. That some of the inmates upon close examination appear and are very dirty, especially in the heads." The writer went through before and after this report and I have always found the inmates as clean as physically possible to do so. I have failed to see anything on their heads.

"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."

Please compare paragraph four with paragraph five and note the inconsistency in the committee's statement.

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

This is a good suggestion and the Commissioners sent a plumber over to the jail a few months ago to make needed repairs and thought this had been done as there is a waste pipe leading out from under the jail for this purpose.

"2nd. That a new roof be put on building at once as we were informed by the jailer that the present one leaks in several places."

Answer—The roof on the old part of the jail does not leak, except in one small place, which occurred recently and can be fixed with very little cost. The roof on the new part of the jail is constructed of tin shingles and was put on at the time the new court house was finished, and is in good repair and consequently does not need

to be replaced. "3rd. That jail be regutted."

"In answer to this we beg to say that present gutting has about given out and new gutting is needed.

"4th. That the floor in jail, because of lack of ventilation, dampness and weight of cells has given away injuring partition in building and rendering it dangerous to the lives of the inmates."

In answer to this we beg to say that this is a mistaken opinion and I invite the public to be the judge. The walls of the jail are just as strong and secure as the day they were built. That is I mean to say that in our judgment they are perfectly secure. There is however one partition in a room on first floor of jail constructed of wood and plaster which is cracked in places and has slightly pulled from the brick wall to which it was anchored, but there is no weight on this partition, hence no importance attached to it, except it needs to be replastered.

Mr. W. A. York and I selected Mr. Geo. M. Sparger and Mr. P. H. Jessup to go with us and inspect the jail on May 4th and the above is our finding in the matter.

COURT HOUSE REPORT

Relative to the court house. The committee composed of Vestal Taylor, G. W. White and N. W. Dobbins report that the court house leaks. The Commissioners know nothing about this. It should have been reported to us and we would have attended to it. The committee further recommended that the black paint on parapet wall be removed or painted out—in other words the black mousing on the top of the court house be removed. We all agree that this should be done and in this connection let me say that the Board of Commissioners had Mr. A. E. Lantzby, of Salisbury, N. C., to go on top of court house last summer and advise us the best plan to remove the black paint and be reported to us that the only way would be to take down the parapet and rebuild it with new brick which would cost from \$7,000 to \$8,000. The Commissioners did not feel that the county was in financial condition to make this outlay of money at that time and no provision for it now, unless the Commissioners levy a tax sufficient to do the work. If the people of Surry County feel as I do about this matter we would ask the Board of Commissioners who put that black tar paint on the top of the court house to remove it at their own expense. However sooner or later these black painted walls will have to be removed and the tax payers of Surry County will bear the burden.

In justice to the Board of Commissioners and the public I beg to make the above statement.

W. J. BYERLY, Chairman, Board of County Commissioners.

JIMISON ON LECTURE TOUR IN FLORIDA

Campaigning For Good Roads and Other Improvements.

Spencer, April 29.—Tom P. Jimison, who makes his home in Spencer, and who is soon to start a new weekly paper in Charlotte to be named Jimison's Free Lance, is lecturing in Florida this week in the interest of good roads. He was invited to that state by a booster organization, which had learned of Mr. Jimison's ability as a campaigner.

The former minister is stamping a part of Florida preaching the gospel of good roads, good schools, improved labor conditions and other movements for the betterment of humanity. Mr. Jimison expects to return to North Carolina in a short time and launch his paper which is eagerly looked for by a large number of people, and copy for the first issue of which has already been prepared.

Regrets She is charming—she is sweet—She is wealthy—quite pretty—But I much regret to say She was married just last May—Not to me.