

# The Mount Airy News.

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## Law Suit to Break Tobacco Co-operative Association Fails

### Judge Calvert Finds No Proof of Insolvency of Association—Person Notes Appeal

Raleigh, Feb. 5.—The suit seeking the dissolution of the Tri-State Tobacco association, which operates in Virginia and the Carolinas, and the appointment of a receiver, was dismissed in superior court here late today by Judge Thomas H. Calvert. An appeal was noted to the ruling.

There was no proof of fraud or of insolvency, Judge Calvert said, at the conclusion of the five and a half hour hearing, and the matter of management and the policies of the association, he said, was an eternal affair, to be remedied by the members from within. He had no comment to make upon the efficiency or inefficiency of the management.

Col. W. M. Person, of Franklin, who as a member of the association, brought the suit, announced after the case was dismissed that he would seek to bring a case against the association before a jury in civil court in his home county.

Features of the hearing included Colonel Person's attack upon Aaron Sapiro, of Chicago and California, general counsel for the association, who, he insisted, should not be allowed to appear in the case; Judge Calvert's ruling, later in the day, that Mr. Sapiro might not appear in the case, and the motion of defense counsel during the afternoon to dismiss the case on the ground that Mr. Person, a member of the association, had not complied with the terms of his contract with the association, and therefore was coming "into court with unclean hands." This motion was overruled and an exception noted.

### Complaint in Franklin

The complaint was filed in Franklin county superior court by Mr. Person some time ago, and Judge M. V. Barhill at that time ordered the association to appear here today before Judge Calvert to show cause why it should not be dissolved and a receiver appointed. The answer to the complaint was filed today and read in court, the reading occupying several hours. The answer presents a lengthy denial of all allegations of fraud and extravagance, undertakes to explain many of the actions of the directors of the association, which are admitted, and finally makes the declaration that Mr. Person has made many misstatements in his complaint which he could have verified from records of the association, which the answer contends have always been open for inspection.

It alleges that the complainant has made no effort to effect changes in the management of the policies of the organization, and that he has violated the terms of his contract as a member of the association by failing and refusing to dispose of all of his tobacco through the association.

Mr. Person's objection to the appearance of Mr. Sapiro occurred early in the afternoon, but Judge Calvert at the time reserved his ruling. Colonel Person declared, in voicing his objection, that Mr. Sapiro was not "here to defend the association, but to defend himself. He is involved in the accusations of the graft which this complaint bristles with." Judge Calvert's ruling was to the effect that "it would be straining equity" to allow the Chicago attorney to appear in North Carolina courts as a general counsel.

### Extravagance Alleged

Colonel Person, in addressing the court, emphasized the re-drying policy of the association, the "extravagant attorneys' fees paid," and the high salaries he said officers and directors of the association were paid. His complaint called for a statement of attorneys' fees, a list of the directors of the association since its organization in 1922, and other information. This information has since been filed in Franklin superior court, and was today read into the record.

The statement showed approximately \$250,000 paid by the association during the three years for attorneys' fees and legal expenses.

### Cause for Discontent

"Your boy Josh seems a trifle discontented," "Yes," replied Farmer Cornsloss. "He doesn't think he's had a fair chance for his talents. I don't s'pose Josh'll ever forgive me for being a farmer instead of a moving picture manager."

### Chase Called To Head Oregon University

Chapel Hill, Feb. 4.—Dr. Harry W. Chase, president of the University of North Carolina, has been informally tendered the presidency of the University of Oregon, it was learned here today. Dr. Chase left Chapel Hill last night for Oregon, and his departure gave rise to rumors that were verified today.

Dr. Chase has gone to Oregon to consider the offer with a first hand view. He has been invited to get better acquainted with the western institution, at its expense, and with the distinct understanding that he will be under no obligation to accept the offer.

The University president has guarded his approaching trip with close secrecy. He was trying to co-operate with the Oregon University authorities who had requested him to consider the negotiations as strictly confidential. At the recent meeting of the executive committee of the trustees he informed them of his intended trip and requested silence. Several days ago he called in a group of his faculty advisors, told them of his plans, asked for their advice, and again requested that the matter be considered confidential.

The leak followed close on the trail of his departure last night, however and by this morning the story was public property.

### Miss Cole's Letter to be Read in Court

Raleigh, Jan. 27.—Miss Elizabeth Cole's letter to Bill Ormond will be read in the civil suit for \$150,000 damages, according to Rev. A. L. Ormond, administrator of Bill Ormond.

The Ormond reply to the Cole statement of several weeks ago was filed in Wake court today. In it Mr. Ormond asks that all reference to the murder trial be eliminated because it has no legal bearing on the civil action. The minister declares that extracts from Bill Ormond's letters as well as those of Bill Cole, are garbled and do not betray the exact contents. The minister characterizes the narrative of them as given by Red Bynum, "foolish" and calls the Cole testimony in parts "blasphemous."

It is recalled here now that Mr. Ormond once seriously contemplated going on the stand to contradict Fred Bynum, but the minister did not testify. The Ormond final statement in Wake superior court clerk's office today contains several thousand words. In the first paragraph he charges that the Cole answer does not contain a correct or true copy of the "slander letter." The answer takes a healthy dig at Mr. Bynum for his protestations of friendship for the Ormonds and says Bill Ormond steadfastly refused to admit that his letter was untrue.

The case starting in Wake will be tried here, perhaps some time this year.

### Rules of the Road for Aircraft

New York, Feb. 2.—Rules of the road for aircraft have been adopted.

Balloons receive the right of way in the air over airplanes and dirigibles. The balloon corresponds in the air to a sailing vessel on the sea. Dirigibles, like auxiliary water craft, have the right of way over airplanes, which correspond to steam craft.

Aircraft meeting head-on shall pass to the right. An overtaking craft shall pass to the right also.

"Dangerous proximity" when approaching is set at 1,500 feet. A test for "night blindness" is included in rules for medical examination, and aviators are required to have a "good family history."

The code, announced yesterday by the Aeronautic Safety Code Section Committee and the American Engineering Standards Committee, was five years in the making. It is the work of fifty experts representing twenty organizations. It also covers regulations for the manufacture of aircraft. It sponsors are the United States Bureau of Standards and the Society of Automotive Engineers.

Applied nationally, it would do away with State legislation, such as is proposed in the Nicol Bill in Albany.

### THE EXPERT

Housewife.—Why didn't you fix my electric door bell, as you promised?  
Electrician.—I went to your house, ma'am, and rang three times and no one answered.

### WOMAN POSES AS MAN, IS ARRESTED

Husband Easily Obtained Divorce When Facts Became Known

Dobson, Feb. 4.—How a woman dressed in male attire spent a night in Surry county jail with her two male companions, how she fooled a Franklin township magistrate who sentenced her under the name of Jim Reese, how she fooled Constable Floyd Mayas, who arrested her and her companions for breaking into Blevins store on the Lowgap road and how she fooled two lawyers came to light in superior court here Wednesday when the woman's husband, W. A. Pruett, secured an absolute divorce decree on the grounds of infidelity.

The petition named one Major Hodge as the co-respondent. But for the coming to the jail the next day of a woman who happened to know Lela Alderman Pruett, Jailer Trick Hutchens might have entertained his innocent guest for many days without suspecting anything wrong or it is possible that she might have continued indefinitely in her assumed role. She was brought to the jail in company with Lonnie and Luke Hodges, all of them being charged with breaking into the store on Fish river. But the strangest part of the whole affair was the woman's success in fooling a Franklin county magistrate, who committed her to superior court for a hearing under the name of Jim Reese and who didn't once suspect that she was a woman.

The woman had had her hair cut man-fashion and she wore a jaunty suit of clothes in such a natural manner that it was easy for her to practice the deception. It was only after the unknown woman came to the jail the next day to see some of the other occupants and identified Mrs. Pruett that she admitted she was a woman when Jailer Hutchens threatened to summon a local physician to pass upon her sex.

Attorney Fred Folger was the plaintiff's attorney in the divorce suit and it was no trouble to secure the absolute decree. Only three witnesses were examined. One of these told of seeing Pruett's wife and Major Hodges at an all-night camping spot in the woods. The couple were married at Hillsville on December 1, 1923, and lived together until March 4, 1924. Pruett is a native Tar-Heel but his wife, whose maiden name was Alderman, was born and reared in Carroll county, Va.

In the male impersonation role Mrs. Pruett fooled two local lawyers, A. D. Folger and W. M. Jackson whom the trio of supposed men employed to defend them in the store breaking case. Lonnie Hodges got two years on the county roads for his part in the affair and Luke Hodges was given a four year penitentiary term.

Mrs. Pruett, whose identity as a woman had become known by the time of the superior court trial, was given a suspended sentence of 12 months on condition that she leave the state never to return. But she couldn't stay away from her friends in Surry county and she was picked up by officers last June and lodged in jail to serve out the term imposed. She is said to be 23 years old, is a woman of average appearance and her height and compact figure enabled her to carry out the impersonation with greater safety than she could otherwise have done.

### Honor Roll for Ball Knob School

#### Fourth Month

First Grade—Ted Venable, Ben Venable, Edward Hutchens, Margie Powell, Alma Watson.

Third Grade—Elbert Watson.  
Fourth Grade—Ida Mae Taylor, Lela Venable, Lucille Venable, Lillie Dollyhigh, Belle Powell, Wade Venable, Chester F. Simpson.

Fifth Grade—Claudine Hanks, Zella Irene Venable, Howard Sawyers.  
Sixth Grade—Raymond Simpson.  
Seventh Grade—Lela Watson.

#### Third Month

First Grade—Ben Venable, Edward Hutchens, Wade Atkins.  
Third Grade—Otis Johnson, Elbert Watson.

Fourth Grade—Lucille Venable, Wade Venable.  
Fifth Grade—Beulah Atkins, Robert Johnson.

Sixth Grade—Raymond Simpson.

### DANGEROUS DELAY

Never put off until tomorrow something that may be done without breaking the law today.

### VIRGINIA WANTS ROADS TO MEET

Asks State To Link Up With Virginia Highways; No Comment by Page

Richmond, Va., Feb. 5.—The State of North Carolina was today memorialized by Virginia, in a joint resolution passed by the Virginia General Assembly, to construct hard-surfaced roads to meet those constructed by Virginia to the State line.

Quoting a resolution passed by the North Carolina General Assembly in 1921, which memorialized Virginia to meet certain roads to be constructed to the Virginia line, the resolution declares that Virginia has done its share, and calls upon North Carolina to complete its part of the contract during the present roadbuilding campaign.

Virginia has fulfilled its share of the agreement, the resolution says, by constructing the hard-surfaced road from Deep Creek to the North Carolina line and from Franklin to the State line; and this State would have constructed a third road but for the fact that it could not be constructed until the toll was removed from Goode's Ferry, the resolution recites.

Frank Page, chairman of the North Carolina State Highway Commission, when told by the Associated Press of the resolution adopted by the Virginia General Assembly memorializing North Carolina to construct hard surfaced roads to the Virginia line to meet those constructed by Virginia, said:

"I have no comment to make and don't know anything about it."

### Former Mount Airy Boy Dead

"The Columbia States" Feb. 1.

"Funeral services for Robert H. Newton of Killian, S. C., World war veteran, who died at the Baptist hospital early Friday, were held at Pisgah Methodist church yesterday afternoon and were in charge of the pastor, the Rev. Mr. Tucker. Interment was in the churchyard.

"The funeral was carried out along military lines. A squad of eight soldiers, under the command of Lieut. John M. Cantey, Jr., of the regimental headquarters company, One Hundred and Eighteenth infantry, South Carolina National Guard, fired a volley over the grave and a bugler from the New Brooklyn National Guard company sounded taps at the finish of the military ceremony at the grave. At the conclusion of the service at the grave a group of klansmen appeared and conducted ritualistic ceremonies over the dead.

"Representatives were present at the funeral services from the Richmond post of the American Legion and from other military organizations of the county.

Mr. Newton had been in the hospital for only ten days but had been in bad health for about a year. During the World War Mr. Newton served with the Eighty-first division. He was 31 years of age and a young man of many pleasing qualities. He leaves many friends to mourn his passing.

"He is survived by his widow, who before marriage was Miss Annie Dinkins of Killian; four small children; his parents, Mr. and Mrs. R. H. Newton; three sisters, Mrs. Bethea of Winston-Salem, N. C., Mrs. Robert J. Murphy of Tomahawk, N. C., and Mrs. E. A. Aiken, of Wilmington, N. C., and by one brother, William F. Newton of Wilmington, N. C."

Mr. Newton will be remembered as a son of R. H. Newton, of Johnson City, Tenn., formerly of Mount Airy.—Ed.

### Recognize Heroism of Two Tar Heels

Pittsburgh, Pa., Jan. 27.—The heroism of two North Carolinians was today officially recognized by the Carnegie Hero Fund Commission, meeting here. To one a bronze medal was awarded; the other lost his life in the heroic action which the commission recognized today, and the medal was awarded his widow, with death benefits at the rate of \$65 per month, and \$6 a month on account of each of the three children.

E. Rudolph Lane lived to know that his heroism was recognized; the man who gave his life in attempting to save that of another was H. Bunyan Thomas. His widow lives on route No. 2, Unionville.

Thomas, aged 33, a farmer died in an attempt to save J. Thomas Terry, another farmer, from suffocation at Monroe on September 9, last. Lane a seventeen-year-old student, saved another student, L. Altheus Mayo, 16, from drowning.

### NORTH BURIED UNDER A HEAVY SNOW BLANKET

Will Cost New York at Least a Million Dollars to "Dig Out;" Shipping Traffic Paralyzed By Storm

New York, Feb. 5.—Northeastern United States today was struggling to free itself from the most severe snowstorm of the winter that lasted fully 24 hours and caused 32 deaths.

Eight were killed in a building collapse under the weight of snow at New Britain, Conn., and eight perished at sea. There were other deaths in various cities. Trains were hours late, and commuting service was disrupted in New York, Boston and Philadelphia.

Wire communication was interrupted.

Five ships were in distress at sea. Three thousand passengers were on boats plying between New York and New England points when the vessels had to anchor in Long Island sound near New York.

### Two Feet Deep

The storm spread a snow blanket varying from a few inches to two feet. Wind driven, it formed a blockade over the country highways through Pennsylvania, New York, New Jersey and New England.

The gale swirled out to sea late yesterday toward the Grand Banks and the ship lanes.

At the lowest estimate it will cost New York \$1,000,000 to dig out of the storm. Twenty thousand workmen are trying to keep the main streets passable.

Five persons died in the storm in New York city. Schools were suspended in the afternoon.

### Air Mail Halted

Air mail service between New York and Chicago was halted.

Only two of five passenger vessels due to dock in New York dared enter. Tons of ice in the Hudson river jammed against the liner Orduna and kept her from docking until the tide turned.

Boston was paralyzed even more than New York. Public buildings, including the state house, were thrown open to commuters forced to stay in the city.

### Prisoner Refuses Offered Parole

Raleigh, Jan. 28.—H. Hoyle Sink, Commissioner of Pardons, yesterday had a unique experience when H. A. Boyd, an inmate of the State's Prison, refused to accept a parole granted by Governor A. W. McLean.

"I wish to thank you for the favorable action in my case but after thoughtful consideration I have decided to pay my debt to the State of North Carolina in full," wrote young Boyd.

Boyd, a youthful traveling representative for a well-known chain of stores, lives in Norfolk where he is a member of a highly regarded family. Boyd, himself, had always borne an excellent reputation until he ran over a small child in Wilmington with his automobile, was convicted of manslaughter and sentenced to two years in the State's Prison.

The parole was recommended by United States Senator Claude A. Swanson and other prominent Virginians.

The prisoner's sentence will expire in February.

### Sink Says Capital Punishment Necessary

Asheville, Feb. 3.—Addressing members of the Asheville Prison Reform association, and a large group of interested citizens at the home of Mrs. Charles Malcolm Platt here tonight, Pardon Commissioner H. Hoyle Sink, announced flatly to the organization that he would in no wise aid any movement in North Carolina which had for its object the abolishment of capital punishment.

He declared that it is necessary to the civilization of the state in its present era, declaring that it is impractical to expect that the lessening of the punishment will lessen the crime.

On the other hand, he looks upon the death chair as a decided deterrent. Although the subject of his address had not been kept in the dark, the frankness with which the pardon commissioner stated his views to what he knew was a decidedly hostile gathering caused considerable surprise.

### The Next Job

If the scientists succeed in conquering static, they should be encouraged to eliminate the patron of the picture show who reads the titles aloud.

### NEGRO GETS DEATH IN QUICK TRIAL

Lexington, Ky., Streets Dotted With Machine Gun Nests After Mob Action Threats

Lexington, Ky., Feb. 2.—A middle aged, very black negro was hurried by a squad of soldiers into the Fayette County Circuit Court room here today.

Seventeen minutes later Ed Harris, alias John Henry Jones, farm hand, had pleaded guilty, had been sentenced to death, had been rushed to an automobile surrounded with troops and started on a wild race to Frankfort, the State capital. There for safe keeping he was placed in a dungeon at the Kentucky Reformatory. He will be hanged in the county jail yard here March 5.

Nearly a thousand soldiers were on guard over the city and much of the country. Thirty-seven millimetre guns, whippet tanks and gas bombs were added to the ordinary field equipment. It is the widespread belief that only the certainty that the soldiers would shoot prevented an attempt by a mob to lynch Harris.

### Mob Action Threatened

Threats of mob action had been current ever since Harris killed Clarence W. Bryant and his two children, Ethel, a girl of eight, and Wilburn, a boy of five, and shot and assaulted the wife and mother, Mrs. Mary Margaret Bryant, two weeks ago tonight.

A mob of a thousand men was reported to have formed the night after he was captured.

Precautions to safeguard Harris's trial was more elaborate than ever known before in Kentucky, for it was six years ago this month that Will Lockett, negro, attacked and killed a little girl. He was captured and while help a prisoner for his trial in the same court room where Ed Harris heard his doom pronounced, a mob stormed the forty-one militiamen on duty about the court house. The soldiers opened fire, killed several men and wounded many others. As a warning to the mob spirit, which was rampant in various sections, according to reports reaching the city, announcement was made three days ago of what would happen to a mob if an attempt were made to lynch Harris.

The unprecedented precautions had their effect. No semblance of a mob was heard of today. Heavily armed patrols scouted the surrounding country, soldiers with telescopes were on top an eighteen-story building scanning the landscape.

### City Closed for Trial

No persons were allowed to enter the city from any direction during the trial. No one seems to have tried to. No reports came in of any crowds waiting at the patrol border lines to dash into the city. It was quiet as a Sunday morning, save that whippet tanks and machine-gun nests dotted the business section of the city and soldiers were on guard, many of them provided with gas bombs as well as rifles and bullet cartridges.

There was no grandstand play about the entire situation, although 500 soldiers might have protected Harris and the city. On orders of the Governor, Adjutant Gen. Kehoe called out practically the entire strength of the State's cavalry, infantry and artillery to repulse any attempt to override the law.

It was a foregone conclusion that Harris would be convicted. He was given the death sentence on a charge of rape. Rape is the one crime punishable under Kentucky law by hanging in the county jail yard in the county where it is committed.

While the trial set a record for brevity, it was conducted with the strictest formality.

### Gasoline Prices Start Back on Upward Road

New York, Feb. 3.—The pendulum of gasoline prices, which swung downward from August to November last year, and then started upward again, began to climb higher today when the Sinclair Refining company announced an increase of one-half a cent a gallon in railroad tank car lots at New York, Philadelphia and all Atlantic coast terminals. The new tank car price is 12 cents a gallon.

The announcement came within a few hours of an advance of 25 cents a barrel in mid-continent crude by the Sinclair Crude Oil Purchasing company, in which several other companies joined later in the day. Higher crude prices were regarded as inevitable because of the premiums being paid in the mid-continent field by purchasers in need of oil and the steady decrease in crude production during the last few months.