

## Jim Towe's Evidence Places Death of Morgan Edwards on Frank McCraw

### Carroll Officer Fighting For Freedom Adds New Light to the Killing

It is now claimed that Frank McCraw gave Morgan Edwards his fatal wounds as Edwards was about to shoot Billie McCraw, wounded and lying prone on his back.

In the court room of Grayson County, located at Independence, sit nine lawyers who are battling for the life of a deputy sheriff of Carroll County, Jim Towe. Five of the lawyers, led by John Folger, of Mount Airy, are fighting every inch of the ground to free their client from the charge of murder, and four equally able attorneys are asking a jury of Grayson County stalwart citizens for a first degree murder verdict. Presiding over the proceedings is Judge Horace Sutherland, grandson of that venerable citizen of Carroll County, the late Capt. Sutherland, who was clerk of Carroll's court for over thirty years. Very few spectators are to be found in the court room during the long days that are dragging by as the trial proceeds toward its end. To one walking into the court room they would be struck with the quiet demeanor of all who are taking part in the momentous question at stake. Rather would one think that it was some technical question of law in equity that was being calmly and philosophically considered rather than an effort the result of which means freedom or punishment for a citizen and officer of Carroll County.

Several months ago Jim Towe and Billie McCraw, in company with McCraw's two younger brothers, Henry and Frank McCraw, met Morgan Edwards near the Wards Gap road ten miles north of this city when an encounter of some sort took place between them and Edwards resulting in Edwards receiving eight or ten pistol bullet wounds which proved almost instant death to him. Towe and McCraw were officers under Sheriff Jett, of Carroll County, and immediately following the shooting declared that they acted in self defense, and claiming Edwards had demanded that they free a prisoner friend that they had under custody, the result of which brought about the shooting which was fatal to Edwards. Two of the officers, Jim Towe and Billie McCraw, were indicted in Hillsville court some weeks ago and their case moved to Grayson County for trial, the defendants contending that they could not get a fair trial in their home county. The cases came up for trial last Wednesday when they were separated and the commonwealth elected to try Towe first. All the first day was practically consumed in securing a jury.

#### Both Sides Satisfied With Jury

As this term of court ends Saturday the case of McCraw was continued until the January court. The jury that will pass upon the guilt or innocence of Towe is composed of a fine body of men, intelligent, and robust farmers of the rolling hills of Grayson County. There are a few men who show a sprinkle of gray in their heads but the majority are men of middle age, active in life and all show a keen interest in every part of the proceedings. Both sides are highly pleased with the jury and any verdict they may render could not be questioned with propriety.

The officials of the court are courteous and alert and appear to be efficient in every way. The county is nominally Republican by a substantial majority but the last election saw a turn-over in the office of Sheriff and the Democratic nominee secured the election over his opponent. The clerk of the court is still held by a Republican, but some one remarked that he was really so nice and accommodating that he ought to be a Democrat.

#### Witnesses Not Allowed to Hear Evidence.

More than a hundred witnesses from the country below the mountains are attending the court as witnesses. Many of them are there in covered trucks and camp out. At first they were able to enjoy themselves to an extent by the outing but the thing is growing old to them and

they are becoming restless and want to get back to their own fireside. One thing that tends to make the time more burdensome to them is the fact that witnesses are not allowed to enter the court room and listen to the proceedings until after they have been called and testified. This is a procedure that we are told can be invoked in our courts of North Carolina, but is rarely done, although in the courts of Virginia it is often the custom for a motion to be made to separate the witnesses, as the term is expressed. This barring of the witnesses from the court room gives them very little to occupy their time in a town of only a couple hundred inhabitants.

#### Grayson Has a Good Court House.

To one who has attended the courts of Surry County the proceedings in a Virginia circuit court appear to be a little odd in many instances. The court house of Grayson is a fine and imposing looking building for the county, was erected in 1908, built of pressed brick, manufactured by hand in the fields nearby. The architecture is of the ancient Gothic style, the building being adorned with tall towers, capped with spires at each corner. It is located in the center of an elevated square plot of land, and nestles down between the grazing hills of that country. The first floor of the building is occupied by the county officials, and a steel spiral stairway up both front towers permits entrance to the court room on the second floor. Here is a room with a capacity perhaps equal to that of the Dobson court house, although the floor is level and the bar takes up about one-third of the space. The room is well lighted, having 18 large windows on its four sides and is heated by four stoves, although Judge Sutherland told The News representative that he had persuaded the county to install steam heat before winter sets in.

All those interested in the trial of the case are permitted seats within the railing which separates the bar from the court room proper. The bar is elevated about a foot from the main floor level and in it are two tables, one for the commonwealth and one for the defendant's attorneys. The tables set at an angle toward each other and the chair in which the witness sits is between them and facing the Judge, who sits behind his bench directly in front of the attorneys and the witness. In front of the Judge's bar and not more than six feet from the attorneys and witness and on the same floor level sit the 12 men who must pass upon the fate of the man at trial. They sit in swinging pedestal chairs. A chair is placed in front of the witness for the attorney to occupy who is conducting the examination of the witness. All the parties to the proceedings, including lawyers, jury, Judge and court officials, being so closely, yet comfortably situated, makes the conduct of the case appear more easy and leisurely for both sides.

#### Virginia Jury Imposes the Sentence Also.

In deciding the case the Virginia jury is empowered both with the innocence or guilt of the defendant and also the amount of punishment he shall receive. In our courts the Judge imposes the length of time to be served in Virginia this question is left to the jury. The court has no stenographer to take down the proceedings as is done in our Superior Court at Dobson, but each side must make its own record of the testimony that is placed before the jury. The News had hoped to print the stenographic report of a considerable amount of the testimony that was introduced but was foiled in its purpose when it was learned that no such matter was obtainable. The defendant however has a stenographer present taking

down the evidence for its own private benefit but this is not available to any one else.

#### Some of Ancient Forms Still Retained.

The sheriff of the county is alert and active in the conduct of the court and is stern in seeing that order is maintained, although he is not quite as severe as he might appear from the proclamation that he heralds forth at the convening of the court, when in ancient form and style, and at the command of the Judge, he steps forth and speaks as follows: "Oh yes! Oh yes! Silence is commanded in the court house under the penalty of death while the Honorable Judge of this Circuit Court is sitting. All who have suits to prosecute come forward and they shall be heard. God save the Commonwealth!" This form of the North Carolina Courts has been considerably modified from the old and ancient English form and is something like the following: "Oh yes! Oh yes! This honorable court is now about to resume sitting for the dispatch of business. God save the state and this honorable court!"

#### All Being Searched For Weapons.

Remembering the fateful March day at Hillsville, more than 12 years ago, the court is having officers search every one before entering the court room. At the top of the spiral stairway can always be seen several men sitting around and to a stranger he would suspect nothing to happen as he started by them and through the door into the court room, but as one passes by two of the men quickly and suddenly arise from their seats close by and before one knows what is taking place each one starts at the shoulders and make a sweep down the body and through the clothes in search of weapons. It is all done so quickly and quietly that an unsuspecting person is left in a quandary as to what was meant until the officers make an explanation after they have satisfied themselves that you are not armed. And to the credit of the hundred or more witnesses and others from Carroll County not a single weapon was found on any of them. One fellow who lived near Independence, got caught with a pistol the first day of court and was immediately carried over to the jail and there he rested until the Judge could find time to consider his case. He was finally allowed to pay a fine of \$20 and forfeit his pistol. As the crowd was milling itself up the stairway one morning, another fellow about middle way of it, who was carrying a big gun on his hip, in some manner caught on to what was taking place at the head of the steps and he immediately let the gun slide down his pant leg, past his shoe and on to the stair step where he left it and went on. It is said the officers had an idea as to who dropped it but they let the matter go by when they saw that the fellow had learned his lesson.

The commonwealth began introducing evidence Wednesday afternoon and closed its case Monday at noon, when Attorney John Folger immediately called Jim Towe to the stand to tell his side of the shooting.

#### Doctor Says Edwards Met Instant Death.

In the introduction of its evidence the prosecution endeavored to show that the killing of Morgan Edwards was done in cold blood, following many months of ill feeling between Edwards and Towe and the McCraws. Dr. C. B. Nichols, the coroner, who held the inquest over the body testified as to the wounds that he received, stating that he had eight and possibly nine wounds from pistol bullets in his body. The prosecution is laying much stress on that part of the doctor's evidence which states that one of the bullets entered the back of his neck, ranged down through his chest, cutting the pulmonary artery about one inch from the heart, which would have caused instant death, as it is said that for one to receive a wound of this nature that close to the heart would cause the heart to stop beating within two or three beats. This evidence was contradictory to public statements of the defendants that Edwards had traveled several yards down the hill after the shooting had ended. To all who heard the evidence of the doctor it was realized that it rested

upon the defendants to show to a satisfactory degree how it became necessary for them to inflict so many fatal wounds to the body of Edwards when they claimed they were shooting in self defense and not from anger and hatred and malice. And when Jim Towe went on the stand this question was one of the most momentous that faced him.

#### Minister Describes Finding of Body.

Rev. C. D. Crouch testified to the position of the body as he was the first one to reach it after the shooting. He was doing some work on the Moravian property near by on that afternoon and following the shooting the officers, who were also wounded, met him in the road, about a mile this side of the place, and asked that he go up and tend to Morgan's wounds. They told Mr. Crouch that Morgan was also wounded, claiming that they did not know that he was dead. Mr. Crouch found him lying face downward about 30 yards down the hill from where the shooting is said to have first started. By his side was a pistol with four empty cartridges in it. A whiskey flask was protruding about half way out of his pocket with about an inch depth of whiskey in it, and also lying by his side a pair of knucks. Although Mr. Crouch was a witness of the prosecution the defendant is using the discovery of the weapons and whiskey to set up the claim that Edwards was drinking, was armed and out hunting for trouble and had brought his pistol into use, while friends of Edwards claim that all these articles were placed there by the officers as manufactured evidence. But Mr. Crouch was testifying only to what he had seen on his first arrival on the scene, and not as to any theory. He also testified as to the wounds received by the officers and his work in giving them first relief. He stated that they appeared to be sober and not to be drinking, as both men turned desperately sick following the wounds they received in their arms and hands, and vomited freely, and during the time he did not observe any smell of whiskey.

#### Two Claim to Have Seen All the Shooting.

The prosecution brought forward two witnesses of that neighborhood who claim to have seen all that transpired. One was Sam Dawson, whom the officers had under arrest at the time the shooting started, and another was Tom Harrold, also of that neighborhood. If the prosecution is able to corroborate their evidence it doubtless will prove most damaging to the defendant, but many character witnesses are in attendance at the court, and it is said that the defense expects to make the testimony of these two witnesses prove futile by showing the character of the men and also discrepancies in their testimony. Both testified to practically the same facts, about as follows: Edwards met the officers in the path, and told them not to come on his land, (they were then on Edwards' land). Almost immediately then McCraw shot Edwards in the breast and Towe also began shooting and Edwards dropped dead almost in his tracks. Harrold said he was in the road when he saw it (Continued to last page.)

## What's Happening at Dobson

By HENRY HAMPTON

Dobson, Oct. 11.—Marriage license issued at the register of death office during the past week is as follows: H. R. Jordan, Elkin, to Mary Cross, Sparks. P. F. Hanes, State Road to Mildred Harris, Elkin. C. H. Haynes, clerk of Surry County will meet the taxpayers of Dobson township at Dobson on Oct. 15, for the purpose of collecting the 1926 taxes and all back taxes. On all 1926 taxes paid in the month of October, a discount of one per cent. will be allowed. All back taxes must be paid now.

Mrs. Robt. H. McNeill, of Washington, D. C., and Mrs. Thomas and Mrs. Gray, of Statesville, were guests at the home of Mr. and Mrs. W. H. Hampton last Tuesday.

The Women's Missionary Society of the Methodist Church held its regular monthly inspirational meeting Tuesday evening with Mrs. A. J. Bowling at the parsonage. Mrs. Bowling presided and also conducted the devotional. Following the reading of the scripture lesson Rev. Mr. Bowling led in prayer. The study topic was "To what extent does the responsibility of the church include the untouchable area of negro life?" Mrs. T. J. Folger led the discussion. Others taking part in the discussion were Mrs. R. C. Freeman Sr., Mrs. A. J. Bowling, Mrs. E. C. Freeman, Jr., Mrs. Stella Folger. Following the business session a social hour was enjoyed at which time the hostess assisted by Mrs. Stella Folger served delicious refreshments. The next meeting will be held with Mrs. N. J. Reid. Thirteen members were present at the meeting.

Mr. and Mrs. Manley Lewellyn and small daughter, Anne Spencer, of Concord, spent the week end with Mr. Lewellyn's mother, Mrs. R. J. Lewellyn.

The Junior Missionary Society of the Methodist Church held its monthly meeting Saturday afternoon with Miss Josie Stanley. The president, Myrtle Hemmings, presided. Kathryn Folger conducted the devotional. The study topic was "Mission Work in Brazil." Interesting papers were read by Kathryn Folger, Josie Stanley, Maggie Harkrader, Myrtle Hemmings, Lucile Freeman and Viola Snow. A piano solo "In a Moonlit Garden" was rendered by Miss Lucile Freeman. The next meeting will be held with Miss Viola Snow. At the conclusion of the program the hostess assisted by Miss Viola Snow served delicious refreshments.

Miss Rev. Wayne, of Pamplin, Va., is a guest for a few days with Miss Emma Comer.

Claude B. Wolts, attorney, of Gastonia, spent the week end here among relatives.

Mr. and Mrs. Walter Folger, Missen Rachel Freeman and Clara Freeman, of Greensboro, were week end guests among relatives here.

Mrs. W. L. Recco, Mrs. W. W. Hampton and Miss Edith Recco spent Wednesday and Thursday with Mr. and Mrs. C. E. Mock and other relatives at Winston-Salem. While there they attended the Forsyth County Fair.

Funeral services for T. E. Snow, 76, prominent farmer, who died Tuesday at his home near Copeland, following an illness extending over a period of several months, were conducted Wednesday at 2 o'clock from the Double Creek Christian Church, by the pastor, Rev. E. A. Helanbeck, assisted by Rev. Mr. Saunders of Rural Hall. Interment was made in the church cemetery. Mr. Snow was a successful farmer and a popular citizen. For 35 years he has been a devoted member of the Double Creek Christian Church and a regular attendant on its ordinances as long as his strength permitted. He was a member of the Junior Order, Council No. 101 of Copeland. Burial services were attended with Junior Order rites. Besides his wife, he leaves two daughters, Mrs. Ada Hancock, Lee County;

Mrs. Mary Cox, Surry County, and daughter, Beulah Cox, provided him in their several years ago. Patsy Cox, Winston-Salem, Belmont; W. E. and K. E. Snow, Rockford; Grayson Snow, Raleigh; Five sisters, Mrs. J. C. Stanley and Mrs. Fannie Cox, Rockford; Mrs. J. F. Norton, Mount Airy; Mrs. Beulah McCarty, Asheville; Mrs. Nellie Snow, Washington; One brother, E. F. Snow, Rockford. The funeral services were largely attended. The burial tributes were many and beautiful. Nelson and Moody, undertakers of Mount Airy assisted with the burial services.

Misses Jennie and Ada Edmondson, of High Point, arrived here Saturday for a short stay with their parents, Mr. and Mrs. George Edmondson.

Mr. H. E. White, Surry County Farm Agent, and H. C. Hampton guest last Friday at Sparta, where Mr. White and Mr. H. Turner, county farm agent of Ashe County, served as official judges of the farm and live stock exhibits for the Alleghany County Agricultural Fair which opened there Friday and continued through Saturday, with a record breaking attendance. The exhibits covered a wide range of products, not only agricultural but domestic, mechanical and various other articles of interest. Live stock of all kinds were shown, coming from every township in the county. The races were of a high order and with a large number of entries. The purpose of the fair was to get the farmers of the county to bring together their best farm crops and live stock for exhibition. L. F. Brumfield and E. M. Black, Vocational Agricultural Teachers of the Sparta High School, were the promoters of the fair and they deserve much credit for its success. They were well pleased with the interest which was shown by the exhibitors and visitors and the people throughout the county. This is the second year that Alleghany County has staged an agricultural fair. Music for the occasion was furnished by the Galax, Va. band.

#### Notice To Poultry Club Members.

Dobson, N. C., Oct. 8, 1926.

Dear Club Member: Last spring I furnished you one setting of eggs for hatching purposes and you promised to return one good pullet in the fall to pay for the eggs. The Kiwanis Club of Mount Airy furnished the money to pay for your eggs. The Kiwanis Club wants the pullet this month. Take your pullet or send it to the Mount Airy Produce Exchange, Mount Airy, and the Kiwanis Club will mark your eggs paid for. Take your pullet on October 20, 21 or 22nd. If you live closer to Dobson you can bring it to me on October 20th or 21st, and I will take care of it.

The Kiwanis Club will offer the pullets at auction on October 22nd, in the afternoon, and they will be sold to the highest bidder. You can bid on the pullets, if you desire. Every boy or girl who brings in a pullet to pay for the eggs is invited by the Kiwanis Club to take supper with them immediately after the auction. In order to know just how many will take supper the Kiwanis Club wants to know before hand. Write and tell me if you will be there. This supper will not cost you anything. I will be glad if all you can be with the Kiwanis Club for supper. Be sure and let me know as soon as you decide, if you can be there.

I hope you can get in the pullet at the time suggested.

I will be very glad to have you with us in club work next year.

H. E. WHITE,  
County Agent.

#### Record Broken For Week's Tobacco Sales.

Wilson, Oct. 8.—Sales on the local tobacco market this season total more than 20,000,000 pounds. A new world's record was established by the week's sales, Friday through Thursday this week, when 5,200,000 pounds of the golden weed were sold.

The previous weekly record was five and a half million pounds. On three different sales days this week a million and a quarter pounds of tobacco were sold.

A million and a half dollars was paid for the weed sold during the week, which also sets a new high mark for the local market. The average price paid on the local market for the season remains near \$20 per hundred pounds, although the official figure for the season had not yet been compiled early tonight. Total receipts for the season are now \$5,200,000. These figures, together with those for today's sales will place the season's sales on a par with the 1925 sales in date, overcoming the handicap of opening a week later.

## Happenings Twenty-one Years Ago

Interesting Items Gleaned From the Files of The Mount Airy News 21 Years Ago This Week

Mr. Samuel G. Pace's fine horses are attracting much attention this fall. They won prizes at Galax fair and also at Winston. Mr. Pace will take one of them to Raleigh to use while acting as marshal at the state fair. Messrs. Geo. W. Fawcett and T. G. Samuel have also been appointed marshalls for this occasion and will take their horses with them.

Dobson News Item—Mr. and Mrs. C. H. Haynes are preparing to attend the Raleigh fair next week.

Many people are attending the fair at Greensboro this week. Among those who went from this city we note the following: W. E. Merritt and wife, J. A. Hadley and wife, Graham Trotter, Harry and Gaston Galloway and P. E. Rothrock.

S. M. Hale's Bargains—2,000 yards Calico at 2 1/2 cents per yard. 3 pair men's socks for 10 cents.

The city fathers have done some excellent work on the street that leads from Rockford street to the bridge across Lovell's Creek.

Miss Lillie Sides attended the wedding in Winston-Salem last week of her friend, Mrs. Ross Hedge.

Rev. Walter Holcomb will preach next Sunday night at Central Methodist Church.

Mrs. A. G. Trotter with some of the teachers in the graded school will go to the mountains Saturday on a chestnut hunt.

So many students are attending the graded school in this city that the rooms are crowded and another room will be finished in the basement of the building and another teacher employed.

Mrs. Dollah Welch, of Flat Shoals, is spending a few days in this city with her son, G. C. Welch. The old lady is now 83 years of age and is in fine health and as active as many people are at 60.

E. F. Brown, while painting on the house of Tom Haynes, in this city, had a narrow escape last Monday. The ladder slipped and he fell from the main roof and caught on the eaves roof bruising him in several places.