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EXCELLENT CHARGE TO GRAND JURY.

Judge Carter made a good impression throughout the term of Court, and although the sessions of Court only lasted a few days, he disposed of all the criminal cases and many civil cases, having signed thirty-five final judgments in civil causes. This is a record-breaking number of cases to be disposed of finally even in a two weeks term, and it is expected that when he has presided over the two weeks May term, many important cases will be removed from our now somewhat congested docket. Judge Carter is pleasant but firm in presiding over his Courts. Not only in his charge to the grand jury, but from time to time during the sittings of his Court, he would give expression to wise and helpful advice to all who were present to hear. These remarks were always full of patriotism, good common sense, and given in a spirit of useful uplift to the people.

In last week's issue we gave a very brief summary of some of the excellent thoughts contained in Judge Carter's charge to the grand jury. The reader will be interested to follow him more in detail.

After the grand jurors were duly sworn, he entered at some length of the duties of their newly assumed office; pointing out clearly the responsibilities which they had assumed, their relation to the court and its officers and their duty to the public. Pointing out that much of the peace, happiness and good order of the County depended upon their faithful and conscientious discharge of their duties as so clearly defied by their oaths; that they were really the gate-way to the enforcement of the criminal laws of the country; that under our system of government, it was fundamental that no crime of serious import against the public or society could be tried and suitable punishment inflicted until their body had, after due inquiry, returned an indictment endorsed "a true bill," thereby finding by a vote of at least twelve of their number that probable cause existed to bring such defendant for arraignment and trial at the bar of the Court before a jury of his peers. That in the protection of society and the punishment of the wrongdoer, they were the most important arm of the law; that their action was necessary to put the machinery of the law in motion; that their body was really an inquisitorial one; that they would inquire into all alleged offenses of which they had personal knowledge or which might be brought to their attention by the Court or its prosecuting officer and true returns make; that under our system of government, it was their duty to investigate the books, records and acts of all the public officers, they being really in many instances the only body having power to inquire, pass upon or audit the records, accounts and acts of public officials; that their inquisitorial power should be extended to investigating the condition of the estate of orphans, lunatics, &c., and their findings as to these and the condition of public officers and affairs embodied in their report to the Court.

He then gave full instructions as to their procedure, the method of finding and returning bills, and of making presentments for violations of the law. He committed to them

the body of the criminal law, but said, as was sometimes the custom, he would not undertake to point out in detail the numerous acts which constituted offenses against the criminal law; that he was convinced that this was unnecessary; that the grand jury was a body of intelligent men and knew when an act had been committed which constituted a wrong against the public, good morals, peace and dignity of the community; that in their conscience they knew the rule of right and wrong and that this rule would be a safe guidance in their deliberations.

When Judge Carter had finished his direct instructions to the grand jury, he continued his remarks speaking of the internal affairs of Jackson County, her people and her institutions. He at once became deeply earnest and spoke with warmth and feeling. He spoke as one who sees us from the outside, and freely and frankly, and the listener was soon feeling that he spoke not only as a neighbor but as a brother who would promote our whole well being. He spoke of our citizenship and of the pure blood of our people, being free from the admixture of the lower races; that there is strength in good ancestors and that this heritage should ever be guarded to the end that our posterity might be strong. He commended the citizenship of Jackson County for the progress it had made in education; that it was one among the first counties to give its people better schools, longer schools, better and more comfortable school houses, and in this respect had out-stripped many of the counties which were larger, older and more able to provide these advantages, and that all this spoke well for the character of the citizenship, not only at home but abroad. He then said that Jackson County was making material and healthy progress along many lines of internal improvement; that she was to be commended in her efforts to build better roads in the county; that he was much pleased to note that some bonds had been sold, the proceeds of which were to be used in building good and permanent roads in the county; that education and good roads should go hand in hand; that neither could make real or substantial progress without the other; that a county which had justly earned the reputation for advancement and progress which Jackson has should soon be equally noted for its good roads and thoroughfares; that good citizenship called for loyalty to every movement looking to the building of good and permanent roads in the county.

Judge Carter then said that he saw but one small cloud upon our horizon, the unfortunate fact of division of the people on the county seat removal question. That he deeply regretted such internal differences but that after all such was only an incident to our popular form of government; that our form of government was such that the majority must rule, therefore many questions of local and internal government had necessarily to be settled by the people at the ballot box. That we may meet, debate, argue, sometimes quarrel and say heated and personal things, but the final arbiter is the ballot box, and however small the majority and even though sometimes it might be questionable, and even though the means which may bring the same about may be questioned, yet of necessity under our form of govern-

ment the majority ascertained at ballot box must govern. In this and this alone lies the strength of our popular form of government. Many issues of weighty state and national importance have been decided by but small majorities at the ballot box. They were preceded by heated contentious and historic and sometimes acrimonious debates. An alien to our form of government would think we were rent asunder, but how soon does all this settle back to normal, and why? Because we have long since learned that the strength of our popular form of government and the life and fame of her institutions depend upon accepting as final the majority as expressed at the ballot box. I read recently a most impressive article drawing the distinctions between our American republic and the Latin republics South of us. I was impressed by the historic distinctions drawn. It was pointed out and sustained by history that our strength lay in this that our people had learned the only lesson which would perpetuate a free government, to-wit, that of accepting the majority decision at the ballot box, while in case of the Latin republics the minority instead of accepting the verdict of the ballot box would, as soon as the election was over and the result declared against them, retire to the mountains, procure arms and ammunition, and begin to kill and slaughter their enemies, those affiliated with the majority. In this example we have a great lesson for contemplation and practical application. Good citizenship, patriotic citizenship, demands that the result of the removal of the county seat to Sylva by a majority vote of the citizens of the county should be accepted; that all bitterness and all differences should be buried, and all join in making Sylva a good town, your county's pride, the best town west of Asheville ("not better than Asheville, for that's where I live"); there is no reason why Sylva should not be made the rival, if not the best town west of Asheville. In location it is well backed by the innumerable resources of your county. You are building good roads, you have the educational advantages. It is to be your county seat no doubt for generations to come, then in all earnestness, and as one living in a neighboring county, having an interest and a pride in you, may I earnestly urge that you lay aside all difference of opinion, all feeling of bitterness, and unite in one harmonious concerted action necessary to make your county seat one of which you will be proud, your county one of the first, and maintain the high standard of citizenship, the mark for which you have well set.

Judge Carter said that he understood that the new Court House at Sylva was modeled after the Court House at Marshall; that he had held court at Marshall and that they had one of the best Court Houses he had ever seen built for the money and that from information which he had, Jackson county was building even a better court house; that the court house at Marshall was an excellent building and offered more substantial convenience in proportion to its cost than their court house at Asheville and many other places.

That there was one thing more which he desired to say: That when the commissioners of the county came to furnish the court house that he hoped they would do them-

selves the lasting honor of furnishing the court house and offices with furnishings and fixtures in keeping with the excellency of the building and the spirit of progress of the county; that from every reason they should do so; that in doing so they would do themselves great honor; that the reputation of Jackson county for progress and material development demanded it; that it was the cheapest in the long run, and moreover, the people of a county were largely judged by outsiders by their county town, their court house and their court house furnishings. "Personally, of course this is no hing to me, as I will probably hold only one court at that place, but I speak of it from the standpoint of your own citizenship and what my ideal of them leads me to conclude would be their pride and their desire."

During the progress of the court Judge Carter announced that Dr. Joyner would speak at Webster on the first Monday in March on the question of establishing a Farm Life School at that place and earnestly urged the citizens of the town to attend. He spoke of the benefits of the Farm Life School and said that Webster was an ideal place for its location; that the school would be greatly beneficial to Jackson county and expressed his heartiest wishes that such a school be established at Webster; that the present public buildings, already public property, could be used, with a small cost of remodeling, to great advantage to the people of the county. He predicted a great feast in Dr. Joyner's address, not only in behalf of this school, but for the general good and uplift.

Judge Carter then inquired how long it had been since we had had a man in the county jail, and compared the few commitments which had been made to the Jackson county jail with those of some other counties, and said it may not have occurred to you, but there is a reason for it. What is the reason? It is because of your prohibitive laws and strong, prohibition sentiment; that Jackson county had early taken a decided and advanced stand against whiskey and had perhaps the most effective prohibition law of any county in the State; that the real cause of the most of the crime committed was whiskey; that a man loaded up with whiskey in one pocket and a pistol in another was ripe for committing crime. With these two evils stamped out, the probability and possibility of crime were greatly minimized; that Jackson had early taken an advanced stand in restricting the liquor traffic and long before the State at large had enacted prohibition statutes, Jackson county had on her statute books strong and healthy statutes upon the subject prohibiting the manufacture and sale of whiskey and making the place of delivery the place of sale; that this statute had recently been amended so as to give it more strength and practical application; that under the amended statute any person making a delivery of whiskey to another person or aiding and abetting in doing so, was guilty of selling whiskey; that he understood that in view of this statute the Express Companies had refused to deliver whiskey at any station in Jackson County but that he had been informed it was being delivered to Jackson County people at Whittier station in Swain county. He charged the grand jury that if

A, a citizen of Jackson county, order whiskey shipped to him to Whittier and sent B to Whittier to bring the whiskey to him, and B brought the whiskey back into Jackson county and delivered to A, that B was guilty of making a sale of whiskey; that if A, ordered whiskey shipped to Whittier in an amount not exceeding one gallon and went to Whittier and received the whiskey himself and used it himself, he would not be guilty of making a sale of whiskey. He further called attention to the fact that the Express Company could not deliver whiskey to any person except the person ordering it, without the certificate of a reputable physician, or the certificate of two citizens of good character that the party to whom it was shipped, because of sickness or infirmities of age, could not appear in person and receipt for it, which certificate must be kept on file with the Agent of the Company; that the law required the Express Company to keep books showing the name of the party from whom the whiskey was shipped, the name of the party to whom it was shipped, and the amount of whiskey shipped; that these books were open to the inspection of any officer or citizen by virtue of the law. He instructed the grand jury to subpoena the Agent at Whittier to appear before them and bring the books of the Express Company and Railroad Company bearing upon the question of the shipment of whiskey and to investigate carefully whether the Express Co. had been complying with the statutes, whether any one had received whiskey shipped to some other party, and whether any persons had received more than one gallon of whiskey at one time, the possession of one gallon being in law prima facie evidence of intent to sell, and to report the result of their investigations to the Court.

We are informed that the grand jury obeyed the Court's instructions and did subpoena the Agent at Whittier to appear, and that he did appear with his books and papers. We have no doubt but that the grand jury performed their duty well; that the machinery of the law has been set in motion and that ere its wheels cease grinding those who have been violating the law in this respect will have contrite hearts supported by quaking knees.

Before adjourning the Court, Judge Carter proceeded to call the entire civil docket with the view of learning something of its condition and preparatory to the work of May term. He ordered many of the older cases which had been on the docket for a number of years placed on the trial calendar, and we were impressed from Judge Carter's comments that litigants may get ready to try their cases at May term or have them dismissed from the docket.

GET NEW TRAIN.

Mr. S. H. Hardwick, general passenger agent of the Southern Railway stated to the committees from Sylva and Bryson City that he will recommend additional train service between Bryson City and Asheville. The new train which will be probably be put on about the first of May will leave Bryson City at 6 A. M. arrive at Sylva at 6:45 and on the return trip leaves Asheville at 8 P. M.

R. B. Shuler was a business visitor in town yesterday from Addie. He called at the Journal office and advanced his subscription.