

# The Jackson County Journal

\$1.50 Year in Advance in The County.

SYLVA, NORTH CAROLINA, THURSDAY, FEBRUARY 25, 1932.

\$2.00 Year in Advance Outside The County.

## Judge Stack Gives Many Road Terms

A large number of road sentences was imposed by Judge A. M. Stack during the first two days of the court now in session here.

Ray Wiseman, Armour Wiseman and Bob Higdon were charged with breaking and entering the store of R. G. Snyder at Willits, entered pleas of guilty of larceny, and Judge Stack sentenced Higdon to a term of 6 months on the roads, Armour Wiseman 6 months and Ray Wiseman 6 months. A red pros was taken in the case of Mrs. Lettie Barnes, charged with receiving stolen property. Most of the goods were found in her home by officers.

Coindexter Burgess, Negro boy, was sent to the roads for a term of 6 months for stealing a ham from Mrs. Kate Justice, proprietor of the Howard House, and Willard Davis, to whom the boy sold the ham was ordered to pay Mrs. Justice full value for her lost property.

Ed Sheppard, another Negro lad, got 4 months term for larceny.

Chapman Taylor, white man, was sent up for 12 months on a larceny charge after Chief of Police Turpin had told the Court that Taylor never worked, but made his living without working. Judge Stack stated that he would give him a job and let him learn that work isn't so bad, after all. Grady Cox, colored, was sent up for 30 days for breaking jail.

Louise Wall, another Negro drew 90 days for bringing liquor from Georgia to Toward Haywood.

George Hurst was fined \$50 on a charge of being intoxicated.

Bob Harper, colored, was sentenced to serve 12 months for cutting Fred Mull, white man. The Judge stated that he couldn't see through the affray, as neither of the men had ever seen each other before but that Mull had already been sufficiently punished, even if he had been the aggressor, as he sustained a bad cut across his face and eye.

Virgil Watson and Marshall McCall were sentenced to serve 90 days each on a charge of transporting; but the sentence was suspended upon payment of \$25.00 each and the costs and upon condition that they do not violate the prohibition law.

Mitchell Sutton drew a 90 day suspended sentence upon condition that he refrain from violations of the prohibition law.

Richard Wike, charged with manufacturing, is in Florida taking treatment at a sanitarium, and was called and fined. Judgment nisi sei fa and capias issued.

Walter Messer, possession and transporting, prayer for judgment continued for two years, upon condition that he does not violate the prohibition laws for 5 years.

Edman Green, drunk, judgment suspended upon payment of the costs.

W. P. Potts operating an automobile while intoxicated, \$50.00 and the costs, and ordered not to drive a car for four months.

E. C. Bryson and T. C. Bryson, affray, \$10 each and the costs.

Herbert Wilcox, transporting, judgment suspended upon payment of the costs.

Sam Sutton, assault, prayer for judgment continued upon payment of the costs.

John Hoyle, carrying concealed weapons, \$10.00 and the costs, and the pistol ordered destroyed.

William McCall and Robert McCall, Jr., drunk, prayer for judgment continued upon the condition that the costs be paid and the defendants give bonds of \$300 for their good behavior.

Arthur Holden, abandonment, 18 months, suspended upon condition that he pay \$50.00 immediately for the use of his wife, and \$15.00 for the support of her and her child.

Rufus Oxner, Nathan Ward and John Ward, operating a distillery, 6 months each on the roads.

Jake Cogdill was ordered to pay the hospital bill of Oscar Hurst, who was cut by Cogdill in an affray at the mouth of North Fork. Hurst was released of any penalty, as Judge Stack stated he had been sufficiently punished with the knife. Howard Jones, also mixed up in the affray, who had accused Cogdill of stealing parts of a still, was sentenced to serve 90 days on the roads for operating an automobile while intoxicated, the

## FORTY YEARS AGO

Tuckaseige Democrat, Feb. 24, 1892

Sheriff McLain was in town Monday.

Mr. Aleck Baum returned from Asheville, Monday.

Mr. S. C. Allison, of Big Spring, called to see us Monday.

W. E. Moore, Ess., of Webster, paid us a visit yesterday.

One of the infant twin children of Mr. and Mrs. J. R. Frizzell died Saturday night.

Mr. and Mrs. Lawton and Miss Hattie Hampton went to Bryson City yesterday, returning today.

Mr. and Mrs. W. A. H. Schreiber left yesterday morning for Philadelphia, being called there by a telegram announcing the death of Mrs. Schreiber's mother.

Mrs. Franklin, widow of Thos. Franklin, recently deceased, was burned to death near Dillsboro, a few days ago, her clothing taking fire while she was engaged in burning brush.

On top of the McComb hill is a hole in the ground fifty or sixty feet deep which was intended to be a well. It was abandoned before water was reached and left with absolutely nothing to prevent any one not knowing of it from falling into it, especially if one should be passing in the night. We don't know whose business it is to cover it up to prevent a possible accident, but we know it would be much better to prevent than to assume responsibility for what is liable to occur at any time.

It is known that playing cards for money is carried on in this immediate vicinity almost daily. Is it against the law? If so, those charged with the execution of the law should see to its rigid enforcement. We have heard so many speak of it that it may be said that the fact that the practice prevails is generally known. People are impressed with the fact that it is a practice demoralizing in its tendencies, and deserving of the active co-operation of all good citizens in the effort to compel its abandonment.

Departed this life, Feb. 9th, 1892, Mrs. Philip Dills, of Jackson county, and mother of Hon. W. A. Dills, of Dillsboro. Mrs. Dills was born in Burke county, Sept. 26, 1806, and was, consequently, over eighty-five years of age at her death. She was married Nov. 15th, 1828. For over sixty three years a wife, and for nearly half a century a member of the Baptist church, as faithful wife, an affectionate mother and a devoted Christian, she exemplified, in her daily walk and conversation, the religion she professed.

Figures just made show that Winston-Salem's plug tobacco output for 1891 was 11,512,127 pounds, against \$4,179,229 pounds for 1890.

At Carabonton, Moore county the revenue people made another capture of a moonshine distillery and the operator. It is developed that the moonshiners put concentrated lye in the liquor they made.

## BRYSON AND LEOPARD WILL BE TRIED MONDAY

Jim Bryson and Ansel Leopard will be tried for their lives in Jackson county superior court, the trial beginning next Monday morning. Solicitor John M. Queen announced this afternoon. A special venire of 50 men was ordered summoned from which to draw a jury to try the case. Bryson is charged with first degree murder in connection with the death of Wiley Galloway, at Glenville, last March, and Leopard is charged with being an accessory to the crime. Galloway was killed with a blow from a stone, alleged to have been thrown by Bryson.

sentence suspended upon the payment of \$50 and the costs, Cogdill drew a suspended sentence conditioned upon paying the hospital bill of Hurst and upon good behavior. He proved to be a youth of good character, who had never been indicted before.

## Underwood Gets Prison Sentence

One of the most touching scenes ever enacted in the Jackson County Court House, was that yesterday afternoon, when Jim Underwood, diminutive and aged man, leaning on a stick for support, stood before Judge Stack, in superior court and was sentenced to serve from three to five years in the state prison, after a jury had found him guilty of manslaughter for the slaying of Charlie Stewart, at the Underwood home, in Mountain Township on the last Sunday afternoon, of last June.

When the jury rendered its decision, Judge Stack stated that he believed it to be a righteous verdict, and that he was of the opinion that Underwood, and not Hayes Childers, as had been contended by the defense, had done the fatal cutting. Judge Stack stated that it was only the extreme age of Underwood that prompted him to make the sentence so light.

Stewart died in the hospital in Sylva two days after the cutting. A large company of young men was present at the home of Underwood, and the defendant had been playing the fiddle. Judge Stack stated that it was liquor that was behind the whole party and tragedy.

Underwood, who is 69 years of age, and appears to be nearer 80 than 70, went on trial here Tuesday.

The testimony was entirely contradictory, State's witnesses testifying that Stewart was knifed to death at the home of Underwood by the aged man, while the defense witnesses swore that Underwood had been disarmed at the time Stewart was cut, and that the wound in Stewart's breast was inflicted by Hayes Childers, in an attempt to cut Mr. Underwood, and that the other wound was made by a knife in the hand of Clyde Carroll.

Dr. C. Z. Candler and Dr. O. B. Van Epp were the first witnesses, and testified that Stewart died, two days after the affray, in the Sylva hospital from knife wounds, one in the right breast, and the other in the left kidney, either of which the medical experts asserted would have caused the death of the deceased. Dr. Candler swore that Underwood was also in the hospital for some nine days, suffering with concussion of the brain, caused by a blow on the head.

Fred Henson was the first eye witness produced by the State, and he testified that the whole crowd had been drinking, and had been invited by Underwood to his home where the defendant and his son had played the fiddle, and that during the time the witness, Hayes Childers, Carl Childers, Clyde Carroll, Albert Stewart, Charlie Stewart, Wayne Underwood, Lige Underwood, Elbert Bryson and Roy Stewart were at the Underwood home, that he heard Underwood cursing Albert Stewart, which precipitated a difficulty, and that Charlie Stewart was attacked and cut by Underwood, after the witness had removed Albert Stewart from the house, and was returning. He said he saw Underwood strike Charlie Stewart twice with the knife.

Hayes Childers corroborated Henson, in every important particular, and stated that after the cutting Old Man Underwood said that he cut Charlie and would lay it into the whole crowd if they fooled with him. He testified that some time after the affray, Glenn Stewart came on the scene, after Underwood had been taken to an outbuilding, and that Glenn had hit the old man in the head with a heavy stick, when Underwood advanced on him with a hand axe.

Underwood took the stand and testified that he had not been drinking, that he was only trying to keep the peace, and that Albert Stewart had come into the house saying that he was going to raise hell, and had struck the defendants with his fist, and later with a bottle of whiskey. He said that he had been disarmed when he drew his knife in the beginning of the affray, and that he had been unconscious a great deal of the time, and did not know who cut Stewart, but was positive he did not, as he had no knife in his possession at the time of the cutting.

Wayne Underwood, son of the defendant, swore that he saw Hayes

## FISHER TO BE TRIED FOR HIS LIFE TOMORROW

Ray Fisher will be placed on trial for his life, charged with the fatal shooting of Will B. Ensley, on the yard of the Sylva Paperboard Company, last November, and the trial will begin Friday morning, according to announcement made in superior court Wednesday afternoon by Solicitor John M. Queen.

Judge Stack ordered a venire of 25 men to be summoned by the sheriff from which, with the twenty-four regular jurors serving this week, a jury is to be drawn to try Fisher.

## TRIAL OF JIM BOWERS STARTED THIS MORNING

Jim Bowers was placed on trial this morning, charged with the murder of Lucius Jones, on Caney Fork, last November. Solicitor John M. Queen announced that the State would not ask a verdict of murder in the first degree; but for second degree or manslaughter.

Yesterday afternoon, Judge Stack overruled a motion for a continuance, made by the defense, on the ground that the defendant had not had time to prepare a defense, that one of the principal witnesses is out of the state and can't be found, and that another eye witness is a woman, who is in such physical condition that it is impossible to have her in court. Judge Stack ordered attorneys to visit the woman and secure her deposition.

Jones was brought to the Harris Community hospital here, after the shooting, and lived some two or three weeks. While in the hospital he made a statement of his version of the facts in the case, and the State is using his death bed statement in evidence in the case.

The statement, made before Mrs. Ben. Queen, notary public, said that Jones and a cousin, Bowdin Mathis, had gone to the home of Bowers' mother, and that while there Bowers' sister told him that he had better leave as she saw Bowers coming. He stated that he left immediately and that Bowers came to him, where he was standing on the old railroad bed, near Rich Mountain, and shot him twice. He said that he was doing nothing to Bowers at the time of the shooting, and that the two had not been on speaking terms for some time, since Bowers had threatened to kill him.

## J. C. McCRACKEN PASSES

Mr. J. C. McCracken died suddenly, last Thursday, at the home of his daughter, Mrs. Miller Hall, at Qualla. Mr. McCracken, who was sixty-five years old, was a former citizen of Haywood county, but moved to Jackson some fifteen years ago, living first in the Beta community and later moving to the Qualla section. His body was taken, Saturday, to Iron Duff, Haywood county, funeral services being conducted at Antioch Baptist church in that community. Surviving are three sons, E. G. McCracken, of Dillsboro, L. C. McCracken, of Enfield, Mass., and Frank McCracken, of Barborton, Ohio and four daughters, Mrs. Charlie Fisher, of Beta, Mrs. Walker Brown and Mrs. Clarence Morrow of Canton, and Mrs. Miller Hall, of Qualla.

Childers strike at his father with a knife, and hit Charlie Stewart, inflicting the wound in his breast. He said he saw Clyde Carroll go behind Charlie and come out with his hand and arm bloody.

Lige Underwood, 1-year old son of Underwood swore to the same state of facts as his brother, and positively identified Hayes Childers as the man who cut Stewart in the breast.

Solicitor John M. Queen stated at the beginning of the trial that he would not ask for the first degree verdict, but only for murder in the second degree or manslaughter. Assisting in the prosecution were C. C. Buchanan and Dan K. Moore. Underwood was defended by W. R. Sherill and Baxter C. Jones. The case went to the jury Wednesday afternoon

## TODAY and TOMORROW

(By Frank Parker Stockbridge)

### Wallace

The death of Edgar Wallace, most prolific writer of detective fiction, is a personal loss to hundreds of thousands of Americans who have been in the habit of reading every new Wallace book as soon as it came out. No writer ever lived who produced such an immense volume of entertaining stories of such uniformly high quality. Wallace frequently worked on three or four books at once, dictating each to a different stenographer, and more than once wrote an entire full-sized novel in less than a week. He was never at a loss for a plot, and his characters carried the stamp of reality.

Edgar Wallace was a giant of a man, of apparently limitless physical energy, but even the strongest is not proof against pneumonia. There are many other good writers of first-rate detective stories, but none who has Wallace's energy and capacity for rapid work.

### Butler

Dr. Nicholas Murray Butler has just celebrated his thirtieth anniversary as President of Columbia University in New York City. Under Dr. Butler's guidance Columbia has become the largest university in the world, and with something like thirty thousand students and a staff of three thousand professors and instructors.

There are a good many people who think that Dr. Butler talks too much, but they are mainly folks who don't like what he says. There is no stauncher defender of the fundamental principles of democracy than he. And I do not know of anyone who had a sounder or more complete foundation of education to begin with, or who has made as good use of it, as Nicholas Murray Butler. His influence over thirty successive graduating classes of Columbia will live for generations.

It is a great responsibility to try to guide the thinking of such a host of young people, but on the whole I think Dr. Butler has made a good job of it.

### Silver

Now that the major financial problems of the nation are rapidly being cleared up, attention in Washington is focusing again on the monetary position of silver, of which I have spoken before in this column. Senator Pittman of Nevada has introduced a bill for the purchase by the government of five million ounces of silver a month, to be paid for in silver certificates. That probably will not be done in just that way, but I know so many people in influential financial and political circles who believe that something must be done to restore silver to its money position, and who are working so hard and intelligently toward that end, that I believe we shall see something effective done about it before very long.

### Names

Under the common law which prevails throughout most of the United States, a person's name is anything he or she chooses to make it after arriving at the age of independence. If I wanted to call myself Solomon Grundy and so announced, that would be my name. It would not be necessary for me to ask the permission of any court or legislature, though I might get into trouble if I changed my name to evade the laws, civil or criminal.

James Branch Cabell, famous American author, has just made the public announcement that his name is now simply Branch Cabell. Col. Frank Knox, publisher of the Chicago Daily News, just appointed head of the President's anti-hoarding commission was christened William Franklin Knox, but he prefers to be known as Frank Knox, and that is therefore his legal name.

Presidents of the United States have changed their names. Grover Cleveland was Stephen G. Cleveland as a young man, and Woodrow Wilson was Thomas W. Wilson. Herbert Clarke Hoover, has changed his name to plain Herbert Hoover, with which he signs all official documents. During the war King George of England changed the surname of the royal family from Wettin to Windsor, and his cousins, the Battenbergs, are now the Mountbattens. Your name is whatever you call yourself.

## J. P. Stewart, Confederate Veteran, Dies

J. P. Stewart, 89, Confederate veteran, and one of the best known citizens of Hamburg township, died, Tuesday afternoon, at his home. Funeral services were conducted yesterday afternoon, and interment was in the family cemetery.

Mr. Stewart was a native of Hamburg, and lived there during the entire period of his life. He served for four years in the Confederate army. He was a member of the Stewart family, one of the pioneer families of this county.

He had been in poor health for some time, and his death was not unexpected.

Mr. Stewart is survived by three sons, Mack, Jerry and Jake Stewart, one daughter, Mrs. L. D. Norris of Ellijay, a number of grandchildren, and other relatives.

## LITTLE BOBBY WATSON PASSES IN DILLSBORO

Bobby Watson, 5 years old, died at the home of his parents, Mr. and Mrs. Frank I. Watson, Monday night, following an illness of several weeks with diphtheria and scarlet fever. Bobby, who was the youngest of the family, is survived, in addition to his parents, by three brothers, Frank, Jr., Hayes and Edward and by one sister, Mildred.

The funeral was conducted yesterday afternoon, at the Baptist church in Dillsboro, by Rev. J. L. Steele, Rev. W. C. Reed and Rev. D. H. Rhinehart. Pallbearers were Mr. J. C. Cannon, Mr. Grayson Cope and Messrs. Roy and Cecil Watson, cousins of the little boy. Interment was in the Harris cemetery.

## SUPERIOR COURT DISPATCHES MUCH BUSINESS IN THIS TERM

With Judge A. M. Stack presiding, John M. Queen prosecuting for the State, Dan Allison, filling the clerk's chair, Geo. W. McConnell as officer of the grand jury, and C. C. Mason, as court officer, the Superior Court of Jackson County got under way Monday morning, and has been dispatching business faster than any court in the remembrance of the people of the county. Judge Stack works hard, and has everybody else connected with the court working just as hard. One of the objects of Judge Stack is to save the taxpayers of the county as much money in court costs as is possible, and his system is to save time, and thus save money.

The grand jury is composed of John C. Brown, foreman, Weaver P. Freeman, F. M. Ashe, C. V. Bryson; Jones Fowler, J. F. Fowler, M. V. Breedlove, Luther Lanning, W. W. Shuler, E. D. Tatham, J. P. Blackburn, Tom Fisher, R. R. Hyatt, M. M. Pressley, J. L. Middleton, Cole Bumgarner, K. Howell, W. A. Lovel Dahl.

## GRAND JURY MAKES REPORT

The grand jury completed its work Wednesday at noon, and was discharged with the thanks of the court, after making its report.

The report is: We examined the county home and find some leaks in the roof that need repair. We recommend that a new cook stove be bought for the county home, and some repairs be made at wash house. We find farm in good condition with plenty of corn, wheat, potatoes and canned goods to feed the inmates for the year. We find four good hogs in the pen for meat next year, and six pigs and a sow. The farm tools are in good condition and are being kept in the dry. The inmates say that they are well cared for and are well satisfied. We recommend that the welfare officer find a home for two illegitimate children that are now in the county home.

We recommend that the county commissioners send the county physician to the home and make an examination of the inmates, and if any are found to be physically able to support themselves that they be discharged. We also found four cows, sufficient to give milk for the home.

Upon examination we find the jail in excellent condition and the court house in good condition.

The report is signed by J. C. Brown as foreman.