

Franklin Attorney Urges Changes In Criminal Law

(From The Asheville Citizen)
Recommendations for correcting what he described as glaring shortcomings in the penal system and criminal law were proposed by Gilmer A. Jones, Franklin attorney and former solicitor of the 20th judicial district, in a talk at the weekly luncheon meeting of the Optimist club at the S & W cafeteria in Asheville last Thursday.

Mr. Jones said that although other fields of human activity have been altered considerably in the last few years, there has been very little modernization of the courts and penal institutions.

Shortcomings Listed
He cited the following seven points as the shortcomings:
"1. There is no adequate set-up by which the potential criminal can be adequately handled and he therefore usually becomes a full-fledged criminal before the state steps in and takes an active hand. When the state does step in, it deals with the crime rather than the individual committing it."
"2. In no event should the method of trial by jury be abolished. However, under the present system, the jury, consisting of laymen, is called upon to find facts pertaining to the mentality of accused persons that experts cannot agree upon.

Jury Swayed
"3. In arriving at the guilt or innocence of the accused, the jury must necessarily be swayed to a certain degree by a realization of the result of their verdict. It might be interesting to observe how infrequent are the convictions for first degree burglary."
"4. The judge is called upon to determine from the small amount of information that he may gather from the trial what sentence is commensurate with the crime committed and is also calculated to reform the offender."
"5. The prison officials are without authority to lengthen the term of the prisoner, although they may know he will continue to make crime his profession. Even if the state admits its inability to make a citizen of him, it is cheaper to keep him while they have him rather than turn him loose to kill somebody else and then go to the expense of catching, trying and punishing him again.

No Segregation Provided
"6. Under the present set-up, practically no provision is made for the segregation of different types of criminals so that the present prison system is more or less a school, offering a post-graduate course to those who have not yet thoroughly mastered the art of crime."
"7. The prison authorities are not given the proper latitude, neither do they have adequate facilities or personnel to treat the prisoner for the moral or mental disease which ails him. The parole system cannot, under the present set-up, be administered purely from a standpoint of merit."
By way of constructive suggestions for the correction of the errors cited above, Mr. Jones offered seven specific suggestions:
"1. When an individual is found to have criminal tendencies, which may be determined by repeated appearances in the criminal courts, that he be adjudged a criminal and be sent immediately to the proper institution for correction."
Would Omit Maximum Sentence
"2. That so far as the conduct of the trial is concerned, the jury be called upon to answer the question of whether the defendant did or did not commit the act of which he is accused; that the law prescribe minimum sentences in all instances, and that the maximum sentence be entirely omitted."
"3. That when the verdict has been rendered, the minimum sentence be automatic. The man's sanity or insanity would make no difference."
"4. When the convict is received at the penal institution, the state should then present to the prison authorities a record of the trial, the convict's past record, including his environment and heredity tendencies. In every case a special investigator would be sent upon the ground to gather this information."
"5. The next step would be a rigid examination of the man's mental and physical makeup for the purpose of determining whether or not there is a possibility for rehabilitation. Similar examinations should be frequently made."
"6. Careful segregation of different types or classes of criminals should be provided for, so that a prisoner will not develop criminal tendencies which he did not possess when convicted. Under the present system, a convict may go into a penal institution a thief only; he may come out not only a thief in principal, but also a murderer and sex pervert as well."
"7. Those who are capable of being rehabilitated would be advised of their minimum sentences and given to understand that the state requires such sentences as punishment. They would further be advised that while they may be released at the expiration of the minimum sentence, they will not be released until the state is thoroughly convinced that they have learned their obligation to society and are capable of making, and will make, good citizens, and that they are also capable of earning a living when released."

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WHISTLING CHAMPION



Arlene Lomas, four-year-old New York city miss, is the winner of a gold medal and the champion of the city's whistlers under eight years of age. She won the title at the city's first annual whistling contest sponsored by the department of parks.

HE SHARES HIS WEALTH



Declaring that the success of any business man is due chiefly to the work of his employees, John F. Webendorfer of Mount Vernon, N. Y., distributed \$250,000 of the \$1,000,000 he received from the sale of his machinery manufacturing business among his 115 employees. The money was divided among the workers according to the number of years each had worked for the concern.

Colored Citizens Sponsor Charity Banquet

On November 18 a large number of negro citizens from Haywood, Jackson, Clay and Macon counties attended a charity banquet sponsored by the members of the Ant club of Macon county. The Ant club is a saving club that was organized on August 5, 1938. The members felt that saving money for themselves only was too selfish, so they assumed a project of trying to help some needy in Macon county while saving money for themselves.

The order of the program was:
Song—"Let the Lower Lights be Burning."
Scripture—Proverbs 6:6-11.
Silent Prayer.
Song—"Rescue the Perishing."
History of the Ant Club—Mrs. Mabelle Moore.
Instrumental Solo—Miss Eula King, teacher at Jackson consolidated school, Sylva.
Necessity of Organized Charity in Macon county—Rev. W. S. Winston, pastor of M. E. church, Franklin.
Vocal Solo—Mrs. Emma Lillian England, teacher at Chapel School, Franklin.
Introduction of Speaker—Mr. H. R. Kemp, Jr., principal of Chapel school, Franklin.
Speaker—Rev. D. E. Thomas, pastor of A. M. E. Zion church, Waynesville.
An Appeal for Aid for the Oxford Orphanage, Oxford, N. C.
Officers of the Ant club are:
Mrs. Mabelle Moore, president;
Rev. E. Johnson McKay, pastor A. M. E. Zion church, Franklin, chairman of program committee; H. R. Kemp, treasurer and sponsor.

PROFITABLE LESPEDEZA
Oscar Mauney of the Peachtree section of Cherokee county seeded Korean lespedeza on 13.6 acres of a rye field last March and sold the 28.70 tons of hay secured at \$14 a ton or \$402.50 and still had his rye crop extra.

J. D. Patton Listed In College "Who's Who"

J. D. Patton, of Franklin, is one of the outstanding seniors of North Carolina State college who will be listed this year in "Who's Who in American Colleges and Universities," a directory compiled and edited each year by the University of Alabama, according to a bulletin issued by the State college news service.

MORE LIMESTONE

With the delivery of another 50-ton car of ground limestone to Cabarrus county farmers, 13 such cars have been bought for the county this fall. Indications are that several other cars will be ordered before fall work is ended.

WINTER LAWNS

The lawns of 22 farm homes in Onslow county have been definitely improved and beautified by seeding to white Dutch clover and rye grass this fall.

ALFALFA GROWS
Despite the prevailing dry weather, four new alfalfa plantings seeded about September 1 in Cleveland county are now from two to four inches in height showing the value of preparing the land properly before seeding.



CAN YOU AFFORD TO BE WITHOUT IT

Funeral Benefit Insurance Costs Are Surprisingly Small Rates From 2 1/2c Month Up According To Age Benefits are Provided in the Amount of \$100 for Persons Over 10 Years of Age and in the Amount of \$50 for Persons Under 10 Years of Age.
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DOGWOOD WANTED \$14.00 to \$16.00 Per Cord

I will pay the above cash prices for all dogwood cut to my specifications and delivered at my mill in Franklin. This will be my last season of buying dogwood in Franklin. If you have dogwood to sell, ACT NOW.

SPECIFICATIONS FOR CUTTING

Cut dogwood in lengths of 36 and 54 inches long. All wood should be as free of knots as possible and if any knots, there must be as much as 18 inches of clear wood between the knots. All wood must be 5 inches and up in diameter at smallest end. If hollow or red heart, there must be at least 2 1/4 inches of white between red heart and bark.

For further information, see or write

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