

SUPERIOR COURT IN MARSHALL

MANY CRIMINAL CASES ON
DOCKET

Superior Court convened in Marshall Monday, Judge R. A. Nunn presiding. Solicitor Robert M. Wells called over the docket as rapidly as possible. Quite a number of cases were continued until the next term of court. Quite a number of cases were submitted and disposed of.

One of the most interesting cases this term was that of the State vs. Ezra Payne, in which the defendant was charged with abandoning his wife and later the child born to them. Ezra Payne is the son of Mr. and Mrs. Bob Payne of Little Pine in Madison Co. and his wife was Miss Leigh Boyd, the daughter of Mr. and Mrs. Charlie Boyd of Sandy Mush. After Ezra had been working at Detroit for a few years, he came back and married Miss Boyd, he being 24 years old and she 18. Both families are well known in their communities and it had the appearance of a suitable and happy couple, Miss Boyd being quite an attractive young lady and Mr. Payne being a clean looking rather good looking young man. They were married in 1924 and left immediately for Detroit, where an apartment had been rented from Mr. and Mrs. Hal Wild. They lived in their nicely furnished two rooms and a hall quite happily for the first two or three weeks. Meanwhile he brought in and introduced his friends. According to her side of the story he soon became jealous of these friends and began nagging her and soon her life became miserable and she desired to return to her people in Madison County. For quite a while he refused to let her come and she threatened time and again to commit suicide if he did not let her come. Finally, in the spring of 1925, when she was desperately ill let her come. In the spring and in a critical condition he put her on the train and sent her home. Some of his people and some of hers met her and for a time, they got on all right. After a few months a daughter was born. According to her side of the story, from the day she has never sent her one cent for support either for herself or baby and that for the past several months she has been working in Winston-Salem to help support herself and child, the latter being left with her mother and father.

On the other hand Ezra Payne contended that he did all he could in Detroit for the comfort and happiness of his wife, that she became dissatisfied and refused to prepare his meals and was anything but a dutiful wife, that he finally gave her a ticket to come home to prevent her from committing suicide, that he visited her at the home of his parents and did all he could to get her to return with him to Detroit that he even sent money for her return after he went back and she repeatedly cursed him and refused to live with him. The court house was crowded to hear the evidence in this case and it required all Monday afternoon and until noon Tuesday to examine witnesses. The defendant was represented by attorneys Guy V. Roberts and John McElroy, while the prosecuting attorneys were Messrs. C. B. Mashburn and George Pritchard. The speeches to the jury lasted about two hours and following a very able charge to the jury by Judge Nunn, the jury took the case at 4:15 Tuesday. The case had been so ably fought on either side and so well argued it was hard to predict what the verdict would be. A hung jury or mistrial would not have been a surprise, but to our surprise the jury returned in about an hour with a verdict of "Not guilty."

Mr. Ezra Payne had declared on the stand that he loved the child. He had taken out habeas corpus proceedings to get the child in his possession. It seemed Thursday morning that this would hardly get a hearing this court.

Other important cases were the following: Bernard Revis, of Marshall, who abandoned his wife and children and left them to do the best they could or starve, was given two years in the State penitentiary at hard labor.

John Perkins was convicted of breaking into the store of Mr. J. S. Brown at Waverly and the larceny of goods and was given 18 to 36 months in the State Prison.

Porter Taylor, charged with helping to steal an automobile, belonging to Oliver Ferguson, did not prove a good character, this being the fourth time he had been in court for various offenses. While he did not seem to be the instigator of the crime, he was associated, consented, aided and abetted in the crime and was given 18 to 36 months in the State penitentiary.

Hubert Gosnell was given six months on the roads of Henderson County for assault with a deadly weapon.

The case of J. R. Gentry of Spring Creek, charged with embezzlement, was continued.

Elisha Rice, middle-aged farmer of the Walnut creek section, will go on trial in five cases in this court, the charges being as follows: Assault, violation of the prohibition law, and three charges of assault with a deadly weapon.

The most serious charges are those

of assault on his wife, which is alleged to have occurred at their home last June, and of assault with a knife on his son, Walter Rice, which occurred the latter part of July. At the time the second assault was committed Rice was at liberty on a peace bond which was automatically forfeited when he assaulted his son. The youth who was painfully cut, has now recovered.

The assault on his wife is said to have occurred while Rice was in a drunken condition, he having beaten her with a revolver, it is alleged, and inflicting painful flesh wounds about her face and head.

ROY AIKEN'S WIDOW GETS \$4500

The widow of the late Roy Aiken of Laurel whose husband was killed by an Asheville-Johnson City bus was given \$4500 in compromise. Holt Hensley, driver of the bus, son of Dr. and Mrs. T. C. Hensley of Erwin, Tenn., submitted and paid the cost by agreement.

Judge Nunn complimented the grand jury for the rapidity and business-like manner in which cases were disposed of that came before it. Mr. Shuford R. Coward of Spring Creek was the foreman of the grand jury. Solicitor Wells thought the first of the week that a special term of court between this and the November term would be necessary, but so many submitted that it may not be necessary. However, this had not finally been decided when we went to press. They were hoping to get through and adjourn Thursday evening.

SHALL WE KNOW OUR FRIENDS IN HEAVEN

A friend recently asked us an old question, and asked it with the insistence born of a new and heart-rending experience. A sudden and haunting question: "Shall I know my beloved one again when I reach heaven?" We answered as best we could, expressing our own conviction that recognition would be instant and complete and speaking in somewhat the following terms, though our language here is more formal than we used in talking with our friend.

We may answer this vital question by bringing it to the test of three principles, that of personality, that of character, and that of love. These concern themselves respectively with the philosophical, the practical and the spiritual attitudes of Christianity.

The highest existence in the universe is personality. Some one has said that the only two enduring facts are the personality of God and human personality. As persons we tower above the material creation and all lower forms of life. As persons we are conscious of ourselves as independent, thinking souls. As persons we have power of controlling our own lives, directing our own thoughts, and shaping our destinies. Even God cannot break down the human will, which is the motive force of personality.

Now personality grows through personal relations, through fellowship with other persons. It is strictly true that what a man really is in present personal life, his wife has made him, and his children, and in earlier life his father and mother, and always his friends and associates. Babe and mother; by such fellowship we grow. In the Christian life personality with the living Christ than in any other way.

As we pass within the veil personality persists. There is no loss of personality. If there were we would not be ourselves. To predicate such changes may be excellent to Buddhism, with its doctrine of transmigration of souls; but it is not Christianity. It is a gloomy doctrine. Of what value is immortality to us if it is not ourselves, but some other self in our place, who shall "rise again."

Yes, we shall retain our personal self; in other words we shall recognize ourselves when we reach heaven. And in recognizing self we shall recognize others. We shall retain our full personality.

Now, if we do not recognize our dear ones in heaven, it simply means that all our closest friendships and all our dearest ones and most beautiful relationships, will be stripped from us. It means that the profoundest elements of our personal life which intertwine themselves with the very roots of our being, will be torn from us. What maimed and meagre personalities, what thin and ghastly souls, we would be! No, here as everywhere Christ "did not come to destroy but to fulfill." All that is "of the earth earthly," all that is evil, that is coarse, that is lustful, that hampered the growth of a vigorous personality here, will be taken away, but the pure love, the inspiring fellowship with kindred souls, will be renewed and strengthened and glorified. "We shall know each other better when the mists have cleared away."

Similar truth emerges when we consider the matter of character. Who are the inheritors of the "many mansions?" Who go to heaven? Unselfish people, of course. The egotistical, the servants of self, those who pander to their own passions have no chance, unless their lives are changed through faith in Jesus Christ. Those who love God, are the ones who are "called according to his purpose." Those who love God, who have seen him in the revelation

of Christ, are those who love, serve men. "Inasmuch as ye have done it unto me the least of these my brethren ye have done it unto me."

Now the unselfish and Christlike people are those who live in the lives of others. By the grace of sympathy we enter into their lives. Therefore we love those others and are loved by them. Our ministry to others constitutes the highest and holiest experience that life can afford. It is the bedrock element in true character.

Not to know any of these whom we have helped, not to know any of those who have helped us would be a cruel and heartless elimination of all that has been purest and best in our building in Christian character. We knew a woman of eighty who had spent her life in an unselfish service of friends and relatives, of the poor and the distressed. We never knew her to be guilty of a single selfish act. Her one great and sustaining joy was the thought of meeting those whom she had loved so tenderly and watched over with such gentle ministrations. Would a loving Father in heaven deny her the privilege of meeting and mingling with those loved ones? It would not only be un-Godlike; it would be inhuman so to deny. She has already met them and walked with them and talked with them and loved them, just as she did here, though the taint of earthly blemish, and the dread of separation, have now been taken away.

This question of character thus intimately involves the principle of love. "Life is ever lord of death, and love can never lose its own." Love demands immortality. Love insists on immortality. Love discovers immortality. Christ founded Christianity on the principle of love.

The gospel affords comfort and joy. Its chief comfort and joy lie in the assurance that when this brief life is done we shall see him, our Saviour, as he is, and worship and have fellowship with him in heaven. "I go to prepare a place for you where I am there ye shall be also." No Christian doubts the fact of this close association with Jesus in the life to come; it is a foundation principle of our faith.

Well, if we shall know him, "whom having not seen we love," we shall certainly know those whom having seen we have loved. Fancy knowing Christ and not longer knowing the beloved mother who brought us to Christ! The notion is unthinkable, preposterous, absurd. The child will know his mother. She will greet him as her son; he will embrace her as his mother.

FORTY-HOUR RUN FROM ASHEVILLE-QUEBEC ATTEMPTED

MR. R. P. (DICK) HARRIS TO DRIVE CHRYSLER FOR RECORD RUN

Carrying letters of greeting from highway officials of North Carolina and eight southern states to the Minister of Roads and other prominent Canadians, R. P. (Dick) Harris, state automobile inspector, will next Monday, August 22nd, attempt to make the fifteen hundred mile trip from Asheville to Quebec in forty hours or less. This schedule exceeds by six or eight hours the fastest railway time. The trip will be made to emphasize the completion of the new international motor route known as the Appalachian Scenic Highway, from the Gulf of Mexico to Montreal and Quebec. Ninety per cent of the entire route selected is said to be hard-surfaced and suitable for use by motorists every day in the year.

The start will be made at 12:01 A. M. Monday from the executive offices of the Ash route at the Kenilworth Inn, Asheville, and officially end with arrival at the Chateau Fontenac, Quebec, at 2 P. M. Tuesday, according to schedule. The Carolina Motor Club, A. A. A., will check the time of departure and arrival. From each city along the route telegrams will be sent to mark the progress of the official scout car. Hon. J. L. Boulanger, deputy minister of roads, Province of Quebec, and Canadian vice-president of the A. A. A., will officially receive Harris upon his arrival.

R. P. (Dick) Harris, former newspaper man, well known cross-country speed demon, and now state inspector of automobiles for North Carolina, will be at the wheel. Accompanying him will be Mrs. Harris and a mechanic. Dick is the son of Editor Wade H. Harris of the Charlotte Observer.

The trip will be made to test the new A. S. H. international route and act as a fore-runner of the giant motorcade of one hundred cars in line which will come from the Gulf Coast states of the South, assembling at Atlanta, Ga., Sept. 5th, for a ten-day journey by easy stages over this route through a dozen states, officially opening the new \$5 per cent hard-surfaced roadway connecting Canada and the south.

In this motorcade will be representatives from civic bodies and other organizations in the southern states, including senators, congressmen, governors, mayors, and chamber of commerce officials, who are going to tour eastern Canada on a mission of goodwill, to foster cordial relations between the Dominion and the United States, and extend to citizens of the north an invitation to return the visit

Take the case of those who know mount of the transfiguration and looked upon Moses and Elijah who appeared with Christ upon the mount. Those three men were in sweet, special fellowship with Christ no other being present, on various occasions. Now, in heaven, can you imagine Peter knowing Christ and talking with Him, and John knowing Christ and talking with Him, and at the same time Peter and James and John being strangers to each other, and having to be introduced? Or can you conceive their knowing each other by name as individuals, without any memory of the wonderful personalities of comradeship which bound them together in this life? To argue otherwise is a fantastic travesty of truth.

Again, according to Christ's repeated statements, the heavenly life is an expansion, not a contraction, of the present life. But to know our dear ones as dear ones and our friends as friends would be an amazing contraction and narrowing of life.

Merely physical relationships will end. There will be no marrying and giving in marriage. But these physical relationships are incidental; the spiritual relationships will endure. The warm friendships remembered, the warm friendships, the ennobling affections, the thrilling personal fellowship, the level relations of admiration and sympathy; the communion of soul with soul, are experiences which the conquest of death; and the entrance into life eternal, will perpetuate, and change only to deepen and to glorify.

We shall know our friends again. We shall know them far more intimately than we have known them here, when we meet them over there. —Watchman Examiner.

DEBRUHL FAMILY REUNION

Last Sunday, near Alexander at the home of Zebulon Vance DeBruhl, a great DeBruhl family reunion was held. There are five generations of the DeBruhl family, but the fifth representative was unable to attend. The mother of the family, Mrs. Rebecca DeBruhl, is 84 years of age, and the youngest member of the fourth generation is two months old. More than 250 people attended this reunion.

Chuck—I thought you promised me some of that liquor you had.
Wally—I tried to, but it ate holes through everything I put it in and I finally had to drink it.

LITTLE CHILD IS KILLED

The hearts of Mr. and Mrs. C. L. Stamey of Hot Springs were much saddened by a message from their niece Mrs. Kingsley who lives in Iowa, telling of the death of Mrs. Kingsley's little daughter Ruth Elizabeth in an automobile accident. The mother and aunt who were in the car with the child were quite seriously injured, but are reported as improving. The friends of Mr. and Mrs. Stamey join them in extending to the bereaved ones their deepest sympathy and would suggest for their consolation the words of the patriarch David who had lost a son and who said, "I cannot bring him back, but I can go to him."

ERROR IN TAX ARTICLE

Following is a letter from Mr. Ira Plemmons which explains itself: Editor News-Record.

In my letter appearing in your paper of Aug. 19 I made error in the amount as stated from Mr. Spainhour's open letter. Mr. Spainhour says that the expenses of Allen's office is more than \$1400.00 per day. In my copy I made the error and quoted it at \$14,000.00. I hope you will give the same place in your paper that you did that of my letter. I do not have any desire to misquote anyone, and am sorry of the mistake. —IRA PLEMMONS.

THE GRAND JURY'S REPORT

NORTH CAROLINA, MADISON COUNTY.

To Hon. Judge Nunn, now Presiding: We, the Grand Jurors of the August Term of Superior Court, submit the following report:

We have carefully examined and passed on bills that came before us where witnesses could be found.

We have visited the County Home and examined same thoroughly. Find everything in very good condition. We recommend some repairs be made on the building. New gutters need to be put on the entire building, also the building to be painted at once.

We find seventeen inmates of the home who say they have been well treated and cared for. Five small children whom we recommend to be removed to some public or private orphanage as soon as possible.

We have carefully examined the jail and find it in good condition except some repairs need to be done on the inside of the jail, by repairing the plastering and jailomining. The prisoners claim they have been well cared for.

We have also examined the Court House and find all the offices in good condition, except the Grand Jury room which needs some repairs in the plastering.

We also find the approach leading from the bridge across the river leading to island now being repaired.

We find the bridge leading to cotton mill in good condition. We recommend that the Deputy Clerk for Clerk of Superior Court be paid by the County for this court week at the rate of Two Dollars per day.

Respectfully submitted,
SHUFORD R. COWARD,
Foreman.

17-POUND CATFISH CAUGHT

At least one fish story has been definitely proved, and the fish wasn't weighed by the scales on his back either. Somebody called The Times Thursday to announce that a cat fish weighing 17 pounds had been pulled out of the French Broad river, and when a shade of doubt crept into the voice answering the call, the fisherman decided to bring his catch to the office to prove his story.

T. L. Sheppard, of Burnsville Hill, caught the fish about two miles below Alexander near the Deep Waters section in the French Broad. He was fishing with a lantern about 9 o'clock at night when he landed the catch. The 17-pound cat fish is one of the largest that has ever been caught around here, according to experienced fishermen in this section. Sheppard declares that he is not an old hand at all, and that the catch was most surprising to him. —The Asheville Times.

MRS. SMITH REPORTED BETTER

Mrs. E. E. Smith, wife of E. E. Smith, merchant of Hot Springs, who has been in a hospital in Newport, Tenn. in a serious condition since last Sunday, has improved to the extent that she was allowed to her home, where her condition is reported to be favorable, and unless complications arise it is believed that she has an excellent chance to recover. Mrs. Smith was rendered unconscious when she is said to have fallen from her husband's car on the Hot Springs-Paint Rock highway recently.

Sam—I walk five miles every day.
Dan—Why? It's only a mile to your office and back.
Sam—I know. I walk a mile and doge antes the other four.

SUGGESTIONS WANTED

HOT SPRINGS CHAPTER IZAAK WALTON LEAGUE INTERESTED

Mr. L. Jared of Hot Springs last week called our attention to a matter that is now claiming the attention of members of the Izaak Walton League of America. The officers of the Hot Springs chapter are as follows:

L. D. Hensley, president, W. A. Lewis, vice-president, W. T. Davis, treasurer and Lorenzo Jared, secretary. This chapter, as well as other chapters throughout the country, is appealing to its members and other lovers of outdoor life to suggest a suitable national memorial to Will H. Dilg, founder of the organization, who died in Washington, D. C., last March. The literature says:

"Will H. Dilg has won a permanent place in the hearts of all who love the outdoors. This regard must have expression, must be carried on in tangible form to future generations who will use the outdoor playgrounds he has done so much to keep inviolate through organization of the Walton League and who will be benefited by the new spirit of conservation he has injected into American life.

"It is a simple matter to think of a statue or monument of some sort, but the problem facing the committee is that of providing something which will be entirely confined to any one locality. The committee admits a feeling of incompetency to decide such a matter unaided by the Waltonians of America as a whole."

The local chapter, according to its officers, will take measures to obtain suggestions from its members or from any sportsman interested.

Madison County To Discuss Chain Gang

Topic Will Be Brought Up Before August Court.

The question of deciding as to whether or not Madison county will have a chain gang, will come before the August term of Criminal Court, convenes here Monday August 22, J. Hubert Davis, clerk of the court of this county stated yesterday. Mr. Davis said that it was his opinion that the proposition would pay, but that he could make no statement either pro or con in regard to the matter, but was planning to take the question up with the Board of County Commissioners within a few days, at which time it is very probable that some definite action will be taken. It was thought by many of the citizens of the county that the matter would receive the attention of the court at the May term, but Judge Thomas J. Shaw, the presiding judge, did not consider it at that time.

The docket for the August criminal term is a very long one, and it is believed that sufficient material could be obtained for the maintenance of a prison force, provided it could be profitably employed in the county.

The Madison county chain gang was broken up in the summer of 1925 while the men were engaged in the construction of a road leading from the French Broad river, near Redmon about two miles west of here, up Little Pine Creek and across the mountains to the Spring Creek highway, the Board of County Commissioners at that time having taken into consideration the expenses of operating the chain gang, and abolished the same, and all the members of the force at that time, and prisoners sentenced since that time in the Madison county courts have been hired out to the Henderson county authorities for the length of their terms.—Asheville Citizen.

DR. GEORGE W. M'DANIEL

Baptists throughout Virginia will learn with sorrow of the death of Dr. George W. McDaniel. His passing takes from the Southern Baptist Church a leader whose high ideals, sage counsel and sound scholarship were assets upon which the whole church leaned. In Virginia he had long been an outstanding figure not only in Baptist circles but among the forces of militant Christianity. Although educated in Texas, his native State, Dr. McDaniel came to Virginia before he was thirty years old and served the First Baptist Church of Richmond for nearly a quarter of a century. He enjoyed the implicit confidence, love and respect of his fellow Baptists, as was shown by the fact that he was president of the Baptist General Association of Virginia, president of the board of directors of the Virginia Baptist Orphanage and a member of the Baptist Educational Board of Virginia. He was likewise a trustee of the Southern Baptist Seminary. For three years he was president of the Southern Baptist Convention. His death deprives a great denomination of a great leader.—Roanoke Times.

County and community fairs are being planned for practically every county having a farm and home agent according to reports from these agents.