

"Pistol Toting" Is Condemned By Judge Ellis in His Charge

The instructions given the new Fulton county grand jury by Judge William D. Ellis in his charge at the empanelling of that body Monday morning placed especial stress upon the call of the Mary Phagan case for the "immediate and vigorous attention" of the grand jury. He also urged the jury to investigate the locker and social clubs of Atlanta and to "find true bills against all who conduct clubs which are run for the purpose of selling liquor."

In this connection he also urged that the grand jury declare war upon the Sunday tipping house, "pistol toting" and the operation of assignment houses are also due for considerable annoyance at the hands of the new grand jury.

The Charge in Full.

Judge Ellis' charge to the grand jury in full is as follows:

Under our system of judicial procedure, we have in the superior court of this county, six terms each year. Grand juries are drawn and empanelled at each term, but the duties of making investigations into matters of a general nature, such as the inspection of the offices, the books, papers and records of the clerk of the superior court, the ordinary and of the county treasurer, the duty of examination of public buildings and their condition, the examinations of the lists of voters, and the examination of convict camps, the inspection of the jail and such other matters concerning the public welfare, the peace and good order of the county at large, are required at the March and September terms. While such matters are looked after by the grand juries of the terms named, yet you are not prohibited from inquiring into such matters if you deem it necessary, or if brought to your attention by the court or the solicitor general.

You are empanelled at this the May term especially to inquire into and take action upon cases of violation of the penal code. While you are to consider all violations of the law, and bring to trial by presentment or indictment all who are probably guilty of crime, I will call your special attention to some matters.

TOUCHES ON LOCKER CLUBS.

Look to the violation of the law against the sale of intoxicating liquors. Find true bills against all who conduct clubs which are run for the purpose of selling liquor. Under the law, locker clubs can be operated, but if a club is organized or maintained for the purpose of making money by the sale of intoxicating liquors, those who operate or maintain it are violators of the law.

If a locker club organized for social pleasure is conducted as such an organization, it is permitted that the members may keep liquor as a part of the social establishment, but if the sale of intoxicating liquor is the purpose, and the social feature only an excuse for the organization or operation, then those who run such an alleged club are guilty, and should be brought to trial.

I want again to call your special attention to keeping open tipping houses on the Sabbath day. Every club, no matter how well organized and operated, within the law, is a tipping house if the members are permitted to assemble there on Sunday and drink intoxicating liquors. Even a private citizen would be guilty of keeping a tipping house on the Sabbath day if he allows his friends and neighbors to assemble in his parlor and drink intoxicating liquors on Sunday, and this would be true, even if he furnished the liquor free, or allowed those who assembled to bring it with them. I charge you to look closely into this matter.

I wish to invite your careful attention to the law against carrying concealed weapons. No man, under the law, has a right to carry a concealed weapon. Officers of the law may openly carry them, and private persons may carry them openly by obtaining a license, but nobody has a right to carry a deadly weapon concealed. This is a free country, and life and person ought to be safe in it.

Good people do not go armed, but the vicious and desperate do go armed. The good citizen is certainly as courageous as the bad, and he is entitled to walk in the pathways of life without being at the disadvantage of being shot down by some cowardly villain who walks about armed and equipped for slaughter. If all men are to have an equal showing, all ought to be allowed to go armed, or all ought to be compelled to go about unarmed. The law has decided which equality shall exist, and it declares that no man shall go about with concealed weapons, and none shall carry pistols even openly, unless he shows some reason for it, and publicly procures a license.

HOUSES OF PROSTITUTION.

It is claimed that public houses of prostitution have been abated in this county. Of course, it is desirable that prostitution should cease, but the abatement of the evil of lewd houses in known localities makes it most probable that assignation houses will spring up, and that the illicit intercourse will be shifted from known localities to dark and secret places. A thousand cases of fornication or adultery between professional low women and men of the class who go with them, are not in the aggregate so revolting as one case of seduction of a virtuous girl, or the rape and murder of little Mary Phagan. I charge you to look carefully and deliberately into all these matters, and especially to investigate suspected places of assignation or houses or places run for the purpose of prostitution under the name of rooming houses.

ACTION ON PHAGAN CASE.

The Mary Phagan case calls for your immediate and vigorous attention. The power of the state is behind you. What appears to be a lawful crime has been committed and the welfare of the community, the good name of Atlanta, public justice and the majesty of the law demand at the hands of this grand jury and of all officers of the law, the most searching investigation, and the prompt bringing to trial of the guilty party.

This is a good community. There are thou-

sands of intelligent and law-abiding people in it, and a vast majority of our people are good and virtuous; but, like all other communities, there are bad people in it. The reputation and progress of Atlanta attracts to it large numbers of people from all parts of the country, and some of the worst people from other places come here, and add themselves to the bad element of our county. Let the grand jury get after the bad element. You indict all violations of the law in Fulton county, and the court will see that speedy trials will follow and certain punishment will be inflicted on the guilty.

HUMANITY NOT BAD.

I do not sympathize with the common cry that humanity is all bad. I do not believe that the tendency of humanity is for the bad. I believe that it is unfair to cry out in a sort of wall of despair because crime is committed. I doubt if the holding out to public view of all the frailties of the human tids is conducive to the public good. There is no perfect community anywhere, and probably never will be upon the face of this world of ours; but in trying to elevate and promote good citizenship, in trying to suppress crime and disorder, we should not be led into the error of bringing reproach upon the people of one of the best communities in the world, by exploiting the misdeeds of a few. Let us rather contend for reaching to the high level of honesty and virtue, and at the same time ferret out and punish the guilty who are upon us, and who, by their conduct, violate the laws which condemn the vicious, and which give praise to and provide for the well being and safety of the good.

I want to remind you of your duty as to matters which occur in the grand jury room. Your oath is to keep secret the state's counsel, your 'fellows' and your own, unless called on to give evidence thereof in a court of justice. The object of the law is to allow the utmost freedom in the grand jury room, in making honest and fair investigations. It is bad faith, and a violation of his oath, for a grand juror to tell what transpires in his deliberations, but it is not an uncommon thing for the general public to be informed of things that transpire during the investigation of alleged crimes. Look to this, and if there is a violation of it, you should investigate, find out who has betrayed the confidence reposed, and report to the court the offending person.