

Petits Held In Masters Murder Case

(Continued from page one)

Sunday, August 15, 1926, in the presence of Tal Petit and himself, and after knocking Masters down with a rock stabbed him in the throat and side with a knife.

Whitmire was tried in December, 1926, term of Superior court and sentenced to fifteen to twenty-five years in the state penitentiary. In February of this year he was released on parole. Facing a revoke of his parole after being arrested two weeks ago, if found guilty of store breaking charges, he made the assertion that he was innocent of the murder charge imposed upon him five years ago, and asserted that Arthur Petit was the real culprit. Acting on this information Sheriff Patton caused the Petits to be arrested. The charges as made by Whitmire are stoutly denied by the two Petits. Defense counsel at the preliminary hearing Saturday made it appear that Whitmire was endeavoring to implicate the two Petits in order that he would not have to return to the State Penitentiary and finish his sentence. Wm. E. Breese and T. Coleman Galloway represented the Petits, while Pat Kimzey represented the State. Mrs. Hazel Owen acted as court stenographer. The courtroom was jammed to overflowing by people from all sections of the county.

Sims On Stand

Eck L. Sims, rural policeman at the time Masters was reported missing from his home at Rosman, and a member of the party that found the body identified as that of Masters, was first witness for the state. He testified to the finding of the badly decomposed body nineteen days after Masters was reported to have left his boarding place at Rosman. He was positive that the body was that of Masters. On cross examination by Attorney Breese, Sims reiterated that he was absolutely positive of the body being that of Masters'. He was given a pretty severe grilling as to his positiveness of identity, but maintained that Masters' body it was.

L. E. Masters, brother of Jesse Masters, was next called. Witness testified to the finding of the body by the searching party and asserted that he was convinced that the body found was that of his brother. Although in absolute decay, the head and hands separated from the rest of the body, he said he knew it was that of his brother by his clothes, small knife he carried, a pin he wore, and the way he wore his shoes, the toes of which had a tendency to "turn up."

On cross examination by Attorney Galloway, the witness was emphatic in his statements that he knew the body was that of his brother, and no amount of questioning by Mr. Galloway could shake him from the flat statement that it was his brother's body. Mr. Galloway brought out during his cross examination of the wit-

ness that Jesse Masters had gold teeth, and that no gold teeth were found in the head of the body claimed to have been that of Masters. Mr. Galloway further elicited that all flesh was gone from the head and upper portion of the body, that the hands were "scattered about" and that there were no actual physical features by which the witness could have identified the body. His brother drank a whole lot, and stayed drunk for long periods, so he had heard the witness stated.

Whitmire Takes Stand

Louie Whitmire was placed on the stand. He appeared to be highly nervous, continually clasping and unclasping his hands. He was wearing a clean pair of overalls, and aside from showing the marks of dissipation in his face, was a neat appearing man in his thirties. He told of leaving his home in the morning, August 15, 1926, about 9 o'clock, starting to Old Toxaway. Told of seeing two men on the way and later of meeting up with Jesse Masters, Arthur and Tal Petit. Jesse offered him a drink of whiskey out of a pint bottle. All took a drink. Stood about and talked for some time, later getting into a car, went a short distance and met up with two boys from South Carolina. More drinking. Car drove off leaving Louie and Masters together.

Met the Petits

Ten minutes later, Whitmire testified, Arthur and Tal Petit came up. More drinks. Masters made the suggestion that they get off the road as he had some more whiskey on him. As they were leaving the original place, Arthur Petit said, "Jesse has some money on him," the witness stated. They went a short way and stopped to take another drink; talked a little bit. Dispute then arose between Arthur Petit and Masters; they started cursing and finally struck several blows. Then it was, Whitmire testified, that Arthur Petit struck Masters with a rock, knocking him down. Masters got up and Arthur cut him in the throat and side with a knife. Whitmire left immediately, he said, going to the home of C. C. Galloway, that he was in awful trouble. After shaving he told Mr. Galloway about the killing.

Later he went with "Alonzo" (did not say Alonzo who) to the home of Ed Aiken; took a drink; came back. Did not see Arthur Petit until the next Sunday. Talked with him a short time, took a drink. Arthur said to him: "Well, don't ever say nothing about this—it won't do. If they get you up, you won't get much, and they might give me life."

Witness said he saw Tal Petit on the following Monday after talking to Arthur, and that Tal told him to say nothing about it. Arthur came to see him while he was in jail after he had been tried and convicted and told him to "make the best of it you can." Arthur also told him while in

the jail that Masters had about \$30 on him, the witness said.

Afraid of Being Killed

"Why didn't you tell this before?" Attorney Kimzey asked. "I was afraid I might get killed," he answered.

Mr. Breese subjected Whitmire to a cross examination. Mr. Breese questioned him as to his reasons for not telling the story that he had just told before, and about his not telling anyone about the matter before going to prison. Whitmire stated that he had told Mrs. C. C. Galloway on the day of the killing and later that he had told a Gordon Barnes about it while in prison, and that he had told his wife about it after he was paroled.

Asked by Mr. Breese why he had not put Mrs. Galloway on the stand, when he was tried before, and why he had not gone on the stand himself in his own defense, Whitmire replied that his reason for not going on the stand was that there were two charges against him at the time and he was afraid that would hurt him in his case. That he had told Mrs. Galloway, who is his first cousin, to say nothing about the matter at all.

At this juncture, Kimzey asked him who was his lawyer, and he replied Mr. Breese. This caused a titter in the courtroom and a tilt between the lawyers when Breese asked the witness, "What did you tell me?" "Object," said Kimzey, and the objection was sustained by Justice Shuford, but the spectators were furnished with an interesting lawyers' mixup between Breese and Kimzey. Mr. Breese charged that Kimzey had the witness tell who his lawyers were in the first murder case in an effort to place Mr. Breese in an embarrassing position before the crowded courtroom, while Mr. Kimzey asserted that the question put by the defense counsel was not according to correct procedure.

In an effort to break down Whitmire's testimony, Attorney Breese drew from the witness that he had told several people prior to the murder hearing in 1926 that he knew nothing at all about the killing, among those he told being his brother and his brother-in-law.

Present Trouble

On request that he tell how he came to be in jail now, Whitmire said that he "got drunk or crazy, whatever you call it"—broke in the store with an axe, stole a pistol and later pawned the pistol at Reid's Siding for a drink of whiskey. That Deputy Tom Wood caught him and brought him to jail. He asserted that he had not told anyone anything of importance while in jail, but stated that he had been "crazy-like while in jail—mind got off."

Whitmire further testified on cross examination that he had seven or eight dollars at the time Masters was killed; that T. E. Reid had signed his

note for \$75 at the Brevard Bank. He said that he did not go back to the scene of the killing.

Mrs. C. C. Galloway, a neat appearing middle-aged lady, was next called. She corroborated a part of Whitmire's testimony, saying in effect that she was getting dinner on the fateful Sunday when Louie came to her home. She thought he was drunk. Louie wanted to shave and she procured hot water for him to use; noticed that he was nervous, and that Louie told her that he was in bad trouble—saying that Arthur Petit had killed Jesse Masters and asking her to say nothing about it. Witness said she told Louie she did not believe it.

On cross examination by Mr. Galloway she testified that she had told the solicitor that she "didn't know whether Louie or the others had killed Masters." She said that she had not been placed on the stand and that she was not under oath, and further that she did not believe at the time that either the Petits or Louie would do a thing like that." Mrs. Galloway made a good witness for the state and the spectators listened intently to her testimony and her answers to questions by Mr. Galloway.

On completion of Mrs. Galloway's cross examination the state rested. No defense was put up. Attorney Kimzey made brief speech asking that the Petits be held on the charge to Superior court and that they not be allowed bond.

Motion Denied

Attorney Breese made a strong appeal for release of his clients, asserting that Whitmire, who had been sentenced and had served part of his time was "grabbing at a straw" in an effort to keep from having his parole revoked. He declared that Louie Whitmire had concocted the story about Arthur Petit and derided the testimony of Mrs. C. C. Galloway, asserting that she had failed to tell the truth at the time of the first murder hearing to the solicitor, and that she was now trying to help her kinsman.

Motion for dismissal was denied by Judge Shuford, and the two Petits were bound to December term Superior court. Bond, if allowed, to be arranged by Solicitor Pless.

Tal Petit is a heavy set man of medium height, fair and ruddy, and looks to be about forty-five or fifty. He was dressed in overalls, blue shirt and wearing a short top coat or mackinaw. Arthur Petit is a clean and neat appearing young fellow of the early twenties. He wears glasses and has a bad or "cross eye." His mother was in the court room Saturday and sat beside him during the hearing. Neither of the Petits seemed to be in the least nervous, the younger assisting his counsel in the hearing, speaking from time to time to his lawyers during the cross examinations, which were severe in each instance.

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