



Hawkins Upholds Motion For Change Of Venue

Hearing Will Be Held In Raleigh; Plaintiffs Appeal

A motion by the State Board of Elections for a change of venue in an action growing out of the May 30 primary vote probe in Madison County was granted here Wednesday by the clerk of Superior Court.

This means that a mandamus filed by Zeno Ponder of Marshall, which orders the state board to show cause as to why it should not certify him winner of the 34th district Democratic senatorial nomination, will be heard in Wake County.

The motion was presented by Deputy Attorney General H. W. McCalliard of Raleigh, representing the state board.

Madison Superior Court clerk Herbert Hawkins ruled that the proper venue for the mandamus hearing instituted by Ponder after Clyde M. Norton of Old Fort protested the 400-vote win would be Wake County instead of Madison.

A. E. Leake and William J. Coker, Ponder's attorneys, argued against the motion and when it was granted, filed notice of appeal to Madison Superior Court.

The main question heard by Mr. Hawkins was, "Where did cause of action arise?"

Leake and Coker contended that it was in Madison County and McCalliard contended it was in Wake County (Raleigh).

McCalliard also, in answering a contention from the laws as read by Leake, stated that the supreme court has ruled that the word "may" should be interpreted as "must" which makes it mandatory to change venue if cause of action arose out of Madison County.

McCalliard relied on GS 1-77 as to where action arose and Leake and Coker relied on GS 1-82. Leake, who termed his reading a reversal stated that "1-82 will prevail over 1-77."

Leake and Coker also pointed (Continued to Last Page)

SPEARS TRIAL IS POSTPONED TILL AUG. 31

The first-degree murder trial of Darrell Clifford Spears, 25, of North Wilkesboro was continued Saturday in Buncombe County Superior Court by Judge Harry C. Martin until August 31.

The judge gave both the defense and prosecution until August 22 to take depositions from psychiatric witnesses or have them subpoenaed for the trial.

Earlier in the judge's chambers, the defendant had moved, through his counsel, that he be permitted to withdraw (and strike from the record) a plea of present incompetency by reason of insanity which he had entered at a formal arraignment Monday afternoon.

Both sides are represented by a top-flight array of legal talent. Defending Spears are Asheville attorney Harold K. Bennett and J. H. Wicker, a North Wilkesboro lawyer. For the prosecution, Solicitor Robert Swain is assisted by former solicitor Lamar Gudger.

Bennett, Swain and Gudger have worked through the week in an effort to reach an agreement about the plea. Spears' withdrawal of his earlier plea of incompetency signifies that he will not try to prove present insanity.

However, Bennett and Wicker intend to plead that Spears was insane at the time of the crime.

Spears is accused of shooting Kenneth Eugene Ponder, 31, of Marshall after hitchhiking a ride into Asheville from Alexander with Ponder March 7. He is also accused of stealing Ponder's car.

There has been indication that the prosecution will ask the jury for the death penalty. A special venire of jurors to hear the case which was scheduled to be drawn Saturday was postponed.

OFFICIALS SEEK APPLICANTS FOR TOMATO PLANT

Those interested in working at the MATO tomato plant, soon to be in operation near the Marshall by-pass, are asked to be at the French Broad Electric Membership Co-op building on Main Street here on Friday morning, July 24, at nine o'clock.

It was pointed out that grading and handling are the primary needs at the present.

PEGG BARN IS DESTROYED BY FIRE MONDAY

Valuable Equipment Is Lost; Small Boys Cause Blaze

A barn, loaded with valuable farm equipment and between 500-600 bales of hay was completely destroyed by fire near here Monday afternoon about three o'clock.

The barn, owned by Mr. and Mrs. Clarence Pegg, of Asheville, was located on Marshall Rt. 1, about two miles from the courthouse.

It was revealed that the blaze started from matches accidentally dropped by two small children who live near the barn site.

In addition to the hay, a tractor, tobacco setter, tomato sprayer, tobacco sticks, about 20 chickens, and other valuable farm equipment was destroyed.

Ironically, Mr. Pegg and close relatives were in the process of adding to the barn in order to make it larger so more equipment could be housed.

Marshall firemen were called to the scene but the flames had completely engulfed the structure when they arrived.

Total figures on the damage were not available.

Local 4-H's Now Attending 4-H Club Week In Raleigh

State 4-H Club week drew 1,200 Tar Heel youngsters to the North Carolina State campus Monday and honors went early to four Edgecombe County club members.

Beating teams from Wilson, Columbus and Lenoir counties, in an all-Eastern final, the Edgecombe team won the state livestock judging contest.

Registration, vegetable judging, swimming and the honor club tapping ceremony filled the first day of the four-day session.

4-H Club delegates from Madison County attending the 4-H Club Week are Hilda Gosnell, Shirley McIntosh, Martha Louise Ramsey, Doris Cantrell, Brenda Ray, David DeBruhl, Clayton Willis, Rocky Grooms, Jerry Dale Hunter, Roger Rice and Mike Ledford.

Freeman, Snelson Seek Former Posts On County Elections Board

AREA ASCS MEETING ON JULY 23 AND 24

A two day area ASCS meeting has been scheduled for July 23 and 24 at the George Vanderbilt Hotel in Asheville for Districts 10 and 11. Representatives from the following counties are expected to attend: Avery, Ashe, Alleghany, Burke, Caldwell, McDowell, Madison, Mitchell, Watauga, Yancey, Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Swain and Transylvania. Those expected to attend from Madison are Emory Robinson, chairman of the county ASC committee; Ralph Ramsey, county office manager; and Genell Fox and Nila Gaddy from the county office.

Topics to be discussed at this meeting include the reconstitution of farms, the feed grain program and wheat stabilization program.

COLLISION IN MADISON INJURES TWO

Two teenagers were injured, one seriously, when the car in which they were riding smashed into the end of a bridge on U.S. 19-23, near the Madison County line about 3:30 p. m. Tuesday.

State Highway Patrolman Al Feldman said James Robert Middle, 18, of Melbourne, the driver, was admitted to Memorial Mission Hospital for treatment of a ruptured windpipe and multiple body lacerations.

Bobbie Skinner, 14, also of Melbourne, a passenger, was admitted to the hospital for treatment of a fracture of the left leg and multiple body abrasions.

Patrolman Feldman said his investigation indicated that Riddle, traveling south, lost control and rammed head-on into the concrete railing at the end of the Forks of Ivy bridge.

Riddle was listed in serious condition, and the Skinner girl was reported in fair condition. The vehicle was a total loss.

ACCURATE SHOOTER

Roselle, Ill.—Rated as one of the nation's most accurate shooters 18-year-old Bob Shuley averaged better than 98 per cent on 3,250 registered targets. Shuley has been named co-captain of Jimmy Robinson's all-American skee shooting team for the current year.

County Election Irregularities Hearings To Resume Monday

EITHER SEX DEER HUNT REGULATIONS

The North Carolina Wildlife Commission today announced that landowners and sportsmen wishing to recommend either sex deer hunts in their localities must file requests with the Commission before August 10. Such hunts will again be allowed in areas of high deer population on the basis of local requests. Frank B. Barick, Chief of the Wildlife Commission's Division of Game said that "upon receipt of requests the Commission will investigate local situations to determine whether deer populations warrant the taking of antlerless deer. If this is found to be the case a public hearing will be held near the area being proposed to determine local sentiment in regard to the proposal. Such hearings will be held during the week of August 31. Results of the hearings and other findings will then be considered by the Commission and approved areas and dates will be announced during the week of September 21.

Either sex deer hunts for gun hunters will be scheduled during the month of December. As in the past, bow and arrow hunters may take antlerless deer on such areas during the last six days of their pre-gun season.

Correction In Big Pine Testimony

In last week's account of the Big Pine testimony in the recent hearings involving the May 30th Primary, with Earl Roberts testifying, the paragraph reading, "The registration book showed that most of them were checked as having voted more than once in the May 30 Primary." The wording should have been "The registration book showed that about 20 Democrats were checked as having voted and several of them more than once."

Coin Collection To Be On Display In Asheville Next Week

Some of the world's finest collections of coins, representing several fortunes, will be on display at the annual Blue Ridge Numismatic Association convention in City Auditorium in Asheville July 29 through August 1.

There will be displays of ancient and modern coins, gold, silver, copper and others, foreign and domestic and many odd, and curious coins of the world.

Total value of coins on display will be well over \$1 million and convention officials are taking top security measures.

More than 5,000 persons are expected to attend. Some 70 coin dealers from over the United States and Canada will have coins for sale.

Auction sales will be conducted by Jeff V. Stewart, well-known auctioneer from Newton, N. C.

Coin experts will be on hand to explain the exhibits and to appraise coins for non-collectors.

Hours of the convention are 10 a. m. to 10 p. m. daily.

The BIRNA convention, one of the largest coin conventions in the U. S., is expected to be one of the largest conventions ever held in Asheville, and certainly by far the largest coin convention.

Expected To Complete All Testimonies In A Few Days

It was announced by William Joslin, chairman of the state board of elections, that testimony into charges of irregularities in the May 30th Primary in Madison County will resume at the courthouse here Monday morning at 9:30 o'clock.

Mr. Joslin was in Marshall Wednesday for the change of venue hearing before Clerk of Court Herbert Hawkins when the announcement was made.

It is thought that the resumed hearings would not take more than two or three days.

The board has heard testimony from Mars Hill, Ebbs Chapel, California Creek, Big Pine and Township 4, ward 2 (Beech Glen-Middle Fork).

CLIVE WHITT IS AGAIN NAMED MHS PRINCIPAL

Board Of Education Met On Mon.; List Of Teachers Is Announced

Robert L. Edwards, county superintendent, announced Tuesday that the board of education met Monday night and named the following principal and teachers for the Marshall school.

Principal, Clive M. Whitt. High School Teachers: James E. Boone, Edward A. Morton, James E. Allen, Jack C. Cole, Lawrence M. Ponder, Dorothy B. Shupe, Selwyn M. Eure, Latrelle Robinson, Polly B. Lewis, Jessie M. Ramsey, Mary Sprinkle, Pauline R. Dittmore, Lucille Bullman, Hettie B. Rice, Carol Whitt, David Wyatt.

Elementary Teachers: Mary E. Ward, Mafra B. Clark, Lula L. Adams, Anna B. White, Winifred West, Helen Ledford, Viola M. Ramsey, Hattie Teague, Sandra Edwards, Orla O. Ponder, Jessie B. Worley, Salena Fisher, Eva Sams, Viola B. Ramsey.

BIBLE SCHOOL IN PROGRESS HERE; ENDS SUN.

The Marshall Presbyterian-Methodist Church daily vacation Bible School, which started here this week, is being well attended with some 30-40 young people enrolled. Two sessions are being held daily with the younger students attending the morning session from 9-12 o'clock and teenagers attending the evening session from 7:30-9:00 o'clock.

Speakers for the evening session are Bob Melvin, Worth Booth, Richard Hoffman and Page Lee. They are members of the Mars Hill College faculty.

The Rev. Bill Deans, interim pastor of the Marshall Presbyterian Church, is director of the school.

Commencement exercises will be held at the Presbyterian Church Sunday night at 7:30 o'clock. It was announced.

THE MEDICS

In an emergency the quickest way to get a doctor is to turn on the television set.

Guthrie, GOP Member, Not Involved In Action

Roy Freeman, former chairman, and Ernest Snelson, former member and secretary of the Madison County board of elections, recently ousted by the State Board of Elections, have made a maneuver to be reinstated to the board.

A petition, for writ of Certiorari, against the State Board of Elections was filed in the office of Herbert Hawkins, clerk of superior court, last Saturday to further complicate the already "sticky" processes being heard and to be heard charges. The hearing on the latest petition is set for August 31.

In substance, the petition points out that the members of the former elections board were ousted from office on June 18 without due process of law. They were charged with failure to fulfill their duties.

While Freeman and Snelson are seeking reinstatement as members of the county elections board, Jack Guthrie, the Republican member of the ousted board, is not seeking his former position on the board.

The petition also asks the court to request the state board to certify entire records and send them to the superior court for review.

The petitions call the state board's action in replacing the county election officials "arbitrary and capricious" and charges that recommendations from Rep. Liston Ramsey, chairman of the Madison County Democratic Party, were not considered by the state board.

There is also some doubt, the petition indicates, that W. Lunsford Crew, State Democratic Chairman, made recommendations on the selection of Ted R. Russell, the new chairman; and Rex Allen, the other Democratic member of the state appointed county board.

The petitions further claim that there is no evidence to support the state board's finding that Freeman, negligently or intentionally, failed to retain custody and possession of the Mars Hill precinct (Continued To Last Page)

CLIP WEEDS FROM PASTURE

Where the terrain will permit, it is a good practice to clip weeds from permanent pasture. The dry season has caused animals to graze most pastures close this year. It is quite obvious which plants they will not eat and should be clipped. By clipping these weeds, more moisture and fertility will be available for the grass which is beginning to grow. This will not only make the pasture look better, but will improve the carrying capacity of the pasture. Tures that should be clipped. The tures that should be clipped. The cattle should be removed until the wild cherry plant has dried.

Local Scouts Are Attending Camp In Haywood Now

Three Marshall Boy Scouts—Gary Davis, Morris Roberts and Franklin Frisby—are attending the Daniel Boone Scout Camp in Haywood County this week. Several Mars Hill Boy Scouts are also attending the camp. The boys are expected to return to their homes Saturday.

A total of approximately 120 Scouts are attending the camp this week.

Last Saturday, a Father-Son observance for Cub Scouts was held at the camp site to acquaint the younger boys and their fathers with the camp and its activities. Attending the affair from Marshall were Chris Roberts and son, Frank, and Eugene Reed and son, Calvin.

URGES CONTROL HORN WORMS IN BURLEY TOBACCO

Several farmers have reported heavy infestation of tobacco horn worms. These insects may be controlled by using a ten per cent TDE Dust, says Printess W. England, Agricultural Extension Agent for Madison County. It will require from 15 to 30 pounds per acre. This insecticide may be applied on the top six leaves. The farmers should avoid intentionally heavy applications. Large worms cause more damage and are harder to kill. To prevent this the TDE should be applied before the insect reaches 1 1/2 inches in length. In addition to the ten per cent TDE Dust, TDE Spray may be applied in a 50 per cent wettable powder. The spray requires from two to three pounds to treat an acre. Seven may also be used in an 85 per cent material. It will require from one to one-fourth pounds in enough water to cover the acre of tobacco.

Girl Scouts Now Attending Day Camp At Crossroads

Six Marshall Girl Scouts, one Walnut Girl Scout, and one guest are attending day camp at Crossroads, off NC 191 in Buncombe County this week. The camp, which opened Tuesday, will continue through Saturday.

Marshall Scouts attending include Carol Elizabeth Shelton, Susan Gregory, Susan Frisby, Cynthia Niles, Penny Houston and Lisa Ramsey, of Marshall. Paula Edwards, of Marshall, is a guest at the camp. Scout Teresa Boone, of Walnut, is also attending.

Mrs. Ed Niles and Mrs. Vester Shelton, leaders, are also assisting in camp activities.

GOP OUTLOOK BRIGHTENS BY WALLACE DROP

Alabama Gov. George C. Wallace's abandonment of an independent presidential effort invited Sen. Barry Goldwater to pursue an all-the-way conservative drive against President Johnson.

When Wallace announced Sunday he was giving up the effort to get his name on presidential ballots in 16 or more states, he removed a serious obstacle to Goldwater's chances of carrying several Southern states in the Nov. (Continued To Last Page)

Craft's Fair Attendance Dipped Slightly

Attendance at the 1964 Craftsman's Fair dropped slightly during its five-day stand at Asheville City Auditorium.

The fair, which opened Monday, closed off Friday night with total attendance recorded at 19,486, according to a spokesman for the Southern Highland Handicraft Guild.

The record attendance was set last year with 14,308 visitors who bought tickets to the fair—\$2,045 more than ever before.

This year's total dropped some 700 below the 1963 mark.

"We still think it was a good fair," the spokesman said Friday night.

Volunteers from the Asheville area bolstered the work force of the Guild in displaying the many products and demonstrating various craft techniques on the two floors of the auditorium.

Folk dancing and music was a daily feature of the fair.

Salvation Army Singing Set For Sunday, Aug. 2

The 28th annual singing convention of The Salvation Army Mountain Mission will be held at the Shelton Laurel Mission, 3 miles west of Fines Creek High School, Sunday, August 2, from 10 a. m. to 3 p. m., in Haywood County.

This annual event has for many years attracted thousands of people to the mountain top to hear the old-time gospel singing, composed of quartets, trios, duets, soloists and church groups.

One of the highlights each year is the fellowship one has with both old and new friends.

This is an inter-denominational singing convention and singing groups from all churches are invited to participate in the singing.

This annual all day singing and decoration services are instituted by the late Major Cecil Brown, founder of the Salvation Army Mountain Mission work.

There will be free meals and

drinks served to the musicians and singers. Hamburgers, hot dogs, sandwiches, coffee, drinks, and ice cream will be available to those who will not be bringing their lunch along with them, to buy.

However, families are urged to bring their lunch, spread it on one of the picnic tables and enjoy the fellowship of your friends together.

Invite your relatives and friends you have not seen in years to join you; have a good time and make this a real homecoming day.

Colonel and Mrs. William Range, Divisional Commander of North and South Carolina will be present for this wonderful occasion, along with other guests.

This will be the third year for Capt. and Mrs. Earl Woodard, in command of The Salvation Army Mountain Missions. They extend to you a most cordial invitation to come and attend this all-day event.