

"ANOTHER PAPER IN NORTH CAROLINA HAVING MORE CIRCULATION THAN POPULATION OF CITY IN WHICH PUBLISHED"

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## TAFT CRITICIZES METHOD PAYING LOWER OFFICERS

### Chief Justice Taft Picks North Carolina For Special Mention

Chief Justice Taft declares that the North Carolina system of allowing magistrates compensation out of costs imposed on defendants tried in their courts is contrary to both the general practice in this country and to the common law.

He singles out North Carolina in the recent Ohio decision as one of six States, the others being Nebraska, Georgia, Kentucky, Texas and Ohio, which have inferior courts whose compensation is dependent upon convictions.

"From this review we conclude that a system by which an inferior judge is paid for his services only when he convicts the defendant has not become so embodied by custom in the general practice either at common law or in this country that it can be regarded as the process of law unless the costs usually imposed are so small that they may properly be ignored as within the maxim de minimis non curat lex," concludes Chief Justice Taft after reviewing numerous English and American cases.

While the nominal fee of \$2 or \$3 collected by a magistrate out of a defendant convicted in his court might be construed as being too small for the law to care about there can be no doubt that the practice of retaining a percentage for collecting accounts through court action or the practice of wholesale trial of criminal cases by magistrates in cities and towns cannot be excused on that ground.

In the Ohio case decided by the Supreme court, the mayor of North College Hill collected \$12 out of the defendant, and his average earnings from fees in addition to his salary were \$100 a month. Chief Justice Taft declares that this was such a pecuniary interest in the outcome of the case as to make the law under which it was collected unconstitutional in that it authorized and permits a practice that is contrary to a due process of law.

"No matter what the evidence against him, he had the right to have an impartial judge," declares Chief Justice Taft with regard to the defendant in the Ohio case.

There was then no usage at common law by which justices of the peace were paid fees of condition that they convict the defendants and such a practice cannot find support in due process of law in English precedent," Chief Justice Taft declares.

He makes a full list of Blackstone, the classic authority on the common law of England, who argued that it was the duty of a magistrate not to pay the costs to a subject and benefit his dignity to receive them from a subject, and declares that while the accounts for the practice in North Carolina and a few other States, it is not in line with English precedent, and is in fact contrary to the usage of the 400 years.

Back to the 13th century the English courts began to show that the practice in England of paying compensation to be paid to the magistrates on defendant's costs out that the practice in Ohio "certified" the amendment of the defendant in a criminal case as a part of the process of law to subject his liberty or property to the judgment of a court, the judge of which has a direct, personal substantial pecuniary interest in reaching a conclusion against him in his case.

While the small fees charged by magistrates in North Carolina may not come within the limitations of "direct personal substantial pecuniary interest," as construed by the Supreme court, when they involve of course trials in villages and in the countryside, there can be no doubt that when magistrates in cities and towns try cases in large numbers, that their income amounts up to large sums that they have a "substantial pecuniary interest," as much as certainly as the shopkeeper has in the few cents he makes on a pack of potatoes, and that they come within the rule.

Along with other equipment to be installed in the capital at Washington during the recess of Congress a supply of Maxim silencers should be provided.

## HENRY FORD'S WEALTH RECKONED IN SILVER

Shelby, March 15.—L. E. Ligon, auditor in Shelby, has made the following computation by way of demonstrating in physical terms the enormous accumulation of the Henry Ford fortune.

Henry Ford is said to be worth two billion dollars. His vast sum in this amount is silver dollars to the value of 125,000,000 lbs. If you could load a car it would take 250 car loads, at 50 cars to a load, to make 12,500 cars to make 250 loads. The 2,500 cars and 50,000 loads all piled together would reach out the towels.

## Such a Difference



"Ain't life wonderful?" smilingly opined Babe Ruth (above) as he signed the \$210,000 contract for three years of baseball. "Not so good," mumbled the same Mr. Ruth (below) as he scribbled his "George Herman" on his income tax report before starting south for the training season.

## STREET PRAISES CAROLINA ROADS

### Prominent Rotarian From Oklahoma Likes Highways Of This State

Durham, March 13.—"This is the only State I have ever been in where you can drive from mountains to the sea in a day. The roads in North Carolina, from a scenic point of view, can't be surpassed. The engineering is remarkable," said Allen Street, Oklahoma, vice-president and representative of Rotary International, who will go to Wilmington Monday to attend the Fifty-seventh District Rotary conference Tuesday and Wednesday.

"You have here in Durham one of the very finest men in Rotary," Gene Newsome is a number one Rotarian and an excellent citizen. I'd vote for him for president of Rotary International," said Mr. Street, who is the guest of Mr. Newsome, former district governor and present director of Rotary International, while the Oklahoma Rotarian is in North Carolina.

## SLAIN MAN HAD THREAT LETTER

### Thomas Thompson Had Been Notified To Keep Away From Certain House

Goldsboro, March 15.—In the breast pocket of Thomas Thompson, 38-year old carpenter, mysteriously killed here Sunday night, there was according to the Goldsboro News, a poorly scrawled letter in which Thompson was threatened in words substantially as follows:

"You have been seen to come from a certain house too many times. If you do it again we will take you for a ride, and if the woman tells about this she will get the same dose that you get."

The letter had been written on a typewriter, whose keys were registered unevenly and was ungrammatical. It had been signed "Klu Klux Klan." This had been partly erased and there followed a row of crosses in red ink across the bottom of the letter.

Thompson was a quiet and unassuming man and the charges in the letter are believed to have been groundless. He is survived by his wife and five children.

Thompson was shot about 9:30 o'clock Sunday night and three men were seen to hurry away from the scene of the shooting. He was taken to a hospital but died about the time of reaching there. The bullet punctured the liver and lodged in the spinal column.

A jury of inquest was impaneled and then dismissed pending the results of an autopsy. Further investigation is to be made.

There's a closed season for quail, squirrels, rabbits and black bass, but apparently none for wayward husbands.

The great human race is between the churches trying to convert the world and the courts trying to convict it.

Even if they wiped liquor from the face of the earth some fellow would try to buy the privilege of wringing out the towels.

## REAL PROGRESS IN BUSINESS AS SPRING OPENS

### General Trend Of Commodity Prices Starts Upward As Season Opens

New York, March 15.—The steady improvement of business continued last week, largely because the early spring weather seemed to be blossoming out satisfactorily in most sections of the country and the general trend of commodity prices had been upward.

The principal business parameters bear favorable signs. Steel mill operations continued to advance, offsetting the foundry decline of 203,000 tons in unfilled steel orders. Steel prices continued to show signs of stiffening.

Overproduction remained as a difficult hurdle for the petroleum industry and resulted in the third price cut in 18 days. Reductions in the price of gasoline and kerosene inevitably followed the decline of crude oil.

Spring weather gave stimulus to the motor industry, which was unsettled, nevertheless by recurring talk on price reductions. The rubber outlook is beginning to grow more optimistic after sustaining heavy losses last year because of unstable conditions in the crude rubber market.

Textiles, which also suffered a bad year in 1926, displayed some slight signs of improvement, but this branch of business has not yet turned the corner. Agriculture was reported as spotted, crop prospects being retarded by unfavorable weather of the late winter in some sections of the country.

Traffic on the railroads continued to exceed that of a year ago, but the gain in car loadings was still largely attributed to abnormal shipments of bituminous in anticipation of a strike of soft coal miners. Reports toward the end of the week intimated that the strike would be averted. The usual seasonal reduction in anthracite prices by some of the leading companies is expected between now and the first of April.

While bond prices are regarded as bearing upon general business only indirectly, some significance may be attached to the advance of securities, not only in its reflection on continued easy credit, but also, in its indication of an abundance of money not only for investments, but for commercial purposes. The Treasury Department's action in setting an unusually low interest rate for its new financing, announced at the beginning of the week, is seen in business as well as investment circles as a favorable barometer to the money market.

The steady increase in the purchasing power of the average American, estimated recently by the National Bureau of Economic Research at more than one-third in the past five years, provides an interesting peg on which many business men hang an optimistic view of the future of business in general.

## REFUSAL NAME OWNER LIQUOR IN WASHINGTON

### Secretary Mellon And Others Extremely Silent; Embassy Ownership Scouted

Washington, March 14.—Secretary of the Treasury Mellon and other high Treasury Department officials have stirred up quite a local prohibition furor by refusing to disclose the identity of the owner of 12 cases of high grade liquor which was "hi-jacked" from a moving van here last week, but recovered and returned to the owner by the police.

Although the police have returned to the whiskey as "the legitimate liquor," it has been learned by local newspapermen that the owner of the liquor is neither a diplomat nor connected in any way with a legation or embassy. Local newspapers say that police gossip is to the effect that the liquor belonged to a government official but his name has been zealously guarded.

The transportation of the liquor, it was emphatically stated on behalf of Secretary Mellon today, was entirely legal under permit of the Treasury Department.

Early last week, while the crew of the truck carrying the liquor were having coffee at a restaurant, the truck was stolen, driven into Maryland and buried on a roadside. The manager of the transfer company reported the theft and the crew of the truck, after being arrested, admitted that they had agreed upon the hi-jacking story to protect themselves.

A few days later a truck drove up to an uptown police station and there unloaded, with the aid of two detectives, 12 boxes of varying size. The boxes were stored overnight at the police station and the next morning two more detectives supervised their removal to a storage warehouse.

In addition to the refusal of Secretary Mellon to disclose the identity of the owner, the hi-jacking case has been the subject of a long comment by Washington newspapers for several days following the return of the police to give any details to reporters concerning the case.

## MRS. JONES ENTERTAINS

Mrs. W. C. Jones was hostess to her Bridge Club, Tuesday afternoon at her home on Church Street. The home was attractively decorated with ferns and spring flowers, and three tables were arranged for bridge. After several interesting progressions, Mrs. W. Leslie Smith was presented lovely candle holders with candles to match.

Mrs. Jones, assisted by Mrs. H. W. Turnage, Mrs. W. D. Bryan and Mrs. J. G. Spencer served delicious chicken salad, stuffed tomatoes, coffee and sandwiches. Special guests were Mrs. W. Leslie Smith, Mrs. D. R. Morgan, Mrs. J. Y. Monk, Mrs. Paul Jones and Mrs. Geo. Holston.

## SNOW HILL ROAD CASE UP BEFORE JUDGE HARRIS

### Last on Newton Vintage Highway Litigation To Be Argued This Week

The Snow Hill Road case, last of the Newton vintage of highway litigation, will be argued before Judge W. C. Harris at Smithfield this week. Judge Harris is to decide whether or not to make permanent the injunction he allowed against the Highway Commission to halt the construction on Route 102 from Snow Hill to the intersection of Route 10 east of Goldsboro.

The road was taken over by the commission when the State Highway system was established. Recently the commission prepared to pave the road and in anticipation of this had it surveyed. A change in the location of the route, said to have been chosen in the interest of service and economy, was made and the contract let to Nello Teer, Durham contractor. Certain residents along the old route objected and resorted to the injunction.

The Snow Hill case, started before the passage of the Smith-Hargett bill by the recent General Assembly, will be the last of the cases to be influenced by the Supreme Court's Newton decision.

## CONFESSES THAT HE BURNED WIFE

### Negro Says He Found Her With Another Man; Set Fire To House

Rosemary, March 14.—Coroner W. C. Williams was summoned to Tillery by Sheriff Johnson Friday to investigate the case where a colored woman about 40, was burned up in her one room flat located near Tillery on the Piece and Whitehead farm. The house was burned between twelve and two o'clock Friday morning. At that time, thought to have been an accident, the woman was found in the crowd that has stocked to Weepah.

Sunday was the banner day at Weepah. Cars poured out of this city with the rising of the sun to the Silver Peak country. In addition to the old-time residents of this mining camp the new arrivals in Tonopah did not finger long. Cars from other nearby states began to show on the rough road to the Silver Peak region where Weepah is located.

The first shipment of lumber went to Weepah from Tonopah today. A grading outfit and two other trucks also left to reopen the old Silver Peak road up Paymaster Canyon that shortens the distance from Tonopah to Weepah twenty miles.

The sale of the Pat McAuliffe group of claims to Judge P. A. McCarran, former chief justice of Nevada, created a decided sensation among the hardened miners. Judge McCarran declared he believed the claim would prove richer than the group Horton owns. McCarran ranks as one of the best authorities on mining and mineralization in the state.

R. L. Leonards, a broker of Los Angeles, took over one group of claims last night when the papers were signed. Pete Beko sold another group to Los Angeles interests. Beko received \$5,000 for a location he made March 5, and in addition a large block of stock in the company that is to be organized.

This week promises to see the first development work, and with the passing of bad weather, the outdoor work will be stimulated. Before a shaft can be sunk on the Horton claims the ground must be prospected and a likely spot chosen for its sinking.

## MINSTREL SHOW NOW A NOVELTY

It has been so long since we have had a real old fashioned minstrel show that the announcement that the Big Kivans Minstrels will be in Farmville at the Perkins Hall with a cast of 50 people on March 22nd, that their coming will take on the aspect of a novelty. A good Minstrel is like a good rouser, it appeals to all classes. Tens of thousands of people attend a minstrel show who never think of attending any other character of entertainment. This is because they know there is nothing to offend or embarrass them and they are at the same time assured of a hearty laugh.

## HOLLY-WOOD CEMETERY

The people of Farmville and community are invited to visit the new cemetery "Holly-wood" located on the East side of the town a little to the North of the highway to Greenville. Approximately eight acres were recently purchased by the town in this excellent location for cemetery purposes, but only one section a little less

## Cat to King



Last July an oil field wild-catcher, today worth \$10,000,000 and an Oil King. Such is the story of Robert F. Garland, 36 years old, native of Ohio, who brought in "Discovery Well," first of the Seminole (Okla.) field which is already producing 10 per cent of the total output of crude oil in the United States, according to oil journals.

## NEV. GOLD RUSH GAIN MOMENTUM

### Rush Reminder Of Old Days When The Slogan Was "Go West Young Man"

Tonopah, Nev., March 15.—Thirteen sacks of high grade ore extracted from the Horton badger hole at Weepah, the scene of Nevada's latest gold strike, were under guard today. Edward Benane, who has not missed a gold rush in any quarter of the globe, is the guard standing vigil over the sacks.

Frank Horton, father of one of the boys who discovered the gold, does not fear a raid on his treasure, but he does dread specimen hunters who already have taken away approximately \$10,000 in gold ore.

With ribbons of gold half an inch wide traversing small boulders from rim to rim, it is easy to see that a fortune has slipped through the hands of the crowd that has stocked to Weepah.

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## SIMMERS'N GETS WARM RECEPTION FROM KLAN CHIEF

### Apparently Treated As Responsible Representative Of Order In This State

Washington, March 15.—Ralph Simmerson, 19-year old page in the last State Senate, who is alleged to have offered bribes to members of the House to speak against the anti-Klan bill, may be regarded as irresponsible, but it was learned today that when he came to Washington before the killing of the anti-Klan bill, he was treated as a responsible representative of the Klan by Dr. Hiram Evans, Imperial Wizard of the order.

Dr. Evans not only saw Simmerson and discussed the matter with him but he and another high official of the Klan went to the House office building at Simmerson's request and conferred with him in the office of a member of the North Carolina delegation in Congress.

The member of Congress from North Carolina would take no part in the conference, it was learned, but left the office before the conference commenced. This Congressman, Representative R. L. Doughton it is understood, is not a member of the Klan.

"Dr. Evans didn't authorize Simmerson to spend a nickel in North Carolina," the secretary to the Imperial Wizard stated today.

"They are not going to appoint a Grand Dragon in North Carolina any time soon," he said. "They are going to let Belser run it until it gets too hot for him and then get somebody else."

Young Simmerson arrived in Washington today with the declaration that he might go to see the Imperial Wizard again. He appeared to be not a bit unhappy over the publication in North Carolina newspapers of the fact that he attempted to bribe members of the House to speak against the anti-Klan bill. He appeared to be rather pleased at the publicity given the matter.

"I got to say," said Simmerson with a grand gesture with his one arm.

"Say it's a palpaable lie like Upshaw says," he went on. "I welcome an investigation."

"They don't know what it's all about," he said, referring to the members of the General Assembly. "All I got to say is that both Houses were strong for the bill, but now it's lying on the table dead. I am not saying I did it, but that's what happened!"

Simmerson appeared to be not only pleased with the publicity given the bribery charges, but quite ready to assume all responsibility for waging the fight of the Klan which resulted in the General Assembly reversing itself and gilling the anti-Klan bill.

Simmerson said that when he issued a statement attacking the legislature for favoring the anti-Klan bill, Senator Smith, of Charlotte, tried to get him put off the legislative pay roll, but that he couldn't do it. He stated that other members told Smith that it was his right to say whatever he pleased. He intimated, however, that he couldn't be put off the State payroll because he had the Klan behind him.

Several members of the General Assembly have stated that they were "approached" by Simmerson; who told them that if they would speak against the bill it would mean more to him than I had made in the legislature."

Simmerson has been regarded as a sort of youthful, political, buffoon since his entry into politics and publicity-seeking as a page in the 1925 General Assembly. He was very articulate in his support of the La-follette-Wheeler ticket in 1924, but came back to Democracy in time to land a job again as page in the last General Assembly. He lost his arm in an accident. For his age he is regarded as the most voracious publicity seeker in North Carolina. On his trips to Washington he has made him self considerable of a nuisance to some members of the State delegation in Congress.

In view of these facts the serious reception given him by Klan officials when he came here soon after the resignation of Judge Henry A. Grady as Grand Dragon of the Klan in the State is regarded as rather remarkable.

Education is the lifelong pursuit of finding out how little we know.

than three acres, three hundred and fifty lots, have been laid off and staked, for immediate and near future use. In plotting this site special attention was given to the elimination of waste space. The location, soil, drainage and setting of this plot is ideal for cemetery purposes; it is well kept, will be a municipal charge and its supervision subject to the cemetery committee and R. A. Joyner, treasurer, who has the maps in his office for the convenience of the public. Street-lighting is now under way in keeping with the progress of the times.

## THE BACKYARD FARMER'S NIGHTMARE

By A. B. CHAPIN

