

# INTERESTING NEWS ITEMS FROM THE COUNTY SEAT

(JAMES R. STANCLIL, Editor)

## HEARD AROUND THE COURT HOUSE

The Board of County Commissioners are now being greatly complimented by many of the taxpayers of Johnston County because of the fact that the greatly increased school budget amounting to the sum of \$590,250.12 for the operation of the six months schools in 1930-31 was not allowed.

The people of the county are beginning to realize that something must be done to stop the rapid increase in expenditures for the school purposes.

The people believe in schools, and are willing to pay a reasonable amount of tax money for the support of the public schools of the county. But the school budgets for several years past have been increased at such a rapid rate, that the tax rate has necessarily had to be increased from time to time in order to raise the amounts of money that the Board of County Commissioners have been forced to furnish to the County Board of Education. This sort of business has gone on from year to year, and the burden on the taxpayers has been increased until it is almost unbearable.

The records show that the sum of \$530,865.53 was used in the operation of the six months schools of the County in 1928-29 with 446 teachers. The County Superintendent last year presented a budget amounting to more than \$573,000.00 for the operation of the six months schools; and this was after the new school law had gone into effect which was supposed to limit the number of teachers in Johnston County to 418 for that term. The laying off of 28 teachers which was supposed to have been done last year has been estimated to have saved in salaries about \$18,000.00. Yet the budget was increased last year to the extent of about \$43,000.00 more than was used the previous year.

It will be remembered that the county commissioners last year refused to approve the budget as presented by superintendent Marrow, but did at first agree to approve a budget allowing exactly the same amount as was expended the previous year which amount was \$530,865.53. Mr. Marrow contended that he could not operate the six months schools on the same amount as was used the previous year notwithstanding the fact that he was supposed to operate with a much smaller number of teachers.

Later when threatened with a lawsuit the Board of County Commissioners agreed to approve a budget amounting to \$547,900.84. Mr. Marrow then agreed to operate the six months schools on the sum of \$555,606.71, but the County Commissioners refused to approve this budget, and then it was that the Superintendent of Schools and the Board of Education started suit in the courts in an effort to force the County Commissioners to furnish the amount of money that had been demanded. The case was first heard by H. V. Rose, clerk of the court, who decided the case in favor of the Board of Education by declaring that the sum of \$555,606.71 was the amount necessary for the operation of the public schools of the county for six months.

The County Commissioners appealed the case to the Superior Court. It was heard before Judge Sinclair and a jury. The judge directed the verdict in favor of the Board of Education without giving the jury any voice and ordered the County Commissioners to levy and collect the necessary taxes and furnish to the County Board of Education the sum of \$561,718.12 for the operation of six months schools.

The Board of County Commissioners was then forced by Judge Sinclair to furnish \$6,111.41 more than the \$555,606.71 with which the County Superintendent and the Board of Education had previously agreed to operate the schools for the six months term.

The County Commissioners then took steps to raise the money as directed by Judge Sinclair, which it seemed that they had to do in order to stay out of prison, but they appealed the case to the State Supreme Court. The Supreme Court confirmed the judgment of the Superior Court.

It will thus be seen that the Board of County Commissioners fought bravely and fought to the last ditch, notwithstanding the fact that they realized all the while that they must make their fights in Democratic courts.

This year when Mr. Marrow presented his 1930-31 budget demanding the sum of \$590,250.12 which

sum was larger by \$28,532.00 than the amount which Judge Sinclair forced the Board of County Commissioners to furnish for the operation of the six months schools in 1929-30.

This big new budget was presented to the Board of County Commissioners on June 20, 1930, and was rejected by the board at a meeting held on July 14, 1930.

On Saturday, July 26, the County Board of Education held a meeting, and return the budget to Miss Luma McLamb, clerk to the County Board of Commissioners, with a request that the Board of County Commissioners approve such of the hundreds of items of proposed expenditures as might be demanded adequate to run the schools for the six months term.

This act of the County Superintendent and school board is evidently an effort to embarrass the Board of County Commissioners, and plainly shows the stubbornness and spitefulness that has characterized the acts of the County Superintendent, and the County Board of Education since the present County Board of Commissioners called for a halt in their wild expenditures and demanded that more economy be exercised in the expenditure of the money provided for school purposes.

The County Superintendent and his board will soon learn that they can not accomplish much by spite-work.

The Board of County Commissioners are backed by a large majority of the taxpayers who understand the situation, both Republicans and Democrats.

## SPECIAL TERM OF SUPERIOR COURT

A two weeks term of Superior Court for trial of civil cases is now going on in the Johnston County Court House being presided over by Hon. Walter L. Small of Elizabeth City.

Wednesday, July 23, 1930

W. J. Loth Stove Co. vs. L. H. Johnson. This is an action on account for goods bought and sold; the amount in controversy being \$1218.41. The jury returned the following issues and verdicts. 1. Is the defendant indebted to the plaintiff as alleged? Ans. Yes. 2. If so, in what amount? Ans. \$1218.41 with interest from date as prayed for in complaint.

Eastern Cotton Oil Co. vs. Pool and Roberts Co., Inc., and W. H. Poole, Jr., W. L. Roberts, and J. A. Oliver—sureties. This is an action on an account in the amount of \$103.28. The issues and verdict follow: 1. Are the defendants indebted to the plaintiff as alleged? Ans. Yes. 2. If so, in what amount? Ans. \$193.38 with interest from June 19, 1928.

Hackney Boykin vs. Bud Johnson. Consent judgment dismissing the action and taxing the plaintiff with cost.

Barney Bradley et al vs. N. B. Finch et al. This is an action on an account. The issues and verdict are as follows: 1. Did the plaintiffs execute for value and deliver the several notes and mortgage referred to in the pleadings? Ans. Yes. 2. Is the defendant the lawful owner and holder of the said securities? Ans. Yes. 3. Are the plaintiff's indebted to the defendants as alleged? Ans. Yes. 4. If so, in what amount? Ans. \$4850.60 with interest from April 1, 1928. The plaintiff excepts to judgment and in open court gives notice of appeal. The plaintiff was given 40 days in which to serve cases of appeal. The defendant was given 30 days thereafter in which to serve counter case. Appeal bond fixed at \$50.00.

McGee Chevrolet Co. vs. Joe E. Talton. Judgment of non-suit taxing plaintiff with cost.

Ira Creech vs. Frank Applewhite. The plaintiff was called and failed. Judgment of non-suit taxing plaintiff with cost.

R. W. Pope vs. Hobart Lee. This is an action on account the sum being \$85.47. The jury responded to these issues submitted to them in favor of the plaintiff and judgment for plaintiff in the sum of \$85.47 with interest from May 1, 1929.

O. T. Surles and Co. vs. D. O. Benson. Consent judgment by which this case is referred to Ed F. Ward.

A. W. Hodges vs. W. J. Adams. Judgment by which it is found that both parties have settled their differences out of court. Whereupon both plaintiff and defendant are taxed with court cost.

O. D. Johnson vs. M. A. Barefoot. Plaintiff called and failed. Judgment against him for costs.

Nancy Oneal vs. Rufus Hinnant. Judgment of non-suit taxing plain-

tiff with cost, it being called and failed.

Alonso Parrish vs. G. M. Benson et al. Judgment of non-suit taxing plaintiff with cost.

D. T. Barefoot vs. A. B. Hudson. Judgment confirming report of referee heretofore filed in this action.

J. W. Raynor vs. Rev. W. H. Walker. Judgment of non-suit taxing plaintiff with cost.

Clark Bros. Chewing Gum Co. vs. Oriental Candy Co. Judgment confirming report of referee.

Unconco Candy Co. vs. Oriental Candy Co. Judgment confirming report of referee.

Margaret A. Smith vs. E. D. Barnes. Judgment of non-suit taxing plaintiff with cost.

George Marsh vs. C. K. Parrish. Judgment confirming report of referee.

Henry Tucker vs. Barnie Mooneyham. Judgment of non-suit taxing plaintiff with cost.

W. M. Sanders vs. D. C. Jones, L. R. Jones, H. W. Blaylock. Interpleader. Judgment providing that plaintiff recover cost against defendant.

Federal Reserve Bank of Richmond vs. J. W. Barham, et al. Judgment taxing defendant with cost.

Johnson and Kirkman vs. William D. Parker. Judgment of non-suit taxing plaintiff with cost.

W. M. Sanders and Son vs. W. Z. Benson. Order making Mrs. Mary Moore and Miss Ora Pool parties and giving the plaintiff 20 days from adjournment of this court to file amended complaint and defendants 30 days thereafter to file answers.

W. M. Sanders and Son vs. Lindsay Benson. Order same provision as in No. 2757.

Thursday, July 24, 1930

Esther P. Fowler vs. Thad Fowler. This is an action for absolute divorce. The plaintiff and defendant have been separated five years and have one child. The case is not contested. Hugh A. Page, attorney for plaintiff. The jury answered the following issues in favor of the plaintiff. 1. Was the plaintiff lawfully married to the defendant as alleged in the complaint? Ans. Yes. 2. Has the plaintiff been a citizen and resident of North Carolina for two years next prior to the institution of this action and has her alleged cause of divorce existed for six months prior to the filing of complaint? Ans. Yes. 3. Did the defendant wrongfully abandon the plaintiff as alleged in the complaint? Ans. Yes. 4. Has the plaintiff lived separate and apart from the defendant for five years next prior to the institution of this action and has she been a resident of the state of North Carolina for that period of time? Ans. Yes.

Halton Barbour vs. Stephenson Motor Co. Judgment of non-suit taxing plaintiff with cost.

Britton Hill Motor Co. vs. Joe E. Talton. Judgment of non-suit taxing plaintiff with cost.

W. M. Sanders and son vs. W. Rufus Cook. This is an action on an account of \$97.00 with interest. The issue and verdict are as follows: 1. In what amount is the defendant indebted to the plaintiff? Ans. \$97.00 with interest from Oct. 15, 1928.

County of Johnston vs. David E. Lee and wife, Mrs. David E. Lee. This is an order making Thomas D. Cooper, executor of O. R. McCauley, party defendant. Let summons and copy of complaint follow.

G. T. Smith Co. vs. Clayton Oil Co. This is an action to recover certain insurance premiums alleged to be due. The issues and verdict follow: 1. Is the defendant indebted to the plaintiff, as alleged in the complaint? Ans. Yes. 2. If so, in what amount? Ans. \$272.20 with interest from Jan. 1, 1927.

The Hardware Store, Inc. vs. Henry Lynch. Judgment. The plaintiff is owner of an entitled to the possession of the cultivator seized by the sheriff.

Snow Hill Live Stock Co. vs. Elijah Atkinson. The plaintiff was called and failed. Judgment non-suit taxing plaintiff with cost.

Morris Bank and Co. vs. W. B. Godwin, trading as "Godwin's". This is an action on a note for \$124.00.

Albert Godwin vs. D. E. Langdon. This is an action on an account. The jury answered the issues in favor of the plaintiff and judgment was accordingly rendered.

Roanoke City Mills vs. M. H. Holt and Percy C. Holt. Judgment. Plaintiff called and failed.

Dr. F. M. Aycock vs. Jarvis Hines et al. This is an action on account of \$32.70. The following issues and verdicts were returned by the jury: 1. Is the defendant indebted to the plaintiff? Ans. Yes. 2. If so, in what amount? Ans. \$32.70 and interest from July 15, 1928.

Cedar Rapids Finance and Thrift Co. vs. Rebecca Godwin. Judgment finding that the defendant has not perfected his appeal from Recorder's Court and this judgment confirms judgment of Recorder's Court, as same was originally rendered.

Mrs. Perrie Cox vs. J. R. Jones. This is an action on a note. The jury responded to the issues in favor of the plaintiff.

C. A. Corbett vs. Joe E. Talton. Judgment in favor of the plaintiff. The defendant is indebted to the plaintiff in the sum of \$317.50 with interest from Sept. 15, 1928 and cost.

R. Gordon Finny. Rec. of First National Bank, of Selma, N. C., use of Branch Banking Co. vs. Mrs. E. A. Stancill and J. H. Stancill. Judgment against defendants in the sum of \$650.00 with interest from June 24, 1925 and cost.

Monday, July 28, 1930

J. H. Godwin vs. J. Will Moore. This is an action on a note.

Jesse McLamb vs. W. D. Boon and W. J. Boone. This is an action on a note in the sum of \$1371.60. The jury responded the following issues in favor of the plaintiff. 1. In what amount, if any, are the defendants indebted to the plaintiff? Ans. \$1371.60 with interest from Jan. 1, 1928.

R. A. Keen vs. E. D. Johnson. This is an action on account. The issues and the verdicts are as follows: 1. Did the defendant E. D. Johnson, execute and deliver to R. A. Keen the note sued on in this case? Ans. Yes. 2. If so, did the defendant, E. D. Johnson, have sufficient mental capacity to know the extent and nature and consequences of his acts at the time of the alleged execution of said note? Ans. Yes. 3. Did the defendant, E. D. Johnson, receive a full consideration in value from R. A. Keen for said note? Ans. Yes. 4. If so, in what amount? Answer \$450.00 with interest from August 16, 1928.

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Atkinson Supply Co. vs. J. E. Talton. This is an action on an account not contested. The jury responded to the following issues in favor of the plaintiff: 1. What amount, if any, is the defendant indebted to the plaintiff, at the time claim and delivery was issued? Ans. \$909.94 with interest from Oct. 1, 1929. 2. Was and is the plaintiff the owner and entitled to the possession of the property described in the complaint and seized by the sheriff? Ans. Yes. 3. What was the seizure of the property?

Snow Hill Live Stock Line Co. vs. Elijah Atkinson and et als. Judgment. This cause coming on to be heard upon motion of plaintiff counsel be set aside and vacated and, it appearing to the court that said judgment was rendered through error, therefore the judgment rendered in this court was reinstated on the same civil issue. Docket and continued to be tried at the same subsequent term of court. It was also ordered that the defendants be allowed thirty days within which to file answer.

Maggie V. Gaskin vs. N. S. Humphrey and wife. Consent judgment in favor of plaintiff. The defendant is to pay the plaintiff the sum of \$2125.17 and interest thereon from April 16, 1925. G. A. Martin is appointed commissioner to sell lands described in the pleadings.

W. J. Lassiter vs. A. C. L. Railroad Co. This is an action for alleged wrongful death of mule valued at \$300.00. C. C. Lee and W. H. Lyon represents the plaintiff and Abell and Shepard represent the defendant. At the close of plaintiff's evidence defendant's counsel made motion for judgment of non-suit. The motion was over-ruled and the case went to the jury. The defendant had the opening and closing argument. Norman E. Shepard opened the argument for the defendant. The following issues were submitted to the jury and their verdict is as follows: 1. Was the plaintiff's mule injured by the negligence of the defendant? Ans. Yes. 2. What damage is the plaintiff entitled to recover? Ans. \$150.00.

Grover Davis vs. Meta Lee Davis. This is an action on complaint of five years separation. The jury answered the following issues in favor of the plaintiff. 1. Were the plaintiff and defendant married as alleged? Ans. Yes. 2. Have the plaintiff and defendant lived separate and apart for more than five successful years next preceding the filing of this complaint and the bringing of this action? Ans. Yes. 3. Is the plaintiff the aggrieved party? Ans. Yes. 4. Has the plaintiff been a resident of the state of

North Carolina for a period of five years next preceding the filing of this complaint and the bringing of this action? Ans. Yes.

H. D. Bateman, Lig. agent vs. J. W. Wright, L. D. Debnam et al. This is an action on a note. Order allowing Ed F. Ward, Esq. to withdraw from action as attorney for defendants. There were also two cases with H. D. Bateman vs. L. D. Debnam et al. There was one case, H. D. Bateman vs. W. L. Roberts et al and one with H. D. Bateman vs. H. A. Talton and Joe E. Talton. All these cases were actions on notes.

Mrs. Bessie Furgerson vs. W. H. Furgerson. This is an action for divorce on complaint of five year separation.

## HOSPITAL NEWS

Mrs. Jesse Reeves, of Selma, was admitted to the Hospital July 21st for an operation for appendicitis. She is recuperating fine.

Mrs. R. W. Hill, of Smithfield, Route 2, was discharged from the Hospital Wednesday, July 23rd after having been treated.

Mrs. Theodore Bass, of Dunn, Route 6, who has been taking treatments in the Hospital, was discharged Friday, July 25.

Mr. John Herring, of Smithfield, who has been taking treatments in the Hospital, was discharged Sunday, July 27th.

Mr. H. H. Hayes, of Bentonville, Route 2, was admitted Saturday, July 26, with a fractured right leg. He is recuperating nicely.

Mrs. N. R. Lucas, of Falcon, was operated on for appendicitis Monday in the Hospital. She is rapidly improving.

Mrs. J. A. Morgan, of Smithfield, was admitted to the Hospital last Monday for treatments. She is improving.

Mr. J. E. Johnson, of Four Oaks, who underwent an operation for appendicitis in the Hospital, was discharged last Sunday.

Mr. Hector Creech, of Benson, was discharged Wednesday, July 23, after undergoing an operation for appendicitis.

Miss Lucy Mathis, of Smithfield, who was brought to the Hospital some time ago with a fractured right leg is improving.

Howard Powell was brought to the Hospital a few days ago as the result of gun shot wounds that he received accidentally in Wilmington. He is slowly improving.

## OFF FOR THE BULLARD REUNION

Mr. and Mrs. George W. Hair left Smithfield Wednesday to attend the annual Reunion of the descendants of Thomas Bullard who served as a soldier in the Revolutionary War. Mrs. Hair is one of about 1,100 descendants of this man. The records show that his pay for service in the amount of 41 English pounds 15 shillings and one penny, was received by John Marshall, who was a Chief Justice of U. S. Supreme Court. It is expected that not less than 500 of the descendants from several states will attend this meeting which is to be held Thursday at Beavercreek Baptist Church in the eastern part of Cumberland County.

Miss Helen Lee, who holds a position as bookkeeper for the Advocate, published at Franklin Springs, Ga., arrived in the city Saturday to visit her sister, Mrs. Luby F. Royall. She will also visit her mother and other relatives in the county during the next two weeks.

Misses Margaret Edmundson and Vera Clifton left yesterday to attend the Granville young people's conference at the Boy Scout camp near Raleigh.

Mrs. J. C. Mace and little daughter, of Philadelphia, and Mrs. Charlie Seal, of New York, arrived in the city Sunday to visit their parents, Mr. and Mrs. J. A. Wellons.

Master Albert Johnson has returned home after spending a few days in the Sanders Chapel section.

Mr. and Mrs. F. H. Brooks left this morning to visit their daughter, Mrs. C. C. Shoen, at Mount Vernon Springs, N. Y., and Mrs. Brooks sister, Mrs. Albert Wirth, at Buffalo, N. Y. They will visit Canada before returning home.

Mr. and Mrs. L. H. Hauss and Miss Vernie Phillips spent the weekend in Weldon. They were accompanied home by little Miss Dorothy Hauss, who has been visiting relatives there.

Rev. J. D. Bundy left yesterday to spend a week at Lake Junaluska. Because of his absence there will be no prayer service at the Methodist Church Wednesday evening.

Miles Hildebrand and nephew, Buck Marrow, left Saturday for Morganton where they will visit relatives.

Mr. Thomas Hood, of Smithfield, has returned from Summer school at Brevard Institute at Brevard, N. C.

Mrs. Guy C. Lee and Misses Rose and Nell Grantham spent Saturday in Raleigh.

Miss Corinne Ellington, of this city, is spending this week at Wilmington Beach.

Miss Elizabeth Coates is visiting friends in Konly.

Tilden Honeycutt, of Raleigh, was in the city Sunday.

Mrs. J. O. Ellington spent the week-end in Raleigh with Sheriff and Mrs. N. F. Turner.

Mrs. Lacy Lassiter and children are spending this week with relatives in Asheboro.

Mrs. A. C. McNeil, of Dunn, is spending this week here with her brother, J. D. Underwood.

Mr. and Mrs. Fredrick Brooks, of Greensboro, were week-end visitors here.

Mr. George W. Boyd, of Smithfield, was called to Pinetown, N. C., last Friday on account of the death of his mother, Mrs. Marthie H. Boyd, who died at the home of her son, S. W. Boyd, on Thursday, July 24, at 4:10 A. M.

## SOCIAL

Messrs. C. A. Stallings and Durwood Creech of this city spent part of last week on a House Party at Lake View.

Mr. Clete Womble, of Fayetteville, spent Sunday in the city with friends.

Edward Pittman, of Laurinburg, formerly of Smithfield, was in the city Sunday.

Miss Elizabeth Jordan, of this city, is visiting relatives in Oak Ridge.

Miss Rachel Jordan, of Smithfield, has returned from a visit to relatives in Oxford.

Mr. and Mrs. H. C. Woodall and children have returned from a trip to Dayton, Ohio.

Miss Rebecca Riddle, of Raleigh, who has been visiting Miss Gladys Johnson in this city has returned to her home.

Ed Fuller left yesterday for South Carolina where he will be on the tobacco market this season.

Messrs. Raymond Woodall and Jim Cobb, of this city, left last week for Georgia where they will be on tobacco markets.

Claude Fuller left Sunday for Chicago where he accepted a position with the Marshall Field Department Store.

Mr. and Mrs. Thomas R. Johnson, of Washington, D. C., spent a few days here last week with Mr. and Mrs. H. H. Johnson.

Miss Corinna Sanders, who is in training at Watts hospital, Durham, is visiting relatives here.

Miss Thelma Whitehurst returned from a visit in Plymouth Sunday and was accompanied by Miss Leslie Darden and Mrs. P. H. Darden.

Mrs. Alice Y. Cole and Mrs. C. F. Gordon left Sunday for Lake Junaluska and Hendersonville. Mrs. Cole expects to spend the remainder of the summer at Hendersonville.

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