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3 MURPHY MEN FOUND GUILTY IN BANK CASE

Two Davidsons Get 5 to 8 Years and Storey Gets 3 to 5 Years

After deliberating from 3:15 Saturday afternoon until the noon hour Monday, a Clay County Jury in Cherokee Superior court returned a verdict of guilty in the case of the state against three former officials of the closed Cherokee Bank who were charged with conspiracy and abstraction and other violations of the State banking laws.

Judge John H. Clements, of Winston-Salem, presiding, sentenced each of the three men to prison. E. A. Davidson, 78, president, and J. W. Davidson, a director of the closed institution, were sentenced to serve five to eight years each in State Prison. J. B. Storey, cashier, was sentenced to serve from three to five years.

Appeal Is Entered

Notice of appeal to the State Supreme Court was given, with appeal bond being fixed at \$100. They were released on appearance bond of \$5,000 each for the Davidsons and \$1,000 for Storey.

The jury, brought to Cherokee county from Clay county, retired with the case Saturday afternoon. It reported its verdict shortly before the luncheon recess Monday, and Judge Clement passed sentence two hours later.

The bank closed October 3, 1931, and later charges of abstraction, embezzlement, conspiracy, and accepting deposits knowing the bank to be insolvent, were filed against the three men.

One of the defendants, J. B. Storey, former cashier of the Cherokee bank, several months after the bank closed in October, 1931, was arrested in warrants charging him with embezzlement, abstraction and misapplication of \$13,000.00 of the banks funds, and with forgery and false entries on the banks books, and entered a plea of guilty in Superior court on May 9, 1932.

Judge A. M. Stack, of Monroe, who presided over that May term of court, fined Storey \$3500 and costs. Storey was placed under \$5,000 bond for his compliance, and executed a deed of trust against property worth \$4,000 to secure or guarantee payment of the fine. The payment of the fine was spread out over two years, in sums of \$875.00 from November 1, 1932, to April 1, 1934.

So far Storey has been able to pay only the costs, which amounted to around \$600.00. Judge Clement continued this case in its present status until the next term of court. Storey's bonds now total \$8,000.

Said Bank Was Insolvent

The jury which heard the conspiracy and abstraction cases against the three bankers, was ordered from Clay county by Judge Clements, and reported here last Thursday morning. By noon the jury had been selected and trial begun.

Leigh Wilson, of Raleigh, state bank examiner, who closed the bank on October 3, 1931, was the first witness introduced by the state. He stated that, in his opinion, the bank was insolvent and that he called the directors together and discussed with them certain notes he thought doubtful. He said one of the directors agreed with him that the bank was insolvent.

W. Bowen Henderson, of Asheville, a certified public accountant, who made the preliminary audit for the state; and E. F. Gill, of Laurenburg, liquidating agent, who spent about a year in the bank and made a thorough investigation of its condition also testified the bank was insolvent.

Owen Testifies

Charles Cattering bookkeeper for the bank, testified as to the signature on the notes.

S. G. Owens, assisant liquidating agent, who took charge of the bank last September, relieving Mr. Gill, testified that he traced the notes turned over to him back to the time he original notes were made, or as far back as 1925. He said he found a note on the books in the name of J. E. Toney originally amounting to \$7,325.23, and when he took over the bank's affairs he found a note there made by J. E. Toney for \$3,725.23, and one made by H. W. Maples for \$3,600.00, which two notes amounted to the sum of the original Toney note, and which two

Murphy School News

PRE-SCHOOL ROUND UP TO BE HELD FRIDAY

Parents having children who will enter school next year are asked to bring them to the School Building Friday afternoon at 2:30 in order that their physical condition may be checked. The aid of Dr. Hill, Drs. N. B. and E. E. Adams, Dr. Thompson and Dr. E. L. Holt has been secured. Several nurses will also assist in this check up. The Parent Teacher Association is conducting this round up for the purpose of advising parents of any defect so that they can attend to it before the opening of school in September. This meeting on Friday will be merely an examination. So far names of 38 entrants have been secured but it is hoped that all the children who expect to go to school next fall will come. The children will be entertained at an Easter Egg party preceding their examination.

MUSIC DEPARTMENT

Music Recital, Tuesday evening, April 18th, at 7:30.

Music memory contest, Friday morning, April 21, at 8:15 o'clock.

Music scrap books will be handed in to the Judges at this time.

The National Bureau for the Advancement of music will give three medals for the highest score in music memory contest. Parent-Teacher Association and Woman's Club will give a prize to rooms scoring high.

The music department will give medals for best scrap books.

H. S. STRING BAND CONCERT

The String Band will present the last public program of the year Saturday night at 7:30 in school auditorium. There will be no admission charge. Everybody is cordially invited to attend.

Jake McClure

SIXTH GRADE

The regular weekly chapel program was given Wednesday morning by the sixth grade. The opening number was a song, "In Spine" following this, Dorothy Lahn gave a recitation entitled "My Pal and I." The body of the program was a short play "Alice In Gramma-land."

The winners in our first preliminary speaking contest were:

Jack Barnett, Tyson Smith, Mildred Hill, Sara Sword, Dorothy Lahn, Aline Leatherwood.

Don't miss the sixth grade exhibit during commencement.

FIFTH GRADE

The students of the fifth grade are writing a short geographical pageant to be given at chapel on April 25th.

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notes in his opinion represented the original Toney note. He also testified that in his opinion the signature on the original Toney Note was genuine, but the signature on the subsequent renewal notes were forgeries.

E. C. Mallonee, employee of J. W. Davidson and manager of J. W. Davidson's store for many years, testified that he borrowed money from the bank on his signature as maker, and J. W. Davidson as endorser, that some of the money was used by J. W. Davidson's store and some of it used by him.

Testimony of the State was confined principally to that of officials of the State Banking department who assumed charge of the bank's affairs after it closed in October 3, 1931. The defense offered no testimony.

Arguments in the case consumed some seven hours, and Judge Clement held a night session Friday night in order to speed up the closing of the case. The arguments closed at noon Saturday, the Judge began his charge at 1:30 and the case went to the jury at 3:15 Saturday afternoon.

Ruled Verdict Incomplete

Early Monday morning the jury returned a verdict that the trio was guilty of misappropriation of funds, but not of conspiracy. Judge Clement ruled that the verdict was not in accord with the charge, and sent the jury out for further deliberation. The verdict of guilty as charged was returned several hours later.

Attorneys for the defendants, E. A. Davidson and J. W. Davidson were J. N. Moody and D. Wither- spoon, of Murphy, and George Patton, of Franklin. District Solicitor John M. Queen of Waynesville, was assisted in the prosecution by Gray and Christopher and J. D. Mallonee, of Murphy, and Felix E. Alley, Jr., of Waynesville. Defense attorneys for Storey were M. W. Bell, of Murphy, H. W. Davids of Jefferson, Ga., and T. C. Candler of Blairsville, Ga.

MISTRIAL RESULTS IN W. F. HILL CASE

The jury, in the case of Felix Hill, prominent Cherokee county farmer, charged with first degree murder of Leslie Rogers, Deputy sheriff of Ducktown, Tenn., Thursday morning came into court and reported they could not agree and the court declared a mistrial.

The case went to the jury about 5 o'clock Tuesday afternoon.

Hill is charged with having fired through a window upon Rogers at the home of Fanny Price about 1 o'clock in the morning of March 10th, last. Rogers died a few hours later at the Kimsey-Guinn hospital at Ducktown.

Dr. Quinn Testifies

Dr. O. J. Quinn testified that Rogers asked him if he would recover and he told him that he would not. Then Rogers told him, the physician testified, that Felix Hill fired upon him through a window. He also said Hill told him that he heard Hill speak recognized his voice, and saw him run.

Dr. H. H. Hyatt, of Ducktown, and several other witnesses testified they heard Rogers make the same statement. A Mr. McGee and Maggie Burger said they were in Fanny Price's home when the shooting occurred. They testified they heard Rogers say, after he was shot, that Felix Hill shot him. Fanny Price, the first defense witness on the stand stated that Rogers said he didn't know who shot him. Edith White, who was in the room when and where the shooting occurred, and two of the small boys of Fanny Price, also testified that Rogers said at the time he didn't know who shot him.

Hill Testifies

Hill himself went on the stand and denied the charge against him stating that he was at home all night the night the shooting occurred. His wife and two daughters also testified that he spent the night at home, retiring about 8 o'clock.

Judge Clement charged the jury Tuesday afternoon that it could return any one of four verdicts, first degree murder, second degree murder manslaughter, or acquittal. The case was hard fought on both sides.

The following jurors who heard the case were selected from the regular jurors and special venire summoned for that purpose:

J. W. Stover, A. H. Hatchett, B. F.

E. M. Clayton Died On March 18, 1933

E. M. Clayton, 75 years old, prominent farmer of the Ranger community, died at his home on March 18, 1933, at 7:25 in the morning, following an illness of about a month. He became seriously ill two weeks before his death.

Mr. Clayton was well known and liked over the county, and was a good citizen and neighbor. He was a member of the Ranger Baptist Church and a Master Mason. He was laid to rest in the Harshaw cemetery with full Masonic honors.

He is survived by his wife and four children, two sons, Cody and Stanley Clayton, and two daughters, Mrs. Harve Ellenberg, all of Murphy, and Mrs. Rollin Dockery, of Miami, Fla. and four grandchildren. All of the children were at his bedside at the time of his death, except Mrs. Dockery who was ill at her home in Florida. Three brothers and four sisters also survive.

Allen, Sam Parker, Fred Martin, A. K. Ledford, A. V. Ingle, Zach Ramsey, Ross Hensley, George Rickett, J. W. Kilpatrick, and J. C. Newton.

District solicitor John M. Queen, of Waynesville, was assisted in the prosecution by J. D. Mallonee, of Murphy, and J. C. Reeter, of Chattanooga, Tenn. Defense lawyer's were Moody and Moody and Gray and Christopher, of Murphy, and T. J. Hill, of Greensboro, brother of the defendant.

Court Adjourns

Following the dismissal of the Hill case jury shortly after 9 o'clock Thursday morning court was adjourned and Judge Clement and Solicitor Queen left for their homes.

The term of court thus ended was one of the most strenuous for court officials, witnesses and litigants ever held in Cherokee county. Several night sessions were held, and Judge Clement opened in the morning at 8:30, and usually worked well past 5 o'clock in the afternoon, sometimes until nearly 6:00. Many commendations of Judge Clement have been heard by citizens and lawyers alike at the able manner in which he conducted the court's session.

None of the civil cases were heard but were continued until the next term of court in August.

MUSIC MEMORY CONTEST SELECTIONS

For the Children of the Fifth, Sixth and Seventh Grades of the Public Schools of Murphy. Compiled from Histories, Biographies, Talking-Machines, Catalogues, etc.

Four selections will appear in The Scout on Friday of each week until the complete series of forty selections have been printed.

COMPOSITION	COMPOSER	COUNTRY
"Mighty Lak' A Rose"	Nevin	America
"To A Wild Rose"	McDowell	America
"Star And Stripes Forever"	Sousa	America
"Toyland March"	Victor Herbert	America
"At Dawn" from William Tell	Rossini	Italy
Overture	Rossini	Italy
"The Storm" from William Tell	Rossini	Italy
Overture	Rossini	Italy
"The Calm" from William Tell	Rossini	Italy
Overture	Rossini	Italy
"Finale" from William Tell Overture	Rossini	Italy
"La Sere'nata"	Tosti	Italy
"Goodbye"	Tosti	Italy
"Triumphal March" from 'Aida'	Verdi	Italy
"Intermezzo" from "Cavalleria Rusticana"	Mascagni	Italy
"Loure"	Bach	Germany
"Ave Maria"	Bach—Gounod	Germany
"Hungarian Dance No. 6"	Brahms	Germany
"Adagio Cantabile" from "Sonata Pathetique"	Bethoven	Germany
"March" from "Tannhouser"	Wagner	Germany
"Largo"	Handel	Germany
"On Wings of Song"	Mendelssohn	Germany
"Wedding March"	Mendelssohn	Germany
"Marche Militaire"	Schubert	Austria
"Erking"	Schubert	Austria
"Ballet" from "Rosemund"	Schubert	Austria
"Lichesfreud"	Kreiser	Austria
"Dancing Doll"	Poldini	Hungary
"Lichesbrauni"	Liszt	Hungary
"Humoresque"	Dvorak	Bohemia
"Praeludium"	Jarnofelt	Finland
"March" from "Nutcracker Suite"	Tchaikowsky	Russia
"Arabian Dance—Chinese Dance"	Tchaikowsky	Russia
"Nutcracker Suite"	Tchaikowsky	Russia
"Dance of the Flutes" from "Nutcracker Suite"	Tchaikowsky	Russia
"Waalz of the Flowers" from "Nutcracker Suite"	Tchaikowsky	Russia
"Prelude in C Sharp Minor"	Chopin	Poland
"Prelude No. 4"	Chopin	Poland
"Ase's Death" from "Peer Gynt Suite"	Grieg	Norway
"Solvejg's Song" from "Peer Gynt Suite"	Grieg	Norway
"La Czaringa Mazurka"	Ganne	France
"Adagietto" from "L' Arlesienne Suite"	Bizet	France
"Elegie"	Massenet	France
"My Heart at Thy Sweet Voice" from "Sampson and Delilah"	Saint—Saens	France

STATE ADOPTS EIGHT MONTHS SCHOOL TERM

Senate Adopts Conferees' Report On MacLean Measure

Raleigh, April 11.—North Carolina today adopted a statewide state supported eight months school.

The eight months school term, to be supported by revenue from source other than an ad valorem tax on property, was assured when the Senate adopted the conferees' recommendation of an \$83,159,218 appropriation for the ensuing two years. The vote was 35 to 10.

Special Levies Permitted

The conferees' report followed Senate rather than House recommendations. Consequently, Senate adoption was conceded after the House adoption, by a vote of 51 to 40 last week.

As Senator Clement of Rowan, appropriations chairman, explained during the debate today, the \$16,000,000 annual school expenditure does not preclude the levy of supplemental taxes by special districts for increasing the standard and lengthening the term to nine months. Whatever prohibition or limit on supplemental levies is made will be included in the school machinery, not the appropriations bill. On this subject the legislators have widely divergent views.

Salaries Reduced

The law provides for cutting state departmental salaries 38 per cent below the standard of July 1, 1930. The institutional salaries will be cut 32 per cent, school teachers 30.

In connection with the reduction of teachers pay MacLean said, "I realize it is too much. However, if the teachers will accept it as the best that could be done under the circumstances, I believe they will win in the long run."

The report included a provision for diverting \$1,000,000 a year from the highway to the general fund—if the money is available after all highway bond interest, sinking fund, maintenance and other needs have been cared for. Few senators believe anything like that much money will be left.

Though adoption of the report was assured, the senate did not vote until almost two hours had been consumed in debate. Many who voted for the bill explained they were not satisfied but accepted the report "in the spirit of compromise."

Boggan of Anson argued that the eight months term meant a sales tax Aiken of Catawba answered that a sales tax was certain, whatever the term.—Asheville Citizen.

BRYSON FREED BY CHEROKEE JURY

A verdict of not guilty was returned into Superior Court Wednesday night at 9:30 o'clock. Central time, in the case of the State against C. H. Bryson, 24, who was charged with the second degree murder of Oscar Newman, 26 of Appalachia.

The case against Bryson was called Wednesday morning at 9:00 o'clock. Bryson was charged with shooting Newman, the shot severing the spinal cord, on Sunday afternoon, April 2, about 5 o'clock near Bryson's home. Newman died at 11 o'clock the following Monday night at Dr. Straus' hospital at Tellico Plains, Tenn.

Witnesses testified that Newman was drinking and advanced on Bryson with a knife and Bryson shot him. Newman's brother, Fulton Newman, it was stated, came upon the scene after the shooting and Bryson started running. Fulton followed him, it was testified and shot at him several times, one shot taking effect in Bryson's head but he was not seriously wounded.

Woman's Club To Meet

The Woman's Club will meet next Wednesday, April 19th, at 3 o'clock. The program will be "The American Home," and the discussion will be led by Mrs. W. E. Studstill. Mrs. M. W. Bell is chairman of the entertainment committee, which is composed of Mrs. H. G. Elkins, Mrs. J. B. Gray and Mrs. W. E. Studstill. It is hoped that every member of the Club will be in attendance.

The Easter Egg Hunt for the children of Brasstown will be given by the Women's Club as usual, the evening before Easter. This year it comes on Saturday, the 15th.