

WILL OF W. C. TUCKER IS PROBATED AT COURT HOUSE

BULK OF ESTATE GOES TO WIDOW—TO AID COLLEGE AND ORPHANS.

The major portion of the estate of the late W. C. Tucker, chairman of the board of county commissioners, is left to his widow under the provisions of his will, which was probated Thursday afternoon in the office of Clerk of Court Mason W. Gant.

Under the will the Greensboro Bank and Trust Company is named as executor. The estate is believed to be worth a sum ranging between \$50,000 and \$75,000.

At the death or remarriage of the widow, Mrs. May Hinshaw Tucker, the preferred part of the Tucker estate will go to Greensboro College and the Children's Home of the Western North Carolina conference of the Methodist church, the latter being located in Winston-Salem. Greensboro College also is a Methodist institution. It is understood that the college and the orphanage would thus receive about \$25,000 each.

It is provided in the will that the executor "shall provide for my body a decent burial, suitable to the wishes of my relatives and friends, and pay all funeral expenses, including a suitable monument to be erected to my memory out of the moneys that may first come into its hands as a part or parcel of my estate." It is also provided that the executor shall pay all Mr. Tucker's "just debts howsoever and to whomsoever owing."

Then "out of the balance of my estate, after the payment of my funeral expenses and debts as specified above, I give and devise to my beloved wife, May Hinshaw Tucker, \$5,000 in cash and my home place at Pleasant Garden, together with all my household and kitchen furniture of every kind and description. This amount in cash and this real estate to be hers absolutely to do as she wills with it."

My executor hereinafter named shall invest \$500, the interest of which shall be perpetually used in taking care of my family burial plot in Pleasant Garden cemetery at Pleasant Garden church.

"I give and devise the remainder of my property of every kind, character and description, real and personal, to the Greensboro Bank and Trust Company to be held by it as trustee with full power to sell or exchange the same in such a manner as shall produce the largest income. Said Greensboro Bank and Trust Company shall hold such property as trustee for the benefit of my wife, May Hinshaw Tucker, paying over to her annually, after deducting a reasonable amount as commissions for acting as said trustee, the net income derived from said property as long as she is married. If she should die unmarried, then it is my will that the said Greensboro Bank and Trust Company shall convert the said property into cash and pay the net proceeds derived from the sale of the same in equal amounts to the Greensboro College for Women and the Children's Home, Winston-Salem.

"I do hereby constitute and appoint the Greensboro Bank and Trust Company as my lawful executor to all intents and purposes to execute this my last will and testament according to the true intent and meaning of same and every part and clause thereof, hereby revoking and declaring utterly void all other wills and testaments by me heretofore made."

The will was dated January 26, 1915, and was witnessed by John N. Wilson, county attorney, and Thomas S. Beall, whose death occurred several years ago. The handwriting of Mr. Beall was identified by John S. Michaux.

Herryard-Johnson Marriage.

Miss Edith Herryard and D. Tallaw Johnson, of this city, were united in marriage at 8 o'clock Friday evening in Holy Trinity Episcopal church. They will reside on South Eugene street. Mr. Johnson is engaged in the automobile business here.

CRIMINAL CASES ARE BEING HEARD IN SUPERIOR COURT

EDWARDS TO BE TRIED FOR MURDER—CASES AGAINST DR. TAYLOR.

With Judge James L. Webb, of Shelby, presiding, Guilford Superior court convened this morning. It is a one-week term and criminal cases are being tried.

Much popular interest is centered in the case of the state against Louis Edwards, who is charged with the murder of Patrolman W. Thomas McCuiston, of the local force, on May 4.

Patrolman McCuiston was shot and killed while he was attempting to board an automobile which he and other officers believed contained liquor. Louis Edwards, Tommie Robertson and Carl Talley were occupants of the car. Robertson was shot to death shortly afterward in Rockingham county, where he was trying to elude a pursuing posse, and D. B. Oakes, former member of the Greensboro police force, is to be tried in Alamance county for the killing of Robertson. Talley escaped and is still at large. Edwards was arrested at the Guilford Battle Ground shortly after Patrolman McCuiston was slain.

Two cases against Dr. J. W. Taylor, local optometrist, are to be tried this week. He is charged with immorality with Mrs. J. H. Harrell and also with immorality with Miss Clara Sanders. Dr. Taylor was convicted on those charges in Municipal court, as were Mrs. Harrell and Miss Sanders. He was sentenced to six months on the roads in each case, a total of 12 months, while Mrs. Harrell and Miss Sanders were fined \$300 each. All three defendants gave notice of appeal and the cases are to be heard in Superior court this week.

Dr. Taylor also was convicted in Municipal court on the charge of assaulting his wife and was given a road sentence of one year. In Superior court at the last term for the trial of criminal cases he pleaded guilty to the assault charge, but judgment was continued until this term.

There are many other cases on the docket.

CHANGE OF VENUE IS SOUGHT BY OFFICER.

Motion for a change of venue from Guilford to Cabarrus county was filed here Thursday by W. O. Allen, deputy sheriff of Cabarrus county, who is defendant in a suit recently brought in Guilford Superior court by Mrs. Mason W. Gant.

Mrs. Gant is seeking to recover damages in the sum of \$2,007.50, alleging that the defendant, who is a motorcycle officer, wrongfully collected \$7.50 from her while she and her four children were traveling through Cabarrus county last July. The plaintiff is asking for punitive damages of \$1,000, together with \$1,000 for false arrest and the recovery of \$7.50 collected by the defendant.

In the affidavit filed here by Deputy Sheriff Allen he alleges "that all that defendant did in the presence of or in any way connected with the plaintiff in the above entitled action or the driver of the car in which she was riding on the said 29th day of July, 1921, was done by defendant as a public officer, especially appointed and employed by the board of commissioners of Cabarrus county as a traffic officer, in the performance and execution of his duties as such officer, according to law."

The motion will probably be argued some time this week. H. S. Williams, of Concord, is legal counsel for the defendant, while Mrs. Gant's attorneys are King, Sapp & King, of this city.

Greensboro Man Weds.

The marriage on September 24 of Miss Nellie Campbell, of Greenville, S. C., and James T. Spencer, of Greensboro, has been announced. The ceremony was performed in Greenville. The bride is the daughter of Mr. and Mrs. W. B. Campbell, of Greenville. Mr. Spencer is the eldest son of Mr. and Mrs. W. T. Spencer, of this city. He is with the Jefferson Standard Life Insurance Company here.

PUBLIC UTILITIES CASE TO BE HEARD IN RICHMOND, VA.

QUESTION OF DELIVERY OF ELECTRIC POWER TO BE AIRED IN NOVEMBER.

The case of the Southern Power Company against the North Carolina Public Service Company, regarding the delivery of electric power from the former to the latter for the purpose of resale in Greensboro, High Point and elsewhere, will be heard in the circuit court of appeals at Richmond, Va., during the week beginning November 22, it is announced.

Last June Judge James E. Boyd, of this city, in Federal court here decided that the Public Service Company could not compel the Southern Power Company to deliver electric current to the latter for resale and distribution. Notice of appeal from that decision was given by Aubrey L. Brooks, of this city, chief counsel for the Public Service Company, the home office of which is in Greensboro, and the hearing of the issues in the fourth circuit court of appeals has been ordered.

Judge Charles A. Woods, of South Carolina; Judge Edmund Waddill, of Virginia, and Judge Martin A. Knapp, of Washington, D. C., will hear the case.

It is contended by the Public Service Company that the Southern Power Company possesses a monopoly on hydro-electric current in this section of the state; that the Southern Power Company for 10 years has been selling current to the Public Service Company and other local public utility companies to be resold to the consuming public; that its charter expressly authorizes the Southern Power Company to do such business and so long as it engages in such business it has no right to refuse arbitrarily to serve all alike. On the other hand, the Southern Power Company contends that the North Carolina Public Service Company is a competitor and therefore the Southern Power Company should not and cannot be required to serve it as such.

It is generally understood that the issues will ultimately be carried to the United States Supreme court for final determination.

GIBSONVILLE CONTRACT REMAINS UNDETERMINED.

It is unlikely that the contract for construction of the link of the Greensboro - Gibsonville highway known as the Whitsett-Sedalia route will be awarded before the middle of November. While in Greensboro Saturday Frank Page, chairman of the state highway commission, informed John D. Waldrop, fifth district highway engineer, that no more contracts for road construction in this district would be let until after November 10, according to present plans.

There are about 11 miles of unfinished work on the Greensboro-Gibsonville road. The cost with asphaltic material is estimated at \$35,000 a mile, a total of \$385,000. Two underpasses are to be built, this work to be financed jointly by Guilford county and the Southern Railway. The one at the Buffalo crossing will cost approximately \$10,000, while the estimated cost of the one in Gibsonville is \$25,000.

KIWANIANS ENTHUSIASTIC OVER TOBACCO MARKETING.

The Greensboro tobacco market was the chief topic of discussion at a meeting of the Kiwanis club Thursday night at the Country club where the tobacco buyers and warehousemen assembled as guests of the club. Much enthusiasm prevailed and numerous speakers pledged unqualified support of the market, which, it was agreed, is being developed with gratifying success.

The speakers included President Charles H. McKnight, of the Greensboro Tobacco Market, Inc.; President A. B. High, of the Chamber of Commerce; J. M. Hendrix, of the tobacco committee of the Merchants' Association; E. D. Hill, president of the Tobacco Board of Trade; W. B. Bowen, proprietor of the Planters' warehouse; John M. Galloway, of this city, a large tobacco grower, and Harvey D. Elliott, one of the buyers of the Lisse & Myers Co.

MONTHLY SUBSISTENCE FOR TALLEY FAMILY ORDERED

TALLEY'S FUNDS AND HOME HAVE BEEN ATTACHED BY COURT ORDER.

Information has been obtained here to the effect that on September 5 Judge Henry P. Lane, resident judge of the 11th judicial district, signed an order granting Mrs. Ethel K. Talley, wife of Carl Talley, fugitive from justice, \$100 monthly as subsistence for her and her four children. The order also allots Mrs. Talley the Talley home, in Spray, and \$300 as a reasonable subsistence for her and the children from the date of their abandonment by Talley until the order was signed.

Judge Lane also orders Talley to cause all moneys on deposit in the Greensboro National Bank to assign or transfer to the clerk of the Rockingham court as trustee in order to comply with the order. Sheriff Stafford on Friday received a certified copy of the order to serve on the Greensboro National Bank, ordering the bank to pay out or permit the transfer of funds in the bank belonging to Talley, except as provided in the court order.

However, some months ago King, Sapp & King, attorneys for Mrs. McCuiston, who has started suit against Talley to recover about \$25,000 damages for the killing of her husband, caused Talley's money, about \$3,100, now in the Greensboro National Bank, to be attached. They also had the Rockingham county authorities to attach the Talley home in Spray pending final settlement of the suit.

Vice President Waldo Porter, of the Greensboro National Bank, states that money deposited there by Talley has been attached and he now has no right to turn it over to anyone. It is believed here that Talley's money cannot be transferred until the case is finally settled.

Brooks, Hines & Smith, of this city, and A. W. Dunn, of Rockingham county, are representing Mrs. Talley. Mr. Brooks expresses the opinion that Mrs. Talley, with four small children, will be provided for before any other disposition of Talley's money is made.

Deputy Sheriff Joe Phipps served the order issued by Judge Lane on Mr. Porter at the bank.

Carl Talley is now being sought by Greensboro authorities in connection with the murder of Patrolman W. T. McCuiston, of the Greensboro force. Mr. McCuiston was shot and killed on May 4 when he attempted to board an automobile in this city. The officers suspected that the car contained liquor. Talley was alleged to be one of the occupants of the car.

W. M. DYER ANSWERS COMPLAINT OF WIFE.

The allegations of Mrs. Ninna Barnes Dyer, of High Point, contained in the complaint which she filed against her husband, Willard M. Dyer, charging that he treated her brutally, inflicted bodily punishment upon her and failed to provide for her and their child, were denied in the answer filed Saturday by Mr. Dyer in Guilford Superior court. King, Sapp & King are attorneys for the defendant.

Mr. and Mrs. Dyer were married on November 1, 1916, they separated a short time afterward, but were reunited on December 20, 1920. The reunion was accompanied by a marriage ceremony, although they had not been divorced.

Mrs. Dyer is suing for the custody of their child, Jarrelyn, aged four, also for sufficient funds to provide for the child and herself and to pay counsel fees.

In the answer Mr. Dyer alleges that Mrs. Dyer was guilty of immoral conduct with Lacy W. Seawell. The answer contains an affidavit which the defendant alleges was sworn to by Lacy W. Seawell before J. Allen Austin, a High Point notary public, to the effect that he (Seawell) had immoral relations with Mrs. Dyer. The defendant asks that the action against him be dismissed and that he recover the costs of the case. He alleges that Mrs. Dyer is residing with her father, "a man of means," and that the latter should provide for her because he is largely responsible for her actions.

CHILD IS KILLED IN AUTO COLLISION HERE FRIDAY

OTHER OCCUPANTS INJURED WHEN MACHINES COLLIDE NEAR JAMESTOWN.

Irene Boyles Permar, eight-months-old daughter of Mr. and Mrs. J. E. Permar, of 406 North Greene street, was fatally injured in an automobile accident on the Greensboro-High Point road, near Jamestown, at 6 o'clock Friday afternoon, while other occupants of the two cars which collided sustained injuries, the extent of which has not been definitely determined.

Mrs. Eriette Dickerson, grandmother of Irene Boyles Permar, was seriously hurt, her injuries including a broken arm and leg and a broken nose. Mrs. J. E. Permar and Mrs. J. H. Riley were slightly injured, while bruises also were sustained by Mrs. A. A. Babcock, of Jacksonville, Fla.

Mrs. Permar, her mother, Mrs. Dickerson, Mrs. Riley and the three children of Mrs. Permar were returning to Greensboro from Lexington. Mr. and Mrs. A. A. Babcock were en route from Greensboro to High Point. Mr. Babcock said that the road was very slippery because of rain and that he unsuccessfully tried to drive his car to the right side of the road. He then drove the machine into the embankment, he said, and when he did so the rear end swung around in the road, the two cars colliding.

A few minutes later another car ran into the two wrecked machines, inflicting additional damage. It is not known who the driver of the third was. About 7:30 o'clock the Permar child died at a local hospital.

The funeral was held at the Permar home at 3 o'clock Saturday afternoon, interment following in Greene Hill cemetery.

SUIT FOR \$10,000 IS STARTED BY JIM MAY.

Suit for the recovery of \$10,000 damages has been instituted by Jim J. May, of Davidson county, against Z. B. Morris, of Davidson, and E. I. Mungo and George J. James, of Guilford county. The plaintiff alleges that on or about the night of March 11, 1921, he was falsely arrested by the defendants at his home.

According to the allegations set forth in the complaint, the defendants forced the plaintiff to get out of bed and dress and despite his protests handcuffed him, forced him to get in an automobile and took him to High Point. The officers, the plaintiff states, claimed to have a warrant for his arrest on the charge of stealing chickens. He was finally told, he says, that he was the wrong man, and taken back to his home. The plaintiff says he is informed and believes that at the time of the alleged false arrest the warrant was not signed by any person or officer authorized to issue such warrants. He alleges that it was obtained, if issued, by the defendants without probable cause and with malice. He asks for \$3,000 actual damages and \$7,000 punitive damages.

CIVITAN CLUB MEETS AND NEW MEMBERS ADMITTED.

At a meeting of the Greensboro Civitan club Thursday night four new members were received, these being Vander Liles, William T. Grimley, P. J. Mullen and Andrew Joyner, Jr. The constitution and bylaws were read and unanimously adopted. A delightful supper was served. President Charles A. Hines presided over the session, which was held at Park Place Methodist church. A pleasing feature was a solo sung by Miss Alberta Gough. The next meeting will be held on Thursday evening, October 13.

Marriage is Announced.

Announcement has been made of the marriage on September 28 at Thomasville of Miss Marjorie Snell and Benjamin Hairston Williamson. After October 5 Mr. and Mrs. Williamson will be at home at Mt. Airy. The bride formerly lived in Greensboro and has many devoted friends here. She was a member of the staff of St. Leo's hospital and later served as anesthetist at the Wesley Long hospital in this city.

TUBERCULOSIS CONFERENCE ON THURSDAY AND FRIDAY

IMPORTANT SESSIONS WILL BE HELD IN GREENSBORO THIS WEEK.

Unusually interesting plans are being developed for the conference of tuberculosis workers of North Carolina and other states to be held in Greensboro next Thursday and Friday. The conference was called by the North Carolina Tuberculosis Association, which asks all people interested in and working for the cure of tuberculosis to meet here with the officers of the National Tuberculosis Association at that time.

Dr. James Alexander Miller, president of the National Tuberculosis Association, will deliver the chief address at the session next Thursday evening. Dr. Charles J. Hatfield, managing director of the National Tuberculosis Association, also will speak on Thursday evening. F. D. Hopkins, administrative secretary of the national organization, will confer the rank of Knight Bannet on two classes of Guilford county school children who have earned that distinction by performing the required number of health chores during the school year.

Beginning at 9 o'clock Friday morning, the meeting will be divided into two sections. Dr. W. L. Dunn, of Asheville, is chairman of the medical section. The speakers will include Dr. John D. McKee; Dr. J. B. Greene and Dr. C. H. Cooke, of Asheville; Dr. O. L. Miller, of Gastonia; Dr. P. P. McCain, Dr. L. B. McBrayer and Dr. R. McBrayer, of Sanatorium; Dr. Frederick M. Hanes, of Winston-Salem; and Dr. Charles L. Montgomery, a high official of the United States public health service.

One of the features of the conference will be an address by Mrs. Julius W. Cone, of Greensboro, who will tell how more than half a million tuberculosis Christmas seals were sold in this city last year. This part of the program will come in a special section. In view of the fact that the association is supported exclusively by the sale of tuberculosis Christmas seals, the address of Mrs. Cone is expected to arouse a keen degree of interest. Plans for continuation of the "health crusade" in the schools also will be discussed.

Dr. W. S. Rankin, secretary of the North Carolina board of health, will preside over the session Friday afternoon. This session should prove of particular interest to physicians, nurses, welfare workers and all persons interested in the fight against tuberculosis. The following speakers will be heard: Dr. B. S. Moore; Charlotte; Dr. R. L. Carlton, Winston-Salem; Dr. B. K. Hayes, Oteen, United States public health service; Dr. J. I. Spruill, Sanatorium; Miss Rose M. Ehrenfeld, Raleigh; Dr. J. B. Bullitt, Chapel Hill; Mrs. Clarence E. Johnson, Raleigh, state superintendent of public welfare; Mrs. Charles E. Platt, chairman of the health department of the women's clubs, Charlotte; and Mrs. F. C. Williams, director of health organization work among negroes.

It is announced that the members of the association will be guests during the meeting of the District Nurse and Relief Committee, City Federated Clubs, Guilford County Tuberculosis Association, Greensboro chapter of the American Red Cross and other business and fraternal organizations.

The following is a list of delegates to the conference from Guilford county:

- Mrs. A. O. Radd, Brown Summit.
- Mrs. A. O. Runkin, Pleasant Garden.
- Miss Kate Lee, Pleasant Garden.
- Miss Lura Scott, Pleasant Garden.
- Mrs. Charles Sceloff, High Point.
- Mrs. John Tate, High Point.
- Mrs. Frank Gurley, High Point.
- Mrs. Wyatt Herndon, High Point.
- Miss Clara Cox, High Point.
- Mrs. Ota S. Wells, Greensboro.
- Dr. W. M. Jones, Greensboro.
- Mrs. Dorothy Hayden, Greensboro.
- Dr. T. R. Foust, Greensboro.
- Miss B. A. Land, Greensboro.
- S. E. Suits, Liberty Route 2.
- J. Richard Moore, Brown Summit.
- L. V. Garrett, Julian.
- J. L. Hawkins, Bryon Summit.
- Dr. R. C. Weatherly, Greensboro.