

Hearing Before Clerk Is A Lengthy Affair

Started Yesterday Morning at 9:30, Still Going on This Afternoon; Commissioners Bushall, Gaskill, Edwards, Lewis Examined; Auditor Plint Also; Both Sides Have Big Array of Attorneys.

A hearing which started yesterday before Superior Court Clerk L. W. Hassell at about 1 o'clock and lasted until five and was taken up again at 9:30 this morning, is another phase of the big suit started by the county a few weeks ago. Complaints in this suit have been filed alleging that F. M. Simmons, the Simmons Construction Corporation G. W. Huntley, W. L. Stencil, George J. Brooks and C. K. Howe are indebted to the county to the extent of approximately \$900,000. Roadbuilding contracts let to the Simmons Construction Corporation by a former board of commissioners are the basis for the suits. The hearing yesterday was held on application of attorneys for the defendants.

The hearing took place in the county court room and besides lawyers, witnesses and stenographers was attended by a considerable crowd of spectators. Attorneys for Mr. Simmons and the former county officials at the hearing were Larry Moore and A. D. Ward of New Bern, J. F. Duncan of Beaufort and Luther Hamilton of Morehead City. The county board was represented by Captain Rodman Guion, of New Bern, E. H. Gorham of Morehead City and County Attorneys Jas. Wallace Mason and E. Walter Hill. Two of the defendants Messrs. Huntley and Stencil were present.

Immediately after the court opened Mr. Moore demanded the minutes and records of the county board. Mr. Gorham lodged a motion objecting to producing the records because no written application had been made for them. Judge Hassell overruled his objection. County Auditor Plint then produced several minute books and the investigation began. Mr. Ward stated that he wanted it put in the record that inasmuch as the audit and the engineer's report was not produced that they would take the matter up with a Superior Court judge to see if some further action could be taken. Mr. Guion and Mr. Gorham stated that the board would be glad to furnish the minutes and any other records in their possession. There was considerable sparring took place between the lawyers and then the commissioners were sworn in and Chairman Bushall took the stand. In reply to a question from Mr. Guion Mr. Bushall said that the board did not have an audit or an engineer's report as these documents had not been finished yet. He was then taken in charge by Mr. Moore who wanted to know what had been paid for the audit and why he did not have something to show for the money? Mr. Bushall said he thought something between eight and ten thousand dollars had been paid for the audit and that the board had received verbal reports but not the final report. Mr. Ward questioned him about the engineer's report which he said cost about \$2000. Mr. Duncan asked about a public meeting held one night last March at which Mr. Aycock, one of the accountants, made a report. Mr. Hamilton read a paragraph from the complaint against Huntley and Stencil and asked about the reports, data and so forth. Mr. Bushall replied again that the audit being made by C. F. Delamar and others had not been finished.

The next witness was County Auditor Plint who was questioned first by Mr. Moore as to reports or data of any kind in his possession. Mr. Plint replied that he had nothing except what was in the complaints. He was questioned by Messrs. Ward, Hamilton and Duncan as to the Aycock statement, the audit and other matters. Messrs. Edwards, Lewis and Gaskill were examined briefly as to what records they had if any. Mr. Moore also asked Attorney Gorham the same question. The board then recessed for dinner.

At the afternoon session Commissioners Gaskill and Edwards were put through lengthy examinations, the two lasting about three hours. Commissioner Gaskill went on the stand and Mr. Moore pumped him vigorously. Mr. Gaskill said he thought the board had met 32 times and had been paid \$5 a meeting for 30 meetings. He said Delamar had made several verbal reports to the board but had not finished his audit

of the books. He was asked a good many questions about contracts the board had made with Delamar and with the engineers who have been inspecting and examining the roads. Mr. Guion entered several objections which were overruled. He was asked questions about the Aycock report, about the employment of Mr. Plint, the attorneys in the suit and why all members of the former board were not included in the suit. In reply to many of these questions Mr. Gaskill replied that he did not know. Asked if politics was discussed in the board meetings and if politics was at the bottom of the suit he replied "no." He was asked about the audit made by Dixon, Russ and Carter and about the sale of bonds made by the present board. He was questioned further by Messrs. Duncan and Hamilton about the suits, about who employed the lawyers, engineers and so on. Mr. Guion gave him the minute book and he read the resolution authorizing the suits to be brought.

Commissioner Edwards followed Mr. Gaskill on the stand and was put through practically the same sort of examination. At the conclusion of his testimony the board recessed until 9:30 Thursday morning.

Thursday's Session

The sitting of the court was resumed this morning (Thursday) at about 9:45. It lasted until 1:20 and then recessed for dinner and started again at 2:30. Commissioner Denard Lewis was on the witness stand about fifty minutes and then Chairman Bushall occupied it until recess was taken.

Mr. Ward opened the examination of Mr. Lewis by asking if he voted to spread the complaints against the defendants on the minutes of the board and if he stood by that action. Mr. Lewis said he thought he voted for it and was willing to stand by the board's action with the information before them. He was asked a good many questions about the complaints, the famous meeting in March about which a great deal has been said, about Aycock's report, what attorneys have been employed and when, and was asked if the suits were a part of a political scheme. He was also examined by Messrs. Duncan and Hamilton along the same lines that other witnesses had testified.

Mr. Bushall was put through a lengthy and at times rather severe examination by Mr. Moore. There were frequent objections by Mr. Guion which were overruled. Judge Hill stated that he would allow both sides great latitude in asking questions. Mr. Moore questioned the witness closely about many things, including the road contracts, employment of engineers, employment of auditor and wanted to know if he, Bushall was not the moving spirit behind the whole affair. Mr. Bushall stated that the investigation was in response to public demand. He was also examined quite fully by Messrs. Hamilton, Duncan and Ward. Mr. Guion one of the county's lawyers asked Mr. Bushall a few questions, reading from the minutes of the old board, in regard to the letting of a contract to the Simmons Construction Corporation at a higher bid than offered by another firm. In response to a question he said Mr. Delamar was in the courthouse and would be glad to go on the stand and give any information he could as to the audit. Several pamphlets were offered as records in the case.

BOOKLET PUBLISHED ON CULTURE OF TERRAPIN

An interesting publication called "Review of Experiments on Artificial Culture of Diamond-Back Terrapin" has been issued recently by the U. S. Bureau of Fisheries. Its author is Dr. Samuel F. Hildebrand of Beaufort. A great deal of information is given as to the life history and methods of propagation of that famous creature known as the "diamond back" terrapin. The Fisheries Station here has been engaged in the breeding of terrapin here for a good many years with considerable success.

DEFENDANTS GET ROAD SENTENCES

Two Negroes And One White Man Sent To Roads; Stacy Men Acquitted

Very few cases were tried in Recorder's Court this week but they took considerable time and resulted in three defendants getting road sentences.

The shooting affray that occurred at Playview Beach some weeks ago a resort for colored people, had an airing. As a result Will Allen of Morehead City got eight months on the roads and Willie Fulford of Beaufort got the same. Fulford was convicted of assault and disorderly conduct. Allen was convicted of carrying a pistol. He admitted having one but said it was not his. He said it fired accidentally and that he was attacked and beaten by several men. W. T. Davis, owner of the place testified that Fulford was very disorderly and that there was a good deal of shooting and that he took the gun away from Allen. Simon Gatlin and several other witnesses testified as to the affray. Charles Fenderson who was shot in the leg at the time has since died. Will Tucker suspected of having shot him made his escape.

The case that took up a long time Tuesday was that in which Elmer Salter and Elijah Robinson were charged with selling liquor. Attorney Luther Hamilton appeared for Salter and Attorney Alvah Hamilton represented Robinson. The case was hotly contested and many witnesses were examined. It resulted in the acquittal of both defendants. The principal witness for the prosecution was Harvey D. Lewis of Stacy where all the parties live. He swore that he bought six pints of liquor from Salter and one from Robinson. He was put in jail for drunkenness and told Sheriff Davis that he got his liquor from the defendants. A big array of witnesses testified in behalf of the defendants.

Earl Buck a young white man from Newport was given a six months sentence for disorderly conduct.

Andrew Fulcher and Jack Spruill of Vanceboro charged with driving a car while drunk submitted through their attorney G. A. Bardson to a charge of disorderly conduct. Prayer for judgment was continued for two years conditioned on good behavior and Fulcher was fined \$25 and the costs, others who were in the car to pay the rest.

Thos. Mills of Beaufort charged with killing a female deer was convicted and let off with the costs which includes \$25 that goes to the person giving the information. Mr. Mills said he shot at a deer but that it was a buck and not a doe. His attorney Mr. Wheatly gave notice of an appeal.

Carteret Farmers Now Have Mutual Exchange

An exchange, for the purpose of cooperative buying and selling has been organized by Carteret farmers. The organization to be known as the Carteret County Mutual Exchange, will buy farm supplies cooperatively and sell farm products for the farmers of Carteret County.

The object of this exchange shall be:

1. To develop group marketing and to sell farm products.
 2. To develop group purchasing and buy farm supplies and equipment.
- Any bona fide grower of farm products or any person renting or leasing land in Carteret County may become a member by buying at least one share of stock, value 1.00 each and agreeing to comply with the by-laws of the exchange. All farmers who are interested in developing group marketing and cooperative buying will be gladly received in the exchange as members.

The principal office of the exchange will be located in the town of Beaufort and at present in the office of the County Agent.

HUGH OVERSTREET,
County Agent.

HOSPITAL NOTES

Friends of Mrs. F. R. Bell will be glad to know that she is getting along nicely. Mrs. Bell has been in the hospital since Monday afternoon.

Mrs. H. C. Whitehurst is getting along nicely after a major operation last Sunday.

Mr. George Garner was discharged from the hospital early in the week.

Miss Willis, day nurse at the hospital spent the day in Smyrna early in the week. Miss Ezzell is in New Bern today.

EXAMINER MOTTER TAKES OVER BANK

Can Make No Statement Yet As To Future of Closed New Bern Institution

New Bern, Oct. 28—Charles W. Motter, of Raleigh, national bank examiner, and V. D. Palmer, assistant examiner, also of Raleigh, are here to take charge of the affairs of the First National Bank, which closed its doors Saturday morning, following unusually heavy withdrawals of deposits because of derogatory rumors concerning the condition of the institution.

Mr. Motter stated that he had taken full charge of the local bank, but that he had no idea how long it would be before he could make a definite statement to the public in regard to the financial situation. A number of the institution's assistants are hard at work in an effort to get the matter on a basis where something may be definitely determined as to the best course to be pursued.

Liquidation is said to be foremost in the consideration of some local business men familiar with the affairs of the bank, yet it may be that a reopening may be possible under the management of some other banking institution. Conferences are being arranged with banking connections, although as yet nothing has been definitely along this line.

VENERABLE LADY DIES

The funeral of Mrs. Sarah Arendell, who died Sunday night, October 27, was held from Ann Street Methodist Church Tuesday afternoon, by the Reverend L. L. Smith, Pastor of the church and of the deceased. The service was beautiful in its simplicity, and the choir sang beautifully "Jesus Lover of My Soul" and "Abide With Me" at the church, and "Asleep in Jesus" at the grave. Mr. Smith spoke feelingly of the lovely character of Mrs. Arendell. Pallbearers were C. A. Clawson, H. C. Jones, C. S. Carrow, J. A. Hornaday, W. H. Taylor, Frank King, Honorary pallbearers were W. J. Hale, W. A. Hauser, Toke Arendell, A. H. Webb, Sr., A. C. Davis all of Morehead City, N. W. Taylor, C. P. Dey, J. H. Potter, Sr., John Forlaw, B. A. Bell of Beaufort.

Mrs. Arendell was before her marriage Miss Sarah C. Davis, born and reared in Beaufort. In 1870 she married W. L. Arendell, moving to and making her home in Morehead City until Mr. Arendell's death in 1918. At that time she gave up her home there and came back to Beaufort making her home with her sister Mrs. Bettie Lindsay. Mrs. Arendell had no children, but in the earlier years of her marriage she, with Mr. Arendell fostered three children, bestowing on them the affection of father and mother, these foster children, J. B. Arendell, Mrs. Charles Tolson and Mrs. Guver Hardesty, survive her, besides a number of nieces and nephews, among them being Mr. W. A. Mace, Beaufort, Mrs. Eric Abernethy and Mrs. E. Walter Hill.

Mrs. Arendell was laid to rest in Live Oak Cemetery by the grave of her husband. Many floral tributes bore silent testimony of the tender place she held in the hearts of her friends.

A large number of friends of Mrs. Arendell from Morehead City and other places were here for the funeral. Among them being Mr. and Mrs. E. A. Abernethy, Chapel Hill, E. and Mrs. Claude Abernethy, Raleigh, Mr. and Mrs. Chas. Tolson, Mrs. J. G. Harker, Mrs. W. H. Heath, Mrs. Beulah Ritch, Mrs. A. H. Webb, Jr., Mrs. W. H. Herbert, Mrs. H. M. Thornton, G. R. Wallace, Miss Mildred Wallace, Mrs. J. C. Taylor, W. M. Webb, all of Morehead City, U. M. Gillikin of Goldsboro.

OTTO HELPING RUN SOFT DRINK STAND

Raleigh, Oct. 27—Otto Wood, state prison's escape artist, is now assisting in running the stand in the prison that dispenses soft drinks, tobacco, and candies and he tells all who come within his range that he is satisfied these days.

Otto, who figured in three sensational escapes in fact, has told Judge N. A. Townsend, executive counsel, that he is sticking in the prison this time. Wood has been out of solitary confinement four months after spending over two years there as punishment for his last escape.

Wood, prison officials said, has made no attempt to escape since being allowed the freedom of the prison yard and, on the other hand, says he is well pleased with his job and wants to keep it.

Edward Allen Cherry Died Sunday Morning

Morehead City, Oct. 29—Edward Allen Cherry one of Morehead City's most esteemed citizens, father of R. A. Cherry prominent hotel man of this city, was laid to rest in Bay View cemetery Monday afternoon at 2 o'clock. The funeral services were conducted from the home with Rev. J. A. Vache officiating assisted by Reverend Mr. Stevens and Reverend A. A. Slaughter.

The deceased was born at Vanceboro, Craven County April 22, 1861. He was married to Miss Hattie Jackson. To this union was born four children of which Mr. R. A. Cherry was the eldest. At the death of his wife he moved to Morehead City about 30 years ago. He was married the second time to Miss Sallie Hancock and to this union were born 8 children, one of whom survives, Mrs. Cicero Guthrie the deceased who was preceded to the grave by his wife a year ago. He has been ill since August and passed away at 5 o'clock Sunday morning.

Many beautiful floral tributes attested the esteem in which he was held. Besides his daughter, Mrs. Cicero Guthrie and son, R. A. Cherry he leaves eight grand children and two great grand children.

NORTH RIVER MAN SLAYS SNAKES BY THE WHOLESALE

The rattlesnake population of Carteret county was considerably diminished a few days ago by Mr. Charles Simpson on his place in the upper North River section. Having noticed a big rattler go under a stump he went to the house and got a stick of dynamite and then proceeded to make war on the snakes. He blew up the stump with the dynamite and then found that he had killed fifteen of the reptiles. They were all full grown and no doubt intended to spend the winter under their tump. All snakes hibernate during the winter in this country and if their dens could be found and treated as Mr. Simpson did his, Carteret county would soon be as free from snakes as Ireland is reputed to be.

CITY POLICE COURT HAD A FEW CASES

Three cases were tried by Mayor Chadwick Friday afternoon. S. A. Rice, charge drunkenness, first offense \$2.50 and costs. Louie Larsen, drunk and disorderly, first offense, \$2.50 and costs. Will Parker, colored, drunk and disorderly, not first offense, \$7 and costs.

REAL ESTATE TRANSFERS

Julia R. Hoft et als to Bessie R. H. Lupton, 1 lot Morehead City, for \$10. W. A. Mace, Trustee to J. F. Duncan Trustee, 1 lot Highland Park, for \$500.

W. L. Arrington and wife to J. H. Norfleet et als 4 lots Beaufort, for \$10.

Beaufort Realty Corp. to Paul D. Stout, 2 lots West Beaufort, for \$320. T. T. Wallace to Rosa B. Metcalf, 133 acres Merrimon Township, for \$10.

JUDGE McELROY WILL INVESTIGATE THE KILLING OF ELLA MAY WIGGINS

Raleigh, Oct. 28—Judge P. A. McElroy will go to Gastonia Monday, November 4, for the purpose of sitting as a committing magistrate in an investigation of the killing of Ella May Wiggins in Gaston county September 14.

Governor O. Max Gardner announced tonight that he was sending Judge McElroy to sit as a committing magistrate. Announcement followed a conference with D. G. Brummitt, attorney general, N. A. Townsend, executive counsel, and Solicitor John G. Carpenter, who came to Raleigh at the request of the governor.

Last week a Gaston county grand jury reported "not a true bill" to the indictment against parties alleged to have been members of the anti-communist mob which shot and killed Mrs. Wiggins, mother of five children. Judge H. Hoyle Sink, presiding at that time, directed the grand jury to continue its investigation and ferret out the perpetrators of the crime.

Governor, after the refusal of the grand jury to indict accused persons, offered a \$400 reward, the maximum allowed by law, for the arrest and conviction of the guilty parties. In his announcement of the reward he termed the killing an "indefensible one."

His announcement tonight was the next step in the case. In this statement announcing that Judge McElroy

BUSINESS CLINGS TO STEADY PACE

Display Air of Assurance In Contrast to Panicky Security Conditions

New York, Oct. 27—Business and industry moved forward last week with an assurance in extraordinary contrast to the semipanic conditions prevailing in the security markets. The same hesitancy in some lines that has prevailed during recent weeks was evident, but assurance of the fundamental stability of conditions were put forth by a long list of leading bankers and business executives, and were climaxed by a statement by President Hoover.

The building industry, which has suffered considerably from high money rates and unsettled credit conditions generally, stands to profit markedly by the wholesale liquidation of stocks and consequent release of credit. Building operations have fallen about 10 per cent, on the average below the levels of 1928. F. W. Dodge Corporation stated that if the reversal of money market conditions continues, building contracts should show a genuine improvement of residential buildings has been considerably corrected.

The moderate decline in steel mill operations has contributed considerably to the nervousness which preceded the stampede of stock liquidation. This basic industry's foremost executives, attending the semi-annual meeting of the American Iron and Steel Institute, painted a glowing picture of satisfactory earnings and high operations. James A. Farrell, president of the United States Steel Corporation, said that when the industry can run at 75 to 80 per cent of capacity at this time of year it is in a thoroughly healthy condition. Several executive reported a picking up of business, and the opinion prevailed that the current recession has struck bottom.

The wheat markets were thrown into confusion by the break in securities, but this, was regarded as a temporary and technical situation. In his statement on business conditions, which stressed that production and distribution are on a sound and prosperous basis, President Hoover pointed out that despite the temporary drop in grain prices, the world harvest is 500,000,000 bushels less than last year, which should result in very little carryover.

Motors Lagging

While the huge losses on the stock market caused concern in some quarters lest public purchasing power be seriously impaired, the head of the largest mail order house said that he looked for no curtailment and that his organization was preparing for record holiday trade. The motor industry continued to lag, and General Motors reported a rather unsatisfactory earning statement for the third quarter, as have other manufacturers, but work upon new models went forward with confidence in resumption of large buying after the first of the year.

The Russian Ballet is being filmed in England.

would go to Gastonia he said: "Such an investigation by a Superior court judge affords the most effective method to the law for a complete, impartial and open ascertainment of the facts. The state will exhaust every resource at its command to secure the indictment, conviction and punishment of those guilty of this crime."

"This decision was reached by me last week, but as Solicitor Carpenter could not come to Raleigh and its announcement was withheld until the matter could be discussed with him."

The killing of Ella May Wiggins occurred September 14 when she was en route with a group of unionists to attend an advertised communist union meeting at South Gastonia. The party, going from Bessemer City, was stopped by a mob of anti-communists before it reached the meeting place. Being turned around, the truck was chased several miles by automobiles filled with men until it was forced into a collision by one of the cars passing it, at which time general shooting took place and Mrs. Wiggins was killed.

Nine men were charged on the bill of indictment in the case, but the grand jury reported it "not a true bill" and all were freed. A coroner's jury which met four times in five weeks had recommended that the nine men be held.