

First Life Term Given In Burglary

BY LYNN NISBET Daily Dispatch Bureau Raleigh, Sept. 13.—So far as accessible records and recollection of State officials can show, Cleo Hayes, Wake county Negro, is the first beneficiary of the 1941 statute providing for life imprisonment instead of the death penalty for first degree burglary, upon recommendation of the jury.

Hayes was convicted in Wake superior court of burglary in the first degree, with recommendation, and was sentenced by Judge Sumner Burgwyn to serve the term of his natural life in State Prison. Close observers of the trial agree that the defendant might not have been convicted except for this leeway of optional punishment.

This should prove very gratifying to Herbert Leary of Edenton, who as senator in 1941 got through the optional provision as to burglary and arson, but failed to have included rape and murder. Many years ago, Leary had seen defendants acquitted because juries did not want to send them to death, when perhaps they would have been convicted if a life sentence could have been given. He singlehandedly rammed through the assembly the optional clause. He tried to get it on all four capital crimes, but the leg-

islators backed on rape and murder. Judge Burgwyn, Judge W. C. Harris (senior member of the superior court bench), William Dunn, parole commissioner, and Clifton Beckwith, in charge of judicial statistics in the attorney general's office, said they did not recall another case where Senator Leary's law had been invoked. None of them was entirely positive, but Hayes is presumed to have his life saved by the act.

It might be recalled that when the first state constitution was adopted there were more than a dozen capital offenses recognized. Now there are only four—murder, rape, burglary and arson all in first degree. Death is still mandatory for murder and rape.

AROUND CAPITOL SQUARE

By LYNN NISBET Daily Dispatch Raleigh

Raleigh, Sept. 13.—Mrs. B. B. Everett of Polkville, vice chairman of the State Democratic Committee, recognized authority on rural home economics and active in Farm Bureau circles, never lets these activities interfere with what she thinks is her duty as a mother. Mrs. Everett was in Raleigh Monday night attending a State Farm Bureau meeting, and when your reporter suggested she would probably be on hand Friday for opening of State Democratic Headquarters, she said she would come up Monday. The youngest of the five little Everetts, who is a student at St. Mary's, reports for classes that day "I didn't start this running around in politics until the last of my children was in boarding school," she said. "Ben (that's B. B. Everett), her husband and former representative of Halifax county) can look after the cows and pigs and chickens, but I tell I had to stay with the children as long as they were at home."

BIRTHDAY.—The *Hickory Daily Record* was 29 years old Monday. The first issue of the daily came off the press Saturday afternoon, September 11, 1915, according to a story appearing in the Monday issue, and was distributed to 300 readers. The issue 29 years later ran to well above 12,000—and would be more but for the circulation freeze nearly two years ago. For about half of its

life The Record has been edited and published by its present owner, Lester C. Gifford, who has made it one of the foremost afternoon papers in the State. The Record plant, housed in its own building, is regarded as one of the best arranged and most modernly equipped newspaper shops in North Carolina. The paper and its community get along. Hickory people are proud of the Record, and the paper never goes to press without some item that is straight out bragging on the home town.

SUBORNATION.—In offering reward for evidence of election frauds, the fair elections committee which heads up at Burlington is skating dangerously close to the border line of subornation of perjury, according to several Capitol Square authorities. There is a vital difference, say these unquotable sources, between offering a reward for apprehension and conviction of a person for a known crime and a blanket offer by private agencies to pay for information about crimes not known to have been committed. The \$100 offered by the Burlington group might not induce any North Carolinian to tell a lie, but the principle is the same as if the amount were \$1,000 or more. One State official commented: "I know a lot of folks who would tell a lie for that amount of money."

STOKES.—There is no information available as to merits of the case now under investigation in Stokes county and which were reported by the fair elections group. Ralph Scott, solicitor of the county court, has reported that he is going to follow through. The reward has not been paid, cannot be until the case is concluded. What the capitol folk are afraid of is that the lure of reward money, added to dissatisfaction about losing elections, might encourage perjury to greater extent than it will purify elections.

ANDREWS.—The State Highway Commission will hold its regular meeting in Andrews, home of 19th division Commissioner Percy Ferebee, on Thursday of this week. One reporter, when given this announcement, asked something about Andrews. "It's the biggest town in the State," another told him. "It's the only town that is big enough to lie in two time zones. The railroad station at Andrews is where Central time becomes effective. You leave there an hour before you arrive if going west, and stay there an hour if coming east."

INSPECTION.—The highway commission meeting was set for Andrews so the members could visit the areas around Hiwassee and Fontana dams, where many roads have had to be changed to take care of backwater. Governor Broughton and other State dignitaries concerned with or affected by highway activities will be in the inspection party.

DISCRIMINATION.—The game division of the State Department of Conservation and Development has

petitioned the federal wild life administration to permit dove shooting in North Carolina throughout the same period it is allowed in Virginia and South Carolina. In those states the dove open season is split, running from Sept. 15 to Oct. 15, then from Nov. 25 to Jan. 1. In North Carolina the season has been only from Nov. 25 to Dec. 24. While the request is for more than double present dove shooting time, the main resentment is not so much the length of the open season as the fact that the states north and south of us apparently are favored at Tar Heel expense. "We resent discrimination more than we do regulation by the federal government," said an attaché of the department.

ADMIRAL COMMENDS COMMANDER SWAIN

Charleston, S. C., Sept. 13.—Commander Joseph B. Swain, USN, of Henderson, N. C., has been commended by Admiral R. E. Ingersoll, commander in chief of the U. S. Atlantic Fleet for outstanding performance of duty which has continuously improved, operating and upkeep procedures of vessel engaged in anti-submarine warfare. The citation reads: "For outstanding performance of duty as material officer on the staff of the Officer-in-charge, Fleet Sound School, Key West, Florida, from December, 1940, until December, 1943." The commander in chief, United States Atlantic Fleet takes pleasure in commending Commander Joseph B. Swain, USN.

Reporting to the Fleet Sound School during the early days of its existence, Commander Swain assisted in the school's establishment, at a time when there were few guides and precedents in the field of anti-submarine warfare, by his successful organization of the Material Department. Through his extensive knowledge and untiring effort, equipment was continuously improv-

How's Your I. Q.?

- 1. Name the women's Western Amateur golf champion.
2. From which navy yard did President Roosevelt broadcast a speech on his return from his trip to Hawaii and Alaska?
3. Pure water is never hard water; true or false?
4. Does the Statue of Liberty hold the torch in her right or left hand?
5. Which United States senator was mainly responsible for the enactment of the original Social Security Act?
6. Which Federal agency has control over rentals in war production areas?
7. Which famous American Revolutionary general was called "mad"?
8. In what famous court proceeding was John T. Scopes engaged?
9. Males have always outnumbered females in the United States; true or false?
10. King Christian of Denmark and King Haakon of Norway are cousins, brothers, or unrelated?

ed, operating and upkeep procedures were constantly bettered, and more reliable equipment was developed for the use of all vessels engaged in anti-submarine warfare. "Commander Swain's high professional skill, resourcefulness, and initiative and his tireless devotion to duty were in keeping with the highest traditions of the United States Naval Service." Commander Swain is now authorized to wear the commendation ribbon. His wife, Mrs. Helen K. Swain, resides at 1609 31st street, N. W., Washington, D. C.

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