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VOLUME 45—NO. 30 * * * SMITHFIELD, N. C., FRIDAY MORNING, APRIL 15, 1927 * * * $2.00 PER YEAR

Restraining Order Ruled Premature

Judge Harris Also States That Contract Let Before Publishing Ordinance Authorizing Bonds Would Be Illegal

The hearing before Judge W. C. Harris in regard to the injunction taken out restraining further proceedings in the erection of a municipal building was held Wednesday afternoon at 4:30 o'clock in the courthouse here, a number of interested citizens being present.

Judge Harris listened to the contentions of both sides of the case as presented by Abell and Shepard and Wellons and Wellons for the town, and L. G. Stevens for R. C. Gillett, who brought the restraining action. The judge then made the statement that the restraining order was premature, having been served before the town board had published the ordinance authorizing the bond issue for the building. He also made the statement that any contract made by the town board before said ordinance was published would have been illegal and void.

It will be recalled that on March 16 a restraining order was served on the town board of commissioners as it was in session for the purpose of receiving bids for the construction of a municipal building and moving picture house. Seventeen bidders were present on this occasion and opening of bids proceeded after the restraining act, although the contract could not be awarded. The three lowest bids on construction and four lowest on heating and plumbing were filed until a hearing could be had before Judge Harris. It was brought out in the evidence presented at the hearing by J. A. Wellons, of Wellons and Wellons, that the bids were being received simply as a means of getting an estimate on the construction of the building. A contract, as pointed out by Judge Harris Wednesday would have been illegal, and might have involved the town in a suit if the bond issue did not materialize providing funds for the building. Judge Harris also pointed out in the hearing Wednesday that the publishing of an ordinance authorizing a bond issue is the first step in a matter of this kind, thus giving the voters a chance to present a petition asking for an election if they so desire. And it was because this ordinance had not been published that he ruled that the restraining action was premature.

The matter will probably proceed in an orderly manner now. The ordinance will likely be duly published, and after thirty days, unless petitioners ask for an election, the contract may be let.

A lot was purchased some time ago from Mrs. J. W. Moore and Miss Ora Poole on the corner of Market and Fourth Streets for a consideration of $6,000, as a location for a municipal building, to replace the one burned some time ago.

TO COMPLETE PAVING HIGHWAY SOON

The paving on highway No. 22 between here and Four Oaks is progressing rapidly. The overhead bridges have been completed and the cement has been poured from Four Oaks almost to the John A. Johnson place near here. The road is expected to be finished by June 1.

A Tantalizer

...n the line below to spell ...ame of a person in Smith... and if the right one de... s his name and will pre... to The Herald office, ...l present him with a ...mentary ticket to the ...y Theatre. Tickets must ...ed for before the fol... issue.

...ard Henry recognized ...me last issue.

...ys Tantalizer:

...losnvjr.eneets

President's Aide

Col. Blanton Winship will be military aide to President Coolidge starting May 1, succeeding Col Sherwood A. Cheney, who returns to field duty.

Legion After One More Loving Cup

Offers Cash Prizes For Cleanest Premises As Result of Clean-Up Week

The Pou-Parrish Post of the American Legion met in regular monthly session at the courthouse Wednesday evening at 8 o'clock. The meeting was called to order by Commander Stephenson by asking those present to sing "America."

Ed F. Ward was requested to act as adjutant for the meeting. The reading of the minutes of the last meeting was dispensed with. Several visitors were present, who were introduced to all present and gladly welcomed by the members of the post.

Notice was given of the meeting of the Fourth District Conference to be held at Raleigh, at the Yarborough Hotel, on April 27 at seven p. m., at which meeting dinner will be served, plates costing $1.25 each. It was stated that reservations must be sent in by April 20. It was further stated by the commander that at the above meeting a silver Loving Cup would be presented to the post carrying the largest percentage of membership, and it was earnestly and eloquently requested by the commander that every member should go. The Johnston county Legion on various occasions has brought home three different loving cups.

The following committees were appointed:

Committee to collect from members for dinner reservations: Ed Woodall, chairman.

For Smithfield: E. C. Narron, T. C. Ogburn, G. A. Allen.

For Kenly: H. L. Talton, W. H. Rackley.

For Four Oaks: Allen Johnson, Jas. F. Stephenson.

For Selma: Charlie Fulghum, W. A. McMillan.

For Clayton: Edgar Beddingfield, Garland Young.

Committee on transportation—Chester Stephenson, chairman.

Dr. J. H. Fitzgerald, E. D. Fambro, Geo. Fuller, Dan Jones, Layton McGugan.

It was unanimously resolved that the post take an active part in sponsoring the movement of "Clean Up Week," and that the following prizes be offered for the cleanest premises: 1st prize, $5.00; 2nd prize, $3.00,and 3rd prize, $2.00.

It was unanimously resolved to make an effort to influence the installation of a fish hatchery in Johnston county, and the commander was authorized to take up the matter with the proper officials.

Civic improvement was discussed, and all the members were requested to study the matter and to give due consideration to questionnaires to be submitted in the effort to find out what civic improvements are now most needed and the best means of effecting the same.

A motion was passed that the commander be appointed a committee of one to investigate all emergency calls for aid and to handle the same according to his best judgment, calling to his assistance any member or members of the post convenient at the time.

It was decided to wear the Legion caps at the Raleigh meeting.

After a discussion with a view of increasing the membership of the post, and of the Legion auxiliary, upon motion the meeting adjourned.

Good Prospect Fish Hatchery

Holt Lake Was Considered In 1923; Concerted Effort Likely To Make A Go This Time

There is a good prospect of securing a state fish hatchery at Holt Lake, if the people of this section evince enough interest to show the Department of Conservation that it is wanted. A hatchery is to be established presumably in the eastern part of the state, although it is understood that the west is after it, and now is the time for action to be taken locally, if Holt Lake be chosen.

Holt Lake was considered in 1923 when a state hatchery was established in Cumberland county near Fayetteville, and stood a very good chance at that time. Capt. John A. Nelson, state fisheries commissioner, and J. K. Dixon, assistant director of conservation in charge of fisheries, have made personal investigations of Holt Lake and have expressed themselves as favorable to this location. The State Department thinks enough of present conditions at Holt Lake that seven or eight hundred fish have been taken from this lake for the state hatchery.

The hatchery, which would be a chub hatchery, would be quite an advantage to this section. Fish would be available free for stocking ponds, and an expert who would give information about fish culture would be in charge at all times. Located on highway No. 22 and practically on No . 10, the place is easy of access, and would serve a large territory.

The securing of this hatchery is a civic proposition, and all of Johnston county through its civic organizations should lose no time in impressing the State Department of Conservation, of which Wade H. Phillips is the head, that Holt Lake is the logical place for this hatchery.

Kiwanians Give Special Program

"The Underprivileged Child" Is The Subject of Study At This Meeting

The program at the regular weekly meeting of the Kiwanis club was in charge of Walter Jordan, chairman of the committee on the under-privileged child. Kiwanian Richardson of the Raleigh club sang several selections which were very much enjoyed. Kiwanian Hooks of the Charlotte club was present and on being introduced by Mr. H. B. Marrow, made some helpful suggestions to the club.

Rev. Chester Alexander spoke briefly on Kiwanis and the under-privileged child, dealing with conditions in the county and city, and outlining some things which Kiwanis might do to help in the physical, moral and mental development of the children. Statistics were quoted as obtained from the assistant superintendent of education and the county welfare officer showing conditions among the under-privileged children of the county.

A committee was appointed to investigate the possibility of getting the proposed State Fish Hatchery located in Johnston county. Messrs. R. C. Gillett and T. C. Young were assigned this important work.

Board Discusses T. B. Sanatorium

Endorses Plan of County Commissioners To Build Houses For T. B. Patients On County Farm

A very interesting and enthusiastic meeting of the county board of charities and public welfare was held at the home of Miss Mattie Pou, Wednesday morning from ten until twelve o'clock with Dr. W. J. B. Orr, Dr. C. C. Massey and Mrs. J. D. Spiers as guests.

The topics under discussion were: "A Home For Advanced Cases of T. B."; and "A Tri-County Sanatorium for T. B." The first topic was ably discussed by Dr. Massey, Dr. Orr and Mr. Preston Woodall, of Benson, a member of the board. After hearing from Dr. Massey a detailed account of the plans under consideration by the commissioners to build two simple, inexpensive structures to accommodate T. B. patients of both races on the farm at the county home, a motion was put before the body to go on record as approving the fine plans under consideration by the commissioners and to aid them in every possible way to prepare a proper place where advanced T. B. patients can be segregated. Plans for improving the negro quarters at the home were also discussed, and appreciation was expressed for the recent order of the commissioners to have a thorough renovation of their buildings.

Reports that the county home property was in fine condition and the premises clean and sanitary were filed by both the health and welfare officers.

Dr. B. A. Hocutt, of Clayton, who is a standing committee on the Tri-County T. B. Sanatorium then outlined his plans for moulding public sentiment for the sanatorium as a means of fighting the White Plague. Dr. Hocutt is a tireless worker, and forceful speaker, and never fails to warm his hearers to enthusiasm on this subject. His present objective is to solicit the cooperation of the civic clubs. He was retained as the committee to look into a $5,000 bequest to a hospital (if built near Clayton) from the Vinson estate.

The following report on what Johnston county did for its unfortunates from March 1, 1926 to March 1, 1927 was then submitted:

Total number on outside pauper relief, 105.

Total amount paid out, $2,734.00.

Temporary aid, $190.00.

Medicines for paupers, $8.60.

Books for school children, $15.00.

Clothes and shoes for pauper school children, $40.00.

Groceries in emergency cases, $18.00.

Transportation and board for paupers, $10.50.

Burial expenses, $37.50.

Mother's Aid (county's half) $650.00.

Hospital bills, $822.50.

Total, $4,506.40.

SCHOOL OF MISSIONS HERE NEXT WEEK

All preparations are complete for the School of Missions at the Baptist church here beginning on next Sunday. Dr. J. W. Lowe, of China, will speak morning and night Sunday and at 7:45 each night during the week. Mrs. H. M. Finch, of Rocky Mount, will speak at a mass meeting at 3 o'clock, and at 3:00 Monday afternoon. Miss Gertrude Mattison, W. M. U. Field Worker in the Johnston Association, will be present during the week, and will teach classes each afternoon and evening. Dr. Lowe will enliven his addresses each night by the use of stereopticon slides brought from China. Dr. Lowe and Mrs. Finch will speak also Monday at 10 a. m., at a rally at Pisgah church.

CAKE SALE SATURDAY

The ladies of the Methodist Missionary Society will conduct a cake sale at Hood's drug store Saturday from ten until one o'clock. The proceeds will be used for local work.

Two Full Days In Recorder's Court

Tuesday And Wednesday Devoted to Trial of Criminal Cases—Full Docket

Quite a number of cases were disposed of in Recorder's court here on Tuesday and Wednesday of this week. The following criminal cases were tried:

Minnie Parker entered a plea of guilty to a warrant charging larceny. She was sentenced to jail for a term of 90 days to be worked as the sheriff sees fit.

Sanders Davis was charged with car breaking and larceny. The state took a nol-pros on the count charging car breaking, but the defendant plead guilty to larceny. He was sent to the roads for fifteen months and taxed with the costs.

William Watson entered a plea of guilty to carrying a concealed weapon. He was given a 60-day road sentence, but the road sentence was suspended upon the payment of $50 fine and the cost of the action.

Thomas Whitley plead guilty to secreting mortgaged property. Prayer for judgment was continued for two years upon the payment of the cost.

J. Mouser was found guilty of transporting and possessing intoxicating liquors. On the charge of transporting he was sent to jail to be worked on the county roads for 30 days and required to pay the cost. The road sentence was suspended upon the payment of $50 fine and the cost. On the charge of possession the defendant was sent to jail for 30 days to be worked on the county roads. The road sentence was suspended upon the payment of $50 and the cost. He was also charged with operating a car while intoxicated, but was not convicted on this count.

For violating the prohibition law, Jack Brown received a 60-day road sentence and was taxed with

Turn to page four, please

First Poultry Brings $1380.85

Selma Shipment Totals 6207 Pounds of Chickens, Geese, Ducks, Turkeys, Guineas; To Ship Again In May

SELMA, April 14.—Considering the very disagreeable day, Selma's first shipment of poultry went over in a satisfactory manner last Saturday when 6207 pounds of chickens, ducks, geese, turkeys and 42 guineas were sold at the car door for cash for $1380.85. Had it not rained practically the whole day it is thought that at least one and one-half cars of poultry would have been shipped. Another car will be placed on the Southern Railway siding here some time in early May and it is hoped that it will be an ideal day so that all who desire to ship poultry can do so.

The following is the number of pounds of each kind of poultry that was sold:

Colored hens, 4912 pounds; Leghorns, 246; roosters, 466 pounds; ducks, 55 pounds; geese, 260 pounds; broilers, 170 pounds; turkeys, 98 pounds.

Total 6207 pounds.

Guineas, 42.

Mr. Jack Davis Dead.

Kenly, April 13.—Mr. Jack Davis, aged 64, died at his home near Kenly Saturday evening, April 9, after several weeks illness. About a month ago he suffered a stroke of paralysis and from this he never recovered. The funeral was held on Sunday afternoon at the home by Rev. J. T. Whitley, a former pastor. Interment was made at the Boyette graveyard with a large number of people present to pay their last respects. He leaves to mourn his passing a widow and three children—Thomas Davis, Mrs. R. L. Pittman and Mrs. Tommy Atkinson.

"He Has Risen"

New-Born Babe Left On Porch

Mrs Van Worley Finds Infant Girl In Folded buggy Robe On Front Porch

Mr. Van Worley, of Boon Hill township, was in the city early yesterday morning and reported that when Mrs. Worley arose for the day and went out on the front porch that she found a folded buggy robe on the floor before her. Cries resembling those of a baby or puppy issued from the buggy robe and Mrs. Worley called her husband who took up the robe, unfolded it, and found within it a new-born baby girl. The little one was unbathed but had on some articles of clothing and had a torn-up sheet around her. It was found that one of the baby's arms was broken. Mr. Worley is entirely without any clue as to who left the baby in his care. He made considerable search about his premises but could find nothing but some tracks near the porch which appeared to be that of two men. An automobile had passed his house during the night.

Mr. Worley seemed puzzled as to what to do with the baby. He and his wife are frugal farming people and have no children of their own though they have one adopted child, and his wife at first seemed inclined to keep and rear the little stranger.

Later, however, the case was reported to the welfare officer, Mrs. D. J. Thurston, who, together with the county physician, Dr. C. C. Massey, went to see the child and brought it to the hospital here, where the arm was set and every attention possible given it. In addition to the broken arm, the baby was bruised.

CHIEF PULLEY CAPTURES A 45-GALLON STILL

KENLY, April 13.—Chief of Police C. S. Pulley, accompanied by Jesse Yelverton, went out into the old Beulah section Monday afternoon and captured a 45-gallon capacity whiskey still and poured out between three and four hundred gallons of beer. The still was located in the woods back of Henry Stancil's. That the operators thought that they were under suspicion was evidenced by the fact that the still had been moved fifty or one hundred yards from its original location. When Chief Pulley arrived upon the scene the fires had not been put out and the tools and beer left there showed that the moving had not been completed. Policeman Pulley and Yelverton captured the whole outfit, bringing it into Kenly that evening.

Presbyterian Services.

Sermon by pastor on "Immortality of the Soul" Sunday at 11 a. m. No night service. Sunday school at 10 a. m. Christian Endeavor 7 p. m. Public cordially invited.

Dr. Kilgore Talks To Farmers Here

J. Prim Parker Chosen To Head County Farmers Organization Perfected Here Wednesday

A county farmers organization was effected here Wednesday afternoon, when a representative group of farmers met in the commissioners room of the courthouse. J. Prim Parker was made chairman of this organization, and M. C. Hooks, secretary. An executive committee was chosen as follows: G. B. Smith, W. G. Wilson, M. C. Hooks, C. L. Sanders, Claude Stephenson, W. H. Flowers, S. P. Honeycutt, J. Lib Lee, A. M. Rose, P. E. Johnson, P. H. Joyner, W. N. Barden, J. S. Rogerson, R. R. Davis, R. L. Davis, and J. W. Thorn.

It is the purpose of this organization to study various phases of farming, and to bring expert speakers to the county from time to time who will advise and help in making farming in Johnston county more profitable and more interesting. Regular monthly meetings will be held here on the first Mondays at 2:30 o'clock.

After the organization was perfected, Dr. B. W. Kilgore, of Raleigh, was introduced, and gave a very instructive talk concerning some of the facts that underlie the farm problem. He began by asking if there is a farm problem. Is there a reason, he inquired, for so much discussion in the press and in legislative halls of the farm situation? Then he displayed charts showing the comparative price trend of agricultural products during the past several years. In seven years, fourteen billions of dollars have been contributed by the farmers to make business and industry more prosperous, said Dr. Kilgore.

From the chart, Dr. Kilgore drew the conclusion that it is the surplus that has always given the farmer trouble, and the two big problems now confronting the nation are taking surplus produce off the market, and finding an orderly way of selling. The McNary-Haugen bill was cited as legislation that would provide the farmer, and the cooperative association as the agency that provides the latter.

Mr. Moore, of State College, spoke briefly regarding seed. The demonstration in cotton grading which was to have been put on at the cotton warehouse, was postponed until the next meeeting.

To Preach At Johnson School.

Rev. J. Ruffin Johnson will preach at Johnson school house Sunday afternoon at 3 o'clock. The public is cordially invited to attend.

Absolutely.

Chief: You say the tracks of the criminal were well covered?

Detective: Yes; with about six inches of snow.

Union Service Held In Selma

All Churches Gather to Hear Rev. A. M. Mitchell Deliver Farewell Sermon

SELMA, April 13.—Sunday evening, April 10, a union service was held in the Selma Baptist church. The object of the service was to give the people of the various denominations of the town an opportunity to hear Rev. A. M. Mitchell for the last time before he leaves to accept a pastorate in Camilla, Ga.

Rev. Mr. Mitchell has served the Presbyterian church in Selma for the past two years in such an acceptable manner that he has not only endeared himself to his own congregation, but to the town at large. He has served as scoutmaster for the local troops, was a loyal Kiwanian and has identified himself with every forward movement of the town and community.

A very interesting program had been arranged for the Sunday evening service. Rev. R. L. Shirley stated the purpose of the meeting and paid the young minister a very high tribute. Other words of appreciation were heard from Messrs. Geo. F. Brietz, C. A. Jacobs, W. W. Rivers, of Goldsboro, and Dr. Geo. D. Vick stated that he had been appointed to express the admiration of his numerous friends in a more substantial way and handed him a purse.

A novelty number was playing "Nearer My God To Thee," on a handsaw by Mr. H. B. Smith, of Annapolis, Md.

The subject of Rev. Mr. Mitchell's discourse was "The Pre-eminent Christ." Special and very appropriate music was rendered. A packed audience enjoyed the services.

HAVE MIRACULOUS ESCAPE IN ACCIDENT

Auto Takes Long Leap But Occupants Apparently Are Not Badly Hurt.

BENSON, April 7.—Returning from Wilson where they had been to visit Oscar Neal Johnson, a member of the freshman class of the Benson high school who is in a hospital there recovering from an operation, a party of students and one high school teacher had a narrow escape from death last night as the Chrysler touring car left the highway on a short curve at the approach of a bridge and plunged headlong over the embankment, partially clearing the stream and landing upside down on the stumps and rocks below.

Those who viewed the wreck are unable to explain, save for the protecting hand of providence, why some of the party, if not all were not killed or seriously injured. The party was composed of Miss Ernestine Shipp, high school teacher in the Benson high school and Margaret Benton, Leslie Smith, Alma Barefoot and Ryal Johnson, students. Ryal Johnson, son of P. B. Johnson of Benson, driver of the car being unfamiliar with the road, evidently had too much speed to negotiate the sharp curve.

The party was picked up and carried back to the hospital in Wilson where they were examined and given treatment. It was found that with the exception of sores, cuts, bruises and sprains no one apparently was seriously injured. They were expected to leave the hospital and return home today.

AUNT ROXIE SAYS—

By Mc—

"Hit lak ded co-whop man iz a-tryin' ter advafiz Mista Fode."