

# THE DARE COUNTY TIMES

The Weekly Journal of the North Carolina Coastland—Devoted to the Interests of More Than 30,000 People of the Four Southern Albemarle Counties

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## AN ANCIENT GRAVEYARD REVEALED BY THE WINDS TO REVIVE BIG LAWSUIT

### Aunt Pattie Tillett Now Dead, Told About It But No One Believed Her; Now Bleached Bones Corroborate Her Story, at Greenleaf-Peterson Case Takes Spotlight, and Demands Another Hearing

Dismissed by the United States Circuit Court of Appeals because there was no graveyard where an 85-year-old witness had testified a burying ground existed as a landmark, the long-fought case of Peterson vs. Suco, involving the title to real estate on Nags Head Beach valued at \$50,000, will come again into court on petition for a hearing.

Dead three years ago the unsupported witness has found corroboration at the hands of the wind. There was and there is a cemetery where Mrs. Pattie Tillett testified, and the bleached skeletons of her ancestors, mutely support her declaration. The ancient graveyard was brought to light when a north-west gale blew three days and moved a great sand dune that had covered it for two generations.

Uncovered four weeks ago, the lost cemetery occasioned no great concern among the natives of Dare county's outer banks, for things like that have been happening since the beginning down here. This week W. A. Worth, Elizabeth City attorney, who fought the case through the courts years ago, came down to the semi-annual session of Dare County's superior court and in the exposed cemetery found the one link of evidence needed to support his contention.

Every link in John Brockett Peterson's case was complete except the establishment of landmarks, and for this point there was only the testimony of Mrs. Tillett, then 85 years old and since deceased, that once there had been a forest that shadowed an ancient burying ground, trees that were used as boundary lines. But there was no graveyard there.

Vainly did Mr. Peterson cite the fact that the lands in question were granted by the State of North Car-

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### Fishing and all Out Doors

—By—  
Aycok Brown  
Authority on Fishing News

Best catch of the week was made down at Hatteras Inlet by Foreman Jim Pace and three of the employees who are working on the new boathouse and launchway at the Coast Guard station there. The catch, made near the station consisted of 38 channel bass which tipped the scales at over 1,000 pounds. The smallest weighed 20 pounds.

Ordinarily a sportsman would say that it was a waste of fish to catch so many of these copper-colored beauties, without releasing the majority of them. But such was not the case. Everyone of those fish were eaten—and it is not unsportsmanlike to make big catches, if the fish will serve as food, instead of just a show. News of the catch was telephoned to the State News Bureau by Tom Eaton of Hatteras who is ever on the alert to give his section a boost—and this week the story is being printed widely in newspapers throughout the country.

Fred Stedman on a card sent from Ocracoke reported that Capt. Ed Fulcher, aged resident of that island who can land three to your one of any kind of fish that will take a lure on a handline, landed the first cabio of the season last week end. The cabio weighed 15 pounds, reported Stedman. This catch will be of particular interest to anglers who have been going to the island waters for these fierce fighters, since sportsmen started going after them in a big way last summer. Fred Stedman and those excellent cabio pictures he made last summer, which have appeared in newspapers from coast to coast, have been largely responsible for the interest created in th cabio fishing down in the waters already famous for channel bass.

Few boats were out in the Beau-

(Please turn to page two)

## SOLICITOR MORRIS IN DARE FIRST TIME



Solicitor Chester Morris, of Currituck, who this week made his first official appearance in the Court of Dare County, where he prosecuted the criminal docket and won considerable favorable comment because of his forceful and efficient conduct in the Court.

Mr. Morris has long been popular among the citizenship of Dare County and is recognized as a capable and earnest lawyer who holds the highest esteem of the district and who is expected to terminate his career as State's Attorney with great honor to himself and fidelity to his office. His friends predict big things for him, for as a town lawyer he has, in a few years, practiced at Currituck Courthouse, won for himself considerable renown at the bar as well as political prestige.

He is a native of Gates county, who married a Currituck girl and has continuously practiced his brief in the latter county since his graduation from college.

## BEACHES TAKE HEAVY WINTER FIRE LOSSES

Four large fires, all of undetermined origin, and all discovered too late to be brought under control, destroyed seven buildings on the Dare Beaches during the winter just past, and did damage estimated at upwards of \$20,000.

Most recent, and probably the worst of the conflagrations was the burning last month of the new Anderson Hotel and two cottages up at Kitty Hawk Beach. Discovered first at about five o'clock Sunday morning, the fire started in a small cottage belonging to J. B. Anderson of Elizabeth City, and soon spread through his newly constructed 15 room hotel, his garage, and a neighbor's cottage. A pickup truck and a Packard automobile, which were housed in the garage at the time, were also completely destroyed.

During the winter the Betsy Dowdy Inn, built five years ago at the Dare County entrance to the Wright Memorial bridge, was burned to the ground. The fire was discovered too late to be brought under control, but volunteers managed to prevent it from spreading to the tourist cabins which surrounded the Inn.

In the late fall the main building at Ocean Beach, formerly a Government transient camp situated at the southern turn of the beach highway was completely destroyed by a fire of undetermined origin. And soon after the season closed last year a seven room cottage built only a year ago, and located about a mile south of the Kitty Hawk Coast Guard Station, was completely destroyed before volunteers could arrive on the scene.

## MRS. LESLIE GALLOP LOSES EYE IN MISHAP

Mrs. Leslie Gallop of Wanchese lost the sight of one eye as the result of an accident Sunday morning when she was hit in the eye with a curtain pole. The eye was removed Tuesday in a Norfolk hospital.

## CAPT. E. H. PEELE DIES THURSDAY AT AGE OF 74

Captain Eugene Holstad Peele, 74, died Thursday morning at 8:30 in the Marine Hospital at Norfolk. He had been ill for some time and was taken to the hospital last Friday.

When only 19 years of age, Captain Peele enlisted in the Coast Guard and served in it for 33 years, retiring in 1919, as a Warrant Boatswain. He was the possessor of a watch engraved with the German coat of arms and presented to him by the German Imperial Government for his heroism in heading the rescue of the German ship, Brewster, when it was wrecked November 29, 1909. He was keeper of Creef's Hill station at the time. For the same heroism the U. S. Government gave him a Congressional gold medal.

Survivors are Captain Peele's widow, Mrs. E. H. Peele, and their sons and daughters, Mrs. L. R. Williford, Burlington, Reginald A. Peele, Wildwood, New Jersey; Mrs. M. L. Pennyston and Eugene H. Peele, Jr., both of Manteo. Children by Captain Peele's first marriage who survive him are: Charles O. Peele, Elizabeth City, Mrs. G. L. Fulcher, Norfolk, and Mrs. N. W. Midgett, Buxton. His only living sister is Mrs. Hal Hardin of Afton, Iowa.

Grandchildren who survive are: Mrs. Goldie Snow, Mrs. Virginia Scarborough, Misses Edna, Edith and Lovie Peele, Dexter, Charles O. Peele, Jr., Misses Anne, Frieda, Marjorie and Thelma Fulcher, George and Richard Fulcher, Mrs. Daphne Evans, Rodney Midgett, Misses Regina, Joan, and Devera Peele, Arthur Peele, William Eugene Williford and Montague Leroy Pennyston, Jr. There are also several great grandchildren.

A Masonic funeral is to be held Saturday afternoon for Capt. E. H. Peele, when the members of Wanchese Lodge, of which he had long been a member will do the final honors for the highly esteemed citizen. The funeral will be preached from the Manteo Methodist church at three o'clock.

Capt. Peele had served for many years as chairman of the Democratic Executive Committee of Dare County. He had also served as secretary treasurer of the Surfmen Mutual Benefit Association, and has been secretary of the Manteo Tribe of Red Men.

## STUMPY POINT SCHOOL ROW FINALLY SETTLED

Community Now to Have Committee of Five Instead of Three Members

The long dispute involving the Stumpy Point School Committee was at last ended this week when, upon bringing the matter to the courts, the first committee was reinstated by the Board of Education and the Committee as now constituted consists of Lewis Hooper, M. V. Hooper and Cecil Midgett.

Shortly before the close of the school term, this Committee, which had been recently appointed, met and elected teachers for Stumpy Point but omitting from the list one of the present teachers, an estimable young woman, Miss Ruth Nixon, who is a sister-in-law of C. E. Payne, Chairman of the Dare County Board of Education. Following this, the Board of Education met and declared the committee out of office for failure to cooperate and appointed a new committee consisting of R. L. Midgett, D. L. Hooper, R. D. Midgett, the latter failing to qualify, and who also met to elect teachers. Meantime, the old committee became considerably wrought up at the action of the Board of Education and said they would fight it out in the courts before they would be thus removed from office.

They are quoted as having said that their action had no meaning, other than that they were simply trying to elect teachers, although none of the teachers had ever made direct application to the Committee, and it had been the custom to make application direct to Mr. Payne, Chairman of the Board of Education.

It is the plan now for a committee of five, consisting of members of the old board, and two of the last board who did qualify, to serve the Community and they will elect teachers. The new committee had never been able to function because the Board of Education upon being appealed to had failed to sustain the attitude of the Chairman and finally, when the first Committee appealed to the Courts, the Board of Education concurred in the agreeable settlement effected Monday of this week, which removed many objection to their tenure of office.

## T. G. DOWDY APPOINTED DARE DEPUTY SHERIFF



GRANBERRY DOWDY, former Chief of Police of Manteo, was this week appointed a Deputy Sheriff of Dare County by Sheriff D. V. Meekins, to assist with the usual rush of work that comes in at this time of year, during the summer months, when the tourist business gets heavy. He succeeds E. S. Wise, who has served a considerable while as Deputy Sheriff, but recently resigned for other employment.

"Because of Mr. Dowdy's experience and knowledge of local conditions, I think I am fortunate in obtaining his aid," Sheriff Meekins said.

"The work in the office has increased constantly during the past few years, and now when on a tax collecting trip through the county, that requires several days, there are many things of an urgent nature that often arise. Ten years ago when I became sheriff, there weren't one warrant a month to serve; nobody got sued for anything; there were no executions from judgments; most everybody was prospering, and paid taxes promptly. Now there are numerous warrants, summons, and other papers a week; now executions, garnishee and levy proceedings for taxes, as well as beer license, and Schedule B. License to collect. A little reflection will reveal that the normal business of Dare County in all lines, is many times greater than before roads and bridges were established. A small city has developed on the beaches, and in fact, the cottage settlements are far greater than Manteo, the largest town in the county. More than a hundred and fifty thousand visitors come to the county each year, when probably a thousand or two would have taken them in a decade ago. The vast influx of visitors bring new problems, for now and then there is a death, a suicide, a wreck or a string of bad checks calling for legal action.

"Hence, it will be no trouble to find plenty of work now for two men to do. Mr. Dowdy will be busy during the summer."

Superintendent R. H. Atkinson of the Dare County schools, left this morning for the western part of the state where he will remain until Monday night.

Superintendent Atkinson will stop in Raleigh for a conference with members of the state board of education, and will go from there to Chapel Hill where he will interview a number of prospective teachers for the next school year. He will spend the week end in Greensboro and will attend the 10th reunion of his graduating class at Guilford College.

## CAMP MAN BREAKS NECK IN DIVE FROM WHARF

Floyd Reavis, 26, an employe of the WPA work camp Wright, of the National Park service took a notion Sunday to take the first dive of the season from the wharf at the camp on Roanoke Island. The water was more shallow than he thought. He broke his neck in the dive when he struck the hard, sandy bottom. He died almost instantly. His remains were shipped to his former home in Ohio.

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## JETHRO MIDGETT FREED BY JURY IN SUPERIOR COURT

Jethro Midgett, facing trial finally for the fourth time, for the death of Mrs. Ethel Drinkwater Hartley, and Winston Green, on September 2, 1938, was freed by a jury after less than one hour's deliberation in Dare Superior Court Wednesday evening.

Midgett's car struck the two people and killed them as he drove down the highway north of Manteo that fateful day, after eight o'clock at night. First tried in Recorder's Court, his trial next in Superior Court resulted in a mistrial. He was convicted the following May, a year ago, and sentenced to five years in prison. The supreme court sustained his conviction, but his attorneys, P. W. McMullan and W. A. Worth of Elizabeth City fought for a new trial on the grounds of newly discovered evidence. The evidence was the testimony of C. F. Johnson, an employe of the Park Service work camp at Hatteras, and did appear of great value, but time and a different jury viewed the case differently. The new trial held this week was granted by Judge Thompson last fall. In the meantime, young Midgett had married Miss Celia Gray of Wanchese who was with him at the time the people were killed.

## MANTEO'S NEW POSTOFFICE TO COST \$8,000.00

Manteo is to have a new and modern postoffice to cost about \$8,000, according to Postmaster C. R. Evans, who says it will be a brick structure, soon to be erected. It will have modern conveniences, with spacious lobby, and steam heat. The building will be located on the vacant lot adjacent to the present postoffice. Work is to start shortly.

## ATKINSON ATTENDING GREENSBORO REUNION

Superintendent R. H. Atkinson of the Dare County schools, left this morning for the western part of the state where he will remain until Monday night.

Superintendent Atkinson will stop in Raleigh for a conference with members of the state board of education, and will go from there to Chapel Hill where he will interview a number of prospective teachers for the next school year. He will spend the week end in Greensboro and will attend the 10th reunion of his graduating class at Guilford College.

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