

IMPRISONMENT AND HEAVY FINES GIVEN COUNTY'S LEADERS

Verdict Was Shock and Surprise to Citizens of County Who Know the 8 Men

COUNTY IS PARALYZED BECAUSE OF MATTER

Convicted by Imported Jury Demanded for Trial by Solicitor Pless

Transylvania county people packed into the court house last Saturday afternoon heard a Haywood county jury, imported at the request of Solicitor J. Will Pless, Jr., render a verdict of guilty in the trial of eight of the county's outstanding citizens. Thos. H. Shipman, Jos. S. Silversteen, former bankers, and J. H. Pickelsimer, C. R. McNeely, A. M. White, S. R. Owen and W. L. Talley, former county commissioners, and Ralph R. Fisher, former county attorney, had been indicted at the April term of court, charged with conspiracy to misapply and misapplication of county funds. The trial had lasted for almost two weeks, the state taking up the entire time of offering evidence, the defense not putting up any evidence at all. The jury took the case late Friday evening, returned its verdict at 3 o'clock Saturday afternoon.

When the verdict was returned it came with such distinct shock to the big crowd that people stood stunned for a moment, and then hundreds of men and women openly wept as realization of the awful fate which had befallen these neighbors and fine citizens was impressed upon them. Judge H. Holye Sink announced to the lawyers that he did not consider it necessary for any long arguments in support of the motion to set aside the verdict, J. Bat Smathers made the motion for his client, Thos. H. Shipman. Judge Sink told the attorney that the court would hear him on the punishment to be meted out, whereup Mr. Smathers stated that he did not care to make any remarks on that subject, saying: "There is your man, Tom Shipman. You know his physical condition. It is your honor's place to fix the punishment. You know his past life, his service to the people of this county, and these people know it."

Wm. E. Breese, attorney for Silversteen, started to address the court in behalf of his client, but was so overcome with grief that no words came from his lips—just sobs of grief. It was some time before Mr. Breese could resume his place at the bar and address the court. T. Coleman Galoway, associate counsel for Silversteen, made a strong plea for Silversteen, reciting his many acts of benevolence, telling of the many industrial plants operated by the defendant, and urging upon the court the lack of evidence to support the jury's verdict.

McKinley Edwards made strong plea for Ralph R. Fisher, introducing Dr. R. L. Stokes who testified to Fisher's serious illness during the months the alleged conspiracy acts were charged to have been made, and of the time that Fisher spent in the several hospitals, including a time at Oteen hospital.

Edwards told of Fisher's battles to conquer the obstacles thrown in his way as a lad, and of his answering the call of the country when the war broke out, and in graphic manner described Fisher's work for the county.

G. Lyle Jones, Asheville attorney for Fisher and the former board of commissioners, stated to the court that he did not, as a usual thing, quarrel with a jury's verdict, but stated that "this is one time when I am utterly shocked at a jury's verdict."

Mr. Breese again appeared before the court, after recovering his composure, and recited to the court the great work that has been done for Transylvania county by the defendants, and told of the faithful work performed by Mr. Silversteen in building Transylvania county. He ridiculed the idea that Ralph Fisher could be charged with conspiring with Shipman and Silversteen, as there had long been intense enmity between Fisher on the one hand and Silversteen and Shipman on the other hand.

Lewis P. Hamlin made an especially strong plea for the convicted men. Hamlin told the court how the commissioners had worked to reduce taxes on the citizens of the county, and made, during their term of office, the greatest reduction in taxes ever made by any county in the state in any two-year period. He reminded the court that the commissioners in issuing the tax anticipation note had done only what all boards had done each year for a long, long time. Hamlin, who had prepared the case for the defendants and acted as chief counsel throughout the trial, asserted that the men were innocent of crime, that they were clean, fine, upright citizens and that all citizens of the county would so testify.

Judge Sink passed sentence. Shipman was given two to five years in the penitentiary, and fined \$5000.

Fisher was given two to five years

EIGHT MEN SUFFER INTENSE AGONY AS JURY SAYS GUILTY

Re-Action to Verdict as Each Name Is Called Brings Tears to Many

SHORT SKETCH OF EACH DEFENDANT IS GIVEN

One Little Word That Took Away From Fine Men Their Rights of Citizenship

Eight men sat in the Transylvania county court room last Saturday evening, and heard one word uttered by a jury of twelve imported men, that took away from each of the eight his citizenship, and brought a few moments later penitentiary sentences to four and heavy fines to the other four. Among the eight men whose lives were so changed by the utterance of the one word—Guilty—were men ripe in age, rich in character and standing, and facing the court for the first time in their lives.

Reaction to pronouncement of the verdict by the men so vitally affected brought tears not only to their own eyes, but the eyes of hundreds of others in the court room. Following is a short sketch of each of the defendants, with reference to the effect produced by the verdict:

Alfred White
Alfred White, of Rosman, a member of the board, and recently elected mayor of Rosman, was one of the most jolly members of the big crowd attending court. He is known as a "stay-at-home" man, except when he attends church, or visits sick people in his community. He has worked hard throughout his fifty-odd years of life, and those who know him best look upon him as the ideal citizen. He was not worried about the trial, and his jocular mood was the subject of comment upon many occasions and by many people.

When the Haywood county jury—strangers to Alfred White and the exemplary life which he has led—returned a verdict of guilty, and the lawyers began talking to the court about making the prison sentences just as moderate as possible, was the first time since the indictments were returned that Alfred White realized that he really was being connected with crime.

Tears gushed from his eyes, and a great lump came up into his throat until he could not speak with clearness. "I have done my county no wrong, and have been conscious of no sin committed by me as a member of the board. I didn't realize that they even suspected me of having done anything wrong. God knows that I have never knowingly wronged anybody, any time, about anything. What's the meaning of it?" he asked those standing about him. "Why don't you know that if I had even dreamed that anything was wrong, I would have resigned from the office and gone home." And those who know Alfred White, know that he was speaking the truth.

W. L. Talley
Luther Talley, hard-working farmer of Penrose, and for 20 years postmaster there, known by his neighbors as the soul of honor and personification of kindness and neighborliness, sat quietly throughout the two weeks of court, seldom speaking. There is a quiet dignity about him which is the indelible mark of the true mountaineer who has spent much of his time in the quiet of Nature's bigness as he applies hand and hoe to the soil in coaxing from her bounteous goodness another crop for another winter's supply. When the verdict was rendered, and the gaping, yawning prison doors became the subject of conversation between lawyer and judge, Luther Talley did not move from his accustomed position, but two great streams of briny tears coursed down his kind, honest, conscientious face, to drop unheeded from his cheeks into his hands lying folded on his lap. Those who know Mr. Talley best pronounce him to have been scrupulously careful in his every transaction throughout life in his inborn desire to be law-abiding, and say that Mr. Talley has always so lived as to plainly mark him an upright and honest citizen.

S. R. Owen
Sam Owen, living away up in Gloucester, rugged man of the mountains and as strong in character as the everlasting hills of the rugged section of the Blue Ridge where he has always lived, is another who paid but little attention to the indictment and gave but little heed to the preparation of the case. "I have done no wrong, so why worry about the trial?" he said to friends. Throughout the trial Mr. Owen had occupied a place in the court room just behind defense counsel, where he could lean his chair against the bar railing. When the Haywood county jury, strangers to Sam Owen, pronounced the verdict of guilty, and the question of time for each to be spent in the penitentiary, as common convicts, the broad face of Sam Owen became distorted with a new agony, an agony never before experienced by him, and tears big as raindrops gushed from his eyes and the stream never ceased for an hour. "I only did my best for the county as a board member, and the Lord knows

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Lewis P. Hamlin



New State Vice Councillor Junior Order

L. P. HAMLIN ELECTED TO HIGH OFFICE IN THE JUNIOR ORDER

(Special to The Brevard News)
Charlotte, Aug. 19.—Lewis P. Hamlin, Brevard lawyer, was elected here today as State Vice Councillor of the Junior Order in North Carolina, being the first man ever to be elected to this coveted position who lived west of Charlotte. Mr. Hamlin automatically becomes state councillor a year from now. Election of Mr. Hamlin to head the Junior Order in North Carolina was looked upon here as one of the greatest victories ever won in a state-wide contest. Another man had been selected for the place by the leaders, and when the convention opened Tuesday morning no one except a few of Hamlin's friends and workers had any other idea than that the honors would go to E. L. Gavin, of Roxboro.

Nominations were made Tuesday afternoon, and the election held late Wednesday afternoon. James F. Barrett placed Mr. Hamlin's name before the convention in one of the most appealing presentations ever heard here, according to the delegates in attendance. The speaker said, in part:

"We men of the mountains come to you and place before you Western North Carolina's great claims and Western North Carolina's great man. This is the forty-first year in the life of the State Council of the Junior Order, and Western North Carolina has never had a man among your state officials. These officials have always come from the eastern part of the state. It has been 25 years since a man living west of Monroe has been selected for the head of this organization, so we come to you as a challenge to your spirit of fairness. We do not have sufficient

Juniors Urged to Attend Hamlin Jubilee Meeting Saturday Night

Lewis P. Hamlin of Brevard, was a jollification meeting will be held in honor of the selection of a Brevard man as state vice councillor of the state organization.

William Lyday, of Pisgah Forest, and delegates from Biltmore, Asheville, Leicester, Canton, Waynesville, Sylva, and many other western sections, worked hard for Hamlin's election, which is the first time in the forty-one years of its life that a Western North Carolina man has headed the Junior Order in this state.

Plans are being made to have a large number attend the meeting this Saturday night in Brevard, and greet the new state leader, Lewis Hamlin. All members are expected to attend Saturday night's meeting, and all former members are urged to attend, and all members of Rosman council are cordially invited to meet with the Brevard lodge Saturday night, when

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MANY BLAME PLIGHT OF EIGHT MEN UPON AN IMPORTED JURY

Not Believed That Local Jury, Knowing Men, Would Convict On the Evidence

SOLICITOR PLESS ASKED FOR THE OUTSIDE JURY

In Affidavit Declared State Would Find Influence of Men Too Great

One reason offered by wounded citizens why eight of Transylvania county's leading men stand convicted of conspiracy, some of them sentenced to the penitentiary in Raleigh and heavy fines hanging over the heads of others, is to be found in the fact that these men were not allowed to be tried before a jury of their own fellow citizens. Solicitor Pless filed an affidavit with the court setting forth the fact that, because of the prominence of the eight men, their large influence in the county, and so on, the state would find this "influence almost insurmountable."

Many people do not agree with Solicitor Pless that Transylvania county citizens are not men with sufficient courage of their convictions to return a fair verdict, regardless of the influence of defendants being tried. It is agreed by many who have expressed themselves that a jury of Transylvania county citizens would not have convicted the eight men upon the evidence which seemed sufficient to the imported jury, but Transylvania county citizens are just as loyal and fine citizens as can be found in any other county in the state, and would perform their duty with the same regard for their oath as would a jury from any other county. The state would have been forced, it is believed, to have offered stronger evidence against the eight men than was produced in the trial last week in order to convince a jury made up of men who know the fine citizens being tried than was apparently sufficient to the Haywood county men.

Following is the affidavit filed by Solicitor Pless in demanding a jury from another county to try Transylvania county men:

"J. Will Pless, Jr., first being duly sworn, and respectfully moving the Court, says:

"That he is Solicitor of the 18th Judicial District, and that in that capacity, has received information as to the opinion of the general public of Transylvania County in connection with the above entitled cause upon which to base this motion for a venire to be brought from another County for the trial of this cause;

"That the defendants include the leaders of both political parties in Transylvania County, all of whom have occupied positions of prominence and have been for many years engaged in the business, social and political life of the County;

"That the defendant, T. H. Shipman, served as President of the Brevard Banking Company for many years, and in this capacity, came in to personal and intimate contact with a large percentage of the qualified jurors of the County, and has probably assisted in financial banking arrangements, a majority of the citizens of the County in the operation of their business, or by making loans and other banking accommodations; That the said Shipman has been actively interested in the welfare of the Democrat party for many years and numbers among his friends, practically every Democrat of influence in the County;

"That J. S. Silversteen is a man who occupies a position of unusual prominence, in that he is the largest employer of labor within the County, having furnished employment to hundreds of prospective veniremen, and in this manner, has obtained the friendship and good will directly and indirectly, of almost every family in the County;

"That, J. H. Pickelsimer, has served as Sheriff and Chairman of the Board of County Commissioners of this County, and was President of a Bank for many years, and in these various capacities, has been intimately associated with a majority of the residents of the County qualified for jury service;

"That the other Commissioners have occupied places of prominence in the County, and come from practically every section thereof, so that their influence would be almost insurmountable by the State;

"That, Ralph R. Fisher has served as a member of the Legislature from this County, and has been actively interested in its business and political life for many years, and in addition thereto, has enjoyed a large and lucrative law practice, and from the said capacities, holds the friendship of many citizens; The said Fisher now holds the position of Chairman of the Republican Executive Committee of the County.

"Affiant respectfully states that he is reliably informed that this case, and other cases connected with the failure of the Brevard Banking Company, have been the topic of conversation in practically every household in the County, and that a majority of the citizens thereof have formed opinions as to the responsi-

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GREATEST CROP IN STATE'S HISTORY IS NOW IN THE MAKING

Government's Suggestion To Destroy Each Third Row Is Not Acceptable

PLENTY TO EAT IN THE STATE, IT IS DECLARED

H. Clay Williams Makes Suggestion That Government Take Over and Hold It

Raleigh, Aug. 18.—While the Federal Farm Board's proposal for the cotton farmers to plow up every third row has been receiving varied comments from Southern Governors, ranging from Governor Gardner's suggestion that the board and all other holders of cotton destroy one-third of it, to that of another that every third member of the board be shot, North Carolina has been going about raising the biggest food and feed crop in history.

This State, based on the August 1 condition of the crops, as ascertained by the Federal-State crop reporting service, will produce this year more than seven million bushels more of corn, nearly two million more of wheat, nearly two million more of white and two and a half million more of sweet potatoes, while each of the three main fruit crops, apples, peaches and pears, are almost twice as large as last year.

The application is that even if the main cash crops, tobacco, cotton and peanuts, bring little or nothing, the people of the State will have to spend much less for food and feed, and can "live at home" much more comfortably this winter than they did last winter. They will at least have food.

The report shows the increase of food and feed products for important items, as compared with last summer in bushels, in tons for hay and gallons for sorghum syrup, as follows:

	1931	1930
Wheat	6,180,000	4,288,000
Corn	59,198,000	51,865,000
Oats	8,181,000	6,521,000
Barley	1,352,000	924,000
Rye	1,443,000	1,068,000
Buckwheat	200,000	120,000
Potatoes, I.	10,544,000	8,590,000
Potatoes, S.	12,075,000	9,505,000
Apples	5,329,000	2,555,000
Peaches	2,988,000	1,800,000
Pears	289,000	115,000
Sorghum syrup	1,900,000	1,230,000
Tame hay	990,000	748,000
Wild hay	51,000	46,000
Alfalfa	26,000	18,000

Tobacco acreage is off 7 per cent and the estimated production of off 11 per cent. A poor stand with average production of peanuts is shown.

Raleigh, Aug. 18.—Anyway, North Carolina didn't plant that third row in cotton this year, having reduced the acreage 28 per cent in two years. Governor Gardner told the Federal Farm Board in particular and the world in general. The proposal is unjust and impractical, he warned, saying it is unfair to make the already depressed cotton growers bear all of the brunt, when holders of last year's crop will benefit if one-third of the growing crop is destroyed. It might work if the board and all other holders would do as they have asked the growers to do.

S. Clay Williams, president of the R. J. Reynolds Tobacco Co., makes a suggestion which he admits is impractical, but not as much so as the Farm Board's proposal. It is this: That the Farm Board take over one-half of the growing crop, store it, pay insurance, and hold it for a certain price, say 12 cents, or whatever figure it may decide upon; let the growers dispose of the remainder of the crop as best they can, then refrain from growing cotton altogether next year. By so doing, he thinks, the growers could sell the cotton next year at a good price and have a year's vacation "with pay."

Mr. Williams, in a recent radio talk from Raleigh, also had comments to make relative to tobacco, in which he is most interested. Two or three times he suggested a closer contact and more cooperation between the manufacturer and the grower of tobacco in raising the types of tobacco for which the manufacturers have built up a market, the kind needed for production. Mother Nature and the desire of the grower to get a few pounds more often play havoc with efforts to produce a certain kind of tobacco, however, he realizes.

The point is made that the average grower knows what kind of tobacco the manufacturer wants, what types bring him the best return. So, cooperation in this particular really resolves itself into the grower producing, as near as possible, the types of tobacco wanted by the manufacturer, and giving some attention to grading it, rather than following a hit or miss method. He knows that piles of tobacco suitable for established brands of cigarettes, smoking or chewing tobacco bring him good prices, while unsuitable grades cause the low average prices, especially the chaffy, light, bodiless lugs and leaf.

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