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O'DEAR AND MESSER

(Continued from page one)
day morning.

Dr. Wilkes Testifies

Upon reconvening at 9:40 Thursday morning the trial of Earl O'Dear, 24, and Robert Messer, 21, began proper, with the state calling the first witness to the stand. This was Dr. Grover Wilkes, who testified that he was called about 6:30 on Monday morning, April 21, to the scene of the crime where he found Jack Hall dead on the front floor of his taxi, and his wife, Margie, lying across the front seat, still breathing out unconscious. Dr. Wilkes testified that brain tissue was lying on the running board and on the ground about 10 feet from the car. He said that the couple had been hit with blunt instruments with sufficient force to fracture and penetrate the skull. He said there were four or more licks on the back of Jack's head which caused his death. After the defense lawyers, Roy Francis of Waynesville and Charles C. Smathers of Canton, examined the witness they held a ten minute conference with the prisoners at the bar.

Bodies Found In Taxi

Jud Robinson, next witness for the state, testified that he was on his way to work at Mead Corporation, passed the car of Jack Hall at 6 a. m. the morning of April 21, and remarked "What's going on here" getting no answer he investigated closer and was shocked when he saw Jack and his wife lying there apparently dead. He stated that he noticed the car had skidded some 15 or 20 feet. He then ran back down the road and called Homer Green and James Clontz, who lived nearby. Green and Clontz remained at the car while Robinson went to notify officers. Sheriff Griffin Middleton and other officers immediately went to the scene.

City Police George Evans, was the next state's witness, he testified that he saw Bob Messer about 8:30 Sunday night and searched him for whiskey. Bob had the hammer at that time but had thrown it over the bank. Earl O'Dear was said to have been hiding over the bank on the old Dillsboro road. He said that he later saw Messer and O'Dear in town about 9:30.

Doris Ashe testified that she saw O'Dear and Messer Sunday night about 8 o'clock on the Franklin road and that they asked her if she wanted to go with them to Knoxville about 11 o'clock.

Wayne Dillard testified that he saw both men Sunday night near

JACK AND HOWARD ALLISON PLAN TO EXPAND BUSINESS

Jack and Howard Allison, owners and operators of Howard's Esso Station and Jack's Tire Shop, announced this week that they will expand their business to include wholesale and retail of tires and accessories. The part of the building now being used as a pool room will be used for the Wholesale department. In addition to this the Allisons are building a large 20 foot grease pit at the rear of the station which will handle large trucks. A hydraulic lift will be installed for greasing and lubricating cars. A concrete wall next to the railroad has been built.

the bridge at the school house, that they were going toward Dillsboro, Bob was talking to Earl, his right hand up in the air swinging in some motion.

State witness C. D. Lindsay, state highway patrolman of Sylva, testified that he saw brain tissue and pieces of bone lying in Jack's car, that the front seat was bloody and brain tissue also on door and windshield. He testified that Jack, who was 5 feet 11 inches, weighing about 230 pounds, was wedged on the floor board, lying on the side in which \$387 were found, which he gave as the reason that it was not taken. He summoned Coroner C. W. Dills.

Sheriff Griffin Middleton testified that Bob Messer told him on the night of April 24, after they had been arrested, that he had been worried, could not sleep, and wanted to tell him about it. The sheriff said that he told Messer that whatever he said to tell the truth, but that it would be used against him in court.

Bob told the sheriff that a good while back he told Earl O'Dear that he needed some money, and that Earl came to him in December and told him that he knew where he could get about \$1,000, later telling him that it could be gotten from Jack Hall. They talked about the money again early this year, and again on Saturday night, April 19. He said they were drinking and would finish their plans on Sunday. At this time they said they would kill Jack Hall before they left for Knoxville. The crime was to have taken place on the Long Branch road, but was later changed to the old Dillsboro-Sylva road. He said that he, Messer, got a hammer out of Lonnie O'Dear's blacksmith shop and that Earl got

one out of his car. He said that after they killed Jack and his wife they left for Knoxville at about 12 o'clock. Messer said that when Jack was hit that he called out, "O, Lord quit." The blow was so hard that the hammer had to be jerked out of Jack's skull.

O'Dear then made a confession statement at about 1 o'clock Thursday night in the Bryson City jail.

Lindsay was called back to the stand and testified that the pair told where \$14 was hidden in one dollar bills in Lonnie O'Dear's shop and \$15 in Earl's car. They said \$43.00 was all that they got off Jack. They also told of where a pack of razor blades and a knife of Jack's could be found. These were found near Ode Robinson's store on the Balsam highway. They told where they threw the ham-

HAVE CHURCH WEDDING MAY 10



Miss Hazel Brooks, daughter of Mr. and Mrs. Charlie Brooks, of Whittier, became the bride of Walter Middleton in a single ring ceremony at the Sylva Baptist church Saturday evening, May 10th at 7 o'clock with the Rev. Edgar Wilcox officiating.

Mrs. Middleton received her education at Sylva high school and for the past year she had been employed as office secretary with the Imperial Life Insurance Company of Asheville.

Mr. Middleton is the son of Mr. and Mrs. T. F. Middleton of Tuckaseegee. He was educated at Cullowhee high school and Western Carolina Teachers college. He served 5 years and six months with the U. S. Army.

After a short honeymoon the young couple returned to their home at Tuckaseegee.

items were found just where the boys told that they had hidden them.

Sheriff Middleton further stated that Bob came very near telling him the story on the previous day. He testified that Bob said to Earl, "God, Earl, I pulled the hammer out of Jack's head. Bob struck a match and Earl got in the back seat and struck him three more times. Bob told that he "tapped Mrs. Hall on the head to knock her out, not meaning to kill her."

Several other witnesses were heard, giving evidence on the movements of the two men.

Defense Offers No Evidence

When the state rested the defense did not offer any evidence, relying only on the cross examination of the state's witnesses and the argument before the jury. John M. Queen and Hugh Monteith, as-

D. M. Hall, Jr. Receives Fraternity Award At University Of N. Carolina

David M. Hall, Jr., has been given another honor at the University of North Carolina where he will graduate from the School of Law June 9. This time he has been selected to receive the Phi Delta Phi Achievement award, which will be presented during graduation period.

This award is given each year by the fraternity to "such member of the Fraternity, who, in the opinion of the Inn (fraternity), its faculty adviser, and the dean of the law faculty, has been outstanding during the college year by virtue of his scholarship, initiative and service to the school and fraternity."

During his first year at the University David received the awards for the highest averages in the contracts and agency for that year.

He has served as treasurer, vice-president and president of Phi Delta Phi, treasurer and secretary of the law association, member of the Supreme Court of the Law Association for two years and was Carolina's delegate to the Province Convention of Phi Delta Phi for this year.

He is the son of Mrs. David M. Hall and the late Mr. Hall of Sylva.

sisting with the prosecution, were first to address the jury, followed by Solicitor Dan K. Moore. Roy Francis, attorney for the defendants, presented their defense before the jury by trying to put across the possibility of others being behind the boys in the crime.

Judge Bobbitt started his charge to the Jury at 4:45 Friday evening and completed it at 6:15, at which time the jury retired to consider the case. After being out one hour, they returned into court and were dismissed for one hour for supper. Upon returning at 8:30 they again began their deliberations, returning with their verdict at 9:30.

This closed one of the most sensational murder cases in the history of Jackson county, one which had caused wide attention in the daily press. A number of true detective story magazines became interested in the case and will use it in their publications.

Appeal To Higher Court

Roy Francis, attorney for the prisoners, entered a motion for an appeal to the State Supreme court. Judge Bobbitt entered the order and granted the defense forty-five days in which to prepare and file their case. An appeal bond of \$500 was adjudged sufficient.

DATE NOT SET FOR RAILROAD HEARING

Mr. Felix Picklesimer, president of the Jackson County Chamber of Commerce has received word from the North Carolina Utilities Commission stating that the application for permission to remove Southern Railway trains Nos. 17 and 18 Asheville to Murphy, has not been filed and therefore no date for the hearing has been set.

The letter from the Commission to Mr. Picklesimer in part is as follows: "This will acknowledge your telegram wherein you voice a protest against discontinuing the passenger train service between Asheville and Murphy."

"This matter has given the Commission considerable concern and, while the application has not yet been filed, it will no doubt be forthcoming within a few days, after which the matter will be assigned for hearing and you will be given advance notice thereof."

HERE FOR ALLISON FUNERAL

Out of town relatives and friends attending the funeral for Mr. W. C. Allison here last Wednesday afternoon were: Mrs. Zedah Cunningham, Mrs. Cleve Sisk, Mrs. Mary K. Hunter, Miss Irene Hunter, Mrs. Harry W. Sorrells, Mr. and Mrs. Lewis Hargis, Mrs. M. F. Meredith, Mrs. Rudolph Gibbs, all of Asheville. Mr. and Mrs. J. R. Miller, of Robbinsville; Mrs. Luke Harrison, and Mrs. Jack Trantham, and Mrs. Edward Varner, of Breward; Mr. and Mrs. Moody Hyatt and family, of Canton; Mrs. Reginald Perry and children, of Knoxville; Henry Miller, of Waynesville; Miss Thelma Moody, of Whittier, and Rev. and Mrs. Clayton Lime, of Andrews.

That Nagging Backache

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