

# THE WAYNESVILLE MOUNTAINEER

Has More Paid-In-Advance Subscribers In Haywood County Than All Weekly Newspapers Combined

VOL. XLV. NO. 11 WAYNESVILLE, NORTH CAROLINA THURSDAY, FEBRUARY 16, 1933

## Jury Returns Verdict of "Not Guilty" In Charlie Rose Murder Case Here

### JURY OUT FOUR HOURS REACHING THEIR DECISION

Hardest Fought Legal Battle In County's History Ends Saturday.

At 4:30 o'clock Saturday afternoon, the jury in the Charlie Rose murder case, returned a verdict of "not guilty" after deliberating for 4 hours and 5 minutes on one of the hardest fought legal battles ever tried in a Haywood court.

Charlie Rose, 18-year-old negro, was charged with the killing of Will Ray, deputy sheriff, who was a member of a posse searching for Rose on the afternoon of September 6th in the woods near the negro section of Waynesville, after Rose was alleged to have criminally attacked a 5 year old white child at a hotel here.

Rose went on trial last December for the alleged attack and was given a sentence of 10 to 15 years for a verdict of "assault with intent to rape." The jury in this case was out over 24 hours.

He was held in the local jail awaiting this trial since his sentence last December. He was not carried to Raleigh as some thought.

About 3 o'clock Thursday afternoon the jury for this trial was begun. No witnesses were heard until court convened Friday morning.

A night session was held Friday night until nearly midnight. All the lawyers made their arguments at the night session except Solicitor Queen. Saturday morning Solicitor Queen made his argument to the jury and Judge J. H. Clement made his charge. The jury got the case at 11:45.

Judge Clement took one hour and eighteen minutes in his exhaustive charge to the jury. He first defined homicide, explaining there are three classes—excusable, justifiable, and unlawful. Unlawful homicides, he said, are of three kinds, first degree murder, second degree murder, and manslaughter. He defined malice as general and particular, the general as being of the kind that a maliciously bad man might have against mankind. He also defined premeditation and deliberation.

He then reviewed the evidence on both sides, and pointed out that a confession Rose is alleged to have made, if such it might be called, of the defendant was competent only if it was made while in his right senses, or not under duress; but if the jury should find that he was unduly excited, or under threats, or in unlawful duress, the jury should not consider it. The state introduced a signed confession, made by Rose on the night of September 6th. It was made a few hours after being placed in jail here. During cross examination, Rose denied many of the statements in the confession.

The defense introduced two negro witnesses who testified that Rose was in the Patton house when the last two shots of the gun battle were fired.

The outstanding argument in favor of the state was the testimony of Howell McCracken, while the testimony of Ella Keaton and Emma Patton was outstanding for the defense besides the defendant's own testimony. Throughout the trial, the courtroom has been filled almost to capacity. Even a large number was in attendance during the night session Friday night.

When the jury made known the fact that they had reached a decision Saturday afternoon, the courtroom was one-third full. The audience waited patiently for the court reporter to arrive. When the foreman of the jury said "not guilty" a great hush came over the courtroom and then a negro woman in the gallery showed her feelings by laughing, and the whole audience then broke the silence.

The defendant looked at the judge and gave one broad smile of satisfaction as he arose to follow the deputy sheriff back to jail.

Judge Clement told the jury that he had no complaint to find of the verdict, as it was a trying task, and a hard case. Few of the jurors showed signs of their strenuous task of the two days.

The usual Saturday afternoon crowds soon got the news on the streets and in a few minutes groups were gathered talking over the verdict and the high spots in the case.

Attorneys for the defense were the firm of Morgan, Stamey and Ward, of this city, and George Ward, of Asheville. The state was represented by Solicitor John Queen and Felix E. Alley, Jr.

Dr. Sam Stringfield was the first state witness to take the stand. Dr. Stringfield testified as to the position of the bullet when found in Ray's head, it having entered just above the nose and lodging in the tissue of the brain.

The second witness to take the stand Friday was Fred Caldwell, Chief of Police of Waynesville. Caldwell

## Man With 9 Guns Arrested Here By Sheriff Lowe

Guns Were Stolen From Hardware Store In Gastonia, Prisoner Says.

Lawson Beasley, of Gastonia, and formerly of this county, was arrested here Monday by Sheriff J. A. Lowe on a charge of breaking into the Franklin Hardware Store in Gastonia and getting about a dozen guns and rifles.

Monday afternoon Deputy Sheriff Will Carver went into the Panther Creek section and found 6 shotguns and 3 rifles. Two of the shotguns were double barreled.

Gastonia officials arrived Tuesday and carried the prisoner back to Gastonia to be tried. He admitted that he was guilty of the offense.

The sheriff's department have trace of four more of the guns, and thought they would be found within a short time. Beasley was selling the guns.

The alleged crime is said to have occurred on the 3rd of January, according to a notice received by Sheriff Lowe from Chief of Police J. C. Elliott, in Gastonia.

Sheriff Lowe started his investigation immediately after he "received the tip" from Gastonia officials.

## Medford Farm House Destroyed By Fire Early Wednesday

Total Loss Is Over \$10,000, Is Said. Partially Covered By Insurance.

The Medford Farm, well known summer resort boarding house, was completely destroyed about 4 o'clock Wednesday morning, when fire of an unknown origin burned the entire building causing an estimated loss of about \$10,000, which was partially covered by insurance, it was learned.

Mr. and Mrs. J. H. Gossett, owners of the farm, live in a house near the summer home.

The fire departments from Waynesville and Canton were called, but as there was not water available, neither responded.

There were five or six cottages near the main house, but these were not destroyed by the flames.

The main building was a 20-room structure, and had been in use for 30 summers. It was completely furnished.

The farm is located about a mile west of Clyde on Highway No. 10.

## New Real Estate Firm Opens Here

W. A. Bradley and L. N. Davis Open Real Estate and Insurance Firm.

W. A. Bradley and L. N. Davis, both well known here, have formed a real estate and insurance company and will in the future handle all kinds of real estate, rentals and sales and insurance under the firm name of Bradley-Davis and Company.

For the present the new firm has temporary quarters at the Suncrest Lumber Company office. One of the members of the firm stated yesterday that they would move within the near future to quarters up town. No definite location has been selected at this time, it was said.

Both members of the new firm were formerly connected with the Suncrest Lumber Company.

## Waynesville Junior Order Will Have Annual Banquet

Waynesville Council No. 373 Jr. O. U. A. M. will give their annual banquet at the Methodist church, Wednesday evening at 8 o'clock. Hon. Lewis P. Hamlin, State Councillor of the order and other prominent speakers will be on the program. Music by string band and male quartet. Supper 35 cents per plate. The recent contest in Waynesville Council between the "Reds" and "Blues" resulted in the "Reds" winning and the "Blues" pay for the supper which will be served by the High School and Waynesville Elementary School.

Every Junior, whether a "Red" or a "Blue" is urged to be present. All members are also urged to attend the next regular meeting of the Council next Tuesday evening, Feb. 21.

## \$975,163 IS PAID FOR 32,521 ACRES OF LAND IN PARK

Ravensford Lumber Company Has Asked \$3,000,000 For The Tracts.

The Ravensford Lumber company, Inc., was awarded \$975,163 for a tract of 32,521.11 acres in the Great Smoky Mountains National Park area in the report of the commissioners, Judge J. S. Manning, T. Lenoir Gwyn, and W. N. Garrett, filed in the office of the clerk of superior court in Asheville recently.

The lumber company had asked \$3,000,000 for the property, which represents the last tract not under control by the North Carolina park commission for the park area in this state.

Both the park commission and the lumber company may appeal from this award by the commissioners and carry the case through the courts again. No indication was given today as to what action was contemplated. Attorneys for both sides were engaged in studying the report.

The report of the three commissioners, who were sworn in on November 16, sets forth that the Ravensford Lumber company shall have six months in which to remove machinery, equipment and personal property. The property of the Appalachian Railway company, operated in the Ravensford tract, was not in the condemnation proceedings.

The North Carolina Park commission has acquired title in fee simple to all the park area in this state with the exception of three tracts:

1. The Ravensford Lumber company, 32,521.11 acres, on which the award has just been made.

2. The Thomas R. Byrd estate tract, 20,229 acres, which is now under contract to purchase just as soon as the title is cleared by the disposal of a suit brought by Major John A. Bechtel.

3. The Suncrest Lumber company tract, 32,057 acres, in which the park commission owns a one-half undivided interest by virtue of the payment yesterday of \$173,407.70 representing the first \$300,000 of the purchase price of \$600,000 agreed upon after long litigation. The remaining \$300,000 may be paid in installments, the title to be transferred when the \$600,000 is paid.

The action of the commission appointed to assess the lands of the Ravensford Lumber company followed a series of hearings in which timber and railroad experts were heard. Among those appearing as expert witnesses during the hearing were: W. A. Bradley, of Waynesville; J. R. Alloy of Germantown, Pa.; J. E. Woodman of Jacksonville, Fla.; A. W. McLaughlin, of Waynesville; J. A. Sisk, of Asheville; C. E. Smith, of Canton; W. J. Dantoft, of Asheville; Will Smith, of Marion; A. E. Henderson, of Sylva; Robert Long, of Sylva; T. C. Queen, of Brandy, Va.; E. Floyd, of Brandy, Va.; and J. B. Smith, of Ravensford.

Attorneys appearing for the park commission in this action were: Judge Frank Carter, A. Hall Johnson, and Congressman Zebulon Weaver. Attorneys appearing for the Ravensford Lumber company were Judge Thomas L. Johnson and J. B. Smathers, of Johnson, Smathers and Rollins, and George H. Ward, of Jones and Ward, all of Asheville.

## Mrs. Mack Hoglan, 61, Passed Away On Last Tuesday, 14th.

Citizen Of Lower Cove Creek Dies After A Brief Illness.

Mrs. Margaret Hoglan, 61, wife of Mack Hoglan, died at her home on February 7 on lower Cove Creek. Mrs. Hoglan had been ill only a short time.

She is survived by her husband and 6 children, Hobert, Norman, Talmage, Hubert, and Mrs. Lloyd Teague and Mrs. Clinton Howell.

Interment was made at the Yarrowburgh cemetery with Rev. Forest Ferguson and Mr. Dock Russell officiating.

The deceased was loved by all who knew her. One friend stated, "Although she has gone from our midst, still her life will live on and on with us."

## Negro Is Given 2 Years For Stealing

Randolph Carnish, negro, was sentenced Wednesday to 2 years at hard labor on the roads for disposing of stolen property, which consisted of one of the guns stolen from the Waynesville Hardware Company last December.

Louis Carnish, brother to Randolph, was turned over to juvenile court for trial.

## CONSTRUCTION OF SOCO GAP ROAD IS ALMOST ASSURED

General Feeling Is That Amendment To "Road Suspension Bill" Will Pass

Although no definite action had been taken, word from Raleigh indicated that the amendment to the highway suspension bill recently presented to the General Assembly by Senator W. R. Francis asking that the Soco Gap road be exempt from the act which provides that all highway construction be suspended for a period of two years, was "virtually through, and little difficulty was expected.

Announcement was made last week that Senator Francis had been given much support on the matter and the final reading was expected to be passed upon without debate from any member of the legislature.

If present plans go through, and they are expected to, a crew will be placed at once on the road, according to information reaching here from E. B. Jeffers, chairman of the state highway commission.

The survey for the Soco Gap road was completed some few weeks ago, and a great deal of anxiety has been manifested here since that time awaiting late developments in beginning actual construction.

Those who have been in constant contact with the developments of the Soco Gap road project were more optimistic Wednesday than at any time during the past few weeks.

## W. M. FRANCIS, 62, PASSED AWAY ON LAST WEDNESDAY

Native And Well Known Citizen Of Haywood Buried At Clyde.

(Contributed.)

A good and useful citizen gone. On Wednesday morning, Feb. 8th, at 5:45 o'clock W. M. Francis passed quietly to the beyond from his home in Clyde. He had been living here several years, making for himself a large place in the community life and in his church. He was born near Waynesville, April 9th 1861. Married to Miss Ellen McCracken of Crabtree April 10, 1882. He spent a large part of his life as a citizen of Crabtree. Here he came early to leadership in the old historic Baptist church. He served his church in the various official capacities of teacher, clerk, Sunday School superintendent, and deacon. As he served there, he also served in the various communities where he lived later. He was a citizen of South Carolina for a time, also spent several years at Kents, Store, Va., and like so many other Haywood boys who wander away, came back to give his native county his mature years. He lived up to the traditions of an honored ancestry and with the other members of his family have marked a safe path across life's span for those now beginning the journey.

It was said at his funeral service that he never knew what it was to be just an ordinary citizen, for from early manhood he was a chosen leader.

His life is rarely seen, for he took the burdens from the shoulders of all who seemed heavily loaded. He was never laid on the shelf nor did he give the creaking elements of corrosiveness a chance of attack. A busy man always, quick to hear the cry of distress or to see the condition of need to meet it.

He was nearly 73 years of age at his death. Buried under the sod in the shadow of the Crabtree Baptist church where the pride of his young manhood had fruited and will continue to bring a harvest.

He is survived by his companion and four sons: Coman and Paul of Clyde, N. C.; Grover of New Jersey, and Max of Wilmington, N. C., and several grand children. Two brothers, Albert Francis of Waynesville, and Joseph Francis of Jonesboro, Tenn.

The going of a man like this is an opportunity and a challenge to young men to move up and fill the vacancy.

Often a gap like this makes room for more than one. Opportunities for service are thus opening fast for young men to prove that the blood of patriotism and Christian heroism has not become diluted.

## Asheville To Play Here Friday Night

The Waynesville Mountaineers will play Asheville High School Friday evening, February 17, on the local court, at 8 o'clock. Admission will be 15 and 25 cents.

This will be the first appearance of the Maroon team on the local court in several years and the game is being anticipated with interest.

## Tom Cope Is Found Guilty Of Manslaughter Yesterday Afternoon

### Plans Being Made To Erect A Park Entrance Sign

The Mountaineer was told Wednesday morning by Mayor C. B. Atkinson that he is making plans to start a drive to raise funds to place a huge sign across the intersection of Depot street and Main street showing that Depot street is the "Eastern Entrance To The Great Smoky Mountains National Park."

Plans call for the sign to extend from the corner of the first National Bank building to the corner of the courthouse lawn. The widening of Depot street at this point is already underway, and the drive for the "sign fund" is expected to begin at an early date.

### Work Is Begun In Widening Depot St.

Work was started Monday morning in widening Depot street opposite the courthouse, and the laying of a narrow sidewalk next to the courthouse embankment.

The work is being done under the supervision of the street department of Waynesville, with the cooperation of the county commissioners who are furnishing the materials for the work. Labor for the work is being furnished by the relief workers of the county. The city is furnishing trucks and drivers to haul the dirt away from the site and to haul the building materials for the paving.

Will A. Hyatt said the cost of the street improvement which will include the completion of the job would be about \$300.

It is thought that a small retaining wall will be built at the foot of the courthouse embankment.

Because of the downpour of rain Tuesday work was suspended until better weather.

## Judge Alley Will Address Members Of Bar Association

The bar association of the 20th judicial district will meet in the courthouse in Franklin, Friday afternoon at 2 o'clock. At 7:30 o'clock a banquet will be served.

The address of welcome will be given by George B. Patton, mayor of Franklin. This will be followed by an address by Judge Felix E. Alley, of Waynesville. String music will be an address by Judge Felix E. Alley, hour.

M. W. Bell, of Murphy, is president of the association and George B. Patton, of Franklin, is secretary.

The members of the Franklin bar are expecting a large number to attend this meeting.

## Alexander Has An Attractive Window Display Of Candies

One of the most attractive window displays of the season was put in Alexander window yesterday by Dr. J. C. Murphy. The display centered around George Washington featuring chocolate covered cherries.

A large framed picture of "The Father of Our Country" was placed in the center of the display.

## Judge Frank Hill Holding Court Here

Judge Frank Hill, of Murphy, exchanged with Judge Clement, of Winston-Salem, and will hold the remainder of the present term of court here. Both families of the two judges have been in ill health, and the jurists wanted to be nearer them at this time.

Judge Hill was holding court in Judge Clement's home-town when the change was made.

## Special Legion Meeting Will Be Held Next Tuesday

On Tuesday night at 7:30 at the Masonic Temple, a special meeting of the American Legion and the Legion Auxiliary will be held for the purpose of disposing of some pressing business matters, officials of the local Post said.

All members of both organizations are urged to be present at this special meeting.

## CHARGED WITH KILLING SMALL BOY WITH CAR

Trial Consumes Little Over A Day In Superior Court Here.

JURY WAS OUT ON CASE ABOUT 2 HOURS

A jury returned a verdict "guilty of manslaughter" in the case of Tom Cope shortly before 2 o'clock Wednesday afternoon after being out on the case for two hours and twenty-five minutes.

Tom Cope went on trial Tuesday charged with the murder of Cecil Ruff, 7 years old, near Samsel during the fall of 1930, when Cope is alleged to have struck Ruff while driving a car in the direction of Sylva on Highway No. 10.

Cope was tried soon after the accident and a mistrial resulted. Later he was tried and convicted, and sentenced to 10 years. An appeal was made and a new trial was granted.

The defense during this trial maintained that the defendant was not driving the car at the time of the alleged accident, but that Charlie Mathis, a companion of Cope's was driving. Several witnesses testified that they saw Cope at the right side of the car and that he was not driving. One witness stated that he was not driving when the car left Hazelwood.

Other witnesses said Cope was not driving when the car passed the church, which was a few hundred feet beyond the scene of the accident.

Mathis, state witness, stated that Cope was driving the car and he told him to slow down, but instead he speeded up and continued on. He said he did not see the car hit the child, but felt the impact.

Soon after the accident happened, Faye Cope, father of Tom Cope, was arrested and brought to jail. Other officers not knowing that Faye Cope had been arrested went to the Cope home and were told by Tom in the presence of Mathis, that Tom was driving at the time of the accident but later said Mathis was driving because he did not want his father (Faye) to know that he (Tom) had let anyone else drive the car that night, it was brought out during the testimony.

The deceased is said to have been walking along the side of the highway, on the right side, at the time of the accident.

Judge Hill limited his charge to the jury to 35 minutes and the case was sent to the jury at 11:35 Wednesday morning.

## Bagdad Temple 213 Will Meet Tonight

Members of Bagdad Temple N. 213, D. O. K. K. will hold their regular monthly meeting in the lodge rooms in Canton, Thursday night at 7:30 o'clock it was announced here Tuesday by A. M. Blalock, lodge secretary.

Discussion of preparations for the spring ceremony will feature the meeting, officials said. This will be the first meeting held since the election of new officers several weeks ago. A. P. Ledbetter, royal viceroy of Waynesville, will preside over Thursday night's meeting. A full attendance is urged by the secretary.

## HAYWOOD GIRLS TO COMPETE IN DISTRICT MEETING ON SUNDAY

Misses Ila Green and Hattie Siler Freeman have been selected from the Haywood Baptist association to compete in the Stewardship contest to be held in the French Broad Baptist church, Asheville, Sunday afternoon, February 19.

They were selected by a competitive contest in the Haywood association held some time ago. This is a contest in ready put on by the western district of the Woman's Missionary Union of the State Baptist convention.

OYSTER SUPPER SATURDAY  
The Woman's Auxiliary of the Presbyterian church will serve a benefit supper Saturday evening, February 18, from 5:30 to 8:30 p.m. at W. W. N. C. Cafe. A check for an oyster supper is being held. An oyster supper is being held. An oyster supper is being held. An oyster supper is being held.