

# THE WAYNESVILLE MOUNTAINEER

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VOL. XLVI NO. 2 WAYNESVILLE, NORTH CAROLINA THURSDAY, DECEMBER 11, 1933

## Sheffield Is Found Guilty Of First Degree Murder

### Defendant Will Appeal Case When Sentence Is Passed Last Of Week

Sentence is expected to be passed on James Sheffield, who was found guilty of first degree murder by a jury last Saturday night for the murder of "Bud" Miller last August near Woodrow. Judge Felix E. Alley will pass sentence. The defendant will make an appeal at the time of the sentence it was learned.

The jury returned a verdict about 7 o'clock Saturday evening after deliberating on the case for four hours. Sheffield, a traveling candy salesman, is a native of Haywood county. His home is at Silver Bluff, near Woodrow, where he also operates a garage. He is married and has two sons.

The slaying of Miller occurred in front of Rickman's store, at Silver Bluff.

Trial of the case, which was one of the most sensational that has been tried in Haywood county in many years, began Wednesday morning when a jury of 12 men was picked from a special venire of 100 men.

The jury was obtained shortly after the noon hour Wednesday, and the State began to offer testimony.

Mrs. James Miller, widow of the murdered man, was the first witness called by the State. She told of the death of her husband.

James Welch, who was with Miller when he was shot down and who himself was shot through the right jaw by a 25-20 Winchester rifle bullet, was the star witness for the State. He was on the stand about an hour.

After telling about the tragedy that occurred on the night of Sunday, August 6, when Miller was shot down by an assassin who seemed to be lurking in the Sheffield garage across the road from Rickman's store, he told of some trouble he had some years before with James Sheffield, when the latter drew a pistol on him and attempted to shoot him. "The two men had not been on speaking terms since that time."

On the evening of last August 6, Welch said he was in the store when James (Bud) Miller came in and bought some cigars. He went with Miller to the car in which Miller had come there. Miller then asked for a match, and the two started back into the store to get the match. As they approached the door a shot rang out from the darkness, and Miller fell, fatally wounded. Welch stood to assist Miller to his feet when a second shot was fired and the bullet struck Welch in the right jaw. Two more shots followed in quick succession, and Welch retreated to the corner of the store and crouched down to escape the bullets. He peeped around the corner, he said, and saw Sheffield inside the garage near the door with the rifle up to his shoulder firing the fifth and sixth shots.

On cross-examination, Welch showed some feeling as he was describing how Sheffield was standing in the garage when he saw him fire the last two shots. He got up from his seat and pointed upon the corner of the judge's desk as he said looking straight at Sheffield: "You shot me Jim Sheffield, and you know I saw you."

### Solicitor Reviews Testimony

District Solicitor John M. Queen took two hours and 30 minutes in his argument of the case, to the jury. He consumed a large part of that time in reviewing the deposition of Mrs. Sheffield, wife of the defendant. He stated to the jurors that they might omit the consideration of the testimony of James Welch entirely and consider only the testimony of the defense witnesses, and they would be obliged to bring in a verdict of murder in the first degree.

Judge Alley, in his charge to the jury, reviewed the testimony of both the State and the defense. He told the jurors they might return one of three verdicts, murder in the first degree, murder in the second degree, or not guilty. He defined the three degrees of homicide, but charged the jury that there were no elements, or evidence, to warrant a verdict of manslaughter, but the verdict of guilty must be either murder in the first degree or murder in the second degree.

The court also called attention to the alibi that the prisoner claimed to have established, and said that a plea of being in some other place at the time of the crime must be examined always with great care, but if the facts established an alibi beyond a reasonable doubt, the jury must return a verdict of not guilty.

The court also ruled on the matter of a shot being fired with the intention of killing one person and killing another instead. The principle was stated that if the jury should find the prisoner fired the shot that killed James (Bud) Miller with the intention of killing James Welch, the intention to kill James Welch would be transferred to Miller, that is, a verdict of murder in the first degree should be returned if the shots were fired with malice, and with premeditation and deliberation; but if the shots were fired with malice, but without premeditation or deliberation,

## Survey On Sewer Line To Begin At An Early Date

At a joint meeting of the board of aldermen of Waynesville and Hazelwood last Monday night, the firm of Haywood Bebe Company, consulting engineers of Spartanburg, were employed to make the survey for the building of the sewer line from Hazelwood to a point below Lakodunulaska dam and possibly on to Pigeon river.

Thos. T. Dawson, engineer of the firm, was in Waynesville Monday and Tuesday. He told the Mountaineer soon after the appointment of his company that work would begin immediately on the survey, and everything possible would be done to have the report in Washington by the first of the year for the approval of the loan for the building of the line by the Public Works Administration.

It is expected that actual work on the project will get under way during the late winter or early spring.

## Jack Messer Head Of Baptist School For Coming Year

### Other Officers For First Baptist Were Elected At Service Sunday Morning

At the preaching hour at the First Baptist church here Sunday, Jack Messer, Haywood county superintendent of schools, was elected general superintendent of the Sunday School for the year 1934.

Mr. Messer has been the superintendent of the public schools of the county since July 1, this year. He is a graduate of Carson & Newman college, Jefferson City, Tenn., and is much interested in church and Sunday School work as well as in his duties of a secular nature.

Other general officers of the Sunday School are as follows: Associate superintendent, Edwin Haynes; general secretary, J. B. Siler; assistant general secretary, Miss Gladys Dicus; corresponding secretary, Miss Sylla Davis; choristers, John L. Davis and Mrs. Ruth Ray Wicham.

Departmental superintendents are as follows: Home department, Mrs. W. T. Crawford; cradle roll, Mrs. E. E. Fuller; beginners, Mrs. J. R. Morgan; primary, Miss Annie D. Kirkpatrick; juniors, Miss Evelyn Underwood; intermediate, Mrs. H. W. Bann; young people, Edwin Haynes; adult, Jack Messer.

General church officers are as follows: Church clerk, W. C. Allen; treasurer of local expense, R. T. Messer; treasurer of benevolence, Miss Sylla Davis; financial secretary, William Medford; music director and organist, Miss Grace Crocker; assistant organist, Mrs. J. N. Tate and Miss Maud, Terrell.

## Postage Schedule Reduced For Christmas Cards This Year

Announcement was made at the postoffice yesterday that printed Christmas cards with no writing except the name of the sender when placed in an unsealed envelope will be delivered anywhere in the United States for one and one-half cents. When the envelope is sealed a three-cent stamp will be necessary.

All cards sent locally, that is to all addresses that are served by the Waynesville post office will be delivered for two-cents when sealed. Unsealed will be one and a half cents.

Postal authorities again urge patrons to mail early.

## Legionnaires To Meet Monday Night

An official of the local post of the American Legion made the following announcement yesterday:

Ex-soldiers: The American Legion will hold its annual meeting and free "feed" at its hall in Masonic Temple building Monday night, December 18th, 8:00 o'clock. All ex-soldiers men are invited, also their wives. Come on out buddies—we're going to pay off the bonus.

with the intention to kill James Welch, that would also be transferred to Miller and the prisoner would be guilty of murder in the second degree.

## On Trial



DEWEY POTTER



CLARENCE POTTER

## Transylvania County Commissioners Working To Get Park-To-Park Road Through Pisgah National Forest

### Junior Order To Present Play Tues.

Next Tuesday, Dec. 19, at 8 p. m., in the Lodge Room over the First National Bank, a play will be given entitled: "The Lawyer and the Book Agents" in two acts.

A quartet, string instruments and vaudeville will come between acts. At the close refreshments will be served. No admission fee will be charged.

All Juniors, their families and friends are cordially invited and expected.

The following is the cast of the play:

Zack Massey, Lawyer.  
Gilbert Reeves and Bob Fie, Book Agents.  
J. H. Barnes, John Googonham.  
C. W. Barnes, Black belt boy and bar comedian.  
Ole Bangin, Country boy and Tom Smith unemployed.  
Hardy Liner, Mrs. Smith Harriet Bargin, Mr. Smith.  
Roy Phillips, Dope Fiend.  
A whole lot of fun come and have a good time.  
Remember, no admission, free to all.  
This is your invitation.

## Singing Convention Met Here Sunday

The Haywood County Singing Convention held one of its most successful meetings last Sunday afternoon at the court house. The program was presented to an interested audience which filled the court room to overflowing.

One of the highlights on the program was the singing of the Parker Quartet from Canton. This quartet is composed of R. A. Parker, L. T. West, and Mr. and Mrs. W. H. West.

Other enjoyable numbers were presented by the Smith Brother quartet of Waynesville, the Eller quartet of Canton, and a duet from the Church of God in West Canton. A group of Indian, from Cherokee, delighted the audience with several selections, as well as the choir led by Rev. Sexton.

During the business session which followed the singing W. H. West was re-elected president and R. A. Parker was elected to serve as secretary and treasurer.

The next singing convention will be held the second Sunday in March.

## Large Congregation Hears Judge Alley

Judge Felix E. Alley made an address at the evening hour at the Methodist church last Sunday at which time he discussed "Religion—A Comparison."

The speaker told of the many different religions that have been known to the human race and then made a comparison of the Christian belief and that of others.

When he brought the address down to the Christian religion, he brought in some thoughts by which the world needs to practice the religion that is being taught today in the churches. The latter part of the address was a sermonette, and one which was most interesting to the large audience present.

## Home Loan Granted To Haywood Man

The first loan from the Home Loan Administration was received in Haywood county last week by J. Emory Rush according to an announcement made by Doyle D. Alley, Haywood representative for the Home Loan Bureau.

The loan was for \$825.59 on the home of Mr. Rush.

## Witness Says D. Potter Left Home Planning To Take Life of Thos. Price

### Judge Webb Will Not Try Volstead Charges

### Federal Jurist Says He Is Without Power To Pass Judgment On Violators

(The Charlotte News)  
"It is my opinion that I have no power to impose punishment under the Volstead act, now that the eighteenth amendment is repealed," Judge F. Yates Webb, presiding over the Western North Carolina district of United States court, told The News today over the telephone from his home in Shelby.

"I can hardly pass judgment under a law that is dead. I feel, therefore, that I am without power to sit on cases charging violation of the national prohibition laws. While without a doubt many of these persons committed the crime for which they are charged, the 21st amendment, to my mind, automatically removes the machinery by which they might be tried and punished."

Judge Webb explained that this would mean the junking of all pending cases charging federal liquor law violation. Such will probably be swept from the dockets.

"Of course this will not effect those persons already serving terms," he added. "They were duly tried and sentenced under a law that existed at the time. There is a legal and just punishment."

He added that between now and the drafting of a general revenue bill by Congress covering the whiskey situation, indictments for offenses committed in the future will be drawn under the old Webb-Kenyon law and the old liquor revenue law, both of which are still on the books and which now become the prevailing means for federal protection of dry states, from their wet neighbors. Judge Webb is co-author of the Webb-Kenyon law having sponsored it while representing this district in Congress.

## DR. L. B. HAYES TO HOLD QUARTERLY CONFERENCE

Rev. L. B. Hayes will preach and hold quarterly conference at the following place on Sunday, December 17:

Bethel, 11 a. m.  
Canton, 2 p. m.  
Jonathan, 7 p. m.

All the officials, including the wardens, Sunday School Superintendents, charge lay leaders and young people's workers, and presidents of Woman's Missionary Societies are expected to be present.

These meetings are very important and the plan for the year's work will be made.

## BRIEF NEWS ITEMS

Engineer H. Arthur Houchins, of Knoxville, Tenn., was killed and 45 other persons were injured when the Southern's crack Carolina Special was derailed three and a half miles west of Hot Spring Tuesday night at 8:30 o'clock.

Fifty-five lives have been forfeited to blistering winter in the mountains and river valleys of the north, west and the ice-heated hills and plains of the eastern United States.

The homeward trail of Colonel and Mrs. Charles A. Lindbergh took them on a 1,100-mile flight from Maricao, Brazil, to Port-of-Spain, Trinidad. Their route lay over wide expanses of tropical country where few airmen have flown before. Their total elapsed flying time was 9 hours and 39 minutes.

Asheville's two burley warehouses were filled to capacity as the local tobacco market prepared to officially begin its fourth season Tuesday. Approximately 325,000 pounds of burley was on the floor by 11 o'clock.

Prospects for the establishment of a burley camp in western North Carolina were brighter than ever before, leaders of the Asheville burley market said yesterday. It appeared almost certain that the Asheville market would exceed by far the tobacco sales of the 1932-33 season.

Three men were killed, three were injured, and four escaped unhurt when an earth slide occurred on the North Carolina side of Newfound Gap in the Great Smoky Mountains Tuesday morning at 5 o'clock. After seven and a half hours of frantic work, the bodies of the three men who were killed were recovered at 12:30 o'clock Tuesday afternoon.

## Clarence Potter Denies Knowing Anything About Fatal Shooting

The state rested Wednesday afternoon in the murder case, in which Dewey Potter, 34, his son, Wayne, 14, brother Clarence, 29, and Eric Ledford, 22, first cousin of the Potters, are charged with the murder of Thomas Price on Lickstone Mountain early in September.

Clarence Potter, took the stand late Wednesday afternoon in his own behalf at which time he testified that he knew nothing of the shooting and that his brother, Dewey had told him nothing.

The trial got under way Tuesday morning when a special venire of 125 men reported for duty. At 4 o'clock the twelve jurors had been selected and the state called to the Stand Virgo Williams, one of the two men who was with Price at the time he was shot.

Williams told of how he, Price and Charlie Buchanan were riding down the trail single file when Dewey Potter, then 15, a boy of 14, came and called to them to stop, and as he did he shot at Mr. Price. Williams said he did not see Clarence, but recognized his voice. The witness said four shots were fired. Price had his hand on his pistol at the time of the first shot, but did not fire it.

Mr. Price's horse ran about a quarter of a mile before the wounded man fell off. He died several minutes later in the arms of Charlie Buchanan who was with Williams and Price. Williams was hit with some of the shot and came to the hospital here for treatment.

Charlie Buchanan when on the stand Wednesday morning told about the same story in detail as related by Williams on Tuesday. He said in the trial: "As we were riding down the trail, someone called 'halt.' Dewey Potter and another man was behind the trees. I did not recognize the other man. Dewey fired at us. Mr. Price put his hand on his gun, but did not fire. Some of the shot hit me and also Williams. Price's pistol was in his pants pocket when he fell. It was 35 steps from tree to when Mr. Price was shot." Buchanan on cross-examination said he fired at Dewey after the first shot.

William Sexton, jailer, said Eric Ledford told him he was at the scene of shooting but he did not do any.

The first witness to be put on the stand in the afternoon session was Robert Buchanan, 42-year-old boy. He told of walking up Lickstone with his "uncle George Buchanan" to pick up the trail on the day of the shooting. On the way home, he said they stopped at the Potter's and saw Mrs. Potter, Ledford, Dewey and Wayne Potter. He testified that he heard Wayne Potter say, "Mr. Price has gone up on the mountain" and that Dewey Potter got his gun and said he was going to kill every one of them. He said that Dewey, Wayne and Eric led him to the house immediately.

He didn't see Clarence Potter, George Buchanan, constable of Waynesville township told practically the same story as his nephew adding that he saw Dewey Potter take out cartridges from a box before leaving his home. He said the three asked him to go with them but he refused.

Jess Church, negro, who was in Mr. Price's employ, said Dewey Potter told him to tell Price not to ride out his boundary, that "whin' fair for the goose and a half mile west of Hot Spring Tuesday night at 8:30 o'clock."

William Gray, negro, said that he was present at the trial of Clarence Potter for the shooting on Mr. Price's property and that after the trial Clarence told him to "tell old man Price to stop riding on the mountain tops." When Gray asked him why he said, "You'll see."

Shon Irwin, another negro employee of Mr. Price, upheld the testimony of the other two.

T. L. Bramlett, Jr., who went to the scene of the shooting with Dr. Kirkpatrick, told the jury that he examined the pistol which the latter took from Mr. Price's pocket and it appeared to be a new pistol, never having been fired.

Dr. Tom Stringfield, who examined the pistol, also said that it seemed not to have been fired.

J. P. Williams told the jury that he heard Clarence Potter say a few days before the shooting that Mr. Price couldn't ride the mountains any more.

George Buchanan was recalled to the stand to identify Mr. Price's pistol and said that it was not touched until Dr. Kirkpatrick removed it from his pocket. He also identified two shot gun shells he found by the tree where he said the Potters stood.

John Kerley, constable, identifies gun and twigs which were cut off of a chestnut tree by shots. He also showed the jury two shells which he found at the senior Potter's home when compared with shells found by Buchanan.

Andy Sumner of Sunburst, officer of the Champion Fibre Company told

(Continued on back page)