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Judge J. Paul Frizzelle Quashes Action Against Board of Commissioners

Demurrer Filed By Defense Counsel Sustained; Appeal Notice By Plaintiffs.

Greenville, Aug. 24. — Judge J. Paul Frizzelle, in Superior court here this afternoon, signed a judgment sustaining a demurrer filed by defendants in an action brought to force the county commissioners to reimburse the county coffers for the services of A. S. Batson as head of the National Bureau of Investigation.

The action also sought to recover certain per diem and mileage fees allegedly overpaid members of the board.

Counsel for the plaintiffs objected and excepted to the judgment and gave motion to appeal to the Supreme court.

The suit was brought by L. R. Whichard, C. L. Forbes, Elijah Mills, L. T. Pierce, Jesse Mills, Blount Edwards, R. E. Belcher, C. D. Langston, in behalf of themselves and any other citizen and elector of Pitt County who may desire to join in the proceedings.

Named defendants were B. M. Lewis, D. T. House, Jr., and F. M. Kilpatrick, L. W. Cherry, Roy T. Cox, individually and as county commissioners for Pitt county; and C. O. H. Horne, A. R. Harvey and C. A. Tyson, comprising the ABC board for Pitt County.

S. O. Worthington represented the group bringing the action, while Jesse Jones of Kinston, J. H. Harrell of Greenville and John B. Lewis of Farmville appeared in behalf of the county commissioners.

The case grew out of the famous Sheriff Whitehurst case, which resulted in the ousting of the officer, who also relinquished the office of nominee.

Correspondence between opposing counsel in the case heard today indicated that criminal charges might be pushed against the former sheriff, but no steps in this direction have been taken.

Heavy demands from farmers have left the Anson County terracing unit with more work than it can do this fall, winter, and spring.

Japanese Press Push to Hankow

Reinforced Armies Reported Making Progress in Their Big Offensive.

Changhai, Aug. 25. — Japanese forces had fought their way into position today for a two-day drive against Hankow. Chinese provisional capital about which 1,000,000 defenders were said to be deployed.

Reports from the Central China fronts placed one Japanese force at a point 100 miles southeast of Hankow and another in position to strike overland 140 miles against the Peiping-Hankow railway.

A heavily reinforced Japanese army reported it had smashed through the east gate of the town of Juichang in its advance up the south bank of the Yangtze River on Hankow, 100 air miles to the northwest.

From central Anhui province came Chinese reports that Japanese columns striking westward from Hsiao, province capital, reached Tsungshing and Tsushichang, footholds for an assault on the Peiping-Hankow railway, probably a point about 100 miles north of Hankow.

Japanese said their troops were mopping up Chinese defenders in the walled town of Juichang. Entry into the town came after a month's fighting in the Yangtze's south bank since the fall of Kichang, 21 miles to the east on July 25.

Heavy reinforcements were being poured into the Kichang area for the Japanese campaign against Hankow, main base of armies which have crushed Chinese resistance at Peiping, Hsiao, Shanghai and Nanking.

\$481,767 Spent In July at Legal Liquor Stores

Raleigh, Aug. 25. — Figures for July reveal that North Carolinians consumed legally \$481,767.70 alcoholically, a good hot season business in which Wake and Durham stood out like a naughty deed in a good world.

One year ago when Wake voted for ABC stores, Chairman Outlar Moore of the North Carolina Board of Alcoholic Beverage Control prophesied that the two counties, Durham and Wake, would sell "more than one fifth of all the legally sold liquor in the state." Durham dispensed \$60,520.80 for July and Wake \$68,070.80. This was the first time in the 13 months of selling that Wake had led Durham.

Though more populous than Durham, Wake's competition is much keener. Johnston, Nash and Franklin all touch Wake, as does Durham in a big way. Then Vance is just a few miles across Franklin. But Durham has much better dry territory patronage and 12 of these months the domain of Bull has hested Wake handsomely. The two counties sold better than 25 per cent of the liquor for July.

Reports for August are coming in piecemeal and it has been announced from the Raleigh ABC stores that they enjoyed no pickup whatsoever as the result of the General Assembly's week here. If anything, there was a mild drop. The assembly came to the capital in very fine weather, but past experience has shown that heat is no bar to alcoholic consumption. The general explanation is that liquor has been made so easy to get that the legislators found no fascination in it.

Besides, it is of record that once upon a time, it was in 1937, there was a big church convention in Raleigh and somebody played a joke on that religious body by running up the liquor sales.

Food Poisoning Suffered By 65 In Army Detail

All But Three Or Four Expected To Be Dismissed From Marine Hospital at Mobile Today; Suffered Attack Enroute Home From Gulf Coast Maneuvers.

Mobile, Ala., Aug. 25. — All but three or four of the 65 soldiers admitted to marine hospital here last night for treatment of food poisoning are expected to be dismissed from the institution today, Dr. David Prather, head of the hospital said.

Prather described the condition of the men as "much better." The men were part of an army detail of 400 straggle to their home fort from the Gulf coast maneuvers.

None was considered in a dangerous condition, though Dr. Prather said some were severely ill. Members of the company said they had eaten sandwiches, salad and beans at noon and that about mid-afternoon several felt ill. The men began to fall out rapidly and aid of the State Highway Patrol and local police was asked in removing them to the hospital.

A number of the men were soldiers of the 17th field artillery, Fort Bragg, N. C.

QUAKE ?

Roanoke, Aug. 24. — Tremors of a mystery to residents of the Roanoke district in lower Johnston County, near Roanoke, in a feature of the week which appeared there on the farm land of Don E. Smith, well-known farmer of Ingram Township.

The cause of the tremors is still a mystery to the residents of the district. The tremors were reported by Smith on August 24. Two of the men were said to be children.

Tobacco Farmers Certain Of Crop Control In '39

Raleigh, Aug. 24. — Despite the vehement post-election campaign carried on by the opposition to such regulation, tobacco farmers who have cut and cured their crop tails the newspaper men that there will be even less difficulty attending the election next year.

By the terms of the federal act there can be an election called by the growers, who in this instance happen to be cotton and tobacco farmers. There may and there may not be such an election next year, as the basis of it will be the November 15 report which will show whether there is more than five per cent of the normal supply on hand. If so, the secretary of agriculture makes his call and there is another vote.

The summer and fall developments have been quite contrary to the earlier predictions. It was said that the big fellow gets all the breaks and the little fellow gets all the losses. Fall surveys show that the farmers now most vocative against the control act are found among the time merchants and the absentee growers. This was not expected. There were manifest hardships upon the small grower. But after the first year under control he seems to be less dissatisfied than he was at the beginning.

The season's worked well with the controllers who found evidences all over the world of a stimulated tobacco growth. The weather moved down many a stalk and reduced the poundage on many an acre. Notwithstanding which, the growers count their crop pretty good and the prospect for good money far better than it was three months ago.

Agricultural leaders in Eastern North Carolina declare that there isn't the slightest chance for this half of the state. They are convinced that it is a necessity.

Tobacco Grading Classes Chartered

Federal and State Agriculture Departments to Instruct Growers.

Raleigh, Aug. 24. — Agriculture Commissioner W. Kerr Scott announced yesterday that the Federal and State Departments of Agriculture had agreed to cooperate in the conducting of tobacco grading and ginning schools in North Carolina.

Scott explained that the State Department would arrange for the schools, and the Bureau of Agricultural Economics would provide assistance in the instruction.

W. F. Hedrick, tobacco marketing specialist with the State Department has been conducting schools in the tobacco belts since last season. He said the Federal grading personnel would be available immediately and enlarged schools would be conducted in the new bright belts. Schools also will be established in the Middle, Old and Burley Belts as the season progresses.

"The need for better sorting, tying and marketing instruction," Hedrick said, "is emphasized by the fact that last season, one big market in the State, buyers walked off the floor when they found tobacco so jumbled that they could not afford to offer a bid."

Hedrick said that "the cooperative agreement will better enable the department to aid the farmer, the buyer, the processor and the manufacturer in the merchandising of all types of tobacco."

He added that the number of federal employees to assist in the marketing work would vary from two to a dozen, depending upon availability and need for instruction.

Near Billion

American hog producers last year realized a cash income of \$908,000,000 from sales of hogs, pork, and lard. This more than doubled the amount received in 1932.

Crop Insurance

Over 1,000 applications for crop insurance were filed in the State of North Carolina last year. The amount of insurance was \$1,000,000,000.

Wallace Points To Farm Income

Cites Fact That Conditions Are Far From Being Down to 1932 Level.

Washington, Aug. 24. — Secretary of Agriculture Henry A. Wallace tonight stressed the fact that the estimated 1938 farm income, although 13 per cent below the peak reached in 1937 after five successive years of increases during the Roosevelt administration, is still far above the low water mark of 1932.

Mr. Wallace's figures were given at his regular press conference today and resulted from an investigation which the secretary said he made to determine if the statement often of "My God, we have returned to 1932," had any basis of fact. Mr. Wallace found that there were no facts to support the charge and implied that it resulted from this being a political year and from the fact that "some people have allowed their hate to outweigh their desire for profit."

"The situation is not back to 1932 in any sense," said Mr. Wallace. "It is conceivable that we could have a combination of weather and business conditions which would return us to 1932, but we have not yet approached that condition."

Tobacco At Top While Secretary Wallace's figures showed that while tobacco is outstanding among all commodities in the present relative prosperity as compared to 1932, the same condition extends somewhat to other principal commodities.

Total farm income is expected to be \$7,600,000,000 this year, a figure which is 13 per cent below the all-time peak of 1937, but is still far ahead of the 1932 figure of \$4,328,000,000. Secretary Wallace said that the change of the gold content of the dollar had nothing to do with the comparison, as farmers were never paid with gold at any time. He said that the purchasing power of the farmer buys was 107 in 1932 and has now risen to 123.

He also pointed out that wage returns to labor have dropped 33 per cent since 1937 instead of 13 per cent drop for the farmer.

Secretary Wallace pointed out that farmers will receive, including government benefits, \$392,000,000 from wheat this year as compared to \$179,000,000 in 1932 and that cotton, including seed, will bring in \$76,000,000 as compared with \$418,000,000 in 1932.

The tobacco increase is even greater, the estimated return from the 1938 crop being \$289,000,000 as compared with \$115,000,000 in 1932. North Carolina, with a jump from \$36,000,000 to \$120,000,000, has had by far the largest share of this increase, as other types of tobacco have not advanced as greatly in price as flue-cured tobacco. The increase in Kentucky, the largest tobacco-producing State next to North Carolina, was from \$31,000,000 to \$64,000,000.

However, by far the largest percentage increase was in Georgia, where the greatest complaint about quotas has been raised this year, entering into the fierce political fight in that State. Georgia tobacco farmers will receive \$21,000,000 this year, as compared with \$1,400,000 in 1932.

Secretary Wallace said that only seed crops is holding up official announcement of cotton loans of approximately \$25 cents a pound which he stated last week would be made. An official announcement is expected this week.

Wilson Case Diagnosed As Rare Typhus Fever

Wilson, Aug. 23. — A young Wilson County boy was recovering today from one of medicine's rarest diseases and what is believed to be the only case of its kind ever to occur in this section of the country.

The young man, Sidney Webb, of Wilson, contracted the disease, and known in medical terms as typhus or Brill's fever, several weeks ago and was on the verge of death for several days until local doctors called him to their aid.

The disease, not to be confused with typhoid fever, is contracted, doctors said, from the bite of a parasite on the human body.

It may take many years to prove that a new variety of wheat is as much as 15 per cent more productive than the old variety, but it is worth the effort, for the new variety is more resistant to drought and to the ravages of insects.

Farmville Market Opened Thursday; Estimated Average Placed at \$25

American Pilot Escapes Japanese Aerial Attack

Hong Kong, Thursday, Aug. 25. — The United States Gunboat Mindanao arrived today with Hugh L. Woods of Winfield, Kan., pilot of a Chinese airliner which was forced down by Japanese planes, reportedly with loss of 15 lives.

Woods said that at least several of his 17 passengers were killed when the Japanese planes machine-gunned them as they struggled to reach shore after the airliner was forced down in the Pearl River near Canton.

It was announced officially that 13 of the 17 Chinese passengers were dead or missing.

Woods denied that the Japanese shot at the airliner while it was still flying, saying they merely power-dived to force it down.

He said, however, that they swooped low and loosed concentrated machine-gun fire on the passengers after the plane landed and they were trying to reach shore.

He likewise denied that any bombs were dropped.

The plane was forced down at 8:35 a. m. yesterday by five Japanese naval planes from a base in the Ladrone Islands that had chased it from Hong Kong.

Pilot Woods reached Macao late yesterday my motor car from Shikhi. He was uninjured, but was suffering slightly from shock. A passenger, G. N. Lou, accompanied him.

Woods said he picked up the Japanese naval planes soon after leaving Hong Kong early yesterday and attempted to out-fly them. The Japanese overtook him near Wangmoon, however, and dived on him repeatedly.

The pilot managed to bring his plane down in the river near Shikhi. The Japanese fired bursts of machine-gun fire and struck down passengers and crew as they attempted to wade ashore.

P. S. Delaney, an American employed by the Chinese air line, was on the Mindanao getting Woods's report.

It was believed that the Japanese hoped to kill or capture Sun Fo, a high official of the Chinese Nationalist Government in Hankow, who just had returned from Moscow after negotiating limited Soviet-Korean military assistance for China.

Sun Fo, however, had not taken the plane, having changed his plans and flown to Hankow on a Eurasia line plane which left Hong Kong about the same time that Pilot Woods took off.

Last Rites Held For J. B. Braxton

Funeral services for James B. Braxton, 47, who was drowned Monday in Trainers Creek near Washington, were held at his home near Farmville Tuesday afternoon by the Rev. C. B. Mashburn, pastor of the Farmville Christian Church, and burial was in Hollywood cemetery here.

Braxton, operator of a filling station near Farmville, drowned after a small fishing boat in which he had been fishing, capsized in sight of two companions, John M. Willerson and David Nany, who were fishing from another boat.

Surviving are his wife, Mrs. Maggie Wadley Braxton, a daughter, Mrs. Willis Dail of Mountain, a son, Wilbur Braxton of Farmville, two step-daughters, Mrs. Jarvis Jones and Mrs. C. E. Hayes of Farmville; six sisters, Mrs. Noah Johnson and Mrs. Milton Mays of Snow Hill, Mrs. Owen Davis and Mrs. Levi Tugwell of Farmville, Mrs. Lucian Whitley and Mrs. Clara Braswell of Stanburg, and three brothers, G. T. Braxton of Greenville, W. E. and E. F. Braxton of Farmville.

Wheat Research

It may take many years to prove that a new variety of wheat is as much as 15 per cent more productive than the old variety, but it is worth the effort, for the new variety is more resistant to drought and to the ravages of insects.

Over Million Pounds of Tobacco and Big Crowd Farmers Greet Buyers

Death Claims Judge Darden

Succumbs At Duke Hospital Following Critical Illness

Greenville, Aug. 25. — W. A. Darden, judge of municipal recorder's court here, and former judge of county recorder's court, died shortly before noon today in Duke Hospital, where he had been critically ill for the past three weeks.

The body will be returned to Greenville late today. While definite funeral arrangements had not been announced this afternoon, it was understood that services will be held in this city, followed by interment at Scotland Neck where he will be buried by the side of his late father and mother, Mr. and Mrs. William H. Darden.

Mr. Darden was a native of Scotland Neck, but had made his home and practiced law in Greenville for approximately 25 years. He was educated at Wake Forest College and received his license to practice law in February, 1911. For a short time he practiced in Farmville and Ayden, later moving to Greenville. Since coming to Greenville, he has served two terms as judge of the county recorder's court and early this year, when the municipal recorder's court was established, he was appointed judge of that court and was re-elected to the position without opposition in the city election in May.

In 1917, when this country became involved in the World War, he gave up his law practice and entered the first officers' training camp and served as a commissioned officer throughout the war.

He was a member of the Immortal Baptist Church of this city. Besides his wife, the former Miss Sallie Bet Quinerly of Ayden, survivors include his step-mother, of Scotland Neck; a brother, W. H. "Buck" Darden, of Scotland Neck, and a sister, Mrs. Richard Witham, of Nashville, Tenn.

Two Districts Vote on Bonds

Issues Would Provide Funds Standardize Rural Schools.

Greenville, Aug. 27. — Notice of special elections and new registrations for two Pitt county school districts have been authorized, with the elections to be held on each of the areas on September 27.

It is proposed to issue \$15,000 for an improvement program at Arthur and a \$10,000 project at Graveland. The projects for heat and water plants and additional classrooms at each school. In announcing the proposals, the Pitt County Board of Education explained that the proposals were efforts to bring the two schools up to standard and added that it hoped that when the projects are completed it will not be necessary to undertake additional work for a long time to come.

A new registration has been ordered for each district and the books will remain open in each district from 9 a. m. until sunset each day, beginning August 27, and closing Saturday night, September 24th.

Spread of Diphtheria Feared in Pitt County

Greenville, Aug. 24. — The Pitt County health department today expressed deep concern over the increase of diphtheria cases in the county. While only one case was reported in July, five cases already have been reported for August. Two of the five cases were fatal to children.

"This tragic situation should be enough to awaken all parents to the responsibility of having their children vaccinated against the dread disease," declared Dr. N. Thomas Smith, county health officer.

He called attention to the fact that the disease is highly contagious and that it is especially dangerous to children. He urged parents to have their children vaccinated as soon as possible.

Dr. Smith said that the disease is caused by a germ which enters the body through a cut or scratch, or through the nose or mouth. He said that the disease is most common in children under the age of 10.