

DR. ANDERSON APPEALS TO STATE SUPREME COURT

Had Been Fined \$500 And Court Costs In Wake Superior Court

Defense Contends Charges Convicted Of Do Not Constitute Crime

COURT COSTS WOULD BE AROUND \$2,000

Board of Directors of Hospital Meet Today to Consider Case

RALEIGH, Nov. 21.—(AP)—The case of Dr. Albert Anderson, superintendent of the North Carolina Hospital for the Insane here, was headed to the State Supreme Court today.

Convicted yesterday by a Wake county jury on two counts of an indictment charging malfeasance in office, the 69 year old physician was sentenced by Judge W. A. Devin today to pay a \$500 fine, and the costs of the case, estimated at \$2,000, but notice of appeal was given by defense counsel and Dr. Anderson's bond was fixed at \$1,000.

Sentence was imposed after a defense motion for an arrest of judgment was overruled. Attorneys for the hospital superintendent argued that the charges upon which he was found guilty—working inmates of the hospital on his private property—did not constitute a crime and it is expected that this will be the main point in the case on appeal.

Judge Devin, however, declared the jury, which had heard the evidence had said in effect by its verdict that the actions imputed to the physician was unlawful and it was not his province to upset the action of the jurors. Yesterday he refused to order the verdict thrown out upon a defense motion made after the jury had reported its decision.

Dr. Anderson has continued to discharge the duties of Superintendent of the hospital since he was indicted following an investigation several weeks ago by the grand jury. Although in court room discussion yesterday it was suggested that the verdict of guilty carried with it dismissal from the post he has held for 15 years, Judge Devin with the concurrence of Solicitor Brassfield today ruled otherwise, holding that the counts upon which the physician had been convicted constituted willful but not corrupt violation of the law.

The board of directors of the institution announced late today that a meeting had been called for Thursday at which time Dr. Anderson's case would be discussed.

THREE SCHOOLS NEAR STANDARD

Will Probably Add Brogden, Eureka, and Nahunta High To Accredited List

The State Department of education will add Brogden, Eureka, and Nahunta to its list of standard high schools in Wayne county this year in the opinion of state high school inspector J. L. Memory of Raleigh expressed yesterday. Mr. Memory visited these schools in company with county Superintendent J. T. Jerome and after his inspection agreed that the schools were meeting requirements for standard high schools.

The placing of Brogden, Nahunta and Eureka on the accredited list would give Wayne county seven standard high schools in the rural districts, and 10 counting the ones in Goldsboro, Fremont and Mt. Olive. Five years ago there were only three in the county.

While Mr. Memory was here yesterday inspecting the high schools, L. C. Brogden, state superintendent of elementary education, was in the county checking up on elementary instruction.

FIRST SNOW IN NEW YORK CITY

NEW YORK, Nov. 21.—(AP)—New York felt the first real touch of winter today when snow began to fall shortly before 9 a. m. The fall was light and the weather bureau said it would not amount to much.

Next Fair Will Be Moved Up 3 Weeks

October 1 to 5 are the days for the 1929 Wayne County fair as set by the board of directors, it was announced yesterday. This will be three weeks earlier than the date of this year's fair, and was decided upon by the directors when they determined that they never again would they have Wayne's fair "froze" out as it was the last week in the past October. The dates for next year will proceed by one week dates tentatively set for the State Fair, and will not conflict with any nearby county fair dates, it was said.

STATE PARK ACT DECLARED VALID

State Supreme Court Finds Act Is Entirely Constitutional

RALEIGH, N. C., Nov. 22.—Constitutionality of the act creating the Great Smoky Mountains National Park and providing a bond issue of \$2,000,000 by the state of North Carolina was upheld in every particular by the Supreme Court in an opinion handed down today.

"It is subject to grave doubt whether damage is done in the sense of taking property by arresting the construction of primitive forests until the defendant can decide whether it will undertake to appropriate the land covered by such forests," Justice Adams said in regard to the argument of W. H. Yarborough, the plaintiff, that the proposed condemnation of mountain lands was in violation of the "due process of law" provisions of the federal and state constitutions.

One by one, Justice Adams took up the objections raised by the plaintiff in a test case brought against the North Carolina park commission until he reached the climax with the assertion that even if the purpose of the proposed park "is primarily aesthetic" still it is within the power of the legislature to establish.

Indeed, the question of what constitutes a "public purpose" has become largely theoretical in this day when parks, play grounds and recreation centers are maintained by cities, said Justice Adams.

Frankly a test case for the purpose of securing an opinion of the State Supreme court on the constitutional validity of the park act, the opinion covers the ground fully.

Before the circuit court in Richmond county now is pending a case in which a western North Carolina lumber company is seeking to delay the laying out of certain park boundaries. As declarations of the state supreme court, as to the state constitution are conclusive as to the circuit court, the opinion today was regarded by lawyers as knocking out the last leg of the objectors to stand on.

Negro Girl Burned to Death Despite Heroism of Brother

Argle Mae Smith, five-and-one-half year old daughter of James Smith, Negro tenant on Jack Newsome's place near Benson, died in a local hospital last night from burns sustained at her home at 11 o'clock yesterday morning. Members of the family were away from the house grading tobacco, and Argle Mae was left with her six-and-one-half year old brother Everett. There was a fire in the stove and the girl decided to take flaming sticks of wood from the stove and start a fire in the fireplace. As she essayed this task, the darting flames kindled her flimsy dress.

Good Will Tour Begins



On board the U. S. S. Maryland, pride of the United States battle fleet, President-Elect and Mrs. Herbert Hoover wave farewell to their native land as they begin their 12,000-mile good-will tour to South and Central America. The picture, taken by International Newsreel, was rushed by telephoto to Atlanta. They boarded the battleship at San Pedro and today are steaming down the California coast.—Photo by International Newsreel.

FIRE DESTROYS BIGGEST PLANE

\$75,000 Craft Was to Have Been Christened Today Before Air Experts

BRISTOL, Penn., Nov. 21.—(AP)—The Keystone Patrisian, said to be the largest airplane ever built in this country, and one of the largest in the world, was destroyed by fire today at the Keystone Aircraft Corporation flying field.

The fire started as finishing touches were being given the plane outside its hangar. Some witnesses said an explosion preceded the fire and others said there was none.

Two mechanics, who were in the airplane when the fire started, were burned on the hands, and face, though not seriously.

Edgar N. Gott, president of the Keystone concern, said the craft would be rebuilt. Three other planes similar to the Patrisian under construction at the plant.

KING GEORGE ILL

LONDON, Nov. 22.—King George was ill today. Physicians said that he was suffering from a cold and a slight fever.

MART SLUMPS UNDER SALES

Bulls Handed First Defeat Since Election Day On November 6

NEW YORK, Nov. 22.—(AP)—A hurricane of selling orders struck the stock market with terrific force today, checking the bull movement that has been moving along since election day. Although the bull forces succeeded in staging a moderate recovery from the low levels, final quotations disclosed a long list of net declines ranging from \$1 to \$5 a share and a specialties down \$7 to \$20 a share.

Total sales crossed the six million share mark for the third time, but were well below the mark of 6,811,500 shares established yesterday.

Because of the delay of more than an hour and the fact that the bulk of the selling took place in the last half hour of trading, the market was over before most traders learned the reaction had taken place, although rumblings of it became apparent in mid afternoon. The final quotation was printed 24 hour and 45 minutes after the close.

Army Officer Missing From Clemson College

CLEMSON COLLEGE, S. C., Nov. 21.—(AP)—Technical Sergeant Archie D. Stern, of the detached enlisted men's list, U. S. Army, who has been on duty here for the past three years, has been missing from the college since November 5, it was announced today by college authorities.

It became known that Sgt. Stern left Clemson in regular army uniform with a small sum of money on his person. His bank account, automobile, clothing, and other personal property were left here. He is 48 years old.

Cpl. F. L. Munson, officer detailed here, said that every effort would be made to find Stern on the possibility that he may have met with foul play or be in trouble.

BLONDE MODEL IS QUESTIONED

Chicago Woman In Room Shortly Before Rothstein Was Murdered

NEW YORK, Nov. 21.—(AP)—A Chicago cloak model, Mrs. Ruth Keyes spent an hour and a quarter in district attorney Banton's office today and after she had gone the New York police department admitted that the trial of Arnold Rothstein's slayer was getting rather warm.

Mrs. Keyes said that prior to and on the same day of the fatal shooting of the spectacular gambler in the Park Central Hotel she had had a drink or two with a man in 349, the room in which the shooting occurred. She was shown roguish gallery pictures and selected one of the likeness of one of the three men she said she had seen in the room.

Police said the man she picked out was a notorious gunman with a criminal record that embraced one arrest for murder.

St. Louis, Detroit, and Cleveland are among cities he has visited frequently and police throughout the country have been asked to look out for him.

Give Verdict of \$10,862 In Death of Mrs. Mitchell

Judgments totaling \$10,862 were awarded by a jury in Wayne County Superior court about 7:30 last evening against the Dixie Transit company for damages sustained when a bus of the company struck the wagon in which Jesse Mitchell and family were riding. The accident occurred near Genoa on highway number 40 in September 1927 and Mrs. Mitchell died a month later from injuries sustained in the accident. Thomas J. Potter, administrator for the deceased Mrs. Mitchell, received judgment against the bus company for \$8,000. The sum of \$20,000 had been asked. Mitchell received judgment for \$1500 personal injury, \$25 for his wagon which was wrecked, \$1,000 for hospital bills incurred in treatment of Mrs. Mitchell, and \$287 funeral expense in burying his wife.

Negro Workman Killed When Caught in Shaft At Fremont Oil Mills

FREMONT FOLKS HURT IN WRECK

Leland Aycock, Mr. and Mrs. John Hayes Hurled From Car That Turtles

Leland Aycock of Fremont is recovering in a Rocky Mount hospital from injuries sustained when his Hudson was struck head-on by a Buick near Castalia in Nash County Sunday night.

Mr. Aycock, with Mr. and Mrs. John Hayes, had been to Henderson Sunday afternoon and were returning when their car met the Buick, the driver of which could not be learned, head-on. The machine containing the Fremont people was knocked from the highway and turned over several times. Mr. Aycock and Mr. and Mrs. Hayes were hurled clear of the automobile, according to information supplied The News, but Mr. Aycock was the most seriously injured.

He sustained a severe blow on the head and was unconscious for some time after the wreck. Advice yesterday, however, were that he was expected to recover. Mr. and Mrs. Hayes were badly bruised and sprained but did not suffer serious hurts.

So far as could be learned, the driver of the Buick has not been placed under arrest. It was said yesterday that he was in a Durham hospital with several ribs broken.

Accident of 1926 Made Basis of \$25,000 Suit

The sum of \$25,000 is asked against A. T. Griffin Mfg. Co. by Josephus O'Berry, through his next best friend J. C. O'Berry, in complaint filed yesterday in the office of clerk of court J. B. Hooks.

Josephus O'Berry, the complainant, was permanently injured when a school bus on which he was riding on the evening of November 22, 1926, struck a truck near Brooks Swamp, the truck being the property of the Manufacturing company and operated as a log truck. It was left standing on the hard surface of the highway, without lights and without a person in charge of it to warn oncoming traffic, the complaint contends. At the time of the accident, a misty rain was falling, it is stated, and the driver of the bus on which young O'Berry, who was then 16, was riding, was exercising due care in the operation of his machine.

GOING AFTER TOBACCO

BOSTON, Nov. 22.—The National W. C. T. U. in convention here passed a resolution today pledging itself to continue its opposition to the tobacco habit.

COLLEGE PRESIDENT KILLED

TERRE HAUTE, Ind., Nov. 22.—Dr. Frank C. Wagner, president of the Rose Polytechnic Institute, was killed instantly late today when the automobile in which he was riding was struck by a West Bound Interurban at the main entrance to the college grounds four miles east of here.

Mangled Body of Lonnie Turner Found 15 Minutes After Accident Occurred

BACKED INTO SHAFT WHILE DOING SWEEPING

Crush of Body in Shaft Stopped One of Power Motors of Fremont Plant

Lonnie Turner, 25-year-old Negro workman, was instantly killed about 5:30 yesterday afternoon when his clothing caught in a shaft under the main building of the Fremont Oil Mill at Fremont.

There were no eye witnesses to the accident. About 5:15 workmen about the plant noticed that the electric lights winked and flickered as if about to go out, and one of the power motors of the plant was stopped. Fifteen minutes later W. A. Wilson, another employee at the mill discovered the horribly mutilated body of Turner under the main building.

One arm was torn off, and every stitch of clothing on the man excepting one shoe and sock had been stripped off by the whirling shaft in which he had been caught. Shreds bits of the blood-soaked clothes were still caught in the shafting.

Turner had been sent into that part of the building to do some sweeping, and the broom which he had been using was found some distance from the body. While there were no eye witnesses, it is supposed that intent on his work, Turner backed too close to the shaft and that his coat was caught by it. Evidently entirely unaware of his danger, he must have been pulled into the machinery and mangled in a fraction of time and before he could pull himself loose. The fact that no one heard an outcry for help lent basis to this theory.

The Negro had worked for the Fremont company for the past three winters and was a sober and dependable man. He lived regularly in Warsaw and it was said that his wife was a teacher in the Negro schools at Duplin county.

At the time this was written decision as to final disposition of the remains had not been made, but it was supposed that the body would be sent on Thursday to Warsaw for funeral and burial.

DEEP MYSTERY ENVELOPS CASE

Reporter Held for Theft of Bonds Says He'd Be Killed If Told Name

NEW ORLEANS, Nov. 21.—(AP)—Mystery today enveloped a newspaper reporter arrested last night by detectives charged with the theft of \$174,000 worth of Liberty bonds from the First National Bank of Los Angeles. Sitting in his cell, grimly calm, he astonished his callers by saying: "If I told my real name I'd be killed. My name is not O'Hara, neither is it O'Neil. It is an honored name of Kentucky and I'd die before I'd reveal it."

For two years he had been known in New Orleans as Kenneth Terrance O'Hara and under that name had written brilliant stories for a local newspaper and published in magazine over the country. Police know him as J. B. O'Neil, absconding bank teller.

"I am the man they want," he said. "They can call me what they please." "I'm guilty of embezzlement, I suppose," he said. "But the sum mentioned astonishes me. The \$151,000 of bonds returned to the treasury department by a 'W. H. Frost' is a mystery. It goes back to 1922 but the real story will have to go untold because I am not the only one to be considered. If I could tell the story as it actually developed I'd be cleared. If I did tell the story now I'd be killed before I ever got into a courtroom."