

THE JONES COUNTY JOURNAL

VOLUME SIX TRENTON, N. C., THURSDAY, JUNE 17, 1954. NUMBER 6

Mrs. Guy Hargett Is Suing Three Insurance Companies for Double Indemnity In Husband's Death

Mrs. Ridie Ward Hargett, widow of the late W. Guy Hargett, has filed suit in Jones County Superior Court against three insurance companies in which she seeks to force them to pay double indemnity claims on policies held by her on her husband.

Represented by Kinston Attorney Jesse A. Jones, Mrs. Hargett sets forth in her complaint that her husband, the former Second District Highway Commissioner, died from an "anaphalactic shock" induced by a wasp sting on one of his fingers.

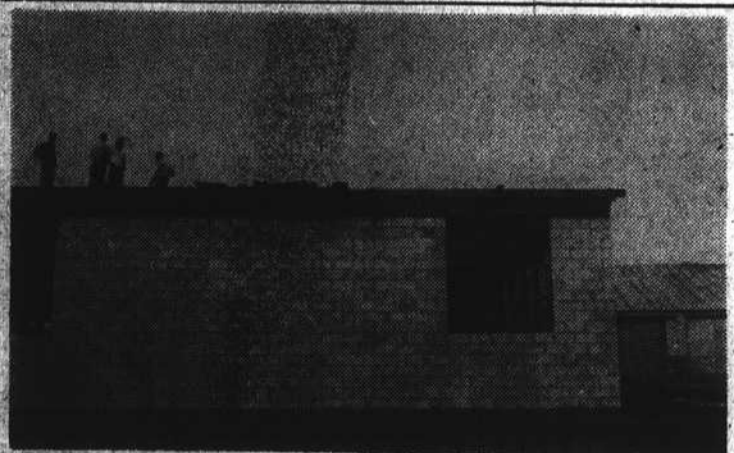
The death certificate for Hargett, signed by Richlands Dr. Willis E. Mease, states the cause of death as "acute coronary thrombosis."

Hargett died June 8, 1953 at his home in the western end of Jones County. The complaint says that he died some 40 to 45 minutes after being stung by the wasp, losing consciousness within 15 minutes after being stung.

The suits are against the Jefferson Standard Life Insurance Company in which Hargett had three policies totalling \$12,500, the Phoenix Mutual Life Insurance Company in which he had a \$1,000 policy and the Fidelity Mutual Life Insurance Company in which he had a \$1,500 policy.

The policies to Mrs. Hargett but they have refused on the grounds that her husband's death was "not from natural causes" and therefore should result in the payment of twice the face values, since each contained a double indemnity clause.

Dr. Robert L. McMillan, a member of the staff of Bowman Gray School of Medicine, who admits never having seen Hargett before or after his death, has signed a "Death Statement" in which he says the cause of death was "anaphalactic shock" caused by the wasp sting.



From the corner of this building 37-year old Woodrow Philyaw, carpenter for George DuBose fell to his death last Thursday afternoon. Philyaw was using an electrical saw to trim rafter ends off the building raised up as he completed work on that end of the building and his head came in contact with a 7200-watt power

line. The direct ground furnished to the powerful charge of electricity that was provided by the saw held in Philyaw's hand is believed to have been a contributing factor in his death. The building which belongs to Bill Herring will be occupied upon completion by the Kinston Machine & Supply Company. (Polaroid photo-in-a-minute by Jack Rider.)

Eight-Day Trial Ends In 30 Minutes When It Finally Reaches The Jurors

The eight-day trial in Lenoir County Superior Court was abruptly ended Monday in less than 30 minutes by the 12-man jury which sat through the lengthy testimony and arguments.

The case involving the estate of the late Mrs. Hilda Smith Duke was brought by nine brothers and sisters of Mrs. Duke or their surviving heirs in an effort to have broken the will of Mrs. Duke which left two houses on the 100-block of East King Street in Kinston and a Pitt County farm to her husband, Garland L. Duke.

The litigation had originally

been aimed at Mrs. Duke's husband but before it reached trial he had also died and the final intent of the suit was to recover the property from Duke's son by a former marriage, Clyde L. Duke of Chapel Hill.

Jesse A. Jones, counsel for Mrs. Duke's brothers and sisters, contended that the will had been signed under fraudulent conditions while Mrs. Duke was not in full control of her mental faculties.

A tremendous stack of papers and cancelled checks was introduced into evidence by Counsellor Jones but positive testimony of Dr. Vernon Offutt, Mrs.

Meet The Commissioner

As Commissioner of the Second State Highway Division, H. Maynard Hicks directs the State's road construction and maintenance program in Beaufort, Carteret, Craven, Greene, Jones, Lenoir, Pamlico and Pitt Counties.

In May, 1953, Governor Umstead named Hicks along with 13 other prominent businessmen to serve a four-year term on the reorganized 14-member State Highway Commission. The Governor appointed A. H. (Sandy) Graham chairman of the Commission.

Hicks has a rich background in the civic political affairs of his hometown, Snow Hill, and county, Greene. This experience amply qualifies him to serve his highway division well.

The Commissioner is a member of the Junior and Masonic Orders, and the N. C. Hardware Association. Formerly he was a member of the State Democratic Executive Committee and chairman of the Greene County Democratic Board of Elections. In 1948, he was a delegate to the Democratic National Convention. At present, he is a member of the State Democratic Advisory Committee.

The Commissioner takes an active interest in the Presbyterian Church in Snow Hill. He is an elder and chairman of the pulpit committee. During the church construction program, he was chairman of the building committee.

In his first year on the Highway Commission, Hicks has quickly grasped the demands and responsibilities of his office. He's travelled extensively in his division and learned a great deal by observation and listening.



H. MAYNARD HICKS

In an effort to take the road program closer to the people, he has regularly met with various groups of city and county commissioners. He holds weekly meetings, usually Wednesday afternoons, in the Greenville highway office where he hears complaints and suggestions from residents in his division.

The Commissioner is engaged in farming and is manager of Dickson-Hicks Hardware Company in Snow Hill, a position he has held for several years. He was long associated in business with his father until the Senior Hicks died in 1951.

Son of the late Stephen H. Hicks and Mrs. Mabel Hicks, the Commissioner was born December 9, 1914. A lifelong resident of Greene County, he attended the Snow Hill High School. May 31, 1940, he was married to Cecil Pryor Butts of Halifax. They have three children: Stephen Hubert Hicks, Maynard Pryor Hicks and Jo Ann Hicks.

Division headquarters for the second are in Greenville. R. Markham is Division Engineer; J. L. Phillips is Assistant Division Engineer. There are three districts within the Second Highway Division. H. H. Wesley is District One Engineer at Washington; C. Y. Griffin is District Two Engineer at New Bern; and Heber Gray is District Three Engineer at Kinston.

Domestic consumption of both flue-cured and burley tobacco in the current market year is likely to be around 3 per cent below the record highs of a year earlier, according to USDA estimates.

Record Pertinent Reading Before Voting In Sheriff Race

A fundamental and understandable issue before the voters of Lenoir County in the June 26th second primary which shall decide upon the sheriff of the county for the next four years is "the record."

Deputy Sheriff D. F. Wilcox, Jr., who for the past eight years has been chief deputy under outgoing Sheriff Sam Churchill, has used as a principal plank in his platform the fact that he is "experienced."

An examination of the record might logically pose the question: Is such experience as he has gained under Churchill a liability or an asset?

In the 1953-54 county budget additional funds were included to permit an increase from two to five deputies in the sheriff's department and along with these three new men also came funds for three new cars, equipped with the most modern two-way radio systems.

That 100% boost in the sheriff's department personnel and 300 per cent boost in the automotive equipment of the department might have been expected to do "big things" in the sheriff's department.

If the physical record is any yardstick, however, this increase in manpower and motive power

did little, if anything to increase the effectiveness of that department.

In August of 1953 the (first month in which the full complement of officers and cars became active) the sheriff's department, out of a total of 109 arrests reported to the clerk of superior court, made exactly no arrests.

This report which is filed by justices of the peace in the county includes all cases in which fines, costs or both were collected and it is further checked each month from a monetary standpoint by the county auditor. This record which will be referred to in this article does not include any charges that were dismissed or not pressed or any charges in which the defendant was sentenced to jail or prison.

In that first month with new cars, new radios, new guns and new badges the sheriff's department had no arrests reported. County ABC officers made 10 arrests, the game warden reported five arrests and constables operating in or about the court house reported 94 arrests. That month the fines and costs collected in cases handled by the ABC officers and the game warden totalled \$75.

This went into the county treasury. The constables that month collected \$566.90. Much of this for work that could have been done by the sheriff's department.

In September these reports show a total of 152 arrests and of that total the sheriff's department boasted six. ABC officers 12, Game Warden two, Constables 132. Fees paid into the county treasury were \$110 while \$775.60 went into the pockets of three or four constables. Again fees that could have gone in the county treasury if the sheriff's department had been doing this work.

In October the Sheriff's department had its most active month of the nine-month period covered in this report. Out of a total of 146 arrests cleared through these channels the sheriff's department made 16. ABC officers 13, Game Warden 7 and Constables 110. Fees paid into the county till by sheriff, ABC and game warden work totalled \$198. Fees into the pockets of constables who were doing work that could have been just as legally and just as quickly done by the sheriff's department totalled \$678.80.

In November of 1953 the sheriff's log was nine arrests out

of 125. ABC officers made 10, game warden two and constables 114. The county got \$115.50 the constables still doing work that could have been done by the sheriff's department walked away with \$652.

In the Christmas rush of December the sheriff's department nabbed 13 violators out of a total of 92 reported for that month. ABC men got 16, game warden four and constables brought 59. The constables netted \$354.10 for Christmas spending and the county got \$173.50 in fees.

With the coming of the New Year and the looming election in May staring the sheriff's department in the eye a sharp downward trend became quickly evident. In January 1954 out of a total of 118 arrests the sheriff's department's score was a big fat "0." ABC men had found 15 violators, the game warden turned up two and the constable found 111. The county got \$89.50 in fees from the ABC boys and the game warden. The constables split up \$555.50.

In February the sheriff's department got three out of 81 violators. ABC men got eight. The constables got 50. The county got \$53.50. The constables collected \$275 in fees.

In March of 54 the sheriff's

department got three more out of a total of 85. While the ABC boys nabbed 14, the game warden two and the constables turned up with 66. In money the county got \$87.50 in fees while the constables got \$363.

In April of '53 out of 52 arrests the sheriff's five deputies and himself managed to get five. ABC men got seven. Game warden two and constables accounted for 38. In money the county got \$59 while the constables got \$209.

During the nine-month period during which the sheriff's department has had the benefit of six men, three cars and two-way radio these reports in the office of the clerk of superior court reveal that 55 arrests have been made in this category by the sheriff's department out of a total of 940.

Three ABC officers have made 105 arrests in the same period.

The game warden made 26 arrests.

The fee-paid constables made 794 arrests in that period.

In this nine-month period of officer fees collected in the magistrate courts have totalled \$5,301.40. Fees paid into the county treasury from arrests made by the sheriff's department in

(Continued on page 10)