

# THE JONES COUNTY JOURNAL

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## Edgar Philyaw, Garland Smith, Bruce Johnson Named to Jones County's First ABC Board Monday

At a joint meeting of the Jones County Boards of Commissioners, Health and Education Monday afternoon Edgar M. Philyaw of Comfort, Garland Smith of Maysville and Bruce Johnson of Trenton route one were named to the first Alcoholic Beverages Control board in the history of the county.

Thirteen of the 16 members of the three electing boards were present for the naming of the three-man board which will supervise the operation of the first legal whisky stores in the country in two generations.

In addition to Philyaw, who was named chairman and will serve for a three-year term, three others were nominated for chairman but Philyaw won on the first ballot, receiving six of the 13 votes while J. K. Dixon Jr. got three, Johnson got two and George Nick Noble got two votes.

After Philyaw had been named chairman nominations for the two-year term were made for Smith and Johnson and on the first ballot Smith received eight to Johnson five of the 13 votes.

Nominations for the one-year term included Dixon and Johnson and this time Johnson won 7-6.

Philyaw, a former chairman of more recently a member of the board of county commissioners, lives in Comfort where he has extensive farming interests. He has also worked for a number of years on the Kinston tobacco market.

Smith is chashier of the First Citizens Bank in Maysville, where he has lived for the past four years.

Johnson, a farmer of the Banks Town section, has been active in American Legion affairs and other civic enterprises.

Attorney Don Brock was asked to assist with the legal problems involved in getting the legal sale of whisky underway in the county and will advise with the ABC board members on matters of general policy.

Johnson and Smith both signed the petition asking for the referendum which legalized the ABC system for Jones County but Philyaw took no stand publicly on the issue but is presumed to be a supporter of the ABC system.

Salaries for the board members were set at \$50 per month for the chairman and \$25 per month for the other two members. Health Board Member J. W. Creagh also included in the motion fixing the salaries

a condition that the salaries would be reviewed at the end of six months for possible revision up or down.

Commissioners present for the voting included Chairman Tom Stille, D. A. Jones, Harold Mallard and Bruce Simmons. Charlie Davis was absent.

Education Board members present included Chairman Charlton West Jr., Clyde Banks, W. E. Phillips and J. Council Wooten. Jeff Conway of this board was absent.

Health board members present for the election were Chairman W. B. Moore, M. E. Hines, Rudolph Pelletier, Creagh and Philyaw. Dr. Tom Vassey of this board was absent.

## ABC Board Begins Work On Thursday; Tentative Plans for Three Stores

After conferences with Lenoir County ABC authorities on Tuesday to learn a few answers to some of the many questions connected with opening Jones County board went to work in earnest on Thursday.

In a lengthy conference at the court house Thursday Chairman Edgar Philyaw, Board Members Garland Smith and Bruce Johnson along with County Attorney George Hughes and Attorney Donald Brock "roughed out" plans for getting the legal whisky stores open at the earliest possible moment.

The only action the board took was to purchase two cash regis-

ters. Personnel to operate the stores was given careful scrutiny, but no final decisions were made.

Location of the stores was given

Tentatively the board believes three stores will be opened. No. 1 at Trenton if a suitable building can be obtained at what the board feels a reasonable rental. No. 2 at the intersection of US 17 and NC 12 between Pollockville and Maysville. No. 3 store would be somewhere in the vicinity of Hargett's Crossroads on US 258.

The State ABC board disapproves location of stores in communities of less than 5,000 population whose

## Two Juries Drawn for November Term Court

A rather unique situation this week resulted in two juries being drawn to serve at the November 25th term of Jones County's Superior Court.

The regular panel of 36 jurors was drawn before the board of county commissioners Monday morning of this week. The other list of 50 jurors was to be drawn this week in New Bern from the Craven County jury lists.

The Craven County jurors are drawn to serve in only one case on the court docket, the murder charge against Jasper Metts of Comfort who is to stand trial for the rifle slaying of Jake Koonce in February of this year.

This out-of-county venire was ordered drawn by Judge Paul Frizelle at the September term of court when it appeared sufficiently obvious to the court that it would be impossible to get a jury to try the widely publicized killing from Jones County that had not made up its mind one way or the other.

The 36 jurors from Jones County who will hear all other cases before the court except that of Metts includes the following:

Earl D. Jones, S. J. Phillips, D. A. Killingsworth, George Jahn, William Henry Riggs, Eslee Quinn, Marvin Wiggins, E. L. Noble, Nolan Jones, Wayne Mallard, C. L. Mills, Lewis Provost.

Julian Waller, Judious Metts, James F. Harriett, Paul D. Gilbert, H. M. Quinn, James Edward Mallard, Frank Whaley, C. E. Scott, Robert E. Lee, George F. Mercer, Ralph Skinner.

David Civils, Alton Humphrey, Dalton Cox, B. C. Gray, F. Chris Stille, Roy Ball, Furney M. Banks, R. H. Morton, Johnnie Dixon, George Ball, A. S. Howard, Bernard Carlton Brown.

voters have refused to support ABC stores.

This disapproval tends to eliminate location of stores in either Maysville or Pollockville since both voted "dry" in the October 19th election which approved setting up the stores.

However, the intersection of US 17 and NC 12 is not in either of these

Continued on page 12

## Jones Board Plagued By Money Problems

Aside from joining with the boards of health and education to name the county's new ABC board the county commissioners had a number of other problems in their November session Monday. Like most problems these days their's were largely on matters of money.

Trenton Mayor Milton Hines asked the commissioners to foot half the bill for proposed sidewalks, curb and gutters in the block in front of the court house and a building. The commissioners said, "No."

Auditor Earl Franck reminded that the budgeted \$500 for the board of elections was not sufficient to cover the cost of the October 19th whisky store vote, which had cost \$1155. Which also reminded the commissioners that another election rolls around in the spring when boards commissioners and education along with the offices of sheriff, clerk of court, constables and magistrates will be before the voters.

More happy was the further report that \$1625 allocated to miscellaneous appropriations was not likely to be used and so that amount was transferred to the board of elections, which the commissioners hoped would be enough to cover the cost of the spring voting too.

Robert B. Gerock of Maysville and J. J. Taylor each appeared before the board to protest their taxes. The board listened but took no further action on the complaints.

## Jones County Wreck Hurts Two Lenoir Countians Wednesday

Arthur King and Lonnie Emerson, both residents of the Southwood Section of Lenoir County, suffered painful but not serious injuries just before 6 Wednesday evening in an accident near Phillips' Crossroads between Kinston and Trenton.

Emerson, driving the pickup truck which belonged to King, apparently lost control of the truck while driving westwardly near the Herbert-Tyndall place. No other vehicle was involved.

King suffered a broken arm, the loss of several teeth and other less serious bruises and abrasions.

Emerson suffered either a fractured or dislocated shoulder and several cracked ribs.

## Damage Suit Filed

William D. Spence Jr., a Jones Countian has filed a suit in the Superior Court against Russell H. and E. E. Miller, both residents of Ohio as the result of an accident on April 13th of this year.

Spence is seeking to recover \$300 damage which he alleges were done to his car by the wrongful acts of the Ohioans.

## Marriage License

Jones County Register of Deeds Mrs. D. W. Koonce reports the issue of two marriage license in the past week:

To Wincheon Leoland Dixon, 23, of Pollockville and Harriett Ann Daughety, 20, of Kinston route one. To Alex Roberts, 50, and Ermia Flowers, 43, both of Trenton.

## JUST TWO ARRESTS

The only indictments reported from the office of Jones County Sheriff Brown Yates during the past week were of Thebert Sanders for non-support in Cumberland County and Whitey Follers of Maysville for public drunkenness.

## Eternal Triangle Shooting Friday Morning

Last Wednesday afternoon (October 30) Harry Daughety of Lenoir County's Sand Hill Township signed a warrant against Bruce Byrd of 216 West Blount Street in Kinston charging the Kinstonian with shooting at him with a rifle.

The trial was scheduled for 9:30 Friday morning at the Recorder's Court in Kinston, and for the most unusual of reasons it had to be postponed.

Byrd arrived at the court room an hour before court time, according to his own admission. He stationed himself just outside the court room.

Minutes before court was to be convened Attorney Paul LaRoque, representing Daughety, followed by Joe Rhem, a companion of Daughety, ABC Officer Paul Young and Fire Chief Joe Hailey were proceeding up the stairway to the court room in that order.

LaRoque reached the top of the stairs, opened the court room door at his left and then hell broke loose. Byrd pulled out a .38 caliber pistol and emptied it in the direction of Daughety. His aim was good. Four of the five bullets hit Daughety about the neck and shoulders. Rhem, caught almost in the line of fire, grabbed Byrd but by that time Byrd's pistol was empty.

LaRoque said he was paralyzed and froze momentarily in the door-

way until after the shooting was ended.

Officer Young, caught in the most unenviable position of being without his gun, fled down the stairway in pursuit of Fire Chief Hailey, who was also seeking room to maneuver.

Young ran into the police station and hollered to Detective Wheeler Kennedy and Desk Sergeant Hugh Fisher, "Give me a gun!" Kennedy did. Then Kennedy turned to Fisher and said, "Well, damn; now I ain't got no gun!" Fisher gave Kennedy his pistol.

Kennedy and Furney Canady went to the rear door of the police station to cover the rear stairway to the court room. (They have witnesses to offer to the doubting who insist that they were merely leaving by the back door.)

By the time Officer Young returned to the stairway, Police Captain Fred Bates had disarmed Byrd. Bates was in Chief of Police Marion Haskin's office when the shooting started. The five shots were fired as rapidly as Byrd could pull the trigger.

Almost by the time the pistol was empty Bates was at the door to the court room. Bates, who knew Byrd, asked, "Boy, what in the hell have you done?" Byrd handed him the pistol butt first.

About that time Young came run-

ning up the stairway ready for combat. Bates hollered, "Put that pistol down!"

Daughety was lying on the staircase with four bullet holes in his upper body. One bullet struck his left shoulder and penetrated downward in the upper left arm, doing considerable damage to the muscles. Another had struck an apparent glancing blow in the back of Daughety's neck. A third struck Daughety in the right arm and the most serious wound came from a bullet which penetrated downward from the right shoulder just missing the right lung and almost left Daughety's body beneath the right breast.

Bates said as he took Byrd downstairs to the jail Byrd kicked Daughety. Downstairs Byrd told Desk Sergeant Fisher, "I hope, damn him, I've killed him!"

In an interview in the jail a half hour later Byrd still insisted that he hoped Daughety would die, and said, "if he don't die and I ever get outa here I'll try to kill him again!"

Byrd said his wife, the former Minnie Lou Faulkner, had deserted him, taking their five children and he put the full blame for this desertion on Daughety. Daughety has denied any part in the alienation of Mrs. Byrd's affections.

Last week Byrd got a notice from a Virginia attorney in which

his wife was filing suit for divorce. Byrd said he had asked everybody he could think of from the Mayor on down what could he do to get his children back. They are from 17 to two years of age, and are currently living with their maternal grandmother and mother in Portsmouth, Va.

Byrd said he couldn't get any help from anybody so he decided to take steps of his own. "None of my children are gonna call Harry Daughety daddy!", he swore, and added, "They turned Grimes loose and he didn't have any children as young as mine!" Byrd was referring to the Beaufort County attorney who had been acquitted in the murder of a man he had caught out with his wife.

And that's the story of why the trial was postponed Friday morning.

Through his counsel, Alvin Outlaw, Byrd waived preliminary hearing in Recorder's Court Monday afternoon and was bound over to the December 9th term of Superior Court. There was a brief debate on lowering the \$10,000 bond against Byrd, but after deliberation Recorder Emmett Wooten decided that \$10,000 bond was not excessive and fixed the bond at that amount. Byrd was transferred to the county jail, unable to secure that amount of bond.