

COURT
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ty of driving under the influence in the last jury case before the school law case was heard.
Because the prosecuting witness refused to testify against him; the case against Lee Paydon, South Carolina Negro, was not pros- with-leave. Probable cause for trial on grounds of assault with a deadly weapon had been found in recorder's court here some time ago.

Monday's Proceedings
The first case on the criminal docket on Monday, the State vs Harold Bruce Lennon, was passed over when Solicitor Walter W. Cohoon announced that the clerk had received a pardon for Mr. Lennon from Governor Scott.

For the second successive term the case against Elizabeth H. Grampton was continued upon evidence presented by letter from her physician that she was unable to travel from her Pennsylvania home.

Attorney Forrest Dunstan presented a letter from Dr. Elliott B. Floyd of Norfolk which certified that N. C. Mann, whose trial on the charge of issuing a bad check was appealed from recorder's court, was confined to Lee Memorial Hospital and, consequently, unable to appear for trial. Judge Stevens directed the sheriff to call the hospital and verify the statements in the letter. Sheriff Cahoon later reported that hospital authorities told him that Mr. Mann was suffering from diabetes and was even then being prepared for an operation for a throat tumor. The case was ordered continued.

Dave Whitson, appealing a judgment of recorder's court, said that he wished to comply with the judgment of that court. Judge Stevens ordered him to pay the fine assessed in the lower court, plus the accumulated costs.

Annie Moore, Negro, explained that she appealed the recorder's judgment in an assault case by mistake. The judge ordered Mrs. Moore to comply with the judgment and pay the accumulated costs.

James Bryant, colored, appealing a judgment in which he was charged with assaulting his wife, Nora Bryant, through his counsel, Wallace McCown, was sentenced to 12 months on the road, suspended upon good behavior for two years, plus a fine of \$10 and costs.

Norman Grear Miller pleaded guilty to driving while drunk and without an operators' license. Judge Stevens sentenced him to one year on the roads, suspended upon good behavior and the payment of a \$200 fine, \$50 to be paid at once, the remainder at the October term of court.

Bond Forfeiture Case
Counsel for Frank White and Archie Burrus, bondsmen for Litchfield Peele who appealed the

forfeiture of their bond from recorder's court, argued that the judgment in the abandonment case against Mr. Peele was faulty because it contained no sentence of punishment, suspended or otherwise, and the bond was not mentioned in it anywhere. After hearing the judgment read, knowing that Mr. Peele was held under arrest in Massachusetts, Judge Stevens said, "He can never be extradited by it."

Mr. Cohoon said that County Solicitor Martin Kellogg and Judge W. F. Baum had both informed him that the judgment was incorrect, that there was a six months' road sentence in it as ordered by the court. The judge then remanded the case to the recorder's court for correction of the judgment, overruling Mr. McCown's protest that his clients had been brought into court by the judgment and would be deprived of their proper defense if the lower court were to alter the judgment as Mr. White and Mr. Burrus had been acquainted with it in process of law.

Henry Bowser Acquitted
Henry Bowser, Jr., charged with assault with a deadly weapon with intent to kill, was acquitted of the charge after about 20 minutes' deliberation by the jury.

The court heard William Midgett describe the scene in the house of Bowser's mother-in-law the night of March 10, when, he, Midgett, was seriously wounded in the wrist and received slight wounds on the throat and side. The state contended that Bowser attacked Midgett without provocation and that Midgett offered no defense against his attack. Dr. Harris testified that the wound on the wrist was serious.

The defense offered two witnesses, Harriet and Henry Bowser, the defendant and his wife. Both refuted Midgett's claim that he was attacked before he could defend himself. Both stated that after Bowser had said, "I told you to stay away from my wife," Midgett picked up the chair in which he had been sitting and hit Bowser in the shoulder with it. A scuffle ensued, they said, during which Mrs. Bowser left the room. Bowser said he had worked his knife out of his pocket while they were wrestling on the floor and cut the prosecuting witness in self-defense.

In summary, Mr. McCown said that the jury should properly consider Bowser's action as self-defense, since Midgett was much the bigger man, and that, further, he admitted to having been at the house with Mrs. Bowser on other occasions, and, further, that he had been warned to stay away from her.

Mr. Cohoon asked the jury to think well of the condition of Midgett's jacket and sweater, offered in evidence, ripped in a number of places by Bowser's knife; the number of times the defendant had tried to cut Midgett and the three wounds were sufficient evidence,

he said, that there was intent to kill.

Judge Stevens told the jury it could return any of three verdicts, guilty of assault with a deadly weapon with intent to kill, guilty of assault with a deadly weapon, or it could acquit.

Two Divorces Granted
Two divorces were granted near the end of Monday's session, both on grounds of two years' separation, both to husbands, plaintiffs in the cases. Percy B. Tillett, Negro, was granted a divorce from Mary Whittaker Tillett, from whom he has been separated since 1941. They were married in 1932. There are two children, a boy, 13, in the U.S. Army, a girl, 14, who lives with the father.

Carson D. Creef was granted a divorce from Pettie E. Creef, from whom the testimony showed he has been separated since 1947. They were married in 1921. The four children, the youngest 23, are all married.

Tuesday's Proceedings
On Tuesday the court was chiefly concerned with the trial of persons charged with driving under the influence of alcohol. Two cases were heard and sent to the jury; a third was begun and recessed.

Divorces
Judge Stevens found time in the afternoon to hear two uncontested suits for divorce. Nina Hooper Rowe of Manns Harbor was granted a divorce on grounds of two years' separation from Bruce Irvin Rowe; and Goldie J. Fountain of Buxton was granted a divorce on the same grounds from Robert Earl Fountain. Both cases were concluded in less than 20 minutes.

State vs Beacham
In the day's first case Carl Alonzo Beacham was found guilty of driving under the influence. The case came to court as a result of an accident May 13. The jury was out less than five minutes, although the trial of the case took up most of the morning. Judge Stevens fined Beacham \$100 and costs and bound him to good behavior for a period of two years. Under the state law, his conviction resulted in the automatic forfeiture of his license to drive.

State vs Worsley
David Worsley of Rocky Mount, charged with driving while in an intoxicated condition on July 2, 1950, was next on trial. Evidence was given for the state by Patrolmen Riddick and Oakley, and for the defendant by himself, his wife, and M. C. Mitchell, Manteo policeman. Two bottles of liquor found in Worsley's car were offered in evidence by the state.

Summarizing the case for the defense, W. H. McCown, lawyer for the defendant, called the particular attention of the jury to the hesitant, stammering manner in which the defendant gave his testimony and to the fact that he limped. These things would tend, he said, to make the arresting officers, who saw Worsley for the first time the night he was arrested, believe the defendant was drunk. He pointed out that Worsley had been arrested three times previously on a similar charge and suggested that arresting officers had been similarly mistaken before. He remarked that Policeman Mitchell had testified that he had supposed Worsley to be intoxicated the first time he saw him and had said on the stand that he did not think Worsley's condition on the night of his arrest was noticeably different from his normal behavior. For these reasons, the lawyer asked for Worsley's acquittal.

Solicitor W. W. Cohoon asked the jury to consider whether it were not more likely than not that all the officers who had arrested Worsley and charged him with drunken driving were not misled by his physical infirmities. He pointed out that Worsley had submitted three times to the lesser charge of reckless driving, and he said that the reason for his doing so was to escape the mandatory loss of his license upon conviction of the more serious charge. Mr. Cohoon said that it was difficult to understand why the two men who were with Worsley on the night he was arrested had not been called as witnesses in his behalf, particularly as one was his own brother. He declared that the defendant "had had his share of the whisky" and asked the jury to bring in a verdict of guilty upon the basis of the sworn testimony of Officers Riddick and Oakley that Worsley was intoxicated.

After the jury had been out about 45 minutes, it returned to the courtroom, where the case of the State vs Velma Lehue was then being heard. Foreman Ralph Swain reported that the jury was divided 6-6 on the case and "could never agree." Judge Stevens ordered the jury back to the jury room, saying, "I believe I'll let you go back and try it some more." At the end of the day's session, he recalled the jury and charged it to resume its deliberations at 9 a.m. Wednesday morning.

Re-Trial
In the meantime the court had heard the testimony for the State of Patrolman West and Oakley and, for the defense, of Mrs. I. M. Midgett of Nags Head, in a case in which Mrs. Velma Lehue was charged with drunken driving. The case had been ordered for retrial after a jury could not agree upon a decision at the October term of court. After hearing the case thus far, court was adjourned for the day.

ROANOKE ISLAND AIRPORT RECEIVES MERIT AWARD

The Roanoke Island airport, county owned, but operated by a local corporation, has received a certificate of merit from the Aircraft Owners and Pilots Association of Washington, D. C. The award is issued upon favorable reports of pilots who have landed at the airports of the nation.

Walter DeLoatch, manager of the airport, stated that the certificate rating was issued the Roanoke Island facility for its "services to transient non-commercial pilots and aircraft owners."

POPPY SALE NETS LEGION APPROXIMATELY \$40

The Poppy sale held last Saturday by members of the American Legion Auxiliary netted approximately \$40, according to a report from Mrs. Jack Wilson, president of the Auxiliary. Funds from this sale are used for worthy causes amongst the veterans.

MANTEO 14 CENTRAL 3

Manteo's undefeated high school ball club topped Central on the Manteo diamond Friday by a score of 14 to 3. Willard Sutton was the winning pitcher. Moncie Daniels, catcher, with five hits for five appearances, led the teams at bat. Sutton also had a perfect day at the plate with three hits.

JURY
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than moral and actual values," he said, he could not say. But certain fundamental tenets that might be thought by some to be old-fashioned, but which are in reality timeless, we would do well to return to for our guides in conducting our lives, the judge stated.

He recapitulated briefly the basic principles of our government of divided powers, describing the functions of the executive, legislative and judicial branches. It is "the judicial branch which comes home to the people," he declared; our executives are remote from the

people; our legislators go away from home to act as our representatives. The jurors themselves were to act as vital cogs in the judicial process.

He told the grand jurors that they were to act upon certain bills of indictment; that they had also a duty of "presentment," in which they were charged to bring indictments against violators of the law that they knew of who might otherwise remain unapprehended. Finally, they had the duty of inspecting the condition of the property of the county, its courthouse and jail, and to make inquiry into the manner in which the county officers were fulfilling their duties.

County Homes
Told by the clerk that Dare County has no county home, the judge expressed himself on that subject in general. It has been a mistake, he said, for so many counties to do away with county homes for the poor and aged. Nowadays, he declared, "They farm some poor old person out for \$30 or \$40 a month to care for 'em, and you can't even feed a mule on that in these days."

Judge Stevens then spoke of the great number of violations of motor vehicle laws. He described some of the common violations which are the cause of so many accidents. "One would believe from going around the state that the line in the center of the highway was a stripe you put your left wheel on!" He said the one-armed driver made two serious mistakes; he couldn't do a good job of driving with one hand, and he "can't do a good job of huggin' with the one hand either!"

The judge summarized the crimes with which the jury might have to deal, and spoke last of perjury. This was the crime that he could deal with to the full limit of the law without a twinge of conscience, Judge Stevens said, because the whole judicial process was based on witnesses telling the truth, the whole truth and nothing but the truth, as their oath requires of them. "The liar," he concluded, "is the worst known character on earth."

Grand Jurors
Members of the grand jury were:

Mrs. Ernest Haywood, foreman; W. Davis, Joseph D. Scarborough, Herman Rogers, Marvin L. Mann, Mrs. Elizabeth Gaskins, Edward Chester Tillett, Mrs. Ruby Best and Ira V. Partridge.
Another unusual feature of Monday's proceedings was that none of the persons drawn for grand jury duty asked to be excused from serving.

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