

## Swimmer Drowns Near Milburnie Dam

# A Man's Shout, a Girl's Scream— Then a Hush in the Presence of Death

(Editor's note: Reporter Bob Lynch of The News and Observer had gone to Milburnie Dam on the Neuse River Wednesday morning to get material for a feature story on shad fishing. He witnessed the tragedy in which a Knightdale man lost his life.)

By BOB LYNCH

They were laughing as they came onto the beach, and their light merriment seemed to go well with the morning. The warm April sun had broken through the clouds, flooding the old mill site and

the river as it spilled broad and swift over Milburnie Dam.

The older of the two men, William Benton (Buddy) Tart, 38, of Knightdale, Rt. 1, grabbed caretaker Marshall Perry around the waist and shook him playfully.

Tart's companion, Al Wall, 32, of the same address, stood by and grinned broadly at the horseplay on the river bank.

"We're going for a swim," Tart announced, and he and Wall romped over the long, broad beach, leaving Perry to his conversation with a fisherman and this reporter.

About 100 yards below the dam a tired-old willow tree rests its gnarled branches on the rocks that jut out into the Neuse River. Here the two men were joined by a young woman and her two small children.

Wake Game Protector Bob Perry came onto the beach and talked with the shad fishermen about the heavy run of shad.

"Those guys say they plan to go swimming in the river," the reporter told Bob Perry. "You better go down there

and stop them before one of them drowns."

Rocks on each side of the river near the big willow pinch the channel into a swift race of about 100 yards or more.

The game protector walked briskly toward the tree where the two men had stripped down to bathing trunks. They were already wading into the stream before Bob Perry got to the willow.

As the game protector reached the old willow, Wall yelled, "Try to make it to that log."

Wall had turned around and was swimming back to shore. His companion, Tart, grabbed at the point of a big rock on the other side of the stream, clawed its slippery surface then was carried downstream a few feet, and under.

The game protector yelled and whistled for the fishermen. The young woman, Wall's sister, screamed, and all of the laughter went out of the morning. The day sobered, saddened.

The game protector ran to call the Raleigh Rescue Squad. The others on the riverbank stood silent and looked down at the swirling current. It was 10:35 a.m.

The caretaker suddenly ran around the old willow branches. He had remembered a trout line was stretched across the river. But the trout line had caught nothing. Its hooks hung naked by their short drops.

Five minutes dragged past. "He's dead," someone on the bank said.

"Sure he's dead," Wall agreed. "No one could stay under that long and live."

### Probing Begins

The rescue squad arrived and the grim business with the grappling hooks began. Another game protector arrived with a boat, and he and Bob Perry ployed the swift current.

Harold Jones, who heads the rescue squad, dropped his grab hooks into the river where Tart went under. "It's only four feet deep here," he said.

More rescue squadmen arrived, put another boat in the river, joined the search.

At 2:45 p.m., Buddy Tart's body was found. It had drifted more than 100 yards downstream from where Tart went under. It was only a foot or so under water.

Tart, unmarried, was an employee of Barnett's Esso Station on Fayetteville Street here. Coroner M. W. Bennett ruled the death accidental.



Survivor's sister stands beside river where Tart drowned (X).

## Court Frees Woman in Man's Death

A Chatham County woman who had been convicted of manslaughter in the butcher knife slaying of her boy friend and sentenced to 8-10 years in prison was freed Wednesday by the State Supreme Court.

The high tribunal said Judge Frank Armstrong should have non-suited the case against Katie Mitchell Deese Johnson. She was charged with murder in the fatal stabbing of Charles Walker at her home the night of last July 27.

Testimony showed that Walker went to the Johnson woman's home and found the screen door hooked. He broke open the door and attempted to grab her.

The Supreme Court said "She had the right to stand her ground, protect her person, prevent the invasion of her home and remove him from the premises. She was not required to engage him with her bare hands or wait until he seized her before taking action."

The court said that under the circumstances she did not use excessive force, "but acted in the proper defense of her person and habitation."

When Walker grabbed at her, testimony showed, she stabbed him once. He went outside and

## Trailer Dwellers Ordered to Court

A trailer home controversy in Garner has resulted in the serving of two dozen warrants against six trailer dwellers and the man who owns the trailer park.

All are charged with placing trailer residences on land not zoned for mobile homes, in violation of town zoning ordinances. Twelve of the warrants name W. A. Weston, the park developer.

Garner Police Chief R. R. Sorrell said Wednesday the defendants will face additional warrants every 48 hours if they don't get the trailer homes off the land.

Ten warrants charge Weston with aiding and abetting the six trailer dwellers in violating zoning laws. Another warrant charges him with allowing the trailer park on the property, and a final one issued by the Wake County Health Department charges he has failed to provide adequate sewer facilities in the park.

Three warrants each have been issued against Landis Johnson and Paul D. Howard, and two each have been served on Jessie Adeock and Marvin R. Coker, Sorrell reported. Wayne Branch and Mrs. Edna Hawkins have been charged 1960.

Wednesday morning and released.

According to Arnold Garner town manager, the trailer park land is zoned for residential 20 use. Mobile homes are not allowed in the limits—or within a mile. Zoning laws apply—unless the property is specifically zoned that purpose, said Aiken.

Weston's trailer land is located just south of Garner Highway 50 and Boho Road.

## Cop Promoted To Sergeant

Charles G. Diedrich, 2920 Little John Rd., has been selected for promotion to rank of sergeant in the Police Department.

Chief Tom Davis' motion becomes effective upon approval of the Civil Service Commission for police and men.

A native of Charlotte graduated from Monroe High School, Diedrich joined the patrol division in March 1960.



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