Zeb Vance Couldn't Save Him From The Gallows:

Fickle Laura Fowler Signed Her Own Death Warrant When She Finally Settled On Fiddlin' Tom Dula

By BEATH THOMAS

STATESVILLE — Tom Dula and his crime are about forgotten.

Eighty-nine years have passed since Tom Dula rode a wagon down to the end of a Statesville Street where death waited on a scaffold of pine. Now he is a memory, dim as the mountains when seen from an Iredell afternoon.

Back in the coves of these same mountains, fiddlers and banjo pickers sometimes play the tune that bears his name. If there is a ballad singer among them, the story of Tom Dula's crime and his punishment may be heard in abbreviated form:

Oh, bow your head, Tom Dula,
Oh, bow your head and cry.
You've killed poor Laura Foster
And you know you're bound to
die.

I take my banjo this evening,
I pick it on my knee:
This time tomorrow evening
'Twill be no use to me.

I had my trial at Wilkesboro,
Oh what do you reckon they
done?
They bound me over to Statesville
And there's where I'll be hung.

Oh,' pappy, oh, pappy,
What shall I do?
I have lost all my money
And killed poor Laura, too.

Oh, mammy, oh, mammy,
Bow your head and cry,
I've killed poor Laura Foster
And I know I'm bound to die.

Oh, what my mammy told me
Is about to come to pass;
That drinking and the women
Would be my ruin at last.

Tom Dula was one of the 90-odd members of the 26th North Carolina Regiment that surrendered at Appomattox. More than once he had distinguished himself as a fearless fighter, a man who could be depended upon when the chips were down.

As for that matter, Dula was in distinguished company. The 26th was mauled at Malvern Hill and New Bern. Nearly all were left dead or wounded after Pickett's sanguinary charge at Gettysburg. And once after a sunup to sundown battle in the Wilderness, only four of the 26th could be counted as alive and unwounded—Tom Dula among them.

TIMELESS HUNGER

Four years of hunger and death and blood and the final humiliation at Appomattox failed to put out the flame of Tom Dula's gaiety, a facet of character which, probably more than anything else, made him a hero to his comrades.

So Tom Dula came back to his home in Happy Valley. But there was a hunger in him—though it was the kind of hunger that goes hand-in-hand with gaiety.

Tom Dula's hunger was for women. Celibacy, enforced by battle, has fostered that hunger since armies first marched in the early dawn of history.

Dark-haired and handsome, a banjo picker and fiddle player, men who remembered him said he was a dancing fool. His roving eye soon picked out a mighty pretty young woman, Laura Foster. Reddish-haired and shapely, her eyes were like a patch of mountain sky.

To say she was Dula's conquest would probably overstate the case. She had met other men half way, and it seems reasonable to assume that she was no less hospitable to Tom Dula.

Of all Laura's suitors, Schoolmaster Bob Cummings was the most noteworthy. For he was the exception. Laura spurned his attentions which only intensified his love for the fickle siren.

Her fickleness vanished soon after Tom Dula began his courtship. Other suitors soon found that Laura had no time for anyone but Tom Dula.

Tom, however, began playing the field. He courted Pauline Foster, Laura's cousin. Pauline worked as a maid for Ann Melton, a woman of charm, land and money. A New York Herald reporter described Ann as having "the manners and bearing of an accomplished lady, all the natural powers of a high born beauty."

HUSBAND "TYPED"

In "Dead and Gone," a history of classic North Carolina murders, Manly Wade Wellman makes extensive use of the Herald's coverage of Tom Dula's trial. Wellman said Ann Melton was illiterate, though "she had a fine natural mind."

At any rate, Tom seems to have won the mistress while courting the maid. James Melton, Ann's husband, is remembered only as a man whose wife "done him wrong."

Though free love was a community commodity no man in his right mind could expect to live peacefully while keeping separate rendezvous with three women in the laurel thickets. That seems the routine to which Tom Dula had settled down at the end of 10 months following his return from Appomattox.

Then May came again and arrayed the mountains with red bud and maple and blue violets and morning mists that were like a bridal gown. It was a time to marry, and the Foster family was not surprised one morning to find that Laura's bed was empty.

Laura's clothes were gone, and her brown mare Betty was absent from the stable. They reckoned Laura had eloped. But soon everyone wondered who the bridegroom was. Tom Dula, nor any of her other suitors, was absent from the valley. Some of the family supposed she'd had a tiff with Tom, so maybe she was visiting relatives in Watauga County that his heart might grow fonder.

Three weeks later, a wayfarer led a scare - crowish looking mare down to Cowles Store. One of the loafers at the store said later that "you could a - hung your hat on that mare's hip bones."

The wayfarer said he had found the mare tied to a tree up in Bates' woods. "She's gnawed the bark off the tree," said the man. "Guess she was tied there a right smart while."

SEARCH BEGINS

The mare was Laura Foster's Betty. Thus began the belated search for Laura Foster. Near where the mare had been tied, the ground and the brush bore mute evidence that here a struggle had occurred.

The searchers began to comb the thickets. They found the grave in a laurel patch, one and one-half miles from where the mare had been tethered.

The short, shallow, hastily dug grave held all that remained of pretty Laura Foster. Her legs had been broken so that her body could be folded into the shallow excavation. She had been stabbed in the heart. Beneath the broken body was the pathetic bundle of clothes which she had thought would be her trousseau.

At the inquest at Elkville, Bob Cummings held forth. "The murderer may be standing among you at this moment," he said. "Let's investigate fully as possible until the law arrives."

Some of the bystanders looked knowingly at one another as the schoolmaster rode off. They knew about his unrequited love. Some of his listeners decided he should be followed. At his boarding place on Elk Creek they were told that Cummings had packed some clothes and had ridden away.

His trail led to the now empty grave in the laurel thicket. They found him holding a shiny object in his hand. "It is the knife," he said, "that stabbed her to death."

TOO MANY SUSPECTS

The next day, Tom Dula had vanished from Happy Valley. But for that matter, so had Bob Cummings and Jack Keaton and Jack Adkins and Ben Ferguson.

All this was enough to make a sheriff go back to the farm. Sheriff W. G. Hix didn't know where to start looking — so he waited.

Then one mid - July afternoon an incredible quintet rode up to Cowles Store. Tom Dula and Jack Keaton were tied in their saddles and were guarded by Bob Cummings, Jack Adkins and Ben Ferguson who carried rifles in their saddle boots.

Keaton looked pale and scared, and Dula appeared happy and carefree. When Tom's hands were freed he unsheathed the fiddle which hung from his saddle and played a wild tune.

Dula and Keaton were carried to Wilkesboro and a day later the sheriff arrested Ann Melton. Keaton soon proved an alibi and was released. Tom Dula and Ann Melton were held for the fall term of court.

Cummings was the hero of Happy Valley. He'd led his posse into Tennessee where Keaton and Dula had holed up. Cummings had forged extradition papers which satisfied Tennessee officers.

As ex-lover and rejected suitor of the fair Laura, Keaton had felt he was a prime suspect. And as a prime suspect, he thought he'd be happier if he left Happy Valley. Probably he thought Tom Dula left for the same reason. Possibly they both proved the Biblical induction that "the wicked flee when no man pursueth."

VANCE TAKES CASE

When ex-Governor Zeb Vance, then a practicing attorney in Charlotte, heard about Dula's arrest, he saddled his horse and set out for Wilkesboro. Before becoming governor, he had commanded the 26th Regiment in which young Tom Dula served as a private. A man who had so proudly scorned death should not hang, Vance declared.

Vance succeeded in having his client tried separately from Ann Melton. Dula insisted, against Vance's advice, that the trial be moved to Statesville for a change of venue.

"Those blue stocking Presbyterian in Iredell will hang you, boy," Vance told Dula.

But it was Tom Dula's life at stake — and it was Tom Dula's decision to make.

Meanwhile, Solicitor Walt Caldwell was getting ammunition from the schoolmaster. Mrs. Betsy Scott, a wash woman, had met Laura on the road on the morning that the flighty girl was last seen alive. She rode bareback and carried a sack of clothing. Laura told Mrs. Scott she was on her way to an elopement with Tom Dula.

Cummings paid Mrs. Scott to keep quiet until the proper time would come. She also promised to spy on Ann Melton.

At the Statesville trial, Betsy Scott's testimony came under heavy attack. Vance and his associates, Judge R. F. Armstrong and R. P. Allison, bitterly assailed Cummings for his unlawful arrest of Dula in Tennessee.

Damaging to the defense was the information that Dula had said he contracted a veneral disease from the fair Laura. A witness said he threatened reprisal.

A number of ex-Confederates sat in the jury box. And the foxy Vance waved that Confederate flag. "I tell you in all sincerity," he thundered, "that never did a better soldier live, and never did one action of his ever lead me to believe him capable of murder. Is there a man among you with a spark of love for the Lost Cause but can see that even if Tom Dula killed this lewd woman, Laura Foster — this minion of the devil — that the life of this man, who fought for what he thought best for your family and mine, is worth a hundred lives of such women as that dead viper."

NEW TRIAL

The verdict was guilty and Dula was sentenced to the scaffold. In his appeal to the Supreme Court, Vance emphasized the hearsay nature of Mrs. Scott's evidence.

The appeal was successful and Dula faced a new trial and a new jury in January, 1868.

But now the prosecution had rounded up new damaging testimony from Happy Valley. At least Ann Melton's pretty neck seemed seriously threatened.

Ann and Tom had held a long conference the day before Laura was murdered. She'd given him a bottle of whiskey, supposedly to sharpen his courage. On the morning that Laura vanished Ann was absent from her home for several hours. She returned wet and bedraggled.

Again the Iredell jury said, "Guilty." Vance made another appeal which was unsuccessful. The death sentence was to be executed on May 1.

Ann Melton remained in jail at Wilkesboro and Zebulon Baird Vance said he believed that she was the murderer and that his friend, Tom Dula, was sacrificing his life that she might live. Tom's mother wrote a letter begging her son to confess — if indeed he was guilty.

Dula shrugged off an offer of comfort from a Methodist minister, but he asked for pencil and paper. "Statement of Thomas C. Dula," he wrote. "I declare that I am the only person that had a hand in the murder of Laura Foster."

His scrawled, unsigned note set off a controversy that still is dimly heard in the mountains. Many thought he wrote the note to free his accomplice, Ann Melton, whom he truly loved. Months later Ann was freed by a jury in Wilkes.

The condemned man spent his last night on earth pacing the floor and writing 15 autobiographical pages which were destroyed or lost. At dawn he asked to see the minister whose services he had yesterday rejected. The minister came and baptized the penitent.

Just before noon Sheriff Wasson led Tom Dula to the street. Tom walked briskly to the wagon that carried his coffin. He mounted the wagon and sat on the coffin. The sheriff, the minister, his sister and brother-in-law rode with him.

A multitude had come to Statesville for the hanging. People who saw him declared that Dula looked as if he enjoyed the ride to the depot where the pine scaffold had been set up.

Dula stretched out "few last words" into an hour-long oration. Said the Herald reporter:

"He spoke of his early childhood, his parents, and his subsequent career in the army, referred to the dissolution of the Union, made blasphemous allusions to the Diety, invoking that name to prove assertions that he knew were, some of them at least, false. The politics of the country he discussed freely, and upon being informed, in reply to a question of his, that Holden was elected governor of North Carolina, he branded that person a secessionist and a man that could not be trusted. His only reference to the murder was a half explanation of the country and the different roads and paths leading to the scene of the murder, in which his only anxiety was to show that some 2 or 3 of the witnesses swore falsely against him. He mentioned particularly one James Isbell who he alleged perjured himself in the case, and concluded by saying that had there been no lies sworn against him he would not have been there."

He finished his speech and bade his sister farewell. Then he made a last joke as the noose was lowered.

"You have such a nice clean rope," he said to Sheriff Wasson. "I ought to have washed my neck."

A whip was slashed across the rumps of the horses and Tom Dula was left to dangle in eternity. His neck was not broken by the short fall, but he strangled to death without a struggle.

Relatives claimed his body and carried him back to where Laura and Pauline and Ann and the mountains were.

Oh, bow your head, Tom Dula,
Oh, bow your head and cry . . .
(J. W. Puckett Photo).

Representative Here Monday:

Fantus Survey May Help Rowan To Lure Industry

County Commissioners and city councilmen will be luncheon guests of the board of directors of the Chamber of Commerce to hear James Carroll, a representative of the Fantus Area Research Company, explain how his firm's industrial survey of Rowan County would determine the county's industrial potential.

The meeting will be held in the Carolina Room of the Yadkin Hotel at 12:30.

A Fantus survey would determine the specific types of industries the county can logically attract on a basis of comparative production and distribution costs. The study would cost about $6,000.

Who would pay for the study, if it should be conducted, will be decided by the commissioners, the council and the board of directors of the Chamber of Commerce.

The Fantus Area Research Company is an affiliate of the Fantus Factory Locating Service. The area research firm studies the industrial potential of counties and cities while the factory locating firm advises companies planning to expand in regard to the most suitable location for new plants.

AFFILIATE COMPANY

The dual nature of the Fantus organization could prove advantageous to Rowan County. In some cases, Fantus organization has brought together its industrial and its community clients.

"Most towns don't know what's good for them," says Leonard C. Yaseen, senior partner of the firm. "Our goal is to find out what's good for communities and what's good for industry."

The Fantus Area Research firm first attempted an area study in York, Pa., which had not attracted a new plant in 10 years. Less than two years after the survey was completed, York wooed and won five large factories.

The Fantus Area Research Company recently completed a survey of Wilmington, while its affiliate company, Fantus Factory Locating Service, received a $25,000 fee for locating the Westinghouse plant in Raleigh.

SURVEY EXPLAINED

Fantus surveys have often brought changes that make an area more attractive to industry. For example, the Fantus survey found one Southern city was an ideal location for a new chemical plant except for the fact that its natural gas rates were too high. Soon after the survey, the city reduced its gas rates.

In other cases, Fantus has advised on types of industry best suited to certain areas. In one instance, a Southwestern state had been trying to attract a caustic soda manufacturer but didn't realize that transportation costs to principal markets would be prohibitive. State officials then switched their recruiting efforts to more suitable concerns.

According to another survey the firm has completed, only 4.8 per cent of all new industrial plants are being built in metropolitan areas as compared with 12.7 per cent during 1950.

Salisbury has several buildings available for new industrial expansion, but the majority of industrial expansion in Rowan County would take place in the county, not in Salisbury.

Many leaders who have been trying to woo industry to Rowan are highly in favor of the study. "A survey of this type would point out which types of industry we should concentrate our efforts on," he said. "And since the Fantus firm has an affiliate company which finds locations for plants, we should hear about some good prospects."

U.S.-Irish Pact Signed

WASHINGTON, March 16 (AP) — The State Department announced today—the eve of St. Paddick's Day—that the United States and Ireland have signed a student exchange agreement.

The announcement said details of the agreement, signed in Dublin, will be announced later.

Generally, it provides for exchanging students and lecturers. Similar agreements are in force with other countries.

Daughter Of Tom Mix Weds

LOS ANGELES, March 16 (AP)—Thomasina Mix, 35-year-old daughter of the late cowboy actor Tom Mix, today married Los Angeles advertising executive Gordon Louis Gunn, 38.

It is the third marriage for Thomasina, whose previous husbands were radio writer, John Allen Andre and electronics engineer Bernard J. Matthews. She has four children by Matthews.

It was Gunn's first marriage.

It won't be long until we'll be going to the dogs, with picnic season not too far off.

Child Struck By Automobile

Tony Edward Alexander, 10, of Rt. 2, China Grove, sustained bruises yesterday about 3:35 o'clock when struck by an automobile operated by Deputy Sheriff John Frank DeMarcus.

State Highway Patrolman E. E. LeFurgey, who investigated, said Mr. DeMarcus was driving a 1955 automobile south on Main Street in China Grove when the child came from his left and ran into the path of the car.

The child was treated for bruises in Rowan Memorial Hospital and released. Mr. LeFurgey said no charges were preferred.

Explosives Wired To Car

BOSTON, March 16 (AP) — Four tins of high explosive were found wired to the automobile horn of a woman motorist who stopped to get oil changed today at a service station.

Police said, "One beep and everything would have blown sky high."

Mrs. Claire Portnoy, 22, collapsed when attendant Sidney Greenberg showed her the four black tins, bound with yellow wire, attached to the horn.

Detective Francis F. Bailey, ballistics expert, said the cans were apparently Army issue and were marked "for front line demolition only." He said he saw no reason why the explosive didn't go off, "unless they were defective."

"The job was not the work of a professional," Bailey said. "I found two caps attached to the tins — one is enough to detonate."

Mrs. Portnoy told police her car was parked overnight in front of her home. Neither she nor her husband, Herbert, 26, an art student, used the car until she drove about a quarter of a mile to the station. She said she had no occasion to use the horn on the trip.

The Portnoys said they knew of no reason why the explosive was under the hood. They said they had been married for about 18 months and "knew of no enemies."

Bowers To Lead YMCA Council

KNOXVILLE, Tenn., March 16 (AP) — J. Oviatt Bowers of Tuscaloosa, Ala., was reelected today as president of the Southern Area Council of the YMCA at the group's business session here.

Other officers named include W. R. Milton, Thomasville, Ga., assistant recording secretary.

The Southern Area Council is the top policy body of the YMCA in the Southeast. The 250 delegates from nine states heard the Rev. Frank R. Hamilton, former Navy Chaplain from Norfolk, Va., urged a program for American youth "in the churches, the school, the YMCA, and other social agencies."

Among those named to the board of directors were:

Harold S. Foss, Marietta, Ga.; Leonard F. Hurley, Knoxville; Charles F. Younts, Atlanta; H. C. Pearson, Athens, Ga.; Neal Kemp, Richmond, Va.; A. J. McClung Columbus, Ga.; R. Holmes Sawyer, Asheville, N.C.

Among those named to the national council were Horace G. Christoper, Norfolk, Va.; Ruben J. Dailey, Asheville, N.C.; W. P. Swartz, Roanoke, Va.

Barbara Parker Elected President Of Garden Club

Barbara Parker was elected president of the Pin Oak Junior Garden Club as the club met yesterday with Kitty Price at her home at 121 North Caldwell Street.

Others elected were: Margaret Hoell, vice president; Linda Kelly, secretary; Pat Humphries, treasurer; Linda Peeler and Wendy Edens, telephone committee; and Brenda Shaver, scrap book chairman. Mrs. George Shaver, club counselor, installed the new officers.

The club will donate a concrete bench to the State Children's School for the Deaf and Blind at Raleigh. In addition, the club will work Tag Day for the Cancer Society on the first Saturday in April.

Members brought flower arrangements to the meeting and took them to Favora Nursing Home.

Mrs. Carl Watson was in charge of the program, telling the girls about insects and seeds. She gave each member two packages of seeds to plant in their own flower gardens.

Thirteen members and three visitors, Mulie Carter, Jacob Waldson and Merle New Sheville, were present.

The hostess, assisted by her mother, Mrs. Katherine Price, and her grandmother, Mrs. C. W. Hamilton, served refreshments of life fizz. St. Patrick decorated cakes and nuts.

'Open Skies' Plan Urged For Mideast

Check On Arms Buildup Would Help Keep Peace

WASHINGTON, March 16 (AP) — Sen. Humphrey (D-Minn) proposed today that the United States push for an "open skies" check on Middle East armaments as a step toward peace in that troubled area.

Under this plan, airplanes would fly over the area to spot any dangerous buildup of armaments.

Humphrey released a staff report prepared for a Senate foreign relations disarmament subcommittee he heads which said that any final settlement of Middle Eastern problems "will be many years in coming."

HUMPHREY PLAN

In an accompanying statement, Humphrey said the United States is confronted with the problem of building up the defenses of the Middle East countries against possible Soviet aggression and at the same time discouraging these nations from using the armaments to attack each other.

Calling for development of "a truly comprehensive U.S. Middle East policy," Humphrey said the difficulty is "to devise a policy for the area which will decrease the likelihood of military conflict among states in the Middle East and at the same time increase the military potential within the area so that the area as a whole can defend its independence."

"Ending the Israeli-Arab conflict among states in the Middle East and at the same time increase the military potential within the area so that the area as a whole can defend its independence."

TO END CONFLICT

"Ending the Israeli - Arab conflict may at least in part require, as a preliminary measure, a limitation of the amount of armaments going into the area," Humphrey said. "On the other hand, to strengthen the area against Communist aggression and subversion may require a larger local defense organization equipped with armaments from the United States and its allies."

"Here in the troubled Middle East is the place to try out 'open skies' aerial inspection and ground inspection. We should apply to such local situations as the Middle East some of the disarmament proposals we have been advocating for the whole world."

President Eisenhower proposed at the 1955 Geneva conference a system of aerial inspection of free world and Soviet arms installations. The proposal was not accepted by the Russians.

Humphrey said aerial inspection should be accompanied by establishment of demilitarized zones between Israel and that country's Arab neighbors.

Saying the "world has grown too small to tolerate even limited wars," Humphrey said there must be bipartisan cooperation in the forming of new policies for the area.

The committee report said there remains much in the present situation in the Middle East "to give cause for alarm and for a reevaluation of policy."

"The political problems which prevent the achievement of a stable peace between Israel and its Arab neighbors are by no means near solution," the report said. "The Soviet Union has thrust itself into controversies of the Middle East and expects thereby to emerge as a powerful influence in the area.

"A reliable security system to forestall and inhibit the aggressive and subversive designs of international communism has not yet been thoroughly developed. The role and authority of the United Nations to maintain peace in the area is still not fully defined and the members of that body remain divided as to policies to be pursued. The unity of action regarding the middle east that once prevailed between the United States and Britain and France has deteriorated.

"The main basis for hope lies in the fact that the Western Powers and the nations of the Middle East appear to have realized the need to make a renewed and persistent effort to remove both the immediate and the fundamental causes of tension and war."

Two Ohio teen-agers ran their hot-rods into a two-room trailer. That's sort of breaking up a home.

Bill Introduced:

Family Court May Be Established Here

The first move toward establishing a Family Court System in North Carolina has been made.

A bill to set up the court and a family court services commission was introduced by Senators Whitley and Graves.

If the act, sent to Judiciary No. 1 Committee, passes, Rowan will be a part of the Seventh District. Other counties will include Cabarrus, Davidson and Randolph.

The Family Court System will be a division of Superior Court and the state will be divided into 18 Family Court Districts.

The judges, to be appointed initially by Governor Luther Hodges to serve until the next general election, will serve for eight years. Salaries of the jurists will be fixed at $11,000 per year plus $2,500 expenses.

JURISDICTION

Court will be required to be held in each county in the district at time and place designated by the jurist. The courts will have the same jurisdiction as now vested in juvenile and domestic relations courts and in addition are given exclusive original jurisdiction over cases concerning:

(a) any child within provisions of Article 2, GS Ch. 110 (Juvenile Courts); (b)—abandonment, non support or desertion of minor child, needy parent or spouse; (c)—assault or battery on minor child by adult, or where husband or wife is charged with assault and battery on other; (d)—adult charged with being responsible for delinquency, dependency, or neglect of child; (e)—bastardy; (f)—knowingly receiving stolen goods from a child.

(g)—violations of school attendance laws; (h)—divorce or alimony or other proceedings under GS 50-1 to 17; (i)—adoption; (j)—proceedings under Uniform Reciprocal Enforcement of Support Act; (k)—to determine custody or guardianship of child.

In proceedings where jury trial is required by law, the case must be transferred to appropriate court for jury trials and appeals from determinations of family courts may be taken to Superior Court.

Under the act, the authority of the Department of Motor Vehicles to suspend or revoke minor's driver's license is not affected.

COMMISSION OF SIX

The Family Courts Services Commission is to be composed of seven members, six to be appointed by the governor for six-year staggered terms, plus the presiding judge. The commission is to establish policies to govern administration of probation, counseling, detention and other services of family courts (with advice of council of family court judges), to prescribe forms of records and reports to be used, and to provide district detention facilities for children.

The commission is also authorized to appoint a director of family court services and director, who with the approval of the commission may make merit appointments of necessary professional and other employees.

Buy only vat-dyed blue-jeans. They're colorfast — the color lasts. At your favorite store.—Adv.