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COURT DISMISSES ACTION AGAINST OLD FORT BOARD

Judge Rules Town Failed To State Cause Of Action; Cas- es Are Appealed.

The September term of Superior court, with Judge William H. Bobbitt of Charlotte presiding, was adjourned here last Friday after the civil docket had been cleared of cases.

Two suits brought by the town of Old Fort against J. F. Harmon, former mayor, and former members of the board of aldermen, charging them on two counts with making illegal payments to C. L. Tate as chief of police while he was a member of the board, were dismissed on demurrers in Superior court last week by Judge William H. Bobbitt on the grounds the complaints failed to state cause of action. The town sought to recover \$803.30 and \$1,625, the sums alleged to have been illegally paid, from the defendant. Board members named in the complaints were J. B. Johnson, G. E. Moore, and H. R. Early, while T. R. Kanipe and A. J. Harris were each named in one of the suits. The plaintiff, the town of Old Fort, filed notice of appeal to the Supreme court.

Action against the former aldermen was dismissed in two other cases in which Harmon is charged with failing to account for \$2,954.25 and \$5,367.32 and the boards were charged with negligence. Members of the boards named in the actions were J. B. Johnson, G. E. Moore, H. R. Early and C. L. Tate, while T. R. Kanipe and A. J. Harris were each named in one of the suits. The charges against Harmon still stand, while the plaintiff appealed the Superior court ruling dismissing action against the board members. Harmon has denied that he misappropriated any funds.

The other suit brought by the town of Old Fort will be tried. In this action C. L. Tate is sued for the sum of \$2,428.30 which he is alleged to have received illegally for services as chief of police while he was a member of the board of aldermen. In answering the charges Tate has stated that he served in both offices but he was not a member of the board while serving as chief of police.

In civil actions heard during the latter part of the week, Sarah Louise Sparks was ordered to recover nothing from the town of Marion for injuries she was alleged to have received because of negligence of the town.

In the case of John Pead vs. Miss Joyce Decker, an action involving a promissory note, Frederick Hamrick, Jr., was appointed a referee to hear the evidence and report his findings to the court.

BOARD VOTES NOT TO ALLOW POOLROOM HERE

Marion will have no poolroom, according to action taken by the town Board of Aldermen yesterday in refusing to grant a license for the operation of one. Hearings before the aldermen were held here Tuesday night and yesterday morning with advocates and opponents of the establishment of the poolroom presenting their views.

During the past several weeks petitions for and against a poolroom have been circulated in Marion. Each of the petitions was signed by several hundred persons. The question of a poolroom was first brought before the aldermen on September 3 when the board postponed discussion of the proposal till September 17. The delay was effected to allow opponents and advocates of the proposal to present their arguments.

The application for a poolroom license was made by Dula Hawkins, of Marion.

DITT TO SPEAK

Art Ditt, director of athletics at Marion high school, will be the guest speaker at the regular weekly meeting of the local Rotary club tomorrow at noon. He will discuss the athletic program of the school.

FIRST OF SERIES OF CONCERTS GIVEN HERE

Marion's first Sunday concert of symphonic recordings was held in the Community building here last Sunday with about 25 people in attendance. The program consisted of music written by Johann Strauss, played over special equipment invented by Hubert Martin of Marion. Programs for each Sunday afternoon are being planned under the direction of the McDowell Chamber of Commerce. Guest soloists and instrumentalists will be featured on the programs. Next Sunday's concert, to be held at 2:30 in the afternoon, will consist of part of the New World symphony by Dvorak.

Presented on last Sunday's program were "God Bless America," by Berlin, "The Star Spangled Banner" by Key, and the following Strauss compositions: "Emperor Waltz," "Voices of Spring," "Vienna Blood," "Tales from the Vienna Woods", and the "Blue Danube."

Admission to the concerts is by tickets which may be obtained free of charge at local drug stores, Rabb-Hitchcock's, Oasis News Stand, the Chamber of Commerce office, and from members of the high school band. Recordings and some equipment for the concerts is being furnished by the Record Shop of Marion.

Guest soloist on the program will be Albert Hewitt of Marion. Explanatory remarks about the recordings will be given by Bernard Hirsch, and ushers will be furnished by the high school band.

ENROLLMENT IN CITY SCHOOLS EXPECTED TO EQUAL LAST YEAR'S

The enrollment in city schools is a little lower than last year, according to City Superintendent Hugh F. Beam, but several more pupils are expected to enter school this week to bring the number enrolled up to about equal that of last year.

There are 472 pupils in the Marion high school, a drop of about 50 from last year's figure. The total enrollment for all white elementary schools in the city unit is 1,695, and 2,392 for all schools combined.

The enrollment in the different schools of the city unit are as follows: Marion high, 472; Marion elementary, 422; Eugene Cross elementary, 223; Clinchfield elementary 521; West Marion elementary, 215; East Marion elementary, 314.

In the two colored schools in the city unit there are 50 pupils in the high school and 175 in the elementary grades.

A total of 2,672 pupils are enrolled in the county schools. They are divided among the different units as follows: Old Fort high, 191, elementary, 601; Pleasant Gardens high, 148, elementary, 429; Nebo high, 82, elementary, 264; Dysartville, 119; Sugar Hill 135; North Cove high, 58, elementary, 192; Glenwood high, 171, elementary, 272.

The total enrollment for all the schools of McDowell is 5,064.

PLEASANT GARDENS P. T. A. GROUP MEETS

The first meeting for the year of the Pleasant Gardens P.T.A. was held last Thursday night with a good attendance. After a short talk by the new president, Mrs. J. R. Jameson, committees were announced, programs for the year distributed, and reports heard. It was decided to take for the main project for the year the redecorating of the auditorium stage including new stage curtains. The prize for highest percentage of parents' present went to the second grade, Miss Elsie House teacher, in the elementary department, and to Miss Carolyn Gray in high school.

The program chairman, Mrs. W. A. Young, led a ten-minute singing period, and then introduced the speaker of the evening, Rev. W. A. Jenkins, who spoke to an interested audience on "The Purpose of the Schools in a Democracy."

ATTEND CONVENTION

Three members of the McDowell Young Democratic club attended the state convention of Young Democrats in Raleigh last week. Sheriff Grady Nichols attended the convention last Thursday. Other McDowell men at the meeting were S. H. Pennington, and Ben Hendley.

MARION'S FIRST STREET DANCE IS SET FOR TONIGHT

Entertainment To Be Held On Main Business Block Of The Town At 8:30 O'Clock.

Marion's first street dance will be held here tonight at 8:30 o'clock on Main street. String music and an amplifying system are being secured for the occasion and plans are now being made to provide for three rings of square dancers. The entertainment is being sponsored by the merchants division of the McDowell Chamber of Commerce.

The dance will be held on South Main street between the Court and Henderson street intersections. The city block will be closed to traffic at about 8:15 tonight and to aid officers in clearing the street all car owners have been requested to refrain from parking on the block after 6:30.

The street dance has been planned here for some time and directors of the dance have expressed the intention of having one here every Thursday night. The dances will be held in the open as long as weather permits and will then be scheduled for some local building.

No admission will be charged for tonight's dance. Funds to finance the entertainment will be raised by solicitors. Six local young ladies have been appointed by the Chamber of Commerce to help with the finances. They are Jeanne Tennant, Virginia Mae McCall, Elizabeth Tennant, Tilly Sinclair, Marie Griffin and Loraine Arneson.

Chamber of Commerce Secretary Walter J. Cartier has been assisted in arranging for the dance by Ralph Tate, Ossie Sutton and Fletcher Shoemaker. Callers for the figures have been engaged and all arrangements have been made to assure the success of the dance.

In the event of rain the dance will be postponed until Friday night and will be held at the same place at 8:30 o'clock.

WESTERN N.C.E.A. HAS MEET IN LOCAL SCHOOL

Representatives of one-half of the Western District of the North Carolina Education Association met in the Marion high school auditorium yesterday afternoon and outlined plans for local activity of the organization.

Julie B. Warren, secretary of the N.C.E.A., was in charge at the afternoon session and a night meeting held in the Community building. He led a round-table discussion on legislative problems confronting the association. Mrs. Ruth Vick Everett, field representative of the association also took part in the program.

Approximately 100 superintendents, principals and officers of local units of the association from seven counties and four towns in Western North Carolina attended the meeting. Delegates were here from Yancey, Mitchell, Avery, McDowell, Rutherford, Polk and Burke counties and from Tryon, Morganton and Glen Alpine.

The afternoon session was adjourned at about 5:00 o'clock. Members of the association reassembled for dinner at the Community building at 6:30 last night. Dinner was served by ladies of the Presbyterian church under the direction of Mrs. G. W. Kirkpatrick. Business of the association was discussed after the banquet.

ALIENS REGISTERED BY CLERK AND POST OFFICE

Alien registration at the Marion post office is progressing very slowly, according to Assistant Postmaster W. R. Burselon, who stated that only two registrations have been recorded so far. The local post office has complete equipment for the registration of aliens, including finger printing.

The number of aliens having registered at the office of Clerk of Court J. F. Moody now number five. A North Carolina law passed in 1927 requires alien registration with the clerk of court. Five nationalities are represented in the alien registration book for McDowell—an Albanian, a Swede, a German woman, an English woman and an Italian.

FISH AND GAME FARM PROJECT IS DISCUSSED HERE

Local Group Appointed To Aid In Securing Appropriation From The State.

A \$180,000 project for the establishment of a state fish hatchery and game farm on Mackey's Creek near Marion was discussed last Saturday night at the Marion Lake club by local sportsmen and members of the Mimosa Fishing club of Morganton. Local sportsmen, called together by the McDowell Chamber of Commerce, voiced their approval of the project and appointed a committee consisting of Gene Cross, Jr., W. W. Neal, Jr., and Ashby Robinson of Old Fort, to work with state groups in carrying the project to completion by securing an appropriation from the state.

The proposed site for the hatchery and game farm is located on Mackey's creek about four miles from Marion in the Pleasant Gardens section. Between 200 and 250 acres of land in that section was purchased by the state several years ago and a bill providing for the hatchery was approved by the last legislature. No appropriation for the project has been made.

According to plans outlined here, the project calls for one of the largest hatchery and game farm developments in the state. The movement to secure a state appropriation for the project is being led by the Morganton Mimosa Fishing club which has enlisted the support of organized groups throughout the western part of the state.

Sportsmen are interested in the establishment of the hatchery to raise small mouth bass, which cannot now be obtained in this section in quantities. The game farm, it is expected, would specialize in the raising of turkeys.

MARION GRIDDERS OPEN SEASON IN NEWTON TOMORROW

The Marion high gridders will open their 1940 season tomorrow night when they journey to Newton to meet the strong Newton high school eleven. The local squad has shown much progress since practice was begun this fall under Coach Art Ditt, who is starting his second year as director of Marion high school athletics.

Marion people will have the opportunity to see the fast stepping Marion backs in action when they meet the Lenoir high school team in the annual homecoming day game here on Friday, September 27.

This year the boys will be dressed in black whipcord pants and black jerseys trimmed in orange.

According to Coach Ditt, a starting line-up for the opening game has not been selected because of the scrappiness of the inexperienced men who are fighting for a position. The squad will be built around eight lettermen returning from last year's team.

Coach Ditt has asked that the people of Marion give the local team all the support possible.

The schedule for the Marion high eleven this year is as follows:

Date	Team	Place
Sept. 20	Newton	Newton
Sept. 27	Lenoir	Marion
Oct. 4	Kings Mt.	Kings Mt.
Oct. 11	Shelby	Shelby
Oct. 12	Open	Marion
Oct. 25	Forest City	Forest City
Nov. 14	Open	Away
Nov. 8	N.C.S.D.	Marion
Nov. 15	Cherryville	Marion
Nov. 22	Morganton	Morganton

C OF C MEMBERSHIP DRIVE IS DISCUSSED

Directors of the McDowell Chamber of Commerce met in the Community building here Tuesday night and mapped plans for completing the membership drive of the Chamber in and around Marion.

Tuesday, Sept. 24, was set as the date for the closing of the drive. After that time, the drive will be carried into other sections of the county.

TRAINING UNION MEET IS HELD AT GREENLEE; OFFICERS RE-ELECTED

The annual convention of the Blue Ridge Baptist Associational Training Union was held at the Greenlee Baptist church last Sunday with N. C. Brooks, state Training Union secretary, speaking on "Living Epistles of Christ" at the morning session. Devotionals were given by James Mitchem of Clinchfield and Gordon Wilson, president, presided.

Beginning the afternoon session, Miss Marion Harris gave the devotional. J. P. Thomas, of Gastonia, regional president, spoke on "Flowers for the Living". Abalene Cresson of Greenlee, gave a talk on "Our Task in the Blue Ridge."

Rev. W. E. Pettit, of Old Fort, delivered an address on "B. A. U.'s for Every Church". W. R. Chambers, of Marion, associational moderator, moderator, urged all present to attend the association to be held October 8 and 9 at the Bethlehem Baptist church. A playlet was presented by the E. Marion Union.

Special music was given throughout the day by the Kannapolis quartet, the Whitson quartet of Cross Mills, duets from Clinchfield and West Marion, and a trio from Clear Creek Baptist church.

The following officers for the coming year were installed by J. P. Thomas: Gordon Wilson, Marion First church, president; W. C. Lonon, Marion First church, vice-president; Miss Marion Harris, Clear Creek, secretary; Fred Walsh, Cross Mills, treasurer; A. H. Mitchem, Marion First church, pianist; Kermit Fender, East Marion, chorister; Mrs. R. G. Brown, West Marion, B.A.U. leader; Millard Hall, East Marion, senior leader; Mrs. Claude Jones, Clinchfield, intermediate leader; Mrs. Fannie Copeland, Clinchfield, junior leader; Mrs. Fred Walsh, Cross Mills, story hour leader; Rev. Von King, East Marion, pastor advisor; Van Hughes, Old Fort, first district leader; J. D. Willis, Clear Creek, second district leader; Mrs. Cecil Rayburn, Glenwood, third district leader; C. W. Bradley, Clinchfield, fourth district leader.

CLUB VOTES TO HELP PROMOTE ANNUAL SHOW

The Francis Marion club, meeting here last Thursday night, voted to aid other Marion civic organizations in promoting the annual horse and cattle show, to be held here October 4. A committee composed of Clarence Rabb and Rowe Mauney was appointed to work with the group arranging the show.

Final approval of a proposal to stage a minstrel show here this fall was voted with a committee composed of Kelly Gilkey, Hugh Conley, Bobby Hewitt, Bernard Hirsch, Nelson Parker and Carlton Gilkey, being appointed to arrange the program. The cast for the show will be chosen from the membership of the Francis Marion club.

The club voted to have a social program at the Marion Lake club for its next meeting on September 26. Wives and guests of club members will participate in the program which will be arranged by the social committee.

WILLKIE HEADQUARTERS ARE OPENED IN MARION

Headquarters for the Marion "Willkie for President" club were opened here this week in the vacant building on South Main street next to Tainter's Drug store. The first meeting of the club in the headquarters building was held Tuesday night with approximately 40 members attending.

Talks were made by several local members of the club. Some four or five precincts near Marion were represented.

Another meeting of the club has been planned for tomorrow night at 7:30 o'clock in the headquarters building. It is expected that a speaker will be engaged for the meeting. Officers of the local club are William C. Chambers, president; Charlie Smith, vice-president; C. Y. Banning, second vice-president; and Albert Hewitt, secretary and treasurer.

BUSY

Government figures indicate that nearly 12,000,000 farm family workers and hired hands will be busy with fall crops and livestock during September.

DRAFT SIGNED AND DATE SET BY PRESIDENT

Proclamation Affects 16,500, 000 Eligible in U.S.; 400,000 Will Be Called.

Washington, Sept. 16.—President Roosevelt signed the draft act today, fixed October 16 as registration day for 16,500,000 young Americans now subject to compulsory military training, and asserted that the United States was marshaling its strength to avert "the terrible fate of nations whose weakness invited attack."

In addition, the Chief Executive called upon the Governors of the States to provide suitable places for the registration, urged local election officials "and other patriotic citizens" to man the registration boards and asked employers to give their affected employees "sufficient time off" to present themselves and fill out the forms.

Mr. Roosevelt, moreover, emphasized a section of the act and a phase of the building up of the army which received much discussion in Congress—the voluntary enlistment system. All between 18 and 35, inclusive, he said in a formal statement, will be offered an opportunity to volunteer for a one-year period of service and training, and those who offer themselves — provided they are suitable—are to be accepted before any others are selected.

MARION MEN BOUND OVER ON CHARGE OF ROBBERY

Ernest Hall and Guy Lewis of Marion, waived preliminary hearing in McDowell county court here Tuesday on a charge of robbery and were each bound over to the January term of Superior court under \$1,500 bond.

The robbery is alleged to have occurred about 2:00 o'clock last Sunday afternoon in north Marion. Lewis and Hall were said to have severely beaten E. D. Shoemaker, of Boone, and to have taken approximately \$40 from him. The two were said to have left Marion in a taxi after beating Shoemaker and were apprehended in Rutherford county after local police had sent out a radio call. Both the defendants are now confined in the county jail.

Seven other cases were disposed of Tuesday by Judge Paul J. Story. Ross Williams was sentenced to 30 days on the roads for simple assault.

Possey Buchanan was given three months on the roads, suspended on payment of \$50 fine and the costs. His license was revoked for 12 months. The defendant appealed and bond was placed at \$200.

Roy Brown, found guilty of petty larceny, was sentenced to one year on the roads.

Jack Carver was given three months on the roads for driving drunk. The sentence was suspended on payment of \$50 fine and the costs. His license was revoked for 12 months.

Pink Lewis, found guilty of possession and transporting whiskey, was sentenced to six months on the roads for possession, suspended on payment of \$50 and costs, and 12 months for transporting, suspended on two years good behavior.

Percy R. Conner was found guilty of driving drunk and not guilty of hit and run. He was sentenced to four months, suspended on payment of \$50 and costs and for damages to car of J. F. Clontz. His license was revoked for 12 months.

James E. Whiteside was found not guilty of reckless driving. Six cases were continued until today when a special court will be held because many local attorneys were attending Superior court out of town Tuesday.

CORRECTION

The Betty Jean Beauty Shoppe on North Main street next to the McDowell Hotel was not included in the property purchased by Sam M. Yancey and C. F. Barnes, as was stated last week. The property purchased includes the building housing the Western Auto Store, the Ideal Cafe and the Marion Drug Company.