

# ALLEY HEARS RIVER CASE

Unique Case Attracts Considerable Attention; Decides for Plaintiff

## CONCERNED RIVER BED

A case of major interest heard during last week's term of superior court at Dobson for the hearing of civil cases was the suit instituted a year ago by Carl Rose and T. W. Rose of the firm of Rose and Rose in which Mrs. R. G. Franklin, of Elkin, is defendant.

The suit involved the question of the title to one-half of the bed of the Yadkin River in an area of 150 feet adjoining Elkin and the Surry county side, this portion of the river bed having been acquired by Rose and Rose for the purpose of pumping sand for sale for construction purposes.

Mrs. Franklin holds the state grant to the bed of the Yadkin at the point in question for an area of 500 feet, her grant bearing the date of 1891.

Counsel for the plaintiff disputed the validity of Mrs. Franklin's producing deeds bearing the earlier date of 1865, calling for the Yadkin River and its meanderings down stream a distance of 150 feet and by virtue of same contended their title held to the middle or thread of the stream since the Yadkin River at this point is nonnavigable.

Citing supreme court decisions, W. M. Allen, counsel for the plaintiff, contended that landowners calling for rivers, creeks and any nonnavigable waters held to the middle or thread of streams, as a matter of law.

It was brought out in the arguments that Rose and Rose purchased the property from W. C. Lewis who operated a sand station since 1916, after the famous flood had destroyed a small factory operated on the site then owned by J. C. Greenwood, now deceased. Greenwood had purchased the property from the Elkin Land Company, previously the Elkin Land Company having acquired the property from R. J. Reynolds, Cicero Tice, A. H. Eller and others of Winston-Salem, property which had passed in

earlier years from Richard Gwyn to Richard R. Gwyn, one of the founders of Elkin.

Earl C. James, counsel for the defendant, cited decisions of the supreme court in litigations of somewhat similar nature, which presented angles so interesting and unusual in nature, that after hearing the contentions of both sides, Judge Felix A. Alley, presiding jurist, reserved the privilege of considering the matter overnight before presenting his decision.

Judge Alley decided in favor of the plaintiff and counsel, W. M. Allen, holding that Rose and Rose, by virtue of their deed, dated 1865, were entitled to hold the property to the middle of the Yadkin River, adjacent to their property. Emphasis was placed on the point that Mrs. Franklin, defendant, possessed no deed to the property but only a grant from the state of North Carolina. The defendant gave notice of appeal to the supreme court.

## FIRST HALF SOFT BALL TOURNAMENT ENDS MONDAY

The first half of the Chatham soft ball tournament will end next Monday, providing weather conditions are suitable for play, it has been announced by tournament officials. The last half of play should begin Tuesday, May 16.

Plans are under way for a championship series, probably between four teams, at the end of the last half of the tourney. It is thought probable that the two high teams of the first half will play the two high teams of the second half. In the event that the two high teams of the first half were also high in the final half, these two teams would play for the championship.

Games played on May 3, 4 and 9 were as follows: Bird Dogs 13, Lap Dogs 5; Hot Dogs 4, Hound Dogs 10; May 4: Bull Dogs 11, Hot Dogs 10; Bird Dogs 9, Cur Dogs 8; May 9: Hound Dogs 9, Cur Dogs 8; Bull Dogs 8, Bird Dogs 0.

Standings are as follows:

Team	Won	Lost	Pct.
Hound Dogs	8	2	.800
Lap Dogs	5	3	.625
Bull Dogs	5	3	.625
Hot Dogs	4	4	.500
Bird Dogs	2	7	.222
Cur Dogs	1	6	.142

## BILL WOULD PROHIBIT BOOZE ADS ON RADIO

Washington, May 8.—Radio advertising of alcoholic beverages would be prohibited under a bill introduced Tuesday by Chairman Doughton (D), North Carolina, of the House ways and means committee.

Doughton's bill also would amend the federal alcohol administration act to require annual issuance of basic permits for manufacturers, wholesalers and distributors of alcoholic beverages. At present such permits are valid until revoked by the F. A. A.

The measure also would put all F. A. A. employees under civil service. Existing bans against exclusive outlets, commercial bribery and consignment sales would be made more stringent.

## MUST'NT PLANT TALL THINGS NEAR HIGHWAY

Peiping, China.—There will be no corn—or anything else tall-growing within a quarter of a mile of highways and railways in north China.

An official order to this effect has been handed down by Japanese army officials in a move to eliminate possible hiding places for Chinese guerrillas striking at lines of communication.

Any farmer caught violating the order is liable to severe punishment and confiscation of his land at the hands of the military.

Besides highways and railways, the quarter-mile ban against tall crops applies to canals, rivers, the walls of county seat towns, important villages and airdromes.

# KIWANIS CLUB HEARS OLIVE

N. Wilkesboro Pastor Delivers Convincing Talk at Thursday Meeting

## DELEGATES ARE NAMED

Members of the Elkin Kiwanis club last Thursday evening heard a convincing address by Rev. Eugene Olive, pastor of the First Baptist church, North Wilkesboro.

Speaking from the topic of universal interest, "World Peace," the speaker suggested as the only solution to the problem which looms so seriously at present, a conference of religious leaders from the numerous nations and powers of the world, who, in a round-table discussion, might come to an understanding. If world peace is to be restored, it must be through religious channels, Rev. Mr. Olive, who has seriously studied the momentous problem, is positive.

Rev. Mr. Olive was the guest of Kiwanian C. N. Myers, program chairman for the evening. During the business session the following delegates were named to attend the meeting of Kiwanis International in Boston: Dr. C. L. Hayward, Jr., Dr. Hugh Parks, Earl C. James, president of the club, and Julius L. Hall.

## HAYES & SPEAS GIVE GIFTS TO GRADUATES

This week every girl graduate of the following high schools, Elkin, Mountain Park, Ronda, Jonesville, West Yadkin and Booneville, is being given a miniature Lane cedar chest free. These chests are the graduation gifts of Hayes & Speas, local furniture store.

Those girls who have already received these lovely miniature chests state that they are ideal in which to keep the souvenirs and keepsakes of high school days.

Any of the girls in the graduating classes who have not received their cards for the chests are asked to visit the store so that new cards may be sent.

## WILKES COUNTY COURT NOW IN SECOND WEEK

Wilkes county superior court for trial of civil cases today entered the second week with many cases remaining on the calendar for trial.

Only a comparatively small number of cases were disposed of during the first week and court was held for only three days.

Judge Wilson Warlick, of Newton, is presiding over the term.

## WITH THE SICK

The following patients have been admitted to the local hospital during the past week: Marshall Dinkins, Yadkinville; Mrs. Laura Edwards, Stratford; Marvin Howell, Yadkinville; Mrs. Mary Belle Money, Elkin; Mrs. Troy Cockerham, State Road; Elijah Thompson, Toast; Theodore Webster, Elkin; J. F. Mathis, Jr., Jonesville; Mrs. Pauline Dinkins, East Bend; Mrs. Ruby Key, State Road; R. D. Jackson, Siloam; Mrs. Esther Bryant, Arlington; Donald Lee Shore, Cycle; Mrs. Minnie Sizemore, Elkin; Mrs. Raymond Vestal, Elkin; Lucy Sparks, Ronda; William L. Emmerson, Jonesville; Wade Edward Key, Elkin; Mae Johnson, Independence, Va.; Mrs. Nina Sidden, State Road.

Patients discharged during the week were: Jack Simmons, Booneville; Mrs. Jettie Tucker, Elkin; Flossie Sparks, Booneville; Mae Sizemore, Yadkinville; Frank Wall, Elkin; William Andre Cox, Mooresville; Virgil Matthews, East Bend; Frank Henning, East Bend; Mrs. Aileen Chambers, State Road; I. C. Yates, Elkin; T. V. Cockerham, Elkin; Marshall Dinkins, Yadkinville; Marvin Howell, Yadkinville; J. F. Mathis, Jr., Jonesville; Mrs. Pauline Dinkins, East Bend; Mrs. Ruby Key, State Road; Donald Lee Shore, Cycle; Wade Edward Key, Elkin; Mrs. Cleo Southard, Hamptonville; Mrs. Mayme Carter, State Road; George Ed Erwin, Sparta.

## FLEM COCKERHAM PASSES AWAY HERE

Flem Cockerham, 57, of Ennis, Alleghany county, died in the local hospital Tuesday from peritonitis resulting from a ruptured appendix. His condition was critical when he was admitted to the hospital several days ago. The body was removed to Sparta for preparation for funeral rites, which will be conducted from the church which he attended at Ennis.

He is survived by his wife, one son and one daughter, Garnie Cockerham and Mrs. Thomas Blevins, of Sparta.

## BOONVILLE FACULTY NAMED FOR 1939-40

Boonville, May 10.—Principal Albert Martin gave out a list of the teaching personnel of the Boonville school for the term beginning next September.

The entire faculty, with but one exception, was reelected. W. E. Brooks who has taught here for several years did not apply for reelection. He plans to devote his time to his dairy farm and Boonville Grocery Company of which he is part owner.

The Boonville faculty is composed of 19 members, including agriculture and home economics. Following is a list of the teachers reelected for next term: Mrs. E. E. Hood, first grade; Miss Ruby Winkler, first grade; Mrs. Allen Jessup, Miss Katherine Jones, second grade; Mrs. Nova Reece, Miss Sadie Fleming, third grade; Miss Ruby Hinshaw, Miss Amanda Hallman, fourth grade; Mrs. Watt Deal, Jones Todd, fifth grade; Mrs. Albert Martin, sixth grade; Miss Frances Thomas, Public school music; W. E. Brooks, seventh grade teacher did not apply.

In high school, Albert Martin was elected principal for his sixth year. Watt Deal was re-elected to teach math and coach boys' athletics; Grace Hayes, history; Louise Abrams, English and French; Mrs. Anita Reece, home economics; and J. R. Walker, Agriculture.

The enrollment of the school has been greater for the past eight months than it has ever been before. Need for extra rooms is keenly felt.

## WELCOMES NEWSMEN TO SEMINAR OF SAFETY

Raleigh, May 9.—Governor Clyde R. Hoey in welcoming newspaper editors and chief staff editorial writers from newspapers all over the state of North Carolina, to the C. I. T. North Carolina Seminar of Safety in Raleigh, said that "We consider it a privilege indeed that North Carolina should be the second State in the whole Nation to have a C. I. T. Seminar of Safety conducted by the C. I. T. Safety Foundation."

Governor Hoey said that "The C. I. T. Safety Foundation sponsored by C. I. T. Corporation has my sincere gratitude for their interest in the traffic problem in North Carolina, manifested in this meeting. It is a noble work they are doing—a great service to humanity. The education of our people through the press of our State is an important work. It is a pleasure to have you all here together—I know you can help us in this endeavor to make North Carolina safe on its highways for everybody who uses them. There is nothing more valuable than human life."

## JOHN T. BURCHAM CLAIMED BY DEATH

John J. Burcham, 68, died Friday night at his home north of Elkin following an illness of several months.

He is survived by his wife, Mrs. Effie Ball Burcham, one son, Charles Martin Burcham, and one daughter, Mrs. Elmore Wyatt, one grandchild and two brothers, Meredith Burcham, of Elkin, and Felix Burcham, of Courtney.

Funeral services were held Sunday morning at 11 o'clock at Poplar Springs church. The rites were in charge of Rev. E. G. Jordan and Rev. John Weatherman. Interment was in the church cemetery.

## FURNITURE NINE WINS OVER N. WILKESBORO

Out for revenge, the Elkin Furniture nine defeated North Wilkesboro Saturday on the local diamond by a score of 15-7. Woodrow Lawrence, on the mound for the local team, did a good job for the furniture makers. He was well supported by other members of the team.

Saturday the local team will meet Fries, Va., on the diamond there. This is a strong team and a good game is anticipated.

## "LAWYER" HELD IN SPARTA JAIL

(Continued from page one)

learned the man was not a lawyer.

It was said that Lienbach entered the Allred home and took valuable papers belonging to Steve Allred. He was also said to have assisted Mrs. Allred in selling the house, which was in her name, but which really was the property of her husband. He left Elkin some months ago when a warrant was sworn out for his arrest. He was placed in the Sparta jail when local police learned he was making his home there.

Patronize Tribune advertisers. They offer real values.

## Chevrolet Reports Increased Sales

Detroit, May 8.—Continuing the steady upward sales trend that has marked public acceptance of the 1939 Chevrolet, a rise of 15.9 per cent. in the sales graph was reported here today by the motor firm for the period ending April 20. The gain over the previous period, which closed April 10, is represented by 3,453 more units sold at retail, according to the figures released. A total of 25,196 passenger cars and trucks were sold by the industry's repeating leader during the ten-day period. Although March was hailed by William E. Holler, general sales manager, as "one of the company's greatest sales months," the April 20 period eclipses the records established last month by 4.1 per cent., indication that increased public approval is being expressed for the 1939 models.

A gain of 19.1 per cent. is shown over the same period in 1938, when Chevrolet had retained 21,164 passenger and commercial units from April 1 to April 20.

Total sales for the first 20 days

of April were 46,939 units, the report revealed, as against 38,633 sales in the same period of 1938. This represents a business gain of 21.5 per cent.

Truck sales for the period totaled 5,291 units, an increase of 25.6 per cent. over the figure reported April 10, and 24.1 per cent. over the April 20 figure for 1938. A total of 9,503 commercial jobs have been sold during the month to date, which is 20.7 per cent. above the 7,872 sales made during the same period last year.

## Dangerous

Mother was poking about in the shrubs when she suddenly called out:

"Look, Junior! Here's a little green snake!"

"You'd better look out," cautioned Junior, "it may be just as dangerous as a ripe old one."

## Trouble

A little hillbilly watched a man at a tourist camp making use of a comb and brush, a toothbrush, a nail file, and a whisk broom. "Say, mister," he finally queried, "are you always that much trouble to yourself?"

## Dose of Her Own Medicine

The husband drew up a chair beside his wife's sewing machine the other day and remarked:

"Don't you think it's running too fast? Look out, you'll sew the wrong seam. Slow down, or you'll stick that needle in your finger!"

"Why, what's the matter with you? I've been running this machine for ten years."

"Oh, I was merely trying to assist you, just as you try to help me drive the car."

## Busy Typist

The Boss: "And what have you been doing all this time, Miss Montgomery?"

New Typist: "Typing the letter you dictated sir."

The boss: "Really! I thought you might have been working it up in embroidery or something."

## Country Gossip

"Did you ever do any public speaking?" asked the man in the largest rocker.

"Well," replied the chap on the three-legged stool, "I proposed to a girl in the country over a party line."



# Remember Mother Sunday!

WE HAVE GIFTS THAT WILL MAKE HER HAPPY!

What to give Mother? Give her something that will be of use . . . something that will bring her pleasure long after Mother's Day is but a pleasant memory. Drop in today and make your selections in time. Gifts wrapped for mailing if you prefer. And she will like it better if it comes from McDaniel's

## GLOVES

Gloves will make a thoughtful gift, a gift that will be of real use to Mother. We have many different styles in the color she will like. Prices from—

98c to \$1.98



## GOWNS

Here's a lovely gift for mother. Give her a gown. We have them in batiste, silk, satin, etc. Prices range from

98c to \$2.98

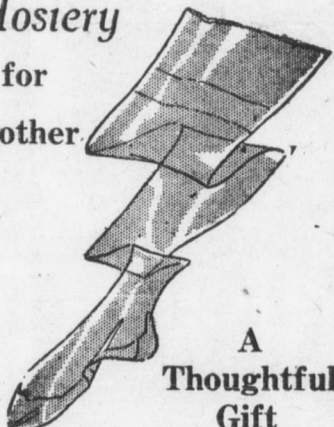
## SLIPS

She will appreciate a new slip. Tailored and lace trimmed styles of highest quality. All sizes.

98c to \$2.98

## Hosiery

for Mother



A Thoughtful Gift

Give Mother Mojud or Claussner silk hosiery on Mother's Day. Lovely new shades of sheerest silk. She'll thank you!

79c to \$1.00



## BAGS

Be sure a new bag is among her presents. All styles and shapes in colors that are correct for spring and summer.

98c to \$1.98

**\$30.00**

**In Cash Free!**

**That's Our Prize for This Week, to Be Given Away Friday at 5:30 P. M.**

# McDANIEL'S

DEPARTMENT STORE

ELKIN, N. C.

**A CHECKING ACCOUNT IS SAFER!**  
If You Lose **CASH**  
You May Never Recover It If You Lose Your **CHECK BOOK**  
We'll Give You Another!

**THE BANK OF ELKIN**  
E. C. Lewellyn, Pres.  
Garland Johnson, Vice-Pres.  
Franklin Folger, Cashier

Joseph's Coat Had Many Colors—  
So Does Our Store in

# REMNANTS

Mill Ends - Samples - Pound Goods  
We Have Crepes in Abundance; Alpaca, Silks, Linens, Sharkskin, Silk Pique, at—  
**25c and 35c Yard**  
ALL KINDS OF MATERIALS FROM  
**5c to 48c Yard**  
**ELKIN REMNANT STORE**  
W. Main Street Elkin, N. C.

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