

## MCDOWELL FARMER SENTENCED TO 5-7 YEARS IN PRISON

### Cowan Found Guilty In Superior Court; Williams Sentenced For Manslaughter.

Hunter Cowan, McDowell farmer, was sentenced in McDowell Superior court here Tuesday to serve five to seven years in state's prison on a charge growing out of the shooting of Ping Francis, negro, near here about three weeks ago.

Francis was said to have been shot through the chest and was at the point of death for several days. The shooting was said to have occurred at the home of Logan Francis, brother of the wounded man, on the night of August 12, following a heated argument between the two.

Cowan entered a plea of guilty before Judge William H. Bobbitt in Superior court.

A plea of involuntary manslaughter was accepted in the case of Charles T. Williams, of the Grassy Creek section, who was charged with murder in the death of Charles McKinney, of Little Switzerland, in an automobile accident near here July 7. The defendant was sentenced to one year in state's prison, suspended on condition that he pay the court costs, pay part of McKinney's hospital and funeral expenses, be on good behavior for two years and not operate a car for two years.

Joe Heafner and Clyde Pruett were sentenced to three-year prison terms upon pleading guilty to robbery of Blanton Grocery company of Marion of a quantity of groceries, cigarettes and other merchandise June 11.

Lloyd Henry of Marion, accused of attacking Sheriff Grady Nichols and Deputies Jim Roland and W. O. Gibbs with a shot gun here last June 22, pleaded guilty and was placed under a six-month sentence, suspended on payment of court costs and two years good behavior.

Cleve Young, found guilty of transporting and sale of illegal whiskey, was sentenced to 90 days and six months on the roads, the latter sentence suspended on two years good behavior.

Elmer Muse was sentenced to one year in state's prison for forgery.

Marshall Clay and Douglas Pearson were found not guilty of driving drunk.

Clyde Moody was ordered to serve six months on the roads, suspended on payment of court costs and a sum each month to his wife and children, for abandonment and non-support.

Tom Ward was found not guilty of embezzlement.

### BOARD SETS DATE TO CONSIDER POOL ROOM

An application for a license for the establishment of a pool room in Marion was considered by the Board of Aldermen here Tuesday and action on the matter was deferred until later in the month to allow opponents of the plan to register their complaints or protests.

The application has been made to the aldermen by Dula Hawkins of Marion.

Tuesday, September 17, has been set as the date for the board to act on the license application. Protests against the granting of the license will be received before that time.

### S. S. CONVENTION AT CHERRY SPRINGS SUNDAY AFTERNOON

The Sunday School Convention of the Blue Ridge Baptist Association will be held at the Cherry Springs Baptist Church next Sunday afternoon, Sept. 8, at 2:30 o'clock. A. C. Leonard of Cross Mill, acting president, presiding. An interesting program has been prepared. Representatives of the Clear Creek, Old Fort, Cross Mill and Cherry Springs churches will participate in the meeting. At this meeting, the annual election of officers for the ensuing associational year will take place. All Sunday Schools of the 30 churches of the Association are expected to send delegates to this meeting.

### SINGING MEET DRAWS LARGEST CROWD HERE

The second McDowell county singing convention of this year, held here in the Marion high school auditorium last Saturday night and all day Sunday, drew the largest crowd in the history of the organization, stated A. H. Mitchem, president of the convention, this week. The crowd packed the auditorium, the halls and the steps of the school building and hundreds went in and out of the building Sunday. Musicians and visitors were welcomed to the convention by Mayor Zeno Martin of Marion.

The meeting drew musicians from several states and the program was highlighted by selections by the Stamps-Baxter quartet from Asheville, the Melody Boys from Hickory, a Cherokee Indian quartet from Jackson county and the Rangers from Charlotte. The program consisted of religious music, spirituals, Indian music and new and popular songs. Solos, trios, quartets and group singing led by professionals were presented during the convention.

A broadcast over radio station WWNC of Asheville was presented direct from the convention hall Sunday afternoon between 1:30 and 2:00 o'clock.

Officers of the convention were re-elected for another year, A. H. Mitchem being chosen president, John C. Burnette, vice-president, and A. B. Ruppe, secretary-treasurer. The next convention will be held in Marion in April, of 1941. The exact time and place of the meeting have not been selected.

Marion residents and organizations assisting in arranging for the convention were: Walter J. Cartier, the McDowell Chamber of Commerce, Paul O. Nafe, Hugh F. Beam, Beaman Lumber Co., the Marion Parent-Teachers Association, J. L. Early, C. B. Morgan and A. B. Ruppe.

### LIBERTIES PROTECTED BY COURTS, JURIES JUDGE STATES HERE

The American system of trial by courts and juries protects civil liberties in the United States that are not enjoyed by the people of many nations today, stated Superior Court Judge William H. Bobbitt of Charlotte in addressing the grand jury at the beginning of a two-weeks criminal-civil term here Monday.

Judge Bobbitt outlined the functions of various courts in trying defendants for felonies and misdemeanors. Justice of peace courts try petty misdemeanors and may impose maximum sentences of 30 days in jail or \$50 fine. Such courts may find probable cause against defendants charged with more serious crimes and send them to higher courts for trial, he said.

Defendants charged with any misdemeanor may be tried in county court and the court has "additional power to find probable cause in felony cases and send defendants to higher courts for trial, he stated. Before a defendant may be tried for a felony a true bill in the case must be returned by the grand jury or probable cause must have been found in a lower court.

Judge Bobbitt explained the power of presentment available to the grand jury by which it may advise prosecution to right some wrong in the community. He requested the jury to investigate county offices and institutions to discover possible violation of criminal laws.

Law is the plan by which discipline is sought, he said, and in America it is based on the preservation of civil liberties.

### RAZING OF TANNING PLANT IS STARTED

Old Fort, Aug. 29.—A two-story building of the Union Tanning Company here, damaged when struck by lightning about eight years ago, is being torn down and machinery is being shipped to a plant of the concern at Kingsport, Tennessee.

Six railroad carloads of the machinery already have left for the new location. Meanwhile, the building housing the extract plant is being left intact, although the company has not operated either structure since the lightning struck years ago. The extract plant is being kept available for possible future operations, it was pointed out.

## ALDERMEN SET TAX RATE FOR TOWN AT \$1.60

### Total Budget Of \$93,000 Approved For Operation Of Marion Government.

The Marion Board of Aldermen adopted a \$93,000 budget here yesterday for the operation of the town of Marion for the fiscal year 1940-41 and set the tax rate the same as last year—\$1.60 on the hundred dollars valuation.

The total estimated property valuation for Marion was \$3,198,195.

Funds provided for the different departments of the town government were divided in the budget as follows:

General government, \$7,200; police department, \$5,800; fire department, \$2,400; street and sewer department, \$12,200; debt service, \$45,200; cemetery, \$500; water department, \$5,000; and improvements to town property, \$15,000.

F. O. C. Fletcher of Asheville has been employed by the town as auditor for the fiscal year 1940-41. He has recently been employed in preparing the budget.

### WORK OF DEMONSTRATION CLUBS GIVEN AT MEET

A county home demonstration agent offers assistance of many kinds to rural families and lays particular emphasis on 4-H club work, stated Miss Jean Steele, McDowell demonstration agent, as guest speaker at the regular weekly Kiwanis meeting Tuesday night.

Miss Steele stated there are at present 15 adult home demonstration classes in McDowell with approximately 250 women enrolled. Topics of mutual interest are discussed at meetings of the classes, the ladies this year studying home furnishings. Demonstration work has been carried on in McDowell county for about five years, she said.

Miss Steele was introduced to the Kiwanians by S. L. Homewood, program chairman for the meeting.

N. F. Steppe, superintendent of McDowell schools, was introduced as a new member of the club.

Included among the guests at the meeting was E. P. Dameron, the new law assistant of R. W. Proctor.

Dinner was served by ladies of the Methodist church.

### MARION GROUP ATTENDS DEDICATION EXERCISES

Marion residents attending the dedication ceremonies at the Great Smoky Mountains National Park on Monday afternoon at which President Roosevelt delivered the dedicatory address included Mr. and Mrs. W. W. Neal, Sr., Mr. and Mrs. W. W. Neal, Jr., and Mr. and Mrs. J. G. Neal, who were all members of Governor Clyde R. Hoey's party at the ceremonies.

Among other Marion residents attending the dedication were Walter J. Cartier and J. M. Lancaster, Jr., as official representatives of the McDowell Chamber of Commerce.

Brief addresses were delivered during the exercises by Governor Hoey and Governor Prentice Cooper of Tennessee. Master of ceremonies was Secretary of Interior Harold L. Ickes.

### ELECTRICIAN INJURED AT WORK NEAR MARION

Owen Green, Marion electrician, was badly burned about the face and on both arms last Friday when he came in contact with high tension wires while working in East Marion.

The injured man was taken to the Marion General Hospital where his condition was this week reported to be improving.

### HURT IN WRECK

Roderick W. Cartier, son of Walter Cartier of Marion, was injured in an automobile wreck near Charlotte last Saturday. His injuries were not serious, but the car which he was driving was damaged considerably. Other members of the party were shaken up but not injured.

## SCHOOLS OF CITY UNIT BEGIN FALL TERM ON SEPT. 12

### Outside Classes To Be Held At Central High; Principals To Meet Saturday.

Marion city schools will open their doors for the fall term next Thursday morning, September 12, at 9:00 o'clock. Children at the central high school will assemble at that time in the auditorium for announcements.

According to City Superintendent Hugh F. Beam, temporary arrangements for outside classes at the central high school are the same as they were last year. Two high school classes will be held in the elementary school building, two in the Presbyterian church and two in the Methodist church. These arrangements are expected to continue until the fire-damaged parts of the high school have been repaired.

Pupils at the high school will be assigned to classes on the opening day of school, according to Principal H. C. Holland. Registration was held at the close of school last spring and during the summer months pupils were sectioned with one exception. Members of the eighth grade will be required to register on September 12 and their classes will be scheduled then.

High school principals of the city unit will have their first meeting of the year Saturday, September 7, in the office of the superintendent. The meeting will begin at 10 o'clock and the school program for the year will be discussed in detail.

Monday and Tuesday of next week schools of the city unit will receive all necessary supplies for the opening.

The first teachers meeting will be held in the central high school auditorium September 11 at 10 o'clock a. m.

### BELK-BROOME COMPANY OBSERVES 9TH BIRTHDAY

The Belk-Broome Company of Marion celebrates this week its ninth anniversary of continuous service to the trading area of Marion.

The store was established here in 1931. Since that time its business has more than doubled, the establishment has been remodeled and enlarged, new departments have been added and the sales force has been increased.

Belk-Broome now draws business from many counties adjoining McDowell and has become an important firm in the commercial life of Marion and the county.

Vernon T. Eckerd, manager of the store, has been its manager since it was established in Marion.

In announcing the ninth anniversary celebration Mr. Eckerd expressed his appreciation for the support and pleasant relations he had experienced during the past nine years and pledged himself to continue the best of service to the public through Belk-Broome.

### NORTH COVE SCHOOL BEGINS FALL CLASSES

Classes were begun at the North Cove school yesterday, after other schools in the county had been in operation since Thursday of last week. The delay in starting the North Cove unit was caused by flood-damaged roads and washed-out bridges in that section which have made travel difficult. Roads had been repaired sufficiently yesterday to permit the safe transportation of children.

All other schools in the county opened their doors on schedule last Thursday. Enrollments at the schools were said to be somewhat higher than last year.

### ENROLLMENT GIVEN FOR COUNTY SCHOOLS

Enrollments as announced for the county schools are as follows:

Old Fort, high school 191, elementary, 601; Pleasant Gardens, high school 148, elementary, 429; Nebo, high school 92, elementary 264; Dyarsville 119, Sugar Hill 135; North Cove, high school, 58, elementary 192; Glenwood, high school 171, elementary 272.

### MITCHELL HALL WILL BE NAMED FOR J. Q. GILKEY

Raleigh, Aug. 29.—The conference hall at Mount Mitchell game refuge will be named in honor of the late John Quince Gilkey of Marion, it was announced here by R. Bruce Etheridge, director of the department of conservation and development.

A bronze plaque will be erected to Gilkey, member of the board of conservation and development from its reorganization in 1927 until his death.

Gilkey was personally responsible for the construction of the Mount Mitchell conference hall which will bear his name.

Etheridge said that the board hopes to have the bronze plaque ready for dedication by the third week in October, tentative date for a board meeting at Mount Mitchell.

The plaque will read: "Gilkey Memorial Hall, erected in memory of John Quince Gilkey, conservationist and faithful public servant. Born May 15, 1874. Died July 3, 1940." A profile of Gilkey will be engraved in relief on the plaque.

Etheridge and Commissioners Coleman W. Roberts of Charlotte and Charles E. Ray, Jr., of Waynesville, constitute the committee on the Gilkey memorial.

### JURY SAYS PART OF NORTH COVE SCHOOL SHOULD BE CONDEMNED

The McDowell county grand jury, making its report in Superior court here Tuesday, recommended that the older portion of the North Cove school building be condemned at once, as it is "absolutely unsafe for public use."

The report stated that a similar complaint was made by the grand jury serving at the September term of Superior court in 1939, and that no action had been taken in the matter.

The jury recommended "that proper authorities rebuild the bus house for the Moffitt Hill school children in the Old Fort school district and that the sheriff investigate the destruction of the old one."

Reporting the court house and jail to be in fair condition, the records of minors and justices of the peace to be in good shape, the jury stated that 92 prisoners were at the county prison camp and that sanitary conditions there were excellent.

By Tuesday morning the jury had passed on all bills submitted to it. Foreman of the jury is Austin J. Harris.

### FOUR ARE INJURED IN HENDERSON AUTO CRASH

Old Fort, Sept. 2.—Four persons of New York City who had been visiting relatives here were injured in an automobile accident near Henderson, it was learned.

The party left Old Fort Sunday. The four, all patients in a Henderson hospital, are Mr. and Mrs. Charles Turner, a young daughter, Barbara, and Miss Agnes Noblitt. Mrs. Turner has a broken arm and internal injuries, Barbara, thrown from the car, has a broken arm. Miss Noblitt received a broken arm and a broken leg and Mr. Turner escaped with minor hurts.

Mr. and Mrs. Charles Noblitt, parents of Mrs. Turner and Miss Noblitt and Mr. and Mrs. Garfield Turner, parents of Mr. Turner, and Leonidas Rhinehardt left Old Fort to be with the injured persons.

### LOCOMOTIVE FALLS INTO TOE RIVER, ENGINEER MISSING

Erwin, Tenn., Sept. 3.—Two locomotives making up a double header freight train were derailed 35 miles south of here today and one plunged into the flooded Toe River, pinning Engineer John Sifferd, of Erwin, in the wreckage. Rescue workers were attempting to recover his body.

Fireman C. T. Davis escaped from the cab and swam to safety. He suffered only bruises.

G. C. Mattox, engineer on the other locomotive, also suffered bruises. The wreck occurred on the tracks of the Carolina, Clinchfield and Ohio railroad. Besides the two engines, six of the freight cars were derailed.

## 60,500 GUARDS TO BEGIN YEAR'S DRILL SEPT. 16

### Citizen Army Mobilized By Roosevelt; Units To Be Drawn From N. Carolina.

Washington, Sept. 2. — War Department officials prepared today to induct 60,500 national guardsmen from 26 states into the army Sept. 16 for one year of training.

President Roosevelt issued the call—the first of a series that probably will bring all available members of the guard into the army within a few months — late yesterday under the national guard mobilization law which he signed Tuesday.

The first guardsmen called for service will be the vanguard of the preparedness army of 1,200,000 soldiers planned by the high command. Under the law the guardsmen can be used for service anywhere in the United States, its territories or possessions, including the Philippines. But there was no indication any of the men called would be sent beyond the limits of the continental United States.

Mr. Roosevelt announced that he plans to increase the 60,500 called for September 16 to 76,689—the full peace-time strength—by voluntary enlistment as soon as possible.

The citizen-soldiers, many of whom have just completed intensive war games, will be drawn from New York, New Jersey, North Carolina, Tennessee, South Carolina, Georgia, Oklahoma, Arizona, New Mexico, Colorado, Washington, Idaho, Oregon, Montana, Wyoming, New Hampshire, Delaware, Illinois, Missouri, Massachusetts, Pennsylvania, California, Maine, Connecticut, Virginia, and Arkansas.

The work of assembling the guardsmen will remain the job of state officials — since the guard is strictly a state militia — until the members are inducted into the federal service. During the next two weeks guardsmen below the rank of captain will be permitted to resign if they have dependents or are essential to an important war industry, and state officials may recruit their organizations to full peace strength.

The 60,500 figure mentioned by Mr. Roosevelt in his mobilization proclamation refers to the maintenance strength at which the guard has hitherto operated. An intensive recruiting drive to bring units in the 76,689 figure is anticipated during the next two weeks.

Mobilization of the guard units will keep abreast of the schedule previously set out by the military authorities in their drive to man the \$10,-000,000,000 armament program.

### LARGE ATTENDANCE AT NOBLITT REUNION

The annual Noblitt reunion was held last Sunday at the home of George Noblitt on Crooked Creek. This year's gathering was attended by about 110 members and friends of the family from Western North Carolina and nearby states. It was the largest attendance recorded since the beginning of the annual affair several years ago.

The morning exercises were held at the nearby Noblitt cemetery, the resting place of the ancestors of the Noblitt family of Western North Carolina who first settled in the Crooked Creek section about 1789.

At noon the family gathered at the home of Mr. George Noblitt where a picnic lunch was spread under a giant oak and the remainder of the afternoon taken up by a varied program.

### MEETING FRIDAY NIGHT TO FORM WILLKIE CLUB

A meeting will be held at the court house Friday night, September 6th, for the purpose of organizing a Willkie for President club.

### SPEAKS IN HICKORY

Walter J. Cartier, secretary of the McDowell Chamber of Commerce made a short talk at a concert given by the Hickory high school band in Hickory last Friday night.