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# THE NEWS-RECORD

COUNTY RECORD  
 Published June 28, 1901.  
 FRENCH BROAD NEWS  
 Established May 16, 1907.  
 Consolidated November 2, 1911.

THE ONLY NEWSPAPER PUBLISHED IN MADISON COUNTY

VOL. XXI

MARSHALL, N. C., FRIDAY, DECEMBER 9, 1927

CIRCULATION—2000

## STORY OF AN OLD CRIME

FRANKY SILVER SLEW HER HUSBAND

A Murder Committed 70 Years Ago By the Bright Little Woman Was One of the Most Brutal Crimes Ever Done in North Carolina—The Recital of A Brother of The Victim, Who Is 87 Years Old.

(From The Charlotte Observer)

The following article is published from the Black Mountain Eagle that was printed on April 18, 1903 and credited to the Charlotte Observer. The Eagle was published at Burnsville.

"One of the most brutal murders ever committed in North Carolina was conceived, planned and executed by the woman Frances or Franky Silver, of Burke (now Yancey) county, who killed and burned her husband, Charles Silver. The crime was done one night about 70 years ago, in a lonely mountain cabin on Toe river, in the presence of a two-year-old child and God, while the victim lay asleep by his own fireside. The murderer was tried, convicted and hung, being one of the first women executed on the gallows in this country.

"Mr. Alfred Silver, half brother of the murdered man, is living to-day, on Curtis' Creek four miles northwest of the town of Old Fort, McDowell county. He will be 87 years old the 15th of November, if the Great Master allows him to live to see his next birthday. I went out to see Mr. Silver one morning last week. He is the finest type of the best class of mountaineer that I ever saw, being large, strong featured and manly. His face looks like the pictures of the old patriachs as they appear in the histories. He has a large head, a fine mouth, and silken hair. As he lay in bed and conversed with me I could see nothing but his long, bony hands, his soft, white beard, his brilliant eyes and the general outline of his face, for he wore a fur cap and had the cover pulled up around him.

"I found him willing and able to talk about the murder, the trial and the hanging. His mind is sound and clear. He remembers the details of the case as well as if the crime had been perpetrated last month. At the time of the deed he was just at the tender age when a bright mind takes and retains most."

The Story of The Crime.

In giving the story of the affair I shall let him tell it in his own vigorous, forceful way. He uses plain but eloquent English.

He began: "Charles Silver, killed and destroyed by his wife, Franky Silver, about the year 1832, was my half-brother. He was strong and healthy, good-looking and agreeable. He had lots of friends. Everybody liked him. He was a favorite at all the parties for he could make merry by talking, laughing and playing musical instruments. I think he was the best fitter that I ever heard. He had been married long enough to have one heir before he died. He lived in a cabin across a ridge, a quarter of a mile from my father's home on Toe river.

"Charles was pretty much of a gunner, a hunter, and it was Christmas, just his time for hunting. The ground was all covered with snow and the river frozen hard. His wife, contending that he would be off soon on a hunt, urged him to cut enough wood to do all week. He fell in with his axe and cut up a whole hickory tree, and shocked it so that it would keep dry and clean.

"Being tired and sleepy after the labor of chopping, my brother lay down on the floor, close by the fire with his little girl in his arms, and went to sleep. His head rested on an inverted stool for a pillow. Franky gently took the baby from his breast, put it to bed, picked up the axe from the door, where she had placed it for the purpose, and whacked his head half off at a single blow. She intended to get it clean off, but miscalculated and either stood too close or too far back. The first lick did not kill him instantly for he sprang to his feet and cried: "God bless the child." The wife fled to the bed, by the child, and covered herself up. All she heard Charles fall then jumped out and finished the

(Continued to Third Page)

### BOY'S ESSAY ON GOATS

"A goat is an animal about as big as a sheep if the sheep is big enough. A female goat is called a buttress. A little goat is called a goatie. Goats is very useful for eating up things. A goat can eat more things than any other animal that ain't a goat. My father had a goat once. My father is a good man and anything he says is true whether it is or not. That's all I know about goats."

## ALEXANDER MAN KILLED BY TRAIN

Reuben Austin, age 20 years, track walker for the Southern Railway Co., was instantly killed by a train early Sunday morning, having supposedly sat down on the tracks a few minutes, and then fallen asleep from sheer exhaustion, due to the fact that he had walked the tracks for 48 hours or two days and nights, without any sleep, guarding the tracks against high water and landslides.

The coroner, Dr. John L. Carroll, stated that the youth had gone to his home a few minutes before he was killed to change a water soaked coat for a dry one. His lantern and a fuse, placed on a crosstie, showed that he had paused for a short time before the train came.

Mr. Austin is survived by his mother, Mrs. Mary Jane Austin, with whom he lived near Alexander.

## \$100 REWARD FOR THIEF

REWARD TO BE GIVEN BY MADISON COUNTY COMMISSIONERS

A reward will be paid by the members of the Madison County Board of Commissioners for any evidence leading to the conviction of the person or persons stealing the bills of indictment and warrants issued against the County Commissioners upon charges brought by N. B. McDevitt, Madison County Representative in the General Assembly, it was announced here Tuesday. The announcement was made by J. H. Sprinkle, Jr., in behalf of the Co. Commissioners.

It is also stated that the reward will be paid by the Commissioners personally.

Theft of the indictments and warrants was reported during the progress of the hearing of the cases against the Commissioners here last week. The cases were not pressed with leave by Judge Roy Deal.

Asheville Citizen.

## DESERTED CAR CONTAINED LIQUOR

Officers here have found no clues as to the whereabouts of the owners of a large touring car which was found wrecked below an embankment on the Marshall-Hot Springs highway, a short distance west of here, late Sunday night, by Clinton Caldwell, law enforcement officer. Mr. Caldwell noticed the wrecked car while traveling along the highway Sunday night, his attention being attracted by the rear light. Upon an investigation, the officer found 15 gallons of whiskey in the car, part of which was spilled. No traces of the owners have been found by officers and the car has been confiscated by officials here.

## FINANCING THE STATES BAPTIST ORPHANAGE

ORPHANAGE REPRESENTATIVE PRESENTS VIEWS ON THE NEEDS OF BAPTIST STATE INSTITUTION NEEDS FOR COMING YEAR.

Editor of The News-Record:

Please allow me space in your paper to set before our Baptist Churches and Sunday Schools one of our most distressing needs, namely that of financing our Baptist Orphanage.

The French Broad Association has asked me to represent our Orphanage during this Associational year, and to try to stimulate an interest in our Sunday Schools which will cause them to contribute to our Orphanage regularly. To my utter amazement, I have found that only one church in the entire Association is supporting the Orphanage with any degree of regularity. Our Sunday Schools should realize that the Orphanage is financed by the first Sunday and Thanksgiving offerings. We have sought to enlist every Sunday School in the once a month giving to the Orphanage, but a large number have failed to respond.

The needs of our Orphanage are many and very distressing. We are now aiding in their homes 392 with 87 mothers. These added to the number now present in the Orphanage makes 988 children in the care of the North Carolina Baptists. We receive from 50 to 100 applications each month for entrance into our Orphanage, but most of them are turned away for the lack of room and adequate equipment to care for them.

How long shall we heap upon ourselves the luxuries of life; how long shall we go on our needless and indifferent ways without hearing the voice of the Savior as He says, "Render unto Caesar the things which are Caesar's, and unto God the things which are God's." We are rendering unto Caesar his just dues, but we are neglecting to give back to God His just portion. God has richly blessed us in the material things of life. Our cattle graze upon a thousand hills, our money is spent for that which does not satisfy; and in the midst of buzzing prosperity we have lost the consciousness of personal responsibility.

Can our Christian institutions, that have been planted by the hand of God hope to do effective work unless those of us who have named the name of Christ stand loyally by them and support them? The expense of maintaining our Orphanage averages \$500.00 per day. This sum is comparatively small when we take into consideration the number that is being cared for. If our more than 2200 Sunday Schools throughout North Carolina would only give an average of \$5.00 per month, it would run to the grand total of \$11,000 per month, or \$132,000 per year. Every Sunday School in the French Broad Association could easily give this amount if the needs of the Orphanage were constantly kept before the people. The management of our Orphanage have been forced to borrow \$70,000 to tide them over until the Thanksgiving offering is received. Whether this offering will make up the deficit must be ascertained later; but if it should cover the deficit, the management will inevitably be forced to borrow again.

We as a Baptist denomination, can find no greater investment than in spending our money on moulding Christian character. Those fine, red blooded boys and girls are not paupers, they are not boys and girls of low morals; but they have come from the homes of the most consecrated Baptists in North Carolina.

Our children may be the next ones that have to be cared for. Who knows what providence will bring, or what the future holds for us? Let us take our New Testament and turn to James 1:15-16, and here read what He says. My dear friends, what will it profit you though I look into your faces and say that I love you with you with a godly love, though I say that I see you are naked and hungry, though I say that I see you have need of shelter, clothing and food; but at the same time, I close my door in your faces without rendering

any assistance? Are you benefited by my sympathy, are your hungry and naked mouths and bodies supplied with the necessities which they must have? Your answer must inevitably be in the negative, I say in conclusion that unless we are awakened from our state of lethargy, our unfortunate children must inevitably suffer.

Yours respectfully,

FRANK LEATHERWOOD,  
 Orphanage Representative,  
 Nov. 28, 1927.      Mrs. H. L. N. C.

## SID TIPTON KILLED BY FALLING TREE

Sid Tipton, aged Madison County man of Walnut, died Saturday night as the result of injuries received earlier in the day when a tree which he was cutting down near his home struck him as it fell.

Mr. Tipton was able to walk to his home some time after the accident, but meanwhile he lay in the snow and suffered very much from exposure to the weather. He had been in poor health owing to a stroke of paralysis some time ago, and in this condition failed to withstand the shock.

Services were held at the home at 2:30 o'clock Monday afternoon, conducted by Rev. B. E. Guthrie, pastor of the Walnut Free, Will Baptist church. The burial was in a nearby cemetery.

Mr. Tipton is survived by his wife, and children, Mrs. Julia Ramsey, Ralph Tipton, Monroe Tipton, Misses Robbie and Sadie Tipton.

## DOVER SPRINKLE COMMITS SUICIDE

USES 20-GAUGE SHOTGUN

Mr. Dover Sprinkle, age about 50 years, well-known farmer of the Walnut Creek section, who has been in ill health for several years, took his own life Wednesday morning at 6 o'clock, shooting himself over the heart with a single barrel 20-gauge shotgun, living a little over an hour after the fatal shot, according to reports.

It is said that Mr. Sprinkle walked out of his home, gun in hand, and in a few minutes the family heard a shot, and going out, found him mortally wounded.

Mr. Sprinkle is a brother of Mr. Mack Sprinkle, well-known contractor of Marshall, and is survived by his wife and several children.

## TWO YOUNG MEN INJURED IN WRECK

Wednesday morning a Ford roadster turned over an embankment on old Route 20, across the River, the accident being due to a broken radius rod, and not the fault of the driver, according to reports.

Mr. Glenn W. Naves, of Marshall, was riding on the running-board of the car at the time of the accident, and jumped clear of the car, only to have it come down on him, bruising him about the body severely, inflicting several minor cuts, and breaking his left hand. The driver of the car was the other injured member of the party, being thrown against the steering wheel with such force that the wheel was broken, while he escaped with bruises in the chest. He might have been hurt more seriously were it not for the fact that he had a heavy overcoat on, which served as a good padding against the steering wheel.

Those in the car were Elmer Clark, Elmo Ponder and brother, a Reems boy, and Glenn Naves.

## LITTLE CHILD IS KILLED BY TREE

Word has been received here that little Frank Morgan, 3 years old, of Ball Creek, was instantly killed when struck by a tree felled by his father. This is the second death in less than a week caused by falling trees, the other being the death of Mr. Sid Tipton, of Walnut.

Flapper's War Cry: "Two arms! Two arms! Fall in!"

## A DETAILED ARTICLE CONCERNING WARRANTS SWORN BY McDEVITT AGAINST COUNTY COMMISSIONERS

W. G. BUCKNER GIVES FIGURES TO BEAR OUT HIS STATEMENTS IN THIS MATTER

We know that there has been considerable interest among the people of Madison County, as well as people on the outside of the County in regard to the warrants which N. B. McDevitt swore out against the Commissioners of Madison County, alleging that the Commissioners had willfully failed and neglected to perform their duties as to certain alleged laws which McDevitt had passed by the Legislature of 1927.

In the issue of the News-Record of November 18, we explained with some detail what was required of the Commissioners under the law in regard to the tax levy for Madison County, and we respectfully request the readers of the Record to refer to that article in connection with what we have to say now.

The people of the County waited with great interest to know what would be the results of the indictments of McDevitt against the Commissioners in the Superior Court. In the case of state against W. G. Buckner, No. 96, on the Criminal Docket indictment against W. G. Buckner for failure to make bond in the sum of \$5,000.00, as chairman of the road board returned "Not a True Bill." John Hipps, Foreman Grand Jury.

Indictment under Chapter 132, Public Local Laws 1927.

State vs W. G. Buckner, J. C. Chandler, Claud J. Wild, No. 95 Criminal Docket. Indictment in this case under Chapter 90 Public-Local Laws North Carolina, 1927, Section 4.

That the Road Board, or County Commissioners of Madison shall divide an apportion to each and every road in the various townships a part of the road taxes paid in by said township, and the divisions shall be made to all roads according to the taxes paid in by the tax-payers owning property or living or residing on said roads.

This case was called for trial and the defendants announced that they were ready for trial. The Solicitor and the private prosecution asked that the case be continued. The defense insisted that the case should be tried for the reason that the Commissioners were unable to construe the said law or to comply with the demands made in the foregoing section. That the railroad and other corporations pay a large part of the road taxes in the County besides there are about 75 to a 100 miles miles of state roads in the County on which a large number of the tax-payers own property and reside, and that the Commissioners are unable under the said law to determine how the road tax paid by the corporations and people who reside and own property exclusively on the State Highways shall be divided or distributed. The defendants further contended that if the case should be continued that the Commissioners would not feel justified in spending any of the road money on the roads, not knowing how to apportion it, with a criminal indictment hanging over them. The Judge asked the Solicitor if he had any charge against the Commissioners for not apportioning the road tax money among the different townships in proportion to the taxes paid for road purposes under the 10 cents levy on \$100.00 for road purposes. The Solicitor and the private prosecution replied to the Judge that there was no such charge against the Commissioners. Counsel for the defense stated that they stood ready to show by the Auditor's books that the road tax money up to date had been properly and accurately apportioned between the different townships of the County. The Court thereupon expressed the opinion that the statute under which the defendants were indicted was so vague in its terms as to be invalid. The Court then requested the Solicitor to give to the Court an intelligible construction of the statute, whereupon the Solicitor admitted that he could not. The Court then called on Mr. J. H. McElroy, attorney for the private prosecution to give a construction of the statute. Mr. McElroy stated that he thought he knew what the law was

driving at, but he could not interpret the statute as it stands. The Solicitor expressed himself that he stood ready to take such course as the judge might recommend. The Court then stated that he did not think that the statute could be intelligibly construed and did not believe that the Solicitor could make a case against the defendants, whereupon the Solicitor took an Noli Pro's in the case.

State against W. G. Buckner, J. C. Chandler, Claud Wild, No. 94 on the Docket. This indictment was under Chapter 621, Public Local Laws 1927. Known as the tax levy indictment.

This case was called for trial the defendants announced that they were ready for trial. The Prosecution moved for a continuance of the case. The Judge intimated that the defendants ought to have a trial. The defendants stated that they should have a trial for the reason that many of the taxpayers of the County were holding back from paying their taxes deducting 30 cents and taking a partial receipt, it was further shown that Southern Railroad Co., heretofore had paid its taxes as soon as the tax books were made out, but this year the Railroad Co. had not paid its taxes up to date. That the Railroad all told pays about \$60,000 taxes and more than half of that goes to the Public Schools. That under the law the Commissioners by failure of the people to pay their taxes on account of the said indictment had been forced to borrow money to run the County and that they had borrowed for the month of November \$18,000.00 for the school board, and that the school board was calling on the Commission-

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## SERVICES HELD FOR CECIL SHELTON

Funeral service for Cecil Shelton, young son of Mr. and Mrs. Henry Shelton, of Marshall, who passed away at the home of his parents here early Sunday morning, following an illness of over two years, was conducted at the Marshall Baptist church Monday afternoon at two-thirty o'clock, Rev. H. L. Smith, the pastor, and a close friend of the young man and his family, officiating. The service was largely attended by the many friends of the deceased in Marshall, and the floral offerings were very beautiful, testifying to the high esteem in which young Shelton was held by both young and old in Marshall. Rev. Mr. Smith paid a beautiful tribute to Mr. Shelton, commenting on the splendid qualities of Christianity, generosity, and friendliness in evidence of his life, especially during his long and serious illness, the greater part of which was spent in Asheville and Winston-Salem hospitals.

The active pall-bearers consisted of six boy friends and former schoolmates of the young man, as follows: Lankford Story, Bon White, Hal West, N. B. McDevitt, Jr., Hubert Worley, and Glenn W. Naves. Many boy and girl friends attended the services.

Young Shelton was 22 years of age, and prior to his illness was one of the leaders in school life here. He was an excellent student and star debater, being a member of one of the most successful debating teams in the history of Marshall High. He was taken ill shortly before his graduation from high school here, and his condition grew steadily worse. Friends here recall that at one time he entered a debating contest when he was ill, and was forced to use crutches while walking and standing on the floor to argue his point. His splendid qualities and ability as a speaker favorably impressed the judges that Marshall high's debating team carried off the honors in one of the most difficult contests of that year.

He was a member of the Marshall Baptist church, and prior to his illness took an active part in B. Y. P. U., and other young people's work in the church.

Surviving are his parents, and sister, Miss Mona Shelton, and two brothers, Thad, Servada, Chester, Obey and Carl.