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The Cleveland Star

SHELBY'S POPULATION
1925 Census -----8,854
Where Industry Joins With
Climate In A Call For You.

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MODE SUES SHELBY FOR CUTTING SHADE TREES ON SIDEWALK

Damages Asked of Shelby and Each
Official. Employee Alleges he Cut
Trees at Plaintiff's Request.

A civil action for damages has been instituted against the town of Shelby Mayor Weathers, Aldermen J. E. Schenck, Jr., T. W. Hamrick, J. P. Toles and M. D. Hopper, also Louis Lipscomb and Frank Spake, Jr, both employees of the city water and light departments, asking damages of \$2,000 against each of these defendants for cutting down shade trees in front of the property of Robert L. Mode, painter who lives on S. Washington street. When the complaint was filed this week by Attorneys Peyton McSwain and Cleveland Gardner for Robert L. Mode, little uneasiness was created at the city hall in and out of which these officials and employees work. The complaint set forth several causes of action and asks damages for trespassing on Mode property and erecting "highpowered electric" line on unsightly poles to the amount of \$500 actual damage and \$500 punitive damages. For cutting the trees in front of his property, Mode asks \$2,000 actual damages and \$1,000 punitive damages against each of the several defendants mentioned in the action.

The cutting of several shade trees between the sidewalks and curb on S. Washington street in front of Mr. Mode's property caused no little discussion about ten days ago. According to city officials, the occupant of the house north of the Mode house wanted electric current and the nearest and most feasible route for this line was across the rear of the Mode lot. Poles were set to serve his neighbor but Superintendent Toles of the water and light department says the wires were not "highpowered" but carried only 110 volts, the same strength of electricity which enters all homes for lighting and cooking and there is no danger whatever. The town sought to string the line across the Mode property in order to avoid stringing a line in front of the house along the street where it would be necessary to trim the shade trees. The town alleges that Mr. Mode once agreed for the line to go to the rear of his lot but later changed his mind. Then an effort was made to get his consent to hang the wire high in the air across one corner of his lot in order to avoid trimming the trees. Mr. Mode refused even to allow a city electric wire to pass over his lot and when told that it would necessitate trimming the shade trees along the sidewalk if the town was forced to pursue this course he told the employees of the water and light department to "cut the trees down."

Mayor Weathers instructed Lipscomb and Spake to trim the shade trees as lightly as possible if they found no other solution of the problem to get the wires to the neighbor's house and the Mayor did not know the trees were cut down until the afternoon after they had been cut that morning. Lipscomb and Spake who did cut the trees declare that they did so solely at the direction and upon the authority of the property owner, Mr. Mode who files the complaint asking for damages.

In the complaint Mode alleges that he owns the property to the curb of street, but in answer to this the town alleges that it owns and controls the street and sidewalks and trees and had a right to cut the same if necessary. The trees that were cut were between the street and sidewalk and on property generally regarded as belonging to the town.

Third Novel Suit
The suit is a novel and interesting one that will no doubt come up at the next term of the Superior Court. It makes the third novel suit for damages instituted in the county during the past month, the other two suits being one in which one neighbor asks another who turned fowls loose to pay for his missing chickens and the other suit being that of Rev. C. B. Way in which he sues his congregation for unpaid salary while he was serving as pastor of the Methodist Protestant church here.

Realty Trading Gets Better Day By Day
That the Florida land fever has spread to Western Carolina, and especially to Asheville, was the word brought to Shelby Wednesday by D. R. McBrayer, who has been traveling in that section.

Mr. McBrayer said there is a kick in Asheville real estate trading never known before. Most everybody is talking and buying land, he said.

"One real estate dealer told me," Mr. McBrayer asserted, "that if business kept up at the pace it is going, he will have made money enough at the end of the summer season to quit and call it a life work."

Former Shelby Pastor Asks Court To Get His Salary

In a complaint now in the hands of Attorney C. B. McBrayer and to be filed with Court Clerk Geo. P. Webb, Rev. C. B. Way former pastor of the Methodist Protestant church of Southwest Shelby, asks that the court see that he is paid \$328.03 back salary due him by the congregation together with interest since November 15, 1925.

The action names the trustees of the church, J. T. Ramsey, Amos Gantt and A. R. Chapman. Mr. Ramsey talking to the Star yesterday gave the congregational viewpoint. "I don't say that he shouldn't have it, and I am sorry personally that he didn't get it. Some few of us paid our part and more, but others lost interest in the church, it seems, during Mr. Way's pastorate and did not pay their quota. Of course, those of us who have already paid more than our quota should not be forced to pay still more for the others." Other than that Mr. Ramsey had little to say about the case. No one had their names taken off the roll or the church or left, but several, he stated lost direct interest in the services and did not keep up with general church expenses. Whether or not trustees of the church have secured an attorney was not learned. The case will come up, it is thought, at the March term of court if a compromise is not effected there being some talk to that end.

Rev. Mr. Way in his complaint says that he tried to reach a compromise settlement without resorting to legal methods.

Data secured from the complaining informs that the pastor now a resident of Lexington, was duly called and accepted the

call to the church. That the call was for the year from November 15, 1924, to November 15, 1925 and that he served for the prescribed period faithfully with care and diligence, making pastoral calls and discharging every duty.

For the year set out, according to the complaint, he was to receive a salary of \$1,100 and use of the parsonage. But so far, it adds, he has only received \$771.94 and that he has made repeated demands for the remainder, which is to the amount of \$328.06 and has been refused, is the further claim.

Forced to Outside Work
Owing to the lack of payment and lack of promptness in what was paid Rev. Mr. Way adds that he was forced to seek outside work in order to secure a means of livelihood for himself and his family. Although not contained in the complaint it is said by Mr. Way the church refused to pay some of the remaining salary because the pastor was employed on other work, however the complaint stresses the fact that through lack of funds that such procedure was necessary. His outside work here was in the newspaper field and he now is connected with a printing firm at Lexington, his former home.

In that he "served faithfully for the entire year and carried out his obligation" the plaintiff believes that he is entitled to the full amount and prays the court that he recover judgment for the remaining amount with interest since November 15, 1925, and that the costs of the action be placed against the defendants.

State Spent \$71,000,000 In Buying Automobiles In 1925

North Carolina spent \$71,561,400 in buying automobiles during 1925, which covered the purchase of 65,595 new cars valued at \$54,116,700, and 49,842 used cars valued at \$17,444,700, according to figures made public by Sprague Silver, of the automobile license bureau of the department of revenue.

This brings the total registration of January 1 to 356,359 cars in the state. An additional 11,338 were registered during the month of January, bringing the February 1 registration to 367,698 which is an automobile to every 6.8 persons of the two million and a half residing in the state.

There were probably 5,000 cars sold in December which were not registered until January, hence these figures represent the cars which were actually registered last year, Mr. Silver stated. It is the same with the used car sales, the figures representing the transactions which were recorded.

Guilford and Mecklenburg counties lead the state with the greatest number of cars. Mr. Silver stated, although he was not prepared to give absolute figures on the various sections. Guilford county probably had a slight edge on Mecklenburg, he said, while Forsyth would fall third, and Wake would rank about fourth in the number of cars per county.

The \$54,116,700 expended on new cars last year amounts to \$4,509,725 expended monthly, and on a basis of 25 business days per month shows daily expenditure of \$180,389. The monthly expenditure of the \$17,444,700 on used cars was \$1,453,725, and the daily expenditure \$58,149. The total monthly value was \$5,963,450, and the daily value of \$238,538.

Negro Fell Dead On Construction Job

Onzie Davis, a negro, about forty years old, fell dead Wednesday morning while working laying brick on a construction job in the west section of town.

Onzie was a native of Shelby, and was well known to local folks. He worked at odd jobs; did farming and town chores.

SNOW STARTS FALLING HERE WEDNESDAY P. M.

Snow began to fall in Shelby soon after noon Wednesday following a sudden turn to the cold from the balmy weather of recent days.

A few flakes fell intermittently earlier in the day, but by two o'clock the fall was steady although light. However, by 2:30 in the afternoon the snow had ceased falling with indications of more later in the day or night.

Boxing Matches On For Friday Night At Armory Here

Several Good Bouts Scheduled for
Old Armory Hall. Field and
Eller to Meet

King Lardner's favorite sport—boxing—will make a second debut in Shelby Friday night at the old Armory in the Washburn building on Morgan street.

Last week it was an old-time square dance, this week a boxing program like unto war days, what next?

Those promoting the squared circle program say that they have arranged several nice matches for local fans. The main bout will bring together Jackie Fields, 130 pound Shelby boy, and Clio Eller, of McAdenville. Fields has appeared in several important bouts in Charlotte while Eller is coming with the intention of adding the local fighter to his kavy string.

The semi-finals will consist of a fast six round affair between Kid Edwards, of Charlotte, and Young Firpo, an anonymous Shelby fistic hero. In addition to these there will be four fast preliminaries, according to the announcement.

If the bouts go over as anticipated the promoters are considering a weekly program for local fans. Lawrence, of Gastonia will officiate as referee in all the bouts Friday night.

Flames Gut House In Belmont Section Wednesday P. M.

A house on the extension of South Washington street and owned by the Belmont Cotton Mills was gutted by flames about 2 o'clock Wednesday afternoon.

The house, which was occupied by Sallie Shytle, remained standing after the fire, but the interior and inner walls were badly damaged, the cold, driving wind giving it too much headway before the firemen arrived.

The fire came as the result of a small blaze kindled by a child, said to be a grandchild of the woman who occupies the house, early reports had it. According to the report the child struck a match and touched it to something inside the house and ran. The report, however, could not be verified prior to press time.

A portion of the furniture and clothing in the house was saved.

BUS LAW TO HAVE TEST IN SUPREME COURT BY PETREE

Carolinas to Join in Pacific Coast
Advertising Tour in June. State
Capital News.

(Special to Star by M. L. Shipman)
Raleigh—The failure of the Fisheries Products Company several years ago cost North and South Carolina investors millions of dollars. Governor Smith has granted extradition from New York of Thomas H. Hayes and Raymond Anderson, former officers of the company, so that they may stand trial for fraud. The two men are fighting the extradition and have appealed to New York's highest court from the Governor's decision. The case will come up in the near future at Albany, N. Y., and will be closely watched in North Carolina.

North and South Carolina will combine in June for a special train which will go to the Pacific Coast advertising the attractions of the two states. Governor McLean is enthusiastic over the project which had its beginning with Carroll P. Rogers, president of the Hendersonville Chamber of Commerce.

The children of the State are attending school more regularly the Superintendent of Public Instruction reports. School facts, a monthly pamphlet which the Superintendent issues contains interesting facts pertaining to education in North Carolina each month. In 1925 there were 559,396 white children and 250,438 negroes enrolled in the public schools.

Meredith College, but recently removed to its new home on the western outskirts of Raleigh, celebrated founders day last Thursday with Rev. Clay Hudson of Charlotte as the principal speaker.

The bus law probably will be given a Supreme Court test. Z. V. Petree automobile operator of Thomasville has started a move having for its purpose testing the law of the 1925 General Assembly under which buses are operated under state control.

Governor McLean has extended clemency to 298 persons since last April a statement shows. The Executive during that time has received 1,275 applications for clemency. Pending before the Executive for consideration now are 130 cases, ten of which are applications to change the electrocution penalty to life imprisonment for a similar number of prisoners.

The Governor has issued a proclamation asking for the people to respond to a campaign beginning February 15 to raise \$200,000 in North Carolina to aid the suffering Jewish people of Europe. A national campaign is to be waged at the same time for these folk who have been suffering acutely since the World War.

Mack M. Jernigan, here from Harnett county recently, indicated to press reporters that he might throw a monkey wrench into the political machinery of that "berg" in the approaching democratic primary for county officers and a candidate for representative in the "lower house" of the General Assembly by offering himself for legislative honors against Representative Natt A. Townsend whose name has been prominently mentioned for the speakership. The Harnett contest will be watched with interest as Mr. Townsend has a wide acquaintance over the State.

Pardon Commissioner Sink spent most of the week investigating applications for executive clemency and addressing community organizations in Asheville and vicinity. Among the cases investigated was Alvin Mansel negro, under sentence for an attack upon a white woman and members of a mob who forced their way into the Buncombe jail some months ago.

By appointment of Governor McLean, and the consent of Adjutant General J. Van B. Metts has received a commission as Brigadier General in command of the Sixtieth Infantry Brigade composed of the 120th Infantry Regiment of the Tennessee National Guard.

Governor McLean to the new Governor Byrd of Virginia: "Upon the occasion of your inauguration as Governor of Virginia, please permit me to express, on behalf of the people of North Carolina and myself personally, very good wishes for a constructive and successful administration." The Tar Heel executive has accepted an invitation to address the next annual conference of Governors soon to be held and will have for his subject "The Best Methods of Financing Highway Construction."

During the first seven months of the present fiscal year more than nine million dollars has been collected by the State in gasoline taxes.

(Continued on page three.)

He's a Southpaw Fiddler



Frank Houx, Yolo county, Calif., who claims to be the best fiddler of the west, is a southpaw.

Bowman Given One Year Sentence On Road Gang

Lockhart And Scotch
Lassies Are Coming
Here With Lyceum

Of much local interest is the report received here yesterday from Newton that Major Wade Bowman was sentenced by Judge James L. Webb, of Shelby, to one year on the Buncombe county roads for the attack on a young Hickory girl for which he was convicted in court there last week.

A news dispatch from Newton continues:

He filed notice of appeal and the bond was fixed at \$4,000.

The sentence was pronounced by Judge Webb after it was withheld for further consideration since Monday. The judge weighed the matter long and had been troubled greatly by it. Bowman admitted to certain indecencies with the little 12-year-old prosecutrix.

The sentence of Wade Bowman, former major in the North Carolina National Guard, to one year on the chain gang by Judge Webb brings to an end temporarily one of the outstanding criminal cases of recent months in the State courts.

Major Bowman was indicted on a charge of attacking a twelve-year-old Hickory girl in his unfinished house and for three months, languished in jail awaiting trial. A strong battery of counsel was imported for the trial by both the defense and the prosecution and wide interest centered in Newton.

The State endeavored to place a capital crime on the Hickory man, but he denied the attack, pleading guilty to certain indecencies with the little girl. After only about three-quarters of an hour deliberation, the jury found him guilty late Saturday afternoon of attack on a female carrying with it maximum sentence of two years.

Judge Webb at first set Monday, for rendering the sentence, but withheld his decision until Tuesday to give more time to the various angles.

Alexander Jewelry To Open Saturday

The opening of the new Alexander jewelry store, in the Woolworth Building, will occur Saturday of this week. Arrangements are now being made for the big event. Mr. Alexander asserts he will open to the public one of the most attractive and complete jewelry shops to be found in Carolina.

He has recently returned from Cincinnati, where he laid in a complete stock of jewelry and silverware. Returning to Shelby with him to aid him in displaying the new line, was Mr. John Rolf, of the Richter, Phillips company.

Mr. Rolf is assisting in arrangements for the opening.

Also Mrs. J. S. McKnight will assist with the arrangements.

The store will be thrown open to the public at nine o'clock Saturday morning. Souvenirs will be distributed.

Mr. Alexander has engaged L. C. Davis for the watch repair department. This expert is a graduate of a school of watch making at Peoria, Ill. The proprietor himself is also an expert watch maker, having had something like fifteen years' experience at the repair bench.

While away recently on a buying expedition, Mr. Alexander visited a number of watch factories, and manufacturers of jewelry and silverware further to acquaint himself with the details of the construction of these goods.

He took over the Morrison store in January, previous to which time he had become well known in the jewelry business in Shelby.

JURORS DRAWN FOR FEDERAL COURT TO BE HELD IN SHELBY

Court Will be Presided Over by
Judge E. Y. Webb and Begin
Here on March 14th.

Jurors for the next term of Federal court which convenes in Shelby on Monday March 15th were drawn this week in Charlotte from the four counties comprising this district. Judge E. Y. Webb will preside over this court and number of important cases make up the docket. The jurors are as follows:

C. F. Hambright, W. M. Glenn, J. L. Hord, V. A. Costner, G. S. Dellinger, Charlie Carpenter, A. M. Hamrick, L. F. McBrayer, J. L. Wellman, S. H. Austell, J. A. McGraw, A. A. Anthony, H. F. Young, Roland Price, all of Cleveland county.

Will S. Torrence, D. S. Thornburg, A. A. Armstrong, J. C. Ballard, Otto Dellinger, O. J. Rhyne, W. D. Robinson, D. W. Mitchell, Craig C. Kiser, A. A. Farrar, W. M. Morris, L. D. Clemmer, F. B. Carpenier, T. C. Sumner, all of Gaston county.

J. C. Bynum, Thomas C. Ramsay, H. F. Jonas, Buford Mundy, Doris Bynum, A. C. Leatherman, M. B. Shidley, C. D. Shrum, Charles Childers, George Mitchell, C. E. Baisner, Shelton Duckworth, J. Allen King, all of Lincoln county.

W. D. Flack, H. M. Rucker, C. S. Spurlin, C. E. Tanner, Grady F. Spratt, Carl Womack, Monroe McDonald, W. C. Devinney, W. D. Edwards, Edgar Flack, W. T. Davis, H. Deek Wilson, S. L. Westbrook, of Rutherford county.

Very frequently nowadays one hears the report: "Some one stole my car." They mean automobile, but down on the border of No. 1 and No. 2 townships, where the Broad river flows Fred Beck took a boat, according to charges, and bothered not with substitutes.

Beck recently moved to this county from Georgia—sooner or later, y'know—and near his place on the river, he told Recorder Mull he found an old boat, cleaned it out and moved it over to his side. W. H. Jones, to whom the boat belonged told it another way. Judge Mull heeded both a bit and Monday fined Beck \$10 and the costs. So now it's easily understood that it was not an automobile; some of them are not worth that much.

Monday in recorder's court was what the poker-player prays for—a "full house." Court held forth during the major portion of the day and dealt with the usual run of minor offenders. No cases disposed of were of general public importance.

Dawson In Shelby, Going To Asheville

Democratic Chairman Stops Over
While En Route to Development
Buy in Western N. C.

John G. Dawson, of Kinston, chairman of the Democratic executive committee, stopped over in Shelby Wednesday morning for a short visit with O. Max Gardner and other friends here.

So far as could be discerned on the surface there was nothing of political import in the visit. Politics has not a chance of lowering the temperature fever, which this section has.

In fact, Mr. Dawson is far from laying chills along that line himself. He with business associates was en route at the time to Asheville to visit the 800 acre site between Asheville and Hendersonville, which was purchased by a syndicate of which he is a member last week. The announcement Sunday of the development told of a proposed expenditure of one million dollars there. Mr. Gardner accompanied the party in the role of tendering advice to the development program as coming from the head of Shelby's newly organized Gardner Land company.

Mr. Gardner's advice to his political and realty friends will add a warning to not buy too much in the mountains and hold some for purchases around Shelby, he informed friends.

Weather Changes— Could Get Worse

If you don't like this weather, wait a minute.

That's what they say in Chicago; and it holds good in Shelby.

From the balmy days of spring, with the little frogs croaking on the ditch banks, through a spell of rain, to a chill north wester to ice, and bleak snow laden skies, that was the local record from Monday to Tuesday in this bailiwick.

D. R. McBrayer and his brother, Yates, made the trip Tuesday from Asheville to Shelby. The former said it was snowing hard when they left Asheville, and they ran through a whitening world all the way to Chimney Rock.

Asked if there was much snow on the mountains, Mr. McBrayer said, there was not.

Snow threatened in Shelby Wednesday, with the thermometer at forty and a chill wind blowing out of the northwest.

ENTERTAINMENT AT SOUTH SHELBY FRIDAY EVENING

An entertainment will be given Friday evening at 7:30 at the South Shelby school auditorium to which the public is cordially invited. A number of pupils will take part from all grades of the school.

Further announcement concerning the program may be found on an inside page of The Star.