NEGRO DECLARED INNOCENT, FREED AFTER TEN YEARS

Sampson County Man Convicted On Circumstantial Evidence Freed; Parole By Governor.

Raleigh.—For the second time in as many weeks the gates at state's prison have swung open to let out a man who, after serving the state in expiation of a crime for which he was convicted, has been found, with fair certainty, never to have committed the crime, in the last instance, after serving more than 10 years of a 20-year sentence, all on circumstantial evidence.

James Ballard, 17 years old when a feeble-minded woman 30 or 40 years old, was brutally murdered in a tobacco field in Sampson county. He had been sent to a point 50 or 75 yards from the point at which the murder was committed to get a tobacco truck. No motive could be found and nothing in the conduct of the negro boy, before or since, to connect him with it, except his tracks at the point he admitted going to for the truck. But the jury convicted him on circumstantial evidence. Now, those who testified against him believe him innocent and that the crime was committed by another negro, a desperate character then in the vicinity.

Convinced Of Innocence.

J. T. Kennedy, on whose farm the crime was committed, was never convinced of Ballard's guilt, but his son, Connor Kennedy, then sure of it, is now convinced that he did not. Judge Frank A. Daniels, who tried the case, has written Governor Gardner. However, Ballard has paid for the crime, regardless of who committed it, by serving since August, 1919, more than 10 years.

Another negro, Bill Ross, driving a truck for a Mr. Kyser, of Spencer, convicted of manslaughter in Davidson county and sentenced to five years in state's prison, was paroled by Governor Gardner after it was found that he had been forced to leave undone what would have prevented the accident resulting in the death of two people, a man and a woman, and for which he has served more than a year in prison.

Not Responsible For Deaths.

About 8:30 at night, his gas gave out and he left his truck standing on the highway without lights, leaving two helpers in charge of it, while he went half a mile for gasoline. A Ford truck, running without lights, ran into his truck. When he returned, he was not permitted to put the gasoline in his truck and move it from the road, as he insisted on doing, but was forced to accompany the drivers of the Ford truck to the filling station to report to the owner of his truck. While they were gone a Chrysler crashed into the Ford truck, turned over, and killed a man and woman. The driver of the Chrysler was drunk, and a pint of liquor was found in the car with him.

Finding out these circumstances, Judge N. A. Townsend, as one of the last acts of his service as executive council, thought the negro had served long enough for an accident which he was not able to prevent.

"Oh, yes, we have a wonderful climate," said the man from southern Texas. "Why only last season we raised a pumpkin so large that, sawing it in two my wife used the halves as cradles in which to rock the babies."

Trustee's Sale.

By virtue of the power vested in me in certain deed of trust, executed by Fannie M. Stamey and husband, S. M. Stamey, on the 28th day of December 1927, to secure an indebtedness to Cora H. Curtis, said deed of trust being recorded in book 144, page 268 of the register's office for Cleveland county, and default having been made in the payment of the indebtedness thereby secured, and demand having been made upon me to execute the trust, I will sell to the highest bidder at the Court house door in Shelby, on:

Saturday, January 18, 1930 at 12 o'clock,

or within legal hours, the following described real estate:

Being lots Nos. 2 and 3 on the South side of Oak street, as shown by plat of B. F. Curtis property, made by A. M. Lovelace, surveyor, in June, 1923, said plat being recorded in book of plats No. 1, page No. 57, to which plat reference is hereby had.

This sale is made subject to a prior mortgage on the house and lot, with the right to the purchaser to assume and pay off the prior mortgage.

This the 16th day of December, 1929.

B. T. FALLS, Trustee.

SMITH SPEAKS ON PEACE TO MEMBERS AUXILIARY HERE

School Head, Captain In World War, Says Seeing Value Of Peace Greatest Result.

One of the most interesting addresses delivered in Shelby recently was that made last week before the women of the Shelby auxiliary of the American Legion by Capt. B. L. Smith, superintendent of the Shelby schools.

Capt. Smith used as his topic "What the World Is Doing for Peace" and feature excerpts of the address follow:

As we approach the Christmas season when we celebrate the birth of the Prince of Peace, it is altogether befitting that we should turn our thoughts to the consideration of the subject of "Peace on Earth."

Because of our connection with military service, you and I may be privileged to speak with some right of liberty. Indeed, it seems to me that of all folks who should stand for peace, it is those who served and sacrificed in time of war that wars might be ended.

Success in any endeavor is found through discovery of God's way and walking therein. Surely, peace must be the way of God.

Jesus placed his own approval upon the subject in his sermon on the Mount in these words: "Blessed are the peacemakers, for they shall be called the children of God."

Prior to the World War some contribution was attempted toward peace and with some success. Roosevelt had secured the arbitration of the conflict between Russia and Japan. Bryan had negotiated numbers of peace treaties between the United States and other nations. Elihu Root made the thinking of men turn to the subject. The Hague Tribunal had been formed. The U. S. had turned back to China for educational purposes, the indemnity granted as a result of the Boxer Uprising. Argentina and Chile settled their hostilities by erecting at the summit of the Ander mountains on their border line a statue to the Christ, at the foot of which on bended knees they pledge that sooner shall these mountains crumble to dust than we shall go to war with each other. Further the United States and Canada maintained for a hundred fifty years good-will and friendship across a border line unpatrolled by soldiery and unmarked by fortification.

It was left to the World War to give to the cause of peace its greatest impetus. We saw something of the amazing cost of war and the wreckless waste and destruction of property. There were long years of extensive preparation; there were the hundreds of billions of wealth hustled away; there are the years—all too short and the remuneration all too sparse of pensioning disabled veterans and children. Moreover, there are unending, increasing investments in the race for future preparation. With all that has been said and done the United States has laid out for itself for simply one branch of defense a program of spending that is overwhelming. Our naval program alone calls for an expenditure of hundreds of millions of dollars annually. The year 1932 calls for an outlay of $802,000,000. Eighty-two percent of federal funds go for wars.

The pity of the thing is that armaments do not give security. They become the cause of involving us in conflict.

The World War discovered a man, a child of the Prince of Peace—Woodrow Wilson. He envisioned as have never any other man a world at peace. He pointed the way as has never any other man. The world stood at the attention and heard his message. "He came unto his own and his own received him not." The pity of a soul crucified on a cross of political hatred!

League Of Nations.

America lost its great chance; but the League of Nations, weakened by our absence, has gone ahead. Fifty-five of the greatest nations of the world has affiliated. Only the U. S., Soviet Russia, Mexico, Egypt, Turkey, Ecuador, and Afghanistan are left out. Germany was admitted at the session of 1926. "It is not a moving spectacle," declared Briand, the representative of France, "and a specially ennobling and comforting one, when we think that only a few years after the most frightful war which ever devastated the world . . . . the same peoples who were hurled in combat against each other are meeting in this peaceful assembly. . . . . to collaborate in the work of world peace?"

Radio, wire telephony, and other scientific advances have knit us closer together and has given us better understanding and has developed more cordial relationships.

Recently Ramsey McDonald, prime minister of Great Britain, had suspended their naval building program. President Hoover has done likewise for the U. S. The two have held conferences on disarmament and have arranged for an international conference in London, January, 1930.

This year for the first time in many years the president of the U. S. refused to issue a navy day proclomation, delivering rather an address on peace, November 11.

It was of the greatest significance that Armistice day speeches this year were overwhelmingly peace speeches. Even John J. Pershing's speech was decidedly so.

"Till the war-drum throbs no longer
And the battle-flags are furled
In the Parliament of man,
The federation of the World."

Noble Owner of Much Disputed Necklace

The Archduchess Maria Theresa of Austria wearing the diamond necklace that was presented to the Empress Maria by Napoleon in 1811. It is now in the custody of Mrs. C. F. Townsend of New York. A similar necklace is in the possession of Mrs. Ernest Graham of Chicago. Both claim their necklace is the one presented by Napoleon.

Mr. And Mrs. Jackson Wed 57 Years Ago

Brother Of Mrs. S. E. Riviere And His Wife Married In Shelby.

Going to Texas 57 years ago as a bride, traveling by boat, rail and stage and finding the streams and rivers frozen over with ice, was the experience of Mrs. T. F. Jackson, who with Mr. Jackson, celebrated their 57th wedding anniversary last month.

From New Orleans the Jacksons went to Galveston, Texas, by boat, landing November 18, 1872, and proceeding as far as Columbus by rail and thence by stage to Moulton, Lavaca county, Mr. and Mrs. Jackson had all the thrills of pioneer life. Mrs. Jackson was formerly Miss Jennie Cline, the wedding taking place in Cleveland county, North Carolina, November 6, 1872, during the days of reconstruction in the south. Mr. Jackson had previously served in Company I, First Georgia infantry during the war between the states.

Mr. and Mrs. Jackson have been residing in Port Arthur, Texas, the past 12 years with their daughter, Mrs. M. F. Bledsoe of Bledsoe place. Other children are Mrs. W. H. Jones of Port Arthur, Mrs. C. J. Jordan of Aransas Pass, A C. Jackson of Wharton and F. C. Jackson of Wharton. Mr. and Mrs. Jackson also boast of 13 grandchildren and two great grandchildren.

Mr. Jackson celebrated his 82nd birthday on March 4 and Mrs. Jackson will reach her 79th birthday on January 21, 1930.

(Mr. Jackson is a brother of Mrs. S. E. Riviere of Shelby and is pleasantly remembered here by many of the older people. Mrs. Jackson is a sister of Mrs. H. F. Schenck.)

TRUSTEE'S SALE OF LAND.

Under and by virtue of authority contained in three certain deeds of trust, executed by J. R. Melton and wife, Eva Melton, to the undersigned trustee, said deeds of trust being dated March 11, 1926, and recorded in book No. 135 at page 254, January 12, 1927 and recorded in book No. 140 at page 262, January 7, 1928 and recorded in book No. 149 page 97 in the office of the register of deeds for Cleveland county, N. C., securing an indebtedness to the Shelby and Cleveland county B. & L. association, and default having been made in the payment of said indebtedness I will on

Saturday, January 11, 1930,

at 12 o'clock noon, or within legal hours, at the court house door in Shelby, N. C., sell to the highest bidder for cash at public auction that certain lot or parcel of land described as follows:

Being a part of the Hall-Wray land in the southeast part of the town of Shelby, N. C. Beginning at an iron stake at a root 27 1-3 feet slightly east of north from a large hickory on the east side of the Kings Mountain road as it formerly ran past McArthur's house and runs thence with the Hall-Wray line S. 85¼ E. 206¼ feet to an iron stake on said line, corner in J. R. Osborne's line; thence with Fisher's line N. 7 W. 198¾ feet to an iron stake, corner in J. R. Osborne line; thence with Osborne's line N. 85½ W. 193¾ feet to an iron stake in the old Hayy-Wray-McA[illegible] stake being 14 feet south of a pine and near a spring on English's land; thence with J. L. Webb's line S. 3½ E. 197¼ feet to the beginning, and being that same lot which was conveyed to J. R. Melton by G. C. Beam and wife by deed dated March 17, 1924, and recorded in the office of the register of deeds for Cleveland county, N. C.

This December 11, 1929.

JNO. P. MULL, Trustee.

M'BRAYER SCHOOL COMMUNITY NEWS

Students Doing Good Work. Mr. Hobbs Celebrates Birthday. Personals.

(Special to The Star.)

The following students of our school are to be complimented for doing excelent work during the first month of school each making an average of 90 and over on all their school work.

First grade: Mary Ruth Davis, Ocie Sisk, Ruby Allen. Third grade, Herman Allen.

Mr. and Mrs. W R. McEntyre and son, Clifford, were guests of Mr. and Mrs. D. B. Hughes Monday evening.

Misses Nell DeLoatch and Georgia Davis were guests of Mr. and Mrs. Clifton Davis Sunday afternoon.

Mr. and Mrs. J. R. Davis were welcomed callers at the home Mr. and Mrs. Clifton Davis Sunday afternoon.

Mr. and Mrs. Fred Byers were guests of Mr. and Mrs. J. L. Borders Sunday.

Mr. and Mrs. Will Leigh spent Sunday afternoon with Mr. and Mrs. R. W. Lemons.

Mr. John Borders was a welcomed guests of Mr. Troy Blanton Saturday evening.

Misses Ida and Ellen Rippy were pleasant callers at the school Thursday.

Mr. Hobbs who is the head of the Hobbs-Peabody construction company celebrated his birthday by giving a dinner, December 10. A large number of guest were present and all reported an enjoyable time.

We were very glad to have the following new pupils enrolled in our school Friday Ray and Ernest Moore and Margaret and Myrtle Russ.

Mr. and Mrs. W. L. McSwain were welcomed visitors of Mr. and Mrs. Bob Wilson Sunday afternoon.

Mrs. B. Austell and Mrs. Austell Bettys were guests of Mr. and Mrs. J. R. DeLoatch Tuesday afternoon.

Mr. and Mrs. Giles Rogers were welcomed guests of Mr. and Mrs. Ed Lyst Sunday.

Mr. Ernest and Miss Mary Sue Blanton were callers at the home of Mr. and Mrs. C. C. Allen Tuesday evening.

Mrs. J. L. Rhodes spent Thursday evening with her daughter Mrs. C. C. Allen. She was accompanied by her two sons, Messrs. George and Dewey Rhodes.

Mr. and Mrs. W. F. Moore and family were guests of Mr. and Mrs. John Borders one evening last week.

Mr. and Mrs. Giles Rogers motored to Cherryville Sunday evening.

Fourteen Cleveland Students At College

Appalacian State Teachers College Has An Enrollment Tis Year Of 545.

There are fourteen Cleveland county students at the Appalachian State teachers college this year and it is understood that all of them will come home for the Christmas holidays when the school closes December 20. The following are the students: Zelma Downs, Pauline Newton, Manta Horton, Lloyd Turner, Marvin Brittain, Bonnie Lee Walker, Ina Wortman, all of Casar, Marzona Hoyle and Chivous Hoyle of Fallston, Edith Sain of Belwood, Grace Hambright, Viola Houser, Martha Cornwell and Nell Hayes, all of Kings Mountain.

This is an eventful year: The success of the football team which has not lost a game to any North Carolina or Tennessee college in all the eight games played; the basketball teams which have started in the same fine way; the five wide awake literary societies; the intercollegiate debates; the county clubs, with their touch of "back home;" the excellent work of the Young Mens and the Young Womens Christian associations, that render helpful programs every Sunday night; an enrollment of 545 students; and most of all, in the line of eventful things is the fact that this is the first year for the institution as a four year college. At the May commencement bachelor's degrees will be conferred upon a class of fine young men and women.

Administrator's Notice.

Having qualified as administrator of the estate of Johannah Burchett, late of Cleveland county, N. C., this is to notify all persons having claims against the said estate to present the same to me properly proven on or before the 12th day of November 1930 or this notice will be pleaded in bar of recovery thereof. All persons owing the said estate will please make immediate settlement to the undersigned. This November 12, 1929.

J. L. SUTTLE, Administrator, Estate of Johannah Burchett, deceased.

TRUSTEE'S SALE.

By virtue of the power of sale contained in a deed of trust executed on May 21st, 1929, to me as trustee, securing an indebtedness to the Shelby Building and Loan association, and default having been made in the payment of said indebtedness, I, as trustee, will sell for cash to the highest bidder at public auction at the court house door in Shelby, N. C., on

Saturday, December 28, 1929,

at 12 o'clock M. the following described real estate:

Situated in the town of Shelby, N. C., and known as lots Nos. 12 and 13 in block A, as shown on plat of the sub-division of the Cyclone Auction company's property, made by J. A. Wilkie, surveyor, and recorded in book two of plats, page 3, in the office of the register of deeds of Cleveland county, N. C., reference to said plat being hereby made for location and dimensions. This November 26, 1929.

CLYDE R. HOEY, Trustee.