

Judge Dismisses Suit Against Duke Power Company

Denies County Has Grounds For Damages

Greenwood County's Claims For \$850,000 Is Thrown Out

GREENVILLE, S. C., Dec. 5.—Judge Frank K. Meyers of Charleston filed an order in Federal court here today denying Greenwood County the \$850,000 it demanded from Duke Power Co. as the profit it would have made had the power company not held up the construction of the Burnsville Reservoir project for over three years.

The suit was a continuation of the old equity case in which Duke Power Co. obtained an injunction against construction of the Burnsville Reservoir project in 1934. The United States Supreme Court in January reversed the lower court and granted Greenwood County the right to go ahead with construction of the hydro-electric plant.

Alleging that Duke Power Co. made a profit of \$250,000 a year in selling power to factories that would have been required by Burnsville Reservoir, Greenwood County through its finance board, E. Brooks, S. A. Agnew and E. J. Davis, and Federal emergency relief administrator, Harold Jones, brought suit for collection.

In setting aside the petition for \$850,000 damages, Judge Meyers based his ruling on two major points. The doctrine is well established that there is no liability for damages resulting from an injunction erroneously granted, unless the suit was prosecuted maliciously and without probable cause.

The court can find no authority for awarding expected profits from a business contemplated but not yet established, the judge ruled.

A portion of the cost of building and experimenting with the Douglas DC-4 reported to be the largest airplane in the world, has been borne by five of the major airlines of the United States. The reported cost is \$2,000,000.

COUGHS DUE TO COLDS
To quickly relieve distress—rub soothing, warming Mucsterole on your chest, throat and back.

Mucsterole is NOT "just a salve." It's a "cough-irritant" containing good old-fashioned remedies for relief of colds, coughs, croup, whooping cough and other helpful ingredients.

That's why it gives such fine results—better than the old-fashioned mustard plaster. Mucsterole penetrates the surface skin, stimulates, warms and soothes and quickly helps to relieve local congestion and pain. Used by millions for 50 years. Recommended by many doctors and nurses. In 3 strengths: Regular, Children's (Mild) and Extra Strong, 40c.

MUSTEROLE
LITTLE MORE THAN A MUSTARD PLASTER

Allen
OVERALLS SHIRTS, PANTS & CHARLOTTE

WHEN YOU SHOP UPTOWN LUNCH AT CAROLINA SWEETS 221 N. TRYON ST.

REMEMBER—AT FARRIS BROS.

You Get Your Xmas FRUIT CAKE FREE

With Any \$25 Purchase

Mothproof Cedar Chest

\$19.95

Terms: A small personal gift with each purchase. Extra large in size.

USE YOUR CREDIT—PAY NEXT YEAR!

FARRIS BROS.

117-119 South College St.

REDCAP RETIRES



Red Cap Robert Irvine of Chicago performs one of his last functions before he becomes the first Red Cap Island Railroad 45 years old.

Housing Topic Is Considered

Continued From Page One

He explained that the fear of subsidized competition has been one influence against construction here of such housing facilities.

Members of a special committee will meet, probably tomorrow or Wednesday morning, to form their report on the recent Civil Service blow-up. This committee consists of Councilmen Baxter, Nance and Griswold, was announced after their recent hearing on the rumors of police laxness brought to the Civil Service Board by Civil Service Commission.

Car Owners Buy Plates In Rain

Rain failed to deter 325 automobile license plate buyers who bought their 1939 tags prior to 2:30 o'clock today it was learned from Everett W. Powers, manager of the license department of the Carolina Motor Club.

In the first four days of sale including today, 2,091 sets of tags have been bought in Charlotte as compared with 1,803 sets sold in the first four days last year. This gives this year a gain over last of 286 plus three sets which will be sold by the remainder of the day today.

Charlotte Gets Heavy Rainfall

Nearly Three-Quarters of Inch And Still Raining

In almost continuous drizzling since last night three-quarters of an inch of rain had fallen in Charlotte at 3 o'clock this afternoon, according to James M. Howe, forecaster here.

The forecast issued today indicated that it will be cloudy and occasional rain tonight with continued rain this afternoon. Tomorrow will be partly cloudy and

Miss Clemmie Lemmond

Funeral services for Miss Clemmie Lemmond, member of one of Mecklenburg County's prominent families, were conducted at Dulins' Funeral Home, 200 S. Tryon Street, at 2 o'clock today.

The Rev. J. C. Triplett of Charlotte and the Rev. W. B. Noll, pastor of the First Baptist Church, officiated.

Interment was in the Oakwood Cemetery.

Yeggenen Blast Safe Of Roanoke Rapids Plant

ROANOK RAPIDS.—P.—Continued from page one. The blast was caused by a gas leak in a safe of the Hallex-Pape Company, which reported several hundred dollars' worth of damage.

Another safe in the same office was damaged but had not been opened.

Cowpen Man's Death Being Investigated

GAFNEY, S. C.—P.—Continued from page one. The death of Herbert Allison, 42, of the Cowpens Battlefield section, who was killed by a bullet from a car, is being investigated by the Charlotte County jail at Gaffney pending further investigation on Allison's death.

France Stands Firm Against Ceding Areas

Daladier Takes Lead In Saying That Italians Won't Get Territory

Continued From Page One

That the Premier made his declaration after receiving the Italian answer, however, indicated that France still believed it would be difficult in a country where public opinion and the press are as well controlled as in Italy for any politician to go over to Italy without Government support.

Informants indicated the French Premier Mussolini of Italy would be willing to call a halt to the Tunisian agitation if the French would recognize a French-Spanish Generalissimo, Francesco Franco, as the head of a belligerent Government. Officially, however, that France would not offer such a price.

The French have lost no time in preparing to meet the Italian agitation. There were demonstrations at the French Embassy in Tunis, Tunisia, by Tunisians and French in the City of Tunis, and thousands of Corsicans in Ajaccio and Bastia.

In Corsica, where the spirited inhabitants of Napoleon's island still remember the French, there were demonstrations at the French Embassy in Ajaccio, former Governor Martin F. Ansel, Frank Walker, former director of the National Education Council and a personal friend of the President, and former Governor of Corsica, were among the demonstrators.

Heavy forces of police and mobile guards kept the crowds from the Italian consulates.

NOT IN GIVING MOOD

Daladier, political informants said, was ready to let the German Foreign Minister that France was not in a giving mood right now, and that it was doubtful France would be so in the future.

All political parties were united on a refusal to give either Germany or Italy one scrap of "our colonies."

Gaston Bergery, deputy of the Left, however, said what many politicians had been thinking was that France would draw a distinction between French colonies and territories sold by France under League of Nations mandate.

"It goes without saying that the French people are not in a giving mood," Bergery told a Frontist meeting in Paris. "As to the League of Nations mandate, we declare that we cannot look forward to any modification of the status quo, where France will be the only one to make sacrifices."

Bergery's comment opened the question whether France might be willing when the Nazis begin thumping their fists for colonies, to cede Togoland and the Cameroons.

At present the only official and unofficial answer is "no." Some Rightist groups, however, point out that such a concession could be made gratefully if Germany would consent to return to the League of Nations and then get the mandate for the possession from France with the League blessing.

"Down With Italy!" Is Cry In Tunisia

TUNIS, Tunisia.—P.—Heavy police guards were thrown around the Italian consulates in Tunis and Sousse-Tunis today following demonstrations to the shouts of "down with Italy!" in both cities.

Unidentified number of rioters were injured in skirmishes. Fifty persons were arrested. Mobile guard units were kept ready to aid police in several cities of French North Africa.

RAID OFFICES

Raiders broke into the Italian Legation offices and the Italian newspaper "Fascist Union." Windows were shattered in the Italian Legation.

Rioters wrecked newspaper and book stores, setting them on fire and looting the streets wearing Fascist insignia were forced by crowds to flee their emblems.

Representatives of the Arab delegation in the Tunis Parliament, told authorities the Arabs would fight, if necessary, under the French troops to prevent Tunisia from coming under Italian administration.

Most of the demonstrators were said by police to have been French, Corsicans and Tunisians. Arabs were reported to have been dissuaded from staging a demonstration before the Italian consulate.

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Smith's Secretary Says No Bid Received

FLORENCE, S. C.—P.—T. A. Lewis, secretary to U. S. Senator E. D. Cotton, said Smith, referring to the senior Senator's acceptance of a nomination for Governor of President Roosevelt at the Governor's mansion in Columbia today, said an invitation to attend had "never been received."

Governor Olin D. Johnston, who arranged the dinner, issued in Columbia Saturday that the Senator had been mailed an invitation.

Smith, who was re-elected for his sixth term last month and who declined the invitation to attend, previously had announced he would not attend the affair because of failure to receive a bid.

When newspapermen pointed out the possibility of the invitation having been lost, Lawson commented that if such were true, it would be the first time in Smith's long legislative experience that a letter addressed to his office had been lost.

Roosevelt Speaks At Chapel Hill Today

CHAPEL HILL.—P.—The University town prepared today to give a warm welcome to President Roosevelt, coming here this afternoon on his first visit to the University of North Carolina.

Because of intermittent showers, the President will speak in Woolfenden Hall, his afternoon rather than in Kenan Stadium, officials announced.

The demonstration will hold about 10,000 people and the overflow will be given seats in Memorial Hall, where the address may be heard by a loudspeaker system.

Previous plans had called for Mr. Roosevelt to speak at the stadium, weather permitting.

The President's address is expected to be broadcast.

Luncheon 50¢

The Tavern of Hotel Charlotte

Dinner 75¢

Cheering Carolinians Brave Rains To Welcome Roosevelt

(Continued From Page One)

He could stand the rain for a few minutes if the other side had stood there for sometime could stand it.

Harry Hopkins, national War Relocation Authority, who was a member of the party, shouted "Good bye, Roosevelt" and "Good bye, Clinton" to Governor-Elect Burnet B. Maybank and Johnston a minute before the rain pulled away.

"ROYAL WELCOME"

Marvin McIntyre, the President's secretary, declared that the President had received a "royal welcome" at the Governor's mansion.

At the breakfast table—loaded with choice South Carolina ham, eggs and potatoes—the President sat at the right of the Governor. Hopkins sat at the Governor's left.

Others at the table in the order in which they sat were: former Governor-elect Maybank, Daniel J. Callaghan, former Governor Dunham, Mayor L. L. Howard, Owens of Columbia; William C. Bullitt, Ambassador to France; Col. Johnston, who was chief of the table at the foot of the table.

Seated on the other side, starting with Hopkins, were: Russell W. Smith, assistant chief of the secret service; United States Senator James F. Byrnes; Governor-Elect Maybank; Secretary of the Navy, Frank Knox; former Governor Martin F. Ansel; Frank Walker, former director of the National Education Council and a personal friend of the President; and former Governor of Corsica, were among the demonstrators.

Other guests were seated at a separate table.

SMITH ASSENT

United States Senator Ellison D. Smith, who defeated the President's attempt to purge him from the Senate in the Summer primary, was conspicuous by his absence. There was no official explanation. Johnston had said Smith had been sent an invitation, but Smith said yesterday he had not received it.

Johnston told reporters today he had received no word from Smith. Photographs were taken of the President at breakfast, but the Chief Executive did not talk to the press during his visit.

Pressure of time prevented the President from attending Johnston's luncheon party from meeting the President as had been planned. The Governor's mansion formed a guard of honor for Mr. Roosevelt as he entered and left.

McIntyre explained that "time will not allow him to meet every one." Mr. Roosevelt made no comment as he made his way down the steps to the car.

The approximately five-mile route over the city was traveled in about 15 minutes in an hour.

NO HALT MADE

There was no halt at the homes of Woodrow Wilson and his wife, which was circled by the fourteen-car procession.

Speaking on behalf of Governor Johnston, Secretary Roy Powell said the State "gave President Roosevelt a warm welcome and he was proud of it and so were we."

There was not a hitch anywhere, Powell said. "The Governor wants to take this means of thanking every person who had a part in making this a truly great occasion for South Carolina."

"It was a great day which will be long remembered."

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Luncheon 50¢

The Tavern of Hotel Charlotte

Dinner 75¢

Services For Dewey Clontz

Rites Held For Victim Of Automobile Accident

Funeral services for Dewey Clontz, 23, who was killed instantly Saturday night in an automobile accident on the Concord-Kannapolis road, were held this morning at 2:30 o'clock at Arlington Baptist Church.

The Rev. George L. Houtt, pastor, conducted the services, assisted by the Rev. S. J. Hood of Philadelphia Presbyterian Church and the Rev. C. B. Bryant of Wingate. Clontz was a member of Arlington Church and was employed by Cannon Mills.

He is survived by his parents, Mr. and Mrs. M. L. Clontz of Union County, Mrs. Foster Dees of Monroe, Mrs. Ed Wilson of Charlotte, and Mrs. Reese Tarrance of Concord.

Survivors at the services were: Pascal Clontz, Marvin Campbell, Howard Clontz, Austin Russell, Marvin Sasser and Lloyd Thomas. Burial was in the church cemetery.

Westminster Names Elders And Deacons

Four additional elders and eight deacons have been elected at Westminster Presbyterian Church, the Rev. Charles M. Boyd, pastor, announced today. Elders were elected two weeks ago at a congregational meeting, and deacons were named yesterday at a similar meeting.

Those who were elected elders to serve three years on the primary plan, are: H. G. Robinson, Ernest M. Morgan, George P. Jenkins, and John McArthur. The deacons, also elected for a three-year term, include Robert D. Beaman, Walter D. Dennis, W. M. Porter, Cecil W. Davis, James D. Campbell, L. B. Beaver, Robert C. Brown, and Wilson McComb.

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