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No. 5

## GILLESPIE COMPANY WINS SUIT

Circuit Court of Appeals Affirm Judgment in Favor of Gillespie Company—Reorganization and Development of Old Whitney Company Will Follow.

A decision of far-reaching effect to North Carolina, and especially the Piedmont section, was handed down by the Circuit court of Appeals, sitting in Richmond Wednesday, when that court confirmed the judgment of Judge Jeter C. Pritchard in awarding a verdict favorable to the T. A. Gillespie Contracting Company in the sum of \$300,000. The plaintiff in the case was the Bankers' Trust company, of New York City, trustee of the defunct Whitney Power Company.

The news of the decision was received in Greensboro in a private message to Judge W. P. Bynum, and among those who learned of the result of the case there was genuine rejoicing, for it has been generally known that when this case was settled the work of reorganizing and developing the mammoth work begun by the Whitney company would again be inaugurated, especially if this verdict were favorable to the contracting company. It is needless to go into details about the enterprise, or what its officials propose to do. These things are well known by residents of Piedmont Carolina, and with one accord they will hail with joy the first announcement to the effect that the work of developing the power of the Yadkin has been renewed.

The case decided by the court Wednesday grew out of the bankruptcy proceedings against the Whitney Power company, and was docketed "Bankers Trust Company, of New York City, against the T. A. Gillespie Contracting Company, of New Jersey." The Gillespie company, which is one of the largest of its kind in the world, built the great dam across the Yadkin for the Whitney company, and the suit was for the purpose of enforcing a lien in favor of the Gillespie company for a balance of \$300,000, alleged to be due for work done and material furnished in constructing the dam.

The Bankers' Trust company, trustee, under a deed of trust executed by the Whitney company upon all of its properties, resisted the enforcement of the lien.

The special master in the case, A. H. Price, of Salisbury, after taking evidence in the points involved and hearing argument of counsel from New York, Pittsburg and elsewhere, ruled in favor of allowing the Gillespie company debt and lien and so reported to the court.

To this ruling exceptions were filed by the attorneys for the trust company and the Whitney receivers, but after hearing same Judge Pritchard confirmed the findings of the special master.

Thereupon an appeal was taken to the Circuit Court of Appeals and Wednesday that court upheld the former rulings, deciding in favor of the Gillespie company lien.

The case has been hard fought, brilliant counsel from the north and south opposing in the long drawn out battle, which in each instance was a victory for the southern legal representatives of the Gillespie company, Messrs. Walter Murphy and L. H. Clement, of Salisbury; ex-Judge W. P. Bynum, of Greensboro, and Messrs. Reed, Smith, Shaw and Beal. The exact figures in the judgment were for \$345,000. The argument of Judge Bynum before the Circuit Court is said to have been commented upon by members as one of the ablest legal presentations ever made before that distinguished and learned body.

Those who are in a position to know declared that the matter of reorganizing the Whitney company had been pending upon the outcome of this suit, and now that it is settled they believe the work of reorganizing and development will be put through at once.

### In Honor of Miss Boger.

In honor of Miss Pearl Boger, of Concord, who has been visiting at Pine Bluff, Ark., a cotillion was given. We copy the following account of it from a Pine Bluff paper:

"Miss Rosalie Philpot was hostess to a large number of friends last evening when she entertained with a cotillion at Forest Park, in honor of her guest, Miss Pearl Boger, of Concord, N. C., and her brother, Eugene Philpot, recently home from the State University. The affair was one of the most elaborate given in the city for some months and was largely attended. The guests included many young collegians and school children. The decorations in the pavilion at the park were in keeping with elaborateness of other details. A countless number of school pennants were used in making a canopy over the dancers. In one corner a table held punch and sandwiches, which were served through the evening by little Misses Helen Philpot and Cornelia Walker, Miss Philpot and Eugene Philpot led the German, to music furnished by the Pine Bluff Symphony Orchestra."

## STATE DEMOCRATIC CONVENTION CONVENES.

Chairman Eller Calls Convention Together—Senator Overman Receives Ovation—Mr. J. P. Cook Chairman of Cabarrus Delegation.

Special to Tribune.  
Charlotte, N. C., July 14, 1:45 p. m.—The convention was called to order by Chairman Eller and the assembly was led in prayer by Rev. Dr. Hutton. Mr. Eller in a fine speech introduced Senator Lee S. Overman, of Salisbury, who received a great ovation. The Senator then made a speech to the convention the like of which he is only capable of making. The temporary organization was then completed and the convention adjourned at 1:30 o'clock. When it reassembles nomination of candidates will be made. Judge Allen's friends claim that he will receive seventy-five majority over Manning when the vote is taken. Mr. J. P. Cook was elected chairman of the Cabarrus delegation.

### Dr. Harris Figures it Out Satisfactorily.

Charlotte Chronicle.  
Says The Concord Tribune: "Notwithstanding the fact that practically all the mills in the South that are not closed down are running on short time, it is announced that a \$400,000 mill will be erected at Chesnee, S. C. Will Dr. Harris, of the Charlotte Chronicle, please figure this out for us?" Easy. When good times for the cotton mills return they will come in a rush and there will not be any too many mills to take care of the business. The depression in the mill business is but temporary. The shut-down and the short-time policy is merely one to hasten the return of cotton mill prosperity. It works a temporary hardship, but in the end, the wisdom of it will be seen and felt. The cotton mill is, and will continue to be, the South's greatest asset. As early as last January, as good an authority and as keen an observer as Colonel Wm. E. Holt, told The Chronicle that there was "a very dull summer ahead, but that in the fall things would begin to improve." We have never known Colonel Holt to miss it.

### Manuals for Teachers' Institute Work Issued.

A manual for teachers' institutes is just issued from the state department of education for use in the teachers' institutes now under way and to be held in every section of the state during the summer and fall. There are 68 counties in which these institutes will be held this summer, the law requiring that counties must hold the institutes at least once in two years. There are engaged in this institute work about 60 of the best educators of the state and practically every public school teacher in the state will attend one or another of these institutes. State Superintendent Joyner declares that the purpose of the manual is to "secure definiteness, uniformity and continuity in the work of county institutes and summer schools and to make this work more effective by professional improvement and professional promotion." The motto of the enterprise is declared to be the famous declaration of the late Dr. Charles D. McIver, "The teacher is the seed corn of civilization and none but the best is good enough to use."

### Money to Prosecute Vestal and Maynard.

The friends and fellow citizens of W. A. Thomasson, father of Bessie Thomasson, who died from the effects of an illegal operation performed by Dr. W. L. Vestal, at High Point, with Levy Maynard as author of the girl's ruin and accessory to the crime of Vestal, have contributed \$70 toward a fund for the prosecution of the two men.

There are no new developments in the case. The physician and his wife are still confined in Guilford jail. There will be no preliminary hearing and court does not convene until August. Nothing has been heard from Maynard. The Owen girl will recover. The man in this case, a Southern railway engineer who has a family, has not figured in the accounts of the affair, and while his name is known, it has not been disclosed.

### The Misses Goodson to Entertain.

A number of invitations reading as follows were issued in the city yesterday:  
The Misses Goodson  
At Home  
Friday evening, July fifteenth.  
Nineteen hundred and ten  
Nine o'clock  
Misses Griffin, Withers and Fetzer

Mr. and Mrs. D. W. Corrine went to Greensboro this morning to spend a week visiting relatives.

## PERSONAL MENTION.

Sons of the People Here and Elsewhere Who Come and Go.  
Mr. Sidney Lowe is spending the day in Charlotte.

Mr. K. L. Craven spent yesterday in Statesville.

Mr. W. L. Robbins is spending the day in Charlotte.

Miss Jennie Smith is spending the day in Charlotte.

Mr. Jno. A. Sims, of Salisbury, is a Concord visitor today.

Mr. Harry Overman, of Salisbury, is a Concord visitor today.

Mr. C. H. Williamson, of Charlotte, is spending the day in the city.

Mr. S. A. Smith, of Winston-Salem, was a Concord visitor last night.

Mrs. G. J. Gouger, of No. 3 township is at Davis Springs, Hiddenite.

Mr. Lawrence Hutchinson, of Norfolk, is visiting at the home of Mr. Frank Goodson.

Misses Esther and Cordie Parker, of Albemarle, are visiting their sister, Mrs. T. D. Maness.

Mr. Walter Ritchie is confined to his home on South Union street on account of illness.

Miss Susie Love, of Gastonia, will arrive this afternoon to visit Miss Myrtle Pemberton.

Mr. and Mrs. Cullen Howerton, who have been visiting in the city left yesterday for Charlotte.

Mrs. E. Borden, of Wilmington, arrived this morning to visit her daughter, Mrs. J. A. Cannon.

Mr. W. G. Means has returned from Albemarle, where he has been attending Stanley county court.

Mr. J. S. Harris and niece, Miss Lula J. Harris, left this morning for Mebane to visit relatives.

Mrs. W. H. Blume and daughter, Miss Vernie, left yesterday afternoon for Spencer to visit relatives.

Misses Margurite Brown, Myrtle Pemberton and Margaret Lentz are spending the day in Greensboro.

Mrs. Trice, of Lexington, who has been visiting her father Mr. W. M. Probst, returned home this morning.

Miss Cassie and Atha Watson left this morning for Ellebee Springs, where they will spend several weeks.

Misses Ollie Cook and Ollie Castor, of No. 4 township, have returned from a week's stay at Misenheimer Springs.

Mesdames C. L. Smith, Ed. Moss, L. T. Hartsell, J. L. Erwin and M. L. Brown are spending the day in Greensboro.

Miss Lucia Parks Stevens and Miss Geneva Parks are spending the day in High Point with their sister, Mrs. Ed. Freeze.

Mr. and Mrs. Hal Jarrett, who have been visiting relatives in the city, returned yesterday to their home in Lexington.

Miss Rhettia Culp, who has been visiting Mrs. T. J. White for several weeks, will return to her home in Rock Hill Saturday.

Mr. J. F. Dayvault left this morning for Rowan county to join his family who have been visiting there for several days.

Mrs. W. G. Newell, who has been visiting her son, Rev. W. A. Newell, in Tryon, for several weeks, will return home today.

Rev. J. Walter Sinipson left this morning for Rock Hill, S. C., being summoned there by the serious illness of his father, Dr. I. S. Simpson.

Salisbury Post 13th: Miss Nannie Linker, of Concord, who has been visiting friends in the city, returned home this morning. Misses Mary and Daisy Belle Phillips accompanied her home.

Mr. James B. Young, of Raleigh, State Insurance Commissioner, spent yesterday in the city on official business. While here Mr. Young was the guest of his old schoolmate, Mr. W. G. Means.

## PUBLIC MISSIONARY SERVICE.

Interesting Exercises Held at Lutheran Chapel July 10th—Large Audiences and a Large Amount Raised for Missions.

The W. H. & F. M. Society and the Children's Missionary Society of Lutheran chapel congregation held their annual public exercises on the second Sunday in July. The women were fortunate in securing the services of the Rev. L. B. Spracher, pastor of Union E. L. church. He preached at 11 o'clock a most interesting and instructive sermon, based on Matt. 9:37-38. Though the weather was exceedingly hot a packed house even to standing gave their undivided attention. The gathering of the morning for missions amounted to \$34.81. The amount will be slightly increased, because on account of sickness some of the members could not be present. The women's offering for the year is \$35.33. This is not quite as much as they raised last year for missions. But the difference is accounted for in that they placed a new carpet in the church and helped to bear the expense of raising the pulpit platform to the amount of nearly \$75.00 in addition to the amount given to missions.

In the afternoon, beginning at two o'clock the children and young people of the Children's Missionary Society rendered, most interestingly, an instructive service entitled "The Children's Day Choptlets" in the presence of a full house. Many were the words of praise from those who heard. The music was of a high order, most appropriate and well rendered.

The children's offering for the afternoon was \$38.12. For the year \$59.41, which is a little more than they raised last year. Last fall mite boxes were given to the children and a prize offered to the one who raised the most money. Master Hoke Riekard won the prize having \$3.05 in his box. The prize was a copy of Dr. Gerberding's "Way of Salvation in the Lutheran Church." A picture of the Rev. A. J. Stirewalt, the children's missionary in Japan was given to all who had one dollar or more in their box. Fifteen of the children won a picture. Thus ended a service that will long be remembered. B.

### Postoffice Contractor Here.

Mr. Joseph Seay, of Petersburg, Va., the successful bidder on the erection of the government building for Concord, arrived in the city yesterday and spent the day making preliminary arrangements for work to begin on the building. Mr. Seay is spending today in Charlotte in conference with a number of contractors in that city. He will return to the city tonight and it is expected that his plans will be so far perfected as to make definite announcement as to a number of the different supply firms throughout the country who will aid him in completing the work.

### Has Shod 29,251 Animals.

The Lexington Dispatch says that Mr. Chas. L. Leonard has been in the blacksmith business for 18 years, and during that time he has put on 113,028 horse (and mule) shoes; having shod 29,251 animals, or to be exact, 29,251 1-4. For several years at first he did not keep a record, and has done more than these figures show; but during the 18 years he has kept record he accomplished the above.

Dr. Pharr and Mr. D. A. Klutz are spending the day in Greensboro.

Master Brevard Harris, of Eatonton, Ga., is visiting at the home of Mrs. W. C. Boyd.

Miss Ashlyn Lowe will return tomorrow from Lenoir, where she has been visiting friends for the past fortnight.

Mesdames V. L. Norman, J. C. Wilford and Miss Maude Brown and Charlie Cook, left this morning for Misenheimer Springs.

Miss Annie McKinley, of Augusta, Ga., who has been visiting Miss Beulah Query, will leave tomorrow for Harrisburg where she will visit relatives before returning to her home.

It is better to be a moral tightwad than to squander a good reputation.

## PELLAGRA CHRONIC DISEASE.

Durham Physician Says Pellagra Will Return Yearly.

The pellagra situation, which is causing so much to be written about it has developed the unknown fact, brought out recently, that a number of cases have been treated, apparently cured and discharged for the present, says a Durham physician. No less than half a dozen of these have been found by local doctors, who make recommendation, however, to those sending out the reports, that they do not claim complete and permanent cures. One of these speaking said that while there had been some excellent evidence that pellagra is being a little better controlled, his opinion is that pellagra is a chronic disease and that there is no promise that the complaint will not return next year as it has done several years past.

The situation has been very alarming in Durham. A great increase over last year's trouble put the doctors to experimenting and they have found that the disease yields to treatment, though they admit that they have learned little of it. The six deaths in one week were enough to make them blue, but the majority of these cases had long been past help.

It is said that one may find many cases in which the patient is treated, gets apparently well and never knows what has been the matter with him. In these visitations, the whites have been most afflicted this year. The doctors do not tell the average patient that he has it because that is the signal for a lie-down. The mental effect is considered worse than the physical.

Some of the experiments tried are diet, injection of salt water in the blood and denial of corn bread, which is believed to be harmful in that it tends to aggravate one phase of the disease at its worst. The local physicians incline strongly to the view that pellagra is a blood disease and that it must be cured that way. There has, however, been no great progress in finding the particular germ that does the work.

Miss Laura Ridenhour, who has been visiting friends in Lexington for several days, will return home tomorrow.

## TO THE VOTERS OF CABARRUS COUNTY.

As chairman of the Democratic party I feel it my duty to call your attention to a few facts.

There has never been a time within my knowledge when the entire party of the county was as solid as at this time. We have no family quarrels in our own party and the only desire on the part of any voter, is to elect the Democratic ticket at the coming election. The ticket which our convention put out on July 2, meets with universal approval. There will be less scratching this year than was ever known, because all interests are represented on the ticket. The interest of the farmer is well represented, so is the interest of the manufacturer and the operatives. No interest has been neglected and if you will examine the ticket you will find that every section of the county has been given its due representation.

Another peculiarity about the ticket is, that about one-half of the men nominated were not even applicants for office, thereby showing to you the nominations sought the men, and not the men the nominations. As an evidence of the interest which the Democrats are taking in the coming election, it is only necessary to call your attention to the fact that in No. 2 township, in the election of 1908, Bryan only received 78 votes, while the other day at the primaries, there were 50 present. It does not make any difference who the republicans nominate at their convention, every one knows that they cannot nominate any better ticket than the one nominated by our convention. With the universal good feeling which prevails in our ranks, I do not hesitate to go on record and predict that the returns at the election will show a substantial Democratic majority.

JNO. L. MILLER,  
Chmn. Dem. Ex. Com.

A great improvement is being made on the campus of Greensboro Female College. The ground on the north side is being graded and sloped off towards West Market street; trees that obstruct the view are being dug up and when the whole is completed and lined with grass and shrubbery, it will show a marked improvement.

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White Canvas Ankle Pumps, cool and comfortable, \$1.75.

Lot of odd sizes in Men's and Ladies' Oxfords and Ties, worth \$3.00 and \$3.50, closing out price \$1.98.

Prices cut on all Children's Oxfords and Pumps. All sizes and prices to suit you.

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