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Power Company Appeals From Judge Grady's Decision

Company, Although Victorious In Fight Against Injunction, Dissatisfied.

Smithfield, Sept. 1.—The Carolina Power and Light Company, through its attorneys, W. H. Weatherspoon, A. Y. Arledge, Abell and Shepard, and McLean, Fou and Emanuel, have served notice on appeal from the findings of Judge Grady in the injunction hearing at Clinton on August 16-20, when certain Johnston County farmers attempted to restrain the company from constructing electric lines in the county.

Legal battles have been waging between the power company and the Johnston County Membership Corporation since some time in June 1936 when each attempted to restrain the other from its construction in this county. Finally the Supreme Court ruled in favor of the Membership Corporation which had received assurance of a loan from the Federal REA of \$310,000 with which to build the power lines; but soon after this decision was received the directors of the Membership Corporation entered into an agreement with the Carolina Power and Light Company whereby they would withdraw from the field and let the power company furnish all the lines and energy.

The Federal REA refused to authorize the acceptance of this proposal and a mass meeting was called here in Smithfield and much opposition to the action of the directors were expressed.

D. T. Bailey, Z. L. Talton and J. E. Woodall, prospective consumers of electricity, through attorneys L. M. Baileys, E. J. Wellons and J. R. Pool, sought to restrain the power company, (and while Judge Grady declined to order the injunction, he did agree with the facts as set out in the complaint.

"The purpose of the Carolina Power and Light Company in making this offer and in taking over the entire project under contemplation by the Johnston County Membership Corporation was to acquire a monopoly of the business in which it was engaged in the rural districts of Johnston and other counties and it did have that effect as a matter of fact," said Judge Grady.

"The action of the board of directors, of a majority of said board, in selling out lock, stock and barrel to the Carolina Power and Light Company was a plain breach of the trust reposed in them by the men who elected them at the meeting of May 27, 1936," continued the Judge. "The whole transaction, it seems to the court, was tainted with mala fides (bad faith) and if any harm had followed, which could be corrected by a court of equity an injunction might lie, but under the contract the plaintiffs have not been injured at all." Electric energy was what they wanted. He reminded them, and energy was being furnished by the power company.

Another ground on which the injunction was refused was that parties bringing the suit were not members of the corporation at the time the directors moved to abandon the project in favor of the Carolina Power and Light Company.

The Carolina Power and Light Company in the notice of appeal calls attention to the fact that they have spent \$28,000 in construction since July 8, when they entered into the contract with the directors of the corporation and had entered into obligations involving the expenditures of a total sum of \$98,000 and proposes to complete the construction of 325 miles of power lines within 60 days and to construct other lines that may be feasible.

HOME TALENT MINSTREL SHOW

The local Eastern Star Chapter will sponsor a home talent Negro Minstrel Show in the near future. The next week's paper for announcement of date, admission, etc.

The largest corn crop in several years is in prospect for Durham county, according to W. B. Ross, farm agent.

Woman Killed Near Sheriff Barber's Home

Mrs. Betty Creech Meets Almost Instant Death When Hit By Car Driven by C. R. Roberts of Benson Grove Section.

A very sad accident occurred near the home of Sheriff R. U. Barber Monday evening about 7:30 o'clock, when Mrs. Betty Creech, age 49, wife of Booker C. Creech, was struck down by an automobile truck near her home as she started to cross the highway. It had been a very busy day with the family putting in tobacco and two tobacco barns stand on either side of the highway opposite each other just a short distance from the Creech home. The tobacco had been looped on one side of the highway at one of the barns and Mrs. Creech was assisting in carrying the sticks of tobacco across the road to the other barn, and was struck by the car while crossing the highway. Her body was carried about 40 feet on the front bumper before falling to the ground. The truck was not brought to a standstill until it had gone something like 100 feet from where Mrs. Creech was struck. She died almost instantly following the accident. The driver of the car was C. R. Roberts, a farmer who lives near Benson Grove Baptist church about 7 or 8 miles north of Benson, and about two miles from the scene of the accident, which is about five miles north of Benson.

Roberts is alleged to have been driving at about 50 or 60 miles an hour when the accident occurred. Roberts was taken into custody by the sheriff soon after the unfortunate occurrence and held until Tuesday when he was released under \$1,000 bond pending a coroner's inquest which will be held at Byrd's Service station near the scene of the accident, Tuesday night at 8 o'clock, September 7th. The coroner's jury which will try the case is composed of the following: H. A. Penny, B. V. Wood, A. O. Dixon, Jasper H. Holmes, Jephtha Benson, and W. B. Stevens.

Dr. E. N. Booker, county coroner, after a visit to the scene of the accident and after taking a look at the corpse, said that he would leave the matter largely in the hands of the jurors to determine the outcome of the case.

Funeral services were held at Pleasant Hill Christian church about two miles from the Creech home, Wednesday afternoon at 3 o'clock, conducted by Rev. J. Lee Johnson, the pastor. Burial took place in the church cemetery.

Surviving Mrs. Creech are her husband, Booker C. Creech; her mother, Mrs. Harriett Barbour; six sons, Joseph Surles of Four Oaks, Durwood Surles of Benson, Sherrill, Sherwood, Hunter and Bobby Creech, all of near Benson; four brothers, P. H., J. J., W. E., and F. G. Barbour, all of near Benson, and three sisters, Mrs. Lucy Surles of Benson, Mrs. Patty Lloyd of Erwin and Mrs. Mary Creech of Benson.

Former Benson Woman Passes In Rocky Mount

Farmville, Sept. 1.—Mrs. Emily Britt Holmes, 56, wife of John W. Holmes, prominent merchant and farmer of Farmville, succumbed at a Rocky Mount hospital Monday afternoon after an illness of several weeks.

Funeral services were conducted at the Baptist Church in Farmville on Tuesday afternoon at 3:30 o'clock with the pastor, Rev. L. E. Ennis, officiating.

Mrs. Holmes was the daughter of the late U. P. and Susan Britt. She was a native of Johnston County and a former resident of Benson. Besides her husband she is survived by a daughter, Mrs. Daisy H. Smith, three sons, C. R. Holmes of Farmville, John D. and Albert C. Holmes of Farmville; a sister, Mrs. M. J. Cavanaugh of Wallace; and two brothers, E. P. Britt of Benson, and W. L. Britt of Dunn.

Billy Aycock Talks To Kiwanis Club

Makes One of Best Addresses Heard By The Club In Long Time—J. N. Wiggs in Charge Of Program—Time For Meeting Changed From 7 to 6:30.

(By H. H. LOWRY)

Billy Aycock was the principal speaker at the weekly meeting of the local Kiwanis club last Thursday evening. The speaker, who was introduced by Kiwanian John N. Wiggs, chose as his subject, "American Democracy In The Past," and said in part:

"Americans in thinking of our government are likely to erroneously assume that the masses of the people have always participated in our government. One of the most inspiring themes in American history is the advance made by the common man and woman for the right to have a voice in governmental affairs. Different periods in our history have reflected the power of an aristocracy in determining the policies of government and the gradual encroachment by the masses on that power. "In the colonial period the court of the Royal Governor and his assistants was aristocratic. Suffrage was very limited because of religious and property qualifications for voting and office-holding.

"The Declaration of Independence in a sense was the first official denunciation of an aristocracy in this country. However, a new aristocracy composed mainly of New England merchants arose. Many of the leaders of the Constitutional Convention were strongly opposed to forming a government which would be controlled by the popular will. This fact is evidenced in the Constitution itself as provision for popular election was confined to the lower house of Congress.

"Under Washington and John Adams there was little inclination to allow the masses of the people to participate in the policies of the national government. The aristocratic attitude was strong in the governmental leaders.

"Under Jefferson there was a great change in the spirit of the government in the direction of democratic ideas but there was no marked increase in the suffrage.

"The 'West' built up a system of universal manhood suffrage and the election of Jackson was a manifestation of the power the masses had acquired.

"A powerful Southern Aristocracy based on landed interests controlled our government prior to the Civil War. The rule of this exclusive group was ended during the war. A new aristocracy developed in the latter part of the 19th and the beginning of the 20th century. Their power was derived through the accumulation of fortunes from coal, iron, steel, cattle, oil and railroad buildings.

"The popular election of Senators since 1918 and the right of women to participate in government since 1920 contributed much toward giving our government democratic influences. The inevitable growth of administrative law in our present set-up is rapidly causing a development of a government of men."

SCHEMES

There are usually a flock of suckers in every community—men who fall for advertising schemes sprung by city slickers.

It is surprising what a merchant, business man or banker will sometimes buy from an eloquent stranger.

The out-of-town fellow can often knock a home run with a cracked stick where the local salesman can't make first base with a hickory bat. In nine out of ten your local editor, who knows his own town and his own people, can do you more good than the high-pressure, one-time-selling, enthusiastic spellbinder.

The smart merchant will consult his local editor-printer before he gets gummed up on mail-order dietaries, calendars, a phony directory or a mug-book.

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ABC APPROVES STORE IN FOUR OAKS

After Hearing Before Johnston County Beverage Control Board Monday Morning It Was Decided To Open Store At Four Oaks Saturday, September 4th.

After a hearing Monday morning, the county ABC board ordered a liquor store to be opened in Four Oaks, fixed Saturday of this week as the date of opening and named W. Talmadge Lee of Meadow township as its manager. The store will be No. 7 in the Johnston county system.

Delegations for and against the store at Four Oaks appeared before the board. Representing the drys were Rev. H. B. Baum, W. A. Massingill, Bert Lassiter, L. E. Godwin, J. A. Creech, and Mr. Temple. Those asking for the store were Mayor C. G. Grady, J. H. Strickland, Jesse Stanley, Henry M. Johnson and D. S. Strickland.

After hearing similar delegations last week, the state liquor commission announced it would not act on the request for a store at Four Oaks until the Johnston board had acted, but indicated it would approve the store if the local board asked for it. A group of Four Oaks citizens asked for a store in their town when the county liquor control system was first set up, but their request was not granted.

In the resolution approving establishment of the Four Oaks store, the county board set forth that it appeared "that 75 per cent of the business people of Four Oaks want the store" and "that a large number of those who voted in the election against the store have now changed their minds." Opponents of the store have pointed out that Ingrams township voted 388-211 against stores in the May 29 election.

The resolution ordered that the store be opened "to the end that illicit traffic in liquor may be further checked in the county."

"The board is studying the problem of liquor control from a county viewpoint and we greatly that a store in Four Oaks will greatly help us in the task of destroying the bootlegging business in Johnston county," commented Chairman Holton Wallace of the ABC board in an interview with The Herald.

The Four Oaks store will open Saturday in the location on main street formerly occupied by Ruffin Jones and owned by Hunter Strickland.

Mr. Herbert Screws Goes To Smithfield

Buy's Interest In Johnston's Drug Store and Begins New Duties—With Selma Drug Company About 18 Years.

Mr. Herbert Screws, who had held a position with the Selma Drug Company here for the past 18 years, resigned this position a few days ago to take up his new duties with Johnston's Drug Store in Smithfield, he having bought half interest in said business. Mr. Screws is well and favorably known throughout this section of Johnston County. He can "jerk" a soda or mix a coca-cola just to suit the taste. While his many friends in Selma and surrounding territory regret to lose him from our midst, they are glad to know that he is associated with one of the county's best druggists and one who has also had much experience in the drug business. Mr. Johnston is rated at the top among Johnston county's druggists and "knows his onions" behind the prescription counter. He has been in the drug business in Smithfield almost 30 years and has built up a good business.

With this splendid combination, working shoulder to shoulder, their businesses should prosper and their friends continue to multiply.

If Mr. Screws ever gets the blues, His groanings are kept unheard; He goes on breaking the good news, As he imitates the mocking bird.

SPENDS WEEK END IN PHILADELPHIA

Mrs. Pearl B. Richardson spent the week-end in Philadelphia with her sister, Mrs. Bernard I. Ross. Her mother, Mrs. Neva Royal, and Jackie Richardson, accompanied her home.

Selma Woman Has Passport Revoked



Presenting "Miss Tennessee" who is Miss Margaret Smith, of Clinton, Tenn., and one of the entries in the National Beauty Pageant who seeks the title of "Miss United States" at Biloxi, Miss., September 2 to 6 Miss Jessie Fuller O'Neal who has the title of "Miss North Carolina" also will be entered in the pageant.

FORMER SELMA MAN DIED WEDNESDAY

Had Served Town of Selma As Head Of The Water And Light Department For Some Time—Funeral Occurs Today At Home Of Deceased.

William Cobb Toler, 44, world war veteran, died at his home near Grantham Store, Wayne county, at 4:30 o'clock Wednesday afternoon following an illness of several months of Bright's disease and heart trouble. He was a member of the Methodist church, and a Mason. The deceased was a son of the late John A. and Elizabeth Stevens Toler. He is survived by his wife, who was formerly Miss Gladys Holland, of Selma; six children, Helen Mae, Selma; Lucile, John, Selma, Gladys, and Louise; one brother, H. S. Toler, of Goldsboro, and one sister, Mrs. William M. Bailey, of Philadelphia. Funeral services were conducted from the home this (Thursday) morning at 10 o'clock by the Rev. Charles Stevens, Baptist minister, of Wadesboro, assisted by Rev. Mr. Benson, pastor of the Mt. Olive Methodist church, after which interment took place in the old Stevens family cemetery, near the home.

Hunt For Tar Heel Cadet Still Futile

Guy W. Edgerton of Kenly Missing Since Storm Scattered Planes in South.

Grapeland, Tex., Aug. 31.—Thirty-six additional Army pilots were ordered into the search tonight for Guy W. Edgerton, Kenly, N. C., missing air corps cadet.

Today 72 pilots fruitlessly scanned some 5,700 square miles between Shreveport and Houston. Edgerton was reported missing last night after a 13-plane formation from Barksdale Field.

EDITOR'S NOTE: Cadet Guy Wallis Edgerton, 24, who was reported missing with his airplane in a storm Monday night between Shreveport, La., and San Antonio, Tex., is the son of Mr. and Mrs. W. H. Edgerton of Kenly. He was graduated from Kenly high school and attended the Presbyterian Junior College at Maxton. He has been in the air service for about a year. W. H. Edgerton is a Kenly merchant.

Daughter of Selma's Former Chief of Police, While Returning To China With Her Husband, Has Passport Revoked In California—Her Husband Allowed To Go To Japan.

Mrs. Leon Glover, daughter of former Chief of Police and Mrs. J. H. Griffin, of Selma, and little daughter, Betty Jane, have returned from the Pacific Coast after having their passport revoked while on their way back to China, after spending about three months in North Carolina with relatives and friends. She is making her home in Zebulon until conditions in China improve.

Mr. Glover spent his vacation with her while here. He is in the employ of some tobacco concern in China and was allowed to continue on his return trip as far as Japan.

SHANGHAI LOSS IS TREMENDOUS

Insurance Underwriters Estimate Loss In Sino-Japanese War Since August 13 Around \$275,000,000 United States Currency.

Shanghai, Aug. 30.—American and British insurance underwriters estimate the total war damage to Shanghai since August 13 at \$275,000,000 (United States currency.)

After a survey of Greater Shanghai and its suburbs, the insurance men divided the estimated losses as follows:

Chinese: In Chapel, Footang, Yangtzepoo, Hongkew, Wosung, \$125,000,000.

Japanese: In various districts—\$100,000,000.

Foreign: \$50,000,000.

About half the foreign losses were American, of which about one-third were covered by insurance.

Sterling Fessenden of Augusta, Me., secretary general of the Shanghai municipal council, said it will require more than five years to rebuild destroyed parts of Shanghai. He based his estimate on the fact that three years were required to reconstruct Shanghai after the 1932 Chinese-Japanese conflict here.

Fessenden said the present war already has caused more than twice as much damage as that of 1932.

Will Enforce Sunday Laws In County

TO THE PEOPLE OF JOHNSTON COUNTY, and especially those engaged in the mercantile business, and those selling wine or beer:

At the 1937 session of the General Assembly, it was made "unlawful for any person, firm or corporation to keep open any store or other place of business for the sale of goods, wares or merchandise during the hours usually designated as Church and Sunday school hours on Sunday in Johnston county, and further, that it shall be unlawful for any person, firm or corporation to sell or offer for sale any beer or wine at any place in Johnston County on Sunday."

The volume containing these laws has just been received and in order that the people may know that places of business must be closed on Sundays during Church and Sunday school hours, and that no wine or beer may be lawfully sold at any time during Sunday, I desire to let the people know that these laws will be rigidly enforced.

This August 27, 1937.

R. U. BARBER, Sheriff.

Noted Billiard Artist Is Coming To Selma

R. F. V. Nationally known billiard instructor and fancy trick shot artist will appear at R. L. O'Neal's Modern Billiard Parlor Friday afternoon and night, September 3rd at 8:30 and 9:30 p. m. The public is invited to the two exhibitions, which will also include a number of...