ASHEVILLE, N. C., TUESDAY MORNING, JULY 11, 1922.

Circuit Court Denies Pe tition for Rehearing in Power Case.

BELIEVE DECISION ENDS CONTROVERSY

Enjoin Southern Power From Threatened Stoppage of Current.

The Southern Pewer Company i The Southern Pewer Company is enjoined from its threatened stoppage of current and power to the North Carolina Public Service Company, furnishing the cities of Greensboro and High Point, as a result of the denying of a petition for rehearing in Circuit Court of the contract of the cont

Appeals yesterday.

The perition for a rehearing of the case was made by the Southern Power Company as appelled in the case of North Carolina Public Service Company, City of Greensboro and City of High Point, appellants, Acrsus Southern Power Company, appelled.

This, according to legal authorities, practically ends the controlorsy between the two companies over the furnishing of power by Appeals yesterday.

over the furnishing of power by the Southern Power Company to the Public Service Compan, through its sub-stations at Greens-boro and High Point, to operate the street car lines in these cities and for the use and benefit of the municipalities and the citizens thereof for light and power, as is now being furnished.

It is asserted that the only step

ft for the Power Company will be to apply to the United States Supreme Court for a writ of cer-tiorari.

The complaint was originally brought by the North Carolina Public Service Company, City of Greenshore and City of High Point against the Southern Power Company and the complaint alleged "Cwnership and operation by the liaintiff North Carolina" Public Service Company of a street railway system and of an electric light and power system furnishing light" and power system furnishing light for the streets and private houses and operating the machinery of in-dustrial enterprises in the citles of Greensbero and High Point, Nort Jarolina, under municipal fran-hiscs; the ownership and opera-ion by the defendant, Southern yower Company, a New Jersey cornoration, of large hydro-elec-Cylic plants on the streams of the State of North Carolina and also state of North Carolina and also state of the Carolina and the Caroli ubl'e service corporation to fac-ries, municipalities and to other teries, municipalities and to other priblic service corporations for restate; contracts by defendant with the planniff, North Carolina Public Service Company, in December, 1809, and January, 1910, to furnish current necessary for its needs at Greensboro and High Point for the term of ten years the refusal by the defendant to enter lust a new contract to furnish e..ter into a new contract to fur nish North Carolina Public Servfice Company the electric current fice company the electric current fice company for its plants except for a much shorter period and at a rate much in excess of the rates charged for like services rendered to other purchasers under the came or substantially similar con-

"Notice by the defendant that it would cut off its current at Greensboro and High Point; the mability of the North Carolina Public Service Company and the cities of Greensboro and High Point to obtain current from any other source, and irreparable loss that would result to North Carolina Public Service Company and to the cities and their citizens from Notice by the defendant that to the cities and their citizens from ing deprived of light and power, readiness of the North Caro-de Public Service Company 19 y reasonable price for the curve, recuired, furnished without didscrimination as to rates and

The relief asked was mandamus compet the Southern Power ompany to continue to furnish ectric current and power to the Public Service Company through its sub-stations at Greensboro and High Point, to operate the street car lines in both said cities, and the use and benefit of the municiparities and the citizens thereof for light and power, as is now being furnished."

September 8, 1920, defendant filed a petition for removal to the United States District Court of the Western District of North Carolina, and on September 15, 1920, filed a transcript of the record in the Federal Court. The motion to remove was refused by the state court on the ground that under the alegations of the complaint "A wit of mandamus may properly issue" and therefore the United States District Court was without Issue" and therefore the United States District Court was without lurisdiction. On appeal the State Supreme Court affirmed the judgment, two of the justices dissenting. On October 23, 1920, defendant enswered in the Federal Court. On December 13, 1920, the state court on the pleadings granted a judgment of mandamus as prayed for, requiring the Southern Power Company to furnish the Power Company to furnish the necessary current and providing:
"The rates and terms of payment for sair cleetric current shall be as now existing between the plaintiff, North Carolina Public Service Company and defended to the company and tee Company and defendant, or as same may hereafter be fixed and determined by the North Carolina Cerporation Commission." Enjoined from State

Proceedings
Pending appeal from this judgment to the State Supreme Court, plaintiff moved in the United States District Court to remand the cause to the state court. The polymer of the polymer of the proceedings in the state court. At the trial the Federal Court, after refusing plaintiffs motion for judgment on the pleadings, heard the testimony and decreed that the plaintiffs had no right to require the Southern Pewer Company to furnish current to the North Carolina Public Service Company for resale to the cities of Greensboro and High Proceedings by the North Carolina Public Serv.

les Company for resale to the cities of Greensboro and High l'oint or to its other customers;

l'oint or to its other customers;

that the North Carolina Public Tuesday. Over 100 veterans are in ——(Centlessed en Page Teo)

# Subjects Of Nahna-Yona-ville

ESTABLISHED 1868.

Hear Ye! Hear Ye! Subjects of his majesty the Mountain King of Nahna-Yona-ville, the following proclamation is effective and beware to all who provoke the wrath of his highness.

PROCLAMATION

By His Exalted Majesty The MCUNTAIN KING. TO ALL WHOM THESE PRESENTS COME, GREETING Know ye, our loyal subjects, that we have embarked on ou journey to our capital city of Asheville to bring thence Her Majesty

our gracious Queen Summer, to bestow upon her the crown of ou royal realm of the Mountains Our course is set over the King's Highway 'mid such scenes as convince us that peace and prosperity relan throughout our domain.

where nature has bestowed her richest gitts of climate and beauty Her Majesty and ourself are in excellent health. The entire royal court is surrounded with every comfert, and all are enjoying the highest spirits.

We will arrive in Asheville at five of the clock on the afternoon of Tuesday, July 11, when we shall be pleased to receive the keys of the city and the homage of our beloved subjects. And for the remainder of the festivities of Nahna-Yonn, we command that joy and merriment be unrestrained.

THE MOUNTAIN KING (Signed) . Sealed with His Majesty's Seal

this 10th day of July, 1922, Erskine, Prime Minister.

# Begin Initial Celebration Of Nahna-Yona Festival Today As Mountain King Arrives

Parade This Afternoon

at Five O'Clock.

Grand Climax to Fes-

tivities Thursday.

Asheville today does homage to

Decide Specific Ouestions to The Russian Delegates INDIAN ATHLETES

Upon the Answers Depend Future of the Russian Conference

THE HAGUE, July 10. he Associated Press.)—The Eu-opean delegates under instruction rom their governments, decided his afternoon to adopt a united ront on all questions before the tussian conference, wor- particu-arly on the treatment of co-fis-ated property. A definite line of action has been agreed upon; this includes the putting of specific questions to the Russian delegates relative to the restitution of the roperty on which their attitude is the Sky. seclared to be unsatisfactory. Up-

Elizabeth City.

Elizabeth City.

| Figure | Correspondent, The Asherolle Citisen | Will occupy the Royal Box during the entertainment. So popular has this event been proving the wants to see sounds and rivers, every lake and mountain stream in North Carolina stocked with edible fish was the declaration by Governor Morrison at a luncheon tendered him here today by the Elizabeth City Chamber of Commerce. Governor Morrison would not wait upon the snail like pace of the Federal Government of propagation fish for stocking our waters, but is in favor of state fish hatcheries if the Federal Government will not proceed swiftly. He would also have the state open inlets on the North Carolina coast, most of which have been closed by adverse tides in recent years. Bareley Teel the figural that the party all athletes in North Carolina coast, most of which have been closed by adverse tides in recent years. Bareley Teel the figural that the party all athletes in Shear of the party all athletes in Shear of the figural that the subjects are being urged to purchase reservations been proving the Bailey camp one day, with his denemies the next and back again on the third, told the world that on the same leading the third, told the world that on the collections and expenses of othe third, told the world that on the collections and expenses on the third, told the world that on the collections and expenses on the third, told the world that on the Court was on thin ice—in so far as the editorial sanctum of the Union Herald was concerned.

Gorman was on thin ice—in so far as the editorial sanctum of the Union Herald was concerned.

Gorman calls this correspondent, The Bailey Son that it will please the collections and expenses of on the third, told the world that on the recent the fold the world that on the recent the fold the world that on the recent the fold the world that on the Bailey Son the third, told the world that on the fall the Revenue Department. The Baily News care mand bay was the next and back again on the third, told the world that on furnished."

The action was commenced in the Superior County, on September 8, 1920, defendant filed waters. Shad, herring, and rock.

recommendations to the next Gen-

eral Assembly.
In the Governor's party are J. Bryan Grimes, Heriot Clarkson, Wade H. Harris, Chas. K. Robinson, Senator Dewar, R. S. McCoin, W. N. Everett, Walter E. Murphy, Wm. A. Hart and members of fishwm. A. Hart and members of neheries commission board. J. K. Dixon, E. H. Freeman, J. C. Baum and W. O. Saunders. The Governor and party spent the day seeing wonderful agricultural country hereabouts. Tonight they are being entertained at a seafood dinner by the Elizabeth City Rotary Club.

On the way down the sound they will stop at the Duck Island Club tomorrow night as guests of the Rotarians and Club owners. Ro-tarians have sent guides ahead to provide a hook and line fishing expedition for the party at Orego

VETS RAINBOW DIVISION
OPEN ANNUAL CONVENTION
GREENWOOD, S. C., July 10.—
Veterans of the North and South
Carolina chapter, Rainbow Division, opened their third annual reunion here today at noon when they were welcomed by local civic organizations. This afternoon they wer eguests of the various women

tates With Reference To His Writings.

IS NOT AFRAID OF HIS EDITORIAL JOB

tacks at All Times in Silent Contempt.

CITIEUN NAME BEREAU

(By BROCK BARKLEY)
RALEIGH, July 10 -Out with a retort before the average newsreaer could work through Bailey's Monday morning Maxwell Gorman avers colume. that he left off the halo in paint-ing the picture of Mr. Bailey and the Seventh District solicitorship contest on his own accord and not because of his job in Colonel

He failed to see the halo in the original setting, and he did not propose to camouflage his political painting. The Gorman weekly news letter of July 4, is not the first one that has differed with Bailey, he would tell him, and furthermore, he would like him to know he has no apologies for such a drastic stand. It tell him plainly that Colonel Watts has never distanced to me with reference to my writings." This from Gorman was a denial of Bailey's charge that the Royal Party to Head Big writings." This from Gorman was members and was not to a denial of Bailey's charge that the READY FOR EVENT

Coronation Ball Comes as

the Mountain Majesty and his Queen, Summer, as the initial cel-ebration of Nahna-Yona falls into

ight, with Society Vaudeville. Here a program replete with lively numbers will be rendered for His Majesty and Her Highness, who will occupy the Royal Box, during the entertainment. So popular has this event been proving even in forecast, that the subjects are heing urged to purchase reser-

Says Watts Never Dic-Short Memorial Service For E. W. Barrett of Birmingham.

SHIP SUBSIDY BILL BRIEFLY DISCUSSED

Watts Treats Bailey's At- Several Publishers Favor Change of Meeting Place Next Year.

> Convening in Western North Carolina for the eighth consecutive year, at the Grove Park Inn for the seventh time and in session for the Twentieth Annual Meeting, mem-bers of the Southern Newspaper Publishers' Association voted to rubilistics: Association votes to change the working plans of the organization, accepted three new memberships and voted the open-ing day an excellent indication of a successful convention.

> At least 150 members and guest registered for the convention and

wittings." This from Gorman was a denial of Bailey's charge that the Commissioner of Revenue's influence prompted the unfavorable news article. Anyway the Colonel has not been in Raleigh since the day before the second primary and therefore could not have dictated a news article to Gorman.

If Colonel Watts were in Raleigh it is doubtful that he would have anything to say in his own defense. He has accepted Bailey's attacks on him in silent contempt, treating them as though he did not consider them worth a reply.

Gorman, however, puts in a bit of spicy retort in answer to this latest of the incessant contributions of the reports were deferred and accepted Bailey's altacks of the incessant contributions to North Carolina newspapers

members and was not taken as accepted by Association.

Shortly after 10 o'clock yesterday o'clock in the coal industry.

Shortly after 10 o'clock yesterday the concerned had tonight delayed definite answers to the proposal. Elliott, of the Jacksonville Times although union officials informed the President they had no power to give acceptance or refusal, but would summon the general policy committee of the United Mine Workers of America here Saturday to consider the matter.

A day of conferences at the White House and at other offices with Secretaries Fall, Hoover and Davis and Attorney General Daugherty participating, was taken to bring matters to this stage.

Committee, made an interesting re-

these matters through correspondence and through the interesting
bulletins issued at frequent intervals by our worthy secretary. The
details of change in our membership, the collections and expenses
of our association will be included
in the report of the secretarygress would be asked, it was add-

# His Majesty, The Mountain King GORMAN BACK AT S. N. P. A. ADOPTS State Troops Guard Zones Issues Proclamation To The BAILEY WITH HOT RE CHART PLANS Where Outbreaks Threate Where Outbreaks Threaten In Connection With Strike

# Government Plan To Settle Coal Strike Provides Wage Rates As Of March 31 Last

By Arbitration.

UNION OFFICIALS DELAYING ANSWERS

President Desires to Have the Production of Coal Resumed.

WASHINGTON, July 10.-Pres-dent Harding today placed before Dituminous mine fields a government plan for settling the coal
strike. It called for immediate resumption of work by miners now
out, at wage rates of March 31 last
for fixing of permanent wage levels by arbitration. for fixing of permanent wage lev-els by arbitration, and for an in-vestigation to recommend solutions of permanent problems in tage points, the coal industry.

All representatives of the groups concerned had tonight delayed lefinite answers to the proposal, the lieutenant-colonel that the strike pickets had warned two wollening answers to the proposal, the pickets had warned two wollening who passed the store to get out of the way "for the works are about to start."

ebration of Nahna-Yona falls into full swing with thousands of loyal subjects and worshipful onlookers to welcome the long-heraided event that promises to be one of the most successful festivities of the successful festivities of the successful and attempted in the Land of the Sky.

Definite assurance that a large

The French delegates asy there is no question, said toughts:

The French delegates asy there is no question about their with particular with active dances and into the first particular with active dances and the first particular with a particular with active dances and the first particular with a pa

gress would be asked, it was add-

"I have taken this short cut to the resumption of operations be-cause I believe it is in the inter-est of the public welfare," the President concluded. "When two great forces do n.t agree there. must be a peaceable way to adjustment and such arbitration opens the way."

He enjoined all participants to give the proposal consideration in separate conferences and this was done immediately. The miners formulated their temporary answer in a letter explaining that the national officers and district presidents called into the meet-ing were without the authority to render a definite judgment upon Reduction of ing were without the authority to render a definite judgment upon Reduction of wages and the takyour several suggestions and are ing away of sick leaves and vacaing away of sick leaves and vacaine wanted, quota full."

The Illinois Central published in no manner authorized to bind tions. the members of the United Mine o our recommendations.

President Lewis of the union said the officers, would not discuss the recommendations they might make to the full policy committee which has 126 members, but ex plained that it had full power

Chairan Ogle, after various deliberations with his associates, the bituminous operators, declared that the general arbitration plan

RICHMOND, Va., July 10.—
Passing resolutions against a cut in wages and demanding that full time vacations be granted them without having to work extra hours to make up for such vacabilions, members of the local union of the Federation of Railway Clerks of the Cheapeake and Ohio system tonight authorized.

He made the statement yester. Ohio system tonight authorized the executive board to present the ultimatum to the officials of the the sale of liquors on heard vession of the liquors on heard vession of the liquors on heard vession of the liquors on heard vession of liquors or heard vession of the liquors of liquors or heard vession of the liquors of liquors or heard vession of the liquors of the rallway system tomorrow.

GOVERNOR HARDWICK AGAINST WEARING MASKS

ATLANTA, Ga., July 10.—Governor Hardwick in a letter made public today declared that unless the Ku' Klux Klan discards 1'2 masks and removes all secrecy about its membership that he will ask the Legislature to "take stringent steps to make the wearing of masks, criminal" in Georgia.

If the Ship Subsidy Bill will be of untold benefit to the Southern ports an equal opportunity with the Eastern ports in handling long The Associated Press.)—Heavy firming becan this morning in the direction of Whampos, the scene of the United States, the South."

CANTON, China, July 10.—(By Facility War In Crima or ing becan this morning in the direction of Whampos, the scene of the United States, the South."

Canton, China, July 10.—(By Facility War In Crima or ing becan this morning in the direction of Whampos, the scene of the United States, the South."

Canton, China, July 10.—(By Facility War In Crima or ing becan this morning in the direction of Whampos, the scene of the United States, the South." ATLANTA, Ga., July 10 .- Gov-

## Calls for Fixing of Permanent Wage Levels State Troopers Are Fired Upon at The Bloomington Shops

Strike Pickets Warn Women "The Fire Works Are About to Start"

BLOOMINGTON, III. July 10 -Three shots were fred at state triopers guarding the Chicago and Aiton shops shortly after midnight. No trace of the person shooting was found.

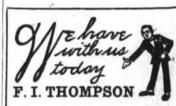
Leutenant-Colonel Charles Neu-nan, in command, ordered the sen-try details doubled and posted ad-ditional machine gun units at vanpoints. A sentry reported to licutemant-colonel that the

Station Employes and Freight Handlers Go Out This Morning.

two here ad membership against any disorders to min in two wars the allow or in the two work or to the company's property, and also warn them against returning to work or to the company's property, and also warn them against returning to work or to the company's property, and also warn them against returning to work or to the company's property and also warn them against returning the work or to the company's property and also warn them against returning the work or to the company's property. The following reasons have been the controversy has been made."

The following reasons have been the controversy has been made."

The following reasons have been the controversy has been made."



had not been voted upon and that an answer to the President might be delayed.

CHESAPEAKE AND OHIO CLERKS IN ULTIMATUM

RICHMOND, Va., July 10.—

Passing resolutions are a superstation plan in the convention of Southern Newspaper Publishers is that of annually visiting the Land of the Sky and Asheville," it was stated yesterday by Fred 1. Thompson, publisher of the Mobile Register, Mobile, Ala.

Some curtailment of train service was reported from St. Louis, Hannibal, Mo., Louisiana, Illinois, New York and several other states. Mail Train

Interference by strikers in Texas with a mail train was reported to the Postoffica Dance of the Postoffica Dance of the Mobile Register.

He made the statement yester the sale of liquors on board ves-sels. He asserted that it was the miral effect that means more than the sale of liquors on the boats. Mr. Thompson is firm in his belief that the Ship Subsidy Bill will BEGIN HEAVY FIRING IN be of untold benefit to the South CIVIL WAR IN CRINA

Government to See That Interstate Commerce Is Not Interrupted.

CANCEL TRAINS ON FEW SHORTER RUNS

Little Disorder as Result of Efforts of Roads to Re-open Shops.

CHICAGO, July 10.—(By the Associated Press.)—With increasing numbers of State troops and emergency forces of United States deputy marshals on guard wher-ever outbreaks have been threat-ened, the government today an-nounced that life and property would be protected, the mails con-tinued and interstate commerce not interrupted despite the strik of rallway shopmen.

of railway shopmen.

After a conference with President Harding, Attorney General Harry Daugherty said that the government would make certain that law and order were preserved through the appointment of deputy marshals.

The Attorney General's announcement came shortly after Lieutenant Governor Fred E. Sterling, acting head of the State of Illinois, had ordered five companies of national guardsmen to Bloomington to protect the shops

panies of national guardemen to Bloomington to protect the shops of the Chicago and Alton Railroad. The ordering out of the state troops followed appeals from the local authorities who declared that civil authority had collapsed and that the soldiers were needed to protect life and property. They were greeted on their arrival at Bioomington by crowds of strike sympathizers with jeers and ribaid comment.

trains on the shorter runs and the re-opening of shops in various sections of the country, there were few developments in the day. Railway executives had expected some demonstrations to furnish the turning point of the strike, because of the ultimatum of many roads that work today would forfeit their senall strikers who did not return to lority rights.

Little disorder was reported as the result of the efforts of the roads to re-open their shops. At Hoxsie, Ark., 50 non-union workgress would be asked, it was added, to make appropriations to finance and authorize its work.

"I have taken this short cut to the resumption of operations because I believe it is in the interest of the public welfare," the President concluded. "When two

> The following reasons have been Erle Railroad in Chicago, where a dvanced by the clerks for the Labor Bureau was established after the strike was called, the follo

an announcement saying that any of its men, who returned to work before July 17 would retai their seniority rights. In Denver, newly employed men were put to work in the shops without any sign of disturbance. turbances er even of picketing. At Altoona, Pa., it was reported that had thrown down their tools to scores of men working in the shops join a demonstration of the strik-

with a mail train was reported to the Postoffice Department today, J. E. Taussig, President of the Wabash Railway Company, pealed to the government for pro-tection for his roads shops and said that strikers had stopped a mail train at Moberly Mo. by cutting the air hose and throwing rocks through the windows of the

Temporary restraining orders prohibiting striking shopmen form picketing or interfering with em-ployes or persons seeking employ-ment at Monroe, La., and at Little Rock, Ark., were issued today.

CANTON, China, July 10,-(By

# HOME AIN'T NOTHING LIKE THIS I"

By BILLY BORNE

