

WOULD KEEP A. & Y. RAILROAD FROM THE SOUTHERN COMPANY

Bill of Equity to Perpetually Enjoin Southern From Getting the Atlantic and Yadkin Has Been Filed.

ATTORNEY GENERAL FILED THE PAPERS

Alleged That Southern Has Violated Its Right and Will Continue to Violate Them in Future.

Greensboro, Aug. 20.—A bill of equity seeking to perpetually enjoin the Southern Railway from repossessing the Atlantic & Yadkin railway, now in receivership, and to demand an accounting by the Southern for all its dealings; and transactions with the A. & Y. since its purchase, was forwarded to this city by Attorney General Brummitt to be filed in the western District federal court.

The action was brought by the attorney general on behalf of the State of North Carolina. Associated with him are Assistant Attorney General Frank Nash, Aubrey L. Brooks and E. S. Parker, Jr., the latter two representing the legislative committee named in 1924 to prosecute a legal move looking to the restoration of the old Cape Fear and Yadkin, running from Mount Airy to Sanford, is a part.

The bill sets up a series of 55 allegations, charging that the Southern has violated, and if allowed to repossess the road, will continue to violate the rights, privileges and duties granted and imposed upon it by its charter and the constitution and laws of the State. In setting forth the allegations the bill goes at length into the history of the purchase of the A. and Y. by the Southern after the old C. F. and Y. had been bought at a receivership sale and afterwards dismembered, the Southern taking the line from Mount Airy to Sanford and the Coast Line that part from Sanford to Wilmington.

After operating the Atlantic and Yadkin for many years, the Southern put it into receivership early last year. At that time the state filed a petition asking permission to intervene in the suit in the interests of the public.

In the bill of equity to be filed in the State asks: That the courts retain possession and custody of the Atlantic & Yadkin Railway until the merits of the suit are decided, and the final decree entered.

That the receivers be directed to demand of the Southern Railway Co. and it be required to account in full to the receivers how much it is indebted to the Atlantic & Yadkin for wrongful diversion and misappropriation of traffic to its own lines since the purchase of the road.

That the receivers be ordered to demand of the Southern Railway Company and that it be required to convey to the receivers, all terminals, sidetracks and station houses, etc., improperly taken from it.

That the receivers be directed to require an accounting so as to ascertain the actual difference expended in settlement of the original purchase price, and the amount actually received from the sale of the \$1,500,000 bonds, and that the receivers be paid the difference.

That the receivers demand all the capital stock of the Atlantic & Yadkin Railway and that it be delivered to them, and that said stock be cancelled by the receivers as a liability against the Atlantic & Yadkin Railway Company.

That the Southern Railway Company be perpetually enjoined and restrained from bidding at the sale of the road when the same is offered at public auction by the receivers, and that it be restrained from entering into any agreement or understanding with any individual or corporation tending to suppress bidding at the

"Girl Crazy?"



Warren Vandervoort, Jr., Parkersburg, Pa., shot and killed his father, Rev. R. J. Vandervoort, and seriously wounded his mother, he said because his family life was one of continual "bickering," and that he could not stand it any longer.

Neighbors, however, say the boy is "girl crazy," and that he wanted the \$11,000 life insurance the father carried. Bottom, Mr. and Mrs. Vandervoort.

WILSON PROMISE IS REDEEMED IN PLANS

Promise Redeemed When the Special Concessions Were Made to Belgium in Regard to Her War Debt

Washington, Aug. 20.—(AP)—When the American government recognized Belgium's claim to special treatment in her payment of the war debt, Secretary Mellon said today it redeemed a promise of President Wilson, which was made at a time when Belgium was about to withdraw from the peace negotiations, and that Secretary Hoover, a member both of the Versailles conference and the debt commission, testified during the debt discussions here that the influence of Mr. Wilson's promise on the peace settlement was indisputable.

Warsaw, Aug. 20.—(AP)—Advices from Moscow report the return to power of Leon Trotsky with the appointment of the former war minister as chief of the economic council.

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EARLY WINTER HAS PUT STOP TO THE M'MILLAN FLIGHT

Explorer Will Not Be Able to Fly Over the Unknown Polar Sea on His Present Trip.

PARTY MAY BE SPLIT UP SOON

Very Probable That One Ship With Naval Aviators Will Return to the States Soon.

Washington, Aug. 20.—(AP)—Early effect it was said that if Commander Donald MacMillan should decide upon such a plan, it probably would be to enable the naval flying unit with the expedition to leave the far North before the closing in of winter weather.

It also was pointed out that the scientific work still to be attempted in Greenland, Labrador and Baffin Island would not necessarily require the efforts of the entire party, and that in view of this, a part might return in advance. They were of the belief, however, that if this were done there would be only a matter of ten days or two weeks in the time elapsing between the arrival home of the two ships.

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She'll Chase Monkeys Out



Mrs. Flora Meyers Gilentine, Murfreesboro, Tenn., has been appointed member of the Tennessee text book commission. She will purge school books of evolutionary theories.

WILL NOT ABANDON SCHOOL AT KINSTON

Governor McLean Certain Caswell Training School Will Not Be Abandoned by the State.

Raleigh, Aug. 20.—(AP)—Gov. A. W. McLean in a statement issued through the executive office last night, declared the state is firmly committed to care for the feeble minded children of the state, and there is not reason for believing the training school at Kinston will be abandoned.

"In my opinion North Carolina is just as firmly committed to the policy of maintaining the Caswell Training School for feeble-minded children as she is to any of the other charitable and correctional institutions," said the statement.

Governor McLean's statement was issued because of reports that "some of the people of Kinston are greatly agitated over what they consider a possibility that Caswell Training School may be discontinued."

"BILL NYE" ANNIVERSARY. Elaborate Preparations Completed for Celebration Next Week.

Asheville, N. C., August 20.—Elaborate arrangements have been completed for the celebration next week of the seventy-fifth anniversary of the birth of Edgar Wilson Nye (Bill Nye) the great American humorist. The celebration is to be held in the old historic Calvary church at Fletcher, near Asheville, where Mr. Nye made his home during the latter years of his life.

The observance will begin with an Edgar Wilson Nye memorial service next Sunday. The principal features will take place Tuesday, which will be the anniversary of the humorist's birth. On that day an imposing granite monument with tablet to Nye, the Nye memorial window in the church, the boulder with tablet at his grave in the churchyard, the memorial flag staff, the gift of Asheville, and the Nye Memorial Shelter by the roadside, will be dedicated with appropriate ceremonies.

Following the services at the church there will be a program of exercises at Nye's old home, Buck Shoals, near Arden. Messages from President Coolidge and the Governors of Maine Wisconsin, North Carolina, New York and Wyoming, the States with which Bill Nye was most intimately associated, will be read at the celebration.

FOUR INQUIRIES INTO EXPLOSION ON VESSEL. Forty Victims of Explosion Accounted for and Four Other Persons Are Missing.

Newport, R. I., Aug. 20.—(AP)—Four separate investigations were underway today to determine the responsibility for the tragedy from the explosion of a boiler on the excursion steamer Mackinac Tuesday night which has claimed forty victims to the present. Four other persons are still missing and it is believed that they may have pumped overboard and drowned. Hospital authorities who have saved many sufferers from scalding steam which enveloped the boat, said the death list would probably exceed fifty.

State boiler inspectors, who visited the death ship yesterday, said the boiler which exploded was cracked and in a weakened condition.

A woman's curiosity is exceeded only by that of a man who says he hasn't any.

NOTED EDITOR AND PUBLISHER IS DEAD

Victor Fremont Lawson, Editor of Chicago Daily News, Dies After Illness of Only Three Days.

Chicago, Aug. 20.—(AP)—Victor Fremont Lawson, one of the best of the American pioneer journalists, is dead.

The editor and publisher of The Chicago Daily News died last night at his home on Lake Shore Drive after an illness of only three days of a heart ailment from which he had suffered in recent years.

Foremost among exponents of untainted news, one of the founders of the Associated Press, and owner of one of the greatest newspaper successes of the continent, his death marked the passing of a premier newspaper figure of the last century.

DAVIS SPRINGS HOTEL IS DESTROYED BY FIRE. Was Reduced to Ashes Within an Hour at 2 O'clock Wednesday Afternoon.

Statesville, Aug. 19.—The well known Davis Springs Hotel, near Hiddenite, seventeen miles north of Statesville, was totally destroyed by fire this afternoon. The fire was first discovered on the kitchen roof about 2 o'clock and without equipment for fighting the flames this popular summer resort was reduced to ashes within an hour. There were nearly a hundred guests. The bowling alley, garage and all nearby out buildings were consumed.

The magnificent shade trees near the building were charred. The flames spread to the adjoining woods and late this afternoon, when a newspaper correspondent left, forest fires were raging from the ruins of the hotel.

The original Davis Springs Hotel was built twenty-one years ago by Rev. R. L. Davis and brother, Jeff Davis. Many improvements had been made until this summer it became a fully equipped hundred room hotel. Last fall the property was purchased by Dr. S. T. Crowson and H. T. Kelly, of Taylorsville, who has been proprietors during this season.

The guests there today were from many southern states. The property had an estimated value of \$40,000 with about \$12,000 insurance. This afternoon Dr. Crowson stated the owners had no plans for the future although he thought it likely will be rebuilt.

Shop at Home and Save Money. Topeka, Kas., Aug. 20.—One Topeka woman has become an ardent convert to the "shop at home" movement. Having accumulated the wherewithal for a new outfit of Fall and Winter finery she journeyed to Kansas City to do her shopping.

After arriving in the western Missouri City, however, she was relieved of her purse by a pickpocket before she had time to make her purchase. Upon her return home she made her purchases at the local stores on credit and now faces the prospect of saving her pin money for the next six months in order to settle the bill.

Denies Sartain and Rhel New Trial. Mobile, Ala., Aug. 20.—(AP)—Judge Robert T. Irvin in federal court here today handed down a formal order denying a new trial to Albert E. Sartain, former warden of the Atlanta federal penitentiary, and Lawrence Rhel, of Columbus, Ohio, recently convicted of conspiracy to receive bribes.

DEMOCRATIC FIGHT STRUGGLE BETWEEN HEARST AND SMITH

That Is Attitude of Many New York Persons as a Result of Actions For Mayorality Nomination.

HEARST HATES GOVERNOR SMITH

And For That Reason He Wants to Put Mayor Hylan Over Because Smith Is Opposing the Mayor.

New York, Aug. 20.—(AP)—As for the mayorality campaign, plunged into the rally stage today, the republicans were on record as regarding the breach in the democratic ranks as a fight between Governor Smith and Wm. Randolph Hearst for control of the New York delegates in the next Democratic National Convention.

Views were expressed by Chas. D. Hilles, republican national committeeman and city chairman.

"Hearst is consumed by his hatred of Governor Smith," Mr. Hilles said yesterday in a speech in behalf of Frank Waterman, organization republican designee for mayor.

"Smith is determined to unseat Mayor Hylan and Hearst. A Democratic leader of Staten Island is reported as saying that this is a fight to determine who will control the Democratic party in New York, and that if Senator Walker wins in the primaries, Gov. Smith will name the delegates to the Democratic National Convention in 1928, whereas if Hylan wins Hearst will name the delegates."

Disse Found Guilty of First Degree Murder. Jury in Case Deliberated Less Than Half an Hour—Want Verdict Set Aside.

Richmond, Aug. 20.—(AP)—Rudolph Disse was found guilty by a jury in Hastings Court here this afternoon of first degree murder and sentenced to death in the electric chair for shooting to death Henry Grady Carter on July 29th last.

The jury deliberated less than one hour and a half.

A hush fell over the court room as the verdict was pronounced. Disse did not change his expression, nor did he move in his chair.

The form of the verdict was approved by the commonwealth.

Defense Attorney Jas. C. Page arose: "We wish to ask that this verdict be set aside," he said. "We ask this on the grounds of misdirection of law, erroneous instruction, exclusion of instructions asked of the court, and admission of improper testimony," he declared.

BACK TO NATURE. Women Wearing Less Daily. British Vicar Bemoans.

London, Aug. 20.—"Day by day in every way women grow naked and naked," says the Rev. Richard Free, Vicar of St. Clement's Fulham.

"One need no longer scour the European galleries in search of the eternal feminine in undress uniform," said the vicar. "Examples, which rapidly became the rule, are to be seen in every bus, at every concert and garden party, and in our very streets and homes."

"Will the police have to be called in, as they were on account of the Parisian ladies after the French Revolution?"

Dr. Howard in Bandit Camp. Peking, Aug. 20.—(AP)—Dr. Harvey J. Howard, the American who was captured some time ago by bandits in Manchuria at the same time that they killed Morgan Palmer, formerly of Plattsburg, N. Y., has been definitely located in a bandit camp some 40 miles from Fuchow-Hsien, Dr. Howard is reported to be well.

N. A. Blackwelder Returns Home; Enjoyed His Trip Through West

N. A. Blackwelder, Cabarrus County farmer who has been missing since Saturday a week ago, returned to Concord late Wednesday evening after an 11-day glimpse "beyond the horizon" and was almost immediately taken to his home in No. 5 Township by a daughter and a grandchild who had come to get him when they heard of his return.

His story was one of a desire to travel, to see beyond the narrow confines of Cabarrus county, of a desire to see the world, and to see the world with his own hands and proceed "to see the world." It mattered not to him that he left behind him a wife of forty-five years, children and grand-children who searched vainly for some trace of him. He wanted to get out and see something.

In particular, he wanted to see Illinois. Ever since he was a youth in his early twenties, he had longed to view that state. It had a fascination for him that the Orient has for others. And yet, here he was, after forty years of longing, still at his farm, still doing the same duties he had always had. At 67, he was no nearer

New Teacher



Here is Raleigh Valentine Reece, who has been chosen to succeed John T. Scopes as a high school teacher at Dayton, Tenn. It's a safe bet that he is a Fundamentalist and won't mention monkeys during the coming school year.

DAYTONA REALTOR HELD FOR INQUIRY

Coroner's Jury Will Inquire Into Death of Mrs. H. B. Hunt and John Gobel Is Being Held.

Miami, Fla., Aug. 20.—(AP)—A coroner's inquest today will probe the death by poisoning of Mrs. H. B. Hunt, for which John Gobel, wealthy Daytona realtor, is being held.

An autopsy of the body conducted by Dr. R. K. Jauden, county physician, yesterday, disclosed evidence that a powerful corrosive poison caused her death. However, a qualitative analysis has not yet been applied.

Mrs. Hunt was arrested Tuesday following a warrant sworn out by Gobel charging grand larceny of a diamond ring Gobel is then said to have visited the jail, seeing Mrs. Hunt and telling her he was thinking of withdrawing the warrant. He said he wanted to fix things up and was left alone with her.

A few minutes later the woman came running out of the jail office, police said, crying that Gobel made her drink something.

Then she threw her arms around Gobel's neck, asking why he did that. Later, however, at a hospital just before she died, she whispered, "Well, I guess I did a good job of it," Gobel claims she was a dope fiend.

Agree on Customs Traffic Interests. Tokyo, Aug. 20.—(AP)—The interested powers have virtually agreed on their attitude toward the proposed conference on the Chinese customs tariff. The foreign office in a statement today said it had been agreed that the tariff autonomy cannot be granted China at present, the agenda arranged by the Washington agreement must be first considered by the conference, after which the delegates will decide regarding the discussion of any reasonable proposal China may make.

It was generally agreed that no decision should be made at present.

Tiger Flowers, who is recovering from a recent operation, expects to be able to meet Allentown Joe Gans at Grand Rapids on the night of August 21st.

One theory here is that the merchant was slain by run runners who mistook him for a prohibition officer.

President off For Northampton. Plymouth, Vt., Aug. 20.—(AP)—With weather ideal for motoring, President and Mrs. Coolidge left here today for his old home in Northampton, Mass. After an overnight stay there they will continue to Swampscott, arriving at the summer White House probably late tomorrow.

Do not hurry; do not hurry; nothing good is got by worry.

SUNDAY SCHOOLS OF CABARRUS COUNTY MEETING IN ANNUAL CONVENTION

Sessions of Convention Are Being Held Today at St. Stephens Church in No. 7 Township.

BIG ATTENDANCE DURING THE DAY

D. W. Sims, General Superintendent of the State Association, Present for the Convention.

St. Stephens Lutheran Church today is the meeting place for the 1925 Cabarrus County Sunday School Convention, the opening session of which was held this morning at 10 o'clock.

Reports reaching Concord at noon stated that an unusually large attendance marked the morning session and indications were that the attendance in the afternoon would be much larger.

D. W. Sims, general superintendent of the North Carolina Sunday School Association, is present for the convention and his talks were to be among the features of the afternoon session of the day's program. Mr. Sims this morning talked on "Lesson Preparation" and during the afternoon he was to discuss the subject, "Reaching and Holding Adults in the Sunday School."

E. J. Sharpe, superintendent of the adult division of the county association; Miss Eugenia Lore, superintendent of the children's division of the association; R. P. Benson, vice president of the county association; and other persons who have taken a leading part in the work of the association were heard during the morning and afternoon.

Election of officers and presentation of the attendance prize were to be among the features of the afternoon session. The convention will be decided on later by officers of the association.

PRISONER SAYS LIFE WAS HARD AT QUARRY

Ran Away Because of the Poor Food and Living Conditions.

Statesville, Aug. 19.—Louis Gibson, Charlotte negro, who escaped from the State convict camp beyond Asheville a week ago, after serving three months of a 15-year sentence for highway robbery, is in jail here awaiting orders from State officials. The prisoner says that he was on his way to Charlotte and had stopped at the home of a negro in South Statesville to get something to eat when the local officers apprehended him.

Gibson, who looks to be about 25 years of age, tells the officers that he began his sentence on the State farm and while there he was given plenty of food and satisfactory treatment; but when they transferred him to the rock quarry in the mountains he alleges that he was put on a hard diet and not enough of it to enable a man to work hard all day. He stated that he ran away from the camp on Monday of last week, the guard firing several shots at him as he fled. His only reason for taking chances on death in making his escape was the poor food and unhealthful quarters at the camp, he said.

FIND BODY OF F. P. RAINWATER ON ROAD. Cheraw Merchant Shot Four Times—No Clue as to Who Did the Shooting.

Cheraw, S. C., Aug. 20.—F. P. Rainwater, prominent local merchant, was found shot to death on the Society Hill highway about 7 miles from here last night.

Four gunshot wounds were in his body. A pistol was found near which 4 exploded cartridges which is believed to have belonged to the dead man. Rainwater was found slumped down in his automobile. The tragedy was discovered when passing motorists saw his machine standing at the side of the road, apparently unoccupied, and investigated.

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Concord Theatre (THE COOL SPOT) Last Showing Today. "BORN RICH" With Claire Windsor, Bert Lytell, Cullen Landis and Doris Kenyon. A First National Masterpiece Also Ben Turpin in "The Reel Virginian" NOTE: Hear Wm. Klassette on the Hope-Jones Organ featuring today "WILL MY DREAMS COME TRUE?" TOMORROW AND SATURDAY "THE SCARLET WEST"

Christian Religion Fundamental is the Organic Law of the Land Nashville, Tenn., Aug. 20.—(AP)—The Christian religion is recognized as fundamental in the organic law of the land in an opinion by Justice Brewer, of the United States Supreme Court, handed down in 1892 in the case of the Church of the Holy Trinity vs. United States. This record was called to the attention of Governor Austin Peay by a well known Tennessee jurist in view of the fact that the Tennessee governor signed the bill which bars the teaching of the theory of evolution in the public schools of the state and since its adoption had maintained his fundamental attitude on religion, in the fight to have the law declared constitutional. This case was an appeal from New York State. The church made a contract in September, 1887, with an alien residing in England, by which the preacher was to remove to New York City and enter into the service of the religious organization as rector. It was then claimed that this contract was forbidden by Chapter 16223 Stat. at L. 332 and action was commenced to recover the penalty pro-

scribes in the act of Congress. The statute prohibited the importation of aliens to the United States to perform any labor or service. The circuit court held that the contract was within the prohibition of this statute and rendered judgment accordingly and the question presented for determination before the United States court was whether the lower court had erred in that conclusion. The highest tribunal in the land ruled that the construction invoked in this case could not be held as correct and reserved the judgment for further proceedings. Of a most interesting nature in view of the Dayton evolution trial and the pronounced stand for fundamentalism taken by William Jennings Bryan and Governor Peay as opposed to the liberal views on interpretation of the Bible upheld by Clarence Darrow, scientists and others are the citations from constitutions of various states and the constitution of the United States quoted by the justice of the Supreme Court. The opinion said: (Continued on Page Seven)

SAT'S BEAR SAYS: Partly cloudy tonight and Friday probably local thundershowers. Saturday and in extreme portions tonight somewhat cooler Friday. (Continued on Page Two)