

# The Smithfield Herald.

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NO. 9.

## THE STATE WINS CASE.

### Selma Connection Rule Must Stand.

Authority of the Corporation Commission Upheld by the Supreme Court of the United States.

Washington, D. C., April 29.—The Supreme Court of the United States decided the Selma connection case today in favor of North Carolina, sustaining the order of the Corporation Commission, requiring the Atlantic Coast Line to put into operation a special train from Rocky Mount in order to make connection with the Southern at Selma for the accommodation of the traveling public.

The case, which was one of the hardest ever fought, not only in the State courts, but also before the Supreme Court of the United States, has been pending before that tribunal since March, 1905. It was the case of longest standing on the docket and the only one carried over from last year. The surprising thing to lawyers here is that the decision of the court, which was written by Justice White, is unanimous. Undoubtedly the great importance and effect of the decision constrained the court to hold it under consideration for nearly two years.

The decision is one of far-reaching effect. The court not only holds that the Corporation Commission had the right, acting under its constitutional authority to order into operation such a train for the public good, but declares that this right is not to be questioned in view of the long line of authorities sustaining that doctrine.

The case hinged about the right of State authorities to compel a railroad to operate a train at a loss. Both the State Corporation Commission and the North Carolina Supreme Court held that the Coast Line is doing a very remunerative business in North Carolina, and that the loss of a few dollars daily to operate a train giving its patrons connection with another railroad, was not confiscation of property in violation of the fourteenth amendment to the United States constitution. The Supreme court sustains this view, which is regarded as of the greatest importance to the traveling public.

#### RAILROAD WON FIRST FALL.

The case, which was heard four different times by the corporation commission was resisted in the State courts and the Judge presiding in the Superior court sided in favor of the railroad. The Supreme court of North Carolina reversed this decision and is sustained in every issue by the highest court in the land. When the case was argued here the railroads considered the question involved of such great importance that ex-Judge Johnson of Philadelphia, the great corporation lawyer, was brought here to make the fight. He made a speech that was as much humorous as serious, and prominent lawyers then predicted that the Coast Line had little chance before the court.

The court dismissed the argument that the order was arbitrary and unreasonable, because beyond the scope of the authority delegated to the Corporation Commission by the State law, holding that no federal question was involved.

The Coast Line complained that it was unreasonable to impose upon it a duty foreign to its obligation to furnish adequate facilities for those travelling upon its road. The Supreme court holds that this assumption destroys itself, since at one and the same time it admits the plenary power to regulate and yet virtually denies the efficiency of that authority. That power, the court asserted today, "requires carriers to make reasonable connections with other roads, so as to promote the convenience of the traveling public. In considering the facts of this case, the

population contained in the large territory whose convenience was subserved by the connection and the admission of the railroad as to the importance of the connection, we conclude that the order in question, considered from the view point of the requirements of the public interest, was one coming clearly within the scope of the power to enforce just and reasonable regulations."

The court repudiated the suggestion, supporting the Supreme Court of North Carolina, that the connections afforded by way of Weldon and the Seaboard Air Line are adequate.

#### THE ORDER REASONABLE.

The court discussed at length the argument that the Coast Line would be required to operate the additional train at a daily pecuniary loss, and that, therefore, the commission's order is inherently unjust and unreasonable. In this connection the court said, "Even if the rule applicable to an entire rate scheme were to be applied, as the findings made below as to the net earnings constrain us to conclude that adequate remuneration would result from the general operation of the rates in force, even allowing for any loss occasioned by the running of the extra train in question, it follows that the order would not be unreasonable, even if tested by the doctrine announced in Smythe vs. Ames and kindred cases."

In another instance the court said in its opinion today:

"The primal duty of a carrier is to furnish adequate facilities to the public. That duty may well be compelled although by doing so as an incident some pecuniary loss from rendering such service may result.

It follows, therefore, that the mere incurring of a loss from the performance of such a duty does not in and of itself necessarily give rise to the conclusion of unreasonableness, as would be the case where the whole scheme of rates was unreasonable under the doctrine of Smythe vs. Ames." —Thomas J. Pence, in News and Observer.

#### A Handy Affair.

On Friday evening from nine till eleven the division B of the Chautauqua Circle were delightfully entertained by Division A at the home of Miss Flossie Abell.

The hall and parlors were effectively decorated with beech, the emblem of the class 1910. Arranged on the background of beech were the letters C. L. S. C. On entering the hall the guests were presented with dainty little souvenirs, in the form of hands by Master Edward Abell. Upon these were written the motto: "Beautiful hands are those that do deeds that are noble, good, and true."

The features of the evening were very unique and "handy"—the first one being the old time game of "Up Jinks," which was entered into with enthusiasm by these modern Chautauquans. The next feature of the evening was a hand contest in which Division B had to guess by sight, and not by touch, the hands of Division A. The lovely prize, a picture of the famous Literary Leaders, was awarded to Miss Hicks as being most proficient in this game of hands. Last, but most exciting came the game in which hands were sought for in the usual manner. After a close contest it was decided that Mr. Richard Holt had been most successful as a result of long experience.

Delicious refreshments of ices and cakes were served and the guests reluctantly departed vowing this evening's entertainment a most "handy, dandy affair."

#### A Narrow Escape.

G. W. Cloyd, a merchant, of Plunk, Mo., had a narrow escape four years ago, when he ran a jimson bur into his thumb. He says: "The doctor wanted to amputate it out I would not consent. I bought a box of Bucklen's Arnica Salve and that cured the dangerous wound." 25c at Hood Bros Druggist.

## Kenly News Notes.

Mrs. C. G. Pope and little son Earl went to Selma Wednesday.

Mrs. L. H. Joyner is visiting relatives in Nashville this week.

Mr. and Mrs. H. F. Edgerton spent Tuesday night in Wilson.

Mrs. Thomas Kirby and Mrs. J. M. Stancill went to Wilson Wednesday.

Mr. Gaston Watson attended the opening of the Jamestown Exposition last week.

Several of the Kenly people attended the picnic and fishing party at Lowell today.

Mr. R. R. Pearce, of Windsor, was in town Sunday to the delight of his many friends.

Miss Ora Hooks and Mr. Pharoah Godwin spent Sunday with friends in Fremont.

Rev. Mr. Horrell filled his regular appointment at the Presbyterian Church Sunday night.

Mrs. Z. V. Snipes has returned from an extended visit to relatives and friends in Richmond.

Mrs. John Hinnant, of Smithfield, is visiting her parents, Mr. and Mrs. Joe Collier this week.

Miss Ida Woodard, of near Princeton, spent last week visiting her sister, Mrs. Ransom Holland.

Miss Emma Kirby returned home Sunday, after spending several days with friends in Wilson.

Mrs. S. S. Earl left Wednesday for Wilson where she will spend a few days with her sister, Mrs. B. G. Paschal.

Messrs. G. Bryan Byrd and W. R. Bullock, of Rocky Mount, visited friends on Maxwellton Heights Sunday last.

Mrs. W. A. Sasser and daughter, Miss Cora, of Wayne County, spent Friday at the home of Mr. D. B. Sasser.

Mr. and Mrs. C. G. Pope spent Saturday night and Sunday with Mrs. Pope's mother, Mrs. Mary Sasser, near Pinkney.

Mr. Adolphus E. Howard, of Red Springs, spent last Wednesday afternoon with friends here. Mr. Howard was anticipating attending the opening of the Jamestown Exposition, after which he will go to Baltimore to resume his studies in a Medical School.

We were indeed glad to see Mr. C. B. Bailey in town again Sunday, Monday and Tuesday. We can assure Bud that it makes no difference how often he may come, nor how long he may stay, still he is always welcome, not only by one of his friends, but by all of them.

We were very glad to have Dr. B. H. Whitaker, of Raleigh, former pastor of Kenly M. E. Church, to speak for us at the Epworth League Friday night. Dr. Whitaker also preached an able sermon to a large congregation at the M. E. Church Sunday. He left Monday for his home in Raleigh.

The orphan children of Oxford accompanied by the Managers will give a free concert at the Academy Saturday evening May 4th, beginning at eight o'clock. All are invited to attend, and should go prepared to give something as we suppose a collection will be taken for the benefit of the orphan children. MAX.

Kenly, May 1st, 1907.

#### My Best Friend.

Alexander Benton, who lives on Rural Route 1, Fort Edward, N. Y., says: "Dr. King's New Discovery is my best earthly friend. It cured me of asthma six years ago. It has also performed a wonderful cure of incipient consumption for my son's wife. The first bottle ended the terrible cough, and this accomplished, the other symptoms left one by one, until she was perfectly well. Dr. King's New Discovery's power over coughs and colds is simply marvelous." No other remedy has ever equaled it. Fully guaranteed by Hood Bros. Druggists. 50c and \$1.00. Trial bottle free.

## A Good Woman Passes Away.

Mrs. Roberta Banks Lassiter, died on the 25th day of this month after a long and complicated spell of sickness. Beginning with pneumonia, then rheumatism and typhoid fever followed, and as the doctor had gotten the fever about under control, (as we all thought) consumption set in to do its deadly work in short order.

She was a great sufferer for about nine weeks, and bore it patiently, without a murmuring word.

Mrs. Lassiter was a daughter of Mr. and Mrs. H. H. Penny, of Pleasant Grove township, this county. She was born February 10th 1879, and married Mr. Marshall P. Lassiter on May 22nd 1898. She was a woman of fine and noble traits of character. Though comparatively young, her influence for good was greatly felt, and appreciated among those who came in contact with her. It can be truly said of her, that those who knew her best, loved her most.

Mrs. Lassiter had never connected herself with any branch of the church, but was of strong Primitive Baptist belief, and loved the church. According to the uprightness of her life, as we all have seen, we cannot believe any other way, but that she was a Christian, and that she is now at rest with her Savior in a better home than this world can give.

She leaves behind, to mourn her loss, a devoted husband and two children, (two bright little girls) her father and mother, a large family of sisters and brothers, besides a host of relatives and friends.

A remark from some of her school mates on the day of her burial, tells something of the loss to this community. The remark was: "Oh! we missed Berta so much when she married and left the neighborhood. We have never seen the time that we did not greatly miss her, if she was absent from her father's house when we were there."

She will be more sorely missed, by her friends and neighbors in womanhood, than in girlhood, because of the fact that the childish part of life, with her had passed and she was making good use of her experience, from childhood to womanhood, in trying to live right herself, and lead others right.

There was a large crowd of sorrowing relatives and friends at the interment, which took place on the premises, as was her request before she died. I think it can be truly said without exception, that the sympathy of the entire community is extended to the bereaved family. April 29th, 1907. J. H. S.

#### Attention Confederate Veterans.

The Clayton Yellow Jackets, Lone Star Boys, Smithfield Light Infantry, Black River Tigers, Buttermilk Rangers, Powder Monkeys, Shooters and Tooters, Hospital Rats and Company 2 of Johnston County, are requested to meet in Smithfield on the 10th day of May for the purpose of reorganizing. Walter R. Moore, Camp No. 833; to elect delegates and indicate how many will attend the Richmond Reunion May 30th to June 3rd, and visit the Jamestown Exposition and to meet with the Holt-Sanders Chapter of Daughters of the Confederacy in their ceremonies in decorating the graves of our dead comrades. I don't know about the "Grub," but you used to do some fancy foraging. I want to hear you sing, "To the war, to the war; to the war I am bound, It's a long road to travel and I never shall forget, I'm bound to go to Richmond right away."

Now, Boys come on let's "mark time" and swing round like a gate once more. C. S. POWELL. April 29th, 1907.

It is a difficult matter to escape sorrow; every day brings some new cause of anxiety.—Polybius.

## Clayton News.

Messrs. C. H. Ellis and J. C. Wallace made a business trip to Smithfield Tuesday.

Spring time is here in full force this week and our people are mighty glad to have it.

Miss Annie Gulley, a trained nurse from Richmond, Va., spent several days here recently with relatives and friends.

Pastor G. B. Starling is conducting a series of meetings at the M. E. church. Preaching in the afternoon and evening.

Mr. and Mrs. O. G. Gulley, of Wilson, spent Saturday and Sunday here, the guests of Mr. and Mrs. Jas. L. Elus.

Mr. Andrew K. Barnhouse, superintendent of the Clayton Manufacturing Co., spent Wednesday here on business.

Mr. Charles H. Belvin, Jr., and bride of Raleigh, were the guests of Mr. Belvin's sister, Mrs. C. W. Horne, for a day or two recently.

The Baraca class of Clayton Baptist Sunday school raised a very nice sum for the famine sufferers of China Sunday before last.

Mr. and Mrs. Finch, who has opened a furniture store here in the store formerly occupied by Gulley & Gulley, has an ad in this issue.

Messrs. Ashley Horn & Son are having the sidewalk paved in front of their handsome store. This will add much to the outside appearance.

Town election next Tuesday. Everything will be quiet as usual. There's only one ticket, hence there will be not much interest, except as to the "hog" vote.

Mr. Hillary Price died here Tuesday morning after a long and tedious illness. The interment was at the cemetery Wednesday afternoon.

Rev. C. W. Blanchard, former pastor of the Baptist church, and who recently moved to Raleigh to take charge of the Biblical Recorder, will preach here next Sunday.

The town authorities have been "playing the wild" with the blind tiger operators lately. Several of these lawbreakers have been arrested and in each case convicted of the charges and as a consequence the treasury is about \$100 better off financially. YELIR. Clayton, May 1st, 1907.

Dr. J. E. Brooks, of Greensboro, has been elected superintendent of the State sanatorium for the treatment of tuberculosis. The last Legislature made an appropriation for the establishment of this institution and appointed a board of managers. While a site has not been selected it is generally understood that the sanatorium will be located in Moore county.

#### DON'T DIE AT 45.

Cure the Indigestion Which Is So Little to Lead to Apoplexy.

People who suffer with headache, giddiness, palpitation, bad taste in the mouth, drowsiness, distress after eating, and any of the other distressing results of indigestion, are in serious danger. Their digestive organs cannot care for the food properly and hence the coats of the blood vessels in the brain get little nourishment, become brittle, and finally yield to the fierce blood pressure and one is then said to have a "skeek," be paralyzed, or die from apoplexy.

In all diseases of digestion and nutrition the prescription called Mi-o-na has proven itself of great value. It is relied upon today as a certainty to relieve the worst troubles of indigestion and make a complete cure.

That Mi-o-na will cure the worst forms of stomach trouble, cancer excepted, and give quick relief in indigestion is proven by the guarantee Hood Bros. give with every 50-cent box to refund the money unless Mi-o-na cures. A guarantee like this must inspire confidence.

## Polenta News.

Cotton planting in this section is about finished.

Miss Ava Yelvington has returned from a visit to friends in Smithfield.

Rev. Mr. Starling, the pastor, will fill his regular appointment at Mt. Zion next Sunday.

Miss Addie Barber and Mrs. Claud Price are both on the sick list. Their many friends wish for them a speedy recovery.

Mr. R. M. Myatt, one of our cleverest young men, will soon take the road to travel for the McCormick Harvester Co.

Mr. Leon Stevens, the photographer, will at an early day leave for Harnett county, and will push his work in that county for a while.

For the past several days Frederick, the sweet little boy of Mr. and Mrs. W. T. Adams, has been quite sick with gripe. At this writing he is a little better.

Dr. Ralph Stevens was out in the neighborhood Sunday visiting Dr. Booker and others. He has many friends out this way, and all of them were glad to shake his hand and engage in social chat with him.

We are sorry to report several cases of small pox in this section, and unless precautions are taken it is feared the disease will spread. The proper authorities should investigate the matter and ascertain what is best to be done in the premises. So far it is confined to the colored people.

Mr. Ed Boyett, of Smithfield, was out visiting in the neighborhood Sunday. Mr. Boyett, judging from his frequent visits, seems to have fallen in love with this section, but it may be that there are other attractions which draw him this way. At any rate we are all glad that he comes often.

The Oakland congregation is very much pleased that Rev. Mr. Souders has decided to remain as their pastor. Mr. Souders is a scholar of no ordinary ability, and whenever he preaches he never fails to instruct and please, hence our people regardless of denomination, are truly glad he is to remain as the pastor at Oakland.

On Saturday night last the six months old child of Mr. A. L. Coats died. Only ten days previous Mrs. Coats, mother of the child was buried. Truly Mr. Coats is sorely troubled in which all of us sorrow with him. The child was buried by the side of its mother, in the burying ground on Mr. F. M. Weeks' place Sunday evening.

A State warrant was issued Saturday against Jim Partin, a colored boy, about sixteen years old, for stealing corn from Mr. J. W. Green and others. Later Walter Clemons, colored, was arrested charged with being an accomplice, he being with Partin when the stolen corn was sold. Partin so far has eluded arrest. Clemons was tried and bound over to next term of court.

Polenta, May 1. TYPO.

#### Wonderful Eczema Cure.

"Our little boy had eczema for five years," writes N. A. Adams, Henrietta, Pa. "Two of our home doctors said the case was hopeless, his lungs being affected. We then employed other doctors, but no benefit resulted. By chance we read about Electric Bitters; bought a bottle and soon noticed improvement. We continued this medicine until several bottles were used, when our boy was completely cured." Best of all blood medicines and body building health tonics. Guaranteed at Hood Bros. Drug store. 50c.

#### The Trust Reaches for the Cotton Farmer.

The United States Steel Corporation, alias the steel trust, has advanced the price of cotton ties ten cents a bundle. Last year the price was 85 cents. This 10 cents increase will make the trust a neat sum.