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## NEW JAIL NEEDED FOR 11 YEARS

### Judge Harding Says Something Must be Done—Comments on Duties of Grand Juries in Charge.

Macon county grand juries have been declaring this county's jail inadequate for the past 11 years, Judge W. F. Harding, of Charlotte, presiding at the present term of Macon Superior court, declared in his charge to the grand jury here Monday morning.

"You need a new jail," the jurist asserted, but added that it was for the grand jury, as representative of the county, to determine what should be done.

"I came here 11 years ago, and the grand jury reported that the jail was in bad condition. I think they used a good Anglo-Saxon word, and said it was 'lousy.' They said that the bed clothes were dirty, and that it was in about as bad a condition as it could be.

"I came back six years ago, and the grand jury did not say so much about its being dirty, but declared it was inadequate and unsafe.

"I was here a year ago, and the grand jury said very much the same thing. I suppose grand juries have been saying the same thing to every judge. Probably nobody in the county would say it was adequate. You need a new jail.

"Your county commissioners appear to be men who have the interests of the county at heart, and it may be they have found it impractical to build a new jail at this time. I don't believe your commissioners have refused to build a new jail just because of obstinacy and indifference.

"If this was a county with large revenues, I would instruct the solicitor to prepare a bill for the indictment of the commissioners for failing to provide a new jail, but I am not prepared to say that that ought to be done.

"I don't know what to say. It is for you to determine. It is your county, and you are its representatives. But you are going to have to do something if you are going to enforce the law."

Judge Harding then turned to the question of the condition of the county home—even more important than the jail, he said, because prisoners can, if necessary, be confined elsewhere.

The county home here, five years ago, was "about the worst county home in the state," Judge Harding said. At that time, he stated, he was assured that a new home was to be provided. He was under the impression, he added, that the proposed new home was not yet a reality.

On his visit several years ago, he found quite a few inmates in "dirty beds." It was "not a home, just a place to store away human derelicts."

The grand jury was instructed to inspect the county home carefully, as well as the jail, courthouse, and the county offices.

"It is an honor to be called to serve on the grand jury," Judge Harding told the jurors in opening his charge; he knew of no aggregation of 18 men more representative of the county, he said. And he pointed out the three requisites for eligibility to grand jury service: honesty; good moral character; and intelligence.

In discussing the latter quality, he distinguished intelligence from education.

Oaths administered in courts too often are "formal, perfunctory nothings," the jurist said, commenting upon the manner in which they are often read by court officials, and in emphasizing to the grand jurors what they had sworn to do.

The matter of passing upon bills of indictment sent the grand jury is only one of that body's duties, the grand jurors were told. And Judge Harding added that there was no reason for this procedure, except that it is provided for by the Constitution. "It is not essential to give a man a fair trial. It is all you are going to do, it would not be necessary for you to be here, except for the constitutional requirement." And Judge Harding laid stress upon the jurors' duty to investigate cases of law breaking about which they personally knew.

The compulsory school attendance law is more important than the prohibition laws, Judge Harding declared, in touching upon various laws of the state. Could the officers not enforce both of these laws, he would instruct them to see that the school law was obeyed, and neglect enforce-

## NO FOREST FIRES THIS SUMMER

This is the first season in three years that there have been no summer forest fires reported in the 12 western-most counties of North Carolina, according to W. K. Beichler, of Asheville, State district forest warden, here on official business.

This district is composed of all the counties lying west of the Blue Ridge, Yancey excepted, and throughout the entire district there have been no fires so far this season. Fires were reported both last summer and the summer before.

This year is really normal, however, Mr. Beichler added, pointing out that the two previous summers were extraordinarily dry, and that that condition explained the summer fires. Ordinarily there are few if any fires in the forests in summer. The fires, however, generally begin early in the autumn.

### Tellico Locals

We are glad to report that Mr. S. L. Mason has gone from the lumber haul to the good's business. He delayed the mail five minutes on account of carrying the goods sent by parcel post to and from the wagon.

Rev. Judson Smith is engaged in the sheep business, and is building a pasture for them.

Miss Adlee McGaha and brother, James, were visiting their parents, Mr. and Mrs. R. M. McGaha last week end. As writer says "mother-in-law returned to Gastonia with them.

The threshers were here last week and the grain did not turn out so well on account of Austin Byrd and Clyde Morgan blowing most of the grain away with the chaff.

Mr. J. L. Smith has drained this community of grain, to feed his pet pig on.

On account of Mr. James Ramsey's health he has built a power house to help run his machinery.

The Tellico singing class is planning on a trip to Briartown to an all-day singing the second Sunday in next month.

The High schools will start again soon and several of the girls from this community are going away.

We are glad to report that Erastus Mason is on the road to recovery again.

Mr. and Mrs. Sanford Smith were visiting Mr. Smith's parents in this section Friday.

Mr. Floyd Justice is hauling lumber for the Porter and Moody lumber company.

Mr. Floyd Ramsey is still drivin' Mr. Jeff Cabe's "Big Hoss."

Miss Gay Bennett returned from home Sunday, but was too late for Sunday school.

We, as citizens of Tellico, have lost one of our best citizens, Mr. Tom Anderson.

ment of the prohibition legislation, he added.

He assigned as the reason for his attitude on this matter the belief that the hope of law enforcement and law observance lies in education—in the Sunday schools and the day schools.

The grand jurors were also instructed to ignore petty infractions of the law. The anti-gambling law was not meant to cover the cases of two or three negro boys "in their shirt tails shooting craps behind the barn," but the professional gambler and the men who gamble in clubs, he explained. It also was meant to cover the offense of the man who gambles on margins—on cotton and corn and stocks; the man who "never raised a blade of fodder or invested in a local enterprise," but seeks to make his living by gambling on margins.

In concluding his charge, Judge Harding strictly instructed the grand jurors to observe the rule prohibiting them from divulging what takes place in the grand jury room.

The requests of two grand jurors that they be excused from serving were declined by the jurist. Jess Oliver was needed in the operation of the business of the Western Electric plant here, it was stated, but Judge Harding thought that J. W. Roper, as manager, was qualified to keep the business running in Oliver's absence.

S. J. Bowers, blacksmith for a State highway commission crew, also was denied a request to be excused.

But on the count of not having paid their 1926 taxes, some 10 or 12 were called down from the grand jury box, and the county commissioners were criticized for not purging the jury box by June 1. The law says that the county commissioners on June 1 shall select names for jurors from those who have paid their 1926 taxes and who are of good moral character. By not doing so, the commissioners violated the law, the presiding judge declared.

## Murder Cases Far Between

The fact that there were no criminal cases of outstanding importance on the docket for trial at the Superior court term which opened here Monday morning called to mind to county officials that there has been no murder case of any kind in Macon Superior courts in a period of four years. There have been only two cases of murder for trial in Macon courts in eight years, or since the trial of the celebrated case of Jerry Dalton, who, after a spectacular career of escapes, is now serving a life term in the State penitentiary for the murder of Merrill Angel and Maude Grant.

The court term which opened here Monday morning is for the trial of both criminal and civil cases, and is expected to last through the second week.

## Application For Charter of Macon Food Products Co.

THIS IS TO CERTIFY, That we, the undersigned, do hereby associate ourselves for the purpose of forming a corporation under and by virtue of the provisions of Chapter 87 of the Public Laws of North Carolina, Session 1921, entitled "An Act to Encourage the Co-operative Marketing of Farm Products, and to Authorize the Incorporation of Co-operative Marketing Associations," and do severally agree to take the number of shares of stock in said corporation set opposite our respective names, and to that end do hereby set forth:

1. The name of this corporation is to be Macon Food Products Company.
2. The location of the principal office of the corporation in this state is to be in Franklin, County of Macon. The name of the agent therein and in charge thereof upon whom process against the corporation may be served is to be C. W. Teague.
3. The objects for which this corporation is to be formed is as follows:
  - a. To engage in any activity in connection with the harvesting, preserving, canning, processing, drying, packing, storing, marketing, selling, handling, or utilization of any agricultural products produced or delivered to it by its members; or the manufacturing or marketing of the by-products thereof; or in connection with the purchase, hiring, or use by its members of supplies, machinery or equipment; or in the financing of any such activities; or in any one or more of the activities specified in this sub-paragraph.
  - b. To borrow money and to make advances to members.
  - c. To act as the agent or representative of any member or members in any of the above mentioned activities.
  - d. To purchase or otherwise acquire, and to hold, own and exercise all rights of ownership in, and to sell, transfer and pledge shares of the capital stock or bonds of any corporation or association engaged in any related activity or in the handling or marketing of any of the products handled by the association.
  - e. To establish reserves and to invest the funds thereof in bonds or such other property as may be provided in the by-laws.
  - f. To buy, hold, and exercise all privileges of ownership, over such real or personal property as may be necessary or convenient for the conducting and operation of any of the business of the association, or incidental thereto.
  - g. To do each and everything necessary, suitable, or proper for the accomplishment of any one of the purposes or the attainment of any one or more of the objects herein enumerated; or conducive to or expedient for the interest or benefit of the association; and to contract accordingly; and in addition, to exercise and possess all powers, rights and privileges necessary or incidental to the purposes for which the association is organized or to the activities in which it is engaged; and in addition, any other rights, powers, and privileges granted by the laws of this State to ordinary corporations, except such as are inconsistent with the express provisions of this act; and to do any such thing anywhere.
  - h. The corporation shall also have power to conduct its business in all its branches, to have one or more offices either within or without the State, and to unlimitedly hold, purchase, mortgage, lease, convey and otherwise deal in and dispose of real and personal property of all kinds, subject to the provisions of the laws of the State of North Carolina.
4. The total authorized capital stock of this corporation is to be Fifty Thousand (\$50,000.00) Dollars, divided into five hundred (500) shares of the

## FUNERAL SERVICE HELD AT ANDREWS FOR MRS. COZAD

(Special to The Citizen)

ANDREWS, N. C., Aug. 17.—Funeral service for Mrs. Margaret S. Cozad, who died in an Atlanta, Ga., hospital Tuesday morning was held at the Methodist church here at 10 o'clock this morning. Rev. John R. Church conducted the service.

Mrs. Cozad was born in Portage County, Ohio, January 29, 1850. She was married to Marcus E. Cozad in 1872 and lived with her husband in Cleveland, Ohio, the first four years of their married life. They moved to Pittsburgh in 1876, returned to Cleveland in 1887 and remained there until they came to North Carolina in 1900. Since that time they have lived in and near Andrews.

Mrs. Cozad professed faith in Christ at the age of 16. Her life was devoted to the civic and educational interests of the communities in which she has lived since she became a Christian. Her activities as a member of the Parent-Teacher association ceased only when she became physically unable to give personal attention to the work. In all things for the betterment of the community she was active. She was a woman of strong convictions.

After the funeral service the body of Mrs. Cozad was taken to Franklin for interment. A large group of Andrews people went to Franklin to be present at the burial service.

The pallbearers were: Mayor D. Russell, W. T. Latham, former Senator R. A. Dewar, S. E. Cover, and Professor L. B. Nichols.—Asheville Citizen.

### Ellijay Locals

Mr. Lee Henry, of Vantura, Calif., is visiting his father and mother, Mr. and Mrs. John T. Henry.

Rev. Martin is holding a protracted meeting at the Ellijay Baptist church.

Mr. Willie Henry, of Detroit, Mich., is visiting his parents, Mr. and Mrs. John T. Henry.

Mrs. Gracie Peek and family have moved to Canton. Ellijay regrets very much losing one of its best families.

par value of One Hundred (\$100.00) Dollars each. The amount with which the corporation will begin business is to be Three Thousand (\$3,000.00) Dollars composed of thirty (30) shares.

5. The period of existence of this corporation is to be limited to fifty years.

6. No greater dividend than six per cent per annum shall be paid to the stockholders on account of their stock. The corporation shall have the right at any time to purchase from the stockholders the stock held by them at par, plus six per cent per annum thereon from the date of its issuance, deducting therefrom such amounts as may have been paid to such stockholders as dividends. When the stock is so purchased by the corporation, however, there shall be no preference between the different holders thereof, but the amount paid on the stock shall be divided pro rata between each share outstanding.

7. Each stockholder, until his stock is returned as provided in the preceding paragraph, shall be a permanent member of the association, so as to entitle him to the privileges thereof without the payment of an additional membership fee. In addition to the stockholders, others may be admitted to membership so as to entitle them to the privileges of the association upon the payment of a membership fee of Ten (\$10.00) Dollars, upon such terms and conditions as may be provided by the by-laws. No membership shall be transferable.

8. The directors of this corporation shall be four (4), one to be elected for two years, one for four years, one for six years, one for eight years, so that one director shall be elected every two years from among the stockholders or members of the corporation, as the case may be. The election of the directors shall be made by the stockholders until all of the stock has been retired as provided in Paragraph Six hereof, after which time such directors shall be elected by the members.

9. In addition to the four directors above mentioned, there shall be an additional director to be appointed from time to time by and at the will of the Director of Agricultural Extension. The director so appointed by the Director of Agricultural Extension need not be a member or stockholder of the association, but shall have the rights and powers of other directors.

10. After the retirement of the stock as provided in Paragraph Six hereof, the ownership of the association shall vest in its members.

## BIGGEST MINE IN STATE ON COWEE

### Franklin Mineral Products Co. Install Modern Equipment—Will Sluice Top of Mountain Through Plant.

Few people in Macon county realize that the clay and mica mine of the Franklin Mineral Products company located on Cowee creek near the home of Mr. John H. Dalton is probably the biggest mine of its kind in the state. For many months Mr. John Davenport has been busily engaged in erecting the buildings and installing the most modern machinery. All equipment for washing and treating the kaolin is in place and a few carloads have already been shipped. Machinery for washing and classifying the mica will be installed by the last of the month. The drying building is 200 feet in length and about 30 feet wide. The agitator building is fifty by fifty feet. There is also a neat office building and tanks and vats of all kinds. Clear water is pumped from Rickman branch to the top of the mountain where it is used in washing the mica and clay to the separating plants. The entire plant is run by electricity supplied from the municipal power plant. When both the clay and mica departments of the plant are in full operation Mr. Davenport estimates that his electric light bill will amount to approximately \$250.00 per month. He expects to be shipping in the near future 100 tons of kaolin and 250 tons of scrap mica per month.

In the mine are two distinct veins of clay and mica known as the Burr Knob and the Little Whitehouse. The depths to which these veins go is unknown other than at 100 feet down they still appear good. For years the Burr Knob was worked for sheet mica leaving immense dumps rich in scrap mica here and there all over the mountain top. With high pressure hose Mr. Davenport will sluice the entire mountain top through his plant and thus save all mica larger than 1-8 inch in diameter. To the casual observer the supply seems inexhaustible.

When in full operation the mine and plant will employ about 20 men. This payroll together with the amount of electricity used and wood burned in drying boiler will amount to several thousands of dollars annually. Bad roads are a great handicap not only to this mine but to that of the General Mica & Clay company further up the creek. For approximately three months in the year these mines will have to shut down because of the bad roads. When this happens the income from both mines is lost to the county. In one year's time this lost income will amount to almost enough to put some kind of a surface on the road. This matter has been called to the attention of the proper authorities with the hope that they may be able to make an all-weather road from the highway to the Rickman place.

Tree Enthusiast Here

Mr. W. T. Davies, of Highland Park, Mich., is spending a vacation in Macon county. Becoming acquainted with some of Macon county's citizens now staying in Detroit, Mr. Davies decided to visit the mountains of Western North Carolina and see the wonderful country about which he had heard so much. He is delighted with the scenery, climate and other natural advantages found here. However, he has invited attention to one matter to which all should give the most serious consideration. Coming by automobile through the mountains of Kentucky and Tennessee Mr. Davies noted the many bare hillsides from which the trees had long since been removed. Reaching Macon county he noted the same condition of affairs, though to a less extent. In the absence of reforestation Mr. Davies truthfully stated that within a few years the entire southern Appalachians will be devoid of merchantable timber. Thousands of acres are now lying idle totally unfit for anything excepting trees.

As an object lesson in reforestation Mr. Davies and a little girl replanted several dozen poplars on the farm of Mr. Tom Bailey near the foot of the Cowees. Mr. Davies on his return to Detroit will keep in touch with the results of this experiment, probably the first ever made by a Northern man in Macon county.