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# The Cleveland Star

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VOL. XXX, No.—63

THE CLEVELAND STAR, SHELBY, N. C., TUESDAY AUGUST 8 1922

\$2.00 A YEAR IN ADVANCE

## MISTRIAL IS ORDERED IN THE BIG POWER RATE CASE TRIAL HERE

### Jury Reported They Were Hopelessly Deadlocked—One of the Biggest Civil Actions Ever Tried in State—Seven For Power Co., Five for the Mills—Will Re-try Here Later.

A mistrial was ordered Saturday in the Southern Power company rate case being heard here on appeal from the corporation commission before Judge Bryson in special term of court which has been under way for two weeks after jury had deliberated for 27 hours. The jury was called into court at 3 o'clock Saturday afternoon and when Judge Bryson learned from the foreman Ralph Royster that they were in a hopeless dead lock and each juror for himself and others declared that further deliberation seemed useless, Judge Bryson, after calling attention to the importance of the case, expressed disappointment for himself and others that the matter should still remain in doubt and made a mistrial entry. The jury stood seven to sustain commission and five to overturn its order. This was the standing of the jury on the first ballot soon after they took the case Friday and all subsequent discussion, deliberation and balloting failed to reveal any change in their standing.

This is one of the biggest cases to go before a North Carolina jury and one of the few rate cases ever appealed from the corporation commission. It is the first time in seven years that a Cleveland county jury has failed to agree in a civil action. It is presumed that the case will be retried in Cleveland at a later date to be agreed upon by the 22 cotton mills and the Southern Power company.

While Judge Bryson has ruled with the power company on all important points of law, the mills will seek to carry the case to the Supreme court on the two main points of jurisdiction and discrimination and other minor exceptions and assignments of error. Attorneys for the power company of course contend that the case cannot be carried upon legal points until there has been a jury verdict.

In the mean time the power company will continue the rates fixed by the commission.

### The Jurors.

Judge Bryson thanked the jurors for their patient hearing and careful deliberation in the case and when the court adjourned, each juror shook hands with Judge Bryson and thanked him for his kindness to them. They assured him that in discussing the case they were friendly and open-minded and that their positions were not biased because of any stubbornness. The following gentlemen constituted the jury:

Charles H. Pierson, George B. Patterson, W. C. Oates, W. W. Barber, W. Y. Weathers, Ralph Royster, J. M. Dedmon, H. H. Green, R. A. White, Carme Elam, jr., W. C. Edwards and J. Edgar Hunt.

### Shelby Lawyers Win Praise.

The speeches of the four Shelby lawyers, Mull and Newton for the cotton mills, Hoey and Gardner for the Southern Power company were the subject of much favorable comment by the visiting members of the bar. Mull and Newton rose to new heights of glory, making most common sense and convincing points as to why the rates for power should not go up during this depression, higher than the power company itself charged when it made its own rates during the peak of high prices. Mull and Newton were never known to have made better speeches.

Mr. Hoey of course was at himself and his arguments and oratory seemed unanswerable. His was a straight-from-the-shoulder speech, a typical jury speech free from technicalities and high-sounding terms, so characteristic and powerful as Mr. Hoey's speeches always are.

Mr. Gardner's speech was no doubt the best he ever made before a jury and he has a state-wide reputation for supremacy in this respect. No better summing up of his speech can be made than to refer to what Mr. James B. Duke said when he closed. "Max, I would give half of all I possess, if I could speak like that." Quick as a flash, Mr. Gardner replied, "Well, Mr. Duke, give me Bridgewater and tie my tongue." Mr. Duke is said to be worth over two hundred millions, yet he is plain farm-born North Carolinian to whom money means nothing except the employment he can give others and from whom a great inheritance will come to North Carolina boys and girls and to North Carolina churches when he is dead and gone.

Misses Willie Mae and Mozelle Mills, of Atlanta, Ga., are the charming visitors of Miss Egberta North this week.

## JUDGE BRYSON'S TRIBUTE TO CLEVELAND FRIENDS

Judge Bryson, in discharging the jury, expressed to them the regret that was felt by all connected with the investigation that it had been impossible for them to reach a verdict, but on the part of the court, counsel and litigants desired to give thanks to the jury for their patience, consideration and earnestness. And further I assure them that the confidence which had been placed in them still remains unshaken.

In the course of his remarks to the jury the judge further stated that he would always treasure the pleasant memories which cluster around his stay in Shelby and Cleveland county made happy by the united efforts of the court officials, counsel appearing both local and otherwise, the jury and citizens with whom he had come in contact, and assured them and all others that if it were given to him to reach such an age when the vigor of youth and manhood had departed, and his thoughts turn backward in their flight, that wandering again in the halls of the past and living in the days that are gone, he would turn backward the leaf of memory and dwell again upon the associations formed and recollections remaining and ever present of his stay in Cleveland county and in Shelby.

In conclusion in discharging the jury he expressed the hope that upon returning to their homes they would find their loved ones enjoying health and happiness, and that the passing years would bring to them and each of them, health and prosperity, bade them God speed.

## COAL COMMISSION IS ASKING FOR A SURVEY

### The 500,000 Tons Approved by the Commission Will Not Nearly Supply State.

Raleigh, Aug. 6.—General surveys of all coal needs are called for by the North Carolina corporation commission, which is the state coal committee.

The railroad conditions add to the panicky feeling of dealers, many of whom have been here recently to file their applications through the commission. The 500,000 tons approved by the commission will not nearly supply the state.

Chief Clerk Self tonight issued this statement for the committee: "The president of the State Gas Utility association, and the president of the Association of the Electric Light and Power Utilities are being requested to call a meeting of such associations, for the purpose of ascertaining their needs for the state.

"The mayor of cities are being requested to name a representative retail coal dealer to come to Raleigh and confer with the North Carolina coal committee in regard to the retail domestic trade requiring less than car load consumption. And also where coal is used for power for pumping city water to survey their needs therefore, and to make a survey for hospitals within their jurisdiction, with a view to ascertaining coal in stock, and the necessary requirements for a 30-day consumption.

"City and county school superintendents are being requested to make a survey of their needs for school purposes.

"Surveys are also requested from steam laundries, ice plants and all other manufacturing industries in which coal is used for generating power. Presidents of state institutions are being asked to file their needs.

"Application and survey blanks may be had upon application to the North Carolina coal committee, corporation commission, Raleigh, N. C."

Dr. Knight Grateful.  
My dear Mr. Weathers:  
I must tell you again how grateful I am to you for your courtesies to me while in Shelby last week. You were very thoughtful and kind and deserve the thanks of everybody who attended the convention. I hope you will come to Chapel Hill and give me a chance to reciprocate your courtesies.

With all good wishes, I am, Very sincerely yours,  
EDGAR W. NIGHT, Prof. of Education at U. N. C.  
Chapel Hill, N. C.

## SOCIETY

### Return From Northern Tour.

Mr. and Mrs. George Hoyle and Mr. and Mrs. Z. J. Thompson returned home last week from a three week's tour of the northern states and Canada. They were with one of the Elliott tours and report a most delightful and interesting trip.

### Mrs. Edgar Blanton Desperately Ill at Asheville Home.

The host of friends of Mr. and Mrs. Edgar Blanton will learn with keen sorrow that she is desperately ill at their home in Asheville, and her life is despaired of by her physicians. Her brother-in-law Mr. George Blanton spent Sunday in Asheville at her bedside, and reports, that while her condition shows no improvement, she is not suffering much pain.

### Mr. and Mrs. Roberts Entertain For Florida Visitors.

Postmaster and Mrs. W. J. Roberts were charming dinner hosts last Thursday evening at their elegant home on West Marion street, entertaining in honor of Mr. and Mrs. Hoke Sisk of Jacksonville, Fla.

The dinner, which was delightfully informal was the perfection of cuisine and four tempting courses were served from the handsome mahogany board the center piece being a lovely arrangement of purple and white flowers.

Those enjoying this dinner hospitality were Mr. and Mrs. Sisk, Mrs. Louis Forney and Miss Carolyn Cowan of Asheville, a cousin of Mrs. Roberts.

### Pretty Morning Party For Miss Louise Bailey.

Miss Louisa Moore Suttle was a charming young hostess at the home of her parents, Mr. and Mrs. Jap Suttle on West Marion last Tuesday morning, honoring her attractive young cousin, Miss Louise Bailey of Atlanta, Ga.

The spacious front porch, where the party was staged was made most attractive and inviting with a wealth of pretty sunflowers in baskets and floor vases and as the young guests arrived they were invited to the punch bowl, Misses Suttle and Bailey dispensing this delicious beverage through the morning. Progressive rock held the interested attention of the guests played at the five tables arranged about the porch, and when cards were laid aside the hostess assisted by Mrs. Suttle served a tempting ice course and candies.

### Delightful Lawn Party For Little Miss Douglas.

The Webb home on South Washington street was the scene of youthful gaiety on last Friday afternoon when Mrs. S. R. Riley entertained in honor of her little guest Miss Polly Douglas who accompanied her here from Greenville, S. C., for a visit.

The large and inviting lawn where the party was staged presented an unusually pretty picture with the 20 invited guests, in all their youthful abandon, out in the open enjoying merry games, dear to the heart of childhood.

As this bevy of girls and boys arrived they were invited to the punch bowl placed in a cozy corner on the lawn and graciously presided over by Misses Margaret Love Gardner and Opal Poston.

One of the chief features of the afternoon was the peanut and popcorn hunt in which little Miss Dorothy King won the prize, a delicious box of seafoam candy, while the guest of honor was presented with a beautiful little pocketbook.

Mrs. Riley was assisted in serving a tempting ice course by her mother, Mrs. J. L. Webb and sister Mrs. O. Max Gardner.

### Lattimore Defeats Ellenboro.

Lattimore, Aug. 8.—Lattimore defeated Ellenboro today to the tune of 7 to 0. McKee for the locals was in fine form, letting the visitors down with two measly hits. In pinches he was invincible, not letting a single man reach third. Hunt, playing for Lattimore, featured with the stick work, Butler made a beautiful shoe string catch in center field.

Lattimore would like to play some teams nearby, call up "Bill" Nicholson, manager.

### MR. BECKMAN TO SING AT TWO CHURCHES IN COUNTY

Mr. Harry Beckman, gospel soloist and choireater of Owensboro, Ky., is singing now at a revival meeting which is in full swing at Grover. After the meeting closes at Grover he will sing at Little Mission church and when the singing convention is held at Sulphur Springs Methodist church, Patterson Springs, he will have a conspicuous part on the program.

## UNION TRUST OPENS BANK AT LAWNDALE

### Building is Also Going up at Fallston for Branch Bank To Open There.

The Union Trust company, Shelby's newest banking institution which recently took over the assets and liabilities of the Shelby National bank, opened a branch at Lawndale on Friday August 4th in a handsome little banking building which was completed something over a year ago. Mr. John F. Schenck, sr., is vice-president, John Frances Carpenter is assistant cashier, assisted in the management by his father, Mr. Schenck Carpenter. The initial deposits on the opening day were very gratifying and prove the welcome which the institution will have for the convenience of the citizens in that community.

The Union Trust company is establishing a number of branch institutions in various parts of the county for the convenience of its customers. Recently it bought over the Lattimore branch of the Farmers Bank and Trust company. A new building is being erected at Fallston when another branch will be opened at an early date, thus giving the Union Trust company three branch banks in three thriving communities of the county, Lattimore, Lawndale and Fallston.

The Lawndale branch is located in a handsome brick building with mahogany and marble fixtures, tile floor large vault with Mosler screw door safe.

## CLEVELAND FARMERS INTERESTED IN FAIR

Gastonia Gazette.

Interest and enthusiasm for the Big Gaston county fair was shown by between two and three hundred representative farmers of Cleveland county at the annual Cleveland County farmer picnic held at Hamrick Springs, a few miles from Kings Mountain, Thursday.

Executive Secretary Fred M. Allen of the fair spoke in the morning to the assemblage, regarding the fair and urging the co-operation of the people of Cleveland, which is being given strongly this year. The other speaker on the program was County Agent Lawrence of Cleveland who dwelt upon proper diversification in farming and crop rotation. The afternoon was devoted to games.

Hamrick Springs is a beautiful spot for such a gathering, 12 cold and clear springs bubbling up near together in a small ravine. The Hamrick home is just above the springs, one of most beautiful farm homes in Cleveland county.

## HOME AGENTS PROGRAM OF WEEK AUGUST 7 TO 12

Monday—Report to boards and field work.

Tuesday—Club meeting at Union.

Wednesday—Club meeting at Fallston.

Thursday—Club meeting at Patterson Grove.

Friday—Club meeting at Pleasant Hill or Mt. Pleasant.

Saturday—Office work.

The four clubs visited last week are doing good work. The ladies as usual are doing their part in getting ready for the fairs.

Much complaint has been made that the fruit either rises or sinks when preserved. Let us be careful that we select it neither too ripe nor too green, then blanch it by the time tables, and also process by same.

If you have trouble in sealing your tin cans, call for Mrs. Wallace's help. She will be glad to show you how to do it easily.

## MAN WHO DRIVES BOST BREAD TRUCK ARRESTED

A man by the name of Vincett, who lives at Gaffney was arrested last week charged with transporting liquor. The truck which has been driving at the time he was arrested contained a quantity of liquor, but the truck belonging to the Bost Bakery of this city, was released and Vincett gave bond for his appearance. Vincett runs a distributing truck in South Carolina for the Bost Bakery and the local manager knew nothing of the difficulty until after he had bonded himself out and the officers had released the truck.

—Dr. Morrison III—The many Shelby friends of Dr. R. H. Morrison who lived here up until 15 years ago, will regret to learn that he is seriously ill at his home at Davidson, this state. Dr. Morrison was Gen. Stonewall Jackson's physician during the latter part of the Civil war.

Six people were killed and nine others more or less seriously injured when a Cincinnati, Lebanon and Northern train ran into a negro Sunday-school excursion train at Lester Station, near Cincinnati, Ohio last Tuesday.

## MR. O. E. FORD IS DEAD AT AGE 65

### ONE OF COUNTY'S NOBLEST CITIZENS

### Was Merchant for 35 Years—Served in Public Capacity Buried in Shelby.

Mr. Orville E. Ford, one of the county's finest type of citizenship, was buried at Sunset Cemetery Sunday afternoon at 4 o'clock, the funeral services being conducted from Central Methodist church by his pastor, Rev. W. E. Poovey, assisted by Revs. L. E. Stacy and a life-long friend and neighbor of the deceased, the beloved R. M. Hoyle, now of Kings Mountain. A crowd that filled the church gathered to pay tribute to his up-right and useful life and the floral offering was a rich tribute to the esteem of everybody. Mr. Ford had been a life-long church worker and officer, serving as steward and trustee for many years, living close to the Lord, a quiet, useful life of faith and good works. When the news of O. E. Ford's sudden passing was whispered on the streets Saturday morning, old and young were heard to say that the county has lost one of its noblest citizens, a man against whom naught could be said and a valuable adjunct to the religious and business life of the community.

Mr. Ford was born 65 years ago last February at Double Shoals. For a number of years he taught school, remaining at home to look after his aged parents during their life time. He was first married to Maggie McMurry to which union one daughter was born, Ola, who married Mr. E. O. McGowan of Elm City, but has been at her father's bedside. His second marriage was to Miss Sallie Jones. Many years after her death he married Miss Gertrude Honeycutt who survives with one daughter, Ellen Montgomery. Also surviving are Thad C. Ford and Mrs. C. D. Beacham, both devoted and loving children of their foster-father.

Two brothers S. M. Ford and M. Columbus Ford, and two sisters Mrs. Corrie Grigg and Mrs. Sue Copeland survive.

Mr. Ford's death was rather sudden and unexpected to the public, but members of his family and intimate friends knew that his physical condition was such for the past two years that the end might come on short notice. He had been suffering with high blood pressure since a severe case of pneumonia two years ago and the previous loss of an eye. On Friday he told his family that he felt better than usual and talked and joked with friends. Friday night he took a ride with Earl Honeycutt and referred to his improved condition. About midnight he felt a tingling in his arm and told his wife that he feared a coming stroke of paralysis. She hurried to Mrs. McGowan's room to call her and in five minutes he became speechless, death coming quietly at 9:30 Saturday morning.

Mr. Ford bought out M. P. Gant's store and harness factory at Belwood after Mr. Gant's death in 1905 and conducted the business for 13 years. For 35 years he sold fertilizer and farm implements in Shelby and at Belwood and was a successful merchant, loved by all his customers. Mr. Ford was intimately associated with the business life of Shelby, being a director of the First National Bank from the time it was organized until his death. He served as chairman of the board of county commissioners, served as alderman of Shelby and was a director of the Shelby Insurance and Realty company.

The following intimate friends served as pall bearers at his funeral Sunday afternoon: C. C. Blanton, A. C. Miller, Hatcher Webb, J. F. Roberts, J. F. Harris, W. D. Lackey and H. T. Fulton.

## CLEVELAND CAFE IS SOLD TO MR. PFEIFER

The Cleveland Cafe was purchased yesterday morning by Mr. John Pfeiffer who ran the cafe when it first opened and made a great success with it because Mr. Pfeiffer is universally popular with all who know him. He is expert cook, very polite and clean with all his work, so his many friends will no doubt welcome his return. He is making considerable improvements in the cafe and his friends hope for him a successful business. The Cafe is located in the Millard A. Grigg building to the rear of the Cleveland Bank and Trust company.

The jury in the case of Madayenne Obenchain, charged with the murder of J. Belton Kennedy at Los Angeles, Cal., was discharged because of a failure to agree. H. G. McCartney, deputy district attorney announced that the state planned to try Mrs. Obenchain a third time.

## NEGRO MEN ASSAULT TOURIST ON ROAD

### Man is Shot—Negroes Taken to Raleigh to Prevent Lynching—All Quiet Now.

Raleigh, Aug. 4.—As a matter of precaution the Durham machine gun company of the North Carolina national guard has been ordered to Raleigh to guard three negro prisoners rushed to state prison here this morning following their arrest in connection with the attack on a white woman and the shooting of her husband near Southern Pines.

A. E. Ketchen, of Miami, Fla., who was seriously wounded while attempting to defend his wife from attack, was taken to the Carthage hospital, where it was said tonight that chances for his recovery were good.

Mr. and Mrs. Ketchen, who were en route by automobile from Miami, to New York, had encamped last night on the road near Southern Pines. Their tent was invaded early today by three negroes who demanded money, according to the story told by the husband, and when he reached for his pistol, one of the intruders opened fire. Ketchen was wounded in the breast and was unable to assist his wife when she was pursued by the negroes.

Twenty minutes after Sheriff Blue arrived here with his prisoners, a detachment of seven dusty automobiles drove up to the gates of the state penitentiary. They were filled with men who asked if the sheriff had arrived, but made no attempt to interfere with the guards when answered in the affirmative.

During the afternoon, other automobiles, apparently from the district where the outrage occurred, continued to arrive in the capital and the authorities decided that it would be best to have the state troops on hand to supplement the prison force during the night.

## HAIL STONES COVER THE GROUND TO A DEPTH OF 12-IN

With hail stones large enough to split water melons wide open and with the fall reaching a depth of 12 inches in some places, one of the most severe hail storms in years swept a number of counties in western and piedmont North Carolina late Thursday, causing damage to cotton, corn and other crops, according to reports received here this morning. The storm swept parts of Cabarrus, Rowan, Wilkes, Alexander, Catawba and Iredell counties. The hail reached a depth of 12 inches in Iredell county, it was reported at Statesville and ice was still on the ground at Concord Friday morning.

### BASEBALL SCHEDULE

Shelby plays—
Lenoir at Lenoir Monday
Kings Mountain at Shelby Tuesday
Kings Mountain at Shelby on Wednesday
Kings Mountain at Kings Mountain Thursday
Kings Mountain at Kings Mountain Friday
Kings Mountain at Shelby on Saturday

## Grover Defeats Yorkville.

Yorkville Enquirer.  
Playing on a muddy field, Grover, defeated Yorkville in a game of baseball played on the graded school diamond on Wednesday afternoon, the score being 7 to 4. There were only a few people out for the game which was started in the rain. Moss, pitching for Grover, tossed a better game than did McCrackin for the locals and was also given better support. Batteries: McCrackin and Mackorell; Moss and Ellis.

## Whitworth Re-union.

There will be a reunion of the Whitworth families at the old home place where A. F. Whitworth now lives on August 27th on Mr. Whitworth's birthday.

## Beaver Dam Grave Cleaning.

Those who have friends and relatives buried at Beaver Dam will please be on hand Friday morning August 11 to help clean off the grave yard.

## Card of Thanks.

To the many friends who were so kind and sympathetic in our recent bereavement in the loss of our loved one Mr. O. E. Ford, we want to express our heartfelt gratitude.

## The Family.

Miss Carolyn Cowan a charming young Asheville debutant spent several days here last week with her brother Mr. Gerald Cowan and Mrs. Cowan at the Hull home on South Washington street.