

# The Watauga Democrat.

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## PROVISION OF THE DRY LAW IS DECLARED VOID

Federal Judge Knox today declared unconstitutional the right of a physician to prescribe for his patients the provisions of the Volstead act and its amendments prohibiting the prescribing of more than a pint of spirituous liquor every 10 days.

By implication, he indicated his belief that a provision of the Harrison anti-narcotic act, prohibiting physicians from prescribing increased doses of drugs to addicts under treatment, also was unconstitutional for the same reason. Counsel for Dr. Ernest S. Bishop, recently indicted for violation of the drug prescribing limitation, announced they would apply for dismissal of the indictment.

The decision in the liquor prescription case was first blood for the Association for the Protection of Constitutional Rights, and organization of 100 prominent physicians, who brought the suit through their president, Dr. Samuel W. Lambert, dean emeritus of the college of physicians at Columbia university. Assistant United States Attorney Clark announced, however, that the case would be rushed to the United States supreme court for a final decision, and he would seek a stay of Judge Knox's decision in the meantime.

Dr. Lambert filed his action in November, 1922, claiming in effect that Congress was usurping the functions of the physician in limiting the amount of liquor that might be prescribed to any one patient and asking that the state prohibition director, the internal revenue department and the United States attorney's office be restrained from molesting him in his avowed determination to ignore the provision, which he declared illegal.

Judge Knox read a 3,000 word decision upholding his contention of unconstitutionality and granting the injunction.

Although, he said, the question of whether liquor is a valuable therapeutic agent is so highly controversial that a questionnaire directed to 20,000 physicians had resulted in a 51 to 49 vote in favor of the use of liquor in certain cases, Congress itself, "in the very legislation under attack" had recognized it as having a legitimate medical use.

"The difficulty," he continued, "is that having done so, Congress, without reference to the quantity of liquor actually required for the proper treatment of a particular ailment, and irrespective of the good faith, judgment and skill of the physician in attendance, proceeds to limit the amount to be prescribed to not more than a pint within a period of 10 days.

"The 18th amendment was designed to bring about the prohibition of intoxicating liquor for beverage purposes, and was not, I think, intended to put an end to the use of liquor for purposes regarded by those who proposed the amendment, and by many of the states that ratified it, as justifiable and proper."

Such uses, he said, included its use for sacramental purposes, for medical purposes and for industrial purposes, pointing out that no limit had been placed on the amount that might be used for sacramental purposes.

"Instead of manifesting the same solicitude for the physical wellbeing of a person suffering from disease that it evinced for the spiritual comfort and welfare of members of certain religious sects," he continued, "Congress restricted in the manner complained of the medicinal use of intoxicating liquors.

"If, as the complaint alleges, the administration to a patient of more than the statutory quantity of liquor is necessary for his relief from a certain known ailment, the inability of such patient to have his legitimate needs supplied means that he is subjected to a prohibition that certainly is not within the terms of the 18th amendment, and which it easily may be imagined, might subject him to serious consequences, if not death itself. While the exercise of regulatory power in the interest of the public at large frequently brings about individual hardship, it is to be recalled that one of the chief objects is to preserve, and is not to jeopardize and destroy the health of its citizens. For this reason I feel that persons are not to be deprived of the use, when required, of such medicines as are proper and necessary for their relief, unless authority for such deprivation has expressly been conferred."

(Continued on page two)

## MRS. FLORA STUART, WIDOW OF CONFEDERATE CAVALIER, DIES AT HOME IN VIRGINIA

Mrs. Flora Stuart, widow of the renowned Confederate cavalryman, General J. E. B. Stuart, and daughter of Major General Phillips St. George Cook, of the Union forces, died here late today at the home of her son-in-law, R. Page Waller. She was 88 years old.

While out walking Sunday, Mrs. Stuart fell, sustaining a blow on the head. Complications developed and death resulted.

Mrs. Stuart had looked back on nearly three score years of widowhood. The glory of her husband, the plumed cavalier of the Confederacy, and marked today as the greatest leader of cavalry America has ever produced, has gained with each passing year. She had been his wife scarcely ten years when her dashing soldier husband was killed in battle.

Romance has been woven around the courtship of the great Confederate cavalryman. Mrs. Stuart was one of the most romantic figures in Thomas Dixon's "The Man in Gray," an historical novel of the civil war, in which the glory of General Stuart and the heroism of his beautiful young wife are betrayed in striking phases.

Major General Cooke, then a colonel, was in command of Fort Riley when the territory of Kansas was opened. Lieutenant J. E. B. Stuart was in the regiment of Colonel E. V. Sumner, commanding at Fort Leavenworth. One day news was spread to Fort Leavenworth that the prettiest girl in Kansas had come to Fort Riley from Virginia. Flora Cooke had dashed across the country from Harper's Ferry to visit her father. Lieutenant Stuart contrived to be sent as a messenger to Colonel Cooke, and there he met her. The next day he returned to his post and got a brief leave of absence to visit her for 3 days. He proposed, and was accepted. He returned to Leavenworth to march with his regiment against John Brown and his insurrectionists on the Kansas plains. Soon afterwards he married Flora Cooke.

At the outbreak of the war, Lieutenant Stuart resigned his commission in the United States army and threw in his lot with Virginia. Colonel Cooke, his daughter, then the mother of two sons, and her husband met in Washington, and the two soldiers bade farewell, each with a prayer on his lips that they would never meet in battle.

The young mother returned to her home in northern Virginia to wait and pray that her father and husband would not cross swords out where the war was raging. Time after time as the conflict swept across northern Virginia, she would follow on the outskirts, and often she and her husband would meet on the fringe of battle.

In the last two months of the war, when the struggling armies of the Confederacy were fighting with their backs to the wall, and Stuart came to be one of the strong arms of the waning cause, he led his men one day in a dash around the kings of the opposing forces. Suddenly a blue uniformed cavalryman, whose horse had been shot under him in the tempestuous fight, blazed away at General Stuart with a revolver. The bullet tore a gash wound in the general's breast. He was taken to Richmond. A message was sent to his wife, but while she was hastening to his side over interminable miles that lay between, the plumed cavalier passed away.

At the close of the war, the gallant Cavalryman's widow bravely turned her face from the past to the future. She established a fashionable school for girls at Staunton, and most of her pupils were daughters of Confederate soldiers of Virginia and other southern states. She had resided here with her son-in-law, R. Page Waller, for 30 years. Her only surviving son is Captain J. E. B. Stuart, U. S. A., retired, New York City.

Willie's mother was remonstrating with him for fighting.

"Well, he hit me first," declared Willie.

"But the Bible tells you to turn the other cheek," she suggested.

"Yes, but he hit me on the nose, and it's the only one I've got," replied Willie.—The Logician.

## BEST ROUTE WILL BE CHOSEN AND ACTUAL WORK WILL START EARLY ON LOST PROVINCE RAILROAD LINE

Raleigh, N. C. May 14. Engaging a group of engineers, the "lost provinces" railroad commission set to work in earnest today to select the best route for the new road which it proposes to build with the \$10,000,000 bond issue authorized by the last general assembly.

With all members of the commission present except O. Max Gardner, a thorough survey of a half dozen routes through the northwestern counties was agreed upon. Frank T. Miller, of Greensboro, was engaged as chief field engineer, and with him will work two consulting engineers, while three separate corps of engineers will go into the territory within a few weeks.

Colonel Benham Cameron was selected as chairman of the commission, and C. D. Bradham as secretary. An exclusive committee to have direct supervision of the survey work is composed of Colonel Cameron, Representative Tam Bowie and Senator W. C. Heath.

\$50,000 has been provided by the general assembly for the survey and other undertakings preliminary to the inaugurations of plans for actual construction work. With this money the commission will make its investigation of routes complete.

"And the best route will be chosen irrespective of anyone's county," declared Representative Bowie, father of the railroad bill, thereby placing his own county of Ashe on the merit system in bidding for the road.

Three routes were recommended by the original commission that investigated the feasibility of the undertaking. The

present commission, that composed of the old, with Senator Lunsford Long and O. Max Gardner as added members, will not confine its survey to this trio, however, but will go over the whole territory of the road.

Two consulting engineers were invited to assist the commission and field forces, but in the absence of letters of acceptance their names were not given out. The personnel of the three engineering corps will be selected by the commission with the advice of Chief Engineer Miller.—By Brock Barkley, In Charlotte Observer.

## RAILROAD OFFERS TO LEASE PROPOSED ROAD

Raleigh, May 14.—(By the Associated Press).—Consideration of a tentative offer from a large railroad company to lease and operate the proposed state-owned railway through the "lost provinces" of North Carolina; election of two consulting engineers to survey proposed routes and the reading of communications from prominent persons endorsing the project, were the chief developments of today's session of the "lost provinces" railroad commission, it was announced.

The name of the railroad making the tentative offer was not revealed by the commission; neither were the names of the consulting engineers. W. W. Davies and R. W. Bingham, who married Mrs. H. M. Flagler, widow of the railroad magnate, and General Haldeman, commander of the United Confederate veterans, all of Louisville, Ky., were said to be among those favoring the establishment of the railroad.

## LAST LINK IN 6,500-MILE HIGHWAY COMPLETED

With the official opening of the Banff-Windermere Highway in the Canadian Rockies scheduled for the near future, the last link in a 6,500 mile chain of scenic roadway will have been welded into place, making an unbroken circuit from California to Canada and return. It passes through Grand Canon Park, Yellowstone National Park, Glacier Park and the Shuswap Indian Reserve in western Canada, and reverses part of a most picturesque country. From Macleod, in southeastern Alberta, a "rectangular" route can be covered including the beautiful 93-mile link from Banff to Windermere, just completed. One side of the rectangle runs north from Macleod, crossing many streams, through Parkland and Edmonton to Calgary. Here the road makes a great turning turn in a general westward direction toward the wonderful country surrounding Banff. After leaving this latter town the road soon begins to run south, ascending steadily past Sinclair Pass, which divides the Erisco and Stanford ranges. Vermilion Pass, the highest point on the trip, is just ahead with an altitude of 5,376 feet. The fourth, or southerly side of the rectangle begins after Fort Steele is passed, near Elko. Here the highway swings sharply to the north, as if it had lost its sense of direction, but recovering at Mitchell, it turns east, making a sharp "corner" again at Pincher, and reentering Macleod, the starting point, from the southwest. Every part of this 567-mile circuit passes through regions of great natural beauty, and the motorist cannot but feel well rewarded after making the round trip.—Popular Mechanics.

AFRICAN FARMERS WRECK MACHINERY

The introduction of modern farming methods and implements into South Africa has done a great deal to advance agriculture, according to the national institute of progress farming, but American farm machinery for use of the African continent needs to be "built like a battle-ship" to withstand the rigors of South African life and the temperament of habit sometimes to "rope 16 head to two the native laborer.

Oxen also are an enemy. It is the narrow gang plows, and the animals are untamed and unsteady in working together.

"The native laborers are dangerous to machinery," an official of the institute says, "for however good-natured and willing these 'boys' may appear one never can tell when they suddenly may decide to take a vacation or determine upon some childish prank. The 'boys' on a certain farm may take a dislike to a certain implement. If they make up their minds not to work with it, the farmer is obliged to change either his implement or his help."

## MARIAN THOMAS APPOINTED U. S. DEPUTY COLLECTOR

As most of our readers know, Mr. J. F. Robbins, who for a long while served as U. S. Deputy Collector of Internal Revenue, in this division, handed in his resignation some time ago. There were, we understand, several aspirants for this position, but Marion Thomas, of Mabel, was the one who got the appointment. He took the oath of office on Monday, and yesterday morning passed through en route to Winston-Salem, where he will take up his work. Thomas is a good business man, and is well fitted for the work he has undertaken. He enjoys the reputation of being one of the leading public school teachers in the county. Congratulations, Marion.

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"Most wage-earners," says Roger Babson, "spend all they get." It wouldn't be so bad if they also earned all they get.—American Lumberman (Chicago).

A New York man has eaten nearly nine pounds of stake at one sitting. A Cleveland girl danced for more than fifty hours. Gee! We wish we could do something great like that!—National Editorial Bureau (Asbury Park, N. J.)

## NEW AUTOMOBILE REGISTRATION LAW FOR STATE

W. N. Everett, secretary of State is making preparations for the operation of a new automobile registration law which goes into effect October 1, 1923, passed by the recent North Carolina General Assembly, and will send Joe Sawyer, chief clerk of the license department, to Michigan to study a similar law already in force in that State.

Mr. Everett recently returned from Richmond, Va., where he studied the registration law there and the methods employed in the administration office.

"I learned much of interest in connection with the law and its operation there," he said, "but I believe we will have to use somewhat different methods in North Carolina. In order to obtain the best possible information on the subject, we intend to study methods employed in several other States which have the law."

"I believe the new law will result in decreasing the number of automobile thefts and will establish definite ownership of automobiles. After the first registrations, which will begin in October, we expect to have no trouble in enforcing the law. Its provision requiring a record of all automobile sales and the issuance of registration certificates will end a number of thefts that have been practiced in the past."

Arrangements have been completed for the summer rush for automobile licenses. The sales are expected to start between June 1 and July 1, swamping the department for a period of sixty or ninety days.

## THE ROAD MEETING

The meeting of the Board of County Commissioners on Monday, for the purpose of transacting business relative to the roads of the county, was very largely attended, delegates from many of the townships being present to press their claims for help on their neglected roads. The Board appropriated the supplemented \$50,000 to the townships that have had no help from the original bond issue, and it is their intention to press the work all over the county just as rapidly as possible.

## TOWN SANITATION

The general sanitary conditions of the town seem to be good, but there are exceptions. Some things still exist that should not be tolerated, and those responsible should look after existing conditions before the arrival of the State Health officer, which will be in the near future.

They say colored people work better when they are singing, and we suppose singing gum must have the same effect on the average stenographer.

## Virginia Valli



After being educated in a convent, Virginia Valli began her stage career with a stock company, following which she decided she wished to play in the "movies". On her first application in Hollywood she was given a small part. Soon afterwards she was promoted to leads. Her rise to stardom is known to her thousands of admirers.

## SIX MILLION NEXT YEAR FOR HIGHWAYS

Approximately \$6,000,000 will be available for highway construction supervision in North Carolina next year through automobile and gasoline taxes, as compared with about \$3,200,000 the last fiscal year, W. N. Everett, secretary of state, announced today.

The estimate was made for the secretary by J. E. Sawyer, motor supervisor. From automobile licenses, Mr. Sawyer expects \$3,250,000; from gasoline tax, \$2,500,000 and from registration of car fees, which goes into operation soon for the first time in this state, \$250,000. The registration revenue will be available for police supervision of highways, enforcement of the law and investigating automobile thefts.

From July, 1922, to May 1, 1923, Mr. Sawyer has collected \$2,175,582 in automobile taxes and \$904,072.99 in gasoline taxes. Mr. Everett stated he expected to collect the taxes this year at a cost of within two per cent although the law allows 10 per cent. Out of the large amount of money spent by North Carolinians for automobile licenses, the department has only \$994 in bad checks at present, an unusual record in the opinion of the secretary and the supervisor.—Raleigh Dispatch.

## STANDARD OIL OF N. Y. EARNES 19 MILLIONS

New York, May 14.—The Standard Oil Company, of New York, earned net profits in 1922 of \$19,424,724 as compared with \$9,698,472 in 1921 and \$39,105,631 in 1920, it was announced tonight.

The corporation increased its capitalization from \$75,000,000 to \$225,000,000 in November, 1921, by issuance of a 200 per cent stock dividend and closed the year with a surplus of \$106,909,469 as compared with a balance on hand January 1, 1922 of \$167,295,389. The net appreciation of capital assets and investments during the year is placed at \$79,179,345.

In addition to the capital stock distribution of \$150,000,000 the corporation paid cash dividends of \$12,000,000.

## JOHNSON CITY MAN EVIDENTLY A SUICIDE

Circumstances surrounding the death of Harry R. Parrott, for years prominent in the hardware and automobile business, point to the theory of suicide. Members of his family attracted by the sound of a shot early this morning rushed to his bedroom upstairs to find him lying on the floor partially dressed with a bullet wound through the head. A 38-caliber revolver with one shell empty lay on the floor nearby. The ball entering the right temple penetrated his head and breaking a mirror in front of which he stood dropped upon the top of the dresser. He expired within an hour. The late Mr. Parrott is survived by his wife, two sons, two daughters, of this city, George Parrott, his brother of Roanoke, Va., and his sister, Miss Sally Parrott of Bristol, Tenn. No inquest has been held.—Johnson City Chronicle, May 11.

Tuesday night a cold wave swept over this section, followed by a small snow and a hard freeze for the time of year. All fruits and everything that is up is killed, and it looks very discouraging for the people in this section, for the fruit crop is one of the most profitable crops in this section.—Elk Park News.

## NORTH CAROLINA'S NEW AUTO TAGS ARE HERE

North Carolina's new automobile plates have arrived and the numbers which will be sold will reach 200,000. There are five carloads in the state's warehouse ready for the new marking which begins in June. This will be about 20,000 more than the state has ever used and that may not tag all of the machines which will be in use before the year ends.

The licenses and other taxes growing out of the automobile business will run beyond \$6,000,000 for the year, according to Secretary W. N. Everett, of the department of state. The increase of 2 cents on gasoline and the natural growth of the machine business will almost double last year's \$3,200,000, in the judgment of Mr. Everett. All this will help to pay off from the very start bonds which are issued for the new \$15,000,000 construction.