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NO ELECTION SATURDAY

WHISKEY CONTROL LAW HELD UNCON- STITUTIONAL

**Judge Williams, in Frank-
lin Case, Holds County
Liquor Law Invalid in
Entirety—Decision Hand-
ed Down in Raleigh Tues-
day Night**

Judge Clawson L. Williams late Tuesday night enjoined the authorities of Franklin County from holding their liquor election, set for next Saturday, and from selling liquor or doing anything else authorized by the hodge-podge local liquor law, passed by the last General Assembly during the throes of a chaotic adjournment.

Judge Williams declared that the law was invalid in its entirety, "contrary to the constitution and void, anything done thereunder is a nullity and the holding of an election under its authority contrary to the Constitution is an empty gesture."

"Ex nihilo nihil fit." (From nothing nothing can be made.)

It was late Tuesday night before Judge Williams completed his study and the writing of his opinion. The first part of his ruling affirmed the right of the taxpayers of Franklin County to seek an injunction against the election as well as the act of selling liquor, on the ground that money was about to be spent in an unconstitutional manner.

He then found the "Pasquotank Liquor Act," which concerns 13 counties of the State, unconstitutional on three major grounds:

1. The credit and faith of the county was pledged by an act which was not read on three separate days in each branch of the Legislature and passed by an "aye" and "no" vote. (It was this ground that Judge J. Paul Frizelle restrained New Hanover and Greene counties from going into the liquor business but he allowed them to hold elections.)

2. The local liquor law violates Article I, Section 7 of the Constitution in that it grants special privileges to a restricted group.

3. The law is contrary to the State Constitution and the 14th Amendment to the Constitution of the United States in that it denies to the people of the State the protection of equal laws and equal protection of all laws.

Although the ruling was to the effect that the law under which Wilson and Edgecombe counties are now proceeding to sell liquor, he said that the ruling in this particular case would not affect them.

"The Court is of the opinion that the said Act of the General Assembly, under which the said election has been called authorizes a tax to be levied under C. S. 1334 (4), money to be raised on the credit of the county, and the faith of the county to be pledged by the Commissioners of Franklin County for the purpose of providing all funds necessary to carry out the provisions of said Act with reference to the establishment and operation of liquor stores in said county, not having been passed in the manner provided by Section 14 of Article II of the Constitution of North Carolina, is void in its entirety. And the Court is further of the opinion that the granting of authority to the Commissioners of Franklin County and 17 other counties in the State, to conduct liquor stores for the sale of intoxicating liquors, for profit, and cover such profits into the treasuries of said counties respectively, in violation of said public and general law, while denying the same privilege to the other 82 counties of the State, is an arbitrary classification of the counties of the State, with no just or reasonable grounds for such classification and is, therefore, void as being in contravention of the provisions of Section 7 of Article I of the Constitution of North Carolina," stated Judge Williams in his ruling.

"And the Court being further of the opinion that said Act of the General Assembly is in other respects void and contrary to the provisions of the Constitution of the United States in that it denies to the people of the State the protection of equal laws and the equal protection of all the laws" in not making applicable to the people of all counties in the State the provisions of said Act, therefore:

"It is now by the court, ordered, considered and adjudged that the defendants, and each of them, be perpetually enjoined and restrained from taking any action under said invalid Act of the General Assembly, or ordering any election thereunder, from establishing any liquor stores, or from buying, selling, transporting or

(Continued on page eight)

CHILDREN BARRED

Owing to the prevalence of Infantile Paralysis Franklin County Board of Health has passed the following ordinance: "Until further notice all children under 15 years of age are prohibited from attending camps, Sunday Schools, Church, picnics, parties, neighborhood gatherings, church weddings, or swimming pools, or any public gathering.

Parents or guardians allowing children to violate this ordinance will be subject to prosecution under Article 7051 Public Health Laws of North Carolina.

R. F. Yarborough,
Franklin County Health Officer.

Henderson To Celebrate The 4th

Plans for an all-day celebration of the 4th of July in Henderson are practically complete for putting on one of the biggest gala events ever staged in this section of the county. Preparations are being made to take care of from five to ten thousand people as guests for this elaborate Independence Day program.

The program calls for a parade at 10:00 A. M. and then a base ball game in the morning and one in the afternoon between the two teams representing Henderson and Oxford, followed by a track and field meet at the League Park.

—Brunswick Stew is to be served in Swain's Grove almost in front of the ball park at 12:30. Then at three o'clock the second or afternoon ball game will be played. Immediately following the ball game, a Military pageant with war games and drills will be held in the League Park, followed by a Barbecue in Swain's Grove which is scheduled for 6:30 P. M.

At 8 o'clock that night, twenty rounds of "Honest to God" fighting will be staged at the Big Henderson Warehouse. One of the best fight cards ever put together in this section will be put on that night. Immediately following the fights at 10 o'clock the dance begins with the music being furnished by Jack Paul and his twelve piece broadcasting and recording orchestra featuring one of the best Blue singers in the county.

Arrangements are being made to have the streets elaborately decorated with flags, pennants and bunting for this patriotic occasion. One thousand reserve seats are being brought here to accommodate the large crowds at both the ball park for the games and the Big Henderson Warehouse for the fights. The management desirous of making this one of the biggest events ever to take place in this section of the state will spare no time, effort or expense in making this Independence Day program a mammoth gala event of sports, thrills, fun, pastime and amusement, with a program so diversified that there will be something to meet everyone's individual requirements.

So an invitation is extended to you to visit Henderson on this day of all days for one of the best times you ever had in your whole life.

For the convenience of the patrons, a group ticket has been provided for which will admit anyone to all the events of the day at a greatly reduced price. So it is urged that you take advantage of the group ticket feature as those holding group tickets will be given preference over those waiting to the last moment and purchasing a general admission ticket.

In government, business, and science the men of high faith and uncompromising ideals are measured by the dozens and not by the thousands.

Program At The Louisburg Theatre

The following is the program at the Louisburg Theatre beginning Sunday, June 30th:

Sunday—Ann Harding and Herbert Marshall in "The Flame Within."

Monday—Warner Baxter in "Under the Pampas Moon."

Tuesday—Pat O'Brien and Dolores DelRio in "In Caliente."

Wednesday—George O'Brien in "Cowboy Millionaire."

Thursday—Gene Stratton Porter's "Keeper Of The Bees" with Neil Hamilton and Betty Furness.

Friday & Saturday—Boris Karloff in "Bride of Frankenstein." On the Stage, The Sensation of Two Continents, Judith Zelds Johnson (formerly Princess Zelds).

Last Showing Today—Mae West in "Goin' To Town."

New NRA Top Men



WASHINGTON... Above are the two men who will head the skeletonized NRA until April, 1936, under the appointment of President Roosevelt. They are; (above), James L. O'Neill, Vice-president of the Guaranty Trust Co., N. Y., named acting NRA Administrator. Below, George L. Berry, President of the International Pressmen's Union as assistant to O'Neill representing labor.

Farmers Club

The farmers of Franklin County are to be congratulated upon forming a Farmers Club. It will be worth a great deal in promoting a kindly fellowship, solving community and individual farm problems and in many ways be of great benefit. In announcing and arranging for the first meeting County Agents E. J. Morgan and Fred Jones, have mailed letters as follows to a number of farmers in each section. The letter will more fully explain the movement. Every farmer is invited to become a member, whether he receives a letter or not, and attend the supper. Just send your name to Mr. Morgan in order to "get your name in the pot" and have a plate waiting for you when you arrive. The letter follows:

"The need and desire for an organization of a Farmers Club in this County has been shown by the numerous requests from farmers and members of Home Demonstration Clubs for such an organization. Since the need of such a Club is so important at this time, your Home Demonstration Agent and your County Agent have decided to follow the successful plan of organization as mapped out by Craven County, if it meets with your approval.

"Such an organization will afford a means by which farmers in the County will be able to have Fellowship Meetings and at the same time have a short program consisting of music and other entertainment given by the people within the Community. It may also be possible to get people connected with Extension work to attend a few of these meetings and appear on the program.

"The seventeen Home Demonstration Clubs and Miss Priest are very anxious to cooperate with us in such an organization. If we will only do our part, I am sure that we will be greatly benefited by spending a social hour together, with our friends and neighbors, discussing subjects in which we are interested.

"It has been decided that the first Farmers Club in the County will meet at Gold Sand School on Friday Night, July 5, from 8 to 9 o'clock. The supper will be furnished by the Centerville Home Demonstration Club at a cost of Fifty cents (50c) per plate. The proceeds of this supper will go towards building a Community Club House. We are in hopes that Mr. David S. Weaver, Professor of Agricultural Engineering at State College or Mr. Dudley Bagley, Chairman of the N. C. Rural Electrification Authority, will be present to give a talk on Rural Electrification.

"You will find inclosed a self addressed post card which you will fill out indicating whether you wish to attend this meeting or not and return to Miss Priest so that she will be able to determine the number of plates to be prepared for this supper.

"We hope that you will be able to attend the first Farmers Club Meeting and lend your fullest cooperation in making your Club successful."

Exhaustless energy will carry one forward despite wrong thinking, but the right and logical way to do a thing will get one to the point with half the effort and at twice the speed.

WILSON AND EDGECOMBE COUNTIES VOTE FOR CONTROL

LIQUOR FORCES CARRY FIRST COUNTY TESTS BY MARGINS OF 10 TO 1

**Is First Successful Assault
On Bone-Dry Policy Since
1909; Constitutionality of
Acts Still at Issue and
First Judicial Decisions
Are Expected This Week;
Frizelle Hears Greene
County Case; Beaufort
Drys Seek Another Re-
straining Order**

Two North Carolina counties Saturday voted by overwhelming majorities to legalize the sale of liquor within their borders.

The decision of the voters of Wilson and Edgecombe counties represented the first successful assaults since 1909 on the bone-dry policy of North Carolina.

In Wilson a ten-to-one majority was piled up by the Wet forces on the basis of complete returns, while the Wet triumph in Edgecombe, on the basis of almost complete returns, was by the same proportion. The vote in Wilson was 4,151 for liquor control, 428 against liquor control. In Edgecombe 19 out of 21 precincts gave 2,307 for control, 211 against.

This week, four more counties, Warren, Vance, Franklin and Beaufort are scheduled to vote on the question of legalizing liquor sales. In all of them, efforts are being made by Dry forces to block the elections by court action.

To Rush Opening

In Wilson, the action of the voters means that possibly by Thursday the first of that county's liquor stores will be opened. Thomas H. Woodard, chairman of the board or county commissioners indicated Friday night. Mr. Woodard said he would call a commission meeting for Monday to discuss the setting up of stores and the appointment of the members of the county's Alcoholic Beverages Control Board.

Mr. Woodard added that he thought it probable that the first store would be opened Thursday, but said he could not be certain of this.

As far as the "Pasquotank Act" is concerned, stores could be opened in either county tomorrow, if the board or control could be appointed, make its rules and its arrangements and begin operations. There is no time fixed for the opening of such stores after the ratification by the people of the bill.

Towards midnight Saturday night, no word had come from the Edgecombe commissioners as to their plans.

Promises Injunctions

Cale K. Burgess, vice-president of the United Dry Forces in North Carolina, said late Saturday that "injunctions will be taken out promptly if any effort is made to open liquor stores in Wilson or Edgecombe counties" which voted wet Saturday by 10 to 1 majorities or better.

"I am not surprised at the vote in those two counties, for the drys had waged no fight there," Burgess said. "We lost those elections by default."

"We are confident that the legislative act providing for votes in 18 counties on opening of liquor stores is unconstitutional, and we saw no reason to waste time or money opposing the vote in Wilson and Edgecombe."

"If the law is declared invalid, as we believe it will be, then the election there will not amount to anything. Yes, we expect to fight these test cases pending in New Hanover, Franklin and other counties through to the State Supreme Court."

As far as Wilson and Edgecombe counties were concerned, the Drys, who did not seek to block the elections in the courts, were left last Saturday with a limited choice of remedies against the operation of the act.

Attorney General A. F. Seawell, reached in Chapel Hill last Saturday night, said that in his opinion the Drys cannot properly seek to enjoin the opening of the stores or the appointment of the boards of control. He did say, however, that he thought the Drys could bring an action to enjoin the spending of public money, although this is authorized in the act.

The Attorney General suggested, however, that the Drys might proceed by seeking indictments for violation of the Turlington Act, on the theory that the bone-dry law is still in effect in the two counties because of the alleged unconstitutionality of the Pasquotank Act.

We remember the times we were right and forget the times we were wrong.

INDUSTRIAL EDITION

With this issue the Franklin TIMES is presenting to its readers three sections, including a rotogravure section, giving information concerning Franklin County, its many advantages, both business and social, and presenting many of the County's most progressive business concerns.

If you wish to live or trade in a good town and with fine and progressive business men then come to Louisburg. A generous invitation is extended you and a warm welcome awaits you.

TO PAY 10 PER CENT DIVIDEND

CITIZENS & COMMER- CIAL BANK, FRANK- LINTON

J. R. Teague, Liquidating Agent, Announces Checks To Be Mailed Creditors Next Week

The many depositors and creditors of the Citizens & Commercial Bank of Franklinton will be glad to learn of the announcement given out yesterday by Mr. J. R. Teague, Liquidating Agent, that he was arranging to mail checks next week to all creditors for the first dividend, amounting to ten per cent. The total amount to be distributed at this time is \$20,000.

The amount represents splendid work on the part of Mr. Teague, in that the closing of the bank came during the most trying financial times in the history of the State, and this payment will come in a most opportune time, not only to the business interests but to the farmers, who are in the midst of making a crop, as well.

We understand the Bank's affairs have been worked out to a pretty good standing and other dividends may be reasonably expected in the future.

Will Resign

The many friends of Rev. D. P. Harris, pastor of the Louisburg Baptist Church will regret to learn that he announced from the pulpit in his morning service that "it was in his mind to offer his resignation as pastor on next Sunday." Mr. Harris has been serving the Louisburg Church about four years during which time he and his wife have made many staunch friends.

Notice

Miss Priest, Home Agent announces that due to Infantile Paralysis epidemic there will be no 4-H Club meetings, 4-H Club camps or 4-H Short Course until further notified.

Postponed

The State Camp for Young Ter Heel Farmers has been indefinitely postponed because of the infantile paralysis epidemic. Authorities of the camp say that it might be opened later in the summer if the epidemic abates.

Kiwanis Tonight

Louisburg Kiwanis Club will hold its regular luncheon Friday (tonight) night at Franklin Hotel, at 7 o'clock. All Kiwanians are urged to be present.

Vaughan Not Guilty

Franklin Recorders Court had only four cases before it on Tuesday, two were for judgment, one found not guilty and one continued. The docket follows:

Judgment was prayed in the case of operating an automobile intoxicated against Vance Medlin, who was given 90 days on roads. Appeal.

Wilson Vaughan was found not guilty of abandonment.

Ira L. Cash, abandonment, non-support, continued under former order.

Bob Preddy, unlawful possession of whiskey, continued.

Theoretically, the perfect tax would be a tax on inaction.

Loses Commerce Job



WASHINGTON... Ewing Y. Mitchell (above), Missouri lawyer and Assistant Secretary of Commerce since 1933, has been ousted by President Roosevelt, upon the recommendation of Secretary Roper. J. M. Johnson of S. C. gets the job.

Whiskey in Wilson

Committing on the election and whiskey situation in Wilson the leader of the Dry forces is quoted as saying:

Rev. John Barclay, leader of the county Dry forces, reiterated his statement of yesterday this morning by declaring that the local Drys will not make any effort to prevent the opening of the liquor stores.

"The people have said that they want liquor by a 14-1 majority," said Mr. Barclay this morning, "so it looks as though it would be of very little use to try to stop the opening of the stores. If the Supreme Court of the State rules that the act of the Assembly having to do with this county control is unconstitutional the stores will have to close anyway and if it doesn't there will be nothing done here as far as I know. I am against the liquor laws but I am also for the democracy and if it is the will of the people that they want liquor stores that is all there is to it."

Asked what he thought of the chances of the bootleggers now that the county had gone wet, Mr. Barclay said that he thought that the fight would now be between legal liquor and 50-cent corn.

"What I mean by that," he said, "is that the big bootleggers have been bringing bottled-in-bond into the county and State from Virginia. They will have to pay as much for it as you will pay at the liquor stores here. Now they charge more for it than you will have to at the liquor stores, and people are of course not going to do that. The only thing the bootlegger will be able to sell is corn which can be sold cheaply."

Revival At Cedar Rock

Rev. L. B. Reavis, pastor of Cedar Rock Baptist church, announces the beginning of revival services next Sunday night at 8 o'clock, with Rev. C. B. Howard, doing the preaching. Services will be held each day at 3 p. m. and 8 p. m. Sunday School and B. T. U. have been called off on account of the outbreak of infantile paralysis, and it is hoped these services may be continued after Sunday.

He advises parents who have children under the intermediate age not to take them to the services.

726-Carat Diamond



NEW YORK... The Jonker diamond is here, the huge 726-carat stone being valued at \$1,000,000. It was demonstrated by Gladys Hannaford Jacobus Jonker, its finder in South Africa last year, sold in London for \$350,000.

A. W. M'LEAN LAID TO REST

Several Thousands, Including Many Men of Prominence, Attend Rites

Lumberton, June 23.—Angus Wilton McLean, whose death occurred at Emergency hospital at Washington City Friday about 11 o'clock was laid to rest here Sunday in simple, impressive funeral services at which several thousand people gathered for a final tribute to the man who served North Carolina as Governor from 1925 to 1929.

The services after the Presbyterian faith were conducted in the First Presbyterian Church of which he was a ruling elder by the Rev. R. L. Alexander, pastor, assisted by Dr. Wedin Purcell, of Richmond, Va., in charge of the Presbyterian "Men of the Church" organization, and the Rev. S. B. McLean, pastor of the Wilmore Presbyterian Church, Charlotte, a cousin of the former State Chief Executive.

Dr. Purcell and Mr. McLean read the scripture and all three offered prayers. In his prayer, Mr. McLean made a touching tribute to the former Governor for his love and devotion to the church and humble faith.

"He was qualified by devotion, training and experience and rendered a large service to the State and nation," he said.

Flags of the State and nation draped the altar, but there was no other reminder in the simple service of the high offices which Mr. McLean had held.

His widow and three children, Angus W., Jr., Hector and Miss Margaret, had declined a suggestion by Governor Ehringhaus that the body lie in state at the Capitol and expressed a preference for a quiet service for the late husband and father.

There was no singing at the church, but organ music was played by Mrs. Pearl Pennington, of Fargboro.

The committal service in Meadowbrook cemetery followed immediately upon the church service.

The entire family plot was blanketed with flowers.

Palbearers were Dr. John Knox, M. F. Cobb, D. D. French, F. P. Gray, and H. E. Stacy, Lumberton; Earnest Graham and G. R. Miller, Columbia, S. C.; and E. Hervey Evans, Laurinburg.

Cotton Certificates

Mr. A. J. Wilson, assistant in Cotton Adjustment for Franklin County announces that "all 1934 cotton tax-exemption certificates which you now have on hand must be exchanged by the Washington office before they can be used this year. It is necessary that you turn these surplus certificates in at the County Agent's Office at once in order that they might get back in time for you to use them. Do not send these certificates by anyone else but bring them in yourself as there are forms that must be signed by the person to whom the certificates were originally issued.

To Leave Franklin

J. B. Litchfield, who has been teaching vocational agriculture in the Edward Best and Mills High schools for the past few years, has resigned to accept a similar position in the Wake Forest High School. He will leave to take up his new duties July 1.

His many friends in Franklin regret to see Mr. Litchfield leave and wish for him much success in his new field.

Attends Dance, Loses Clothes

While attending the June German in Rocky Mount Friday night thieves broke into the car belonging to Mr. Ed Stovall and took therefrom a suit of clothes, tuxedo pants, shoes, etc., and also an evening wrap belonging to Miss Teeney Allen. Mr. Stovall was notified Wednesday by police officers of Rocky Mount that a portion of the articles had been recovered and the alleged thieves detained, three men being held for trial Friday morning provided the articles can be identified.

Louisburg College Alumni to Meet

The Alumni Association of Louisburg College will have a business conference followed by a barbecue dinner at Braswell Park, Rocky Mount on Wednesday, July 3 at 10:30 a. m.

Every graduate, former student and friend of the college is invited to be present. Come and meet your old classmates and friends.