

The Duplin Times

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THURSDAY, JULY 25th, 1935

FROM THE SCRIPTURES

"Thou shalt worship the Lord thy God, and Him only shalt thou serve." Matthew 4:10.

GOLDEN GLEAMS

He said, "What's Time?" Leave Now for dogs and apes Man has forever.—R. Browning.

A VERY SERIOUS DECISION

(Reprint from the Richmond News Leader July 17)

The agricultural adjustment act, which two of a bench of three federal judges yesterday in Boston held unconstitutional, owes its peculiar form to the inability of the advocates of farm relief to agree on a specific congressional policy. All insisted that something had to be done to restore the purchasing power of the farmer to the pre-war level. How this was to be accomplished by congress was a matter of hot contention. The final decision was to enact a law broad enough in its terms to permit the secretary of agriculture to employ any or all or any combination of the various devices proposed for the curtailment of production and the betterment of agricultural prices.

Drawn in this spirit, the act of May 12, 1933, vested the largest discretion in the secretary of agriculture on the assumption that the undisputed existence of a very serious emergency justified drastic taxation. The secretary, under this so-called agricultural adjustment act—though that was not its official title—was authorized to rent farm land or to pay farmers for reducing acreage or to buy their excess products for resale. As this, of course, involved an enormous outlay, the secretary was empowered to levy processing taxes. Ranging as high as 30 cents a bushel for wheat, these taxes were imposed on the miller or manufacturer and were paid back to the farmers who were operating under the government plan of control. To date, more than \$900,000,000 have been paid in process taxes which, of course, have been passed on to the consumer. The secretary of agriculture has had the extraordinary power, never before entrusted to a cabinet officer, of saying whether and how a crop should be a processing tax, what its amount should be, how long it should operate and how it should be modified, raised or lowered at any time.

Doubt concerning the constitutionality of this system was expressed from the first, by many able lawyers, and was increased by the unanimous decision of the United States supreme court in the New York poultry case. Although the judgment of the circuit court in Boston was of course subject to review, it was awaited with much anxiety.

The two judges who handed down the majority opinion leave very little of AAA. "The power of congress to regulate interstate commerce," the opinion reads, "does not authorize it to do so by taxing products either of agriculture or of industry before they enter interstate commerce, or otherwise to control their production merely because their production may indirectly affect interstate commerce." If, the court continued, congress has the regulatory power asserted under the act that power cannot be delegated in such broad terms to the secretary of agriculture. Moreover, if the processing tax is literally a tax, it is direct and, under Section 2 of Article I of the constitution, must be apportioned among the states. If it be held that the charge is an excise, then it is not uniform as required by the constitution. "The issue," the court concluded, "is . . . whether congress has any power to control or regulate matters left to the states and (to) lay a special tax for that purpose."

That is formidable logic. It sets a barrier along almost every road that congress is attempting to follow in the amendment of AAA. Carefully as some of those amendments have been drawn, we do not see how several of them can overcome the objections of the circuit court. And if both the original and the amended AAA are unconstitutional, the nation is confronted with a situation quite different from that which existed when NRA was overthrown by the court. NRA had about accomplished its purpose. Other methods of re-employment could be substituted for it. AAA, on the contrary, is distinctly "in being," and nothing is at hand to take its place in restoring to the agricultural population the economic parity to which it is entitled.

It is possible, of course, that as the amended AAA will be on the statute-books before the present case gets to the supreme court, another long delay may occur. The law, in fact, may be amended again and again, if the emergency continues, in order to keep one step ahead of the court. But that surely is an anomalous situation—for the executive and legislative branches of government, at the instance of a large economic class, to be conspiring by amendment, as it were, to circumvent the judicial arm.

Mention of the large economic class affected by the law brings us to the most serious of all the questions raised by the decision. When NRA went down, the New Dealers were humiliated and some under-privileged elements in industry were grieved, but the country did not weep. Were Mr. Roosevelt to make a fight for a basic change in the constitution, in order simply to give him control over hours and wages under a new NIRA, he would be defeated. But if the army of office-holders and of industrial workers who had something to gain by NIRA is recruited by the millions of farmers who think AAA will help them—what then? The principle of the decision of the load of government between state and nation is the framework of the constitution. Could it long resist the just assault of these elements, all of them clamorous for a fundamental change?

EASY FARMING

A few years ago a New England author wrote very interestingly of the adventure of himself and his wife in deserting city life and going back to the farm. The article attracted the attention of many and as a result Phillip Curtis received many letters from city dwellers, seeking to gain from making a similar change. However, their ideas were mainly inconsistent with the possibilities of the exchanged residence.

"All they wanted me to do," Curtis now writes, "was to find them an abandoned farm with a Colonial house which could be bought for practically nothing yet would be equipped with steam heat, electric lights and running water, which would be isolated yet near cultural neighbors, where the taxes would be almost negligible but where the roads would be free from mud or snow. Most of them 'loved to rough it' and hoped that I could suggest some back-country occupation which would assure them about three hundred dollars a month."

Muni, Jackie Cooper And Musical "In Caliente" At Duplin Theatre Next Week

Opening next week's bill at the Duplin Paul Muni in a show which is comparable to his notable success in "The A Fugitive From A Chain Gang." The new picture "Black Fury" shows Monday and Tuesday.

Based on the story "Jan Volkanik," by Judge M. A. Musmanno, and the play "Bohunk," by Harry R. Irving, "Black Fury" brings back action to the screen as it outlines the loves and hates, the sorrows and joys, the hope and despair of those men and women whose lives are devoted to bringing forth fuel from the earth.

Screened to a large part underground in the interior of one of Western Pennsylvania's greatest coal mines, "Black Fury" shows with startling fidelity, the dangers and hazards encountered hourly by those intrepid men to whom death is a constant companion.

Muni has the role of Joe Bader, a burly Slav miner who has arranged to buy a farm on which he expects to live with Anna, a neighbor's daughter. Anna, the role portrayed by Karen Morley, runs away with a coal mine policeman with whom she has been having an affair, and Joe, grief-stricken and bewildered, falls easy prey to the machination of a group of thugs who ferment a strike in order to get the job of breaking it.

Swayed by the agitators, the miners riot until the operators are forced to employ guards and evict the strikers from the town and their homes. Throughout a bitter cold winter these hundreds of men, women and children exist in ram-shackle huts, almost starving, and bitterly hating Joe whom they blame for their troubles.

Anna returns to Joe after he has been severely injured in a fight, and helps him break into the company's dynamite storage house, and load a hand car with explosives, which he uses to barricade the mine until his demands are met.

"Black Fury" is said to be a picture the magnitude of which cannot be described in type and which must be seen to be understood.

The poignant griefs of childhood its inarticulate romance, its robust joys, its thrills and its laughter, have been gathered into a great film play, "Dinky" in which Warner Bros. have starred Jackie Cooper, and for which they have assembled a remarkable cast of child stars.

Manager Bob Lang has booked this attraction for the Duplin Theatre for Wednesday only and declares that it is filled with heart throbs, laughs and real drama.

Jackie Cooper, remembered for his work in "Skippy," "Sooky," "The Champ," "The Bowery" and other film successes, has the role of a manly little chap whose widowed mother sends him to a military school located next to an orphanage, in which he is eventually an inmate.

His orphan-girl sweetheart is played by Betty Jean Hanev, and his pals are George Ernest, Edith Fellows and Sidney Miller. His special chum is portrayed by Jimmy Butler, with Richard Quine in the role of the juvenile "villain."

Among the grown-ups in the picture are Mary Astor in the role of Jackie's mother, Roger Pryor, Henry Armetta, Clay Clement, Florence Fair, Joseph Crehan, Ad-

dison Richards and James Burke. There are two romances, one between Jackie and Betty Jean, and the other between Miss Astor and Roger Pryor, in the story, as well as an exciting fire scene in which Richard Quine saves Jackie from death in the flames.

"In Caliente," First National's latest musical offering with Dolores Del Rio and Pat O'Brien in the stellar roles has been booked for the Duplin Thursday and Friday of next week.

Busby Berkeley, famous creator of screen spectacles, has staged 3 big song and dance numbers entitled "In Caliente," "Lady in Red," and "Machucha." In the latter number Pat O'Brien as a bandit chief, does the singing while Dolores Del Rio is featured in a dancing review.

"Lady in Red" is sung by Winifred Shaw, musical comedy star, and "In Caliente," the title song,

is sung by a group of entertainers. Another number, a ballad entitled "To Call You My Own" is sung by Phil Regan.

The catchy airs and lyrics were written by two famous teams of song writers, Warren and Dubin and Dixon and Wrubel.

Pat O'Brien portrays an ultra sophisticated magazine editor who is brilliant but inebriated a large part of the time. He gets mixed up with a chiseling blonde, so his employer kidnaps him and takes him to Caliente to try to sober him up.

There he meets Miss Del Rio, in the role of a famous dancer, and falls for both herself and her dancing, forgetting that he had once written a vicious review about the girl.

Glenda Farrell, who plays the part of the blonde menace, will not give Pat up, until she discovers that his employer, played by

Duplin Theatre

WARSAW, N. C.

WEEK OF JULY 29th.

Monday and Tuesday—Paul MUNI in

"BLACK FURY"

Matinee Monday 3:30

Wednesday only—Jackie COOPER in

"DINKY"

Matinee 3:30

Thursday and Friday—Warner Bros.'

Tropical Musical

"IN CALIENTE"

Matinee Thursday 3:30

Saturday—WESTERNER

"MAN'S GAME"

Matinee 1:30

FREE PASSES: The following people will receive a free pass to any show next week if they will present this ad to the ticket window: Miss Helen Carlton, Warsaw; Miss Eva Carter, Warsaw; Mrs. Winifred Young, Warsaw; Miss Billy Pickett, Kenansville; Mrs. R. C. Wells, Kenansville; Mrs. C. E. Quinn, Kenansville; Mrs. Lloyd Ferrell, Kenansville; Mrs. P. O. Lee, Ross Hill; Mrs. James Brown, Rose Hill; Miss Betty Horn, Magnolia.

Having this day qualified as Administrator of the Estate of A. W. Hall, deceased, this is to notify all persons indebted to said estate to make immediate settlement and all persons having claims against said estate will present them to the undersigned, duly verified.

NOTICE OF ADMINISTRATION

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WHAT! NO CLINK?

Here's a fine how-d'y-do. Someone gave the monkey a dollar bill, and he doesn't know what it is. Oh, well, the organ-grinder will take it away from him quicker than you can say "genus primates" or, even "monkey, sees, monkey does," so it doesn't matter. The point is, it only really matters when HUMAN BEINGS don't know how to act when they get more money than they've been accustomed to getting. Salaries in general are much higher than they were a year ago. People are beginning to enjoy the thrill of having a little money left over. Don't make the mistake of not recognizing that money for what it is. It's security. Put it into a savings account, today.

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