

ARGUE APPEAL IN DAM CASE

High Tribunal Hears Counsel on Hydroelectric Project for Fourth Time

IS UNDER ADVISEMENT

Raleigh, Nov. 30—The Supreme Court took under advisement today the appeals by the Duke Power company and 60 Yadkin county taxpayers in two suits seeking to prevent the City of High Point from constructing a \$6,500,000 hydroelectric plant on the Yadkin river.

It was the fourth time appeals have been heard here in the matter.

W. S. O'B. Robinson, chief counsel for the Duke company, and Carter Dalton, presented the arguments that the city was restrained under previous judg-

ments from proceeding with the plant. They appeared in the suit originally filed by J. W. McGuinn and other High Point taxpayers in which the Duke company became a party.

B. S. Womble, of Winston-Salem, presented the case for Yadkin county taxpayers who intervened in a suit originally filed by Yadkin county commissioners against High Point. The taxpayers intervened after the commissioners reached an agreement with the city.

Roy L. Deal, Grover H. Jones, and W. M. Allen argued the High Point contentions, basing their main arguments on the grounds the city had legally proceeded under previous judgments and that Superior court rulings modifying previous injunctions were correct.

The arguments were so technical that it appeared at times even the lawyers were confused.

Robinson contended that the power project was permanently enjoined under previous court judgments if it was the old project, first brought into the courts

FOUR GENERATIONS

The picture below was made at the home of Mr. Bryant's mother, Mrs. Mary Jane Bryant, near Boonville, when Mr. Bryant's mother, Mrs. Mary Jane Bryant, paid them a visit. At the same time Mr. Bryant's daughter, Mrs. Lawrence Stinson, and her daughter, little Miss Linda Mae Stinson, paid them a visit, making four generations present for the family dinner. The elder Mrs. Bryant, shown seated holding Linda Mae, is the widow of the late Milas H. Bryant, of near Yadkinville, and a daughter of the late Jesse Dobbins, one of the pioneer citizens of Yadkin county.



in 1936, and that if it was a new project as he contended, it was not authorized by law. He also re-argued the point that a cancellation of a Federal Power commission license for the project did not remove the case from power commission jurisdiction. He contended if the city was proceeding under the 1935 revenue bond act its power plant had to be within the city, and if it was under the 1938 act a necessity certificate had to be secured.

Deal set forth that "resolutions" of the High Point board of power commissioners had been amended but that the project was in reality the original of 1936. He contended the board had authority, just as any legislative body, to amend its acts. He argued the various resolutions may have put the project under the 1938 act but that others amending them had put "it back under the 1935 act." He contended that the Federal Power commission had "vacated its license order and that this completely removed the case from its jurisdiction."

Womble pointed out that if the high court ruled against High Point in the McGuinn case, that would end his case. He contended, however, that if the city won the McGuinn case there still were vital questions to be considered in the Yadkin suit.

County commissioners of Yadkin agreed to sell county home

property and easements in highways to the City of High Point, after the Supreme Court previously ruled the city could not condemn county land used for the home and highways. The judgment also set forth in modifying an injunction that the plant could not be built, maintained and operated under a Federal license.

Womble argued that the city was still bound by its Federal license and that the commissioners had acted wrongly in accepting the compromise.

Allen contended the Federal license had been vacated and that the commissioners acted within their powers in agreeing to the compromise.

Lum and Abner At Elk Theatre Here Next Week

They made their own little section of the earth a better place in which to live. In such words can Lum and Abner, longtime radio favorites of the nation, best be heralded in their first motion picture, "Dreaming Out Loud," an RKO Radio release which opens next Monday and continues through Wednesday at the Elk theatre.

Lum and Abner, for ten years top-flight radio stars, bring to the screen the familiar surroundings of the Jot-Em-Down Store and Pine Ridge which they have made famous on the air. As two kindly, old storekeepers they meet in many dramatic situations in keeping the people of Pine Ridge progressive, happy and prosperous.

Frances Langford, as the town's postmistress in love with young Doctor Robert Wilcox, provides a romantic angle in this sympathetic story of small town life. Frank Craven as the sacrificing, weary small town physician and Bobs Watson as the typical small town boy offer charm and realism.

"Dreaming Out Loud" deals with Lum and Abner's strange adventures when they attempt to obtain a mobile hospital unit for Pine Ridge. Started when Sheila Sheldon falls victim to a hit-and-run driver and her father, Irving Bacon, becomes town constable, the drive for funds for the hospital unit takes Lum and Abner through a series of happenings that run from the hilarious to the tragic. How they aid the paralyzed doctor, Frank Craven, to perform a delicate operation, how they soften the heart of wealthy but tight-fisted Clara Blandick, how they appeal to all children born in Pine Ridge, how they track down the murderous death driver, yet still find time to aid and abet Cupid in the romance between Frances Langford and Robert Wilcox, provide a convincing picture of real down-to-earth American life.

BURCH

Rev. J. L. Powers, of Elkin, will fill his regular appointment at Mount Hermon Baptist church Saturday and Sunday. The public is cordially invited to attend.

Miss Della Anthony, of Pleasant Hill, spent the week-end here the guest of Miss Thelma Dodson.

Mr. and Mrs. Noah Greenwood, of North Wilkesboro, spent the week-end here the guests of Mr. Greenwood's parents, Mr. and Mrs. J. S. Greenwood.

Mr. and Mrs. S. M. Hemric had as their dinner guests Sunday Mr. and Mrs. Tom Spicer and daughter, Mr. and Mrs. Henry Swalm and son, Ted, all of Ronda.

Jim Greenwood, of Winston-

Boonville, the guests of Mrs. Sneed's father, W. A. Brown. Mr. and Mrs. Edd Barber announce the birth of a daughter, December 1, 1940.

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