

ACL TAX DECISION UPHeld BY COURT

RALEIGH, March 8.—(AP)—The State Supreme Court today reversed a Buncombe County civil superior court's verdict awarding \$5,000 in damages against the City of Black Mountain to the estate of Albert Rogers, 15, who was killed on July 29, 1941 when thrown from a tractor-truck owned by the city.

The plaintiff's estate alleged that Rogers met his death "through negligence on the part of the driver of the truck, E. J. Ellis, while the truck was being used in maintenance work on the Black Mountain golf course owned by the city."

Chief Justice W. P. Stacy, who wrote the opinion, said that "concluding that negligence on the part of the driver of the truck has been shown which resulted in the plaintiff's intestate's death, still the record is barren of any evidence sufficient to hold the defendant—the town of Black Mountain—liable under the doctrine of respondent superior."

Justice Stacy concluded that "the driver was not about the defendant's business" but was on "a

pleasure trip in violation of orders."

In another opinion, the court upheld a Beaufort County superior court ruling awarding the Atlantic Coast Line Railway recovery of \$172.86 in ad valorem taxes alleged to have been assessed illegally by the county of Beaufort and paid under protest.

The plaintiff alleged that the county levied ad valorem taxes for the fiscal year 1942 at the rate of \$1.27 on each \$100 property valuation, amounting to \$19,190.10. The company protested \$443.20 it paid into the county's public welfare fund under the levy.

The company charged that the public welfare fund was levied "without constitutional authority, was not a necessary governmental expense, and was not levied with the approval of the general assembly."

Associate Justice Wallace Winborne, however, ruled that a portion of the eight cents levied for the public welfare fund "is for a necessary governmental expense."

The opinions:

Fred S. Ramsey, et al., vs John Ramsey, et al., Madison, new trial. Roberson vs Abbitt, Martin, no error.

Mrs. Joseph A. Neal vs Wachovia Bank and Trust Co., and Joseph A. Neal vs Wachovia Bank and Trust Co., Forsyth, reversed.

FATALLY BURNED

MORGANTON, March 8.—(AP)—Twelve-month-old Gerald Yelton, son of Mr. and Mrs. A. C. Yelton of Rt. 1, Morganton, was fatally burned when a washtub of boiling water overturned on him.

Religious Forces Said Important In Winning And Securing Peace

GOLDSBORO, March 8.—(AP)—Former Governor Clyde R. Hoey, a candidate for the U. S. Senate, said here tonight that the religious forces of the world can and will play an important role in winning and securing, "in the long future," a lasting peace.

Hoey delivered a non-political address at a meeting of the men's Presbyterian Club.

He asserted that the church has been passing through a critical period. "In some branches of the church the spirit of pacifism developed into alarming proportions and reached the point where some devotees were willing to say that America should never fight, under any circumstances."

Declaring that "America and her Allies are fighting a defensive war," Hoey said that "it is necessary for us now and then to become aggressive and to carry the war to lands of the offending nations in order to make a peace and security for the future."

COMBAT PAY BOOST

WASHINGTON, March 8.—(AP)—A bill which would provide a 50 per cent increase in pay for personnel of the armed forces who are engaged in combat was introduced today by Representative Weiss (D-Pa.).

Files of the Red Cross show the organization helped 2,500,000 servicemen and their families through home service in 1943.

BEACHED WHALES BEGIN TO DECAY

CHARLESTON, S. C., March 8.—(AP)—The 5 beached whales on nearby Bull's Island have ceased to attract the eyes of the curious and appear now as if they will be in the public nose for a while.

The huge blackfish mammals were stranded on the beach after an exceptionally high tide last week. All was happiness at first. The Coast Guard, which has a station on the island, was delighted with its find. Local scientists were intensely interested. The wildlife refuge men stationed at the island had nature playing right into their hands. Fertilizer men in the vicinity were intrigued with the idea of profits from the sea's gift.

Now it's different, for the whales have begun to decay—and the Coast Guard admits it's sick of the whole affair. The scientists have looked and measured and taken notes and left. The wildlife refuge men are busily looking for takers of the large carcasses. But the fertilizer men say they've washed their hands of the plan to salvage the whales.

Bull's Island is inhabited by only one family, who live several miles from the beach where the whales are. But the Coast Guard mounted beach patrol has a post nearby. So the Coast Guard is primarily interested in getting rid of the monsters.

The Coast Guard said today there seemed but two courses: (1) Dig a pit and bury the whales; (2) Haul the bodies to sea and cut them loose.

The latter seemed more feasible, Coast Guardsmen said, since it would not be possible to dig a deep pit in the water-pillowed sand. They said the floating whales would not cause a navigational hazard, and though a few of them might drift back on the island—well, a few couldn't smell as bad as 65.

The Coast Guard emphasized, however, that it had not accepted responsibility for solving the problem.

7 Community Hospital Nurses Are Graduated

The commencement exercises at St. Stephen A. M. E. Church at 8 o'clock Wednesday night, brought to a close the graduation exercises of the Nurses' Training school of the Community hospital. Seven nurses received their diplomas which were presented by W. D. McCaig, chairman of the Board of Managers.

Dr. L. W. Upperman was the principle speaker and urged the graduates to go forward in their profession. He stated that all progress in the world had been caused by man's dissatisfaction with his condition.

Fitting and timely remarks were made by Dr. F. W. Avant and McCaig. Pins were awarded by S. Taylor, superintendent of nurses.

The graduates were B. Fair, D. Evans, H. Holmes, V. Jackson, F. Johnson, I. McNeil, and M. Wright. V. Jackson was the recipient of a scholarship of \$200 to study pediatrics at Columbia University. This scholarship was presented by Dr. S. James Gray, member of the medical staff of Community hospital.

Railway Mail Group Is Labor Organization, New York Court Rules

ALBANY, N. Y., March 8.—(AP)—The appellate division, third department, reversing unanimously a supreme court decision, held today the railway mail association is a labor organization and is bound by state laws against racial discrimination.

The association, made up of railway postal clerks, "comes clearly within the statutory definition of a labor union," the higher court ruled.

Claiming it is beneficial insurance society, not organized for the purpose of collective bargaining, the association contended it had a right to limit membership to persons of the Caucasian race, or a native American Indian.

The association, the appellate division said, has been a member of the American Federation of Labor since 1917 and "takes credit for having secured many material benefits financially and in working conditions."

Musical Vesper Service To Be Held At First Christian Church Here

A Musical Vesper service will be held at the First Christian church, South Third and Ann streets, Sunday at 5:30 p. m., as a part of the special series of sacred musical programs each Sunday during March, it was announced Wednesday.

The feature of the service Sunday afternoon will be the North Carolina Shipyard Glee Club, which will render a number of selections including favorite old hymns of the church. The Glee club is under the direction of Arthur John and is noted for its outstanding performances over WMFD each Thursday at 7:30 p. m.

Geoffrey O'Hara's composition, "The Living God," will be sung by Miss Azalene Southerland, soprano soloist and choir director of the church.

Mrs. Louis E. Keith will be organist for the entire program. The public is invited.

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ITALIAN GROUND FIGHTING QUIET

ALLIED HEADQUARTERS, Naples, March 8.—(AP)—German forces opposing the Allied beachhead below Rome were reported today to be regrouping their strong resources of men and armor possibly in preparation for a fourth major drive against a selected point in the Allied defenses.

A headquarters spokesman said the Germans "appear to be on the watch for any opening in our forward positions." It was two weeks ago today that the Nazis launched their third costly assault on the beachhead and saw their total casualties in that area mount to 24,000.

Lowland mud and mountain snows held ground fighting to a minimum throughout Italy yesterday while Allied heavy and medium bombers blasted the Toulon naval base in southern France and railroad yards and airdromes at Florence and Rome.

Photographs showed hits on a

munitions factory at Toulon, and several warships anchored there were thought to have been damaged. The Allies flew 1,300 sorties in all and lost five planes while destroying an equal number of enemy craft.

While no change in ground positions was registered either around the beachhead or in the Cassino sector, opposing troops engaged in many fierce machine-gun and mortar duels. It was disclosed that New Zealand artillery had gone in to action south of Cassino, o'clock.

An Allied headquarters communique, stressing the stalemate in ground fighting, said "heavy snow in the mountains and deep mud in the valleys have made all movements difficult."

WALKOUT ENDS
HENDERSON, March 8.—(AP)—A walkout involving approximately 325 CIO union workers in the Harriet Cotton Mills here ended this afternoon and operations resumed with the night shift at 6 o'clock.

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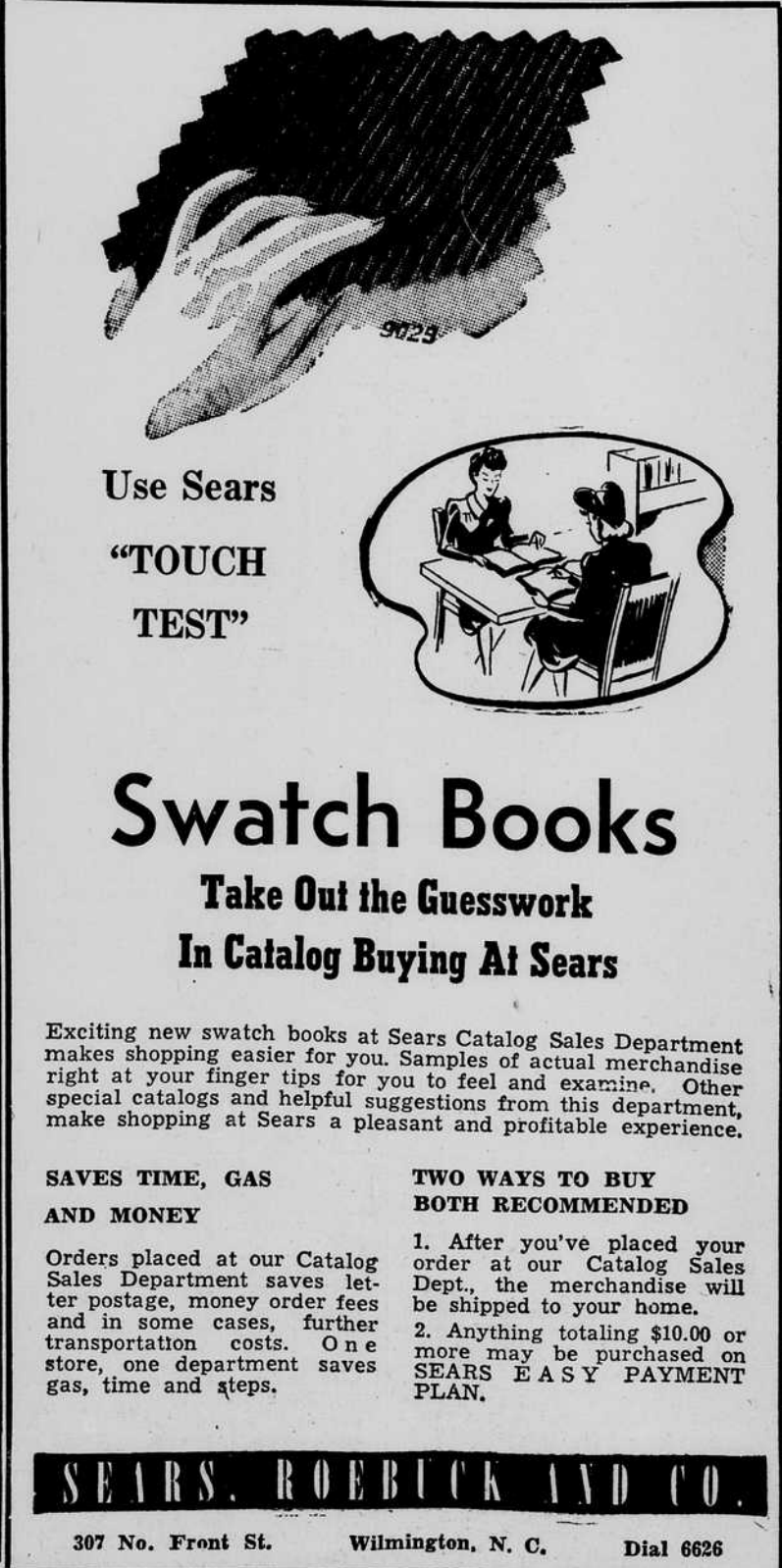
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