## The Week in Washington A RESUME OF GOVERNMEN-MENTAL HAPPENINGS IN THE NATIONAL CAPITAL

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BOONE, WATAUGA COUNTY, NORTH CAROLINA, THURSDAY, MAY 28, 1936

**RITES ARE HELD** 

FOR A. J. PAYNE

Prominent Cove Creek Citizen

Succumbs From Long Illness. Was 64 Years Old.

Washington, May 25 .- In its decision declaring the Guffey Bituminous Control Law unconstitutional, the Supreme Court of the United States followed in the main the same line of reasoning which led to the death of NRA. The grounds for throwing out both of these acts, NRA and the Guffey Coal Act, are that the pro-duction of coal, like the slaughtering d chickens, is not inter-state commerce and therefore Congress has no power to regulate it On this point the Supreme Court divided, six to three, exactly the same line-up as in the NRA decision, with Justices Brazwiels, Stone and Cardozo in the minority. The majority opinion held that the regulation of wages, hours and conditions of labor in the soft coal industry, is a local matter to be settled locally. It also held that the law deregated legislative authority unconstitutionally. The Court also ruled against an-

other major feature of the Guffey Acl, the taxation provision. The law provided for an excise tax of 15 per cent of the total value of coal mined, to be paid by the mine operators but operators who signed the soft coal code were to receive a rebate of 90 per cent. of this tax. This, the Supreme court held, was an improper and unconstitutional use of the tax ing power to impose a penalty upon perators who refused to be coerced into signing up.

#### Annulment Expected

The annuiment of the Guffey Act by the Supreme court was not unex In principle it differed in no way from the National Recovery Act, and serious doubts as to its Constitu-tionality were held by leaders of both parties in Congress at the time of its Clyde R. Greene A Speaker At Ministers to Participate in Honenactment. It was pending at the time of the NRA decision last summer, and the tendency then was to drop it because it so clearly seemed to be exactly parallel to NRA. It

The real reason behind the bill's assage was the threat of the United Mine Workers on September 15, last year, unless Congress passed some law that would control the mine owners and operators to accede to the demand of the union for shorter hours and higher pay. There was no doubt that the miners were desperate and that they meant business. There was talk of riots extensive chough to be called rebellion among the Pennsylvania miners unlens ly

#### Excise Tax Refund?

Many large mine owners who refused to sign the code paid the excise tax under protest, at the same time starting legal proceedings to have the Ollis Resigns From law declared unconstitutional. About \$700,000 of these taxes collected or deposited in court may have to be refunded

Chief Justice Hughes, while conthe court, wrote an individual opinion in which he held that some features of the Guffey Law might be constitutional if they could be separated from the unconstitutinal phases of it

#### Resettlement Decision



P.A.S. LL MILLS C D'ANDER

Memorial Day each year brings ever thinning ranks of blue to pay tribute to and decorate the graves of departed comrades. The scene above shows veterans of the Grand Army of the Republic Lincoln Post, Chicago, in Memorial Day Tribute.

## pected It was commonly referred to BOONE MAN TALKS MANY TO ATTEND AT TAX MEETING LEGION SERVICE

oring County's Soldier-

**Dead Sunday** 

The complete program for the

tended by an unusually large crowd,

allegiance to the Flag; Invocation;

ediction; Taps; Decoration of graves of deceased veterans.

Creek Baptist Church

A home-coming and dedication

service will be held at the Cove Creek Baptist Church June 12th,

Home-Coming, Cove

Legion ceremony,

"America";

State Wide Greenshoro Meeting Wednesday.

Clyde R Greene, Boone business Five leading ministers of the dif-ferent denominations will participate was at that critical moment that the man, is one of the principal speakers in an impressive memorial service to President wrote to Representative at the state-wide anti-sales tax meet-Hill, Chairman of the Ways and ing held in Greensboro today (Wed-be held Sunday afternoon at 2 o'clock citizens are expecting to be present at the gathering which is under the

sponsorship of the North Carolina event, which is expected to be at-Fair Tax Association. Dr. Ralph W. McDonaid, candidate for Governor, will deliver the main address of the occasion. Some of the other speakers will be Dr. John T. Burrus, Roy R. Lawrence, and David Ovens.

Song. It is expected that one farmer will conducted by Rev. W. C. Greene, post chaplain; Music "In Flanders Fields" speak and discuss the position of his group as relates to the sales tax. The Ruth Isaacs; Brief addresses by Rev. morning session will be devoted Widenhouse, pastor Boone Methodist largely to business and the election of new officers, and the principal part of the speaking will take place in the afternoon. Open forum discussions will follow the presentation of the scheduled speakers.

## **City Police Force**

Mr. S. D. Ollis, for the past several months an efficient member of curring in the majority opinion of the city police force, tendered his resignation to the authorities Saturday afternoon, and left for his home in Morganton Monday. The vacancy had not been filled as this is writ- 13th, and 14th, it was announced the

had not heen filled as this is writ-ten. Mr. Ollis had made friends of the people of the town since he came here, proved himself to be a fine there, proved himself to be a fine

Funeral services were conducted Thursday afternoon from the Cove Creek Baptist Church for A. Payne, 64 years old, who died at his home at Sherwood the day previous from a long illness with an incurable

ailment. Reverends Parker and Flet. cher participated in the services, and appropriate remarks were made in appreciation of the life of deceased by Mr. Smith Hagaman of Winston Salem. Interment was in the nearby cemetery

The active pallbearers were James B. Mast, S. F. Horton, Gor don Sherwood, Richard Olsen, Dave P. Mast, John Horton, John Sher-wood, Tom Coffey, Jr Honorary: Don Henson, John K. Perry, W. R. Lovill, W. F. Sherwood, Frank Mill-er, W. H. Brown, O. J. Harman, C. H. Blackburn, John W. Hodges, W H. Gragg, J. B. Horton, Don Horton Ed Sherwood, L. L. Bingham, Dr. H B. Perry, Will C. Walker.

An impressive floral offering was in charge of Mesdames James B. Mast, S. F. Horton, Dave P. Mast, Maude Spainhour, Mary Harris, Misses Amue Mae Sherwood, Con-stance Shoun, Mattin Wood, Constance Shoun, Mattie Lou Harman, Ruth Sherwood, Louise Johnson, Wilia Baird, Jewell Hagaman

Surviving are the widow, two sons and two daughters: Will Payne, Sherwood; Frank Payne, Boone; Miss Earl Payne, Sherwood. Mrs. Pearl Dowling, Monroe. One brother, George L. Payne of Deep Gap, also survives

#### Born in Kentucky

business, and a traveling salesman for a long time. All the while he nity and section. In the years past Taylor at Valle Crucis, and Mrs. T. Mr. Payne had often been urged by friends to accept public office, but always desisted. He was an upstanding citizen, generous and kind, and friends he leaves in this section.



Sheriff Howell Captures 63rd In the ranks of the living dead. Whiskey Plant; York Trivett Is Jailed.

Tuesday a report reached the Of those who died that war might Sheriff's office that a steel drum had been stolen from a saw mill outfit on Howard's Creek, and the information led to the capture of a It stands for a labor of love



Clyde R. Hocy, one of the leading contenders for the Democratic nomination for Governor, who is scheduled to make his first politi-cal address at the courthouse in Boone Monday morning, June 1, at 10:30 o'clock. Mr. Hoey is the second candidate for state office to speak here, Dr McDonald having delivered an address two weeks

SPEAKS MONDA

# **POPPIES FOR SALE**

Legion Auxiliary Complete Plaus For Poppy Day Sales Next Saturday.

The ladies of the American Legion The ladies of the American Legion I would be nominated and elected Auxiliary throughout the county will this fall, but since the party has seen more reporting Schuder for the become due to be the party has state of Kentucky, having moved to this section when a small boy. He ers Hardware Compared to the

in charge of Mrs. Russell Hodges, who asks that all ladies of the Auxilpursued agricultural activities, and iary who would like to aid in the became one of the leading citizens of work meet with her at the Farm-the county. He was a member of the ers Hardware Company as early Satthe county. He was a member of the ers Hardware Company as early Sat-name and give the Call to Order. C. W. Teal, 17th Methodist Church, active in religious of Colors by Boy Scouts; Pledge of the general welfare of his commu-the general welfare of his commu-A. Weaver at Blowing Rock.

Mrs. Hodges submits to the Democrat the following poem:

friends he leaves in this section. Only a paper poppy

Does it mean anything more to you : The red is for the courage Of the men who fought and bied

And then came back to spend their days

The green of the leaves reminds me Of the sunny hillsides over the sea Where rest the war-torn bodies cease to be.

The cup that is formed by the petals Covers a heart of gold

SHERIFF HOWELL WITHDRAWS FROM **PRIMARY BATTLE** Popular Officer Says He Filed

\$1.50 PER YEAR

To Prevent Republican Victory by Default.

SAYS FOUR YEARS IS ENOUGH TO HOLD JOB

Howell Says He Only Filed Because No One Offered. Can't Oppose Two Friends Who Filed At Last Minute.

A Y. Howell, Sheriff of Watauga county for the last four years, has withdrawn himself as a candidate for the Democratic nomination in the June primary, "as at the last minute wo of my friends filed for the nomination." The Sheriff further states that he is of the opinion that four years in public office is quite enough for any man.

Following is the text of a statement given the press Wednesday

When it looked as if no one was going to file for the nomination for Sheriff of Watauga county and that the office was going to the Republicans by defaication, I agreed to file in defense of the Democratic party. I said before the date to file that I did not intend to offer myself again and told Chairman Wilson that if anyone filed for the office, I would willing to withdraw at any time. At the last minute for filing, two of my friends, both high-toned gen-tiemen, filed for the nomination. I ce' like if I should make the race

sell paper poppies Saturday for the honored me with the office for four benefit of disabled world war veter- years. I don't think it would be ans, and headquarters for the sales fair or right for me to run against

> first seven months, when I received no salary at all. I don't believe in one man eating all the pie, consequently, I desire to withdraw my name and give the other men a chance to eat a pice of pic, if there

> Announcement A Surprise The withdrawal of Sheriff Howell The withdrawal of Sheriff Howell came as a distinct surprise to his friends, although it is now recalled that two years ago, the Sheriff had indicated that he would like to be relieved of the office this year. His withdrawal from the race leaves two candidates for the Democratic nomination, Messrs. A. J. Edminsten and E. B. Mast, and speculation will be rife as to which of these gentlemen may be depended upon to garner the greater part of the immense Howell ollowing in the primary

### **Tonsil Clinics To Be** Held In County

Tonsil clinics will be held in Watauga county on the following dates: Valle Crucis-Dr H. B. Perry will hold a clinic at the Valle Crucis Mission School , on June 19. Blowing Rock-Dr. M. C. Warfield and J. D Rudisill will hold a clinic at the

On the same day that the Guffey Act decision was handed down, the	type of officer and much rearet has	Association, being founded in 1799.	troyed.	Of numberless men and their loved	Blowing Rock Clinic on June 22 and
Court of Appeals of the District of	been expressed over his departure.	The present building is the fifth the church has occupied, and was re-		ones	23. Boone—Drs hagaman and Perty in co-operation with the Boone Dem-
Columbia handed down a decision		built in 1923 Although the church		his they carry on though the years.	onstration school, will hold a clinic
that the Rural Resettlement Admin-	Failure To Register	built in 1923. Although the church has been out of debt for some time.	his tenure in office and 32 men cap- tured in connection with their opera-	P.J. OLC :	beginning June 30, and lasting as
istration, created by the President	Negroes Brings Fine	the dedication ceremony has not	tion		long as there are tonsil patients.
under the Works Progress Adminis-	riegioes brings rine	been held.		Rooms To Be Shown	Heretofore three tonsil clinics were held in succession, but this summer
tration, with Dr. Rexford G. Tugwell at its head, was an unconstitutional	North Wilkesboro May 21-John	Many prominent ministers and laymen have gone out from this	Future Farmers Are		there will be only one.
delegation of power under the WPA	Constitution, Logistian 101 WILKESLOTU	church who are expected to be pres		Arrangements have been made for	For further information and tor
Act. While this decision is not final,			Planning Texas Trip	a display of the garments made by	registering for tonsil operations
and will be carried to the Supreme	tion in 1934, plead guilty yesterday	Illight C Means of West in m		reper workers in the sewing rooms	please see Mrs Clovier at Valla Cru.
Court, it is notable as the first ju-		will preach on Sunday, June 14th, at	Some twenty-five members of the Daniel Boone Chapter of the Fu-	of the county, and the handiwork	cia Dr. Warfield at Blowing Book
dicial reversal of any of the applica-	charging that he refused Negroes the right to registrar and vote and was	11 o'clock. Other speakers on the	ture Farmers of America expect to	may be seen at the Boone sewing room Saturday afternoon from 2 to	or Miss Fisher at the District Hearth
tions of the \$4,800,000 Works Relief fund which Congress gave to the	at \$300 and placed on probation	program will be wey, Altunal Sher-	make a two weeks tour of the south-	4 o'clock. A number of products from	ourice in Boone.
President early last year, to use in	for three years by Judge Johnson J.	wood, Erwin; Rev. W. R. Brad- shaw, Hickory; Rev. J. C. Pipes,	western part of the United States.	the recreational projects in the cour-	MRS. BANNER FUNERAL HELD
his own decision.	Haves, presiding over the term		I They expect to leave Monday,	ty are also to be shown at the same	Funeral services for Mrs. E. Ban-
Naturally, the question which ev-	The bill of indictment, returned at		oune i and go down dirough the ren-		ner of Banner Elk, & member of a
erybody in Washington is asking is	the recent term of federal court in Greensboro contained 14 counts there	Those who live nearby are request-	nessee Valley and cross the Misais- sippi River at New Orleans, thence	LOUISE HOLLED DELE	pioneer family of that section, were
as to the political effects of these	being that number who said they had	ed to bring baskets of food for the	supprinterver at New Orleans, thence	LOUISE HOLLER DEAD	held last Saturday at the family home with interment following at
new anti-Administration court deci- sions. Coming as they did, almost on	been refused registration by Mr.	picnic dinner which will be spread	Centennial Exposition at Dallas. On	old, daughter of Mr. and Mrs. R. W.	the Elk Park cemetery.
the eve of the party conventions, it	Cashion. Witnesses were examined	on the grounds at the noon hour Sat- urday.	the return trip the group will go	Holler, died at the home on Brushy	Mrs. Banner had been ill for some
is to be expected that every possible	and they testified that the registrar	uruay.	through Oklahoma, Kansas, Illinois,	Fork Friday from an illness with	time and died on Friday
effort to utilize them for party ends	gave them the test for eligibility but failed to place their names on the	NAME OF CANDIDATE	Indiana, Kentucky and Virginia.	pneumonia. Funeral services were	The services were conducted by
will be made by the Republicans.	books and they were not allowed to	INCORRECTLY GIVEN	They are taking camping equip- ment and a cook on the trip of ap-	conducted from the Brushy Fork	Rev. Murray and Rev. Lee, with the
G. O. P. Harmony		and the second	provimately four thousand miles	by Reverends Payne and Ashley and	Hughes funeral service of Newland
Republican leaders are talking more confidently than they were a	Butterenon of ficatoca mas occin	The Democrat's attention has been		interment was in the neighborhood	The deceased is survived by her
few weeks ago. There has been a de-	quite heavy this year, there being	called to an error in the name of one	Contraction of the state of the	cemetery	husband and a number of children
cided stiffening of Republican mor-	about 50 who have registered in	of the Republican candidates for Re-	Six cases were tried before Judge	Besides the parents, seven broth-	
ale in the past fortnight.	Wilkesboro precinct since books were opened for registrations for the pri-	as "Verna" Calloway, whereas the	John H. Bingham in Recorder's	ers and sisters survive: Clyde, Rus-	Contraction of the second s
How much Bruce Barton's selec-	There are a second and the second sec	correct listing is "Neva" Calloway.	Court last Tuesday:	sell, virginia, Carrie, John, Retha	TOURIST CAMP OPENS
tions as the party's publicity advi-		The error is regretted, and the cor-	York Trivett, manufacturing li- quor, 8 months on the roads.	and Ruby Holler.	Mr. Earl Cook announces the op-
ser has had to do with this is deba- table, but most observors believe that		rection of same gladly made.	Floya Tate, concealing fugitive.	TO ADDRESS VETERANS	ening of the Red Oaks Tourist Camp 31/2 miles east of Boone on the Win-
his influence has been considerable.		IDV PROVING DI DIAL	Not guilty.	Mr. H. B. Leavitt, Chief of Staff	ston-Salem Highway. The establish-
Less is being heard now of the	diamon and found that it market at an	ARM BROKEN IN FALL	Floyd Church, public drunkenness.	United Spanish War Veterans, will	ment will be in operation Saturday.
Schatol Dorah & Throw-	I fittle group and aballed agent may - Herek	the second se	30 days on roads.	address the picnic gathering of the	there will be daucing and many are
		trade on the Mabel school building,	Glenn Foster, public drunkenness.	veterans at the Rutherwood Fish	expected to drop in during the eve-
	town by Mr. Lyon.	fell from a ladder and suffered a	George Carroll, violation prohibi-	Batchery next Saturday, it has been	ning. There are five cabins on the
more general acceptance among par- ty leaders of Gov. Landon, who is	and the second	fracture of the right arm The acci-	tion laws Coat	Greenshoro will also speak accord-	property, electric lights and all con- veniences, and Mr. Cook expects a
(Continued on page 8.)		dent occurred Monday, both bones of	Raymond Dellinger, Violating pro-	ing to Mr. Albert Watson of Boone.	good business from tourists during
and the public of	where below the Adam's apple.	the arm being broken at the wrist.	hibition laws. \$10 and the cost.	district commander.	the summer.