

PERSON IS LOSER IN OPENING ROUND STOCK TAX FIGHT

Case Goes to Supreme Court When Judge T. H. Calvert Sustains Demurrer

ARGUMENT IS SHARP BETWEEN ATTORNEYS

Judge Manning Wants to Know Why Mr. Person as Member of Senate Did Not Take Up Cudgel Against Exemptions; Judge Clark's Reprint Is Involved.

W. M. Person lost the first round of his fight for mandamus to compel the listing for taxation of all corporation stock amounting to a billion dollars in value yesterday when Judge Thomas H. Calvert, resident judge of the Seventh Judicial District, sustained the demurrer offered by Attorney General J. S. Manning, representing the State Tax Commission and A. D. Watts, Revenue Commissioner, against whom the mandamus action was directed.

Judge Calvert sustaining after two hours of argument stated that for a long time he has been of the opinion that it is improper for a judge of a court inferior to the Supreme Court to hold a statute unconstitutional. In this case when the presumption of constitutionality is peculiarly strong by reason of the long years of legislative approval, he could do nothing other than dismiss the action on the demurrer, leaving the case to go before the Supreme Court for final arbitration. Senator Person gave notice of appeal.

Argument Is Sharp The argument was sharp in spots. Judge Manning charged that the Franklin County Attorney should have aimed his charge at the legislature which for forty years has approved the exemptions allowed, and, moreover, called attention to the fact that Senator Person, in the 1917 General Assembly, voted for the revenue act which authorized such exemption.

Senator Person replied with the confession that when he sat in legislative halls, he had not then seen the light, and characterized the demurrer of Judge Manning as an effort to dodge the plain mandate of the constitution and to enthrone the legislature above the fundamental law of the State.

In addition, Senator Person waived in the face of the defense the pamphlet reprint from "64 American Law Review" of 1920 in which Chief Justice Walter Clark, avowed champion of taxation for corporation stock discussed "Exemption of stocks from taxation in violation of the constitution and contrary to all decisions of the courts." This he filed as a supplementary brief in the case which will go before Judge Clark himself sitting at the head of the State's Supreme Court.

But Judge Manning came back with a reminder of the Chief Justice's well known conviction against the holding of legislative enactments unconstitutional by the courts. "He's not the whole court though," Senator Person put in. "I know he isn't and I thank the Lord," Judge Manning returned.

Person's Complaint Article Five, Section Three of the Constitution, Senator Person pointed out in his complaint provides that laws shall be passed taxing by a uniform rule, all moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise, and also, all real and personal property according to the true value in money.

Chapter 90, Section 4, Public Laws of 1919 provides, he continued, that corporations, limited partnerships and joint stock associations, liable to tax in capital stock under this section, shall not be required to make any report or pay any further taxes on mortgaged, bonds other securities, credits issued by them in their own right. Neither shall individual stockholder be required to list such stock or to pay tax on it.

The plaintiff further cited Chapter 92, Section 43 Public Laws of 1919 which provides in sworn appraisal of capital stock for its actual value in money after the deduction of the assessed value of all real and personal estate upon which the corporation pays tax and the value of the stock legally held by such of the State and also for the deduction from the total amount of the corporation's in other corporations capital stock, the total amount of its investments in bonds of the State, the United States, Federal Farm Loan Bank and bonds of the joint stock land bank held as a continuing investment for a period of not less than three months prior to the day on which the report is returned.

Chapter 107 Public Laws of the Extra Session of 1921 amending Section 42 to the Public Laws of 1921, he further held provides for the deduction from the items of surplus and undivided profits an amount not exceeding five per cent of bills receivable and also the deduction of investments by banks in bonds of the State, United

DO YOU KNOW THEM If So Make Note of Their Correct Name and Address.

We are publishing below a list of names of people who have signed the Cotton and Tobacco Growers Co-operative Market Associations and who have mail held up and undelivered, due to wrong address, error in name or are not known to the postmasters and carriers. It will be greatly appreciated if any who read this article who may know one or more of the parties will write or see A. F. Johnson, Louisville, N. C., and give him the correct name and address. Just which of these are white or colored we don't know, but in either case they are members and we want them to get the information the Association is sending out. The list follows: Otho Epps, J. A. Collins, J. S. Strickland, T. I. Wilder, W. E. Wheeler, Jno. R. Carroll, C. G. Green, Isaac Lee, J. W. Beaton, S. L. Nicholson, Thomas Williamson, J. G. Pearce, Howard Davis, I. H. Egerton, Charlie Lilly, Buddey Obey, W. H. Wright, Virgil Green, J. H. Harvey, Isaac Branch, A. H. Pardee, Tommie Alston James Smith, Charlie Betts, Green Brown, Oscar Neal, W. C. Wilson, L. E. Davis, James H. Turner, E. L. Davis, L. D. Davis, Ed Satterwhite, W. M. Prince, Buck Alston, Eddie Winston, J. H. Johnson, William Monroe, S. C. Keasbey, G. O. Joyner, W. L. Lancaster, S. H. Bailey.

LIEUT. HARRIS WEDS.

It will be interesting to the many friends of the family to know that information was received in Louisville the past week that Lieut. Hunter H. Harris, of the 29th Infantry stationed at Camp McClellan, Anniston, Ala., was married on July 3rd, 1922, to Miss Aline Bollman, of Belvedere, Ill. The marriage was a quiet one only a few intimate friends being present.

Mr. Harris is one of Louisville's most popular young men, and is making quite an enviable reputation in the Army. He is the son of our townman, Mr. O. H. Harris. The bride is one of Belvedere's popular and accomplished young ladies. Louisville joins their many friends in extending congratulations.

PRESIDENT OF COLLEGE ARRIVES

The new president of Louisville College, Rev. A. W. Mohr, from London, Ky., with his wife and two children, Richard and Bettie, have moved into the bungalow usually occupied by the college president. The TIMES, on behalf of the community extends to him and his family a most cordial welcome and hopes that his stay among us will be mutually helpful and agreeable.

AT HOME

Quite a number of ladies in town have received invitations reading as follows: "Mrs. D. T. Smithwick at home Thursday afternoon, the 13th of July from five until seven o'clock. Mrs. R. W. Smithwick."

MEETING AT PEARCE'S.

Rev. J. A. McIver is assisting Rev. Jno. Mitchiner this week in a meeting at Pearce's. He reports a large attendance and much interest shown. On Sunday afternoon he will return to Carey's Chapel about twenty miles from Louisville toward Henderson and assist the pastor in administering the ordinance of baptism to about twenty-five or thirty candidates for church membership who were converted during the meeting there last week.

It will be an impressive service. It is a pleasant ride from Louisville and it is hoped that many of the people from town will see fit to attend.

VISITING MR. TAYLOR.

Mr. Dunham Taylor has had an interesting visitor in the person of Mr. W. C. Gupton, of Rocky Mount. He is 82 years old and is familiarly known as Mr. Kip Gupton. He is well preserved and boasts that there is not a wrinkle to be found in his face. He has a genial happy disposition and is good company. He was a gallant soldier and served through the Confederate war.

His wife is 79, as well preserved and full of life as he. A year or two ago at a reunion of old soldiers at Rocky Mount Mrs. Gupton danced with Gen. Metz and others in an old-fashioned square dance and seemed to enjoy herself as much as any of the girls.

They are now living with their daughter, the wife of Judge Jake Battle near Rocky Mount. Mr. Gupton was for many years a merchant in Rocky Mount.

He had a brother, Mr. Spencer Gupton, who lived in this county until his death a few years ago. He has also a brother, Mr. J. P. Gupton of Lewisburg, Tenn., who owns a large and successful stock farm. He visited his people in Franklin County last week.

Mr. and Mrs. Gupton are both Christian Scientists and attribute their long life and good health to this fact.

Giving Europe moral support is much like standing on the bank and cheering the fellow who is yelling for a rope.—Sloux City Journal.

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After allowing a number of claims the Board adjourned to meet again on Monday, July 10th, 1922 at an Equalization Board.

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Second Week: Dunns—G. A. Hagwood, Speck Allen, E. C. Jones, C. E. Strickland, J. W. Batton. Harris—C. E. Richards, G. R. Andrews, N. F. Pendleton. Youngsville—J. W. Wiggins, T. J. Williams. Franklinton—W. S. Goswick, J. W. Mann, F. F. Moore. Sandy Creek—K. S. May. Cedar Rock—R. W. Strickland, J. D. Gupton. Louisville—W. R. Perry, S. W. Young.

MR. MEADOWS TO RUN WAREHOUSE AT WENDELL.

As was seen from our last issue Mr. S. S. Meadows, who has so successfully conducted a tobacco warehouse for so long in Louisville, has become connected with Messrs. C. E. Johnson and W. B. Johnson in the operation of a sales warehouse at Wendell the coming season. Mr. Meadows is a tobaccoist of a broad experience and is in position to do as much for the farmer as any other warehouseman anywhere. His associates are expert tobacco warehouse men. Mr. C. E. Johnson having been connected with the Louisville market several years ago. If you haven't read his advertisement look up last week's issue and read it.

BABE SITTING IN LAP KILLED BY LIGHTNING; WOMAN ESCAPES

Hartwell, Ga., July 10.—While seated in her grandmother's lap yesterday afternoon, L. T. Gilbert, seven-year-old daughter of Mr. and Mrs. Clyde Gilbert, was struck by a bolt of lightning and instantly killed. Her grandmother was not hurt seriously.

COTTON MANUFACTURERS ENDORSE CO-OPERATION

American Association Adopts Resolution of Commendation.

The co-operative marketing of cotton was endorsed at the recent annual meeting of the American Cotton Manufacturers' Association in Washington, D. C. This association is composed of the leading textile leaders of the nation. C. E. Haschman, of Mr. Holly, N. C., was elected president at the recent session to succeed General L. D. Tyson, of Knoxville, Tenn., the latter one of the brigade commanders of the Thirtieth Division in the World War.

The resolutions adopted by the convention of manufacturers follow: "Whereas, the movement for the co-operative marketing of raw cotton is making substantial headway throughout the South, and "Whereas, good results have heretofore been experienced by various factors producing raw materials through collective handling of their products, and "Whereas, the effect of the collective marketing of cotton, is wisely handled and on a broad scale, will in the judgment of this body tend to stabilize prices through orderly distribution and effect other betterments in respect to the nation's greatest crops and "Whereas, the cotton-manufacturing industry believes that the producers of their raw material are entitled to a fair return for their labor, therefore, be it

Resolved, that the American Cotton Manufacturers' Association, in convention assembled, May 27, 1922, commends the co-operative idea in the marketing of the South's greatest crop as a step that will tend to assure an adequate supply and at fair prices."

C. B. HOWARD SECURED AS SALESMANAGER

Raleigh, July 11.—C. B. Howard, of Atlanta, Ga., formerly of Inman & Howard, cotton brokers, has been elected sales manager for the North Carolina, Alabama and Georgia Cotton Growers' Cooperative Association, according to announcements here by the N. C. Association. Selection of Mr. Howard for the job of selling, with the approval of the Board of Directors for more than 50,000 producing members, representing more than 800,000 bales of cotton, was made at a meeting of the directors of the three Associations in Atlanta, which was attended by W. H. Austin, President, and Dr. B. W. Kilgore, Director of the North Carolina Association.

Report of the selection of Mr. Howard was made at a meeting of the directors of the Tar Heel Association here today. Plans for the co-operative selling of more than 350,000 bales of North Carolina cotton were taken up by the Directors at the meeting. It was decided to continue the sign-up campaign for another month, and it is planned to bring the total up to 600,000 bales.

Mr. Howard was highly endorsed for the position of sales manager by J. E. Latham, well known cotton broker of Greensboro, N. C. Mr. Howard has been in the cotton business for more than twenty years and is recognized as an outstanding cotton merchant in the southeast. During the past few years the firm of which he has been an active member, has handled as high as 300,000 bales of cotton in a single year.

In assuming his duties as sales manager for the three State Associations, Mr. Howard says: "I have studied co-operative marketing and believe it to be absolutely sound and practicable as applied to cotton. I have had a long and wide experience as a cotton merchant and have all confidence that I can sell the cotton for the members of these Associations for its true value based on the grade and staple, which will mean more money for them than they have been getting under the present system."

"I have severed my connections with all my former business interests and my sole and only business now is to sell the cotton of these members of these three Associations."

BOOK PARTY

Thursday morning Mrs. J. Allen Harris delightfully entertained at four tables of rook at her home on Church Street. The house was decorated in cut flowers and ferns. The color scheme of pink and white was carried out in the decoration and refreshments, also in the hand-painted score cards and favors, which were dainty little baskets of mints. Delicious ice-cream and cake were served by the hostess, assisted by Miss Josephine Bryant.

Those present were: Mesdames F. W. Wholes, W. E. White, D. F. McKinnis, F. B. McKinnis, L. L. Walker, E. W. Ferguson, W. N. Fuller, B. N. Williamson, W. T. Ferman, L. L. Brinkley, O. T. Bryant, F. B. Leonard and Misses Sue and Hodgie Alston, Florence Purnell and Ruth Allen.

General Ludendorff has discovered that America began the war. We knew it would come out finally.—Pittsburgh Gazette Times.

AMONG THE VISITORS

SOME YOU KNOW AND SOME YOU DO NOT KNOW.

Personal Items About Folks And Their Friends Who Travel Here And There. Mr. C. M. Hobbs visited Nashville this week. Mr. F. N. Egerton left Tuesday for Seven Springs. Rev. and Mrs. L. S. Massey are at Piquay Springs. Mrs. G. M. Beam and baby spent Tuesday in Raleigh. Mrs. F. R. Pleasant is visiting her mother in Greensboro. Mr. A. J. Fletcher, of Raleigh, was in Louisville yesterday. Rev. G. F. Smith and family are spending a short vacation at Beaufort. Mr. C. W. High, of Raleigh, spent Tuesday night with his parents here. Miss Lucy Burt is the guest of Miss Mary Smith on a seaside outing at Beaufort. Mrs. Ida Hale and daughter, Miss Bessie, is visiting friends in Danville, Va., this week. Mrs. C. C. Simms, of Rocky Mount, visited her son, Editor A. F. Johnson, at Oakhurst this week. Misses Carolyn and Joyce Lane of Sylacanga, Alabama, are the guests of Miss Mattie Allen. Miss Crichton Pearce returned home Sunday from a visit to Mrs. T. A. Sills at Nashville. Mr. H. H. Hilton, who is traveling in South Carolina, visited his people here this week-end. Mr. Otto Gunther, of the U. S. Navy, spent the past week with his father, Mr. A. Gunther. Mrs. G. R. McGrady and children, of Raleigh, are visiting her parents, Chief and Mrs. D. C. High. Mrs. C. W. Howard and little son, Cary Jr., of Danville, Va., are visiting Mr. and Mrs. L. P. Hicks. Messrs. G. M. Beam, W. H. Allen, W. H. Yarborough, and B. N. Williamson spent Tuesday in Raleigh. Mr. C. C. Hudson left yesterday for New York and Philadelphia. While he is gone his store will be closed. Messrs. J. A. Mitchiner and A. F. Johnson returned Sunday from a business trip to Northampton County. Mr. and Mrs. Leo Harrt, of Raleigh, spent a short time this week with their mother, Mrs. R. Z. Egerton. Mrs. F. W. Hicks and children have returned from a visit to her father, Mr. Alfred Cooper, of Halifax County. Mr. Clyde Farley, of the State Child Labor Department, Raleigh, was in town Monday to confer with Supt. E. C. Perry. Mrs. W. W. Webb and daughter, Elizabeth, Mrs. E. F. Thomas and Mrs. M. J. Connally, spent Tuesday in Raleigh. Dr. H. M. Beam and mother, Mrs. J. A. Beam, and Miss Gladys Beam, of Roxboro, are visiting his brother, Mr. G. M. Beam. Mrs. C. C. Hudson and little daughter, Lucile, are on a visit to Mrs. Henderson's brother, Mr. Frank Taylor, of Philadelphia, Pa. Mr. R. P. Snell and family, of Raleigh, and Mrs. Eugene Alston and daughter, of Airle, spent the week-end with their aunt, Mrs. Agnes P. Mumford. Mrs. E. H. Hale and brother, Matt Speed, accompanied by Mr. Peyton Uzzell, attended the marriage of her cousin, Miss Sallie Sanders, in Smithfield last Friday. Mr. J. D. Hines, of Henderson, passed through Louisville last week on his way home from Seven Springs. Friends will be glad to know that his condition is improving. Mrs. Clarence Myrick, of Panama, who has been visiting her mother, Mrs. R. Z. Egerton leaves today for Lenoir, where she will spend some time with Mr. Myrick's relatives. Dr. S. P. Burt was called to Raleigh last week by the illness of his daughter, Miss Mary Eburn, who is attending the summer school at A. & E. She was taken with a bad attack of malaria, her condition is not serious. Miss Sallie Taylor, accompanied by her parents, Mr. and Mrs. R. P. Taylor, and Miss Columbia Cruden, left Friday for Richmond, where she underwent an operation for appendicitis. Her many friends will be glad to know that she is rapidly recovering from the operation. The fact that Russians are eating tree bark may yet suggest something to American manufacturers of breakfast foods.—Bridgeport Star.

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The following is a list of jurors drawn for August term of Franklin Superior Court: First Week: Dunns—W. J. Martin, N. W. Beddingfield. Harris—Z. L. Cheves. Franklinton—P. C. May, B. F. Wilder. Hayesville—J. H. Finch, W. E. Dement, H. M. Medlin. Sandy Creek—A. H. Harris. Gold Mine—W. P. Leonard, G. M. Raynor. Cypress Creek—W. S. Bowden, T. A. Moore, S. R. Wilder, W. H. Creekmore.

Second Week: Dunns—G. A. Hagwood, Speck Allen, E. C. Jones, C. E. Strickland, J. W. Batton. Harris—C. E. Richards, G. R. Andrews, N. F. Pendleton. Youngsville—J. W. Wiggins, T. J. Williams. Franklinton—W. S. Goswick, J. W. Mann, F. F. Moore. Sandy Creek—K. S. May. Cedar Rock—R. W. Strickland, J. D. Gupton. Louisville—W. R. Perry, S. W. Young.

MR. MEADOWS TO RUN WAREHOUSE AT WENDELL.

As was seen from our last issue Mr. S. S. Meadows, who has so successfully conducted a tobacco warehouse for so long in Louisville, has become connected with Messrs. C. E. Johnson and W. B. Johnson in the operation of a sales warehouse at Wendell the coming season. Mr. Meadows is a tobaccoist of a broad experience and is in position to do as much for the farmer as any other warehouseman anywhere. His associates are expert tobacco warehouse men. Mr. C. E. Johnson having been connected with the Louisville market several years ago. If you haven't read his advertisement look up last week's issue and read it.

BABE SITTING IN LAP KILLED BY LIGHTNING; WOMAN ESCAPES

Hartwell, Ga., July 10.—While seated in her grandmother's lap yesterday afternoon, L. T. Gilbert, seven-year-old daughter of Mr. and Mrs. Clyde Gilbert, was struck by a bolt of lightning and instantly killed. Her grandmother was not hurt seriously.