

Differences Between Present State Constitution and New Constitution

Voters Will Face Question of New Organic Law in November Election

In the November election people of North Carolina will face the question of whether this state will retain its present constitution or adopt a new one. For the benefit of its readers who have not learned so much about the new proposal The Journal-Patriot is publishing below an article by Banks Arendell, executive secretary of the organization against the proposed new constitution, which appeared in Sunday's issue of the Greensboro Daily News:

Significant Changes
The proposed new constitution would confer the powers of government with practically no definite limitations or restrictions.

Section 2 of article I (the bill of rights) of our present constitution is as follows:

"Political power and government. That all political power is vested in, and derived from, the people; all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole."

That section is not included in the proposed new constitution.

The last section of article I (the bill of rights) of the present constitution declares that "all powers not herein delegated remain with the people." That is taken out by the proposed new constitution.

Section 1 of article II of the proposed new constitution declares that the legislative authority "shall be full and complete, except as limited in this constitution." That expression is entirely new, as it is not found at any place in the present constitution.

This series of changes show the idea upon which the proposed new constitution was constructed. It intends to, and does, confer great and dangerous powers upon the legislative body, with practically no safeguards, limitations or restrictions.

Local Government

The proposed new constitution contains the set-up for the destruction of local self-government.

The present constitution preserves the right of the people to choose some of their principal local officers. So long as that right is preserved in the constitution itself, a general assembly would not be so greatly tempted to deprive the people of their right to choose those officers not so protected by the present constitution.

Under the proposed new constitution, the general assembly could deprive the people of the right to elect any and all of their local officers, and could confer on the governor the power to appoint all such officers. This would afford opportunity to apply the short ballot to local government.

The Public Schools

The proposed new constitution would centralize and politicize our public school system.

The present state board of education is elected by the people. The proposed new constitution provides for a state board of education composed of seven members, one elected by the people and six appointed by the governor, subject to confirmation by the general assembly. Under that document the general assembly could confer on that board the power to select every school-teacher in the state. It would destroy the county as a unit for school administration. Thus, there would be provided the opportunity to completely centralize and politicize the administration of our whole public school system.

The Supreme Court

Under the proposed new constitution the decisions of the Supreme court could be subjected to the will of the executive and legislative departments.

The number of members of the Supreme court is fixed in the present constitution. Under the proposed new constitution, the general assembly could increase the membership of that court as it may see fit. As Justice W. J. Brogden has pointed out, this would enable the executive and legislative departments to change the membership of that court at will, if desired by them to procure a favorable opinion on the great questions of government that may come before it.

State Debt

The present constitution limits state debt, with certain exceptions and restrictions, to seven and one-half per cent of the assessed value of property in the state. That is stricken out by the proposed new constitution. The limitations on state debt in the proposed new constitution do not apply to a "causal deficit." No one knows what that means.

Local Debt

It is claimed that the proposed new constitution sets out effective

limitation on increase of improper local debt. Under it, a local unit could issue bonds without a vote of the people for "necessary expenses" to the extent of one-half of the amount by which its debt was reduced in the particular year. "Necessary expenses" includes street and sidewalk improvements. A large part of our local debt was incurred on petition of property holders for special assessments for such street and sidewalk improvements, against property not worth the cost of such improvements. That could continue under the proposed new constitution. A new constitution, or an amendment to the constitution, should limit such street and sidewalk improvements to property found to be worth a reasonable amount above the cost of such special assessments.

Taxation

The proposed new constitution removes all definite safeguards, limitations and restrictions on the power to tax. Article V, section 1, of the proposed new constitution is as follows:

"State taxation. The power of taxation shall be exercised in a just and equitable manner, and shall never be surrendered, suspended or contracted away. Taxes shall be levied only for public purposes, and every act levying a tax shall state the object to which it is to be applied."

Under that provision, the general assembly would be clothed with the power, without a vote of the people, and without definite limitations and restrictions, to levy taxes on property, polls, earnings, income, and all business activities, in any amount, in any form, at any rate, without any limit, and by any system of classification, for any object which a court would hold to be a public purpose.

Chief Justice John Marshall declared:

"The power to tax is the power to destroy."

The Poll Tax

The proposed new constitution wipes out all limitations and restrictions on the poll tax. Article V, section 1, of the present constitution (adopted in 1920) is as follows:

"Capitation tax: exemption. The general assembly may levy a capitation tax on every male inhabitant of the state over 21 and under 50 years of age, which said tax shall not exceed two dollars, and cities and towns may levy a capitation tax which shall not exceed one dollar. No other capitation tax shall be levied. The commissioners of the several counties and of the cities and towns may exempt from the capitation tax any special cases on account of poverty or infirmity."

Under the present constitution, then the poll tax is limited, except for the payment of debts contracted prior to 1921, to three dollars, and to males between the ages of 21 and 50 years. Under the proposed new constitution that limitation is wiped out, and under it the general assembly could levy a poll tax of ten dollars, or any other amount, on every man, woman and child in the state, without restriction as to sex, age physical or financial condition.

Income Tax Exemptions

The proposed new constitution would permit the levy of a tax on the smallest incomes, without any exemptions whatsoever.

The present constitution, article V, section 3, grants exemption from the income tax "for married man with a wife living with him, or to a widow or widower having minor child or children, natural or adopted, not less than \$2,000; or all other persons not less than \$1,000." The proposed new constitution wipes out that constitutional exemption.

Under the document, the general assembly could tax all incomes, no matter how small, without any exemption whatsoever, and without any limit.

The Property Tax

The proposed new constitution wiped out all limitations on the levy of a property tax.

Under article V, section 6, of the present constitution, the property tax for general state and county purposes is limited to 15 cents. Under the proposed new constitution that limitation is removed and the general assembly could, without a vote of the people, authorize the levy of property taxes, without limitation or restriction, for general state and county purposes.

Property Tax for Extended School Term

The proposed new constitution would permit the levy, without a vote of the people, of an unlimited property tax for maintenance of the extended school term.

Under the present constitution the general assembly cannot authorize the levy of a property tax for maintenance of the schools beyond the constitutional six months term without submitting such tax to the vote of

PAUL CHOLET'S "COCONUT GROVE" SHOW COMES TO LIBERTY



Something different in the way of stage entertainment comes to the Liberty Theatre at a special midnight show Sunday night. A real musical and comedy show with a host of pretty girls is offered in Paul Cholet's "Coconut Grove Revue". Paul

Cholet, who comes highly recommended from many radio and stage shows, will present his fine troupe of twenty-five talented artists. This is a rare treat for the people of North Wilkesboro as never has a stage show with as high praise as the "Coconut Grove Revue" been presented in this theatre.

The people of the territorial unit

affected. This leaves it to the people to decide whether they will vote property taxes upon themselves for such extended school term. A wise educational leadership has approved of that principle.

The proposed new constitution wipes out this requirement. Under it the general assembly could, without a vote of the people, authorize the levy of a property tax for the maintenance of the schools beyond the constitutional six months term, and for any length of time it may determine.

Other Property Taxes

The proposed new constitution would permit the general assembly to authorize, without a vote of the people, the levy of property taxes for anything which a court would hold to be a public purpose.

In Briggs vs Raleigh, 195 N. C., 223, the Supreme court held that aid by Raleigh township for the state fair was a public purpose, but not a "necessary expense." Therefore, under the present constitution the levy of a property tax to aid such fair, or similar project, would require a vote of the people. Under the proposed new constitution a property tax for aid in such enterprise could be levied, by legislative authority, without a vote of the people.

Uniformity of Taxation

The proposed new constitution wipes out the requirement for equality in taxation. Equal rights to all and special privileges to none is a cardinal principle of government among a free people. It should be maintained.

The present constitution, in article V, section 3, requires taxation of property by a "uniform rule" and "according to its true value in money," and that "all" property shall be taxed. The proposed new constitution wipes that out. Under it, the general assembly could classify property for taxation and apply different rates on different kinds of property as it might determine.

Twice before—in 1914 and in 1930—the people of this state decisively rejected classification amendments.

These changes would write into the constitution itself the power to grant special privilege and favor to particular groups of taxpayers.

Exercise of Governmental Powers

In this document the people of North Carolina are offered a constitution which imposes practically no safeguards, limitations or restrictions on the exercise of governmental powers. There would be no point in granting such powers unless it is expected and intended that they be used. A vote to grant them would properly and justly be construed as a vote that the people would approve of their exercise.

On this question, Thomas Jefferson said:

"It would be a dangerous delusion were a confidence in the men of our choice to silence our fears for the safety of our rights. Confidence is everywhere the parent of despotism; free government is founded in jealousy, not in confidence, which prescribes limited constitutions, to bind down those whom we are obliged to trust with power. Our constitution has accordingly fixed the limits to which, and no further, our confidence may go. In questions of power, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the constitution."

Tobacco sold on the Columbus county markets is still averaging about 25 cents a pound and everyone is happy, reports the county agent.

Weavers Ford News

Mr. Oliver Garris has been very sick at his home here for several months. Friends will be glad to learn that his condition seems to show improvement.

Mrs. Albert Spencer and Mrs. G. W. Kirk, of Florida, Mrs. G. W. Kirk and Miss Grace Kirk, of Maple Shade, Va., were dinner guests of Mrs. Alice DeBorde last Tuesday.

Mrs. Jane Garvey, an aged lady of this community, is seriously sick. Little hope is held for her recovery.

Mr. and Mrs. Sherman Arnold and children have returned to their home in Maryland, after spending two weeks with Mr. Arnold's parents.

Miss Mamie Smitley left for Jefferson last Sunday where she will teach in the high school during the coming year.

Mr. Roger Sexton, of Maryland, and Mr. Keys Garris, of Penn., are spending a few days here with relatives.

Miss Ossie DeBorde visited her sister, Mrs. Herschel Holsey, at Mouth of Wilson in Virginia last week.

Mr. and Mrs. T. E. Jones, Mr. and Mrs. Paul Hash, Mr. and Mrs. B. C. DeBorde, Mr. Denver Roupe and Mr. Paul Blevins attended the Galax Fair Friday night. They reported the Fair to be very good this year.

Mrs. Robert Osborne spent Tuesday with her parents, Mr. and Mrs. M. C. Roupe. Mr. Roupe has been right sick for awhile.

Miss Jewel Brown, who has been spending some time with Mrs. Preston McMillon and Miss Swaneda Brown in Marion, Va., has returned home to resume her school at Virginia-Carolina high.

Quite a number of people from this place are contemplating attending the Wilkes Fair this week.

COTTON STALK OVER SIX FEET IN HEIGHT

Mr. and Mrs. C. R. Brown, of Knottville, Mr. and Mrs. John A. Brown, of this city, visited their son and brother at Harmony Sunday and brought back a cotton stalk over six feet in height, which may now be seen at The Journal-Patriot office.

REV. EUGENE OLIVE CONDUCTS REVIVAL IN YADKIN COUNTY

Rev. Eugene Olive, pastor of the First Baptist church here, conducted a revival at the Yadkinville Baptist church last week and the first part of this week. Much interest was shown in the services.

Vestal In Revival

Evangelist Blum H. Vestal is holding a revival at Union Grove arbor in Iredell county. The arbor where the meeting is held is located near Robertson's mill in North Iredell.

Beans 24 Inches Long
J. W. Walsh, well known citizen of Walsh community, called at The Journal-Patriot office Tuesday, bringing with him some beans he grew on his farm. These beans, of the Yard-Long variety are more than two feet in length and may be seen at The Journal-Patriot office.

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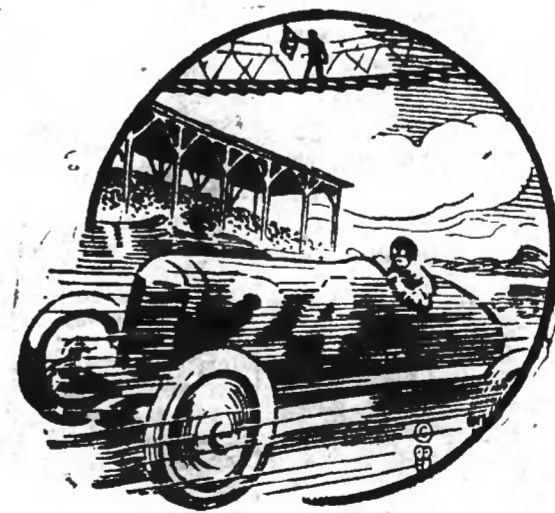
85c to 90c of the concrete dollar goes to labor

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ACTION AT THE FAIR SATURDAY