

Sylvan Valley News

ONLY NEWSPAPER IN TRANSYLVANIA COUNTY

A HOME PAPER FOR HOME PEOPLE—ALL HOME PRINT

VOLUME—XVIII

BREVARD, NORTH CAROLINA, FRIDAY, OCTOBER 31, 1913.

NUMBER—44

CHANGES PROPOSED

Although it is more than a year before the next general elections in the state will be held, at which time the people will be called upon to vote on the proposed amendments to the constitution of North Carolina, which were agreed upon at the special session of the general assembly, it might be of interest to many to know in a concrete form just what all these proposed amendments are. After a careful review of them, the following is offered as a substance of all these amendments:

By striking out of article 1, section 6, the words "insurrection or rebellion against the United States" and inserting in lieu thereof the following words, "the war between the states."

By striking out section 23 of article 2 and substituting therefor: "The members of the general assembly for the term for which they shall have been elected shall receive as compensation for their services the sum of \$5 per day. They shall also be entitled to receive five cents per mile, both while coming to the seat of government and while returning home, the said distance to be computed by the nearest line or route of travel. Should an extra session of the general assembly be called the members and presiding officers shall receive a like rate of mileage both while coming to the seat of government and while returning home, the said distance to be computed as aforesaid."

By adding at the end of article 2 a new section, section 29, that the general assembly shall not pass any local, private or special act or resolution, such as relating to health, sanitation and abatement of nuisances, changing the names of cities, town and townships, authorizing the laying out, opening, altering, maintaining or discontinuing highways, streets or alleys; relating to ferries or bridges, to game or hunting, to non-navigable streams, to cemeteries, to the pay of jurors; erecting new townships, or changing township lines, or the lines of school districts; remitting fines, penalties and forfeitures, or refunding moneys legally paid into the public treasury; exempting property from taxation, regulating labor, trade, mining or manufacturing; extending the time for the assessment or collection of taxes or otherwise relieving any collector of taxes from the due performance of his official duties or his liabilities from liability; giving effect to informal wills and deeds; with a few other subjects added. The assembly may at any time repeal local, private or special laws.

By striking out the words "first day of" in section 1 of article 3 and inserting in lieu thereof the words "second Wednesday after the first Monday in."

By striking out the words "four years" in section 11 of article 4 and inserting in lieu thereof the words "one year," and by adding at the end of said section the following: "The general assembly shall group the Superior court districts into not less than five divisions, and may limit the respective circuits of judges of the Superior court to the division in which their districts are, respectively, grouped."

By adding at the end of section 11 of article 4 the following: "And the general assembly may, by general law, provide for the selection of special or emergency judges to hold the Superior courts of any county or district, when the judge assigned thereto, by reason of sickness, disability or other cause, is unable to attend and hold said courts, and when no other judge is available to hold the same. Such special or emergency judges shall have the powers and authority of regular judges of the Superior courts in the courts in which they are so appointed to hold; and the general assembly shall provide for their reasonable compensation."

By striking out sections 20, 26 and 33 of article 4.

A mass meeting of the citizens of Transylvania county has been called to meet in the Court House on Friday, October 31, at 12 o'clock noon, for the purpose of organizing the volunteer road forces for Good Road Days, November 5th and 6th. The purpose of this meeting, as stated above, is to get representatives from all sections of the county together for a discussion of the proper way to go about the work on the 5th and 6th, and to formulate plans so that every man who volunteers his services will know just how to work in order to do the most good.

By abrogating and striking out all the sections of article 5 and section 9 of article 7 and inserting in lieu of said article 5 the following:

Article V—Revenue and Taxation

"Section 1. Taxes shall be imposed only for public purposes by and with the consent of the people or their representatives in the general assembly."

"Sec. 2. The general assembly may, consistent with natural justice and equity, classify subjects of taxation; and all taxes shall be uniform upon the same class of property within the territorial limits of the authority levying the tax: Provided, that no income shall be taxed when the property from which the income is derived is taxed; and consistent with natural justice and equity, the general assembly may separate subjects for state and local purposes."

"Sec. 3. If the subjects of taxation be separated for state and local purposes, in a manner not allowed by law immediately prior to the adoption of this amendment, no part of the ad valorem tax on real estate, except the real estate of public service corporations, shall be applied to state purposes."

"Sec. 4. The power to tax shall not be surrendered, suspended, or contracted away, but property belonging to the state, a county, or a municipality shall be exempt from taxation; and the general assembly may exempt cemeteries property held and used for educational, scientific, literary, charitable or religious purposes; and also personal property of a natural person of a value not exceeding three hundred dollars (\$300)."

"Sec. 5. The ad valorem taxes on real estate or personal property shall not exceed for all state and county purposes sixty six and two-thirds cents (66 2/3%) per annum on the one hundred dollars (\$100) assessed valuation of such property, unless a greater rate be approved by a majority of those who shall vote at an election held thereon. The ad valorem taxes collected on real estate and personal property by cities and towns shall not exceed, for all purposes, seventy-five cents (75c) per annum on the one hundred dollars (\$100) assessed valuation, unless a greater rate be approved by a majority of those who shall vote at an election held thereon: Provided, that these limitations on the rate of taxation shall not apply to taxes necessary to pay debts contracted prior to the adoption of this amendment, nor to taxes heretofore authorized by vote of the people."

"Sec. 6. The general assembly shall provide for a capitation tax on every male inhabitant of the state over twenty-one and under fifty years of age, but not exceeding two dollars (\$2) per annum for all purposes, and may levy not over \$2 for municipal purposes. The general assembly may also provide, by general law, for the exemption from payment of said capitation tax in special cases on account of poverty and infirmity."

"Sec. 7. The general assembly

shall have no power to contract any new debt or pecuniary obligation in behalf of the state, except to supply a casual deficit, or for suppressing invasions or insurrections, unless it shall in the same bill levy a special tax to pay interest annually, and provide therein for the levying of tax for the payment of the principal by the date such debt matures. The general assembly shall have no power to give or lend the credit of the state in aid of any person, association, or corporation, unless the subject be submitted to a direct vote of the people of the state and must be approved by a majority of those who shall vote thereon."

By striking out the word "rebellion" in section 13 of article 7 and inserting in lieu thereof the words "war between the states."

By striking out section 1 of article 8, and substituting therefor the following: "Section 1. No corporation shall be created nor shall its charter be extended, altered, or amended by special act, except corporations for charitable purposes that are to be and remain under the patronage and control of the state; but the general assembly shall provide by general laws for the chartering and organization of all corporations, and for amending, extending and forfeiture of all charters, except those above permitted by special act. All such general laws and special acts may be altered from time to time or repealed; and the general assembly may at any time by special act repeal the charter of any corporation."

By striking out the words "four months" in section 3 of article 9, and inserting instead thereof the words "six months."

HELD FOR MURDER

According to dispatches from Dalton, Ga., to the Chattanooga Times, Charles Price, the engineer who ran into a wagon load of people near Tunnel Hill, recently, when Mr. and Mrs. W. E. Benjamin were killed and seven others injured, has been indicted by the Whitfield county grand jury for murder. The engineer's guilt lies in the fact that he did not blow his whistle for the crossing where the accident occurred. Since the Georgia state laws are very strict on this point, and since the crossing at Tunnel Hill is a very important one, it is possible that the engineer will suffer for his carelessness.

All the injured are getting along as nicely as could be expected under the circumstances. There is now some hope for the recovery of the little Benjamin girl. The four younger Benjamin children will go to Andrews, N. C., to live with their grandparents, while the older one will come to Brevard.

They Make You Feel Good.

The pleasant purgative effect produced by Chamberlain's Tablets and the healthy condition of body and mind which they create make one feel joyful. For sale by S. M. Macfie.

RESOLUTIONS OF RESPECT

At a special meeting of Brevard Bar Association on Monday, October 20th, it was reported that W. W. Zachary, president of the association, died October 18, 1913.

The meeting was presided over by Judge J. A. Forsythe. On motion O. W. Clayton, Welch Galloway and R. L. Gash were appointed a committee to draft suitable resolutions on the death of Mr. Zachary. The following was unanimously adopted by the association:

Whereas, God in His providence has removed from our midst W. W. Zachary. Therefore be it resolved:

First—That the Brevard Bar Association has lost a most able, a most efficient and valuable member—one whose place in the bar of Western North Carolina will be difficult, if not impossible, to fill.

Second—That the community has lost one of her strongest citizens, one whose wisdom and counsel will be greatly missed by all.

Third—That Mr. Zachary's family has lost a husband, a father, a brother, a son—one whose place can never be filled; kind, loving and affectionate at all times.

Fourth—That we, as members of the bar of Brevard, and as individuals, tender our most sincere and heartfelt sympathy to the family of Mr. Zachary in this sad bereavement and hour of affliction.

Fifth—That a copy of these resolutions be sent to the family of Mr. Zachary and a copy be furnished to the Sylvan Valley News for publication.

This October 24th, 1913.

O. W. CLAYTON,
WELCH GALLOWAY,
R. L. GASH,
Committee.

QUEBEC NEWS

Rev. Z. I. Henderson from Newry, S. C., has been visiting his parents and is at present conducting a series of meetings at Piney Grove, in Gloucester township.

Arthur Reece and Carl Chapman of Quebec left last week for Umatilla, Fla., where they expect to spend the winter.

Last Sunday a crowd assembled at W. B. Henderson's and had a singing which was enjoyed by all who were present.

Last week a number of accidents happened in this community. A cow belonging to Mack Reid got her foot hung in a rope while grazing and fell. In trying to get up she choked herself to death.

Widow Smith also had a hundred dollar cow to get her foot hung in a wire fence in trying to get over and broke her leg.

Several fine hogs have recently been killed here.

The Quebec school will give a hallow'en party at the school building Friday night, October 31, from eight to eleven o'clock. Come and have your fortune told and see for yourself.

LITTLE QUEBECIAN.

THE RECORDER'S COURT

The recorder's court was held in two sections Monday, and a very chilly atmosphere was noticeable at both sessions, owing to the lack of a fire. One of the hardest contested cases ever before the recorder was fought out in the case of state vs. Carroll Powell, charged with committing an assault on Lee Bishop. The cases disposed of were as follows:

State vs. G. W. Whitmire and Ella Whitmire, retailing, continued one week for lack of witnesses. In this case L. W. Duncan and Bill Whitmire were called out for their failure to appear and fined twenty-five dollars each.

State vs. D. M. Hoke, charged with passing a worthless check, continued one week.

State vs. Eale Robinson and Van Robinson, destroying personal property. A plea of guilty was entered and the defendants were sentenced to the roads for three months.

State vs. Eale and Van Robinson, forcible trespass. A plea of guilty entered with prayer for judgment. Prayer continued on payment of costs. Judgment reserved.

State vs. Will Norris, drunk, \$15 and costs. Notice of appeal given.

State vs. Carroll Powell, forcible trespass, not guilty.

State vs. Carroll Powell, assault with a deadly weapon, to wit, a knife, on Lee Bishop, not guilty. In this case it appears that Bishop had arrested the defendant and that he resisted and tried to get away, having an open knife in his hand at the time. The court held that as Bishop had no warrant for his arrest he had a right to resist, and so discharged the defendant.

Another case, that of resisting an officer, growing out of this case was also tried, but in this he was discharged.

At a special meeting of the Recorder's court held last Saturday the case of State vs. Jack Fisher, charged with slander, was disposed of. The defendant entered a plea of nolo contendere and was discharged upon the payment of the costs.

The first civil case coming up in this court under the extended jurisdiction of the court was tried last week. In the case of A. H. King vs. D. M. Hoke judgment for the plaintiff was entered.

AN INTERESTING CASE

A case of interest to all towns in this state, and of great importance to the larger towns, was argued in the Supreme court this week. The city school board of Winston-Salem applied to the county school board of Forsyth county building fund for Winston-Salem school buildings. The county authorities refused the application, contending that a municipality having separate, specially chartered graded school system such as Winston-Salem maintains, has no part in the county fund in question. The case went into court, Judge Cook held with the city and the county appealed. The case is now in the Supreme court. The average city or town, which pays a big bulk of the county taxes, gets a raw deal in the division, all on account of custom. The city graded school gets from the public school fund the per capita apportionment to which it is entitled and no more. The city provides the extras for its school by special tax, in the same manner as a county school that votes a special tax, which is proper. But the city has to provide for its own buildings, while the county school district gets help for buildings; and while the city maintains a police force all the fines and forfeitures from the police court go into the general school fund. The Landmark has no purpose to start contentions between town and county, with which it has no patience, but it is of the opinion that if the Supreme court upholds Judge Cook it will be doing justice.—Statesville Landmark.