

SUPREME COURT SAYS CONGRESS MUST MAKE LAWS

Washington, Jan. 23—Congress must do its own job of making laws, the Supreme Court said today. It cannot delegate that task to the President or to anyone else. That is the net substance of the decision of the Supreme Court of the United States in the "hot oil" case.

Eight of the nine justices agreed that there is no legal authority for the Executive control of "hot oil". The Executive control of "hot oil" case. Justice Cardozo, agreed with his colleagues on the principle that the Executive could not make rules and Executive could not make rules and Executive could not make rules.

This first setback to the authority of the President under the New Deal was followed by the argument over the regulation of the gold contract in the case of Liberty Bonds and Bonds of private corporations. The Administration is anxiously awaiting the Supreme Court's decision in view of questions from the bench by Chief Justice Hughes and several Associate Justices, pointedly inquiring where Congress found authority for repudiating a contract.

If the Supreme Court holds that Congress may not, under the Constitution, abrogate a contract written into a Government bond, in which payment in gold dollars "of the present weight and fineness" is specified, then every holder of a \$1,000 Liberty Bond is entitled to collect \$1,690 in the present value of dollars. The right of Congress to fix the value of money is not questioned, but having depreciated the gold dollar, can Government then compel holders of gold obligations to accept less gold than their contracts call for?

The Supreme Court's decision is not expected for two or three weeks. In the meantime, all sorts of schemes to circumvent it, should it uphold the sanctity of the Government's bond contracts, are being discussed at both ends of Pennsylvania Avenue.

Whatever the decision in the gold case, the court's positive stand on the question of the right of Congress to delegate its law-making powers has stirred official Washington as nothing else has since the inauguration of President Roosevelt. It has put the more radical members of the Administration on warning that they must pay more attention to the Constitution and not try to grab off too much power for the Executive; and it has served notice on Congress that it must do its own work and not merely pass the buck to the President.

As one poker-playing Senator put it: "It's still the New Deal, but it's no longer Dealer's Choice. If we're going to play with deuces wild, we've got to say so in the house rules."

The 4 billions which the President asks for public works will doubtless be granted by Congress, but with many more restrictions upon how and for what it may be spent than in the case of previous blanket appropriations. It probably won't be appropriated before March, and in any event won't be available until July 1, the beginning of the next fiscal year, so its effects are not likely to be noticeable much before next Fall.

Present indications are that the bill authorizing the expenditure will be a sort of modified CWA plan, the chief differences being that real work of permanent value will be required, and that wages will be down close to the bare subsistence level, instead of high enough to deter men from seeking private employment. Power probably also will be given to move workers from one part of the country to the other.

Harry Hopkins, Relief Administrator, is regarded as the most appropriate man to run the new subsistence work scheme, but Harold Ickes, Secretary of the Interior and Administrator of the PWA, doesn't like to let go of any authority. The latest gossip is that Hopkins may be appointed Under-Secretary of the Interior at the same salary, \$20,000 a year he is now drawing, and administer the new project under Ickes' superior control.

That the new public works plan will have any appreciable effect upon private business enterprise is beginning to be seriously doubted. But if the

Folk Music Festival To Be At Cullowhee

The Folk Music Festival at Cullowhee, on Saturday, Feb. 2, will be held in the assembly room at the school house, and will be divided into two parts:

The singing of secular ballads and songs and the playing of string music which will start at one o'clock Saturday; and the singing of sacred music (from William Walker's "Christian Harmony" and other shaped-note books), which begins at 7:30 o'clock on Saturday night, Feb. 2.

All who want to take part or who want to attend the festival of old time music are cordially invited. Any one who can make a contribution, either in handed-down ballads or love songs, or children's songs, or, especially in old hymns, is urged to communicate at once with The Folk Music Festival, Box 411, W. C. T. C., Cullowhee.

Those in charge of the festival arrangements say: "Christian Harmony" singers will take part in the evening program. If you can sing from any of William Walker's books and can attend the festival, please write us as soon as possible. Can you help us get in touch with song leaders and singing-school teachers who can sing?

We have not yet found enough fiddlers or banjo pickers, and would like to hear from these also, as well as to hear from more ballad singers.

The festival is being organized through the Institute of Folk Music, of the University of North Carolina.

Come and join with us in both the secular and sacred programs. We need your help in the work of keeping this, the music of our people, from becoming lost in the rush of modern times. Come and bring your bygone books. Come and enjoy the singing. And please write to us at once if you can take part in either the afternoon or the evening program or both. It will be your festival.

MADISON ADDRESSES SCHOOLS

Prof. Robert L. Madison delivered a most interesting address to the students in the Sylva high and elementary schools, last Friday, in a Lee-Jackson Day program, sponsored by the B. H. Cathey chapter, U. D. C.

Prof. Madison, whose father was the family physician of General Lee, lived in Lexington during his boyhood and, as a child, knew the famous Confederate General and members of his family.

He gave many interesting and touching reminiscences of General Lee some from his personal memory, and others from facts gathered from his parents, and from traditions of Lexington.

A group of girls, led by Mrs. J. L. Dillard, sang Southern airs. Prof. Madison was introduced by the president of the chapter, Mrs. Walter L. Jones.

OLD AGE PENSION PETITIONS

Prof. Robert L. Madison, county chairman of the old age pension organization says:

"The time has been extended for signing and sending in petitions for old-age pensions.

"Beginning Saturday, petitions will again be available at the two drug stores in Sylva. Other petition blanks will be furnished on application to me.

"Adequate old-age pensions must be provided; and they will be if the citizens insist emphatically."

Government stops spending, there will be a time-lag before private capital can get its capital working at full speed.

A compromise scheme on the veterans' bonus is being worked out, to cost Uncle Sam only \$800,000,000 instead of 2 billions. Maybe it will be accepted by Congress; maybe not.

Old age pension legislation is likely to get early action; unemployment insurance will have to wait a while.

Senator Carter Glass has lined up a powerful Senate bloc to prevent any radical banking legislation.

It is an open secret that the Administration is showing concern over income tax statements of Senate Huey Long's principal supporters in Louisiana. A real fear that Huey will line up enough radical support for himself for President in 1936 to split the party and elect a Republican President is gaining ground here.

General Assembly Likely To Meet With Difficulties Over Taxation Problems

(By Dan Tompkins)

As the General Assembly got started on its third week, clouds "no bigger than a man's hand" began to show on the horizon, indicating that the sailing may not be as easy as appearances indicated when it started its voyage, with the blessing of Governor Ehringhaus.

The recommendation of the Governor that the exemptions be taken out of the tax law and the sales tax made applicable to all commodities with the exception of school books on the adopted State list, fertilizer and gasoline, already taxed, opened the door for a general free-for-all over the whole taxation problem, and the Fair Tax Association was ready to stick in its paw and try to grab off the little bits of taxation and devour them. Willard Dowell, head of the Merchants' Association, who magnificently led the forces opposed to the sales tax in their marginal defeat, two years ago, was ready to start the fight all over again, and to join the Fair Taxers in their offensive. Dowell attacks the sales tax from the standpoint of the merchants, and the Fair Taxers from that of the consumers.

In the Senate, Doctor Barris, from Guilford, young Julian Alsbrook, of "voting Halifax", and other strong members went to the Assembly pledged against the sales tax, so that the thing may develop into a long-drawn-out and heated battle. It is predicted that the inevitable will eventuate, and the sales tax be reenacted, as the only handy way to meet the State's obligations and keep the schools open.

If the Governor had recommended that and left out that part of his message dealing with the removal of the exemptions, there might have been no fight at all, the pledged-against-the-sales-tax members of the Assembly carrying out their promise by voting "no", and contenting themselves with that.

Another thing that is getting considerable attention is the Governor's recommendation of "election reform", meaning the modification or repeal of the laws providing for absentee voting. His stand is drawing considerable support, especially from the East. Westerners are beginning to intimate that possibly the Eastern Democrats are not as much interested in possible reform, as they are in the fast-ebbing dominance of the East in State affairs. Some people from the West are beginning to suspect that the down-easters think that perhaps the repeal of the absentee ballot laws might result in an increase in Republican members from the West, and to think, in the light of the increased and increasing number of Democratic votes in the Western part of the State, and consequent increase in demands of the West for greater recognition in State appointive offices, that more Republicans in the House and Senate from the West might not be as distasteful to the Eastern leaders as one might think.

It is called to mind that the East has consistently and successfully succeeded in blocking any and all attempts to reapportion the membership in the Assembly as is provided in the Constitution, for the reason that to follow the mandate of the Constitution would transfer the dominance in the Legislative branch of the State government from East to West. Another thing in which the Easterners are sometimes suspected of secretly rejoicing in their private hearts is the infrequency with which Western districts and counties return former members to the Assembly. The East, where repeaters are the rule and not the exception, knows that it gives that part of the State an invaluable political and economic advantage.

The Mophew Bill, introduced for Graham and Cherokee counties, to which a number of the Western divisions, including Jackson, were added by amendment, providing for lengthening of the bird and rabbit season to February 1, passed the House in short order, but was held up in the Senate, when the chairman of the Committee on Conservation and Development objected to its being passed under suspension of the rules, and of it referred to his committee, by Lieutenant Governor Graham. If it passes at all, it will be too late to be of any benefit to the sportsmen of this region, this year. It is proverbial that changing hunting laws and deer tax laws are about as hard things to get through the General Assembly as one can start. They may seem to have easy sailing, at first, but soon strike a snag, and more often than otherwise, are smothered in committee.

Bills of interest have been introduced and sent to committees, dealing with many subjects. Several have been sent up for the abolition of toll bridges, down East. To provide for driver's license. To acquire the rights of way for the scenic Parkway. To prohibit the manufacture, sale, of slot machines, of all kinds, where money or tokens are vended. To repeal the Absentee Ballot law. To make the suspension of license for drunken drivers for at least one year mandatory upon the courts, upon conviction. To provide for payment of \$10 a month for old age insurance, and creation of a commission to administer the sum of \$1,000,000 a year in old age insurance. The revenue bill. To provide for safe transportation of school children, restricting, by governors, the speed of school busses to 30 miles an hour, making the minimum age for bus drivers 25, requiring safety glass and steel bodies in all busses, and prohibiting the use of busses operated by private contractors. To increase the legal alcoholic content of beer to 4.5 from 3.1. To require voters desiring to change party affiliation to do so in writing with his precinct registrar on the first day when the books are opened for registration for primary elections. To increase the pay of precinct election officials from \$2 to \$3 a day. To allow taxpayers to elect any personal property he desires for his present \$300 exemption. To fix the hours of elections at from 7 a. m. to 6 p. m. To require all dogs to be vaccinated against rabies. To pay Confederate pensions quarterly instead of every six months. To provide that members of county boards of elections shall receive not less nor more than \$3 nor more than \$5 a day. To abolish official markers in elections. To make workmen's compensation act applicable to teachers. To allow guardians to invest funds in Home Owner's Loan Corporation, State, county and municipal bonds, with approval of clerk or presiding judge of the court. To allow county commissioners to appoint Tax Collectors and fix all salaries of county officials, using as a maximum, the present salaries fixed by the General Assembly. To allow county commissioners to abolish county offices, not fixed by the Constitution. To require docketing of appeals from Justices of the Peace to be docketed 10 days prior to convening of Superior Courts. To repeal act prohibiting salaried law enforcement officers from receiving witness fees. To submit to referendum of the people, on Tuesday after the first Monday in July, on the liquor question, providing that the people shall vote whether to retain the present laws, allow a quart every fifteen days, or open sale of liquor. To substitute death by hanging for electrocution, and holding executions in the counties where capital crimes are committed.

SENATOR RAMSEY ILL

Senator Ramsey, of Transylvania, our representative in the State Senate, has been quite ill, in Raleigh, under the care of a physician, and a patient in the Rex hospital.

THREE HELD IN CLINE DEATH

According to reports from Bryson City, three young men, Edward Nelson, Jesse Wiggins, and Frank Maney, are being held in jail there, during the investigation of the death of Tom Cline, Ela merchant, whose body was rescued from his blazing storehouse, at Ela, last Tuesday morning.

TODAY and TOMORROW

(By Frank Parker Stockbridge)

ADVERTISING The Times

I have just been looking over the 150th anniversary edition of the London Times, founded in 1785. The Times is the most independent and one of the most prosperous newspapers in the world. It has never tied itself up with any party or group of political leaders, but has given its powerful support to whatever person or party seemed at the moment to be in the best position to further the interests of the people of England, and had the soundest program.

Explaining its independence, The Times points out that it is due to its great variety of advertisers. A newspaper must have support outside of what it gets from sales of the paper. It can only get that support from political subsidies or from advertising. If it accepts a subsidy it cannot be independent. But no single advertiser can be powerful enough to influence the paper's policies.

Advertisers don't care what a paper's policies are; they only want to know that it reaches readers who are able to buy their wares. American newspapers generally understand and are guided by that principle, but the London Times was the first to discover it.

SILVER foods

A great many people are professing surprise that the higher price of silver resulting from our national policy of remonetizing the white metal is causing economic distress in China. I question the extent of that distress; I think it more likely that it is the bankers in the treaty ports who are in distress than the people of China generally. But leaving that aside, the real purpose behind the Government's silver program, as I understand it, was not to benefit China, but to protect the industries of the United States against the inflow of cheap textiles and other commodities which the low price of silver made it possible for the Orient to ship in over the highest tariff wall we could erect.

I am inclined to agree with Earle Martin, editor of the Cleveland News, that a prime move toward solving our agricultural problem would be to prohibit entirely the importation of any food, clothing, or raw materials which we can produce in the United States.

HEALTH very good

Surgeon General Hugh S. Cumming of the U. S. Public Health Service, reports that the nation's death rate for 1933 was the lowest yet. That seems to blow up the common charge of the uninformed that thousands of people in the United States.

Dr. Cumming doesn't say so, but I have a shrewd suspicion that more people die every year of overeating than from undernourishment.

Incidentally, don't get the surgeon-general mixed up with the attorney-general. Their names are very much alike. The head of the department of justice is Homer S. Cummings (with an "s").

Worry kills more people of middle and advanced age than all of the infectious and preventable diseases. So the recent convention of Life Insurance presidents was told. Old age pensions might prolong many lives.

My own observation leads me to believe that nobody really knows much about keeping himself in good health until he reaches the age where whatever he does doesn't matter much.

PEACE and war

I met the young son of a friend the other day, all dressed up in a gorgeous uniform. He had just been promoted Captain, he said, of the Knickerbocker Greys, the cadet corps which serves as a training school for officers of New York's Seventh Regiment.

"Don't they teach you in school that war is wrong?" I asked him. "Not on your life!" he replied. "My school teaches that every good citizen ought to be ready to fight. Gee! I hope I'll get a chance to go to war some day!"

The boy may get his wish, if there's anything in the law of averages. In the past 158 years the United States has been engaged in six major wars, averaging about 26½ years apart. The last one ended late in 1918. That would make the next one due about 1944.

The history of human progress is, after all, mainly a history of war. Put two contradictory national cultures in close juxtaposition and sooner or later they'll fight.

VELT WILSON NEW HOME IS ROBBED ON MONDAY NIGHT

The new home of Velt Wilson, on Highway No. 10, near the western limits of the town, was entered by a robber, early Monday night, and a quantity of clothing shoes, and personal belongings taken away.

Mr. Wilson estimates that the loss, which included his pistol, Mrs. Wilson's week-end bag, and numerous other articles and wearing apparel, will approximate \$300.

It is believed that the robbery was committed by one man, as the tracks of only one were seen in the soft dirt about the new house, and that the robber is familiar with the community and with the whereabouts of Mr. and Mrs. Wilson, for they spent a short time at their place of business, "The Hole in the Wall", and then went to the theatre, leaving the home unoccupied during the time. When they returned to their home, they discovered that it had been robbed, and found evidences that the marauder, who had entered through a dining room window, by prizing off a screen and then forcing the window, had spent some time in the house, before retiring through the back door.

Marks on the woodwork indicate, it is said, that the same implement was used in entering Mr. Wilson's home as was used for the same purpose at the home of Mr. David Karp, on Christmas eve, and in the robbery of the Sylva Laundry, a short time ago, indicating that the robberies and attempted robberies, in each instance, may have been committed by the same person.

No arrests have yet been made in the case, which, of course, under the North Carolina law, is a capital felony, punishable by electrocution.

RECOMMEND \$13,070 INCREASE

(By Dan Tompkins)

Among the recommendations of the Advisory Budget Commission, transmitted to the General Assembly, by Governor Ehringhaus, last week, was one for the increase of the appropriation, each year, for the next two, of \$13,070 for Western North Carolina Teachers College. The present appropriation is \$40,000 and the commission recommends that it be increased to \$53,070.

Of course, this, along with all other recommendations of the commission, will have to run the gauntlet of scrutiny and discussion in the committee, and again in both House and Senate.

Another recommendation is that the school at Cullowhee be allotted its full \$40,000 appropriation for the present year. Two years ago, the General Assembly, over the protest of the commission, and its then high mogul, Henry Burke, increased the appropriation for Western Carolina, over the budget recommendation of \$30,000 to \$40,000 after a terrific fight in committee and on the floor of the House, in which there was a free-for-all, with practically every Western member rallying to the Jackson Representative, and forcing the increase above the Budget recommendation.

The fight was made on the ground of discrimination, and it was clearly demonstrated that that commission had been unfair to the institution located in Jackson County, when its figures were compared with those for other institutions.

The \$40,000 appropriation was written into the bill; but, after the General Assembly adjourned, the Budget Commission set the added \$10,000 aside as a "reserve" and refused to allow the school to spend it, last year. This year it is willing for the full \$40,000 to be expended.

Another recommendation of the commission, that is of interest in all parts of the State, and to many of the people in this county, is that a 15% increase in salary be paid to all State employees, including the school teachers and highway workers.

COUNTY TEACHERS TO MEET

The teachers in the public schools of Jackson county will meet in Sylva on Saturday morning of this week, for the last general meeting of the school year.

Committees of teachers have been working on proposed changes of the curriculum, to be submitted to the general meeting, and forwarded to Raleigh for study of those who are to make the changes before the next school session.