

# The Jackson County Journal

ONE YEAR IN ADVANCE IN THE COUNTY

SYLVA, NORTH CAROLINA THURSDAY, MAY 28, 1936

ONE YEAR IN ADVANCE OUTSIDE THE COUNTY

## Supreme Court Decision Kills Guffey Coal Bill

Washington, May 27—In its decision declaring the Guffey Bituminous Coal Law unconstitutional, the Supreme Court of the United States today killed the main reason for the death of the NRA. The law provided for throwing out both of the NRA and the Guffey Coal Law. The production of coal, the slaughtering of chickens, and the interstate commerce clause of the Constitution has no power to regulate it. On this point the Supreme Court divided, six to three.

The majority opinion held that the NRA decision, with Justices Brandeis and Cardozo in the minority, was the same line-up as in the NRA decision, with Justices Brandeis and Cardozo in the minority. The majority opinion held that the regulation of wages, hours and conditions of labor in the coal industry is a local matter to be settled by the state. It also held that the law delegating authority to the NRA was unconstitutional.

The Court also ruled against an important provision of the law which provided for an excise tax of 15 per cent on the total value of coal mined, paid by the mine operators; but miners who signed the soft coal pact were to receive a rebate of 10 per cent of this tax. This, the Court held, was an improper governmental use of the taxing power to impose a penalty upon operators who refused to be coerced into the pact.

The enactment of the Guffey Act by the Supreme Court was not unexpected. It was commonly referred to in Washington as "The Little N. C." in principle it differed in no way from the National Recovery Act. Serious doubts as to its constitutionality were held by leaders of the party in Congress at the time of its enactment. It was pending at the time of the NRA decision last summer, and the final vote then was 5-4 in favor of the bill. It was at that time that the President came to Representative Hill, Chairman of the Ways and Means Committee, expressing the hope that the committee would not let any doubt as to the constitutionality of the Guffey bill be reported in the House for action.

The real reason behind the bill's passage was the threat of the United Mine Workers of a general coal strike on September 15, last year, unless Congress passed some law that would keep the mine owners and operators from meeting the demand of the union for shorter hours and higher wages. There is no doubt that the mine owners were desperate and that they were willing to do anything to keep their business. There was talk of an extensive enough to be called "the Pennsylvania mine owners' strike." There was talk of an extensive enough to be called "the Pennsylvania mine owners' strike."

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

Chief Justice Hughes, while concurring in the majority opinion of the 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 unconstitutional phases of it.

On the same day that the Guffey decision was handed down, the Court of Appeals of the District of Columbia handed down a decision that the Rural Resettlement Administration, created by the President under the Works Progress Administration, with Dr. Rexford C. Tugwell at its head, was an unconstitutional delegation of power under the WPA Act. While this decision is not final, it will be carried to the Supreme Court, it is notable as the first judicial reversal of any of the applications of the \$4,000,000 Works Relief Act which Congress gave to the President early last year to use in his own discretion.

Naturally, the question which every body in Washington is asking is as to the political effects of these new Supreme Court decisions.

Coming as these did, almost at the close of the party convention, it is to

## TODAY and TOMORROW

(By Frank Parker Stockbridge)

**SPINACH** . . . takes a rap

Some people eat spinach because they like it, but most children eat it because their parents have been told that it is good for them. Now comes along Dr. Clifford Sweu, a California child specialist, and tells the American Medical Association that spinach isn't any better food for children than any other green vegetable. He also ridicules the common idea that everybody requires a completely balanced diet at every meal.

I think most of the diet faddists have thrown away the most important ingredient, which is common sense. If all the nonsense that is talked about malnutrition were true, few of us would ever have lived to grow up. But I imagine it will be a long time before mothers generally will get rid of the notion that a fat baby is a wealthy baby—or, for that matter, that they can keep themselves slender and well nourished at the same time.

**DOUGHNUTS** . . . over there

They had a celebration in New York the other day in honor of Helen Purviance, the Salvation Army lassie who tried the first doughnuts in France for the boys of the A. E. F. in 1917.

I would hesitate to say that the Salvation Army doughnuts won the war, but they certainly helped a lot in keeping up the morale of the American soldiers "over there". And they put the Salvation Army in first place in the affections of millions of Americans.

I don't know which I admire more, the Salvation Army or doughnuts. I am an enthusiast about both. I have to restrain my appetite for doughnuts as I grow older, but I find it impossible to restrain my admiration for the self-sacrificing labors of the Salvation Army. When I meet, as I often do, young men and young women who have left wealthy homes or good jobs to don the Salvationist uniforms in order to help others, I always feel that these folks have found what the Buddhists call "The Way of Life".

**METHODISTS** . . . policy

Through the union of its three great branches, the Methodist Church is about to become the largest Protestant denomination in America. In its recent general conference the Methodist Episcopal Church went deeply into the question of the attitude which the church should take on economic and political questions.

A strong element favored advocacy of a planned social economy, but the decision of the conference was for freedom under democracy.

I like the language in which the conference report proclaimed that "a free church cannot long survive the death of the free school, the free press, free speech and free assembly. We will resist dictatorship. Economic justice is to be won by extending democracy to the industrial order, not by setting up therein the autocracy of dictatorship".

It seems to me that the Methodists have fully grasped and clearly expressed the essentials of Americanism.

**FREEDOM** . . . fair chance

The American system is based upon the freedom of the individual to plan his own life. That does not mean that society should not give him every possible aid, through school and church, to help the individual fit himself for the struggle for existence. It does imply, however, that no child should be taught to believe that life is anything but a struggle, or that society owes him anything but a fair chance to make the best of whatever is in him.

That is a hard doctrine, from the point of view of the sentimentalist. But the hard way, what Theodore Roosevelt called "the strenuous life" is the only way of life in which the individual is really free. It is not too high a price to pay for liberty.

**PURITANS** . . . standards

My friend, W. J. Cameron, in one of his Sunday night broadcasts,

## Jury Again Finds Rhinehart Guilty

Frank T. Rhinehart, convicted for a second time of the crime of perjury, was sentenced, Monday morning in Superior Court, by Judge John M. Oglesby, to serve not less than 18 months nor more than three years in the State Prison.

The case grew out of allegations that Rhinehart made that he was kidnapped on the Friday night before Christmas, 1933, and held prisoner until Sunday morning, by Alley, Warfield and Dock Turpin, and other persons unknown to him, and that during that time he was mistreated, made to go through harrowing experiences and subjected to indignities, until he was released near Mountain City, Ga.

The three Turpins were given a hearing before Justices of the Peace John H. Morris and P. O. Parris, and were released, no probable cause being found. Perjury charges were then brought against Rhinehart, and he was convicted and sentenced in the May term of Court, last year. The Supreme Court granted him a new trial, and last week he was again placed on trial, before Judge Oglesby and a jury composed of R. G. Snyder, Bob Bryson, Dock Gibson, Columbus Deitz, Dave Bailey, Marve Ashe and Harve Peady, Zeb Parris, B. R. Moore, John W. Smith, John Bunganer, and Bud Pressley. Sunday morning, the jury returned a verdict of guilty. Monday, when deputy sheriff took Rhinehart into custody, they found a concealed pistol on his person. Monday morning Judge Oglesby pronounced the sentence, giving Rhinehart not less than 18 months nor more than two years in the State Prison, on the perjury charge. He imposed sentences of 6 months each on charges of carrying a concealed weapon, and that of carrying concealed weapons, but they are to run concurrently with the longer sentence. An additional case charging Rhinehart with perjury was not pressed.

In passing sentence on Rhinehart, Judge Oglesby stated that there is considerable feeling in the case and suggested that the friends of both sides can do a great service to the community and the State by seeking to bring about better feeling between the factions.

Other cases disposed of: Woodrow Smathers and Ed Smith, house-breaking, larceny and receiving. Smathers was sentenced to serve not less than 18 months nor more than 3 years. Smith, who has been in jail for more than 5 months while awaiting trial, drew from 12 to 24 months on the roads.

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## Community House Now Being Erected

Much interest has been shown in this part of the county, in the Community House, now in process of construction. It is intended to be a Community Center for all the county, in which meetings of various organizations, such as the Chamber of Commerce, Boy Scouts, Girl Scouts, Women's Clubs, County Home Demonstration Clubs and the like can hold their meetings.

It is also intended to be a recreational center, and bids for assistance from the PWA for the construction of a swimming pool in connection with it have been put in, and will be passed upon, in June.

A committee headed by Mrs. D. M. Hall is in charge of the project. It has the indorsement of the Chamber of Commerce and other civic organizations. The materials and one fourth of the labor is being paid for by private subscriptions, while the WPA is paying for three-fourths of the labor.

Mrs. Hall states that the Twentieth Century Club has donated \$200, the Junior Club, \$100, the Builders Supply and Lumber Company, \$100, and the Syva Supply Company, \$100, and that additional donations are needed, so that the work may proceed while WPA labor is available, which may not be the case a little later.

The property is held jointly by the Town of Sylva and the County Board of Education, and may be used only as a Community Center as outlined above.

When completed the buildings and grounds will be under control of a board of managers appointed, one by the County Board of Education, one by the town, and one by each civic organization that contributes to the erection of the building.

The building, which will be rustic, with the log cabin effect, will have a large assembly room, dining room, kitchen, and rest rooms.

In addition to constructing the community house, Mrs. Hall and her committee are beautifying Monteith Park, which is adjacent, and which is the property of the town.

**SERVICE FOR JUNIORS**

Rev. H. M. Hocutt, pastor of the First Baptist church, will preach at the Methodist church, Sunday night at 8 o'clock, at which the members of the Junior Order United American Mechanics will attend in a body.

There will be no service at the Baptist church, Sunday night, and the public is cordially invited to attend the service at the Methodist church.

## Cullowhee Finals Start With Sermon Sunday

**FARM WOMEN ATTEND MEET**

A large delegation of home demonstration women from Jackson County, attended the District Federation Meeting of Home Demonstration Clubs, Tuesday in Franklin. This district comprises clubs in Cherokee, Graham, Clay, Macon, Haywood, Swain and Jackson. This is the first District Federation Meeting of Home Demonstration Clubs that has been held in this area.

Dean I. O. Schaab of Raleigh, who is State Director of Extension Work, was the principal speaker. Miss Ruth Current, who is district supervisor, also talked.

The following women from this county took part on the program: Mrs. Frank Jones, who is secretary of our county council, served as the secretary of the district federation. Mrs. Lewis Cannon, who is president of the Jackson county council, gave a report of the progress of the work in this county since last year. Miss Wills Mae Dills gave several beautiful vocal selections; and Mrs. Everette Harris, who is treasurer of the Jackson county council, served as chairman of the nominating committee.

**VOTERS CAN'T TAKE PART IN OTHER PARTY'S PRIMARY**

The Attorney General has given an opinion to the effect that a person registered as a Republican on the registration books cannot vote in a Democratic primary; nor can a person registered as a Democrat on the registration books vote in a Republican primary. A voter who is recorded as an Independent is ineligible to vote in a primary of either party. Nor can a voter have his party affiliation changed after the registration books close.

**REVIVAL MEETING AT BAPTIST CHURCH**

Plans were made at the Baptist church, Sunday morning for a revival meeting, to be held July 5-19, inclusive. The pastor will be assisted by Rev. J. C. Powell, a returned missionary to Africa. Mr. Hocutt, the pastor says: "The church is fortunate in being able to secure the services of Mr. Powell. He has spent several years in Africa, and he will give us bits of interesting information about our mission work in Nigeria. He has a sincere and compassionate message; and, as a man, he never met a stranger. You will want to hear his message and meet him. Keep this date in mind."

Cullowhee, May 27—Dr. J. H. Henderlite, pastor of the First Presbyterian church, Gastonia, will preach the baccalaureate sermon at Western Carolina Teachers College Sunday morning at 11:00 o'clock, in the Baptist church.

Dr. A. M. Preston, Dean of the Department of Education, Duke University, will deliver the commencement address, Tuesday morning at 11:00 o'clock.

President H. T. Hunter will deliver his annual message to the seniors at 3:00 o'clock, Sunday afternoon, in Moore parlors. The annual vesper service will be held on the woodland stage at 5:00 o'clock the same day.

Alumni Day will be observed on Monday, June 1. Class reunions will be held at 10:00 o'clock, the business meeting at 11:00 o'clock, and luncheon at 2:00 o'clock. The Alpha Tau Pi Fraternity will give a tea for visiting alumni, faculty, graduates, and Alpha Phi Sigma from 4:00 to 5:00 o'clock in the afternoon.

On Monday evening at 8:00 o'clock, the commencement concert will be given. It will consist of voice, piano, choral, and band numbers.

Western Carolina Teachers College will have the largest graduating class in its history. The list of four-year candidates for the Bachelor of Science degree follows:

**The Graduates**

Walter Burch Allison, Sylva; Fred Wilson Anderson, Mars Hill; John Durham Bean, Cherryville; Thomas Clyde Bowman, Robbinsville; Peati Buchanan, Day Book; Lena Dennis Caldwell, Belmont; Frank Lee Cherry, Davidson; Mary E. Cordell Nesbitt, Candler; Frank Crawford, Hayesville; Nettie Viola Franklin, Canton; Martha Annette Gasperson, Skyland; Jane Guiley, Clayton; Harold Wayne Hall, Bryson City; Bessie Jane Helton, Mill Spring; Chloe Irene Honeycutt, Burnsville; Martha Lou Hunter, Cullowhee; Edna Magdalene Jamison, Franklin; Lois Irene Koener, Higdonville; W. Harry Keller, Cullowhee; Eleanor Kidd, Asheville; Lillian Plunk Lackey, King's Mountain; James Pinkney Love, Wingate; Wade Hampton McKinney, Baker'sville; Reba Gray McLawhorn, Vanceboro;

Mary Edith Mason, Cullowhee; Mae E. Metcalf, Democrat; Juanita Elizabeth Mull, Lawndale; Helen Rose Patton, Swannanoa; Ruth Irene Pharr, Rosman; Zula Wallin Ray, Marshall; Laetitia Sauls, Fremont; Paul George Schaefer, Charlotte; Helen Smathers Clyde; Haselle Alexena Stahl, Waynesville; Alvin Mitchell Sutton, Sylva; Neal Robert Tucker, Cullowhee; Ned Jackson Tucker, Cullowhee; Lydia Elsie White, Rosman; LaVerne Whitmore, Rosman; Claude C. Williams, Canton; Rachel Isabelle Williams, Brevard; William Howard Wilkie, Franklin; Charles Homer Wilson, Leicester; Thomas Lee Woodard, Bryson City; Marjorie Helen Young, Brevard; Guy Monroe Zachary, Cashiers;

The prospective two-year graduates are: Ralph Arnos Angel, Franklin; Fannie Mae Reece Arnold, Franklin; Elizabeth H. Babbitt, Swannanoa; Helen Kathleen Blankenship, Swannanoa; Julius Jackson Boyd, Waynesville; Louisa Medford Boyd, Waynesville; Edna Perry Bright, Waynesville; Ollie Lucille Bryan, Marshall; Mary Bess Bryson, Cullowhee; Muriel Magdalene Bryson, Cullowhee; Myrtle Mae Bynum, Waynesville; Nancy Pauline Cabe, Otto; Joyce Jacobs Cagle, Franklin; Hazel Leah Chambers, Marble; Geneva Chastain, Murphy; Frances Elizabeth Dickson, Murphy; Hildred Eller, Robbinsville; Edith Mason Evans, Brasstown; Lucy L. Evans, Burnsville; Gertha Lee Farlow, Guilford College; Pauline Fouts, Franklin; Marion Belle Franklin, Waynesville; James Andrew Frazier, Canton.

Elizabeth Pauline Frazier, Canton; Anna Marguerite Green, Cowarts; Florence Hamilton, Pleasant Lane, South Carolina; Hazel Ruby Henson, Cullowhee; Myrtle Green Hoglen, Sylva; Maude Mitchell Hutchinson, Webster; Mary Elizabeth Jacobs, Franklin; Mary Louise Jones, Hayesville; Claude Ervin Keener, Joe; Norman Ophrey Kilpatrick, Murphy; Ruby Mae Kinsey, Franklin; Lela Ethel Kirkpatrick, Clyde; Ruth Leanda Ledford, Cove Creek; Mildred Louise

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## Memorial Day Resolve — by A. B. Chapin



I DEDICATE MYSELF ANEW TO THE HIGH PURPOSE OF OPPOSING WAR, WITH ALL MY ENERGY, THIS MAKING IT LESS INEVITABLE THAT MY SON SHOULD MAKE THE SUPREME SACRIFICE, WHICH THIS DAY SO FITTINGLY COMMEMORATES IN HONOR OF THOSE WHO HAVE —

THE MOTHERS OF TODAY

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