

CAPITAL NEWS BRIEFLY TOLD

Guffey Act Unconstitutional; Landon Seen as Likely GOP Nominee

(Special to The Press-Maconian)

WASHINGTON, May 27.—In its decision declaring the Guffey Bituminous Control Law unconstitutional, the Supreme Court of the United States followed in the main the same line of reasoning which led to the death of NRA. The grounds for throwing out both of these acts, NRA and the Guffey Coal Act, are that the production of coal, like the slaughtering of chickens, is not inter-state commerce and therefore Congress has no power to regulate it. On this point the Supreme Court divided, six to three, exactly the same line-up as in the NRA decision, with Justices Brandeis, Stone and Cardozo in the minority. The majority opinion held that the regulation of wages, hours and conditions of labor in the soft coal industry is a local matter to be settled locally. It also held that the law delegated legislative authority unconstitutionally.

The Court also ruled against another major feature of the Guffey Act, the taxation provision. The law provided for an excise tax of 15 per cent of the total value of coal mined, to be paid by the mine operators; but operators who signed the soft coal code were to receive a rebate of 90 per cent of this tax. This, the Supreme Court held, was an improper and unconstitutional use of the taxing power to impose a penalty upon operators who refused to be coerced into signing up.

Annulment Expected

The annulment of the Guffey Act by the Supreme Court was not unexpected. It was commonly referred to in Washington as "The Little NRA." In principle it differed in no way from the National Recovery Act, and serious doubts as to its Constitutionality were held by leaders of both parties in Congress at the time of its enactment. It was pending at the time of the NRA decision last Summer, and the tendency then was to drop it because it so clearly seemed to be exactly parallel to NRA. It was at that critical moment that the President wrote to Representative Hill, Chairman of the Ways and Means Committee, expressing the hope that the Committee would not let any doubts of the constitutionality of the Guffey Bill prevent its being reported to 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 compel the mine owners and operators to accede to the demand of the union for shorter hours and higher pay.

Excise Tax Refund?

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

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.

Resettlement Decision

On the same day that the Guffey Act 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 G. Tugwell at its head, was an unconstitutional delegation of power under the WPA Act. While this decision is not final, and will be carried to the Supreme Court, it is notable as the first judicial reversal of any of the applications of the \$4,800,000,000 Works Relief fund which Congress gave to the President early last year, to use in his own discretion.

Naturally, the question which everybody in Washington is asking is as to the political effects of

these new anti-Administration Court decisions. Coming as they did, almost on the eve of the party convention, it is to be expected that every possible effort to utilize them for party ends will be made by the Republicans.

G. O. P. Harmony

Republican leaders are talking more confidently than they were a few weeks ago. There has been a decided stiffening of Republican morale in the past fortnight.

How much Bruce Barton's selection as the party's publicity adviser has had to do with this is debatable, but most observers believe that his influence has been considerable.

Less is being heard now of the possibility of Senator Borah's throwing a monkey wrench into the party machinery. There appears to be a more general acceptance among party leaders of Gov. Landon, who is now regarded as almost certain to be nominated on the third or fourth ballot at Cleveland, with the good will of all of the important factors in the party behind him.

Former President Hoover's public statement that he is not and will not be a candidate for the nomination, cleared the political air, while his declaration that he is not opposed to any candidate is taken to mean that he will put no obstacles in the way of Gov. Landon's nomination.

Senator Vandenberg is now practically the only possible compromise choice in case Landon does not gain the nomination, but political strategists are suggesting that it would strengthen the ticket to nominate him for Vice-President, with an eye to 1940 in case of a Republican defeat this year.

LEGAL ADVERTISING

NOTICE OF SALE

By virtue of an order of sale, duly entered in the Superior Court of Macon County, in the case of Lee Poindexter, et al vs. Charlie Morgan, the undersigned receivers will on Monday, June 22, 1936, at 12 O'clock M. at the courthouse door, in the County of Macon, State of North Carolina, sell for cash the following described lands: Lying and being in Macon County, North Carolina, known as Lot No. 3, Block No. 3, in a tract of land known as the Lyman Field, and surveyed and mapped by W. B. McGuire. Reference being hereby had to said map as so recorded in Book 1-3, Pages 56 and 57, Records of Macon County, for a fuller and more particular description of the land and lots hereby conveyed.

This the 19th day of May, 1936.
R. S. JONES, Receiver
R. D. SISK, Receiver.
M28-4tc-RDS-J18

NOTICE OF SALE

By virtue of a power of sale contained in a Deed of Trust from W. L. Angel, Jr., to the undersigned trustee, dated, March 4, 1930, and recorded in Book 32, Page 151, records of Macon County, and default having been made in the payment of the debt secured thereby; I will on Saturday, June 20, 1936, at 12 O'clock M., at the courthouse door in Franklin, Macon County, North Carolina, sell at public auction for cash the following described tract of land:

All that tract of land lying and being in the County of Macon, State of North Carolina, adjoining the lands of John Burleson, BEGINNING at a white oak, the Raleigh people's and J. B. Burleson's property, on the S side of the branch near the head, and runs S 60 E 14 P to a spanish oak, J. B. Burleson's corner; then S 16 E 26 P to a stake and pointers, Burleson's corner in an old line; then S 66 E with old line 51 P to an old white oak stump on the E side of the old trail, the Burleson's corner; then N 14 W 116 1/2 P to a black oak stump, the Raleigh people's corner on top of a ridge, said corner being witnessed by pointers; then S 33 W with the Raleigh people's line 70 1/2 P to the beginning.

Containing 21 1/2 acres, and being the said land conveyed by a deed from J. A. Martin, Trustee in Bankruptcy, to W. L. Angel, Sr., by deed dated, March 2, 1917, and recorded in Book Z-3, Page 44, office of the Register of Deeds for Macon County.

This the 19th day of May, 1936.
G. A. JONES,
Trustee.
M28-4tc-RDS-J18

LEGAL ADVERTISING

NOTICE OF SALE OF LAND

WHEREAS, on the 8th day of February, 1934, Milford A. Russell and Annie G. Russell executed and delivered unto W. O. McGibony, Trustee for Land Bank Commissioner, a certain deed of trust which is recorded in the office of the Register of Deeds for Macon County, North Carolina, in Book 32 at Page 533; and

WHEREAS, default has been made in the payment of the indebtedness thereby secured as therein provided, and the trustee has been requested by the owner and holder thereof to exercise the power of sale therein contained:

NOW, THEREFORE, under and by virtue of the authority conferred by the said deed of trust the undersigned Trustee will on the 22nd day of June, 1936, at the court house door of Franklin, Macon County, North Carolina, at twelve o'clock noon offer for sale to the highest bidder for cash, the following real estate:

All that certain tract of land containing one hundred ninety-seven and 5/10 acres, (197.5) acres, known as the Milford A. Russell Home Place in Highlands Township, Macon County, North Carolina, located on the Highlands-Dillard road about two and one-half (2 1/2) miles west of Highlands, North Carolina, and now in the possession of Milford A. Russell; bounded on the north by lands of Henley and Myron Russell, U. S. Government, on the east by T. G. Harbison lands; on the south by the lands of United States Government, on the west by lands of United States Government, Henley and Starkey lands. Said tract of land is more particularly described according to a plat prepared by R. E. Norton, Surveyor, on the 6th day of September, 1936, as follows, to-wit:

BEGINNING at a pipe on the north bank of the Highlands-Dillard road in the line of the Starkey land, runs thence north 42 degrees west 11 chains to a pipe; thence north 40 degrees east .50 of a chain to a stake; thence south 56 degrees east 4.10 chains to a stake; thence north 26 degrees east 4.78 chains to a chestnut oak; thence north 56 degrees west 3 chains to a stake; thence north 39 degrees east 14.50 chains to a red oak; thence south 48 degrees 30 minutes east 3.12 chains to a stake; thence north 60 degrees east 31.85 chains to a stake; thence south 80 degrees east 9.25 chains to a stake; thence south 03 degrees west 28.70 chains to a white oak; thence south 44 degrees west 48.50 chains to a stake; thence north 83 degrees west 3.70 chains to a white oak; thence south 29 degrees east 1.85 poles to a red oak; thence south 67 degrees west 2.06 chains to a white oak; thence north 30 degrees 35 minutes west 21.75 chains to a stake on the east bank of Highlands-Dillard road; thence with said road north 15 degrees 35 minutes east 3.14 chains to point; thence north 03 degrees west 3.03 chains to a point; thence north 72 degrees 40 minutes east 1.57 chains to a point; thence north 31 degrees 10 minutes East 3.79 chains to the BEGINNING.

Copy of said plat now being on file with the Agent of the Land Bank Commissioner, at Columbia, S. C.

Said property being advertised for sale, and sold subject to an outstanding first deed of trust executed by Milford A. Russell and Annie G. Russell, recorded in Book 32 at page 533, Registry of Macon County.

This the 21st day of May, 1936.
W. O. MCGIBONY,
Trustee
M28-4tc-J&J-J18

NOTICE OF PUBLICATION

North Carolina, Macon County, IN THE SUPERIOR COURT The Federal Land Bank of Columbia, Plaintiff, against

G. T. Brown, Annie Brown, McCowan Mahoney Company, Perry Jones Chev. Co., Haynes Henson Shoe Co., L. B. Phillips, W. C. Ledbetter, William Garland, Trustee, The Bank of Franklin, Elizabeth Slagle, C. G. Stamey, O. C. Bryant, Defendants.

The defendants, McCowan Mahoney Company, Perry Jones Chevrolet Company, Haynes Henson Shoe Company, William Garland, Trustee, will take notice that an action as above entitled has been

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commenced in the Superior Court of Macon County, North Carolina, to the end that the plaintiff may foreclose a mortgage covering lands in which the above named defendants have an interest, and the above named defendants will further take notice that they are required to appear within thirty days in the Office of the Clerk of the Superior Court of Macon County, North Carolina, and answer or demur to the complaint in said action, or the plaintiff will apply to the Court for the relief demanded in said complaint.

This the 9th day of May, 1936.
HARLEY R. CABE,
Clerk Superior Court,
Macon County,
North Carolina.

M14-4tc-J&J-J4

NOTICE OF SALE

North Carolina Macon County

Under and by virtue of the power of sale contained in a deed of trust from John P. Rickman and wife, Nellie Rickman, to the undersigned Trustee, dated November 6, 1931, and recorded in office of Register of Deeds for Macon County, in Book No. 31, of Mortgages and Deeds of Trust, page 526, and default having been made in the payment of the indebtedness secured by said Deed of Trust and demand made on the undersigned Trustee to exercise the power of sale contained therein, said undersigned Trustee will, therefore, on Thursday, the 11th day of June, 1936, at 12 o'clock, noon, at the court house door in the Town of Franklin, Macon County, North Carolina, sell to the highest bidder for cash, to satisfy said indebtedness, the following described tract or parcel of land:

Being all the lands described in a deed from D. C. Stockton and Noma Stockton to John P. Rickman, dated September 26, 1922, and registered in 1-4, Page 29, on the 12th day of October, 1922, for a more complete description, adjoining the lands of C. W. Dowdle and others.

This 9th day of May, 1936.
J. FRANK RAY, Trustee.
M14-4tp-J4

NOTICE OF SUMMONS

North Carolina Macon County

IN THE SUPERIOR COURT BEFORE THE CLERK E. E. Cabe, Ellie Cabe, Widow, Lester Cabe, Jake Cabe and wife, Edna Cabe, Sadie Ammons and husband, Gordon Ammons.

vs. J. B. Cabe and wife, Blanch Cabe, George L. Cabe, C. R. Cabe, Minor, Harley W. Cabe.

The defendants above named will take notice that an action entitled as above has been commenced in the Superior Court of Macon County, North Carolina, for the purpose of selling land in which the defendants have an interest and the said defendants will further take notice that they are required to appear at the office of the Clerk of the Superior Court of Macon County, in Franklin, North Carolina, on the 3rd day of July, 1936, and answer or demur to the petition in said action, or the plaintiffs will apply to the Court for relief demanded in said petition.

This the 13th day of May, 1936.
HARLEY R. CABE,
Clerk of Superior Court.

M14-4tp-J4

NOTICE OF ENTRY

State of North Carolina Macon County

Entry No. 15015 Henry T. Sharp enters and claims 100 acres of land on the waters of Partridge creek of Macon County, N. C.

Beginning on Louise Grant corner, on the Northeast boundary line of a tract conveyed to him by J. P. Ivester, and running with the road travelling the North branch of Partridge creek, thence in a course Northeast toward Tellico Bald mountain, then in various directions, so as to enclose all vacant lands in said boundary—100 acres more or less.

This 21st of May, 1936.
ALEX MOORE, E. T.
M21-4tp-J11

EXECUTOR'S NOTICE

Having qualified as executor of Alice H. Gilbert, deceased, late of Macon county, N. C., this is to notify all persons having claims against the estate of said deceased to exhibit them to the undersigned on or before the 28th day of April,

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1937, or this notice will be in bar of their recovery. All persons indebted to said estate will make immediate settlement. This 28th day of April, 1936.
J. H. STOCKTON, Executor.
A30-6tc-J4

ADMINISTRATRIX NOTICE

Having qualified as administratrix of Charles Raymond Carty, deceased, late of Macon county, N. C., this is to notify all persons having claims against the estate of said deceased to exhibit them to the undersigned on or before the 23rd day of April, 1936, or this notice will be in bar of their recovery. All persons indebted to said estate will please make immediate settlement. This 23rd day of April, 1936.

NANCY JANE McCARTHY,
Administratrix.
A30-6tp-J4

EXECUTOR'S NOTICE

Having qualified as executor of Dorothy McPherson Farmer, deceased, late of Macon county, N. C., this is to notify all persons having claims against the estate of said deceased to exhibit them to the undersigned on or before the 8th day of April, 1937, or this notice will be in bar of their recovery. All persons indebted to said estate will please make immediate settlement. This 8th day of April, 1936.

Patrick Thomson Farmer,
Executor.
A23-6tp-M28

EXECUTOR'S NOTICE

Having qualified as executor of Mrs. Anna Jones, deceased, late of Macon county, N. C., this is to notify all persons having claims against the estate of said deceased to exhibit them to the undersigned on or before the 9th day of May, 1936, or this notice will be in bar of their recovery. All persons indebted to said estate will please make immediate settlement. This 9th day of May, 1936.

L. A. JONES,
Executor.
M14-6tp-J18

EXECUTOR'S NOTICE

Having qualified as executor of T. W. Rhodes, deceased, late of Macon county, N. C., this is to notify all persons having claims against the estate of said deceased to exhibit them to the undersigned on or before the 29th day of April, 1937, or this notice will be in bar of their recovery. All persons indebted to said estate will please make immediate settlement. This 29th day of April, 1936.

H. G. CABE, Executor.
A30-6tp-J4

ADMINISTRATOR'S NOTICE

Having qualified as administrator of J. R. Guyer, deceased, late of Macon county, N. C., this is to notify all persons having claims against the estate of said deceased to exhibit them to the undersigned on or before the 9th day of May, 1937, or this notice will be in bar of their recovery. All persons indebted to said estate will please make immediate settlement. This 9th day of May, 1936.

ARVIL GUYER,
Administrator.
M14-6tp-J18

EXECUTOR'S NOTICE

Having qualified as executor of W. B. Lenoir, deceased, late of Macon county, N. C., this is to notify all persons having claims against the estate of said deceased to exhibit them to the undersigned on or before the 14th day of May, 1937, or this notice will be in bar of their recovery. All persons indebted to said estate will please make immediate settlement. This 14th day of May, 1936.

GEO. DEAN,
GEO. B. PATTERSON,
Executors.
M21-6tc-J25

Procurement Division, Works Branch, Washington, May 13, 1936—Sealed bids will be publicly opened in office at 10 a. m., June 3, 1936, furnishing all labor and material and performing all work on screens in the U. S. P. O., Franklin, N. C. Drawings and specifications, not exceeding 100 sheets, may be obtained from the chief of the building or at this office at the discretion of the Assistant Director of Procurement, Works Branch, W. E. R. Assistant Director of Procurement, Public Works Branch.
M21-2tc-M28