

# At the CAPITAL

By M. R. Dunnagan, The Pilot's Raleigh Correspondent

Probably not more than 30 of the 100 counties will suffer from the decision of the North Carolina Supreme Court Thursday which said in effect that a county's expenditures which previously were not for "special purposes" cannot be for special purposes in the present economic emergency, and, therefore, cannot be funded as notes for special purposes.

This is the important tax case, placed before the court recently in two cases, one from Durham, the other from Duplin county, striking at the constitutionality of the Local Government Act of the 1931 General Assembly. In both cases, tax anticipation notes were issued for general county purposes, the counties seeking to fund them under the legislative act, when the revenues anticipated did materialize.

The constitutional limit of taxes to be levied for general county purposes is 15 cents on the \$100 property valuation, while additional taxes may be levied for "special purposes," which must be necessary purposes, in which schools, roads, erecting new court-houses, jails or county homes, are included.

Chief Justice W. P. Stacy, writing the unanimous opinion, does not say the act is unconstitutional. "The General Assembly," he writes, "declares that an emergency exists by reason of the present extraordinary financial condition prevailing in the counties of the State and gives its special approval for the levying of taxes to the fullest extent permitted by the constitution for the purpose of paying bonds and notes issued to fund or refund or renew indebtedness of the counties now outstanding or incurred before July 1, 1931, and declares that the payment of such bonds and notes shall constitute a special purpose.

"But this does not purport," he continues, "to convert notes issued for a deficiency in the general county fund into notes for special purposes. If it does, then to this extent the act runs counter to the organic law, for the Legislature is without power to suspend the constitution even in times of stress. The Constitution is the protector of all the people. It stands as their shield and buckler in fair weather and foul; and in periods of panic and depression, it is to them 'as the shadow of a great rock in a weary land, a shelter in the time of storm'."

"When an act of the Legislature is susceptible to two interpretations, one constitutional and the other not, the courts will adopt the former and reject the latter, as the presumption is in favor of its validity."

Chief Justice Stacy states that this case apparently falls into classes listed as: "to supplement the general county fund, or to provide for a deficiency therein, or to take up a note in bank and other current expenses or to borrow money for the necessary expenses of the county and provide for its repayment, which we have said was not for a special purpose within the meaning of Art. V, sec. 6, of the Constitution."

The act does not relate to cities and towns, but only to counties, and to probably 30 of those in the State, according to Charles M. Johnson, director of Local Government. The decision will not adversely effect the credit or notes or bonds of any of the counties, except as to the notes involved, Mr. Johnson believes, expressing the hope that those involved will be able to get out of their present difficulties without serious trouble.

The North Carolina Supreme Court had cleared its slate of all cases except three when it handed down a batch of 13 opinions July 2 and brought to an end the spring term of the court. Last summer 30-odd cases were held over and opinions rendered during the fall term, and for several years the number has been larger than will go over this summer. The small number is due in part to the fact that only one case, arising under the acts of the 1931 General Assembly, the tax case, came before it during the spring term.

The court will meet August 24 to give the semi-annual examination to applicants to practice law in North Carolina, and will convene for the fall term of court August 31.

North Carolina's experiment of maintaining all county roads, 45,000 miles, and taking over all prisoners sentenced for 60 days or more, was started July 1 with good prospects of success. The State took over more than 3,000 prisoners and released slightly more than 300, paroled by

the Governor, who had sentences of less than 60 days.

Because of prices regarded too high, the State Highway Commission rejected all bids on gasoline at the opening of bids last week. The most definite result is the announcement of Attorney General D. G. Brummitt that he will conduct an investigation of prices and practices in respect to the sale of gasoline in this State, to see if there is "combination in restraint of trade," or collusion in price fixing. The hearings will begin Monday morning, July 20, at 10 A. M. in Mr. Brummitt's office in Raleigh. Subpoenas have been issued for the appearance of a number of witnesses, including representatives of the companies dealing in gasoline in this State.

Total general fund revenue collections for the fiscal year ending July 1, 1930, amounted to \$12,927,749.97, or \$2,416,492.38 less than for the \$15,344,242.35 collected the year before, the report of A. J. Maxwell, Commissioner of Revenue, shows.

The gasoline tax, license and title registration fees amounted to \$18,714,864.69, or \$1,204,067.14 less than the \$19,918,931.83 collected the year before.

Estimates of the deficit in operation of the State government for the past two years range from \$1,700,000 to \$2,000,000. The report will be out soon. Mr. Maxwell has authorized collection of the Schedule B. license taxes in July without penalty, due to the delay in getting out notice to taxpayers because of the long session of the General Assembly. The penalty of five per cent a month will not apply to July, but it will be 10 per cent August 1.

Fire losses in North Carolina in May amounted to \$907,108, nearly twice as much as in May, 1930, due largely to six large fires, including a tobacco warehouse fire of \$400,000 in Winston-Salem; \$105,000 planing mill in Elizabeth City, a \$75,000 hotel in Southern Pines, a \$28,000 business block in Charlotte and a \$21,800 business block in Reidsville. There were 185 fires in May.

## LAKEVIEW

Miss Alice Littlefield returned Thursday after a three weeks visit with friends and relatives in Saco, Maine.

Mr. and Mrs. Henry Graves, Carol Graves and George Cabel Penn of Carthage left Sunday for a trip to Wrightsville Beach.

Miss Valeria Miller is visiting her grandparents, Mr. and Mrs. W. E. Miller of Rock Hill, S. C.

Mrs. James Ballard and Mrs. Minnie Oldham were in Fayetteville Thursday shopping.

Mr. and Mrs. Richard Wynne and daughter, Miss Margaret spent the Fourth in Lakeview with relatives.

Ralph Wallace of Kinards, S. C., was the guest of Miss Alma McInnis Sunday.

R. B. Byrd of Mount Olive spent the week-end in town with Mrs. Byrd and Bobby.

Mr. and Mrs. Palmer Causey have returned from Moorehead City where they spent the week-end.

S. J. Gardner made a trip to Orangeburg, S. C., the first of the week.

Mrs. W. S. Simpkins of Angier is visiting her people here for a few days.

Edgar Stevens and family of Greensboro were Lakeview visitors over the Fourth.

Oruid Lee of Durham visited at the home of Miss Sallie McDonald Saturday and Sunday.

Alton Matthews, George Dyer, Herbert Eastwood, Edwin Causey and James Lee Blue left Monday for a week's camping trip to White Lake. They were accompanied by Mr. Mayfield, agricultural teacher in the Vass-Lakeview school.

Mrs. Daniel McNeill spent the week-end in Pinehurst with Mr. and Mrs. I. C. Sledge and family.

Mrs. Cleveland Cagle of Carthage was a recent visitor at the home of Mr. and Mrs. G. C. Richardson.

Mrs. Dan S. Ray, Mrs. H. A. Vinton, Mrs. Harry Flemm and Miss Effie McCallum were luncheon guests of Mrs. J. R. McQueen and Mrs. D. McNeill Thursday.

Dunc and Dave Morrison with their families went to Harnett County Sunday to be present at a family reunion and picnic dinner—the occasion being in honor of their mother's birthday.

Miss Ethel Cameron and Miss Dicie

Rivers of Marston are visiting Mrs. W. C. Smith for a few days.

The Contract Club met at the home of Mrs. R. T. Woodruff Friday, July 3rd with a picnic luncheon. Visiting guests included Mrs. Herbert Poole, Mrs. C. T. Grier and Mrs. Cabel Penn of Carthage.

Miss Pauline Bryan of Durham was a recent guest of Miss Mildren Gunter.

Mrs. Clem Everett and Miss Lillian McInnis spent Thursday shopping in Sanford.

John Farrell of Durham is making his home with Mr. and Mrs. Worth Miller for a few weeks, while he is assisting with the work in the park.

Robert Woodruff has arrived for a visit with his mother, Mrs. R. T. Woodruff.

Visiting Mrs. H. H. Flemm this week is her son and family. Mr. and Mrs. John Flemm, Charles and Maralyn from New Kensington, Pa., also her brother-in-law, H. H. Rickenbrode of Pittsburgh.

Alex Fields, the efficient County Game Warden, recently placed 3600 young bass in the lake. This is by far the largest allotment ever received for the lake here.

Miss Orene Krahnke of Sanford and Miss Cleone Krahnke of Washington, D. C., accompanied by a party of friends spent the week-end at the Shelter cottage.

Miss Caroline Rankin of Greensboro was a visitor in town Tuesday. Miss Rankin taught school here several years ago, when Lakeview operated a two teacher school.

Mrs. Wallace of Sumter, S. C., is an Aberdeen visitor this week and the guest of her niece, Mrs. C. B. Thomas.

Mr. and Mrs. Howell of Raeford spent last Sunday in Aberdeen visiting their daughter, Mrs. Percy English.

W. F. Caddell, the Standard Oil Company's representative here, has been transferred to Wilmington, N. C.

## Court Calendar for Biennium Completed

### Judges Finley, Warlick, Oglesby and Harding Preside Here in Order Mentioned

The court calendar for North Carolina, showing all courts in each of the 100 counties from July 1, 1931, to June 30, 1933, except those called during the period as special terms, has been completed by Henry M. London, legislative reference librarian, and is being sent to judges, clerks of court and others interested in the terms.

The calendar shows what judge will preside, whether the courts will last for one, two or three weeks, whether they are for trial of civil or criminal or both classes of cases and whether special judges will have to be assigned, since some of the terms were ordered by the General Assembly and conflict with other terms in the district.

The schedule of hearings of the various districts in the N. C. Supreme court, the times and places of meetings of Federal courts and of the Fourth District, U. S. Circuit Court of Appeals, are also shown.

Moore county courts will be presided over by Judge T. B. Finley this fall and Judge Wilson Warlick next spring. Judge John Oglesby will preside during the fall of 1932 and Judge W. F. Harding the spring of 1933. Schedule for the Moore courts for the two years follows.

Fall 1931, August 17, one week criminal; September 21, two weeks civil, a special judge to be assigned second week; December 14, one week civil; spring 1932, January 25, one week criminal; February 15, one week civil; March 28, two weeks civil, special judge to be assigned; May 23, two weeks, first criminal, second civil.

Fall 1932, August 15, one week criminal; September 19, two weeks civil, special judge to be assigned for second week; December 12, one week

civil; spring 1933, January 23, one week criminal; February 13, one week civil; March 27, two weeks civil, special judge to be assigned; May 22, one week criminal.

## MELVIN'S MOVES STORE TO LOCATION NEAR POST OFFICE

This week Melvin's store has moved from its previous location on South street to the vacant room in the Johnson building next to the postoffice, a location the store had some years ago before going over to the other street. The occasion for moving is the sale of the building in which the store was to the McCrummen brothers, who will establish there

a drug store. Mr. McCrummen is a druggist, and has concluded to embark in business for himself in a line with which he is familiar, and as soon as the Melvin store is out of the old place. Mr. McCrummen will put in drug store equipment and stock.

The Melvin store has been one of the well-known business establishments in Aberdeen for seventeen years, building up a trade that has been based on a reputation for straight forward business methods, and will look natural in the location it formerly occupied.

Billie Bethune, who has been visiting relatives near Pittsboro, returned home last Tuesday night.

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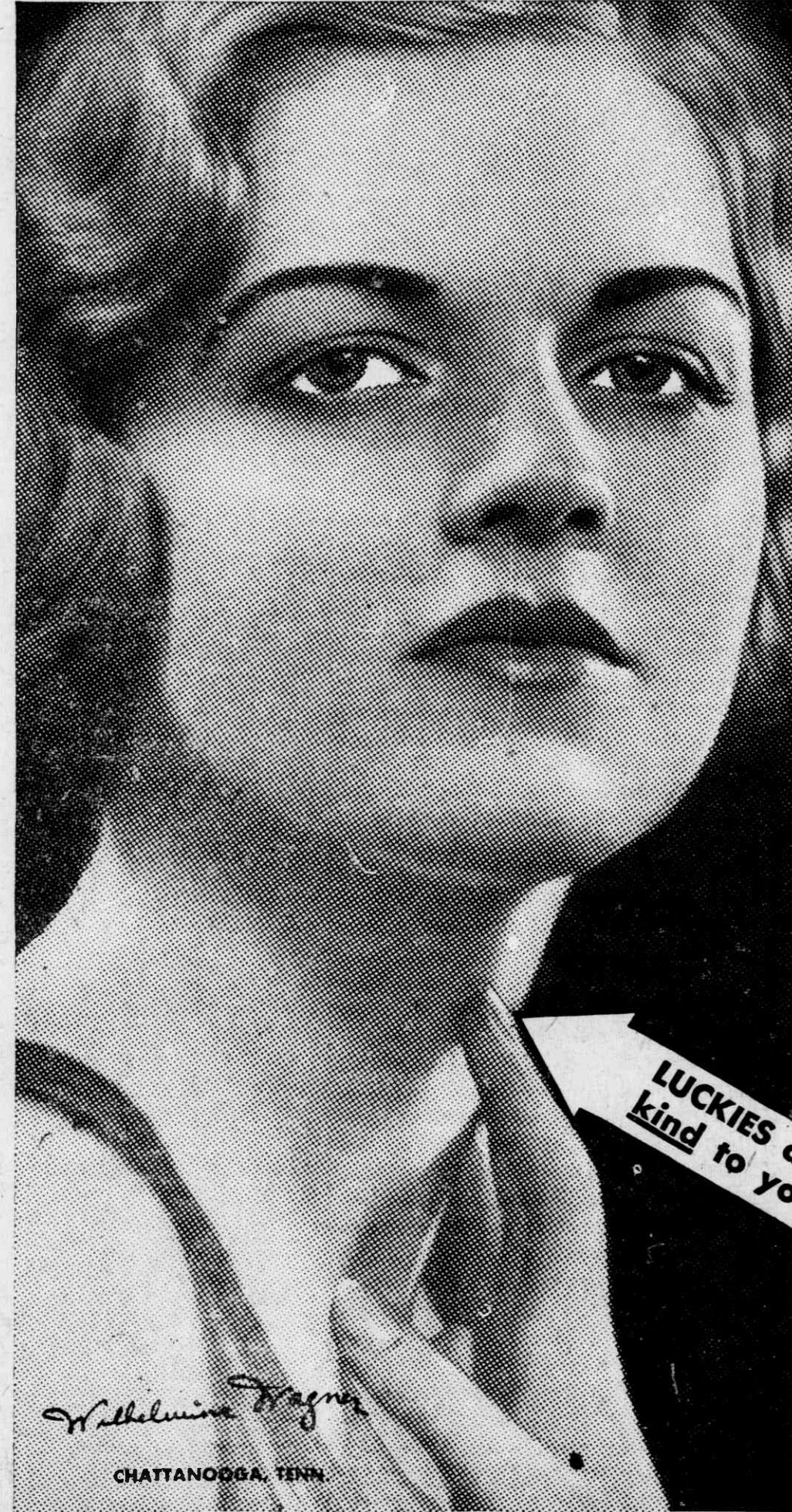
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Monday, July 20th, John McCormack

**PINEHURST GARAGE CO.**  
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Adam and Eve in the Garden of Eden—A story we have all heard since childhood—Consider your Adam's Apple—the possession of each one of us, man or woman—your voice box—containing your vocal chords—your larynx—Don't rasp your throat with harsh irritants—Reach for a LUCKY instead—Be careful in your choice of cigarettes.

Remember, LUCKY STRIKE is the only cigarette in America that through its exclusive "TOASTING" Process expels certain harsh irritants present in all raw tobaccos. These expelled irritants are sold to manufacturers of chemical compounds. They are not present in your LUCKY STRIKE. And so we say "Consider your Adam's Apple."

**LUCKIES are always kind to your throat**



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