

RURAL SCHOOLS OPEN MONDAY

SPECIAL TRUCK TAX OVERRULED

Levy on Produce Vans Unconstitutional Court Holds

IS 'DISCRIMINATORY' Injunction Is Granted By Federal Judges At Asheville

ASHEVILLE, Aug. 19.—A three-judge federal court here Wednesday handed down an opinion that a section of the North Carolina revenue act imposing a \$50 tax on trucks bringing produce into this state to be peddled was unconstitutional. The court granted the injunction sought by South Carolina produce growers against the collection of the tax.

The case was argued here on August 3, a temporary injunction having previously been granted by Judge E. Yates Webb in U. S. district court. The temporary restraining order was continued pending the decision of the three-judge court.

The complainant in the action was B. M. Gramling, of Spartanburg, a large scale peach grower, who asked the injunction against A. J. Maxwell, revenue commissioner, restraining him from collecting the \$50 tax. The tax was levied, in Section 121 1-2 of the revenue act enacted by the last General Assembly.

A decree enjoining the revenue commissioner from collecting the tax or prosecuting peddlers for failure to pay it was filed along with the opinion yesterday.

The opinion, which was written by Judge John J. Parker, and concurred in by Judge E. Yates Webb and Judge H. H. Watkins, is 15 typewritten pages long and cites numerous authorities for the decision.

The opinion sets up the facts in the case, stating that the action is brought by B. M. Gramling in behalf of himself and others similarly situated, of which he alleges there are at least 400. He contended that he would be irreparably damaged by the operation of the state.

The opinion then cites the answer filed by the commissioner of revenue in which dismissal of the action is asked on the grounds that there exists an adequate remedy at law.

On the question of constitutionality of the act, the opinion holds that a state may impose a tax on peddlers so long as there is no discrimination in the tax against the goods of other states. The opinion continues: "But the state may not, in its tax on peddlers or other taxes, discriminate against the products of another state."

Art Lecturer is on Visit in Highlands

Mr. and Mrs. Huger Elliott, of New York, arrived in Highlands last Thursday to spend the remainder of August visiting Mr. Elliott's mother and sisters. Mr. Elliott for some years has been educational director of the Metropolitan Museum with a staff of 20 assisting him in lecturing on various phases of art in connection with the vast collections of the famous museum. Mrs. Huger Elliott also is an artist of distinction.

Over Thousand Summer Guests Reported Here During Past Six Weeks

More than one thousand summer tourists have visited Franklin during the last six weeks, remaining over the week-end and for longer periods, it is estimated from figures given The Press by the hotels and larger summer boarding houses of Franklin. This does not include vacationers passing through and stopping for luncheon or dinner. This number easily ranges from 75 to 100 daily, from numbers reported by Scott Griffin and Franklin hotels and Miss Kelly's Tea Shop, on the main line of travel.

It has been interesting to observe the license tags of cars parked on Main street each day, representing every state in the union as well as Canada. Cars from New England are less frequent than those from the far west; the middle west is a daily visitor as well as the north. Of course, the most frequent guests are neighbors from this state, Georgia, Florida, South Carolina and Alabama. But there are many from distant states and some from foreign countries. Among the latter, Nicaragua as well as Canada has been represented, while it is gratifying to observe long period guests from other resort states as well as from the warmer localities.

There is the usual number of individuals and families who come for a month or longer for the benefit of the cooler climate as well as the beauty of the surrounding country. They not only board in the larger houses, but a considerable number are spending the summer as guests in private homes, or have rented furnished quarters.

Among these are devotees of Franklin, coming year after year because they love the place and the people, and find comfort and pleasure that has been afforded them always in full measure. While the number has been less than a few years ago when the crest of the prosperity wave obtained, hostesses report that a most encouraging feature of this year's business has been the large proportion of first-time visitors, encouraged by the through hard-surfaced roads and other reasons to come this way, who have marvelled at the unheralded and little known beauty of a section that offers so much to the joys and the recreation of nature-lovers. It is the invariable comment of these enthusiastic travelers, "We did not know there were such wonderful mountains in North Carolina, we never heard of them," and "Why don't you tell people in other sections of the surprising beauty of this region?" The answer to these constant questions has to be an acknowledgment that little effort has been made so far to advertise Franklin as a summer resort in any concerted or general way.

Besides a number of summer visitors to homes around Franklin, there must be mentioned the numerous happy pilgrims who come "home" to visit relatives and friends, sometimes from far distant homes of their adoption; a look forward, summer after summer, to spending their vacations in the old home. Especially among these are the numbers who return to attend the family reunions, and important and deeply significant custom in Macon county.

Old Time 'Turnip' Still Captured on Peek's Creek

SMART FAMILY HOLDS REUNION

The Smart clan held their annual reunion Sunday at the home of Mr. J. J. Mann on Route 2 about three miles from Franklin on the Georgia road. Representatives were present from four counties in North Carolina and from three states. A very bountiful dinner was served on the lawn in front of the house, which is neatly kept and has attracted the attention of many who pass that way.

There were present as guests of honor Rev. Mr. and Mrs. J. Teague, of Route 2, who conducted the devotional exercises and made a very touching and inspiring address; also Mr. G. T. Stiles, of Franklin, who has been a life-long friend of the Smart family and who made a very interesting talk on the history of the family. There were also present as a guest of honor, Miss Loula B. Hamm, of Charleston, S. C., besides several other young people from different parts of the state.

Mr. W. C. Smart, who is president of the Smart family.

Deputy George Mallonee Routs Moonshiners From Lair

Deputy Sheriff George Mallonee surprised two moonshiners running old apple brandy from an old fashioned "turnip" still on Peek's Creek about noon Wednesday. The men broke for the laurel thickets at the approach of the officer and escaped, but Mallonee captured the still, which evidently had been used for a number of years. He also seized about 10 gallons of what is known in the parlance of blockaders as "shine," together with two barrels of brandy beer.

The still was made of copper and the boiler was shaped like a turnip. This design was common in the old days before prohibition, but it now has become almost extinct. Sheriff A. B. Slagle says he will offer it to the State Museum at Raleigh.

This makes the third still which Deputy Sheriff George Mallonee has captured in recent weeks. On July 22 the sheriff and his deputy found a still on Coverts and seized six gallons of liquor. They captured a thousand gallons of mash into the brew.

AUGUST COURT OPENS MONDAY

Bill Banes, Prisoner-Evangelist, To Go On Trial

CALENDAR IS HEAVY McCoy Damage Suits on Civil Calendar For Thursday

The regular August term of Macon county superior court will convene Monday for a two weeks session with Judge W. F. Harding presiding.

The first three days have been set aside for the trial of criminal cases, most outstanding of which is likely to be that of Bill Banes, 39, of Swain county, who has been attracting large crowds in front of the county jail Saturday afternoon to hear him preach.

Banes is charged with an attempted criminal attack on a 12-year-old girl. He was arrested early in July in Swain county after a long chase.

Befriended by Farmer

Banes, it was reported, was spending the night of July 1, at the home of a farmer in the Burningtown section. Suffering from a sore foot and apparently weak and hungry, Banes had gone to the home and asked lodging. The farmer took pity on him and gave him something to eat and a place to sleep. About 1 o'clock in the morning the family, it was reported, was awakened by the screams of the farmer's young daughter. Rushing to the child's room, the farmer found Banes allegedly attempting a lewd crime. He threatened to kill Banes on the spot, it was reliably reported, but finally, on the persuasion of his wife, he relented and told the visitor to leave his home promptly.

Civil Docket

The Civil calendar is scheduled to be taken up Thursday, August 27. The first cases listed are those of W. L. McCoy, Franklin attorney, vs. J. B. Justice, Sheriff A. B. Slagle and various attorneys who appeared for Justice in a damage suit in which Justice alleged alienation of the affections of his wife. McCoy is suing for \$85,000 in one case, \$15,000 in another, and \$15,000 in yet another, charging defamation of character. The original case of Justice vs. McCoy is still pending in the courts.

A special term of Civil court has been called to convene September 14, with Judge Cameron McKee, of Asheville, presiding, to try a large number of cases for which there was no room on the August calendar. Many of the cases at this term have been brought by the county against delinquent tax payers or by the Bank of Franklin to collect under deeds of trust.

MRS. PORTER'S MOTHER DIES

Death Claims Mrs. A. A. Daugherty at East Radford, Va.

Mrs. R. L. Porter received a telegram Wednesday informing her of the death of her mother, Mrs. A. A. Daugherty, Tuesday morning at the home of Mrs. Harry Martin, another daughter of Mrs. Daugherty, at East Radford, Va.

Mrs. Daugherty, who was 70 years old, had been ill about five weeks.

The funeral will be held at Emory, Va., Mrs. Daugherty's former home. Mr. and Mrs. Porter left Franklin Wednesday night to attend the services.

Mrs. Daugherty was well known in Franklin. For several years she lived here with her son, Mr. Rev. R. H. Daugherty, formerly pastor of the Franklin Methodist church. Since then she has been a frequent visitor here.

Small Girl Rescues Pet Dog From Well

Margaret Tice, eight-year-old daughter of Mr. and Mrs. John Tice of the Iotla section, loves her dog.

About a week ago the pet—of nondescript ancestry but, nevertheless, the finest dog there is in little Margaret's eyes—fell into a 50-foot well. Mrs. Tice heard the dog barking and whining for help. She called Mr. Tice, who found the dog in the well, which looked deep, dark and ominous. In fact it was far too forbidding for Johnny Tice, 15; he shook his head most positively when his father suggested that he be lowered into the yawning hole by a rope.

But not so with little Margaret.

"I'll go down and get my dog," she said, and so she did, emerging a few minutes later from the shadowy recess, tightly clasping her little pet, which barked with joy over his rescue.

BOBBY JONES LURES CROWD

Over 500 See King of Golf Play at Highlands

The golf match held in Highlands Saturday lured a crowd of more than 500 spectators to the Highlands Estates course to watch Bobby Jones shoot a 69.

Due to Mr. Jones' graciousness in consenting to play a game for the Hudson Library fund, \$500 was added to the fund. A meeting of the trustees of the library will be held this week to decide on improvements and new books for the popular institution.

Bobby Jones' partner was Scott Hudson, Jr., who scored 75. Their opponents were Ernie Ball, Southeastern P. G. A. champion, and Charlie Yates, Georgia State amateur title holder. Ball's score was 73, while Charlie Yates was 75.

John Byrne Becomes Member of Rotary Club

John Byrne, Supervisor of the Nantahala National forest, was inducted as a new member into the Franklin Rotary club at its weekly luncheon Wednesday at the Scott Griffin hotel.

The Rev. Norman C. Duncan, Rector of the Episcopal churches here and at Highlands, was the speaker of the day. Mr. Duncan, who came to Franklin in June said that while he was here as a representative of a particular faith he felt that it was his privilege and duty to serve the community as a whole, regardless of denominational lines.

A number of members of the local Rotary club are planning to go to Waynesville Monday for the Inter-city Rotary meeting at Lake Junaluska at 7 o'clock in the evening. Beginning at 2 o'clock in the afternoon there will be a golf tournament and while the Rotarians are on the links their wives will be entertained at a reception especially arranged for them.

BACK HOME

Milton Sanders, who has been studying the violin under an old country master in New York for the summer, returned to Franklin last week.

September 7 Set For Opening Here And at Highlands

MANY ATTEND CLAN REUNION

5th Annual Henderson and Peek Gathering Is Big Success

BY MADGE EVANS THOMPSON

The fifth annual Henderson-Peek reunion held at Pine Grove church Saturday, Aug. 15, was a real success; it being unanimously voted that it was the most inspiring and best attended reunion yet held.

The weather was beautiful with all nature smiling on the descendants of these two old families—the very mountains seemed to draw near in friendly greeting.

The early morning was marked by happy voices ringing in greeting as relatives from all sections of the country arrived. It was a gala affair, and though there were moments of sadness and tears for loved ones gone on, the day was a happy one.

There were those returning to the scenes of their childhood after many years of absence whose souls were thrilled, and yet, to them came a moment of sadness as they realized how long a way they had come from their childhood, their high hopes for life, their dreams. They stopped for a moment to take stock of their life—to catch a new vision to go forward the mark of the high calling in Christ Jesus which is the glorious heritage of the Hendersons and Peeks. Their ancestors were God-fearing men—men who had caught the vision and never let the lesser things of life intrude to mar its beauty.

The entire assembly joined in singing hymns after which they were led in prayer by the Rev. Wayne Jacobs, who was a guest of the reunion. The president, J. K. Henderson, gave an uplifting and inspiring opening address and was followed by Mrs. Leona Evans Bryson, chairman of the program committee. The program was informal and very interesting.

The Rev. J. L. Vinson was introduced and spoke briefly in behalf of the building fund for Pine Grove church. Their need for a new church and the earnest effort they are making to erect their church before the reunion shall meet another year was brought before the people. A very liberal offering was given by the assembly.

Miss Mabel Peck very cleverly read for the gathering "Some Bright Sayings of the Henderson and Peck Descendants." Also a reading, which had for its theme, "Hurray for the Hendersons and Peeks!"

The "Bright Sayings" seemed to be thoroughly enjoyed, and the telling of anecdotes became general. The fact that a true Henderson has hair on top of his head which a mixture of Peck blood instantly dissipates was an interesting discovery. Peck blood seemed to be very strong.

(Continued on page six)

Teachers' Meeting Is Called by Billings For Saturday

DELAY EXPLAINED State Undertakes To Support Schools For 6 Months

The 41 rural schools of Macon county will open for the 1931-32 session Monday, August 23, and the Franklin and Highlands schools will begin on Monday, September 7, it was announced this week by Superintendent M. D. Billings.

Teachers for nearly all of the schools, except in Franklin and Highlands, were announced in last week's issue of The Press. A teachers' meeting has been called by Superintendent Billings for Saturday.

The rural schools of this county usually open early in July, but this year the start was delayed on account of the fact that the State Equalization Board had a very limited time, after the belated adjournment of the General Assembly's record-breaking session, to act on the budgets of the school systems of the 100 counties of the state. Mr. Billings heard only last week from the budget he submitted to the board.

Support of the schools this year will devolve largely upon the state, under the Maclean bill enacted by the legislature, providing for state support of all public schools for six months. An ad valorem or land tax of 15 cents was levied to take care of this added expense to the state.

The annual reunion of the descendants and relatives of William Washington Cabe will be held at the home of Charles A. Cabe on August 30. All members of the clan are expected to be present with their lunch baskets well filled.

CABE FAMILY REUNION SET FOR AUGUST 30

The annual reunion of the descendants and relatives of William Washington Cabe will be held at the home of Charles A. Cabe on August 30. All members of the clan are expected to be present with their lunch baskets well filled.

Will Rogers Picks A Story For This Spot

By WILL ROGERS
SOME folks never leave their nerve at home. But restaurant people tell me they meet more nervous men than anybody else. Maybe they mean among themselves or they might be blaming the customer, I don't know.



In a swell restaurant in Pittsburgh the other day, a feller sat down and ordered a planked sirloin steak and as many high-falutin' side-dishes as he could eat. After complaining to the waiter about the service, he finished the meal and called for the headwaiter.

(American News Features)

SEEMS LIKE DE WAY O' DE TRANSGRESSOR AIN'T SO HARD AS IT USED TO BE!

Believe it or not, Mr. Wiley Cunningham of Route 2, is picking strawberries in August. Mr. Cunningham brought a basket of the berries to the Press office the other day just to show that he didn't mean to "spook" anyone.

Several year ago Mr. Cunningham read an advertisement in a German newspaper of a strawberry vine which it was claimed would bear fruit eight or nine months each year. He paid ten or twelve dollars for 100 settings, and each year since planting them he has had strawberries all summer long. The altitude here, he reported, is too high for the vine to bear as long as claimed in Germany but they have been fruiting from May

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SAYS

Has Strawberry Vines Which Bear All Summer

I until the latter part of October. Mr. Cunningham says that, so far as he knows he and his family, the only persons in the United States possessing this variety of strawberry. The vine grows just like any other strawberry vine, but he planned later to sell some of the settings but as yet he has used all of the shoots for planting on his own farm. He now has about one-sixteenth of an acre set out in this particular species.

The berries are fairly large and have a delicious flavor. One Mr. Cunningham found 36 of them in one bunch. They bear fairly abundantly and constantly for at least six months.