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DECISION OF HIGH COURT UPHOLDS 18TH AMENDMENT

Justice Roberts Reads Opinion Reversing Decision Of Judge William Clark

Washington, Feb. 24.—The prohibition amendment was held valid by the Supreme Court today in an unanimous decision.

The decision of Federal Judge William Clark, of Newark, that the amendment was improperly ratified by legislatures was reversed by the highest court of the land.

The court, speaking through its junior justice, Owen J. Roberts, reiterated what it said in 1920: That "the amendment, by lawful proposal and ratification, has become a part of the Constitution."

This time the court did what it did not do in the famous 1920 prohibition cases; it explained why Congress was right in proposing that the Eighteenth Amendment be put up to state legislatures instead of special state conventions for ratification.

Roberts, in a 1,500-word opinion which he recited from memory to a crowded court room, held the view that the framers of the Constitution were experts at expressing their intentions. In drafting the Fifth, or amending article of the Constitution, they said plainly that Congress was the sole judge of how amendments should be ratified. Hence, even though individual rights of the citizens are affected as in this amendment, Congress is still the arbiter, Roberts ruled.

Other amendments touching on individual rights, he said, have been similarly acted upon by legislatures.

This decision was interpreted by lawyers as ending any attempt to break down prohibition through legal process.

Several similar cases are now pending before federal courts, but this decision will be a precedent, it is believed, for rejecting any further appeals for Supreme Court review. The noted 1920 decisions rejected various other attacks on the amendment and upheld the Volstead law's main provisions. Other sections and enforcement methods have been sustained almost uniformly in some 100-odd cases appealed to the Supreme Court during the decade since.

Directly, this decision has the effect of upholding an indictment charging William A. Sprague, Wantage Township, N. J., clerk, and William M. Howey, a farmer, with beer-running. They will now have to stand trial. Judge Clark, in his decision last fall, held the indictment was void because the amendment was void.

In general, the decision is a complete victory for the government, which, through Attorney General William D. Mitchell, made a direct attack on Clark's ruling. Appealing the decision to the Supreme Court, Mitchell's legal experts defended the amendment, expressed fear that the decision would hamper enforcement and asked for a quick ruling.

In another prohibition case, the Supreme Court surprised many by reversing sentences of two men under the Jones "Five and Ten" law. But the decision involved no attack on the drastic penalty law. The court in an opinion by Justice Harlan Fiske Stone, ruled that Richard Husty and Charles Laurel, Grand Rapids, Mich., were improperly sentenced under the Jones act to long sentences. The indictment charged they possessed liquor. The Jones act covers transportation and manufacture, but not possession of liquor.

Then the court ruled in a third prohibition case that brewers and distillers could deduct from their income taxes for the years since prohibition became effective, the amount of depreciation from "obsolescence" of machinery and plants caused by dry laws.

The government's enforcement methods were rebuffed a third time in a further case from New Orleans, involving the practice, said to be common, of inflicting liquor law tax penalties on persons convicted of violating the Volstead Act. A decision by a New Orleans federal court, holding illegal an attempt to impose such taxes on Anthony La France, restaurant proprietor, was affirmed by the court.

Poultry flocks will be greatly increased in Halifax county this year because of the low price for the usual cash crops, reports county agent W. O. Davis.

A fortune of \$225,000 awaits the man who can prove to the court in Newark, N. J., that he is the long-lost heir of the late W. N. E. Emery. Already 18 "heirs" have failed to prove their claims to the estate.

While E. Cunningham, of Cleveland, N. C., was reading a book bestowed to him by a friend, he found between the leaves 24 shares in a prosperous company, valued at \$10,000.

A man, government has been added to a list of names.

GUARDS' GUNS MOW DOWN THREE

Machines Used On Chicago Convicts; Guards Give No Warning But Shoot.

Joliet, Ill., Feb. 24.—Prison guards, forewarned of an impending plot by prisoners to escape, early yesterday shot to death three Chicago convicts who scaled the wall of the old state penitentiary in a futile dash for liberty.

Aided by a powerful prison searchlight, the guards, posted outside the prison walls, with machine guns as their weapons, found the three men targets and mowed them down before they had a chance to reach two automobiles parked on a roadside near the prison, presumably by confederates.

The occupants of the cars, pursued by guards in two automobiles, drove rapidly toward Chicago, and escaped, apparently untouched by shots fired at them as they fled.

Joseph Norkiewicz, 31, and Julio Chileno, 39, both serving time for a confidence game, and Alvin J. Kilman, 34, a convicted robber, were the men killed. They were part of a kitchen detail of five convicts. Overpowering Frank Lambert, a lone guard, who was with them in the refectory house, they thrust him into a refrigerator and slammed the door, about 3 a. m.

Using large sticks taken from an adjoining bakery, and nails smuggled from the prison machine shop the plotters constructed a crude ladder which they carried across the prison yard to the southeast corner. Here they placed the ladder against a tool shed and barber shop and mounted to the roof, clamping a cable, also taken from the machine shop, onto an abutting wall.

Norkiewicz, a 19-year man, was the first to climb down. The guard, in a restaurant across the street and in an automobile parked in a vacant lot nearby, waited. Chileno, who had "done time" in jails at Paterson, N. J., and Trenton, N. J., Baltimore and Flint, Mich., followed the leader. Still the guards withheld their fire. Then Kilman began his descent and the order shot came.

Norkiewicz ran straight into one of the two ambulances and fell—with a broken leg. Chileno leaped over the body and was caught by the fire, falling near his leader. Kilman, his hands still entwined about the cable, ran into the fire of the second ambush. He died later in the prison hospital.

The other two of the five scampered back inside to safety.

WOULD CHEAPEN TAX LAND SALES

Committee Bill Makes \$10 Limit On Attorney's Fees; Change Other Provisions

Raleigh, Feb. 26th.—The bill drawn by a sub-committee of House Judiciary No. 1 revising tax foreclosure procedure was reported favorably to the House last night, Chairman O. B. Moss explaining that it was a substitute for House Bill 25, but represented the result of study of a number of bills on the same subject.

Principally, it would reduce attorney's fees and court costs in foreclosures from 50 to 75 per cent, and, by a change in form, reduce cost of advertising notices approximately two-thirds.

Attorney's fees and costs would be limited to a maximum of \$10 to be paid into the general fund of the courts, County Commissioners being authorized to pay a flat salary for legal services.

The bill would cut interest for the first year from 12 to 10 per cent, and gives county commissioners the right to hold in abeyance present tax foreclosures until December 1, 1931.

It also would extend the time for foreclosure from 18 to 24 months, instead 14 to 18 months as at present. Notice of lien would have to be filed with register of deeds by the holder, who would pay costs of notification.

Record all land tax sales would be kept on file by the register of deeds. The committee is expected to introduce a resolution recommending that the tax commission make a study of the matter of listing property to the end that a uniform system be worked out and foreclosure suits eliminated.

D. E. MORGAN'S RESIDENCE DAMAGED BY FIRE THURSDAY

The home of D. E. Morgan on Wilson street was damaged by fire at 8:00 Thursday morning. Firemen responding to the alarm found the roof blazing in spots, having caught from the kitchen stove fire. The house furnishings were damaged by smoke and water. The flames were quickly brought under control.

DR. JOYNER CALLS ISSUE CLEAR-CUT

Says Legislators Will Heed Voice Of People Or That Of Paid Lobbyists.

Raleigh, Feb. 26.—"The issue is clear cut," said Dr. J. Y. Joyner yesterday, speaking for the legislative committee of the State Tax Relief Association in connection with the matter of the State taking over the responsibility for the constitutional six months school. It is a matter of "obeying the voice of the vast majority of the people or the siren voices of paid lobbyists," said Dr. Joyner. His statement in full follows:

"The issue is clear cut. Will the members of this General Assembly obey the voice and the mandate of the vast majority of the people of North Carolina and of justice and right and the expressed mandate of the MacLean law passed by themselves by an overwhelming majority which they are now under oath to obey for state maintenance of the public schools for six months from funds derived from sources other than an ad valorem tax on property, or will they obey the siren voices of hired lobbyists and other representatives of certain big interests that have heretofore escaped their just share of taxation and are naturally and selfishly making a determined and desperate effort in these closing days of the assembly to frighten and discourage the representatives of the people with the false cry that sufficient funds cannot be provided as directed and to secure a compromise on an increased equalization fund for part and a statewide ad valorem tax of 20 cents on property for the balance.

"Nothing but the entire maintenance of the six months schools by the state without any ad valorem tax on property will give the relief in taxes on lands needed and demanded by the people, required now by law, and promised by the Democratic party.

"Sources from which the funds can be secured without any ad valorem property tax and without injustice or injury to any business or industry in the State have been clearly pointed out. A bill for the equitable and economical administration and distribution of their funds without interference with the successful operation and efficiency of the public school system, which I have carefully examined, has been introduced in the Senate.

"The people know it can be done. They confidently expect and trust their representatives to do it. They will not be satisfied with any compromise and ought not to be.

"Members of the General Assembly, representatives of the people and of the Democratic Party, keep faith with them in this crisis and they will keep faith with you. Betray and desert them and they will destroy you and the party.

"To your tents Oh, Israel. We stand at our Armageddon in this righteous fight for justice and relief to land owners in taxation. The battle will be lost or won in a few days now. Continue ceaselessly to let your voice and demands be heard in press, in petitions, in resolutions, in personal letters, if need be, in personal visits like that of the militant property owners of Forsyth County yesterday, by your representatives in this General Assembly and a glorious and righteous victory will be won.

"Only the expressed voice and will of the people in a Democracy is louder and more effective than the voice of the lobbyists and other representatives of big interests and special privilege."

THE NEXT WAR

Speaking to a large London audience British Foreign Secretary Arthur Henderson implored support for plans to reduce military and naval armament. He painted a terrible picture of what the next war would be like.

"The next war will not be like the last," he declared. "It will be incomparably worse. A great military expert has said that in the last war we were killing by retail but next time we shall do it by wholesale.

The next war, if it ever should come, will be fought by aircraft and by aircraft using poison gas.

"Every year our air force carries out maneuvers over London. Have you ever thought what maneuvers mean? They mean that our staff, like every other staff, is now expecting that the operations of the next war will be air attacks against great centers of industry and civilian populations.

"It is useless to protest that such warfare would be an international crime. We have surely learned that it is beyond our power to humanize the conduct of modern war. Once war begins no man and no government can control it. The only way to stop such barbarities is to stop war itself."

In Atlanta, Ga., a community kitchen serves to needy persons a 3-cent meal consisting of soup, bread, cake, milk and coffee.

Three Champions from the Same Town



Fort Dodge, Iowa, is famous as the home town of Fred Stank, National Swimming Champion, Marvin Nelson, winner of the St. Louis Marathon Swim at Toronto last Summer, and Marie Kautsky, Women's Trapshooting Champion.

TEACHERS OUT OF PERSONNEL BILL

Dr. Brooks Wins Point Before Committee, Senator Umstead Accepts.

After indicating, but not voting, approval of the bill in all its other applications, the House Judiciary Committee, No. 2, yesterday turned over to a sub-committee the duty of drafting an amendment to the bill to create a State Commission of Personnel which would exempt the faculties of state educational institutions from the provisions of the bill.

The bill, already passed by the Senate, abolishes the old Salary and Wage Commission and gives to the new commission far-reaching powers in regulating the number of State employees and fixing their salaries. Dr. E. C. Brooks, president of the State College, appeared before the committee asking that faculties be exempted. Senator John Umstead, one of the authors, said the amendment would be accepted but he did not consider it necessary. The Senator spent much of his talk in denying the story in an afternoon newspaper which indicated he would be appointed and would accept the dictatorship of the commission.

Senator Umstead said the article was written in an effort to defeat the bill and was untrue in every intimation. The bill, he said, had the approval of the chairman of the present Salary and Wage Commission, Julian P. Henderson, and was appointed to the sub-committee.

The committee also approved the Moyer bill, to provide that checks from tobacco warehouses carry the name of the seller of the tobacco, instead of being made to the bearer, as at present. The bill, its advocates say, would aid in tracing tobacco thefts.

SEEKS LIST OF VETS IN DISTRESS

President Gathering Data Before Vetoing Cash Loan Bill.

Washington, Feb. 25th.—President Hoover, preparatory to vetoing the veterans' loan bill, is having an inquiry made throughout the country to ascertain the degree and number of veterans in distress.

At the White House today, it was said various federal agencies are making queries to ascertain also how effective the legislation would be as a relief measure.

Under the bill the ex-soldier would be able to borrow up to 50 per cent of the face value of his adjusted compensation certificate.

The measure is to be vetoed between now and Thursday. Efforts are to be made in congress to override the veto at once.

Taking \$1,000 as the average value of the certificates, the President was said already to have ascertained there are 210,000 veterans who would be able to borrow \$16,000,000 or \$80 a piece, if they had received no advance already on their certificates.

In the group having certificates ranging from \$250 to \$1,000 there are 500,000 veterans who—if they had not previously borrowed—would be able to get \$77,500,000 or \$157 each.

Mr. Hoover has received reports from two widely separated cities. In one, there are 20,000 veterans and the veterans' administration was reported informed there are 150 of these veterans in distress and being cared for by relief agencies.

In the second city, which was larger there were 140,000 veterans and of this number 1,700 were reported in distress or being cared for.

Before acting on the bill, President Hoover expects to receive complete reports from dozens of cities in widely separated sections.

He also was said to be endeavoring to ascertain how long it will be before the provisions of the present bill can be put into effect.

CHEVROLET PLANE FOR BIG BUSINESS

Believe Good Business Will Reward Those Who Go After It In 1931

The most energetic move made by an automobile manufacturer so far this year to bring volume up to normal levels is to get under way next week when the Chevrolet Motor Company embarks on a sales promotional activity said to be the most extensive ever put on by a national manufacturer.

Upwards of 40,000 people in the Chevrolet domestic retail organization will be summoned to the 52 zone headquarters in as many key cities to attend meetings staged by factory officials for the improvement of retail sales procedure. Nine groups of factory officials, each group comprised of eight men, will stage the meetings from March 2 to March 19.

To conclude the meetings in less than three weeks, all region and zone managers, sales promotional representatives and other members of the field staffs are being pressed into service to aid members of the home office in holding the sales conventions, which are under the general direction of H. J. Klingler, vice-president and general sales manager.

The move represents an extraordinary activity by Chevrolet, attempted for the first time this year, and is based on the belief that annually good business in 1931 will reward the organization which goes out after it. While similar meetings have been held on a national scale by Chevrolet in the past, they have never been the first instance of national conventions being held solely for retail salesmen.

The purpose, according to Mr. Klingler, is to school the retail salesman in every phase of car merchandising in the interest of improved service to the public, which in turn will add to the good will of the dealer's establishment and the product, and add to sales volume.

Meetings in each town last on day, beginning with a luncheon and terminating with an afternoon business session in a leading theatre or auditorium. A feature of the luncheon is the installation of officers of the "100-Car Club", a star salesman's organization composed of those retail salesmen who disposed of one hundred or more cars during the calendar year. Each zone has its local organization, with the four sales leaders in that zone as honorary officers, and a national organization also is maintained.

The afternoon business session, as worked out by W. G. Lewellen, sales promotion manager, consist of stage scenes and playlets with factory men in the role of actors. Each group of officials is accompanied by a carload of special scenes, drops, stage settings and other theatrical equipment to aid in the effective presentation of the program. Even talking motion pictures form a part of the presentation to the salesmen and dealers across the footlights.

The equipment carried, rivals that of a theatrical road show, and makes possible a dramatic presentation of the particular phase of selling under consideration. Instead of illustrated lectures, the salesman has demonstrated to him the correct procedure in any given situation.

In inaugurating this series of meetings the Chevrolet company is continuing the aggressive policies adopted last fall when, despite general conditions, the 1931 Chevrolet sixes were announced nearly two months in advance of the normal schedule. National dealer meetings also were held before the customary time in an effort to make business better.

The revision in the company's normal program had an almost immediate effect. Production in November and December set new high records for these months, and Chevrolet passenger car registrations in December lead all other makes, a position of leadership which the company seems destined to maintain during February in view of the trend of early reports.

money for the next fiscal year, and a deficiency measure to pay for emergency legislation enacted, still are to be passed, but plenty of time for them remains.

In all there are tight and a half legislative days ahead. Night sessions will be added when necessary and sometimes Congress puts in some working hours on its last Sunday.

SUDDEN REVIVAL OF LOBBY PROBE

Charges That Senator Got \$100,000 in Sugar Money To Be Investigated.

Washington, Feb. 24.—The Senate's strife-torn lobby committee was revived today to investigate published reports an unnamed Senator had received from \$100,000 to \$150,000 from a domestic sugar company while Congress was considering the Hawley-Smoot tariff bill.

The committee was called to meet tomorrow after Senator Davis, Republican, Pennsylvania, former Secretary of Labor, asked Chairman Caraway for an immediate and complete investigation of the reports.

A full inquiry also was demanded on the Senate floor by Senators Borah, Republican, Idaho; Robinson, Democrat, Arkansas, and Nye, Republican, North Dakota, after Borah read the story published in a New York newspaper.

Nye, Chairman of the Campaign Funds Investigating Committee, said his committee had made a partial investigation of the reports, but had abandoned its inquiry when it found no evidence of money being contributed to the Senator's campaign fund.

Questioned by other Senators, Nye said he had turned what evidence he found over to the Lobby Committee, because he felt his committee had not jurisdiction, and not because he felt there was nothing to investigate.

In a formal statement earlier in the day, however, Nye had said it would "not surprise" him if the Lobby Committee found the allegations without merit and report it found nothing "reflecting upon the honor, honesty or integrity of the Senator involved."

Not once during the Senate debate was the name of the Senator involved mentioned.

Davis, a member of the Hoover, Coolidge and Harding cabinets, who was not a member of the Senate when the tariff bill was being considered, told newspapermen he had asked Caraway for an immediate investigation.

"I, as one Senator, demand that the charges be gone into to the fullest extent," Davis said. "I told Senator Caraway I would get the witness he wanted. The sooner they get to it the better off we will be."

Borah said he was sure the Senate would want the charges investigated pointing out that no name was mentioned.

Asserting the lobby committee of which he is a member, would be authorized to make such an inquiry, Borah said "I urge that the lobby committee make an investigation and report the facts to the Senate."

Robinson, Democratic leader, joined Borah's demand for an inquiry.

PLANTING TREES ON HILL FOREST

State College Plants Several Thousand Pines And 500 Chinese Chestnut Trees

Practical use of the Hill Demonstration forest, given to State College as a Christmas present last December, by George Watts Hill, of Durham, was begun this month when 45,000 pine seedlings were planted in the open areas and 500 seedling Chinese chestnut trees were planted for experimental purposes.

"In planting the pine trees, we are beginning a reforestation project which will be of value to our students as well as to forest owners of North Carolina," says Dr. Julius V. Hoffmann, head of the college forestry department. "Of the pines planted, 36,000 were two-year old Loblolly or old field pines, 6000 were Long Leaf, 2000 were Short Leaf and 2000 were Slash pines. The seedlings were secured from the State nursery and transplanted by our students. We shall use our own nursery stock after this year."

The planting of Chinese chestnuts was made to aid the government in finding a variety resistant to the blight which has practically wiped out the chestnuts of the mountain region. Seeds were secured from the Bureau of Plant Industry at Washington by the State Forest Service of North Carolina.

Dr. Hoffmann says 400 of the trees were set with a spacing of about nine feet to grow for timber production, while the remaining 100 were set in orchard formation about 80 feet apart to be used for seed production. After the seedlings are well established they will be inoculated with the chestnut blight to find out if they are resistant. If not, other varieties will then be tested.

These two projects illustrate the value of the Hill Demonstration Forest to the State of North Carolina, says Dr. Hoffmann. Tests of this kind will be made constantly in addition to the usual forest and lumbering studies under way.

Each motorist in the United States spent an average of \$28 on tires and tubes during the past year.

PROPOSE PROHIBITION DISCUSS'N BY DEMOCRATS

National Committee Meeting May Involve Dinner To Consider Question.

Washington, Feb. 24.—The meeting of the Democratic National Committee here March 5 probably will be marked by a dinner at which the prohibition issue can be talked over frankly.

There has been consideration among party managers as to the advisability of making the dinner discussion a public one, with a radio broadcast participated in by spokesmen on different sides of the prohibition question. But so far as could be learned tonight, no decision on this point has been reached. Invitations have not been issued, it was said at Democratic headquarters, and none will be until the exact nature of the dinner has been decided upon.

As reported by the United Press last week, opposition of dry spokesmen in the party has discouraged hopes of those party leaders headed by John J. Raskob, national chairman who wished for a definite pronouncement on prohibition by the national committee. But this group still is convinced that the prohibition issue should be thoroughly aired while the national committee is gathered here; hence the plan for a party dinner.

The usual practice is to keep internal differences pent up until they burst open in the strife of a national convention. Many have counseled this course at present. Raskob and Jonett Shouse, chairman of the Democratic national executive committee, are understood to feel that thorough airing of differences now would not only serve as a safety valve, but might disclose a trend of opinion which would lead to a more harmonious adjustment between anti-prohibitionists and dries than could be obtained in the excited haste of a national convention.

Consideration also has been given, it is understood, to the question of Raskob and Shouse making a direct appeal to the party to enter the fight against prohibition. If such an appeal is made, it probably will come from Shouse, who is from dry Kansas, a former lieutenant in the dry wing of the party. William O. McAdoo made his prolonged fight for the Presidential nomination in 1924. While Shouse worked in the Smith organization in 1928, he is less linked in the public mind with the former Presidential candidate than is Raskob. The latter, furthermore, is a director in the Association against the Prohibition Amendment.

Of various positions which would be urged on the party in such an utterance, the two most discussed ones are:

1. A referendum through submission of an amendment to repeal the 18th Amendment.
2. Submission of a proposed revision of the 18th Amendment possibly similar to that worked out by the Wickersham commission which would give Congress power to "regulate or prohibit" the liquor traffic.

OATS & LESPEDEZA GOOD HAY CROPS

Farmers Must Grow Feed For Livestock Or Go In Debt, Says Expert.

For an early hay crop, oats are best to plant at this season of the year and if lespedeza is seeded on the oats a second hay crop may be gathered from the same land this fall.

"It is an economic impossibility to buy feed for livestock with money from low priced cash crops and not be deeper in debt at the end of the season," says P. H. Kime, agronomist of the North Carolina Experiment Station at State College. "Early spring hay crops should be planted to furnish feed for the summer months and fall hay crops should be planned for at this time. These all should be planted on good land and fertilized."

In planting spring oats, it is necessary to prepare the land well, fertilize it and seed the oats at the rate of at least three bushels to the acre. The Fulghum variety is best for spring seeding. Feed oats are unfit for planting. They are usually northern grown and unsuited to southern conditions. The earlier the oats are sown, the better, and in the coastal section the planting date should be about the first of March.

Lespedeza, says Mr. Kime, may be planted on the oats without any extra preparation using one to one and one-half bushels an acre. The seed are covered lightly with a harrow or may be put in with a drill. The Tennessee 76 and Kobe varieties make somewhat better yields of hay than the Common but the seed are more expensive. The Common variety will make a good hay crop on fairly fertile soils and the only labor or expense is to clip the seeds once or twice during the summer.