The county commissioners met Saturday morning to formally call off the sales tax referendum and left the board of elections with 6,000 pieces of scratch

In preparation for the vote Feb. 9, 6,000 ballots had already been printed. The State Supreme Court last week ruled the local option tax

unconstitutional because it discriminates against taxpayers in the same classification.

The court ruled that the state cannot levy a tax in 25 counties and exempt the

other 75 counties.

Hoke County officials had anticipated about \$120,000 from the tax if it passed. They announced plans to help fund a

city-county recreation program, establish a county garbage disposal system, and try to hold property taxes down.

With the sales tax revenue no longer in sight, the county faces difficulty in

implementing these plans.

The county now has an option to buy a 63 acre site for a sanitary landfill, T.B.
Lester, county manager said. This is the old McKeithan property across Rockfish Creek near the airport.

Creek near the airport.

"We're going to try to get a landfill so that people will have a place at least to take their garbage, even if we can't put in the container system now," he said.

Under the new anti-pollution provisions of the Air and Water Resources Board, farmers must discover for the said.

Board, farmers must dispose of poison containers in sanitary landfills, Lester said. "We're just going to have to have some place for them to dump those cans," he said.

The future of the recreation program is The future of the also in doubt.

"I really can't say much about it at this point," Lester said. "I hope we'll be able

A tax increase this year is a good possibility, he said.

possibility, he said.

Several proposals to make a one cent tax available to the counties are now being considered by the legislature.

If a measure is passed soon and collections begin by July 1, the county will receive revenue for about a half year, he said. This will not be reflected to any great extent in the hudget plans for the

great extent in the budget plans for the next fiscal year, however.

"I'm afraid if we do get a sales tax, they will make the distribution so complicated that we're not going to know how to budget it for the first year. We'll have to under-budget."

Lester also said he fears the provision

for distributing half of the total tax collected to all the participating counties-which was so advantageous for

small counties-- will be eliminated from a

The Hoke County Journal - Established 1905

Around Town

By SAM MORRIS

The decision of the North Carolina Supreme Court concerning the optional one cent sales tax takes away my subject matter for the week. We will say that the election has been called off in Hoke County. Elsewhere in this issue the matter is discussed at length by the officials of the county.

We expect to be writing about this issue later on after the legislature acts on the matter.

the matter.

We attended the press convention in Chapel Hill last Thursday and Friday. We ran into two former employees of The News-Journal who were also attending the convention. They were Eugene Smith. Hoke native, and now publisher of The Havelock Progress. The other man was Mike O'Hara who was a reporter for us several years ago. They were both looking Mike had put on some extra pounds since ry prosperous and in the best of health

Also we talked with Cliff Blue, Hoke native, and of course writes a column in this paper. It was a good meeting and you always pick up a few points when talking shop with other newspaper people.

Mrs. Clayton Buoyer called me the other night and said that Mrs. Mary Odom, one of our district representatives would be the speaker at the February meeting of the Raeford Woman's Club. The meeting will take place Tuesday, February 2 at the Civic Center. We know that all ledge of the glub will went to be that all ladies of the club will want to be present to hear Mrs. Odom. After three weeks in Raleigh she should have some interesting facts about what she thinks the lawmakers will do in the near future. So ladies go out and make her welcome.

The following letter is published in all effort to aid Mrs. Harris in obtaining names of the Class of 1947 at Hoke High:

Dear Mr. Morris: wrote you several months ago concerning an attempt to organize a 25th Class Reunion of the 1947 Graduating Class of Hoke County High School and you were kind enough to print my letter in your paper, however, I have only had three class members to respond and these live in other areas. I know that there are live in other areas. I know that there are right many of the members living in this immediate area and feel certain that they read your paper. My main interest at this point is making contact with the members. Many of them are married and of course I do not know their married names. I would appreciate your mentioning that I will have more again in hoper that I will have more response from the class members of from right many of the members living in this response from the class members or from the teachers who were at Hoke High at that time who might be able to help me in this venture. Maybe there are some who are just not interested in anything like this, but I am sure this would be a great opportunity to renew acquaintances

Thank you very much.

Sincerely, Jean McNeill Ray Harris P.O. Box 5165 Fayetteville, N.C. 28303

Bob Hughes, president of the Raeford Lions Club called this week and asked that we announce the dates for the annual golf tournament sponsored by the club. The tournament this year will be played the weekend of May 15 and 16. So mark this date on your calendar if you are ready for another fine Lions Golf Tournament.

Housing: Topic Of Two Meetings zoning board of adjustments met to consider an exception to the zoning

Housing was the topic of two meetings in the city Monday night.

The city council held a public hearing on a city housing authority and the

Fires Kill Baby Turkeys

Two fires resulted in the loss last week of approximately 17,800 day - old turkeys at Upchurch Turkey Farms.

The life fire occurred about 9:30 a.m. Jan. 20 when an infra - red heater on a bus used to transport young turkeys from the hatchery on Campbell Street to the farm exploded. Killed in the fire were 11,800 tom poults.

A second fire that night at the farm burned a brooder house and killed 6,000 brooder heap poults. The fire was believed to have started from a gas heating system malfunction, Wyatt Upchurch said.

Upchurch estimated the loss at \$17,000.

The zoning ordinance, which applies also to property within a one mile radius of the city, forbids mobile homes to be parked outside trailer parks. Parks may be established only in specified zones.

The board of adjustments granted the

Commissioners Call Off Tax Vote Following Supreme Court Ruling

Man Dies In Fire

An elderly man died Thursday afternoon in a fire at his home near Balfour's crossroads.

He was identified as Will H. Baldwin,

Firemen from Hillerest Fire Department who arrived at the blaze about 2 p.m. sprayed the flames enough to allow them to remove the body. The house was destroyed.

Baldwin's body was found just inside the front door beside an oil heater, Hillcrest fire chief Ed McNeill said. The

Baldwin, a feeble, one - legged man, lived in the five - room cinderblock house with his wife. She had gone to Antioch to list taxes at the time of the fire, McNeill said.

Goza Thanks Work ers

With other fund drives ready to begin with other fund drives ready to begin in the county, the United Fund is ending its campaign approximately \$700 short of the goal.

Drives for the Heart Fund, the March of Dimes, Cander Fund and other projects will soon begin.

"I would like to thank those who contributed to the campaign this year," Jerry Goza, campaign manager said.

"And I especially want to thank those who donated time as well as money to

who donated time as well as money to the effort. These included Miss Josephine Hall, Lester Shelton, Vardell Hedgpeth, Danny DeVane, Paul Solomon, Wendell Young and Tom Burgess, who collected

funds."
"I'd also like to thank Mrs. Postel and "I'd also like to thank Mrs. Postel and the Girl Scouts for making posters and placing them in the businesses downtown," he said.

Although the campaign is officially closed, any contributions will still be welcomed, he said.

TNT Found **Buried In** Rockfish

Seven cases of TNT were found buried in the back yard at the home of Mr. and Mrs. Roy Hayward of Rockfish.

The explosives were found Jan. 20 by Hayward's sons, Danny, 9, and Wayne, 10. The boys, who were out of school that day, were digging a hole in which to bury garbage about 400 yards from the house.

They told Hayward about their find when he returned home from work that evening. Hayward notified the sheriff's department, who investigated and called Army demolition experts from Ft. Bragg to remove the TNT

Fuses and caps were found with the

The Haywards have lived in the home

Three persons attended the hearing on

the housing authority. Ralph Lassen of the State Department of Local Affairs met with members of the city council to

explain the authority.

The council plans to approve the housing authority at the next regular council meeting, John Gaddy, city

An estimated 50 to 75 persons attended the meeting of the zoning board

of adjustments.

Mrs. Pauline Buie and her son, Tony

Buie, requested permission to keep a trailer parked on their property just outside the city limits.

manager said.

Fireplaces Blamed For Two Fires

Two fires involving fireplaces were reported in the county last wegk.

The gas heater in an artificial fireplace

The gas heater in an artificial irreplace ignited the wall behind the chimney Wednesday night at the home of J.E. Byrd at 410 F. Donaldson.

An estimated \$500 damage was done to the den. The Raeford fire department

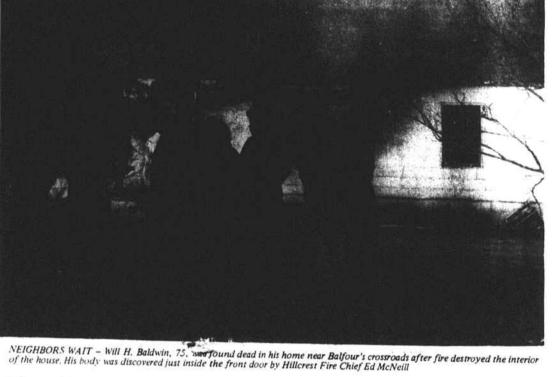
nswered the call.

The Rockfish fire department was summoned to the old McKoy house on the Doug Monroe farm Wednesday night. A chimney had burned out and had fallen to the floor inside the house. Little damage was reported.

Rep. McFadyen Chairs House Committee

Representative Neill McFadyen has been chosen chairman of the House Commissions and Institutions for the Blind and Deaf for this session of the

He has been appointed vice · chairman of committees on insurance, state personnel and agriculture and is a member of the finance and the roads



Judge Denies New Trial To Patrolman's Killer during his original questioning and trial.

Willie Junior Smith, sentenced in 1964 to life imprisonment for the murder of Highway Patrol Trooper W.T. Herbin, lost his bid for freedom Monday.

In a post conviction hearing in Superior Court. Smith asked for a new trial on the grounds that his legal and constitutional rights were violated during his original questioning and trial.

Superior Court Judge Jame H. Pou Bailey denied the motion for a new trial after a lenghty hearing Monday.

Smith was tried and convicted of the

slaying by a special venire of jurors brought in from Bladen County. Herbin, a popular patrolman who had served in Hoke County for 13 years, was found severely beaten and shot four times in the face. Four men were originally charged with murder and two were tried and convicted during a special session of Superior Court in December, 1964.

Smith contended Monday that his legal or constitutional rights were violated In his petition, he alledged that out of the 150 jurors selected in a special venire from Bladen County, only 23 were Negroes and that the method used to select the jurors systematically and intentionally excluded Negroes Secondly, Smith contended that of the 14 Negroes drawn for the jury, all were excluded either because they voiced opposition to capital punishment or pre-emptively. He also said that substantial

numbers of other jurors were excluded because they voiced opposition to capital punishment. Smith charged that at the time of his arrest, he was held incomunicado in jail for a number of days, constantly and repeatedly harassed and denied opportunity to consult with his lawyer. Finally, he contended in his petition, a

statement made involuntarily by him was admitted into evidence. In denying the request for a new trial, Bailey ruled that Smith was lawfully tried and found guilty by a jury on a valid bill of indictment and that after the verdict, he was sentenced

There was no evidence to show he had been held incommunicado, Judge Bailey said. Smith's court - appointed attorney, Phil Diehl, had devoted 14/ hours in preparation for the trial and had exhausted every resource in Smith's trial, today Bailay said. according to law, Judge Bailey said.

Judge Bailey also ruled that Smith had

been fully and adequately advised of his rights by James C. Lothspeich, a special agent for the Federal Bureau of Investigation, and that Smith had understood his rights before making a statement. The transcript of the trial showed that

the trial judge had conducted an extensive investigation into the admissibility of the statement at the original trial, Judge Bailey said.

Newspaper accounts of the trial report that Diebl objected to the admission of

that Diehl objected to the admission of the statement on the grounds that it had been taken involuntarily, and that the point was argued for about two hours before the statement was admitted as

evidence.

Judge Bailey also ruled that every effort was made by the Highway Patrol to protect Smith from any violence and that the crowd that gathered at the the crowd that gathered at the courthouse when he was arrested was quiet. There is, Judge Bailey said, no evidence of any duress, cruelty, threats or any evidence of unlawful questioning.

The special venire ordered from Bladen

County was drawn in a manner then recognized as adequate by the state. Judge Bailey said. The Bladen County sheriff selected 150 jurors with the sole consideration that they were freeholders

and had paid their taxes, Judge Bailey said. No exclusion was made by reason of race, color, creed or wealth and, in fact, 28 Negroes did come to Hoke County.

The names of the prospective jurors were drawn by a child and 91 names of the 150 were drawn before thirteen were See Judge, Page 9

Water System Meeting Called At Scurlock

A meeting of residents in the Hillcrest Scurlock area to discuss the community water system has been called for Feb. 2 at 7.30 p.m. at Scurlock

A tentative commitment for a loan and grant to install the water system has been received and an organizational meeting

All interested persons are asked to

If expect to see a compromise, with maybe a quarter of the total tax going back to all the counties. That way, we'll get about twice what we pay in. If we just get what we pay it, it won't amount to much. Of course, it would help some, anyway," he said.

Counties, particularly small ones, must have some source of revenue other than property tax, Lester said.
"If the small counties don't get some

kind of revenue besides property tax, you're going to see some consolidations of counties in the next few years," he said. "Small county governments just can't keep up with services like the larger counties on property taxes alone."
"We're just waiting on the legislature

Health Center Makes Changes

The county health center is getting a new look.
Two new staff members have been

hired recently, a third has been approved by the county board of health and of the county board of health and construction was begun last week on an addition to the building.

Mrs. Eve Nichols, of Fayetteville, has been hired as a part - time nursing

supervisor for the center, Dr. H.H. McLean announced, and Mrs. Barbara Allred has been hired as a licensed practical nurse.

Two public health nurses, Mrs. Flora Crowder and Mrs. Jerry McLamb, resigned from the center in December after many years service there.

The board of health approved a resolution in July calling for a nursing supervisor after a study of the personnel problems at the center was made by the state. Dr. McLean, Walter Coley. chairman of the county board of health and Dr. John Park uson of the State Board of Health, appeared before the county commissioners in July to request a transfer in funds already budgeted for the center to har the nursing supervisor.

The commissioners postponed action on the request. However, the money was approved after Christmas, Dr. McLean

The county board of health last Thursday night approved the hiring of Mis. Dean Huggins as public health nurse trainee, D.D. Abeinethy, chairman of the board of health, announced.

Mis. Huggins is a native of Hoke County and graduated from high school here. Her brother, Dr. R.A. Matheson, Jr., practiced medicine here for many years. The public health nurse trainee position is paid by the state and is filled by the State Department of Health, Abernethy said.

Abernethy said.

Construction on the center was begun Construction on the center was begun last Wednesday. Additions will be built on each end of the present building to expand the offices and waiting space. T.B. Lester, county manager said. The waiting room will be extended about nine feet and the end of the building nearest the Armony wall be extended about 18 the Armory will be extended about 18

Offices for the county sanitarian and

See CENTER, Page 9