

COUNTY OFFICIALS START NEW TERMS

No Changes Made in Appointive Places—A. B. Galloway Chairman of Board

Officials of Transylvania county assumed their posts for the new term Monday morning, with two newly elected officers going in along with a large list of re-electives.

Spalding McIntosh, clerk of court, was sworn in at the Henderson county court house along with the clerk there by Judge J. Will Pless. Other officials took their oaths before R. L. Gash, notary public, here.

There was no change in any of the appointive places by the county board of commissioners.

A. B. Galloway was again elected chairman of the board by Commissioners E. Carl Allison and John L. Wilson, and Pat Kimzey was named for another term as county attorney.

Ralph Lyday was again named county accountant, tax supervisor and purchasing agent for the county. J. D. Bryson was named to his position as superintendent of the county farm; Wade Vaughn, re-named janitor of the court house under supervision of the sheriff who was named custodian of the building and grounds.

Dr. Charles L. Newland was named to the post of county physician which he has filled for the past 18 months following appointment of Dr. G. B. Lynch as health officer.

Edwin L. Morgan took over active charge of the county tax collector's office, succeeding Lem Brooks who was not a candidate for re-election following four years in the office.

Clerk of Court McIntosh succeeds Otto Alexander, who also served two terms of four years each. Mr. Alexander is assisting Clerk McIntosh in work in the court room this week, and the new officer appeared Monday to be getting along very well indeed.

Eck I. Sims is beginning his second term as register of deeds, and is assisted by his wife, F. L. (Buck) McCall is continuing in charge of the jail and serving as deputy under Sheriff Shuford, who started his second term Monday for four years this time instead of two.

C. M. Lance filed his bond as constable of Cathey's Creek Township, and W. L. Wood filed bond as constable of Brevard township. Other township officers are expected to make bonds and take oath of office within a few days.

The following were re-appointed register of vital statistics: Boyd, Mrs. Haskel Lyday; Brevard, Mrs. Z. V. Burrell, Cathey's Creek, Mrs. Jordan Whitmire; Dunns Rock, Mrs. Hesse King; Eastatoe, Mrs. W. C. Gravelly; Gloucester, Mrs. Walter Fisher; Hogback, Mrs. Sue F. Reid; Little River, Frank Shuford.

Tobacco Meeting Set For Tuesday Evening

(J. A. Glazener, County Agent)
A tobacco meeting will be held at the Little River school house next Tuesday evening, December 13, at 7:30, for the purpose of discussing the 1938 and '39 tobacco program. It is expected that E. Y. Floyd, State extension tobacco specialist and State Executive Officer for the Soil Conservation program, will be present for this very important meeting. If it is found that Mr. Floyd cannot be present, some one from the state office of the Soil Conservation Association will be present to address the crowd.

Since all tobacco growers in the county will be given an opportunity to vote December 17 as to quota allotments for 1939 it is most important that the tobacco growers attend this meeting and get all the information concerning the tobacco situation possible before casting their ballots.

To Confer First Degree

The first degree will be conferred at the regular communication of Dunn's Rock lodge which will be held in the lodge hall Friday night at 8 o'clock. At conclusion of the degree work refreshments will be served. A cordial invitation is extended to all visiting Masons.

MICKIE SAYS—

WHEN YOU REQUEST TH' EDITOR TO LEAVE OUT A GOOD ITEM, FOR NO PARTICULAR REASON, YOU ARE ASKIN' HIM TO BETRAY HIS READERS— THEY HIRE US TO GET TH' NEWS FOR 'EM



To Ten Thousand



Above picture shows a part of the 10,000 bulletins which Brevard College send out each month to friends and prospects of the institution.

Last issue of the Bulletin carried a listing of the personnel-faculty, student group leaders, and listing of the students together with their residences, and other information.

As an advertising medium, the Bulletin is an exceptionally good piece for Transylvania county, and each month carries information of interest to friends of the college.

Measles Epidemic May Close Schools Before Christmas

Epidemic of measles which seems to be prevalent throughout the county may cause all schools to be closed the last of this week.

Dr. C. L. Newland chairman of the county board of education, said late Wednesday afternoon that he considered measles to have reached the epidemic stage, and that he would confer with other school officials and the health officer on Thursday to determine the advisability of closing all school until after Christmas. Notice would be given through the schools if this step were taken, the chairman said.

Dr. G. B. Lynch, health officer, said Wednesday night, that in his opinion the epidemic was lessening, especially in the lower end of the county, and that unless school officials made the request, he would not recommend closing of the schools with the Christmas holidays but a little time off.

The health officer made suggestion that parents be careful in keeping children from contact with possible cases of measles.

CIVIL COURT DOCKET BEGINS ON THURSDAY

Small Number Criminal Cases Were Disposed of Monday and Tuesday

With one of the smallest criminal dockets in several years, Superior court got under way here Monday morning, with Judge J. Will Pless presiding.

Most of the first day was taken up with issuing papers for those who failed to appear, and to hearing submissions for minor charges, composed mostly of liquor law violations.

Spalding McIntosh, new clerk of court, was in the position occupied in the court for the past eight years by Otto Alexander. Mr. Alexander, however, was assisting the new clerk in keeping his court records.

Clarence O. Ridings was here for the state, and Miss Lassie Kelly of Franklin is serving as court stenographer.

The criminal docket was cleared Tuesday, and court recessed Tuesday night until Thursday morning. Disposition of a few criminal cases will be made Thursday morning, after which the civil calendar will be taken up.

Both the criminal and civil dockets are very light at this term, and due to the large number of submissions Monday and Tuesday, the court was able to recess Tuesday night.

Mrs. Orr Elected To Head Women's Club In Brevard for 1939

Mrs. Oliver H. Orr was re-elected president of the Women's Civic club for the ensuing year, at the December meeting held Monday afternoon in the club room.

Other officers elected were: Mrs. J. H. West, vice president; Mrs. A. H. Harris, secretary; Mrs. R. H. Zachary, treasurer.

It was reported by the Thanksgiving committee, of which Mrs. R. H. Zachary is chairman, that eight bags of fruits and candies were taken to the inmates of the county home for their Thanksgiving cheer. A cash donation was made toward the Christmas tree to be sponsored by the county health unit.

A discussion was entered into concerning the proposed new community house, which the club is working toward as its major project for the year.

New Theatre Building In Brevard Will Be Completed For Use In Early Summer

Work was started Monday on "The Co-Ed," Brevard's new theatre on West Main street, adjoining the Clemson.

The new theatre house will be of modernistic design, having an overall measurement of 38 feet by 120 feet, and will be furnished with 500 seats.

Frank D. Clement and son, Verne P. Clement, owners and operators of the Clemson Theatre, are builders of the new theatre, and Henderson Construction company of Hendersonville are contractors. E. G. Stilwell of Henderson is architect. They expect to have the new theatre in operation in June.

Front of the building will be of white stucco finish; with brick and steel being used throughout in construction for fire protection.

The new building will tie in with the wall of the Clemson Theatre on the east and the Abercrombie Furniture store on the west.

First floor of the building will be used for the theatre proper, with latest air conditioning and furnace for steam heat in the basement. Second story will be utilized as living quarters for Mr. and Mrs. Verne Clement, and Mr. Frank D. Clement, and will also connect with the apartment now in use over the Clemson.

Front of the building on Main street will be utilized as a lobby and ticket booth, with the lobby proper running crosswise of the building. Lounging and rest room of approved type on either side of the lobby will be installed and a "cry room" will also be built in the front of the main auditorium.

The "Cry room" is something entirely new for theatres, and is so fitted up that mothers with children who start crying for any reason in the main theatre may be taken into the plate glass "cry room" where facilities will be provided for hearing the talks without disturbing other patrons.

Boylston Road Bids Asked By State For December 15

Bids have been asked by the state highway and public works commission on the remaining stretch of Boylston road, a distance of 6.34 miles from the county line to new entrance to the highway below Mills River Bridge.

The letting will be held on December 15, and it is expected that construction on the link will be started immediately after January first.

The 6.34 miles stretch will tie in with the completed 290 at the county line, and intersect with the paved 191 about half mile below Mills River.

When completed, Brevard will have a short cut through the Boylston and Mills River section to Asheville, and will also have a short scenic route to offer travel from midwest via Tennessee, Caesar's Head and Greenville.

The road will follow approximate direction of the present route to the fork of the road near the Mills River parsonage, where it will keep straight instead of swerving abruptly to the left—will provide a more straight route, and very little grade.

The Least of Their Worries



Friends of Albert Lyday Start Fund To Help Pay Heavy Fine

Move was started here Wednesday by friends of Albert J. Lyday to publicly show their belief in the innocence of the former Pisgah Forest boy, and to assist him in paying a heavy fine and settlement in the Fred Tolbert shooting case.

Along with a letter which was written by several citizens, checks in the amount of \$95.00 were enclosed for the "Good Faith Fund for Albert J. Lyday," and other contributions were made later Wednesday.

Mr. Lyday a graduate of Brevard high school, was convicted of manslaughter in Caldwell county superior court last Friday. He was charged with shooting Fred Tolbert of Mortimer, Caldwell county on October 3 of this year.

The following letter, together with checks amounting to \$95.00 received by The Times at noon Wednesday, is published herewith:

We firmly believe that Albert J. Lyday, one of our own young men, was given an injustice at his trial held in Lenoir last week, and because Albert is being forced to pay an exorbitant sum in the case we are herewith enclosing our checks as donations for Albert Lyday.

We believe that the people of Transylvania county, most of whom know Albert Lyday as a young man of high character, and his family as above reproach, will appreciate your publishing this letter in your paper, and call attention of the public to Mr. Lyday's injustice and his financial plight.

There are, we are sure, a number of other citizens of Transylvania who believe in Albert Lyday's innocence of the charge he was convicted of, and we believe that they, too, will be glad to contribute to this cause.

Mr. Lyday is a young man, just starting in his career, and this amount of \$1100.00 which he will have to pay will handicap him for a long time, and

these contributions are given as tokens of our faith in him and his innocence of the crime as charged.

Will you please call attention of others to this, as a favor to us, and as a tribute to one of our most highly regarded young men.

Very truly yours,
RANDALL W. EVERETT,
Brevard,
SID BARNETT,
Pisgah Forest
HENRY N. CARRIER,
Brevard,
W. W. HUBER,
Asst. Ranger.

CASE IN COURT
Lyday is a state game warden, located in Caldwell county, and went to the home of Tolbert early in the morning of October 3 to arrest the man for hunting out of season. He was accompanied to the Tolbert home by Cal Hall and Clyde McLean, also game wardens.

Mr. Lyday, and the two accompanying game wardens, stated immediately following the shooting that Hall and McLean went to the front of the house and Lyday to the back. Tolbert jumped out of the window and started to run, with Warden Lyday in pursuit.

Tolbert suddenly whirled and snapped a pistol near Lyday's face, and then fired the gun directly at his head. Albert said he dodged away from the firing gun of Tolbert, and then fired a single shot without aiming—just stuck his gun toward the man and fired.

The wardens took the gun away from Tolbert after the man had fallen to the ground. In the meantime, the mother of Tolbert and other members of the Tolbert family had reached the scene, and the mother of Tolbert grabbed his pistol and ran with it into the dark.

Hall and McLean substantiated Lyday's story at the trial held before

(Continued on Back Page)

Fred Grogan Elected Consul WOW Camp

Fred Grogan was re-elected consul commander of the Brevard Woodmen camp Monday night. New officers who will be inducted on January 2 with Mr. Grogan include:

Glover Jackson, junior consul commander; L. W. Bonnell past consul commander, Lem Mathis, junior; Roger Hayes, banker, Earl Ashworth, assistant; Leo Reid, adviser lieutenant, Carl Bryson, assistant; Dean Whitlock, escort, James Walden, assistant; Dr. E. S. English, physician; Horace Mason, sentry, Ralph Brown, assistant; Clark Grissom, watchman, John Picklesimer, assistant; Vance Jackson, reporter; Roger Hayes, band leader; C. M. Douglas, Pat Kimzey and Jess Galloway, auditors.

Rev. J. R. Bowman Is Minister for Rosman

ROSMAN, Dec. 7.—The Rev. J. R. Bowman, who will have charge of the Rosman-Brevard circuit of the Methodist church, has moved to Rosman, and is stopping temporarily with Mr. and Mrs. J. E. White while repairs are being made on the parsonage here.

Mrs. Bowman is with her husband here, and the couple have already started their work with the six churches on the charge.

The Rev. Mr. Bowman served the past year as pastor of the Franklin circuit of the Methodist Episcopal church, being a member of the Blue Ridge-Atlantic conference.

The Rev. Earl Brewer, who was appointed to the circuit at the Western North Carolina conference, could not accept the pastorate on account of conflict with his work at Brevard college which he felt he could not give up at this time.

New Arrival

Mr. and Mrs. W. K. Duncan, of Greenville, S. C., have announced the birth of a daughter, Jennie Sue, on November 25, at General hospital. Mrs. Duncan is the former Miss Agnes Hayes, of Brevard.

ROSMAN YOUTHS TO FETE DADS TONIGHT

Future Farmers Banquet Will Be Held in High School Thursday at 7:30

ROSMAN, Dec. 7.—Future Farmers of the Rosman high school will honor their fathers here Thursday evening with the annual father-son banquet.

The program will start at 7:30 o'clock and will as usual, be an "all-boy" affair, with members of the chapter having complete charge of the event.

Girls of the Home Economics class are assisting the boys in putting on the dinner, and will prepare and serve the meal, thus giving the young ladies a chance to show school patrons that they are not wasting their time while they are taking lessons in home operation.

Program as outlined for the evening includes:

Opening ceremony, chapter; address of welcome, Glen Summey; response, A. P. Bell, Sr.; invocation, Rev. M. L. Lewis; music, String Band; fun and facts, J. A. Wilde; chapter accomplishments, Truman Henderson; Future Farmer Creed, Eugene Wooding; a hunt for the Diddiephus Virginiana, Tolvin McCall; The Future Farmer Organization, John Rogers; toast to Home Economics girls, Frank Whitmire; response, Helen Whitmire; recognition of guests, Chapter Adviser; closing ceremony, Chapter.

Menu for the dinner will be: Baked chicken, dressing, giblet gravy, sweet potato pudding, creamed potatoes, string beans, beet and cucumber pickles, Tomato salad, ritz crackers, hot biscuits, corn muffins, peach pie a la mode, chocolate covered nuts.

Officers of the Rosman chapter include John Rogers, as president; J. A. Wilde, vice president; Russell Owen, secretary; Robert Whitmire, treasurer; Gerald Allison, reporter; Frank Whitmire, watch dog; E. L. Lunsford, adviser.

2 COUNTY BOARDS ASKING ROAD WORK

Henderson and Transylvania Seek Work On Highway To Hendersonville

Transylvania and Henderson groups are petitioning the State Highway commission for relocating and surfacing of U. S. 64 (Brevard to Hendersonville) from a point at North Brevard to connect with pavement placed two years ago.

The Hendersonville Chamber of Commerce and the Henderson county board of commissioners each passed resolutions requesting the work, and the local Chamber of Commerce and Transylvania commissioners have also requested the same.

Resolution of the Henderson civic body follows:

Resolved that the Hendersonville Chamber of Commerce joins with our County Commissioners in urging the State Highway Commission to widen, resurface and relocate where necessary, U. S. No. 64 from Brevard toward Hendersonville, a distance of six or seven miles to a point where a similar project was stopped several years ago.

U. S. No. 64 is one of the most important highways in the U. S. and between Hendersonville and Brevard carries all the traffic from the South, East and West going to Brevard and points West of there. We urge that this project be given preference to the end that it may be completed before the opening of the 1939 summer season.

The Transylvania board of commissioners in session here Monday passed the following resolution, copies of which have been sent to E. L. McKee of Sylva, state highway commission

(Continued on Back Page)

Send a year's subscription to your friends for Christmas... they'll thank you 52 times.

Sheriff and Coroner Elected For 4 Year Term of Office

Sheriff George D. Shuford was elected for a term of four years, according to ruling made by Attorney General Harry McMullan at Raleigh on Friday. The four-year term also applies to the office of coroner, to which J. C. Wike was elected in November.

Constitutional amendment making four years the term of office for sheriffs and coroners in North Carolina was carried in the state general election on November 8, and it was generally conceded that the four-term applied to the present officers. However, legal lights of the state said following the election that the ruling went into effect with elections to be held two years ago. This has been over-ruled, and the terms of office began by sheriffs and coroners throughout the state on Monday of this week are for four years.

The amendment carried in the state by a vote of 206,069 to 197,593. In Transylvania county the vote was 1948 against and 1647 for.

The Attorney general, in making his ruling said: "It seems to me that those who voted for the amendment and those who at the same election elected the sheriffs and coroners, must have contemplated that those elected should

hold for the term provided by the amendment."

When sheriffs and coroners are inducted into office Monday, he continued, the amendment will have been adopted, certified by the governor, enrolled in the office of the secretary of state, and "in full force and effect."

The attorney general explained that the ruling was made "for guidance of public officials," pending action on the matter by the state supreme court.

"It may be well reasoned and argued that if the general assembly contemplated that its change of policy should be postponed for so long a period as two years after it had become a part of the constitution," the opinion said, "some language would have been incorporated in the act to this effect."

To conclude that the amendment is effective for the newly-elected officials, it was said, is not to interpret it as retroactive, but instead gives it operation "concurrent" with the election of the officers.

McMullan asserted that "no question exists" but that the sheriff's association of the state, which campaigned for the amendment, expected that the terms would be immediately extended.