

The Jackson County Journal

\$1.50 YEAR IN ADVANCE IN THE COUNTY

SYLVA, NORTH CAROLINA, THURSDAY, MARCH 1, 1934

\$2.00 YEAR IN ADVANCE OUTSIDE THE COUNTY

K. E. BUMGARNER IS FOUND NOT GUILTY OF MURDER CHARGE

At an hour after the jury took the case of K. E. Bumgarner, charged with the murder of Frank Bryson, on last January 3, in superior court, on Sunday afternoon, the members filed back into the court and returned a verdict of not guilty.

Bumgarner, a prominent citizen of Cashier's Valley, and a nephew of Judge Felix E. Alley, did not deny the shooting, but set up a plea of self-defense. Solicitor John M. Queen announced at the beginning of the trial that he would not ask for a first degree verdict, but only for murder in the second degree, or manslaughter.

Bumgarner, who is the only living witness to the actual shooting, took the stand in his own behalf, and stated that he and his small son had started over to the home of a neighbor, who had promised to take some meat to Fugate's mill, and found that the track of the neighbor could not be started, and that the two carried the meat to the mill. He accounted for the presence of the pistol in his pocket by stating that he was going onto the lands of nonresidents, on which he was patrolling, and of which he had charge. He stated that as they neared the mill he saw Frank Bryson leaving the mill. After getting the corn ground, he and his son started back home, going by his old place to let Beeman McCall have some fodder. He then went to J. C. Passmore's store to see him about the White-side Cove road project, and saw to H. A. Pell's on the same mission. Returning by Passmore's, he stated that as he went onto the dam of Lake Cashier, he saw Bryson in front of him, and that Bryson looked back, went ahead, took off his coat and ordered him to stop. He stated that Bryson advanced toward him, and asked him if he didn't say that he had said that he wasn't going to let Bryson have anything to do with elections. Bumgarner stated that he told Bryson he could explain that, and that Bryson threw a rock at him, which he dodged, threw another, which struck him between the shoulders, knocking him to his knees, and that he looked up and saw Bryson with a rifle drawn on him, and that he came up shooting, and continued to shoot until his gun would shoot no more, when he fled to the home of Deputy Sheriff Frank Allen, where he surrendered himself, and told Allen to go and see about Bryson.

Hampton Pell, Hampton, Pell, Jr., Chris Passmore, and Beeman McCall all took the stand and corroborated Bumgarner about his movements, and the two Pells told of hearing the shots fired, and that the rifle fired first a second before the pistol. Mrs. Alexander Passmore testified to the same thing regarding the shots. Dr. Wilkins said that he examined Bumgarner after he was brought to jail and found a large bruise between his shoulders. Frank Allen told of Bumgarner coming to surrender himself, and of what Bumgarner told him at the time about the affair, which largely corroborated Bumgarner.

Mrs. Bryson took the stand and told of her husband leaving home to go to Mr. Pell's to look over some lumber, taking his rifle with him. The next time she saw him, he was dead, she said. His clothing, with bullet holes through sweater, shirt and underclothing were identified by Mrs. Bryson. E. B. Maxwell, Mrs. A. S. Bryson, mother-in-law of the deceased, and others told of hearing the shots, and that the pistol fired before the rifle.

E. P. Stillwell, Hugh E. Monteith, and C. H. Nicholson appeared for the State, with Solicitor Queen.

Attorneys for the defense were, Geo. Ward, W. R. Sherrill, Dan K. Moon, and F. E. Alley, Jr., Doyle Alley, and Hayes Alley, all first cousins of Bumgarner.

The jury that tried the case was composed of: Weaver Swayngum, Shirley Wilson, L. D. Moody, Ben Hooper, J. W. Baker, Hansie Pressley, Tom Rogers, Dillard Hooper, Geo. Hooper, Mont Daves, Geo. L. Crawford and C. P. Shelton. Witnesses testified to the good character of Bumgarner, while some swore that Bryson was a man of dangerous and violent character, and others said that this was not the case. Threats said to have been made by Bryson against the life of Bumgarner and transmitted to him, were testified to

BETTER PAY YOUR WIFE

It is a good plan to pay your wife when ordered to do so by the court. Dee Ensley, a few terms ago was ordered by the court to pay \$10.00 a month into the court for the support of his wife, under penalty of going to the roads for two years. He neglected to do so. His bondsmen went to Green River, over in Henderson and brought him to court.

Judge P. A. McElroy ordered the two years' sentence put into effect.

Many Road Sentences Imposed By Court Here

Several recruits for work on the highways of the State were sent to the State Highway and Public Works commission, the last of last week and the first of this by Judge McElroy.

Hollis Cole, assault with a deadly weapon and breaking jail was sentenced to serve 4 months.

Jim Mauey, housebreaking, 9 mos. Tolvin Ensley, violating the prohibition laws, six months.

Howard Gibson, John Gibson and Harley Waldroup, failure to comply with orders of a previous term of court, by paying the costs, 6 months each.

Chas. Seates, violating the prohibition laws, three months, suspended.

John Gray, assault, ordered to pay the costs of the action, and \$50.00 for Lon Cunningham.

Nohman Nicholson, carrying concealed weapons, adjudged not guilty by the court.

Candler Frady, prohibition violation, nol pros.

Card Robinson, violating the prohibition laws. Is serving 18 months on the roads from Transylvania. Nol pros.

Elmer Bridges, assault, 6 months, suspended.

Willie Watson, assault, prayer for judgment continued.

Jim Griffin, prohibition violating case continued to May term.

Jim Woodring, injury to building, called and failed, judgment ni si sei fa and capias instanter.

Rosie Ensley, pollution of water supply, 4 months in jail, suspended.

Charlie, Carl and Paul Buchanan, 5 months suspended.

L. L. Cope and Mary Queen, f & a. Female defendant called and failed. judgment ni si sei and capias instanter.

Will West, costs, called and failed.

Robert McCall, costs, called and failed.

T. H. Hunter, abandonment, nol pros.

Roy McCall, costs, called and failed.

Wes Bryson and Roy McCall, affray, called and failed.

M. H. Rose, larceny, nol pros.

C. Z. Candler and Alvin Nichols, affray. Prayer for judgment continued upon payment of the costs.

County Tournament To Be Held This Week

Following are the pairings and playing times of the Jackson county basketball tournament to be held at Western Carolina Teachers College Friday and Saturday of this week:

- Friday**
- 12:00 Cullowhee vs Webster (boys)
 - 12:30 Sylva vs Whittier (boys)
 - 1:00 Webster vs Willets (girls)
 - 1:30 Dillsboro vs Willets (boys)
 - 2:00 Dillsboro vs Glenville (girls)
 - 2:30 Glenville vs Beta (boys)
 - 3:00 Cashiers vs Qualla (boys)
 - 3:30 Sylva vs winners Dillsboro-Glenville (girls)
 - 4:00 Webster or Cullowhee vs Sylva or Whittier (boys)
 - 4:30 Cullowhee vs Sylva (girls) High School
 - 5:10 Webster vs Cullowhee (boys) High School
 - 6:00 Supper
 - 6:30 Beta vs Webster-Willets (girls)
 - 7:00 Semi-finals (boys)
 - 7:30 Semi-finals (boys)
 - 8:00 Webster vs Glenville (girls) High School
 - 8:40 Sylva vs Glenville (boys) High School
- Saturday**
- 3:00 Graded School girls, finals
 - 3:40 Graded School, boys finals
 - 7:30 High School girls, finals
 - 8:30 High School boys, finals

by Mr. Moody, an Oconee county, S. C., officer, who served as an officer in Cashier's Valley.

PRESIDENT HOPES FOR RE-ELECTION OF HIS SUPPORTERS

Washington, Feb. 28. (Special)—As the year 1934 wears out toward the general election next November, at which every member of the House of Representatives must go before the voters again, and one-third of the Senators find themselves facing the same urgent necessity, politics in its more practical aspects becomes more and more engrossing.

The Administration is lending a helping hand to its Democratic supporters in the Lower House. Naturally, Mr. Roosevelt doesn't want to have any of his legislation defeated in the House. But likewise he does not want to throw any stumbling blocks in the way of loyal Democratic members who feel that to vote with the Administration might endanger their chances of reelection in their home districts. So the word has been passed out that all members are free to vote as they please on any measure, so long as they see to it that not enough of them vote in opposition to put the President in the hole.

"Vote the way that will do you the most good with your constituents next Fall," is the message they have all received. This is expected to result in an apparently strong sentiment among Representatives for more favorable action in regard to the soldiers' bonus, for example. Members from districts where the veterans' vote is well organized will feel free to vote for more liberal treatment of the ex-servicemen, first cautiously making certain that there are enough votes that will be cast on the other side so that their apparent defection will not result in anything the President doesn't like being done.

That is merely one phase of practical politics, as it is played in Washington. It doesn't mean a thing except that the gentlemen in Congress want to stay in Congress, and if they can get re-elected by making every class of voters in their respective districts think they have their interests at heart, they will go the limit to put that idea over.

To be sure, there are other considerations that actuate a high proportion of members of Congress, and the inference should not be drawn that they are working for their own pockets all the time, any considerable percentage of them.

On the other side of the political fence there are beginning to be heard more rumblings of an approaching storm which may put the old Republican party completely out of the picture and lay the foundation for a new line-up. One of the most astute of Washington's political observers, has come out boldly for the formation of a new party which he would call "Constitutional Democrats," as opposed to the present Democratic party, which he terms Socialist Democrats.

Probably neither the name nor the scheme will get very far, and nobody thinks that Mr. Lawrence expects his plan to be adopted. But the attention that is being paid to the idea itself of trying to line up those who still believe in the rights of the individual as superior to the rights of the state, in some form of effective opposition to the tendency to regulate and control all human activities by a paternal government, indicates that a new "bloc" if not a new party may be built around a nucleus of forward-looking Republicans and conservative Democrats.

Those with long political memories are recalling what happened to the Democratic party in 1896, when it was hopelessly split over Free Silver and other Populist issues; so completely split that a powerful faction, headed by none other than President Cleveland, refused to follow the party's candidate, Mr. Bryan, and put their own "Gold Democrat" candidate in the field to contest for the Presidency. That marked the end of the old party control, and a high percentage of those who had called themselves Democrats became adherents of the Republican party in the course of the next few years.

These old-timers say, the Republican party is in the same fix. The "Gold Guard" is completely discredited. The public believes that too many men got rich because of their political affiliations, or that too many rich men had the say in the party's affairs.

Measles Epidemic Closes Sylva School

The Sylva Elementary school is closed this week, due to the incipient epidemic of measles, though school authorities are hopeful that the situation will have improved sufficiently by next Monday morning for the school to reopen then, and the teachers and pupils will be back in their places, Monday morning, unless further announcement is made.

The high school in Sylva, and the other schools of the county are holding their classes this week.

The epidemic of measles seems to be pretty general over this part of the State. A large number of cases were reported among the Indians at Cherokee. The schools in Graham closed weeks ago until the epidemic passed over. On Monday an order was issued closing all schools in our neighbor county of Transylvania, and the schools at Caroleen, Henrietta and Cliffside, in Rutherford did not open Monday morning, because of the prevalence of the disease.

School authorities are hopeful that the one week's closing here will check the epidemic sufficiently for the school to resume work next Monday morning.

Subscription Offer Ended Yesterday

The amazing, New Deal subscription offer, made two weeks ago by The Journal, expired at midnight, last night.

From this date The Journal will be strictly cash in advance. All persons whose subscriptions have expired, and who have not renewed during the past two weeks, will receive no copies of The Journal after this one, until a renewal has been made.

A great many people have asked us to give them a few days in which to take advantage of the offer. This we cannot do, and keep our word. Hence, we are removing all names from the subscription list, of people whose subscriptions have expired. However, in order that no person can feel that he has not had a fair chance at the offer, we will reinstate the name of any person paying a year's subscription on or before March 31, giving full credit for one year's subscription paid in advance, one year from the present date, and cancelling all back amounts due us.

All accounts not paid in this manner on or before March 31, will be considered due in full, and we will proceed to collection.

Grand Jury Reports To Judge McElroy

The grand jury made the following report to Judge McElroy in Superior Court, last week:

A committee of the grand jury visited the county home and found it in good condition and the inmates well cared for. We found provisions sufficient, such as are raised on the farm, to take care of the home until the harvesting of the next crop. We recommend that a new barn be erected if possible, as this is very badly needed to take care of the crops.

A committee of the grand jury visited the jail and found it in good condition.

We have examined the different offices in the Court House and find that they are in good condition and the records are neatly and well kept; also with a few exceptions guardian reports are up to date.

M. D. Cowan, Foreman

BALSAM

A large number of friends and relatives from here attended the funeral and burial of Mrs. J. R. McKay which was in Waynesville Thursday of last week. Mrs. McKay died at the home of her daughter, Mrs. Emma Sigmon in Conover.

Mr. and Mrs. Bryson Beek and baby have returned from a visit to Mrs. Beek's sister, Mrs. Bessie Cathbertson in Almond.

Mr. R. R. Fisher of Addie was in Balsam Monday.

Mr. and Mrs. John Ruskin of Atlanta were here Monday.

Miss Ruth Patterson of Dillsboro spent last week end with Miss Helen Queen.

Mrs. O. J. Beek received a message that her mother, Mrs. Jim Lindsey, was very ill in Cincinnati. Mrs. Beek left Monday for Cincinnati.

Climate Here Is Pleasant As Compared To Other Sections Of The Country

TODAY and TOMORROW

(By Frank Parker Stockbridge)

LIFE . . . natural cycle

The year 1935 ought to be a good year for red clover in New England. The winter has been the most severe in years. Comparatively few of the little animals of the fields and woods survive a winter when the crust of the snow is frozen hard. There will be fewer field-mice to rob the bumble-bees' nests in the spring. More bumble-bees will come to maturity and seek honey from the red clover blossoms. The clover crop will thus be thoroughly pollenized, and the red clover seeds will be fertile. That will make for a good red clover crop in 1935.

To me this example of the cycle of life, first pointed out by Charles Darwin, has always seemed one of the most interesting of all natural phenomena. I think that many well-meant efforts to disturb Nature's ordinary course are calculated to do more harm than good to a world that has adjusted itself to the normal cycle.

TEETH . . . now and then

Tooth decay has little to do with tooth cleanliness or the lack of it, according to the British Medical Research Council, which has been digging deep into the subject. What makes children's teeth decay is not enough sunshine, too high a percentage of cereal foods, not enough meat, eggs, milk, cheese, fats and fresh vegetables in the diet, these medical men say.

The whitest and soundest teeth are found among savage and half-civilized peoples who live largely out of doors and eat whatever they can find that is edible.

In my boyhood toothbrushes were just beginning to come into general use and not more than one or two dentifrices were advertised. Most folks never brushed their teeth at all, yet the human race had survived for a good many thousand, perhaps millions, of years.

Clean, white teeth are desirable, but nothing to worry about if one doesn't have them.

MONSTERS . . . men have seen

The amount of evidence that some strange sea-monster lives in a Scottish loch, and the many reports of a seaserpent seen in Vancouver Sound, have encouraged many folk to tell of strange things they have seen at sea, about which they had kept quiet for fear of being ridiculed.

Officers of the Mauretania saw a seaserpent on a recent Caribbean cruise, and drew a picture of it in the ship's log. Now the Rev. J. E. Rockliff, who is a sort of travelling missionary to seamen and voyages some 50,000 miles every year, tells of seeing a yellow-serpent about sixty feet long in mid-Pacific two years ago.

It seems to me that we are on the verge of demonstrating once more that there is more to ancient beliefs than a skeptical modern age has been willing to believe.

POKER . . . and personal rights

The great American card game, so far as men are concerned, is not to contract bridge but poker. In a good many states there are laws against playing poker, also against playing marbles "for keeps" and anything else that can be construed as gambling. These laws are seldom invoked except when somebody in authority wants to make trouble for somebody else.

Representative Parker of Georgia had a candidate for postmaster of his home town. His political opponents brought before the Senate evidence that the Congressman's choice had once been arrested in a raid on a poker game, indicted and fined. Mr. Parker cheerfully admitted that was true. He had sat in the same poker game himself and had also been arrested and fined! If it didn't debar him from later going to Congress, it ought not to debar his man from the postmastership. The Senate confirmed the appointment with glee.

Few take seriously any sort of laws that restrict the right of the individual to do what he likes, so long as he doesn't infringe on the rights of others.

The superiority of the climate West of the Balsams, was demonstrated sharply, again this week, as we enjoyed lovely weather, with the exception of a rather heavy rain, followed with just enough tinge of cold in the air to give vim and vigor to our activities, while practically all the rest of the nation either shivered in terrible cold, tried to dig itself out from under mountainous snows, was smitten by tornado, or slipped and slid on sleety roads and streets, while telephone, telegraph and electric light lines broke down by the weight of the ice storm.

Three dead and millions of dollars property damage were recorded as the toll of the Sunday night sleet storm. Late Monday Winston-Salem was still without communication with the outside world. Power and communication totally broke down at Greensboro, and the daily papers were unable to publish their editions, while stores and homes were lighted with oil lamps or candles. Industry was at a standstill in High Point, Lexington, Greenville, S. C., and practically the entire Piedmont area, from Georgia Northward to Virginia, due to tornado and sleet. Small armies of men were clearing away the debris and restoring communication and power facilities in the Piedmont.

Seventeen persons are known to have died in the tornado in Georgia, Alabama, Mississippi and Louisiana, and Red Cross and American Legion were hurrying aid to the stricken areas.

The already heavy snow blanket over New England was increased by another eight inch storm which swept over the region, and brought the total fall for the winter to over 59 inches.

35,500 men were put to work, and every available apparatus thrown into the fight to keep the main thoroughfares in New York City open to traffic. Communities on Long Island, already isolated by last week's snow, dug in for a prolonged siege.

Nine persons were killed and 31 injured in a blinding blizzard that swept the Western States. Eight people died when a Western Airlines plane crashed into the side of a mountain, near Salt Lake City, in the blizzard.

And so the story goes from one end of the country to the other, while we fortunates, hemmed in between the guardian ranges of Balsams and Great Smokies, have had nothing unusual to report about our special brand of weather.

40 YEARS AGO

Tuckaseige Democrat, Feb. 28, 1894
Capt. J. W. Terrell, as jolly and genial as ever, favored us with a call today.

Misses Annie Gibson, Ella and Hattie Frizzell, of the Fisher's creek settlement, were in town Tuesday.

Mr. C. L. Woodring, of Glenville, went as far as Asheville, Tuesday, with his two daughters, who were starting on a journey to Oklahoma.

The first snow of the winter, of any consequence, commenced falling Saturday night and continued falling till into Sunday night, when it reached a depth of five or six inches. Since then it has melted rapidly and remains only in protected places.

Mr. J. W. Divelbiss went over to Biltmore Tuesday to be present at the double wedding in which his brother, Mr. J. E. Divelbiss, is one of the principals. The marriage was to occur today at 1:30 o'clock, of Miss Ella V. Adams, to Mr. J. E. Divelbiss, and Miss Annie Campbell to Mr. Dougherty. The young ladies are cousins.

The North Carolina University trustees have established a summer normal school for both men and woman, and also special courses of summer instruction of high grade in various University branches, to begin July 2nd and continue four weeks.

The Raleigh Christian Advocate and the Western North Carolina Advocate of Asheville, the two Methodist papers of North Carolina, have been merged into one, which will be published at Greensboro.