

THE WAYNESVILLE MOUNTAINEER

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FIFTY-FOURTH YEAR NO. 29

WAYNESVILLE, N. C., THURSDAY, JULY 21, 1938

\$1.50 IN ADVANCE IN COUNTY

George McElroy Killed By Car Monday Night

Hearing Set For Bill Potts Friday Afternoon At 2 O'clock; Out On Bond

A hearing is scheduled for two o'clock Friday for Bill Potts, who is charged with the death of George McElroy, 54, of Lake Junaluska. Mr. McElroy was instantly killed about nine o'clock Monday night when struck by a car alleged to have been driven by Potts.

Mr. Potts sought the sheriff immediately after the accident, and posted \$3,000 bond.

McElroy was walking towards the lake, and Potts was driving towards Waynesville.

The Lake Junaluska carpenter was instantly killed by the impact, and his body badly broken and mangled. No details were given out by investigating officers pending the hearing Friday.

The deceased was a former successful contractor and carpenter.

Funeral services were held for Mr. McElroy at the Massie Funeral Home on Tuesday afternoon at 4 o'clock, with the Rev. John G. Carper, pastor of Long's Chapel, Lake Junaluska, officiating.

Members of the Masonic Lodge served as pallbearers and the Masons conducted the services at the grave.

Haywood Dairies Given Rating By Health Department

The district health department has announced grades on Haywood county dairies for a 6-months period, beginning July 15th. The dairies given grades have conformed to the requirements of the United States Public Health Milk Service Ordinance for the sanitary production and handling of fluid milk.

Consumers are urged to purchase milk on the basis of grades and to look for the grade on the bottle cap.

The retail milk grades given the dairies in the county are as follows: Grade A. Raw milk, J. E. Henderson, Canton; H. A. Osborne, Canton; J. F. Mann, Canton; M. H. Silvers, Canton; W. J. Smathers, Canton. Grade A. Pasteurized milk, Pet Dairy Products Company.

There were 10 wholesale dairies also graded, but as their milk is sold and handled by the Pet Dairy Products Company, the grades were included in the records of that company.

200 Attend Meeting Of Iron Duff Watershed Group

Approximately 200 persons attended the Iron Duff Watershed meeting on July 12. The meeting was presided over by Jarvis Chambers, president of the Iron Duff Watershed.

Those attending the meeting voted unanimously to have a farm tour of the watershed similar to the tour held in 1937. A committee was appointed to map out this tour and was instructed to select farms and homes for stops where the persons had done some outstanding job in farm and home improvement.

E. R. Daniels from the Agricultural Relations Division of the Tennessee Authority, gave an illustrated lecture stressing the importance of preventing soil erosion and other phases of the watershed program.

Jim Davis Wins In State-Wide Contest

For the second consecutive year Jim Davis, of Iron Duff, a student in vocational agriculture in the Clyde high school, won first place, a prize of ten dollars, for the western division of the state in the Carolina Cooperator Essay contest.

He will go to Raleigh where he will take part in the state contest on July 26. He won fourth place in the state contest last year. He will be accompanied to Raleigh by his agriculture teacher, W. L. Fitzgerald.

Last year several thousand students from all sections of the state took part in this contest and it was a business honor for Jim to have won fourth place.

Captain William B. Troy, of Trenton, N. C., is spending the summer here. Captain Troy is a brother of Mrs. L. Hardin. He was one of the engineers who had charge of the construction of the Southern Railway in this section.

Haywood Boys Make Good At Farm Meeting



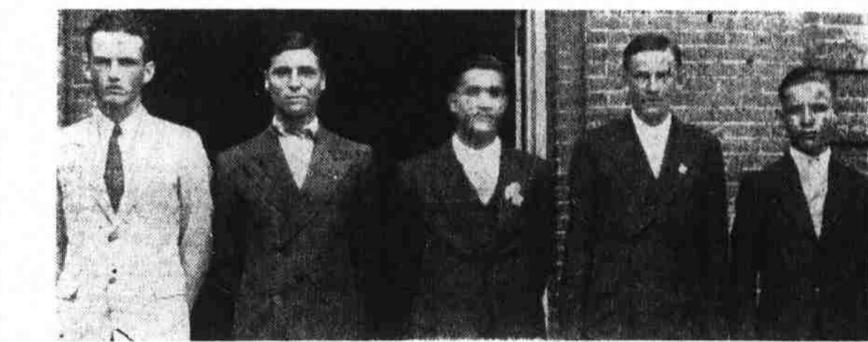
Shown above are the newly elected Carolina Farmers, the highest degree awarded to Young Tar Heel Farmers in this state and therefore coveted by more than 10,000 students studying agriculture in the high schools. These young men received this merit on the basis of both their scholastic records and for outstanding achievement in their farm practice program. They were chosen from the ranks of their fellows at the Tenth Anniversary state convention held at State College recently. According to Roy H. Thomas, state supervisor of vocational agriculture, this is the largest number of boys being awarded this degree in any one year.

Reading, left to right in the picture are, front row: William McCracken, of the Smoky Mountains National Park chapter, Haywood county; Harold Francis, Smoky Mountains National Park chapter; S. B. Lacy, Jr., of the Newland chapter, Avery county; Roy Williams, Burnsville chapter,

Anson county; Richard Bailey, Woodland chapter, Northampton county; Robert D. Boyce, Woodland chapter; Noel Auman, Seagrave chapter, Randolph county; Macon Lee Caudle, Mount Pleasant chapter, Cabarrus county. J. D. Eagle, Mount Pleasant chapter and Furney Todd, Wendell chapter, Wake county. Second row: Lee Barnhardt, Mount Pleasant chapter; Cletus M. Bost, Mount Pleasant chapter; Norris Hales, Wakelton chapter, Wake county; Ray Kiser, Tryon chapter, Gaston county; Archie Joyner, West Edgecombe chapter, Edgecombe county; Leslie Glenn Garner, Newport chapter, Carteret county; Phillip Murray, Spring Hope chapter, Nash county; Braxton Bunn, Spring Hope chapter; Lemuel M. Broome, Aurora chapter, Beaufort county; Samuel A. Tuten, Aurora chapter.

Back row: Curtis Fitts, Reidsville chapter, Rockingham county; Allen Ballard, Contentnea chapter, Lenoir county; Hazel Warlick, Polkville chapter, Cleveland county; Burton Cathey, Bethel chapter, Haywood county; William Powell, Belvin Maynard chapter, Sampson county; Wilburn Merritt, Belbin Maynard chapter; Howard Merritt, Belvin Maynard chapter and Oscar Bizzell, Newton Grove chapter, Sampson county.

The following degree winners were not present for the picture: Cecil Arrington, Smoky Mountains National Park chapter; J. F. Hampton, Newland chapter; Milbern D. Kelly, Troy chapter; Troy chapter, Montgomery; Wilson Holland, Stoneville chapter, Rockingham county; James Robert Pate, Rowland chapter, Robeson county; Robert Henry Gay, Seaboard chapter, Northampton county; W. B. Spurling, Jr., Piedmont chapter, Cleveland county; W. E. Falls, Piedmont chapter; Rudolph Ferrell, Oak Grove chapter, Durham; Rowe Ferguson, Fines Creek chapter, Haywood county, and Borcham Johnson, of Belvin Maynard chapter.



The five students pictured above are the winners in public speaking representing the five districts in vocational agriculture. These young men competed recently at the state elimination contest held in connection with the Tenth Anniversary convention of Young Tar Heel Farmers in session at State College.

Aubrey Goodson who won the con-

test, will represent his 75,000 fellows back home in the regional and national contests to be held in October. Reading left to right: John D. Turner, of the Boone Trail chapter, Harnett county, representing district 1; Durwood Howard, of the Deep Run chapter, Lenoir county, representing district 2; Lee Barnhardt of the Mount Pleasant chapter, Cabarrus county,

representing district 3; Aubrey Goodson, (winner) of the Cobb Memorial chapter, Caswell county, representing district 4 and Ray Dietz, of the Waynesville school, Haywood county, district 5.

Prizes in the above contest were awarded by the American Nitrate of Soda bureau of the Barrett Company.

Cannery Operating 15 Hours Daily, Employing 150 People

4-H Club Group Are Now In Camp

The Haywood county 4-H club encampment started last Monday, and will continue through Friday. The Haywood county group and the Jackson county group are camping together.

Haywood county girls in camp are Geraldine Rogers, Dorothy Rogers, Lura Mae Green, Edith Noland, Ruth Green, Margaret Green, Elizabeth Rogers, Joan McGaha, Dortha Cole, and Mary Helen Noland.

Boys from Haywood county attending camp are Julius Williams, Mark Hipps, Keith Ketner, Kent Ketner, Jack McCracken, Edwin Davis, Alvin Chason, Donald Hipps, John West, G. C. Palmer, Jr., and Caproll Holland.

Fines Creek Boys Are Going To Camp

Twenty-five members of the Fines Creek chapter of the Future Farmers of America will leave next Monday for a week's encampment of the Western State Camp of the FFA at Barnardville.

The boys will follow a regular camp program the entire week, which will include athletic events, and practical courses.

The boys signed up for the trip include: Andy Sparks, Joe Hanes, Rufus Reator, N. C. James, Paul McElroy, Glenn Green, Reid McElroy, Frank Fish, Neil Ledford, Davis Rogers, Kenneth Rogers, Mack Kirk, Wilson Messer, Willard Holden, Robert Ledford, Fred Hembree, Dow Ledford, James Rogers, Jack Bramlett, Clyde Justice, Billy McGrary, Haywood Walker, and David Rogers.

Blackberries And Beans Being Canned At Rapid Pace. Berries Coming In Fast

There are at present 150 persons employed at the Haywood Mutual Cannery, according to a statement made yesterday by manager Frank Davis. The plant is running fifteen hours a day, with ten hours given over to the canning of beans, and five to blackberries.

This is the fifth year that blackberries have been canned in this section, and the output this year will far exceed that of any other year. The berries have ripened under favorable growing conditions, and this opportunity to turn an honest penny is more and more appreciated by the people of the county.

The berries are delivered to the cannery on regular trucks engaged by the manager, on the same day on which they are picked. In most cases the delivery is made in the late afternoon, so the canning of blackberries is done on the five hour night shift. Forty-one cans a minute are turned out from the cannery.

The berry season opened about two weeks ago, and to date 1,100 cases of 24 cans each have been canned. On Monday night of this week there were 397 cases canned, which totaled 8,800 cans. The management plans to can around four tons of berries before the season closes.

The greatest distance berries have been hauled to the cannery is fifty miles, while the best record made so far by the pickers is that of a woman who picked 22 gallons in one day.

It was pointed out by manager Davis, that the berry market should be the means of taking local persons off relief, at least temporarily, as anyone can pick and sell to the cannery. (Continued on page 3)

Waynesville Boys Win Distinction At F.F.A. Meeting

Three members of the Waynesville Smoky Mountains National Park chapter Future Farmers of America were elected to the degree of Carolina Farmer at the state convention of Future Farmers in Raleigh last week.

Members of the local chapter who were successful candidates for the highest degree the state chapter can confer were: Harold Francis, William McCracken and Cecil Arrington. The former two boys were in attendance at the state convention and received their degree and key there.

To qualify for the boys' degree a student in vocational agriculture must show marked ability as a farmer and a leader, he must have held office in his local chapter, demonstrated his ability to organize and manage the farm, must have attained a grade above 80 in all high school subjects and through wise investments and saving grown into the business of farming.

William McCracken is the son of Mr. and Mrs. Crawford McCracken. He has shown marked ability as a farmer boy, having been declared the outstanding boy in the state last year, his project program has been above the average and his record through high school has been one for which he might well be proud.

Cecil Arrington is the son of Mr. and Mrs. W. R. Arrington, who live in the Saunook community. Cecil has been an outstanding student in vocational agriculture during all his four years in high school. His outside activities have not been as varied as those of the other two boys, but his record in school is one that might be worthy of the best.

Harold Francis, newly elected president of the state organization, is considered one of the most outstanding members of the local chapter of Future Farmers.

Appeal Will Be Made From Judge Alley's Decision On The Constitutionality Of Cane Act

Criminal Court Takes Recess; To Pass Sentences

Possibility That Other Cases Will Be Tried During The Remaining Three Days

The July term of court was recessed Wednesday. There is a possibility that other cases will be tried later in the week before the court adjourns.

Members of the sheriff's department are seeking Ben Noland, of Crabtree, charged with assault on his wife. Noland was scheduled for trial yesterday, but could not be found when the case was called.

A jury returned a verdict of not guilty against Marion Messer, of Cove Creek, who was charged with the murder of J. Carson Hannah, also of that section of the county. Hannah died as the result of knife wounds received July second.

Messer entered a plea of self-defense, and showed that Hannah came towards him with a knife. During a scuffle, the two men fell, and the knife struck Hannah in the thigh, severing an artery.

Evidence produced by the defense, showed that Messer had no weapon. The fight started after sons of the two men had engaged in a fight.

Among the cases in which sentences were given during the week, included:

John Riley Newman, driving drunk, fined \$50 and costs.

E. F. Cody, driving drunk, costs.

Clarence Lewis, forgery, six months on roads.

Ernest Setzer, non-support, ordered to pay \$5 every two weeks to clerk.

Coy Henderson, abandonment, six months on road.

Ned Carver, reckless driving, fined \$25.

Caster Boone, abandonment, ordered to pay \$6 monthly for child.

Vernon Ferguson, breaking and entering, 12 months suspended sentence.

Frank Caldwell and Sam Leopard, house breaking, 2 years suspended sentence.

Bill Haliburton, driving drunk, 3 months suspended sentence.

Dolly Carnes, drunkenness, fined costs and given 6 months suspended sentence.

Fred Teague Moody, driving drunk, fined \$25 and given 6 months suspended sentence.

Homer Patton, assault with deadly weapon, 2 years on road.

Marshall Sutton, larceny, ordered to leave state or serve 2 years.

Lester Jenkins, granted a divorce from Maney Lucille Jenkins.

Buford and Monroe Noland, violation prohibition law, fined \$25 each, and given 18 months suspended sentence.

Mark Ellison, non-support, six months on roads.

Melvin Nelson, seduction, 2 years.

Roy Leatherwood, violation prohibition law, fined \$50 and given 2 years suspended sentence.

Homer Patton, assault with deadly weapon, assigned to work under 2 years suspended sentence.

Eight bondsmen were ordered to pay bonds in instances where defendants failed to appear in court for trial.

Lewis Harker, assault, fined \$50 and given six months suspended sentence.

Jim Teague, affray, fined \$50 and costs.

John Conley, had driver's license revoked and given six months.

Sentence of Bill Haliburton was changed to payment of \$50 fine and a 12-months suspended sentence.

Large Crowd Hear Oxford Entertainers

An audience that filled the Masonic Temple auditorium to capacity, heard with enthusiasm the Oxford Orphanage entertainers here Tuesday night. Dr. R. P. Walker, local chairman, reported that the attendance and receipts were the largest in the ten years that the group has been coming to Waynesville.

Fourteen took part on the varied program, and were accompanied by three officials of the orphanage.

Petitions Were Not Made A Part Of The Argument; Decision Based On Cane Act

Proponents of the ABC liquor control stores have given notice of an appeal from Judge Alley's decision, when he held that the Cane Act was unconstitutional at the formal hearing here Tuesday.

Walter Crawford, attorney for the proponents of the stores, said that the matter would be taken to the State Supreme Court in September for a ruling.

Judge Felix E. Alley, presiding at the July term of court here, made a temporary restraining order permanent early Tuesday afternoon, after hearing arguments from both sides on the legality of calling an election for the establishment of a liquor store or stores in Haywood county.

Judge Alley's decision was based solely on the Cane bill, which was passed by Representative John F. Cane in the 1937 session of the General Assembly. The bill provided that liquor stores could be established in Waynesville or Beavertown townships, provided the voters in either of the townships voted for the stores, regardless of the vote of the remainder of the county.

The question of the legality of certain petitions to vote in the election was not a point in the arguments. The petitions recently turned over to the board of elections contained over 1,780 names. Only 1,708 were needed, but Judge Alley held that it was not his duty to go into that phase of the question. The constitutionality of the Cane bill was the basis of the case, and on which Judge Alley based his decision.

Judge Alley held that the Cane bill was in conflict with the general law controlling ABC stores of the state. In that the general law provided that the question be submitted to counties for a vote, and gave the board of liquor control the right to designate and say where stores in each county should be established. The Cane law, on the other hand, provided that the citizens in the townships of Waynesville and Beavertown had the right to vote and set up stores and place a tax on all the county. The bill held that stores could be established in either township, whereas the general law gives the board of liquor control the right to establish the stores at any place within the county they so desire.

The general law stated that there should be additional police protection and that if the additional police protection was needed the townships, other than Waynesville and Beavertown, would not have any added protection.

Judge Alley said further, that the Cane bill would probably be held as class legislation, for the reason that the majority of the general vote might vote for a dry county, while the Cane bill would give the minority to set up stores, serving the whole county.

If there was merit in the Cane bill, it denied the voters of the county at large to express themselves at the polls, stressing that votes cast outside of Waynesville and Beavertown townships would not be counted, it was pointed out.

Judge Alley pointed out that Edwin Fincher, one of the plaintiffs, could not vote in the election and have his vote counted, as he is a citizen of Clyde township.

If there was evil in setting up liquor stores, that all other townships in the county, other than Waynesville and Beavertown, would have voted on them these evils without giving

(Continued on page 3)

The Weather Report

H. M. HALL, Official Observer

July	Max	Min	Prec
14	89	56	0.32
15	82	60	
16	83	56	
17	85	60	
18	86	60	
19	85	62	0.25
20	79	63	0.91
Mean maximum			84.1
Mean minimum			51.0
Mean for week			67.5
High for week			89.0
Low for week			56.0
Below normal for week			3.3
Precipitation for week			1.48
Precipitation since July 1			2.26
Below July normal			0.78
Precipitation for year			24.35
Deficiency for year			3.26