

**LEGAL ADVERTISING**

**NOTICE OF SALE**

in Carolina,  
on County.  
D. Franks, Administrator of  
en S. Franks, Deceased.

Vs:

innie Powers, widow; Mattie  
Higdon; Mack Higdon; Jessie Mur-  
ray; G. W. Murray; J. D. Franks  
and wife, Fannie Mae Franks;  
Mack Franks and wife, Pearl  
Franks; Mattie Will Byrne and  
husband, Cecil Byrne; Inez Ros-  
zell and husband, Leander Roszell;  
Catherine Henry and husband, F.  
L. Henry, Jr., and Margaret Franks.

By virtue of power of sale con-  
ferred on the undersigned as Com-  
missioner of court by Judgment  
entered in the above entitled pro-  
ceeding, I will on Monday, the 11th  
day of January, 1937, at 12 o'clock  
M. at the courthouse door in the  
town of Franklin and County of  
Macon, sell to the highest bidder  
the following described property:

First Tract: Deed dated the 9th  
day of April, 1925. William F. Curtis  
et al, heirs at law of W. A. Curtis  
by their attorney in fact, Henry G.  
Robinson, to E. H. Franks and  
wife, Ellen S. Franks, recorded in  
Book J-4, page 479, office of the  
Register of Deeds, Macon County,  
North Carolina, and more particu-  
larly known as Lot No. 16 of the  
lands comprising the estate of the  
late W. A. Curtis as appears in the  
plat thereof made by E. L. Allen,  
surveyor, and recorded in the  
office of the Register of Deeds,  
Macon County, in Book of Plats  
and Maps No. 1, page 7, to which  
reference is had for a more defi-  
nite description.

Deed dated the 9th day of April,  
1925, by William F. Curtis, et al,  
heirs at law of W. A. Curtis, by  
their attorney in fact, Henry G.  
Robinson, to E. H. Franks and  
wife, Ellen S. Franks, recorded in  
Book L-4, page 4, records of Macon  
County, lying and being in Macon  
County, North Carolina, and more  
particularly known as Lot No. 17  
of the lands comprising the estate  
of the late W. A. Curtis, as ap-  
pears on plat or map thereof, made  
by R. L. Allen, surveyor, and re-  
corded in office of the Register of  
Deeds, Macon County, in Book of  
Plats and Maps No. 1, page 7, to  
which reference is made for a more  
full description and the estimated  
value thereof is \$1,000.00.

Second Tract: Two lots or parcels  
of land known as Lots No. 5 and  
No. 6 in Block 2, in tract of land  
in Macon County known as the  
Lyman Field property, surveyed  
and mapped by W. B. McGuire,  
reference being hereby made to  
same maps so recorded in Book  
I-3, pages 56 and 57, Records of  
Macon County, for a more full de-  
scription of the land and lots to  
be sold. Also described in deed  
from Sam L. Franks and wife,  
Eloise G. Franks to E. H. Franks  
and wife, Ellen S. Franks, dated  
the 11th day of January, 1913, and  
recorded in Book O-3, page 258,  
Records of Macon County, North  
Carolina, and the estimated value  
thereof is \$150.00.

Terms of sale, one-third cash,  
one-third in six months and one-  
third in twelve months, with in-  
terest on deferred payments; de-  
ferred payments to be secured by  
deeds of trust on the property.

This the 7th day of December,  
1936.

J. D. FRANKS,  
Commissioner

D10-5tc-JDF-17

**NOTICE OF SALE**

**IN THE SUPERIOR COURT**

North Carolina,  
Macon County.

vs.

Martary V. McConnell, H. K. Rus-  
sell and wife, \_\_\_\_\_ Russell, K.  
W. Russell, and wife, Edna Russell,  
Fred Russell, Lina Russell, Margie  
Russell Dills and husband, Arthur  
Dills, Thaddie Russell and wife,  
Edith Russell.

Under and by virtue of a judg-  
ment entered in the above entitled  
proceedings by the Clerk of the  
Superior Court of Macon County,  
North Carolina, the undersigned  
will, on the 4th day of January  
1937, at the courthouse door in the  
Town of Franklin, North Carolina,  
at 12 M. o'clock, sell to the high-  
est bidder for cash the following  
described tracts of land, to-wit:

First Tract: In Macon County,  
North Carolina, on the waters of  
Sugarfork River, and bounded as  
follows, BEGINNING at a white

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oak in D. C. Cunningham's line  
near the house, runs south 30 west  
31 poles to a post oak; south 65  
west 22 poles to a black oak; south  
5 west 18 poles to a post oak;  
south 52 east 18 poles to a Spanish  
oak on top of a ridge; north 60  
east 26 poles to the BEGINNING,  
containing five (5) acres and 92  
poles.

Second Tract: In Ellijay Town-  
ship, Macon County, North Carolina,  
bounded as follows:

BEGINNING at a white oak near  
a small branch, runs south 19 east  
40 poles to a small black oak;  
south 5 west 19 poles to a post  
oak, an old corner of sections No.  
47 and 49; south 45 east 30 poles  
to a stake; north 43 east 41 poles  
to a Spanish oak; north 60 east 27  
poles to a large white oak; north  
30 west 31 poles to a post oak;  
south 60 west 25 poles to a black  
oak; north 23 west 58 poles to a  
post oak; south 76 west 38 poles to  
a black oak near the school house;  
south 21½ 36 poles to the begin-  
ning, containing 20 acres more or  
less.

This the 30th day of November,  
1936.

J. FRANK RAY,  
Commissioner

D10-4tc-D31

**NOTICE OF SALE  
PERSONAL PROPERTY**

North Carolina,  
Macon County.

Whereas, the hereinafter describ-  
ed automobiles were stored in the  
garage or warehouse of Franklin  
Service Station, on December 8,  
1935 and January 12, 1936, respec-  
tively, and

Whereas, there is now due for  
storage on said automobiles the sum  
of \$47.00 and \$38.00 respectively:

NOW, THEREFORE, under and  
by virtue of the law in such cases  
made and provided, I will, on the  
26th day of December, 1936, at 12  
o'clock, noon, sell at public auction  
at our garage or warehouse on  
Palmer Street in the Town of  
Franklin, N. C., the following de-  
scribed automobiles to the highest  
bidder for cash to satisfy said  
storage and costs:

One Ford Coupe, Model A, 1929,  
No. A2387033.

One 1929 Chevrolet Coach, Motor  
No. 1777939, Serial No. 8AD16861.

This the 16th day of December,  
1936.

Franklin Service Station  
By W. Roy Carpenter

D17-2tc-D24

**NOTICE OF SALE  
IN THE SUPERIOR COURT**

North Carolina,  
Macon County.

North Carolina, North Carolina,  
Macon County, North Carolina,  
Plaintiff.

vs.

Lizzie Estes, widow, Alonzo Estes  
and wife, Mollie Estes, Oscar Estes,  
and wife, \_\_\_\_\_ Estes, Eva Sut-  
ton and husband, General Sutton,  
Mamie Early and husband, John  
Early, Alice Thompson and hus-  
band, Wilfred Thompson, Selma  
Holland, H. C. Holland, Jesse  
Estes and wife, Maude Estes, Wiley  
Estes and wife, Edna Estes, Rob-  
ert Estes and wife, Willie Mae  
Estes, America Stanfield and hus-  
band, David Stanfield, Don Estes,  
Wayne Estes and Lloy Estes,  
Minors, Defendants.

Under and by virtue of a judg-  
ment entered in the above entitled  
proceedings by the Clerk of the  
Superior Court of Macon County,  
North Carolina, the undersigned  
will, on the 4th day of January,  
1937, at the courthouse door in the  
Town of Franklin, North Carolina,  
at 12 M. o'clock, sell to the high-  
est bidder for cash the following  
described tracts of land, to-wit:

BEGINNING at a stone on the  
West bank of the Sugarfork River,  
the corner of numbers 45, 44, 21  
and the beginning corner of No. 22,  
in District No. 12, and runs down  
the river with its meanders 96  
poles to a rock on the East bank  
of the river, then with the line of  
No. 45, N. 65 E. 60 poles to a  
stone, S. 15 E. 80 poles to a stone  
on top of a ridge, then down the  
ridge S. 43 W. 15 poles to a rock  
and pointers, So. 63 W. 10 poles  
to a black oak; So. 60 W. 28 poles  
to a post oak; So. 47½ W. 78  
poles to a large rock on the bank  
of the river; down the river with  
its meanders to the beginning, con-  
taining 76 acres, more or less, be-

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ing the same land conveyed to A.  
W. Jacobs by R. A. Jacobs and  
wife, by deed of date May 2, 1888,  
in Deed Book X, page 333, Office  
of the Register of Deeds.

This the 30th day of November,  
1936.

J. FRANK RAY,  
Commissioner

D10-4tc-D31

**NOTICE OF SALE  
IN THE SUPERIOR COURT**

North Carolina,  
Macon County.

Eugene Brooks, Frank Grant and  
Walter C. Cogswell, and heirs of  
Eugene D. Brooks, Frank Grant  
and Walter C. Cogswell, and all  
other persons, Firms or Corpora-  
tions claiming any interest in the  
subject matter of this action.

Under and by virtue of a judg-  
ment entered in the above entitled  
proceedings by the Clerk of the  
Superior Court of Macon County,  
North Carolina, the undersigned  
will, on the 4th day of January,  
1937, at the courthouse door in the  
Town of Franklin, North Carolina,  
at 12 M. o'clock, sell to the high-  
est bidder for cash the following  
described tracts of land, to-wit:

Being the land described in a  
deed from the American Corundum  
Company to Eugene D. Brooks,  
Frank Grant and Walter C. Cogswell,  
of date the 1st day of May,  
1903, and of record in Deed Book  
UU at page 496, Office of the  
Register of Deeds for Macon  
County, North Carolina, consisting  
of 180 acres.

Second Tract: Being the mineral  
interest in and to a tract of land  
described in a deed from T. B.  
Higdon and wife, Lula Higdon, to  
Frank Grant, W. C. Cogswell and  
E. D. Brooks, of date the 23rd day  
of November, 1906, and of record  
in Deed Book ZZ, page 552, Office  
of the Register of Deeds for Macon  
County, North Carolina.

This the 30th day of November,  
1936.

J. FRANK RAY,  
Commissioner

D10-4tc-D31

In the District Court of the United  
States of America for the Western  
District of North Carolina. Ashe-  
ville Division. At Law No. 385.  
United States of America v. 551.90

acres of land in Clay and Macon  
Counties, North Carolina, W. T.  
Latham, et al. Notice of Action by  
Publication of Summons. To: O. L.  
Anderson; Haywood Realty Co;  
wife of R. R. Mullikin; C. L. Pat-  
ton and wife; J. T. Patton; C. E.  
Wood and wife; Randolph McGuire  
Bulgin; Hanover National Bank;  
Charles Ward; Max Palm; Rein-  
hold Palm; Carolina Mountains  
Realty Corporation; J. A. Esses;  
Emoline Holden; Mrs. M. M. Kim-  
sey; John Kimsey; W. O. McGib-  
son; Trustee; J. L. Smathers Com-  
pany; unknown creditors of Ed. T.  
Shearer; J. A. Esses; R. G. Ket-  
ron; Otto Hermann; Theodore  
Palm; A. J. Patton; Amelia Hollis-  
ter Rockwell and husband, if any;  
C. W. Slagle; M. D. Ashe; W. M.  
Kelly and wife; G. R. Patton;  
Erwin Patton; Tallassee Power Co;  
W. A. Parker and wife; Louise  
Plonk and husband, T. M.; The  
Land Bank Commissioner; Augusta  
Palm; Otto Palm, Jr.; M. C. Cald-  
well and wife, Elizabeth; Kate  
Shearer Eller and husband; Chas.  
Heaton and wife; Flora Hollister;  
V. O. Kimsey and wife, Emma L.;  
M. R. Love and wife, if any; Mar-  
ion Passmore and wife; unknown  
devises of Otto Palm; Andrew  
Barnard; Riley Jones and wife;  
Emma C. Martin; W. A. Parker  
and wife, Laura; Mamie Slagle  
Patton; Archble Rogers; Ed T.  
Sheaver; Alfred P. Parker; and all  
persons whomsoever who have, or  
claim to own any estates or inter-  
ests in the fee or otherwise in and  
to the premises described in the  
petition filed in this cause and de-  
scribed in this notice, and any and  
all heirs and devisees of the sev-  
eral parties above named, whose  
names and addresses are unknown,  
and all singular their heirs,  
husbands, wives, devisees, execu-  
tors, administrators, representa-  
tives, successors and assigns, of each  
and every of them; and all unknown  
owners, lienors, or claimants, hav-  
ing or claiming to have, any right, title,  
estate, equity, interest or lien; and  
all occupants, lessees, users, hold-  
ers and owners of and claimants to  
any rights or easement or prescrip-  
tion in, over, across, or through  
said lands, or any part thereof;  
you will please take notice that an  
action entitled as above has been  
commenced in the district court of  
the United States for the Western  
District of North Carolina, at Ashe-  
ville, N. C., that summons has been  
duly issued out of said Court, and

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petition filed therein asking for the  
condemnation of the lands describ-  
ed in the said petition and herei-  
after described, that you, and each  
of you, are necessary and proper  
parties to the just and final dispo-  
sition of this action; that said ac-  
tion has been instituted by the  
United States Attorney for the  
Western District of North Caro-  
lina for the purpose of appropri-  
ation and condemnation by judicial  
process, for the public use and ben-  
efit of the United States of Amer-  
ica, of the lands described in said  
petition and herein below described  
under and by virtue of the provi-  
sions of the Weeks Law, Act of  
Congress of March 1, 1911, Chap.  
186 (39 Stat. 961) Title 16, Sections  
513, 521, 553, and 563 of U. S. C. A.,  
and according to the method and  
procedure prescribed in the Act of  
Congress of August 1, 1888 (25  
Statutes 357 (40 U. S. C. A., Sec-  
tions 257, 258 and 258-a); that the  
lands proposed to be condemned  
and appropriated by the plaintiff  
United States are described sub-  
stantially as follows: Tract No. 222,  
1a, apparent and presumptive own-  
er being W. T. Latham containing  
according to survey 551.90 acres,  
situated in Macon and Clay Coun-  
ties, North Carolina, on the waters  
of Buck Creek, a tributary of Nan-  
tahala River, more particularly de-  
scribed by metes and bounds in Ex-  
hibit "A" of the petition and upon  
map or plat Marked "Exhibit "B",  
of the petition, attached to said  
petition in said proceeding filed  
with the Clerk of this Court at  
Asheville, N. C.; you and each of  
you are hereby notified to be and  
appear at the office of the Clerk  
of the United States District Court  
for the Western District of North  
Carolina, in the United States Court-  
house Building at Asheville, Bun-  
combe County, N. C., not later  
than ten (10) days from and after  
the completion of service of this  
summons by publication for four  
(4) successive weeks, and answer or  
demur to the petition or complaint  
herein filed by the above named  
petitioner in the office of the said  
Clerk, and you are further notified  
that if you fail to appear and an-  
swer or demur to the said petition  
or complaint within the time speci-  
fied the petitioner will apply to the  
Court for the relief demanded in  
said petition; witness the Honorable  
E. Y. Webb, Judge of the Dis-  
trict Court for the Western Dis-  
trict of North Carolina, this the 10  
day of December, 1936, and the  
year of our Independence the 161st.  
J. Y. Jordan Clerk, By: O. L. Mc-  
Lurd, Chief Deputy Clerk.  
D17-4tc-J7

In the District court of the United  
States of America for the Western  
District of North Carolina. Ashe-  
ville Division. At Law No. 384.  
United States of America v. 1,705.50  
acres of land in Macon County,  
North Carolina, C. F. Moody, et al.  
Notice of Action by Publication of  
Summons. To: Department of Con-  
servation and Development of North  
Carolina; Alden Howell, Jr. and  
wife; Wade Marr; Ed Shepherd;  
B. G. Gibson and wife; Betty Wig-  
gins; Clarcy Cloer; Wade Henry;  
W. A. Holbrooks; Thomas John-  
son; wife of John B. Raby; W. H.  
Windley; Dessie Jones; wife of  
Willi W. Wiggins; Bessie Cloer;  
Iva Lee Cloer; Lilly Cloer; Cath-  
erine Davis and husband; J. M.  
Mason; A. E. Weaver; The Fed-  
eral Land Bank of Columbia; J. M.  
Pitcher and wife, Vernie E; Burr  
E. Coburn and wife, Bertha; Boyd  
Sutton, Executor; Emily F. Allison  
and husband, O. M. Allison; Rob-  
ert Brown and wife, Dannie; K.  
Caler; Central Bank & Trust Co;  
G. M. Dalton and wife, Artie; Flor-  
ida Investment Co; Resign Hancy  
and husband, I. B.; W. H. Higdon  
& Co; Leonidas S. Mitchell, Trus-  
tee; Francis Osborne and wife;

Raby, wife of A. P. Raby;  
Frank A. Rogers and wife; Nancy  
Tallent and husband, W. J.; A. J.  
Ward and wife, Callie; Elizabeth  
Holbrooks; Ella Marr; W. P. Reid;  
Joseph Swepson Young; Agey Cloer;  
Althia Cloer, unknown creditors of;  
Martin deHart, unknown creditors  
of; Gracey McKinish; J. L. Dal-  
ton; Joseph Higdon; J. P. Moore;  
Bert Raby; James G. Raby; J. H.  
Raby; W. H. Silvers; Mrs. R. L.  
Taylor; Lillie Tranham; Woodford  
Zachary; J. M. Dalton; Paul A.  
Fuss; Elijah Raby; Reuben Beas-  
ley; Jane Owsby; Kate Cloer;  
Nannie Cloer; wife of W. T. Hurst;  
Annie Seay and husband; W. L.  
West and wife; Will Johnston and  
wife; F. W. Reuss and wife, Jen-  
nie; Nina M. Shape, widow; Ma-  
hota Sutton and husband, Boyd;  
American Prospecting & Mining  
Co; Thomas M. Angel; wife of B.  
M. Angel; Paul Caler and wife,  
Ada; G. R. Collins; Elring Realty  
Co., a N. Y. Corp; Firmin D. Fuzz,  
Trustee; Jane Higdon, wife of W.  
H.; Michigan Mica Co; Sarah W.  
McCormick, wife of Hugh Malcon  
McCormick; \_\_\_\_\_ Raby, wife of  
James Raby; S. Sternberg and  
wife, Annie; Universal Liquidating  
Co; \_\_\_\_\_ West, wife of Thom-

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as; Thomas Cloer; W. J. Cloer;  
James D. Franks; W. George and  
wife; Althia Cloer; Gracy Cloer;  
Eerby Green and husband, Silas;  
Elijah Shepherd; Wm. A. Enloe;  
W. H. Higdon; A. J. Patton;  
Charles A. Raby; Sallie Raby;  
Laura Reed; Sternberg Land Co;  
Bert Tranham; A. W. Tritt; Jos-  
eph Brendle; Mary Young Davis;  
R. F. Henry; Sam L. Rogers; J.  
C. Franks and wife; and all per-  
sons whomsoever who have, or claim  
to own any estates or interests in  
the fee or otherwise in and to the  
premises described in the petition  
filed in this cause and described in  
this notice, and any and all heirs  
and devisees of the several parties  
above named, whose names and ad-  
dresses are unknown, and all  
singular their heirs, husbands,  
wives, devisees, executors, adminis-  
trators, representatives, alienees,  
successors, and assigns, of each and  
every of them; and all unknown  
owners, lienors, or claimants, hav-  
ing, or claiming to have, any right,  
title, estate, equity, interest or lien;  
and all occupants, lessees, users,  
holders and owners of and claim-  
ants to any rights or easement or  
prescription in, over, across, or  
through said lands, or any part  
thereof; you will please take notice  
that an action entitled as above  
has been commenced in the Dis-  
trict Court of the United States for  
the Western District of North Caro-  
lina, at Asheville, N. C., that sum-  
mons has been duly issued out of  
said Court, and petition filed there-  
in asking for the condemnation of  
the lands described in the said peti-  
tion and hereinafter described,  
that you, and each of you, are nec-  
essary parties to the just and final  
disposition of this action; that said  
action has been instituted by the  
United States Attorney for the  
Western District of North Carolina  
for the purpose of the appropri-  
ation and condemnation by judicial  
process, for the public use and ben-  
efit of the United States of Amer-  
ica, of the lands described in said  
petition and herein below describ-  
ed, under and by virtue of the  
provisions of the Weeks Law, Act  
of Congress of March 1, 1911, Chap.  
186 (36 Stat. 961) Title 16, Section  
513, 521, 553, and 563 of U. S. C. A.,  
and according to the method and  
procedure prescribed in the Act of  
Congress of August 1, 1888 (25  
Statutes 357, (40 U. S. C. A., Sec-  
tions 257, 258 and 258-a); that the  
lands proposed to be condemned  
and appropriated by the plaintiff  
United States are described sub-  
stantially as follows: Tracts No.  
240, 240-I, 240-II, 240-III, apparent  
and presumptive owners being C.  
F. Moody, containing according to  
survey, 1,405.50 acres, situated in  
Macon County, N. C., in Cowee  
and Millshoal Townships, on the  
waters of Cowee and Watauga  
Creeks, tributaries of Tennessee  
River, more particularly described  
by metes and bounds in Exhibit  
"A" and upon map or plat Exhibit  
"B" attached to the petition in this  
proceeding filed with the Clerk of  
the United States District Court at  
Asheville, N. C.; Tract No. 981, ap-  
parent and presumptive owners be-  
ing Coburn and Dalton, containing  
according to survey 124.00 acres,  
situated in Macon County, North  
Carolina, on the waters of Lakey  
Creek, a tributary of Tennessee  
River, more particularly described  
by metes and bounds in Exhibit  
"A-1", and upon map or plat Ex-  
hibit "B-1", attached to the peti-  
tion in this proceeding filed with the  
Clerk of the United States District  
Court at Asheville, N. C. Tracts No.  
1044 and 1044-I, apparent and pre-  
sumptive owners being Weaver Gib-  
son, containing according to survey  
176.00 acres, situated in Macon  
County, North Carolina, in Cowee  
Township, on the waters of Long  
Branch, a tributary of Cowee Creek,  
more particularly described by  
metes and bounds in Exhibit "A-2",  
and upon map or plat Exhibit "B-2",  
attached to the petition in this pro-  
ceeding filed with the Clerk of the  
United States District Court at  
Asheville, North Carolina; you and  
each of you are hereby notified to  
be and appear at the office of the  
Clerk of the United States District  
Court for the Western District of  
North Carolina, in the United States  
Courthouse Building at Asheville,  
Buncombe County, N. C., not later  
than ten (10) days from and after  
the completion of service of this  
summons by publication for four  
(4) successive weeks, and answer  
or demur to the petition or com-  
plaint herein filed by the above  
named petitioner in the office of  
the said Clerk, and you are further  
notified that if you fail to appear  
and answer or demur to the said  
petition or complaint within the  
time specified the petitioner will  
apply to the Court for the relief  
demanded in said petition. Witness  
the Honorable E. Y. Webb, Judge  
of the District Court for the West-  
ern District of North Carolina, this  
the 14 day of December, 1936, and  
the year of our Independence the  
161st. J. Y. Jordan, Clerk, By: O.  
L. McLurd, Deputy Clerk.  
D17-4tc-J7