

**THE POLK COUNTY NEWS.**

JOHN CARNEGIE, PUBLISHER.

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PHONE No. 2.

THURSDAY, JAN. 25, 1906.

**PROCEEDINGS SPECIAL TERM CIVIL COURT**

A Complete List Of Cases and Disposition Made Of Them—Court Adjourned Friday.

The special term of court for civil cases which ended last Friday, and over which Judge R. B. Peebles presided, probably did better work and accomplished more in the disposition of cases than any civil court held here for several years.

The court being conducted according to the calendar, caused considerable discussion, from the fact that on several occasions the work set for the day would be disposed of as early as 10 a. m. or noon. This necessitated the adjournment of court until next day, and was thought extravagant and a loss of time, inasmuch as jurors and court officials were paid full day's wages for part of a day's work. There are two sides to this question, however. When courts are conducted according to calendar, witnesses are only paid for the time they attend court from the day their cases are dated. This at times amounts to quite a sum. The calendar arrangement also saves witnesses and suitors considerable time. Considering both sides, it may be that the calendar arrangement is the more economical in the matter of both time and money. The members of the bar, who arranged the calendar, evidently thought it the better plan, and they are men whose experience in legal matters generally, puts their judgement above that of the average citizen.

The attorneys who attended this term follow: J. E. Shipman and E. B. Cloud, Columbus; McBrayer, Morris, Morrow, B. Justice and Gallert, Rutherfordton; Smith, Blythe and Rector, Hendersonville; Murphy and Rollins, Asheville.

**Proceedings of the court.**

Thompson vs Tanner. Partition. Continued.

Cudd etal vs Roach etal. Foreclosure mortgage. Continued.

McClain vs Carpenter etal. Ejectment. Mistrial.

Coxe etal vs Carpenter etal. Ejectment. Continued.

Abrams vs Harris. Ejectment. Judgement favor defendant. Appeal taken.

Rollins vs Railway. Damage. Rollins to recover \$93.75.

Arlidge vs Railway. Damage. Arlidge recover \$20 and costs.

Walker vs Feagans. Ejectment. Continued.

Thompson etal vs Searcy. Ejectment. Judgement favor plaintiff. Appeal taken.

Thompson etal vs Greenlee. Ejectment. Continued.

Shields vs Carruth. Dismissed.

Ponder vs Poenix Insurance Co., and Ponder vs Virginia Insurance Co. Both cases consolidated and continued on account of absence of council.

Moore vs. McClain. Ejectment. Judgement favor plaintiff to recover land and \$40 damage. Appeal taken.

Smith vs Livingston. Ejectment. Continued.

Robt. L. Cornwell vs Wilson. Judgement favor plaintiff by compromise.

Waldrop and wife vs Wilson etal. Land to be sold for partition. By J. E. Shipman.

A. E. Abrams vs Wilson. Land to be sold for partition. By J. E. Shipman.

Sonner vs Hicks. Debt. Judgement favor plaintiff.

**Sonner vs Pearson. Nonsuit.**

Thompson etal vs Tate etal. Continued.

Blanton vs Gardner etal. Judgement favor plaintiff.

Blanton vs Williams. Continued.

Albert Davis vs T. J. Davis. Claim and delivery. Judgement for plaintiff \$75. Each pay half costs.

Pickenpack etal vs Ballenger. Ejectment. Continued.

Morgan vs Hambrick. Ejectment. Nonsuit.

Mills vs Henson. Compromised. Henson paying costs.

Ladshaw vs Coxe etal. Continued.

Moore vs Ponder. Boundry line. Continued.

Rhodes vs Mills. Ejectment. Continued.

Scoggins vs Turner etal. Continued.

McFarland vs McFarland etal. Continued.

Commissioners vs Feagans. Matt McBrayer appointed as referee to hear case.

Hampton vs Pettie. Ejectment. Judgement for plaintiff.

Jones vs Jones. Divorce. Continued.

Clayton vs Clayton. Divorce. Continued.

Constant etal vs Arledge etal. Partition. Continued.

Asheville Milling Company vs Pearson. Dismissed.

Newman vs Swananoah Lumber Company. Dismissed.

Blackwell vs Fisher etal. Continued.

Laughter vs Laughter etal. Continued.

**BANK OF RUTHERFORDTON**

Placed In Hands Of A Trustee To Wind Up Its Affairs.

At a hearing before Judge W. R. Allen at Marion, on Saturday, the temporary receivership was set aside and the Bank of Rutherfordton was placed in the hands of a trustee to wind up its business affairs.

D. F. Morrow, the president, was appointed trustee under the following conditions which he says he is ready and willing to carry out. He is to pay over to the temporary receiver, Jno. C. Mills, \$3,000, to be added to the amount of cash already on hand, which makes \$14,000, which is to be deposited by the receiver in the First National Bank, of Charlotte, with a certified list of depositors. The depositors are then to be paid off by the First National Bank within ten days.

It was also ordered by the court that the temporary receiver turn over to the trustee the remaining assets of the bank upon Mr. Morrow's giving a justified bond in the sum of \$20,000. The trustee was given 30 days in which to liquidate the indebtedness of the bank—ten days being given in which to pay off check depositors and 20 days for time depositors—and at the end of that time make a report to the clerk of the court of Rutherford county.

The court found all the allegations under which the institution was closed by the North Carolina Corporation Commission to be true, and taxed the bank with all costs of the action. The State was represented by attorneys General Gilmer and S. Gallert and the bank by D. F. Morrow and R. S. Eaves.

Mr. Morrow, when seen by a Sun reporter, said he still stood by his former statement, that the bank was solvent and that he would be able to wind up its affairs with very little loss to the stockholders, if any. He also stated that two days prior to the closing of the bank by the bank examiner the stockholders had a meeting and voted to go into voluntary liquidation.

The following attended the trial at Marion Friday: Jno. R. Washburn, W. J. Carpenter, Jno. C. Walker, D. F. Morrow, R. S. Eaves, S. Gallert, M. H. Justice, Jr., Jno. C. Mills.—Rutherfordton Sun.

**ROAD BUILDING AS A BUSINESS.**

Only Those Skilled In the Work Should Be Employed—Road Building A Distinct Business.

No one denies that to build a good house requires the services of a good architect. The same is true of road building. To build a good road requires the services of a man skilled in the work, and skill is never acquired by merely reading a theory. It must be obtained by actual experience. A college training in road building may not be necessary to make a good road builder, but such an education equips him with a knowledge which sooner or later will more than pay for the extra time spent in its acquirement. Highway engineering is distinctly a branch by itself, and it is rapidly becoming recognized as such. To-day there is a greater demand for the highway engineer than the supply, and this demand is bound to increase as the work of building roads progresses. There is no better opening for a young man than the profession of highway engineer.

It invigorates, strengthens and builds up. It keeps you in condition physically, mentally and morally. That's what Hollister's Rocky Mountain Tea will do. 35 cents, Tea or Tablets.

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**SPECIAL RATES SOUTHERN RAILWAY.**

The following special rates are offered. Mardi Gras Carnivals, New Orleans, La., Mobile, Ala., Pensacola, Fla. February 22-27th, 1906. Tickets for this occasion will be sold February 21st 26th inclusive, with final limit March 3rd, at rate of one first-class fare plus 25 cents for the round trip. (Rate from Asheville to New Orleans \$22.20, to Mobile \$18.80, to Pensacola \$18.30.) The final limit of these tickets may be extended until March 17th, 1906, by payment of fee of 50 cents. Stop-overs will be allowed on both the going and returning journey, within limits, at regular Winter Tourist stop-over points.

Student Volunteer Movement For Foreign Mission, Nashville, Tenn. February 28th, March 4th, 1906. Tickets for this occasion will be sold February 26-27-28, 1906, at rate of one first-class fare plus 25 cents for the round trip. (Rate from Asheville \$11.65.) With final limit March 10, 1906.

For further information call on, or address, the undersigned.

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**COLUMBUS NEWS.**

Electric Storm Monday Afternoon—Sleet Rain And Snow Thursday And Friday.

T. J. Campbell and wife from Bloomdale, Ohio, are here for the winter and are stopping at the Columbus Hotel.

J. G. Hughes, Gen'l Manager Polk County Telephone Co., went to Saluda Tuesday to arrange the affairs of the system in that place. He returned Friday.

M. E. Charles went to Winston-Salem Friday where his mother celebrated her birthday Sunday. All the members of the family expect to be present and make the occasion a memorable reunion.

At regular meeting of Columbus lodge, Knights of Pythias, held Tuesday night the following officers were installed: J. E. Shipman, Vice Chancellor; E. B. Cloud, Prelate; R. V. Tallant, Master of Work; J. P. Arledge, Keeper of Records and Seal; C. C. West, Master at Arms; L. H. Cloud, Master of Finance; A. L. McMurray, Master of Exchequer.

A genuine electric storm raged here Monday afternoon. There was heavy thunder, flashes of lightning and hard rain. No damage was reported in this vicinity, save the falling of a few trees. Tuesday brought rain forepart of the day. Wednesday and Thursday clear. Thursday night sleet and rain fell rapidly, giving way to snow Friday morning, which about 11 o'clock measured 7½ inches.



We have many actual photographs of cotton fields on which no fertilizers were used and pictures of fields on which "other makes" of fertilizers were used. Results of these crops were dismal failures. There are much "brighter prospects" ahead for the progressive farmers of the South. Two and three bales to the acre are only ordinary yields where

Virginia-Carolina Fertilizers are used with proper cultivation. Make your cotton mature early, and thus escape the boll weevils and other damaging insects. You can easily do this, as well as increase the number of bolls (and their size) on your plants by plentifully using Virginia-Carolina Fertilizers. This method will tremendously "increase your yields per acre." Don't be fooled into buying a substitute.

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Memphis, Tenn.  
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**Heart Weakness.**

Dr. Miles' Heart Cure has made many hearts well after they have been pronounced hopeless. It has completely cured thousands, and will almost invariably cure or benefit every case of heart disease.

Short breath, pain around heart, palpitation, fluttering, dizzy, fainting and smothering spells should not be neglected. Take Dr. Miles' Heart Cure and see how quick you will be relieved.

It cannot make a new heart, but will restore a sick one by strengthening the heart nerves and muscles, relieving the unnatural strain, and restoring its vitality.

"I had a very bad case of heart trouble. For six months I could not work. Last July I was plowing corn and feeling bad all day; in the afternoon in plowing one row I had to lay down, or fall down, three times. My heart throbbed as though it would burst through, and I had difficulty in getting my breath. I purchased a bottle of Dr. Miles' Heart Cure, and before I had used half of it I could lay down and sleep all night. Previously I had to get up from five to ten bottles, and my heart is as regular as clock work. I feel like a new man, and can work considerably for an old man, 84½ years old."

H. D. McGILL, Frost, Ohio.  
Dr. Miles' Heart Cure is sold by your druggist, who will guarantee that the first bottle will benefit. If it fails he will refund your money.  
Miles Medical Co., Elkhart, Ind.

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Capital \$10,000

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DR. EARLE GRADY, E. E. MISSILDINE, E. C. WILCOX,  
R. E. JOHNSTON, J. O. WILSON, W. C. ROBERTSON,  
B. L. BALLENGER.

We wish to announce the incorporation and organization of The Bank of Tryon, and to state that we are now open for business. We feel a deep appreciation for the hearty support accorded us in this organization and solicit your further patronage. Business entrusted to us, however great or small, will have our personal attention and we shall serve you to the best of our ability. We cordially invite you to confer with us.

**NEW GOODS!**

Just received a new line of Dry Goods and Notions such as Ladies Fall and Winter Dress Goods, Ladies' and Gents' Fall and Winter Underwear. A new line of Ladies', Gents' and Childrens' Overshoes. My line of Groceries are always fresh and up to date. Make my store headquarters during court week whether you want to buy anything or not. Lunch goods a specialty. Yours to please,

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