

The Cherokee Scout

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COURT DENIES MAXWELL MOTION IN WALKER CASE

Refuses to Declare Three Prior
Liens Against Defendant
Invalid

The motion of Mrs. Frankie Maxwell in the case of Mrs. J. H. Dillard and others against J. W. Walker and others, to have modified to vacate that portion of the order appointing a receiver in said cause which allows Bank of Murphy, A. J. Burns and Guernsey P. Hood prior liens against the property and assets of J. W. Walker and the Receiver, D. H. Tillitt, in which motion creditors Town of Andrews and Will Luther join, the court finds as facts:

1. That this action, a general creditors bill, was instituted on the 28th day of October, 1931; that on the 4th day of November, 1931, an order was signed in said cause, upon the petition or bill, and the answer of defendants, appointing D. H. Tillitt as receiver of the estate and property of said J. W. Walker. Said petition, answer and order are made a part of this finding.

2. That the order hereinbefore referred to provided for the advertisement by said receiver of notice to all creditors to come into said action and file their claims; that 12 months time was allowed within which creditors might file their respective claims.

3. That at the June Term, 1932, of said Superior Court, Mrs. Frankie Maxwell obtained a judgment against said Receiver upon a jury trial in said Superior Court on her claim for \$8629.49 and upon learning that priorities hereinbefore referred to she promptly moved for relief.

4. That the Town of Andrews filed its claim of \$20,619.51 as a general creditor with the receiver of said J. W. Walker on August 8, 1932, which was allowed, and said creditor was thereupon notified by said receiver of said order and of the alleged priorities and preferences to the three creditors hereinbefore referred to.

5. That Will Luther, executor of the estate of Geo. H. Luther, filed his claim of \$7693.87 with said receiver in December, 1931, and was informed thereafter that the order appointing a receiver had given priorities to the three creditors above named.

6. It is further found that the three alleged priority creditors had begun action on their respective claims against J. W. Walker but had not prosecuted same to judgment at the time said receiver was appointed and qualified as such.

7. That prior to the appointment of a receiver here in, Guernsey P. Hood, Commissioner of Banks, Ex. Rel. Central Bank and Trust Company, of Asheville, N. C., instituted a suit against J. W. Walker and R. P. Walker, Jr., on various notes, and that on the 14th day of December, 1931, judgment was rendered in said suit in the general county court of Buncombe county in the sum of \$....., with interest, and that a transcript of said judgment was duly docketed in the Superior Court of Cherokee County on the 19th day of December, 1931, in Judgment Docket No. 22, at page 39.

That the action of A. J. Burns vs. J. W. Walker and C. M. Wofford, referred to, was instituted in the Superior Court of Cherokee County on October 21st, 1931; that judgment was rendered therein for the sum of \$6,500.00 and interest on the 30th day of November, 1931, and was docketed in the office of the Superior Court of Cherokee County on the 30th day of November, 1931, in Judgment Docket No. 22, at page 290.

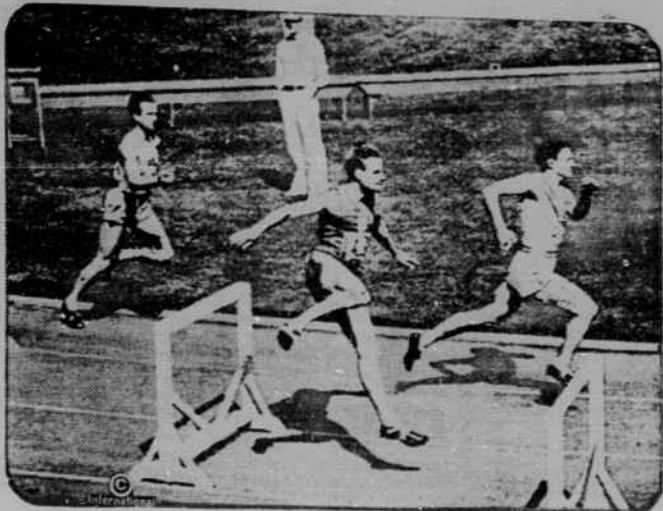
That the plaintiff, the Bank of Murphy, brought its suit October 16th, 1931, and recovered judgment November 17th, 1931, judgment docketed November 18th, 1931, in Judgment Docket No. 22, at page 8.

Upon the foregoing motion and facts found the Court is of the opinion that he has no authority to modify or vacate the order of Judge Harding, hereinbefore referred to, and the motion referred to is denied.

To the refusal of the court to sign judgment modifying the order referred to in the above findings, and declaring invalid the liens therein granted to the Bank of Murphy, A. J. Burns, and Guernsey P. Hood, the movant creditors except; to the Courts declining to enter judgment for movant creditors they except, and appeal from the foregoing order and

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Setting a New World's Record



This photograph, transmitted over A. T. and T. wires from Los Angeles, shows J. Healy of New York setting a new world's record of 52.02 over the 400-yard hurdles in the Olympic games. Adelheim of France is second and Areskog of France is third.

GRAND JUROR IS DISMISSED AND FINED

A. E. Nichols Found Guilty of Violating
Prohibition Law, Fined \$50
and Costs

A. E. Nichols, of Culberson, member of the Cherokee County Grand Jury, was found guilty of drunkenness and driving an automobile while intoxicated and fined \$50 and costs, at the August Term of Cherokee Superior Court, records of the court revealed this week. Mr. Nichols, at the request of the court, was also permanently relieved of his duties as a grand juror, it was learned.

The records of the court follow: State vs. A. E. Nichols, Drunkenness and D. A. W. I., trial by jury, verdict guilty. Judgment of the court that the defendant pay a fine of \$50 and cost, and not to drive an automobile for a period of six months from this date. This shall apply to passenger car only and not to a truck in the regular course of business.

FINES IMPOSED AT AUGUST TERM SUPERIOR COURT

Following are fines imposed by Judge H. Hoyle Sink at the August Term of Cherokee Superior Court, according to the minute docket of record in the Clerk's office. Last week a brief review of the sentences were carried, but there yet appears one or two instances of sentences in this record of the fines.

Bob Taylor, violation of the prohibition law, 61 days, capias to issue October 1, unless \$25 and costs have been paid.

Jessie Gibby, violation of the prohibition law, 61 days, capias to issue October 1, unless costs have been paid.

Arthur Gibby and Jessie Gibby, larceny and receiving, 61 days, capias to issue October 1, if the former judgment is not complied with.

Jake Taylor and Bass Taylor, forcible trespass, capias to issue October 1 if former judgment is not complied with.

Millard Odell, violation of the prohibition law, 61 days, capias to issue if fine and costs have not been paid by October 1.

W. K. Henegan, Harry Griffith, and A. V. Collins, charged in separate indictments with carrying concealed weapons, were each fined \$50 and costs.

Bass Dockery, assault with a deadly weapon, to appear at the August term of court, 1934, and show that costs have been paid.

Robert Jones, larceny, 61 days, capias to issue October 1 if costs have not been paid.

Pauline Blackwell and Beatrice Bowman charged in separate bills with an affray waived finding of bill and plead guilty, and were discharged upon the payment of costs for which the county would be liable.

Herman Key, violation of the prohibition law, 61 days, capias to issue February 2, 1933, if defendant fails

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Has Undergone 17 Operations And Not Yet Six Years Old

"Believe It or Not" Ripley can
take one from this:

Little Alta May Dockery, daughter of Mr. and Mrs. Carl Dockery and who will not be six years old until next November, has undergone 17 operations.

About two years ago, Alta May was burned about the front part of her neck so badly that when it healed her head was drawn downward to one side. She was carried to the hospital at Franklin, where she remained for two months, during which time she was operated on four times.

She was then carried to the North Carolina Orthopaedic Hospital at Gastonia where she remained for nine months and underwent 13 operations. She returned to her home here at Murphy Sunday, and is said to be well and normal again.

MEETING HELD BY HEALTH OFFICERS AND PHYSICIANS

Dr. J. M. Parrott, of Raleigh, secretary of the State Board of Health, and Dr. L. B. McBrayer, of Southern Pines, secretary of the State Medical Society and managing director of the State Tuberculosis Association, held a meeting with the doctors of Cherokee county at the office of Dr. Adams at 1 o'clock Tuesday, August 23rd.

The object of the meeting was to discuss a certain part of the work for undernourished and repeater children in connection with the distribution of the relief fund. According to Dr. A. T. Allen, State superintendent of public instruction, it is costing the State \$10,000,000 a year to teach repeaters. By repeaters is meant children who have to repeat grades.

Dr. John B. Wright, president of the State Medical Society, will join in the visits. They will visit every county in the State. Dr. McBrayer and Dr. Parrott are visiting 15 western counties. They will meet with the doctors of Macon and Clay counties in Franklin Wednesday.

Cherokee county doctors attending were: N. B. Adams, E. E. Adams, J. N. Hill, and S. C. Heighway, of Murphy, and W. C. Morrow, Dr. Herbert, and Dr. Orr of Andrews.

Taxpayers League To Be Organized

A meeting of the tax payers of Cherokee County is called for the first Monday in September, the 5th at 10 o'clock for the purpose of organizing a taxpayers League in the county. Petitions have been circulated in the county asking for this Tax Payers League and the meeting on the first Monday in September is to complete the organization.

Mrs. Elsie Whiteheart and children who have been visiting relatives and friends here for the last two weeks left Monday for their home at Winston-Salem.

Mrs. E. L. Holt and little son returned home Sunday from Downing Hospital at Ginesville, Ga.

MURPHY LIONS HEAR REUSING TUESDAY NIGHT

Asheville Speakers Guests Of Local
Club On Ladies Night
Tuesday

W. J. Reusing, of the Asheville Lions Club, was principal speaker at a meeting of the Murphy Lions at the Regal Hotel Tuesday night, which occasion was featured by ladies night.

Accompanying Mr. Reusing from Asheville were Joseph Dave, president of the Asheville Lions, and Roy Phillips, past president. They came to Murphy in connection with the inter-city exchange of club speakers being sponsored by the Asheville cixie clubs.

The meeting Tuesday night was an enjoyable one. Following a sumptuous repast, a program of speaking was had with Lion President W. M. Fain of Murphy, presiding.

Rev. T. F. Higgins, pastor of the Murphy Methodist church, made the address of welcome, and Mr. Fain then introduced Mr. Reusing, who delivered the principal talk of the evening.

Mr. Dave was then presented and he introduced the new Lion song, recently adopted by Lions International. During the course of his remarks, he extended the Murphy Lions a hearty invitation to the Regional Lions meeting at Asheville Friday and Saturday.

Other speakers were Miss Butler of the John C. Campbell Folk School at Brasstown, and Mr. Roy Phillips, past president of the Asheville Lions.

In the course of his remarks, Mr. Reusing said that the apparent business improvements and the commonness of our problems the greatest opportunity for Western North Carolina to forge ahead as a unit.

He cited the improper application of credit as one of the main reasons for the depression, and said we have been putting the cart before the horse. "We have believed that natural prosperity was the result of further credit, rather than that prosperity arose from the natural wealth realized at its indictment made in exchange of goods."

"Through utilization and conservation of the latent powers of Western North Carolina progress will be made. We should not assume debt to pay off debts. A sensible attitude towards betterments and improvements, rationalized and consistent to the tempo of progress is needed in accordance with the principle that or further debt is the fruit only of additional wealth and as such should not be contracted out of proportion to ability to repay."

Mr. Reusing said the Great Smoky Mountains National Park and the rich forest preserves with their species of native trees would undoubtedly become one of the nation's show places through the development better times will bring.

Joe Dave, president, and L. Roy Phillips, of the Asheville club, made short talks. The Rev. T. S. Higgins, of Murphy, introduced Mr. Reusing. W. M. Fain, president, presided.

Those present were: Mr. and Mrs. R. W. Gray, Mr. and Mrs. H. G. Elkins, Mr. and Mrs. V. M. Johnson, Rev. and Mrs. T. S. Higgins, Mr. and Mrs. G. W. Ellis, Mr. and Mrs. W. M. Fain, Mrs. C. W. Savage, Mr. George Bidstrup and Miss Butler, of the Folk School, Messrs. Roy Phillips, Joseph Dave, W. J. Reusing, E. C. Moore, Abe Hembree and C. W. Bailey.

CORRECTION

In last week's issue of the Scout a news article was carried with reference to the Town of Murphy having instituted a civil action against F. A. Fain, H. A. Fain, their bondsmen and S. W. Lovingood. In this article the Scout inadvertently stated that the sureties for F. A. Fain "alleged" the bond of F. A. Fain "was received by the Mayor and treasurer of the Town of Murphy from F. A. Fain without the knowledge, consent or approval of the Town Board, and in pursuance of an alleged unlawful conspiracy between the Mayor, Treasurer and F. A. Fain." The sureties did not make this allegation and the Scout is glad to correct the error or inadvertence.

Mr. and Mrs. Pat Farmer, and children, who have been spending the past three weeks with Mrs. Ruth Carlinger, left Wednesday morning for their home in Washington, D. C.

We take produce on new or renewal subscriptions, but we don't want any more apples. And we do not want any produce on Saturdays.

LOCAL SCHOOL TO OPEN ON FRI. SEPTEMBER 2ND

New Superintendent Arrives and Arrangements Being Made For
Registration

Mr. H. Bueck, of Cullowhee, new superintendent of the Murphy graded school, arrived this week with his family and are located in the residence vacated last week by Mr. C. U. Williams, the retiring superintendent.

The Murphy schools are scheduled to open on Friday morning September 2nd, according to announcement this week by school officials. This opening on Friday is to make registration, assign the pupils, and give them book lists, so that everything will be in readiness to begin the school year proper on Monday morning, Sept. 5th.

Preparations are being made for one of the largest enrollments in the history of the school. The school board believes it has secured one of the best corps of teachers, nineteen in number, and all indications are that this will be an unusually good scholastic year. The complete list of the faculty follows:

Mr. H. Bueck, of Cullowhee, Superintendent.

Miss Clara McCombs, of Peachtree, and Miss Dair McCracken of Hayesville, First Grade teachers.

Miss Martha Mayfield, of Murphy, Second Grade.

Miss Lucile Wyke, of Cullowhee, Third Grade.

Miss Emily Sword, of Murphy, Fourth Grade.

Miss Ada Leatherwood, of Murphy, Fifth Grade.

Mrs. Henry Axley, Murphy, Sixth Grade.

Mr. H. E. Stephens, Six Miles, S. C. Seventh Grade.

Mrs. Tom Patton, Bryson City, lower grade.

Mrs. T. A. Case, Murphy, lower grade.

Miss Annie B. Bailey, Atlanta, Ga., home economics.

Miss Ruby Courtney, Williston, N. C. Latin.

Miss Fanny Hathcock, history.

Miss Irene Irby, Enfield, N. C., English.

Mr. O. W. Daton, Biscoe, mathematics.

Mr. R. C. Barrett, Chapel Hill, N. C. mathematics.

Miss Margaret Le May, Smithfield, N. C., French.

Mrs. J. W. Davidson, Murphy, music.

Association Officers Elected By B. Y. P. U.

At the annual associational B. Y. P. U. Association, held last week with the Little Brasstown Baptist Church the following new officers were elected to serve during the coming year: President, David T. Mashburn, of Andrews. This is the sixth year that Mr. Mashburn has been elected as president, being elected at the beginning of the organization and serving continuously. Vice President, Mr. Paul Lovingood, of Marble; Secretary-Treasurer, Miss Alma Swanson, of Hayesville; Chorister, Mr. Bill Lovingood, of Andrews; Pianist, Mrs. Bill Standridge; Junior-Intermediate Leader, Miss Mabel Jones, of Andrews; District Leaders, Mr. L. C. Ward, of Andrews; Mr. Norman Kilpatrick, of Warne, and Miss Katherine Wakefield, of Hayesville.

Mr. J. W. Porter of Andrews was a visitor in town, Monday.

Miss Ann Candler entertained with a six o'clock dinner at her home on Monday evening. Those present were: Misses Polly Davis, Sala Kate Baker and Messrs. Charles Dickey, Paul Howell and William Owenby.