

THE ROBESONIAN

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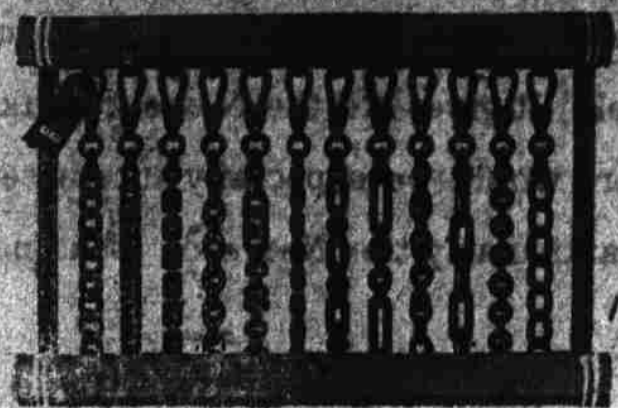
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VOL. XXVIII, NO. 45

LUMBERTON, NORTH CAROLINA, MONDAY, JULY 29, 1907.

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IN THE MOUNTAINS.

A Correspondent of The Robesonian Enjoying an Outing in the Mountains About Waynesville.

Correspondence of The Robesonian.

When I promised friends to let them have some of our experiences in Western North Carolina, I hoped to have something interesting to write, but I believe we've had, so far, the usual luck of travelers, including dust, heat, lost baggage, etc.

We left Fairmont last Friday and our enjoyment began with a pleasant visit with our jolly friend, J. A. Brown, of Chadbourn, who entertained us in his lovely new home, where we met his charming wife and lovely little daughter. That night we had a fine rest in Columbia and early next day began our journey to "the land of the sky."

It was a long hot trip across the State of South Carolina, but the sight of the mountains repaid us as we left the rolling hills around Spartanburg and gradually went higher and higher until the boy said, "Mama, ain't that a mountain," and the Blue Ridge was in sight. Every body grew enthusiastic—except myself. I kept thinking of Saluda mountain just ahead, and bound to be climbed. I concluded to pull off my hat before reaching there to give my hair room to rise, but when the foot was reached and the helping engine had been hitched on and our laboring monsters began their panting way up—up—ever turning, twisting, sliding, gliding, my eyes became glued to the wind-dow, and I don't know whether hair-loosened hat or not.

I was kept busy holding to the boy for fear he would go head first over some of those awful heights. It seemed impossible for him to get near enough to them.

The scenery from Tryon on is beyond my feeble powers of description.

In Asheville depot we found Miss Mamie Kyle, of Fairmont, who had been in the city a week and was now on her way to Acton and the home of Mr. T. F. Reeves, whose handsome wife and dear little daughter are no strangers to Robesonians.

Here the boy and I found rest also, and if you want to see the "Vale of Paradise" come to Acton. It is a lovely, peaceful little valley with majestic mountains rising on each side, and the sun shines bright and the sweet breezes blow while the tired down-east folks take in long breaths of pure air and wish all the loved ones at home were here.

Tuesday we go back to Asheville and take in all the sights a day will hold.

We went to Overlook Park and sat down and looked at Asheville thousands of feet below us looking like a toy village, but the wind blew cold and we had to keep moving as we had no wraps. We visited Riverside Park and saw the bear and the moving pictures, and waited while the boy and Mary Reeves rode the Merry-Go-Round—and oh, so many other things!

The afternoon was devoted to a visit to the Vanderbilt estate, which was the grandest of all, but I don't believe I want to buy him out. There is so much to see I looked myself into a headache, but didn't see it all. The French Broad and the Swannanoa both run through the estate, and one of the most picturesque things we saw on one drive was the cement bridge over the Swannanoa with its creeping

vines of Ivy and Virginia creeper.

On Wednesday we came on to Waynesville, the end of our journey, though we expect to make many short trips out to other places of note. The first of these will be to Eagles Nest. Up on the tip top of Junaluska mountain we can see a little bird cage of a house between us and the setting sun. This is Eagles Nest Hotel, and is large and cool and comfortable. We may spend some days up there.

The weather is unusually hot for the mountain section, but we have cool breezes all the time and the nights are comfortable. A ride out to White Sulphur Springs this afternoon was greatly enjoyed, the combination of mammoth oaks and green grass being the finest rest cure ever discovered.

Good bye—Love to dear old Robeson. This is a fine country to stay awhile, but when cold winter blows his breath over our fair southland I'll prefer Robeson sand to Heywood mud.

F. S. B.
Waynesville, N. C., July 24th '07.

A "VICIOUS" ACT.

An Act to Validate Certain Probates of Deeds—Col. McLean Explains what the Effect of the Act Will be and Tells Why he Thinks it Was Slipped Through.

On page 7 of this paper will be found part of an act, entitled "An Act to Validate Certain Probates of Deeds," passed by the last Legislature. The attention of this paper was called to sections 3, 4 and 5 of this act by Mr. W. H. Humphrey, clerk of the Superior Court of this county. These sections will be found on page seven.

Section 1. That in all cases where acknowledgment of proof of any conveyance has been taken before a clerk of Superior Court, justice of the peace, or notary public, who was at the time a stockholder or officer in any corporation, bank or other institution which was a party to such instrument, the certificates of such clerk of the court, justice of the peace, notary public, shall be held valid and are so declared.

Section 2. That section one thousand and fifteen of the Revisal be amended by striking out the word "five" in line four and inserting the word "seven."

As this act contains provisions of importance to lawyers, to banking and other institutions and to the public generally, a representative of this paper called on Col. N. A. McLean, of this place, who was a member of the judiciary committee of the Senate of the last Legislature, and asked for an interview. Col. McLean said that he had never heard of the act until that day, which was Saturday, and that he was sure the bill was slipped through; that it was passed during the rush of the last days of the session and that it was not passed upon by either the judiciary committee of the House or the Senate. Continuing, Col. McLean said:

"The caption of this bill is misleading. It invalidates, instead of validates. The Legislature has passed bills from time to time validating probates, but these were, in the main, to remove technical defects, and in almost all these

curative acts will be found a provision excepting from the operation of the act any vested interests, the idea being that no man should go to the Legislature and have an act passed for the special purpose of taking property from another and giving it to himself. This act, too, was by way of adding to fees of county officials, and the last Legislature at no time manifested a desire to do anything of that kind.

"The custom has been," continued Col. McLean, "purely for the accommodation of patrons and the public, for all banks, a great many law offices and other public institutions to have some person connected with the institution commissioned as a notary public to take acknowledgements of deeds and other papers and to take affidavits and the rule has been that no fees have been charged for these services. Not only has this been for the convenience of the public, but it has been a saving of expense to the people. This act prevents this throughout the State, and any person who now desires any paper of that kind acknowledged or executed must hunt up a notary or a justice of the peace, or go to the clerk of the court and pay fees for it. Instead of validating, it invalidates all papers taken by a notary when the notary has any interest as attorney, counsel or otherwise.

"This act was passed on March 11th, at the very last of the session of the Legislature, when committees were not meeting, and owing to the large number of bills being introduced and the rush incident to the closing days of the session it was much easier to get through an objectionable measure than it would have been at any other time.

"I have no idea," said Col. McLean, "that the judiciary committee of either the House or the Senate ever saw or heard of this bill, and if it came from this county, no mention of the fact was ever made by anyone to me, nor had I ever heard of it until today.

"I regard the first section of this act as vicious in that its clerk, notary, or justice of the peace, who is a stockholder in any corporation, should be allowed to pass upon and take the probate of any instrument to which he is a party. This is contrary to the spirit of our laws in that taking the probate of an instrument is a judicial act, and no man should be a judge in his own case. It is clear to my mind that the bill was slipped through for these reasons:

"First, the late day on which it was passed; second, the misleading caption of the bill; third, the bill was not passed upon by a judiciary committee; fourth, its application to the entire State and the fact that it is in contravention of the settled policy of the last Legislature—and, indeed, of every previous Legislature."

The provisions of this act will put lawyers, banks and other institutions to considerable inconvenience, and will put the public to additional expense, and it can only benefit Superior Court clerks. Mr. Humphrey says he has no idea who introduced the bill, but that he is satisfied it was introduced at the instance of some Superior Court clerk.

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