

THE NEWTON ENTERPRISE.

Vol. XXVIII.

Newton, N. C. Thursday December 13, 1906.

No. 33.

Seven Springs News.

Dec. the 3.—A. S. Kales philosophy. There seems to be this difference between cheerfulness and mirth: The Mercury over the cheerful man always stands at about 70 in the shade. While the mirthful man goes up to 90 and then at times sinks down to zero. To supply a man's necessities takes but little but to feed his desires takes an empire.

There is nothing which a chaste and refined woman detects so quickly as the atmosphere over an impure man. It requires a good deal more art and skill to conceal what we don't know than it does to impress others with what we do know. Men's judgments often make blunders but their consciences never does. Contentment has been praised more and practiced less than any other condition of life. Fools soon get tired of their own company. There is a great deal of wit in the world that is like a broken cambric needle, very sharp at the point but no eye to it to carry a thread. It is very hard to define economy: all we seem to know about it is that one man will make a dollar by twice as much as another man can. Keep your own miseries: don't offer to swap rheumatism with any man. Too much book learning is often an injury a person may acquire in this way so much in general that he want know any thing in particular.

Sunday Visitors, Mr. J. M. Abernethy and bride, Mr. Ben Williams, and Miss Lillie Abernethy, Mr. Roy Williams, and Miss Lottie Lanie, Mr. Martin Withers, and Miss Susan Williams, Mr. Thomas L. Crouse, and Master Lutz Williams, Mr. J. W. Abernethy went to Mr. L. P. Williams Sunday and was married to Miss Ollie Williams of Oliver's N. C. and came to the springs in the evening, the newly married couple looked as happy as a big snufflower. I wish them both much happiness. Two of Ferrill's good looking young men were at the springs Sunday evening, Mr. Charles Connor and Mr. John Jones. Those boys are lively and full of fun. Come again boys, I will treat you right. I have been informed that the Sherrill Ford correspondence has about rotten an Almanac completed for 1907. Hurray for Brother Hope. What next brother, I want one so I can tell who the moon falls.

Mr. J. A. Stiles and wife visited Mr. and Mrs. F. M. Alley Sunday, and report a nice time. Mr. Alley's is the place to get something good to eat.

Mr. Burton Cornelius of Sherrill Ford, and Miss Martha Abernethy of Catawba were married at the bride's parents Mr. O. P. Abernethy last Thursday 29. Rev. E. Myers tied the knot. Mr. Will Setzer of Catawba has moved his sawmill close to the Springs and is sawing out a set of forest pines and oak for Mr. J. R. Stewart the old reliable sawmill man. Mr. Stuart purchased the timber from Mr. R. L. Yount.

Now boys I will build my dining hall soon. My old friend Pomp Alley killed 25 rabbits Thanksgiving day.

Miss Rutha Stiles is at home after visiting in Newton for several weeks among her kin folks.

Mr. Henry Setzer of Claremont is at the springs for his health.

The weather, 1st to 2d mild wave, 3d to 4th the soft pleasant; 5th to 6th stormy 7th to 9th blustering 10th to 12th cold wave; over Catawba and Claremont and Jacob Fork.

A. S. K.

Jacob Fork News.

There seems to be no news of importance in this portion of the world. The farmers are now through with their fall work and are resting. Hog killing is now the order of the day. Thanksgiving Day passed off very quietly with big turkey dinners and feasting upon good things. The day was pretty well observed by the people of this section. Some of the younger Nimrods spent the day hunting rabbits.

There was a large crowd at the sale of Mrs. A. A. Hoover on Thanksgiving, many came from a distance. We noticed John Hoover, Monroe Seagle, Cephas Jonas, Jacob Mull from Lincoln county. Property brought pre-

ty fair prices. There have been quite a number of sales in this township this fall, some selling off their property to move elsewhere. Some are going to Tennessee. Walter Reinhardt and a Mr. Hoover are preparing to go to Tennessee shortly. There have been a great many changes made this fall by persons moving from one place to another. Robert Whitener has moved to Hickory and John Nance has gone on Whitener's farm as a tenant. Robert Speagle has let Brookford and moved to his farm near Wesley's Chapel. Mrs. A. A. Hoover sold her valuable farm and moved to Newton and Charles Hoover is now occupying the house as he bought it through a swap of land with R. L. Shuford, Lee Finger, will build the Miners school house. A Mr. Biggerstaff of the town of Maiden has moved to Blackburn as the miller of the roller mill that was ready for work when destroyed by fire.

Mike Whitener an aged veteran died a few days ago and was buried at Wesley Chapel. He was 80 years old. He was the last grandchild of Phillip White and the late uncle of P. A. Hoyle of Newton. He was a schoolmate of X. Y. Z. 73 years ago this winter.

There is one remarkable incident in this vicinity which is this: Moses and Logan Abernethy twin brothers, are in their 88th year, they are both living and are hale and hearty. They were born and raised on Potts Creek a few miles east of that noted place known as Hoghill. Their wives both died on the same day some years ago. These twin brothers are brothers of the late Dr. R. L. Abernethy, once President of Rutherford College. They were born in Lincoln county before Catawba county was formed in 1842. They were about 15 years old at that time. There are other men in Jacob's Fork township who were grown men when this county was formed. These are David Lore 18, A. S. Finger, 17, Daniel Yoder 20, G. M. Yoder 21, Eli Leonard 15, Mos. s Yoder about 12 and several others. C. Caney Hunsucker was about 8 also. There are few now living who voted in that election as they would be over 85 years old. We know only of two who voted, they are Marcus Smith and David Yount, Bandy's township has one man in the person of Lawson Mosteller. This section for the division of Lincoln county place 64 years ago last August and X. Y. Z. remembers what a hot campaign it was.

Enloe Yoder is doing a great deal of surveying, he has been in Lincoln county for a few days dividing up a farm. Charles Finger's wife is now on a visit to her father in Gaston county. A few days ago F. A. Yoder lost a good horse with colic. Gordon Willong and wife are now living in their new home. George Mosteller has moved his sawmill to Bandy's township. A new sawmill is going up near G. L. Reinhardt's house. There are five old Confederate soldiers living in Jacob's Fork township who are over 80 years old and whose combined age is about 412 years. Can any township in Catawba beat this, the health of this section is pretty good with the exception of a few old people.

The Yoder district school opened last Monday with a large attendance and with Quince Isenhour as principal and Miss May Finger assistant.

Alex Raby an old veteran is in a critical condition. Mrs. F. K. is also so feeble that it is not thought that she can't live much longer.

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years. He was buried at Bethel cemetery on the next day. He leaves a wife and several children. May God bless the stricken family and all those connected with him in this sore trial.

On November 26th. Mr. Burton Cornelius and Miss Myrtle Abernethy of this place were united in matrimony Roy E. Myers of Catawba officiating. May they have a smooth sail through the sea of life. The sale of Mr. E. L. Sherrill on the 27th of November was very largely attended. As the result of short crops there is a great deal of changing of farms this fall. Many men are going to the public work. The Shuford Gold mine is working a good force of hands. Rev. N. M. Medlin arrived last week and filled his appointment at Rehobeth Sunday at 11 o'clock. His text was 2cor. 6-1 and his subject was church work. He made a good impression on the people. He preached at Bathany in the afternoon.

Mr. Charles Connor is still trading horses. A medicine and spectacle man passed through this neighborhood last week but fortunately we were not at home. Mr. M. L. Kistler has recently gotten a new clerk, Mr. Frank Brotherton.

Why kissing a pretty girl is like eating soup with a fork? Can some of our young men answer us.

Subscribe for the old reliable. 13 months for a dollar. Hope.

Catawba Cases in Supreme Court.

News and Observers.

HAY VS. BENEVOLENT ASSOCIATION, CATAWBA. REVERSED.

1. A clause in a policy of insurance providing that any member failing to pay his yearly assessment within thirty days after notice mailed him shall be dropped from the association and required to pay a new membership fee in order to renew his insurance contemplates not a reinstatement but an insurance which, as a new contract, the company has the option of refusing to enter into.

2. Mere acceptance of assessments over due cannot be construed as a standing waiver of the terms of a contract of insurance.

GAITHER VS. CARPENTER, FROM CATAWBA, NO ERROR.

1. When a case on appeal is tendered by the appellant and settled by the Judge with modifications embracing appellee's exceptions, it is the duty of the appellant to redraft the case as settled for the signature of the Judge, failing which the Court may in its discretion (no errors appearing on the record) ex more motu affirm the judgment or remand the case.

2. In an action for malicious prosecution evidence of a juror at the trial of the plaintiff as to the length of time jury had been out and its first tentative votes was irrelevant and should have been excluded but its admission was not reversible error.

3. An instruction to the jury that to constitute malicious prosecution there must be want of probable cause and malice and that malice was "a disposition to do the person prosecuted a wrong without legal excuse" was correct.

4. The action of the judge, on request of the jury, in handing them his charge to be carried to the jury room, although not within the very language of Bevis' 587, could not be erroneous in any view of the statute and was proper in itself. And mere failure to include with the charge special instructions which had been asked and given, when no objection was called to the omission at the time, is not the subject of exception afterwards.

TILLINGHAST, STYLES & CO VS. COTTON MILLS, FROM CATAWBA, MODIFIED AND AFFIRMED.

1. In an action for breach of contract, where defendant by counterclaim denied the existence there of a refusal to enter judgment by default on counterclaim was proper, since the complaint alleging contract was in effect a denial thereof, and since there was formal denial made by plaintiff on leave of Court, granted in his discretion.

2. Where there has been an absolute breach of contract to deliver goods the rule of damage is the difference between the contract and the market price at the

time and place where the goods should have been delivered and if the plaintiff seeks to recover different and additional damages arising by reason of special circumstances, he is required to show that defendant had knowledge of these circumstances and of a kind from which it could be fairly and reasonably inferred that the parties contemplated that they should be considered as affecting the question of damages.

LINEBARGER VS LINEBARGER. FROM CATAWBA, NEW TRIAL.

1. In the trial of a caveat to a will it was error to admit the testimony of the wife of one of the executors as to declarations made by the testator in whose lands, in the event of their success, her husband would become the owner of an undivided interest, and the wife thought her "inchoate right of dower or estate in the land" would have such an interest as to render her incompetent under the provisions of Revisal 1631 (Code 590).

2. A declaration of one of several devisees tending to show undue influence exerted on the testator is incompetent as affecting the issue as to the subject matter in which, though separate, the interest of the several devisees have common source.

RILEY VS. CARPENTER, FROM CATAWBA, NEW TRIAL.

The shipment of yarns, bill of lading attached, where the contract stipulation was that bills should be sent direct to the defendant who was then to remit to plaintiff, was not a substantial compliance with the contract agreement and defendant was justified in refusing to accept the goods and is entitled to recover of the plaintiff the difference in price between what the yarns were billed him at and what, in the open market, he had to pay therefor.

IN RE SHELTON'S WILL, FROM LINCOLN AFFIRMED.

The will offered by the propounder bore on the margin these words: "This will I, this day, make void and of no effect, Jan. 16th 1905. F. M. Shelton." There was evidence tending to show that the alleged revocation was not in the handwriting of the testator.

1. Admission of testimony to the effect that testator in speaking of his will the day before he died, made declarations tending to deny the alleged revocation was competent as bearing upon the factum of the will, thought it is otherwise when the declaration offered tends to show the contents or effect thereof in the mind of the testator.

2. The display of the alleged revocation to the jury by counsel who pointed out differences in the letters in the signature oil the margin and in the body of the will, was erroneous but the attention of the Court should have been called an exception taken thereto at the time.

3. When the propounder offered the will he did not necessarily or in fact thereby offer the alleged revocation written on the margin thereof and the burden of proving an establishing the same was on the executor who cannot avail of an exception to an erroneous ruling of the Court in putting the burden upon the propounder of disproving such alleged revocation.

4. It is the duty of the propounder to show the contents or effect thereof in the mind of the testator.

5. The display of the alleged revocation to the jury by counsel who pointed out differences in the letters in the signature oil the margin and in the body of the will, was erroneous but the attention of the Court should have been called an exception taken thereto at the time.

6. When the propounder offered the will he did not necessarily or in fact thereby offer the alleged revocation written on the margin thereof and the burden of proving an establishing the same was on the executor who cannot avail of an exception to an erroneous ruling of the Court in putting the burden upon the propounder of disproving such alleged revocation.

7. It is the duty of the propounder to show the contents or effect thereof in the mind of the testator.

8. The display of the alleged revocation to the jury by counsel who pointed out differences in the letters in the signature oil the margin and in the body of the will, was erroneous but the attention of the Court should have been called an exception taken thereto at the time.

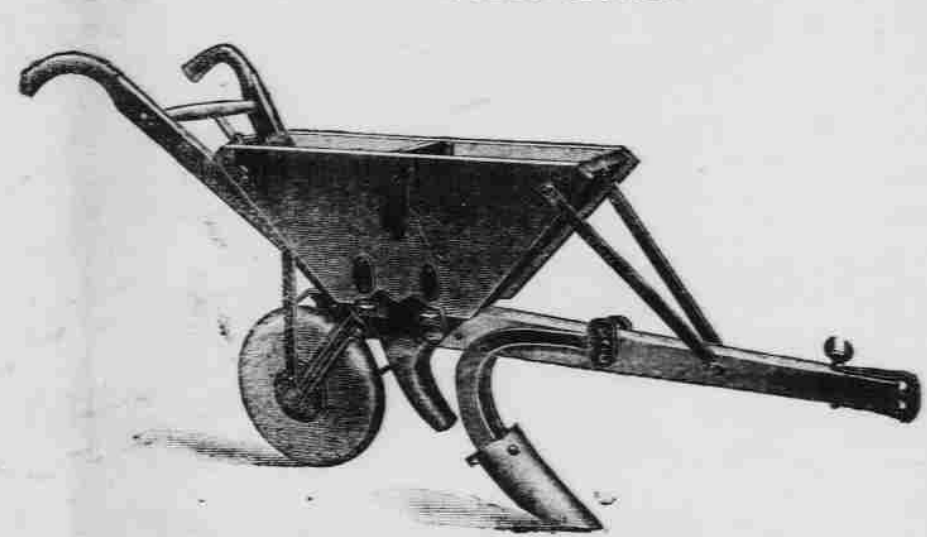
9. When the propounder offered the will he did not necessarily or in fact thereby offer the alleged revocation written on the margin thereof and the burden of proving an establishing the same was on the executor who cannot avail of an exception to an erroneous ruling of the Court in putting the burden upon the propounder of disproving such alleged revocation.

10. It is the duty of the propounder to show the contents or effect thereof in the mind of the testator.

11. The display of the alleged revocation to the jury by counsel who pointed out differences in the letters in the signature oil the margin and in the body of the will, was erroneous but the attention of the Court should have been called an exception taken thereto at the time.

12. When the propounder offered the will he did not necessarily or in fact thereby offer the alleged revocation written on the margin thereof and the burden of proving an establishing the same was on the executor who cannot avail of an exception to an erroneous ruling of the Court in putting the burden upon the propounder of disproving such alleged revocation.

The Cole Combined Oat and Guano Distributor.



This machine is specially constructed to sow oats by the open furrow method. This drill sows oats and guano at the same trip and covers the grain in the bottom of an open furrow. The oats are so protected that they never freeze out or sprout up. With this machine it is safe to sow oats any time in the fall or winter.

The oats should be pretty thick in the drill and the furrows should be 15 to 18 apart. The usual quantity is six to twelve pecks to the acre. The rains and freeze fill the dirt around the oats protecting and cultivating them.

Just before the oats begin to stalk it is best to run a drag harrow over them. This levels the land and greatly benefits the oats. The harrow tears down the ridges and does not damage the roots of the oats because they are below the surface. Being thus deeply rooted and enriched with fresh earth they grow more thickly and stand dry weather far better than when planted any other way. One year with another one acre sowed with the Cole Oat Sower will produce as much as two acres sowed with the large grain drills.

We specially recommend our Oat Sower for sowing oats on cotton land. This enables the farmer to get a fine crop of oats and a crop of corn, where without the Sower he would get only one crop. Run the Oat Sower twice in each middle so as to make the furrows the same distance apart. Do this just after the field has been picked over and the cotton will not be at all damaged. In the winter the stalks should be knocked or cut with a stalk cutter. In the spring when the oats are ready to stalk, run a drag harrow over them.

The material, workmanship and design are unequalled. It has accurate and reliable gauges for both oats and guano. The feed and the cut off for guano is the same as in our Guano Distributor. This feed and cut off are the best yet made.

By loosening a thumb nut the partition can be removed and the whole box used for guano. The machine thus becomes a fine guano distributor of large capacity for putting out guano for cotton, tobacco or any other crop. It is also the handiest machine for making a second application of guano or any crop.

This Oat Sower is fine for drilling peas either in stubble or between the rows of any crop.

We have a large number of them and the farmers testify that they never lose a crop and get a larger yield than any other way. The Cole Combined Oat Sower and Guano Distributor is more than worth its cost every season.

It does the work rapidly with one mule and one hand. We know large farmers with the best Northern grain drills under their sheds, who will not sow oats except in the open furrow one row at a time. Better sow fewer acres and get a surer crop and a larger yield.

For a small price you get three valuable machines: (1) A combined oat sower and guano distributor. (2) A combined peat drill and guano distributor. (3) A fine guano distributor of large capacity and great reliability. Please send us your order.

Smyre Hdw. Co.

Will Be Senator Roosevelt.

Charlotte Observer.

If what is said is true, president Roosevelt has a cause of worry, but it is not the proposed investigation of the Brownsville incident, which he welcomes. Senator Platt's term expires in 1906, and the President has been very generally credited with a wish to go from the White House to a seat among the ambassadors of the sovereign States of the Union in the Senate chamber. He is altogether too young and lively to contemplate retirement with the pleasure shown by Washington, Jefferson Jackson and Cleveland, Unhappily, the recent disclosures regarding Senator Platt personally and politically have been so disgraceful that the demand for his resignation is sweeping into a shout. The term of Senator Depue, who is almost equally a disgraced man, does not expire until 1911. These circumstances go to make a decidedly queer situation. We earnestly trust that the President will not miss the connection for the Senate. Think of the joy of a scrap between Roosevelt and Tillman, with Wardman butting in, and Davis the wild man from Arkansas, chattering his gibberish without regard to any of the others. The country would be bathed in ecstasy.

E. C. DeWitt & Co., of Chicago, at whose laboratory Kodol is prepared, assure us that this remarkable digestant and corrective for the stomach conforms fully to all provisions of the National Pure Food and Drug Law. The Kodol laboratory is a very large one, but all the sufferers from indigestion and stomach troubles could know the virtues of Kodol it would be impossible for the manufacturers to keep up with the demand. Kodol is sold here by T. R. Abernethy and R. P. Frezza.

First Physician Has he got any hereditary trouble? Second Physician—Yes; I have to hand his case down to my son.—Harper's Bazar.

For chapped and cracked hands nothing is quite so good as an application of D-Witt's Witch Hazel Salve. Put it on before going to bed, use an old pair of gloves and see what a difference the morning will bring. Sold by T. R. Abernethy and R. P. Frezza.

The Japanese Situation.

Atlanta Journal

President Roosevelt, it is reported from Washington, has already taken occasion to assure the California delegation in Congress that the remarks in his message with regard to the Japanese situation were not to be construed as meaning that he would use military force to compel the reception of Japanese children in the school buildings used by white children. From the manner of his remarks, and their tone, it is no great wonder that the Californians were in doubt.

This assurance amounts to a confession on the part of the President that the message was addressed rather to Japan than to the American congress. This may have been a pretty good policy, but we are inclined to the belief that anxiety to express friendship towards Japan the President laid it on a little too strong. He might have got out of his predicament without being quite so fervid in his protestations as to make California believe that her school laws were to be overturned by the federal government at Japan's behest.

We do not believe that the federal government will be able to exercise dictatorial authority over local school laws, and we are thankful for what seems to be the assurance that the administration has no great will to do so. If the Californians were forced to accept the Japs in the white schools, who knows but what some attempt might have been made to force the southern states to accept the negroes in white schools?

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Yours truly

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When in need of anything in the FURNITURE line you can get it at our STORE. We have had an immense trade this fall in Odd Beds, and we promise you, we are going to keep an assortment if the railroads continue to run.

We are daily receiving goods suitable for the CHRISTMAS trade. Since beautiful RUGS and Fuggets just received. Call early and get that Rocker you have been promising your wife or Sweetheart, and avoid the rush.

Our goods are going. Popular prices make them go.

Respectfully,

J. F. Herman and Son,

How Do You Spend Your Money

Are you doing it in a way to receive substantial benefit? Are you laying aside something for a RAINY DAY? If not, you will never have a better time to begin than now. To get quickly started, begin the easiest way; come to The Shuford National Bank and open an account in their Savings department. Do not wait for a large sum, for it may never come; just deposit whatever you have to spare, no matter how small the amount. We will gladly assist you in getting started. We pay 4 percent interest and compound it quarterly in this department. Call and let us tell you how we do it.

A. A. Shuford Pres., J. C. Smith Vice Pres. and A. H. Crowell, Cashier.