

# Sylvan Valley News

ONLY NEWSPAPER IN TRANSYLVANIA COUNTY

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## THE RECORDERS COURT

H. H. 392.  
S. B. 414.

An act to establish a recorder's court in the town of Brevard, and the county of Transylvania, and to prescribe the jurisdiction thereof. The General Assembly of North Carolina do enact:

Section 1. A special court for the trial of petty misdemeanors committed in the county of Transylvania, and to be designated as the recorder's court of Transylvania county is hereby created and established.

Sec. 2. The said court shall be a court of record and shall be presided over by a recorder, who shall be a qualified voter of Transylvania county, and a man of good moral character, and a licensed attorney at law.

Sec. 3. That the recorder herein provided for shall hold office until the next general election, when his successor shall be elected by the qualified voters of Transylvania county in the same manner and at the same time the county and township officers are elected for a term of two years.

Sec. 4. The county commissioners of Transylvania county shall on the first Monday in April, nineteen hundred and thirteen, elect a recorder who shall before entering upon the duties of his office, take and subscribe an oath before the clerk of the superior court as is provided for judges of the superior court: Provided, that if for any cause the commissioners aforesaid do not hold a meeting on the first Monday in April, 1913, as above referred to, then they shall elect a recorder at their next meeting. And, provided further, that if the person elected by the commissioners as said recorder shall fail to qualify within ten days after his election, the commissioners shall proceed to elect another with the qualifications as herein provided until the recorder so elected has qualified as provided in this act.

Sec. 5. The said court shall be held in the court house of Transylvania county on Monday of each week, or oftener if necessary, except when superior court shall be in session in said county, during which time the session of said recorder's court shall be held at such place as shall be provided by the board of commissioners of Transylvania county; and it is hereby made the duty of said board of commissioners to provide a suitable place for the holding of said court during the term of the superior court of Transylvania county.

Sec. 6. Said court shall have a seal with the impression "Recorder's Court of Transylvania County," which seal shall be used in the attestation of writs, warrants or other proceedings, acts of judgments of said court, whenever required, and in the same manner and to the same effect as the seal of other courts of record in the state of North Carolina.

Sec. 7. The clerk of the superior court of Transylvania county shall be the clerk of the recorder's court, and shall receive such fees as hereinafter provided.

Sec. 8. The jurisdiction of said court shall be as follows:

(a) Said court shall have final concurrent original jurisdiction of all criminal offenses committed within the county of Transylvania, and without the town of Brevard, which are now, or may hereafter be, within the jurisdiction of justices of the peace.

(b) Said court, in addition to the jurisdiction conferred in section "a" of this section shall have final, exclusive original jurisdiction of the following criminal offenses, to-wit: Carrying concealed weapons, gaming, gambling, keeping gambling houses, disorderly houses, larceny of and receiving stolen goods, knowing them to be stolen, where the value of the property stolen does not exceed twenty dollars, or failure to list taxes, assault and battery with a deadly weapon, or when serious damage is done, fornication and adultery, abandonment, failure to provide adequate support, cruelty to animals, malicious injury to real or personal property, trespassing on land after having been forbidden, forcible trespass, enticing servants to leave masters, indecent exposure of person, retailing spirituous liquors without license, selling or giving away spirituous liquors to minors, illicit manufacture of liquors, obtaining advances by false pretense, disposing of mortgaged property, all crimes against public health as contained in the Revised of one thousand nine hundred and five, from section three thousand four hundred and forty-two to three thousand four hundred and forty-eight inclusive, which are above the jurisdiction of the justices of the peace, all misdemeanors as contained in chapter eighty-one of the Revised of one thousand nine hun-

dred and five, or any act amendatory thereof where the punishment does not exceed a fine of two hundred dollars or imprisonment of one year and which are above the jurisdiction of justices of the peace, and all crimes which at common law are misdemeanors wherein the punishment is within the discretion of the court, and all such crimes hereinbefore enumerated are hereby declared by this act to be petty misdemeanors, and the punishment thereof be as now prescribed by law.

(c) In any other criminal matters wherein said court has not final jurisdiction, it shall have power and is hereby fully authorized to hear and to bind over to the proper court all persons charged with any crime committed within Transylvania county, whereof the preliminary investigation is now conferred on justices of the peace, and to render such judgment in such matters as now provided by law: Provided, that in any case where prosecution has been commenced prior to the ratification of this act, the court in which said prosecution has been instituted shall have jurisdiction thereof, and any and all such cases heard by the recorder of the court established by this act as committing magistrates against any person or persons for any offense whereof said court herein established has not jurisdiction in which case probable cause of guilt if found, such person or persons so charged shall be bound in bond or recognizance with sufficient surety if the crime be bailable under the law, to appear at the next term of the superior court of Transylvania county, and in default of such bond or recognizance such person or persons shall be committed to the common jail of Transylvania county to await trial as aforesaid; if the crime be not bailable, then to commit the defendant so charged to the common jail of Transylvania county to await the action of the Superior court thereof.

(d) Said recorder shall have all the powers and jurisdiction and authority now conferred upon justices of the peace or the Superior court of Transylvania county, to sentence any person convicted in said court for which the punishment prescribed by law is imprisonment, to be worked on the public roads of Transylvania county, and the clerk of the said court shall issue commitments thereof in the same manner as now provided by law for clerks of the Superior court.

(e) Warrants may be issued by the recorder of said court for any person or persons charged with the commission of any criminal offenses of which said court has jurisdiction, and any person convicted in said court shall have the right to appeal to the Superior court of Transylvania county, and upon such appeal the trial shall be de novo.

(f) The said recorder's court shall have jurisdiction of any and all criminal offenses committed before the ratification of this act and of which no court has taken jurisdiction.

(g) The said court shall have jurisdiction to issue search warrants and peace warrants in all cases now provided by law. Jury trials shall be had in the same manner as is now provided before justices of the peace.

Sec. 9. The cost of serving warrants, subpoenas and other processes issued by said recorder's court shall be the same as now fixed by law and to be paid to the officer performing such services. The fees for issuing the warrants, subpoenas for witnesses, and for making up bills of cost, and for any other process or writ issued by said court or services performed by said clerk for which a fee is now prescribed by law, shall be the same as now fixed by law for clerks of the superior court in similar cases; and every defendant convicted, adjudged guilty, or who pleads guilty, in said court shall be taxed with the cost of the prosecution, as now prescribed by law; all such costs recovered and collected in said court, except costs due to the recorder, clerk, sheriff, constable, or justices of the peace, shall be paid on the first Monday in each month by the clerk of said court to the treasurer of Transylvania county, who shall keep a separate account thereof, and who shall report to the board of county commissioners of Transylvania county at their first meeting in each month the amount paid him by such clerk.

Sec. 10. The warrants, subpoenas and other processes issued by said recorder's court shall be directed to the sheriff or other lawful officer of Transylvania county, and the service thereof shall be lawfully made when made by the sheriff of said county, or any constable of said county, and said warrants, subpoenas, and other processes of said court when attested by the seal of said court shall run any-

where in the state of North Carolina, and shall be executed by all officers according to law.

Sec. 11. Whenever any person is convicted of any offense of which said court has jurisdiction and the punishment imposed is a fine or imprisonment and costs, the recorder shall sentence the defendant to be worked upon the public roads of Transylvania county until such sentence has been complied with, and the clerk of the said court shall issue commitment of the defendant in accordance with the judgment of said court.

Sec. 12. The recorder shall preside over said court, try and determine all actions coming before him, the jurisdiction of which is conferred by this act, and in all cases where there shall be a right to appeal on the part of the defendant adjudged guilty, to the ensuing term of the superior court of said county, and in all such cases of appeal the bond of the defendant shall be fixed by the recorder, and upon the failure of the defendant to give such bond as is required, then he shall be committed to the common jail of the county until released according to law.

Sec. 13. The clerk of the recorder's court shall provide a permanent docket for recording all the processes issued by said court, which shall conform to the docket kept by the clerk of the Superior court. He shall also provide proper files to properly keep records of all cases which shall be disposed of in the said court, and what disposition has been made of them.

Sec. 14. No cases which are pending in the Superior court of Transylvania county at the time this act goes into effect shall be transferred to the recorder's court, but the same shall be disposed of in that court, and all cases pending before the justices of the peace of Transylvania county shall be tried and disposed of before said justices of the peace in accordance with the law as it existed at the time of the ratification of this act.

Sec. 15. The recorder of said court shall not, by virtue of his office as recorder, be prevented from practicing law in the several courts of the state in matters which have not been heard or will not be heard by him as recorder.

Sec. 16. The said recorder may be removed from office by the county commissioners of Transylvania county after hearing and notice given said recorder whose removal is being investigated upon proof of immorality and continued neglect of the duties of his office; and if the said recorder is removed, or in case of vacancy in said office, or in case the person elected as recorder, as provided for in this act, fails to qualify, his successor shall be elected by the county commissioners of Transylvania county for the unexpired term.

Sec. 17. All justices of the peace of Transylvania county shall have the same jurisdiction as heretofore to issue warrants in criminal cases, but in cases where they have not exclusive jurisdiction, the same shall be returnable to and triable by the recorder's court, and no

Continued on page 6.

## SOME SHOES

On page two of this issue we are carrying an interesting advertisement. Mr. O. L. Erwin makes a few statements in regard to his well known line of Star Brand shoes. He says that by actual count he has 4,055 pairs of shoes now in his store. This is possibly the biggest line of shoes ever shown this side of Asheville, and it is quite doubtful if any store in Asheville can make as large a showing at this time. In addition to this big line he is expecting several dozen cases of shoes at any time, and these will be placed on sale within a few days.

Although these shoes are all very handsome, Mr. Erwin did not buy them for ornaments; although they are very servicable, he cannot use them all himself. His reason for buying them is very simple. He bought them to sell, and this is what he intends doing, only adding a very modest profit for the sake of his clerks.

Read his advertisement and go and examine his line of shoes.

When the chest feels on fire and the throat burns you have indigestion and you need **EDMON'S BEEF LIVER REGULATOR** to get rid of the indigestion, strengthen the system and purify the bowels. Price, large package, \$1.00; small size, 25c. Sold by S. M. Macfie.

## A DANGEROUS BOOK

There is a book which has just been received in this town of such a character that the writer feels compelled to beg all of his kin, all his Southern friends and acquaintances to avoid as an unclean thing a manufactured thing against the fair name of Western North Carolina. In fact it is a tissue of lies without foundation anywhere in this mountain section, no instance existing as far as he knows, covering a knowledge of this country extending since the war.

The blackest abolitionist he ever met never could have conceived it, and the worst enemy of this section had to dive down deep into the bowels of Hades to have attributed it to us.

I would ask all Northerners who live here or elsewhere to avoid it. None of them in their knowledge of us have met with anything that in the least degree suggests it.

The scene of the book is supposed to be laid between Asheville and the Swannanoa tunnel, and, familiar as the writer is with that whole section, he has never known of a white man to live openly with a negro, much less to marry one. This country is particularly free from all such. The language of the book covers up much of the diabolical thread of it, but the story is, putting it mildly as I can, that there was a substitution of babies between a man's wife and the house nurse. This substitution existed until their majority when the situation was exposed, and then a woman of refined character follows the willful white man, whose sense of the horrible conditions make him abandon his country and insist upon marriage.

The pages given to the blacks and whites before the war are only next to "Uncle Tom's Cabin" in its exaggerations and outright lies. Did any man in this section ever hear of tossing a Northern man off the trestle near Asheville by any Ku Klux or other party of men?

The whole thing, while making no apology for miscegenation, yet directly advocates it. This book should be shunned as an unclean thing. **SIMPLICITY.**

## CARD OF THANKS

I am taking this opportunity to express my appreciation for the kindness shown me by my many friends during my wife's illness.

J. L. LANCE.

## DEATH OF MRS. ALICE POWELL

The death angel wended its way to the home of Mr. John Powell on February 29 and took the spirit of Mrs. Alice Powell to mansions of light, leaving her husband and five children to mourn their loss.

Mrs. Powell was a kind and loving wife and mother, lending a helping hand in sickness and pleased to make the burden of affliction lighter on all that came under her care. She was a faithful member of the Oak Grove Baptist church for a number of years. The bereaved family have the sympathy of the entire community.

May the allwise Creator ever walk by the father and enable him to raise the children to be a walking example of kindness and Christianity planted by a kind and loving wife and mother, is the sincere wish of the writer of this article.

T. S. MCKINNA.

March 10, 1913.

## DEATH OF MRS. EVELINE GILLESPIE

After several weeks of intense suffering from a stroke of paralysis Mrs. Eveline Gillespie was called from this world to meet her Savior and loved ones beyond, January 31, 1913, at the home of William Gillespie.

The deceased was born December 27, 1837, and was a daughter of James and Nellie Simard. Two brothers and two sisters preceded her in death, while five sisters remain in wait for the summons of the Lord.

In 1854 she was united in marriage to McDowell Gillespie, a well known and honored citizen of the East Fork community. To this union were added three daughters and six sons, all of whom are living.

She was converted under the ministry of Rev. Joe Blythe in 1861 and joined Zion Baptist church, later moving her membership to East Fork Baptist church, where it remained until the time of her death.

Mrs. Gillespie was a specimen of true womanhood—calm, earnest and true to her convictions. Those who met her were impressed with the peaceful, pleasant expression of her countenance, which told in its silent way that Christ was reigning in her heart. Like the psalmist it was a pleasure to her to be in the house of the Lord. Her last words were expressions of joy that she was nearing the celestial city where she should ever be with the Lord. May the sweetness of her character and the simplicity of her faith be a benediction unto children and many friends. Truly she will be missed in the church and community. In behalf of East Fork Baptist church her pastor extends deep sympathy to the bereaved ones.

The body was laid to rest beside her husband's in the Gillespie cemetery.

O lend me the faith of wings to rise  
And then I'll fly away.  
MARK R. OSBORNE.

## DEATH OF MRS. J. L. LANCE

Mrs. J. L. Lance of the Cherryfield section of this county died on the 28th of February, 1913. Pneumonia had fastened its grip so tightly that it forbade the skill of the physician and the attention and care of loved ones to loosen its hold. She was kind and gentle, true hearted, and best of all a Christian. She gave conclusive evidence of her faith in Christ and her willingness to die. There are aching hearts, an inseparable loss in a home, caused by the dispensation of providence, but He will temper the wind and give grace sufficient for all if asked. Yes, she is gone hence; to the bereaved ones earth is less attractive and heaven more inviting. May the near and dear friends enjoy abundant supply of the sustaining grace of God.

The funeral services were conducted at Catheys Creek Baptist church, by Rev. C. C. Duckworth Sunday, March 2. The pall bearers were Mr. Bird, C. Anders, Eugene Southern, Mitch Gillespie, Van Waldrop, Joe Whitmire.

Her body was followed to the cemetery by a large concourse of sorrowing friends.

A FRIEND.

## JUROR DRAWN

The county commissioners at a meeting held recently drew the jury for the April term of court, which commences on Monday, March 31. The following were the names drawn:

First week—W. M. Brown, B. A. Frady, W. D. Lance, R. M. Galloway, J. D. Smith, P. E. Alexander, G. G. Ballard, L. A. Johnson, J. R. Zachary, John H. Cox, Z. A. Nicholson, T. L. Gash, J. C. Bagwell, E. D. Reid, S. M. Macfie, Americus Heath, J. R. Tinsley, J. H. Osteen, L. M. Glazener, R. E. Patton, T. T. Loftis, W. L. Mull, W. A. Whitmire, C. C. Patton, S. V. Brown, R. J. Brown, I. S. Fisher, W. V. Bryson, Cleveland Reece, B. P. Merrell, J. E. Glasener, L. W. Dugan, M. E. Corn, P. R. Ayres, T. G. Merrell, W. P. McGaha, A. C. Lyday, C. W. Talley, A. C. Landreth, E. W. Raxter, O. J. Morgan, John Owen, Jr.

Second week—E. W. Whitmire, E. O. Shipman, J. E. White, J. C. Galloway, C. L. Morris, M. E. Shipman, O. V. Summey, G. A. Hamilton, E. A. Heath, George Bishop, J. L. Hawkins, B. Whit Henderson, S. R. Owen, E. E. Loftis, R. A. Batson, T. T. Miller, L. E. Chapman, F. P. Tinsley, S. H. Gillespie, Lee F. Norton, J. I. Thomas, Rowley Hooker, J. S. Bromfield, J. J. Patton.