

**INTERESTING  
AND  
OTHERWISE**  
(CLARENCE GRIFFIN)

**Early Courts of Rutherford County**

The county's first court, in common with all of the other counties of the state, was the court of common pleas and quarter sessions. In the early days of the state justice was regarded in a different light than nowadays. True, justice perhaps did not move any swifter, but the profession of a lawyer stamped him as an artist in his line.

The earliest courts, before 1700, had a law clerk and likewise a clerk when the same members sat in "equity"—law and equity being different.

But the 'supreme court', as the superior court system was called when it was established in 1777, had no clerk or master in equity and had no equity jurisdiction.

Almost from the formation of a civil government in the state each county had a court of pleas and quarter sessions, held every three months. This system was modeled after English courts, and its proceedings were similar to its English predecessors. The clerks of these courts were appointed by the justices of the peace in each county. The Superior court (called the Supreme court) had districts and a clerk for each district. The name applied to this court 'The Supreme Court' is traceable to the fact that it was the only court held by judges.

In 1782 equity jurisdiction was given to the judges of the 'superior court' and they were authorized to appoint 'Clerks and Masters in Equity.' Then each county had two 'clerks'; a clerk of the court of common pleas and quarter sessions, (better known as the county court) and a clerk and master in equity for the equity court.

In 1806 sweeping changes were made in the judicial system of the state. A number of factors gave rise to this. Cases appealed to the superior court from the county courts grew to such enormous proportions in some counties that some change was necessary. In that year a superior court was established in each county and a clerk of the 'superior court of law' appointed in each county. The state was divided into six districts, three additional judges were appointed, one riding a district, and each judge was given power to appoint clerks and masters of equity in each county. By this establishment of a new court each county now had three court 'clerks'; that of the county court; a clerk and master and a superior court clerk.

In 1832 the law governing clerks was amended so that the assemblymen or representatives, had power to appoint the county court clerks and the clerks of the superior court.

The establishment of a state supreme court in 1818 also assisted materially in reducing the large number of cases that were continually being appealed from one court to another.

The counties continued to operate under three sets of courts until the Constitution of 1868 was put in force. This constitution abolished the county court of common pleas and quarter sessions and the equity courts. The Constitution also abolished all differences between equity and law.

By way of illustrating the mode of procedure in these courts we will assume that Judge A. S. Merrimon was holding a court in the county in 1850. Mr. A. would have a case against Mr. B. After hearing the evidence, before a jury, Mr. B. would be found guilty. Judge Merrimon would render judgment "according to law." But perhaps that decision were to work a hardship against Mr. B. He would appeal the case to the court of equity. At the close of the superior court term Judge Merrimon would hold a court of equity in the same room, but with no jury. The aggrieved party would ask Judge Merrimon to enjoin the executional law and give equitable relief, as the decision of the superior court was against "good conscience." The case would be examined by the judge sitting in equity and if circumstances warranted equitable relief would be given. Then there were many rights that could not be enforced by law, so they were entered at equity.

The county court of pleas and quarter sessions were held by the justices of the peace.

However, as stated above, the constitution changed the court system in 1868. In New York there had been adopted a superior court system, and the law creating the sys-

*The Outgoing and Incoming Presidents*



Calvin Coolidge is to give up the reigns of office to Herbert Hoover, who it is believed will closely adhere to the policies formulated by his predecessor. Both men are more given to action than to words, and have marked business and executive ability. Calvin Coolidge has been nominated for many offices, never suffering a defeat, but Herbert Hoover has not engaged in politics before. The many important offices he has heretofore held have been appointive offices.

tem provided that the courts should always be open. That system was adopted in Ohio, also, and the makers of the new constitution adopted the Ohio system, with a few minor changes. This change in the judicial system entirely upset the old system. The two lower courts were abolished, and their duties were combined with that of the superior court. In late years part of the duties of the old county courts have reverted to the recorder's court in this, and some other counties.

The new system allowed greater powers to the superior court clerk. The clerk of the present superior court has more power and authority than did clerks of the previous courts, and in some matters he even has more power than the judge under the old regime. Today a superior clerk court is a 'court' within himself—he has not only all the duties of former clerks, but has other real judicial functions.

Next week a list of the clerks of the court of pleas and quarter sessions of the county, from 1779 until the abolishment of the office in 1868, will be given.

**FERRY NEWS NOTES**

Ferry, Nov. 19.—Rev. A. G. Melton supplied his appointment at Floyd's Creek Baptist church Sunday afternoon, while Rev. T. M. Hester of Spindale filled his appointment at Goode's Creek Saturday and Sunday.

Mr. and Mrs. C. H. Kennedy, of Charlotte, spent a short while at the home of Mr. Gaither Kennedy's last Thursday. They also visited friends and relatives at Henrietta and Cliffside returning to Charlotte Thursday afternoon.

Mr. Grady Withrow, the popular merchant of Hollis, and his family were visitors here last Sunday afternoon.

Mr. and Mrs. Walter Roach and daughter, of Alexander, and Mr. C. A. Wall, of Avondale, were visitors at Mr. L. L. Scruggs Sunday.

A large number of relatives and friends gathered at the home of Mrs. J. C. Padgett Sunday and gave a dinner in honor of her birthday, although Mrs. Padgett was sick she with the others enjoyed the day.

Mr. and Mrs. Vernon Hyder of Henrietta spent the week end at Mr. W. T. Dobbins.

Mr. and Mrs. J. S. Sherlin and children spent Sunday with Mr. and Mrs. Z. E. Dobbins at their home near Concord church.

**PARENT-TEACHER UNION FORMED IN RUTHERFORD**

Rutherfordton, Nov. 19.—At a joint meeting of the Parent-Teacher Associations of Ruth, Rutherfordton and Spindale elementary schools held at Central High school, a city Union was formed with the following officers: President, Mrs. B. L. Smith of Spindale; vice president, Mrs. J. R. Anderson, Rutherfordton; secretary, Miss Ruth Moore, Spindale; treasurer, Mrs. Elliott Haney of Ruth; auditor, Paul H. Huss, principal of Ruth school and historian, Miss Madge Wilkins of Spindale. The new Union will meet four times a year, in May, August, November and February, alternating among the schools.

This is the time of year when time and thought can be spared for making the farm budget. Farmers' Bulletin 1564-F, recently issued under the title of "Farm Budgeting" by the U. S. Department of Agriculture, tells how to make a budget and how to use it in deciding upon crops and livestock for the coming year, and gives sources of information helpful in working it out. This bulletin can be secured by writing to the Department of Agriculture.

**SULPHUR SPRINGS**

Forest City, R-1, Nov. 19.—There will be preaching at Sulphur Springs Thanksgiving at eleven o'clock. Mr. W. V. Tarlton will preach. The public is cordially invited to attend.

Miss Ruby Robbins entertained her friends with a birthday and pound party, Saturday night. Those present were: Misses Ruby and Leuna Robbins, Annette and Selma Hopper, Estelle and Joyce Bland, Pauline Cole, Katy Mae Green, Annie Henson, Mae Miller, Messrs. Lloyd and Horace Owens, Howard and Kenneth Cole, John and Horace Bland, James Eaves, Marvin Harris, Marvin Turner, Broughton Strickland, Jack Hopper, Arthur Henson, William Green, Dennis Jenkins, and Baxter Butler.

Mr. and Mrs. W. V. Tarlton spent the week end with relatives at Hollis.

Miss Pauline Cole spent Sunday with Miss Annette Hopper.

We regret to note that Mr. W. M. Hopper and Mrs. C. M. Hopper are sick with colds.

Miss Ruby Robbins attended the birthday dinner at Mr. and Mrs. Reid, of Spindale, Sunday.

**BOILING SPRINGS DEFEATS BELMONT ABBEY TEAM**

Boiling Springs, Nov. 17.—Boiling Springs Junior College defeated Belmont Abbey college here Saturday afternoon by a score of 12-0.

The game was well played, Boiling Springs being superior in team work. Boiling Springs scored in the first and third quarters. The first touchdown came after a march of sixty yards down the field. "Doc" Moore, Boiling Springs fullback, carried the ball across with a line buck. The second touchdown came in the third quarter. Boiling Springs recovered a Belmont fumble on the latter's forty yard line and took the ball across in the play. A pass, Thompson to Haynes, netted twenty yards. Thompson gained fifteen yards on an off-tackle play. "Doc" Moore went around end for the touchdown.

Canzeria, half-back, and Goodrich, full-back, starred for Belmont. The charging of the line and the all-round work of the backfield featured for Boiling Springs.

Boiling Springs made eleven first downs to five for Belmont. By winning from Belmont, Boiling Springs kept its record, of not losing a game on their own field.

The line-up:  
Boiling Springs. Pos. Belmont Abbey  
Pruett Dorse

Epps	RE	Kin
Hamrick	L. E.	O'Connell
Coble (c)	R. T.	Campbell
E. Moore	L. T.	Fuchl
Mull	R. G.	Porter
Hemphill	L. G.	O'Bisn
Champion	C	Dyman
Cline	R. H.	Canzeria
"Dock" Moore	F. B.	Goodrich
Thompson	F. B.	Duddy
	Q. B.	

Substitutions: B. S. Ervin for Cline, Haynes for Pruett, DePriest for Hamrick, Belmont: Brown for Duddy, Smith for Dyman.

A home-mixed fertilizer analyzing 9-5-4 has helped to produce 11 bales of cotton on ten acres, reports J. O. Campbell of Cleveland County. Mr. Campbell says that he has six or seven more bales on the field still to be picked.

**AT AUCTION**

**One Brick Building  
Ten Vacant Lots**

**Forest City, N. C.**

**Tuesday, Nov. 27  
1:30 P. M.**

**Sold By Penny Bros.**

**World's Original Twin Auctioneers**

CONSISTING OF ONE BRICK BUILDING, THREE STORIES HIGH, TWO LARGE STORE ROOMS WITH CEMENT FLOORS, 14 FT. STORES. THE SECOND AND THIRD FLOORS CONTAIN THIRTEEN ROOMS EACH, BESIDES SIX BATH ROOMS FULLY EQUIPPED. THE BUILDING HAS UTICA \$5900 HEATING PLANT, WITH BOILER ROOM ON THE END, WITH 47 FOOT SMOKE-STACK BUILT OF BRICK. IT IS SITUATED 83 FEET FROM THE SQUARE ON DEPOT STREET. THE BUILDING IS 44 FEET WIDE AND 85 FEET LONG. THE ENTIRE BUILDING IS EQUIPPED WITH ELECTRIC LIGHTS. THE LARGE STORE ROOM HAVING LARGE, BRONZE REFLECTIVE LIGHTS JUST READY TO HOOK UP.

10 VACANT LOTS. THIS PROPERTY IS IN HEART OF THE CITY, JUST ACROSS FROM THE POST OFFICE. WILL BE SOLD ON EASY TERMS.

**A Number of Turkeys Will  
Be Given Away**

Everyone attending will have an equal chance.

**SOLD ON EASY TERMS**

**HEAR OUR PRIVATE LIVE WIRE BAND AND  
TENOR SINGER**

—SALE CONDUCTED BY—

**PENNY BROS.,** World's Original Twin Auctioneers  
**AMERICAN LAND CO.,** Promoters  
GREENSBORO, N. C.

Geo. W. Jones, Owner