

# THE NEWS-RECORD

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## DO YOU OWN YOUR LAND? or merely think you own it?

In some counties in the State there are amazingly large areas of land which do not have recorded titles. In the western counties the Federal government is condemning thousands of acres for parks and forests. In relatively few cases are the titles so clear that the government can afford to purchase the land outright. There are three types of title difficulties which are exceedingly frequent; yet, most of these are not even suspected by those who think they own the land until government abstractors reveal the title difficulties. These types of title defects may be very generally described as follows: (1) Vague descriptions which render it impossible to locate with certainty the boundaries of the land, (2) conveyances which through formal defects failed to pass title to land which they purported to convey, and (3) missing links in the chain of title through failure to record deeds. The following examples are based upon actual instances found in a single western county:

(1) VAGUE DESCRIPTION. One deed now so old that no living person familiar with the land can locate the boundary gave the description substantially as follows: "Beginning on a chestnut on a knoll and running across the spring branch to the top of the large knoll to a stump, thence in a line of an apple tree growing out of a stump, thence to the branch and up the branch to a big rock on the bank, thence to the point of beginning." Formerly there were thousands of chestnut trees in the vicinity, and there are still several spring branches and several dozen knolls both small and large. No apple tree growing out of a stump has been seen for years in the general vicinity of the land. There are thousands of large rocks along the banks of the streams, and possibly hundreds which were there when the deed was made have disappeared or moved from their places. Thus a description which was probably clear to a number of people at the time of the conveyance has been rendered meaningless by the passage of time.

(2) FORMAL DEFECTS IN DEEDS. A father died leaving seven children to inherit his lands. The children attempted to divide the land by deeds, but there were only five deeds. None of the deeds shows why two of the children received no part of the property. One of the deeds was signed by all of the children, and by the wives of two of the children and the husband of one of them. One of the deeds was signed by only three children. Most of the deeds were signed by only five children. Only one of the deeds appeared to have all the necessary parties, but no one today is sure as to how many heirs the father left surviving or who the necessary parties were. If the present owners and occupiers of the land were compelled to prove their titles, they probably could establish their claims more easily (if they could do so at all) under that precarious and uncertain doctrine known to the law as "adverse possession" than they could establish record titles. Even yet it is possible that after all these years the present holders of the land will be surprised to discover that when

they purchased these properties they "bought a law-suit instead of land."

(3) FAILURE TO RECORD DEEDS. In one case the abstractor was bringing forward the abstract of conveyances under a grant. Suddenly the title came to an end with a conveyance nearly thirty years ago. Inquiry revealed the present holder of the property, but the records showed no deed to him. He was called in and stated that he had "his deeds" at home. A few days later he came in with six deeds which fortunately covered all the conveyances since the last owner of record. However, the magistrate who took the acknowledgment of one of the deeds merely signed it as a witness without signing the acknowledgment of execution of the deed, and the grantor has long since been dead. For a time it appeared that this deed could not be probated or recorded, but ultimately the magistrate who attested the deed was questioned and he recalled that the grantor actually acknowledged the execution of the deed, and he therefore filled out the certificate which he had overlooked years before. By a series of most fortunate circumstances the present holder is able today to show a record chain of

title favorable to him. But, had these deeds been lost during the years, or a fire destroyed them, or a defect been revealed in one of them, or even had the old magistrate died, the owner might have faced serious difficulties in proving his title.

Although record titles have existed in North Carolina since the seventeenth century, when the Lords Proprietors received grants from the King, there are hundreds of deeds in the State which are not on record. Almost every county find city attorney who institutes tax foreclosures annually discovers property listed for taxes which is not described in the deed records. Until fairly recent years entries were laid on unclaimed land in many counties. A single small county has registered more than fifteen thousand entries of unclaimed land during the last eighty years. Even today entries are sometimes laid on land which no one occupies or, apparently, claims. Land litigation among private citizens has almost ceased; it is a rarity when our courts try an old-fashioned "land fight". Recently an able veteran of the bar with a record of nearly a half century of the practice and hundreds of title cases to his credit lamented that "we are raising a gen-

eration of lawyers who do not know anything about real property laws."

However, landowners in this state who have titles which depend on defective descriptions, defective conveyances or chains of title with links missing from the records will doubtless discover for many years to come that the laws of real property are strict disciplinarians and sometimes slap without mercy the ignorant and careless as well as those who knowingly violate the rules. Often today the unsuspecting "owner" learns that his title is bad, not when his neighbor "laws" him, but when, in an emergency, he seeks a loan offering his property as security. Every land owner would do well to satisfy himself that his deed is regular and recorded, that his chain of title covering the last twenty-five or thirty years is clear and on record, and that the description of his land is not only clear to him but that the boundaries and monuments are of a permanent nature and easily located with certainty.

"I want to be procrastinated at the next corner," said Uncle Rastus to the street-car conductor. "You want to be — what?" "Look in de dictionary, sah! 'Procrastinate, to put off.' Dat's what I mean." —Ex.

## THE MAKING OF SPRING CREEK TEACHER.

"Select a young pleasing personality; trim off all mannerisms of voice, dress, or deportment; pour over it a mixture of equal parts of the wisdom of Solomon, the courage of young David, the strength of Sampson, and the patience of Job, season with the salt of experience, the pepper of animation, the aid of sympathy, and a dash of humor; stew for about four years in a hot classroom, testing occasionally with a fork of criticism, thrust in by a principal or a superintendent. When done to a turn, garnish with a small salary and serve hot to the community." —Selected

## Celebrates Eightieth Birthday Anniversary

Mrs. F. E. Smith, nee Miss Mary Lee Izlar, entertained at her home in Hot Springs Monday, Nov. 25, in honor of her grandmother, Mrs. M. L. Hill. The entertainment, in which Mrs. Smith was assisted by her mother, Mrs. Sidney Izlar, Sr., consisted of an evening tea served to the immediate family, and was in honor of the 80th birthday of Mrs. Hill.

## Asheville Tobacco Men Visit Marshall This Week

### ASHEVILLE WAREHOUSES OPEN THIS WEEK

Mr. Lawson Jordan, supervisor of the Asheville tobacco market, accompanied by a friend from Asheville was in Marshall Tuesday morning, Mr. Jordan having arrived in Asheville several days ago. After placing the two Asheville warehouse ads which appear in this paper, Mr. Jordan had the following to say:

The Asheville Tobacco Market will open on December 4th, at nine o'clock, a. m., for the 1935-36 season. There will be a large group of buyers on the market this season representing all of the large and leading tobacco companies, both foreign and domestic.

Mr. Jordan stated that the prospects seemed very bright for this season on the Asheville Tobacco Market. While the crop is not estimated as being any larger than last year it is generally known that the tobacco grower received on the Asheville Tobacco Market an average price for his tobacco practically unequalled by any other market in the Blue Belt.

The market sold last season 2,599,704 pounds of tobacco at an average price of \$17.43 per hundred pounds. Due to the above fact along with strong competitive bidding as well as the best warehousemen in the tobacco industry, and with a warehouse floor space of approximately one hundred and twenty-five thousand square feet for marketing the grower's tobacco, the market should easily sell four million pounds this year.

Good roads lead into Asheville from every direction, and transportation to the Asheville Market is easily available to the tobacco growers. This season it is expected that tobacco will be sold in Asheville from all over the surrounding tobacco territory, and with the excellent preparations that have been made for the market this season, the tobacco growers will find improved conditions for the selling of their tobacco this season, and will find that the entire forces on the Asheville Market are working to obtain the highest possible prices for the tobacco offered.

Tobaccoists have been favorably commenting on the high average price paid on the Asheville Market last season, and the rapid advancement of the market together with the high average prices paid, will bring to Asheville this year thousands of pounds of tobacco, as the growers find that the advantages offered by the Asheville Market are practically unequalled in this territory.

It appears that Asheville is headed for a banner season this year, and growers selling on the market, will find that the smooth operation and efficient sales will bring returns to them in advanced prices.

Mr. Jordan stated that the three large tobacco warehouses in Asheville will open Wednesday, November 27th, to weigh and receive tobacco. Chambers Reaves and Co., operators of the Carolina Warehouse, and B. B. Saunders, operator of the B. B. Saunders Warehouse at Biltmore, and also operator of the New Banner Warehouse, will have their respective houses open and their floor managers on the job beginning Wednesday of this week.

The three large tobacco warehouses cover a floor space of approximately one hundred and twenty-five thousand square feet and the tobacco grower can rest assured that his tobacco will be well cared for in any one of the three warehouses.

### ROBERTS—COATES

Mr. George Roberts, son of Mr. and Mrs. G. G. Roberts, of Marshall, N. C. and Miss Iva Glen Coates, daughter of Mr. and Mrs. A. W. Coates of Greenville, S. C., were quietly married at Greenville, S. C., Saturday, November 23, 1935.

## Another Bank Robber Arrested In Knoxville

Kyle Ramsey, wanted for participation in the hold-up of the Mars Hill branch of the Citizens Bank of Marshall, has been arrested by agents of the bureau of investigation, department of justice, and is lodged in the Knoxville county jail in Knoxville.

Ramsey was taken into custody, Sunday night in the Newport section, near his home, by Department of Justice agents. He was immediately taken to the Knoxville jail, pending execution papers for his removal from the eastern district of Tennessee to the U. S. district court for the western district of North Carolina. The prisoner through his counsel, has filed a petition for a writ of habeas corpus and a hearing was to be held in Knoxville at 11:00 o'clock Wednesday. The federal authorities will resist the petition and seek to have him sent to this district. The case went against Ramsey and an appeal will be heard next week.



John A. Hendricks

## Funeral of Prominent Marshall Attorney Tuesday Afternoon

Mr. John A. Hendricks, age 74, prominent attorney and citizen of Marshall, and dean of the Madison county bar, died about noon Monday, November 25, at the Mission hospital in Asheville, where he underwent an operation for appendicitis nearly six weeks ago. Following the operation, his condition was satisfactory and he seemed to be gaining ground until a few days ago when poison entered the blood stream and his condition was considered grave last Saturday. His sudden serious attack and his failure to recover have brought distress and sorrow, not only to his immediate family, but to his many friends in Marshall, Madison county, and throughout the state. He was held in the highest esteem by the members of his profession and fellow citizens as evidenced by the fact that he was president of the Madison County Bar Association, was president of the Marshall Civitan Club at the time of his death, had

## JOHN A. HENDRICKS DIED LAST MONDAY

been for a number of years chairman of the board of stewards of the Marshall Methodist church and teacher of the Bible class in the Methodist church Sunday School, he having been a member of the Methodist denomination since he was twelve years of age. Largely through his influence in the legislature and his foresight and ability as a citizen and lawyer, Marshall has one of the finest water systems in this section and some of the most picturesque paved streets. Mr. Hendricks was a progressive citizen, always standing for the best things in the community. He served two terms in the state legislature, representing Davie county in 1889 and 1891. He represented Madison county in the legislature in 1921 and it was at this term he distinguished himself as a leader in promoting the cause of North Carolina's great highway system. He was one of the four who drafted the original state highway bill and did all he could in its behalf on the floor of the lower house.

For fifty years Mr. Hendricks had been a leader in the Republican party and was presidential elector at large from this district in 1916. While he was a staunch Republican he had many friends of the opposite party. For a number of years he was county attorney and served the city of Marshall in the same capacity. During the World War he was chairman of the Madison county war savings committee and the county chapter of the Red Cross. For a number of years he was a trustee of the University of North Carolina. He also made a very creditable showing when he ran for congress while Mr. Coolidge was running for president.

Mr. Hendricks was a native of Davie county and was born January 2, 1861 near Mocksville. He attended the public schools of Davie county and later entered Yadkin College in Davidson county. He was graduated from the University of North Carolina with a law degree in 1892 and soon thereafter moved to Marshall to practice law. From 1901 to 1915

he was special attorney for the United States Indian service, claims department, spending much of his time in Texas. However, he was a resident of Marshall for about forty-three years.

He is survived by his widow, who was before marriage, Miss Letitia May Mason, of Chapel Hill, and four daughters, Mrs. Joseph House, of Beaufort, N. C., Mrs. Leon M. Jones, Mrs. S. H. Williams, and Mrs. A. M. Plyler, all three of Raleigh, N. C. He also leaves one sister, Mrs. Julia Ann Thompson, of Mocksville, N. C.

The funeral services were at three o'clock Tuesday afternoon at the beautiful residence, conducted by his pastor, the Rev. J. R. Duncan, of Marshall, assisted by the Rev. Dr. W. E. Finley, of Hot Springs, and by the Rev. Mr. West, presiding elder. Active pallbearers were: Mr. A. W. Whitehurst, Mr. E. R. Tweed, Sr., Mr. J. Hubert Davis, Sheriff Guy English, Mr. George L. McKinney, Mr. O. C. Rector, Mr. Cleophus Rector, and Mr. S. B. Roberts. Members of the Madison county bar were named as honorary pallbearers. The floral tributes were exquisite.

## HONOR ROLL

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### The News-Record

Beginning with our issue of October 17, we are publishing below the names of people who subscribe or renew their subscriptions to The News-Record within the last week. By keeping your subscriptions paid up you will greatly help your local paper. Of course, those whose subscriptions are paid in advance are already on our honor roll.

Mrs. W. C. Anderson, Mars Hill, N. C.  
John L. Anderson, Leicester, N. C.  
Mrs. Mary Tweed, Marshall, R 1  
William Edmonds, Flag Pond, Tenn.  
D. A. Phillips, Flag Pond, Tenn.  
Faye Tweed, White Rock, N. C.  
B. F. Hunley, Winston-Salem, N. C.  
Leonard Worley, Nunn, Colo.  
Maltby Taylor, Sd. Level, N. C.  
William Taylor, Altamahaw, N. C.  
Maco Wallin, Marshall, R 2  
J. L. Tyson, Knoxville, Tenn.  
J. W. Campbell, Hot Springs, N. C.  
O. W. Clemmons, Washington, D. C.  
Mrs. G. D. Edwards, Detroit, Mich.  
Mrs. Leta Walling, White Rock, N. C.  
Troy Rector, Marshall, R 1  
Jesse Hiley, Weaverville, N. C.  
Wayne Farmer, Charlotte, N. C.