

# Excerpts From Supreme Court On Madison County Jury Commissioner

July 6, 1963  
Mr. James I. Story, Editor  
The News-Record  
Marshall  
North Carolina  
Dear Mr. Story:

It was the request of the Madison County Bar Association that you print the entire opinion of the Supreme Court, of North Carolina, in the case involving Madison County's one man jury commissioner. You advised that the opinion was so lengthy, that space would not permit printing the entire opinion, and requested that we permit, instead, certain excerpts from the opinion to be printed. This procedure is satisfactory to the Bar Association, inasmuch as you cannot print the entire opinion.

Very truly yours,  
MADISON COUNTY BAR ASSOCIATION  
By Joseph B. Huff, President

Excerpts Requested for Publication:

This Act does not repeal the provisions of G.S. 9-1 to the effect that the jury commissioner in preparing the jury list every two years after the first Monday in July 1955 shall cause his clerk to lay before him the tax returns for the preceding year for Madison County, and a list of the persons who do not appear upon the tax list, who are residents of the county and over twenty-one years of age. The qualifications of persons to be selected for jury service as set forth in the challenged Act are practically identical with the qualifications of persons to be selected for jury service as set forth in G.S. 9-1.

The Act here imposes upon the resident judge the duty of appointing the jury commissioner. The Act further provides the jury commissioner shall serve for four years, and until his successor is appointed and qualified, and that

he shall serve at the judge's pleasure. It appears from Stines' testimony that he was appointed in 1955, and has not since been reappointed. It further appears from Stines' testimony that he lacks knowledge of the requirements of the Act as to his duties as jury commissioner. The Act requires the jury commissioner to prepare the jury list prior to the first Monday in July 1955 and every two years thereafter.

A fair jury in jury cases, and an impartial judge in all cases are a basic requirement of due process. Ponder vs. Davis, 233 N. C. 699, 65 S.E. 2d 356; Re Murchison 349 U. S. 133, 99 L. Ed. 942.

The challenged Act imposes upon the resident judge, and upon him alone, the duty of appointing a properly qualified person as jury commissioner, who will discharge his duties in substantial compliance with the requirements of the Act. Doubtless, the able resident judge, when this opinion is certified down, will appoint as jury commissioner a person whose integrity and qualifications no fair-minded person can question, a person whom no one can challenge as holding two offices, and a person who, after being instructed by him as to his duties as jury commissioner under the Act and as to safeguarding the jury box, will discharge his duties as jury commissioner in substantial compliance with the requirements of the Act, and that the resident judge will see that his appointee performs his duty, to the end that there may be trials on the merits by fair juries in jury cases in Madison County, and that appeals like the one here, except on the constitutional question, will be obviated. It is a truism that justice delayed is frequently justice denied. Wolf, J., in Haslam v. Morrison, 113 Utah 14, 190 P. 2d 820, said: "The purity and integrity of the judicial

## NEWS from the Services

Hanau, Germany (AHTNC) — Army Pfc William S. Ballard, son of Orus Ballard, Rt. 2, Mars Hill, participated in a massive display of missiles, artillery and engineer equipment in honor of President John F. Kennedy's visit in Hanau, Germany, June 25.

Ballard, a bridge specialist in Company E of the 3d Armored Division's 23d Engineer Battalion in Germany, entered the Army in April 1962 and arrived overseas the following September. He received basic training at Fort Gordon, Ga.

The 19-year-old soldier attended Mars Hill High School.

## Decoration Of Cutshaw Cemetery

There will be a decoration at the Cutshaw Cemetery Sunday, July 14, at 2 o'clock. Due to so many ministers and speakers attending this decoration, each will be given five minutes to speak. All singers and the public are invited.

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To  
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process ought to be protected against any taint of suspicion to the end that the public and litigants may have the highest confidence in the integrity and fairness of the courts."

## Homecoming At Caney Fork Church On Little Pine Road

The annual Homecoming service will be held Sunday, July 14, at Caney Fork Baptist Church, beginning at 10:00 a. m. The Decoration at Roberts, Wilson and Bailey cemeteries on Roberts Branch have been consolidated with this service. Friends and relatives are asked to decorate prior to the service and come back to the church for the regular morning service, lunch on the church lawn, and singing in the afternoon.

All members, former members, pastors, friends and singing groups are cordially invited to come and be with us for the day. A number of quartets, trios and singing groups are expected.

## Walnut Methodist Homecoming To Be Held On July 14

Announcement has been made that Homecoming will be observed at the Walnut Methodist Church on Sunday, July 14. The public is cordially invited to attend.

\*\*\*\*\*  
\* EYES EXAMINED \*  
\* GLASSES FITTED \*  
\* —by— \*  
\* DR. LOCKARD \*  
\* — \*  
\* 8 A. M to 12 Noon \*  
\* FRIDAYS \*  
\* — \*  
\* THE L. P. ROBERTS \*  
\* BUILDING \*  
\* MARSHALL, N. C. \*  
\*\*\*\*\*

## Harrison Boings, 73, Dies On Monday; Rites Wednesday

Harrison Boings, 73, died suddenly Monday morning, July 8, 1963, while visiting at the home of a daughter, Miss Gracie Boings, on RFD 6, Marshall.

Services were held at 2:30 p. m. Wednesday at Laurelton Chapel Baptist Church.

The Rev. Alfred Taylor officiated and burial was in Holcombe Cemetery.

Surviving are the widow, Mrs. Amie Boings; three daughters, Mrs. Minnie Mars of RFD 2, Marshall and Mrs. Altha Mars and Miss Macie Boings of RFD 6, Marshall; three sons, Perry of RFD 6, Marshall, Fred of RFD 1, Relief, and Gilbert Boings of RFD 2, Marshall; a stepdaughter, Mrs. Pauline Horner, and a stepson, Wilkie Boings, both of Atlanta; three sisters, Mrs. Henry Shelton of RFD 6, Marshall, Mrs. Anson Moore of New Canton, Va., and Mrs. John Hensley of RFD 1, Weaverville; two half-brothers, Julius Rice of RFD 6, Marshall and Lyda Rice of Asheville; 37 grandchildren and four great-grandchildren.

Holcombe Funeral Home was in charge of arrangements.

## \$50 REWARD

Sheriff E. Y. Ponder is offering a \$50 reward for information leading to the arrest and conviction of person or persons doing any damage to church property in Madison County.

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## Mars Hill News

MRS. J. W. HUFF, Correspondent

### ATTENDING EAST TENNESSEE STATE UNIVERSITY

From Mr. Ed Morton we have the following item:

Several students and teachers from this vicinity are doing graduate or under graduate work at East Tennessee State University this summer. Several of them attended festivities July 1 which celebrated the institution's rise from college to university status. A "University Status Dance" was enjoyed on the evening of that day. Among those from this area attending ETSU this summer are: Miss Sandra Edwards, Mrs. Roy Young, Miss Bobbie Jean Peek, Mrs. Bobby Ballard, Miss Tommie Ann Peek, Mr. David M. Roberts, Mr. Lawrence M. Ponder and Mr. Ed Morton. Mr. Monroe T. Morgan joined the ETSU faculty on June 10 and is an instructor in the Department of Health.

### ABOUT TOWN

Mr. and Mrs. W. K. Anderson had all their children and grandchildren with them this past weekend. They are: Mr. and Mrs. Harold Anderson, of Enfield, N. C.; Dr. and Mrs. Preston Anderson and sons, who for the past three years have been in Afghanistan, where Dr. Anderson is on a 5-year project of Columbia University; Mr. and Mrs. Bruce Wallace and children, of Texas; and Mr. and Mrs. John Anderson and family of Mars Hill.

Mrs. Joe Duff and little son of Raleigh spent week before last here with her parents, Mr. and Mrs. Harry Wells.

Mrs. Malvin Edwards and son, of Detroit, visited her parents, Mr. and Mrs. George Bryan, for a

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Mr. and Mrs. George Edwards are visiting their daughter, Mrs. Carl Brittain and family this week in Statesville and expect to make a trip with them to Myrtle Beach.

Miss Nancy Medford left Monday for a ten day trip to College Park, Md., where she is attending a "work shop" at the University. She was accompanied by Mrs. J. W. Huff, who will visit her daughter, Mrs. Ray N. Jarvis and family in Glen Burnie, Md., during this time.

Mr. Willard Anderson, of Winchester, Tenn., was a visitor here last week. On Friday evening he was host at a dinner party in the Community Club House for about a hundred persons, relatives and friends of former days before he left Mars Hill. Among the out-of-town guests were: Mr. and Mrs. Clifford Tison, of Durham; Mr. and Mrs. Ned Anderson, of Saluda; Rev. and Mrs. J. R. Owen, from their summer home near Asheville; Mr. and Mrs. Fred Tison of Asheville; Mrs. Ruth Chambers, of Asheville; and a number of other friends from near-by places. It was reported to have been a most enjoyable affair.

## Spillcorn Church Has Successful VBS, Revival

A Vacation Bible School was held at the Spillcorn Church of God from July 1 to July 5, 10 a. m., to 12 noon daily. The school was conducted by the Reverend and Mrs. Charles Van Hoy and Joe and Martha Fuller.

Average attendance for the 5 days was sixty-six children and young people, not including adults. Total average attendance was 70, including adults.

Teachers were: Beginners, Martha Fuller and Lou Hester Norton; average attendance, 15.

Primaries: Jean Fuller and Tula Hensley; average attendance, 15.

Juniors, Portia Estep and Imogene Shelton; average attendance, 16.

Seniors: Joe Fuller and Charles Van Hoy average attendance, 20.

A revival Campaign was conducted at the same time, starting each night at 8:00. Average attendance was approximately 70. The Rev. Charles Van Hoy was evangelist.

## Marshall-Walnut Little Leaguers Win And Lose Last Week

The Mars Hill Little Leaguers defeated Marshall-Walnut Little Leaguers, 7-4 on the Mars Hill diamond on Tuesday of last week. Payne was credited with the victory and Smith was charged with the defeat.

The Marshall-Walnut LL team defeated Mars Hill Little Leaguers, 12-1 on the Walnut field on Wednesday of last week.

Bases were loaded when Ray Craine hit a home run for the victors.

D. Ramsey received credit for the victory with Buckner taking the loss.

## Census To Conduct Home Repair Survey In This County

Information on expenditures for residential alterations and repairs will be collected in the July Quarterly Household Survey, it was announced today by Director Joseph R. Norwood of the Census Bureau regional office at Charlotte. The survey will be conducted locally and in the 356 other sample areas of the country during ten days of July.

Items to be covered in the survey include painting, plumbing, roofing, flooring, and other related repair and replacement projects. Repair and replacement of heating and air conditioning systems will be covered also.

In addition to the questions on alterations and repairs, inquiries will be made in the July Quarterly Household Survey regarding travel habits of Americans. These questions will cover destination, type of transport used, major reason for trip, overnight accommodations used, and related items. Travel questions are part of America's first Census of Transportation.

Census Bureau interviewers who will visit local families in the July Quarterly Household Survey include: Mrs. Virginia C. Taylor, Route 2, Box 442, Greenville, South Carolina.

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