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## Testimony Begins In Mildred Graham Case

By ROBERT KOENIG

Testimony began late Monday afternoon in Madison County Superior Court in a lawsuit filed against rest home operator Mildred Graham. The suit was brought by Don L. West, legal guardian for Howard G. Ramsey, on behalf of Ramsey, a former resident in Madison and Buncombe counties operated by Graham.

Attorneys for the plaintiff and Graham spent most of the opening day selecting a jury, nine men and three women. The case is expected to run for several days. Marshall attorney Joe Huff, defending the plaintiff, used all but one of his challenges in the selection process. Asheville attorney Erwin Ball exhausted his challenges before accepting the jury. Judge John R. Friday also excused two prospective jurors.

Following jury selection, the court heard opening arguments and testimony from the first witness for the plaintiff, Barbara Crowe, a teller with First Citizens Bank in Asheville.

In his opening argument for the plaintiff, Huff explained to jurors that the plaintiff, Howard Ramsey, would be unable to testify because of poor health.

Huff said he hopes to prove that Graham kept Ramsey in her Sandy Mush rest home after being ordered to move him by both the state Department of Facility Services in Raleigh and the Madison County Department of Social Services.

Huff also said Ramsey was ruled incompetent and that West was appointed his legal guardian. The suit charges that Graham made Ramsey work while he was a resident at the rest home from 1972 until May, 1981 and that she did not pay him.

The plaintiff also alleges that Graham took \$9,900 from Ramsey after having him take the money out of his savings account. Huff told the jurors that Ramsey was receiving a pension check from the Veterans Administration totalling \$1,016 per month at the time he left the rest home.

In his opening argument, Graham's attorney, Erwin Ball told the court he would prove that Ramsey had handled his financial affairs until the time he left the rest home. Ball said Ramsey disappeared from the rest home on the weekend after taking the \$9,900 from the bank.

The first witness, Barbara Crowe, told

the court she handled the transactions Ramsey made at first Citizens Bank in Asheville on May 1, 1981. Crowe is the head teller at the bank's branch at Patton Ave. and Church St. in Asheville.

The teller said Graham accompanied Ramsey to the bank on that day and that she made several transactions for Ramsey, but that Graham gave her all the instructions. Crowe testified that Ramsey stood behind Graham, pacing while the transactions were made.

Crowe told the court she completed several transactions, she said she removed \$10,900 from Ramsey's savings account and deposited the money in his checking account and that Ramsey had \$7,734.89 remaining in his savings account after the withdrawal. Following this, Crowe said she then cashed a check made out to cash in the amount of \$9,900.

Crowe told the court Graham wrote out the check except for the signature and a notation made by Ramsey, "to pay my brother," on the lower left corner of the check. The teller said she asked if he would want the money in cash or as a cashier's check. Graham spoke with Ramsey and then told Crowe he

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Photo by John Campbell

### \$15,000 Donation Pledged

WACHOVIA EXECUTIVES STEVE FISHER (second from right) and Herbert Buckner (third from right) present a letter of commitment to co-chairman John Corbett, also a Wachovia director (right) and Dr. W. Otis Duck (left). Ernest Teague, co-chairman of the business division for the campaign and also a Wachovia director, was not available for the photograph.

### Hot Springs Man Shot

A Hot Springs man, Tony C. Luther, 25, was released from Memorial Mission Hospital in Asheville Sunday after being treated for a gunshot wound he suffered in an attack Friday night in the Asheville Civic Center Garage.

Luther told Asheville police that two men approached him on the garage's third level about 10 p.m. He said that one of the men said something to him and hit him in the face. When Luther hit him back, the second man jumped on him and the first man shot him in the chest.

No arrests have been made in the case.

Mars Hill College's Madison Assurance Campaign received a boost last week when Wachovia Bank and Trust announced a gift of \$15,000 and Robert "Dit" Williams of Hendersonville presented the school with a \$10,000 challenge gift.

Wachovia executives Steve Fisher of Mars Hill and Herbert Buckner of Marshall said in announcing the gift that "Wachovia has a deep and abiding interest in Mars Hill College and Madison County," and wanted to do its part to insure that the college reaches its goal.

Wachovia has supported the college in each of its previous fund-raising campaigns for buildings. The two executives noted that the bank "has a special interest in seeing that the recent difficulties encountered by the college are overcome and that Mars Hill College remains a strong and viable institution."

On the heels of the Wachovia announcement, Williams, a Madison County native and president of the World of Clothing store near Hendersonville, issued a challenge to the business community of Madison County to match dollar for dollar, gifts up to \$10,000.

Mars Hill College president Dr. Fred Bentley, in acknowledging the challenge, noted that this will make gifts from local businesses doubly important. Dr. Bentley also noted that as the mid-point of the one-month campaign draws near, approximately one-half of the \$200,000 goal had been reached.

"We are extremely grateful for the response to our request for help from our neighbors in Madison County," Dr. Bentley stated, "and for the volunteers who have spent their time and energy assisting us in reaching our friends in the county."

The campaign will end on May 16. Those wishing to make a contribution may contact any of the workers listed in the News Record article published April 13, or the may contact the Office of Development at the college, telephone 689-1102.

## Marshall Primary School Receives Dental Award

Marshall Primary School finished third in a state-wide competition conducted in February as part of Dental Health Month. The students participated in a number of projects designed to promote dental health. Points were awarded for the various projects conducted during the month.

Roper Elementary School in Washington County was the first place finisher with 900 points. Second place was awarded to the Boys Home of North Carolina in Lake Waccamaw. Marshall Primary finished the competition with 899.26 points, less than a point behind the first place winner.

The Marshall students attended lectures on good dental

practices conducted by Judy Majors of the Madison County Health Department and Marshall dentist, Dr. Bob Adams. The students also designed posters and brushed and flossed their teeth each day in school. Dr. Adams donated toothbrushes for the students to use in school.

The school also featured sugarless snack days. A special assembly was held at the school last week to announce the results of the competition. The school was presented with a \$100 check from the N.C. Dental Society, sponsor of the competition. Local dentists Bob Adams, Reese Steen and John Betz-Ellis also contributed a \$50 prize.



MARSHALL PRIMARY SCHOOL principal Nancy Allen, left, holds plaque while Dr. Bob Adams presents two checks totalling \$150. The N.C. Dental Association presented a check for \$100 and the Madison County Dentists contributed \$50. Students in the school finished in third place in state-wide competition during the recent National Dental Health Month awareness campaign.

## Unemployment Rate Drops

North Carolina's total unemployment in March dropped to 9.8 percent from 10.2 percent after two months of double-digit unemployment rates. According to Glenn R. Jernigan, chairman of the Employment Security Commission (ESC), "We anticipated the drop when figures indicated a continued decline in the number of unemployment insurance claims. Since the beginning of 1983, there has been a steady decline from a weekly average in January of 139,000 to 111,000 in February and 102,000 in March." Jernigan said, "While the change is slow it is also steady and we are hopeful that the trend will continue."

The March rate of 9.8 percent represents 282,000 unemployed. The national unadjusted rate for the same month was 10.8 percent (11,879,000).

The greatest improvement was in nonmanufacturing which posted a gain of 7,400 jobs. All categories rose except Transportation, Communication, and Public Utilities in which there was no change. Major gains were recorded in Construction (up 1,400), Trade (up 1,800) and Service and Miscellaneous (up 3,100). Agriculture was up 4,500 jobs, which indicates that employment activity is beginning in this category.

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### Correction

In last week's edition, we incorrectly reported that the Madison County Democratic Party would conduct their convention Saturday at Madison High School.

We were rushing things a bit. The convention will be held this Saturday, April 30 at 1 p.m. in the high school.

In our bridal fashion supplement, we incorrectly identified the Rev. Buddy Freeman as the pastor of the Marshall Presbyterian Church. Rev. Freeman is the pastor of the Marshall Baptist Church.

The News Record regrets both these oversights.

## Paint Rock: Hot Springs' Legendary Landmark

By ELIZABETH SQUIRE

There's a bit of Madison County which has been fading since 1790: the Paint Rock, sometimes also called the Painted Rock.

Not only has the color on the rock been fading, but so has its reputation as a rock painted by the Indians. It stands on an old Indian trail, and it is possible that Paint Rock has had a bum rap.

In 1799, John Strother helped survey the Tennessee line and also kept a diary. He described the Painted Rock on the French Broad. The rock was one of the best-known markers along the North Carolina and Tennessee line.

Strother described what he heard about the Painted Rock. "In the year 1790 it was not much smoked, the pictures of

some humans, wild beasts, fish and fowls were to be seen plainly made with red paint, some of them 20 and 30 feet from its base." (Twenty or 30 feet was low. He measured the rock as 107 feet three inches from top to base.)

Strother also described what he saw in 1799. "The face of the rock bears but few traces of its formerly having been painted, owing to its being smoked by pine knots and other wood from a place at its base where travelers have frequently camped."

In the early 1800s there were still colors on the rock, says Peggy Dotterer of Hot Springs, who used to go there on picnics with her family. She was told that Indians had painted the rock and she believed she saw animals and

people in red, yellow and blue.

John P. Arthur debunked the Indian story. In his "History of Western North Carolina," published in 1924, Arthur wrote, "The red paint seems to be nothing more or less than the oxidation of the iron in the exposed surfaces, while all trace of 'some humans, wild beast,' etc., mentioned by him (Strother) have entirely disappeared."

Today, the face of the rock, while still marked by the smoke of camp fires, perhaps in the very place it was smoked in 1799, is mainly rock gray. Nothing is there that could be construed as pictures. The rock only matches its name when there's a late summer sunset, says Frank Moore of Hot Springs. Then, the reflection of the setting sun turns the

rock brilliant shades of rose and red.

But painted rock must once have been remarkable, wrote surveyer Strother: "Ever since the River F. Broad was explored by white men, (it has) been a place of Publick Notoriety."

The North Carolina historic marker in Hot Springs mentions that there was an early blockhouse at the painted rock and J.G.M. Ramsey's "Annals of Tennessee" tells more about it. "Indians were seen at the Warm Springs — probably watching — the guards who were stationed for the protection of the frontier on the French Broad. These guards were stationed in four blockhouses, at Hough's, at Burt's, at Canabake, at the Painted Rock and at the

Warm Springs, and scouted up to Big Laurel where they met the Buncombe scout. Six was the number usually stationed at one post." This was in 1793.

The rough trail from Tennessee came past the rock and was a regular route of the much-traveled Francis Asbury, first bishop of American Methodism. In November 1800, the road was so rough that "about thirty yards beyond the Paint Rock by roan horse...reeled and fell over, taking the chaise with him; I was called back when I beheld the poor beast and the carriage, bottom up, lodged and wedged against a sapling which alone prevented them both from being precipitated into the river. After a heavy tilt all was righted again. Our feelings were excited more for

others than for ourselves. Not far off we saw clothing spread out, part of a loading of household furniture of a wagon which had overset and was thrown into the stream..."

In 1824, the Buncombe Turnpike Association built a toll road beside the French Broad River. Main route from North Carolina to Tennessee, the road passed the Paint Rock — bringing cattle drovers and the stage coaches.

A small stagecoach stop was once right next to the rock, says Peggy Dotterer, whose grandfather, Col. J.H. Rumbough, ran the stage from Greenville, S.C., to Greenville, Tenn., beginning in 1828. The site is now a small field covered with

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PAINT ROCK, Hot Springs' legendary landmark with a legendary history.