

**THIS IS THE LAW**

By Robert E. Lee  
(For the N. C. Bar Association)

**JOINT OWNERSHIP OF LAND**

May crops raised on land owned by a husband and wife as "tenants by the entirety" be levied upon and sold under execution to satisfy a judgment against the husband?

Yes. The Supreme Court of North Carolina has so held. A sale of the crops raised upon the land does not effect the wife's right to assert an absolute ownership to the land upon the death of her husband.

May real property be held as a "tenancy by the entirety" other than by a husband and his wife?

No. To create a "tenancy by the entirety," the two persons must be husband and wife at the time of the transfer of the land. The husband and his wife take the whole of the land as one person. The survivor automatically gets the entire property. Neither can convey or mortgage it without the consent of the other.

If the co-owners are not husband and wife, a "tenancy in common" is created. Any one of the several co-owners in a "tenancy in common" may sell or transfer his interest without the consent of the others. The doctrine of survivorship is not applicable to a "tenancy in common."

What is the effect of an absolute divorce upon a "tenancy by the entirety"?

An absolute divorce automatically converts a "tenancy by the entirety" into a "tenancy in common."

May there be a "tenancy by the entirety" in personal property?

No. A "tenancy by the entirety"

in personal property is not recognized in North Carolina. Personal property is any property other than land and things permanently annexed thereto.

When land or real property held by a husband and wife as tenants by the entirety is sold, the proceeds derived from the sale will not be held as "tenants by the entirety" with the right of survivorship. The proceeds will be held by the parties as "tenants in common."

Who has the right of use and possession of land owned by a husband and wife as "tenants by the entirety"?

The husband. Where a "tenancy by the entirety" exists, the husband, during marriage has an absolute and exclusive right to the control, use, possession, rents and profits of the land. He is entitled to all of the rents and profits of the land, and it not legally obligated to turn over any portion of them to his wife.

**NOTICE OF SALE**  
In The Superior Court  
Special Proceedings Before  
The Clerk

**NORTH CAROLINA  
YANCEY COUNTY**

G. M. ANGEL, Administrator of  
ANNIE CURTIS SILVER, deceased

vs.  
OPHIA WHEELER and husband,  
CARL C. WHEELER; HELEN  
HUGHES and husband, REX  
HUGHES; LOY SILVER and  
FRANK SILVER and OPHIA  
WHEELER, Guardian ad litem of  
Frank Silver

Under and by virtue of the Judgment of the Court in the above entitled matter the undersigned Commissioner will on the 2nd day of November 1956 at 11:00 o'clock A. M., offer at public auction to the highest bidder for cash at the Courthouse door in Burnsville a tract of land located in Burnsville Township, Yancey County, North Carolina, more particularly described as follows:  
**BEGINNING** on a stake in the

ditch line of Highway 19E 190 feet from Twee Young's corner; thence East with said ditch line 26 feet to a stake in the ditch line of said Highway 19E; thence North 50 feet to a stake in the field; thence West 35 feet to a stake in the field; thence South 50 feet to the BEGINNING, containing 1750 square feet, more or less.

AND BEING the same lands as described in a Deed dated 4 September, 1945 from E. P. Blevins and wife, Ella Blevins to Oscar L. Silver and wife, Anna Silver as appears in the Public Registry of Yancey County in Deed Book 96 at page 205.

The successful bidder at said sale will be required to deposit ten per-cent of the sale price at the time of sale.

This the 2nd day of October, 1956  
G. M. ANGEL, Commissioner.  
Oct. 11, 18, 25, Nov. 1

The University of North Carolina School of Medicine has the full approval of the Council on Medical Education and Hospitals of the American Medical Association.

**NOTICE OF SERVICE OF  
PROCESS BY PUBLICATION**  
In The Superior Court  
STATE OF NORTH CAROLINA  
County of Yancey

MRS. VERA HALL GOUGE,  
Plaintiff

vs.  
CONNIE GOUGE,  
Defendant

**TO CONNIE GOUGE:**

TAKE NOTICE THAT a pleading seeking relief against you has been filed in the above-entitled action.

The nature of the relief being sought is an absolute divorce on the grounds of two years separation.

You are required to make defense to such pleading not later than 16 November 1956, and upon your failure to do so, the party seeking service against you will apply to the Court for the relief sought.

This the 24th day of Sept. 1956.  
Lowe Thomas, Clerk Superior Court of Yancey County  
Sept. 27, October 4, 11, 18

**NOTICE**  
NORTH CAROLINA  
YANCEY COUNTY

Under and by virtue of the power of sale contained in a certain deed of trust executed by Carl Stewart and wife Dorothy Stewart, dated the 30th day of November 1955, and recorded in Book No. 37 of Mortgages and Deeds of Trust at page 215 in the Office of Register of Deeds of Yancey County, North Carolina, default having been made in the payment of the indebtedness thereby secured and said deed of trust being by the terms thereof subject to foreclosure, the undersigned trustee will offer for sale at public auction to the highest bidder for cash at the courthouse door in Burnsville, North Carolina, at noon on the 5th day of November 1956, the property conveyed in said deed of trust, the same being and lying in Crabtree Township, Yancey County, North Carolina, and more particularly described as follows:

**BEGINNING** on a poplar stump in the J. B. Sparks and E. W. Huskins line and runs east 318 feet to a fence corner on the west side of the road; to a stake at the branch; thence up and with the meanders of the branch south 55 degrees west 230 feet to an iron stake; thence leaving the branch and runs north 79 degrees west 114 feet to a locust post; thence north 55 degrees west 300 390 feet to the BEGINNING, and containing one and one-half (1½) acres, more or less.  
**EXCEPTING AND RESERVING** the present road which crosses the above described lands.  
But this sale will be made subject to all outstanding and unpaid taxes.  
This the 4th day of October, 1956  
Warren H. Pritchard, Trustee  
Oct. 11, 18, 25, Nov. 1

The University of North Carolina School of Medicine is one of the units making up the UNC Division of Health Affairs. Other units within the DHA are N. C. Memorial Hospital and the Schools of Dentistry, Nursing, Pharmacy and Public Health.

**TWO BOOKS ON NORTH CAROLINA HISTORY AND CULTURE PUBLISHED**

The University of North Carolina Press has published **TARHEEL TALK**, by Norman E. Ellason, a pioneer historical language study showing how our North Carolina forebearers actually talked.

Innumerable questions are necessarily raised — and answered — in this unique historical study of the English language in North Carolina from the time of its settlement in the seventeenth century up to 1860. In tracing the historical development, light is shed not only on what is distinctive about Tarheel speech, but also on American English generally, and on the English language as a whole.

**SHERMAN'S MARCH THROUGH THE CAROLINAS**, by John G. Barrett, an alternate selection of the Civil War Book Club, records completely for the first time the military campaign and human drama of this relatively little known phase of the War Between the States. Based on printed memoirs and documentary records of those who fought and of the civilians who lived in the path of Sherman's advancing army, the author vividly describes the three month's march which Sherman considered the greatest of his military feats.

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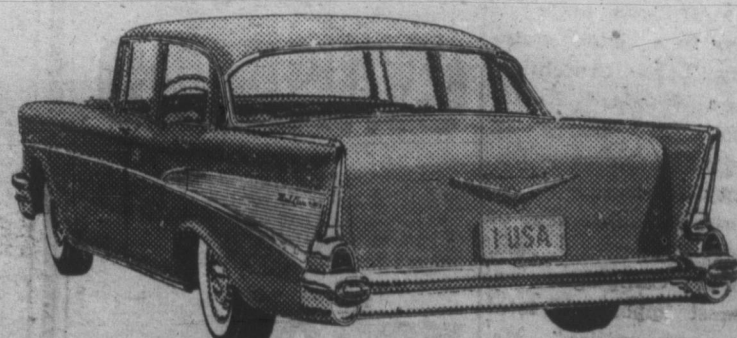
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