

# The Chatham Record

THURSDAY, DECEMBER 16, 1886.

M. A. LINDON, Editor

A loss in the chain of circumstantial evidence proving the guilt of Cluverius has recently been discovered that establishes his guilt beyond any doubt. The day after the murder of Lillian Madison a watch-key was found at the scene of the murder, and ever since the owner of that key has been sought. When the officers arrested Cluverius they noticed that his watch-key was missing from his chain; and next day the chain itself was gone. A jeweller, named Joel, was found who testified that he had repaired such a key for Cluverius and he thought this was the key. He could tell with certainty if he was allowed to open the key, as he had placed certain marks upon it. The prisoner's counsel objected, and the identity of the key was not fully proved at the trial. Last week, however, when petitions were presented to Gov. Lee for the pardon of Cluverius, he sent for Joel and had the key opened, and on it were the very marks which Joel swore he had placed on the key of Cluverius! There can be no doubt then that this key belonged to Cluverius, and having been found the day after the murder at the scene of the murder (which was an unfruited place) proves that he is the justly convicted murderer of Lillian Madison. Gov. Lee refused to pardon him, but resoled him until the 14th of January, on which day he will certainly be hanged.

A woman was convicted in this State last week as an accessory to the murder of her husband, and was sentenced to imprisonment in the penitentiary for life. On the 23rd of last September, A. D. Owens, a merchant at Creswell, Washington county, was shot by Jim Ambrose, a noted negro desperado. Ambrose was killed in the attempt to arrest him. Isaac Jones and Stark Simpson made a voluntary statement of the whole matter, implicating Mrs. Sarah Owens, wife of A. D. Owens, as one of the leading principals in the terrible deed. The two negroes and Mrs. Owens were placed in jail at Plymouth, and at the fall term of Washington county court a ren-trant was secured to Beaufort county, and they were tried in the latter county last week. Simpson was convicted of murder, and Mrs. Owens and Jones as accessories. It is such an unnatural murder that it has attracted much attention.

A sad case is that of Hon. James W. Read, the Representative in Congress from the ninth district. We have never known so brilliant a career, so suddenly and so sadly cut short. But yesterday his many admirers pointed to him with such pride and pleasure as one of the most brilliant men and eloquent orators of which our State could boast, and today they hang their heads in shame and bitter disappointment. His fall proves the great weakness of our human nature, which is never fully developed in any man until tested. Let us all take warning by his example, lest we too may yield to temptation and fall away in the hour of trial.

Mecklenburg county is one of the most progressive counties in the State, and the best proof of its progressiveness is its action in regard to improving its public roads. According to law no criminal is admitted to the penitentiary for a shorter term than one year, and in the large counties there is always a considerable number of criminals who are confined in the county jail or workhouse because they cannot be taken to the penitentiary. In Mecklenburg these criminals are employed in a work that is much needed in many other counties, and that is improving the public roads. From the Charlotte Observer we copy the following:

"Within the next twelve months, all the public roads leading into Charlotte will be macadamized from the crossing of the township line to the crossing of the city corporation line. Outside the city limits and inside the township limits, there are fifty-two miles of public road, all of which is to be thoroughly macadamized and made as sound and as good in all respects as the macadamized streets of the city. The work is to be done by the county convicts, under the very able superintendence of S. H. Hilton. For the past eighteen months the convicts have been employed in grading the public roads of the township, and now the roads are to be further improved by macadamizing. This done, it will be many years before any additional work will be required on the roads leading into Charlotte, and ten foot mudholes, wheel-wrecking ruts and many hills will be henceforth unknown. The work is to be well done, and then Mecklenburg county can boast of fifty-two miles of solidly macadamized roads, a boast that no other county in the State can make."

WALTER CLARK.

## Our Washington Letter.

(From our Washington Correspondent.)

[WASHINGTON, Dec. 11, 1886.]

### Judicial Reform.

There is a very general opinion that reform is needed in our court proceedings, and that the "law's delays" should be remedied. Judge Walter Clark has written to the Raleigh News and Observer a communication on this subject, in which he makes some valuable practical suggestions, which we hope will be carried out by the Legislature. For this information of our readers we copy Judge Clark's communication as follows:

"We live to little purpose if we do not gather wisdom as the years go by. Every change is not progress, but without change there is no progress. In judicial proceedings there is a tendency to ultra-conservatism and the introduction of more business-like methods is highly desirable.

In the middle ages when our legal system began there was little legal business and at first it was dispensed with in a day. Hence the legal fiction that all the business of the term is as of the first day of the term. When, as is the case with our supreme court, the term is as a matter of fact not nearly six months at the spring session this would be amusing but for the practical fact that the business is necessarily made to count as of the last day of the session. The first step to correct abuses is to point them out. Now take an example of the working of this rule. Suppose a case tried in August, September or October many of our superior courts. An appeal is taken. By a little delay in setting the case on appeal the appeal stands little chance of being heard at the fall term of the supreme court. It goes over to the spring term. It is then argued and the decision announced say in February, March or April. Owing, however, to the above mentioned legal fiction it is necessary to wait upon the trial of the whole term as one day the opinion is not certified down to the court adjourns say in May. The opinion goes down to the fall term of the superior court and stand there for trial, but a case of equal difficulty is to be heard at the same time and the case goes over till the next spring term of the superior court. That is to say, no matter how important or how trifling a case goes up to our supreme court the chances are of eighteen months delay, and very often twelve months after the opinion of the supreme court is known before either party can get a hearing.

While the President's message takes nine days to go to the Senate, the Senate to the House, and the House to the President, the five topics which excite the strongest interest here are the Tariff, the currency, the coinage question, the silver and gold dollars. The tariff requires an all-powerful and some of them potentiatial. The protectionists say a message is not creative enough for them to believe men make no complaints as was expected and the Republicans call the document as a whole and from the front.

Some of the more sluggish members of Congress prefer not little can be done during the session to settle the passage of the Appropriation bills. Others equally wise during the session to settle the bill for the next term of the supreme court should be repeated and they should be of all cases the cases which are for trial.

3. In State cases, where the judgment of the court below is affirmed, instead of waiting till the next term of the court for the appeal and absurd formality of resentencing the defendant, the superior court, on receiving the opinion should certify the sheriff to execute the sentence of the law already pronounced and affixed to each judgment by certifying the name of the defendant in jail or penitentiary as the case may be. In all cases where the appellant has to remain in jail pending the appeal this would be a mercy to him and a great saving in aggregate to the taxpayers. In capital cases, the governor upon being notified of the affiance of the judgment by the supreme court should issue his warrant to the sheriff, under his constitutional authority to execute the laws. This is the course adopted in many States.

4. The present supreme court are able lawyers and do as much hard work as any three men who can be found anywhere. They are overworked. Hearing causes three hours per day is straining enough. The fourth remedy suggested is by a constitutional amendment to increase the supreme court to five and thereby to enable the court to hear causes four hours each day. The additional hour per day would be six hours per week or two days added to each week at the present rate of hearing causes. This would dispose of one-third more cases each week and detain causes a much shorter time in Raleigh. With the present number of judges the increase of the time now allotted for the hearing of causes would be impossible.

Our system of appeals in both civil and State cases is cumbersome and seems framed to add to the law's delay which the greatest dramatist mentioned as one of the greatest sins that flesh is heir to. The above suggestions are made with confidence, but with the hope that the press of the State, which has always done so much for the abolition of public abuses, may call public attention to this evil, that either the above suggestions or better ones may be adopted by the incoming legislature.

## Robbing A Train.

Four Worth, Tex., Dec. 12.—In broad daylight yesterday the mail and express train on the Fort Worth and Denver railroad, bound for this city, stopped at a water tank just north of Belvoir station, seventy-five miles north of Fort Worth. A few minutes before the train arrived three men had ridden up to the tank two hundred yards from the tank and dismounted. They walked leisurely towards the tank, and about that time the train pulled in. One of the robbers with drawn pistol ordered Engineer Ayer and his fireman and O. G. Miller, another engineer who was riding in the cab, to stop, which they did. He then marched them some thirty feet from the train and went through them taking all the valuables they had. While this was going on the other men went along the train. It appeared that one of the passengers who was looking out of the window and saw the operation with the train, divining the situation, went to the forward car and exclaimed: "Put away your money, we will be robbed!" At once the passengers started as they could and awaited results. In the such as on were four United States soldiers who were riding in the train. Two desecrates who were being taken to Leavenworth from Fort Sill. When it was seen that the robbers were going to fight, Henry Ellinger, of Fort Sill, I. T., went to him and begged him to submit tamely, saying the women and children were greatly annoyed and that all the valuables were hidden away. Others joined Ellinger in his protest and Ellinger singly consented to do as requested. By this time the two men had reached the coaches and leaving them with reverse demanded their posse, which the soldiers surrendered.

Many of the passengers selected their money in various ways, giving most of it to their diamonds, to women ladies aboard. Miss Kate Hayes, of Fort Worth, took charge of \$100 and other valuations. Mrs. Charles of Pittston, N. Y., received \$500 and some diamonds, and Mrs. Wirtwick of Chattanooga took her husband's gold watch and seven hundred dollars.

Mrs. White was greatly interested at the passengers and took up in the rear and said I. C. Forty men were going to submit to some outrage at the hands of two highwaymen.

About 55 men—The loss of the steamer J. M. White has been confirmed. She was burned to the water's edge at Hatteras last night while lying at the bulk near Bayou Sara, La. About sixty lives were lost consisting largely of women and children. Nearly all the crew were saved. Among the passengers reported lost is the superintendent of the Vandine railroad at Navarre, who, together with his wife and children, perished in the disaster. The books of the boat were lost. The J. M. White was the last vessel on the Mississippi river. She was en route to New Orleans and had a large cargo of cotton on board; it is estimated at not less than 2000 bales. The surviving passengers and crew were removed to New Orleans this morning.

Shot His Daughter by Mistake.

Durham, December 11.—J. C. Hill, a prominent resident of Edgewood, a son of this city, mistook his revolver for a burglar last night while passing through the neck, under a loggia, and shot it through the neck, and because he did not know he had it. They were evidently engaged in the business and went away with the sum of \$100, three gold bracelets, ten silver watches, five diamonds, and one gold ring. The officers left the room at the rear of the sheep and rode horses standing near by and rode rapidly away.

### Axioms To Become White.

Mr. Washington Jackson, a resident of the Blue Ridge mountains, is a brother to a famous negro. For some time he has been partaking of a course to Mess. Jackson's school through the efforts of Mr. Jackson. Mr. Jackson, who is his master, says that Miss Bass favored him—despite his appearance—he was inspired with the desire to please her ladyship, he cast about for means of taking his horse to a better one. One day a peddler appeared with just the article required—a mattock. He guaranteed it to make the task of his white horse to pull \$150 for a battle of courage. Jackson applied it thoroughly, and the following morning awakened to find himself fatigued and spotted like a leopard. The next day he passed the skin and within a few hours Jackson was a victim with scalded blisters.

Needful of sympathy, he went down to Jersey City to relate his woes and woes to his intended bride, only to be chased away from her door at midnight. Finding no sympathetic friends, he turned to a local blacksmith, who, after examining the walls of their playroom, in the rear of his shop, recommended the services of Dr. McSpadden, his son, who, after a full examination, advised him to keep his hands off his wife.

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