Public Co. U. - The Believete Placed Upon It by the Futhers - Repudiation Dishanorable, Disa hourst and Destructive of all Sound Morality, Private us well as Public - The Burdens of the People of North Co olive greater than can be harne-Hor they can be Diminished and the - People Relieved without covering to the ecime of

The plan which we propose for the reduction of the new debt is one which can only be justifield by the necessity of the case, and the circum stances attending its creation. The opinion seems to be general that the people of the State cannot, in their present impoveri-hed condition, pay the taxes which the constitution will compelthe beislature to impose if the debt isto remain no it now is. These taxes must be at least twice no high hereafter as they are this year, And even now we hear complaints from every part of the State. The people are crying out that their burdens are greater than they can bear. And if so, how can they bear twice us much? If it 'really be true, as confended, that the taxes to meet the State's liabilities will be more than the people can pay, then the point of State bankruptey has been reached. And if so, the State will be justifiable in adopting measures which could not be defended under other circumstanres. But neer will she be justified in repudiating any dels which she justly owes. If she (a))mot pay all she owes she will still be bound. by every principle of honor, to pay what she

A large part of the bonds appropriated by th present legislature have already been sold for several millions of dollars. To cancel the bonds several millions of dollars. To cancel the bonds cannot believe that any intelligent man will arge it when be comes to reflect properly upon the subject. What we propose is that the contracts be cancelled - that the State refund to the holders of the bonds exactly the amount which they mid for them, with interest, and cancel the bonds. In this way we canget rid of the greater wort of the dobt without any actual wrong to the her present inability to meet the bonds at their nominal value and because of the fraud and corription employed in procuring the appropriation and issue of many, if not all of them .-And if it shall be determined to cancel a part of the bonds and not all of them then care should be taken to cancel those tied have been issued without the proper socurity having been taken that the proceeds of them will be properly applied. It is said that in some instances vast amounts have been sold by those who have the works in charge, and that they have placed the proceeds to their private credit. We know not how this is, but the matter should be inquired into. The fact is that mearly all the appropriation acts, passed by the present legislature seem to have been passed for the benefit of the "Ring" more than the benefit of the State or the people. Millions of bands were directed to be issued and delivered to the once, to be sold by them at pleasure, without taking the least security in any way for the proper application of the proceeds. Was this done to quable the "Ring" to speculate upon the money?-It looks very much like it. Why was it not provided that the Treasurer should deliver the bonds to them in installments as needed to pay for the work-done?

It is to be hoped that when the legislature the members will have learned something of men who cannot be corrupted—be appointed to to whom the bands were issued. Let said committee report how many of the honds have been been made of the maney. Then let the legislature pass an act requiring both the money and the unsold bonds to be returned to the Treasury for safe keeping. After having done this let the legislature proceed to cancel the transactions of sold be cancelled, as before suggested, and the sale of any more prohibited. And let the Treasarer, or whatever agent the State may select, refund what the companies may thus be compellel to disgorge. It is believed that the deficit would not be more than two millions, could the money all be brought into requisition. To meet this deficit let bonds of the character described List week be issued, and sold. If this plan could the people of North Carolina find the desired relief which destroying her credit. Indeed, as an endorsement of Gen.

The recent elections North are variously selves that they possibly can. The parties who have made the best bargain for them selves that they possibly can. The parties who have made this confirmation with the Directors of the two horns of the dilemma, i.e., to rely either upon his plea of not guilty or justification, by what ever she might contract to pay hereafter, journals claim the resultant a great Republic higher than may or all other competitors, should here realit would be greatly enhanced by it.

The recent elections North are variously selves that they possibly can. The parties who have made the best bargain for them selves that they possibly can. The parties who have made this confirmation to pay promption of the dilemma, i.e., to rely either upon his plea of not guilty or justification, by what ever she might contract to pay hereafter, journals claim the resultant a great Republic higher than may or all other competitors, should he greatly enhanced by it.

The recent elections North are variously selves that they possibly can. The parties who have made the best bargain for them sounded in publishing defamatory words.

In practice he was compelled to elect between the two horns of the dilemma, i.e., to rely either upon his plea of not guilty or justification, be only to first fination, and the world published, but he was not permitted to set up facts tending to mitigate his conduct in publishing defamatory words.

In practice he was compelled to elect between the two horns of the dilemma, i.e., to rely either upon his plea of not guilty or justification, be only to first fination, and the world published, but he was not permitted to set up facts tending to mitigate his conduct in publishing defamatory words.

Under the old system, if the judgment on a condition to pay prompt of the defendant, it was that the plaintiff, that would here the best bargain for them.

Under the old system, if pudiate and her eredit is gone forever. She carnot command a loan on any terms from her on or the capitalists of other States or coun-

of Mr. Prentis, a continuous, everlasting flow; utterly unable to perceive it.

it cannot be broken into disconnected fragments, the elements of Conservatism can never be And, we repeat, nothing but the present leabilis united under the name and organization of THE FAVETTEVILLE AND WESTERN ceive any paretion at our hands.

chines or to reward partizan favorites. In the hands of private corporations they will most probably be pushed on to completion sooner than the issue presented was a choice between the late is the people of Rowan and Davie, and late is the probably because of Salisbury is the place, in my humble ion, that nature has marked out for the local state. by the State.

We have not chosen to discuss the legal point. Republican and Democratic parties they to be built at any other point, and thereby di-

avolved in this question. We have considered chose the Republican. ed there that the law under which the "Union several millions of dollars. To cancel the bonds and sufficient to subscribe South the proposition to her people to subscribe South the

> one applied by the court—leaves the legislature unlimited power to lary all the taxes which may be necessary to pay the interest on the debt of the State in existence at the many fine adoption of the state in existence at the many fine adoption of the adoption of the adoption of the adoption of the same thing by its opposition to the late war.
>
> Let a new and liberal party be organized un-kowan County, and why she is so tardy in this fund, and all taxes necessary to carry on the State government, creet a Penitentiary and supstitute of the Conservative elements, and at the North the down-easiers call this country.
>
> And can it be possible, that the citizens of ver and replevin. Each had its disadvantages. tions. To say that the bonds issued in pursus IMPORTANT TRANSACTION-THE N. C. mee of the provisions of an act passed by the legislature at one session are valid, but bonds isged in pursuance of an act passed by the some legislature at its next session for the same more would not be valid, seems, to our mind, to be paradex too abserd to be maintained. Since the foregoing article was written-so

debt by the action of the legi-lature are very great, perhaps insuranountable. And, besides, nothing toe can be expected by the present legislature in any event, if that much. Nothing can be done, probably, without the calling of a Convention by the legislature with power to amend the State Constitution. And by the time such Convention can be called—by the next legislature—a very small amount of the proceeds of the sale of the new bonds will be within reach. In that event, should the question be the payment or rethan when it adjourned. It is to be hoped that pudiation of the whole—we mean the nominal as ment whenever the State becomes able to do so. chief which they did at their first session. If so University Railroad case we will still be in falet a committee of three upright and able men-ver of paying the amount which the State acts- ger fare shall not be greater than it is at this investigate the affairs of the several companies same. This is all that the State ought to be required to do under the circumstances: And when it is remembered that it is the circumstances unsold by each company, and what disposition has der which the debt was preated and the character of those who now wield the powers of the State that prevent the bonds from selling at a much higher price, it is quite probable that the holders of the debt would prefer to exchange it Let session. Let the bonds which have been bonds which have the endorsement of the lazat the rates of two dollars for one for other payers of the State through a legislature which fairly and truly represents them. Such a change, made with the consent of the creditors, would be perfectly justifiable under any circumstances. and especially under the present. And can we not calculate with certainty that the next legislature will fairly and truly represent the peoplethe tax-pavers-of North Carolina?

it would have her in a condition to pay promptby whatever she might contract to pay hereafter,
her credit would be greatly enhanced by it.—
Her bonds would not be hawked around the
Cann's administration. The Democratic
plant for the plaintiff, that have made this contract with the Directors of the defendant answer over—replaintiff, that have made this contract with the Directors of the defendant answer over—replaintiff, that have made this contract with the Directors of the defendant answer of the defendant answer over—replaintiff, that have made this contract with the Directors of the two horns of the defendant, i.e., to rely either the nothing, i.e., to rely either the nothing to plaintiff, that the value of the plaintiff, that the conglet to, or do recover quot demograte or point to, or do recover quot demograte or point to, or do recover quot demograte or plant to, or demograte or pl She would not again be compelled to there is much in the result to inspire them can be obtained. It will be the best thing that occurrence how just and wise such an amend-require the defendant to answer—because techpay interest on two thousand three hundred dol- with the hope of complete success at the can be done for the Stockholders. Stock will ment appears! has for the one of one thousand. But let her re- next Presidential election. The Conserva- go up nearly to par as soon as it is done. tive and Liberal journals see nothing in the result to indicate any change in the political sentiments of the Northern people.

The comments are nearly all upon the re-What would be the condition of a State which sult in the two great States of Ohio and Eastern State, as distinguished from the not justified in killing—only crossed. Forten blow at demurrer was interposed in good faith. This is by a stronger, mistaking him for another, he is an excellent provision as it strikes a deadly not justified in killing—only crossed. Forten blow at demurrer with the law great States of Ohio and Eastern States. The Democra's claim that Southern, had 119 Congressman in 1860; calling it self-defence calculate, but through the due consideration. make in contact with the cuizons of other Nicy'have made great gains, in both of these after 1870 they will have but 66. The benignity of the law, excusable. And in ancient By the same section, the Court is invested with I are and countries? Public faith deliberately States. But an examination will show that West and Southwest will have a clear times the party was exensed on paying a small the power on the allowance of a demurrer put in said countries? Public faith deliberately States. But an examination will show that West and Southwest will have a clear fine to the King.

because of the improper joinder of several causes and wantonly violated, public credit gone, confisctly of members of the next House of How offer, so we experience that while a of action, to order the action to be divided into Representatives and of Presidential electors

| Compared the proposed of the presidential electron of the entering of the entering of the presidential electron of the entering of the presidential electron of the entering in every point of view in which an honorable election last Full. But this is no fair test. man can contemplate it this plan, which is Many men who were not Radicals, and not cuts as much within the scope of the powers of even Republicans. Voted for Gen, Grant. the covernment as the other, is vastly presented Compare the recent election with the last elected Dr. N. H. Pierce as Missionary reportistion. To such a man any thing, even Gubernatorial election and see how the mat- Bishop of Arkansas and the Indian Ter-Gubernatorial election and see how the mattime three bankrupter of the State, is proferable to
the stands. The fact is that Hays' majority
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The new Bishop of Arkansa over Pendleten is seven or eight thousand thou over Pendleten is seven or eight thousand thousand the performed. Missionary tions.

The shange of her prostitution will not be confinite any thing to this result indicating the labors for several years in Texas, and was action growing out of a wrong may be joined to the pendleten is seven or eight thousand thousand thousand the pendleten is seven or eight the pendleten in the pendleten is seven or eight thousand the pendleten is seven or eight the pendleten in the pendleten is seven or eight the pendleten in the pendleten is seven or eight the pendleten in the pendleten is seven or eight the pendleten in the pendleten is seven or eight the pendleten in the pendleten is seven or eight the pen the shang of her prostitution will not be confined to the present generation of North Carolis growing strength of the Democratic party in Mibile. He is a minister of great chility with one growing out of contract; provided, they

you cannot separate its particles, and say, this That a large unjority of the people of both Judge Hoar is reported to have deother. The life of society is one and immortal; radicalisms there can be no doubt. But all Court of the United States.

ty of the people of the State, who have never the Democratic party. Of this the most given their sanction to this debt, to pay the it abundant proof is at hand. Look, for iuterest on it, and the trans which was perpetres stance, at the Conservative Convention which ted upon them in its creation, can justify the assembled at Philadelphia in October 1866. ourse which we have suggested. Under no 11 opened with fairer prospects of success If the suggestions which we have made with in in our country. Among its members the charter of the Western Railroad Company, can be earried out the people will at once be re- put forth on the occasion, Mr. Raymond, was lieved of a great burden. Even in the matter of a Republican. And the work so auspicious Wilkes County. the sale of the States' stocks the people of the ly becaus would have culminated in the for-State w'ill be gainers, independent of the advan- matiou of a great liberal conservative pareiges to result from the reduction of the debt .- ty, had not the whole scheme been defeated companies composed entirely of individuals defeated it by attempting to appropriate to

ence to the new debt, and should have done so new party must be formed. A mere change Mississippi, where repudiation was attempted to during the late war. It is felly to expect any be defended upon a hegalquibble. It was contenminated and some men seem to think that the Basis bonds" were issued was null and void.—
But the world said that Mississ[ppi had received party which has been defeated has thereby snorting in their very face by the 4th day of Juthe mency and that she was morally bound to acquired the right to govern. This idea is ly next, pay the bonds upon which it was realized. Her people as abourd. And is it pica availed for mathing, and it should have not so? If the Confederacy find succeeded road at Salisbury?

We will not say the decision of our Sapreme in this country without effecting its own overs throw. The old Federal party, the purest and agreed to submit to the voters of your country a neous. Eat how it can be unintained in every the most intellectual party that ever existed in proposition to subscribe \$100,000 to said Rail, claims to recover real property may be united with a claim for damages for the withholding part upon the premises of the Cont surpasses.

America, was overthrown in consequence of its framous see, unless they intend to be candidates. This recover real property may be united with a claim for damages for the withholding thereof the consequence of its framous see, unless they intend to be candidates. This recover real property may be united with a claim for damages for the withholding thereof its framous see, unless they intend to be candidates. This recover real property may be united with a claim for damages for the withholding thereof its framous see, unless they intend to be candidates. neous. But how it can be maintained in every part upon the premises of the Court surpasses our comprehension. We accept of that decision, and especially of that part of it which establishs.

The Whig part of the proposition to subscribe \$100,000 to said Rails matter than the recover real property may be united by the proposition to subscribe \$100,000 to said Rails matter with a claim for damages for the withholding upon that footing of equality to they are delaying this matter thereof and also the rent of and also the rent of an analysis of the proposition to said Rails matter with a claim for damages for the withholding upon that footing of equality to they are delaying this matter thereof and also the rent of an allow the recover real property may be united with a claim to recover real property may be united with a claim to recover real property may be united with a claim to recover real property may be united with a claim to recover real property may be united with a claim to recover real property may be united with a claim to recover real property may be united with a claim to recover real property may be united with a claim to recover real property may be united with a claim to recover real property may be united with a claim to recover real property may be united with a claim to recover real property may be united with a claim to recover real property may be united with a claim to recover real property may be united with a claim to recover real property may be united with a claim to recover real property may be united to real property may be united to be calculated with a claim to recover real property may be united to the real es the equation and limitation of taxation. We beace among the parties of this country, signed to be taxed to get it, let them have a chance of venting the operation of the statute of limitation. also admit that the just rale of construction—the lie death warrant in its opposition to the nunex. saying so at the ballot-box, and that very soon. one applied by the court-leaves the legislature ation of Texas and the Mexican war. And the we do want this Road located at Salisbury.

RAILROAD TO LET.

We learn from a well informed source, and that deeply, that "The North Carolin" that deeply, Wake up! wake up, we vecmourly of Rowan Wake up! wake up, we vecmourly of Rowan in the least if you fail Railroad Company" have let and farmed out their Road, for the term of twenty years, to "The Raleigh and Gaston Railroad Company" and by the fact the fact that the fact the fact that the fact the fact that the fac Raleigh and Grston Raliford Company" and others for an annual rent of \$210,000, to be paid on the first day of January in each year. The rent is assured by a deposit in limb of each or its equivalent in United States bonds, for good and acceptable Rullroad or other bonds; this well as spiritual things." More ason.

"DAVIE."

"Self-preservation is the first law of nature;" davisable as against a party who could not give the bond required to keep possession, for on the bond being given, it proceeded as an action of trover. So it is seen that A. had no certain means to recover his horse and damages—he ran the risk in define of its death and in replevin two weeks since-reflection has convinced us that deposit is to be permanent, and if there is occasion to apply it, then it is to be renewed, and a

The Road and property is to be returned : any termination of the lease in like good order and condition as when the lessees received it and besides the covenant to this effect, the fessees give bond and security in the sum of \$240. ember, with a view to see that it is kept in such tion.

good order and condition. If the lessess fail to a country of think that the alteration in this matter by purpose would send the parties to a Court of law—the question of debt, or no debt being purply a legal one. (Fleming vs. Sitton, 1 D.

lessees that the "local freight" and local passenally realized on the bonds, with interest on the time. This statement embraces the leading provisions of the lease. A meeting of the Stock holders is called to meet in this city of the 11th of November.

This is an important transaction, and it would seem to be a beneficial one for the Stockholders of the Company, \$240,000 is 6 per coat on the of the Company. \$240,000 is 6 per coat on the lion be denied the party alleging performance, variance was fatal and the plaintiff must have whole capital stock. The stock has been worth be shall be bound to establish it on the trial. So, been non-suited. It is true that under our statabout 25 cents in the dollar; this lease will pro-

The Raleigh Sentinel, to which we are indebted for the above statement of the transaction. says that the net receipts of the Road last year was \$316,633,81, or \$76,638,81 more than the agreed to give. If this is really so, and we hope it is, the Stockholders have only to refuse to ratify the contract which the Directors have made,

Congress; after 1870 it will have 82,— be nanged, is justified for taking human life; not as a matter of right in any case, plead over, whereas, however sorely presed, A. may be but only in the discretion of the Court, which The East in 1840 had 38 members; 1870 by B. even put in imminent peril of his life-

tians. The stream of time has, in the language the North and West, we confess that we are Mobile. He is a minister of great ability, and is very popular.

RAILEGAD

Ms. Epron : Permit me through the columns of your paper to say a few words to the tax paygard to the Fayetteville and Western Bailroad.

other circumstructs could such a proposition rethan any similar inevenent ever attempted. Sile section of the art entitled "an act to much If the suggestions which we have made with reference to both the old and thence debt-and were many men enmuent in the Republican are of these counties will have their proportion there is no difficulty with reference to the oldaid road from its present head to some point in

There can be no doubt in the mind of any man about this Road being built, if he will look for one moment. And whether said Road is And are the people of Rowan and Dayle so blind and short-sighted as to permit it to be built at some point where they will be some suit; whereas by sub-div. A large the people of Rowan and Dayle so blind and short-sighted as to permit it to be built at some point where they will be some suit; whereas by sub-div. A large the section 135 efficients Such works are always much better managed by by the Democracy. The Democratic party ers have got to pay the Two Millions Dollars. than by States. While the State has control of itself what was intended for the country; built at some point where they will not reap any them they are too apt to be used aspolitical ma- The result was that marly all the Republi- advantages from it for themselves and posteriion, that nature has marked out for the locating If the people of Rowan and Davie, and espe-cially the citizens of Salisbury, permit this Road

only the moral obligations of the State in refer- To terminate the rule of the Radicals a pointed at by the finger of scorn and derision for all time to come, and that most deservedly, Why just look for a moment and see what all even if the decision of the University R. R. case of the name of the Democratic party will your neighbors are doing. There are the peo-had never been made, or if it had been different. not accomplish the desired result. It must ple of fredeil moving to secure a Railroad from We believe that the State cannot be justified, be a new party, with a new name and under called the Plaster Banks and Salt Works R. R. under any circumstances, in obtaining money other leaders. No party will succeed during And the City of Charlotte is deeply interested without rendering a fair equivalent. So the the present generation whose national lead- in this project and is doing all she can to secure world will say, and so it did say in the case of ers were not devoted to the cause of he Union Dutch of old Salam are at work on the Road from Greensboro' to Mount Airy, by the way of from Horse that never refuses to do service

What are the people of Rowan and Davie do-

such was afficiently the Supreme Court of Mis-such was afficiently the Supreme Court of Mis-besides, no party ever opposed a successful war

the constitution, the specific tax for the sinking fund, and all taxes necessary to carry on the State government, and all taxes necessary to carry on the specific tax for the sinking. The specific tax for the sinking fund, and all taxes necessary to carry on the State government, and all taxes necessary to carry on the specific tax for the sinking fund, and all taxes necessary to carry on the specific tax for the sinking on the specific tax for the sinking der the lead of mon like Chase, Charles Francis matter dues surprise those who are looking on with the most intense desire to see this Road.

State government, area a Randontian and and expecting and from the old system. Even a surprise those who are looking on with the most intense desire to see this Road.

commercial point of view, are sleeping the sleep commercial death and destruction while so much depends upon their action in this matter. end to, it being an action for the specific recove-This is a project in which every tax paver of ry of chattels; if he brought troov he could on We learn from a well informed source, and Salisbury and old Rowan are interested, and

Written for the Old North State. VI.-THE CODE OF CIVIL PROCEDURE. THE SYSTEMS OF PLEADING COMPARED.

[CONCLUDED.] determination of a court of special parisdiction, of the mortgaged property.

it was necessary to state the facts, which showed. The old practice in such cases was, that in 000 to so return the property. The Read is to the court had jurisdiction to render the case of deficiency, the Court of Equity would be inspected annually in the first week in Nov- in ignent, thus mad, the subject of another ne- net enforce payment of the residue, but for that

the public sentiment by mingling with their con- And in any event, even if, in addition comply with their coverants to pay rear, or keep plants such determination was "duly given or & B. Eq., 631.1 saturents. It is to be hoped that they will be to the admitted fraud and corruption, the up the property, then the lease to determine at mixed will med the approval of the profession. These provisions are, it should be observed, disposed to repair, as far as possible, the mis-tic state of the superstant souther part of

Again, under the old system of pleading the tion and not require different places of trial. performance of conditions precedent in a conract, it was necessary to state facts, showing the between the allegation and proof shall be deemalleged performance, but by sec. 122 of the Code, ed material unless it shall have actually misled it is only necessary to state in pleading that the the adverse party to his prejudice. Is not this party duly performed all the conditions on his an admirable feature of the new system?

provement. It is provided that if such allega- out on the evidence that it was a scaled note, the by sec. 123, private statutes are only required to late of amendments, the Judges have been liberbe referred to by their title and day of ratifica- al in allowing amendments; but even under the tion, and not be set out with particularity.

By section 124 an important, and as I con- continuance. Some of our new Judges have pergive, an excellent improvement is enacted with mitted the action to be entirely changed as from reference to the pleadings in actions for defama-tion by allowing the pleader to omit from his and without a continuance, and in one case after was \$316,635,81, or \$70,638,81 more than the complaint the statement of the extrinsic facts the jury were empanuelled, but they probably showing the application to the plaintiff, where never had enough practice at the bar to know tinel further thinks that if competition had been formerly required, and simply requiring him to invited, the Wilmington and Weldon Railroad state that the defamatory language was publish-Company would have given \$100,000 more per tiff being still compelled to prove his allegation political party by which they were elected, had annum for the Road than the other parties have in that behalf, if controverted by the answer. in many instances, to exercise Hobson's choice.

the highest concerns of life. A sheriff being in-In 1840 the West had 30 members of be hanged, is justified for taking human life; have retreated to the wall, and though set upon

Another Bishop.—The House of Bishops of the Protestant Episcopal Church
assembled in New York last Thursday, in flagrant cases, which I doubt not the Bar, will delay therein. In such a case, under the old rejoice, at as much as the community at large.

Section 126 inaugurates a radical change with that sent the plaintiff out of court with a bill of

you cannot separate its particles, and say, this much belongs to one generation and this to an object. The life of society is one and in successful to the period to have despited being a Judge of the Supreme complaint an injury occasioned to him by a back-handed lick, with one straight from the with ample power to extend the time for plead-

shoulder, and may join both with an injury to to his land by backing water on it and flooding it from above. Whereas, under the "dear old common law," as one of my correspondents terms it, for the back-handed lick, he must have brought trespass on the case, and for the blow straight from the shoulder trespass of st armis: which two actions could not be joined, and for backing the water another and separate action of trespass on the case, and for flooding it.

To illustrate the importance of the foregoin amendments, suppose some obstreperous individnal not fancying the carryings-on of some of our certain Judge who is no more fit to be a Judge than my hound-pup." The Judge would sue, and than my hound-pup." The Judge would sue, and under the old system he would be compelled in appropriating the remarks to himself, to state or at least shadow forth circumstances which might be as calculated perhaps to damage him as the slander itself and it might be difficult a readened of the court, either party may, by supplemental pleading set up the judgmay, by supplemental pleading set up the judgmay, by supplemental pleading set up the judgmay, by supplemental pleading set up the judgmay for the same section that with leave of the court, either party himself is one of the pleantest and healthiest places on the American Continent, and is destined to be one of the most important to the same section. to prove to which one the remark was aimed. Whereas, under the new, he would simply allege that the words were spoken of him, and swear his complaint. If the defendant, on account of pais darreis continuance (since the last continthe difficulty of establishing how poor a Judge his hound-pup would make, or otherwise, should conclude that he could not safely justify, under ting the litigation. The new feature cannot thee ommon-law system, he "was at the end of his row" and would have to pay such damages as the Judge's judicial character was worth, and unless he should be so fortunate as to secure an intelli-

gent jury, he might be made "to smart for his impudence." Whereas, under the new system, it be a "new way," must after due consideration that the conduct of the Judge had been so characterized, by weakness or partiality, &c., &c., that he did not deserve much damages, and thus have availed her nothing. It was not until after what would have been thought of him who would be put the plaintiff out of Court with that "dear old striking at and down the fungus technicalities below availed her nothing. It was not until after what would have been thought of him who would agreed to submit the proposition to her neonless of the old and with its liberal powers of amendand six-pence for costs,

and the mesne profits were recovered in a sep-arate action brought either in the name of John that by keeping up special pleadings it makes rents and profits were frequently lost to the

ightful owner of the land. tions for the recovery of personal property. This is a great improvement on the old system. died pending the suit, his suit could be put an ly recover the damages and never the horse, that seing an action in which it is alleged as the gist of it, that the defendant converted the horse of the bond; whereas, the new system combines n one remedy all the advantages of detinue and eplevin-of definue in securing the return of the specific chattel, if in being, and of replevin by recovering damages commensurate with its value, if destroyed or eloigned.

Sec. 126, likewise provides for a judgment in foreclosure suits, for such balance of the mort-gage debt as shall not be realized by a sale of the

foreclosure suits; affect all the parties to the ac-By sec, 128, it is provided that no variance

Under the common law system if a party de I suppose all will agree that this is an im- clared upon a note not under seal, and it turned old practice, the amendment always worked a

The common law contained an analogy in the highest concerns of life. A sheriff heing insec. 181, it is provided that upon a decision adnically the relief was supposed to be dependent discretion must be based upon the idea that the demurrer was interposed in good faith. This is

tion and cause him to begin de noco, as to that.

Soc. 132 invests the Clerks and Judges with arise out of the same transaction.

Case of an amendment, which changes substantiBy sub-div. 3.—Injuries with or without force ally the claimfor defence—a power more ample to the person or property, or either, may be and far-reaching than all our old statutes of

of trespass on the case, and for flooding it from above trespass riel armis. (Kelly ys. Lett, 13 Ired.) Now here are four separate actions, no two of which could be joined by the rules of the "dear old compion law," but now all may be the pleading shall be amended accordingly. So the "dear old common law," but now all may be joined. A sad blow to the attorneys but "a good thing" for the prople.

Again, if A said of B that on a certain trial he committed perjury in his testimony as a witness, and also wrote or printed of him that he was a dirty rogue—under the old system B. century go-ahead men may make still more important of the property of the poles of the property of the poles of the property of the poles. mortal and ubiquitous, if possible, the no less re-

Section 135 effectually abolishes the old fashioned special demurrer and after verdict oper-ates as a statute of jeofail.

Section 136 provides for the allowance on motion of supplemental pleading setting forth ma-terial facts, come to the knowledge of the party after his first pleading was filed. This is analogous to and is apprehended to be governed by, the same principles as the supplemental hill of

diction, rendered after the suit commenced, determining the matter in controversy or any part of North Carolina. thereof. This is a new feature as our old pleas work any injury and may operate to prevent

injustice,

who are seeking after the "best way" even though ment, tends to the advancement of substantial At common law, the action of ejectment was justice between the parties—that it amounts to the established action to try title to real property and the practice with rare exceptions, was to assess the damages of the plaintiff to six-pence points involved and thus saving labored consul-

Due or his lessor. Whereas, by sub-div. 5, us better lawyers and by codifying the practice claims to recover real property may be united places the younger members of the profession tions, whereby a considerable portion of the to want to do the "fair thing," as it reduces their labors on the bench to, pretty much, the decisions of questions of evidence and general By sub-div, 6, the same rule is applied to ac- jurisprudence which they cannot escape from if the would, and must guess out as best they may. I shall devote my next to arrest and bail, &c.

> MARRIED: In this county on the 23d ult., by Rev. S . Phar. Mr. G. W. Houck, and Mise Laura

Heaven bless thy gentle bride, Bless the husband at her side-May your paths through life be free From all that's evil to her or thee.

SALISBURY MARKETS quantity of Hoge, Cattle and stock. I will also OCT. 22, 1869.

BEFORTED BY J. A. M	CCONNAUGHEY, GROCER.
Bacon, perpound	1, 20to 92
Coffee, per pound	
Corn, per bush, of 56 lbs.	
" Ment, bush. 46 "	1 40 to 1 45
Copperas, per pound	16 to 00
Candies, Tallow, "	20 to 20
" Adamantine.	25 to 00
Cotton, per poun	
" Yarn, per bunch,	2 00 to 2.25
Eggs. per dozen.	12 to 15
Feathers, per pound	454 to 452
F.our. per sack.	3.75 to 4.25
Fish, Mackeral, 7. 1.	\$21.00
	90 to 22
3.	to
Fruit, dried, apples peale	
unp't	
" Peaches, pealed	
	d 9 to 10
Leather, upper, per poun	
sole,	33 to 35
Iron, bar, "	6 to 8
" castings, "	8 to 10
Nails, ent.	6 to 7
Molasses, sorghum, per g	
" West India, "	60 to 70
sycup.	1.00 to 1.90
Onions, per bushel,	En to 60
Pork. per pound.	10 to 12
Potatoes, frish, per bushe	
CAM CICE	1.00 to 00
Sugar, Brown, per pound	
	18 to 20
r. ruspen r. niverize	
Salt. coast. per sack	
" Table,	2.90 to 3.00
Tobacco, Leaf. per pound	8 to 10
" Manufactured.	1, 8 to 10
" Smoking.	
Smoking.	40 to 1.00

NEW ADVERTISEMENTS.

THE ONLY MEDICINE THAT

Cures All Pain

O H a DA S QÓ

Oures All Pain MEDICINE THAT THE ONLY

SECRETARY'S OFFICE. NORTH CAROLINA RAILROAD COMPANY, Company Shops, October 15, 1869
At a meeting of the Board of Directors of the
North Caroliny Rail Road Company at this office on to-day, it was ordered that there be a called meeting of the Stockholders of said Company held in the City of Raleidh on Thursday
the 11th day of November next. Stockholders rior Court of Davie Courty, ar office by Mocks who cannot attend id person will pleased be represented by proxy, F. A. STAGG, ville, the 11th day of September, A. D., 1860, resented by proxy, F. A. STAGG, resented by proxy,

SPECIAL NOTICE

A Clergyman while residing in South Amer. lea as a missionary discovered a safe and simple remedy for the Cure of Nervous Weakness. Early Decay, Disease of the Urinary and Sentinal Organs, and the whole train of disorders brought on by baneful and victors habits, Great numbers have been cured by this noble come la Prompted by a desire to benefit the afflic of and unfortunate. I will send the recipe for posaring and using this medicine, in a scaled envelope, to any who needs it, Free of Change, Address. JOSEPH T. INMAN

Station D., Bilde House,

THE ASHEVILLE NEWS FOR SAME Being desirous of changing my business, offer the Asheville News and Farmer for

The "News" is doing a fair business, and in the hands of two Practical Printers, or one good Printer and a competent Editor would yield a good living, with the prospect of being very profitable as soon as our Rail-

tant towns in the Western part of the State

A cash capital of \$500 will be required. and very accommodating terms can be seemuance) were only applicable to new facts which and very accommodating terms can be entirely applicable to new facts which and very accommodating terms can be entirely applicable to new facts which are the balance of the purchase money. Address Oct. 11, 1860. Asheville, N. C.

Valuable Law Library for Sale.

I have now concluded my remarks on the old THE UNDERSIGNED AS TRUSTEE. November, 1567, a large and well relevied Li-

brary of Law Books, consisting in part of Eng. Com. Law Reports, 65 vols. Burrow's Reports, Dunn & East,, Report Bacon's Abridgement, Hale's Physical Report Pleas of the Crown, Hawkin's .- do Arch. Crim. Pleal. Shepperd's Touchstone Tidd's Practice, Russell on Crimes, Starkie & Phill on Ex Sauralers on Plend, A. Ev. Story . Eng. Juris. Coke's, Smith's Lend, Cases, Stepen's Nisi Prins, N. C. Reports to 7 Ire, &c., &c.

There are about 250 volumes in the lot, all tanderd works and in good condition.

Terms either cash or six months' credit, with ood security, at the option of purchaser, oct22-it W. J. MONTGOMLRY.

PUBLICSALE. WILL sell at public auction on the premise;

November 10th, at the Point Plantation in Davie county, known as Mrs. Walker's farm, the following property, viz: Between twelve and fifteen hundred bushels. Corn. 520 bushels Wheat, 2500 lbs. Leaf Tobacco, Oats, Fodder, a ell all the farming Implements.-Termy made known on day of sale. JOHN M. HORSON,

Pure Ground Spice.

Pepper, Ginger, Mustard, Cloves,

I HESE Spices are all in bulk, just from the Spice Grinders' hands; and are therefore ver-rented perfectly pure, and although at least 25 per cent stronger than those kept in packages, they are nevertheless sold at a lower price. A sin-

ply just received At E. SILLS, Drug Store, Salisbury, Oct. 22, 1889. 42-2t

Yeast Powders. For Buckwheat Cakes, Butter Cakes,

or anything that is desired to be quickly or nicely prepared.

W ITH these Yeast Powders there is neither disappointment nor delay-for in five minutes, at most, any thing may be put in readiness for cooking.

Plain directions accompany then.

Prepared and sold, only At E. SILL'S Drug Store, Salisbury Oct. 22, 1869.

THE ADVANCE.

A WEEKLY FAMILY JOURNAL, Devoted to the Farm, the Garden, the Workshop, Domestic Economy and General Progress in North Carolina.

THE UNDERSIGNED PROPOSES TO publish, in the city of Raleigh, as soon as a sufficient number of subscribers can be obtamed a Weekly Family Journal, adapted to the wants of the people of North Carolina, who are engaged in the continuous of the acid in all its branches, the improvement of our manufactures, our machinery, our mechanical skill, and all the material interests of the State. In the conduct of the paper he expects to secure the aid of scientific and practical men to instruct and interest his readers. His object will be to make it eminerally practical and

useful to all classes.

It will be printed in good style, or good paper of large size, at \$2 per year in advance.-The first number will appear about the 1st of November, or as soon thereafter as the patrouage will justily. Subscribers will be expected to pay as soon as they receive the first

The undersigned solicits the and of his many riends in the State to obtain subscribers and torward the lists at an early day. WM. E. PELL Raleigh, Oct. 6, 1860. 41-11

DAVIR COUNTY. SUPERIOUS COUNTY. Fall Term, 1863.

DAVIR COUNTY. | Fall Term, 1865.

Petition for Sale of Lands.:

John S. Maxwell, Administrator of John Maxwell, decid,

Thomas 7. Maxwell, Thomas M. Brock. Jaz. V. Brock, Sarah E. Naylor, wife of Benjamin T. Naylor and Camilla A. Brock, El ward Brock and John E. Brock, minor chil

dren of John W. Brook, deceased. In this case it appearing to the satisfaction of the court that James V. Brock and Satal. Naylor, wife of Benjamin S. Naylor, sidendants in this case are non-residents of this States Therefore, it is ordered by the court that pullication be made for six weeks in "The Old North State" newspaper, notify of githe said defendants to appear before the Judge of our next Superior Court to be held for the county of Davie at the Court House in Mocket de, on the first Monday in April, 1870, then and the ar to answer the putition of the plaintiff, filed in this court, or judgment will be taken an parte

41 -6w(fir fee \$10.)