The Old North State

SALISBURY, FRIDAY, JUNE 16, 1871.

GOV. GRAHAM ON THE CONSTITUTIONALITY OF THE CONVENTION LAW.

Some of our contemporaries, who differ with us in relation to the constitutionality of the present convention law, have asked us to read the argument of Gov. Graham on the same subject, made in Senate during the session of 1854-55. They could have done so with much more propriety had they been able to show that it was regarded as conclusive at the time. If it was the great and convincing argument that some contend it was, why did it not convince the Governor's own party friends in the Legislature? No leader of a party ever wielded a greater influence in this State than Gov. Graham at that time did with the Whigs of North Carolina. Yet in spite of all this he was unable to carry with him, in favor of his proposed convention, such distinguished Whig lawyers and statesmen as Wm. B. Sheppard, F. H. Winston, Jas. S. Amis, Thos. S. Ashe, Anderson Mitchell, ARCHIBALD H. CALDWELL, of Salisbury, James H. Headen, Richard H. Smith, and a number of others from all parts of the State.—All of these gentlemen believed the bill to be unconstitutional and several of them freely denounced it as revolutionary, notwithstanding the argument of their chief, Gov. Graham. It was not at all conclusive to them, any more than it is to our mind; we have read it and are not surprised that it failed to convince many of those to whom it was addressed. It was completely and fully answered at the time by Messrs. Winston, Fisher, Biggs and others, as well as by the articles of our correspondent CIVIS in January last.

JUDGE BOYDEN.

Some of the papers of the State continue to represent Judge Boyden as favoring the present Convention. This is a great mistake. Mr. Boyden was as strongly in favor of a Convention as any man in the State, if called in a *Constitutional manner*, and so proclaimed himself both privately and publicly. But his views of the present bill are *precisely* those of the late Chief Justice Ruffin, as expressed in the letter which we published last week, and which will be found in our columns again this week, from that great jurist.

Why did not the Wilmington *Journal* publish the card of Mr. Conigland, addressed to the editor of this paper? If it had done so its readers would have seen that Mr. Congland sustained the statement made by us, that during the pendency of the Convention bill before the Legislature he expressed the opinion to several gentlemen that it was unconstitutional. He also sustained Chief Justice Ruffin's opinion to the same effect in 1866, in a reply to this paper, published in the *Journal*. He now goes for the proposed Convention, as he has a perfect right to do, and we shall not quarrel with him for it. We most cordially endorse all that the Journal says of him as an upright and patriotic gentleman. We have never been of that class, who questioned the motives of all who differed with them, and we hope we never shall be.

AS WE EXPECTED we find the *Old North State* denounced as a "*radical organ*" for standing by the constitution and advocating the conservative principles of good government. But it will not be deterred in its course by any such charges. Conscious of the rectitude of our intentions we shall pursue the even tenor of our way, turning neither to the right nor the left from the plain path of duty. In no election that has ever been held in North Carolina has there been a higher or more important principle involved than in the one now pending. It rises high above all considerations of a mere partisan character—it calls for the highest exercise of patriotism and independence. These qualities are not generally found among politicians, but we believe they still have an existence among the honest people of the country, and that this fact will be shown by the result of the vote in August next. This cry of "*radicalism*" is but the old cry of "stop thief" that will never cease to be heard while human nature remains what it now is. The people will remember that if opposition to the present convention scheme is radical in then Chief Justice Ruffin Gov. Bragg, Gov. Reid, P. H. Winston, Anderson Mitchell, Charles F. Fisher, A. H. Caldwell, Thomas S. Ashe, Wm. B. Sheppard, R. H. Smith, and numerous others, were radicals in 1854 or since. They will be deceived by no such cry. The editor of this paper, at least, will pass it by as the idle wind and regard it not. He has stood erect in the midst of greater storms than the present, and he will not quail now, who ever others may do.

THE SENTINEL AND THE SEA TURTLE.

A man on the cars was recently bitten by a sea turtle. The Raleigh *Sentinel*, whose capacity is such that it delights to deal in questions of the greatest possible magnitude, asks a number of contemporaries who is responsible for the damage—the man who was shipping it, the man to whom it was consigned, the Railroad Company or the turtle. It then says it would like "to hear from Bro. Hanes on the Constitutional question."

As it is a part of our nature always to be accommodating we have taken the pains to look somewhat into the matter for the *Sentinel's* gratification. We can find nothing in the Constitution of the State, or of the United States, or in the recent amendments thereto, now accepted by the *Sentinel* as law, *authorizing* or *empowering* the turtle to bite any one—there is no such delegation of power to this turtleship in either instrument. On the other hand we can find nothing in either instrument, or in the amendments thereto, "FORBIDDING" the exercise of such power by the turtle. This, according to the rule of construction adopted by the *Sentinel* and its followers, would be *conclusive* of the turtle's right to bite the man, and no one would be responsible for the damage.

But the *Sentinel* well knew that we did not accept of its rule of construction, or it would not have called on us for our opinion. We can see nothing in the constitution allowing any such powers to the turtle. We do, however, find that certain individual and personal rights are held to be *inalienable*, and that among these are "life, liberty, and the pursuit of happiness." From this we conclude that the turtle had a right to bite the man in self defence. The whole question, then, turns upon this point: Did the man make any such hostile demonstrations against the turtle as might reasonably have raised in the mind of his turtleship serious apprehensions that his life was endangered? If so we think the turtle had a constitutional right to bite the man, otherwise not. But this latter point, turning wholly upon a question of *fact*, is not within the province assigned us by the *Sentinel*. It is a question for the jury, which jury the *Sentinel* men are. When the jury renders its verdict upon the *facts* the *Sentinel* will be able to announce our decision upon the constitutional question to its readers, and it is hereby authorized to do so.

HON. D. M. BARRINGER has written a letter in favor of the pending convention. We will publish it, with comments, before the election, as well as the opinion of Mr. Moore. We are not afraid to let our readers see both sides. Will any of those editors who advocate the convention publish any of the arguments on the other side? Will any of those papers that extolled Judge Ruffin's letter to the skies, as setting forth the only true constitutional doctrines in 1866, republish it now? Will they even remind their readers of the existence of such letter and the purport of it? None of them have done so yet; whether any of them will do so or not remains to be seen. They will find a correct copy of so much of it as contains the argument in this issue of our paper.

HON. W. N. H. SMITH.—Some time since the *Sentinel* called upon this eminent lawyer and statesman to publish a card in favor of the proposed convention, but the card has not yet made its appearance. And we venture to predict that will not appear during the campaign, or afterwards. Mr. Smith is a strong and decided convention man, but is too upright and conscientious to advocate a measure that he believes to be unconstitutional. He believes the convention law to be unconstitutional; hence his failure to respond to the *Sentinel's* call.

THE YADKIN RAILROAD.

We invite attention to the proceedings of a meeting of the citizens of the counties of Rowan, Anson and Stanly on the 30th *ultimo* for the purpose of organizing the Board of Commissioners under the Act to incorporate the Yadkin Railroad Company. No more important enterprise to the citizens of this town and county has ever engaged their attention. Upon the building of this road depends the future destiny of Salisbury. Without it she will, in all probability, remain for years to come what she now is—a mere provincial town without any perceptible progress or improvement. With it she will at once start upon a new career of prosperity, and soon become one of the most important inland towns in the State. Build this road and Salisbury will at once become the competing point for freights on the N. C. Road and the one proposed to be built, the advantages of which will be very great to the business of this place. At some future time we will resume the subject.

THIS plan, which is more against the power of a majority than the plan which I now propose, was rejected by a vote of 107 to 17, on the ground that *it placed the Constitution too much in the power of mere majorities*. Let any man read the debates, pages 346 to 350, (Convention 1835) and he will see that I am right in every word I say. *The report of the Committee and the two reports adopted were the only plans considered by the Convention.* Instead of the plan of the Committee our present legislative mode, on motion of Mr. Meares, was adopted. The Convention then supposed no further action was to be taken on the subject. Had nothing more been done, every man must admit, as I have said before, that the present proposed plan would be wrong. Two days afterwards, however Mr. Meares introduced, *as an additional safeguard against the efforts of a bare majority to uproot the fundamental principles of government*, a proposition requiring a two-thirds vote to call a convention. Read the proceedings of the convention, and you will find that if there was any sentiment settled in the minds of the members it was that the constitution, which they were then settling, should not be altered by a mere majority. So much for this new doctrine; a doctrine, which goes a bow-shot beyond anything that we have ever heard of before; a doctrine which drags down the constitution from its sacred position, and gives it no more authority or dignity than a mere act of the Legislature; *a doctrine which*, in effect, *abolishes the constitution our fathers left us*; a doctrine which will, in my opinion, meet the *decided condemnation of the people of North Carolina.*" *P. H. Winston, of Bertie, on Mr. Graham's Convention Bill, in the House of Commons, Session of 1854-55.*

For the Old North State.

THE PRESENT SUPREME COURT—A COMPLIMENT TO CHIEF JUSTICE PEARSON, FROM A LEADING DEMOCRAT.

In the earliest days of our Judicial history, it was wholly unheard of for the private, or official course of our Judges to be assailed by a partisan press. It has been reserved for modern times, for a licentious press not only to attack the correctness of the Judicial opinions of our Judges, but likewise to assail the private character of the members of the Court. This clearly indicates the depravity of the times, and shows that some of the leading editors of the State, have heretofore obtained hold upon the confidence of the people solely by personal abuse. Grave, and dignified arguments are out of fashion with such men. No effort is made to convince the Judgment, but in lieu therefor, scurrilous articles of a grossly personal character are substituted.

It has become the order of the day with a large portion of the Press of the State to denounce our Supreme Court. These partizan editors cannot, nor do they pretend to attack the decisions of the Court, for it is well known that they command the respect, and confidence of the legal profession as much as was ever the case in olden times.

During the present Term of the United States Circuit Court, the decision of the Supreme Court of North Carolina in the case of Worthy vs. Barrett, was the subject of criticism, when George V. Strong, Esq., (than whom a more gifted man does not live in our State) who was the Confederate States District attorney during the war, and a life long Democrat, in commenting upon said decision said he considered the question as to whether a Constable was an executive officer was settled by the case of Worthy vs. Barrett 63 N. C. Reports. The question had been fully argued by eminent counsel, and the opinion of the Court as delivered by Mr. Justice Reade was well considered. *It was enough to say, to give the case the fullest weight of authority, that Richmond M. Pearson was its Chief Justice whom the younger members of the profession had for many years past felt in North Carolina that "upon his ermine, a reputation dwelled"—and of whom it may be truly said in the language of Cicero, "Quem non in subsidio nostri, sed etiam in solio, auctoritas residet," not in whose opinion only, but in whose very word resides authority.*

The opinion of Mr. Strong is the general sentiment of the Bar of the State. Party rancour may attempt to obscure the reputation of Chief Justice Pearson, but in the future as in the past, he will be justly regarded as amongst the greatest Oracles of the Law, which our country has ever produced.

We believe the time has already arrived, when with but a few exceptions, the present Supreme Court will have the same hold upon the confidence of our people, as was the case in the early history of our State. Justice should be always awarded to those deserving it. The sober second thought has taken possession of our people, and we are satisfied that the fury of partizan rancor has been spent.

JUSTICE.

CHIEF JUSTICE RUFFIN ON THE MODE OF CALLING A CONVENTION.

Under date of July the 2nd 1866, the late Chief Justice Ruffin wrote a long letter to a member of that body, discussing the powers of the convention of 1865. We present below all of that part of his letter in relation to the manner in which a convention of the people must be called under the constitution of this State. It is clear, unequivocal and to the point. The eminent Chief Justice had no doubt whatever about the revolutionary character of a convention called after the manner in which the present is attempted to be called. This will be almost universally admitted to be the very highest authority that can be cited on either side in the pending contest, and will, we believe, have more weight than any other.

We have italicised certain portions of the letter bearing more closely on the question now under discussion:

"You will perceive, that I have hitherto discussed this subject, as depending on the original and natural rights of our people, unaffected by any provision of our pre-existing constitution; and, even on that basis, I deny the authority of your Convention to make or propose a new or modified form of government for us. But the clause in our constitution, touching its amendment, or the call for a convention for that purpose, is so clear and so precise against any such convention as we have had, as to put the point beyond doubt or argument, as it seems to me. Two modes of amending the constitution are provided: One through the agency of the General Assembly, proposing an amendment for ratification by a vote of the people, which need not be considered here; the other, by a Convention called in a manner prescribed in the Constitution, which is the matter now for consideration. *It is obvious that, in prescribing these two, all other modes are excluded by irresistable inference.* In respect to a convention, the words are, "No convention of the people shall be called by the General Assembly unless by the concurrence of two-thirds of all the members of each House of the General Assembly." In other case, the regularly constituted authority of the organized government is required to initiate an alteration of the government, which was no doubt, upon the sound principle laid down in the Rhode Island case, in order to avoid popular commotions, revolutions, and uncertainty as to what is the constitution. If, then, the two modes designated are the *only ones* by which the constitution can be altered, it is clear that this last—so called—convention was not a *Constitutional Convention*, and therefore its acts are *void*.

Yielding to, that Mr. Johnson's and Mr. Holden's convention might, by popular acquiescence, adopt for us the measures demanded by them, yet it had no existence as a convention of the people of North Carolina under the constitution, and could not, therefore, alter that instrument in any of its points which affect our internal organization as a distinct republican State; for example, the basis of representation, the qualifications of the representatives, and of voters; the number and jurisdiction of Courts; the appointment of the judges thereof; the tenure of their offices, and that of the executive, or the like. *No disquisition can render these points clearer than the short and simple paragraph of the constitution itself.* The conclusion can only be evaded by establishing as a truth, *that the clause of the Constitution was no longer in force*, and that position cannot be true, unless it be also admitted, that no other part of it was in force, or, in other words, that by virtue of the war and its results, we were a people without Constitution or law of any sort. It necessarily comes to that, and that never ought to be, and never can be, yielded. Perhaps it would be sufficient for our present purposes, to say, that, even your convention does not assert such a doctrine, but plainly proceeds upon a contrary one, by professing to "amend" our old constitution, as still subsisting, and not to make one *aborigine*, and by designating the old laws still in force as contra, distinguished from those passed by Legislatures sitting under the auspices of secession. Indeed, it is impossible under any aspect of any law, as understood among civilized nations and in modern times, that a whole people can be treated or considered as being without any law or ministers of the law, even by conquerors. The security, and the obligation of contracts still subsist. Can it, for instance, be supposed for a moment, that upon the death of a proprietor, there is no rule of succession to his real and personal estates, and that the first occupant may appropriate them, or that no body can? On the contrary, I say, that the laws of North Carolina were still her laws, including her fundamental law, and if so, *it is then to be deduced that there could be no Convention to abrogate or to alter that law, unless called and chosen in the manner prescribed in it*, and that, as a corollary, your convention had no power in the premises, and its *pretended powers and acts* ought not to be confirmed by the people, if the people could confirm them, but ought to be opposed and rejected. It would seem that that body was aware of the defect of its powers, from the submission of those acts to the people thus seeking the requisite confirmation. But, in truth, such confirmation cannot be derived from that source; for *the same provision in the Constitution which makes the convention a nullity*, equally excludes the efficiency of a popular majority to annul one constitution and make another. As the act of a people living under a constitutional Government, even the vote of the majority is *propria vigore* ineffectual, without the assent of the subsisting Constitutional Government and its directions for taking the vote and ascertaining the majority. Without such previous authority and regulations the majority, if loyally able, may overthrow the existing Government, but it can only do so by revolution and put in possessing a legitimate delegated office and power. I need not, however, dilate further on this topic as the grounds and authorities on which the doctrine depends are, according to my recollections, set forth in the argument and opinion given by the Supreme court in *Dorr's case*. Then, if the people of a State must, by their own direct vote, abrogate or make a constitution, without the previous sanction of authority in power under the existing Government, as in *Dorr's* case, much less can they do it, *when the Constitution then subsisting especially provides two other modes for effecting these purposes and excludes all besides, which is our case.*

We arrive then, at these results: that the convention was not constitutional; it had no powers and could not make a constitution; that for the same reason the people have no powers, and that as neither the convention nor the people had any power in the premises, by consequence, both together are equally destitute of the requisite power.—*The convention was an unauthorized body, and therefore no more than a voluntary collection of so many men—a caucus* recommending to the people to adopt by their vote a certain instrument as our constitution, a thing which the people, under our constitution, are not competent to do on that recommendation, and therefore, the conjoint resolution and votes of the two bodies have no more effect than that of either by itself. I conclude it is no constitution, and cannot be made one by what has been done, or can be done now.

What, then, does it behoove the people to do? They ought, it seems to me, promptly and decisively to reject the whole project.—If it be suggested, that in our experience, all conventions, since those of '76, which formed our original constitution, have regularly made them worse and worse, and therefore, we had better take this than run further risks, and especially that, at least, those who approve of the alterations shall give their suffrage for adoption. I reply no! *The great principle of political and civil liberty, that a people may, and ought to make a Constitution and Government for themselves; that in so doing they ought to be careful to proceed in the regular and peaceful method which is prescribed, instead of an unauthorized, irregular and usurped mode from which uncertainty as to the validity of their doings, and consequent commotions arise, furnish the strongest reasons why every man should give his voice against the instrument now proposed, and wait for the action of the Legislature, the proposing of amendments to the people, or the duly calling of a Convention which would have legitimate power to adopt them.*

Let me here adduce a case which I ought to have added to the efficiency of the popular vote *per se*. I adduce it, because it is level to the apprehensions of every one, and exhibits in a strong light the correctness of the argument against the popular power—a mere majority over the constitution of a nation. The case to which I alluded, is that of the Government of the United States.—The constitution there specifies the modes of amendment; *modes intended to protect minorities against superior numbers.* Now, suppose, upon this assumption, that the people may do as to them listeth, and that the majority of the people are THE PEOPLE, an attempt were made to alter the Federal constitution of the United States.—what sort of a constitution should we have—who could endure it, especially at the South—who would endure it and build it to be a constitution? So it is under the provisions of our State constitution. Then let our people with one voice reject it. That will quiet everything and we may begin anew, in a lawful way to make the constitution what we wish it. But, if approved by the people and proclaimed by the Governor, all the questions upon the validity of the instrument and the powers of the convention arise—questions affecting the right to all the old and the new offices, and the objections of the so called constitution—no bounds can be set to the disquietude incident to them, nor to the embarrassments of the Judiciary.

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Your friend, &c.

For the Old North State.

MR. EDITOR: An attempt to create pleasure and enjoyment at all times deserves of itself honorable mention, and when it is crowned with success the benefactors should receive the grateful acknowledgments of those who are the objects for whom the attempt is made. Let this excuse the request I make of being allowed the use of your excellent columns to give your readers an account as short and concise as may be,—of the closing exercises of East Bend Academy. This is a flourishing school at East Bend in Yadkin county, of high grade and with an average attendance of 50 scholars. It is under the charge and superintendence of the talented and christian gentleman, Rev. Mr. Baldwin assisted by his worthy accomplished lady.

The exercises commenced on the 1st inst., and continued two days, consisting on Thursday, of a fair and impartial, not a sham and pre-arranged, examination upon the course of study pursued by the scholars during the past session; on Thursday night, of dialogues, charades and declamations, in which all succeeded and several displayed much talent. Young Frank Baldwin deserves especial mention for the manner in which he performed the parts assigned him. He exhibited a remarkable histrionic talent which, if properly cultivated and employed would ensure success and an enviable reputation in the dramatic world. The examinations were resumed on Friday morning and were interspersed with declamations &c. Where all sustained themselves and the reputation of the school so creditably, it would, in the language of newspaper reporters, be "invidious to distinguish"; but all willing to concede to Miss E. A. B——— the palm of distinguished merit in which she is entitled by reason of her natural gifts of intellect, an her attainments in the language and sciences as evinced by the examination, &c., to which she was subjected.

At 11 o'clock on Friday morning, Dr. G. W. Sites, editor of the *Union Press* was introduced as the selected orator of the day. Dr. Sites is too well known as holding a place among the first writers of the State to render it necessary to say that his address was was of the nigest order. The profession of his life has been the use of he pen, with which he has contributed to nearly every department of literature. Gems of poetry,—some characterized by deep and touching pathos, some by a wild weird nature akin to, but not in imitation of the rich products of the genius of Poe, are going the rounds of the newspapers, some without an acknowledged author, some ascribed to different poetical writers, but belonging to Dr. Sites whose doctrine is like that of a true Poet's, that "Poetry should be the poet's sole reward." His editorial labors have been directed to the establishment of truth, and the advancement of liberty justice and right; and his political writings are characterized, as his opponents must acknowledge, by a fairness of argument and freedom from invective and personal abuse, which are refreshing in these days of extreme measures and heated advocacy of political doctrines. Excuse the digression from the address to the man. It would be folly to attempt an accurate account of the chaste, elegant and eloquent address. It a one of those things that will not a limit of description. It recedes as one approaches to grasp it and assumes the aspect of the Pythoness at Delphi when she cries, *Procul, procul este profani!*"

The address was principally directed to the young men for whom he marked out a plan of life work which, if followed would ensure success. He exhorted them to make selection of those occupations whereby they could produce works of *utility* rather than those which relied for their fame and acceptance by the world, upon the æsthetic nature of man. But beauty and harmony should not be entirely ignored: men could and should weave into their utilitarian works golden threads of the beautiful that would attract the artistic as well as the practical eye, following in this the design of the frame of the Universe which has in all His works combined harmony and strength, utility and beauty. But if one must be sacrificed to the other, works of utility should be their aim. These would survive, when the hand of time has robbed the products of the fine arts of their symmetry and golden splendor. The great works of ancient times that were constructed with a view of bettering the condition of man, are, many of them still in existence, while the ornamental works of the devotees of art, grand and beautiful though they were, have crumbled beneath the stroke of years, or been demolished by the vandalism of conquering hordes or the cruel and unceasing rage of fanaticism.

The talented orator showed that it was necessary to concentrate all the powers and energies in order to accomplish one's object in life. It is not essential to have what men call *genius* to rise to eminence in any walk of life. "There is no such thing" said he" under God's heaven as *Genius*. It is merely an *escape-word* which men have invented to account for the feats which others perform, and which they themselves are either too indolent or cowardly to attempt." All success lies in earnest, determined *work*, untiring zeal and unabated diligence. Some of the greatest among men who have been considered *Geniuses*, were in their early days regarded as dolts and dullards. When a man strives and toils, fighting against the opposing weakness of his nature and the world; when he overcomes the obstacles that Heaven, and not Fate, throws in his way to try his metal—and mounts to a high place in fame, then those he has left behind in the race, shouts Genius, and the world, as the dazzling light of he halo that surrounds him falls upon it, claps its huge hand to its eyes and prolongs the cry of Genius, never for one instant taking into account the moments and hours of toil—the heart-burnings and soul-strivings that it cost him.

The Doctor paid a glowing tribute to North Carolina, which was full of heart-eloquence and feeling; appealed to the young men not to be allured from the land of their birth and the homes of their fathers by the gilded stories of Western lands and dreams of rapidly accumulated fortunes, but to remain with the old North State and by force of their strong arms and vigorous minds to restore her to her former pride and place among the foremost of her sister States.

Mr. Editor, I have given you nothing more than a very faint idea—the merest outline—of the address which all admired and appreciated. We hope that Dr. Sites will allow the address to be published in which case your reader may have an opportunity of reading it at length and enjoying its many and elegant beauties.

A "sociable" at night closed the exercises with which all who have any capacity for enjoyment expressed themselves highly pleased. It remains to say that a large crowd was in attendance, and the *beauty* of Yadkin, Davie, Stokes and Forsyth graced the occasion.

To Mr. Baldwin we would say, "*Perge quo coepisti!*" and may the influence of the school continue to grow and be felt.

N'IMPORTE QUI.

June 5, 1871.

Gov. Caldwell has ordered a special term of the Superior court of Anson to begin on the 26th inst., for the immediate trial of negro murderers. Judge Buxton will preside.

MARRIED:

At the residence of the bride's father, in this county, on the 8th inst., by J. P. Wisman, Esq., Mr. Wm. R. Lyerly and Miss Laura A., daughter of J. Thomason, Esq.

NEW ADVERTISEMENTS.

DRY GOODS

FOR

SALE!

New Grocery and Produce Store!

The firm of FOSTER, HOLMES & CO., having been dissolved by mutual consent, and a division of the stock having been made between them, the subscriber offers for sale his portion of said stock of Dry Goods to Jobbers or Country Merchants at COST. This offer affords a fine opportunity to Country Merchants to supply themselves on better terms than they will be likely to obtain anywhere else.

The subscriber also informs his friends and customers that he has gone into the wholesale and retail Grocery and Produce business at the Old Grocery Stand of Foster, Holmes & Co., adjoining the Store Room offered for rent, where he will at all times be glad to accommodate them. Highest prices paid for all kinds of country produce.

All accounts due to the late firm of FOSTER, HOLMES & Co. have been placed in the hands of ROBERT MURPHY for collection, who can be found at the Store of Foster & Bro. All indebted are respectfully requested to call and settle at their earliest convenience.

R. J. HOLMES.

Salisbury, N. C., June 15, 1871—4t

NORTH CAROLINA, MONTGOMERY COUNTY. } In the Superior Court.

Calvin W. Woolley, Adm'r. of Isaiah M. Wilson, dec'd Pl'ff. *against* Venable Wilson, Carolina Wilson and Marion Wilson, Def'ts. } Petition to sell land for assets.

(*Order of Publication*)

In this case it appearing that Venable Wilson and Marion Wilson are non-residents of the State of North Carolina:

It is therefore ordered that publication be made in the *Old North State* newspaper, for six weeks successively, requiring said Defendants to appear at the office of the Clerk of the Superior Court for the county of Montgomery at the Court House in Troy on Thursday the 13th of July next and answer the complaint of the plaintiff, or the case will be heard *ex parte* as to them.

Witness, C. C. Wade, Clerk of the Superior Court of said county at office in Troy this 28th day of April, A. D. 1871.

C. C. WADE, C. S. C.
Montgomery County.

Blackmer & McKorkle Attorneys for Plaintiff. [6w-24]

FOR RENT.

THE subscriber offers for rent the Large and Elegant STORE ROOM lately occupied as a Dry Goods Store by FOSTER, HOLMES & Co.—Said Store is a brick building, two stories high, one hundred and ten feet deep with a cellar sixty feet, and is situated on Main Street in the centre of the business part of the town. This is generally admitted to be one of the largest and best Story Rooms in Western North Carolina.

R. J. HOLMES.

June 15, 1871—4t Salisbury, N. C.

SPARKLING

CATAWBA SPRINGS.

Formerly called the Carolina White Sulphur,

Catawba County, N. C.

This highly popular watering place will be open for visitors on WEDNESDAY, JUNE 15th.

The Mineral Waters of these Springs are, the White and Blue Sulphur, Chalybeate, the medicinal properties of which are not excelled, and a healthier and more delightful watering place not to be found.

The Springs will be under the management of J. M. BLACK, an experienced hotel keeper, lately with Mrs. WRENN, and visitors may rely upon good fare and good attention.

Plenty of ice, good band of Music and good Physicians in attendance, &c.

Leave Baltimore or Washington in the morning via Arquia Creek, Richmond and Danville R. R., to Salisbury, where you take the Western and Morganton Road, and reach Hickory Station (the Springs Depot) by half-past nine o'clock the next morning.

Leave Augusta, Ga., at night, and take the Charlotte and Statesville Road at Charlotte you reach the Springs early the next morning.—Charleston in the morning, and be at the Springs the next morning.

A good four horse Omnibus will run in connection with the trains to the Springs over a beautiful road only six miles.

BOARD.

Per month, (or four weeks,)	$40.00
Per week,	15.00
Per day,	2.50

Children and colored servants half price. No charge for infants under 2 years of age.

J. GOLDEN WYATT.

Sparkling Catawba Springs,
June 1st, 1871. 24—tf

NEW

ADVERTISEMENTS

St. Mary's School,

Raleigh, N. C.

RIGHT REV. THOS. ATKINSON, D. D., Visitor.
REV. ALBERT SMEDES, D. D., Rector.
REV. BENNETT SMEDES, A. M., Assistant.

The fifty ninth term of this School will open July 19th, 1871, and continue 21 weeks.

For a circular, containing full particulars, apply to the Rector.

R. J. SAYERS,

DEALER IN REAL ESTATE,

FRANKLIN PA.

Buys and sells improved and unimproved lands anywhere in the United States.

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Large Siz, $1; Medium 50 Cents; Small, 25 Cents.

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MERCHANT'S GARGLING OIL COMPANY,

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KLUTTZ'S CHILL CURE.

The cheapest and most reliable remedy for

Chills, Fever and Ague.

Liver Complaints, Jaundice, Costiveness, Dyspepsia, Sick Headache, Fever Sores, only 50 cts. [illegible] Sold by all druggists. THEO. F. KLUTTZ & Co. Proprietors, Salisbury, N. C.

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$1 50. Corn! Corn! $1 50.

O'HARA'S POCKET GIANT CORN SHELLER. Patented Nov. 23 1869. Awarded First Premium at Mississippi, Louisiana and Texas State Fairs 1870. Shells 6 bush. of corn per hour. Does not scatter. Weighs only 12 oz. Can be used in pulling corn. AGENTS WANTED IN EVERY COUNTY. Can make $5 to $10 per day. Liberal discount to the trade. Sample by Express $1 50. Send for Circular and Price List. JOHN S. HINES, Manufacturer's Agent for North Carolina, Raleigh.

Apple Parer Corer, and Slicer. Price $2. Does all at once. Warranted Satisfactory. D. H. WHITTEMORE Worcester, Mass.

FRAGRANT SAPOLIENE

Cleans Kid Gloves and all kinds of Clothes and Clothing; removes Paint, Grease, Tar, &c., instantly without the least injury to the finest fabric. Sold by Druggists and Fancy Goods Dealers. Fragrant Sapoliene Co., 23 Barclay st., New York, 46 La Salle st., Chicago.

Agents! Read This!

We will pay agents a salary of $30 Dollars per Week and Expenses, or allow the proper commission on sales, which [illegible] address M. WALKER & Co., Marshall, Mich.

$325 A month—Horse and Carriage furnished.—Expense Actual—Sample Free. [illegible]

A MILLION DOLLARS.

Secured to the people of this country by relaying the original Telegraph Instrument. Address [illegible] N. Y.

Pure Apple Vinegar.

FOR SALE,

20 bbls. of APPLE VINEGAR, of my own manufacture, warranted PURE and genuine.—Address WM. G. BARBEE,
May 26—tf High Point, N. C.

Catawba English AND Classical High School, Newton, N. C.

REV. J. C. CLAPP, A. B.
S. M. FINGER, A. M.

The twelfth session will commence on the 17th of July next, and will continue sixteen weeks.

Tuition from $8.00 to $18.00 per session.

Board in families from $8.00 to $10.00 per month.

The Charter prohibits the sale of spirituous liquors within two miles of the Institution, and the discipline strictly prohibits their use.

For catalogues and particulars address

CLAPP & FINGER,
June 16, 1871—6t. Proprietors.

NORTH CAROLINA, DAVIDSON COUNTY, } In the Superior Court.

James V. Symons, adm'r of the estate of Lewis Gumb, Plaintiff, against Richard Roe, other heirs at law of Lewis Gumb, Def'ts. } Petition to sell real estate for assets.

(*Order of Publication.*)

In this case it appearing that Richard Roe and the other heirs at law of Lewis Gumb are non-residents of the State of North Carolina, it is therefore

Ordered, that publication be made in "The Old North State," a newspaper published in Salisbury, for six successive weeks, requiring said parties to appear at the office of the Clerk of the Superior Court for the county of Davidson, at the court-house in Lexington, on Saturday the 29th day of July, 1871, and answer the petition of the plaintiff filed in the said office, or the case will be heard *ex parte* as to them.

Witness, L. E. Johnson, Clerk of said Court, at office in Lexington, this the 24 day of May, 1871. L. E. JOHNSON, C. S. C.

23:6t-pr.fee $8 Davidson county.

N. C. Rail Road Company,

Treasury Department.

COMPANY SHOPS, N. C., May 27th, 1871.

FROM the convenience of the Stockholders of the North Carolina Railroad Company, I will commence paying the second instalment of Seventy (70) Dividend No. II, at this office, on the 10th June. Stockholders can draw on me for the amount due them, either in person or through any Bank or Banking House in Charlotte, Concord, Salisbury, Greensboro', Raleigh or Wilmington. G. M. LEA,
23:3t. Treasurer.

NORTH CAROLINA

RAIL ROAD COMPANY.

SECRETARY'S OFFICE, COMPANY SHOPS, N. C., June 1st, 1871.

The Twenty Second Annual Meeting of the Stockholders of the North Carolina Railroad Company will be held in Greensboro' on the second Thursday, 13th July, 1871.

Stockholders will please be represented, either in person or by proxy.

CHAS. M. CRUMP,
June 2:6w Secretary, *pro tem.*

Threshing Machines.

CARDWELL'S IMPROVED

THRESHER AND CLEANER,

ON WHEELS, WILL THRESH, CLEAN, AND BAG,

Wheat, Rye, Oats, &c., in the best manner, in competition with the best Machines from the North and West. It has always been awarded the preference, both for simplicity and perfect working. Price without Horse Power, $250—Price with Horse Power, both, &c., $400.

We also make a most excellent **Plain Thresher and Horse Power**, which we warrant to do good work and everything complete, from $175 to $240, according to size. Our Machines are fully warranted and will give entire satisfaction. Manufactured by

J. W. CARDWELL & CO.,
1511 Cary Street,
may12—3m* Richmond, Va.

BANKRUPT NOTICES.

NOTICE IS HEREBY GIVEN THAT A petition has been filed in the District Court of the United States, for the Cape Fear District of North Carolina, by Thomas Williams, in said District, duly declared a bankrupt under the act of Congress of March 2, 1867, for a discharge and certificate thereof from all his debts, and that on the 23rd day of June, A. D. 1871, at 10 o'clock, A. M., at the office of R. H. Broadfield, Register in Bankruptcy, at Salisbury, N. C., is assigned for the hearing of the same, when and where all creditors, who have proved their debts, and all other persons interested may attend, and show cause, if any they have, why the prayer of the said petitioner should not be granted.

Dated at Wilmington, N. C., on the 1st day of June, A. D. 1871.

WM. LARKINS, Clerk.

22—3t

NOTICE IS HEREBY GIVEN THAT A petition has been filed in the District Court of the United States, for the Cape Fear District of North Carolina, by Leland Martin, in said District, duly declared a bankrupt under the act of Congress of March 2, 1867, for a discharge and certificate thereof from all his debts, and that on the 23rd day of June, A. D. 1871, at 10 o'clock, A. M., at the office of R. H. Broadfield, Register in Bankruptcy, at Salisbury, N. C., is assigned for the hearing of the same, when and where all creditors, who have proved their debts, and all other persons interested, may attend, and show cause, if any they have, why the prayer of the said petitioner should not be granted.

Dated at Wilmington, N. C., on the 1st day of June, A. D. 1871.

WM. LARKINS, Clerk.

June 1—22:3t.

This is to give Notice: That on the 1st day of March, 1871, a warrant in Bankruptcy was issued against the estate of David Shores of the county of Yadkin and State of North Carolina—who has been adjudged a Bankrupt upon his own petition—that the payment of any debts, and the delivery of any property belonging to said Bankrupt, to him or for his use, and the transfer of any property by him are forbidden by law. That a meeting of the creditors of said Bankrupt, to prove their debts, and choose one or more assignees of his estate, will be held at a court of Bankruptcy, to be holden before R. H. BROADFIELD, Esq., Register in Bankruptcy, at the office of R. H. Broadfield, Esq., Register in Bankruptcy, at 10 o'clock, A. M., on the 19th day of June, 1871.

S. T. CARROW,
U. S. Marshal, by
J. T. CUTHRELL, Deputy
22:3t U. S. Marshal, as Messenger.

Notice is hereby given that a Petition has been filed in the District Court of the United States, for the Cape Fear District of North Carolina, by Crawford W. Williams, in said District, duly declared a bankrupt under the act of Congress of March 2, 1867, for a discharge and certificate thereof from all his debts, and that on the 23d day of June, A. D. 1871, at 10 o'clock, A. M., at the office of R. H. Broadfield, Register in Bankruptcy, at Salisbury, N. C., is assigned for the hearing of the same, when and where all creditors, who have proved their debts, and all other persons interested, may attend, and show cause, if any they have, why the prayer of the said petitioner should not be granted.

Dated at Wilmington, N. C., on the 1st day of June, 1871.

WM. LARKINS, Clerk.

22:3t