

The Democrat.

CHARLOTTE, N. C.

A Dead Law.

From the N. Y. Tribune (republican) One hole is enough to spoil a balloon. The U. S. Supreme Court finds but one hole in the Enforcement act, but that one is quite enough to make the entire act powerless and practically void.

It would certainly be dangerous if the Legislature could set a net large enough to catch all possible offenders, and leave it to the Courts to step inside and say who could be rightfully detained and who should be set at large.

This is one of the most remarkable and important decisions ever rendered by the Supreme Court. It marks the commencement of a new era in the exercise of legislative power.

The Supreme Court of the U. S. on the Enforcement Act.

[From the Baltimore Sun]

On Monday the 27th ult., the U. S. Supreme Court announced its decision, so long delayed, in the Grant Parish and the Kentucky election cases, arising under the Enforcement Act of May 31, 1870.

Both cases came before the Supreme Court upon a certificate of division of opinion between the judges of the Circuit Court for the districts in which the cases arose.

The immediate and practical result in both cases therefore, is the same, viz.: that the Court has decided that no conviction can be had, which, so far, is gratifying and satisfactory, at all events to the travelers and their friends.

In the Louisiana case the judgment of the Court is unanimous—Justice Clifford concurring in the judgment while dissenting from the opinion. The opinion of the Court in each case is delivered by Chief Justice Waite, and characterized, so far as the questions touched upon and the points decided go, by great simplicity, directness and clearness of expression and style.

A WIFE DRIVING HER HUSBAND TO SUICIDE.—Thomas L. D. Bell, son of the late Alderman Bell of Newark, committed suicide on Saturday by taking poison.

of was committed "on account of race, color," &c., of the persons upon whom it was committed; for failing to give notice to the accused of the specific nature of the offense with which they were charged; for general vagueness, uncertainty, and being defective in form and substance.

It is not every wrongful refusal to receive the vote of a qualified elector at a State election that Congress has constitutional power to punish. Its "power to legislate all upon the subject of voting at State elections rests upon the amendment," and "it is only when the wrong is of a racial or previous condition of servitude that Congress can interfere and provide for its punishment."

Such is the scope and effect of these two decisions. They do not relieve the Court from the duty of passing directly upon the constitutionality of the act in its other provisions if cases should come before them in which the indictments are more skillfully drawn.

The Carolina Central Railway.

Messrs. Wright & Stedman, as attorneys for the first mortgage bondholders of the Carolina Central Railway Company, have filed a petition in the Superior Court of this county for foreclosure of the mortgage by which the bonds are secured.

Revolution in the Cotton Trade.

The spinners of New England are beginning to realize the fact that they must in a very short time lose their market for manufactured cotton in the South, and are already taking steps to facilitate the disposal of their goods in England and the Continent.

The manufacturers of New England realize this fact, and hence it is that they are now preparing for the gradual loss of the Southern and Western trade, and stretching out their hands Eastward in the hope of securing a part of the consumers that Great Britain and the Continental nations have hitherto controlled.

The shipments of manufactured cottons in a single week from New York amounted to \$268,000, and from Boston in the same week to \$173,000. Part of this was consigned for sale to London and Liverpool, the balance to Germany, Brazil, Africa, China and Japan.

A FIRE IN STOKES COUNTY.—We regret to learn that the office of the Danbury Reporter, together with the large two-story brick residence of the proprietors, was totally destroyed by fire on last Friday morning.

North Carolina News Items.

The Lutheran Synod meets at St. Enoch's Church, Rowan county, on Tuesday before the 1st Monday in May.

A PROPOSITION.—The President of the Western N. C. Railroad informs us that he can buy track iron in sufficient quantity to lay over the Road from Old Fort to Asheville on twelve month's credit, if the County Commissioners will endorse the notes given as evidences of indebtedness.

The committee to whom Gen. Vance referred the matter have recommended John Wakefield of Caldwell, for the cadetship at West Point. John Cowles is recommended as alternate.

The Commencement of Davenport Female College at Lenoir, N. C., takes place on the 7th and 8th of June. Bishop McTyeire will preach the commencement sermon on Wednesday, 7th, and Robert T. Gray, Esq., of Raleigh, will deliver the address before the Eclectic Literary Society on Thursday, 8th.

RICHARD PRESSLEY, colored, late of Catawba county, was convicted of larceny in the matter of a pair of shoes, sentenced to 60 days hard labor on the W. N. C. Railroad. Julius Dula, colored, was convicted of horse stealing and sentenced to 6 years in the Penitentiary.

SALE OF STATE AND CONFEDERATE MONEY.—Messrs. Cronly & Morris sold at auction a large lot of Confederate currency and Confederate and State bonds. The notes brought 1 cent for every \$1,000, the Confederate bonds 3/4 cents per \$1,000, and the North Carolina bonds 5/4 cents per \$1,000.

The Raleigh News says that the Supreme Court ordered a new trial in the case of the State against Robt. P. Lowry from Warren county. Lowry was indicted for selling liquor without license and the only proof was that he sold blackberry wine.

If we mistake not the voice of the Johnston county yeomanry, their choice for Governor is Gen. W. R. Cox. The General seems to be gaining in popularity everywhere.

Judge Kerr will hold the Spring term of Wayne Superior Court which convenes on Monday April 24th, instead of Judge Seymour who will hold Court in Orange county.

We learn from a letter from Tennessee that the Rev. Cyrus K. Caldwell, formerly pastor of Buffalo and Bethel Churches in this county, died in Denmark, in that State, on the 29th of March.

Mr Caldwell was a native of Mecklenburg county, where he has relatives living. He was a son of Rev. Samuel Craighead Caldwell, who was for many years pastor of Sugar Creek Church near Charlotte.

BAPTIZING.—Perhaps the largest baptizing that ever occurred in or around Raleigh took place on Sunday the 2d inst., at Mordecai's pond. Rev. Wm. Worrell, of the Second Baptist Church, colored, led into the water 150 souls in baptism.

PRISONERS ESCAPED.—One Killed.—Last Friday night three colored convicts employed on the W. N. C. Railroad escaped from a squad that were engaged at the time at Old Fort. Pursuit was given, and one of the number was shot and killed, but the remaining two had not been captured at last accounts.

FIRE IN STOKES COUNTY.—We regret to learn that the office of the Danbury Reporter, together with the large two-story brick residence of the proprietors, was totally destroyed by fire on last Friday morning.

The sugar crop in Cuba exhibits an immense falling off from that of last year. The activity of the insurgents in the central department has had its effect, where the ruined sugar-houses and burnt cane-fields are all that remain to the Spaniards after the eight years' struggle with the insurrection.

EXPLOSION OF POWDER MAGAZINES.—Salt Lake, April 6.—Four Powder Magazines and many tons of powder exploded at the arsenal to-day. Six were killed and others hurt. Boulders were thrown in all directions, one fell a mile away. The damage to broken glass alone is \$50,000.

N. C. Supreme Court Decisions.

January Term, 1876.

Mia za vs. Calloway et al., from Wilkes. In granting an order for a person to sue in forma pauperis it is sufficient compliance with the statute, Bat. Rev. chap. 17, sec. 72, for the presiding Judge to be satisfied, by a certificate of counsel or otherwise, that the plaintiff has an honest cause of action, on which he may reasonably expect to recover.

An affidavit, certified by the Clerk of the Chancery Court of another State, without having the testimonial of the presiding Judge of said Court that the person so professing to be Clerk was such officer, and that he had authority to administer oaths, is not so legally authenticated as to authorize a Judge of this State to act under it.

Mace vs. Ramsey, from Carteret. Where one violates his contract he is liable only for such damages as are caused by the breach, or such as being incidental to the act of omission or commission as a natural consequence thereof may reasonably be presumed to have been in the contemplation of the parties at the time the contract was made.

Therefore, where A. contracted to furnish B. a boat at a specified time, to be used by B. in conveying excursionists to and from different points in Beaufort harbor—an excursion train being expected to arrive at such specified time—in an action against A. for damages on account of the breach of his contract, it was held, that the measure of damages would be what a boat like A's would be worth at such time, if he (A.) knew of the excursion and the use to which B. intended to put the boat.

It is not sufficient to allege that the persons filling the offices were not regularly or rightfully elected; but it must also appear that they are abusing or are about to abuse their possession of official power to the public injury; and that the public will sustain no damage by the suspension for an indefinite time of all city government.

Campbell et al., vs. Wolfenden et al., from Craven. The Judge below erred in granting an injunction, by which persons in possession of the offices of Mayor and Alderman of a city, and actually performing the duties of those offices are restrained from all official acts.

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Grady et al., vs. Commissioners of Lenoir county, from Lenoir. The creation or alteration of townships in the several counties of the State, after the first division by the county commissioners, under art. 7 sec. 8 of the Constitution, is left to the Legislature.

Williams vs. Williams, from Harnet. The intestate of the plaintiff contracted with the agent of the defendant for an insurance on his life. The agent agreed to insure his life for six months in the sum of \$5,000 in consideration of the payment of the sum of \$50. The intestate paid to the agent \$45. No written application for a policy was ever made, and no policy was ever issued. The balance of the \$50 was never paid and no reason was assigned for the failure to pay the same.

Small, Administrator, vs. Small et al., from Perquimans. Where a guardian purchased his ward's land at a sale by the clerk and master, in a petition for partition filed by himself, and received a deed therefor, he holds the legal title to said land, subject to the equity of the wards, of his paying the purchase money as a condition precedent to his becoming the owner of the lands.

Raleigh & Augusta Air-Line R. R. vs. Wicker et al., from Moore. The rule for the assessment of damages to lands, taken for Railroad purposes, as settled in this State is: The jury shall not deduct from, or set off against, the damages special to the land, a part of which is taken, any benefits arising from the Railroad under construction, which are common to the owner and all other persons in the vicinity; but may deduct or set off any benefit peculiar to the land, with regard to the benefit to the land arising from the construction of the road.

The owner is entitled to recover for the expense of any additional fencing of cultivated lands made necessary by reason of the construction of the Road; but as he is not required by law to fence uncultivated or uncultivated land, and the expense of fencing such, should it at any future time be cleared or cultivated, is too remote and uncertain to be estimated, and the same should not be taken in consideration.

Hay and Fodder. One Car Load Hay and Fodder on consignment. April 3, 1876. STITT, WALSH & CO.

Kerosene Oil. We were the first to sell Kerosene Oil at 25 cents. April 3, 1876. B. N. SMITH.

Beeswax Wanted. Highest price paid for nice clean Beeswax, 500 pounds wanted, at April 3, 1876. B. N. SMITH'S.

ALEXANDER HOUSE, Charlotte, N. C., Below Tryon Street Methodist Church. The building has recently been thoroughly refitted and renovated, and the Proprietress, Mrs. Dr. A. W. Alexander, is prepared to accommodate prominent and transient Boarders. A share of public patronage is respectfully solicited.

Paschal, Administrator, vs. Harris and wife et al., from Warren. Where a mortgagor has an equity of redemption, subject to a power of sale, and the land mortgaged is actually sold after

forfeiture, the right of the mortgagor is entirely extinguished: Hence, where A. executed a mortgage to B. to secure the payment of a sum of money borrowed of him by A, the mortgage containing a power of sale upon forfeiture, and the land was sold upon the failure of A to repay the same at the time specified, it was held, that the Administrator of A could not sustain a petition to sell his interest in the mortgaged premises for assets to pay the debts of A upon judgments docketed prior to the execution of the mortgage, because the sale divested the intestate of all interest. That the liens of the judgment creditors, if enforced, must be enforced by some direct proceeding on their part for that purpose.

Calloway and others vs. the Ore Knob Co. et al., from Ashe. In a joint action against several defendants, some of whom are residents of the State in whose Court the action is brought, where such resident defendants are unnecessary or merely formal parties: It is not error upon proper affidavits and bond filed by the non-resident defendants, to remove the cause to the Circuit Court of the United States.

The fact that such resident defendants were made parties to the action upon motion of the non-resident defendants is immaterial and constitutes no waiver of the right of the latter to a removal. State vs. Powell, from Halifax. Where upon an appeal to the Supreme Court from the judgment of the Court below, upon an indictment for murder, no error is assigned, and the Court after a careful examination of the record, is unable to discover any error, the judgment of the Court below must be affirmed.

South Carolina News.

Charleston is luxuriating on strawberries and sweet milk; the former at thirty-five and the latter at ten cents per quart.

Mrs. Dr. Vampill, of Marion, who has been in attendance on lectures at the woman's Medical College, of Philadelphia, has returned. She is the first lady medical student of South Carolina.

The merchants of Sumter have organized a merchants union for self-protection. The association proposes to keep two books, one for white and the other for colored customers, in which will be entered the names of all parties with whom any member of the association may have had unsatisfactory transactions.

The Liability of State Bank Stockholders.—For several years a suit has been pending in the courts of South Carolina brought by one Harvey Terry against the stockholders of the Commercial Bank at Columbia, S. C. The Bank suspended payment at the commencement of the war, and the suit was brought to make the stockholders liable for the bills issued by the Bank.

The defendant in the above stated action is hereby notified that if he fail to answer said complaint within the time above specified, the Plaintiff will demand judgment against him for specific performance of contract between him and plaintiff. OSBORNE & MAXWELL, Attorneys for Plaintiff.

W. F. Cook's Plows. The following letter is published as a deserved tribute to the Plow made in this city: MECKLENBURG CO., April 1, 1876. W. F. COOK:—Sir: I have used your one-horse and two-horse Plows, called "Charlotte" Nos. 1 and 2, which I pronounce the best of all of the improved Plows that I have used or seen in the county.

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HON. R. B. VANCE.—A correspondent writing us from Washington says: "Hon. R. B. Vance, of North Carolina, Chairman of the Committee on Patents, and his colleagues on the committee, have earned the gratitude of every family in the land by reporting adversely upon the application for an extension of the Wilson patent for the 'four motion feed' used by the sewing machine companies of the monopoly combination. This is of importance to every household, and especially to those who are dependent upon the sewing machine for a livelihood. The committee report that the average price of sewing machines has been \$85, while they can be sold at a fair profit for about \$22. The difference, amounting to many millions of dollars, has been absorbed by the owners of the patents, who have been already sufficiently well paid for the benefit conferred upon the community; and it is not intended to grant them any further power for extortion." The Hon. Mr. Vance is an old mountaineer, a man of will, strong in debate, and we can assure the people of the 9th Judicial District that their interests are being carefully watched in every respect.—Shelby Banner.

New Millinery Old well-established House OF MRS. Q. QUERY.

MRS. QUERY is now receiving her Spring and Summer Millinery and Fancy Goods, which will include all the latest styles and novelties of the season. The reputation of my House for elegant and fashionable Millinery is too well known to need comment. My stock the present season will be complete, and will be ready every week during the season with new, fresh and fashionable goods as soon as they appear in New York, from the most reliable Importers and Manufacturers in New York, Philadelphia and Baltimore, and will sell as low for Cash as the same quality of goods are sold by anybody. Ladies will find in my house the

Only Exclusive Stock

Of Ladies, Misses and Children's Goods in the city. A full stock of Ladies, Misses and Children's Hats and Bonnets in all the latest styles in shades, etc. Materials, Flowers, new shades Silks, Laces, etc. Ornaments and Ribbons of all kinds. All kinds of Notions and Fancy Goods for Ladies and Children at as low prices for Cash as they are sold retail anywhere in the United States. Ladies having work done at my Establishment must expect to pay the bill when the work is done, as on no other terms can I do their work. I am Agent for the celebrated DOMESTIC PAPER FASHIONS—a full stock always on hand. Fashions sent post paid to any address. Call or send for Catalogue. April 3, 1876. MRS. P. QUERY.

E. C. R. U.

ALEXANDER, SEIGLE & CO. Announce the largest, cheapest and most attractive stock of goods ever brought to Charlotte by any Retail House.

Our stock of Embroidery is perfectly splendid, also an elegant stock of Ribbons, E.C.R.U. and all other shades. Ask to see "Lady Jane" Ruffing E.C.R.U. shade. Ask to see the Night Gown goods. Ask to see that magnificent stock of Piques, cheaper than ever sold here. Ask to see the Marsala goods. Our stock of Dress Goods, Prints, Cottonades, Cassimeres, Ready-made Clothing, Hats, Domestic, etc., is large and complete.

ALEXANDER, SEIGLE & CO.

April 3, 1876.

WILSON & BLACK.

Wholesale and Retail Druggists, CHARLOTTE, N. C.

We have now in store a full stock of White Lead of all grades, Linseed Oil, Turpentine, Colored Paints, Putty, Varnishes, Dry Stuffs, Tanner's Oil, Machine Oil, Burning Oil, Kerosene and Elaine, which we warrant to be as good as any sold, Laundry Starch, Laundry Soaps, Lamps and Lamp Fixtures, Matches, Garden Seed, Concentrated Lye, &c., &c. Baker's, Moller's and Caswell's Cod Liver Oil, Tarrant's Seltzer, Tilden's Elix. Oil, Bom. Calc. Com., Brom Chloralum, Hepatine, Seidlitz Powders, Ess. Jam. Ginger, Hoffland's German Bitters, Most Superior Hair Restorer, Horse and Cattle Powders, Baking Powders, Pyrafuge, Turt's Hair Dye, Jacob's Cordial, Bull's Cough Syrup, and all leading Patent Medicines, at April 3, 1876. WILSON & BLACK'S.

Breakfast Tea.

We are Agents for English Breakfast Packet Tea Company. Sold only by Druggists at \$1 per pound. W. R. BURWELL & CO., April 3, 1876. Springs Corner

Superior Court—Mecklenburg County.

W. H. Neal, Plaintiff, against Charles A. Neal, Defendant.

The State of North Carolina to the Sheriff of Mecklenburg county—Greeting: You are hereby commanded in the name of the State to summon Charles A. Neal, Defendant in the above action, to appear at the next Term of the Superior Court of the County of Mecklenburg, at the Court House in Charlotte, on the 8th Monday after the 4th Monday in March, then and there to answer the complaint of W. H. Neal, Plaintiff in this suit. And you are further commanded to notify the said Defendant that if he fail to answer the said complaint, within the time specified, the said Plaintiff will demand judgment against him according to complaint filed, and for all costs and charges in this suit incurred.

Witness, J. K. Erwin, Clerk of our said Court, at this office in Charlotte, this 28th day of March, 1876. J. R. ERWIN, Clerk of the Superior Court of Mecklenburg.

NOTICE: The Defendant in the above stated action is hereby notified that if he fail to answer said complaint within the time above specified, the Plaintiff will demand judgment against him for specific performance of contract between him and plaintiff. OSBORNE & MAXWELL, Attorneys for Plaintiff.

THE Southern Underwriter's Association.

HOME OFFICE IN RALEIGH, N. C. Cash Capital \$150,000.

ARMISTEAD JONES, President; G. W. BLACK, NALL, Treasurer; R. W. BEST, Secretary. This Company insures against Loss or Damage by Fire on reasonable terms.

Statement of Condition, March 15th, 1876. Loans on Mortgages, (first liens) \$108,046 00 County Bonds, (market value) 27,100 00 City Bonds, (market value) 4,700 00 Cash on hand and in Bank, 10,154 00 Total assets, \$150,000 00

This is a home institution, chartered by the Legislature of 1875, and is under the control and management of native North Carolinians. The capital is well invested in the State, and all earnings of the Company will be kept at home. Live, Active, Reliable Agents wanted in every part of the State. Address the Secretary.

REV. A. SINCLAIR, Local Agent at Charlotte, N. C. April 3, 1876. 5w