

**JUDGE CLARK'S OPINION ABOUT JUDICIAL REFORMS.**

[Correspondence of the Raleigh Observer.]

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

In the middle ages when our legal system began there was little legal business and at first it was dispatched in a day. Hence the legal fiction that all the business of the term is as of the first day of the term. When, as is the case with our Supreme Court, the term as a matter of fact lasts nearly six months at its spring session this would be amusing but for the practical fact that the business is necessarily made to count as of the last day of the session. The first step to correct abuses is to point them out. Now take an example of the working of this rule. Suppose a case tried in August, September or October in any of our Superior Courts. An appeal is taken. But a little delay in settling the case on appeal the appeal stands little chance of being heard at the fall term of the Supreme Court. It goes over to the Spring term. It is then argued and the decision announced say in February, March, or April. Owing, however, to the above mentioned legal fiction of regarding the whole term as one day the opinion is not certified down till the court adjourns say in July. The opinion goes down to the fall term of the Superior Court and should then stand for trial, but a rule of courts forbids that and the case goes over to the next Spring term of the Superior Court. This is to say, no matter how important or how trifling a case goes up to our Supreme Court, the chances are of eighteen months delay, and very often twelve months elapse after the opinion of the Supreme Court is known before clients are allowed to act upon it. This is not business. It would not be tolerated anywhere else and ought not to be tolerated in the law. Where the appeals are in State cases this delay is no less injurious; and is either unjust to the public or to the defendant in every instance. The abuse is palpable. What are the remedies? Many may be suggested. The writer, with diffidence suggests the following:

1. Instead of retaining all the cases to be certified down in a bunch at the end of a six month's term it may be provided that on the first Monday in each month all opinions of the Supreme Court which shall have been on file ten days shall be certified down. As now, any dissatisfied party would have his remedy by way of petition to re-hear at any time within 12 months.

2. The rule that cases should not stand for trial at the first term of the Superior Court after the opinion comes down should be repealed and they should be, of all cases, the cases which are for trial.

3. In State cases where the judgment of the Court below is affirmed, instead of waiting till the next term of the Court for the useless formality of resentencing the defendant, the Superior Court Clerk on receiving the opinion should notify the Sheriff to execute the sentence of the law already pronounced, and affirmed (except in capital cases) by collecting the fine, or imprisoning the defendant in jail or penitentiary as the case may be. In all cases where the appellant has to remain in jail pending the appeal this would be a mercy to him and a great saving in the aggregate to the taxpayer. In capital cases, the Governor upon being notified of the affirmance of the judgment by the Supreme Court, should issue his warrant to the Sheriff, under his constitutional authority to execute the laws. This is the course adopted in many States.

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

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

WALTER CLARK.

**SERIOUS EXPLOSION OF GAS.**

COLUMBUS, O., Dec. 11.—At 15 minutes past 12 o'clock to-day our citizens were startled from their dinner tables by a terrifying shock, that was followed by a general fire alarm, and rushed into the street panic-stricken. It was soon found that an explosion had occurred at the Columbus Buggy Company's works. As this company employs over 1,000 men, the relatives of the employees came running from all directions with anxious faces. The time of the explosion was very opportune, as nearly all the men had left for dinner. The building, which was a six story one, is a total wreck, and the firemen are still throwing water on the ruins. It is not known yet whether the boiler exploded or a dust-pipe, the ruin being so complete. Joe Brown, the janitor, is thought to be fatally wounded. It is certain that there are three or four dead bodies in the ruins, but their names cannot yet be ascertained.

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**AN IMPORTANT DECISION. The Supreme Court Decides the Drummer's License Case.**

RALEIGH, N. C., Dec. 14.—The Supreme Court has filed an opinion in what is known as the drummer's license case, and as it is a test case the matter is of special importance. The case was that of the State against L. R. Long, from Rowan county. Long was indicted for refusal to pay the State license tax of \$100 on drummers. He resisted upon the ground—first, that he was a non-resident, and that the act imposing such a license tax was an interference with, and unwarranted assumption of control by the Legislature over inter-State commerce; second, that the clause in the revenue act which gives to all resident merchants who pay purchase tax rebate of the amount they may have paid for drummers' licenses was a discrimination in favor of residents against non-residents, and therefore a violation of the Constitution of the United States. The Supreme Court (Chief Justice Smith delivering the opinion) sustained the constitutionality of the act on both points.

The opinion says: "As merchants residing out of the State and sending their travelling agents into it can have no rebate unless they have here business liable to the purchase tax, it is insisted that this is a discrimination against non-resident merchants unwarranted by the Constitution of the United States and is the same as if the drummers' tax was put upon one class and not upon the other. There is no feature in the statute that distinguishes between resident and non-resident itinerant salesmen or between their employers. Both must pay the same privilege tax and enjoy equal advantages under the license issued. Nor is any difference made in respect to the place of manufacture of goods to be sold. The rebating provision to all who pay the purchase tax, from which a reduction is to be made. The non-resident may have a stationary business in this State, and then would be equally entitled to the rebate. Under the law he stands upon the same footing, with equal rights, to the same exception, as the home merchant. If the benefit does not come to him it is because he has not the tax to pay from which the reduction comes. He possesses all the immunities that belong to a citizen and is protected by the Federal law. The disadvantage is with the resident dealer, who is compelled to pay a tax from which the principal of the non-resident is exempt. Refunding put them more on equal ground. There is no forbidden discrimination in the legislation itself, but it is sought to be found in the practical operation of the law. The decision of the court below is affirmed, to the effect that drummers are liable to a license tax, notwithstanding the statute provides for rebate in cases where dealers in the State, whether resident or non-resident, paid the purchase tax."

**THE RAILROAD ACCIDENT. Full Particulars of the Occurrence Near Chapel Hill.**

The following particulars of the accident on the Chapel Hill railroad were gathered yesterday by the reporter from two gentlemen who were on the train at the time. The road is a short branch of the N. C. railroad, and usually one car is sufficient to transport all the travel and express matter that go over it. One car and the engine composed the train Tuesday night. There were only four passengers aboard; Mr. H. H. Patterson of Chapel Hill with his little daughter; Mr. P. C. Pope, of Richmond and Mr. N. A. Stedman, of Raleigh. These with Mr. W. G. Adams, bridge superintendent, Conductor P. Brown, engineer W. A. May and the brakeman made up the number of people on the train. The trestle through which the train crushed was undergoing repairs and some new stringers had just been put in connecting with some old timbers. When the train ran on the trestle it was going at the rate of about eight miles an hour. It had gotten nearly across, when the timber commenced to sway, tremble and crack, and then the structure gave way, at once precipitating the train a distance of about twenty feet. The engine went first, falling on one side, and giving the car such a severe jerk as to throw it almost upright on the end. It then turned and fell on the other side of the track, the top side of the car striking ground. The lamps were extinguished and for a moment there was darkness when the stove broke open, scattering the coals, and in one minute the end of the car was ablaze. The car was then lying on the side, and the passengers made their escape by prostrating themselves and crawling through the door. A circumstance that made the occurrence more dangerous was, that in the burning car there were several canisters of powder which were apt to take fire and explode at any moment. In the fall Mr. Stedman was very painfully bruised in the side and hip. He managed to escape from the car, but is now unable to walk at all. Mr. Pope, of Richmond, had his arm and hand severely mashed, and is incapacitated from using it. Strange to say Mr. Patterson and little daughter sustained no injury. Mr. Adams was hurt, but it is not known to what extent. Conductor Brown was severely bruised, but is not confined. Engineer May was also badly hurt. The car was completely burned up, nothing of it remaining but the iron work. All the express matter and baggage, including the large sample cases of Messrs. Pope & Stedman were burned. The wreck trestle is about one mile from the town of Chapel Hill and within three hundred yards of the depot. When the powder in the burning car exploded, it jarred the glass out of some windows in the town, and greatly alarmed many of the people who thought an earthquake was coming. A special train from this city went to the scene of the wreck, and brought back the wounded gentlemen, who are now at St. John's Hospital under the care of the railroad company. It is said that the broken trestle was very rickety and untrustworthy.

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**THE CONFESSION. Will Cluverius Tell the Story of His Crime?**

[From the Richmond State of Saturday.]

Cluverius' spiritual adviser, Rev. Dr. Hatcher, did not call at the jail this morning to see the prisoner, but the jail officials were expecting him at any time. The chief question which has now arisen is, will the prisoner make a confession? The general impression is that he will tell the public all about the murder of Lillian Madison. When this will be done is a question which has not yet been answered. It is thought by many that the condemned man has already either intimated to Dr. Hatcher that he would make a confession or has confessed.

The doctor at this stage of the proceedings declines to tell anything that transpired between him and the prisoner. He sees Cluverius often, and the prisoner talks freely to him.

**MUST A MAN CONFESS BEFORE HE CAN BE FORGIVEN?**

It is said that Cluverius, while a member of Little Plymouth Baptist church, held that a man must confess before he can be forgiven. Whether this doctrine holds good with him now is not known.

"Is it the doctrine of your church that a person must confess his sins to man and then ask forgiveness before God will pardon him?" was asked a prominent member of the Baptist church, to whom a State reporter was conversing this morning in regard to the spiritual condition of Cluverius.

He answered: "We have no doctrines except those contained in the New Testament, which clearly teach that confession must precede forgiveness of sins."

**WHEN JETER PHILLIPS CONFESSED.**

How many days was it before the execution that Jeter Phillips made his confession? asked a State reporter this morning of Rev. Dr. A. E. Dickinson, who was one of Phillips' spiritual advisers.

"I think it was three or four days before the execution," answered the Doctor. "I was then pastor of Leigh Street Baptist church, and had been going to see him constantly for several months. A few days before the execution—I think it was three or four days—I referred to the matter very gently, saying that if he was really guilty I did not see how he could go out of the world with a false statement upon his lips, having professed a change of heart. He said that he proposed to tell me all he knew about the affair, and then confessed that he was guilty. I said to him, 'Do not say any more, as I do not wish to hear this information alone.' I will go up and get Dr. Jeter, and we will hear it together." The next morning I went down with Dr. Jeter, and in the presence of us both the prisoner told all about the murder, and I wrote it down. I do not think it was made public until the day of the execution, and do not remember whether I read the confession from the scaffold."

**CLUVERIUS' CONDITION.**

Sergeant Smith says Cluverius was in much better spirits this morning than he was last week; that the prisoner's appetite is good, and that his food is still furnished him by the colored woman who has been cooking his meals for some time. The condemned man still refuses to see any visitors except his relatives and his spiritual adviser. His complexion is not as ruddy as it was a month ago, and he now passes much of his time in deep thought. He appears in better spirits on some occasions than on others, and it is said that he has stated that he is prepared for death.

**THE SCAFFOLD.**

If he is to be hung upon the scaffold which was erected for the execution of Charles Lee and Barbara Miller at the Henrico court house three men will be required to do the dreadful work. One man will ascend the scaffold with the prisoner to affix the noose, while two others remain upon the ground to jerk the ropes when the officer upon the scaffold gives the signal. This scaffold has two trap-doors, and these doors are opened simultaneously by the two men who pull the ropes. The aperture through which the condemned man will fall is about three feet square. The men who pull the ropes do not stand together, but one stands on either side of the scaffold while the other takes a position on the opposite side. Each has a trap-door to jerk.

**Men and Women in Life's Prime**

Who rise unrefreshed, feel languid through the day, have little appetite, and whose faces exhibit a sallow tint, are on the short route to the grave. Unless they can effect a radical change in their condition they will not reach old age. Invigoration is the only means of their physical salvation. Upon Hostetter's Stomach Bitters they can rely to furnish them with the stamina which is to prerequisite of health, and to remove that prime cause of continued debility, indigestion and non-assimilation of the food. We class these cases as one, since they are joint functions of one organ, the stomach, chiefly. Built up and rehabilitated with this superb restorative of vigor, the system may bid defiance to malaria, rheumatism, bladder and kidney diseases and other maladies prone to attack the enfeebled. The Bitters not only afford a safeguard against disease of a virulent type, but effects a prompt reform in the condition of a drooping or disordered liver and irregular bowels.

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**The Luck of a Portuguese from Fayal.**

New York, Nov. 15.—(Special.) A Portuguese from Fayal bought a ticket in the Louisiana State Lottery, and after carrying it in his pocket for four months, gave it to a fellow countryman who had been in America only a few weeks. The latter investigated, and found that the ticket was a winner. The money arrived in this city to-day, and the Portuguese will sail in a few days for Fayal.—New York Tribune & Special, Nov. 15th.

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