

## The Franklin Times.

J. A. THOMAS, Editor and proprietor.

FRIDAY, FEBRUARY 14, 1889.

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THE COLLEGE QUESTION.

MR. EDITOR:

It appears from this week's issue of the Times that the Louisa Female College property will be offered to public sale on March 22 in order to satisfy certain debts secured by trust deed on said property.

If the sale of this property means a suspension of our female school here, we are threatened with a calamity which as prudent men and patriotic citizens we ought to endeavor to avert. What this sale may, and probably now mean is obvious from the following:

The property is sought to be sold under a power conferred in a deed. Upon the exercise of this power by the trustee, the highest bidder no matter who he may be, has the right to have the title conveyed to himself when he pays the amount in his bid. It will not be an optional matter with the trustee or trustee as to whether they will confirm his sale or not. When the power of sale is exercised it becomes a peremptory duty of the trustee to execute title to the purchaser. If he refuse to do so, it will less delay it, the purchaser upon complying with his own part of the contract, can compel specific performance on the part of the trustees by action of court and enforce the execution of a

decree. The trustees on the first Tuesday in October if the constitution shall be ratified by the people, the President shall by proclamation admit the four Territories into the Union as States.

The New York Independent, a Republican newspaper with some little religious learning, is defending Wanamaker and Boone "but some of their obnoxious Republican religious journals take another view, be it said to their credit. This move is the wit of the Richmonders to get Northern money.

Suppose a certificate of Northern men charitably disposed to the negroes of Franklin county, should purchase the property and establish in it a negro training school like the one at Franklin. It would be disaster terrible in its consequences. It would detract the prospects of our town for many years to come. And yet this is not an impossible possibility, for already the writer has heard hints and suggestions of such a thing.

There can be no blame attached to the worthy gentlemen who are selling the property. They have been patient and long-suffering to a commendable degree and sell now only because necessity compels them thereto. I have no doubt in my mind that were they able, they would not only not sell, but they would cheerfully assign their whole interest to the town of Louisa for educational purposes.

Some one suggests that there is a condition in the original grant of the property denoting it to the purpose of a female college, and demands that conveyance defers it shall ever be applied to any other purpose. I am sorry to allude to the possibility of special legislation on that very point at this sitting of the General Assembly, for under the law as it now stands I conceive the condition to be valid. I do not know what the exact verbiage of the original grant is, so far as it limits the property to female school purposes, but I assume it must be the same as the other limitation which effect constitutes what lawyers call a condition annexed or subject to the original grant.

This is a species of estate which, with one single exception, has never existed in or been recognized by the laws of North Carolina. The Cherokee Indians in Western North Carolina held their lands by a conveyance which should "remain in effect so long as they continued to occupy the territory assigned them." When they ceased to occupy it and were removed to the United States, Government west of the Mississippi, the title to the land held by them was freed of the incumbency and reverted to the State. This is the only instance known to our law of such a qualified fee.

In the case of the School Committee of Providence, Powhatan, Va., referred to in the 87th volume of the N.C. Supreme Court Reports, at page 443, Chief Justice Pearson speaking for the whole court, has expressly held that courts cannot give effect to limitations like that contained in the grant of the Female College property. He says that condition that should qualify fees are not restrictions ever placed in law in North Carolina and that the grantee never had intention to create any restriction, but, "a simple, plain, general statement to the effect that the school should be open to all negroes is about all that is written in the conveyance."

It therefore appears that the purchaser as trustee will acquire an undivided title, unencumbered and unburdened with any condition or limitation, it leaves no scope of discretion to say to whom, or to whom in the right direction. The purchaser will be permitted to do with this property as he chooses under the limitations given above, and that choice may not be in the best interests of the town.

I make no prediction as to what shall

be done, being confident that to point out the danger ahead will be sufficient to make our wide awake, progressive citizens take steps to guard against it.

If we would keep a school in our town we must act and do at once, and whether we desire a school or not, if we could prevent the possibility of an untrustworthy enterprise in our midst, we cannot afford to be indifferent in this matter.

S. S. SPRINGER.

In the great "educational campaign" the Republican politicians have proved apt scholars. Who could have imagined that four months after the consent to serve the tariff the Republican Representatives in Congress would vote unanimously in favor of absolute free trade with Canada.

The bill admitting four states into the Union has at last been passed, and last evening the President approved. Under its provision North Dakota, South Dakota, Montana, and Washington will be received into the great family.

The people of the Territories are to meet on May 7th, delegates to the constitutional convention to be held on the 4th of July. These conventions are to adopt the Constitution of the United States, and then, upon that basis, form State Constitutions and organize State governments. The latter are to be submitted to the people of the several Territories on the first Tuesday in October. If the constitution shall be ratified by the people, the President shall by proclamation admit the four Territories into the Union as States.

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## BANQUET AT ROCKY MOUNT.

Given Complimentary to Hon. H. B. Bunn on Friday night.

ROCKY MOUNT, N. C., March 2.—

Last night a grand banquet was given at the Hammond Hotel by the citizens to Hon. H. B. Bunn, Congressman elect from this (the 4th) District. It was the greatest affair of the kind ever seen in our town. Mr. Bunn is an able and brilliant statesman and much beloved by our people.

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that four months after the consent to serve the tariff the Republican Representatives in Congress would vote unanimously in favor of absolute free trade with Canada.

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the Union has at last been passed, and last evening the President approved. Under its provision North Dakota, South Dakota, Montana, and Washington will be received into the great family.

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H. B. BUNN ON FRIDAY NIGHT.

THE report that Ex-President Cleveland is going to do literary work is all a hoax.

FRIDAY NIGHT,

Dinner at Franklinton, N. C., Feb. 19th 1889. Wm. J. Cooke, his wife, James and Jane Kingbury Cooke, and was born at the Cooke Homestead, in Franklin County, North Carolina, June 19th 1829.

He received his Academic education in his native County, and one who knew him well told the writer that he was remarkably fine student easily and thoroughly master of difficult subjects of Classical and Mathematical studies.

Dr. Cooke graduated in the theory and practice of Medicine and Surgery from the University of Maryland, in the spring of 1853, and commenced the practice of his Profession in his native County, where he continues to reside until his death.

He married Mrs. Anna V. Vining, Feb. 17th, 1851.

By this marriage he had three children, all of whom survive to their mother in the deep affection of her early widowhood.

As a man, Dr. Cooke was a capable, genial and modest man, preserving the impression of wisdom which he used to make by his fine intellect and qualities which adorn the true gentleman.

Dr. Cooke belonged to a remarkable family. His father is remembered for his deep and simple piety, for his superior mind, for his sterling integrity, for his honest work as a citizen and for his gentle and considerate manner to his wife, which he adored. His mother was an excellent New England family, and a woman of no ordinary mold. She united in her person all the elements of a strong character with pluck, gentleness, and intelligence, and she was a true mother.

Dr. Cooke's wife was a woman of ability, his integrity and pluck, a good teacher, and a true woman.

Dr. Cooke's son, William, a young man in his prime, died in the service of his country.

Dr. Cooke did not require perfection for himself, but did require it of others.

He was a man of simple, natural and cheerful ways, but stern in his judgment.

He was a man of great personal worthiness.

The people of Pennsylvania can sympathize with the people of Alberta, Manitoba and Montana, who are placed at the mercy of this double-headed monopoly.

Philadelphia has procured the

same affliction, and cannot rid herself of it.

It is a great pity that such a large sum of money is being spent by the people of Alberta.

It is a loss to the people of Alberta to be compelled to pay such high prices for coal.

The people of Alberta and Manitoba

want to live in comfort and happiness, but they are prevented by the monopoly.

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