State Library

THE FRANKLIN TIMES.

VOL. XXV. LOUISBURG, N. C., FRIDAY, MARCH 29, 1895. NUMBER 6.

TO PUBLIC SCHOOL TEACHERS.

The Superintendent of Public Schools of Franklin county will be in Louisburg on the second Thursday in February, April, July, September, October and December, and continue for three days, if necessary, for the purpose of examining applicants to teach in the Public Schools of the county. I will also be in Louisburg on Saturday of each week in all public days, to attend to all business connected with my office.

J. N. HARRIS, Supt.

Professional Cards.

D. MASSENBURG,
ATTORNEY AT LAW.
LOUISBURG, N. C.
Will practice in all the Courts of the State. Office in Court House.

A. COOKE & SON,
ATTORNEYS-AT-LAW,
LOUISBURG, N. C.
Practice in the Courts of Nash, Franklin, Vance, Warren and Wake counties, also the Supreme Court of North Carolina, and the U. S. District Courts.

J. E. MALONE.
Two doors below Aycocke & Co.'s store, adjoining Dr. O. L. Ellis.

W. H. NICHOLSON,
PRACTICING PHYSICIAN,
LOUISBURG, N. C.

W. BICKETT,
ATTORNEY AND COUNSELLOR AT LAW.
LOUISBURG N. C.
Prompt and painstaking attention given to business entrusted to my hands. References to Chief Justice Shepherd, Hon. John Manning, Col. R. W. Winston, Hon. J. C. Cook, Pres First National Bank of Winston, Col. N. Gatling, Winston, Peoples Bank Winston, Chas. E. Taylor, Pres Wake Forest, Hon. E. W. Timberlake. Court House, opposite Sheriff's.

F. S. SPRUILL,
ATTORNEY-AT-LAW,
LOUISBURG, N. C.
Will attend the courts of Franklin, Vance, Granville, Warren and Wake counties, also the Supreme Court of North Carolina. Prompt attention given to collections, &c.

N. Y. GULLEY,
ATTORNEY-AT-LAW,
FRANKLINTON, N. C.
All legal business promptly attended to.

THOS. B. WILDER,
ATTORNEY-AT-LAW,
LOUISBURG, N. C.
Nelson Main street, over Jones & Cooper's

W. M. JETTON,
ATTORNEY-AT-LAW,
LOUISBURG, N. C.
Practices in all courts. Office in the Court House.

Dentistry.

W. H. EDWARDS
OF WAKE FOREST, N. C.
Will be at Louisburg on Monday, Tuesday and Wednesday following the first Sunday in each month, and prepared to do all kinds of Dental Work.
Stopping at Meadows Hotel.

J. EDWARD DUGGER D. D. S.
LOUISBURG, N. C.
Graduate of the oldest Dental College in the World. Eight years experience. All improved instruments. Teeth extracted without pain. Artificial teeth at reasonable price. Satisfaction or money refunded.
Office over Jones & Cooper's store.

DR. R. E. KING,
DENTIST,
LOUISBURG, N. C.
Office over Racket Store.
Graduate Baltimore Dental College. Twenty-four years active experience. ARTIFICIAL TEETH A SPECIALTY. Natural teeth removed and new ones inserted in TWENTY MINUTES.
All work warranted.
Louisburg is my home "for better or worse" and you will always find me ready to correct at my own expense any work that may prove unsatisfactory.
Very truly,
R. E. KING,
Dentist.

YARBOROUGH & DAVIS,
The Blacksmiths
OF LOUISBURG.
All work in our line done on short notice, and satisfaction guaranteed. We have our new shop (the old ten pin alley) in good shape and are better prepared than ever to serve our customers.

J. M. C. HILL,
THE TINNER,
Is prepared to do all kind of tin work, repairing &c. All work guaranteed. Place of business on Main street in house recently occupied by F. Parrish.

OSBORN HOUSE,
C. D. OSBORN, Proprietor,
Oxford, N. C.
Good accommodations for the traveling public.

STILL AT THE BRIDGE.
BLACK-SMITHING.
Where I am well known and prepared to do my own work. I hope you will see me as formerly done before. You will find me on the East side of the River bridge, Main street Louisburg, N. C. While I am doing all kinds of blacksmithing, don't forget that I am also prepared to repair your gun, such as putting new locks &c. I have a few guns which I have repaired that will be sold if not called for in ten days.
Yours truly
A. T. NEAL

DIAMOND EDGE PALISTIN STAR SHOP.
Louisburg, N. C.
Messrs. W. M. Alston and L. W. Egerton, have remodeled and fitted up in elegant style, their Star Barber Shop on Nash street, and they are putting on right much style. They cordially invite all who want first-class work to come to their shop. Their watchword is "Politeness and good work."

CHRISTIANITY AND THE WAR.

Many of your readers, doubtless, who are hearing day after day the rumors of war from the far East, have asked: "What effect will this have on the civilization and religion of these nations?" Rev. H. Loomis, Agt. American Bible Society, writing from the ground itself, Japan, gives an answer which I beg leave to condense and quote for the benefit of your more thoughtful readers. He says in substance:

"It is too early to foretell what will be the result. As far as can now be seen, it will give precedence to advanced ideas in civilization and religion like nothing else. The anti-foreign and unprogressive spirit will be buried out of sight, and the life and teaching of Him who is the Light of the world will be studied and followed as never before. This does not mean, however, that Japan is to become a Christian nation at once. But it does mean that as a nation they are facing toward the Sun of Righteousness, and the thoughtful ruling men no longer look with favor on the systems that have prevailed so long in the land and have failed to elevate and purify the hearts and lives of the people. This means, then, to the workers in Japan a larger and brighter outlook for the future and greater responsibility for the use of the wisest and most effective means of evangelizing the people. This is now an imperative duty, and the religious future of the country depends upon the efficiency of the men and means now being used to spread the knowledge of Christ and his salvation.

But not to Japan alone is this a momentous struggle. It means, as far as can now be seen, a new life and civilization for Korea. No one who has closely watched the conduct of Japan can doubt but that it is her purpose to make an end of the wretched state of political corruption that has so long cursed and impoverished that unfortunate people. And when the obstacles were found to be too great for the men engaged in the work of reconstruction, one of the first statesmen of Japan was appointed to take the charge of this most difficult and important undertaking. And so Court Inouye with two Christian associates has gone to Korea to fully establish a new and better order of things. No better man could have been found for such a position, and his appointment means that this country is determined that her demand for a better order of things in Korea is not to be thwarted for the want of competent men to carry it out.

And whatever way the war may end it is likely to be a benefit in the end to China. Nothing but the most crushing defeat, the complete humbling of the native pride, and the enforced conviction that other nations are not only their equals but superiors will ever arouse that people from their lethargy and convince them that their land is not the center of the universe and the most favored spot under heaven. Such a revolution in the public mind will be costly, but it will in time lift the veil of pride, prejudice, and error, and open the way for a better day than the land of Sinim has yet known.

But the best and most wonderful results seem to be the help that is likely to be given to Christianity. The sick and wounded Chinese prisoners were filled with astonishment at the kindness which they had received, and so when I brought them copies of the Scriptures they were evidently greatly pleased to receive them. Among those at Hiroshima was a bright, fine looking man. Some one had already given him a copy of the New Testament, and he had read nearly one-half of it. He expressed by his action as well as by his words that he was deeply grateful for the gift, and said that he believed much of it. He will also tell his companions what he has learned. He had heard something of Christianity from the missionaries in China, but it had never come to him so impressively before. On his sleeve, as on all others, was the badge of the Red Cross Society. When he was asked if he knew the meaning of that emblem he replied that he did, and that Christianity was the origin of the care and comfort which they received.

These men came from various provinces, and when they go home will tell that instead of torture and death at the hands of their foes they had experienced such kindness and attention as could not have been received among their own people. The story of such treatment cannot but be helpful in opening the hearts of the people toward all foreigners, and thus preparing them to receive the teachings of Christ. And thus while war is a scourge to be dreaded, and the suffering and death of thousands the penalty to be paid, yet God is evidently overruling all for the spread of his kingdom and the glory of his name."

N. H. D. W.

The Governor's Right to Appoint Judges.

The Charlotte News quotes Hon. A. Burwell, late an Associate Justice of the Supreme Court, as saying that Governor Carr is right in appointing Judges of the Criminal Court. "It is based on the law," he says, "and will stand." It is understood that ex-Chief Justice Shepherd and Attorney-General Osborne agree with ex-Justice Burwell in believing that the Legislature has the right to "prescribe" the "manner" of their "election," but cannot themselves fill the offices. The following are the three sections of the Constitution relied upon by the Governor, and those who agree with him:

ARTICLE 4. SECTION 25.—VACANCIES.—All vacancies occurring in the offices provided for by this article of the Constitution shall be filled by the appointment of the Governor, unless otherwise provided for, and the appointees shall hold their places until the next regular election for members of the General Assembly, when election shall be held to fill such office. If any person elected or appointed to any of the said offices shall neglect and fail to qualify, such office shall be appointed to, held and filled as provided in case of vacancies occurring therein. All incumbents of said offices shall hold until their successors are qualified

ARTICLE 4, SECTION 30—OFFICERS OF OTHER COURTS INFERIOR TO SUPREME COURT—In case the General Assembly shall establish other courts inferior to the Supreme Court the presiding officers and clerks thereof shall be elected in such manner as the General Assembly may, from time to time, prescribe, and they shall hold their offices for a term not exceeding eight years.

ARTICLE 14, SECTION 5—GOVERNOR TO MAKE APPOINTMENTS—In the absence of any contrary provision, all officers of this State, whether heretofore elected or appointed by the Governor, shall hold their positions only until other appointments are made by the Governor, or, if the offices are elective until their successors shall have been chosen and duly qualified according to the provisions of this constitution.

An elder in the Presbyterian church of [illegible] N. C., supports R[illegible] H. Sheppard, the first colored Southern Presbyterian missionary in Central Africa.

"Thy ceaseless, unexhausted love" came from the pen of Charles Wesley. It is a paraphrase on the comments made by the celebrated commentator Benson on the passage in Exodus xxxiv, 6.—St. Louis Globe-Democrat.

As in a game of cards, so in the game of life, we must play what is dealt tew us, and the glory consists, not so much in winning, as in playing a poor hand well.—Josh Billings.

PRIVATE BANKS AND THEIR LIABILITY.

In the event of the death of the owner of a private bank in North Carolina, having on deposit State money, would his personal representatives succeed to the management of the Bank and wind up his affairs under our law of administration; or would it become the duty of the State Treasurer to have a Receiver appointed?

A proper consideration of this subject necessitates a reference to the legislation in North Carolina in respect of State Banks. Under chapter 155, laws of 1891, amended by Acts of 1893, chapter 478, the supervision of all State banks, whether operating under a charter or privately, is given to the State Treasurer. Every institution in the State that "conducts a banking business, whether savings or general, and all private banks and bankers that solicit or receive deposits" are required to make to the State Treasurer a statement of their financial condition, at the same time and in the same manner as National Banks are required to make their statement to the Comptroller of the Currency. The blanks for such statement are furnished by the State Treasurer. Upon the coming in of these statements or reports, if any one is unsatisfactory, the State Treasurer is directed to appoint some person to go and thoroughly and specially examine in person into the condition of such bank; "to examine any of the officers, managers, individuals, or agents thereof, and inspect all books and papers." The examiner shall report the result of this examination in detail to the State Treasurer; and if upon the report it shall appear "that the condition of any bank, banking institution, or banker, is precarious, or in ANY WAY UNSATISFACTORY, IT SHALL BE THE DUTY of the said Treasurer to give notice to such bank, banking institution, or banker, to correct any errors or irregularities, and make good any deficiencies or losses shown in such reports, or OTHERWISE, within 30, 60, or 90 days in his discretion, and at the end of such period, the said Treasurer shall order a special examination to be conducted, paid for, and reported in like manner as regular examinations." When this report comes in, if it is still unsatisfactory, the Treasurer is directed to immediately institute proceedings in the Superior Court of Wake County for the purpose of winding up the affairs of the "BANK, BANKING INSTITUTION, OR BANKER, and for the appointment of a receiver."

In addition to these quarterly statements rendered by the bank to the State Treasurer, and these special examinations and reports, there is an annual examination of the affairs of the bank made by a regular bank examiner appointed by the State Treasurer. These regular examinations are to be made at a time unknown to any person except the State Treasurer and the Bank examiner, and the reports of such examinations are to be made to the Treasurer. Any banking institution or banker failing to comply with the provisions of the law for a period longer than 10 days is subject to a penalty.

It will be seen from the above, that during the LIFE of the owner of a State Bank, whether the same be chartered or otherwise, the institution is at all times subject to the supervision, management and control of the State Treasurer. It would be an innovation to assume that the personal representative of a deceased owner of a bank is clothed with privileges that the owner never had, and succeeds to immunity from accountability that the owner never enjoyed.

A private bank, so far as the scope of its business is concerned, is entirely distinct from the private business relations of its owner. The public and the State take note of that difference; for while the one is subject to governmental control, an attempt on the part of the State to specially supervise the other, would be an infraction of the Federal Constitution. This right of the State to regulate, supervise, and control the banks, banking institutions, and bankers, within its borders, is a police regulation. It is founded on the right and duty of the State to protect its citizens. The reason for it is concisely stated by the Supreme Court of the United States in the case of Munn v. Illinois, reported in the 94th volume of the United States Supreme Court Reports. "When private property is affected with a public interest, it ceases to be JURIS PRIVATI only. Property becomes clothed with a public interest, when used in a manner to make it of public consequence, and affect the community at large. When therefore, one devotes his property to a use in which the public has an interest, he, in effect, whether he operate under a charter or not, grants to the public an interest in that use, and MUST SUBMIT to be controlled by the public for the common good, to the extent of the interest he has created." The relation to the public that a private bank bears is very apparent, and hence the enactment of statutes for its supervision by the State. This marked contrast between its relation to the public, and the relation of the owner's private business to the public, surely cannot cease simply the death of the owner. If this peculiar quality of State supervision follows the institution through the death of its owner, it is hard to see how the assets of a private bank could go into the hands of his personal representative, impressed only with the ordinary characteristic's of decedent's estates. True the entire estate of a private banker is bound for the liabilities of the bank; but this liability, in common with the assets of the bank proper, is an incident only, giving that much more security to the depositor. It does not diminish the assets by extending their applicability to the general indebtedness of the decedent.

It is a familiar principle that even in ordinary business relations, the assets of a firm may not be taken to discharge the individual debts of any member of the firm, in derogation of the rights of the creditors of the firm. How much more strictly ought the equitable principle requiring such application, to apply to the case under discussion. In case of a copartnership, the death of one of the partners casts the responsibility of winding up the partnership affairs upon the surviving partner. The administrator of the decedent takes of the partnership assets only such sum as the surviving partner declares to be left after paying the debts of the partnership. By analogy, the death of the owner of a private bank would only cast upon the administrator from his interest in the bank, such sum or sums of money, as would be left after discharging the obligations of the bank itself.

To whom then would accrue the right to wind up the affairs of a private bank in the event of the death of the owner? Clearly, to my mind this duty would devolve upon a receiver, to be appointed upon motion of the State Treasurer. This would not, perhaps, be true were the statutory enactments above referred to, the only authority therefor. But this is not all. Back of any legislative utterance, lies the principle so concisely stated in Munn v. Illinois, SUPRA. It is the inherent right of the State to exercise police control over its public and QUASI public institutions, and over the affairs of individuals when dedicated to the public use. Tiedeman's Limitations of Police Power, p. 229.

There is another view in which the position taken may be maintained. A private bank exercises the functions of a corporation without legislative or charter warrant therefor. Its duties and daily transactions are those of a chartered bank. The State of North Carolina, acting under legislative authority, has made it a depository of a part of the State's money. "It is" says Mr Boone, in his work on corporations," the rule that the limitations resulting from a performance of corporate functions, without legislative or corporate warrant therefor, are in respect of privilege to be exercised, and not of penalties to be suffered; i. e. that the privileges only are increased and extended by action under corporate authority, and not that liability is diminished by failure to act thereunder." That is to say: If a private bank, without a charter, shall perform the same functions that it would with a charter, it will be held to the same measure of accountability, and be regulated by the same rule of law that it would be if it had a charter.

The only limitation resulting from a failure to procure and operate under a charter, would be in respect of certain rights and privileges which are incident to corporations, and enure by virtue of the charter alone. An analogy to this rule, as laid down by Mr. Boone, is found in administrations DE SON TORT. It is familiar learning that while the administrator DE SON TORT is held to the same, and even a stricter measure of accountability than an administrator to whom letters have been regularly issued, yet the rights and privileges of the administrator DE SON TORT, are limited to the narrowest bounds. For instance—it is a sufficient answer to the suit of an administrator DE SON TORT to allege that he has has not taken out letters of administration. On the other hand, in a suit against him, the plea that no letters have been issued to him, will not avail. A bank operating under a charter, can be wound up neither by administrator nor assignee. If, for improper management or for other cause, the State shall interfere, a receiver is at once appointed. This is one of the imperative incidents. So, in an action for the appointment of a receiver to take charge of a private Bank, it will not avail the owner to allege that he is without charter; and, as it will not avail HIM, it cannot avail his personal representative.

The result of a very careful and deliberate investigation of this question has been to confirm me in my opinion, that in the event death of the owner of a private Bank in North Carolina his personal representatives do not succeed to its affairs; but it is wound up by a receiver appointed upon the motion of the State Treasurer.

The novelty of the question, and the paucity of authorities upon either side, has made the discussion largely a matter of reasoning, and has compelled a frequent resort to fundamental principle.

So far as adjudicated cases are concerned, it must be frankly confessed that I have been able to find no one exactly in point either for or against my opinion.

F. S. SPRUILL.

When Baby was sick, we gave her Castoria.
When she was a Child, she cried for Castoria.
When she became Miss, she clung to Castoria.
When she had Children, she gave them Castoria.

TOLD IN CONFIDENCE.

THINGS THAT REPORTERS KNOW BUT DO NOT PUBLISH.

Reputable Newspaper Men Never Betray Secrets That Come Incidental to the Profession—Something About the Ethics of Journalism.

Probably few individuals have more private matters intrusted in confidence to them than newspaper reporters. In the gathering of news, says the Rome Sentinel, many a fact is given in confidence to reporters which nothing should induce them to publish, but which is freely made known to them personally in order that they may fully understand a subject and be enabled to intelligently give to the public so much of it as is proper. Our public men and others recognize this fact and they know that their confidences, when worthily bestowed, are never betrayed by reputable newspaper reporters.

Every newspaper man knows how many family affairs and how many private business affairs are sacredly guarded by reporters, though the general public probably is not aware of it. There is hardly a newspaper proprietor in the land who would not quickly dispense with the services of an employe who should deliberately betray such confidence reposed in him when he was pursuing the task of news gathering. The reporter who cannot be honest about those things finds many avenues for news closed to him. He would be disgraced to an extent which can probably be better appreciated by those who have had experience with newspaper business, but which can also be at least partially appreciated by those who have not had such experience and are not versed in the ethics of the profession.

The ethics of the journalistic world regard it as an inexcusable crime to give publicity to matters in violation of agreement, and it is not regarded as at all necessary to have the agreement in black and white in order that its meaning may be understood. It is, in all reason, bad enough for a newspaper to break faith and merit the loss of public and private confidence, even when what it reports is true. But, when, in addition to breaking faith, a paper, in ignorance of what it is attempting to describe, distorts facts out of all semblance to their original selves, does as much injury to the private interests of the very persons who trusted it as the paper's circulation and influence permit, and besides treats the public to a generous fake, then the performance is without record of having been considered, in any code of honor or ethics in existence.

"Late, late, so late," is an extract from the "Idyls of the King" and is found in the poem entitled "Ginevere." It is there supposed to be sung by a novice at the convent of Almesbury.

GROVES

TASTELESS
CHILL TONIC
IS JUST AS GOOD FOR ADULTS.
WARRANTED. PRICE 50 cts

GALATIA, ILLS., Nov. 16, 1893
Parts Medicine Co., St. Louis, Mo.
Gentlemen:—We sold last year 600 bottles of GROVE'S TASTELESS CHILL TONIC and have sought three gross already this year. In all our experience of 14 years, in the drug business, have never sold an article that gave such universal satisfaction as your Tonic. Yours truly,
ABBEY, CARR & CO.

CALL AT THE
Louisburg Bargain Store.

For SHOES and Gents Furnishing Goods also for.

CLOTHING.

Our Goods are fresh and low. We carry a fine line of

PICTURES,
—AND—
FRAMES,

And we are selling them at half price in LEHMANS old stand.

SELL YOUR TOBACCO
—AT—
Pleasants'
New Warehouse.
LOUISBURG, N. C.

Our facilities for selling your tobacco for high prices are equal to any house in the State. We have ample means, and intend that every pile of your tobacco put on our floor shall bring every cent it is worth. Bring your tobacco to us, and we will pay you New Warehouse prices for it.

W. H. PLEASANTS & CO.

Louisburg, N. C., Aug. 10th, '94.

NORTH CAROLINA, FRANKLIN COUNTY. In the Superior Court. Jan Term 1895.
CATHERINE DUKERS vs. WILLIAM DUKERS.
NOTICE.

The defendant above named will take notice that an action entitled as above has been commenced in the Superior Court of Franklin County by Catherine Dukers the plaintiff against William Dukers the defendant for divorce from bed and board and for alimony. And the said defendant will further take notice that he is required to appear at the next term of the Superior Court of said county to be held on the 4th Monday in the 6th Monday after the 1st Monday in March, being the 15th day of April, at the Court House of said County, and answer or demur to the complaint filed in said action, as the plaintiff will apply to the Court for the relief demanded in said complaint.

This 21st day of January 1895.

R. E. HARRIS, Clerk of Superior Court.

F. S. SPRUILL, Attorney.

SHOE MAKING.

MOSES WEST holds forth in rear of Thomas' Drug Store, (on the alley where he does shoe making and repairing, and guarantees to do work as good and cheaper than any Shoe-Maker in the State.

Come and see for yourself.
Respectfully,
MOSES WEST.

Feed, Sale AND Livery
STABLES.

HAYES & PINNELL, Proprietors,
LOUISBURG, N. C.

GOOD TEAMS AND POLITE DRIVERS.

SPECIAL ATTENTION TO TRAVELING MEN.

A FINE LINE OF BUGGIES ALWAYS ON HAND.

Fine Tailor Made Clothing.

At custom made prices. I have secured the agency for the Royal tailors of Chicago, largest tailoring establishment in the United States, and can furnish you on short notice, anything you want in the way of clothing. Fit guaranteed. Easy terms. Call and see my samples.

Respectfully,
JNO. W. KING,
of the firm King & Macon.

FLOWERS, BULBS, ETC.

Hyacinths, Tulips, Chinese Sacred Lilies and other bulbs, for Winter and early Spring blooming. Roses, Carnation and other handsome cut flowers, bouquets and floral designs. Palms, Ferns, etc., for room decorating. Jardiners, Fancy and common Flower Pots, Roses, Magnolias, Evergreens, Pecan and English Walnut trees, etc.

H. STEINMETZ.
Raleigh, N. C.

Phone 113.