TUESDAY, JANUARY 5, 1886

THE public lands of the country are slipping away very rapidly. Excluding Alaska, about three-fifths of the public domain has passed out of the ownership of the government and the remaining two-fifths are to a very great extent desert and mountain land unfitted for habitation. North Carolina land-owners should hold on to the fields and forests with an unyielding grip. A demand for our generous soil will spring up before long, we believe, which will grow rapidly and will enhance the value of real estate hereabouts greatly.

THE President continues to impress all who meet him as an unusually strong man. His few months of administration have been remarkable in many respects and the new year opens upon a condition of public affairs quite unlike anything the country has seen in a long time, and promising the best things for the future. Mr. Cleveland is an executive worthy the great party he represents—an honest patriot, we believe, with the best interests of the whole country at heart. There has been some discontent with his straightforward methods expressed by over-anxious of-fice-seekers, but this has very nearly if not entirely d.ed out, and we believe the administration will grow in strength from this time onward.

Tue regular quarterly report to Bradstreet's of stocks of grain and of flaur throughout the United States and Canadd east of the Rocky mountains shows that the apparent exaggeration of the previously heavy visible supplies of wheat is apparent only. The total of nearly 70,000,000 bushels of wheat represents an increase of but 21,000,-000 bushels since July 1, against an increase of about 34,000,000 bushels in the latter half of 1884. The decline in exports of wheat is more than offset by the diminished receipts of the same at primary markets, so that with exports scarcely have increased materially. The flour stocks are slightly smaller than on July 1 last, but 300,000 barrels in excess of stocks on January 1, 1885.

A CAREFUL count of the securities left in Vanderbilt's strong box shows that the fortune of that plutocrat amounted to \$305,000,000, which is \$105,000,000 more than the estimate generally made by the press. Yet he gave little or nothing to charity so far as the world knows. Stephen Girard, however, left the bulk Peter Cooper which might be mentioned,

ALL the recess appointments it is reported are to go before the Senate. The President does not propose to withhold any of them. His views are to the effect that his appointments were made in good faith, upon the best recommendations and endorsements, and if, since they were made, charges have been filed against any of the appointees, it is the province of the Senate to examine into them and reject all who are not proper persons. He proposes in other words to make the Senate share with him as it should the responsibility invoked in making appointments. For this purpose the power of confirmation was lodged in that body. Opposition to appointees simply because they are democrats is not be expected from so dignified a body as the United States Senate and while the President has, as a rule in accordance with the expressed will of the people, placed none but democra's on guard, he has also as the President of the whole people made his appointments with an eye to the welfare of the country as a whole. In doing so he has exercised the utmost care, and if he has made mistakes he proposes that the Sonate shall, in accordance with the spirit of the constitution, point them out, when, if they are rual, they will be corrected. This is the right course for him to take, but it excludes wholly the idea that an appointment shall be withdrawn simply because the appointee is offensive as a democrat to the republican majority in the Senate when he is a citizen of good character and has proven him-self a faithful and capable officer.

THIS week the legislatures of Maryland, Mississippi, New York, Ohio, Mexico meet. Mississippi has to elect two Senators and Maryland one. Mississippi has also the liquor question to wrestle with and the problem of railroad supervision. Ohio will probably re-elect John Sherman to the United States, though it is not certain that it will by any means. The fourteen Denie poratio mombers of the logislature from

Hamilton county will encounter the strongest opposition on the part of the Republicans to their admission into the assembly, though they hold their certificates, endorsed by the action of the State supreme court. They will take their seats, however, without doubt and will give the Democratic party control of the State senate and thus a virtual veto power on all legislation. The legislature en joint ballot is Republican though, and hence the prospect of Sherman's election. The slight margin on which that malignant partisan's friends will have to operate, however, affords ground for the hope that he may be defeated after all. Any other Republican n Ohio would be more tolerable as a senator to us at the South and less injurious to the country at large than His Petty Malignancy. Mr. Foraker will be inaugurated on the 11th inst., and

THE SCHOOL TAX CASE.

hands of the Republicans.

the entire State government with the ex-

ception of the Senate will then be in the

We print this morning the opinion of chief justice Smith in the Sampson county school case.

In plain words, the constitution says there is a limit to taxation; and then the constitution enjoins it as a duty on the county commissioners to maintain the public schools four months. In order to enable the county commissioners to perform this duty the legislature directed that the limit of taxation should be ignored, there being some special cases in which the limit can be lawfully

The supreme court has determined that this is not one of the cases in which the limit of taxation fixed in the constitution can be lawfully ignored, and that the duty enjoined on the county commissioners is performed when they utilize all the means which the constitution has placed at their disposal.

As far as practicable the duty to maintain the public schools for four months is to be performed by the commissioners, but in order to do it, they cannot disregard the limit of taxation prescribed by

he constitution. This decision of the court is, we believe, in the line of the generally received opinion that has prevailed in the State ever since the constitution was

adopted sixteen years ago. In view of the growing disposition to allow the people to treat their public schools as a local matter, it may be well to consider the propriety of a constitutional amendment allowing the school districts to assess themselves for school purposes. But any such measure should be well guarded. The NEWS AND OB-EVER would be favorable to a wellguarded proposition of this kind

GROWTH OF A SISTER STATE The Charleston News and Courier prints a carefully prepared statement of

the progess South Carolina has made since the people of the State have had andisturbed control of the government of their own State. The record must be as gratifying to South Carolinians as it is surprising to those who have failed to observe the spirit and energy with which our neighbors have addressed themselves Stephen Girard, however, left the bulk of his estate of \$7,500,000 to pharities in and around Philadelphia and for other good purposes; the Astors gave to the library which bears their name \$1.000,000; Johns Hapkins gave \$3,000.000 to found a great school; Leland Stanford \$10,000,000 for a similar purpose; Eara Cornell \$2,500,000 to Cornell university; Ass Packer \$3,000,000 to Lehigh university; J. C. Green \$1.500,000 to Princeton college; James Lick \$4,000,000 in the name of benevolence, and James H. Roosevelt \$1,000.000 to found a hospital in New York. There are also the Peabody fund, the Slater fund and the gifts to mankind of Peter Cooper which might be mentioned. to the work of improvement and deprosperity present and prospective which it is pleasant indeed to have brought to our notice, and on which we tender our heartiest congratulations. North Carolina we can say, too, will not lag in emulation of such enterprise. The "Old North" is already moving forward with great strides.

A BLUNDER IF TRUE. The President is reported to have written the editor of Puck the following letter: "I don't think there ever was a time when newspaper lying was so general and so mean as at present, and there never was a country under the sun where it flourished as it does in this. The falsehoods daily spread before the people in our newspapers, while they are proofs of the mental ingenuity of those engaged in newspaper work, are insults to the American love for decency and fair play of which we boast." We are loath to believe that such an indiscriminate denunciation of the press of the country in terms so coarse could have emanated from Mr. Cleveland. He is a man wise enough to realize that while there are many unworthy men in the profession of journalism the body of the profession is of inestimable value to the country and generally conforms to a high standard of respectability. No public man can afford to speak of it as the President is reported to have done. It has undoubtedly the power to make and unmake public men and it exercises this power in elevating to responsible positions the best men only to a wonderful extent. That it should be so little given to what would be easy under existing circumstances—the pursuit of base purposes—is remarkable indeed, and is in the highest degree creditable to the craft. We hope it will appear that Mr. Cleveland has been misrepresented. If not he has made a serious blunder. As the Norfolk Landmark well says: "Many other eminent men have spoken of the Press and in very different terms.

John Milton was one of its famous cham-

pions. Junius calls it the palladium of

the rights of Englishmen, Napoleon

spoke of its power with respect, Metter-nich thought it ind spensable to Europe,

and George Washington, in his letter to

Matthew Carey, expressed a desire to

see public journals multiplied in the

District Opinions of the Represso time

OCTOBER TERM, 1886. From Advance Sheets of Attorney General T. F. Davidson's 98d N. C. Reports.

Rufty vs. Claywell. 1. Under the former practice, if an action was brought on a joint contract, and the plaintiff took judgment against part only of those liable thereon, there could be no recovery in a subsequent suit against those omitted; but it was different, where, as in torts, the liability was several.

2. By section 187 of the Code, all contracts are several in legal effect, although joint in form.

3. Where a judgment was obtained against two members of a firm, and more than three years after the cause of action accrued, but within three years after obtaining such judgment the creditor issued a notice, under section 223 of the Code, to another member of the firm who was not served in the action in which the judgment was obtained, to show cause why he should not be bound by the judgment, to which the statute of limitation was pleaded, it was held, that issuing such notice is the beginning of a new suit; that the action is open to every defence which could have been set up if there had been no previous recovery against the other partners, and is barred by the statute. Brazil vs. Railroad Company.

1. Where the evidence is conflicting, the judge should leave the question to the jury, with proper instructions on both aspects of the case.

2. It is not negligence if a conductor requires a fireman, who is competent for that purpose, to work the engine while shifting cars at a depot, in the absence of the engineer. 3. In such case, whether or not there

fireman is competent to do such work. Southerland vs. Hunter. 1. A deed which conveys the estate of a married woman must be proved or

is negligence, depends upon whether the

acknowledged as to both husband and wife, before the private examination of the married woman is made, otherwise the deed will be inoperative to divest her estate. 2. The provisions of section 1,256 o the Code, which provides that the deed

must be proven and acknowledged as to both husband and wife, before it can operate to convey the wife's land, is not in conflict with the constitutional provision which secures to the wife her entire estate, notwithstanding her cover-

3. Section 1826 of the Code only has reference to executory contracts, but does not apply to conveyances or executed contracts. 3. Registration is not merely for the

purpose of dispensing with proof of the execution of the instrument, but, like livery of seisin at common law, is a fundamental condition in the operation of the conveyances, and is an inseperarable incident to the efficiency of the

4. A deed for a feme covert's land. admitted to registration upon an improper and invalid probate, does not create an equitable estate in the grantee, for it is not in law the contract of the feme in any respect until properly sc-knowledged and the private examination properly taken.

What is a Cold?

From the Lancet. It is startling to discover how little we know about the common forms of disease. For example, a "cold"-what is it? How is it produced, and in what does it consist? It is easy to say a cold is a chill. A chill of what part of the organism? We know by daily experience that the body as a whole, or any of its parts, may be reduced to a considerably lower temperature than will suffice to give a man a cold if the so-called chill be inflicted upon the surface suddenly. Is it, then, the suddenness of reduction of temperature that causes the cold? It would be stranger if it were so, because few of the most susceptible of mortals would take cold from simply handling a piece of cold metal or accidental contact with ice. The truth would seem to be that what we call cold-taking is the result of a sufficient impression of cold to reduce the vital energy of nerve-centers presiding over the functions in special organs. If this be the fact it is easy to see why nature has provided the stimulus of a strong fit of sneezing to rouse the dormant centers and enable them at once to resume work and avoid evil consequences. This explains why the worst effects of colds do not. as a rule, follow up a "chill" which excites much sneezing. Shivering is a less effective convulsion to restore the paralyzed nervous energy, but, in a lower degree, it may answer the same purpose. The shivering that results from the effect of a poison of the nervous centers is a totally different matter. We speak only of the quick muscular agitation and teeth-chattering which occur whenever the body is exposed to cold and evil results to not ensue. It follows, from what we have said, that that natural indication to ward off the effects of a chill is to restore the vital energy of the nerve-centers, and there is no more potent influence by which to attain this object than a strong and sustained effort of the will. The man who resolves not to take a cold seldom does.

An exchange says: There are more luns made on Dr. Bulls Cough Syrup, free of charge, than are paid for by the owners. A good thing deserves the notice of the press, In the treatment of rheumatism, gout, neuralgia, sciatica, a.c., Salvation Gil should be thoroughly rubbed in. It kills pain. Price 25

The physicians in the northern part of Mecklenburg county have resolved to "Boycott" patients who do not pay their bills.

SCOTT'S EMULSION OF PURE

d Liver Oil, with Hyp Especially Desirable for Chiefren.
A lady physician at the Chief's Hospital, at Albany, N. Y., says: "We have been using Scott's Emulsion with great success. Nearly all of our patients are suffering from bone diseases and our physicians find it very benefi-

LAUNDRY GOODS .- Best laundry soaps, gloss starch, American liquid blue, in pint bottles (best). Washing powders, E. J. HARDIN.

Commercial Epitome. THURSDAY NIGHT, Dec. 31, 1885.

New York Financial Chronicle. Although a holiday week is under review it has not been without incidents of importance to the mercantile community. - A call for there demption of Federal bonds to the amount fof \$10,000, 000, and a decline in sterling exchange sifficient to check the the export of gold have quieted apprehensions of dearer money. From these causes and from the improved prospects of trade there is a disposition to hold property with more firmness, speculation for the rise developing some strength. Notwithstanding the reduced cost of living, efforts toward higher wages are still made in various sections. The season is so naid as to cause some depression in the

Lard on the spot was active and advancing. Pork, though quiet, is rather dearer and closes firm. Tallow closes quiet at 5c. Butter is dull. Cheese has been firm but quieter. Rio coffee has been dull on the spot and prices closed unsettled. Raw sugars have been generally quiet, but at times there was more doing, and the close is steady. Tea has been quiet.

During the early part of the week the speculation in cotton for future delivery at this market was quite depressed in tone, and Tuesday values had receded to about the lowest figures of the season: but it was then reported that notices for delivery on January contracts had been general. A quick advance took place, on a heavy demand to cover contracts. and the bull party showed rather more confidence in buying; but the demand was not sustained. Today there was a slight advance, which was well supported to the close. The regular trade, whether for export or home consumption, was dull. Our telegraphic reports from the South to-night show that there has been but little rain during the week and nothing to interfere with the free marketing of the crop.

better for both spots and futures. The regular trade has been more active, the purchases embracing some lots for export. The absence of snow at the West exposes the fall-sown crop to many dangers, the time has arrived for the closing of the Black Sea and for the cessation of shipments from India, and there is no longer any doubt that our own supplies, available before another harvest shall be gathered, are not excessive. Hence we have had some revival of speculative confidence and action, which developed strength toward the close of yesterday's business. Today futures further advanced, with considerable spirit to the speculation, and wheat on the spot was very firm.

A Wonderful Freak of Nature

is sometimes exhibited in our public exthe peculiar freaks dame nature occasionally indulges in, our minds revert back to the creation of man, "who is so fearfully and wonderfully made." The mysteries of his nature have been unraveled by Dr. R. V. Pierce, of Buffalo, and through his knowledge of those mysteries he has been able to prepare his "Golden Medical Discovery," which is a specific for all blood taints, poisons and humors, such as scrofula, pimples. blotches, eruptions, swellings, tumors, ulcers and kindred affections. By drug-



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and is therefore far more economical, cosfing less than one cent a cap. It is delicious, nourishing, strengthening, easily digested, and admirably adapted for invalids as well as for persons in health Sold by Grocers everywhere. & CO., Dorchester, Mass

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st Southern Health and Summe

And presents a better opportunity for suc The hotel, with cottages, will accommodate 750 guests, has about 250 sleeping apartments, mostly EN SUITE, and all hardsomely furnished in ash or cherry, with water, gas and electric

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I have sold my Retail Stock of Dry Goods Clothing, Notions, Shoes, Hats, &c., at 16 E. Hargett street, to Mr. W. G. Separk, of this city. Thanking the public for their liberal patronage and trusting they will bestow the same on my successor, I remain

Very truly yours,

WM. WOOLLCOTT.

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By virtue of power ornferred on me in a corthe 8th day of December, 1882, and recorded the 8th day of December, 1882, and recorded its register's office of ake county by book 65, page 788, I will sell to the highest fidder; for each, at the court house door, in the city of Baleigh, N. C., Monday, January 4th, 1886, at 13 o'clock m' the land in said mortgage described, lying in Wake Forest township, said county, adjoining the lands of . W. Rogers, James Pace, deceased, and others, and said to contain one hundred and cleven acres (111 acres).

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If the power conferred on me by a certain mortgage and executed by Thomas S.

If the power conferred on me by a certain mortgage and recorded in register's office of Aske
the city, in hook 82, page 30, 1 will sel' to be
tainty, in hook 82, page 30, 1 will sel' to be
tainty be the city of Raleigh, Monday, January 4 h,
1888, at 12 o'clock m., the land in said mortgage described, lying in the city of Raleigh, at
the intersection of East Martin and South East
streams.

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One of the best powing Drug Stores in one Worth arolina; doing a good business; reason to selling out, too much outside business. Address DRUGS,

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LALE OF VALUABLE LAND.

Under and by virtue of the power conferred in a certain mortgage deed executed by A. T. Sater and wife, on the 24th day of January, 1880, and recorded in book 56, page 640, register of deeds' office, Wake county, and at the request of said mortgagors, we will on Monday, the 25th day of January, 1886, at the court-house door in Raleigh, N. C., at 13 o'clock m., expose to sale to the highest bidder, the tract of land described in said mortgage deed, recorded as aforesaid, being a tract of land situated about four miles east of Raleigh, on the Tarboro road, adjoining the lands of Sidney Partin and others; containing 860 abres, more or less. The tract will be sold as a whole or in separate parcels, as may be determined on day of sale. Terms of sale, cash; or if desired, one third cash and balance on a credit of one and two years, with interest at eight per cent. Parties desiring to to negotiate for a private sale may call on A. T. Sater on the premises.

GRAY & STAMPS,

Attorneys for Mortgagee. Under and by virtue of the power conferred

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