THERE are eleven newspaper men in

DR. Woodrow has been formally condemned by the presbytery of Charleston on account of his evolution theory The vote of the body was 18 to 2.

THERE are ten ex-Governors in the United States Senate -Messrs. Berry of Arkansas; Stanford of California; Hawley of Connecticut; Brown and Colquitt of Georgia; Cullom of Illinois; Vance of this State; Hampton of South Carolina, Harris of Tennessee and Coke of Texas.

THE salary of the French President is \$120,000 a year, with \$60,000 in ad dition for household expenses, making a total of \$180,000. On this M. Grevy ought to be able to worry along, particularly in view of the fact that he is seventy-two years old.

WE are pleased to note the fact that the Rev. James Maple, D. D., of this city has become a coresponding editor of the Christian Sun. The connection cannot fail to redound to the very great advantage of the paper. By the way a sermon by Dr. Maple on "The Dial Plate of Life," printed in the last number of the and two paintings a year he thinks Sun, is a striking production.

In the matter of business failures the country seems to have been more fortunate last year than the year before. There was a very slight falling off in point of number, the figures for the years having been 10,637 and 10,968 respectively, but the decrease in the amount of liabilities was marked, \$226,000,000 having been the figures for 1884, and \$124,000,000 only, those for 1885. There are 919,990 traders reported. But one of them in every eighty-six therefore failed last year. This showing is encouraging. If it means anything, it the to preserve them. It is so, means that failures are growing less frequent and that the hardest of the hard gard to the great and good men of the times are over.

ELSEWHERE We print in full the decision of the State supreme court on the sons. During my six years stay at the question of the status of drummers before the law. The gist of the decision it will be seen is to the effect that the drummer is a traveling and soliciting of the Gastons, the Grahams, the Moresalesman, differing essentially from salesmen having fixed places of business and as such may be subject to an assessment for taxation dissimilar to that applied to the latter. There can be no doubt about the fact that as is declared by justice Turney, of Tennessee, in the opinion cited by the court, "the term 'drummer' has acquired a common acceptation and is applied to commercial agents who are traveling for wholesale merchants and supplying the retail trade with goods, or rather taking orders for goods to be shipped to the retail merchant."

GEN. CLINGMAN, of Asheville, has, seems, patented an improvement on the electric light. This consists in the application of zircon as an incandescent conductor for the electricity. The Gen eral, it is reported, wrote Mr. Edison his views on the subject several years ago, and asked the great electric patentee his opinion on the subject. Mr. Edison discouraged the idea of making sircon a proper conductor for the mod-ern Aladdin's lamp, but only a few days after he had written to the General applied, it is said, for a patent for an improvement embodying the discovery made by Gen. Clingman. By a suit immediately brought in the supreme court at Washington Mr. Edison's claim was defeated, and the General obtained a patent. His efforts, however, to secure a thorough and complete test of his theory have not proved satisfactory. He employed an electricism in New York, and after long investigation he reported unfavorably. The General immediately employed another party skilled in this department of science, and with similar results. It was then discovered that both these men had been paid by electric light companies to report the plan impracticable. Several other experiments were made by still other parties, and the announcement every time came that the application of zircon to the light was a failure, and in every instance the interference of parties interested in electric lights had been discovered. In no wise discouraged, however, the General is now again in Washington hoping to find some fair test of his patent. We hope he will succeed. He has been an untiring worker in the realm of science and has achieved almost as great distinction in that field as in the field of politics. He is entitled to abundant rewards for his industry and we trust he will obtain than ever and be more amply rewarded. them at an early day.

Tue committees of the Federal House were not announced yesterday, as it was thought possible that they might of the population in view. It will be a be, but so far as can be guessed from the in which large fortunes will be made. various States that have been made up Possibly the year will be marked by a North Carolina will get at least two great war in Europe, though if so it will as that in which the defendant is enchairmanships. Certainly she is entitled to that many. Mr. Morrison will retain the chairmanship of the ways and means committee, of course; Mr. Bandall will be left at the head of the com- liculties will be settled without force. In | 22. mittee on appropriations, which is quite a a word, industry and prosperity will be different thing now though from what the great characteristics of the year, "every non-resident or drummer or it was before it was emasculated by the which may be looked forward to with agent of a non-resident who shall sell," deprivation of many of the powers un- soundence and hope by every one who is 1 sto. Chap 72, see, 22,

der the new rules, and Mr. Bland will now despondent or dissatisfied with the probable go to the head of the coinage. year that is past." We trust the doctor will prove a true prophet. We need weights and measures committee in spite of the strong fight made against him by just such a year as he predicts, and we the anti-silver men. Gov. Curtin, it need it sadly. is said, is to give place as chairman of the committee on foreign affairs to Perry Belmont, of New York; Ermentrout, of

Pennsylvania, is to head the banking

committee and Mr. Hewitt, of New

York-Abram S. Hewitt- the commit-

tee on naval affairs. Mr. Tucker,

of Virginia, will remain at the

head of the judiciary committee

and Mr. Blount, of Georgia, it is report-

ed will preside over the committee on

post offices and post roads. We confi-

dently expect that the older members

of the North Carolina delegation will be

given prominent positions even if more

than two chairmanships do not fall to

ness for the highest places and cannot

therefore be ignored when the interests

of the county are at stake. Mr. Car-

lisle's responsibility in the matter of

making up the committees is very great

and he is therefore proceeding cautious-

ly. The change of the rules also made

it necessary for him virtually to recon-

struct his committees. He cannot af-

ford undue haste in the work he has in

hand. He has kept his own counsel

too wonderfully well and it need not be

surprising if the partial slate we have

given should be broken with all the others

which have been made, since all have

A TIMELY SUGGESTION.

beth City Economist ex-Governor Jar-

vis, who is now minister to Brazil, sug-

gests that the legislature make a stand-

ing appropriation of \$500 a year, and

direct the Governor to have painted in

oil, each year, and hung in the library

some one of North Carolina's great

men. As we are so far behind, \$1,000

would be better. The suggestion is a

timely one and we hope it will bear

fruit. It is a lamentable fact, as Gov.

Jarvis says, that our people have given

little or no attention to collecting and

preserving authentic accounts of the

tory of the State. We have allowed

many precious events to pass out of

memory and, never having been com-

mitted to the "art preservative," to be

forever lost. Many of those that have

been in a way recorded are in dispute,

so that while there is no State richer in

such precious memories than ours,

probably none has ever done so lit-

'The State does not possess even a pho-

tograph of one of her distinguished

capital, I was often painfully reminded

of this fact. Persons from other States

often visited the executi e office, and

asked to be allowed to see the pictures

heads, the Badgers, the Braggs, and the

like, and I was obliged to tell them the

State possessed no memorial of these

great sons who had shed so much lustre

This state of things certainly ought

not to continue. We are now a great

commonwealth, materially as otherwise

and the slight outlay suggested by Gov. Jarvis would be but a trifle, while the

good it would soon accomplish in res-

cuing from oblivion the names and the

deeds of North Carolina's statesmen and

patriots would be far beyond estimate in

dollars and cents. We cannot afford to

postpone the matter further. Longer delay will but increase the shame of our

situation. We use the word shame be-

cause it is really shameful that we

should let perish the memories of those

who gave glory and power to the land we have inherited. This, is a practical

age, but no civilized community can

disregard the matter to which Gov. Jar-

vis refers even now and not suffer in

name and in fame as a consequence. We

have a history of which any people

might well be proud, illustrated by

deeds of brilliancy wrought by the sons

of the state We have also always had

conspicuous virtues peculiar to our peo-

ple. These should be made to stand out

in the sight of the world like "apples

of gold in pictures of silver;" and we

should take pleasure in bringing about

So EMINENT a scientist as Dr. Pancoast

of Philadetphia, predicts that the planet

on which we live will exist but three

centuries longer. "As to the year

1886," he says, however, "nothing is so

clear as that it will be a year of great

prosperity, particularly in this country

and especially to people who labor with

their hands. A great many people are

not aware of the fact that is nevertheless

true that there has never been a time in

the history of the world when the la-

woman who works in any occupation were so comfortable, so well provided

for, so independent and so raised in so-

cial status as they are in this country at

chase so much for his money But the

year 1886 will be a notable one in even

still more advancing the fortunes and

welfare of the poor and industrious all

over the world, but especially in this

country. Labor will be dignified more

Various systems and plans will be de-

vised and carried out by government and private enterprise, all having the

interests of the active, industrious class

by better prosperity. This country will be the gainer by any bloodshed that

may come to Europe. The time is not

fur distant when all international dif-

this consummation.

and renown upon her name."

important events that make up the his-

In a letter to the editor of the Eliza-

been the result of guess work only.

their let. They have proven their fit-

WHAT IS A DRUMBER?

THE QUESTION SETTLED BY ADJUDICATION. In the case of State vs. Miller, from Mecklenburg, the following is the opinon of the supreme court, as delivered

by chief justice Smith: The indictment is for an alleged violation of section 28, chapter 175, of the act to raise revenue, passed at the last session of the general assembly, and contains two counts. In the first the defendant is charged with the unlawful selling and attempting to sell "goods, wares and merchandise" to M. C. Mayer and John Ross, partners trading under the firm name of Mayer & Ross, the said goods, wares and merchandise not being of his own manufacture, without having paid the tax and obtained the license therefor.

In the second count he is charged with unlawfully selling and attempting to sell, while acting as the agent of the Union Milling company, a foreign corporation, "goods, war-, and merchana.ee" of the said company, by wholesale, to the same copartnership, without having paid the tax and obtained license.

I pon the trial, upon the plea of not guilty, the jury returned a special ver-

dict in these words : "The defendant is a number of the firm of R. M. Mil er & Sons, who are general cotton and commission merchants, and doing business in the city of Charlotte. Some unety days ago the Union Milling company, of Detroit, Michigan, shipped to the order of J. L. Hardin, of Charlotte, N. C., a car load of flour, and drew through the bank for the amount of the flour, with s bill of lading attached to the draft. J. L. Hardin refused to accept the draft, whereupon the draft was paid by the defendant and the bill of lading turned over to the defendant. When the flour arrived in Charlotte it was delivered to the defendant who took possession of the

"The defendant then took samples of the flour and went to, among others, one M. C. Mayer, at Mayer's place of business in Charlotte, and offered to sell the same by wholesale to him. M C. Mayer is a merchant doing business in Charlotte, but in a different plece from that of the defendant, and is in no way connected with the defendant. The business house of Mayer is on the same side of the street with that of the defendant and in the same building. He finally sold it. The defendant returns the amount of his sales as a commission merchant for taxation He accounted for the amount of this sale to the Union Milling mpany, reserving his usual commi sions. He has returned his commissions in this case for taxation. He has not paid the tax required by law for carrying on the business of a drummer, nor did he have a license to carry on the business of a drummer at the time he offered the flour for sale to M. C.

"If the court should be of the opin ion, from the foregoing findings, that the defendant is guilty, then the jury find him guilty; but if the court should be of the opinion, from the foregoing facts, that the defegdant is not guilty. than the jury find him not guilty. Upon this verdiet the court adjudges

the defendant, J. W. Miller, not guilty and from the order of discharge the solicitor, on behalf of the State, appealed

The offence with which the defendant is charged is a violation of section 28. chapter 175, of the acts of 1885, entitled an act to raise revenue, such parts and so much of which as are material in passing upon the appeal are as follows:

"Every person acting as a drummer n his own behalf or as agent for another person or firm, who shall sell or attemp io sell goods, wares or merchandise of any description by wholesale, with or without samples, shall, before solicting orders or making any such sales, pay to the State treasurer a tax of one hundred dollars and obtain a license which shall operate one year from its date, and shall be exempt from any other license tax, either State, county, city or town. * *

Any person violating the provisions of this section shall be guilty of a misdemeanor, and shall be fined not less than two hundred dollars, or imprisoned not less than ninety days." &c.

While the defendant is a general cotton and commission merchant in association with his sons, under the partnership name of R. M. Miller & Sons, conducting a regular and recognized business in Charlotte, upon which he pays all the taxes imposed under the revenue law, he is sought to be made responsible, as a "drummer," under another clause of the act, though not so designated in the charge, for the single act of selling a consigned and paid-for

lot of flour sent from a distant State. We think few persons, in reading the statute and noticing the different classes of employment or occupation there assessed, would regard the act of the deborer, the mechanic and the man and fendant as a drumming and the defendant as a "drummer" within the purview of the section upon which the indictment rests, nor could they well do so without confounding business disthe present moment. Never at any time | tinctions enumerated and separately in any country could a workingman pur- taxed therein. The word in our opinion is neither used in the act, nor in its common acceptation in a sense which admits its application to the conduct of the defendant, as ascertained in the special verdict. The writer of this opinion has examined the clauses imposing a tax upon the business of a drummer contained in the series of enactments for raising revenue from 1866 to that of 1885, to discover its meaning from its relations and surroundings, and it is manifestly employed to mark out, as a eral and stationary merchandising, such be of short duration and will be followed | gaged.

In the revenue act of 1866 the tax is imposed upon "every non-resident merchant, drummer, or who shall come into this State and sell," etc. Chap. 21, sec.

In the act of 1866-67 the words are,

The same terms are used in the act of 1868, chap. 118, sec. 33; of 1869-70, chap. 229, sec. 27; of 1870-71, chap. 227, sec. 26; of 1871-72, chap. 58, sec.

These statutes evidently confine the word drummer to agents and representatives of non-resident principals in whose employment they are in soliciting purchases in the State.

In the subsequent revenue act the sphere is enlarged and "drummers and of 1872-73, chap, 144, see, all aget of 1873-74, chap. 34, sec. 23; not of 1874-75, chap. 185, sec. 23. In the net of 1876-77 the language is varied in form, but in substance the same. Es ry person acting as a vrummer in his wu is pursued in subsequent enactments. Act of 1879, chap. 70, sec. 25; act of 1881, chap. 116, sec. 19; act of 1883,

chap 136, sec. 28. It is very obvious that this legislation is directed to a class of traveling or resented non-resident merchants, and whose occupation was 'in competition with resident merchants who paid an assessment upon their business to which the non-resident was not subject. It was subsequently extended to similar resident merchants, perhaps to avoid a perfectly cured. discrimination that might fall under the inhibitious of the Federal constitution. Albertson vs. Wallace, 81 N. C., 479.

But the essential and distinguishing difference between these and salesmen having a fixed place of business, is that the drummer is a traveling and soliciting salesman, and these separate callings are assessed with dissimilar taxes in the entire series of financial legislation That this is the sense of the legislation is manifest from an inspection of the enactment itself. The expression, "with or without samples," indicates the absence of the goods proposed to be sold from the place of sale, and can scarcely be supposed to include the home merchant, whose stock of goods is on hand for direct examination.

Our definition of the term is not with out the support of judicial authority.

"The term 'drummer,' " says Turney, J., delivering the opinion of the court, "has acquired a common acceptation and is applied to commercial agents who are traveling for wholesale merchants and supplying the retail trade with goods, or rather taking orders for goods to be shipped to the retail merchant, upon which merchandise the State collects her revenue." Singleton vs. Fritsch, 4 B. J. Lea , (Tenn.) 93.

We are, therefore, clearly of the opinion that the act of the defendant is not within the penal interdict of the act, or loes it make the defendant a drummer subject to its provisions.

But it is also to be noticed that the offence charged is not that shown on the proofs and found by the jury. It is altiour was made to M. C. Mayer and John Ross, partners constituting the firm of Mayer & Ross, that is to these two persons, in their capacity as partners, will the finding in the special verdict is of a sale made to M. C. Mayer alone. Upon the facts contained in the special version the defendant cannot be adju 'ged guilty of the charge set out and specified in the indictment State vs Faucett, 4 D. & B., 187; State vs. Starn y, 71 N. C.,

We have, however, deemed it best to dispose of the question as affecting the administration of the revenue law. There is no error in the ruling, and the judgment must be affirmed.

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