

THE NEWS AND OBSERVER.

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NO. 85

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THE OLD COURT.

THE STATE DEMOCRATIC JUDICIAL CONVENTION

RENOMINATES THE PRESENT COURT — A REPORT OF ITS PROCEEDINGS YESTERDAY.

The big bell of the Metropolitan building clanged out at 12, and the delegates began to wend their way to the hall. The seats were rather slowly filled. The delegates were chatty and good natured. At 12.15 Richard H. Battle, Esq., called the convention to order, as chairman of the State executive committee. By this time the hall was quite well filled, as were the galleries. There was no jam. About one third of the total number of 961 delegates were present. The personnel of the body was fine. Nearly every section contributed its best representative men to determine the interesting question of a supreme court bench.

Mr. Battle read the call for the convention, to nominate justices of the supreme court, endorse the nomination of superior court judges and choose a new executive committee. He said it was his duty to choose a temporary chairman of the convention and he called to that position Capt. Sydenham H. Alexander, of Mecklenburg county, whom he eulogized in very high terms as a sterling citizen and a thorough democrat.

Capt. Alexander returned thanks for the honor paid him. He congratulated the convention upon its assembling for the first time since the war under a democratic administration, both national and State. He spoke of the results of democratic rule and declared that the democrats had redeemed every pledge made to the people. He spoke in the highest terms of the thorough fairness of President Cleveland's administration. His remarks were well received.

Hon. J. J. Davis moved that the temporary organization be made permanent, but this was ruled out of order. On motion of Col. Harry Skinner the various districts named their committees on credentials, permanent organization and platform as follows:

THE COMMITTEES.
Credentials—1st district, John J. Small; 2d, R. B. Peebles; 3d, C. B. Aycock; 4th, J. J. Davis; 5th, A. M. Stuck; 6th, John D. Shaw; 7th, T. J. Allison; 8th, G. F. Bason; 9th, J. M. Gudgeon.

Permanent organization—1st district, Harry Skinner; 2d, F. W. Barnes; 3d, C. C. Lyon; 4th, E. S. Parker; 5th, W. N. Mebane; 6th, Marsden Bellamy; 7th, A. A. Shuford; 8th, J. L. Webb; 9th, E. E. Memminger.

Platform—1st district, L. L. Smith; 2d, P. M. Pearsall; 3d, H. E. Faison; 4th, T. B. Womack; 5th, J. T. Morehead; 6th, A. F. Bizzell; 7th, Lee S. Overman; 8th, S. M. D. Tate; 9th, Richmond Pearson.

SOME STIRRING SPEECHES.
These committees retired and during their absence there were calls for Hon. R. T. Bennett. He spoke briefly. He spoke of the importance of choosing the ablest men for justices. He spoke of North Carolina's greatness and read a noble testimonial to the people of this State by Hon. Jefferson Davis. This evoked great applause.

Hon. A. M. Waddell was the next speaker in response to calls. He spoke in terms of the personnel of the convention and spoke of its importance. He referred in most graceful language to the old North State and invoked God's blessings upon her and her people.

Capt. Octavius Coke was called on and spoke of the high purposes for which the convention had been called, saying he was sure it would do its work well. He said it was only necessary to choose a good ticket. There were no antagonists now. The republican party, the old foe, stands no longer in the way. He spoke of the republican as a demagogue party, as split into factions, indulging in a Kilkenny cat fight.

Col. Duncan K. McKee was called on and made some witty remarks. He said he had an unhappy lack of power to use good English, and was accused of saying harsh things when he intended to say pleasant ones. He said that though the convention was now very pacific yet he foresaw trouble ahead. There were three babies to be named and he rather anticipated a family row. He spoke of the old days before prohibition and adulterated spirits, and particularly a christening incident wherein the baby was very difficult to be handled.

The chairman in the name of the convention invited Gov. Seales to a seat upon the stand. Upon the appearance of Gov. Seales in the aisle of the hall he was greeted with tremendous applause and given a perfect ovation. There were calls for a speech from him and in response he referred to the harmony which prevailed and the interest manifested. He believed the convention equal to the emergency upon it and that it would do a work which would redound to the glory and best interests of the State. He eulogized North Carolina, her people, the personnel of her conventions. He spoke of what the State owed the democratic party and said if that party had done only two things, it would win honor for all time; these things being the taking of the State out of reconstruction and the securing a system of county government which gave the white people the control of county affairs. This expression drew forth great applause.

Congressman T. G. Skinner was the next speaker. His remarks were brief. He spoke of the people's power and the people's will as supreme. He was heart and soul for all the nominees of the Democratic party, whoever they may be. Maj. C. W. McClammy, recently nomi-

nated for Congress in the third district, spoke in response to calls. He spoke of the democratic duty to labor for the democratic party, which was but another name for the best interests of the country. He spoke of his joy and pride in the supremacy of that party which embodies the best idea of government. He spoke of the high feeling of national unity and the pride therein. He pledged good work in the third district.

Hon. W. H. Kitchens was called on. He said he was in hearty accord with all that had been said, and asked that the convention go to work.

THE PROXY QUESTION.
There was a delay of over half an hour, however, before the committee on credentials, which had retired, returned and reported, through its chairman Hon. J. J. Davis. He said that the counties were entitled to the votes as printed, 960, save that Robeson had 17 instead of 16, making 961. The following were represented by proxies: Alexander, Clay, Harnett, Haywood, Mason, Madison and Yancey. A majority of the committee recommended that the proxies be accepted, while a minority recommended that they be ruled out. Alleghany, Brunswick, Caldwell, Davidson, Davidson, Lincoln, Polk, Rutherford, Surry, Swain, Transylvania, Watauga, Wilkes and Yadkin were stated to be unrepresented.

Mr. Harry Skinner moved that the majority report be adopted.

Mr. Clem. Manly antagonized the report of the majority on the proxy question. He asked whether the proxies were residents of the counties they represented.

Mr. Davis, chairman of the committee, said that the question was whether the proxies were democrats. After some remarks he moved that the minority report be adopted. He said the proxies were not residents of the counties whose votes they represented.

Mr. George H. Brown, of Beaufort, said the convention of 1884 had permitted such proxies to vote.

Mr. Clem Manly said that allowing these proxies, who did not represent or know the sentiments of the people, to vote, was unjust and undemocratic. He urged that the proxies be not allowed to vote. He seconded the motion to adopt the minority report.

Mr. Davis said there were representatives of counties who were appointed by the county while being residents of other counties. These were not considered by the committee, as they were all right.

Capt. R. B. Peebles spoke in support of the majority report. Several other speeches were made by Mr. Woodward, of Wilson, Hon. T. G. Skinner and others. Mr. Skinner insisted that the plan of organization provided that every county should have at least one representative. No county should be unrepresented. A man who lived anywhere in the State could be made a proxy of any county. Here arose a great clamor, and cries of "question," but Hon. J. J. Davis got the attention of the house, and again spoke in favor of the minority report, saying that the plan of organization did not permit proxies. He said pocket proxies ought to be despised.

Capt. C. M. McCloud, of Buncombe, said he spoke for the west, and pledged her to the east for any purpose. He demanded representation for the west, even if the rules of the party were in some sense departed from. He urged that the majority report be adopted.

Mr. R. Y. McAden, of Charlotte, said the matter was not one to quarrel over. He said the regulations of the executive committee and the usages of the party ought not to be departed from.

Mr. C. B. Aycock, of Wayne, read one of the proxies of Mr. J. M. Gudgeon, signed by the chairman of the county committee of Madison. He said half the counties were not properly represented. He urged that the proxies be not thrown out.

Mr. John E. Woodard said that the plan of the executive committee was plain; that no one save delegates or alternates were to be given seats.

Col. S. M. D. Tate said that circumstances might occur to modify the rules of the executive committee. It was not the purpose of the plan of organization to prevent any county from having representation.

A very lively scene here followed. There were repeated attempts on the part of half a dozen gentlemen to speak, but the convention would not hear any of them and yelled until it was hoarse, so that no man's voice could be heard at all, until the chairman demanded order.

Daniels; assistants, the members of the democratic press present.

Chairman Buxton on taking the chair returned thanks for the compliment paid him, which he accepted as one to the young men of North Carolina. He spoke of democratic work and success and urged unity and earnestness of action. He urged that persons be chosen for justices who would have the entire respect, confidence and good will of the people of the State. He was fully assured of victory. He declared the convention duly organized and ready for business.

ENDORSEMENT OF NOMINATIONS OF JUDGES.
Mr. H. A. London, of Chatham, moved that the nominations of superior court judges in the various districts, as made, be ratified. This was done by acclamation.

Mr. George H. Brown, of Beaufort, moved that the nomination of a chief justice be proceeded with.

THE NOMINATING SPEECHES.
Col. T. C. Fuller said he had long been impressed by the admirable unanimity of the people of the State in their endorsement of the actions of their conventions. All considerations were sunk save those of party welfare. He said this was the secret of democratic success. With this feeling and with admiration for all who might be nominated, he was present to name a man, as a lawyer profound, as a citizen true, as a man upright; who for ten years had been a great chief justice, taking rank with Ruffin, and Henderson, and Pearson. He said his reputation would last as long as justice was respected in North Carolina. His physical vigor was unimpaired. He had years of usefulness yet before him. It was his pleasure to nominate for chief justice, Hon. W. N. H. Smith, an illustrious citizen and a fit person to receive that nomination.

Capt. C. M. McCloud, of Buncombe, said he was a representative of the true democracy of the State, with a duty to perform. He complimented the convention. He would present the name of an honored and loved citizen of the State, an able lawyer and able jurist; a self-made man, who has been in its noblest, highest sense the architect of his own success. He spoke of his fame as a jurist. He said Gov. Jarvis had appointed him, and he took occasion to say that Gov. Jarvis was a man who never made a mistake. He commended this man, justice Merrimon, as a son of the west, and as a man whom the people delighted to honor. Years ago a brilliant future was predicted for him. He was in every sense achieving that success. He presented the name of Augustus Summerfield Merrimon. He said the west asked the people of all the State to stand by him.

MR. WINBORNE'S SPEECH.
Mr. R. W. Winborne said: Gentlemen of the convention; coming, as I do, from the native county of your chief justice, I would be untrue to myself and unfaithful to the people whom I have the honor, in part, to represent, were I not to offer the humble tribute of our admiration of his virtues and our loyal appreciation of his services to the State. With ever watchful eyes the people of his native county have witnessed his upward and onward career from a briefless barrister to his present exalted position—as the brightest luminary in that brilliant galaxy of legal lights which adorns the State. They saw him amid the most fearless and foremost counselors of the grandest nations that ever fell in the death-throes of a struggle for human liberty. In the dark days of reconstruction, before the mist of passion and prejudice engendered by the war had cleared away, and while lesser men in their bigotry and fanaticism were crying 'outrage him, outrage him,' they saw this great and good man, then a member of the legislature, soaring aloft into the purer atmosphere of justice, and demanding from its lordly heights that the seal should be removed from the lips of his ancient slave and that he should be permitted to testify in courts of justice. Of his other great deeds at that time it is useless here to speak. But in the fiercest and strongest light that upon him through all that perilous and eventful period "no flaw was found in his armor, no stain upon his shield."

They have known him as citizen, friend and neighbor, and he has been true and faithful in every sphere. They have seen him as your chief justice, building with his own hands in the records of your highest tribunal a monument to his own great life, more enduring than brass or marble. For these things, for his virtues and his wisdom, they love and honor him, and have sent us to honor him today.

But such a character as his needs no eulogy from me—his greatness and his goodness are known and revered by all men. The story of his virtuous fame is wafted upon every zephyr from the mountains to the sea. Beneficent in its influence, it is a boon to the present, a priceless heritage to posterity. Solitary and alone he stands forth like some grand cliff—pre-eminent in his fitness for the illustrious position he has so gracefully adorned. But those who oppose him tell us he is too old for service. I am not one of those who believe that age is synonymous with wisdom and virtue, and that it brings immunity from every fault; nor yet, alas, am I one who believes it should be regarded as a crime.

Have we forgotten, gentlemen of the convention, that King Williams, of Germany, the grandest potentate that sits upon a throne, is now in his ninetieth year? When he was born, Washington was still holding his republican court in Philadelphia, and the first rude shocks of the French revolution had hardly subsided. He was a full grown man at the battle of Waterloo and feasted with

Alexander, Wellington and Blucher in captured Paris. He had grown old in arms before the first steamship crossed the ocean, or the iron-horse had crossed the plains. And yet today this hearty old potentate, with a sound mind in a sound body, wields the sceptre over a united, realm with steady hand, unadorned by declining strength that his years on earth are numbered.

Have you forgotten his peerless premier, Bismarck? Have we forgotten that at the age of eighty, after a life of the most unexampled activity and vigor, his giant mind and his iron will still guide the destinies of states and nations?

Have we forgotten that grand old man of England, who has just emerged from the fiercest political contest ever waged in behalf of justice and humanity? Have we forgotten that even now, at the age of seventy-six, strong in body, strong in hope and strong in the justice of his cause, he is burnishing his armor and marshalling his forces for a renewal of the conflict? Have we forgotten these men—the grandest triumvirate the sun of heaven shines upon—not partners of an empire, it is true, but standing out before mankind in the grandeur of their gigantic intellects and ripened age as the joint heirs of an admiration and reverence whose limits are commensurate with the ends of the earth, and whose deep-toned anthems will resound along the shores of eternity.

Is public confidence to be withdrawn from such men as these? Shall age obscure their virtues? Shall their usefulness cease with a certain number of years, or shall they in the ripeness of their wisdom, while strength remains, continue to serve and bless their country? No, fellow-citizens, age is no disqualification for office, but coupled with vigor should be the repository of honor. Does the charge need further refutation? If so look for a moment at the herculean task performed by your "effete" court at its last term, and find it. Thirteen hundred pages of decisions; more than was ever issued at one time since North Carolina was a State, and yet they would have us believe the court is too old for service. Could men palsied by age, without strength or endurance, have accomplished so much?

I ask you, men of reason, has the indictment been sustained? Do the facts show your present chief justice to be incapacitated for work? If not like gallant sons of a State justly proud of its judiciary, let us renounce him. Let us place upon his brow the laurel wreath he has so richly earned and so well deserves. Nominate him and the air will be resonant with the shouts of the people, exclaiming from every hill and valley, "well done, good and faithful servants."

Mr. M. L. Hill, in behalf of the democracy of Duplin, seconded the nomination of chief justice Smith.

Mr. John H. Small, in a neat speech, seconded the nomination of judge Merrimon, which gentleman he highly eulogized.

THE VOTE TAKEN.
The vote was taken amid half-suppressed excitement. It was as follows: Smith, 407 1/10; Merrimon, 387 9/10; T. S. Ashe, 7; M. V. Lanier, 3. In detail the vote was as follows:

Counties.	Scale.	Vote in Convention.	Smith.	Merrimon.
Alamance	1629	11	8 1/2	7 1/2
Alexander	943	6		
Alleghany	595	4		
Anson	1896	13	13	
Ashe	1219	8	8	
Beaufort	2016	13	13	
Bertie	1614	11	11	
Bladen	1426	10	10	
Brunswick	921	6		
Buncombe	2685	18	18	
Burke	1278	9	4 1/2	4 1/2
Cabarrus	1903	13	13	
Caldwell	1251	8		
Camden	699	5	5	
Carteret	1171	8	8	
Caswell	1550	10	10	
Catawba	2303	15	7 1/2	7 1/2
Chatham	2481	17	14	3
Cherokee	505	3	3	
Chowan	704	5	5	
Clay	352	2		
Cleveland	2030	14	7	
Columbus	1867	12	12	
Craven	1338	9	9	
Cumberland	2179	17	17	
Currituck	978	7		
Dare	244	2		
Davidson	1954	13		
Davie	1067	7		
Duplin	2239	15	15	
Durham	1576	11	11	
Edgecombe	1695	11	11	
Forsyth	2101	14	14	
Franklin	2130	14	14	
Gaston	1385	9	9	
Gates	1183	8	2	6
Graham	208	2		
Granville	2199	15	5	10
Greene	1046	7	7	
Guilford	2491	17	17	
Halifax	2264	15	11 1/2	3 1/2
Harnett	1254	8		
Haywood	1184	8	5	
Henderson	782	5	5	
Hertford	1129	8	8	
Hyde	867	6		
Iredell	2679	18	10 1/2	7 1/2
Jackson	713	5		
Johnston	2801	19	14	5
Jones	746	5		
Lenoir	1620	11	3 1/2	7 1/2
Lincoln	1162	8		
McDowell	951	6	6	
Macon	708	5		
Madison	1087	7		
Martin	1576	11	11	
Mecklenburg	3727	25	25	
Mitchell	635	4	4	
Montgomery	901	6	6	
Moore	1797	12	12	

Nash	1837	12	4	8
New Hanover	1761	12	3	6
Northampton	1733	12	7	5
Onslow	1284	9		9
Orange	1670	11	11	
Pamlico	748	5		
Pasquotank	898	6	6	
Pender	1215	8	4	4
Perquimans	777	5	5	
Petersburg	1490	10	10	
Pitt	2436	16		16
Polk	446	3		
Randolph	2044	14	14	
Richmond	1958	13	6	8
Robeson	2361	17	17	
Rockingham	2443	16	16	
Rowan	2636	18	18	
Rutherford	1517	10		
Sampson	2525	17	17	
Stany	1100	7	3 1/2	3 1/2
Stokes	1334	9		9
Surry	1371	9		
Swain	494	3		
Transylvania	459	3		
Tyrell	488	3	3	
Union	1838	12	12	
Van	1155	8	8	
Wake	4772	32	18	14
Warren	1146	8	4	4
Washington	648	4	4	
Watauga	759	5		
Wayne	2796	19	19	
Wilkes	1301	9		
Wilson	2135	14	4	10
Yadkin	950	6		
Yancey	740	5		

407 1-10 387 9-10

*Gave T. S. Ashe 7 votes.
†Gave M. V. Lanier 3 votes.

The venerable Hon. D. A. Barnes, of Hertford, jumped upon a chair and called for three cheers for Smith. They were given. Capt. Oct. Coke moved that the nomination of Hon. W. N. H. Smith be made unanimous. This was done.

THE NOMINATIONS OF ASSOCIATE JUSTICES.
Col. Fuller said the convention was a law unto itself. He moved that the convention nominate by acclamation as associate justices, A. S. Merrimon and Thomas S. Ashe. Mr. Clement Manly seconded this. The chairman was about to put the vote by acclamation, when there was a demand for a vote by counties. Hon. T. G. Skinner said that a nomination by acclamation was irregular and objected.

Fred. N. Strudwick, Esq., of Orange, in graceful and vigorous language, placed in nomination for associate justice Thomas S. Ashe. He said the only reason urged against him was that he was seventy years of age. Was it democracy to place men under a ban because of honorable age? He said justice Ashe's life illustrated the noblest ends and aims of life. He was a man who was ever faithful to every trust.

Mr. Strudwick's speech won warm compliments from every side.

Hon. Joseph J. Davis seconded justice Ashe's nomination. He said he was as brave as he was honest and virtuous. He asked a suspension of the rules and the nomination of justice Ashe by acclamation.

Col. Harry Skinner, of Pitt arose and after eloquently reviewing the situation said that he came to the convention chiefly in the interest of Mr. Pruden, but that he relied largely on the support of the friends of judge Merrimon for the accomplishment of his purpose; but that judge Merrimon having been defeated for the chief justiceship, Mr. Pruden and his friends would soon take advantage of the situation to elect Mr. Pruden, and moved the nomination by acclamation of judge Merrimon for associate justice.

The chairman put the motion for a vote by acclamation, for which there were hearty calls. Col. Duncan K. McKee said that New Hanover acquiesced in this. (Cheers.)

Mr. W. G. Burkhead, of Wayne, said the delegates from his section had come as friends of judge Strong, but he bowed to the will of the convention and would not place him in nomination.

Hon. J. B. Batchelor said he had been for the old court from the first and was now for Ashe and Merrimon as associate justices.

The motion to nominate by acclamation Messrs. Merrimon and Ashe as associate justices, was put to a vote and adopted amid a roar of voices. It was just 4 o'clock when this was done.

THE EXECUTIVE COMMITTEE RE-ELECTED.
Capt. A. H. A. Williams moved that the present central executive committee, of which Richard H. Battle, Esq., is chairman, be continued for two years. This was adopted by acclamation.

be termed boisterous good humor. The harmony shown was remarkable, was a subject of general remark and gave particular pleasure to every delegate as well as to the spectators. It was in all respects a representative convention, one of the finest which ever assembled here. The number of prominent members and spectators was remarkable. Two Congressmen, three ex-Congressmen and one gentleman just nominated for Congress were among the speakers.

No platform was adopted; this not being thought necessary in a judicial convention.

Texas' Appeal for the Relief of the Flood Victims.
VICTORIA, Tex., August 25.—The citizens of this place held a meeting last evening in the court house for the purpose of devising measures for the relief of the sufferers by the recent storm. The devastation being so widespread that the impending suffering is beyond local aid. A relief committee was appointed which issued the following address; requesting that it be sent out for publication in the newspapers of the Union:

"To the charitably inclined people of America: Last Friday this section was devastated by the heaviest wind-storm ever known on this coast and many of our citizens are without food or shelter. Not alone were the accumulations of