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TUESDAY, DECEMBER 4, 1888

THE PRESIDENT'S MISSAGE. Yesterday the President sent in his message to Congress He begins by re'erring to the "interesting and im pressive incident" that with the expiration of the present session the first interesting history of his notable porcentury of our Constitutional existence will be completed. He says our survival for one hundred years is not and mourn!" This legend is stall sufficient to assure us that we no longer have dangers to fear in the mantenance of our form of government. Departure from the incs laid down in the Constitution is failure. Only by strict adherence to from her hard earnings. We sin the direction they indicate and by restraint within the limitations they fix can we furnish proof of our fitness ulus to him to continue in his work for self government. Equal and ex act justice to all is a necessary cornerstone of our system. There must be no discrimination in the freatment of the people by be government. The tribute of the c t zen to the support of the government must be messured now as it was contented toil." At first there were no combinations, monopolies or agever, we have an enormous defor pride and satisfaction) but with est toil, manufacturing and other monopolies, the result of discriminating favor of the government and a levy was made on land by a deputy built upon undue exactions from the of the sheriff, and upon the issuing masses of the people. "The guif be of the ven. ex, the sheriff sold the tween employers and the employed land and the deputy who made the is constantly widening and classes levy bought, the sale is not obnoxare rapidly forming, one comprising lous to the objection that the sheriff very rich and powerful; while in another we find the terribly poor." We have the trusts, with their enormous ac ieve ments, while the citizen is struggling far in the rear or is trampled to de .th which should be he carefully reservants of the people are fast becoming the people's masters. It is by the irregularity. our duty as patriotic citizens to inquire how the bond of government made with the people has been kept Instead of limiting the tribute drawn from our citizens to the necessities of its economical administration the government persists in exacting from the substance of the people millions which, unapplied and useless, lie dormant in the treasury. The people must still be taxed for the support of the government under the operation of fariff laws, but to the extent that the masses are inordinately butdened beyond any useful public purposes and for the benefit of a favored few, the government, under the pretext of exercising its tax paying powers, nters gratious y into partnership with 110 favorites to their advantage and to the injury of a vast majority of cur people. This is not equality before the law. The existing situation is injurious to the health of our entire body politic. It stifles patri otic love of country and substitutes in its place selfish greed and grass ing avarice. The existing state of things will surely arouse irritation and discontent. Our farmers, long suffering and patient, sting gling in the race of life with the hardest and most unremitting toil will not fail to see in spite of misrepresentation and misleading fal acie that they are obliged to accept such prices for their products as are fixed in foreign markets where they com while their debts increase and that without compensating favor they are ment to pay, for the benefit of others, such enhanced prices for the things they need that the scanty returns of their labor fail to furnish their support or leave no margin for accumulation. The workingman is likewise discriminated against and this state of things leads to the appalling dangers of commu-

North Carolina Historicat Society. Cor. of the News and Observer.

sued from the White House.

among the Best s ate papers ever is

UNIVERSITY OF N. C., CHAPIL HILL, Noy. 30, 1888. The meeting of the N C. Histori cal Society Tuesday night was of especial interest. Rev. Dr. Mangum gave the first half of his Reminiecences of the Salisbury Confederate Prison His thrilling parrative was listened to with intense attention by a goodly be good, the judgment will not be company of students and villagers. He showed that the sufferings in the prison were the consequence of the scarcity of provisions and clothing. The second half of the paper will be refuse to re elect Senator Ransom- that distance annihilated nearly one

Dr. Mangum had peculiar opportuni- Vance, of course. The fact is, if the thers that he saw the men of Ala-

showing the relative advantages of education between the white and colored races in North Carolina. His grouping of statistics was in his usual strong and lucid style. He showed that in many respects the colored have the advantage over the whites and that they are availing themselves of these advantages. A poor white youth, for example, must seek is medical education outside the limits of our State; a poor colored youth can get the best of instruction in North Carolina. That their instruction is good is proved by the fact that the graduates of their med ical colleges pass the State Examin-

ing Board with eclat. Mr. Wm. J. Andrews, of Raleigh, a student, then read a very clear and trait of George III, on the back of which Gen. Greene wrote the words in chalk, "O George, hide thy face legible. Mr. Andrews did full justice to the noble generosity of Mrs. Steele, who comforted the desponding General not only with cheering words but with the gift of all the silver money she had saved cerely hope that this most successful debut of Mr. Andrews will be a stim of chronicling and elucidating the memorable past record of our State. OCCASIONAL.

Sapreme Court Decisions. Digested by the News and Observer.

Orrender vs. Call:

A power to an executor to sell land at first by the cost of its economical after the death of the widow and dimaintenance, and he must be "se- vide the proceeds among the children cured in the enjoyment of the remain. of the testator, is well executed by ing recompense of his steady and an administrator de bonis non, and conveyances made by some of the children in the life time of the widow gregations of capital. Now, how- are without effect to pass litle. The statute of limitations would begin to velopment of wesl'h (a reason run only after the death of the widow. The hares of the children under such it, instead of the due reward of hon- a provision are personalty, not realty. Cowles vs. Hardin

Where, under the former practice, bought at his own sale, and is valid If there was collusion and fraud,

the defendant in execution had a remedy, but the sale was not per se void. Although the statute required that the levy should be made known beneath an iron heel. Corporations to the defendant in execution, yet an omission to do that, was only an irstrained creatures of the law and the regularity and did not invalidate the sale. The purchaser was not affected

Brown vs. Brown. The statutes of 1778 and 1783 forbidding entries to be made of lands within the limits prescribed for the Indian hunting grounds, and declaring all entries and grants of such lands void, were not repealed by the treaty of Holston, made in 1791 by the United States with the Cherokee Indians, by which the title of the Indians to their lands was extinguished. The case of Strother vs. Cothey, Murphey 162, holding that the treaty had repealed the statute, was overruled in Avery vs Strother, C nference Re ports 434, which case is followed

So much of a grant as is embraced in the inhibited limits is void.

Jennings vs. Reeves. In an action to recover possession of land the plaintiff may rely on a deed that had been des royed by the defendant and that has not been registered, and may prove by pa of the execution and destruction of said deed; and the court on proper proof may declare the defendant a trustee In an excellent way the author for plaint iff and compel a conveyance of the legal title.

In the same action the plaintiff may unite a demand, for the execution of a deed and for possession. The registration law does not apply to exclude evidence of a deed that

Reeves vs. McMillan. Expenditures made by an adminis trator to secure lands for the benefit and will not be allowed him in his acauthorizing the renting of the real estate by the administrator is construed to mean lesschold interests.

of the intestet; are to be paid by the was in the rear of Webster's brigade

State vs. Lawson

Where no restriction upon the authority of a tenant is shown, a person nism. A just and sensible revision of | who by that tenant's invitation comes our tariff laws should be made. This upon the premises for a lawful purthe Presiden insists upon as the peo- pose, although having been forbidden shows us the activity and precision ple's cause. He makes various recom to do so by the landlord, is not guilty of Eaton's men. Stedman, the English mendations into which we cannot en- of trespass under section 1,120 Code. historian, and then commissary of ter here. He dwells fully on the con- No such invitation would protect one the dangers that threaten us. The for a wilful or malicious trespass, to message covers the whole ground of the injury of the landlord, if commit- the account of Tarleton; the historian the situation from the democratic ted under the fraudulent pretence of Lamb, another participant in the s and point and takes rank easily such invitation

State vs. Smiley. The effect of the adoption of probibition at a local option election is not to repeal or suspend the law prohibiting the retailing of spirituous liquors without license, but merely to prohibit the commissioners from is suing licenses. Whether local option prevails or not, it is unlawful to re-

tail without a license. Where there are two counts, and the verdict is general, if either count arrested.

We do not hesitate to say that it reserved their fire until the British would be a great loss to the State to were within 30 or 40 paces and at read at the next January meeting of he has done more for the State than third of Webster's brigade; and Peter any other Senator ever did, excepting Rife of Lee's Legion told Dr. Uaruties for gathering the facts on the Republican members of the Legisla- mance fire until the Hessians mountwere influenced by a patriotic ed the fence, that they then clubbed

or, of the News and Observer.

"A Historical Address delivered by the Hon. David Schenck, Saturday, May 5th, 1888, at the Guilford Battle Ground, on the Battle of Guilford Court House, fought Thursday, March 15, 1781. Greensbore, N. C., 1888, 74 pp , with portrait of author and map of battle ground.

This brochure is a complete vindication of the conduct of the North Carohna militia on that memorable day. Judge Schenck begins his mongraph by reviewing and comparing the success of Ameri-Southern States up to 1781. Burgoyne had been defeated and captured in October, 1777, and Sir Henry Clinton had been compelled to seek the protection and shelter of the Brilish forts in New York. British invasion had practically failed in the North. In the fall of 1779 the Engheh government determined to transfer the seat of war to the South. With this end in view Charleston was invested and fell May 12, 1780. The ci izens of that State were panicstricken, the civil government was dissolved, the tories became more numerous and powerful, and the whigs were either prostrate or had given in their allegiance to Great Britain. The battle of Camden had been fought and the Continental Army of the South under Gates defeated. Cornwallis was now advancing into North Carolina, and Tarleton and Ferguson were laying waste all before them. It seemed as if the Amer- N. C. can cause in the South was hopeless when the brave Cols. Winston, Sevier, Shelby and McDowell met the British under Ferguson at King's Mountain and defeated them.

This was the beginning of the end. Cornwallis, stung to the quick, endeavored to bring Greene, who now commanded the Continental line, to Electric Bitters has been given the highan engagement. But he was wary; he knew the disadvantages under which the English commander was laboring

and bided his time. Morgan's victory at the Cowpens is described and his tactics in handling raw militia is dwelt upon as it will be seen that the same method was em ployed by Greene at Guilford Court House. The author shows moreover that North Carolina had on the latter field some 500 more men than she has yet had credit for, because they were not regular soldiers and did not appear on the muster rolls of the army. They consisted of Winston's command, 100 men; Armstrong's command, 100; Sevier's men under Robertson, 100; the men of Guilford, 100; North Carolina Cavalry, 40, and some 60 volunteers.

The other forces engaged, the disposition of troops, the battle, are all described, and the author proceeds to his main subject, the vindication. There were two brigades of North Carolina militia numbering about one thousand men in this fight; one, under Gen. Eaton, composed of men from Halifax, Franklin and Warren counties, was stationed in the skirt of a wood, behind a rail fence, in front of the regulars and facing the advancing lines of the enemy. Gen. John Butler's brigade of Orange, Guiford and Granvilla men was to the left and south of Eaton. These two brigades were then in the fore front of the battle and received the

shock of the first charge. They are accused of throwing down their arms and fleeing without firing a shot. This charge is based on the omission of Greene's order to the militia to fire twice and then retire in Johnson's Life of Greene and its omission in Lee's Memoirs of the Campaign in the South coupled with the charge of cowardice and flight. sums up the evidence in favor of the militiamen; G. W. Greene in his biography of his grand father says that Gen. Greene, like Morgan at Cowpens, asked only three rounds and gave them leave to then retire. The being destroyed cannot be registered. Morgan asked two fires instead of three. Garden, a member of Lee's

Legion, confirms this statement, in his anecdotes; Dr. E. W. Caruthers, who pete with the farmers of the world; of the intestate's beirs are not in the had been over the ground often in that their lands are declining in value due course of administration, and are company with soldiers participating a misappropriation of trust funds, in the engagement, in his life of Rev. David Caldwell assumes this order to forced by the action of the govern | counts. Section 1,413 of the Code | be an established fact; Abram Forney one of the militiamen engaged, says it was two rounds they were ordered to fire and that his part of the line Taxes coming due after the death obeyed the order; Col. Tarleton who and saw it advance on Eaton's line says: "The order and coolness of that part of Webster's brigade which advanced across the open ground exposed to the enemy's fire cannot be sufficiently extolled." This clearly Cornwallis, repeats the story of Webster's advance and corroborates charge, says when the British troops arrived within forty yards of the ene my's line it was perceived that their whole force had their arms presented and resting on a rail fence and were taking aim with the nicest precision; Rev. Samuel Honston, who was in the battle, says in his diary: "According to orders the Carolina line, when the enemy were very near, gave their fire, which, on the left of the British line, was deadly, and having repeated it, retreated" and his evidence was essentially corroborated by Cap: Dugald Stuart in a letter dated Oct. 25, 1825; Brown, in his history of the

Highland clans says the Americans

he mouths of many witnesses is their ravery established. The proof is simply overwhelming. The testimony of their enemies has wiped the stain of disgrace from their record and there is no fair minded man who can read the sketch and not be convinced, the opinion of North Caro

contrary notwithstanding. Judge Schenck is now preparing a history of North Carolina during the years 1780-'81. We understand he has yet other proofs to show our men did their duty during those trying can arms in the Northern and times and we say, "Lay on, MacDuff, lay on," for the benefit of those dunderheads who prefer to believe a lie rather than strike out from the paths their fathers have trod.

linians for a hundred years to the

The author is a very pleasant and forcible writer. He sometimes be comes eloquent in his work and the address is an addition of permanent value to the historical literature of

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