

THE LENOIR TOPIC.

W. W. SCOTT, Jr., Editor and Publisher

WEDNESDAY, NOV. 25, 1885.

Entered at the Post-office at Lenoir as second-class matter.

Subscription price, \$1.00.

Advertising rates reasonable. All bills for advertising payable weekly. Job printing a specialty.

SHOULD BURGLARY BE GRADED?

We have before briefly mentioned the fact of the arrest, conviction and sentence to death in Charlotte of two negro burglars who broke into Capt. S. G. Strickland's house and stole \$12 worth of property. The time for the execution of the negroes was set for today (Wednesday). Last week a petition circulated in Charlotte asking the Governor to commute the punishment of these men to imprisonment for life at hard labor. In this particular instance it was argued to the Governor that the two men do not appear to belong to that desperately murderous class who take life for light cause; that they showed no disposition to do bodily harm to any person and made no effort to go into that part of the house where persons were sleeping; that they carried no weapons or burglars' tools; that they entered no sleeping room but only into a store room and stole only a slight amount, \$12 worth.

The case is made interesting, however, by a letter to the editor of the *Observer* from Rev. Neander M. Woods, the Presbyterian minister, who draws a conclusion from this case that burglary should be a graded crime and that in a case of this kind the extreme penalty of the law should not be imposed. Certainly a bloody code is worse than one that is too lax. The punishment should always be measured by the enormity of the crime. Capt. Moore, in his Idaho letter published in this issue, shows that in some of the Western territories human life is regarded at a cheaper rate than the value of a horse. That is not justice. We cannot, with the lights before us, believe that the death penalty should be removed from aggravated cases of burglary. In no case should it be removed from murder, rape and arson.

We reprint a couple of paragraphs of Rev. Mr. Wood's letter: "What the petitioners ask of the Governor is merely that the sentence be changed from hanging to imprisonment for life. We are not moved by that weak and hurtful sentimentalism which seeks to set free offenders against society merely because suffering is dreadful. We believe that burglary is a great crime, and should be adequately punished, but we also believe that it is possible to inflict a severer penalty than is either needful or wise, and in view of certain extenuating circumstances relating to the cases of these two men, we are sure that the death penalty is too severe.

This statute which makes burglary a capital offense is in the criminal code of our State, and I am not now going to argue whether it should be there or not, but there are some things to be said about it which may help us to clear views of the matter in hand. In the first place, it is fair to characterize this statute as one of the most severe and extraordinary which any modern civilized nation has ever enacted in a time of profound peace. Secondly, such a statute is unknown to at least three-fourths of the States of this Union. Our State enjoys, in this regard, a position that we may justly call singular. Thirdly, I am informed that in several of our States, which once had this law, it has had to be repealed as shocking to the feelings of the best men. These things being true, I hold that if there is an offence as to which extenuating circumstances should have great weight, it is the one of burglary in North Carolina. The idea that any and every case of burglary, no matter how trivial, must bring the offender to the gallows is one which can never long command the approval of men who have a heart to love mercy as well as justice. Such an idea may do much to terrify thieves and exalt the crime of burglary, but it will also go far to cheapen the value of human life in the public estimation. Why, even in dealing with those who slay their fellowmen, we show more consideration than this. We cannot hang the man who kills his neighbor unless we can prove the slayer to have had all the aggravating elements of intention, deliberation and malice in his heart; if he was acting under sudden impulse, or had some provocation, or aimed only at wounding the man he slew, no impartial court would inflict the utmost penalty of death—the guilty gets only imprisonment, and generally he is acquitted. Is burglary, which involves only the possibility of taking life, to be counted a more heinous crime than actual killing? Surely not."

The Charlotte water-works have been purchased by a Northern company for \$90,000. W. W. Fleming, Esq., of Charlotte, is President.

OUR POSITION SUSTAINED.

It cannot possibly be charged against the *New York World* that it is mugwumpian in its sympathies. Indeed, it has so far stood so straight and erect in the attitude of a Bourbon as to lean backward. It has even been called a "hull in a china spoon" because of its plainness of speech, and has almost won for itself the name of being an anti-Administration paper. The opponents of civil service reform cannot, therefore, call anything the *World* says in the matter of civil service an apology for the mugwumps. Last week THE TOPIC declared what it considered to be the greatest and most needed result to be derived from a reform of the civil service. Simultaneously, in an issue bearing even date with THE TOPIC, the *World* embodies the same idea in an editorial containing almost the identical words which THE TOPIC used. Read what it says:

"It is an impertinence to insinuate that the Democratic party desires to see the law partially and inefficiently administered. The law relates to other reforms besides appointments. It seeks to put a stop to electioneering blackmail among the departments and the use of the public offices for partisan purposes instead of in the public interests. The law was never observed under the Republican Administration. Down to Mr. Cleveland's election assessments were made on Federal office-holders just as unscrupulously as before the statute was in force. It has been obeyed and enforced in good faith by Democrats alone.

If Civil Service Reform is eventually made practical and just and becomes firmly established, it will be through the Democracy. If Republicanism had continued in power Civil Service Reform would have been a fraud and a failure."

There are 665 lawyers in North Carolina. Last week the Collector seized and confiscated 1,000 gallons of contraband whiskey in Wilkes. There are 1,173 State convicts, 320 being in the penitentiary and 853 at work on the railroads. Senator Stanford, of California, has given \$5,000 to Zion-Wesley, colored, college at Salisbury. The amount of each Confederate pension will be from \$15 to \$16, and they will be ready for payment on the 5th of December. The physicians of Catawba county have formed a Medical Association with Dr. Richard B. Baker, of Hickory as President. The W. N. C. R. R. has discontinued the use of a pay car. It now pays off its employees with bank checks on Asheville and Salisbury.

Alfred Williams & Co., of Raleigh, are filling a large album with the photographs of the N. C. teachers. They wish the photograph of every teacher in the State.

On the first of January the Asheville and Spartanburg R. R. will be open to the public and through sleepers will be run from Louisville to Charleston, via Knoxville.

There is trouble in Burke over the destruction by Kirk's raiders during the war of some of the deed records. The question is will deeds registered in the missing books have to be re-registered?

At Ireddell court, last week, Allison Speaks was tried and convicted for the murder, on election day last year, of Noah Mason. He threw a rock into a crowd, intending to hit Tom Redman, but he missed his man, hitting and killing Mason.

The stock law election in Burke will be held on the first Tuesday in December. The commissioners have changed the time for holding the railroad election to the second Tuesday in January. A new registration has been ordered for this election.

TIMELY TOPICS.

There is a proposition to consolidate the New York and Brooklyn postoffices. The Bulgarians and Servians have gone to war and have fought two battles, in the first of which the latter whipped and in the second the former. The trouble is that all Europe may become embroiled. The origin of the Galveston conflagration in the Vulcan Iron Works is attributed to incendiaryism by the proprietor and employees in charge of the furnace, who claim that extra precautions against fire had been taken.

ALEXANDRIA, Va., Nov. 16.—Governor-elect Lee and Major Courtland H. Smith have been invited to meet Governor Hill, of New York, at a dinner to be given at the Union Club. The invitation has been accepted, and the Governors will meet the last week in this month or first week in December.

Col. Trenholm, the new South Carolina member of the Civil Service Commission, says that "any expectations that the reorganized commission would be governed by partisan considerations are doomed to utter disappointment." In all his consultations with the President he has been impressed with the latter's "sincere and earnest purpose to enforce the law" and the commission will do all in its power to hold up the hands of the President.

The Blaineites in the Republican party take the defeat of Davenport to mean that the mugwump wing of the party are downed for good and they are getting ready to tighten their grip on the party and to coach Blaine for the candidacy in 1888. On Monday last week, in Princess Anne county, Va., a little 10-year-old girl named Alice Powell was waylaid on her way to school, outraged and murdered. A negro named Noah Cherry, who had been discharged from employment by her father, was suspected, arrested, and, upon his confession of the crime, promptly lynched.

A resolution adopted at a meeting of citizens of Galveston, Texas, that "The loss inflicted on our city by the late conflagration is much greater than at first anticipated, the same being fully \$2,500,000, equal to more than one-eighth of the taxable value of the city, wherefore we most thankfully accept the proffered aid so generously offered." Louis David Riel, the half-breed leader, was hanged at Regina, N. W. T., Nov. 17. Considerable feeling was excited among French-Canadians by the execution. In Montreal 10,000 persons paraded through the streets with French flags and burned Sir John MacDonal in effigy in front of the Queen's statue. A number of shots were exchanged with the police, but no one was hurt.

In Oregon—by mistake our Washington correspondent is made to say that the Republicans were very solicitous about the result of the Senatorial contest in Ohio when it should have been Oregon—the contest ended by the election of ex-Senator J. H. Mitchell over "Landaulet" Williams, both Republicans. Mitchell was elected by Democratic votes and it is said he will support the administration.

OUR BAKERSVILLE LETTER.

BAKERSVILLE, Nov. 13. To the Editor of the *Lenoir Topic*: Temperance is progressing in Mitchell, although there are five distilleries on Big Rock creek and its tributaries.

The Bakersville Division Sons of Temperance has done a great deal of good in Mitchell for the last year. The lodge is making preparations for a social entertainment. Mrs. Artie Wilcox and daughter of Canada Barnett were drowned Oct. 27, in South Toe river. They had been to night meeting and returning home, while crossing the river the canoe dipped water and threw them into the river. The father of one of the girls and another man were in the canoe but could not save their lives. They were found about two hours after it occurred. Dr. J. K. Moore is going East of the Blue Ridge to spend the winter and practice dentistry. The Cranberry Iron Co., pays \$955 tax. A great help to Mitchell as it is so badly indebted. I am told that Mr. Searles has spent for labor since he has been on Little Rock creek \$30,000. He was engaged in the cherry lumber business. He paid \$10,000 for 10,000 cherry trees. He built a "tram" road from his saw mill in N. C. across the Roan mountain into Tenn. As well as I remember the road was about six miles long. I think the incline on each side was something over a mile or near it. He placed an engine on top of the Roan for the purpose of drawing the lumber over the mountain and then it was drawn to Heatun creek, Tenn., by oxen on the "tram" road.

Rev. S. M. Collis preached at the Baptist church last Sunday. He has now gone to Cleveland county and will come back by Burke county and assist Rev. R. L. Patton in protracting a meeting at Zion church. He is one of the most earnest temperance workers I ever saw. Mrs. J. M. Stafford who has been confined to her room so long is improving, but slowly. Mr. Berry Steward said he was on the Roan about two weeks since and the snow was five inches deep. It commenced raining last Friday evening and rained almost incessantly till about 9 o'clock, a. m., Saturday, resulted in another freshet that impeded the departure of the mails again. Sheriff Hickey is out collecting taxes. Owing to the scarcity of money property will be sold for taxes. Mr. Wm. Marsh and family have moved to Burnsville. He will practice law there and in the surrounding counties. Mr. R. S. Perdew who has been staying in Bakersville for some time, left Saturday. He has gone to Wilkes county to visit his relatives and friends and then he is going to Texas. He leaves many friends in town and in the county. P. P. C.

Items from Gilley. CILLEY, N. C., Nov. 8. To the Editor of the *Lenoir Topic*: For the last two or three weeks we have had a great deal of rain, consequently farmers are late sowing wheat. The Yadkin river is "booming" no damage, however, is done except bridges washed away, fords miry, &c. Miss Sallie Council, of Boone, is with her aunt, Mrs. G. N. Folk, at Riverside, and will remain there during the winter in order to attend the school at that place conducted by Prof. A. H. Eller. Miss the beautiful and accomplished Miss Emma Council, of Boone, has been visiting at Riverside and vicinity. Several very enjoyable dances were given in her honor. Mr. Lawrence Greer was so unfortunate as to happen to a serious and almost fatal accident, not many days since. While being upon the 2nd story in his father's barn, the plank upon which he was standing, gave away, and he fell a distance of about twenty feet and for a while, was perfectly senseless. Dr. Carter was called in and says he does not think any fatal injury occurred. We are glad to learn he is improving. Died on Saturday night, 14th inst., Joshua Labell, an honored and respected colored man of this vicinity. "Uncle Josh" was about 80 years of age, had lived a pious and christian life, was an honest and upright darkey, a faithful servant and respected by all who knew him. We believe he has "gone to that better home where trouble and sorrow are no more."

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The "matrimonial boom" in this section is, we think, on a decline. The wedding that was to occur on the 16th is, we suppose, postponed. More anon. H.

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Blum's farmer's and planter's almanacs for the year 1886 for sale at Clody and Nelson's.

PERSONAL TOPICS.

Mr. Carlisle has arrived in Washington as is very ill. Mrs. Nancy McCurry, of Old Fort, aged 85 years, died last week. Mr. J. B. Gill, of Statesville, has been appointed Express messenger on the C. & L. R. R.

The President has appointed Preston L. Bridges, of Wilmington, consul at Montevideo, Uruguay. Judge Dick is a Presbyterian Elder and he preached in the Asheville church during the late term of court.

Married in Statesville, on Tuesday evening of last week, Mr. Richard A. Evans to Miss Maggie Chambers, a niece of Judge Avery. Mr. Hardy R. Hicks, engineer of the Morganton Asylum, was married at High Point, last Wednesday, to Miss Phylene Mendenhall.

Married last week in Cabarrus county, Miss Maggie Davault to Rev. J. F. Smith, of Tennessee, formerly of Wilkes county. R. B. Peebles, a distinguished lawyer of Northampton county, has been made assistant District Attorney in the Eastern District of this State.

Last week Rev. Dr. J. G. Pressley, of Coddle Creek church, a venerable Presbyterian divine of Cabarrus county, was crushed beneath a falling cotton bale and received such injuries as, it is feared, will result fatally.

Horace B. Claffin, the great New York dry goods merchant, died suddenly of apoplexy at his breakfast table Sunday before last. He was cut off in the midst of a playful remark to his foreign agent, Mr. Fairchild.

Mr. William Hunter, Second Assistant Secretary of State, who has been connected with the State Department for 50 years, is dangerously ill and is not expected to recover. He was forced to resign his office on account of sickness.

TOWN TALK TOPICS.

Trivial incidents and idle gossip from the Outlying Hamlets.

The next Baptist State Convention will be held at Wilmington. The "trained" and the "rough and tumble" journalists are not getting along well together. At last Lovelady has secured an express office and Mr. M. F. Jones is the agent. The next thing is a depot.

Charlotte will have plenty of religious services on Thanksgiving Day, as the town will be full of Methodist preachers. A popular subscription to the amount of \$1,600 has been given by the citizens of Winston and Salem to be devoted to improving the roads leading into the two towns. Frank Coxe's palace hotel was begun in Asheville, Saturday. It is to have a front of 177 feet, with a width of 41 feet and from near the center extends back a wing of 164 feet long by 41 feet wide. It is located on Battery Porter and is to be three stories high.

The Board of Aldermen of Asheville have removed the corporation tax from all tobacco factories and will pass a law freeing all manufacturing enterprises in the town from corporation taxes for five years. Avery and Erwin, of Morganton, propose to establish a \$40,000 furniture factory in Asheville and this law was the cause of their going there.

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THE RANK OF GENERAL.

It is reported that the propriety of reviving the grade of general of the army on the active list has been discussed among members of Congress of both parties. But three military chieftains of the United States, Washington, Grant and Sherman, have borne this title. Sherman is now on the retired list with the rank of general, and the additional position of general on the retired list, which was passed for the benefit of Grant, in the closing minutes of the last session of Congress, died with him. The object of the revival of the grade of general on the active list is said by those who advocate it to be for the purpose of promoting Sheridan and appointing Hancock lieutenant-general in his place. Hancock, under the law, will be retired in a little more than two years, and it is claimed that in view of his services and the fact of his having been a candidate for President of the United States, this would be a graceful and appropriate tribute to pay him. The proposition, if brought forward, will of course find advocates, but it would also certainly encounter strong and not improbably successful opposition.

Our Clay Letter. CLAY, Nov. 16. To the Editor of the *Lenoir Topic*: Something is said in the New Testament about unking straight paths. The fresh which took away our nice foot log across Linville river, compelled us to go round to cross another and a fallen log. I suggested to T. J. Sharpe how nicely the pathway might be straightened, and the first I knew hedged out the thick laurels and gave us a scriptural pathway. Thanks to Mr. Sharpe. Rev. E. P. Green, Episcopalian missionary, will hold divine services in our school room on the 5th Sunday of this month. The same day the Baptists held services in Mount Pleasant church, at Lineback. Services commence on Saturday, the 28th. Pinkney Coffey, accompanied by his family, passed these corners on Thursday last, on his way to Roan Mountain Station, Tenn., where he is teaching school. He was a resident of Globe township, your county. Went over to Cranberry again on Saturday last. Overtook Solomon Lewis, who lives on and near the source of Toe river. He was out gathering chestnuts at the expense of the provident mice, which find a hole in a decaying tree and gather and deposit in it a peck or so of chestnuts. Boys and men, about this season, cut down the trees and gather a lot of chestnuts all at once. The animal man, thus demonstrates his dominion over the lesser animals. Mr. Truslow is not fully recovered from his hurt at the time he jumped from the railroad track 20 feet or more down the embankment. They are pushing things at Cranberry Forge. W.

WATAUGA TAX NOTICE. I will file all at the following times and places to receive the tax for the year 1886: P. Walch's, Wednesday, Nov. 25; Wolf's Mills, Thursday, Nov. 26; Store School House, Friday, Nov. 27; Morris Store, Saturday, Nov. 28; Sheriff's Store, Sunday, Nov. 29; Miller's Store, Monday, Nov. 30; Miller's Store, Tuesday, Dec. 1; Edmonson's Store, Wednesday, Dec. 2; W. C. Farthing's Store, Thursday, Dec. 3; Shell & Maud's Store, Friday, Dec. 4; H. Taylor's Store, Saturday, Dec. 5; Boone, Monday, Dec. 7. Please come out and fill your receipts and save time, trouble and cost, for the tax must be paid regardless of the hour times and scarcity of money. D. F. EARL, Sheriff.

TURNPIKE NOTICE. All contracts heretofore made for special rates of toll on the Turnpike will terminate on the 1st day of Jan. next. Contracts may be renewed under different arrangements by those whose frequent travel will justify it by calling on Messrs. G. W. H. P. & Co., at Fall-Run, or on the 1st day of Dec. 1885. J. H. HENDER, Pres't.

LAST CALL FOR TAX. Kelly's Store, Tuesday, Dec. 1; Lovelady, Wednesday, Dec. 2; Peter Mills, Thursday, Dec. 3; Oxtory's, Friday, Dec. 4; King's Creek, Saturday, Dec. 5; F. W. G. & Co., Sunday, Dec. 6; Pitterson, Wednesday, Dec. 7; G. B. Thurston, Dec. 8; John's River, Friday, Dec. 10; Hartland, Saturday, Dec. 11; Lenoir, Monday and Tuesday, Dec. 14 and 15. All persons who have not paid in advance for the year 1886 are notified to attend promptly, take up their receipts, and save cost. M. H. TUTTLE, Sheriff.

Bethesda Healing Springs, ASH COUNTY, N. C. WANTED—to form a Joint Stock Co. for improving above named property. Attention of capitalists is called to this good and safe investment. Interested parties are invited to examine the property and correspond with H. V. THOMPSON, Owner and Proprietor, Glade Spring, Va.

NOTICE OF INCORPORATION. North Carolina, Caldwell County, In Office of Clerk Superior Court, Notice is hereby given of the incorporation of THE LENOIR TELEPHONE COMPANY, that the names of the incorporators are Clinton A. Childs, D. W. W. Harper, J. R. Wilder and such others as they may associate with them. That the principal place of business shall be in Lenoir, N. C., and its general purpose and business is to establish, erect and maintain in the counties of Caldwell, Burke and Chatham in the State of North Carolina, or in out or more of said counties a system of telegraph, with all necessary exchange offices, wires, instruments, machinery, implements and all other things now used, or which may hereafter be used, in connection with the instrument known as the Telephone, so as to make and keep up a thorough system of telegraphic service in one or more of said counties. That the duration of the corporation shall be thirty years, the capital stock is \$1,000, divided into one hundred shares at the par value of \$10. M. E. SHELL, Sec'y. Oct. 21st, 1885. C. S. G.

ADMINISTRATOR'S NOTICE. North Carolina, Caldwell County. Having qualified as administrator on the estate of the late J. D. Torrence, on the 5th day of November, 1885, Notice is hereby given to all persons indebted to the estate of the said J. D. Torrence to make immediate payment and settlement, and all persons having claims against said estate to present them on or before the 5th day of November, 1886, or this notice will be placed in bar of their recovery. The 5th day of November, 1885. W. C. NEWLAND, F. S. HANNA, Administrator.

LAND SALE. As commissioner appointed by the Superior Court of Caldwell county, I will, on Monday, the 7th day of December 1885, at Lenoir, in Caldwell county, offer for sale the following land in Caldwell county under a decree of said Court. Bounded on the South by the lands of Joseph Carpenter, on the North by the lands of Isaac Bush, on the East by the lands of Alexander Bush, and on the West by the lands of Mrs. Austin. For further particulars apply to my office.

Terms Cash. Dated at Lenoir, N. C., this 15th day of October, A. D., 1885. M. E. SHELL, Com'r.

W. C. ERVIN, Attorney at Law, Lenoir, N. C.

New Goods

—AND—

Extremely Low Prices!

We are now receiving a Large and Complete Stock of

Fall & Winter Goods,

And will sell them as Cheap as the Cheapest.

A Beautiful Line of Calicoes, Worsteds, Gingham, Flannels, Linseys, Purcales, Cashmeres, Velvets, Velvetene, Shawls & Zephyr Goods.

We Keep a Large Stock of Fine & Coarse

BOOTS and SHOES.

Den't Fail to see our

New Hats,

And remember our

10c Counter

Contains many Articles that would cost you

25 cts. elsewhere.

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W. C. ERVIN, Attorney at Law, Lenoir, N. C.

Respectfully, R. S. Reinhardt & Co.

LENOIR, N. C., Oct. 21.

MOORE and ERVIN

—WANT—

500 bushels Red Fall Apples.

500 bushels Green Skin Apples.

500 bushels Limbertwig Apples.

For which they will pay

CASH.

Cash paid for cabbage, white krant and all kinds of mountain produce. We want everything in the

Produce Line,

And pay highest CASH prices for it. Call and see us.

Moore & Ervin.

Of Interest to All.

The way to save money is to buy your goods where you can get the best article for the least money. To do this we invite you to our house as

HEADQUARTERS.

"Proof of the pudding is in the eating." So don't fail to give us a trial before buying elsewhere.

OUR STOCK OF General Merchandise IS COMPLETE,

Embracing a Variety of Notions, Ladies' Dress Goods, Worsteds, Calicoes, Velvetene, Water Proof Goods, Silk Trimmings, Mens Piece Goods for both Pants and Suits.

Tickings, Brown and Blacked Domestic, Alamanco

Plaids, Hickory Shirting, Canton Flannels, Blankets, Ladies' Wraps and Jersey Jackets, Shawls,

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LENOIR, N. C., Oct. 21.