

Hillsborough Recorder

UNION, THE CONSTITUTION AND THE LAWS—THE GUARDIANS OF OUR LIBERTIES.

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HILLSBOROUGH, N. C., WEDNESDAY, JANUARY 15, 1868.

No. 24022.

HEADQUARTERS SECOND MILITARY DISTRICT.

Charleston, S. C., December 31, 1867.

GENERAL ORDERS,
No. 164.

I. Paragraph II of General Orders No. 10, from the Headquarters of the Second Military District, dated April 11, 1867, is modified as follows:

SUITS FOR DEBTS.

Judgments or decrees for the payment of money on causes of action arising in North Carolina between the 20th of May, 1861, and the 20th of April, 1865, and in South Carolina between the 19th day of December, 1860, and the 20th day of April 1865, shall not be enforced, by execution, against the person or property of the defendant. Proceedings for such causes of action now pending shall be stayed, and no suit or process shall be instituted or commenced on such causes of action until after the civil government of the respective states shall be established, in accordance with the laws of the United States.

Paragraph III of the same order is modified as follows:

EXECUTIONS.

Sheriffs, coroners and constables are hereby directed to suspend the sale of all property upon execution, or process under any judgment or decree of a court of the so-called Confederate States, or of the State of North Carolina, rendered between the 20th day of May, 1861, and the organization of the provisional government of said State, under the President's proclamation of the 29th day of April, 1865, or the State of South Carolina, rendered between the 10th day of December, 1860, and the organization of the provisional government of the said State, under the President's proclamation of the 30th day of June, 1865, unless the written consent of the defendant be entered of record, and except in cases where the plaintiff or his attorney upon oath, supported by corroborative testimony, shall allege that the defendant is disposing of, removing, or about to remove, his property beyond the jurisdiction of the court, with intent to defraud his creditors: provided, that no such judgment, so rendered, within the periods aforesaid, shall be a bar to the commencement, in a State court, of a new suit upon the same cause of action in any case in which, by law, the defendant may remove or appeal the same to a court of the United States.

FORECLOSURE OF MORTGAGE.

The sale of real or personal property, by foreclosure of mortgage, is likewise suspended in the cases embraced in paragraphs II and III, of said order No. 10 as above amended, except in cases where interest money accruing subsequent to the 29th of April, 1864, shall not have been paid before the day of sale, and all previous restrictions on such sales are revoked.

Paragraph IV of the same order is modified by substituting the 29th day of April, 1865, for the 10th day of May, 1865.

Paragraph V of the same order is modified as follows:

SUITS ON NEGRO DEBTS.

All proceedings for the recovery of money on contracts, whether under seal or by parol, the consideration of which was the purchase of slaves, made subsequent to the 1st day of January, 1863, are suspended. Judgments or decrees entered for such causes of action shall not be enforced.

Paragraph VII of the same order is modified as follows:

HOESTEADS.

In all sales of property under execution or by order of any court, there shall be reserved out of the property of any defendant who has a family dependent upon his or her labor, a dwelling house and appurtenances, and (if in the country) twenty acres of land, or so much thereof that the whole shall not exceed in value the sum of two thousand dollars; and in a town or city, the immediate lot upon which such dwelling house is situated; and necessary articles of furniture, apparel, subsistence and implements of husbandry, trade, or other employment, to the value of five hundred dollars. The homestead exemp-

tion shall inure only to the benefit of families. In other cases the exemption shall extend only to clothing and implements of trade or employment usually followed by the defendant, of the value of two hundred dollars. The exemptions hereby made shall not be waived or defeated by the act of any defendant, who has a family dependent upon him or her for support, and the exempted property shall be ascertained and defined by the sheriff or other officer enforcing the execution, who shall call to his aid two impartial citizens to make the necessary appraisement, and shall make report thereof to the court.

ARREST FOR FRAUDULENT DEBTS.

Paragraph X is hereby modified so as to authorize arrest in civil actions *ex contractu* only in cases where the demand is past due, and the defendant has been guilty of fraud in contracting the debt sued for, or has removed or disposed of his property, or is about to do so, with intent to defraud his creditors, or is about to leave the State with such intent.

EXECUTORS AND TRUSTEES.

Paragraph XIV is amended by adding thereto: All proceedings in any court of North Carolina, or of South Carolina, recognizing or sanctioning the investment of the funds of minor heirs, or of females, or of insane persons, in the securities of the late rebel government, or the securities of the States of North Carolina or South Carolina, created for the purpose of carrying on war against the government of the United States, will be suspended until the question of the validity of such investments shall have been determined by the courts of the United States, or by national legislation. And nothing in the provisions of this order, or of the order No. 10 above cited, shall be held to bar or hinder the recovery, by suit, of the estate of any minor heir, female, or insane person, (*cestui que trust*.) whether in the hands of executors, administrators, trustees, guardians, masters or clerks of equity courts, and other fiduciary agents, or invested by them in their fiduciary character.

DISTILLERIES.

II. General Orders No. 25, of May 20th, 1867, is revoked; and on and after the first day of January, 1868, the distillation of spirituous liquors in this Military District will be subject to such restrictions only as are imposed by the laws of the United States and of the States of North and South Carolina, respectively.

BAR ROOMS.

III. Paragraphs VI and VII of General Orders No. 32, dated May 30, 1867, are revoked, and the power to grant licenses for the sale of spirituous or intoxicating liquors is remitted to the proper local authorities, to take effect on and after the first day of January, 1868, and to be subject to the following conditions:

1. The municipal authorities granting the license shall be answerable that the parties to whom such license are granted, together with their sureties, shall be responsible persons, and of good moral standing in the community, and that both principal and sureties shall be able to qualify individually in double the amount of the bond required, and that the bond shall be a lien upon the personal property of both principal and sureties, and upon proof of default shall warrant the summary seizure and sale of so much of the property of either or both as may be necessary to satisfy the forfeiture or fine and costs.

2. Drunkenness and disorderly conduct on the premises shall work the forfeiture of the license and of the penalty of the bond.

3. The owner or keeper of any bar room, saloon or other place at which intoxicating liquors are sold, and all other persons interested or connected therewith, shall be regarded as principals in any action of damages growing out of any assault, riot, affray or other disorder occurring on the premises, or directly traceable thereto.

4. All bar room, saloons or other places at which intoxicating liquors are sold, shall be closed on the day or days of any general or local election, and for the twelve hours next preceding the opening and next succeeding the closing of the polls at

such election; and the sheriffs of counties and districts and the chief of police of cities and towns, shall have power to direct the closing of bar rooms and other places for the sale of intoxicating liquors whenever it may be necessary in their judgment to preserve order and quiet.

5. The proceeds of all licenses, forfeitures and fines, under the local regulations or under the provisions of military orders, will be devoted to the support of the poor, and as soon as realized will be turned over to the commissioners or overseers of the poor of the district, county, city or town in which they accrued, and the commissioners or overseer will, at the end of each month, report to the Provost Marshal General of the District the amount received by them during the month, specifying the names of the parties from whom it was received.

6. The penalties imposed by this order or by the local police regulations, may be enforced in any civil or military court, and upon conviction the court may award to the informer a sum not exceeding fifty per cent. of the forfeiture or fine. And it is made the duty of all sheriffs, constables and coroners of counties and districts, and the police of cities and towns, to be vigilant in the enforcement of the police regulations and the provisions of this order in relation to the sale of intoxicating liquors.

The provisions of this paragraph will be held to apply to such licenses granted under General Orders No. 32, to inn keepers, as remain unexpired after the 1st of January, 1868.

DISTRICT COURTS.

IV. To promote the speedy trial of prisoners confined for minor offences, and diminish the cost of their maintenance, all committing magistrates will on, the 15th and last days of each month, report to the judge of their county or district court all commitments made by them during the preceding half month, specifying the date of commitments, the names of the prisoners and the offences for which they were committed, to the end that the judges may, whenever in their opinion the number of prisoners or other considerations of public interest call for it, hold special terms of their courts for the purpose of disposing of such cases. The additional expense of holding such special terms will be a charge upon the State Treasury, and the accounts therefor will be audited and paid as accounts of a similar character are now audited and paid, and if the salaries now paid the judges should be inadequate in view of the additional labor performed by them, a reasonable addition upon the proper representations through the Governor of the State, will be allowed.

PILOTAGE.

V. The pilotage regulations now existing in the States of North and South Carolina are so far modified that on and after the first day of March, 1868, all passenger steam vessels, regulated by the laws of the United States, and carrying a pilot commissioned by United States Commissioners, shall be exempt from the compulsory payment of pilotage.

NORTH CAROLINA POLL TAX.

VI. So much of the act of the General Assembly of the State of North Carolina, entitled "An act to raise monies," ratified on the 26th day of February, 1857, as makes it "the duty of all persons and corporations to list and pay the (poll) tax of such persons liable to the same, as are in their employment, on the first day of April of each year, as laborers," is rescinded, and hereafter all individual taxes will be assessed directly upon and collected directly from the individuals from whom they are due; provided, that the provisions of this order shall not apply to the taxes levied for the current year, except that double poll tax shall not be enforced if the original tax be paid on or before the 1st day of March, eighteen hundred and sixty-eight.

By command of
Bvt. Major General Ed. R. S. CANBY:
LOUIS V. CAZIARC,
Aid-de-Camp, Act'g. Asst. Ad. Gen'l.

The Government paid Pierpoint \$5,000 and Riddle \$3,000 for prosecuting Surratt.

THE LAND OF THE WINDMILLS.

"Carleton" writes to the Boston Journal a letter in regard to Holland, which is a model in its way, giving to young readers a more definite and vivid conception of the geography of that country than they would be likely to get from their regular school text books. We copy a large part of the letter:

I am sure that every boy and girl who reads the Journal would take great pleasure in visiting Holland, it is such a queer, strange, funny place, and the people are so odd and curious. There are such scenes as cannot be found anywhere else in the wide world. Most of the boys in New England carry knives in their pockets, and I dare say there is not a lad among all of them who may read this letter who has not whittled out a windmill, or, at least, a whirrigig; but there are more windmills here than they ever dreamed of—windmills in the towns and cities, out in the country, and all the shore of the sea—all in motion where there is wind enough to turn them. Yesterday I could see nearly one hundred at a time. It was a gusty, breezy day, and the storm clouds were flying in from the German ocean, and there was a tremendous commotion among the windmills. Each one seemed to be trying to whirl faster than the other.

Undoubtedly you have read of the exploits of that crazy knight Don Quixote, who saw a windmill and thought it was a giant, and went at it full tilt, and got tumbled into the dirt by the great fans, which went round and round just as if nothing had happened; but if he were alive in these days, and were to visit Holland, he might think with good reason that the land was full of giants.

WHAT THEY ARE FOR.

You wonder, perhaps, what the people of this country can want of so many windmills; but let me tell you that if it had not been for these mills in the past there would be very few people in Holland now. The windmills, in one sense, have made the country what it is.

Looking upon your map of Holland you will see that the river Rhine, which has its source away south in the centre of Europe among the mountains of Switzerland, here reaches the sea. When its gets within one hundred miles of the sea it splits itself into a dozen or more channels, all of which, after winding and turning through a great marsh, pour their waters into the ocean. Holland, therefore, was once a great marsh or bog. There are very few stones or hills, but one dead level of marsh land.

Hundreds of years ago the people who lived near the mouth of the Rhine saw that the marsh land was very fertile, for the silt in the river brought down every year from the mountains made the land very rich; they saw also, if they could only get rid of the water on the marshes, they might lay out cabbage gardens and little farms. They commenced by building dams here and there—one on the branch of the Rhine called the Rotter—and the place in time was known as Rotterdam; another on the Amstel, which was the origin of the name of this city—Amsterdam. So all of the dams in Holland came, not because the people were in the habit of using wicked words, but because they built dams on the streams. But the water soaked through the embankments, and every rain made their gardens wet; they dug ditches, into which the water settled, and then conceived the idea of building windmills for pumping the water into the river.

They set one of the forces of nature—the wind—to work against another force—the rain; and as a gust of wind will turn several thousands of mills just as easily as it does one, they have conquered the rain—have forced the great river Rhine to quit the marshes, and have begun to pump the ocean dry.

That is the meaning of all these giants swinging their arms from one end of the year to the other—day and night—whenever there is a breath of air.

THE COUNTRY.

To see the country as it is, imagine a