NO. 20.

The People's Press.

L. V. & E. T. BLUM, PUBLISHERS AND PROPRIETORS

TERMS: -- CASH IN ADVANCE.

One copy, one year.....\$2 00 six months

" three months,....

LIBERAL DISCOUNT TO CLUBS.

The Eutaw Flag.*

On the 12th of May, 1780, General Lincoln, after sustaining a close siege of more than a a month's daration, surrendered Charleston, with five thousand men and four hundred pieces of artillery, into the hands of Sir Henry Clinton. The dark cloud which had long been threaten-ing Lower Carolina now settled like a pall who was ever the first to cross a sabre with the over the whole State, and but for two causes the whole issue of the war might have been changed. One of these was the severity of Cornwallis, who succeeded Clinton in the command, and who by his unwise policy drove the despondent people to desperation; the other was the indomitable courage and self-devoted heroism of the the melec. For a moment all was dust and women, which encouraged and strengthened the flagging patriotism of the men. The militia who had been captured with the city regarded themselves as absolved from a parole which did not protect them from enlistment in the ranks of the Crown, and the irregular bands of powerful horse, singled out the young ensign as Marion, Pickens and Sumter received large ac- his special quarry, not noticing, in his ardor to cessions. Mill-saws were roughly forged into sabres and pewter table-ware melted and beaten into slugs for the shot-guns with which the men were armed. The British dared not forage except in force, the pickets were shot from ambushes, and their Tory allies hung whenever came down with tremendous force, severing the captured. In August the disastrous battle of muscles of his sword-arm, and at the same in-Camden destroyed Gate's army, and the Con- stant Peyton, for the first time observing his gress sent Greene to supersede him. Making his head-quarters in North Carolina, this experienced commander divided his force and sent General Morgan, with about one thousand men, into South Carolina to harrass Cornwallis in the rear. The latter at once sent Tarleton with eleven hundred troopers, among them his fa- the British line. Already this had begun to mous Legion, to cut off Morgan or drive him back upon Greene. In the latter part of December the Americans were in the region of the

upper Broad River, in Spartanburg district, South Carolina, Morgan having but one hundred and thirty mounted men-they could hardly be called cavalry-among whom was Washington's troop. It was about nine o'clock on the night of the 16th of January, 1781, that the little army was encamped between the Pacolet and Broad rivers, near a piece of thin woodland known as Hannah's Cowpens. The weather was very cold, for the elevation of that part of the country produces a temperature equal in severity to that of a much higher latitude, but neither tents nor shantles protected the sleeping soldiers from the frosty air. Here and there a rough shelter of pine boughs heaped together to windward of the smouldering camp-fires told of a squad who had not been too weary to work for a little show of comfort; but in most cases the men were stretched out on the bare ground, their feet toward the embers and their arms wrapped up with them in their tattered blankets, which scarcely served to keep out the cold. The regular troops, who had seen some service, might have been easily distinguished from the less experienced militia by their superior sleeping arrangements. Two and sometimes three men would be found wrapped in one blanket, "spoonfashion,,' with another blanket stretched above them on four stakes to serve as a tent-fly, and their fires were usually large and well covered with green branches to prevent their burning out too rapidly. One and all, however, slept as soundly as if reposing on beds of down, while the same quiet stars smiled on them and the praying in many a distant home. In and out encounters. His opponent beat down his gnand, I death to their wonted destroyers? anxious wives and mothers who lay waking and among the weird and shifting shadows of the and with a sudden thrust wounded the British outer lines the dim figures of the sentinels stalked with their old "Queen Anne" muskets at the "right-shoulder shift," or tramped back and rons discharged it at his adversary, the ball takforth along their beats at the double quick to ing effect near the knee. The battle was now keep their blood in circulation. At a little dis- really at an end, and the pursuit was abandon-Washington's dragoons and M'Call's mounted As Walter Pey Georgians were picketed in groups of ten, the saddles piled together, and a sentinel paced between every two groups, while the men were stretched around their fires, sleeping on their arms like the infantry, for it was known that Tarleton had crossed the Pacolet that day, and an attack was expected at any time. A party of officers were asleep near one of the fires, with nothing, however, to distinguish them from the men but the red or buff facings of their heavy clonks. One of these lay with his face to the stars, sleeping as placidly as if his boyish form were safe beneath his mother's roof. One arm lay across his chest, clasping to his body the staff of a small cavalry flag, while the other stretched along his side, the hand resting uncon-

er's parlor fauteuit, and which had already become known to the enemy. A rough log cabin stood a little way from the bivouae, before which two sentinels in the uniform of the Continental residence. Conspicuous among the furniture regulars were pacing up and down. The gleam of the roaring lightwood fire flashed through the stered in heavy crimson silk damask, but while open seams between the logs, and heavy volumes of smoke rolled out of the clay chimney. Just in front of the lunge fire-place stood the tall, burly figure of Morgan, and near him were grouped, in earnest consultation, the manly figure of William Washington, the brave and faces of all. Every arrangement had been made nounce "Captain Fraser." of the night was broken by the call of a distant | ruffles of her cap, while the deepened color and sentinel, taken up and repeated along the line. sparkling eyes of the younger, with the almost Morgan instantly despatched an orderly to the imperceptible sarcasm of her smile. seemed to bivouac of the gard, and the party were soon indicate mingled pleasure, defiance and concheered by the intelligence that a conrier had tempt. The visitor who entered was resplenjust arrived who reported the near approach of dent in the gay searlet and glittering lace of the Pickens with three hundred Carolina riflemen British uniform, and his redundancy of ruffles, -a timely and valuable addition to the little

sciously upon a holster-case of pistols. As the

glare of the neighboring fire played over his

features it was easy to recognize Walter Peyton,

guarding faithfully, even in his sleep, the ban-ner which Jane Elliott had cut from her moth-

force of patriots. drum of little Solly Barrett, the drummer-boy daintily supported the leathern scabbard of his of Howard's Maryland Regulars. Fully refreshate their breakfasts with but little delay, and by nice. The ladies swept the floor with their ed by a good night's rest, the men prepared and battle, awaiting the approach of the enemy.

Tarleton, flushed with the assurance of easy victory, had made a forced march during the hefore her guest. Another knock was heard, night, and his command was much jaded when and when the names of three more of garrisonat eight o'clock he came in sight of Morgan's officers wee announced, Miss Elliott whispered outposts; notwithstanding this, however, he a hasty message to some of her fair friends in determined, as was fully expected by those who the neighborhood to come in and help her enknew his disposition and mode of warfare, to at- tertain them. These impromptu parties were tack the American lines foothwith. It must be quite common, and in a little while the room left to the historian to tell how the battle raged

by the Washington Light Infantry of Charleston, South Carolina. It was borne by Colonel William Washington's corps at Cowpens and Eutaw.

†"Solly" resided for many years after the war at Easton, Maryland. A good portrait of him is still

Marylanders taught the British regulars that the despised provincials had learned the trick of the bayonet, and decided the issues of the day. Up to this moment the cavalry, which had been posted in reserve behind a slight wooded emi-As has been stated, these troops consisted of posing flags. McCall's mounted militia and Washington's Mrs. Ellio Light Dragoons. The latter were all well mounted and armed, for their frequent success in skirmishes with the enemy's horse kept them well supplied. They were a erack corps, and well had they earned their reputation. Just as Howard's regulars turned savagely on their disorderly pursuers and put them to the rout, a squadron of British light horse made a dash at McCall, whose men were unused to the sabre, and had been demoralized by the first bayonetcharge of the enemy, which they had sustained on foot. Now was Washington's chance.

"Are you ready, men? Charge!" The words were scarcely off his lips ere the noble mare which he rode shot forward, touched by her rider's spur, With a wild yell, which drowned the regular cheer of the Englishmen, the men enemy. Rising in his stirrups as the gallant chestnut answered the spur, Walter Peyton looked backward at the men as he raised the light staff of his fittle banner and shook its folds to confusion, for Tarleton's veterans were not the men to break at the first onset, and they met the furious charge of the Virginians with a determination which promised a bloody and doubtful struggle. One stout fellow, mounted on a capture the daring little rebel flag, that the trooper who rode next to it was the gallant colonel himself. Reining back his horse almost upon its haunches, he had raised his sabre in the very act to strike when that of Washington danger, dropped his rein and, grasping the flag-staff with both hands, swung it full in the face of his assailant. The man's horse shied vio-lently as the folds of the little banner flapped across his eyes, and as his rider fell heavily from the saidle dashed at full speed through waver, and in another moment the panicstricken troopers were flying in wild confusion toward their reserve. To rally a body of frightened envalry is no easy matter under any circumstances, but when a determined pursuing force is pressing hotly on the rear it becomes a simple impossibility. The entire command gave way as the fugitives approached, and in little while was in full retreat. Col. Washington, as usual far in advance of his men, caught sight of the British commander, who, with 2 of his aides, was endeavoring to rally a favorite regiment, and without a thought of support pressed todrawn a pistol from his holster and kept close to the colors all through the day.

Tarleton was not deficient in personal cour age, and turned to meet his old enemy in a missed his blow and received a bullet in his side from the young bugler's pistol.

"Carter, ' cried Tarleton to the other aide, take that woman's petticoat," pointing with his long and cruel war. The sunfish and bream sword to the saucy little flag, the story of which | floated with quivering fins or darted among the had reached the British camps.

colonel in the hand. The latter drew a pistol, and as he wheeled to follow his flying squad-

As Walter Peyton lay down beside his campfire that night it was with a body worn down beating high with pride as he looked at the flag he had so gallantly defended, and remembered his colonel's words of commendation, which he

In the city of Charleston all was gloom and sorrow except in the little circle of society which duty. Pointing with his sword toward a narboasted of its loyalty to the Crown. Scarcely a row passage near the water, he dashed the spurs family but had some representative in the Con- into the flanks of his gallant mare and called tinental ranks, and as all intelligence reached on his men to follow. There was a momentathe city through British channels, the darkest ry pause, for the duty was one of the most desside of every encounter between the armies was the first which the imprisoned patriots saw. -The non-combatant members of all the planters' from the hand of the sergeant who had succeedfamilies had moved in to the city before its ca- ed to its charge, and raising it above his head pitulation, and while the ladies permitted the visits and acquaintance of the English officers. fluttered out on the air a ringing cheer went up they never lost an opportunity to show them how hateful they esteemed the royal cause.

It was nearly a month after the victory at the Cowpens that Miss Elliott was sitting with her mother one evening in the parlor of their city | their andacity. A perfect storm of bullets greetwas a large and comfortable arm-chair upholeverything else in the room was next and even elegant, this chair appeared to be more fit for the lumber-closet, then entire square of silk having been cut from the back, leaving the underlining of coarse striped cotton exposed to view. The tones of the curfew or "first bell," which knightly John Eager Howard of Maryland, may still be heard nightly in the seagirt old city, had just died away when a loud rap came men were transfixed by each other's deadly McDowell, Triplett, Cunningham and other of-ficers of the field and staff. Determination not from the heavy brass knocker on the street-door, unmingled with gloom was visible upon the and in a few moments old Billy appeared to an-

when the stience | face of the elder lany as she arranged the s powder and sword-knot betokened the military The first gray pencilings of dawn were scarce-ly visible when the slumbering camp was rous-ed by the rolling notes of the reveille from the seven o'clock the entire force was in line of graceful courtesies, that of the younger presenting the least touch of exaggeration as with folded arms and downcast eyes she sank backward was sparkling with beauty, gallantry and wit, with varying fortunes until Howard's gallant It may seem strange that the patriotic belies of the day, the fair Brewtons and Pinckneys and Rutledges, the Ravenels and Mazycks, should have cultivated such pleasant associations with

riages had established even closer ties. Thus,

daughter's visitors with dignified grace, but mortal of William Washington and Jane Elliott be pronounced the feupon, this Court will order with a degree of reserve which it was impossi- his wife. ble altogether to conceal, and to which the officers had become too much accustomed to feel any offence; while the young ladies drove the keen darts of their sareasm home to the feelings | Digest of N. C. Supreme Court Decisions. of their hostile guests, who were forced to submit to it or forego entirely the pleasures of female society.

"May I ask if Company K has been on duty at the picket-lines to-day?" asked Miss Elliott of Captain Frazer, who had just sauntered up

. "May I answer the question after the fashion of my ancestors," was the reply, "by asking why you should think so?"

"Only because you seem to be suffering from fatigue, which a long march might explain. Fraser's company was notoriously a "fancy corps," whose severest duty was generally to

furnish the guard at headquarters and to go through a dress parade every evening at the "Ah, no, but I have been on inspection duty,

and it's a bore, I assure you.' "Inspecting the flower-gardens, I presume, to be sure that there are no rattle-snakes under the rose-bushes, or the milliner-shops, to see that no palmetto cockades are made. May I insist upon a seat for you? Not THAT chair," she added hastily and with heightened color as the captain was about to occupy the mutilated fauteuil: "excuse me, but that is a reserved

"Ab, I see-beg pardon," said Fraser with a slight sneer, for the story of Washington's flag was generally known, and also Miss Elliott's aversion to the use of the chair by any British officer. "Somebody seems to have carried off

the back of that one." "When last heard from," said the beauty with curling lip, "it was at Colonel Tarleton's back," "Tarleton should be court-martialed for that affair at Cowpens," said Fraser with some warmth, and fogetting the proffered seat he pre-

pared to take his leave. Perhaps Captain Fraser would like to have a hand in the 'affair' also," added Miss Elliott ton's wound was too much for the gallant captain, and again elevating the point of his queue toward the ceiling, but this time without his hand to his heart, he left the room with a face somewhat redder than his uniform.

There are defeats which are more glorious than victory, and one of these it was which, on the 8th of September, 1781, gave to Jane Elward the group, accompanied only by Peyton liott's flag the title which has come down with with Jane Elliott's flag and a little bugler, a it to posterity. In the earlier days of its histomere boy, who carried no sword, but, who had by the saucy little standard was known to the gallant men who followed it to action as "Tarleton's Terror," and sometimes it is even spoken of as "The Cowpens Banner." But the name by which its brave custodians most love hand-to-hand encounter. The officer nearest, to call it is "the Entaw Flag." It is hard to him struck at Washington as he passed, but realize as one stands beside the lovely fountains which flow to-day as they did a hundred or perhaps a thousand-years ago, that close by these placid waters was fought one of who rode near him, "a captain's brevet if you the most desperate and bloody struggles of a rippling shadows on that autumn morning as But it was no woman's hand which was there twe see them doing now. The mocking-bird to defend it, and as the Englishman wheeled sang among the overlanging branches the same his horse for the attack Peyton's pistol flashed varied song which gladdens our ears, and the almost in his face, and he fell forward on his wild deer then, as now, lay peacefully in the charger's neck, convulsively clasping it as the shady coverts of the neighboring woods. Who animal ran wildly forward unguided toward the knows what they may have thought when they American lines. Meanwhile, the two com- heard their only enemy, man, ring out his-bumanders had crossed swords, and as both were gle-call to slip the war-dogs on his fellows, or good fencers, a duel a l'outrance seemed immi- when the sharp crack of the rifle told them for nent. But Tarleton had no time for chivalrons the first time of safety to themselves and of

Already had "Light-horse Harry" Lee struck the first blow victoriously in the capture of Coffin and the discomfeiture of his force. Already for several hours the old black oaks had quivered beneath the thunder of artillery more fearfully destructive than that of Heaven itself as Williams hurled back from his field-battery the iron hail with which the enemy strove to overwhelm him. Already had Howard's gallant by excitement and fatigue, but with a heart Marylanders, the heroes of the Cowpens, crossed bayonets with the veteran "Irish Buffs" and forced them in confusion from the field. Majoribanks, with his regulars, grenadiers and indense to be forced by cavalry, and yet to dislodge him was Colonel Washington's special perate character, but Captain Peyton snatched spurred after his leader. As the silken folds from the troop, and the whole line, wheeling into sections so as to pass through the narrow gap, dashed forward as one man. It was a daring attempt, and terribly did they pay for ed the brave Virginians, and nearly one-half of them went down, horse and man, beneath its fearful breath ere the other half were in the midst of the enemy's ranks. Those were days when a certain simplicity of character made the soldier believe that bayonets and sabres were terrible weapons and meant to do terrible work. No rewards were then offered for "a dead cavalryman" or for "a bloody bayonet." There were cloven skulls at Eutaw as at Creey, and bayonet-thrusts. As Washington, maddened by of official power to the public injury, and that the loss of his brave troopers, swung his sharp the public will sustain no damage by the susblade like the flail of death, a shot from the pension for an indefinite time of all the city for the probable fight of the morrow, and the A look of slight annoyance passed over the musket of a tall grenadier pierced the lung of his noble bay, and as the falling steed rolled over on her gallant rider the man shortened his John Hall vs. the Board of Commissioners of musket and buried the sharp steel in the colonel's body. A second thrust would have followed with deadly result had not the British major, Majoribanks, seized the arm of the sol-dier and demanded the surrender of his fallen and bleeding foe. The tide of battle had reced- to show the amount justly due. ed like some huge swell of ocean, and as the wounded hero struggled to his feet he found himself surrounded by enemies, to contend with whom would have been folly. Turning his feeble glance for a second toward the retreating remnant of his shattered command, he caught a glimpse through the smoke and dust of his little-flag fluttering in the distance, and fast receding toward the point whence Hamp-

ton's bugles were already sounding the rally. Neither William Washington nor his "Eutaw Flag" was ever again in battle for the country. not render them altogether void. for the captivity of the former terminated only with the war, and the latter fades from history from that date until, in 1827, Jane Washington, for seventeen years a widow, presented it as a ding was celebrated soon after the establishroadside, marked by a simple stone and pro- such waiver. Lord Campbell, the last royal governor, was tected from desecration by a wooden paling.husband to Sarah Izard, the sister of General It stands near the gate of Woodboo plantation, parties fail to agree upon a statement of the thirteenth century.

Ralnh Izard, who was brother-in-law to our which old Stephen Mazyck, the Huguenot, first case upon appeal, and the presiding Judge goes former acquaintance, Rebecca Stead; and even settled, about twenty-five miles from Eutaw out of office before settling the case, the only General Washington had invited Admiral Fair-fax to dine, on the ground that a state of war of the Cooper, amid the lovely scenes of "Mag-did not preclude the exchange of social civili- nolia," Charleston's city of the dead, there nence, had been chafing for a hand in the fray. ties between gentlemen who served under op- stands a marble shaft enwreathed in the folds Where, upon the trial of an indictment in of the rattlesnake, the symbol of Revolutionary | the Court below, the jury return a special ver-

ROBERT WILSON. THE END.

January Term, 1876. From the Raleigh News.

A recognizance, conditioned that the defend-ant appear at the Court House in Charlotte on the 8th Monday after the 4th Monday in March, 1875, is not forfeited by the defendant's failure to appear on the 22d of February, 1875.

State vs. W. H. H. Honston, et. al., from Meck-

Elisha Grady and others vs the County Commissioners of Lenoir county.

The creation or alteration of townships in he several counties of the State, after the first division of the County Commissioners under Art. 7, sec. 8, of the Constitution, is left with the Legislature.

State vs. Adolphus Mooney, from Rutherford. Fees due officers of the Court are vested rights by law; and are not discharged when a defendant receives an unconditional parton, after conviction and sentence, from the Governor of the State.

Samuel Fowler vs Old North State Insurance Company, from Person.

In case of the destruction by fire of a stock of goods which the defendant had insured for and on account of the plaintiff, the proper measure of damages against the defendant is the market value of the goods, (within the amount insured), at the time and place of the tire. The failure of the plaintiff to call as a witness one who was his clerk at the time of such fire, to prove the value of the goods, was a proper subject of remark by the counsel of the defendant before the jury. The reasons of the plaintif for not introducing the clerk were also properly called to the attention of the jury by his Honor, presiding.

James M. Foster vs. A. K. Parham and Franklin Boyd, from Person.

A leed from A to B, conveying a tract of land, 'the waters of a dam giving twelve feet State vs. Jerre Rorie and Patsy Rushing, from over the wheel to establish the line," does not convey a right to pond the water upon another and different tract of A. distant three-quarters of a mile from the land conveyed, and separated therefrom by the lands of another person. Especially is this so, where the parties to the ced had no idea, and were in fact surprised to find that the dam would pond the water upon the second tract.

Such deed works no estopped as to A to prevent him from recovering damages for the injury arising therefrom.

Amos Wade vs. the Commissioners of Craven county, from Craven.

The subject of taxation is regulated entirely by statute, and the revenues of this State are collected under the operation of what is known as the machinery act.

The County Commissioners have exclusive original jurisdiction to grant relief against exessive valuation of property for taxation; and rom their decision, upon a petition for that surpose, there is no appeal, unless it appears rom the facts found by them as to the valuation of property that they have proceeded upon some erroneous principle; for the reason that the statute gives no appeal.

Samuel Harker vs W. L. Arendell, from Carte-

A brought an action against B to recover a horse, and the Sheriff replexied the horse, but delivered him to the defendant again upon the filing of the statuary bond by C, from whom B claimed title. C. was not made a party to. the action. Upon the trial there was a verdict for the plaintiff, and the Court gave judgment against the defendant for the recovery of the horse and damages as assessed by the jury. At the same time the Court rendered summary judgment against the parties to the replevin bond. B. then filed an affidavit, alleging that he had refused to file any bond for the re-delivery of the horse, and had informed C that he would not defend the suit; and that unless C became defendant in his stead he would deliver more than hoped meant promotion to a captain's fantry, was strongly posted behind a copse too the horse to the plaintiff, and that he made the same statement to the plaintiff; that it was understood between A, B and C that the suit was no longer to continue against B, but that C'was to prove that the deed under which the plaintiff to become defendant, and in consequence of claimed title, although executed by himself, this understanding B did not employ counsel, and did not know he was still a party to the suit until he came into Court as a witness in the cause. Upon the filing of this affidavit, it the little banner which he had carried so long was ordered that no execution issue upon the judgment against B until the further order of was intended and delivered to operate as a ville, Spartanburg, and Pickens counties, S. C., the Court. Upon an appeal to this Court:

It was held, 1. That there was no error in the Court below, rendering summary judgment upon the replevin bond; and 2. That the order of the Court staying execution on the judgment against B was error.

State on the relation of James Campbell and others vs. J. J. Wolfenden and others, from

The Judge below erred in granting an iniunction, by which the persons in possession of the officers of Mayor or Aldermen of a city, and actually performing the duties of those offices, are restrained from all official acts.

It is not sufficient to allege that the persons filling the offices were not regularly or rightfully elected; but it must also appear that they are abusing or about to abuse their possession government.

Guilford county, from Guilford. Since the adoption of the C. C. P., evidence is admissible in an action on a bond to prove mistake or fraud in the consideration thereof, for the purpose of reforming the bond in order

Therefore, where a settlement was made between a creditor and debtor, giving several bonds for the balance due, some at one time and some at another, in an action on the bonds, mistake in the consideration having been alleged by the defendant: It was held, that the ing birds of the common variety costs only fiffendant could show, not only the mistake, but in which particular bond the mistake was embraced, the mistake would not be allowed: It was further held, that fraud in the bonds would

E. M. Adams vs. R. E. and M. C. Reeves, from

Therefore, where A was indicted for retailing spirituous liquors by measure less than a quart without license, and the jury returned a special verdict finding "that the defendant was not a regular dealer in spirituous liquors, but that he made wine of blackberries, in the usual way, without adding brandy or whisky thereto, and being of the opinion that wine so made was not a spicituous liquor, retailed the same in quantity less than a quart without license, &c. If the Court should be of the opinion that wine so made was a spirituous liquor, then the jury find the defendant guilty; otherwise, not guilty: Held, that whether the particular wine was a spirituous liquor, was a question of fact for

William J. Exum vs. Daniel Cogdell et. al. from Wayne.

One who has title to land is not estopped from asserting the same against a purchase from a third party for a valuable consideration, but with notice of the defect in the title of the

vendor, although the vendor claim title under the real owner. State vs. Wilmington & Weldon Railroad Com-

pany, from New Hanover.

The provisions of the act of 1837, Bat. Rev. chap. 104, sec. 36, do not apply to Railroads, &c., constructed before its passage.

The proviso to the 27th section of the charter of the Wilmington & Weldon Railroad Company does not require the company to make and

State vs. P. H. Hodson, et. al., from Guilford. Where one against whom an offence is allegd to have been committed, had not been enand thus subject him to the cost of prosecution, notwithstanding the Solicitor had admitted that | teries of the Order. such presecution was frivolous and malicious.

Richmond.

A prisoner under arrest, on his preliminary examination, was told by the committing magistrate that he was charged with selling stolen corn and that if he wanted to tell anything, he could do so, but it was just as he chose: Held that the statement then made by the prisoner, and reduced to writing by the magistrate, was not admissible in evidence on the trial in the Superior Court; for the reason that the prisonsufficiently put on his guard.

That the statement of the prisoner was in the nature of a denial, and not a confession, made no difference, and it was not for the State to say that such declaration did not prejudice the prisoner's case.

Owen M. Allen and wife vs. Wm. J. Bowen,et.

al., from Washington.

In a summary proceeding, under the provis-Therefore, where A instituted summary pro-

ceedings under said Act against B, who offered and absolute upon its face, was in fact, intended as a mortgage and delivered as such: It was held, that upon appeal from the court of a Justice of the Peace, the Court Selow erred in excluding evidence tending to show that said deed mortgage, and that the proceeding should have arrested during the winter, recently convicted been dismissed for want of jurisdiction in the Justice of the Peace.

Pigeons for Farmers.

Farmers are apt to regard pigeons as very lestructive to have around the farm and say they dig up the grain and eat it, thus ruining the crops. This is a prejudice entirely without foundation. Pigeon's bills are not suited to digging; neither would they have sense enough of course, cat the grains which lie upon the ground, but these, of course, would waste or be picked up by other birds in any case. The farmer has splendid chances to breed pigeons. He can fix up a corner of his barn-loft with little trouble, and letting the birds fly they will pick up their own feed in summer time. They require comparatively no care—the loft need be cleaned only twice a year. A frequent cause or lack of success is that farmers, instead of fixing up a small loft with nests inside, nail boxes to the side of the barn, and here the friends in the mountains, if they are caught squabs, being exposed to the inclemency of the weather, necessarily perish. In winter the pigeons will feed with the poultry. They will breed on an average eight or nine pairs of young a year, which will find ready market when four weeks old for fifty cents per pair; in winter seventy-five cents. If the stock consists of Dutchies or common runts, which will cost \$2.50 per pair to start with, squabs twice the size of common ones can be raised, and will of course command much higher prices. Breed-Court below erred in ruling that unless the de- ty cents per pair, and will pay for themselves within two months.

remarkable people known as the "Nameless | market gardener? Simply because of the im-Sect." They profess "an old religion," which prevails more or less all over China, but especially in the province of Shangtung. Disliked stint, and with the rankest food; frequently Where upon an appeal to this Court it ap- have for a long time endeavored to keep their up in the Spring, and thoroughly incorporates precious inheritance to the gallant corps of precious inheritance to the gallant corps of Charleston citizen soldiery, who still guard its and serve upon the appellee a statement of the case within the time prescribed by the statute, folds from dishonor, as they do the name of the case within the time prescribed by the statute, they expect a deliverer. They do not worship hoe, but uses the plough and the horse hoe; pears that the appellant has failed to prepare beliefs and practices secret. Their religion is it with the soil-plants carry, cultivates deeply, knightly paladin which they bear. The wed- and objection is taken by the appellee on that idols. At the close of their religious services that cannot always be done in the comparativeground, the appeal will be dismissed, unless they have a meal, of which bread and wine form by small family garden, but the spead can be ment of peace. Major Majoribands escaped the there has been a waiver of the irregularity.— the greater part. It is thought that they may used, and that is the next best thing. Use it carnage of the day, but he lived not to deliver Upon a motion to dismiss the appeal in such be the remnant of the native churches planted freely, dig deep, and the result will surprise his distinguished prisoner at Charleston. Sick- case, this Court cannot hear contradictory evi- centuries ago in China by Nestorian missiona- those who have heretofore relied upon the hou ening on the retreat with the deadly malaria of dence, and the motion will be allowed if the ries, who are said to have preached the gospel alone.-Landreth's Reg. the enemies of their country. But among the officers they had many old friends and acquaintances of ante-bellum days, and not a few martaness of their country. But among the dendly malaria of the motion will be allowed if the waiver is denied, unless it appear from the affidays, and not a few martaness of ante-bellum days, and not a few martaness of ante-bellum days. success, and to have exerted a powerful influ-If in such case there be a waiver, and the ence in China for upward of 600 years, from the

Indian Traditions

The tradition of the first landing of Indians in the New World has been repeated to chosen braves over and over from one generation to another, and to this day the Osages have what is supposed to be nearly the original language of their ancestors. They claim that their progenitors came in an ark or boat, and while in the vessel the Great Spirit came and rested upon one of their number and told him to select six others to assist him in governing his nation; hence the origin of the seven original bands of the tribe. The Spirit, while in conversation with this favorite one, directed him to communicate whatever instructions he received for his people through his chosen assistants, and to this day the name of the one upon whom the Spirit rested signifies one who talks with God. His lodge is a sanctuary for any criminal who may flee from justice or vengeance, and he ranks with the highest chief in the tribe. Before they came in contact with the white people they lived in the enjoyment of peace and happiness but they are now realizing that white people are as numerous "as leaves of the forest," and that the decision of the jury, and that the jury had numerous "as leaves of the forest," and that they only constitute a remnant of this once no right to refer the same to the Court for newerful and warlike tribe, and are at the merpowerful and warlike tribe, and are at the mercy of the white race and liable to be driven backward step by step into the waters of the ocean. Their religion tends to give them a gloomy and melancholy east of character, and among other things they believe that the spirit of the departed hovers in anguish around them until a scalp is taken to accompany it to the Indian's last resting place, the great hunting ground, where the spirit of a slain enemy serves him in the most servile offices throughout eternity. For this purpose, though much has been said and written about the civilization of the Osages, they yet organize mourning parties and go upon the war path which otherwise

they are peaceable. Though at first thought it may strike the minds of our readers as almost incredible, there are Masons among Osages. They were probably admitted to the secrets, rites, and privileges repair bridges, made necessary by roads laid of this ancient institution by the French, in out subsequent to the construction of said Railroad.

early days, they being the first whites with
whom they met. They retain a part of the
workings of the craft this day. Col. J. M. Hiatt, a licensed trader for the tribe at this agency, who is a gentleman of culture and large experience, and an honored member of the dorsed as presecutor upon the bill of indict- Commandery, when alone on one occasion with ment, the Court has no authority, after indict- a more than ordinary intelligent Osage, found, ment found and a not. pros. entered, to endorse upon strict trial, though the Indian could not such person as prosecutor, without his consent, speak a word of our language, that he was a Master Mason who prided himself in the mys-

Their so-called "medicine work" is simply the performance of a religious ceremony in which is introduced all form derived from Masoury, tradition and other sources. There are grades in rank, or degrees, as in Masonry, and the ceremonies of introduction and advancement to the higher degrees are as elaborate and impressive as any in the world .- Indian Herald.

Names of Countries.

The following countries, it is said, were originally named by the Phoenicians, the greatest er had not been cautioned as provided for in sec. 23, chap. 33, Bat. Rev., and had not been the Phænician language signify something characteristic of the places designated;

Europe signifies a country of white complexon, so named because the inhabitant's were of a lighter complexion than those of Asia or Africa. Asia signifies between, or in the middle, from the fact that geographers placed it between Europe and Africa. Africa signified the land of corn cars. It was celebrated for its abundance of corn and all sorts of grain. Siberia signifies A limitation by deed of "a tract of land lying thirsty or dry-very characteristic. Spain, a and being in the upper part of the C. L. tract. recentry of rabbits or conies. It was once so inwhich we have drawn agreeable to the division | fested with these animals that they sued Augusthat has been made, and if said division shall tus for an army to destroy them. Italy, a not stand, the understanding is that we sell all country of pitch, from its yielding great quantithe right, title and claim that we have in the ties of black pitch. Calabria, also, for the same lands of C. R., deceased, unto the said W. B., reason. Gaul, molern France, signifies yellowof the second part, and by these presents hath haired, as yellow hair characterized its inhabibargained and sold and conveyed our land or tants. The English for Caledonia is a high hill. right aforesaid, which we do warrant and for- This was a rugged, mountainous province in ever defend. And we, T. P. and E. P., his Scotland. Hibernia is utmost or last habitation; wife, doth for themselves, their heirs and assigns forever, clear of all the encumbrances er extended their voyages. Britain, the counwhatsoever," is clearly intended to convey, and try of tin, great quantities being found on it and does convey an estate in fee simple to the bar- the adjacent islands. The Greeks called it Albion, which signified in the Phonician tonguo either white or high mountains, from the white-Sam'l P. Forsythe vs. Henry A. Bullock, from | ness of its shores or the high rocks on the western coast. Corsica signifies the foot steps of men, which it resembles. Syracuse signifies ons of the Landlord and Tenant net, the tenant | bad savor, so cailed from the unwholesome may set up in his answer any equitable defence marsh on which stood. Rhodes, serpents or which he may have to his landlord's claim; dragons, which it produced in abundance. Siciand if such defence involve the title to real es- ly, the country of grapes. Scylla, the whirltate, a Justice of the Peace has no jurisdiction pool of destruction. Etna signifies a furnace, or dark and smoky .- Eschange.

A Warning to Ifficit Distillers. [Charlotte Democrat.]

The following appears in the Greenville (S. C.) Daily News of the 2nd inst. The letter of warning cmanates from and is signed by thirty illicit distillers from the mountains of Greenin the U. S. Circuit Court, and sentenced to imprisenment in the Albany Penitentiary. The advice should also be heeded by persons in Western North Carolina who persist in violat-

ing the Revenue Laws: PRISONERS' APPEAL.

CHARLESTON JAIL, April 29th, 1876. EDITOR DAILY NEWS: - We, as prisoners in Charleston jail, do earnestly beg all car moun-tain friends to quit stilling, add never violate as they are preeminently "dumb." They will the Revenue Laws again. We have a long and weary imprisonment to encounter.

The information we have received is, that the United States authorities intend to put it down. If our friends will quit and not commence any more, we may be pardoned. Let the mountain county reflect on us poor distressed prisoners. sentenced for two and four years. May God help them to quit and not commence again. If they do, they trample upon, us and upon our poor wives and little children, left to the trials and troubles of a hard world. 'We say to our stilling after this, they will be imprisoned from four to eight years, and we earnestly beg them on their own account and on account of our poor wives and children to stop it. We are willing to take an oath that we will never still again against the law. We people living in the mountains did not know, as we have since learned, that any body could still as cheap by the law as against the law and we ought not to suffer so long. God help our wives and little children.

GEO. Y. SOUTHERN AND OTHERS.

ON THE CULTURE OF CABBAGE.-The question is of frequent occurrence-why cannot pri-THE NAMELESS SECT.-There is in China a vate families have head cabbage as early as the perfect culture and insufficient manuring. The market gardener feeds his cabbage crop without and persecuted by the civil authorities, they ploughs in the manure in the antume, turns it

> The Concord Register is glad to report that a much larger amount of grasses have been sown in that section this year than ever before.