The Weekly Star.

DEVOTION.

JOHN M CAMERON.

Just as the hill-crowned lake reflects the sky
That o'er it bends—shines blue when it is blue,
Is gray when dim and hoary clouds float by,
And bright when sunset limes a gorgeous hue
The tapestries of eve with crimson dye,
And gleams when night's soft dusky hands renew
The heaven's star-studded diadem on high,
Whose million jewels glisten clear and true:

So is reflected in a maiden's eye
Through lashes long or drooping eyelids shy,
Each changing mood of him whom she loves best,
Whether in sorrow dim or gladness bright,
Loves shines with constant and devoted light
Through her soul's windows, ever self-confessed!

—*The Current*

A NOBLE LETTER FROM GEN. LONG.

CHARLOTTESVILLE, March 15, '87.
To the Editor of the Wilmington Star:

DEAR SIR.—I am glad of the opportunity afforded me by the articles contained in the STAR of the 11th and 13th of March, to explain what appears an injustice done by me in my account of the third day's battle at Gettysburg, to the troops that supported the attack of Pickett's division on Cemetery Hill. As my memoirs of General Lee was intended simply as a biography, I was obliged by the lack of space to omit much important detail, that properly belongs to the history of the war. I offer this as an apology for failing to give the troops, that supported that attack, the prominence they deserve.

Since Pickett's charge is of such world-wide renown, I might have given more space to the part performed by the supporting columns, so gallantly led by Trimble, Pettigrew and Wilcox. As I well know a soldier's pride, I would not willingly detract from his justly acquired honor; therefore, in the next edition of my work I will endeavor to make amends for what I omitted in its first publication. I am also glad of an opportunity to testify to the soldierly conduct of the N. C. troops that performed so prominent a part of the army of Northern Virginia. From the Chickahominy to Gettysburg, and thence to Appomattox, I witnessed with admiration their patient endurance of hardships in camp and on the march, and their distinguished gallantry in battle.

The men led by Ranseur, Daniels, Pettigrew, the Ransoms, Scales and Lane furnish a record that would fill volumes, every page of which would sparkle with deeds that might justly swell a soldier's heart with pride. The old North State may be justly proud of her gallant sons.

In conclusion, I will say, in the grand old army of Northern Virginia I observed no State lines. The troops from the different States composing that army were equally distinguished for valor and patriotism, forming that homogeneous mass of gallantry that conferred on the Army of Northern Virginia the fame it so justly merits.

Very truly, A. L. LONG.

A NEW INDUSTRY.

The Value of the Pine Tree.

Special Correspondence Baltimore Manufacturers' Record.

WILMINGTON, N. C., February 26, 1887.—The inventions that led up to this enterprise have shown what values were hidden in the almost worthless fat pine. There is in this city another company with other patents that have given value to the green foliage of the pine tree. When North Carolina made its famous exposition at Boston in 1883 there was huge bale of brown fibre in its space that attracted much attention. "This is made of pine needles" was inscribed on a large placard. People handled it, inhaled its balmy odor, and then asked what it was good for. The principal expectation seemed then to be that it would be adopted by the upholsterers as a cheap, elastic and durable filling for mattrasses and bolsters. The inventors and manufacturers then in the experimental stage of what has since had an extraordinary development. The Acme Manufacturing Company has its office in this city, and its several mills and factories at Cronly, a village it has organized a few miles out on the line of the Carolina Central Railroad. The officers are William Latimer, president; Henry Savage, general manager; H. C. Latimer, treasurer; Cronly & Morris, general agents, and A. E. Scott, superintendent of the mills. The products of the leaves of the long-leaf pine (commonly called "pine needles" or "pine straw,") are a remarkably strong oil that possesses many medical virtues and a strong elastic fibre called pine wool. This last can be bleached, dyed of any color and woven into any form. As it comes from the mills after passing through all processes it is a fleecy brown mass, in appearance somewhat resembling fine cut chewing tobacco. This wool retains much of the pleasant odor of the pine, but is without its pungency; that has gone with the oil. There is sufficient, however, to give it value as a moth destroyer when used as a carpet lining. It has also been found of value in surgery, having been proved to be an excellent absorbent. The company weaves this into a coarse matting for use between carpets and floors, and thus used it is said to be superior to any other lining. A strong, cheap matting is also made for use in halls and offices instead of a carpet, and finally there is a fine and equally strong carpet made suitable for public halls, churches, stairways and offices, and for all places where a low priced, neat and very durable floor cover is desired. The stairway of the Orton House, the floor around the billiard table of the Club, and many other places in this city where the wear and tear are great are covered with this carpeting, and in every case its condition is its recommendation. The excellence of this matting and carpeting, its durability, the low cost of the material, and the consequent low prices at which the finished goods can be sold, will certainly, when the goods are introduced, create a demand that will change Cronly from the petty mill village it now is to one of the large manufacturing towns of the South. B. S. P.

DIGEST OF DECISIONS.

Supreme Court—Spring Term 1887.
Raleigh News Observer.

State vs. Godfrey.

Where the defendant sets dogs on a cow to drive her from a field not enclosed by a lawful fence, and the dogs chased the cow beyond the enclosure and there injured her: Held that the attack being begun within the enclosure, although the injury was completed outside the enclosure, was within the intent and meaning of the statute.

Mitchell ad. de bonis non vs. Mitchell et al.

When a clerk in granting letters of administration takes a grossly inadequate bond a plaintiff in an action against the sureties on the bond cannot join the clerk, the causes of action being distinct and being against different persons having no connection with each other in respect of such causes of action.

Skinner vs. Bateman.

When the Legislature erects the territory of a common school district into a graded school district, and invests the custody of all public school funds for the white race of said district in trustee, and the common school committee employs a teacher who obtains from said committee an order on the county treasurer for her pay, who refuses to pay the same; Held that she has mistaken her remedy in bringing her action against him.

Whitaker and wife vs. Hill, trustee, et al.

Application for injunction against sale of real estate under trust deed.

The Court says if the complaint be taken as true, the plaintiff is entitled to relief by injunction: the defendant, however, while admitting the material facts stated in complaint, alleges other facts which, if true, put in question plaintiff's right.

The matters of fact at issue are not entirely free from doubt and important questions of law are raised that ought not to be decided until the action shall be tried on the merits. In such cases the injunction will be continued to the hearing, especially when it appears that the security will remain.

Wiley vs. Railroad Co.

Easement:

Held, as the presumption of a grant arises from adversary and continuous use after twenty years, so the same period of disuse occurring afterwards presumes a surrender or extinction of encumbrance upon the servient land. Continuous use, as of right, for the prescribed period is evidence of the acquirement of an easement. Interruptions of the use unless when known, promptly re asserted, rebut the presumption. Interruptions after the presumption has arisen, furnish evidence of an abandonment to be considered by the jury.

Evans vs. Ethridge.

Attachment.

Held, a clerk of the Superior Court can issue an ordinary process in his own action including a warrant of attachment.

Bank vs. Harris.

Stat. of Lim. Part payment. Effect of unperformed agreement to credit a note with the amount of another debt due to the debtor.

Held, it is not the mere endorsement of a credit upon the note, even when supported by a counter claim, by the holder which will have the effect of reviving the liability, but an actual payment made and received as such, of which the entry is evidence, as the fact may be otherwise shown. A has a bond against B and becomes indebted to B in a smaller sum. They meet and agree that the claim of B shall be discharged by appropriating what is due from him to A to what he owes A. This agreement operates *co instanti*, and is a partial payment and removes the bar of the Statute of Limitations.

Woodleaf vs. Merrill.

Held, when there is no controversy disclosed in conflicting allegations and denials in the pleadings, the court cannot take cognizance of the cause.

The court cannot entertain a bill for the construction of a devise. Devisees claim by purchase; their rights are purely legal and must be adjudicated by courts of law.

Syme, administrator, vs. Trice et al.

Held, the practice is to attack an irregular judgment by a motion in the cause.

The court will not set aside a judgment affecting the property of an infant, who was eighteen years of age when served with process, and who did not appear in the proceedings as an infant, and who suffered no substantial injustice, especially when the rights of third parties without notice have intervened.

Gully vs. Cole.

Homestead: A homestead having been once laid off, in the absence of fraud or irregularity in the proceeding, it remains a homestead and is not subject to be laid off a second time at the instance of another creditor. "What equitable remedy, if any, a creditor might have, if the homestead property had greatly increased in value, the court is not called on to decide in this case."

Weatherbee vs. Farrar.

Where a husband mortgaged his crop, stock, &c., to secure a note of $3,500, the proceeds of which on being discounted was to be used to make his crop, and afterwards conveyed the same property to a trustee to secure a debt due his wife; and when the crop was made obtained further advances from the mortgage to prepare it for market and agreed that these last advances should be paid for out of his crop;

Held, that the trustee of the wife was not bound thereby, but that the mortgagee was liable to account to the trustee for the overplus after the satisfaction of the original debt secured by the mortgage.

Held, that the wife lost none of her rights under the deed in trust because she remained silent when she first heard of the previous misapplication of a part of the crop to the payment of the unsecured account due by her husband to the mortgagee.

State vs. Gilmore.

Held, when in the trial the evidence is conflicting and presents the case in two or more distinct aspects, one or more of them favorable to one side, and one or more favorable to the other, the court, in applying the law, should direct the attention of the jury to such various aspects, more especially when called upon to do so.

Frank vs. Robinson.

Held, that while a judgement creditor may seize under execution property conveyed in fraud, he may also attach the conveyance and have the fraud, if any, declared, so that when the property is sold, it may be sold free from doubt as to title.

Where there are circumstances of covin fit to be left to a jury, and the trustee is a non resident who may remove the goods beyond the State, the case of possible irreparable injury is presented which justifies the interposition of the court to preserve the fund.

Brooks vs. Brooks ex et als.

Held, where the complaint states facts sufficient to constitute a cause of action and the defendants appear and make defence on the merits, making no objection on account of irregularities, they must be held to have waived all irregularities.

McNeill & Co vs. Lawten.

Held, where an action has been referred to a referee, it is still in court and plaintiff may take a nonsuit as if there had been no reference. But the right to take a nonsuit cannot be exercised where defendant has filed a counterclaim and objects.

Clayton vs. Coyle.

Ejectment by *cestui que trust*. Defence, possession under color of title. Held that the interests of *cestui que trust* is, as against strangers to the deed in trust, under the protection of the trustee and shares the fate that befalls the legal estate by his inaction or indifference. The annexation of trusts to the legal estate cannot arrest the operation of the rule which ripens an imperfect into a perfect title.

King vs. Blackwell.

Held, on an appeal from the decision of the county commissioners in reference to laying out a public road, the appellants having prepared an issue, "Is a public road leading from S. to L. necessary," it is not error for the court to add thereto the words "for the public."

The mere omission of the court to to give instructions in a particular respect that might have been given if called to its attention in apt time by the party complaining, is not ground for a new trial.

Evans. vs. Railroad.

Application for order restraining defendant from using drain.

Held, there being satisfactory affidavits by practicing physicians uncontradicted by similar affidavits, that the drain complained of is dangerous to health, there was no error in the order of the Superior Court granting a temporary injunction until the final hearing.

Moore vs. Alexander.

Held, that the act of 1881, section 1345, Code, changes the effect of the act of 1844 so that a judgment against the principals in official bonds is now presumptive evidence only against the sureties.

Allen vs. Taylor.

Ejectment by vendor against party holding possession under contract of purchase.

Held, that a party let into possession under contract of purchase is a mere occupant by permission, and is entitled only to reasonable notice to quit. Nor is he entitled to answer in an action of ejectment unless he gives the undertaking required by the statute. The rights of vendor and purchaser discussed.

Arrington ex. vs. Rowland ex.

Held, when by express agreement a debt becomes due by covenant and is due only at the death of a party, the statute does not begin to run until that event.

Bridgers vs. Dill and R. R. Company.

Where the defendant repeatedly tore down the fence of the plaintiff, subjecting his crop to injury by stock, it is not error to leave it to the jury to say what was the actual damage sustained to the crop there by. Such injury was the direct and proximate damage.

Railroad companies are liable for injuries that may accrue to individuals from their wrongful acts, notwithstanding the statutory provision providing a method for the condemnation of a right of way.

Brantly vs. Finch, adm'r.

Held that it is the sum demanded that gives to magistrates jurisdiction of an action. It is is only when the principal of the sum demanded exceeds two hundred dollars that the plaintiff need remit the excess of the principal over $200.

Ann B. Loftin vs. J. E. Loftin.

Held, it is not error in the court to charge in regard to a deed alleged to be destroyed that its existence being denied by the plaintiff it was incumbent on the defendant to "clearly satisfy" the jury of the existence of the same.

Held, that in an action against a stranger, to recover possession of land, it was competent for the feme plaintiff to testify that she received the money with which it was purchased from her father then dead. Section 590 Code does not apply.

State vs. Commissioners of Wayne.

Held, if by any omission of their duty, the public suffer, a board of county commissioners may be indicted, but the indictment must point out the particular public duty neglected. In the matter of keeping up fences in stock law districts, while it is the duty of the commissioners to make all regulations, &c., to that end, it is not incumbent on them personally to look after the fences and repair the same by their own exertions.

SUPREME COURT.

Raleigh News-Observer.

Court met at 11 o'clock on yesterday morning, and resumed the consideration of appeals from the 6th District.

Koonce vs. Sanders, from Onslow. Continued.

State vs. Jones, from New Hanover. Argued by Attorney-General for the State. No counsel for defendant.

State vs. Thompson, from Onslow. Argued by Attorney General for the State. No counsel for defendant.

White vs. Beaman, from Sampson. Argued by Messrs. Haywood & Haywood and E. W. Kerr for plaintiff, and Mr. J. L. Stewart for defendant.

Lilly vs. West, from Sampson. Argued by Messrs. Henry E. Faison and Haywood & Haywood for plaintiff, and Mr. J. L. Stewart for defendant.

Court met at 11 o'clock on yesterday morning, and resumed the consideration of appeals from the 6th district.

Davis vs. Perry, from Carteret; argued by Messrs. M. DeW. Stevenson and Henry R. Bryan for plaintiff, and Mr. C. B. Thomas, Sr., for the defendant.

State vs. Hall, from New Hanover; argued by the Attorney General for the State; no counsel contra.

Moore vs. Faison, from Duplin; argued by Messrs. Faircloth, Allen & Joyner for plaintiff, and Messrs. Henry E. Faison and Haywood & Haywood for the defendant.

Opinions were filed in following cases:

McNeill vs. Lawton; affirmed.
Dickerson vs. Wilcoxon; affirmed.
Brooks vs. Brooks; no error.
Andrews vs. Beam; no error.
King vs. Blackwell; no error.
Clayton vs. Cagle; no error.
Brantley vs. Finch; no error.
Foote vs. Gooch (two cases); no error.
State vs. Gilmore; error.
Evans vs. Railroad; no error.
Frank vs. Robinson; no error.
Harvey vs. Rich; case remanded—no judgment appears in the record.
Harvey vs. Brevard; case remanded—same as above case.

For the Star.

THE PEOPLE AND JUSTICE VS. DICK GIBBS AND "H."

The STAR of the 2nd inst. contains an unjust and violent attack, based upon a statement of half the truth, upon the Judge who held the last term of the Superior Court of Beaufort, for changing the sentence of one Dick Gibbs, convicted of larceny in stealing a bull, from a term of three to ten years in the State prison. When your anonymous correspondent, admitted to your editorial page, denounces this exercise of sound discretion by the Judge, on motion of the Solicitor, as outraging "law, justice and humanity," it is high time for that Solicitor to answer over his own signature, and submit to the public the *whole* truth—what has been omitted or suppressed by "H," as well as what is stated in his communication.

One Richard Gibbs and one Henry Dradman, both colored, were tried and convicted of the crime of stealing a bull, the property of one ——. The evidence tended to show that Dradman was asked by Gibbs to assist in killing the bull and in removing it, and while he knew it was stolen, influenced by Gibbs, assisted him in taking it to his house.

Without taking the precaution, as I usually do, to enquire about the character of the defendants, I prayed judgment. The Judge, upon his own motion and without a suggestion from any quarter, discharged Dradman upon his own recognizance to appear at the next term of Beaufort Court and pay the costs, remarking that the evidence showed him to have been the tool of Gibbs, who was sentenced to a term of three years in the State prison.

On the next day I was informed for the first time that Gibbs bore the character not only of a professional thief, but was a dangerous and desperate man. At the same time I ascertained that he had threatened the lives and property of two of the witnesses for the State, and the prosecution. These gentlemen, being men of character, stated to me that they did not feel safe and their families would suffer from the apprehension of future danger when they heard that Gibbs had said, that "three years was a short time," and at the end of that time they should suffer. I informed the Judge of the character of Gibbs, his threats and the fears of the people of his neighborhood, and asked the Judge to reconsider his sentence and hear additional evidence of Gibbs' character and his threats against the State's witnesses; and he stated to me that he had never re-sentenced a criminal and would not interfere with the judgment already passed unless it was an extreme case. It was insisted by me that this was an extreme case, and at my instance Gibbs was brought back into the court room, the sentence of three years stricken out and upon proof of the foregoing facts Gibbs was sentenced to ten years in the State's prison, and for this your correspondent charges the court with "outraging law and humanity." If "H" is a lawyer, and I suspect he is an old one, he knows that the Judge did no violence to the law in imposing a sentence which he evidently admits the Judge had a right, in his discretion, to impose under the statute. The best evidence that the sentence was reasonable and just grows out of the fact that it met the approval of an able bar and an intelligent people, whose Christian culture fits them quite as well to pass upon questions of humanity as your anonymous correspondent, whose opportunities for understanding the facts were far better than his.

I have no objection to discussing in the periodicals of the day the question whether our punishments for criminal offences should be more definitely fixed, or whether the system should be radically changed; but when such intemperate, if not malicious, expressions find their way into articles on such subjects it looks too much like an anonymous writer had seized the occasion to give vent to his spleen at the Judge rather than to suggest wise and beneficent changes in the law.

Judge Pearson used to say that when a young lawyer lost his case in the court house by his own mismanagement he generally resorted to the nearest bar room and cursed the judge. The more modern idea is to rush into print and criticise some one of the hundreds of decisions that the judge renders. We hope if "H" is a lawyer the judge who sentenced Gibbs has never made him itch. If he has much idle vaporings might have been produced over his wine, but it is unpardonable to cover a feeling of resentment or revenge under the specious cloak of a humanitarian and a reformer. I trust that his name, if published, would show that there is no ground to suspect his motives. The Judge who imposed this sentence has been repeatedly complimented by solicitors and members of the bar throughout the State as having the happy faculty of discriminating nicely, fairly and humanely in imposing sentences. He has been especially honorably noticed by papers published by the colored people and their correspondents for administering justice without regard to race or previous condition. You "bite a file" when you attack Judge Avery under a mask, Mr. "H." The women and children whose lives and homes are protected by this sentence thank Judge Avery that they feel secure while Dick is enjoying abundant "cooling time," and good men everywhere will approve of the conduct of a Judge who knows how to give the innocent rest and security by making examples of the guilty.

When a man is shown to be an habitual rogue and desperate and dangerous—and it further appears that he has threatened to kill a witness for the State, the officers who arrested him and the owners of stolen property who prosecuted him and to burn their houses or destroy their property—"H" may consider such threats as "idle vaporings" or "innocent grumbling," but no Judge who has a just idea of what is due society can or ever will concur with him, and I shall never fail to insist upon just such a sentence in any similar case that may arise in the future, notwithstanding the folly or spleen of "H."

Yours, very respectfully,
J. H. BLOUNT, Solicitor.

— New Bern *Journal:* On Sunday morning last the little son of Theophilus Bland, jr., named Zeb Vance, near Johnson's Mills, Pitt county, was shot in the right ankle by a gun falling from the rock, which caused the foot to be amputated.

Creditors of Onslow County,
Take Notice.

NOTICE IS HEREBY GIVEN THAT ALL PERSONS holding or having any outstanding claims, warrants or judgments against Onslow County contracted or created before the first day of January, A. D. 1887, must present them before the undersigned, for registration at Jacksonville, on the first Monday in April, A. D. 1887, or before the fifteenth day of April, A. D. 1887. Any person failing to present his claims, warrants, or judgments, within the time prescribed in this notice, will be forever barred of the recovery of the same, when pleaded in any and all Courts of the State.

It is also ordered that the *bona fide* holder or owner of said claims, warrants, or judgments, shall present them personally.

This March 9th, 1887.

ED. FRANCKS.
A. F. FARNELL, Sr.
J. W. SPICER.
Auditing and Finance Committee for Onslow County
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