

Opinion delivered by Chief Justice Chase June 10, 1869, in case of John Jay Anderson vs. James M. Harris and the Bank of Cape Fear.

This is a suit in Equity by the plaintiff, a citizen of Kentucky, against the defendants, who are citizens of North Carolina. The substance of the case is, that Anderson, having sold some slaves to Harris, received his bonds for the price, and deposited them in the Bank of Cape Fear for collection. In 1860, or early in 1861, subsequently, the Bank received partial payments, which were transmitted to Anderson, and there were no further payments until November, 1862, when the balance on the first bond was paid. The second bond of \$150, and interest, were paid in full early in 1863. These payments were made in Confederate notes, and the bonds were surrendered to Harris.

The bill charges that there was collusion between the bank and Harris, in this attempt to satisfy the bond by payment in Confederate money, and prays that the defendant may be compelled to satisfy the same in gold. The bill also charges that Harris is insolvent, and this charge of insolvency is denied by the answer, and not supported by proof.

There is no doubt that the bank was constituted agent for collection by the plaintiff, and it is not denied that the duties as such were faithfully fulfilled until after the commencement of the civil war. The agency of the bank was terminated by the breaking out of hostilities. The bank might, indeed, have declined to act further under its agency, and might have retained the bonds for delivery to the plaintiff, but, if so acted, it was bound to act with good faith and integrity, in the receipt of Confederate notes, in payment of a debt due to a citizen of a State adhering to the National Government, was not the exercise of such diligence.

Such receipt, however, did not discharge the debtor from his debt. The bonds, though paid in form, and delivered to him as paid, by the Agent, were not paid in fact. He still remained liable for the full amount of the debt. Nothing could discharge him except ratification of the acts of the agent, or voluntary release by the creditor, or actual payment in lawful money.

No discharge, such as is here described, is alleged. The evidence is that the creditor disapproved the unauthorized acts of the Agent, and insisted on payment in full. But, we think that he could not disapprove, and recover damages for consequential loss without proof of such loss. If the debtor is not discharged, and is able to pay the debt, and no loss has arisen to the creditor from the acts of the Bank, it is difficult to see how the creditor can establish any right against the corporation. Rights and remedies as between the Bank and the debtor are matters between them, and not between the Bank and the creditor, unless he has arisen to the creditor. But the bill contains no allegation of the solvency of the debtor, or of other loss.

In the present State of the pleadings, therefore, the particular relief prayed for in the bill can not be granted. But since the Bank is undoubtedly liable to the debtor for the value of the Confederate notes, received from him, and the debtor remains liable to the creditor for the full amount of the bonds, we think that to avoid dismissal of the bill, by reason of its being framed in the wrong party, and upon the whole case, a decree may be made for the payment by the Bank to the plaintiff of the amount due to Harris, and against Harris for the balance remaining due after crediting the full amount upon the bonds.

If the plaintiff is not content with such a decree, his bill, in its present form must be dismissed; but, if he chooses, he may amend by showing the insolvency of Harris, and loss of his debt through the unauthorized action of the Bank.

Emerson v. Mallett, Phill. Eq. R. N. C. 236. State ex rel. Cummings vs. Mebane 2, Phill. (N. C.) 315, liability of Guardian receiving Confederate notes.

For the Sentinel.

AGRICULTURE—HOG RAISING. Hon. JONAS HUDSON, JR.—Dear Sir:—I am glad to see you mention in your issue of the 27th inst. the subject of hog raising. There can be no permanent improvement in the pecuniary and economic interests of North Carolina, that does not have for its basis, the improvement of Agriculture. Our soil is the great laboratory, out of which must come the future wealth of the State. All other schemes of improvement, while they may partially aid agriculture, can only be secondary to it, and should be made subservient to its promotion.

The eminently practical letter of Mr. Robert Bingham, of Mecklenburg, which you copied the other day from a Farmer's Journal, was an excellent contribution to the interests of Agriculture in this State, and I hope to see it followed by articles and letters of the same character from all the farmers of the State, to our State Journal. I would suggest to our printers when they write for the Farmer's Journal, to be always practical and sufficiently specific. They must not take it for granted that their readers can take up any subject which they may make. Mr. Bingham, in speaking of the value of Guano's Fertilizer, is not particular to designate the character of his soil, and the application of it to a particular class of soils. The precise nature and condition of the soil, must be understood, in order to use judiciously, the various kinds of fertilizers now in use. Many are led by the high wrought descriptions of particular fertilizers to purchase them, without knowing their quantity, when they apply them, and the consequence a failure in their biter denunciation of the particular kind of fertilizer used to no profit, and often of the Agents vouching them, for the lack of the necessary information which renders of fertilizers ought to furnish. If a man has a good fertilizer to sell, he ought to know all about it, when, and where and how much, and under what circumstances it ought to be applied, and the quantity, and the consequence a failure in their biter denunciation of the particular kind of fertilizer used to no profit, and often of the Agents vouching them, for the lack of the necessary information which renders of fertilizers ought to furnish.

Very Truly Yours, S. J. HUDSON. Strange as it may seem, this letter failed to impress the Assessor of the First District with a sense of the vast and awful consequence of Grant's cousin. The Assessor, who undoubtedly knew both Grant and the cousin, replied as follows: BLOOMFIELD, June 8, 1869. Sir, Your letter of the 25th ult., is received. The appointment you ask will not be made.

Your insolent and dictatorial letter of the 10th has been laid before the President and the Commissioner. I consider it a gross insult to myself and a libel upon General Grant, whom you affect to be able to control because of your sangularity. I scorn your pretended influence, and regard you a contemptible man in my office as an effort to involve me in dishonor. I am, Sir, J. B. WEAVER, Assessor.

We have not heard the result, but the presumption is that the Assessor has been removed, for it is not to be supposed that Grant would suffer his dear cousin to be thus talked to with impunity. It is now in all seriousness we ask whether the Assessor has any pretensions to blash and kingly honors, and whether the President who bestows upon such relatives as this S. J. Hudson not only high office but the prerogative of partitioning out other offices. Who can read the letters above without a feeling of disgust toward the precious pair of cousins, Grant and Hudson?

Repetition: God knows, is bad enough when practiced by a functionary whose duty it is to give aid, protection, and support to the innocent. What sort of creature is this S. J. Hudson to be a foreign Minister? What sort of a thing is the distribution of all the offices of a great State?

We wonder if this wretched "thingomy," with his "surgality" and "ymmetism," is authorized by his commission to deal out all the low offices according to his own pleasure. We don't think that he lied in the matter. If he did, why doesn't his cousin Grant remove the absurd and ridiculous rascal from the Guatemala Ministry?

A SAD STORY ABOUT A PIOUS YOUNG MAN.—The American (Montgomery Co., N. Y.) Reporter tells the following sad story in regard to an apparently pious young man who flourished in that village some time ago under the assumed name of Frank Meisley: "Previous to coming here he had been connected with E. M. N. Y., of murder, for shooting a United States military guard, and was sentenced to be shot, but the President commuted the sentence to imprisonment, and the unhappy culprit broke jail and finally landed in Amsterdam. He left here under difficulties, and next turned up in Lithuania, where, upon a few days' courtship, he married a beautiful and estimable girl whose name we give below. He was indicted for bigamy and tried at the Young Men's Association of that village. The following notice of his character we clip from the Lithua Democrat: "People were sorry, since Lawrenceburg, indicted for bigamy. The defendant arraigned and pleaded guilty. Sentence, three years at Auburn."

After the sentence was pronounced, Shear addressed the Court for about ten minutes. Judge Van Valkenburg would have sent him for the full term but he had known his personal character. The tender part of the tale is yet to be told: for grief drove this young man to the wife (the second wife) of his young wife, from the effects of this grief she died, as the following notice, clipped from the same paper, announces: JACKSON.—In Italy, June 1, Kate M., daughter of George and Caroline Jackson, aged 25 years and 9 months.

From the Louisville Courier-Journal.

GRANT'S COUSINS. President Grant, about two months ago, appointed to office a couple of his vulgar cousins, and has since been making a habit of appointing one of them, Silas A. Hudson, Minister to Guatemala. Silas was at Washington during the inauguration, and after fixing all things there in suit himself and his distinguished cousin, he returned to his home in Burlington, where he proceeded to set the rest of the country in order, Iowa in particular. One of Silas' first operations was to write the following letter to Gen. Weaver, Assessor of Internal Revenue in the First Iowa District. Our readers will see that the great man although suffering from surly and rancor, was aware that the affairs of the political world were upon his shoulders: HUALAPUQUE, IOWA, May 10, 1869.

Hon. J. B. Weaver: My Dear Sir: On the first day of my arrival in Washington I secured from Gen. Grant, your and Belknap's retention, and the right to supervise such changes of office, as in my best judgment would prove beneficial to the service. I do not know this and do not wish to know for all the countries in this district but I do know. I have only ordered one change here so far, wishing to take time to make others advisedly. You will, therefore, not make any change here without first consulting myself, and if you have any such change in mind until you see or hear from me.

It is very natural that Gen. Grant should trust this duty to me, and look to me for his proper discharge. Please answer me immediately. I am suffering too severely with surly and rancor to be able to write more at this time. Very Truly Yours, S. J. HUDSON.

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MISCELLANEOUS

THIRD SMALL DRAWING, TO TAKE PLACE AT TUCKER HALL, RALEIGH, N. C., July 10th, 1869. BOARD OF SUPERVISORS. HON. S. H. BOWSER, Raleigh, N. C. CAROL P. HERRIN, Greenville, N. C. L. C. LUTKEMPHER, N. C. JAMES H. BOWSER, Raleigh, N. C. J. W. HARRISON.

NEW SUPPLY OF N. C. SHOES. For sale by B. F. CHERATHAM & BRO., Market Square. NEW SUPPLY OF SOLE and Upper Leather. For sale by B. F. CHERATHAM & BRO., Market Square.

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