Dr J G Ramsay

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THE WEEKLY ERA.

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1-1m

POETRY.

An Old Saying Amplified.

BY J. F. E.

The saying evident will prove,
To those who study human nature;
That "money makes the mare move"
With the mass of human creatures.

The intellect burns e'er so bright,
Its presence never is detected,
Unless it meet the human sight,
From burnished silver plate reflected.

Yes, genius in a cloud may stay,
While fools, disport in finest weather,
Money to greatness, paves the way,
Then hand in hand they go together.

And he who earns it not, is he
Who reaps in life the praise and pleasure.
One, toils for it most earnestly,
The other shows his golden treasure.

If man, to greatness would aspire,
Know all this rule, it is specific;
Before he compass his desire,
Of money he must be prolific.

No matter when, or how 'tis gained,
So he but have it, that's sufficient;
The only one who is disdained,
Is he who of it is deficient.

If one do steal, and wealthy grow,
His was a happy speculation—
But if one's poor we all do know,
He's never safe from accusation.

And if, when rich, his failings show,
By "kleptomania" he's protected,
Yet, is there any one who's known,
A poor man that way be affected?

No if he be but poor he'll steal
And justly merit degradation,
And all mankind gainst him will feel,
Deep and virtuous indignation.

No matter if he's poor, how true,
His ledger's balanced with Jehovah;
He is not known for from their view
Poverty's cloud his good deeds cover.

But if he's rich, tho' ne'er so mean,
Men praise his deeds and well record them;
And if he has none to be seen,
They'll make him some, and then applaud them.

IMPORTANT to BANKRUPTS

DECISION OF JUDGE RIVES ON THE HOMESTEAD.

United States District Court—Western Virginia.

Power to exempt and discharge is plenary, and has no limitation except in the discretion of Congress.

The amendment of February 18, 1873, exempting Homestead and personal property from all debts contracted before or after the adoption of the State Constitution, whether in judgment, and execution issued and levied thereon or otherwise, declared constitutional.

The provision of this amendment applies to all cases pending at the time of its passage, and operates as a limitation upon title of the assignee.

Homestead may be selected by the bankrupt, from money or other personal property not vested in others by decree or otherwise.

In re—W. W. Keen, Jere White, and others, Bankrupts.

RIVES, J.—These cases have been presented and heard together by way of raising for decision a variety of questions upon claims of Homestead. These questions arise under the late amendatory act of 3rd March, 1873; and so far as they are undecided by me, relate to the application of the relief thereby granted in cases pending at the passage of the act. The question of the unconstitutionality of this act, was decided by me at my Spring term in Lynchburg upon very full and able argument; but I have been willing to re-open the subject and review my opinions at the instance of this Bar, for whose ability I have so much respect, and from whose researches I am accustomed to derive so much assistance.

To dispose of those numerous cases under the different phases they wear, we must seek to settle some general principles to serve as clues to lead us through this labyrinth. This labor we might be saved at the threshold of the enquiry, if, indeed it be true, as contended for by the counsel opposing these claims, that this relief is unconstitutional because it divests rights of property without just compensation and without due process of law, contrary to the fifth amendment of the United States Constitution. I do not contest that there is a vested right in judgment liens, which cannot be invaded under this provision of the Consiitution, unless an express authority can be found for it in another part of that instrument, all parts of which must be construed and stand together. But this express anthority is given in the power of Congress to pass a uniform Bankrupt Law. The scope of this power came directly under review of the Supreme Court in the Legal Tender cases—(12 Wall, 457). The dissenting justices in that case, while invoking in their behalf the fifth amendment of the Constitution, and denying to Congress the right to impair contracts, yet conceded to Congress power to avoid the one, and accomplish the other in the passage of the bankrupt act. Chief Justice Chase says: "It is true that the Constitution grants authority to pass a bankrupt law, but our inference is, that in this way only, can Congress discharge the obligation of contracts. It may provide for ascertaining the inability of debtors to perform their contracts, and upon the surrender of all their property may provide for their discharge."

Justice Fields, who also dissented, said pointedly: "The only express authority for any legislation effecting the obligation of contracts, is found in the power to establish uniform system of bankruptcy, the direct object of which is to release insolvent debtors from their contracts upon the surrender of their property." Without, therefore, resorting to the doctrines of the majority of the Court, I consider it a concession in these cases, the power of Congress, in enacting a system of bankruptcy, to infringe vested rights and impair the obligation of contracts. But it is argued that the late case of Gunn vs. Barry, (15 Wall, 610), is an authority against this view. It is, however, upon a different question, namely, the power of a State constitutional provision, to divest the lein of a judgment, and is, I am glad to find, a conclusive authority in support of the decision of our Court of Appeals upon the eleventh article of our State Constitution. But it does not touch in the remotest degree, the power of Congress to disturb vested rights or impair the obligation of contracts so far as the same may result from the due exercise of its express power to establish a uniform system of bankruptcy. I can only express my surprise that the bar or the press should quote this decision as at all pertinent to the consideration of the provisions of a Bankrupt Law enacted by Congress in pursuance of an express power. It is of the essence of a Bankrupt Law to give exemptions and grant a discharge. Neither can be done without invading vested rights, and destroying the obligation of the contracts; both have the same effect and one not more than the other; the objection applies with equal force to the exemption and the discharge; and if waived, as waived it must be, to the discharge, it cannot be urged, as it has been in argument here. as having greater force against the effect of the exemption.

The objection to the Act of March 3, 1873, for want of uniformity is far more plausible and difficult. As the law stood before this enactment, it gave the State exemptions in force in the year 1871. Objection was made to that on account of the diversity of these State exemption laws; but that object may be considered as overruled by the Circuit Court of Missouri in the case of Becherkord (4 B. R. 59), in which Justice Miller and the District Judge united in pronouncing the opinion of the Court against the validity of the objection. This decision has been generally acquiesced in, and I have never heard any authority quoted against it.

But while the property of recognizing State exemptions, however varient in the different States, as proper to be allowed by Congress in its bankrupt system upon the same principle that these exemptions are respected and served in the final process of execution from the United States Courts, it is urged that this act of 3 March, 1873, goes beyond the State exemptions *eo nomine*, removes restrictions therefrom, and in this way purports to amend State Constitutions and laws. We have seen that the power to exempt and discharge is plenary, and has no limitation but the discretion of Congress. It cannot alter the State exemption for State purposes; this would be, indeed, as urged, to alter State laws; but I do not see why Congress may not, in its discretion to effect certain objects in its bankrupt system, relieve these State exemptions of restrictions deemed hostile to the spirit, principles and aims of that system. If it does so, it is a separate exercise of Congressional power, adding uniformly in all the States to the exemptions made by them; and is an act defensible upon this theory of the unlimited power of Congress in the euactment of a Bankrupt Law over exemptions whether given directly as an act of Congress or indirectly as a recognized and adopted act of the State. This act, therefore, in unfettering the State exemption of certain restrictions, and enlarging their operatiou, is in its nature mixed; and partakes of State exemption in one aspect, and in the other, of a Congressional enlargement thereof. If, in the first aspect, it has been judicially sustained, as we have already seen, as meeting the requirements of the Constitution in point of uniformity, I do not see, how, in the other aspect, it can be assailed as lacking this essential attribute of uniformity. The Congressional enlargement applies equally to all the States, and gives a uniform rule whereby to administer these State Courts, but in Courts of Bankruptcy created by Congress to carry out their system of bankruptcy. I do not esteem it necessary to elaborate this view. I content myself with this brief statement of the reasoning which conducted me to the conclusion that the act of last March was not obnoxious to this constitutional objection, however plausible and difficult of solution it seemed at first. But if the case had been stronger against the Law, it would scarcely become me in my inferior position in the Federal judiciary, to show such want of proper defence for a high co-ordinate department as to pronounce their act a violation of the Constitution. This I might be constrained to do if my convictions if its unconstitutionality were clear and settled; and in such a case I should not shrink from the duty to do so. But I am inclined to believe that those who may not yield to my reasoning, will at least agree that it is a case of doubt, which should always be resolved in favor of the Legislature. I must, therefore accept this act as binding on the Court; and to be construed and administered so as to effectuate and advance the relief it was designed to give.

To construe and apply it, it is well to consider the origin of this measure. It is history not devoid of certain notable and curious interests, that will repay us for a cursory detail of the circumstances out of which it arose. These circumstances are familliar to the Bar of this State, but probably unknown elsewhere. The limitation in the original act to "State exemption laws in force in the year 1864" cut off the Homestead provision of our Constitution, whether taken to be operative from its adoption at the polls, in July, 1869, or its acknowledgement by Congress in the readmission of the State to representation in its halls in January, 1870. Whether this effect was produced in other States I am not prepared to say; but it was Virginia that first moved through its representatives, and led to the act of June 8, 1872, substituting the year 1871 for the year '64. This, therefore, embraced the homestead of Virginia. But the question arose, judicially, what was that Homestead. It fell to the lot of this Court at this place a year ago, to give the first decision under this amendment of 8th June, 1872. It will be recollected that the Court was constralned to take the Homestead as expounded by the Court of Appeals of this State, and to hold it invalid and void as to debts antecedent to the time when the Constitution took effect. The point was immediately carried up for supervision to the Circuit Judge, who did not decide it; and recently it has been abandoned with the consent of Judge Bond, and the cases, in which it arose, are now to be considered here as affected by the Act of last March.

In this state of facts, recourse was had for relief against this decision to Congress for a new law. The power of Congress to relieve the Homestead of this restriction; and the Bankrupt Law of this distinction in debts because of their dates, so destructive of the equality it establishes between all demands on the general assetts of the Bankrupt, was acknowledged in the opinion of the Court in the decision of these cases.—Hence the object of the Legislature asked, was primarily to relieve the Homestead of this leading restriction, arising from the inability of the State Constitution to impair the obligation of contracts, which could not be affirmed of Congress in the express grant to it of the power to establish a uniform system of Bankruptcy, which we have seen, necessarily involved the disolution of contracts. But, it seems, in the progress of affairs a secondary blow was directed at Sec. 3 of Article XI of the Constitution, which, by the phrase "other security thereon" was held by this Court to embrace liens of judgments or executions thereby made paramount to the claim of Homestead.—This recital enables us to account for the remarkable and irregular character of this late Act. So far as it undertakes to declare "the true intent and meaning of the Act of June," I supposed it to be without a precedent, save in the ancient parliaments of England, when it became necessary to declare what was the common or unwritten law of the realm. I have not seen, nor have I been referred to any similar declaritory Act of Congress. But I am indebted to the industrious researches of Mr. Bouldin, of counsel for the creditors, for an instance of such a declaritory act in New York, which came under review in the case of the People vs. The Board of Supervisors of New York (16 New York Repts. 425); and in which it was held that it was ineffectual in regard to the interpretation ol prior Acts, "because the Legislature had no judicial authority, and could not control the courts in respect to the construction of statues in cases arising before the declaratory statue."

If this declaration of the Act was designed to persuade the Court to a different interpretation, it could not override the clear words of the statute, or impose upon the Court a meaning at war with the true extent of Homestead and the express subordination of Homestead to judgment liens in the Constitution itself; if designed to reprove the Court for an alleged misconstruction of law, it escaped challenge and examination, and is without just authority, and, in either aspect, wholly nugatory and inoperative. Hence, I feel warranted to discard from this Act its mere "declarations," and to look only to its enactments. It has these clear terms of enactments, namely:—"That the exemptions allowed the Bankrupt by the said amendatory act shall be the amount allowed by the Constitution and laws of each State respectively, as existing in the year 1871, and that such exemptions be valid against debts contracted before the adoption of such Constitution and laws, as well as those contracted after the same; and against liens by judgments or decrees of any State court, any decision of any such court rendered since the adoption and passage of such Constitution and laws to the contrary notwithstanding." The addition to the law as it stood amended on 8th June, 1872, consists in this provision, that "these exemptions be valid against debts contracted before the adoption of such State Constitution and laws, and against liens by judgment or decree of any State court, rendered since the adoption of such Constitution, and passage of such laws."

If we put together these several amendments and read them as one law, it will conduce to a clearer understanding of these separate provisions. The exemption, therefore, in the fifth clause of the first proviso of the 14th section of the original Act should now read as follows: "And such other property not included in the foregoing exemptions as is exempted from levy and sale upon execution or other process or order of any court by the laws of the State in which the Bankrupt has his domicile at the time of the commencement of the proceedings in bankruptcy, to an amount not exceeding that allowed by such State exemption laws in force in the year 1871; and that these exemptions shall be the amount allowed by the Constitution and laws of each State respectively, as existing in the year 1871, and that such exemptions be valid against debts contracted before the adoption of such State Constitution and laws as well as those contracted after the same, and against liens by judgment or decree of any State court, any decision of any such court rendered since the adoption and passage of such constitution and laws to the contrary notwithstanding."

This presentation of these several amendments in one body seems to me to show conclusively that this grant is emphatically of a State exemption, freed by Congress of certain enumerated restrictions, and to be administered by the Court in strict conformity with the Constitution and laws creating it. It is by no means confined to the grant of a specific amount, as has been urged in argument; but it confers the State Homestead to that amount and we must look to the State Constitution and laws to regulate and limit it. This is most conducive to the ends designed; most beneficial to the party to be relieved, and most expedient on grounds of public policy. Hence, I have concluded to carry out the provisions of the Homestead according to the Constitution, and the Homestead Acts, where they do not conflict with it. But it is argued that these Acts of the Assembly abridge the Homestead in the limitations they impose upon the estate of the claimant, but I am satisfied those limitations fairly set out and represent the Homestead, which the head of a family is entitled by the Constitution "to hold for the benefit of himself and family." In this matter, therefore, I feel free to foltow in the settlement of the Homestead, when claimed, the 8th sec. of the Act approved June 27, 1870, (Sess. Acts 1869-70, 201.) Where, however, the Homestead Act shall be deemed by me, in the absence of any decision on the subject by the Supreme Court of Appeals of the State to be in conflict with the Constitution, I shall, of course aim to pursue the higher guide of the Constitution, and cheerfully conform to the sentence of the Court of Appeals when rendered.

But it is an embarrassing question to decide how, and when, to apply this statute in pending cases, and when the relief should be denied. The general principles of jurisprudence demand that a law, though remedial, should speak for the future; and should have no retro-active effect unless its terms should plainly require it. There is no pretence that this particular statute is otherwise than prospective in its character. It cannot, therefore, in its application, be allowed to change or disturb vested rights, but the relief it gives, can only be dispensed in pending cases where no such effects follow. It the case of The U. S. vs Schooner Peggy, (1 Cr. 103,) even in the appellate court, a judgment, though rightful when rendered, was set aside to conform to later and existing laws; but it was insisted, "that in mere private cases between individuals, the Court will and ought to struggle hard against a construction, which will by retrospective operation, affect the rights of parties." I concede the principle, therefore, that I can only give effect to this bounty of Congress in pending cases, where it will not change the vested rights of parties, and then only in furtherance of the remedy, and in cure of the mischief which gave rise to the statute (Ken'ts Comm. 455 Potter's Dwarris 163.) The mischief had been in Virginia, that the Bankrupt could not get his exemption against debts contracted befor the Constitution went into operation; nor take it against liens of judgment and decrees. The act of March 3, 1873, was designed to cure this evil. But in what cases did it cure it? Certainly in all cases commenced after the date of the Act, but in none, it is argued, commenced one day before that date. Hence, results the injurious anomaly that in two proceedings, one begun in last February, and other on 4th March last, where in point of fact the rights of parties and the subjects of litigation were like at the disposal, and under the control of the Court, the former would be denied, and the latter allowed his Homestead. Cruel and discordant as the practice would be upon such an arbitrary test, it is claimed that it follows from a fundamental principle of the Bankrupt Law in Sec. 14, which makes the assignment relate back to the commencement of proceedings in Bankruptcy and vests the title, by operation of law, to all the Bankrupt's property and estate, real and personal, in the assignee, subject to the exceptions thereafter specified. But observe that exempted articles are expressly saved from the vesting by virtue of said deed of assignment.

But to remove all doubt upon the subject, it is expressly provided "that the foregoing exception shall operate as a limitation upon the consequence of the property of the Bankrupt to his assignees. And in no case, shall the property hereby excepted pass to the assignees or the title of the Bankrupt thereto, be impaired or affected by any of the provisions of this act." What is this, but to declare by law that these exemptions present or future, whenever allowable without disturbing rights of parties shall be taken as limitations upon the deed of assignment; and to interdict the use of any provision of this act, including the title of the assignee, to impair or affect the Bankrupt's right of exemption? So far, then, as these exemptions can be allowed in pending cases by the property or fund being in the custody, or under the control of the Court, they are guarded with peculiar sanctity and cannot be defeated by the title of the assignee. That title—that claim of vested right, must, under all circumstances, and in every stage of the proceeding, yield to this paramount claim of exemption. This 14th section must be taken and construed as a whole, and all it parts made to consist one with the other. If so, it follows with irresistible force, that there can be at no time any vesting of title in assignee so as to defeat these exemptions. This view of the Act, therefore, removes out of our way this narrow and inconvenient and injurious rule of construction, which assumes the passage of the Act, as the date to determine the validity or invalidity of claims of Homestead. I am happy to be able to invoke the language of the law against this harsh, inflexible and unreasonable rule. I prefer the more liberal rule which requires me to dispense this bounty of Congress, wherever I can do it without incurring the blame of interfering with the absolute, vested rights of parties. I cannot think Congress intended to exclude from the numberless cases already pending, at the passing of this law, this measure of relief where no considertions of vested rights could be alleged against it; nor the means denied to the court of satisfying the meritorious demand.

In following out this principle of determination, I have had cases of this sort arising out of the proceedings of State Courts upon Creditor's Bills for the sale of reality. Before, or contemporaneously with proceedings in Bankruptcy, the lands of the Bankrupt have been sold, the sale confirmed, and the funds distributed; but because some of the bonds for the deferred payments were outstanding and uncollected, I have been asked for the allowance of Homesteads out of the proceeds of sale. I refuse it. It would be to grant the Bankrupt a Homestead, not out of his own property but out of the effects of others. Again, after the Bankrupt is adjudicated, his lands are about to be sold under decree of a State Court, and he applies to me for a restraining order under the allegation he is entitled to a Homestead out of the lands, I feel constrained to grant it. He has no other tribunal that can give him this relief. He is civiliter mortuus and all proceedings against him in the State Courts must stop, unless the assignee is authorized to intervene and proceed with them. But if there is no allegation of facts to establish a claim of Homestead or otherwise to give jurisdiction on other rightful grounds, the stay is denied and the parties left to litigate their further proceedings by making the assignee a party with his consent and the consent of this Court. I have thought it proper to state this, my practice in vacation, by way of illustrating the principle I have assumed for my guidance.

I now proceed to the consideration of the special questions raised by the causes in my hands. Of these the chief is whether a discharged bankrupt can be re-admitted to petition for, and to be allowed an additional exemption granted after his discharge. Proceedings in Bankruptcy are strictly statutory proceedings. They are said to present a congeries of suits in the multitudes of issues they raise between the Bankrupt and his various creditors. The application for a discharge, is one of these suits; in it, there are separate pleadings and distinct issues. It is the final object of the Bankrupt; and hence the Act and the forms devised by the Supreme Court to carry it in to effect, furnish the mode and many precautions for the former trial, if need be, by jury, of the Bankrupt's right to a discharge. When opposed, it becomes a *lis contesta* of great interest to the parties; and when obtained, a great boon to the Bankrupt. It procures a release from his debts, with certain exceptions; and can be pleaded as full and complete bar against all suits brought on such debts; whereupon his certificate shall be conclusive evidence of the fact and regularity of the discharge. Before he asks for his discharge he has received his exemptions; upon what terms therefore, is he to be understood as leaving the Court? Upon the abandonment of his asse's to the administration of the court with no other claim, save to any surplus beyond the satisfaction of his debts. He departs from the jurisdiction of the Court with the single conditions that any creditor, &c., may, within two years, contest the validity of his discharge on the single ground of fraud. I do not perceive, therefore, how he can acquire a *locus standi* in this Court to ask for an exemption not existing at the time of his discharge. For these reasons, I am of the opinion that the petitions of W. W. Kean, discharged, 17th September, 1869; Wm. Rison, discharged 16 September, 1869; of Decatur Jones, discharged 29th November, 1869; and of A. G. Lewis, discharged 23rd March, 1870, should be dismissed at their respective costs.

Where the bankrupt is yet before the Court, in cases commenced before the last Act, his claim to Homestead depends upon the existence of an unappropriated fund, out of which it can be satisfied without the infringement of rights vested in others by decree or otherwise. It is necessary that the property should remain in specie; a mere sale, unaccompanied with a pledge of the proceeds prior to the passage of the act, will not defeat this provision; epecially is this the case where the claimant, waiving his allotment in kind elects to take it to take it out of the proceeds of sale. In cases instituted after June 8, 1872, the right is clear the Homestead as against debts contracted after the Constitution went into operation, and in those brought after March 3, 1873, it is relieved of this restriction, and is morever good vs the liens of judgments and crees. The grant in such cases follows as a matter of course upon following the steps I have prescribed. In the spirit of the Constitution and the Law, I accord to the claimant the selection of his Homestead; his assignee has nothing to do with it; when made, I require his assignee to report to me, whether it be excessive or not in value; that report to be in the clerk's office for thirty days for exception; and if there be none, to stand confirmed unless good cause be shown to the contrary. But if the assignee should report the allotment excessive or if any creditor should desire it, I shall proceed by way of appraisement as directed by the Homestead Law of the State. Should the claimant select money, or personal property for his Homestead, he will be expected to indicate the mode in which it shall be preserved or invested for the use of himself or family as a Homestead provision, subject to the limitations of the State Law. In this way, I think, this act may be carried into effect with great advantage to our impoverished families, and without other injury to creditors, than what is incident to Bankrupt laws. I am informed, our exemptions are by no means as great as those of many other States.

I need not specially apply the doctrines I have stated, and the test I have chosen to the various other cases in my hand; but leave counsel to do so in their respective cases, and submit to me their respective cases, and submit to me their drafts of decrees in conformity with this Opinion. Should there be doubt in any case, as to what category it falls under, it may be reversed for argument and decision upon its special circumstances. But I presume, I shall be so understood by counsel, as to enable them to agree upon their decree, and the steps they may take for the revision of my judgment, and the correction of the errors, into which I may have fallen. I am sensible of the novelty and difficulty of some of these questions, and of the importance of their being settled in a higher Court. I shall therefore, be gatified if counsel shall invoke the decision of the Circuit Court upon these points.

North Carolina.

We are gratified to know that the tide of emigration is moving toward this State with a steady current. It was slow at first, but is gradually and steadily increasing its volume. Much has been done to aid it by the efforts of Colonel George Little, the State Commissioner of Emigration, as well as by the efforts of several agencies, among which the North Carolina Land Company has the largest share.

We may properly repeat a few of the reasons why we think North Carolina among the best States for people to emigrate to. While her territory is larger than that of either New York or Pennsylvania, she has but little more than one million of inhabitants. Along her eastern borders are large bodies of the finest timber, easily accessible to water transportation, and many emigrants from the North are now operating profitably region. These lands cleared and properly drained, are as fine for agricultural purposes as any in the world.

Inside of this section there is a broad belt, much of which is covered by productive turpentine trees, which are highly remunerative to those who box and dip them. The soil, being sandy loam in many places, produces as fine crops of cotton as well as the cereals. It is, however, especially suited to grape growing and the production of wine. We have been informed that Mr. Worth, in Fayetteville, obtained this past season from a single scuppernong vine eighty bushels of grapes and two hundred and fifty gallons of wine. There are other vines in North Carolina which make a larger yield annually. The demand, too, for these native wines is rapidly increasing. There is land enough and to spare in Eastern North Carolina to furnish all the wine that can be consumed in the United States. Why should not European emigrants from wine-growing regions make this section their home?

The middle region of the State, extending nearly three hundred miles to the base of the mountains, is an undulating county, with soil generally either naturally good or containing clay enough to retain fertilizers, and being generally capable of producing fine crops of clover, cotton, tobacco or grasses. All fruits of temperate climates can be grown with advantage, and water power is abundant for manufacturing purposes.

The mountain district, more than two hundred miles in length and fifty or sixty broad, is remarkable for its freedom from Rocks and for its great natural fertility. It yields abundant grain crops and all the grasses, not being surpassed by any country for its clover, timothy, orchard grass, &c. For its cool summer climate it has scarcely an equal, while in winter the weather is milder than that of any of the States north of the Potomac and Ohio. Its water-power, fine timber and minerals all point it out as the future home of a dense population, when rendered a little more accessible by railroads now about to penetrate.

All the central and western portions of North Carolina abound in useful minerals. Coal is found in two localities, while inexhaustible supplies of the best iron ores exist. Copper ores in workable quantities are found in many localities, while some of the best of known gold veins are situated in the State.—Mica is obtained in large plates, worth in market on average two dollars per pound, in several of the western counties. One of the mines in Yancy, we understand, pays its owner a profit of $150 per day, chiefly in tolls, as he himself works only two or three hands per day.—A mine in the adjoining county of Mitchell has yielded quite as largely These two, with several others, were four years ago offered to some of our capitalists in this city by General Clingman. Since then so many new discoveries have been made that there is no reason to doubt that North Carolina can supply the demands of commerce with these useful articles.

We may resume this subject in future numbers and show our readers additional reasons for our opinion that North Carolina is a most inviting State to the emigrant.—*N. Y. South.*

Curious Courtship.

When You go to Africa Don't Buy a Horse of a Widow.

Mr. G. Gerard, now of Philadelphia, but formerly American Consul at Cape Town, Cape of Good Hope, communicates to the press of the former city the following amusing reminiscence of his African Consular experience: "There is a very singular custom among the farmers—how to get a wife. If you desire to get married you should first make inquiry whether the lady you love has a horse; if so, you must ask her whether she has a horse for sale. If she says 'No,' then you had better quit the house at once. She does not like you. But if, on the contrary, she says "Yes," it is a good sign, but she will ask you a very high price. If the amount named is paid on the spot, the engagement is concluded, as fully as if the marriage was consumated by the parson.

"On my arrival at the Cape I did not know of this custom. I wanted to purchase a horse, and I was informed by an old Dutch resident that Widow —— had one to sell. I followed the address given, and soon arrived at the door of the widow (who, by the way, was not bad looking.) I asked her whether she had a horse to sell. She looked at me very sharp; then asked me whether I had some letters of introduction. I said that I was the American Consul, and would pay cash for her horse. "In that case," said she, "letters are not necessary." I paid down the sum demanded; then, after taking a cup of coffee, she sent her horse by her groom, and both accompanied me home. On the road the groom asked me a thousand questions. "Master," said he, "will my mistress go live with you in town, or will you come live with us? You will love my mistress, for she was very kind to my old master. Where will the wedding be?" looking at me and laughing. "Truly," I thought, "the poor fellow has drank too much or he is imbecile." I felt sorry for him.

When I arrived home I found many people at my door congratulating me, not for the horse, but for the acquaintance of the widow." 'Truly,' said one, you have been very successful. 'She is very rich,' said another. I really did not know what it all meant, and I began to be very uneasy, when, to my very great surprise, a lady alighted on my steps, and at once I recognized the widow! She very coolly asked me when I desired to have the ceremony of the wedding performed. Then, indeed, I fully perceived the scrape in which I was, and told her it was a horse I wanted, and not a wife. 'What,' said she, 'do you mean to act thus to a lady like me? If so, I shall send back for my horse, and will repay you the money.' In a few hours her groom was at my door with the money. I gladly gave back the horse, thankful to have thus escaped. A few weeks after, however, the widow was married; a more ambitious man had bought her horse."

PROSPEROUS.—"Brink's Colony." located in this county, about 30 miles from Wilmington, is increasing its population rapidly. A day or two since seventeen emigrants, mostly Germans, arrived there for the purpose of settling. There are now upwards of one hundred emigrants located on the land.—*Wilmington.*

Brain Work.

It will appear, then, that brain work, even hard brain work, does not necessarily conduce to disease. If, in any given case, it is productive of this result, it will invariably be found, on investigation, that the work has been done under injurious emotional conditions, such as the distractions arising from anxiety. Of all the organs of the body, the brain is the hardiest, the most capable of exceeding its ordinary duties with impunity. Any extraordinary exertion thrown on the other organs is sooner or later emphatically resented. The quality of the brain which is most conservative of its health is its versatility. One part of the organ may be fresh while another is jaded, and it has the power of resting in parts that are exhausted while it continues active in those parts that are still vigorous. One of the secrets of safe continued brain work is to vary frequently the kind of mental occupation. This is a species of mental gymnastics by which all parts of the organ of thought are exercised in turn. Even in many cases of cerebral exhaustion, change of work is probably preferable to complete cessation from mental toil. The mind cannot lie long fallow without bringing forth weeds. Through want of employment, it becomes relaxed in tone, less amenable to discipline, and less fitted for steady work. When the present Prime Minister spent the greater part of his holiday, after the exhaustive labors of a heavy session, in writing *Juventus Mundi*, he was the means of drawing attention to an important principle of mental therapeutics. Had he spent the same time in Continental travel, or on the Scotch moors, he might indeed have returned at the beginning of the session equally recovered from the effects of overwork, but he would not have been equally fit to resume his parliamentary duties.

How the Columbus Factories are Bridging the Break.

The pay rolls of the six cotton manufactories in Columbus must amount to some thirty thousand dollars per month. The Eagle and Phoenix alone pay out eight thousand dollars every two weeks. This money goes into general circulation and the entire community is benefited. Had it not been for E. and P. loan, and Central Railroad passenger certificates, trade in Columbus for the past two weeks would have been wholly dead. The people would have had nothing to pay home debts. The factory has about thirty thousand of these bills out, and is authorized to issue only three hundred thousand. For their redemption some three million dollars of security is given—the factory buildings, &c., an immense quantity of manufactured goods, and the individual property of every stockholder. All this should make the certificates better than greenbacks. Their present issue is designed only to bridge the financial break.

It is a gratifying fact, too, that during the panic our manufactories have kept steadily at work, and not a hand has been discharged. In the North many laborers have been thrown out of employment.

Indian Hunting.

The Indian method of hunting the deer and antelope seems to a looker-on, not heated by the chase, cruel sport. But food is the object of the Indian hunter, and he is wonderfully successful in securing it. Notwithstanding their great speed and bottom, these animals seldom escape their pursurers on the open prairie. Mounted on their swift ponies, the Indians become as it was a pack of hounds that run by sight. In all directions they move, searching the country with eyes that see everything. On discovering deer no attempt is made at concealment, but, with bridle rein between their teeth, loading their gun or adjusting their arrows as they ride, the hunters bear down on the doomed animals. Off bound the deer, but Indians are before them; they run to the right—more Indians; to the left—still Indians. The country, which at first seemed open, narrows to a small circle. The deer double on themselves. Hemmed in on every side, there is no escape; the bullet and the arrow do their work. All their hunting, whether man or beast, involves a system of surrounding. It is this method, thoroughly understood, and invariably practiced where numbers will allow, that renders the Indian so formidable on the prairie. Although numbers are in at the death, there is no dispute as to the destribution of the carcasses.—*Hunt with the Yankton Sioux in the October Galaxy.*

AN INCH AND A HALF OF LAND.—The highest price ever paid for real estate was not either in London or New York, but in Bowlder, Colorado, where these lands are worth about fifteen cents a front foot. Two adjoining proprietors have gone to law about one and a half inches on the dividing line.—The case has been in progress only two years, and when last tried occupied the time of one judge, four lawyers, one high sheriff, one crier, forty-six witnesses, three constables, and twelve jurymen for six days.—This was the first trial, and the costs therefor amounted to $1,542,-65, and how many more trials there may be can't be foretold, for the jury didn't agree.

BIRTH-PLACE OF PRESIDENT JACKSON.—We call attention to the article signed "Waxhaw," in reference to the birth and early life of Andrew Jackson. It is well known in this section that in 1858 General S. H. Walkup, of Monroe, (who was afterwards the heroic colonel of the 49th N. C. Regt.) got up a series of affidavits from the old people of Waxhaw settlement in regard to the birth-place of the hero of New Orleans. These proved beyond all controversy that he was born in Old Mecklenburg and were so satisfactory that Parton, the biographer of President Jackson, accepted fact and gave our county credit being the birth-place of this remarkable man.—*Southern Home.*

Bismarck's wife, who lately died, was her husband's secretary, clerk and messenger. All private dispatches were first read by Frau Bismarck.