

parallel between the cases of Dunlap and Baker is a failure, and its attempt to stir up strife and prejudice by its partisan treatment of the matter, and its malicious abuse of the Courts is something worse.

The lugging in of the case of a white man from Johnston for the murder of a colored man, the fact of his prosecution by the Chairman of the Democratic Executive Committee, and his conviction by a mixed jury of white and colored men, serves no other purpose than to show that it is the studied determination of the Democratic leaders and presses to prejudice justice with a partisan caste; and to make the Judiciary of North Carolina the slave and plaything of politics; the foot-ball of unscrupulous politicians, such as exclusively and invariably abound in all the Democratic party.

As has before been stated, Dunlap killed his man in self-defence, if he killed him at all, having been notified by Gleason, the deceased, that, if he came to the Mayor's Court he, Gleason, should kill him; and he attempted to carry out his threat in the presence of the Mayor, and would have killed Dunlap, had Gleason not been killed himself.

Under the laws of the United States, the prisoner Dunlap appealed his case to the Federal Courts. The opinion transferring the case to the United States Courts, was delivered and admirably sustained by the Chief Justice, all the Associates but Judge Rodman assenting.—See North Carolina Reports, Volume LXV, page 491.

But says the News:—"Before Dunlap could be tried again, the Supreme Courts of North Carolina, in an opinion, to say the least of it, which startled the profession, decided that he could remove his case to the Circuit Court of the United States. Thus was the Court swift to yield up the sovereignty of the State, in part committed to their hands, to the ever encroaching Federal power."

The News then expresses the opinion, in so many words, that, Dunlap, if ever tried, will be acquitted.

Trying to draw a parallel between the case of the convicted prisoner from Johnston, and Dunlap, the News recites, that, "while the white man from Johnston is ironed (as he should be) Dunlap assists in policing the Court House square and other like duties."

Let it be remembered that Dunlap is not under sentence of death. Also, that, he has been confined in jail for nearly six years, and humanity and the laws of health demand some accommodation in the prison discipline over him. The Sheriff has him in custody. If he sees to it that Dunlap is properly guarded, there is every reason why the prisoner should be relieved from the tedium of his long solitary confinement by such out-door exercising as "policing the Court House square and other like duties."

The News closes with a grand peroration, and an appeal to the prejudices of the white people of the State as against the negroes, in the approaching election for judicial officers, which starts the suspicion that the article in the News was suggested, if not written by a well known aspirant in this city for the place of Solicitor in this Judicial District; a very poor use, it is submitted, for the News to make of its columns, considering its pretensions to a great State paper guided by uniform courtesy and judicial fairness.

As to Baker, now under sentence at Charlotte, he has been respited by the Governor. The murder he committed was reckless, but not with malice prepense. If the Governor can conscientiously commute his punishment to imprisonment for life, the Era will approve, sustain, and rejoice at his action.

FATAL SHOOTING.—On the evening of the 24th ult., a man named Hare was shot and killed by a youth named Shelton, son of Captain John Shelton, of Madison county. The affair occurred at an illicit distillery on Laurel.—Pioneer.

Marshal Bazaine.

A great man has fallen in France. He has been condemned to degradation and seclusion. Once he held the fate of Empires in his hands. When Maximilian, then Emperor of Mexico, refused to cede Sonoro to France, Bazaine forsook him and suffered him to be shot. Then France herself trusted him, and was betrayed. Now a merited retribution has overtaken him, Bazaine abandoned those whom he should have helped. Now let us take the lesson home. The poor orphans of our State are not protected by law; and if the laws were in their favor, they could not employ lawyers, nor issue writs without them. We permit the wicked to oppress them. There is One who will hear their cry and whose arm can fix a similar fate on those who now refuse to help them. Let us take warning. A prosperous farmer died, and unsuspected debts swept away his property. The administrators divided out the children among those who wanted servants. Will these children love the land whose laws they cannot learn to read? Reader put yourself in the orphan's place and answer.

J. H. MILLS.

Important Decision in Bankruptcy

Judge Dick, of the District Court of the United States for the Western District of North Carolina, has just decided that where the homestead has been duly laid off and allotted under our State laws, and no fraud, complicity or other irregularity is shown, the Bankruptcy Courts will not order a reassessment for more excess of value. Judge Dick concludes:

"The evident intent of Congress in passing the amendatory Acts was to give Bankrupts the full benefit of the homestead and exemption laws existing in a State when questions affecting such legal rights are to be considered and determined by a Court of Bankruptcy. The homestead estate of the Bankrupt in this case was allotted and its value ascertained and fixed in the manner prescribed by State laws upon such subjects. Those laws furnished the excepting creditors a plain and direct mode of proceeding for setting aside the allotment of the homestead estate for excess of value. As they had an opportunity for having a day in Court for asserting their rights, they cannot avoid the consequence of their laches by resorting to a different forum. The Courts of the United States usually recognize and observe the rights of parties as ascertained, and adjudicated in the tribunals of the State where such Federal Courts are held. Where fraud, complicity, irregularity are alleged and established by proper special proceedings, the allotment for homestead may be set aside in the State Courts, and in such cases similar relief will be furnished a Court of Bankruptcy. Fraud vitiates the most solemn judicial proceedings, and a judgment or decree is clearly impeachable on the ground of fraud and deception practiced on the Court, and the law furnishes adequate and ample remedies in such matters.— Mere excess of value in the allotment of homestead is not fraud, and to successfully impeach such proceedings it must be shown that the debtor by some fraudulent representation of deception, or by complicity with the appraisers, procured such excessive allotment. The value of an estate is a question of fact generally depending upon circumstances which are apparent to the public, and an excessive valuation may be clearly shown by proper evidence. As no fraud is alleged in this case the allotment of the homestead under the State law is valid,—and the estate did not vest in the assignee, and was properly designated and set apart by him in the certificate of exempted property.

The cost of these proceedings must be taxed against the excepting creditors."

DEATH OF A PROMINENT CITIZEN.—We regret to learn of the death of Joseph Keener, Esq., which occurred at his residence in Jackson County, Sunday night last. Mr. Keener was well known to the people of Western North Carolina, having served several terms in both houses of the General Assembly of North Carolina.

General good humor and generous hospitality were remarkable features of his, and all who knew him well, will feel that his demise is a loss not only to his community, but to the country.

We tender our warmest sympathies to his bereaved friends and family in this time of their sad bereavement.—Pioneer.

Contributions to the Orphan Asylum, for December, 1873.

IN CASH.

Paid \$1000, annual contribution of Grand Lodge. \$123 40, collection in Grand Lodge. \$85 50, collected by Mrs. Z. B. Vance. 50 25, Wilson Thespian Club. 50 00, Fulton Lodge, No. 99. 36 00, collection by Miss Bella Rowland and Mrs. J. N. Dick. 28 00, Launenburg Lodge, No. 305. 26 15, collection by Rev. E. H. Harding. 25 50, collection by Miss Sophia Partridge. 25 00 each, Black Rock Lodge, No. 135, Mrs. C. P. Spencer's collection at Chapel Hill and Rt. Rev. Thomas Atkinson, D. D. 20 00 each, Jerusalem Lodge, No. 95, and Young Ladies of Jackson. 19 05, Carraway Council, F. of T. 16 25, W. G. Hill Lodge, No. 218. 15 00, citizens of Newbern. 10 00 each, Falling Creek Lodge, No. 325, Walter Bullock, Jonesboro Grange, Hunting Creek Lodge, No. 299, and King Solomon Lodge, No. 138. Paid \$5, SENATORS: J. M. Worth, W. C. Troy, J. G. Scott, J. H. Merrimon, J. M. Gudger, S. L. Johnston, W. P. Welch, R. T. Long, W. J. Murray, W. H. Avera, Jno. C. Barnhardt, E. Ransom, Jacob McCotter, Martin Walker, B. Smith, T. A. Nicholson, A. C. Cowles, W. W. Flemming, A. McCabe, J. W. Cunningham, J. W. Ellis, J. Turner Morehead, W. J. T. Miller, W. K. Davis, J. L. Chamberlain, J. W. Norwood, J. W. Dunham, J. H. Harris, — Sanders, G. D. Holoman, G. N. Hill.

MEMBERS OF THE HOUSE OF REPRESENTATIVES: W. A. Stowe, J. W. Gidney, J. W. Shackelford, W. H. Wheeler, J. R. Grady, W. M. Wiley, Silas Webb, V. V. Richardson, M. T. Waddill, John E. Brown, A. Costner, J. W. Gilmer, J. G. Marler, J. L. Robinson, A. C. Bryan, M. McGehee, J. R. Maxwell, S. W. Reid, Jesse Hinnant, John Shaw, J. E. Lindsey, J. C. Rhodes, A. M. Bryan, Pride Jones, Jesse Gant, C. L. Turner, John Patrick, Joseph Cobb, Eli Whisnant, G. W. Cox, J. W. Bean.

5 00 each, A friend, Dr. Sam. A. Williams, Rev. C. E. Taylor, Hon. W. H. Battle, Gov. Tod R. Caldwell, J. G. Jones and Mrs. M. H. Jones, W. M. Nelson, J. C. Blake, H. Mahler. 4 50, Beaver Dam Lodge, No. 276. 3 00, Isaac Ettinger. 2 00 each, P. H. Duffy, Rev. S. W. Westcott, Mrs. Morris Rosenbaum, W. J. Yates, A. H. A. Williams, and R. S. Barnett. 1 00 each, Rev. B. B. Culbreth, Mrs. R. G. Lewis, Cornelia McGillvary, of Siam, Mrs. D. M. Sprague, W. M. Mills, Nat. Federlin, Rev. J. C. Hartsell, G. Rosenthal and Mr. Betts.

75 cents, Barbee's Hotel. 55 " Miss S. Sanders. 50 " M. I. Jordan.

IN KIND.

1 Valuable box each, from Citizens of Salisbury, of Hillsboro', of Henderson Co., of Enfield, of Louisville, of Chapel Hill, Ladies Sewing Society of the First Baptist Church of Wilmington, Mrs. J. Karrer and Daughter, Misses Nash's School, Mrs. E. N. Grant, Mrs. P. P. Dick and A. D. Royster and Bro. 3 Valuable boxes, from Dr. W. G. Hill, Mr. J. Nichols and other friends in Raleigh. 3 Valuable boxes and 2 barrels of apples from Colonel K. M. Murchison, of New York. 2 Valuable boxes from Citizens of Newbern. Clothing, J. M. Rosenbaum, Mrs. John Williams, Mrs. L. G. Crawford Mrs. E. Grant, Miss Fannie Lewis, Mrs. S. F. Gordon, Mrs. M. H. Williams, Miss Alice Cooper, A Friend Miss C. Wilson, Mrs. A. W. Venable and Mrs. E. M. Grandy. Bed clothing, Mrs. Lucy Meadows, Mrs. S. A. Morse, Miss E. Meadows, Miss Alice Cooper, Mrs. J. P. Adams, Turner and Strickland and J. B. Hays. Dry Goods, Alfred Currin, J. M. Gill, H. A. Mowbray and W. T. Nelson. Shoes, M. L. Wood, Harris and Gill and Rev. J. A. Stradley. Books, Miss Emma Graves. Cranberries, W. C. Stronach. Turnips, J. M. Wood. Dolls, Miss Harmon. Buckwheat flour, W. J. Wilson. This report has been condensed as much as possible to secure its publication in the papers, though the contents of some of the boxes were so valuable that the items ought to have been given.

OFFICE OF THE A. & N. C. R. R. NEWBERN, N. C., Dec. 29, 1873. Notice is hereby given to holders of the mortgage bonds of the Atlantic and North Carolina Railroad Company, that Coupons on said Bonds due on the First Day of January, 1874, will be paid at the Fulton National Bank, New York, on and after the 10th day of January, 1874, on presentation. E. R. STANLEY, Pres't. A. & N. C. R. R. Co. 28-1a

TWO MEN DROWNED.—On Thursday last, while a number of men were employed in cutting ice for Capt. Fagg, at a mill-pond on Beaver Dam road, about one mile from town, one of their number, a colored man named George Pafon, broke through the ice into eight feet water. Another colored man, Peter Dark, went to his relief, and was instantly dragged from the ice into the water by the struggling man, when both disappeared beneath it. In a few seconds Pafon arose, giving a terrific yell as he did so, and throwing his arms wildly about. By this time a rope was procured, but instead of holding on to one end and throwing the other to the drowning man, the party having it in charge threw him the entire rope. With the energy of despair he clutched it, drew it to him rapidly, then sank and passed under the ice. His body was recovered soon after, but life was extinct. Dark never appeared above water after being dragged under, and the impression is, that in the struggle for life the two men clinched, and Pafon, being the stronger, held the other, who had so nobly attempted his rescue, under until he strangled. Both were worthy men, and leave families. George was raised in this section, but Dark was a stranger. He came here with a Michigan regiment, and for this reason was called Peter Michigan.—Pioneer.

Hon. J. L. Pennington, the present Governor of Dacotah Territory, was an apprentice boy in the old Raleigh Star office thirty-three years ago, Ex-Governor Holden was foreman in the same office at the time. Raleigh News.

Mr. Pennington will be remembered as the publisher of a newspaper at Newbern just before the war, and also the publisher of the Raleigh Progress during the war. He is a man of considerable force of character and a good public speaker. He came within one vote of being elected to the U. S. Senate by the Alabama Legislature two years ago. He co-operated with the Republican party, but is a whole-souled, clever gentleman, kind and unselfish. Pennington will make as good an able Governor as any one of the things graduated in a book-college; and will exercise and display more good common sense than the poor fools who are trying to live and flourish on the blood of their ancestors.—Charlotte Democrat.

DRAGGED UNTO DEATH.—We have to record another sad event which occurred on New Year's Day, the unfortunate person in this instance being Mr. Newton Owensby, who resides a few miles from town. While riding a mule, and leading another, both having just been unhitched, the gearing still on them, the one which he was riding fell and Mr. Owensby became entangled in the trace-chain, his right leg being tightly fastened by the same just above the ankle. When the affrighted animal arose, he seemed to impart his terror to the other mule, and both dashed off at frightful speed, dragging the unfortunate man at their heels over stumps and rocks, nor pausing until they reached the farm house, about three hundred yards from where they started. Here the limp, battered, and frightfully lacerated man was extricated and medical aid sent for. His attendants succeeded in restoring animation, but there is slight hope of his recovery. Our informant, who has witnessed many terrible sights on the battle-field, says he never beheld such a spectacle as the wretched man presented; his head appeared to be battered into a pulpy mass, while his body was horribly mangled.—Pioneer.

CIRCUIT COURT OF THE UNITED STATES.—Eastern District of North Carolina. United States vs two Copper Stills and fixtures, 54 barrels of apple brandy containing 156 gallons; and one tract of land containing about one acre, lying in Bertie county, being part of the tract of land on which Stephen A. Norfleet erected a distillery and the buildings thereon connected therewith and constituting a part of the distillery premises.—Label of Information. To Stephen A. Norfleet, and to all whom it may concern:—Greeting. Notice is hereby given, that the above mentioned property was seized by M. C. McNamara, Collector of Internal Revenue of the 1st Collection District of North Carolina on the 29th day of November, 1873, as forfeited to the uses of the United States, for violation of the Internal Revenue Laws, and the same is labelled and prosecuted in the Circuit Court of the United States for condemnation for the causes in the said Label of Information set forth; and that the said causes will stand for trial at the Court Room of said Court at Raleigh on the first Monday of June next, which shall be a jurisdiction day, and if not at the next day of jurisdiction thereafter, when and where all persons are warned to appear to show cause why condemnation should not be decreed, and to intervene for their interest.

Given under my hand at office, in Raleigh, this 27th day of December, 1873.

R. M. DOUGLAS, United States Marshal. 28-w2w

IN BANKRUPTCY.

THIS IS TO GIVE NOTICE, That on the 22d day of Dec., A. D., 1873, a warrant in Bankruptcy was issued out of the District Court of the United States for the Eastern District of North Carolina, against the estate of Sion H. Rogers, of Raleigh, in the county of Wake, and State of North Carolina, who has been adjudged a Bankrupt on his own Petition: That the payment of any debts, and the delivery of any property belonging to such bankrupt, to him, or for his use, and the transfer of any property, by him, are forbidden by law: That a meeting of the creditors of said bankrupt, to prove their debts, and to choose one or more assignees of his estate, will be held at a Court of Bankruptcy, to be held at Raleigh, N. C., before A. W. Shaffer, Register, on the 24th day of January, A. D., 1874, at 10 o'clock A. M. R. M. DOUGLAS, Marshal as Messenger 28-3t

THIS IS TO GIVE NOTICE, That on the 29th day of Dec., A. D., 1873, a warrant in Bankruptcy was issued out of the District Court of the United States for the Eastern District of North Carolina, against the estate of Robert W. Best, of Raleigh, in the county of Wake, and State of North Carolina, who has been adjudged a Bankrupt on his own Petition: That the payment of any debts, and the delivery of any property belonging to such bankrupt, to him, or for his use, and the transfer of any property, by him, are forbidden by law: That a meeting of the creditors of said bankrupt, to prove their debts, and to choose one or more assignees of his estate, will be held at a Court of Bankruptcy, to be held at Raleigh, N. C., before A. W. Shaffer, Register, on the 24th day of January, A. D., 1874, at 10 o'clock, A. M. R. M. DOUGLAS, Marshal as Messenger. 28-3t

MERRIMON, FULLER & ASHE, Attorneys.

THIS IS TO GIVE NOTICE, That on the 29th day of Dec., A. D., 1873, a warrant in Bankruptcy was issued out of the District Court of the United States for the Eastern District of North Carolina, against the estate of Jas. D. Pullen, of Raleigh, in the county of Wake, and State of North Carolina, who has been adjudged a Bankrupt on his own Petition: That the payment of any debts, and the delivery of any property belonging to such bankrupt, to him, or for his use, and the transfer of any property, by him, are forbidden by law; That a meeting of the creditors of said bankrupt, to prove their debts, and to choose one or more assignees of his estate, will be held at a Court of Bankruptcy, to be held at Raleigh, N. C., before A. W. Shaffer, Register, on the 24th day of January, A. D., 1874, at 10 o'clock, A. M. R. M. DOUGLAS, Marshal as Messenger. 28-3t

R. C. BADGER, Attorney.

NOTICE IS HEREBY GIVEN, That a petition has been filed in the District Court of the United States for the Eastern District of North Carolina by James Coggin, of Nash county, in said District, duly declared a Bankrupt under the Act of Congress of March 2d, 1867, for a discharge and certificate thereof from all his debts and other claims provable under said Act: That the 17th day of Jan., 1874, at 10 o'clock, A. M., at the office of A. W. Shaffer, Register in Bankruptcy, in Raleigh, N. C., is assigned for the hearing of the same, when and where all creditors, who have proved their debts and other persons in interest may attend and show cause, if any they have, why the prayer of the said petitioner should not be granted. And that the second and third meetings will be held at the same time and place. New Berne, N. C., Dec. 22nd, 1873. 28-2t GEO. E. TINKER, Clerk. DOSSEY BATTLE, Attorney.

TO WHOM IT MAY CONCERN:—The undersigned hereby gives notice of his appointment as Assignee of Jas. H. Bryan, of Clayton, in the county of Johnston, and State of North Carolina, within the Eastern District of North Carolina, who has been adjudged a Bankrupt upon his own petition by the District Court of said District. Dated Raleigh, Jan. 3rd, 1874. THOMAS HAMPSON, Assignee, P. O. Raleigh, N. C. 28-3t

U. S. PATENT OFFICE, WASHINGTON, D. C., Nov. 27, '73.

On the petition of JAMES DAVIS, of Company's Shops, North Carolina, praying for the extension of a patent granted to him on the 27th day of March, 1860,

for an improvement in Sewing Machine Stitch. It is ordered that the testimony in the case be closed on the 24th day of February next; that the time for filing arguments and the Examiner's report be limited to the 6th day of March next; and that said petition be heard on the 11th day of March next. Any person may oppose this extension. M. D. LEGGETT, Commissioner. 28-oaw3w

DIVIDEND NOTICE!

RALEIGH NATIONAL BANK OF N. C. Raleigh, Dec. 22, 1873. A dividend of five per cent on the capital stock, out of the profits for the last six months, has this day been declared payable at this Bank on and after the 31st day of January, 1874. C. DEWEY, Cashier. 27-2t

PITTSBORO HOTEL, Pittsboro, Chatham Co., N. C. H. H. BUNKE, Proprietor.