

THE RALEIGH REGISTER.

J. C. L. HARRIS, Editor.]

"Ours are the plans of fair delightful peace—unwarped by party rage to live like brothers."

[W. M. BROWN, Publisher.]

VOLUME I.

RALEIGH, TUESDAY, JUNE 26, 1877.

NUMBER 14.

Weekly Raleigh Register.

THE LATEST NEWS.

Senator Conkling has gone to Europe. Rev. J. S. C. Abbott, the historian, is dead.

The Turks were badly defeated around Kars on Saturday last.

The Montenegrins defeated the Turks with a loss of two thousand at Plana.

Hon. D. D. Pratt, of Indiana, late Commissioner of Internal Revenue, died suddenly of heart disease on the 17th inst.

Over eight million dollars of silver will be issued as fast as the law will permit until the amount of fractional currency which has been lost and destroyed has been replaced.

The Pope has denounced Germany as the corner-stone of a new ungodly division of Europe. The France people are at fever heat and the Pope may soon have a million and a half of France soldiers at his disposal.

On Monday last a detachment of Mexican Government troops crossed the Rio Grande to the American side at a point twenty miles from Fort Clark, Texas, in order to avoid a conflict with a larger body of revolutionary troops fast closing on them. On the same night a revolutionary body crossed the river and attacked the government soldiers, killing several and wounding many, after which they returned to the Mexican side. The United States military authorities at Fort Clark made captives of the Mexican troops for violation of the neutrality laws in crossing to the American side with arms and having a battle thereon.

A New Orleans letter says: Gentlemen who have just returned from the border counties of Texas say that stock raisers and other people of those counties, and even as far up San Antonio, are making sworn statements of their losses during the last ten years by the Mexican raids, and doing so at the instigation of the authorities in this city. It is asserted that these sworn claims are sent to Washington, and that the State Department is taking them in hand. For Advice from Russian headquarters in Armenia report that the garrison of Kars has made another desperate sortie. The Russian left wing, under Gen. Heinman, repulsed the attack, and inflicted severe losses on the Turks. The Russian cavalry at Kugala succeeded in turning the Turkish flank and rear by a bold movement. Fighting was very brisk. The Turks lost 200 men, and the Russians 117.

The election next year for three Judges of the Supreme Court, members of the Legislature, county officers, and solicitors, will be held on the First Thursday in August. After 1878, the election will be held on Tuesday after the First Monday in November in 1880, and on the same day every two and four years thereafter.

Twelve States hold elections during the present year, to wit: Kentucky, August 6; Vermont, September 4; California, September 5; Maine, September 10; Iowa and Ohio, October 9, and Massachusetts, Mississippi, New York, Pennsylvania, Virginia and Wisconsin, November 6. In four of these States Legislatures are to be chosen, which will furnish successors to a like number of United States Senators whose terms expire on March 4, 1879, viz: Kentucky, New York, Ohio and California.

The *Winston Sentinel* evidently does not take much stock in the talented member from Guilford, if we may judge by the following editorial paragraph taken from that paper:

"Col. John N. Staples, of Greensboro, announces that it is a mistake that his business in Washington was for the purpose of organizing the new party movement. The country feels easier since that announcement, and can now give its undivided attention to the unpleasantness between the Turks and Russians."

Attention is directed to the article from *The Raleigh News* concerning the Judge who is to hold Wake superior court which commences on Monday next. The utter incapacity of the Legislature to perform plain and paramount duties, is exhibited upon every occasion which calls for investigation into the acts of that body. The Democratic party is responsible for the record of the Legislature. It is probable that a number of present members will be candidates for re-election next year. If the people of the State possess as much pluck as we think they do, party nominations will not prevent the defeat of these gentlemen who have proved beyond doubt their incompetency to deal with State affairs.

If the administration should finally decide that silver shall be made a legal tender to the same extent that greenbacks are now, the silver dollar must contain

sufficient metal to make it worth as much as the greenback dollar. The latter is now worth in gold about 94 cents. The present silver dollar is worth still less than the greenback dollar. To make silver a legal tender and not make the different coins worth as much as the greenback currency, would be dishonest, and would enable the debtor to pay his creditor in a depreciated currency. The Republican State Convention of Ohio, meets the first week in August, when a resolution embodying the views and policy of the Administration will be adopted.

The pitiful lament of Messrs. Tilden and Hendricks at the Manhattan club in New York City, the other night, over "what might have been," was disgusting and unbecoming. If this meeting is an indication, the Democracy is determined to make the decision of the Electoral Commission the main issue in the canvass of 1880. "We have been cheated and defrauded," is the battle cry which is to lead to victory in the next national campaign. If the Democrats intend to adopt this plan for the next campaign, Tilden and Hendricks will be nominated as a matter of course. If they were legally elected and defrauded of their election, every principle of politics requires that they shall again lead the unterrified to defeat.

The Republican party will meet the Democrats more than half upon the question of fraud as made out by the Electoral Commission. That body was of Democratic origin. It was devised with a view to pack the Commission in the interest of the Democrats. The election of Judge Davis as U. S. Senator prevented the selection of a tribunal which was thought to have prejudged the questions to be presented for decision. Because they were beaten at their own game, Democrats hiss, shriek and scream fraud like so many maniacs. The American people have proved themselves equal to every emergency which has arisen during the past hundred years. They are not fools. They are not governed by their passions. Their action is the result of calm mature judgment; and they have decided that there is no question of fraud to be referred to them for decision.

MARRIAGE BETWEEN THE RACES!

Because the Republicans refused to enumber the constitution of 1868, with sections prohibiting marriage between the races, forbidding the organization of mixed militia companies, and forbidding social equality, the Democratic press and every Democratic speaker charged that the Republican party was in favor of intermarriage between the whites and the blacks, that they were in favor of organizing the whites and blacks into the same militia companies, and that negro officers would be put over white men, and that social equality would prevail throughout the State. Time has proved all these charges to have been basely false, and it is right and proper that the Democratic party should be fed out of the same spoon that they placed to the lips of Republicans.

The South Carolina Legislature, recently in session, had before it a bill making it a misdemeanor for whites and blacks to intermarry. Democrats would say at once that this bill passed and was now a law, because the Democrats were in a large majority in the Legislature. Not so. After considerable discussion, and at the urgent request of the seventeen thousand negroes who voted for Gov. Hampton, the bill was DEFEATED! Aristocratic South Carolina! the home of Rhett, Pickens and Hampton, now permits the marriage of white men and women to negro men and women! God made the races separate and distinct. It is intended that they shall remain so; but South Carolina says the blood of her whites may be mixed and blotted out by marriage with negroes! The contemplation of such an intermixture of the races is horrible, revolting, disgusting. It is the acme of social equality, and yet the Democratic press of this State has not noticed the defeat of this bill as a matter of news; nor has any Democratic paper denounced the action of the South Carolina Legislature. Had South Carolina been under Republican control and such legislation had taken place, the indignation of the Democratic press would have permeated and excited the masses from Hatteras to Mount Mitchell. But because it was a Democratic Legislature that was guilty of the sin of

degrading white men and women by making it possible for the races to intermarry, a deathlike silence is maintained, because comment would hurt the party! Shame on such journalism! It is the worst kind of slavery!

Because negro votes are required to make South Carolina Democratic, the Democratic party was willing to allow negroes to marry white women. The silence of the press of this State gives assent to this policy in South Carolina.

FALSE PRETENCES.

In our issue of June 19th, we published a column article from *The Raleigh News*, which attempts to make the people believe that the policy which the administration is pursuing toward the South, to reform the civil service, to subordinate the military to the civil power, and to allay sectional hate, is the triumph of Democratic principles as denuded at St. Louis, and is the policy which Mr. Tilden would have pursued had he been elected. The readers of *The News* are possessed of much less intelligence than we had supposed; if such assertions are accepted as the Truth the press and politicians of the Democratic party are alarmingly conscious that the administration up to this time is unassailable; therefore, it is necessary that the people shall be made to believe that in name the administration is Republican, and in practice is Democratic. Careful reading of the platform of the National Republican party, as adopted at Cincinnati, in June of last year, which may be found on our fourth page, will show that President Hayes is carrying out to the letter and in the spirit, the several resolutions referring to policy which is claimed to be the "Triumph of Democratic principles."

The Democratic party was never known to surrender power without a struggle. The war was the result of a determination to rule or ruin. If the situation in South Carolina and Louisiana had been reversed and Tilden had been President, the Democrats would have held those States as long as they held power in the Nation. That the country would have been treated to a reform in the civil service was not to have been expected, judging according to the civil service rules which have governed our State administration. Tilden would have done as Vance has done: Turned out competent Republicans, long in the service, to make room for Democrats who were totally incompetent and of no experience in the public service. With Tilden as President the worst and most brutal element of the Democratic party would have taken control; believing that their crimes would be condoned and go unpunished, Southern Republicans would have been slaughtered upon the slightest pretext. Two alternatives would have been presented to Republicans: Surrender your principles, and take no part in public affairs, or be killed. Sectional hate would have been fomented and the country would have been kept in a continual state of agitation and strife. Civil service reform would have consisted in the displacement of every Republican official and the appointment of the most rabid Democrats. The country would have been treated to a Democratic administration "after the strictest sect."

The party would have been the country: the administration would have been run accordingly. Supporting Hayes under the false pretence that he is enforcing Democratic principles, is the most arrant demagoguism imaginable. Supporting the President because he is obeying the constitution and is trying to do the best that can be done for the country, without regard the success or defeat of political parties, is patriotism. *The News* belongs to the first class of these supporters.

The time will come when the Southern people as a unit will thank God that Hayes is President and not Tilden.

GREAT DISASTER AT KINGS MOUNTAIN.

Information was received here Monday evening of the caving in of the King Mountain mine, which occurred on Friday evening. The miners all being out at the time, no one was injured. The full extent of the injury to property has not been ascertained. The occurrence will delay operations for six or eight months. It is stated, however, that the falling of the earth has developed a new vein of unusual richness, by the discovery of which the owners of the property have been more than compensated for the loss sustained, and by the delay in the prosecution of the work.—*Charlotte Observer.*

A RESUSCITATED CORPSE.

THE CRIMINAL CAREER OF A MURDERER RECALLED TO LIFE.

In the year 1774 a man named Joseph Richelot was broken alive on the wheel at Orleans for highway robbery, and, as there were no relatives or friends to claim the body, the executioner, when he thought life was extinct, gave it to a surgeon, who carried it to the anatomical academy for dissection. The legs and arms of the wretch had been fearfully broken and mangled, but yet, when the surgeon applied his knife, he detected signs of life, and, by the aid of powerful excitants and stimulating cordials, the highwayman was brought to his senses and to the power of speech.

The surgeon and his pupils were kind hearted, and, deeply moved by the sufferings and the earnest solicitations of the culprit, they resolved to attempt his cure.

They would thus lose the subject for dissection, but then the experience of handling such a case in treatment would be valuable to them. So dreadfully mangled was he that they had to amputate both his legs at the hip-joints and take off his left arm at the shoulder. His right arm had been fractured above and below the elbow, but the bones had not been shattered, and with extreme care that important limb was saved. Notwithstanding the mutilation—a mutilation and blood loss that would be surely fatal in a hundred and ninety-nine cases in a thousand—the man recovered. And now what should be done with him? A man with not even the stump of a leg, and with only one arm! He begged that he might be taken further from Paris, where he could gain a livelihood by begging. They might be sure he would henceforth lead an honest life. He swore that he would rather die than steal again. The good doctor, willing to do anything in his power, put Richelot into a cart and sent two of his student to convey him fifty leagues away to the southwest, beyond Poitiers.

The man was full forty leagues away from the nearest place he had ever been known. He took a situation by the roadside, close by a ragged cliff of rock and a dense wood, where his deplorable condition excited the compassion of all who saw him. In his youth he had served in the army, and, clad in an old Hussar's jacket and helmet, he passed for a soldier who had lost his limbs in battle.

Time passed. By-and-by a peddler, who had set out from Lunignan on his way to Vitray, with a full pack and much money, was missed.

Other men mysteriously disappeared in that same section. The police searched for the robbers, but could not find them. And yet they were well assured that these off-recurring disappearances were not the result of accident. There must be robbers and assassins somewhere.

The celebrated Jean Coquette, with a platoon of his well trained detective force, came down from Paris, and spent two months in the provinces, but failed to unearth the mystery.

One day a drover, returning from market where he had been selling cattle, came upon the poor, legless beggar by the wayside, and was solicited for charity.

Being moved to compassion by the sight of so much disfigurement—for the wretched man seemed to be both legless and armless—the drover threw him a piece of silver.

"Alas!" said the mendicant, in piteous tones, "you see I cannot reach your bounty. I have neither an arm nor a leg. If you will be so kind as to put your generous donation into my pouch, I will bless you. To-night my poor faithful Lizette will come with Mondan's cart and take me home, where your silver shall find us a meal such as we have not tasted for many a day."

The drover got down from his cart and approached the beggar, and as he stooped down to pick up the money, the sun suddenly breaking from behind a cloud, threw a strange shadow upon the sward, causing the traveler to look up, when he caught sight of a good, stout right arm, belonging to mendicant, raised above his head, the brawny hand of which grasped a short iron bar, with a knotted knob on the end. He arrested the blow in its descent, and being a man of immense muscular power he lifted the beggar and carried him to his cart, and having thrown him into it he drove to the next town, where he brought his prisoner to the magistrate.

On searching him a silver whistle of curious construction was found in his pocket, which naturally led to the suspicion that he might have accomplices in the woods, whereupon the magistrate called a sufficient guard, under command of an experienced officer, and sent them, with a crover for a guide, to the place where the murder was attempted. Not more than an hour had elapsed since the drover had clasped since the drover had left with his prisoner when the spot was reached, the distance from the village being not quite a league.

The gendarmes concealed themselves in the bushes, after which the whistle was blown, the sound being exceedingly sharp clear and penetrating; and directly an answering whistle was heard, seeming to come from under ground. Nor was this all. Hardly had the note of the whistle died away when three men rose to sight

from a thick tangle of shrubs and vines close at hand. The soldiers, with muskets cocked and presented, advanced and ordered the men to surrender. One of them turned to flee and was immediately shot down, upon which the other two seeing that they were fairly caught, threw down their arms. When they had been secured the place where they had appeared was search and the entrance found to a deep spacious cave, wherein were discovered two women and a boy and a girl.

The woman gave in evidence that they had been originally seized by the robbers and carried away from their homes; that they had been forcibly held captives and had finally married with their abductors. The boy and girl were their children. The girl, a bright, intelligent miss of ten or twelve years, testified that bodies of travelers newly killed were often brought into the cave and stripped and buried. On pleasant days it was their custom to carry the old mutilated soldier out to the roadside, where he would sit for three or four hours at a time, his piteable condition being sure to excite the compassion of passers-by. When a traveler appeared who gave promise of a well-filled purse the old robber, with that strong right arm and bar of iron, having inveigled him within reach, would administer a blow that was sure to stun if it did not kill him, and then the whis would quickly call assistance. Only the sudden gleam of the sun from a thickly clouded sky had saved the drover. They mystery of the disappearance of so many travelers was solved, and with the putting away of the precious gang the work was stopped.

The next time Joseph Richelot was broken upon the wheel he sure the executioner did not surrender the body until he was well assured that no surgeon of earthly mold could bring it back to life.

From the Daily News.
DECISIONS.

DIGEST OF OPINIONS OF JUNE TERM, 1877.

Baxter vs. Baxter. This was an action to restrain a sheriff from selling under execution property which had been set apart to plaintiff as his personal property exemption. *Held*, Plaintiff could not sustain his action because his possession of the property had not been disturbed by the defendant. Should he seize it, plaintiff could continue his possession under C. P., sec. 177 (sub. sec. 4) and try title regularly without resorting to an injunction. The practice of trying title to personal property by injunction has not been adopted in this State.

Weeks vs. Weeks. It is a familiar principle of equity that a devisee or legatee cannot claim under a will and against it. If the will gives his property to another, he may keep his property, but he cannot at the same time take anything given to him by the will. He is put to his election. He is entitled to a reasonable time to make his election. If any such party is under disability the court will order a reference to ascertain what is to his advantage and will even order an account to be taken if necessary.

State vs. Overton. Defendant was convicted in the Superior Court and appealed to this court. Here judgment was affirmed. When called upon in the lower court to show cause why judgment should not be passed upon him he objected that he had not been present in this court when his case was argued and determined. *Held*: Objection is invalid. No "conviction" takes place here. The "trial" was in the court below.

The defendant also, objected that judgment should have been passed upon him at the first term. *Held*: Objection is without force. It was at defendant's request that judgment was not rendered, and without such request the court had the right to suspend judgment. It is questionable if it is not a perversion of the liberal practice in *favorem vita* to make such objections, which are entirely without precedent.

Long vs. Scovell. A party who accepts a deed containing covenants on his part is bound to perform them although he does not execute the deed as a party. If a grant of an easement is upon a condition precedent, which has never been performed, then the original grantees were not seized of it, and of course it could not pass to their assignees. Nothing can pass to the assignees beyond the right to the easement upon the performance of the prescribed condition precedent. Where several defendants have no right to flow water from their respective lands into the ditch of the plaintiff, and do so to his injury, the tort is that of the several defendants respectively, for which separate judgments for damages must be rendered, and not a single judgment against all of them jointly, unless the wrong was performed by concert of action.

State vs. Pipkin. This defendant, who was a sheriff, entered upon the duties of his office Sept. 1st, 1872, at which time he duly executed the several bonds required by law. He failed at the end of the year to renew his bond or produce the receipts from the county and public treasurers in full as he was required by law to do, nevertheless he entered without let or hindrance upon the discharge of his office until the expiration of his term. This action is brought upon defendant's official

bond, and it is insisted that defendant's office became vacant *ipso facto* upon failure to comply with provisions of the statute above referred to, and that this having occurred Sept. 1st, 1873, no action will lie upon the bond given Sept. 1st, 1872, for the non-collection and non-payment of taxes assessed for 1874. *Held*: That until the office is judicially declared vacant the sheriff elect may rightfully hold his office till the end of his term, and is liable upon his bond for all official delinquencies till the end of his term. Such vacancy cannot be judicially declared until the alleged delinquent shall have had due notice and a day in court. The forfeiture can only be judicially declared after trial and culpability established.

Hayes vs. Simpson. Where judgment was taken in the Superior Court of Union county, and execution issued to Mecklenburg county, where the defendant resided. *Held*: That supplementary proceedings upon return of the execution "not satisfied," was properly sued out before the Clerk of Union Superior Court but that he should have appointed a Referee to take the examination of the judgment debtor in Mecklenburg.

Jones vs. Ward. Where the property of "A" has been seized by an officer, under an execution against "B," the former can sustain an action for claim and delivery against the officer. The provision that claim and delivery will not lie for property taken by virtue of an execution, for a tax &c., applies only when owner of the property taken is the defendant in the execution, or owns the tax &c.

Blake vs. Respass. Where a judgment was taken against "A" who subsequently became a lunatic. *Held*: That supplementary proceedings could be sued out against the guardian, and that the debt not being incurred for the maintenance of the lunatic the Superior Court and not the Probate Court had the authority to grant supplementary proceedings. *Held further*: That a judgment could be enforced against a lunatic's estate to the same extent as against any one else subject to the limitation that enough of the estate must be left untouched to secure the maintenance of the lunatic.

Parton vs. Wood. The surrender and cancellation of a bond, though paid only in part, is a "deed in fact" and is as full and complete as a release under seal. The doctrine that a part payment does not extinguish a debt rests on the necessity of a consideration to support an existing agreement which is otherwise *nudum pactum*.

Where an executor asked for judgment for balance unpaid on bonds surrendered by him in a compromise with debtor and in the same action the executor and devisee asked that the debtor should be declared a trustee of the amount abated on said bonds on the ground that the compromise was procured by fraud. *Held*: That there was a misjoinder, the causes of action being inconsistent. *Held further*: That if a debtor accepts from the executor of his creditor a release or surrender of his bonds, the executor being a legatee on the bonds, the mere fact that the debtor paid no consideration for the deduction is not, in the absence of imposition, undue influence, accident or mistake, sufficient ground to declare the debtor a trustee of the unpaid portion of the debt, nor for their *pro rata* part of it—for the benefit of the other legatees.

Windy vs. Bradshaw. To support an attachment against property it must appear by affidavit not only that the defendant is a non-resident but that he has property in this State. This is so even though the order of publication and warrant of attachment aver that there was such an affidavit. The suggestion that there may have been an *unwritten* affidavit will not cure the defect. There can be no such thing as an "unwritten affidavit." An affidavit is a "sworn statement in writing." See Webster's and Bouvier's Dictionaries.

LIME AND SALT.—Prof. Johnson recommends for fertilizing purposes, to mix one bushel of salt and two bushels of dry lime under cover, and allow the mixture to decompose gradually, thus forming chemical union. For this purpose the mixture should be made six weeks before use, or still better, two or three months, the heap being turned over occasionally. This salt and lime mixture, when applied at the rate of thirty bushels per acre, forms an excellent top-dressing for many crops. It acts powerfully on the vegetable matter of soils; fifty-six bushels applied to turnips have produced as large a crop as barn yard manure. It is destructive to grubs and insects in the soil. Like salt, it attracts moisture for the air, and is useful against drouth. Its decomposing power is remarkable, and if three or four bushels of it are mixed with a load of muck, the latter will be thus thoroughly powdered.

The throne-room of the Sultan at Constantinople is gorgeous. The gilding is unequalled by any other building in Europe, and from the ceilings hang one of the superb Venetian chandeliers, whose 200 lights make a gleam like that of a veritable sun. At each of the four corners of the room, tall candelabra in Baccarat glass are placed, and the throne is a huge seat covered with red velvet, and with arms and back of pure gold. In the daytime floods of brilliant light pour into this room from three great windows looking out on the Bosphorus, Scutari and the Sea of Marmora.