

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.

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Weekly Raleigh Register.

THE LATEST NEWS.

The national debt was reduced last month \$818,000.

The strike decreased the revenues of the government one million of dollars during the month of July.

The strike is about over. There is some trouble at Wilkesbarre, Pennsylvania. The Governor is there with 1,000 troops.

The Roumanian army, fifty thousand strong, will cross the Danube at Giria and Rahova.

Austria will maintain a position of armed neutrality on account of the action of Roumania.

Hon. H. W. Hilliard, of Georgia, has been appointed Minister to Brazil. The appointee is in full accord with the President.

The Ohio Republicans held their State Convention on Wednesday last and nominated W. H. West, of Bellefontaine, for Governor.

Ex-Gov. Moses, of South Carolina, has been released on bail. He will turn State's evidence and tell all he knows on his accomplices.

The reported defeat of the Turks at Plevna is officially denied. There was a hard fought battle without decisive advantage on either side.

The U. S. tax on brandy and whiskey is 90 cents per gallon. This is too high and induces men to violate the law by illicit distillation, selling without having paid the tax, and in numerous other ways. We hope Congress at its next session will reduce the tax to 50 cents per gallon. The government would derive more revenue at this figure than at 90 cents.

The President fully understands that the support of the Southern people is not to be obtained by mere appointments to office. Hence, the statesman-like policy toward the South, the reform in the civil service, the reduction of expenses and the discharge of useless employees. Mr. Hayes is conscious that acts speak louder than words and please the people much better than the appointment of Democrats to office. The President has the courage of his opinions; he dares to do right though his acts may temporarily impair the efficiency of the Republican party. "He who serves his country best, serves his party best." This must be so unless there is no patriotism and love of country in the hearts of the people.

Shortly after the troops were removed from the State House in Columbia, there was a meeting held in Charleston of a number of men who had been leaders of the Republican party in South Carolina. This meeting denounced President Hayes and condemned his action in unmeasured terms. It so happened that one F. J. Moses, who had been Governor, was the leading light of the anti-Hayes meeting; it now turns up that this same F. J. Moses has been arrested and put in jail for issuing fraudulent pay certificates to members of the Legislature when he was President of the Senate and Speaker of the House of Representatives. Such men as this have caused the Republican party in the South to become a by-word and a reproach in the mouths of the people; when we stop and recall the fraud and corruption committed by Republicans throughout every Southern State, it is a wonder that the Republican party exists anywhere as a State organization. Woodruff, Clerk of the South Carolina Senate for the last nine years has been arrested in Philadelphia charged with forgery and larceny in his official capacity as Clerk. A. O. Jones, formerly Clerk of the House of Representatives has also been arrested upon similar charges. R. H. Gleaves, colored, and formerly Lieutenant Governor has fled the State.

Chief Justice Moses was the father of F. J. Moses. Gov. Chamberlain refused to commission the latter Judge of the Circuit court because of his known corruption and unfitness for the place. This made the Chief Justice mad and arrayed the court against Gov. Chamberlain in his contest with Gov. Hampton. The old man has since died, and F. J. Moses and his confederates will doubtless wake up some fine morning and find themselves cutting stone for the Palmetto State. From the Governor's chair to the Penitentiary! Such is the wages of crime!

The arrest of these persons is at the instance of a Legislative committee who

unearthed the fraud upon which warrants of arrest were issued. It is to be hoped that the defendants will have a speedy and impartial trial; if convicted, that the severest penalty of the law will be imposed upon them.

THE QUESTION OF JURISDICTION.

THE RALEIGH REGISTER, the State organ of the Republican party, says Judge Schenk's decision, that these revenue bummers, who outraged and maltreated the citizens of the State were amenable to the State laws, is a decision that is repugnant to nearly all Republicans. If it is the doctrine of the Republican party, as THE REGISTER asserts, that a citizen of this State can be assaulted, or otherwise abused by federal officials, under cover of office, and that the State is powerless to afford them protection, then the quicker we can get rid of such a party the better it will be for the people. The people certainly have some rights federal officials should respect, and if they don't respect them, then the State certainly should have the power to make them.—*Winston Sentinel.*

It is not "the doctrine of the Republican party that a citizen of this State can be assaulted, or otherwise abused by Federal officials, under cover of their office, and that the State is powerless to afford them protection." We hold that it is the imperative duty of the Federal judge whenever an indictment of a Federal officer is removed to his court to put the defendant on trial for the purpose of ascertaining whether the offence complained of was done under color of his office, and whether the officer was justified therein. If he exceeded his authority as a Federal officer, to inflict summary punishment on him; if the offence was committed while in the performance of his duty as an officer and was necessary to his self-defense, then to adjudge him not guilty and to discharge him; if the offence was not committed as a Federal officer, then to remand the case to the State court to be proceeded with according to law. This is our position upon this question and we doubt not that it is the position of the party throughout this State.

The people have rights which Federal officials are bound to respect, and which the courts, both State and Federal, are bound to enforce. Federal officers who exceed their authority and assault and maltreat the citizens of this State, cannot escape punishment unless the Federal judges fail to do their duty. We do not hold for one moment that when an indictment is removed to the Federal court, that it hangs up like Mahomet's coffin and that there is no power of trial in that court. If such was the law, the people would undoubtedly be at the mercy and caprice of every man who held a United States commission.

We most earnestly desire that the internal revenue system shall be abolished. Some way can be devised to raise the necessary amount of taxes to run the government without the present system and without laying a direct tax upon real estate. If Southern Senators and Representatives will work and vote solidly to abolish the internal revenue system in the next Congress, they will succeed and thus relieve the people of a law, which is odious to them and which has been abused in many instances.

LITERARY GOSSIP.

"THE WOMAN HATER" by Charles Reade. Harpers, New York. Price \$1.25.

This is one of the best of Reade's novels, written in his usual pointed style with a broad pen, but containing some hair strokes and delicate touches that are truly beautiful. The characters are well defined and well sustained. Vizard, the woman hater, is one in theory only, he is a large hearted, generous man, always either in love with some individual woman or in a chronic state of theoretic detestation of the whole sex. But decidedly the best character in the book is Rhoda Gale, the Doctor, and the "little narrative of dry facts" which she relates to the woman hater contains some telling hits. She admits that the average man is superior to the average woman, but not as much so as the picked woman is superior to the average man; her account of her battles with the professors and faculties generally, in order to get admitted as a student to the lecture rooms and laboratories, is not overdrawn; but is a true picture of what has been endured by many women in their efforts to obtain a medical education, and reminds us of the trials of Dr. Susan Dimock as told by herself. There is now abundant proof that the study of

medicine, instead of degrading, elevates women, and as Dr. Gale shrewdly remarks—"The noble nurses of the Crimean war went to attend males only, but were not accused of indelicacy because they worked gratis; whereas the doctresses, though they look mainly to attending women, desire to be paid for it." She truly says that—"An earnest love of science and study controls the amorous frivolity of women even more than men's. Perhaps our heads are really smaller than men's and we haven't room in them to be like Solomon—extremely wise arrant fools." Mr. Reade is said to have received hundreds of letters from women, both in this country and in England, thanking him for this book and the good fight he has fought for those women who, like Susan Dimock,

"have bravely met
The careless scoff, the scorn the sneer,
And undismayed amid them all
Wrought out a woman's grand career—
Say not, 'she stepped her sphere beyond,'
But with a woman's honest pride
She sought its borders to enlarge
And in the glorious effort died;
And glory in the woman's soul
That steadfast conquered in the strife
For though she sank beneath death's waves
She grandly rose o'er those of life."

THE WOMEN OF THE CENTURY, by the Rev. Phebe A. Hanford, sold only by agents, is a volume of nearly seven hundred pages containing the names of hundreds of women who have distinguished themselves, or been distinguished in the present century. Much of it is necessarily mere compilation from other sources such as Mrs. Ellet's, "Women of the Revolution," and Mrs. Holloway's "Ladies of the White House." It has no literary merit and is interesting only as a biographical dictionary, and in this sense is very incomplete and in many instances unreliable; omitting all mention of some well known literary women and giving undue prominence to others, while the names of many are recorded who are probably well known in their own immediate circle but not out of it. From the beginning to the end there is no mention of any of the Catholic ladies who have distinguished themselves in their vocation as Mother Seyton did in Maryland, and Mother Emily of the Dominican order has done in Wisconsin.

HARPER'S HALF-HOUR SERIES continue as popular as ever. Six more "Epochs of English History" have been issued, "England a Continental Power" brings the history from the conquest down to the granting of Magna Charta. "The Rise of the People" carries it from King John to "The Tutors," next comes "The Struggle against Absolute Monarchy," which brings it down to the Revolution, and the calling of William of Orange to the throne. So that in these five little books, any one of which can be read in an hour, we have a clear and condensed account of the leading events and incidents of English history from the earliest date down to 1688. One of these little books which is called "University Life in Ancient Athens," contains the substance of four lectures delivered at Oxford on this subject, and is most interesting, not only to the scholar but the general reader. Any of the series may be had for the moderate sum of twenty-five cents.

The same house sends *The American Senator*, by Anthony Trollope, written in his usual style, with a broad caricature of the Western man as a United States Senator on a visit to England. Mr. Gotobed runs his head against every English stone wall he meets, and behaves generally in the rudest and most ungentlemanly manner, as we presume Mr. Trollope wishes it to be understood that American Senators usually do. But he is not the hero of the story and the title is decidedly a misnomer.

THE MYTHOLOGY OF GREECE AND ROME, is a most valuable little volume just issued by Harpers at the moderate price of sixty cents. It is a translation from the German of O. Seeman, and gives a concise and readable account of the mythological legends as a whole, with special reference to their use in art. Some knowledge of ancient Greek and Roman mythology is absolutely necessary to the correct appreciation of many of the pictures and statues of art galleries and museums both in this country and in Europe, and one of the most desirable features of this little volume is the cuts it contains of the celebrated works of art which represent, either on canvas or in marble or bronze, the gods and goddesses of Greece and

Rome. One particularly pleasant feature of it is the preservation of the conventional spelling, so that we know our old friends when we meet them, and are not puzzled by new names. A full index is appended in which the quantities of the vowels are carefully marked so as to give the correct pronunciation of each name. The book is valuable, both for the school room and the library. M. B. O.

COMPULSORY EDUCATION.

This subject is being discussed by a number of the papers of the State, all of whom appear to favor the measure and urge its adoption upon the next Legislature. The subject of education is one of vital interest to the prosperity of any people, and no other subject is of more importance to the people of North Carolina. It is a public shame that thousands of our citizens, grown up men and women, are today as ignorant of letters as they were at their birth; and thousands of children, capable of great things in the future, are growing up in the same illiteracy that has blighted the lives of their parents and marred the prosperity of our State. Society and civilization demands a new condition of things. Half of the vice and penny that now afflicts community is the outcrop and legitimate result of educational neglect. There is no greater degradation than ignorance, and it is the most prolific source of every description of evil. No species of virtue can flourish within the shadow of its presence, for the rank weeds of prejudice, bigotry and vanity smother out of existence the sentiments of true refinement. But how can improvement be effected? It is claimed that compulsory education has resulted satisfactory in States where it has been tried, and would confer great benefit upon the people of North Carolina. We claim that the passage of such a measure by the next Legislature, with no other legislation in aid of education, would be hurtful and unwise. Many of our people are financially unable to educate their children. The present free school system is farcical and worthless; conferring no benefit upon children and of no assistance to parents. The teachers, in some instances, are notoriously incompetent, and often besotted vagabonds, selected and employed by a committee of similar stripe, who are as ignorant of moral requirements as they are of the customs of the inhabitants of the moon. And these schools, such as they are, are limited to only a few weeks in every year. Such a management and such a system is a disgrace to the State, and should be abolished, even if the people are allowed no other in its stead.

There are people who would gladly educate their children, but who are unable to pay their tuition in a private school. There are others who imagine themselves too poor to spend money upon the education of their children, but who, nevertheless, can readily find a surplus dollar or two with which to buy whisky or waste in other extravagancies. And there are others still who regard their children as stock property, the same as their mules and cattle; and they regard their whole duty discharged when they feed and clothe their children for their labor. This class are generally poor and uneducated; and they imagine that the chief end of man, and the height of human ambition, centers in a large crop of tobacco. If a free public school was established at their doors, they would appreciate no advantage from it, and without compulsion their children would receive no benefit.

We do not wish to be misunderstood as opposing compulsory education, or claiming that the State has no duty resting upon it in connection with this subject. We do not favor a measure compelling the attendance of children to subscription schools, when we know that a large number of our people will be utterly unable to meet the expense thus incurred. It would be direct class legislation, and oppressive to the poorer classes of our people. In fact, the poorer the parent, and the greater the number of his children, the more oppressive would be the effect of such laws. But it seems to us that the State has a duty in this matter devolving upon it, and patriotism should compel its performance. Let the State provide a general system of free education, for all classes of children between prescribed ages, and then we will welcome compulsory measures. No man should be allowed to deprive his child of the advantages of an education in order that a few pounds more of tobacco may be pro-

duced upon the farm. Society and the country should not thus be cheated out of their claims upon the rising generation; and the laws of the State should come to the rescue. Let the people have the advantage of a liberal school system, and then they should be compelled to educate their children.

Nor do we mean to exclude the colored people from the advantages of this system. They should have their free and continuous schools for the benefit of their children. The errors to which they now cling are more the result of ignorance than constitutional depravity. Education affords the only hope of their successful and intelligent citizenship. No class of our people can receive a full benefit from any measures which does not include the interests of all. We sincerely hope the next General Assembly will give the subject of a free school system its most serious attention.—*Danbury Reporter.*

DIGEST OF DECISIONS OF THE SUPREME COURT, JUNE TERM, 1877.

[Reported for the News by Walter Clark, Esq., Attorney at Law.]

Green vs. The North Carolina Railroad. An alternative mode of pleading should never be allowed. Where there is a parol contract to exchange land for wood, and the seller of the land answers admitting the contract and offers to perform it, the seller of the wood will not be allowed to repudiate the contract and recover the value of the wood. The statute of frauds applies only to "the party to be charged therewith." It can be plead by such party and not against him to invalidate a contract by which he is willing to be bound.

Henley vs. Wilson. A resort to general expressions and the omission of dates in pleading is a vicious practice which should be corrected. Where a party, pending an action, executes a deed, which he would have been decreed to execute, it only takes effect from its delivery. It does not, for as a Court of Equity power to make it, relate back. Such court could only require the deed to be executed to carry out the original intention of the parties and "enforce the right in equity" by a perpetual injunction. Where a tenant for life makes a deed in fee the adverse possession of grantee against the remainder man only begins from the death of such grantor. Where a deed is falsely dated the grantor is competent to prove such fact, although it could have been proved by the subscribing witness thereto.

State vs. Morgan. In criminal actions the defendant cannot appeal without security, unless he files an affidavit that he is advised by counsel that he has a reasonable cause for appeal and that his appeal is in good faith. An exception that the first bill having been nonprosed the venire was not re-summoned is without any force.

Simmons vs. Dowd. A regular judgment taken according to the course and practice of the court can not be set aside under sec. 133 C. C. P. however erroneous it may be. Such judgment is *in fieri* during the session of the court but is final after its rise. An irregular judgment may be set aside at any time. The remedy for an erroneous judgment is an appeal at the time and if that is lost a *certiorari* under proper circumstances. The remedy for an erroneous judgment rendered in this court is a petition to rehear.

Bunting vs. Gales. A public officer holds his office subject to the power of the Legislature to change his duties and emoluments as the public good may require; hence where the General Assembly established a criminal court for Wake county and elected a clerk of the same upon whom they bestowed the larger portion of the duties and emoluments of the clerk of the Superior Court of said county the Act is constitutional.

Gregg vs. Wagoner. It is the privilege but not the duty of a party to offer himself as a witness on his own behalf, and his not doing so is not a subject of comment except under very peculiar circumstances in the discretion of the Judge presiding at the trial.

Perkins vs. Caldwell. An administrator or other trustee can in many instances apply to a court for its instruction in regard to the administration of a doubtful trust. But before a court will give its instruction all the facts upon which the duty depends must be set forth and admitted by all the parties interested, or as-

certain in a proper manner, and the trustee must be in possession of the property in respect to which the advice of the court is asked. The court will not give its advice upon an hypothetical state of facts.

Ray v. Horton. Where after the time for collection of taxes has expired, the Legislature passed a special act allowing the sheriff of W—county to collect back taxes without limitation as to the time when the privilege should expire and on the same day passed a general act allowing all sheriffs one year in which to collect back taxes for same years: *Held.* That the limitation in the general act governs.

King vs. Portis. Where a mortgage covers land in two counties it only passes title good against creditors to that part lying in the county where recorded, and this is true though both mortgagor and mortgagee believed that the land lay solely in that county. A sheriff can sell under execution only so much of a tract of land lying in two counties as is within his own county.

State vs. Turpin. In a trial for murder threats made by the deceased but uncommunicated to the prisoner are admissible. The prisoner being convicted of manslaughter, if the proposed testimony if admitted could not have reduced the offence below manslaughter it was not error to exclude it. Evidence of the violent character of the deceased is admissible where there is evidence tending to show that the killing was done from a principle of self-preservation and also where the evidence is circumstantial and the character of the transaction is in doubt.

A FISH ATTACKING BIRDS.

The following account is given, on good authority, in Pennant's "History of Staffordshire": "At Lord Gower's canal, at Trentham, a pike seized the head of a swan as she was feeding under water, and gorged so much of it as killed them both. The servants, perceiving the swan with its head under water for a longer period than usual, took the boat and found both swan and pike dead." A correspondent of *The Leamington Courier* says: "The other day, while shooting in the neighborhood of Coventry, in passing a large pond, my attention was aroused by a great noise in the water, and I saw a heron struggling with something below the water; the claws of the heron were stuck quite fast in the back of an immense pike, which was carrying the heron about the pond in spite of her endeavors to free herself. Having a double-barreled gun, I fired first one barrel at the heron, immediately after the other at the pike, and killed them both instantly. The pike weighed thirty-five pounds and a half." Montagu says that the pike has been known to swallow a full-grown teal. Gosner tells us of a mule that stopped to drink in the water, when a famished pike that was near seized it by the nose; nor was it disengaged till the beast flung it on shore. As we have mentioned above a pike attacking a swan, we may be excused introducing an instance of a swan attacking a fawn: At Womersley, near Gullford, a fawn was drinking in a lake, when one of the swans suddenly flew upon it and pulled the poor animal into the water, where it held it under till it was drowned. This act of atrocity was noticed by the other deer in the park, and they took care to avenge it the first opportunity. A few days after, this swan, happening to be on land, was surrounded and attacked by the whole herd, and presently killed. Before this time they were never known to molest the swans.

WASP STING.—Henry Moore, a lad about 16 years of age, who lives with his father near Morgan's Mill, in this county on last Friday was stung by a wasp, on one of his fingers. A short time after the sting, the pain was felt to extend up his arm, and as it reached his shoulder it seemed to fly all over him in a second, and our informant told us that in a few minutes he never saw a person suffer such intense agony in his life. Dr. Smith, the family physician was called in, and after bathing his joints in brandy was able to afford him some relief, but when our informant saw him last, on Sunday, he was in a very precarious condition, and his recovery looked upon as doubtful. No part of the body was swollen in the least—not even the finger which received the sting, but the joints were almost as cold as ice. His prostration could be attributed to nothing except the sting of the wasp.—*Monroe Express.*