The Old North State

SALISBURY, FRIDAY, APRIL 2, 1869

THE FIFTEENTH AMENDMENT.

It is not so certain that this amendment will speedily become a part of the Constitution. The elections recently held in Indiana, to fill the vacancies in the legislature caused by the resignation of the Democratic members, show that the people of that State are opposed to colored suffrage, in their own State at least. And so, we apprehend, it will probably be in other States. If the Northern States choose to defeat the amendment let them do so, but the interest of the people of the South lies in supporting its ratification. Colored suffrage has been forced upon us and it is our duty to make the best we can of the situation. It is useless to make the colored people our enemies and keep them arrayed against us as a race. It is not only useless—it is wrong.

Of the results of the rejection of this amendment we will only speak of one at this time. If the colored people are to have the right to vote and hold office *only* in the Southern States it requires but little sagacity to see that the negroes of the other States will flock hither by the thousand. The colored population of Kentucky and Missouri will soon pour down into Tennessee, Arkansas, Alabama, Louisiana and other States. So, too, it will [illegible] more Northern States. On the other hand, if this amendment is adopted, and the negroes are granted equal privileges in all the States, it will have some tendency, sooner to later, to diffuse this population over the whole country. It is the probability of this that will prevent the ratification of the amendment by the Northern States, if it is not ratified by them.

THE STAY LAW DECIDED UNCONSTITUTIONAL.

We learn from the *Standard* that at Craven Superior Court, last week, His Honor, Judge Thomas decided the second proviso of section 7 of the new stay law is unconstitutional. The proviso referred to is that which provides that "all issues of law or fact which have been joined in pursuance of laws and ordinances heretofore passed and known as 'Stay Laws,' shall be considered as having been illegally joined, and all such actions shall be placed upon the appearance docket of Spring term, 1869," etc. The ground taken by Judge Thomas is that if the Legislature can postpone cases for one term it can postpone them indefinitely, which seems to us to be well taken.

We also learn that at Iredell Superior Court, this week, His Honor, Judge Mitchel, disregarded the Stay Law in *toto*, holding it to be unconstitutional. We have not learned the grounds upon which Judge Mitchel made this decision, and consequently will not criticise it.

SERVING PROCESS BY PUBLICATION

Last week we had a brief article on this subject in which we took the ground that in all cases in which process was served by publication the notice must state distinctly the *time* and *place* of filing the complaint. This opinion was based mainly upon the provisions of section 85 of our Code, and section 135 of the New York Code, and the ruling in the case of Titus vs. Relyea. That this opinion was correct in a class of cases there can, we think, be no doubt. Our esteemed correspondent, "*An Enquirer*," who is an able and accurate lawyer and whose opinions weigh very greatly with us on all such questions, thinks there is a distinction to be made between ordinary cases of civil action and cases of attachment, and his reasoning is plausible. As we have been absent for several days we have no time to examine further into the subject in time for this week's paper. Next week we will give the result of the most thorough investigation which we may be able to make. We are inclined to think that our correspondent is correct in relation to cases of attachment before a Justice of the Peace, if not in other cases of attachment, and that in such cases it is not material that the time and place of filing the complaint be stated in the published notice.

We are glad that our correspondent has instituted the enquiry, as it is important that this question be settled at the earliest possible time.

VIRGINIA.

Gov. Wells has been removed from his office by Gen. Stoneman. The event creates considerable rejoicing Virginia, and will add thousands to the friends of Gen. Grant. The late Governor has also been arrested for felony in purloining a letter from the mail.—This, it is thought, disposes of what little chance he had of being elected Governor by the people. The Walker ticket is rapidly gaining ground, and will eventually be supported by all classes of Conservatives.

P. S.—Since writing the above we see that the case against Wells has been dismissed, but under such circumstances that it cannot be regarded as an acquittal. The prosecutors were Northern men and Republicans.

OUT OF YOUR SHELLS.

We of the South have lived in a little world of our own. Our social intercourse our business and our intermarriages have been chiefly among ourselves. This mode of life has left its traces upon our habits, manners, opinions and character. It has imparted to us an old-fashioned tenacity of opinion, a sturdy if not morose simplicity of character, and quite a number prejudices, crotchets and peculiarities.—We have stood still while all the world aroud us has been in motion, and all of our energy has been expended in the endeavor to stand still, in resisting the popular tides and currents that have struck us only to be diverted. Such a manner of life developes high traits of individual character, and brings out many stern but useless virtues. The fact is that we resemble blood stock that have been bred in until they have reached too refined st.ain, losing in strength while they gained in purity. While we had the institution of slavery, immigrants shunned us. They settled in the Northern and Western States, and their offspring by American intermarriages are remarkable more for vigor and robust, practical sense than for refinement. They brought not only new blood but fresh energy and progressive ideas along with them. The consequence along with them. The consequence is that the North and West are filled with live, working people, who discard subtleties and abstractions and pursue the realities of life.

We want new political ideas, motion, progressiveness. We will never acquire them so long as we stay shut up in our shells, recoiling from what we regard a contact with the vulgar world.

It is related of Lord Orford, a celebrated sporting nobelman of England, that he had a very pure breed grayhounds, that made him the envy of the sporting world. They had bred in until they reached the perfection of delicacy, refinement and symmetry, but it became apparent, at length, to his experienced eye, that they had been brought to too fine a strain, and had lost in vigor and endurance, what they had gained in refinement. He cast about for a corrective and his audacity of invention at length supplied one—that seemed like sacrilege—and that brought down upon him the jeers of the whole sporting fraternity. He determined, horrible to relate, to cross his stock with a pure bull dog of the rattailed variety. Needless of the jeers that fell upon him from all quarters, he persevered and the consequence was that in a few generations the product was a splendid animal, with all the external marks of of the present grayhound, and yet with the strength and endurance of the baser breed. To this day this breed of grayhounds is the most notable in England.

Like the giant of old we must touch the earth occassionally if we would be refreshed and re-invigorated. We in Virginia must learn this lesson, and put it in practice. Immigration will give us new blood, new ideas and new pursuits. The first generation of Virginia that shall spring up under this new order of things will be such a race of men and women as are not now known. They will exhibit a combination of refinement and strength. There will be enough of the speculative conjoined with the practical to make them useful men and women, while, what is called by a brilliant writer' "the genius of the place" will impart to them the better characteristics of the Virginia people, which in plain language means that the soil, the air, the climate, the scenery, the associations, the traditions and the thousands indefinable influences over and around them will mould and stamp their characters.—*Rich. Whig.*

CORRESPONDENCE.

For the Old North State.

Mr. Editor: I see you make a point of law, against the form of notices published for non-residents, (and with two exceptions which you cite and approve,)—decide that judgments by default, in all other cases that have come under your eye, would be void. Now if this is so, it is important to be known, and, therefore, with the view to call for further examination, allow me to show cause why the form of a notice, sent you in an attachment before a Justice of the Peace, was used.

The first question is: When does the Justice or Court acquire jurisdiction?

Sec. 90, of Code answers: "From the time of the service of the summons in civil actions, or the *allowance of a provisional remedy*, the Court is deemed to have acquired jurisdiction."

A warrant of attachment issued upon proper affidavit filed in such a provisional remedy. So it has been adjudicated in New York. "The Court acquires jurisdiction from the time of the allowance of the attachment."—[Burkhardt vs Sanford, 7 How. 329.

Next question—is there any difference in the mode and form of publication, in case of attachments and the ordinary cases of civil action in the Superior Court, where one or more of the defendants are non-residents?

In the latter—the law is found in sections 84 and 85 of our code, and require publication for *at least six weeks* "in one or two papers *designated as most likely to give notice to the person served.*"

Section 198—which provides for publication when a warrant of attachment has issued, reads as follows: "The plaintiff obtaining a warrant of attachment shall within the time above prescribed cause publication to be made at least once a week for four successive weeks in some newspaper published in the county in which the warrant is returnable, or, * * within the judicial district, * * &c.

"Said publication shall state the names of the parties, the amount, and in a brief way the nature, of the demand, the time and place *to which the warrant is returnable*, and shall require the defendant to appear *then and there* to answer the complaint."

Now is there not two different rules—requiring publication in different papers—for different periods of time and of different forms in the two classes of cases?

If so, is not your sentence too sentence two sweeping? Again, even in the class of cases to which section 84 and 85 applies—have you looked to see how far the authority cited by you has been overruled. You cite Titus vs. Relyea, 16 Howard, 371. Now my information is that this case has been overruled to some extent at least in New York by Cook vs. Kelsey, 19, N. Y.:—8 Abb. 177. These cases I can not refer to, as I have not the reports but would like to hear from you thereon.

I am aware the case of Titus vs. Relyea, 16 How., does not take the distinction I have endeavored to make, but was the New York Code the 198 section of our code? If not, and with the examination I have had time to make I do not find it. Perhaps our Code Commissioners, knowing the amount of trivial litigation, in attachment cases endeavored to save costs, by abbreviating the notices.

But if section 84 and 85, apply to all cases as you suppose, then notices must be published in those papers which the court designated *as most likely to give notice to the defeddant.*

For instance, if the defendant resides in Ohio, in a Cincinnati paper, etc., and then the question becomes of interest and importance, if the paper has not been thus designated by the Court or Justice, whether the judgment can be avoided on that account?

I hope you can see a reason for the distinction I am trying to make.

AN ENQUIRER.

For the Old North State.

COLUMBUS, TEXAS, March 17, '69.

Editor Old North State:

SIR:—There has been handed me to answer a great many letters of enquiry relative to Texas. Beyond a few observations I beg leave to recommend all who wish full information upon Texas on all points, to purchase the "Texas Almanac, published by W. & D. Richardson, Galveston. The cost with a map will be $1, and without it 50 cts—postage 4 cts. I will say no one will regret it. Enclosing the amount to them by mail will get the book.

As to the class of men who will do well, it must be men who have industry and are accustomed to work, or have means to employ labor; all such in my opinion will do much better in Texas than in any State, North or South—and I have been in in every State of the United States. Mechanics of all kinds will do well and in fact, any kind of trade pays well. I would say there is plenty of land for sale or rent on any terms or time. Wild lands range from 12½ cts. to $100; improved lands from $3 to $10; in share of crops one half is given, teams, tools and provisions found. Beef is worth one cent per pound; milch cows, five cents—pork, five cents—stock cattle, two cents—stock horses, extra, head for saddle or harness, from $30 to $50, the same for mules; sheep, $1—corn, fifty cents per bushel, and often at twenty-five cents. Every thing can be raised in this State that can be grown in the Temperate Zone at one-half the labor, and with twice or thrice the yield. Three ploughings is more than most crops usually get. I have seen fifty bushels of corn grown by one ploughing and it is the general average—cotton from one to one and a half bale to the acre, and so on with castor beans, sorghum, etc. This Texas Almanac will tell it all.—There are but few negroes in this part of the State and they are rapidly growing less. White people are coming in rapidly from every State; plenty from North Carolina—and all see here will be a white man's county—our society is good, morally and intellectually, and all immigrants will be treated with every kindness and hospitality, as they all will soon hear from those who have come out. The people of your State who went to Indiana made a sad mistake, as I saw.

As to what time to come to Texas, I would say by all means come between September and December. Those who want to buy or look around, come in the Spring. I could say much of Texas—over which I have been again and again——could say I have been on the Colorado sixteen years and never sick.

Here one only in eighty dies per year, while one dies in fifty per year in Massachusetts. That statistically, she is the third in health in the United States, California being first, Oregon next, and I believe west Texas is as healthy as any part of the world. Last year the thermometer only rose to 93°. We have no sun-strokes—no lakes, ponds, run marsh, and less insects and reptiles than I have ever seen in North Carolina—in which my whole family was born and raised.

But buy the Almanac and see for yourselves.

There are plenty of clerks or "in door people." School-teachers in places can do well, but generally there are plenty.—Those who come in families can get plenty of places, teams, tools and provisions, by reaching here by the 1st of Oct. or Nov.—the sooner the better—all are anxious to have them—all such if they will write me I will see they are not disappointed. For the benefit of your patrons, and at the solicitation of a few such who have come, I heartily give the best advice I am able. Other papers will tell the same account, as you will soon see in your State. In haste, yours truly,

R. R. GAY.

For the Old North State.

BOOK BINDERY.

Salisbury ought to have a book bindery. How many pamphlets of science, law, medicine, and religion with agriculture, &c., will be lost to the world for the want of it. If the business will not justifiy it, let it be connected wth some other pursuit.

PEA NUTS.

Mr. Editor, will you give the people of Davie all the information you can get about raising pea nuts. Will you not persuade some persons near Fayetteville and Wilmington who cultivate them to write about them in your paper; whether to hill them or drill them—how near the rows are to be together; what are the best fertilizers for them; what kind of soil will suit them, and whether the climate of Davie will suit them. How many will plant an acre and how many bushels will an acre produce?— ALIQUIS.

RAILROAD MANAGEMENT.

The Lowest Rate of Fare Pays Best.

It is almost impossible to convince the managers of Railroads that they gain nothing by charging high fares and extravagant prices on the freight traffic, and yet the uniform experience of all countries is, that even extremely low charges will really increase the profits of a road, whilst an advance in the cost of freight and travel soon dimishes the average income. The experiment of gradually lowering the fares has been tried with success in almost all the European railroads, and it is found that the amount received from the third class travelers, although seldom more than one cent a mile each, often much less, is greater than that of all others, and that the profits of the companies are derived from this class alone, the first and second class travelers barely paying the cost of their transportation. On this most interesting subject, the late Robert Stephenson, the greatest railroad engineer that ever lived, in his address to the Institution of Civil Engineers of England, maintained that anything over five-eights of a penny (a little more than one cent) per mile per passenger may be rendered profitable—even if the passenger train be only half filled. We earnestly recommend the following extract from the above named address to the attention of the managers of the railroads in this State as we believe the fares are far too high to be remunerative, and that if lowered at once to one-half their present amount per passenger per mile, they would soon greatly augment the average profits of the companies and of the State:

"Nothing," said Mr. Stephenson, "is so profitable, because nothing is so cheaply transported, as passenger traffic. Goods traffic, of whatever description, must be dearer or less costly. Every article conveyed by railway requires handling, and conveyance beyond the limits of the railroad station; but passengers take care of themselves, and find their own way without cost from the terminus at which they are set down. It is true passengers require carriages of somewhat more expensive construction than those prepared for goods; but this expense is compensated for by the circumstance that they are capable of running and do run, a much greater number of miles; that the weight of passengers is small in proportion to that of goods, and that consequently the cost of locomotive power is less. It has been shown that 111,000,000 passengers weighing 8,000,000 tons have been conveyed during the year (1854) over a distance of 12 miles, yielding a revenue of £[illegible] 000, ($45,000,000.) This gives, at the least 2s. [48c.] per ton per mile for the weight of passengers conveyed. Coals are conveyed the same distance for one cent per mile. The cost of running a train may be assumed, in most cases, to be about 15d. (30 cts.) per mile, therefore 100 passengers at five-eighths of a penny per mile per passenger would give 5s. 2½d. [about $1 24] per train per mile, which may be taken as about the average train earnings throughout the year. It is obvious, therefore, that anything beyond five-eighths of a penny per passenger may be rendered profitable, even if the passenger train be only half filled. Hence all directors should look to the maximum amount of gross passenger traffic, which maximum amount is only to be obtained by affording enlarged facilities and temptations to travel."

It is stated, in the London *Quarterly Review* for October 1868, that "where Railroad companies have had the courage and the wisdom to adopt the policy of low fares it has invariably proved a success.—Directors have found it as hard to believe that a line can pay better by charging moderate fares, as the defenders of the old letter-carrying system did in the success of the penny post. Year by year the railway returns published by the Board of Trade show that it is not the high priced but the cheap traffic that increases most rapidly and is capable of the largest development; for while the higher priced class remains nearly a fixed quantity, that of the lower class is almost unlimited and there is nothing that will induce the multitude to travel but low fares.

Now, these are the fruits of experience, and actual observation, and surely the same lesson may be learned by our own Railroad Directors. The rate per mile in this State is nearly seven cents—a charge most oppressive to the people and ruinous to the companies. Very little more than one cent per mile will pay expenses if the trains are even half filled; and the mass of the laboring classes are now excluded from the accommodation of the Railroads by the high charges. Who among our Railroad Directors will have "the courage and wisdom" to lower his fares to two or three cents per mile? He will do credit to himself and ensure the prosperity of his road.—*Raleigh Standard.*

MISCELLANEOUS ITEMS.

Maggie Mitchell is a mother.

A Methodist sisterhood has been formed in Cincinnati.

The ship-building interests of Maine are said to be looking up.

General Schofield and staff left St. Louis for Kansas on Tuesday.

Lamartine's life was insured for 100,000 francs, in favor of his niece.

Senator Grimes has given $5,000 to found two scholarships in Dartmouth College.

A pension of $500 a year has been given Mrs. S. C. Hall, the Irish authoress.

A Paris paper terms Senator Sumner "the Don Quixote of the niggers.

"On to Washington" is now the cry of the grand army of office seekers.

Grant is the youngest man who has ever been elected President. He will be forty-seven years old April 22.

Queen Victoria wears her hair as she did 25 years ago. Coiffures, waterfalls, chignons, curls, and back hair are naught to her.

Robert Hondin, the famous French magician, has lost his whole fortune at the Paris Bourse. He makes a living now by literary labor.

Among the officers left without commands, by the consolidation of regiments, are Doubleday, Sickles, De Tobriand, Wager, Swayne and Butterfield.

Portland, Me., has a dog that drags a sled up a hill, gets on it, and then slides down.

Gas is not permitted in the Russian churches because not mentioned by the fathers.

The Chicago *Tribune* says "George H. Pendleton, of Ohio, has gone into the hotel-building business in Eldoro, Iowa."

Hundreds of United States soldiers stationed in Dacotah are said to be married to Indian women, who make faithful and industrious wives.

Mr. Thornton, the British Minister at Washington, says we in this country are in a dreadful condition because the new President is not a gentleman." So Rumor says.

It is said that fully one-third of the visitors to Shakspeare's birth-place, at Stratford-on-Avon, are Americans.

Napoleon recently ordered the Duke of Hamilton to leave Paris, for having raised a disturbance at a theatre.

Kansas is said to have a better system of railroads constructed and projected than any other State in the Union.

Cornell University possesses a collection of shells numbering five million, representing twelve thousand species, which it took their collector thirty-five years to gather.

It is estimated that the snow in Tuckerman's ravine, in the White Mountains, is at least a thousand feet deep. Hopes are entertained of a magnificent snow arch there next August.

A very sharp chap thinks that Columbus is not entitled to much credit for discovering America, as the country is so large he could not have missed it.

The Boston *Advertiser* thinks it is queer that General Grant, with his well-known dislike of bores, promoted General Auger.

Massachusetts has what is called the "lager beer temperance party," who have, to that extent backslid from first principles.

A young lady kept a list of her gentlemen acquaintances in a pocket diary and called it her "[illegible]."

A young lady of Springfield, at a woman suffrage meeting, remarked, "Mr. Foster said there wasn't a woman in the hall who hadn't as much right to be called a man as he had; and I think so too!"

Very gloomy accounts are given of the condition of the Lancashire cotton manufacturing districts in England. A large number of mills are idle, and the operatives are reduced to distress.

Miss Lizzie Boynton, of Crawfords-Indiana, having lectured on the subject, "After Suffrage, What?" received an answer the other day in the shape of an old pair of trowsers, a jacket a dull razor.

The Winchester Times says that Gen. Mahone, "is like John W. Garrett.—Neither of them have any more politics than the steam engines on their Rail Roads."

The daughters of Andy Johnson left the mansion in better order than it has ever been left in before by an outgoing President.

A three year old child, temporarily left in charge of its infant brother in Columbus, Ohio, last Saturday evening, got angry with it and killed it by beating it over the head with the nursing bottle.

Antidote to Strychnine.—It is stated that animals that have been poisoned by strychine may be saved by exciting artificial perspiration and maintaining it for two or three hours.

An entire family was recently poisoned in England, by eating a pudding made with suet that had been kept for a long time, and had developed some kind of poisonous acid.

A Washington despatch states that Prof. E. D. Bassett, Principal of the Colored High School, in Philadelphia, is a candidate for Minister to Hayti.

They have discovered the silver buckler of the sword belt of Pepin, the father of Charlemagne, and deposited it in the Museum of the Louver, Paris.

There are four hundred joint stock companies now in process of liquidation in London. The total losses by these speculations amount to about $10,000,000.

A lady in Lowell, Mass, who has kept crape on the knob of her house door since the assassination of President Lincoln, removed it on inauguration day.

The Total value of church property in this city belonging to the Methodist Episcopal Church South is $500,000, and the number of enrolled communicants 5,000. *St. Louis Dispatch.*

Twenty of Brigham Young's wives arrived at Council Bluffs, Iowa, on Tuesday, to visit their friends in that city and at Omaha. They will continue their journey to Washington.

A swindler went into an extensive jewelry establishment in Baltimore a few days ago, pretending to have several bags of gold dust or filings. He exhibited a genuine bag as a sample, and the jeweller bought all by it, paying $2,700. The remaining bags proved spurious. The swindler escaped.

Inquisitiveness.—An up-country girl stepped to the window of the post-office in a Long Island village a few days since and asked for a letter.

"To what name?" was the inquiry

"What name?,' inquired the damsel in a rage." "You're mighty inquisitive, to be sure!" and out she flounced.

The depth of snow in the woods of Maine is almost unprecendented at this season of the year. In many places it lies seven feet deep on a level. The Bangor Whig says some of the gangs of lumbermen, in starting to come out, have found it necessary to put their horses upon large sleds, to be drawn over the drifts by men upon snow-shoes.

General Grant on Southern Disfranchisements.—Messrs. J. P. Reed and William P. Simpson, Democratic congressmen from South Carolina, waited upon General Grant a few days since and described to him the restrictions and disabilities under which the southern whites labored. The President listened to them attentively, and at the conclusion of their remarks said:

"Gentlemen, the disclosures you make ought to be known and understood and considered by every Union man and woman in the country."