The Old North State

SALISBURY, FRIDAY, AUG. 27, 1869.

THE CODE OF CIVIL PROCEDURE.

Our correspondent "TAU," who is an eminent member of the Salisbury bar, commences this week his long promised articles in defence of the Code of Civil Procedure. We will publish one every week until the series is completed. We have no doubt they will be read with interest, if not with approbation, especially by our numerous legal readers.

Having admitted the articles of "TAU," which we do with great pleasure, our columns are open to any who may desire to combat his views.—Indeed "TAU" has authorized us, in his name, to invite a discussion of the Code through the medium of our paper. Such a discussion cannot but be highly interesting and may be productive of good. So send in your contributions, members of the bar, in manuscript that can be easily read. This is necessary to insure accuracy in the printing.

"P."—The author of the communication signed "P," being a gentleman of character and respectability, whom we hold in high esteem as a friend, we give place to his communication. We do this with the more pleasure as he is entirely respectful to all those with whom he happens to differ, but without endorsing every thing he says.

Our friend and correspondent does not seem to fully understand the object of the "new movement" now in progress in North Carolina. It is not proposed by any one that the Democrats and Conservatives shall unite with *the* organization in this State now known as the Republican party. The leaders of that party, who now fill the offices of the State, do not possess the confidence of the intelligent people of the State of either party. The opinion is universal that no more venal and corrupt administration of the government or system of legislation ever cursed any State. Whatever the leaders may now say about their willingness to have all political disabilities removed, it cannot be denied that such disabilities were imposed at their solicitation.—This latter fact denudes their liberal professions of all merit. It is to relieve the State from the government of such hands that the "new movement" has been instituted, for it is essentially a State movement.

The "new movement" does not propose in any event to *embrace* the reconstruction policy of Congress. It only proposes, in *good faith*, to accept of the result—to stand by and support a Constitution which most of its authors would never have made for themselves. It recognizes impartial suffrage and equality before the law as fixed facts and accepts of them as such. Of course it excludes no one who takes a different view, provided he arrives at the same conclusions. It [illegible] races, who are willing to come [illegible] a *practical* one, for the purpose of redeeming the State from the [illegible] now in the hands of the people of North Carolina, and they are expected to co-operate on equal terms. In the organization of the new party, should it ever be effected, past political sentiments are not to be remembered. But the wicked schemes and tricks of politicians will be remembered, for it is against tricksters and corrupt placemen that the party is to be organized.

☞ The clamor for a new party is becoming deafening on all hands. Several of the papers of the State are out in force for the distinguished honor of being the founders of a party that is to take precedence and form the governing power of this land. We who are not anxious for such doubtful as well as dizzy honors, look calmly on and can plainly discern errors of judgment in some of the aspirants. The Greensboro' *Patriot* dubs its party Constitutional Liberalists.—The Henderson *Index* is also out for something; and the *Old North State* wants something, too; but the plain truth of the matter is, we are not in a situation, just yet, (we mean the whole country) to tickle the vanity of any individual man by making him father of "a party" that might rain the country, and make the coveted fatherhood a burthen and disgrace to the possessor.

Wadesboro' Argus.

The *Argus* is right. "The *Old North State* wants something, too." It wants the present inefficient and corrupt legislature to disperse at the close of its next session, as the constitution contemplates. It wants it driven from the determination of many of its members, to hold over for another two years, by the united and irresistable voice of the people. It wants it to be succeeded by another which shall represent truly the honest people of North Carolina—which shall be above all suspicion of bribery and corruption. It wants the next legislature, thus composed, to inaugurate measures for the amendment of the Constitution. While retaining in that instrument the principles of impartial suffrage, and the civil and political equality of the races, it wants several important changes made. It wants the proper checks and balances for the security of every interest introduced into it. It wants provisions made that will secure in the future an independent judiciary—one that will faithfully expound the laws because free from all temptation to act otherwise. Under such provisions it wants men elevated to the bench who are distinguished as well for their legal learning as for their elevation and purity of character. It wants the trading and professional politicians driven from every office of trust or emolument in North Carolina. And when the trading and professional politicians *are* driven out it wants their places filled by honest men and patriots—men who, forgetting *self*, will labor only for the public good. It wants an era of peace and good feeling to dawn upon the good old State. It wants all the old party distinctions as effectually buried as if they had never had an existence. It wants all the good men of the State, whatever party they may have belonged to in the past, to unite under the banner of Liberalism for the accomplishment of these great ends. It wants the State redeemed, and the state government reformed first, because it regards State politics as being, at the present time, paramount to federal politics in their importance to the people of North Carolina.

This is what "*The Old North State* wants," and it is all it wants now. And this is what, we are persuaded, the *Argus* wants, too. It is what every true friend of the State—every true friend of peace, of law and of order wants. We are not at all ambitious of the distinction of being the founder of a new party. We do not claim even to have given the new party its name, though we were certainly the first to suggest, in 1867, the line of policy which will lead to its formation. It seems that by common consent it has been christened "THE LIBERAL PARTY."

For the Old North State.

No. I.—THE CODE OF CIVIL PROCEDURE.

When the idea of codifying and enacting radical changes in our civil practice was first mooted, it met with the almost unanimous opposition of the Bar. When the idea was carried into effect in the adoption of our Code of Civil Procedure, it met with no better favor. I propose in a series of articles to review the Code and discuss its merits and demerits; but before proceeding to do so, will state the objections which I have heard urged against it—these objections are sometimes presented in a general and indefinite form, sometimes urged against particular features. The first is the one that is most generally used, viz: That while such a system may be adapted to the wants and situation of a great commercial people like those of New York, yet it does not suit our thinly-populated and agricultural country. The proposition contains within itself its *non sequitur*—for can it require argument to prove that a system of laws, enacted for the highest civilization, contains within itself an adaptiveness to a less civilized condition?—Can it be said that our much vaunted Common Law as it exists to-day in Great Britain is not a better system for even such a people as the Saxons, than their own code laws? What was England but a shuttlecock for other nations to beat about until the introduction of the feudal system of the *Normans*? Those who urge the objection carefully avoid the whys and the wherefores—they will not specify wherein either the system or the provisions of the Code are repugnant and unsuited to our condition. I am not insensible to the maxim of my Lord Coke *nihil simul inceptum est et perfectum*—the experience of every lawyer sometimes shows us that while the system is new here, it has grown comparatively old in New York. Sometimes an attempt is made to lash the Constitution over the shoulders of the Code and objections are speciously made to provisions in the Code, which were required by the Constitution and therefore are, if valid as such, properly referrible to that instrument and not to the Code. Such, for example, as the election of judicial officers by the people, their being confined to their respective Districts and Townships—the system of Townships—the abolition of the County Courts, and many other features of the organic law. The Code Commissioners were obliged to make provision for carrying into effect these constitutional requirements and any objection to the Code on this account must be regarded as idle, by either those who are incapable of seeing the difference and therefore whose opinions can weigh nothing or those who for some reason purposely intend to misrepresent.—Another objection is that the system is more complex than our former one. I shall not discuss that proposition just here but shall reply to it *passim* through these articles. As to the particular objections scarcely any two make the same specification. One learned ex-Judge, objected to and ridiculed one of the best features in the Code, viz: that requiring a notice for the appointment of a guardian *ad litem* for an infant to be served on his general guardian—the experience of the late war showing how reckless of the interests of wards in a great many instances guardians were, would have demanded this legislation under even our much boasted "old system." I regard this as an exceedingly wise provision for the protection of a class who are unable from want of age and matured capacity to defend their rights. Another objection was made that a judgment for divorce from the bonds of matrimony was liable to obtained by default, with-[illegible] the Judge or a referee under Sec. 225. So that it is seen that the *gist* of this objection was not well taken. Another objection taken was that *our* Code made no provisions for the stay of executions before Justices of the Peace. It is due to the Code Commissioners to state that a section providing for such stay was printed in the Code as originally presented to the Legislature but as that body could not agree on the respective times of stay for different amounts the section was stricken out. This objection has been since cured. Another objection urged by the same gentleman was that no appeal was allowed *on the facts* where the judgment did not exceed $25. This objection, if well founded, has no application as such to the code as it is a constitutional provision. Art. 4, sec. 33.

Another objection urged is that on the death of a person intestate, if the party entitled to administer, resides in another State, six months must elapse before administration can be granted. But this objection is entirely superficial—as by section 157 defining who are disqualified, such person is embraced as an alien. Another objection is made to the manner in which appeals are to be perfected. The provision in the Code is that the appellant makes up the case and submits it to the adverse party,—if agreed to the Judge never sees it—if not, he must decide between the contending parties. A provision, which to judge from their criticism of the Circuit Judges in making up cases, has long been ardently desired by the bar until they get it through the medium of the Code! It is proper that the appellant should make up the case—and such is the rule and practice of the vaunted common law, as we learn from text writers. In England the party excepting, as the trial progresses, makes a short minute of each exception to the ruling of the presiding Judge, reads it and prays that he may after the trial be permitted to prepare and tender a formal bill of exceptions. A practice had grown up in North Carolina, to take a statement from the Judge in lieu of a bill of exceptions—a very loose and dangerous practice, as illustrated in one case from McDowell county when the Judge stated in *his case* that he had charged the jury in accordance with a prayer made, when, in fact he expressly refused so to charge—for which conduct, his death prevents any impeachment except at the last day. The appellant should be allowed to state his view and version of the case—as, even if wrong, it may correct and modify the Judge's ultimate statement. This but carries out the analogy of pleading. Another frivolous objection is that the costs of litigation are increased. It is true that the attorneys now get under the name of "indemnity" $10 and $15, where they got four under the old system, but we doubt if the fees of the clerk are much increased. However this may be; this or any other can well constitute an objection to the system if it can be easily corrected without changing the system a jot or tittle, but we doubt that any such change will be made. Burns says,

"When self the wavering balance shakes it's rarely right adjusted"

and the lawyers will hardly agree to give up $10 and $15 for the forty shillings though part "of our glorious old system." *Nota bene.*

I now come to the last, which, though a more laughable objection has more point in it than any of the others. In conversation with a distinguished ex-Judge, and generally a man of enlarged views and sympathies, I asked him, if he liked the Code. After a moment's hesitation he replied, No. I requested him to point out its defects. Straightening himself, putting his thumb in his vest holes, he replied after considering a moment, "Well, in some places it requires a bond and in others an undertaking." I admit the objection but not its weight.

There are three features of the Code, which are objectionable: 1. In requiring defendants to swear their answers before the clerk where sued—this has been corrected at the instance of the writer. 2. Requiring suits to be brought in the defendant's county—this has also been corrected—neither exists as against the New York Code and were occasioned by an unnecessary departure therefrom. 3. Requiring a different mode of publication for non-residents in suits wherein warrants of attachment are or may be sued.—This discrepancy likewise does not appear in the New York Code and was evidently occasioned by the Commissioners having fallen into the misconception of supposing that suits might be commenced by attachment. This manifest blunder yet remains to be corrected.

Having alluded to the objections set up against the Code, I shall conclude this article, proposing in my next to commence my review proper.

TAU.

For the Old North State.

WALKER, SENTER AND THE SENTINEL

The fact ought to be distinctly recognized that the Conservative people of Virginia and Tennessee have recently elected their respective Governors—Walker and Senter—upon Republican platforms and principles. The Walkerites of Virginia styled themselves, before the election, "*the True Republican Party.*" The chairman of the Walker State Executive Committee, G. W. Gilmer, in an address to the voters of that State, commending the nominees to the support of the people, speaks of them as "all being representative men of the great *National Republican Party*—endorsers of the Reconstruction measures of Congress, and in thorough accord with the expressed wish of their great and patriotic leader, President Grant, for a speedy and permanent peace;" and announced the following among other planks, in the platform upon which Walker was elected, viz:

"The removal of political disabilities."

"The equality of *all* men before the law and the equal protection of all, of whatever color or previous condition in life."

The constitution submitted to the people of Virginia, by their Convention, contained proscriptive features, and a test oath, by which a large portion of the people would have been excluded from office, had not President Grant prevailed upon Congress to submit, those proscriptive features of the Constitution to a vote of the people, separate and distinct from that upon the constitution itself; and it was upon these proscriptive features that Walker and Wells differed. Wells was nominated upon a proscriptive platform which he is said to have repudiated before the election; while Walker was in favor of universal amnesty—both parties endorsing the reconstruction acts and in thorough accord with the administration of President Grant. The platform, in Tennessee, upon which Senter was elected, was pretty much the same as that of Walker in Virginia, deficient of course by the fact that Tennessee is within the Union, while Virginia is still without.

It is not to be wondered at then, that the Virginia papers utterly repudiate the idea that the election of Walker was a Democratic triumph. Those Democrats and Conservatives who voted for him did so as Republicans, or at least endorsed him as a true Republican in thorough accord with the Administration. If any thing is wanting to substantiate these assertions, it may be found in the fact that the Walker party ran negroes for the Legislature, in several counties in the State—that Walker was welcomed to Richmond, after the election, by a combined delegation of negroes and white men—speakers of both races addressing the people, from the same platform, beneath a banner upon which was portrayed a negro and a white man shaking hands, and finally by the fact that the Chairman of the Walker Executive Committee refused to recognize that the Republican party was divided, when addressed upon that subject, by the Chairman of the Wells committee.

This party movement in Virginia is a new one. The Democratic party with the Conservatives, who were for Seymour and Blair supported their candidates upon a platform declaring "the reconstruction acts (so called) of Congress usurpations—unconstitutional, revolutionary and void." Their candidate for Vice President declaring that the President to be elected should "declare these acts well and void, compel the army to undo its usurpations, at the South disperse the carpet-bag State governments, allow the *white* people to reorganize *their own* governments, and elect Senators and Representatives."

While Brownlow, Grecly and the North Carolina *Standard* endorse Walker and Senter, the Pennsylvania Democrats are, at this time, supposed to be about as far apart as the center of the Irreconcilables at Springfield, "as a place where defeat after defeat does not seem to have made the slightest impression; where the old beaten path of anti-war Democracy is never departed from * * *; where self is considered first—party afterward; when the policy of "*rule or ruin*" holds high carnival, and individual aggrandizement is sought at the expense of a struggling party."

We have been thus particular and explicit, that the people of the State may not be deceived into the belief that the elections, in the States above mentioned, have resulted in victories to the party which voted for Seymour and Blair—on the contrary, we desire it to be known that the victories have been won by the Grant Republicans.

Under such circumstances it is truly gratifying to see the Raleigh *Sentinel* abandon the Seymour and Blair platform, and declare that "the political *status* of the freedman is now a settled matter. The civil and political rights are secured to him beyond a peradventure *and can never be taken away.* * * * We are content to accept the situation and honestly abide by it."—The Editor, further announces his willingness "to compromise" with the Republicans in this State, who, while contending for the rights of negro, are willing to yield the white man his rights also. We say we are gratified at this; but the Editor is well aware that the constitution of North Carolina—framed by the Republicans—proscribes no one, of any race or color, not proscribed by the Constitution of the United States, and although it may be considered ungracious in this connection to allude to the fact, he ought to know that but for the ill-timed and ill-natured conduct of certain men, too intimately identified with secession and too thoroughly imbued with hatred towards the Northern people, there would not, in all probability, have been a clause inserted into that venerable instrument, which renders it necessary for both him and the author of this article to apply to Congress for the removal of political disabilities.

The article is written by one who "accepted the situation"—the Reconstruction Acts included—long ago, indeed from the first, and who so far endorsed the Republican party as to vote for Grant and Colfax. He freely forgives all those who were so *proscriptive* as to abuse and persecute him for doing *then*, what they do *now*, and he is utterly unable to see, why all those who endorse the course of the Republicans in Virginia and Tennessee should not assent to and assist the Republicans in North Carolina, not only in deed but in name. Let the ultra men, among the democrats and conservatives learn to treat and speak of their political opponents, with respect, and there may be, not only "compromise," but reconciliation also. Judging from the past, however, but little is to be expected from such a coalition. If the proposition is made with the intention of dividing the Republican party, it is premature and must react to the prejudice of its originators. *The old secession element ruins every effort at combining the moderate men of the country, by its attempts to rule every party with which it does* its connection with the Philadelphia Conservative Convention in 1866, is well known to have driven off the moderate Republicans, with Raymond at their head, and to have strangled the infant party, at its first gasp for life. Its infusion into the New York Convention, which nominated Seymour and Blair, poisoned the very life's blood of the party, to the great dismay and sorrow of the true Conservatives of the country, while it drove thousands of good men from the ranks of the party—insured its defeat, and ruined its chances for national favor. And if there is not an entire change in the conduct of the men who compose this element, no coalition with them can be lasting or beneficial. We speak for ourselves alone, but we imagine the Republican party has some self respect, and will not coalesce with those who persist in their attempts to insult and injure it. It is well aware that its principles are predominating everywhere, and while it will not repel the advances of either men or parties, it can well afford to await the future in confidence that the continued predominance of its principles is assured.

—P.

The capital at Washington cost thirteen millions. The total expenditures upon public buildings and grounds are estimated at forty-three millions

The largest Sunday school in the world is at Stockport, England, and numbers about five thousand scolars. There are three hundred teachers.

A FUSS IN THE FAMILY—DENT VS. BOUTWELL.

Judge Dent, who it is supposed will be the "Conservative Republican" nominee for Governor of Mississippi, has written the following tart letter to Secretary Boutwell, in which that worthy is shown up in no very enviable colors.

WASHINGTON, D. C., AUG. 17, 1869.

To Hon. Geo. S. Boutwell, Secretary of the Treasury!

SIR.—I shall make little apology for asking your attention to my letter, and less for the nature of its contents. You were the first to deny the political orthodoxy of my friends and myself, and by all the rules of the forum I am entitled to a defence. Again, you hold an office of the republic, and your acts, therefore, are legitimate subjects of criticism by the humblest citizen thereof.—But in some respects we are alike. For instance, we are both aspirants for place with this difference: You run to be the next President with every assurance of success, "except" in the opinion of the people.

While I seek an humbler place, with my hopes in disastrous eclipse, "except" in the judgment of Mississippi, so in the probable results of the future we both stand adverse to the judgment of the country. In a pursuit of your ambition you are ingenuous and unscrupulous as to the means of success.—Your organ, the New York Sun, in the same breath ridicules the capacity of your master, and dwells with emphasis upon your peculiar fitness for his office. Your tool, Mr. Ballock, became so reckless in the manipulation of your department in the interest of your ambition, and in defiance of the wishes of the President and the country, that to save yourself from an explosion of popular indignation you found it convenient to transfer him to another sphere of scandalous activity, where his talents might be exerted with equal effect and less theatricity. Virginia, Tennessee, Mississippi and Texas, not to mention anything so humble as myself, were obstructions in the way of your success because through President Grant's intervention in executing the proscriptive clauses from their organic law these States are brought into the Union and firmly welded to his support.

Now this is in direct conflict with your systematized plans for what General Grant gets in the next presidential election clearly Mr. Boutwell will not get, and therefore you denounced the Conservative Republicans who are for Grant that you may obtain the proscriptive Republicans, who are for Boutwell; and by some strange, dexterous management and occult political strategy, you have so worked upon the confidence of the President as to cause him to flourish the club with which intend to break his head by inducing him to join you in denunciation of the Conservative Republicans—a party created by his magnanimity and triumphant through his encouragement.

But, sir, your purpose is easily discernible, and has a two-fold object—namely, to destroy the National Republican party in the South, and then to reconstruct from its shattered fragments, a Boutwell party, with one Richmond in the field to strike for your crown. But if you cannot succeed in this scheme of despotic enterprise you mean to secure it by an overwhelming vote of seventy thousand. Your marvellous political sagacity now active in Mississippi and Texas, will repeat your calamity and again overwhelm you with disaster and defeat. Superadd to these results of your unapproachable folly the impression on these States of your iron-clad oath, and the alienation is complete, leading them all to the outstretched arms of the Democracy.

But the consequence of your folly does not stop here—Ohio and Pennsylvania and others will follow. Decline their political status in October, and the North will echo back the condemnation of the South, and peal in your ears this fact, that there is still left enough of the incorruptible virtue of the republic to rebuke you for a wanton repression of that most sacred right the elective franchise. But sir, this will not deter you from your mad course; you will still persist until every prop that supports our party is stricken away and the whole grand superstructure tumbles about our ears in hopeless ruin.

When you were appointed Secretary of the Treasury, and unanimously confirmed by the Senate of every shade of political opinion, did you not take an oath to administer your office impartially and for the exclusive objects of its creation: "To collect the revenue and control the finances of the country?" Is not that office the property of the nation, and yourself only clothed for a time with a little brief authority? Then, sir, how do you explain this perversion of its legitimate uses and functions into a media and instrument of oppression to force and compel an election of obnoxious rulers upon the people of the South?

Is such a course consistent with your oath of office, or do you call this a great moral idea? But, Mr. Boutwell, though you have thus prostituted the power of your office for purposes of oppression, "without the warrant of conscience or law," it may be that you can tell me by what authority you assume to pronounce upon my political orthodoxy. Who constituted you the infallible pope of Republicanism?

Who gave you authority to hurl the political anathemas of the party? Again what right had you to commit the Administration to your policy? Have you to learn yet that you are only a part of the Administration, and not the whole of it? though your friends believe that a monomania has seized your mind on that subject, and that you verily believe yourself "the state."

Very respectfully,

LOUIS DENT.

COMMENDABLE.

The Conservatives of Tennessee have issued a congratulatory address on the recent triumph of liberal views. It shows a patriotic spirit, and becoming American christians. The address says:

"The issue in the late election was enfranchisement—there was no other. The result is in our favor by an overwhelming majority.—And now, if we have been heretofore proscribed, let us not proscribe again. If we have been oppressed our revenge is complete in the success of our cause. Those who oppressed us are our fellow citizens; a large part of the population and wealth of the State. We and they are still to dwell together, for weal or woe, and it will take the united exertions of all to redeem the State from the evils the oppressor has. We respectfully urge upon our friends everywhere the exercise of the great virtues of toleration and charity, and to forget, as early as possible, all the quarrels and feuds of the past.

When we kill the fatted calf, bid them to the feast. And while we have before us the opportunity to share in the administration of the State Government, we will have a cause also to disprove the repeated charges of disloyalty to the National Government. To preserve both in all their purity and glory is the duty, and ought to be the ambition of all."

Let all politicall triumphs be marked by such a liberal spirit, and a happier and better day will dawn on our whole people.

MISCELLANEOUS ITEMS.

104 in the shade at Richmond, Saturday.

No Yellow Fever at Key West for twenty days.

The weather at Savannah is the hottest of the season.

Deer are numerous in counties adjacent to Petersburg, Va.

A Connecticut couple who had been married eloped and remarried.

Baltimore supplies Richmond with peaches. They sell at 40 cents a peck.

The British American provinces are being annexed by rapid emigration to the United States.

It is claimed that warm water, injected into veins of patients, will cure the Asiatic cholera.

Times are getting squally in Buffalo. They have over 3,000 babies there under the age of seven months.

A boat race between a Miss Ward and a Miss Sumner, in which the latter won, is the latest sensation at Martha's Vineyard.

Farewell Hall, in Chicago, is ventilated by a gigantic fan weighing two and a half tons, and making five hundred revolutions in a minute.

A punster contends that the Atlantic Monthly's contribution on Lord Byron was not written by any lady's fingers, but by Harriet Beechers's toe.

The taxable property of Boston has increased since last year $55,936,000.

The New Orleans *Picayune* estimates the cotton crop at an excess of a million bales over that of last year.

It is estimated that there are eleven hundred murderers at large in Tennessee. Rents in consequence are lower.

An important guano bed, supposed to have been formed as long ago as the Deluge, has been found in Russia.

St. Louis was alarmed the other day by a drunken Indian, who ran through the streets brandishing a tomahawk.

The first soldiers' monument in this State has just been erected at Scranton, Vermont. The sculptor is a self-taught stone cutter.

A Chinese place of worship is shortly to be erected in the city of New York, where there are said to be some 10,000 Chinese.

Two hundred Catholic priests are soon to leave Rome for the Southern States, where they will undertake the education of the freedmen.

A price current list of the different [illegible] the other day a lady in the Dark Corner of Carroll county, Ga., gave birth to twins. On the same day and in the same house two of her daughters brought forth twins—all boys.

The way towns spring up in Iowa is astonishing, says the Davenport Gazette. "Eight months ago Atlantic was not; now it has forty stores, three large hotels, three lumber yards, a bank, two printing offices, and a daily paper."

A woman of rare presence of mind was overtaken by a train on a high trestle work near Marietta, Ohio, recently, and dropped between the ties, holding herself suspended by her arms until the train passed over, when she climbed back again; all without a scream.

A man passed through Allentown, Pa., the other day pushing a wheelbarrow, in which was seated his wife, unable to walk from rheumatism, and who was trundling all the way to Illinois. Two little children of the pair tramped by the side of the father the entire way.

A young man in St. Joseph, Mo., has commenced a suit against a young lady for obtaining new goods under false pretences. The articles in question were presents made during an engagement now broken off.

The Harwick, Mass., *Press*, which is sound on the question of woman's rights, announces that fifty able bodied men are wanted to do washing and ironing for families in that place.

Jeff Davis and Charles Mackay, the latter of whom used to figure as a poet in the illustrated London News, are traveling in Scotland.

A shark over six feet long was captured in a pond where small boys usually bathe on Hamilton avenue, in Brooklyn, on the 14th. It came into the pond from the river through a drainage pipe.

Judge Nathan Sargent, Commissioner of Customs, writes an opinion that Congress has no legal power to change the location of the National Capitol, the District of Columbia having been ceded to the United States "for the permanent seat of government," and the land having been sold to the government on condition that should be the permanent seat of government

MARRIED:

In this city, on the 23d instant, by the Rev. J. C. Thomas, Mr. HORATIO N. WOODSON to Miss MAGGIE E., daughter of Mr. G. E. and Elizabeth Boylan.

In this city, on the 12th instant, at the residence of John A. Snider, Esq., by the Rev. C. Plyer, Mr. J. H. KRIDER, of this County, to Miss LAURA WEANT, of this City.

In Greensboro, on the 17th inst., Mr. W. N. HARRINGTON, of Halifax, and Miss BLANCHE COLLIER, daughter of I. J. Collier.

In New Hanover co., on the 16th inst., JUDGE DANIEL L. RUSSELL and Miss S. AMANDA SANDERS, daughter of the late Col. I. N. Sanders, of Onslow county.

DIED

Near Davidson College, on the 16th inst., Maj. GEORGE S. HOUSTON, aged 73 years.

In Wilmington, of consumption, on the 17th inst., Mrs. JULIA BELL, wife of Dr. William E. Carr, late of Charlotte, aged 23 years.

In Guilford county, on the 19th ult., Mrs. ELEANOR OWENS, wife of Moses Owens, aged 83 years.

In Wadesboro, on the 15th inst., Judge ALEX. LITTLE.

Near Wadesboro, recently, Mr. R. A. BUCHANAN, in the 50th year of his age.

At her residence, near Charlotte, on the 12th of July, 1869, Mrs. JANE McREE, widow of Wm. L. McRee, deceased, and daughter of Gen. Geo. Graham.

SALISBURY MARKETS

AUG. 27, 1869.

REPORTED BY J. A. MCCONNAUGHEY, GROCER.

Bacon,	per pound,	18 to 20
Coffee,	per pound,	22 to 28
Corn,	per bush. of 56 lbs.,	1 00 to 1 02
" Meal,	bush. 46 "	100 to 105
Copperas,	per pound,	10 to 00
Candles, Tallow,	"	20 to 20
" Adamantine,		25 to 00
Cotton,	per pound,	25 to 27
" Yarn,	per bunch,	2 00 to 2.25
Eggs,	per dozen,	12 to 15
Feathers,	per pound,	45½ to 45½
Flour,	per sack,	3.75 to 4.25
Fish, Mackeral,	No. 1,	$21.00
" "	2,	20 to 22
" "	3,	to
Fruit, dried, apples pealed,		7 to 8
" " " unp'ld,		00 to 00
" " Peaches, pealed,		15 to 16
" " " unpealed,		9 to 10
Leather, upper, per pound,		62 to 75
" sole,	"	33 to 35
Iron, bar,		6 to 8
" castings,	"	8 to 10
Nails, cut,	"	6 to 7
Molasses, sorghum, per ga		50
" West India,	"	60 to 70
" Syrup,	"	1.00 to 1.20
Onions,	per bushel,	50 to 60
Pork,	per pound,	10 to 12
Potatoes, Irish, per bushel,		60 to 75
" Sweet,	"	1 00 to 00
Sugar, Brown, per pound,		14 to 16
" Clarified,	"	18 to 20
" Crushed Pulverized		20 to 20
Salt, coast,	per sack,	2.75 to 2.75
" Liverpool,	"	2.00 to 3.00
" Table,		5.50 to 6.00
Tobacco, Leaf, per pound,		8 to 10
" Manufactured,		50 to 1.55
" Smoking,		40 to 1.00

NEW ADVERTISEMENTS.

WANTED TO PURCHASE.

$5,000 TOWN OF WILMINGTON EIGHT PER CENT BONDS—if possible with July coupons attached. A good price paid. Apply to JAMES A. MEARES, Auctioneers and Real Estate Brokers. Wilmington, N.C. aug 27—2t

CUSHINGS & BAILEY,

BOOKSELLERS AND STATIONERS,

262 *Baltimore St., Baltimore, Md.*

THE LARGEST and best assorted stock in the city of School, Law Dental, Medical, Classical, Religious and Miscellaneous Books.

Blank and Counting House stationery of all kinds. Blank Books manufactured to order in any style of binding and ruling. aug 27—3m

BOOKS FOR MAGISTRATES and TOWNSHIP CLERKS.

Code of Civil Procedure—which every Magistrate must have. Sent free of postage.....$3 00

Magistrates Docket Book—Price in Store, $3 00—by Mail..... 3 50

Forms for Magistrates, as contained in act of Assembly to provide for said civil procedure before Magistrates. By mail.....25 cts

Record Books for Township Clerks, to record proceedings of all meetings of Township Trustees. Price in Store, $2 50. By mail.....$3 00

ORDER BOOKS—For orders of School Committees, on County Treasurer, six orders in book.

Address all orders to

JAS. H. ENNISS, Agent.
No. Ca. Book Store, Salisbury.
No. Ca. Book Store, Raleigh.
aug27—tf

FALL AND WINTER IMPORTATION

1869.

RIBBONS, MILLINERY, & STRAW GOODS,

Armstrong, Cator & Co.,

237 & 239 Baltimore Street BALTIMORE, MD.,

IMPORTERS AND JOBBERS OF

BONNET AND TRIMMING RIBBONS,

VELVET AND SASH RIBBONS,

BONNET SILKS, SATINS AND VELVETS,

Illusions, Blonds, Laces, Ruches, Nets, Crapes,

FRENCH FLOWERS AND FEATHERS.

Straw Bonnets & Ladies' Hats,

TRIMMED AND UNTRIMMED

Silk, Velvet and Felt Bonnets and Hats,

SUNDOWNS AND SHAKER HOODS.

The largest Stock of Millinery Goods in this Country, and unequalled in choice variety, which we offer at prices that will defy competition.

ORDERS SOLICITED.

aug 27, 1868. 34—2m

WANTED.—A Situation as House-Keeper by a Widow Lady, who can give good references. Apply to the editor of this paper. Aug. 27.—tf

KEROSENE OIL.

OF unsurpassed excellence, in every particular together with

Glass Kerosene Lamps, Lamp Glasses Wicks, &c.,

of various styles. A further supply just to hand at

E. SILL'S Drug Store,
Aug. 27-1t Salisbury, N. C

SMALL FRUIT INSTRUCTOR.

"WHAT MAKES IT VALUABLE is because it contains so much practical, original matter in such a small space." John J. Thomas.

"The directions for growing Strawberries and Raspberries are the best I have ever seen." Henry Ward Beecher.

We could give hundreds of just such testimonials, showing the value of this little work. It should be in the hands of every person, whether the owner of a rod square of ground or a hundred acres. Tree agents should have a copy. In contains 40 pages. Price 10 cents. Full price list, wholesale and retail and also terms to agents and those desiring to get up a club for plants sent FREE to all applicants.

Parties at the South or on Pacific Coast should order plants in the fall. Address PURDY & JOHNSTON, Palmyra, N. Y. aug27—3t 1am3m

State of North Carolina, } SUPERIOR COURT.
DAVIDSON COUNTY.

Superior Court, Spring Term, 1669.

W. M. Wilhelm and wife Arabella, J. E. Newsom and wife Margaret, Augustus Gray and wife Mary, and S. R. Harrison—Plaintiffs.

AGAINST

W. D. Lindsay, Trustee of Caroline Hampton, dec'd, James Tansy, Trustee of Simpson Wilson, Margaret Tansy his wife, and Chas. A. Wetherington,—Defendants.

Petition for Sale and Partition of the Lands of the late Margaret Wilson.

It appearing to the satisfaction of the court that W. D. Lindsay, James Tansy, and C. A Wethero, Defendants in this proceeding, are non-residents of this State, it is *Ordered*, That publication be made weekly, for six successive weeks in the "Old North State," a newspaper published in Salisbury, N. C., summoning each of said defendants to be and appear at the next term of our said court to be held at the Court House in Lexington on the 5th Monday after the 1st Monday in September next, then and there to answer or demur to said petition, or the same will be taken *pro confesso* and heard *ex parte* as to them.

Witness, L. E. Johnson, Clerk of our said Court at office in Lexington, the fifth Monday after the first Monday in April, 1869.

L. E. JOHNSON, C. S. C.

Order made and issued Aug 23, 1869. 34-6wpr fee $10.

ONWARD: UPWARD:

Having met with success far beyond our expectation, in the publication of the

CHARLOTTE OBSERVER,

we take this method of offering our paper

DAILY, TRI-WEEKLY, AND WEEKLY,

as among the best advertising mediums in Western North Carolina.

Advertisements Solicited—Terms Moderate.

PREMIUMS! PREMIUMS!

We offer FIVE valuable Agricultural PREMIUMS to persons getting up Clubs for our WEEKLY OBSERVER. See posters.

SMITH, WATSON & CO.
Aug. 27, 1869. Charlotte, N. C.

U. S. Internal Revenue,

Collector's Office, 6th Dist. N. C.

SALISBURY, 18th Aug. 1869.

ON the 16th day of June, 1869, in the city of Charlotte, deputy collector J. R. Bender on at the instance of Wm. F. Henderson, Assessor of this District, seized for forfeiture for violations of the Revenue Laws of the United States.

Two large Casks and one Bbl Spirits, owned ostensibly by James D. Paleder, and on the 29th June 1869, in the same city, 1 Bbl of Whiskey, owned ostensibly by Wm. R. Cochran, and also 2 Bbls spirits, owned ostensibly by Geo. Cress.

There were also seized for the same cause, near Shepard's cross-roads in Iredell county, on the 4th day of June, 1869, 1 Bbl spirits, owned ostensibly by Stephen Godfrey, and on the 26th June, 1869, two Bbls spirits, in the town of Statesville, owned ostensibly by Miles Hoffaker, and on the 28th day of May, 1869, in the town of Salisbury, one Bbl spirits, owner unknown.

Any person or persons claiming the above named property or any part thereof, are hereby notified to appear at my office and make such claim within thirty days from the first publication of this notice.

W. H. WILEY, Collector.
35-3t

North Carolina, } SUPERIOR COURT.
Caldwell County. } Spring Term, 1869.

Sterling Webb, against James H. Collett. } Attachment.

In this case it is made to appear to the satisfaction of the Court that the above named defendant James H. Collett resides beyond the limits of the State: It is therefore ordered by the court that publication be made in the *Old North State*, a newspaper published in Salisbury, N. C., for six weeks successively, notifying the defendant that he be and appear at the next term of Superior Court, to be held for the county of Caldwell at the Court house in Lenoir, on the 3d Monday after the 3d Monday in August next, then and there to plead answer or demur or judgment pro confesso will be taken against him.

Witness R. R. Wakefield, clerk of our said court at office the 8th Monday after the 3d Monday in March next.

R. R. WAKEFIELD, C. S. C.

31 6w-(prf $8)

North Carolina, } SUPERIOR COURT.
WILKES COUNTY. } Spring Term, 1869.

Mary Jane Brown, against Daniel G. Brown. } Petition for Divorce

It appearing to the satisfaction of the Court that Daniel G. Brown, the defendant in this action is not a resident of this State: It is therefore ordered by the Court that publication be made for six weeks successively in the "Old North State," a newspaper published in the county of Wilkes at the Court House in Wilkesboro', on the 4th Monday after the 3d Monday in August 1869, and answer the complaint, or the same will be heard ex parte as to him and judgment granted. This 3d day of August, 1869.

C. H. BROWN,
Clerk Superior Court for Wilkes county.
31—6w—(pr fee $7)

STATE of NORTH CAROLINA,

MONTGOMERY COUNTY.

In the [illegible]

William Lasiter [illegible]
administrators of [illegible]

Harrison Johnson [illegible] Johnson, Washington [illegible] Margaret, Benjamin [illegible] Jane, John Kerans, Eliza [illegible] Lucian Kerans, Guardian of Henry Kerans.

PETITION FOR ACCOUNT AND SETTLEMENT.

It appearing to the satisfaction of the Court that Eliza Russell, one of the defendants and heirs-at law of Jacob Lassiter dec'd, is not a resident of this State, it is ordered that service of summons upon said defendants be made by publication in the "Old North State," once a week for six weeks successively, notifying said defendant to appear at the next term of this court, to be held at the Court House in Troy on the 4th Monday after the 2d Monday in August next, and answer the petition of said administrators on the same will be heard ex parte as to them.

Given under my hand and the seal of said Court at Troy, this 24th day of July 1869.

C. C. WADE,
Clerk Superior Court Montgomery County, N. C. 30—6w (pr fee $10)

STATE of NORTH CAROLINA,

MONTGOMERY COUNTY.

In the Superior Court.

Henry W. Ledbetter, Plaintiff, against Daniel McRae, Defend