THE OLD North State.

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VOL III. NO. 129 SALISBURY, N. C., THURSDAY, DECEMBER 3, 1868. [WHOLE NO 440

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Sep. 10, 1868 4tw 36

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A. W. D. TAYLOR, Esq., Petersburg, Va., (Jan 12, 1859) says: "In the Spring of 1858, I was attacked with Dyspepsia to such an extent that all my food of every description disagreed with me. I was swollen so I had to loosen my clothes, and night after night I could get no sleep. I tried one or two physicians, and took a good deal of medicine, but found no relief. I purchased one box of the Southern Hepatic Pills, and the first dose I took I felt relieved, and continued until I took the whole box. I am now entirely well, and eat heartily, and never have been attacked since. I can safely recommend these Pills to the Dyspeptic and the community at large."

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For the Watchman & Old North State.

Messrs. Editors: The recent election of Gen. Grant to the presidency of the United States establishes beyond doubt—if doubt there could have been before—the fact that our present constitution is firmly established, and to remain the government of the State, until the people themselves see proper to change it. And we would begin to feel as if we were to have political quiet—an established government for years to come, were it not for the wonderful revolution being made in our Judiciary system.

This as it now stands is truly objectionable, and unless something is done, will soon form the basis of agitation for the call of another convention. In our opinion it is much to be regretted that the convention saw proper to interfere in this matter at all, as the people need repose. But as it thought differently, we must take what ever it has done as settled at least for the present, and labor to make the best of it we can. This being so, the present is certainly to be an error in the judiciary system of this State.

The provisions of the constitution must be complied with; they abolish the county courts—the courts of equity as separate and distinct courts, and the distinction between *all forms* of actions in courts of law. This much, therefore, must be done, which destroys the harmony and efficiency of our old system and calls for legislation.

But this should be done wisely and cautiously. The Convention, which made these changes in the fundamental law of the State, foreseeing these difficulties, provided a commission to revise and codify the laws, adapting them to these necessary changes.

And without doubting the faithfulness and ability of these gentlemen to perform the task assigned them, and being disposed to view their labors in as favorable a light as possible—knowing the great difficulty, if not impossibility of establishing a new system, upon the ruins of an old one, so just, so perfect, and to which our people were so much attached that would at first give entire satisfaction—we must still be permitted to say, that so far as these gentlemen have gone in discharge of their work, they have failed to give satisfaction, either to the people or the profession. In our opinion the commissioners have erred, in attempting to do too much. That without sufficiently considering the wants, and circumstances of their own people, they have undertaken to transplant a growth unsuited to the soil. The "Code of Proceedure" may suit New York, and other thickly settled communities; but most certainly it does not suit the sparsely settled and impoverished condition of North Carolina.

Neither the people nor the profession had called for any change in the judiciary system in this State. And in our opinion the least that can be done, so as to comply with the requirements of the amended constitution, the better. And we believe these changes in the constitution, may be satisfied without entirely destroying our old system. It is true the Constitution requires that the distinctions between the *forms* of actions at law, be abolished. That is, as to whether the *forms* shall be case, detinue or trover, &c. This requirement is *in form* and in our opinion, can be satisfied by having all suits to commence by petition which will serve as plaintiff's process and declaration; let this be returned to the next term of the court, as heretofore, unless regular return days are established—say once every three months—at which time the defendant will be required to answer or demur, which will make up the pleadings in the case. It will then be considered at issue and stand for trial upon the same principles of law and equity that have heretofore governed in such cases.

This, or something like this, we believe would quiet, if not satisfy, the profession. But to have the summons, the complaint, the clerk made a judge of the technical law, and every day in the year made a return day, as is now provided in the "Code," will have the tendency and ultimate effect to localize and to break down the practice of every lawyer in the State outside of his own county,—to increase the costs of litigation and deprive the people of that general selection and choice of counsel they have heretofore had

The fewer and simpler the forms and rules of pleading the better—the fewer and simpler the rules of law the better.—And the idea that the principles of the common law can be codified "so as to have no law except what is to be found in *the code*"—is out of the question.

Blackstone thought the ancient English wise is not attempting to write either their constitution or law. And any attempt now at having a *perfect code* of written laws—beyond a new revisal of our statutes to meet the requirement of the amended constitution, and what may follow from established and well defined principles, will be without beneficial results. In our opinion, it would be just as easy to write a perfect code of the varied resources of the human intellect—known as common sense—as it would be to write a perfect code of the common law.

Then without discussing this matter further, we desire to say that we most heartily approve of the call in your paper of the 19th inst., over the signature of "One of the Profession," for a meeting of the Judges and Bar at Raleigh, on the 16th of this month, and we are glad to be able to state that this call meets with the warm approval of several of our Judges, among whom is to be numbered our learned Chief Justice, and at least one of the "Code Commission." It is believed that this meeting will leave a lasting impress upon the future history of our judiciary system, and should be fully attended.

DAVIE.

For the Watchman & North State.

COLUMBUS TEXAS, NOV. 13, 1868.

North State & Watchman:

The publication, over my signature in your issue, about the 1st October last, offering inducements to your citizens to emigrate to Texas, has induced such an immence amount of correspondence from your readers, that I find it will be a matter of impossibility to reply in detail, consequenty I beg a small space in your columns, to answer a few of the leading interrogatories which have been propounded to me by your citizens regarding our State.

FIRST. Our State is abundantly supplied with *Teachers* of all grades; and I can offer no substantial inducements for an increase in this class of emigration. Every city, town and neighborhood, is amply suplied, and education is far in advance of many of our eastern States.

SECOND. Our stores and business houses are full to overflowing with delicate young men, whose highest ambition is to cultivate a tiny moustache and twirl a gold headed rattan. The towns are full of them; seeking employment, and offering to work for NOTHING till they get a start. Where most of them come from—how they got here—or whether their "mammy knows their out" is only a question known to themselves.

THIRD. About every eighth man you meet here, is a lawyer or a doctor, and I do not heistate to say that the majority of them are of as high order of ability and accomplishment as is to be found anywhere, Salisbury not excepted.

FOURTH. There is a fine field, in which some denominations of preachers could operate; provided they have no desire to preach for money. The particular class of preachers most needed, is good old Presbyterians and Episcopals. The Methodists and Baptists are numerically, well represented—and only preach for the love of it; not receiving any pay nor do they ask it.

FIFTH. Politicians are at a low ebb. Nobody has any confidence in them, and only use them for laughing stock.

SIXTH. Printers and news publishers are well patronized, and so well encouraged that every town and county supports a new-paper.

FINALLY. Our State is alone calculated to encourage the yeomanry of the land—the sturdy farmer—the mechanic—men, who with bronzed face and hands can plunge heroically into the corn and cotton field, can drive the hand saw, and wield the sledge hammer. To all such, Texas offers unsurpassed inducements. Come with your axe and your hoe; don the habilements of the honest farmer; seek a home in the country, and keep away from the towns, and in a few years you will be independent contented and happy.

A. C. MCNEELEY.

A "GRECIAN BEND" AS SEEN IN BOSTON.—The editor of the *Plymouth Rock* was in Boston last week, and while passing up Winter Street saw veritable "Grecian bend," which he thus describes:

The frame or figure upon which the *superstructure* was apparently designed for a woman, though excepting the height, the face, and the ordinary substitute for a bonnet, there was nothing to indicate the form by which God illustrates female beauty and loveliness. The dress worn was of a brown poplin, profusely trimmed with magenta trimming, and this was spread over a something very much the shape of a charcoal maker's "raking in-basket," which, being inverted, seemed to have been fastened to the back of the person above the hips. As a counterbalance the figure had in her bosom apparently two halves of a large sized Valparaso squash, and, with a pair of boot heels some three inches high, and her arms poised so as to keep herself from toppling over, this female caricature was trying to get over the sidewalk, working one side at a time, and holding the headway by her *heels*, which seemed to drop into the bricks very much like the pail or catch-drop in a vessel's capstan. We elbowed our way through the curious crowd to get in front of this gradually moving figure, expecting to see her shedding tears anguish for having such punishment inflicted upon her, but instead we found her with a self satisfied air such as is ordinarily worn by shallow brained women. Who the creature was or what she had done to deserve such a punishment we were unable to learn, any further than this was a "Grecian bend," or a *bender*.

We have no desire to assimilate to the character of the old Bourbons, who never learned or forgot anything—hence we shall cheerfully concede to the National and State governments all that is due them and their officers, whenever and wherever we find them making an honest effort to restore the country to its pristine vigor, happiness and prosperity, be it by the hands of Democrats, Radicals or Conservatives; no hide bound policy is ours; no bitterness rankles in our heart; what we want, and all we want, is the commonand the greatest amount of good to fellow-citizens—first of the State of North Carolina, secondly of the whole American land and nation—and for this we shall always continue to strive.—*Henderson Index.*

TO THE GERMAN POPULATION OF NORTH AND SOUTH CAROLINA.

ON or before the first of February next (provided 500 subscribers are obtained by that time), the undersigned proposes to issue from the DALY MESSENGER office, a live "GERMAN" Weekly newspaper, to be called "THE GERMAN WEEKLY MESSENGER."

The *German Weekly Messenger* will contain all the latest Home and Foreign News, and is to be devoted to the adaancement of Immigration to the Southern States, Home Industry, Agriculture, Rural Economy, Mechanical Arts and the Fireside.

The paper, like DALY MESSENGER, will be strictly Democratic in politics and its aim will ever be to encourage Immigration, and to aid in the building up the Southern States, which must be done at all hazard.

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