

WATCHMAN & OLD NORTH STATE.

NEW SERIES.]

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TERMS—CASH IN ADVANCE.
WATCHMAN & OLD NORTH STATE.
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By the Qualifications and General Duties of Clerks of the Superior Court.

Sec. 1. At the first meeting of the county commissioners of each county after the election or appointment of any Clerk of the Superior Court, it shall be the duty of the Clerk to deliver to such commissioners a bond, with sufficient sureties, to be approved by them, as is now required by law, payable to the State of North Carolina, and with a condition to be void if he shall account for any [and] pay over according to law all monies and effects which have or may come into his hands by virtue of his office, and shall diligently receive and take care of all books, records, papers and property which have or may come into his possession, by virtue of his office, and shall, in all things, faithfully perform the duties of his office, as they are or hereafter may be prescribed by law.

BOND—HOW APPROVED, ETC.
Sec. 2. The approval of said bonds by the commissioners, or a majority of them, shall be recorded by their clerk, any commissioner dissenting may cause his dissent to be entered on record. Any commissioner approving a bond which he knows to be liable as if he was a surety thereto, shall be liable as if he was a surety thereto, before the clerk of said commissioners, as their presiding officer, registered in the office of the register of the county, in a separate book to be kept by him for the registration of official bonds, and the original with the approval thereof, deposited with the register for safe-keeping. The like returns shall be made upon said bonds as are or may be given by law on official bonds.

QUALIFICATION OF CLERKS.
Sec. 3. Every Clerk of the Superior Court, before entering on the duties of his office, shall take and subscribe before some officer authorized by law to administer oaths, the oaths prescribed by law and file same with the Register of Deeds for his county.

FAILURE TO GIVE BOND.
Sec. 4. In case any clerk shall fail to give bond and qualify as above directed, the Chairman of the County Commissioners of his county shall immediately inform the Judge of the judicial district thereof, who shall thereupon declare the office vacant, and fill the same, and the appointee shall give bond and qualify as above directed.

OFFICES—WHERE TO BE KEPT.
Sec. 5. He shall have an office in the court house, or other place provided by the County Commissioners, in the county of his county. He shall give due attendance, in person or by deputy, at his office, daily, (Sundays and legal holidays excepted,) from 9 o'clock, A. M., to 3 o'clock, P. M., and longer, when necessary, the dispatch of business.

TO RECEIVE OFFICIAL PAPERS, ETC.
Sec. 6. Immediately after he [a] shall give bond and qualify as aforesaid, he shall receive from the late Clerk of the county and Superior Courts, and Clerk of the Court of Equity of the county all records, books, papers, money and property of their respective offices, and receipts for the same; and if any such clerk, or clerks and master shall refuse to deliver such records, books, papers, money and property, they shall be respectively liable on their official bonds for the value thereof, and be held guilty a misdemeanor.

TO KEEP RECORDS, ETC.
Sec. 7. He shall keep in bound volumes complete and faithful record of all his official acts, and give copies thereof to all persons desiring them, on payment of the fee.

DOES TO BE KEPT BY THE CLERK.
Sec. 8. The clerk shall keep the following: 1. A docket of all writs of summons, or original process issued by him, or ordered to his office. This docket shall contain a brief note of every proceeding entered, in each action, up to the final judgment inclusive. 2. An Execution Docket, in which the dates of the judgments shall be recorded, and every proceeding subsequent thereto, with an alphabetical index. 3. A Docket of all issues of fact joined in the pleadings and other matters, tried before a jury, and of all other matters heard before the Judges, at a regular term of the Court, a copy of which shall be filed in the docket at the commencement of each term. 4. An alphabetical index according to the names of the plaintiffs, of all final judgments in civil actions, rendered in the court, with dates and numbers thereof. 5. A Docket of all criminal actions, containing notes of every proceeding in each case. 6. THE BOOKS ARE TO BE FURNISHED.

mit an account thereof to the chairman of the County Commissioners, in order that the price may be levied in the county taxes, and also to the Auditor of public accounts who shall add the same to the taxes of the respective counties, and receive and account for it as for other taxes. The commissioners of any county failing to cause such sum to be levied with the other county taxes, shall be guilty of a misdemeanor. PAPERS IN EACH ACTION TO BE KEPT SEPARATE.

Sec. 10. The clerk shall keep the papers in each action in a separate roll or bundle, and at its termination attach together, properly labeled, and file them in order of the date of the final judgment.

SOLICITORS TO EXAMINE RECORDS, ETC.
Sec. 11. At every regular term of a Superior Court, the Solicitor for the Judicial District shall inspect the office of the clerk and report to the court in writing. If any clerk, after being furnished with the necessary books, shall fail to keep them up as required by law, he shall be guilty of a misdemeanor, and the Solicitor shall cause him to be prosecuted for the same. If the Solicitor shall fail or neglect to perform the duty hereby imposed on him, he shall be liable to a penalty of five hundred dollars to any person who shall sue for the same.

EXISTING SUITS.
The following sections, numbered 1, 2, 3, 4, 5 relate exclusively to actions which have been commenced, and in which no final judgment has been rendered prior to the ratification of this act, as a part of the Code of Practice and Procedure.

CLERKS TO DOCKET EXISTING SUITS.
Sec. 1. The clerks of the Superior Courts at the request of a party thereto, within six months from the ratification of a general act respecting the practice and procedure of the Superior Courts of this State, and on the payment of a fee of one dollar, shall enter on a separate docket, all suits which, at the ratification aforesaid, shall have been commenced, or in which final judgment has not been rendered in the late County Courts, Superior Courts of Law, and Courts of Equity, of their respective counties.

HOW SUCH SUITS PROCEEDED WITH.
Sec. 2. And every suit not so transferred within the time aforesaid, shall be abated and the Clerk of the Superior Court shall tax costs against the parties liable and collect the same by the proper process.

Sec. 3. The said suits shall be proceeded in, and tried under the existing laws and rules applicable thereto. After final judgment shall be rendered therein, the Clerk shall enter such judgments on the execution docket, required to be kept by him, and the subsequent proceedings shall be as provided for action hereafter to be commenced.

EXISTING JUDGMENTS NOT DORMANT.
Sec. 4. Existing judgments and decrees not dormant may in like manner be entered on the execution docket, and the subsequent proceedings shall be as is prescribed for actions hereafter to be commenced, as far as shall be compatible with the previous proceedings, and no lien acquired before the ratification aforesaid, shall be lost by any change of process, occasioned by this act.

DORMANT JUDGMENTS.
Sec. 5. Judgments or decrees which are dormant at the ratification aforesaid, may be revived or enforced in the manner herein provided.

ACTION COMMENCED AFTER THE RATIFICATION TO SECOND OLD DEBTS, ETC.

Sec. 6. In all actions hereafter commenced, founded on such contracts as are provided for in an ordinance of the Convention of this State, entitled "An Ordinance respecting the jurisdiction of the Courts of this State," ratified on the 14th day of March, 1868, the summons shall be made returnable to the term of the Superior Court therein designated, and the subsequent proceedings shall be in accordance with the provisions of said act.

EXECUTIONS LEVIED ON PERSONAL PROPERTY.
Sec. 7. The late Sheriff of any County having in his hands any *res fieri* execution, which has been levied on personal property of the defendants, which is unsold shall proceed to sell the same as now required by law, he shall pay over the proceeds after deducting his fees, and shall also make return of the writ, to the clerk of the Superior Court of the County, to any Court of which the writ is returnable, the proceeds to be paid by the Clerk to the parties entitled thereto.

EXECUTIONS NOT LEVIED AT ALL, OR LEVIED ON REAL PROPERTY.
Sec. 8. As soon as the successors of the said late Sheriffs shall have qualified and given bonds as required by law, the said late Sheriffs shall deliver to such successors all writs of executions in their hands which have not been satisfied, and have not been levied at all, or which have been levied on property which has been sold, and a residue remains unsatisfied, or have been levied on real property which is whole or in part remaining unsold, with a return stating an account of money by return of the Sheriff, and under the writ, and the Sheriff shall proceed to set under the writ, and the same had been returned to the next term of the Superior Court of the County, [or] to any Court of which the writ is returnable.

Any Sheriff failing to make due returns of such writs delivered to him, shall forfeit and pay one hundred dollars to any person grieved thereby, to be recovered on motion to the Court before which the writ is required to be returned. All proceeds of executions in part only satisfied, while in the hands of any late Sheriff, shall be paid by him to the Clerk of the Superior Court of the county, to any court of which the writ is returnable for the use of the party entitled thereto under the penalties now provided by law in case of failure.

EXECUTIONS TO BE DOCKETED.
Sec. 10. The Clerk of any Superior Court to which any execution shall be returned as is above prescribed shall, at the request of any person interested therein, and the payment of one dollar, enter such executions on his execution docket, and the like process may be thereafter had thereon as is provided in similar cases on judgments recovered after the satisfaction of this act.

PENALTY ON SHERIFFS FOR FAILING TO RETURN.
Sec. 11. Any late Sheriff or other officer having executions in his hands and failing to make due returns thereof and to proceed as herein prescribed, shall, in each case, forfeit and pay to any person grieved, one hundred dollars, to be recovered on motion of the court.

JUDGMENTS NOT DORMANT, WHEN—
Sec. 12. No judgment shall be held to have become dormant by reason of any stay of execution thereon in obedience to any general or special orders issued by the General Assembly commanding the military District of which the State of North Carolina formed a part, and the time during which execution was so stayed, shall not be counted in determining any question respecting a judgment being dormant.

ORDINANCE OF 14TH MARCH, 1868, NOT APPLICABLE.
Sec. 13. Nothing in this act contained shall affect or impair any right given by an ordinance of the Convention of this State, entitled "an Ordinance respecting the jurisdiction of the Courts of this State," ratified the 14th day of March, 1868, in the cases to which it is applicable.

Ratified the 14th day of August, A. D. 1868.

"WO TO THOSE BY WHOM THE FIRES OF CIVIL STRIFE ARE KINDLED!"

Says the Atlanta New Era, and we echo the sentiment. If the demon of violence and anarchy is let loose upon the people of Georgia, but one set of men will be responsible for it—and woe, woe to them! The whites of Georgia want peace; and are willing that the blacks should enjoy and exercise the privileges and rights of freemen unmolested. No violence is contemplated or threatened; and yet those incendiaries in Atlanta, Johnson, Brown & Co., coolly discourse to an assemblage of ignorant negroes in Atlanta about a war of races in Georgia—well knowing that they have, at their leisure, laid the mines and the trains, and that nothing is wanting but to apply the match, for a grand explosion upon a people entirely unprepared to meet the shock.

These men who have been, for weeks, arming their black legions for an onslaught upon the whites, affect to see danger of war from a people among whom there is not an armed club or a single aspiration but for a quiet and peaceful election! These men put a universal outbreak on the hazards of the discretion and temperance of armed and excited negroes; and then cry woe to him who shall break the peace!

Nothing in history is so revolting to honorable sensibilities as the sport of these men with the public life and tranquility for their own venal ends. Danton, Robespierre and Marat played with the noblest blood of France—but still, in the depth of their degradation and cruelty they did not outrage nature by plotting a war against their own race.

We say woe to those men if the train of combustibles they have laid takes fire! We feel in no throats—we appeal to no fears—but they hope to escape the violence and fury they provoke. The outraged whites of Georgia will hold them to such a fearful reckoning that the story of the retribution shall freeze the brow of generations yet unborn! Let us beware. Let every effort be made to enlighten and undeceive the negro—to calm all the elements of strife, and to save the State and the country from the horrors of anarchy and civil war.

MASS MEETING IN MOCKSVILLE.
A large number of the citizens of Davie, estimated at from 1500 to 2000 people, convened in Johnson's Grove in Mocksville, and organized a Mass Meeting on the 23d August, 1868.

On motion of Dr. J. W. Wiseman, Henry B. Howard was elected President, and W. H. Perry, P. H. Cain, Charles Anderson, J. C. Ford, Dr. W. R. Sharpe, W. J. Ellis, William Clouse, and Dr. James P. Martin, Vice Presidents, and John R. Williams and J. M. Johnston, Secretaries.

The following resolutions were moved and adopted unanimously: Resolved, By the people of Davie county in Mass Meeting assembled, That we cordially and heartily ratify the nomination of Horatio Seymour and Francis P. Blair for President and Vice President of the United States, and will exercise our rights as freemen peaceably at the ballot box to secure their election, not for the personal triumph of the nominees nor even for the partisan success of a party, but upon the broader and higher ground—that they are the choice of the moderate and patriotic men of all parties who are anxious to uphold the supremacy of the Constitution of the United States and "the laws passed in pursuance thereof" and that we regard the real issue to be whether our government—with its three co-ordinate branches of Executive, Judicial and Legislative is to survive; or whether Congress by assuming to regulate the question of suffrage in the States, or at his option, to withhold the right to vote from the States, and by other unconstitutional acts—may make its mere will, the paramount law of the land.

Resolved, That the chairman of this meeting appoint twenty-five delegates to attend a District Convention at Statesville, at such time as may be hereafter agreed on, to choose a candidate for Congress and an elector for our District.

The Chairman then introduced Maj. J. E. Kerr, of Rowan, who addressed the meeting with great force and effect, mainly upon the financial questions of the day, and was succeeded by Gov. Z. B. Vance, who, for the space of two hours, enthralled the attention of the audience by an address in his best style. Thereupon a recess was taken—and the people partook of a bountiful barbeque, which had been provided and was served in the grove.

In the afternoon, an interesting address was delivered by P. E. Shober, Esq., of Rowan, and at night, by Joseph Dobson, Esq., and Hon. Z. B. Vance.

The strongest and most earnest interests was manifested by the large, and orderly assemblage, and utmost good order, was observed by the people without regard to color. A noted feature of the occasion was the earnest feeling shown by the Conservative people of Davie and Rowan in attendance.

In accordance with the 2nd resolution the chairman appointed the following delegates to the District Convention to nominate a candidate for Congress and a District Elector, viz: James N. Brock, John Linn, Dr. J. W. Wiseman, Wm. Clouse, Jonathan Smith, W. A. Clark, P. H. Cain, H. Cook, W. O. Smith, J. W. Gray, G. Anderson, John Turner, S. A. Kelly, J. M. Cleant, Dr. G. M. Bingham, A. A. Harbin, J. V. Ford, C. W. Besant, S. M. Hobson, J. H. Williams, J. H. Peaches, Dr. W. R. Sharpe, H. E. Robertson, W. J. Ellis, W. T. Laird.

On motion it was ordered that the proceedings together with a copy of the letter of W. A. Graham, in response to an invitation to be present be published in the *Old North State* and *Watchman*.

H. B. HOWARD, Chairman.
J. R. WILLIAMS, Sec'y.
E. M. JOHNSON, Sec'y.

DECOVERY OF RUINS IN ARIZONA.—A party of surveyors in Arizona, engaged in exploring the country for railroad routes, lately came upon some very extensive ruins on the banks of the Little Colorado river. They extend along the river for many miles. Some of the walls of buildings are yet in their places, and stand six or eight feet high. The streets may be traced for miles. The old irrigating canals and ditches are yet in a fair state of preservation, and may be traced for miles also. The party found some nearly whole vessels of various forms. The ware seems to be of a different quality, and finer than that found at most of the ruins in Arizona. Many of the walls of the buildings were built of heavy stone, and put up in a workmanlike manner. To all appearances, here once stood a city of many thousand inhabitants. Who they were or to what tribes they belonged there is no record left to show. On the east bank are the ruins of a large structure of earth, covering several acres of land to the height of twenty or thirty feet.

claimed by it, is all sufficient to secure our suffrages.
I am, very respectfully,
Your obt. serv't,
W. A. GRAHAM.

HON. DAVID L. SWAIN.
We learn that Gov. Swain died at his residence in Chapel Hill on yesterday morning at about nine o'clock, from the effects of injuries received some ten days ago, by being thrown from a carriage.

David Lowry Swain was born in Buncombe county in the year 1801. He received his first education at Newton Academy, in the town of Asheville, and subsequently studied at Chapel Hill. He afterwards read law in this city with Judge Taylor, who predicted, from his habits of perseverance and close application, the eminence which he subsequently attained. He was admitted to the bar in Buncombe county in 1823. In 1824, '5 and '6, he represented the county in the Legislature. In 1827 he was elected Solicitor in the Edenton District, which he resigned after riding one circuit. In 1828 and '29 he was again elected to the Legislature, and in 1830 he was elected a member of the Board of Internal Improvements. In the same year he was elected Judge of the Superior Courts. In 1832 he was elected Governor of the State, and in 1835, while still Governor, he was elected a member of the Convention to revise the Constitution, and in December of the year he was elected President of the University, which position he held until the adoption of the new Constitution and the re-organization of that Institution.

In 1836, he married Eleanor, daughter of William White and grand-daughter of Gov. Caswell.

As a public man, Gov. Swain was never radical or aggressive. He was a fair representation of the best form of Conservatism. He had a profound respect and reverence for old established institutions and for the illustrious men who have adorned the earliest history of the State. With many, if not with most of those, he was intimately acquainted personally, and the history of every one of them was as familiar to him as a household word. He knew more of the history of North Carolina and of her public men than any living man. Perhaps it is not going too far to say that his knowledge upon these two points was more extensive than the combined knowledge of every man in the State. His death is an irreparable loss to the future historian.

His administration as President of the University was eminently successful.—When he was elected President, more than thirty years ago, the number of students was eighty. In 1859, the catalogue contained the names of more than four hundred and fifty, more than a five fold increase. No instructor ever succeeded better in winning the respect and esteem of his pupils; few have ever retained through life so strong a hold on their affections.

But it was, after all, in the social relations of life that his excellencies were most conspicuous. He was possessed of a vast fund of information and anecdote, derived from more than forty years experience in public life and association with public men. His mind was active, his observation accurate and his memory remarkably retentive. Few things escaped him that were worthy of being recollected. He had, too, a keen sense for the ridiculous and none have ever enjoyed the pleasure of his acquaintance for any length of time, who have not more than once had occasion to smile at the flashes of his wit.—His manners were easy and agreeable, and though there seemed to be a stiffness about his address at first acquaintance, it was soon lost sight of and forgotten as he would grow interested in the subject of conversation. More than a thousand men have listened to his instruction and there is not one of these who does not experience a heart felt sorrow at his loss and sympathize with his bereaved family.

One by one the men of the former generation are passing away. Mitchell—Phillips—Swain, all are gone. May those who have profited by their instruction prove worthy of their illustrious teachers.
Standard.

GENERAL FRANK BLAIR IN KANSAS—IMMENSE MEETING.
LEAVENWORTH, Aug. 2.—General Frank Blair addressed an immense meeting this evening. His speech was principally devoted to the action of the radical party in the reconstruction of the South, and the record of General Grant. He charged that the Republicans, having lost confidence in the white people of the country, had restored to the support of the blacks; that it was from no love of the negro race; that they enfranchised them, but only as a scheme to maintain themselves in power. He said he had nothing to say against General Grant personally; that his military services would ever be remembered with pride, but that since he had entered the arena of politics, his able, politically, were proper matters for public criticism; that Grant had changed his views on the subject of reconstruction, inconsistently having at the close of the war urged the immediate admission of Senators and Representatives of the Southern States, chosen by the people of those States.

He said the secret of the adherence of General Grant, Sheridan and other regular officers to the Radical party, is the tendency of that party, which has overthrown the prerogatives of the Supreme Court, and the Executive branch of the government, toward military despotism which being necessarily based upon military power would give consequence to prominent officers of the army. He said history shows no party pursuing the course and using the means adopted by the Radicals can live and receive the support of the people. He denied that the sentiments expressed in his letter or New York speech were revolutionary; that the people of the United States, at the last election, had repudiated negro suffrage, upon which was based the whole reconstruction scheme; that to overthrow by PROPER CONSTITUTIONAL MEANS the reconstruction acts is but carrying out the will of the people. In reply to a remark from the crowd he said the Radical party have made copperheadism. Hon. G. M. Glick, Democratic nominee for Governor addressed the meeting, followed by Colonel Charles W. Blair, nominee for Congress, and others.

Of the Acts and Resolutions passed by the General Assembly of North Carolina at the session of 1868.

- An act to amend an act entitled "an act to incorporate the Davidson Copper Mining Company."
- An act to provide for the qualification of certain officers elected under the constitution of the State of North Carolina.
- An act to incorporate the town of Beavard in the county of Transylvania.
- An act in relation to provincial municipal officers. [Declares vacant all municipal offices held by appointment or election since the war, and authorizes the Governor to fill the same with appointees, who shall perform the functions of said offices until an election, to be held on the 1st Monday in January, 1869.]
- An act entitled "an act concerning Inspectors for the city of Wilmington."
- An act to extend the time for registering Grants, *Mens Conveyances*, Powers of Attorney, Deeds of Sale, Deeds of Gift, Deeds of Trust and Marriage settlements. [Extends the time till 27th July 1869, but the provisions of this act do not extend to mortgages and conveyances in trust or marriage settlements.]
- An act to provide for the filling of vacancies occurring in the offices provided for in Article VII of the Constitution of North Carolina.
- An act in relation to marriage licenses. [The duty of issuing marriage licenses, and the fees for the same appertain to the Register of Deeds.]
- An act to repeal an act directing the time and place for selling lands in the counties of Halifax, Northampton, Hertford and Martin.
- An act to provide for the relief of Sheriffs of the State and their sureties. [Authorizes the officers of the law to return without sale to the next Superior Court all executions issued against the sureties of deceased sheriffs who failed during life to collect taxes, and to pay over such when collected, provided the lien of the State shall not be impaired.]
- An act to amend an act to provide for the qualification of certain officers recently elected under the provisions of the Constitution of North Carolina. [Provides that the county Treasurer shall give bond in such a sum as will cover all monies paid to him, and also that the bonds of the Register of Deeds shall be like to that heretofore required of county Registers.]
- An act to authorize the Air Line Railroad Company in South Carolina, to construct and operate its road within the limits of this State.
- An act to extend the Chatham Railroad.
- An act to empower the County Commissioners to draw jurors for the Superior Courts.
- An act to notify the Governor in certain cases of the disqualification of County Commissioners. [Makes it the duty of the Judge of the Superior Court, in case of the disqualification of all the Commissioners of any county under the Howard amendment, or for any other cause, to notify the Governor of the same, who shall immediately fill such offices by appointment, also makes it the duty of any one Commissioner, who shall be able to qualify, to notify the Governor of the disqualification of any of the other commissioners elect.]
- An act appointing clerks of Superior Courts to take preliminary examination of *some records* in the conveyance of real estate.
- An act ratifying and confirming the charter of the Northwestern North Carolina Railroad Company.
- An act to establish special courts in Wilmington and Newbern.
- An act for the relief of Willis S. Grandy.
- An act to require Trustees of the University of North Carolina to reside in the county for which they are chosen.
- An act to provide for the payment of the burial expenses of the late Hon. Lorenzo D. Hall, and for other purposes.
- An act to limit the liabilities of Sheriffs. [Provides that sheriffs and constables shall not be held liable for any act heretofore done under any law, statute or ordinance, issued by competent authority, unless the same shall have been declared unconstitutional by the Supreme Court of the State.]
- An act in relation to jurors. [Empowers the Judge of the Superior Courts to order the drawing of jurors by the sheriffs when, for any cause, the same shall not have been drawn as required by law.]
- An act to amend sections second, third, and eighth, chapter 120, of the revised code of North Carolina. [Provides, among other things, that the Governor shall appoint when necessary, Commissioners of Wrecks, and declares the present commissioners as provisional, and whose term of office shall expire as soon as their successors are appointed.]
- An act to incorporate the North Carolina Life Assurance, Annuity and Trust Company.
- An act in relation to the bonds of county officers in the county of Cumberland.
- An act to repeal capias execution.
- An act to extend the charter of the High Shoals Manufacturing Company.
- An act to amend the charter of the Chatham Railroad Company.
- An act to amend the charter of the W. H. Hammon and Taylors Railroad Company.
- An act in relation to the County Treasurer. [Makes it unlawful for the County Treasurer to cash any order or certificate of indebtedness given by the late county commissioners.]
- An act to organize a militia of North Carolina.
- An act in relation to the powers and duties of the clerks of the superior courts.
- An act to amend an act entitled "an act to incorporate the Greenville and French Broad Railroad Company."