

# BIBLICAL RECORDER.

THE ORGAN OF THE NORTH CAROLINA BAPTISTS—DEVOTED TO BIBLE RELIGION, EDUCATION, LITERATURE AND GENERAL INTELLIGENCE.

Volume 58.

RALEIGH, N. C., WEDNESDAY, FEBRUARY 8, 1893.

Number 32.

## The Biblical Recorder.

PUBLISHED EVERY WEDNESDAY.

OFFICE:

118 (up stairs) Fayetteville Street, Raleigh, N. C.

TERMS OF SUBSCRIPTION:

One copy, one year.....\$ 2.00  
One copy, six months..... 1.00  
Clubs of ten (copy extra to sender)..... 20.00

Anonymous communications will always find their way to the waste basket. No exceptions.

In sending letters of business, it is absolutely necessary that you give your postoffice address in full.

The date on the label of your paper indicates when your subscription expires, and also serves as a receipt for your money.

Obituaries, sixty words long, are inserted free of charge. When they exceed this length, one cent for each word must be paid in advance.

When writing to have your paper changed, please state the postoffice at which you receive the paper, as well as the one to which you wish it changed.

Remittances must be sent by Registered Letter, Postoffice Order, Postal Note, Express or Draft, payable to the order of the Publisher. Do not send stamps.

Talks About Law—No. 12.

BY JUDGE R. W. WINSTON.

THE STATUTE OF LIMITATIONS AS APPLICABLE TO LAND.

"Possession is eleven points in law," wisely spoke Colley Cibber. At least so it often proves in many an action to recover real estate.

What is its meaning? Why simply that the man in possession of land is entitled to hold and possess it until the plaintiff show a good title not only against him, but also against the whole world.

The theory of our law is that the State owns all that land; and so, ordinarily, when an action is brought to recover land the party bringing the action must show that the State has parted with its title.

In passing, we may remark, that this is the reason that authorizes the State through its sovereign representatives, the General Assembly, to grant the power to certain agencies to condemn private lands even against the will of the owner. This is called the State's right of Eminent Domain. In other words, when the State grants any of its land, and all lands in this State are held under a grant actually made, or presumed to have been made, by the State, it is with the reservation that at any time the State may resume its ownership, if necessary for the public good, by making just compensation.

When a railroad is chartered it is given the right to condemn land for its right of way. That is to say, the State delegates its right of eminent domain, and the company exercises this right of sovereignty.

Time plays a very important part in building up and upholding titles to land. Some one has sagely said that time, which is constantly destroying and removing evidence in all other cases, is silently strengthening the chain of his title, who is in possession.

We will not stop to consider the ways of showing title out of the State, as it is of little general interest; suffice it to say, however, that time will deprive even the State of its title. For example, if one be in the possession of land under known and visible boundaries, for thirty years, having no deed at all, not when the State can dispossess him, and if he have a deed for the same land, and hold the land openly, continuously, hostilely and exclusively for twenty-one years the State is barred.

The courts do not look with disfavor upon the plea of the statute of limitations as applicable to land; and so it does not like the same plea when applied to other cases. For, by the word "limitations," in this connection, is meant, "simply the time which is prescribed by the authority of law during which a title may be acquired to property by virtue of a simple adverse possession and enjoyment."

In this State, when a person in possession of real estate, shall have been possessed of the same under known and visible lines and boundaries exclusively and adversely, and under colorable title for seven years, he has acquired such a title to the land as to perpetually bar the claim of all persons, unless they labor under the disabilities of which we spoke in our last talk.

This is a most useful provision of our law, and cures the defects in many a deed. Let us consider the language of the statute. In the first place, will observe that the person must be in the actual occupancy of the land; of course the occupancy of a tenant or an agent would serve equally well. Next, that he must occupy the land under a deed or paper which is "color of title." Now, what is this "color of title?" The Supreme Court of the United States say, "The courts have occurred, it is believed, without an exception, in defining 'color of title' to be that which in appearance is title, but which in validity is no title." For example, a deed, not registered, is not a valid deed, still it constitutes color of title, and is sufficient for the man in adverse possession of land to build his title upon. So also a deed not under seal is imperfect as a deed, but it is color of title. So the deed of an infant is 'color of title,' or the deed of an insane

man is 'color of title.' Even the deed of administrator is 'color of title.' But the possession must not only be under color of title, it must also be under known and visible lines and bounds. We all understand what this means.

It is not necessary that the metes and bounds shall be actually set out in the paper, for if the paper, relied on as color of title, refer to the land as such and such a tract called, for example, Mount Vernon, and if the metes and bounds of such tract be known this is sufficient. Again, the person in possession must claim the land as his own; that is to say, he must put the real owner, if there be one, on guard, and by acts and conduct must notify him that his title is called in question. Or, as the books have it, he must "keep his flag flying." His possession, hence, must be open, hostile, and continuous. Our courts have said that building a shed, quarrying a rock and cutting wood to burn lime on the premises, uninterrupted for seven years, made the holding adverse. But to feed hogs occasionally on the land did not. Nor did the occasional cutting of timber and quarrying stone. We will, at once, see that, if a tenant is in possession of our land, no matter how long he stays, his holding is not adverse. The statute says that even if the tenant get a deed to the land from some other person, it is not colorable title, and will not avail him unless he stay in possession twenty years after his rental expires.

So if two are tenants in common of a tract of land, the one being in the actual possession and the other not, and the one in possession collect and appropriate all the rents and manage the whole land as his own and claims it as his land, still his holding is not adverse to his co-tenant; certainly not until twenty years have passed.

Finally the period of such possession must be the seven continuous years preceding the action. But if the combined possession of several successive owners make out the seven continuous years under color it will suffice.

Such possession as we have just described will not only bar another of his right to recover the land against us, but it will also actually build up a title, not otherwise good, in us.

Indeed, such title is available for the plaintiff in an action. He cannot be in possession when he sues, but he might build up such title by previous adverse possession. We have many defective titles in our State at the present, and it behooves us all to look carefully to our title deeds, which are our muniments of title, otherwise the number will increase.

Certain rules in purchasing land ought to be strictly adhered to:

1. The title ought to be searched and examined by a competent attorney and abstracts made to accompany the deed.
2. The deed itself should have apt words of conveyance, and should be in proper form.
3. If purchasing land from a married woman, do not fail to pay the purchase money to her in person, and to have her privy examination properly taken. In dealing with a married woman, unless she be a "mighty" good woman, be on your guard, for the law permits her to divide with you like the white man did with the Indian, when they came to set apart to each his share of the game, consisting of a turkey and a turkey buzzard.
4. And mainly, no deed to a town lot should pass without inserting its dimensions in feet and inches and erecting natural objects to mark the corners; nor to a farm until a survey is made and the lines are marked and the corners well established.

In Germany I have read that all deeds to land are made directly by the government. When a man wishes to sell his land he yields up his title deeds to the government, and the government executes a new deed to the proposed purchaser. They rarely have a defective title in Germany. We cannot do this, and should not, but we can at least learn a lesson therefrom.

### A Precious Habit.

My mother's habit was every day, immediately after breakfast, to withdraw for an hour to her own room, and to spend that hour in reading the Bible, in meditation and prayer. From that hour, as from a pure fountain, she drew the strength and sweetness which enabled her to fulfill all her duties and to remain unruffled by all the worries and pettinesses which are so often the intolerable trial of narrow neighborhoods. As I think of her life, and of all it had to bear, I see the absolute triumph of christian grace in the lovely ideal of a christian lady. I never saw her temper disturbed; I never heard her speak one word of anger, or calumny, or of idle gossip; I never observed in her any sign of a single sentiment unbecoming to a soul which had drunk of the river of the water of life, and which had fed upon manna in the barren wilderness. The world is the better for the passage of such souls across its surface. They may seem to be as much forgotten as the drops of rain which fall into the barren sea, but each drop adds to the volume of refreshful and purifying waters. "The healing of the world is in its nameless saints. A single star seems nothing, but a thousand scattered stars break up the night, and make it beautiful."—Archdeacon Farrar.

Serve God by doing common actions in a heavenly spirit.—Spurgeon.

### An Appeal to the Venders of Intoxicating Liquors.

That honorable and high-minded men are engaged in the liquor traffic, cannot be denied. And furthermore, that many engaged in this calling see and feel the evils of it, cannot be denied. They cannot be blind to the evil effects of ardent spirits upon many of their customers. They must see that their calling tends to promote intemperance, the worst of evils. They must also be aware that the more readily spirits are obtained, the more they are drunk. Increased facilities for promoting an evil make the danger greater. To shield a man from temptation, you must remove the tempter. Our population during the late war were exceedingly temperate. Liquor was not to be had. Again, if the vender of ardent spirits be a professor of religion, his example gives a sanction to intemperance. The rum-drinker presumes that the rum-selling professor regards his business as consistent with his profession, otherwise he would abandon it. He reasons thus: If it is right for him to sell strong drink, it is right for me to buy it. If he sells it as a beverage, I can buy it as such. If it is right to sell a pint for such a purpose, it is right to sell a gallon, and therefore I may purchase any quantity.

The rum-seller exposes himself to temptation. Daily handling the article, is he not in danger? The writer knew a tavern-keeper who conducted business for twenty years apparently as a sober man, but at last he became a sot. Then there is his society. What benefit can he derive from profanity, the obscene jests and the blasphemy of the drunken and the profligate who visit his store? Again, he is exposed to the temptation of wishing his sales of liquor to increase, since it is to his pecuniary profit. Can that calling be right which induces one to promote the injury, and not the welfare, of his neighbor?

The liquor seller exposes others to temptation. It may be the youth whom he employs to deal out the article. It is idle to say he does not compel him. He employs him for that purpose. If one hires another to commit murder, is he less guilty than the other who imbrues his hand in a fellowman's blood?

Again, his own children and his neighbor's children are exposed to temptation. It may be said he can keep his children home, but will he do it? and that his neighbors can do the same, but will they?

Will not the son of some drunken father, just staggering home from his counter, be sent hither with the bottle to be filled? But is not the effort on the part of the liquor-seller to keep his own children home an admission that there is something wrong about the traffic?

The rum-seller cannot be ignorant of the evil he is doing, and therefore cannot be innocent. Though well dressed and respectable young men, who patronize his bar, may not leave intoxicated, but then the liquor-seller perceives in them an increasing fondness for spirituous liquors and that they are no longer moderate drinkers. He is well aware that there is a strong probability that some, if not all, of these men will sadly abuse the use of ardent spirits. He does not know but that the drunken husband and father, when he reaches home, may most brutally beat his wife and children or kill his neighbor. He is fully aware that his traffic makes the widow's and the orphan's tears to flow, the wife's and the mother's heart to beat with sad forebodings. He sees perhaps the squalid poverty, wretchedness and misery that result from his calling. He knows that he pursues his occupation for gain. He but illustrates and proves that the love of money is the root of all evil.

The rum-seller cannot be an advocate of temperance. His lips are closed. Why sell it if he declaims against the evil? How can he persuade his customers not to drink since he keeps it for their accommodation? His influence is all on the side of intemperance. It is to his interest to sell all the liquor he can, for the more he sells the greater are his profits. Prompted by self-interest, the danger is that he may become a foe of temperance and antagonize all efforts to promote it in his community. He may boast that he keeps an orderly house and complies with the law, but still the very respectability and attractiveness of his place of business makes it but a greater snare to the genteel and respectable people in his vicinity.

The rum-seller, however, has some apologies to make in justification or in palliation of his course. Let us see what the most important of them are:

(1) He pleads that his calling is a lawful one, for he has license from the State to engage in his traffic. His code of morals does not rise higher than human law. Idolatry was legalized in the days of the Apostle Paul, but in exhorting the Rome church to be law-abiding, he did not command its members to be idolaters. Public brothels in France are licensed by the government; and gambling houses and lotteries in some countries; but no christian should have anything to do with them. It is not to be presumed that legislators would prohibit the traffic in ardent spirits.

The rum-seller may plead that if he does not sell liquor, others will, and so the evil will not be discontinued. Now this is flimsy, and the argument amounts to this: that because others choose to do wrong, I may as well do it. If others lie and steal, it is no reason I should. Our motto should be: Let others do as they may, as for ourselves, we will do right. "I would rather be right than President," said a great American ora-

tor and statesman. We should pursue such a course with regard to any given evil, as if pursued by all would lead to its extinction.

It is sometimes said by the seller of liquor, "I do not sell liquor except in connection with other merchandise, and in order to make it more salable." What is the difference between the bar-keeper who sells one thousand dollars worth of ardent spirits and the merchant who sells the same amount in connection with ten thousand dollars worth of other goods? The evil is of the same magnitude in both cases. Besides, may not the liquors kept by the latter for sale, when too freely imbibed, induce his customers to make purchases which they otherwise would not and which a sober and cool judgment would condemn?

The rum-seller often pleads in justification of his avocation that he has a family to support. So have others—so have the men whose families are injured by his traffic. Almost any practice may be justified upon this plea, which is, that we may do evil that good may come, or that the end justifies the means. Then theft and robbery may be legitimate business, since many who engage in them might plead they had families to support, and were therefore bound to do what they did. The keeper of a public brothel might present the same plea.

In the days of persecution when spies were employed by governments to ferret out and arrest christians that they might be tried and punished, those engaged in such business might have pleaded in justification that they had families to support. But does not such a plea betray a distrust of God's providence?

Is it not a reflection upon his wisdom and goodness that he has placed us in a position where we are driven to employ unlawful or questionable means to support our families? He who feeds the fowls of the air and clothes the lilies of the field has promised to feed and clothe us though we be of little faith. David said, "I have never seen the righteous forsaken nor his seed begging bread." And again, "They that wait upon the Lord shall not want any good thing." What would be thought of a christian martyr when brought to the stake, and the alternative of worshipping idols or of losing his life should be presented to him, if he should choose the former on the ground that he had a family to support?

But all who are engaged in the liquor traffic cannot make this flimsy excuse in justification of a business which their consciences often condemn, for they have no families. Stalwart young men with none but themselves to support are often seen behind the bar dealing out the fiery liquid. These men have the same legitimate and honorable means of securing a livelihood that their fellows have. The mechanic arts, agriculture, mercantile pursuits, commerce and the professions are open to them as to others. Shall we make our living out of the tears, groans and blood of our fellow-beings?

Finally, it is urged that good and honorable men have been engaged in the liquor traffic. Let this be granted, yet it is equally true that they were ignorant of the evil they were doing. Abraham, Jacob and others were good men, yet they were polygamists. Luther, Calvin, Cranmer, Ridley, Latimer and Cotton Mather were good men, and yet they were persecutors. The time was when good men were engaged in the opium and the slave trade. Yet such practices cannot be tolerated nor adopted by good men at this day. The time was when ministers of the gospel drank freely and some to excess, and yet were tolerated and respected, but such is not the case now.

In pursuing a different course, the clergy of to-day pass no censure upon their predecessors, but merely live up to the light they have. Moreover, good and honorable men engaged in the traffic of ardent spirits, when convinced of the evil, abandoned it. Go ye and do likewise. R. W. Farnham, Va.

### The Centennial Fund for Permanent Work.

Editor Biblical Recorder:—At the session of the Southern Baptist Convention in Atlanta last May it was unanimously decided to raise a special fund of \$250,000 to be equally divided between the Home and Foreign Boards, to be used for permanent work, such as chapel building, Bible translation, etc., as distinguished from the regular work of supporting missionaries. It was also unanimously voted "that the securing of this fund be pushed with all possible vigor." Not a dissenting voice was raised.

A committee was appointed to apportion this amount among the States, as follows: Joseph Shackleford, A. B. Miller, S. M. Yeatman, N. A. Bailey, J. G. Gibson, W. S. Ryland, Joshua Levering, J. W. Bozeman, W. R. Rothwell, N. B. Broughton, J. A. Speight, J. L. Vass, C. H. Jones, B. H. Carroll and A. E. Owen. Every State and the District of Columbia had representation on this committee, which did its work, and its report was unanimously adopted by the Convention. Moreover, all the State bodies, so far as the Centennial Committee know, have endorsed the action of the Convention. Not an objection was offered, and not a dissenting opinion expressed. It is difficult to see how Southern Baptists could be more thoroughly committed to anything than they are committed to the raising of this fund.

It was never contemplated that raising this special fund should hinder the enlargement of the regular work. The Convention decided to try to "send a hundred new missionaries to the foreign field and to corre-

spondingly enlarge all other departments of our missionary work." This, however, is permanent enlargement. It was never designed to make a special effort to raise enough money to send out these missionaries and then fail to sustain them. What is given to send them out must be repeated year after year, of course, and while this is an important part of the Centennial movement, which our Committee have ever kept in mind and ever sought to forward, they have sought to obey the positive instructions of the Convention which ordered us to push "with all positive vigor" the raising of this \$250,000, "leaving to the several Boards to press the enlargement of the regular contributions." See S. B. C. Minutes for 1892, pp. 15 and 42.

Brethren who know better than the Convention how this matter ought to be managed, should have given the Convention the benefit of their wisdom in Atlanta. Having kept silent then, when they should have spoken, they should "forever after hold their peace."

It is very important that the Centennial Committee and the Boards act with the utmost harmony, and it is gratifying to know that such has been the case. The President of the Foreign Board and the Corresponding Secretary of the Home Board are members of the Committee; and no one need fear there will be the slightest friction. Indeed, those churches which have given most to this special fund, have also greatly increased their subscriptions for the regular work. Several of them have singly assumed, in whole or in part, the support of a new missionary. And it must be borne in mind that the raising of this special fund for permanent work will considerably enlarge the regular work. There are single fields where our Boards pay enough for rent to support another missionary. This fund will provide permanent quarters for these missions, and the large amount of rent thus saved can be used to support new missionaries.

It goes without saying that a special fund must be raised by a special effort. It is equally obvious that while a special effort is being made in a given church for one object, other objects cannot be correspondingly urged. It is plain also that the special object should be provided for as quickly as practicable in order to get it out of the way of the regular work.

Dr. W. D. Powell has been greatly blessed so far in the work of raising this special fund. He has also secured the sending of several new missionaries to the foreign field. If the time allowed him to visit all the churches the amount would be easily secured; but the shortness of the time and the greatness of the field render it imperative that the friends of the Centennial movement stir themselves. So far four States have taken their place in line as having provided for securing their respective apportionments, viz., Maryland, Kentucky, Alabama and South Carolina. What these States have done, the others can as easily do. To succeed in this special effort, to which the denomination is so thoroughly committed, will be a grand achievement, stimulating our interests of every sort and giving the world a new respect for Southern Baptists. To fail would be mortifying, humiliating and discouraging, and would effectually prevent the undertaking of any great and noble enterprise for many years to come. If ever we are to do our best, is not this Centennial year the time? What sort of an occasion will ever arouse us, if we are careless now!

The admirable addresses of the Centennial meeting in Louisville have been issued, by direction of the committee, in a neat pamphlet. It is worthy of a wide circulation and it will do good wherever it goes. All the profits of sales go directly to the Centennial Fund for Permanent Work. The price per copy is twenty-five cents postage paid, with the usual discount to the trade. They can be had through the State chairman or through the undersigned.

T. T. EATON,  
Chairman Cen. Com. S. B. C.  
Louisville, Ky.

### A Pure Home.

There is nothing on earth for which one ought to be more thankful than for having been brought up in the atmosphere of a pure home. It may be deficient in material comforts, and utterly lacking in graceful amenities that lend a charm to human life; but it has in it the forces on which great characters are nurtured. One of our best friends—a man as sturdy as a forest oak—once said to me:

"I was the son of poor parents, and from my youth up was inured to self-denial and hardship; but I do not remember ever to have heard a word from the lips of either my father or my mother that was not as chaste as the driven snow."

Better such a recollection as that, than an inheritance of millions of money.—Central Presbyterian.

No one can ask honestly or hopefully to be delivered from temptation unless he has himself honestly and firmly determined to do the best he can to keep out of it.—Ruskin.

Search thine own heart. What paineth thee in others, in thyself may be. All dust is frail, all flesh is weak. Be thou the true man thou dost seek.—J. G. Whittier.

Trust in God and do the right.