

A FEW ARCHAIC LAWS

SOME SUGGESTIVE IDEAS ON THE SUBJECT.

The Writer Sees a Chance For a Reform That Could be Undertaken by the Legislature—The Laws' Delays and How They Might be Prevented.

EDITOR THE CITIZEN:—Ros. Time travels in diverse places with diverse persons. It is you who time amble withal, who time trots withal, who time gallops withal, and who time stands still withal.

OK. Who stays it still withal? Ros. With lawyers in the vacation, for they sleep between term and term and then they perceive not how time moves. The character of a State is well portrayed by its laws. If remedies for wrongs committed, are easily and speedily obtained, if property rights are well guarded and all possible safeguards against personal injuries are provided, the State is undoubtedly progressive in character.

A review of the condition of the laws of the State of North Carolina, from the pen of the writer of this article has no intention of giving. Some suggestive ideas concerning laws that appear to him archaic, clumsy, or ill-working, may not, however, be amiss at this time, as the General Assembly of the State is now in session, and reform, if it is generally desirable, may be speedily obtained. A few points only will be adverted to, and those but briefly.

The course of litigation is that it frequently unnecessarily lasts for years. A trial is reached, the patience of the wronged party is exhausted, before redress is obtained. The result is that not infrequently great wrongs are submitted to by those who dread to invoke the slow working arm of the law. The great disinclination of many to go to law is presumed upon and wrong doing is encouraged. Any change in the law which will facilitate the acquisition of relief, through the courts, even though it be but to a small degree, will, therefore, be desirable.

An examination of the Code of Civil procedure reveals the fact that the dispensing of justice in the State is practically limited to the few and far between days which the Superior court is in session. The quotation at the head of this article is intended to reflect upon the members of the bar, to state the unfortunate result of the practical operation of the laws of the State.

All civil suits must be commenced by summons issued by the clerk of the court, returnable to the regular term of the Superior court of the county. It must be executed at least ten days before the opening of the term. (Sec. 200, C. C. P.)

Issued within ten days of the beginning of a term it shall be made returnable to the second term of said Court next after its issue. (Sec. 200, C. C. P.) The practical working of this is that, as four terms of the Superior Court are yearly held in Buncombe County, nothing can be done after the closing of one term until three months have elapsed and another term of the Court shall be in session. The issuance and service of a summons may be had at any time, it is true, but practically nothing else can be done but to wait for time to elapse.

This seems the more extraordinary when it is considered that it frequently happens that the cause of action is so just that the defendant has no desire to defend, but is willing that the plaintiff should recover without delay. But the plaintiff, even in such a case, must wait for the assembling of a Court intended to try cases, even though there is absolutely nothing to try and nothing to do but to enter judgment, which might just as well have been done months before when the Court was not in session.

Under the law in this State if the defendant is found in the County in which the summons is issued, the County seat must be again visited and another summons obtained under the seal of the Court. Why should not one form of summons do for every case and for every County and under all circumstances, and all this running to the County seat be avoided?

Why would it not be well to adopt the simpler laws, such as exist in many other States. For instance, in New York—which is cited because the writer is more familiar with its laws than those of any other State—a simple form of summons, good for every county in the State, may be issued at any moment, by any lawyer, over his own signature alone, without going to the county seat—possibly many miles away to get the clerk's signature and seal of the court. This summons may be served at any time. The complaint may be served with the summons or twenty days thereafter, and after receiving the complaint the defendant has twenty days to answer. It will be seen that if the summons and complaint are served together the action may be at issue in twenty days, if there is any defense to be made. If none is made, and the action is to recover money only, at the expiration of the 30 days, judgment is promptly entered by the clerk of the court, without the intervention of any judge or jury. If relief other than the recovery of money only is required, application to the court must be had, but it may be had in any court in the district, on notice, and this with but little delay.

Again, as the laws of this State now stand the pleadings cannot be served or filed until the court is in actual session. The complaint being filed an answer must be immediately prepared and filed during the term, though it is the most inconvenient time to do this, as the lawyers are then in court engaged in trying cases and have little or no leisure to prepare pleadings. The constant application of time to do this, at the law years are then in court engaged in trying cases and have little or no leisure to prepare pleadings. The constant application of time to do this, at the law years are then in court engaged in trying cases and have little or no leisure to prepare pleadings.

Under the New York code, except in actions relating to real estate, which will be considered later, the court or clerk of the court has nothing whatever to do with a case, and not infrequently does not know of its pendency, until it is at issue. When he is notified that a cause is at issue, he puts on the calendar for trial, giving it its proper place according to date of issue, and there it remains until tried or settled.

Until the entry of judgment the plaintiff has the original summons and complaint, unless he cares to file them, or unless they are used on some motion and then necessarily become part of the record. The defendant also has his copy of them. Two copies, at least, of every paper in the case are thus necessarily in existence and a loss of one does not, as I understand is not infrequently the case here, create an absolute loss of so much of the record.

A copy of the complaint being served the defendant has an opportunity to peruse it without traveling to the county seat. A copy of the answer being likewise served the plaintiff need not travel miles to find out what the defense is.

Chas. McNamee. (Concluded tomorrow.)

AROUND TOWN.

Washington, Jan. 18.—Forecast till 8 p. m. Thursday:—Warmer Thursday morning; slightly colder in the evening; easterly winds.

Capt. W. A. Holland is in town. Frank O'Donnell returned to Asheville this afternoon.

John S. Fisher and C. S. Cox of Tryon are in Asheville. C. A. Withers of Augusta, Ga., is at the Swannanoa.

T. L. Goff returned from Richmond yesterday afternoon. Norman C. McLoud left this morning on a business trip South.

Local revenue collections yesterday amounted to \$303.30. W. A. Hood of Hendersonville came over to Asheville yesterday.

The Standard Oil company has sent a contribution of oil to the Flower Mission. There are about sixty cases on the docket of the Criminal court which opens here next Monday.

Ten dollars has been left at THE CITIZEN for the Flower Mission, by a friend of the organization, to be used in aiding the poor.

D. D. Spaulding a revenue examining officer of the U. S. treasury department, who has been here for several days on his regular round, left yesterday for points further South.

Capt. T. W. Patton, W. F. Randolph, Chas. McNamee, W. P. Cheesborough and B. M. Lee left this afternoon for Raleigh to represent Buncombe county at the Road Congress tomorrow.

The next rehearsal of Trinity church choir will be held at the rectory Thursday evening, January 19, at 8-15 sharp. As Lenten music is to be rendered a full attendance is requested.

Council No. 6, Junior Order United American Mechanics, will enjoy a supper next Monday evening, in the hall over No. 19 North Main street. Councils Nos. 8 and 10 will also participate in the supper.

Jack Mackay, advance agent of the Deshon opera company, which opens here next Monday evening for a week at the Grand opera house, is in the city, looking after the putting up of his company's paper.

On the night of the 24th of January there will be held at Bethel M. E. church, South, an anniversary service of the organization of that church. Dr. J. H. Sawyer will deliver the address. All are cordially invited.

A. M. Lockett, representing the Worthington Pump company, New York, is in the city for the purpose of examining the foundations and ascertaining if the foundations are properly put in. Mr. Lockett says some portions of the pump have already been shipped.

William Henry Wills, representing the Manufacturers' Record, of Baltimore, is in Asheville, stopping at the Battery Park. Mr. Wills is here in the interest of the special monthly magazine issue of the Record, the March number of which will be devoted to North Carolina.

Criminal Court Clerk Patterson has been able to do very little work in his office today. A poorly constructed flue caused more smoke to come down the stovepipe than went up. Mr. Patterson is not a smoker, nor does he believe in smoking stoves, so he left his office to itself.

Mrs. L. D. Frost, wife of H. M. Frost, died at 6 o'clock this morning at 211 Haywood street, of consumption. Age, 32 years. The remains were taken this afternoon to Burkeville, Va. Mrs. Frost's old home, for interment, Danville and Richmond, Va., papers are requested to copy this notice.

A gentleman just returned from Tennessee says that in Chattanooga, where the streets are very slick, horses are enabled to stand steadily and do good work by drawing the last nail on either side of each shoe and putting in their stead new nails with very long heads. These give the horses' feet good hold, and the cost is merely nominal.

"THE PASSION PLAY." Rev. R. S. Barrett's Lecture Friday Evening.

Rev. R. S. Barrett who lectures Friday evening, the 20th, at the Y. M. C. A., is a confirmed tourist. He rarely misses spending several months abroad every year. Long experience has taught him how to use his eyes. He sees everything worth seeing. He is a graphic description, and he can tell what he has seen. With a few bold strokes he passes a picture before you that is distinct in the mind's eye. His subject is the "Passion Play of Oberammergau," which he saw in 1890. The admission will be 25 cents.

CLOTHING FOR CHILDREN. An Appeal by the Flower Mission That should be Heeded.

The central office of the Flower Mission, during the bad weather, is kept open each day from 11 a. m. to 5 p. m., and all persons who desire to contribute articles for the poor can leave them at the office between these hours. The Mission appeals especially for children's clothing. There is an urgent need of clothing of this character, and charitably disposed persons are earnestly requested to send contributions to the Mission as soon as possible.

License to Wed. Register Mackey has issued license to wed as follows: Thos. Rogers and Dora Lee Ferguson, of Buncombe; white.

THE MARKETS. New York Market.

New York, Jan. 18.—Cotton futures, January 9.27; February 9.25; March 9.24; April 9.22; May 9.22; June 9.20.

Stock Quotations. New York, Jan. 18.—Erie 25; Lake Shore 13 1/2; Chesapeake and Northwestern 11 1/2; Norfolk and Western 37 1/2; Richmond and West Point Terminal 9 1/2; Western Union 98 1/2.

Baltimore, Jan. 18.—Flour, firm; wheat, quiet; spot, 77 1/2; Jan. 80 1/2; Feb. 80 1/2; May, 80 1/2; Milling wheat by sample, 78 1/2; 2d. corn, 62; spot, January 58 1/2; February 52; May 52 1/2; white corn by sample, 54 1/2; yellow corn 54 1/2.

Asheville Market. Corrected daily by POWELL & SNIDER, wholesale and retail grocers. These prices are being paid by the merchants to-day.

Butter, 15¢ @ 25¢ Apples, 60¢ @ 100¢ Beans, 20¢ Apples, dried 36¢ @ 38¢ Canned, 21¢ @ 25¢ Apples, each 6¢ @ 2¢ Chickens, 70¢ @ 100¢ Sorgum, 30¢ Ducks, 21¢ @ 25¢ Deciduous, per lb. 18¢ Potatoes, Irish, 50¢ Wheat, 50¢ Potatoes, 55¢ Onions, 100¢ Meal, 60¢ Cabbage, per lb. 10¢ @ 12¢ Rye, 75¢ Peas, 55¢ @ 75¢ Hay, ton, \$18.00 Chestnuts, 25¢ @ 30¢ Celery, 50¢ @ 60¢

DR. D. HILLHOUSE BUEL

HE DIED POOR IN BALTI-MORE RECENTLY.

Leading Features of His Life and Works—He Did Great Good in Western North Carolina and Will Long be Remembered.

Rev. Dr. D. Hillhouse Buel died last Friday night at the Church Home, Baltimore, Maryland, and his remains were taken to Troy, New York, for burial. Dr. Buel was born in Troy, N. Y., seventy-five years ago. He was ordained a minister in the Protestant Episcopal church by Bishop Whittingham, in Baltimore, and for many years was rector of parishes at Burlington, Vt., Coopers-town, N. Y., Cumberland, Md., and other places. For the past twenty years he was principal of the Diocesan Theological school at Asheville, and in conjunction with his work at the school, he organized more than a dozen missions in Western North Carolina. One of Dr. Buel's brothers, Rev. Samuel Buel, died in New York, about two weeks ago. Another brother, Rev. Clarence Buel, is rector of Emanuel Protestant Episcopal church, Cumberland, Md. The three brothers held at different times the rectorship of the same parish at Cumberland.

During his twenty years' residence in Asheville, Dr. Buel established such a reputation as a practical Christian worker and unselfish philanthropist as has been accorded to but few men in this section. A comfortable fortune was really given away by this excellent man, and he died possessed of no means. A large number of friends throughout Western North Carolina will hear of his death with profound regret.

Stock Taking is Over. Lots of nice goods, remnants are being closed out at a sacrifice till February 1st. Importations for the spring are arriving and are very attractive. See large ad. J. H. Law 45-37 Patton avenue.

Index to New Advertisements. LOST—This Office. TO RACK—Furniture. KERRY & ASSOCIATES—Deshon Opera Co.

GRAND OPERA HOUSE ONE WEEK, COMMERCING Monday, January 23,

MATINEES WEDNESDAY AND SATURDAY. DASHON OPERA CO. 30—ARTISTS—30.

Pretty Girls, Charming Dancers, Brilliant Repertoire, Magnificent costumes. POPULAR PRICES! 15, 25, 35, 50 Cents.

SEASON TICKETS—Eight Admissions, including reserved seats, \$3. Monday, ERMINIE.

Supper at 7 o'clock. Golden Sceptre Pipe Tobacco.

All we ask is a trial to convince you that it is really perfect. HESTON, 54 SOUTH MAIN ST. Jan 18th.

LOST—A bunch of beaver on chain ring. Reward if left at Citizen Office Jan 18th.

FOR RENT—On Starnes avenue five room home with stable and bath. Apply at No. 30, Jan 14th.

AFTER CHRISTMAS AT RAYSOR & SMITH'S.

As we did not sell all of our Holiday Goods, we will from now till January 1st, sell at from cost to 10 per cent. below cost. So if you have received and have not given, remember we still have many presents suitable for all ages, at prices way below their real value. Call and price anything you like, and see what we offer. Open evenings till 11 o'clock.

RAYSOR & SMITH. YOU WILL

Need something in the stationery, or book line during the year. When you do, call on or send your orders to CHAS. D. MYERS, Bookseller and Stationer. NO. 9, W. COURT SQUARE.

Orders for rubber stamps, engraved cards, etc., solicited.

If You Want to FIT UP YOUR OFFICE HANDSOMELY

With a Little Money See

W. B. WILLIAMSON & CO., HEADQUARTERS FOR ALL KINDS FURNITURE, CARPETS, ETC.

16 Patton Avenue, Asheville, N. C.

WHITLOCK CLOTHING HOUSE. CORNER STORE, EAST LEBLOCK.

To reduce winter stock, we offer special inducements to cash buyers, all broken lots go for half value, full lots at greatly reduced prices. Our business suits, our Dress suits, our underwear cannot be beat for wearing qualities and fit. Extra pants to fit any size, such as you cannot find elsewhere, we will sell way down price, call and price our goods. We are prepared to make clothing to order for cash only. Now is the best time to buy overcoats, ulsters and cape coats, the prices are reduced. We will sell and not pack away a single heavy garment that price can move.

Thanking the public for liberal patronage in the past years, we will try to deserve a continuance of the same.

PARLOR + SUITES, LATE DESIGNS IN CHAIRS

BLAIR & McDOWELL'S, UNDERTAKERS AND FURNITURE DEALERS.

No. 45 Patton Avenue, Asheville, N. C.

DAY CALL NO. 75—TELEPHONE—NIGHT CALL NO. 65.

C. E. Moody CAN SUPPLY YOU WITH FIREWOOD

Kindlings and Charcoal. COKE FOR RANGES, FURNACES AND GRATES. MAKES NO SMOKE! CHEAPER THAN HARD COAL.

Lime, Portland and Louisville Cement and Plaster, Artificial Stone Tile and Concrete Works.

Fancy Brick and Mortar Color. Agent for King's Windsor Asbestos Cement, Dry Mortar and Knoxville Sewer Pipe Works.

HAY - AND - FEED. Office No. 30 Patton Avenue. Telephone 40. Yard and Warehouse near Depot, Telephone 73.

CHOCOLATE MENIER IS THE BEVERAGE OF BEVERAGES FOR EVERYONE WHO WISHES TO KEEP THE BRAIN FRESH AND VIGOROUS

For Chocolate unites in a perfect form all the qualities for a healthy and strengthening liquid food, and contrary to the popular supposition (founded on the use of impure matter sold as chocolate) it is the

REMEDY PAR-EXCELLENCE FOR DYSPEPSIA! A cup of the CHOCOLATE MENIER, immediately after eating, will produce digestion in three hours.

It is recommended to every brain worker in place of using that which only stimulates without strengthening.

FOR SALE BY GREER & JOHNSON, 28 NO. 7E MAIN STREET

\$4.50 SINGLE TON Jellico Lump For Grates. \$4.00 Jellico Nut For Stoves.

TELEPHONES 36 & 40. ASHEVILLE ICE AND COAL CO., 30 PATTON AVENUE

\$8.50 TRY THE NEW COAL, Hard Coal Gayton Red Ash "Gayton" All Sizes. \$7.00 Semi-Anthracite. FOR FURNACES, Grates, Ranges.

CAROLINA WINE AND LIQUOR STORES, NO. 19 NORTH MAIN AND 7 AND 71-2 COLLEGE STS.

Keep in stock "Mount Vernon," "Canadian Club," and Old Baker Rye Whiskies. The best Wines, Brandies, Beer, Ale and Stout for family use. All goods delivered free. Ale and Porter on draught. Entrance No. 19 North Main and 7 1/2 College streets. Telephone No. 152.

P. S.: On and after May 9th I will send statement of accounts by mail to parties indebted to me if not settled by that time. Respectfully.

Frank O'Donnell PROPRIETOR CAROLINA SALOON.

WE LEAD: OTHERS FOLLOW.

BUILDERS! French Broad Lumber Co.

Having accumulated a large stock of Framing, Sheeting, &c., will sell FRAMING AT \$7.50 PER 1,000 FEET. SHEETING \$5.50 " " "

Will also take orders for OAK FIREWOOD

At \$2.00 per load delivered anywhere in city. oct 17dtf

"KEM-KOM" Is a chemical compound, harmless in every respect, and perfectly simple in its application. It is a powder which is dissolved in water, and this solution sprinkled over the coal.

This material is for use on either hard or soft coal, in the boiler furnace, stove and range. Saves 25 per cent. of the coal; also labor time and dirt; destroys the deadly coal gas which often permeates the home, producing diphtheria and all kinds of nasal and membranous diseases, thus insuring health and pure air in the homes, school-houses, and all places where coal is used.

Coal treated with Kem-Kom ignites quickly, lasts longer, and gives out intense heat. Starts a vigorous fire in one fourth of the time it takes without Kem-Kom. Largely lessens the ashes, prevents clinkers and cinders, burns the soot and a large portion of the smoke, thus keeping the flues free from dirt.

With Kem-Kom an inferior coal, such as screenings, can be mixed with the ordinary coal, and a still greater economy effected.

FOR SALE BY S. R. KEPLER, AGENT FOR KEM-KOM.

WE DO NOT RETAIL, BUT

We will sell to parties buying in 1000 pound lots FEED AT BOTTOM FIGURES. We keep Bran, Middlings, Corn Feed, Corn Chop, Cracked Corn and Oats, Hay, Meal, Rye, Corn, White and mixed Oats, etc. Get our prices and buy direct.

THE ASHEVILLE MILLING COMPANY, MANUFACTURERS CELEBRATED ROLLER KING AND ELECTRIC LIGHT FLOUR, Telephone 36. Office 36, Patton Avenue

MARBLE HALL CLOTHING HOUSE, 32 South Main Street.

Has just got through taking inventory of the largest stock of Clothing and Gents' Furnishing Goods kept in Western North Carolina. I find out I have too many goods. I will for the next thirty days reduce prices on Everything.

Suits, Former Price, \$22.50, Now \$16.00. Former Price, 20.00, Now 14.00. Former Price, 18.00, Now 12.50. Former Price, 16.00, Now 11.50. Former Price, 15.00, Now 10.00. Former Price, 13.50, Now 8.50. Former Price, 12.50, Now 8.00. Former Price, 10.00, Now 7.00.

OVERCOATS! OVERCOATS! Overcoats, Former Price, \$15.00, Now \$10.00. Former Price, 12.50, Now 9.00. Former Price, 10.00, Now 7.50. Former Price, 8.00, Now 5.50. Former Price, 6.00, Now 4.00. Former Price, 5.00, Now 3.00.

The above Prices I mean. When I Advertise, I advertise facts. Call and see me. Yours Respectfully, G. WHITLOCK - PROPRIETOR.