

ASHEVILLE DAILY CITIZEN

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THURSDAY, JANUARY 19, 1893.

WHEN towns in Tennessee report the mercury as down to 31° below zero it is safe to say that the spirit of Hyams is still at large.

The meeting in the Court House this morning, whereby nearly \$900 was raised or pledged for the relief of the poor people of Asheville, was a magnificent demonstration of true charity. Gentlemen from all parts of the city came out into the storm to give both money and time to the work of relieving the suffering.

R. B. HAYES could not read his title to the presidency with all the clearness that is desirable, but he made a good President. The obscurity he dropped into after he became an ex- is well illustrated by an anecdote said to have been told by that wit of the Senate and the New York bar, W. M. Everts. The latter attended Garfield's funeral and on his return was asked whom he saw there. He replied, naming several, and then added, "I saw Hayes, but no one spoke to him except a policeman, and he told him to get off the grass." Mrs. Hayes did all that she could to promote temperance in Washington society—greatly to her credit—and that, too, recalls another story told of Everts. He attended a White House banquet and was asked to give an account of it the next day. "Do you know," said he, "the water flowed like champagne there last night?"

LETTERS FROM THE PEOPLE.

The Nashville "American" and R. F. Butler.

EDITOR THE CITIZEN—Your yesterday's issue contained a selection from the Nashville American, headed "Editorial Delirium." I believe its insertion was an oversight on your part, otherwise your good taste and our expressed desire to consign the "bloody shirt" to oblivion is forfeited with a large and the most intelligent class of your readers.

Although myself, a native Southern and Confederate veteran through the whole war, and with my sympathies and principles as such unchanged, in justice to the great mass of Southerners of today, I wish to say of this effusion:—

1st. It is vulgar profanity and what is worse, is such blasphemy, as rarely gets into print.

2nd. It cannot, in the least, affect the future State of this or some of the subject, and hence "it only reveals the depraved nature of the writer of such sentiments and recoils upon him." "Nil nisi bonum de mortuis."

3rd. Your copying such a piece is regarded by the mass of your readers as an expression of your approval or sympathy with the contents, no matter what you may think or feel, and you suffer while good taste is shocked.

This is no defense of Gen. B. F. Butler. His life and work are matters of history including his memorable New Orleans order, and the consequent action of the Confederate Congress. The impartial history—yet to be written—will assign him his appropriate place and moral value upon the records, while we will do well to recognize the fact that the destiny of his immortal spirit is in the hands of the Supreme Judge, who is infinite in wisdom and justice.

Asheville January 18th 1893. [THE CITIZEN distinctly did not express approval of "Editorial Delirium;" it was printed as a curiosity of newspaper literature.—ED. CITIZEN.]

To "Observer" and "X."

EDITOR THE CITIZEN: By your permission a word to "Observer." I agree with him heartily that it is cruel to drive horses now that are smooth shod and I wish people would talk them. It is penny wise and pound foolish not to do so. I wish too that "Observer" would join our society. We need, as he expressed it, "an outpouring for the dumb animal." We would like to have him join too. In other words the society is in vital need of the active cooperation of every one who really feels as "Observer" says he does. W. S. C., Secretary.

SENATORIAL CONTESTS.

Eugene Hale is returned from Maine. Quay is returned from Pennsylvania. Senator Davis is elected from Minnesota.

Senator Turpie is returned from Indiana. Senator Stockbridge has been re-elected in Michigan.

F. M. Cornell is the newly elected Democratic Senator from Missouri. Senator George Gray has been re-elected to the Senate from Delaware.

Edward Murphy, jr., received a majority in both houses of the New York legislature for the Senate ship.

Many persons are broken down from overwork or household cares. Brown's Iron Bitters rebuilds the system, aids digestion, restores excess of bile, and cures malaria. Get the genuine.

LEMON ELIXIR.

A Pleasant Lemon Tonic. For Biliousness, Constipation, Malaria, Colds and the Grip. For Indigestion, Sick and Nervous Headache. For Sleeplessness, Nervousness and Heart Disease. For Fever, Chills, Debility and Kidney Disease, take Lemon Elixir.

Ladies, for natural and thorough organic regulation, take Lemon Elixir. Dr. Mozley's Lemon Elixir is prepared from the fresh juice of Lemon, combined with other vegetable liver tonics, and will not fail you in any of the above named diseases. 50c. and \$1 bottles at druggists.

Prepared only by Dr. H. Mozley, Atlanta, Ga.

At the Capitol.

I have just taken the last of two bottles of Dr. H. Mozley's Lemon Elixir for nervous headache, indigestion, with diseased liver and kidneys. The Elixir cured me. I found it the greatest medicine I ever used. J. H. MERRICK, Attorney, 1225 F Street, Washington, D.C.

From a Prominent Lady.

I have not been able in two years to walk or stand without suffering great pain. Since taking Dr. Mozley's Lemon Elixir I can walk half a mile without suffering the least inconvenience. Mrs. R. H. Bloodworth, Griffin, Ga.

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—Any uncertainty about the title to real estate is a misfortune. When the uncertainties are multiplied and general, affecting all real estate, the misfortune is a public one. When the court records are not necessarily so kept as to yield all the information they contain to the diligent searcher, but, on the contrary, are so arranged and kept that it is almost a physical impossibility to glean, with certainty, whatever may be in them with reference to any special parcel of land, no one can certainly say that the title to any particular real estate is good. The court records of this county and of such others as I have seen in this State are in the deplorable condition above suggested.

It is well known that a large amount of litigation prevails in this part of the State concerning titles to real estate and here, of all places, the best system of keeping the records should prevail. Let the matter of record of judgments be considered. Absolutely no index of the persons against whom judgments are docketed is required by law to be kept, and judgments are entered on real estate for ten years. True an index of judgments is kept, but it is impossible to learn from it whether the judgment was rendered against plaintiff or defendant. Reference to other books is necessary and these being found, and the multifarious entries there of executions and new executions and the sheriff's returns, payments on account, receipts, etc., being laboriously examined, one is frequently almost as much in the dark after as before the examination was made. The examination is always laborious, always disappointing, generally exasperating. A proper index should by statute be required to be kept, as in other States, wherein should be set down under appropriate clauses,

- 1st. Date of docketing of judgment.
2nd. Names of judgment debtors, whether plaintiffs or defendants. These names alphabetically arranged.
3rd. Amount of recovery.
4th. Names of attorneys for one who recovers. This facilitates inquiries.
5th. Date when judgment paid.
If the judgment is marked paid under the last named column that shows that the judgment is no longer a lien upon real estate, such a book as this would be a great blessing to every one who is interested in searching the records. It is a necessity in a well regulated clerk's office.

Under the present system the Clerk of the Court has to do all the bookkeeping for judgment debtors as well as judgment creditors. Why he should do this any more than the Register of Deeds should keep a debtor and creditor's account of what is secured by trust deeds, is not easily ascertained. It would seem simpler to have the Clerk handle none of the money at all, and let the parties settle the judgments amongst themselves, and when settled require the judgment creditor to give the debtor a receipt or "satisfaction note," showing payment, upon presentation of which the Clerk may cancel the record of the judgment.

Nothing is more necessary than to learn, when the title to real estate is being examined what, if any, litigation is pending which may affect the title. No action should be permitted to affect the title to real estate unless a notice of the pendency of the action is filed and indexed. There is a statute about notices of pendency of action more honored, I understand, in the breach than the observance, there is an index to notices of lis pendens in Buncombe County I have never been able to find it. Unless one reads every document in the Clerk's office, one will never certainly know whether or not an action affecting the title to any particular piece of real estate—say to set aside a deed as a forgery or for any other cause—is pending. Reform is needed here. A proper index should be kept showing every pending action and every one ever brought affecting the title to real estate.

Mechanic's liens may exist for nearly a year and a purchaser or one lending money upon the security of the land may know and have no means of learning of the existence of the lien. The lien should not exist until notice of it is filed. The laws about the acknowledgment and record of deeds are very complex, contradictory, and, in practice, annoying. They are so many nets to entangle the unwary. It has been decided, for instance, that if the wife sign and privately acknowledge the deed before her husband's acknowledgment is taken though in the absence of the husband, it is void. How can it be void from an examination of the deed, whether or not the husband or wife first executed? What earthly difference does it make whatever the fact may be?

Deeds now after being acknowledged have to be presented to the Clerk of the Superior Court to be ordered on record. Presumably the clerk critically examines the acknowledgment and learns whether or not it is in proper form, and whether or not the officer taking the acknowledgment was a de jure officer. Experience nothing of the sort is ever done. The thousands of improper acknowledgments and of improper orders of registration prove the futility of the judicial examination by the clerk.

If the acknowledgment of a deed is taken by an officer of the county where the land lies, why require any order of registration? If it comes from another county there is an evident necessity for proof of the authenticity of the signature of the distant magistrate or other officer and of his actually holding office. Why require the private examination of the wife? It is a relic of the dark ages and is abolished in many States. The presumption is that wives have minds of their own nowadays. Experience proves that they have, whatever the presumption is. Why treat women in the matter of the execution of a deed as if they were imbeciles, living in fear and dread of their husbands. The fact is they are not. It is unchristianly to treat them as if they were.

No length of time, as a general rule, will cure any defect in the title to real estate arising from a loss of deeds or other causes, as against a married woman. Women, in this case, are by statute, classed with idiots, imbeciles and criminals.

Rosalind might have added, a second class of persons with whom time stays still without, namely, married women. And so it turns out that, as a very large proportion of mankind are married women, the Statute of Limitations, instead of being a "Statute of Repose," as it is termed, is essentially the contrary, as the sleepless nights passed by real estate lawyers can prove.

Certainly the class of persons with whom married women are associated in the Statute of Limitations is not flattering to them. It is considered knavish to sell land a

second time without first re-acquiring the title to it. One who thought and practiced differently would probably soon find himself behind penitentiary bars. The thought of performing such roguery as this would never enter the mind of an honest man. And yet the State of North Carolina daily does this very thing, and sets a most pernicious example to its citizens. It is well known, doubtless, to most of the laymen here, that grants for practically any tract of land in the State may be had as often as persons can be found who will pay for them. These grants, it is true, convey nothing, but they are used as "color of title," and by stealthily obtaining a grant and entering upon the possession of the land granted, one may acquire the title in seven years. The State is resorted to by individuals who do this sort of thing. This statute is a source of untold mischief. It is hoped that the views expressed above will be received in the spirit in which they are given, as suggestions not altogether original, from a citizen of the State profoundly interested in her welfare and progress.

Chas. McNamee.

Oldford, Jan. 16.

Thinning Them Out. A new device for plucking strangers has been invented by the lawyer of a big Clark street restaurant. He didn't want to frighten regular customers away by raising prices on the bill of fare, and yet felt that it was a shame to be behind boarding house keepers, saloons and hotels in overhauling. Yesterday a bright idea struck him and he promptly put it in operation. A waiter gave the snip away. "I've eaten there for six months," said a well known merchant, "and seldom had cause for complaint. Last night I ordered a sirloin steak, as I had often done before. It was much thinner than usual, but it was not particularly hungry and did not complain. This morning I was served with a still thinner one and kicked. Then the waiter told me the steaks were all being cut thinner this week because so many strangers were in town, and the boys wanted to get more for meals without driving away the regulars. It's the same way everywhere else. The pies are smaller; so are the patties of butter, and the proprietor has actually run in a lot of new coffee cups that hold considerably less than the old ones." —St. Louis Globe-Democrat.

Cost of the World's Fair. More money has already been paid out in creating the World's Fair than the directors thought would be necessary to complete it when congress voted to send the exposition to Chicago. Ten million dollars was thought to be the limit. Auditor Ackerman's report shows that the expenditures to Dec. 1 have been \$12,460,236.61. The receipts have been \$13,229,451.98. The available balance on hand Dec. 1 was \$636,068.33, about enough to last two weeks at the present rate of expenditures, but the souvenir coins are coming, and the directors have nearly \$2,000,000 yet in exposition bonds from which no capital has been received. —Chicago Letter.

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WORLD'S FAIR.

If you are going to the World's Fair, write the Daily Citizen, Asheville, N. C., for illustrated, printed matter describing the Fair, and time tables and pamphlets issued by the steamer lines or railroads you would use from your home to Chicago. No charge is made for this service. Write for special arrangement with the Recreation Department the Christian Union.

Only line running Solid Vestibuled trains between St. Louis and Kansas City. Reclining Chair cars and Tourist Sleepers free of extra charge. I will meet parties at any railroad station with through tickets and baggage checks. For full information, maps and descriptive pamphlets of the West, write to or call on A. NEWLAND, Traveling Passenger Agent, Asheville, N. C. 33 Patton Avenue, Asheville, N. C. J. CHARLTON, General Passenger Agent, Chicago.

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