ASHEVILLE DAILY CITIZEN

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 estate, the misfortune is a public one. raised or pledged for the relief of the poor | When the court records are not necespeople 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 and kept that it is almost a physical time to the work of relieving the suffering. The heart of this city beats true in response to all human distress. There to any special parcel of land, no one can will be to really needy ones in Asheville certainly say that the title to any parif their condition can be ascertained.

R, B. Haves could not read his title to the presidency with all the clearness that as I have seen in this State are in the is desirable, but he made a good President. The obscurity he dropped into after he became an ex- is well illustrated by an ancedote said to have been told by that wit of the Senate and the New York here, of all places, the best system of boarding house keepers, saloons and hoby an ancedote said to have been told by Garfield's funeral and on his return was asked whom he saw there. He replied, naming same as we have the replied, naming same as we have the replied, naming same as we have the replied to the persons against whom index of the persons against whom the persons against whom index of the persons against whom index of the persons against whom the persons against whom the person against whom t asked whom he saw there. He replied, naming several, and then add, I, "I saw are docketed is required by law to be Hayes, but no one spoke to him except a policeman, and he told him to get on the grass." Mrs. Hayes did all that she could to promote temperance in Washington society—greatly to her credit—against plaintiff ordefendant. Reference ington society-greatly to her creditand that, too, recalls another story told of Evarts. 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 B. 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 oft 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 jus-tice 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 for weal or woe of the subject, and hence "it only reveals the de-prayed nature of the writer of such sen-timents and recoils upon him." "Nil nisi honum de mortuis". bonum de mortuis."

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 intend, 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 him his appropriate place and moral value upon her 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

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 permis sion 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 calk 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 pressed it, "an outpouring for the dumb animal." We would like to have "X" join too. In other words the society is vital need of the active cooperation of every one who really feels as "Observer" says he does. Secretary.

SENATORIAL CONTESTS.

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

Senator Turpie is returned from In

Senator Stockbridge has been re-elected in Michigan.

F. M. Cocrell 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 legis-

Many Persons are broken down from overwork or household cares.

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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

Prepared only by Dr. H. Mozley,

At the Capitol. I have just taken the last of two bot tles of Dr. H. Mozley's Lemon Elixir for class of persons with whom time stays still withal, namely, married women.

And so it turns out that, as a very me. I found it the greatest medicine I sed. J. H. MENNICH, Attorney, 1225 F Street, Washington, D.C.

From a Prominent Lady.

I have not been able in two years to alk or stand without suffering great ain. Since taking Dr. Mozley's Lemon whom married women are associated in the Statute of Limitations is not flattering to them.

R. R. H. BLOODWORTH, Griffin, Ga.

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 sarily so kept as to yield all the information they contain to the diligent searcher, but, on the contrary, are so arranged impossibility to glean, with certainty. whatever may be in them with reference ticular real estate is good. The court records of this county and of such others 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

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 before the examination is always before the examination. tion is always laborious, always disap-pointing, generally exasperating. A proper index should by statute be re-quired to be kept, as in other States, wherein should be set down under ap-

propriate columns, 1st. Date of docketing of judgment.
2nd Names of judgment deletors, whether
plaintiffs or defendants. These names alphabetically arranged.
3rd. Amount of recovery.
4th. Names of attorneys for one who recovers. This for litates inquiries.
5th. Date when judgment paid.

If the judgment is marked paid under he last named column that shows that the judgment is no longer a lien upon real estate. Such a book as this would

Under the present system the Clerk of for judgment debtors as well as judg-ment creditors. Why he should do this any more than the Register of Deeds should keep a debtor and creditor's ac-

count of what is secured by trust deeds, is not easily ascertained. It would seem impler to have the Clerk handle none of the money at all, and let the parties settle judgments amonest themselves, and when settled require the judgment creditor to give the debtor a receipt or "satisfaction piece" 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 be filed and indexed. There is a statute about notices of pendency of action more honored, I understand, in the breach than the observance. If there is an index to notices of lis-pendens in Buncomb

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 forgery or for any other cause-is pend ing. 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 not 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, annoy ing. They are so many nets to entangle the unwary. It has been decided, for in stance, that if the wife sign and privately acknowledge the deed before her hus band's acknowledgement is taken though in other respects the law is strictly folowed, the deed as to the wife is void. How can it be told from an examination of the deed, whether or not the husban or wife first executed? What earthl ifference does it make whatever the

act may be? Deeds now after being acknowledged ave to be presented to the Clerk of th Superior court to be ordered on record Presumably the clerk critically examine theacknowledgment and learns whethe or not it is in proper form, and whether or not the officer taking the acknwledg meat was a de jure officer. In practic nothing of the sort is ever done. Th thousands of improper acknowledge-ments and of improper orders of registration prove the futility of the judicial

xamination 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 or registration? If it comes from another ounty there is an evident necessity proof of the authenticity of the signature of the distant magistrate or other office 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 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 unchivalrous to treat

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 stat-ute, classed with idiots, lunatics and

As Shakespeare was a good lawyer, Rosalind might have added, a second 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

ing to them.
It is considered knavish to sell land a 39 Patton Avenue,

A FEW ARCHAIC LAWS 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 laity even, that grants for practically any tract of land in the State may be had as often as per-sons can be found who will pay for them. These grants, it is true, convey nothing, misfortune. When the uncertainties are multiplied and general, affecting all real estate, the misfortune is a public one.

When the court records are not necessive to the state is resorted to be. cause heavy penalties are imposed upo individuals who do this sort of thing

This statute is a source of notold mischief, It is hoped that the views expressed above will be received in the spirit i 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.

A new device for plucking strangers has been invented by the keeper 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 in operation. A waiter gave the snap 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 I was not particularly hungry and did not complain. This morning I to other books is necessary and these being found, and the multifarious entries kicked. Then the waiter told me the steaks were all being cut thinner this week because so m my strangers were in town, and the boss 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 pats of butter, and the proprietor has actually run in a lot of new coffee cups that

Cost of the World's Pair. 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 then. Auditor Ackerman's report shows that the expenditures to Dec. 1 have been \$12,460,236.61. The receipts have been be a great blessing to every one who is \$12,460,236.61. The receipts have been interested in searching the records. It is \$13,229,451.98. The available balance necessity in a well regulated clerk's on hand Dec. 1 was \$636,068.33, about enough to last two weeks at the present rate of expenditures, but the souvenir the Court has to do all the bookkeeping | coins are coming, and the directors have nearly \$2,000,000 yet in exposition bonds from which no capital has been received -Chicago Letter

hold considerably less than the old ones."

-St. Louis Globe-Democrat.



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