

THE WILSON MIRROR.

"Our Aim will be, the People's Right Maintain,
Unawed by Power, and Unbribed by Gain."

VOL VIII.

WILSON, NORTH CAROLINA, WEDNESDAY, MARCH 27, 1889.

NO. 3

A JUDGE'S CHARGE

AN ACTION FOR BREACH OF PROMISE.

A Witty and Inclusive Bit of Satire Upon Our Jury System.

GENTLEMEN OF THE JURY. Let me first thank you for having kept awake during the entire time of the protracted trial, and thus again having refuted the slanderous charge of the maligners of our jury system, who maintain that during every important trial, one half of the jury fall asleep. The case before you gentlemen of the jury is one touching a very important subject—marriage. The two great essential elements in civilization requisite of the existence and continuity of the modern State, and as marriage is admitted to be quite a tax in itself, we may consider it as the most essential. Now the action for breach of promise of marriage is mainly distinguished from other actions in this, that it will not lie, if the advisory parties belong to the same sex. No well authenticated precedent can be found, tending to show that this action has ever been brought by one man against another, nor can any case be called to my attention, where this action was brought by one woman against another. I do not wish to be understood as asserting that this never occurred, since it is impossible to say what a woman may or may not do, when her blood is up. Fortunately gentleman of the jury, we are not obliged to resolve that doubt in the present instance, since it is conceded by the evidence, that the plaintiff is a woman and the defendant is a man in fact no one who saw and heard the plaintiff testify, could for a moment entertain any doubt as to her sex.

Another fact equally important is that the defendant is either innocent or guilty of the breach of promise with which he stands charged. The importance of this fact cannot be overestimated, because if he could not be possibly guilty under the evidence, or could not possibly be innocent—that is, if the testimony were all one way—there would greatly curtail, if not entirely abrogate your prerogative as jurors, to find a verdict in accord with your sympathies, or other notions of equal weight and consideration. These two points in the case being thus settled, it only remains to charge you briefly on the points of law and your duties in the premises. On all subjects not controlled by statutes, we are supposed to be governed by the Common Law of England. Breach of promise of marriage is one of those subjects. Our Legislature who could not conceive the possibility of any man refusing to marry a woman, particularly if she was young and pretty, and willing to marry him, have not provided by statute for such a case. This action therefore must be governed by the rules of the common law. But what common law? Now it is generally supposed that there is but one common law, but we who have been charged with the trial of cases for many years, know better. Common law is nothing but immemorial usage or custom, and there are two kinds of it, the common law of England and the common law of jurisdictions. This duality in the common law has led to absurd verdicts according to a common law of their own.

One of the principal features of this law is that the character of the parties litigant, is a very important, if not controlling feature, determining the verdict. Thus if the defendant is a railroad company or an insurance company, all admissible presumptions must be drawn in favor of the plaintiff, and he is generally entitled to a verdict, regardless of the mere secondary matter of evidence. This is the immemorial usage, that if the plaintiff is a woman, and the defendant is a man, to find for the plaintiff. No departure from this rule is on record in any case when the plaintiff, as in the present instance, was young, pretty, witty and vivacious. Some say that the foundation of this custom of juries is, the gallantry of the sex. This proposition however I must deny. The true foundation of the court charges you, gentlemen, is the regard men have for their mothers. One of the great charter rights which your ancestors, gentlemen, wrung from a reluctant tyrant at Runnymede at the point of the battle axe, is the right to have a mother. This right to speak is the palladium of liberty, and is indirectly recognised in the Declaration of our Independence. For if we had no mother, we could have no existence, we could not be engaged in the pursuit of happiness, yet to be thus engaged

is, as every school boy knows, one of our inalienable rights.

What I have stated heretofore may in itself be sufficient to guide you to the true verdict; still, if you desire also to pay some attention to your secondary matter of evidence you should be guided by the following rules. If you believe the plaintiff and her witnesses are entitled to no credit, you will disbelieve them, unless you further believe that the plaintiff should have a verdict anyhow. If you find that the defendant's witnesses have departed from the truth, you will reject their testimony, unless your sympathies are with the defendant. The matter of evidence is exclusively for you, gentleman. Still, I cannot forego making a passing remark or two on that subject. I think the promise with all appurtenances sufficiently proven. The testimony of the fair plaintiff has unquestionably strongly impressed you with the probability of its truth. The lifelike picture of the situation could not be mistaken; you all know that situation, because to use an expressive phrase you have all been there at sometime or another. The promise being thus established, the question is, was there any cause given justifying its breach? The main if not the only cause, we are told, is a flirtation with another man. But is this a cause? Is not the right to flirt one of the inalienable rights of woman? Is it not the pursuit of her happiness? Was the Declaration of Independence written for man alone? I need say no more.

I think these suggestions are sufficient to determine your verdict as to which party shall prevail. If not you will have to determine it yourselves upon deliberation. I am sorry to say that the authorities treating on the custom of juries are not agreed. Drawing straws and tossing a penny, all have their supporters, but I am of the opinion that the best three out of five in the National game of euchre, between the leaders of the opposing factions in the jury room, is now in harmony with the genius of our institutions, and equally well supported by reason and authority. Having first settled the right or wrong of the case and in one of the manners suggested determined to find either for the plaintiff or for the defendant, the further enquiry as to the remains if you find for the plaintiff. Now the question of damages is one of the gravest importance. Is it the only one in which the plaintiff and her lawyer are equally and evenly interested, and therefore must be handled by you with a great deal of care.

If the plaintiff has a verdict, she is entitled by way of damages, to all she has lost and to all she has found by the defendant, unwarranted conduct, in breaking off the match. Now what has she lost? She has lost the comfort of the defendant's society. She has lost the comfort of turning up her nose at some other woman, who has missed getting her husband. She has probably lost the comfort of a sealskin sack and many other comforts too numerous to mention. And what has she found? She has found wounded affections. She has found that her best friend, who envied with her all her heart, now secretly rejoices in her discomfiture. She has found mental anguish, lacerated feelings and a whole lot of disagreeable things. For all these she is entitled to full compensation. But here is the rub. How is this compensation to be measured. Most of these things have no market value, except perhaps, the sealskin sack. Whoever heard of wounded affections and lacerated feelings, prime quality, being advertised at so much a yard. Neither are these articles sold for cash or future delivery. Not the most venturesome speculator ever got up a corner on mental anguish, although mental anguish has been the result of many a corner.

Here again the great superiority of the common law of jurors over the common law of England is manifest. The simplest and most approved method to reach a result is this. After you have agreed that the plaintiff is to have a verdict, each of you take the wounded affection, comfort of society of sealskin sack and other comforts lost and found by the plaintiff, and each of you make a lumping estimate, so much for the lot, write it down on a piece of paper. After everyone has done this, the estimates are footed up and their aggregate are divided by the number of jurors. Thus I am proud to say the practical mind of the American juror has found ready solution in the most complicated cases of the ad-of-measures damages.

There is a five-year old boy in Mecklenburg county who can read a chapter in the Bible.

A MIXTURE.

EDITORIAL ETCHINGS EUPHONIOUSLY ELUCIDATED.

Numerous Newsy Notes and Many Merry Morsels Paraphrastically Packed and Pithily Pointed.

A plain man—The rancho.
Every bakery has its pie rate.
A course of sprouts—Celery.
Maid to order—A servant girl.
Regular church goers—sextons.
Representatives of the pen—pigs.
A beastly show—The menagerie.
A moving scene—a game of chess.
Lawrence Barrett is worth \$725,000.
A slow match—Four years of courtship.

Helena Modjeska was born in Poland in 1844.

Some scales never learn the error of their weighs.

Henry Irving has just reached his fifty-first year.

Patti, it is said, has lost certain notes of her voice.

All the pawnshop patron wants is to be let a loan.

Clara Morris was born in Cleveland, Ohio, in 1846.

Sarah Bernhardt will not visit America again until 1890.

The King of the Netherlands is fighting death inch by inch.

John Wanamaker's life is insured for a round million of dollars.

Henry Villard, the railway magnate, is about fifty-five years old.

It is claimed by old hunters that a rabbit train is merely a hair line.

The Emperor of China has just had 260 pairs of boots made for him.

Madrid theatres are allowed by law to use only the electric light.

The hog trust will make the lover of pork chops bristle with indignation.

According to the market reports, onions are strong at ten cents a bunch.

John Bright never was at any school a day after he was fifteen years old.

Captain Walker, Chief of Bureau of Navigation, is promoted to Commodore.

Your washerwoman may be a good soft soaper, but she is not always a whitewasher.

Harrigan, the New York actor-author, has just completed a new three-act comedy.

A girl always wants a fellow to tie a true lover's knot when she gets him on the string.

Mrs. W. J. Florence will permanently retire from the stage at the close of the season.

Mr. Le Grand B. Cannon, of Vermont, is said to be a director in 450 different corporations.

Seventy years ago James Russell Lowell celebrated Washington's Birthday by being born.

A grand-niece of Schubert has been giving a piano recital with moderate success in London.

If he who hesitates is lost, the man who stutters must have great difficulty in finding himself.

The grandmother of the Queen of Madagascar is dead. She was nearly a hundred years old.

The German Emperor has started an elaborate daily "Court Circular," which he edits himself.

Ernest Henry Charles Dechen, the German geologist, is dead. He was eighty-eight years old.

The full name of the biggest man in France at present is George Ernest John Maria Boulanger.

All doubts that Modjeska will play in connection with Edwin Booth next season seem now to be removed.

Richard Henry Stoddard, the New York poet and editor, has been almost totally blind for the past three months.

Mr. Forde's book on Australia has given birth to a new word in the Assembly House at Melbourne. It is "Froudacity."

Marie Van Zandt has made a sensational furor in Madrid in "Lakme," being called in front of the curtain twenty times.

Four opera companies will fight one another for the profitable patronage in New York city during the summer months.

George S. Bachelor, of New York, has been appointed Assistant Secretary of the Treasury, vice H. S. Thompson, resigned.

The London Figaro says that a sister of Mary Anderson will shortly make her debut in the English provinces or the United States.

A woman dentist in Philadelphia is reported to have a practice of \$11,000 a year. And yet she is often seen looking down the mouth.

Mr. A. D. Sarles, a Vermont school teacher, obtained his first certificate from John G. Saxe in 1841. He is still in active service.

In the death of the Rev. Dr. Bréed, of Philadelphia, the Presbyterian Church loses one of its most scholarly and influential ministers.

Mrs. William P. Fyre, the wife of the Maine Senator, is said to be writing a society novel that will deal with official life in Washington.

W. Van Dyke, proprietor of the Minnie Douglas Opera Company, now traveling in Iowa, has become heir to \$140,000 by his uncle's death.

Admiral Luce, United States Navy, recently retired, will in future make his home with his daughter, at her handsome Newport (R. I.) cottage.

Rev. Dr. T. H. Pritchard of Wilmington, N. C., is suggested by the Religious Herald as successor to Dr. Boyce in the Presidency of the Southern Baptist Convention.

Cleveland's New York law firm is composed of Grover Cleveland, Charles W. Bangs, Frances S. Bangs, Travers Lynde Stetson, Charles E. Tracy and Charles MacVeagh.

President Harrison usually wears a high-buttoned, double-breasted frock coat, and seldom has a suit all of the same piece. He is a regular smoker, smoking small cigars of clear Havana.

Count Herbert Bismark, the German Chancellor's eldest son, has been promoted to the rank of Lieutenant-Colonel and his brother William to the rank of Major at the request of their father.

Edward F. Jones, the scale maker and Lieutenant-Governor of New York, was born in 1828. He began his business career at the close of the war, and was long past forty when he became rich.

The New York Mail and Express says the President continues opposed to sending Mr. Whitelaw Reid to London, but has informally offered him the Paris Mission which Mr. Reid recently accepted.

Lord Sackville, the damaged diplomat, is devoting his attention at present to his mansion, Knole. He has thrown the old and beautiful place open to the public, a thing which the late lord and master refused to do.

Congressman Reed, of Maine, is described as a big, awkward, loose-jointed man. He moves at a swinging gait, his hands buried deep in his overcoat pockets and his hat well back on his head. He wears a No. 10 shoe.

W. C. Whitney, O. H. Payne and Daniel S. Lamont are the names that appear on the door of a well-fitted up office in the city of New York. The ex-Secretary of the Navy and his rich brother-in-law have taken him into copartnership with them in their railroad schemes.

Norman J. Colman, who was the first agricultural member of the Cabinet, is a practical farmer who for a number of years has conducted a first-class agricultural newspaper. He is a small man, very quiet in dress and manner. Mr. Coleman is said to be an accomplished ventriloquist.

The President has appointed Thomas W. Palmer, of Michigan, to be Minister to Spain; John F. Swift, of California, to be Minister of Japan; John D. Washburn, of Massachusetts, to be Minister Resident and Consul-General to Switzerland; Albert G. Porter, of Indiana, Minister to Italy, and John A. Evander, of Illinois, to be Minister to Denmark.

It is not generally known, but nevertheless it is said to be a fact, that a considerable colony of lepers exists in Southern Louisiana. It is located in the almost impenetrable swamps near the coast. The disease is almost entirely confined to the descendants of the Acadians. When one is taken with it he leaves his friends and family and goes to the settlement in the swamps.

STATE NEWS.

FROM THE DEEP BLUE SEA TO THE GRAND OLD MOUNTAIN.

An Hour Pleasantly Spent With Our Delightful Exchanges.

A shoe factory is talked of in Durham. A seal was captured below New Bern last week.

A twelve year old boy in Salem weighs 186 pounds.

The farmers around LaGrange are buying no fertilizers this year.

Pitt county farmers are using less guano this year than ever before.

The Agricultural and Mechanical college will be completed by the middle of August.

Friday morning last the jail at Jackson, Northampton county, was burned to the ground.

Col. John S. Cunningham, of Pearson, will plant this year two and a half million hills of tobacco.

The value of railroad property in this State is fifty million dollars. It pays to the State a tax of \$25,000.

The matter of connecting Raleigh and Durham by telephone is again being revived after a short rest.

The citizens of Conctoe, Edgecombe county, have subscribed nearly enough stock for another oil mill.

It is estimated that 10,000 negroes have left North Carolina since the exodus from the eastern counties began.

Senator L. Wilson, of West Virginia, will deliver the annual address at the Wake Forest commencement in June.

Mr. George R. French, a highly esteemed citizen of Wilmington, died in that city on the 15 inst., in the 88 year of his age.

Dr. R. H. Lewis, of Kinston has been elected by a committee of the Dialectic Society, of the University, to deliver an address, before its members at the next Commencement.

There are now 219 students at Wake Forest college. Rev. Dr. Carter, of the First Baptist church, in Raleigh, will preach the sermon before the graduating class next June.

The Raleigh Graded School closed last Friday. No money to carry them on. It is thought an election will be held in Raleigh in May, to vote for or against additional taxation for continuing the school.

Auditor G. W. Sanderlin has received and accepted an invitation to deliver the literary address before the graduating class of the Chowan Baptist Institute, Murfreesboro, N. C., at the commencement June next.

As North Carolina has taken such a prominent part in the matter of a Southern Exposition, it is probable that Raleigh will be the place for the first meeting of the Southern Exposition Company to perfect a permanent organization.

Cape Fear and Yadkin Valley railroad has commenced work on its wharves on the river near Wilmington. When this road is completed from Wilmington to its connections in the northwest, it will be one of the most important lines in the State.

A terrific hail storm prevailed in Wilmington last Wednesday. The hail was as large as hen eggs. Ben Moore, a colored boy, eighteen years old, was caught in the storm, and so furiously was he pelted by these icy missiles that he died in a little while after reaching the house.

One of the most important industries in Rocky Mount, and one which has done a great deal of good towards building up the town, is the carriage and buggy works of Hackney Bros. By close attention to business, fair and honest dealings, and first-class work, they have made a reputation second to none in the South.

Opium & Liquor Habits Cured Without Nervous Shock or Distress.

Our Double Chloride of Gold Remedies for the Cure of the OPIUM and LIQUOR HABITS, have been on the market for 10 years, during which time they have never failed to make a Cure of either Habit, where they have been given even a meagre chance. We will Cure OPIUM Patients at their own homes in from 4 to 6 weeks, painlessly, and without loss of food, sleep or occupation. We easily Cure DRUNKENNESS inside of THREE WEEKS. Full proof of the above furnished, and Literature for the Cure of either Habit sent free on application. Address, THE LESLIE E. KEELEY CO., DWIGHT, LIVINGSTON CO., ILLINOIS.