

# THE DAILY JOURNAL.

VOL. I.

NEW BERNE, N. C., SATURDAY, APRIL 29, 1882.

NO. 24.

## LOCAL NEWS.

### NEW ADVERTISEMENTS.

GEORGE T. DUFFY—Notice to shippers. Mrs. S. F. STANLEY—Father Ryan's Poems.

Commissioner's court next Monday. Only three bales of cotton sold yesterday. Prices unchanged.

Garden peas were offered on the streets yesterday at 40 cents per peck. Mr. J. L. Rhem shipped some very fine onions and beans on the New Berne yesterday.

The city tax collector has collected over eleven thousand dollars for the current year.

Rev. F. D. Swindell will preach in the New Street Methodist Church Sunday morning and at night.

Some of the early planters in the Swift Creek section are plowing up and planting a second time.

The New Berne Daily JOURNAL is the liveliest corpse that journalistic gravestone has yet produced.—Greenboro News.

We are pleased to learn that our townsmen, Mr. George L. Wadsworth, has secured remunerative employment as steward with Dr. Blackhall in the Scarborough House at Raleigh.

Mr. J. W. Walker received a telegram from Oxford yesterday announcing the death of Miss Julia M. Mitchell who was there attending Prof. Hobgood's school. The funeral will be announced in to-morrow's issue.

The agent of the D. D. Line wishes us to say to shippers that there will be no steamer sailing on Sunday for Elizabeth City. The steamer New Berne will sail as usual on Tuesday at 2 p. m. See advertisement in another column.

Our neighbor city of New Berne, which has varied vicissitudes of fortune, once the "Athens" of the State; then the asylum of refugee and vagabond negroes, then almost one of the "cities of the plain," is reviving and putting on the habiliments of progress. Its manufacturing prospects are now very promising.—City Economist.

Passengers by Steamer New Berne April 27, 1882.

S. R. Street Jr., Fred Street and wife, Geo. H. Roberts, Mrs. A. Vyants, A. Johnson.

Meeting of the Bar. There will be a meeting of the bar held in the Court room this evening, at one o'clock, to draft suitable resolutions of respect to the memory of the late Judge Brooks.

Cheap Living. Our Lenoir citizens who are attending court here as witnesses claim that they can live cheaper here than at home. "Buy all we can eat for ten cents," said Eq. James Herring, and sometimes we don't pay that.

Big Potatoes. We have on our desk two new Irish potatoes, from the garden of Col. John D. Whitford, that weigh half pound. Beat them who can. They were taken from a quantity which he had dug on yesterday of the Early Rose variety.

Norfolk Peas. A gentleman who arrived on the steamer New Berne yesterday morning, direct from Norfolk, says the report that heavy shipments of Norfolk peas will be made by the middle of next week is a mistake. He says he is satisfied from his own personal knowledge there will not be over twenty boxes picked in the next ten days.

Marine News. The steamer New Berne carried out yesterday 1749 boxes of peas, 100 packages of eggs, beets, onions, cabbages and turnips, and cotton and naval stores.

The Defense is overdue. We learn that she has been delayed by a barge sinking in the canal.

The News cleared for Kinston yesterday evening with a load of oyster shell and general merchandise among which were several of Allen's cotton and rice cultivators.

Abuse. We have for some time been receiving complaints about the delivery of the JOURNAL in this city. Yesterday one of our friends from Kinston told us that he had just bought a JOURNAL from a boy on Broad street, near Eugene Tucker's, who had a bundle of papers under his arm. Now we had no one selling papers yesterday, and had one or two complaints about not receiving the JOURNAL. The conclusion we reach is that some boy follows behind our carriers, and when the paper is not pushed securely under the door, steals the paper for the purpose of selling it. The jail will probably make that boy's acquaintance if he does not amend.

### Quaker Bridge Road.

The board of directors of the Penitentiary were in session yesterday. They took some action relative to sending a force of convicts at an early day to complete the Quaker Bridge road, in Jones and Onslow counties. It will be remembered that last year the convicts were taken from this work, owing to the numerous escapes.—Notes & Observer.

We take great pleasure in publishing this extract from the Notes & Observer. We have been urging this matter in and out of season in the JOURNAL, and feel that we are entitled to some credit in accomplishing this work.

We urge now that the convicts be sent as soon as possible. The pocomin through which the road will run is dry now and the weather, just suitable for effective work. Fifty convicts, under a competent Superintendent, ought to finish the road in ninety days; and if sent at once the work can be finished before the hot and sickly season. Let them come at once.

### I Never Stole the Beer.

In the cross-examination of John B. Hill, on Friday, in the case of illicit distilling from Lenoir, the counsel for defense wanted to discredit witness and asked him about a little unpleasantness.

Attorney: Have you ever been indicted for stealing?

Witness: Never.

Attorney: Tell us about Blackledge Harper's yearling.

Witness: I never stole the yearling. John L. Williams and I were driving up my cattle and one of Blackledge Harper's yearlings followed us home. Williams killed him and I got forty pounds of the beef from him, but I had nothing to do with the stealing. Williams, after killing the beef, slit the ears and changed into his own mark, and brought me to observe so that I could swear the yearling was in his mark; and I told him I'd do it, but I do certainly deny that I had anything to do with stealing.

Attorney: Were you ever indicted for obtaining money under false pretences?

Witness: Never. Croom Stroud had me taken up for selling my own fodder.

### New Berne's Industries.

Occasionally we drop in to one of the many places of industries in this city—and right here we wish to say that we are surprised at the amount of manufacturing done here. We have already visited the Rice Mill of Mr. Elijah Ellis, which has a capacity of cleaning about four hundred bushels per day, and has already made a good market for rough rice, and the extensive Wood Plate Factory of Captain S. H. Gray, which will soon be turning out one hundred thousand plates per day, and employing over one hundred hands. Yesterday we visited Major Dennison's

### COTTON SEED OIL MILL.

and were shown through by the Major himself. He perhaps gins more seed cotton than any other ginner in the State. His machinery is driven by a 75 horse power engine, using a 120 boiler. The seed first pass through a screen on the lower floor, which takes out the sand, sticks, rocks or any other trash, and are then carried by an elevator to the huller on the upper floor. After the hulling they go through a screen which separates the hull from the meat, the hull being blown out to one side, which are sold for \$5 per ton, while the meat drops into a barrel below. The meat or germ is then taken to the press room and passed between two rollers, which mashes them perfectly fine. They are then thrown into the heater and kept twenty minutes and then go to the press—a certain quantity being put into each sack by simply turning a lever, and the sack placed into the press. There are three presses in operation now, and have the capacity of using about two tons of seed an hour. The oil goes from the presses into two large tanks, where it remains to settle, a pipe through which the exhausted steam passes keeping it hot. After it settles it is drawn off into barrels and shipped in its crude state.

"How many hands have you at work now, Major?"

"I have about ten at this business at present."

"Does it pay?"

"I hope to make it pay. Have not been running long enough to say—took a large amount of money to put in the machinery. If I had ten of those presses and material to work on I could make money. I have put these in to use in connection with my gin, so as to enable me to pay higher prices for seed cotton."

"What is this?" turning to a pile of honeycomb looking stuff to one side.

"That is the oil cake, which is ground up and fed to stock."

"Well, the raw cotton seed are good for feeding stock, and they are a splendid fertilizer; are they damaged in these particulars by this process; if so, to what extent?"

"The manurial value is not decreased at all, for the oil is not a manure, and the cake is a better food for stock than

raw seed; so it will pay a farmer to let me take the oil out of his seed, no matter whether he wants to use them as feed or manure."

"What is the yield per ton?"

"About twenty-five or thirty gallons."

"What is the oil used for?"

"I learn that it is now used as an article of food; after going through a process of refining it is used for lard, and I understand it is hard to detect it from real hog's lard."

"What is the oil worth per gallon?"

"In its crude state about thirty or forty cents."

We left the oil mill, thoroughly convinced that here is another institution that will, as it is extended, be a source of profit to the whole community; and, furthermore, we were impressed with the fact that it is an investment of Yankee capital that no one wishes to drive away.

The Major is an enterprising man. He has bought the old depot building, torn it down, and will use the lumber in making room for cotton next fall.

### Court Proceedings.

Friday was Lenoir day in the United States Court and the celebrated illicit distilling cases came on.

United States vs. J. B. Hill.—Illicit distilling. The defendant entered a plea of guilty.

United States vs. Asa Waller.—Illicit distilling.

John B. Hill, the defendant who had just pleaded guilty, was introduced as a witness for the Government: "I live in Lenoir county, on the south side of Neuse river. Am a farmer. I bought the still from Jack Palmer, and run it awhile in the woods near my house, and then put it in my smoke house.

I sold the still to Asa Waller, the defendant, and he told me he intended to run it. I moved away from there and Mrs. Moody, my wife's sister, moved in and run the still for Asa Waller. Asa was to pay her 25 cents for "singlings" and 50 cents for "doublings." I was around there afterwards and saw Asa carry meal to and take liquor from the still."

Cross examined: What kind of farming have I done in the last nine or ten months? Been farming in jail. Never was indicted for stealing a cow. Never was arrested for obtaining money under false pretences."

Mrs. J. B. Hill: "Am the wife of witness who has just testified. Saw Asa Waller carry meal to the still when Elizabeth Moody was running it."

W. A. Coleman: "I am the Commissioner that examined this case in Lenoir. Would have bound Elizabeth Moody over to court, but she fled before trial."

This closed the testimony for the prosecution, and the defense, represented by Messrs. L. J. Moore and J. F. Wooten introduced the following testimony:

Robert Harper: "I am a public miller in Lenoir county near where defendant resides. I sold him his meal for the year 1881—furnishing him a half bushel about twice a month during the year. The defendant's character is good: Hill's character is bad for lying and fussing."

Simpson Harper: Asa Waller's character is good; don't know about Hill's."

Nathan Hill: "I am a preacher; have known defendant and witness for many years. Waller's character is good; Hill's is pretty tolerably bad. I had him employed once and turned him off for lying."

Henry Cunningham: "I am a Minister of the Gospel. Waller's character is good; Hill's bad."

Lemon Smith: "Waller's character is good; Hill's bad."

Cross examined: "Can I give anybody's name who I have ever heard say Hill's character was bad? Yes, Mr. Heath said he had rogued him out of \$15. Anybody else. Yes, Dr. Bartleson said he was a liar and a disturber in a neighborhood. Anybody else. Haywood Waller says he is a liar. Do you want any more names?"

The case went to the jury after speeches from Messrs. Moore and Wooten for defendant and District Attorney Robinson for Government, and their verdict was, "not guilty."

United States vs. David Morton: Robbing Post office at Grantsboro: Plea of Guilty.

United States vs. C. L. Davis: For transporting whiskey distilled illicitly from his son to F. M. Haskins' store. Plea of Guilty.

United States vs. John E. Deaver: For carrying corn to illicit distillery for distillation.

John B. Hill testified that in the spring of 1879 he was running two stills for Wm. Perry and James Davis. The stills were in his kitchen, and defendant, John E. Deaver, used to furnish the meal used for making the whiskey. Witness was subjected to about the same line of cross examination as in the case of Asa Waller reported above, and

about the same character of testimony introduced as to character as in the Waller case.

After speeches from Mr. L. J. Moore for defendant and from Mr. Bagley for the Government the jury rendered a verdict of "not guilty."

Mr. Editor:—A correspondent of the News and Observer, "A," asks where a number of the Governors of North Carolina were born and among them Governor Spaight. I presume, of course, he means the elder Spaight, who, I can inform him, was born in the town of Newbern on the lot on the southeast corner of Broad and Craven streets, and on which now stands the handsome residence of Alexander H. Holton, Esq. Would "A" now oblige us by letting us know how many native North Carolinians were ever Governors of Virginia.

### Kinston Items.

The festival this week panned out about \$70 net for the young ladies engaged in it.

Judge Gilmer drove out to view his old battle ground on Thursday afternoon; to feed on memories of the past.

Windall Taylor was convicted of horse stealing on Thursday and has been sentenced to five years in the penitentiary.

Major Andrews, with a corps of engineers, commenced the survey of the proposed railroad from Kinston to Snow Hill, Wilson and Greenville on Thursday.

The skating rink is in full blast in Kinston, and is "all the go," just now. A person can see more of the "ups and downs" of life there in one evening than elsewhere in a month.

Messrs. Miller & Canady have had cast in their foundry a lot of iron posts to be placed around the monument erected in the Cemetery over the Confederate dead. They are cast in the shape of cannon and make a suggestive and suitable protection. The enterprise shown by the firm of Miller & Canady is worth a great deal to Kinston. In addition to keeping a general assortment of hardware their new addition of the foundry is destined to prove of great benefit. It is a great convenience to the public and we hope will prove remunerative to its owners.

AN INGENUOUS GATE.—Mr. Midaugh, of PENNSYLVANIA, has been exhibiting a model of an ingenious and useful contrivance, called "The Champion Entrance Gate." Any person on horseback, in a buggy or other vehicle, can open and shut the gate, going in either direction without any difficulty and without alighting. It is a great saving of time and labor. The gate is of easy construction and inexpensive; and is invaluable for a farm gate, and for a gate around public high ways. The right to use and construct this gate for Lenoir and Jones counties has been purchased by Nathan Stanley of Kinston.

### A Remarkable Fact for Edgecombe County.

A Superior Court has been held and there was not a single trial for larceny. No one goes to the penitentiary from this term of the court. There are only four occupants of the jail, and two of them were sentenced by the last inferior court. Crime is on the decrease—good magistrates and good judges having done a great deal in relieving the county from the costs of criminal suits. Another argument for the present method of electing magistrates.—Tribune Southerner.

### Digest of Supreme Court Decisions.

Bank vs. Simonton.

The managing officer of the bank of Statesville became indebted to the bank in a large sum of money which he used in the purchase of land, and died leaving a will devising it to his wife. Held, that the fund used in the purchase is the property of the bank and the land charged with its payment. The case of Attorney General vs. Simonton, 78 N. C., 57, approved as to the existence of the bank as a corporation.

Miller vs. Justice.

An interlocutory decree may be modified or rescinded during the pendency of the suit, upon sufficient grounds shown, to meet the justice and equity of the case.

Sumner vs. Candler.

The defendant in an action for money demand is disqualified to testify as to the time and place of signing a receipt by plaintiff's intestate in support of his plea of satisfaction. C. C. P., section 343. The competency of evidence is determined by the substance of the witness' answer and not by the form of the question put to him.

Hodges vs. Council.

A guardian appointed in 1841 is not himself protected by lapse of time against an action on his bond and for an account of the trust fund; but his sureties are discharged if the ward does not within three years after attaining majority call upon the guardian for a full settlement. Revised Statutes, chapter 65, section 7.

In such case only a presumption of payment arises within ten years after the right of action accrues (Rev. Stat., chap. 65, sec. 18), and it seems that the period of time for the presumption is to

be counted from the arrival of the several wards at full age, excluding the interval during which the statute was suspended.

Russell vs. Rollins.

Unreasonable delay cannot be imputed to a defendant for failing to obtain his discharge in bankruptcy, where it appears that he was prevented from so doing by opposing creditors, and where the record does not show it was his fault that no action was taken in the case for two terms of the district court.

Signon vs. Hawn.

In a proceeding for dower, when the land is treated by the parties, and recognized by the court as belonging to the estate of the deceased husband, and the title as being in his heirs, the judgment rendered is conclusive between the parties and those claiming under them; and hence the widow in such case will be estopped from setting up title to herself in the land embraced in the proceeding. (This action is remanded, to the end that additional facts may be found.)

Best vs. Clyde.

A motion to strike alleged improper matter from a complaint will not be considered after answer or demurrer, or even after an order for time to plead. Nor will an appeal lie from a refusal to grant such motion.

Ruffin vs. Harrison.

The decision in this case reported in 81 N. C., 208, affirmed. And it is also held that where the same person is administrator and guardian, the balance in his hands as administrator, ascertained by judgment and directed to be applied to the ward's debt, is presumed to be held by him as guardian. The transfer of the fund is the work of the law, and it occurs and extinguishes the debt due from the administrator *instantly*.

The exception that the administrator did not at any one time have enough money raised by sale of land to pay the ward's debt, is untenable, because, by the terms of the decree, the payment of the debt is directed to be made out of assets then on hand and such as should come to hand, the sale of the land being partly for cash and partly on time.

Hackett vs. Shuford.

1. Money received by a husband, prior to adoption of constitution of 1868, from sale of wife's real estate, belongs to him absolutely, unless at the time he received it he agreed to repay it to her, and got possession of it upon the faith of such agreement. And proof that the wife requested her husband to invest the proceeds in the purchase of other lands, but expressed no wish that the purchase be made in her name or for her benefit, is no evidence of such agreement.

### STATE NEWS.

#### Gleaned from our Exchanges.

Tobacco Plant: Graded school is all the talk on our streets. The report of a riot on wheat southeast of Durham has been confirmed. The rarest thing on record is the skating rink for the colored people. It is said to be equal to John Robinson's circus.

Elizabeth City Economist: President Phillips with Manager M. K. King passed over the road Saturday enroute for New Berne, with a pleasant party. There is not much corn shipped from this section just now, owing to the farmers holding back for better prices.

Evening Visitor: Col. W. L. Saunders has gone to the Warm Springs. Eight wagons on Martin street this morning contained 28 bales of cotton. Those enterprising druggists, Messrs. Puscued Lee & Co., received a letter by post yesterday at noon, all the way from the West Coast of Africa, containing an order for drugs, amounting to one hundred pounds sterling.

Free Will Baptist: Elder J. S. Cummings will preach at the new church at Core Creek the fourth Sunday in May. We have met several of our brethren in the City this week. Among them was brother Nathan Hill of Lenoir county. Elder Henry Cunningham and J. S. Cummings called on us Tuesday. Elder Cunningham is here in attendance on United States' Court.

Will Review: Mr. J. W. Branch eat snap beans out of his garden on yesterday. He dug Irish potatoes on March 20th. Early. Some of the truckers hereabouts were apprehending a frost last night. We sold one of them 1,000 old newspapers with which he covered his gardens. There was a severe gale at Smithville, yesterday, the wind blowing at one time at the rate of 70 miles per hour which was the force of a hurricane. There was no damage reported save an interruption to the telegraph lines and those were repaired yesterday morning.

Winston Leader: The Salem Silver Comet Band will make the music at Trinity commencement. The graduating class of Salem Female Academy numbers twelve young ladies. Salem Chapel Township gives a majority of thirteen in favor of the fence law.

Mr. J. R. Joyce has given us a briar that grew upon his father's plantation, in Stokes county, which measures 19 1/2 feet. \$20 per year for each hydrant is what the town will pay for the use of water. The number of hydrants are not to exceed fifty. Winston is busy. On every hand new improvements are noticeable. Ground has been broken on Liberty street, north of the Post Office, by Mr. J. A. Billing, for a block of buildings.

Mr. J. C. Buxton is having the foundation arranged for another block on the lot north of the jail, on same street. All is life and animation and we take it that a new era of prosperity is dawning on Winston.

### MARRIED.

STREET-TISCHNER—At the residence of the bride's father, Chelsea, King William county, Va., on Tuesday, April 25, inst., by Rev. Father D. Vandevyer, Mr. F. D. Street to Miss Virginia Tischner.

### CITY ITEMS.

This column, next to local news, is to be used for Local Advertising.

A few handsomely bound copies of Father Ryan's Poems for sale at Mrs. S. F. Stanley's book store, Pollock street.

### Registars Books Opened.

The registrars books of the several wards are now opened at the voting places and will remain open until Saturday night. The following are the Registrars and voting places: 1st Ward, Benjamin O'Neal, W. G. Brinson's office; 2nd Ward, R. D. Hancock, City Clerk's office; 3rd Ward, P. Holland Jr. P. Trenwith's shop; 4th Ward, A. L. Bynum, Bynum's store; 5th Ward, J. G. Hargett, E. G. Hill's office.

The JOURNAL office is now prepared to do Job Work. A full supply of Blank Deeds, Chattel Mortgages, Lien Bonds and Magistrate's Blanks always on hand. apr15-2t

### COMMERCIAL.

#### NEW BERNE MARKET.

COTTON.—Middling 11 1/2. Low Middling 10 1/2. Good Ordinary 10. Ordinary 8 1/2. Sales 3 bales.

TERPENTINE.—Yellow dip \$3.00. Scrap \$2.00. No sales.

TAR.—\$1.50 to \$1.75.

RICE.—\$1.10 to \$1.20. Nothing doing.

CORN.—97c. in sacks; 93c. in bulk. Very little in market.

PEAS.—\$1.35.

COUNTRY PRODUCE.—Bacon—hams 12 1/2, shoulders 9, sides 10; Lard 13; Meal—unbolted \$1.05; bolted \$1.10; Fresh pork 9c. and 10c. Beef—stall fed—8 on foot, grass fed 5 1/2 to 6. Potatoes—yam 50. Eggs 10 1/2; Hides—dry 10a12c; green 5c. Beeswax 20c. Chickens 60c. 62c. per pair. Folders \$1.50 per cwt.

Reported Expressly for New Berne Journal.

#### DOMESTIC MARKETS.

BALTIMORE, April 28.—Flour steady; Howard \$3.25; extra \$3.40; family \$3.50; City Mills superfine \$3.50; do. extra \$3.60; Rio brands \$3.75; do. \$3.80; southern quiet and steady; western lower and dull; southern red \$1.35a1.40; amber \$1.45a1.50; No. 3 western winter red spot \$1.41a1.42. Corn—southern steady; western lower; southern white 91a92c; do. yellow 87c.

BALTIMORE, April 28.—Night.—Oats a shade better; southern 55a56c; western white 57a58c; mixed 56a57c; Pennsylvania 55a56c. Provisions steady. Mess pork \$18.50a19.50. Bulk meats—clear rib sides packed 84a11c. Bacon—shoulders 9 1/2c; clear rib sides 12c; hams 14a14 1/2c. Lard—refined 12c. Coffee steady; Rio cargoes, ordinary to fair, 8a9c. Sugar firm; A soft 9c. Whisky steady at \$1.22a1.23.

NEW YORK, April 28.—Cotton—Net receipts 148 bales; gross 965 bales. Futures closed very dull; sales 43,000 bales. April 12 25a12 3/4; May 12 26a12 3/4; June 12 28a12 3/4; July 12 29a12 3/4; August 12 27; September 12 27a12 28; October 11 66a11 68; November 11 46a11 48; December 11 46a11 48.

NEW YORK, April 28.—Cotton quiet and steady; sales 1,059 bales. Uplands 12c.; Orleans 12c. Consolidated net receipts 1,146; gross 14,635; exports to Great Britain 10,333; to France 941; to channel 2,482.

Coffee unchanged in price and trade moderate; sales of Rio at 9c.; low ordinary Rio, May, \$7.30. Sugar unchanged and dull; sales of centrifugal at 9c.; muscovado at 7 1/2; fair to good refined quoted at 7a7 1/2c; refined stronger. Molasses unchanged and dull. Rice fairly active and firm at 34a35c. Rosin dull and weak at 60a61c. Turpentine higher and firm at 60a61c. Wool dull and weak; domestic fleece 33a34c.; Texas 14a29c. Pork less active and held very strong at \$17.75; new quoted at \$18.25; middles quiet and very strongly held and quoted at \$11 for all cuts. Lard opened rather weak, closing strong and fairly active at \$11.37 1/2.

CHICAGO, April 28.—Corn irregular; 71a71 1/2c. for cash; 71a71 1/2c. for May. Pork—demand fair and prices higher, \$18.10.

WILMINGTON, April 28.—Spirits of turpentine firm at 50c. Rosin steady; strained \$1.85; good strained, \$1.90. Tar firm at \$2.10. Crude turpentine not quoted. Corn steady; prime white 97c.; mixed 93c.

#### FOREIGN MARKETS.

LIVERPOOL, April 28.—Cotton steady; uplands 61-16; Orleans 61; sales 12,000 bales; speculation and export 2,000; receipts 13,500; American 12,000.

### NOTICE TO SHIPPERS.

The steamer Trent having been hauled off for the purpose of cleaning and painting, will not make her usual trips up Neuse and Trent rivers the coming week. GEO. T. DUFFY. apr 29-ft G. F. A.