

LOCAL NEWS.

Journal Statistics Almanac. New Berne, latitude, 36° 9' North, longitude, 77° 9' West. Sun rises, 6:51. Length of day, 11 hrs. 58 min. 10 hours, 47 minutes. Moon rises at 1:30 p. m.

BUSINESS LOCALS.

FOR SALE CHEAP—A brand new Sewing Machine. Best make of "New Home" with extra attachments. Apply at this office. Feb 12 31. J. Gray Run, Shipper Grain, Hay, Pans, Seed Oats and Rye a Specialty, 14 & 16 North Street, Norfolk, Va. Fertilizers, Lime, Plaster, Cement, Glass, Paints, Varnish and Oil at low prices. Agency for Tinsmith & Co's Punch 5c. and 10c. Fine Cigars. Jan. 18-19 W. L. PALMER. A full line of Plows, Harrows and Cultivators for sale at the lowest prices. GEO. ALLEN & CO. The steamer "Plymouth" arrived yesterday from Norfolk. She takes the place of the Elm City while the boiler of the latter is undergoing repairs. The Eastern Despatch. A telegram from Mr. E. F. Warner, vice president of the Wilmington Steamship Co., stated that the steamer "Plymouth" was expected to arrive here on Feb. 15. They are expected to arrive on Feb. 15.

that the complaint fails to allege that the relator received a majority of the legal ballots cast at said election; 4th. In case of Hancock vs. Hubbs, in which appears in complaint that according to returns filed with the board of canvassers by the various precinct boards of election from all the precincts in the county the relator did not receive a majority of votes cast. Mr. Clark briefly stated the grounds upon which the relator would rely, which were that the canvassing board possessed, by the election laws, judicial functions, and that under this they had a right to determine what were legal ballots and that their decision was final.

H. R. Bryan, Esq., began the argument on behalf of the relator. He combated the idea that judicial powers had been conferred upon the board of county canvassers. The election laws were the same in substance now that they were before the interpolation of the words "judicial" and "legal." It was held that the board of canvassers could judicially determine such cases, parties interested would have a right to be present with their counsel, to subpoena witnesses, and when election cases were gone into in this manner it would be difficult to ever determine who was elected. No court in this county nor even the King's Bench of England had ever exercised such powers as that exercised by the board of canvassers of Craven county. Even the State board of canvassers had declared that they had no right to go into an investigation of this matter, which was before them in the form of affidavit from this county.

Mr. Clark: Do you propose to inject into your argument the opinions of outsiders? Mr. Bryan: I am merely stating facts that have been published in the newspapers, and the Attorney-General himself told me that the State board decided that they had no power to investigate. Mr. Clark: If you propose to make that a part of your argument, then I propose, in reply, to tell what the commissioners who prepared this code say they meant by inserting the words "judicially" and "legal" in this section.

Judge Shipp: That is altogether outside of this case. Mr. Bryan: Then I will not press that point any further. But the framers of the constitution never intended to create such a court; if it is a court a man whose rights are to be passed upon should have a day in court; should be represented by counsel, if he wishes, and introduce testimony. These relators have had no day in court; this chamber met and deprived them of the dearest rights of a free people without giving them an opportunity of being heard, and the idea that there is no appeal from such a court is simply monstrous. The constitution defines what courts may be established by the legislature, and if the board of canvassers is a court it must be either one for the trial of civil causes or for special proceedings.

Mr. Bryan continued his argument upon this line, citing authorities to sustain his position. Mr. Stevenson arose and said he would not fire the court. "I am not tired," said Judge Shipp. He felt that every freeman in the land was concerned in this matter. It was a very serious case between Meyer Hahn and Daniel Simpson as to who should hold the office of sheriff, but one in which every man was interested. He read from McCreey on elections, which he said expressed his sentiments on the subject. The points of the case was: have the voters a right to demand that their ballots shall be counted as they are cast? He recalled the fact that "but a few weeks ago we were here as attorneys representing our clients, as we were in duty bound to do, but we could not do so."

Mr. Clark: Do you propose to be outside the record? Mr. Stevenson: I propose to be inside the record. The fact that we were here as attorneys representing our clients, as we were in duty bound to do, but we could not do so. Judge Shipp: There, there; that is outside; here is your case pointing to the demurrer.

Mr. Stevenson: "Yes, your Honor, but I am endeavoring to show that the demurrer is frivolous." Upon this point, that the canvassing board had judicial powers, he read several authorities, and said that if the old laws that once adorned the Statute Book of North Carolina could be read and heard it is apparent that the Legislature had by the interpolation of the word in the statute, established a court composed of men unlearned in the law, with no provision for counsel from its decision, with powers to pass upon the rights of citizens

without giving them a hearing, denying to them the right to be represented by counsel, they would exclaim, thank God that we died before such courts were established. Mr. Stevenson delivered portions of his argument with much feeling and eloquence. Mr. Clark: Do you propose to be outside the record? Mr. Stevenson: I propose to be inside the record. The fact that we were here as attorneys representing our clients, as we were in duty bound to do, but we could not do so. Judge Shipp: There, there; that is outside; here is your case pointing to the demurrer.

Mr. L. J. Moore discussed the position of the demurrer which referred to the relator Hancock against Hubbs. He argued that if the inspectors of election had returned so many votes for Robert Hancock, and so many for Robert Hancock, it was the duty of the canvassing board to count them, but as it was clearly a clerical error, the relator's rights ought to be given him in this court. Upon the powers of the canvassing board he argued eloquently and feelingly declared that if they could say why was elected and who was not it was no use for the people to assemble and cast their ballots, but simply let the canvassing board assemble once in two years and say who should have the offices.

W. E. Clarke, Esq., arose. Judge Shipp: I don't care to hear any further argument about the canvassing board having the power of a court. Mr. Clark: I merely wish to point out I endorse the arguments of my associates. Judge Shipp: I have had a similar case before me recently and I cannot think that the legislature intended to grant such judicial powers to the board of canvassers; but, gentlemen, I cannot hold that this demurrer is frivolous.

Mr. Clark: Then your Honor does not care to hear me. Judge Shipp: No, you are going to carry it to the Supreme Court anyhow so I will save you the trouble of making a speech. The demurrer is overruled, but I will not declare it frivolous. The chief question in the State differs about this question. As to the demurrer in the case of Hancock vs. Hubbs, I will consider that.

Mr. Clark gave notice of appeal, the relators waived notice. Mr. Clark, the leading counsel for the defendants, appeared perfectly satisfied with the decision of his Honor, and feels confident that he will win the case in the end. As he did not have an opportunity of applying to the arguments of the able counsel on the other side, we deem it but justice to him to state that he says he was fully prepared to meet them upon the legal points in the case, and as for the patriotism thrown in in the course of the arguments he will be prepared to meet them when the case comes up upon the merits of fact. He will then show that it is as important to protect the rights of citizens at the ballot box as before a canvassing board.

The mortality among children the past month has been enormous. Diphtheria is now the destroying angel. Let all well-meaning parents protect their helpless little ones, and always keep on hand a bottle of Dr. Bull's Cough Syrup.

La Grange Items.

Spring approaches; the smell of fertilizer is in the land. Mrs. Gardner and Miss Bettie Patrick, from near Bell's Ferry, are visiting in our village. Seven carts and one wagon, loaded with fertilizer, left our place in one drove last Monday.

The dedication of the Disciples church in town has been deferred till the 4th Sunday in this month. February 14th, St. Valentine's day. Many have been made glad and many have been made mad.

Rev. W. E. Swain preached at the M. E. Church here last Sunday at 11 o'clock a. m. and at night, and at the Davis College at 4 p. m.

Fertilizers pay if three things are favorable: If the article is genuine; if the season is favorable; and if it comes for a good price. It is wise to depend on an article that depends on so many "ifs."

We would like to see our farmers rouse up and organize a farmers' club, revive the old Grange, or do something of the kind. They have the talent and the will to do any class of citizens in the community.

Last Friday was a windy day and one of many accidents. A sheep near Falling creek had a leg and arm broken by a falling tree. Mrs. Thomas Jones was seriously hurt by falling out of the door, and a child of M. Pally was badly hurt in the same way, by saying nothing of the eyes that had been blown in them.

THE GENERAL ASSEMBLY.

Special to the JOURNAL. HALEIGH, Feb. 15. SENATE.

The bill to use convicts in working public roads was taken up. A great many amendments were offered, and finally all were voted down. Finally by a vote of 28 to 18 the bill passed on its second reading. As passed it provides that any convict which after suitable and lawful notices can upon application to the penitentiary receive such convict as an inmate from said counties for terms of ten years or less. These convicts so granted to counties are to be used in working upon public roads. The effect of this bill, if it becomes law, will be in a few years to take all the convicts out of the penitentiary save those sentenced for high crimes and for long terms. The bill only applies to such convicts as may hereafter be received. Counties are to pay for their support.

The Senate indefinitely postponed the bill to repeal Wake stock law. The vote was 18 to 18.

HOUSE.

The following bills were introduced: To grant the purchase of a farm by the penitentiary authorities. For the better regulation of the penitentiary. To require magistrates to furnish licenses to persons of color.

To allow Wayne county to work its own convicts on its public roads. The following bills passed final reading: To enhance the value of the State's interest in the North Carolina and Atlantic and North Carolina railways, by aiding them in constructing branch lines.

SPECIAL ORDER.

The House took up the act to raise revenue and went into committee of the whole thereon, with Mr. Doughton in the chair. The bill was taken up by sections and considered on its second reading. It provides for a tax of 23 cents on the \$100 valuation of real and personal property and 60 cents on the poll for educational purposes. The bill is a long one, 18 pages, and with 48 sections. Pending discussion the committee rose and reported progress to the House.

The use of the house was granted for tomorrow night, at which time the farmers' committees and the House committee on agriculture and education will be present. At 10 p. m. the House adjourned.

At the Meeting.

You are feeling depressed, your appetite is poor, you are bothered with headache, you are nervous, nervous, and generally out of spirits, and want to brace up, brace up, but not with stimulants, spring stimulants, or bitters, which have for their basis very cheap, bad whiskey, and which stimulate you for an hour, and then leave you in worse condition than before. What you want is an alternative that will purify your blood, start healthy action of liver and kidneys, restore your vitality, and give renewed health and strength. Such a medicine you will find in Electric Bitters, and only 50 cents a bottle at R. N. Duffy's drug store.

Kinston Items.

Shirley Smith carried three convicts to Raleigh Saturday morning, one white and four colored. Col. A. C. Davis of LaGrange was in town last week, and says he is going to mention.

T. L. Williamson, cashier of the bank, left for the northern States Monday morning on business connected with the bank.

The house of the late L. H. Fisher was burned Saturday night, and the contents of the house were destroyed.

Hon. M. A. Gray spent Sunday with his family. We are pleased to know he has secured twenty-five convicts for grading and widening the new road.

"Lucy," a pet monkey, the property of J. L. Killebrew, had been spending a few days in town. Quite a striking likeness between her and—Oh you Hussy! She is a particularly fond of peanuts and up to all kinds of tricks.

"I love it, I love it, but she shall have, to change her ways, but let it all end in a chair."

Why make such a fuss about it when you can buy her for the price of only one of your birds?

Birds come here of late, but they are scarce. We are friends of the dog, and suggest to the owners of the dogs, in order to protect the lives of the sheep or home as their dogs, to keep them well.

The hobby-horse man has been in the city for the past week, and the delight of the small boys, and by the way to some of the larger ones also, and was quite a success, financially and otherwise till Sunday morning's appearance; then such a crash as was never known before.

Z. Edwards sold S. H. Abbott, on Monday, twenty-five sixteen months old weighing six hundred and one pounds. If the farmers would do more of this and buy less fertilizers the condition of the country would be much better.

Mr. Chas. William Holland has a certificate awarded him for bravery on the 15th of July, 1862, at the Falls of Calabogie. It is printed on parchment and well preserved. The signature of President Grant is on it, and Secretary of War W. L. Mary made it known by the old veterans. He is entitled to a pension from the Mexican war bill. He is now in the city and he may see some of our readers.

NEWS NOTES.

Police Captain Henry L. Jewett, of Brooklyn has been missing since Sunday.

The national line steamer "Holland," whose propeller was broken, has arrived safely at Queenstown.

James McElroy was yesterday sentenced at Henderson, Ky., to hang on May 18 for the murder of Walter Mart last fall.

David Graham shot and killed Rev. Frank Burns near Danville, Ky., Friday night. The trouble grew out of an old feud.

A number of agents of the French Government are making large purchases of timber in Bohemia to be used in the construction of barracks.

The Hotel Continental in Berlin, which was reported to have been burned yesterday, was built in 1885 at a cost of \$1,000,000.

The ballot for Senator in the West Virginia Legislature showed no material change. It stood, Camden (Dem.), 34; Janney (Greenback Republican), 32, remainder scattering.

Various merchants and tradesmen of Augusta, Ga., are using the General Executive Board of the Knights of Labor for bills aggregating \$8,000, incurred by strikers during the recent lock-out there.

The coal companies' officials at New York are much amused at the order issued by District Assembly 49 Friday night, declaring the strike off and instructing the men to return to work.

COMMERCIAL.

JOURNAL OFFICE Feb. 15 5 P. M. COTTON.

Table with columns for New York, Feb. 15 Noon, and Futures steady. Sales of 42,000 bales. February, 9.44 August, 9.83 March, 9.45 September, 9.68 April, 9.54 October, 9.43 May, 9.65 November, 9.35 June, 9.70 December, 9.25 July, 9.77 January, 9.25

Spots steady; Middling 9 1/2; Low Middling 9 Good Ordinary 8 1/2

New Berne Market quoted. Sales of 19 bales at 7 1/2 to 9.

Middling 8 7/8; Low Middling 8 3/4; Good Ordinary 7 7/8.

DOMESTIC MARKET.

Table with columns for Seed Cotton, Cottonseed, Turpentine, Tallow, Oats, Corn, Rice, Beans, Peas, Potatoes, Eggs, Fresh Pork, Peanuts, Potatoes, Onions, Field Peas, Hides, Apples, Flour, Lard, Chickens, Meal, Oats, Turkeys, Potatoes.

E. H. & J. A. Meadows

OFFER FOR IMMEDIATE ORDERS, at their Warehouse,

- 500 Tons Kainit, 200 " Phosphates, 100 " Pocomoke, 100 " Pine Island.

RED LIGHT SALOON,

Near Market Dock, Middle St., NEW BERNE, N. C.

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Of every variety, in large or small quantities. Also the FINEST GRADES OF

TOBACCO AND CIGARS.

All of which will be sold

CHEAP FOR CASH!

JOHN D. DIXON, Salesman.

Private Boarding House

Mrs. J. M. HINES, Jr., Proprietor.

K. W. SMALLWOOD, CO. LOVELL

Smallwood & Slover

DEALERS IN GENERAL HARDWARE, PAINTS, GLASSWARE, CROCKERY, GLASS PAINTS, OILS AND STOVES. PRICE AND QUALITY. Middle Street, Next Door to Hotel Albert.

Horses and Mules.

CAPE W. A. ENLOS who have another drive of fine Western North Carolina Horses and Mules, all broken at the

GASTON HOUSE STABLES,

Friday, the 18th instant.

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The Old Dominion Steamship Company's Old and Favorite Water Route, via Albemarle and Chesapeake Canal.

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For Norfolk, Baltimore, New York, Philadelphia, Boston, Providence, and all ports North, East and West.

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I Can't Help But Smile.



That Champion Plow bought of J. C. WHITTY pleased me so well.

Green, Foy & Co.

BANKERS and Commission Merchants.

SOUTH FRONT STREET, NEW BERNE, N. C.

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