Wilmington Journal.

VOL. 24. WILMINGTON, N. C., FRIDAY MORNING, SEPTEMBER 25, 1868. NO. 33.

THE WILMINGTON JOURNAL.

ENGELHARD & PRICE, Proprietors.

To whom all Letters on Business must be addressed

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Weekly Paper,	one year, in advance,	$3 00
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MARRIED.

At the residence of the bride's father, in Lumberton, N. C., Sept 9th, by the Rev. J. H. Coble, Mr. ARCHIBALD J. McNAIR and Miss KATE ROWLAND, daughter of Col. Jno. A Rowland.

On the 9th inst., at the residence of the bride's father, Valley of the Yadkin, Caldwell County, N. C., by the Rev. G W. Ivy, Hon. CLINTON A. CILLEY and EMMA S., daughter of Col. James C. Harper.

DIED.

In this city, on the 17th inst., Mr. MARCUS KLARY, a native of Bavaria, Germany, aged 59 years and 5 months.

Wilmington District.

4TH ROUND.

Magnolia circuit	Bryans	Sept	12-13
Clinton "	McGee's	"	19-20
Kenansville "	Charity	"	26-27
Wilmington, Fifth Street		Oct	3-4
Onslow Queen's Creek		"	10-11
Whitesville Swindle's		"	17-18
Cokesbury Halls		"	24-25
Bladen / Sont R. Miss.		" 31 Nov	1
Elizabeth		Nov	7-8
Smithville / Brunswick		"	14-15
Topsail		"	21-22
Wilmington Front Street		"	28-29

ASSESSMENTS.

	CON. COL.	B'PS. FUND	DR. DOUB.
Magnolia	$30 00	$12 50	$ 8 00
Clinton	30 00	12 50	8 00
Kenansville	30 00	12 50	8 00
Wil Fifth Street	37 50	15 00	10 00
Onslow	45 00	18 75	12 00
Whitesville	45 00	18 75	12 00
Cokesbury	30 00	12 50	8 00
Bladen	45 00	18 75	12 00
Elizabeth	45 00	18 75	12 00
Smithville	30 00	12 50	8 00
Brunswick	30 00	22 50	8 00
Topsail	45 00	16 75	12 00
Wil Front Street	75 00	30 00	15 00

The brethren will please give special attention to each of the above claims. Let there be no deficiency. God hath blessed us with bountiful harvests. Let us honor Him with our substance.

L. S. BURKHEAD, P. E.

Oldest Tobacco House in Wilmington,
HENRY BURKHEIMER,

WHOLESALE and Retail Dealer in TOBACCO, SNUFF and CIGARS,

Sign of the "Indian Chief," No. 6 Market Street,

WILMINGTON, N. C.

Cigars manufactured to order. All orders filled with dispatch.

nov. 5 32—d3m-wly

NOTICE.

THIS WILL CERTIFY THAT MY WIFE, SARAH ROGERS, left my bed and board without cause or provocation. Now this publication is to caution any person or persons from crediting her on my account, as I will not pay any debt contracted by her in any manner or form, &c., &c.

CHARLES ROGERS.

DUPLIN COUNTY, N. C., Sept. 15th, 1868.

sept 17 301-1td2tw*

WINCHESTER REPEATING RIFLES,

FIRING TWO SHOTS A SECOND, AS A REPEATER, AND TWENTY SHOTS A MINUTE AS A SINGLE BREECH-LOADER.

THESE powerful, accurate, and wonderfully effective weapons, carrying eighteen charges, which can be fired in nine seconds, are now ready for the market, and are for sale by all the responsible Gun Dealers throughout the country. For full information send for circulars and pamphlets to the

WINCHESTER REPEATING ARMS CO., New Haven, Conn.

sept 18 32-3m

MARRIAGE GUIDE.

BEING A PRIVATE INSTRUCTOR FOR married persons or those about to be married, both male and female, in everything concerning the physiology and relations of our sexual system, and the production and prevention of offspring, including all the new discoveries never before given in the English language, by WM. YOUNG, M. D. This is really a valuable and interesting work. It is written in plain language for the general reader, and is illustrated with numerous Engravings. All young married people, or those contemplating marriage, and having the least impediment to married life, should read this book. It discloses secrets that every one should be acquainted with; still it is a book that must be locked up and not lie about the house. It will be sent to any address on receipt of 50 cents.—Address, DR. WM. YOUNG, No. 416 Spruce street, above Fourth, Philadelphia.

☞AFFLICTED AND UNFORTUNATE.—No matter what may be your disease, before you place yourself under the care of any one of the notorious QUACKS—native and foreign—who advertise in this or any other paper, get a copy of Dr. Young's Book and read it carefully. It will be the means of saving you many a dollar, your health, and possibly your life.

Dr. Young can be consulted on any of the diseases described in his publications, at his office, No. 416 Spruce street, above Fourth, Philadelphia.

july 3 21-1y

CHARLOTTE FEMALE INSTITUTE.
CHARLOTTE, N. C.

REV. R. BURWELL, JNO. B. BURWELL, A. M. } *Principals.*

THE NEXT SESSION WILL COMMENCE ON the 1st of October, 1868, and continue until 30th June, 1869.

The Session is divided into two terms of twenty weeks each, and pupils can be entered for the whole session or for one term.

The charge for Board (including *every* expense, washing, fuel, lights, &c.,) with Tuition in English Branches, will be $130 per term of 20 weeks.

Music, Ancient and Modern Languages, Drawing and Painting, *extra*, at usual charges.

For Circular and Catalogue, containing full particulars as to terms, &c., address

REV. R. BURWELL & SON, Charlotte, N. C.

july 17 248—dtA1-wt01

AGENTS! AGENTS! AGENTS!

WANTED!—LADIES AND GENTLEMEN IN every town and city in the United States, to act as Agents for

AUSTIN & CO'S GREAT ONE DOLLAR SALE.

We are now selling a great variety of rich and valuable goods, consisting of *Dry Goods, Gold and Silver Watches, Carpets, Furniture, Silver Plated Ware, Cutlery, Fine Jewelry, Sewing Machines, &c.*, comprising nothing but useful articles wanted in every family, for **One Dollar Each**, which cannot be purchased in any retail store for twice that sum.

Our inducements to Agents are greater than any other House in the Trade. Send for descriptive checks in Clubs of Ten for $1, Thirty for $3, Fifty for $5, larger ones in the same ratio. Circulars, giving full information, sent free of charge. Parties desirous of acting as Agents will send in clubs, and receive in return for the same, Dress Patterns, Wool Blankets, Gold or Silver Watch, Woolen Carpet, Sewing Machine, Web of Cotton, and various other valuables, in proportion to the size of the club. Address

AUSTIN & CO., 106 SUMMER ST. BOSTON, MASS.

sept 4 30—w4t

NOTICE.

HAVING RESUMED THE TIMBER INSPECTING BUSINESS, I would be glad to work for all my old friends. I will continue to sell, free of commissions for all who may favor me with their patronage. Persons sending me their PRODUCE will receive prompt personal attention.

W. M. MONROE.

Wilmington, N. C., Sept. 4th, 1868.

sept 8 w3m

General Grant and the Jews—A Representative Israelite Speaks.

To the Editor of the World:

SIR: The Tribune of Saturday last publishes extracts from a speech purported to have been delivered by one Mr. Noah Green, "a leading Israelite," at Keokuk, Iowa, advocating the claims of General Grant for the Presidency. I am an Israelite; have been connected with Jewish affairs, literary, charitable, and religious, for many years; have met all the prominent Israelites of the country in public and private life, and am personally familiar with nearly all the Jewish communities in the United States, and yet this is the first time I have heard of Mr. Noah Green.—No such person is known as "*a leading Israelite*," and from the extracts of the speech given I am satisfied that if he claims to be an Israelite his claims are *bogus*.

An Israelite is a man, and no man "created in the image of his God" would submit to have his face "spit into" and himself "kicked," and afterward kiss the mouth and foot that inflicted this gross indignity. This Green says he would do, and vote besides to put such a Haman in office!

Moreover, I am convinced this Green is no Jew; for what Jew, or Christian either, would give utterance to sentiments like these. I quote from his speech: "Eighteen hundred years ago some leading aristocratic Jews committed a blunder," &c.—What blunder? The crucifixion of Christ? Now this fellow, if he knows history, knows full well Christ was not crucified by the Jews, but by the Romans, crucifixion being unknown to the Jewish law.

Again, this Green prates of the "cause of justice and liberty," says for this cause Jews must bury their indignation for Grant and vote to make him President! The cause of justice and liberty are, indeed, dear to the Jewish heart; for this they have sacrificed everything in the past but their honor. But the cause of justice and liberty are not represented by Ulysses S. Grant, either in his own person or that of the party he represents, who, whatever claims it may have possessed heretofore, forfeited all when they chose him for their standard-bearer. A man is to be judged by his acts. Not in the hey-day of his power, when the eyes of the world are fixed upon him, but when in comparative obscurity, he asserts the natural promptings of his nature. 'Tis then his true character for greatness is exhibited. 'Tis then the commanding qualities of his mind and heart appear in their naked and unaffected truth. In private life, in the domestic circle, at the head of a local society, or in command of a department, the true character of a man is likely to be manifested, and evidences revealed, that go to prove his claims to exaltation and higher trust.

Judged by this standard, how does General Grant appear? In 1862, at a time when a thought of the Presidency never flitted across his narrow intellect, he gave to the world evidence of his true character. Of the breadth of his learning, his statesmanship his Catholic views, his toleration, his magnanimity, his "justice," and his "liberty!

On the 17th of December, 1862, he issued the great order that placed his name alongside of those of the illustrious Henry III, of the 13th century, and Torquemada, the Spanish Inquisitor General of the 15th.—How brilliantly through the light of ages they shine! Let us read over this famous order, here it is:

"HEADQUARTERS 13TH ARMY CORPS,
"DEPARTMENT OF TENNESSEE.
"OXFORD, Miss., Dec. 17, 1862.

"GENERAL ORDERS No. 11.

"The JEWS, AS A CLASS, violating every regulation of trade established by the Treasury Department Orders, *are hereby expelled from the Department within twenty-four hours from the receipt of this order by Post Commanders.* They will see that ALL THIS CLASS OF PEOPLE are furnished with passes and required to leave, and ANY ONE returning after such notification, shall be arrested and held in confinement until an opportunity occurs of sending them out as prisoners unless furnished with permission from these headquarters. No passes will be given these people to visit these headquarters for the purpose of making application for trade permits.

"By order of Major-General
"U. S. GRANT."

Gracious and merciful General! More merciful than even the brilliantly enlightened Torquemada; he gave the Jews four months to quit the realms of Spain, but you, more magnanimous, more considerate, more just, gave them twenty-four hours! Not four months to prepare in misery, but four and twenty hours, that the agony of exile might not be thought of! Twenty-four hours to tear up their homes, remove their goods, their wives, their little ones! Twenty-four hours for the twenty-four years they had been building up in Mississippi, Tennessee and Kentucky, and other States, embraced in your Department, the wealth and prosperity of these great commonwealths. As a great historian said of the Jews of Ferdinand and Isabella, so could be said of these, "they were the most industrious, the most thriving, the most peaceable, and the most learned" of citizens. And yet were these to be banished! Banished in a single day! When this infamous order became known, a shock was given the cause of "liberty and justice" that reverberated throughout the civilized world.

Said the dusky Moor: "This from the hands of an American General?"

"What!" said the Moslem as he opened his Koran, "Is that what they call religious toleration?" "Why are the Jews *as a class* held to such fearful account?" asked the surprised Cossack in St. Petersburg.

Victoria and Napoleon felt secure in the affections of these people when they read this inhuman and atrocious mandate.

Every officer in the army who possessed a spark of the fire that animated the heroes of '76 blushed with shame as they heard of this infamous decree.

The army was made up from all the large cities and towns, of hundreds of Jewish volunteers, how joyfully they receive this mark of distinction! That the order was an outrage no circumstances, however perilous, would for one moment justify, was made manifest the instant it became known at Washington, and its immediate revocation was ordered by the President. General Grant has never recovered from the obloquy of that order, he never can. It will "stick" to him like the shirt of Nessus. No Israelite who honors his race, no lover of freedom who believes in "civil and religious liberty" can uphold or sustain the man thus guilty of violating the most sacred principle known to humanity! The brain that conceived, the heart that executed such an outrage is not fit to be trusted with the rights and liberties of a great people. The cowardly scoundrels attended on the miseries and misfortunes of war limited to no religious denomination. These "vultures" were devoid of all religion. But if in General Grant's department there was a preponderance of those who violated every regulation established by the Treasury Department orders, it was with those who professed (though they outraged) Christianity.

I will not accuse General Grant of being personally connected with any of the many and various cotton robberies perpetrated in his department, nor will I implicate him as being directly or indirectly interested in the pecuniary results growing out of these enormous frauds, but I here allege, and am ready to prove, that many of his officers were so interested, and the relations of his own father with a firm in Cincinnati have been made notorious through the courts of that city. How far he permitted himself to be made the tool of these bad and corrupt men, his infamous order clearly demonstrates. A man who cannot be trusted to decide upon the justice of a case so transparent, is surely not to be allowed to occupy a position of such vast responsibility as that of the Chief Magistracy of the Republic. He would again become the tool of evil and designing men and it is impossible to calculate the extent of mischief, if not ruin, he would be capable of inflicting. The Jews of the United States fully realize the whole question presented in this great contest, and their vote will be cast solid, with rare exceptions, against Ulysses S. Grant! Not as Jews, will Jews vote, but as citizens, native and adopted, loving civil and religious liberty, and ready now as ever to do battle in their sacred cause, whether for their own preservation or that of any other denomination. The Jewish vote in the States of Ohio and Pennsylvania will decide the hitherto close elections in those States, and give their electoral vote to Seymour and Blair, while in New York and all other States their votes will go to swell the Democratic majorities.

AN ISRAELITE.

STATE NEWS.

RECEIPT IN FULL.—Mr. Wm. Sugg of Raleigh, announces his repudiation of the Rotten Radical party in the following pithy and pungent style:

RALEIGH, Sept. 14, 1868.

Received, of the Radical-Rebel-Republican party of North Carolina, despotism in lieu of liberty; negro supremacy, in lieu of equal rights; the administration of political injustice, in lieu of legal justice; increase of taxation, in lieu of decrease of taxation; universal ruin, in lieu of prosperity; no money instead of much money promised; everything bad and injurious, in lieu of things good. And having quit the rotten concern forever, this shall be, at law and in equity, in Rodman's, Tougee's or Watts' Court, or the Freedmen's Sideboard, a clear receipt and quit claim for all and every claim which I, or any other decent man, may have upon them, scallawags and carpet-baggers excepted.

Given under my hand and seal, at Raleigh, the 14th day of September, A. D., 1868, and in the year of our Independence the 93rd, and of Holden's carpet-bag, scallawag military reign, the I.

WM. SUGG.

FIRST DISTRICT.—At the Convention held at Edenton the 10th inst., C. L. Cobb, Esq., was nominated as the Republican candidate for Congress in the First District of North Carolina, and Hiram E. Stilley, Esq., of Beaufort county, was chosen Grant and Colfax Elector.

THE EDENTON RADICAL CONVENTION.—The Radical District Convention met in Edenton last week to put in nomination a Congressman for this District, and to the surprise doubtless of Monsieur French, and to the mortification of negrodom, succeeded in throwing this carpet-bagger overboard (poor French!) and putting in his stead one C. L. Cobb, of Elizabeth City, who, we believe, has nothing more to recommend him than a successful career of Scalawagism. His nomination caused a *bolting* on the part of the African members, who avowed to support Judge Barnes rather than this man Cobb. We did not learn the cause of their distaste to Cobb, but suppose it must have been their favorite was ignored.—Weldon *News*.

THIS CONGRESSIONAL DISTRICT.—A letter from Mr. Thos. J. Jarvis, the Elector for this District, dated Columbia, says:

"So far as I have information from this part of the District, the signs of times are truly encouraging. We will make large gains in Tyrrell, Washington and Currituck. I verily believe, with our continued efforts, we can carry the District."

This is indeed cheering news, and we trust that when Mr. J. visits us at our county mass-meeting in October he can be enabled to give us still more cheering tidings. We intend to do the best we can in this end of the District.—Weldon *News*.

AN IRATE HUSBAND AND A RAILROAD CONDUCTOR.—Yesterday morning, one of the train hands of the A. & N. C. R. R., caught the lately appointed radical conductor of the freight train, in improper intercourse with his wife, who came down with him on the train. The incensed husband sprang at the conductor, who, had he not made himself scarce in a very lively manner, would have suffered the castigation he so richly deserved. The man then turned upon his guilty wife, and inflicted summary punishment upon her offending person. The result of the affair was that the conductor paid a man to protect him from the infuriated husband, all the way from Tuscarora to the city. These are the facts as reported to us. Nothing else could be expected of a scalawag.—Newbern *J. of C.*

LIBERALITY.—Messrs. Williams, Black & Co., Commission Merchants, of New York, have tendered one-hundred dollars to the Democratic Committee of Halifax County, to aid in their anticipated Mass Meeting and Barbecue.

THE CHATHAM RAILROAD.—Is is stated that the agent of the Chatham Railroad has returned from the North with a pocket lined with greenbacks, and there will now be no difficulty in the passage of the bill. This opportune arrival of money it is expected will prolong the session to the 25th inst.—Charleston *News*.

STATE RADICAL TICKET.—The following are the Radical nominees for Congress so far as have been made: First District, C. L. Cobb, of Pasquotank; Second, D. Heaton, of Craven; Fourth, J. T. Deweese, of Wake; Sixth, N. Boyden, of Rowan; Seventh, A. H. Jones, of Buncombe. And the following are the Grant and Colfax Electors: For the State at large—B. Laflin, of Pitt, and J. W. Holden, of Wake. First District. H. E. Stilley, of Beaufort; Second, C. H. Brogden, of Wayne; Fourth, J. A. McDonald, of Chatham; Sixth, R. Barringer, of Mecklenburg; Seventh, W. S. Pearson, of Burke.

"JUDGE" WATTS' hung jury have been carted back to Warrenton. He has expressed his regret at his ignorance of the law, and will try to do better next time.

Reported Expressly for the Journal.

WILLIAM COX vs. SUSAN COOKE.

When it has been solemnly adjudicated that one is *dead*, no evidence can be heard to contradict the verdict, and it is regular in the County Court to grant administration upon his estate.

One whose acts give rise to a *lis pendens*, is a *party*, and the doctrine of estoppel, by the flexibility of the common law, applies equally to him as to those technically *inter partes*.

Motion to dismiss a *certiorari*, heard before Hugee, Judge, at Spring Term, 1868, of Wake Superior Court.

His Honor dismissed the *writ of certiorari* and ordered a *procedendo* to the County Court.

Quirk, Gammon and Snap for the Appellant.

Buz-fuz, Contra.

The facts appear sufficiently in the opinion of the Court.

Pearson, C. J.—The case is this and "nothing shorter:" At February Term, 1868, of the County Court of Wake, Susan Cooke applied for letters of administration upon the estate of William Cox, as his highest creditor. Notice had been regularly served upon the next of kin of Cox that the application would be made.

Susan Cooke filed her claim and proved her debt, on oath, before the Court.

The claim filed was in these words:

The Estate of William Cox, late J. P.,
To Susan Cooke, Dr.,
1865, June 15th. To Cash paid you a fee for going through the forms of matrimony with me and Joab Cooke.....$2.00

Cox resisted the application on the ground that he was not *dead*, and so the Court had not jurisdiction, but the Court being satisfied, upon record evidence, that the fact was otherwise, ordered letters to issue.

Cox craved an appeal.

The appeal was denied upon the ground that the right of appeal was given only to those who were *in esse*. Cox obtained a *certiorari* and brought the case up to the Superior Court, where the *certiorari* was dismissed and a writ of *procedendo* very properly ordered to the County Court, but very improperly, for the reasons given by the learned Judge below.

This is a dry question of law, and in the beautiful language of our brother, Reade, in State *vs.* Harris, 2 Phil. 3, "in considering the legal questions involved, we have not allowed ourselves to be influenced by the *cruel* and *inhuman* results of our decision adverse to the appellant. Mr. Oiley Gammon, in his labored argument, has endeavored to frighten the Court from its propriety by asking the question: "Is the Court going to make Sally Cox a widow, and Bull Run Cox, and Bulla Runna Cox, and Bethel Cox, and Bethelia Cox, and Rebel Cox, and Rebelia Cox, the children, orphans? The argument is "more plausible than strengthy." The maxim, "*argumentum ab inconvenienti, plurimum valet in lege*," which Mr. Gammon has pressed, and pressed, and pressed upon the Court, "availeth nothing." It is only in *doubtful* cases arguments drawn from inconvenience are of great weight. I, H. Bla. 61. This is not a doubtful case, but a plain case; therefore the argument has no weight. But this Court deals not with results, but with dry questions of law, and that upon "the reason of the thing." No mind accustomed to legal investigation would have asked a question so little pertinent to the issue. If Sarah Cook, "under the law," is entitled to administration upon the estate of William Cox, how can her right be adeemed, or in any way affected, by the fact that Sally Cox may be made a widow, or the rebellious little Coxes be made orphans? "*Fiat justitia, ruat cœlum.*" "We can only say, it is the province of the Courts to expound the laws, not to make them," as we, ourselves, replied to Mr. Merrimon, in Holmes *vs.* Sackett *et als.*, 2 Phil., 63, when he, too, "tried on" some of his *gammon* upon us, in asking "hard questions" that were about as pertinent as some that have been asked in this case.

"In the present condition of the Government and the Courts, and as the process of the Courts is now controlled," as our Brother Reade has so forcibly and beautifully expressed himself in Gibson vs. Groner, 2 Phil., II, there is no relief for William Cox, nor Sarah Cox, nor the other euphonious little Coxes, unless their "*disabilities*" be removed by the "Code of Practice and Procedure" which our Brothers, Tourgee and Rodman, are preparing in such leisure hours as they can devote from their arduous political and judicial duties.

Is William Cox dead?

That is the question; and to reply to it we have to "dip into" first principles, and "knuckle down" to the hardest sort of argument, and "try it on" and see if it don't "fit the case."

In Cooke *vs.* Cooke, 1 Phil., 587, it was solemnly adjudicated, after full argument by the distinguished counsel, Messrs. Bragg and Haywood for the appellant, and Phillips and Battle *contra*, who each brought to bear all the authorities from Sir George Croke, who wrote much in his Reports of the times of Charles, and John, and Elizabeth, down to General Schofield, and Sickles, and Canby of our own times, who wrote much more, that this same William Cox, who had been a Justice of the Peace, was killed off by order of General Schofield on the 27th of April, 1865.

It was there emphatically *adjudged* that he was *dead*. And not only this, but it is further *adjudged*. "This is settled in the matter of Hughes Ib. 57, Wiley *vs.* Worth, Ib. 171, and Haley *vs.* Haley, Phil. Eq. 180. And we ourselves in the same case well put it, that "The idea that after the State attempted to withdraw from the Union, had waged war for four years, and had been subjugated, the officers of the State, who had in the meantime disowned their allegiance to the United States, and *attorned* to the Government of the Confederate States, could the next day *turn around* and say "we will now discharge the duties of our respective offices, as if nothing had happened, is out of the question."

Now, if "it is out of the question" that Cox could not, the next day after the 27th April, 1865, even *turn around*, nor could say "we will now discharge the duties of our office as if nothing nothing had happened," *a fortiori*, is it out of the question in February, 1868, in the face of this "piled up" heap of record evidence of his death, that he could say he was not dead.

He is *estopped*. My Lord, Coke, says an estoppel is that which concludes and shuts a man's mouth from speaking the truth. "And it is called an estoppel, or conclusion, because a man's own act or acceptance stoppeth or closeth up his mouth to allege or plead the truth." 3 Co. Litt. 430. By which we clearly understand that when one has the misfortune to be once estopped, he can never speak the truth again as long as he lives.

Christopher Saint Germain, of the Inner Temple, a barrister of more extensive knowledge in the laws of his country than any one of his time, who wrote in 1518, "Doctor and Student," a work which so sheds its luminous rays, like a Calcium light, through the labyrinthian mazes of Estoppel, Formedon, Uses and Trusts, and Common Recoveries, and other kindred beautiful subjects, that a "mind accustomed to legal investigation" can walk in his ways as one who has for his direction a *blazed line* through our pine forests, illustrates and illumines the principle of estoppel thus: "If the daughter that is only heir to her father, will sue livery with her sister, that is a bastard, in that case she shall not be received to say that her sister is a bastard; in so much that if her sister take half the land with her, there is no remedy against her by the law."—Page 56.

"So, if A demises by indenture to B for life and afterwards by fine grant the reversion, the connusee shall estop B in a *quid juris clamat*, to say that A had nothing." 1 Rol. 368, L. 50.

"So, if a woman sues, or be sued as sole, and judgment is against her as such, though she was covert, she shall be estopped, and the Sheriff shall take advantage of the estoppel." 1 Sal. 310. R. 1. Rol. 369. L. 50.

And as husband and wife are one, we take it to be clear that the husband would be equally estopped, to claim his marital rights, and this though the husband was not a party to the suit.

Note the serious consequences of Estoppel:

That Cox, in the case before us is estopped, is "too clear for argument."

But Mr. Gammon says that Cox was not a *party* to the record in Cooke *vs.* Cooke, and so is not bound by the estoppel. Mr. Gammon knows little of the flexibility of the common law, and particularly of its adapting itself "in the present condition of the Government and the Courts, and as the process of the Courts is now controlled," not only like the bark of a tree to its trunk, even though it be a gnarled and twisted black jack, but of its power to throw out its antennæ and feelers like a great molluscous sea polypus, and draw to itself everything that is proper for food in order to "feed the estoppel."

A party, according to Webster, is one concerned or interested in an affair? If Cox is not concerned or interested in the decision in Cooke *vs.* Cooke, why is he now endeavoring to avoid the effect of that decision? "*Qui hæret in litera, hæret in cortice.*"

One whose acts give rise to a *lis pendens*, is a *party*, and the doctrine of estoppel, by the flexibility of the common law, applies equally to him as to those who are technically *inter partes*.

As I had occasion to say in the matter of Walton 9, Jones 441, "I feel that I have heard all that can be said on both sides of the question; and if I have failed to arrive at a correct conclusion, it is because the power of judgment with which nature has gifted me, aided by a life-time study of the principles of the law, does not enable me to make legal deductions."

There is no error.

Reade, Judge—Is William Cox dead?

"In the midst of life we are in death."
There is not an instant of time, but that
"Our hearts, like muffled drums, are beating
Funeral marches to the grave."

As when the sun, in approaching the gates of the morning, taps gently with his tiny rays at a window of Heaven, and sends away the spirits of darkness, and calls up the lark to his matins, and gilds the fringes of the clouds, and peeps over the eastern hills, and thrusts out his golden horns till he shows a fair face and full light, and perchance shines one day, often under a cloud, sometimes weeping great and little showers, and sets quickly—so is the life of man.

The Winter is full of storms and cold and darkness; the beautious Spring hath blasts and sharp frosts; the fruitful, teeming Summer is melted with heat, and burnt with the kisses of the sun, her best friend, and choked with dust; and the rich Autumn is full of sickness, and oftimes the deadly asp is concealed in her golden fruit.

"Leaves have their time to fall,
And flowers to wither at the North wind's breath,
And stars to set:—but all,
Thou hast all seasons for thine own, Oh! Death!"

In the garden of Eden, where our first parents wandered hand in hand, bride and groom, (Collins *vs.* Collins, 1 Phil. Eq. 155), with nought else to do, but each to strive in joy to anticipate the desire of the other, all things combined to charm the senses and make glad the heart. Here Adam and Eve, both in nature's sweetest garb, would seat themselves on the banks of the beautiful Hiddekel, which had its rise in Eden, and watch it as it rolled down its golden sands, and hear it babble with the onyx and bdellium stones, and see it dally with the lillies which playfully nodded, and ever and anon dipped their lovely heads far down into the stream as if playing "hide and seek;" and on the stream would go, dancing to its own music.

And then they would walk over beds of flowers, each encircling the waist of the other, with her golden curls thrown around his neck to bind him more closely to her, and as her tiny foot would press some blue-eyed violet, it would rise and bless her, and the breeze would come and stoop down and take its fragrance on its wings, and fly on its way singing through the trees. Thus they lived in a world of bliss, "under the best government the world ever saw."

In an evil hour they disowned their allegiance to Heaven and *attorned* to the serpent, and the result was that they both fell.

William Cox was living under the best government the world ever saw; he disowned his allegiance to the United States and *attorned* to the Confederate States. Shall he fare better than Adam and Eve?

I remember an incident which is very much like the one I had occasion to narrate in "the matter of Ambrose 1 Phil. 96," which is directly in point in support of one of the positions so well taken by the Chief Justice. When I was at the Bar, at the County Court of Granville, I was retained to defend a suit brought by a married woman in her own name, to recover for some knitting done for a neighbor, which had come up by appeal from a Justice of the Peace, and it appearing that she was a married woman, judgment was against her. I warned her, upon the authority of the case cited by the Chief Justice, 1 Sal. 310, R. 1, Rol. 369, L. 50, that she was *estopped*, and must never know her husband more, and especially that he must not know her. She cried much, but said not a word.—Upon inquiring it was found that she was an honest, industrious woman who had labored hard for her husband and children. Some gentlemen of the Bar suggested, as he who was her late husband could not support her without violating the doctrine of estoppel, that there should be a contribution to enable her to go to the poor house, and it was readily responded to by the Court and Bar, and the crowd, and a handsome sum was given to her, and she has been in the poor-house ever since, and we are happy to know that the doctrine of estoppel has not been violated.

For these reasons I concur with the Chief Justice.

From the Raleigh Sentinel.

The Congo War Dance.

We stated on yesterday, that we would have been glad if every white man in Western North Carolina, and, if possible, every white man North of the Potomac, could have been in this city on Tuesday and Wednesday, to have seen the material of which the Radical Mass Meeting was composed and the disgusting scenes which transpired. We have estimated the number of negroes present at 5,000, and the number of scalawags and carpet-baggers at between seventy-five and one hundred. We are certain that this estimate is, if anything, an exaggeration with regard to the number of blacks. Four thousand would probably be nearer the proper figure.

While we are disposed to give the mob which was here all due credit for abstaining from actual demonstrations of disorder or violence, (a fact attributable mainly to the circumstance that white people kept within doors and allowed the negroes to have the streets to themselves,) the hideous imprecations, oaths and drunken yells with which they rent the air, day and night, resembled more the orgies of Pandemonium than anything else of which we can conceive. Our ladies and children were kept in a continual state of apprehension by the horrid noises on the streets, and it was, to all law-abiding and peaceably disposed men, a fearful reflection, that this mass of ignorant and semi-barbarian negroes had been filled with the most incendiary hate of the white people of the South by unprincipled adventurers and degraded native renegades.

The scenes at the Capitol, on Wednesday night, beggar all description, in their combination of the humorous and the ludicrous. A mass of yelling, cursing negroes filled the beautiful grounds, and swarmed in the various rooms and offices of the building, while dancing, speaking, shouting and grotesque and Ashantee performances ran riot. Up stairs an antiquated darkey was making a "stump speech," standing in the Chair of the Speaker of the House of Representatives, while below, another, dressed in a garb of motley rags, was preaching a sermon to the great edification of a surrounding audience, who shouted and groaned alternately, as the Fetich performance progressed. As the hour waxed late, these poor creatures disposed themselves for sleep in every part of the Capitol. The Senate Chamber was filled with negro women lying on the floor or reclining in the chairs—a negro, with a bludgeon, acting as sentinel at the door, to keep off amorous colored swains—while the steps leading from the first floor, and the first floor itself, were literally filled with recumbent negroes, *packed like sardines.*—This is a true picture—horrible though it may appear. And thus was the proud *Capitol of North Carolina* converted into a VAST NEGRO DORMITORY! Would, again we say, that the white men of Western North Carolina could have seen all this. Still later in the night, after the rain set in, almost every porch and sheltered corner in the city might have been seen filled with negro men and women, huddled together asleep in heaps, to wake up the next morning cold, shivering and hungry, and make their way on foot, in the mud, homewards—and all for Radicalism, and that a few carpet-baggers may use them to get office!

It is to be hoped that many of these deluded negroes left sadder and wiser men. We hear of *white* men, at all events, who have heretofore acted with the Radical party, who say that this *dose* was too much for them, and that they are done with the concern.

Taken all together, a more farcical failure never took place than this negro Radical Mass Meeting, and the several thousand dollars said to have been expended upon it by the spoilers might as well have been used in distributing Democratic campaign documents.

From the Raleigh Sentinel.

The Radical Demonstration!—The Great Negro Mass Meeting and Barbecue!

The Radical organ in this city, in noticing the great Democratic Convention on the 13th August last, exhausted its powers of ridicule and falsehood, to misrepresent the Democratic demonstration on that occasion. We shall not follow its example. We shall confine ourselves to such facts as we could obtain under the circumstances. We have not been able, for manifest reasons, to *procure a Reporter* for the occasion.

We wish that every true white man in North Carolina, and in the Union, if that were possible, could have been in this city, on yesterday, to have witnessed the material of which the Radical Mass Meeting was composed, and the scenes which transpired. The facilities for transportation afforded to the colored population (facilities which were *denied* to *white* Democrats and Conservatives at their Mass Convention in August,) by Radical Railroad Presidents, brought thousands of them of all ages, sexes and conditions to the city. We are reliably informed that these negroes were given *round tickets* from Newbern to Raleigh for SIXTY CENTS, and we have no doubt but that those who were unable to raise this paltry sum were transported *free of charge*. As it was, every street, avenue and corner were blockaded with dense masses of negroes—nearly all of them armed with bludgeons and other weapons—dressed in every conceivable style of costume, from "a shirt and a Grant and Colfax badge" up to the most fantastic military toggery.

The delegates and others from abroad commenced arriving at about 3 o'clock on Tuesday afternoon, and the volume of negroes from all the accessible counties to the Railroads continued to swell by every train until 10 o'clock the next morning. To these were added numbers from the various Clubs and Leagues in Wake, until the number of colored persons on our streets, and at the places of speaking, swelled to perhaps 5,000. Some estimate the number at less and others greater. It is remarkable that we cannot hear of *one hundred white persons from abroad in attendance*, including carpet-baggers and scalawags.

The Marshals, consisting of C. M. Farris, Jos. W. Holden, W. M. Coleman, Judge Tourgee, Gen. Estes, and others, met the negroes at the depot and escorted them through our streets, on Tuesday afternoon and Wednesday morning, with music and banners.

At 10 o'clock, on yesterday, a portion of the crowd met on Burke Square, and were addressed by "Gov." Holden, whose remarks, we understand, were upon the ordinary topics, discussed by Radical speakers generally, and were of no special significance. It was then announced that the crowd would repair to another grove beyond, where it would be addressed by Gov. Hawley, of Connecticut. Of his speech we have heard nothing, but our readers can very easily judge of its character and merits. Gov. Hawley is said to be a native of Robeson, in this State, but his present position and politics entitle him to no consideration among the intelligent and virtuous people of the State. We have heard of one or two speeches delivered by persons intoxicated, which were very inflammatory and imprudent, and of which we shall speak hereafter.

The provision for feeding this large crowd, we understand, was slim. Up to this hour, (9 o'clock, P. M.,) we are glad to say that no instance of disorder has occurred, though there is some evidence of the free use of liquor. There has been noise and bluster, but nothing more than could be expected on such an occasion.—The white portion of our community have attended to their own business, leaving the attendants upon the mass-meeting the largest scope for their own gratification.

We are glad to announce that Judge Reade and his Associate Justices on the Supreme Court Bench, who were announced by the Standard, to preside on the occasion, are not here, and that Tourgee is the only "*Judge*" in the State, who has soiled the judicial ermine by participating in this affair.

Important Movement to be Made in the New York Episcopal Convention.

In addition to the other topics of deep interest which are likely to occupy the attention of the General Convention of the Episcopal Church to be held in this city next month, a canon concerning marriage is to be brought before it for consideration, which will probably provoke an earnest controversy. At present there are no regulations in force in the Episcopal Church on the subject, except that its members are bound as citizens to respect the civil laws of the States in which they reside. These laws being thought to be more lax in some cases than is consistent with the injunctions of Scripture, an effort is to be made to supplement them by an authoritative ecclesiastical statute, which shall clearly define what marriages are and what are not prohibited, and thus furnish a guide for the conduct of the faithful.

The proposed canon will absolutely forbid marriages between a man and his stepmother, stepmother's daughter, mother's sister, father's sister, wife's mother, wife's daughter, wife's granddaughter, uncle's wife, brother's wife, son's wife; a woman and her stepfather, stepfather's son, mother's brother, father's brother, husband's father, husband's son, husband's grandson, aunt's husband, husband's brother, daughter's husband. And it will censure, as marriages which ought to be avoided, those between a man and his wife's sister, brother's daughter, sister's daughter, grandson's daughter, nephew's wife, wife's brother's daughter, wife's sister's daughter; a woman and her sister's husband, brother's son, sister's son, granddaughter's husband, niece's husband, husband's brother's son, husband's