

In the Literary World.

CLARK'S THE GOVERNMENT: WHAT IT IS; WHAT IT DOES. By Walter Storrs Clark, Reviser of Young's Government Class-Book, Author of Clark's Commercial Law. Cloth, 12mo, 304 pages, with maps and illustrations. Price, 75 cents. American Book Company, New York, Cincinnati and Chicago.

Here is a volume which is entirely different from the average cut-and-dried text-book in civics. It is more like an able teacher's verbal presentation of the subject to his class than like anything else to which we can compare it. The style is clear-cut, forceful, and full of life.

IN THE REACH OF ALL.

In the review of Dr. Clewell's valuable book, "History of Wachovia in North Carolina," we stated that the price was \$3.00. The price is \$2.00. This places it within the reach of all students of North Carolina history. Critics desiring this interesting history should write to Dr. J. H. Clewell, Winston-Salem, N. C.

"REGIMENTAL SKETCHES."

Writing of the "Regimental Sketches," the *Chatham Record*, whose editor was a gallant Confederate soldier, says:

"Many of these articles are of thrilling interest, and all are valuable contributions to North Carolina's war history. No other State in the South, and we doubt if any Northern State, has any publication like these volumes, and every family in our good old State ought to have a copy of every volume. 'Too much praise cannot be awarded the editor of these volumes—Judge Walter Clark—who without one cent's compensation has devoted so much time and labor on their publication. We do not think that any other man could or would have so successfully performed this great labor. Even if he had not rendered any other service to his State this of itself should cause the name of Walter Clark to be forever held in grateful remembrance by all true North Carolinians.'"

The Literary Outlook.

By Herbert Brewster.

The boyhood friend of Omar Khayyam, Hassan-ben-Sahab, seems to be such an interesting character that the novelists of the day are going to perpetuate his name. In "Richard, Yea and Nay," Maurice Hewlett introduced Hassan as the Old Man of Musse, head of the Order of Hashashin, and Mr. Meakin, in a more recent novel, "The Assassins" takes up the actions of this same order and some of the same characters. Hassan-ben-Sahab was the founder of the Order of Hashish eaters who terrorized Western Asia in the eleventh century, and, at the time King Richard made his crusade, Hassan was feared over all Asia. His followers won Paradise by carrying out his death warrants and when they returned from killing in accordance with his demands, they themselves were put to death.

Hassan's earlier record is to be found in a testament left by Nizam ul Mulk, Nizam, Hassan and Omar were school-boy friends who entered into a compact that to whomsoever fortune came he should share it equally with the others. Many years passed and Nizam became a vizier. Both his old friends found him out and the vizier kept his word. Hassan received a place in the government; Omar, however, would not accept title or office as his share. "The greatest boon you can confer on me," he said, "is to let me live in a corner under the shadow of your fortune, to spread wide the advantages of science and to pray for your long life and prosperity." The vizier relates that Omar was really sincere in refusing honors; the most he would accept was a small yearly pension. Thus it came about that Omar lived at Naishapur, "busied in winning knowledge of every kind, especially in astronomy, wherein he attained to a very high prominence. He obtained great proficiency in science and the Sultan showered favors upon him."

Hassan, however, fell from grace, attempted to supplant his benefactor and was accordingly banished. He finally became the head of the Ismailians, who seemed bound together for the purpose of murder. Hassan seized the castle of Alamut in the mountainous country south of the Caspian Sea and here it was that he lived when Richard made his crusade. He was known as the Old Man of the Mountains and it is still a matter of dispute whether the word "assassin" is derived from hashish or from Hassan's name.

A book of unusual timeliness is "An American at Oxford," by John Corbin, for, since the Rhodes bequests of scholarships to Oxford, there has sprung up in this country a new interest in this English University. Mr. Corbin gives a very good description of the life, ways and peculiarities of Oxford and expresses the opinion that only graduates of our own universities should take advantage of the Rhodes scholarships. It seems that Mr. Rhodes' will was published on the day that the last proofs of Mr. Corbin's book went to the printers, so Mr. Corbin was able to make some additional remarks in which he expresses his opposition to sending undergraduate students to Oxford for that they would thus lose the opportunity of forming life long friendships among their own countrymen and would not be able to assimilate our national spirit. Mr. Corbin has given a good picture of student life which is as different from that of the university of college in this country as one may imagine. The American who goes there is first confronted with the fact that the university is nothing more than a vague general unity of several scattered colleges. The "university" is supposed to examine the men who are trained in the separate colleges. The student will be able to see little of the American style of study; the social side of student life seems to be of the most importance. The Oxford man goes to chapel first thing in the morning, then he goes to breakfast with some other student. After breakfast he smokes and talks until perhaps, at ten, he has to go to a lecture. Luncheon, in the middle of the day, is followed by out-of-door exercises and sports, and at four o'clock the student is back at his room ready for afternoon tea. Two hours of reading are likely to

follow this refreshment. At seven the men dine together, in the hall, after which some go to their rooms to read, while the most of them play cards and smoke until it is time to go to bed. Oxford requires a man to reside within its gates a certain length of time before he can graduate, but, as to when, how and where he studies it leaves to his own choice. As a matter of fact, most Oxford men do their hardest studying and reading during their vacations.

E. W. Townsend's "Chimmie Fadden and Mr. Paul's" scarce ceased its serial appearance before the book was on sale. As a volume, however, a much better valuation can be placed upon the further adventures of Chimmie. He is the same Chimmie, even though five years have passed since his former appearance, and he has the same dialect, which is easy to read and quickly understood. Chimmie is an acute observer, as may be seen throughout the course of the love story which runs through the entire book. The following are samples of his way of looking at things:

"Listen: De best ting about living out of New York is dat you have New York to come to. If it wasn't for dat I'd give up me job wit Whiskers and go to work for a living—sell evening poipers to Brooklyn gents to put 'em to sleep in de Bridge cars."

Chimmie quotes Mr. Paul on house parties as follows:

"Man," says Mr. Paul, "not to mention lovely women, being a fool of great specific gravity, builds comfortable homes where he can live in quiet and seclusion, and den shuts 'em up or else fills 'em wit odder tools to destroy his oulet, and put him in training for de hereafter—if de noise comes to de waist."

"We loast, Chimmie, of our mental sauces, but all de same," he says, "dere are but few of us able to entertain ourselves if trun upon our own sauces of recreation. When we buys Old Masters, or hires a great chef, or learns to play de banjo, or do any of de odder highly intellectual stunts dat distinguishes us from flat or cave dwellers, we pretend it is all for our own improvement. Nay, nay!" says he. "Not a bit like it. We gets our dividends on such investments only when our friends praise our table, our pictures, or our rag-time. Derefore let us gadder at de house party; no to be entertained by our friend's accomplishments, but to do an act of charity, to justify him in his own eyes for de boodle he has cleaned buying things he enjoys only when he shows 'em off."

Before going abroad this spring, Kate Douglas Wiggin completed her work on the proofs of her "Diary of a Goose Girl" as well as her share in the labor of collaboration with her sister on a kindergarten work. The Goose Girl relates the adventures of a pretty American girl who ran away from her friends and a too ardent suitor. She explains her action by saying that "she is very tired of people and wants to rest herself by living awhile with things." She becomes a paying guest at a goose farm and becomes interested in helping take care of the geese.

"Last Thoughts from Herbert Spencer" is the title of a book from the pen of the distinguished scientist which, it is announced, will be his last.

"During the years spent in writing various systematic works," he says in the preface, "there have from time to time arisen ideas not fitted for incorporation in them. Many of these have found places in articles published in reviews, and are collected together in the three volumes of my essays. But there remains a number which have not yet found expression; some of them relatively trivial, some of more interest, and some which I think are important. I have felt reluctant to let these pass unrecorded, and hence, during the last two years, at intervals now long, now short, have set them down in the following pages." Some forty essays, ranging over a wide field of knowledge, make up the volume.

As a proof of the interest which the German people are taking in matters beyond the seas, it may be noted that the eminent Professor Worker of Berne University has translated Mr. Poutney Bigelow's "Children of the Nations," and a well-known Berlin publisher will bring out the book shortly. Mr. Bigelow counts this as a special compliment to his work on colonization. The book itself is mainly a record of the author's personal experiences in the different colonies of the world. It is possible, of course, that the fact that Mr. Bigelow was a schoolmate of the Emperor of Germany and that the latter is said to have much respect for the author's abilities as a writer, had something to do with the translation. Mr. Bigelow has taken up his residence permanently in New York city, that is to say as permanent a residence as any man of his habits can have. Several weeks out of each year are spent by Mr. Bigelow in lecturing on themes of national interest before colleges and societies.

WAYNE REPUBLICANS SPLIT

The Color Line Partially Drawn and Two Conventions Held.

(Special to News and Observer.)

Goldshore, N. C., May 22.—Pursuant to a call by the chairman of the executive committee of Wayne county the Republicans met in convention at the court house today.

When Chairman Moses B. Farmer appointed the Committee on Credentials, the Dobson-Grant or Lilly White faction bolted, leaving the Farmer-Hagan forces in possession. The convention elected Mr. Moses B. Farmer as chairman, and George W. Read, colored, as secretary of the county executive committee to serve for two years, and named as delegates to the State convention M. B. Farmer, John W. Smith, Edward Merritt, colored, and W. S. Hagan, colored.

The bolters held a rump convention and elected S. G. Pate as chairman and M. R. Hollowell as secretary of the county executive committee, and named as delegates to the State convention W. R. Oberry, N. A. Howell, J. I. Mazingo and M. C. Korneyag, colored.

The color line was drawn, the bolters asserting that they could "whip the niggers into line," while the bona fide regulars swear in their wrath that they "will not be led by the nose by Federal office-holders and bung smellers."

FURIOUS OUTBURSTS FROM BOTH THE VOLCANOES

Terror-Maddened Islanders Flying to Fort De France.

A RAIN OF FIERY STONES

Lieutenant McCormick of the Potomac Rescues Many of the Villagers.

ASHES AND PUMICE FALL IN ST. VINCENT

An Alarming and Apparently Credible Report That an Extinct Volcano Six Miles From Kingston is Showing Signs of Activity.

(By the Associated Press.)

Fort De France, Island of Martinique, May 21.—Yesterday's eruption from Mont Pelee was violent in the extreme. Colossal columns of volcanic matter were ejected from the volcano, which rained huge, red hot boulders, many feet in diameter, on the ruins of St. Pierre and the country near it, from an enormous elevation and with fearful velocity. The volcanic clouds advanced until they reached Fort De France.

The spectacle was appalling and sublime beyond all description. The whole population of Fort De France was thrown into a frenzy of panic, during which soldiers, police, men and women, all terrified, frantic, weeping and praying, rushed through the streets, while overhead the glowing fiery clouds rolled relentlessly and rained down stones, still hot, amid the swirling ashes.

The steam launch of the United States cruiser Cincinnati took some refuge and to the French cruiser Suchet and nearly a hundred persons sought refuge on the Cincinnati and on the United States special steamer Potomac. At 10 o'clock the Potomac went to investigate matters, and all reports agree that Lieut. Benjamin B. McCormick, the commander of the steamer did great work. He went in close to St. Pierre and found that city had been "bombed" with enormous stones from the volcano, and that the ruins left standing after the first great disaster had been nearly razed. Millions of tons of ashes then covered the ruined city.

Further south the smaller stones had destroyed the houses of the brave villagers who had stuck to their homes.

Lieut. McCormick took on board the Potomac 180 refugees, the oldest of whom was seventy-two years and the youngest three days old. The lieutenant fed them and brought the party to Fort De France. This work of rescue was difficult and dangerous.

It is reported that the whole population of the island is fleeing towards Fort De France. The consternation prevailing is indescribable. Mont Pelee is still very threatening.

The French cruiser Suchet went on another tour around the island and did not take part in the rescue work of the Potomac.

Connor for Associate Justice.

To the Editor: The practice of medicine for eight years in Wilson county has given me an opportunity to know a great many people, and among the noted names whom it has been my pleasure to know and to learn a great deal of, is our esteemed citizen and representative, Judge H. G. Connor, of Wilson. His friends present him to the Democratic voters of North Carolina as a candidate for Associate Judge of the Supreme court, and I desire the pleasure and privilege of asking my friends in Wake county (my old home) and throughout the State generally, to give their support to Judge Connor for that very important position. As a lawyer his ability cannot be questioned, and I know of no man more eminently fitted for the Supreme court bench than Judge Connor. He deserves the consideration of the Democrats of North Carolina. He has served the party faithfully, honestly and with marked distinction, and when the political status of our State looked dark and gloomy, he did not shrink from duty, but armed with honest defense, he was on hand at the beginning and fought like a hero until the last vestige of that dark cloud had rolled away.

To those who do not know him personally allow me to say that a more social gentleman can not be found. He is courteous, kind and obliging, his charming address and dignified manners are characteristic of the noble heart and soul that he has, and God grant that we had more of such Christian gentlemen as Judge Connor. S. H. CROCKER, Stauntonburg, N. C., May 21.

THE D. A. R. CONVENTION.

The Meeting Well Attended. The Daughters Elect Officers and Adjourn.

(Special to News and Observer.)

Charlotte, N. C., May 22.—The Daughters of the American Revolution convention adjourned today to meet next year in Salisbury. The following officers were elected for the ensuing year: Regent, Miss Mary Love, Stringfield, of Waynesville; Vice-Regent, Mrs. Edith Overman, of Salisbury; Historian, Mrs. Van Noppen, of Greensboro; Secretary, Miss Julia Alexander, of Charlotte; Treasurer, Mrs. W. O. Shannon, of Henderson.

The meeting today was well attended and greatly enjoyed by the daughters.

Dr. R. T. Vann, President of the Baptist Female University, left yesterday afternoon for Thomasville.

SWIFT DOOM COMES AMID THE CRASH OF EARTHQUAKE

The City of Quetzaltenango Destroyed Within Less Than a Minute by a Frightful Seismic Convulsion.

(By the Associated Press.)

Hamburg, May 23.—A special dispatch to the Hamburg Boersenhalle from Guatemala, says that the town of Quetzaltenango has been wholly destroyed by an earthquake, which lasted three-quarters of a minute. Business is entirely suspended in Guatemala, and a great part of the coffee crop there has been destroyed.

It was reported from Guatemala City, Guatemala, April 20th, that earthquake

shocks, which were general throughout that country April 18th, 19th and 20th, partly obliterated the town of Quetzaltenango and badly damaged Amatitlan, Solola, Nahuala, Santa Lucia, and San Juan. Two hundred persons were reported killed, mostly women, and many people were injured.

Quetzaltenango has a population of about 25,000, and is well built and well paved, and has a richly decorated cathedral, several other churches and a fine city hall.

PROCEEDINGS IN SUPREME COURT

Cases Argued Yesterday. Appeals of End of Docket to be Called Tuesday.

(Reported by Jos. L. Seawell.)

REIGER v. THE WORTH COMPANY, appellant. From Brunswick. No error. Representations by a vendor that seed advertised and sold by him, and which are inspected by the vendee, are good and constitute a warranty and not mere words of affirmation.

FAIRCLOTH v. BORDEN, EXR., appellant. From Wayne. Error.

A husband who, without objection from the wife, receives the income from her separate estate, is liable only for such amount received during one year next preceding action brought to recover such income. Code Section 1837.

Where, in such case, the husband received for the income of the wife as "agent," the law does not imply therefrom that the wife objected to his receiving her income.

MARKHAM, Sheriff, appellant v. CONSERVATORY OF MUSIC, From Durham. No error.

A conservatory of music, which occasionally admits the public, upon an admission fee, to entertainments by distinguished specialists employed primarily for the instruction and benefit of pupils of the institution and not for profit, is not liable for the opera house tax imposed by Schedule B, Section 33, Revenue Law 1901.

MORTON v. W. U. TELEGRAPH COMPANY, (Both sides appealed.) From Onslow. Judgment for defendant.

An action for mental anguish does not survive the death of the injured party.

As one person cannot recover for mental anguish suffered by another, husband and wife cannot join in the same action to recover for mental anguish suffered by them respectively.

MCNEILL v. DURHAM & CHARLOTTE RAILROAD COMPANY, appellant. From Moore. New trial.

Where, in an action against a railroad company to recover damages for personal injuries caused by derailment of a car in which plaintiff was a passenger, defendant's superintendent testified to the good character and competency of the engineer in charge, it was error to admit upon cross examination, as bearing upon the engineer's competency, the question as to how many wrecks had occurred when he was in charge and the number of people killed in such wrecks.

SMITH and WIFE, appellants v. W. & W. Railroad Company, from Robeson. No error.

In an action against a railroad company to recover damages for the reckless, careless and negligent conduct of the defendant's conductor in carrying plaintiff beyond the point called for by her ticket, it appeared that the plaintiff (a woman) suffered no bodily harm and incurred no additional expense in reaching her home; that the conductor was guilty of no rudeness and that he explained to the plaintiff that, by reason of his inability to signal the engineer, he was unable to stop the train (a long freight) at the point he had agreed to put her off, it was held that the defendant's motion to non-suit was properly allowed.

Except in cases of negligence by a telegraph company in failing to deliver messages concerning personal or domestic affairs, the doctrine of mental anguish applies only where there has been personal injury.

ROSSER v. WESTERN UNION TELEGRAPH COMPANY, appellant. From Moore. Affirmed.

Where, in an action against a telegraph company to recover damages for mental anguish caused by failure to deliver a telegram announcing death of plaintiff's father, the defendant requested the court to instruct the jury that they should use "great care to distinguish the suffering caused by the death of plaintiff's father, and that caused by plaintiff being unable to attend the funeral," it was not error in giving such instructions, to omit the word "great" in connection with "care."

Where it is shown that the message was delivered to the defendant with charges prepaid and was never received by plaintiff, a prima facie case is made against defendant and the burden is upon it to show matter in excuse of its failure.

ZACHARY, appellant v. PERRY and WIFE, From Wayne. Affirmed.

Where husband and wife accepted a draft from a contractor as a payment upon the contract price of a house in course of erection upon the wife's land, the draft being in payment of a debt due by the contractor to a third party for material used in erecting said house, and after said acceptance the contractor abandoned his contract and by reason thereof the husband and wife ceased to be indebted to him, it was held that the party in whose favor the draft was drawn had no lien against the wife's separate estate, and that the draft and its acceptance by the wife did not constitute a charge upon said estate.

Farthing v. Shields, 165 N. C. 289; Loan Association v. Black, 119 N. C. 323.

COTTON MILLS, appellant v. TOWN OF WAXHAW, From Union. Affirmed.

Cities and towns may be incorporated by act passed in the ordinary legislative method.

The ratification of an Act by the presiding officers of the two Houses of the

General Assembly, declaring it to have been read three times in each House, is conclusive evidence of such fact; but the ratification of an Act neither proves nor tends to prove a compliance with Section 14 of Article II of the Constitution, providing that no law shall be passed to raise money on the credit of the State, or pledge the faith of the State directly or indirectly for the payment of any debt, etc., unless the bill for the purpose shall have been read three several times in each House and passed three several readings on three different days, and the yeas and nays on such readings recorded, etc.

Section 14, Article II of the Constitution is mandatory and a failure to comply with its provisions is fatal to any statutory authority to levy a tax or create a debt.

The charter of the town of Waxhaw, not having been passed in conformity to Article II, section 14 of the Constitution, confers no power of taxation, but as the power of taxation may be eliminated from an Act without destroying its validity as a charter, the town of Waxhaw is by virtue of its incorporation, endowed with powers conferred generally upon towns and cities by Chapter 62 of the second volume of The Code and has for the purpose of its necessary expenses, the power of taxation set out in Section 2800 of The Code.

HUTCHINS v. BANK, appellant. From Durham. Affirmed.

Whether an action will lie against a guarantor immediately upon default of the promisor or obligor, or after failure to recover against him, depends entirely upon the terms of the contract of guaranty.

The guarantor is not bound with his principal as an original obligor; he makes his own separate contract, and is not a joint obligor or contractor with his principal—the original contract is not his contract unless he assumes it and makes it so by his separate contract.

The contract of guaranty in this case being that "draft drawn by J. W. H. on B. D. C. for green salted hides at 84 cents, hides to be thoroughly cured and swept clean of salt and water before being weighed, no green or half cured hides to be shipped, amount not to exceed three hundred dollars, will be paid," held that plaintiff's action against the guarantor immediately upon the delivery and acceptance of the hides by the principal, B. D. C., and the refusal of drawee to pay the draft.

COGDRELL, appellant v. W. & W. RAILROAD COMPANY, From Beaufort. Affirmed.

The issue of contributory negligence is raised by the allegation in the answer that the death of intestate was not caused by any negligence of defendant, but was caused by the negligence and fault of plaintiff's intestate himself. But upon application the court may order a bill of particulars to be furnished, Clark's Code, Section 250 and cases there cited.

The opinion of a witness whether the plank in this case, if it had been sound and not cedar-hearted or rotten, would have held a man of intestate's weight and size to stand upon with safety, or fallen on it from the top of the car without its breaking, is incompetent for that it is the conclusion which the jury should draw for themselves from the evidence.

Memoranda of a statement by a witness, shortly after the accident occurred and read over to him and said by him to be correct, are not competent as primary evidence to contradict the witness' testimony on the stand; but are competent for the purpose of refreshing the memory of the party, also a witness to whom the statement was made as to what was stated to him at the time, in contradiction or impeachment of his testimony.

The plea of contributory negligence is an affirmative defence and the burden of proving such negligence is fixed upon defendant. Acts 1887, Chapter 33. The court having charged the jury that the burden of such proof was upon defendant, it was not error to refuse to instruct them that "the law presumes that a person found dead and killed by the alleged negligence of another has exercised due care himself."

Where intestate went upon the coal car of defendant in an intoxicated condition and by reason thereof fell off and was drowned the doctrine of the "last clear chance" does not apply, and the proximate cause of his death and not the unskillfulness of the plank upon which he fell.

TRE B. F. U. MAY GET \$15,000.

Aid the Baptist Orphanage at Thomasville Sixty Thousand.

Scotland Neck, N. C., May 21.—News comes that from the estate of the late Denis Simmons, of Williamston, who died a few days ago at St. Vincent Hospital in Norfolk, the Baptist Female University at Raleigh may get \$15,000 and the Baptist Orphanage at Thomasville will probably get \$60,000.

M. R. E. Buck, of Charlotte, was in Raleigh yesterday.

A MOTHER'S INFLUENCE

No Place Where Education is so Important as in a Mother's Influence on a Child.

God has made woman noble and exalted her as mother and to all the children of a Christian home are sweeter than heaven? Every child's happy home, "that is out a mother's influence mainly that it is the character of the family.

Recently I saw a lovely Christian mother is a woman religious convictions children with the man; but is woman associates into whose influence over his family.

On telling her this morning, I said, "I could go with you. Tears filled her eyes. I could, but I am only been to church eight or ten years, but little for my family life has been a success. Feeling as I do, you have the best children to be blessing to society of God. You have a glory God, and will live and work in your noble sons and is no means of this humble, afflicted life has done. Her children will rise up and her reward will be exert a greater influence than a father. As a more gentle and affectionate mother's influence on children in the course of life. She is with the while the husband is in view of the mother's first, devotedly filled her responsible part in a Christian home ought to be thorough domestic duties, and her children to do all their work. Third, a mother educated and intelligent more important in boys. There is no mother tells for good mother's influence on an educated woman.

Oxford, N. C.

To the Class of '02

To the Editor: A few of us has seen at the days. Can we not around the old well in South Building, in the Chapel Hill, at the ment, June 1st to the two Governments. Vance, will not be easily recall them, died at Gettysburg, 1862, Walter Lammie at the of the hospital at Williams of 1893. My kind-hearted son of gave his life also to Steve Roberts, the his days in the State to his high calling of Siler, also of the life full of good mountains. But we allow me to call the our dead. Absent, we few come together be present and presence.

Only one of the has accumulated money—and king in Texas.

Hoping this few survivors, a few hours in semi-centennial I remain as of old.

Kinston, N. C.

Total Net Result

New York, May the total net result September 1st, 1901, Galveston 2,012,300; 2,187,000; Mobile 1,955,812; Charleston, 275,111; Norfolk, 91,189; New York, 31,200; Newport News, 118,722; Fernandina, 170,502; Port Arthur, 168,311; Portland, Ore., 7,353,969 balles.

Mr. R. W. Post for to Raleigh.

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