

The Newberry Herald.

A Family Companion, Devoted to Literature, Miscellany, News, Agriculture, Markets, &c.

Vol. XVII. NEWBERRY, S. C., WEDNESDAY, JULY 13, 1881. No. 28.

Miscellaneous.

TUTT'S PILLS

INDORSED BY PHYSICIANS, CLERGYMEN, AND THE AFFLICTED EVERYWHERE. THE GREATEST MEDICAL TRIUMPH OF THE AGE.

SYMPTOMS OF A TORPID LIVER. Loss of appetite, Nausea, bowels constive, Pain in the head, with a dull sensation in the back part, Pain under the shoulder-blade, Fullness after eating, with a disposition to eructate, or belch, or vomit, Irritability of temper, Low spirits, Loss of memory, with a feeling of having neglected some duty, weariness, Disinclination to exertion of body or mind, Yellow Skin, Headache, Restlessness at night, highly colored Urine.

IF THESE WARNINGS ARE OVERLOOKED, SERIOUS DISEASES WILL SOON BE DEVELOPED. TUTT'S PILLS are especially adapted to such cases, one dose effects such a change of feeling as to astonish the sufferer.

TUTT'S HAIR DYE. GRAY HAIR OF WHICHEVER COLOR IS DESTROYED BY A SINGLE APPLICATION OF THIS DYE. It imparts a natural color, acts instantaneously, and is perfectly permanent.

Office, 35 Murray St., New York.

HOSTETTER'S

CELEBRATED



STOMACH BITTERS

Feeble and Sickly Persons Recover their vitality by pursuing a course of Hostetter's Stomach Bitters, the most powerful invigorant and alterative medicine in use. General debility, fever and ague, dyspepsia, constipation, rheumatism, and other maladies are completely removed by its use. Ask those who have used it what it has done for them. For sale by all Druggists and Dealers generally.

CROCKERY AND GLASSWARE.

A nice assortment of CROCKERY and GLASSWARE just received and for sale by

W. T. WRIGHT,

Who still has only a few of those CHEAP STOVES left. Call quick if you want one. Who still continues to carry on the TIN BUSINESS in all its branches, and keeps a full line of

Tinware and Stoves.

And last, though not least, who will do all the ROOFING, GUTTERING and other JOB WORK he can get, just as cheap as he can afford it. Mar. 23, 47-48.

The "Dexter Queen" Buggy

A PERFECT DAISY! It is a perfect model of STRENGTH, NEATNESS, COMFORT and DURABILITY! AT MODERATE COST.

This Buggy is constructed of the very best select material, and is so perfect in construction (as well as simple) that there is

Nothing to Get Out of Order! The motion is so gentle as to enable the most delicate invalid, as well as those in robust health, to travel with perfect ease.

CALL AND BE CONVINCED. Manufactured and for sale by

J. TAYLOR'S CARRIAGE SHOPS,

OPPOSITE JAIL, - - NEWBERRY, S. C. Mar. 2, 9-10m.

\$10 Outfit furnished free, with full instructions for conducting the most profitable business that anyone can engage in. The business is so easy to learn, and our instructions are so simple and plain, that any one can make great profits from the very start. No one can fail who is willing to work. Women are as successful as men. Boys and girls can earn large sums. Many have made at the business over one hundred dollars in a single week. Nothing like it ever known before.

All who engage are surprised at the ease and rapidity with which they are able to make money. You can engage in this business during your spare time at great profit. You do not have to invest capital in it. We take all the risk. Those who need ready money, should write to us at once. All furnished free. Address True & Co., Augusta, Maine. Oct. 13, 42-43.

ALONZO REESE,

SHAVING AND HAIR DRESSING SALON,

Plain Street next door to Dr. Geiger's Office, COLUMBIA, S. C.

Room newly fitted and furnished, and gentlemen attended to with celerity, after the most approved styles. Nov. 22, 47-48.

Poetry.

THE AMATEUR FARMER.

I dreamt of a beautiful time When the world shall happy be! When the elephants and hyenas Shall blossom on every tree; When tamarinds and potatoes Shall cease their dreadful roar, When turnip trees shall blossom In the garden for ever more.

I dreamt of a great republic When the people shall all go West, Sow plants and reap tomatoes In the land they love the best; When pig iron and molasses Shall bloom on every hill, And chickens loaf in the barnyard, While geeseberries toil at the mill.

I'm weary of seeing the cabbage Handle the rake and the hoe; I'm weary of watching and waiting For the grasshopper-bush to grow; I long for the time when spinach Shall cope with bread and milk; When hens shall lay potatoes, And horses spin ray suits.

Oh! sweet were the vanished hours When I wandered down the glen, And wreathed my brow with tomatoes, Or plucked the ripened hen; When the donkey twined up the trellis, And the cucumber chirped in the grass; And the sweet potato whistled To its mate in the mountain pass.

But gone are the days of childhood, And manhood's dreams are mine; Yet I long for the by-gone hours, As I sit 'neath this Turkish vine. Oh! wreathe your blossoms about me And soothe my aching breast; While geeseberries plaintively warbles And lulls me into rest.

Selected Story.

A COLD DAY FOR ABBATUCCI.

'Dally,' said Mrs. Dalrymple to her husband as he was perusing the columns of an esteemed contemporary, 'What is the news this morning? Who is married? Who is dead? Has Fertsel got his divorce?'

'Hush, Tillie,' said Dalgreen, and he read a second time this local brevity: 'Abbatucci Tambourini, an Italian peanut vender in Mulberry street, was yesterday assaulted by Poindexter Ryan, who upset his stand and robbed him of \$3.22. Ryan was arrested and will be tried this morning for the larceny and assault.'

It so happened that Mr. Dalrymple sat among the spectators in court that day when the case was called. He had a sublime respect—not uncommon among those unfamiliar with its workings—for the administration of justice, and he expected confidently to see Tambourini's goods restored to him and Ryan sent to a deep dungeon cell. He listened, and this is what he heard.

Counsel for Tambourini, rising, said: 'If it may please the Court, the prisoner at the bar is charged with aggravated and unprovoked assault upon my client; but, in consequence of the repeal of the statute of 1791 by the new general law of 1873—an error, as your Honor will remember, until after the negative act had passed both houses of the Legislature and obtained the Governor's signature—there is no law covering this case. You will find, however, in an act passed in 1843, and entitled, 'An Act to prevent mock auctions and to secure efficiency in the National Guard,' a clause in the second section of the third amendment which bears directly upon this matter. It has been held (Brown vs. Brown, 23, 75, Maguiness J.) that an assault upon the person of an alien is a misdemeanor. Though Abbott (in Blake vs. Snooks, 40, 11, 44,) held otherwise. In an act passed in 1835, entitled 'An Act to withhold water franchises from the Union Ferry Company for ninety nine years,' it was provided that where robbery follows assault, the power of the Judge shall be discretionary. But where they are coincident, his power is restricted to: 'A fine of \$50, or more, or less, or six months' imprisonment, or more, or less, or both, or neither.' And we find that at common law the same rule holds: *Esto quod esse videtur.* I admit that in the present condition of the statute it is impossible to say whether an offence of this nature is, technically, a misdemeanor. However, it must be clear that

my client has lost his peanuts and is entitled to some redress.'

Ryan's counsel here arose: 'If it may please the Court, this case turns on the old law of 1821, entitled 'An Act to empower the State Surveyor to sue for damages sustained by reason of county ordinances.' The first case is reviewed by Mills, C. J., who in the matter of Shillito vs. Gaiteras, held that a man may suffer the same injuries if assaulted in the street as if assaulted in a house. Two Judges concurred and three dissented. By one of those laches which seem almost inevitable to the clerk mislaid the opinion of the dissenting Judges, and the assaulted man was sent to jail, where he died some time afterward. That, however, is not material. Parsons on Contracts states clearly that where a man enters into an arrangement whereby there is a reasonable likelihood that he will be knocked down, he can only recover damages in the event of his being killed. Your Honor will remember that Parsons lays down this rule as peremptory; but, as Chalmers truly observes, 'How can the dead man sue? *Bis peccare in bello non licet.* I will not waste the time of the Court to inquire whether my client did really rob and maltreat this Italian. I admit that he did. We concede premeditation, the assault and the larceny. But what has that to do with it? Has not Hope, in *Dowling vs. Durando*, 19-43, decided that where warranty is not specified it is not to be presumed? Does anybody come into this court to guarantee these peanuts? No, Mr. Tambourini swears the peanuts were his. Let us concede it. What did he have them for? Presupposing no illicit intentions on his part, and waving how he got them, I will say simply: He had them to dispose of. To whom? That is no business of the Court. Ryan comes along. He takes them. They are disposed of. And then, this sawtooth-faced, coal-eyed, lantern-jawed, hungry-mouthed Peninsula comes here and asks this august Court to resolve itself into an investigating committee to ascertain whether the consideration was adequate? And in the same breath that he says he received nothing for the peanuts he swears that he got two black eyes!'

'If your Honor please,' said the Italian's counsel, 'the black eyes referred to were given to Tambourini by the gentleman's client.'

[Unsuppressed merriment of the Court officers.]

The Judge rapped heavily for order, and when silence was restored, thus spoke:

'This case is a peculiar one. About once a month I hear it. Sometimes I decide it one way, sometimes another. It is generally appealed and always overruled. Authorities conflict. Judge Timothy Campbell has held that an assault is not an assault when premeditation is shown; but Judge Patrick G. Duffy has decided otherwise, basing his decision on the old common law of torts which presumes violence as the occasion of blood flowing and contusions. It was so held by Talley, in *Morey vs. Tom Collins*, 4, 11, 329.'

'If your honor please,' said Ryan's counsel, 'I move the discharge of the prisoner.'

'On what ground?'

'On the ground that the complaint is defective. It states that Tambourini is an Italian, and resides at 365 Mulberry street. Now I offer to show by parole evidence that he is a native of the republic of San Marino, and does not reside 'at' but 'in' 365 Mulberry street. His Honor Judge Dowling, in *Weston vs. O'Leary*, 658, 2, has held that the substitution of the word 'at' for 'in' is fatal. Judge Bridges in the matter of Hood vs. Sighs (Abbott's Reports) 96, 18, margin of the index, says: 'Public policy demands the suppression of lotteries.' The same principle governs this case—*Hec olim meminisse juvabit.*'

'If your honor please,' ventured the Italian's counsel, 'Gedney has decided that a writ of *Ne Exeat*

covers this case. We may be permitted to amend the complaint by substituting 'in' for 'at,' meanwhile it may stand *pro forma.*'

'Then we except, and reserve right to appeal.'

'Exception noted and right to appeal granted.'

'We,' said Tambourini's counsel, 'except to the exception, and reserve right to appeal from the appeal.'

'So ordered,' said the Judge. 'I do not believe that there is any statute decision governing the case. *Mon l'air, sed crux.* Judge O'Reardon, on the day before his impeachment, held that redress for injuries to the person, where accompanied by robbery of peanuts, comes under the act of 1811, entitled: 'An act to protect mariners on the high seas, and to secure minors pending the probate of contested wills.' In the 23d clause, which relates to codicils, it is said: 'The law does not presuppose violence when none exists. But evidence on this point is only admissible in *quo warranto* proceedings, and then may be stricken from the record on motion of opposing counsel.' Story, in *Muldoon vs. Gilhooly*, 2, 40 s. h., holds that peanuts being contraband, trade dollars must be accepted in payment, though it is true that this is not altogether analogous to the present case. *Mens sana in corpore sano* I so hold in *Perceval vs. The Pythagoras Art Association*, but was overruled. There is another Judge on the bench of the Appellate Court now, so I will risk the decision again.'

'If your Honor please,' said Tambourini's counsel, 'Ryan is a bigamist.'

'O!' said the Judge, 'that alters the case entirely. *Iustum et tenacem propositi virum.*'

'This is collateral evidence,' responded Ryan's counsel. 'Tambourini is a judgment-debtor. What standing can we have in court? Besides, he is a litigious person, and is defendant in the case of Sam Yong, Wah Lee et al. vs. Tambourini, in the matter of the Mulberry Street Empire Laundry.'

'Can you prove it?' asked the Judge.

'Your Honor, it is a matter of record.'

'The—I don't see that Tambourini has any case against Ryan.'

There was a brief consultation between Tambourini and his counsel. The latter, rising, said: 'The case, your Honor turns upon whether the laundry is incorporated. In *Magoon vs. Appgar, Burke 7 to 8, Radcliff's Reports*, it was held that the articles of incorporation are necessary to the suit.'

'Relying on the decision of Walker, in *McGlannahan vs. McLaugherty*, 1881, under the statute of frauds, according to the act of 1869, entitled: 'An Act to preempt homesteads and reclaim waste lands,' we rest our case.'

The Judge wrote on a visiting card: 'Will be with you directly,' and handed it down from the bench. He then rendered this decision:

'Ryan is to be released pending the framing of a new complaint, the present one being defective. Tambourini is sent to the House of Detention till the case is called up again in the August term, Ryan is to hold the peanuts. The Court stands adjourned.'

'A cold day for Abbatucci,' murmured Mr. Dalrymple, sadly, as he left the halls of justice and got into a boot-tailed car.—*Earnest Harvier, in Pack.*

We should always do the best we can in the circumstances in which we are placed, not idly dreaming of the great things we would do if they were different. Those who would do much elsewhere accomplish little anywhere.

Learning without knowledge is but a bundle of prejudice; a number of inert matter set before the threshold of the understanding, to the exclusion of common sense.

Miscellaneous.

FOR THE HERALD. Watering Place Novelties—Richfield Springs.

An extremely fashionable lady now prides herself on nothing more than a pair of tan colored gloves of kid or chamois skin that she wears in a mass of wrinkles above her wrist. This is the badge; the sign and symbol of veritable 'style' and she who bears it looks complacently on herself and disdainfully on surrounding existences. If allowed to follow its destiny, that stretch of kid or goat skin ought to reach from half to all the way up to the elbow; being made without buttons or perhaps only a few at the wrist. Thither, however, it must never be allowed to go, but must crumple and wrinkle as previously described. Not only is this fashion adopted when costumes of silk or wool are worn, but in case of thin muslin or even white satin. Yet the greater number of ladies are content with a kid glove worn in a more conservative way, or with lisle thread, silk or lace mitts, of which there are no end in the market. But lace is certainly the color of the hour; being preferred to shades corresponding with the dress and influencing all the lighter summer substitutes for kid. Still there are other stylish hues worn even by extremists and these are gold, golden brown, gray or black. Both gloves and mitts of high and low degree are long on the wrist and there is much less open work than formerly.

TWO SCHOOLS IN SLEEVES.

Two schools in sleeves, as wide apart as homopathy and allopathy now prevail. The Gigot or bishop sleeve is the head and front of a new rebellion; this being followed at a respectful distance by sleeves imbued with similar ideas but of more modest outline. The Gigot, however, comes boldly out and shows the veritable balloon top of olden time with cuff shaped in to the arm. Unlike the leg of mutton, however, it is cut all in one piece; the puff at the top being put on separately. Sleeves of lesser note are crowned with smaller puffs while at times we see two puffs divided by rows of shirring. Meantime the close coat sleeve holds its own and thereby no small advantage to the public at large accrues. An arm too thin can hide securely under those friendly puffings and show to the world as if it were the plumpest, and she who dreads no scrutiny can wear a sleeve that follows nature's fair proportions. Each one does well and each is stylish.

FASHIONS FOR THE THIN.

But if a thin arm can be made to pass, wherefore not the individual? This pertinent question can be answered in the affirmative and the result so satisfactory is brought about by the aid of shirrings. This the more so, because they are a veritable rage. You cannot misplace them. Put them about the neck, on the front, on the back, around the waist, on the sleeve of your corsage and you commit no error. Have your skirt shirred from end to end; you touch the extremists' limits, but you do not overstep them. Even the hat and parasol may be shirred, a pretty example of such an outfit being one prepared of cream white mull for Emma Abbott, who is spending the Summer here.

Another tasteful costume showing similar ideas has been gotten up for the same well known singer. It is of silk and wool: a combination of pale blue and golden brown, and is made up of Aurelian waist in surplice style, with shirred belt and sash; sleeves with two puffs and shirring between. The overskirt after the Carina model shows the front arranged with a shirred apron draped high in the middle and falling in points at the sides. Close akin to shirrings, come puffings. These because a more pronounced type are used with some caution; you cannot cover your whole outfit with puffs, but they are very popular. For the bottom of the skirt, nothing is better liked than a puff; or one or more puffs around the neck are quite the thing, while a puff at the wrist sometimes supercedes a cuff. But ruffles may come in to complete the magnifying process; puffs can be united with shirrs, till if need be, one can become a perambulating mass of shirrs, puffs and ruffles, to which platings can be superadded. Let me alone at the

eleventh hour, however, for a seeming neglect of my stouter constituents. For them, the Baronna polonaise would be a tasteful choice; being close on the hips, falling in a shawl shaped point at the left and draped high on the sides. In conclusion, I beseech you feel that

AN APOLOGY

is needed because I have taken you from New York at a time when all that is fashionable has fled. Next month I will tell you what is going on at Saratoga. At present, life at Richfield Springs is charming enough and I wish my readers were all here to enjoy it likewise. Since last season the American House has been virtually rebuilt by Mr. Welch, of the New York St. Nicholas. Walls are newly papered and painted, floors recarpeted, beds and bedding fresh and clean. The old kitchen and laundry are demolished and new ones are located at the end of a wing two hundred feet long. Adjoining is the dining room, while leading to it is a grand hall fifteen feet wide by one hundred and fifty long. The old bar room is taken from the piazza and instead is a wine and reading room; an intermediate space, formerly used as a sort of general receptacle, is now a pretty park, while for the little people a "children's ordinary" is set apart, where, as a cunning idea, the walls are covered with successive pictures and nursery rhymes so prettily done that a grown up child might spend hours in studying them. LUCY CARTER.

A PRICELESS WOMAN.

The late Mrs. Baker—for that was her latest name—was not so fragile that she could not be handled by a careful man, but still a very light blow would usually break her. She was very proud of her fragility, and by its aid her husband managed to amass a comfortable fortune within three years after their marriage. She is perhaps the only fragile woman on record of whom it can be said that her whole value consisted in her fragility; but, as her story shows, her fragility was the sole capital invested in her husband's business. In January, 1870, Mrs. Baker—then a single woman, and to whose maiden name there is some uncertainty—was married to Mr. Wheelwright—James G. Wheelwright, of Worcester, Mass. Her husband married her on account of her well-known fragility, but he treated her with such kindness that in the whole course of their married life he never once broke her, even by accident. In February, 1870, the Wheelwrights removed to Utica, N. Y., and one day Mr. Wheelwright took his wife to the railway station, and had her break her leg in a small hole in the platform. He at once sued the railway company for \$10,000, being the value set by himself on his wife's leg, and ten days afterwards accepted \$5,000, as a compromise, and withdrew the suit. The Wheelwrights left Utica in June, 1870, and in the following August the dutiful Mrs. Wheelwright, who now called herself Mrs. Thomas, broke her other leg in a hole in the platform of the railway station at Pittsburg. Again her husband sued the railway company for \$15,000, and compromised for \$6,500. The leg was mended successfully, and in July, 1871, we find the Thomases, now passing under the name of Mr. and Mrs. Smiley, at Cincinnati, where Mr. Smiley, after long searching, discovered a piece of ragged and uneven sidewalk, upon which his wife made a point of falling and breaking her right arm. This time the city was sued for \$15,000, and Mr. Smiley proved that his wife was a school teacher by profession, and that the breaking of her arm rendered it impossible for her to teach, for the reason that she could not wield a rod or even a slipper. The city paid the \$15,000, and the Smiley's having by honest industry thus made \$26,000, removed to Chicago, and entered their names on the hotel register as Mr. and Mrs. M'Ginnis, of Portland, Me. On the second day after their arrival at the hotel, Mr. M'Ginnis found an eligible place on the piazza for Mrs. M'Ginnis to break

ADVERTISING RATES.

Advertisements inserted at the rate of \$1.00 per square (one inch) for first insertion, and 75 cents for each subsequent insertion. The column advertisements ten per cent. on above. Names of meetings, obituaries and notices of respect, same rates per square as ordinary advertisements. Special Notices in Local column 15 cent per line. Advertisements not marked with the number of lines will be kept in the files and charged accordingly. Special contracts in large advertising, with liberal abatements on above rates.

JOB PRINTING

DONE WITH NEATNESS AND DISPATCH. TERMS CASH.

another leg, however, that excellent woman promptly did. The usual suit for \$15,000 was brought, and the hotel-keeper, fearing that the notoriety of the suit would injure his hotel, was glad to compromise by paying \$8,000. By this time, it is understood, Mrs. M'Ginnis was willing to retire from business, but her husband had set his heart on making \$50,000, and like a good wife, she consented to break some more bones. It should be said that there was very little pain attending a fracture of any one of the lady's bones, and that she did not in the least mind the monotony of lying in bed while the broken bones knitted together. There can, therefore, be no charge of cruelty brought against the husband. Indeed, she herself entered with hearty goodwill into the scheme of making a living with her bones, and would go out to break a leg with as much cheerfulness as if she was going to a theatre. In March, 1872, Mrs. Wilkins—hitherto known as Mrs. M'Ginnis—walked into an open trench in the street in St. Louis, and broke another leg. This time the suit brought by Mr. Wilkins against the city did not succeed, and the inquiries which were put on foot as to the antecedents of the Wilkinses fairly frightened them out of the city. They turned up a month later in Detroit, where the weather was still cold, and much snow had recently fallen. There were still \$18,000 to be made before the industrious pair would have the whole of the desired \$50,000, and it was decided that Mrs. Wilkins—who had changed her name to Mrs. Baker—should fall on the icy pavement and break both arms. This, it was estimated, would be worth at least \$8,000 and it was hoped that the subsequent judicious breakage of two legs on the premises of a Canadian railway would bring in \$8,000 more, after which the Bakers intended to retire from business. Early one morning Mr. Baker took his wife out and had her fall on a nice piece of ice, where she broke both arms. Unfortunately, she fell more heavily than was necessary, and in addition broke her neck and instantly expired. The grief of Mr. Baker naturally knew no bounds, and he sued for \$25,000 all of which he recovered. He had thus made \$59,500 by the aid of his fragile wife, and demonstrated that, as a source of steady income, a woman who breaks easily is almost priceless. Still, nothing could console him for the loss of his beloved partner, and he is today a lonely and unhappy man. [New York Times.]

AN EARTHQUAKE HORROR.—M. de Chivry, a Paris wine merchant, who was traveling in Sicily when the earthquake occurred, has written a vivid description of the catastrophe in which his wife and four children were killed. He himself escaped with his youngest child and a nurse. He writes that the first shock was by far the most violent. The house oscillated from its very foundation; the piano, probably one of the upright instruments, tumbled over against the window and a heavy clock was upset into the fireplace. A second shock brought the house down, crushing to death the four children and their mother, and breaking their father's arm. M. de Chivry, with the nurse and infant passed the night in the cemetery. The following morning he could find no trace of the house or of the street on which it stood. He remembers being more deeply impressed with horror by the shrieks of the people and the howling of the cattle than by the crash of the falling walls and the dull roar of the earth. His reason so far deserted him for a moment that he fancied the screaming inhabitants were endeavoring to kill him, but the sight of his child and the nurse restored his mental balance.

Apparent evil so often turns out to be positive good, that we should be very slow to condemn an occurrence even though it seem to have no cheerful side.