#### A PHENOMENAL REGION.

The South has in the past been known only as an agricultural section, and we have been so in the habit of regarding that our mission is purely agricultural that our possibilities as a manufacturing centre receive but little consideration. Yet the truth is, nature, in making us the great cotton growing region of the world, has not withheld from us vast capabilities for manufactures. However important our farming interests may become, it seems certain that our manufacturing interests will in the future rival them. It may not be within this century, but before another generation has passed our prediction will assuredly be realized. We do not refer rely to the manufacture of cotton oods, which can flourish equally at ugusta, Columbus or Wilmington, but to a far greater development of industries. The plains of the Atlantic slope and the rich plateaus of Kentucky and Tennessee are not our only wealth. Locked in the recesses of the mountains which separate these agricultural zones are deposits of treasure as yet hardly explored. In time they will be brought to the uses of man.

The mountainous region bounded on the south by a line from Birmingham to Statesville, and penetrating up into Kentucky, embracing a territory of fifty thousand square miles, is a storehouse where nature has been lavish with her supplies. Vast beds of coal lie in close proximity with inexhaustible deposits of the most coveted kinds of iron. Copper, silver, gold, minerals and metals of all sorts are found in profusion.

Prof. Smith, in a few remarks to the North Carolina Press Association, at Atlanta, in referring to this, said all the mineral wealth of Russia could not approximate what is here found so compactly placed. Again the woods are as yet undisturbed, and the choicest speci-mens and most desirable kinds are in abundance; nowhere in the world is there such another collection of useful and valuable timber. But that is not all. The climate is peculiarly adapted to manufacturing enterprises, the altitude giving a bracing air, free from malaria, conducive to vigor, while the latitude and situation preclude the rigors of the North or the enervating heats of a protracted summer.

In addition to these advantages, there is a peculiarity no less striking than important. Water power without limit can be had almost at any point, and these streams are never blocked with ice; and preserve a very constant volume, affording power to turn all the machinery of the universe. When we view this compact region, where nature has bestowed so many favors, mingling coal, minerals, forests and power, we cannot but believe that at the proper time its storeheuses will be opened and its magnificent resources developed. No gift has been withheld from it. Indeed the congregation here of the elements of manufacturing enterprises is phenomenal. There is nothing like it to be found elsewhere in the world. And then it is in the heart of a section needing manufactures to go hand in hand with her agriculture. As Birmingham has risen as if by magic to supply a local demand of iron manufactures, so will there be many other Birminghams to dot the slopes of this unsurpassed section. But not alone will iron be produced : shops for the construction of railroad cars, for agricultural implements, for furniture, for the manufacture of all sorts of supplies, for steel rails and cotton machinery, and for everything that human industry can produce, will speedily follow. It will be the marvel of the age. Such is our belief. We will see.

OUR own little star-routes sometimes become of interest, especially to those who are supplied with their mails by them. The one between Raleigh and Roxboro is at present undergoing investigation. It is said to be a tri-weekly route, but is served as a semi-weekly, and irregularly at that. The people along the line say it is a nuisance, and they see no reason why their complaints to the department are treatedwith indifference. We are informed that this route, No. 11,137, was let along with a great many others to a man out west, who has sub-let it. Now, it is illegal to sub-let a mail contract. The contractor need not carry the bags himself, but his agent must do it. He cannot lawfully sell it or sub let it. The present carrier is badly equipped and does not render proper service. As a consequence, yesterday Mr. Wiggins, who has interested himself in the matter, was in town and laid the case before United States Commissioner Purnell. We are not advised whether a criminal case can be made out of it or not, but as the people are entitled to their mail facilities -as the government pays for the service—the service ought to be performed, and if not, either the Postoffice Department should act or some criminal proceed ing should be in order.

WE make room this morning for a very important letter from the Attorney-General on the subject of railways. It will be remembered that some weeks ago the Governor directed the Attorney-General to institute suits against such railroads as had forfeited their charters, and particularly against the Piedmont Railread Company, owning the line from Danville to Greensboro. If we recollect aright, there was also something said about suing to en-

The Attorney-General, in reply, says that Chief Justice Ruffin decided long ago that before such a suit could be brough the facts relied on for forfeiture must be clearly stated with such certainty as necessary in bills of indictment.

And Colonel Kenan says he is not in possession of the necessary facts; and if they exist he has no time to go out and ferret them up, and

that it has not been made a part of his duty to do so. The power to make such an examination carries with the power te send for persons and subpœna witnesses and administer oaths, and these powers have not been conferred on him. If the facts were furnished him we do not doubt that he would act promptly under the directions contained in the Governor's letter. The Attorney-General collates the statutory provisions bearing on the subject of railroads, and suggests that the Legislature has power to make this legislation more perfect. This compilation will be found very useful. But still more valuable is the compilation of so much of the charters of the different companies as relates to their right to fix fares and rates of freight. The Supreme Court of the United States has decided that the power of the Legislature to regulate rates of freight is full and perfect, except in cases where the Legislature has deprived itself of the right by fixing maximum and minimum limits in the charter of the company. We will in a future issue quote these decisions more fully, in the meantime suggesting that from Col. Kenan's letter some of the railroad companies appear to be beyond the control of the Legislature.

THERE is a proposition before Congress to allow the heads of departmens to have seats in the Senate and engage in debate on matters affecting their departments. We think we had better stick to the old constitution. The President is the man to explain the policy of his own administration, and we do not favor letting the heads of the departments have an advantage over him.

THE French people, being citizens of a republic, now have no need of the remnants of royalty, and are trying to dispose of the diamonds whose presence seems to recall that they once had a lord and master. Among the jewels to be sold is the Regent diamond, bought in Madras for Louis XV for \$650,000, and which has long been regarded as the most perfect gem in the world.

THE Secretary of the Treasury thinks that the silver dollars ought to be withdrawn from circulation as well as the silver certificates. He is like a bull in a China shop. Were this notion of his acted on. we would have a fearful financial panic and business revulsion within forty-eight hours. Jesse Holmes ought to go for

IT SEEMS to be sufficiently settled by the newspaper mon that Gen. Longstreet is to replace Secretary Hunt in the cabinet at the end of thirty days.

Jeff. Davis Back From Europe.

Jefferson Davis arrived at New York on the steamship Neckar, from Bremen Tuesvary but little with the seasons. They are day, and a Tribune reporter found him on same applies by act of special session of as may be approved by the directors of neither subject to floods nor droughts, but | the deck of the vessel when she reached | 1868, ch. 8, to the Atlanta and Charlotte | the North Carolina road, and on failure to her pier at Hoboken. The reporter had met Mr. Davis in Canada in 1866, and was greeted cordially. Mr. Davis' face was perhaps a little thinner than it was fifteen years ago, but his figure was still erect and his movements were active. and while time had whitened his hair and a short beard was more underneath than upon the chin; so vigorous was he in appearance that he did not look to be more than fifty years of age, although he wil. be seventy-four on January 3, next. His health is now good. Much of his conversation was in praise of Captain Williegrode and the officers of the Neckar, who, he said, had preserved the lives of the passengers by watchfulness and caution during the terrible storm that lasted through the voyage. "In fact," said Mr. Davis, "I was looking out at the sea as you came on board, and thinking how wonderful it was that the ship had not gone to the bottom or been torn to pieces by those terrible waves. Now that we are here, it is certainly with a feeling of thankfulness that we have at last reached the harbor, which at one time we never expected to see."

> The conversation turning upon other matters. Mr. Davis, in reply to a question as to his plans for the future, said: "I have come over with my family to look at my plantation in Tennessee, and the business growing out of the publication of my

"Has it been a success?

"That I cannot say, because I have been away all the time since it was published, and have not heard much about it.' "Have you published it in England?" "It has been published there, but so

far I have received but little information regarding it, my stay abroad having been chiefly on the continent."

"Are you familiar with the facts concerning the recent speculation in Confede-

"All I know regarding that matter is what I have seen in the newspapers abroad, and that is probably not as much as the people have read in the American papers. I do not recollect just at this time of any substantial reason why a fund should have accumulated in the Bank of England or anywhere else, that could in any way be applied to the payment of the bonds. But all I can say is that I hope the holders of the bonds will realise something upon them, as of course they represent money that can ill be spared in many instances.

-This is the way the National Repub lican talks to the Republicans in the Virginia Legislature. It advocates the election of Riddleberger: "If any Bourbon Republicans can still be found to play the part of pander to bring about such a vile meeting they will accomplish nothing but calling attention to their own infamy. The name of Republicanism has been used long enough in the South as a convenience for Bourbon lacqueys. Whoever plays into the hands of the Bourbon Democracy hereafter will be branded as a mere slave of that party, and no amount of Bourbon influence in Washington will secure him a Federal office as the price of his treason. force a forfeiture of the lease of the North | We are not aware of the existence of any Carolina Railroad, or to have it declared Republican traitors in Virginia." Voting a Republican, such as Lewis, is to make a Republican "a traitor."

> It was said last evening by friends of Postmaster-General James that he will probably remain in the cabinet until the end of the present fiscal year, the 30th of June next. This for the reason that he will have the opportunity to show a full year's working of the department under his administration.

RAIL ROADS.

Reply of the Attorney-General to Letters of the Governor.

AT ORNEY GENERAL'S OFFICE, RALEIGH, December 9, 1881.

Your letters of a recent date addressed to me upon the management of rai'roads operating in this State presents a subject of importance, and I have given it such consideration as I could in view of the other pressing duties of this department.

My reply is now respectfully submitted. I will first can attention to acts of Assembly incorporating railroad companies, but will cite only extracts of such parts of their provisions as undertake to prescribe rates of charges for fare and freight. - I have confined myself to this particular branch of the subject. b cause I apprehend from the general tenor of your communication that it constitutes the main ground of complaint. The am adments to these various acts have not generally been brought within the limit of my research, as it is believed they have made no substantial change, and do not materially bear upon the question.

The acts prescribing rates for railroads now in operation are as follows:

- Raleigh and Gaston-Act of 1850-51 chapter 123, section 9, and Act of 1852-53 prescribes a charge for transportation, not exceeding 6 cents a mile for passenger and

8 cents per ton per mile for freight. Wilmington and Weldon-Act of 1833, sec. 26, page 344 of second volume of Revised Statutes. Not exceeding 6 cents a mile for passenger, and 9 cents a mile per ton of 2,000 pounds of freight

Atlantic, Tennessee and Ohio (Charlotte and Statesville), Act of 1854 55, ch. 227. sec. 16. Not exceeding 5 cents a mile for passenger, and 35 cents per 100 pounds on heavy articles and 10 cents per cubic foot on articles of measurement for every one hundred miles.

Piedmont, (Greensboro and Danville) Ordinance of the convention of February 8, 1862, pages 91, 92, secs. 13-14. At such charges as may be fixed by a majority of the board of directors, provided they shall have no power to discriminate on either freight or travel against the North Caroina Railroad, or roads in North Carolina connected with it.

Wilmington, Columbia and Augusta, (Wilmington and Manchester) Act of 1846|47, ch. 82, sec. 29. Not exceeding 6 cents a mile for passenger, and 50 cents per 100 pounds for each 100 miles on heavy articles, and 15 cents per cubic foot on articles of measurement.

Charlotte, Columbia and Augusta. (Charlotte and South Carolina) Act of 1846-47, ch. 84, sec. 15. Regulated by directors, but subsequently the act of 1848-49, ch. 89, sec 10, prescribed not to exceed 6 cents a mile for passenger, and 50 cents per 100 pounds and 15 cents per

Seaboard and Roanske, Act of 1832. 2 Rev. Stat., page 318, prescribes 6 cents a mile for passenger, and 8 cents per ton a mile on freight; but by the subsequent Act of 1836 37, several material changes were made, among them the rate per ton mile on freight was reduced to 4 cents. Spartanburg and Asheville (Greenville

and French Broad, consolidated) Ac. of 1851-55, ch. 229, sec. 13. Regulated by company. But by subsequent act of 1873-74, ch. 83, sec. 3, no greater discrimination than 25 per cent. between rates for local and through freight.

Petersburg and Weldon, Act 1830 of the Virginia Legislature, adopted by our act (2 Revised Statutes, page 235) with certain modifications and additions. Rates prescribed during time of construction. afterwards to be fixed by "board of public works."-Sec. 18, Va. act. And it was further provided by section eight of our act that the provisions should be subject to be altered, amended or modified, except so much thereof as prescribed rates of freight. North Carolina Railroad—Act of 1848-

49, ch. 82, sec. 18. Charges for fare and freight regulated by majority of board of directors. And the same provision is made for the following companies, to wit : Carolina Central (W. C. and R.), Act 1854-55, ch. 225, sec. 17; Western North Carolina, Act 1854-55, ch. 228, sec. 25 Raleigh and Augusta (Chatham), Act 1854-55, ch. 230, sec. 18; North Western (Salem), Ordinance of convention 1868 ch 17, sec. 11; Oxford and Henderson, Act 1870-71, ch. 150, sec. 1; Norfolk and Elizabeth City, Act 1869-70, ch. 18, sec. 8; University Road, Act 1868-69, ch. 22. and Act 1879, ch. 100; Atlantic and North Carolina, Act 1852-53; ch. 136, sec. 17 Midland, Act 1872-73, ch. 54, sec. 17 Chester and Lenoir, Act 1872-73, ch. 35, and Act 1871-72, ch. 130.

It is stated in your Excellency's letter "that it is of importance to the people that the railroads in the State be subject to such laws as the General Assembly shall choose in its wisdom to pass for their control," and in this connection it may not be inappropriate to refer to statutes now in force bearing upon this subject.

The Act of 1874-75, sh. 140, to prevent discrimination in freight tariffs, provides

in substance as follows: 1. That it shall be unlawful to charge for transportation of freight over a railroad a greater amount of toll than shall be charged for an equal quantity of the same class of freight, transported in the same direction, over any portion of same road of equal distance, and any company violating this section shall forfeit two hundred dollars for each offense to any person suing

2. Or to allow freight to remain unshipped for more than five days after receipt of same, unless otherwise agreed upon, and the company violating this section shall forfeit twenty-five dollars for each day the freight remains unshipped as aforesaid, to any person suing for the

3. As amended by the Act of 1879, ch 237. That nothing in this act shall prevent a company from making special contracts with shippers of large quantities of freight, to be of not less in quantity or

bulk than one car load. And section 2 of said chapter 237 prohibits the pooling of freights or allowing rebates on same, and any person violating this section shall be guilty of a misdemeanor, and on conviction be fined not less than \$1,000 or imprisoned not less

than twelve months.

a penalty of \$50 for refusing to receive freight, and makes it the duty of every transportation company to keep posted at depots a list of its charges for freight, such charges not to be increased without giving fifteen days notice, under a penalty for violation of not less than \$50 nor more

The Act of 1874-75, ch. 202, amended by Act of 1879, ch. 281, provides that the chief officer of railroads or other works of internal improvements in which the State owns an interest, shall make an annual reto be submitted to the Legislature; person failing to report guilty of misdemeanor; suit to be brought against persons so failing, on application of board of internal improvements, to whom authority is also given to have the affairs of any such road investigated by a member of the board, | interest. who shall have power to send for persons and papers, administer oaths, etc.; sheriff to execute summons as in other cas s; refusal to obey summons a misdemeanor.

From these statutes it appears that the remely for a violation of their provisions is given to the party aggrieved, and also by indictment in the Superior Court. A case ar se under section 2, chapter 240, of the Acts of 1874 75, where a railroad company was sued for the penalty incurred in allowing freight to remain unshipped more than five days after receiving it, and the court held the act to be constitutional and the plaintiff entitled to recover .- Branch vs. Wilmington and Weldon Railroad Company, 77 N. C., 347. The Act of 1866 67, chapter 105, em-

powers directors of railroads in the State to | public good. enter into agreements with each other to secure through freight and travel, without bulk, and in section 2 authorizes the directors of the Western North Carolina Railroad to connect with the roads from Tennessee and Georgia, but in making such connections no discrimination shall be made against railroads or seaports of this S.ate, and that the terms upon which said connections are made shall be approved by the Legislature.

And under a resolution, ratified on the 14th of December 1865, (Acts 1865-66, page 11), it is provided that in the event of any contract having been entered inte by any railroad company in this State with any person or company, whereby preferences or exclusive rights of transportation, either in priority or arrangements, are given to such person or company, suit may be brought against the company for a forfeiture of its charter.

In the contract of lease of the North Carolina Railroad, entered into on the 11th day of September, 1871, to be found in the legislative documents of 1871-72, Doc. No. 27, the lessees covenant to pay \$260,000 annual rent, to deposit bonds to secure the same, in the First -National cubic foot for every 100 miles. And the Bank of Charlotte, or in such other bank comply with the above, possession of the road may be resumed by the lessors on notice required by the contract; also to keep the road in good repair, with bond for faithfu! performance of the same, and not to establish local fare or freight at higher average price from station to station than the average rate for same as established by the North Carolina road on Sep tember 1, 1869.

General order No. 88, referred to in our letter, I am informed by your Excelency was revoked, and did not go isto practical operation.

It is provided by the general statutes that a suit may be brought against a cor poration to vacate the charter and annul its existence, whenever it shall exercise a franchise or privilege not conferred by law. Bat. Rev., ch. 17, sec. 362 et seg; ch. 26, sec. 39; Revised Code, ch. 26, sec. 5 and 25. And upon a judgment of dissolution the corporate body is continued only to enable the company to settle its affairs, and not to carry on the business for which it may have teen established. After collecting debts owing to it, selling its property, and paying its creditors, it is provided that the surplus be distributed among the stockholders or persons entitled thereto. Where the franchise and property of a corporation are sold under an execution at the instance of creditors, the corporation in the hands of the purchaser retains the same powers, &c., as before such sale. Revised Code, ch. 26, sec. 9 and 13.-Gooch vs. McGee, 83 N. C., 59.

By the Act of 1874-75, ch. 198, the Legislature directed suit to be brought to dissolve the Roanoke Navigation Company. After providing for the appointment of a receiver, a sale, &c., it makes the purchaser a new corporation under any name mentioned in the deed of conveyance, and specially provides that the corporation thus created shall succeed to the rights of the old. By direction of this act a suit was brought and a judgment of dissolution obtained. See Attorney-General vs. Roan-

oke Navigation Company, 84 N. C., 705. There is also a provision in section fourteen of the act incorporating the Raleigh and Gaston road, to the effect that whenever the Legislature may be of opinion that the charter shall have been torfeited, it may by joint resolution direct a writ to issue, returnable before the Supreme Court, calling upon the company to show cause why the charter shall not be forfeited. (I suppose, however, that now the remedy would be the same as in like cases under

the general law.) I have collated these statutes from time to time, as other duties permitted, to show what the Legislature has done in respect to this subject, and the result of these difent modes of procedure against corpora-

To constitute the basis of a suit to dissolve a corporation, vacate its charter and annul its existence for exercising a franchise or privilege not conferred by law, it is necessary that the allegations of cause of forfeiture should be specific as to time, place and overt acts, as was said by the late Chief Justice Ruffin in the case of Attorney-General vs. Petersburg Railroad Company, 6 Ired., 456 This was a suit to vacate and annul the charter of the dendant company, and it is declared by the Chief Justice in delivering the opinion of the court, "that when the Legislature required the grounds to be set forth on which the forfeiture is alleged, nothing less was meant than that the information, like an indictment, should state with certainty to a common intent the facts and circumstances which constitute the offense." And it is also essential to a The Act of 1879, ch. 182, prescribes successful prosecution of the same that the

allegations must be established by proof. I take it that this particularity is required

ments of the law shall have been furnished, I shall deem it my duty to give the same a fair consideration, and to institute suit in cases affecting the public interest. To extend the investigation to obtain the facts of any particular case, and proof to sustain them, would impose upon me a labor so great as to seriously interfere port to the board of internal improvements | with the proper discharge of the duties of this.d-p rtment.

It will be observed by reference to the Act of 1875, above cited, that the board of internal improvements are clothed with certain powers in investigating the affairs of any road in which the State owns an

Whether these powers should be extended so as to include all railroads in the State, or whether authority should be given to any other person or commission to send for persons and papers to make a prelimitary examination into their management upon complaint made, are questions for legislative consideration

While I think the beneficial character of railroads is universally recognized, and that investments in these and other enterprises ought to be encouraged, yet at the same time it is important that such regulations for their management should be matured as will prevent their being oper ated to the injury of the people of the State; and that the same should be reasonable in themselves, and subservient to the

Additional legislation, if any should be thought necessary, framed upon this basis, expense of transfer of freight or breaking | n ight conduce to the welfare of the public, and work an injury to no class of business, whether conducted by individuals or corporations; but its particular character, I cannot anticipate, nor is it a proper sub ject for me to enter upon. Of that, the Legislature, after receiving the recommendations and suggestions of your Excellency, will be the judge.

Very respectfully, &c., THOS. S. KENAN, Attorney-General.

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