

CHARLOTTE OBSERVER.  
SUBSCRIPTION RATES:  
Daily 1 year, (postpaid) in advance, \$3.00  
6 mos. 2.00  
3 mos. 1.00  
1 mon. .75  
In the county in advance, \$2.00  
out of the county, postpaid, 2.50  
6 months, 1.50  
1 month, 1.00  
LIBRARY DISCOUNTS FOR CLUBS.

# Daily Charlotte Observer.

VOL. XII. CHARLOTTE, N. C., SATURDAY, DECEMBER 11, 1875. No. 2,095

JOB PRINTING.  
The Observer Job Department has been thoroughly supplied with every needed want, and with the latest style of Type, and every manner of Job done in the most perfect manner.  
We can print in any color, and in any quantity, and at the lowest price.  
We are prepared to print in any color, and in any quantity, and at the lowest price.  
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## SMITH & FORBES

### SECOND FALL STOCK, BOOTS AND SHOES.

OUR MR. FORBES has just returned from the Northern Markets, and we are now carrying one Second Fall Stock of BOOTS, SHOES AND LEATHER, which is fully complete in every Department, and will be sold at prices that defy competition.

#### WHOLESALE AND RETAIL

MERCHANTS are especially requested to examine our stock before purchasing.

### WE WILL NOT BE UNDERSOLD.

## SMITH & FORBES,

NEW IRON FRONT BUILDING, TRADE STREET, CHARLOTTE, N. C.

### NEW ARRIVAL 1875

## WADE & PEGRAM

ARE NOW RECEIVING A FINE STOCK OF BOOTS & SHOES, FOR THE FALL AND WINTER TRADE.

We offer to the Public the best Stock of *Gentlemen's Hand and Machine-Made GAITERS AND BOOTS,* To be found in the City. Ladies', Misses', and Children's goods in endless variety. We respectfully solicit your patronage. Satisfaction guaranteed.

### WADE & PEGRAM,

Opposite Central Hotel, sep21

## Burgess Nichols & Co.,

#### WHOLESALE & RETAIL

DEALERS IN FURNITURE, BEDDING, &c., No. 5, West Trade Street, CHARLOTTE, N. C.

JUST RECEIVED. A FULL ASSORTMENT OF Parlor Suits, in Hair Cloth, Terry and Repp. Also a new Supply of Lounges, all grades. A full assortment of Metallic Cases, Caskets and Wood Coffins on hand.

### THE CITY.

#### CITY BULLETIN.

R. Y. Madden, Esq., has been appointed assignee of McMurray & Davis.

Haverly's Minstrels to night. "Whar war Jonah dem seben long days an' nights an' what war de occasion ob de detenshun?"

The courts were very dull again yesterday. The Mayor had no cases and the proceedings before the Magistrates were very unimportant.

There is a great deal of activity just now about the docks and the cotton platform. There is nothing down there to indicate starvation times.

We are indebted to our esteemed friend, Dr. R. A. McLean, of Beattie's Ford, Lincoln county, for a club of 10 new subscribers to the WEEKLY OBSERVER.

The windows of the toy and candy shops are filled with Christmas goods for the children, and present an appearance which is very attractive to older eyes as well as those of the juveniles.

The streets dried up very considerably on yesterday, under the influence of the sun's rays, and foot locomotion was rendered much more comfortable to both man and beast.

We understand that the new and long-talked-of schedule will soon go into effect on the Piedmont Air Line. This will make the run six hours shorter between New York and New Orleans.

A negro named Burwell Martin was very rambunctious, yesterday afternoon, at the establishment of Mr. McAdams, at the corner College and Second streets, when he was arrested by a "cop" and put in the "coop."

The little office on the railroad platform, used until recently for the cotton office, has been refitted by the Carolina Central Railroad Company, and will be used as their telegraph and one of their business offices.

Haverly's Minstrels performed in Columbia last night, and will arrive in this city this afternoon by the freight train. Their coming is anxiously looked forward to, and they will be warmly greeted here to-night.

We are informed that we erred in stating that there was a flaw in the bill of indictment in the case of the man Well, who was tried at Concord on Tuesday, for obtaining goods under false pretences. The indictment was all right, but the evidence failed.

An Excursion Train From Charlotte to Columbia and return, on next Friday, 17th inst., is advertised in another column, and as the price for the round trip is only \$2.50, we suppose everybody and his wife will go. See advertisement.

The Columbia Races Begin on the 16th, and in the list of horses which have been entered, we notice the names of the following which ran on Carolina Park during the recent races: Ascot, Jack Trigg, Springlet, Libby I. and Johnnie B.

Arrested. We understand from passengers on the Wilmington train last evening, that Birmingham, who killed Jowers at Wadesboro on Thursday, of which occurrence we published a detailed account in our last issue, was arrested on yesterday and confined in Wadesboro jail.

Clear Weather. After many, many days of gloom, we have had another day of almost uninterrupted sunshine. Yesterday was charming, and was all the more enjoyed by contrast with the wretched weather which has prevailed ever since December commenced its reign (or rain.) We hope the fair weather of yesterday is an augury of better days, and that the end of the wet season is at hand.

To Make Hens Lay. Cayenne pepper, mustard or ginger can, with great benefit be added to the food of fowls, to increase their vigor and to stimulate egg production. We publish this for the benefit of all whom it may concern. From now until New Year's the people want all the eggs they can get, and frequently a great many more.—Exchange.

It has been suggested that another very good way to make them lay, is to tie their feet together. The idea is not ours, but we commend it to housekeepers.

The Corn Shelter Advertisements in another column will be on exhibition to-day at the Central Hotel, by Mr. L. A. Hoyt, the patentee. This shelter is said to have taken the first premium at sixteen State Fairs, and numerous County Fairs, indeed its patentee affirms us that its cheapness, its durability, its ease of draught, effectiveness and simplicity, has made it a general favorite wherever its qualifications have been tested. Go and see for yourself.

Meeting of Stockholders. The stockholders of the Richmond & Danville Railroad, held their annual meeting in Richmond on Wednesday, for which the President submitted his report of the operations of the road during the past year. Speeches were made by Col. R. T. Hubbard and R. Y. Madden, severely censuring the management of the road and charging Col. Buford with incompetency, but he was defended by Judge H. H. Marshall and Mr. Thos. Branch, and before the adjournment of the meeting, was re-elected President for the ensuing year.

Water in the Well. The Wilmington Journal has been informed that Captain Wooten has been notified by the General Superintendent of the Southern Express Company that he would no longer be recognized by that monopoly as doing an Express business, although he had entered into bond to the sum of twenty thousand dollars to insure the Southern Express Company against loss by reason of any through business they might do in common. The object of this monopoly company, owned by the Wilmington Express Company, is to drive Capt. Wooten out of business by cutting off all communication with him, and to usurp the business upon the lines over which his Express now runs.

### The Stock Ordinance.

The following is the ordinance, passed by the Board of Aldermen in meeting, December 9th, 1875:

"Be it ordained that no live stock shall be allowed to run at large in the city of Charlotte, from and after the 1st day of January, 1876, nor shall any live stock be allowed to run at large from and after the said first day of January, 1876, excepting fifty dollars, and in addition thereto, said stock shall be subject to impoundment, and be sold by the City Constable after three days notice, and the Constable may sell any other expense incurred by reason of the violation of this ordinance."

I certify that the above is a true copy of the ordinance passed as above stated.

F. NASH, Clerk.

### The Observer on the Railroads.

On nearly all the railroads leading out of Charlotte, the Observer is a long way ahead of another paper in its telegraphic news. On the Charlotte, Columbia & Augusta Railroad, we are ahead nearly to Columbia. On the Air-Line we are met close to home by our spiritly contemporary the Greenville News. On the Carolina Central, Eastern Division, we meet our Wilmington neighbors half way, and on the Western Division have 35 hours start of any paper. On the Richmond & Danville Railroad, we are ahead to Greensboro and beyond it, and on the Atlantic, Tennessee & Ohio Road are 24 hours ahead of any of our contemporaries to Stateville and points on the Western North Carolina Railroad.

### A Serious Accident.

Last Thursday morning (9th), as Mr. Jacob Troutman was returning from Brown's new Troutman's mills, in South Iredell, his mules which were hitched to a two-horse wagon, took fright on the bridge over the mill pond, and plunged over the side of the bridge into the water and were drowned. They of course carried with them the wagon and its load, which consisted of several bushels of meal and flour, which had just been ground. Mr. Troutman made a narrow escape by jumping from the wagon just before it was precipitated into the water below.

### Ladies' Hebrew Benevolent Society.

The members of this society held their annual meeting on day before yesterday, when the following members were re-elected for the ensuing year: Mrs. Rintel, President; Mrs. A. Frankenthal, Vice-President; Mrs. Banggarten, Treasurer; J. Rothschild, Secretary; Mrs. F. Frankenthal, Miss Baruch and Miss Goldberg, Trustees.

The Society has taken the initiatory steps to open a Sunday School for the education of Jewish children in this city in the faith of Judaism, and the following ladies and gentlemen having kindly volunteered, were unanimously elected as teachers: Mrs. Lindy, Miss R. Drucker, Messrs J. Mendel, J. Meyer and J. Rothschild.

The first annual ball of this Society will take place in a short time, of which one notice will be given.

### Fair Under Colored auspices.

We have received a large poster setting forth that the colored men of North Carolina will hold an industrial fair in the City of Wilmington, commencing on the 27th inst., and continuing through the 29th. Freezans are offered as by any other fair association, and a very attractive programme is laid on. John E. Smyth is the orator of the occasion, and addresses will be delivered by Oliver H. Dockery, of North Carolina, and R. B. Elliott, of South Carolina. Geo. W. Price, Jr., will be the Chief Marshal. Visitors will be conveyed at excursion rates. Three bands will be present, and one of these according to the bill before us, will be "the famous Star Brass Band, of Charlotte, N. C." We understand that it is the purpose of quite a number of our colored citizens, to attend this exhibition.

### The Greek Priest.

The strange character whom we described in our issue of Thursday, has shaken the dust of Charlotte from off his feet, as a testimony against the city. He did not lecture on Thursday night, for the reason that only two or three appeared to hear him, and his wrath was enkindled more than a little. Yesterday morning he arose and left the hotel about 7.30 o'clock, saying that he was going after some tobacco. Some time after that, the Messrs Hollis, the proprietors of the hotel, received a note from him saying that he had gone to Columbia, and to take care of his baggage until Saturday, when he would pay for it. He left behind him a double-barrel shotgun, a shot pouch and powder flask, valise, &c., more than enough to remunerate the proprietors of the hotel, even if he should never return. We, however, do not partake of the general opinion that he is a "fraud," when this word is used in the sense of a dead-beat, and we have no idea that he intends to defraud any one. He is a curious character, and we are not able to determine, in our own mind, just what manner of man he is.

### Haverly's Minstrels.

These burnt cork geniuses appear here to-night, and those who want a good square laugh and an entertainment which will drive away the blues for a month, should go to this show if they never go to another. It gave such general satisfaction when it was here last year, that it will not fail to get a crowd to-night. To show what our Augusta neighbors think of it, we give the following extract from the *Chronicle & Sentinel* of a recent date:

"The Opera House was crowded to its utmost capacity last evening, and Haverly and his confederates received a hearty welcome. If we were called upon to pick out, from the members of the company one, specially entitled to applause, we should, as a matter of course, designate Miss Barlow. But this peculiarly done by no means imply that Barlow is the only member to whom favorable notices are due. We have never seen a company composed of such excellent material as this one here, and it might be considered an honor to this kind of theatrical business. The fact is the troupe is first-class in every particular. The programme presented last evening was most only replete with musical gems and sparkling wit and humor, but was utterly free from those double entendres and scenes verging on the indecent that disgrace the stage of some of the kind. The most enjoyable part of the evening was the entertainment without feeling the slightest shock to the sense of delicacy. Many ladies were present and were evidently delighted. Taking it all in all the performance was first class."

### The Case of Engineer Fetter—The Prisoner Re-committed.

On yesterday morning the case of James Fetter, the engineer, was again taken up before His Honor Judge Bryan, at the law office of Messrs Jones & Johnston, Thursday night, James Canton, of Columbia, S. C., was passing through this city on his way to Raleigh, with the requisition of Gov Chamberlain, of South Carolina, upon Gov Broderick, of this State, for the body of Fetter, when he was stopped by counsel in the case, and held over until yesterday, that he might be present at the hearing of Fetter with the warrant upon which the requisition was asked, counsel thinking that this would have some influence with the Court.

The papers having been examined and the parties being ready to proceed, His Honor announced that he held that the prisoner was *prima facie* a fugitive from justice, if the prosecution made good the charge preferred against him. The Court is sitting under the *habeas corpus* act, as if the crime had been committed in North Carolina, &c., &c.

Col Jones, of counsel for the defence, contended that his client was not a fugitive from justice in North Carolina; that, ever since he has been in this State, he has either been bound by cords or in prison, and hence it could not be that he was a fugitive from justice. He said that the extradition laws applied to the case, and that the authorities of the State of Georgia had a right to demand the body of Fetter of the authorities of this State. Counsel cited the case of Bratton as analogous; here the prisoner, though a citizen of the United States, had been seized in Canada, and when the British government demanded his return, the demand was acceded to.

The Court did not agree with counsel, and said the case was only a question of fact, if the prosecution could show probable guilt, that was the only matter that needed to be established.

Wm McKenzie was sworn: He said that he was the conductor of the train which caused the accident; left Columbia on the 17th with a train of eight empty cars for Augusta, and was following 10 minutes behind the regular schedule upon which Capt Sprinkle was running. At Rich Spring I noticed from his staggering while alighting the engine, that the fireman was intoxicated, and in consequence of this I got on the engine, saw the fireman hand Fetter the cup which was kept on the engine to drink water out of, but do not know what was in the cup. Smelt whiskey. Following behind Sprinkle's train, I could sometimes see the red lights on the rear car for a mile and a half according to the grade. About 500 yards from Bacon's, where the train which was following went into the side track, I saw them waying us down, and called Fetter's attention to the fact. He put his left hand on the lever of the whistle and his head out of the window, but did not blow. When we were about 150 yards from the accident, I saw we were having an accident, and called out, "Jim, for God's sake stop!" Just then he blew his whistle, and I jumped to the brake of the engine and put it on. As soon as the crash came, I went down as far as Sprinkle's engine, then returning walked to the rear of my own train and sat down for 10 or 15 minutes on the cross ties. I haven't seen Fetter since the accident until now. I do not know whether he was intoxicated or not. The train could have been stopped in 250 yards.

Cross examined: We had a light train of six cars; my train was about the same length as that of Capt Sprinkle's; it had eight double brakes on it, and three train hands. It might perhaps have been stopped within 100 yards. I saw nothing to indicate that Fetter was drunk, and I thought he had control of his engine. Conductors are charged with the control of their trains. The rules of the road require that when a train runs on a side track, that it shall close the switch after it and throw it on the main line. I had nothing more to do with my train after the accident. I left fearing that the passengers might do me some harm.

By Capt Burwell: It was near the time for the up-train from Augusta to arrive at the turn out. I was running on schedule.

By Col Jones: My train and Sprinkle's, though called portions of one train, were each under a separate and distinct management.

Capt W J Sprinkle examined: At 2 minutes to 6 o'clock I went in the side track, flagging the train behind. In a very short time I saw the other train coming, and remarked to my switchman that he was coming too fast; to wave him down. He did so, but the speed of the train did not slacken. As it got nearly up I seized the switch and tried to throw it on the main track, but by this time the engine had struck the side rail and I failed. Fetter blew brakes 30 or 40 feet from my train, and after he had crossed the switch. A little boy, Charles Nightingale, of Brunswick, Ga., was killed in the wreck.

By the Court: It was three minutes from the time I stopped till Fetter's engine struck my train. The side track was made to hold 5 cars and an engine; I had 5 cars and an engine on it. It was my duty to leave the switch open after I went into the side track, as the train behind was considered as a portion of mine.

Capt M M Wolfe examined: I was a railroad conductor for 14 or 15 years. Mr McKenzie's might have been stopped within 50 yards. Under the circumstances the switch was not to be supposed to be on the main track.

Col W Johnston: Under the regulations of the road when I was President of it, it was the duty of a conductor going into a side track, to close the switch after him, and the engineer behind might have supposed the switch closed. This is a protection to the train in the switch and to the engine which may be coming meeting it, as it might run fast and otherwise off the track.

Cross examined: Fetter had no right to cross the switch as Fetter exceeded 5 miles an hour. It was his duty under the circumstances to have stopped before reaching the switch.

Capt J J Gornley: It is the duty of a conductor going into a side track, to close the switch behind him.

Cross examined: Fetter had no right to cross the switch as Fetter exceeded 5 miles an hour. It was his duty under the circumstances to have stopped before reaching the switch.

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Cross examined: Fetter had no right to cross the switch as Fetter exceeded 5 miles an hour. It was his duty under the circumstances to have stopped before reaching the switch.

both testified that Fetter's character had been excellent. He possessed the confidence of the authorities of the road, and had frequently been sent out without a conductor.

Mr Geo E Wilson, spoke first, but his remarks were confined almost entirely to summing up the testimony. Col Jones followed. He claimed that there was no malice, either express or implied, on the part of his client, that he and McKenzie certainly understood the switch to be on the main line, or else McKenzie, at least, against whom there is no allegation that he was drunk, would have felt some apprehension. He held that the accident was one which might have occurred to any men, and that Sprinkle was as blameable in the matter as his client.

Capt Burwell closed the argument, opposing all the grounds assumed by Col Jones. He labored to show that it was a case of reckless disregard of human life, and that the engineer and conductor had no right to suppose that the switch was on the main track; even if they had, they had no right to cross it at the rate at which they were running, and especially when they knew that a train was then almost due, &c., &c.

His Honor referred to the remark of counsel for the defence that no lives were so much imperiled by this occurrence as those of the engineer and conductor of the train behind, and said that in this he saw no excuse. A man may count his own life at whatever price he may choose, but no one has the right to set the price upon another human life. He held it a case of gross negligence, and hence would recommit the prisoner. Fetter was accordingly remanded to the custody of the Sheriff.

Mr Canton went on to Raleigh last night with the requisition, and will perhaps return in a few days and carry Fetter to Columbia.

The following extract from the *Atlanta Constitution*, of Thursday, is a part of this case which is of interest. Referring to the arrest of Fetter in Georgia without warrant, the *Constitution* asks, "Is it kidnapping?" and adds:

"Under section 4367 of the code, this arrest and carrying away of Fetter is a clear case of kidnapping, for which the parties may be indicted, and, if convicted, sentenced to the penitentiary for from four to seven years."

Upon proper application being made to Governor Smith it is believed he will require the return of Fetter to this State.

"The railroad engineers are considerably excited over the affair."

## THE CHEAPEST

### AMUSEMENTS.

## OPERA HOUSE!

ONE NIGHT ONLY!

SATURDAY, DECEMBER 11TH.

## Haverly's Minstrels,

The largest and most complete Minstrel Organization in the World.

### 26 STAR ARTISTS,

IN AN ENTIRE NEW PROGRAMME, CHEASTE, BRIGHT & ELEGANT.

Seats three days in advance, at Phifer's Book Store. dec11

## Will You Drink?

If you will, call at the DEW DROP SALOON, on College Street. The neatest and costliest institution of its kind in the city. You will get splendid drinks, prepared in any style, and of the best material. Try us once. NIMMO & LAMB, Proprietors. dec11

## The Prairie Corn Shelter.

A chance for a first-class business. Legitimate, permanent and lucrative. It is generally known that if a man owns the monopoly of a first-class standard Agricultural Machine or implement, that he has a good and safe thing, especially if it meets the wants and expectations of the farmer, as to good work, durability and low price. This Shelter embodies all of these and many more very desirable points, which is making it the Hand Shelter of the times. Over 15,000 have been sold during the last three years. Sixteen State Fair 1st Premiums, have been awarded it. Invite the early attention of enterprising men to the examination of this machine, men who can discriminate between a good thing and a humbug, men with some means, who don't expect to get a life paying business for nothing such men I will give a great bargain and chance, as I have only North and South Carolina left, and will close it out, to the interest of any man buying it. Patterns, sample machine and cuts all furnished. Examine working machine and learn particulars at the Central Hotel. Foundry men and mechanics particularly invited to see it. L. B. HOIT. dec11

## BANK EXCHANGE BEER SALOON

HAVE always on draught FRESH CINCINNATI LAGER BEER, and in bottles of quart and pint, also in kegs for family use.

FRESH NEW RIVER AND NORFOLK OYSTERS.

In the shell only, at the

## BANK EXCHANGE BEER SALOON,

W R COCHRANE, PROPRIETOR. dec11

## Excursion Train.

MR LAWRENCE R MARSHALL'S hand bills for an excursion from here to Columbia, next Friday 17th, will appear on our streets to-day. Head them and buy your tickets (and secure your seats) Charlotte Hotel or from R S Phifer. Tickets from here to Columbia, and back only \$2.50. dec11

## Clothing, Cassimeres, &c.

AT AUCTION BY WALTER BYRNE. I will sell at my store in front of the Court House, commencing at 10 a. m., this Saturday morning, a large lot of Cloths, Cassimeres, Hosiery, Notions, &c., and continue daily until the entire stock is disposed of. Sale positive—terms cash. dec11

## Butter, Butter.

FRESH arrival of that Superior Virginia Butter, equal to any Omelette, at

8 S S CARRE'S, Commission Store. dec11

## LOW PRICES TO SUIT THE HARD TIMES.

CALL AT THE CENTRAL HOTEL STORE FOR THE BEST AND CHEAPEST GOODS.

### WOOLEN FRINGS FOR DRESSES BEST QUALITY,

only ten cents per yard: An immense Stock of Ladies' Silk Fringes, at ten cents each; a beautiful article of Kid Gloves, 2 buttons, only 75 cents per pair; fine Lace Handkerchiefs, from 90 cents to \$5 each; very fine Hemmed and Stitched Handkerchiefs, only 25 cents each; a nice lot of Handkerchiefs, only 5 cents each; Embroidered Toilet Sets, only \$1 (a great bargain); Handsome Black Gros Grain Silks for Dresses, only \$1.50 per yard; Best Plaid Water Proof, only \$1.25 per yard; Latest Styles of Ladies' Linen Embroidered Collars, at ten cents each; new variety of Trucking Combs, at 25, 30 and 10 cents; Splendid Stock of Ladies' Hosiery, only 25 cents per pair; all Colors Berlin Zephyr Worsted, only 10 cents; Ladies' all Wool Merino Vests, at 8 cents; Large Stock of Gros Grain Ribbons, 10 cents per yard; very fine Real Outfit Ties, only 25 cents; Beautiful Stock of French Flowers, only 80 cents; Spool Silk, all colors, 100 yards, at 10 cents a Spool; best 60 cents Alpaca in this town; large lot of Corsets, only 75 cents each; Silk Dress Buttons all colors, only 10 cents per dozen; a well assorted Stock of Ladies' and Misses Furs, at extremely low prices; and a great many other goods too numerous to mention, which I promise to sell lower than any other house in the town.

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We understand from passengers on the Wilmington train last evening, that Birmingham, who killed Jowers at Wadesboro on Thursday, of which occurrence we published a detailed account in our last issue, was arrested on yesterday and confined in Wadesboro jail.

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We have received a large poster setting forth that the colored men of North Carolina will hold an industrial fair in the City of Wilmington, commencing on the 27th inst., and continuing through the 29th. Freezans are offered as by any other fair association, and a very attractive programme is laid on. John E. Smyth is the orator of the occasion, and addresses will be delivered by Oliver H. Dockery, of North Carolina, and R. B. Elliott, of South Carolina. Geo. W. Price, Jr., will be the Chief Marshal. Visitors will be conveyed at excursion rates. Three bands will be present, and one of these according to the bill before us, will be "the famous Star Brass Band, of Charlotte, N. C." We understand that it is the purpose of quite a number of our colored citizens, to attend this exhibition.

### The Greek Priest.

The strange character whom we described in our issue of Thursday, has shaken the dust of Charlotte from off his feet, as a testimony against the city. He did not lecture on Thursday night, for the reason that only two or three appeared to hear him, and his wrath was enkindled more than a little. Yesterday morning he arose and left the hotel about 7.30 o'clock, saying that he was going after some tobacco. Some time after that, the Messrs Hollis, the proprietors of the hotel, received a note from him saying that he had gone to Columbia, and to take care of his baggage until Saturday, when he would pay for it. He left behind him a double-barrel shotgun, a shot pouch and powder flask, valise, &c., more than enough to remunerate the proprietors of the hotel, even if he should never return. We, however, do not partake of the general opinion that he is a "fraud," when this word is used in the sense of a dead-beat, and we have no idea that he intends to defraud any one. He is a curious character, and we are not able to determine, in our own mind, just what manner of man he is.

### Haverly's Minstrels.

These burnt cork geniuses appear here to-night, and those who want a good square laugh and an entertainment which will drive away the blues for a month, should go to this show if they never go to another. It gave such general satisfaction when it was here last year, that it will not fail to get a crowd to-night. To show what our Augusta neighbors think of it, we give the following extract from the *Chronicle & Sentinel* of a recent date:

"The Opera House was crowded to its utmost capacity last evening, and Haverly and his confederates received a hearty welcome. If we were called upon to pick out, from the members of the company one, specially entitled to applause, we should, as a matter of course, designate Miss Barlow. But this peculiarly done by no means imply that Barlow is the only member to whom favorable notices are due. We have never seen a company composed of such excellent material as this one here, and it might be considered an honor to this kind of theatrical business. The fact is the troupe is first-class in every particular. The programme presented last evening was most only replete with musical gems and sparkling wit and humor, but was utterly free from those double entendres and scenes verging on the indecent that disgrace the stage of some of the kind. The most enjoyable part of the evening was the entertainment without feeling the slightest shock to the sense of delicacy. Many ladies were present and were evidently delighted. Taking it all in all the performance was first class."

### The Case of Engineer Fetter—The Prisoner Re-committed.

On yesterday morning the case of James Fetter, the engineer, was again taken up before His Honor Judge Bryan, at the law office of Messrs Jones & Johnston, Thursday night, James Canton, of Columbia, S. C., was passing through this city on his way to Raleigh, with the requisition of Gov Chamberlain, of South Carolina, upon Gov Broderick, of this State, for the body of Fetter, when he was stopped by counsel in the case, and held over until yesterday, that he might be present at the hearing of Fetter with the warrant upon which the requisition was asked, counsel thinking that this would have some influence with the Court.

The papers having been examined and the parties being ready to proceed, His Honor announced that he held that the prisoner was *prima facie* a fugitive from justice, if the prosecution made good the charge preferred against him. The Court is sitting under the *habeas corpus* act, as if the crime had been committed in North Carolina, &c., &c.

Col Jones, of counsel for the defence, contended that his client was not a fugitive from justice in North Carolina; that, ever since he has been in this State, he has either been bound by cords or in prison, and hence it could not be that he was a fugitive from justice. He said that the extradition laws applied to the case, and that the authorities of the State of Georgia had a right to demand the body of Fetter of the authorities of this State. Counsel cited the case of Bratton as analogous; here the prisoner, though a citizen of the United States, had been seized in Canada, and when the British government demanded his return, the demand was acceded to.

The Court did not agree with counsel, and said the case was only a question of fact, if the prosecution could show probable guilt, that was the only matter that needed to be established.

Wm McKenzie was sworn: He said that he was the conductor of the train which caused the accident; left Columbia on the 17th with a train of eight empty cars for Augusta, and was following 10 minutes behind the regular schedule upon which Capt Sprinkle was running. At Rich Spring I noticed from his staggering while alighting the engine, that the fireman was intoxicated, and in consequence of this I got on the engine, saw the fireman hand Fetter the cup which was kept on the engine to drink water out of, but do not know what was in the cup. Smelt whiskey. Following behind Sprinkle's train, I could sometimes see the red lights on the rear car for a mile and a half according to the grade. About 500 yards from Bacon's, where the train which was following went into the side track, I saw them waying us down, and called Fetter's attention to the fact. He put his left hand on the lever of the whistle and his head out of the window, but did not blow. When we were about 150 yards from the accident, I saw we were having an accident, and called out, "Jim, for God's sake stop!" Just then he blew his whistle, and I jumped to the brake of the engine and put it on. As soon as the crash came, I went down as far as Sprinkle's engine, then returning walked to the rear of my own train and sat down for 10 or 15 minutes on the cross ties. I haven't seen Fetter since the accident until now. I do not know whether he was intoxicated or not. The train could have been stopped in 250 yards.

Cross examined: We had a light train of six cars; my train was about the same length as that of Capt Sprinkle's; it had eight double brakes on it, and three train hands. It might perhaps have been stopped within 100 yards. I saw nothing to indicate that Fetter was drunk, and I thought he had control of his engine. Conductors are charged with the control of their trains. The rules of the road require that when a train runs on a side track, that it shall close the switch after it and throw it on the main line. I had nothing more to do with my train after the accident. I left fearing that the passengers might do me some harm.

By Capt Burwell: It was near the time for the up-train from Augusta to arrive at the turn out. I was running on schedule.

By Col Jones: My train and Sprinkle's, though called portions of one train, were each under a separate and distinct management.

Capt W J Sprinkle examined: At 2 minutes to 6 o'clock I went in the side track, flagging the train behind. In a very short time I saw the other train coming, and remarked to my switchman that he was coming too fast; to wave him down. He did so, but the speed of the train did not slacken. As it got nearly up I seized the switch and tried to throw it on the main track, but by this time the engine had struck the side rail and I failed. Fetter blew brakes 30 or 40 feet from my train, and after he had crossed the switch. A little boy, Charles Nightingale, of Brunswick, Ga., was killed in the wreck.

By the Court: It was three minutes from the time I stopped till Fetter's engine struck my train. The side track was made to hold 5 cars and an engine; I had 5 cars and an engine on it. It was my duty to leave the switch open after I went into the side track, as the train behind was considered as a portion of mine.

Capt M M Wolfe examined: I was a railroad conductor for 14 or 15 years. Mr McKenzie's might have been stopped within 50 yards. Under the circumstances the switch was not to be supposed to be on the main track.

Col W Johnston: Under the regulations of the road when I was President of it, it was the duty of a conductor going into a side track, to close the switch after him, and the engineer behind might have supposed the switch closed. This is a protection to the train in the switch and to the engine which may be coming meeting it, as it might run fast and otherwise off the track.

Cross examined: Fetter had no right to cross the switch as Fetter exceeded 5 miles an hour. It was his duty under the circumstances to have stopped before reaching the switch.

Capt J J Gornley: It is the duty of a conductor going into a side track, to close the switch behind him.

Cross examined: Fetter had no right to cross the switch as Fetter exceeded 5 miles an hour. It was his duty under the circumstances to have stopped before reaching the switch.

both testified that Fetter's character had been excellent. He possessed the confidence of the authorities of the road, and had frequently been sent out without a conductor.

Mr Geo E Wilson, spoke first, but his remarks were confined almost entirely to summing up the testimony. Col Jones followed. He claimed that there was no malice, either express or implied, on the part of his client, that he and McKenzie certainly understood the switch to be on the main line, or else McKenzie, at least, against whom there is no allegation that he was drunk, would have felt some apprehension. He held that the accident was one which might have occurred to any men, and that Sprinkle was as blameable in the matter as his client.

Capt Burwell closed the argument, opposing all the grounds assumed by Col Jones. He labored to show that it was a case of reckless disregard of human life, and that the engineer and conductor had no right to suppose that the switch was on the main track; even if they had, they had no right to cross it at the rate at which they were running, and especially when they knew that a train was then almost due, &c., &c.

His Honor referred to the remark of counsel for the defence that no lives were so much imperiled by this occurrence as those of the engineer and conductor of the train behind, and said that in this he saw no excuse. A man may count his own life at whatever price he may choose, but no one has the right to set the price upon another human life. He held it a case of gross negligence, and hence would recommit the prisoner. Fetter was accordingly remanded to the custody of the Sheriff.

Mr Canton went on to Raleigh last night with the requisition, and will perhaps return in a few days and carry Fetter to Columbia.

The following extract from the *Atlanta Constitution*, of Thursday, is a part of this case which is of interest. Referring to the arrest of Fetter in Georgia without warrant, the *Constitution* asks, "Is it kidnapping?" and adds:

"Under section 4367 of the code, this arrest and carrying away of Fetter is a clear case of kidnapping, for which the parties may be indicted, and, if convicted, sentenced to the penitentiary for from four to seven years."

Upon proper application being made to Governor Smith it is believed he will require the return of Fetter to this State.

"The railroad engineers are considerably excited over the affair."

## THE CHEAPEST

### AMUSEMENTS.

## OPERA HOUSE!

ONE NIGHT ONLY!

SATURDAY, DECEMBER 11TH.

## Haverly's Minstrels,

The largest and most complete Minstrel Organization in the World.

### 26 STAR ARTISTS,

IN AN ENTIRE NEW PROGRAMME, CHEASTE, BRIGHT & ELEGANT.

Seats three days in advance, at Phifer's Book Store. dec11

## Will You Drink?

If you will, call at the DEW DROP SALOON, on College Street. The neatest and costliest institution of its kind in the city. You will get splendid drinks, prepared in any style, and of the best material. Try us once. NIMMO & LAMB, Proprietors. dec11

## The Prairie Corn Shelter.

A chance for a first-class business. Legitimate, permanent and lucrative. It is generally known that if a man owns the monopoly of a first-class standard Agricultural Machine or implement, that he has a good and safe thing, especially if it meets the wants and expectations of the farmer, as to good work, durability and low price. This Shelter embodies all of these and many more very desirable points, which is making it the Hand Shelter of the times. Over 15,000 have been sold during the last three years. Sixteen State Fair 1st Premiums, have been awarded it. Invite the early attention of enterprising men to the examination of this machine, men who can discriminate between a good thing and a humbug, men with some means, who don't expect to get a life paying business for nothing such men I will give a great bargain and chance, as I have only North and South Carolina left, and will close it out, to the interest of any man buying it. Patterns, sample machine and cuts all furnished. Examine working machine and learn particulars at the Central Hotel. Foundry men and mechanics particularly invited to see it. L. B. HOIT. dec11

## BANK EXCHANGE BEER SALOON

HAVE always on draught FRESH CINCINNATI LAGER BEER, and in bottles of quart and pint, also in kegs for family use.

FRESH NEW RIVER AND NORFOLK OYSTERS.

In the shell only, at the

## BANK EXCHANGE BEER SALOON,

W R COCHRANE, PROPRIETOR. dec11

## Excursion Train.

MR LAWRENCE R MARSHALL'S hand bills for an excursion from here to Columbia, next Friday 17th, will appear on our streets to-day. Head them and buy your tickets (and secure your seats) Charlotte Hotel or from R S Phifer. Tickets from here to Columbia, and back only \$2.50. dec11

## Clothing, Cassimeres, &c.

AT AUCTION BY WALTER BYRNE. I will sell at my store in front of the Court House, commencing at 10 a. m., this Saturday morning, a large lot of Cloths, Cassimeres, Hosiery, Notions, &c., and continue daily until the entire stock is disposed of. Sale positive—terms cash. dec11

## Butter, Butter.

FRESH arrival of that Superior Virginia Butter, equal to any Omelette, at

8 S S CARRE'S, Commission Store. dec11

## VERY RESPECTFULLY,

### M. KOPPEL.

Lot for Sale.

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