

THE "POLITICAL" CASES.

DECISIONS BY THE UNITED STATES SUPREME COURT.

A Writ of Mandamus Ordered to Issue Against Judge Rives—The Writ Refused in the Case of Judge Cotes.

WASHINGTON, March 1.—To-day, in the Supreme Court of the United States, the following decisions were rendered: No. 3, original. Ex parte Commonwealth of Virginia, petitioner. This was a petition for a writ of mandamus to compel Judge Rives, of the United States District Court for the Western District of Virginia, to restore to the State authorities two colored prisoners, named Reynolds, indicted in the State courts for murder, and taken by Judge Rives out of the possession of the State officials and held in the Federal Court on the ground that they (the prisoners) had been denied in the State tribunals such a trial by competent jurors, without distinction of race or color, as the laws of the State guarantee to them. The action of Judge Rives in removing the case of the prisoners to the Federal Court was based on section 641 of the Revised Statutes. This court, in a long and carefully prepared opinion, by Justice Strong, presiding in this section in connection with sections 1977 and 1978, and holds, first, that the object of these statutes, as of the constitution which authorized them, was to place the colored race in respect of civil rights upon a level with the whites. They made the rights and responsibilities, civil and criminal, of the two races exactly the same.

Second. That the prohibitions of the fourteenth amendment have reference to state action exclusively, and not to any action of private individuals. Section 641 was also intended for the protection of the colored race against state action, and against that alone. Third. A State may act through different agencies, either by its legislative, its executive or its judicial authorities, and the prohibitions of the amendment extend to all actions of the State denying equal protection of the laws, whether it be action by one of these agencies or by another. Congress, by virtue of the fifth section of the fourteenth amendment, may enforce the prohibitions whenever they are disregarded by either the Legislative, Executive or the judicial department of the State. The mode of enforcement is left to its discretion. It may secure the right, that is, enforce its recognition by removing the case from a State court, in which it is denied, to a Federal court, where it will be acknowledged.

Fourth. But the fourteenth amendment is broader than the statute which authorizes the removal. Section 641 does not apply to all cases in which equal protection of the laws may be denied to a defendant. The removal authorized by the statute is a removal before trial or final hearing. To judicial infractions of the constitutional amendment made after the trial has commenced section 641 has no applicability. It was not intended to reach such cases. They were left to the revisory power of this court.

Fifth. Therefore the denial or inability to enforce in the judicial tribunals of a State rights secured to a defendant by any law providing for the equal civil rights of all persons, citizens of the United States, of which section 641 speaks, is primarily, if not exclusively, a denial of such rights, or an inability to enforce them resulting from the constitution or laws of the State, rather than a denial made manifest at the trial of the case. In other words, the statute has reference to Legislative denial or an inability resulting from it.

Sixth. The constitution and laws of Virginia do not exclude colored citizens from service on juries. The petition for removal, therefore, did not present a case for removal under the 641st section.

Seventh. The defendant in this case moved in the State Court that the venire be so modified that one-third or some proportion of the jury should be composed of his race. The denial of that motion was not a denial of a right secured to him by any law providing for the equal civil rights of citizens of the United States, or any statute, or by the fourteenth amendment. A mixed jury in a particular case is not essential to the equal protection of the laws. It is a right to which any colored man is entitled that, in the selection of juries to pass upon his life, liberty or property, there shall be no exclusion of his race, and no discrimination against them because of his color. But that is a different thing from that which was claimed as of right and denied in the State Court, viz: a right to have the jury composed in part of colored men. From these principles it follows that the Federal Court has no rightful jurisdiction of the case, and that the writ of mandamus for the restoration of the prisoners to the State authorities must be granted and the writs of habeas corpus and certiorari to bring before this court for the Western district of Virginia, upon the charge of excluding all colored citizens from jury lists on account of their race, color and previous condition of servitude, and in violation of the act of March 4, 1875.

The petitioner alleged that his arrest and imprisonment upon this indictment were unauthorized by the constitution of the United States, and in violation of his rights and of the rights of Virginia, whose judicial officer he is, and that the inferior Court had no jurisdiction to proceed against him. This court, at the hearing, examined the act of March 4, 1875, which provides for the trial and punishment of officers who exclude citizens from jury lists on account of race or color, and holds that that act is authorized by the thirteenth and fourteenth amendments to the constitution, for the enforcement of which Congress is given power to pass appropriate legislation.

The court also holds the inhibition contained in the fourteenth amendment means that no agency of the State, nor of the officers or agents by whom its powers are exerted, shall deny to any person within its jurisdiction the equal protection of the laws. Whoever, by virtue of public position under a State government, deprives another of property, life or liberty without due process of law, or denies or takes away the equal protection of the laws, violates the constitutional inhibition, and as he acts in the name and for the State, he is clothed with the State's power, his act is that of the State. Otherwise the constitutional inhibition has no meaning, and the State has clothed one of its agents with power to amend or evade it.

The constitutional amendment was ordained to secure equal rights to all persons; and, to insure to all persons the enjoyment of their rights, power was given to Congress to enforce its provisions by appropriate legislation. Such legislation must act upon persons, not upon the abstract thing denominated a State, but upon the persons who are the agents of the State, who were intended to be secured. Such is the act of March 4, 1875, and it is fully authorized by the constitution. The act of the defendant in selecting jurors was a ministerial act, and not a judicial act, and was not a denial of the performance of that duty, although he performed his authority from the State, was bound, in the discharge

SHARPENING THE LITTLE ONES.

Object-Teaching as Followed in the Schools of the Mining Regions.

Gold Hill (Nev.) News.

A man never gets an idea of how fast the world moves until he gets out of his own sphere into some other. In order to see how great progress has been made in teaching, he must get into a modern school room, where the teacher has kept progress with the age of improvements in the methods of instruction. In the Gold Hill parting instruction, the Gold Hill schools every faculty of the pupil is exercised and sharpened. Even tables of weights and measures in the primary classes are taught as object lessons. They have the scales and the weights and the measures right there, and the scholars see that it takes sixteen ounces to make a pint, one, up to the gallon. The result is that little children from seven to nine years old will foot up pounds and ounces, and even fractions of an ounce, and give the correct total with facility which is surprising. The same is true of measures, including quarts, pints, gills, etc. But this is not all. They are taught to form all the estimates of the weights of objects, and they are handed a book or something of the kind and their estimates of its weight are taken. One of the scholars then weighs the object and announces the result. The importance of this kind of practice in estimating the weights of things will become apparent one of these days when success in life depend on accuracies of judgment. The above is cited only as one of many ways of sharpening the perceptive faculties of the children. It teaches them to think, and that is, after all, as good a definition as can be given of real education. And then, to teach the little ones geography, they are set to world-building, on a small scale. They are furnished with a suitable measure of loam in a fitting receptacle furnished with implements and construct ranges of mountains and hills and valleys and plains and canyons and ravines, and to form all the places in it set out for continents and islands and the like. The little streams of water running in are taken to illustrate the formation of rivers and creeks. The small puddles of water do nicely for lakes, and so the little ones get an idea of the idea of the world which they live from the little world around. There is not a map in the world like that back yard, nor a play ground equal in attractions to their school room.

Too Much of a Good Thing. At a party of young people in Paris conversation happened to turn on the subject of kissing, and the question was propounded who of the young men present could boast of having given or being able to give "his girl" the most kisses. Various were the replies this question brought out. Finally a young man and the girl to whom he was betrothed, bet 200 francs that they could kiss 10,000 times in ten hours, providing they would be allowed to take an occasional glass of wine "between." The persons were appointed a committee to count the number of kisses, and the work began. During the second hour the kisses were not nearly as numerous, for the committee only counted 1,000. After the third hour, during which they managed to score but 750, further operations were brought to a sudden standstill. The lips of the young man were seized with a cramp, and he was carried off in a fainting condition. The girl, a few days later, was stricken with brain fever, and nearly carried off to a land where kissing is unknown. When the people who had won the bet demanded their money the parents of the girl refused to pay her share of it. The matter was then taken to the courts, and there it was decided that the bet must be paid.

Marriage and Divorce. New York cor. Her's Weekly. The rapid increase in the proportion of divorces to marriages in New England is an alarming sign of the times. It is officially ascertained that in 1878 there were 11 divorces in Massachusetts; whilst in 1880 it was 1 to every 51. In Vermont during the past ten years there has been 1 divorce to every 17 marriages; in Connecticut, 1 to 12; in Rhode Island, 1 to 14. As in Scripture we are told that at the period of the Exodus "there was not a house of the Egyptians where there was not one dead," so in these parts there is hardly a boarding house in which there is not one divorced. Before I die, however, I am going to read to a gentleman at a boarding house a paragraph in a morning paper about the number of divorces, when a bystander warned me that the man to whom I had read was the husband of a woman who had been divorced. So when you come North be careful how you speak of divorces. I have before me the MS. of an amusing satire on this subject, which I may publish. It is entitled, "Who is Your Wife?" and for its text, "You take this woman to be your wedded wife—till you are divorced." "You take this man to be your wedded husband—till you change your mind."

What Senator Bayard Says About an Old Speech. The Washington Star states that Senator Bayard, of Delaware, being asked by a newspaper reporter if he intended to make any explanation in regard to his speech of 1861, which has recently been republished, responded: "The speech itself is my reply, and that has been published. I stood in 1861 where I stood in 1871 and where I stand in 1880. I am in favor of this country keeping peace with itself. I am opposed to internecine strife. I was opposed to it in 1861; I am opposed to it now; and if," he added, "they (the Republicans) desire to make the next step upon the issue of opposing fraternal feeling by a civil war, I am determined to establish a lasting peace, and am determined to revive the bloody strife, I say that for myself, and without any regard to my position in 1861, I am in favor now of accepting the issue of making the right upon it. I would present it to the people as often and as emphatically as possible, and I believe that we should be sustained by an overwhelming majority of the American people."

Will it Be More than a Dozen. The Republicans are as thoroughly committed to the completion of the Western North Carolina Railroad as the Democrats are, but they are not in favor of the proper construction of the State government. The Democrats are, and to Democrats only are we at liberty to talk, if indeed there be necessity for appeal of any of either party. I have no objection to the Democrats feeling as they please, and we shall be surprised if a dozen votes are recorded against the great measure so soon to come before the General Assembly.

The Third-Term Syndicate.

A Washington dispatch to the New York Herald says: "The determination of the Illinois Republican committee to put off the meeting of the State convention until the 10th of May is felt here to be a very damaging blow to the third term movement. The plan of the third term syndicate, formed while the ex-President was in Philadelphia, and promulgated early in January, was that Pennsylvania, New York, Indiana and Illinois should hold their conventions very early, and select solid third term delegations for the national convention, with a view to inducing other States. The third term movement has, therefore, entirely broken down in two of the States, which, according to the original programme, were to be captured early—namely, Indiana and Illinois (the former having elected a strong Blaine delegation), and it has carried two conventions by patronage and machine manipulations by majorities of 22 on a vote of 246, in one case, and 37 on a vote of 397, in the other. These immediate and open discontents have succeeded in causing in each case the immediate and open discontents and division in the party. That is the net result of the third term campaign."

Virginia's Debt. The bill passed by both branches of the Virginia Legislature for establishing the public credit, known as the debt bill, reduces the principal of the State debt from \$33,000,000 to \$20,000,000 by eliminating capitalized war and reconstruction interest, and fixes the rate of interest at 3 per cent. The coupons on the new bonds are not to be receivable for taxes, nor are the new bonds to be exempt from taxation. Treasurers of counties and cities are instructed not to receive coupons of the present consols and 10-40s for taxes, and a scheme for loan certificates is provided. It is intended further to outlaw the present tax-receivable coupons. The bill was opposed in both houses by the Conservatives, and was carried by the Readjusters, aided by most of the Republican members. From Gov. Holliday's record on this debt question it is conceded that he will veto the bill, but should he let it become a law, or what is equally improbable, should it be submitted to the people at the next election, and if ratified by them will then, and not until then, become operative.

Patent Medicines. Dr. TUTT'S Expectorant. IN 25 CTS. A FULL SIZED BOTTLE. Its properties are such as to give relief in all cases of Croup, Whooping Cough, Hoarseness, Sore Throat, and all other Affections of the Throat and Lungs. It is a safe and reliable Remedy, and is sold in all the principal Cities of the United States. DR. J. H. McADEN, Sole Agent, New York, N. Y.

Dr. TUTT'S Expectorant. IN 25 CTS. A FULL SIZED BOTTLE. Its properties are such as to give relief in all cases of Croup, Whooping Cough, Hoarseness, Sore Throat, and all other Affections of the Throat and Lungs. It is a safe and reliable Remedy, and is sold in all the principal Cities of the United States. DR. J. H. McADEN, Sole Agent, New York, N. Y.

Had terrible NIGHTMARE. Dr. TUTT'S Expectorant. IN 25 CTS. A FULL SIZED BOTTLE. Its properties are such as to give relief in all cases of Croup, Whooping Cough, Hoarseness, Sore Throat, and all other Affections of the Throat and Lungs. It is a safe and reliable Remedy, and is sold in all the principal Cities of the United States. DR. J. H. McADEN, Sole Agent, New York, N. Y.

IMPORTANT QUESTIONS. Dr. TUTT'S Expectorant. IN 25 CTS. A FULL SIZED BOTTLE. Its properties are such as to give relief in all cases of Croup, Whooping Cough, Hoarseness, Sore Throat, and all other Affections of the Throat and Lungs. It is a safe and reliable Remedy, and is sold in all the principal Cities of the United States. DR. J. H. McADEN, Sole Agent, New York, N. Y.

Office, 35 Murray Street, N. Y. TUTT'S PILLS. CURE FOR IDIOTIC. TUTT'S PILLS. CURE FOR DYSPEPSIA. TUTT'S PILLS. CURE FOR CONSTIPATION. TUTT'S PILLS. CURE FOR RHEUMATISM. TUTT'S PILLS. CURE FOR GOUT. TUTT'S PILLS. CURE FOR BILIOUS COLIC. TUTT'S PILLS. GIVE APPETITE. TUTT'S PILLS. PURIFY THE BLOOD. TUTT'S PILLS. CURE PILES.

TUTT'S HAIR DYE. GRAY HAIR OR WHISKERS changed to a Glossy Black by the use of this DYE. It is a Natural Color, acts Instantaneously, and is Harmless to the Hair, and is sold by all Druggists, or sent by express on receipt of \$1. Office, 35 Murray St., New York, April 1-17.

HOSTETTER'S Bitters. CELEBRATED. The mixture invariably cures yellowness of the complexion and whitens of the eyes, pains in the right side and under the right shoulder blade, fulness of the stomach, high colored urine, nausea, vertigo, dyspepsia, constipation, heaviness of the head, mental depression, and every other manifestation of debility and disordered action of the liver, the stomach, bowels and kidneys, also experience their regulating and tonic influence. For sale by all Druggists and Dealers generally.

1880. SPRING. 1880. M. LICHTENSTEIN, of Charlotte, N. C., an Agent for the State of North Carolina, has been appointed for the Spring Term of the General Assembly, and is ready for inspection. As he is well known to the people of this State, and is a member of the General Assembly, his orders are respectfully solicited. Southern Home Corp. Feb. 18.

Drugs and Medicines.

CHEMICALS! CHEMICALS! FOR COMPOSTING. SULPH. OF AMMONIA. NITRATE OF SODA. SUPH. PHOSPHATE OF LIME. LAND PLASTER AND FINE GROUND BONE. 60,000 LBS. OF THESE Chemicals on hand at the lowest market price. L. R. WRISTON & CO. Jan. 30.

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English Select SPICES Colgate, Honey and Glycerine Soaps. English, French and American TOOTH BRUSHES. PRESCRIPTIONS Carefully prepared at all hours, both night and day at J. H. McADEN'S Prescription Store.

SECURITY, SECURITY, SECURITY. 200 Barrels of C. WEST & SONS' EXTRA No. 1 KEROSENE AND ALADDIN SECURITY OIL. West's Extra No. 1 Kerosene Oil, from C. West & Sons, Baltimore. Highest Medal awarded at Centennial Exposition, Crystal Oil Works, Canton. Warranted to stand a fire test of 110 degrees Fahrenheit before it will burn. C. West & Sons, Baltimore.

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Educational SCHOOL NOTICE. I have opened a School for Boys in the School Building on Gen. Barringer's lot on Church street. The school is open to the public, and is conducted by two Departments, Primary and Intermediate. My object being to secure the best possible classification in order that the instruction may be thorough. Terms, \$1.00 per month, \$5.00 per term. P. S.—I propose to open a Night School if a sufficient number of pupils can be obtained, for the purpose of teaching—Writing, Arithmetic and Book-keeping. Terms will be made known on application at my School Room, or to Dr. F. H. Gilchrist, at my School Room at Burwell & Springs' lot. Jan. 28.

To Mica Miners and Dealers. CORRESPONDENCE SOLICITED. SEND US PRICES, SIZES AND AMOUNT FOR SALE. PALMER & SKILTON, 281 Pearl Street, New York. References—Geo. Montague, President 7th Ward National Bank, New York, Broes & Cook, Mica Dealers, 100 Water Street, New York, Pitt 1-1, 190-W.

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Millinery. JUST RECEIVED. A full line all grades ready-made.

LADIES' UNDERWEAR. From the Manufacturers, and will be sold for cash at New York Prices. Another Lot of those FINE CLOAKS. New Style Trimmed Felt WALKING HATS, BLACK AND BROWN. 25 dozen of those \$1 Corsets left at 60c. at MRS. P. QUERY'S, Nov. 12. Tobacco, &c. 100 Boxes Tobacco.

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CIGARS. 70,000. I HAVE SEVENTY THOUSAND fine cigars, which I offer to the wholesale trade cheap.

MACKEREL, ON CONSIGNMENT, A CHOICE LOT OF 1/4 and 1/2 Bbls. of Mackerel.

WAGONS, A FULL LINE OF WAGONS OF THE BEST MAKE. No kind dried lumber in them. All warranted for one year. Call early as prices are advancing.

TO ARRIVE, 500 TONS ACID PHOSPHATE OF THE BEST BRAND. Orders taken now will be filled promptly.

ALL PERSONS DUE FOR GUANO, WAGONS, &c. ARE requested to call at once and settle up. Further indulgence cannot be expected. Jan. 26. THOS. H. GAITHER.

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Every kind of repairs made at once at half price and warranted one year. Every kind of Jewelry or Bronze Gilding, Coloring, Silver-Plating and Gilding made at short notice and equally as good as new. Work done for the lowest possible price. Apprentices wanted, with premium and good references. Repaired work uncolored for will be sold at the expiration of twelve months for cost of repairs. sep15

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IN TINWARE, CROCKERY, GLASSWARE AND LAMP GOODS. We ask the TRADE to give us a trial, as we sell goods at low as Northern Houses. ORIGINAL CRATES always on hand. Orders by mail promptly executed and any information desired will be cheerfully given. Very respectfully, J. BROOKFIELD & CO. Jan 17.

Miscellaneous. THE WASHINGTON GAZETTE. Published at the National Capitol every Sunday. It contains the news of the week, news of all national topics and general intelligence, besides being the only REPRESENTATIVE SOUTHERN PAPER. There supporting the National Democratic Party. Edited by GEORGE C. WEDDERBURN, of Virginia, formerly publisher of the Richmond (Va.) Enquirer.

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LAST NOTICE—CITY TAXES. IN Pursuance of an order made by the Board of Aldermen, I hereby give notice to all persons who have not paid their city tax for the current year, that after the first day of March, prox., I shall proceed to advertise and sell the property of such delinquents to satisfy said taxes. I can be found at the office of E. Nash, City Clerk and Treasurer. C. F. HARRISON, Feb. 18. City Constable and Tax Collector.

Medical.

WHEN ANY MAN FEELS SICK WITH COLD CHILLS, FEVER FLUSHES, HEADACHE and general uncomforableness. DON'T KNOW EXACTLY WHAT AILS HIM Then is the time to take MOTT'S PILLS.

RESTORING TO HEALTH. when all other remedies fail. Take them for Biliousness, Indigestion, Costiveness, Liver Complaints, and all diseases and disorders of the stomach. A family cathartic pill they are WARRANTED WITHOUT AN EQUAL. JOHN F. HENRY, CURRAN & CO., Sole Proprietors, 8 COLLEGE PLACE, NEW YORK. For sale by L. R. Wriston & Co., Charlotte, N. C. mar4

SMITH'S WORM OIL. ATKENS, Ga., February 22, 1878. SIR—My child, five years old, had symptoms of worms. I tried calomel and other worm medicine, but failed to expel any. Seeing Mr. Bull's certificate, I got a vial of Worm Oil, and the first dose brought forty worms, and the second dose so many that I did not count them. S. H. ADAMS. Prepared by E. S. LYNDON, Athens, Ga. For sale by DR. T. C. SMITH, Charlotte, N. C. Feb 21 d.w. 17.

Books and Stationery. \$1,000,000. ONE Million Dollars WILL be paid for RAGS, at the highest market price, by WM. & R. TIDDY, Paper Manufacturers, Charlotte, N. C.

Received This Day, BUTTRICK'S CATALOGUES for the Spring of 1880. BUTTRICK'S METROPOLITAN FASHIONS for March. BUTTRICK'S PATTERNS for March.

THE Catalogues are given away, upon personal application, or mailed to any address upon receipt of stamp to pay postage. As the Catalogues are furnished only once in six months, we respectfully ask those who get them to take care of them. We have "Popular Edition" of much larger size than the ordinary catalogue, in this the patterns are shown to better advantage, and the descriptive letter is fuller. This edition we sell at 15 cents, by mail 20 cents.

Please note that it is not necessary to cut from the catalogue or Metropolitan the picture of a pattern that you may be wanted. Send the number and size of pattern as given in the book, but do not cut it. Patterns from which the pin has been removed will not be exchanged or taken back. TIDDY & BBO, feb. 19, Charlotte, N. C.

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WANTED, At the Charlotte City Mills, 3,000 bushels Corn, 1,000 bushels Wheat, Rice, Oats, Peas, &c., of which cash, or meal in exchange, will be paid. Constantly on hand, Flour, Meal, Mill-feed, &c. for sale. These mills have been thoroughly re-erected, and all grain sent will be promptly ground, or exchanged if desired. J. H. HENRY & CO. Jan 13