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NO. 3,568.

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Dry Goods. JUST RECEIVED

ANOTHER LOT OF

Mosquito Canopies,

BOBINET

BOBINET

—AT—

ALEXANDER & HARRISS.

Boots and Shoes

SPRING STOCK 1880!

COMPLETED!

OUR SPRING STOCK OF

BOOTS, SHOES, HATS

TRUNKS

is now Complete. We are determined to sustain

our former reputation for selling

THE BEST BRANDS

at cheapest in the end. Please call and see us

before buying. We will deal fairly and honestly with you.

March 1880. Democrat and Home copy.

Miscellaneous.

JUST RECEIVED

—AT—

LeRoy Davidson's

A LOT OF

F. A. FERRIS & CO.'S

PIG HAMS.

SWEET, FRESH AND GENUINE.



For sale by the Charlotte Observer.

AGENTS WANTED FOR THE FASTEST SELLING BOOK OF THE AGE.

Foundations of Success.

BUSINESS AND SOCIAL FORMS

The laws of trade, legal forms, how to transact business, receipts, bills, checks, etc. This is the only book that shows you how to do it.

For sale by the Charlotte Observer.

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Mosquito Canopies

JUST IN.

CALL EARLY AND GET ONE.

Seasonable Goods

AT COST.

A CALL WILL CONVINCING YOU WE MEAN WHAT WE SAY.

T. L. SEIGLE & CO.

Miscellaneous.

A Sure Cure!

FOR DIARRHŒA, DYSENTERY, CRAMPS, CHOLERA, AND ALL those numerous troubles of the STOMACH AND BOWELS, SO PREVALENT AT THIS SEASON.

No remedy known to the Medical Profession has been in use so long and with such uniformly satisfactory results as

PERRY DAVIS' VEGETABLE PAIN KILLER.

It has been used with such wonderful success in all parts of the world in the treatment of these difficulties that it has come to be considered

AN UNFAILING CURE

FOR ALL SUMMER COMPLAINTS, such as cholera, diarrhea, dysentery, and all those numerous troubles of the stomach and bowels, so prevalent at this season.

It has stood the test of forty years constant use in all countries and climates, and is perfectly safe in any person's hands.

It is recommended by Physicians, Nurses in Hospitals, and persons of all classes and professions who have had opportunity for observing the wonderful results which have always followed its use.

I have prescribed Perry Davis' Pain Killer extensively in Bowel Complaints (particularly for children), and it is, in my opinion, superior to any preparation I have ever used for the relief of that disease.

A. HUNTING, M. D. No family can afford to be without it, and its price brings it within the reach of all. The use of one bottle will go further to convince you of its merits than columns of newspaper advertisement. Try it and you will never do without it. Price 25c. Sold by all drug stores.

Crocery and Glassware

CHINA PALACE

J. Brookfield & Co. CHARLOTTE, N. C.

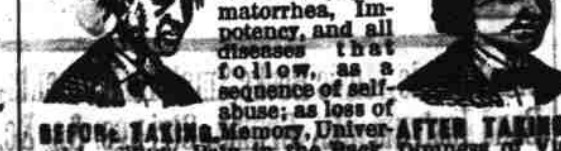
FRUIT JARS, JELLY TUMBLERS, REFRIGERATORS, ICE CREAM FREEZERS, WATER COOLERS.

Full stock of CHINA, GLASS-WARE, CROCKERY, CUTLERY, LOOKING GLASSES, WOOD AND WILLOW-WARE, AND HOUSE FURNISHING GOODS GENERALLY.

Majolica Ware and Fancy Goods. Wholesale & Retail.

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Gray's Specific Medicine.



Gray's Specific Medicine is a powerful and reliable remedy for all kinds of fevers, cholera, dysentery, and all other acute diseases of the stomach and bowels.

Gray's Specific Medicine is sold by all druggists and chemists. Price 25c per bottle. Sold by all druggists.

SUPREME COURT.

Decisions Filed August 9, 1880.

Raleigh News. By SMITH, C. J.: Cobb vs. Morgan; Nash. Affirmed. When usurious interest has been paid, the amount so paid may be recovered in an action for money had and received by the payer against the payee, or may be set up as a set off pro tanto in a suit for the principal debt on which it was paid as interest.

The usury law of 1875 has no retroactive effect. Where a note was validly made, a subsequent contract for the further forbearance of the debt which the note evidences does not vitiate such note.

May vs. Darden; Pitt. Reversed. An appeal lies from a judgment for costs only. Cost in actions against fiduciaries are governed by special regulations and do not always go with the judgment.

Taylor vs. Higgin; Granville. Reversed. One holding a second mortgage on lands as a trustee cannot buy such lands at a sale under foreclosure of the first mortgage, but he is entitled to reimbursement for any sums expended by him in clearing off the first mortgage, and such expenditures are a first claim on such lands. When a mortgagee by words or acts agrees to a sale under the mortgage, he cannot be heard afterwards to deny the validity of the mortgage or the sale had thereunder.

Varner vs. Arnold; Randolph. Affirmed. The orders of General Sickles and General Canby suspending the action of the civil courts of the State have had no legal efficacy, except as obedience was compelled by the use of force.

State vs. Harder; Pitt. Affirmed. An omission to charge, not asked in the count below, cannot be noticed as an exception in this court. It is not error to refuse to charge that confessions are to be received with caution, and still less so when the court is not asked to give the instruction. The jury alone must judge of the sufficiency of confessions as proving the fact confessed.

It is settled in this State that the confessions of a prisoner, or the testimony of an accomplice, though without corroboration in material particulars, if believed by the jury, is sufficient to warrant conviction, and the propriety of giving a caution to the jury to prevent an improper confidence in its truth must be left to the discretion of the Judge.

Even clear perjury of a witness, committed on the trial, does not authorize the court to direct the jury to discard his testimony, but it goes to his credit only. A collateral inducement, having no relation to the offence, is an insufficient reason for rejecting a confession given in response.

State vs. Mitchell; Watauga. Reversed. In the trial of a criminal action on a plea of not guilty, it is proper matter of defence that the alleged crime was committed out of the State. Battle's Revisal, chapter 33, section 70, does not apply.

State vs. Berry; Perquimans. Affirmed. The Superior Court has no original jurisdiction of a simple assault and battery until more than six months have elapsed since the commission of the offense.

Raleigh Observer. ASHE, J.: Phillips vs. Lentz; Cabarrus. Removal of cases. This was a civil action pending in Cabarrus county. After answer filed the defendant moved for the removal of the cause to some adjacent county, and filed an affidavit setting forth the facts on which he based his application for the removal.

Held, That the construction given to the provision of law under which the application is made is that the sufficiency of the affidavit for the removal lies in the discretion of the judges of the Superior Courts, and their decision is one which the Supreme Court will not review.

Held, That it seems that the distinction is where there are no facts stated in the affidavit as grounds for the removal, the ruling of the court below may be reviewed, but where the facts are set forth, their sufficiency is in the discretion of the judge, and his decision is final. No error.

ASHE, J.: State vs. Mitchell; Watauga. Practice. Indictment. Defendant was indicted for assault and battery, and entered the plea of not guilty. During the trial the defendant offered to prove that the offense was committed in the State of Tennessee, and not in North Carolina, but the court refused to admit the testimony unless the defendant would withdraw his plea of not guilty and enter a plea in abatement. Defendant was found guilty and appealed.

A plea in abatement must give a better writ and under our statute must set forth the county in which the offense was committed. It is not applicable to cases where it is denied that the offense was committed in any county in the State. Our courts have jurisdiction only of offenses committed in North Carolina, and a plea in abatement stating the offense to have been committed in another State would not be good. Where the alleged offense is claimed to have been committed in another State, that is matter of defense under the plea of not guilty. Error. Reversed.

ASHE, J.: State vs. Dancy, from Wilkes. Indictment. The indictment charged that the defendant "in and upon Mary Ann Whelington, an infant, under the age of ten years, to-wit, of the age of six years, made an assault, &c., with intent to carnally know, &c."

Defendant was convicted, and his counsel insisted that the offense charged was distinct from an assault with intent to commit rape. His Honor was of a different opinion and sentenced defendant to the penitentiary for five years.

Held, That unlawfully to carnally know a female under the age of ten years is rape, and the indictment sufficiently charges an assault with intent to commit rape. No error.

DILLARD, J.: High Southern and wife vs. Geo. W. E. Harper, from Caldwell. Injunction. One Elizabeth Mobley, the mother of a female plaintiff, being indebted to her in consideration in part conveyed to her a tract of land of equal value to her debt. Defendant thereupon recovered judgment against said Elizabeth Mobley, and threatened to sell the tract of

land above mentioned under his execution. Plaintiff obtained a restraining order, and on the coming in of the defendant's answer, the injunction order was dissolved.

Held, That as the embarrassments and irreparable injury alleged cannot be more than an apprehension of evil, no case is presented justifying the intervention of equity. Affirmed.

DILLARD, J.: Jonathan Walker vs. Wm. E. Gurley from McDowell county. Injunction. Practice. Defendant had obtained judgments against the plaintiff, and had caused execution to issue, and at the sheriff's sale had purchased the lands of plaintiff. Defendant had thereupon brought action for the possession and recovered judgment by default, and was about to turn plaintiff out of possession when plaintiff obtained a restraining order, which on the coming in the answer was dissolved.

Held, That where the defendant is to be viewed in the light of having a right of possession established at law, and on filing his answer he denies the facts on which the plaintiff relies for equity to restrain the sheriff's sale, it is the defendant's right to have the injunction dissolved as in the case of a common injunction. No error.

DILLARD, J.: State vs. Ham, from Alleghany county. Jurisdiction of Inferior Courts. Appeals lie to the Superior Court from judgments rendered in the Superior Court on appeals from Inferior Court to the Superior Court.

Inferior courts have not original jurisdiction of the offense of disposing of mortgaged property with intent to defraud the mortgagee, the punishment thereof, under acts of 1873-74, ch. 31, being a fine not exceeding \$50 or imprisonment not exceeding one month, and under ch. 92, acts of 1879, exclusive original jurisdiction in such cases being given to justices of the peace. Affirmed.

Cedar Falls Company vs. Wallace Bros. and Stephenson, from Guilford county. It is not every fact averred on one side and denied on the other that raises legal issue; such fact must be material and necessary to dispose of the controversy, in order to raise an issue.

Issues ought to be confined to such necessary matters, and the more comprehensive the better, in order to avoid embarrassment and confusion to the jury from a multiplicity of questions submitted to them.

The drawers having funds in the hands of their debtor, had a right to expect their bill to be honored by him, and they were entitled to have their bill presented in reasonable time and to strict notice of its dishonor, even though their debtor had notified them of his insolvency and his inability to pay, and had requested them not to draw upon him.

But if the drawer had no funds in the hands of the payee, and had made no arrangement for the acceptance and payment of his bill, the holder is not bound to strict presentment and notice. Where the judge leaves the whole matter relied on as an excuse for non-presentment of a bill to the jury, and it is not seen how a remark made during the charge could have prejudiced the appellant, the finding of the jury will not be disturbed. Affirmed.

Adding Up the Census. Chicago Times. Such progress has been made in the returns of the census enumeration as to authorize of some States estimates which will be found close approximations of facts, and to give complete and revised footings in others. The Times has followed the figures to-day, and presents them below. Those in round numbers are estimates. Those carried out precisely are official figures:

Table listing census figures for various states and territories, including Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming.

Pursuing the same method, that of close estimate and actual figures, the population of the Territories will show as follows:

Table listing census figures for various territories, including Alaska, Arizona, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Wyoming.

By all who are suffering from the effects of the late epidemic, early decay, loss of manhood, etc. I will send a recipe that will cure you. This great remedy was discovered by a missionary in South America. Send a self-addressed envelope to the Rev. J. H. Rogers, Station D, New York City, apr 27 - cod 171/17.

A FRIEND OF THE FAMILY. Old and young, men and children, the great health restorer and preserver is Dr. Figg's Improved Liver and Stomach Pad, that does away with medicines, and always cures.

Miscellaneous. WANTED.

By a young man, well recommended, native of Ireland county, a situation as salesman in some business house in Charlotte. Address ASHE, J. OBSERVER.

Notice to Contractors.

BIDS will be received by the undersigned committee, for the building of a brick church at Five Creek in Mecklenburg Co. from this date to the 15th of Sept. 1880. Drawings and specifications can be seen at Mr. H. Henderson's store, in Charlotte. Bids will be made in writing under seal giving full name and address.

FOR SALE.

The property on the corner of Sixth street and the N. C. Railroad, being the residence of Gov. Vance. Apply to A. BIRWELL, Esq.

WANTED.

A SALESMAN to sell Coffee and Tea, only, in the State of North Carolina. The proper party will send a desirable situation. Application, Address - ASHE, J. O. Box 21, Raleigh, N. C.

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GREAT MARK DOWN!

CLOSING OUT SALE OF CASS. SUITS.

\$20.00 SUITS TO BE CLOSED AT \$15.00 \$18.00 " " " " " " " " " " " " " " " \$14.00 \$17.00 & \$16.00 " " " " " " " " " " " " " " " \$12.50

We shall make a special run and lease sale for a few days only on FULL BLUE FLANNEL SUITS. Lot 5050, our celebrated and very attractive, handsomely bound Flannel \$14 Suit is placed at \$10. It is the very BIGGEST Bargain ever offered, all wool in fabric, Indigo dyed in color and superior in every particular, so durable and a non-fading suit. The Best Blue Flannel Suit ever sold in this market, is now selling at \$3.50. We are now looking to early Fall purchases, and must have ROOM; we WILL have it. Our Spring Stock shall be closed, for LOW PRICES can't do it.

E. D. Latta & Bro.

Large Reduction in Clothing

\$20.00 SUITS AT \$13.00, \$15.00 SUITS AT \$11.00, \$10.00 SUITS AT \$8.00.

A Large Stock of Boy's and Youth's Clothing, Suitable for School.

SUITS AT VERY LOW FIGURES.

NEWS FOR THE LADIES.

WE HAVE JUST RECEIVED A NEW LOT OF HANDSOME LAWNS At 8 1/2 Cts. and 12 1/2 Cts.

WITKOWSKY & BARUCH.

CLOSING OUT!

OUR ENTIRE STOCK OF Summer Goods at Greatly Reduced Prices, FOR THE NEXT TWENTY DAYS, To make room for our Fall Stock to be received by September 1st. ELIAS & COHEN.

SPRING NOVELTIES.

WE HAVE NOW OPEN AN UNSURPASSED ASSORTMENT OF SPRING CLOTHING FOR MEN, BOYS, YOUTHS AND CHILDREN. UNEQUALED ELEGANCE & STYLE & REASONABLE PRICES. The Public is Cordially Invited. No Trouble to Show Them. W. KAUFMAN & CO.

SCHIEFF & GRIER, GROCERS AND COMMISSION MERCHANTS.

ONE OF THE LARGEST AND BEST ASSORTED STOCKS OF STAPLE AND FANCY GROCERIES IN THE STATE. Close and Prompt Trade Specially Invited. AGENTS FOR THE PLANTER'S FAVORITE AND LONG'S' PREPARED Chemical Fertilizers.

A full assortment of Ladies', Men's, Boys', Misses', and Children's Boots and Shoes can be found at our store at lower prices than they can be bought for anywhere else. A splendid assortment of Hats, such as Buff, Fur, Wool, and Straw. Hats for Men, Boys, Youths and Children. Give us a call. W. K. & CO. mar 20

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