

SUBSCRIPTION RATES:
Daily, one year, (post-paid) in advance.....\$8 00
Six Months.....4 00
Three Months.....2 00
One Month.....75

WEEKLY EDITION:
Weekly, (in the country) in advance.....\$8 00
Out of the country, post-paid.....2 10
Six Months.....1 00
Liberal Reductions for Clubs.

Dry Goods.

OUR

Counters and shelves are now loaded with beautiful and desirable goods of all kinds.

OUR

Stock of Dress Goods and Dress Trimmings is superb.

OUR

Stock of Hosiery and Gloves is simply enormous.

OUR

Stock of Prints, Shirts and Pillow Cases is large and as cheap as can be found anywhere.

h the best s cke

CARPET DEPARTMENT

In Western North Carolina.

By Tuesday or Wednesday next we will have the largest stock of Ready-made Clothing ever offered by us.

ALEXANDER & HARRIS.

Boots and Shoes

1880 FALL STOCK 1880

We are Now Receiving Our Fall Stock.

Gent's Hand-Made, Machine & Cable-Seamed

BOOTS AND SHOES,

ALL GRADES AND PRICES.

Ladies', Misses' & Childrens'

ALL PRICES AND STYLES.

A Pretty Line of

Trunks, Valises and Satchels,

LATEST STYLES OF CELEBRATED

STETSON HATS.

—ALSO—

Lower Grades in Fur, Saxony Wool, &c.

GIVE US A TRIAL.

Respectfully,

Pegram & Co.

aug28

Dry Goods.

We Have One

—of the—

PRETTIEST STOCKS

—of—

SILKS, SATINS,

CASHMERE,

IN ALL COLORS.

Hosiery, Gloves, Laces, Ribbons, Ties, Hiding

Appellants, &c., that has ever been offered

in this market.

Our Second Stock of Imported and Domestic

Dress Goods will be in by October 1st.

Hoping you will give our stock a thorough

inspection before purchasing, we are

Yours truly,

Hargraves & Wilhelm.

sep20

New Advertisements.

ADVERTISERS

By addressing GEO. F. BOWELL & CO., 10 Spruce St., New York, can learn the exact cost of any proposed line of advertising in American newspapers. 100-page pamphlet, free.

\$777 A YEAR and expenses to Agents, Outfit free. Address, GEO. F. BOWELL & CO., 10 Spruce St., New York.

Professional.

RO. D. GRAHAM, ATTORNEY AT LAW.

In the State and United States Courts. Collections, Money, Bonds, and Pensions, etc. Suits for Partition, Ejectment, Surveys, etc. Established for over 20 years. Office—N. E. Corner Trade & 2d Sts., Charlotte, N. C.

Daily Charlotte Observer.

VOL. XXIV.

CHARLOTTE, N. C., TUESDAY SEPTEMBER 28, 1880.

NO. 3,606.

Dry Goods, Clothing, &c.

OUR STOCK

NOW COMPLETE;

And we ask an inspection of GOODS and PRICES before purchasing.

Having gained the confidence of the trade by

Fair Dealing and Low Prices,

We feel we can and know we will make it to your interest to buy our goods.

The ladies will always find the latest novelties in dress trimmings—all know we keep abreast with the styles in this line.

We can show a very handsome assortment of Fancy Dress Goods, with buttons and trimmings to match.

Silks, Satins, Cashmires, Mottos and Henriettes. We make a specialty of Mourning Goods.

We sell a good Kid Glove for 75 cents. In Hosiery we offer special inducements.

Every department is complete and has been selected with care.

All can be pleased by giving us a call.

T. L. Seigle & Co.

P. S.—Our Clock department has been enlarged and made more attractive than ever.

Miscellaneous.

A Sure Cure!

FOR DIARRHEA, 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 diseases that it has come to be considered

AN UNFAILING CURE

For all Bowel Complaints.

and such it really is when taken in time and according to the plain directions enclosing each bottle.

In such diseases, the attack is usually sudden and frequently very severe, but with a safe remedy at hand we can relieve the sufferer in a few minutes of the fatal result which so often follows a few days' neglect.

The inclination to wait and see if the morrow does not bring a better feeling, not infrequently occasions a vast amount of needless suffering, and sometimes costs a life.

A timely dose of Pain Killer will almost invariably save both, and with them the attendant doctor's fee.

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 such diseases.

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 convincing you of its merits than columns of newspaper advertising.

Try it and you will never be without it.

Price 25c, 50c and \$1 per bottle.

You can obtain it at any drug store, or from

Proprietors, PERRY DAVIS & SONS, Providence, R. I.

Aug-28 to Oct 1

Crockery and Glassware

J. BROOKFIELD.

A. W. LUDWIG

CHINA PALACE

OF

J. Brookfield & Co.

CHARLOTTE, N. C.

FRUIT JARS,

JELLY TUMBLERS,

KEY RACKS, ETC.,

JOE CREAM FREEZERS,

WATER COOLERS,

Full stock of

CHINA, GLASS, WARE, CROCKERY, CUTLERY,

LOOKING GLASSES, WOOD AND WIL-

LOW-WARE AND HOUSE FURN-

ISHING GOODS GENERALLY.

Majolica Ware and Fancy Goods.

Wholesale & Retail.

CLOSING OUT

TIN WARE

AT A SACRIFICE.

June 30

Gray's Specific Medicine.

TRADE MARK THE GREAT KID-TRADE MARK

Gray's Specific Medicine is a

specific remedy for all cases of

Gravel, Rheumatism, Gout, and

all cases of Urinary Affections.

Married for Love.

"Yes, Jack Brown was a splendid fellow. But married for love, you know; I remember the girl very well—Sweet little Kitty Duffan. Pretty, and loving, and good, and bright as a fairy star. I was very much tempted indeed to marry Kitty myself."

"But her friends were all of them poor, and Kitty had not a cent. And I knew I should never be with 'love in a cottage' content. So Jack was the lucky fellow. Or, umm—anyway. You can see how shabby his coat, and the hair is turning gray."

"But I'm told he thinks himself rich with Kitty and her money. A coat far away out of town. Full of noisy girls and boys. Poor Jack! I'm sorry, and all that. But of course he very well knows that follows who marry for love. Must drink of the liquor they brew."

And the handsome Augustus smiled. His coat was in perfect style. And women said words of his grace. And gave him their sweetest smiles. But he thought that night of Jack Brown, and said, "I'm growing old; I think I shall marry—"

Some beautiful girl with gold. Years passed and the bachelor grew tiresome, and stupid, and old; He had not been able to find the beautiful girl with gold. Alone with his hands he dwelt, Alone in the crowded town. Till one day he suddenly met The friend of his youth, Jack Brown.

"Why Gus?" "Why Jack?" What a meeting! Jack was the same old man; The bachelor sighed for content as he followed his friend away To the old farm on the hill. Set deep in the orchard trees, Seated with lilies and roses, Cooled with the ocean breeze.

"Why Jack, what a beautiful place! What did it cost?" "Oh, it grew. There were only three rooms at first, When soon the three were too few. So we added a room now and then; And off, in the evening hours, Kissed the children, and—"

And they grew as the children grew (Jack, Harry, and Grace, and Belle). "And where are the youngsters now?" "All happy, and doing well; Jack went to Spain for his house— His road is level and clear— And Harry's a lawyer in town. Making three thousand a year."

"And Grace and Belle are well married— They married for love, as is best; But often our brides come back To visit the dear home nest. So my sweet wife Kitty and I From labor and care are free; We have enough, and age can bring Nothing but love and peace."

But over and over again The bachelor thought that night, "Home, and wife, and children! Jack Brown was, after all, right. Oh! if in the days of my youth I had wisely loved the girl I met For now when I'm old there's no one cares Whether I'm living or dead."

—Harper's Weekly.

SUPREME COURT DECISIONS.

Digitized by W. W. Fuller, Attorney at Law.

Raleigh News-Observer.

SMITH, C. J.:

Carolina Central Railway Company vs. The North Carolina and Richmond and Danville Railroad Companies, from Mecklenburg. Affirmed.

The opinion in the case between the same parties, with positions reversed, disposes of the similar questions in this appeal.

The right of appeal is expressly given by section nine of the charter of the plaintiff's company to persons over whose lands the railway or its branches may pass. The appeal will bring for review the legality of the order of appointment of the commissioners to assess damages, if there be exceptions thereto, as well as of the confirmation.

SMITH, C. J.:

North Carolina and Richmond and Danville Railroad Companies vs. Carolina Central Railway Co., from Mecklenburg. Affirmed.

1. As the successor of the Wilmington, Charlotte & Rutherford Railroad Company, under the purchase made at the judicial sale, the defendant company succeeded to "all the estate and property" of that company, and to "all its contracts, franchises, rights, privileges and immunities." The charter of the Wilmington, Charlotte & Rutherford Railroad Company expressly confers the right to condemn lands, or a right of way over them.

With slight modifications the defendant company is clothed with the same authority in section 8.

In concurrence will be found the provisions contained in the enactment of 1871-72 for the formation of railroad companies, Battle's Revision, chapter 99, section 25. This section primarily applies to railroads formed under the act, but is extended to "all existing railroad corporations within the State" by section 45 of same act.

These references sustain the claim of the defendant to resort to the right of eminent domain.

2. Land obtained under a legislative grant of the right of eminent domain is no more exempt from its exercise when the public interest requires it for public uses than other lands held by individuals. Each must be subordinate to the demand of the State for public and useful purposes.

The exercise of the power of eminent domain over the property of public corporations may be subject to limitations not strictly applicable to other property.

The laying down of a track eight feet from the track of another road will not be allowed, if it disturbs the operations of the latter, or their putting down and using a second track when required, for an enlarged transportation in the future.

By chapter 203, acts of 1874-75, the right to construct and operate lines of telegraph along any railroad or other public highway in the State, and to obtain the right of way therefor by a condemnation proceeding, is conferred upon any incorporated telegraph company.

Why, when a similar privilege is conferred upon one railroad from another, or involving the common use of the same land by separate and non-interfering tracks for a few hundred feet only, and when this is the only route by which its own depot can be reached, should it be denied to the defendant company?

SMITH, C. J.:

State vs. John Grady, from New Hanover. Affirmed.

Where it is not shown that a witness is dead, who testified before the coroner's jury, it is not competent to read his deposition before the jury who hear the case, even if it be proved that he was summoned on behalf of the State and the return of the sheriff was non, out of contempt.

The weight of evidence is always a question for the jury. Unless the matter which a party offers to prove is set out in the record, the error in rejecting it does not appear. The omission to do so excludes the point.

It is no error for the judge to give his notes of the testimony to the jury for the purpose of refreshing their memory.

Voluntary drunkenness is never an excuse for the commission of crime. A point which the bill of exception shows was not taken in the court below, cannot be taken in the Supreme Court.

But as this is a question of human life, and the evidence is circumstantial, when grouped together, point so conclusively to the guilt of the prisoner that the jury were well warranted in finding a verdict of guilty, and the point taken that in the court that the evidence was not sufficient to warrant a verdict of guilty, is not tenable.

DILLARD, J.:

State vs. Swenson, from Wake. Writ of certiorari to issue.

It is indisputable that this court has the power to supervise and control the proceedings in the Superior Courts, and to that end may use any writs necessary and proper, of which the writ of certiorari is the appropriate one in cases where the right of appeal is not expressly denied, but simply not provided for.

The grievance in this case is, that on a motion by the State to amend the record of the trial, verdict and judgment of the Superior Court, of Wake, at the August term, 1878, in the case of the State vs. Swenson, the judge refused to hear evidence in support of the proposed amendment, on the ground of the want of power, and, therefore, the only question is, was the refusal to entertain the motion, for the reason alleged, such an error as to require correction in the exercise of the supervisory power conferred on this court, and is the writ of certiorari a fit and proper writ to be issued.

Of the power of the Superior Court of Wake, and indeed of every court to amend its records, and for that purpose to hear evidence and thereupon to amend its record so as to make it speak the truth, there can be no doubt. But it is equally well established that the propriety of an amendment, and the particulars wherein it is to be amended, are matters discretionary with the judge, and, if in the exercise of this discretion, the amendment is refused, then no appeal nor certiorari, in the nature of a writ of error, lies to his judgment. If, however, the judge refuse to entertain a motion to amend, and to hear the evidence on the ground of a want of power, then he fails to exercise his discretion, and therein a question of law is made, which is reviewable on appeal.

It is an error which may be brought up and reviewed in the exercise of the supervisory power of this court by a writ of certiorari, as was done in the case of the State vs. Swenson, 81 N. C.

In our opinion, taking the facts stated in the petition to be true, there was an error in the refusal of the judge, on the ground of a want of power, to entertain the motion of the State to amend the record, and being satisfied of our jurisdiction to have the record certified to us, we will grant the writ, and the case will be remanded to the next term of this court.

DILLARD, J.:

Farmer vs. Pickens, from Henderson. Affirmed.

A title in fee could be by a State grant and means conveyances, or it could be on the mere claim of the fee, without any deed whatsoever, by any proofs establishing defendant from questioning the title claimed by the plaintiff.

A fee established in either mode is attended with a right of possession as against defendant, and it is competent to plaintiff to prove a fee in himself by chain of title from the State, or he might have stood on the claim of a fee, to make a question as to his title. The allegation of a title in fee imported such a title, actual or provable, by deeds, or such against defendant by estoppel, and the obligation to pay rent having legal effect to create the relation of landlord and tenant. Therefore, the obligation of defendant to pay rent was relevant to the issue, and was properly submitted as evidence to the jury.

The rule that the lessee cannot dispute the title of his landlord, is a rule applicable to one who takes or holds possession under a contract of purchase (bond for title), and he is not permitted to controvert the title of him under whom he entered. In this State it is a rule of possession, and it is a lease or contract of purchase does not let in the party to dispute the title which he has recognized.

News of the Gunboat.

WASHINGTON, Sept. 25.—Capt. Howgate has received the following telegram from Lieutenant Deane, who was in command of the exploring party in the Gunboat:

"St. John's, New Foundland, September 25th."

"Captain H. W. Howgate: The Gunboat returned last evening. She lost one barrel of all the shot and one of the 3rd of August. Reached Disco on the 8th with two plank loose and stove in on the starboard quarters. Till the 12th repairing. Took two weeks to coal half supply. Came in here mostly by sail. Fary and Ciky remained at St. John's. No coal."

Deane's Boat.

What is the result of continued suspension? The inevitable result of continued suspension is the loss of the confidence of the public. It is not to be trusted with immediate relief in the emergency of the situation. It is not to be trusted with immediate relief in the emergency of the situation. It is not to be trusted with immediate relief in the emergency of the situation.

Blackwell's Durham Long Cut

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September 1st.

September 1st.

DURING THE NEXT TEN DAYS

WE WILL MAKE A GENERAL CLEARING SALE OF ALL SPRING & SUMMER TEXTURES.

The remnants in CASH, SUITS and CASH PANTS will be sold at a sacrifice. All our STRAW HATS, including fine RACKING HATS, will be closed at \$1.00. Our SPRING STOCK left is very small, and as we need room for FALL GOODS, we will make a QUICK SALE.

E. D. Latta & Bro.

SEPTEMBER 24th. SEPTEMBER 24th.

Day of Opening for Inspection.

OUR AUTUMN AND WINTER FABRICS

IN ASKING YOUR ATTENTION TO

OUR NEW AND ORIGINAL FASHIONS FOR FALL,

Permit us to assure you that our aim in manufacturing a STOCK OF CLOTHING is to produce Fashionable Garments with good Workmanship. Our success in entering for the Trade, is PRIMA FACIE evidence that our endeavors have met with the requirements of our customers.

We Shall Open for Your Inspection this Season by Far

The Handsomest Line of Men's Boy's, Youth's and Children's Suits, Overcoats; Vandykes, Ulsters and Ulsteretts

THAT HAS EVER BEEN EXHIBITED, READY-MADE, IN THIS MARKET.

WE INVITE EVERYBODY TO CALL ON THE DAY OF OUR OPENING.

Very respectfully,

L. BERWANGER & BRO.

N. B.—WE HAVE ON HAND A FINE LINE OF SAMPLES FOR MERCHANT TAILORING. GARMENTS MADE TO ORDER AT VERY SHORT NOTICE. FIT GUARANTEED OR NO SALE.

BEAT THAT IF YOU CAN!!!

---Five Hundred Hoopskirts at Fifty Cents Each!!!---

1,000 YARDS OF FLANNEL DRESS SUITINGS AT ONLY 25 CTS.

The best Flannel Material ever offered anywhere for the price.

Latest Novelties in Dress Goods; 2,000 yds Silks, Satins, and Velvets, Plain, Striped and Brocaded.

Everything nice and new in the Millinery Department, and a new Milliner from one of the Best Establishments in New York.

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