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CHARLOTTE, N. C., SATURDAY APRIL 22, 1882.

NO. 4,081.

The Observer Job Department has been thoroughly supplied with every kind of material, and with the latest styles of type, and every manner of Job Printing can now be done with neatness, dispatch and cheapness.

Alexander & Harris. Making a Tremendous Sacrifice.

Dress Goods. They propose to close out their entire stock of dress goods.

Pegram & Co., Dealers in Boots, Shoes, Hats, Trunks, Traveling Bags, Umbrellas, &c.

OUR STOCK OF Ladies' Misses & Childrens' Hosiery.

Alexander & Harris. PEGRAM & CO., Gents' Hand-Sewed Shoes.

Monday Morning, April 17th, '82.

PEGRAM & CO., Ladies' Misses and Childrens' Shoes.

Alexander & Harris. Monday Morning, April 17th, '82.

PEGRAM & CO., GENTS' and LADIES' SLIPPERS.

PEGRAM & CO., Ladies' Slippers.

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PEGRAM & CO., Childrens' Shoes and Slippers.

House Furnishing Goods.

PEGRAM & CO., Trunks and Valices.

PEGRAM & CO., DON'T FORGET that we are leading the market.

PEGRAM & CO., OF ALL PRICES AND SIZES.

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PEGRAM & CO., OF THE LATEST STYLES.

Dry Goods, Clothing, &c.

OUR SHELVES.

COUNTERS.

ARE Laden with FRESH and STYLISH GOODS.

Goods and are our prices, with the full assurance that you will find the examination and comparison to your pecuniary interest.

The public has already voted SEIGLE'S GOODS the HANDSOMEST and BEST SELECTED in the city.

Every Novelty of the Season in TRIMMINGS and in NECK WEAR.

All should come and see for themselves. WARE'S CORALINE CORSET only 97 cents.

T. L. SEIGLE & CO.

Medical.

PERRY DAVIS' PAIN KILLER.

A Never-Failing Cure for Burns, Scalds, Bruises, Cuts, Sores, etc.

After forty years of trial, Perry Davis' Pain Killer stands unrivaled. It is safe! It acts immediately! It never fails!

Editor of the St. John (N.E.) News, says: In flesh wounds, aches, pains, sores, etc., it is the most effective remedy we know of.

From the Cincinnati Dispatch: We have seen its magic effects, and know it to be a good medicine.

From the New York Herald: Perry Davis' Pain Killer is not a new thing, but it is a new remedy.

From the Boston Herald: Perry Davis' Pain Killer is a most valuable medicine.

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SUPREME COURT DECISIONS.

Reported for the Observer by Walton M. Busbee, of the Raleigh Bar.

Hallyburton et als, Executors vs. Carson, Executor, et als.—McDowell SMITH C. J.

The testator whose will was executed in 1857 devised different tracts of land to his several nephews and among others to his nephew John, the defendant, who was made executor by the will.

The plaintiffs allege the insolvency of the estate at the time of the testator's death and the consequent necessity of a sale of the land devised to the defendant in order to meet their claims.

In 1863 some devisees having died the testator executed a codicil revoking the clause giving the land to them and bequeathing the same to the said defendant.

The appeal lies from the refusal of his Honor to adjudge the sale to be being of opinion that the provision for the sale in the will had been revoked by the codicil, and that the primary liability did not rest on those lands.

Held: That when the codicil in ir-reconcilable conflict with the will, it must prevail as a revocation; but when a codicil does not in terms revoke a clause in the will, it modifies it in some of its features entirely consistent with the intention of its other provisions, it will only be allowed to have that effect and the clause thus changed will remain as the embodiment and expression of the testator's intent.

Where an absolute and unqualified gift in a codicil is incompatible with the disposition of land made in the will, it must have a revoking efficacy or be itself nugatory.

No error. Affirmed.

Gilbert et als, vs. James.—Alexander SMITH C. J.

The plaintiffs allege that the decree ordering the sale of the lands of their intestate, and the sale made in pursuance of the decree, and that the fraud and falsehood of the defendant, and ask that it be set aside and annulled, and that the title be restored to the defendant and his heirs.

The defendant proposed to prove that the deceased attorney, Stephenson, in his lifetime asked the witness to act as guardian of the person of the infant, Mary, and receive their share of the proceeds of sale and that in the conversation he stated that he was their attorney.

2d Exception. To the refusal of the court to permit proof of the good character of the attorney to be introduced when offered during the examination of witnesses.

3d. To the limited effect given to the deed he received in not extending its operation to the interest afterwards acquired by the feme in the share of her supposed deceased brother.

4th. That the personal representative of the attorney Stephenson is not a party to the action, and that the court should refuse to affect an alleged principal. The evidence is best heard and not part of the res gestae.

1 Greenleaf Ev. sec's 109, 110. Roberts vs. Roberts, 32 N. C. 20.

2nd. It is the duty of the judge who may have conducted an error during the trial to correct it as soon as discovered, and where the judge is willing to admit the evidence at first excluded and before the retirement of the jury, there is no cause for exception. State vs. Rush, 12 Iredell 382, Brown vs. Washington 63 N. C. 514.

3rd. Where a grantor conveys all the right, title, interest and claim to an estate, it is apparent that the deed conveys only that estate which the grantor then owned and was able to convey and not that which may afterwards accrue, for that is separate and distinct.

4th. Where it is not important to the parties to the action that the personal representative of an attorney should be before the court, and where he can still be brought in without disturbing what has been already done, exception to his not being made a party is not tenable.

The character and bona fides of the attorney who files a petition are not necessarily involved in the issue, for he may have acted upon false information. Generally it must be assumed that those who act as attorneys for a party are recognized by the court as such, possess the required authority to represent him.

University vs. Lassiter 33 N. C. 38 and Sutton vs. Schenck, decided at this term. No error. Affirmed.

State vs. Freeman—Henderson.

The defendant was tried and convicted at the fall term of 1881 for assault and battery and false imprisonment.

It was in evidence that the prosecutor King was found between the hours of 10 and 11 o'clock at night on the day of the alleged assault, in a state of helpless intoxication on the sidewalk in the street of the town of Hendersonville, in his head upon the steps of the postoffice, and in such a position that those who passed were compelled to walk around him. He was arrested by the defendant, the police officer of the town, and carried to the calaboose, and was there confined for several hours.

The court says: That Ch. 3, sec. 23 Battle's Rev. gives a town constable the same power as a peace officer and ministerial officer, as is given to a constable in the country.

He may arrest without warrant for affrays, riots and breaches of the peace committed in his presence, and for violent and disorderly acts and threats; for exhibiting publicly an obscene picture, or of committing like offenses against decency and morality. 1st Arch. Crim. Pleading 26, note 2. These last mentioned offenses are nuisances, and drunkenness falls within the same category. If he may be apprehended without warrant for these when committed in the presence of the officer, he may also be arrested upon a warrant for public drunkenness, for when open it becomes a nuisance and indictable offense. State vs. Waller, 3 Mur. 326.

If a person be arrested at a time and under circumstances as he cannot be carried immediately before a justice the officer may keep him in custody, commit him to the jail or lock-up, or even tie him, according to the nature of the offense and the necessity of the case.

A magistrate has no right to send a man to prison by a verbal order, and the officer who executes such an order is not protected by it.

Judgment reversed. Error.

"Exercising Agencies." 159 Constance Street, New Orleans, La., March 16, 1881.

H. B. New Orleans, La., March 16, 1881. My dear Sir: I have been relieved in the most happy manner from the excruciating agonies of kidney and bladder difficulties and gravel.

S. GORMAN.

There is no worse enthrallment for tormented man than the excruciations of a morbid nervous condition. The over-taxed brain then gets no rest from sweet sleep and needs the purifying influence of Dr. C. W. Benson's Celery and Chamomile Pills.

Soothe the Irritated. A few drops of BORO-DONT mixed with water, and placed in the mouth of the invalid, will refresh him. It aromatizes what else would be dry and uncomfortable, and gives infinite pleasure, and induces appetite. No nurse should neglect BORO-DONT.

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NEWS NOTES.

The Connecticut prohibition convention Wednesday nominated George P. Rogers for governor.

The Missouri Legislature met Wednesday in extra session to redistrict the State.

The crop reports in Arkansas indicate a better yield of wheat and corn than for many years.

The Connecticut Senate Wednesday defeated the House resolution asking the pardon of Sergeant Mason.

French Canadians are returning in large numbers from the New England States against the Dominion of Vermont.

About one hundred and fifty Mormon converts, mostly Norwegians and Danes, have arrived at San Francisco en route for Salt Lake.

The Mexican government has granted a subsidy of two thousand dollars for each month to a line of steamers to ply between Vera Cruz, Havana and New York.

Mr. Parnell has notified the governor of Kilmalham jail that he will prolong his leave of absence for another week.

The railroad commission bill was passed by the lower House of the New York Legislature. It goes to the Senate. By it the commissioners are to be elected by the people.

President Arthur accompanied by his son and daughter, paid a visit to Annapolis Wednesday.

At the instance of Prince Bismarck the circulation of one of the comic papers at Berlin has been prohibited for two years.

The receiver of the North American Life Insurance Company testified before the New York Legislative committee Wednesday that the expenses of the company had been \$34,278, and that there are \$289,706 on deposit to the credit of policy-holders.

Mrs. S. J. Gray, colored, wife of Rev. S. J. Gray, of Lexington, Ky., has received a verdict of \$1,000 damages in the United States Circuit Court at Cincinnati against the Cincinnati Southern Railway Company for refusing her admission to the ladies' car last August.

T. P. O'Connor, member of Parliament for Galway, was given a reception at Cooper Institute, New York, last night, previous to his departure for home.

A decree was signed in New York Wednesday for a partition of the property bequeathed to J. Gordon Bennett by his father, the will leaving one-half to him and one-half in trust to his sister, Jeannette Bell, the income to her during her life and her share to her children.

A hurricane swept over Brunswick and several other towns Thursday, injured some people and destroyed \$150,000 worth of property.

Chas. Robert Dunn, the well-known scientist, died in England last Thursday.

The bill which passed the lower House of the Virginia Legislature to take a recess until the 7th of June, was defeated in the Senate Thursday by a majority of three.

Liberalism at Goldsboro. Winston Republican.

We publish to-day a copy of the preamble and resolutions adopted by the convention of colored people at Goldsboro. For a proper understanding of the resolutions the reader should be acquainted with the whole of the constitution together. They contain no doctrine which should be deemed offensive to any class of Republicans, but as we understand them, they make no allusion to anti-Prohibition, which is claimed by some Republicans to be the basis of "Liberalism" in North Carolina. So long as general terms are employed no harm can ensue, for there will be nothing to give offense to the most fastidious.

If there is indeed such a liberal movement as described, we also hail it with satisfaction, and will welcome all Democrats to the Republican ranks who are willing to subscribe to such liberalization, but we do not mean to follow the purblind leadership of Democratic Bill Johnson on the liquor question, or any other, for we have better sense than to be misled by the policy of the Republican party to avoid such questions as will destroy harmony, and to unite upon principles where all can agree, and which are so well recited in the preamble of the Goldsboro resolutions.

A Snake Story. Greensboro Bugle.

Mr. W. D. McAdoo's fine old gray horse—Gen. Lee—has been sick for six months, unable most of the time to work. Yesterday he gave the General two packages of horse powders, expelling a live black snake eight inches long. The General is much better to-day, and it is believed his troubles were all owing to the snake being in his stomach.

Steamer Probably Lost. NEW ORLEANS, April 21.—The Times-Democrat's Morgan City special says the steamer Tom Parker which left for Key West yesterday, and which carried two packages of horse powders, expelling a live black snake eight inches long. The General is much better to-day, and it is believed his troubles were all owing to the snake being in his stomach.

Putting his Enemies out of his Way. CALCUTTA, April 21.—Political massacres have recommenced in Mandalay. King Theebaw has put to death an inferior wife, two half sisters, the chancellor of the exchequer and fifty of their relatives.

Fire in the West Virginia Penitentiary. WHEELING, April 21.—The fire last night in the wagon factory of the Webster company, in the West Virginia penitentiary, damaged the building to the extent of \$28,000. Insurance \$23,000.

Death of Gen. Burt. SARATOGA, April 21.—General Burt died at 1:30 this morning.

Premature Loss of Hair. May be entirely prevented by the use of BORO-DONT. No other compound possesses the peculiar properties which so expertly soothe the hair when harsh and dry. It soothes the irritated scalp. It affords the richest nutriment. It prevents the hair from falling out. It promotes healthy, vigorous growth. It is not greasy nor sticky. It leaves no disagreeable odor. It kills Burnett's Flavoring Extracts are known to be the best.

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Unprincipled Dealings.

The popularity and world-wide fame of Simmons Liver Regulator has induced unprincipled parties to place spurious compounds called by some garbled part of our title or name in the market.

A majority of these enterprises have died a natural death, but others are periodically cropping out. To those who have not yet learned the great worth of the Regulator this word of caution is necessary. To the invalid it may be a question of life and death. Ask for Simmons Liver Regulator, and look for the signature of J. H. Zellan & Co., and the largest red Z on White Wrapper.

A CARD. To all who are suffering from the errors and indiscretions of youth, nervous weakness, early decay of manhood, &c., I will send a recipe that will cure you. FARE OF CHANGE. This great remedy was discovered by a missionary in South America. Send a self-addressed envelope to the Rev. W. W. Phelps, Station D, New York City.

New Advertisements. [From Andrew's American Queen.] CLEOPATRA OR THE QUEEN OF SHEBA'S BEAUTY WAS BUT SKIN DEEP.

The renowned Queen of Sheba, with all her royal pomp, magnificent apparel, and brilliant retinue, would never have appeared within the presence of the greatest of the monarchs of the past, had she not also possessed that which it is the crowning glory of the female person—a skin unchallenged for its Oriental softness and its almost transcendental purity. Cleopatra, holding emperors at bay, and ruling empires by her word, had quickly lost her charm and power by one attack of blotches or pimples, or of horrid tan and freckles.

WOMAN BLESSES THE WORLD by her beauty, not less than by her purity of character and loftiness of disposition and unselfish devotion. Indeed, in the estimation of perhaps two million men beauty in a body takes precedence over every other consideration. Beauty thus forms an important part of woman's "working capital," without which too many, if not bankrupts in what relates to influence within the circle where they move, are powerless for great good. Hence we see not only the propriety but the duty of every lady preserving with zealous care that which to her is essential to success, and influence, and usefulness in life. And, since "beauty is but skin deep," the utmost care and vigilance are required to guard it against the many ills that flesh is heir to. Among the great and annoying enemies of beauty, OF EITHER SEX, as well as of comfort, happiness and health, are those pestiferous and horrid skin diseases—lethens, humors, eczema, (salt rheum), rough and scaly eruptions, ulcers, pimples, and all diseases of the hair and scalp. For the cure of all these, Dr. C. W. Benson, of Baltimore, after years of patient study and investigation, discovered the disease of the skin, as last brought forth his celebrated SKIN CURE, which has already by its marvellous cures, established itself as the great remedy for all diseases of the skin, whatever be their names or character. Its success has been immense and unparalleled. All druggists have it. Its elegance put up, two bottles in one package. Internal and external treatment. Price \$1.00.

EVERY ONE PRAISES. Sick headache, nervous headache, neuralgia, nervousness, paralysis, dyspepsia, sleeplessness and brain diseases, positively cured by Dr. C. W. Benson's Celery and Chamomile. They contain no opium, quinine, or other harmful drug. Sold in all druggists. Price five per box. \$1 for two, \$2.50 for six, postage free. Dr. C. W. Benson, Baltimore, Md. C. S. BIRKINGTON, New York, is a wholesale agent for Dr. C. W. Benson's remedies.

MRS. LYDIA E. PINKHAM, OF LYNN, MASS. Woman can Sympathize with Woman. Health of Woman is the Hope of the Race.

For all these Painful Complaints and Weaknesses as common to our best female population. It cures entirely the worst Form of Female Complaints, all ovarian troubles, Inflammation and Ulceration, Falling and Displacements, and the consequent Spinal Weakness, and is particularly adapted to the Change of Life. It will dissolve and expel tumors from the uterus in an early stage of development. The tendency to cancerous humors is checked very speedily by its use. It removes faintness, restlessness, destroys all craving for stimulants, and relieves weakness of the stomach. Course of Treatment. Headache, Nervous Prostration, General Debility, Sleeplessness, Depression and Indigestion. That feeling of bearing down, causing pain, weight and heaviness, is always permanently cured by its use. It will at all times and under all circumstances act in harmony with the laws that govern the female system. For the cure of Kidney Complaints of either sex this Compound is unsurpassed.

LYDIA E. PINKHAM'S VEGETABLE COMPOUND. PREPARED BY HERSELF AT 223 and Western Avenue, LYNN, MASS. Price \$1. Six bottles for \$6. Sent by mail in the form of pills, also in the form of lozenges, on receipt of price, \$1 per box for either. Mrs. Pinkham freely answers all letters of inquiry. Send for pamphlet. Address as above. Mention this Paper.

No family should be without LYDIA E. PINKHAM'S LIVER PILLS. They cure constipation, biliousness, and torpidity of the liver. 25 cents per box. Sold by all Druggists. "Be Sold by all Druggists."

PRESCRIPTIONS PREPARED at all hours day or night, at reasonable prices, of the best materials and by competent pharmacists, at WILSON & BURWELL'S Drug Store, Trade Street.