Daily Charlotte Observer.

#### CHARLOTTE, N. C., THURSDAY, NOVEMBER 23, 1882. NO. 4,252. VOL. XXVIII. amount were deposited with the bank. That he is sole owner of the effects of A CARD. SUPREME COURT DECISIONS. Dry Goods, Mothing, &c To all who are suffering from the errors and in-discretions of youth, nervous weakness, early de---WE-the firm by reason of an assignment from his associate. That the smaller Fall Term, 1882. cay, loss of manhood, &c. I will send a recipe that will cure you, FREE OF CHARGE. This Reported for the Observer by Walton M. Busbee. note has been satisfied and the said **Bald Mountain** great remedy was discovered by a missionary in South America. Send a self-addressed envelope to the BEV. JOSEPH T. INMAN, Station D, New collaterals which have been, or ought State vs. Skidmore-Gaston. to have been collected and applied, are York City. more than sufficient to pay the said debt leaving a residue for the plaintiff; SMITH, C. J.: Defendant is-charged under sec. 48. -:0:---:0:ch. 32, Bat. Rev., with the offense of biting off the ear of one L. B. Rankin, and that said Hardin has been adjudged a bankrupt and defendant Smith ap-For Dyspepsia, TARG ARE MAKING A SPECIALTY Costiveness, SIMMONS -ONA- . pointed his assignee. The answer ad-mits execution of the two notes as Sick Headache. without malice, but on purpose, with WE have just received another slock of HANDSOME DBES 3 PATTERNS at \$10, \$15, \$18 an worth \$15, \$25, \$30 and \$35 call and see them, as they are the newest thing out Also, lot of that 12152 and 15c CASHMERE 12 blacks and colors. The best stock of All-Wool Cashmer blacks and allocations from facts \$150 per rest to this alto. Chronic Diarintent to disfigure him, and was con-victed. The act of 1791, which describes charged-that the smaller one has been rhœa, Jaundice, the maim therein intended as done "of Impurity of the paid, that the larger still remains due. blacks and all colors, from 45c to \$1.50 per yard, in this city only a small part of the interest having been paid. That Littlejohn was also a malice aforethought," has been inter-Blood, Fever and BOOM! REGULATOR Ague, Malaria, and all Diseases -OFpreted to include the case of a maim constituent member of the firm of Chalk & Co, that in 1877, when the firm perpetrated without any preconceived malicious purpose, if intentionally done, aused by De-Satins, Surahs, Ottomans, Brocades, the malice being necessarily involved in began to wind up business the partners rangement of Liver, Bowels and Kidneys. Chalk & Littlejohn assigned their inthe act of maiming; state vs Crawford, SYMPTOMS OF A DISEASED LIVER. Carpets, Rugs, Mats, 2 Dv. 425. It was not error to refuse to admit testimony of former threats terest in its effects to the partner Har-Bad Breath; Pain in the Side, sometimes the pain is felt under the Shoulder-blade, mistaken for Rheumatism; general loss of appetite; Bowels generally costive, sometimes alternating with lax; the head is troubled with pain, is dull and heavy, din, to pay the debt due the bank and other debts of the firm applying any T LL the rush continues for our Goods, and made by the prosecutor. The rejection of antecedent and communicated threats of personal violence uttered by surplus to his own use, that this trans-fer was made in the presence of the Ask to see our colored Bordered Hemstitched with considerable loss of memory, accompanied with a painful sensation of leaving undone something S LK3 all colors; ein match anything NECK W& 1B; a large stock Military Brail and Ornaminis Jackets, Doimans Circulars, Ulsters, Palet is in all styles and orless. A large stock of Luties, Gants' and Children's Underwear, Ludies' and Gents' Furnishing Goo's A-k to see our Curtain Laces and Linen Handkerchiefs. prosecutor is fully warranted by the ruling in State vs. Norton, 82 N. C., 628. president of the bank. which a painful sensation of leaving undone something which ought to have been done; a slight, dry cough and flushed face is sometimes an attendant, offen mistaken for consumption; the patient complains of weariness and debility; nervous, easily startled; fact cold or burning, sometimes a prickly sensation At spring term, 1881, an order of The best Corset for 50 cents ever shown in retonnes. Have just received a large stock of reference was made, from which order Where there is no proof as to the condition of the parties upon the ground Ano her lot of Misses and Children's Underwear defendants appeal. beyond the fact of the fight itself, from The court says: The plaintiff is en-titled to an account, he remains liable upon the note held by the bank as well just in by Express. ETC., ETC., of the skin exists; spirits are low and despondent, and, although satisfied that exercise would be bene-ficial, yet one can hardly summon up fortitude to which it can be seen that the necessity A very pice line of Boys and Misses Fur Caps. HATS and CAPS to maim was pressed upon the defend-We don't want you to forget that' we are head-quarters for Ladies' Cloaks, Dolmans, Circulars, Waiking Jackets, &c. and have made special rices for the next thirty days. try it—in fact, distrusts every remedy. Several of the above symptoms attend the disease, but cases have occurred when but few of them existed, yet examination after death has shown the Liver to ant, he cannot complain that the jury as to any other outstanding liabilities was left to infer that biting the ear off of the firm and has a clear right to enwas, or might be, an act of self defense, force the execution of the admitted At bottom figures. Trunks Wallses. Boots an (Shies. A 'tot) d'ack of Reads-mide Clothing Our stock is replendished daily by everything new that comes out. All we ask of the public is to give an trust upon which the collaterals in have been extensively deranged. and there was no error in his Honor's Our fourth stock of Black Cashmere has just refusing to charge that the mutilation possession of the bank are held and to It should be used by all persons, old and This Season. come in, and . e can now give you a Black Dress from 15c to \$1.75 per yard. inspection before buying. of the ear was an act of self-defense, comp. 1 their appropriation to the partyoung, whenever any of the above or that in the excitement of the fight it nership debts as a means of exonerating symptoms appear. Seventy-five Gross Buttons all shades, arrived Hargraves & Wilhelm, was not done on purpose. Where the act itself is proved, the law will presume Persons Traveling or Living in Un-healthy Localities, by taking a dose occasion-ally to keep the Liver in healthy action, will avoid all Malaria, Bilious attacks, Dizziness, Nauto-day | er Express. himself. "When the suit is for an account, all Our stock of Gloves, in Thread, Worsted and Kid, is complete. it was done on purpose, and with intent the evidence necessary to be read at the to maim, as it actually was a maim, till Smith Building, East Trade Street. hearing is that which proves the desea, Drowsiness, Depression of Spirits, etc. the evidence showeth the contrary. Another installment of Hose for Misses and no12 will invigorate like a glass of wine, but is no in-toxicating beverage. fendant to be an accounting party and WE HAVE A Children. State vs. Evans, 1 Hay. 325, 2 Whar. Cr. then the decree to account follows of course.-Dozier vs Sprour, 1 Iowa Eq. Law, sec 1,173. Give us a call and be convinced that we keep the most complete stock of Goods in Charlotte. If You have eaten anything hard of No error. Judgment affirmed. digestion, or feel heavy after meals, or sleep-less at night, take a dose and you will be relieved. 152; Harrison vs Harrison, 2 Iowa Eq. 123; Railroad vs Morrison, 82 N C, 141 Very Respectfully, Com. Nat. Bank of Charlotte vs. Hutch-inson & Hutchinson-Mecklenburg. Time and Doctors' Bills will be saved cited. Attention is called to the dis-MAGNIFICEN7 T. L. Seigle & Co. tinction between an order of reference by always keeping the Regulator RUFFIN, J.: following a decree quod computil under in the House! For, whatever the ailment may be, a thoroughly safe **purgative**, alterative and tonic can never be out of place. The remedy is harmless and does not interfere with business or P. S.-Ladies', Gents', Boys and Misses Rubber Coats and Gossamers, all sizes. The only point considered is as to the the former practice and such order made under the code. See Barrett vs sufficiency of the verification to the Leading Clothiers and Tailors. complaint, to-wit: "R. M. White maketh Henry, 85 N C. 321. oath that the plaintiff is a corporation pleasure. No error. Affirmed. Medical. IT IS PURELY VEGETABLE, duly organized under the laws of the And has all the power and efficacy of Calomel or Quinine, without any of the injurious after effects. United States, that he is an officer there-**Closest Prices**! This is What's the Matter. Correct Styles! New Goods! of, to wit, the president, that the facts STOCK. A Governor's Testimony. SALISBURY, Nov. 20, 1882. herein set forth of his own knowledge Simmons Liver Regulator has been in use in my family for some time, and I am satisfied it is a EDITOR OBSERVER :- I notice with are true, those otherwise stated he becommendation what you say about valuable addition to the medical science. lieves to be true. Signed, R. M. White. J. GILL SHORTER, Governor of Ala. ----:0:----:0:-----Tyler Bennett refusing to accept the Sworn to and subscribed before me this Hon. Alexander H. Stephens, of Ga., office of Congressman at large unless he 31st of August, 1882. Signed, J. R. Ersays; have der ved some bene

REMEMBER

## THIS

## WHEN YOU WANT

# CARPETS!

-:0:-:0:---

Alexandèr & Harris. 1882. OUR 1883



-0F-

BOOTS, SHOES,

### HATS, TRUNKS,

Valises and Traveling Bags,

IS NEW COMPLETE.

hus been selected with unusual care to meet the wants of the Trade, and to give them the BEST GOODS MANUFACTURED.

A cold of sore throat may not seem to amount to much, and if promptly attended to can easily be cured; but neglect is often followed by consumption or diphtheria. No medicine has ever been discovered which Acts so quickly and surely in such cases as PERRY DAVIS' PAIN KILLER. The prompt use of this invaluable remedy has saved thousands of lives. PERRY DAVIS' PAIN KILLER is not an experiment. It has been before the

public for forty years, and is most valued where it is best known. A few extracts from voluntary testimonials read ab follows:

PAIN KILLER has been my household remedy for colds for the past twenty-seven years, and have never known it to fail in effecting a cure.— L. S. CROCKER, Williamsville, N. Y. For thirty years I have used PAIN KILLER, and found it a never-failing remedy for colds and sore throat.—BARTON SEAMAN. Have received immediate relief from colds and sore throat, and consider your PAIN KILLER an invaluable remedy.—GEO. B. EVERETT, Dickinson, N. Y.

myanusole remedy.-GEO. B. EVERETT, Dickinson, N.Y. I have just recovered from a vary severe cold, which I have had for some time. I could get no relief until I tried your PARW KILLER, which relieved me immediately. I will never again be withou, it.-C. O. FORCE, Lowndes, Ga. Have used PAIN KILLER in my family for forty years, and have never known it to fail.-RANSOM LEWIS, Wayneaboro, Ga. I began using PAIN KILLER in my family twenty-five years ago and have used it ever since, and have found no medicine to take its place.-B. W. DYEE, Druggist, Oneida, N. Y. For whooping-cough and croup it is the best preparation made. We would not be without it.-A. P. ROUTS, Liberty Mills, Va. For twenty-five years I have used PAIN KILLER for colds and chapped lips, and consider it the best medicine over offered.-GEO. HOOPEE, Wilmington, N. C.

medicine ever offered. --(HO. HOOPEE, Willington, N. C.
I was suffering severely with bronchitis, and my throat was so inflamed I could scarcely swallow any food. I was advised to try your PAIN KILLER, and after taking a few doese was completely oured.-T. WILLINGON.
Dr. WALTON writes from Coshocton: Your PAIN KILLER, and after taking a few doese was completely oured.-T. WILLINGON.
Dr. WALTON writes from Coshocton: Your PAIN KILLER, and after taking a few doese was completely oured.-T. WILLINGON.
Dr. WALTON writes from Coshocton: Your PAIN KILLER, and after taking a few doese was completely oured.-T. WILLER ourse diphtheria and sore throat, so alarmingly provalent hare, and has not been known to fail in a single instance. This fact you should make framew in the word.
Mrs. ELLEN B. MASON writes: My son was taken violently sick with diphtheria, high fever, and cold chills. So many children hare died here, I was afraid to call a physician, and tried your PAIN KILLER. He was taken on Sunday, and on Wednesday his throat was clear. It was a wonderful oure, and I wish it could be known to the poor mothers who are losing so many children.
For Chills and Fever PAIN KILLER has For Chills and Fever PAIN KILLER has no equal. It cures when everything else fails. Delays are often dangerous. A bottle of PAIN KILLER in the house is a safeguard that no family should be without. All druggists sell it at 25c., 50c., and \$1.00 per bottle per bottle PERRY DAVIS & SON, Proprietors,

Providence, R. I. sept d'tw sept & oct.

THE JEWELER,

HAS JUST RETURNED FROM THE NORTH,

-WITH THE-

FINEST, MOST SELECT, MONT COM-PLETE and BEST ASSORTED

-STOCK OF-

Watches, Clocks and Jewelry,

Silver and Plated Ware,

Ever displayed in

win, C. S. C." The defendant, at fall term, 1882, filed an unverified answer; the plaintiff moved for judgment upon the complaint, as for want of an answer, which the court granted. Defendants excepted, insisting that the verification to the complaint was not in compliance with sec. 117, C. C. P., and so dispensed with a verification to the answer. The court says: That no substantial difference can be seen between this case and Alspaugh vs. Winstead, 79 N. C.,

526, and in matters so purely technical the court will not be astute in looking for distinctions. It is only agents and attorneys that are required when swearing to the pleadings for their principals or clients, to disclose their knowledge and its sources, and explain why the verification is not made by the party in

person. A corporation can take no oath, and can therefore make no verification, and it would be idle for its officer to explain why it has not done so. By the provisions of the New York code it is held that the verification of pleadings by an officer of a corporation, is the verification of the corporation itself. It is a great advance upon the practice of courts of equity, to require any verification at all to the answer of a corporation, when it was well settled that a corporation aggregate made its answer not as in common cases under oath, but under its common seal. Angel and Ames on

Cor. Sec. 665. No error. Judgment affirmed. Suttle, Sheriff &c. vs. Doggett et als .-

Cleveland. RUFFIN, J.:

This action is brought by the plaintiff as Sheriff and Treasurer of Cleaveland county, against the defendant as Tax collector for said county and the other defendants as sureties on his official bond. The complaint goes on to state, that a settlement was had between the said defendant and a committee appointed by the Board of Com-missioners, on the 17th of April, 1878, and another on the 26th day of the same month, but that the same were erreneous and failed to charge him with the full amount due, so that there still remains due the county the sum of "three hundred dollars, more or less," which sum has been demanded of him and he refuses to pay the same. That said settlements "were made on statements given by said Doggett, mistaken in fact and fraudulent," but that the plaintiff is unable to show specific error, for the reason that the vouchers are all in the hands of said Defendant, and demands judgment for the sum of forty thousand dollars-that being the amount of the bond given-to be discharged upon payment of such sum as may be found to be due on taking another account. Defendants admit the settlement alleged and aver that it contained a full

death from yellow fever, that of a sailor, and true statement and exhibit by him is reported to-day. of every item with which he was prop-No new cases have been reported. erly chargable-that they were careful-The weather is cool and clear with fair ly examined and passed upon by the committee and ratified by the commis-sioners and the same entered of record promise of a killing frost. Daniel O'Conner, a carpenter, employed on the new opera house, fell from the roof of in the minutes, a transcript from which (they say) is annexed to their answer. that building yesterday and died of his injuries last night. They plead settlement and payment in bar of the plaintiff's right to have another account of the same matters. After the jury had been empaneled, NEW YORK, Nov. 22.-Thurlow Weed the court expressed the opinion that died this morning at 8:55. the plaintiff could not maintain his action, whereupon he submitted to a non Warner's Safe Kidney and Liver Cure suit and appealed. The court says: Every intendment that can be fairly made, should be made in support of the Judges ruling. Though no copy of the account, alleged to have been stated, is sent with the transcript, it is to be inferred from the statement in the answer, that it was in fact annexed thereto and showed the account to have been itemized, or else, the plaintiff accepted as true the statement that such a settlement had been made and appeared of record on books kept by the commissioners, and was willing that his Honor should upon that footing determine the question whether the settlement so made was a bar to plaintiff's right to have another account upon such allegations of fraud and mistake as are made in his complaint. By statute, Bat. Rev, ch 102, sec 40, such settlement is prima facie evidence of its correctness and may be impeachable only for fraud or specified error. An account once settled is conclusive, unless assailed for fraud or mistake: in order thus to assail it, the complaint must not simply insinuate fraud, but must charge it and aver the particulars with such definite certainty that issues may be raised in regard to them. No error. Judgment affirmed. The distinction between this case and Commissioners vs Taylor, 77 N C, 404, is that there had been no accounting-Mitune vs Mitune, 1 Ind Eq. 403; McAdoo vs Thompson, 72 N C, 408; Witherspoon vs Charmichael, 6 Ind, Eq. 143, and Harrison vs Bradley, 5 Ind Eq. 136. Chalk vs The Traders' National Bank -Mecklenburg. SMITH, C. J.: It is alleged by plaintiff, that the partnership firm of G W Chalk & Co, constituted of himself and defendant Hardin, became indebted to the corpo-ration defendant in two notes of \$2,000 and \$550, to secure which, drafts, notes and acceptances of more than \$8,000 in

was legally and morally entitled to it. Simmons Liver Regulator, and wish to give it a From a personal knowledge of him further trial. "The only Thing that never fails to Relieve."-I have used many remedies for Dys-pepsia, Liver Affection and Debility, but never from childhood, and the correct principles inherited by him from the preaching and practice of a grandfather, and have found anything to benefit me to the extent Simmons Liver Regulator has. I sent from Min-nesota to Georgia for it, and would send further for such a medicine, and would advise all who are sima father, of the primitive Baptist faith, he would refuse it and suffer death first. Besides Judge Bennett's honest convictions in this matter, the sentiment of

is fiat justitia ruat coelum.

occur.

The election in Halifax county, and

in a few others, two years since, has

cast a stain on the integrity of the

Democratic party, which is much re-

gretted by its respectable members, and

it is sincerely hoped will not again

The truth 1s, and it is useless to dis-

guise it, that the Democratic party, to

use a slang word, is bossed, wretchedly

bossed, by its present managers, solely

for their own aggrandisement, and has

been so controlled for the last six or

eight years, and it is high time that the

old flag should be borne by those who

look "to the greatest good for the great-

est number." This inscribed on her banner enabled her to march on "con-

quering and to conquer," and with her

true and tried leaders was irresistable.

of our party in attending on the polls?

to do with it? Has the appointment of

any persons to office simply from family influence any thing to do with it? Has the settlement of the N. C. Railroad construction bonds any thing to do

with it? Has the action of certain

county commissioners on the license question any thing to do with it, even

when the will of the people was so em-

phatically expressed in opposition?

quencies that call for, in tones of thun-

der and demand, a change in leaders.

But how shall this be done? "Send

It is useless to enumerate other irreg-

ularities. A disaffection deep and de-

cided is known to every true and reflecting Democrat, and a change in man-

agement is absolutely necessary. Boss

will require leaders of large brains and

much experience to manage and correct

the evils of which the people complain.

the good of the people and not them-

selves. Such a man we have in your

townsman, Wm. J. Yates, Esq, one

whom the people would like to follow

The Fever at Pensacola.

PENSACOLA, FLA., Nov. 22. - One

Thurlow Weed Dead.

DEMOCRAT.

As clearly indicated from the forego-

them to coventry !"

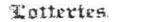
and honor.

How changed, and why, is the action

ilarly affected to give it a trial as it seems the only thing that never fails to relieve. P. M. JANNEY, Minneapolis, Minn. the larger class of true Democrats should scorn such action. Their motto

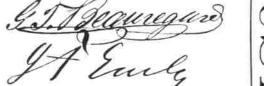
Dr. T. W. Mason says: From actual ex-perience in the use of Simmons Liver Regulator in my practice I have been and am satisfied to use and prescribe it as a purgative medicine.

Rep" Take only the Genuine, which always has on the Wrapper the red Z Trade-Mark and Signature of J. H. ZEILIN & CO. NOR SALE BY ALL DRUGGISTS





We do hereby cartify that we supervise the arangements for all the Monthly and Semi-Annual Paragements for all the Montaly that Semeratured Drawings of the Louisuna State Lottery Company, and in person manage and control the Drawings themselves, and that the same are conducted with houesty, fairness, and in good faith toward all par-ties, and we authorize the Company to use this certifi-oute with facesimiles of our signatures attached, in its advectisements." its univertisements." It is an important question, and de-serves the serious consideration of every Democrat. Has the substitution of any office abolished by law any thing



Commissioners.

UNPERCEDENTED ATTRACTION ! OVER HALF A MILLION DISTRIBUTED. Louisiana State Lottery Company

There are many other delin-Incorporated in 1868 for 25 years by the Legis-lature for Educational and Charitable purposes-with a capital of \$1,000.000-to which a reserve fund of \$550,000 has since been added. By an overwhelming popular vote its franchise was made a part of the present State Constitution adopted December 2d, A. D. 1879. Its GRAND SINGLE NUMBER Drawings will

take place monthly. It never scales or postpones. Look at the fol-lowing Distribution:

rule in small corporations is not abso-GRAND PROMENADE CONCERT, lutely objectionable, but in a State as varied in interest as ours, it certainly

during which will take place the 151st Grand Monthly and the

Extraordinary Semi-Annual Drawing AT NEW ORLEANS,

ing, it is not politicians we want, but clear-headed, honest men, looking to TUESDAY, DECEMBER 19th, 1882,

Under the personal supervision and management of Gen. G. T. BFAUREGAND, of Louistana, and Gen. JUBAL A. EABLY, of Virginia.

CAPITAL PRIZE, \$100,000. Halves, \$5. Fifths \$2. Tenths, \$1.

#### LIST OF PRIZES:

LICE OF TH	CARLENCY -		
1 CAPITAL PRIZE of	\$100.000	100.000	-
1 GBAND "	50.000	50,000	
1 GBAND "	20.000	20,000	
2 LAEGE PRIZES of	10.000	20,000	
4 " "	5,000	20,000	8
20 PRIZES of	1,000	20,000	Ū.
20 "	500	25,000	E
100 "	300	80,000	September
200 "	200	40.000	<u> </u>
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,000 "	10	100,000	H
APPBOXIMA III	ON PEIZES.	->>	22
00 Approximation Prizes ( 00 Approximation Prizes ( 00 Approximation Prizes (	of 100	\$20,000 10,000 7,500	30th, 18
,279 Prizes, amounting to	<b>I</b>	522,500	1882.
A DECEMBER OF A		onto be	

Application for rates to clubs should only be made to the office of the company in New Orleans

Our Patrons: The People. Our Study: Their Interest. Our Maxim: Fair Dealing.

## OUR REWARD: SUCCESS.

WE Manufacture our own Mea's Clothing, and therefore can sell at much lower prices than any other house can offer the same woods. We are now prepared to offer the largest and best assort-ed stock of READY-MADE



in this section. OUR Furnishing Goods Department comprise the latest out, and we are confident that for beauty and novelty will compare with any in the South. The last but not least, our Hat Depart-ment, consists of only the latest out, and finest that could be found in the market. We have taken special pride this senson to secure such goods that cannot be found elsewhere. Our prices in each and every department are invariably bottom figures, and every article sold with our guarantee. Thanking the public kindly for past favors, and soliciting a share of your trade in the future, we are Very Respectfully. Department Ciptulars and Tailors Leading Ciothiers and Tailors



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