Daily Charlotte Observer. a . M ... talas, MB 1. 10N P.4, Editor and Frep tor.

WE HAVE JUST RECEIVED A LARGE LINE OF

We still have a few handsome DRESS PATTERNS that we will sell cheap.

The Handsomest Line of All-Wool Cashmeres from 45c to \$1.50, ever offered in this Gily.

BASKET FLANNELS in souriet and all desirable shades.

NO. 4,259.

Most of the Creek Indians in Idaho

James Flaherty, of Brooklyn, N. Y., who beat his wife to death with a bed

slat, was sentenced Tuesday to the peni-

tentiary for life. He is now 26 years of

Major Merrill, in pursuance of orders

New York, Tuesday, in the steamship

Arizona, from Liverpool. He will remain in New York a few days and then

proceeded to Atlanta.

at the bottom of it.

Dempsey Warren.

mer.

purchased by our merchants.

ment for pensions.

age

the sale took place 5th of May follow-ing, the omission so to state in the return, cannot have the effect of avoiding the sale and the conveyance of the land. No error. Affirmed. Fall Term, 1882. Reported for the Observer by Walton M. Busbee. The court directs attention to the No. 296. State vs. Healey and McNinch loose and irregular manner in which -Mecklenburg. the case on appeal is stated. A compliance with the provisions of the code, Indictment for an assault and false imprisonment. The prosecutor Mason, sec 801, would greatly facilitate their was arrested by the defendant McNinch, chief, and Healey, a policeman of the city of Charlotte. When arrest-ed, Mason was drunk and using loud labors. NEWS NOTES. McDonald, recently arrested at St and profane language; he was arrested in an open lot in rear of a bar room, Louis for blackmailing Kate Claxton. has been sent to the insare asylum. said lot is bounded on three sides by Capt. Allen May, of Hardin county, Ky. aged 101 years, Mednesday propured the bar room, Charlotte hotel and a a license to marry a young lady, of the same county, aged 19.

boarding house-the place of the arrest was about eight steps from the dining room of the hotel, the guests of the hotel and boarding house were at dinner, there were windows to both Territory who fought for the Union du:houses opening on the lot. Mason was ing the rebellion are asking the goverheard using loud and profane anguage by some parties. Defendants sought to justify under the common law and an ordinance of the town of Charlotte. His Honor charged that "if in order to view or see

SUPREME COURT DECISIONS.

ASHE, J.:

charged that "if in order to view or see said Mason, it was necessary for the citizens then and there assembled, to go to the windows, then it would not be a public place. Excepted to by the de-fendants. Verdict and judgment against defendants. Appeal taken. Held. The charge was accounted Held. The charge was erroneous. The town ordinance was intended to create different offences from the crime of nuisance at common law. The ordinance embraces two offences, loud and profane swearing and public drunkenin a public place; there is nothing in the ordinance about a public place. A man may be publicly drunk, in a primaking the arrest. Error. Reversed. Beckwith vs. Kings Mt. Mining Co.-Gaston. RUFFIN, J.:

The official figures phow that Jerome, republican. for Governor of Michigan is beaten by Beagle, fusion, by 4,754 votes. Crosby. rep., for lieutenant-governor, has 7,839 majority. Mrs. Thomas Moore, living near Mount Carmel, Pa., was in the habit of sleeping with a pistol under her pillow. On Mon-day night, while asleep, she unconsciously discharged it, and was shot in the side ness. To make them criminal offences receiving a fatal wound. it is not necessary they should be done The majority for Tom Ochiltree, rep." for Congress in the seventh Texas district over Finely, dem., is about 2.300. The majority for Ireland, dem., for Govvate place. The ordinance was violated ernor over Jones, ind., will exceed 40,000. and defendants were justified by it in Three barns were burned at Crown Point, N.Y., Wednesday, and among the debris of one of them was found the charred remains of a man. It issupposed that the barn was accidentall fired by a tramp who had gone into it for shel-This case is upon a motion, made and ter. overruled in the court below, to set aside a sale of lands made under an execution. The court declared that the judgment debt in question should constitute the first lien upon the property which was heavily mortgaged, and un-

execution issued and the sale was made

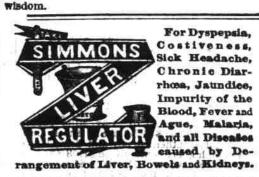
on the 5th of May, 1882. One Sandifer

became the purchaser of the company's

lands (some 485 acres) at the price of

from Gen. Terry, has taken measures to prevent Indian raids from Canada on the Crow agency in Montana. The Crows are to be set in pursuit of the raiders. less discharged by a given day then the Gen. John B. Gordon, of Georgia, acsheriff should proceed to execute the same. After the expiration of the time

Penny Wisdom-Pound Folly. It is foolish to save the little that SOZODONT costs, and suffer what will result in bad teeth and large payments to dentists. Place a bottle of it on the toilet, use five drops only of it every time after eating, cleanse the mouth and show your



Walking

SYMPTOMS OF A DISEASED LIVER. Bad Breath; Pain in the Side, sometimes the pain is felt under the Shoulder-blade, mistaken for Rheumaism. Bad Breats; Fain in the Side, mistaken for Rheumatism; general loss of appetite; Bowels generally costive, sometimes alternating with lax; the head is troubled with pain, is dull and heavy, with considerable loss of memory, accompanied with a painful sensation of leaving undone something which ought to have been done; a slight, dry cough and flushed face is sometimes an attendant, other mistaken for consumption; the patient complains of weariness and debility; nervous, easily startled; feet cold or burning, sometimes a prickly sensation 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 try it—in fact, distrusts every smedy. Several of the above symptoms attend the mease, but cases have occurred when hard we mease, but cases have occurred when hard we mease, but cases have been extensively deranged.

It should be used by all persons, old and young, whenever any of the above symptoms appear.

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, Billious attacks, Dirzines, Nau-sea, Drowsiness, Depression of Spirits, etc. It will invigorate like a glass of wine, but is no in-toxicating bevorage.

If You have eaten anything hard of digestion, or feel heavy after meals, or sleep-less at night, take a dose and you will be relieved.

Time and Doctors' Bills will be saved by always keeping the Regulator

in the House! For, whatever the aliment 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

leasure IT IS PURELY VEGETABLE,

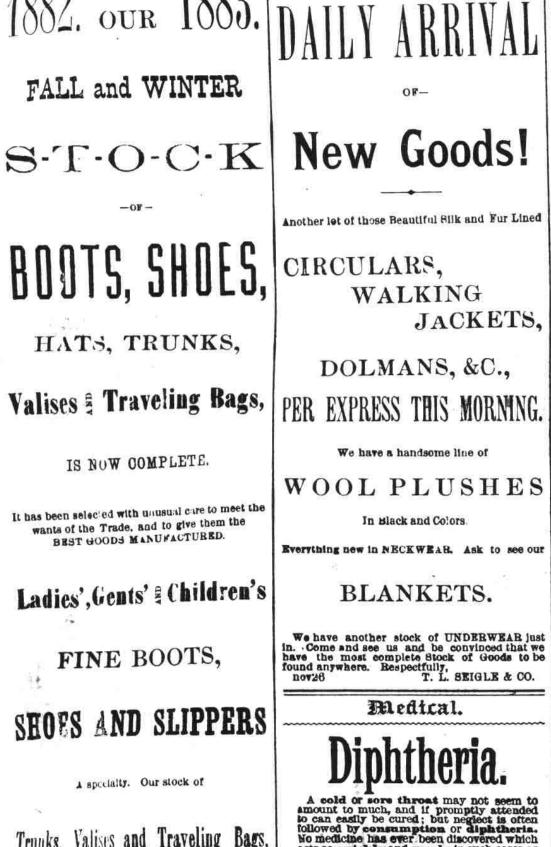
And has all the power and efficacy of Calomel or Quinine, without any of the injurious after effects.

A Governor's Testimony. Simmons Liver Regulator has been in use in my family for some time, and I am satisfied it is a valuable addition to the medical science. J. GILL SHORTER, Governor of Ala.

Hon. Alexander H. Stephens, of Ga., says: Have derived some benefit from the use of Simmons Liver Regulator, and wish to give it a

Ladies' Cloth Flannels, Repelants and Suitings, Represented b PLUSHES, VELVATS, SILKS, SATINS, SUBAHS and OTTOMANS, & Order of BBOCADES, all colors. MILITARY BRAID and LOOPS. Out Stock of .Ladies' and Genis' **UNDERWEAR** Can't be excelled. We have a targe time of Handsome BLANKETS, QUILTS and DOMESTIC GOODS cheap. One of our Firm is now in the Northern Markets laying in a large SECOND STOCK and our counters and shelves will soon be laden with all the novelties the market allords. A call will convince you that we are HEADQUARTERS and if we do not sell you it is your fault.





Dry Goods, Mathing, &c

YOL. XXVIII.

OUR

CHARLOTTE, N. C., SATURDAY, DECEMBER 2, 1882.

Trunks, Valises and Traveling Bags, Acts so quickly and surely in such cases as PERRY DAVIS' PAIN KILLER. The PERRY DAVIS' PAIN KILLER. The prompt use of this *invaluable remedy* has saved thousands of lives. PERRY DAVIS' PAIN KILLER is net an experiment. It has been before the public for forty years, and is most valued where it is best known. A few axiracts from voluntary testimonials read as follows: IS LARGE AND VARIED. PAIN KILLEE has been my household remedy for solds for the past twenty-seven years, and have pever 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 fireat.—BAETON SEAMAN. Have received immediate relief from colds and sore threat, and consider your PAIN KILLEE an invaluable remedy.—GEO. B. EVERETT, Dickinson, N. Y. HATS | GUB LINE OF | HATS - IS COMPOSED OF THEinvaluable remedy.-GEO. B. EVERETT, Dickinson, N. Y. I have just recovered from a very severe cold, which I have had for some time. I could get no relief until I tried your PAIN KILLER, which relieved me immediately. I will never again be without 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, Waynesboro, 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. DYER, Druggist, Oneida, N. Y. For whooping-cough: and croup it is the best proparation 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 ever offered.-GEO.HOOPER, Wilmington, N. C. Best Brands and Latest Styles of SILK, ST&FF AND FELT. medicine ever offered.--GEO.HOOPEE, Wilmington, N.C. I was suffering severely with bronchitis, and my throat was so infiamed I could scarcely swallow any food. I was advised to try your PAIN KILLER, and after taking a fow doses was completely oursel.-T. WILLINSON. Dr. WALFON writes from Ochoston: Your PAIN KILLER cures diphtheria and sore throat, so slarm-ingly prevalent here, and has not been known to fail in a single instance. This fact you should make known to the world. MRE.ELLEN B. MASON writes: My son was taken violently sick with diphtheria, high fever, and cold chills. So many children have 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 won-derful 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 Call and t y the Old Established House of Pegram & Co. ---THE----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. GRANDEST PERRY DAVIS & SON, Proprietors, Providence, R. I. sept d kw sept & oct. OPPORTUNTY THE JEWELER, HAS JUST REFUBNED FROM THE NORTH, -WITH THE-**TO BUY GOODS** FINEST, MOST SELECT, MONT COM-PLETE and BEST ASSORTED -STOCK OF-Watches, Clocks and Jewelry, Ever Offered in this Town. Silver and Plated Ware, ---ON----Ever displayed in Monday, Nov. 27th, NORTH CAROLINA.

\$100. The court below was of the opin-James S. Pike, writer and politician ion that "as the sale had been made ex-United States minister to the Hague under a decree and execution in favor and formerly associate editor of the of the plaintiff and at his instance, the New York Tribune, died Wednesday in law would not entertain or hear a mo-Calais, Maine. He was on his from Robtion from him to set aside the sale, but binston, his home, to the South, where that he had no standing in court." The where he proposed to spend the winter. plaintiff's motion was accompanied with the affidavits of his attorney and In Buffalo, N. Y., yesterday, George the sheriff as to the gross inadequacy Smith recovered a verdict for \$10,000 damages against the New York Cenof the price bid, also with an offer to tral Railroad company on account of increase the bid ten per cent. injuries received by being struck by a The court says: The rule now generally adopted by the courts is that train at a street-crossing where no flag-"mere inadequacy of consideration, man was stationed. standing alone and disconnected with Hon. J. H. Acklen has submitted a any circumstances of fraud or surprise brief to Gov. McEnery denying that is not a sufficient cause for setting aside Senator Kellogg is an inhabitant of a sale under execution. But still in-Louisiana within the meaning of secadequacy of price if combined tion 2 of article 1 of the constitution of with any other circumstances calculated to throw suspicion the United States, or a resident of the third congressional district under the on the sale, or if in itself so gross as to provisions of the Louisiana constitube suggestive of mistake or undue advantage, may prevail with the court tion. Wm. Rule, editor and proprietor of to dispense with the sale, and order a resale A party complaining of the Knoxville Daily Chronicle, has sold it has a right to have the facts ascerhis paper to a joint stock company for \$160,000. Col Henry R Gibson, editor of the Knoxville Weekly Republican, will become editor of the Chronicle. and the two papers will be consolidated, tained, in order that the court may act understandingly. "The plaintiff, the defendant and the purchaser may each be aggrieved by a sale under execution, and therefore STATE NEWS. each is entitled to prosecute a motion to set it aside." Freeman on Ex., Sec. Winston Republican: The new brick building of the Winston Tobacco Man-In such a case as this the court cannot consider the evidence, but must act ufacturing Company is nearly ready for the roof. This makes our 23rd tobacco exclusively upon the facts as found in the court below, and the error consists factory. in finding no facts, either for his own Fayetteville Examiner: There was guidance or the guidance of this court. a bloody row on Thursday night near Error. Judgment reversed.

Howell vs. Furgerson-Wilkes. Ashe, J.:

305.

The only question presented is wheth-er the court below committed an error in striking out the answer of defend-ants as tham and frivolous, and giving judgment for the plaintiffs.

Sham and irrelevant answers and defences may be stricken out on motion, and upon such terms as the court may in its discretion impose. C. C. P., Sec. 104. A sham answer is one that is false in fact; an irrelevant answer is one

which has no substantial relation to the controversy between the parties to the action, and an answer is frivolous when, assuming its contents to be true, it presents no substantial defense. It was no error to strike out defend-

ant's answer, for assuming all the allegations to be true, they do not constitute a substantial defense. The decision might also have been

put on the ground that there is no error assigned, and none appears on the record. Simpson vs. Summey, 74 N. C., 557. No error. Affirmed.

McSurratt vs. Cranford-Montgomery. SMITH, C. J.: Plaintiff derives title to the land men-

tioned in the complaint by virtue of a sale under execution issued from the

Superior Court of Davidson, upon a jus-tice's judgment recovered by T A Jones against the defendant, and docketed in both of said counties, consummated by the sheriff's deed therefor. The defendant excepted. 1st. To the admission in evidence of the judgment dockupon the filing of the transcript from the justice, for that the judgment had not the justice's signature for its authentication. 2d. To the alleged want of proof of personal notice given to the debtor of the proposed application to the clerk to revive the judgment and for leave to issue execution thereon. 3d. To the sufficiency in form and effect of the adjudication in that the clerk does not find on affidavit that the debt remains unpaid. 4th. To the ab-sence of any levy on the land preceding the sale mentioned in the sheriff's return upon the process. The court says: 1st. Where a judgment is authenticated by the certificate of the justice as a true and correct transcript, the docketing in the Superior court gives to it all the efficacy of a judgment originally then rendered, for the purpose of enforcement under final process. Bat Rev, ch 63, sec 19, Brayles vs Young 81, 315. 2d. The fact that personal notice was given to defendant as required by the statute is determined affirmatively by the clerk in making the order. It was not necessary to be proved by affidavit, except when plaintiff undertakes to testify to the fact. The judicial action of the clerk if liable at all to a collateral attack, must be presumed to be regular and proper. 3d. It is not required that an affidavit be made, that the judgment or some part of it remains unsatisfied and due since while if the fact is to be established by the plaintiffs on oath it must be in that form, any "other satisfactory proof" is admissible for that purpose. 4th. The only effect of a previous levy is the specific appropriation of the pro-perty on which it is made, out of other equally liable, to the plaintiffs debt, and may confer an equity on others to have the property first levied on, sold and ex-hausted before resorting to the other real property of the debtor. When the levy is recited in the sheriff's deed to have been made on March 31, '79, while

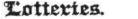
further trial. companied by his family, arrived at

further trial. "The only Thing that never fails to Relieve."—I have used many remedies for Dys-pepsia, Liver Affection and Debility, but never 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 sim-ilarly affected to give it a trial as it seems the only thing that never fails to relieve. P. M. JANNET, Minneapolis, Minn. Dr. T. W. Mascon save: From actual ex-

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.

Take only the Genuine, which always has on the Wrapper the red Z Trade-Mark and Signature of J. H. ZEILIN & CO. FOR SALE BY ALL DRUGGISTS.

a state of the

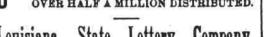




and in person manage and control the Drawings themselves, and that the same are conducted with honesty, fairness, and in good faith toward all par-ties, and us authorize the Company to use this certificate, with fac-similes of our signatures attached, in its advertisements."



Commissioners.



It never scales or postpones. Look at the fol-

GRAND PROMENADE CONCERT,



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

OUR REWARD: SUCCESS.

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



in this section. OUR Furnishing Goods Department comprise the latest out, and we are comprised to the for beauty and movely will compare with any in the South. The last but not least, bur is ment, consists of only the latest out, and finest that could be found in the market. We show that special pride this season to secure such goods that cannot be found elequiders. Our prices in each and every department are invariably bottom figures, and every article sold with our guarantee. We that favors, and every article sold with our guarantee. Thanking the public kindly for past favors, and solisition a same of your tracks in the future, we have been such as the public kindly for past favors. t favors, and solicition a share of your trade in the fature we are Very Respectfully. Leading Ciothiers and Taflors





WE WILL COMMENCE A

Grand Sweeping Clearing Gut Sale of Our Batire

Stock of Goods.

WE are determined to close out our entire stock by JANUARY 1st, 1898. Our entire stock, ab solutely, without reserve, will be sold at a sacrifice. Dress Goods, Closking, Flannels, Table Linens, Table Damask, Table Napkins, Flannels of all kinds, Cloaks, Jackets, Dolmans, Ready-Made Clothing, Carpets, Rugs, Hats, Caps Boots and Shoes, Ladies, Children and Gents' Hoslery, every-

thing sold without reserve. This is a positive and absolute sale and we in-

vile the entire retail trade to come and take advantage of this opportunity to buy the cheapest goods ever offered in this market.

Alexander & Harris.

no18



Dr. Price's EXTRACTS. Prepared from the choicest Fruits, without coloring, poisonous oils, acids or artificial Essences. Always uniform in strength, without any adulterations or impurities Have gained their reputation from their perfect purity, superior strength and qual-Admitted by all who have used them ity. as the most delicate, grateful and natural

flavor for cakes, puddings, creams, etc. MANUPACTURED BT STEELE & PRICE Chicago, III., and St. Louis, Mo., Sature of Lemils Toset Some Dr. Friede Group Rating Proving, and Dr. Friede Unique Partners. WE MAKE NO SECOND CRADE COODS.