GHARLOTTE DAILY OBSERVER, JANUARY 22, 1906.

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cilities Required.

BRAVE LOVE.

Inno. of toomb Ri Loomb Ri Los the best vers amons ver been "Hooster Poet, en writ

d nothing but his wolfn. d nothing but my sons: " it we were wed when actes were hius and summer days were long. ad when we rested by the hedge. The robins came and tuid ow they had dared is woo and win When early spring was cold. a sometimes supped on dewberries, or slept among the hay, it off the farmers wives at eve Came out to near us play te rars old times-the dear old tunes-we could not starve for long. Hile my man had his violin and I my sweet love song.

he world has aye gone well with us, old man, since we were one-homeless wandering down the lance-tong age was done. It those who wait for gold or gear, For houses and for kine, It youth's sweet spring grows brown and sear, And love and beauty pine. Ill never know the joy of hearts That met without a fear, When you had but your violin And I s song, my dear.

SUPREME COURT DECISIONS

HAMRICK vs. TELEGRAPH CO. Ap-pellant, From Rutherford, New Trial rial.

Trial. I. In an action against a telegraph company for damages for mental anguish, where it appears that the defendant de-layed for 28 hours to deliver to plaintiff the following telegram: "Come home at ouce. Your wife is bud off." and that immediately upon its receipt he started home, having been informed of the delay, and on arrival found his wife very fil, that she continued so for eleven weeks and recovered, held there was some evidence of mental anxiety.

and recovered, held there was some ordened of mental anxiety. If It was erfor to permit the plaintiff to testify as to a conversation about the misgram had with the agent of the de-fendant at the depol 10 or 15 minutes after the plaintiff received the telegram, which was handed him by his employer. What an agent says while doing acts within the scope of his agency is admissible as a part of the res gestae. What he says afterwards concerning his acts is heresay and inadmissible.

FURR, Appellant vs. JOHNSON. From Cabarruss Affirmed. 1. In an action, against a register of deeds to recover the penalty under sec-tion 2080 of the Revisal, an instruction that it was the duty of the register of deeds in issuing a marriage license "to make such inquiry for legal impediments to the marriage and as to the age of the parties as a prudent business man, act-ing in the most important affairs of life, would make, and to exercise his duties in this respect carefully and conscientlously and not as a mere matter of form, is cor-rect.

In an action against a register of

Test.
3. In an action against a register of deds to recover the penalty under section 2090 of the Revisal, where there is a comflict of evidence, whether there has been "reagonable inquiry" is to be submitted to the jury upon all evidence under paper instruction, but if the facts are agreed it is a matter of law.
3. In an action against a register of deeds to recover the penalty under section 2090 of the Revisal, an instruction that if the jury found that the prospective groom told the defendant that the girl was 18, for he had seen her age in the Bible and she had told him she was 18 years of age; and should further find from the evidence that the defendant here we had to be a man of good character, and that he stated to Johnson that the girl was 18 years of age, and that he lived that he stated to Johnson that the girl was is years of age, and character, and that he stated to Johnson that the girl was is years of age, and character, and that he stated to Johnson that the girl was is years of age, and character, and that he stated to Johnson that the girl was is years of age, and that he lived they believed they be statements and acted on them, believed they are the defendant made reasenable houry is correct. gress at Washington January 17. President George T. Winston, of the North Carolina College of Agricul-

ture and Mechanic Arts, presented the d. Section 25% of the Restal does not require that the register shall make in-quiry by examination of witnesses in such cases under oath, but merely de-clares that he shall have "the power to do so." His using, or falling to use, such discretionary power is merely a cir-cumstance to be considered by the jury. 5. While we may not prescribe and rule for the stildance of the register it would seem that "reasonable inquiry" involves at least an inquiry made of or information furnished by some person if unknown, identified and approved by some reliable person known to the regist-ter. some reliable person known to the regis-ter. 6. In an action against a register of deeds to recover the penalty under sec-tion 1814 of the Code 2088-90 of the Re-visal, the burden of proof is upon the plaintiff to show that the defendant inowingly or without reasonable inquiry, issued the license contrary to law. 7. While in many instances the plain-tiff is required to prove a negative, he may, when the evidence is peculiarly with-in the knowledge or possession of the de-fendant, rely upon defendant's failure to produce such evidence as a cogent fact tending to sustain his contention and con-sidered, with other circumstances, may persuade the jury to find the issue in his favor. This rules pertains only to the mode of proof and not to the burden of the issue:

intimutely commented with the trans-tions that it would be almost impossi-to investigate any of the grounds of on plaint, unless both are made parties. .1. Where is general right is claim arrining out of a series of transactio inverse consets of action against deten-ants, who have distinct and separate the terests, in order to a conclusion of the whole matter in one suit.

mainmon and the all-consuming spirit of gain let the Appalachian Porent Re-serve stand inviolate forever, with its matchless flora and fauna, a modern Paradise of Nature, where weary and degenerate mortals may go for all ages to rest on the bosom of Mother Earth and become again children of the real Golden Age. -16. To show the world how to eat your cake and keep 18 too. Forest conservation means a maximum of forest yield forever: a maximum of impher supply, of water supply, of agricultural supply. Deforestation means destruction of iumber, of water, and of agriculture. BLLieR, Appellant vs. RAILBOAD. From Catawba. No Error.
BLLieR, Appellant vs. RAILBOAD. From Catawba. No Error.
The general rule in the law of damages is that all damage resulting from a single wrong or cause of action must be recovered in one suit.
To an action for damages for mental anguish allaged to have been suffered by the plaintif, by the negligent delay. In delivering her value containing, her trousseau, whereby the wedding had to be postponed where it appeared thist she had already sued the delendant in an action for non-delivery of her value and damage to the property, and that suit was settled, held that she is procluded by the former settlement, from claiming suy damages for mental anguits in this ac-tion. means destruction of fumber, of water, and of agriculture. In the ianguage of President Endse-velt, "Use the forests for grazing, for farming, for lumber, for whatever they are best adapted; but so use them that you will not destroy their useful-ness for future generations."

Mr. and Mrs. Henry S. Radcliffe, of Lexington, "At Home" to Their Friends on 15th Anniversary of tion. 3. Where the defendant did not know of the intended marriage, the male plain-tiff has no cause of action for the de-fendant's negligence in the delay of the femie plaintiff's plaintiff's baggage con-taining ber trousseau. Wedding. Special to The Observer.

Indent's negligence in the delay of the fame plaintiff's plaintiff's baggage containing her trousseau.
RELD vs. RATLROAD, Appellant. From Macklenburg. Affirmed.
1. In an action for wrongful causing the delay of the transformed action of plaintiff's intestate at a cossing, an finituction that where dra cossing, an finituction that where dra cossing, an finituction that where dra cossing in the diate of plaintiff's intestate at a cossing in the dist of the transformed.
1. In an action for wrongful causing the card was backing on a crossing in the dist of the duty of the card the rowth a dequate warning and to the engine was backing on a crossing in the plant the street ran down the track for an injury resulted, there would be a negligent breach of duty, is correct, and the track for some distance, does not change the frint the street ran down the track for some distance, does not change the frint at the edine allong the track for and that there is engine allong the track for any person of the angle track, or that no bell was rescue and dist track, or that no bell was not change the plantiff, and that there is keep a lookont and the track for any person of the arathroad track, or that no bell was rescue and dist track, or that no bell was rescue and correst and correst and the track for any person of the arathroad track, or that no bell was rescue and correst of and correst and correst in looking the track for any person of the arathroad track for any person of the mather of the gury shall find that the plantiff are track or that no bell was the correst of the engine and no agent. there is the track for any person of the argue allong the track or that no bell was the mather of the engine and no agent. there is the track for any person of the argue allong the track or that no bell was the track or the no bell was the defendant the mean of the engine and no agent. there is the track for any person of the argue track or the track to the engine and the track for any person of the en

some distance, does not change the principle. 2. An instruction "If the jury shall find that the plaintiff was walking on the railroad track and that the defendant was backing its engine along the track in the night time in the direction of the plaintiff, and that there was no light at the time on the back part of the engine and no agent there is keep a lookout along the track, or being there, failed to exercise reasonable care in looking ahead along the track for any person ou or near the track or that no bell was ringing and if the jury shall find that the engine to moving ran against or upon the intestate and killed her; and if the jury should further find that if the bell had been ringing and there had been a proper light on the sngine, the intestate would have had notice of the approach-ing train in time and would have escaped the danger; or that if there had been a person stationed on the engine and was exercising reasonable care in keeping a lookout along the irack, he would have discovered the intestate in time to have discovered the intestate in time to have discovered the first issue, yes and the sec-ond issue no," is not erroneous a declar-ing that the defense of contributory

Social Event at Burlington. Correspondence of The Observer,

A CRYSTAL WEDDING.

Burlington, Jan. 20.-Mr. Walter H. Williamson was host to a few friends Williamson was host to a few friends Friday evening at his rooms in the Plaid Mills office building, Mr. William-son proved an admirable host and his guests spent a thoroughly enjoyable even-ing; delicious fruits and candles were served. Those attending were Mrs. C. B. Cox. Misses Hannah Wilson, Mary Beverly Hancock, Lillian and Daisy Ross and Messrs. W. K. Scott, L. K. Thomp-son, Quint Scott, Sam Scott, and Jack Pate.

> Freight Wreck on A. C. L. Correspondence of The Observer.

answer the first issue, yes and the sec-ond issue no," is not erroneous the declar-ing that the defense of contributory negligence did not avail the defendant under the conditions stated. 3. Where plaintiff's intestate had gone to the crossing at Third street in an ef-fort to cross the railroad and was told by an employee of the detendant that a freight train then obstructed the crossing at that point and that she had better try the Second street crossing, and fol-tores when an engine backed upon her and death resulted, held that the intestate was no trespasser and there was no contributory negligence in the mere fact that she was then upon the road. HALF THE Fayetteville, Jan. 20.-A bad freight wreck occurred last night on the Atlantic Coast Line, eight freight cars being derailed and piled in ruins on th tracks. The Fayetteville and Sumter "shoo fiy" trainfi due here at 9:45 o'clock, was sent on with the waiting passengers to Ben-son, where the wreck occurred and No. son, where the wreck occurred and No. 1 carried these and its own passengers HALF THE WORLD WONDERS

APPALACHIAN FOREST RESERVE how the other half lives. Those who use Bucklen's Arnica Salve Dr. Geo. W. Winston's Ten Reasons wonder if it will cure Cuts. Wounds, Presented to the American Forestry Burns, sores and all Skin Eruptions; Congress, for the Establishment of

they know it will. Mrs. Grant Shy 1130 E. Reynolds St. Springfield, 111., says: "I regard it one of the absolute necessities of housekeeping." Guaranteed by R. H. Jordan & Co., Druggists. 25c.

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saving. These facts are based on experience. Carey's Pipe Coverings have saved follars for many people, they will do the same for you.

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216 S. College St.



CAVINESS vs. FIDELITY CO., Appellant. From Randolph. Affirmed. 1. A surety company which has been called upon to pay a devastavit com-mitted by its principal, an administrator, is entitled to be subrograted to the rights of the creditor against a party who re-ceived the money with knowledge of its wrongful appropriation and his rights are exactly those of the creditor. 2. Where an administrator is also a distribute, he is entitled to pay the other distributee and to retain bimself. at any time during the administration the amount to which each is entitled. If he pay more or retains more than is bond for the excess. In seven States with 13 million inhao-tants and is within 24 hours of 60 mil-lion people. It is par excellence the health and pleasure region for all the States east of the Mississippi river. 4. To preserve water power and maintain a steady stream flow. Over vided a steady stream flow can be maintained. To do this, the forests must be preserved. Continued defor-esting will destroy much water power that is already developed. 5. To preserve the mountain soli from densdation and the piedmont soli from flood and destruction. Over 200

The bey in the presentity and on his and for the excess. While an administrator is allowed while the estate, he should, when there is no debts of other exigencies requir-ng the releation of the funds, pay them of the distributes and they may within the two years maintain an action for here.

OYSTER vs. MINING CO. Appellant. From Montgomery, No Error. I. When a complaint charged that the persition and all of its assets to his corporation and all of its assets to his benefit and managed it recklessly and disposed of live property to defraud the stockholders, and one general object of the plaintiff which the two defraudants con-rest for misjoinder of parties and causes of action was property overwided. It ap-

A little love, a little wealth, A little home for you and me: It's all I ask except good health. Which comes with Rocky Mour

H. Jordan & Co.

following reasons for the establish-ment of the Appalachian Forest Reservation: 1. To do justice to the South and promote national sentiment. The Unit-ed States own 60 forest reserves, of 80 million acres, worth 200 million dol-lars, Not one is in the South. The proposed Appalachian Reserve will contain four million acres and cost ten million dollars. Has not the time, come for the South to receive from the national government some recog-

the Appalachian Forest Reserva-

Before the American Forestry Con-

tion.

nition besides taxation? 2. To complete and crown the system of national forest reserves. Ev-ery mountain system west of the Mississippi contains a forest reserve. The Appalachian mountains, extending from Pennsylvania to Alabama are, from every point of view, the most important mountain system on the continent. To crown their summits with a national forest reserve, the largest, the grandest, the most ful on the continent, would complete the system of national forest reserves. 3. To preserve a health and pleasure resort for 60 million people. The Appalachian Forest Reserve is located in seven States with 13 million inhabitants and is within 24 hours of 60 mil-

3 Newberry Cotton Mills 5 Anderson Cotton Mills We Can Use, Subject to Supply:-

6 Gleenwood Cotton Mills @ 95 6 Gleenwood Cotton Mills @ 975 9 Worth Mfg. Company 10 Limestone Mills 0 Rocky Mount Cotton Mills HUGH MACRAE & COMPANY, 10

Bankers, Wilmington, N. C.

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