gation to look and listen may be altogether removed.

a. The above principle with its limitations applies with peculiar force to those whose duties by contract with the railinged call them to work on or upon the tracks or frequently to cross the same.

4. While the testimony of the plaintiff tended to show that his duties by contract with the defendant railrond caused him to work almost on the track and frequently required him to be upon and across it and that while so engaged he was run over by an engine of the defendant which had come upon him without any warning and which warning was required both by the custom and rules of the railroad and that he had just looked and listened both ways, and the way then appeared clear, held that a non suit was erroneous, as the question of contributory negligence must be left to the jury to determine under proper instructions.

FINCANNON, Appellant vs. SUD-DERTH, From Burke, New Trial.

1. Where the lines or corners of an adjoining trust are called for in a deed or patent, the lines shall be extended to them without regard to distance, provided these lines and corners be sufficiently established and that no other departure be permitted from the words of the patent or deed than such as ascessive enforces or a true construction renders necessary.

sity enforces or a frue construction renders necessary.

2. Under the above rule, the words in a deed 'being a corner of a tract owned by S and known as the J fract and runs west with the line of the S tract 225 poles to a stake in the D line' control the ather contradictory dails for a trock.' etc., there being no evidence as to how the rock came to be at the point found or how long it has been there.

3. The rule, that whenever it can be proved that there was a line actually run by the surveyor, was marked and a corner made, the party claiming under the deed shall hold accordingly, notwithstanding a mistaken description of the land in the deed, presupposes that the deed is made in pursuance of the survey, and that the line was marked and the corner that was made in making the survey was adopted and acted upon in making the deed.

MILLHISER, Appellant, vs. LEATHER-WOOD, From Swain, Error,

1. Where a plaintiff, in deference to an adverse intimation of the court, sub-mits to a non-sult, he is entitled in this court to the most favorable interpreta-tion of the evidence, after excluding all that is against him.

2. Evidence that the plaintiff's held a that is against him.

2. Evidence that the plaintiff's held a claim against M, which was sent to the defendent as their attorney for collection, that M, held claims against L, secured by liens on L's property and that the detendant also was L's, attorney, that it was agreed between the defendant as plaintiffs' attorney and M, that if M, would release the liens, the defendant would assume the payment of plaintiffs' claim against M, he stating that L, his client, had placed the money in bank to his credit for this purpose, that the plaintiff's account was not paid, held that the court erred in deciding as a matter of law that the plaintiff's were not entitled to recover of the defendant the amount of their claim against M.

CORPORATION COMMISSION RAILROAD, Appellant, "Industrial Siding Case." From Wake, Affirmed.

1. Under sub-head 15 or section 2, prises, but these The Observer correschapter 164 laws 1839, authorizing the Corporation Commission to require the construction of side tracks to industries

During the past year there has been construction of side tracks to industries when the revenue accruing from such side track is sufficient with five years to pay the expenses of its construction, an order requiring the railroad to construct a spur siding for the use of a lumber plant to hold four cars about one and a guarter miles from a station is not unreasonable, where it appears that the lumber shipped from said siding in two years would yield a revenue of \$6.000.00 to the railroad and the cost to the defendant of constructing it (the grading and cross ties being furnished by the lumber company) would be about \$200.00.

2. Evidence that the plaintiff was permitted to show that a few years ago the defendant maintained a spur or side track at this same spot for two years without any inconvenience or accident, was competent to show the practicability of a side track being established at this point.

DEN vs. PALMER, Appellant, on Cherokee. Affirmed.

causes of action enuitable or legal. Set otherwise provided for It burrs the assettion of an equity at well as any other cause of action, unless there are discussed on the technical ground that there are some of these clubs doing control of the control of the properties are some of these clubs doing that the claim of the properties are laying unless throughout the State, and some of the properties are laying unless throughout the State, and some of the properties are laying unless throughout the State, and some of the properties are laying unless throughout the State has written thin and was constructive notice to sell the world that he claimed, the land and the world that he claimed the land and the second that he claimed the land and the world that he properties are seen to the south the other than the residences of the properties are possible to the control of the south the outside the properties are possible that the sale of the control of the south the main body of an is the manage policy there is a definite signal south the properties are the properties and the properties are the properties and the properties are the properties and the properties and the properties are appeared to the properties and the properties are appeared to the properties and the properties are appeared to the properties are some of the control of

Appellant vs. DAVIS, From L. New Trial, an action to recover the nehalities of in section 2319 of the Code for

SUPREME COURT DECISIONS pour the land was sold for partition, the

Correspondence of The Observer.

Maxton. Peb 1 — With a population of only about 1.500. Maxton is keeping size with the progressive towns in the Surfa and, at the year's close has made in record that would make mary larger towns free envious.

During the year 1905 residences have been erected as follows: One by Mr. A. J. McKinnon, corner North Piorence and West Hughes streets, \$10,000. Mrs. A. J. McKinnon, corner North Piorence and West Hughes at the college, and he never alies to the foreman and the streets as the college, and he never alies at the students. His hast effort was a rare treat to all who were so fortunate as to hear him. The following are a few of his thoughts, but no synopsis is attempted:

"If Gettysburg was the high ide of the Confederacy, the Little Big Horn was the Indian's last bid for gmplre. There Indian strategy reached its highest development and scored its highest development and scored its ships in the rest to be erected within the next few months a half dosen or more residences to cost from \$1,000 to \$5,000. The contracts for most of these have already been let and some of them are under way of construction.

Before the year 1906 closes Maxton will have two \$16,000 churches. Methodist and Presbyterian. The materials for both are now on the grounds. The contract for the latter has been let and work is to begin at once. The contract for the Methodist church will be contract for the Methodist church will be let at an early date.

contract for the Methodist church will

contract for the Methodist church will be let at an early date.

Building in Maxion during the year has not been confined to residences.

Among the business houses erected are the following: Two-story building by J. W. Carter, cost \$6,000; two-story business block, with offices on second floor, by J. C. McCorkill, \$6,000; warehouse block, with offices on second floor, by J. C. McCorkill, \$6,000; warehouse block, with offices on the white man he will share the fate of the Indian.

"Custer and his men died where they fought without attempted flight or thought of surrender. The sun of their glory has cast upon the field immortalized by their desperate valor, a crimson light that will flame through the ages. The gory row of corpaes that have been confined in, has as officers Col. which was paid in, has as officers Col.
E. F. McRae, president; A. J. McKinnon, vice president; T. O. Evans,
secretary and treasurer; D. A. Patterson, E. F. McRae, A. J. McKinnon, H. G. Hill, W. S. McNair, J.
B. Weatherly and A. M. McKinnon,
directors

The Maxton Door and Sash Com-The Maxton Door and Sash Company has enlarged its plant, having erected a new building. This concern now has a paid in capital of \$4,500. It is three months behind with its orders. The officers are: R. S. Townsend, president; J. B. Weatherly, secretary and tressurer; S. R. Townsend, J. B. Weatherly and E. E. Weatherly, directors. The Bank of Maxton has just increased its capital stock. An up-to-date steam laundry stock. An up-to-date steam laundry will be located here within the next few weeks. A new bank is being talked of and may be in existence

within a month. Maxton has had an electric light plant for six years or more and hopes to have a system of water works soon, as the matter is now being se-riously discussed. The graded school is almost self-supporting. Out-of-town people are talking of locating here several manufacturing enterprises, but these The Observer corres-

pendent. The prices of old lands are consisting of Aldermen Hunter. Odell advancing all the time. There is no better evidence of prosperity than The motion was tabled to require

Take a Stand Against Clubs Sus-pected of Desiring to Do a Blind Tiger Business—Matter to be Car-Vere not necessary. ried to the Courts,

Observer Bureau, 1209 Main street, Columbia, S. C., Feb. 3. After consultation with Chief Constable Hammett and Assistant Attormenced in 1921 in which defendants ask to have plaintiff declared trustee of the claims under an entry laid and surveyed in 1839, grant issued in 1867 and registered in 1834, surveyed in 1854, surveyed in 1854, and defendants claims under an entry laid in 1854, surveyed in 1855, state Gantt to-day decided to take a stand against issuing charters to social clubs suspected of wanting the charters as a cloak to do a tiger business under. The Mountain City Club of Greensboro church. They will be at the defendants are barred under section is of the Code.

2. Section 188 of the Code covers all causes of action equitable or legal not otherwise provided for. It barrs the assertion of an equity us well as any other cause of action, unless there are discussed of action, unless there are discussed of action equitable or legal not otherwise provided for. It barrs the assertion of an equity us well as any other cause of action, unless there are discussed which take the cass out of the section of the plaintiff's some of the proprietors are laying up and of Guilford College and in Greensboro. Rev. Mr. Williams is pastor of the foundation of the friends churches at tertaining the members of the congregations of the Friends churches at tertaining the members of the congregations of the Friends churches at tertaining the members of the congregations of the Friends churches at tertaining the members of the congregations of the Friends churches at tertaining the members of the congregations of the Friends churches at tertaining the members of the congregations of the Friends churches at tertaining the members of the congregations of the Friends churches at tertaining the members of the congregations of the Friends churches at tertaining the members of the congregations of the Friends churches at tertaining the members of the congregations of the Friends churches at tertaining the members of the congregations of the Friends churches at tertaining the members of the churches at tertaining th stable Hammett and Assistant Attor-

is pure. Don't let your grecer work off a cheap and dangerous substitute. Insist on having Burnett's.



TRAGEDY OF LITTLE BIG BORN. Thos. M. Huffham Lectures Student Body of Lenois

Cerrespondence of The Observer.

Hickory, Feb. 8.—Monday evening Mr. Thomas M. Hutman delivered a masterful fecture at Lenoir College on The Tragedy of the Little Big Horn." Mr. Hutman is an able, successful lawyer—but more, he is a scholar, an investigator, an authority—on literature and history, As a writen, as a lecturer, and as an orator he has won an enviable reputation in the South, especially in his native State, North Carolina.

Mr. Hutman has lectured several

who try to stay the wheels of prog-ress. Civilization is merciless. It moved down the natives of Australia;

Horn was a prophecy of the Indian's fate, for the dead lay in line of battle, officers and men alike having fallen where they had been stationed. The nation that could replace each one of these gallant men thousand equally as brave could never be satisfied with less than complete dominion over every foot of its terri-

"In spite of their craft and cruelty we cannot help respecting the Indians. Their resources were pitifully small and weak compared to those of their mighty white foe; but they made the bravest struggle that they were capable of and never yielded until the

HAS SEVEN WIVES.

That is the Charge Against Greens-boro Negro-Gate City News Notes. Correspondence of The Observer.

Greensboro, Feb. 8 .- A committee from the city board of education appeared before the board of aldermen. at an adjourned session last night. and presented the pressing need for 16 additional school rooms, involving an enlargement of the Asheboro street school building, the erection of a much improvement in the rural dis-school building on the Spring street tricts of this section. Farmers are lot, and other enlargements not specibuying up-to-date machinery and are fied. They asked for an appropria-generally prosperous. They are each tion of not less than \$25,000. The generally prosperous. They are each tion of not less than \$25,000. The year becoming more and more indematter was referred to a committee

the Greensboro Electric Company to SOCIAL CLUB CHARTER REFUSED replace the T-rails for groove ralls on the street car track on North Elm street because of the vitrified brick outh Carolina Authorities Decide to pavement being put down, the city

Capt. C. B. Guthrie and wife have gone to Graham in responce to a tele-gram announcing the critical illness of Mr. Alvis Guthrie, brother of Capt. Guthrie, Rev. and Mrs. J. Edgar Williams stable Hammett and Assistant Attor-ney General Youmans, Secretary of their wedding next Tuesday by en-

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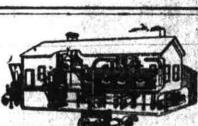
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