

SUPREME COURT DECISIONS

REHABILITATION OF RAILROAD. From Columbia, N. C. Trial.

One who enters on a public railroad... The above principle with its limitations applies with peculiar force to those whose duties, by contract with the road, call them to work on or upon the tracks or frequently to cross the same.

FINCANNON. Appellant vs. SUDDETH. From Durham, N. C. Trial.

Where the lines or corners of an adjoining tract are called for in a deed or patent, the lines shall be extended to them without restriction, provided these lines are corners or sufficiently established and that no other parties be permitted from the words of the patent or deed, than such as necessarily entered or a true construction renders necessary.

MILLHISER. Appellant vs. LEATHERWOOD. From Swain, Error.

Where a plaintiff in defence to an adverse intimation of the court, submits to a non-suit, he is entitled in this court to the most favorable interpretation of the evidence after excluding all that is against him.

CORPORATION COMMISSION vs. BAHROAD. Appellant. Industrial Siding Case. From Wake, Affirmed.

Under sub-head 16 of section 2 of chapter 34, laws of 1897, authorizing the Corporation Commission to regulate the construction of side tracks to industries when the revenue accruing from such side track is to be used to pay the expenses of its construction...

MADSEN vs. PALMER. Appellant. From Cherokee, Affirmed.

In an action for trespass commenced in 1902 in which defendants ask to have plaintiff declared trustee of the land title to them, where plaintiff claims under an entry land and survey registered in 1829, granted in 1827 and registered in 1828, and defendants claim under an entry land and survey registered in 1828, and granted in 1828, held that the defendants are barred under section 25 of the Code.

JONES vs. CASUALTY CO. Appellant. From McDowell, Affirmed.

Where in a contract of an insurance policy there is a definite stipulation of indemnity in case of disability arising from certain specified diseases, blood poisoning being one expressly named, various provisions entirely within the power of the policy cannot be held to prevent the plaintiff's recovery for the indemnity for disability arising from said disease.

ROSE. Appellant vs. DAVIS. From Swain, New Trial.

In an action to recover the penalties provided in section 225 of the Code for illegally ranging cattle and sheep in certain counties, in order to justify the defendants in ranging their cattle and sheep the burden is upon them to show that they own an estate in land in said county for the year or other higher estate, and the question of defendant's good faith and bona fide claim of title to land does not enter into the case.

TRAGEDY OF LITTLE BIG HORN

Attorney Thos. M. Huffman lectures before Student Body of Lenoir College.

Hickory, Feb. 3.—Monday evening Mr. Thomas M. Huffman delivered a masterful lecture at Lenoir College on "The Tragedy of the Little Big Horn." Mr. Huffman is an able, successful lawyer—but more, he is a scholar, an investigator, an authority on literature and history. As a writer, as a lecturer, and as an orator he has won an enviable reputation in the South, especially in his native State, North Carolina.

Mr. Huffman has lectured several times at the college and he never fails to win the very highest appreciation of the students. His last effort was a rare treat to all who were so fortunate as to hear him. The following are a few of his thoughts, but not his words, as he spoke in a most impressive manner.

"If Gettysburg was the high tide of the Confederacy, the Little Big Horn was the Indian's last bid for empire. There Indian strategy reached its highest development and success its greatest triumph. They met the most dashing Indian campaigner of the day and fought him until not one of his command remained to tell the story. Mr. Custer, where above, which it required annihilation to conquer, came into collision with the strength and resources of despair.

"Viewed from their own standpoint, Custer, Horse, Sitting Bull and Chief Gall were sincere patriots, fighting for the land that had been the father's before them for generations. In the end they met the fate of all those who try to stay the wheels of progress. Civilization is to fight at once. It mowed down the natives of Australia; it practically wiped out the Indian.

Neither his willingness to be a hero of wood and a drawer of water saved the negro, if the time ever comes when he aspires to the equal of 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 story row of corpses that lay along the hills of the Little Big 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 with a thousand equally as brave could never be satisfied with less than complete dominion over every foot of its territory.

"In spite of their craft and cruelty we cannot help respecting the Indians. Their resources were pitifully small and their weapons those of their primitive age, but they made the bravest struggle that they were capable of and never yielded until the last gleam of hope had faded from the sky."

IAS SEVEN WIVES. That is the Charge Against Greensboro Negro—Gate City News Notes.

Greensboro, Feb. 3.—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 school building on the Spring street lot, and other enlargements not specified.

During the past year there has been much improvement in the rural districts of this section. Farmers are buying up-to-date machinery and are generally prosperous. They are becoming more and more independent. The prices of old lands are advancing all the time. There is no better evidence of prosperity than this.

SOUTH CAROLINA AUTHORITIES DECIDE TO TAKE A STAND AGAINST CLUBS SUSPECTED OF DESIRING TO DO A BLIND TIGER BUSINESS—Matter to be Carried to the Courts.

Observer Bureau, 1295 Main street, Columbia, S. C., Feb. 3.

After consultation with Chief Constable Hammett and Assistant Attorney General Youmans, Secretary of 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 Greenville is the first to be refused, on the ground that one of the petitioners, Charles P. Burdage, has been convicted of dispensary violations, and on the technical ground that the petitioners are doing business throughout the State, and some of the proprietors are laying up small fortunes.

The Secretary of State has written Burdage's attorney, Mauldin & Townes: "I beg to return you herewith application for charter of the Mountain City Club and beg to advise you that the application is defective in that the residences of the petitioners are not given. I beg to further advise you that I shall decline to issue this charter unless you can present to me evidence which shall satisfy me that the petitioners will not be handed in this case in violation of law."

It is the Mountain City Club's move now, and the officials here are expecting a valuable plot of several acres, the secretary of State to issue the charters as the attorney general has previously held that he had no discretion in the matter being clothed with only ministerial authorities under the act.

The three officers named think they have a fighting chance in the courts on both grounds of refusal. The chief Hammett has the request of the Greenville chief of police that Burdage has been a tiger dealer and that G. W. Parks, given as one of the petitioners is not known in Greenville.

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