SUPREME COURT DECISIONS ATE va. RAILROAD, Appelluat. Prom

erwise competent, for admission as tes-timony.

(8) Regulations of the United States Department of Agriculture concerning the transportation of cattle, made pur-suant to public statutes and designed and intended to control the conduct of the soneral public have the force of a public statute and the courts having jurisdiction of questions arising there-under must take Judicial notice of their existence and when such regulations operate and take effect in this State they are not a foreign law within the meaning of Rev. Sec. 1594.

of Rev. Sec. 1894.

STATE vs. LILLISTON. Appellant. From Waks. Affirmed.

(1) Where two men faught willingly with pistols in a crowded waiting room and a bystander was killed, both were guilty of murder, one as principal and the other as aiding and ubetting.

(2) Mallee is implied when an act dangerous to others is done so sacklessly or wantonly as to evince depravity of mind and disregard of human life, and, if the death of any person is caused by such an act, it is murder.

(3) In an indictment for murder, the court did not err in refusing to charge that there was no evidence either of murder in the second degree or mansiaughter, where the evidence is conflicting as to whether the deceased was killed by the prisoner or by another.

(4) An except from a charge to the jury is to be construed with the context and in connection with the whole charge.

(b) An exception to the charge: "Self-defense exists where one is suddenly as saulted and in the defense of his person where an immediate and great bodily harm would be the apparent consequence of waiting for the assistance of the law, and there is no other probable means of escape, be kills the assistinate of the says and they are the prisoner contended that he was suddenly assaulted, the court did not err, in charging that in such cases the right of self-defense exists if there is apparent sanger from "waiting for the assistance of the law, and there is no other probable means of escape."

(3) In an indictment for murder, the court did not err, in charging that in such cases the right of self-defense exists if there is apparent sanger from "waiting for the assistance of the law and there is no other probable means of escape."

(5) In an indictment for murder, the congressional committee to participate actively in the campaign speakers. He considers Mr. Bryan of the first days of November will be exceptioned to the first days of November will be congressional committee.

The acceptance by Mr. Bryan of the first days of November will be first days of November will b the assistance of the law and there is no other probable means of escape."

(7) A motion for new trial for newly discovered evidence, will not be granted, even in a civil case, where the evidence is merely comulative or where it was withheld by the party moving.

(8) Motions for new trials for newly discovered evidence cannot be entertained in this court in criminal cases.

Connor & Walker, J. J., dissenting.

STATE vs. McWHIRTER, Appellant. From Union. New Trial, Where a bill of indictment showed that the defendant by certain false representations obtained from the prosecutors a certain note and mortgage, and all the evidence tended to show that the prosecutors did not surrender said note and mortgage, there was a fatal variance between the allegation and the proces.

STATE vs. BARRINGTON. Appellant. From Richmond. Affirmed.

(1) The fact that an offense charged was committed in another State is available under the plea of not guilty and such fact being a matter of defense, the burden of proving it is on the defendant.

(2) Where the prosecutor testified that the offense charged was committed in this State, the court was correct in refusing to give defendant's prayer that if the evidence was believed the jury should render a verdict of not guilty, as the vitness' testimony, on cross-examination in reference to an official survey of the State line did not justify the court in ignoring his positive statement.

HICKORY vs. RAILROAD, From Ca-tawbs. Both parties appealed. Af-

tawba. Both parties appealed. Affirmed.

(i) In an action to enjoin the enlargement of a freight depot in the centre of a city, the railroad cannot complain of a charge that if the enlargement would beriously interfere with the streets by obstructing them for an unreasonable portion of time or render it unsafe for travelers to cross the railroad at public crossings, it would be a public nuisance, but if it would merely give inconvenience to the public or cause some delay, incldent to the operation of a railroad, it would not be a nuisance.

(3) A municipality is a proper party to institute an action to prevent a public nuisance by the proposed enlargement of a freight depot in the city.

Special

is prospective in its operation and applies only to sales after line 1. 1965, and applies only to sales after line 1. 1965, and applies only to sales after line 1. 1965, and they should not be extended so as to furifule cases more within the intention of the Legislature.

(b) The repeal in any case will be measured by the extent of the conflict of the inconsistency between the acts, and if any part of the extrine not can stand as not, superseded or affected by the later one, it will not be repealed.

WALLACE vs. RAILROAD. Appellant, From Meckienburg. Affirmed.

(1) In all sacions for the death of a brakenan, alleged to have resulted from the giving way of an insecurety nalled cross place used to keep steady lumber of the car to make a coupling, widered that it was contracted.

(3) Where, its action for the death of a brakenan.

(3) Where, its action for the death of a brakenan alleged to have resulted from the giving way of a cross-piece mass demanded did, was computent.

(3) Where, its action for the death of the formal-pieces as demanded did, was computed to heavy resulted from the giving way of a cross-piece insecurely insign to the formal pieces as demanded did, was computed to have resulted from the giving way of a cross-piece insecurely insign to have resulted from the giving way of a cross-piece insecurely insign to fine the property of the care to make a coupling, there was evidence that though the primary way of the cross-piece insecurely insign to the floor of the care to make a coupling, there was evidence that though the primary was of the formal pieces as demanded did, was a buried at Forestyllis to-day He was a brother of the Release of the floor of the care that the was a fire to of the Release of the floor of the care that the was a fire to of the care to the coupling, there was evidence that though the primary was of the cross-there was a fire to of the release of the floor of the sar to make a coupling, there was evidence that though the primary way of the floor of the sar to make a coupling t

The Activity of the justicial may be a consistent of the follition involvisions of the first of t

which now is in full swing. Soon af-ter his arrival in New York, Mr. Bryan had a conference with James H. Griggs, of Georgia, chairman of the Democratic congressional commit-tee, at which Mr. Bryan consented to make a tour of the country later in the campaign under the auspices of the Democratic committee. One thing is made certain by this arragement: Mr. Bryan and the congressional committee are in agree-ment on the general conduct of the

criticism of individual Democrats of his expressed views on the question of government ownership of railroads, Mr. Bryan still is in fouch with the active leaders of his party. It is understood that Mr. Bryan will deal in his campaign speeches particularly with the tariff and the trusts, as the dominant issues. He may discuss government ownership of railroads, but that will not necessarily be pressed to

The fact that Senator Bailey, Senator Daniel, Senator Simmons and several Democratic Representatives have expressed their disagreement with Mr. Bryan on his government ownership proposition has not dismayed him in the least. In the opinion of some of these very men who disagree with Mr. Bryan the ideas advanced are merely tentative ideas for consideration in tentative ideas for consideration in the future and not necessarily for application to the pending campaign. They that may affect Mr. Bryan, personally, all agree; but that they can be made an issue in the present campaign is open to serious doubt. It is believed that all Democrats can come together on common ground in the present campaign and make

come together on common ground in the present campaign and make a contest against the tariff and the trusts that will be effective.

Notwithstanding the impression sought to be made by some newspapers that Mr. Bryan is not in agreement with the leaders of his party, it is reasonably certain that he will be found fighting with them, side by side, for the principles which the Democratic party has stood for for many years. It is not Mr. Bryan's intention, so it is said by the Democratic committee's officials, to inject anything into the present campaign that will be to the disadvantage of the party.

THE DEATH RECORD.

in institute an action to prevent a public nuisance by the proposed enlargement of a freight depot in the city.

STATE vs. PERKINS, Appellant, From Union. Affirmed.

(1) Where a statute prescribing the punishment for a crime is expressly and insqualifiedly repeated after such crime has been committed but before final judgment, though after conviction, no punishment can be imposed.

(3) Chapter 59 Laws 1905, which ensets that the sale of liquor "ahall be prohibited in Union county" shall provides that all laws and chauses of laws in conflict within the act are repealed and that the act shall take effect June 1 1965, is prospective in its operation and applies only to sales after June 1 1965, and does not repeal Ch. 334, laws 1903, prohibiting the sale of liquor in said county as to sales made prior to June 1st, 1965.

(3) Repeals by implication or construction are not favored, and they should not be extended so as to include cases not within the intention of the Legislature.

(4) The repeal in sny case will be

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This Day in History.

1608.—Henry Hudson entered the river named after him. 1779.—Indian village at Canandalgua burned. 1781—Count d'Estaing returned with his fleet to the Chesapeake, and captured two British frigates of

32 guns each, Treaty of amity and commerce between the United States and

Prussia. 1791.—A great insurrection among the negroes in San Domingo, at-tributed to the new opinions of

liberty and equality, cailed in Paris "L'Ami des Noirs."

0.—James Pollock, Governor of Pennsylvania and Congressman, born. He had placed on national coins the motto, "In God waters."

fleet under Commodore Perry. The British force consisted of vessels, 63 guns; Americans had 11 vessels, 54 guns. The action commenced at 15 minutes p. m. The loss of the British was estimated at 200; Americans lost 27 killed, 96 wounded.

1829.—An exciting debate took place in the French Chamber of Deputies on the subject of the slave 1826,-William Morgan abducted by

Free Masons for divulging secrets of the order.

1841.—All the members of Tyler's cabinet, except Daniel Webster. resigned.

5.—Joseph Story, one of the most distinguished American jurists, died at Camden, Mass., aged 56, 1850.—Jenny Lind made her debut in America. 1831.-The steamer Pampero, which

had been used n the Lopez ex-pedition against Cuba, seized by the United States revenue officers at Dunn's subsequently condemned, the 1852.—Urquiza, 2.—Urquiza, director of Argentine confederation,

-Governor Curtin, of Pennsylvania, expecting an invasion of the State, called on all ablebodied men to organize for de-

1862.—In Cincinnati, O., so great
were the fears of an attack that
3,000 laborers were put into the
trenches to fortify the city,
1863.—Little Rock, Ark., evacuated and occupied by the Union

issued a proclamation against armed organizations. 1868.—A band of Cheyennes invaded the towns of Sheridan and Butler, Kan.

Things That Joe King Thinks. Durham Hefald.

The party need not be worrying about a pintform. Mr. Bryan will see to that part of it. The less you say about it the less you will have to take back when the thing is finally settled.

We do not know that it quieted Mr.

If the Democratic party carries it much further some good men will get out without waiting for an invitation. It is evident that if the farmers want Mr. Cheatham out they will have to lead him to the door and give him

If humanity was perfection social-ism would be all right, yet if human-ity had reached that point socialism would not be necessary The man who wants simply to be

let alone by the national government finds that there is little sympathy for him and his kind in either of the

If the government ownership proposition is all that the Democrats have against Mr. Bryan they might as well in allow the programme to be carried

There is, of course, a class in this country that believe in government ownership of the railroads and about everything else, but how would you like to see this class in power?

The only hope for the party is that Mr. Bryan will not insist upon it. If he makes a fight he will be the can-didate and there will be a government ownership plank in the plat-

If Mr. Bryan mekes the same making in other sections it is not go-ing to prove a great help to the gen-tlemen who are standing for office as representatives of his party.

First the Insane. Littleton News Reporter. Let the unfortunate insune of the State be cared for if it requires the abandonment of some other institu-tions fostered by the State.

CURE YOUR KIDNEYS

Do Not Endanger Life When a Charlotte Citizen Shows You the Cure.

Why will people continue to suffer the agenies of kidney complaint, backache, urinary disorders, lamenessheadaches, languer; why allow themselves to become chronic invalida, when a certain cure is offered them?

Donn's Kidney Pills is the remedy to use, because it gives to the kidneys the help they need to perform their work.

If you have any, even one, of the symptoms of kidney disease, cure yourself now, before dishetes, dropsy or Bright's disease asts in. Read this Charlotte testimony.

Thomas G. Northey, painter, of \$13 N. Church St., says; "Backache bothered me for many years and I have often had to lay off from work because of a weakness which kidney disorders brought upon me. I happened to hear of Doan's Kidney Pills and got a box from R. H. Jordan & Co.'s drug store. I had begun to hellove that there was no rollef in store for me, but since taking the pills I have not lost a single moment from work, my back hus been free from pain and hus been stronger in every way: I am glad to have an opportunity to tell others of my experience."

For safe by all dealers. Price 50 cents. Toater Milburn Co. Buffalo.

The South and Mr. Bryan. New York World.

John W. Daniel, of Virginia, is the first of the Southern Senators to part company publicly with Mr. Bryan on the issue of government ownership and operation of railroads.

Senator Bailey, of Texas, is known to agree with his colleague from Virginia. It may be taken for granted that Senator Culberson, of Texas, is in accord with Senator Balley on this is-

The two Senators from Alabams Mr. Morgan and Mr. Pettus—refused to vote for the rate bill on account of its centralizing tendencies, if they regarded rate regulation as unsafe centralization, there can be no doubt as to their attitude toward Mr. Bryan's 1813.—Battle of Lake Eric, and defeat and capture of the entire British fleet under Commodore Barclay, by the United States fleet under Commodore Barclay, by the United States fleet under Commodore Barclay, by the United States fleet under Commodore Barclay by the United States fleet under Commodore Barclay because he knew that Mr. Bryan in the Madison Square meeting because he knew that Mr. Bryan in the tended to advocate government owner-ship and operation of railroads. The Southern Democrats who came to New York to welcome Mr. Bryan were practically a unit in urging him not to commit himself and his party to this issue of State socialism. as known, no Southern national lead-er of influence and reputation is wholly in sympathy with Mr. Bryan's revolutionary policy, and it now seems certain that the Southern Democrats will present practically a solid front

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(Corrected daily by J. W. Zimmerman 622

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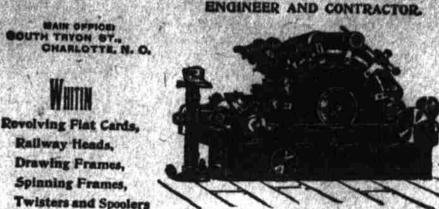
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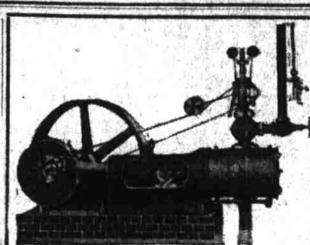
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