### SUPREME COURT DECISIONS

STATE vs. PHISHEE, Appellant. From Buncombe. Evret.

Under Revisal. Sec. 3147, providing that all misdemeanors, except the offenses of perjury, forgery, malkeous mischef and other malkeous misdemeanors shall be presented or found by the grand july within two years after the commission of the same and not afterwards, unless any of said misdemeanors shall have been committed in a secret manner when it may be prosecuted within two years after the discover of the offense, an indictment charging the defensant with mail-clously assaulting mother with a deadly weapon with intent to kill, is barred where the alleged assault was committed more than two years before the bill was, found. STATE vs. PRISHEE, Appellant. From

Wilmington, Dec. 16 .- Fire

shout 1,000 tons of fish scrap, which was being "dryed out" at the Cape

Fear Fisheries at Old Brunswick.

down the river, endangered the plant for a time Friday morning, but the flames were soon controlled by the stationary apparetus at the factory.

The loss will be about \$500, fully

The committee has called another

from Wilmington to Atlanta, Ga.

THE DEATH RECORD.

In an indictment for compounding a siony, it must be alleged that the felony d been committed by the person with hom the corrupt agreement is made.

STATE vs. KINCAID, Appellant. From Burke. No Error. Burke. No Error.

1. In an indictment for seduction under promise of marriage evidence by the State before the defendant had become a witness of his declarations to the prosecutrix acknowledging the obligation to marry her, but giving his relations with another woman as an excuse for postponing the ceremony, was competent

posiponing the ceremony, was competent.

2. For the purpose of corroborating the prosecutrix it was competent for her mother to testify that the prosecutrix told her that she was going to marry the defendant, but that he could not marry her then as he was in trouble with another woman.

3. In an indictment for seduction under promise of marriage, the defendant's fillelt relations with another woman, proved by his declarations to the prosecutrix were properly the subject of comment by counsel.

4. In an indictment for seduction under promise of marriage, it is competent to ask the defendant on cross-examination if he had not transferred his property to avoid the result of this indictment. (Connor & Walker, J. J. dissenting).

they will make the trip from New York. The Southern veterans are expected in larger numbers and they will be entertained while in the city. meeting for the coming week, and at that time will go further into the

STATE, Appellant, vs. TROTMAN.
From Peanklin. Affirmed.
In an indetenent for selling medicines without license contrary to Rev. Sec. 5150-1, where the jury by a special verdict found that certain citizens of this State gave orders for medicines on a drug company in South Carolina, which were forwarded, received and accepted by the company in South Carolina and the goods shipped by the company from South Carolina to the defendant, the company's agent in this State; that each package was wrapped in a separate parcompany's agent in this State; that each package was wrapped in a separate parcel with the name of the purchaser marked thereon and then packed in one crate and shipped to defendant, who distributed same in the original form to the purchasers. Held that the defendant was not guilty, as he was at the time engaged in inter-State commerce.

CREIGHTON vs. WATER COMMIS-SIONERS, Appellant. From Mccklen-burg. New Trial.

(1) In an action by a landowner to recover damages for land entered and appropriated for the purpose of a water works company, evidence as to the character of the land and the value of character of the land and the value of the crops raised prior to the appropriation was competent to aid the jury in determining the market value of the land.

(2) In an action by a landowner to recover damages for land entered and appropriated for the purposes of a water works company, the court erred in excluding a deed offered by defendant in mitigation or reduction of damages, executed by plaintiff to a company to whose rights defendant succeeded, which imposed an easement upon a portion of the land, in controversy of like kind but less in degree.

(3) "Matters in mitigation of damages may be shown under an answer containing a general denial only, and need not be specially pleaded."

### MARRIAGES.

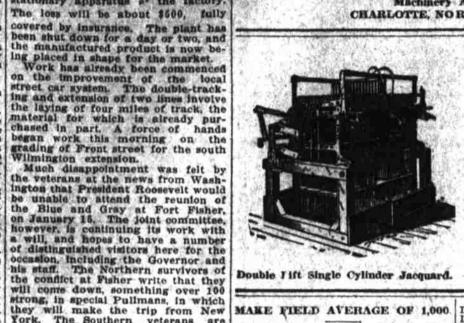
Byccial to The Observer.

Winston-Salem, Dec. 16.—The new has just reached here that, Mrs. Margaret H. Wilcox, of Dreaden Asho county, was united in marriage last Tuesday to Mr. Willard W. Asho son of Capt. S. A. Asho, of Raleigh Mrs. Wilcox is the widow of the fate Dr. J. O. Wilcox, and is well known throughout the western part of North Carolina. Mrs. Wilcox is also a native of Raleigh, is known as a very in tellectual woman and has a boautiful atoms at Dreaden. The groom was for years a member of the North Carolina. Mrs. Wilcox is now and has a boautiful atoms at Dreaden. The groom was for years a member of the North Carolina and literature. Remarks were also made by Dr. J. W. Hufnam Exhibition was been a member of the North Carolina grammar, composition and literature. Remarks were also made by Dr. J. W. Hufnam Exhibition was street, and has built a beautiful home in Fair to County, Via, where they will readers. Then the assembly went to the beautiful home in Fair and the state geological survey, and has a boautiful home in Fair and the state geological survey, and has built a beautiful home in Fair for county, Via, where they will readers. Then the assembly went to the beautiful home in Fair for county, Via, where they will readers. Then the assembly went to the board of trustees, has built a beautiful home in Fair for the Board of trustees, has built as beautiful home in Fair for the Board of trustees, has built as beautiful home in Fair for county, Via, where they will read be provided the form of the Renderson of the Methodson of the Schools. The Board of the Schools and Mr. Charles Hames on December 25. The bride in the lovely, and accomplished daughter of the Gardey, The groom is the Bopta and of take effect at once affect at success and the form of the Renderson and transfer of the National Bank of Gardeys. These two wounts piople have the best visites of a special count three years and the fair of the National Bank of Gardeys. These two wounts piople have the best visites of a special count three yea Special to The Observer. Winston-Salem, Dec. 16. - The

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MAKE FIELD AVERAGE OF 1,000. Griffith and Leroy, of New York, and Third Baseman O'Brien, of St. Louis, Have Perfect Record for

Chicago, Dec. 16.-Three players in the American League showed perfect fielding 

The British steamer Elise is at Charleston, and will come here early the next week for a cargo of veneering timber for the Acme Tea Chest. Company, of Glasgow, Scotland. The company, through its Wilmington representative, Capt. Will L. Miller, has purchased large bodies of swamp lands in this section, and is shipping immense quantities of gum and cypress timber to Scotland for the manufacture of tea chests. At least a cargo of hundreds of thousand feet each, have aiready been shipped, and there appears a steady demand for the timber.

The Princeton Glee Club will be here for a concert in the Academy of Music Christmas night, coming in a special Pullman over the Seaboard

The British steamer Elise is at Chast. The highest averages were as follows: Monarch, S. C., pfd. ... Morris Mills ... Morris Mills ... Mokoreis. N. C. ... Norris Mills ... Mokoreis. N. C. ... Norris Mills ... Mother Chengo, sop cach; Pitcher Griffith and Pitcher Leroy, bear made by Parrent, shortstop cach; Pitcher Griffith and Pitcher Leroy, ocach; Pitcher Griffith and Pitcher Leroy, The highest averages were as follows:

Music Christmas night, coming in a special Pullman over the Seaboard Air Line. The members of the club For Governing College Athletics.

Columbia, Mo., Dec. 16.—Prof. C. W. Hetherington, directive of athletics of Missouri University, has taken the initiative in a movement to form an absociation of Western Universities for the governing of college athletics. He has issued a call for a meeting between representatives of Kansas. Nebraska, Washington, St. Louis, Oklahoma, Arkansas and Texas universities, to discuss the proposal. It purposed to hold the meeting in Kansas City, soon after the holidays. For Governing College Athletics. will be entertained the afternoon of their arrival at the home of Mr. James Sprunt, and, on the night following their engagement, at a dance by Mr. and Mrs. Pembroke Jones, at their handsome country place, "Air-lie-on-the-Sound." The club goes

Another Richmond in the Field. with pleasure that we note that the Blacksburg office has become a Victor presidential office. Blacksburg is Walha

19		A CONTRACTOR OF THE PARTY OF TH	
i.	HAYES, Appellant, vs. RAILROAD. From Mecklenburg. New Trial.	Mr. Lee Rierson, of Danbury.	Another Richmond in the Field.
Œ.		Constal to Other Obsessor	Blacksburg, S. C., Chronicle.
B	(1) Where there is an agreement to		The heat index of the growth of a
N.	settle a controverted demand for a con-	Winston-Salem, Dec. 16Mr. Lee	place is the postoffice receipts. It is
12	sideration fixed by the parties, all or a portion of which is executory, the de-	Rierson died at Danbury a few days	with planning that we note that the
1	fendant may set it up by making proper	ago, after a lingering illness with	Blacksburg office has become a
g-	averments in regard to performance as	consumption. He is survived by a	presidential office. Blacksburg is
A.	an accord and satisfaction of the origin-	wife and two children. The inter-	stondily foreing to the front and will
	al demand.	ment was made at the family burying	take her place with the leading cities
1	(2) In an action for damages for per-	ground, near Hardbank, Stokes	of the Piedmont yet. Just watch
25	sonal injuries, where the defendant al- leged that for a stipulated amount which	county.	Blacksburg grow.
Ý.	had been paid the plaintiff had executed	Infant Son of Mr. and Mrs. Joe Huitt,	Diacksourg grow.
ŭ-	had been paid, the plaintiff had executed a full release and the plaintiff in reply	of Newton.	SOUTHERN COTTON MILL STOCKS.
51	admitted the receipt of the money but	Special to The Observer.	
13	denied that the alleged release contained	[[150 투러보기 2012] . 2011 - (2012) [2013] 2013 [2012] 2012 [2012] 2012 [2012] 2013 [2012]	Quotations by F. C. Abbott & Co.
8	the terms of the settlement averring	Newton, Dec. 15.—The infant child	Bid Asked.
g,	that the provision that he was to have a	of Mr. and Mrs. Joe Huitt died yes-	Abbeville Common 95 96
ķā.	the factum of defendant's agent and	terday afternoon and was to-day car-	Athen Mire Co.
8	there was evidence of the alleged negli-	ried to St. James churchyard for	Aiken Mig. Co
10	gence and of the alleged fraud, the court	burial.	American Spinning pfd 102 -
12	erred in nonsuiting plaintiff.	Dr. A. Fuller, of Fullers.	American Spinning pfd 162 - Am. Warehouse, N. C
4	(f) In an action for damages for per-	Special to The Observer.	Anderson Cotton Mills 95
3	sonal injuries, where the defendant set up a release, the plaintiff is not requir-	High Point, Dec. 15 Dr. A. Ful-	Arcade 98
34	ad to return the money received before		Arcadia 94
6	setting up the plea that the release was	citizen, died this evening at his	Arkwright Mills 122 —
16	procured by fraud in the factum, but if	home at Fullers. He was an uncle	Arlington 140 -
2	he recovers damages the amount paid	of Mr. W. C. Jones and others of this	Atherton, N. C 87 -
(6)	him will be deducted.	place.	Ayon 105 -
V.	MARKANI A	Mr. George Priddy, of Stokes County.	Avondale 110 -
NO.	SHAW, Appellant, vs. MANUFACTUR- ING COMPANY. From Mecklenburg.		Augusta, Ga
1	New Trial.	Special to The Observer.	Belton 104
25	(1) In an action by a servant to re-	Winston-Salem, Dec 16.—News is	Horinte 103
	cover damages for injuries received from	received here that Mr. George Prid-	Brandon Cot. Mills. S. C 118 125
	the planks on a gangway slipping, he	dy, one of Stokes county's best citi-	Brogan Cotton Mills, S. C 60
	must prove that the gangway was in a	zens, died suddenly of heart disease	Brookside 1031/2
i.	defective condition, that Its defective	at his home near Rural Hall, a few	Broomfield 108 111
	condition was the proximate cause of his	days ago. He leaves a wife and sev-	Cappon Mfr. Co.
g.	injury and that the master knew noth-	eral children.	
63	ing of its defective condition, or was guilty of negligence in not discovering	Mrs. Kate Howerton, of Durham	
	and repairing the same.	County.	Cherryville 60
6	(2) Where the evidence shows a gang-	Special to The Observer.	Cherryville 60 71 Cheswell, S. C 91
	way built by a competent builder upon		Cheswell, S. C. pfd 100
J.	a proper plan, of good material, capable	Durham, Dec. 16.—Mrs. Kate	Clifton Com 125 1271/4
	of sustaining a number of people and heavy weights. That it was in good con-	Hampton Howerton died at the home	F11141 F1
6	dition, and safe for the numbers for	of her parents in the northern part of	Cliffside 125 151
5	dition, and safe for the purposes for which it was intended, as tested by	the county yesterday morning. She	Chiquola Cotton Mills 92 100
gi)	actual use, up to a few minutes before	had been desparately ill for several	Courtney
	actual use, up to a few minutes before the plank fell with the plaintiff, held	months, and her death was no sur-	Converse
3	that the doctrine of resipsa loquitur	prise. She was the wife of Mr. John	Columbus Mfg. Co
4	does not apply and the plaintiff is not	Howerton, who lived with his father-	Cora 96 101 -
35	entitled to recover for injuries sustained.  (3) The fact of an accident carries.	in-law since his marriage. Recently	Coxe — 103
ķ.	with it no presumption of negligence	Mr. Howerton accepted a position in	Darlington 59 63
	on the part of the employer.	Greensboro and went there to begin	Dallas Mfg. Co., Ala., 96
	(4) It is a question for the jury to	his work. But the condition of his	Dover Yarn Mills, N. C 100 -
51	determine whather the pinintiff pieced	wife became such that 'se hurried	Draydon 96 -
IL.	a towards the manage of abutatin dangers	home to be with her. She had been	Dilling
1	such as no prudent person would oc- cupy, in standing immediately behind and looking over a beavy bed plate on its edge and directing a battering rum	very close to death for a month or more. The funeral took place from the home to-day, and the burial will take place in the family burying	Eagle & Phoenix
Œ.	eupy, in standing ininediately behind	the laces to day and the blace from	Efird. N. C
6	the edge and directing a battering vam	the nome to-day, and the burial will	Elmira pfd 10214 -
1.	which was being propelled against it.	Course Standed and Life Courses of the Aurel	Edsley
34		ground near the home.	Edenton, N. C
Ġ		Control of the Contro	Enoree pfd
6	MARRIAGES.	, VANCE TEACHERS MEET.	Erwin pfd
3			Erwin pfd
W.	The second second second second second	Monthly Meeting of Institute—Address by Dr. C. A. Smith—Pastoral	Exposition
à.	Ashe-Wilcox, at Dresden,		Fairfield 50
(t)	Special to The Observer.	Changes.	Florence 130 140
	Winston-Salem, Dec. 16 The	Special to The Observer.	Fountain, N. C
18		Durham Dec 16 -The Venne	Granby, lat. pfd
K	news has just reached here that Mrs	Special to The Observer.  Durham, Dec. 16.—The Vance county teadorn institute held its	Coffeey Mir Co

Lancaster Cot. Mills, pfd Langley Mig. Co.. .. Lockhart, S. C. Monaghan .... Monarch, S. C., pfd., Mooreaville, N. C. ... Ozark

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Pelham. Ga. com.
Piedmont Wagon Work
Pell City, Aln. pfd.
Poe. W. F. Mig. Co.
Peopole's Cotton, Ala. Rocky River Saxon. Sibley, Ga. Social Circle. Springstein..... Mills... Tucapau, S. C. ... Tucapau, S. C. ... Tuscarora.. .. Unity, Ga.. .. .. .. .. .. BANK STOCKS.

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