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SUNDAY, AUGUST 1, 1886.

FOR JUDGE SUPERIOR COURT—4TH DISTRICT: HON. WALTER CLARK, Of Wake County.

FOR SOLICITOR: SWIFT GALLOWAY, ESQ., Of Wayne.

It looks now as if the oleomargarine bill would be made a law.

Mr. Reagan's inter-State commerce bill was passed in the House by a vote of 133 to 104.

"Jobshaws" is a new political word which is said to mean a man who thinks with his jaws. The jobshaw is therefore not rare.

It does not look so much like adjournment of Congress tomorrow as it did. Wednesday is now regarded as the earliest possible date.

Mr. NERES MENDENHALL, it is reported, will seek election to Congress in the Greensboro district as a prohibitionist. We are sorry for Mr. Mendenhall if this is true.

This week will be a stirring one politically hereabouts. We hope all who are interested will be careful to leave heat to the weather so that coolness may prevail in the party councils.

The warm wave seems to have come to stay. Let people eat carefully, avoid exposure to the sun, keep their bodies and their premises clean, their consciences clear, and all will be well.

The national greenback-labor party has put out a State ticket in Vermont. It is an immensely influential party—twenty delegates strong—and its platform is copied from that of the Knights of Labor.

CHARLES R. cries out that "Tray, Blanche and Sweetheart," "the little dogs and all," are barking at him. He would have reason to thank his stars were he as honest a dog as either Tray, Blanche or Sweetheart.

EDITOR CUTTING is still in jail, but secretary Bayard is confident that he will soon be released. The Texans have cooled down considerably since learning that Cutting is decidedly not worth fighting over.

ANOTHER ruler for contempt was served on the editors of the Asheville Citizen by the Asheville inferior court because of alleged contemptuous utterances in the Citizen on the morning after the trial of the first case. The response was made thereto instanter and the matter was disposed of as in the former instance.

We are asked who are entitled to be addressed as honorable. The President, vice-president, members of the cabinet, Senators and members of Congress, foreign ministers, United States judges, Governors, lieutenant-governors and speakers of the House, judges of the supreme and superior courts, and commissioners representing any State. If there are others we do not recall them. The News and Observer seeks to stand by the old paths in this matter, and does not use the title indiscriminately.

Azores of some of the accomplishments of well known men who have attained considerable age, we met with in item the other day that is not devoid of interest. In one of Horace Walpole's letters, written in 1785, he says: "Gen. Oglethorpe, who sometimes visits me and who is 95, has the activity of youth when compared with me. Two years and a half ago he challenged a neighbor for trespassing on his manor." This is one of the most notable instances of a survival of a fighting spirit that we recall. The old gentleman was in his 93d year and still was ready to kill his man if need be in violation of his rights. The general, in his younger days, settled Georgia and was recognized as one of the most humane and enlightened men of his times.

The members of the North Carolina bar association recently adopted without dissent a resolution looking to increasing the number of justices of the supreme court from three to five. We would feel free to advocate that as a desirable change, but we do not understand how anyone who opposes the renomination of the present supreme court can consistently advocate increasing the number of justices. We know that judges Smith, Ashe and Merrimon can do the work in the future, for they have done it in the past. But still we think the work is too heavy even for them. Most of the gentlemen whose names have been mentioned as suitable successors to them could not stand up under the work at all, and if they should be nominated, the bench would necessarily have to be increased. We think under the circumstances that the best solution is to renominate the present justices who can do the work, and then to let the legislature next winter submit a proposition to the people for an amendment to the constitution increasing the number of justices. It would seem, however, that those who oppose the renomination of the present court, for the nature of the case, are opposed to the desired increase.

The new British cabinet is made up chiefly of members of the last conservative ministry, with certain changes as to position. The most striking of these changes is the promotion of Lord Randolph Churchill to the place of chancellor of the exchequer, which carries with it the leadership of the House. The London Times, the "Thunderer" of British politics, does not fancy this rapid rise, intimating that Churchill will prove unequal to the responsibility of his new and dignified office. Yet it expresses a hope that he will bring about a more vigorous management of the department than has of late obtained under conservative auspices. The appointments of Lord Idlesleigh as foreign secretary and Sir Michael Hicks-Beach as secretary for Ireland, the Times considers good, while Lord George Hamilton, as first lord of the admiralty, and the Right Hon. Wm. H. Smith, as secretary of war, return to places in which they have already won distinction. The Marquis of Londonderry consents to act as a mere figure-head, of course, in accepting the vice-royalty of Ireland, but he is thought to compare favorably with his conservative predecessor. On the whole the cabinet is perhaps as strong and well balanced a ministry as Lord Salisbury could have chosen from the material he had at hand. That it will last long, however, cannot be expected in view of the present temper of the British people. The next election will probably result in a permanent triumph of liberal principles.

ELSEWHERE, "C," a very good lawyer, makes reply to "Lex's" last article questioning the correctness of a decision of the supreme court—Smith v. Brisson, 90 N. C., 286. Lawyers, like doctors, differ. This has been the case ever since the beginning of the world, and it will be to the end. It is because of the impossibility of the lawyers agreeing that we have a supreme court to say which is right.

"Lex" has amused himself in finding fault with the decisions of the democratic court, a performance which any fledgling who never read a dozen law books could do ad nauseam. The gift of the gab is however quite a distinct thing from an intelligent comprehension of a law case. "Lex" has the former—the latter seems to be beyond his attainments. In Smith v. Brisson the case was this: Old Mr. Mercer, for love and affection, and for one dollar, gave and bargained and sold some land to his son Rowland and the heirs of his body, and if the said Rowland should have no heirs, "the said land shall go to my son James." Rowland married, but had no children. When he died he devised the land to his widow, who married Smith, who sued for it, the land being then in the possession of the children of James Now, the plain purpose of old Mr. Mercer was that his land should go to his children and grandchildren. Mr. and Mrs. Smith wanted it, and the question was whether they were entitled to it. The supreme court held that they were not. "Lex" thinks that they were, and that old Mr. Mercer's intention in the matter was of no avail. That's about the amount of it. Mr. and Mrs. Smith, to support their claim, cited the McRee case, which had some years before been decided in a very few sentences. The supreme court said that it thought that decision had been made in consequence of the former supreme court overlooking some matter, and several pages were devoted to a discussion of the principles involved, "shifting uses," "contingent uses," "conveyances under the statutes of uses," &c. All that is abstruse learning, and we apprehend that the court is right. At any rate Mr. and Mrs. Smith did not get the land that old Mr. Mercer intended for his grandchildren; and that is the substance of the matter.

The inferior court at Asheville has decided that the Asheville Citizen, which had said that "it would be well if the court were hung," was guilty of contempt. The defendants having taken an appeal, the matter will be adjudicated in the superior court, and thence an appeal doubtless in the supreme court. And in the meantime there will be much comment, and comment will degenerate into caustic wit, and hard feeling will be engendered and the question, no matter how it ends, will be harmful to the moral influence of the courts. On the whole, we maintain it to be made out of a mole-hill, and it would have been well had the mole-hill not been started. We assume that the Citizen intended what it said as a joke, but the Citizen ought to understand that the courts of the State are not proper subjects of pleasantry, and on the first intimation that the court proposed to maintain its dignity the Citizen ought to have hastened to purge itself of the alleged contempt. Courts are not legitimate objects of pleasantry, and the Citizen would have done itself credit if it had taken a different course instead of antagonizing the court in this instance.

One explanation of the defeat of Mr. Gladstone is given as follows by a Home Ruler: "It may interest Americans to know that if a man in England be rich enough he can vote in twenty constituencies. This gives the Tories an enormous advantage. One Church of England parson boasted publicly that he voted at fifteen elections. Nearly all the wealthy men have at least two votes, and a considerable number half a dozen. The Tory majority was made up of these plural voters. A majority of the electors voted for Gladstone and home rule, but the plural voters defeated the popular vote."

We have had little doubt that while the Tories carried the day, the majority of the people voted for home rule—that the masses were on that side of the question. As to the system of plural voting, the home rulers need by no means despair if that is all they have to fight against. The system must soon come to an end. The growing sentiment of the world is in favor of but one vote for one man, and this sentiment will inevitably prevail in Britain as elsewhere.

ANOTHER independent has appeared in the field—this time beyond the Blue Ridge—and it requires little of the presence of the political prophet to say that he will be defeated with his brethren. The people understand full well that independence means a selfish office-seeking tendency is directly toward the destruction of that organization into parties which is necessary to the maintenance of principles, and principles not men must be held in highest regard if the liberty we enjoy is to be preserved. The independent is the same in all lands and in all ages. He is the egoist who would destroy the whole under conservative auspices. The appointments of Lord Idlesleigh as foreign secretary and Sir Michael Hicks-Beach as secretary for Ireland, the Times considers good, while Lord George Hamilton, as first lord of the admiralty, and the Right Hon. Wm. H. Smith, as secretary of war, return to places in which they have already won distinction. The Marquis of Londonderry consents to act as a mere figure-head, of course, in accepting the vice-royalty of Ireland, but he is thought to compare favorably with his conservative predecessor. On the whole the cabinet is perhaps as strong and well balanced a ministry as Lord Salisbury could have chosen from the material he had at hand. That it will last long, however, cannot be expected in view of the present temper of the British people. The next election will probably result in a permanent triumph of liberal principles.

THEY HAVE at Concord, New Hampshire, every summer what is called a school of philosophy. That school is now in session and is discussing Plato. The profundity of the discussion may be realized from the following contribution made thereto by a Texan, Prof. Edmund Montgomery: "The divinely inspired soul that, twenty-three centuries ago, came to fashion into organic form the little drop of planetary matter visibly known among contemporaries as 'Plato, the broad-browed,' came from the great formative deep to awaken into life generation after generation of sense-absorbed earthlings, whose eternal idiosyncrasies of celestial harmonies ingenerate in his own exalted nature." Think of a metaphysical joke like that emanating from a Texan!

NOT EXTEND beyond the actual death of the grantee or devisee—before that act—when there was nothing in the instrument to show that death without heirs generally, or death at an intermediate period was intended—"death during the life of the devisee" was the construction put upon the words death without heirs, but where the words of the instrument forbade this construction, and there was no intermediate period at which the estate could become absolute, then the time of the death of the devisee without heirs was adopted, at which his estate ceased to be determinable; that is it would never become absolute but for the courts having said this limitation was void, but since our act of 27 this limitation over is not void on the ground of remoteness, being limited to the actual death of the devisee. So under our statutes where the first construction is not admissible and there is no intermediate point the time for the estate to become absolute or to determine is that of the actual death of the devisee. The above is my construction of Hilliard vs. Kearney, Busbee's Eq., 221, Pearson, J. delivering the opinion, and Davis vs. Parker, 69 N. C., 271, Rodman, J. delivering the opinion. Smith vs. Brisson is exactly "on all fours" with these cases. In that case there was a conveyance by deed to "A and the heirs of his body, and if the said A should have no heirs," then to B; that is if A should die, having no such heirs living at his death. The act of 27 prevents the limitation being too remote and the property being acquired by conveyance whereby, the title rests immediately, "death without issue" cannot be construed "death without issue during the life of the grantor." The very nature of the case forces the other construction, leaving no issue at his death. "Try it again, 'Lex,' and see if you can't do a little better next time."

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THE BUFFALO LITHIA. THROUGH THE COUNTRY FROM KITTELL—THE CROPS ON THE WAY. Correspondence of THE NEWS AND OBSERVER. BUFFALO LITHIA SPRINGS, VA., July 29, 1886. We arrived here yesterday afternoon after forty-five miles drive through the country from Kittrell. In passing through the finest farming lands of Vance, Granville and portions of Mecklenburg county, Virginia, I am sorry to state that I did not see a single plant of tobacco that can possibly make a good yellow wrapper, no matter how favorable the seasons may be from now out. The crop everywhere is a total failure, and it is the verdict of every farmer whom I have seen that the present crop cannot possibly be one-half so good as that of last year. The corn crop is the finest I ever saw, especially on the high lands, while the oat and wheat crop in northern Granville is exceptionally good. I find quite an agreeable company here; quite as many as usual for this time of the season. Very great improvements have taken place under the new management. Visitors of former seasons would hardly recognize the place. New buildings have gone up and old ones have been repainted; the grounds have been beautifully terraced and laid off into drives and walks. The fare is the most elegant I ever saw anywhere. My very best beef and mutton that can be bought in Richmond are brought in refrigerators daily, and served in the most tempting style by the best of French cooks. Mr. Tice, the genial and clever manager, is a typical Yankee, looks closely after every department, gives you the very best that can be procured, and then charges you like blazes. But this, in my opinion, is the only way to give satisfaction in a hotel.

I find here among the many North Carolinians, Mrs. Thos. Holt and Mrs. Laird, of Haw River; Mr. David Worth and daughter, Mrs. Graham Daves, of Wilmington; Mrs. William Roberts, of New Bern; Mr. A. C. Zollieffer and family, of Henderson, and Mr. C. W. Rancy and wife, of Kittrell. Among those from Georgia I find Mr. F. W. Foster and family, Augusta, and Mr. W. H. Hare and wife, of La Grange. There are also many others here from the southern States, while several northern States are well represented.

We are having very warm weather, but the delicious, health-giving waters and splendid fare counteract all bad effects of weather and I am a gainer of a few pounds in flesh already. There is to be a german here tomorrow night, and already crowds of young ladies and gentlemen are coming in from the country and neighboring towns.

LEX'S LAST LETTER. Correspondence of THE NEWS AND OBSERVER. RALEIGH, July 31. Lex is still hammering away at our court for its gross errors. If you will allow me I will try to answer his last letter in the State Chronicle, in which he "goes for" the court on account of their decision in the case of Smith vs. Brisson, 90 N. C., 284. By the way, who is "Lex"? If rumor is correct as to who he is, I would advise the man whom he is advocating for the supreme court bench, if there be such a one, to take warning from a recent occurrence in this State and get a less strident advocate. At common law an estate to A and his heirs but if he die without heirs then to B and his heirs, was construed to mean that if at any time A's heirs became extinct then the estate would go over to B and his heirs; that is when the death of A without heirs generally was meant; that this limitation was too remote and A's estate became absolute. By our act of 27 this dying without issue can-

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How Women Differ from Men. At least three men on the average jury are bound to disagree with the rest just to show that they've got minds of their own; but there is no disagreement among the women as to the merits of Dr. Hering's Favorite Eucalypti. They are all unanimous in pronouncing it the best remedy in the world for all those chronic diseases, weaknesses and complaints peculiar to their sex. It transforms the pale, gaunt, dispirited woman, into one of sparkling health, and the ringing laugh again "reigns supreme" in the happy household.

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Cholera, dysentery and diarrhoea come with the summer and are the result of impure water and unclean food. Infection and sudden checks to perspiration cause these complaints. On the first symptom take four or five Brandreth's Pills and drink plentifully of hot water and you are safe. If you wish to render the body a fortress against disease, take one or two Brandreth's Pills every night for ten days and thus remove from the bowels all irritating substances and purify the blood.

ICE, ICE!! We began the delivery of ice a short time ago. Without previous experience in the business, we did not know how much loss there would be from melting and cutting. We desired to make prices low and its use as general as possible. A fair trial through all kinds of weather shows a greater loss than we had calculated for, and that we cannot afford to continue at present prices, but will have to make a small advance. From this date tickets will be as follows: 100 lbs, 90c; 5 lbs or more delivered at a time. 300 " \$2.50; 500 " 3.50; 25 " " " " 2,000 " 12.00; 50 " " " "

Small lots without tickets 1c per lb. 100 lbs. packed in barrels, etc., as before. We shall have four wagons on the streets and better delivery service in a few days. Ice ticket are our currency and exchangeable for greenbacks, silver and gold, at par.

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