

NEWS AND OBSERVER

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TUESDAY, DECEMBER 4, 1888

THE PRESIDENT'S MESSAGE. Yesterday the President sent in his message to Congress. He begins by referring to the "interesting and impressive incident" that with the expiration of the present session the first century of our Constitutional existence will be completed.

Supreme Court Decisions. Orendor vs. Call. A power to an executor to sell land after the death of the widow and divide the proceeds among the children of the testator, is well executed by an administrator de bonis non, and conveyances made by him, and the children in the lifetime of the widow are without effect to pass title.

Cowles vs. Hardin. Where, under the former practice, a levy was made on land by a deputy of the sheriff, and upon the return of the sheriff sold the land and the deputy who made the levy bought, the sale is not objection to the objection that the sheriff bought at his own sale, and is valid.

Brown vs. Brown. The statutes of 1778 and 1783 forbidding entries to be made of lands within the limits prescribed for the Indian hunting grounds, and declaring all entries and grants of such lands void, were not repealed by the treaty of Holston, made in 1791 by the United States with the Cherokee Indians, by which the title of the Indians to their lands was extinguished.

Jenkins vs. Reeves. In an action to recover possession of land the plaintiff may rely on a deed that had been destroyed by the defendant and that has not been registered, and may prove by parol evidence the execution and destruction of said deed, and the court on proper proof may declare the defendant a trustee for plaintiff and compel a conveyance of the legal title.

Reeves vs. McMillan. Expenditures made by an administrator to secure lands for the benefit of the intestate's heirs are not in the due course of administration, and are a misappropriation of trust funds, and will not be allowed him in his accounts. Section 1413 of the Code authorizing the renting of the real estate by the administrator is construed to mean leasehold interests.

State vs. Lawson. Where no restriction upon the authority of a tenant is shown, a person who by that tenant's invitation comes upon the premises for a lawful purpose, although having been forbidden to do so by the landlord, is not guilty of trespass under section 1,120 Code. No such invitation would protect one for a willful or malicious trespass, to the injury of the landlord, if committed under the fraudulent pretense of such invitation.

State vs. Smiley. The effect of the adoption of prohibition at a local option election is not to repeal or suspend the law prohibiting the retailing of spirituous liquors, without license, but merely to prohibit the commissioners from issuing licenses. Whether local option prevails or not, it is unlawful to retail without a license.

showing the relative advantages of education between the white and colored races in North Carolina. His grouping of statistics was in his usual strong and lucid style. He showed that in many respects the colored have the advantage over the whites and that they are availing themselves of these advantages. A poor white youth, for example, must seek his medical education outside the limits of our State; a poor colored youth can get the best of instruction in North Carolina. That their instruction is good is proved by the fact that the graduates of their medical colleges pass the State Examining Board with ease.

Mr. Wm. J. Andrews, of Raleigh, a student, then read a very clear and interesting history of his notable portrait of George III, on the back of which Gen. Greene wrote the words in chalk, "O George, hide thy face and mourn!" This legend is still legible. Mr. Andrews did full justice to the noble generosity of Mrs. Steele, who comforted the despairing General not only with cheering words but with the gift of all the silver money she had saved from her hard earnings. We sincerely hope that this most successful debut of Mr. Andrews will be a stimulus to him to continue in his work of chronicling and elucidating the memorable past record of our State.

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Mr. Langtry will sue for a divorce in Rhode Island. Our Candidate for President. He will be nominated by the convention and will be elected by the people, because he will come the nearest to filling their ideal of a chief magistrate.

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Senor Farwell is in favor of turning every Democrat out of office. The other forces engaged, the disposition of troops, the battle, are all described, and the author proceeds to his main subject, the vindication. There were two brigades of North Carolina militia numbering about one thousand men in this fight; one, under Gen. Eaton, composed of men from Halifax, Franklin and Warren counties, was stationed in the skirt of a wood, behind a rail fence, in front of the regulars and facing the advancing lines of the enemy.

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