

WILLIAM A. GRAHAM

THE RECORD OF HIS LONG AND VARIED PUBLIC SERVICES.

THE TOWN OF HILLSBORO' IN '76.

Though Gov. Graham Was a Native of Lincoln County, He Located and Practiced Law in Orange—Filled Every Important Office Within the Gift of the People of North Carolina Except that of Judge—Hon. Montford McGehee's Tribute to Gov. Graham.

Washington, D. C., April 3, 1895.

There is no lack of materials for making a sketch of the career of William A. Graham. The record of his varied public services would alone suffice for this purpose, if a resort to official documents, State and National, were necessary. But Montford McGehee, Esq., now so recently passed away, in his memorial oration, delivered before the bench and bar of the Supreme Court, in the hall of the House of Representatives, in Raleigh, June 8, 1876, has anticipated me in this labor, and left me little to do in the way of research. His account of the "Life and Character" of Mr. Graham, though styled an oration, might with more propriety be entitled a book, and deserves preservation in book form. It comprises eighty large octavo pages, which might well be expanded into one hundred and sixty, of smaller dimensions, and bound in a neat volume.

In addition to this elaborate paper of Mr. McGehee, I find much pertinent matter in the valuable work of Mrs. Spencer, entitled the "Last ninety days of the War," as well as in an address delivered by the late Senator Vance at the White Sulphur Springs, in West Virginia, before the Southern Historical Society. I have also had occasion to refer to the "Congressional Globe," of the time when Mr. Graham was a member of the Senate.

It was the fortune of Mr. Graham to fill every important office within the gift of the people of North Carolina except that of Judge, and this he could have done without asking for it, if his services had not always been elsewhere required. He was repeatedly elected to the State Legislature by the town of Hillsborough and the county of Orange, which became his permanent abode, after he arrived at man's estate. He was a native of Lincoln county; but after graduating at Chapel Hill; he read law with Judge Ruffin, at Hillsborough, and decided to locate at that place as a candidate for legal practice. The odds were greatly against him; but he was probably attracted by the array of splendid legal talent that then clustered around that ancient borough. For there were among resident lawyers, ex-Judges of the Superior Court, Thomas Ruffin afterwards eminent the world over, as a jurist; Archibald D. Murphy, an accomplished scholar and writer; Willie P. Mangum, destined to adorn a high place in the history of the nation, as Senator and presiding officer of that body; Francis L. Hawkes, distinguished at the bar before he became more distinguished as a pulpit orator, and historian; and there was Frederick Nash, a sound lawyer, who, like Ruffin, rose to the Supreme Bench of the State. Among the regular attendants upon the Orange Superior Courts, from adjacent counties, were George E. Badger and William H. Haywood, of Raleigh, and Bartlett Yancey, of Caswell, who had a distinguished career in the State and national councils.

It was against such competition that Mr. Graham fought his way to eminence, and to success as a practitioner at the bar. The wonder is that so many eminent men could have found remunerative employment in that sparsely peopled agricultural community.

Mr. Graham's first important case was prepared and argued with so much clearness and ability as to call forth the compliment from Mr. Haywood, the able Raleigh advocate, that "William Gaston could have done it no better." To the close of his life, he never failed to command a large share of professional business; and his name was generally to be found on one side or the other, of every important case that originated in the county; while he held a fair share of practice in the courts of contiguous counties, which he attended, and in the Supreme Court.

Until the Constitution of the State was amended by the Convention of 1835, the little town of Hillsborough was entitled to representation in the House of Commons. This borough representation was given in 1776; and it may have been a part of the Colonial custom, which our forefathers inherited from England.

The old town of Hillsborough had less than seven hundred inhabitants in 1800; but in 1776 it was a place of relative importance in the State, where the Legislature sometimes met, and where some leading men resided. Mr. Graham was the last Representative which Hillsborough had the honor of sending to the House of Commons. He was elected in 1833, in 1834, and again in 1835. During his first term he put David L. Swain in nomination for the office of Governor. It will be remembered that the Governor was then chosen by the Legislature. His friend was the choice of that body. During the session he took a leading part in the decision of two important questions. As chairman of a special committee, he reported against the application of subjects of France, praying that they might hold and transfer real estate in the State. There was an implied prohibition of this privilege in the constitution, however, in a clause of that instrument which gave to the Legislature authority to grant it to foreigners who had taken the oath of allegiance, as a first step in the process of naturalization.

Mr. Graham was chairman of another special committee, upon the question whether a person holding an office of profit or trust under the State government could, during his term, hold a like office under the government of the United States. The case should doubtless have been stated the other way, viz: Whether a person holding an office under the government of the United States could, at the same time, hold one under

State authority. The reverse proposition, as I find it stated, is for the United States authorities to decide, and, as it regards a seat in Congress, it has been decided more than once; and notably in a case coming from Illinois. The constitution of that State declared that no person holding the office of Judge under the constitution of the State was eligible to the United States Senate. Lyman Trumbull, Chief Justice, or a Judge of the Supreme Court, was elected by the Legislature to the United States Senate. He was a Republican, and the Senate at the time was largely Democratic. Yet it was decided that he was clearly entitled to the seat, on the ground that the States in their constitutions or otherwise, can add no qualifying conditions to those prescribed in the constitution of the United States.

The Convention, in remodelling the Constitution, as is known, stripped the boroughs of their separate representation in the Legislature. Possibly the example set by England, in 1832, in abolishing what they called "rotten-borough representation" had something to do with bringing about the change in North Carolina. But Mr. Graham's popularity was not confined to Hillsborough, and in 1838 he was elected by the people of Orange to represent them in the House of Commons, of which body he was chosen Speaker. He again represented the county in 1840, and was again made Speaker, in which responsible position he acquired great skill, and acquitted himself with distinction.

The State and National elections of 1840 were disastrous to the Democracy. Gen. Wm. Henry Harrison was elected President, in opposition to Mr. Van Buren. North Carolina voted for the successful candidate, and the Legislature was largely Whig. The two United States Senators were Messrs. Bedford Brown and Robert Strange, both Democrats. Mr. Brown's term would expire March, 1841, and Mr. Strange's March 4th, 1843. These gentlemen were decidedly opposed to the Whig policy in regard to a National Bank and a Protective Tariff. The Whig Legislature instructed them on these questions and after some hesitation they resigned. The instructions were not explicit, in calling for a compliance with the wishes of the Legislature, but were expressed in the form of a request. The "Right of Instruction" was a Democratic doctrine, but was never accepted as obligatory by the Whigs. The two Senators were at first disposed to disregard the Legislative request, on the ground that it was not mandatory; but what the resolutions lacked of the imperative mood was more than made up for by the Whig Press and public speakers; and the result was that the Democratic Senators resigned. The Whigs were thus furnished with the opportunity of putting two members of their own views in the Senate at one time; and strange to say, both of them were taken from Orange county. Such an honor has rarely, if ever, fallen upon one county, unless it may have been in Delaware or Rhode Island where population is centered in two or three counties. The first place, for the long term, would naturally go to Judge Mangum, whose distinguished services, and national reputation seemed to command it; but that Mr. Graham, of the same county, should have obtained the other place, in competition with so many eminent men, and older men which the Wing party contained at the time, was a marked tribute to the rising young statesman of Orange. The honor thus bestowed on him, under the circumstances, bespeaks the confidence he had inspired in the Legislature, and throughout the State, by the admirable judgment and temper he had exhibited as presiding officer of the Commons, as well as by his recognized talents.

In the United States Senate Mr. Graham, though one of the younger members, and though elected to fill an unexpired term of two years duration, took a leading part in the proceedings of that body. He was appointed on the committee of claims and it became his duty to make frequent reports from it. He was frequently called to take the chair in place of his friend, Senator Mangum, who was President pro tempore, after the death of General Harrison, and the accession of Mr. Tyler to the Presidency. His experience as Speaker of the House of Commons had familiarized him with the application of parliamentary rules, and peculiarly fitted him for the performance of that responsible duty.

I find but one speech revised by him, and reported in the Congressional Globe. That speech was a vindication of a clause in the pending bill for the apportionment of Representatives among the States. The clause in question, which was strongly opposed in some quarters, provided for a division of the States into districts of equal population, in place of a practice which had prevailed, of electing Congressmen by what was called the general ticket system, in which every citizen of a State voted for every member to which the State was entitled. The effect of this practice was completely to deprive minorities of representation. New York, for instance, with its thirty-four members, might be so equally divided in political feeling as to give the whole delegation to a majority of one, and that one may have been fraudulently cast. The minority may have resided in one-half the territory of the State, having interests different from those of the other half; and whether this geographical separation existed or not, it was sufficient that the people differed among themselves, and it was a flagrant injustice thus practically to disfranchise the minority, when it might be avoided.

Mr. Graham's argument was able and conclusive, and called forth a high compliment from Chancellor Kent, whose commentaries, like those of Blackstone, have a world-wide reputation. Mr. Graham spoke at length upon the loan bill of which only a brief sketch is given in the Congressional Globe. The National Intelligencer of the day may have given a fuller report; but I have not examined it. The speech, however, commended attention, and added to the reputation of its author.

Mr. Graham was elected to the office of Governor of North Carolina in 1844, in competition with the Democratic candidate, Michael Hoke, Esq., a gentleman of talents, and character, who commanded the confidence and cordial support of his party.

They debated the issues between the parties, before the people, in every part of the State, with marked ability. It was, during the Presidential year, in which Mr. Clay was the candidate of the Whigs, and Mr. Polk, his successful rival, was the nominee of the Democracy. The great national issue of that campaign was the annexation of Texas. Mr. Clay had taken the ground, that this country could not annex Texas consistently with our treaty with Mexico, without first obtaining the consent of that power; and that immediate annexation would be followed by war. Mr. Polk on the other hand, was nominated, in opposition to Mr. VanBuren, who was the favorite of a majority of the nominating convention, because the Southern delegates demanded an emphatic policy of immediate annexation. The tariff and National bank questions were also prominent in this campaign; and the Whigs of North Carolina, although enthusiastic supporters of Mr. Clay, were never ardent friends of these favorite policies of his. Mr. Graham, when in the Senate, had said, "Reduce the expenditures to the lowest point consistent with an efficient public service." "Levy such duties as are necessary for an economical administration of the Government, and no more." There is not a word about "protection to domestic manufactures," in these propositions; and they fell short of Mr. Clay's policy. But Mr. Clay carried the State, and Mr. Graham was elected Governor.

Mr. McGehee says of his administration, as outlined in his Inaugural Address: "Some of the noblest institutions of our State had practically their inception in the recommendations of that inaugural—as the Asylum for the insane, and the Asylum for the Deaf and Dumb. Here, too, practically dates the origin of that great measure of scientific progress—the Geological Survey, by which North Carolina stands so conspicuously distinguished among her sister States immediately around her. He gives just prominence in this address to the Common School system which then had been just introduced. The University, which always commanded the entire homage of his heart, has its due place here."

Mr. McGehee enumerates other important measures which originated during Mr. Graham's two terms as Governor, for he was re-elected in 1846. He was the worthy successor in that office of Governor Morehead, who had done much to promote the cause of Internal Improvement. But I must suspend the matter until next week.

DANIEL R. GOODLOE.

TO WRITE THEIR HISTORY.

Histories of the North Carolina Regiments in the Confederate Service.

At the last meeting of the Confederate Veterans' association a resolution was passed requesting Judge Walter Clark to procure the best man in each of the North Carolina regiments in the civil war to write a history of the regiment in which he served. It was contemplated that the sketch of each regiment, averaging, say, ten pages or more, would make a volume of 750 to 1,000 pages. Written by the pens of the men whose swords had made that history it will be an enduring and authentic monument to the generation who sacrificed themselves for their State in the great Civil War. Judge Avery, Gen. Hoke and Col. Wharton J. Green were appointed a committee to memorialize the Legislature to print the volume.

After consultation, as far as possible, with the survivors of each regiment, the following historians for the respective regiments have accepted and are at work. Many of these excellent sketches have already been completed and sent him.

The following is the list of historians which will be read with interest. The survivors of each regiment are requested to furnish any data they may have to the historian of their regiment below named:

- ORGANIZATION. HISTORIANS. Medical staff..... Dr. P. K. Hines. Chaplain service..... Rev. A. D. Bettis. Engineer service..... Capt. C. B. Denson. Adjutant-General office..... Maj. A. Gordon. Quartermaster department..... Commissary department..... Comptrols bureau..... Major & Sen. Re's N. C. Col. J. W. Hinesdale. Navy of North Carolina. Blackyade running from Wilmington, J. S. Sprunt. Steamer Advance..... Capt. James Maglenn. "Bethel" regiment..... Capt. E. J. Kille. 1st regiment..... Col. H. Brown. 2d "..... Gen. W. R. Cox. 3d "..... Col. W. L. DeRoss. 4th "..... Col. E. A. Osborne. 5th "..... Lt. C. M. Busbee. and Maj. (Judge) Jas. C. McKees. 6th "..... Capt. Neill W. Ray. 7th "..... Maj. J. S. Harris. 8th "..... (Gov) Thos J. Jarvis. 9th "..... (1st cav'ry) Gen Rufus B. Barringer. 10th "..... Lt. Col. W. J. Saunders. 11th "..... Capt. W. S. Martin. 12th "..... Lt. (Judge) W. A. Montgomery. 13th "..... Col. E. B. Withers. 14th "..... Col. (Judge) R. T. Bennett. 15th "..... Col. W. F. Green. 16th "..... Capt. Wilson G. Lamb. 17th "..... Lt. Thos H. Sutton. 18th "..... (3d cavalry) Maj. W. A. Graham. 19th "..... Gen. Thos F. Toon. 20th "..... Gen. W. W. Kirkland. 21st "..... Maj. Graham Daves. 22d "..... Capt. H. Clay Wall. 23d "..... Capt. E. A. Thorne. 24th "..... C. P. G. Ferguson. 25th "..... Surgeon Geo. C. Underwood. 26th "..... Capt. Jas. A. Graham. 27th "..... Gen. Jas. H. Lane. 28th "..... Gen. R. B. Vance. 29th "..... Col. P. M. Parker. 30th "..... Col. J. V. Jordan. 31st "..... Lt. Henry A. London. 32d "..... Maj. J. A. Weston. 33d "..... Capt. Thos D. Lattimore. 34th "..... Capt. W. H. Burzywny. 35th "..... (3d artillery) Col. Wm. Lamb. 36th "..... Col. Geo. W. Flowers. 37th "..... Adj. Theo. F. Davidson. 38th "..... Capt. T. C. Davis. 39th "..... Col. Thos S. Kenan. 40th "..... Maj. C. M. Stedman. 41st "..... Lt. Thos B. Wats. 42d "..... Capt. O. W. Carr. 43d "..... Capt. John H. Thorpe. 44th "..... Capt. W. H. Lawhon. 45th "..... Adj. (Judge) Thos R. Roulhac. 46th "..... Maj. A. E. Elington. 47th "..... Maj. A. McKethan. 48th "..... Capt. J. H. Robinson. 49th "..... Col. Jas. T. Morehead. 50th "..... Capt. C. M. Cooke. 51st "..... Maj. John W. Graham. 52d "..... Capt. H. C. Jones. 53d "..... (4th cav'ry) Capt. R. B. Gaddy. 54th "..... Capt. Thos W. Patton. 55th "..... Capt. N. A. Ramsey. 56th "..... Col. G. M. Clayton. 57th "..... (5th cav'ry) Col. John M. Galloway. 58th "..... Capt. Melvin E. Carter. 59th "..... (6th cavalry) Capt. M. V. Moore. 60th "..... Adj. Geo. M. Rose. 61th "..... Col. R. W. Whorton. 62th "..... (Thom's Legion) Major W. W. Stringfield.

- 70th "..... (1st Junior Reserves) Col T. C. Broadfoot. 71st "..... Capt. Thos I. Lea. 72d "..... (3d Junior Reserves) Lt. Fab H. Busbee. 73d "..... (7th cavalry) Lt. W. F. Parker. 74th "..... Col. R. W. Wharton. 75th "..... Lt. (Judge) Thos C. Fuller. 76th "..... (2d cav'ry) Lt. W. M. Taylor. 77th "..... (3d cav'ry) Lt. W. M. Taylor. 78th "..... Lt. T. M. McNeill. 79th "..... (1st artillery) Lt. T. M. McNeill. 80th "..... (2d artillery) Lt. T. M. McNeill. 81st "..... (1st artillery) Lt. T. M. McNeill. 82d "..... (1st artillery) Lt. T. M. McNeill. 83d "..... (1st artillery) Lt. T. M. McNeill. 84th "..... (1st artillery) Lt. T. M. McNeill. 85th "..... (1st artillery) Lt. T. M. McNeill. 86th "..... (1st artillery) Lt. T. M. McNeill. 87th "..... (1st artillery) Lt. T. M. McNeill. 88th "..... (1st artillery) Lt. T. M. McNeill. 89th "..... (1st artillery) Lt. T. M. McNeill. 90th "..... (1st artillery) Lt. T. M. McNeill. 91st "..... (1st artillery) Lt. T. M. McNeill. 92d "..... (1st artillery) Lt. T. M. McNeill. 93d "..... (1st artillery) Lt. T. M. McNeill. 94th "..... (1st artillery) Lt. T. M. McNeill. 95th "..... (1st artillery) Lt. T. M. McNeill. 96th "..... (1st artillery) Lt. T. M. McNeill. 97th "..... (1st artillery) Lt. T. M. McNeill. 98th "..... (1st artillery) Lt. T. M. McNeill. 99th "..... (1st artillery) Lt. T. M. McNeill. 100th "..... (1st artillery) Lt. T. M. McNeill.

Each of the above has accepted the "assignment to duty" and has either written the sketch of his regiment or will have it ready by July 1st. It is a splendid list of soldiers and writers, the best possible, now after the gaps made by the thirty years since the war. One of the writers (Gen. Barringer) has since filling this last duty to his comrades. Five other generals are in the list as historians of their former regiments. Two of the regiments 73d and 74th were senior Reserves and naturally no survivor of them has been found who could write the sketches of those regiments. Neither has any historian yet been found to write the sketches of the following gallant regiments, though great efforts have been made, i. e., 16th, 37th, 41st, (3rd cav); 42nd, 54th, 68th, 71st, (2nd Junior Reserves); and following Battalions—3d, 4th, 7th, 9th and 10th.

It would be a subject of regret if the volume shall appear with those regiments omitted. Any survivors of those commands who may see this will do well to write to Judge Walter Clark, Raleigh, N. C., suggesting a suitable man to write the history of his regiment.

You Don't Have to Swear Off, says the St. Louis Journal of Agriculture in an editorial about No-To-Bac the famous tobacco habit cure. "We know of many cases cured by No-To-Bac, one a prominent St. Louis architect, smoked and chewed for twenty years; two boxes cured him so that even the smell of tobacco makes him sick." No-To-Bac sold and guaranteed by John Y. MacRae. No cure no pay. Book free. Sterling Remedy Co., New York or Chicago.

Notice of Seizure and Libel. Circuit Court of the United States, Eastern District of North Carolina, No. 101 Libel. At Raleigh, N. C., this 7th day of December, 1894, as forfeited to the uses of the United States, for violation of the Internal Revenue Laws, and the same is libelled and prosecuted in the Circuit Court of the United States for condemnation for the causes in the said libel of information set forth; and that the said causes will stand for trial at the court room of said court, in the city of Raleigh, on the fourth Monday of May next, if that be a jurisdiction day, and if not, at the next day of jurisdiction thereafter, when and where you and all persons are warned to appear to show cause why condemnation should not be decreed, and judgment accordingly entered hereon, and to intervene for their interest. Given under my hand at office in Raleigh, this 12th day of April, 1895. O. J. CARROLL, U. S. Marshal.

Human Existence. Is, after all, very like a torturous county road, with slopes to climb and valleys to leisurely travel, with here green fields of plenty to enjoy, and there marsh lands of temptation and danger to avoid, and with crossroads and "four corners" every now and then to confuse and possibly to mislead the traveler. Some of us fall to climb the hills, some fall asleep in the valleys, and still others wander off and are lost in the marsh's morasses; but to the great majority of mankind the crossroads are the only really difficult points to be passed. "What studies will I take?" asks the school child. "What trade or profession will I follow?" says the youth. "How can I best win success?" says the man. These are the questions that the man who chooses the proper path at these various junctions. "Luck" may have been his guide, and his less fortunate neighbors are prone to say so, but investigation and experience teach that the only reliable helps at these difficult points are—knowledge and work. Knowledge is a burden to no one. Like the air you breathe, your knowledge proves its existence—not by apparent weight and color, but by its effect. How often have you found the information you acquired by casual observation or study to be of great specific advantage in a crisis whose possibility you had not dreamed of when you acquired that knowledge. Then, if knowledge is to be your guide in the Pathway of Life, it is not worth your while to secure the greatest, the best source of human knowledge extant, when that source is, by American enterprise, placed within your reach? In the Encyclopaedia Britannica the child will find matter to interest his little mind, and give him food for thought along the line of his natural bent; the youth will find life stories and professional and mechanical information to enable him to wisely choose his life work, and the adult will have his mind broadened, his intellect quickened, and his information extended to such a degree by it that he will be enabled to take advantage of opportunities that he otherwise would not see. Thus it is a guidebook for all. The Encyclopaedia Britannica is the wisdom of the world concentrated. It should be in every home. Our subscribers can secure this work at a specially low introductory price, and on the very easy installments of Ten Cents a Day. For sample pages address— THE OBSERVER CHARLOTTE, N. C.

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Sealed Bids. N. C. INSTITUTION FOR THE DEAF AND DUMB AND THE BLIND. STAWARD'S OFFICE. RALEIGH, N. C., April 12, 1895. Sealed bids will be received at the office of the Steward of the N. C. Institution for the Deaf and Dumb and the Blind until 12 m., Monday, May 6th, for supplying the said institution with 150 short tons (3000 pounds) of steam heating coal to be placed under the chaper; 120 tons of the same delivered at the laundry and 55 tons of hard coal at the kitchen. At the Colored Institution, 100 tons of steam heating coal, to be put away in coil shed, and 40 tons of hard coal. Bidders will state the name of the mine from which their coal is sold. J. G. B. GRIMES, Steward.

Medical Society of the State of North Carolina. The 4- (?) annual meeting of the above society will be held in Goldsboro, N. C., May 14th, 15th and 16th, 1895. Reduced rates will be offered by all the railroads in the State and by the local hotels. All regular physicians of State in good standing are invited to be present and become members, if not already members. Indications point to an excellent programme from both a business and a social standpoint. Ample accommodations. JOHN H. TUCKER, M. D. Pres., Henderson, N. C. R. D. JEWETT, M. D., Sec., Wilmington, N. C.

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