

NOTICE. Having qualified as Administrator of the will annexed of the estate of C. Ennis, late of Wake county, this is hereby given to those having claims against this estate, to present them to the undersigned on or before the 15th day of November, 1910, or notice will be pleaded in bar of recovery. W. BOWDEN, Administrator, Raleigh, N. C. 21-law 6wks

It Is Easier For You to Buy Furniture From Us No Matter where you live. Owing to the fact that we carry more furniture of all kinds in stock than 50 to 75 of the average Southern Dealers combined, we make it easier for you to purchase anything for the furnishing of your home. OUR MAIL ORDER SYSTEM is so complete that you can order from us just as satisfactorily as buying from your grocer around the corner. Write us for some very interesting prices on the things you will need for your Winter Comfort.

JAMES HORNER WINSTON, Attorney-at-Law, BANK OF COMMERCE BUILDING, Norfolk, Virginia.

ANNOUNCEMENT. We beg to announce to our friends that our NEW ILLUSTRATED CATALOGUE of the latest creations in GOLD, SILVER, CUT-GLASS and ART WARES is about ready for issue. Within it are many suggestions for Wedding, Anniversary and Holiday Gifts. If you think that you would be interested let us have your name and address and one will be promptly furnished you. G. LUMSDEN & SON, Inc., JEWELERS to the SOUTH, ERN PEOPLE, 731 E. Main St., Richmond, Va.

Wedding Presents WE OFFER A FEW SUGGESTIONS: Chimes, Brass, Coal Boxes, China, Jam Pots, Sandwich Trays, Coasters.

H. MAHLER'S SONS, JEWELERS, Raleigh, N. C.

W. H. MOYE, LEWIS C. DAVIS, MOYE & DAVIS, New Barber Shop, In Capital Club Basement, Satisfaction guaranteed.

Classy Printing. Your stationery should be as good as your dress. A business is often judged by its printing. The best is none too good. We cater to the hard to please. CARROLL'S ACADEMY OF MUSIC.

Import Bulbs are now arriving. We have a fine assortment. Plant early for the best results. Send for new price list. Remember we are headquarters for Choice Cut Flowers, Wedding Bouquets, Floral Designs and flowers for all occasions; mail, telegraph, and telephone orders promptly filled by J. L. O'QUINN & COMPANY, FLOREST, Raleigh, N. C. Phones 149.

SELECT BOARDING HOUSE. 118 North Wilmington Street. Within one half square of the Capitol. LARGE AND AIRY ROOMS. REASONABLE PRICES. MRS. WILEY M. ROGERS.

HOMES FOR RENT. A number of nice houses for rent. Price from \$10.00 to \$15.00 per month. Nicely located. Hightower & Fort, RALEIGH, N. C.

DARNELL THOMAS, RALEIGH, N. C.

DIGEST OF OPINIONS DEAFNESS CURED By New Discovery. "I have demonstrated that deafness can be cured." -Dr. Guy Clifford Powell. The secret of how to use the mysterious and invisible nature forces for the cure of Deafness and Head Noises at last been discovered by the famous physician-scientist, Dr. Guy Clifford Powell. Deafness and Head Noises disappear as if by magic under the use of this new and wonderful discovery. He will send all who suffer from Deafness and Head Noises full information how they can be cured at home without investing a cent. Write today to Dr. Guy Clifford Powell, 5111 Bank Building, Peoria, Ill., and get full information of this new and wonderful discovery, absolutely free.

Mac v. Railroad, Catawba County. No Error. Brown, J. Plaintiff bought a round trip ticket from Rock Hill, S. C. to Hickory, N. C., which contained a stipulation that it was good "via short route only," and "good for return same route." Plaintiff went by the long route via Statesville and Charlotte and in attempting to return via Marion was put on the train without any rudeness by the conductor. Judgment for \$150 was given plaintiff. Plaintiff was informed by the ticket agent at Rock Hill and at Hickory that he could return by way of Marion. Held, that statements of ticket agent at Rock Hill and Hickory were competent and that his returning via Marion and being ejected from the train after being informed that he could take such route by these ticket agents, supports the verdict returned by the jury.

Robert v. Baldwin, Henderson County. Reversed. Clark, C. J. Action for damages for diversion of water on plaintiff's land. Trial judge intimated that action was barred by statute of limitations. No suit taken by plaintiff. Held, that no one has the right to divert water from its natural flow so as to damage another although he can increase and accelerate the current. Hocutt v. Railroad, 123 N. C. 214. 2. Defendant pleaded statute of limitations. Reversal, section 395 (3). Held that a ditch dug to carry overflow water on plaintiff's land is not a continuing trespass to which the statute of limitations applies.

Sale v. Starnes, Caldwell County. Per Curiam, New Trial. Held, that when the testimony permits, instead of charging the jury, "if they believe the evidence," it is better to charge, "if the jury is satisfied that the facts are as testified." In criminal cases, the formula should be "if the jury are satisfied beyond a reasonable doubt that the facts are as testified." But inadvertence in using this formula has not yet been held to be reversible error. 2. The bill of indictment charged the defendant with disturbing a religious meeting under Revisal section 3706. The evidence showed that there was a family reunion and that religious services were conducted at the house during the reunion and defendant fired a pistol within 100 yards of the house. There was no evidence to show that religious services were customarily held at the house or that defendant knew religious services were being conducted. Held, that the bill of indictment charging an offense under Revisal section 3706 and the evidence not showing any offense under this section, the defendant was entitled to the charge. "On the testimony, if believed by the jury, they would acquit the defendant."

Bryan v. Hodges, Watauga County. Modified and Affirmed. Walker, C. J. Action to recover land. The trial judge refused to give the instruction asked by the plaintiff. The burden is upon the defendant to locate the grant under which he claims title, and it is the duty of the defendant to locate his beginning. Held, that the burden of evidence is on the defendant, that the trial judge was correct in refusing to give this instruction, as the burden is upon the plaintiff to prove his title, at least as against the defendant. Plaintiff recovered all land sued for except 100 acre tract. Jury answered issue as damages "none." Trial judge refused to tax defendants' costs when requested to do so. It is proper to tax costs of defendant, having denied title and right of possession of plaintiffs and they necessarily having to incur the cost and expense in proving their title and right of possession. The plaintiffs were entitled to a judgment for costs.

Rhyno v. Rhyno, Gaston County. Affirmed. Brown, J. Walker, C. J. Defendant entered into a bond for \$1,000 to support the plaintiff during plaintiff's life and if plaintiff did not live with him to pay a sum left in bond for his support. The consideration for the bond was a tract of land valued at \$600, conveyed to plaintiff. Held, that leaving blank the sum to be paid for plaintiff's keep would not avoid the bond, but meant such reasonable sum as was proper to plaintiff's station in life. 2. Held, that the intent of the parties in conveying the land was to provide a support for the plaintiff and leaving the space blank as to sum to be paid by defendant for plaintiff's support did not mean that plaintiff must reside with defendant; the blank being probably purposely left so as to procure a reasonable sum under the changing prices for keeping the plaintiff. 3. Held, that the trial judge properly charged the jury that they should give such sum as was reasonable for the plaintiff's station during the years since the bond was executed, but he erred in failing to charge them to deduct the value of the plaintiff's services as a field hand, but the error was cured by the jury of their own accord deducting the value of the plaintiff's services.

Hall v. Jones, Mecklenburg County. Error. Manning, J. J. A. Jones contracted to build and complete the Selwyn Hotel. Jones then contracted with a plumbing company for plumbing, etc. The plumbing company contracted with the Mott Iron Works, plaintiff, for supplies and with electric company, defendant, for supplies also. The plumbing company gave the Mott Iron Works an order on Jones for \$4,400 for material to be furnished and paid for as same became due. This sum was not then due, but Jones accepted the order. The plumbing company later went into the hands of a receiver. It was agreed that Jones, who owned the plumbing company \$5,500 should pay \$2,400 on the order of the Mott Iron Company and the balance into the hands of the Clerk of the Court until the matter was determined. The trial judge decided that this amount should be divided pro rata between electric company and iron works, as both were creditors of plumbing company. Held, that the order of the receiver should be set aside for benefit of the iron works as an assignment pro tanto of the contract price, subject only to satisfactory completion of the work by the iron works. This work having been satisfactorily done, the iron works are entitled to have their order on Jones paid in full and the balance to the electric company. It was error for the trial judge to order a pro rata division between iron works and electric company.

Blind Tiger Located. Stumbled on by Accident by Officers Who Shot at Rabbit. (Special to News and Observer.) Fayetteville, Dec. 18.—While pursuing a burglar who had robbed a house in the southwest section of this city, Deputy Sheriff Pate and a couple of citizens assisted in the search, came upon a unique "blind tiger" concealed in a straw thicket to the south of the city. They had pursued the chase until they were in the vicinity of Mossy Hill, when a rabbit bounded across their path and was shot by one of the citizens, who plunged into a nearby thicket to recover his game. There he discovered a small clearing containing two gallon whiskey jugs, one empty and one holding three quarts of liquor, a straw mat, bed clothing, and tin utensils, including most of the articles stolen from the house just robbed. The proprietor has not yet been apprehended. The special deputy appointed to carry to Raleigh the viscera of the negro George Bell, who lately died from poison, reported to Solicitor Siler that the analysis will be performed only at a cost of \$50 to the county of Cumberland. The solicitor ordered the stomach left with the chemist and referred the matter to the Attorney General for a decision. Solicitor Siler seems to be of the opinion that such analysis should be part of the regular duties of the State Chemist. A sample of the water which Bell drank and which is supposed to have been poisoned was also sent to Raleigh for analysis.

MR. JOHN GORHAM RESIGNS. Popular Young Man to Leave Wilson for Washington. (Special to News and Observer.) Wilson, N. C., Dec. 18.—Mr. John Gorham, who has so long, efficiently and faithfully served as bookkeeper of the First National Bank of Wilson has tendered his resignation to take effect at an early day. It is with regret that the good people of Wilson will give up the services of a young man, and commend him to the people of Washington, N. C., where he goes to accept a position with the Washington Buggy Company. He will enter upon his new duties with the beginning of the new year.

AGONY OF ECZEMA BEYOND WORDS. Whole Body a Mass of Raw, Torturing Humor—Hair All Fell Out and Ears Seemed Ready to Drop Off—Clothing Would Stick to Bleeding Flesh—Hoped Death Would End Fearful Suffering. CASE SEEMED HOPELESS BUT CUTIGURA CURED HER. "Words cannot describe the terrible eczema I suffered with. It broke out on my head and kept spreading until it was on my body. It was so bad that a solid mass of sores from head to foot. I looked more like a piece of raw beef than a human being. The pain and agony I endured seemed more than I could bear. Blood and pus oozed from the sores on my scalp, from under my finger nails, and all over my body. My ears were so crusted and swollen I was afraid they would break off. Every hair in my head fell out. I could not sit down, for my clothes would stick to the raw and bleeding flesh, making me cry out from the pain. My doctor did all he could, but I got worse and worse. My condition was awful. I did not think I could live, and wanted death to come and end my life. In this condition my mother-in-law begged me to try the Cuticura Remedies. I said I would, but had no hope of recovery. But when I used Cuticura Ointment. It cooled the bleeding and itching flesh and brought me the first real sleep I had in months. I was so grateful that I bought a box of Cuticura. I would bathe with warm water and Cuticura Soap, then apply the Ointment freely. I also took Cuticura Resolvent for the blood. In short time the sores stopped running, the flesh began to heal, and I knew I was to get well again. Then the hair on my head began to grow, and in a short time I was completely cured. I cannot praise Cuticura enough. I wish I could tell everybody who has eczema to use Cuticura. My condition was so terrible that I thought I would never get well. But Cuticura cured me. It cured me of this awful disease. I say no one doubts the truth of this letter. I will send you a copy of my letter. Write to Mrs. M. J. Jones, 208 S. Thomas St., New York, N. Y., Dec. 20, 1908. Cuticura Soap, Ointment and Resolvent (which is sold throughout the world) please send me a sample. Write to Cuticura, Dept. 576, Lowell, Mass., U. S. A."

NEW ROAD TO BE BUILT WILL EXTEND FROM LUMBERTON TO ELIZABETHTOWN—WORK TO START AT ONCE. (Special to News and Observer.) Lumberton, Dec. 18.—A new railroad will be constructed from this point to Elizabethtown in Bladen county, via Dublin, the distance being about 25 miles. An engineering corps will have headquarters at Dublin and will work toward Elizabethtown and Lumberton at the same time. Mr. George H. McLeod is the promoter of the enterprise. Ground will be broken for the new line next week.

VACCINATION ORDER. Much Division in Wilson—Some Say They Will Go to Jail Before They Will Submit to Vaccination. (Special to News and Observer.) Wilson, Dec. 18.—There is no use in trying to conceal the fact that the town of Wilson stands divided on the decision reached by the sanitary board and health officers at a joint meeting with the city aldermen and board of County Commissioners held last Wednesday afternoon, wherein compulsory vaccination and quarantine were ordered. In their opinions the physicians differ, this being so the citizens are of the opinion that they should be granted the same privilege that the doctors are exercising, viz., to exercise their own judgment whether to be vaccinated or not. Many have been heard to openly declare that they will refuse to bare their arms until the year assured that city and county officials and the doctors, too, have submitted to the mandate. Some say that even if the officials comply with the law, that they will go to jail rather than have their vaccine put in their arms—claiming that the preventative is worse than the disease. Doctors differ as to the number of "cases" in the county—some saying there are two hundred while others say there are between two hundred and two hundred and fifty and three hundred. All agree, however, that the mortality thus far is less than one per cent. One of our high ex-city officials said to this correspondent this morning: "This disease we now have with us is the same we had in 1902—then there were in the county four thousand and two hundred cases, with only two deaths, and one of these was of a negro who exposed himself too early; this is a great big scare that amounts not to a row of pins." Of course the town is divided—some of the people running to the doctors to have their arms "scratched" while there are others who are doing "saw-bone" they see. In a few days the mail will be "Oh, my arm; ding the doctors."

FEW CONFEDERATES REMAIN. Time is Trying Them to the Better Land—Critic to Chief Justice Walter Clark and to Judge Robert B. Peebles. To the Editor:—I just take a few minutes from a busy day to write that I am of the opinion that the few who remain of the Confederate army are being tried to the better land. Judge R. B. Peebles succeeded Clark as adjutant and served to the end of the last as assistant adjutant general of the brigade and surrendered at Appomattox. It is very gratifying to their comrades that these two distinguished and gallant Confederate soldiers should be filling high judicial positions which we trust they may long retain for the well being of their State. With best wishes. Yours, very truly, WM. H. C. BURGWIN, Weldon, N. C., Dec. 18.

AGONY OF ECZEMA BEYOND WORDS. Whole Body a Mass of Raw, Torturing Humor—Hair All Fell Out and Ears Seemed Ready to Drop Off—Clothing Would Stick to Bleeding Flesh—Hoped Death Would End Fearful Suffering. CASE SEEMED HOPELESS BUT CUTIGURA CURED HER. "Words cannot describe the terrible eczema I suffered with. It broke out on my head and kept spreading until it was on my body. It was so bad that a solid mass of sores from head to foot. I looked more like a piece of raw beef than a human being. The pain and agony I endured seemed more than I could bear. Blood and pus oozed from the sores on my scalp, from under my finger nails, and all over my body. My ears were so crusted and swollen I was afraid they would break off. Every hair in my head fell out. I could not sit down, for my clothes would stick to the raw and bleeding flesh, making me cry out from the pain. My doctor did all he could, but I got worse and worse. My condition was awful. I did not think I could live, and wanted death to come and end my life. In this condition my mother-in-law begged me to try the Cuticura Remedies. I said I would, but had no hope of recovery. But when I used Cuticura Ointment. It cooled the bleeding and itching flesh and brought me the first real sleep I had in months. I was so grateful that I bought a box of Cuticura. I would bathe with warm water and Cuticura Soap, then apply the Ointment freely. I also took Cuticura Resolvent for the blood. In short time the sores stopped running, the flesh began to heal, and I knew I was to get well again. Then the hair on my head began to grow, and in a short time I was completely cured. I cannot praise Cuticura enough. I wish I could tell everybody who has eczema to use Cuticura. My condition was so terrible that I thought I would never get well. But Cuticura cured me. It cured me of this awful disease. I say no one doubts the truth of this letter. I will send you a copy of my letter. Write to Mrs. M. J. Jones, 208 S. Thomas St., New York, N. Y., Dec. 20, 1908. Cuticura Soap, Ointment and Resolvent (which is sold throughout the world) please send me a sample. Write to Cuticura, Dept. 576, Lowell, Mass., U. S. A."

AGONY OF ECZEMA BEYOND WORDS. Whole Body a Mass of Raw, Torturing Humor—Hair All Fell Out and Ears Seemed Ready to Drop Off—Clothing Would Stick to Bleeding Flesh—Hoped Death Would End Fearful Suffering. CASE SEEMED HOPELESS BUT CUTIGURA CURED HER. "Words cannot describe the terrible eczema I suffered with. It broke out on my head and kept spreading until it was on my body. It was so bad that a solid mass of sores from head to foot. I looked more like a piece of raw beef than a human being. The pain and agony I endured seemed more than I could bear. Blood and pus oozed from the sores on my scalp, from under my finger nails, and all over my body. My ears were so crusted and swollen I was afraid they would break off. Every hair in my head fell out. I could not sit down, for my clothes would stick to the raw and bleeding flesh, making me cry out from the pain. My doctor did all he could, but I got worse and worse. My condition was awful. I did not think I could live, and wanted death to come and end my life. In this condition my mother-in-law begged me to try the Cuticura Remedies. I said I would, but had no hope of recovery. But when I used Cuticura Ointment. It cooled the bleeding and itching flesh and brought me the first real sleep I had in months. I was so grateful that I bought a box of Cuticura. I would bathe with warm water and Cuticura Soap, then apply the Ointment freely. I also took Cuticura Resolvent for the blood. In short time the sores stopped running, the flesh began to heal, and I knew I was to get well again. Then the hair on my head began to grow, and in a short time I was completely cured. I cannot praise Cuticura enough. I wish I could tell everybody who has eczema to use Cuticura. My condition was so terrible that I thought I would never get well. But Cuticura cured me. It cured me of this awful disease. I say no one doubts the truth of this letter. I will send you a copy of my letter. Write to Mrs. M. J. Jones, 208 S. Thomas St., New York, N. Y., Dec. 20, 1908. Cuticura Soap, Ointment and Resolvent (which is sold throughout the world) please send me a sample. Write to Cuticura, Dept. 576, Lowell, Mass., U. S. A."

AN ODD-TIME PUZZLE. Capt. Gussie Gyles a Puzzle for Young Readers That Pleases the Young People Before the War. To the Editor:—I am enclosing you a puzzle which I saw something about 1855, which you can publish for your young readers to work out—that is if you think it worth printing. A gentleman was passing his respects to a lady and he said he would marry her. She told him she had no money to plant in a grove and there must be nine groves and five in every row. If he could do this she would consent to his proposition, otherwise not, and he was to plant the trees in the waste basket or publish as you see fit. Yours truly, H. P. GUESS, Weldon, N. C., Dec. 18.

WON'T BUY HIS WIFE CHRISTMAS SHOTGUN. Colonel Banks Disapproves of Selfish Soldier's Plan of Christmas Buying. "I just drapt into town to sell a few aigs an' buy Christmas presents for the family," said Colonel Banks yesterday when asked why he was in town in the middle of the week. "I made out a list er things I orter have an' went an bought 'em. I got the fambly things they wants. I don't fear a dern about expenses, providin' hit's reasonable." "Cause Christmas don't come but once a year." "S'm people" said the Colonel. "Is selfish 'bout buyin' Christmas presents an' don't think about nobody's eep'n' their presents." "They's old bad Barber. You know what he got his wife fer a Christmas present? He bought her a double-barrel shotgun. Yes, sir, a shotgun. Now, ain't that the dickens or a Christmas gift to give a woman?" "I ast him what he he meant an' he says he wuzent got to spend his money a-buyin' his wife no foolery presents an' he'd been wantin' a shotgun a long time, an' his wife could call hit her's. Now, don't that beat all git out?"

Captain Goodman Improving. (Special to News and Observer.) Wilson, N. C., Dec. 18.—Capt. A. E. Goodman, a passenger conductor on the Norfolk and Southern Railroad, who was hurt at Farmville last Wednesday, is making a rapid recovery to the Wilson Sanatorium, where he will be out in a few days. His injuries are believed to be serious.

Nothing Better For the Grip. PE-RU-NA FOR COUGHS AND COLDS. A CHILD'S CHRISTMAS PAPER. (By J. W. Foley.) Dear Lord, be good to Santa Claus, He's been so good to me; I never told him so because He is so hard to see. He must love little children so To come through snow and storm; Please care for him when cold winds blow And keep him nice and warm. Dear Lord, be good to him and good To Mary Christmas, too. He'd like to tell them, if I could, The things I'm telling you. They've both been very good to me, And everywhere they go. They make us glad;—no wonder we All learn to love them so. Please have him button up his coat So it will keep him warm; And wear a scarf about his throat. If it should start to storm. And when the night is dark, please lend Him light if stars are dim. Or maybe sometimes you could send An Angel down with him. Please keep his heart so good and kind That he will always smile; And tell him maybe we will find And thank him after while, Please keep him safe from harm and keep him safe and guard him when. He's tired and lays him down to sleep. Dear Lord, please do Amen. —From the Christmas Collier's.

Useful Sometimes. John Bright used to tell how a barber who was cutting his hair once said to him: "You've a large 'ead.' It is a good thing to 'ave a large 'ead,' for it 'eats' and means a large brain. A large brain is the most useful thing a man can 'ave' as it nourishes the roots of the 'air.'" —Exchange.

Procrastination is a Big Thief. The man who puts off going till to-morrow who would save money, day is poor score list. Let us submit an estimate and guaranteed proposition on your coal requirements, no matter what or next year (though better late than never), but NOW. Write us; your letter will be appreciated and promptly answered. Atlantic States Coal & Coke Co., Richmond, Va.

MRS. FRANK REDFORD. A Few Dainty Christmas Novelties Every Week Something New in Millinery.

POCAHONTAS EGG Best Coal for Cook Stoves. More Economical Than Wood. TRY IT. JOHNSON & JOHNSON CO. Coal, Wood, Ice, Brick. Raleigh, N. C.

Yours for a Clear Head. BROMO-SELTZER. 10¢ SOLD EVERYWHERE.