SUIT ABOUT MENTAL ANGUISH

Strong Opinion Handed Down THE RESIDENCE AS A ..

> - Magarung .. Eurs - Againet **Telegraph Companies**

THREE CRIMINAL CASES WERE ALSO DECIDED

Defendant Declared Guilty wing Infreted Cattle to Run -Full Last of Opinions

the decisions of cases anded down by the Supreme Court of North Carolina yesterday is an able and interesting opinion by Associate Justice Hoke relating to mental anguish guits in the case of Alexhader which was tried in Beaufort county.

The facts in this case were sub-stantially these. The plaintiff resid-ed with her mother near Swain, a local railway station in a remote country district, and that on 19th of July, 1809, she became seriously ill with an attack of appendicitis. Her attending physician was of the opin-ion that an operation was immediate-ly necessary and he was unwilling and unable to indertake it with the fartities afforded. The plaintiff and her people were anable to pay ready money for the operation, so the attending physician sent a telegram to Dr. Leigh, at Norfolk, Va., asking him if he would operate and be paid during the fall for the Apperation. This telegram was promptly sent and Dr. Leigh telephoned to the telegraph of tice in Norfolk and told them to send a messenger boy to his office. In a few minutes a measuringer boy carre and was given a telegram by Dr. Leigh stating that he would operate and making on what train to expect the patient. This telegram was nevthe patient. This telegram was never sent. The telegraph company claimed that no messenger , was sent by them as no phone message was received and that no message by Int. Leigh was on file in their office at Jir. Leigh was on file in their office at Norfolk. Not receiving any answer, the attending physician took his patient the following day, two days of ter sending the flessage to Dr. Leigh, to Washington, N. C. and she was operated on successfully by Dr. Taylon at that place. This suit is for damages for failure to transmit the messige by Dr. Leigh and damages for mental anguish.

Justice Hoke first states that the patient had the right to bring the suit, although no telegram was signed in her name or addressed to her, "The right of an addressee or a beneficiary whose interest has been made a negligent failure to deliver a messuge of this character, is fully estab-lished wit hus and a perusal of the testimony will clearly bring the of our decisions where substantial damages by reason of mental anguish has been allowed. Kivett v. Tel. Co.,

156 N. C., 296, etc. The company contended that there could be no recovery as there was no evidence that any telegram from Dr. Leigh had been received at their office in Norfolk, Va., for transmission to Dr. Speight, the attending physician of the plainiff in this action. Justice Hoke states

that a stipulation on a message blank that the messenger boy is an agent of the sender and not of the company and that the company is not responsi ble unless the message is actually carried to the company's office by the hoy, is not binding. In other words, although they send out messenger receive telegrams, it is at the risk of the person asking for them and that if a message is not properly brought to the office by the boy, the brought to the office by the boy, the referred to is not controlling. And telegraph company is in nowise. re-this limitation should apply, we think,

Justice Hoke states. "It is well un- quest the company sends a messenderstood here and in other jurisdic-tions that a telegraph company may make reasonable stipulations restrictmake reasonable supulations restrictive of their liability and to the extent the plaintiff was allowed to testify as that they are not relieved thereby to her mental suffering due to not from the obligations of diligence sur
from the obligations of diligence surthat they are not relieved thereby to her mental that they are not relieved thereby from the obligations of diligence superimposed by law in the performance of their duties. There is authorance of their duties. There is authorate to the effect that the stipulations was imperative and she did not know whether she would be able to secure whether she would be able to secure the total the states. on which the sender writes the mes-sage shall bind the sender as a part of the contract. If this, however, may be allowed to prevail under ordi-nary conditions, it is qualified, as a meneral proposition by decisions which hold that if a messenger is in-

What

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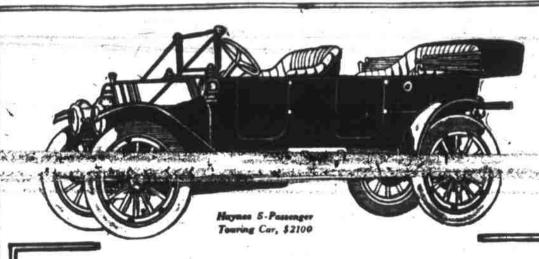
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You cannot find in the whole world a better car at the Haynes price. And the Haynes price, \$2100 for a big, beautifully constructed 40-horse power 5-passenger touring carfully equipped, is the price which many motor car authorities believe should buy the very limit of efficiency in an automobile. Thousands of satisfied Haynes owners believe it does buy full efficiency, in a

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messenger will be considered the messenger will company's agent and the stipulation The full list of opinions handed this limitation should apply, we think, the rail had apply when in response to a specific resolvent are as follows. ger for the express purpose of taking

whether she would be able to secure any one to operate if Dr. Leigh would not, etc. Justice Hoke states that "most of the testimony was di-rectly relevant as tending to show mental suffering that would naturally arise under the conditions indicated and where it was otherwise the trial judge in his clear and comprehensive charge was so careful to restrict the recovery and the effect of the evi-dence to the suffering directly at-tributable to the faiture to deliver the message and to that alone; that the jury could not have been misled. There is no error and the judgment

below must be affirmed." Three criminal cases were decided by the Supreme Court. State v. John Dunn, from Cumberland county, is a conviction for selling liquors to per-sons unknown. There is a per curiam opinion affirming the convic tion. Staté v. Sam Burno, from Richmond county, is an appeal from a conviction for selling unlawfully cocaine. Associate Justice Allen writes the opinion for the court, af-

firming the judgment against Burno In State v. Jim Garner, from Moore county, Garner was indicted under Hev. 3294 for allowing cattle to move from a quarantined area in North Carolina into that portion of the State unquarantined. Chief Justice State unquarantined. Chief Justice Walter Clark writes the opinion and states. "The special verdict finds that the defendant owned a cow which was infected with the cattle fever tick and permitted her to run at large in Hoke county, from his home line and she strayed into Moore coun-Hoke and Moore counties." It was contended that it was not shown that the defendant "wiffully" violated the rules and regulations of the United States Department of Agriculture, and therefore was not guilty.

Chief Justice Clark states, "When the defendant turned his cow out and the project of the project of the plain of the project of the plain tiff. Cecil C Wilkerson, against the defendant turned his cow out and the project of the plain of the project of the plain tiff. Cecil C Wilkerson, against the defendant turned his cow out and defendant turned his cow out and the project of the plain tiff.

moved or 'allowed to move' from infected territory across the line. Upon the facts found in the special verdict, it should be entered that the defendant is guilty

ompany, from Reaufort, no error. Itiley : Carter & Pratt, from Pen-

new trial Boynton . Heartt, from Wake; State . Funn, from Cumberland;

no error Chemical Company v. Floyd, from McLean, from Cumberland, no

Black . Consolidated Raflway and affirmed

State v. Garner, from Moore; re- tiff. State v Burno, from Richmond, no error

Thomas v Asheraft, Trom Union no error Pheeney . Hughes, from Moore; Chewning : Eason, from Anson; Yadkin River Power from Lee, affirmed.

Important Appeal From Durham Decided Yesterday: A Case Where Young Sued Theatre Proprietor for Malicious Prosecution

There was argued yesterday in the ty. It further appears that Hoke Supreme Court an Important case county is non stock law territors, from Durham, Cecil Wilkerson vs. O. and there was no fence between F. Wilkerson, appellant Manning Hoke and Moore counties." It was and Everett, Bryant and Brogden for

seven months, the supply has been Mrs. John Hodges, Boone 14,275,545, against 11,162,755 last Mr. and Mrs. G. P. Hagaman,

open and tickets stolen therefrom.

night were from \$ 00 to \$15,000 more than the receipts at the window.

When the case was a bad, the city prosecuting offers arrounced that he Rev. W. Is Bostick Shello was not read; as he had not had time free Will Sapital Chromosomer the winesses. The present plaintiff demoches an immediate E. T. Phillips. hearing or a not pros. and the re-corder suggested that if the city attorney was not read; he should take Friend, Raicigh a not prok with leave, and this Charles B. Fitts, Bear ('reck.

tother apprais stated were as follows Luvenia Holman appellant, vs. N. Robeson, reversed.

V. C. Southern Railway Company signed by Manning and Everett for M. Anderson Railway Company Signed by Manning and Everett for M. Anderson Railway.

plaintiff appellant that hrie and Guth-Greensboro National Bank vs. Carower Company, from Cumberland; olina Mutual Life insurance Co., appellant, from Guifferd submitted on brief of Geo M Patter for defendant appellant; no counsel for plain-

Hester's Cotton Statement.

New Orleans La. April 3.—Secretary Hester's New Orleans cotton Emma Councill, Boone statement, issued today shows the B. B. Coffey, Boone 1,078,846 bales, Emily Coffey. against 464,288 het vear. The move Jane Powe ment from September 1 to March 31, Martha E. Inclusive, shows receipts at all United J. C. Fletcher, Boone States ports in \$51,904, against 7. Friend, Bonne 999.553 last year, overland, across the J. H. Bingham, Hoone Mississippi, colo and Potomae rivers Mary E. Biair, Boone to Northern mills and Canada, \$13.-143, against \$10.870 last year; Bouth- Lizzie Winkler, Boone ern mills takings, exclusive of quan Martha Blackburn, Boone tity consumed at Southern outposts Wilburn Castle, Boone 1,825,000, against 1,721,000 last year Will W. Bam, Boone and in interior stocks, excess of those John Hardin, Boone held at the commencement of the Mattle E. Hardin, Bornesson 358,524, against 383,376 last B. J. Councill, Boone

These make the total movement of (the cotton crap brought into sight Lillie Dougherty, Roome during the seven months ending close of afarch 13,988,571, against 10,914, Clara Dougherty, Roome

Foreign experts for the seven Etta M. Green, Boone months of the season have been \$1.- R. M. Green, Houne 029.820 bales. 929,820 bales.

Stocks at the scaboard and the 29 Blanche Blair, Boone leading Southern interior markets on Mattie Jones, Hoone March 31, were 1.377,354, against Carrie Fletcher, Boone 958,259 the same date last year. Including port and interior town stocks left over from the previous season and the number of bales of current crop brought into sight during the

Chief Justice Carr states, "When the defendant turned his cow out and permitted her to run at large and as a result she strayed across the line into the forbidden territory, he wilfully 'allowed' her to move across the line. It is not accessary to show that he permitte her such liberty that thereby she was 'allowed' by him to move across the line. The act of turning her out, whereby she was permitted to stray, was dene purpossly and therefore wilfully 'a lin this case, it is found as a fact that the cow was infected,' but the defendant's suit does not depend on that. The regulation provides 'no cattle shall be after that the suit of the theatre had been broken that the straying the first of that the suit of the theatre had been broken that the content of the theatre had been broken that the straying the first of that the suit of the theatre had been broken that the straying the suit of the theatre had been broken that the straying the suit of the theatre had been broken that the straying the straying the present defendant was the manager of puriner. It's an excellent remedy for exercising the present defendant was the manager belong the straying the present defendant was the manager belong the straying the present defendant was the manager belong the straying the present defendant was the manager belong the straying that the straying t

R. B. GLENN WILL

Former Governors to Meet on the Platform and Glana Will

make the man and a supply of the state of th and Choice for the United States Senate Here April 12

candidates, is to be introduced

The friends of M: wish no more pleasure thato: Hearth presentation to his home projections who has also spetit a like i tion of his political correct in the Governor Glenn announced his erence for Governor Assess as months ago and his active part in North Carolina campaign this political news interesting to five.

The speaking takes place in 11.
Auditorium. It will be the fermat
declaration of Governor Aveak and
will be his first expression in the contest now well begun. Both geatlemen
are wonderful stump orators and the
introduction of theoremy them is
distinctly a feature in the opening of
the Aveock camualier. political news interesting in the

the Aycock campaign.

the three platform more than two years and has had a most successful career there. His coming back to the capital is another way of assuring the propie of the State that he is not out of politics. His administration is yet fresh in the minds of everybody, and

fresh in the minds of everyons, and like that of his predecessor, it can be pointed to with pride in every cam-paign and every real Democrat does it. Both were distinctive and entireofferent, but both had that rare strue, restricts to the people, and

In Italeigh in June These two events coming as close together will please everybods no matter what is the peculiar line-up of the party Whatever one's senatorial preference there will be joy that Governor of the will be in the careonign and will give his talents unremittingly to the sec-cess of the Democratic tokal. This te dist nelly his year for appeal. The

thend is as he has always wished to wards the people. The first speech that dovernor speeck makes is to be a discussion of occasion since 1900 when things suited his eloquence better than now He has Republicanism upon the defenatve as long as it will stand still and defend, though it is perpetually on the run. The country is secting the wrongs under a system which has risen unrestricted (ah) 1 - 6velop itsef after its own peculiar way. What it has evolved he is now ready. to show. It is his day for a special after his entire liking. Nothing suits his satire better than a word plet in of Roosevelt, the receptive candidate, and Taft, the judge, in subfilet or what the one gave to the other and now wants to take back

will see to the crowd. The Auditorist to hear the two great ex Governors. The characteristic hear the two great ex Governors. The includite securing of a great of the city seaterday morning when a studie night is not doubted. The State pieces said to the people and of that a hear he he had some words with his wife, the hecause it gets a line on what is to the people of the State. The prophetic security interested in the exent. It is a wonderful tribute to Len hecause it gets a line on what is to the people of the State. Many of the controller's restrictive leader to the people of the State. Many of the security in the people of the State. Many of the people of the State of the second of the second the people of the state of the people of the state of the city seaterday morning when deputy Saunders brought Edwards to Wask fail to await a hearing. It is a wonderful tribute to Len had some words with his wife, the nature of these words not being the to see Vilanta's thristian business. The people of the State of the city seaterday morning when deputy Saunders brought Edwards to Wask fail to await a hearing it was the city seaterday morning the three with the people of the city seaterday morning the power of the city seaterday morning to the three with the people of the city seaterday morning to the three was a tribute of the city seat

CHINESE NUFFERERS.

The following contributions have treasurer, for the aid of thuese fam-ine sufferers since last report ree Will Baptist Church Greens County, N.C. through Baptist Sunday School Incide

Shoais, through E. A. Morgan Mrs. J. E. Greene, Route No. 5. Raleigh . Friends, through Christian Sun.

M. Anderson, Ruleigh Mrs. J. N. Cole, Radeigh J. Bruce Thompson, Goldshore E. S. Coffey, Boone Sheriff Ragan, Boome Mattie Curtis, Boons Selma Curtis, Boone . . . F. P. Curtis, Boone Carrie Farthing, Boone

W C Coffey Boone Rev. E. F. Jones, Boone D. D. Coffey, Boone J. W. Farthing, Boone The move- Jane Powell, Boone

Mattle E. Hardin, Boone Friends, Boone

Roy M. Brown, Boone

Dolphus Cook, Boone Appalachian Training School. through Mrs. Moore and Miss

Michael POR MURDER COMMITTED THIRTY-SIX YEARS AGO

Atlanta, Ga. April 3.—Governor Jo-seph Brown has signed requisition papers for the return of Closro C. Dog-gins, who will be brought to Georgia to face a charge of murder committed It town, where he is said to be considered an able citizen. He is wanted in the connection with the murder of Shering to Italiancero, of Harakon county, Ga., in thirty-six years ago. Doggins was lo-cated a few days ago in a small Texas

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Brown Ayres, President.

or Glenn is to preside temperarily over the State Democratic Convention in Radeigh in June These two SHOT HIS WIFE

The Atlanta Plan of Getting Dr. Lonnie Edwards, Who Lives Broughton Back May Bring One of the Meetings Here

den. Age, of Atlanta, who has been here the past several data left are It is Said He Was Brunk at the Time Democratic bears and he hasn't had ink as he left on inferesting intertion a portion of which concerns

> Laleigh a great deal His paper was in part man that it leads a trought to realize the his drunken stuper Lonnie Edwards.
>
> American mouthpless it corress his latent to miles from Raleigh, near members on the other and and a set in the miles from Raleigh, near sermons on the other ade and an to Edwards' Mill, shot and painfully inthe getting material for the closing. The shooting was done with a stendard of fig. Broughton's result in callifer gun and the ball took effect reents of fig. Broughton's result in the lower part of Mrs. Edwards' in the lower part of Mrs. Edwards' who was attended by Preident to it. I pahawa out here was jured his wife Entergle and expectally his appear. In the loans, here had Sunday and at Shaw shoulder fully rade Mo-

of April 17th. In addition to the per-of April 17th. In addition to the per-ple of the county and the city it is taking on southwide proportions ple of the county and the city it is taking on southwide proportions known that many will come hers. Some of these shelwart men who love from other towns.

Some of these shelwart men who love that they between tinjury.

Edwards will be given a hearing from other towns.

The county and the city it is taking on southwide proportions her present injury.

Edwards will be given a hearing from other towns.

The county and the city it is taking on southwide proportions her present injury.

Edwards will be given a hearing toye their gold are back of a man, within the next few days and at that moth plan to plant a chain of the time the full particulars of the shoot-1 7 68 Casion of his annual visits to this country. They will be cludely of the orthodox, evangelism and applied 2 00 minutes are in the second of the standard of the country of the coun The following contributions have the leading centres of influence in been received by Mr. Joseph if Brown the South over all of which browners, for the aid of threese fam. Rroughton will preside on the oc-

with such marveleus success in At-lants and of course it is contem-plated that one of these great annual unferences be established in Linleigh the boxhood home of the great Rall eigh Atlanta London preacher

CLAIRVOYANT DUPES

a chirvoyant Sanday and gave to her strength outference solely and those a charvoyant Sanday and gave to her strength of the series who are there are among the most the seciety weman returned to the form the seciety weman returned to the form the second of the second information she had not seeking and the diversor fendly of the State of Addama. He will return to the city teller die for id a serie of other position for people whose quited bases of from \$10 to \$100. The latternant for his own campaign which form \$10 to \$100. The latternant for his own campaign which had appeared.

About Five Miles From Rafeigh, Fired on His Wife Inflicting Painful Injury

-shooting Besult of a Quarrel-Mrs. Edwards Shot in Shoulder-Wound Not Very Serious-Edwards Brought to Baleigh.

With the ball removed. He by that her injury, while of Hoosevelt, the receptive cardidate.

All Lindow spoke at Rings treet stated seat/day that her injury, while and Taft, the judge, in suitful, if the lindow spoke at Rings his lecture that rainful, is not of a very serious naviation one give buck.

The friends of Governor Avoick twice and cones back soon again will see to the crowd. The Additorious for the spoke and cones back soon again. The shorting occurred about ten or lock Tuesday night and the beautiful for the course of the occurrence reaching the spoke at the lated powe of the occurrence reaching the spoke at the lated powe of the occurrence reaching the control of the course of the occurrence reaching the control of the c

terest him book from England every beace of House Creek township, and
The speaking will begin at a clock spring as its director. And same live is well known in that part of the
April 17th. In addition to the per-litrogaphon left Albaha the movem or county. She has many friends who
a of the county and the city. It is is taking the county and the city.

Aycock Will Speak There This Evening to Southern Educational Conference in Sessession Now

PROMINENT PEOPLE How Charles H. Aycock left yes ter-ine afternoon for Birmingham, Rome, Ga. April 2. A diligent Ala where he will today address the search has been instituted here for Southern. Educational. Conference

Martel, a characterial libers for Southern Educational Conference Martel, a characterial libers for liber from in session there.

The characterial prominent produced this five cone Axcock was invited to place out of some of money which it is thought will total 1.000 to of his great work as an educational extra heaviest lowers is said to be a prominent local society woman who requestions in large measure for his local status. being railed there. at \$1,000 being called there. It is an educa-This woman it is clamed, consulted themsel conference solely and those

information she had been seeking and by discernor (CNelli of the State of other States have been necessarily de Horralitaral imposters in Wash, clined on account of the hard work ington, oregon and blahe report that before him. He felt in fine shape for there are 15,000,000 growing fruit the trip yesterday and expressed the there are 16,000,000 growing fruit the trip yesterday and expressed the trops in those States 5,744,257 of belief that he will be in growingly better shape when he returns.

GAS, DYSPEPSIA, INDIGESTION AND ALL OTHER STOMACH MISERY GOES

Relief in five minutes stipution, Griping, etc. Your case to awaits every Stomach sufferer here.

if your meals don't fit comfortand you believe it is the food which fills you; if what little you eat lies if there is difficulty in breathing after for five minutes after taking a single dose that Fermentation and sour belching of gas, you can make up

no different you are a stomach suf-ferer, though you may call it by some other name, your real and only trouble is that which you est does not digest, but spickly ferments and sours, producing almost any unhealthy condition.

A case of Pape's Diapepsin will cost fifty cents at any Pharmacy here,

beiching of gas, you can make up your mind that you need something to stop food fermentation and curs indirection.

To make every lifte of food you eat aid in the nourishment and strength of your body, you must rid your stomach of poisons, excessive gas and stomach of poisons, excessive gas and stomach of poisons, excessive gas and stomach gas, which sours your entire meal—interferes with digestion and causes so many sufferers of Dyspessia, sits, and digest promptly any fuse or discounters.