

JUSTICE AVERY. It is indeed gratifying to his friends here to read the many complimentary references by the press of the State to Justice Avery, upon his retirement from the Supreme Court bench. We are proud of the reputation he has made and Burke is more than glad to claim him as her son. The Charlotte Observer of Sunday says:

It was noted in our Raleigh correspondence yesterday that with the adjournment of the Supreme Court for the holidays, Justice Avery retires from the bench, his term having expired. The event is one worthy to call forth regret from all the good people of the State. Judge Avery is a very able man and a thoroughly finished lawyer and judge. Any good lawyer in the State will say that he is among the ablest men who have sat upon the bench in North Carolina in half a century. As a judge of the Superior Court he demonstrated such capacity and the judicial office that promotion came naturally. As a justice of the Supreme Court he has more than ever sustained his reputation; more than justified the best expectations entertained concerning him. He has had a high conception of the responsibilities of his great office and a keen appreciation of what was due to the public from one occupying his station. He knows the law and in any case his native wisdom has led him to a just and logical conclusion. With a natural fondness and aptitude for politics, he has, upon the bench, been a lawyer and a judge, pure and simple. No power on earth could or can swerve him from what appears to him to be right. Able, well-balanced, deep, clear, honest, conscientious, just, he has been the ideal judge and the State, in losing him from the bench, loses much. Of the man as a man anything good might be said with truth. Brave and honorable, gentle as a woman, without malice, open, sincere, he wears a worthy and distinguished and an honorable name, one which has long adorned our annals and been intimately associated with our best history and traditions. The people in the State have learned to revere him as a judge and their best wishes will follow him into private life.

As will be seen from a clipping in another column, Mr. C. B. Moore, Republican, of Asheville, has been appointed clerk of the Federal court at Asheville, the place having been vacant by the death of Mr. R. O. Patterson. Along with many Republican applicants, there were a number of Democratic candidates for the position, but as the Asheville Citizen remarks, "it made little difference whether there was one or many Democratic candidates for the clerkship, as the naming of a Republican was a foregone conclusion. Democrats may, with the same probability of success, announce themselves candidates for Collector and Postmaster after March 4th. Unanimity or discord among Democrats are alike disregarded by Republicans when they have places to give to their partisans."

A Handsome Compliment to Our Townsman Mr. C. F. McKesson. Frankly Times. Rarely is there accorded to any community a purer pleasure than that enjoyed by the large assemblage of the people of Louisiana and many others, in our Opera House on last Sunday afternoon, at 3:30 o'clock, there assembled to listen to an address upon the Holy Bible by Mr. Charles F. McKesson of Morganton, N. C. The scene in its many striking features was indeed a most inspiring one. The large room, floor gallery and stage, crowded by a very large and appreciative audience, the full choir of fifty voices accompanying the sweet tones of the organ, all led by an accomplished Precentor, the undivided attention during the delivery of the entire address for over an hour, the fine presence of the speaker, while the address itself was a classical gem lit up by rays of pure spirituality, reflecting the delicate and well shaded light of Mr. McKesson's keen appreciation of his Blessed Theme—these were some of the more striking features of the rich entertainment. It is not, in any sense, too much to say, that our people will be only too glad to welcome Mr. McKesson again among us, whether he comes to give us another lecture or in his charming role of the cultured Christian gentleman to visit us socially.

S. M. FINGER DEAD. He Passes Away at His Home in Newton Special, 20th, to Charlotte Observer. Maj. S. M. Finger died this morning at 7 o'clock and the burial service will be held tomorrow at the German Reformed church, of which he was a faithful, consistent and valuable member. He had been ill for only a few days, but last evening about 6 o'clock suddenly took much worse, from which time the worst was feared by friends and the attending physician. He never rallied during the night. Maj. Finger was a worthy member of the Masonic fraternity, a consistent Christian, an educated gentleman and a valuable citizen. His death has cast a gloom over this town, where he will be greatly missed.

WASHINGTON GOSSIP. What is Being Talked About at the National Capital During the Congressional Recess. From Our Regular Correspondent. WASHINGTON, Dec. 28.—Congress not being in session, the tariff barons who were in and around the ways and means committee room at the capitol, in which Mr. Dingley and his republican associates on the committee today began the public hearings upon the several schedules of the proposed new Dingley tariff bill, were the centre of attraction. The schedule upon which today's hearings were based was that embracing spirits, wines and other beverages. The republicans had expected that the South would be largely represented among those asking for favors under this schedule, but they were disappointed. The next schedules to be taken up will be that of cotton goods, followed by that on sugar and molasses.

There seems to be a general disposition to misunderstand the issue raised between Congress and the President by Secretary Olney when he said that the President would not obey a joint resolution, even if passed over his veto, directing him to recognize the independence of Cuba, because the President alone had the right to decide such questions. It is not contended by the Senators who will oppose Secretary Olney's position that the President has not the right to recognize a new state without reference to Congress; on the contrary, they freely concede him that right. They claim, however, that a joint resolution of Congress when it becomes a law, whether by ordinary methods or by being adopted by a two-thirds vote over the President's veto, is just as binding upon the President as any other law. In other words, that while the President may exercise his discretion as to recognition in the absence of congressional action, it is in the power of two-thirds of Congress to compel him to obey its behests, in recognizing the independence of a new state, as well as in anything else. The claim that Congress wished to deny the President's right to act independently of it in recognizing a new state has been put forward to muddle the question. The question will not be settled soon, anyway, as the Cameron resolution for the recognition of Cuba hasn't the slightest show to get through the House, and will be fought stoutly in the Senate.

The announcement that Representative and Senator-elect Moore, of Mississippi, who is a member of the House committee on foreign affairs, had taken advantage of the congressional recess to go to Cuba for the purpose of making a personal investigation of the situation, has caused much gossip in Washington. While everybody knows that Mr. Moore means well, there is a disposition to regret the publicity which has been given to his trip, because it looks like a reflection upon our State Department and its agents in Cuba.

Confidential agents of the Wana, maker and the Choate senatorial friends of McKinley in order to get him to throw his influence on their side. But they have not succeeded. While there is little doubt that most of the original McKinley men would rather see Wanamaker sent to the Senate from Pennsylvania than Quay's man, Penrose, who, by the way, is being supported by the National A. P. A., and Choate instead of Platt, but they cannot see a good enough chance for either to win to advise McKinley to take a stand that would make Quay and Platt the open enemies of his administration.

Hon. Wm. S. Holman, of Indiana, whose familiar face and rigid views on government economy have been missed from the present House, has been elected a member of the next, and is more determined than ever to live up to the reputation he made as the "watchdog of the Treasury." When the republicans take the first step towards an increase of extravagance by the introduction of a new tariff bill, at the extra session, that will furnish more money to be spent, it will make a speech, in which, if he cannot prevent extravagance, he will at least attempt to make it clear to the people that it exists, under present expenditures; he will also endeavor to show that the expenditures of the government should not exceed \$350,000,000 a year, and that if they were reduced to that amount the present tariff would produce an annual surplus of \$100,000,000, which could be applied to the reduction of the bonded debt.

The Pacific railroad lobbyists are so uneasy about the prospect of the funding bill to come up in the House, January 7th, that they have followed Representatives out of town in order to talk to them in favor of the bill during the recess. The opponents of the bill are also active, and the four days it will be under discussion in the House are not at all likely to be dull.

WHITE HOUSE SANTA CLAUS. Glad Time for Ruth and Esther and Their Little Friends. Washington Post, 26th. Christmas was celebrated in a joyous, homelike fashion at the White House. The children not only of the President, but of the entire cabinet, circled high carnival in the White House library. A noble fir tree stood in the center of the big semi-circular room, so tall that it touched the lofty ceiling, and so thick and broad that it almost filled the large room.

Until late in the night many willing hands had worked, under Mrs. Cleveland's direction, in beautifying this Christmas tree, and as it stood yesterday morning, when the bright sun of Christmas Day shone upon its tinsel and gifts and sparkled on the artificial snow and the pedant icicles and betrayed some pretty toy or knickknack concealed in the thick foliage, it was a tree worthy of the White House. The children were early awake—indeed, even before most of the servants—and were soon piling over the presents that lay piled up around the foot of the tree and over the contents of their stockings, which were generously filled by Santa Claus.

After breakfast the visitors began to arrive, children of the members of the cabinet, and the Christmas merriment was fairly begun. There were presents for each of the little ones from Mrs. Cleveland, and in turn most of the visitors brought pretty tokens of remembrance for the Cleveland children. Esther and Ruth, who have gotten along nicely in the study of German, gave some pretty recitations, and there were some Christmas stories told and some Christmas carols sung.

The President and Mrs. Cleveland exchanged presents, as has been their practice ever since their marriage, and all of the employees of the White House received some appropriate and useful token of esteem.

A Brilliant School Entertainment. Correspondence of The Morganton Herald. The head of North Cove is encircled by a crescent of mountains, and high on their precipitous slopes the bare trees form a gray veil through which you see the brown leaves upon the earth. These are crowned with great frowning rocks that look down, in mystery and wonder, upon the little valley below, where nature and beauty combined to adorn and beautify the landscape.

On the night of Christmas Eve this little sequestered spot was the scene of happy hearts, musical voices and eloquent tongues. Miss Nannie McCall, the charming daughter of Mr. Sam McCall, of McDowell, associated the closing exercises of her school with a Christmas tree entertainment.

The boys and girls had been so beautifully drilled that their songs and recitations filled the hearts of their parents with delight. It has never been my pleasure to see a lady on the floor who introduced her pupils with more grace and fluency than did Miss McCall.

Her manners are as beautiful as the flowers, as gentle as the wane of a fair moon, and as tender as the dawn of May. We would cheerfully recommend her as a most fit person to train boys and girls. At the close of the exercises, Rev. Pink Shell, of Mitchell county, and myself had the honor of addressing the house, touching the origin and objects of Christmas.

Then came the distribution of presents. The tree was a royal holly, and over its green leaves and red berries, gaudy handkerchiefs and ribbons, while rich wares glittered in the light of its burning tapers and numerous candies and toys, for the dimpled darlings, nestled in every little cleft of its boughs. The joy with which the gifts were received, and the content that followed, reminded me of the mountain torrent that laughs and rattles over a long succession of boulders, and then rests in a long, crystal pool below, with shining sands in the bottom.

Examination of Teachers. Hereafter the examination of teachers in Burke county will take place at the Court House on the first Monday in January, April, July and October. The examination in all cases will be written and will probably require two days. No old certificates will be renewed. All who come will have to stand an examination, and the standard must be raised. The fee required by law is \$1.50, except in July, when it is \$1.00. Respectfully, R. L. PATTON, Morganton, N. C., Dec. 21, 1896.

FOR SALE. LOT No. 5 of the Shipping, or Walton, Block in Morganton. This is a valuable lot and well situated and can be bought cheap by applying to WESCOTT ROBERSON, Chapel Hill, N. C.

NOTICE OF PETITION. NOTICE is hereby given that a petition will be presented to the next General Assembly of North Carolina asking for a charter incorporating Hillbrand, in Burke county, on the Southern Railway, five miles east of Morganton. J. F. MILLER, Dec. 28, 1896.—4t.

Mortgage Sale of Land. BY VIRTUE of a mortgage executed to the undersigned on the 13th day of July, 1895, in favor of the undersigned, and registered in Book B No. 2, I will, on Monday, the 25th day of January, 1897, at the Court House door in the town of Morganton, N. C., sell to the highest bidder, for cash, the following described premises, to-wit: A certain tract of land, situated in Morganton township, Burke county, North Carolina, and containing 58 acres, more or less. For a full description of said land, reference is hereby made to said mortgage. Said land is subject to a mortgage on the part of said E. W. Williams and wife to the undersigned, and will be sold subject to said mortgage. This December 28th, 1896. M. M. SNIPPER.

Sale of Lots for Town Taxes. BY VIRTUE of the power conferred upon me by the charter of the town of Morganton, I will, on Monday, the 4th day of January, 1897, at the Court House door in Morganton, the following described lots, which the taxes are due for the year 1895. Sale will be made in full of land for taxes. The following is a list of those due, with the amounts of tax and costs of sale: M. S. Silver, one lot on King street, taxes \$12. George Hapgood, one lot on Rutherford road, taxes \$48.88, cost \$1. W. HAPGOOD, Town Tax Collector. Dec. 1, 1896.

Sale of Sharp Caldwell Land. BY VIRTUE of a power of sale contained in a mortgage duly executed to the undersigned by Sharp Caldwell and wife, Louisa Caldwell, dated November 10th, 1895, and registered in the Register's office of Burke county, I will, on Monday, the 25th day of January, 1897, at the Court House door in the town of Morganton, N. C., sell to the highest bidder, for cash, the following described premises, to-wit: A certain tract of land, situated in Morganton township, Burke county, North Carolina, and containing 50 acres, more or less, and fully described in said mortgage. Terms of sale cash. This 28th day of December, 1896. McCONNAGHEY & GOODSON.

Sale of Samuel Caldwell Lot. BY VIRTUE of a power of sale contained in a mortgage duly executed to the undersigned by Samuel Caldwell, dated November 13th, 1895, and registered in the Register's office of Burke county, I will, on Monday, the 25th day of January, 1897, at the Court House door in the town of Morganton, N. C., sell to the highest bidder, for cash, the following described premises, to-wit: A certain tract of land, situated in Morganton township, Burke county, North Carolina, and containing 50 acres, more or less, and fully described in said mortgage. Terms of sale cash. This 28th day of December, 1896. McCONNAGHEY & GOODSON.

Sale of Land for Partition. BY VIRTUE of an order of the Superior Court of Burke county in the case of Silvia Pearson, et al. vs. John Dale, the undersigned commissioners will offer for sale at the Court House door in Morganton, on Monday, January 13th, 1897, at 12 o'clock M., the following described land for partition among tenants in common. Description:—All that tract of land supposed to contain 16 acres lying on the west side of the old public road leading from Morganton to Rutherfordton, which belonged to the late M. Avery tract bought by J. T. Patterson, and by him sold to Lafayette Pearson. This land adjoins lands of R. K. Frensell, Sidney Jones, and British and others. Terms, 50 per cent. cash on day of sale, and balance in six months, secured by good notes. L. T. AVERY, W. S. PEARSON, Commissioners. Nov. 28, 1896.

Sale of Elisha Berry Land. BY VIRTUE of an order of the Clerk of the Superior Court of Burke county, made in the special proceeding entitled Teri Abee, administratrix of Elisha Berry, vs. Wm. A. Berry and others, I will sell at public auction on Monday, the 1st day of January, 1897, the following described parcel of land, lying and being in the county of Burke, State of North Carolina, to-wit: A certain tract of land, situated in the county of Burke, State of North Carolina, and containing 100 acres, more or less, and fully described in the order of sale. Terms of sale, 20 per cent. cash, balance in six months, secured by approved security, to-wit: title retained until purchase money is paid in full. This December 21st, 1896. TERI ABBE, Adm'r of Elisha Berry.

Sale of Navey Land. BY VIRTUE of a power of sale contained in a mortgage duly executed to C. M. McCall, of Navey, and wife, on the 25th day of February, A. D. 1893, and registered in the Register's office of Burke county, in Book X, pages 68, 69 and 70, I will sell at the Court House door in the town of Morganton, N. C., on Monday, the 1st day of January, 1897, the following described piece of land, lying and being in the County of Burke, State of North Carolina, to-wit: A certain tract of land, situated in the County of Burke, State of North Carolina, and containing 100 acres, more or less, and fully described in the mortgage. Terms of sale, 20 per cent. cash, balance in six months, secured by approved security, to-wit: title retained until purchase money is paid in full. This December 21st, 1896. TERI ABBE, Adm'r of Elisha Berry.

Sale of Valuable Farming Lands for Partition. BY VIRTUE of an order and decree of the Superior Court of Burke county, made in the case of Silvia Pearson, et al. vs. John Dale, the undersigned commissioners will offer for sale at the Court House door in Morganton, on Monday, January 13th, 1897, at 12 o'clock M., the following described land for partition among tenants in common. Description:—All that tract of land supposed to contain 16 acres lying on the west side of the old public road leading from Morganton to Rutherfordton, which belonged to the late M. Avery tract bought by J. T. Patterson, and by him sold to Lafayette Pearson. This land adjoins lands of R. K. Frensell, Sidney Jones, and British and others. Terms, 50 per cent. cash on day of sale, and balance in six months, secured by good notes. L. T. AVERY, W. S. PEARSON, Commissioners. Nov. 28, 1896.

Cotton. With careful rotation of crops and liberal fertilizations, cotton lands will improve. The application of a proper fertilizer containing sufficient Potash often makes the difference between a profitable crop and failure. Use fertilizers containing not less than 3 to 4% Actual Potash. Kainit is a complete specific against "Rust."

Trustee's Sale of Land. UNDER and by virtue of the power of sale contained in a deed of trust executed by L. V. McCall and wife, and registered in Book 1, page 514, of the Register's office of Burke county, I will expose to public sale at the Court House door in the town of Morganton, N. C., on Monday, the 18th day of January, 1897, at 12 o'clock M., the following real estate, lying and being in the County of Burke, State of North Carolina, and particularly described as follows, to-wit: Beginning at a stake on the west side of White street (A. A. Rector's N. E. corner) and running westerly course with Rector's line 101 feet to a stake; thence north 80° west 130 feet to a stake; thence north 80° west 130 feet to a stake on the west side of White street; thence with White street 120 feet to the beginning corner. Said sale made by reason of default in the conditions of said trust deed. Terms of sale cash. Dated Dec. 17th, 1896. THEODORE GORDON, Trustee. M. SILVER, Att'y for Trustee.

Trustee's Sale of Land. UNDER and by virtue of the power of sale contained in a deed of trust executed by George Hapgood to M. Silver, Trustee, on the 2nd day of January, 1891, and registered in Book 1, page 514, of the Register's office of Burke county, I will expose to public sale at the Court House door in the town of Morganton, N. C., on Monday, the 18th day of January, 1897, at 12 o'clock M., the following real estate, lying and being in the County of Burke, State of North Carolina, and particularly described as follows, to-wit: Beginning at a small black oak on the west side of said road, running south 65° east up said road ten (10) links to a stake; thence south 80° east 14 poles and 6 links to a stake on said road; thence north 22 poles and 10 links to the beginning corner. Said sale made by reason of default in the conditions of said trust deed. Terms of sale cash. Dated Dec. 17th, 1896. M. SILVER, Trustee.

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