THE MORNING POST: SUNDAY, NOVEMBER 17 1901

The Blackwell Durham Tobacco Company Will be treated as harmless error injurious to the party excepting.

udge Simonton Issues Order pany, and to pay any expenses necessari-been worth to berself if she had not for Final Settlement of Receivership--Stockholders Get a Balance

ship. It appears to the court further been injured. that out of said \$50,000 so retained by him under the order of the court as aforesaid, the said Percival S. Hill, re-the engineer in charge of the train, ceiver, has expended in the proper settle- "After you saw the child was anything ment of claims and expenses of the not uone that could have been done to administration the sum of \$26,774.59, save the child." was properly ruled out leaving in his hands the sum of \$23,- (Raynor vs. Railroad, ante) and was 225.41 to be applied to the payment of also objectionable for that the proof

The clerk of the Circuit _ Jurt in this of the shares of stock of Blackwell's if the engineer by keeping a proper ity received from Judge Charles H. Durham Tobacco Company, of which, outlook could nave seen the child in Simonion yesterday an order dismissing as it appears to the court, there are time to avoid the accident. the receivership of the Blackwell Dur-|outstanding 159,916.

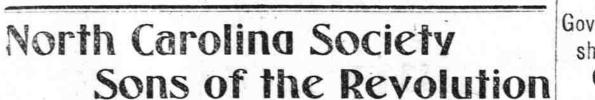
the receivership of the Biackwell Dur-ham Tobacco Company. That is, it pro-vides that Mr. Percival S. Hill, the receivershall be relieved of all liability Percival S. Hill, as aforesaid, be and that the engineer and fireman were prein the proceeding when he shall have it is hereby approved in all respects, and vented from performing that duty by paid all the costs in the case and dis-tributed among the stockholders of the company the remainder of the sum of to the clerk of the United States Cir-company the remainder of the sum of to the clerk of the United States Cir-\$23,225.41, he being directed to make cuit Court at Raleigh, North Carolina, gineer may be incidentally able to give. this distribution pro rata. The full text the costs in the above entitled suit hereof Judge Simonton's order will be of after accruing, and the balance be disin this connection. It follows: tributed pro rata among the stockholders In the United States Circuit Court, East-1 of the said Blackwell's Durham Tobacco

ern District North Carolina. Durham Tobacco Company and others. of said stock their proper proportion of sleep. Equity.

1901, in connection with his report here- that the said Percival S. Hill, upon mak- pounds,"- It's absolutely guaranteed to refere made March 25, 1901, upon the ing the payments herein indicated and cure Coughs, Colds, La Grippe, Brondirected, and upon his filing in the office chitis and all Throat and Lung Troubles.

It appears to the court that the said of the said clerk of the United States Price 50c. and \$1.00. Trial bottles 10c., Percival S. Hill, in obedience to the Circuit Court at Raleigh of the receipt at all drug stores. be of the court made on March 25, or receipts given him for their proporhas distributed among the stock- tionate part of said sum by the stockholders of the Blackwell Durham Tobac- holders to whom he makes direct payto Company all the moneys and proceeds ment, be discharged from further lia-of all the property that have come info hands, except \$50,000 which he has receivership

retained since said report and order to satisfy any outstanding claims against the Blackwell Durham Tobacco Com-



the board of managers later.

All Old Officers Re-elected- (phen A. White, Mebane; Prof. Collier Colb, Chapel Hill; Mr. Heriot Clarkson, Three New Members-Thanks to New York

Damages-Evidence-Duty of Engi-MR. BRUBAKER neer to seep Proper Lookout. The admission of irrelevant testimony via be treated as harmless error unless.

In an action against a railroad company to recover damages for disabling a child, it is competent to show what His Position, Chief Special

In such case the question proposed to

Mr. B. F. Brubaker, who has been the costs of the above entitled suit here-after accruing, with the balance to be distributed pro rata among the holders if the engineer by keeping a proper vice of the Seaboard yesterday, and A railroad company is not relieved who have been directing a similar ser- sea. vice for the Norfolk and Western Rail-

road Company. Mr. Brubaker was to have been in Portsmouth last Thursday two men in Georgia charged with rock-

Night Was Her Terror

prison. "I would cough nearly all night long," The reason for Mr. Brubaker's re-Company as aforesaid. The said receiver writes Mrs. Chas. Applegate, of Alextirement is that the office of chief spe-

George Arents and others vs. Blackwell may either pay direct to said holders andria, Ind., "and could hardiy get any cial agent has been abolished on that "That I think there is hope for his I had consumption so bad that road. In writing Mr. Brubaker of the recovery. I cut off the hair and put said sum, or he may pay to the clerk if I walked a block I would cough change the general manager referred fourteen fly blisters on him fast night. s cause came on this day before me of the United States Circuit Court at frightfully and spit blood, but, when very pleasantly to the excellent service I found that his appetite is fine, but he heard upon the record in the case. Raleigh the amount due to any of such all other medicines failed, three \$1.00 which he has rendered the road since won't touch that raw meat. One of his and especially upon the report of Perci-this further considered and decreed bottles of Dr. King's New Discovery he has been connected with the com-think he is blind in one eye. I find pany.

RETIRES FROM S.A.L.

Agent, Abolished--Was a

Popular Official--Suc-

ceeded by Baldwin

Bros.

Mr. Brubaker's work has extended cine. It makes him howl. His tongue over the entire system and while he has looks as if it had been put through a been careful and vigilant in the dis- wringing machine. What does he want tion of health to all atmeted with loss in every instance the same wondering

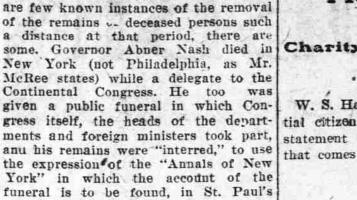
charge of the duties devolving upon him me to do?" he has nevertheless won the highest "He says to let the patient alone un- case was a most pitiable one, nightly case, so he now says he will send every esteem and friendship of the employes til he gets downtown. By the way, Mr. is Blank, I don't know your patient, but it high and low, and there very general expressions of regret that must be a sad case." "Yes., said the little man as if lookhe is to sever his connection with the

he spoke very pleasantly regarding his and Express. relations with the Seaboard people-of-

ficials and employes-and expressed re- "I am sorry I kept you waiting so gret that he will soon have to leave Ra- long, Henry, dear," murmured the wife leigh. Both he and his charming daughter have made many friends here who

a similar position with a company in Misses Rosa and Carrie Broughton left Governor Aycock on yesterday grant- California and also another from Illied' three pardons, one to J. S. Cren-shaw of Mecklenburg county, who was serving a six months sentence on the before accepting the nosition with the serving a six months sentence on the

serving a six months sentence on the before accepting the position with the delegates to the convention of the general society which meets in Washington April county roads for shooting and killing a Seaboard,



churchyard. He died Saturday, December 2, 1786, and was interred the next week, yet there can be no reasonable chief special agent for the Seaboard Air doubt that --- remains now rest at Line, with headquarters at Raleigh, for Pembroke on the Trent river, if the the past six years, retired from the ser- tradition of his immediate family in and about New Bern are to be relied upon. leaves for Portsmouth Monday to turn Hermetically sealed lead coffins were over his ork to the Baldwin Brothers used and the remains were conveyed by FRANK NASH. Hillsboro, N. C., Nov. 16.

him and his memory, and though there

A little man recent; walked into a

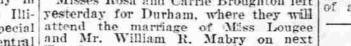
but was engaged in the prosecution of dry goods store and said: "I do not know how to use the teleing a train and could not leave. The phone. Will you please call up this

two men, by the way, were both con-victed and given two years in the state "Here is the number., What shall I say to the doctor?"

"Tell him that his paralyzed patient is walking around this morning. "Yes."

that there is no use in giving him medi-

as she entered, ready for the theatre. 'It took me so long to put on my coat." "Did you put on only one coat?" he



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MONUMENTS

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Yarboro Kouse Saloon,

RALEIGH, N. C.



some. Governor Abner Nash died in Charity, the Noblest Impulse of Man, Exemplified by Well Known Missourian.

SENT FREE TO ALL MEN!

W. S. Harter, an honored and influen-, Harter, being a very conscientious m tial citizen of Nevada. Mo., makes a thought perhaps the remedy may n statement and an overgenerous offer that comes in the shape of a proclama-gave fifty sufferers the treatment, and



of vitality and its kindred ailments. His results were experienced as was in his emissions so draining and his constitu- sufferer of this death-dealing disease tion was weakened to such a degree that Lost Manhood and its kindred alim was impossible for him to perform absolutely free, the means which di his duties. He spent hundreds of dol- rected him to health and contentment was at one time the fins t collie that he lats for remedies and to specialists, but At Nevada, Mo., there is located State was seen last night and ever cracked a bone."-New York Mail the awful nightly emissions. One day present about 700 patients; Mr. Harter a brother lodge member called his at- claims that upon good authority he is ention to a remedy, in fact, implored informed that about 75 per cent of these Mr. Harter to take the remedy for his unfortunates lost their minds through affliction: he did so, and in one month's Lost Manhood, and the awful drainag time was entirely cured, his constitution brought upon them, through nightly rejuvenated and his Gitality regained. emissions. With this awful picture even Today he is a man in every sense which before him, he believes it is his duty to will regret very much for them to leave. It will probably be two weeks or more before they leave Raleigh finally. Mr. Brubaker can not say just yet what he will do. He has a proposition to take a similar position with a company in of all those afflicted as he was. Mr. charge, this wonderful knowledge.



ENCY EXTENDED

Governor Pardons J. S. Crenshaw of Mecklenburg and Chas. B. Mehagan and Jno. P. Mallett of

Edgecombe

neighborhood by lawless persons in

Crenshaw went out in his patch one

Commissioners Weddington and Mr. W.

C. Dowd editor of the Charlotte News.

The pardon of Mehagen and Mallett in

Charlotte; Mr. A. B. Andrews, Jr., Ra-The society decided not to elect the

watermelon thief, and the other two to 19 next, but they will be appointed by Caarles B. Mehagen and Jno. P.Mallett

Three new members were elected dur- who were convicted in Edgecombe coun-

ing the meeting. They were Mr. Palmer ty of conspiracy to defraud creditors.

Coble of Chapel Hill, Mr. Albert Hair- The facts in the J. S. Crenshaw case

CHARLES H. SIMONTON, Circuit Judge. November 15, 1901.

Society--Resolutions Adopted

gles Brown of Colorado Springs, Col., were that numerous depredations had and Dr. F. M. Clark of Beaufort. The North Carolina Soclety of the A resolution was adopted thanking the sons of the Revolution met Friday after-toon in the office of Col, Thomas S, loving cup presented to the North Caro-Cronshaw went out in his patch one Kenna and re-decied all the old officers, lina society some time ago. idepted several important resolutions and The secretary was requested by reso- night taking his gun with him, to keep lected three new members. The officers lation to gather such historical docu- guard. He saw three persons enter the re-elected are as follows. ments as may be deemed worthy of patch and was afraid to try to arrest

President-Dr. P. E. Hines. Vice-President-Col. Thomas S. Knan. by the secretary later if the society one while he was in the act of stealing Secretary - Mr. Marshall DeLancy deems if expedient. Haywood

Registrar-Prof. D. H. Hill.

(Reported by Jos. L. Seawell.)

J. R. Raynor vs. W. S. C. Railroad

Co., appellant. (From Cumberland.)

As drunkenness and soberness are

Under The Code practice, judgment

endered against several defendants may determine the ultimate rights of

the parties as between themselves and,

where, in an action upon a promissory

note, one of the defendants, who was a co-obligor, tendered an issue (which

was raised by the pleadings) as to,

it was error to refuse to submit said is-

both defendants for the amount of the

liable to rapid and frequent fluctuations,

o'clock in the afternoon is '

the same day.

in the answer.

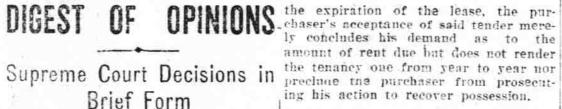
the plaintiff.

note.

Appeal.

ment-Practice.

Transurer-Mr. Herbert W. Jackson. mington, a copy of the "Dickson Chaplain-Rev. Robert Brent Drane. tess" recently published by him. Board of Managers-The officers named | The society rescinded their former ac- to kill but only wanted to frighten the above, ex-officia, and Caut. S. A. Ashe tion rejecting the proposed amendment crowd out of his patch. This pardon chairman). Mr. Graham Daves, New concerning the basis of representation was recommended by the prosecuting Bein: Mr. George B. Curtis, Enfield: in the general society, and the amend- solicitor, the jurors who declared that Col. Julian S. Curr, Durham; Mr. Ste-|ment was then formally adopted.



y concludes his demand as to the amount of rent due but does not render ing his action to recover possession.

The secretary was also directed to pro-

J. S. Carr vs. J. W. Smith, appellant, (From Durham.) Evidence-Co-sure- justices of the peace in the county exties-Counterclaim.

Where a witness has been questioned concerning a matter collateral to the issue evidence can not be introduced to dead, 117 county officers, 750 good citevidence that a person was drunk at 4 contradict his answer. The exception izens, 55 ex-county officers, the sheriff, 'missible to the rule where the collateral matter register of deeds, treasurer, coroner, to corroborate evidence that was tends to show the temper, disposition drunk at 11 o'clock in the forenoon of or bins of the witness, does not apply where the witness'is a party to the ac-

A defence which can not be main-Where, upon the trial of an action to tained by denial of allegations in the complaint must be set up as new matter recover amount paid by plaintiff as co-surety with defendant, defendant set Where, in an action against a rail- up a counterclaim for an amount paid road company for wrongfully ejecting to the plaintiff by third party in which

a passenger, the force used is material amount defendant had an interest and to the quantum of damages, it was plaintiff's reply admitted said payment proper to exclude the question whether but alleged that action had been unnecessary force was used in ejecting brought against plaintiff for its recovery. but introduced no evidence in support

thereof, it was error to refuse the in-W. L. Parrish and Wife vs. P. C. Gra- struction that if the jury believed all ham, receiver, et al., appellants, the evidence they should allow the de-(From Durham.) Co-obligors-Judg- | fendant's counterclaim.

made

W. R. Clement et al, appellants vs. H. B. Ireland et al. (From Davie) Judgment-Judicial , Sales-Excusable war of 1812 and similar historic events . eglect.

A final judgment obtained by mistake, She moved here from Granville county inadvertence, surprise or excusable ne- some time ago and had perfect sight and glect may be set aside by motion in the hearing up to the time of her death.

to defraud creditors.

cause within one year. In the absence of consent of parties, whether he was supplemental surety, it is contrary to the regular course of the courts to confirm a judicial sale at will meet in regular communication Mon-

The purchaser at a judicial sale has Martin Jerman vs. J. W. Gulledge, ap- no independent rights before sale is incidental expenses of the lodge. Brethpellant. (From Anson.) Practice- confirmed.

The Judge was authorized to set aside are cordially invited to be present. W. W. PARISH, W. M. 'the appellee's motion in the Supe- judgment of confirmation upon the E. B. THOMAS, Secretary. rior Court to dismiss an appeal from a ground of irregularity, surprise and ex-

Justice as agreed between counsel, and and confirmed; that the price bid was vens on "How to Teach Some of the Fundamental Facts of Bacteriology to Joseph Hewes' Grave that appellant was guilty of no laches, inadequate; that defendant was pre-T. H. Vanderford et al vs. J. Q. Fore. cluded from filing affidavits to oppose Any Class Without Apparatus," and a man et al, appellants. (From Rowan.) confirmation or securing an increased Tender Under Section 1773 of The bid and has since deposited an amount of the most famous scientists. All are To the Editor of The Post. Tender Under Section 1773 of The bid and has since deposited an amount cordially invited. I notice Mr. Stone's letter from Benton in this (16th) morning's Post. The ten per cent in excess of the bid and Code. fact of Mr. Hewes' death and burial in Where, in an action by the purchaser gave notice at the confirmation that he CROSS & LINEHAN, You Know What You Are Taking of leased premises to recover possession would move at the next term to set Philadelphia is slight coincidence that thereof after expiration of the lease, aside judgment of confirmation. When you take Groves' Tasteless Chill his remains are not now at Hayes. Mr. Tonic because the formula is plainly Hewes was a wealthy man and his the lessee tendered the purchaser, un- Carrie Jeffries, by next friend printed on every bottle showing that it neighbors and friends at Edenton, esder section 1773 of The Code, an vs S. A. L. Railroad Co., appellant. printed on every bottle shown emount "as rent for the premises" since (From Franklin.) Harmless Error- form. No cure, no pay; 59c. Up-to-Date Clothiers and Furnishers is simply iron and quinine in a tasteless pecially the Johnstons, were devoted to

FAYETTEVILLE

been committed on the farms of that Damage Suit Knocked Out-Contemplated Changes in the Market House

Correspondence of The Morning Post. Fayetteville, Nov. 16.

preservation and that they be published them. He fired on the men and killed In the Superior Court at Lillington, yesterday, Jones was nonsuited in a a melon. Crenshaw was a respected cure from Mr. James O. Carr. of Wilcase for damages brought against the Atlantic Coast Line on account of mington, a copy of the "Dickson Let- good standing and it was certified beanguish of mind and loss of the serfore the Governor that he did not intend vices of nis son. This was a kind of supplement to the suit brought against the railroad company by two lads, Jones and Warren, for false imprisonment, they having been arrested for

the prisoner would not have been constoning a train. The lower court gave victed had it not been understood that them \$2,000 damages, which was rethe Governor would pardon him, several versed by the Supreme Court.

hundred of the best citizens of Meck-There was a mistrial in the case of lenburg county, pastor of the church Mr. King, who is sueing for the pos of which Crenshaw was a member, Sensession of the land on which nearly all ator Alexander, Chairman of the County

the town of Dunn is situated. It is in contemplation to make sweeping change in the market house building of this city, by remodeling the

Edgecombe was asked for by all the lower part for fire department and police headquarters, transforming the cept targe, the school committeemen. city hall above into an historical mucounty board of education, county supseum and removing the unsightly butcherintendent, nine grand jurors, all the

petty jurors except one, who is now er stalls to another location. Part of the cargo received here yes JOHN T. QUARLES, Sole Agi., terday by the steamer Hurt was 20,000 cocoanuts, consigned to the Armfield Wholesale Grocery 'Co .- probably the

senator and representatives. largest number ever received in this 'ine two men were convicted of defrauding the Woolard estate of \$6,000 city at one time.

Eliza Cain made an unusual complaint and sentenced for two years. The case before the authorities yesterday, acand they began their sentence about cusing her neighbor, Ann McKethan, of _as been fought through all the courts Gerrette Williams Co. Diitillers, Bal-tin or , Md. two months ago when the United States poisoning her chickens by giving them salt and heads of matches in their Supreme Court affirmed the lower court.

These are the only two men ever con-Last evening Miss Lizzie Brady gave victed of the offence for which they were sentenced that of conceiling goods a pleasant entertainment to her friends

The official list of the premiums of the Cumberland County Fair has been published. The most prominent exhib-

One of the oldest, if not the oldest, itors in far 1 products are Messrs. M. women in Wake county, Emeline Long, Bifl, W. C. Fields, J. K. Taylor, D. K. colored, died at her home, 113 West Mintz, J. M. Pearce, James Thames,

the ripe old age of 106 years. She was born in 1795, and remembered well the which happened in the early century.

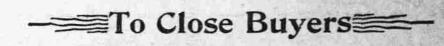
Masonic

Hiram Lodge No. 40, A. F. and A. M., requested to come prepared to pay their

ren of sister lodges and visiting brethren

The local members of the Sir Walter Raleigh Monumental Committee appointsue and to render judgment against the same term at which the sale is day evening, November 18 1901, at Ma-ed by Gen. J. S. Carr recently are resonic Hall at 7:30 o'clock. Members are quested to meet at the mayor's office on Monday afternoon at 5 o'clock to dues, as they are needed to defray the make proper arrangements for the public meeting next Thursday night. The following are the local members: Hon. Walter Clark, Mr. R. B. Raney, Mr. Charles E. Johnson, Mr. Sherwood Higgs, Mr. W. H. Williamson, R. T. Gray, Esq., Mr. Frank T. Ward, Mr. Thomas H. Briggs, T. B. Womack, Esq.,

Justice of the Peace, for failure of the cusable neglect and his ruling is not re-The next meeting of the Raleigh Bio-by Section S7S of The Code, will not be allowed where it appears that the de-lay was due to the failure of appellee's counsel to prepare transcript with the Justice as agreed between counsel, and confirmed: that the price bid medicately reports the price bid medicately reports that the price bid m Justice to make return to the appel- viewable, where it was found that the Biological Club Meeting



The balance of the Dry Goods stock is going rapidly. Bargains never offered before are here. We are out of the dry goods business entirely. Exclusively in the Furniture and Housefurnishing business now.

We have some very desirable goods in Dry Goods, Notions and Millinery left over. We want to make a clean sweep quick; that's why we are cutting prices so recklessly. What's here won't last long-the ladies are coming thicker every day. Quicker you come the better saving you'll make and the better we'll be pleased. No hold up; we are in earnest; we want the room ; we don't want the goods; price is no object; our line is FURNITURE; we have no room or time to handle dry goods. Come and see what we offer.

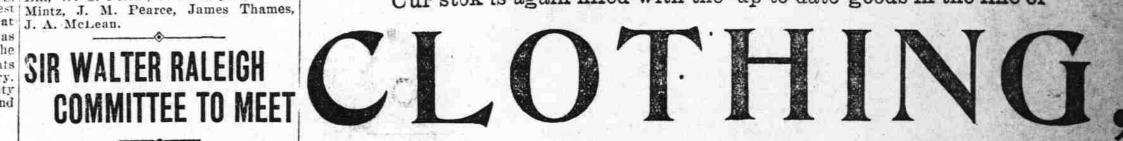


Cur stok is again filled with the up-to-date goods in the line of

CROSS & LINEHAN

OVERCOATS FURNISHINGS

means a good deal, for we show you NOT what was worn YESTERDAY, but what is being worn by the best dressed people in the fashionable cent is Today



at the family residence. Died at 106 Years of Age Cabarrus street, Friday morning at J. A. McLean.