

CHILD LABOR LAW CONSTRUED

Supreme Court Decides
Against R. J. Reynolds

ROLLINS WINS SUIT

Boy Hurt in Tobacco Factory Was
Under Twelve Years of Age, and
His Negligence Was Not Contribu-
tory, Court Holding That Lower
Opinion Was Wrong—Other Cases.

The supreme court, in the appeal of Willie Rollins vs. R. J. Reynolds Tobacco Co., from Forsyth county, decided yesterday evening, construes for the first time important phases of the North Carolina child labor law—Chapter 473, section 1, Acts of 1905. The Rollins child was under twelve years old, was working in the R. J. Reynolds factory, had his hand caught in a lump cutter and torn off. A suit for \$10,000 followed. The child told in the court the manner in which the accident occurred and declared that no effort was made in employing him to ascertain his age. The Tobacco Company, through counsel, entered a demurrer to the evidence on the ground that the child's statement showed that his own negligence caused his injury. The trial judge sustained the demurrer.

However, in the appeal the supreme court, Associate Justice Connor writing the opinion, orders a new trial on the ground that the trial judge should have, in the light of the testimony, submitted the case to the jury instructing them that if they found the facts as testified to by the child the Tobacco Company was guilty of negligence in employing the child, either knowing his age to be under twelve or failing to have the certificate of his parents as provided by the statute; that if they found that such negligence was the proximate cause of the injury they should answer the first issue "Yes."

The court declares that: "To permit the defendant to escape liability for violation of the statute by saying that it did not anticipate this particular condition, with its disastrous results, would be to nullify the law. Of course it did not anticipate this particular result; if it had done so, the employment would not have been negligent, but a matter of business."

The state says to employers that they must not take the children under twelve years into their mills and factories, that to do so endangers their life and limbs, dwarfs them mentally, morally and physically; that it is upon the children that the permanent power and welfare of the state depend. They must not, below the tender age fixed by the statute, be brought into contact with iron and steel machinery propelled by powerful agencies of steam and electricity. Considered from any point of view, the right of the child to grow to at least the age named in the statute in pure atmosphere, without danger of mutilation of body, dwarfed of mind, and to attend the schools provided by the state, the legislation is founded upon a wise and humane policy.

The court lays down the ruling that the principle of contributory negligence does not apply to children under twelve years of age. The court says: "Adopting the standard of law in respect to criminal liability, we think a child under twelve years of age is presumed to be incapable of understanding and appreciating danger from negligent acts."

In concluding the elaborate opinion the court declares that "The industrial life and development of the state are not only consistent with but promoted by the exclusion of children from the mills and factories. The child educated and developed before beginning work of this kind becomes not only more useful and efficient but in all respects a better

COVERED FROM HEAD TO FOOT

With Crusted Scaly Eczema When
One Month Old—Could Brush
Scales Off Body—Young Lady
is Now 17 Years Old and Skin
is Without a Scar—Cured By

CUTICURA REMEDIES AT EXPENSE OF \$4.50

"When I was one month old I was taken with eczema. After being under the treatment of two doctors for one month and no improvement, my mother was advised by a druggist to try Cuticura Soap and Ointment. I was one crust of sores from head to foot. My mother could brush the scales off my body, and my finger and toe nails fell. After using six cakes of Cuticura Soap and about as much Cuticura Ointment I was completely cured. I am now seventeen years old and my skin has not a scar. I am still finding wonders in Cuticura; after washing a fever blister two days it was completely gone. Your Cuticura friend, Miss Lela Glascock, Oct. 27, 1905. Marksville, La.

The attention of parents is called to the fact that the Cuticura Remedies were used on a one month old baby with complete success, proving what we have always claimed that these great curatives are so pure, so sweet, and so delicately medicated that they may be used on the youngest infants.

CUTICURA REMEDIES Are the Best for Skin and Blood

"About three years ago my face began to get rough with acne and kept getting worse. A year ago I read in a paper of the Cuticura Remedies for the skin and blood. I sent for them at once. I used the Cuticura Soap, Ointment, and Pills, and in three months my skin was soft and smooth, and the pimples have all disappeared without the services of a physician. I think the Cuticura Remedies are the best that any one can use for the skin and blood." May G. Schieferle, Sept. 5, 1905. Santa Paula, Cal.

Cuticura Soap, Ointment and Pills are sold throughout the world. Put in Drug & Chem. Comp., Sole Proprietors, Boston, Mass. "Get your Cuticura" How to Care for the Skin.

Incidentally the court calls attention to an omission from the chapter 473, laws of 1905, in its incorporation into the 1905 Revisal, the first section being left off. This change, the court says, makes the prohibition of child labor depend on "knowingly and willfully" employing them. The reference to this in the opinion is declared to be to bring the matter to the attention of the General Assembly in order that section 1 may be restored if so desired.

Damages Too Vague. Another Forsyth county case of interest decided is Winston Cigarette Machine Company vs. The Wells-Whitehead Company, in which in the trial below a verdict of \$211 actual expenses and \$5,000 estimated damages was allowed the plaintiff for the failure of the defendant to exhibit a cigarette machine made by the plaintiff at the St. Louis Exposition as they contracted to do. The supreme court rules that the verdict of the jury below shall stand except as to the fourth issue—"What amount, if any, is the plaintiff entitled to recover of the defendant for failure to exhibit the machine at the exposition?" This was answered below \$5,000. A new trial as to this issue is ordered.

Summer's Sentence Stands. In State vs. Summers, the appeal from Guilford, in which the Singer Sewing Machine agent at Greensboro was sentenced to a term on the roads on the charge of embezzling money collected by him, the finding of the court below is affirmed. His defense was that the company was due him commissions to the amount of the money retained. On the witness stand Summers had exhibited \$1,416 (the amount embezzled) and the trial judge had declined to allow him to answer a question as to whether he was willing to deposit the amount with the clerk of the court to await the result of a civil suit testing the justice of his claim of arrearage in commissions. This refusal to allow the question was the

principal ground for the appeal.

The trial judge is sustained in his position on the ground that the fact of willingness to restore property does not constitute a defense for embezzlement.

The full list of opinions handed down are as follows:

State vs. Summers, from Guilford; no error.

Dickerson vs. Simmons, from Surry; new trial.

Machine Company vs. Tobacco Company, from Forsyth; new trial.

Rollin vs. Tobacco Company, from Forsyth; error.

Rankin vs. Michlin, from Gaston; affirmed.

Puett vs. Railway, from Caldwell; new trial.

Martin vs. Houck, from Caldwell; affirmed.

State ex rel., etc., vs. Gibbs, from Burke; plaintiff's appeal docketed and dismissed under Rule 17.

"I suffered habitually from constipation. Doan's Regulents relieved and strengthened the bowels, so that they have been regular ever since."

—A. E. Davis, grocer, Sulphur Springs, Tex.

LADY MACCABEES ENTERTAIN KNIGHTS.

The Lady Maccabees gave an enjoyable entertainment last night in honor of the Knights of the Maccabees in their hall here.

A large audience was present.

The address of welcome was delivered by Dr. W. C. Horton. After this there was an interesting drill by twelve of the Lady Maccabees, the evolutions being given without one error. The ladies taking part in this were Mrs. J. R. Bisset, Mrs. George Kelly, Mrs. Charles Smith, Mrs. J. E. Turner, Mrs. W. C. Horton, Mrs. W. A. Buck, Mrs. B. Kountz, Mrs. B. E. Rogers, Miss Bessie Gill, Mrs. Robert Conrad, Miss Margaret Woodward and Mrs. William Barnett.

State Auditor B. F. Dixon delivered a magnificent address on "Fraternalism." He told of the value of fraternal orders and then spoke at length concerning the Maccabees and the growth of the order, telling that since its reorganization in 1886 there had been paid out twenty millions of dollars in sick, relief, and death benefits. As to the Lady Maccabees he told how in the four years existence of the order it had enrolled over two hundred thousand members and had paid out over two millions of dollars in benefits.

Miss Frances Renfrow was then heard in a number of recitations that captivated all.

Each lady had brought a basket of fruits, cake, and other delicacies, and these were auctioned off to the gentlemen present. In each basket was the card of the lady who had prepared it, and the buyer then had the pleasure of sharing the dainties with lady who had prepared the basket.

The baskets were auctioned off at figures ranging from ten cents to one dollar and sixty-five cents.

The Knights of the Maccabees number in the Raleigh organization 155 members, while with an existence here of only three months there are 25 members of the Lady Maccabees, the officers of the order being Mrs. E. G. Horton, lady commander; Mrs. Martha Dowell, lieutenant; commander; Mrs. W. C. Horton, past commander; Mrs. J. R. Bisset, sergeant; Mrs. Chas. Smith, mistress at arms.

Henderson Graded School Plastered With "Tite-Hold."

Henderson, N. C., March 21, 1906. Guilford Plaster & Cement Co., Greensboro, N. C.

Gentlemen: Replying to your favor in which you ask for our opinion of your Tite-Hold Wood Fibre Wall Plaster, will say that we have used this plaster on the Henderson graded school building, and same has been satisfactory to both the proprietors and ourselves. We consider that you have a material equal to any of the patent plasters.

Yours truly,
(Signed) E. L. WEAVER.

Worth it's Weight In Gold!

TO REMOVE FRECKLES AND PIMPLES IN TEN DAYS, USE

The Complexion Beautifier

Nadinola is guaranteed, and money refunded if it fails to remove the very worst cases and beautify the complexion in twenty days.

Mrs. Edward Jones, of Mount Sterling, Kentucky, writes:

"I feel it my duty to tell you the benefit Nadinola has been to me. I had suffered untold mortification with freckles, since childhood. Having used all the highly recommended creams and lotions, with much hesitancy I bought your entire treatment. After giving it a fair trial I most heartily recommend it, for it's worth its weight in gold to any woman having freckles. You Nadinola is the only thing I have ever used with success. Your Nadinola Face Powder is grand. Wishing you the deserved success, I am sincerely,

Price 50 cents and \$1.00, by leading druggists or mail. Prepared by the National Toilet Co., Paris, Tenn.

Boylan-Pearce Co.

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EXTRAORDINARY ANNOUNCEMENT

Ladies' Spring and Summer Tailor Made Woolen Suits at Special Prices

These Suits of the best manufacture and latest styles, ETON, PONEY and ENGLISH BOX COATS with flaire and circular Skirts.

Please note the reductions. Also that no TRADING STAMPS are given on these Suits, and all alterations are charged for. Remember this offering includes the best styles of White, Black, Fancy Mixtures, and leading colors in woman's tailor made Suits.

- \$13.50 man tailored Suits for \$10.00.
- \$17.50 man tailored Suits for \$10.00.
- \$2.00 man tailored Suits for \$13.50.
- \$22.50 man tailored Suits for \$13.50.
- \$25.00 man tailored Suits for \$17.50.
- \$28.50 man tailored Suits for \$17.50.
- \$30.00 man tailored Suits for \$19.00.
- \$32.50 man tailored Suits for \$19.00.
- \$35.00 man tailored Suits for \$22.50.
- \$37.50 man tailored Suits for \$22.50.
- \$40.00 man tailored Suits for \$22.50.

PLEASE BEAR IN MIND
that the sales begin Friday morning May 11th; also that the store will be closed Thursday, May 10th, at 1 p. m.

BOYLAN-PEARCE CO.

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CANDIDATES CARDS.

CANDIDATE FOR SOLICITOR.
To the Voters of the Sixth Judicial District:

I desire to call your attention to the fact that I am a candidate for re-nomination to the office of Solicitor of this District, subject to the action of the Democratic District Judicial Convention. During my term of office I have endeavored faithfully and impartially to execute the duties incumbent upon me, and in asking the nomination for a second term at the hands of my party I rely upon the record made by me in the performance of these duties.

Very respectfully,
ARMISTEAD JONES.

ANNOUNCEMENT.
To the Voters of Wake County:

I hereby announce myself a candidate for a seat in the House of Representatives for Wake County, subject to the action of the Democratic Primaries.

Respectfully,
CHARLES U. HARRIS.

ANNOUNCEMENT.
After being solicited by many of my friends, I wish to announce to the public that I am in the field as a candidate for sheriff of Wake county, subject to the primary.

J. H. ROBBINS.

10-11
For the House of Representatives.

To the Voters of Wake County:
I hereby announce myself a candidate for a seat in the House of Representatives for Wake County, subject to the action of the Democratic Primaries.

Very respectfully,
ROBERT H. JONES.

NOTICE BY ADMINISTRATOR.
Having qualified as administrator upon the estate of Mrs. Annie J. Stainback, late of Wake County, N. C., this is to notify all persons having claims against the estate of said Mrs. Annie J. Stainback to present the same to me on or before April 2nd, 1907, or this notice will be plead in bar of their recovery, and all person indebted to said Mrs. Annie J. Stainback are hereby notified to make immediate payment to me.

This March 30th, 1906.
LEO D. HEARTT,
Administrator of Mrs. Annie J. Stainback.


Ernest Haywood, Attorney,
March 30th, 1906. 1 w. 6 w.

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The Yarrowburgh House

Stockings Free If Not as Represented.



We are continually going after the good things—ever on the lookout for the very best there is in all lines of merchandise, and our efforts are being crowned with abundant success. The latest addition to our exceptionally well chosen stock is a line of the FAMOUS "BLACK CROW" HOSIERY FOR WOMEN AND MEN, 10c., 15c., AND 25c.

GUARANTEED—A new pair free if not satisfactory.

SPECIAL VALUES IN LADIES' UNDERWEAR.

Bleached Vest, taped neck and sleeves, 5, 10, 15, and 25 cents. Extra size 20c.

A SPECIAL IN VESTS AND PANTS AT 25c.

H. & W. WAISTS FOR YOUNGSTERS—Summer Waists for boys and girls and little children—fine cambrie and skeleton H. & W. Waist, all sizes up to 14. Price for either, 25c.

OUR BEST SHOE SEASON.

So far this has been our very best season for the sale of Shoes. Probably because our new lines are quite superior to all former showings here. The person who knows the worth of a hard earned dollar can invest it to best advantage here. Shoes, Oxfords and Slippers for all ages at a marked saving in price.

LADIES' SOFT SOLES—Black, Tan, Red and White.

CHILDREN'S SHOES—Black, Tan, Red and White.

SWELLEST AND MOST FASHIONABLE FOOTWEAR FOR LADIES—Black, Tan, White, Pink, Blue and Gray, to match all costumes.

SHOES AND OXFORDS FOR MEN—New display famous Dorch Shoes. None better. All new shapes and styles—black, tan, etc., \$5.00.

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Can be obtained from me at the very lowest prices reputable goods are selling today. These brands are reliable:

- Lazarus Club, the cream of all Whiskey, \$3.50 per gallon.
- Apple Brandy, \$2.00 and \$3.00 per gallon.
- Rye Whiskey, \$1.50, \$2.00, \$2.50 and \$3.00 per gallon.
- Mountain Whiskey, \$2.00 per gallon.
- Corn Whiskey, \$1.50 and \$2.00 per gallon.
- Yadkin River Corn, 4 full quarts, \$2.50, express prepaid.
- Albemarle Rye, 4 full quarts, \$3.00, express prepaid.

All the leading brands, best quality, at lowest prices. Write for price list.

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A SPECIAL constructed STOVE and at a special PRICE, within the reach of all who want a good, cheap stove.

Best line of Ranges and Cook Stoves in the city. Don't place your order until you have examined our goods.

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PRESCRIPTION
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M. W. STERNE, Proprietor.

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This season we are making a specialty of
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A new trunk that will be hailed with delight by the ladies—a new invention with conveniences found in no other trunk. Easy to handle, light, strong, unbreakable.

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AT MONEY SAVING PRICES.

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