

OPINIONS IN SIX CASES

Assault and Battery Case Against a Railroad

Non-suit Entered in Mecklenburg Court Sustained—Plaintiff Wins in Suit for Damages Growing Out of Railway Accident at Salisbury in June, 1904—The Greased Nail Case.

Opinions were delivered last evening by the supreme court in six appeals and two others were disposed of per curiam. The list follows:

Robert vs. Railroad, from Mecklenburg, no error; Haynes vs. Railroad, Mecklenburg, no error; Creighton vs. Water Commissioners, Mecklenburg, new trial; Ivey vs. Cotton Mills, Catawba, affirmed; Machine Company vs. Chalkley, from Wilkes, affirmed; Morrison vs. Teague, from Alexander, new trial; Gast vs. Crouch, Catawba, per curiam, affirmed; Shumake vs. Wilkesboro, from Wilkes, per curiam affirmed.

Damages for Salisbury Accident.

In Haynes vs. Railroad, from Mecklenburg, in which no error is found, a judgment was obtained for the plaintiff in the trial below against the Southern Railway for the negligence of Engineer Haynes in an accident at Salisbury, in which passenger train No. 49 ran into an open switch on the night of June 9, 1904, the engineer being killed under his engine, which turned over. The defense of the railroad company was that the engineer was guilty of contributory negligence in that he was running at too high speed, in violation of the town ordinance and against the rules of the company. Under the ruling of the supreme court the judgment for damages allowed in the lower court stands.

A Novel Damage Suit.

Roberts vs. Railroad, from Mecklenburg, in which the lower court finding is also sustained, is notable as being a suit brought by Flagman Roberts against the Southern Railway for damages because of assault and battery on his person by Day Yardmaster Bradley. Roberts had turned a train into the wrong switch and the yardmaster scolded him for it. Then the flagman called his superior "a swell head;" the fight resulted. The case was nonsuited below, and the action of the supreme court puts the plaintiff out of court.

The Greased-Nail Case.

Mrs. Laura Shumate, the old woman of North Wilkesboro whose testimony that she freed a nail that had stuck into her foot so that the wound it had inflicted in her foot would not hurt her so bad threw the justices of the supreme court into convulsions of laughter, has won her appeal in the supreme court, the finding of the lower court awarding her \$25 damages for the injury to her foot being affirmed per curiam. The old woman stepped on the nail while walking on an bark which had been spread on the sidewalk by the town hands. Her ridiculous testimony was that after the nail had stuck in her foot some of her neighbors told her if she would get the nail and grease it good the wound would not be very severe, and that she sent and got the nail, and kept it under the door sill well-greased.

MR. UPSHAW ON DEATH.

Topic Last Night at the Tabernacle, Service Tomorrow.

The silence of death rested upon the great congregation last night at the Baptist Tabernacle—and the speaker's theme was "Death."

Mr. William D. Uphaw was seen in another vein last night. The ripple of innocent mirth which seems so natural with the speaker was absent from the service, but silence that was almost awful at times prevailed. He spoke of death as a mystery, death as a certainty, death hopeless without Christ, and death triumphant with Him. It was a sane but startling presentation of this solemn subject that appealed to the judgment and conscience of men. The address was one of power and the impression was profound. The after-meeting was fruitful and several conversations occurred.

The meetings every night at 7:30 are drawing increasing crowds and much good is being done.

A Thanksgiving service will be held at 10:30 tomorrow morning.

Rheumatism

I have found a tried and tested cure for Rheumatism! Not a remedy that will straighten the distorted limbs of chronic cripples, but turn boy's growths back to flesh again. That is impossible, but I can now surely kill the pains and pangings of this deplorable disease. In Germany—with a Chemist in the City of Darmstadt—I found the last ingredient with which Dr. Shoop's Rheumatic Remedy was made a perfected, dependable prescription. Without this last ingredient I successfully treated many, many cases of Rheumatism; but now, at last, I uniformly cure all curable cases of this horrible, much dreaded disease. Those sand-like granular wastes, found in Rheumatic Blood, seem to dissolve and pass away under the action of this remedy as freely as does sugar when added to pure water. And those, when dissolved, these poisonous wastes freely pass from the system, and the cause of Rheumatism is gone forever. There is now no real need—no actual excuse to suffer longer without help. We sell, and in confidence recommend

Dr. Shoop's Rheumatic Remedy HENRY T. HICKS.

Got a Cold?

End it. If you don't it may end you. Pneumonia starts with a sneeze.

Gowan's Pneumonia Cure

wastes no time—it is EXTERNAL—is absorbed into the inflammation and heals it immediately.

It cures colds, coughs and croup in 4 HOURS, and Pneumonia within 4 DAYS.

25c., 50c. and \$1.00

For sale by all Druggists.

STOP DEADLY CRUSHES THE COTTON MEETING WERE HIT BY A TRAIN

Crusade Against the Over Crowding of Cars

The Many Fatalities on Surface and Elevated Lines in Chicago Give Impetus to the Work of Prevention Already Begun.

(By the Associated Press.) Chicago, Nov. 28.—A record of 132 persons killed, and 273 others injured on the surface and elevated traction lines of Chicago since January 1 last gave impetus to the crusade against the overcrowding of cars which was begun by the officials of the city yesterday.

The police stood and mounted will assume a measure of control over the operations of traction lines. Granting the expected permission from the corporation counsel, the force under Chief Collins will undertake the task of preventing the overcrowding of all "L" trains and the blockading of surface cars within the loop beginning tonight. It is planned to place uniformed policemen on every station of the loop. Just how many passengers will be permitted on each car has not been decided, but the suggestion was made that not more than one and one-half times the seating capacity of each car should be acceptable as safe.

That the car leaving the loop during the rush hour last night had far over-lapped the "safe" limit and this stipulation was plain. The average seating capacity of the cars used in the elevated train is fifty-six. A count of the passengers on the cars showed that the average was between 125 and 135, while some cars with their overcrowded platforms carried as many as 150 and 160. It is planned to divide the police forces for the supervision of surface and elevated car traffic into two squads—the mounted police to prevent tamers from blocking surface cars and patrolmen to prevent the overcrowding of "L" trains.

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Sherwood Higgs & Co.

We Give S. H. & Co.'s Green Trade Discount Stamps Free

STORE CLOSSES TOMORROW — THANKSGIVING DAY.

After Thanksgiving Comes Christmas.

The Opening Display of Christmas Novelties and Gift Goods for the holidays takes place Saturday, December 1st.

A careful selection has been made from the largest houses in this country, representing the best production from all quarters of the civilized world; so we feel confidently assured that the exhibit will be unsurpassed by any of our city competitors.

The newest, largest and most varied stocks of Christmas Novelties will be promptly ready for you at 8 o'clock Saturday morning.

LADIES' DRESS AND STREET HATS.

During this week we have arranged on Special Sale a table full of Artistic Millinery—fine Ready-to-Wear and Dress Hats of rare design and exquisite beauty—all new, fresh goods. Some come from Chicago, some from New York, others of our own work-room production. These Hats are regularly worth from \$4.00 to \$7.50. Ready for you when you are ready to see them. Take a look. Special prices.....\$2.50 to \$5.00.

LADIES' NECK FIXINGS.

New lot of Ladies' Lace Collars and Neckwear of the most refined taste, Lace Sets, Collar and Cuffs to match of Oriental and Point de Venise Lace, in white or cream-colored. Collar and Cuff Sets, \$1.00 and \$1.25. Venise Lace Collars, 25 and 50c. Box Ruching (six styles in each box), all for 25c.

CALEDS, BOOKLETS AND CALENDARS.

Raphael Tuck & Sons' Artistic Post Cards, Christmas and New Year Cards, Calendars and Booklets are sold in Raleigh only at this store. They are highest class imported novelties, moderately priced and worthy of your earliest inspection. All Prices—Anywhere from 25c to \$1.00.

BRASS GOODS MADE IN AMERICA.

Ornamental and useful articles of Gift and Polished Brass, for your mantel, dresser or center table. Jewel Boxes, Puff Boxes, Letter Openers, Picture Frames, Tray Calendars, Tobacco Jars, Shaving Sets, Steins, etc., etc. Prices range from 25c up to \$10.

DRESSED DOLLS.

The whole of Doll-dom is now ready—dressed in their best, to thrill the children with delight. The season is short and prices are cut close for quick sales. Dolls awake and Sleeping Dolls—prettier than ever—25c to \$1.25.

HUMPTY DUMPTY CIRCUS.

The Humpty Dumpty Circus delights the children and amuses the grown-ups. In which appear Humpty and Dumpty and Cracker Jack and Clowns, Hobo, the tramp; Jumbo, the elephant; Jack, the donkey; the intelligent trained horse and the marvelous poodle, with ladders, barrels, chairs, hoops, flags and all the properties of a real circus. The prices 50c, \$1.00, \$1.50, \$2.25, \$3, up to \$5.00.

BOYS' SILVER-GRAY SHIRTS.

Another lot of Silver-Gray Shirts and Drawers for Boys—heavy, fleecelined, stretchy, and more than worth the money. Sizes, 24 to 34.....25c.

YOUTHS' UNION SUITS.

Boys' Heavy Rib Knit Fleece Lined Union Suits in all sizes today—the good kind, unbleached and silver-grey..... 25 and 50c. GENTLEMEN'S BATH ROBES. Heavy Doubled Fleece Cotton Plush and Fancy Blanket Bath Robes in appropriate designs—plain, figured and mottled—\$3.50, \$5 and \$7.50.

ALLEN & CO.'S SHOES.

This is one of the strongest lines of Children Shoes manufactured—genuine and patent kid in bals and bluchers. Children's sizes, 6 to 10 1/2. \$1.35 and \$1.50. Misses' sizes, 11 to 2.....\$1.50 to \$2.00.

ADVANCE PATTERNS FOR JANUARY.

The Standard Fashion Co. of New York has sent us the advance styles for January. The December Patterns are all in..... 10 and 15c. The Designer is enlarged and improved and filled with Christmas suggestions..... 10c. Large Counter Catalogues by mail, 20c.; over the counter, 10c. Fashion Sheets free.

Sherwood Higgs & Co.

The Biggest Bargains Yet!

ARE GOING TO BE PUT ON SALE.

The Balance of our \$3.50 Sample Shoes and Oxfords at \$1.00.

We have also 1,000 pairs of Girls and Boys Shoes that must be sold at a sacrifice. Call early and get the pick. All New Goods.

S. C. POOL, RALEIGH, N. C.

Advertisement for S. C. Pool, Raleigh, N. C., featuring shoes and bargains.

FIFTY ARE KILLED BY HURRICANE AND FLOOD

(By the Associated Press.) San Francisco, Cal., Nov. 28.—James Donnell, a coffee planter, who arrived here yesterday on the steamer San Juan from Guatemala, tells of the destruction of the little town of Tutupe during a hurricane which recently ravaged the neighboring coast. Tutupe lies in an out-of-the-way part of Tehuantepec, and its population amounts to about five thousand.

When the hurricane was at its height the river on which it is situated, and all of the buildings were washed away. The inhabitants sought refuge in trees, but many of them were washed away during the night. The news so far received from the scene of the disaster is not very definite in its character as regards loss of life, but it is known that fully fifty people were drowned. Nearly all of the buildings in the town were swept away by the floods.

Made Happy for Life. Great happiness came into the home of S. C. Blair, school superintendent, at St. Albans, W. Va., when his little daughter was restored from the dreadful complaint he names. He says: "My little daughter had St. Vitus' Dance, which yielded to no treatment but grew steadily worse until as a last result we tried Electric Bitters; and I rejoice to say, three bottles effected a complete cure." Quick, sure cure for nervous complaints, general debility, female weakness, impoverished blood and malaria. Guaranteed by all druggists. Price 50c.

Freight Depots Tomorrow. The Southern, Raleigh and Southport and S. A. L. railroads will keep their freight depots open for the delivery of perishable freight from 7:30 to 10 a. m. tomorrow, Thanksgiving Day. After the last-named hour the depots will be closed for the remainder of the day.

Hunting Party Returned. The following gentleman returned last night from a successful hunting expedition on the old Buffalo place, now owned by Mr. Paul H. Lee, in Johnson county: Messrs. Paul H. Lee, Will Taylor, J. C. Ellington, Jr., Wm. Nowell, F. W. Parker, and J. P. Wray.

MR. WHITE AND HIS FUR EXHIBIT.

The Boylan-Parce Company has arranged with Mr. H. G. White, one of the foremost furriers of the country, to make an exhibit of furs this afternoon and next Friday. The furs will consist of neck pieces, muffs, etc., and it will be a master display, a line beyond all question the most interesting ever displayed here.

Mr. White is an expert in the line of furs, and he will be present and superintend the sale. While the show will consist of exquisite fur pieces, there will be no extortionate prices charged. Of course all the ladies in Raleigh are cordially invited to attend this event, and it would be well to remember it will last only through Friday.

ORDERS FOR S. A. L. AND COAST LINE.

The Corporation Commission issues an order that the Seaboard Air Line must provide a building adequate for the protection of passengers and freight at Phoenix, near Wilmington, within ninety days.

Another order is that the Seaboard must provide adequate and separate waiting rooms for the races, and also better protection for freight at Councils, on the line between Wilmington and Hamlet.

The commission also makes an order directing the Atlantic Coast Line Railroad Company to provide adequate passenger and freight depot facilities at Jacksonville, Onslow county, within ninety days. The depot there was destroyed by fire recently.

It is understood that the railroad companies will not take any exceptions to the orders in either of the three cases.

Always Remember the Full Name Laxative Bromo Quinine & H. L. Lee

Cures a Cold in One Day, Croup in 2 Days

When we put this signature under a picture we are satisfied with the results.

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Advertisement for Head-Easy Cures Head-Ache and Neuralgia, featuring a cigarette pack illustration.