

BELTS

Mid-Summer Novelties, the kind you don't see at the beginning of the season—just arrived—very swell. See the black harness belt, with gilt buckle. \$1.25, \$1.50, \$2.00.

SOX

Three is our favorite number in disposing of the Fancy Half Hose. We closed out an entire stock; there is a world of Hose here to select.

- Lot 1. 3 pair for 50 cents
- Lot 2. 3 pair for \$1.00
- Lot 3. 60 cents a pair.

Capitol Clothing Store,

Temporary Quarters
104-106 Montgomery St., Under Exchange Hotel

HEAD NOTES OF THE DECISIONS OF THE ALABAMA SUPREME COURT.

MEYER v. THOMAS, et al.
Bill in Equity for the Foreclosure of a Mortgage and the Appointment of a Receiver. Appeal from the Chancery Court of Marengo.

1. Appointment of receiver: appeal will lie to Supreme Court from decree of the Chancellor appointing a receiver. An appeal will lie to the Supreme Court from a decree rendered by the Chancellor on appeal to him, revoking and annulling the order of the Register appointing a receiver without notice.

2. Same; right of mortgagee to appointment of receiver: The right of a mortgagee to the appointment of a receiver pending a suit for the foreclosure under his mortgage rests upon the general principle that the appointment is necessary for the preservation of the mortgaged property and its appropriation to the payment of the mortgage debt.

3. Same; when exercised.—The appointment of a receiver is a matter of sound judicial discretion when there is a reasonable probability that the person asking therefor will ultimately succeed in obtaining the general relief sought for by his suit; and being based upon the fact that there is no other adequate remedy, or means of accomplishing the desired objects of the judicial proceedings, must be exercised in view of the circumstances of the particular case, for the purpose of promoting the ends of justice and of protecting the rights of all parties interested in the controversy and the subject matter.

4. Same; case at bar.—Where a bill is filed by one who holds a mortgage executed by a tenant upon personal property and crops, and the tenant, the landlord, and it is averred therein that the claim of the landlord for advances is subordinate to the lien of the mortgage, but by reason of a collusion between the tenant and the landlord the crop is about to be disposed of by the tenant to the landlord in payment of an alleged claim for advances, which is simulated, but there is no averment showing that the landlord is insolvent or cannot answer in damages for any wrong done to the complainant, it is error for a receiver to be appointed without notice to the defendant.

5. Appointment of receiver: Supreme Court will not modify a decree of Chancellor annulling erroneous appointment of receiver.—Where upon the filing of a bill asking for the foreclosure of a mortgage and the appointment of a receiver, the Register erroneously appoints a receiver as prayed for without notice, and on appeal to the Chancellor such order of the Register is annulled and vacated and the receiver is directed to restore the possession of the property to the defendants from whom he received it, on an appeal to the Supreme Court, from the decree of the Chancellor vacating and annulling the order of the Register making the appointment, this court will not modify the decree of the Chancellor directing the receiver to restore the property of the defendant, so as to order the receiver to sell and apply the proceeds first to the payment of the defendant, and the balance, if any, to the complainant in the bill.

CADELL v. THE STATE.
Indictment for Murder.—Appeal from the Circuit Court of Bibb.

1. Organization of jury: motion to quash venire.—Where in the organization of a jury to try a capital case, the fact that the same person answered to the name of "Accey Blake" and "A. F. Blake" when called at different times, constitutes no ground to quash the venire, when it is shown that said named appearing on the venire were each intended to, and did, in fact, designate a different person.

2. Same; fact that one of the persons who was drawn to serve on the special venire in a capital case was not summoned or was absent at the time of the trial, constitutes no ground for quashing the venire.

3. Homicide; conspiracy; admissibility of evidence.—The defendant in a criminal case was jointly indicted with a woman for the murder of his wife, and was tried separately. There was evidence tending to show that his co-defendant was his paramour; that he was at enmity with his wife; had several times threatened her life; that the deceased had commenced a prosecution against his co-defendant for living with him in adultery; that his co-defendant had lived at his house on the day of the homicide, and the deceased with some officers, having a warrant to search the woman's trunk, came to the defendant's house for that purpose; that when the deceased came to the house, the defendant threatened to kill her, and afterwards told his co-defendant to make the deceased get out of the house; that in talking to his wife the defendant applied a vile epithet, whereupon she seized a pistol and said that she would kill him if he repeated the statement; that while the search was proceeding, the defendant called his co-defendant into an adjoining room and said something to her in a low tone of voice, which could not be heard by the other persons in the house, whereupon his co-defendant returned to where the deceased was, and after saying something to her snatched the pistol away from the deceased and fired upon her, inflicting the fatal wound.

(1.) It was competent for a witness, who testified as to his having a conversation with the defendant about the conduct of another man towards the co-defendant, to state that the defendant said to him "he would kill anybody that interfered with him and that woman."

(2.) That acts of undue and improper intimacy between the defendant and his co-defendant were admissible in tending to show his infatuation for the woman and as disclosing a motive for inciting the crime.

(3.) As evidence of motive induced by sexual interference, it was competent to prove the institution by the deceased of a prosecution of the woman for adultery, by introducing in evidence the affidavit and warrant in that case; and it is in the discretion of the court

as to whether such evidence shall precede or come after the evidence disclosing acts of participation in the conspiracy to commit the crime.

(4.) In such a case for the incrimination of the defendant as a conspirator with, or as an accomplice of the actual slayer, it is not necessary to prove by direct, positive evidence, that he incited or encouraged his co-defendant to the killing.

4. Insanity; competency of non-expert testimony.—On an issue of sanity vel non, a non-expert witness may give his opinion affirming the sanity of the person inquired about, without a specification of the facts upon which such opinion is based; and it is competent for such witness, who is shown to have known the person inquired about, to testify that he had never seen any indications of insanity or unsoundness.

5. Homicide; admissibility of evidence.—Where a husband is indicted for the murder of his wife, and there is evidence tending to show unlawful or criminal relations between him and another woman, who staid at the defendant's house, and a witness has testified that the defendant and the deceased lived happily and agreeably together until said woman went to their house, it is not competent or admissible for such witness to further testify that, after said woman went to the house, she had often seen the deceased crying; and the admission of such testimony constitutes a reversible error.

Reversed and remanded.
Opinion by Sharpe, J.

VAUGHAN v. HUDSON ET AL.
Bill in Equity to Correct Description of Lands Sold Under Probate Decree.—Appeal from the Chancery Court of Marengo.

1. Jurisdiction of equity: bill to correct description of lands sold under probate decree. Under the provision of the statute, a bill can only be maintained in a court of equity to correct the description of lands sold under a decree of a court of probate, when it is shown by proper allegation and proof that the parties in interest had legal notice of the proceedings under which the decree was rendered, that the lands were sold for their full value which has been fully paid to the party entitled to receive it (Code, Section 808) and, therefore, where a bill filed for such purpose contains no averment that the lands were sold for their full value, such bill is insufficient and subject to demurrer.

Affirmed.
Opinion by Tyson, J.

Held Up by a Burglar.
Caught in a fire, or being run over by a car, is an accident. The Advertiser Accident Policy would be the thing in such an event. Every reader can have one. sun-wed-fri.

NEWS OF LOCAL COURTS

Yesterday Was a Dull Day—Cases on Trial in the City Court.

Yesterday was a dull day in court circles, the City Court and the Recorder's Court being the only temples of justice where the mills were grinding.

The following cases were disposed of in the City Court:

J. W. Patrick, removing mortgaged property, not guilty.

E. P. Patrick, removing mortgaged property, not guilty.

Jeff Thompson, adultery, not pressed.

Docket for Today.

The following cases are set for trial in the City Court:

Hayes Purcell, grand larceny (two cases).

Nelse Lee, assault to murder.

Bob Knox, gaming.

Jim Holloway, carrying concealed pistol.

Joe Early, petit larceny.

The Recorder's Court.

George Charles, a negro boy, could not be riding his bicycle on the sidewalk, and had to pay \$1 and costs for the privilege.

John Chambers, charged with grand larceny, continued until today.

T. J. Holt, a contractor, building a house in the city, tore up a sidewalk without permission. He agreed to replace it and was discharged.

C. F. Keynton, charged with violation of the plumbing ordinance, discharging reserved until Tuesday.

Sandy Caffey was charged with running his bicycle into a horse hitched to a hack and causing the animal to run, breaking up a vehicle. The case was not made out and the boy was discharged.

A marriage license was issued yesterday to Francis Herbert Logan and Sallie Josephine Holloway.

TIED MOTHERS.—It's hard work to take care of children and to cook, wash, sew and mend besides. Mothers should take Hood's Sarsaparilla to refresh the blood, improve the appetite, assure restful sleep, and help in many ways.

THE CATHOLIC KNIGHTS.

An Entertainment Will Be Given Tonight at St. Mary Academy.

St. Peter's Branch Catholic Knights of America will give an entertainment in the auditorium of St. Mary's Academy at 8 o'clock tonight.

W. A. Blair, Lieutenant Colonel of the Uniform Rank and Supreme Organizer for the Southern States, will deliver an address. In addition thereto the local order has prepared an attractive musical and literary programme.

The exercises promise to be very interesting. Admission is free and the public is cordially invited to attend.

If the Baby Is Cutting Teeth.
Be sure and use that old well-tried remedy, Mrs. Winslow's Soothing Syrup for children teething. It soothes the child, cures the gums, relieves all pain, cures wind colic and is the best remedy for diarrhoea. Twenty-five cents a bottle.

VICTORY FOR RAILROADS.

They Have a Right to Reject Cars of Mixed Freight.

Chicago, July 18.—Judge Kohlsaat in the United States Circuit Court refused to issue an injunction restraining the railroad from enforcing rules against accepting what is known as mixed carload freight. The injunction was asked for by various shipping brokers against the Grand Trunk and the Lackawanna Roads, but the decision will be widespread in its effect. It is the custom of shipping brokers to gather small lots of freight from several shippers, and by shipping them together as car lots obtain a lower rate. This was objected to by the railroads and the position of the latter has been sustained by the courts.

RAILROAD COMMISSION

SUBJECT OF DISCUSSION BY CORPORATIONS COMMITTEE.

Probable That the Georgia Law, with Some Additions, Will Be Recommended—Will Meet Again Tuesday Night.

The Committee on Corporations of the Constitutional Convention held a meeting last night at the room of General Harrison, the chairman, in the Exchange Hotel. The question under consideration was the section relating to the Railroad Commission.

The Georgia law had been offered as a compromise to all the propositions on the subject. After it had been discussed from every view-point by the committee, Mr. Ferguson offered it, and there was a strong disposition to accept it with some additions, such as making the law apply to telegraph and telephone lines. It is probable that with those lines in the compromise proposed will be adopted by the committee and go to the Convention as its report.

It was requested that the final determination of the matter be left open until next Tuesday night, which was granted, and the committee will meet at that time to decide the question.

It was introduced by Mr. Murphy of Pike, relating to Building and Loan Associations, and will be reported favorably to the Convention. The ordinance makes a radical change in the present status of those institutions, preventing the assessment of dues and fines on members and compels them to stand to the legal rate of interest in all loans.

AFTER A RAIN.

The Finest Suit in the World Will Need Pressing.

The finest suit in the world gets all out of shape in damp weather and needs pressing. And Holt's Dye Works are better equipped for that kind of work than any house in Alabama.

BIG EXCURSION TRAINS.

Many Visitors Brought to Montgomery by Central Railroad.

The trains of the Central of Georgia Railway brought in a big excursion party from Port Valley, Ga., and intermediate points yesterday. The train was run in three sections, the first arriving here about noon. Nearly twenty-five hundred visitors were brought to Montgomery and the streets presented a crowded appearance as the excursionists spent most of day day walking about and sightseeing. Many of the excursionists returned to their homes last night.

The Best Liniment for Strains.

Mr. F. H. Wells, the merchant at Deer Park, Long Island, N. Y., says: "I always recommend Chamberlain's Pain Balm as the best liniment for strains. I used it last winter for a severe lameness in the side, resulting from a strain, and was greatly pleased with the quick relief and cure it effected." For sale by all druggists.

Cascade Restaurant.

The best market affords served in first-class style. Al Galatas, Prop., opposite The Advertiser office. adv.

PAUNCEFOTE'S INTERVIEW.

His Sentiments Meet With Commendation in Washington.

Washington, July 18.—The interview with Lord Pauncefote in London relative to the Canadian demand for the return of the "Nepere" and other questions, published this morning, has attracted much attention officially, and generally the sentiments expressed meet with commendation here. The interview very fairly sets out the present status of the relations between the United States and England.

The reference to the convention of joint high commission next fall is taken to indicate a willingness on the part of the British Government to yield to the Canadian demand for a resumption of the suspended meetings of this body. Our own Government had concluded that better results were promised by direct negotiations between Secretary Hay and Lord Pauncefote, but the Canadian Government prefers to take up the threads of the negotiations where they were dropped by the commissioners two years ago. There will be no objection on our part, as the Canadian Government has been fully advised upon what terms negotiations might be profitably continued.

Oh! What a Crowd

at the Park, and they'll come again tonight.

To Manufacture Cotton Ties.

Cleveland, July 18.—The American Steel and Wire Company is equipping one of its rolling mills to produce cotton ties. It has been doing for a year or two to manufacture cotton ties. The plant will be started within a few days, and it is said, will be operated with non-union men taken from the various mills of the American Steel and Wire Company in this city.

Notice to Shippers.

On and after Saturday, July 20th, we will neither receive nor deliver freight after 12 o'clock noon on Saturdays. F. S. Jenkins, Agent L. & N.; G. B. Tyler, Agent Western Railway of Alabama and Central of Georgia Railway; W. T. Savage, Agent Plant System; W. T. Burgess, Agent Seaboard Air Line; R. H. Jones, Agent Mobile and Ohio Railroad. adv.

Decrease in Chinese Population.

Washington, July 18.—A bulletin issued by the census office today shows that there has been a decrease of the Chinese population in the United States since 1890. In 1890, the number of Chinese being 10,753, the number increased during the past ten years from 2,033 to 24,300.

Only 25 Cents

to see the great Minstrel show at the Park—worth \$1.00. adv.

A Bank Closed.

Chilton, Wis., July 18.—The German Exchange Bank of this city has been closed and Deputy Bank Examiner Bartz is in charge. The capital stock is \$50,000.

It Will Pay.

Ask about The Advertiser's Accident Insurance Policy. Practically free to readers, and good for \$5.00 a week in case of injury; \$1,000 for death. See about it. sun-wed-fri.

AGAIN

The BIG Minstrels

AT THE PARK

TONIGHT

Benefit of Troop A

A Great Big Success

50-PEOPLE-50

ADMISSION ONLY 25 CENTS.

IF YOU BUY AT **A. NACHMAN'S** YOU'LL BUY THERE AGAIN

Shirtwaist Suits at Twenty-Five Per Cent Off.

Carrying goods from one season to another is not in our line. What comes in this store one season must go out the same, be the sacrifice what it may. If one price will not move another will, but go they must. This inflexible policy accounts for the great reduction on the balance of our fine Shirtwaist Suits. To see is to buy. Be early.

A HANDKERCHIEF BARGAIN.

Fine embroidered and hemstitched Linen Handkerchiefs, regular price was 25c. marked for to-day's selling

17c. or 3 for 45c.

40c. Lace Lisle Hose at 25c. a pair.

This is undoubtedly the biggest Hosiery value offered. Made of superior quality lisle thread, warranted fast black; worth all of 40c., our price (no more than 4 pair to a customer),

25 cents a pair.

A. Nachman
Ladies Outfitter
102 DEXTER AVENUE. PHONE 509



Our 20 per cent Off Grand Clearance Sale.

FOR CASH ONLY.

Preparatory to going on to markets for our Fall purchases, and in order to make room for them, we will, from July 15 to August 15, offer

20 per cent Off all Goods in Our Stock.

EXCEPT—Fruit Jars, Rubbers and Jelly Glasses.

We would, in connection with this, inform you that nearly all goods in our varied lines have recently been advanced by manufacturers anywhere from 10 per cent to 33 1/3 per cent. All our stock is in, and marked prior to these advances. You are thus offered these necessary house furnishing goods for considerably less than their real worth. Our goods are all marked in plain figures. This is a grand opportunity for you to save money. Avail yourself of it.

KLEIN & CO., 24 N. Court Street.

MEMPHIS ROUTE

Via Birmingham.

\$40 From Atlanta

\$30 From Birmingham

TO PUEBLO, COLORADO

TO SPRINGS, DENVER

AND RETURN

AUGUST 1ST. to 10TH.

The Southeastern Limited

leaves Birmingham daily 12:30

p. m. and runs solid to Kansas

City. Elegant free reclining chair

cars, sleepers and observation,

parlor cafe cars. Write for book-

lets, on Colorado.

J. N. CORNATZAR, Trav. Pass. Agent, Atlanta, Ga.

ROTARY MOTION

AND

BALL BEARINGS.

Make it the lightest running sewing machine in the world. On heavy work the seam is elastic, strong and durable, on the finest and lightest work it sews without puckering. If you wish to buy a first-class sewing machine you may have one on these on trial.

R. L. PENICK,

119 Dexter Avenue.

Telephone No. 43

BELTING!

"TITAN" stitched, and "GULF" Rubber Belting,

and "MONARCH" Leather Belting. Wood-Split

Pulleys and Iron Pulleys. Steel Shafting, Wrought

Iron Pipe and Fittings. Largest stock, lowest prices

FORBES LIDDELL & CO., Montgomery, Ala.

There's a World of healthful refreshment, inspiration and delight in a glass of Montgomery Beer

A sparkling, wholesome beverage, rich in that indescribably pleasing flavor of pure hops. Its fine effervescence and rare keeping qualities have made it the chosen beer of the most discriminating critics.

Sold everywhere.

The Montgomery Brewery,
Telephones 108, 122, 350.

HEADQUARTERS FOR HIGH GRADE BUTTER.

Leggett's Preserved Ginger

The finest you ever ate. Packed in extra heavy syrup, in glass jars, containing one pound net, 30 cents.

J. A. Schneider.

Imported and Domestic Groceries.
107 DEXTER AVENUE. TELEPHONE 26.

Men Women and Children

All suffer more or less from Torpidity of the Liver, Malaria and Biliousness.

LIVERINA

is the vegetable remedy that is perfectly harmless and yet thoroughly effective. Have you tried it?

Manufactured and warranted by

Gay, Hardie & Durr,

Montgomery, Ala.

Price 50 cents per bottle. All Druggists keep it.

