Grand Jury Instructed to Make Proper Returns of Any Violations of the Prohibition Law-Cases Heard.

The first day of the double term of ured by the charge of Judge Harry Whedbee, of Greenville, to the arand jury, in which he declared it to of the child. one of the duties of the jurors to inquire into the violation of the prohibition law, regardless of the fact that the Recorder has original jurisdiction the jurors knew of any crime wherein the Recorder had jurisdiction but a verdict of not guilty being returned. no action had been taken against the offenders, it was their sworn duty to make the proper returns to the solicitor. What mode of procedure should follow is not a matter for the grand jury to determine, he said.

Heretofore it has been accepted that the grand jury had no power to make investigations relative to the illegal such matters. This is the first time that a contrary opinion has been voiced, not only by a Superior Coutr Judge, but by any one so far as is known. Therefore, this grand jury is one of months on the roads. the most important in recent months.

The train from the North was a lit-

George Harriss, foreman; J. F. Cas-Montgomery, E. T. Whitehurst, C. W. not yet been pronounced. Watkins, F. L. Huggins, Roger Schul-

In beginning his very able and comgrand jury to return a true bill, there-

Judge Whedbee said that the act any violations of laws in the jurisdiction, the witness was asked if he did tion of the Recorder's court which not know that if Mr. Hashagen did not have not been brought to that court's give a check for his portion of the attention, it is your duty to make re- meal the bill of lading could not be port of the matter, bring it to the at- secured, and he was also asked if he tion of the solicitor. Presentments did not know that Mr. Hashagen had should be made, and the mode of pro- stated that he never did give Mr. Turcedure after that is not a matter for rentine his check. Evidence as to

you to think about." Judge Whedbee then enumerated the by Judge Whedbee. various crimes, beginning with muranother lynching would not disgrace from the evidence.

er's court has original jurisdiction in from which the meal was ordered. had not acted, it was their duty to the person is acting as agent for make the proper returns. The sale of another; that in this case no agency a violation of the law regardless of was acting as if the meal was his bably others from the Wilmington of

In concluding his splendid charge, very careful that public officers perform their duty and provides that any A. Cooper, of Oswego, N. Y., as a If you are weak or run-down, or unomission of their duty is a misdemeanmake a thorough examination of the nothing helped me till I used Dr III., writes: "That I did not break brief illness of only a few hours with offices in the Court House, jail county King's New Discovery which cured home and convict camps and report me completely. I never cough at night strain, for three months, is due wholany wilful neglect of duty.

sworn as the officer in charge of the coughs, sore lungs, lagrippe, asthma, jury which then went to the grand hemorrhage, croup, whooping cough, jury room and began deliberations. or hay fever. It relieves quickly and

jury service because he is an English- ces. 50c, \$1.00. Trial bottle free. It's man and has not secured his naturali- positively guaranteed by Robert R. Zation papers. For reasons sufficient Bellamy. to the court Messrs. J. W. H. Fuchs and H. E. Longley were excused.

the case against H. Hocutt, against 114 Market street. se 25-tf.

SUPERIOR COURT CONVENES whom the grand jury about a year ago returned a true bill for false pretenwhom the grand jury about a year ago ses charging that he misappropriated funds of the county while in its employ, was not prosed by the solicitor. This disposition of the case had been aniticipated by many, who did not feel that the State had any case against the defendant. The case now goes off the docket.

When the cases against Mina Bessent, colored, charged with concealing the birth of a child and the murder of New Hanover Superior Court, which the infant, was called, Solicitor Duffy convened yesterday morning, was feat- stated that he did not think that he would ask for a trial of the defendant on the charge of murder, but would prosecute her for concealing the birth

In the case of A. C. Brown, charged pros with leave. The first case to be the morning of August 10th. heard by the jury was one in which in such offenses. He declared that if Hannah Nelson, colored, was charged with assault on another negro woman,

Richard Haywood, colored, pleaded guilty to the charge of assault on another negro by shooting him, the case coming up on appeal from the the hotel on the night of the fire; Capt. Recorder's court, where he was given W. P. Monroe, assistant chief of the a sentence of 12 months on the county Fire Department; Mr. T. B. Jackson, roads. Judge Whedbee affirmed the an engineer of the department and Mr. sentence of the lower court. Preston H. E. Robbins, local agent for the White, whose color is not what his Greensboro Life Insurance Company, sale of intoxicants because the act name might indicate, entered a plea in which Cromwell held an insurance creating the Recorder's court gave to of guilty to the charge of non-support, policy for \$2,500 in favor of Hony. that tribunal original jurisdiction in which was also an appeal from the There are a large number of other lower court. A statement was made in witnesses, who will be examined when court yesterday that White is in bad the case comes up for trial. Ricaud & health which caused the judge to split Empie, attorneys for the accused, were he and the present owners arrive at

The trial of one of the three cases the late yesterday morning and it was man, charged with the larceny of bicy- interest as this one. Developments so 10:15 o'clock when Judge Whedbee cles from the Queen City Cycle Co. instructed the Sheriff to convene court. was begun yesterday morning, but terest and this interest will not abate The grand jury was selected in short was not concluded until the afternoon order, sworn and empannelled as fol. session. L. Clayton Grant, Esq., appeared for the defendant. After being out about three hours, the jury at teen, William Flanagan, J. F. Mason, 5:30 o'clock returned a verdict of G. H. Rogers, D. J. Padrick, I. W. Sol- guilty. Mr. Grant then stated that omon, A. L. Mott, Jr., W. E. Peterson, he would enter a plea for his client Holly on a warrant sworn out before Jas. T English, W H. Register, P. P. in the other two cases, all three being Greenberg, W. P. McGlaughon, F. A. practically the same. Sentence has der; the evidence before the coroner's

The case of most interest yesterday was the one in which Mr. John R. Turrentine, Jr., a well known local prehensive charge, Judge Whedbee broker, was the defendant, charged floor also being saturated with oil; said that the office of the grand juror with embezzlement, the action being testimony of others to effect that the feature of which was the election was one of the most important, not brought last week in Justice Harriss' Cromwell a'e ice cream and a banana only to the grand jurors but to all court, by Mr. A. B. McNair, of the firm before retiring; that of Dr. Bell that the people of the county. The court, of S. P. McNair & Company. It took he had found where Holly had purhe declared, was powerless to admin- about an hour and a half to secure a chased a quantity of strychnine with ister the laws without the hearty co- jury, the 12th juror being selected at in two months; that of Dr. Russell operation of the grand jury, which is 5 o'clock. Mr. A. B. McNair was the Bellamy, called as an expert as to the not only a part but a very necessary first and only witness. He stated that effect of strychnine poisoning, and the part of the court. It is not the duty his firm bought 150 bags of meal from report of the chemist who made an of the grand jury to try cases, but to the deefndant some weeks ago; that analysis of the contents of the receive indictments drawn by the so- some days later Mr. Turrentine came stomach, finding strychnine sufficient licitor and inquire into the facts from to his store and delivered a bill for to kill several persons. Briefly stated, satisfying themselves of the F. E. Hashagen ordered a like amount turning a true bill in any case, stat- ed after receiving the check, that he ing that some times an injustice is would get check from Mr. Hashagen done a person against whom an in- and take up bill of lading and "order dictment has been drawn because of down the meal." The meal was not the fact that the grand jury did not in. sent down and witness saw the devestigate as carefully as it might have fendant on September 1st and asked time as he would first have to ascer- ta; vice president, R. G. Davis; secre-He said that no "true bill" should be him about the meal and the money. returned on filmsy and unreliable tes. The defendant, he said, first stated nesses were here. He will know today Unless the testimony is of that the money was to his credit in whether or not the case can be heard such a nature as to fully justify the the bank; later he said that he had at this term. jury of the truthfulness of the charge most of the money in his pocket. Witno true bill" should be returned. It ness saw the defendant again on the is a reflection against a person for the 5th of September, when Mr. Turren- North Carolina, agrived last night to fore it is of the utmost importance freight at the Seaboard depot. The gated at this term. The theory of the that there be something tangible witness, in reply to questions of de- prosecution is that Holly, desiring to against him when the bill is returned fendant's counsel, said that he did not recover the insurance on the boy's creating the Recorder's court in this 3rd, which was put in evidence. He time, gave the lad poison; saturated county seemed to be very broad and testified further that the defendant gives the court original jurisdiction told him on September 5th that he of practically all the very common of would deliver the meal at noon the fenses. "But, gentlemen of the jury," following day, but that he did not said Judge Whedbee, "if you know of keep his promise. On cross-examina-

With the examination of Mr. Mcder, defining the three degrees and Nair the State rested its case and the showing clearly the distinction; called defendant's counsel announced that attention to lynching not because of they would not offer any testimony any that has occurred in this county or Judge Wedbee sent the jury into an any that is anticipated, but because anteroom and then stated that he he felt that if the people were made would like to hear from the State, to see the seriousness of this crime as to how it could establish agency the fair name of the State; he felt and L. Clayton Grant, Esq., representit the duty of a Superior Court judge ing the prosecution, argued that the to preach against lynching in season evidence established the fact that the and out; many good men sometimes defendant was acting as agent for S. participated in a lynching, but they P. McNair & Co. in the transaction. Ware not so good afterwards, and then Judge Whedbee took a contrary view. he ran through the entire category Mr. Duffy then suggested the State of crime, fully explaining each as the call additional witnesses to show that grand jury will have to deal with the defendant was a broker. Judge Whedbee said that this would only Returning again to the Recorder's complicate the matter, as they could court Judge Whedbee said that not not tell then whether he was acting withstanding the fact that the Record- as agent for the local firm or the firm violations of the prohibition law, if Judge Whedbee ruled that to be guilty the grand jurors knew of any viola- of embezzlement the Supreme Court tions of the law wherein the Recorder has held that it must be shown that the big ditch is being dug. any kind of intoxicating beverages is was shown; but that the defendant his secretary, Mr. H. H. Ford, and prothe fact that dealers hold United own. He therefore instructed the jury fice, will be present when the two States license and are licensed by the to return a verdict of not guilty, and dredges meet and the canal is de-City of Wilmington,, with the except he defendant was discharged. Woodtion of cider, sold by the manufactur- us Kellum and A. J. Marshall, Esqs. er, and wine sold in the prescribed appeared for the defendant. Court at 5:30 took recess until this morning.

The Lash of a Flend

would have been about as welcome to merciless lung-racking cough that de der strain of any kind, take Electric now." Millions know its matchless Deputy Sheriff A. T. Piver was merit for stubborn colds, obstinate Mr. J. R. Smith was excused from never fails to satisfy. A trial convin-

That hat and the bow to go under The docket was then called over. Is that hat at Taylor's Ladies' Hatter,

TRUE BILL AGAINST HOLLY

Proprietor of Burned Rock Springs Hotel Must Answer Charge of Murder-May or May Not be Tried at This Term.

The Superior Court grand jury at Hotel, who is charged with the murder of young Edward Cromwell, whose with abandonment, the solicitor an body was found in his room at the nounced that he would take a nol hotel during the progress of the fire on

Whether or not Holly will be arnesses examined before the grand jury R. A. Matthews, one of the guests at the sentence half in two, giving six not present when the bill was returned an agreement as to the price. by the grand jury.

Probably no case in the State in the against Jim Register, a young white last few years has excited such general far have been received with great inuntil the case is finally disposed of. Readers of the papers will recall the had not been consummated yesterburning of the hotel early on the day afternoon, it was stated. The morning of August 10th; the finding of the body of Cromwell in his room at the hotel during the progress of the fire, the arrest during the morning of Justice George Harriss charging murfury, including statements of firemen that they found the bedding in Holly's room saturated with kerosene oil; bed spread upon which the body lay on the

Deputy Insurance Commissioner for tine said he used the money in paying be present should the case be investithreaten to prosecute Mr. Turrentine, life and the insurance carried on the except in a letter written September effects in the hotel, both at the same fire to it. Mr. Scott has been interested in the case so far as it had to do

PROJECT NEARS COMPLETION.

nland Waterway From Beaufort to Pamlico Sound to be Opened. city is to the effect that at the present Mr. Hashagen's order was ruled out

Adams' creek end and the other on

Engineer in charge of this district, and

Don't Break Down.

Severe strains on the vital organs, like strains on machinery, cause break-downs. You can't over-tax stomach, liver, kidneys, bowels of nerves without serious danger to yourself. ert R. Bellamv's.

For Loss of Appetite Take Horsford's Acid Phosphate Its use is especially recommended for restoration of appetite, strength and vitality. TRY IT.

Grand Millinery Opening at Rehder's Thursday and Frday.

BIJOU THEATRE PROPERTY

Mr. James Howard Practically Closes Deal With J. W. Murchison & Co. -Lawyers are Now Searching The Title.

4:20 o'clock yesterday afternoon re- that Mr. James Howard, one of the which the defendant was arrested by turned a true bill for murder in the proprietors of the Bijou, has practicalfirst degree against J. C. Holly, pro- ly closed a deal with J. W. Murchison dant over to Recorder's court in both prietor of the burned Rock Springs & Company for the valuable property cases, fixing bond at \$50 in each case. on North Front street, upon which the theatre is located, the considera-

Mr. Howard has secured an option on the lot at a stipulated price and raigned today or the case be heard at he will take over the property within this term of court had not been deter- a day or two if the title is found satmined yesterday afternoon. The wit- isfactory by the lawyers who have been engaged to search the records. were Dr. C. D. Bell, the coroner; Mr. There is hardly any doubt that the title will be found entirely satisfactory, in which event the sale will ce consummated

Mr. Howard stated last night that f the deal is consummated the property will continue to be used by the Bijou, which is owned jointly by Mr. Howard and Mr. Percy W. Wells. Mr. Howard, it is understood, has been negotiating for the property for some time, but not until a few days ago did

It was reported yesterday that J. W. Murchison & Co., is negotiating for the valuable property upon which the Rock Springs hotel is located, on Chestnut, between Water and Front streets, directly in the rear of the Southern National Bank but the sale property is owned now by Messrs. W. and R. A. Parsley.

YOKE FELLOWS' BAND.

Semi-Annual Election of Officers Last Night-Mr. Corbett President. was held in the rooms of the associa-

tion last night with a large attend-It was an enthusiastic meeting. of officers for the ensuing six months. The nominating committee, composed of Messrs. H. E. O'Keef, C. B. Newcombe, L. D. Latta and H. G. Bowden,

inanimously chosen: President-L. L. Corbett. Vice President-P. Heinsberger, Jr. Secretary-J. T. Sholar.

ecommended the following, who were

Treasurer-H. G. Bowden. The following were named as tho Messrs. W. A. McGirt, chairman; Eli

The committee suggested that the at any time where their services may Solicitor Duffy was asked yesterday | be required, which was adopted. The f Holly would be arraigned today. He following are the retiring officers of and Mr. J. B. Huntington, general secstated that he could not say at that the organization: President, L. D. Lattain whether or not all the State's wit- tary, H. E. O'Keef; acting treasurer, H. G. Bowden, and the appointment committee, composed of Messrs, C. B. Newcombe, T. D. Meares and H. E.

DELEGATES APPOINTED.

Southern Conservation Congress.

Atlanta October 7th and 8th, have been appointed by Mr. J. A. McGeachy, merce, and are Messrs. Z. W. Whitehead, M. W. Jacobi and R. A. Brand. Former President Roosevelt and Gifford Pinchot, who have taken great interest in conservation progress in this country, will be the principal of this kind ever held in the South and

It is very likely that the city of Wilnington will be represented by one or more delegates. Mayor MacRae is being urged to attend and he stated yesstated also that Capt. Thos. D. Meares, clerk of the Board of Audit and Finance, had a business engagement in Atlanta the latter part of next week and that he would appoint him a dele-

NEWS OF THE SHIPPING.

Carb Passed Crippled Clyde Liner-Schooner Clears With Lumber.

Hale, arrived yesterday from New pled Clyde liner Huron in tow of the steamer Navahoe, Capt. Packer, which cleared from this port on her regular trip Saturday at noon. The Navahoe was intercepted by a wireless message sent from here to Beaufort Saturday. The Carib met the disabled steamer near Cape Hatteras Sunday.

Bennett, cleared yesterday for Philadelphia with cargo of 309,000 feet of lumber from the Hammer Lumber

Capt. Thomas M. Calder master of has been taken up with the owners of before this is settled. Capt. Calder is a member of Fellowship Lodge No. 97, Odd Fellows, of Machins, Me.

with Mr. and Mrs. Allen Rodgers, of or and if corruptly he can be removed fied all remedies for years. "It was Bitters the matchless, tonic medicine. which occurred Sunday afternoon at from office. He instructed them to most troublesome at night," he writes, Mrs. J. E. Van de Sande, of Kirkland. 2 o'clock at the family home after a ly to Electric Bitters." Use them and indeed sad. The funeral services were enjoy health and strength. Satisfac conducted by her pastor. Elder G. W. tich positively guaranteed. 50c. at Rob | Shepard, at the home of her parents at 11 o'clock yesterday morning with interment in the family burying

> The French Millinery Parlors will display an exclusive line of pattern hats, Tuesday, Sept. 27th, se 25-2t.

Grand Millinery Opening at Rehder's ** Thursday and Frday.

SENT TO RECORDER'S COURT.

Announcement was made yesterday streets Saturday night, shortly after

"Bud" Swann, a white man, was also tion being in the neighborhood of \$20, tried in Justice Harriss' court yesterday afternoon. He was charged w.... simple assault on Robt. Hansley on Saturday night at Sixth and Castle streets. He was adjudged guilty and required to pay the costs.

Mr. Burnett stated last night that the trouble did not begin in his store. He said that as he understood it Pigtord and Owen Brinson had some words on the street; that Brinson ran into his store and was knocked down by Pigford. Burnett then remnistrated with Pigford, who attempted to strike him, but did not. Pigford he said, went out of the store and hurled a rock, which struck inside the building, breaking into several pieces, each of which struck some one in the store. First Fall Meeting Held at St. Paul's Miss Emily P. Durant the Bride of Mr.

STEPHENS CASE TODAY.

Comes Up for Argument in Supreme

Court at Raleigh. Court at Raleigh today will be argued white man who was convicted in New Hanover Superior Court some months ago of murder in the first degree for ger firms. Hon. John D. Bellamy and Herbert McClammy, Esq., appear for the defendant. According to a person who heard the brief of the Attorney General read that official will recomsemi-annual meeting of the mend to the court that the defendant oke Fellows' Band of the Y. M. C. A. be given a new trial, and it is thought that the court will very likely take the same view of the case.

THE MINISTERIAL UNION.

Dr. Wells and Rev. T. A. Smoot Made Interesting Talks-Notes. The regular weekly meeting of the Wilmington Ministerial Union was esdresses by Rev. J. M. Wells, D. D., was graduated at the University of pastor of the First Presbyterian Pisa, and taught modern languages in church, and Rev. T. A. Smoot, pastor Switzerland for a number of years. He dresses were highly interesting and knowledge of several languages. these ministers again on October 10th French Millinery Parlors. along the same lines. Rev. C. M. Mor- The ladies of the city will be interton, pastor of the Christian church, ested to be reminded that today is

A Man of Iron Nerve. Indomitable will and tremendous energy are never found where Stomach order. If you want these qualities and the success they bring, use Dr. King's New Life Pills, the matchless regula-

"Bud" Pigford Given Hearing Yester-

day in Two Cases. "Bud" Pigford, a young white man, was given hearing in Justice Harriss' court at 5 o'clock yesterday afternoon on the charge of assault with deadly weapon on Mr. G. E. Burnett and on Owen Brinson, a white youth, alleged to have taken place at the store of Mr. Burnett at Sixth and Dawson Constable Savage. The justice found Being unable to give bond defendant was sent to jail.

North Carolina Supreme

into the fellowship of the Union.

tors, for keen brain and strong body. 25c at Robert R. Bellamy's.

Our Regular · Interest Quarter.

Saturday, Oct. 1.

Deposit your money here on or before that date and you will receive credit for a full quarter's interest on January 1st.

We Want Your Business The People's Savings Bank

That Big White Building,

Corner Front and Princess Sts.

CHRISTIAN ASSOCIATION.

Church Sunday.

Members of the Christian Association of St. Paul's Evangelical Lutheran tives at the home of Mr. H. M. Durant, Church gathered in the Luther Memo- in this city, Sunday morning, Miss rial Building, corner Sixth and Prin- Emily r. Durant and Mr. Wharton P. cess streets, Sunday afternoon at 4:30 Flynn were united in marriage, Rev. o'clock for the first Fall meeting of the J. C. Mizzell performing the ceremony. organization. Mr. A. D. Wessell, the For the next few months Mr. and Mrs. the appeal of Joe Stephens, the young president, presided and Mr. J. D. Klan- Flynn will make their home at der, the secretary, was at his post. The French's Creek, and later they will go president made a short talk in which to Whiteville, where Mr. Flynn will ashe outlined the work it is hoped to do sume the management of a large firm. the killing of E. R. Shields in the during the Fall and Winter months, Both have many friends who will exnorthern section of the city about a and others joined in the discussion. year ago, following, a disagreement, It was a very enthusiastic meeting and they being solicitors for rival scaven- augurs well for the success of the organization during the Fall and Winter. The annual election of officers will take place at the October meeting.

PROF. BAROZZI TO TEACH.

Instructor of French Language and Literature at High School. Prof. M. Bianchi Barozzi, who has been making his home in Wilmington for a year or more, has been tendered the professorship of French lan-

guage and literature in the High

School for the coming session. Prof. Barozzi is a descendant of an old patrician family of Venice, and pecially interesting and profitable yes- was born at Nice, France. He studied terday, having been featured by ad- there, in Germany and Italy, where he in which they has traveled extensively at various past Summer at Edinburgh. Both ad- many years in Europe, perfecting his

> lors, third floor of the A. D. Brown dry ion goods establishment. The ladies have a most cordial invitation to be present and inspect the new and pretty styles

The French Millinery Parlors will display an exclusive line of pattern hats, Tuesday, Sept. 27th,

Grand Millinery Opening at Rehder's Drug Co., and banish the freckles. Thursday and Frday

FLYNN-DURANT NUPTIALS.

W. P. Flynn. In the presence of a number of relatend congratulations and best wishes:

Inspecting Harbor Craft.

Messrs. Rice and Borden, government steamboat inspectors, were here yesterday inspecting craft of the local harbor. The steamer Rosa, a river boat owned by Capt. Cnas. Wessell, has been changed by the inspectors from a passenger to a tow boat and the papers were filed at the custom house yesterday. The tug Blanche, Capt. Sanders, which recently returned to port from Brunswick, Ga., where she was equipped with a new boiler and otherwise overhauled, was also inspected.

Grand Millinery Opening at Rehder's

September the Month to Get Rid of These Ugly Spots.

Now that the Summer is over, the covered with ugly freckles and she retary of the Y. M. C. A., were received millinery at the French Millinery Par. fears that she has ruined her complex-

Fortunately for her peace of mind, the recent discovery of a new drug, Othine-double strength, makes it pos No matter how stubborn a case of freckles you have, the double strength Othine will remove them. Get an ounce package from J. Hicks Bunting Money back if it fails.

The C. W. Polvogt Co.

"THE STORE THAT'S ALWAYS BUSY."

FALL OPENING

We Announce Our Fall Opening Days:

Wednesday & Thursday

September 28th and 29th On Which Days We Will Exhibit for the First Time Our





Dresses, Coats, Coat Suits, Furs, Dress Goods, Silks and Trimmings

We will show a fine selection of French Patterns and Creations from our own work rooms. Miss Champlin, who was our head designer last season, is again in charge this season.



The C. W. Polvogt Co.