THE MORNING STAR, WILMINGTON, N. C., THURSDAY, APRIL 3, 1913

HOMICIDE CASE FOR TODAY FROST DID SMALL DAMAGE MR. JAMES D. NUTT RESIGNS COUNCIL GALLS FOR BIDS

Martin Milton Will be Heard This Reports to Truckers' Journal Indicate Gives Up Office of Deputy Grand Chan- Some Possibility That Work of Drain-Morning on Charge of Killing Henry Collins-Baldwin Case Also-City Wins Case

That Berries Covered With Straw Not Hurt Over Five Per · Cent-Weevil Busy

The principal cases on today's doc-The Carolina Fruit and Truckers' ket in New Hanover Superior Court Journal, of this city, has just received are those against Martin Milton, col. special reports from Chadbourn, Taored, who shot and killed Henry Col. bor, Conway, Grists, Cerro Gordo, ored, who shot and killed Henry Col-lins, some time ago; and W. G. Bald-win, charged with assault with Intent to kill Mary Stewart, a negress, who lost her leg as the result of a wound inflicted by Baldwin, who claims that it was accidental and unintentional, the result of a scuffle over possession of the gun by him and Jim McIntyre. of the gun by him and Jim McIntyre. As a matter of fact, the damage was

The solicitor has stated that in the so slight as to practically amount to case of Milton he would not ask for a first degree verdict but for a second and such other vegetables as were up, a first degree verdict, but for a second

a first degree verdict, but for a second degree verdict or one for manslaugh ter, this depending on the nature of the evidence to be developed today. Nothing was said with reference to the Holly case in court yesterday. It was rumored that there is a possibil-ity that the State will take a nol pros in the case charging Holly with arson. ity that the State will take a nol pros in the case charging Holly with arson. Holly has been tried three times for murder, the last time resulting in an acquittal. The evidence in the arson case is said to be practically the same as developed on the murder trials. If Holly is tried for arson it will be his fourth trial as the result of the burn-ing of the Rock Springs Hotel, three years ago.

The most important event of the was greater than in this section, of the pleasant relations which have where most of the berries are regular- existed between myself and thousands day's work yesterday was the hearing of the case against the city for per-the the the city for per-Editor Whitehead, of the Truckers' shape of that railing and excavation on the sidewalk on the south side of Princess street, between Front and berry weevil had made its appearance order, during the nine years I have het district again and was doing held this office, and the hope that won the case, the court ordering a verdict of not guilty entered, but paved the way for an appeal by the State to the Supreme Court. Judge Justice to the Supreme Court. Judge Justice waves combined. Mr. Whitehead and stated that these obstructions ought tion with the Agricultural Depart-not to be allowed and that he would ment at Raleigh, and every effort will hold against the city if he could, but be made to abate the nuisance of this under the indictment as brought, the insect pests. From the Rose Hill secstatute of limitations would apply. He tion the Truckers' Journal was also also held that the city could not be in- advised that crickets are appearing in dicted in this way, and that the proper large numbers and are feasting on method would be to institute mandastrawberries as rapidly as they begin mus proceedings, making the Councilto turn red. Both insects will be dealt men and the property owners affected, with in the best way possible to secure party defendants, after which condemnation proceedings could be start-

Mr. McClammy contended that the property rights involved reverted to the owners because of non-usance by the city. He showed that the city had not had possession of the property since 1891, when the act bearing on the subject, was enacted. No testimony was offered by the city

PUBLIC SPIRITED MEN. Wilmington Fortunate in Having Practical Philanthropists.

per basket.

their speedy extermination.

with much interest locally:

The lettuce market continues to

rule high, half-barrel hampers selling

"Wilmington and New Hanover

county are fortunate in having many

any in the State, and presented it to

the city as a memorial to his brother.

ASK JUSTICE'S PERMISSION.

Councilman B. C. Moore to Get Order

for Spilling Booze. Asked yesterday when his "booze

fest" was going to come off, that event

yesterday from \$2 to \$2.50 and \$3.00

cellor, Knights of Pythias, After Nine Years' Service-Raleigh Man Successor.

ing Maccmber's Ditch is to be Continued-Routine Matters Up Yesterday

After nine years of faithful service Realizing that the order of the Coun ty Board of Health in the matter is in the interest of the order, during mandatory and having a desire to carwhich time he has come in close perry out the mandate as far as possible sonal contact with thousands of Pythe City Council in regular weekly thians throughout the State, Mr. Jas. session yesterday morning passed a D. Nutt has tendered his resignation resolution authorizing the city engias State Deputy Grand Chancellor, neer to advertise for bids for building Knights of Pythias, domain of North a culvert along Macomber's ditch be-Carolina, to accept a commercial potween Market and Dock streets and sition in Wilmington. The resignation between Princess and Chesnut streets, has been reluctantly accepted by Col. distance of two whole blocks and Walker Taylor, Grand Chancellor, and three street crossings. Mr. William Woodrow Willson, of Ra-

leigh, has been appointed as his successor, the change taking effect April The proposals are to be opened in about ten days and if any bid is found to be satisfactory the contract will be On March 25th Col. Taylor received from Mr. Nutt his resignation in a communication reading as follows: let at once, so that the work can ge gotten well underway during the pres ent administration. Mr. J. C. Herring the concrete contractor, who built as Wilmington, N. C., March 25, 1913. "Hon. Walker Taylor, Grand Chancelan experiment a culvert from Mar net to Princess street, the same being

"Dear Sir and Brother:-I beg to paid for jointly by the city and the herewith tender my resignation of the abutting property owners, agreed to the concrete culvert to inoffice of State Deputy Grand Chancelcontinue clude the two blocks and three crosslor to take effect at your early convenngs mentioned for about \$4,200, and

abutting property owners proposed to pay \$1,200 of the amount, leaving \$3,-000 for the city to expend for the im-provement. The question was raised "I have been offered a position in commercial life, whose advantages are such that I do not feel that I ought to decline it. Naturally, the severance y Mayor Smith that bids for the work of the pleasant relations which have should be called for rather-than to continue the improvement under the of Pythians in this Domain can not be old contract. Mr. Herring said he would much prefer that bids be called severed without regret, and I have for so that he could come in competi tion with others and said also that if he did not succeed in landing the con tract he would be willing to lend the successful bidder any assistance he such is the case will be one of the concould. At a previous meeting of the soling reflections with which I relin-Council Mr. Herring stated that he

would take the city's note for its por-"To yourself personally and to the tion of the cost of the work, if de-Grand Chancellors, under sired. Nearly one-third of the cost of whom it has been my pleasure to the improvement is to be borne by the serve, I wish to express my sincere abutting property owners. thanks for many courtesies, and I hope

A delegation of prominent citizens that your term and that of your sucwere present to urge favorable action cessors will witness a steady and prosthe Board of on the mandate of eprous growth of Pythianism in this Those present were Bishop Health. Robert Strange, Col. Walker Taylor, "JAMES D. NUTT." Messrs. J. A. Taylor, Wm. H. Sprunt and Thos. H. Wright. Bishop Strange In accepting the resignation Colonel Taylor yesterday wrote Mr. Nutt as said that there was two reasons why the improvement should be made. "Wilmington, N. C., April 2, 1913. First, from the standpoint of health;

"Mr. J. D. Nutt, State Deputy Grand second, the property thus improved Chancellor, Wilmington, N. C. would so increase in value that in a "Dear Brother Nutt:-I beg to acshort time the additional revenue to knowledge the receipt of your letter of be derived in taxes would more than the 25th of March, tendering your res- offset the expenditure for the culvert. Ignation of the office of State Deputy Mr. J. A. Taylor spoke of the impor-Grand Chancellor, effective at my earNOTICE.

Notice is hereby given that the annual meeting of the Stockholders of THE PEOPLE'S SAVINGS BANK will be held at their office on Front and Princess Streets, on Tuesday, April 8th, at 4:00 P. M., for the election of Directors and the transaction of such other business as may come before said meeting.

> J. HOLMES DAVIS, Cashier.

## "Safety & Service"

Capital and Surplus of over \$340,000.00, and Resources of exceeding \$2,400,000 are our abundant guarantee of SAFETY.

Our modern building, up-to-date equipment and the determination to please our patrons constitute part of Savings and Trust Company SERVICE.

If in search of the combination-"SAFETY AND SERVICE," and in addition, 4 % interest, compounded quarterly, we invite your business.

## The Wilmington Savings & Trust Co.

Oldest Bank in Wilmington. Largest Savings Bank in North Carolina.

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Hon. John D. Bellamy appeared with Solicitor Shaw in the prosecution: Mr. R. J. Jones, who has reached the remarkable age of over 91 years and is still in fair health and strength; was the first witness and was intropublic spirited men of wealth. One duced by A. G. Ricaud, Esq., to Judge public spirited men of wealth. One Justice. He stated that Princess of the handsomest and completest hosstreet had been a public highway since pitals in the State is the James Walhe could remember, and gave other ker Memorial Hospital, which was evidence relating to the property many vears ago. A. G. Ricaud and Brooke the man whose name it bears. Recent-G. Emple, Esqs., both testified as to the character of the alleged nuisance. If Mr. Bear, a wealthy Hebrew mer-chant, erected a handsome school Three other cases of a similar nature building, as modern and complete as against the city were continued.

The case against Mr. Ben Cottle, druggist, in which retailing was charg-ed, came up but was almost immedi-ately nol prossed. Wm. J. Bellamy, Esc., insisted that a verdict of not at Winter Park Garden, a residence guilty be given his client, but as the suburb of Wilmington, this tract bejury had not been empanelled, this ing valued at \$150,000. Wilmington could not be done.

is exceedingly fortunate " in having practical philanthropists, men of The W. G. Baldwin case was called, wealth possessing the inclination to but L. Clayton Grant, Esq., for the degive of their means for the uplift of fense, asked for temporary postpone. ment, until two witnesses could be humanity. brought here from Pender county, and the court set this morning for the trial. With the solicitor in the prosecution will be W. P. Gafford and A. G. Ricaud, Esqs. Mar yStewart was in the

Court House, and created a stir in the lobby by fainting. She was taken out, weeping.

Entries of nol pros with leave was made in the case against Mary Johnson, keeping a disorderly house; and S. Abramowitz, nuisance.

Isaiah Donaldson, colored, charged that to destroy all that he has on hand Henry Mohr, at Sixth and Red Cross will require an order from court, and streets, and stealing a pistol, was dis, such order, after which, with ample

Wesley Yarborough, the colored bar-ber who was indicted last court on the charge of selling whiskey, was fined \$25 and costs upon pleading guil-ty. Hon John D Bellsmy told the fined \$25 and costs upon pleading guil-ty. Hon. John D. Bellamy told the court that the negro was of good char-acter and that he was only technical-ly guilty, having merely procured whis-key for a white customer at his shop. Judge Justice told Yarborough that he stood on the verge of going to the total since a Supreme Court ruling, be preferred a court order, to cover certain other parcels of whiskey that the police had captured. It may be, roads and advised him to allow roads, and advised him to allow no stated that no great amount of the whiskey kept at his shop, nor to buy stuff is worth anything, much of it be any for anybody. He was given until ing of the blind tiger variety, warrant Saturday to pay the fine. Dave Nixon, larceny of a case of fect. ed to produce any but a pleasant ef-

lard from McNair & Pearsall, was found guilty. The evidence was that

Deeds Filed for Record.

he sold a case, which was exhibited, Following are the deeds filed for to Jim Johnson, a colored merchant, but the testimony was by no means conclusive, and after his attorney had pleaded for him, Judge Justice him-16, in Edgewood, near Winter Park. self announced that he wasn't dead first lot on east side of Sixth street, sure that the negro was guilty, where-upon he began to question him, and 140 feet north of Maple avenue, 70x 119; second, on the east side of Sixth street, 210 feet north of Maple ave-Nixon spoilt his chances, for he immediately began the threadbare story nue, 70x110. D. J. Brown and others, trustees of Pilgrim Rest Baptist church, to Geo. O. Gaylord, for \$100, about a stranger hiring him to haul the lard to Johnson's place. That settled his hash and he went to the quarter acre on Jones' road and Alroads for six months, which was the len's lane. Southwestern Realty Co., sentence the Recorder gave him. to Jeane Fennell, for \$100 and other

In the general run of cases of minor importance appellants from the Recorder's court get little comfort in Su perior Court. In the Maria Mack case

> See 1 - 17月3月2日中

Mr. Witte's Remains Taken Away. which the jury returned a verdict The remains of Mr. George C. Witte, of guilty of retailing Tuesday afterwho was the victim of a deplorable ac- was facing the officer, trying to pull noon. Judge Justice yesterday impos-

cident Monday morning, when a runed the same sentence the Recorder gave, which was five months on the away team fatally injured him at the Charles Hankins, colored, charged county farm. When some objection A. C. L, delivery warehouse, were tak- with shooting at Frank Moore, colorwas made that the woman's health en to Monticello, Ga., yesterday after ed, was heard in part yesterday, and was poor, the judge said farm work noon on the 3:15 Seaboard train, Mrs. the case continued till the 9th. Ephwas a very healthful occupation.

Witte and daughter, Miss Sarah Wit- raim Brown, disorderly conduct, guil-In passing on the Mack case, Judge, Justice took occasion to observe that

street, 187 feet south of Castle, 33x155.

Justice took occasion to observe that whenever white people of any respect-ability at all were stopped from selling where two married daughters of the ability at all were stopped from selling where two married daughters of the ability at all were stopped from selling promptly took up the business, and every one who could read and write learned to make orders and send them

convenience Editorially, the Charlotte Evening ence with you. I feel constrained reluc-Chronicle Tuesday afternoon contained the following, which will be read take effect of the 10th of this month.

lor, Wilmington, N. C.

quish it.

several

domain.

follows:

er administration of the executive du- make the improvement. ties of the office without a capable deputy. And I bear cheerful testimony, therein corroborating my predecessors, to your faithfulness, your capacity, and your devotion to the order. part with you with regret, but feel that your personal interests, which you are consulting, is properly paramount, and that you should be releas-

"Fraternally yours,

"I wish you all prosperity. "Fraternally yours,

WALKER TAYLOR. "Grand Chancellor." It is understood that Mr. Nutt, who

is an experienced pharmacist, has accepted a position with Mr. W. C. Munds, the well known Market street druggist, and will enter upon his new duties in a short time.

described some time ago as the occa-Mr. William Woodrow Willson, of sion when much contraband whiskey Raleigh, who has been named to sucwill be poured into the sewers, Counceed Mr. Nutt. is a man well known cilman B. C. Moore replied that after in Pythian circles throughout the investigating the matter, he had found State, being a Past Grand Chancellor. He was city clerk and treasurer of the city of Raleigh at one time and was reading clerk of the State Senate for a term or two. He is a good speaker and a most enthusiastic Pythian. Local Pythians regard him as a most worthy successor to Mr. Nutt, who has done so much for the upbuilding of the order in the State during-his incumbency in the office.

## THE RECORDER'S COURT.

W. G. Baldwin Fined \$25 and Costs

Instead of the Road Sentence. In the Recorder's court yesterday morning W. G. Baldwin, in the case charging assault with deadly weapon charging assault with deadly weapon on Jim McIntyre, at Castle Haynes

two months ago, was required to pay a fine of \$25 and the costs, instead of serving the sentence of 12 months on the roads which the court gave him record yesterday: C. C. Chadbourn and wife to J. N. Valentine, for \$100 not having jurisdiction, the Recorder remanded the case to Justice Harriss, who sent it to Superior Court. Mean-

while the grand jury returned an indictment for the same offense. This comes up this morning. John Graddy, colored, whom Patrol-

man S. W. Powell wounded the 2nd day of November last, as the negro was trying to get a gun from his pocket, was fined \$25 and costs. He was only recently arrested. At the time the negro claimed the policeman shot considerations, lot on east side 14th

him in the back, and his brother officers have been getting a good deal of fun out of Officer Powell since the

his gun from his hip pocket.

te, accompanying. The funeral and ty, prayer for judgment continued. burial will be held at Monticello, Sam Green, assault with a deadly

ollowing a confer-thealth standpoint. best economy in municipal govern tantly to accept your resignation to ment is health just as the best econ-

tance of the improvement from

omy in the postal service is efficiency. "Having been among the earliest As he understood it the resolution o approvers of the establishment of the the County Board of Health made office you have so well filled, and hav- mandatory on the part of Council to ing been an active member of the make an effort to abate the nuisance Grand Lodge during your entire in complained of and remarked that it cumbency of it, I have been familiar was the duty of Council to carry out with the valuable service you have the spirit of the order even if it were rendered to the order in this Domain. necessary to corrow money to do it. but it is only since I have been Grand Mr. Sprunt added a few words to what Chancellor that I have been made fully had been said and declared that from aware of the impossibility of the prop. a health standpoint Council ought to

Mr. Herring said he was leaving the work between Market and Princess streets in a rather unsatisfactory condition in that the culvert stopped on the north side of Market street and he asked that if Council did not do any more that it authorize him to construct the drain to the opposite side of Market street.

Bishop Strange inquired of Council if it were not the understanding two weeks ago when the body was petitioned to continue the drain for the two blocks mentioned, that Council was favorable to the proposition and that the improvement would be authorized if the County Board of Health should order it so as to justify the Council in contracting a debt for this purpose. Mayor Smith replied that Bishop Strange had correctly stated the position of Council. Bishop Strange then remarked that there was nothing left for Council to do but to

order the improvement. Councilman Perdew moved that Mr Herring be authorized to continue the work for the two blocks at the figures submitted by him and quoted above. Mayor Smith then raised the question as advertising the bids. This was discussed for a few minutes and then Councilman Perdew changed his motion to provide for advertisement for bids and, seconded by Councilman B.

C. Moore, was adopted: Mr. J. A. Taylor suggested to Council that the body ought to have the opinion of the city engineer as to

whether the improvement of the two March. ing of the Board of Health when the resolution was adopted, explained that is understanding was that it was the idea of the Board of Health that the city should make a start in the way of draining the ditch and continue the improvement as the financial condition would allow.

Mr. J. A. Springer was present to hear the report of Councilman P. Q. Moore as to the estimated cost of the improvement of the street leading to

the plant of the Independent Ice Company, deferred at the last meeting. Councilman Moore submitted the following estimates: Clay gravel, \$66.70; asphalt, \$1,244.50; brick, \$1,555.60; granite block, approximately, \$1,800; curbing, \$266. These estimates are curbing, \$266. based on a roadway 20 feet wide. Action was deferred, as members of Council desired to hold a conference to discuss the question of financing present case came up. The wound, the improvement. The conference of course, was made while the negro was held right after the meeting ad-

journed, but no agreement was reach-C. Berney Licenses, were granted as follows: D. L. Rushing, soft drinks, 723 South Front street; D. W. Williams, restau-

rant, 601 South Tenth street. A petition was received from Capt. W. Woolard and Sergeants E. J.



WILMINGTON'S MOST BEAUTIFUL RESIDENTIAL SUBURB. A Perfect Sanitary Sewer System and Artesian Water Makes it a Veritable Health Resort. All City Conveniences Guaranteed. Lots sold on Easy Terms.

THE FIDELITY TRUST & DEVELOPMENT CO.

**Building Association Met Last** 

Night-Splendid Year's Bus-

member stated that he could see no occasion for an audit by outside par. HELD 23RD ANNUAL MEETING ties at this time as the books are audited every three months by local audi tors, and, too, the new administra tion, he said, would want a new audit, anyway.

The application of the Atlantic Coast Line for a side track from the belt line, between Ninth and Tenth

iness Reported streets, to be used by Elijah Green and the Clark-Lynch Lumber Co., was referred to the city attorney and the With a large and enthusiastic at-

city engineer. tendance of the stockholders, consid-The report of Chief Chas. Schnibben, of the fire department, showed erably more than a majority of the a heavy fire loss for the month of stock being represented, the annual He estimated that the loss meeting of the North Carolina Home will reach \$50,000. This is the heaviest loss in any one month in a long Building Association was held last time. There were 17 alarms in March, night in the office of the secretary at causes as follows: Unknown, 3; ac- No. 118 Princess street. Hon. John defective flue, 3; carelessness, 2; cil D. Bellamy was called to the chair June 1st, \$158,132.86; receipts \$41,560stove, 1; fire in woods, 1.

Mr. R. C. Cantwell, superintendent proceedings was kept by Mr. Jas. H. of the water and sewerage systems, Taylor, secretary and treasurer of the

who was acting clerk in the absence organization. of Capt. Thos. D. Meares, cit yclerk and treasurer, who was called as a witness in Superior Court, reported that only about CO sewerage connec. reading of it was listened to with tions had recently been made by per sons notified that they must make connections with the municipal plant, while 400 or 500 had made application for permission to connect. Dr. Chas. r. Neshitt, city superintendent. of health, emphasized the fact that merely applying for permission to make open the 48th series on May 3rd, lim-connection will not guard one against iting the series to 500 shares. ly applying for permission to make indictment in case the connection is

Councilman Perdew reported that J. Weil, J. W. Freeman, W. H. Bernot made. the work of constructing the additions nard, James Owen Reilly, C. W. Pol-

to the municipal sewerage system is vogt, A. G. Warren, John D. Beilamy, progressing fairly well in view of the T. D. Love, J. M. Solky, J. W. H. Fuchs, W. N. Harriss, J. H. Taylor, scarcity of labor.

Upon motion of Councilman P. Q. Jr., G. T. Flynn. Moore it was ordered that a bicycle Immediately aft Immediately after the stockholders be purchased for the engineering de- adjourned the directors met and elect Grimsley and H. W. Howell, of the po-lice department, asking that they be given a 10 per cent per day increase, Department.

Mayor Smith said that at a recent tary and treasurer; Hon. John D. Belmeeting Council authorized him to ex- lamy, atterney.

total of \$324,566.43; leaving a balance on hand April 1st of \$31,189.95.

Water and Sewerage Department (operating)-Balance June 1st, \$9,387.-46; receipts, water, \$28,931.77; sewer-Stockholders of North Carolina Home age, \$3,490.10; a total of \$41,809.33. Building Association Met Last Disbursements-Operating expenses, \$32,960.51; transferred to general fund \$6,507.45; a total of \$39,467.96; leaving

a balance of \$2,341.37. Water and Sewerage (construction) -Balance June 1st, \$127,960.71; interest on deposits, \$3,375.96; forfeit o

contractor, \$500; a total of \$131,836.67 Disbursements-Purchase of sewer plant, \$30,000; sundries, \$1,362.46; a total of \$31,362.46; leaving a balance of \$100,474.21.

Park Fund-Balance on hand, \$805. 30; interest on deposits, \$23.86; balance on hand April 1st, \$829.16.

Street Improvement Fund-Balance and presided, while a record of the 62; a total of \$199,693.48. , Disbursements, \$200,450.78; the account therefore being overdrawn to the amount of \$757.30.

Sidewalks-June 1st, deficit of \$6, 398.84; receipts, \$10,643.91; disburse-ments, \$14,986.57; making a deficit of The annual report of the secretary and treasurer was submitted and the \$10,741.50 on April 1st.

Scavenger work-Deficit June 1st. much interest by the stockholders, all \$3,621.93; receipts, \$7,890: Disburseof whom expressed themselves as being highly pleased with the year's bus-iness. The association has assets apments, \$13,363.84; a deficit April 1st of \$9,093.77.

proximating \$120,000 and during the The statement of receipts for March is as follows: Real estate, personal past year earned 9 1-2 per cent on the shares in force. It was decided to and polls, \$63,452.40; back taxes, \$159.licenses-Merchants, corporations, 45; etc., \$3,871.25; vehicles, \$6.50; chauf-

leurs, \$8: market rents, \$216.57; rents Directors were elected for the enfrom buildings, etc., \$185; pound fees, \$12; surveys, \$55; plumbing permits \$63; miscellaneous, \$31.90; a total of \$63.061.07. Further receipts as follows: Water, (operating account), \$392.61; sewerage (operating account) \$47.75; sidewalks, \$170; - scavenger work, \$912.95, a grand total of \$69, 584.38.

PREPARING FOR NEW HOTEL

Workmen Tearing Away Building on Corner of Front and Walnut

The first work preliminary to the

