

# THE SCOUT.

Successor to the MURPHY ADVANCE  
MURPHY, N. C., OCTOBER 21.

## APOLOGY.

The reason of the non-appearance of the SCOUT last week was on account of sickness and our inability to secure extra help.

This week we give, to the exclusion of all other matter, the full proceedings of the Gould trial. We hope our readers will appreciate this effort on our part. The SCOUT is the only paper in the country that gives a complete report of this more than celebrated trial. Next week we will have an editorial on the speeches, court proceedings, etc. These articles were prepared for this issue, and were crowded out. Notices of new advertisements will also appear in our next. These remarks, we think are due our readers. Extra copies with the Gould trial can be had for 10 cents apiece, or three for 25 cents.

When the hair shows signs of falling, begin at once to use Ayer's Hair Vigor. This preparation strengthens the scalp, promotes the growth of new hair, restores the natural color to gray and faded hair, and renders it soft, pliant, and glossy.

## You Are in a Bad Fix.

But we will cure you if you will pay us. Our message is to the weak, nervous and debilitated, who, by early evil habits, or later indiscretions, have trifled away their vigor of body, mind and manhood, and who suffer all those effects which lead to premature decay, consumption or insanity. If this means you, send for and read our Book of LIFE, written by the greatest Specialist of the day, and sent (sealed) for 4 cents in stamps. Address: Dr. Parker's Medical and Surgical Institute, 151 North Spruce St., Nashville, Tenn.

## MONEY TO LOAN.

I am prepared to negotiate loans on improved farm lands in sums of \$300 and upwards, at low rates of interest and easy terms. Farmers desiring to borrow money would do well to call and see me.

L. E. MAUNEY, Atty.  
MURPHY, N. C.

## SALE OF VALUABLE LAND.

On Monday, the 1st day of December, 1890, I will sell at public auction at the court house door in Murphy, Cherokee county, N. C., all the interest, right, title and claim of John V. Brittain and Hardy S. Brittain in tract of land No. 5, in District 6, of said county, formerly known as Benjamin Brittain land, more fully described in a trust deed from John V. Brittain and Hardy S. Brittain to W. F. Mauney, and recorded in book V, pages 19 and 20, register's office, Cherokee county. Terms of sale, one-third cash; balance in equal payments at six and twelve months. To be sold by virtue of said deed in trust to satisfy the said debts referred to in same.

August 25, 1890.  
W. F. MAUNEY,  
Per J. W. Cooper, Atty.

"Not all is gold that glitters" is a true saying; it is equally true that not all is sarsaparilla that is so labelled. If you would be sure of the genuine article, ask for Ayer's Sarsaparilla, and take no other. Health is so precious to be trifled with.

## NOTICE.

All persons indebted to the firm of Paddock & Lane are earnestly requested to come forward and make settlement with the undersigned. The death of Mr. Lane makes it an absolute necessity that the business of the firm be wound up immediately.

F. S. PADDOCK.

## NOTICE.

### VALUABLE LANDS FOR SALE.

By virtue of a decree made by the Clerk of the Superior Court of Graham County, in an action entitled Henry W. Sumner, et al vs Edwin Sumner, et al, which said action was for the partition and sale of the lands mentioned and described in the petition therein filed, and the clerk of said court having appointed the undersigned a commissioner to sell the lands set forth in the petition, upon the terms and under the direction of said decree, I will offer for sale at the court house door, in the town of Robbinsville, at public outcry upon the terms herein after set forth, the following described land situated in Graham county, State of North Carolina to-wit:

Tract No.	Acres	Value
7122	12	100
7123	100	100
7124	31	100
7125	31	100
7126	60	100
7095	50	100
7075	100	100
7161	300	100
7094	420	100
7096	620	100
7190	600	100
4285	100	100
7159	585	100
7160	50	100
7092	50	100
7101	50	100
7107	175	100
7126	240	100
19	375	100
18	375	100
102	300	100
646	100	100
2501	200	100
2513	100	100
227	1000	100

The above lands include fine farming, grazing and timber lands.  
The sale will be made on Monday Oct. 27th 1890 being Monday of Graham Superior Court, beginning at 10 a. m. Terms of sale one fourth cash, and the balance in equal installments of six and twelve months, evidenced by no es and approved security.  
I am authorized to sell any or all of these lands at private sale, and will receive and collect the purchase money at any time.  
For further information apply to the undersigned, or a Justice, N. C. and E. E. Cooper, Attorneys at Law, J. W. Cooper, Atty.  
E. E. COOPER,  
Clerk Superior Court.

# THE GOULD TRIAL.

Continued from first page.

tells a lie in court without a motive of interest to himself. It was the promptings of truth and justice that that influenced his testimony. A man with a fabricated story couldn't stand the fire of an ingenious counsel. You can't break a man down when he is telling the truth. It is indeed sad that we have these trials, but law and society demand it, and we must deal with them as we find them. We submit that this woman was brutally abused by this man. She was driven to desperation. She is a stranger in a strange land, without kindred and friends, nobody but this man, who said he was her husband. Husband! Did you ever think what that one word meant? Would you have submitted for one moment to the indignities heaped upon her? The moral law, as well as the law of God, says you would have had a right to kill him. Courteous to his friends, but abused his wife. My God what kind of a man was he? The prosecution wants to know why Ramsey didn't go after a physician just after the stabbing took place. He told Bob "that damned bitch didn't hurt him," and not to tell anyone. He didn't want the community to know that he was so cowardly as to strike a woman. This is the reason. Physically he was powerful, and instead of protecting her, he heaped indignities upon her. Can you appreciate the agony that woman endured before the fatal stab? You know human nature and of these occurrences. The evidence is so plain and forcible that you cannot fail to understand it. Take the evidence, and do unto our defendant as you would that others should do unto you."

Hon. Kope Elias, acting Solicitor, then closed the arguments by the following brief speech: "I assume that his honor, and you, gentlemen of the jury, as well as myself, will participate in this great case. I am here as the representative of the law; I am not here to represent the defendant, nor the memory of her husband, who is dead; but to perform the stern duty in pursuance of my oath. I would not say aught to hurt the feelings of the defendant and her counsel; nor to influence you in any way; nor to induce you to make a mistake in this matter, for there is a human life at stake. My purpose is to aid you in upholding justice, which protects those who are weak. The learned counsel for the defense claim that the prosecution have been guilty of unfair treatment towards the prisoner. This does us great injustice by trying to arouse prejudice in your minds. Where is the injustice done the prisoner in the management of this case? Pause and meditate. She has been treated with more fairness than any prisoner I ever saw placed in the same position. If Dr. J. W. Patton's evidence was so convincing as to influence 18 men to find a true bill against this woman, wasn't it right that the State should examine only one witness? The gratuitous criticisms are unjust and out of place. The other side should receive it, for they introduced only three witnesses, when there were scores sworn. Take Ramsey's evidence and you'll convict her. There are three elements in the case I shall try to argue. That part of the testimony where Gould pulled her off the couch, poured water on her, etc., has no connection with what followed later. Let us reason together, so that we may arrive at the truth. Something must have occurred before to participate in this flight and pursuit. It is not possible that a man would harm anyone, especially his wife, without a just and sufficient cause? So something is unexplained by the defense, which necessitated her retreat and pursuit. He was able to whip her without resorting to force. Laboring under the insult, she had no other desire than an insatiable greed for revenge, and nothing would satisfy her short of his life's blood. She got rid of him at last. Carefully weigh all the testimony presented for your consideration, and make up your verdict accordingly."

JUDGE PHILLIPS' CHARGE.

The defendant, Lilly M. Gould, stands charged with the crime of murder. Murder is where one human being takes the life of another from motives of malice; or, as the law books say, with malice aforethought.

Man slaughter is the unlawful killing of another without malice, expressed or implied. Malice is the grand criterion which distinguishes murder from other killing.

Any formed design of doing mischief, whether arising from hatred and revenge against deceased, or from a perverse malignity and depravity of heart in general, constitutes malice aforethought.

Malice in fact, or express malice, consists in a deliberate purpose to take the life of the person slain, or to do him some bodily harm, the intention being ascertained from external circumstances, by laying in wait, antecedent malice, former grudges, etc.

Malice in law, or implied malice, consists in any evil design in general, and it

and they must all point to the guilt of the defendant and exclude any reasonable theory of her innocence.

The State must show you beyond a reasonable doubt that Chas. N. Gould was killed, and that the defendant did the act. For in an indictment for murder, the two constituents of the crime, to-wit: a voluntary killing and malice aforethought must be proved by the State, as it makes the charge; and, as means that the circumstances manifest a wicked, depraved and malignant spirit, regardless of social duty and fatally bent on mischief.

Your first inquiry is, did the defendant, Lilly M. Gould, inflict a wound on the body of the deceased, and was his life taken by that stroke, and has the State shown this to your satisfaction and beyond a reasonable doubt?

Every material circumstance necessary to make out the charge of the State must be proved beyond a reasonable doubt, the accused is presumed to be innocent until the contrary is shown, both of these elements must be proved. The killing being shown, then the other ingredient, malice in law, is also proved as a fact in the eyes of law, not by evidence adduced, but a presumption that the law makes from the fact of killing; and these two essential facts being thus established, the legal conclusion thereon is that the offence charged is murder.

But the imputation of malice, raised by the law and taken as a fact is not conclusive on the party accused, but may be rebutted. She may show that there was no malice premeditated; or that she was not a man-slayer; or make a case of justifiable or excusable homicide; or a case of no criminality at all. The burden lies on the accused to make these proofs, if she can; otherwise the conclusion of murder, or malice implied, will continue against her, and will call for and in law oblige a conviction by the jury; and in making such extenuating or acquitting proofs, the law puts on her the onus to do so, not excluding all reasonable doubts but merely to the extent of satisfying the jury; and if the jury are left in doubt as to the extenuating circumstances, it is murder.

Then when the State shows the killing to have been done by the accused, this is all the State is required to show beyond a reasonable doubt. Then the burden of proof shifts, and the prisoner must show that her offence was manslaughter, a circumstance which tend to show the jury that she acted from necessity and in self-defense, and therefore ought to be excused and have a verdict of not guilty.

The circumstances of mitigation and excuse may be shown by testimony offered by the State, or by evidence offered by the prisoner; and the law does not require this to be shown beyond a reasonable doubt by the jury. There is no direct testimony offered to show the jury at what time the prisoner got the dagger, if she did get it, with which the fatal blow was given, if it was given by her. The case depends much upon whether the prisoner and deceased, if they fought, did fight upon equal terms, and with or without unfair advantage.

If the jury believe that the defendant was assaulted in the kitchen, as testified to by Robert Ramsey, and that after the lapse of 25 or 30 minutes, she prepared a dagger with an intention of using it in case she got into a difficulty with deceased, and went up stairs for the purpose of meeting deceased and having a conflict with him. If the defendant killed the deceased with the dagger, which is a dead weapon, it is murder, and not manslaughter, though the deceased made a violent assault upon her.

If the jury believe that the defendant went up stairs, not for the purpose of having a conflict with the deceased, and an altercation ensued and the deceased attacked the defendant with a walking stick and the defendant was willing to meet the attack; and did meet it and they fought mutually and suddenly; and the deceased with a stick and the defendant with a dagger, and the defendant killed deceased, it is but manslaughter, although the death is caused by the deadly weapon.

If the jury believe that the defendant went up stairs, not for the purpose of having a conflict with the deceased, and the deceased attacked the defendant with a stick, and the defendant, being herself faultless, reasonably apprehended death, or great bodily harm to herself, and if she struck the blow under the circumstances, she is not guilty of any violation of the law. The killing is excusable and the jury will say not guilty.

What the jury, in arriving at the true nature of the combat, should consider the size and physical strength of the deceased as compared with the prisoner; the weapons he had made, if any, and his general character for violence. Before the jury should be required to say whether the prisoner should have done under the circumstances, it should, as far as can be, be placed in the defendant's situation, surrounded with the same appearance of danger, with the same degree of knowledge of the deceased's probable purpose, which the defendant possessed, and with the same knowledge of his character as a violent man; for, if the deceased attacked the prisoner, she being faultless, and from the nature of the attack, she had reasonable ground to believe there was a design to destroy her life, or commit great bodily harm upon her person, the killing of the deceased by the prisoner would be excusable homicide, and this would be so, even though it should afterwards appear no felony was intended.

The grounds of belief must be reasonable; the defendant must judge at his peril; for it is the province of the jury on the trial to determine the reasonableness of his belief.

The jury should consider all the evidence and weigh it. It is the province of the jury to pass upon the facts. It is the duty of the court to instruct as to the law. The jury are to find their verdict upon the facts as laid down by the court and the law as found by them to be true. You will take the case, gentlemen, and say whether the defendant is guilty of murder, or guilty of manslaughter, or not guilty.

After the Judge had finished his

charge the jury retired, and from Thursday afternoon at 2 o'clock until daylight Friday the jury stood eleven for acquittal and one for conviction of murder when he, too, was for acquittal.

As the jury filed in the court room there was a rush of seats. The fair prisoner was brought in, and when the verdict, "Not guilty!" was read, everybody nearly at the court house breathed a sigh of relief.

Thus the great Gould tragedy has ended, so far as human power is concerned, and she must now await her trial before the bar of God.

At the present she is stopping at Traveler's home. In a few days she expects to visit Atlanta and Buffalo, returning here later to reside permanently.

TOMOTLA.

There are two classes of men now engaged in putting through the Magpie Kincaid out here. Capt. Smith has offered an inducement to these men if they can complete it this month.

The W. N. C. R. have just completed a handsome depot at Tomotla, and the schedule will be changed to make a daily passenger train from Asheville run through to this point at once. The distance to Murphy from this station is only six miles.

Capt. E. H. Smith, the supervisor of the work on the W. N. C. R. road, makes his headquarters at this place. He is a Virginian of the pure type. He says that some English and Northern capitalists have invested thirty million dollars in coal, iron and other lands in Virginia. He will go to his former home in Nelson county shortly to sell his property there.

MARBLE.

Some gentlemen of this place, who had the cash to invest in timber, made the cool sum of eight thousand dollars on their investment, and were at no trouble in striking a lick of work in the transaction.

Nearly every day there is some new feature that offers an inducement to capitalists to invest money in Cherokee county. Your correspondent learns the some expert mineral men say that the whole bed of Valley river on each side is underlain with marble of different kinds. A fine specimen of genuine black marble was brought from this Valley last week. It is only a matter of time when this county will come to the front with its many industries.

ANDREWS.

The sacred historians inform us that Lot was made a widower simply because his wife "looked back" on the burning cities of Sodom and Gomorrah. If this lady could have lived until now and looked back on Andrews, she could see nothing but lots. The town is yet in its embryonic state, and if it was not for the fine depot building there the town would all be lots. On sale day many lots were sold, and many of them brought fancy prices. Building is to begin soon, and the vacant lots will be covered by residences, stores, a fine hotel, etc.

VALLEY TOWN.

Mr. Joel Powers of Valleytown, one of the over-seers on the W. N. C. R. road, will change his residence from this place to a point near Murphy, where it will be more convenient to the works. Mr. Powers is one of the most noted rock workers in the State, and is an expert railroad man. He built the "Joe Cross" tunnel, near Westfield, in 1889, which is a fine piece of work. The Richmond & Danville Railroad could not well not afford to do without "old Joe Powers."

go home, and they left him alone in his glory. Sometime between midnight and day the cool air of a mountain climate roused him and told him that a blanket was needed to keep off a chill. He then soon discovered that he was alone in a meeting house at the dead hour of night and the thoughts of ghosts come to him. He ran out of the door and made a line for home with a yell like unto a five year old hyena. He ran against a good sized tree and butted himself down and skinned his face and blacked his eye; and on his way home he aroused a family who were all asleep and they mistook him for a wild man and opened fire on him with a No. 4; and he had to leave the road and take to the fields and he ran into a flock of geese and a herd of sheep, and the owner of these heard the distress of the sheep and geese together with the wild cries of the disconsolate young man, collected his gun and dog and went for him in haste and overtook him and forced an explanation. This youth now promises to stay awake next time in church—if they will not tell his name to the public.

WESTFIELD.

The turn table of W. N. C. R. R. at Westfield is to be removed from that point to Tomotla for the convenience of the passenger and mail trains when they run through from Asheville.

TOPTON.

The ghost has been seen again at the old convict quarters at Topton. This time it was in the shape of an engine and a train of cars going over the mountain.

JARRETT'S.

Jarretts Station has been a lively shipping point for lumber all this year, and money has changed hands and been made in the business.

Your Know Wro.

The Worst Cough.

Is relieved by the use of Ayer's Cherry Pectoral. But don't delay till the bronchial tubes are inflamed and the lungs congested. Prompt use insures rapid cure. L. D. Bixley, of Bartonville, Va., writes: "Four years ago I took a severe cold, which was followed by a terrible cough. I was confined to my bed about four months. My physician finally said I was in Consumption, and that he could not help me. One of my neighbors advised me to try Ayer's Cherry Pectoral. I did so, and was well before I had finished taking the first bottle. Ever since then my health has been good."

Ayer's Cherry Pectoral,  
Prepared by Dr. J. C. Ayer & Co., Lowell, Mass.  
Sold by all Druggists. Price \$1; six bottles, \$5.

J. P. Robinson, M.E.

REAL ESTATE AGENT.

MURPHY, N. C.

Mineral Lands, Farming Lands and City Property,  
Geological and Timber reports made. Hands surveyed and plots made. Charge a reasonable and satisfaction guaranteed.  
Twenty years experience in Pennsylvania, Virginia, West Virginia, Alabama, Tennessee, North Carolina, Arkansas, Texas and New Mexico.  
Same bargains on books of Iron, Ore, Marble, Tale, Corundum, Coal, and Timbered Lands, in large and small blocks. Correspondence solicited.

BLACK & MOORE,  
Dry Goods, Notions, Boots,  
SHOES, HATS AND  
CLOTHING  
STAPLE AND FANCY  
GROCERIES! GROCERIES!

MURPHY, N. C.

BLACK & MOORE, MURPHY, N. C.  
Gurley Bros

DEALERS IN:  
Staple and Fancy Groceries

—We keep on hand a carefully selected stock of—  
CIGARS, TOBACCOS AND SNUFFS,  
CANDIES, NUTS, FRUITS, Etc., Etc.,

—And we can successfully compete with the trade on—  
Clothing, Dry Goods, Notions, Etc.

GURLEY BROS.,  
N. W. Cor. Pub. Square, Murphy, N. C.

Kincaid & Speer,

Wishing to keep up with the times and catch the stray nickels, we have established a branch store at Tomotla, under the management of our Mr. George Kincaid, who will be pleased at all times to wait on the public.

At both stores will be found a large and varied stock of goods, consisting in part of Dry Goods, Notions, Clothing, Boots, Shoes, Hats, Ladies Dress Goods, staple and Fancy Groceries, Tinware, Etc., Etc.

The public generally are invited to call and inspect our goods, as we promise bargains never before offered.

MURPHY & COMOTLA, C.R.

R. A. AKIN,  
DEALER IN

GENERAL MERCHANDISE.

MURPHY, N. C.

READY MADE CLOTHING,  
Ladies' Dress Goods, Notions, Boots, Shoes, Hats, Caps, Shawls, Etc.  
—Also, carry a full line of—

Family Groceries, Cigars and Tobacco,

Hardware, Stoneware, Tinware, and many other articles too numerous to mention. Call and see me and I will do my best to please you, both in price and quality of goods. Fair treatment and short profits.

W. M. Pierce  
KEEPS THE ONLY  
FIRST CLASS FEED AND LIVERY  
STABLE IN TOWN.

GOOD HORSES FINE HACKS.  
My Hacks and Carriages meet all trains on the M. & N. Ga. and W. N. C. Railroads. Parties wishing conveyances to the country will do well to give me a call.  
I have in connection with my stable a first-class repair shop, and can manufacture or repair  
BUGGIES, WAGONS, ETC., ETC.  
We make a specialty of HORSE-SHOING and guarantee good work. Be sure to me a trial before making your orders.