

IS CHARGED WITH MURDER

JOE DUNHAM NOW ON TRIAL

Negro Who Shot and Killed Fellow-Workman on Seaboard's Improvement Gang Near Chadwick Mill, Charged with Murder in First Degree—Nature of Evidence Submitted Against Him by Four of His Associates in the Work and Eye-Witnesses of the Murder—Tells a Contradictory Story to That Given by the Four Other Negroes—Shot Troy Sutton Last November.

Joe Dunham, the negro who shot and killed Troy Sutton, also colored, at a Seaboard improvement gang near Chadwick some weeks ago, was put on trial yesterday afternoon in criminal court for his life. Solicitor Clarkson implored a verdict of first degree murder and entered into the case with a spirit of determination to avoid any possible miscarriage of justice. A panel of 50 men had been ordered by the court, and from this number the following named gentlemen were chosen to sit in judgment: Messrs. E. S. Simpson, R. H. Rice, M. E. Christenbury, E. P. Toole, J. P. Taylor, R. P. Garmon, J. W. Morris, G. L. Hoover, H. W. Davis, H. C. Williams, W. A. Short and C. A. Hodges.

The first witness called by the State was Dr. C. S. McLaughlin, county physician, who explained the nature of the bullet which entered the body of Sutton. His testimony was to the effect that the wound was mortal and that Sutton lived only a short while after receiving the shot.

NATURE OF EVIDENCE. Alex. Crawford, an associate of both the deceased and the accused, and a member of the improvement gang, testified that near night on a day in November, he had come up to the quarters with other workmen and heard Dunham ask Sutton about a tub.

Dunham said that Sutton would have to pay him 20 cents hire for the tub. Sutton said that he thought it was only 10 cents. The witness declared that Dunham said then that it was 20 cents and he saw the flash of a pistol from the window of the cook-car and Sutton dropped over dying. Crawford said that Sutton was standing on the ground nearby. Dunham came out of the car, looked at the dying man, went back in the car and then disappeared.

The testimony of Henry Caldwell, Lee Ingram and George H. Johnson, associates in the work at the time of the killing, was substantially the same. Chief Christenbury testified to the fact that he was on the scene a half hour after the shooting and saw go a pistol about the neck of Dunham. Vaughan, Jr., commissary clerk at the gang, declared that he rushed out of the car as soon as he was informed of the tragedy and he saw no knife, pistol or any weapon about the dying man. Chief Christenbury testified that the dead man did have a knife, but it was in a pocket of the pants worn under a pair of overalls.

THE DEFENDANT'S STORY. The State rested with these witnesses and the defendant was called to the stand and told the following story:

"When I asked Sutton for the tub which I had hired him, he said it was torn up. I then told him that he would have to pay me 20 cents for it. He replied that he would pay me with his own head, meaning his pistol, and then started toward me. I got a pistol and shot out of the window just to scare him. I had told him the morning before when I saw him with a pistol that the boss man did not allow any of the hands to carry a gun and persuaded him to give it to me. About 20 minutes before the shooting he came to the car and said he wanted his pistol. He was going over town and was going to shoot at I thought he had his pistol when I shot him."

On cross-examination the witness said that the negroes were mad at him because he had been seen in his obedience to the orders of the white men over him. They had complained and were all scolded by the white men. He said that the white men, when asked by Solicitor Clarkson how he accounted for a number of articles of food which had come from the commissary's bag, became confused, as he did on several other questions asked by the State. His story was not such as would appeal strongly to the jury's sense of straightforwardness and truth. He tried to be evasive in his answers to the pertinent questions of the State's attorney and was seemingly in a condition of constant uneasiness.

TO JURY THIS MORNING. The case consumed the entire afternoon of the court and will be given to the jury this morning as soon as Solicitor Clarkson concludes his address. Mr. Jake Newell, counsel for the defendant, spoke yesterday afternoon in a clear-cut, incisive manner in behalf of his client.

Dunham is a big negro. He weighs about 190 pounds and measures over six feet in height. The evidence submitted to the court was such that that the man who killed was much smaller in stature. The four men who testified against him did not give him an unusually bad character. Dunham, on one occasion, had scolded him with hot coffee, but that he bore no malice against him for this conduct. The defendant's attorneys were unable to prove that the State's witnesses had been moved by spite or malice to testify against Dunham. On the other hand, they all professed to be as friendly toward him as toward the dead man.

BIGGERS IMPROVES SLOWLY.

Slayer of Mr. J. Green Hood Makes Little Progress Toward Recovering Mental Control.

The reports from the county jail last night concerning the condition of Will B. Biggers, who is being held for killing Mr. J. Green Hood Tuesday morning, were not decidedly encouraging. While the prisoner has shown slight signs of recovering mental equanimity since he was placed in jail, he remains still in a right serious and perplexing condition. Biggers' actual case came to him yesterday as on the preceding day, but he still exists in an unreal and imaginary world. He constantly is wondering where he is and why he is behind iron bars and those who have been communicating with him were cautious to keep from him as far as possible the exact truth of his situation. His wife is not yet allowed to see him, being herself on the verge of a complete break-down, as a result of the nervous strain upon her.

It is still believed that Biggers will recover himself entirely in the course of a few days. He is not such a man as would lose his mind altogether, even in the face of so great a tragedy, his intimate friends continue to assert.

GOES OVER TO NEXT WEEK.

No Further Deliberations on the Charter Until Monday Night—The Re-Opening of Yesterday.

The meeting of the aldermen called for to-night for the purpose of deliberating additionally upon the proposed charter has been declared off by Mayor T. E. Franklin because of a dispute as to such an effect from a number of the members who could not be present. Mayor Franklin thought that after indulging the committee of 10 for a few days awaiting the return of Mr. E. T. Cantler, one of its leading members, he ought also to grant a like favor to those aldermen who could not possibly be present to-night, this being Saturday. No apparent developments in the matter took place yesterday. It is now believed that the committee of 10 will be allowed to vote on the report as it is at present stands, but it is improbable that the committee on an equal footing in numbers. The board is divided on the question whether the mayor ought to be elected by the people or the aldermen. It has been understood for several days that a majority of the members of the present board favored the election of the chief executive by the people, as has been the rule heretofore. They argue that they only represent the wishes of the people in this matter, which appear, taking the recent meeting as a criterion, that they want to continue in exercise of this privilege.

Quite a number of the present members of the board will stand up to the committee of 10 and vote with them when the matter comes to a final decision. The remainder of the deliberations will be put through with as much hurry as can be commanded in the interest of time. It is expected that a week will be required in making the draft of the charter after it has been determined upon and some time will be required in getting it through the Legislature.

THE MERCHANTS' JOURNAL SOLD.

Mr. Norman H. Johnson Transfers Well-Known Trade Journal to New York Syndicate—Immense Sum Involved in the Trade.

The Merchants' Journal, of this city, a trade publication of note, of which Mr. Norman H. Johnson has been publisher and editor ever since it was established years ago, has been sold to The Root Newspaper Association, of New York City, one of the greatest trade journal corporations in the country. The price paid, although not the figure named in the agreement signed a few days ago confirming the transfer. The Root Newspaper Association is capitalized at \$4,250,000 and issues the following named publications: The Dry Goods Economist, of New York; The Root and Shoe Recorder, of Boston; The Dry Goods Reporter, of Chicago; The Dry Goodsman, of St. Louis, and The Pacific Merchant, of San Francisco. Mr. Johnson is head of the corporation. The deal looking to the purchase of The Merchants' Journal has been pending for several months. It was closed two days ago when Mr. Johnson went to St. Louis and New York for the purpose.

The transfer of The Merchants' Journal to this syndicate does not mean that it will be removed from Charlotte nor that its field of usefulness and activity will be abbreviated in any sense of the term. On the contrary, the syndicate affiliated with the various periodicals mentioned for the association will work together to promote the efficiency and usefulness of one another. Mr. Johnson will continue as editor in chief of The Merchants' Journal. It is of interest to mention that he was chosen recently president of the Trade Press League of America at a meeting in Philadelphia.

DEATH OF MRS. JOHN ELLIOTT. Well-Known and Beloved Woman of the County Succumbs After a Short Illness—Funeral Service To-Day.

A large number of friends will be gathered at the home of the late Mrs. John Elliott at her home near the city last night yesterday morning. She was proceeded to the grave by her husband last a year to the day.

Mrs. Elliott was to her happy marriage she was Miss Margaret Jane Boyce, a daughter of the revered Dr. James Boyce, of Due West, S. C., a minister of renown in the Associate Reformed Presbyterian Church of the South.

Mrs. Elliott is survived by four sons as follows: Dr. James Boyce Elliott, of Fort Mill, S. C.; Mr. Willis Elliott, of Griffiths, N. C.; Mr. Charles Elliott, of Griffiths, N. C.; and Mr. Charles Elliott, who is a student at Erskine College, Due West, S. C. Mrs. Isabella J. Bell, of this city, is a step-sister. The deceased had been ill only a few days and in the town of her death came a distinct shock to her numerous friends and relatives in the county who had not anticipated so early a summons. She was a woman of rare intelligence, devoted to her husband and devoted to her work in the home and in her church. She was beloved by all for her kind and cheery disposition, her character being of that stamp that would impress itself upon the mind of even those who enjoyed only a passing acquaintance with her.

The funeral services were arranged just as soon as it was ascertained that the son in college could reach home and they will be held this morning at 11 o'clock, conducted by Rev. Dr. G. R. White, pastor of the Ebenezer A. R. P. Church, in which she was a communicant, assisted by Rev. Dr. R. G. Miller, of Sardis.

Will Erect Handsome Parish House. The fine blocks of brown stone which formed the building material of the old Y. M. C. A. which is being torn down by the American Trust Company, were purchased yesterday by the vestrymen of St. Peter's Episcopal church to be used in building a parish house. Such a building has been contemplated by this congregation for several months. It will be located in the rear of the church and will face on Seventh street. It will be one of the handsomest in the entire city.

Mr. McGuire Here. Mr. Walter P. McGuire, a member of the editorial staff of The New York Sun, was in the city for a short while Thursday. He is in the South for the purpose of gathering material for a series of articles which he will write for his renowned paper. Mr. McGuire is an entirely agreeable fellow with the appearance of a straightforward and highly intellectual newspaper man.

Good Cough Medicines for Children. The season for coughs and colds is now at hand and too much care cannot be used to protect the children. A child is much more likely to contract diphtheria or scarlet fever when he has a cold. The quicker you cure his cold the less the risk. Chamberlain's Cough Remedy is the sure relief of many not only of those who have tried it are willing to use any other. Mrs. F. F. Starbuck, of Ripley, W. Va., says, "I have never used anything other than Chamberlain's Cough Remedy for my children and it has always given good satisfaction." This remedy can be given confidentially to children and may be given as confidentially to

MISTRIAL IN LIQUOR CASE.

Judge Council Commands Officers For Vigilance as to Securing Evidence on Blind Tigers.

One of the most interesting liquor cases tried during the week in the criminal court was that which ended yesterday afternoon where the Rowan Howell was charged with selling the spirits to H. E. Mercer, both white, at the jury failing to reach an agreement. It is understood that about an equal division existed on the question of conviction or acquittal, the odds being slightly perhaps, on the side of a conviction. Judge Council called the jury from their deliberations about 4 o'clock after several hours had been spent in running over the evidence and trying to reach a verdict. He called each by name and put to them individually the question as to whether they thought an agreement could ever be reached. All replying negatively, he stated that he would not punish them by asking further deliberation, and then ordered the clerk to record a mistrial.

No particular point of law was involved in the trial. It was only a question of truth between the defendant and the leading State's witness. Mercer said Howell sold him a bottle of whiskey, and Howell said he did not. The case was commenced Thursday afternoon, the evidence and the arguments being finished before noon yesterday when the case was turned over to the jury.

In the trial of the case, Mr. Plummer Stewart, appearing for the defendant, made a lengthy speech in attack upon the officers in their methods of aiding the solicitor in the prosecution of the case. His Honor, Judge Council, in charging the jury as to the several phases of the case, made the law commendable, and it is their duty to render the State such assistance as they can in procuring truthful evidence bearing upon any criminal charge and where this is done in good faith and with true and just, such conduct is not the subject of proper criticism.

MAD DOGS IN THE COUNTY.

Prevalence of Dogs Showing Strange Signs Has Alarmed One Entire Section of the County—Cause Killed Because of Developing the Disease After Being Bitten by a Rabid Dog.

The prevalence of hydrophobic dogs in the county is becoming alarming and it is feared that the contagion may come into the city for a more rapid and fearful spread. Within the last six weeks quite a number of dogs in the county have fallen into fits with decided signs of hydrophobia and in most instances they have been killed because they did much harm. Some, however, are still at large and reports of the spread of the disease have put the country people on their guard.

Sharon township is at present the centre of the operations of the strange canine. Some weeks ago a small, indefinable cur belonging to Dr. John Walker manifested positive signs of hydrophobia and one night fought a half dozen or more of the neighbors' dogs. Fostering the hope that the bitten dogs would not follow the signs of madness, a number was allowed to live until the disease had had sufficient time to manifest itself. A large majority of the dogs bitten on this night eventually developed the same trouble and they bit other dogs, but never attacked a human. Before the bunch could be slaughtered, the disease had spread to all parts of the township and even into adjoining communities.

Mr. Ray Lee, who lives near Sharon church, is reported to have lost a herd of fine cattle which was bitten by a mad dog. Several negroes were attacked last week by one showing strange signs and supposed to be a victim of hydrophobia. It is hoped that the disease may be other than the dread madness, but up to the present the signs have been altogether against such a hope.

Mr. W. C. Wilkinson, who attends the meeting of the executive committee of the North Carolina Bankers' Association in Raleigh next Tuesday, will carry with him an urgent invitation to hold the next convention in Charlotte.

TO-DAY BUY VALENTINES

The choicest valentines are books. Among these are: Songs Merry and Sad, limp leather. \$1.50 Love's Young Dream. \$1.25 Book of Sweethearts. \$2.50 Comin' Through the Rye. \$1.25 Our Girls. \$3.00 Christy Girl. \$1.25 "Lady of the Fog" (a charming story, attractively illustrated). \$2.00 Valentines, Dainty Water Colors, Post Cards.

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Gamblers Receive Sentence.

The bunch of colored sports caught in a game Sunday afternoon by Officers Pitts and Mosteller, were found guilty in criminal court yesterday and Dick Torrence, Henry Mack, Dock Nelson, Jack Lee, and George Ivey were each fined \$25 or given three months on the roads. John Ifer, at whose house on Cherry Row the aggregation was held, who was not in the game, but sat by and permitted the lawlessness in his house, was given a choice between paying \$40 or going to work it out for a space of four months.

Washington's Birthdays.

The Editor of The Observer: It is generally understood that the graded schools of the city will not give holiday on Washington's Birthday. If this is true, how can we expect the youth of the land to reverence "The Father of His Country"? It seems that February 23rd should always be a gala day in America. Will the proper authorities investigate this matter?

The Worst in Store.

The Charlotte Observer must not misunderstand our giving Charleston the go-by. Our visit is only delayed and the vengeance we shall ultimately wreak upon the town is going to be more terrible on that account.

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The selection and exclusive use of Stieff Pianos in many of the greatest educational institutions in the United States is a source of gratification to us, and we feel justly proud of the fact that in about two hundred colleges we have more than one thousand Stieff pianos. There must be a reason.

Investigate! We have just the thing you want to send HER, or likewise HIM.

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LAWN WAISTS CAN BE CLEANED. In our cleaning department in a faultless manner. We clean these waists without fading or shrinking them. We press them nicely into shape and make them look a hundred per cent. better than if you had attempted to wash and iron them. Just for your own satisfaction send us such a waist and let us show you how really excellent this service is. You'll be agreeably surprised we know when the waist comes home to you. Charlotte Steam Laundry. Laundress, Dyers, Cleaners, 219 South Tryon St.

BEST SUGAR. 25 lbs. \$1.25, 20 lbs. \$1.00, 10 lbs. 50c. Ceylon, English Breakfast, Oolong Gun Powder, Y. Hyson-Japan Tea, separate or mixed, 20 to 30c. Freshly Roasted Coffee, 12 to 18c. Our 25c. "Special" is a money-saver for you. Best Rice, 6c.; good Rice, 7 1/2c.; cracked Rice, 5c. Free Souvenir on Saturdays—a Valentine Saturday, the 18th. Cocoa, 20c.; Chocolate, 15c.

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Horses and Mules. Received 50 Horses and Mules to-day and 50 more will be in Friday or Saturday. By Monday, February 15th, we will have 150 good young Horses and Mules in our sales stables. Come before they are picked over. We sell on reasonable terms. With each dollar purchase (time or cash) you get a ticket that entitles you to a chance on a \$125.00 Buggy and a \$70.00 Wagon.

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LINOLEUM FOR YOUR KITCHEN. It beats hard-wood floors. Is more easily cleaned. Wears like cement and always comfortable. Floor Oil Cloth... 40c. sq. yd. Printed Linoleum... 60c. sq. yd. Printed Linoleum... 75c. sq. yd. Plain Brown Linoleum... \$1.00 sq. yd. Inlaid Linoleum... \$1.25 sq. yd. Inlaid Linoleum... \$1.50 sq. yd. Cork Carpet... \$1.25 sq. yd. Crex Carpet... 50c. sq. yd. Coo Matting... 75c. sq. yd.

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