

Spring.

1899.

Summer.

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We have the largest and most choice representation we have ever had in

BONNETS, ROUND HATS, TOQUES,

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FINE FRENCH FLOWERS

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Our 1899 Cycling and Golfing Hats are now ready and will as usual surpass in variety and style any representation to be found.

HATS TRIMMED FREE OF CHARGE

A cordial invitation is extended to all ladies.

C. H. SWARTZBERG.

A LIVELY SENSATION IN DICKERSON'S TRIAL

(Continued from first page.)

the \$100 checks, from Dickerson & Co. to himself, when the company's account was overdrawn \$8,601. Every day nearly he drew out \$100 from Dickerson & Co.'s account and placed it to his own. The point I wish to emphasize is that Dickerson & Co.'s account was overdrawn on all these occasions. Mr. Holton reviewed the checks from Dickerson & Co. to Dickerson, and gave the overdrafts on these dates. "We simply introduce all this," he continued, "to show his knowledge of the overdrafts. Why would he do this, constantly overdrawing his accounts? His attorneys proved that he deposited more money on the days that he checked to himself than these checks amounted to. We then showed how much he checked out to various other people, and in nearly every instance the withdrawals were greater than the deposits. Why did he draw these checks? Because he had to make a report to the comptroller of the amount of overdrafts of each of the officers, and he didn't want the report to show that his account showed an overdraft of \$10,000. He could have no other reason except that he wanted his overdrafts to appear against a firm, when as a matter of fact the overdrafts were his own. "On April 7 he placed in the bank

what he tells you himself was a false credit. He placed that \$1,650 to his credit on April 6, 1897. That reduced his overdraft to \$500. Before that his overdraft looked too large, so he put in this false credit. His account was still overdrawn. He then puts in on the next day another false and fictitious credit, \$1,250, a draft on his brother, which he knew his brother would not pay. This made a credit of \$2,900 which stood there till three days before the bank failed. His overdraft should have been \$2,900 more therefore than it really appeared to be. He expected the comptroller to call for a report soon, and he did call for it, on May 14. "He tells you that he sent a draft to New York but there was nothing to meet it and he put in the bank to pay for it a check on his own account, which was worthless. You recollect Mr. Dorsett's statement that from April, 1896, till the bank failed, Dickerson drew out \$92,000 and put in \$91,055, making his overdraft \$688, and his deposits were largely false credits. "Dickerson took an oath that he would not violate the law or permit the law to be violated. The law says that the liabilities of the officers of a bank shall not exceed ten per cent. of the capital stock. \$10,000 was all that any firm was allowed to draw out. It doesn't make any difference what the security is. But what did Dickerson do? He not only exceeded that amount but he aided the president of the bank

to do the same thing, and he got these credits on persons, whom he knew were insolvent, two of whom were under age. He says he never thought anything about Evans being under age. He didn't care. Did he not violate his obligation when he did that? "Breese went to him and said: "You must get some more paper. You must change the names. You have over \$1,000 borrowed more than the law allows. So Dickerson decided to go out and get some worthless notes and replace the good notes with them. So he goes to the vaults and abstracts solvent credits of the bank, and replaces them with worthless notes. He not only replaced these notes with worthless notes, but he took them up in this way before they came due. He abstracted about \$1,000 worth of good paper." Mr. Holton continuing his argument said that Mr. Dickerson claimed that \$3,200 was charged to him improperly, but even if this were so that would not settle his overdrafts by several thousand dollars. Hethen said that he had not examined the books and therefore he thought that he could not be expected to know of his overdrafts. He thought he could swear to this safely, because Major Breese, having been convicted, would not be allowed to testify to the contrary. Mr. Holton's argument was interrupted at this point by the reading of the letter referred to. He concluded at 12:30. A recess was then taken until 2:30 in deference to the wishes of Senator Pritchard who wished to be able to argue uninterruptedly. AFTERNOON SESSION. Court opened in the afternoon at the regular hour, 3 o'clock, when Senator Pritchard began his argument. He referred to the length of time the case had consumed and he congratulated the jury that it was nearing its end. "I have decided to first take up the various charges against the defendant. He is indicted first for embezzlement in ten counts and in a like number of counts for misapplying and abstracting the funds of the bank." Senator Pritchard said that according to Justice Jackson's definition of embezzlement it is a species of larceny. First, it is a breach of trust, and is the wrongful appropriation of funds held in trust for the use of the real owner. The difference between larceny and embezzlement was also pointed out. "Your honor, I believe that the district attorney will argue that if the defendant was a national bank director then he was in the lawful possession of the funds of the bank. There is not a scintilla of evidence to show that this defendant was in such possession. We

insist that there is no evidence to show that this defendant had any control over the funds. "The court has decided that a book keeper of a bank does not have lawful possession of the funds of the bank and will it be contended that Dickerson had the right to go in there and get money without a check? "If he did have lawful possession of the funds why did they not prove it by Mr. Penland? "We emphasize these points because when you come to try a citizen, it is just as important to proceed with regularity as it is to know of the truth or falsity of the testimony. When you go out to make up your verdict see, if in the light of his honor's charges, you can convict this man. The government must prove beyond a reasonable doubt that this man had lawful possession of the funds of the bank. "They say that he embezzled money by the Powell & Solder check and the Calais checks. We say he never had the lawful possession of these funds. "According to the definition of wilful misapplication in this case it must be shown that Dickerson must not only have had possession of the funds, but it must be shown that he had the power to control and direct the funds of the bank. "The government put up Breese and Penland as witnesses but they were careful not to ask them if Dickerson exercised control and power in the management of the bank. Major Breese made a full and frank answer to every question propounded to him, and how easy it would have been to show this by him if it could have been done. Having failed to prove this it is not asking too much of you to cover the gap by your imagination that is left in the evidence. "Every defendant comes to trial with the presumption that he is innocent. When an American citizen is placed on trial the supreme court has decided that he has evidence that he is innocent by the mere fact that he has not been proved guilty. You, gentlemen, will be called upon to weigh all the evidence, therefore I want you to understand that there is evidence in his behalf to start with, and it must remain until rebutted by the government. "You are permitted to consider many matters that do not pertain substantially to this case. These matters are submitted to you in order that you may determine his intent, for you must not only find that this defendant did these acts, but that he did them with a dishonest intent. The government can not insist that you will be permitted to roam within the three years statute of limitations and convict the defendant, but you must look at the evidence in regard to the particular act charged in each count. The prosecution must show beyond a reasonable doubt that this defendant drew out money at a time and a date when he had no funds to his credit, and he did that with intent to defraud. "The defendant says in reply in the question of intent that many charges were made improperly to him. Mr. Coffin stated that there were \$67,000 there in notes which belonged to the defendant and I want to call your attention to the fact that before he left the witness stand he found that \$7,000 had been wrongfully charged to Dickerson. This merely shows that the government is not always as accurate as you might suppose. In reducing the amount of these notes we have been materially assisted by the government. "If you can find any hypothesis as to the innocence of this defendant, you must adopt that hypothesis. We have shown that of the notes that have been improperly charged to the defendant the amount has been reduced by \$29,000. Mr. Holton asserted that "Dickerson drew out of the bank each day on his check \$100. That would be over \$36,000 a year, when taking the very best calculation he only had \$29,000 charged to him, overdrafts and all. "I call your attention to another item of testimony. Major Breese said, "You mustn't increase your overdraft any appreciable extent." The evidence is that from July 7 to July 30, this defendant continued to make deposits in excess of his checks. We do not rely on one single proposition as to this defendant's innocence. "It has been argued that the defendant made a quasi admission that the notes said to be his were correct. Referring to his testimony, you see that he discovered in a short while that he was mistaken, and he told Mr. Adams and Judge Moore so. "This defendant did nothing more than you or I would have done under similar circumstances. "I take it that the prosecution is now ready to laud Major Breese to the skies, to admit that he is a blameless and trustworthy man. They put their seal of approval on him when they put him on the stand. They refrained from contradicting the defendant by Breese when he was on the witness stand. Major Breese said that Mr. Coffin said that Dickerson was evasive in his replies about the notes. If you believe Major Breese he has corroborated Dickerson's testimony. "Suppose you or I would have to go through what this man had to go through, with the books and papers at

ROYAL Baking Powder Made from pure cream of tartar Safeguards the food against alum. Alum baking powders are the greatest menaces to health of the present day.

ture he said he did it thoughtlessly, but after he did it 12 or 15 times he must have thought of it. "When the Breward note became due, he sat down and wrote to Breward. I suppose he said "Dear Brother Breward, our notes will be due soon. Sign some more and send them. Yours in Christ. "They got money out of the bank in all sorts of ways. They got it out by dummy checks. That wasn't just enough for them so they resorted to kites and kited it out. Here is the stuff they put in as a guarantee. He put in a written guarantee. Guarantee is a big word, but what does it mean? In this case it guaranteed a life of hard ship and suffering to those who put their money in the bank and lost it. "Dickerson was a Dr. Jeckl, on Sunday, in church, and Mr. Hyde on week days with his hands in the vaults of the bank. "He never meant any harm. He was merely trying to keep the bank from bursting. Do you believe that gentlemen? Mr. Murphy wanted a recess taken then (at 5:35). He said it only lacked 25 minutes till the time of adjournment and he could hardly do himself and his client justice if his speech should be broken into. Judge Purnell remarked jocularly: "I suggest that you had better not let the impression of M. Blackburn's speech remain on the jury as it is." Mr. Adams wished to take exceptions to this remark, but Judge Purnell explained to the jury that the remark was uttered jokingly and was not to be considered seriously. Mr. Murphy agreed to speak until 6 o'clock. Mr. Murphy, after some preliminary remarks, said he thanked Mr. Blackburn for his abuse. Judge Bynum he said would be too shrewd "to shout his accusations at him who sits by his wife who loves him more than life." "I say to Mr. Blackburn, Fisher for give him for he knew not what he was doing. "Do you, whose fathers fought for liberty enjoy seeing a man shackled and abused in this way? Identification and the hurling of epithets do not do old cases. He ridiculed Mr. Dickerson as the treasurer of the Masonic lodge and of the Baptist church. I thank God for that church. No church has had a more wholesome influence in North Carolina. They argue that because he was secretary and treasurer of a lodge he was a thief. You are men who cannot be deceived by billings and gate. Mr. Murphy rested his argument at 6.

THAT QUEER LETTER. Judge Bynum said to the Gazette reporter after court adjourned that he could be quoted as saying that the verdict could be quoted as saying that the government was in possession of every fact in connection with the letter, and that the letter was not genuine. He declared that the offense was a most serious one and that the guilty would certainly be brought to justice. The episode was the chief topic of conversation on the streets and in the hotel lobbies last night. Marshal Milken soon after the letter was presented to the court removed Logan from his position as an officer in charge of the jury, and later it was reported that Logan had disappeared. It is stated that Judge Bynum as soon as he had taken the letter into his hands recognized the handwriting. His eyes expressed indignation though his voice was quiet when he made his statement to the court that the letter was a fraud. It was a clumsy forgery, as the name signed to it had not the same initials as that of Juror Glance and the name itself was "Clance." Logan's effort to deny its authorship and to maintain his assertion that he had received it from some man in the jail, whom he did not know to be a juror, was not a very successful one.

BIG COMPRESS COMPANY. Trenton, N. J., March 28.—The Indo Egyptian Compress company filed articles of incorporation here today. The company will manufacture, operate and sell machinery for compressing cotton and other fibrous materials. The capital stock is \$15,000,000.

THE STOCK MARKET. New York, March 28.—The market was irregular today. The closing prices were: American Tobacco, 22; Continental Tobacco, 58; Louisville and Nashville, 65 7/8; New York Central, 130 1/4; Southern railway, 13; Southern railway preferred, 52 1/8; Union Pacific, 45 1/4. As the season of the year when pneumonia, la grippe, sore throat, coughs, colds, catarrh, bronchitis and lung troubles are to be guarded against, nothing is a fine substitute, "will answer the purpose," or is "just as good" as One Minute Cough Cure. That is the one infallible remedy for all lung, throat or bronchial troubles. Insist vigorously upon having it if "something else" is offered you.—Paragon Pharmacy.

Before the discovery of One Minute Cough Cure, ministers were greatly disturbed by coughing congregations. No excuse for it now.—Paragon Pharmacy.

Babies' Strap Slippers We can fit your baby in strap slippers at prices that will suit anyone's pocketbook. 50c., 75c., 85c. and 90c., a pair, sizes 1 to 5, Babies' button shoes, just the shape of their feet. J. D. Blanton & Co. 39 PATTON AVE.

WHITLOCK'S 41 Patton Avenue. SPECIAL SALE FOR TEN DAYS. We Have Just Received Our Spring stock of Clothing, Shirts and Neckwear, which will attract the attention of all in need of a Spring or Summer outfit. For Ten Dollars We offer the choice of our \$10.00 Clay Serge Double Breasted Sack Suits worth \$15.00. For Twelve Dollars We offer any Fancy Worsted Suit in stock in choice styles. Special low prices are marked on all goods for Easter Week. Compare our prices and stock before you buy. The Whitlock Clothing House. 41 Patton Ave.

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