

THE DURHAM RECORDER.

SEMI-WEEKLY.

VOLUME 88. DURHAM, N. C., DECEMBER 6, 1907. NUMBER 62.

NUMBER OF CASES DISPOSED OF.

List of Cases Settled this Week—Capital Case Now On.

During the week a number of cases in the superior court have been settled, quite a number continued, and yet there are numbers to claim the attention of court. The following cases have been called this week:

Lee Lawson, assault and battery with deadly weapon, six months on the roads. John Calahan, carrying concealed weapons, not guilty. George Mitchell larceny, twelve months on the roads. Ben Mance, Morse Burnett, Duncan Hart and Gilmer Riley, gambling, Hart and Riley, ninety days; Burnett thirty days, and Mance \$1 and cost. Frank Lewis, carrying concealed weapon, six months on the roads. Vernon Jordan and John Freeman, affray with deadly weapon, fined \$10 each and cost. Duke Battle, larceny, eight months at the work house. Dallas Baily, assault with deadly weapon, three months on the road. Alex Edward and Junie Cash, gambling, fined \$20 each and cost. John Horton, assault with deadly weapon, ninety days on the roads. Dag Rogers, assault with deadly weapon, three months on the roads. Gaston King, larceny, six months on the roads. Magnolia Amey, larceny, six months at the work house. A. G. Blackwell, gambling, fined \$15 and cost. Clarence Turrentine, assault with deadly weapon, fined \$10 and cost.

Other cases in which defendants have been sent to prison are as follows: Henry Baker, larceny, four months on the roads. Charles Crabtree, selling whiskey, twelve months on the roads. Robert Morse, larceny, twelve months on the roads. Warner Ray, assault and battery with deadly weapon, twenty days in jail. Fletcher Cunningham, carrying concealed weapon, four months on the roads.

Richard Hinton and Bessie Moore, fornication and adultery; twelve months each on the roads. Norman Beasley, robbery, six months on the roads. Fred Lyon, larceny, not guilty. Hillard Hackney, carrying concealed weapon, fined \$15 and cost. Harvey Williams larceny, six months on the roads. Harrison Garland, assault and battery with deadly weapon, judgment suspended upon the payment of cost. Koonce Patterson, assault and battery with deadly weapon, not guilty. Fletcher Cunningham and Fannie Johnson, fornication and adultery. Cunningham twelve months on the roads; and Johnson woman six months at the work house. Albert East, assault and battery with deadly weapon, judgment suspended upon payment of the cost. Bob Chisenhall, charged with selling whiskey, not guilty.

In the Chisenhall case the jury was "hung" from 10 o'clock in the morning until 5 o'clock in the afternoon. Then the verdict of not guilty was returned.

Fred Lyon, larceny, not pros. Minnie Cole, larceny, judgment suspended upon the payment of cost. Hillard Hackney, assault and battery with deadly weapon, judgment suspended upon the payment of cost. Jack Kelly, not guilty. Cases continued were: James Banks, selling whiskey, Pegram Davis and George S. Shepherd, selling whiskey; Wavy Pool and John Manum, larceny; Arthur Goss, two cases for selling whiskey, and Mary Jones, one case for the

concealed weapon; George S. Shepherd, distilling brandy; Jerry Markham, selling whiskey; James Ray three cases for selling whiskey; W. A. Dezern, four cases for selling whiskey; Sandy Shepherd, one case selling whiskey; M. Fromme, false pretense; Tom Blackwell, carrying concealed weapon; W. A. Dezern and Lon Dezern, selling whiskey; Wash Riley, selling whiskey; Charles Riley and Robert Love, selling whiskey; Shirley Jones, selling whiskey; Luther Ray, selling whiskey; Jasper Phipps, house breaking and a second case for carrying concealed weapon; Thomas Morgan and Coby Page, carrying concealed weapon; James Ray, four cases for selling whiskey; Buck Addison, two cases for selling whiskey; William Morris, C. J. Byrd and H. C. Byrd, affray with deadly weapons; Robert Weaver and Lacy Wilson, selling whiskey; Ed George, larceny; Fred George, two cases for larceny.

Other cases were as follows: J. R. Dezern, selling whiskey, called and failed; Bud Dezern, selling whiskey, called and failed; Tillett Vaughan and Sandy Biddle, affray with deadly weapon, called and failed; Lonnie Lon, embezzlement, not prosed; Nora Edwards, assault and battery with deadly weapon, not prosed, Lonnie Biddle and Dock Green, gambling; James McLean, carrying concealed weapon, Mark Crabtree, selling whiskey; James Ellis, selling whiskey; Walker Almond, larceny, were all called and failed, and their bonds were forfeited. Not pros was entered as to W. W. Woods, for larceny, and George Burton was found guilty of assault and battery with deadly weapon but the sentence has not been passed.

LEWIS WILLIAMS ON TRIAL.

Lewis Williams, colored, was yesterday placed on trial for his life. He is charged with criminal assault. Mary Briggs, a member of his race—a sister-in-law who is not yet eleven years of age—is the prosecuting witness. Yesterday afternoon the jury was secured and the state examined the girl and her mother. The mother was first examined. This morning the state will put on other evidence and then will rest.

From the regular jurors there were secured three; from the panel of fifty men seven were secured and then with the examination of a few who were called the other two were secured. This completed the jury and at 4 o'clock the jury was empanelled to try the issues of life and death. Those who compose the jury are as follows: G. W. Ellis, W. O. Stone, F. D. Fanning, Ben Ellis, R. D. Linthicum, S. R. Galley, Ed. Roberts, B. C. Vaughan, J. C. Dailey, J. W. Bright, J. M. Lorbacher and R. M. Jones.

After the jury was secured the mother of the girl, upon whom the assault was committed, was examined and told about what she knew of the matter and of the fact that she fired at Lewis Williams with a rifle and he fired at her three times. The prosecuting witness, Mary Briggs, was then called and told her story of the affair. The two were all who were examined during the afternoon and they made out a very strong case against the negro.

The case is being tried as we go to press.

WANTED—Men, Women, boys and girls to represent McClure's Magazine. Good pay. Address 60 West 23rd St., New York City.

ORANGE COUNTY NEWS ITEMS.

Notes of Interest Culled from The Observer of this Week.

Rev. M. M. McFarland, who has well and faithfully served as pastor on the Hillsboro Circuit for the past two years, left here Tuesday morning for New Bern to attend the North Carolina Conference which convened in that town Wednesday. This good man has made a large number of friends in this county who would be glad to see him returned to the Hillsboro Circuit.

Miss Mary Exum Mearers, only daughter of Mr. and Mrs. Wm. B. Mearers, of Linwood, N. C., was married to Mr. Thomas Correll, of Richmond, Va., on Tuesday, Nov. 26, at the home of the bride in Davidson county. The ceremony was performed by Rev. S. Paxson Waters, of Hillsboro. The bride has many friends at Hillsboro where she lived with her parents for several years. The Observer extends congratulations and best wishes.

The new school house recently built at Hobbs' Cross roads is being highly complimented by Superintendent Hocutt, who is loud in his praises of the people in that community, who by their liberal contributions made it possible to build a house that reflects credit upon all the people of that awake school district.

The County Commissioners met Monday. Present Chairman McAdams and Commissioners Pickett and Browning. Besides the regular routine business in the way of passing road orders and providing for outside poor, the Board received and passed upon the reports of the various county officers and made a quarterly settlement with County Treasury Harry L. Parrish.

Mr. James E. Gay and daughter, Mary Douglas, spent Thanksgiving Day with her parents, Mr. and Mrs. Henry N. Brown, Sr., on Queen street. Rev. James E. Gay, having served the Methodists of Spencer as their pastor faithfully and acceptably for four years, the full limit allowed by the Conference, has been assigned to the Lincoln station for next year.

DEATH OF MRS. W. B. GORDON.

After being in feeble health for a long time, Mrs. W. Brown Gordon, died at the home of her son in law, Mr. Charles L. Smith, 1 1/2 miles west of town Sunday morning, Dec. 1, at 3 o'clock, aged about 64 years. Mrs. Gordon was a sister of Mr. H. N. Brown Sr., Mrs. Julia Lynch and Mr. Leigh Brown, of Hillsboro. She is survived by one son, three daughters, three brothers and three sisters. The funeral services were held from the residence of Mr. Smith on Monday morning at 11 o'clock and were conducted by Rev. M. M. McFarland. The interment was made in the Hillsboro cemetery beside the grave of her husband, W. Brown Gordon, Esq.

Jumped His Bond.

Our readers are familiar with the case of J. P. Black, who came here with a scheme whereby people could secure a pair of shoes for 15 cents: The matter was called to the attention of the police and his arrest followed, when he gave bond in the sum of \$100 for his appearance at the next term of Durham Superior court.

Black left Durham after giving the required bond, and when the case was called in the superior court this week Black did not put in his appearance, and a capias was issued for his arrest and the bond forfeited.

WILL NOT PAY THE \$30,000 FINE.

Supreme Court Decides in Favor of Southern Road and Against State.

The Supreme Court in a decision filed Wednesday afternoon arrests the judgments of Judge Long as to the \$30,000 fine of the Southern Railway for violating the 2 1-4 cent passenger rate law. The right of the court to fine or imprison any rail road official for selling at a higher rate is denied and it is held that the Federal courts cannot interfere in criminal prosecution and that in civil suits the railroad may be mulcted of \$5.00 for each sale. Chief Justice Clark dissents and says the railroad should be fined and intimates that an extra session of the Legislature should be held to make the act more explicit.

HISTORY OF LITIGATION.

The opinion was written by Mr. Justice Walker, one of the ablest and most learned of the judges who have sat on the bench of this State. The opinion is concurred in by Mr. Justice Connor, Mr. Justice Brown and Mr. Justice Hoke and is a very elaborate and exceedingly able discussion of the matters involved in this well-known controversy. It will be remembered that the Southern Railway Company was indicted at the July term 1907, of the Superior Court of Wake county, along with one of its agents, Mr. Thomas E. Green; for the violation of the act of the General Assembly of 1907, fixing railroad passenger rates 2 1-2 cents a mile. The case was tried before Hon. B. F. Long, one of the the judges of the Superior Court, and upon the trial, the defendants were both convicted. The railroad company was fined \$30,000 and the agent was fined \$5. The railroad company appealed to the Supreme Court, of the State. During the trial in the Superior Court, the railroad company filed a copy of certain proceedings in equity in the Circuit, Court of the United States, together with a copy of the injunction issued by Judge Pritchard restraining the State officers from putting into effect the rates fixed by the General Assembly upon the ground that they were confiscatory. The agent, Mr. Green, was taken into custody by the judge of the Superior Court in person, in order to prevent the Circuit judge of the United States from releasing him upon habeas corpus.

From the Chapel Hill News.

Mr. John Squires, of Durham, has moved into one of the Smith houses on Mallett street. Mr. Squires will have the management of the building of the Biological laboratory in the campus. W. R. Lloyd returned Monday from Burlington where he went to attend the bedside of his daughter, Mrs. Claude Cates, who was reported quite ill last week. Her condition is much improved this week her many friends will be pleased to learn. It was rumored a day or so ago that Mr. T. F. Lloyd had sold his cotton mill, but such is not the case. We are informed however, that there are parties in Chapel Hill and at Gibsonville, who are interested in trying to close a deal with Mr. Lloyd.

A good deal of interest was created in the superior court this week when H. A. Reams was summoned to show cause why he should not be held in contempt for failure to settle a case tried at a former court. There was some misunderstanding and the matter was settled satisfactory to the court.

DEPOSIT YOUR MONEY WITH CITIZENS NATIONAL BANK OF DURHAM.

Officers and Directors:

B. N. DUKE, Pres. J. S. MANNING, Vice-Pres.
J. B. MASON, Cashier.
J. B. DUKE, President American Tobacco Company.
Y. E. SMITH, Supt. Durham Cotton Mfg. Company.
C. L. HAYWOOD, of Haywood & King, Druggists.
J. H. SOUTHGATE, of Southgate & Son, Insurance.
R. H. RIGSBEE, Capitalist.
Q. E. RAWLS, Merchant.
B. N. DUKE, Director American Tobacco Co., and Capitalist.
J. S. MANNING, Attorney-at-Law.
N. M. JOHNSON, Physician and Surgeon.
J. B. MASON, Cashier Citizens National Bank.

DEPOSITORY OF THE PEOPLE, THE COUNTY OF DURHAM, THE CITY OF DURHAM AND THE UNITED STATES OF AMERICA

This Bank Opened for Business July 1, 1905
Is Young, but Growing

Statement of Bank at Close of Business Jan. 26, 1907.

Resources.	Liabilities.
Loans and Investments, \$586,954.95	Capital, \$100,000.00
U. S. Bonds, 150,000.00	Surplus, \$50,000.00
Premiums U. S. Bonds, 5,659.69	Undivided profits, 14,272.25
Banking House, 13,000.00	Circulation, 100,000.00
Cash and due from Banks, 293,129.84	Deposits, 781,657.23
Redemption Fund, 7,200.00	Dividends unpaid, 15.00
\$1,055,944.48	\$1,055,944.48

WE SEND these Reports to our Depositors and Stockholders on date called for by the Comptroller in order that they may be informed of our condition.

WITH the strongest financial backing of any Bank in this State and unsurpassed methods in every department, we invite new accounts, large or small, of MERCHANTS, FARMERS, INDIVIDUALS, FIRMS or CORPORATIONS that have not already done so, to open an account with us.

ABSOLUTE PROTECTION.—Bonded Officers, Burglar and Fire Insurance, Fireproof Vault and Safe. To Depositors we offer Safety Deposit Boxes in our Fireproof Safe Free, where you can Deposit your Valuable Papers.

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Come to see us, we have plenty clerks to wait on you nicely, and we have the Goods and

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