

LOCAL BRIEFS.

Mr. Robt. Erwin, of Morganton, was in town Monday. Miss Hattie Raoul is visiting Mrs. Lizzie Neal. Mr. Lee C. Muck spent Sunday in Asheville. Miss Carrie Goodman, of Greensboro, is visiting Mrs. R. H. Bennett. Miss Minnie Huss, of Gastonia, is visiting Rev. T. J. Rodgers and wife. Capt. John Carson and Mr. John May have gone to Yancey to spend a few days. J. B. Atkin, Esq., editor of the Carolina State, Statesville, was in town last week. Miss Josie Cooper, is visiting her brother, Mr. Will Cooper, at the Flemington Hotel. Mr. J. C. McCurry, Mrs. J. P. Norton and Miss Mary Logan Gilkey are on the sick list this week. Misses Eugenia Simmons and Manie Morrow, of Asheville, are visiting their uncle Rev. M. L. Kaylor. Rev. A. A. Crater, of Elk Park, passed through Marion Tuesday on his way home from the local minister's conference at Rutherford College. Mr. "Dug" Craig, who has a position on one of the Penitentiary farms, returned to his post of duty Friday after spending two weeks at home. Misses Maggie and Grace Neff left Saturday for Laurinburg. Miss Maggie goes to resume her work as teacher in the school at that place and Miss Grace went to enter the school as a pupil. A. Blanton & Co.'s is the place to buy new goods cheaper than they can be bought elsewhere. You can't afford to come to town and go away without seeing their large new stock. Mr. Charles Bobo has received his discharge from service in the United States Army and is at home on a visit. He is a splendid specimen of young manhood. Burke county superior court is in session this week. Judge Bryan is presiding. Ex-Judge John Gray Bynum is one of the visiting lawyers. There are nine cases on the criminal docket, the following: Citizen of Morganton is defendant in twenty-five different cases. There will be one murder trial—the trial of Mathis for the murder of Porter. See A. Blanton & Co.'s new ad. They have large bills of goods arriving every day. They buy their goods in such large quantities that they can afford to undersell other merchants and still have a profit left. We are requested to announce that the annual camp-meeting of the Methodist Episcopal church will begin Thursday night, the 29th inst., and will continue probably a week. The sermon on Sunday morning September 1st, at eleven o'clock, will be delivered by Rev. Mr. Graylock, the presiding elder for this district. We are told that the altar has been recovered, and other improvements made, and that an unusual number of people have acquiesced their intention to tent during the meeting. The camp-ground is located about four miles west of town. If the hair is falling out and turning gray, the glands of the skin need stimulating and color-feeding, and the best remedy and stimulant is Hall's Hair Renewer. Miss Nannie McCall, of English, N.C., encloses a subscription to the Record and says that she finds it impossible to do without her county paper. Not one complaint has ever been made by those using Ayer's Sarsaparilla according to directions. Furthermore, we have yet to learn of a case in which it has failed to afford benefit. So say hundreds of druggists all over the country. Has cured others, will cure you. The largest stock of clothing ever brought to the county at J. G. Nichols & Bro. The very latest styles and at prices that can't be beat. Death of Mrs. E. J. Justice. Mrs. Ella Davis Justice, wife of E. J. Justice, Esq., of this place died suddenly at her home last Sunday morning of heart failure. She was just recovering from a spell of sickness, and felt well enough to be upon Saturday evening and Sunday morning. She was at the mirror Sunday morning arranging her toilet when she suddenly fainted away and died within a few minutes. Dr. Morpew arrived a minute or two before her death, but was unable to revive her. Mr. Justice ran to the drug store for some medicine, but she was dead before he returned. She was buried Monday evening from the Episcopal church, of which she was a devoted member. The funeral services, which are beautiful in the extreme, were conducted by Rev. Churchill Satterlee, of Morganton. She was twenty-five years of age the day before her death. She leaves three little girls, the eldest of whom is only three years of age. Her father, Mr. DuBruit Cutler, a Wilmington lawyer, her brother and sister have been spending the summer here and were here at the time of her death. She was a most estimable lady and was liked by everybody that knew her. Mr. Justice and the three motherless little children have the sympathy of the whole community in this their sad bereavement. You cannot say that you have tried everything for your rheumatism, until you have taken Ayer's Pills. Hundreds have been cured of this complaint by the use of these Pills alone. They were admitted on exhibition at the World's Fair as a standard cathartic.

Court Adjourned.

THE MURDER TRIAL ENDED.

FINLEY GETS TEN YEARS AND JIMMERSON SIX—THEY BOTH APPEAL—JIMMERSON GIVES BOND AND FINLEY GOES BACK TO JAIL—A LONG AND TEDIOUS TRIAL. Judge Bryan closed the fall term of McDowell Superior Court Friday evening in time to leave on the east bound train at 4 o'clock. Quite a number of cases on the criminal docket and almost all the cases on the civil docket were continued to the spring term, 1896. The trial of Finley and Jimmerson consumed eight and one-half days. Strong speeches were made by the counsel for both the State and the defense. We were not permitted to hear all of the speeches or the whole of any one speech, and have had to rely for the most part upon information gathered from those who did hear them in making our comments upon the merits of the several speeches. We spoke of the speeches made by Messrs. Justice, Morpew and Newland in our last week's issue, and told our readers that we would have more to say in this week's issue about the speeches of those who spoke immediately before and those who spoke immediately after we went to press last week. We have received no little criticism, and some censure for having "puffed," as it is called, a few of the lawyers and utterly ignored others. We meant to "puff" no one, nor did we mean to ignore any one. Our explanation last week, that "want of space prevents further comment upon these excellent speeches," was, we think, satisfactory to every person that has any reason and fairness about him. Quite a number of persons think that Col. Morpew's speech was highly exaggerated and the Colonel himself thinks we greatly over-rated him. We beg the Colonel's pardon and promise him that we will never be guilty of the like again. We heard only a small portion of his speech, and drew our estimate of the speech largely from hearsay. Hereafter when we report speeches we will report only those that we hear with our own ears, and not those that we hear through the ears of another. We did hear about half of Mr. Carter's speech, and were impressed with the idea that he was making a great speech. Quite a number of persons who heard it, say that it was decidedly the best speech made during the trial. Col. Sinclair spoke about three and a half hours with great earnestness and vigor. He seemed to realize that his client's cause was his own cause, and was untiring in his effort to establish the fact of his client's innocence. It was not our happy privilege to hear either Col. Sinclair's speech or any one of the three remaining speeches, excepting short portions of the speeches by Messrs. Eaves and Spainhour. Such portions of these speeches as we heard were simply excellent. We have heard quite a number of gentlemen say that ex-Solicitor Newland made the speech of his life, and that the speech of Mr. Eaves was the most polished speech of all. Solicitor Spainhour read the laws of murder in the thirty-fifth chapter of the book of Numbers, and selected the following passage as the law applying to this case: "And if he smite him with throwing a stone, wherewith he may die, and he die, he is a murderer; the murderer shall surely be put to death." He said that it seemed that the divine Legislator had prepared this passage especially to fit this case. Mr. Spainhour is an earnest, honest, conscientious man, who seems deeply impressed with the responsibilities of his office, and his duty to the State whose laws he wants to see executed. He makes a good solicitor. After Solicitor Spainhour's speech, came the lengthy and learned charge of the judge to the jury. Judge Bryan dwelt at considerable length upon the distinction between murder in the first degree and murder in the second degree. A willful, deliberate and premeditated killing is murder in the first degree, while all other murder is murder in the second degree. He charged the jury that if either of the defendants struck the blow, and though the other did not strike the deceased, that if there were a conspiracy between them, a common design, a preconcerted purpose to kill the deceased, then they were both guilty of murder either in the first or second degree. The jury was out nearly twenty four hours, and came in about one o'clock Friday with a verdict of guilty of murder in the second degree, with a prayer for the mercy of the court. Counsel for Jimmerson made a motion for a new trial on the grounds of subornation of perjury by the defendant Finley and misdirection of the judge. Counsel for Finley moved for arrest of judgment and asked for a new trial. These motions were overruled. Both appealed. The judgment of the court was that Finley be confined in the State penitentiary for a term of ten years and Jimmerson for a term of six. Finley's appearance bond was fixed at \$1250 and Jimmerson's at \$600. Jimmerson very readily gave bond and was released. Finley failed to give bond and was taken back to Rutherford jail Monday by deputy-sheriff Logan Nichols. Judge Bryan discharged the jury with thanks for their patience and pains-taking attention during the long and tedious trial. He also commended their verdict. The jury was composed of R. C. Sandin, W. J. Souther, T. A. Porter, Webb Hollifield, M. H. Grant, T. J. Hemphill, J. D. Lackey, S. H.

Davis, C. M. Young, T. C. Ledbetter, S. E. Poter and J. B. Carson. If the Irishman's story be true, and he told the same tale in his deposition on his death bed that he told before the magistrates on the morning after he was assaulted, Jimmerson is not guilty. He said in both his testimony at the magistrate's trial and in his deposition that he "had no altercation with Jimmerson" and that he "did not see Jimmerson taking any part in the assault." The saddest feature and most lamentable fact about the whole trial is that at least six persons swore positive falsehoods. It could not have been otherwise. For instance, each of the defendants swore that the other struck the fatal blow and that he himself was entirely innocent of any or the least part in the assault. One witness swore that she saw one of the defendants strike the fatal blow, while a number of other witnesses swore that she could not have seen it. One witness has confessed since the trial that he swore what the lawyers told him to swear. When things come to such a pass as this no man's life is safe. Such a condition of affairs is simply terrible. We have heard a gentleman declare on the street that he can take one hundred dollars and buy witnesses enough to convict any innocent man or clear any guilty man. Is not this anarchy of the most fatal character? Ought not the good citizens of any community to see to it that the laws against perjury and subornation of perjury are fully enforced? Under the Jewish law, as set forth in the book of Deuteronomy, if a man were to swear falsely that he had committed murder, a himself would be adjudged guilty of murder and punished with death. This law ought to be in force to-day and any man who will procure another to swear a falsehood ought himself to be convicted of perjury. The Facts in the Case. Correspondence of the Record. In order that the public may know the truth concerning the case of State vs. J. C. Linney and Joe Patton, more correctly entitled W. H. Ramsour and S. J. Green against the above named defendants, I desire to submit to the readers of the Record the following statement of the facts in the above entitled case. The evidence showed that there was a disturbance of the hotel guests sufficient to constitute a breach of the public peace, that the persons disturbed requested the police officer to quell the disturbance, that the officer had authority from the manager of the hotel to stop the disturbance, and that he used no unnecessary means to restore order and quietude. Yet, in the face of these facts, which were testified to by such gentlemen as Dr. White, Messrs. Will Martin, J. B. Swindell and others, and contrary to the law itself, these ignoramuses, arrayed with judicial power, one of whom had already expressed his opinion before the trial and another of whom has confessed his ignorance of the law in the case since the trial, found the defendants guilty of an assault upon S. J. Green and W. H. Ramsour. But S. J. Green and W. H. Ramsour are "big licks." They must be allowed to awaken the guests of the hotel at two o'clock in the night by uttering wild, weird yells, like the Comanche Indian war whoops, and frighten the ladies by their loud profanity; and if the policeman, the officer of the law, whose duty is to protect those in need of protection, interferes with their "revelry by night" he must be found guilty of a violation of the law of the land whose law it is his duty to enforce. And if the editor of the paper finds it impossible to sleep in the midst of their unearthly cries, and politely requests them to cease their hideous noises and be quiet, he must be found guilty also, and a fine must be imposed upon him. So say the honorable dispensers of justice! "Oh Justice! How many are the crimes that are committed in thy name!" These justices are more properly called dispensers with justice than dispensers of justice. They found the defendants guilty contrary to both the law and the facts, simply because they were told to do so by a certain four-mouthed, rotten-breathed lawyer, who leans far backward in his chair and displays a protruding abdomen and "cusses" out the present town administration generally. But he it is known unto these cabbage head justices of the peace and this lawyer with caustic breath that the policeman is not afraid to do his duty as he understands it, and that he will continue to bring offenders to justice, notwithstanding any opposition that he may meet with. The policeman feels that he has the approval of all good people in his efforts to keep order, and he has more regard for the approval of his own conscience and one good man than he has for the condemnation of a thousand toughs, blinded lawyers and cabbage-headed justices of the peace. Respectfully submitted, J. M. PATTON. Marion, August 26. Our Explanation of the Case. As for ourselves we had always considered it one of man's most sacred duties to respect and obey the law of his country, and when we were very young we registered a vow that we would never, while our life

lasted, be guilty of violating a law of the land we loved; and when we were adjudged, along with Mr. Patton, as infamous above, guilty of a violation of a law of our beloved State, and adjudged so by three most noble, and most learned members of our State's most noble and most learned judiciary, we acknowledge that we were surprised, and not only surprised, but shocked almost beyond recovery. Nor could we be consoled until assured by the best men of the town that to be found guilty by the court before whom we were tried is the surest evidence that we were not guilty. We have never sought notoriety, especially certain kinds of notoriety, and have always been averse to having our name appear in the paper. We regret exceedingly to have it appear in the above connection; but since it has appeared we think we are due Mr. Patton, our friends and ourselves an explanation of the case; so here is just how it all occurred: Maj. S. J. Green and Capt. W. H. Ramsour, of Shelby, came up to Marion Friday evening and got on a "tear," as they usually do when they come to Marion. And by the way, we will remark that we have observed that whenever a man wants to get drunk and set the foot generally, he comes to Marion to do it. Between the hours of two and three o'clock Friday night we were aroused, as were most of the other guests in the hotel, by loud yells, cries and screams coming from one of the rooms of the hotel, the room occupied by Ramsour and Green and a prominent McDowell county official, whose name we will not disclose out of respect to him and for the reason that he repeatedly warned Ramsour and Green to desist and told them what the result of their racket would be. Most of the gentlemen in the hotel were awakened and two or three of the ladies and one of the ladies was so badly frightened that she almost became prostrated and did not fully recover from her fright for two or three days afterward. The yells were loud in the extreme, and coming at that time of night when everybody else had been asleep, several hours it was enough to frighten anybody. The guests complained to the manager of the hotel, and the policeman, Mr. Patton, was sent for and ordered to stop the racket. He accompanied him, which we did, and went into Green and Ramsour's room and informed them that they were disturbing the gentlemen and frightening the ladies, and told them that if they did not hush their noise he would "put them where they could not disturb the guests." Being assured by Capt. Ramsour that there would be no further disturbance, we both retired and all the guests went to bed and went to sleep. The next morning Ramsour called his son self against Walk James and swore that J. C. Linney and Joe Patton "did unlawfully and wilfully and with force and arms commit an assault upon the bodies of S. J. Green and W. H. Ramsour by worrying and annoying them in their room in the hotel in Marion." And the aforesaid Walk James did walk his stately self down to the temple of justice and did then and there declare the defendants guilty of the offence wherewith they stood charged. B. G. Gaden assisted James in the trial. He was first summoned to testify in the case for Ramsour and Green against the defendants, but afterward concluded that he could render the prosecution a greater service by "getting on the bench" and casting his vote against the defendants. He was objected to by the defendants but insisted that he was entitled to hear the case. Old attorneys, including Col. Morpew himself who appeared for the prosecution, say that they never in all their practice heard of a magistrate insisting on trying a case when he had been objected to by either side. Besides Gaden openly expressed himself before the trial and before hearing a particle of the evidence. Ramsour was the only witness for the prosecution. Maj. Green was put on the stand, but could not remember what did occur sufficiently to enable him to testify with any certainty; and after that he was told the editor of this paper that he was so drunk Friday night that he did not know what he was doing. So far as Mr. Patton and myself could see Ramsour was as drunk as Green, yet he swears that the room was latched and that Mr. Patton forced his way into the room without knocking. The prominent official above mentioned, who was in the room at the time, testified that Mr. Patton did knock as many as seven or eight times, as did the other five or six witnesses. It was in evidence also that the manager of the hotel ordered Mr. Patton to go into the room, and that the door of the room was judicially open before he came to it. As to our own guilt, it existed alone in the fact that we accompanied Mr. Patton into the room. The prosecution "took a not-prosecution" in the outset of the trial, but we induced the honorable court that we were not the men that will go with a man into a difficulty when desert him in the most trying hour, and that we would stand or fall with Patton. The whole affair was a malicious conspiracy against Mr. Patton. The defendants appealed. Since trial Ramsour and Green have proposed to pay the costs and fines and "drop the matter where it is." Everybody looks upon the falling of the magistrates as an outrage and a disgrace. We have heard a number of good people say that if Maj. Green and Capt. Ramsour were gentlemen they would apologize, at least, to the ladies whom they disturbed by their hideous screams and yells. The Grand Concert Co., will leave on Monday next on an extended tour of the Western part of the State. Mr. Claude Gruber will assume the proprietorship of the Yawning Hotel on Friday. Read the advertisement of the Marion Institute. The school opens September 6th. Mr. J. C. McCurry is reported as being in a dangerous condition. Dr. Burroughs of Asheville was telegraphed for yesterday. Burglars entered the store house of W. B. Battelle Tuesday night and appropriated to their own use all the loose change they could find lying around. We have been unable to locate what amount was stolen. One of Marion's business men has predicted that within a year Marion will be the possessor of a cotton factory, a roller mill and a bank. So mote it be.

Mr. John Gilkey, of Asheville, S. C., is here this week on a visit to his parents. Mrs. Alice Walton and three daughters spent last week in Marion visiting Mrs. Ray. Her daughters will enter school in Asheville soon. Mrs. C. S. Hahn and her daughter Terri, who have been visiting Mrs. Thos. Modd, have returned to their home in Augusta, Ga. Ex-Senator Jarvis spoke in Morganton Tuesday in favor of free coinage. Mr. Hayne Davis, formerly of Statesville, now of Cranberry, a grandson of the late Chief Justice Pearson, passed through Marion Wednesday. W. M. Gold and Sanford Wolf, natives of Cleveland county, now residents of Marshall county, Ky., passed through Marion Wednesday on their way back to Cleveland to visit their old home. They were accompanied by Miss Edmondia Gold daughter of W. M. Gold. They left Cleveland about thirty years ago. WANTED.—Walnut logs, oak and poplar lumber. Will pay cash for same. W. P. Jones. North Carolina College OF AGRICULTURE AND MECHANICAL ARTS. The next session of this College will begin September 5th. Examinations at county seats first Saturday in August. Young men desiring a technical education at an unusually low cost will do well to apply for catalogue to J. Q. HOLLADAY, Pres., Raleigh, N. C. MILLINERY! MILLINERY! Miss Mollie D. King Fashionable Milliner, Keeps the very Latest Styles in Millinery goods. Store on Main street, next door to Lonon Brothers. Conservatory of Music. THE BROCKMAN SCHOOL OF MUSIC, GREENSBORO, N. C. Pianoforte, Voice, Culture, Violin and Art. A specialist in each department. Training School for Teachers. Address CHAS. J. BROCKMAN, Manager. Cane Mills. COOKING STOVES AND ALL KINDS OF Hardware at W. P. JONES, HARDWARE STORE. Groceries! Groceries! Everything in the Grocery Line. NEW AND FRESH STOCK at prices lower than anywhere else in town. CAN NOT BE UNDERSOLD. NEW STAND. NEW STOCK CALL AND SEE BEFORE YOU BUY ELSEWHERE. A. B. Gilkey & Son. LIVERY And Feed Stables. Handsomest vehicles, best horses, most moderate charges. If you want to take a pleasure trip or a business trip across the mountains, down the valleys, around town or anywhere else, with more comfort and ease than you ever took the same trip before, try one of A. B. Gilkey & Son's turnouts. LEWIS MALDUN, PRESIDENT. L. P. McCL. I. CASH WESTERN CAROLINA BANK ASHEVILLE, N. C. DESIGNATED STATE DEPOSITORY. CAPITAL \$50 000 SURPLUS \$25 000 We have Special facilities for handling the business of Merchants and others in Western North Carolina. If you have no Bank account or think of a change, we will be glad to have you correspond with us.

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