

DAMAGE SUIT HEARD TODAY

Case of Jas. H. Saunders vs. Herbert
Dunn Consumed Today's Session
of Superior Court

FIVE THOUSAND ASKED

Mr. Saunders Contended That He
Suffered From Personal Injury
and Humiliation to This Amount
—Mr. Dunn Claimed That He
Was Protecting Himself—Land
Case Decided in Favor of Daugh-
ters.

In Wake superior court today the case of Jas. A. Saunders vs. Herbert Dunn, an action for damages of \$5,000 for personal injury and humiliation was heard. The affair occurred in Dunn Brothers' store September 23, 1902, and was the result of a misunderstanding with regard to a business matter. Mr. Dunn struck Mr. Saunders over the head with a nail-puller, and the question for the jury to decide was whether he did this to protect himself or whether it was a wanton act on his part. The testimony varied as to who attempted to strike the first blow. The plaintiff contended that the blow was unprovoked and that the defendant was smarting under a supposed wrong, while Mr. Dunn contended that Mr. Saunders, after calling him a liar, raised an umbrella to strike, when the defendant reached for a nail-puller and struck the plaintiff over the head. Both men had been employed by the National Biscuit Company and Mr. Dunn thought Mr. Saunders was responsible for his losing his position with the company. Col. J. C. L. Harris and Mr. J. W. Bailey rep-

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resented the plaintiff and Mr. James H. Pou the defendant.
The jury took the case shortly before 1 o'clock, Judge Peebles leaving instructions for the clerk to receive the verdict and discharge the jury should it agree.
Just before adjournment a divorce case was tried, several lawyers, a reporter, stenographer and others sitting on the jury.

After being out two hours, the jury returned a verdict in favor of the defendant, finding that there was no assault made on Mr. Saunders by Mr. Dunn.

Land Suit Determined.
In the case of W. H. T. Caudle, et al., vs. Mollie Morris, et al., a jury in Wake superior court decided that about seventy acres of land in Swift Creek township should go to the plaintiffs. Mr. Bryant Smith bought the land ten years ago from Col. J. C. L. Harris, commissioner. In the distribution of the property of the late A. B. Emery, the daughters of Mr. Emery claimed the land and a jury awarded it to them. The issues and answers are as follows:
"1) Was the execution of the deed from A. B. Emery to his son, Vance, procured by fraud and undue influence?" Answer: No.
"2) Did the defendant, Bryant



MRS. JAMES McVIKAR

Daughter of Isaac Emerson, the Baltimore millionaire and sister of Mrs. Smith Hollins McKim who denies the charges made by Mrs. Cora Hanson relative to her relations with Mrs. Hanson's late husband, Major Hanson, who left an estate valued at \$600,000 to his second daughter, Mrs. Annie Garrett, of Baltimore, and her children, which is being contested by Mrs. Hanson. Mrs. McVikar says: "Mrs. Hanson must be crazy if she is correctly quoted by the newspapers. There is not a shred of truth in her assertions, and I defy her to produce an atom of proof of her cruel and malicious misstatements.

Smith, acquire title to the lands in question under the deed from J. C. L. Harris, commissioner?" Answer: No.
"3) Is the plaintiff Mrs. Loretta Caudle, as devisee, entitled to recover the lands described in the complaint?" Answer: No.
"4) Did A. B. Emery, at the time he signed the deed to A. Vance Emery, have mental capacity to make a deed?" Answer: Yes.
"5) Are the plaintiffs, Loretta Caudle, Sarah Smith and Fannie Pulley, the owners, as tenants in common, of the lands mentioned in the

complaint, subject to the homestead of Vance Emery's widow?" Answer: Yes.
"6) What damages, if any, are the above named plaintiffs entitled to recover?" Answer: One penny each.
"7) Did the defendant, Bryant Smith, fraudulently acquire and hold the deed from J. C. L. Harris, commissioner?" Answer: No.
"8) When did the plaintiffs first learn that Bryant Smith claimed the land in controversy as his own, and under the deed from J. C. L. Harris, commissioner?" Answer: April term of court, 1908.
"9) When does this action commence as against Bryant Smith in his individual capacity?" Answer: June 10, 1911.
"10) Is the action of Loretta Caudle and husband, as devisee of the father, barred by the statute of limitations?" Answer: Yes.

New Enterprises.

Asheboro Motor Car Company of Asheboro, Randolph county, authorized capital, \$5,000, divided into shares of the par value of \$50 each; subscribed, \$1,000; incorporators, M. L. Davis, C. E. Davis, C. Rush and I. N. Cox.

The Greensboro Cotton and Commission Company, of Greensboro; authorized capital, \$5,000; paid in, \$1,200; incorporators, Malcolm K. Harris, Danville; J. E. Williamson, Worthyville, N. C.; and C. C. Laird, Jas. T. Morhead, Jr., and Solomon Cone, Greensboro.

The Consolidated Tire and Oil Company, of New Bern, amends its charter by decreasing the par value of its capital stock from \$100 to \$10. D. E. Henderson is president and L. S. Stephens is secretary.

ORDINATION SERVICE

Rev. J. E. Hemphill to Be Installed
As Assistant Pastor.

Rev. J. E. Hemphill will be ordained and installed as the assistant pastor of the Raleigh Presbyterian church and for special work in Wake county now being conducted by the Raleigh Presbyterian church.

The commission consisting of Rev. W. D. Morton, D. D., of Rocky Mount; Rev. J. F. Coleman, of Stoval; Rev. W. McC. White and Elder Leo D. Heartt of Raleigh, were appointed at last meeting of Presbytery to conduct services to which the public are invited.

A praise service and organ recital will be held at 4:30 p. m. by the Choral Society of Peace Institute, conducted by Miss Dumais and Prof. Brawley, which is also open to the public.

The usual services at 8 p. m.

LOT TO BE SOLD.

Y. M. C. A. to Sell a Lot Opposite
Capitol.

The lot on Edenton street, opposite the Capitol square, 53 by 140 feet, which is to be sold by the Y. M. C. A. at auction on the premises, next Wednesday, Nov. 1st, is one of the finest lots that has been offered for sale in Raleigh for a long time. It is a standard, well located lot. There are two valuable houses for sale in connection. The lot and houses will be sold to the highest bidder on the premises at noon next Wednesday.

Death of a Child.

Grace Eddins, the four-year-old daughter of Mr. John Eddins, died last night at the home of her father on Cleveland street. The remains were taken to Eagle Rock today for interment.

OLD HACKMAN DIES ON ROAD

Lee Ellison Tumbles From
Carriage and Horses Keep
Vigil Through the Night

Lee Ellison has driven his last hack. The faithful and honest old darkey is no more. He died with the lines in his hands and tumbled from his seat as the spark of life left his feeble old body. There be many to mourn Lee, for he was one of the best of men and his heart and deeds were right.

Lee was found dead lying among some honeysuckle vines near the state hospital today. Close to him the team that he drove yesterday was standing, waiting for the words that were never uttered and the hand that was never to shake the lines again. Lee's last work was for Sorrell & Smith, livermen, and he went out the last time after supper yesterday. At 9 o'clock he had not returned with the team, but his employers were not uneasy—Lee could be depended upon. They thought he had gone into the country to spend the night.

Early this morning, however, somebody reported the finding of a carriage and team standing by the road and Lee's cold body was discovered near by. He had probably plunged off the seat into the vines. The driving rain and cutting wind could no longer affect him. And the horses, faithful to their trust, stood by while the rain beat upon them and the wind chilled their blood.

In Lee Ellison's pocket today was found a dollar—the result of an evening's work. He had not been robbed; there was no foul play, and the coroner decided that an investigation was not necessary. Lee was about 85 years old. He spent his days with horses and as long as he lived could be found around a livery stable. He had been in poor health for years.

LOCAL BRIEFS.

The early communion at the Church of the Good Shepherd will be omitted tomorrow morning.

Mr. Elias Carr, secretary to the Department of Agriculture, has gone to Braxbridge Hall, Edgecombe county, to spend several days.

Mr. C. H. Mebane, of the Department of Education, and Prof. Z. V. Judd, Superintendent of Public Instruction of Wake county, spoke yesterday at the negro state fair.

Death of Mr. Joe. G. Jackson.

Mr. Joe. G. Jackson, a young married man, 25 years old, died last night at his home near the Country Club of typhoid fever. He is survived by his wife and three children and was a member of the Methodist church. The funeral will be held from the home tomorrow afternoon at 3 o'clock.

Death in County.

Mrs. Ina McGee, wife of Mr. C. E. McGee, died early last night in House Creek township of heart trouble. She was 25 years old and was a member of Ebenezer church. She is survived by her husband and two children. The burial was held this afternoon.

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ADVANCE IN PRICE

Special Offer Open Until
November 1st.

As a matter of necessity, the price of the mail edition of The Raleigh Daily Times will be increased on November 1st, from \$2.50 per year to \$4.00. This is not being done to take advantage of anybody, nor to hurt anyone's feelings—it is simply because the paper cannot make a profit by selling at the present price. Operating expenses are higher now than they were several years ago, wages of employees are greater, and altogether, it costs more to run a daily newspaper now than it did several years ago.

In offering The Times at \$4.00 a year to our out-of-town subscribers, we are doing so purely on the Paper's merits. If you candidly do not believe that our paper is worth \$4.00 a year to you—then we don't want to take your money.

We are trying hard to improve the Times—we are spending good money on it—we are going to spend more and introduce more improvements.

Until November 1st., we will accept subscriptions from out-of-town patrons at \$2.50 per year in advance. For \$5.00 in advance we will send the paper two years by mail. After November 1st., the price will be \$4.00 a year in advance.

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