

THE CRIMINAL COURT.

THE SPECIAL TERM CONVENE YESTERDAY.

The Case for Arson Against F. P. Howland Set for a Hearing This Morning, and the Dross Neck Murder Case Tomorrow. Cases Disposed of Yesterday.

The special term of the criminal circuit court of New Hanover county, called by His Honor Judge Thomas H. Sutton, upon the recommendation of the solicitor and the chairman of the board of county commissioners of New Hanover county, convened yesterday at 10 a. m. Judge Sutton was on the bench and the officers of the court in attendance were Solicitor M. C. Richardson, Sheriff E. Hewlett, Deputy Sheriff W. W. King and Clerk W. R. French.

The following were drawn and sworn in as the grand jury: H. G. Fennell, Jerry Swindell, Frank Allen, C. P. Mahler, E. T. Wade, J. S. Haw Chas. Hill, R. L. Everett, S. W. Smith, Robert Willie, Samuel Wiggins, Major Lee, Samuel Sterling, Josie Mintz, Jno. Wright and J. P. Hopewell. Eleven out of the eighteen grand jurors are colored.

H. G. Fennell was sworn in as foreman of the grand jury, and David Jacobs as bailiff.

Judge Sutton delivered a lucid and comprehensive charge to the jury after which it retired and subsequently returned sundry true bills, among which were the following:

Fred. P. Howland, larceny; H. C. Hayes, abortion; George Peamon, abortion.

During the day's sitting the court took up and disposed of the following cases:

State vs. Beck Claridy, larceny. Nol prossed.

State vs. Julian Coachman, highway robbery. Nol prossed.

State vs. Stella Moody, forcible trespass. Nol prossed.

State vs. Stella Moody, assault and battery with a deadly weapon. Nol prossed.

State vs. Mary Everett, assault and battery with a deadly weapon. Defendant submitted and judgment was suspended on payment of the costs.

State vs. Harriett Gause, assault and battery with a deadly weapon. Defendant submitted and judgment was suspended on payment of the costs.

State vs. Thos. Cowan, carrying concealed deadly weapon. Defendant submitted and judgment was suspended on payment of the costs.

State vs. Melvina Davis, carrying concealed deadly weapon, verdict not guilty.

State vs. Lucy J. Coleman and Becky Green, affray, guilty as to Becky Green and not guilty as to Lucy Coleman.

State vs. Joseph Kirkham, resisting an officer, defendant submitted and judgment was suspended on payment of the costs.

State vs. W. H. Koenig, selling liquor to minors, nol prossed.

State vs. William Moore, larceny, verdict guilty.

The court at 6 p. m., took a recess till 9:30 o'clock this morning when the case against Ben Smith, colored, charged with the murder of Charles Jones, in Dross Neck, will be taken up.

Pursuant to adjournment for recess on Tuesday evening, the circuit criminal court met yesterday at 9:30 a. m., and took up the case of the state against Ben Smith, colored, and Dan Parker, colored, indicted for the murder of Charles Jones, a sailor, on the 10th of last February, in the disreputable quarter of the city known as Dross Neck. Dan Parker fled on the night of the murder and has not been captured, but Smith was in court with John H. Gore, Esq., and David B. Sutton, Esq., as his counsel by appointment of the court.

The selection of the jury began at 9:40 a. m. and before it was secured the special venire of fifty men had been exhausted. Another special venire of seventeen men was summoned and exhausted and another venire of ten was summoned. By 11:40 a. m. the following jury, consisting of five white and seven colored men, was selected: H. B. Green, colored, George Grotgen, John L. Grafflin, C. W. Futch, George Raford, colored, Thomas Lawson, Benj. Shepard, colored, W. J. Orr, T. Bonitz, colored, Charles Mallett, colored, Nelson Dickinson, colored, and Hayes Leonard, colored.

Coroner Jacobs was called as the first witness for the state. He testified as to the holding of an inquest on the dead body of Charles Jones, and stated that upon searching his body he found a razor wrapped with paper and in a case in deceased's pocket.

Policeman Lewis Geyer, colored, was the next witness for the state. He testified that on the night of the 10th of February he was on duty in that part of the city known as Brooklyn, and that a young colored man named Albritain came to him and notified him that a dead man was lying in the alley between Second and Third and Brunswick and Hanover streets. He went to the place with Albritain and found Charles Jones lying in the alley with his face in the sand. He turned him over and found his body warm and sent for a doctor, but believed that the man was dead. By a light, he found that Jones had a cut and bruise in the head, and had his body put in a wagon and carried it to the city hall. He believed Jones was dead when he was taken to the city hall between 11 and 12 o'clock. Cross-examined, the witness said he never saw anybody strike Jones.

Alice Sampson, colored, was called

C. Richardson said he regretted to announce that the state was not ready owing to the absence of a material witness for the state, Clarence Pridden, of Pender county, who had been recognized to appear but who was not present. It was explained that Mr. Pridden was recognized till "the next term" and that this being a special term he did not know that he was required to be present. The solicitor said he would have to ask the court to continue the case till Thursday and by that time he hoped to have the witness here.

Marsden Bellamy, Esq., of counsel for the defence, said the defence was anxious for a trial and it was a hardship on him and his old mother who was totally blind, but under the circumstances, the defence could not object.

Judge Sutton ordered the case continued till Thursday at 10 a. m. After the case had been continued, witness Pridden arrived in the city.

Simon Prince, colored, charged with the murder of Walter Pemberton, colored, in Dross Neck, was arraigned and pleaded not guilty. Solicitor Richardson asked for a continuance of this case on account of the absence of Jim Whitted, a material witness for the state. He informed the court that Whitted had been recognized for his appearance but it was believed that he had left the city. He stated that an officer had been instructed to bring Whitted into court and was looking for him. Congressman George H. White, the colored lawyer, David B. Sutton, Esq., and D. W. Evans, colored, were appointed by the court to defend Prince. Only the first named was present with the accused when he was arraigned. The case was continued and the prisoner was remanded to jail.

At 10:10 a. m., the jury which staid out all night on the case of Joseph Baldwin, charged with resisting an officer, came in and reported that it was impossible for them to agree. A mistrial was thereupon ordered.

The court took up and disposed of cases as follows:

State vs. Lewis McBest, colored, carrying concealed deadly weapon, verdict guilty. Judgment was suspended on payment of the costs.

State vs. Levy Lane, colored, carrying concealed deadly weapon, verdict guilty. Sentenced to six months' imprisonment in the county house of correction.

State vs. William Devereaux, larceny, defendant submitted and was discharged as being insolvent.

State vs. George Cordoras, larceny, mistrial.

State vs. Melvina Davis, carrying concealed deadly weapon, verdict not guilty.

State vs. Lucy J. Coleman and Becky Green, affray, guilty as to Becky Green and not guilty as to Lucy Coleman.

State vs. Joseph Kirkham, resisting an officer, defendant submitted and judgment was suspended on payment of the costs.

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Children are a source of comfort. They are a source of care, also. If you care for your child's health, send for illustrated book on the disorders to which children are subject, and which Frey's Vermifuge has cured for 50 years. One bottle by mail for 25 cents. E. & S. FREY, Baltimore, Md.

by the state, and testified that Jones came to her house on the night of the killing. He was drinking and after being in the house awhile she and he went out and got a quart of liquor. They returned to the house with Julia Moore, colored, and about 11:30 o'clock Ben Smith and Dan Parker knocked at the door and asked for a cigarette. The sailor told her to admit them and she did so, and gave them a light. The sailor also told her to give them a drink, which she did. The sailor told Smith and Parker to go out, he wanted to go to bed, and they declined to go. The sailor took a razor out of his pocket, and opening it, cursed them and said he would make them go. Ben Smith seized a piece of board or plank and drew it back, but did not strike. The sailor made no attempt to cut. He (Smith) told Alice Sampson and Julia Moore to get out of the way. She told Smith not to hit the sailor in her house and then she and Julia Moore went out and never knew anything more of the difficulty until Jones was found in the alley. Nothing important was brought out in the cross-examination.

Dr. J. C. Shepard was called and testified that he made an autopsy of the body. He found a cut on Jones' head and a bruised place over a bad fracture of the skull. The fracture, in his opinion, caused death.

Julia Moore was examined and mainly corroborated the statement of Alice Sampson.

Lucy Jane Coleman was sworn and testified that she and Ed Gause, hearing a man holler in the alley, went there and saw Jones lying on his face. Ed Gause and Ben Smith picked Jones up and tried to stand him on his feet, but he could not stand. Smith then called Jones a bad name and said let him alone, he would soon get up. Smith then went off in a trot.

Moses Broomfield, colored, was called and testified that while in his house on the alley he heard fighting and heard licks, and a man holler. He went out and saw the man down and saw Ben Smith and Dan Parker, and told them not to hurt him any more.

Cyrus Russ, colored, was called and testified that he saw Smith and Parker go into Alice Sampson's house after Jones. Smith went in to run Jones out and Parker stood at the door with a stick and hit Jones as he came out of the door. Smith followed him out and struck him twice and he fell in the alley.

Deputy Sheriff W. W. King, the jailor, was the only witness called by the defence, but his testimony was only that Russ told him he intended to tell all he knew about the difficulty in order to clear himself of any blame about the murder.

After the testimony had been concluded, Mr. Gore addressed the jury for the defence, making a strong plea for his prisoner, presenting the facts clearly and handling the testimony adroitly. It was his maiden speech at the bar, and he is to be congratulated upon his effort. David B. Sutton, Esq., spoke for the defence, and was followed for the state by Solicitor Richardson.

Judge Sutton delivered a clear and admirable charge to the jury and they retired at 5:45 p. m.

The court took a recess at 6 p. m. till 9:30 o'clock this morning. The jury failed to agree and remained out all night.

The court this morning will take up the arson case against F. P. Howland.

How's This. We offer One Hundred Dollars reward for any case of Catarrh that cannot be cured by Hall's Catarrh Cure.

W. J. CHENEY & CO., Toledo, O. We, the undersigned, have known F. J. Cheney for the last 15 years, and believe him perfectly honorable in all business transactions and financially able to carry out any obligations made by his firm.

WEST & TRUAX, Wholesale Druggists, Toledo, O. WALKER, KINNEY & MARVIN, Wholesale Druggists, Toledo, O. Hall's Catarrh Cure is taken internally, acting directly upon the blood and mucous surfaces of the system. Testimonials sent free. Price 75c per bottle. Sold by all Druggists.

Court Serapes Yesterday in Justice J. J. Fowler's court, Isaac Spencer, colored, charged with assault and battery, was adjudged guilty and was fined \$25.00 or thirty days imprisonment. In default of fine he was committed to jail.

In Mayor S. P. Wright's court yesterday, Gary Smith, colored, charged with disorderly conduct, submitted. He was fined \$5.00 for carrying a concealed weapon and was bound over to the criminal court under a \$25.00 bond, which he gave and was released. Smith was arrested by Policeman Louis Geyer, colored, on Saturday night.

In the case of E. P. Hanna, agent for the Immediate Life Insurance Company, of Baltimore, charged with the larceny of an insurance policy, for which he was given a hearing on last Saturday, Justice R. H. Bunting rendered his decision binding the defendant over to the criminal court in a bond of \$100. He gave bond.

A young colored boy named Ward was before Justice R. H. Bunting charged with stealing clams from Mr. Snell's place at Ocean View. There being no probable cause to bind the defendant over he was discharged.

A NEW ENTERPRISE.

A Ten Thousand Barrel Lager Beer Brewery, Ice Factory and Cold Storage to be established in Wilmington—Work to be commenced on the Plant Today.

Mr. T. J. Callett and other capitalists, of Philadelphia, Pa., who have visited Wilmington quietly with a view to establishing a lager beer brewery, ice factory and cold storage plant, have decided to locate here and have made all their arrangements for putting the enterprise on foot. The concern will be known as the Wilmington Brewing Association, and Mr. Callett is president of the concern.

The association has leased the two brick buildings on the southeast corner of Dock and Water streets, and they will be entirely remodelled and rearranged in the interior for the plant.

Messrs. Isaac Ratsky, of Philadelphia, Pa., and Carl Wilbawd, of Columbus, Ga., are here representing the association, and work will be commenced on the buildings this morning under their supervision.

The association will put in the latest improved machinery, including a lager beer brewery plant with a capacity of 10,000 barrels of beer a year, and an ice machine with a capacity of manufacturing thirty tons of ice per day. The ice will be manufactured from distilled water, the supply to be furnished by the Clarendon Waterworks Company. The machinery is on the way, and the promoters of the enterprise expect to have the plant in operation in about six weeks.

Judge Allen's Decision in the City Cases.

Last Thursday at chambers before Judge O. H. Allen, at Goldsboro, Ire-dell Meares, Esq., counsel for W. H. Northrop, Jr., vs. F. B. Rice, city clerk and treasurer, R. B. Clowe vs. John R. Melton, chief of police, and Harry Hill vs. L. H. Bryant, superintendent of streets, made a motion and argument, praying the court to require the defendants to give bond for the salaries and emoluments of their respective offices, pending a decision as to which of the claimants, the plaintiffs or defendants, are entitled to the offices.

Marsden Bellamy, Esq., attorney for the defendants, opposed the motion, and Judge Allen reserved his judgment.

Yesterday Judge Allen's decision was filed in the superior court here. He denies the motion, and the following is his decision:

Superior Court, New Hanover County—At Chambers, Kinston, N. C., July 15, 1897.

W. H. Northrop, Jr., vs. Fred B. Rice. This cause coming on to be heard upon the motion of the plaintiff, W. H. Northrop, Jr., and being of opinion that the same is premature and ought not to be considered upon its merits until the time for the defendant to answer or demur, it is adjudged that the motion be now denied.

O. H. ALLEN, Judge. The above decision, of course, covers all three cases.

Sneak Thief Captured

Early last night John Henry, colored, entered the Racket Store, and Mr. Geo. O. Gaylord, the proprietor, who was at the cashier's desk at the rear of the store, detected him in slipping an umbrella down his pant's leg. He then went out, but Mr. Gaylord overhauled him on the street and carried him back to the store and searched him, finding that the thief had two umbrellas down his pants legs instead of one. He was turned over to Policeman Joseph Sharp, colored, who carried him to the city hall and locked him up. He will have a hearing before Mayor S. P. Wright this morning.

Rheumatism Cured in a Day.

"Mystic Cure" for Rheumatism and Neuralgia radically cures in 1 to 3 days. Its action upon the system is remarkable and mysterious. It removes at once the cause and the disease immediately disappears. The first dose greatly benefits.

T. F. Anthony, Ex-Postmaster of Promise City, Iowa, says: "I bought one bottle of your 'Mystic Cure' for Rheumatism and two doses of it did me more good than any medicine I ever took." 75 cents and \$1.00. Sold by J. H. Hardin, Druggist, Wilmington, N. C.

Celebrating Anniversary of Battle of Manassas

Manassas, Va., July 21.—The thirty-fifth anniversary of the first battle of Manassas was celebrated here today under the auspices of the Ladies' Memorial Association and Manassas chapter, Daughters of the Confederacy. A reception was given by these associations of Ewell camp, Confederate Veterans, in the court house. Tables were spread in a spacious room in the court house building around which the old soldiers gathered to a bounteous dinner. Early in the morning, though the lowering clouds predicted an inclement day, the crowd began to gather, and by noon the attendance numbered 2,000 people. Mr. J. B. T. Thornton, commonwealth's attorney of this county, delivered the address of welcome. Addresses were also made by Major H. Kyd Douglas, Colonel Tige White, of confederate cavalry fame; Charles E. Nicol, W. H. W. Moran, of the Manassas Journal, and others.

The Manassas brass band furnished the music, much to the delight of the old veterans, who made the hills resound with cheers as "Dixie," "The Bonnie Blue Flag" and other confederate war songs were rendered.

A Successful Cold Hunter

New Carlisle, Ind., July 21.—Frank Phiscater, of this city, who went to the Klondyke, Alaska, last winter, has just returned with \$50,000 in gold. Phiscater reached the field in the dead of winter. He dug a hole in the ground large enough to hold himself and provisions. After many weeks of searching he one day came upon a little stream which flowed down the side of a mountain and emptied into a basin. The water was clear, and in peering down its shallow depths Phiscater discovered gold. He picked all his metal out of the ice cold water.

Preparing to Make Counterfeit Money

Chicago, July 21.—Captain Porter, of the United States secret service, last night arrested V. J. Trevan, a Frenchman, who was, according to Captain Porter, about to make counterfeit money. Trevan says that he was going to make labels for a Cuban planter, and that the planter desired his labels made in the shape of a \$5 note. He seems to be rather hazy as to the identity of the planter who ordered the labels. John Williams, who was a helper of Trevan, was also arrested. No spurious money was found, but for all that the government officials regard the arrest as an important one. Williams has been arrested before for making counterfeit money.

Mrs. Frank Lee Page, nee Miss Belle Wood, is here on a visit to her aunt, Mrs. Fred G. Robinson.

Cramps, Colic, Colds, Croup, Coughs, Tooth-ache, Diarrhoea, Dysentery, and all Bowel Complaints. A Sure, Safe, Quick Cure for these troubles is Pain-Killer. It is the trusted friend of the Mechanic, Farmer, Planter, Sailor, and in fact all classes. Used internally or externally. Beware of imitations. Take none but the genuine "PERRY DAVIS." Sold everywhere. 25c. and 50c. bottles.

SCROFULA AND Erysipelas Two Diseases That Cause Their Fellow-Man. GENTLEMEN: I commenced taking P. P. P., Lippman's Great Remedy, last Fall, for Erysipelas. My face was completely covered with the disease; I took a short course of P. P. P., and it soon disappeared. This Spring I became much debilitated and again took another course, and I am now in good condition. I consider P. P. P. one of the best blood purifications on the market, and for those who need a general tonic to build up the system and improve the appetite I consider that it has no equal. Will say, anyone who cares to try P. P. P. will not be disappointed in its results, and I, therefore, cheerfully recommend it. ARTHUR WOOD, Springfield, Mo. Erysipelas and Scrofula cured by P. P. P., Lippman's Great Remedy, surely and without fail. GENTLEMEN: Last June I had a scrofulous sore which broke out on my ankle. It grew rapidly, and soon extended from my ankle to my knee. I got one bottle of your P. P. P., Lippman's Great Remedy, and was agreeably surprised at the result. The entire sore healed at once. I think I have taken almost every medicine recommended for scrofula and catarrh, and your P. P. P. is the best I have ever tried. It cannot be recommended too highly for blood poison, etc. Yours very truly, W. F. HUNTER. P. P. P. cures all blood and skin disease, both in men and women. Rheumatism, which makes man's life a hell upon earth, can be relieved at once by P. P. P., Lippman's Great Remedy. It makes a PERMANENT cure. P. P. P. is the great and only remedy for advanced cases of catarrh. Stoppage of the nostrils and difficulty in breathing when lying down, P. P. P. relieves at once. P. P. P. cures blood poisoning in all its various stages, old ulcers, sores and kidney complaints. Sold by all druggists. BROS., Apothecaries, Sole Prop'rs, man's Block, Savannah, Ga. For Sale by R. R. BELLAMY.

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a thoroughly tested remedy, gently prepares the system for this period, lessens the pain, and removes all danger. Its use insures a safe and happy termination of the dreaded event.

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