

**BIENNIAL REPORT OF THE
ATTORNEY-GENERAL
OF THE STATE OF NORTH
CAROLINA, 1902-1904**

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Biennial Report of the Attorney-General of the State of North Carolina, 1902-1904 by Robert D. Gilmer

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ROBERT D. GILMER

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ATTORNEY-GENERAL
OF THE STATE OF NORTH
CAROLINA, 1902-1904**

BIENNIAL REPORT

OF THE

ATTORNEY-GENERAL'S dept.

OF THE

STATE OF NORTH CAROLINA.

1902-1904.

ROBERT D. GILMER,
ATTORNEY-GENERAL.

RALEIGH:

E. M. UZZELL & Co., STATE PRINTERS AND BINDERS.

1905.

**A LIST OF ATTORNEYS-GENERAL SINCE THE ADOPTION
OF THE CONSTITUTION IN 1776.**

	<i>Term of Office.</i>
Avery, Waightstill	1777-1779
Iredell, James	1779-1782
Moore, Alfred	1782-1790
Haywood, John	1791-1794
Baker, Blake	1794-1803
Seawell, Henry	1803-1808
Fitts, Oliver	1808-1810
Miller, William	1810-1810
Burton, Hutchins G.	1810-1816
Drew, William	1816-1825
Taylor, James F.	1825-1828
Jones, Robert H.	1828-1828
Saunders, Romulus M.	1828-1834
Daniel, John R. J.	1834-1840
McQueen, Hugh	1840-1842
Whitaker, Spier	1842-1846
Stanly, Edward	1846-1848
Moore, Bartholomew F.	1848-1851
Eaton, William	1851-1852
Ransom, Matt. W.	1852-1855
Batchlor, Joseph B.	1855-1856
Bailey, William H.	1856-1856
Jenkins, William A.	1856-1862
Rogers, Ston H.	1862-1868
Coleman, William M.	1868-1869
Olds, Lewis P.	1869-1870
Shipp, William M.	1870-1872
Hargrove, Tazewell L.	1872-1876
Kenan, Thomas S.	1876-1884
Davidson, Theodore F.	1884-1892
Osborne, Frank I.	1892-1896
Walser, Zeb. V.	1896-1900
Douglas, Robert D.	1900-1901
Gilmer, Robert D.	1901-1909

Univ. of North Carolina Lib. - E. Sch.

LETTER OF TRANSMITTAL.

STATE OF NORTH CAROLINA,
OFFICE OF ATTORNEY-GENERAL,
RALEIGH, December 31, 1904.

To His Excellency, CHARLES B. AYCOCK,
Governor of North Carolina.

DEAR SIR:—I have the honor to transmit herewith my
biennial report for the years 1902-1903 and 1903-1904.

Respectfully submitted,

ROBERT D. GILMER,
Attorney-General.

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(RECAP)
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EXHIBIT 1.

LIST OF CASES ARGUED BY THE ATTORNEY-GENERAL BEFORE
THE SUPREME COURT, AT FEBRUARY TERM, 1903; AUGUST
TERM, 1903; FEBRUARY TERM, 1904, AND AUGUST TERM,
1904.

FEBRUARY TERM, 1903.

(132 NORTH CAROLINA REPORT).

1.

State v. Demas Goode; from Northampton; murder; from a verdict of manslaughter and judgment thereon the prisoner appealed; new trial.

2.

State v. Vance Spivey; from Halifax; murder; from a verdict of guilty in the first degree and judgment thereon the prisoner appealed; affirmed.

3.

State v. Fred Vick; from Wayne; rape; from a verdict of guilty and judgment thereon the prisoner appealed; affirmed.

4.

State v. John Marsh; from Union; rape; verdict guilty; motion in the Supreme Court in arrest of judgment on account of defect in the indictment; judgment arrested; mem. 133, p. 784; same case, 134 N. C., p. 184.

5.

State v. Walter Barrett; from Moore; murder; from a verdict of guilty in first degree and judgment thereon the prisoner appealed; new trial.

6.

State v. John Parker; from Durham; section 1101 of The Code; from a verdict of guilty and judgment thereon the prisoner appealed; new trial.

7.

State v. Frank May; from Guilford; abandonment; from a verdict of guilty and judgment thereon the defendant appealed; motion in Supreme Court in arrest of judgment; judgment arrested.

8.

State v. E. L. Utley; from Cumberland; murder; from a verdict of guilty in the second degree the prisoner appealed; affirmed.

9.

State v. J. G. Mitchell; from Rockingham; slander of an innocent woman; under The Code, sec. 1113, from a verdict of guilty and judgment thereon the defendant appealed; motion in arrest of judgment; judgment arrested.

10.

State v. J. F. Austin; from Randolph; perjury; from a verdict of guilty and judgment thereon the defendant appealed; new trial.

11.

State v. A. H. Ninestein; from Rowan; for a violation of an ordinance of the City of Salisbury; from a judgment of guilty on special verdict the defendant appealed; reversed.

12.

State v. Albert Jones; from Wake; trespass; from a judgment of not guilty on a special verdict the State appealed; affirmed.

13.

State v. J. W. Crook; from Union; removal of crops; from a verdict of guilty and judgment thereon the defendant appealed; affirmed.

14.

State v. Eli Bradley, Jr.; from Polk; retailing spirituous liquors without license; from a judgment of not guilty on a special verdict the State appealed; new trial on account of defect in the special verdict.

15.

State v. J. T. Mohaffey; from Catawba; assault with intent to commit rape; from a verdict of guilty and judgment thereon the defendant appealed; affirmed.

16.

State v. Joe Cole and others; from Vance; murder; from a verdict of guilty in the first degree against Joe Cole and judgment thereon he appealed; new trial.

17.

State v. John Hall and others; from Robeson; murder; from a verdict of guilty of manslaughter the defendants appealed; new trial.

18.

State v. Riddick Boone; from Gates; carrying concealed weapon; from a verdict of not guilty on a special verdict the State appealed; reversed.

19.

State v. Charles Yoder; from Catawba; failure to work public road; from a verdict of guilty and judgment thereon the defendant appealed; judgment affirmed.