

THE LYERLY MURDER CASE

(Continued from Page One)

breath. Addie went back upstairs and got up some clothes, which we put on in the yard. We then left for Mr. Cooke's, Addie leading Janie and I carrying Alice.

DOOR AND WINDOW OPEN.

"The front door and the window that opens into papa's room from the porch were open. The key was on the inside of the door. I always locked the door at night but after papa went to bed on returning, I forgot to turn the key. Anyone could have gotten in through the window, without much effort.

"Papa's axe lay at the woodpile, for I saw it there the afternoon before John and Alice had been cutting wood.

"When I went to bed papa was fast asleep, snoring. Mama was doing off. That was a few minutes before 9 o'clock. Addie and I slept together. I heard no noise.

"The lamp, which had a porcelain bowl, was nearly full of oil. It had been filled the Saturday before. I know that it was sitting on the bureau and the burner was on. When we arose, the lamp was on the hearth.

"John Gillespie and Henry Lee, son and step-son of Nease, started a crop. They lived in the house with Nease and his wife, old Fannie. One day Fannie came down home and got after papa for having Henry and his wife live in with them. She was mad because they slept on her beds.

Saturday following, Nease came and asked father what was the trouble with him and the boys. They had some conversation and Nease cursed papa, who drove him out of the yard.

George Cranford, who worked for us then, said that Nease declared that he would kill old man Ike Lyerly. Mr. Cranford told us about it the next morning. Nease was mad. Papa told him that he would have to sow the wheat or leave.

"Mr. Cranford went from here to his home at Hildebrand. "Nease was down there once or twice after that but I never heard any more until a few days before the tragedy. Nease came down and asked papa what he was going to do with the wheat. Papa told him 'I'll do it.'

"Della, Jack's wife, and mama had trouble Friday morning about the soap suds in the tub. After mama left I went down to the spring and heard Della say: 'If she (meaning mama) had to raise more words I would have downed her.'

"Jack and papa did not get along together. Jack had been there just about a week. He told papa that he was going to work for Mr. Penninger. Papa said, 'Well, Jack, if you go there and work five days without laying off, I will treat.'

"I heard Jack say that he wouldn't go to work for no man before 7 o'clock.

"Mr. Jim Taylor, who had been working for us and sleeping in the house, spent last Friday night with Sam Cooke. I was straining the milk when he left. Sam Cooke had come over to our house to bring a grain cradle which his father had borrowed that morning. Jack was at the lot with Della who helped us to milk the cows. Jim Taylor, Sam Cooke and Jack left together, going down the path toward the spring. That morning Jack had worked for Mr. Cooke and then he went down to Mr. Penninger's to get a job. Jim Taylor had been Mr. Penninger and secured work."

"On being questioned by the lawyers Miss Lyerly continued: "Papa kept most of his money in the bureau upstairs. Nothing in the house was disturbed. Even Alice's little pocket book, which contained 25 cents, was left on the bureau by her bed.

"We did not go by Jack Dillingham's house, which was close to the path that leads to Mr. Cooke's, for we were afraid that Jack might hear us. We slipped by, fearing that he might want to kill us too. Sister Janie, who is 10, going on 11, said that she heard talking in Jack's house as we passed. It was then about 11:30 o'clock. We arrived at Mr. Cooke's at 11:55."

MISS ADDIE LYERLY ON THE STAND.

Miss Addie, the second Lyerly child, a blond haired girl of 15 years, told of her experience on the night of the murder, a very direct and interesting way.

"That night," said Miss Addie, "after Mary and I had finished washing the dishes and doing our regular work I sat the lamp in papa's room, on the bureau, blew it out and went up to our room. Some time between 10 and 11 o'clock I waked up and felt the heat and smell the smoke of a fire. Mama had been unwell and my first thought was that she had become worse. I went down to her room and, as I entered the door, I saw that the bed in which papa and John slept was on fire. Papa was on the foot of the bed with his feet drawn up. His head was close to the wall, back wall. He lay on his right side. I felt him; he was not cold, but a little stiff.

"A fire was burning slowly but steadily in the middle of the bed. The bureau drawer lay inverted upon the breast of John, who lay on his stomach. The drawer was burning. John's feet extended over the edge of the bed.

"I pulled papa and John to the floor and called Mary. We worked in the dark.

"After we had put out the fire I ran upstairs and got some clothes for us. I did not see any light or hear any talk as we passed Jack's house."

Miss Addie corroborated other statements made by her sister. On being interrogated she made the following additional declarations: "When I went down mama's face was covered with a pillow. One of her feet was on the floor. Little sister lay beside her on her back, just as she had slept.

"When papa turned off the Gillespie boys, Nease came down and told him why he had done it. Papa told him that they would not work the land, and they had to get out. Nease was ordered away and as he went he muttered something but I could not understand what he said. Mr. Cranford told us that Nease was saying that he would kill old Ike Lyerly."

"Jack's wife said that if mama had uttered three more words she would have downed her.

"Della, that is Jack's wife, knew how we all slept."

Mr. Matt L. Webb, an illiterate white man who drove a wagon for Mr. Penninger, stated that he and Nease had worked together. In part he said: "Three weeks before the tragedy, in conversation with me, while loading lumber at Mr. Penninger's, Nease brought up the subject of wheat. He declared that he thought the crop would be pretty good this year. I told him 'yes.' Then he said: 'Well, old man Ike Lyerly can cut mine but he won't do it, or get the money for it. I told John Thompson what Nease had said and he declared that Nease wasn't dangerous.'"

LITTLE HENRY TELLS HIS STORY.

After the foregoing persons had had their say a small, bright faced, curly haired boy, with blue eyes, and pretty features came in. He carried a little white, soiled hat in his hand. His lips twitched nervously, and he seemed uneasy. He looks more like an Anglo-Saxon father than he does his African mother. When asked who his father was he called the name of a well-known white man.

"Do you like Nease Gillespie?" some one asked.

"No, he has been mean to me," was the quick reply.

Solicitor Hammer took Henry between his legs, pulled off his hat and patted him on the shoulders, saying: "Boy, we're not going to hurt you. Nobody wants to harm you. Now you must tell us all you know."

"Nease Gillespie beats me. He's my grandpa. He whipped me last Friday. We have lived together 20 years. Me and Nease and John and little Henry lived together. John is 15 years old. I am his grandpa and Nease is his paw. By one of my girls, the first I knew about the death of Mr. Ike was before it came light, when Mr. Pless Barber came along and called Nease and asked him if he knew that some one had killed Mr. Ike. Miss Gillespie, the children I called to Henry, waked him up and told him about it."

"Nease got up, and left for his work. He didn't stay for no breakfast. I told him if the Lyerlys were dead to come back and tell me but he didn't come. I was in bed that night and Nease was in another. John didn't come to my house that Thursday and didn't come back. He was at Mr. Mann Walton's. Nease come home about sundown.

"No, sir, I didn't see no crowd at the well. If I told the sheriff that I have forgotten it. I did not say that Nease knew about the murder."

Old Fannie had declared, on the morning after the crime that she had seen a crowd of men at her well Friday night. This, Sheriff Julian said, was true. Fannie contradicted the sheriff. Mr. Dick Files said that Fannie had told him that Nease knew about the murder. This, Fannie denied, also. She did not know anything about Nease's axe or overalls. She explained the fire in the yard, which she said had been built on Thursday, by saying that Nease had told her to burn up the bed bugs that were literally eating him up.

"Nease had a pair of old overalls and a good pair," continued Fannie. "John had two pair. Saturday is my wash day. I put three pairs of drawers and one shirt in the pot that morning, when they came after me."

Here Dr. Dorsett produced two wet shirts which had been taken from the pot in question.

AFRAID OF NEASE.

Fannie had made the error that she would admit. She saw that she had left off one shirt.

"No, I never saw Nease, Jack and John talking together," declared Fannie. "Nease did say that Mr. Lyerly could cut the wheat, but he

couldn't eat it. I was afraid of Nease. I ran because Nease had told me that white folks would do you whether they had anything against you or not. When little Henry said 'Lord, look at the people' I left, but I didn't run. I went to the home of a negro named Brooks.

"Henry is truthful. He is a very good boy."

Old Fannie had not seen Henry since the morning after the tragedy. She had no idea what he was saying. "Nease didn't eat anything that morning. Me and the boy ate what cold things we had. Nease drank coffee."

Earlier Fannie had declared that Nease did not as much as take coffee. "No, I don't know what Henry says."

She was told that Henry had said that she was frightened when Nease told her what he had done. "Well, if Henry heard that I didn't."

HENRY WAS BROUGHT IN.

A most interesting thing occurred here. Little Henry was brought in. The boy saw his grandmother and tears welled in his eyes and his mouth puckered.

"Come here, Henry," said Mr. Hammer, "and teach your grandmother how to tell the truth."

The boy told his story over again. Old Fannie turned her head away and heaved a gentle taunt upon the floor with a pitiful looking big toe.

"Didn't paw say he killed them, mama?" asked Henry, with tears in his eyes, as he looked his grandmother in the face, after she had turned around.

"I never heard him," answered Fannie.

"Well, he said," declared Henry with spirit.

Henry was returned to the jail. Old Fannie willed a little but screwed her lips into a funnel and made up her mind to tell nothing. She told those about her to take her out and have her or do anything else they wanted to do. Sheriff Julian and Solicitor Hammer tried to explain to her that no one wanted to harm her.

"Henry Lee told his daddy," said the old negro, "that old man Ike Lyerly should be killed."

"Yes, I told Mr. Roseman (a constable) that white folks stuck together but negroes wouldn't do it. I think the negroes will be some account if they would stand together. Mr. Dave Alexander of Mecklenburg said to me once that negroes would not be any good until they learned to stick to each other."

"That why you are sticking to Nease?" was asked.

"If a negro went stick to me do you reckon I'm going to stick to him? Me and Nease ain't got along together in several years."

Mr. Dick Files came in the room at this juncture and told the solicitor what Fannie had said to him the morning she was running from the office.

"You reckon they will kill me?" she asked as she came up.

"Have you done anything?" I asked. "Did you have any hand in the Lyerly affair?"

"No," she said, "but my husband did."

Here old Fannie broke out again and said: "Hang me when you get ready."

Everybody had become convinced that Fannie was lying and that she had made up her mind to continue to do so. She had been trapped in a dozen or more instances. In a way she was defiant. If a rope had been placed about her neck she would not have flinched. She had been treated kindly by Mr. Hammer.

Mr. Hammer sent a parting shot after old Fannie. "Now, old woman, are you to believe you or the boy?"

"Believe him—(and a long pause) if you want to," said the negro.

Henry had stuck to his story but it was very evident that he feared his grandmother.

Fannie Gillespie is a wonderful woman. She looks like a negro, but she thinks and it was plain to one and all that she lied yesterday, but there was no way to correct her. Henry told some one after he left her presence that she was afraid of Nease. That, he declared, was the reason she would not tell the truth. It was suggested that Fannie was a believer in the ancient practice of conjuring. When asked concerning this she half-way admitted that she feared the tricks of a conjurer. She said that Nease was called a conjurer. Her stories of Nease's cruelty to her, his burning her with pitch, cutting her hair and trimming her finger nails to the quick, while she slept, are pitiful to hear. Little Henry has been led to believe that what Fannie says about Nease's cruel treatment is true. Old Fannie is cunning. She knows what to say and what not to say. She has a certain sort of nerve. Although she was coaxed here, the effect would have been the same had she been threatened. Half a savage and half a wizard, she is an interesting character. One moment, those who watched her as she fared with Mr. Hammer, Mr. Klutz or Mr. Linn were

almost sorry for her, but the next they felt for the lawyers. For two hours they tried her, but she told nothing. Boldly and doggedly she disowned declarations that she was said to have made last Saturday.

Good men, men who would not see a hair on the head of an innocent negro harmed, were as good as charged with lying by her.

JACK WOULD FIX MR. LYERLY. John Henderson, a tall, black negro, wearing overalls, took the stand after Fannie had been ushered out. He said that he and Nease and Jack were going to Barber's one night. On the way Jack said: 'Me and old man Ike Lyerly had a fuss.'

Nease declared: 'Yes, if you fool with old man Ike he'll have you on the cholangang.'

"That's no more than I have been," said Jack. "But if old man Lyerly don't mind I'll fix him."

THE TROUBLE BETWEEN MR. LYERLY AND JACK.

Mr. Sam Cooke, the young man who walked away from the Lyerly home Friday evening late, with Jim Taylor and Jack Dillingham, said: "I left the Lyerlys at 6:30 and started home. Jim Taylor went with me. As Jack came on at the same time, as Jack started away Mr. Lyerly said: 'Well, Jack if you work over at the saw mill five days I will treat you.' 'Yes,' Mr. Lyerly said, 'and I will give you something good to eat, Jack.'

"After we had left the house Jack said: 'If I wasn't on the old man's place I would curse him out.'

"Taylor and myself went to bed at

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9 o'clock that night. We were in a back room. Taylor is at his home at Bridgewater now."

THE FIRST TO SEE THE AXE. Mr. Charles Brown, of Cleveland, made the following statement: "Mr. W. U. Carter and myself went to the Lyerly home. We got there about 2:30 o'clock. As we passed Nease's house we noticed a light. Mr. Pless Barber and Will Barber soon came."

"About 5 o'clock we arrested Jack Dillingham. We knocked at the door. Ed Barber told Jack to get up. Jack's wife told us to not come in. She did all the talking. Jack said nothing. He was a long time making his appearance."

"Nease came by the house about daylight. He asked if all were dead. He seemed at a loss to know what to say. He wanted to say something but could not form his sentences."

"I saw the axe at the Lyerly house. It lay beneath the porch, two steps east of the front entrance. There was blood on the handle as well as the axe."

"I know that Henry told his story after 4 o'clock in the afternoon. "We went to Nease's house about 7 o'clock. There had been one or more fires about the yard. There was evidence that clothes of some description had been burned. One of the party picked up a rock and announced that it was still warm. In a cooking pot in the house we found two shirts and three pairs of drawers."

JOHN PENNINGER TALKS. Mr. John Penninger, the lumber

man, said: "Nease and George Ervin worked for me. Nease left before supper but George remained there."

"I had heard nothing about the wheat since February. Nease told me that he thought he could hold his part by law but would not do that; he would let Mr. Lyerly have it. Nease came Saturday morning, carried his horses, watered them and started to gear them, but he changed his mind and told me that he believed that he would not work that day. That was before the Sheriff came. A man by the name of Gray and Jim Taylor told me of the crime. I went down and asked Nease about it. He said nothing until I spoke to him, but he had hardly had time to do so."

"Friday afternoon, at the mill, I made a trade with Jim Taylor. I hired him and asked if he would stay that night. He said no, he would go to Mr. Lyerly. He left my place between sundown and dark."

"Nease was arrested at the Lyerly place."

ANOTHER THREAT MADE. Mr. R. F. Cooke, declared that Jim Taylor left for his old home, at Bridgewater, last Tuesday. He said that Nease had told him that if he did not get his wheat he would get old man Lyerly.

Chief of Police Frank Miller, of Salisbury, said that he saw the Lyerly axe and that it was bloody. Mr. Arthur Thompson said that little Henry showed him where to find Nease's axe and that, when he picked it up in the yard, at 5 o'clock in the

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