

FRANKLIN TIMES.

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UPCHURCH TO HANG.

FOUND GUILTY OF ASSAULTING MISS LIZZIE PERRY.

Judge Neal Passes Sentence and Names Wednesday October 23rd as the Day of Execution—The Evidence.

The special term of court called by Governor Glenn for the trial of Thomas Upchurch, the negro who committed an assault upon Miss Elizabeth Perry, a respectable white lady nearly 70 years of age, on the night of August 31st, convened last Monday morning at 9 o'clock. Judge Neal and Solicitor Daniels came over from Franklinton by private conveyance on Sunday afternoon.

Quite a large crowd were in town early Monday morning, and when the bell rung for Court to open the Court room was filled within a very few minutes. Every juror answered to his name, and the grand jury was promptly drawn, as follows: E. C. Barrow, Foreman, J. H. Wester, D. J. Burnett, R. A. Speed, W. A. Massey, P. M. Bennett, J. D. Harper, F. W. Wheless, G. W. Eaves, J. L. Byron, W. J. Jenkins, J. R. Pace, Ivey Allen, W. J. Gay, W. S. Pruitt, W. R. Boone, J. M. Sykes, A. F. Davis.

Judge Neal at once charged the jury, dwelling upon the duties of grand jurors, and referring very impressively to the importance of these duties being fearlessly and faithfully performed. He paid a high tribute to the jury system and had no patience with the views that some few people had expressed against it. The grand jury having no other business to perform except to investigate the one case for which the Court was called to try, the Judge only charged them upon the law regarding such cases.

J. C. Baker was sworn as officer to the grand jury and they were given the case at 9.35. Precisely at 10 o'clock the grand jury came into court in a body and the Foreman presented the bill of indictment to the Judge.

At this juncture the prisoner was brought to the bar of justice and the usual form of arraignment gone through with.

The prisoner not being able to employ counsel the Judge requested Mr. W. M. Person to represent Upchurch, which request was complied with, and the selection of the jury was at once gone into.

A special venire of 50 had been summoned, but before the panel was exhausted the following jury had been selected: P. B. Griffin, W. H. Spivey, R. B. Gilliam, N. W. Winston, T. C. Collins, T. J. Moseley, C. T. Hudson, N. C. Gupton, R. L. Hicks, W. T. Dean, W. T. Davis, W. E. Tucker.

When the jury had been completed Judge Neal addressing the large crowd present informed them that the legislature had passed an act giving the Judge the power to exclude all persons, except the court officers and those engaged in the trial of such cases as the one on trial, from the court room, while the female witness is being examined. While he didn't care to arbitrarily enforce this law, yet the old lady desired that all the gentlemen retire. Every one in the court room, save those engaged in the case promptly retired, and were commended for their action. When the examination of Miss Perry was finished the bell was tapped and the crowd allowed to return to the court room. The room was filled in less than five minutes and the other witnesses were called to the stand.

The substance of the testimony for the State was as follows: Miss Lizzie Perry said that she was over sixty; she didn't know just how old, because the date of her birth was torn out of the Bible. Af-

ter her mother's death she had lived for some time with one and another of her people, until finally, on account of the trouble of moving from place to place, she had a little house built for herself, on her own land, where she had lived alone, unmolested and unafraid, for thirty-three years. She thought that no harm would come to her, in sight and in hearing of a number of good and worthy neighbors. On Saturday night about seven or eight o'clock the negro Tom Upchurch came to her door, and asked for a match. She thought it was some one passing through the yard who wanted to smoke his pipe, and handed him a match. He went off a little way, and came back asking to be allowed to come into the house for two hours. He said they were after him to put him in jail for fighting. She told him he could not come in. He offered one pretext and another to gain admission, and finally tried to break in the front door, and called upon a neighbor, a colored man named Alfred Williams for help, when Tom Upchurch began to curse and threaten her. At last he left the front door rushed around the house and burst in the back door, swearing, telling Miss Perry to get on the bed, to put out the light. He threatened the light himself, light-wood knots burning in the fire-places—while he was doing this, Miss Perry had unlocked the front door and was part way out of the house when he seized her by the arm and fung her across the bed. * * *

When she knew he was asleep she slipped off the bed, out of the house and across the fields to Mr. Cains Chamblee's, not daring to stop even to get her shoes and stockings. Her feet were torn with the briars and chilled with the heavy dew. Awakening Mr. Chamblee, she told him what had been done to her, and that she wanted him to go and get the negro. * * *

Dr. Floyd testified to the examination which he made of Miss Perry on the afternoon following.

Mr. Cains Chamblee said that he was constable of Harris township; that Miss Perry came to his house about eleven o'clock at night and told him of the occurrence and asked him to go and take the negro. He and Mr. S. T. Wheless and Mr. J. T. Mann went down to her house, found him asleep on the bed, tied him with a rope which Mr. Mann got from Dr. Floyd's, and carried him to Mr. Chamblee's, where they guarded him until morning. Then they brought him to jail.

Mr. Wheless and Mr. Mann gave the same evidence as Mr. Chamblee. The defendant did not go on the stand, or had any testimony to offer.

When all of the evidence was in the Solicitor and the counsel for the defendant agreed to leave the case to the charge of the Judge, neither side desiring to address the jury.

The Judge went over the testimony and charged the jury that if they believed the evidence as testified to by the witnesses that the prisoner at the bar was guilty. The jury retired and were out less than five minutes when they returned a verdict of "guilty."

Judge Neal requested Upchurch to stand up, and he asked him if he had any reasons to give why the sentence of death should not be pronounced. His reply was that he would like to see his father and mother; but immediately changed and said he meant to say his wife and mother, and added, "I want to get my liggun." The Judge then pronounced the sentence as follows:

"The prisoner in this cause being at the bar of the Court, and the jury having found that he is guilty of the rape and felony as charged in the bill of indictment, it is ordered that he be now committed to the common jail of the said county, in which he shall be safely kept, from day to day, until the 23rd day of October 1907, and on that day between the hours

of ten in the morning and two in the afternoon, Henry C. Kearney, the High Sheriff of the said county, be and he is hereby authorized and directed in the name of the law, and the majesty thereof, to convey the said Thomas Upchurch to the common place of execution in said county and then there to hang him, the said Thomas Upchurch, by the neck, until he is dead, dead, dead, and may God Almighty bring rest unto his soul."

Both Solicitor Daniels and Judge Neal spoke in high terms of the people of this county for their reverence for law, and their excellent deportment in this case.

Physicians Prescriptions.

In compliance with several requests made to the editor we publish below the law regarding the writing of Prescriptions by the doctors for the purpose of securing liquors:

SECTION 3527, Revised: "If any physician shall make any prescription except in the case of sickness, for the purpose of aiding or abetting any person who is not bona fide under his charge to purchase any intoxicating liquors contrary to law, or if any druggist shall duplicate the prescription of a physician for intoxicating liquors for any person not bona fide under his charge, without the written direction of the physician who gave the same, he shall be guilty of a misdemeanor, and upon conviction, shall be fined or imprisoned, or both in the discretion of the court, for each and every offense."

Marriage Announcement.

A recent issue of the Washington Post contained the following announcement which will be read with interest by a number of the readers of the Times. Lieutenant Davis is a Franklin County boy and is a son of Capt. Thomas W. Davis:

"Mr. Francis Colton announced last evening the engagement of his daughter, Miss Daisy Colton, to Lieut. Com. Archibald H. Davis, U. S. N. Miss Colton returned with her father on Friday from Deer Park, where they spent the summer. They will stop in their home here until Tuesday, when they go to Atlantic City to remain until October.

Lieut. Com. Davis, who is here to spend Sunday, is stationed at Philadelphia. He is a member of the leading clubs of that city and is identified with its most exclusive social circle. His marriage to Miss Colton will probably take place in the early winter, though the date is not yet specifically determined.

Miss Colton is the elder of two attractive sisters, who have been much admired in Washington society. She has been the chateleine of her father's house for several years, and has filled the by no means easy role with much grace and dignity. Mr. Colton entertains frequently, and his young daughters are interesting figures in the hospitalities of his home.

Executions to be Private.

The Times has been requested to publish the law in regard to hangings. It will be found as follows:

SECTION 3285 of the Revised: "As the ends of justice, public morals and the preservation of order demand that the execution of all capital offenders should be made private and invested with the solemnity appropriate to the final act of penal law, any sheriff on whom shall devolve the execution of a sentence of death on a public offender shall be required to provide for the execution of such criminal within the jailyard inclosure, and as much removed from public view as the means within his control will allow.

THE MOVING PEOPLE.

THEIR MOVEMENTS IN AND OUT OF TOWN.

And Those Who Come and Go, Some for Pleasure, Some for Business and a Large Number Because They Like It.

Mrs. Frank Johnson, of Rocky Mount, is visiting her son, Mr. A. F. Johnson.

Dr. F. K. Cooke, who is now located in Asheville, is at home for a few days.

Clinton Jones went to Raleigh Wednesday to take a position with the electrical company.

Mr. Hubert Martin, the popular Private Secretary to Congressman Pou, was in town this week.

Mr. J. J. Place left Tuesday for Stateville, where he goes to accept a position with a chair factory in that city.

Messrs. I. H. Kearney and C. S. Williams, of Franklinton, and Mr. S. E. Pearce, of Youngsville, were in town yesterday.

Miss Mary Spruill one of the teachers in the Youngsville Graded Schools spent last Sunday with her uncle, Mr. F. S. Spruill.

Mrs. D. E. McKinnis, of Johnston county, and Mrs. E. L. Hart, of Wilmington, are visiting Messrs. F. B. and D. F. McKinnis.

Mrs. Chas. McLaurin, who has been spending some time with her people here, left this week for her home in Columbia, S. C.

Rev. Mr. Karcher, of Maryland, who is visiting Rev. John London, occupied the pulpit in St. Paul's Episcopal Church last Sunday night.

Drs. T. O. Coppedge and Joseph Uzzell left this week for Baltimore to attend school in the Medical department of University of Maryland.

Among the lawyers from a distance in attendance at court last Monday was Hon. E. W. Pou, of Smithfield and Judge Jacob Battle, of Rocky Mount.

Mr. R. H. Davis left Tuesday for the University Hospital, Baltimore for treatment. He was accompanied by his wife, Dr. P. Jones Thomas of Wilmington, and Mr. J. M. Allen, of Rocky Mount.

Mr. F. N. Egerton and wife and Mr. Wingate Underhill and wife, returned this week from the Exposition. Mr. Egerton says that it is a "big show" and that he enjoyed his trip very much.

Congressman E. W. Pou.

Hon. E. W. Pou, member of Congress from this district, was in town this week, and received quite a warm reception from the people of the county. There being a large crowd in town on Monday he was kept busy shaking hands with many who had the pleasure of meeting him in the several campaigns of the past few years, and also by many new acquaintances. They were delighted to see him looking so well, and we heard many favorable remarks regarding his next nomination. He expressed himself to the will as being highly pleased with the many voluntary promises to support and was touched by the kind expressions regarding his feeble efforts in behalf of the people in Congress. Mr. Pou has made an able and faithful Congressman, and judging from the way the people are talking in this county, he will very likely succeed himself.

Temple Quartette.

The next attraction at the Louisburg Opera House is the Temple Quartette which will appear next Wednesday night, Oct. 2. It is one of the five attractions secured by the Managers through the Lyceum Bureau of Atlanta, and is classed

among the best and most entertaining quartettes on the road. It is high class, and those who have been fortunate as to secure tickets will be fully paid. All those who have season tickets should go to the Boddie-Perry drug store and select their seats. Those who have not purchased season tickets can also get reserved seats at the same place. They are being taken very fast.

Revival Services.

It is designed to begin a series of meetings in the Methodist Church on the fifth Sunday in this month. Rev. Euclid McWhorter of the N. C. Conference has been secured for these services. He comes recommended as a strong and forceful preacher, and a good revivalist. While these services will be held in the Methodist Church, it is earnestly desired by the pastor and membership that all the churches of the town unite with us in this work. We invite the heartiest co-operation, and trust that the Christian people of the town will work together for the upbuilding of the Master's kingdom.

L. S. MASSEY.

The Way to a Happy Life.

"There is no need to worry. When God shuts a door he opens a window." A world of sunshine and hope is epitomized in this Italian proverb. To look out on the world with eyes unclouded by shadows of fear or doubt or worry; to go forward in faith or hope; to resolve.

Never to look behind me for an hour
To wait in weakness and to walk in power.
But always fronting forward to the light."

is to take a long step forward toward a happy and successful life. To look back constantly on past mistakes and failures is as destructive to the growth of spiritual beauty and power as, and to the development of material success as it looks forward to evils that may never come. The people who take a melancholy pleasure in recalling the fact that they "have seen better days," and in bemoaning present conditions never see "better days," again. Their attitude of mind shuts them out from all possibility of happiness or prosperity.

Sermon and its Reminder.

A Brooklyn minister gave a soothing discourse on the evil effects caused by bad example and exhorted all members of his congregation not to countenance by their presence such a place of inquiry as Coney Island. At this one of the church wardens excitedly snapped his fingers. At the close of the service a member accosted the church warden and said:

"How was that for a sermon?"

"Great! I hope it will bear fruit," was the reply.

"What did you snap your fingers at?"

"War, it reminded me that's the place where I left my umbrella."

Meeting at Harris' Chapel.

EDITOR TIMES:

For the first time in my life I will write a few lines for you to put in your paper. The meeting at Harris' Chapel has just closed. We had with us Evangelist T. H. Thornton, of Honaker, Va. I think he is the best preacher I ever heard. He speaks in a manner that all can understand. He unearths rich treasures in the Bible that I have never been able to understand before. About 25 professed faith in Christ and the membership has never been so much revived in all its history. If any other church within ten miles of me secures his services I will bear him again. It is worth 25 dollars of any despondent Christian's money to hear him preach a few times. I can't begin to tell half the good he did for us. It will pay any church to secure his services.

J. A. CLIFTON.

CHEERFUL FUNERALS.

The Common Attitude Toward Death is not Christian but Pagan.

Not long ago a prominent and popular minister of London shocked his congregation by appearing at the funeral of a member of his church in a gray suit. His explanation was this:

"I'm tired of gloom and paganism of our Christian funerals. This man was eighty-five years old. All his life he had maintained a character of purity and brightness, and for most of his life he had a strong Christian faith. Why should we load ourselves with black for such a passing?"

The question will come home to thousands of thinking Christians outside of their minister's parish. It is easy to understand the cursory personal and selfish grief of those who have closed the eyes of one they loved, but it is not easy to see why those to whom belief in the resurrection and in immortality is a corner-stone should confine their conventional mourning for months and years.

We hail the birth of a child with joy and congratulations; we greet death with sorrow and condolence. Yet death is as normal, as natural a part of God's plan, as is birth, and to every sincere Christian it is the beginning of a life beside which the most joyous earthly life is poor and unsatisfying.

The common attitude toward death is, as the London preacher called it, not Christian but pagan. The real, consistent Christian attitude regards death as a natural and inevitable step, which all must take, as surely as we go from nursery to schoolroom, and from schoolroom to the greater world outside. Above all, it thinks of those whose presence is no longer visible, not gone, but are still with us, sharing every loving thought which we entertained but failed to express while they were here in the flesh.

It is this view which makes death not a horrible but a beautiful thing to contemplate, and which, when we attain it, will rid funeralists of much of their hideous pagan pomp and unnatural and immortal gloom.—Youth's Companion.

Religious Notices.

The Rev. Mr. Karcher will hold service and preach in St. Paul's Episcopal church next Sunday.

The New Laws.

Clerk of the Court Barrow has at last received the new acts of the last legislature, and would be glad for the Justices of the Peace to call and get them.

VISITS HEAVEN AND HELL.

Pastor Tells of What He Saw of the Life to Come.

The Rev. Thomas Clark, a veteran of the civil war, declares that he has experienced visions in which he has visited both heaven and hell. He believes he is the only man to have seen both of these future worlds since the days of Ben Adhem.

He says the people generally have a wrong conception of the future after death. For instance, he says that he personally saw four devils, while the popular mind believes that there is only one. Clark believes that he is not only a minister but a prophet and philosopher. He prophesied a bloody war between the years 1906-1910. He says that the year 1914 has been set aside in the divine scheme of things as the appropriate time for the second coming of Christ. Clark was a member of the Thirty-seventh Virginia Cavalry during the war between the States.—Petersburg Progress.