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Vol. 1.

ELIZABETH CITY, N. C., FRIDAY, MAR. 21, 1902.

No. 37

Wilcox's Life Hangs in the Balance.

The Judge to Charge the Jury Today, When They Will
Decide the Prisoner's Fate.

THE LAWYERS MADE STRONG SPEECHES FOR THEIR SIDES.

Sentiment Runs High--and Mob Violence May be Expected--Prisoner
Unaffected--Long Array of Witnesses--Sister of Murdered
Girl Testifies Amid Tears--Strong Men Weep
at Her Sad and Pathetic Story.

The sensational and all absorbing case is drawing to a close. The argument was completed yesterday and the charge of the Judge will be delivered to the jury this morning. There is much surmise as to the probable verdict, but it is expected that the jury will not prolong its verdict.

Taking up the thread of evidence where we left off last Friday with Dr. Fearing on the stand we give in brief the evidence since that time.

SATURDAY.

Dr. Fearing was put on the stand again this morning as soon as court convened. E. F. Aydtlett, leading counsel for the defendant, continued the cross-examination begun yesterday. The witness explained that the lungs were made of a tough, fibrous substance. Water, to get into the lungs, would have to go through the windpipe and the larger bronchial tubes. He said: "We did not examine the windpipe and the larger bronchial tubes. I do not know what condition they were in. The question of bruises on the deceased was gone into. Witness said all the bruises were made during life, for there could be no blood clots after circulation ceased.

Touching the contusion on the head, Dr. Fearing made a stronger statement for the state than he did yesterday by saying with assurance that the contusion was forceful enough to produce a concussion. He said that contusions may be external or internal.

Mr. Aydtlett completed the cross-examination at 11.15 o'clock, and Mr. Ward began the redirect examination. He said the brain of Miss Cropsey was in a defunct condition and it was the only organ decomposed. He said the brain had been disorganized as the result of a blow.

The witness accounted for the body's excellent state of preservation by giving his opinion that the jumper in Pasquotank river had preservative qualities.

COUNTY HEALTH OFFICER WOOD TESTIFIES.

Dr. J. E. Wood, the health officer of the county, was the second witness on the stand. He went on at 12:15 p. m. Judge Jones said that he would find it a fact that he was an expert. Dr. Wood said: I knew Miss Nellie Cropsey, I recognized the body in the outhouse as that of Miss Cropsey. I assisted Drs. Fearing and McMullan and the jury in holding the autopsy. The clothes were not disarranged and we found no picture or memento. We found no external marks of violence. On opening the body we found that the girl was a chaste, pure woman. The stomach was empty, except a little dark substance. We went

through the pleural cavities and cut off nothing in the pleural cavity. We found every evidence of drowning absent. We came back home but were ordered to return and make a second examination. We made an incision and examined the head. In cutting on the left side we discovered a circular-shaped blood clot. The membrane of the bone under that was slightly discolored blue. Miss Cropsey was an adult. The blood clot or contusion, in my judgment, was made by a blow with a heavy round covered instrument."

CORONER'S JURYMEN ON THE STAND.

Dr. W. J. Lumsden was called by the State as an expert witness. He said that he did not think himself qualified to give expert evidence in a case where the body had been dead and in the water 37 days. Judge Jones excused him.

Mr. J. H. Leroy one of the coroner's jury testified that he was present when the autopsy was held. He noticed during the first examination that the left temple was swollen. Others saw it as he did. On the second examination when the knife cut through the contusion on the head a dark bloody fluid ran out. The brain was in bad condition. It had begun to decay and smelt unwholesome. Leroy was not cross-examined.

J. B. Ferebee and P. S. Shipp were put on the stand and corroborated what Leroy had said.

MONDAY.

THE SISTER'S TESTIMONY.

The story of Miss Ollie Cropsey, the beautiful sister of the dead girl, was the prime feature of today's proceedings. She gave a sorrowful recital of the events leading to the tragedy, and bore up bravely under the terrible strain of the lawyers' questions. The strain was too much for her womanly nature and she broke down in tears before a large but sympathizing crowd. Many weeped with her. Her testimony was in part as follows:

"We came to Elizabeth City April 4th, 1898.

"We knew Jim Wilcox in June that year. He came to our home and met Nell. He seemed to show her attention from the first.

"Is that the man?" said Mr. Ward, pointing at the prisoner. Wilcox covered the witness with his eyes during her whole recital. There was a suspicion of a smile on his face, but it was not pronounced.

"Yes, that is he; he used to come to see her every Sunday, and later he came almost every afternoon. He paid her much attention. They would walk, ride and sail together and Jim took her to all the shows.

"Last fall they quarrelled. It was in September when I heard

them having little spats. I heard Nell say to Jim, 'If you're going to act like this the balance of the season you can stay home.'

"For a while they did not speak. Carry came to visit us and they began speaking again.

That night Jim came and we knew his ring. Carrie answered the bell. Nell was fixing the lining of the coat she was going to wear to New York. Jim sat on a rocker. He was very still and continued to look at his watch and compare it with our clock. He and Nell did not speak. Jim pulled out his watch at 11 o'clock and said his mama wanted him home then. I said 'Jim, you're getting good.'

"Jim rolled a cigarette and asked Nell if he might see her outside a minute. Nell did not answer, but went. That was the first time she had been to the door with him in two or three weeks. I closed the door and could hear him walking. I never saw Nell alive after that.

I retired and had been in bed a few minutes when the clock struck 12. Nell was not there. I lay awake until the 12:30 whistle blew. I heard the dog barking at the stables. Some one called papa to get the gun that some one was after the pigs. I told papa not to shoot, for Jim and Nell were in the yard. Then Nell was missing and the search was begun. They looked all about for her. About 2 o'clock Mr. Dawson and another man brought Jim.

"Jim came in and held the lace curtain in one hand. Mama grabbed him by the arm and said 'Jim, for my sake and your mama's tell me where Nell is.'

TUESDAY.

WILCOX'S ROOM MATE TESTIFIES.

Harley Meads, who was boarding at ex-sheriff Wilcox's at the time Miss Cropsey disappeared, testifies that he slept in the bed with James on the night of the 20th of November. He went to bed at 10 o'clock and did not know anything till morning. He heard nothing of Wilcox when he came in or when he left with Officer Dawson. He saw Wilcox's clothes hanging behind the door the next morning. They were the same that he wore on the night before and had on in court to-day.

SAW A MAN AND WOMAN.

C. T. Parker who resides in the lower part of the county said: I was at Frog Island about sundown on the night of November 20th, I left there and came to town. Near the Cropsey house I met some folks. There was a man and a woman of about the same size and height. They seemed to be moving. I could not tell whether it was a man and a woman or a boy and girl.

THE FATHER TESTIFIES.

Mr. W. H. Cropsey, the father of the girl was the next witness. His testimony was corroborative of what Miss Ollie had said the day previous. He was up at 11 o'clock the night Nellie disappeared but he had been asleep since 9. At 12:45 he got up again to see what the dog was after. Ollie then said that Nellie was missing. "About 1:30 I went to the Wilcox home. I never saw Jim. When I knocked on the door some one called from above: 'Hello.' Mr. Thomas Wilcox came to the door. I heard nothing that was said inside the house.

"Wilcox came to my house before day with policeman Dawson. He told my wife that Nell cried because he gave her back her picture, but we have never found it.

"On the first trial Wilcox said that his mother waked him up when I went there and that he turned right over and went back to sleep.

During the cross-examination by the defense, Mr. Cropsey said: "No, sir, Jim Wilcox did not come to my house voluntarily after Nell disappeared. I do not consider that a man comes of his own free will when he is accompanied either by a police officer or a deputy sheriff. That is the way he came."

When the defense was asked to put on witnesses, Mr. W. M. Bond, one of the council for Wilcox, replied that the case was with the state. Speeches began at once.

THE ARGUMENTS.

Mr. P. W. McMullan made the first speech in behalf of the defense. It was brief and ornate, displaying rhetoric rather than oratory. He said there was no evidence to show Nell died by an assassin's hand; there was no evidence to connect Jim Wilcox with the crime. He said the state relied upon three things. Jim was last seen with Nell; his conduct was against him and doctors' testimony. He admitted the first and denied the others. He believed that Miss Cropsey loved Wilcox and Wilcox loved her. He thanked God that Nell's life was blameless; said Wilcox's conduct was not indicative of guilt. "In the name of eternal justice I ask for a verdict of not guilty."

WEDNESDAY.

MR. SAWYER'S ABLE SPEECH.

This morning the ablest and most eloquent and convincing speech of the long trial was made by Hon. J. Heywood Sawyer for the prosecution. It was a great speech, one that brought tears to the eyes of strong men. Cold type will not convey an impression of the speech, only those who heard it will know of its power. It was logical, pathetic and soul-stirring.

Mr. Sawyer reasoned that the suicide theory was incompatible with the girl's buoyant spirits. He made a careful review of the evidence and made it clear that the girl was drowned. In part he said: "Now I have shown you that Nell was not drowned; I have shown you that she was killed by a blow. Who killed her? There is the man," pointing to Wilcox. The speaker moved towards Wilcox and pointed a finger in his face. But Wilcox's expression never changed.

"He sits there now," the speaker said, in thunderous tones, turning towards the defendant, "as cold as death and as relentless as the grave.

"Such men have the stuff in them to commit foul deeds, and the same

stuff sustains them to the grave."

"I see before me men who have girls budding into womanhood, sweet wives and lovely sisters. I will tell you, if the women of North Carolina cannot be protected we had best burn the law books and tear down the jails and court-houses and dissolve the Legislature."

The lawyer read several verses from different parts of the Bible.

"In the name of the Almighty, and the names of these wives, sisters, mothers and daughters, I ask you not to let the guilty escape. I ask you, under your oaths, to bring in a verdict that will put Jim Wilcox to death."

The speaker here painted a pathetic picture of sorrow in the Cropsey home. The Misses Cropsey began weeping. He turned to them and said with pathos:

"Weep on; we mingle our tears with yours; we echo your sighs."

The speaker also expressed sympathy for the Misses Wilcox, who sat nearby with downcast eyes, and said he would do anything honorable to put them back where they were before November 20. He referred both families to the religion which Nell embraced.

SPEECH OF MR. BOND.

Mr. Bond followed Mr. Sawyer. His reputation as an orator had preceded him, but he was not at his best. He seemed to realize that he was fighting a cause in which public sentiment was absolutely against him. He dwelt largely on possibilities, such as "it might have been, it could have been" and the like.

He begged the jury not to be swayed by dramatic appeals even through it required a nerve of iron.

He said he would attempt to show there was not enough evidence to convict Jim Wilcox, nor even to show Nell had been murdered by any person. He then took up the medical testimony and compared the tests to rotten sticks of timber. He argued that the discoloration of the temple was caused by the settling of blood, not by a blow. It was awful to have a man put upon the gallows by popular clamor. He said none of us wished to add to the trouble of the Wilcoxes.

Mr. Bond did not contend that Nell committed suicide, but said the affair was yet wrapped in mystery. He said if Wilcox was innocent he had been much wronged and persecuted. Wilcox's conduct since the disappearance of the girl was explained, he said, without disrespect to womanhood, that jealousy was a prominent quality, and that conditions for suicide were inviting.

THURSDAY.

SOLICITOR WARD SPEAKS.

Mr. Ward consumed the morning session of court with a strong, thoughtful and highly logical speech. His argument was principally to the effect that Nell was either dead or unconscious before entering the water, and that the absence of water from the lungs, plural cavity and stomach, and absence of blood from right side of heart were conclusive evidence that she did not meet death by drowning. He further agreed that the scar on left temple was the result of a blow from some instrument in the hands of another party, and that this party was Jas. Wilcox.

He discussed the condition of brain, some being in fluid state and

badly decomposed, as a result of the blow. The state dwelt at length on the utter and sullen manner of Wilcox throughout the whole affair.

MR. AYDLETT CLOSES.

E. F. Aydtlett, leading council for the defense, consumed the entire afternoon and concluded the argument in the sensational case. Mr. Aydtlett's speech was a characteristically strong one. He advanced and dwelt upon the theory of suicide. He showed that he had carefully prepared the case, and certainly it was that he had familiarized himself with the principle of medical jurisprudence.

He said that absence of water from lungs was no proof that she was unconscious when entering water.

He claimed that there had been water in the lungs and that this water had passed into the plural cavity, and was absorbed by the saline tissues. He argued that according to statistics 1-10 of the human system is blood. This would have given the deceased 11 pints of blood. Upon examination no blood was found in veins; this blood having disappeared by absorption. "If" says the defense; "there was no blood in the system the only conclusion is that absence of water was due to some cause of absence of blood."

Defense claimed that blow on temple was caused by body coming violently in contact with some object in water. This the last speech was, as might be expected, a resume of the preceding speeches.

The court adjourned to meet Friday morning when His Honor Judge Jones, will change the jury. It is expected that the charge will be a long one. There is much speculation as to the probable verdict.

It was a most unusual scene which occurred in the court house yesterday, when, as Mr. Aydtlett, began his speech, more than three-fourths of the great throng, forwarned and determined, showed their disapproval by leaving the court room. And for a time it looked as if Judge, jury lawyer and prisoner were about all that would remain. Not long after this a false alarm of fire was turned in which almost emptied the court room. Such were the open expressions of sentiment yesterday, and not by a few thoughtless boys, but by the most conservative men in the city. Sentiment against the prisoner is strong indeed. If the jury returns a verdict of acquittal, serious action may be expected. It is the belief of 99 per cent of people that Wilcox is guilty and should the jury fail to return such a verdict it is hard to say just what may not happen.

The prisoner has had a fair trial, and his lawyers have labored long and well. The jurors are good men who patiently have heard the long testimony, and upon their verdict today depends the fate of Jim Wilcox.

He has been tried by his God and country. Good men have heard his cause. Let us abide by the decision of the court and in no sense uphold mob violence. Let the majesty of the law be upheld.

FOR SALE.

At a sacrifice, the William Wilson place in Woodville, worth \$1200. \$500 will buy it in next thirty days.

Apr. 15

J. C. PERRY.