

THE ROBESONIAN

ESTABLISHED 1870.

COUNTRY, GOD AND TRUTH

SINGLE COPY FIVE CENTS.

VOL. XLV.

LUMBERTON, NORTH CAROLINA, THURSDAY, APRIL 2, 1914.

NUMBER 13.

M'KENZIE LOSES APPEAL.

Supreme Court Finds No Error in Trial Scotland County Man Convicted of First Degree Murder in Robeson Superior Court—Effort Will Be Made to Have Governor Commute Death Sentence to Life Imprisonment.

The State Supreme Court yesterday affirmed the lower court in State vs. Will T. McKenzie from Robeson county, in which McKenzie was convicted of first degree murder and is under death sentence for killing his brother-in-law Peter D. Jones in Scotland county. The case was argued before the Supreme Court last week by ex-Judge W. H. Neal, Cox & Dunn and E. H. Gibson of Laurinburg and McLean, Varner & McLean of Lumberton for the defendant and Weatherspoon & Russell of Laurinburg, McIntyre, Lawrence & Proctor of Lumberton and Attorney General Bickett for the State.

McKenzie has been in jail in Lumberton since his conviction, awaiting the outcome of the appeal. A strong effort will now be made to have Governor Craig commute the sentence to life imprisonment, and it is probable that Gov. Craig will delay setting a date for the execution until after his decision on the petition that will be presented for commutation. And it is probable that until after the decision McKenzie will remain in jail here.

Today's Raleigh News and Observer gives the following report of the Supreme Court's decision:

State v. McKenzie is another murder case. Defendant killed his deceased wife's brother. Chief Justice Clark for the Supreme Court states: "Testimony is admissible to show the feeling of the prisoner towards the family of his deceased wife, whose brother he slew, by reasons of their allegations of ill treatment of his wife by prisoner and their feeling toward him, as tending to show motive for the crime. Evidences of former difficulties between the defendant and deceased and the State of feeling between them is admissible on a trial for homicide and it is also proper to introduce evidence tending to show the cause of such difficulties and ill feeling."

He states further that the testimony of the widow of the deceased that she saw the prisoner pass her house shortly after the gun fired, the distance, the time, and that the horse was in a lather, was admissible. The motion for judgment of non-suit was properly denied as there was evidence of premeditation and deliberation.

Chief Justice Clark states that it was admissible to question witness for defendant as to his former testimony before the coroner and clerk, under the instruction of the trial judge, that this was not substantive testimony but for the purpose of contradicting and impeaching witness.

The defendant also filed exceptions, that the widow dressed in mourning with several small children was allowed in the court room and that during the trial, they were permitted to associate with the jury at a boarding house. Chief Justice Clark states that such recitals in counsel's brief cannot be considered unless they have been found as facts by the trial judge. But taking them as true, they do not entitle the prisoner to new trial as it was proper for the widow to wear mourning and it was admissible for her to be present at the trial. It appears that the widow and the children were boarding at the only hotel in the town, as well as the jury, but it does not appear that they conversed with the jury or attempted to influence them, and doubtless the jury was under the supervision of an officer and kept together. There was no error in the trial.

First Meeting of the Lumberton Hotel Co. Will Be Held This Evening.

The first meeting of the Lumberton Hotel Co., recently chartered, will be held this evening at 8 o'clock at the court house, commissioners' room. At this meeting the charter will be adopted and officers will be elected. It is understood that the hotel committee of the Chamber of Commerce has in hand a number of propositions for sites. It is desired that all who have subscribed for stock in the hotel attend the meeting this evening.

"Had dyspepsia or indigestion for years. No appetite, and what I did eat distressed me terribly. Burdock Blood Bitters reached the cause."—J. H. Walker, Sunbury, Ohio.

TOWN PRIMARY AND ELECTION.

Primary April 28, Election May 4—Mayor, Three Commissioners and 4 Graded School Trustees to be Elected—Mayor White a Candidate for Re-election.

At a meeting of the town fathers Monday evening both a primary and town election were ordered, the primary to be held April 28 and the election Monday, May 4. At this election a mayor, three commissioners and four graded school trustees will be elected. Mr. J. B. Bowen was appointed registrar and R. H. Crichton, R. A. McLean, J. H. Morrison, D. W. Biggs and C. P. McAllister were appointed managers of the primary. J. D. Norment, J. A. Thompson and W. O. Thompson were appointed judges of the election.

Mayor A. E. White told a Robesonian reporter this morning that he would be in the race for re-election. No other candidates have announced themselves.

At this meeting a committee was appointed to exchange the town street mules for two horses to pull the fire wagon and do other work on the streets.

DEBATERS TO CHAPEL HILL

Lumberton High School Boys Off to Engage in Fight for Aycock Memorial Cup.

Ertle Carlyle, Rufus Sanderson, John Proctor and Earl Townsend left last evening for Chapel Hill, where tomorrow night they will battle in debate for the Aycock Memorial cup. The fact that the Lumberton debaters won both in the debate here and at Laurinburg Friday night, March 20, gives them a chance in this last battle. A preliminary contest will be held tomorrow afternoon and evening, but the final battle will be waged Friday night. The same query discussed in the first contest, "Resolved, That the Constitution of North Carolina Should be Amended so as to Allow the Initiative and Referendum in State-wide Legislation," will be discussed at Chapel Hill tomorrow night. Here's hoping the boys will bring the cup to Lumberton. The debaters were accompanied by Supt. R. E. Sentelle and Mr. Lewis Shelby.

Charged With Breaking Into the Jennings Mill Co. Store.

Jim Brooks, 22 years old; Dock Session, 18 years old; Melton Wilson, 16 years old, and Otis Warwick, 17 years old, were arrested Tuesday afternoon by Sheriff R. E. Lewis and Policeman S. D. Strain and placed in jail, charged with breaking into the company store at the Jennings Cotton Mill Wednesday night of last week. The back door of the store was found open Thursday morning, but nothing was missed until Saturday when a coat and three pairs of pants were missed. The boys, who had been working in the mill at night for some two months had been trying on the coat and talking of buying it, so this led to suspicion, and search warrants were issued, and when the room in which Wilson, Brooks and Sessions had been rooming was searched the pants were found in Wilson's suitcase, and quite a number of pairs of white socks were found in Brooks' suitcase, socks that had belonged to the company. The coat was found in Warwick's possession. Brooks says his home is in New York City, Wilson says he is from Petersburg, Va., and Session says his home is in Marion, S. C. Warwick's home is in Lumberton.

The boys were given a hearing in the recorder's court this morning. Sessions was released and the others were summoned to appear before the recorder Saturday morning at 10 o'clock, when verdict will be rendered.

Recorder's Court.

James Mosley, a 13 year old colored boy, was before Recorder Rowland this morning charged with stealing a wheel belonging to Master Chas. Warwick, messenger boy for the Western Union office on Fourth street. The wheel was returned, and after the boy had been well thrashed by his father, Charley Mosley, judgment was suspended on payment of costs. Dave Blackwell, colored, was before the recorder this morning to answer a charge of cursing on the public highway. Judgment was suspended on payment of cost.

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REPEAL BILL REACHES SENATE.

Canals Committee, to Which House Tolls Exemption Bill is Referred, Will Meet Next Tuesday—Unnecessary Delay Will Not Be Tolerated.

Washington Dispatch, 1st. The Administration bill to repeal tolls exemption for American ships in the Panama Canal, which passed the House yesterday amid spectacular scenes, reached the Senate today and was referred promptly to the committee on inter-oceanic canals without debate.

Senator O'Gorman chairman of the Canals committee, who is marshaling the anti-Administration forces, announced definitely tonight that he would call a meeting of the committee for next Tuesday. Until that time no formal consideration of the repeal measure or proposed amendments can develop. Although friends of the President had hoped to have the canals committee meet earlier, they decided to make no effort to induce Senator O'Gorman to change his plans. They will insist, however, upon action within reasonable time after the committee gets down to work.

Senator Owen, of Oklahoma, majority member of the committee, who will lead the fight in committee for the Administration, visited the White House early in the day and conferred with the President. Later he made the emphatic declaration that friends of the repeal bill would not submit to unnecessary delay in preliminary consideration of the bill and flatly declared that the gauntlet of committee discharge would be hurled should an attempt be made to impede the progress of the measure.

NORTH CAROLINA WILL GET ROAD MONEY

Washington Special, 1st, to Charlotte Observer.

After a conference with Postmaster General Burleson and Fourth Assistant Postmaster General Blakeslee this afternoon Senator Simmons announced that the \$20,000 withdrawn from the Federal road fund for North Carolina two weeks ago will be restored at once. An order for the money will be made within a few days. "Where will they get the money; from what State?" Senator Simmons was asked.

"That does not interest me at all, we will get the \$20,000," said he.

Negro Shot by Another Negro in Quarrel at Alma.

Maxton Special, 1st, to Wilmington Star.

A hurry-up telephone call came in from Alma, a station two miles from here on the Seaboard, about 6:30 yesterday afternoon asking that officers be sent down to quell a riot among the negroes. This was followed a few minutes later by a call for physicians. Deputy Sheriff W. W. Smith and S. H. Dunlap, chief of police, together with Drs. J. O. McClelland and D. W. Harris, went down.

They found no riot, but they found Will Floyd wounded, having been shot twice, once in the right arm above the elbow and once in the left leg several inches above the knee. It seems that he and another negro, both employees of the Alma Lumber Co., had quarreled about their work and the second negro, J. C. Covington, about 30 years old, resented some of the things said in the quarrel and proceeded to shoot the Floyd negro up. Immediately after the shooting a brother of Floyd knocked Covington down and with the help of the other negroes held him until the arrival of the officers, who put him under arrest and brought him here and locked him up.

Mrs. Robert Deese Falls From Buggy and Breaks Arm.

Mrs. Robert Deese, 80 years old, fell from a buggy this morning near the Meadow-Brook cemetery and broke her left arm near the shoulder. She was in a buggy with her son, Mr. O. C. Deese and a small son of Mr. Deese, when the child started to fall from the buggy and Mrs. Deese in trying to keep the child from falling fell herself. Drs. T. C. Johnson and N. A. Thompson were summoned and rendered medical aid, and Mrs. Deese is getting along as well as could be expected.

Mr. Geo. T. Graham of Tolarville is among the visitors in town today.

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BRIEF ITEMS OF STATE NEWS.

A Record in Short-Length Form of Happenings of a Few Days in North Carolina.

Thirty five horses were roasted to death at Hendersonville Sunday night when fire destroyed the stables of the Farham Supply Co.

Mr. H. B. Arner of Lexington, who has been considering entering the fight for the Democratic nomination for Congress in the seventh district, has announced that he has decided not to run.

Several sections of the Atlantic Coast Line planing mill at Wilmington, machine shop and blacksmith shop were destroyed by fire Saturday night, entailing a loss of about \$20,000.

W. H. Ragsdale, who had been county superintendent of schools of Pitt county for 20 years and a great factor during that time for the education and general development of Pitt and adjacent counties, died last Friday at Greenville.

Mr. R. M. Nimocks, a prominent citizen of Fayetteville died Saturday at Hot Springs, Ark., where he went for treatment, having been in poor health. The remains were brought to Fayetteville for interment, the funeral taking place from the Presbyterian church of that city Tuesday.

The P. H. Hanes Knitting Mill Company of Winston-Salem is granted an amendment to its charter whereby the capital stock is changed from \$400,000 to \$2,000,000, of which \$1,000,000 is preferred. P. H. Hanes is president. It is understood that the company is preparing for very considerable extension of its already immense business.

At Smithfield Saturday night Jim Whaley, a cotton mill employe, in a drunken stupor shot his daughter when she jumped between him and his wife, at whom he was aiming his pistol, and when found Sunday shot and painfully wounded several men who were assisting the sheriff in capturing him. He was lodged in the Johnson county jail. The girl was taken to a hospital at Raleigh and it is thought that she may recover.

A portrait of Patrick Henry Winston, lawyer, orator, statesman and distinguished citizen, was presented to the State Tuesday by Gov. Craig and accepted by Chief Justice Walter Clark. The ceremonies, in the Supreme Court room at Raleigh, were witnessed by a crowd of prominent people. This distinguished lawyer was the father of ex-Judge Francis D. Winston, now district attorney, of Windsor, Judge R. W. Winston of Raleigh and Mrs. Frank S. Spruill of Rocky Mount.

DEMOCRATIC MASS-MEETING RALEIGH, APRIL 8TH.

Wm. J. Bryan, Josephus Daniels, Governor Locke Craig, ex-Governor Glenn, and other Democratic leaders of State and National reputation are to speak at the great Democratic mass-meeting in Raleigh, Wednesday, April 8th, beginning at noon. A State-wide legalized primary, the adoption of proposed Constitutional Amendments, a better system of taxation, improved legislation affecting roads, schools, health and country life, a better child labor law, and many other big issues are to be discussed. Every Democrat in the State is invited, and special railroad rates are expected. There will doubtless be a great attendance.

Mr. W. S. Britt of Lumberton a Possible Candidate for the Legislature.

Some of his friends are trying to prevail upon Mr. W. S. Britt, of the law firm of Britt & Britt of Lumberton, to enter the race for the lower house of the General Assembly. The Robesonian man asked Mr. Britt about it the other day and he did not deny that he was thinking about it, but would not say for certain that he would be in the race. He says he has not decided fully. Mr. Britt is a young man, a good mixer, and popular with the "boys." He was graduated at Wake Forest College in 1908 and has been practicing law in Lumberton since 1909 with his brother Mr. E. M. Britt. He is a son of Mr. and Mrs. S. E. Britt of the Ten Mile section. Three or four years ago he was elected a member of the town graded school board and served a term of two years, declining to offer for re-election. It seems probable that Mr. Britt will offer for the Legislature but he has not said the word yet.

CITY DELIVERY BEGINS

Three Deliveries Daily and One Collection Trip—No More One-Cent Drop Letters—Bank of Lumberton Will Furnish Receptacles for Mail.

Free delivery of mail began yesterday. Not much mail was carried on the trips yesterday, for the reason that not many of the forms required had been turned in, but quite a respectable delivery was made in the residential sections this morning. As stated in Monday's Robesonian, three deliveries will be made daily—in the business section at 8 a. m. and in the business and residential sections at 8:45 a. m. and 12:50 p. m. A collection trip will be made by the carriers at 4:40 p. m. Boxes for collection of mail have not been received at the postoffice but are expected within two weeks. The carriers are Messrs. Vance Skipper and J. W. Bryan.

No more letters may be mailed for local delivery with one-cent postage. All letters must carry a 2-cent stamp.

The Bank of Lumberton has ordered receptacles for mail which it will furnish free to every house in town where they are wanted. These receptacles are neat metal boxes carrying an advertisement of the bank. The Postoffice Department requests each householder to furnish a receptacle for mail in order to facilitate the delivery, so this will be helping out the postoffice in making prompt delivery and will save householders the expense of providing boxes themselves. It is expected that these boxes will arrive in about two weeks and they will be delivered by the bank to every house where they will be accepted.

Reports That Torreón Had Fallen Denied by Villa.

Juarez, Mexico, Dispatch, 1st. Reports that Torreón had fallen were definitely denied by General Villa late today. His telegram was based on a message of congratulations "on the fall of Torreón" dispatched to him yesterday by Col. Fidel Avilla, chief of arms of the garrison here. General Villa replied as follows:

"Gomez Palacio, April 1st, 1914. "Colonel Fidel Avilla, Jefe de Las Armas, Juarez. "In reply to your message, I wish to state that while I have taken a part of the city of Torreón, the struggle is not yet completed. I expect to obtain a triumph of which I will advise you. (Signed.) GEN. FRANCISCO VILLA.

Details of the struggle reached here today were brief and showed that the relative positions of the contending forces have not changed to any extent in the last five days.

—Mr. H. C. Coley of Laurinburg has opened up a livery business on First street in the McIntyre stables formerly occupied by Morrison Brothers.

—Rev. J. S. Snyder, pastor of the First Baptist church of Fayetteville, and Rev. C. H. Durham, pastor of the First Baptist church of Lumberton, will exchange pulpits Sunday, morning and evening.

—As a result of some improvements that have been made on the machine at the Pastime theatre the motion pictures shown there are now much more steady and distinct than they have been for some time, and less trying on the eye.

—Prof. J. R. Poole and Mr. H. E. Stacy will attend the county commencement at Raeford, Hoke county, tomorrow. Mr. Stacy will deliver an address at 11 a. m. Mr. Stacy is a forcible speaker, and Hoke is fortunate in securing his services.

—Mr. W. M. Niven sold Tuesday to Mr. J. H. Floyd his interest in the Lumberton Marble & Granite Company. Mr. Niven had been associated with Mr. I. V. Hooper since the organization of this company something like a year ago. Mr. Niven has not yet decided what he will do, but he is considering a proposition of going on the road for this same company.

—At a meeting of the board of directors of the Farmers & Merchants Bank this morning Mr. E. L. Whaley was elected assistant cashier of the bank to succeed Mr. Wayne Caldwell, who resigned to enter a business college. Mr. Whaley has had quite a bit of experience in the banking business, having been bookkeeper in the Bank of Lumberton for several months, but resigned more than a year ago on account of his health.

BRIEF LOCAL NEWS ITEMS.

—License has been issued for the marriage of Daniel Powers and Mary Taylor.

—Farm Demonstration Agent J. A. Boone, Jr., left this morning for Orum and other points in South Robeson.

—Messrs. E. W. Caldwell and A. V. G. Wishart left last evening for Baltimore, where they will take a course in Saddler's Business College.

—Mr. R. Humphrey of Saddle Tree was among the visitors in town Tuesday. Mr. Humphrey says the farmers in his section are very busy planting corn.

—Mr. L. H. Caldwell was ordained as a deacon of the First Baptist church last night. He was ordained by the pastor, Rev. C. H. Durham, assisted by Rev. I. P. Hedgpeth.

—Dr. T. A. Norment has a card in today's paper announcing that he will begin the practice of medicine again. The doctor had not been practicing for several months, having been engaged in the insurance business.

—Miss Francis Womble, of the State Normal, Greensboro, returned to Greensboro last evening after spending several days here inspecting the work being done at the graded school. Some of Miss Womble's criticisms will be published in this issue.

—Mr. A. Weinstein and two small daughters, Miriam and Mildred, returned Tuesday from New York and Baltimore, where they spent several days. Mr. Weinstein purchasing goods for his large department store. Mr. Weinstein says he bought just what the people of this section want. Watch for his ad in Monday's paper.

—Mr. A. H. Hinds has recently made some great improvements in the appearance of things about his meat market on Fourth street. He has had a new coat of paint applied, and installed a large refrigerator in which 2,500 pounds of meat can easily be stored at one time. Three thousand pounds of ice can be stored around the refrigerator.

—The Pastime theatre will put on Monday the third of its Monday special features. The picture on that day will be "What the Gods Decree," a great four-reel feature that everybody should see. The show will begin at 2 o'clock and all who can are urged to attend in the afternoon so that those who can go only at night may be able to obtain seats.

—Mr. Ertle Carlyle, one of Lumberton's champion debaters, received one day recently a letter from Wilmington asking that he go to Wilmington some time during the summer and address the boys brigade. The boys may not win the Aycock Memorial cup, but they have already won considerable notoriety. Mr. Carlyle says he intends to go to Wilmington and address the boys some time in the not-distant future. Lumberton should feel proud of her high school boys.

—Mr. A. C. Johnson, editor of the Rowland Sun, has purchased the type and fixtures of the Robeson Advance, and will next week begin the publication of a weekly paper in Lumberton. It will be an eight page paper and will be known as the Lumberton Tribune. Mr. Johnson has for several years been editor of The Sun, and will continue to publish The Sun at Rowland. Mr. Johnson says he will after next week enlarge The Sun, making it eight pages instead of four, as heretofore.

—Messrs F. J. Thomas and A. R. Boylin have fitted up a nice sanitary room underneath the brick building in which the Southern Express office is located, near the eSabord station, for the purpose of handling ice, and after Monday of next week will be prepared to furnish ice to the citizens of the town. The room which they have fitted up is made according to a late discovery, in which ice can be kept without the use of sawdust. Mr. Albert Boylin will be in charge of the storage.

—Mr. F. A. Wishart killed an alligator Monday afternoon at the Lennon mill pond, near Bellamy, that measured 6 1-2 feet. He brought the 'gator to town behind his buggy, and quite a crowd gathered just in front of The Robesonian office, where Mr. Wishart stopped with his game. Mr. Wishart got some good advertising out of the 'gator. He had just opened up a blacksmith shop on First street, and on that 'gator's head he had a poster telling about the shop, so to see the 'gator meant to see the ad.