

## Joe Kemp Acquitted of Manslaughter Charge by Jury

Man Who Killed Daniel E. McNeill Near Red Springs 44 Years Ago Goes Free—Jury Reached Verdict in 24 Minutes on First Ballot—Plan of Self-Defense Sustained.

Joe B. Kemp, who shot and killed Daniel E. McNeill near what is now the town of Red Springs on August 15, 1878, was found not guilty of manslaughter, on which charge he was tried, yesterday afternoon at 6:30 o'clock by the jury that retired to deliberate at 8:15. Only one ballot was necessary to acquit.

The jurors were C. S. McKenzie, merchant; L. D. Edens, M. D. Paul, P. H. Adams, Simon McLean, J. E. McDonald, J. H. Harrington, Alex. Hayes, F. P. Powers, Andrew Huggins, F. O. Lewis, farmers, and J. H. Lewis, carpenter.

Joe B. Kemp, now nearly 62 years of age, is a man of low stature, weighing about 125 pounds and seemingly is enjoying good health, though it can be plainly seen that he has been undergoing a great strain throughout the major portion of his life. His brother, T. J. Kemp, of Elkton, Fla., who was here throughout the trial, is a man of much better physique and does not show the effects of worry that has marked lines in the face of Joe.

The jury was impaneled at 3:30 Tuesday afternoon and was excused yesterday afternoon at 6:40.

Judge W. A. Devin of Oxford, presiding at this term of Superior court, charged the jury for nearly an hour, giving the analysis of the evidence as he saw it and making clear the different phases of the law regarding murder of both degrees and of manslaughter. In the midst of his charge the court room was thrown into darkness, if being necessary to delay until the lights came on so that the court stenographer could see to take down his charge.

On account of her brother's serious illness Miss Minnie Lennon, regular court stenographer was unable to be present during the charge of the judge and Miss Aiken, stenographer for McLean, Varner, McLean & Stacy, substituted for her.

Never Doubted Result. During an interview with the local reporter yesterday afternoon immediately after the verdict had been rendered in his favor, Mr. Kemp stated that he had never doubted the outcome of the trial from the time of the killing. He stated that he found that the same kind of good people still live in Robeson county that lived here when he was advised to leave by his Uncle "Red" Hector McNeill in 1878.

Since his arrest last August, he said, he had heard that it was rumored that if he would submit to a charge of manslaughter he would be freed upon the payment of the costs. This he would not consent to do, he said, as his conscience was clear, and demanded that he face trial and get the justice that he felt was meted out to him yesterday afternoon. He left Lumberton last night, saying he was returning to St. Augustine, Fla., to resume work at his trade of carpenter.

Assisting the prosecution was Mr. Stephen McIntyre, while Messrs. T. L. Johnson of Lumberton and Bayard Clark of Fayetteville represented the defendant. The state asked for a verdict of guilty of manslaughter while the defense contended self defense.

Brother of Victim Tells of Killing. The first witness to be called to the stand was Malcomb C. McNeill, brother of the dead man, who gave evidence practically as follows:

"Daniel McNeill, my brother, Andrew McNair, a negro and myself were in the woods cutting hoop poles. While we were all three sitting on the ground, Joe Kemp came to where we were. Kemp began questioning the negro, Andrew McNair, about some affair which grew into an argument. Then the negro began telling Daniel how the argument started, and when he had completed Daniel turned to Kemp and said, 'If that is the way it was, Joe, you are to blame.' Kemp said, 'If you say I am to blame you are a damn lie.' Daniel replied saying, 'Joe, I promised my God in Heaven that I would never take the damn lie from anyone.' As he said this he shoved Joe away from him and threw a four pound hatchet at him. Then Kemp pulled from his pocket a twenty-two calibre pistol and fired two shots, the second taking effect near Daniel McNeill's heart. Seeing there was danger, I ran to Kemp, threw my arms around him from behind, running my hand down his arm until I reached the pistol and taking it away from him. While doing this Kemp fired a third shot, which went wild. Then Kemp

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## 4th Street Property to be Improved

Mr. A. E. White Will Replace Wooden Structures With Modern Buildings—Fire Limits Extended—Cash Must be Paid for Driveways and Walks.

Former Mayor A. E. White is planning to tear away the old sales stables at the corner of Chestnut and Fourth streets and the small wooden buildings on Fourth in rear of Grantham Bros. drug store and erect on this valuable property modern brick buildings. He has not yet determined just what sort of buildings he will erect. He will consult an architect in regard to plans as soon as he returns from Florida, he and Mrs. White leaving this afternoon for a 3-weeks' sojourn in that state.

These wooden buildings have been condemned by the state insurance commissioner and Fire Chief Glover informed the town commissioners at their meeting Tuesday night that he had been ordered by that official to have them removed.

At their meeting Tuesday night the mayor and town commissioners extended the fire limits to the line of Dr. H. T. Pope's property from Second to Third streets, between Chestnut and Walnut. This places within the fire limits the residence of Mr. A. J. Holmes and Mr. J. H. Floyd's marble yards.

Persons putting in driveways and private walks are expected to pay cash for this work as soon as the engineer completes statements and bills are presented, by order of the town commissioners.

## Sacrificing Darling Mustache Didn't Save Him

Alva Cribbs Lost Hirsute Appendages But Not the Officers—Under Bond to Answer for Reckless Driving.

Alva Cribbs, a young white man of Red Springs, is today minus a two-year-old mustache which was very prominent and conspicuous last Sunday afternoon when the automobile in which he was riding knocked Mr. Joe Stone and mule galley-west on the hard-surfaced road leading west of Lumberton.

The officers are of the belief that Cribbs had his mustache shaved off for the specific purpose of eluding the officers, who he knew would be looking for a man with a mustache, with a warrant charging reckless driving. The amputation of the hairy growth did not do Cribbs any good as far as concealment of identity was concerned, as the officers soon found that a man answering his description had on Monday morning visited a barber shop for that purpose, and the arrest of the man was soon made. He was returned to Lumberton and placed under a \$300 bond for his appearance before Recorder Ivey next Monday morning.

In the car with the accused man at the time of the accident were Misses Dola Pitman and Rosa Meares, both of East Lumberton.

## YESTERDAY IN LEGISLATURE.

By the Associated Press. The administration ship line bill, after three and a half hours of debate in the senate on the original measure and the substitute offered by Senator Brown, of Columbus, went over until tomorrow when it will again come up in special order.

Representative Milliken's measure to require the registration of membership rosters of secret orders with state authorities came back into active discussion, following its defeat yesterday on second reading, by motion of Representative Whitaker, of Guilford, to reconsider. It was set for special order on next Tuesday night.

The house committee on health reported unfavorably the Quickle bill to do away with the present board of examiners for nurses and create a new board on which physicians would be equally represented with nurses.

The special committee investigating the state's finances completed organization and announced that a sub-committee had been appointed to ascertain certain facts, after which witnesses would be called.

The printing investigation commission of the legislature resumed activities on the introduction of further evidence in an open hearing.

## Open Season Extended to March 1st

The Robeson county bird law has been amended by the Legislature now in session to extend the hunting season to the first of March in each year. Sportsmen throughout the county have fought hard for this extension and are well pleased with the result.

## Haywood Faints at Mention of Road Sentence for Crime

Young Man Charged With Forgery Collapses When Judge Fails to Fail in With Plan for His Release—Judge Devin Said Not Running Court That Way—Will be Tried July Term.

W. H. Haywood, a young white man of Mt. Gilead who is charged with forgery, fainted dead away Tuesday when Judge W. A. Devin declared that if the defendant was guilty he must go to the roads and that he might prepare for trial if he so desired.

Everything had been nicely arranged for Haywood to be released upon payment of costs, but those who had so arranged it had reckoned without the judge. Attorneys for the defense offered to submit their client to the charge of forgery, and the part arranged for the judge was, upon recommendation of the solicitor and prosecutors, to release the unfortunate man upon payment of the costs, since the parties whom he had tried to relieve of \$1,500 had been satisfied.

"Gentlemen, I am not running this court in any such manner," said Judge Devin; "if he is guilty he must go to the roads. If the defendant so desires he may prepare for trial."

This sudden and unexpected turn of affairs was too much for the defendant, and he collapsed in a faint. Haywood soon rallied under the ministrations of Dr. J. A. Martin, but he appeared very weak throughout the remainder of the day.

He will be tried at the July term of court. He left Tuesday evening for his home at Mt. Gilead under bond.

Haywood's attorneys are McLean Varner, McLean & Stacy. He came very near fleeing the Farmers & Merchants Bank of Fairmont out of \$1,500 last month when he forged the name of the cashier of the Bank of Mt. Gilead to a draft. Officials of the two banks are understood to have been unwilling to press the charge against Haywood on account of his youth and family connections. He had been married less than a week when the forgery with which he is charged was committed.

## New County Home Bill to be Drawn by County Atty.

County Commissioners Decided to Get in Shape to Build—Bill Will Provide for Bond Issue and Will Give Power to Purchase New Site.

At their regular monthly session Monday the county commissioners instructed County Attorney E. J. Britt to draw a bill to be introduced during the present session of the General Assembly providing funds for the erection of a new county home for Robeson and giving the commissioners power to purchase a new site if they decide that it is advisable to do so.

The bill will provide that the commissioners may issue bonds for this purpose.

No action was taken committing the commissioners to building a new county home at this time, but this action paves the way and will put the commissioners in position to build whenever they decide to do so. The act passed at the last session of the General Assembly gave the commissioners authority to borrow money for this purpose, but under conditions that have prevailed since then it has not been possible to borrow the money under such terms.

It is understood that while no definite decision has been reached, the commissioners have in mind the purchasing of another and more favorably-located site and that, while there is some division of opinion, they are favorably inclined toward providing a new county home at an early date.

Mr. J. H. Powers of R. 1, Lumberton, is among the visitors in town today.

## ANNOUNCEMENT

I recently returned from Chicago, where I took advanced studies in medical and surgical treatments of the eye. For the benefit of my patients, I also took a special operative course on the ear, nose and throat and will be pleased to advise any who may have trouble with either of these organs.

Yours for better service,  
DR. WILLIAM W. PARKER,  
Eye Specialist.  
Lumberton, N. C.

## Allies Refuse to Withdraw Their Ships from Smyrna

British and French Have Warned Angora Government That Warships Will Defend Themselves.

Constantinople, Feb. 7.—It is understood that the allies have not only refused to withdraw their ships from Smyrna but that the British have sent heavy ships to Smyrna from Constantinople, the Dardanelles and Malta.

The United States destroyer Edsall is at Smyrna, but it is reported that the Turks define her as outside the prohibited class both in tonnage and as a neutral and it is expected that she will remain there.

London, Feb. 7. (Associated Press.)

After conversations today between the British and French governments it was agreed, in terms proposed by the French, to reject the Turkish demand that the allied warships leave Smyrna.

The British and French have sent a reply to Angora to that effect and warning the Angora government that the Anglo-French warships have been instructed to defend themselves if attacked.

London, Feb. 7.—A Reuter's Constantinople dispatch says that a second note has been received from the Turkish commander at Smyrna reducing the time limit for the allied warships to quit Smyrna from midnight tonight to sunset.

The allied commissioners after a conference are declared to have addressed a strong note to the Kemalist representative at Constantinople warning him that all responsibility for any act of hostility would devolve upon the Kemalist government. Similar warnings have been issued to local officials at Smyrna.

There are two allied warships at Smyrna—the British cruiser Calypso and the French cruiser Ernest Renan.

## Superior Court Adjourned Last Night

Judge Devin Called Home on Account of a Death in the Family—Trial of Slayers of Robt. Wilkins Continued—Docket Almost Cleared.

Judge W. A. Devin being called to his home at Oxford on account of the death of a brother-in-law, the term of Robeson Superior court which convened Monday of last week adjourned last evening after close of the trial of Joe B. Kemp. All important cases were disposed of with the exception of the trial of Walter and Clarence Oxendine, Proctor Locklear and Dock Wilkins, Indians, on the charge of killing Robt. Wilkins, which had been set for today. This was continued to the next term. Judge Devin left for Oxford last night.

Former Solicitor S. B. McLean who now lives near Charlotte, represented the state, Solicitor T. A. McNeill being confined to his home here with influenza.

Since the report in Monday's Robesonian was written the following cases were disposed of:

Croson Bryan, charged with theft of Dr. H. T. Pope's Ford coupe; not guilty.

William Kelly, indicted for stealing an automobile wheel; not guilty.

Durham Dees, assault; submitted and upon recommendation of solicitor judgment was suspended upon payment of costs.

In the case of Gilmore Locklear, mention of which was made in Monday's Robesonian, the sentence was reduced from 12 months on the roads to 10 months. The sentence of Tom Brown was reduced from 12 months on the roads to 10 months. Gilmore Locklear was found guilty of manufacturing whiskey, while Tom Brown was found guilty of larceny.

John Wesley Oxendine, an Indian adjudged to be of low mentality, was sentenced to 4 months on the roads for implication in the affair at Pembroke some 6 months ago which resulted in the death of an Indian girl named Graham and Jim Oxendine, who was killed by the girl's brother, Wesley Graham. John Wesley accompanied his uncle Jim Oxendine on the night of the double killing to the Graham home, Jim's wife, a Graham, having returned to the home of her father and Jim being bent upon forcing her to go back to his home. When entrance was forced Jim fired into the house and killed the Graham girl and was himself killed by her brother.

—Mr. and Mrs. W. L. Thomas began light-housekeeping Monday in rooms at the home of Mr. and Mrs. F. M. Barnes, North Pine street.

## St. Paul News

Dr. Vardell Speaks at Presbyterian Church Tonight—Concert Third Sunday—Mr. T. L. Northrop Will Entertain U. D. C. Next Monday—Personal Mention.

By Bess G. Johnson

St. Paul, Feb. 6.—It looks like winter this morn sure enough. Iceicles hanging all around and cold—my!

Miss Mary Janet McNeill has returned again after a very pleasant visit among friends and relatives in Red Springs.

Mrs. J. C. Duke of Hamlet arrived in town Saturday for a visit to her daughter Mrs. W. D. Johnson.

Miss Annie Louise Fisher spent last night at the home of her aunt Mrs. T. L. Northrop, enroute to her home a few miles from town. Her school having come to a finish, the past months she has been teaching in a school at Shell Creek, Tenn. Her friends will be glad to have her in their midst again.

Mr. A. R. McEachern arrived in town Saturday a. m. from New York, where he spent several days last week.

The many friends of Dr. and Mrs. C. T. Poole will be glad to know their baby daughter, Judith, has almost entirely recovered from her recent few days' illness.

Although the afternoon was somewhat inclement, a number from here attended the sacred concert at Lumber Bridge last Sunday, reporting quite a nice time. It is expected that the orchestra will give a concert here the 3rd Sunday afternoon, with an address, etc. We will try and give particulars later.

Miss Nettie McLean is home again after undergoing treatment in a hospital in Fayetteville the past 2 weeks. She is getting on very nicely, we are glad to note.

Many friends will learn with interest that Dr. C. G. Vardell will be in town Thursday night, the 8th, and make an address in the Presbyterian church, giving his audience an account of his recent trip to Scotland, which will no doubt be full of interest and humor.

Mrs. A. S. Garrison of Derita has been a guest the past few days of her sister Mrs. R. G. Rozier, to the delight of friends.

Mrs. Norman Drum has been in town visiting her parents, Mr. and Mrs. R. B. Humphrey. Mrs. Drum is very pleasantly remembered by friends here as Miss Annie Esther Humphrey.

We were glad to have Miss Rosa Johnson of Fayetteville a guest in our home from Friday until Sunday. Mrs. T. L. Northrop will be hostess to the U. D. C. on Monday afternoon of next week.

The fire department was called out yesterday afternoon and found a small blaze in the White building on Fourth street, recently occupied by Dr. W. O. Edmund, veterinary surgeon. Chemicals were used and the fire was soon extinguished. The firm of Abbott & Bullock had just moved into the building, conducting a grocery business. In erecting a stove they placed the pipe through a hole in the ceiling which they took to be an outlet through the chimney. This proved to be a hole cut in the ceiling for entrance to the ceiling only. Damage to the building was estimated at \$5, while there was no damage to the stock.

Trinity alumnae and alumni will meet at the Goat club house this evening at 6:30 to enjoy a barbecue and organize a county association. A number of former Trinity students from all over the county are invited and expected.

Arrived Last Night from Augusta—They Ran Away from a Reformatory School in Florence County S. C.

## A CURRENT TOPIC AT BAPTIST CHURCH SUNDAY NIGHT.

Why all this talk about the Near East and the awful conditions prevailing there?

Who is responsible for these conditions?

What is the dominant religion there? How far is it responsible for the distressing conditions?

Who was Mohammed? When did he live? What did he teach?

Can conditions in the Near East be changed for the better? Is there hope of permanent improvement? What is our duty in regard to it?

The pastor of the First Baptist church will undertake to answer these questions in his sermon next Sunday night. Not for the purpose of taking a collection for famine sufferers, but to present some facts on one of the most vital present-day problems and suggest some practical lessons. Everybody is invited.

## Cotton Market

Reported by J. H. Barrington

Middling cotton, local market today, 27 cents per pound.

## Items of Local News

Regular meeting Lumberton chapter No. 116 O. E. S., in the Masonic hall this evening at 7:30. This will be an important business meeting and all members are urged to attend.

There will be an important meeting of the Lumberton post of the American Legion in their club rooms over the city hall tonight at eight o'clock.

The Business and Professional unit of the Woman's club will have their regular monthly meeting this evening at 7:30 in the tea room. All members are urged to be present.

Miss Allie Roberts, daughter of Mr. and Mrs. A. M. Roberts, underwent an operation for appendicitis at the Thompson hospital Tuesday night. Her condition is reported as being favorable.

Mr. and Mrs. A. E. White will leave this afternoon for Florida, boarding the Coast Line at Pembroke. They will be away about three weeks and will visit St. Augustine, Miami and other points.

The condition of Mr. Woodberry Lennon, who has been confined to his room for the past several days, is reported as unimproved today. Mr. Lennon has been suffering with a severe case of influenza.

A \$25 fine was imposed upon Dr. E. P. Alford of Mullins, S. C., yesterday by Recorder Ivey after the physician had submitted to a charge of driving an automobile while under the influence of intoxicating liquor.

The LaFayette Life Insurance Co. received yesterday a car load of desks and other fixtures to be installed in its home office here. When improvements now being made are completed this will be one of the best-equipped offices in the state.

Capt. J. B. Boyle night policeman, had the misfortune of slipping on the ice Tuesday morning and breaking his forearm just above the wrist. He fell near the town hall. Some other people were caught off their guard and brought down by slippery pavements and steps Tuesday morning. Mr. A. M. Hartley suffered a severe and painful blow on the back of his head when his feet slipped from under him at his home on Walnut street.

## Robeson Gets In Line for Fire Prevention Work

Commissioners Make Appropriation—Forest Fire Warden Will be Appointed in Each Township.

By the action of the county commissioners at their meeting Monday, Robeson county gets in line for organized and systematic effort for prevention of forest fires, which cause damage estimated at around \$50,000 in the county annually.

The commissioners made an initial appropriation of \$200 for this work. This amount, and any other amounts the commissioners may appropriate, will be duplicated by the Federal government through the North Carolina Geologic and Economic Survey. Appropriations by the commissioners for this work during the year are not to exceed \$500.

District Fire Warden Merrill will come to Robeson within the next ten days to appoint a fire warden for each of the 26 townships of the county and get the work under way.

## BOYS WHO ROBBED PEMBROKE STORE ARE IN JAIL HERE

Arrived Last Night from Augusta—They Ran Away from a Reformatory School in Florence County S. C.

Deputy Sheriff R. C. Miller of Rowland returned to Lumberton last night from Augusta, Ga., accompanied by Frank Dobson and Elliott Botto, who were arrested in the Georgia city Monday in connection with the robbery of the Pembroke drug store last Friday night. Upon arriving in Lumberton the prisoners were placed in the county jail to await preliminary hearing, which probably will be held tomorrow. Articles stolen from the Pembroke drug store were found on the persons of the young men by the Georgia officials and they readily admitted their guilt. They also admitted that they had run away from a reformatory school in Florence county, S. C., the day before the robbery in Pembroke.

Mr. J. Rad Lawson of Orrum was a Lumberton visitor this morning.

If in need of Soy Beans for planting, see our ad. in this issue. Ekrose Fruit Farm.