

WATCH YOUR LABEL AND SEND IN RE-NEWAL BEFORE YOUR SUBSCRIPTION EXPIRES.

THE ROBESONIAN

WATCH YOUR LABEL ALL SUBSCRIPTIONS ARE DISCONTINUED WHEN THEY EXPIRE

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LUMBERTON, N. C., SATURDAY, JULY 21, 1923

COUNTRY, GOD AND TRUTH.

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Mike Lawson, Jule Brogden, John Hedgpeth Found Not Guilty

Jury Returned Verdict at 4:25 This Afternoon After Being Out 50 Minutes--Only One Ballot Taken--Verdict Received in Silence by Crowded Court Room.

THREE DEFENDANTS IN FLOGGING CASE DECLARED NOT GUILTY ON EACH COUNT

First Degree Burglary Charge Dismissed—Jury Took Case at 3:25 After 40 Minutes Charge by Judge Sinclair and Were Discharged After Being on Duty Since Tuesday Afternoon—Ten Lawyers Addressed Jury 7 Hours—Verdict Did Not Come as a Surprise.

"Not guilty" was the verdict returned by the Superior court jury at 4:25 o'clock this afternoon on each of the three counts of kidnapping, secret assault and assault with deadly weapon against Mike Lawson, John Hedgpeth and Jule Brogden, charged with being leaders of a band of 18 hooded men who took Mrs. Hattie Purvis and Mrs. Mary A. Watson from the home of the former at Proctorville on the night of April 14 last and gave them a severe flogging on their naked flesh. Only one ballot was taken. The jury was out 50 minutes.

Solicitor T. A. McNeill announced that nolo pros with leave would be entered in the charge of burglary in the first degree, charged in the bill of indictment, that charge was dismissed, and the defendants, who had been in jail since Friday of last week, when they were arraigned, and prior to that time for more than two months under \$15,000 bond, were free men.

Thus ended the most sensational and the hardest-fought case in the history of Robeson county. Since the case was called at 10:45 a. m. last Tuesday morning, the court room had been packed every moment of the trial, and every inch of the ground has been closely contested by an able array of counsel on each side.

When introduction of evidence was completed at 3:40 p. m. yesterday afternoon about 100 witnesses had been placed on the stand and the jury believed the alibi established for each of the defendants by a perfect cloud of witnesses, many of them the best people of the Proctorville and Fairmont sections.

It cannot be said that the verdict came as a surprise, though there were not lacking those who predicted that the result would be a mistrial or that one of the defendants would be convicted.

Solicitor T. A. McNeill opened the argument before the jury yesterday at 4 p. m. and spoke for one hour. Other lawyers speaking in the case were: W. E. Lynch of Rowland, F. Ertel Carlyle, F. D. Hackett and Stephen McIntyre of Lumberton, for the prosecution; T. L. Johnson, W. S. Britt, L. J. Britt, J. Dickson McLean and H. E. Stacy for the defense.

The jury was composed of Gilbert Cox, W. R. Baxley, J. H. McLean, J. A. Campbell, J. S. McQueen, J. D. Medlin, J. C. Carlyle, F. K. Biggs, W. H. Prevatt, J. H. Bass, E. C. Floyd and A. D. Evans.

"God help Robeson county if the perpetrators of this crime are not punished" shouted Mr. McIntyre as he neared the close of his speech of 87 minutes at 1:50 o'clock this afternoon. "Who knows," he said, "but that God has spared you for a time like this, when you may rid Robeson county of the menace of hooded bands of men who take the law into their own hands and enter homes and punish men and women." "I am ashamed of the last Legislature," Mr. McIntyre declared. "If it had done its duty," he continued, "and put the proper curb upon hooded bands, this outrage never would have happened." Mr. McIntyre declared it to be his belief that there were more pistols in the court room than there had ever been before, but there was no demon-

Judge Sinclair's Charge to Jury

Following is Judge N. A. Sinclair's charge to the jury in the flogging case which was given to the jury at 3:35 o'clock this afternoon:

"There have been references in the evidence to an organization known as the Ku Klux Klan. The court charges you that you are not trying the Ku Klux Klan, nor are you trying the defendants as members of that organization. It makes no difference to you in this case whether the defendants are members of the Ku Klux Klan or whether they are not members. They are being tried in this case as individuals, indicted and charged with violating the law of North Carolina, and it is your duty to try them upon the evidence offered at this trial, and the law as given you by the court without regard to whether they belong to an organization known as the Ku Klux Klan or not. It makes no difference whether you are in sympathy with the Ku Klux Klan or whether you are opposed to it, and you cannot permit any sympathy for or prejudice against that organization to influence you in the consideration of the evidence and in rendering your verdict without violating the solemn oath you took as jurors in this case.

"The State contends that it has offered you evidence from which you ought to find that the perpetrators of the alleged crime were dressed in garb usually worn by members of the Ku Klux Klan, whether they were members of that organization or were others masquerading as such members in their regalia. And the defendants contend that they are not and were not members of such an organization and that they had no connection with the perpetrators of the alleged crime. The court charges you that you cannot consider any of the evidence in this case referring to the Ku Klux Klan except as bearing upon the contention of the State that such evidence tends to prove the identification of the defendants as the persons charged in the bill of indictment, and upon the contention of the defendants that such evidence tends to show that the defendants were not the persons who committed the crime charged in the bill of indictment. You are not permitted to consider the evidence with reference to the Ku Klux Klan, or the defendant's activities for any other purpose.

"The court charges you that if you find from the evidence and beyond a reasonable doubt that Mrs. Hattie Purvis and Mrs. Mary A. Watson were kidnapped, or assaulted, as charged in the bill of indictment, it is a criminal violation of the law of the land, and nothing can justify it.

"The court charges you that any man, or group of men, cannot take the law into their own hands and invade the sanctity of a man's home, or deprive him of his liberties for any appreciable period of time, unless authorized to do so by due process of law; and any man or group of men who do, are guilty of violating the constitution and the laws of the State. 'A man's house is his castle,' and

no power on earth can enter unless authorized to do so by due process of law. It matters not whether these women are moral or immoral, of good character or bad character; it would constitute a crime which cannot be excused, condoned, palliated or justified. There are no grounds whatsoever for any one to enter their home by force or without due process of law, and if you find from the evidence and beyond a reasonable doubt that these defendants, or any one or more of them, entered the home of Mrs. Hattie Purvis, with force and forcibly kidnapped Mrs. Purvis and Mrs. Watson, or either one or both of them, or assaulted them, or either one of them, it would be your solemn duty to convict them.

"Of course the same rule of law is applicable to this case as to all other criminal cases—that the defendants are presumed to be innocent and that the burden of proof is upon the State to satisfy the jury beyond a reasonable doubt of the guilt of the defendants, or of the guilt of some one or more of them.

"The term reasonable doubt means just what it says. The jury would not be justified in acquitting a defendant because of some fanciful or conjectural doubt, but the doubt referred to as a reasonable doubt must be a doubt which is based upon and supported by some good and substantial reason. It all comes back to the proposition that the burden is upon the State to satisfy the jury beyond a reasonable doubt of the guilt of the defendants or some one or more of them, and if only one or more, then to satisfy the jury beyond a reasonable doubt as to which of the defendants, if any, are guilty.

"The bill of indictment charges these defendants with kidnapping Mrs. Hattie Purvis and Mrs. Mary Watson. To kidnap a person, to take such person forcibly, or by means of fear, induced by force or threats, from a place where such person is against his or her will, and to convey such person to some other place and there forcibly, or through fear induced by force or threats, detain such person for some period of time against his or her will. The period of time such person is detained is not material. If such person is detained through force and fear for any appreciable period of time, the crime of kidnapping is consummated.

"Now if you find from the evidence, and beyond a reasonable doubt, that on a Saturday night, on or about the 14th day of April, 1923, a crowd or band of men, among whom were the defendants, agreed and concerted among themselves to go to the residence of Mrs. Hattie Purvis and to use such force and threats as should be necessary to remove the said Mrs. Hattie Purvis and Mrs. Mary A. Watson, or either of them, from the residence of the said Mrs. Hattie Purvis, and to forcibly or through threats, compel such women or either of them, to leave such residence and go with such band of men to the vicinity of a

(Continued on Next Page)

JUDGE SINCLAIR AND S. McINTYRE RECEIVE WARNING LETTERS PURPORTING TO COME FROM KU KLUX KLAN

Judge N. A. Sinclair, presiding over Robeson Superior court, received on the bench this morning the following letter, printed with pencil, in type-writer addressed envelope, stamped at the postoffice in Lumberton at 5:30 p. m. yesterday:

"You have shown a relentless spirit against these honorable men, and we warn you to use your influence and brain in exonerating these guiltless servants."

Mr. Stephen McIntyre, volunteer counsel assisting Solicitor T. A. McNeill in prosecution of the case against men charged with being members of the band who flogged Mrs. Hattie Purvis and Mrs. Mary Watson, received last night a letter mailed at the same time as the above, written in the same way and the address typed:

"No doubt you realize that you have stopped prosecuting and begun persecuting those that have done their duty in the sight of God and there is no court higher than His will.

"Possibly in your contorted and hellish mind you think that you are serving your commonwealth when you are advocating immorality.

"Vile and relentless attacks with a satanic intention have been made on at least the character of one of these just men and surely you must know Empire. Therefore your efforts are as chaff before among any twelve honorable men that could be selected that part of them are imbued with the herculean spirit and giant strength of the invisible a storm.

"This relentless persecution must cease for surely you know that dead men have been dragged from a lake for a less serious crime than you are committing and nobody convicted.

"Your intelligence tells you that the exposure of this warning brings an invisible, invincible hand that is mightier than the courts themselves upon your poor unworthy carcass.

"We command you to show this to T. A. McNeill for it is as much to him as it is to you, and the same penalty is on him if he exposes."

Give Them Sherman's Definition of War

Mr. McIntyre received this morning from a friend who read the letter printed above in morning papers, a telegram telling him to be fearless and brave in spite of the letter and to "give them Sherman's definition of war."

TALIAFERRO GETS 90 DAYS IN JAIL AND FINED \$750 FOR CONTEMPT OF COURT

H. L. Taliaferro, professed Ku Klux Klan detective who was arrested here on July 3 on the charges of intimidating witnesses in the flogging case and released the next day on \$5,000 bond said to have been furnished by the Ku Klux Klan, was found guilty of contempt of court on each of three counts by Judge Sinclair at 5 o'clock this afternoon and was sentenced to 90 days in jail and fined \$750—30 days in jail and \$250 on each count. Notice of appeal had not been made at 5:15 but counsel for the respondent were consulting with him and one attorney remarked to newspaper men that appeal will be made. Judge Sinclair announced that if appeal was asked for an appeal bond of \$50 and a justified bond of \$10,000 would be required. Later his decision was changed to \$5,000 for the justified bond.

school will respond with a five minute report.

11:30 a. m. Report of Normal teacher.

11:40 a. m. Sunday school lesson taught by Dr. R. T. Allen.

After about one hour recess the meeting will be called together and all business claiming the attention of the meeting will be attended to, after which will be taken up in the regular song service by all choirs. At about 2:30 p. m. an important subject will be discussed by an efficient speaker. Every good wish for the quarterly, and the Sunday school work.

I. F. Britt, Sr. Program Committee.

—Mr. and Mrs. J. F. Sunday of Deray, Fla., arrived yesterday and are guests at the home of Mrs. Sunday's brother and sister-in-law, Mr. and Mrs. D. R. Shaw. Mr. and Mrs. Sunday left Deray on the 24th of May and have spent the entire time touring parts of Canada, the central and northern States, spending sometime at Niagra Falls.

MR. W. S. BRITT STIRRED UP WRATH BY HIS SPEECH TO JURY

Mrs. Hattie Purvis Accosted Him on the Street With the Remark That She Would "Get Him"—Threat Backed Up by Her Brother-in-Law Mr. J. D. Purvis—No Casualties.

"I am going to get you," said Mrs. Hattie Purvis, chief complaining witness in the famous flogging case which has just been concluded in Superior court, shaking her finger at Mr. W. S. Britt, of counsel for the defense, shortly after court adjourned Friday evening at the conclusion of Mr. Britt's speech to the jury. The incident occurred at the corner of Elm and Fourth streets, near the stairway leading to the offices of Messrs. Britt & Britt. Mr. Britt had borne down heavily in his speech upon the character of Mrs. Purvis.

Mrs. Purvis was sitting in the automobile in which she was leaving town. She is said to have remarked that the only thing that kept her from getting Mr. Britt then was not having a pistol. Her brother-in-law Mr. J. D. Purvis came around the corner just as she made the remark that she would get him and he backed up the remark, saying "Yes, she is going to get you." Mr. Britt laughingly said that she would not, because he would out run her. Mr. Purvis repeated the remark and added, according to Mr. Britt, "and I am going to help her," whereupon Mr. Britt's brother, Mr. E. M. Britt, remarked that then was the time to do it if any "getting" was to be done.

Which closed the incident, nobody being hurt and nobody "killed".

NOT RECORDER FLOYD.

The Robesonian takes the first opportunity to correct a mistake in report of court proceedings in yesterday's paper. The "Judge" Floyd mentioned as one of the witnesses was a young man named "Judge", and not Fairmont recorder's court Judge A. E. Floyd, as was inadvertently stated. It was the editor's mistake entirely. The Robesonian's reporter, Mr. Hal Brown, was writing report of the trial as it progressed and sending copy to the office to be set in type as the case progressed. He wrote the name "Judge Floyd" correctly, but in running over it preparatory to passing it on to the printer the editor, being un-mindful of the fact that there might be some other Judge Floyd besides the well-known judge of the recorder's court, hastily made the correction, though he might have known from the connection if he had not been in such a rush, that the reporter had it right. Therewas nothing to any one's discredit in the connection in which the mistake occurred, and at the time of writing this efforts to get Recorder Floyd over the phone have failed and we have not heard from him. Correction of the error, which was not called to the editor's attention until after the issue was printed, is gladly made.—Editor.

—Messrs D. W. Biggs, T. C. Barnes and E. A. Thompson, local furniture dealers, returned last night from High Point, where they attended this week the big furniture exposition.

Sunday School Quarterly Meeting.

Correspondence of The Robesonian.

The quarterly meeting of the Mt. Elim S. S. Institute will be held at Hog Swamp July 29 (5th Sunday).

The program will be as follows:

10:30 a. m. song service led by E. D. Stone.

10:40 a. m. Scripture reading and prayer.

10:50 a. m. Welcome address by W. H. Barnes.

11:00 a. m. Roll call and 49 ch