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## THIRD DAY'S TRIAL

### The Defense Consumed the Day Yesterday.

#### REUBEN BARBEE ON THE STAND

The Court Ruled in Favor of the State on the Questions Discussed Friday—The Killing Described by the Defendant Himself and Several Witnesses Testify as to the Condition of His Face and Neck After Killing—The Jury Cautioned not to Read Local Papers.

The third day's trial of the case of the State vs. Reuben Barbee was taken up in examining witnesses for the defense.

Yesterday morning, unlike the two previous days, the sun rose bright and clear and seemed as if it was trying to brighten up the gloomy scene that was being carried on in the court room. And the scene on the inside changed. Friday everything was dark and gloomy for the prisoner; it seemed that not a ray of light could penetrate the web that was being gradually stretched around him. Yesterday, however, the scene shifted, "just a little," and all day the prisoner made an effort to show that he was justifiable in taking the life of his fellow man.

When court convened the Judge announced his ruling on the question of evidence, mention of which was made in yesterday's HERALD, and decided in favor of the state—that the evidence could not be introduced.

The following were the witnesses examined and the gist of their testimony: Barbee's Uncle on the Stand.

G. A. Barbee was the first witness to testify on the side of the defense. After being sworn he testified in substance as follows:

"I am an uncle of the defendant and was in the city on the day Wm. Cole was killed. Saw Barbee about 15 or 20 minutes after he was arrested. He was in the guard house at the time I saw him. His face was scratched very badly and there was blood on face and shirt bosom and I think blood was dripping from his face when I was in there. There were scratches on both sides of his face, his underlip was cut and bruised and there were prints of fingers on his throat. His coat was badly torn."

Here the witnesses identified a coat which he said Barbee had on that day. One sleeve and side of coat was badly torn. It was offered as evidence. The witness was then put through a rigid examination by the Solicitor in regard to the scratches, how many, etc. The witness did not know the number and nothing new was brought out.

#### D. C. Mangum Testifies.

D. C. Mangum next testified: Was at home when he heard of killing and came up street a few minutes later. Went into the jail about an hour after Cole was killed. Barbee was scratched up considerably. There were several scratches under eyes, on side of nose and forehead. There was also a cut on the under lip and probably some on his neck. When asked in regard to the number of scratches on his face he said he did not count them but that there were quite a number. Should say there were about twelve or fifteen on face and neck and probably twenty. Nothing new on cross examination.

#### Saw Cole and Barbee Together.

Montgomery Cates next came to the stand. He said he was in town the day Cole was killed and that he saw the defendant and the deceased together in an archway on Peabody street, second door from Mangum's saloon, where the killing occurred, about 11:20 o'clock. He stood there some time and then went home to dinner. Got home about 12 o'clock. He eat dinner in a hurry and came back up street to see a man about some work. Was near Ellis' saloon and heard the shots fired that killed Cole.

Here the attorneys for the defense asked him to "state what you saw Mr. Cole do and say to Mr. Barbee," referring to the time they were in the arch-

way) and this is where more trouble began. The State objected to the question as it had nothing whatever to do with the killing. The defense contended that it did have something to do with the homicide and that they wanted to prove what passed between the two men. The court sustained the objection and ruled the question out. It was then 12:15 o'clock and court took a short recess until 1 o'clock.

#### A Powerful Man.

The afternoon session convened promptly at 1 o'clock and Montgomery Cates was again called to the stand to testify as to the physical strength of Cole and to prove that he was Barbee's superior. He testified that he knew Cole and arbee both. Cole was much the best man physically and was a rough, strong powerful man with exceedingly long arms. He was among one of the best men witness ever saw. He saw Cole throw Barbee down on day of killing, a short while before the shooting. He did it with ease and showed that Barbee could not do anything with him. On cross examination he said Barbee was also a good man physically but that he did not consider him as good a man as Cole was.

#### Another Who Saw Scratches.

J. Frank Maddry, of the HERALD, next testified. Went into jail on Monday or Tuesday after the killing of Cole to see Barbee. Saw scratches on his face. One on forehead, several under left eye and on neck. There was a small cut and bruise on inside of under lip. Also testified that he was summoned by the coroner to take the evidence at the coroner's trial, and identified a copy as the evidence taken. Witnesses was then requested and read the testimony of Tom Cannada as given in at that trial.

#### THE PRISONER TESTIFIES.

##### Goes on the Stand in His Own Behalf and Describes Killing.

Reuben Barbee, the defendant in the case, was next called to the stand to testify in his own behalf. In substance his testimony was as follows: "My name is W. R. Barbee. I have lived in Durham county all my life and am going on 34 years of age. I knew William Cole. Had been acquainted with him four or five months but did not know where he lived. I live in East Durham." The defendant's attorney then asked the witness if he had ever heard that Wm. Cole intended to take his life. The solicitor objected and after some argument the court sustained the objection and ruled out the question. Here the attorneys asked a lot of questions in regard to the relation of defendant and deceased before killing; what defendant had heard that the deceased had said about him etc. They were all objected to by the solicitor and were ruled out by the court.

Then coming back to the day and time of killing Barbee, said: "I came to town on morning of killing from my home in East Durham. Had my pistol with me and four chambers were loaded and one empty." Attorney then asked: "State why you brought your pistol with you." This was ruled out as was also the following question: "Was you in habit of carrying your pistol?"

#### In the Bar Room.

"This was on the morning of Saturday June 27," said the witness, "I went to Mangum's bar and not very long afterwards Gole came in saloon. I did not remain in saloon very long. When I left bar I started to Mangum's store and Cole followed me. When we got in archway Cole grabbed me and threw me down against the ground. As I was falling I tried to catch and in doing so tore Cole's shirt. A Mr. Cates and a negro man named Glover was standing there and saw this. I got up and went on to Mangum's store. From there I went up on Main street and after a short while went back to the saloon. Cole followed me in and soon afterwards grabbed me and began to scuffle. Mr. Gooch said don't have any fuss in here boys and I said 'no sir.' I then sat down on keg near M. C. Herndon. Cole was a great deal stronger than I am; he had as long arms as I ever saw and was taller than I. He was a raw boned pow-

erful man. I spoke to Mr. Herndon about getting some money from him to buy a lot.

#### Remembered His Pistol.

"At this time Cole was sitting on work bench. He got up and came over to where we were sitting. We both raised up about the same time. He walked up to me like he was going to walk over me. I said 'we have not had any trouble today Mr. Cole.' He grabbed me in face and throat and backed towards the bench. We had gone four or five steps towards the bench. I tried to holler, but could not; I tried to break his hold on my throat but could not do that. I expected every minute that he would stab me through the heart with a dirk he had been carrying for me. I then remembered that I had pistol with me which I had brought up street to get some cartridges for. He said 'dam you I have got you now,' he still had one hand on my throat and ran the other in his pocket. He had now pressed me against the wall and I took out my pistol and fired. He did not release his hold on me the first shot and I fired three more shots.

#### Stepped Over the Dead Body.

"All that time I was trying to break his hold. I had pistol in right pocket Cole fell when I fired last shot. I then stepped over body of Cole and in next room and laid pistol on counter and said 'here is the pistol; I killed him in self defense.' I then said to Gooch, 'did you see dirk or razor,' he said, 'I did not see anything at all as I was in this room.' 'Why did you ask this question,' said his attorney. Because I had seen him with a dirk. My face was scratched and bleeding, my throat scratched and lip cut."

He then identified the coat heretofore introduced as the one he was wearing on day of killing. Said Cole tore the coat. He then told of how he was arrested and carried to jail. Said officers remained with him until Mr. Boone and his uncle, G. A. Barbee, came in. Said Mr. Mangum came in jail that afternoon and Mr. Maddry on Monday or Tuesday and he showed scratches on his face and neck to them.

He then said: "The statements made by the two Lyon negroes yesterday was absolutely false. I never said or thought of such a thing. I never said I had killed six men. Never carried a Smith

(Continued on fourth page.)

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