

## Three Speeches in the Haywood Trial

### Mr. Pou Argues Skinner Was Killed in Self Defense. Senator Woodard Consents for Second Degree Murder. Col. Harris Speaking

Three speeches were made yesterday by counsel in the trial of Mr. Ernest Haywood and argument will be resumed this morning at nine o'clock.

Judge Peebles made two points clear in the course of the argument yesterday. He stated that he would charge the jury that there was no evidence that Skinner was looking for Haywood on the afternoon of February 21st, 1902, or that Haywood was looking for Skinner, and that the attorneys must use any of their argument on this question. The court was without evidence on the point.

The prosecuting lawyers were also not to mention in their argument to the jury Rev. Dr. Thos. E. Skinner, the father of the deceased, or the widow, as Judge Peebles remarked that there was no evidence introduced before the court that Mr. Skinner was young or old, rich or poor, small or large, married or single, or that he had a father.

Mr. James H. Pou opened for the defense yesterday morning with a speech of three hours. He was followed by Senator John E. Woodard of Wilson for the prosecution with a speech of three hours and twenty minutes. Col. J. C. L. Harris, for the defense, began his speech at 5:05 and at 6 o'clock adjourned until this morning. Col. Harris will resume his speech this morning at 9 o'clock.

The remaining ten arguments by counsel will be in the following order: 1. Col. J. C. L. Harris, for defense. 2. Mr. W. N. Jones, for defense. 3. Mr. R. C. Strong, for state. 4. Mr. J. N. Holding, for defense. 5. Senator H. E. Norris, for state. 6. Maj. S. G. Ryan, for defense. 7. Senator Donnell Gilliam, for state. 8. Capt. W. H. Day, for defense. 9. Solicitor W. F. Daniel, for state. 10. Col. T. M. Argo, for defense.

The court room was crowded yesterday morning and again in the afternoon and the speakers held the closest attention. Mr. Ernest Haywood sat with his brothers, just behind his counsel, and was bright and cheerful as he has been throughout the long trial. Mr. Jno. C. Winder and Rev. Thos. E. Skinner continue to occupy seats by Solicitor Daniel as they did during the examination of witnesses.

Mr. James H. Pou was in splendid voice and not a word of his speech was lost. He spoke with deliberation but at times he raised his voice higher than his custom in speaking. A portion of Mr. Pou's remarks was a severe arraignment and denunciation of what he termed "the unfairness" of the prosecution. Then he reviewed the evidence of the state and contended that the defendant had made out a complete case of self-defense. Mr. Pou began with an eloquent exposition of that by jury and closed asking a verdict of acquittal for the defendant and for the sake of the characters of the witnesses and the reputation of the dead man.

Senator John E. Woodard of Wilson, ex-solicitor of his district and one of the best known criminal lawyers in the state, addressed the jury for the prosecution in his accustomed forcible style. After devoting part of his time to replying to Mr. Pou, the speaker went over the evidence of the state and contended that the defendant utterly failed to prove that he was justified in slaying Ludlow Skinner.

this court. The same thing is true of the attorneys, who have been here clamoring that the blood of Ernest Haywood be shed on yonder scaffold, until yesterday, when they found that there was not a scintilla of evidence to base their accusation on, are serving voluntarily and of their own accord.

As for me I shall never prosecute a man for his life, for as I read the laws of God and humanity the death penalty is a relic of barbarism. In sacred writ when the first murder was committed that man was tried by a higher than a human court and when he appeared before the Almighty and the angels the verdict was that he should live.

The jury is the one voluntary branch of the court. Mr. Pou then described the purpose of the law in providing a jury trial. The state set forth and got twelve good and lawful citizens, men who are the peers and equals of the accused, men knowing the weakness and frailty of human nature, and those twelve pass upon his guilt or innocence. He further explained the requirements of the law, which provides that a juror must be a resident of the county; he must be a freeholder; he must have paid his taxes for the previous year, a man who has not served on the jury in two years and who has no suit pending in the court. The purpose of all this is to guarantee to the accused a trial by his peers.

Again, the jury is not only the involuntary function of this court but the most ancient. Every other function of the court must show some law for its actions. But jury trial is the immemorial bulwark of liberty. A full thousand years ago in the wilderness of Germany no one of the Anglo-Saxon forefather could be deprived of his life or a limb or denied his liberty except by trial of twelve of his peers. There is a mystic power in this number 12; it means something. The number 3 stands for power, the number 7 stands for wisdom, and 12 stands for fullness and completeness. God in the ancient times, when Jacob had 11 sons, set aside Joseph and substituted his two grandsons, so that the number should be 12, full and complete. Elijah set up 12 stones for the altar when he called down fire before the worshippers of Baal. When the blessed Master came on earth he chose 12 apostles. There are twelve months in the year, 12 signs in the zodiac and the Romans established their law on 12 tables or stone. When King Charles aspired to the rulership of the earth he divided the known world into 12 parts. The 12 jurors, then, are the complete representatives of the individual and society. The vote of one juror is worth as much as the other 11, the jury is complete and their verdict must be unanimous. When a jury has reached that verdict no juror is responsible to any one. The man who attempts to hold you responsible for your acts on the jury is himself a violator of the law.

The jurors are the peers or equals of the defendant. He is not to be tried by men who are above him or beneath him in rank and station. The scribes and Pharisees are not the men who pass upon the defendant, but 12 men like unto himself. You should constantly remember the oath that you took, "Juror look upon the defendant and hearken unto his case." He is in your charge.

Mr. Pou then addressing himself to this case said that the prosecution started out by charging the defendant with a capital crime and they will wind up by charging him with carrying a concealed weapon.

Never in your recollection has a man been tried so unfairly. The prosecution seemed to have read the Bible wrong and have preferred to keep you in darkness rather than light. The prosecution did not show in its evidence that the deceased even had a pistol; they did not put in evidence the clothes that he wore; they even left to the defense to introduce the coroner; the state closed its case without introducing the officer of the law who made the arrest.

Besides this the state has brought no member of the deceased's family here to show why he had that pistol in his pocket. Don't you suppose that some one knows why, the very day after his mother's death, in that solemn hour when weighted down by sorrow, Ludlow Skinner placed that pistol in his pocket and went down Fayetteville street looking for Ernest Haywood. That pistol is either brand new or it is a pistol that had not been carried before, and in either case the conclusion is that it was placed in his pocket on that fatal day for a purpose.

But this is not all in which the state has shed darkness rather than light. The prosecution has failed to show the slightest motive, they leave the jury in utter darkness. I hope never to see another defendant tried so unfairly. When the prosecution fails to put these material things in evidence they have taken a course the like of which for unfairness has not been seen in North Carolina since Gov. Tryon hung patriots without trial 130 years ago.

ment and of Schmitz, the sick man from Baltimore, who came here in obedience to the demand of his conscience. The prosecution then went to Baltimore, he said, and dug up a bucket of filth and slime and brought it here and offered to put it upon the stand, but the stink was too great for the pure air of Raleigh—and those men, Wilson, Folger and Donnell, from the gutters of Baltimore, were not put up after all the prosecution's talk.

Mr. Pou then referred to the attack on Hocutt, another witness, and declared that his character was proven to be good not only by the defense's witnesses but by the fact that the prosecution's witness said that his character was bad. A man is known by his enemies, and when a man who wished his wife was dead, a man whose son was arrested by Hocutt for counterfeiting, and others of that character denounce Chas. B. Hocutt they do him honor.

"I am glad that Jones Fuller was wise enough to screen the woman he loved and honored from such vicious attacks. Jones Fuller knew the character of the prosecution and he was right in making a bargain to keep her out of it for when every other defense witness is attacked in this way, is not the inference irresistible that they would have maligned this pure, lovely and beautiful woman if she had come into this court?"

Mr. Pou also criticized the action of the prosecution in keeping Miss Pace's name from the defense and said that a dog was never tried more unfairly than Ernest Haywood.

According to the prosecution there are only about seven good men in this case, said Mr. Pou, and one of the best of these is that man Sauls, who is such an infamous liar that his father-in-law won't own him, and says simply, "he married my daughter."

Mr. Pou described the state witnesses from Baltimore with marked sarcasm. Referring to Simpson, the speaker said: "Simpson was enjoying himself here in Raleigh at the Legislature and was one of those smart Alecky fellows who went around telling everybody he knew something and told so many tales that the state thought it had caught a veritable diamond when he was bagged. Simpson wanted to get back to Raleigh. I am sorry for Simpson, I wish he was a stronger man with more character and less mouth."

Mr. Pou then went over the list of defense witnesses. First, there was Robert N. Simms, and if his character was not good no man can prove a good character. Second, there is Mr. Schmitz, who came down from Baltimore; not for the purpose of getting

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## SHORT SESSION

### Postal Department Indictments Considered by the Cabinet

Washington, Oct. 9.—Today's cabinet meeting lasted scarcely more than an hour. All the members except Secretaries Root and Hitchcock were present. The principal topic was the postal office investigation, especially with reference to the trial of the cases now pending before the courts.

Mr. Payne said that it was not the expectation that there would be a wholesale dismissal of clerks and division chiefs as a result of the investigation. Some further dismissals might be made, he said, on the recommendation of Mr. Bristow, but thus far it had been the practice to dismiss offenders as soon as the evidence of their corruption or incompetency had been obtained. It was decidedly improbable that any large number of clerks would be dismissed simultaneously.

## ON THE WAR PATH

### Carolina Foot Ball Team Gone to Play in Columbia

Chapel Hill, N. C., Oct. 9.—Special. The Varsity foot ball team left today for Columbia where the South Carolina College team will be met on the gridiron tomorrow. Though little is known here of the strength of the opposing team the Carolinians left with full assurance that they would return with new laurels from the Palmetto state.

The following line-up is given: Stuart, centre; Hester and Jones, guards; Donnelly and Captain Jones, tackles; Cox and Townsend, ends; Newton, full back; Mann and Jacobs, half backs; Engel, quarter back. Manager Smith was accompanied by the following subs: Brown, Wilson, Parker, Singletary, Berkley and Wright. Coach Olcott is also in attendance.

## PASSED SUNSET BARS

### A Good Citizen of Wilson County Died Thursday Night

Wilson, N. C., October 9.—Special. Mr. William A. Applegate, one of the most prominent and influential citizens of Wilson county, died at his home near Moyton last night. Mr. Applegate had been in bad health for several months, and those near him knew that he was nearing the sunset bars of life and that he would soon pass through into the eternal beyond. He was a prominent Mason. He took a very active interest in the workings of a lodge and was always a regular at-

tendant upon the meetings of the grand lodge. A true friend, a good citizen, a genial neighbor, he will be sadly missed in his neighborhood. Peace to his ashes.

## TALKED TOO MUCH

### A Federal Official Who Would Not Wear a Muzzle Is to Be Fired

Washington, Oct. 9.—Special.—Henderson M. Somerville, chairman of the board of general appraisers in New York, is to be fired by President Roosevelt because he refuses to wear a muzzle. Mr. Somerville is from Alabama, and he did not like the president's social equality stunts at the White House, especially when he dined with Booker T. and when he presented negro women to his wife at a social function. The Alabamian has said as much recently and the news has reached the White House. An article by Mr. Somerville in the North American Review, criticizing in strong language the president's attitude with reference to the negro has brought the subject to a climax and the Alabamian is to be officially decapitated.

Moral: Federal office holders must apologize for Roosevelt's negro performances or keep their mouths shut.

## CONSUL CROOKED

### Circumstantial Evidence Against McWade at Amoy

Manila, Oct. 9.—The statements issued by the customs authorities yesterday in giving the names of American consuls in China who were implicated in the issuance of false certificates to Chinese coolies were somewhat misleading. Today it is stated that the contract found in possession of John Miller, a former immigration inspector, does not mention names but contains damaging evidence referring to the acting consul at Amoy. It says: "There shall be deducted the profits of the firm, for the taotal \$49 Mexican, for the American consul \$50 Mexican, for Consular Secretary Li \$50 Mexican, and for the interpreter \$5 Mexican."

The collector of customs says he has only oral evidence against Mr. McWade, the American consul general at Canton.

## DISPOSED TO STAY

### No Signs of Russians Preparing to Move Out of Manchuria

New Chwang, Manchuria, Thursday, Oct. 8.—The Russians are taking no steps to restore the government of New Chwang to the Chinese. On the contrary, they are hastening the erection of extensive government buildings and have added another gunboat to the naval forces here.

Reports from northern Manchuria indicate that no movement has been made toward the evacuation of that territory and Russian officials are discussing the permanent occupation of the points now held as being the settled policy.

The Russian viceroy, Admiral Alexieff, has been conducting joint naval and military maneuvers on a great scale in the vicinity of Port Arthur this week. Ninety Russian warships of all classes were engaged.

## FOUND DEAD IN BED

### Sam Lumley Supposed to Have Smothered in Bed

Greensboro, N. Oct. 9.—Special. Sam Lumley, a young white man who came here from Raleigh two days ago, was found dead in bed at a boarding house in South Elm street this morning. He went into his room last night and threw himself across the bed, face down. Coroner Turner thinks death was due partly to smothering. An inquest was deemed unnecessary. Coroner Turner wired his people in Raleigh, but no word had been received from them up to noon. In Lumley's pocket was found a letter of introduction to the Bell Telephone people here, to whom he applied for work Thursday.

Durham, N. C., Oct. 9.—Special. Mr. J. J. Lumley received a telegram this morning announcing the sudden death of his brother, Sam Lumley, who was found dead in bed at Greensboro this morning. The deceased was here up to day before yesterday morning, when he went up to Greensboro. He expected to go to Richmond in a few days to accept a position. Mr. Lumley was 30 years of age and until recently was market policeman in Raleigh. He left a wife, one child, three brothers and four sisters.

## Dr. Shearer's Contribution

Salisbury, N. C., Oct. 9.—Special.—At a session of Concord presbytery, held in McDowell county this week, Rev. Dr. Shearer of Davidson contributed \$2,500 to the presbytery, the same being the amount he had expended on Statesville College, which he also turned over to the presbytery. At the same session of the presbytery Mr. J. M. Gibbs of Statesville was placed under the care of that body as a candidate for the ministry.

## A Terrific Gale Along the Coast

### The Chesapeake Lashed Into Fury and Boats Tumbled in the Waves—Affrighted Passengers on the Washington Steamer

Norfolk, Va., Oct. 9.—A sixty-mile gale is raging along the Virginia-North Carolina coast from Cape Henry to Kitty Hawk, and reports of very rough weather have been coming in from the seaboard.

This wind has been blowing since 3 o'clock this morning and fears are entertained for shipping. In Norfolk the highest velocity reached is 30 miles, but the heavy blow outside has backed an unusually high tide into the inner harbor, and all the water front streets in the commercial districts are under water. Telegraphic communication is seriously damaged. Two three-masted schooners are reported blown ashore off Ocean View, in the lower Chesapeake.

Portsmouth, Va., Oct. 9.—A terrific gale struck this coast last night and is still howling out of the capes. All arriving vessels are late and their passengers half dead with fright and seasickness. The rain of yesterday afternoon rapidly grew into a storm which was especially severe on the usually tranquil Chesapeake bay. A sixty-mile gale lashed the waters of the bay into a fury, and at 2 o'clock this morning when the gale was at its height some of the passengers on the incoming boats became almost panic stricken.

The favorite fashion in evening dress aboard the Washington steamer Norfolk about that time was white, with life preservers. The officers of the steamer say that there was not a time during the gale when she was in any danger. The rough seas which she encountered in turning Smith's Point at the mouth of the Potomac were what did all the mischief. Some of the freight got loose and shifted about with terrifying noises. Much of it was broken open. The violent rolling of the boat frightened the passengers badly. The screams of women and loud demands regarding the whereabouts of the life preservers created fear among those who would otherwise have been cool. One excited lady put hers on about her neck. Crockery and glassware, the wines and liquors in the cafe and everything else breakable was broken. The furniture flew about the decks, and it was almost impossible to sleep.

Similar experiences were encountered by every boat coming down the bay this morning. Nobody was hurt, but the boats were all pounded and tossed terribly by the storm.

## Pirates Shoot a Missionary

Cologne, Oct. 9.—A dispatch from Canton to the Cologne Gazette says that pirates in South China have mortally wounded a German missionary of the name of Homeyer and a woman. The wounds were caused by revolver shots. The German consul at Canton is making vigorous representations to the authorities and demanding redress.

## Lipton Sails for Home

New York, Oct. 9.—Sir Thomas Lipton sailed for England today in the steamer Cedric. Sir Thomas said that he was not feeling as well as he looked, but that he expected to gain strength on his way to England. Sir Thomas bade good-bye to H. H. Davies, his agent in this country, and Captain Webster, who were the only persons at the dock to see him off. He would not talk about the possibility of his challenging again for the cup.

## CADETS TOOK TEA

### Sentence of Dismissal Accompanied by a Plea for Clemency

Washington, Oct. 9.—Cadet James G. Steese, who stands first in his class at the West Point military academy, and Cadet Wm. A. Ganoe, who stands forty-seventh, or exactly in the middle of the same class, have been sentenced to dismissal for misconduct. Both young men are from Pennsylvania and are members of the third class. The court martial which convicted and sentenced them recommended clemency, and the war department, in forwarding the papers to the president today for action, is understood to have endorsed the court's appeal for mercy. Steese and Ganoe were tried for inattention and for taking advantage of an academy regulation.

Wet and Dry Fisticuff  
Salisbury, N. C., Oct. 9.—Special.—P. W. Brown, proprietor of the White Elephant saloon, and John A. Murphy had a fist fight yesterday. The trouble grew out of a discussion concerning the coming prohibition election and was the first fist fight of the campaign. Both combatants have been cited to trial.

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## Red Coats and Yankees Make a Joint Invasion

### Washington Streets Echo to the Tread of Men in Uniforms With Minstrel Bands and Other Fantastic Features

Washington, Oct. 9.—The Honourable Artillery Company of London, accompanied by their hosts, the Ancients and Honorables of Boston, arrived in Washington this afternoon in a special train and were escorted "up the avenue" to their quarters in the Arlington Hotel by a detachment consisting of troop E of the Second United States cavalry, two companies of District minute men, Lev Dockstader minstrels and their two bands. The first two sections of the escort were according to program. The minstrels, in the language of a blown and disgusted policeman, "butted in."

Major General Corbin and his aid, Major Green, clad in somber-hued fatigue uniforms without gold lace and trimmings, were at the station to greet the visitors, and it was their intention to say something nice on behalf of official Washington just as soon as Lord Denbeigh and the Honorables and the Ancients and Honorables stepped off the train. They were sidetracked, however, by a slight miscalculation as to the stopping place of the train but arrived on the scene in time to see the welcoming performed by Lieutenant Colonel Francis J. Carmody, late additional aide on the staff of the governor of Minnesota, who was at the station for some unknown reason, clad in a glittering full dress infantry uniform with a cavalry sabre swinging at his belt. Colonel Carmody welcomed the visitors to Washington in the name of the governor of Minnesota, and General Corbin got there in time to perform the same office for everybody else.

Lord Denbeigh made public the following cablegram sent from New York last night and the reply received this evening: "The King, London: 'Pleased to inform your majesty four days visit to Boston most successful. Saturday visited province. Great reception. Enormous crowd in Boston for church parade Sunday. Yesterday saw magnificent march and drill West Point cadets. Commandant sent respectful greetings to your majesty. Great cordiality everywhere towards your majesty and England. Going to Washington tomorrow and president receives us. 'DENBEIGH.' The King's reply follows: 'Earl of Denbeigh, commanding Honourable Artillery Company, Washington: 'Delighted to hear how enthusiastically you have been received everywhere, and it is very kind of the president to receive you also. 'EDWARD R.' Tomorrow the Honorables and their hosts will leave for Mount Vernon, the home of Washington, at 10 o'clock, and will return for luncheon at 1 P. M. At 4 they will be received by President Roosevelt at the White House, and from that time until dinner they will devote themselves to sight seeing. At 9 o'clock tomorrow evening the party will leave for Niagara Falls.

## TRAIN ON FIRE

### Gasoline Explodes and Makes Hot Work for Firemen

Greensboro, N. C., Oct. 9.—Special. At 10:15 tonight there occurred an explosion of a large can of gasoline in a box of a freight train in the Southern Railway yards in this city. The train caught fire and several of its cars and contents, together with a number of loaded freight cars on parallel tracks are burning. The firemen have several streams of water playing on the flames. The loss will be great. There was a second explosion at 10:30. Great excitement prevailed.

## On Trail of Fugitives

Manila, Oct. 9.—At the request of Governor Taft, Admiral Stirling has dispatched two gunboats, the Isla de Cuba and the Pampanga, to Albay and Samar to search the neighboring waters for the little steamer Victoria, with Johnson and Herman, the defaulting constabulary officials, on board. A coast vessel has also been sent out to overtake the fugitives if possible. No word of their whereabouts has yet been received from any source.