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MURDER IN SECOND DEGREE.

The Verdict in the White Case. Great Speeches of Watson and Glenn.

After 19 hours of debating, the jury in the White case came to an agreement at 12:50 Thursday. They announced that they found the defendants guilty of murder in the second degree. Further on in his report of the trial, will be given other features of it. Following are synopses of the closing arguments of Messrs. Watson and Glenn.

Mr. Watson closed the arguments for the defense. He began by saying he welcomed the close of the trial. "In all my experience of 35 years at the bar, I have never seen a prosecution in which counsel did not forget themselves in their zeal for their fellow man's blood. I have examined the witnesses for the State tenderly, and no man can say I have been cruel. Have I taken advantage of my long experience at the bar and my training in argument, to crush a man who is less able to contend with me? If I have, charge it up to the defense. I have tried cases in which technicalities of the law are invoked, but have never done this where the issue of life and death are involved.

These men live unless you kill them, they will have liberty unless you deprive them of it.

The counsel have made much of the fact that the defendants carried concealed weapons. They are not on trial for that offense. And while it is against the law to carry those weapons, he is a foolish man who would undertake such a dangerous mission. I have always doubted the wisdom of the statute against carrying concealed weapons. It gives the outlaw every advantage and places the law abiding man at his mercy.

It has been argued that there is a law on the statute books against seduction. I was in the legislature of 1883 when this question came up. I helped defeat this law which later passed. I did not want it to go out that here in the State of North Carolina, the home of Southern Chivalry, a law was needed to protect our womanhood. I have a son, and if ever he violates the pure, curly headed maid who grew up by his side, then I say let him die. That is the doctrine I preach.

Russell Sherrill, you are dead but you are here on trial.

Annie White is already condemned. Is there anything against the character of this poor girl?

Dead Russell Sherrill said not. He did make the plea of every violator of womanhood, that he was not her only visitor in impurity. He did say he would fix it all right, but he wouldn't marry her. A man who steals a pig will do this, and it is an admission that he stole the pig, and so he admitted his part in Annie White's shame, nor has this been denied.

Was Annie White a girl of bad character? Russell Sherrill says not, for he carried her in his buggy to social gatherings, took her to the house of God, brought her to his home and played with her around game boards. Prof. Clegg visited her, Mrs. Sherrill visited her. No man who knows a woman to be an improper associate for his family is going to allow that person to come to his family. Russell Sherrill knew that he had gained this poor girl's confidence, and he knew that he alone had it.

Did they wish to kill him? No, they did not, had they done so in the cover of darkness as they drove by Sherrill's home as they could have killed him and escaped. Every circumstance shows that they did not. Russell Sherrill was the only man who could save the girl's shame. But when he died, of the pity of it! Annie White died. For her now there is not the glad recognition of her former friends. She cannot associate with her child acquaintances. Outlawed as a moral leper, she is avoided. A seduced woman is the ruin of a household unless the man comes and takes her away. As society is constituted, a man who falls in shame is allowed to live and be forgotten, but the woman is lost. To all men who are inclined to such vice I beg you read Hawthorne's Scarlet Letter and Tolstoi's "Resurrection."

There is no hope in a court for a seduced woman, and Annie White is living in today in a worse condition than Russell Sherrill dead. Dead is a sting that kind Nature at man's fit, Judge Cooke made

wise time give a balm. But all the years of this girl's life she will be scorned as the abandoned woman.

His honor will charge you that seduction is no justification for killing a man. But I have shown that the defendants had no desire to kill Sherrill, and up to the time they reached the Sherrill home there was no conspiracy nor desire for death. When the boys had informed themselves they went to this young man's home and asked him to right a wrong. By the testimony of several witnesses it is shown that he refused. An altercation was precipitated and ended in the young man's death. That he was infuriated is testified to by three witnesses and in the nature of things it is incredible that an unarmed man should advance upon men who had drawn pistols upon him.

In the desire to entrap the witnesses, I have been pained to note the undignified way in which counsel took advantage of poor Thomas White's deafness. I have thought today that this affliction was a blessing to him, when he was exempted from the merciless words of those seeking to deprive him of his liberty and life.

There is one thing that I can't understand, and that is why Dr. Brown, introduced by the State to show the nature of the wounds should not have told which one caused death. I ask his honor to charge you that both wounds could not kill and if there is doubt about it there can be no conviction.

I ask you to remember the evidence and not the eloquent words of Mr. Glenn to follow. He will quote scripture and call often upon the Lord. I hope he won't fall into Hammer's error of bringing old Noah from his grave and make him stand at Sinai. Lawyers should be careful and for that reason I shy at scripture. When I hear men quote scripture to kill their fellow men, for such it is, I think of that part in Richard III, "I will have my sword dipped in blood, and with a bloody sword, tell her that we must do good for evil and thus I clothe my naked villainy with old odds and ends, stolen forth from Holy Writ, and thus I seem a saint when I most play the devil." And with a quotation from the Sermon on the Mount, Mr. Watson closed the most marvelous speech ever made here in defense of a fellow mortal.

Following is Mr. J. C. McNeill's account of Mr. Glenn's speech:

For the last two or three days it has been rumored about here that Mr. Glenn was priming himself for a great speech. When he rose to address the jury there didn't seem to be room for another man in the house.

He opened with a careful reproduction of the scene of the murder, and brought the crowd to its feet. He stood for the sanctity of the law. He said that when he heard United States Senators and ex-judges of the Superior Court resort to such appeals as the defendants' counsel have made he hung his head in shame. For instance, Mr. Watson had said "When men seduce, they forfeit their lives— They failed in their mission and they had to kill him." Judge Montgomery said, "I would have told them to do what they did— How could they keep their hands off of him? Mr. Overman said, "If they honestly believed he seduced her, they had a right to kill him."

"What's the use of law," he exclaimed, "that's the use of court houses, what's the use," turning to a preacher "of thundering from your pulpit. 'Thou shalt not kill?' They have one object in this: to have you take your eyes off the law and the evidence and look only upon the seduction of an innocent woman. If you can do that after having kissed the word of Almighty God, you do it! But add a recommendation to your verdict that you tear down our court houses, burn our churches, demolish our school houses. They have argued a case of seduction."

He presented his side of the question. He pictured Russell Sherrill as a friendly eye saw him, and there was hardly an eye which did not swim in tears. While he was at the very height of his oratory a man in the crowd unfortunately had an epileptic fit and had to be carried out.

A little before this Mr. Klutz interrupted the speaker about living in today in a worse condition than Russell Sherrill dead. Dead is a sting that kind Nature at man's fit, Judge Cooke made

some remark about the interruption and its cause. "Extreme courtesies" began at once, Mr. Klutz protesting that he would not interrupt except when necessary and Mr. Glenn insisting that he do so whenever he felt like it.

"Did that poor fellow have a weapon?" he resumed; and addressing various members of the jury, "you know he didn't! you know he didn't!"

The finest passage in his speech began. "If I had had the foulest murder in my heart that was ever inspired by Satan and his angels, when this good, sweet, woman came out there and invited me in and offered me the hospitality of her home and placed a chair for me to sit in, my purpose would have failed me, and I would have said to my brother, 'come, let's go home and give it up! Tears traced their way down the cheeks of old men. And yet these men are called gentlemen!"

Before going over a second time the scene of the murder, he said to the jury, "If you have the intelligence which I think you have, and the honor in your hearts which you ought to have, and if you have not been put on this jury for some purpose, on their own testimony there is no escape for these men."

He read an opinion by Chief Justice Merrimon, which presented his view, and added, "I reckon Senator Overman will admit that his father-in-law knew the law."

"I care not what your character may have been," he said, shaking his fist vigorously at Chalmers White, who looked him in the eyes without winking, "that day you lost it. They say you are brave, they say you are gentlemen, they say you are kind-hearted, and yet, with that poor widowed mother kneeling before you at the body of her boy not a word did you say, not a thing did you do for her comfort. You fired like brave men, did you? You fled like a gentleman ing cowards!"

Tom White could not hear this. Chal's face ashen. If there is one thing these men appear not to be it is cowards.

"You mustn't call them cowards," said Judge Cooke.

Mr. Klutz was on his feet and said at the same moment, "I object to that. The gentleman knows it is improper and we have no reply to it."

"You may reply right now if you want to," said Mr. Glenn.

"Ah, now," said Mr. Klutz, the blood rushing to his face, "that's a bluff" Your language is unworthy of the next Governor of North Carolina."

He made a fine promise of his policy as Governor. His aim will be that the people may rule in their temples and the law be administered in our courts of justice.

Mr. Glenn spoke for some two and a half hours Thursday—spoke like a torrent. One cannot but wonder how he survives such effort.

Mrs. Archer sat all day Thursday as usual with her face covered until Mr. Glenn got on to the subject of W. W. Miller's withdrawal from the church because it would not turn her out. Anger here seemed to overpower her sense of humiliation, she looked him square in the face with daggers in her glance.

not suffered more than those who fought such desperate legal odds against them. From the first it was seen that the law was entirely in the State's favor, but the great minds of the lawyers saved them. Many men whose sympathies had been against them during the trial shook hands with them in a friendly manner and expressed sorrow for them. The attorneys told them that they should not be forsaken and that means another great trial somewhere in the country next year.

Judge Cooke's remarks to the people gathered about the place have caused such favorable comment that the reporter has thought it proper to incorporate them in this, the last of the great White trial. Immediately after passing sentence he said: "I have given consideration to every fact and circumstance in connection with this case that could be suggested as in favor of the mitigation of the defendants' punishment. I have even considered what appears to be true, that there is a large sentiment in the country that would acquit of legal or moral responsibility, the slayer of the seducer of a woman by one of her kindred. With that sentiment, I do not pretend to share. And while I given to that such weight as bears upon the question of legal aspect, this court feels impelled to say that neither personally nor as an exponent of the law, can it allow that any man has the right to take the law in his own hands even for the cause of seduction, or for any other cause. It will be admitted in North Carolina, that a fair trial can be had in every case, and that men who deserve it, can be punished by the methods of the law. And the law makes provision for securing fair trials by not allowing any one who has formed or expressed an opinion, or is in any way related to either side of the controversy, to be one who take punishments in their own hands, it is generally those who are most interested, who settle the question of guilt and execute their own judgments. And usually their conclusions are reached when by reason of some exciting cause, they are in no judicial frame of mind. This is not the only objection to such a course, for when it is allowed that for any cause as seduction, that men may disregard the mandates of the law, it makes a breach in the wall, and it would be impossible to confine the operation of violence to that one offense. I need only refer to the history of lynching in this country to illustrate this. Before the war, there was no such thing as lynching in North Carolina. In my own recollection, I can recall but one, and that during the Revolutionary war. But in the last twenty years, there have been many. This method of female virtue, and it was sought to justify it upon that ground alone. But it was not long before the logic could not be successfully resisted that if men could be justified in lynching for this cause, they could be excused for like punishment in other inhuman offenses. And so it has come about that within the last five years, a large proportion of the lynchings has been for other causes than assaults upon female virtue. It is a duty at all times that men should restrain their passions. The aggressive force in our civilization is so much more emphatic in its demonstrations (and especially has it been so in our recent history, with respect to the discoveries of science and their practical application which made so largely for our material prosperity) than the restraining force, that we are apt to forget the moral value of the latter. It often times distinctly marks the line between physical and moral courage. Men and individuals are often great because of what they do. They are not so often great, but when the occasion arises, they are greater for what they restrain themselves from doing. It is still sound philosophy that by our restraints and sufferings, we grow strong.

Without assuming that these expressions of mine would give any great value to the changing or creating of public sentiment, I feel it my duty, and desire as far as I can, to contribute this public expression in favor of the sufficiency of the law, to deal with all offenders and offenses, and to enter my protest against the suggestion that men for the cause of seduction or

any other cause, may become the avengers of their own wrongs. It may be that some other judge would have punished the defendants less, but to no one would the performance of this duty have given more regret.

Judge Cooke's remarks were made without notes and this is not to claim absolute accuracy.

There was another case of murder to be tried at this term. Thomas Broadaway was brought into court, being indicted for the killing of Milas Reid in December of 1897. He was represented by Messrs. Overman and Klutz, but was continued by the prosecution and the defense owing to the inadequacy of the time in which to try the case.

The sentence of Thomas Foil, who was yesterday convicted with Ad Pool, of an aggravated assault upon Lawson Josey, was reduced this morning to 3 years. Pool had been sentenced to two years. Judge Cooke said he had thought the disparity in the terms too great and realizing the wrong of increasing the smaller term, he reduced the larger compatible with the lesser. Foil, it seemed had used the knife, while Pool held the old man. Foil is much the smarter of the two.

Some time ago, this reporter visited the cells of the prisoners. Pool would at one time confess his guilt, cry and then laugh. Tom stoutly denied the charge all the while. Once when Pool was praying and talking incoherently, Foil said: "Ad Pool is trying to go crazy, but the damned fool hasn't got sense enough!"

This case has been one of interest to all Rowan people. The lessening of the sentence for Foil is generally received with favorable comment.

A MEMORIAL MEETING.

In Honor of Hon. Kerr Craige. Speeches of Eulogy.

Saturday at noon and the members of the bar made memorial addresses in honor of Hon. Kerr Craige. Hon. John S. Henderson, Messrs. T. C. Linn, L. H. Clement, A. H. Price and Congressman Klutz made beautiful short addresses. Judge Cooke also spoke in praise of him. The following resolutions were adopted:

"Whereas, It hath pleased Almighty God in His wise providence to take out of this world the soul of Kerr Craige, late an attorney of this court; and whereas we wish to place upon the records of this court our appreciation of the life he lived and of his services:

Resolved, That as a mark of respect to the memory of the deceased, the business of the court be now suspended to enable his associates to pay proper tribute to his high character and eminent public service.

Resolved, That as a further mark of respect to his memory, at the conclusion of the addresses by his associates, the court shall adjourn.

Resolved, That the clerk of this court be requested to send a copy of these resolutions to the family of the deceased.

All of which is respectfully submitted.

JNO. S. HENDERSON,
T. C. LINN,
L. H. CLEMENT,
LEE S. OVERMAN,
THEO. F. KLUTZ,
A. H. PRICE,
WALTER MURPHY,
Committee."

out his solicitation, upon the recommendation of Hon. John S. Henderson, Hon. M. W. Ransom and Hon. Zeulon B. Vance, he was appointed by President Cleveland collector of Internal Revenue for the Fifth N. C. District.

This was an exceedingly popular appointment and Mr. Craige administered the office with rare ability and tact. In 1888, upon the recommendation of Hon. John S. Henderson, at that time chairman of the committee on the post-office and the Post Roads in the House of Representatives—53rd Congress—he was appointed by President Cleveland third assistant postmaster general. He discharged the duties of that high office with great skill and ability.

He held at various times the office of alderman of the city of Salisbury, director of the N. C. Railroad company, and trustee of the University. On January 9, 1902, he was elected president of the First National Bank of Salisbury, and held that position at the time of his death, which occurred in a hospital in Washington City, September 2, 1904. In his last hours all his children were with him and one of his sisters.

Mr. Craige was devoted to his profession and attended closely to his professional duties. His many friends everywhere in this State and throughout the union will deeply regret to mourn his loss. He was a man of intense convictions. The beauty of his private character is something sacred and is not to be publicly spoken of. It was felt and revered by all who knew him intimately. May God comfort his dear ones! It will comfort them to think of his deep humility, his beautiful character, his great patience and his most touching affectionateness—as seen in his home life; it was exquisitely beautiful. In the performance of his duties in his several stations in life, he touched nothing which he did not adorn.

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The Japanese Auction.

The Salisbury social correspondent writes thus of the Japanese auction:

The Japanese auction sale and the lawn fete of the Daughters of the Confederacy, conducted by Mrs. Fletcher Franklin Smith and Mrs. Edwin Williamson Overman, for the completion of the bronze memorial to Rowan soldiers, was splendidly patronized and eminently successful. Mr. George Beverly, who is the soul of wit and worldly wisdom, made the auction as unique and fascinating as great real Japanese could have done. He made each art treasure in Japanese goods alone was more profitable. Mr. James McCorkle Davis, as gatekeeper was irresistible to passersby, and he augmented the sum that we realized to exceed even the calculations of the hostess. With the tendency of souls that women possess for Confederacy's cause, and sweet memory's sake, the virtues of the Confederate hero will never be forgotten.

A party composed of Mr. and Mrs. T. E. Johnson, Miss Mat Griffin and Mr. J. E. Hennessee, left Thursday night for a trip of ten days to the World's Fair at St. Louis. Owing to a wreck on the Western, they were forced to go by way of Spartanburg.

Fritz Newland, a brother of the Democratic candidate, was in Salisbury last Wednesday night.