

New Bern Weekly Journal.

No. 55

NEW BERN, CRAVEN COUNTY, N. C., FRIDAY OCTOBER 7, 1910--SECOND SECTION.

33rd. YEAR

SUPERIOR COURT NOW IN SESSION

Convened Yesterday Morning With Judge G. R. Ward of Elizabeth City Presiding.

A one week term of Craven County Superior Court for trial of criminal cases was convened in this city yesterday morning with Judge G. R. Ward of Elizabeth City presiding.

At the opening of the session the following grand jury was drawn: O. H. Perry, foreman; Biles Gaskins, J. L. Hartfield, S. A. Gaskins, J. K. Hartley, S. J. Phillips, A. E. Kirkman, J. P. Holton, E. W. Sarlandt, J. M. Arthur, Geo. R. Fuller, J. H. West, A. E. Smith, J. W. Stewart, J. A. Ormond, Alfred Gaskins, E. L. Hughes.

After the grand jury had been drawn the Judge delivered his charge to them in a very forcible and clear manner.

During the day the following cases were disposed of:

State vs Gray and Meredith a d w Meredith found guilty and fined \$25.

State vs Nathan Tiedale, retelling case not pressed with leave.

State vs Walter Brock, larceny guilty 6 months on county roads.

State vs J. D. Exum, c. c. w, \$10 and the cost of the case.

State vs Geo. McCannett, assault, Judgment suspended.

State vs Anthony Fraser, c. c. w, not guilty.

State vs W. M. Smith, a d w defendant plead guilty, fined \$5 and the cost of the trial.

State vs James Quinley, a d w, guilty, judgment suspended on payment of cost.

State vs George Croom, c. c. w, guilty fined \$10 and cost of the trial.

State vs Oscar Bryan a d w, defendant plead guilty and hired out for 6 months.

State vs Alex. Wetherington wife beating, guilty, 6 months on county roads.

State vs John Scott and Stephen Scott, a d w, guilty judgment suspended on pay of cost.

A Question of Identity. A question in a recent examination on "The Merchant of Venice" was: "Give three reasons why Shylock hated Antonio."

One little girl wrote as one of her reasons: "Shylock hated Antonio because he was a Republican."

The teacher was puzzled. Where could the child have got that idea? Then she remembered that Shylock once said of Antonio, "How like a fawning publican he looks?"—National Monthly.

Choicest Month of the Year.

Saturday was the first day of October but only the fact that we described October instead of September were we reminded of the fact, for the tinge of brown that is overspreading the forests and the gentle scurrying of the leaves to earth bear testimony of the same fact. But it is a beautiful and sweetly melancholy season. In many respects in this section of the country October is the choicest month of the year viewed at least from the standpoint of the weather. That delightful, dreamy period of Indian Summer that casts its spell about you portrayed by Mark Twain as engulfing all nature in its silver haze with Huckleberry Finn "sitting around listening to its stillness."

A Legal Wonder.

There was a prosecuting attorney in Texas whose methods were so dramatic and uniformly successful that he not only became the terror of evil-doers, but an object of admiration, especially among the negroes. Upon retirement from office he was at once much sought after by those charged with crime. The first two cases which he defended resulted in conviction, much to his chagrin. An old negro who had watched his prosecution in admiring wonder and looked on with equal interest when he conducted the defense accused him just after his defeat and said: "Mars Harb, you sho' is a wonder. No matter which side you're on, they go to the pen just the same."—Case and Comment.

Republican Judicial Committee Met Here Yesterday

The Republican Judicial Convention of the 3rd district met in this city yesterday. Every county in the district except one, was represented. The nomination of a judge of superior court and a solicitor was left to the executive committee to name were suggested and nominations will be made later. The new executive committee is as follows: Craven county—C. W. Dickson, Jones—John Taylor, Green—F. W. Fyfe, Pitt—W. J. Manning, Carteret—C. D. Jones.

The newspaper is a gigantic affair in which the whole world seems reflected in the joy and sorrow, the ambition and influence, its success and failure.

UNWRITTEN LAW IS UPHELD

The Girl Was Justified in Taking a Life to Save Honor. Her Good Character.

Pittsburg, Oct. 3.—Katherine Betts, a girl of thirteen years, who slew her god father with an axe and a redhot poker in avenging his theft of her honor, was cleared of criminal charges late today on the ground that the homicide was justifiable. Judge John M. Swearingin, in charging the jurors, after a two days' recital of testimony, upheld the unwritten law. The girl had faced the trial with confidence that her act was warranted and she went home this evening free, but to face motherhood soon.

Pasquale Volpe, an Italian, who had boarded at her home in Wilmerding ever since the girl's infancy, and who acted as her god-father, was the victim. While she was in the cellar getting a sack of potatoes he is alleged to have abused her on August 11th last, following which she struck him unconscious with an axe and ran a redhot poker through his body.

On the stand she related her story. She said: "He had burned my heart and I wanted to burn his."

A number of witnesses testified to girl's good character in the neighborhood, to her studious habits in school and hard work at home helping her mother.

Although the girl had been indicted for first degree murder, the prosecution had not pressed for a continuation entailing so severe a penalty. Attorney Round merely urged that the child be placed in an institution, but the girl's counsel dramatically demanded "liberty or death."

Judge Swearingin's charge was that if Volpe went to the cellar with the express purpose to commit an abuse upon the girl, she had a right to kill him.

You Cause Hard Times

Almost anybody can make a living on the corner of Jerkins Alley and Union Sta. at depot. A splendid living in business. For rent cheap. Apply to, ISAAC H. SMITH.

Board Aldermen Meeting.

The Board of Aldermen met in regular monthly session last night, quorum being present.

A petition from the New Bern Steam Fire Engine Co, asking for another horse in place of the gray horse that was injured was granted.

C. L. Lives for Oil Mills, asked that the N-S Ry Co be allowed to run track on Windly street to the mills, was granted upon certain provisions. The Tolson Lumber Co asked for a rate for an electric motor for its plant, matter referred. Coal bids were opened and the contract given to the Pocohontas Coal Co at \$1.10 at mine.

Bids for the \$50,000 bonds for street improvements were opened, and after being read the board went into executive session for nearly an hour. On return to open session motion was offered that the bond bids be left to the financial committee, to report this afternoon. This delay was done to look up standing of some of the bidders.

The resignation of alderman E. H. Williams was presented and accepted. F. W. Shriener placed Jas. H. Smith in nomination to succeed Williams as alderman. On motion Smith was elected from 4th ward.

A petition from L. G. Daniels to sell the city certain property on So Ft St for city hall site, received and referred.

Finance Com accepted tax collector's report and gave more time to collect from delinquents. Tax list for 1910 shows an increase of \$400,000, this being turned over to the collectors. The reports from various committees were of minor importance.

Rheumatism Relieved in Six Hours

Dr. Datcher's relief for Rheumatism usually relieves severest cases in a few hours. Its action upon the system is remarkable and effective. It removes at once the cause and the disease quickly disappears. First dose greatly benefits. 7c and \$1.00. Sold by Bradham Drug Co.

John Brown Attempts Suicide

John E. Brown, of Goldsboro, and who has for some time been employed in the mechanical department of the News attempted to commit suicide in this city last night, by drinking a bottle and a half of kerosene. He was found on the street in an unconscious condition and after heroic efforts by physicians his life was saved. Brown would give no cause for his action.—Washington News.

A Prominent New Bern Banker Says

I am now using Savodine and am well pleased with it. I have never tried anything else so well for nasal catarrh. It is cooling and soothing to the six passages and makes breathing easy. I generally use it before retiring.

T. A. GREEN, Vice-Pres. New Bern Banking & Trust Company, New Bern, N. C.

SLEEP IN \$100,000 BEDROOM

Will Have Episcopal Bishops and Noted Laymen as His Guest in Cincinnati.

Cincinnati, Oct. 4.—J. Pierpont Morgan coming to Cincinnati will have by far the most valuable bedroom in the Queen City. He will sleep in the special guest chamber at Dalvay, the home which the late Alexander McDonald built at a cost of \$1,000,000 and which has been thrown open to the greatest of American financiers by his adopted daughters, the Misses Stallo. These young women recently sailed for Europe to be gone for a year or two, and before they went away they made all arrangements for his reception and entertainment.

The bedroom in which Mr. Morgan will sleep cost Mr. McDonald more than \$100,000. It is as large as the ordinary flat and has genuine Louis XVI, furniture throughout. It is hung with rose pink damask tapestry and is decorated, among other costly things, with three gold cabinets, each filled with antique jewelry and rare bric-a-brac. Mr. Morgan's special servants, who are in Cincinnati to prepare for his coming, say the house will be suited to every convenience he could wish.

Mr. Morgan will remain in Cincinnati for three weeks, attending the sessions of the Episcopal Convention. He has detailed six chauffeurs to come and be ready with their cars, has sent about two dozen servants under the guidance of John Frazier, head waiter at Sherry's restaurant in New York City, and Miss Kate Claxton, the housekeeper for the same place. Louis Sherry will come to Cincinnati and will have charge of the dinner to be given at "Dalvay" for the bishops of the church by Mr. Morgan. He will bring with him a complete corps of servants to take charge of the kitchen at "Dalvay."

Mr. Morgan will be accompanied by his special guests, Bishop Greer of New York City; Bishop Lawrence of Massachusetts; Bishop Doane of Albany, N. Y., and a half dozen prominent Episcopal clergymen and laymen from other parts of the country.

He will sit in the House of Deputies and will represent St. George's Church of New York City, the largest Episcopal church in this country. It has five thousand members. He is allied with the Low Church members of his denomination and has attended the last eight triennial conventions of the church body.

Savodine Has Great Merit.

The Savodine Co., New Bern, N. C. Gentlemen:—

I wish to add a word of commendation for your Savodine. Having used it in my family for Croup, Colds in the head, throat and lungs, Neuralgia, Piles, Cuts, Sores, Boils and eczema, I unhesitatingly pronounce it one of the best remedies ever used by me, and would recommend it to any one as a valuable family remedy in such cases. I find that a small quantity placed in the nose upon retiring affords a restful night, and by an occasional application that way I have been practically cured of insomnia.

Your Savodine has great merit.

Very truly yours, W. G. BOYD, Secretary New Bern Chamber of Commerce.

Children at the W. C. T. U. Convention

The children gave a most interesting and pleasing entertainment Tuesday evening in Centenary church.

There was a large audience present and all expressed themselves as having enjoyed the exercises. The children did exceedingly well and the entertainment was a credit to those in charge of it.

About forty or fifty all bearing U. S. flags marched in from the Sunday school room, filled the chancel and sang "Ho for Carolina."

The recitations were all good and each child acquitted himself well.

The songs were bright and pretty and much enjoyed.

Miss Phelps in a few words addressed the children who are to be the men and women of the future and gave them some good advice, in well chosen words.

Rev. A. D. Wilcox of Raleigh was present and pronounced the benediction. Yesterday afternoon a most delightful fall down Nouse rive was given the visitors, on the "Spartan" and the "Craven" which was very much enjoyed by them.

Killed at Navy Yard.

Washington, Oct. 5.—The explosion of a cartridge primer at the navy yard at this afternoon killed two machinists and injured one other. Two other men who were handling the primer at the time escaped unhurt.

Following the loud report of the heavy explosion the fire brigade of the yard, machinists from the various shops in the yard and sailors from the ships at the navy wharves responded. The fire which followed the explosion was quickly extinguished.

Encouraging Reports of Mr. Watson

The reports from Baltimore as to Mr. W. M. Watson's condition say that he is gaining in strength. His many friends will be glad to learn of the continued improvement of Mr. Watson.

PROCEEDINGS IN SUPERIOR COURT

Large Number of Cases Disposed of Yesterday.

Yesterday was indeed a busy day in Superior Court all during the day both the counsel and the jury were taxed to their utmost in disposing of the cases that were brought before them and when the session closed for the day the docket was cleared of a large number of the cases.

The capital cases have not yet been reached but they will doubtless begin today. These will doubtless consume the remainder of the session many of the cases yesterday were of particular interest to the public and all during the day the court room was crowded to its utmost capacity, but despite this fact there was scarcely a murmur to be heard only when some ludicrous bit of evidence was brought forth by the attorneys.

Judge Ward is being highly complimented upon the efficient manner in which he is disposing of the cases of the docket.

The following cases were disposed of yesterday:

State vs Leonard Miller, charged with assault with deadly weapon, defendant pleads guilty, judgment suspended upon payment of the cost.

State vs David Bryan, charged with carrying concealed weapon, not guilty.

State vs Joe Johnson, charged with gambling, guilty; sentenced to six months on county roads.

State vs Joe Credle, charged with assault with deadly weapon on police officer Parker; judgment of the court was that the defendant be sentenced to the county roads for a period of fifteen months.

State vs Rosalia Harris, charged with assault with deadly weapon; not guilty.

State vs Bob Jones, charged with larceny; not guilty.

State vs Ferney Branch, retelling guilty, 5 months on the county roads.

State vs Norris Beeton, larceny not guilty.

State vs Columbus Barnum, retelling, guilty 5 months on the county road.

State vs Jasper Cannon, larceny, defendant plead guilty, 4 months on county road.

State vs Gus Rountree, gambling guilty, 15 months on the county road.

State vs Paul Henderson and Paul Gorham, larceny, guilty, 4 months on county roads.

State vs Wm Brown, larceny, defendant plead guilty, 8 months on the county roads.

Late in the afternoon the grand jury brought in a true bill against Ruffin Midgette, charging him with manslaughter and this case will be called today.

New Way Treating White Drunkards

Raleigh, Oct. 5.—Dr. J. J. McKenna has done a unique thing in establishing at Raleigh a place for the treatment of white indigent inebriates, who are officially sent to it from any municipality in North Carolina by the committing official, in lieu of a sentence to the road or other form of punishment. Yesterday the first person of this class arrived being four in number and being given the treatment as the alternative of a sentence of sixty days on the public roads. They were thus sentenced to take the treatment, or rather given this privilege by police Justice Alexander Stronach of Raleigh.

Nine Spoons in Her Stomach

Concord, N. H. Oct. 4.—Nine spoons in a human stomach have been disclosed by an autopsy performed on Miss Catherine Mohr of Manchester, an inmate of the State Insane Hospital here.

A few days ago one of the attendants saw the woman swallow a teaspoon. Medical assistance was summoned, but the patient died within a short time. An autopsy yesterday revealed nine spoons, all but one of them bearing the asylum mark.

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BUSY DAY IN SUPERIOR COURT

Several Important Cases Disposed of During The Day.

The second days session of Craven County Superior Court which is now in session in this city was taken up with the disposal of several cases that attracted much attention and all during the day the court room was crowded. Each of the juries had their patience taxed to the utmost by the testimony and considerable time was required in hearing each of the cases.

The following cases were disposed of during the day:

In the case of the State vs C. T. Willis charged with trespass, the defendant waived trial and plead guilty, judgment was suspended upon the payment of the cost of the case.

James Dixon, Joe Cooper, Munroe Dolphus and Gus Rountree were all found guilty of gambling but no sentence has yet been passed on them.

Dixon, Cooper and Dolphus were also found guilty of highway robbery but no sentence has been passed in this case.

One or two other minor cases were also disposed of during the day by the defendant submitting and paying the cost of the case.

Crimson Clover, Seed Rye, Hyde county rust proof oats, Hay, Grain and Feed at Chas. B. Hill's, New Bern, N. C.

Beaufort Notes.

October 4.—The graded schools here closed down today for an indefinite period, owing to the prevalence of diphtheria.

Saturday's primaries created great excitement throughout Carteret county. What is known as the Abernethy ticket being overwhelmed by the Chadwick crowd. In the convention here today resolutions were passed denouncing Abernethy. Democratic politics are at fever heat locally.

W. S. Chadwick, Chairman of the Democratic Executive Committee had a long letter in the Enterprise last week strongly denouncing C. L. Abernethy's political conduct.

BANISH CATARRH

Breathe Hyomei for Two Minutes, and Stuffed-Up Head Will Vanish.

If you want to get relief from catarrh, cold in the head or from an irritating cough in the shortest time, breathe the HYOMEI (pronounce it High-oh-me).

It will clean out your head in two minutes and allow you to breathe freely, awake or asleep.

HYOMEI will cure a cold in one day, it will relieve you of disgusting sniffles, hawking, spitting and offensive breath in a week.

HYOMEI is made chiefly from eucalyptus soothing, healing, germ-killing antiseptic, that comes from the eucalyptus forests of inland Australia, where catarrh, asthma and consumption were never known to exist.

HYOMEI is pleasant and easy to breathe. Just pour a few drops into the hard rubber pocket inhaler, breathe it, and cure is almost certain.

A complete HYOMEI outfit, including inhaler and one bottle of HYOMEI costs only \$1.00 at drug stores everywhere and at Bradham Drug Co. If you already own an inhaler, remember that you can get an extra bottle of HYOMEI for only 50 cents. For free trial sample write Booth's Hyomei Co., Buffalo, N. Y.

Republican Senatorial Convention Nominations

The Republican Senatorial Convention of 8th district, composing counties of Carteret, Craven, Greene, Jones, Lenoir and Onslow was held here Thursday.

Every county in the District was represented. George Green was elected Chairman of the convention and Chas. B. Hill was elected Secretary.

Nominations bring in order Nathaniel H. Russell of Carteret, T. B. Brown, of Lenoir, W. J. Jordan of Greene, Craven, Chas. B. Hill; Greene, W. J. Jordan; Jones, C. H. Mattocks; Lenoir, B. D. Dunn; Onslow? A. Z. Jarman.

There will be an active campaign made by Russell and Brown to roll up a large republican vote at the November election.

There being no further business the convention adjourned.

Geo. Green, C. B. Hill, Chairman, Secretary

RUFFIN MIDGETTE FOUND GUILTY

Of Murder In The Second Degree. Large Crowd Attends Trial.

As is always the case whenever there is a trial of unusual interest to be held the court room at the court house was packed to its utmost capacity yesterday morning when the trial of Ruffin Midgette, alias Bryan, who was charged with the murder of Clayborn Kennedy at his home No. 21 Cypress street on Sunday morning September 11th.

At 9:30 o'clock the day's session convened and the prisoner who was looking rather emaciated after his long confinement in the county jail, was brought in. The court was called to order and the work of selecting the jury was begun. But little time was taken up with this and at 10:30 the attorneys were ready to go ahead with their case. The defendant was represented by Messrs. Matt Allen and J. Leon Williams while Solicitor Abernethy was assisted by Mr. D. F. Henderson.

It was foreseen that there would doubtless be many sensational revelations made by some of the witnesses in giving their testimony and all through the trial, although the large auditorium was crowded to its capacity a murmur was scarcely heard. It was also seen that the lawyers on both sides intended to put up a hard fight to prove their cases.

Policemen F. P. Rowe was called to the stand and told of going to Kennedy's home early Sunday morning in company with officer Bryan and finding Kennedy's body lying on the floor with blood oozing from his right ear. He asked Kennedy's wife who killed her husband and she told him that she did not know, that she was not at home when the murder was committed. Later she said that Ruffin Midgette was the man who had dealt the fatal blow. He then took her and Mary Gardner into custody and carried them to the city hall where the coroners inquest was held Sunday morning.

Each member of the coroner's jury was then called to the stand and testified that Mary Gardner had sworn that Ruffin Midgette, herself, Henry Kerman and Clayborn Kennedy were in the room playing cards. That Kennedy and Midgette became engaged in an altercation, and that after Kennedy had attempted to strike Midgette with hatchet he (Midgette) grabbed up a shotgun which was standing in one corner of the room and struck him over the head three times. She also testified that Kennedy and Midgette had some trouble previous to this.

Mrs. J. H. Stanley, who lives near the scene of the murder, told of seeing some run out of the house in which Kennedy lived, and when in front of her residence say that he would kill the negro. Later she saw the man return and dodge behind the house. Heard no other commotion until it was discovered that Kennedy had been killed.

Ruffin Midgette was then placed on the stand. He said that he had gone to Kennedy's home about 11 o'clock and that they had all become engaged in playing a game of cards. There was a bottle of whiskey in the crowd and all of them drank freely except Kennedy's wife. He (Midgette) offered her a drink and Kennedy objected. He then asked him if he was not willing for his wife to drink anything that he would.

Kennedy did not like this and picked up a hatchet and attempted to strike him. At the time this occurred they were both sitting on the side of the bed, and Kennedy had him by the throat. While this was going on one struck Kennedy on the head. Did not know who it was that delivered the blow as Kennedy's coat was covering his head and he was not able to see what was going on in the room. He felt the body give way and after throwing it aside went on home. Next morning he heard that he was wanted by the police and came to the city hall and gave himself up. Stated that he had some difficulty with Kennedy in regards to his wife at a previous date.

Other witnesses were put on the stand by both the prosecution and the defense but their testimony was practically the same as the others and only in one or two cases did it not conform with the other.

At 12 o'clock all of the evidence had been taken and the counsel began their argument. The prosecution first showed where the weak points in the defendant's testimony could be found and that it looked as if the case had been thoroughly discussed among themselves before the trial. He then brought in with much pathos the story of a wayward wife, a desperate ruffian, a woman's virtue day and night, the man's peevish husband who finally discovered the fact that in his supposed friend he was finding a viper in human form. He portrayed the remoteness of the husband with vivid words pictures and how that finally the wife in sleep's clothing had turned and slain the husband.

The defense then began to speak in a low voice in order to make further known to the jury the details of the case.

At 4:30 the Judge completed his charge and the jury filed into the ante room to decide on the case. After deliberating on the case for about an hour the jury returned to the court room and after the prisoner had been ordered to stand up the clerk requested them to give their verdict. During these short preliminaries the prisoner's eyes closely scanned every face in the jury but not a hint of his fate could be obtained. When the foreman of the jury informed the Judge that they had found the prisoner guilty of murder in the second degree he favored slightly but otherwise did not exhibit any signs of emotion.

Sentences will be passed on him today. After the case against Ruffin Midgette had been disposed of the case of the State vs Charley Paul and Henry Artis, two young white men who are charged with sending in false fire alarms a few days ago was called. The details of this affair are doubtless well known to our readers as a full account of it was published in the Journal immediately after they had been given a hearing in the police court, but judging from the evidence of several witnesses it is almost certain that they are the guilty parties, but owing to the fact that the defendant is unable to give evidence in any way it is not known as to how they may escape from the grasp of the law without the least hope of punishment. Judge Ward announced that the case against Midgette was closed.

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