

## Another Sensation In Superior Court of Craven County

Judge Frank Carter Calls Upon Solicitor Charles L. Abernethy to Give Him A Written Explanation As to Why the Case Against James H. Baughman of Washington, N. C., Charged With Murder, Has Been Continued for Several Terms—Must Have An Explanation This Morning.

Beginning with the filing of two prominent men by Judge Frank Carter on Monday morning because they were late in arriving for jury duty, followed by the filing of Solicitor Charles L. Abernethy for contempt of court, came another sensation yesterday afternoon, when during the course of the case in which Jesse Creel, white, is being tried on a charge of murdering Gannon Fulford, Judge Carter called a halt in the proceedings and read a statement which he had prepared and which calls upon Solicitor Abernethy to make a number of explanations when court convenes this morning.

**The Cause.**  
The disagreement between Judge Carter and Solicitor Abernethy arose over the case of State vs. James Baughman, a young white man of Washington, N. C., who is charged with murder, having, so it is alleged, caused the death of James Ringold near this city a few months ago by recklessly driving his automobile. This case has been continued for the past two courts and the solicitor desired to have it continued again and had arranged with counsel for the defense to have this done. Judge Carter was not consulted in the matter of a continuance and now he desires to know why.

**Wants Statement.**  
In the statement read out in court yesterday afternoon Judge Carter calls upon Solicitor Abernethy to prepare in writing and submit to him at the opening of the court this morning, the full facts as to why this case has been continued and to explain in full his action in attempting to continue the case at the present term without consulting him. The statement in full which was read by Judge Carter is as follows:

**The Request.**  
Statement of the Judge presiding which he directs to be entered on the minutes of the Court:  
"The session of the Court on Monday morning of the present week had an abrupt and premature ending leaving pending the Judge's request to the Clerk to be furnished with a full history of the James H. Baughman murder case, as the same appears upon the minutes of the Court and the Judges promise to the Solicitor that he would be fully heard upon his conduct of said case as soon as the Clerk had complied with the request aforesaid. The Clerk has duly submitted to the Judge all the docket and minute entries and all the original papers in said case and the Clerk and his deputy apparently in the best of faith and candor have answered all interrogatories tending to explain and confirm the entries and records aforesaid.

"Being now in possession of the record data called for on Monday and a sufficient time having elapsed to relieve the tension and embarrassment unfortunately attending the Judge's original inquiry, the Court is now prepared to hear the Solicitor's statement and hereby appoints tomorrow, (Thursday) upon the opening of Court at 9:30 o'clock a. m. for that purpose.

"The Court respectfully directs the attention of the Solicitor to certain aspects of said case as to which the Court desires to hear from the Solicitor particularly.

"The Court fully understands the reasons for the continuance of said case at the September 1914 term and recognizes the same as valid and sufficient.

"The Court desires to be informed as to whether the continuance of said case at the October 1914 term was upon application of the State or of the defendant or by consent and the ground for such continuance, however, it was secured.

"The Court further desires to be informed as to the precise details of the treaty between the Solicitor and Counsel for defendant leading up to the agreement made out of Court that said case should be continued for the third time at the present term of court and as to all the reasons moving the Solicitor to enter into such an engagement without consultation with the presiding Judge who, to the knowledge of the Solicitor, was present in New Bern on official

duty for a whole week before such continuance could be lawfully entered.

"The Court respectfully calls the attention of the Solicitor to the fact that so far as the record discloses the defendant, although indicted in September, 1914, for a murder alleged to have been committed in the preceding July, has never been required to plead to the bill and that the Clerk and his deputy state, in response to the Judge's inquiries that the defendant has never in fact been arraigned. The practice of an early arraignment designed to require the defendant to make prompt disclosure of any technical objections to the bill is so firmly established that the Court feels constrained respectfully to request the Solicitor to explain the exceptional treatment of this case.

"The Court respectfully requests the Solicitor to specify in detail what efforts he has made to bring the case to trial, and if any such efforts have been made what obstacles have been interposed to defeat such efforts and by whom. The Court particularly desires the response to this inquiry in both its aspects to be full and complete.

"The Court respectfully requests the Solicitor to put his statement in writing, with a view of its incorporation to the minutes; the Court upon its own part engaging that its ruling upon the matter under consideration, together with the reasons for such ruling, shall be reduced to writing and made a part of the minutes of the Court's proceedings."

(Signed) FRANK CARTER, Judge Presiding.  
Solicitor Abernethy gave out no statement last night as to what answer he intends to make but it is supposed that he will do as requested by Judge Carter and will have his statement of the case in readiness at the opening of Court this morning.

## Col. Plummer



Col. E. H. Plummer, who was appointed as provost marshal at Vera Cruz during the trouble that this country had with Mexico a few months ago, is one of the greatest military experts in the country and is held in high esteem by the administration officials.

### MUCH ACTIVITY

**Ship Building Goes Rapidly On Its Way**

New York, Feb. 10.—Ship building in the United States is showing greater activity than for many years, shipping men here declared today. Every firm on the Atlantic seaboard has more orders than it can fill. Activity nearly as great is said to prevail on the Pacific coast.

Among new vessels recently contracted for is one of 15,000 tons registered for the Luckenbach Steamship Company, to be named the Edgar F. Luckenbach. A cargo carrier for the Munson line also is under construction. No fewer than ten other vessels, all cargo carriers, are being constructed and inquiries, it is said, have been received from firms which are considering construction of at least ten vessels.

Every vessel now on the ways, it is said, will be placed under American registry.

Fair and warmer with moderate northeast winds is the weather forecast for New Bern and vicinity today.

## Gov. Ammons



Governor Elias M. Ammons became so badly mixed up in the strike situation out in his state that he was threatened with impeachment. The Governor seemed to be unable to handle the situation and his interference made matters worse than they would have otherwise been.

## ONLY ONE QUART AFTER JUNE 30TH

Alabama's Supply of Booze to Be Cut Down to Quart Limit

Montgomery, Ala., Feb. 9.—No transportation company after June 30 can deliver more than one quart of liquor a month to any one person in Alabama. The Denson anti-shiping bill today automatically became law, it having remained on Governor Henderson's desk for seven days after passage in the Legislature. Governor Henderson sent in a veto of the anti-shiping bill, which prohibits carrying of liquor advertisements in newspapers of the State. This bill has been passed in the Legislature and will be made a special order at the session Wednesday. The Legislature so far has passed a State-wide prohibition law over the governor's veto, the governor has signed a prohibition enforcement bill, an anti-shiping bill has been automatically passed and an anti-advertising bill has been vetoed. This constitutes the total of the prohibition legislation.

## AN OPEN FIRE CAUSED DEATH

Former New Bern Lady Meets With A Horrible Fate

A telegram received in New Bern yesterday afternoon told of the horrible death on the previous day at Lynnhaven Station in Princess Anne county, Va., of Mrs. P. P. Tolbert, a former citizen of this city.

The message stated that on last Monday afternoon Mrs. Tolbert who was formerly Miss Magdeline Kinsey, was standing in front of an open fire and that in some way her clothing became ignited. The frightened woman made desperate efforts to extinguish the flames but was powerless to do so before she was severely burned.

It was hoped that her injuries would not prove fatal and everything possible was done for the sufferer but this proved of no avail and she died yesterday afternoon.

Mrs. Tolbert, who was only twenty-three years of age, has for the past three years been living at the home of her aunt, Mrs. J. B. French at Bellairs and she and her husband only recently moved to Virginia.

The body will be brought to New Bern tomorrow morning and will be interred, it is supposed, in the family burial ground at Bellairs.

Geneva, via Paris, Feb. 10.—The Russians are marching into Hungary by the valleys of the Theiss and Ung rivers, according to advices here. Taking the offensive at Korosmazo, they are said to have inflicted severe losses on the Austrians and advanced five miles in the direction of Borkut in the Lyutya valley. They also progressed southward as far as Turja Remute and Peresony on the railroad from Turja to Ungvar, capturing two batteries embedded in the mud in the Polonja mountains.

## MARINES SCHOOL FORGING AHEAD

Educational Institution In That Place Making Rapid Strides

Marines, Feb. 9.—The sad news of the death of R. Henderson, of New Bern, N. C., was quite a shock to his many friends. On Feb. 2, 1915, the interment was made at Henderson's cemetery, near Duck Creek, N. C.

Our school is making rapid progress under the able management of Mr. James Taylor, of The Landing, and Miss Kathaleen Venters, of Gum Branch.

Miss Mamie Simpson, was a pleasant caller at Mrs. W. A. Miller's Friday afternoon.

Mr. Raymond Henderson of New Bern, was in our midst Wednesday. While here he and Miss Dora Matshall a very pleasant call.

Mr. W. H. Williams has purchased a home at Cedar Point and is residing in our town.

Miss Emmie Dexter spent Wednesday at Gillette, N. C., with friends.

Miss Catherine Venters and Mr. Kay Marine were the guests at L. F. Simpson last Sunday.

The Farmers Union met her Saturday and reported grand success in their work.

Messrs. A. G. Sewell and Burt Ellis, of Verona, were the guests of G. M. Simpson last Sunday.

Mr. R. C. Morton, of Herbert, N. C., was in our town last Monday on business.

Mr. and Mrs. J. F. Dixon and Mr. and Mrs. J. S. Humphrey, of Verona, spent several days here last week visiting relatives.

Mr. Filmore Gillette, of Hubert, was the guest of Robert Marshall Saturday night and Sunday.

### JASPER NEWS.

School at That Place Making Progress.

Jasper, Feb. 9.—The progress being made by the students of the Jasper school is very gratifying to both the patrons and teachers of the school.

The policy of publishing in the local papers a list monthly of those who succeeded in keeping their average high enough to enable them to get on the honor roll, has caused almost every pupil to work with renewed interest consequently greater results are being obtained from the children.

The following is a list of those who succeeded in getting on the honor roll for the month of January: Glenn Humphrey, Bessie Humphrey, Roy Hughes, Carrie Hardison, Donald DeWit Whitley, Clyde Daughtery, Viola Wetherington, Lee Parker Hardison, Martha Whitley, Albert Turner and Street Wetherington.

## MAN ARRESTED; A WOMAN WEEPS

Here's A Human Interest Story From Winston-Salem

Winston-Salem, Feb. 10.—Once again the strong hand of the law has been laid upon the shoulder of a man charged with violating it; and Charlie Kyle, charged with fornication and with seduction under promise of marriage, is behind the bars awaiting trial while a disillusioned, broken hearted girl nurses an aching heart and does a penance of tears.

**The Arrest.**  
Yesterday the officers received a letter from a father who lives at Laurel Springs stating that his daughter was living here with a man whom he thought she had married but whom he found had never married her. The letter further stated that the man had a wife and three children living near Wilkesboro. A picture of the missing daughter was inclosed in the letter. The man's name was given as Charles Kyle of near Wilkesboro.

Upon receipt of the letter and photograph, Sergeant Coffey began making inquiries and located Kyle in the cigarette factory. Taking officer T. A. Early with him, he went to the cigarette factory, where he arrested Kyle about 2 o'clock. About 2:30 o'clock they found the young woman, Miss Etta Smith, in the Shamrock Mills and took her in charge.

When the girl was told what had happened she was overcome. But she still thought that Kyle was true to her and she stated that he had promised her time and again to marry her. But when she was told that he had a wife and three children living near Wilkesboro, it is said that the poor girl almost collapsed, so great was her grief and despair.

**A Tragic Story.**  
The sobbing girl stated that she met Kyle at the Wilkesboro Fair last fall, and that she saw him several times

after that. Then he came here and went to work in the mills and wrote to her to come here and they would marry. She came, but he did not marry her.

She stated that he took her to a boarding house where they stayed for a while, after which they moved into a house in Salem, where they have been living ever since. She said that Kyle repeatedly promised to marry her, always saying that he was going to "get fixed up and marry her." But he did not do it.

The poor girl had come here and that was the result. But she protested that she never knew he had a wife and children, and it took the letter which the officers had received from her father to convince her. It is stated that she was completely overcome when she learned the truth,—that she had been deceived all along and that her case was hopeless. She wants to return home.

## RAINY WEATHER AT MILL CREEK

Jup. Pluv. Turns Loose His Wrath On That Section

Mill Creek, Feb. 9.—We are having some very fine weather—hope it will continue so.

Quite a large congregation attended Sabbath school here Sunday.

We are sorry to hear of so many people being ill. We hope they will all be better soon.

Mrs. Jennie Merrill, wife of Elder C. L. Merrill, is very ill.

Mr. Sid. Soshire has met with an accident aboard Mr. B. A. Oglesby's gas boat.

Mr. W. E. Currier and James Small were at Morehead City Friday night.

Mr. Cartwright is in our town. We are very glad to have him here. He is a sailor and was shipwrecked near here.

Miss Georgia Allina Currier is spending a few days with her grandmother and grandfather Rev. and Mrs. C. L. Merrill.

Mr. and Mrs. Will. Bryant Davis have moved to our town. We are glad to have them.

We are going to give a pie party St. Valentine night and also a valentine party and the people both old and young are all cordially invited.

Mr. and Mrs. Joseph Smith, former residents of Morehead City, have moved in our vicinity. Welcome to our town.

Ed. C. Smith has built a dwelling in our neighborhood and we are expecting him to move in soon.

Our neighborhood is building up very fast and we have lots of lady friends but there is not many gentleman friends; we are wishing to have a few.

Mr. Joe Smith was at Newport last Saturday and purchased him a fine mule.

Mr. Will Currier was at Newport Saturday on business.

Mrs. Will Small has gone to Beaufort to work in the knitting mill.

Mr. Roy and Carlton Taylor of Harlowe past through here en route to Crab Point where they spent Saturday, and Sunday with their friends.

Mr. Will Davis and Lonnie Jones visited the Merrill home Sunday afternoon.

Mrs. C. E. Tidleburg is very ill; hope for his speedy recovery.

Mrs. Bowden has returned to Morehead City after spending a few days with his daughter Mrs. Joseph Merrill.

"Hello, Boys!" There is lots of young ladies way down here looking for future husbands. Why don't you come on. "Oh Fudge!", you don't say, but that is alright. Some of them are fine looking, believe "muh!"

Oh, I forgot! Valentine's day will soon be here. You all must send valentines for some fun.

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### WHITE MAN LYNCHED

Taken from Jail By An Angry Mob

Mayfield, Ky., Feb. 10.—Thomas Tinker, a white man under arrest on the charge of shooting and killing Constable Richard Tart, was taken from the county jail here last night and lynched by a band of fifty or more men who rode here from Meigs, where the constable was killed.

Arriving in town, the band went directly to jail and demanded that Tinker be given up. Jailor Douplin saw the futility of resistance, it is said, and the men took Tinker from his cell, hanged him to a tree, and then riddled his body with bullets.

The shooting of Constable Tart occurred Monday, when he attempted to arrest Tinker on a charge of housebreaking.

Miss Florabel Day left yesterday morning for Vandemere to attend the funeral of her cousin Miss Callie Potter.

Mrs. P. W. Hughes left yesterday morning for Raleigh to spend a few days visiting friends and relatives.

## Slayer of Gannon Fulford on Trial

J. W. THOMPSON GIVEN A CHANCE TO LIVE STRAIGHT

Judge Carter Lenient With Young Man Who Shot Scarlet Woman

### HE WAS INDISCREET

In A Moment of Madness Caused By Drink He Fired the Shot

The attorneys for J. W. Thompson, white, who shot and seriously injured Clara Kimbrell in a house of ill fame at Pembroke several months ago, yesterday in Craven Superior Court entered a plea of guilty to an assault with a deadly weapon and asked for mercy. In a few remarks made just previous to the passing of sentence, Judge Frank Carter stated that in his opinion some young men about the age of Thompson, at times were irresponsible for their acts, and in many instances a man's life is ruined by even a short sentence to the chain gang. He related an instance of where a man now of influence and standing had committed a crime similar to the offense of Thompson's, but punishment was administered to him other than a road sentence, which instead of branding him as a hardened criminal for life, was the turning point in his career.

**Proper Punishment.**  
"I have never seen a person with a more open countenance than this young man has, and I believe that if he is given the proper punishment for his crime it will be the turning point of his life and he will make a desirable citizen. If he is sent to prison he will always be cowed and would not be able to look his fellow man straight in the face."

**The Sentence.**  
The sentence passed on the defendant was that he pay the cost in the case, the hospital, and doctor's bill for the woman whom he assaulted, and reimburse his sister all that she had spent on him since he has been in this trouble, and in addition to this he is to appear at the February, 1916, term of Craven Superior Court and show that he has abstained from the use of whiskey, and show that he is engaged in some honest line of business. He was required to give a two hundred dollar bond for his appearance at Superior Court once a year for at least three years and as much longer as may be deemed necessary by the Court.

It will be remembered that before the attending physician had allowed the victim of the tragedy to sit up long enough to be dressed, her husband succeeded in persuading one of the nurses to dress her, and carried her to the street in his arms, where she was placed in a transfer, and since that time the woman has not been heard of by the local authorities except it was reported that she was placed on a north bound Norfolk Southern passenger train that night about midnight at a station between here and Chocowinity.

**ELIZABETH CITY NEWS.**  
**Tax Collector Busy Collecting Taxes.**  
Elizabeth City, N. C., Feb. 10.—W. E. Dunstan, who has been manager, secretary and treasurer of the Crystal Ice and Coal Company for the past twenty years has severed his connection with that company and has opened an office in the Hinton building.

Joe Elliot has recovered from injuries received ten weeks ago by falling off the roof of the Elizabeth City hospital, so that he is able to be out on the streets.

Caleb Raper, an aged citizen of the Newbegin Creek section of this county, entered the Elizabeth City hospital yesterday afternoon to receive treatment.

Miss Stella Johnson will give a "valentine party" Monday night at her home in Cypress street. An entertaining program has been prepared for this occasion.

The city tax collector is now busy pushing the collecting of the city taxes which are long past due.

Mrs. Beatie Stewart has gone to New Orleans, to visit her brother, Edward Wood. She will attend the Mardi Gras in that city.

State Senator W. L. Cohoon, after having spent two days here attending to professional business, left last night for Raleigh, to be in attendance upon the sessions of the State Senate.

T. D. Warren left yesterday for a business visit to Jacksonville, N. C.

Jesse Creel Yesterday Afternoon Brought Into Court and the Trial Begun. Several Witnesses On the Stand. The State Rests and the Defense Put On A Number of Character Witnesses. The Case Will Probably Go to the Jury This Afternoon—Only Second Degree Verdict Asked for.

The most important case on the docket for the present term of Craven Superior Court is that of the State vs. Jesse Creel, in which the defendant is charged with having foully slain Gannon Fulford on Christmas eve, last.

This case was taken up yesterday immediately after the afternoon session was convened and the court room was packed to its utmost capacity with interested spectators who were intent on hearing every bit of the evidence.

Creel, who appears little the worse for the time he has spent in jail, stated that he had no funds to employ counsel to defend him and Judge Carter appointed attorney D. E. Henderson to represent the defendant. Some little time was taken up in the selection of a jury, but after this had been completed the taking of testimony began.

**The First Witness.**  
Dr. Walter Watson, the county coroner, was the first witness placed on the stand. Dr. Watson told of being notified of the crime and of going to the scene to make an investigation. He stated that he found Fulford lying on the ground on Spring street near the corner of New South Front street and that at that time life was extinct. The witness then gave a description of the wound after which he was allowed to leave the stand.

**Heard Conversation.**  
Mrs. Mollie Meekins, who lived adjacent to the home of the defendant, was the next occupant of the witness chair. Mrs. Meekins told the Court that on the night of the murder she had been down in the business section of the city doing some shopping, and upon her return saw Mr. Fulford standing on the sidewalk in front of the Creel home while Creel and his daughter were on the porch. She declared that Creel was cursing Mr. Fulford and was attempting to break away from his daughter who had hold of him and who was doing her best to induce Fulford to leave that locality, telling him that her father would kill him if he ever got to him. Mrs. Meekins then stated that about this time Mr. Brook came by and asked Mr. Fulford to go with him. The witness said that Fulford agreed to do this and the two started off, but had gone only a few steps when Creel applied a vile epithet to Mr. Fulford and then the latter started back to the spot he had just left and there he and Creel met and went together.

Mrs. Meekins said that she saw Creel strike at Mr. Fulford several times with a knife and at last they fell to the ground together with Creel on top. A few seconds later Creel, said Mrs. Meekins, arose and after muttering a few words walked back into his home. Fulford remained lying where he had fallen.

**The Chief Teller.**  
Chief of Police C. Lupton, who was next placed on the witness stand, told of going to Creel's home to place him under arrest and of finding the murderer in an out-house with a shotgun in his hands and a number of shells in his pockets and of the manner in which he took the prisoner into custody and carried him to jail.

**State Rests.**  
At the conclusion of the evidence given by Chief Lupton, the State rested its case. In opening up for the defense attorney D. E. Henderson placed on the stand a number of persons from Lenoir and Greene counties, the former home of Creel, and these testified as to the character of the defendant and they spoke of him in very complimentary terms.

After this testimony had been taken the day's session came to a close. At the convening of the session today it will be resumed and will probably go to the jury some time this afternoon.

**Second Degree Murder.**  
Creel is not being tried for first degree murder, the solicitor only asking for a verdict in the second degree.

There will be a basket ball game tonight at eight o'clock in the Hill tobacco warehouse, between the local high school team and the high school team from Dover. Both of these are strong teams and a hotly contested game is expected, and it is hoped that a good crowd will be in attendance.