

# The Smithfield Herald.

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SMITHFIELD, N. C., FRIDAY, MARCH 11, 1910

Number 2

## COURT PROCEEDINGS

### MANY CASES WERE DISPOSED OF FIRST THREE DAYS.

**Judge Oliver H. Allen, Who is Presiding, Delivered Strong Charges To Jury—Several Law Breakers Sent to the Roads for Terms of Different Length—Jesse Hilliard, Of Clayton, Foreman of the Grand Jury.**

The March Term of the Superior Court of Johnston County convened Monday morning with Judge Oliver H. Allen, of Kinston, presiding.

The following grand jury was drawn and sworn in:

Jesse Hilliard, Foreman, B. A. Turnage, C. P. Ellis, Willis T. Bailey, G. W. Godwin, Joseph Wood, J. R. Sauls, Kemp Lee, T. P. Oliver, Ashley Wallace, J. H. Talton, J. P. Tiner, A. J. Southard, W. G. Mitchell, H. S. Wall, T. R. Hood, J. W. Tippett, and J. E. Hobbs.

Judge Allen in a clear and forcible charge of an hour and a half in length told the grand jury the duties which devolved upon them as such grand jurors. During the course of his remarks he spoke of the recently enacted prohibition law. He said that the law should be enforced because it was the law of our state and the only law on the statute books that had been made by the vote of the people. That every other law on the statute books of North Carolina were placed there by the legislature, with the exception of the prohibition law, and that it was enacted by the direct vote of the people. He said that 85 per cent of the crimes committed had whiskey connected with them. After the grand jury had retired from the court room to begin their work, the docket was taken up and the following cases disposed of.

State vs. Tom Johnson and Sam Johnson, L. and R. Nol pros with leave.

State vs. Eddie Oneal and John Ferrell, Store breaking. Nol pros with leave.

State vs. Walter Sanders, Store breaking. Defendant pleads guilty to receiving. Judgment suspended upon the payment of costs.

State vs. John Beckwith, R. W. L. Nol pros with leave.

State vs. James Gary and John Gary, House breaking. John Gary having broke jail James Gary was put on trial, and being found guilty was sentenced to five years on the Smithfield and Clayton roads.

State vs. A. A. Bass and Catherine Capps, F. and A. Nol pros as to both defendants.

State vs. Lonnie Smith and Will Ross. The defendants were charged with entering the cotton house of Mr. Robert Sanders and taking a jug of cider. Defendants plead guilty and judgment was suspended upon the payment of the costs. Mr. Sanders joining in the prayer for judgment.

State vs. M. D. Smith and Archie Hodges, A. D. W. Defendants plead guilty, and judgment is suspended upon the payment of the costs.

State vs. George Mitchell, A. D. W. Defendant pleads guilty to simple assault, and is fined five dollars and taxed with the costs.

State vs. Freeman Young. The defendant was charged with breaking and entering a store in the town of Clayton. He plead guilty of receiving goods taken from the store knowing them to have been stolen, but denied the breaking and entering. Being of a very weak mind the solicitor accepted a plea of receiving and Freeman was sentenced to serve two years on the Smithfield and Clayton roads.

State vs. James Gary, A. D. W. Defendant pleads guilty. Judgment suspended Gary having been sentenced in another case to serve 5 years on the roads.

State vs. Willie Smith and Rosa Smith, F. and A. Defendants found guilty. Rosa Smith sentenced to six months in jail, while Willie goes to do service on the Smithfield and Clayton roads for a term of three months.

State vs. C. V. Young, L. and R. Bill changed to charge forcible trespass, the defendant pleads guilty and judgment is suspended on the payment of the costs.

State vs. Eugene Canady, C. C.

W. Defendant waives bill and pleads guilty. Judgment suspended on the payment of the costs.

State vs. Paul Young, L. and R. Defendant found guilty and sentenced to do duty on the Smithfield and Clayton Roads for twelve months.

State vs. Allen Norris, C. C. W. Defendant pleads guilty. Judgment of the court is that Norris pay the costs, and give bond in the sum of \$100.00 to appear at each term of the court for a period of two years and show that he has been sober and of good behavior.

State vs. Fletcher Strickland, A. D. W. Defendant is found guilty and sentenced to serve four months on the Smithfield and Clayton Roads.

State vs. Fletcher Strickland, L. and R. Bill is changed so as to read forcible trespass; defendant pleads guilty and judgment is suspended.

State vs. Ira B. Hudson. Appeal from Mayor's court of Benson. Not guilty.

State vs. Let Davis, C. C. W. Not guilty.

State vs. Percy Hastings, L. and R. Defendant pleads guilty in three cases but being a boy under thirteen years of age and of weak mind he was hired out for a term of 2 years to Mr. George Hinnant.

State vs. J. Robert Young, A. D. W. Defendant found guilty of a simple assault and judgment is suspended on the payment of the costs.

State vs. Chas. C. Lee and Joe E. Booker, Failing to list taxes. Nol Pros.

State vs. Demas Lane and Henry Atkinson, Shooting into dwelling. Nol Pros.

State vs. John Henry Turner, James Holt, and Charlie Williams, L. and R. Defendants plead guilty. Williams and Turner, and Holt are hired out for the costs.

State vs. John James, C. C. W. Capias and continued.

State vs. J. W. Stancil, A. D. W. Capias and continued.

State vs. Isaiah Singleton, L. and R. Capias and continued.

State vs. Walter Wallace, A. D. W. Capias and continued.

State vs. Jim Oneal, Not true bill.

State vs. E. Z. Jones, Dis. M. P. Capias and continued.

State vs. Let Davis and J. A. Gill, A. D. W. Gill called and failed judgment nisi, sci fa and capias.

State vs. J. H. A. Parham, Dis. M. P. Not true bill.

State vs. John Winfield, R. W. L. Capias and continued.

State vs. Mary Creech and J. R. Creech, Dis. M. P. Nol Pros.

State vs. Claud Williams, L. and R. Defendant pleads guilty and is bound out to J. T. Barham till 20 years of age.

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## TRAGEDY IN HALIFAX

### THREE PROMINENT MEN SHOT BY E. E. POWELL FRIDAY.

The Victims of Powell's Wrath Are Paul Kitchin, a Brother of the Governor, Senator from Halifax, and Deputy Sheriff Charlie Dunn. Tragedy Took Place on Streets of Scotland Neck.

An awful tragedy was enacted last Friday afternoon on the streets of Scotland Neck, when E. E. Powell, a man about 70 years of age, shot Representative Paul Kitchin, a brother of the Governor, State Senator E. L. Travis, and Deputy Sheriff Charlie Dunn.

The tragedy began very unexpectedly and according to the newspaper accounts is as follows:

"Kitchin, Travis and Dunn were in Woolard's livery stable and the two former were approached by Powell, who asked Mr. Travis why he had not replied to a letter he had written him. Mr. Travis stated that the letter had escaped his notice. Powell cut in and began cursing. Mr. Kitchin started to remonstrate and soothe the man and placed his hand upon his shoulder. As he did so Powell drew a revolver and shot Mr. Kitchin in the face. Kitchin fell to the ground and Powell turned and shot down Travis also. Deputy Sheriff Dunn started to approach Powell, but being unarmed turned when he saw the latter raise his revolver. Powell fired and Dunn fell with a bullet through his side."

Dunn died Monday. The others are getting on as well as could be expected.

Powell went to his home after the shooting but later surrendered and was placed in jail. He was later taken to Raleigh for safe keeping. He says now that he has no recollection of the horrible affair. He will doubtless try to get out of it by claiming temporary insanity, or brain-storm, or some other fool trick of these modern days.

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## THIRTY YEARS IN PEN

### PEARCES GUILTY OF MURDER IN THE SECOND DEGREE.

Albert Pearce and Andrew Pearce Given a Sentence of Thirty Years In the Pen, While the Old Man, John E. Pearce, is Sent Up for Ten Years. History of the Crime.

The case of Albert Pearce, Troy Pearce, John E. Pearce, and Andrew Pearce, alias Andrew Walker, came to a rather unexpected close yesterday afternoon at the opening of the afternoon session, the defendants John E. Pearce, Albert Pearce, and Andrew Pearce withdrawing their former plea of not guilty and pleading guilty to murder in the second degree, whereupon the Solicitor for the State accepted the plea and the jury returned a verdict of guilty as to the three above named defendants, and a verdict of not guilty as to the defendant Troy Pearce. After hearing some of the facts connected with the case, the defendants, Albert Pearce and Andrew Pearce were sentenced to serve a term of 30 years each, and John E. Pearce 10 years at hard labor in the State prison.

This was one of the most revolting and shocking cases that this county has ever known. The history of the case is as follows.

On Saturday night January 22nd, Mr. George Davis and Charlie Braswell while on their way home from Princeton, came across the dead body of a man lying alongside the railroad track about a mile west of the town of Princeton. Reporting their finding to the coroner, Dr. R. P. Noble, of Selma, was notified, and he instructed the town authorities at Princeton to have the body guarded until he could arrive the following morning. Arriving at the scene, Dr. Noble empanelled a jury and began to investigate. The train had severed the head from the body and cut off one of the arms. A closer examination of the body revealed a hole in the body just above the heart. Dr. Noble then probed and picked around in the hole and soon brought to light a No. 4 shot. The body was then taken to the depot at Princeton where it was cut open and a load of shot found, which load had entered the body just above the heart severing the left aorta, and which had produced instant death.

Circumstances then began to gather thick and fast connecting parties with the killing. Mr. W. F. Young told of having seen Frank Langley, the deceased, when he left his store just before sunset to go after some whiskey for Bithon Willoughby, and of hearing a gun shot in the direction of John E. Pearce's home shortly after Langley had left his store. Several other witnesses testified to having heard a shot in that direction, and several facts showing hard feeling between the deceased and the Peaces were disclosed. The coroner's jury then decided to visit the Pearce home, and upon arriving there found where blood had been scoured off the front porch of the Pearce home and also found blood on several garments around the house and on the walls of the porch. A gun that had been recently fired was also found, and two other guns loaded. In another room were found quite a number of 4 and 5 gallon jugs and a quantity of whiskey. Tracks of where a wagon had been driven up to the house and turned around were also found, the tread of the front wheels being one inch and of the rear wheels 1½ inch. These tracks were traced from the Pearce home to the place on the railroad track where the body was placed. These tracks corresponded with those made by a wagon owned by Andrew Pearce, alias Walker, and was the only wagon known in that community with the peculiarity of the wheels as above mentioned. The defendants upon this evidence were placed in jail together with one Sauls who was at the house at the time of the murder. Sauls however was released upon habeas corpus proceedings before Judge Allen at Goldsboro, there being no evidence connecting him with the crime.

After the defendants had pleaded guilty through their counsel Messrs.

Chas. U. Harris and S. S. Holt, who were appointed by the Court to defend them, Sauls was placed on the stand by the State to relate the facts of the killing. The killing as related by Sauls took place in the following manner. He (Sauls) had been working for the Princeton Lumber Company and as his wife was out of town on a visit to her relatives in Clayton, he had gotten Mrs. John E. Pearce to do some cooking for him, and had gone to the Pearce home after finishing his work and just before dark to get his supper. He went in and it being a very cold day, pulled his chair up near the fire, and was warming his hands, and sitting with his back to the door. Albert Pearce was sitting in front of the fire, with a gun lying across his lap and appeared to be rubbing the same. Soon Andrew Pearce, alias Walker, came in at the back door and appeared to be in a hurry. He then heard Frank Langley's voice in front of the house, and Andrew Pearce spoke saying, "There comes Frank Langley now." Albert got up to go to the door as if to let him in. He then heard a gun shot, and heard Mrs. Pearce say, "Albert has killed 'Frank Langley.'" Turning around he saw Albert Pearce set the gun down. Everything was then in a stir, and he ran out of the house and on down town. He said that he was overtaken by the Peaces, Albert and John E., and asked to help carry the body off, but he refused, and having received a letter that day from his wife stating that their child was sick, left on the night train for Clayton, and knew nothing else of what took place.

To conceal their dastardly crime the body was then taken and carried to a place one mile west of the town of Princeton where it was placed on the track in hopes that the train would cut it to pieces and thus forever hide their crime.

The body was struck however in such a manner as to mutilate it above the wound, and the evidence of the death wound was left untouched, and so is it proved, "For murder, though it have no tongue, will speak with the most miraculous organ."

In accepting the plea of guilty of murder in the second degree the action of the Solicitor has met the entire approval of all the citizens of the county conversant with the facts, and the ends of justice appear to be fully met.

SENATOR PLATT DIED SUNDAY.

Former Political Leader and Several Times Senator From New York Passes Away.

New York, March 6.—Thomas Collier Platt, for a quarter of a century the most powerful factor in New York politics and the founder of the modern political machine, died to-day in his seventy-seventh year. His long life ended as a slender cord might snap in twain.

The story of his life has been summarized as follows:

Born July 15, 1833, at Oswego, N. Y.

Entered Yale with the class of '53.

Received honorary degree of A. B. in 1876.

Member of forty-third and forty-fourth congresses.

Elected United States senator January 18, 1881.

Resigned with Conkling May 16 same year.

Elected United States senator in 1896, re-elected 1902.

Term expired March 3, 1909.

President of the U. S. Express Co. since 1880.

Died New York city March 6, 1910, aged seventy-six years seven months and nineteen days.

Manure Spreader Exhibited.

Last Monday Mr. H. P. Stevens showed the work of the Easy Loader Manure Spreader to a number of farmers who took quite an interest in the exhibition. A load of manure was placed