

IN STRANGE COMPANY

Presbyterian Sermon in Supreme Court Record.

Appeal in Barrett Murder Case From Moore on Ground That a Sermon Influenced the Jury.

There was a sermon in the Supreme Court yesterday, and a Presbyterian sermon at that, too.

This fact does not argue that a sermon was needed in those august precincts by any means, but there it was.

It was no doubt the first time that a sermon of any denomination had been in the Supreme Court; but it made itself at home and now lies in the record of the case without anything to mark its unusual presence save the scriptural text.

The case is the appeal of the defendant in the State against Walter Barrett, colored, from Moore, for the murder of his wife's stepfather last August.

During the trial in Chowan the jury was permitted to attend the Presbyterian church, and there heard Rev. J. K. Roberts preach the sermon that has caused all the trouble.

According to the record of the case before the Supreme Court, a recess was taken on Saturday afternoon during the trial in Moore county until Monday, and the court asked counsel for State and defendant if there would be any objection to the jury being carried to church on Sunday.

The court then advised the jury, asking which church they desired to attend, stating that he wished to communicate with the minister and request him to say nothing that would tend to influence them.

Mr. H. F. Seawell, for the defendant, thereupon stated that services would be held at the Presbyterian church only, and that it would not be necessary to caution the pastor of that church.

The jury, in custody of an officer, attended church, and the sermon was upon this text: Deut. 22:8: "When thou buildest a new house, then thou shalt make a battlement for thy roof, that thou bring not blood upon thy house, if any man fall from thence."

The theme was "Man's natural rights in society," and the preacher compared some of the modern customs of legal trial with those of the Hebrews. These are the reasons he drew from the text:

"I. We learn from our text that in the first place, society rests upon mutual obligations faithfully discharged by the individual. Had not man been a social being there would never have been law. Law is the regulation of the natural rights of the individual in society and the protection of them against infringement.

But there are men who look upon law as tyranny. Many foreigners are surprised to find law in the United States and exclaim: "Is this not a land of liberty?" Yes, but liberty is not license. Some men argue: "I am a free man and can do as I please." Yes, you are a free man and can do as you please so long as you do not encroach upon the rights of others. When a man infringes upon the rights of another, he in a manner sacrifices his own rights in society. Perfect liberty is the recognition of and enforcement of each individual's natural rights. In our land frequently individual rights of all classes are encroached upon.

"In the first place this brings us to the responsibility of law makers. The law maker who by voting with the majority or is influenced by lobbyists curtails the natural rights of any individual or class of individuals, in the language of our text did not make a battlement and is guilty of blood in the sense of our text.

"In the second place, responsibility of those who execute the law. The officer of the law who sees or hears of law broken and does not arrest the offender, thus letting the natural rights of the community be infringed, breaks his oath and is guilty in the sense of the text.

"The third lesson was: 'Individual responsibility for the material welfare of society.' Along this line the preacher said: 'Should I see fire breaking out in the factory over there and go on my way without making alarm, I would be held responsible before the laws of God for the destruction. We are responsible for the material welfare of society and the property of our fellow men.'

"The record states that no part of the discourse referred even remotely to the case then under consideration by the jury, nor to murder, nor any sentence from which could be gathered the idea of one man taking the life of another, or of the responsibility of jurors in such cases.

When the court re-assembled Monday morning, the attorney for the defendant

The Days of Piano Opportunities are Passing

The adjournment of the Legislature will bring our stay in Raleigh to a close. Every Piano in our present establishment is offered at a "sacrifice price." Here are a few examples of what you can expect.

Stief, Mahogany, Upright, latest design—
Regular Cash price, \$550.00.
Reduced to\$398.00
Steinway, Upright, slightly used—
Regular Cash Price, \$600.00
Will sell to-day.....\$293.00

We have a number of other style upright Pianos, beautiful Empire designs, Mahogany, Burl Walnut, Satinwood, Walnut, and all colored cases, that will be sold at a sacrifice.

Here is another example—a \$450.00 Upright Piano, San Domingo Mahogany case, full size, Empire design, reduced to \$250.00—\$100.00 cash and \$7.00 per month. We do not wish to re-ship one piano back to the factory.

Scores of your friends and neighbors have seized this opportunity. It is a chance of to-day. Will you allow it to slip by? Every instrument guaranteed and backed by a capital of \$2,000,000. Sole agents for the Celebrated Clevelan Piano Player.

Open until 9 o'clock every evening.

CHAS. M. STIEFF,
Raney Library Building,
Raleigh, N. C.
A. W. Chandler, Factory Representative.

moved the court to order a mistrial on account of the remarks of the minister. The motion was over-ruled, and the defendant accepted.

The prosecution thereupon decided to insert the sermon in the record that came up to the Supreme Court with the idea of showing just what the sermon was.

And that is how a good Presbyterian sermon, all divided into heads and sub-heads, came to be preached in the Supreme Court of North Carolina.

COAL COMPANIES ENJOINED.

To Prevent Their Continuing a Combination to Control Prices.

(By the Associated Press.)

Chicago, March 24.—Ten Indiana coal companies and ten individual operators were restrained by Judge Kohlsaat in the United States Circuit court to-day from continuing their combination for the regulation of coal prices and output. The defendants were given until April 6th to show cause why the order should not be made permanent.

The corporations and individuals enjoined are the same recently tried in the State court on the charge of raising the prices of coal and restricting the output in Illinois, this causing the coal famine in Chicago last winter. Judge Chetlain dismissed the case on the ground that the offense committed was against the Federal law and not against the statutes of Illinois. The injunction granted will stand until further order of the courts.

TO COURT MARTIAL McDONALD.

The British General is Charged With Acts of Immorality.

(By the Associated Press.)

Colombo, Ceylon, March 24.—Charges of the most serious nature have been brought against Major General Sir Hector MacDonald, commanding the forces in Ceylon, in consequence of which the governor of that island, Sir Joseph West Ridgeway has been authorized to convene a court-martial to try General MacDonald. The latter, when the charges were filed some time ago went to England to confer with his friends and superior officers and now, it is understood, he will return and face the charges, which, it is alleged, are based on immoral acts.

The McDonald Case.

The case of the State against C. C. McDonald was heard briefly yesterday in Wake county court.

After a full examination of the affair concerning the ownership of the funds embezzled from the Knights of Honor members had been made by Mr. W. C. Douglass, and the statement that nobody would be hurt by a continuance, Solicitor Armistead Jones agreed that the case go over and be set for the first day of the next term of the criminal court.

The court took a no prosee in the case of Nettie Jones charged with an assault with a deadly weapon.

Lizzie Norwood, a young negro girl, charged with larceny of clothes from Mrs. Parish, plead guilty Judgment was suspended until costs were paid as the girl was bound soundly whipped by her parents.

A SOUTHPAW DID IT

The Tar Heels are Beaten by Five to Three.

The Virginia-Carolina League Formed at Lynchburg—Greensboro the Only Carolina Town Represented.

(Special to News and Observer.)

Chapel Hill, N. C., March 24.—Carolina went down in defeat before the sturdy team from Lafayette here today. The left hand twirler from Pennsylvania was largely responsible for this result. The Tar Heels only found him for four hits and these were scattered.

Lafayette was first up. A base on balls and three beautiful singles, neatly bunched, netted them three runs. Carolina scored in the fourth. In the seventh Carr went to first on error by pitcher, Green bunted and pitcher threw wild to first base, allowing Carr to chase from Cheshire, the little fellow from Tarboro, in answer to the wild cheers of Carolina's rooters hit a beautiful two-bagger, over left fielder's head, scoring Green. This tied the score. A fly ball to right field quickly thrown home, catching Cheshire wrested away Carolina's chance of winning. Lafayette, with a single and three bunts netted two more runs in the eighth. Carolina was unable to cross the plate in her ninth. The game was full of crises throughout and was thoroughly interesting from the beginning to the end. Holt and Cheshire deserve special mention, while Graham played the third bag to perfection. He is developing into one of the best third basemen on the Southern collegiate diamonds. Hubley starred for Lafayette at second, though their whole team played well together.

Score.
Lafayette..... 5 3 2
Carolina..... 3 4 3
Batters: Green and Noble, Johnson and Irvin. Umpire, Mr. Albert Cox.

Carolina plays Brown University here Friday and the same team in Greensboro Saturday.

R. H. E. Lafayette..... 5 3 2
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Would She Fix it on Mrs. Pennell?

(Continued from First Page.)

Mrs. Burdick to Burdick was produced. In it she told him she intended to go to Atlantic City.

The letter also contained a veiled threat at suicide. The witness said she had not talked to Pennell about the suicide of either.

Several other letters written by Pennell in which he intimated suicide were read by the district attorney. The tone of all the letters was the same, expressive of extreme unhappiness because of his separation from Mrs. Burdick and stating that life was not worth living; that he would welcome death as a relief.

Mrs. Burdick said she had received letters from Pennell written in a melancholy vein. He did not care whether he lived or not. He said he would rather be dead than crippled or maimed. He had never said anything definite to her about ending his existence.

In reply to a question by the district attorney, Mrs. Burdick said that she had no knowledge of duplicate keys of the front door of the Burdick home being made while she was in New York. Pennell did not have her key in his possession at any time. Pennell had never borrowed the key from her.

Mrs. Burdick said she had received no information as to who killed her husband. She swore she had no knowledge or information as to who killed him. She had never heard any one say that he or she was going to do it.

"That's all," said Mr. Coatsworth. Cross-examined by Attorney Hartzell, Mrs. Burdick said that Pennell learned at the charity ball that Burdick had secured from her the letters which Pennell had written to her. He seemed agitated and wanted the letters back.

"Did he fear the revelations of divorce action?"

"Yes, very much."

Mrs. Burdick said Burdick tried to throw her and Pennell together. She said Pennell always sought her.

"He was infatuated with you?"

"He was."

"Were you ever in a compromising position with him?"

"No, sir."

"Were your relations with him ever criminal?"

"No, sir."

"Did he ever make any indecent suggestions to you?"

"No, sir."

"He was always a perfect gentleman?"

"Yes, sir."

"Then why was he afraid of the divorce proceedings?"

"He was afraid of being humiliated."

"As you came from Atlantic city and promised your husband that you would be a good girl, did you resist Pennell and refuse to make appointment with him?"

"I did."

"Did he constantly solicit you and importune you and waylay you and did you finally yield?"

"Yes, sir."

"Was Mr. Burdick fond of the ladies?"

"Yes, he was very fond of them."

"She knew nothing of the counter charges made in the divorce proceedings against Mr. Burdick except what Mr. Pennell told her."

"If Pennell or any one else had made any threats against your husband what would you have done?"

"I should have warned him."

"Pennell never made any threats?"

"No."

"Mr. Burdick and Mrs. Pennell were very friendly?"

"Yes, sir."

"And he would have admitted her to his room at any time?"

"Yes, sir."

"At night?"

"Yes, sir."

"Without any fear?"

"Yes, sir."

"Mrs. Pennell had been in your house many times?"

"Yes, sir."

"And she was familiar with the dining room and the den?"

"Yes, sir."

"The door of the den faced the front door, did it not?"

"Yes, sir."

"And a person could tap on the window of the front door and attract the attention of any one in the den without ringing the door bell?"

"Yes, sir."

By the Court: "Didn't you know that Mrs. Pennell loved her husband?"

"She may have once."

"Did you and Mrs. Pennell ever have any conversation on the subject? Didn't she feel that you had wronged her?"

"No, I don't think she did. She knew it was Arthur's fault."

Mrs. Burdick did not know that it was Mrs. Pennell's love for her husband which made her refuse to agree to a divorce. It was because she dreaded the publicity and the scandal of divorce proceedings, she thought. She knew now that Mrs. Pennell went to see Burdick about the matter.

"Don't you know that Mrs. Pennell was at Mr. Burdick's home the night of the murder?"

"No, sir."

"Didn't any one tell you that she was?"

"No, sir."

"Do you know that Pennell was there that night?"

"No, sir."

"Didn't any one tell you he was there?"

"No, sir."

"And you have no reason for believing he was there?"

"No, sir."

Examination by Mr. Coatsworth: "When Mr. Burdick made you give him the box containing your letters, what did he do with it?"

"He turned it over to my mother without removing the letters."

Mrs. Burdick was then excused.

The next witness called was Carol Burdick, the 13-year-old daughter of the murdered man, a charming, unaffected child. She remembered the morning of the murder. She was in the hall on the second floor on the morning that her papa was found dead. She did not think she had her bath robe on. She thought she was in her skirts.

Alice, the 10-year-old sister of Carol, was then put on the stand. Mr. Coatsworth questioned her for the purpose of showing that a bath robe, which Mrs. Hull had been in the habit of wearing, had not been worn by Mrs. Hull in some time, but Alice declared that she saw it



Jim Dumps, now known as Sunny Jim, Has come to town! They're cheering him Down at the station. Hip-hooray! Our city gains new "Force" to-day! He's brought a package packed with vim For every home! Hail, Sunny Jim!

NEW BEEN VOTES FOR IT.

Will Subscribe \$50,000 to Pamlico, Oriental and Western Road.

(Special to News and Observer.)

New Bern, N. C., March 24.—The election to decide whether the city of New Bern should subscribe fifty thousand dollars to the Pamlico, Oriental and Western Railroad was held today and the city voted to subscribe by over three hundred majority to the railroad. The polls opened at seven o'clock this morning, and it was seen from the beginning that the friends of the railroad were determined to carry the proposition to a successful issue. By ten o'clock today the opposition ceased working and by twelve o'clock the election had been carried. After that hour it was just a question of how large the majority for the bonds would be. The citizens of New Bern as a whole are delighted at the result of today's election. Work on the road will be commenced at a very early date.

THE INLAND WATERWAY.

Congressman Small Interesting Commercial Bodies in the Project.

(Special to News and Observer.)

Washington, N. C., March 24.—Congressman Small will leave here Thursday for a trip to Charleston, Savannah, Jacksonville and other coastal points. Accompanying him will be Secretary Lamden and Secretary Forrest, of the Norfolk and Baltimore Chamber of Commerce. The party will meet the business organizations and interest them in the proposed great inland waterway and ask them to recommend it. Their recommendation will be embodied in the engineer's report to Congress. In April Mr. Small and a party of prominent men will take a sea trip on a revenue cutter which the government has placed at their disposal and visit the Southern cities on the coast. There was never a more persistent effort made than is being waged by Mr. Small and every indication points to the success of his project.

The Eastern Life Insurance Company of this city, which has been a mutual organization since its founding, has been made a stock company. A board of directors has been named, among whom is K. P. Battle, Jr., of Raleigh. The company has already written over \$700,000 insurance.

Steps for a Hospital at Goldsboro.

(Special to News and Observer.)

Goldsboro, N. C., March 24.—Pursuant to a call from the chairman the board of trustees of the Emergency Hospital met last night in the office of H. Hill & Bros. The reading of the incorporation papers was gone through with and a permanent organization was effected by the election of F. W. Farris president of the board, Col. Jas. E. Robinson secretary, and Mr. Sol Well treasurer.

The purpose of the organization was then discussed in detail by each member of the board, after which it was unanimously decided that Goldsboro should have a hospital commensurate with the present requirements and future needs of the city. It was decided to erect a building at once. The president was authorized to appoint a committee to consider location, plans and ways and means and report back to the next meeting of the board. The president announced the committee as follows: Messrs. J. Rosenthal, Geo. A. Norwood, Jr.,