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WILMINGTON, N. C., THURSDAY MORNING, JANUARY 25, 1923.

OLDEST DAILY IN THE STATE.

TROOPS AT BASTROP TO BE IMMEDIATELY WITHDRAWN, SAID

Any Threats From Leaders of Klan Will Result in Declaration of Martial Law.

ADJUTANT GENERAL ARRIVES FOR ACTION

General Toombs, in Bastrop, Declines to Comment on Plans; Probe Ends Today.

PASTROP, La., Jan. 24 .- (By the As-(ress.) With troops on duty Merchouse parish in connection with state's investigation into activiooded men scheduled to depart lately and with the hearing exted to be concluded tomorrow, Adutant General Toombs arrived here towith a message from Governor Parker to leaders of the Ku Klux Klan ficials of the parish, it was learnon good authority, that if any of the state's witnesses were threatened way between the conclusion of hearing and the trial of persons may be indicted by the grand jury which body the testimony obtained the investigation will be presented bout March 1, martial law in the parsh would be declared immediately.

tieneral Toombs refused to deny or confirm the report, declaring that Gov Parker rather than himself should be the one to discuss it. The only reference he would make to troops was that the cavalry units on duty at Mer Rouge and Bastrop and the four automatic riflemen here would re-turn home either tomorrow or Friday. The hearing which was to have been

oncluded today, after having been in progress since January 5, struck a snag when the last witness summoned, and regarded as one of the most important, elephoned that because of illness, it would be impossible for him to arrive here before tonight. As a consequence the hearing was adjourned to be re-sumed at 9 o'clock tomorow, an hour earlier than usual, in order that final adjournment might be taken before

The absentee is the "mystery wit-ess," who has been widely discussed here during the last few days. He is Leon L. Jones, a traveling salesman of Moselle, Miss., who is expected to testify regarding the last known movements of the hooded kidnappers of Watt Daniel and T. F. Richard, the bodies of whom were found in Lake La Fourche on December 22.

Jones, according to officials, traveling through this section of Louisiana, when his automobile broke down the night of August 24 and left him stranded on the Oakridge-Lake La Fourthe highway, near the lake. was on this date that Daniel and Richard were kidnaped near Bastrop.

The salesman, it is said, later told Marshal Mott a student at the Uniersity of Mississippi, that while in his disabled car, an automobile truck containing several masked men and two who apparently were prisoners, passed him bound toward the lake. Some time later, it is said, he will testify that the truck with the hooded men, but without the prisoners returned, bound in the direction from whence it came. H. Riordan, general manager in the Monroe district for the Southern Car-bon company, brought into court the time book kept by Harold Teegerstrom, missing timekeeper of the company's plant at Spyker, who disappeared Deember 29, pay rolls made up by Teegerstrom and cancelled checks paid to

of the Carbon company, it has been testified by several witnesses, was recognized as one of the hooded men who kidnapped Daniel and Richard. An employe of the Spyker plant has testified that Burnett was at work the night of August 24, and it was expected that the ime book, payrolls and checks would settle the question.

The time books showed Burnet working and according to the totals it showed he had earned \$55.38 during the half month period. The amount earned that time, according to the pay roll as \$62.40. Mr. Riordan could not explain the discrepancy. Examination of check issued to Burnett showed that it was for \$62.40, corresponding with the pay roll. There appears to be an erasure opposite Burnett's name on the payroll and Mr. Riordan's attention was directed to it by the examining attorney. He was asked if it did not so appear to him.

"It appears that it is," was the reply. "There are no erasures alongside the names of others on the pay roll?" "No sir, I don't see any.

Mr. Riordan added that no explanaion had been made to him either by Teegerstrom or S. I. Bennett, superin endent of the Spyker plant. The time book, payroll, and concelled becks were placed by Mr. Riordan in custody of the court upon the re-

nest of the state. Tom Robinson, a farmer, who was legged by hooded men, told of that in-ment and of the receipt of a letter righted 'Vigilance committee' a few lays before it occurred.

Hoke Sheriff in Hole; Hammer Comes to Aid

By H. E. C. BRYANT WASHINGTON, Jan. 24.—Represen-live Hammer is trying to pull Sheriff Edgar Hall, of Hoke county, out of a hole. In an effort to protect the peothe of Raeford and vicinity from blockwiers, he raided a still, going upon the Fovernment reservation of Fort Bragg. This brought him into conflict with oderal authorities. Mr. Hammer hopes be get the situation settled without embarrassment to the sheriff.

will be allowed for the Thomasville committee responsibility as merely that much interest following a year of unmenared, probably next congress.

STATE OWNED SHIP LINE **BILL GIVEN FAVORABLE** REPORT BY SENATE BODY

Water Commerce Committee Votes Favorably on the Measure, Which Goes On Calendar of Senate Today; All of 17 Members Present When Action is Taken Except Three; Session of the Committee Yesterday to Give Opponents Chance to Be Heard.

RALEIGH, Jan. 24 .- Gov. Cameron Morrison's state-owned ship line bill received the favorable vote of the senate water commerce committee late today and will be reported tomorrow. The bill will then be placed upon the calendar and members of the committee stated tonight that they expected time for debate and vote upon it would be set by special order.

The committee membership is 17

with Senator Charles U. Harris, of Wake county, as chairman, and all but two or three were present for the conclusion of the hearing. The in favor of the bill was unanimous and it followed the examination of a single witness, Rate Clerk W. G. Womble, of the state corporation commission, on the question as to the probable effect of the operation of a stateowned ship line proposed upon freight rates generally in North

Today's session of the committee hearing was announced as ordered especially to give the opposition to the bill an opportunity to be heard before the vote. Proponents of

the ship line, headed by Governor Morrison, had introduced witheres at two preceding sessions.

Governor Morrison was not able to attend today's meeting, but members of the general assembly who have indicated they favor the bill, joined in the questioning of Mr. Womble. Representative L. C. Warren, of Washington, N. C., who has been considered as leader of opposition in the house; Senator R. A. Brown, of Columbus, and others examined the witness.

Mr. Warren asked Mr. Womble if he thought the proposed ship line was a desirable measure for relief and improvement of the state, but the witness, asserting that he had been summoned as a witness by both sides, asked to be excused from expressing an opinion. In stated that his opinion, based upon observation of the methods in use for rate fixing, was that the establishment of a low water rate to Wilmington from northern ports would not result in lower through

Measure Providing Bond Issue for Roads Passes Second Reading in House

Doughton Successfully Fights Down Opposition and Pilots American Legion To Bill On Toward Final Enactment.

EIGHTY-SEVEN VOTE FOR AND 14 AGAINST

Measure Authorizes 15 Millions For Roads; Third Reading Set For Today.

A. Doughton, of Alleghany, today guided the \$15,000,000 good roads bill through the second reading by a vote of 87 to 14, and the measure was placed and legislative committees of the North on the calendar for third reading to-

morrow. Mr. Burgwyn, after two hours had passed in debate, arose to defend his position against the bill by predicting hat an ad valorem tax would fall on the people under the system by which these bonds were being issued, and he said he did not want to see the people employes during the period from August 16 to 31.

T. Jeff Burnett, former deputy sheriff of Morehouse parish and an employed of the Carbon company, it has been not benefited from the residual form. The laid stress on the position of the farmer as to taxation, and asked why the eastern part of the state, or certain sections thereof, had not benefited from the previous bond

issue of \$50,000,000 for good roads.

Mr. Bowie opposed the stand taken by Mr. Burgwyn and stated that it was not a question of taxation inasmuch as the law on which the bonds were is-sued made them tax exempt unless not held in the state of North Carolina, and that there was practically no chance whatever for taxation occurring on the people of the state by a failure

of the bonds to properly function.

The negative vote on the measure was a duplicate of the opposition to the original \$50,000,000 bill. The supporters were almost in the same ratio preeral who were against the proposal of 1921, but the Republican opposition was less strong today than then. Burphysician, said tonight. The President gwyn, who was in the senate minority which opposed the bill was in the house, duplicated his 1921 vote with a weather. half promise to vote aye on third read-ing if the house could help him to renove a few objections. If the worst ones are pushed aside he will heartily

support the measure.
Although rejected by the two judiciary committees yesterday afternoon, Senator J. R. Baggett, through a minority report, got his anti-klan bill on the senate calendar today with a special order for its consideration at the close of the morning session Fri-

regular parliamentary, battle before the final ruling of Lieutenant Governor Cooper that the bill should Proponents and opponents waged Cooper that the bill should go on the calendar with the special order for senate consideration.

The minority report contained three The minority report contained three signatures and was sent to the desk by Senator Baggett at the same time Senator Delaney, chairman of judicary No. 2, forwarded the committee's unfavorable report. Opponents argued that the minority report should have

out this contention.

Senators Delaney, Grady, Johnson and Giles argued at length that the measure, having been reported unfavorably, belonged on the unfavorable calendar, and that a two-thirds vote would be necessary to bring it before the senate. Senators Long, of Hallfax, and Harris, of Wake, put the rules book again before the opposition and book again before the opposition and invoked the right of an individual senator to bring any measure to the con-Chairman Langley, of the public ator to bring any measure to the conbuildings and grounds committee, has informed Mr. Hammer additional funds mittee had labelled it, designating mittee had labelled it, designating (Continued on Page Two.)

Present Legislative Program to Assembly

Morning Star Rureau, 312 Tucker Building. By BROCK BARKLEY

RALEIGH, Jan. 24.-The America legion will ask the general assembly to enact legislation making the same provisions for the burial of World war veterans as now is provided for Con-Press.)—Lauding the administration of in government hospitals to vote when the state highway commission, and fighting down heated opposition which reached a climax in the final time between Representative Burgwyn, of Northampton, and Representatives Bowie, of Ashe, Representatives Bowie, of Ashe, Representative Rufus A. Doughton, of Alleghany, today of dissection.

of dissection.

This program was decided upon James Lockhart presided. The legislative committee, which recommended the program, is composed of Frank Dunlop, of Wadesboro; T. C. Guthrie, Jr., of Charlotte, and Maj. Matt Allen,

of Raleigh. The committee announced that it would not ask the general assembly for one cent in the way of a bonus or special compensation of any character for the World war veterans.
"What the state feels it can give

the way of bonuses and pension money we want to go to the Confederate vet erans." Commander Lockhart said.

Harding To Be Out If Weather Permits

WASHINGTON, Jan. 24.-President Harding may be expected to be at his desk in the executive offices tomorrow for the first time since he was taken ill with the grippe more than a week physician, said tonight. The President would have been at his office today,

The President attended to a number of matters tod; in his study, signing the nomination of Judge Edward T. Sanford, of Tennessee, to be associate justice of the supreme court to fill the vacancy caused by the retirement of Associate Justice Pittney, and nominating a number of postmasters and other federal officers. He also signed the interior department appropriation bills and some minor bridge bills.

New Bern Meeting

(Special to The Star.) NEW BERN, Jan. 24.-Among the notable guests expected to attend the annual meeting of the New Bern that the minority report should have been announced to the committee yesterday afternoon, but nothing in the rules book could be found that bore out this contention.

Sentors Delaney, Grady, Johnson Logan, director of the southern division.

address.
Some of the features of the meeting

are to be the election of a new board of directors and the annual reports of President Jacobs and Secretary Barof which promise to be of Oil Company of Indiana. rest following a year of un- Edward T. Sanford, of Tennessee, a here.

MATORIA & SOLE DENDE BOD : NA

CONDITIONS IN RUHR LAST OF AMERICAN BETTER FOR FRENCH: TENSION SLACKENS

Mines Are Operating Up to 85 F Per Cent Normal; Railroad Service Improves.

GERMAN INDUSTRIAL LEADERS CONVICTED

Only Nominal Fines Are Impos- The Populace For Miles Around ed, However; Two Under Suspended Sentence.

(By the Associated Press.)

Conditions in the Ruhr are improvof their capacity, the railroad services are reported to be well up to the standard, and in general there is less tension evident in the industrial towns. The trial at Mayence of a number of

industrial leaders, including Fritz Antwerp, where they will embark n Thyssen has ended without dramatic the transport St. Mihiel, which will incident. The Germans were condemn-ed to the payment of a comparatively small fine for disobedience of orders Dr. Schulutius, of the state finance department, and Dr. Von Raiffeisen, presdent of the state administration, were condemned to a year imprisonment each under a suspended sentence.

France is preparing to take over con-trol of the railroads, and for emergency purposes is mobilizing her own rail-road workers, who will be put into service in the Ruhr in case the Germans go on strike.

Premier Poincare at Paris, in con-ference with the heads of his technical departments, is preparing to send reinforcements to the occupied territory and at the same time the French authorities have in mind the cutting off of the Ruhr region from all commu-nication with outside sections of Germany.

There are rumors that General Wey-

gand, Marshal Foch's chief of staff, Will be appointed high commissioner for the Ruhr.
The French president, M. Millerand,

in an address to representatives of the League of Patriots, announced that France was determined to compel respect for treaties.

MAYENCE, Jan. 24.—(By the Associated Press.)—The six German industrialists, headed by Fritz Thyssen, who were arrested by the French occupation authorities in the Ruhr for refusing to carry out orders given them to insure reparations deliveries from their respective plants, were convicted here today by court martial. In each in-stance fines were imposed in francs. The aggregate amount translated into

the American money, was \$20,000. Orficials here were unwilling tonight to comment on the judgment of the

MAYENCE, Jan. 24 .- (By the Associated Press.)—Dr. Schultius, president of the state finance department and Dr. von Raiffelsen, president of the state mines administration recently arrested for refusing to obey the orders of the French authorities, were today convicted by a court martial and sentenced to one year imprisonment. The sentence, however, was suspended.

PARIS, Jan. 24 .- (By the Associated Press.)—The ministry of war today issued a communication to the effect that five detachments of railroad workers, each of 750 men, had been sent to to the Echo du Rhine: the Ruhr, owing to the partial strike movement on the German railways. of the American forces from Germany "It is not." the communication stated, evokes unforgettable associations dur-"a question as stated by some of the newspapers, of a mobilization measure, radeship continued during our watch but of assembling of the men for a on the Rhine. period of instruction of limited dura- "This precio

Associated Press.)—An order has been received here mobilizing the seventh field section of railroad workers, for service in occupied Germany. hundred of the men were sent last night to Bordeaux where they are being equipped for duty in the Ruhr district and 200 more, belonging to the 20th section, are due to leave tonight for Paris on their way, to the occupied

PERPIGNAN, France, Jan. 24.-Forty railroad workers belonging to the seventh field section left yesterday for Versailles, whence they will be sent into the Ruhr.

PARIS, Jan. 24 .- The Prague correspondent of the Temps says it is confirmed that a number of Czecho-Slovakian miners are being engaged for France and that the first groupe left

Press) .- Premier Poincare is continuing his daily conferences with the heads of the technical departments concerned in the occupation of the Ruhr with reference to reinforcement of the contingents already there, which, it is the St. Mihiel sails at 5 p. m. said in official circles, must necessarily

o Special Trains For erp Where They Sail On St. Mihiel Today.

WOMEN AND CHILDREN WEEP AS MEN LEAVE

Gathers to Say Farewell; Flag Lowering.

EHRENBREITSTEIN, Jan. 24.—(By the Associated Press.) The last of the ing for the occupying forces. The American forces which have been keepmines are in operation to 85 per cent. ing a watch on the Rhine since the signing of the armistice ending the world war are homeward bound.

The stars and stripes were lowered from the famous fortress of Ehrenbreistein at noon today and this afternoon the troops boarded trains bound for leave for the united States tomorrow afternoon.

The eighth infantry regiment, which formed the principal American contingent, entrained at Coblenz in two sections at 4 o'clock

The men were saluted by all the high allied officials. The 156th French infantry furnished the guard of honor French national anthems as the trains pulled out. The populace of the city of Coblenz, especially the women and girls, were at the station to say fare well to departing friends. There was much weeping among the women folk, and mutual promises between them and the homeward bound soldiers to mee

Not alone were crowds present at the station, but the railway tracks beyond for a mile were lined with friends waving handkerchiefs and shouting farewells. Some of the townspeople went to distant suburbs to pay their last respects while others took the ordinary trains to Antwerp to renew there their farewells. Both train loads of troops will reach Antwerp tomorow morning

The ceremony of lowering the flag over the fortress took place on top of Gross Traverse, where the American and French troops had formed, facing the flagstaff, which reared itself a hundred feet above the ramparts. The band struck up "The Star Spang

led Banner" as four sergeants, veterans of the seven machine gun battalions of the third division, pulled the halyards and slowly lowered the flag and folded it with great dignity and then marched off at the head of their comrades.

There was a brief pause, and then

French soldiers broke out the tri-colors from the flagstaff, the bunting fluttering gently in the breeze. Every one

the American troops, Major General Al-ien and Col. William M. Harts, his chief of staff, and the French Generals Marty, Mordacq, Danzelme, Demetz and Henrys, all old comrades in arms of the Americans at St. Mihiel and elsewhere,

inspected the troops. The four American sergeants who lowered their flag from Ehrenbreitstein were Dewey Kitner, Lester Kelbaugh, Charles Long and Frank Ehlev.

MAXENCE, Jan. 24 .- (By the Associated Press.) Major General Allen today sent the following communication

"Departure of the last detachments continued during our watch

"This precious memory will ever remain apart from divergencies and complications which may arise between TOULOUSE, France, Jan. 24.—(By the states. May I, then, in the name of the American forces in Germany, and personally, ask the Echo du Rhine to accept our gratitude, our most sincere appreciation, for all that has been done to maintain those good relations.

General Allen thus far is without instructions from Washington as to the exact length of time he is to remain in the Rhineland. The time for the official turning over of the American zone to the French has not yet been decided on, but it probably will take place next Saturday or a few days later.

A detachment of about one hundred officers and men will remain here with General Allen for the final settlement State Merchants To of American affairs.

BRUSSELS, Jan. 24 .- The minister of national defense, M. Deveze, plans to go to Antwerp tomorrow to salute the departing Ameriaen troops in the name of the Belgian army. Inasmuch as Mai. Gen. Henry T. Al-

PARIS, Jan. 24 .- (By the Associated len, the American commander, is not accompanying his men to Antwerp, it is uncertain whether the king and the government will send representatives, but it is said Lieut. Gen. Baron Jacques may be present with M. Deveze when Regrets are voiced by the Brussels

be larger than at first contemplated newspapers today that no opportunity

THE DAY IN WASHINGTON

President Harding, who has been ill an associate justice of the supreme with grippe, remained away from his court to fill the vacancy caused by Jusoffice today. Inclement weather making it inadvisable for him to venture out, was assigned as the reason. Favorable report of the Norbeck bill which would extend \$250,000,000 credit to Europe for the purchase of Ameribate curbed in an effort to bring about to Europe for the purchase of American farm products was ordered by the

senate agriculture committee.

The senate oil investigating committee was informed that neither John D. police, attempting to stop "embassy tee was informed that neither John D. police, attempting to stop "embassy tee was informed that neither John D. Rockefeller, | liquor" leaks, had seized supplies said Rockefeller, Sr., or John D. Rockefeller, Jr., owned any stock in the Standard

Labora barra spiration a sound !

tice Pitney's retirement.

Senator Jones, Washington, in charge a senate vote on the measure in the near future. As a result of published reports that

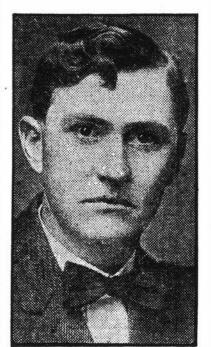
to have reached a bootlegger from the Cuban legation, the Cuban charge vismuch interest following a year of unusual success in commercial activities here:

On Company of Induana.

Edward T. Sanford, of Tennessee, a stated he state department and later stated he knew nothing of "alleged nominated by President Harding to be liquor selling" at the legation.

STATE WITNESS HURLS BOMB INTO CAMP OF PROSECUTION; DALLAS TRIAL NEARING END

H. J. SOUTHWELL



longt Line Engineer, for Whose Killing Herbert E. Dallas is on Trial Here.

MAN THOUGHT TO BE GRISSOM SEEN IN MAYPORT, FLORIDA

Believes His Former Associate Alive.

JACKSONVILLE, Fla., Jan. 24 .-James Gavagan, justice at peace at Mayport, told L. W. Jenkins, who was connected with H. A. Grissom in the drug business at Greensboro, N. C., over the long distance telephone tonight that a man answering the description of Grissom, who disappeared hisi Thursday night, was in Mayport yesterday afternoon. Jenkins expressed the opinion, after getting the description of the man, that he was Grissom. Grissom has not been seen since his automobile was found Friday submerged in Thomas creek near here. The man whose description is said

o tally with that of Grissom, acted peculiarly, Gavagan told Jenkins. The back seat of Grissom's automobile never has been found and Jenkins advanced the theory that he could ave used that as a life preserver and made his way to shore

JACKSONVILLE, Fla., Jan. 24 .- Auhorities tonight discarded the theory that H. A. Grissom, Greensboro, N. C. druggist whose automobile was found submerged in Thomas Creek, near here, Friday morning, met with woul play. Today's investigation, it was said, inlicated that Grissom perished when his automobile plunged into the stream when full speed was put on after it had stalled in the mud.

E. M. Pace, a farmer residing two miles from the creek which is at the end of a blind road, said that between and 10 o'clock Thursday night a man driving an automobile with only one headlight, stopped at his home and inquired the way to Atlanta. Grissom left Jacksonville Thursday night and was to have wired his family on his arrival in Atlanta.

After leaving the Pace home, it was noticed that the automobile started down the blind road, instead of the right highway to Atlanta. Near the place where the automobile was found the earth had been torn up as if a car had stalled and then suddenly when the driver had put on full speed in an effort to extricate himself, had plunged

found that one light on Grissom's car which is being repaired, was out of Thomas Creek was dragged today

in vain for Grissom's body,

Meet in Raleigh Today

RALEIGH, Jan. 24.—Delegates are

assembling here for the special meet-ing tomorrow of the North Carolina Merchants' association. The morning session of the convention will be devoted to a conference and tomorrow afternoon the legislative committee of the association will meet with the legislative committee of the general assembly to advocate the garnishment bill and the "bad check" bill, both measures proposed by the association. Later conferences will be held in an effort to get agreement among con-flicting opinions in the association on the drug bill already introduced in the senate at the instance of the North Carolina pharmaceutical association, according to J. Paul Leonard, executive secretary of the association.

Secretary Weeks Wants Larger Appropriation

WASHINGTON, Jan. 24.—The senate appropriation sub-committee has been asked by Secretary of War Weeks to add to the army appropriation bill a number of items to provide for army work in the Hawaiian islands and at other posts, including \$600,000 for con-struction at Fort Sam Houston, Texas, and \$500,000 at Fort Myers, Va., it became known today.

Bert Kelly, Presented By State, Substantiates Story Told On Witness Stand By Defendant.

CASE GOES TO JURY HERE THIS AFTERNOON

Biggest Crowd Ever Packing County Court House Present When Clark Makes Opening Argument For the State; Night Session Held to Speed Up Proceedings; Kellum and McClammy to Close Arguments at Today's Session.

The fate of Herbert E. Dallas will hang in the balance scales of a jury's deliberations this afternoon, with the accused yardmaster's chances immeasurably brighter by reason of an error of commission by the state in the closing hours of the testimony yesterday

A bombshell exploded in the prosecution camp when Police Lieut. A. L. Kelly, called as a state witness, proved a bulwark of strength for the defense, only the swift maneuvering of E. T Cansler, Dallas's chief counsel, saving the state the embarrassment of virtually impeaching its own witness.

The largest crowd that has ever packed the New Hanover county court room, was wedged into the auditorium at 2 o'clock yesterday afternoon, when J. Bayard Clark, of Fayetteville, presented the opening argument for the prosecution. Into the square hall, the seating ca-

pacity of which is barely 300, was jam-med a seething mass of fully 600 persons, every inch of standing room be-Greensboro Druggist's Partner ing taken and the overflow pouring into the prisoner's dock and the bar. The crowd yesterday bore evices of being more restless than on previ-

ous occasions, and there was prevalent a tendency to mumble audibly at the workings of the court machinery. Once, when there was an outbreak of voices, Judge Devin was forced to ran sharply for order and threaten the offenders with summary punishment for

contempt. The defense rested shortly after 10 o'clock yesterday morning, the state consuming the remainder of the morning session in rebuttal, presenting Alpert Francis, French fireman on Southwell's train, Dr. J. W. Hooper, who performed the operation on Southwell a few hours before his death, and Kel-

Character witnesses only were introduced by the defense. Arguments began at 2 o'clock and continued until 10 last night. J. Bay-ard Clark led off for the state, followed by E. T. Cansler, of Charlotte, and J. O. Carr, for the defense. L. Clayton te. and John D. Bel lamy for the defense, presented their arguments last night, while the closng appeals will be made by Herbert McClammy and Solicitor Woodus Kel-

lum this morning.

Judge Devin will probably start his charge to the jury at noon today.

The Kelly boomerang was the outstanding feature of yesterday's ses-sion. Kelly, head of the Coast Line police force here, an eye witness to the shooting and subpoened by both sides was called as the last major witness of the trial.

By him, the state hoped to substantiate the evidence of Chauncey B. Hol-leman, that Dallas leveled the gun at Southwell before their fatal struggle, instead of merely holding it in his hands, as the defendant himself had testified.

The prosecution also sought to show that Dallas pointed the weapon at Southwell, made some remark, that Southwell lunged and struck the gun, the shot following. But Kelly gave no such evidence. The police officer refused to say the exact

position the defendant held the revolver when he approached Southwell Nor did he testify that the shot folinto the water.

L. W. Jenkins who was associated clinched. Instead, he asserted that he with Grissom in the drug business, walked 60 feet toward the fighting men. before the shot was fired, and that the combatants themselves struggled for a distance of approximately 15 feet. The state, caught off its guard by Kelly's evidence, sought to introduce an affidavit signed by Kelly at the inquest, but the defense promptly ob-

> The introduction of this affidavit would have virtually impeached the testimony of Kelly.
>
> Lieutenant Kelly was examined by Mr. Clark for the state. After reciting

the events immediately preceding the shooting he testified as follows: Q. Where did you stop in the con course?
A. About 30 feet south of the alley

leading to the shed. Q. Well, how long were you there before you saw Mr. Southwell again?

A. I should say a minute or two. Q. Where did you see him then. A. He passed me while I was standing there.

Q. Did he say anything to you, or greet you in any way? A. He pinched me. He had his grip in his left hand and reached around with his right and pinched me. Q. When you speak of his pinching you, Mr. Kelly, did he do that in a

friendly or an unfriendly way?

A. It was his usual greeting, either that or slapping you, or something of the kind. Q. Which way was he going at the

A. He was going south.
Q. Did you at that time go further

south, or remain where you were?

A. I remained where I was.
Q. Did you see Mr. Dallas on or about

Q. Did you see Mr. Dallas on or about that time in the concourse anywhere, and if so, where?
A. Just after Mr. Southwell passed me, I saw Mr. Dallas and Mr. Fonville standing just on the inside of the gate.

(Continued on Page Two.)