

Rain and Colder Tonight

'Asheville's Livest Newspaper—Today's News Today—Not Tomorrow—Every Day in the Year'

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ASHEVILLE, N. C., THURSDAY AFTERNOON, NOV. 29, 1917

PRICE FIVE CENTS

CHICAGO LAWYER TELLS OF FINDING SECOND KING WILL

Discovered Long Time After First Will Was Probated, Melville Declares

JOHN T. DOOLING NOT TO TESTIFY

Hotel Manager Swears Mrs. King Was Under the Control of Means

Concord, Nov. 29.—Americus B. Melville, Chicago lawyer, former attorney for Mrs. Maude A. King, for whose alleged murder Gaston B. Means is on trial here, went on the stand today as a witness for the state and was examined by John T. Dooling, assistant district attorney of New York.

Melville told of his experience as attorney for Mrs. King in the settlement of the estate of the late James C. King, which yielded her a million dollars in securities, money and other valuables. He told of the alleged discovery of the so-called second will of King a long while after the first will had been probated. Melville's testimony along this line was admitted only tentatively, the court reserving the right to have it stricken from the record later.

Solicitor Clement explained to the court, upon inquiry by the defense, that it was not the present intention of the state to offer Mr. Dooling as a witness but if it so decided later he would sever the relationship of counsel for the state.

Melville's examination followed completion of the cross-examination of Willard D. Rockefeller, managing director of a Chicago hotel, whose declaration that "I was tipped off by the government against Means," was ordered by the court to be stricken from the record. This statement was made while the witness appeared irritated by the questions of E. T. Cansler, of counsel for the defense, in an effort to break down the testimony of Mr. Rockefeller that Mrs. King was virtually a prisoner under control of Means for several months this year while at the hotel at Chicago.

Numerous letters, telegrams and other documents, including a purported photographic copy of the probated will of King, were identified by Mr. Melville as presented by Mr. Dooling and filed with the court. Upon request of Mr. Dooling that the court rule that these documents should be returned to their respective jurisdictions, Judge Cline intimated that they would be copied into the record of this court, if admitted as evidence, and the original returned to the court.

Progress of the trial was slow during the morning, as the evidence was of a technical nature and frequent clashes between opposing counsel occurred, calling for argument and ruling by the court. In an announcement made to the court while the jury was out, Solicitor Hayden Clement asserted that if permitted to introduce in evidence statements made to Rockefeller by Mrs. King at the hotel, it could be shown that the woman and her money were "absolutely under the control" of Means at the time and she was virtually a prisoner in the hotel. The court ruled that Rockefeller could tell while in the presence of the defendant, as the witness said he had never talked with Mrs. King in the presence of Means, he was allowed to narrate only his conversations with Means and incidents which came under his observation at the hotel during the stay of the party.

Rockefeller testified that after a conversation with Mrs. King, Means threatened to take her to the court if she had in the hotel if Rockefeller ever talked with her or her sister, Mrs. Mary A. Melvin, again. He said Means asserted:

"I am preparing to spring a will that will strip the whole United States and I don't want anybody to talk to her."

New York and Chicago witnesses for the state who are here, have asserted Means was preparing to offer for probate an alleged second will of the late James C. King, of Chicago, which would give \$2,000,000 to Mrs. King in addition to approximately \$1,000,000 she, as King's widow, inherited under the first will.

Rockefeller also testified that Henry Deitch, one of the party at the hotel, who he described as Means' "watchman," kept a constant watch of Mrs. King in the hotel. Rockefeller admitted on cross-examination that he allowed Means and the others to remain in the hotel after he had learned the alleged state of affairs, saying the party occupied ten rooms. He said Mrs. King left July 2 and Means and Henry Deitch soon thereafter.

When the defense resumed the cross-examination of Rockefeller this morning Attorney Cansler undertook to break down the testimony of the witness by asking if Means and Deitch were on guard restraining Mrs. King of her liberty during the month of April, 1917. Rockefeller answered in the affirmative, whereupon the defense challenged him to show by the hotel record that Deitch was there in the month of April. The witness then admitted that Deitch was not registered at the hotel until May 3, 1917, but declared Deitch was at the hotel prior to May 1.

Being pressed by Attorney Cansler for a statement of his personal attestation, a statement of his personal attestation.

AMERICAN TELLS OF HIS ESCAPE

Member of British Flying Corps Fell From Height of 8,000 Feet and Awoke in Hospital

London, Nov. 29.—Lieutenant Patrick O'Brien, of Momence, Ill., the first American member of the British flying corps to escape from Germany, has arrived in London. O'Brien eluded his captors by jumping from the window of a speeding train. He then became a fugitive for 72 days and, as his goal was within sight, narrowly escaped electrocution from the charged wires along the Holland frontier.

Last night O'Brien was dined by a group of admiring fliers, who had believed he had been killed when he was reported missing on August 17, last.

O'Brien was flying in the American aviation squadron at San Diego, Cal., when he went to Victoria, B. C., and obtained a commission in the Canadian army. Going to France the next year he distinguished himself by his great daring over the German lines.

In an encounter on August 17, there were 20 German machines to six British. O'Brien's machine alone engaged four enemy craft and accounting for one before O'Brien was shot through the upper lip. He fell with his damaged airplane from a height of 8,000 feet.

O'Brien cannot explain why he was not killed. When he regained consciousness he was in a German hospital.

Later the lieutenant spent three weeks at a prison camp at Courtrai before he was started for the interior. There were three other prisoners under a strong guard in his compartment when O'Brien, as a ruse, had the window opened by complaining of the smoke.

The train was now 60 miles inside Germany and traveling at 30 miles an hour. O'Brien jumped from the train, skimming the whole side of his face, reopening the wound in his lip and losing consciousness.

It was about 4 o'clock in the morning and the darkness shielded him. When he recovered he was lying in a field. Then for 72 days he was a fugitive, traveling only at night. He braved rough fields and swam rivers and canals in Germany, Luxembourg and Belgium before he reached the Dutch frontier. At the time of his flight he had a piece of sausage on which he subsisted for several days, after which his sole sustenance consisted of turnips and other vegetables.

O'Brien did not know German, but he used a little French on a kindly Belgian who sheltered him for several days. The Belgian then gave him old clothes to cover his uniform and directed him to the nearest route to the frontier. O'Brien swam the river Meuse near Namur and the next day was concealed by German sentries who decided he was a peasant.

But his narrow escape was reserved for his last day as a fugitive when he could see Dutch territory. To circumvent the charged wires O'Brien built a bridge in a nearby wood and threw it across the wire. But it broke under his weight and O'Brien received a shock which, he says, he can still feel. When he retreated, he dug with his hands a tunnel under the wire and after several hours he had a hole big enough to crawl through.

Next morning he hurried to the nearest British consul who arranged for his transportation to London.

Wired His Mother

Momence, Ill., Nov. 29.—A Lacombe cablegram "escaped from German prison," letter follows, prepared this day by the British, telling news today of the escape of Flight Lieutenant Patrick O'Brien.

The message quoted was signed "Pat" and was addressed to his mother, Mrs. Margaret O'Brien. It was forwarded to Crawley, Wyoming, where she is visiting, by another son, John.

Before taking up aviation five years ago, Patrick O'Brien was a locomotive engineer on the Santa Fe railroad.

SHORTER OVERCOATS FOR AMERICANS

With the American Army in France, Nov. 29.—(By The Associated Press)—The uniform of the American soldier is undergoing a further change. A large number of troops have turned in their long overcoats to receive in exchange coats of the same material, but much shorter in length. Because of the perpetual mud it was found that the long coats soon became caked and heavy. They flopped about the legs of the soldiers, hindering the free movement of the wearers.

Mrs. De Saules Provides Dinner, Minnola, Nov. 29.—(By The Associated Press)—Dinner for the prisoners in Nassau county jail was provided today by Mrs. Blanca De Saules, whose trial on a charge of murder for shooting her husband, John L. De Saules, was suspended over the holiday. Two men accused of killing their wives were beneficiaries of this bounty, which it is estimated cost the donor more than \$100.

Priests Released, Mexico City, Nov. 28.—(Delayed.)—By order of the department of the interior three of the foreign priests arrested Sunday and ordered deported have been released and permitted to remain in Mexico. The government will permit one Spaniard, one Italian and one French priest to remain, but foreign priests must not hold religious services in churches, the government has decided.

CAPITAL HONORS MEN IN UNIFORMS

Washington Extends Hospitality To Thousands of Soldiers and Sailors—Day Quiet for the President

Washington, Nov. 29.—Prosecution of the war was temporarily laid aside today while Washington observed Thanksgiving day and made it an occasion of city-wide hospitality for thousands of soldiers and sailors. Hundreds of private homes were thrown open to the uniformed visitors from neighboring camps and many religious fraternal organizations held entertainments in their honor.

President Wilson spent the day quietly. He made no engagements during the day except to attend union services in the morning at the Metropolitan Methodist Episcopal church, where Bishop Wm. F. McDowell preached. The president, surrounded by members of his household, enjoyed a Thanksgiving dinner at the White House. The president's turkey this year, a 40-pounder, came from the Kentucky farm of South Trimble, clerk of the house.

All the cabinet members were in Washington today except Secretary Wilson, who is in the west, and they observed the day quietly at their homes.

Diplomats, including those from North and South America, and high officials and jurists attended the usual Pan-American mass at St. Patrick's church, at which Cardinal Gibbons gave his blessings. Thanksgiving services were also held at numerous other churches throughout the city. Practically all departments except those which it was absolutely necessary to keep open, were closed and business throughout the city was suspended.

At the Y. M. C. A. headquarters, it was estimated that there would be 20,000 soldiers in the city before the day was over. Mrs. Samuel L. Hill purchased the entire lower floor of a downtown vaudeville theater for one performance and had it reserved for men in uniform.

TRADITIONAL POLITENESS OF BRITISH UNCHANGED

London, Oct. 8.—(By mail)—"Submarines, please, sir." The very young midshipmate on a big Atlantic liner had had little experience with submarines, but a long training in politeness, and that is how he announced the news to those passengers he was sent to warn on a recent trip from New York.

It was different with a mariner now serving as messenger in one of the government offices when the last air raid warning went around. He knoeked loudly on the office door, walked in calmly and announced quite unharriedly: "Mr. Jones, I have to ask you some first-aid questions, and as we have had warnings of an air raid," adding as he courtesied to the stenographer, "And the same to you miss."

CAMOUFLAGED PIE AND GINGER BREAD

Washington, Nov. 29.—Camouflaged pumpkin pie and gingerbread are the latest experiments in food conservation tested on one of the army transports, and according to the report of the troops there was only one objection—there wasn't enough. Supplied by the national emergency food garden connected with the transport Grant with great success. The pie is, as its name implies, camouflaged with cornmeal, salt, brown sugar, cinnamon, two eggs and ginger.

The ginger bread, however, is gingerless, molassesless, eggless, butterless and milkless.

Rhode Island Governor Flies English Channel

Gov. R. S. Beekman of Rhode Island, who has been in Europe looking into war conditions for some time, flew from England to France in an aeroplane recently. He has been making a study of the war at first hand.



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Opportunity to Serve Mankind

A Proclamation By the President. "It has long been the honored custom of our people to turn in the fruitful autumn of the year in praise and thanksgiving to Almighty God for his many blessings. It is to us as a nation, and as a people, that we can follow in the footsteps of our fathers in the midst of a world shaken by an immeasurable disaster, in the midst of sorrow and great peril, because even amidst the darkness that has gathered about us we can see the great blessings God has bestowed upon us, blessings that are better than mere peace of mind and prosperity of enterprise.

"We have been given the opportunity to serve mankind as we once served ourselves in the great day of our Declaration of Independence, by taking up arms against a tyranny that threatened to master and debase men everywhere and joining with other free peoples in demanding for all the nations of the world what we then demanded and obtained for ourselves. In this day of the revelation of our duty not only to defend our own rights of free thought and free speech, but to there has been vouchsafed us in full and inspiring measure the resolution and spirit of united action. We have been brought to one mind and purpose. A new vigor of common counsel and common action has been revealed in us. We should especially thank God that in such circumstances, in the midst of the greatest enterprise the spirits of men have entered upon, we have, if we but observe a reasonable and practicable economy, abundance with which to supply the needs of those associated with us as well as our own. A new light shines about us. The great duties of a new day awaken a new and greater national spirit in us. We shall never again be divided or wonder what stuff we are made of. And while we render thanks for these things let us pray Almighty God that in all humbleness of spirit we may look always to Him for guidance; that we may be kept constant in the spirit and purpose of service; that by His grace our minds may be directed and our hands strengthened, and that in His good time liberty and security and peace and the comradeship of a common justice may be vouchsafed to all the nations of the earth.

"Wherefore, I, Woodrow Wilson, president of the United States of America, do hereby designate Thursday, the twenty-ninth day of November, next, as a day of Thanksgiving and prayer, and invite the people throughout the land to cease upon that day from their ordinary occupations and in their several homes and places of worship to render thanks to God, the great ruler of nations.

"In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

"Done in the District of Columbia, this 7th day of November, in the year of Our Lord one thousand nine hundred and seventeen and of the Independence of the United States of America the one hundred and forty-second.

By the president: "WOODROW WILSON. "ROBERT LANSING, "Secretary of State."

'NOT STREAK OF YELLOW IN BUNCH' GORGAS INSPECTS CAMP AT MACON

Such Tribute Paid To First American Contingent In France—Morale of Soldiers in Trenches Is Fine

Washington, Nov. 29.—(By The Associated Press)—The development of the men of the first American contingent in France in the science of war was described today as truly remarkable by the general commanding the division.

"I have been in the army since I was a boy," he said. "During that time I have observed many American and many foreign soldiers, but never in my life have I seen anything equalling the men now here. When my division landed we had shocked-headed boys—by the hundreds. They were clerks, mechanics, day laborers, farmer boys, old and young from every walk of life. Some spoke English and some did not. There were Poles, Bohemians, Russians, Jews, Gentiles. But in this short time they have become first-class soldiers, energetic, extreme and have fallen into the ways of army life as I never thought possible.

"They are game to the core and their idea to beat the Germans and give them a good beating. There isn't a streak of yellow in the whole lot, and their morale, even in the trenches, is fine.

"Here is an example: One night recently an officer called for volunteers to go patrolling in No-Man's-Land. He asked for 20 men. The whole company volunteered on the spot. Twenty were picked and a large batch was provided for them to put on their bayonets so that the light would not shine on them. During the blacking one private who had been in the army for four months stopped a moment. The soldier stood on one foot, the other being injured. He saluted and said his horse and started to run into a stone wall, so he threw him down, but fell under him. That's the spirit we are getting. The man was badly hurt, but even that did not make him forget his training of a few weeks.

"I was returning at the time from the hospital where I saw a few wounded men. Some of the men's proudest and most valuable possessions on earth are bullets and pieces of shrapnel which thoughtful surgeons saved for them on extracting them. Every man wanted to exhibit the cause of his wound. Their thoughts were all about recovering, rejoining their regiments and getting a chance to pay back the enemy in his own coin."

"At another time I had just passed a line of soldiers walking along a road in the rain when I came across one who was hatless, mud-covered and limping. I stopped my automobile and asked him what was the matter. The soldier stood on one foot, the other being injured. He saluted and said his horse and started to run into a stone wall, so he threw him down, but fell under him. That's the spirit we are getting. The man was badly hurt, but even that did not make him forget his training of a few weeks.

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It's Been Costly. With the American Army in France, Nov. 29.—(By The Associated Press.)—American ornance experts have figured that the Germans in raids on American trenches thus far have expended more than \$10,000 worth of ammunition alone.

Racing Season Opens, New Orleans, Nov. 29.—New Orleans' winter season of horse racing began today with the opening of the season at the new Shreveport track under auspices of the Jefferson Parish Fair association. The meet ends December 31. A system of oral betting recently held legal by the Louisiana supreme court was used.

Conference Opened, Christiania, Nov. 29.—The Scandinavian conference was opened yesterday with speeches by King Hakan, of Norway, and King Gustave, of Sweden, after which the ministers representing the three nations conferred for several hours. A banquet was held last night.

FORGE OF TEUTON DRIVE BROKEN

Enemy Will Never Pass, Being Confronted By Italian, British and French Forces, View of Experts

Italian Headquarters in Northern Italy, Nov. 28.—(Delayed.)—(By The Associated Press.)—Brigadier-General Scriven, of the United States army, accompanied by an aide and the American military attache at Rome, has arrived at headquarters to study the Italian situation and make a series of reports to the American government.

Major G. M. P. Murphy, head of the American Red Cross in Europe, also is here to coordinate the work of the organization. General Scriven was received by King Victor Emmanuel who invited him to dinner where the situation was discussed at length.

Reports from the front show that the enemy is still persistent but that little is left of his former vigor of attack and he is resorting to the old device of cunning. The Germans have posted placards in Italian, reading: "Italians, we have crossed the defenses of the Piave. Your defense is useless. Let us pass without further bloodshed. We shall be in Vicenza in three days."

In reply, the Italian soldiers posted a placard in German reading: "You will never pass." An eminent American military authority summarized the situation in this way: "While the danger is not yet over, nevertheless it seems to me from a military viewpoint that the enemy cannot pass, being confronted by the combined Italian, British and French forces."

His chief military reason for this view is that the enemy no longer has his lines of communication freely open to the rear, as the winter is breaking his communications in the north and interrupting if not destroying them to the east. Therefore, he believes, the enemy has reached the maximum and must decline from now on, while the Italians and their allies have all their communication from the north and south open and can augment their forces from now on. Consequently it appears to this American as though the enemy had failed in his main project of breaking through into the heart of Italy.

Before beginning in addition to giving the American military viewpoint, probably accords with other high opinion.

ALLIED CONFERENCE TO OPEN FRIDAY MORNING

Premier Clemenceau Is To Preside and Make Brief Address of Welcome

Paris, Nov. 29.—The inter-allied conference will open at 10 o'clock tomorrow morning with Premier Clemenceau presiding. The premier will make a brief speech of welcome after which the delegates will at once begin work.

Before beginning consideration of the program submitted for examination, the delegates will decide on the order of their deliberations and the appointment of questions for discussion by various technical committees. The conference is called upon to advise all to dispose of concrete problems, such as food supplies and the blockade, upon which specialists among the delegates will prepare opinions.

The preliminary work is likely to continue the first plenary session, after the close of which the various committees will sit separately. Another plenary session will close the conference which is expected to occur three days.

There will be an official luncheon at the foreign office on Saturday.

AMERICA PLAYS IMPORTANT PART

Paris, Nov. 29.—In discussing the inter-allied conference in an interview in the Petit Parisien, Viscount Northcliffe says: "The unity of control which will issue from this conference is essential for more than one reason, but especially because it will permit the allies to use to its full extent the generous abundance of resources which the vast trans-Atlantic republic places at their disposal. The importance of American intervention only appears as yet but indistinctly and veiled to the eyes of Europe. It is too difficult to imagine what is happening 5,000 kilometers from here."

Viscount Northcliffe described the enthusiasm which he said he had witnessed throughout the United States.

ALLIES MAY WARN RUSSIA AGAINST SEPARATE PEACE

A Statement May Be Issued Telling of Results That Are Likely To Follow

HARD FIGHTING IN CAMBRAI REGION

German Efforts To Regain Ground Failed—Crisis in Italy Has Passed

Efforts of the Russian Bolshevik government to arrange an armistice have met with the approval of the German authorities on the eastern front. The Germans have set next Sunday as the date for a conference to negotiate an armistice.

The Germans accepted the Russian proposition within a few hours after Bolshevik emissaries had visited the Teuton side.

The allied diplomatic representatives in Petrograd, it is reported, while not recognizing the Bolshevik government, will acknowledge receipt of the proposals from the Bolshevik leaders as though they came from individuals. Speaking for Great Britain, Lord Robert Cecil declares that the allies are considering the issuance of a "reasoned" statement for the guidance and warning of the Russians as to the serious results that are likely to follow if a separate peace is concluded."

Pope Benedict is not preparing a new appeal toward peace. This is announced by Cardinal Gasparri, the papal secretary of state, who says that the pope's desire for a just, Christian and durable peace remains unchanged.

Desperate Struggle Continues. On the Bourlon-Pontaine Notre Dame line the British and Germans continue their desperate struggle, the British trying to advance eastward toward Cambrai and the Germans attempting to hold them up with strong counter attacks. Positions along this line have changed hands repeatedly in the furious fighting, and German efforts to gain the dominating elevation of Bourlon wood have failed. Elsewhere on the western front there has been strong artillery activity.

Crisis in Italy Passed. The crisis in Italy has passed, according to Major-General Maurice, of the British war office. The Teutons in that region have not attempted any new attacks, in strength, their latest efforts apparently lacking the vigor of those earlier in the week against the Italian defenses between the Brenta and Piave.

Confer With Germans. London, Nov. 29.—Representatives of Emsign Krylenko, the Bolshevik Russian dispatch from Petrograd, have entered the German lines on the front of the Russian Fifth army to negotiate with the Germans who deputized commander-in-chief, according to a telegram from the northern army to act as plenipotentiary. His answer was received on official German government paper.

RENEWAL OF TROUBLE IN PETROGRAD REPORTED

London, Nov. 29.—The second edition of the Daily Mail today contains an apparently mutilated telegram from Petrograd, dated 4 o'clock Wednesday, indicating there has been a renewal of trouble there. It says there has been some firing and that several persons have been wounded.

Maximalist troops have occupied the Petrograd state bank, according to the Petrograd correspondent of the Daily Mail. He adds: "The people are going about their business in the most ordinary manner. Nobody is hurrying and one would never imagine that another revolution is in progress. Scenes of political turmoil have now become epidemic here."

WOOD SCARCE AT AMERICAN CAMPS

With the American Army in France, Nov. 29.—(By The Associated Press.)—The business of cutting and transporting wood has become one of first importance with the American force. For several weeks large detachments have been deep within the forests in France, some near the Swiss border, others near the coast and some far south.

So great has been the scarcity which now a beginning to be alleviated, that the troops on their hikes have been marched through nearby forests where every man picked up pieces of wood to carry back to the billets.

Advertisement for Christmas shopping days, featuring a large '21' and 'CHRISTMAS' text.

(Continued on Page 2)