

GERMANS PREPARING ANOTHER PEACE OFFER BRITISH AND FRENCH OPEN A NEW OFFENSIVE TO THE EAST OF YPRES

JUDGE CLINE RULES AGAINST PLAINTIFFS IN MEANS CASE, WITH DEFENDANT DOOLING

Motion of Gaston B. Means' Attorneys to Perpetually Enjoin Dooling from Carrying and Removing from the State Certain Papers Seized in Means' New York Apartments is Denied—Motion to Order New York Authorities to Return Papers to North Carolina is Also Denied—Defendants Are Non-Resident Witnesses and Exempt from Service—Ought Not be Difficult to Formulate an Acceptable Plan for the Transmission of All These Documents, Judge Cline Says in Closing.

Judge Cline today at noon handed down his decisions in the case in which Gaston B. Means and Mrs. Mary Melvin, plaintiffs, sought to prevent John T. Dooling and other New York officials as defendants from further keeping in their possession certain papers and documents seized in the apartments of Gaston B. Means in New York. On every point Judge Cline ruled with the defendants who were represented by Solicitor Hayden Clement. The full decision of the court is as follows:

NORTH CAROLINA, CABARRUS COUNTY.
IN THE SUPERIOR COURT.

Gaston B. Means and Mary C. Melvin, Plaintiffs,
VS
John Dooling, John Cuniff, Wm. J. Jones, Otto Schultze, W. T. Jones and C. B. Ambrose, Defendants.

ORDER.
This cause came on to be heard and was heard before His Honor E. B. Cline, Judge holding the Courts of the Fifteenth Judicial district, at Salisbury on the 8th day of October, 1917, upon the order of Judge Webb made at Gastonia on the 24th day of September, 1917, directing the defendants to appear at the aforesaid time and place and show cause why they should not be permanently restrained from removing certain documents, letters and papers from the jurisdiction of the Superior Court of Cabarrus county, and why they should not be required to deposit them with the Clerk of said Court for safe keeping until the further order of said Court, and why the plaintiffs should not be permitted to inspect and take copies of the same. The defendants had in the meantime been directed by Judge Webb in said order to surrender up to said Court for safe keeping all documents, papers and letters referred to in plaintiff's affidavit and complaint then in the possession of the defendants, or any of them, in Concord Cabarrus county, and especially a paper—writing purporting to be the last will of James C. King, deceased. The defendants were all then, and still are non-residents of North Carolina, but were at the time personally present in Concord in attendance upon the preliminary hearing before a Justice of the Peace of the case of the State vs Gaston B. Means, charged with the murder of Maude A. King, deceased, this at the instance and solicitation of the Honorable Hayden Clement, solicitor of the Fifteenth District. The sheriff made service upon each of the defendants and a return stating that such papers as he were under the control of the Solicitor and the Attorney General of North Carolina to be used in the above mentioned hearing.

Before the undersigned Judge at Salisbury on the return day of the order the defendants, through counsel, entered a special appearance in writing, and moved to set aside the service of summons and dismiss the action and to vacate and set aside the restraining order, filing an affidavit in support thereof. The Court temporarily overruled this motion and the defendants excepting and not waiving such exception filed their answer verified, and the plaintiffs filed a number of affidavits, all of which papers appear on record.

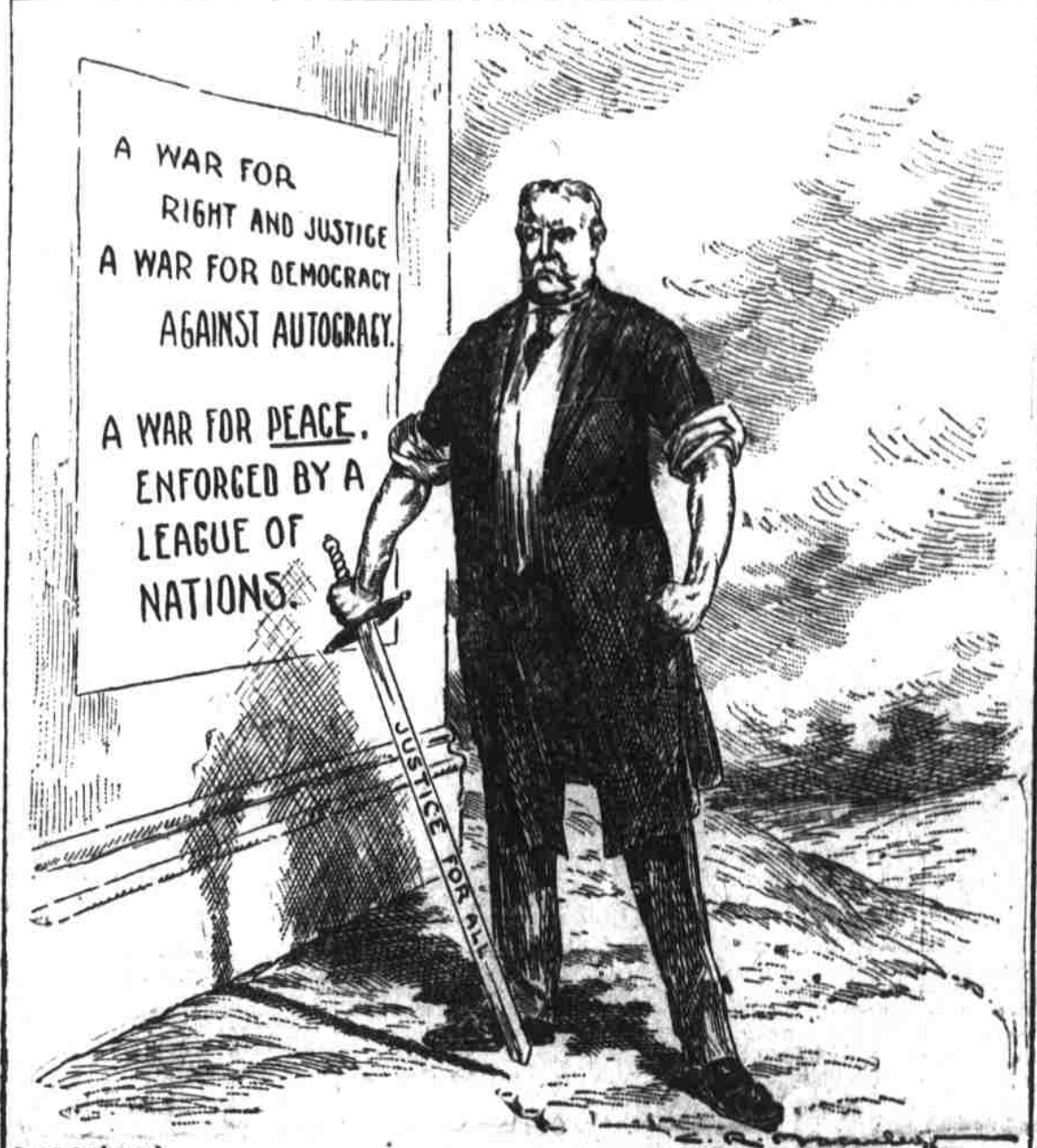
As to the paper-writing purporting to be the Will of James C. King, deceased, it is found as a fact from the evidence that it was never brought by any of the defendants to this state, or within the jurisdiction of this

Court and that matter may be so dismissed without further comment.
As to the documents, papers and letters mentioned in plaintiff's complaint as having been taken from the private apartment of Gaston B. Means in New York City, it is impossible to find and say whether or not any papers taken from said apartment were in fact brought to this State, except a few left in the possession of the solicitor, and now lodged for safe keeping with the Clerk of the Superior Court of Rowan county, subject to examination and copy. There is no evidence that any of the defendants had possession at any time of any such papers or had in control thereof, except such as directs itself to the defendant, John T. Dooling. The affidavits of the plaintiffs show that he brought to Concord and carried away with him a Telescope like unto one testified to by Henry Deutsch as having been carried away from New York apartments of Gaston B. Means by said Dooling and his assistants on September 11th, 1917, containing files of papers, the property of said Means. Apparently said Dooling was very careful of this telescope, but not having denied that it contained seized papers and no other persons having seen its contents, the Court cannot determine what in fact they were. However, this may be, that part of the order before the undersigned directs the defendants to show cause "why they should not be permanently restrained from removing and why they should not be required to deposit" documents which if once here have long since been removed from the State leaving nothing upon which it can operate. There was much discussion of the lawfulness or unlawfulness of the seizure by the District Attorney's office of the papers left by Gaston B. Means in his apartments at 1155 Park Avenue New York City. Suffice it to say here that it appears to have been done under color of legal authority and this Court giving proper faith and credit to the acts and orders of the Courts of another State ought not to presume the procedure in the District Attorney's office to be unlawful but the contrary. The defendant, Dooling, is his assistant and so a New York prosecuting attorney. He swears, and the Court finds, that he came to Con-

(Continued on Page 3.)

Red Cross Bazaar.

The Red Cross Bazaar opens tomorrow evening, and will continue for two days. The ladies have been exceedingly busy for two weeks and have left nothing undone in their work to perfect an organization which will assure a big success.
Many things will be offered for sale, things that the housewives need, that people in general need and every dollar goes to the Local Red Cross. The ladies will also serve lunches to the business men. Families and individuals will want to buy their meals here a portion of the time.
The Local Chapter of the American Red Cross wants a thousand members, too. Rowan ought to contribute from one or three thousand members to the Red Cross.
Be sure and make your plans to help the Red Cross. Buy liberally and make generous donations. Help them to make a thousand dollars. It is for the great cause in which every man and woman has a vital interest.



"THIS IS A RIGHTEOUS WAR; AND RIGHTEOUS WAR MUST BE WON."

CHICAGO--NEW YORK BALL GAME POSTPONED

(By Associated Press.)
New York, Oct. 9.—Postponement of the third of the world's series of baseball games was announced by the national commission at 12:36 this afternoon. The games scheduled for today and tomorrow will be played at the Polo grounds Wednesday and Thursday.
15,000 Braved Weather.
New York, Oct. 9.—A heavy down-pour of rain came out of the Northwest this morning with no promise of a cessation and caused a postponement of the third of the world's series games between New York and Chicago.
Fifteen thousand spectators of the kind whose courage the two defeats of the National league cham-

A RED CROSS MASS MEETING

Public Is Cordially Invited to Attend the Rally at Community Building Wednesday Evening
CAMERON MORRISON TO DELIVER THE ADDRESS
This Patriotic Rally Will Formally Open the Big Red Cross Bazaar to Open.
A great deal of interest is being manifested in the patriotic mass meeting given under the auspices of the Salisbury Red Cross at the Community Building tomorrow evening at 8 o'clock. Those who have this affair in charge are hoping to make it one of the most significant gatherings of its kind ever held in the city. Hon. Cameron Morrison, the speaker on this occasion, is by far one of the most eloquent and fluent speakers in the State and he is fast gaining a reputation as a man of unusual ability and the people of Salisbury will enjoy a great treat when they hear him. The meeting tomorrow evening is everybody's meeting, young and old, and the following program will certainly interest everyone:
Presiding—Rev. W. W. Way, chairman Salisbury Red Cross.
Song—America.
Address—The Civilian Relief Work of the Red Cross, Prof. T. W. Andrews, Supt. of Public Schools.
Vocal Solo—Selected—Mrs. H. J. Knebel.
Remarks—By Mayor W. H. Woodson.
Patriotic Address—Hon. Cameron Morrison, Charlotte, N. C.
Vocal Solo—Selected—Mrs. H. J. Knebel.
Closing Prayer—Rev. W. A. Lambeth, pastor First Methodist church.
The Red Cross Bazaar will be in readiness for the opening in the Washington Building immediately following the close of the patriotic meeting, and every one should attend this bazaar.
The regular meeting of the Salisbury Chapter of the Red Cross will be held this evening at 8 o'clock in the Community Building. All members are urged to be present. Some very interesting reports will be made regarding the work.

CAMP JACKSON MEN BE TRANSFERRED

Sufficient Numbers to Be Removed to Fill Up National Guard Divisions in Far South.
ALSO TO PROVIDE FOR DIVISION NEGRO TROOPS
Remaining Men at Three Southern Camps Will Be Consolidated in Division.
(By Associated Press.)
Washington, Oct. 9.—Redistribution of the forces in the national army cantonments in the South, Middle West and East has been ordered by the War Department in order to fill up three National Guard divisions in the Southern states to war strength and provide for the organization of an additional national army division composed of negro troops.
The National Guard divisions to be filled up are the 30th, 31st and 39th, all composed of troops from the far Southern states.
Drafted men from the national army cantonment at Camp Jackson, Columbia, S. C., and other Southern

A PEACE OFFER IS BEING MADE

Learned On Good Authority by a Berlin Paper That Germany and Austria Are Ready.
AGREE THAT THERE BE NO INDEMNITY OR TERRITORY
Belgium and France to Be Relinquished by the Central Powers as Basis of Peace.
(By Associated Press.)
Amsterdam, Oct. 9.—Germany and Austria have agreed to make another peace offer to the allies, according to the Dutcheertags Zeitung, of Berlin, which says it learns this on what is considered the best authority.
The offer will have as its basis an agreement that there be no territorial aggrandizement, the surrender of Belgium and Northern France, the renunciation positively of any indemnity to be paid by either side and no acquisition by either.
camps will be transferred to fill the gaps. The remaining men at the three camps will be consolidated at Camp Jackson to compose one national army division.

ARGENTINA WILL NOT BREAK NOW

Foreign Minister Announces That Argentina Is Not Prepared Now to Break With Germany.
WILL NOT UNLESS GERMANY REFUSES TO ACT RIGHTLY
The Government Is Seeking to Protect Own Interest and Interest of the People.
(By Associated Press.)
Buenos Aires, Oct. 9.—The Argentinian government is not prepared to follow the action of Uruguay in severing diplomatic relations with Germany, says the minister of foreign affairs for Argentina. Argentina is not prepared to announce a neutrality, but is seeking to safeguard her own interest. Relations will not be broken if Germany will recognize the Argentina flag and respect the rights of the nation and the people, as if not relations will be promptly broken off.
Count Von Luxburg Still in Argentina.
Buenos Aires, Oct. 8.—Officials today admitted that Count Karl von Luxburg, the former German minister to Argentina, is still in the country. His exact location was not made known.
The admission was forthcoming when it was learned today that a search by a British cruiser of an outward bound Spanish steamer had failed to locate Von Luxburg, who was supposed to have taken passage on the steamer last Friday and sailed from Montevideo.
British Pushing Germans Back.
British Front in France and Belgium, Oct. 9.—(By Associated Press.)—The British have pushed back the Germans through Poeschappelle and are fighting in the eastern outskirts of the city about a large brewery.
Just north of Broodseinde at Daisy wood the Germans held out strongly but the British surrounded the wood and a hot fight followed. At many places the French and British advanced to a depth of 1,200 yards or more.
The British troops on the Gravenstafel ridge advanced to Passchendaele ridge and rested 1,000 yards southwest of the town. The French crossed the Jansbeek and Brownbeek rivers.

BRITISH AND FRENCH LAUNCH ANOTHER HEAVY OFFENSIVE

With Utter Disregard to Weather Conditions Allies Are Striking Hard at the Germans.
GERMAN COMMUNICATING LINE COMMANDED BY GUNS
German Morale on the Flanders Front Has Notably Deteriorated Counter Attacks Infrequent.
(By Associated Press.)
London, Oct. 9.—The British attacked the German line on a wide front in Belgium to the east and northeast of Ypres early today. Field Marshal Haig reports satisfactory progress made and says the attack was made in conjunction with the allies of Great Britain.
With utter disregard to the weather conditions and surprisingly short time following the successful offensive of last week, the British and French armies in Belgium have launched another heavy offensive to the east and northeast of Ypres on the German line.
The blow fell early in the day both to the east and north east of Ypres, where the Crown Prince's line has already been dangerously bent back by the terrific thrusts of the past week.
The British commander reported early that he had made satisfactory progress on all parts of the front and that the attack had been made "in conjunction with our allies on our left."
Shortly after this the official announcement was made and indicated that the allies referred to on the left was the French army. They launched an attack in concert with the British and favorable developments of the attack are reported. A considerable number of French troops took part in the beginning of the Flanders fight July 31st and in subsequent fighting that consolidated the ground won by them from the point northeast of Langemarck as far north as Dixmude. This section of the front remained comparatively quiet while the British to the south were renewing the drive last month. Apparently the time is now considered opportune to bring the line to the north more nearly on a level with the advance of the British front. The French attacks extended as far east as Houthouls forest about five miles toward the coast of Buixchoote.
It has been pointed out that with the salient parts of Passendale-Ghelvelit ridge in their hands as a result of the successes of last week the British are in admirable position to push further east toward the Menin-Rueters railway line. This invaluable line of communication for the Germans between the bases in southwest Belgium and northern France and their Belgian coast port is already commanded by British guns, and the renewed push in indication that this line is only about five and a half miles distant from the point of the British wedge at Broodseinde.
Numerous indications have been found, according to reports from Flanders front, that the German morale in this sector had notably deteriorated under the crushing blow of the British and their overwhelming artillery superiority. Lack of the former vigor in the German counterattacks and their comparative infrequency is cited in corroboration of this. The theory is suggested, despite unfavorable weather conditions, that Field Marshal Haig has decided to hit the Germans another hard blow while they are still scattered from the effects of last week's defeat and shake their further already precarious hold on the Western Belgium to the point where they will be compelled to let go.

PROBING ST. PAUL SPEECH

Chairman Pomerene of the LaFollette Committee, Confers With President Wilson and Secretary Lansing.
(By Associated Press.)
Washington, Oct. 9.—Chairman Pomerene of the Senate committee investigating Senator LaFollette's St. Paul speech conferred with President Wilson and Secretary Lansing today gathering material for examining into Senator LaFollette's statement that former secretary of State W. J. Bryan, having knowledge of an ammunition cargo on the Lusitania on its last voyage, urged President Wilson to keep Americans off the ship.
All facts in the State Department's possession relating to the ship and cargo will be placed before the investigation committee without reserve, Senator Pomerene was assured.

ANOTHER LOAN TO GREAT BRITAIN

The United States Today Makes Another Loan to the Allies Bringing Total to More Than Two and Half Billion Dollars.
(By Associated Press.)
Washington, Oct. 9.—An additional loan of \$4,000,000 each to Great Britain and France was made by the government today.
With this transaction the total loaned to the allies by the United States is \$2,618,400,000.
There are in the United States near 25,500,000 natives of Germany, and more than 12,000,000 persons of German descent.
The frontier line between Canada and the United States is the only "undefended" frontier in the world.