

State Wins For Present On Question Of Testimony Of Simmons At The Cole Trial

MISS COLE NAMED IN THE TESTIMONY

State Contends That Anything Ormond Said About Her Has Nothing to Do With Defense.

JUDGE FINLEY IS WITH THE STATE

Rules at Present With the State But Will Hand Down Prepared Statement After Inquiry.

Richmond County Court House, Rockingham, Oct. 5.—(P)—The prosecution of W. B. Cole, on trial for the slaying of W. W. Ormond, won a temporary victory today when Judge Finley excluded the testimony of R. R. Simmons until after he has prepared a decision dealing with the shooting.

Simmons' testimony concerns remarks alleged to have been made by Ormond about Miss Elizabeth Cole, master of the manufacturer on trial.

Richmond County Court House, Rockingham, Oct. 5.—(P)—The defense of W. B. Cole shouldered today the double burden of continuing the introduction of evidence in support of pleas that the wealthy cotton manufacturer killed W. W. Ormond while insane and in self-defense.

The trial was delayed a few minutes while Judge P. A. Daniels convened and adjourned the regular Rev. of Richmond County Superior Court to re-examine rapidly.

To establish their contention, Ormond promisedly slandered Mrs. Elizabeth Cole, the defense called R. R. Simmons. The State objected and the jury was excused while counsel argued the admissibility of Simmons' testimony.

J. C. Cooley presented the State's contention that the virtue of Miss Elizabeth Cole is not at issue, and that the State repeatedly had declined to question her character. W. B. Cole is being tried for murder, he said, and the woman's virginity is of no consideration.

He then attacked the defense plea of insanity.

"Cole testified on oath that he remembered the minutest details in the killing of Ormond. He testified on oath that he is sane today. Now he pleads transitory insanity which we understand your Honor has ruled against. He is sane today and has testified he would kill Ormond today under the same circumstances. How could he have been insane?"

Judge Finley interrupted to say that he had allowed this character of testimony to show the effect on Cole's mind, that the court was proceeding with the understanding that Cole's plea was sanity, call it what he will. He has ruled against emotional insanity, moral insanity, and brainstorm.

Clyde Hoey also expressed the State's contention that any remark not communicated to Cole could not have affected his mind.

The defense fought for the evidence in support of its plea of "transitory insanity" and based its request for Simmons' testimony on four points: "That it showed the malice of Ormond; that it would corroborate Fred Bynum and other witnesses who testified they had communicated slanderous remarks of Ormond; the defense contended in the third place that the evidence would tend to reduce the offense from murder to manslaughter; that it would show the recklessness of Ormond."

Judge Finley first ruled that the evidence might go to the jury as tending to show the malice of Ormond as interpreted by Cole from similar remarks communicated to him. The State charged the defense with bringing the question of Miss Cole's virginity to cloud the jury.

Prolonged discussion by the State caused Judge Finley to reserve his final decision.

J. W. West, employed at the Hanna Pickett Mill, who drove Ormond's

car away from the scene of the shooting, testified for the defense that he did not place a pistol in Ormond's car.

On cross-examination West admitted that a week later some one mentioned a pistol and he went to William Scales and told him there was a possibility of his being indicted for perjury if he didn't tell everything he might know of it.

West conferred with W. B. Lee, assistant treasurer of the Hanna Pickett Mills, and W. A. Jenkins, the superintendent, the day after the shooting.

"You were a sort of runner for Lee and Jenkins in their efforts to get evidence for Cole, weren't you?" "Well, yes."

"Didn't Lee tell you to tell these fellows they might be indicted for perjury if they didn't tell all they know?"

Larry Moore was directing the questions.

West had testified he told Scales he might be indicted for perjury.

He answered Mr. Moore's question by saying that Lee had told him they could be indicted.

The defense witnesses were corroborating previous testimony and were being asked to testify concerning Cole's "queer actions" and conversation, tending to support Cole's plea of self defense.

On cross-examination the State brought on the friendly relations between witnesses and Cole and charged that every effort was made by the defense to bring evidence that would aid Cole.

The defendant was nervous and during the examination of his supervisor paid close attention.

Jenkins described his observations of Cole but the defense struck a snag when the witness was not allowed to give his opinion of Cole's mental condition. The court sustained the State's objection, and the defense took to re-examination rapidly.

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Judith Daniels has the following in the Raleigh News and Observer:

The State is not trying the virtue of Elizabeth Cole but she has branded her dead sweetheart a liar for his letter that they lived together as man and wife for over a year. The defense claims that Cole was driven to insanity by this "grossest slander."

The State may be forced into presenting evidence in an attempt to show that Ormond wrote not slander but the truth.

Interest in further developments of the trial centered around the question as to whether Elizabeth Cole's letters will bear out her testimony or show that Bill Ormond wrote the truth.

Counsel for the defense do not know the contents of the letters from Elizabeth Cole to her former sweetheart except in so far as the girl has told them from memory. The State has more than a score of letters written to Ormond by Elizabeth Cole and identified by her when she testified Thursday.

Today while judge and jury and attorneys rested over the Sabbath, gossip about the letters was rife here. Gossip declares that the letters are full of dynamite.

When the letters of Ormond were introduced in evidence last week the State warned the defense that it did not wish to attack the virtue of Miss Cole.

Ormond in his letter charged Miss Cole with telling her father one thing and him another. The letters are expected to show whether Bill Ormond spoke the truth.

The defense has intimated in open court that since the homicide Miss Cole has been examined by three doctors in order to determine her virtue.

Since the beginning of the trial on Wednesday, the State has presented three witnesses to the actual homicide all of whom have testified that Ormond was lounging in an unconcerned manner in his car when Cole

Program Week of October 5th to 10th
STAR THEATRE
"Home of All Good Pictures"
Monday and Tuesday.

"THE UNINVITED GUEST"
With Maurice Flynn, Jean Tolley, Louis Wolheim, Mary MacLaren and William Bailey.
A Metro-Goldwyn-Mayer Picture.

Wednesday and Thursday
The Best Picture of the year
"GOLD HEELS"
With Robert Agnew, Peggy Shaw, Lucien Littlefield, Fred Butler and Many Others.
A Fox Special

Friday and Saturday
"THE CYCLONE RIDER"
A Roaring Race for Gold and Girl. With Evelyn Brent, Reed Home, Charles Conklin and Alma Bennett. Fox Picture.

WEEK OF GOOD PICTURES

"Cat-Eyed Lil"



Feature Days at Cabarrus Fair

TUESDAY, OCTOBER 13th

Educational Day.

Iredell County Day.

Tuesday has been designated as Educational Day when the children of the counties of Cabarrus, Rowan, Mecklenburg, Union, Stanly and Iredell will be admitted free.

WEDNESDAY, OCTOBER 14th

Mecklenburg County Day.

Union County Day.

THURSDAY, OCTOBER 15th

Cabarrus County Day.

Stanly County Day.

Merchants and Manufacturers Day.

Second Annual Dog Show.

Home Coming Day.

FRIDAY, OCTOBER 16th

Farmer's Day.

Rowan County Day.

Fraternal Orders' Day.

SATURDAY, OCTOBER 17th,

Sales Day.

Those having livestock, poultry or other articles on exhibit may conduct sales on this day.

Admission Prices will be: During Day, Adults 50 cents, Children 25 cents. At Night, 25 cents for all. Autos 25 cents.

There Is Still Lots of Room For New Contestants In Our Subscription Campaign

There Are Yet Several
Wh... of the
Col... Library
ed by Workers.

ARE PEOPLE WAITING FOR YOU TO GET IN?

We Want Everybody to See Display at the Fair of Our Four Handsome Automobiles.

Failure of the wind, which weather experts could not foresee, Connell continued, was largely responsible for the pane not reaching Honolulu.

Connell testified the only "slip-up" in plans was the failure to find the guard ship Aroostook. If that vessel had been located, he added, refueling could have been done, and the flight continued.

THE COTTON MARKET

Opened Steady Today at Decline of 5 Points to an Advance of 1 Point.

New York, Oct. 5.—(P)—The cotton market opened steady today at a decline of 5 points to an advance of 1 point. Many over-Sunday selling orders appeared, particularly from the South and December quickly eased off to 22.75, or about 5 points net lower.

At this price, however, there was a good trade demand, and considerable covering on apprehensions that low temperatures in the northwest might work down into the belt. By the end of the first hour December had rallied to 22.88, active months generally showing net advances of about 7 to 12 points, although some of the local weather experts thought it unlikely that the cold spell in the northwest would carry frost into the cotton belt.

A private report issued this morning pointed to a yield of 14,400,000 bales, compared with an estimate of 14,018,000 bales toward the middle of September.

Cotton futures opened steadily: October 22.80; December 22.77; January 22.01; March 22.30; May 22.53.

Just a handful of small subscriptions will make a real healthy start for any new entrant. A single five-year subscription will immediately make a contender of any new comer.

SAYS WITNESSES NOW OFFERING SERVICES

Defense Attorney in Cole Murder Trial Says Tide Has Turned.

Raleigh News and Observer.

James H. Pou, Jr., of defense counsel in the Cole murder trial at Rockingham, stated on reaching Raleigh from Rockingham last night that witnesses who have shown themselves reluctant to testify for the defense have been volunteering testimony during the last two days.

Mr. Pou issued the following statement:

"The defense will be greatly handicapped in the preparation of Mr. Cole's defense on account of the prejudices existing against him. However, with the turn of the tide in his favor the public is showing a disposition to disclose facts that are favorable to him. A good many people have volunteered information yesterday and today who have heretofore refused to disclose it."

Turning to a discussion of the editorial comment in The Warren Record, Judge Sinclair said, "I notice that the paper says that although it does not agree with me in every criticism—I have only criticized the Recorder's Court in my charge referred to affairs in the State."

Slashes Wife's Throat With Razor.

Tampa, Florida, Oct. 4.—Frank Drago, of Sioux City, Ia., is held in jail here without bail charged with having attempted to kill his wife early today by slashing her throat with a razor. He then tried to send his own life in the same way, police say. Mrs. Drago's condition is critical. The couple had been estranged, a daughter told the police. The alleged attack was made at the daughter's home.

Rough Seas Hamper Rescue Work.

New London, Conn., Oct. 5.—(P)—

Rear Admiral H. H. Christy, in charge of efforts to recover the bodies of 28 men who went down with the submarine S-51, reported to the submarine base that weather conditions and the sea were too rough to permit diving operations this morning.

Call For Bank Statements.

Washington, Oct. 5.—(P)—The Comptroller of the Currency today issued a call for the condition of all National banks at the close of business on Monday, September 28th.

SAT'S BEAR SAYS:

Fair tonight and Tuesday, cooler

tonight, warmer in west portion Tues-

day; moderate to fresh east and northeast winds.

NOW OPEN

The 56th series in this old reliable building and loan and savings association will open on October 3rd, 1925.

The Officers and Stockholders invite each and every person in Concord to take some shares in this series.

Running shares cost 25 cents per share per week.

Prepaid shares cost \$2.25 per share.

Each share is worth \$100.00 at maturity.

We have been maturing our stock in 328 weeks.

Tax return day is coming.

"JUST REMEMBER THAT ALL STOCK WITH US IS NON-TAXABLE."

START NOW

CABARRUS COUNTY BUILDING LOAN AND SAVINGS ASSOCIATION

Office in the Concord National Bank

LEGION MEN GATHER IN OMAHA FOR BIG ANNUAL CONVENTION

Address by Gen. Frank T. Hines on Work of Veteran's Bureau Feature of Opening Session Today.

BUREAU DOING GOOD WORK NOW

Work Is Not Centralized as Formerly and Change Has Worked to Benefit of Bureau and Patients.

Omaha, Neb., Oct. 5.—(P)—Complete decentralization of its work resulting in greater satisfaction among the veterans was cited as the outstanding accomplishment of the Veterans Bureau in the past year in an address prepared by Gen. Frank T. Hines, its director, before the opening session today of the American Legion convention.

Reporting in detail on the Bureau's work, Gen. Hines said the decentralization had resulted in fewer appeals to the central offices with claims and rating boards traveling from their district offices to places where there is a concentration of disabled veterans and making adjudications on the ground. The centralized system, he said, has proved its efficiency and will be adhered to.