

Concord Daily Tribune

TIME OF CLOSING MAILS

The time of the closing of mails at the Concord postoffice is as follows: Northbound 1:30-2:00 P. M. 2:00-2:30 A. M. 3:45-4:15 P. M. 4:30-5:00 P. M. 5:30-6:00 P. M. Southbound 9:30-9:45 A. M. 4:30-5:00 P. M. 8:00-8:15 P. M. 11:00-11:15 P. M.

LOCAL MENTION

A meeting of Flowe's Community Club will be held Friday night at the school building at 7:30 o'clock. Mr. Agce will give readings at this meeting of the club.

Miss Monica Moore, Southern Supervisor of Metropolitan Nurses, will be in Concord today to look over the work being done here by the company's nurse, Miss Zana Stroupe.

Junior Order No. 49 will meet at T. J. Smith's store prior to going to the funeral service of Pink L. Christy in No. 4 Township Thursday. All members are asked to be present at 1 o'clock.

Parks Lafferty, Jr., dislocated his shoulder Tuesday evening while skating in front of his parents' home on North Union street. The injury, while painful, was not serious, and the boy is getting along nicely.

An error in printing was made in Tuesday's paper when it was stated that Clarence Teeter, in recorder's court, was colored. The Tribune is glad to correct the mistake, it being purely unintentional, of course.

Police officers stated this morning that no session of the recorder's court would be held this afternoon. No cases have developed since the session of the court Monday, it was stated, and no continued cases are docketed for trial until Friday.

In a match played early this morning at the Y. M. C. A. Rec. R. S. Arrowood defeated Conrad Hill, eliminating the latter from the tournament. Scores in the game give some indication of how hard fought the sets were, being 8-6, 3-6, 6-2.

The body of R. C. Thompson, negro killed in a fight with officers early Monday morning is still at the Bell & Harris Undertaking parlors. Hundreds of persons, most of them colored, called at the undertaking parlors Monday and today to see the body.

October 31st bids fair to be a red letter day in the history of Concord, according to plans being formulated by H. W. Blanks, secretary of the Concord Y. M. C. A., for a community holiday. Plans in full will be announced at an early date by Mr. Blanks.

Football fans will be interested in the decision to stage the Davidson-Furman game in Charlotte. The game will be played October 24th, the final decision to stage it in Charlotte was made after the owners of Wearn Field reached an agreement with the Davidson officials about rental for the field.

The meeting which has been conducted so successfully at McKinnon Presbyterian Church by Dr. W. W. Arrowood will come to a close on Thursday night. Dr. Arrowood was assisted in the meetings by his brother, Rev. R. S. Arrowood, who is pastor of the church here.

The new power schedule of the Southern Power Company becomes effective in Concord today. Under the new ruling textile plants using the company's power must stand from tonight until noon Saturday, the new schedule cutting off all of Thursday instead of half of Thursday.

Dr. T. N. Spencer, secretary of the Cabarrus Fair, still needs some rooms to house the visitors expected here for fair week. If you have rooms to rent during the week communicate with Dr. Spencer at once so he can list your rooms with others already listed.

Baseball fans here are keenly interested in the world series which starts this afternoon in Pittsburgh. Arrangements have been made to get a play-by-play report from the game by radio, the results to be posted at several drug stores in the city. It is probable that Lee Meadows, who formerly pitched for Concord, will start the game today.

It is reported that about 4,000 bales of cotton have been sold on the local market so far this year. More than 275 bales a day are being handled at the local cotton platform now, with a majority of the cotton coming from outside the county. Union, Stanly, Montgomery and Anson counties are sending much cotton here now.

The condition of Nevin Sappenfeld, who is still in the Charlotte Sanatorium, continues to improve, it is said by persons visiting him. The flesh wound has healed but it is probable that he will be kept in the hospital several weeks longer, although it is possible that he will be allowed to attend the Davidson-Guilford game Saturday at Davidson.

Concord people were keenly disappointed, judging by remarks heard on the streets, that the letters of Miss Elizabeth Cole to W. W. Ormond were not admitted in the evidence at the trial of W. B. Cole. People here wanted to know what was in the letters, and in addition many thought the letters would have a keen bearing on the outcome of the trial.

It is certain now that the road from Concord to the fair grounds will be in excellent shape when the fair opens next Tuesday. W. G. Brown, county highway engineer, has a force of hands at work on the road now, and later oil and salt will be applied to the road to keep the dust down. Repairs to the road will be completed this week.

Cole's Fate Now Rests On Unwritten Law Plea; Evidence Is Completed

Jonathan Daniels, in Raleigh News and Observer, Oct. 6.—Exclusion from evidence of the letters of Elizabeth Cole to W. W. Ormond, and medical testimony with regard to Miss Cole's virtue brought the trial of her father, W. B. Cole, to an unexpectedly early close in the Richmond county superior court at the close of the sixth day of the trial.

Argument in the case will begin tomorrow morning with Clyde Hoey, brilliant Shubert lawyer, opening for the State. James H. Poutar, Raleigh, leading attorney for the defense, will follow Mr. Hoey. Solicitor Don Phillips, will close the case for the State and A. L. Brooks, will close for the defendant. The case is not expected to go to the jury before Thursday or possibly Friday.

Judge T. B. Finley announced today that he had abandoned his idea that he would require the jury to state whether or not in the event that they found Cole not guilty of the murder of Ormond, it was on the grounds of self defense or insanity. Under his dual plea in this case Cole does not face the danger of commitment to the criminal division of the State Hospital for the Insane, if he is found not guilty.

Judge Finley ruled out the medical testimony as to Miss Cole's virtue and the introduction of her letters on the same grounds. He held that Cole's mental condition was brought about by Ormond's letter "slandering" his daughter and that the truth or falsity of Ormond's statement had nothing to do with the case.

Takes Heart Out of State. Judge Finley's ruling cut the heart out of any fight by the State on the phase of "unwritten law" which is woven through all the intricacies of the case of the defense.

The defense has not put on a single eye witness. Cole's story of the killing which he contends was done in self-defense. Not a single alibi has been put on the stand to substantiate the plea of insanity. Cole's aspirator rests only on the grounds of the "unwritten law" or a variation of it which would justify a killing to hush slanders. Judge Finley shut out all evidence of the State against this predominant phase of the case.

Counsel for the defense furnished Judge Finley with a 21 page document embodying their contentions in the case. Judge Finley asked the State to furnish him with similar matter. On the basis of the two documents Judge Finley will formulate his charge to the jury.

Although the testimony of Dr. H. H. Dodson and Dr. J. T. J. Battle was excluded from the case, it was given in open court after the jury had retired for the purpose of showing what the defendant would have proved. The defendant entered an exception to the ruling out of this testimony.

Judge Finley ruled out Elizabeth Cole's letters although attorneys for the State maintained that they were competent for the purpose of impeaching Miss Cole's testimony in defense of her father, for the purpose of impeaching Cole's own testimony and also because the defense introduced in evidence other letters in the correspondence of which Miss Cole's letters were a part.

Evidence Concluded. The defense rested its case shortly after 11 o'clock this morning and the State, after presenting rebuttal testimony, closed at 4:40 this afternoon.

This morning the defense tendered to the State for cross-examination Miss Katherine Cole and Robert Cole, son and daughter of the rich mill operator who is on trial for his life. The State questioned both witnesses without a single question. The defense put on several other witnesses to testify to Cole's mental condition and his character this morning.

The State in rebuttal offered general other witnesses of the homicide. It also presented evidence as to Cole's apparent mental condition. George Beverly, Duke University student who testified for the defense last week, was called back for further cross-examination. Two witnesses were put on to show that he had made conflicting statements. Cutler Moore, of Lumberton, who served in the same outfit with Ormond during the war, testified to his disability and his service.

Judge Finley's decision to exclude Miss Cole's letters came near the close of the trial. The State, after presenting rebuttal testimony, closed at 4:40 this afternoon. Larry Moore, of the private witness, explained that the State wished to introduce the letters which were identified by her when she was on the stand as a witness for her father. He declared that the State wished to introduce all letters and that it wished to read some of them to the jury. He stated that the others would be given to the defense counsel to go over and any of them would be read to the jury if the defense wished. He stated that the letters were offered for the purpose of impeaching Miss Cole's testimony.

"We have contended and we now contend" he said "that it is not our position to declare the truth or falsity of the letters from Ormond introduced by them. Your Honor this is an unfortunate situation. We are not going to let this young lady's character be thrown in the breach in an effort to save her father from a punishment that ought otherwise to result. I stated in this presence and declare that the character of that dead boy lying in the cemetery at Rockingham is entitled to just as much consideration as anybody in this court room."

What Letters Would Show. He declared that "the letters would show that when Bill Ormond came to Rockingham he met Miss Cole at the girl's invitation."

Harold Cooley, of the prosecution, declared that although Miss Cole testified she was never engaged to Ormond her own letters would show that she was and that her father knew of it. They would show, he said, that Cole came between the sweethearts and took his daughter away from Bill Ormond.

Mr. Moore asked Judge Finley to read the letters to see whether or not he thought they were competent. He called a short recess and read a few of the 25 letters but declined to change his ruling.

Attorneys Dissatisfied. Great dissatisfaction was expressed in the court room not only by spectators who were anxious to hear the contents of the mysterious letters but by attorneys for the State who could not understand the ruling after Judge Finley a few minutes before had allowed the State to put on two witnesses for the purpose of impeaching a minor witness in the case.

During the argument over the letters, Miss Cole showed greater anxiety than at any time during the case. She reddened and several times during the argument she helplessly formed the words "Not so." Cole was calm as usual.

Dr. H. H. Dodson, Greensboro physician, was called to the stand by the defense to testify to an examination made by him to determine Miss Cole's virginity. Clyde Hoey, of the private prosecution, objected to the testimony.

"We say that Miss Cole's virginity is not in issue," declared Mr. Hoey. "We do not say that it is not controverted but that it is not a material issue." Mr. Hoey cited decisions to support his contention. "It is manifest that it is the intention of the State," declared J. A. Lockhart, of the defense counsel, in answering Mr. Hoey, "not to openly and boldly, but by insinuation and innuendo to attack the character of a North Carolina woman."

Judge Finley told the prosecution if it would not controvert the virtue of Miss Cole he would exclude Dodson's testimony.

Hoey answered that the contention of the State was that her virtue was not a material issue. He said the only question was the effect of the alleged slander on Cole's mind. He declared Cole believed it to be false and the effect would be the same even if it were proved to be true.

Admitted Nothing. "We don't have to admit anything," declared W. C. Douglas of the private prosecution. "We have some letters and we expect to introduce them as an attack on Miss Cole's character as a witness, not as to her virtue."

Judge Finley told the State that if it would eliminate the letters he would eliminate Dr. Dodson's testimony but that if the letters are to be introduced he would admit the doctors' testimony.

Judge Finley then announced that he would exclude the evidence of Dr. Dodson for the present. At the afternoon session he ruled it out altogether.

The defense took an exception. The jury was sent out and Dr. Dodson gave his testimony in open court to the stenographer.

He said he had never seen Miss Cole until September 9th, when, in the presence of Dr. and Mrs. J. T. J. Battle, of Greensboro, he made a "very careful" examination at Dr. Battle's home. He was satisfied, he testified, that she was a virgin.

Dr. J. T. J. Battle, chief medical examiner for the Jefferson Standard Life Insurance Company, corroborated Dr. Dodson's testimony. He said that A. L. Brooks, of the defense counsel, asked him to make an examination and that he made "a very careful and painstaking examination" at his home on September 9th.

Pure as a Babe. "I arrived at a definite opinion," he said, "without any mental reservation and without any fear of successful contradiction. It is my opinion that Elizabeth Cole is as pure as a new-born babe. I agree with Dr. Dodson in every particular."

COLE IN HIGH SPIRITS

Expresses Opinion That the Jury Will Acquit Him.

E. B. Hunter, in Greensboro News, Rockingham, Oct. 6.—William B. Cole went back to his cell late this afternoon in high spirit. After court adjourned the defendant remained in the courtroom and received warm greetings from innumerable friends. He said that he felt better now that the testimony is all in. He expressed the opinion that the jury would sustain him.

Miss Elizabeth Cole, the girl who remained unmoved beside her father in his great fight for life, appeared calm, and said that she felt considerably relieved now that the end is in sight.

Cole's army of defenders were unmistakably happy since both sides announced that they were through with the introduction of testimony.

Clyde Hoey, speaking for the state, said: "The state has made out a strong case and upon the law and the evidence is entitled to a conviction."

The end came dramatically, no one being prepared to receive the news. It has been expected that the state would put on its alienists, Dr. Albert Anderson of the state insane asylum, Raleigh, having spent the past week here.

A. L. Brooks, of Greensboro, who has played one of the big parts in preparing the defense, said this afternoon "we are satisfied with the manner in which our side has been presented, and we are confident that the verdict will be favorable to us."

were able to present the report of the two Greensboro physicians to the audience and the people of North Carolina. They take the position that any suspicion as to the purity of the girl has now been forever removed.

There is speculation on every corner as to what the jury's verdict will be. Some swear by acquittal, while other think it will be either second degree murder or manslaughter. No one is looking for first degree. Then, again, there are people who predict a mistrial. The defense has laid foundation for appeal in case the verdict is against them. The state cannot appeal.

If the jury cannot agree, Cole will be returned to jail to begin all over again. Nothing but a mistrial and first degree can keep the wealthy manufacturer in jail after the jury reports, say those following the case. In the event second degree is returned the defense will in all probability appeal and the prisoner may be released on bond. In the event of manslaughter, some think he will serve his sentence, provided it isn't too stiff, while other believe an appeal will be made.

It is expected that Judge Finley will not charge the jury to speculate on which one of the two pleas it gives at its verdict. Of course, if he is liberated on self defense plea, that ends it. Ordinarily if the prisoner is found not guilty on the ground that he was insane at the time of the homicide, the court would order the defendant to appear and show cause why he should be sent to the criminal insane asylum. In the case of Cole this will not occur, because neither side contends that he is insane now. It would be vain to try to prove him insane now in view of the fact that the state is arguing that he was sane on August 15 and is sane now.

Judge Finley, after court today, said that he hopes the jury will be able to reach a verdict. It is expected that the 12 men will be held together to the last ditch in order to get a verdict.

Obviously disappointed that the court excluded the letters of Miss Cole to Bill Ormond, the state attorneys express themselves as confident that the rich manufacturer will not escape punishment. It is doubtful that the prosecution expects first degree, second degree seems to be the opinion.

When the state rested without putting Rev. A. L. Ormond, father of the dead boy, on the stand, many were sorely disappointed. The father, who has sat through the trial in reverent silence, was expected by many to take the stand.

A pompous individual from England was visiting an American one day and was asked to quiz the children on geography. He began: "Oland?" "What is the capital of Oland?" "H?" was the crushing rejoinder from some one in the back row.

Yachtsman: "If this squall continues I shall have to heave to." His Passenger (quarrelsome): "Too? Why I haven't yet."

Universal Pastime. Mrs. Bug: "Where's your husband today?" Mrs. Flea: "Over on the lynx, as usual."

CONCORD COTTON MARKET

WEDNESDAY, OCTOBER 7, 1925. Cotton 22 Cotton Seed 49 12

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