

# The Rose Case Told Briefly

A brief resume of the Rose trial in story form (as gathered from the witness stand Monday and Tuesday.)

The child was playing in the yard of the hotel and was approached by Rose, who told her an animal from the circus was loose and that she had better come with him and he would protect her. She went with him to his room where the alleged attack is said to have been committed.

The child told no one of this until 2:30 on Sunday afternoon before Labor Day.

After leaving the hotel on the Saturday night on which the crime was supposed to have been committed, Rose went to a cafe in Negro Town and stayed until about 11 o'clock, then went to his home and to bed. The next morning he reported to work at the hotel about 6:30 and was told that he was no longer needed. He went to his room, gathered up his clothes, and returned to his home, telling the hotel officials that he would return later that morning for his money. At 9:30 he went back to the hotel for his salary and found that many guests had arrived and he was offered work for the next few days.

At 2:30 that afternoon (Sunday) the manager of the hotel called him into conference together with the child and the hotel clerk. Rose denied the charge and ran from the hotel after being beaten by hotel officials.

On leaving the hotel, he went to

the lower part of Main street and hid under a bridge until dark. At dark he went to a corn field, trying to get away from a mob that he understood was forming and looking for him. The field was surrounded by men with guns and sticks and he thought he had little chance to escape. At this point his faith in divine protection urged him to take time to pray. After delivering his prayer he slipped from the corn field within a few inches of a man with a shot gun.

From there he went home to get his father's pistol as he intended going through the woods in an effort to leave the country. He was afraid he would encounter bears and other wild animals while traveling through the woods and this prompted him to get a gun.

He slept in the woods Sunday night and also Monday night. Tuesday afternoon he was approached by members of a posse who were looking for him. Taking the posse to be a part of the mob, he exchanged shots and then left the scene to be apprehended three miles down the road two hours later.

He was rushed to Haywood county jail and placed there for safe keeping. The next afternoon he was carried to Asheville in the rumble seat of a car and kept there until a week ago when he was returned here for a preliminary hearing.

# CHARLIE ROSE IS GIVEN 10 TO 15 YEARS IN PRISON

(Continued from page one)

witness to take the stand for the state. Dr. Lanester testified that he was called to see the child involved in the case about 7 o'clock on Sunday night before Labor Day. He said he examined the child in the room of her mother at the hotel where they were staying. Solicitor Queen represented the state with this witness and George Ward the defense.

The child was examined by the state by her mother. The child was smiling and talked in a firm soft voice and answered questions without flinching. Only once or twice did she look up into her mother's face before answering the questions that were asked her.

Felix Alley represented the state and opened the questioning.

She stated she was five and a half years old. Then Mr. Alley said, "Do you know where little girls go that do stories?"

"Yes sir, they go down in the ground," she said, pointing to the floor.

"Then tell me where good little girls go," requested the attorney.

"They go to heaven," was the prompt reply.

She continued her testimony by stating that Charlie (the defendant in the case) told her an animal from the circus was loose and that she had better come with him. She then pointed him out in the court room and said that he was the one who took her to his room which was downstairs in the hotel. She further testified that he put her on his bed and then it was when the attack was said to have been made.

"Charlie held his hand over my mouth so I could not scream, even when someone knocked on the door. He would not let me call mother."

"Why didn't you tell your mother what happened?"

"Charlie said he would kill me if I did."

"When did you tell your mother?"

"The next day."

Upon further questioning, the child stated that her mother undressed her that night (Saturday) and put her to bed and that her mother also undressed her the next morning. This fact was brought out in cross-examination by George Ward for the defendant.

Mr. Ward also dwelt on the fact that two colored nurses were employed at times by the child's mother. He asked the child "if the nurse had not told her to tell that tale on Charlie." The child was answering question leading up to answering this question when her mother fainted and had to be carried out of the court room. This was at 3:15. At 3:30 Judge Sink again took the bench and resumed court. The mother of the child revived some few minutes later in the room of the court stenographer and was carried from the court house, being too weak to walk.

Just prior to the fainting of the mother, the child testified that she had told her nurse about the attack before she told her mother.

Attending physicians said the child's mother could not attend court again during this session (Monday afternoon), so the next state witness, Dr. J. F. Abel, was called to the stand.

Dr. Abel told of the condition he found the girl when he examined her on Monday morning after the alleged attack on Saturday.

A. C. Craft, former operator of the hotel where the alleged crime was said to have taken place, followed Dr. Abel to the stand and testified in behalf of the state. Mr. Craft stated that Charlie Rose was working at the hotel at the time as hall porter whose duty it was to clean halls and bath rooms at the hotel.

Mr. Craft testified that he learned of the alleged assault on Sunday afternoon. He immediately sent for Rose and asked him if the charges were true. Rose answered that he was not guilty. Whereupon Mr. Craft thought of calling officers and intended holding the hall-boy until the officers arrived. Rose was hit over the head three times with a mop handle according to Mr. Craft. The mop handle was broken during the affray. Rose is then said to have run through the hotel to the kitchen and then he encountered the hotel clerk who is said to have hit Rose several times with his fist. As Rose left the hotel Mr. Craft said he grabbed two milk bottles from off a shelf and had them in his hands defying anyone to try to "bother him."

### TUESDAY MORNING

Court convened Tuesday morning with the court room filled with interested spectators and the gallery packed to overflowing, and little standing room in the halls left.

The state opened with W. T. Lee, Jr., Fred Caldwell, Horace Duckett, Bill Cole and S. H. Stevenson being sworn.

Fred Caldwell, chief of police of this city, was the first to take the stand, with Solicitor Queen for the state and George Ward for the defense making the examination.

Chief Caldwell described the scene of the shooting in the near colored community where Will Ray, deputy sheriff, was killed on the sixth of September while looking for Charlie Rose. Chief Caldwell brought out that he heard Bill Cole call halt, and then heard some shooting. It was then, he said, that Rose ran into Patton's house and out immediately. He said Mayor Howell swore out the warrant which he was trying to serve. He said he shot twice at Rose but did not see Rose do any of the shooting. Ten or twelve shots were fired during the affray he testified.

Bill Cole was the next witness to be called. He stated, upon questioning, that Chief Caldwell and Stevenson had asked him to go with them to look for Rose. When near Patton's house he saw the negro in the bushes, at this point Cole was about 25 feet away, he said. He said Rose threw up his pistol and fired three shots at him (Cole). Cole said, "one went by my left ear, the other by my right ear and I don't know where the other went. I returned the fire with 4 shots."

Cole testified that after Rose had shot at him and Stevenson that he (Rose) ran into a house and then over the hill in the direction of where they had left Ray.

"About 15 or 18 shots were fired," he concluded.

Just as Mr. Cole was completing his

# FIGURED IN CAPTURE OF CHARLIE ROSE



The above picture was made a few hours after Charlie Rose had been lodged in jail here on Tuesday, September 6, after Bill Ray, deputy sheriff had been killed during a gun-battle between a posse and Rose. The four men on the right testified in court Tuesday just how they found Rose and how he was apprehended 3 miles down Highway No. 284. Reading left to right: A. B. Smart, state highway patrolman, who Rose said saved his life by grabbing him by the seat of the pants and pushing him in jail before the crowd could get him. Bill Cole who found Rose in the bushes and was fired at by the negro, S. H. Stevenson, was with Cole and was fired at also. W. T. Lee, Jr., is holding the pistol that he found on Rose when he and Horace Duckett caught him. Fred Caldwell, chief of police, was a member of the posse after Rose and he fired several shots at Rose's feet while the negro was firing at Cole and Stevenson.

testimony the child involved in the case and her mother walked into the court room. This was at 10:15.

The child's mother was called to the stand and Felix Alley questioned her for the state and George Ward for the defense.

The witness seemed to have practically recovered from her illness of the afternoon before, although still weak; took the stand and spoke in a clear, easy, deliberate tone of voice. She described how she looked for her daughter on the afternoon of the alleged attack. She called but no answer she said. A visit to the neighbors revealed that her daughter was not there. She learned that she was without a nurse on Saturday or Sunday. She was on the stand exactly 15 minutes.

W. T. Lee, Jr. was the next witness to take the stand. Mr. Lee told of apprehending Rose at Dave Pennington's farm on Highway No. 284 about 6:30 in the afternoon of Tuesday, September 6. When Lee and his companion, Horace Duckett, came upon Rose, he (Rose) held up one hand, he said. A pistol was noticed in the other, it was said. There were three white men in the car in which Rose was placed.

Horace Duckett then took the stand and testified that he and Lee found Rose where Mr. Lee had said. He said further, "We called to Rose to stop, as we noticed he only had one hand up and the other stuck in the bushes. Then Rose got down on his knees and put the pistol between his knees and put both hands up. Rose denied that he had killed anybody."

S. H. Stevenson, superintendent of lights and fire chief of this city was the next to follow Duckett to the stand. Mr. Stevenson testified, "I was with Cole and Chief Caldwell when we went to find Rose. I heard Bill call halt and heard three shots. I saw Rose in the bushes and I fired at his legs. Rose returned 2 shots and then ran in the direction where we left Ray. I went in the Patton house with Chief Caldwell looking for Rose. All the shots that were fired was in 2 or 3 minutes time. I also heard 2 quick shots in succession a little later."

"I was told that a mob was coming to get me and kill me. I wanted to go to the officers, but was afraid they would tell me that. I ran from them to keep from getting killed. I went through the back of the hotel and down Main street to the bridge at the foot of the hill. I hid under the bridge until I saw a colored friend passing and I told him to tell the officers to come and get me. I was afraid the mob would get me when I had not done anything. I stayed under the bridge until dark then I went into the corn field near the bridge, thinking I could get home. While I was in the corn field the fire engine with the siren blowing and a whole lot of cars surrounded the field where I was. I could see that

when he was accused of the assault and the time he was captured on Highway No. 284 about 2 miles from Waynesville.

The child and her mother were taken to the jail and held there until the next morning.

"I was born in Florida. I will be 11th of next month. I was raised in Waynesville and spent every summer of my life here. I was working for Mr. Craft at the hotel Saturday afternoon of September 6. I worked all afternoon with Sam Wilson a white man. We cleaned up the garden and boiler room at the hotel. We finished about 7 o'clock. I went to my room for a few minutes and then we both left together and went up street. After I left Mr. Melton I went to a cafe in colored town and stayed there until about 11:00 o'clock and then went home and went to bed. I went to work at the hotel about 6:30 the next morning, and the housekeeper told me that the guests were leaving and that they did not need me any longer. I went down to my room and got my clothes and told the housekeeper I would be back later in the morning for my pay. I returned about 9:30 and they said that some more guests had arrived and that they wanted me to work for a few days longer. I remained on the job until dinner then I took my regular Sunday hour off. I got back to the hotel about 3:30 o'clock and Mr. Craft called me and said he wanted to see me. I went and met him in the linen room with his clerk. Mr. Craft then told the clerk that if I tried to get away to knock me down with a chair and kill me. I inquired of the clerk what they wanted with me and he said that I knew. Then Mr. Craft and the little girl came in and Mr. Craft tried to get the little girl to identify me. The girl did not seem to know what Mr. Craft was talking about. When the girl left, Mr. Craft and his clerk started hitting me over the head with a mop handle and a broom handle. They both couldn't fight me in the small room so the clerk dropped his broom and ran to the officers, out was afraid of through the door and the clerk knocked me down with his fist."

"I was told that a mob was coming to get me and kill me. I wanted to go to the officers, but was afraid they would tell me that. I ran from them to keep from getting killed. I went through the back of the hotel and down Main street to the bridge at the foot of the hill. I hid under the bridge until I saw a colored friend passing and I told him to tell the officers to come and get me. I was afraid the mob would get me when I had not done anything. I stayed under the bridge until dark then I went into the corn field near the bridge, thinking I could get home. While I was in the corn field the fire engine with the siren blowing and a whole lot of cars surrounded the field where I was. I could see that

the men had sticks and guns and were trying to find me.

"I knew I was surrounded and had little chance to escape, so I just prayed to my Lord to protect and help me out. I walked around in that field and passed from the field by a man with a shot gun. I was so close to him I could have touched him. I didn't recognize him. After getting out of the field I made for home, going back up by Mr. Jim Massie's house and then on home.

"When I saw that the spirit of the mob was to kill me I thought it best to get away, and I knew the highways were no place for me, so I went home and got my father's pistol and some cartridges, 'cause I knew if I went through the woods I might meet some bears or other animals and would need a gun for protection.

"I did not eat supper Sunday night, or breakfast Monday morning. I slept in the woods Sunday night with a heavy coat for cover. I went to my home Monday and made me eight ham sandwiches and got ready to leave this country through the woods.

"Monday night I slept in the woods and was asleep in some brush late Tuesday, 'cause I was tired. I heard someone walking and looked up and saw a private citizen about 30 feet from me. Bullets were sizzing by my head and I was afraid the mob was after me. I did not see any officers. I started shooting, but did not hit anyone.

"After the shooting there I went down the road and found some citizens down there with guns, and one man put at me with a shotgun, but none of the shot hit me. I went on and saw Mr. Lee and Mr. Duckett, and I saw up to them. There was some men in the car when they got there. One of them said that I had killed Bill Ray. That was the first time I knew that Bill Ray had been killed. I was told that I deserved to die, and they slapped me several times. One of them hit me over the head. They started to argue among themselves where they would take me to lynch me. They were arguing about this when officer Smart rode up and said they would have to take me to jail. I told Mr. Duckett that I was innocent and asked him to help me. He said he would do what he could. It was Mr. Smart and Duckett that got them to bring me to jail. When we were coming down Main street they would holler out and tell the folks that they had the negro. When we got to the court house door Mr. Smart, the speed cop, grabbed me by the seat of the pants and pushed me through the door before the crowd could reach me."

At this point in the testimony Mr. Ward questioned Rose if he had even put his hands on the girl he is alleged to have assaulted. Rose replied, "I never put my hands on her." The defense rested its examina-

tion and Solicitor Queen examined the witness from this point on. Statements by Rose in answer to Solicitor Queen's questions were in part:

"I did not sleep in a house Sunday. I slept in the woods."

"I didn't go to any house for Sunday night supper or Monday breakfast. I didn't have any appetite. I was upset. I had some of the sandwiches when Mr. Duckett and Mr. Lee got me."

"I did not fire any shots after shooting at the first men. I did not shoot after going over the hill."

"When these men came up on me I thought they was a mob so I started shooting but did not know where."

"Mr. John Boyd was over beyond the gap and was there when the mob wanted to lynch me. Mr. John got them to bring me to jail and save me."

Rose left the stand exactly at 12:10, after being on the stand for 55 minutes.

The defense told the court that their witness was not in court, and asked that court take a noon recess at that time. Recess was ordered at 12:15. Judge Sink had commended the prosecutors for the manner in which they had acted during the trial. The police was praised for being quiet and dignified. Only twice up until this time of the trial had Judge Sink called for order.

Recess was taken until 1:15.

### TUESDAY AFTERNOON

Long before court convened the seats were being filled and when Judge Sink went to the bench few seats remained vacant. These were filled within a few minutes.

Sam Melton, a defense witness, took the stand, with M. G. Stamey making the examination. Mr. Melton said he was caretaker of the hotel and that he had worked with Rose from 2 o'clock to 4 o'clock on Saturday of September 3. He saw Rose off and on during the remainder of the afternoon but was not with him constantly from 4 o'clock on, he concluded.

The little child was again called to the stand. This time, the defense called her. She denied talking to Mr. Craft, but said she saw Charlie on Sunday, but had forgotten what was said to Charlie by Mr. Craft.

After being on the stand for 10 minutes she was dismissed. Judge Sink also questioned her for a few minutes.

The defense rested its case at 1:50.

The state then called further witnesses, these being John Boyd and Major J. H. Howell.

Mr. Boyd took the stand first and testified that he was not at the scene where Rose was captured at any time that day. He said he did not see Rose until after Rose had been placed in jail that night.

Major Howell stated that he was mayor of this city and that Fred Caldwell was chief of police of Waynesville at the time and some weeks prior to September 3.

At 2:10 argument for the state was begun by W. Roy Francis. He addressed the jury for exactly 19 minutes.

After Mr. Francis had completed his argument, George Ward called for Major Howell to take the stand for further questioning.

Upon Major Howell's retirement from the stand, Alvin Ward made the first argument for the defense.

A ten minute recess was given the jury.

Felix Alley followed Mr. Ward with the second argument for the state, and M. G. Stamey made the second argument for the defense.

The court adjourned at the conclusion of Mr. Stamey's argument.

### WEDNESDAY MORNING

Wednesday morning began the third day of the sensational Rose case with the interest still growing and people from all parts of the county attending despite the threatening clouds that looked as if a down pour might begin at any time.

The first attorney to speak Wednesday morning was George Ward, of Asheville, for the defense. Following Mr. Ward's argument Solicitor John Queen closed the argument for the state.

Judge H. Joye Sink began his charge to the jury a few minutes before noon and completed it at 12:47. The judge warned the jury that it should take all the evidence and weigh it carefully and to let no outside force enter into their minds when making their decision.

Judge Sink read the law to them pertaining to the charge and explained that there was four verdicts that could be returned in the case.

Court adjourned until 2:30. Although several people remained in the court room.

While Judge Sink was charging the jury, Rose, who was sitting with his mother, looked on calmly and showed no emotion. His mother looked on with her head resting in her hands. She showed signs of the two and a half days of the trial Wednesday noon for the first time. Charlie looked neither to the right nor to the left, but straight ahead at the judge.

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