

More About Rose Case

(Continued from page one)

was one of the four men who was trying to arrest Rose in the Fitzgerald woods. During the course of his testimony he said, "I did not see who fired the first shot. There were 12 to 15 shots fired in all. I was with Bill Ray, Bill Cole, and S. H. Stevenson. I saw Rose and shot twice at him. I did not see Rose shoot. I was about 200 feet from Rose when I shot."

Upon cross examination he stated, "I saw the glimpse of a colored man. I saw the side of him."

The defense then went into detail about Chief Caldwell losing his 38-pistol. He stated that he loaned his pistol and borrowed another. The defense council also brought out that Chief Caldwell was outside his jurisdiction.

S. H. Stevenson, fire chief of this city, described how the posse went into the woods after Rose. He drew a diagram of the territory where the fatal shooting occurred for the jury on the floor and showed the position of each member of the posse. He said during his testimony, "Cole was slightly ahead of me, and I heard Cole call 'halt,' and I saw Rose squatted down under some bushes in front of Cole. I fired one shot at Rose's legs, then he threw his gun on me and fired two shots. I fired two more at Rose, then he ran in the direction of the house (Jim Patton's). Cole and I tried to get into the house. I threw my weight against the back door to open it but couldn't. We went around the house and through the house, then I saw Rose go over hill and heard two shots in quick succession. The shots were in the direction that Ray's body was found. No one fired at Rose after he ran towards the house."

Stevenson had a 38-special pistol. During the cross examination, Stevenson stated that he did not know whether the man he shot at was black or white. "I saw Caldwell's hand raised, and he shot twice."

Bill Cole, third member of posse, stated, "I joined Stevenson, Caldwell and Ray in search for Rose. I came upon Rose and he had a pistol on me. He fired, barely missing me. He fired three shots at me, and 2 at Stevenson. Then his gun was empty and he ran toward the Patton house. I heard two fast shots after Rose had left the house. We did not fire any more shots after encountering Rose in the thicket."

"When we were shooting at Rose he backed up the hill and then ran to Patton's house. I did not fire a pistol at Patton's house."

Howell McCracken, city mail carrier, who lives near the scene of the fatal shooting, "I heard about 20 shots while I was in the house. I started to leave the house and heard 2 more shots. I saw Rose running down the trail looking back. This was immediately after the 2 shots were fired. I saw Rose and he said, 'they got to shooting at me.'"

"Twenty minutes later Sheriff Lowe came to my house. Rose came within 75 feet of me."

"I told my wife to get the children in the house, because I was afraid for their safety."

Horace Duckett, one of the men who captured Rose, testified, "Rose came around an outhouse below the Pigeon Gap. Rose put up his left hand and held his pistol in his right hand. We made him put up both hands. We carried him to the car. Rose said 'he did not shoot that man; Jim Patton shot him.'"

Upon cross examination he stated, "I snatched Rose to make him stop crying. We did not tell Rose we were going to lynch him. I remember Rose begging Patrolman Smart to take him to Asheville."

Tom Lee, former state highway patrolman, testified the same as Duckett as to position and circumstances under which Rose was captured. "Rose told us he did not kill that man, that Patton killed him and that Patton was still in the woods."

"I only hit Rose once, and that was to keep him quiet. I did not hear the crowd mentioning lynching him. We searched him and took his pistol and it was loaded. We also took his other personal belongings before starting with him."

Mr. Lee identified the pistol presented to the court as the one he took from Rose.

W. T. Shelton testified as to the position of the officers as pointed out to him recently. "The place where I was shown Ray's body was found was 150 feet down the side of the hill. The spot was near the trail and Patton's house was not in sight from that place."

D. A. Howell testified as to the position of the officers as shown him on a recent trip to the scene of the fatal shooting. He described a dogwood bush which had been hit by a bullet. His testimony was practically the same as Mr. Shelton's.

C. B. Atkinson, mayor of this city, was shown the places of the officers, Ray and the place where Ray was found. He went to the scene in company with Caldwell, Stevenson, Shelton, and Howell.

Bill Cole was recalled to the stand. The fact was brought out that he was not an officer and that he and Stevenson had on work clothes and not a uniform.

S. H. Stevenson then took the stand and said he was a special deputy police, but not a deputy sheriff, and had on work clothes at the time of the manhunt.

At this point the jury was dismissed and Walter Cogdill, prisoner at the Hazelwood camp took the stand. He testified that he was in jail at the time Rose was brought in. He told of hitting Rose while in jail because he was mad with Rose. He denied throwing a hot cup of coffee on Rose the next day.

A. G. Russell, chief of police of Canton, took the stand and testified that he talked to Rose soon after Rose was placed in jail. First alone and then in the presence of others.

"I told the boy any statements he made would be used against him. 'Rose was badly frightened, ap-

parently. We gave him coffee and cigarettes while trying to quiet him."

At this point of the trial, the State introduced a signed statement by Rose which he made a few hours after being captured on September 6. The statement was dictated to Chief Russell and in the presence of Barry Plott, Crom Cole, both deputy sheriffs, and John Boyd.

Chief Russell said, "I told the boy that any statements he made would be used against him. No threats or promises were made in an effort to get the statement."

Rose signed each of the four pages and the witnesses also signed the paper. I gave the statement to Sheriff Lowe that night."

Crom Cole, Barry Plott, and John Boyd, testified that no threats were made to Rose in order to get a statement from him.

Barry Plott, deputy sheriff, testified that he was present at the time Chief Russell was given the statement by Rose on the night of September 6th.

"I went to Asheville with Sheriff Lowe and the statement was read by Rose before he signed it, and he said it was correct. No threats were made at any time that I was present."

"I did not see any bruises on Rose while in jail."

Sheriff J. A. Lowe took the stand and told about the statement as given to him by Chief Russell, on the night that Ray was killed.

"I carried the statement to the Asheville jail where Rose was carried on the 7th of September, and asked him if the statement was correct. Rose read it and said it was correct. Rose said if he killed Will Ray he did not know it. He said he shot at a voice in the woods which called 'halt!' but did not know that he had shot Ray."

"Rose was put in a chair and his picture made by the Buncombe county officials."

On cross examination Sheriff Lowe denied having described the chair in the room which has a reflector for making pictures of prisoners, as the electric chair to Rose.

Sheriff Lowe continued, "I did not make any threats to Rose, or know of any assault on the prisoner."

The bullet taken from Ray's head was exhibited to the court and identified by Sheriff Lowe as the one given him by Dr. Sam Stringfield. It was badly battered.

W. R. Gudger, notary public of Asheville, was called in the Buncombe jail to witness the signing of the statement by Rose. "The sheriff (Lowe) told Rose to read the statement and read it over again to be sure it was right, because it might be used against him."

Frank Ferguson, magistrate, testified as to the crowd present at the courthouse on the evening Ray was shot.

Arlow McCracken described the scene where the body was found.

"It was face down, near the trail," he said. The hat produced in court was identified by Mr. McCracken as belonging to the deceased.

Bob Ray was one of the men who found Ray's body. "I saw tracks leading down the trail the next day. I went to the scene because of curiosity."

Mr. Bob Ray was the last state witness to take the stand. The state rested at 3:30 o'clock. A five minute recess was taken and the first defense witness, the defendant took the stand at 3:35.

During his testimony he said: "I was seeking refuge in the woods from the crowd, although I am not guilty of the offense I was accused of. (Having reference to assault case.)"

"The hotel manager and clerk assaulted me with a broom and mop handle, and told me there would be a mob formed and lynch me. I had not done anything at the hotel. I went to the cornfield and stayed until dark. They had the fire engine out there parked at the cornfield and a crowd of men were looking for me. I started to run back and forth through the field and passed by one man and crawled out on my stomach and went into the woods over near home. I then went on home and got my pistol and some sandwiches, then on to Crawford mountain and stayed in the woods all day Monday. I came back Monday night and my parents tried to get me to go to jail and give up. Two men came up in an automobile and I went through the window of our house into the woods. I stayed in the woods until the shooting Tuesday."

"About 4:30 Tuesday afternoon I woke up. I had been sleeping on the ground for 2 hours. I saw a man on the left and one on the right. I started to run but they started to shoot at me. I could hear bullets passing my head. I backed up the hill to where the trails come together. There were about 20 shots fired. I shot 5 times."

"All the shots were fired in rapid succession. I was backing South and went to Jim Patton's house. I was flying. I ran there for protection from the men. I found two women in the house and they got scared and went out the front door of the house. 'I left the house towards the road, but changed my mind and went toward Howell McCracken's house."

"What's the matter, asked Mr. McCracken? I said they got to shooting at me. I ran on and come out beyond Dr. Francis' house on Pigeon road. 'I stopped and got a glass of cider. I saw people armed on the highway. 'I offered to give up, but 'Red' Underwood shot at me with a shotgun. I fell, and my gun exploded."

"Mr. Lee with his gun on me told me to throw down my gun. I did. All the party was armed. Mr. Lee got my pocketbook and threatened to lynch me. Mr. Lee told me I was the man who shot Ray and then hit me with the but of his gun. 'Red' Underwood then slapped me because I shot at him."

"Mr. Lee was the ring leader, and all the rest did as he suggested. 'Patrolman Smart drove up while Mr. Joe Tate was arguing with the mob. Mr. Tate was trying to get

them to bring me to jail in Waynesville.

"I was hit several times while on the way to jail. When we got to town they called out on Main street that they had me."

"A white fellow hit me and blacked my eye while I was in jail."

Dr. Stringfield visited me soon after I was put in jail.

"I was bruised and cut by the licks, and my shirt was bloody."

"I remember the men coming into my cell. I told Mr. Smart before Mr. Russell got there that I did not know anything. I later told Mr. Russell that I did not know anything. He gave me cigarettes and coffee. He asked me if I shot Will Ray. I said no."

"I was carried to the Asheville jail the next day in the rumble seat of the Sheriff's son's car."

"Sheriff Lowe visited me in the Asheville jail. He asked me if I wanted to make a confession or a statement. I said I did not."

"He came back a few days later and wanted me to sign a statement for satisfaction. I was alone with the sheriff and he said I had to sign the papers. He said the funny chair in the room was an electric chair. It had wires from the wall to it and he went to the wall like he was going to push a button, after they put me in the chair."

"Squire Gudger asked me if I knew what the statement was they had there. When the Squire came in Sheriff Lowe tried to make me say he had not abused me."

"I said I didn't kill Bill Ray."

"I was in Asheville a week. When I got back here a hot cup of coffee was thrown on me in this jail. The sheriff and his son beat me with a blackjack because I would not let them have my Ekulele."

"The prisoners got a form the size of a man wrapped up in a sheet and said it was the body of Bill Ray and they were going to show me where I had shot him between the eyes. I begged them not to do it. Then they went over my cell and moaned and groaned and said, 'you are the negro who killed me so I'm going to haunt you the rest of your life.' I was scared and tried to get them to let me out, but they didn't. They kept this up 'till 12 o'clock that night."

Under cross examination Rose continued as follows:

"I never made a statement that I had shot Bill Ray."

"I did not shoot Ray."

"I did not do any shooting after I went in Jim Patton's house."

Solicitor Queen went back to the trial in December and asked several questions.

Rose identified the pistol presented to him as the one he had on September 6. He denied having anyone go get any cartridges for him.

Solicitor Queen read most of the statement to Rose, but he denied making many of the statements in the document to Mr. Russell.

Rose was then questioned as to the distances of some of the officers from him and those trying to capture him. He stuck to the first version of the affair.

At 4:55 Rose was called from the stand, having been there one hour and twenty minutes under rapid fire questioning. As in the trial before, he spoke in a clear deliberate voice, and did not show the slightest sign of nervousness.

Charlie Patton, principal of the negro school, lives near the scene of the shooting and testified that he heard 18 to 20 shots fired in quick succession but did not hear any more shots fired after that time. "Mr. Caldwell came to my yard and said he had lost a man or a man was missing."

Ella Keaton, negro woman, who was in the Patton house at the time of the shooting said on the stand:

"I heard about 20 or 22 shots, but did not hear any more."

"I went to the back door and opened it and Mr. Cole threw up his gun at us. I begged him not to shoot."

"My mother and I ran out of the front door as Charlie came in. We ran to my uncle's house down the hill. Mr. Stevenson thought that Charlie was in front of us and yelled for us to move. We did. I heard two shots fired from our backyard as Charlie came in the front door."

Emma Patton, wife of Jim Patton, took the stand next.

"As Charlie ran in the house, we went out of the front."

"My daughter opened the door and we saw Mr. Cole with his gun raised. We asked him not to shoot, then we closed the door."

"I heard 2 shots fired from my backyard."

"When we went out of the front door we found the officers in the yard."

Carter Camp, local barber, took the stand to testify about the loan of a pistol to Chief Caldwell. Mr. Camp said, "I talked to Mr. Caldwell about 5:30 the afternoon of September 6th. I loaned Mr. Caldwell a pistol after Mr. Ray had been brought to the hospital."

At this point the defense rested the case, taking exactly one hour and forty-five minutes. One hour and twenty minutes of this was consumed by Rose's testimony.

The state called Robert Welch, deputy tax collector, who stated that Chief Caldwell loaned him his pistol when Mr. Caldwell started to the hospital with Ray, as Mr. Welch was going to stay and look for Rose.

Sheriff Lowe was recalled to the stand. "I have never hit or threatened assault on the prisoner in any way."

S. H. Stevenson was also recalled and said, "We did not take out the fire engine on Sunday night."

"I did not fire any shots after Rose ran into the Patton house."

"Red" Miller was called for the first time and said, "Rose fired the first shot. When I fired he fell and hollered and crawled down the branch. When he was caught I slapped him once."

Court adjourned until 7 o'clock for the night session.

A Well-Known Doctor Opens His Bag and Lets Out a Few Professional Secrets. See the American Weekly, the Magazine Distributed With Next Sunday's Baltimore American. For sale by all newsdealers and newsboys.

Court Records Of Past Few Days

The following records were recorded by the Clerk of Court during the past few days:

State vs Robert Gaddy—A. D. W. Judgment of court is that defendant be confined in common jail of Haywood county for a term of five (5) months and is assigned by the county commissioners to work at any of the county institutions, or the county commissioners may assign him to work on the public roads under the control of the state highway commission.

State vs William Rathbone, setting out fire and burning bridge—judgment of the court is that defendant be confined in state prison at hard labor for a term of not less than three (3) nor more than five (5) years. Former judgment stricken out.

State vs Grady Clontz, Fred Smathers, Hanson Teague, Dolph Treadway and Red Mease. Destroying school property. Former judgment stricken out. Judgment of the court is that each of the defendants be confined in the common jail of Haywood county for a term of 12 months and be assigned to work on the public roads under the control of the state highway commission.

State vs D. H. Clark, murder, judgment of the court is that the defendant be confined in the state prison at hard labor for not less than four (4) nor more than six (6) years.

Clark appeals—

The defendant moved that the verdict be set aside as contrary to the weight of the evidence. Motion denied and defendant excepts. The defendant moved for a new trial for errors committed in trial of the cause. Motion denied and defendant excepts and gives notice of appeal to Supreme Court. Further notice waived. Appearance bond of \$2,000 adjudged sufficient. Cost bond of \$75 adjudged sufficient. By consent of the parties the defendant is allowed 60 days to make up and serve case on appeal, and the state is allowed 60 days to file exception or serve counter case.

State vs William Reece, Jennings Reece, and Harrison Reece, larceny and received. N. P. W. L.

State vs Lawrence Griffin, Luther Vest, Fanning Burress and Jim Griffin, assault with intent to kill. The defendant, Lawrence Griffin, tendered a plea of "guilty of an assault with a deadly weapon." Which plea is accepted by the solicitor for the state. Judgment, let the defendant be imprisoned in common jail of Haywood county for a period of 18 months, to be assigned to work on highways of North Carolina.

As to defendant, Jim Griffin, N. P. W. L.

The defendants, Flanning Burress, Luther Vest, plead "not guilty." Jury returned verdict of "not guilty."

When a thief attempted to rob a store in Visalia, Calif., for the fourth time he was caught and held in a bear trap which had been placed in the store by Constable W. D. Turney.

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Want Ads

FARM WANTED—Advertiser wants to purchase a cheap farm of ten or more acres of land with house and barn on the same within twenty miles of Waynesville, North Carolina. Owner must state lowest price and give a full description and the exact location of house and land to receive an answer. Address John A. Loftus, 271 Macon Street, Brooklyn, N. Y. 1-26, 2-2pd

FOR SALE
MAGIC GAS—gives 5 to 7 miles more to gallon gas, more power, carbon remover, \$1 treats 100 gallons, money refunded if not satisfied, mail orders given prompt attention. Salesman wanted for Haywood County, CAROLINA MAGIC GAS CO. P. O. Box 6011 Asheville, Jan. 26-Feb. 2-9-16-Pd.

FROST PROOF CABBAGE PLANTS FOR SALE
CABBAGE PLANTS—Charleston, Jersey, Flat Dutch, Succession and Copenhagen Market—60c per 1000; 5000 lots. 50c per 1000.

ONION PLANTS—White and Yellow Bermuda—60c per 1000; 5000 lots 50c per 1000. Shipping daily.

Dorris Plant Co. Valdosta, Ga. Feb. 9-16-23-Mar. 2

MAN WITH CAR WANTED for local tea and coffee route. No experience needed. Must be satisfied to make \$32.50 a week at start. Write Albert Mills, Route Mgr., 2287 Monmouth, Cincinnati, O. 11pd.

WANTED—Men and Women who wish to earn cash in their spare time by writing letters to their friends. Box 82, Highpoint, N. C. Feb. 15 & 22 pd.

FOR SALE—Fresh milk cow. Price reasonable. W. T. Shelton, Pigeon Street, Waynesville, Feb. 16-23-Mar. 2-9 pd

Grand Jury Makes Report To Court

The following is the report of the Grand Jury as returned to Judge J. H. Clement on last Friday.

"We, the Grand Jury, respectively submit the following report for the February term, 1933:

Public Buildings—Schools: "We find the school buildings well kept, in good repairs and clean, except North Canton Elementary school building is not kept properly clean, also a leak in roof."

"The Finer Creek School building has a bad leak in the roof."

"The Hazelwood Elementary school has a bad leak in the roof."

"The Waynesville Elementary school needs heating pipes in basement rooms properly supported. Also, a basement cloak room is in unsanitary condition."

"We recommend that the repairs be made and the buildings be properly cleaned."

County Hospital—"We find the building in good repair, well kept. The patients, 41 in number, 35 being charity patients, well cared for. We find a refrigerator in bad order, needs replacement in the hospital kitchen."

County Home—"Our county home has 34 inmates, 11 of these are children, 7 children are of school age, and attend school. All are apparently being well cared for."

"The following live stock is on the

farm: 2 mules, 10 cows, 16 head other cattle, 14 hogs, 100 chickens. We find feed and provisions as follows: 400 bushels of corn, 150 bushels of wheat, 50 bushels of Irish potatoes, 1000 pounds of bacon, 150 pounds of lard. Four more hogs are yet to be killed this year. The buildings are in good repair, except barn shed needs repairs. We recommend that this shed be repaired as soon as possible.

Courthouse and Jail—"In good condition. Very well kept. The jury commends the janitor for his efforts to keep down expenses and to keep the building clean."

"We find county records which we are charged to investigate, well and properly kept."

"We have carried out, to the best of our ability, the court's instructions in all matters."

Respectfully submitted,
F. E. Branson, Foreman

Judge Clement complimented the grand jury for their report and for their services in all matters.

A Fortune of \$25,000,000 for Every Man, Woman and Child on Earth! See the Article by Prof. Rene Thevenin, Eminent French Scientist, in The American Weekly, the Magazine Distributed With Next Sunday's Baltimore American.

An automobile assembled from the parts of 10 other discarded machines is being driven by George Cheirten of Berger, Tex.

Get Your Baby Chicks Early

Pure Bred Blood-Tested, Rocks, Reds and White Leghorns. We hatch every Wednesday and Thursday.

FARMERS FEDERATION HATCHERY
Asheville, N. C.



Get rid of That SORE THROAT!

Any little soreness in the throat grows rapidly if neglected. Crush some tablets of genuine Bayer Aspirin in some water, and gargle at once. This gives you instant relief, and reduces danger from infection. One good gargle and you can feel safe. If all soreness is not gone promptly, repeat. There's usually a cold with the sore throat, so before gargling take two tablets to throw off your cold, headache, stiffness or other cold symptoms. Bayer Aspirin relieves neuralgia, neuritis, too. You may use it freely, it does not hurt the heart.

BAYER

NO TABLETS ARE GENUINE BAYER ASPIRIN WITHOUT THIS CROSS

BARGAIN HOURS

FOR LONG DISTANCE TELEPHONING ON STATION-TO-STATION CALLS

7:00 P.M. to 8:30 P.M. 8:30 P.M. to 4:30 A.M.

these calls cost about 15% less these calls cost about 40% less

These are times of extraordinary values—but seldom do you enjoy greater values than those offered by Long Distance.

Rates for Long Distance calls are low. They have been reduced four times in recent years. During the evening and night hours, the rates for station-to-station calls—those on which you will talk with anyone who answers—are exceptionally low. Between 7:00 P. M. and 8:30 P. M. (evening period) the daytime station-to-station rates over 35 cents are reduced by 10 to 20 per cent. Between 8:30 P. M. and 4:30 A. M. (night period) these rates are again reduced, becoming about 40 per cent less than for daytime calls.

These bargain hours appeal to those whose use of Long Distance is largely personal or social. Many women keep in touch with out-of-town friends and relatives. Men, away on trips, telephone home each night. Mothers talk frequently with children away at school.

In addition to their regular daytime use of Long Distance, many business men take advantage of the bargain hours to transact important matters by telephone during the evening.

You can talk across the state or across the country as clearly as you can across the street. Telephoning between cities is quick...easy...inexpensive.

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