MAYFIELD'S CASE IN JURY'S HANDS

Ballot Contest in Texas Will Not Be Ended by the Decision of Veniremen

KU KLUX KLAN IS FIGHTING

By Associated Press

Corsicana, Tex., Oct. 25.—The injunction suit seeking to keep the name of Earle B. Mayfield off the official ballot as Democratic candidate for United States Senator went to the jury late yesterday.

Although the racing issue in the case will be out of it with the jury's decision, the suit may be carried when the decision is made. Judge Simon Sanders Leader Scarbrough's action on the motion to make permanent the temporary injunction restraining Secretary of State Staples from placing Mayfield's name on the ballot. His decision will be guided by that of the jury according to his statement today.

W. R. Smith, counsel for the defendant and Lattie Nichols, closed for the plaintiffs. Mr. McCormick, in his argument, declared the only issue in the case is whether the Republicans or Democrats shall send the next Senator to Washington. He referred to the partisan supporting George F. Peddy as "Negro-loving Republicans." He used this expression frequently throughout his argument. He declared the Republicans had not entered into the case but all the Ku Klux Klan except in connection with alleged expenditures in Mayfield's behalf.

Mrs. Rosier Halts Trial by Collapse

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Patrolman Cummings yesterday something they [illegible] had never seen.

Mr. Speiser showed that Fay was wounded by the remarks of Mr. Scott and ordered Cummings to remain in court for further examination.

The examination of Detective Fay then proceeded:

Scene in Operating Room

"Did you take the defendant to the room where Miss Reckitt was?" was asked.

"We took Mrs. Rosier to the operating room," Fay said. "I stood on one side of Miss Reckitt's cot and Patrolman Tyson on the other. I spoke to Miss Reckitt and said: 'Is this the woman who shot you?' pointing to Mrs. Rosier. Miss Reckitt replied: 'Yes.'

"Lieutenant Humphries was standing there with a pad and pencil and Miss Reckitt was asked if she had an statement to make. She replied that she had to. As I recall Mrs. Rosier put her hands on Miss Reckitt's shoulder and kissed either her hand or her face. There was something said, and as I can recall it, I think Mrs. Reckitt said, 'You didn't mean to do it.'"

Mr. Speiser at this point attempted to refresh the witness' memory by reading from a statement made in the District Attorney's office. Mr. Scott objected and the court sustained Mr. Scott, but stated that Mr. Speiser had a right to ask the witness if he had not made certain definite statements.

Mr. Speiser then asked if the witness had not related the conversation thus: "Is this the woman who shot you? A. Yes. Q. Will you make a statement? A. No. Then Mrs. Rosier smiled and kissed Miss Reckitt's hand and Miss Reckitt said: 'I don't think she meant to do it.'"

Mr. Scott objected and was overruled.

"I don't think I said she smiled," said the witness.

Slayer Smiled in Hospital

"Did you not in my office say to me that when you went into the room of 1314 Walnut street you went over to Miss Reckitt and ask her to make a statement?" Mr. Speiser asked.

"And did you say to me that Miss Reckitt refused to make any statement? Then you said Mrs. Rosier smiled, stooped down and kissed the dying girl. Then did not Miss Reckitt say: 'I don't think she meant to do it?'"

"Yes," answered the witness. "You have refreshed my memory."

"When Mrs. Rosier was first brought to the station house was she not hurried immediately upstairs by Mr. Scott?"

"No," by Mr. Gampel.

"Did you leave the hospital with the defendant?"

"Yes, in company with Detective Tyson."

"Did Tyson come to the hospital while you were there?" Mr. Speiser continued. "Yes."

"After you went to the station house, did you go upstairs with the defendant?" Mr. Speiser asked Detective Fay.

"Yes," the witness replied. "After we brought her to the station house we seated her and then took her to the Lieutenant's room as we had no matron. I asked her if she had been drinking. She said, 'Yes, I had some glasses of wine.' I then asked her if she was in the habit of drinking. She said she frequently did while at dinner."

Detective Fay then produced a paper from his pocket and handed it to Mr. Speiser.

"Now, I read what it says on this paper at the time of the interview with Mrs. Rosier," he said.

"Yes," Mr. Speiser replied. "Mr. Scott has no objection."

There followed a conference between Mr. Speiser and Detective Fay [illegible]

Drank Wine at Home

"You say you were drinking. Where were you drinking?

"I had [illegible]

"You say [illegible] wine and [illegible] wine?

"Yes, I frequently [illegible] wine at dinner.

"Then she turned from the chair and said: 'He [illegible] is to say, she of [illegible] from his [illegible]'

"If you [illegible] marry Fay, [illegible]?

"I am a young woman of a different temperament and I thought I could meet his wishes. I felt [illegible] child [illegible] months old, thinking the world keep him straight, but I found that no woman could keep him straight."

"Detective Tyson then asked her to sit down and compose herself and asked her if she would make a statement, warning her of her rights. She then refused to sign a statement, but she went [illegible] in a conversation [illegible] them. Detective Tyson asked me to send for the district attorney, as she was in a bad condition, and in a few minutes Dr. Haley arrived and gave her some medicine.

"Tyson and I then went to 1314 Walnut street, third floor, and met the officer placed there by the Lieutenant, and in going into Mr. Rosier's private office Detective Tyson picked up an empty cartridge that was lying on the floor by the door leading into the room, and about two feet from the foot of a bed couch that was against the partition wall between the front and back rooms of the office."

"Mr. Fay, look at that plan to your left of the room of the room where the shooting occurred," Mr. Speiser interrupted. "Is that a true representation of the rooms you found it January 21?" "Yes."

"What else did you discover when you went in the room?" "The first things I discovered were a number of pearl beads scattered on the floor."

"Look at these, Mr. Fay. Are they the beads?" the witness was asked.

"They look like the pearls."

"Point out on the plan where you found them," Mr. Speiser instructed.

The witness then went over to the plan and pointed out a spot near the brick hearth of the fireplace.

"Did you find any other beads?" "No, we found several boxes containing [illegible]"

Questioned About Pearls

"You have said that you noticed some loose beads scattered from the north-west corner of the brick hearth to the door on both sides to the northeast corner [illegible] and that at least two [illegible] under the couch," Mr. Scott said. "And you also found [illegible] on the floor?"

Mr. Scott, while talking, had turned his back to the court and [illegible] the beads had [illegible]

[illegible] replied the [illegible]

Mr. [illegible] says that [illegible] the size of a grain [illegible] it was [illegible]

The witness said he [illegible]

"[illegible] Tyson."

[illegible] the following [illegible] Mr. Speiser's [illegible] Mr. Speiser's [illegible]

Made Formal Statement

[illegible]

The paper that Mr. Speiser read [illegible] the following [illegible] Mr. Speiser sent for [illegible]

"Did he read the statement to you?" "No, I read it myself."

"When was this conversation held?" "For two years [illegible] ago."

Mr. Scott discussed the witness and Mr. Speiser asked that Fay look over the statement in question and tell [illegible] whether it was [illegible] Detective Tyson's office.

The witness [illegible] the statement and admitted that it was the same. When did you make that statement?" Mr. Speiser asked.

"About a month after the death."

"Excepting the time you were in the District Attorney's office following the crime and the time you were there two weeks ago, did you see me?" Mr. Speiser asked.

"No."

Mr. Speiser then handed him the statement again and asked if it was the original statement. The witness replied that it was.

Mr. Scott objected to the question after it had been answered, but the prosecutor went ahead and asked Detective Fay if Patrolman Cummings, who testified yesterday, was attached to his station. Mr. Scott objected on the ground that it was immaterial evidence. Mr. Speiser directed his next remark to the Judge.

"I really want to offer this statement in denial of Mr. Scott's innuendo that the Commonwealth witnesses have been coached," he said.

Mr. Scott objected and his objection was upheld.

William Tyson, a member of the murder squad and a detective for nineteen years, testified he had gone to Jefferson Hospital at 3:45 o'clock the afternoon of January 21, and on his arrival there found Mrs. Rosier on a stretcher at the accident ward.

"Lieutenant Humphries took me to where Mrs. Rosier sat and said to me: 'Here is a woman by the name of Rosier who shot her husband and his stenographer at 1314 Walnut street.' She said nothing to me at that time. I was told that she had been identified by both Rosier and his stenographer and that neither of the wounded persons had made a statement. I then went to the Fifteenth and Locust streets station house."

PEARL BEADS FOUND NEAR THE FIREPLACE

"Where did you find most of the pearls?" Mr. Speiser asked Fay. "Near the fireplace."

"What else did you find?" "Detective Tyson drew my attention to a small cartridge shell lying on the floor."

"Where did you find it?" he asked.

"Detective Tyson drew my attention to it and we went over to the wall," and the witness pointed to the spot to a place between a mahogany table and the fireplace.

"Look at this photograph. Mr. Fay, and see if you can see the spot," Mr. Speiser said.

"Yes, there it is," the witness said, pointing to a spot shown on the photograph between the mahogany table and the fireplace.

"Now, Mr. Fay, after looking at the photograph have you any corrections to make as to where you placed the spot on the plan?" Mr. Speiser asked.

The witness objected to Mr. Speiser's question.

"This witness is now getting instructions from this fair, honest and conscientious District Attorney," Mr. Scott said.

Mr. Speiser turned toward the jury and smiled.

"Would you like to weigh your honesty with mine?" he asked.

Scott Threatens Speiser

Mr. Scott replied: "I'll open up on you in a minute."

Mr. Speiser heard the remark, which was uttered in a low tone, and, turning to the Judge, said:

"I object to that remark coming from the defense attorney, and I demand an apology."

Judge Barratt replied that he had not heard the remark, and for that reason thought it best to overlook it.

"Do you identify the spot on the photograph?" Mr. Speiser asked.

The witness looked at the photograph and identified the spot.

Mr. Scott again objected, although Fay had given his answer.

"What else did you see on the floor?" "I saw a letter in the typewriter."

A letter was produced by Mr. Speiser the witness said it resembled the letter in the machine.

Mr. Fay, coming back to the bloody spot, did you not say to me that the spot was on the west side of the room and between the mahogany table and the typewriter desk?" Mr. Speiser asked.

Mr. Scott objected, declaring that Mr. Speiser was cross-examining his witness. The objection was overruled and the witness replied that it was in that place on the wall.

Mr. Scott then cross-examined the witness.

Questioned About Pearls

"You have said that you noticed some loose beads scattered from the north-west corner of the brick hearth to the door on both sides to the northeast corner [illegible] and that at least two [illegible] under the couch," Mr. Scott said. "And you also found [illegible] on the floor?"

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MRS. ROSIER BLAMED TRAGEDY ON DRINK

"Did you have any conversation with the defendant there?" Mr. Speiser asked Tyson.

"Yes. I did in the presence of Detective Fay. As we went into the lieutenant's room we told Mrs. Rosier to sit down and I said to her, 'Why did you do this?' She said, 'I went into my husband's office this afternoon and found them in a compromising position. Even then I wouldn't have done it if I had not been drinking.'

"She told Fay she had been drinking wine and had had several glasses, and when Fay asked her if she was in the habit of drinking wine she said 'Yes, frequently at dinner.' At this point Mrs. Rosier jumped up and paced excitedly up and down the room. Then she said, 'He killed his first wife. She died of a broken heart of his treatment.' Fay then spoke up and said: 'Knowing that, why did you marry him?'

"As I remember it, he replied: 'I was a young woman, of a different temperament, and I thought I could meet his wishes. I even had a child by him, but I found that no woman could be able to meet his wishes. All the time she was walking up and down the room and I told her to sit down, which she did.'

"I Did It," She Admitted

"I then asked Mrs. Rosier if she would make a statement, first warning her as to her rights and telling her that anything she said would be used against her at her trial. She refused to say anything further except to say, 'I did it.' She appeared to be in bad shape. I asked her to send for a doctor and Dr. Doyle came and attended her. At this time Mr. Conner, the lieutenant and others came into the room. All of the men stood in the room of the murder. Lieutenant Humphries then said to Mrs. Rosier: 'Do you wish to make a formal statement?' Mrs. Rosier said: 'Yes.' Then Mr. Scott said: 'Do you want Detective Fay to take down your statement?' Mrs. Rosier said: 'Yes.' Detective Fay then wrote the statement and read it to Mrs. Rosier, who said it was correct. Mrs. Rosier then said: 'I want to see my husband.' Mr. Scott said: 'Do you want to see your husband's mistress?' Mrs. Rosier said: 'Yes