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CHICKASHA DAILY EXPRESS

ALL the latest news by wire every day from the United Press Association.

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Number 193

BAKERS HELD ON MURDER CHARGE AT PRELIMINARY

SLAYER OF GILBREATH, WITH WIFE, MUST ANSWER TO DISTRICT COURT SAYS RULING OF JUSTICE AS EVIDENCE GIVEN; BOTH ARE HELD WITHOUT BAIL

Several Witnesses to Tragedy Give Sordid Story of Killing; Only One Witness Used Who Saw First Shot Fired; Farmer Says He Saw Baker Draw Gun

DEFENSE BRINGS OUT LINE OF EVIDENCE STATE EXPECTS TO USE

Testimony Given Relates Only to Actual Shooting; Only Once Does It Refer to Any Cause Leading Up to Affair; Melton to Apply for Bail for Defendants.

"Bad" Baker, confessed slayer of Leon Gilbreath, and Katie Baker, his wife, were bound over without bail to the action of the district court by Justice E. L. Grigsby this morning at the close of the preliminary hearing held in the district court room at the county court house.

As was expected, only the skeleton of the testimony that is expected to be presented at the district court hearing was introduced. The evidence used in the preliminary this morning related only to the actual killing and in no way referred to any association between the deceased and Mrs. Baker, except in the testimony of one witness who stated that "Baker told him that the man ruined my home."

Adrian Melton, of the firm of Bond, Melton and Melton, represented the defendant while County Attorney Ben Goff, Assistant County Attorney J. Roy Orr, and C. A. Dearmon represented the state. G. W. Gilbreath, father of the deceased, occupied the place near the council table, while the defendant's father sat at the side of Mrs. Baker.

Attorney Melton announced after the hearing that he would file application for bail before Judge Will Linn of the district court when the judge returns to Chickasha, which is expected to be Saturday.

Court Room Jammed

Nearly an hour before the hearing opened, the court room was crowded and when the witnesses were called to be sworn, the throng had jammed all the seats, aisles and were forcing their way inside the railing. Others came by the score and before the hearing was well started, the curious court fans packed all available space up to the very edge of the council table leaving lawyers and defendants on the inside of a closely drawn ring.

Bad Baker and Katie Baker, his wife, the defendants, were seated together. Their child, about four years old was seated on its mother's lap. The youngster fretted and from time to time wriggled to the floor.

Mrs. Baker is a rather pretty woman, young and fairly attractive appearing after a fashion. She was dressed in a simple pink waist, dark skirt, dark hose and slippers. Baker himself, wore no collar and had the neckband of his shirt turned in against the heat that grew oppressive as a result of the closely packed room.

Justice First Witness.

Just before the trial opened, Adrian Melton, attorney for the defense asked that the witnesses be placed under the rule. They were called, sworn and given their instruction by Justice Grigsby and were then escorted to the office of County Attorney Goff, which served as a waiting room.

Sam Justis, proprietor of the Manhattan cafe was the first witness called by the state. He declared that he knew Leon Gilbreath, the deceased and that on July 28, at the time of the killing he was standing in his place of business, 210 Chickasha avenue, almost directly across the street from the scene of the tragedy.

The witness stated that he was first attracted by a shot. Looking he saw a man running and another following and then the man who was following was shooting. The man in front fell and the one with the gun kept shooting. The fallen man crawled into the stairway and lay, face down the witness said. At

the time, he said, he couldn't tell who the participants were. On cross examination, the point was brought out again, that the witness did not see the first shot and that his attention was attracted first by the first shot. He said they were 10 or 12 feet apart. The deceased, he said, fell with his head to the east near the south side of the sidewalk. He gave as his opinion that five or six shots were fired. He couldn't see the defendant's face, he said.

Former Cop Called. Claud Baird, recently resigned from the police force, was called as the second witness and testified the fact that Baker gave himself up immediately after the shooting. Mr. Baird testified that on July 28 he was serving on the Chickasha police force and that at the time the shooting started he was standing on Chickasha avenue, the north side, about 150 feet northwest of the point where the tragedy occurred. He was attracted to the spot by the first shot, he said, and when he looked saw Gilbreath running with Baker following and shooting. They were then, he stated, about eight or ten steps from the car.

The ex-policeman declared that he went to the scene and that Baker turned and surrendered, stating that he was willing to do so. He said that the defendant stated that he had his wife and baby with him. The gun that Baker surrendered was a .45 automatic, the witness said.

On cross examination, the witness stated that after he had taken the defendant in charge, Baker said that he "knew where he was standing and that he was justified." Attorney Melton asked if the defendant gave any reason for the shooting. This question brought County Attorney Goff to his feet with an objection. The court held that an answer was permissible and the witness was instructed to answer.

"Baker said that the man had ruined his home," Mr. Baird said. This statement, the witness said, was made while he was taking Baker to the jail. He stated that the defendant had given himself up immediately after the shooting. He believed that there were six shots fired. In answer to questions by Attorney Melton, the witness said that he couldn't see the man where they were first standing because the car obstructed his view and the first he did see was Leon Gilbreath running. He didn't see the defendant and deceased facing each other. He saw the second, but not the first shot.

Said Was An Officer. Rowan Wilton, proprietor of a tire and auto accessory shop at Fourth and Kansas, was called to the stand and gave testimony relative to a conversation he had had with the defendant on the evening of July 28.

He stated in effect that at about 6:30 on the evening of the killing, the defendant, with his wife in the car, drove up in front of Wilton's place of business. They did not make any purchase but Baker asked if he knew Gilbreath and when told that he did, asked if Gilbreath was at home. Witness stated that he replied that he did not know whether Gilbreath could be found at home and that he had not seen him for some time. Witness further testified that Baker then told him that he (Baker) was "a U. S. man and had a warrant for Gilbreath," that he had never seen

the man in his life but that he would know him from the description and that he would get him. Witness said that he saw the handle of a pistol through Baker's silk shirt. During the conversation, the witness said, Baker rashed the location of the sheriff's office and was given the proper direction. A short cross examination only served to reiterate certain statements made on direct examination. It was brought out that Mrs. Baker did not say anything, the conversation being entirely between Baker and the witness.

Sam Justis was recalled to the stand to establish the fact that he lived in Chickasha, Oklahoma, and that the occurrence of which he testified were in this city and county. Sheriff is Called. The testimony of Mait Sankey, sheriff of Grady county, had to do with a conversation he had held with Mrs. Baker. The sheriff declared that he had talked with Mrs. Baker and had been told by her that she and her husband came to Chickasha on the afternoon of July 28, as she thought to visit her sister. She said they drove by Gilbreath's home and that a woman was sitting on the porch. Witness testified that Mrs. Baker said her husband instructed her to call the woman and ask for Baker Gilbreath which she did and learned that he was not at home.

Witness said that Mrs. Baker told him that Baker drove to a point on Chickasha avenue, stopped the car and went into the American cafe saying that he was going after Gilbreath as he wanted to talk to him a minute; that the two men returned to the car at which time Baker asked her if this was the man. She told him it was and he pulled the gun, the witness said, Gilbreath grabbed for it but missed it.

Downey Tells of Wounds. Dr. D. S. Downey of the Chickasha Hospital was called and testified as to his examination of the dead man and of the location of the wounds. The defense admitted his qualification as a physician and surgeon as the county attorney started to propound the necessary questions.

Dr. Downey testified that he was at home when he was called to the hospital. When he arrived the wounded man was in bed in a dying condition, the examination being. He was told that the man was Leon Gilbreath. Relative to the wounds, the witness said that he found that three bullets had entered near the small of the back. Two of these came out, he said near the center of the abdomen and the third made an exit near and just a little below the heart. The fourth wound was in the left forearm, the bullet breaking a bone. The witness gave as his opinion that the bullets that passed through the body had caused death.

Defense Goes to Bat. Ben Goff, county attorney, after having been sworn, took the stand and C. A. Dearmon, assisting in the prosecution, directed the questioning. The county prosecutor's testimony was to the effect that he was present at the Chickasha hospital when Dr. Downey made the examination of the deceased and reiterated the statement of the doctor relative to the wounds. The defense went to bat with J. M. Jones of Rush Springs being the first witness called.

Mr. Jones testified that he heard the deceased cry, "Oh Lordy, you've killed me." Asked if he heard the defendant say anything, witness replied that he thought Baker said after the shooting that he had "done what he came up here to do."

"Had Business in Rear." Bill Elston, policeman, on the stand told substantially the same story as that related by Mr. Baird. He was with Mr. Baird when the shooting started, didn't see the men before the first shot and first saw one man running with the other in pursuit, shooting. Ben Warren, negro, was called to the stand, his testimony developing that he saw the men just before the shooting started, but was in the rear of Bert List's barber shop when the first shot was fired, having "had business there."

Warren said that he is a porter at List's shop and that on the evening of the shooting he was standing in front of the shop. The witness said that he saw the two men standing near a car talking and that as he looked he saw that one of the men had a gun in his hand. "Well, what happened?" asked Attorney Melton.

"I don't know," replied Warren. "I had business in the rear." This statement brought forth a storm of laughter from the crowd which was quieted after much difficulty by the bailiffs. "Where were you when the first shot was fired?" asked the attorney.

"In the rear of the barber shop," answered the witness. He said that the last thing he saw was the man with the gun and the deceased stepping upon the sidewalk. The men were about ten feet apart, the witness declared.

Expect to Get Spurgin Today. El Paso, Aug. 4.—Word has been received here that Warren Spurgin, Chicago banker, will be arrested at Chihuahua City, today, officials of the sheriff's office announced.

By United Press. Conroe, Texas, August 4.—Ku Klux Klan, 200 strong, led by a horseman carrying the stars and stripes and another bearing the fiery cross, paraded the streets here last night.

It was an impressive demonstration, giving an atmosphere of warning by banners carried by the Klan, that gambling and bootlegging must stop and that, "we want no mulatto children."

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WEATHER FORECAST For Oklahoma. Tonight and Friday generally fair. Temperatures. Max. 85. Min. 68.

INVESTIGATION OF BANK BOOKS ORDERED TODAY

Books Not Audited Since December, 1919, El Paso Sheriff Expects To Arrest Spurgin in Mexico.

By The United Press. Chicago, Aug. 4.—Further investigation into the affairs of the Michigan Avenue Trust company, which was wrecked by Warren Spurgin, its president, was ordered today by State Attorney Shane, following the discovery that the bank's books had not been audited since December 1919.

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K. K. K. PARADES IN TEXAS TOWN

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RATE HEARING DELAYED WHEN LEWIS IS LATE

Interstate Commerce Commission Hearing on State Rates to Bring Them Up to Interstate Rates. By United Press. Oklahoma City, August 4.—Failure of Commissioner Lewis to arrive as scheduled delayed the opening of the interstate commerce commission hearing on the application of railroads of Oklahoma to bring the state rates back up to the level of interstate rates.

BANDITS MAKE \$60,000 HAUL IN ONE POUCH

Semi-Monthly Payroll of Standard Oil Company Secured When 3 Highwaymen Get Registered Mail. By United Press. St. Louis, August 4.—Three armed bandits today held up and robbed Thomas Forloda, postal employe at Woodriver, Illinois, or registered mail sacks containing \$60,000 and escaped in an automobile.

ENID IN RACE FOR A BATTERY

While the Enid and Chickasha baseball teams are battling for supremacy on the diamond, the cities will also be fighting to see which gets the Service battery, according to Captain A. Noble Ladd, O. N. G. Enid has entered the race for the Service battery and work there is progressing rapidly, so if Chickasha wants the battery they will have to move fast, Ladd says.

The band has secured 20 men and needs 20 more. The service battery has signed up 30 men and must have 52 more to make the quota. Battery D, will go to Ft. Sill for training on August 26, if appropriation for the 15 days camp goes through. Notification that the equipment for Battery D, will arrive in September, has been received by the officers of the battery.

SOVIET TO FREE U. S. PRISONERS

By United Press. Washington, August 4.—The state department today received a cable from its Riga representative stating that the soviet mission had received unofficial announcement that the American prisoners in Russia were being released.

CRAIG CONSENTS TO TALK PEACE

By The United Press. London, Aug. 4.—Premier James Craig of Ulster probably will consent to discuss the proposed peace terms offered by Premier Lloyd George with Edmond DeValera, according to Belfast dispatches to The Evening News.

Ball Teams Will Be Guests Local Legion Tonight

At the home of Dr. L. E. Emanuel the Raymond T. Hurst post of the American Legion will stage a watermelon "cutting" tonight at 8 o'clock when a program and ceremonies will be given. Low grade lignite and rice husks are combined into a fuel in Spain.

PROSECUTION OF TULSA'S SHERIFF AGAIN OPENS UP

Freeling Will Confer With Authorities About Officer Who Says He Slept Through Race Riot. By United Press. Oklahoma City, August 4.—Prosecution of Sheriff McCollough, of Tulsa county, for failure to act with proper precaution in protection of life and property in the Tulsa race riot, was again indicated today when Attorney General Prince Freeling, announced he would confer with authorities immediately with a view of bringing ousting proceedings. Sapulpa Grand Jury in Sept. The grand jury called for Sapulpa on August 8, probably will be delayed until September, Freeling announced today. This grand jury is to investigate the bribery charge against District Judge Wright, in connection with the Tommy Atkins oil land case.

NO CARS RUN IN DES MOINES BUT NO DIFFICULTY

Street Car System Stopped by Court Order Because of Huge Loss Every Month to the Lines. By The United Press. Des Moines, Aug. 4.—All street cars were locked up in the barns but Des Moines rode to work today. This city, of 100,000 inhabitants, is the first in America to do away with electric traction and go on a gasoline basis. No difficulties were experienced on the first day of bus transportation.

CARUSO PASSES FROM STAGE OF LIFE; ATTITUDE

Naples Co-Operates to Pay Highest Tribute to Greatest Tenor of All Times. Entire City Grieves. By The United Press. Naples, Aug. 4.—Enrico Caruso passed from the stage today. Despite the solemnity of the funeral services and the grief which all Naples displayed, feeling prevailed that Caruso had merely finished his part. The entire city co-operated to see that the highest honors were paid to the noted singer.

COUNTY'S MELON CROP ONLY HALF USUAL QUANTITY

Price is Considered Fair by Growers. 29 Pound Melons Are Best Sellers County Agent Says. Grady county's melon crop will only be about half as large as last year, and less than 50 per cent of the estimate of a month ago, according to county agent A. F. Houston.

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