

Superior Court Term Ends

Ed Elliot Gets 4-5 Years Prison For Manslaughter In Wife's Death

Fred McLean, Allen Youth Both Given Suspended Sentences

Ed Elliott, 43-year-old Negro of Vass, Route 2, was convicted of manslaughter by a jury Friday in Moore superior court, following his trial for murder in the death of his wife Mildred last March 15. Judge Francis O. Clarkson gave him a prison sentence of four to five years.

The jury had the choice of second degree murder or manslaughter verdicts, or acquittal, in the case, one of the most puzzling to be held in the Moore court in recent years. Evidence was entirely circumstantial. Most of the state's witnesses were relatives of Mildred Elliott living nearby. They testified that Ed was "a drinking man" who habitually mistreated and struck his wife. Other neighbors of both races, however, appearing in the defendant's behalf, said they had heard nothing of the sort "until he had this trouble."

Elliott himself testified freely on the stand, admitting that he and his wife had been drinking together the night before her death. He said he was asleep when she came to bed and when

he woke up he "could not wake her." He sought aid of some white neighbors and Mildred was found to be dead.

Col. Philip P. Green of Southern Pines, pathologist for Moore County Hospital and the N. C. Sanatorium at McCain, gave an autopsy report indicating that Mildred had died from blows and strangulation.

Testimony by Deputy Sheriff A. W. Lambert and Coroner Ralph G. Steed also tended to show that the woman had died of violence. Yet both of them, also Dan and Elmer Cummings, the neighbors first called to the scene, said that, although there was blood on the woman, there was none on the man, and that the room showed no signs of disarray.

Character Witnesses
A procession of character witnesses, white and Negro, spoke up for Ed as a good man and good neighbor, who had never been in serious trouble before. Elliott himself testified that he and his wife had been happily married for 19 years, that he had loved Mildred and had no reason to kill her.

A defense move at mid-trial for dismissal of the charge on the ground of insufficient evidence was overruled by the judge when Solicitor Boyette objected, likening the case to that of Wall Ewing, prominent Fayetteville citizen, whose wife was also beaten to death. Though evidence in the Ewing case was entirely circumstantial, he went to prison because of his known habits of brutality toward his wife.

Main problem facing the defense in the Elliott case was the complete lack of any evidence of a third party who might have killed Mildred.

This was the second murder trial of the court term. In the first, a white man, Charlie Arter Martindale, pled guilty to first degree murder in the rifle slaying of his wife and was sent to prison for life.

Auto Larceny
Following it was the trial of Harvey Lowe, Carthage youth who, said his attorney, apparently had an obsession for wrongdoing in connection with cars. Pleading guilty to larceny of auto, Lowe was revealed to have committed the same offense three or four times before, and to have served time for it. His attorney passed on to Judge Clarkson an appeal from Lowe's father, asking that his sentence include psychiatric treatment if possible. The sentence: eight to 12 months in prison, at the expiration of a road sentence he is now serving for driving after license revocation. The judge added, "I will write the

prison superintendent to see what help can be given him."

Cases Continued
Under Solicitor Boyette's skillful handling and with a very businesslike judge on the bench, the court got rid of a lot of work. However, about 45 cases were continued, most of them traffic or liquor law violations up on appeal from recorders court. Continued for the second time was the murder case against Lonnie Mitchell, Negro, of Manly, charged with shooting his neighbor, Onnie Davis.

Other cases disposed of on the last two days of court were; Charlie Elmer Badgett, careless and reckless driving, drunken driving, plea of careless and reckless driving was accepted on solicitor's recommendation, nol pros with leave on payment of costs; Thomas Lorenzo Daniels, theft, 60 days or \$25 and costs; Will Kelly, Pinehurst, non-support, three months suspended on payment of \$10 weekly to clerk of court for support of four minor children.

McLean, Allen Sentenced
Two defendants whose sentences had been deferred following their trials earlier in the week were placed on probation. These were Roy Vinson Allen of Robbins RFD, who pled guilty to two counts of breaking and entering and larceny, who was given a sentence of 18 to 24 months on the roads suspended for three years on probationary conditions, and Fred McLean of Aberdeen, pleading guilty to two counts of assault with deadly weapon.

McLean, who beat up his wife and Floyd Seals when he found them together at a movie show, was given an 18 months' road sentence, suspended for three years on probation, and was ordered to pay Seals' doctor and hospital bills not to exceed \$59.25; to refrain from the use of alcoholic beverages during the probationary period, and to pay costs.

Lonnie Mae Farmer, Southern Pines Negro, who was given a six months' prison sentence Thursday for stabbing her husband with a butcher knife, received a modification of this sentence. On information that Lonnie's 14-year-old daughter is pregnant and has no one to care for her, the judge gave a six-month road sentence instead, suspended for three years on good behavior conditions, and the payment of costs by the next term of court.

North Carolina's 1954 wheat harvest is estimated at 6,952,000 bushels, 15 per cent below the 1953 crop.

Advancements, Merit Badges Awarded In Scout Court of Honor At Pinebluff

The "swim-all and cook-out" held by Moore District Boy Scouts at Pinebluff Lake Saturday was followed by a campfire Court of Honor featuring award of advancements and merit badges, that night.

Awards were presented by Jesse Wimberley of Pinebluff and Aberdeen, and included the following:

Troop 73, Southern Pines—Jack Carter, Johnnie McMillan and John Grover were advanced, and merit badges were awarded to Jim Carter, Mike Boes, Jack Carter and McMillan.

Troop 68, Aberdeen—Advanced were Edwin and Parks Garrison, with Parks receiving the Eagle Palm. Receiving a merit badge was Michael Johnson.

Pinehurst Troop 7 had three advancements, Johnny Grier, Stanley Hilbreth, and Kent Kelly. Merit badges also went to

these, and to Bradley Johnson and John McKenzie.

Troop 74 of Robbins received the most badges and advancements. Advanced were Hal Ray Cheek, Roy Harris, Jr., Dennis Hicks, Jimmy Steed, Cleve Richardson and Billy Ash. Merit badges went to Marvin Melton, Guy Bird, Jr., and Willis Williams.

Since January 1 a total of 152 advancements have been made. The goal for the year is 288, according to Lawrence Johnson of Aberdeen, advancement chairman.

There are now over 250 boarding homes for the aged licensed by the State Board of Public Welfare. These homes are specialized, making it possible for county welfare staffs to recommend suitable homes to fill particular needs.

Jackson Named To NCADA Post

E. Nolley Jackson of Jackson Motors, Inc., has been appointed area chairman for Moore County by the North Carolina Automobile Dealers Association, according to an announcement by Wilson E. Yarbrough of Fayetteville, association president.

As area chairman, Mr. Jackson will serve as liaison between dealers in this county and the

State and National dealers associations. He will also direct the associations' fall membership campaigns in his area and will participate in Area Chairmen Day to be held in Raleigh in October.

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