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Cox Is Sentenced to 28 to 30 Years in Prison for Murder

CHARGE OF FIRST DEGREE MURDER NOT SUSTAINED

State Only Asked for Conviction on Second Degree Charge

REVIEW OF EVIDENCE

Case Started Wednesday Morning and Finished Up Yesterday; Hard Time Selecting Jury

With new and unexpected evidence presenting itself, the case of Frank Cox, thought by many people to be the first out-right first degree murder trial in this county in a number of years, lost force in the superior court here this week and resulted in a second degree conviction, the defendant receiving 28 to 30 years at hard labor in the State's prison. Apparently the defense's testimony was offered for the sole purpose of mitigating the sentence.

Cox, announcing Wednesday morning his inability to employ counsel, was granted the services of three attorneys, B. A. Critcher, E. S. Peal and A. R. Dunning, by the court. The task of selecting a jury was started at 10 o'clock Wednesday morning, only four men, James L. Roberson, S. W. Casper, C. C. Sexton and W. E. Tyson, being selected in a few minutes from the regular jury. The special venire of 100 men was examined, and for a while it looked as if no selections favorable to both sides could be made. At 1:30, however, the jury was completed in the selection of W. J. Wright, Chas. R. Mobley, Eli Rogers, Eli Rogerson, N. R. Daniel, J. T. Beach, W. S. McKeel and Gaston James from the special list. The court then recessed for lunch, the judge announcing that proceedings would be underway again at 3 o'clock.

The examination of witnesses was slow and it looked as if the trial would continue over into today, but yesterday, right after the noon recess, the trial was practically ended when the State accepted the second degree charge submitted by the defense.

Review of Trial

Mrs. J. H. Jolly, the deceased's widow, took the stand for the State first. She described in a clear and concise way Cox's coming Sunday, between sunset and dark, to the hog lot where she, her husband and stepdaughter were feeding the hogs. Cox was cursing and abusing her husband, stating that he had caused him to lose \$67 and said he was going to kill him. Mr. Jolly ran in the bushes nearby, while she and her daughter persuaded Cox not to kill him. Jolly then ran towards the house with Cox after him and Mrs. Jolly between them. She saw a car passing and called for help. Cox then went towards Garland Forbes' home. She said Cox wore brown tennis shoes which she said resembled those displayed by council.

Continuing, Mrs. Jolly stated that she hailed Roberson boys but they drove on. She later called Mr. Willie Gurganus and asked him to go to Everett's and send offices as Frank Cox had threatened her husband's life. Later she called John A. Taylor who Mr. Jolly asked to stay with them as he was afraid of Frank Cox. Taylor told Mr. Jolly to go into the house at about 9 o'clock and turn down the lights while he went to Everett's for a few minutes, that he would soon be back and spend the night with him. Just as they raised up from their seats on the porch, the gun was fired and Mr. Jolly fell.

In the cross examination, Mrs. Jolly stated that Frank Cox lived on same farm they did, about 200 to 300 yards away. She described the incidents about the same as she did on direct examination, adding that Cox

CALM IN FACE OF LONG SENTENCE

Cox Stoic As He Gets Long Term; Wife and Children Break Down

While his wife and children broke down and wept, Frank Cox, killer of J. Henry Jolly, Cross Roads farmer, without a change of expression, heard a sentence of 28 to 30 years at hard labor in the State's prison meted out to him by Judge Walter L. Small in superior court here last Wednesday afternoon at 4:30 o'clock, following a two days' trial. The sound of a pin dropped on the floor could have been heard in the courthouse auditorium, which was packed with hundreds of spectators awaiting any development that would offer excitement, while the jurist addressed Cox and announced the sentence.

Immediately following the pronouncement of the sentence, confusion reigned in the court room, the judge finding it necessary to use the gavel to restore order. The trial's outcome was discussed by the spectators while the prisoner was remanded to his cell to await removal to the prison in Raleigh today.

When told of the trial's development, relatives of the dead man are understood to have stated that the withdrawal of his first degree charge would not be challenged, that the workings of the court would be accepted.

did not appear to be under the influence of liquor late Sunday afternoon, that when he came up to them he said he had the hell beat out of him down the road, his car taken and \$82 out of it. Mr. Jolly asked him if he was hurt, Cox pulling shirt from his shoulder and Mr. Jolly looked but he saw no sign of an injury. Cox then told Mr. Jolly that he was the cause of his losing \$67, and he was going to kill him.

Lola Jolly, the 16-year-old daughter of the deceased, was then called and she related the incidents, substantiating Mrs. Jolly's evidence.

John A. Taylor, a young man living in the neighborhood, stated that he was passing the Jolly home just before dark and Mrs. Jolly called him and asked him to stay until officers came, as Cox had threatened the life of her husband. Mr. Taylor said, "I went in and was on the porch half an hour when Mr. Jolly asked me to go with him to feed his team. After returning to the house, I stayed about three-quarters of an hour and told Mr. Jolly to go in and turn out light, that I would soon be back and spend the night with them. Jolly and I both raised up and the gun was fired just at that time. The load passed over my right shoulder with the exception of the few shot striking me in the neck, the main load going in left side of Jolly's face. He fell against me dead. I laid him down with his head inside of his body. I saw profile of man at end of porch."

"Officers came about two hours later and I had then carried Mr. Jolly's body and placed it on the bed. I helped trace tennis shoe tracks similar to those exhibited in court. I helped trace tracks from hog pen to Cox's house, then to the porch, from porch to woods and back to road to Garland Forbes' home," Taylor concluded in the direct examination.

Upon cross examination Taylor held exactly in line with his direct testimony, adding that Mr. John Robt. Bullock and family were the first to arrive after the killing.

Joseph H. Roebuck was the next witness and he described, in detail, the tracking around the Jolly premises and up to the home of Frank Little, colored. He stated they lost the track 50 yards behind the Little house.

S. R. Biggs, coroner stated he held an inquest and took testimony of Mrs. Jolly, Miss Jolly and John A. Taylor. He had Frank Little arrested Monday night and later went by W. L. Bland's and got gun which Cox left there.

Frank Little, a colored neighbor and close friend of Cox's, stated that Cox went to his home between 9:30 and 10 o'clock Sunday night and called him. "Cox said, 'well, I laid out one.' I asked who and he said he had shot old man Jolly. Cox then went back of my field. We were scared and we got up and went three miles away and turned around and went home, all retiring at 11:30. Cox came back at 3 o'clock. He said he had laid out old man Jolly and that he hated it. He asked me if I had some shoes. I told him I had an old pair and I handed him a pair through the window." Little then identified the shoes Cox was wearing when arrested.

It was on cross examination that Little began giving much testimony favorable to the defense. He describ-

KNIGHT GETS 3 TO 6 YEARS

Convicted of Manslaughter In Superior Court Here Wednesday

Found guilty of murder in the second degree, Gus Knight was sentenced to from three to six years in the State prison by Judge Walter H. Small in superior court here last Wednesday morning.

Knight's case was started about noon Tuesday, the defense attorneys using a greater part of that afternoon examining the witnesses. No further evidence was offered Wednesday morning, and following the judge's charge, the jury returned its verdict, to stop. Smith made no attempt to run after bringing his car to a stop.

Smith was returned here and placed in charge of Officer Zimmerman and his assistant, W. B. Parrish.

When questioned here Tuesday night Smith stated that he hit Poplin, construction foreman, with his fist while working on a warehouse in Rocky Mount June 27, 1927. The trouble originated, according to the man's story, when a shortage of \$5 was found in his weekly pay. "Mr. Poplin cursed me and I hit him with my fist and fled," Smith stated. He denied hitting the man with a piece of scatting, as was charged. Smith went to New York, where he worked until about nine months ago. During the past two weeks, he has been working on the Planters Warehouse, under construction here.

Officers trailed the man much of the afternoon, but failed to trap him until late in the evening, when he started to Plymouth. He had his suitcase packed and apparently knew the officers were after him.

Town Audit Has Been Practically Completed

An audit of the town's books started several days ago was practically completed this morning, the auditing firm's representative stating that a report of the town's financial condition would be returned within the next 10 or 15 days.

The report covers the two-year period beginning July 1, 1927, and ending May 31, last.

Martin and Bertie To Play Here Today

The Martin County All Stars will do battle with the strong Bertie nine here this afternoon for the first week's leadership in the Bright Belt League. The team from across the river has two wins to its credit and no losses. The "Manufacturers" have one win and no losses, the two teams promising a spirited contest this afternoon for the top rung.

This is the "Manufacturers'" first game on the home grounds, and a good crowd is expected to witness the play. The diamond has been improved and a grand stand erected for the fans.

Everets Baptists to Have Homecoming Day Sunday

Everets Baptists will celebrate the third anniversary of the opening of their present church building on Sunday with a homecoming day program. All former pastors of the church have been invited to attend. Rev. E. L. Brown, now of Greenville, S. C., will preach at 11 a. m. and Rev. J. P. Harris will preach at 3 o'clock; both are former pastors.

All members of the church are urged to attend.

Dinner will be served at the church grounds following the morning service.

Heavy Rain in Upper Part of County Today

A heavy rain accompanied by hail in spots was reported in the upper part of the county and in Robersonville township today. While no definite reports could be had, it is believed there was no great damage.

J. T. Sarvis stated that Cox tried to get him to carry him home Sunday afternoon, Cox telling him that he had been robbed of \$82 and his car taken by Rocky Mount people. "He wanted me to carry him home to get his gun as he said he was going to kill Jolly, that Jolly had caused him to lose some money." He stated that he saw nothing wrong with Cox.

Eli Wilson, colored, said Cox got him to carry him home a little before sunset Sunday, continuing that Cox seemed to be about half drunk. He added that Cox talked with good sense.

Several other witnesses were called but their testimony was of minor importance. The State rested at 12:30. Following the noon recess, the jury was sent out and the solicitor announced that the defense had offered to submit to second degree murder, which plea was accepted.

The defense then put on a number of witnesses who stated that Cox was the son of an insane father, the great nephew of an aunt who hung herself. (Continued on page four)

NEGRO WANTED FOR MURDER IS CAPTURED HERE

Bernard Smith Is Caught After 11-Mile Chase to Jamesville

KILLED MAN IN 1927

School Loses One Teacher; Only Two New Teachers On Faculty

With Piece of Lumber, Which Caused His Death

Bernard Smith, 29-year-old negro, alleged murderer of O. A. Poplin, construction foreman, in Rocky Mount in 1927, was captured by W. B. Daniel, local chief of police, Night Policeman Allisbrooks, and Officer P. C. Zimmerman, of Rocky Mount, last Tuesday evening after a spirited chase to Jamesville, 11 miles away. Chief Daniel stated that the race was run at around 40 miles an hour for the greater part of the distance, that he could not pass Smith until they reached Jamesville, where he forced the alleged murderer to stop. Smith made no attempt to run after bringing his car to a stop.

Smith was returned here and placed in charge of Officer Zimmerman and his assistant, W. B. Parrish.

With the exception of one or two contracts, to be signed this week end, the 1929-30 faculty for the Oak City schools is practically complete, it was learned from Principal H. M. Ainsley yesterday. The school loses one of its teachers, making it necessary to handle the fifth, sixth, and seventh grade pupils by subjects, Miss Julia Holloway, of Macon, Ga., and Mrs. L. K. Brown, of Oak City, teaching the subjects in the three grades. Only two new teachers are included in the coming term's faculty, it was stated yesterday morning by Mr. Ainsley, who was here in the interest of the schools in the up-country town.

Contracts for primary and grammar grade teachers are complete, as follows:

Miss Mildred Davenport, Oak City, first grade, section B; Miss Leon Newman, Rosemary, first grade, section A; Miss Alice Mallard, Teachey, N. C., second grade; Miss Adeline Tew, Radford, College, Va., third grade; Mrs. W. D. Smith, Oak City, fourth grade; Miss Julia Holloway, Macon, Ga., and Mrs. L. K. Brown, Oak City, fifth, sixth, and seventh grades.

The principal stated that all contracts had not been completed for the members of the high school's faculty, but that the teaching personnel would be made complete this week end, possibly as follows:

Miss Myrtis Zetterower, Statesboro, Ga.; French and English; Mr. H. B. Russell, Granite Falls, science and history; Miss Ina Bishop, Jacksonville (N. C.), home economics; Miss Bruce Ray Heath, music. Professor Ainsley returns for his seventh year as principal of the schools there, having during the past six years headed one of the leading schools in the county system.

Program of Services at Presbyterian Church

Rev. Z. T. Piehoff, Pastor

Sunday school, 9:45 a. m.

Worship service, 11 a. m.; subject, "The Marks of a Christian."

In Galatians the Apostle Paul says, in the 6th chapter and the 17th verse, "I bear in my body the marks of the Lord Jesus." Had one lived in the days of Paul, it would have been easy to have singled him out from the rabble as a true man of God. But today, amid an uncertain and perplexed world, many Christians are as "reeds shaken with the wind," making it increasingly more difficult to find the line of demarcation between the Christian and non-Christian. Courage is an essential mark of the Christian, especially the courage of conviction; therefore, this mark will be the chief subject of the message Sunday, June 23, 1929. We invite our many friends to worship with us at this time.

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She is survived by Mr. Hadley, and two children, Mary Frances, aged 12 and Roy, aged 10 years.

The funeral was held at 3 o'clock today by Rev. Lewis T. Holiday. Interment was made at the residence of Romulus Rogers, a brother.

(Continued on page four)

Land Bank Forces Borrowers To Buy High Fire Insurance

SELECT FACULTY FOR OAK CITY

IMPOSES A HARSHSHIP

TOBACCO BETTER HERE THAN IN SOME SECTIONS

County Has Not Suffered As Much As Some of Its Neighbors

PROSPECTS NOT GOOD

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