

Voluminous Evidence Offered In Case

State Rested In Coltraine Murder Case Late Friday

Offered Thirty-Six Witnesses During Long Session That Day

Opening its evidence in the case in which John R. Coltraine was charged with the murder of W. Thomas Roberson, the state called H. Gabe Roberson, brother-in-law of the murder victim. He told how he and his brother-in-law had cut seven trees on a piece of land known as a little "island" in Griffins Township on January 19 and how they with the help of Henry and Simon D. Roberson had dragged the 23 logs across a slough to high land. The witness said that the land was bought after World War I and heeded to him by his father in 1928.

On January 26, according to the witness, he with Tom and Henry Roberson got two logging carts and started to get the logs. Tom was driving the first vehicle and sitting on the tongue with his feet hanging to the left, the witness said. Henry was walking a few feet behind. Henry was driving the second cart. The witness told the approximate distances across S. D. Roberson's field and on to the scene of the killing, adding that there was a white oak about 17-inches across at the roots in the bend of the woods path, that logs were within fifty feet of that tree.

"As we approached the logs, I saw Coltraine in a path walking toward the mules. I was about twelve feet from the oak and John was about 17 or 18 feet on the other side carrying a 12-gauge automatic shot gun under his right arm. The mules took a few more steps and so did John before John took hold of the gun with his left hand and held up his right, telling us to stop."

He quoted Coltraine as saying, "Tom, I want to ask you one question. Who cut those logs?" The witness then quoted his brother-in-law as saying, "Me and Gabe." The defendant was then quoted as saying, "Yes, G--d--you, I'm going to kill you." The witness declared that by the time Coltraine said that he fired.

"Tom had pulled up on the lines and had his arm up against his body, and I saw him get off the cart and start walking back down the path. When I looked back around John had the gun on me and told me, 'G--d--you, you're next,' the witness declared that he took refuge behind the oak tree. The witness said he pleaded with Coltraine, saying he explained to the man that he had never done anything to him. Roberson said the defendant charged him with meddling in his business, that he (Roberson) moved from side to side behind the tree, that Joseph, Coltraine's son, came up about that time and told his father to put the damn gun down and go to the house.

"Coltraine then told us to get the mules out of the woods," the witness continued. "I asked about Tom and Coltraine said 'that's all right about Tom. Get those mules out of here.' Joseph helped us get the mules turned around."

The witness said he had no weapon, that he saw no weapon on either Henry or Tom, that Tom made no threat against Coltraine. He said they drove the mules away and as they neared the edge of the woods they saw Tom lying at the second gate at the edge of the field.

SEINE FISHING

Seine fishing in the Roanoke got under way at Jamesville last Friday, reports late yesterday stating that fair-sized catches were taken Saturday well slightly. A few rock and shad were also being caught along with the herrings which have numbered up to 1,200 at a haul during the first three days of the season.

Prospects are fairly bright for a successful season. So far the catches have been moving directly from the battery to buyers.

dispute, and when the witness said that he could not identify the map as being accurate, the objections were sustained by the court. The witness said he knew where the gun was, that the trees they cut were northeast of the marker. He declared that he had seen water all around the "island."

Asked about old lawsuits against the Robersons, the witness said there had been suits but did not involve land owned by him and his brother-in-law, the defendant, in his line of cross examination, maintaining the logs were cut on the defendant's land. At that point Judge Morris said again he did not think it was the business of the court to try a boundary line dispute.

Still on cross examination, Roberson said that he and his brother-in-law planned to cut the logs and asked no one to help them. That they cut them on the 19th (January), dragged them across the slough on the 20th and started to haul them out on the 26.

Asked if there was game there, the witness replied there were a few squirrels but that he had never seen any others. The witness said that they started to the woods that morning between 7:30 and 8:30 o'clock, that Tom was riding on the front cart on tongue of the vehicle with his legs hanging on the left side, that he was walking about two feet behind the first cart and ahead of the car being driven by Henry Roberson.

Asked if the defendant did not say, "Good morning, boys," the witness answered in the negative and declared that the defendant said "Stop," asking who cut the logs. Asked if Tom did not say "G--d--you, you're next," the witness said no. "Me and Gabe," the defendant said, "G--d--you, I'm going to kill you." Asked if Coltraine did not say, "Tom, you ought to know better," the witness said no. The witness, asked if Tom did not jump up and start toward the defendant, said no, and denied that Tom had a pistol. The witness said that he (Gabe) owned a pistol, that Tom did not borrow it. He also said that he found the pistol in a dresser drawer in a back room of his home after the shooting, that he had the pistol when he operated a store and lost sight of it when he closed his store and moved it to his home in 1940.

Answering another question, the witness said that Tom got off the cart, caught his wounded arm with his left hand and walked away, that Coltraine did not shoot a second time. He said that Coltraine leveled the gun on him, that Coltraine said he was going to kill him and go into the woods and kill himself, the witness added, upon further questioning, that nothing prevented Coltraine from shooting and killing him and Henry and shooting Tom twice.

Thirty-eight Take Stand In Behalf Of John Coltraine

Greater Part Of Two Days is Required To Submit Defense Evidence

Taking over at 9:30 Saturday morning before a packed courtroom, the defense in the case in which John R. Coltraine stands charged with the murder of W. Thomas Roberson last January 26, called several character witnesses. Jack Daniel, Hoyt Roberson, G. C. (Lum) James, C. C. Martin, W. A. Perry, H. H. Cowen, Sr., and J. D. Price all said that as far as they know the defendant's general character and reputation was good. Most of the witnesses said they had known him for many years and told, on cross examination, that they lived anywhere from five or six to twelve or fifteen miles from the defendant's home in Griffins, and all said they had not inquired in the defendant's home community about the defendant's general reputation and character. Witness James said that he did not think it was any of his business, that he did public work (worked for the public).

The defendant took the stand in his own behalf at 10:00 o'clock, observing that with what he had to work with he made himself a good witness. With the formalities out of the way, the defense switched to boundaries and submitted maps and a 1935 judgment. The defense brought out an old land trespass suit dating back to 1913, but the judge ruled that was a bit far back, and a switch was made to a suit instituted in 1930 and in which a judgment was entered in 1935. The defendant said that the trespass alleged in that suit was right where the trees were cut on January 19, that the old stumps are there now, or a little north of letter "B" on the maps. The judgment was read and the lines and courses were checked by the defendant in front of the jury with-out hesitation. Objections to the action were entered by the prosecution but Judge Chester Morris presiding, overruled the motion. The plaintiffs (Coltraine and Gabe) were to recover \$1, pay their witnesses, pay their own surveyor, one-half of the court stenographer's fee, and three-fourths of the referee's fee, and the defendants (C. D., Louis and W. T. Roberson) were to pay their own witnesses, one-half their court stenographer's fee, their own surveyor, and one-fourth of the referee's fee, according to the judgment read in open court.

Prior to January 26, the defendant said he had occasion to go into the woods, explaining that he carried on trapping and hunting for coons, minks and otters, and discovered seven trees had been cut into 28 logs on a little piece of land a little northwest of letter "B" or about 50 feet north of that point. The defendant maintained that the trees were not cut on an island, that he had known the land for 41 years and he had never seen it surrounded by water.

After he discovered the trees had been cut, the witness said that he contacted an attorney to see if he could get a restraining order, that he saw Attorney R. L. Coburn and told him he wanted it stopped, that he had lost enough logs. The defendant said that he did not know who cut the logs and was instructed to ascertain who had cut them. He said that he went to Williamston that Saturday evening after he learned the logs had been cut, he stopped and talked with Louis Roberson and asked who cut the logs, quoting Louis as saying, "I don't know, but I heard Tom and Gabe say they were going to cut them." The defendant said he drove on and stopped in front of Tom's house, blew his horn, that he saw a light on in the house and that Tom came to the window, but did not come out.

The following day, the defendant said, Otis Coltraine came to see him. According to the defendant, Otis had been out of work for two weeks and wanted to build some window frames for him, the defendant stating that he did not agree for Otis to take some lumber for the frames, the witness saying that he discovered Otis was out of shape, and that he advised him not to go back by the filling station, that Otis was drunk on beer or something. He denied the statement Otis swore he had made to him about Tom Roberson cutting some of his logs and that he would stop him if he had to kill him. "Otis couldn't seem to understand," the defendant adding that he had made no statement about Tom Roberson and declared that Tom had given him no trouble in 13 years.

Reference was made to the suit which he started against Simon Roberson, the witness explaining that the line was surveyed, that the suit was settled and that it was the first trespass since 1935. The defendant said he did not know on January 26 who cut the

NO CIVIL COURT

With the Coltraine case requiring far more time than was first thought it would, Judge Chester Morris has announced that no civil cases will be tried during the current term of the Martin County Superior Court. It is planned to try about a dozen divorce cases, but by the time the Coltraine case is cleared and divorce actions are heard, there'll be little time for civil cases, it was announced.

The jury called for the second week was excused yesterday until tomorrow morning.

logs, that he left home that morning about 6:30 o'clock and went to his traps on the edge of the millpond, that he visited all 13 traps. He said he saw a couple of otters, that he loaded his gun with buck shot and took a stand about 150 yards from letter "B" point. The witness described an otter slide and said that he had trapped and killed 16 otters, taking five with a gun. The witness identified the gun he had had 10 or 11 years and said he did much hunting, mostly for deer, that his gun would hold four shells. He was wearing a hunting jacket and carried all kinds of shells, snipe ones, No. 2 and buck shot, the witness adding that otters have tough hides.

The witness said he had visited his traps two weeks before and saw four otters, that he did not have a gun at that time, but carried one since. He declared that he was not looking for Tom Roberson who cut those logs. He said he had no idea of seeing Tom Roberson, that he carried the gun for otters, that he was on the pond for about two hours. The defendant said the logs were still where he had first seen them, that they had been snaked about 100 or 125 yards from their original location to Simon Roberson. After visiting the traps, he took a stand at the otter slide, that when he heard the carts he moved toward them, that he saw two carts and they got to the logs and stopped. He saw all three men (Tom, Gabe and Henry Roberson) that Tom was in front, Gabe walking six or eight feet behind and Henry on the back cart. He described the log cart, its height and the slope of the cart tongue, adding that Tom was sitting on the tongue of the cart.

Coltraine said he spoke, saying "Good morning," and then asked, "Tom, I want to ask you one question. Who cut those logs?" He said Roberson told him he cut them and that he planned to cut some more. The witness said that Tom got off the cart and started toward him. He said, "Tom, if you come any nearer, I'll shoot you." He said Tom had his hand in his pocket and pulling out a pistol. "I had to shoot or get shot," he said.

"When I shot, Gabe ran toward Tom. He grabbed down for the pistol, and I told him I would not believe it of him. Gabe said, 'You rascal, I'll get you.'" The witness then said that Gabe begged for his life, and said that he was sorry "cut those logs."

The witness said that in 1942 he carried logs to Tom's mill, that Roberson let someone else have the lumber. He said that he purposely shot Roberson in the arm, that he did not want to kill him, that when he saw him (Roberson) run to Tom, he said he had a pistol and he shot. He declared that Gabe did not jump behind a tree, that he got behind the cowlog. Gabe, according to the witness, turned the cart around and asked where Tom was. "I told him that Tom had gone back up the path."

The witness quoted Henry as saying, "Cousin John stop the mules," that he (Coltraine) held up his left hand and told mules to "whoa."

Defense Resumes Testimony Early Monday Morning

Appearance of One Witness Is Surprise In Coltraine Murder Case

After a rest on Sunday, the court resumed its work in the case in which John R. Coltraine is charged with fatally shooting W. Thomas Roberson on last January 26, at 9:30 o'clock yesterday morning.

The appearance of Joe Dresbach, surveyor of Greenville, took the State somewhat by surprise, it having appeared at one time that he would not be called. It was stated that he had been called by the defense counsel to make a survey after the shooting, and he presented a map in court. He stated that the old John Respass or court map showed no degrees or calls beyond letter "B" where the information in the old maps and deeds ran out, but that he then ran a line as to stumps and other signs on around. He said that he saw old stumps, a tree that had been boxed 10 or 15 years, and saw the new stumps, that he ran a line in a northerly direction to point "A" in the pond, and that the trees were cut on the right side of the line. He described the tree stumps, the contour of the land and said he saw no island.

On cross examination, Dresbach said he made the survey with the Coltraine boys, that they showed him the points on the map and he ran the lines from these points. He said the swamp swings to the east from letter "B" and that his survey swings to the west from letter "B", that he had no information to go by as to directions from letter "B" station. Looking at the court map, he was asked what course the line would follow from letter "B", and in answer he said that it would be a little east of north four or five degrees, and then said he ran the line north 20 degrees and 30 minutes west. He said he did not look for signs and did not recall if cypress trees were growing there, that he looked at what was pointed out to him.

Mrs. Rosa Lee Coltraine, wife of Mack Coltraine and the only woman to take the stand during the trial, said she reached the home of the defendant late Wednesday night, January 26, and was there when Coltraine surrendered waiting to "welcome him when he came from the woods." She recalled the conversation, the court stating that her testimony could be used only to corroborate that of the defendant. According to the witness, the defendant said, "Child, I'm sorry all this trouble has been brought on me. He drew a pistol on me and it was shot or get shot." Visiting the defendant in jail two weeks later the witness heard him tell her husband, "If I meant to kill him (Roberson) I could have. I didn't think he was hurt much."

On cross examination, Mrs. Coltraine said that she saw the defendant come out of the woods and surrender to Deputies Holoman and Roebuck, that she never saw a pistol, but said that Lawrence (Coltraine) carried the shot gun. The witness told how the defendant was dressed and said that she saw him tell his pockets were out of shape.

Robert Cowen, Williamston mayor, was the next witness and he said he visited Coltraine with his father Thursday night of the day the defendant was arrested. The witness said Coltraine was eating his supper when he, his father, H. H. Cowen, Sr., and Jailer Roy Peel went in. He quoted (Continued on Page Five)

ROUND-UP

Crime, for the most part, was on a holiday in the county over the week-end, the sheriff's department showing only three arrests during the period. One was detained for larceny, another for an assault and still another, a female, was jailed for public drunkenness. One of the group was white, and the ages ranged from 21 to 40 years.

Jury Expected To Get Coltraine Murder Case In Superior Court Possibly Sometime Tomorrow

Planning To Complete Red Cross Drive By Saturday

The current Red Cross Fund Drive took on new life last week-end when several districts reported they had reached or exceeded their goals and encouraging word was received from others. Drive Chairman Garland Woolard said he was greatly pleased with the response to date, and highly appreciative of the work that had been done by the canvassers. Pointing out that approximately \$2,500 had been raised and reported, the chairman expressed the hope that the campaign could be completed by Saturday of this week. He is fairly confident the quota will be reached when Jamesville and the colored citizens make their reports. The canvass has not been completed in one or two residential areas here and in a few outlying districts.

Bond And Gas Tax Mixture Baffling The Legislature

Senate, to Block Scott, Ties Bond Issue With One-Cent Gas Tax

According to the Raleigh "Round-up", the North Carolina State Senate has virtually fixed it so that the people will not be able to vote on the \$200,000,000 road bond issue unless a one-cent tax increase is attached to it. Look for this bill--the \$200,000,000 and the tax increase--to pass through the Senate, which is riding rough-shod over Scott, and then to go over to the House, which wants the bond issue separate from the tax. The House will argue over it for a time. Then conferees (men from the House and Senate) will be appointed to come out with a compromise. This first set of conferees will likely not be able to come to an agreement. Another set will be appointed, an agreement will be reached, and the Legislature will adjourn. This bill is the bellwether.

The "Round-up" also says the beer people, crying "sneaky Pete," are pointing angry fingers at the wine folks for the sorry plight they find themselves in these days. And the grape crushers are looking just as hard at the brewers. Each group knows it is on a hot seat and each is blaming the other. Both of them are looking envious daggers at whiskey. Confidentially, they are of the opinion that they would be faring much better if they had the financial strength and political support with which the ABC system is blessed.

They still have hopes that the Legislature will somehow assist them in salvaging at least something from the ruins brought on by county votes. Keep an eye on this during the next two weeks. Captain White, brother of Danny man Geo. L. H. White and just as fine a man, is the wine frontier while Sam Blount of Washington, N. C., is the brewers' bat boy. They want to get under the ABC system or into something just as popular and powerful.

And the "Round-up" asks, "What about it?" Speaking of power, what has the State done about those five ABC officials in five Eastern North Carolina counties who have been charged with mishandling liquor in the stores under them (selling entire cases of liquor to friends, etc.) during the past 18 months? This is something State ABC Head Carl Williamson should clear up before he takes his leave.

Firemen Are Called Out Twice Thursday

Volunteer firemen were called out twice last Thursday afternoon, first to a truck fire near Everetts at 3:00 o'clock, and to a home on North Elm Street when an oil heater went out of control.

Last Of Evidence Is Offered By The State Late Monday

Counsel Almost Certain To Spend All Of Today Arguing To Jury

Well into its sixth day, the case in which John R. Coltraine is charged with the first degree murder of W. Thomas Roberson in Griffins Township on January 26, is now expected to reach the visiting Hertford County jury sometime early tomorrow afternoon. Other than to arrange the order of argument to the jury, Judge Chester Morris, presiding, today had announced no schedule, but even with a session tonight it isn't likely that the jury can get the case before sometime tomorrow.

The State opened the argument to the jury this morning at 9:30 o'clock, and Attorney Edgar Gurganus, junior member of the defense counsel, followed. The State was next with argument, and Attorneys Critcher and Dunn of the defense are to follow, leaving the closing argument to the State. Judge Morris will then make his charge to the jury and it is certain to last several hours.

The defense, after almost two days of intensive questioning rested its case yesterday afternoon at 3:05 o'clock, and the State came up with its rebuttal, closing at 4:15. On motion of the defense, the jury, accompanied by Attorneys B. A. Critcher and Clarence Griffin, Sheriff C. R. Ruebeck, Judge Morris, Jury Officer Chas. R. Mobley and the defendant, visited the scene of the crime to examine the lay of the land, including the marker, "B", the logs, stumps and pathway. Judge Morris warned that only those points would be mentioned and no other words were to be spoken to the jurymen.

It was late when plans were completed for the trip to little "Buck Island," but the jurymen voted to a man to go without delay, realizing that postponement of the trip until today would hold them away from their homes in Hertford County just that much longer. Capacity crowds have attended the court since last Wednesday when an effort was made to get a jury from a 200-member venire right here in the county. However, the size of the crowd yesterday fell possibly 100 below the peak attendance figure recorded for last Saturday.

The defendant has held up exceptionally well, and was very active in prompting the cross examination of witnesses placed on the stand late yesterday by the State to establish his character as a community. The defendant "broke" last Saturday morning when he related the meeting with his wife last Wednesday night when she told him that Roberson was dead. He quickly regained his composure and maintained it through the remainder of the time evidence was offered.

Members of both families were seated around their respective counsel, but several of those related to the late victim quit their seats when his bloody clothes were exhibited to the jury by witness Tommy Bland late yesterday. The state, in presenting its case, offered thirty-six witnesses, and the defense used thirty-eight, quite a few others having insisted that they be excused.

Despite the "voluminous" testimony about letter "B" and that little piece of land referred to as "Buck Island" and the tedious tracing of lines on "court" maps, defense maps, and State maps, it isn't likely that the boundary line dispute will be given much recognition in the judge's charge. But boundaries were dragged in early in the trial, and at times it was difficult to determine whether a murder case or a hot land suit was being argued. (Continued on page eight)

POLITICS

Local politics are beginning to warm up a bit, but there still isn't much evidence that the April 11 primary will be a real hot event.

Roy Ward, local oil and coal-wood dealer, filed for town commissioner last Saturday. John Hollowell, insurance man, filed but a short time later notified Town Clerk Dan Sharpe that he would withdraw his candidacy.

Those who plan to enter the primary must file their candidacies and fork up a \$5 fee on or before Friday of this week.

Native Of County Died Late Friday At Norfolk Home

Funeral Service Sunday for Chas. E. Simpson In The Cedar Branch Church

Charles E. Simpson, native of Jamesville and a resident of this county for fifty-five years died at his home in Norfolk at 11:35 o'clock last Friday night after a long period of declining health. He had been an invalid for about five years. The son of the late E. N. and Belinda Simpson, he was born in Jamesville Township sixty years ago on September 23, 1888. He spent most of his life on the farm there, moving to the Robersonville section about eighteen years ago where he continued to farm. While in the Robersonville area, he was employed as a plantation part of the time on the market. He moved to Norfolk about six years ago, making his home there since that time with a daughter, Miss Elsie Simpson.

Surviving are his widow, Mrs. Roland Simpson; three sons, D. Simpson, Oscar and Abner Simpson; two daughters, Miss Elsie Simpson and Mrs. Alice Vantel, all of Norfolk; one sister, Mrs. Della Askew of Jamesville; and a brother, Fred R. Simpson of Norfolk.

Mr. Simpson is well remembered in this county as a farmer and an upright citizen. He was a member of the Baptist Church at Cedar Branch near Jamesville, and the pastor, Rev. W. B. Harrington, conducted the funeral service there Sunday afternoon at 2:00 o'clock. Interment was in the Stallings Cemetery, near Jamesville.

Getting Along Very Well In Duke Hospital

His right leg amputated in Duke hospital a week ago, Mr. Claudius Roberson, local man, was reported yesterday to be getting along as well as could be expected. Mr. Roberson's left leg was amputated several years ago.