

## Arguments To The Jury Big Feature In Murder Trial

### Night Session Held Tuesday To Clear the Deck For Judge and Jury

Not in many, many years has so much oratory and such stirring appeals for mercy been heard than that advanced during the Coltraine murder case in an all-day and a two-hour session in the Martin County Superior Court on Tuesday of this week.

Starting that morning at 9:30, the three members of the defense counsel and the three members of the prosecution addressed their appeals to the jury, the night session ending just before 9:30 that evening.

Attorney Clarence Griffin opened that morning for the prosecution and made an able speech to the jury during one hour. Attorney Edgar Gurganus, junior member of defense counsel, followed, reviewing much of the evidence and pleading for a verdict of not guilty for the defendant. It was the young man's first major address to a jury and he held his own for an hour and twenty-three minutes.

Attorney Clay Carter of Washington followed for the private prosecution, ably presenting the State's contention for a verdict of murder in the first degree. The attorney referred to the recently-passed State law empowering a jury to recommend mercy in all capital cases. A dramatic climax was reached in his address when the attorney removed his coat and donned that of the murder victim.

He showed the apparent position of Roberson's arm when he was shot down, offering indisputable facts discrediting the defendant's claim that Roberson was reaching into his pocket for a pistol at the time he was shot down. He touched on several other crucial points of evidence and closed at 1:25 o'clock, one hour and fifteen minutes after he started.

Defense Attorney B. A. Critcher followed with a one-hour-and-fifty-minute address to the jury, and Attorney Albion Dunn, also of the defense, was next and he talked for forty-nine minutes. The two lawyers appealingly pleaded for mercy, never requesting a verdict of not guilty. They fought with every weapon at their command in behalf of their client, declaring that some of the witnesses went into court with malice and vengeance in their hearts and trying to discredit the more damaging evidence offered against the defendant.

Court recessed following Attorney Dunn's talk, and one of the largest crowds of the eight-day trial started gathering early for Solicitor Fountain's closing argument to the jury at 7:30 o'clock that evening. The courtroom was packed, the little anti-room to the rear of the court auditorium and the hallway back of the judge's door were both crowded, the steps were lined and quite a few tried to catch a few of Fountain's words from the outside.

Solicitor Fountain's address, lasting one hour and thirty-five minutes, climaxed the argument and bordered on the dramatic as he pleaded the cause of justice. "The defense had pleaded for mercy," he said. "I plead for mercy with justice. The defense has pleaded for mercy. I plead for the same mercy for Tom Roberson," he said.

The prosecutor, said to have made his best speech of his career, reviewed the major points offered in evidence during the three trying days of intensive questioning. Refraining from attacking the character of any witness except that of the defendant and paying high praise to the families of the defendant and deceased, Solicitor Fountain tore back at the insinuations advanced by the defense, declaring that the tactics offered the defendant's character in bold relief.

Mr. Fountain, prefacing the act with the declaration that it was his duty to punish the guilty and to acquit those not guilty, read the indictment, State law empowering a jury to accompany a verdict of murder in the first degree with a recommendation for mercy.

## Legal Whiskey Sales Continue Downward

### Total of \$4,719,895 Spent for Liquors Since July in 1935

### Sales Last Quarter Smallest For Any Similar Period Since the year of 1944

While holding to a not-at-all respectable figure, legal liquor sales in Martin County's four stores continued to maintain a downward trend last quarter, according to audit figures just recently released by the Alcoholic Beverages Control Board. Sales during the period amounted to \$190,892.05 and were \$26,011.25 less than those reported in the last three months of 1947 and \$88,686.85 below the all-time peak of \$279,578.90

chaiked up by the four stores in the last quarter of 1946. The sales, however, are about four times what they were before the war. Profits last quarter tumbled to \$41,864.45 from \$49,944.28 in the last three months of 1947, but were more than three times greater than the net income for the similar period just before the war.

At the close of business last December 31, the four stores reported \$636,265.70 sales for the year of 1948, the profits amounting to \$141,869.44 for the twelve months. The ABC Board ended the quarter with \$78,788.12 in assets, including \$29,476.61 in cash, \$48,959.96 in inventories and \$351.55 in fixed assets. At the same time, the board owed accounts in the sum of \$24,058.82, mainly to distillers in Kentucky, Pennsylvania and New York, \$24,359.96 to the county and towns, and had a reserve for law enforcement in the sum of \$18,372.34 and a surplus of \$12,000.00.

The Board is gradually reducing its law enforcement reserve. At one time it was contributing 10 percent of the profits to that cause, but the average allowance now is about 5 percent. Last quarter \$1,281.95 was contributed or set aside for law enforcement and \$1,460.01 was spent for enforcing the liquor laws.

The audit shows that \$142,617.03 was the cost of the liquor, the amount representing 74.71 percent of the gross income reported for the quarter by the four stores. Direct and administrative expenses amounted to \$6,580.49, or 3.44 percent of the gross income. The new income was figured at 21.94 of the gross income, a little bit having been gained by discounting bills.

Profits for the quarter were divided as follows: Town of Williamston, \$2,770.40; Town of Robersonville, \$1,245.63; Town of Oak City, \$621.87; Town of Jamesville, \$233.48; Martin County, \$19,485.58; State of North Carolina, \$16,225.54; and \$1,281.95 for law enforcement.

Profits reported by the individual stores for the fourth quarter in 1947 and the corresponding (Continued from Page Seven)

## Badly Injured In Recent Accident

Mr. Luther David Dupree of Norfolk, Va., was seriously injured Wednesday night when the car he was driving overturned on Highway 64 near Everetts.

Driving a '37 Ford convertible toward Everetts from Robersonville Wednesday night about 11 o'clock, Dupree fell asleep at the wheel at Collie Swamp near Everetts. The car ran off the road and down the left hand shoulder about 46 yards, crossed over to the right about 16 yards and overturned, throwing Dupree out through the canvas top and into a ditch beside the road. The car continued skidding across the highway, finally resting on its side.

Dupree was rushed to Brown's Hospital for treatment of a fractured skull, severe lacerations on the top of the head, a lacerated collar bone and split shoulder blade. He was released Sunday by the local hospital and taken by ambulance to a Norfolk Hospital.

Investigating patrolmen estimated the damages to the convertible at approximately \$150.

## Breaks Wrist In Fall At Her Home Early Tuesday

Slipping on a rug at her home here on Church Street, Mrs. H. C. Benjamin, mother of Mrs. Jesse Whitley, fell and broke her left wrist. She was treated in the local hospital and is returning shortly to her home.

## REGISTRATION

So far very few new names have been added to the registration in preparation for the municipal primary to be held on April 11, Registrar John E. Pope said this morning. Five persons have registered since the books were opened on March 29, but the registrar is expecting a pick-up in business on Saturday of this week. The last day the books will be open for registration before the primary.

## Last Of Evidence In Murder Trial Submitted Monday

### Defense Finished at 3:05 And State Offered Its Rebuttal Before Recessing

(The following items of defense testimony which were left out of Tuesday's Enterprise because of lack of space shortage are inserted today for the benefit of those who have been following the course of the trial through the columns of this paper.)

Oscar Jones, the next witness, said he was there with the surveyor or four weeks ago, that somebody pointed out that letter "B", that stumps were to the right of letter "B", that he could not call the land an island, but there were sloughs on either side of it. The witness said the defendant's reputation was good.

On cross examination, Witness Jones said he had hunted with the defendant "no great deal", and couldn't say he had ever heard his reputation discussed. Shown the Respass map of the land, the witness said he could not see it without his "goggles," and much was said about his being able to see "Are you sure you were all right that day," he was asked. The defendant said he was certain, explaining that the liquor store had not opened that morning. He was asked to go there by defendant's son, Jay, but did not know why he was asked.

Asked about the defendant's general reputation Witness Sam Godard said he knew in his own way, that it was good, that he was on the survey four weeks ago. Much of the evidence heard before was repeated, the defendant adding that the site "might one day have been an island," that he saw water on the millpond side, that there was a slough to side and back of it, but no water was in the slough. On cross examination, the witness said he did not think Dresbach may "favored" the Respass map. He said one might determine the site an island, but he saw no water around it.

Lawrence Coltraine, another son of the defendant, covered much of the same evidence previously offered about trapping, trees, stumps, sloughs and so forth. When his father came out of the woods to surrender, the witness told that the defendant said he was getting along pretty good, that he (Coltraine) was sorry it all happened, that Tom started to pull a pistol and "I had to shoot him," the defendant was quoted by the witness as saying. He told about making arrangements for the surrender, how Spencer contacted his father. He also said that his father made the same statement when with the family in the room after the surrender that he had made in the woods, that he, the witness, heard a similar statement several times while his father was in jail. He said that his father had trapped otters 15 years ago, that his father had killed one, and that his brothers caught one in a fish net and three in a stump, adding that otters were hard to catch. The young man said he first got in touch with his father that Wednesday night in the garden, that he was afraid to tell anybody because they might harm him. He said two officers ate supper there, that a gang of men were out front, that he did not know them all, that all he knew were his father's friends, that his father

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## Ringling Charge Made By Judge

While breaking no longevity record, the charge of Judge Chester D. Morris to the jury in the Coltraine murder case was literally a ringing masterpiece.

During the three hours and ten minutes he addressed the jury, the jurist cited the law, reviewed the evidence and offered a clear recapitulation of just about everything. His review of the evidence went into every detail, making it appear that he had taken the evidence in shorthand as it was revealed during the trial.

After clearly setting out the contentions of both sides, Judge Morris instructed the jury that it could return one of five verdicts: Murder in the first degree, Murder in the first degree with a recommendation for mercy (Life imprisonment instead of death in the gas chamber), Murder in the second degree, Manslaughter, or Not guilty.

## Jury Makes Mercy Recommendation In Finding J. R. Coltraine Guilty of Murder In First Degree In Superior Court Here

### Coltraine Murder Case Established New Court Record

### Said To Be Longest Murder Trial In History Of Courts Of County

Said to be the longest murder trial ever held in this county, the Coltraine case set any number of records.

Opened on Tuesday, March 22, at 2:30 o'clock in the afternoon, the trial was closed, temporarily at least, eight days later at 4:00 o'clock in the afternoon, March 30.

A 200-member venire was called Tuesday within the county, and two were accepted for jury duty, one white and one colored man but the two jurors were withdrawn. The venire was discharged the following morning, and 100 veniremen were called from Hertford County for the following morning. All day Thursday was spent selecting a 13-man jury.

All of Friday was devoted to hearing evidence offered by the State, the defense taking over Saturday morning and holding the stage until 3:05 Monday afternoon when the State took over with its rebuttal, finishing late in the afternoon.

Defense counsel and the prosecution argued to the jury from 9:30 o'clock Tuesday morning until 9:05 o'clock that evening with short recesses in between.

Judge Chester D. Morris, presiding, charged the jury from 9:30 Wednesday morning until 12:40 in the afternoon.

The jury deliberated one hour and ten minutes.

It was the first time that a verdict of murder in the first degree had been returned in this county accompanied with a recommendation for mercy as provided by a newly-passed State law.

No accurate estimate has been advanced, but the cost is expected to approximate or set a new record.

While the maintained attendance may have set no new record, it certainly equaled any ever recorded over such a long period of time.

And no term of court has ever been run more smoothly, and more fairly than the one ended yesterday under the direction of Judge Chester Morris.

The defense fought vigorously for its cause while Solicitor George Fountain held the prosecution on a high plane. While some may not agree with the verdict in its entirety, no one, as far as it could be learned, wanted to see the death sentence ordered. However, it was reliably reported that the jury discussed only two issues, murder in the first degree without mercy and murder in the first degree with mercy.

Eight witnesses were called, fifty by the State and thirty-six by the defense, many in both groups having been called to testify as to the character of the defendants and principal witnesses for the State.

## Town's Political Pot Set To Boiling By Candidates

### Defendant Gives Notice Of Appeal To Supreme Court

### Coltraine To Remain In The County Jail Pending Outcome Of Appeal

The town's political pot, simmering these past few days, was set to boiling yesterday when contests for five commissioner seats and the mayor's place developed. Reports, yet unconfirmed, point to more candidacies before time for filing closes tomorrow at 6:00 o'clock p. m.

Commissioner N. C. Green last evening had not filed his candidacy and released no official announcement, according to a report from the clerk's office.

The first ripple on the political waters was reported a few weeks ago when Ben D. Courtney, K. D. Worrell and John H. Gurganus announced their candidacies to succeed themselves as members of the town's board of commissioners, and Mayor Robert H. Cowen announced for renomination.

Yesterday, contests for board and mayor's positions developed when Leman Barnhill and C. H. Godwin, Sr., announced for commissioner, Roy Ward having announced for commissioner last Saturday. W. Iverson Skinner filed for mayor yesterday, the announced candidacies of the six men for commissioners and the two for mayor making certain all places in the town's governmental system will be filled by the electorate and that the primary on Monday, April 11, will not go by unnoticed.

## Nickens Talks To Parents - Teachers

The Rev. Paul B. Nickens, Baptist minister from Plymouth, delivered a timely message to a small attendance at the PTA meeting last Tuesday night at the grammar grade school auditorium at 8 o'clock.

Rev. Nickens challenged his hearers to work harder as parents and teachers to develop the "full grown man." He stressed the importance of heredity, the environment of the home, the influence of the school room and the role of the church, as factors in the development of the full grown man.

He concluded his remarks by saying that a child must be increased, as Jesus was, in "wisdom, in stature, in favor with God, and in favor with man; the finished product will be developed mentally, physically, socially and spiritually.

Prior to his remarks, Mrs. Joel Muse, presiding in the absence of President V. J. Spivey, called the meeting to order and led the group in the Lord's Prayer. Following this, the Junior Glee Club, under the direction of Mrs. Beecher Patterson sang two numbers including, "Oft in the Stilly Night" and "Ho, Mr. Piper." They were accompanied at the piano by Lily Bet Muse.

During the business session Mrs. Shag Abernethy's 5th grade won the attendance prize. Also, the following nominating committee for the '49-'50 P-TA officers was appointed: Mrs. D. R. Davis, chairman, Mrs. Marvin Britton and Mrs. Jessup Harrison.

## Faithful Attendant Misses Day In Court

J. D. Wynne, "mayor" of Bear Grass and a faithful attendant upon the sessions of the Martin County courts, was unable to hear the proceedings or assist Clerk of Court L. B. Wynne.

After holding close to his seat in the courtroom for days, Mr. Wynne did not show up Monday. It was reported that Mrs. Wynne called for him late Saturday, carried him home and his clothes, making his miss out on the Monday session. He was back as an observer Tuesday, another report stating that Mrs. Wynne was accompanying him.

## Returns From Hospital After Leg Amputation

Mr. Claudius Roberson returned to his home in West End yesterday afternoon from Duke Hospital, Durham, where he had his right and last leg amputated above the knee on Tuesday of last week. He stood the trip home very well and is getting along fine considering the ordeal he experienced. Mr. Roberson, accompanied home by Mrs. Roberson and other members of the family, had his left leg amputated several years ago.

## Defendant Gives Notice Of Appeal To Supreme Court

### Coltraine To Remain In The County Jail Pending Outcome Of Appeal

John R. Coltraine, Martin County farmer, was sentenced yesterday afternoon by Judge Chester D. Morris in the Martin County Superior Court to the State penitentiary "for the remainder of his natural life" for the murder of W. Thomas Roberson, neighbor-farmer, in Griffins Township on last January 26. The defendant, standing erect, showed little or no sign of emotion when the jury, brought here from Hertford County, returned its verdict and Judge Morris pronounced sentence.

After nine long days spent in trying the case, the jury took the issues at 12:40 Wednesday afternoon and deliberated fifteen minutes before the court recessed for lunch. Resuming their deliberations at 2:30 o'clock, the jury-men at 3:25 o'clock returned their verdict, finding the defendant guilty of murder in the first degree. The verdict was accompanied by a recommendation for mercy, meaning the court, under a State law passed on the 11th of this month by the North Carolina General Assembly, could invoke a sentence calling only for life imprisonment and not death in the gas chamber.

Having received the verdict, Judge Morris addressed the jury, as follows:

"... Gentlemen of the jury, as presiding judge at this term of superior court, I wish to express to you my thanks for your diligent service. I do not think that I have ever seen a jury that has been more attentive to the evidence, to argument and to the charge in a case. I regret that it was necessary to pull you away from your homes, your families and your labors. I do not see how your verdict, under the evidence, could have been otherwise. You may be discharged with my personal and official thanks."

Judge Morris then instructed the jury-men to report to the clerk of court for their pay, expressing the wish that their pay could be greater.

## Home In Country Burned Tuesday

Believed to have started when an oil stove went out of control, fire destroyed the old J. Rome Corey homeplace in the Farm Life section of Griffins Township early last Tuesday night, and threatened near-by homes and out-buildings. Neighbors were able to keep the fire from spreading, and Williamston's fire department sent a truck there but the home had about burned down when the equipment reached there and little assistance could be rendered.

Occupying the home, Mr. and Mrs. Bruce Coltraine were not at home at the time, and the fire had gained considerable headway before a passerby discovered it and sounded an alarm. Hundreds reached there quickly, quite a few attending the Coltraine trial here quitting the courthouse upon learning about the fire to hurry back to the community.

Only a few articles could be saved from the home, the neighbors removing a washing machine, refrigerator and a few other pieces from the kitchen.

Mr. Coltraine was quoted as saying that he lighted the oil stove that morning just before leaving home to go to his work.

It could not be learned if insurance was carried on the structure, and no estimate on the loss could be had, but some guessed the property was worth eight or ten thousand dollars.

## Brother Of Local Resident Passes

Carl L. Grantham, brother of Mrs. J. B. Bell, died at his home in Goldsboro Tuesday night at 10:15. Gravely ill for more than three months, Mr. Grantham was treated in a Durham hospital for several days in the early stages of his illness.

Mr. Grantham was 48 years old and regarded as one of Wayne County's most prominent and prosperous farmers. In addition to his mother, Mrs. Hiram Grantham, and his sister, Mrs. Bell, he is survived by his widow and several brothers and sisters. Funeral services were conducted from the home in Goldsboro this afternoon at 2:30.

## THE RECORD SPEAKS . . .

### Figures in the accident record continue to climb fairly rapidly, but for the most part are slightly below those of the corresponding period in 1948.

### The following tabulations offer a comparison of the accident trend: first, by corresponding weeks in this year and last and for each year to the present time.

12th Week				
Year	No. of Accidents	Inj'd	Killed	Dam'ge
1949	2	0	0	\$ 400
1948	1	0	0	175

Comparisons To Date				
Year	No. of Accidents	Inj'd	Killed	Dam'ge
1949	27	13	1	\$ 5,800
1948	31	13	1	6,050

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