

# Crowded Courtroom Hears Judge Sentence Mrs. Miller



SOLICITOR CARLYLE  
... "I only ask that Fred's sentence be no longer than her's."

## Defendant Shows No Emotion Over Pronouncement Of Jail Term

(Continued From Page One)

the home of his sister-in-law where officers later apprehended him. He said he never recovered his new shoes.

"Why did you shoot David Miller?" Solicitor Carlyle asked. "Because I was scared," Fred replied.

He hesitated to say that Mrs. Miller gave him money while trying to persuade him to shoot her husband but did venture that she said he would never want for anything or "something like that," if he did what she wanted him to.

David Miller testified that he was 27 and had been married to the defendant for seven years. He said their two children, Patricia, and Sonny Boy, are aged 6 and 4 respectively. For the past six years he and his wife had lived near her father's home where Curran had built a store and stocked it for him to run, David said.

He said he had worked until 11 p.m. on the Saturday night before he was shot. He arrived home sober, he recalled, from a poker game at 20 minutes to 3 in the morning, undressed and went to bed.

David testified he was awakened by a shot, got up, and chased a Negro man out of the house. He recalled being in the back yard near his car but said he remembered little after that.

Far from cooperative with Solicitor Carlyle, David reluctantly discussed his insurance policies, concluding that he had only one \$3,000 life insurance policy and all of his policies had lapsed.

He said he had become reconciled with his wife after he talked to her and she told him she knew nothing of the shooting. He said he was satisfied that if she had anything to do with it she was not in her right mind.

"If that is so, I don't understand the plea," Judge Burgwyn interrupted.

"Neither do I," Solicitor Carlyle seconded.

**Not Responsible**

David explained that he would not have given his wife another chance unless he had been convinced she was not responsible for her part in the plot. He said his wife told him she still loved him but was afraid he did not love her. But he assured her that he did, he said.

He said he had treated his wife pretty well during the last



JUDGE BURGWIN  
... "Don't worry about Fred."

few years except that he went out at night — sometimes all night. When she was cross or angry with him, he just walked away, he recalled.

"I admit I didn't do my part," he confessed.

Solicitor Carlyle called Mrs. Lev Fisher, wife of the Register of Deeds at Whiteville, who was David's nurse at Baker hospital in Lumberton, where he recovered from the pistol wound.

**Insurance Angle**

One day after Mr. and Mrs. Curran had visited David he began to discuss the situation, Mrs. Fisher said. He said he did not know why he had been shot unless it was because of his insurance, that he had about \$10,000 in policies kept in Curran's safe on which his wife paid the premiums, she recalled.

He said that he expected that his wife would plead insanity as a defense but that she had never acted insane around him, Mrs. Fisher said David told her. With this testimony the solicitor rested the case for the state.

The first state witness had been Dr. Stephen McIntyre, chief surgeon at Baker hospital, who recounted admitting David to the hospital in an advanced state of traumatic shock, near death, after the shooting on May 11. He said the bullet entered David's left breast, passed through his lung, and out beneath his shoulder blade.

Blood plasma, glucose, and saline solution was transfused immediately, Dr. McIntyre said, but David remained in critical condition for 10 days and was not out of danger for two weeks.

**Curran Worried**

Deputy D. J. Jones said that Allen Curran told him he was badly worried that his daughter might be implicated on Monday morning after the shooting and the officer offered to help if he could. That noon he accompanied Curran and his daughter out past their home near the Cottrell tenant farm on their land where Mary Edna made her confession.

Tell your daddy the truth," Deputy Jones said he advised Mary Edna. "Nobody can help you now but your daddy, the Lord, and a good attorney."

She then admitted she had persuaded Wiggins to do the shooting, Jones testified. She said David had got to where he stayed away two or three nights a week and she thought he no longer loved her.

Jones recalled that her father asked her if another man was involved in the case and she was coaxed into admitting it was Garland Cottrell, son of a tenant farmer on the Curran plantation.

She told them Garland had tried to get her to leave the United States with him and go to some island he had visited while in the Navy. She said she could not bear to leave her children, and decided the only way out was to get rid of her husband, Jones testified.

On cross examination Jones said he thought Mary Edna was not normal when she made her confession and he doubted if she knew right from wrong. He recalled she had difficulty remembering and said it "was all like a dream."

"But your later investigation

showed that she told you the truth, didn't it?" Solicitor Carlyle interposed.

Jones agreed that it did. Dapper young Garland Cottrell, four years Mrs. Miller's junior, took the stand. He said he had seen Mrs. Miller once or twice a week. He recalled an occasion on which he had gone to the picture show with her two weeks before her husband was shot. The movie was about a young man running away with a married woman, he recalled.

"Let's go away together like they did in the show," Mary Edna suggested on the way home, Garland testified.

On cross examination he said his mother was along and it was just a neighborly trip home together from Rowland.

"Was anybody killed in the show?" Judge Burgwyn asked. "No sir," Cottrell replied.

Dr. William Ray Griffin, chief psychiatrist of Appalachian Hall, was the first witness for the defendant. He said she was first a patient at the sanatorium, from May 19 to the latter part of July. He stated that in his opinion Mrs. Miller did not have the judgment to distinguish right from wrong on May 11.

He said that a woman who does not get the security and love she expects from her husband and is subject to any unhappy environment for a long time becomes abnormal, irrational, and is apt to do anything.

He said that in her present condition further unpleasant environment (jail) would be apt to cause her to lose her mind. He said that he doubted that she could go through the rigor of a court trial with any degree of reason.

On cross examination he told the solicitor that if a married man went out nights over a period of years it might drive his wife crazy. He repeated that a husband's neglect makes a woman an abnormal and that prison would greatly upset her.

**Upset Anyone?**

"It would upset anybody, wouldn't it?" Carlyle jabbed.

Dr. John Knox testified that he had been appointed with Dr. McGrath by the court to examine Mrs. Miller when she arrived in a state of collapse for her trial scheduled on August 13. He said their examination showed that Mrs. Miller was genuinely unconscious and not faking.

Twelve witnesses were called to the stand by the defense to testify to the good character of Mr. and Mrs. David Miller. Solicitor Carlyle countered by drawing admissions from as many of them as he cross examined that they had never heard of Mrs. Miller having any mental disturbance prior to the shooting of David Miller.

**Leniency Plea**

The defense attorneys submitted a plea for leniency signed by every merchant in the town of Rowland, pastors, mayor, the commissioners, and a rural mail carrier.

Attorney H. E. Stacy made a dramatic argument to the judge, explaining, "Why the plea."

He said at the insistence of Curran who said that the suspense was driving him and Mrs. Curran crazy, the defense decided to enter a plea of nolo contendere and throw their client on the mercy of the court because four doctors expressed the opinion that Mrs. Miller could not stand the rigors of a court trial.

He contended that nolo contendere in this case meant "not guilty," an argument that would have set a legal precedent if he had been successful. He closed with the quotation from the Beautitudes:

"Blessed are the merciful, for they shall obtain mercy."

Attorney T. A. McNeil seconded the argument that the plea of nolo contendere signified not guilty in this case. He said that if Mrs. Miller were called into court to testify she would swoon and faint away again, so they had to plead nolo contendere.

He begged that the defendant

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## The Weather

Weather bureau report of temperature and rainfall for the 24 hours ending 8 p. m., in the principal cotton growing areas and elsewhere: High Low Precip.

WILMINGTON	72	62	0.03
Alpena	47	32	—
Asheville	66	58	—
Atlanta	68	57	0.36
Atlantic City	68	57	—
Birmingham	88	41	—
Buffalo	52	42	—
Burlington	52	42	—
Charlotte, N. C.	78	54	—
Chattanooga	64	52	—
Chicago	55	46	—
Cincinnati	66	50	—
Cleveland	61	51	—
Dallas	84	54	—
Denver	80	43	—
Detroit	63	37	—
Duluth	53	25	—
El Paso	87	58	—
Fort Worth	85	59	—
Galveston	86	67	—
Houston	87	58	—
Jacksonville	83	62	—
Kansas City	69	50	—
Knoxville	77	54	—
Little Rock	82	54	—
Los Angeles	97	62	—
Louisville	70	52	—
Memphis	85	47	—
Meridian	86	50	—
Miami	85	32	—
Minneapolis	58	32	—
Mobile	86	61	—
Montgomery	91	58	—
New Orleans	84	71	—
New York	62	54	0.16
Norfolk	73	63	1.27
Philadelphia	85	51	0.40
Pittsburgh	107	70	—
Pittsburgh	66	50	—
Portland, Me.	74	54	1.04
Raleigh	68	47	—
Richmond	68	63	2.48
St. Louis	68	50	—
San Antonio	89	54	—
San Francisco	66	54	—
Savannah	82	62	—
Seattle	85	—	—
Tampa	83	48	—
Vicksburg	83	48	—
Washington	69	50	0.61

## A Weak, Run-Down Feeling Is Often A Warning

That The Red-Blood Is Getting Low

If you do not feel like your real self, do not have the urge to be up and doing, why not check-up on your blood strength? Look at the palms of your hands, your fingernails, your lips, the lobes of your ears—are they pale and off color?

Every day—every hour—millions of tiny red-blood-cells must pour forth from the marrow of your bones to replace those that are worn-out. A low blood count may affect you in several ways: no appetite, underweight, no energy, a run-down condition, lack of resistance to infection and disease.

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## HAMBONE'S MEDITATIONS

By Alley  
SHO'IS A HEAP O' OLD FOLKS KOTCH TWIX' HIGH PRICES EN LOW PENSIONS!



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made in behalf of Fred Wiggins," Solicitor Carlyle began.

"Don't worry about Fred," Judge Burgwyn interrupted.

"I only ask that Fred's sentence be no longer than her sentence is," the solicitor concluded briefly.

Judge Burgwyn said he realized that mercy was something you have to extend in this world if you want to receive it in the next, but at the same time the law is paramount in this case and should be so.

## RESERVOIR BREAK

(Continued From Page One)

but welcome relief to drought-threatened Winston-Salem, only 30 miles away. The downpour raised the water level two feet in the twin cities' main reservoir.

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