Convicted Slayer Loses Bid To Escape Death

Jail dentist for protesting arrest of total stranger

An East Baltimore dentist who was arrested when he allegedly objected to the manner in which an officer made an arrest, was found not guilty of disorderly conduct Saturday at Northeastern.

Dr. Benjamin G. Gordon, 35, of the 3300 block Clifton Ave., testified that he was arrested by Patrolman Walter Holtz when he asked the officer for his badge number at Orleans near Ann Sts., Saturday morning.

Magistrate Simon Schonfield was told that Dr. Gordon objected to the "manhandling" of Robert Bracey, 33, of the 300 block N. Ann St., who had been ordered to leave a corner where no loitering was permitted.

It was stated that when the doctor walked from a telephone booth around 2 a.m. he overheard Patrolman Holtz order a group of men to move.

When Mr. Bracey moved to slowly for the officer, he is alleged to have said, "when I say move, move" and then caught hold of him in a rough manner.

* * *

A DISORDERLY conduct charge against Mr. Bracey was dismissed after he testified that he was waiting for his automobile to be lubricated at a nearby all night service station when the patrolman approached him.

Officer Holt contended that Dr. Gordon was attempting to interfere with an arrest.

In dismissing the charges Magistrate Schonfield told Dr. Gordon:

"You have a perfect right to ask for an officer's badge number but you have no right to interfere with his making an arrest."

Heir sought to slain matron's estate

Judges in Orphans Court were without an announced decision on Monday as to who will inherit the $10,249.55 estate of the late Mrs. Pearl Arledge, formerly of 415 N. Calhoun St., who was killed by her husband, Russell Arledge, on Nov. 12 of last year.

Mr. Russell is currenty serving an 18-year penitentiary sentence for the crime, having been convicted by a Criminal Court jury on March 18 of this year of second degree murder in the fatal shooting.

Mrs. Arledge, in a will filed shortly before her death, decreed that her husband, should he survive her, should inherit half of the net proceeds from the sale of her home and some furniture; that Mrs. Charlotte Emma Giles should get $500, and the remainder should go to Mrs. Dorothy Giles Esdaile, of New Haven, Conn.

The will listed her assets as furniture and other chattells — $979.20; U.S. Bonds—$956.57; property at 415 N. Calhoun St.—$7,000, and cash—$1,314.78, for a total of 10,249.55.

* * *

CARY D. HALL Jr. executor of the estate, has asked the Orphans Court for a ruling as to the heirs. Chief Judge Dulany Foster and Associate Judges Nellie Marie Marshall and Daniel Friedman are deciding the matter.

Mr. Hall has named these three other relatives of the late Mrs. Arledge: the Rev. Samuel H. Giles, Marshall Brown College, at Atlanta; John H. Giles, of New Haven, both uncles, and Elmer Giles, of the 800 block N. Caroline St., a cousin.

Mrs. Esdaile, through her attorneys, contended in Orphans Court last Wednesday that she should get the entire estate, with the exception of the $500 willed to Mrs. Giles.

She charges that Mr. Arledge forfeited his right to any share of the estate by killing Mrs. Arledge.

YULE SPIRIT:

Father pays $500 in circuit court

A tall, 47-year-old father with mixed gray hair walked into Circuit Court from New York on Monday and handed over a $500 check in back payments for the support of his three children and after the brief court hearing returned to his New York home.

He was Pierce Gainous, 52 Jefferson Ave., Long Island, New York; who was charged with non-support of his three minor children by his former wife, Mrs. Kathyne Wilson Byther, 2201 Windsor Ave.

Appearing before Judge Reuben Oppenheimer, Mr. Gainous received a suspended 18 months sentence in the Maryland House of Correcton upon payment of the $500 and an order to pay $20 per week support.

The Gainous children are Pierce Jr., 17; Carolyn Theresa, 16 and Elroy 14; who were given in custody to their mother through a divorce granted the couple in 1950.

* * *

ACCORDING TO Mr. Gainous who spoke with the AFRO after leaving the courtroom, he and his former wife were married in 1944 and he served in the Navy from 1943 to 1945.

He stated that three years ago, following his 1950 divorce, he was married to the former Miss Mary Floyd and that they reside in Long Island where he is employed as a presser.

Mr. Gainous was represented by William H. Murphy, attorney.

Nine children overcome by gas

Nine children were saved from almost certain death from asphyxiation Monday after a neighbor found them lying unconscious on the floor of their home at 1909 Belair Rd., and summoned police.

Seven of those who were treated at St. Jospeh's Hospital and later released are the children of Mr. and Mrs. Gilbert Edmonds.

They are: Henry, 15; Carolo; 14; Louis, 12; Lania, 11; Timothy, 8; Constance, 7; and Olivia Edmonds, 4.

Two other children, Denise, 7; and Gwenn Fooks, 8 were treated at Johns Hopkins Hospital.

Northeastern District police said the Fooks children were visiting in the Edmonds home when all were overcome by fumes from a stopped up chimney and a defective furnace.

Patrolman Joseph Ferrance reported that when he was summoned from his beat, he found children unconscious on the first and second floors.

Two Fire Department ambulance crews administered first aid to the children.

10

Police killings in Baltimore area

APRIL 19, 1956—Robert McLain, 14-year-old Dunbar High School student of 404 E. Chase St., shot while running away from a stolen car at Madison and Fallsway by Officer Donald E. Mitchell of the Central District Magistrate Meyer Cardin exonerated the policeman.

JUNE 25, 1956—Harry Boyd Jr., 27, 1417 N. Braodway, shot in the back by Northeastern Patrolman Charles Fennell, who arrived on scene after a street fight. Magistrate Meyer Cardin ruled the officer acted in line of duty and the killing was justified.

JULY 7, 1956—Robert O. Harper, 34, 1614 Barclay St., shot in leg and bled to death following shooting by Southwestern Patrolman Walter Mina Jr., who told superiors he was breaking up a disorderly crowd. Officer Mina was exonerated of the killing by Magistrate Meyer Cardin, who ruled he acted in the line of duty.

AUGUST 15, 1956 — Frank J. Williams, 24, was shot and killed by Sgt. Albert Heck as a suspect in two holdups and the non-fatal shooting of a tailor shop proprietor. Sgt. Heck was exonerated of the killing in Central Police Court by Magistrate Meyer Cardin.

SEPTEMBER 19, 1956—Donald Jackson, 23, 971 Ellicott Dr., shot in the arm and chest by Southeastern Patrolman Benjamin Ledden. Ledden said he shot the man "in defense of my life," in the unit block Gilmor St. Patrolman Ledden was exonerated of the slaying by Magistrate Cardin.

OCTOBER 15, 1956 — Benjamin Brown, 14-year-old patient at Rosewood Training School shot and killed by Northwest Patrolman Marshall V. Brewer with rifle he "didn't know was loaded." Magistrate Meyer Cardin dismissed the shooting charge after State's Attorney John Weiss said the State could not make out a homicide case against the officer who said the shooting was an accident.

NOVEMBER 7, 1956—James H. Duggan Jr., 28, white city sanitary department worker, killed by a policeman answering cries for help. Central District Patrolman Joseph Bosse was exonerated by Magistrate Meyer Cardin.

NOVEMBER 24, 1956 —Clarence Wilkerson, 39, 1304 Harlem Ave., shot and killed by a Baltimore County Policeman while getting out of a car as ordered. Officer Louis DeManns was charged with homcide by State's Attorney Frank Hewell. On Monday, Dec., 10 a Baltimore County jury failed to indict officer DeManns. He was returned to the force with no official punishment.

JANUARY 21, 1957 — James Kenneth Robbins, 17, 1800 block Jackson St., was shot and killed after a robbery assault. Southern District Patrolman Melvin Kearns said as he fired a warning shot, he slipped on the ice. A bullet struck the youth in the back of the head. Patrolman Kearns was exonerated by Magistrate Meyer Cardin who declared that the shooting had occurred in the line of duty and was accidental.

AUGUST 4, 1957 — Benjamin Ward, 19, 281 N. Exeter when he reportedly hunged at Officer Isiah Pressey when the policeman attempted to question him about a stolen battery. Patrolman Pressey was exonerated by Chief Magistrate Stanley Richardson who declared, the officer was acting in the performance of his duty.

Smoke fells 2 aged men

Two elderly men died Christmas Eve night of smoke suffocation suffered in a basement fire at 1056 W. Fayette St.

The victims were: Melvin Brooks, 70, and Pete Robinson, 72.

Mr. Brooks and his family rented the three-story brick dwelling where the fire occurred about 6:20 p.m. and Mr. Robinson was a tenant there.

Patrolman Scott Porter reported the fire was confined to some lumber burning in the basement of the apartment building.

Cause of the fire had not been determined at AFRO presstime.

Mrs. Brooks is confined to bed and was unable to shed any light on how the fire started.

* * *

A DAUGHTER said the two men were in the basement and when Mrs. Brooks heard a knocking she went to investigate. Smoke felled her when she opened the basement door.

Neither Mr. Brooks nor Mr. Robinson were burned.

Mr. Brooks is a native of Baltimore. Mr. Robinson has no known relatives in Baltimore.

Funeral arrangements were incomplete at presstime.

Held in death of aged man

James Herbert, 61, 600 block Collett St., died at Provident Hospital at 5:45 Monday morning after lingerng there in an unconscious state since Dec. 12, according to Northwestern District police.

Sgt. George E. Williams said Mr. Herbert was found unconscious in a sitting position, with both eyes black and other signs of having been attacked, on a sofa at the Collett St. address the evening of Dec. 11.

Mr. Herbert rented a rear room on the second floor of the Collett St. apartment.

A man identified by police as William Gayle, 38, 1100 block Laurens St., was reportedly arrested hiding behind a large bureau in Mrs. Clark's room. He was charged with assault and striking Mr. Herbert.

Monday a charge of causing the death of Mr. Herbert was placed against Gayle.

Bids wanted

Bids for a $2,000,000 to $3,000,000 project at the Veterans Administration hospital in Perry Point, Md., will be accepted until 1:30 p.m. January 21, 1958.

The work will include alterations and repairs to 17 buildings, as well as outside services, roads, walks, rough and fine rading, grass seeding and landscaping.

AFRO suit would halt new ad tax

The AFRO-AMERICAN Newspapers on Tuesday filed an injunction suit against Baltimore's new advertising tax ordinances, and thus joined forces with 14 other local newspapers, radio and television stations and publishers in seeking to have the ordinances nullified.

The AFRO's suit names the Mayor and City Council, and John J. Ghingher, city treasurer, as defendants. Judge Edwin Harlan signed an order Tuesday giving the defendants 15 days to file an answer.

Dr. Carl Murphy, AFRO president, calls attention in the suit that the AFRO is a bi-weekly newspaper, with offices and local editions in Newark, N.J., Philadelphia, Richmond, Washington and Baltimore, and national editions are circulated in 34 States and in Bermuda.

* * *

THE SUIT charges that the advertising tax Ordinances 1693 and 1694 are: "vague and indefinite, in that they set forth no standards or guides for the determination of when and under what circumstances newspapers and other printed matter shall be considered published in the city of Baltimore."

The suit points out that AFRO advertisers are granted a rate which encompasses advertising in various of its publications, some of which reflect advertising revenue in Baltimore, and some of which encompass receipts for income derived outside of the city.

In this respect, the suit charges that the ordinances do not "define with particularity" the nature of the tax to be paid by the AFRO. Also, that due to combination rates, Dr. Murphy is unable to ascertain the extent of the income which is taxable under the ordinances.

* * *

FURTHER CHARGES in the suit are that the ordinances are an interference with freedom of speech and of the press; that they are discriminatory, in that they deprive those affected of equal protection of the laws as guaranteed by the 14th Amendment; that they impose an unlawful and undue burden upon the free flow of commerce among the States, and that they exceed legal powers and are beyond the taxing power of the Mayor and City Council.

The suit further charges that the taxes imposed by the ordinances are not fairly apportioned to the commerce carried on within the area; that they will interfere with the gathering of news, and that they place newspapers, radio and television stations in an unequal competitive position and deny them equal competitive opportunities with their direct competitors who are not subject to the taxes.

The advertising tax ordinances propose, beginning January 1, to impose a four percent tax on the sales of all advertising, and a two percent tax on the gross receipts from such sales.

The City Council passed the ordinances on November 15, following a previous day-long public hearing on the proposals, at which time representatives from a majority of the city's business interests appeared to protest their passage.

The AFRO's suit was filed by Harry O. and Marshall A. Levin, attorneys.

THERE'S A LUCKY picture in this and every edition of the AFRO. Look for it. If your head is circled, you can collect $5 cash by calling at AFRO City Desk before the next edition is out.

YULE CAROLERS — Typical of the Christmas season was beautiful Christmas-Music on Sunday at the Memorial Stadium Auditorium rendered by the Baltimore Boys' Choir under the direction of Meredith Birche. Boys seen singing, left to right, are Henry Dunkin, Kenneth Gill and Lawrence Jordan.

Fire victim satisfactory

Clarence Waters, 45, 400 block Roberts St., who was seriously burned in a coal oil fire in his one-foom apartment Saturday night, was reported in satisfactory condition in Provident Hospital on Monday.

Mr. Waters received first and second degree burns over 30 per cent of his body when he put out the flames with his bare hands, Northwestern police reported.

The man told police he did not think he was seriously burned and went to bed. He was brought to Provident Hospital about 10:30 Sunday morning, nearly 13 hours after he was burned.

Officer Frank H. Mills reported help was summoned when another tenant saw what had happened on Sunday morning.

* * *

THE OFFICER said Mr. Waters stated that he was awakened by a strong smoke smell and discovered that his coal oil stove had apparently flared up and set fire to the mantlepiece, wall paper and an overstuffed chair.

Lt. Roland Bartholomew of the fire deartment said damage from the minor fire was centered around the chair and wall behind it.

First state trooper assigned to duty

Milton Sylvester Taylor of Elkridge, Md., became Maryland's first colored state trooper Friday morning, when the State Police Academy at Pikesville turned out its 39th graduating class.

Taylor, a former paratrooper and Morgan State College student, graduated with a class of 54 new officers who recently completed five months of extensive training in criminal and state law and investigation procedures.

The new state trooper was among 160 persons who took the police examination last year.

Of that number, 85 applicants passed the examination but only 54 were selected to enter the academy.

* * *

TROOPER TAYLOR is 24 and is the son of Mrs. Margaret Taylor. He resides in the 5000 block of Race St., in Elkridge.

He was a star football player on the 1950 Carver High School championship team, and was a sergeant while in the Army.

The graduating class was addressed by Governor McKeldin. Diplomas and badges were handed out by Attorney General C. Ferdinand Sybert.

Members of the class were given their assignments and ordered to report for duty on Monday.

The recruit group entered training last July and was later assigned to barracks throughout the state for field training.

They later returned to the academy for four weeks to complete their training.

Among the top state police brass on hand for the exercises es were: Col. Elmer F. Munshower, commander of the state police; Major William H. Weber, executive officer who administered the oath of office; and Capt. Wilbur H. Conroy, director of the academy.

The Governor told the class that young drivers operating at excessive speeds on state roads must be apprehended and "taught while they are still young, that such behavior will not be tolerated on our highways."

The speaker stated that drivers of all ages "are guilty of excessive and lethal speed.

"I believe there is general agreement today that the thing which the young driver fears most is the loss of his operator's card.

"More and more of those licenses must be suspended or revoked when the road laws are broken — enough so that every boy will know someone who has lost the privilege of driving — enough so that every boy will be impressed with the fact that it could happen to him" the Governor concluded.

No appeal against Hanlon apartments

"At present, I know of no plans by the Association to carry its court fight any further in this matter . . . however, there still remains some time for an appeal within the 30-day time period."

Dallas F. Nicholas, attorney for the New Ashburton Improvement Association, gave this answer Thursday to a query about plans of the Association to further fight the erection by a private builder of an apartment project in the Hanlon Park area, where some of the sector's higher priced homes are located.

Judge E. Paul Mason, in City Court on November 29 upheld a prior ruling of the Board of Municipal and Zoning Appeals which granted the Artaban Court Apartments, Inc., owners and proposed builders of the project, the right to build the apartments. The matter was before Judge Mason on an appeal by protestants.

* * *

"THE COURT, after a careful examination of the record," Judge Mason stated in a brief decision, "has reached the conclusion that the decision of the Board of Municipal and Zoning Appeals is supported by substantial evidence and it should be approved.

"The improvements proposed by the Artaban Court Apart-Apartments, Inc., owners and builders, are in strict accordance with the Zoning Act."

The New Ashburton Improvement Association had fought the erection of the proposed apartments, arguing that they would not meet the requirements of zoning regulation in the area, that they would bring sure depreciation to the area, and that the congestion of added families there would create a health and safety hazard.

The apartment project is designed to house 54 families. Three apartment buildings of two-story heights are proposed. One to house 33 families, another to house five families, and the third to house 16 families.

Their locations are proposed on vacant lots at 3103-37 and 3114-42 Artaban Place, 3001-11 Carlisle Ave., and at 2742-50 Rosedale St.

Manslaughter charges against five dismissed

Five persons who were involved in four separate manslaughter cases, were found not guilty Friday afternoon in Central Police Court by Magistrate Standley Richardson.

They were Purnell A. Green, 47, of the 1300 block W. Lanvale St., who was charged with driving a truck which claimed the life of Kathleen Ernest, 6, of the 4800 block Morello Rd., at Harford Rd., and Echodale Ave., on November 4.

Floyd Leak, 26, of the 600 block Hillview Rd., who was charged in connection with the death of James Williams Jr., 30, of the 100 block S. Caroline St., at Foster and Conkling Sts., on June 15.

William H. Collins, 35, of the 200 block S. Fremont Ave., driver of a truck which struck and killed Diana Austin near Barre and Ridgley Sts., on September 24.

And, Jimmie Brown, 38, of the 600 block Hillview Rd., and William J. Emerick of the 100 block Dover St., who were charged with causing the death of Ertens Brown, 34, of the 1400 block Kuper St.

The deceased was a passenger in the Emerick car when they collided with an automobile driven by Jimmie Brown at Bayard and Russell Sts., last November 2.

ELECTED CHAIRMAN

Joseph H. Purdy, director of customer relations of the Gas and Electric Company, was elected chairman of the Board of managers of the Central Branch of the Baltimore YMCA at the December meeting of the Board.

YOU REGISTER Now So You Can Vote

Here are the facts in Baltimore:

Colored persons over 21	144,216
REGISTERED	84,032
Not registered	60,184

You *MUST* register before April 19, 1958 in order to vote in the next election.

For further information call Register and Vote Committee.

The Rev. John L. Tilley, chairman.

402 Dolphin St.
LA. 3-8503

Between hours of 8:30 A. M. - 5 P. M.

Rev. Hammond dies at home

Funeral services for the Rev. John L. Hammond, pastor of the Mt. Pisgah CME Church, will be held from the church Sunday at 1 p.m. The 87-year-old minister died at his home, 817 Brooks Lane, Friday morning. He had been ill with a heart condition for about three weeks.

Son of the late Mr. and Mrs. Richard Hammond, the Rev. Mr. Hammond was a native of Ontario, Canada. A minister for 50 years, he was a member of the Interdenominational Ministers Alliance and its secretary for about 10 years.

Judge assignments listed for new year

Judges Anselm Sodaro, Reuben Oppenheimer and Michael J. Manley will replace Judges S. Ralph Warnken and John T. Tucker and Chief Judge Emory H. Niles in Parts One, of Criminal Court in January

Judge Warnken goes to the Court of Common Pleas, Judge Tucker to Superior Court, Part Three, and Chief Judge Niles will sit in City Court.

Other assignments of judges for 1958 include: Judge Edwin Harlan, Superior Court, Part One; Judge E. Paul Mason, Superior Court, Part Two; Judges Joseph L. Carter and and James K. Cullen, Circuit Courts One and Two respectively; Judge Joseph Allen and Judge Joseph R. Byrnes, judges at large, and Judge Charles E. Moylan remains in Juvenile Court.

$50 Is the total set aside last week for News Tips and News Photos. For News Tips, call MU. 5-6015, 6016, 1812 and 1813 If no answer, call LA. 3-3024. Bring your News and Photos to the City Desk.

Shooting termed deliberate

ANNAPOLIS — A 47-year-old Baltimore ex-convict convicted of killing the fiance of his former girlfriend the day after the couple applied for a marriage license lost his bid to escape the gas chamber here last week.

This action came as the Court of Appeals affirmed the first-degree murder conviction of John Wesley Elliott, sentenced on May 6 to die for the shotgun slaying of Lindsay Calhoun.

Mr. Elliott admitted in a signed confession that he shot the 26-year-old man with a 12-guage shotgun on Sept. 12, 1956. However, he contended that he shot in self-defense following a fight.

* * *

THE DEFENDANT stated that Mr. Calhoun went to his home at 504 Ogston St. with the threat, "We are going to settle this and shoot it out. I will be right over and shoot it out."

According to Mr. Elliott, he then went to his home at 760 Bradley St. and secured the weapon. He contended that when Mr. Calhoun started back across the street with his hand in his pocket he (the defendant) opened fire.

The State's version of the shooting differed sharply with that of the defendant.

The State contended that Mr. Elliott first lured Miss Maude Belle Beckwith, his former girlfriend, from the Ogston St. adress and when Mr. Calhoun later left home the defendant blasted him from a second floor window.

Mr. Elliott based his plea for a reversal on the arguments that Judges John T. Tucker and James K. Cullen erred when they refused to grant a directed verdict and that the facts did not warrant a finding of murder in the first degree.

* * *

THE COURT OF Appeals in upholding the lower court's finding that the slaying was "wilful, deliberated and premeditated," handed down an opinion which held:

"In order to justify a conviction of murder in the first degree in this case, the trial court must have found that (1) the defendant had an actual intent to kill, (2) that he had fully formed a purpose of kill and (3) that he had enough time to deliberate and premeditate the killing.

"We think there was sufficient evidence for the trial court to have found the existence of all three elements."

No word yet on Rickey's appeal

"No decision has come yet."

These were the brief words of Prosecuting Attorney Warren Wilentz on Sunday as he told the AFRO that Richard (Ricky) Hunt's appeal for his life had received no final answer to date.

Hunt, 27, a former Baltimore truck driver, was found guilty of the June 21, 1956 pistol shooting of his pretty Baltimore wife, Mrs. Helen Haskins Hunt, 26, by a New Brunswick, N.J. jury last January.

He was condmned to die in the electric chair at the Trenton Penitentiary by Judge Charles Morris and has been lodged in the death house there since his conviction.

According to Mr. Wilentz, the answer to the appeal effort which may or may not spare Hunt's life may come "any day now."

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Teachers exam in city today

The National Teachers' Examination will be held here in Baltimore today Friday December 27 beginning at 8:30 a.m., at the Eastern High School.

Persons in the East Coast area will come to the city to take the exam sponsored by the National Testing Service.

Persons who pass this exam are qualified to teach at any school in the country. The exam consists of 900 questions. Baltimore teachers must correctly answer 525. Washington teachers can qualify by answering 500.

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