

Lies Put Justice to Flight?

There is much basis for contention that justice was miscarried in freeing the three defendants charged with arson. Today a week ago a jury found the three not guilty of conspiring to burn, and burning, a house in Morehead City.

It has oft been said that Morehead City is the only place in the world where concrete can be burned. The house in question happened to be of wood. This area, however, doesn't enjoy a good reputation when it comes to fires. Better training of firemen and more equipment throughout the county

are serving to change that, but it will take time — and deliberate burning of buildings certainly is not of help.

By now, it should be a well-known fact that frequency of fire ups the insurance rate. Enough fires happen by accident without encouraging persons to burn on purpose.

The fantastic tales told by witnesses in the arson case would put a liars' club to shame. If justice was not only blind, but deaf and dumb in the courthouse last Friday, each and every one of us will be paying for it — sooner or later—through higher insurance rates.

Two Lanes, for Use or Not?

Morehead City's dual lane main street has several disadvantages, but people have to put up with it — unless they want to re-design the city.

The dual lane has more advantages than disadvantages, probably, and people will continue to be able to live contentedly with it if everyone follows the rules — this means ambulances, police cars and fire trucks, too.

Those types of vehicles, on duty missions, have taken to going west in Morehead City's east-bound lane of traffic. When coming from Beaufort, especially, instead of making the turn into the west-bound lane of Arendell, they just keep going on the wrong side of the street.

During last weekend, a serious accident almost occurred when a resident, backing out of his drive on the south side of the 400 block of Arendell Street, nearly got smashed by a speeding ambulance headed toward the hospital — in the wrong lane of traffic.

A siren wail is deceiving. It's difficult to tell from which direction it is coming. And persons trained to look only one way, due to a dual lane arrangement in front of their home, could

be struck by a fire engine, ambulance, or police car in a split second.

While speed may be necessary, there are few instances where the several seconds required to slow down to get into the proper Arendell Street lane would spell the difference between life and death.

The layman gets panicky when he sees someone who is injured. People who deal constantly with the injured and sick take a calmer view of the matter because they know the human body is a lot tougher than it may seem.

Panic is the thing, too, that makes ambulance owners gray. There's an accident. Someone rushes and phones an ambulance. Meanwhile, another panicked bystander grabs up the injured and tears to the hospital with the patient in the car. The ambulance arrives — maybe after a five-mile run out in the country — and the injured have already been hauled off to the hospital.

Police cars, ambulances and fire trucks frequently have to be in a hurry. But panicked rushing can sometimes cause more damage than the original reason for rush. Arendell Street is a dual lane highway. To ignore that, even in emergencies, is dangerous.

It's customary to tip the bellhop in your hotel when you check out and he loads your bags into your car. But when the bellhop tips the guest instead, that's another story!

This latter variation happened some years ago on a trip Dela Harris, Fred Ray, Blanton Hartness and Hugh Perry made to Atlanta to see a Duke-Georgia Tech football game. There were others from Sanford in another car, including myself; the whole Sanford delegation put up at the Georgian Terrace hotel.

On the Sunday morning after the game, Dela and Fred were on the sidewalk with the bellhop, an elderly distinguished looking Negro with gray hair. Dela told Fred he was going to pull a brand-new wrinkle on Hugh and Blanton. He took the bellhop aside, talked to him a few minutes and slipped something in his hand.

Moments later, Messrs. Perry and Hartness came out the front door, checked to see if all bags had been loaded and gave the word they were ready to leave. At this point, the colored bellhop came up to Dela, stuck out his right hand with two dollar bills in it and spoke as follows:

"Mr. Harris, you have been such a nice guest and we've grown so fond of you here that we surely do hate to see you leave. As a token of my gratitude and esteem, I hope you'll accept these two dollars from me."

Dela took the money while Blanton and Hugh listened and looked in open-

mouthed wonderment.

It was miles down the road before Fred, who couldn't keep from snickering, revealed what had actually happened. Dela had given the bellhop five dollar bills, coached him what to say and had received back two of his dollars. The distinguished looking Negro had put on a masterful act, fortified by a \$3 tip in hand.

The young doctor was giving evidence in an assault case. His evidence was important, so opposing counsel tried to confuse him. "I suppose, doctor," he said in doubting, gently ironic tones, "that you are perfectly familiar with all the symptoms of concussion of the brain?"

"I am," said the witness quite coolly. "Then let me ask you a hypothetical question," went on the counsel with a meaning glance at the jury. "Suppose my learned friend, Mr. Murphy, over there, and I should bang our heads together, should we get concussion of the brain?"

The young doctor looked for a moment, then said quietly: "Mr. Murphy might."

People will believe anything, if you whisper it.

Tables Turned

(Sanford Herald)

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Squelch

(The Irish Digest)

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Security for You...

By RAY HENRY

As a man gets older, it becomes more and more important that he have a legal will—particularly if he's married and has property or money.

Why? Take this true story about a 64-year-old widow:

The widow's husband died last August, after a life of hard work and small wages. Raising a family of five children had kept him strapped. A small house and a 1956 car—both paid off—were about his only possessions.

Making a will had never occurred to him. Without one, the laws of his state gave his widow only one-third of his property. The rest had to be divided among his children.

Although the widow needed the house and car, they had to be sold. The children were married and wanted their inheritance.

The local probate court had to step in to give a clear title on the house and car. An administrator of the estate had to be named. This meant court costs, lawyers fees and the cost of selling the house and car, leaving less cash to be divided.

None of this would have happened if the widow's husband had made a simple will. And, the widow would have the house and car which is probably what her husband would have wanted.

From the story, you no doubt see several good reasons why you should have a will:

1. You choose how your property will be divided, rather than leaving it to your state's laws. Thus, you can give your wife the protection the widow above didn't have.
2. It's cheaper to write a will than to pay the costs usually in-

olved when you don't leave one.

There are other reasons including a much smoother and faster settlement of your estate and eliminating the chance of a family feud.

In making a will, you should always consult a lawyer. He'll know the twists and turns of your local laws. And, he'll be able to put the will in appropriate legal language.

The fees lawyers charge for making a will vary depending on how much time it takes and the amount of property you have. It's tougher to write a will when you have a great deal of property.

But, rarely will the fee be more than \$25. Chances are if your will is simple the fee won't be more than \$15.

After the will is written, you'll have to have at least two persons sign it as witnesses. Select them carefully. They should be younger than you so that the chances are good they'll outlive you. Some states require the witness to be present when the will is probated.

Relatives usually don't make the best witnesses. Frequently, it's wise to use your lawyer and the person named executor of your estate, provided they aren't named in the will.

Once the will is signed and witnessed you should store it in a safe place. Then, be sure to tell your executor or a close friend where you keep it. All your effort will be wasted if the will can't be found after your death.

(Editor's Note: You may contact the social security representative at the courthouse annex, Beaufort, from 9:30 a.m. to 12:30 p.m. Wednesdays. He will help you with your own particular problem).

This is the Law

By ROBERT E. LEE
For the N. C. Bar Association
RESULTING TRUSTS

Bogert buys a farm from Powell and requests that the title be placed in the name of Scott. Although Bogert furnished the purchase price of the farm, the deed to the property was registered at the court house in the name of Scott. Eight years later Mr. Scott is required to transfer the property to Bogert?

Yes. There has arisen by operation of law the presumption of a "resulting trust" in favor of Bogert. Scott is in effect merely holding the title to the land in trust for Bogert. Any time within ten years Bogert may require Scott to convey to him the land.

A "resulting trust" is imposed upon Scott for the purpose of carrying out what appears from the circumstances to have been the intention of Bogert. There will be no "resulting trust" in favor of Bogert, however, if there is evidence to the effect that Bogert intended the conveyance as a gift to Scott or in satisfaction of a contract.

The presumption of a "resulting trust" customarily arises when the money of one person is used to buy property the title of which is taken in the name of another. A trust results in favor of the person furnishing the money.

Statutes relating to the recording of land titles in the office of the register of deeds do not apply to "resulting trusts." "Resulting trusts" of land are incapable of registration because they are not in writing.

Suppose Scott has sold the land to Williston, who at the time of his purchase had no knowledge of the interest of Bogert in the land. May Bogert recover the land from Williston?

No. Williston, being an innocent purchaser, acquires the property

free from the claims of Bogert. Bogert's remedy is to recover the marketable value of the land from Scott.

If Williston had not been an innocent purchaser of the land, Bogert could have required him to convey the land to him. Furthermore, if Powell had died, and the land had passed by inheritance to Powell's son, Bogert could have required Powell's son to convey the land to him. This is because Powell's son would not have been an innocent purchaser.

A person who has rights under a "resulting trust" will lose them if he delays for more than ten years the bringing of a court proceeding to enforce them.

A husband furnishes the money for the purchase of land, but has the title put in the name of his wife. Is there a "resulting trust" in favor of the husband?

No. In this instance the law says there is the presumption of a gift. This presumption arises out of the relationship of husband and wife and is based upon the legal and moral obligation of the husband to support the wife. The presumption of a gift may, however, be rebutted. If, for example, the wife orally promises to hold the land for her husband, there arises a "resulting trust."

On the other hand, if the wife furnishes the money and the title is placed in the husband's name, there is created the presumption of a "resulting trust" in favor of the wife.

Smile a While

The team had just lost an important game and the coach was explaining it to the sports reporters:

"I used an unbalanced line — and the backfield wasn't very smart, either."

Comment... J. Kellum

TALK

In our relations with each other, our experience and knowledge give us some understanding of what others say to us. Words are only symbols. They are only noises meant to represent certain things. And they are not as efficient as they might be.

We are always having to go over our definitions, mingling general semantics with personal intentions so that no two expressions of the same subject are ever quite the same, however sympathetic the minds of the speakers.

This difficulty provides us with occasional comedy or disappointment but most of us are not too disturbed inasmuch as our thoughts do not generally exceed our common vocabularies, or, if they do, we are willing to accept the fact that we cannot explain ourselves.

There is a degree of accuracy which we can achieve, however, and sometimes miss. Through habit, we come to associate fine sounding words with sound thinking and we are led into such nonsense as S. I. Hayakawa points out in "Language in Action" when he says:

"Because words are such a powerful instrument, we have in many ways a superstitious awe rather than an understanding of them—and even if we have no awe, we tend at least to have an undue respect for them."

"For example, when someone in the audience at a meeting asks the speaker a question, and when the speaker makes a long and plausible series of noises without answering it, sometimes both the questioner and the speaker fail to notice that the question has not been answered; they both sit down apparently perfectly satisfied."

"That is to say, the mere fact that an appropriate sounding set of noises has been made satisfies some people that a statement has been made; thereupon they accept and sometimes memorize that set of noises, serenely confident that it answers a question or solves a problem."

416 Church Lane
Philadelphia
June 9, 1958

To the Editor:

I was intrigued with Mr. Salisbury's story about the origin and development of the Atlantic and North Carolina Railroad. It took me back to the gay nineties when the A&NC was the biggest thing in Carteret County and was practically the only means of transportation for salesmen, summer visitors and others from far away places.

The most important event of my life up to my early teens was a trip to New Bern which had only a few thousand citizens at that time was the only "city" I had ever seen; indeed, the first town I had ever visited outside of Beaufort and Morehead City.

To tell the truth that trip was more impressive to me, including the ride on the train "with its wood burner," than the subsequent visits I made to New York, Philadelphia, Boston, Baltimore and many other big cities.

In 1896 William J. Bryan ran for the presidency of the U.S. The Democrats arranged an excursion over the A&NC from Morehead to Goldsboro and I was fortunate enough to take the trip. We left Beaufort in small hours of the morning and boarded the train at Morehead sometime after daylight.

The car in which we rode the ninety miles to Goldsboro was an open top gondola freight car, with boards placed across from one side to the other, unsecured, for the passengers to ride upon. And

Louise Spivoy

Words of Inspiration

This is the church that I grew up in, the Gorden Street Christian Church, Kinston, N. C. It holds many of my life's golden memories.

On March 3, I attended the wedding of a favorite niece, Ann Tyndall, the last of our clan to be married before its holy altar.

After the wedding, I stayed and made a few pictures, after the photographer had everyone placed just right. (That's a neat trick, isn't it? I learned it from Elizabeth Simpson).

There were several in the church who stopped to watch me make a close up of one empty pew. Perhaps they had never seen this done before, but this was not just an ordinary church pew. This was a little different from all others in the whole wide world, for here I sat by my father each Sunday through all of my growing up years (my mother died when I was 3).

During the service, I could hardly see the strangers sitting in "our pew", for my thoughts had turned back to the years when our family had occupied that space.

We were always there, for my father always went and accepted no excuse for our absence except illness. If we were too ill to attend church and Sunday school, then we were too ill to leave the house all day or Sunday night. During my teens this cured any Sunday sickness that I might have had.

The church that a child grows up in is always very close to his heart. Through the years so many churches change their structure, and when one returns it is almost like visiting a new place of worship.

My church was well planned many years ago, and while there have been many rooms added, the sanctuary is still the same. The assembly room for the Sunday school can be added to the sanctuary by opening slide doors.

But there, waiting for my return, was the same empty pew, the same altar, the same chairs on the rostrum, the color of the carpet was just as I had remembered, the same pictured windows, beyond the choir loft, that I had loved as a child, the same baptismal where I was baptized at the age of 11.

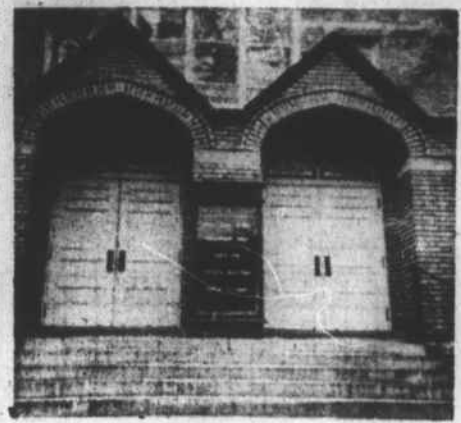
Only the faces of the congregation had changed. The many passing years had taken its toll, of many so beloved and familiar.

Weddings are wonderful in many ways. First it is the joining together in holy matrimony a man and woman in love, according to God's holy ordinance. A new home is established.

Too, there is always a meeting of relatives, and everyone is so genuinely happy to see and visit with the other, as all admire the wedding party.

As I watched Ann, standing there before this holy altar being given in marriage by her father (my brother Vance), it was impossible not to see his resemblance to our father.

It was a good feeling to know that this lovely young bride was one of us, that one day perhaps her children, and her children's children would sit in the pews of this church, today occupied with brothers, sisters, aunts, uncles, cousins, and friends whose love, best wishes and prayers will always be for her happiness.



The unlocked door . . .

Always have a sense of humor, never let things get you down; Take it easy, keep a smile on — 'tis much better than a frown. Learn to give and learn to take it, silence you will find is best; Keep the hard word safely hidden, and don't worry 'bout the rest. Sometimes when you feel discouraged, as we all so often do, Do a deed that's good and kindly, it will always see you through. Hand in hand you both will travel over roads both good and bad; If you learn to take things lightly, you can never feel too sad. Love each other, stick together, ready e'er to give the nod; Lean on Him who understands us, put your faith and trust in God.

— Joan DeSapio

Where I sat as a child

ADVICE TO NEWLYWEDS

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From the Bookshelf

The Guns at Gettysburg. By Fairfax Downy. McKay.

Nearly 400 cannon took part in the tremendous barrage that preceded Pickett's charge at Gettysburg July 3, 1863.

Such a cannonade would be peanuts today, but at the time it was the greatest concentration of firepower ever known. Within the space of its thunderous two hours, artillery came of age.

"The Guns at Gettysburg" is unique, even in the vast field of Civil War literature. It is virtually the first full length book to be devoted to artillery and its achievements, and it opens a field of study that should bring new understanding of the Civil War as a vital era in the evolution of armed conflict.

Fairfax Downy, a retired lieutenant colonel of the U.S. Army Reserve and a former newspaperman, has established himself in previous works as a competent spokesman for the men who manned the guns.

He revitalizes interest in Gettysburg with his findings on artillery's contributions to the battle.

Downy gives great credit to Maj. Gen. Henry J. Hunt, the Union chief of artillery, not only for his dispositions of the guns and his direction of the 129 batteries of the Union Army but for his canny handling of the train of reserve guns and ammunition, and for his foresight in providing it.

He is less complimentary to Confederate chiefs, contending there was a lack of coordination and support at critical times and serious oversight in failing to place guns to enfilade the Union line before Pickett marched out.

This is not a dry treatise. Downy takes the reader into the powder smoke where he can hear and smell the battle. His prose is stirring, his research has produced tales of many valorous deeds that embellish an exciting, significant book.

— Bob Price

There was nothing eventful on the round trip, but the boards on which we sat continued to be just as hard as ever and the locomotive continued to belch sparks and ashes. A grand trip for a youngster and for the elders, as well as for those who had never taken a ride on a railroad train in a freight car before.

Thomas H. Carrow

A woman will look into a mirror anytime except when she is about to pull out of a parking space.

The only time some people work like a horse is when the boss rides them.

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