

Pogy Boats Must Go

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However, as a matter of record, Mr. Wheatly showed the judge a copy of the deed from the government to the defendants.

The deed was a quit claim showing a payment of \$1,000 for the dock. The deed stated that the property was sold, subject to all regulations and zoning ordinances.

The judge had before him the town zoning map which showed the residential area in question. Mayor Lewis had been served a court order requiring him to present the map in court.

Judge Hamilton said that while the area around the dock was zoned residential, the dock itself had never been zoned because it was government property when the zoning took place. He showed where the dock and postoffice lots were marked in black, indicating that they were unzoned lots. (Mr. Wheatly said later that the lots were not blacked the last time he saw the map, which was two weeks ago).

Judge Moore interrupted at this point to say that even if the lots had been unzoned, they could not have been put to a commercial use since they were in the middle of a residential area.

Judge Hamilton accused Mr. Wheatly of taxing his imagination in describing conditions at the dock. "If the conditions described in the pleading and affidavits are true, the mayor, town board and everybody in the county health department should be impeached and thrown out of office," he maintained. "I know those men are not the type to allow such things to go on."

Judge Hamilton continued, "Raw sewage from the town sewer system goes into the creek a short distance from where the boats are docked." He contended that the refuse dumped overboard by the boats could add little to the unsanitary condition already in existence.

Judge Hamilton said that people traveled many miles just to see the picturesque boats tied up along the Beaufort waterfront.

Speaking of the crews, described in the complaint as the flossam and jetsam of Atlantic and Gulf ports, Judge Hamilton said they were no better, no worse, than the average run of men who earn their living by the sweat of their brows.

Judge Hamilton said the menhaden industry was the oldest industry in the county. The menhaden industry, in the two months it operates in Beaufort, does more to stabilize the economy than any other business in town, according to Judge Hamilton.

"You cannot operate a menhaden plant without stink," he said. "When people see that fog coming over and smell the fish cooking they turn to each other and say, 'Now we're smelling money.'"

Judge Hamilton said the rights of individuals must give way before the rights of the community.

Sensing that Judge Moore's decision would go against him, Judge Hamilton asked that the court make an order restraining commercial boats after Dec. 20 and schedule a jury trial for the matter in the next term of superior court.

As a final shot Judge Hamilton mentioned the Sanitary Restaurant in Morehead City. He said the restaurant was "right in the middle" of the boats and he had never heard a complaint from Capt. Toxy Seamon, who operates the restaurant.

Mr. Wheatly said that Judge Hamilton was distorting the facts. "This is no attempt to destroy the menhaden industry and run the boats away. The boats that tie up at the dock are Virginia boats."

"The only reason they are here is because the fish are here. As soon as the fish move on, those boats will follow them. Denying them the use of one dock will not make them pass up the opportunity to catch fish while they are in our waters."

As the law allows, Judge Hamilton got the last say. He emphasized the brevity of the fishing season and the fact that prevailing winds are from the north and northwest. Such winds tend to blow the odor from the boats away from Front Street.

Judge Hamilton said, "It is not the gentle zephyrs from the south and southwest that blow during the fishing season. It is the winter winds from the north and north-

west, blowing sleet and snow, that prevail while the boats are tied up in Beaufort."

Before signing the restraining order, Judge Moore said he was amazed that the people of Beaufort would allow boats to tie up, even in the business district.

He pointed to Southport, where menhaden fishing is a major industry, and said that the pogy boats were not allowed to stop in town at all. Shrimp boats unloped at the shrimp houses then go to a yacht basin to tie up away from town, the judge said.

"The town is foolish to allow boats of that type to tie up along the waterfront. The people that you would want to move into town will not come if they have such a situation in their front yards. I would not pay a nickel for a lot on Front Street if I thought a menhaden boat would tie up right under my nose," the judge commented.

When Judge Hamilton saw a copy of the order drawn by Mr. Wheatly and signed by the judge, he objected immediately. "Why this prohibits all commercial boats from the dock," he said. "I thought they just wanted to get rid of the menhaden boats."

Judge Moore told him that there was little use in doing the job piecemeal.

At this point Judge Hamilton tried to strike a bargain with the judge. He asked if there was any way the judge would consider accepting a bond to allow continued operation for the rest of the current season.

Judge Moore told him the only way he would consider letting the operation continue for the season would be for the defendants to agree to a covenant that they would never use the dock for commercial purposes after the end of December.

The defendants turned down the proposition. Judge Hamilton said he had no doubt that a jury would see matters differently from the way Judge Moore saw them.

The order signed by Judge Moore was temporary in nature and is good until the case comes up in superior court and is tried by jury.

Judge Moore said things had come to a sorry state if a jury would allow such violations of the laws of ownership of property and individual rights.

Still standing before the judge, Judge Hamilton turned to Mr. Wheatly and told him he would have to be careful where he tied his boats. Mr. Wheatly has part interest in Beaufort Fisheries.

Mr. Wheatly informed him that he had no control of the boats but that if they ever created a situation like the one at the postoffice dock he hoped somebody would throw the captains in jail.

Judge Hamilton then asked him about the affidavits of the town and county officials. "Mayor Lewis said he had never received a complaint about the boats," Judge Hamilton said.

"Then I say he is an unmitigated liar," Mr. Wheatly retorted. "My wife swore that she complained to the mayor and he promised to do something about the situation, and I believe my wife."

(The affidavit signed by Mayor

Pet Corner

Mrs. Lloyd Taylor, who lives in the first two-story house on the right of the golf course going east from highway 70, has three nice baby puppies she would like to find homes for.

Mrs. Taylor doesn't have a telephone, but anyone wanting a puppy may go by her home.

Would like to find home for black cocker spaniel. Spayed female, has all her shots, is strictly a house dog. She will not stay outside. Family who had her cannot keep her and present family taking care of her already has a pet. Phone Mrs. W. G. Simpson, PA 6-4381.

Mrs. Lloyd Crowe, who advertised puppies in Pet Corner last week, has placed all the pups.

I would like a male kitten as pet for a little boy. Phone PA 8-3744 until 4 p.m., then PA 8-4833.

Persons who would like to find homes for pets or acquire pets at no cost are invited to use the Pet Corner free of charge. Just phone THE NEWS-TIMES, PA 6-4175.

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officers two weeks ago, Mr. Taylor said, "Cases calendar for trial will be tried, not pressed (state chooses not to prosecute), or bonds forfeited in their proper order. Continuances will not be allowed except in most extreme cases."

"This letter is written at the request of Judge Morris. He concurs with its content and effect. We respectfully urge you to cooperate in helping us to make our court the best of its type in North Carolina."

Mr. Taylor said that he had hoped to start the new set-up this week, but overlooked the fact that Nov. 27 is a holiday. "On Dec. 4," the solicitor commented, "a lot of these cases that have been piling up are going to get weeded out."

Lewis made no mention of complaints from private citizens).

Mr. Wheatly continued, "As for the sheriff's affidavit, I think we disposed of that pretty well in the hearing."

Judge Moore stepped in at this point to remind the lawyers that the order was already signed and the hearing was over. At this point the judge retired to his chamber and the courtroom was soon empty.

Sitting on one side of the courtroom during the hearing were Mrs. Wheatly, Mr. and Mrs. Brown and Mr. and Mrs. Jones. On the other side were Ronald Earl Mason, C. Z. Chappell, E. W. Downum, Holden Ballou, Joe Long, Jarvis Her-ring, Clarence Stamper, Charles Davis, Jack Neal and Harold Simpson.

Leslie Moore sat beside Judge Hamilton during the hearing.

Hampton Court, with its 44 acres of gardens near London, was the favorite residence of Henry the Eighth.

Attends Asheville Session. Moses Howard, chairman of the county board of commissioners, attended the annual mid-winter business conference of the National Association of County Officials this week at Asheville.

Legal Notices

NOTICE OF HEARING OF MOTION

North Carolina, Carteret County In the Superior Court Before the Clerk In the Matter of The Adoption of Shayne Stark To Robert E. Taylor:

Take notice that a proceeding entitled as above is now pending in the Superior Court of Carteret County, North Carolina, and that written motion has been filed asking the court to determine whether or not you have abandoned Gregory Shayne Stark, and that a hearing on the motion will be had at the courthouse in Beaufort, North Carolina, on December 22, 1958, at 10:00 a.m.

This 13th day of November, 1958. A. H. James Clerk of the Superior Court n14-21-28 d5

NOTICE OF SALE

Pursuant to the power contained in that mortgage deed by George Marshall and wife, Eliza T. Marshall, to John Weeks, recorded in Book 118, page 153, Office of the Register of Deeds of Carteret County, default having been made in the payment of the indebtedness secured thereby, the undersigned mortgagee will sell at public auction for cash at the court house door of Carteret County in Beaufort, North Carolina, at 12:00 noon, the 28th day of December, 1958, the following described lot of land situate in Carteret County, North Carolina, to-wit:

In White Oak Township: Beginning at the run of Rosin Branch in the old Bogue Sound Road, running thence eastwardly with said road 44 poles to an iron stake; thence South 5° 00' West, 32 poles

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to a ditch; thence southwestwardly with said ditch to the run of Rosin Branch; thence with the run of Rosin Branch to the beginning; containing 10 acres more or less. See deeds in Book 43, page 566, and Book 106, page 427.

The successful bidder will be required to pay cash or give a deposit of 10% of the amount of the bid up to \$1,000.00, plus 5% of any excess over \$1,000.00. The sale will be made subject to taxes and special assessments, if any.

This 28th day of November, 1958. /s/ John A. Weeks Mortgage Administrator n28 d5-12-19

ADMINISTRATOR'S NOTICE

Having qualified as administrator of the estate of Tomas J. Thomas, late of Carteret County, North Carolina, this is to notify all persons having claims against said estate to present them to the undersigned at 909 Shepard Street, Morehead City, N. C., on or before twelve (12) months from the date of this notice or the same will be pled in bar of their recovery. All persons indebted to said estate will please make prompt payment.

This 5th day of November, 1958. Walter M. Thomas Administrator n7-14-21-28 d5-12

NOTICE OF SERVICE OF PROCESS BY PUBLICATION

State of North Carolina Carteret County In the Superior Court Carteret County

vs. William Bilbo To William Bilbo

Take notice that a pleading seeking relief against you has been filed in the above entitled action. The nature of the relief being sought is as follows:

The defendant is indebted to Carteret County due to an action against him in Recorders Court; that he left as security with the officers of said county one wrecked Dodge automobile; that said automobile has been in the possession

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of Carteret County for some twelve months and the indebtedness due the county has not been discharged; that the defendant has removed himself from the jurisdiction of this court to places unknown and attachment proceedings have been instituted against the said William Bilbo.

You are required to make a defense to such pleading not later than January 21st, 1959, and upon your failure to do so the party seeking service against you will apply to the court for the relief sought.

This, the 19th day of November 1958. A. H. James Clerk Superior Court n21-28 d5-12

ADMINISTRATOR'S NOTICE

Having qualified as administrator of the estate of Josie Hill, deceased, late of Carteret County, N. C., this is to notify all persons having claims against said estate to present them to the undersigned at Atlantic, N. C., on or before the 15th day of November, 1959, or this notice will be pled in bar of their recovery. All persons indebted to said estate will please make prompt payment.

This 10th day of November, 1958. William Hill, Administrator n14-21-28 d5-12-19

NOTICE OF SALE

Under and by virtue of the power of sale contained in a certain deed of trust executed by Eugene C. Willis, Jr. and wife, Hannah S. Willis, to George H. McNeill, Trustee, Rochelle Realty Company of Roanoke Rapids, Inc., Beneficiary, dated 31 July, 1957 and recorded in Book 176, page 290, records of Carteret

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County, North Carolina, and default having been made in the payment of said indebtedness secured thereby, and said deed of trust by the terms thereof subject to foreclosure, the undersigned trustee will offer for sale at public auction, to the highest bidder for cash, at the courthouse door in Beaufort, N. C., on the 8th day of December, 1958, at twelve o'clock noon, the property conveyed in said deed of trust, lying and being in Carteret County, North Carolina, and more particularly described as follows:

In Morehead Township: Being all of lot number one (1), Block "Q" of Mitchell Village Subdivision, ac-

Legal Notices

cording to the map and plat of Roger L. Mann, Surveyor, recorded in Map Book 4, page 5, records of Carteret County, and being the identical property conveyed to grantors herein under date of July 30, 1957, said deed recorded in Book 177, page 274, records of Carteret County.

But this sale will be made subject to all unpaid taxes and/or tax liens.

A cash deposit of 10% will be required at time of sale.

This the 7th day of November, 1958.

George H. McNeill, Trustee n7-14-21-28

RAMBLER FRANCHISE APPROVED

Mr. Champ Lewis says "The Rambler will be on display in the show room at Lewis-Price Inc., in a very few days."

Mr. Lewis invites everyone interested in America's Most Economical Car to come in and see the new 1959 models.

Mr. Champ Lewis

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