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## J.P. And Recorder's Courts End In December

By Clint Fuller  
Times Managing Editor

Two grand old Franklin County institutions will soon be biting the dust. In their way, they have served the people adequately if not always efficiently. It is expected that here, as elsewhere across the state, many citizens will give a sigh of relief that the day of antique Recorder's Court and the archaic Justices of the Peace courts will close.

No particular celebration is planned for their demise on the first Monday in December. They are expected to just quietly fold their tents and creep away into the mass of tangle that is this county's history.

By far the lesser of the two evils, Recorder's Court has held fort in relatively the same location for over half a century. Over the years some capable and in some instances unique jurists have sat on the high-tower bench overlooking the innocent and the guilty and the hundreds of in-betweens who have traveled the scared halls of the courthouse.

There will be some who will sincerely mourn its passing. Not so, however, with the lesser J.P. courts. For here lies a system so misconceived and so misused to stagger the most fluent imagination.

Many years ago, as a small boy, we visited a J.P. court at the home of a friend. A man was being tried for stealing a chicken from his neighbor. The J.P., the suspect and the neighbor lived side by side on the same street. The court convened in the J.P.'s living room. Everyone sat on the same couch. It was more of a meeting than a trial. After a great deal of conversation, most of which escaped us, the J.P. sternly announced that the suspect was guilty and that it would be \$2 for the chicken and \$5 fine plus cost of court, which if memory serves us was in the neighborhood of \$8. In less time than it probably took the accused to cook the chicken, he was forced to pay \$15 for it.

The guilt or innocence of the accused or how much of the loot ended up in the J.P.'s pocket has never been a point of importance to us. However, the ridiculous setting under which it was all done has stuck in our mind for lo, the many years.

From all reports, J.P. courts have not moved far from the living room-chicken stealing decisions over the years. In many communities, they have become a collection agency for local merchants and landlords.

In one nearby college town, one J.P. handled 342 cases in three months of this year alone. All were cases involving students and merchants. Most concerned bad checks and bad debts. At \$10 in court costs each, that amounts to \$3,420 for criminal charges, most of which went to the J.P.

One merchant and former J.P. in the community said the J.P. court is a "lucrative money recovery system—lucrative both for merchants and J.P.'s who cooperate with them."

While there has been no such criticism of the J.P. courts in this area, the entire system is out of step with today's methods. Local J.P.s have processed their share of money collection cases and they have taken their toll from the fines of these found guilty. The informality of such courts and the

fact that most of those people finding themselves called up, have had no idea of their rights are the two most often heard criticisms of the system.

The courts have often been seen as more as a bill-collecting agency than as an impartial arbiter of legal rights and responsibilities. Franklin County, fortunately, has had experienced, mature men in these courts and it is to their credit that the majority of the people have found it unnecessary to concern themselves with these operations.

Under the court reform, which takes over here on December 5, the newly created office of magistrate will retain some of the old J.P. court functions in criminal cases and perhaps have more power in civil actions. These courts, however, will be under direct control of the Chief District Judge. Also deemed an improvement is the fact that the magistrates will be paid a fixed salary and will no longer have to depend on fees for pay as is now done by the J.P.s.

Three men have been nominated in the primary to serve as District Judges. None have opposition in the general election in November and Claude Allen of Oxford, Julius Banzet of Warrenton and Linwood Peoples of Henderson will assume their duties as District Judges on December 5. All will serve under Resident Superior Court Judge Hamilton Hobgood.

It is reported that the three Judges will rotate across the five county district. More details on their assignments and the selection of the Chief Judge is expected soon.

Meantime, between now and the first Monday in December, courts in Franklin County will continue much as they have for last fifty years. But, come December, there will be many changes.

## Franklinton Project Slated

Bids on the Franklinton water project will be opened on October 2, according to an announcement last week. The project, which includes a water treatment plant, a dam and a raw water pumping station is expected to cost in the neighborhood of \$540,000.

Franklinton voters went to the polls twice to approve bond issues for water system improvements. In December of 1966, the vote was 295-14 in favor of the bonds and again in August, 1967 a \$100,000 bond issue was approved.

The Town of Franklinton originally petitioned the federal government for a grant of \$285,000 and a loan of \$295,000 for the project. After several months, a grant of \$100,000 was approved and a loan of \$440,000 was agreed to. The change in federal grant necessitated the second bond election.

Mayor Joe Pearce expressed his pleasure that the project was about to get underway. Franklinton has had a critical water shortage, particularly in 1966 and 1967. This year, emergency measures were taken early, which has eased the situation considerably.

In connection with the water system improvement project it was dis-

## Fountain Investigates Franklin School Situation

Superintendent of Schools Warren Smith said early today that preliminary reports indicate a slight increase in school attendance today over Monday and everything was orderly throughout the county system.

Smith announced that 70 percent of the students expected showed up for Friday's registration and 72 percent attended the first of the

required 180 days Monday. Opening day last year showed 81 percent attendance.

Second District Congressman L. H. Fountain was in the county Monday to view first hand the opening of schools. The Congressman who had sent his assistant Marilyn Aycock to talk with local school officials about the situation three weeks ago, had been kept advised of

the situation here. In the past several days, a number of local citizens had called and written him expressing concern over conditions.

Aycock, meanwhile had called regularly during the time, and had set up an appointment Monday with Board member Clint Fuller to visit the schools. Congressman Fountain, not certain his schedule would allow time for a visit, managed to arrange to be here a major part of the day and to witness firsthand the events of opening day.

He was accompanied on his tour by Fuller and Board member William T. Boone and he met with Board attorney E. F. Yarborough. At the schools and in downtown Louisburg, he talked with private citizens, principals, teachers, parents and students. Also with the Congressman was Edgar Norfleet, an assistant.

Fountain expressed "grave concern about the way HEW and the courts in the South have endeavored to carry out the decrees of the (Supreme) court". He said they have "failed to take into account any local problems and situations for the general welfare of the children".

"I doubt they have adequately examined each situation fully", he added.

He said he was in Franklin County because, "I'm concerned about the welfare and the continued existence of the fine school system that has a good image all over America".

He also said, "I cannot hold any concrete hope to anyone as to what will transpire", explaining that he is but one of 435 members of Congress.

Aycock remained here with instructions to assemble all available information pertaining to the case and was still busily at work on it today. He has conferred with Fuller, Yarborough and Smith today and indicated that he will return to Washington tonight.

Congressman Fountain was shown classrooms being used by students, fire and safety precautions and sanitary conditions. He also witnessed the loading of buses at Louisburg High School. He met some teachers and students, who were at the time, choosing their subjects.

He was also shown maps, court orders and other documents connected with the current Franklin School situation. He met briefly with a group of parents, some of whom were leaders of the Committee for the Preservation of the Public Schools.



View School Opening

Congressman L. H. Fountain is pictured above, second from the left, on his tour here Monday to see first hand the opening of Franklin County schools under a federal court order. Accompanying the Congressman on the tour were Times Editor Clint Fuller, left, William T. Boone, both members of the Board of Education and Marilyn Aycock, assistant to the Congressman. Congressman Fountain spent a major part of the day visiting schools and talking with principals, teachers, parents and students. He also attended a conference with school officials and attorney E. F. Yarborough and met briefly with a delegation of private citizens on the school situation.

## School Attendance Is Seventy Percent

Amidst some confusion and much dissatisfaction, Franklin County schools opened last Friday under a federal court order issued by U. S. Eastern District Court Judge Algernon Butler last month. Under terms of the order, all schools in the county are totally integrated.

Schools Superintendent Warren Smith said that seventy percent of the enrollment expected registered at the various schools last Friday. Figures on Monday's attendance are not yet available. The figure is somewhat

year. However, leaflets advocating that all parents boycott the schools passed out a few hours before the Friday 1:30 P.M. bell-ringing, were said to have caused some to keep their children at home.

One erroneous report circulated that the leaflet said there would be a disturbance at the Louisburg School. This was totally unfounded. The leaflets asked only that parents keep their children at home and expressed the belief that by doing so freedom of choice might be reinstated.

There were no threats or mention of violence nor were any school officials criticized in the leaflets. The Committee for the Preservation of the Public Schools distributed the leaflets and signed them.

There was however, confusion in most of the schools. Buses were late in many cases and some parents were disturbed at the ratio in the temporary

rooms to which their children were assigned for the purpose of registering. However, the ratio will differ once permanent classrooms are organized.

## FBI Here Despite School Board Objection

Agents of the Federal Bureau of Investigation were in Franklin County Friday, Monday and again today in spite of an official protest by the Board of Education. The Board had requested that the agents not come to the county, contending that their presence would serve no useful purpose and would only worsen an already serious situation in school opening.

The FBI contended that the agents would be here to "observe" only and in view of the protest, reported that agents would appear only at Louisburg, Bunn and Youngsville. However, school officials report that two agents were stationed at each school in the county.

A number of citizens have expressed opposition to their presence, including some local law enforcement agents.

The first official protest, by the Board was filed with assistant Attorney General Stephen Pollock in Washington. A second protest was registered this morning and U. S. Senator B. Everett Jordan was also contacted to see if he could aid in having the federal agents removed.

The Board is fearful that the presence of the FBI might serve as an indication that trouble is expected and thereby cause more parents to keep their children at home according to reports. In the three days of school thus far there have been no incidents, minor or major although the schools were totally integrated at the start last

Friday.

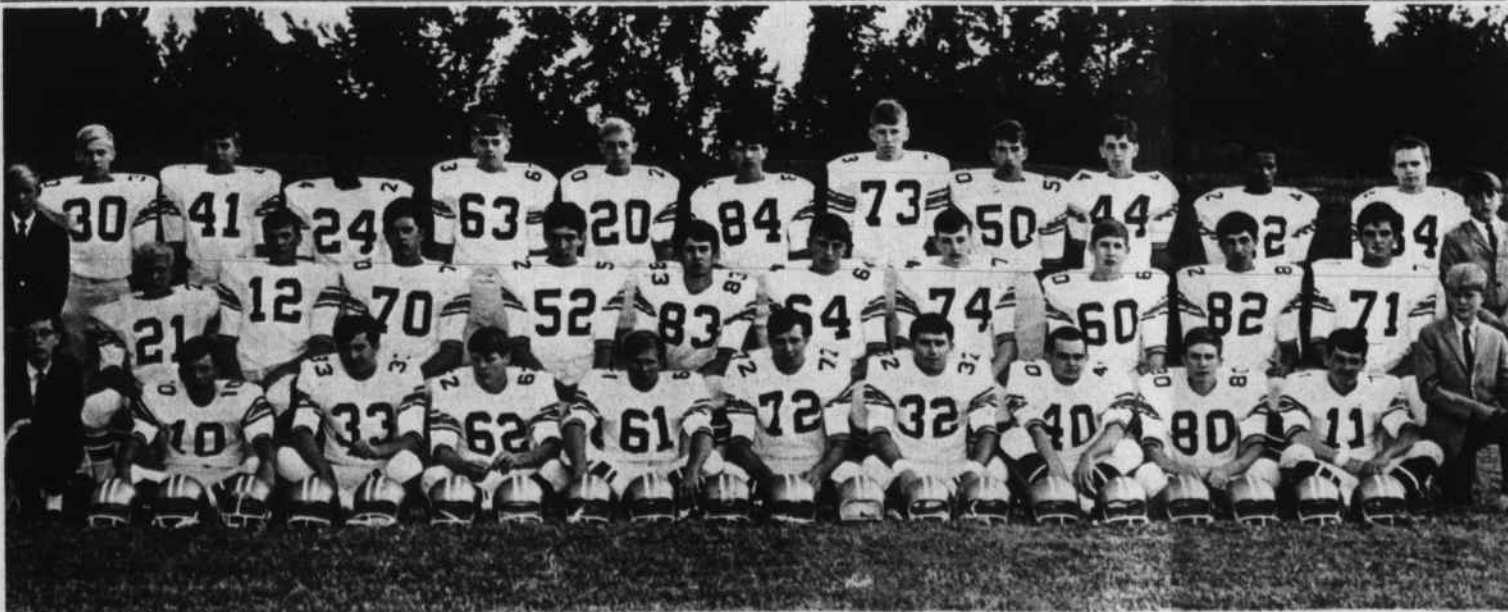
Congressman L. H. Fountain observed four agents at Louisburg High School and two more at Louisburg Elementary Monday. He made no public comment, but he was visibly disturbed to find them here.

At least two Justice Department attorneys were on hand Monday, one Mr. Francis Kennedy, an attorney in the Franklin case and his associate, identified as Mr. Craven, son of U. S. Fourth Circuit Judge Braxton Craven of Morganton, N. C. One unconfirmed report said they were seen on the Louisburg High School campus, which would have been in violation of School Board regulations that no reporters or outside officials go on the school grounds during this period. The FBI did, however, abide by the Board's request that they not enter upon school premises.

How, long the surveillance by the federal agents is to continue has not been told. The Board, however, intends to continue its efforts to have them removed, it was learned.

## Weather

Mostly cloudy and mild, showers or thundershowers today. Mostly cloudy with showers ending Wednesday. Low today, about 65; high near 80.



Biggest Win In Eight Years

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