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Defendants Answer County Complaints

The defendants in the action brought by Carteret county against the Simmons Construction Corporation and several individuals have filed their answers with the Board of County Commissioners and the Clerk of the Superior Court. The substance of these replies, some of which are of considerable length, is that all charges of wrong doing are absolutely denied.

The defendants say that the roads were built in accordance with the specifications. That proper materials were used and that good machinery and competent workmen did the work under capable supervision. In addition to denying the allegations the respondents say that the present County authorities have willfully allowed the roads to deteriorate in order to saddle the blame upon the defendants.

A few extracts from the answer of former County Engineer George J. Brooks may be of some interest to readers of this newspaper. The defendant "Moves to require the plaintiffs to make more definite and certain the allegations in its complaint with respect to allegation five, allegation seven, allegation fifteen and allegation eighteen." "Also moves that plaintiff be required to file in ten days after receipt of copy of motion in Clerk's office a memorandum in nature of a bill of particulars setting up in detail all items which it considers the basis of the allegation in paragraph fifteen of its complaint and in the 18th allegation of its complaint; and a statement locating, with reference to place or places, at which measurements are alleged to have been taken and the place or places on said roads at which pipe or culvert measurements have been taken. "Paragraphs five, six, seven, eight and several others are denied.

As to paragraph seventeen the answer says the condition of roads "is caused solely by and is due entirely to the careless and wilful neglect of the present road governing authorities of Carteret county in that they failed to undertake and maintain or repair the roadway, the surface thereof, the shoulders or the drains and permitted and have permitted the rain to undermine and disintegrate the said roads, refusing and failing to undertake to prevent water seeping into and disintegrating the materials of the said roads." "Have deliberately and purposely undertaken and do continue to purposely, deliberately and wilfully undertake to neglect said roads, all with the view and purpose of creating and causing conditions of which they complain."

The answer also alleges that the roads were built "in accordance with contract specifications, with improved mechanical appliances, competent workmen and expert management. It asserts that with inspection by any fairly competent engineer the roads will be found of construction in every detail in accordance with specifications in the contract. It says that the defendant was employed as engineer upon competitive bidding and that his bid is on file with the Board of Commissioners and that he has received no sum whatever except such as were due him. It says materials were bought from reliable concerns. That he the defendant has never been requested to aid, assist or advise or cooperate with them in undertaking to ascertain the truth in regard to the said roads or in maintenance thereof. He has been willing at all times to advise said authorities and to furnish information regarding said roads and to assist in maintaining them. The answer is signed by C. R. Wheatly and J. F. Duncan attorneys for the defendant.

Answers have been filed by F. M. Simmons and Simmons Construction Corporation through their attorneys J. F. Duncan and Moore and Dunn, W. L. Stancil makes answer through Ward and Ward attorneys, C. K. Howe is represented by Ward and George W. Huntley by attorney Luther Hamilton.

U. S. Marshal Taylor Hands In Resignation

Raleigh, Dec. 31—The resignation of Deputy U. S. Marshal, J. W. Taylor, in charge of the New Bern division, whose car was caught with 94 gallons of whiskey in it after a several mile chase, was asked yesterday by United States Marshal R. W. Ward.

Taylor, who was not in the car at the time it was overhauled at Warsaw wired his resignation to Marshal Ward last night.

"Doc" Floyd, of New Bern, who was driving Taylor's machine was tried at Kinston and ordered to pay a \$1,000 fine or to serve 18 months in jail.

Investigation showed, Marshal Ward was reported to have said, that the title to the car was vested in Taylor's name.

The officer was quoted as saying: "Things being like they are, there was nothing else I could do but to leave word for Taylor to resign. I expect to go out of office soon, but when I go out I intend to go with clean hands. If necessary I'll fire every deputy I have to uphold the honor and dignity of this office."

INLET INN CLOSES AFTER SEVERAL YEARS OPERATION

After having been operated for several years by W. L. Derrickson the Inlet Inn has been closed. Mr. Derrickson is the proprietor of the Gaston Hotel in New Bern. Mr. and Mrs. D. J. Saunders who have acted as local managers of the Inlet Inn left on Tuesday for New Bern. Their former home is at Farmington, Illinois. They have made many friends who regret to see them leave. The Inlet Inn is owned by a stock company composed mostly of Beaufort men. The News has not learned what the plans of the owners of the property are. The Inlet Inn site is regarded as a very desirable one for hotel purposes.

Hearing In County Suits Is Postponed

Acting on the request of attorneys for the County Judge Garland E. Midyette signed an order recently directing Superior Court Clerk L. W. Hassell to turn over all records taken at the hearings in the county suits against F. M. Simmons, Simmons Construction Corporation and others to be reviewed before a Superior Court Judge. The hearing before this judge will take place in New Bern next Tuesday at 10 o'clock. This action is somewhat in the nature of a certiorari.

The order of Judge Midyette also directs the Clerk of the Court not to hold any more hearings unless instructed to do so by the Superior Court Judge. Attorneys for the county claim that much matter has been admitted at the hearings which was not pertinent to the answers to the complaints. The lawyers on the other side contend that the hearing before the Clerk is entirely proper and will ask that the matter be referred back to the Clerk for such further examination as may be necessary.

MARRIAGE LICENSES

Leslie Lassiter and Alice Branch, Beaufort.
W. E. Skarren Jr., Beaufort and Ola Belle Lewis, Morehead City.
A. M. Willis, Morehead City and Norma Lewis, Smyrna.
Uzzell Lewis and Pearl Gillikin, Otway.
Cecil L. Oglesby, Morehead City and Lottie Parker Bogue.
Carl Bowers Beaufort and Pauline Lupton, Roe.
C. H. Barker and Ruby Hall, Morehead City.
Hugh Gillikin and Nannie B. Lawrence, Beaufort, R. F. D.
R. L. Willis and Ovilla Willis, Morehead City.

MUSICAL AT ST PAUL'S EPISCOPAL CHURCH

There will be a musical recital at the St. Paul's Episcopal church Friday evening at 7:30. Mr. Theodore Webb will be at the organ and soloists will be Mrs. H. M. Hendrix, Mr. M. L. Davis, Dr. F. E. Hyde, Mr. Vache, from Beaufort, Miss Brockwell from Morehead City, and Miss Brockwell violinist from Morehead City. Silver offering will be taken at the door for the Building Fund.

ST. LOUIS MAN HERE IS FAVORABLY IMPRESSED

Mr. Benjamin Hill of St. Louis, Mo., representing a group of capitalists has been in the county this week getting information about the "Open Grounds," the climate and other matters pertaining to this section. Mr. Hill has expressed himself to a reporter for the News as well as to various other persons, that he is much pleased with what he has seen. The weather has been quite pleasant during his stay here and he thinks the climate is delightful. He also admires the scenery and other attractions very greatly. Mr. Hill made a talk to the Rotary Club meeting at the Davis House Tuesday evening and expressed himself along these lines. This afternoon he is making another trip to the Open Grounds in company with Mr. Seth Gibbs. He expects to leave tomorrow for St. Louis where he will make a report to those whom he represents.

Fishermen-Hunters Had Meeting Today

The dispute between the hunters and fishermen as to their respective rights in Core Sound was aired here today at a hearing before U. S. District Engineer W. A. Snow assisted by Engineer H. T. Patterson.

E. H. Gorham presented a petition on behalf of the fishermen which asserted that the blinds in the sound were in a good many instances a menace to navigation and that they interfered with fishermen in their work. It was asserted that several boats had been injured by running into the blinds. It was said that 153 persons had signed this petition.

On the side of the hunters Messrs. Luther Hamilton, C. R. Wheatly and J. F. Duncan made short statements and suggestions. U. S. Game Warden W. L. Birch also made a statement favoring the position of the hunters. J. T. Gaskill, D. Fulcher and Charles Mason spoke briefly on the side of the fishermen.

Major Snow said the Government's interest in the matter related to the question of navigation and suggested that perhaps the State authorities could settle the matter more satisfactorily than he could. He said that he would make his report to the Chief Engineer and in due course a reply would be made public. Col. J. W. Harrelson, Chairman of the State Board of Conservation and Development was present and took charge of the meeting after Major Snow had left and heard some further argument and proposals. It was suggested that the two sides have a meeting before Fisheries Commissioner John A. Nelson and see if they could not come to an understanding. At present the matter seems to be about where it was when the controversy began. A good sized crowd attended the hearing.

CAR RUNS INTO ANOTHER ONE STANDING STILL

Two cars were damaged somewhat and Charlie Wolfe, a Beaufort fisherman was injured in a car accident that took place on Ann street near Orange Tuesday night. Mr. Wolfe and Mr. Eric Anderson were riding a Dodge car belonging to Mr. Moses Austin and ran into a Pontiac sedan owned by Mrs. A. D. O'Bryan which was standing in front of the home of her father Mr. N. W. Taylor. Both cars sustained some damage. Mr. Wolfe was thrown through the windshield and cut about the face. He was taken to the Emergency Hospital for treatment and is out now. Warrants were issued for both men for being drunk and driving while under the influence of liquor.

MRS. PATTEN DIES FROM BURNS SUSTAINED SUNDAY

New Bern, Jan. 1—Mrs. Edith Judy Patten wife of Harry A. Patten, prominent county dairyman, passed away this morning at seven o'clock at a local hospital, where she was taken Sunday afternoon with severe body and facial burns sustained in a fire that completely destroyed her home and practically all its furniture, on Neuse river, about three miles from New Bern.

Besides her husband, H. A. Patten, former president of the Craven County Farmers' club, the deceased is survived by three children; Allen Patten aged 12, Elizabeth, aged ten, and Billy, aged four; her parents, Mr. and Mrs. A. H. Judy, of Ashland, Va. one brother; Harrison Judy, of Philadelphia; and two sisters; Miss Elizabeth Judy, of Ashland, Va., and

MUCH DRUNKENNESS AIRED IN COURT

School Fund Receives Considerable Help From Police Court Fines

Possible the biggest docket ever tried in Beaufort Police Court was disposed of by Mayor Chadwick at the city hall Friday afternoon. Every case tried was connected with liquor in some way most of them were just plain drunks. Several defendants failed to put in their appearance and their troubles will be aired next Friday afternoon if they can be brought into court. The Mayor instructed the officers to get bonds for all of those who failed to show up.

Although the docket was large Friday afternoon it was finished in less than an hour. Nearly every one entered a plea of guilty and was given his sentence in short order. Mayor Chadwick issued an announcement that may be of considerable interest when he stated that after January 1 old offenders in drunk cases would not be let off with fines. It will be go to jail and work on the streets. The record follows:

Emma Barber, colored woman through her attorney C. R. Wheatly entered a plea of not guilty to the charge of having liquor in her possession for the purpose of sale. Police officers Longest and Holland testified that they raided her home recently and found a small quantity of liquor and also evidences that some liquor had been poured out to avoid detection. She was held for Recorder's Court under a bond of \$150.

Walter Joyner, colored, plead guilty to having been drunk on the 15th and 25 of December. He was fined \$2.50 and costs in one case and \$5 and costs in the other or 10 and 15 days on the streets.

Manson Pettway, colored, drunk charge, plead guilty and fined \$2.50 and costs or 10 days.

John C. Wolfe, drunk on the 14th, submitted. Fined \$2.50 and costs.

McKinley Godett, colored, drunk on the 15th. He admitted it and as it was his second offense was fined \$5 and costs or 20 days.

Edward Chadwick, colored, drunk and disorderly. He plead guilty and was fined \$5 and costs or 10 days.

Barney Dixon, drunk. He submitted and was given \$5 and costs or 10 days.

Owen Vann colored, drunk, admitted it and got off with a fine of \$2.50 and costs.

Carlton Parkin, fighting. Plead guilty, \$5 and costs.

Thos. Parkins, drunk on the 14th. His first offense and got off with \$2.50 and costs.

Tom Sadler, drunk. First time in court and was given \$2.50 and costs.

Dan Chadwick drunk on the 15th. He was fined \$10 and costs or 10 days.

Louis Jones, colored, drunk. His first time up and got the usual \$2.50 and costs.

S. A. Rice, plead guilty to a drunk charge and was given \$5 and costs. Not first offense.

Bonner Willis, two charges of drunkenness. He was fined \$5 and costs in one case and \$10 and costs in the other.

Leo Wigfall, colored, drunk, third time up. He was fined \$10 and costs in one case and \$20 and costs in the other or serve 50 days on the streets.

Mark Washington, colored. He had been up several times before and Mayor Chadwick said he would try a 30 day sentence on him as a fine was no good.

Herbert Springle charged with transporting liquor, admitted it and was bound over to Recorder's Court under a \$100 bond.

Herbert Smith, transporting was also bound over under a \$100 bond.

Charles (Dick) Chadwick, colored, drunk, submitted and fined \$2.50 and costs.

Floyd Robinson, drunk, fined \$2.50 and cost. Those called and failed were Calvin Taylor, Clem Davis Price Johnson, Herbert Morton, Sam Worth, Moses Austin, Jack Smith, Charles Smith, Holoway Mason, John Morton, Jack Everett, Marion Noe, Charles Owens Jr.

EMANCIPATION CELEBRATION TOOK PLACE HERE YESTERDAY

For the first time in several years Beaufort's colored population celebrated Emancipation Day here. In former years this was a regular New Year feature in most Southern communities. There was a considerable parade here yesterday after which the crowd assembled at Purvis Chapel and heard a program of speeches and songs appropriate to the occasion.

Mrs. W. G. Keckler, of Fredericksburg, Va.

Negro Hospital Seems Assured For New Bern

New Bern, Dec. 26—The proposed negro hospital is virtually assured for New Bern, with news that the Rosenwald fund officials have agreed to make an appropriation, in co-operation with the Duke endowment and the Episcopal church.

The Episcopal diocese of East Carolina made a survey of its negro work three years ago to discover its general situation and needs. It was found that one of the greatest services it could render would be to provide some form of hospitalization for the 290,000 negroes within the bounds of the diocese.

The report of the committee of the survey, of which Rev. R. L. Johnson, rector of St. Cyprian's negro church, of this city, was chairman, was approved by Bishop Thomas C. Darst and the committee of evaluation, of which Dr. William Milton, of Wilmington, is chairman. The plan was given the unanimous indorsement of the annual convention.

Since then Bishop Darst has been in conference with Dr. W. S. Rankin, of the Duke endowment and Dr. Michael Davis, of the Rosenwald fund. It is highly probable that the Duke endowment will give one-half of the construction and equipment cost. The Rosenwald policy, which was unsettled, has now been formulated and in its present shape will include within its terms such hospitals as the one planned for this diocese.

TWO NEW BERN NEWSPAPERS ARE SOLD TO ALABAMA MEN

New Bern, Dec. 24—Toady's editions of the Sun-Journal printed the announcement of the sale of that paper and the Morning New Bernian by J. B. Dawson, the former owner of the New Bern Publishing company, Inc.

The new company has been formed by Aaron Miller, former owner of the Tualoosa, Ala. News; T. M. Diggs, who has been associated with Mr. Miller at Tuscaloosa for several years and Roy Garber, formerly with the Mobile Register and Birmingham Age-Herald. The new owners assumed charge today.

WILLISTON MAN WILL TRY TO RAISE OYSTERS

Oyster farming in Carteret county is going to be tried by one citizen if no more. Mr. A. W. Willis of Williston has leased five acres of bottom from Fisheries Commissioner John A. Nelson and will give the thing a trial. Later he may lease more bottoms. The location of Mr. Willis' proposed beds is in Jarrott's Bay at Williston. This is reputed to be a fine place for oysters and some very fine native ones are taken from this spot of water. Mr. Willis expects to seed the bottom he has leased very soon and hopes to get good results from his work and investment. Some of his neighbors predict that he will be successful and are thinking of following his example. Others are inclined to think that the undertaking will not be a success.

The North Carolina Crop Improvement Association is now a member of the International Association and thus has the assurance of a wider market for the certified seeds produced under the guarantee of the local association.

TIDE TABLE

Information as to the tides at Beaufort is given in this column. The figures are approximately correct and based on tables furnished by the U. S. Geobiotic Survey. Some allowances must be made for variations in the wind and also with respect to the locality, that is whether near the inlet or at the heads of the estuaries.

High Tide	Friday, Jan. 3	Low Tide
9:59 A. M.	3:32 A. M.	
10:30 P. M.	4:16 P. M.	
	Saturday, Jan. 4	
10:33 A. M.	4:14 A. M.	
11:05 P. M.	4:55 P. M.	
	Sunday, Jan. 5	
11:05 A. M.	5:00 A. M.	
11:14 P. M.	5:34 P. M.	
	Monday, Jan. 6	
11:55 A. M.	5:49 A. M.	
11:54 P. M.	6:15 P. M.	
	Tuesday, Jan. 7	
12:40 A. M.	6:44 A. M.	
12:43 P. M.	7:00 P. M.	
	Wednesday, Jan. 8	
1:34 A. M.	7:45 A. M.	
1:39 P. M.	7:51 P. M.	
	Thursday, Jan. 9	
2:31 A. M.	8:48 A. M.	
2:42 P. M.	8:45 P. M.	

DAR ISLAND IN CENTER OF STAGE AT COUNTY COURT

Captain J. J. Day Convicted of Assault Upon Four Men APPEALS TO SUPERIOR COURT

It was certainly Cedar Island day in County Recorder's Court Tuesday. A large proportion of the male population of that community and a good many of the women folks as well were present for the trial which took place and involved Captain J. J. Day and Cicero Goodwin, Dennis Goodwin, Eugene Koonce and Melvin Styron. It is probable that a hundred people or thereabouts, from Cedar Island attended the trial, many of whom had been subpoenaed as witnesses. The trial lasted from about eleven to one and then after adjournment until two was resumed and ended at fifteen minutes after five. It resulted in the conviction of Captain Day on the assault charge and the acquittal of the other four men.

Before the Cedar Island case was taken up several other cases were tried. They did not take much time as there were several submissions. The first case tried was that of Chas. Owens Jr., for violating the prohibition law by having a half gallon or such matter of wine in his possession when found in the cemetery by officers Longest and Holland.

Attorney Luther Hamilton representing Owens entered a plea of nolo contendere and his client was let off with a fine of \$25 and costs.

Hubert Springle plead guilty to a charge of transporting liquor and was given the privilege of paying \$25 and costs or serving four months in jail.

Hubert Smith on the same charge as Springle was given the same sentence.

Emma Barber a colored woman sent up from the Mayor's Court, was tried on the charge of possession of Whiskey for the purpose of sale. She was defended by C. R. Wheatly who plead not guilty for her. Chief of Police Longest testified that he and Officer Holland raided the woman's house and found a small quantity of liquor in a jar. There was some liquor under the bed and the bed clothing appeared to be pretty well saturated with it. Officer Holland corroborated this statement. A white man and a colored woman were visitors in the house at the time it was raided so the officers said. Mr. Wheatly moved for a dismissal as the liquor was in the woman's home. He was overruled by the court and a fine of \$100 and costs imposed upon her and a jail sentence of four months, the latter not to go into effect if she paid the fine. An appeal to Superior Court was taken and bond of \$150 required which the defendant gave.

The case wherein W. H. Wright was charged with driving a car recklessly and without lights caused something of a contest. He was defended by Attorney A. B. Morris. Attorney Alvah Hamilton assisted Solicitor Duncan in the prosecution. Manly Willis, prosecuting witness testified that Wright ran into his car at the corner of Evans and 9th streets in Morehead City. Wright's defense was that he had the right of way. He is from Johnston county and is a workman on the new school building. The case was dismissed. The damage to the Willis car amounted to \$22 so he stated.

The Cedar Island case started out as an indictment of Captain Day for assault with a deadly weapon upon the two Goodwins and Koonce and Styron. However a warrant was issued on Tuesday morning for the four men on the charge of assaulting Captain Day. This was returnable before Justice Henry Noe. After some discussion between the lawyers it was finally agreed that the original warrant should be amended to include the Goodwins, Koonce and Styron and try all at one time. Captain Day was defended by attorneys Larry Moore and George Willis of New Bern and C. R. Wheatly of Beaufort. The other defendants were represented by Attorneys J. F. Duncan of Beaufort and D. L. Ward Jr., of New Bern. Solicitor G. W. Duncan prosecuted all of the defendants.

Cicero Goodwin was the first witness examined. He testified that on November 27 he and Dennis Goodwin, Eugene Koonce and Melvin Styron were at Beach Shoal building a goose blind. That Captain Day came towards them in a skiff, got out fastened his boat and advanced upon them in a threatening manner with a shot gun in one hand and a large revolver in the other. He said that Day used very abusive and profane

(Continued on page five)