

# THE BEAUFORT NEWS

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NUMBER 1

## Supreme Court Upholds Morehead's Bond Issue

### Morehead City May Now Issue \$400,000.00 for Building Port Terminal at That City; Case Was Brought Up By W. M. Webb to Test Constitutionality of Proposed Bond Issue.

The Supreme Court yesterday removed the Constitutionality obstacle from the path of the development of port terminals at Morehead City. Chief Justice Stacy announced that in conference Tuesday the court decided by majority opinion to affirm the lower court judgment upholding the 1933 statute creating the Morehead City Port Commission and authorizing issuance of \$400,000 in bonds.

It had already been indicated by the Public Works Administration Advisory in Washington that it would approve the project as soon as its legal status was fixed and the announcement of the court was expedited in order that the loan might be completed and work commenced on the Carteret county project.

The court will not hand down opinions in regular course until January 10, and the formal opinions in the Morehead case may or may not be delivered then.

The case was brought up on a test case by W. M. Webb, Morehead City taxpayer, who appealed from judgment of Judge J. Paul Frizzelle in Carteret Superior Court upholding the constitutionality of the port terminal act.

The bill was sponsored in the Legislature by Representative Luther Hamilton, Carteret county representative who is now a candidate for Congress. The measure authorized issuance of the bonds and sale of the PWA without vote of the people.

The act provides that all rentals from terminals to be rested will be applied to the bonds and there is also provision for a ten cent ad valorem tax.

The Council of State has agreed to request legislative authority to pledge the rentals from the State owned Atlantic and North Carolina Railroad toward payment of the bonds.

The PWA also has been requested to grant \$90,000 for dredging the Morehead Port.

### ALL'S WELL THAT ENDS WELL

This issue of the News has been gotten out under considerable difficulty. Mr. Mebane, the editor of the paper, has been ill with flu for a week and our linotype operator, Mr. William Hattell has been seriously ill. Another member of the force has been sick, but has managed to carry on. Mr. Mathias "Pat" Starren, of New Bern, formerly of Beaufort, has come down late every afternoon and worked until late in the night on the paper and this, with the assistance of several friends, including the Reverend Worth Wicker and the Reverend H. A. Welker who wrote some editorials, has made this issue possible. The News has been under its present management eighteen years and has never missed a single issue during that time, although several times it has come nearly doing it. We are pleased to be able to keep that record intact.

### MR. GERKIN BURIED AT PINETOWN SUNDAY

The death of Mr. Cecil Gerkins following a rather short illness occurred at Potter hospital last Saturday afternoon. The body was removed to his home on Orange street, where a short service was held Sunday by the Reverend J. P. Harris, and the remains were then taken to Pinetown for interment. Members of the Carteret Post 99 of the American Legion acted as pallbearers and accompanied the body to Pinetown.

Mr. Gerkin leaves a host of friends.

He was a native of Pinetown and was just 37 years of age.

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## UNUSUAL TYPE OF MAN PASSES AWAY

### Vernon Marshall Dies After Protracted Illness; Somewhat Eccentric But a Good Citizen

Carteret county lost one of its most widely known citizens when William Vernon Marshall passed away at one a. m. Friday morning at his home on North River road. He was in his fifty-eighth year, having been born at the old Marshall homestead March 19, 1876.

About fifteen months ago Mr. Marshall suffered a paralytic stroke, which has since resulted in invalidism. He was carried to the Morehead City hospital for treatment, where he remained for two weeks. At times during the past year he has been able to be taken to ride in an automobile. He had grown gradually worse during the past several weeks, and because of this the end was not unexpected.

For many years the ox and cart of Mr. Marshall's was a familiar sight to the townspeople here in Beaufort. He usually came into town early Saturday morning and sold vegetables around the streets. "Haman" potatoes and a special variety of peanuts were his specialties.

The memory of the Marshall ox and cart is indelibly stamped in the minds of both old and young of this community. About a decade ago Mr. Marshall purchased a new Ford coupe. Whenever the automobile wouldn't run, Mr. Marshall would hitch his ox to the front axle of the vehicle and bring the car into town to a garage for the necessary repairs. When the Special Bridge Edition of the Beaufort News was issued on Thanksgiving day, 1927, a picture of Mr. Marshall and his ox and cart was printed as one of the features.

His entire life was spent upon the farm where he was born, and after his parents passed away he lived by himself a large part of the time.

Mr. Marshall was known to be a good farmer, who conducted his farm on a live-at-home basis. He was an honest, law-abiding, well-thought-of citizen, whose thrift enabled him to accumulate—along with an inheritance—some twelve thousand dollars. This was on deposit at the Bank of Beaufort, and when this institution closed its doors two years ago the small fortune was swept away. It is thought that this loss which preyed upon his mind, may have brought on the stroke of paralysis which finally resulted in Mr. Marshall's death early last Friday morning.

Just after the paralytic stroke was sustained, Mr. Marshall made a will in which he left the greater part of his property—which included his farm and home—to Mr. and Mrs. R. B. King, on condition that the Kings should take care of him during the rest of his lifetime. L. W. Hassell was named executor of the will. One of the other conditions stipulated in the will was that his farm animals should be properly cared for also. Mr. Marshall's beloved ox did not live long after the beginning of his master's final illness. The Kings accepted the conditions of the will, and it is said that they have taken excellent care of Mr. Marshall and the Marshall farm and farmstead during the past fifteen months.

Mr. Marshall, who was known to his many friends as "Vernon," was the son of John and Mary F. Dudley Marshall.

Funeral services were conducted from the late home Friday afternoon at 2 o'clock by the Rev. C. B. Culbreth, pastor of the Ann Street M. E. church. The Methodist choir was in attendance. A large crowd of friends and relatives were present for the last rites, and many beautiful floral designs were sent. Interment was in the Fulcher cemetery on North River road.

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## NEW YEAR'S EVE IS WIFE'S JINX

### Husband Chases Her From Home of Neighbor and Murders Her With Knife

It started out as a heated New Year's party, but it ended up in a drunken brawl and a murder. This happened up in the Upper North River section, which is inhabited principally by Negro.

From the testimony witnesses gave at the inquest held Tuesday afternoon at two o'clock, it seemed that Nellie Foscoe, wife of James Foscoe, was over at a neighbors home on Sunday evening. Between ten and eleven o'clock James went over to the neighbor's and his wife ran out into the road. James followed hotly on her trail.

Nellie was heard to yell out, as if she was being tortured. When other members of the party arrived on the scene, Nellie was lying prone in the road and blood was streaming from what proved to be a large and deep back wound. It is alleged that James knifed his wife after chasing her from her friend's home. Just a few minutes after she was chased from the house, Nellie died from the wound.

Upon examination, it is said that the body showed that the knife had pierced the heart and had severed a portion of her liver.

As a result of the evidence given at the inquest, Coroner George W. Dill is having James Foscoe held in the county jail without privilege of bond, charged with first degree murder, until the grand jury meets at the March term of Superior court here.

## THIRTEEN YEAR OLD BOY DIES OF PNEUMONIA

George Thomas Fulcher, the thirteen year old son of Mr. and Mrs. Lee Fulcher of Wildwood, died Monday, following an attack of double pneumonia. George was stricken with pneumonia Saturday and was critically ill from the first. He was a popular boy and had lots of friends. Funeral services were held at the Presbyterian church at Wildwood by the Reverend Hall, pastor of the church, assisted by the Reverend Louie Lewis of Marshallberg. Interment was in the family plot.

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## TAKE UP ROUTINE MATTERS TUESDAY

### County Commissioners Hold Monthly Meeting Day After New Year's

The Board of County Commissioners met Tuesday morning instead of Monday owing to the fact that Monday was New Year's. The following members were present; Vice-Chairman W. P. Smith, E. H. Guthrie, W. Z. McCabe, and Martin Guthrie. In the absence of Chairman W. M. Webb, Vice-Chairman W. P. Smith presided.

The meeting was not a very lengthy one, due to the fact that there was little more than the usual routine business to attend to. The following is a summary of the meeting:

Commissioner Guthrie made a motion which was seconded by Commissioner McCabe and carried that the county auditor be instructed to use a \$1,000 state bond given to Carteret County by the Bank of Morehead City, securing county funds, in paying a note due the state of North Carolina.

It was ordered upon motion of Commissioner McCabe, seconded by Commissioner Guthrie that the county pay \$10.90 on burial expenses of Parlie Lewis.

It was ordered that the county annex building be closed to all schools for playing games. This was put in form of motion by Commissioner Guthrie, seconded by Commissioner Fulcher and approved.

Letter of Honorable J. F. Duncanson, representing the Ben Hur Life Association, with reference to interest on Carteret county bonds was referred to County Attorney Honorable Luther Hamilton after some discussion.

The case of Jasper Lupton was brought up and upon motion of Commissioner Fulcher, seconded by Commissioner McCabe and approved by the meeting, it was ordered that he be placed on the poor list and is to receive five dollars per month.

The county auditor was instructed to adjust the poll tax of Mary Moore of Morehead City. This was brought to the attention of the meeting in form of motion presented by Commissioner Fulcher, seconded by Commissioner McCabe and approved.

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## Lookout Highway Project Seems Very Probable Now

### Governor Ehringhaus Gives His Support to Proposed Highway to Cape Lookout; Intimated That He May Go to Washington With Delegation on Behalf of This Project.

RALEIGH, Jan. 2.—Governor Ehringhaus yesterday began to give serious consideration to a proposal made to him by a group of citizens from New Bern, Beaufort and other points on the State owned Atlantic and North Carolina Railroad that the State push a project, to be financed by the Public Works Administration for development of a port at Lookout Harbor.

Governor Ehringhaus expressed himself as greatly interested, on the grounds that the project would save the State at least \$1,000,000 in freight rates annually and would greatly enhance the value of the State owned railroad, which had ceased to be profitable for the time being in default of rentals of the Norfolk Southern, the leasing road.

However the Governor withheld decision on an invitation to head a delegation to Washington to present the matter to federal authorities, pending a further study to the situation, particularly the legal status of the contract between the State and the Norfolk Southern, now in the hands of receivers.

But while the Governor will probably confer with other officials before reaching any definite decision, he yesterday expressed himself as definitely interested in the project to build a causeway from Beaufort to Harbor's Island, a distance of eight miles, at an estimated cost of \$600,000. Railroad facilities over the causeway would cost between \$200,000 and \$300,000 more, and Congress has already made available more than \$1,000,000 for the improvement of Lookout Harbor, one.

subject to its receiving rail connections. "I think that now the Supreme Court has approved the validity of the \$400,000 bond issue for port terminal facilities at Morehead City that the whole situation is ripe for study and I am making a study of the situation in all of its aspects," stated the Governor.

"I regard the Morehead City development and the proposed project at Harbor's Island as all one project," he added. "Eight miles is nothing in these times, and with the two projects Morehead City would handle the inland waterway shipping and a deep sea port would mean that a city would be built there. I recently saw a statement of the merchandise passing through the port of Norfolk, and it was obvious that most of it originated in this State. A port at Lookout would avoid the dangers of Hatteras and would be nearer to many ports of the world, and nearer to many important cities of this country."

The delegation calling upon the Governor yesterday included Thomas D. Warren, Emmett Whitehurst and William Dunn, of New Bern; John G. Dawson and Osborne Harris, of Kinston, and Dr. C. S. Maxwell, of Beaufort.

Port development for the State was ardently supported by Gov. Cameron Morrison, and was defeated at the polls in 1924 at the close of his administration. His project differed from that now being considered in that he proposed many ports instead of concentration on one.

## Stanley Winborne Assumes Official Duties Recently

### Winborne Takes Up Position of Public Utilities Commissioner; Same Personnel Expected to Remain; Four Candidates Appear for Position of Commander of World War Veterans' Loan Fund.

## JUDGE WEBB HOLDS FIRST 1934 COURT

### Number of Liquor Cases Tried Tuesday in First County Court of New Year

A full docket greeted Judge Paul Webb for first recorders court of 1934. Court was well attended, everyone being in a good humor and in a mood for business, and a large number of cases were disposed of. The usual cause for offense—violating the prohibition laws—held the center of the stage.

Case of John Broughton for passing worthless checks was continued. Milton Woollard charged with non-support was continued under order.

William Piver was up for violating prohibition law and case was continued until next week, January 9.

Tom Davis and John Ellison, each charged with violation of prohibition law were found guilty and judgment was suspended on payment of costs.

Owen Cottle, Duffy Arnold, Will Currier, Jr., were charged with violation of prohibition law, plead guilty and judgment handed down sixty days in jail, sentence suspended on payment of costs.

Allison Fulford, charged with assault with deadly weapon was found guilty and sentenced to serve four months in jail. He is to be confined for that period in the county home.

Luse Johnson, George Turner, Abbie Stanley, Wm. Ed. Potter, Charles Baxter and John Anderson, all charged with injury to personal property, were found not guilty.

Tommy Sanders was found guilty and fined \$25 and costs for operating a motor vehicle while under the influence of intoxicating liquor.

Quickman Cannon was found guilty and made to pay costs for drunk and disorderly conduct on the state highway.

(Continued on page six)

## PROSPECTS OF BANK IN TOWN OF BEAUFORT

The News has just received directly from Commissioner of Bank Gurney P. Hood, this news item which will be read with interest by every thinking person in the county.

"We are now preparing applications to the Reconstruction Finance Corporation for loans on the assets of the Bank of Beaufort and the Beaufort Banking and Trust company. We are also suggesting that the building owned by the Beaufort Banking and Trust company be sold to the Government for a postoffice building. In connection with the above, it is our suggestion that a new bank be organized in Beaufort to occupy the building owned by the Bank of Beaufort on a rental basis, the new bank to purchase the building later if desired. GURNEY P. HOOD, Commissioner of Banks.

## A CORRECTION

The News regrets that in writing an account of the death of Mr. W. L. Oglesby last week that some mistakes were made. The information furnished us was not very clear on a number of points, and we did not have time to investigate them. We regret mistakes of this kind and they would not occur or seldom occur if those responsible for giving the information would give it fully and correctly.

We wish to state that the late Mr. Oglesby was not married. The card of thanks should have been signed by the brothers and sisters of the deceased.

## BIRTHS

Born to Mr. and Mrs. N. G. Russell, of Beaufort, at Potter hospital, Saturday, December 30, a daughter, Nancy Duffy.

Born to Mr. and Mrs. Harry Lynch, of Smyrna and Beaufort, Saturday, December 30, a son.

By M. R. DUNNAGAN

RALEIGH, Jan. 1. Stanley Winborne, of Murfreesboro, has assumed his new position as public utilities commissioner, created by the 1933 General Assembly and at the same time the former corporation commission and two of its members, Chairman W. T. Lee and Judge George P. Pell, passed from the scene of public service.

Commissioner Winborne will take over the numerous duties in regulation of railroads, power companies, gas and electric light companies, street railways, telephone and telegraph companies, bus and truck lines, enforcing the "blue sky" laws and serving as a member of the state board of assessment. These are the same duties performed by the three-man commission, formed in 1891 as the railroad commission and reorganized in 1899 as the corporation commission.

Mr. Winborne is the youngest member of the body, having taken the place made vacant by the appointment of A. J. Maxwell as commissioner of revenue, but after I. M. Abiley, its attorney, had held the place for a few months; Chairman Lee has served 23 years and Judge Pell 21 years and both had several years of their six-year unexpired terms when their jobs were abolished by the legislature in its plan of reorganization. The personnel is expected to remain as it has been for the present.

Mr. Lee plans to return to his Waynesville home to look after extensive farming, cattle-raising and other interests he has there. Judge Pell announces that he will remain in Raleigh—his home was Winston-Salem—and practice law, specializing in tax, revenue and utilities work in state and federal divisions, and expects to write another law book on "Title to Land in North Carolina." Both Mr. Lee and Judge Pell issued statements in which their constituents and friends in the state were extended thanks for their support throughout the years.

Commissioner Winborne will have two men to sit with him when he sits as a court to hear evidence and decide on controversies. They are part-time men and subject to call when needed for such hearings. Governor Ehringhaus will appoint them this week.

## Four Candidates In Race

At least four candidates have entered or been entered in the race for the post of state commissioner of the World War Veterans' Loan Fund, now held by Col. John Hall Manning, who has been recommended and is expected to be appointed assistant district attorney for the eastern North Carolina district. J. O. Carr, Wilmington, has been recommended for district attorney and B. M. Stringfield, Fayetteville, for the other post of assistant.

John M. Stedman, Raleigh, former state treasurer and more recently head for a year of the Regional Agricultural Credit Corporation of Raleigh; Frank D. Ghrist, for eight years state commissioner of labor and printing and candidate last year for nomination to the U. S. Senate, lately with a newspaper owned by relatives in York, S. C., and William B. Grimes, Raleigh, are the three entered candidates. Capt. Tom C. Daniels, New Bern, state commander of the American Legion, has been entered by his friends, but has himself endorsed another candidate.

The post is filled by the advisory commission of the loan fund, composed, ex-officio, by Secretary of State Stacey W. Wade; State Treasurer Charles M. Johnson; Attorney General D. G. Brummitt; Commissioner of Agriculture William A. Graham and Commissioner of Labor A. L. Fletcher. The fund is loaned to World War veterans to assist them in financing building and purchase of homes.

Colonel Manning has been commissioner since the fund was created by the General Assembly and will not resign, of course, until his appointment is made as assistant district attorney. Then the place will be filled. Observers think that Mr. Stedman has the inside track now and many say he would make an able (Continued on page six)