

Where Justice Goes Astray

We have heard quite a few comments since the November session of Superior Court relative to the state's drunk driving law. Not one defendant, who was charged with drunken driving and who stood trial in that court was convicted.

Why? The answer seems to be that no jury will convict a man, because the jurors don't want to see his license revoked for a year, as the law now requires. Thus, rather than waste time by sending such cases to the jury, the state accepts a plea of guilty of reckless driving. The defendant pays a fine of \$100 and costs, and he still retains his license. More than 30 drunk driving cases were disposed of in the latter manner in the court term of Nov. 22.

When the one-year revocation for drunk driving was put into effect, it was thought that such a stiff penalty would cut down on the number of drunks behind the wheel. We have not seen any statistics which prove whether the law has done what was intended.

It does appear in this county, however, that no stone is left unturned to get a person charged with drunken driving off with a light penalty. And when that is done, the purpose of the year's revocation law is defeated.

Several Superior Court officials have suggested that the matter of license

revocation be left up to the judge. If a jury returns a verdict of guilty, it would be within the judge's province in passing sentence to take into consideration whether the defendant must earn his living by driving a car, whether the offense demands a year's revocation or merely a suspension of a month — or no suspension at all.

Judges may complain that the burden, then, is merely shifted to them. Being a judge carries with it, however, the responsibility of weighing circumstances and making decisions. We believe the judges would be able to cope, in a fair manner, with the situation.

Should a defendant be brought into court on a second drunken driving offense, that perhaps, could carry a mandatory sentence of a year's revocation should he be convicted by the jury. And if the jury, on the basis of sufficient evidence, fails to convict, then the jurors should be condemned for failing to carry out their duty.

We believe this problem deserves considerable thought. It is evident that there is a miscarriage of justice in juries continually turning loose drivers who obviously were drunk while they were driving. If this situation continues, all motorists, pedestrians and property owners will continue to be abused by the drunk driver.

Beach Town Takes Action

The town of Carolina Beach has taken further steps to prevent destruction of its oceanfront property. At a town council meeting last week, ocean front building requirements were revamped.

Damaged property being repaired must have "adequate pilings not more than 8 feet apart and sidewalls securely tied and braced to the pilings. Roofs must also be tied and braced to sidewalls, and masonry walls for the second zone must be no less than 4 inches thick."

Only a contractor or persons more familiar with building than we may know exactly what all that is about. But our point is this: some beaches ARE DOING SOMETHING to prevent storm destruction in the future.

Atlantic Beach, unfortunately, is not zoned. Town fathers could draw up suggestions for strong buildings and restrictions on taking down sand dunes or building close to the water, but without a law to enforce such regulations, it is doubtful that they would be followed.

Unincorporated beaches have even a greater problem. They don't have the legal set-up to take the first step toward protecting the beach. We feel like a voice crying in the wilderness, but we feel, too, that we can't repeat too often: take action now to protect your property, don't wait for "George to do something" lest you wake up 10 years from now and again find only a few shingles left of that \$10,000 beach cottage.

Saving Lives is YOUR Job

The growing number of fatal accidents on the streets and highways has engaged the attention of the White House, and a serious effort is being made to do something about it. In 1953 a total of 38,300 persons young and old lost their lives in traffic accidents, and the economic loss was placed at 4 billion dollars in hospital and medical costs, property damage and other expenses.

The President's Action Committee for Traffic Safety has designated Dec. 15 as Safe-Driving Day. It will be observed on a nation-wide basis, under the committee's sponsorship with the cooperation of various other city, state and national organizations.

Most of the fatalities charged to traffic accidents and much of the property damage and other economic losses could have been prevented if drivers and pedestrians alike would realize their personal responsibility for their own safety as pedestrians, and the safety of themselves and others if they are drivers. Traffic actually is a personal responsibility.

Strict observance of Safe-Driving Day by all drivers and pedestrians will without doubt cut the traffic toll for that day. If the toll can be reduced on one day of the year by strict observance and enforcement plus courtesies it can be held to a minimum on all other days of the year by the same methods.

Pedestrians cannot overlook their responsibility in reducing the traffic toll.

Following the laws and applying the courtesies of the road to themselves and others will bring this about.

Personal responsibility — it's as simple as that. Safe-Driving Day could well be extended into a safe-driving year.

The Unloved Reformer

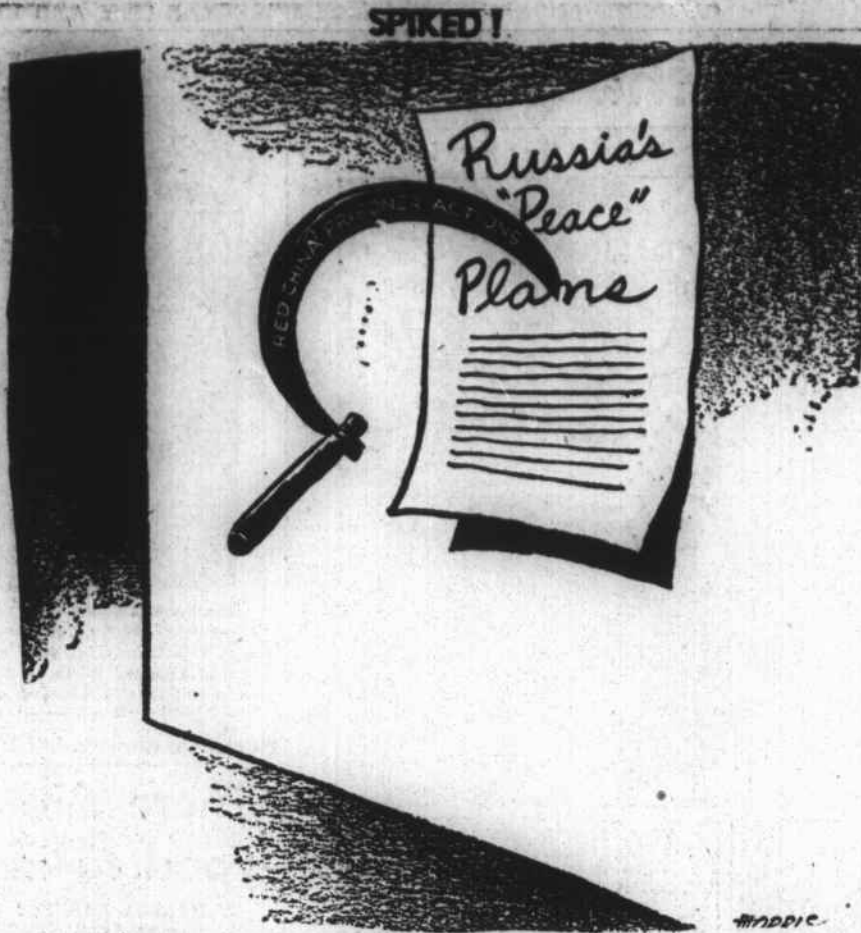
(From the Greensboro Daily News)

Why don't other people like Americans more than they do? Why do so many to whom we have been both kind and generous actively dislike us? Is it something our best friends won't tell us?

No, our friends are telling us, and what they say makes sense: We are too set on urging other people what to do and be; we want to reform people, and people don't want to be reformed from the outside. Or the inside either.

Indro Montanelli, Italian author, puts it this way, after acknowledging Americans' goodness and charity: "Unfortunately all these claims on our gratitude are obscured by one defect of which there isn't the slightest hope that the Americans can be cured, because it's in their blood, it's constitutional. It is the craze for improving us, for making us try to be in every way kinder to each other, juster, richer, happier."

Southerners ought to be able to be able to understand that. Those other Americans are still trying to reform us.



The Readers Write

Dec. 9, 1954
The Santa Claus parade was fine Wednesday afternoon until the fire truck stopped and the children, who expected to give their letters to Santa Claus, discovered what a laugh their expectations were.

Instead of using the Boy Scouts to distribute the candy and take the letters to Santa Claus, as has been done in the past, several adults, among them Ronald Earl Mason, Chief of Police Guy and Police Officer Mack Wade, had the time of their lives standing on the fire truck and throwing the candy stockings into the crowd.

That was fine for the adults and big kids who were able to grab the candy, but the children who got hit on the heads by the hard candy didn't think much of the way the afternoon was turning out, and neither did the parents who were holding children with letters for Santa Claus.

Most of the parents ended up at the dime store, buying consolation presents for the youngsters who still held their letters and asked what should they do now, how would Santa know what they had written?

Not only were the candy stock-

ings thrown out with many a gay whoop and yell by those on the truck. They also threw out the boxes which had held the candy.

If any of those on the truck are asked how the parade ended, I bet they will say it was wonderful. But hereafter, if the kids of the town are to be bombarded, lets have marshmallows thrown, and lets plan it as a free-for-all, and not at Christmas time when Santa Claus is meant to be coming to see the little ones.

If the town authorities are planning another Christmas parade, I'll have to be assured that it'll be just a parade with no letters or presents, before I'll permit my children to attend.

And why not leave it at just a parade?

The parade part was fine, with Santa arriving on the Coast Guard cutter and climbing onto the fire truck. The two school bands played so well, the Boy Scouts, Cub Scouts and Girl Scouts marched so nicely, it's too bad to have had to leave the shopping section with the bad feeling that the majority of parents and children had.

A Beaufort Mother

Today's Birthday

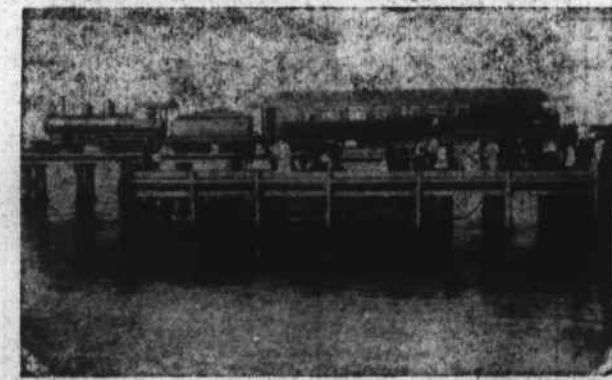
Lawrence Henry Gipson, born Dec. 7, 1880 in Greeley, Colo., son of a newspaper editor. The historian and educator is research professor emeritus at Lehigh. The compilation and writing of eight volumes of a proposed 11-volume work entitled "The British Empire Before the American Revolution" has occupied a great deal of his time since 1927. His researches have been supported by grants from Lehigh and the Rockefeller Foundation.



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Ruth Peeling

This is Beaufort's First Train; It Arrived in ?



This is a picture of the first train to come into Beaufort. The problem confronting me right now is when did it come? It was sometime between the fall of 1903 and the fall of 1907, but the folks in town who remember seeing it aren't quite sure. Maybe some of you have some old newspapers tucked away somewhere which would give the story.

I've found out a little bit about it. Dr. Maxwell tells me that Charles Abernethy, who practiced law in Beaufort, met the train and delivered the welcome address.

The train ran across the railroad bridge at Gallants Channel, just as it does now, and then stopped a couple of blocks after it got in town. Judge Duncan says that Claud Wheatly, when he told about it would add, "And 23 people jumped overboard. They'd never seen a train before."

By the old Masonic Hall a big long table was set up and everybody had a picnic after the speech-making. Mr. Lawrence Hassell said that as the train puffed along the tracks, Dick Willis, the police officer had a time getting one of the town characters, Crazy Charlie, off the tracks. Charlie didn't want to move and until the fracas was over, Dick's uniform was in shreds.

C. K. Howe, Beaufort, at the age of 20, was the engineer which surveyed the line from Morehead City to Beaufort. He says that was in 1905. And he still possesses the railroad pass given him in that year.

The railroad was first known as the Beaufort and Western Railroad. The first line, he said was built almost entirely on pilings.

The line was built by Norfolk and Southern but after various transactions, it landed finally in the hands of local folks and the name was changed to the Beaufort and Morehead Railroad, "The Menhaden Line."

And the foregoing is about all I've been able to dig up. The late M. Leslie Davis gave me the picture of the train entering Beaufort (some trains had preceded it with material for laying the tracks, but this was the first pas-

This is the Law

By CHARLES W. DANIEL
For the N. C. Bar Association

LAW AND THE CHURCH

The Law and the Church are seldom joined in the same thought. Yet, the two have much in common. Each is bent upon the same mission: The welfare of mankind. Each owes much to the other.

Much of what we know today as "common law" had its beginning in the English ecclesiastical courts. And it was in these "church courts" that English and American systems of justice had their beginning. Preachers were among the earliest "advocates," or lawyers. Jesus Christ, himself, was an advocate. In the Episcopal "Book of Common Prayers," as a part of a prayer for "the Clergy and the People," is this language:

"... grant this, O Lord, for the honour of our Advocate and Mediator, Jesus Christ."

The church courts, of course, have long since been abandoned, but they figured prominently in shaping the course followed by the law. Reasons why certain conduct is wrong and "against the law" are drawn frequently from church "norms."

The law, on the other hand, has long been protector of the church in free lands. Both federal and state constitutions literally and jealously guarantee freedom of religion. The law of our land stringently separates church and state so as to safeguard the right to worship, free of compromise by the political state.

The law of North Carolina (and many other states) protects the economic rights of the church. Here is an example: If a church begins a drive for money with which to expand or build, and various people pledge contributions, such pledges are enforceable in court by the church against the individual pledgers. On this subject the law says that the promise of one contributor furnishes consideration to the others, and that, therefore, they, too, can be required to fulfill their pledges.

The tax law favors church economy. The new (1954) ceiling on deductions for gifts to churches is 30 per cent (for federal income tax purposes). Previously, the allowable deduction was 20 per cent of adjusted gross income. Certain tax dispensations are made to minis-

ters. Church properties are rarely taxed.

Freedom of Religion
The United States Supreme Court on occasion has been called upon to distinguish between legitimate church activities and rackets conducted under guise of "religious freedom." Without exception the court has leaned over backward to protect the questioned activity if there was any basis at all for doing so on grounds of freedom to worship.

Such freedom, however, is not absolute, or boundless.

North Carolina, by statute which has since been held to be constitutional, prohibits the public handling of poisonous snakes even though it be done, ostensibly, as part of a religious ceremony.

The North Carolina Constitution, Article I, section 26, says:

"All persons have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences, and no human authority should, in any case whatever, control or interfere with the rights of conscience."

The "rights of conscience" do not include the handling of live poisonous snakes in public.

The First Amendment to the United States Constitution says:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof..."

This, of course, is the basis for separation of church and state. It is the reason why public funds can not be given to a church. It is a reason why religion can not be taught as such in the free public schools. It is a reason why the government can not subsidize the transportation of children to denominational schools.

It is only in a democratic state that the law and the church can join hands in mutual helpfulness, and yet, remain separate, distinct and free.

This is the last in the current series of columns, "This Is the Law," offered by the North Carolina Bar Association and printed by THE NEWS-TIMES as a public service. Another series of similar columns will begin next spring.

Jane Eads

Washington

Washington — Most of the faces were familiar, the routine much the same, but socialites got a new bang on the capital party-ground when they were piped aboard two plush sea-going craft anchored off Washington's Main Avenue in the Potomac recently.

The most lavish affair was that given by retiring Dominican ambassador, popular Manuel de Moya, aboard the snazzy frigate, Presidente Trujillo. The sparkling white 301-foot vessel is owned by former Dominican President Rafael Trujillo, currently Dominican representative to the United Nations who is a frequent visitor to the city.

Fanned throughout with mahogany, its decks carpeted with a soft grey berge, it was the scene of an early hour buffet luncheon Moya gave for Trujillo.

There were cocktails first on the aft deck, and a beautiful buffet on the upper deck consisted of such delicacies as breast of partridge, sliced turkey, tiny lamb and pork chops, baby sausages, rice, salads, and a variety of luscious sweets.

The other sip-board party was in the nature of a reward given for hard-working committee members of the upcoming Navy Relief Ball, by the ball committee's general chairman, Mrs. Robert B. Carney, wife of the chief of Naval Operations.

It was held aboard the U.S.S. Sequoia, the yacht of Secretary of the Navy Thomas. As the ladies lunched, the yacht, usually anchored at the Anacostia Naval Air Station, cruised down the Potomac to Mount Vernon. Funds from the ball which last year netted \$24,000 go to help Navy families in difficulties. Assisting Mrs. Carney were Mrs. Ralph J. Ostie, the former Capt. Joy Bright Hancock of the WAVES.

Mrs. Harold Talbott, wife of the secretary of the Air Force, introduced her husband as chief speaker before 600 members of the Air Force Officers' Wives Club recently by telling what she described as a "family secret." It was the custom, she said, for the secretary's mother to write a character analysis of each of her children on their birthday.

On the secretary's seventeenth birthday his mother wrote, according to Mrs. Talbott, "The future of our eldest son seems hopeless. At present all he seems to think of is girls."

Smile a While

The colonel inspecting a new group of draftees was somewhat astonished to find a gray-bearded old gaffer standing conspicuously among the smooth-faced youngsters. "Tell me 'Dad,' he asked, "how did you happen to be here?"

"Well, Sir," he replied, "I happen to have a twin sister who, like all women, is sensitive about her age. Everyone in town knew we were twins. Now I don't rightly know what age she was giving out — but here I am!"

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December's Birthstones Symbolize Good Fortune

The turquoise and the zircon, blue gems tinted lightly with green, symbolize prosperity as December's birthstone. As though to bear out the significance of December's good luck stones, the birthday list for this month abounds with famous names: among contemporaries are humorist James Thurber, painter Henri Matisse, and the popular leading lady, Mary Martin. In the historical spotlight are Sir Isaac Newton, English philosopher and mathematician, inventor Eli Whitney, Woodrow Wilson, and Louis Pasteur, famed French chemist.

Because an ancient Persian King discovered a turquoise mine on the eve of a victorious battle the stone came to symbolize victory or a fortunate event. The word "turquoise" is derived from "Turks," meaning Turkey stone, for this gem was one of the first to reach Europe through Turkish gem marts, according to the Jewelry Industry Council.

Although the turquoise has been significant in many cultures and countries, it was the most treasured of all gems in Tibet. Found in Persia, Egypt, Turkestan, Australia and the United States, the turquoise lends itself to dramatic jewelry designs, using large individual stones in rings, bracelets and earrings. Smaller pieces of fine turquoise are frequently combined with other colored stones in clips and other jewelry.

The zircon, alternate stone for December, has been known since before the days of Christ and was once believed to contain magic power against evil spirits and poison. Ceylon and Siam are chief sources of zircons.

Like diamonds, zircons need skillful cutting with many facets to show their fire and brilliance.

In the Good Old Days

THIRTY-TWO YEARS AGO

Fire in New Bern last week destroyed 1,000 homes. Beaufort residents were being asked to send money and clothing to help the New Bern residents.

Beaufort citizens opposed purchase of a new fire engine, claiming the old one was adequate and that Beaufort had only two fires a year.

The Baptist Assembly was considering Morehead City for its seaside resort.

Twenty-five years ago Nov. 30 was the coldest day on record with the mercury dropping from 48 to 24 during the night.

Mathis Cafe and Eudy's Barber shop were moving into the newly remodeled Hugh Hill building in Beaufort.

M. A. Hill, sheriff of Carteret County for the past 10 years, died at his home in Beaufort.

Ten years ago More than \$20,000 damage was done to Loflin Motor Co., Beaufort, when the plant was swept by fire.

Beaufort and Morehead City

Consider This

Those people who claim that the country is ruined are trying mighty hard to get control of the wreck.

"Men," says sad Sally, "seem to fall into two groups — they are either old and bent, or young and broke." — The Anshgram.