

# Jones Journal

"A BETTER COUNTY THROUGH IMPROVED FARM PRACTICES"

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## Here Is Complete Decision In Lenoir County Hospital Suit Other Papers Refused to Print the Whole Story; Here it is Untwisted and Unlied About

FALL TERM, 1953  
NORTH CAROLINA  
SUPREME COURT

JACK RIDER, RACHEL DAVIS and BRAXTON NEWMAN, Residents and Taxpayers of Lenoir County, in their own interest and in the interest of all other residents and taxpayers of Lenoir County who may make themselves parties to this action

No. 377 - Lenoir

LENOIR COUNTY; B. C. LANGSTON, W. L. MEASLEY, MARK N. SMITH, HARRY SUTTON and IKE WHITFIELD, Constituting the Board of County Commissioners of Lenoir County, the last named being Chairman of said Board of County Commissioners.

Appeal by defendants from Nimocks, J., second February Term, 1953, Lenoir. Judgment signed at Fayetteville, N. C.,

4 April 1953, NUNC PRO TUNC.

Civil action to enjoin the issuance of hospital bonds and to restrain the disbursement of county funds.

This case was here on former appeal. Rider v. Lenoir County, 236 NC 620, 73 SE 2d 913. The essential facts relating to the primary matters at issue are there stated.

Upon the certification of the opinion filed on that appeal, plaintiffs appeared and moved the court that they be allowed a reasonable sum as expense money, especially expense incurred in employing counsel to prosecute this action, to be paid by defendant County out of the funds preserved to the taxpayers by this action. At the same time, defendants filed a motion for the assessment of damages against plaintiffs and their surety upon their injunction bond and for the appointment

of a referee to hear the evidence and determine the amount of damages sustained.

These motions came on for hearing at the first February Term which convened 16 February 1953, and the hearing was continued to the second February Term which convened 23 February 1953. When the cause came on to be heard at the second February Term, it was agreed that the motions should be continued, to be heard in chambers at Fayetteville, 4 April 1953, at which time the court would rule on the motions made and sign final judgment on the opinion certified from this Court.

When the cause came on to be heard in Fayetteville, the defendants tendered a proposed judgment in accord with their interpretation of the opinion of this Court. They also tendered an order reciting certain

facts and adjudging that defendants are entitled to damages sustained by reason of the injunction wrongfully issued herein and ordering a reference on the question of damages. Refusal of the court to sign these orders is noted, at the foot thereof, but no exception to the orders of refusal is made to appear.

The court having declined to sign the judgment tendered by defendants, entered judgment in accord with the opinion certified from this Court. The court therein found certain facts relating to the motions made which may be summarized as follows: (1) That because of the delay involved in this litigation, the County has been able to award a contract to provide the hospital facilities which saves the taxpayers of the county \$133,286.20. (2) Plaintiffs, through this action, re-

stored to the County \$138,713.80 of the public funds and thus preserved and protected the taxpayers against the illegal expenditure thereof. (3) Plaintiffs, exclusive of attorney fees, have expended approximately \$3750 in the prosecution of this action. It concluded that in keeping with equitable principles, plaintiffs are entitled to have the County of Lenoir relieve them of the expenses of this litigation, to the extent of a reasonable amount, as compensation to the attorneys employed by plaintiffs, and that \$4,500 constitutes a reasonable compensation to be paid said attorneys. It thereupon ordered that the defendant County "pay unto the plaintiffs for compensation to their attorneys employed in this case the sum of \$4,500.00 from the amount of \$138,713.80 which the defendants

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## Kinston Building Boom Has Its Beauties, For Instance

Kinston unlike many of the older towns in the Eastern United States never developed, or at least never kept any architecture peculiar to itself. Its sudden rapid growth near the end of the 18th Century added a lot of homes to the town but most were of poor design and were not made to put a roof over anything more than for any pleasure to the eye.

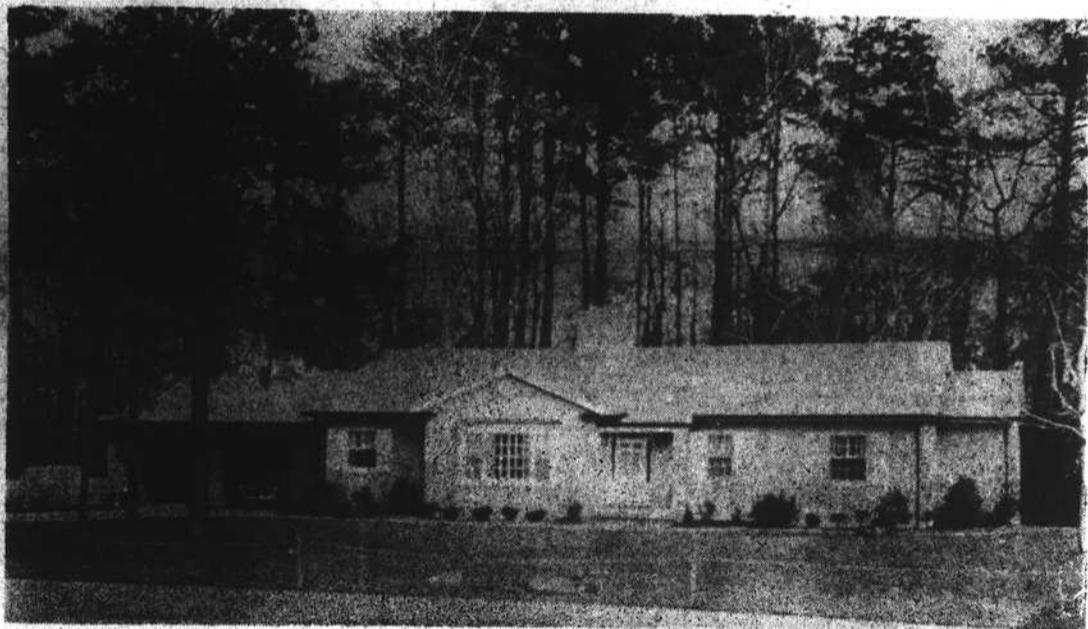
Today, as Kinston nears its 300th birthday anniversary, it is still in that same architectural boat. Kinston still has no strongly dominant school of architecture.

It has not gone "hog wild" in the direction of extreme modernism, or functionalism even though it does have a few fine examples of what many people think of when "modern design" is spoken within their hearing. Now getting along in years in a tender sort of way but still an example of the straight line used in home building is the Henry Johnson Home on the

Snow Hill Highway. And Architect John Rowland and his Boss recently moved into a thoroughly modern new home on Perry Park Drive and Greenbriar Road. All glass, hanging porches, straight lines and modern materials are combined in it to make an extremely interesting and livable home.

The colonial influence never hit Kinston a very resounding blow although some scattering examples of that fine style can be found in and around Kinston, with the finest by far in the county located out at Kennedy Memorial Home at Falling Creek where the Superintendent's home is a thing of beauty, if not a joy to the one who has to do all the dusting and painting.

The continental feeling due to a combination of many things never was able to get a very strong foothold in Kinston. The Harvey Hines Home is one of the few that finds its roots in English countrysides. It is an



This is a front view of the home of Mr. and Mrs. George DuBose which was recently completed just west of the Kinston Country Club. DuBose, who is one of this section's best known

building contractors apparently does not intend for people to say that a building contractor's wife is like the "cobbler's wife" for in this beautiful new home nothing but the finest is in-

corporated. This view of the house, facing the west reveals less than half of the house which is built, as many homes of recent design—on two levels.



This is the eastern side of the DuBose home which reveals how "much more house there is."

The long balcony, the extremely large patio, the long silhouette and the gentle roll of the area in which this home is built con-

bine to make it one of the most beautiful in Kinston. (Polaroid photo-in-a-minute by Jack Rider.)

elegant example of the building arts and is probably the finest home — all things considered — in Eastern Carolina. But there are many, many homes a lot more livable than the Hines Home.

And in that one word may be found the key to most home construction planning of recent years in Kinston: LIVABLE.

The emphasis today is first on comfort, economy of operation and maintenance and, of course, economy of construction. But even in that small circle where cost is secondary there is a far greater emphasis on utility than on the rococo bent structures that grew ornately about the country side in the late 19th and early 20th centuries in cheap and most brassy imitation of a style that never looked good even when it was done "right."

The newer homes of Kinston have been packed, usually, onto smaller lots because of the high price of land, because of the further cost of keeping up a large garden area and this has forced the majority to be of less pretentious design than formerly. There are exceptions to

this, however, since some too-large houses have been crowded onto the tiniest kind of lots.

Perhaps the most monotonous trend if it could be called a trend to hit Kinston in recent years has been the "ranch type house." Long, low and always a little too neat to really look like a ranch house.

This low, long, squatty look has about run its course it appears from looking at the most recent construction around town.

Houses are going up in the air. More two-storied and story-and-a-half houses are joining the parade toward "Better Living Through Better Housing"—to steal a line from Du Pont and twist it a little.

The new George Dubose Home pictured here is one of the finest built in recent years in Kinston, as well as one of the most beautiful. A combination of setting and design have been blended into what is an extremely livable home.

Perhaps the worst influence in recent years to mar the appearance of even the most beau-

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