

DeFEBIO
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tion of their learning in the management of the family garden and in other phases of daily living. A few sentences from the end of his statement, he became overstrained and, with the court's permission, Mrs. DeFebio read the remainder of the paper.

Recalled to the stand for cross-

examination, the defendant said, "I feel that the law can be interpreted to mean we could teach them at home." Mr. Kellogg asked, "In what way would they be deprived in school of any of the things you say are important?" DeFebio answered, "The whole pattern would be different. At home there might be a more practical application of what is taught." He added that in a few years it might be better to have the children in school than to teach them at home. "I have no desire to deny my children a high school or college education, if they want one," he concluded.

Judge Baum refused to allow DeFebio to read into the record two letters which he wished to present as evidence.

Before pronouncing sentence, the judge said, "You fail to comply with the laws of North Carolina. There is nothing I can do but find you guilty."

Vagrancy Case

Trial of the charge of vagrancy against DeFebio was delayed for about an hour while Carl Salinger was found and brought into court. With Mrs. Meekins and Sheriff Cahoon, Salinger testified for the state.

Salinger was first on the stand. In response to Mr. Kellogg's questioning, he gave in general the same information given in Juvenile Court last Friday (given in detail in another column). Before questioning Salinger, Mr. DeFebio asserted that Salinger had been overdeprecatory about the size and amount of labor involved in keeping his garden plots. He read the exact dimensions of his six plots, as he had done on Friday before Judge Meekins.

He then asked, "Have you seen me work there every day?"

"Yes," Mr. Salinger answered.

The defendants asked whether or not Salinger had seen him carry topsoil into the garden frequently, whether he had seen him bake bread and cook. The witness said these things he had seen.

"Is it work to raise children?" DeFebio asked. So far as the reporter could understand him, Mr. Salinger did not directly answer the question.

Mrs. Meekins and Mr. Cahoon repeated substantially the same testimony that they gave previously in Juvenile Court.

Defense Witness

David Stick told the court from the witness stand that Mr. and Mrs. DeFebio had inquired of him about property they hoped to purchase. He said Mr. DeFebio had asked him whether he knew where he could get a job. Mr. DeFebio, the witness testified, had to his knowledge applied for at least one job, though he failed to get it.

State Objects

When Mr. Stick was asked by the defendant, "Do you consider me a vagrant?" Mr. Kellogg objected to the question, saying that was a matter for the court to determine. Judge Baum sustained the prosecutor.

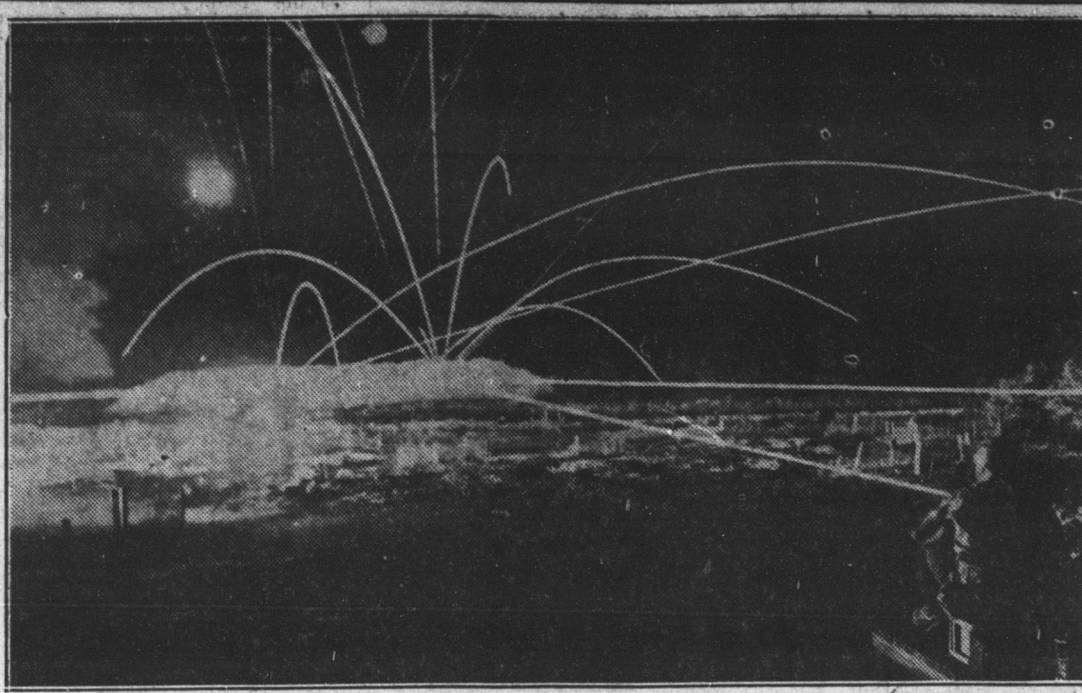
Mr. Kellogg asked Mr. Stick whether he had ever known the defendant to have a job. "I know of two jobs that he has, farming and raising his children," Mr. Stick replied. Further, he believed that it was his intent to grow food for sale as a means of making his livelihood, Stick said.

Did DeFebio have any property? the solicitor asked. Mr. Stick said that he had a set of the Encyclopedia Britannica and a volume of Audubon's on birds that he was aware of.

Defendant Testifies

"I do not own property, nor have I earned any money, enough to support a family, since I've been down here," the defendant stated from the witness stand. "But I have tried to get started in that direction several times." He then went on to say that he had applied to three men in the area in which he lived for work; he had applied at the cement block manufactory at Nags Head, and tried to get work with the Duck fishermen, but he had not been able to get a job.

"It makes no difference who



NO, THIS IS NOT JULY 4—IT IS RUGGED TRAINING FOR COMBAT—No child's play or July Fourth celebration here where infantrymen crawl, squeeze and twist through the mud and jagged barbed wire at Fort Meade with live tracer bullets whining only a few feet overhead, and placed demolitions going off nearby—almost like the real thing, combat—the Army's infiltration course.

Dept. of Defense Photo

supports a family financially, because it must be supported physically, financially, morally and spiritually," he asserted. His garden required lots of manual labor, and his work at the house and in teaching and caring for the children was also work, the defendant claimed.

After Mr. Kellogg has been told by DeFebio that he had arrived in Dare County on January 6, 1950, trial procedure was finished.

Before ordering the 30-day sentence, Judge Baum said, "You have not shown a single instance that you have put a dollar into your family in over a year."

Court was then dismissed, and after the hearing before Judge Meekins downstairs, the defendant was taken to jail. Mrs. DeFebio said in the clerk's office that she was now here to stay in Dare County and was prepared to resume her post in the court house corridor, apparently.

Mrs. DeFebio's sister from California, whom she had not seen for 8 years, arrived the night before the trial. She was in court for hearing of the first case.

HUNTING

(Continued from Page One)

16 in possession, and 100 per season.

QUAIL: (Bobwhite) November 22-January 31. Bag limits will be 8 daily, 16 in possession, and 100 per season.

WILD TURKEYS (Gobblers or Toms only) November 22-January 31. Bag limits will be 1 daily, 2 in possession, and 3 per season.

FOXES: (Red and Gray) Foxes may be taken with guns when the season is open for any other game bird or animal, except that where county fox laws regulate the season, the local laws shall prevail. There will be no restrictions on the number that may be taken.

MINK, MUSKRAT, OPOSSUM, RACCOON: May be taken by trapping from November 15-January 31. Exceptions: (a) In Currituck County, and Hatteras, Kennekeet, Atlantic, and Nags Head Townships of Dare County, trapping is permitted December 15 through February 28. (b) In and south of Jones, Duplin, Sampson, Cumberland, Hoke, and Scotland Counties, trapping is permitted January 1 through February 28. (c) In Ashe, Alleghany, and Watauga Counties trapping is permitted, except for raccoon, from November 1 through February 28 (d) Raccoons may not be trapped in and west of Caswell, Alamance, Randolph, Montgomery, and Anson Counties.

OTTER: December 14-Jan. 31.

DUTIES

(Continued from Page One)

oaths and take acknowledgements, and to issue commissions to take testimony of any witness within or without the state.

The clerk can issue citations and orders to show cause to parties in all matters cognizable to his court, and to compel the appearance of such parties.

The clerk will enforce all lawful orders and decrees, by execution or otherwise, against those who fail to comply therewith or to execute lawful process.

The clerk shall exemplify, under seal of his court, all transcripts of deeds, papers or proceedings which shall be received in evidence in all courts of the state.

The clerk shall preserve order in his court and punish contempts. The clerk may adjourn any proceeding pending before him from time to time.

The clerk shall open, vacate, modify, set aside or enter as of a former time, decrees or orders of his court in the same manner as courts of general jurisdiction.

The clerk shall enter judgment in any suit pending in his court in the following instances: judgment of voluntary nonsuit in any case where judgment is permitted by law; and judgment in any suit by consent of parties.

The clerk shall award cost and disbursements as prescribed by law, to be paid personally or out of the estate or fund, in any proceeding before him.

The clerk shall compel the re-

turn to his office by each justice of the peace on the expiration of the term of such justice or if the justice be dead, by his personal representative, of all records, papers, dockets and books held by such justice by virtue or color of his office, and shall deliver the same to the successor in office of such justice.

The clerk shall take proof of deeds, bills of sale, official bonds, letters of attorney and other instruments permitted or required by law to be registered.

The clerk shall take proof of wills and grant letters testamentary and of administration.

The clerk shall appoint and remove guardians of infants, idiots, inebriates and lunatics.

The clerk shall audit the accounts of executors, administrators, collectors, receivers, commissioners and guardians.

The clerk shall exercise jurisdiction conferred on him in every other case prescribed by law.

It would appear from this simple, unadorned enumeration of the clerk's powers and duties that the clerk's life is not one of leisure and relaxation. Take, for example, just one item on the list—that of auditing the accounts of executors, administrators, collectors, receivers, commissioners and guardians.

Those of you who are familiar with the details of an audit will at once appreciate the size of this chore alone. But that, as a famous radio actor used to say, "was only the beginning."

As you gathered from the listing of the clerk's duties, the Superior Court is a record keeping unit. Let me read to you Paragraph 950 from the Manual of Law and Forms to which I referred a few moments ago. It is captioned: "To keep records of his office; obtaining originals or copies." And I quote: "He shall keep in bound volumes a complete and faithful record of all his official acts, and give copies thereof to all persons desiring them, on payment of the legal fee. He shall be answerable for all records belonging to his office and all papers filed in the court, and they shall not be taken from his custody unless by special order of the court, or on the written consent of the attorneys of record of all the parties; but parties may at all times have copies upon paying the clerk therefor."

Observe that it is not only necessary to keep the records, but to be in a position to furnish an undetermined number of copies at all times.

The law goes on to say that in addition to this, the following books shall be open to the public for inspection during regular office hours. The books are then enumerated. They fall into 36 general categories and cover three pages in small type in the manual. I shall not attempt to read the list but I can assure you that it is most complete.

If you want to buy firearms, if you want to practice as a chiropractor in Dare County, if you want to reread the will of your Aunt Emma, or if you want to know whether John Doe has paid his Poll Tax, you can secure the information from our books. And the information will be right, I assure you.

Thus far in my remarks, I have been general in the scope of the Superior Court's activities. Now let me touch for a moment on the matters of probate. Every man or woman domiciled in this county who dies owning property either leaves a will or dies intestate. In either event, there is considerable formality before the property passes into the hands of the rightful heirs. Letters of administration must be granted in cases where there is no will; if no executor is named in the will, one must be appointed and bonded; there must be inventories, and a wide range of other actions which the Superior Court must supervise, direct and record.

A careless person is inclined to call this "red tape"; but I assure you that such is not the case. All the action included in probating a will is sound legal practice to protect the rights of the deceased, the heirs and the public. It would be useless for me to describe the var-

RESTORED FORT RALEIGH ATTRACTS MORE VISITORS

Manteo.—Newly restored Fort Raleigh, built in 1585 to protect Sir Walter Raleigh's tragic "Lost Colony," and a new display of colonists' relics are bringing increasing numbers of visitors to the site of the first English settlement in America.

Restoration of the earthworks—the first fortification built by Englishmen in America—was done by the National Park Service which has transplanted grass on the dirt walls to prevent erosion.

The display of relics, uncovered during archaeological excavations which disclosed the exact site of the Fort, is in the nearby Fort Raleigh Museum. The items include an Indian clay pipe, resembling a modern-day cigar-holder; an iron sickle which so far as is known is the oldest English-made tool that has been found in America; brass coin counters dated 1574, and many others.

Visitors Increased 60%

During the first three months of the year, 6,599 visitors registered at the Museum and Fort—60% more than the 4,124 who visited the site in the same period of 1950. The past travel year brought 135,000 to the Fort and Museum.

This summer, thousands more will come to Roanoke Island to visit the site and the reenactment of the story of "The Lost Colony" in Paul Green's symphonic drama of that name. The Fort is near the Waterside Theatre at which the drama will be staged six nights weekly from June 30 through September 2. This will be its 11th season.

Archaeologist J. C. Harrington of the Park Service, who supervised the excavations of 1947 and 1948 that led to discovery of the Fort Site, says the entire fortification has been restored to its approximate appearance of 1585, when it was built under the direction of Governor Ralph Lane. Earth from

ious steps required. Since this is one of the commonest and best known functions of the Superior Court, many of you know through the adjustment of the estates of friends and relatives just what must be done.

In the matter of wills alone, the clerk of the Superior Court has much to do, and here experience in office proves of great value. Research into old laws, examination of countless documents, interviewing of witnesses, verification of signatures, and a host of other details are frequently involved. These all add to the multitude of chores which the clerk and his deputies are called upon to perform.

If in placing emphasis on the multitude of my duties and the great care required in carrying them out, I am seemingly complaining about the extent of my job, let me hasten to say that I enjoy every bit of it. I get particular pleasure out of doing many things for the general public outside my regular duties. It is gratifying to accommodate people, most of whom are grateful.

Doing what the law requires a clerk of the Superior Court to do is something the citizens of Dare County have a right to expect. I make every effort to live up to this duty to the fullest extent. But frequently I am able to do a little more than is required—to render the public or certain individuals "plus service." In the case of people who are financially unable to pay the fees usually charged by lawyers, I am able to be helpful above and beyond my regular tasks. I get a genuine pleasure out of so doing—an inner feeling of satisfaction that I have helped my fellow man.

I welcome every citizen, regardless of creed or color, to call upon me at any time that I can be of service to them. I am prepared to prove that this desire to assist whenever I can is not an empty phrase.

In closing, let me repeat that I enjoy my work and intend to continue in it as long as the citizens of Dare County return me to the office and I retain my health and faculties. I thank you for this opportunity to address your club.

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the original ditch or dry moat around the Fort was used to build up the parapet, just as the colonists constructed it in 1585.

Harrington says the Fort was built not for protection from Indians, as has been so popularly supposed, but from fear of attack from the sea by Spanish forces. The earthworks were erected to guard approaches from the sea rather than from the land. Two entrances to the fort are on the land side.

There is no evidence of structures inside the fort, Harrington says, although undoubtedly there was at least one small building for housing the guard and for storing supplies. Efforts to locate the exact site of the colonists' nearby houses have not been successful.

The restoration was aided considerably by research which Harrington did in England last year. To this information, he added data gathered from authorities on old British fortifications.

It was at the site of the Fort that Virginia Dare, the first child of English parentage to be born in America, was born in 1587. A group of 108 colonists who came here in 1585 built the Fort. But they went home the following year, leaving 15 men to hold the claim for England.

The "Lost Colony" group came in 1587 and found that the 15 men had been killed by Indians. Some of this second group made a trip back to England for supplies. They were delayed in returning, and when they reached Roanoke Island they found no survivors. All that was left was a clue to the mystery that has never been solved—the word "Croatoan" carved on a tree or post at the site.

This is the story which is told in the symphonic drama.

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SATURDAY, JUNE 2

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