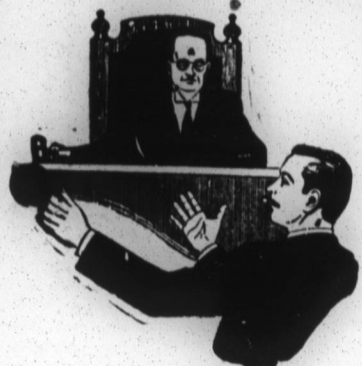# This is the Law

By ROBERT E. LEE
(For the N. C. Bar Association)

Farm Animals

Mary Riley took onto her premises a brood of turkeys she found on a public road in a mistaken belief that they belonged to her. She was later notified that they belonged to John McDaniel. After such notification, she put them back on the public road. McDaniel was never able to locate his turkeys. May McDaniel recover from Mary Riley a judgment for the value of the turkeys?

Yes. Mary was not legally obligated to remove the turkeys from the dangers of the highway, but once she did so she acquired possession of the turkeys and became what we call in law a "bailee," and as such she could not negligently dispose of the turkeys. The replacing of the turkeys on the highway was a negligent act on the part of Mary.

No one is required to take affirmative steps to save the person or property of another from injury. Our law does not require any one to assume the role of the Good Samaritan. But if an individual does undertake the duty of the Good Samaritan, he becomes liable for the negligent manner in which he carries out his actions.

Green discovered a stray horse in his garden. He immediately drove the horse into the street at the most convenient place. The horse was subsequently killed by the driver of a truck some miles away. May Brown the owner of the horse, recover the value of the horse from Green?

No. Green never assumed custody or possession of the horse. He got rid of the animal as soon as he saw it on his land. There was no conduct on his part indicating that he intended to take possession of the horse. He never became a "bailee" of the property.

Smith's cow has escaped from an enclosed pasture. Smith is of the opinion that the cow can be found on the land of Jones, but Jones has forbidden him to set foot on his land. What can Smith do?

It is a criminal offense for a person to enter upon the land of another after he has been forbidden to do so.

Smith should make a written affidavit before a justice of the peace that a specially described cow of his has strayed away, and that he has good reason to believe that it is now on the land of Jones. If he does this, the justice of the peace may, in his discretion, allow Smith to enter on the premises of Jones with one or more servants, without firearms, in the daytime, for the purpose of making a search for the cow.

White has expressly forbidden Black from entering upon any land that he owns. White has leased a portion of his land to Brown. May Black enter upon the land leased to Brown with the permission of Brown?

Yes. In the absence of any restrictions upon his tenancy, Brown has the exclusive right to control the possession of the land he has leased and to determine who shall be permitted to come upon it. Black is violating no law if he enters, with the consent of Brown, that portion of the land leased to Brown.

"DATE" WITH DESTINY

"DATE" WITH DESTINY—Gen. Pierre Boyer de Latour, newly appointed resident general of French Morocco, accepts the traditional Arabian offering of dates and milk as a sign of hospitality as he visits Oued Zem, scene of a recent bloody uprising of Berber tribesmen. He replaces Gilbert Grandval as France attempts to cool seething unrest in North Africa.

Landscaping Makes Our Highways Safer

Landscaping and planting of roadsides to make them safer, quieter and more beautiful is favored by practically all motorists, according to the American Association of Nurserymen.

Roadside plantings, while beautiful, also should be functional in purpose, it is said. Properly planned plantings screen out noise and dust and other distractions, deaden traffic noises, make highways quieter. Planted dividing strips between opposing traffic lanes cut down glare and serve as directional guides. Certain types of shrubs can serve as soft landings for cars going off the road on dangerous stretches or curves, while shrubs and trees also in many cases can prevent landslides and falling rocks, as well as erosion and its consequent damage and unsightliness.

Motorists are said to feel that if they have to pay for roads through tolls and taxes they ought to be as attractive and safe as their tax money can make them, as well as the safest possible surface on which to drive.

A poor man is a healthy man; a healthy man is a rich man.
—German Proverb.

Legal Notices

NOTICE OF SALE OF CHATTEL PROPERTY

The undersigned will offer at public sale for cash to the highest bidder at the residence of Mr. Baker Boyce on the S. E. Morris-Shannonhouse Farm located on the U. S. Highway 17 between Edenton, N. C., and Hertford N. C. at 11:00 A. M., on December 8, 1955, the following chattel property owned by the late S. E. Morris at the time of his death:
1 Farmall "C" Tractor, with middle busters and cultivator attachments for same;
1 Disk Harrow
1 Goodrich Peanut Digger
1 Cart and Wheels and sundry farming implements and utensils

VIRGIE G. MORRIS AND WILLIAM S. MORRIS,
Executors of Estate of S. E. Morris
1tc

ADMINISTRATOR'S NOTICE

Having qualified as Administrator of the estate of Corinne B. Stitson, deceased, late of Chowan County, North Carolina, this is to notify all persons having claims against the estate of said deceased to exhibit them to the undersigned at Edenton, North Carolina, on or before the 24th day of November, 1956, or this notice will be pleaded in bar of their recovery. All persons indebted to said estate will please make immediate payment.

This 24th day of November, 1955.
SHELTON W. MOORE,
Administrator of Corinne B. Stitson Estate.
Nov24,Dec1,8,15,22,29c

ADMINISTRATRIX NOTICE

Having qualified as Administratrix of the estate of Esther Harris, deceased, late of Chowan County, North Carolina, this is to notify all persons having claims against the estate of said deceased to exhibit them to the undersigned at Edenton, North Carolina, on or before the 17th day of November, 1956, or this notice will be pleaded in bar of their recovery. All persons indebted to said estate will please make immediate payment.

This 17th day of November, 1955.
BESSIE BLOUNT WALTON,
Administratrix of Esther Harris Estate.
Nov17,24,Dec1,8,15,22c

NOTICE

North Carolina, Chowan County.

The undersigned, having qualified as administrator, C.T.A.D.B.N. of the Estate of Mrs. Claude Woodard Norman, deceased, late of Chowan County, North Carolina, this is to notify all persons having claims against said estate to present them to the undersigned on or before November 10, 1956, or this notice will be pleaded in bar of their recovery. All persons indebted to said estate will please make immediate payment to the undersigned.

This 10th day of November, 1955.
ERNEST W. LEARY,
Administrator, C.T.A.D.B.N.
Of Mrs. Claude Woodard Norman Estate.
Edenton, N. C.
Nov10,17,24,Dec1,8,15c

NOTICE OF EXECUTOR

Having qualified as Executor of the estate of C. D. Hollowell, deceased, late of Chowan County, North Carolina, this is to notify all persons having claims against the estate of said deceased to exhibit them to the undersigned at Edenton, North Carolina, on or before the 19th day of October, 1956, or this notice will be pleaded in bar of their recovery. All persons indebted to said estate will please make immediate payment.

This 19th day of October, 1955.
WELDON A. HOLLOWELL,
Executor of Estate of C. D. Hollowell.
Oct27,Nov3,10,17,24,Dec1cWAH