

# This Is The Law

By ROBERT E. LEE  
(For the N. C. Bar Association)  
John Olive has purchased in his name a car for the pleasure of his family. Mrs. Olive, his wife, was taking a trip of some

distance in this car. She became tired and requested a friend to take over the wheel and drive the balance of the way. If the friend negligently operates the car and injures another person, may a

Judgment for damages be recovered from John Olive?  
Yes. The driver is merely an instrumentality, or a longer arm, of the wife who is seated in the car and is in actual control. There is an extension of the agency of the wife to the driver. In effect, it is the same as if the wife had been driving at the time of the accident.  
Similarly, if a father allows his son to use the family automobile to take a friend and two girls for a ride, the father would be responsible for injuries resulting from negligence of the friend, whom the son had permitted to drive while he rode in the back seat.

This is the law of North Carolina pursuant to what is known as the "family purpose doctrine" in respect to automobiles. Under this doctrine, the owner of an automobile, which is furnished to the members of the owner's family for their pleasure and convenience, is held liable for the negligent act of any member of the family who might be driving it for pleasure with the consent, express or implied, of such owner.

Is the owner of a family purpose car liable for the negligent acts of an adult child committed while driving the car with the owner's permission?

The family purpose doctrine is not limited to the wife and minor children of the car owner. Adult children are included if they are members of the owner's household.

Albert Blond lends his family car to a neighbor. The neighbor, while negligently driving the automobile, injures George Green. May Green recover a judgment from Blond for the damages sustained?

There cannot be a recovery under the particular facts in North Carolina. The automobile was not being driven at the time by an agent of Blond. The "family purpose doctrine" is not applicable. The neighbor driving the car, and not Blond, is the one that should be sued by Green.

In a number of states Green could recover from either Blond or the driver. New York, Florida, California, Iowa, and a few other states have statutes which impose liability upon the owner of an automobile for the negligent acts of any person who might be driving it with his consent. But North Carolina, in accord with most jurisdictions, does not have such a statute.

North Carolina merely has a statute which says that proof of ownership of an automobile is prima facie evidence that it is being operated at the time of the accident by an agent of the owner. This rule of prima facie evidence may, of course, be rebutted at the trial.

## Ricky C. Brown Flying 'Copters

FT. WOLTERS, Tex. (AHTNC) Oct. 9 — Army Warrant Officer Candidate Ricky C. Brown, whose parents, Mr. and Mrs. Alvis L. McNair, live on Route 2, Bessemer City, N. C., recently completed a 20-week helicopter pilot course at the U. S. Army Primary Helicopter School, Ft. Wolters, Tex.

During the course, he was trained to fly army helicopters and learned to use them in tactical maneuvers.

He next will undergo advanced flight training at the U. S. Army Aviation School, Ft. Rucker, Ala. Upon completion of advanced training he may be appointed a warrant officer.

WOC Brown entered the Army in October 1969 and completed basic training at Ft. Polk, La., where he was last stationed.

A 1967 graduate of Frank L. Ashley high school in Gastonia, he also attended the University of North Carolina at Chapel Hill.

## Kings Mountain Has Fair Exhibit

Twelve schools representing eleven local school systems staged exhibits centered on various phases of occupational education at the State Fair.

On display in Dorton arena, these exhibits are competing with a number of other organizational booths for prizes.

Representing Cleveland Co. was a display on Agricultural Education entered by Kings Mountain High School with Charles Knight as teacher in charge.

The exhibits by individual schools are in addition to the larger "Schools in the Seventies" display in the Industrial Building. This presentation represents the combined efforts of more than a score of schools across the State, the State Board of Education, and the State Department of Public Instruction.

## Blood Visit Nets 62 Pints

The Kings Mountain Bloodmobile collected 62 pints of blood during the September 25th visit at Central Methodist church.

There were 18 first-time donors. Those becoming members of the Two Gallon Club were Tommy P. Bridges and John O. VanDyke. Reaching the One Gallon mark were Gilbert Dye, O'Brien Brooks, Louise Lovelace, and William B. Howell.

Leading the Industrial Division was K Mills with 16 donors, fol-

## Navy Seeks Musical Group For Club Tour

Musical groups from the local area that want to get out and see some of the world have a golden opportunity to spend 3-5 weeks in the Caribbean with salary and all expenses paid.

The Navy Resale System Office in Brooklyn, N. Y. is booking Country and Western, Dixieland and Folk groups to perform on a Caribbean entertainment circuit. They are also seeking specialty acts such as Blue Grass, Banjo Bands, Jug Bands and Variety Shows.

Groups will entertain at Navy enlisted men's clubs and other U. S. military clubs in Puerto Rico and Guantanamo Bay. Performance schedules will be tailored to the group's style of entertainment.

Audiences at these clubs are young men and women serving their country at overseas military bases. They are eager for American-style entertainment at their clubs and are interested in seeing different acts each week.

A new group leaves from Norfolk, Va. every two weeks. During the tour, the performances will have an opportunity to do some sightseeing in Puerto Rico.

To qualify, groups must be of professional quality with mature, serious performers interested in furthering their careers.

Interested groups should send a brief resume, group photo and demonstration tape to Bob Edwards, Entertainment Specialist (Code SMS-1), Navy Resale System Office, 3rd Avenue & 29 Street, Brooklyn, N. Y. 11232. Demo tapes should include 3 vocal and 2 musical numbers. Resume should contain the name, address and telephone number of the group's leader or manager.

Further information will be provided by the Navy Resale System Office to groups that qualify.

## WASHINGTON REPORT

WASHINGTON — The Senate has been considering the House-passed Equal Rights Amendment which seeks to abolish certain unfair discriminations which society makes against women.

Although I firmly believe that unfair discrimination against women ought to be abolished in every case where they are created by law, I have strenuously opposed the submission of this Amendment to the States for several reasons. First, in my judgement, this Amendment is not needed to achieve women's rights, I say this because the Constitution already protects the rights of women under provisions of the 5th and 14th Amendments.

I have pointed out to the Senate that if women are not enjoying the full benefit of their rights, it is due to a defect in the enforcement of Federal and State laws, and executive orders of the Federal Government, rather than a lack of fair laws and regulations. Moreover, where unfair or discriminatory laws still exist, these can be repealed by the respective legislatures or challenged in the Courts under these Amendments so as to make our laws more equitable.

In essence, then, the proper remedy for such grievances is to secure the enforcement of existing laws and the enactment of new statutes where needed.

Second, if this were all that were involved, there would be little reason to object to the submission to the States of the House-passed Constitutional Amendment to merely supplement a worthy purpose. Unfortunately, there is far more at stake than this. The House-passed Amendment is imprecise in its language and obscure in its meaning when one seeks to interpret it as a part of the body of law in this nation.

Professor Paul A. Freund of the Harvard Law School, one of America's greatest legal scholars, recently made these indisputable observations about this Amendment: "If anything about this proposed amendment is clear, it is that it would transform every provision of law concerning women into a constitutional issue to be ultimately resolved by the Supreme Court of the United States."

The range of such potential litigation is too great to be readily foreseen, but it would certainly embrace such diverse legal provisions as those relating to a widow's allowance, the obligation of family support and grounds for

divorce, the age of majority, and the right of annulment of marriages, and the maximum hours of labor for women in protected industries."

For this reason, I have offered several amendments to this House-passed Amendment to clarify its language and to prohibit the nullification of laws which are reasonably designed to promote the health, safety, privacy, education, and economic welfare of women, or which are reasonably designed to enable women to perform their duties as homemakers or mothers.

This House-passed Amendment has been oversold by its advocates and until recently ignored by the mothers, homemakers, and widows who stand to lose the most if it is adopted. Thus, I have sought with all the energy at my command to educate the Senate as to the dangers and

pitfalls of legislating by slogan rather than by analysis of the proposed Amendment.

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# Last Call To Register

FOR THE NOVEMBER 3, 1970 GENERAL ELECTION

SATURDAY IS THE LAST DAY

# SUPPORT

THESE DEMOCRATIC CANDIDATES

- |  |  |
|--|--|
| Basil L. Whitener - U. S. Congress                     | B. E. "Pop" Simmons - County Commissioner      |
| J. Ollie Harris - State Senate                         | J. Haywood Allen, - Sheriff                    |
| Marshall Rauch - State Senate                          | Mrs. Ruth Dedmon - Clerk of Court              |
| Robert Jones - State House of Representatives          | M. D. "Bub" Walker - County Coroner            |
| Robert Z. (Bob) Falls - State House of Representatives | Mrs. Harriet Evans - Treasurer                 |
| W. K. (Billy) Mauney - State House of Representatives  | W. D. Willis, Constable No. 6 Township         |
| Phil Rucker - County Commissioner                      | John R. Friday - Judge Superior Court          |
|  | W. Hamp Childs, Jr. - Solicitor Superior Court |

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