



The Roundup

By WILBORNE HARRELL

Today—Fall . . . The last dying embers of summer are smoldering. . . Bare tree limbs trace the sky . . . Falling leaves, turning a myriad colors, are the only beauty left in a dying world. . . Shortening days, overcast skies and a faint hint of the cold weather that is to come. . . Sadness and somber beauty join hands. . . Small regret for a lost summer and a burgeoning hope for the days ahead. . . Another phase in the endless cycle of living is behind us as life pushes us forward, never standing still, forever changing.



HARRELL

Overheard conversation: " . . . As long as there is a little building or construction work going on, no matter how small the job, times are good. But when people stop building or repairing, times are gonna get bad." I am happy to note that there is some construction work under way in Edenton.

Changing scene: Remember the schooners from "down the Sound" that used to dock here, loaded to

the gun's with oysters? Squatting on your heels on the deck before a pile of oysters, shucking and eating, was to know a feast fit for a king. Fresh out of the shell, still in its natural juices, no oyster tasted better. Everything today is packaged, bottled or canned. Today's washed-out oyster is a pale imitation of the oysters of yesterday right off the boats.

Yesterday—I have done considerable research on the Old West and have examined hundreds of photographs of personalities and places. Believing that the West was a colorful and romantic place, time and era, I was unprepared for the drabness and monotony of what I saw. To a certain extent, it was a disillusioning experience. All the subjects of these photos wore un-Western attire, by all modern standards. It was the advent of the Old West in show business which began with the early Wild West Shows, modern rodeos, books, movies and TV that is responsible for introducing the snappy, colorful Western costumes seen today. Many old-timers wouldn't have been caught dead in the "Western" outfit of a movie cowboy. What could be more un-Western than a round brim hat, a celluloid collar and a frock coat? Wyatt Earp often

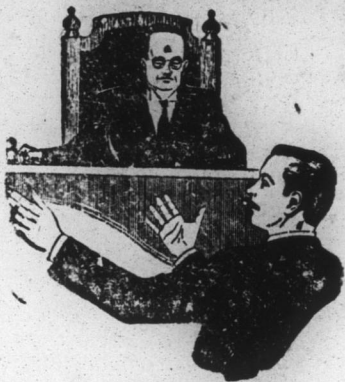
dressed in this fashion. A photo taken shortly before his death pictures Earp more as a dignified business or professional man than a Western marshal and gunfighter.

Tomorrow—"Quick, mama, have you got a quarter for the TV? Roy Rogers is coming on—hurry, mama, give us a quarter!" And, believe me, mama better have a quarter or she'll hear plenty from the small fry. . . Is that an accurate picture of the future of television? If the proponents of "pay as you view" have their way, it is. There is much controversy, pro and con, and many factors that enter into the situation. The entire entertainment world, including movies, is affected; and if pay TV is waiting for us tomorrow, one of its decided advantages will be to bring first-run movies right in our own homes. The movies will be no farther away than our TV set. Without question, television is at the crossroads.

One Way Of Doing It

The Waiter—We have nice braised ox tails and some fine broiled beef tongue today, sir. The Customer—In spite of the high cost, you manage to make both ends meet, eh?

This is the Law



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

Parking Lots

John Doe operated a parking lot. He charged by the hour for the privilege of parking automobiles on it. His customers were not required to hand over the keys of their cars to Doe or any of his attendants. The attendants merely collected the fees and at times designated suitable places in which to park. The drivers of the cars did their own parking, locking them or not as they wished. One morning Mary Smith parked her car in the lot. When she returned several hours later it was not there. Neither Doe nor his attendants could explain its disappearance. Several weeks later it was discovered by police in a neighboring state on a lonely highway, abandoned and wrecked. Can Mary Smith recover anything from John Doe?

The courts of the different states are somewhat at variance in the solving of problems which result when an automobile owner parks his car on a "parking lot." Also, there are infinite variations in the methods of conducting a parking lot business.

Most of the courts in the different states, including North Carolina, solve the problem by first determining the legal relationship existing between the car owner and the parking lot owner. Depending upon the facts of the

particular case, any one of the following legal relationships may be created: licensor-licensee, bailor-bailee, and lessor-lessee.

The facts of the particular problem would seem to indicate that the relation of licensor and licensee has been created. As a consequence, Mary Smith cannot recover any damages from John Doe.

The fact that the key to the car was not required to be handed to the parking lot operator or one of his attendants is important. The possession and control of the car was never delivered to the parking lot operator, thereby creating a bailment. Mary Smith acquired merely a license, a privilege to use the land of John Doe for parking purposes. Since John Doe never acquired the legal possession and control of the car, he is not responsible for its theft. The fact he might have exercised greater care and watchfulness and have prevented the theft is immaterial.

If John Doe had required his customers to surrender the key to their automobiles or to leave them in their automobiles, so that he or his employee could park them at any place of his choosing and move them from time to time during the day as occasion might require, there would have been created the legal relationship of bailor and bailee. Mary Smith would be the bailor and John Doe, as bailee, would be in possession and control of the automobile.

The law imposes on a paid bailee the duty to exercise ordinary care in respect to the property in his exclusive possession. A failure on his part to do so is negligence.

If a parking lot operator rents to a person by the month a designated space for his exclusive use there would be created the relationship of land-lord and tenant. A landlord is not responsible for thefts from land he has leased to a tenant.

TRY A HERALD CLASSIFIED

Weekly Devotional Column

By JAMES MACKENZIE

"How Red is the Federal Council of Churches?" This is the title of a vicious and scurrilous diatribe sent (anonymously, of course) to several Protestant families in our community this past week, together with a note to the effect that the pastors of Edenton are members of the Federal Council, and, therefore, Reds.

I can say with assurance that no minister in Edenton is a member of the Federal Council of Churches. In fact, I can say with assurance that no one anywhere is a member of the Federal Council of Churches—there is no such organization. The Federal Council of Churches disbanded in 1951!

Next, I suppose, we'll be receiving pamphlets urging us to vote for Herbert Hoover. The person who does not have the courage to sign his name to his opinions is a coward; twice a coward is the person who attacks an organization that is no longer able to defend itself. Ostensibly the pamphlet was written by one Verne P. Kaub of Madison, Wisconsin. The real author of it, however, is Gerald Winrod of Wichita, Kansas, a personal friend of Hitler who opposed America's entry into World War II. In 1944 Winrod was imprisoned for sedition because of his attempts to sabotage the American war effort. When the Federal Council of Churches was ending chaplains to the battle front, providing the boys with Bibles, sponsoring service centers and sending relief supplies to the impoverished people of conquered lands, the author of "How Red is the Federal Council" was advising Americans not to support the war effort. When I was lying in a Belgian hospital recovering from wounds received in battle, the author of this pamphlet was sitting in an American prison serving time as a traitor to his country. This is the man who wrote "How Red is the Federal Council of Churches?"

How Red is the Federal Council of Churches? Or, rather, How Red was the Federal Council of Churches? The Nazi Winrod

builds his case on the discredited "guilt by association" system. With this line of reasoning you can prove anything; for example, (1) The Pope believes that Jesus is the Son of God. (2) Southern Baptists believe that Jesus is the Son of God. (3) Therefore, the Pope is a Southern Baptist. Or, better yet, (1) Elephants have gray hair. (2) Grandpa has gray hair. (3) Therefore, grandpa is an elephant.

But our American Hitler does not even use the guilt by association method honestly. For example, Dr. Henry VanDusen, president of Union Seminary in New York, and one of the principal sponsors of Billy Graham's crusade in that city, is listed as belonging to five communist front organizations. Only one of these,

The American Committee for the Foreign Born eventually became a communist-front organization, and Dr. VanDusen has proven that he was never affiliated in any way with it. Whatever his faults, Dr. VanDusen, like the other leaders and members of the Federal Council of Churches, were and are respectable, loyal, intelligent, patriotic Americans, which is more than I can say for some of their critics. They represented all shades of political opinion; some were conservative, others liberal. The Federal Council had its faults, but it is dead now. May it rest in peace.

The difference between the right word and the almost right word is the difference between lightning and the lightning bug. —Mark Twain.

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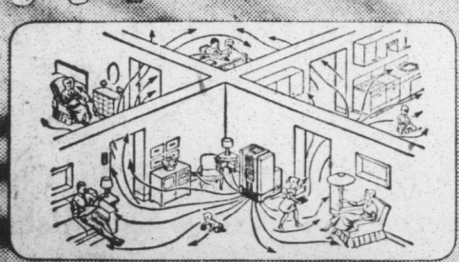
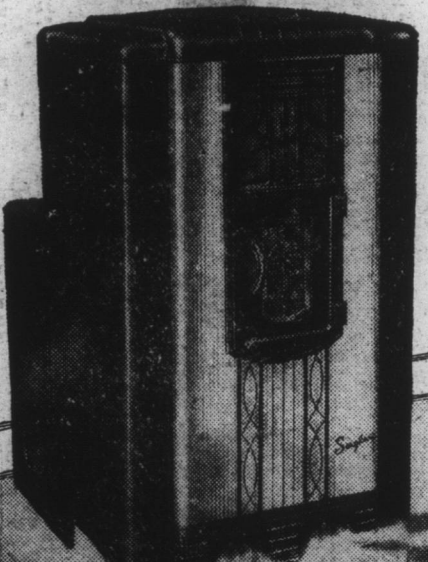
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A Thoughtful Bequest

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