

# This is the Law



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

## RESTAURANTS

Jones enters a restaurant and hangs his hat and coat on a hook or clothes tree provided by the management for the convenience of the patrons of the restaurant. When he gets ready to leave, he discovers that his hat and coat are missing. May he recover their value from the owner of the restaurant?

No. There has not been created a bailment. A bailment exists whenever a

person delivers the temporary possession of personal property to another. The person delivering the possession is called the "bailor", and the person receiving the possession is called the "bailee".

The hat and coat have never been in the exclusive possession of the owner of the restaurant. They were placed within easy reach of the customer and he could have removed them at any time without notice to the restaurateur, which is inconsistent with the essential requirement that the bailee must have the sole possession and control over the articles bailed.

The hat and coat were hung at a place to which all other customers had equal access. There was no invitation to the patron to relax or yield his personal vigilance, as the hooks or clothes trees are to be regarded as being merely for the convenience of patrons who wish to put aside their hats and coats while eating and yet not part with control over them.

The law does not hold a person responsible for property that has not been in his possession and under his control.

Mary Smith enters a restaurant and checks her coat and a

parcel with an attendant. She is given a claim check and the attendant places the coat and parcel in a place under the control of the management. No charges are made by the management for this service. May Mary Smith recover the value of her coat and parcel from the owner of the restaurant if they are not returned to her?

She may recover if it can be proved that the coat and parcel were not returned as the result of negligence on the part of the attendant or other employee of the restaurant. A bailment has been created. There was a delivery of possession to an employee of the restaurant.

Where a bailor has shown the delivery of property to a bailee and the latter has failed on demand to return the property, or has returned it in a damaged condition, the bailor has made out a "prima facie case" against the bailee. The bailee, in this case the owner of the restaurant, will not be required to compensate the patron if he is able to prove that the loss occurred through some specific casualty, such as fire or theft, not due to negligence.

## Weekly Devotional Column

By JAMES MACKENZIE

"... they took knowledge of them that they had been with Jesus" (Acts 4:13).

Often today there is no appreciable difference between the church member and the non-church-member, between those who name the Name of Christ and those who do not. They drink the same brand of beer, attend the same cocktail parties, belong to the same clubs, use the same cuss-words, and read the same trashy novels. But the real Christian, the person whose life has been touched by the transforming grace of God, is distinctive, different from those about him. You can tell he has been with Jesus.

The world is watching us who call ourselves Christians. Sometimes kindly, sometimes unkindly, but always keenly. Men do take knowledge of us, and what they see will determine their opinion as to the reality of our faith.

What was it about Peter and John that caused the unsaved about them to confess they had been with Jesus? It was not their learning, for in this same verse we read, "They were unlearned and ignorant men." We today place too much emphasis on learning when it comes to judging ministers. Peter and John were not educated men; it would have been impossible for them to be ordained by any of our large stuff-shirt denominations today. Neither was it their wealth, for they were extremely poor. Nor was it their show-place church-buildings and cathedrals, for they had none; nor their elaborate ritual, for all that had not yet evolved.



NATIONAL HOT-DOG MONTH—Agriculture Secretary Ezra Taft Benson bites into a three-foot hot dog presented to him in his Washington office as a forerunner of National Hot-Dog Month, which will be observed during July. Making the presentation are Paul Gilmore, 9, and his sister, Carol, 11, of Washington.

ed. Yet there was something about these two simple, unlearned, uncultured, plainly-dressed men that forced those about them to take knowledge of them that they had been with Jesus. What was it?

The Bible tells us it was their boldness (see verse 13). They made no apology for their Christian faith, nor did they water it down to conform to the social evils of their day. They could say with Paul, "I am not ashamed of the Gospel of Christ, for it is the power of God unto salvation." They had been with Jesus, and could not but speak the things which they had seen and heard (verse 20). Perhaps the reason we are so timid when it comes to openly confessing our Christian faith is that we often have no real, Christian faith to confess.

Theirs was the boldness of an authoritative message. To Peter, Jesus Christ was the rock on which the Church is built (verse 11), and the only way we can be saved (verse 12). Thank God for a man who will stand for the Christian faith. In these days when the World Council of Churches is telling us that one religion is as good as another, and that there is much we can learn from the Mohammedans, and that Jesus was telling a fib when He said that no man could come to the Father but by Him, we need men and women who will stand for the Christian Faith and the Christian ethic without compromise or apology.

## Robertson - White Wedding Held In Merry Hill Church

Miss Charlotte Becker White, daughter of Mr. and Mrs. Lewis Chesley White of Merry Hill and Milton Truett Robertson, son of Mr. and Mrs. William Julian White of Colerain, were united in marriage in the Merry Hill Baptist Church. The pastor, the Rev. Oscar Turner, officiated.

Music was presented by Miss Laura Harrell, organist, and Mrs. Floyd Taylor, vocalist.

The bride, given in marriage by her father, wore a gown of embroidered organdy over taffeta and tulle. Her veil of silk illusion was attached to a heart-shaped crown of sequins and pearls and she carried a white Bibb'e with a white orchid and valley lilies.

Miss Anna Raye White, the bride's sister, was maid of honor. She wore a ballerina dress of velvet organdy over taffeta with matching picture hat and carried a bouquet of blue delphinium and

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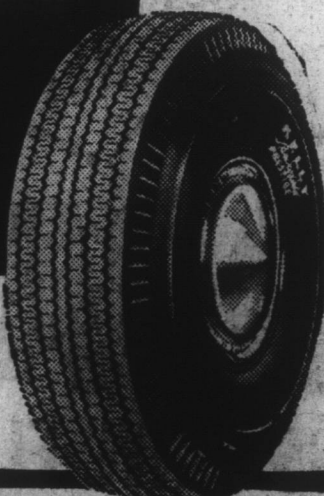
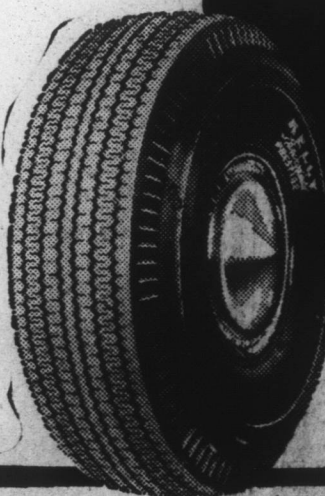
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yellow marguerite daisies. Bridesmaids were Miss Sue Perry of Merry Hill and Miss Sarah Ann Robertson, sister of the bridegroom. Flower girl was Miss Sheila Small, cousin of the bride. They wore light green dresses made like that of the attendant and carried similar bouquets.

William Julian Robertson, Jr., brother of the bridegroom, was best man. Ushers were Lawrence Wood Myers of Ahsokie and Carroll Northcott of Colepin.

The bride was graduated from Norfolk Business College and is now employed with the Planters National Bank in Ahsokie.

The bridegroom attended State College. He is engaged in farming.

After a reception given by the bride's parents at the Midway Community House, Mr. and Mrs. Robertson left for a wedding trip to the Shenandoah Valley.

The couple will reside in Ahsokie.

Episcopal Church and the Order of Railway Conductors. Surviving are his wife, Mrs. Mary J. Coffield; a brother, J. G. Coffield of Norfolk, Va., and a sister, Mrs. Wildey Smith of Bristol, Tennessee.

Funeral services were held Tuesday morning at 11 o'clock at St. Paul's Church, with the rector, the Rev. George B. Holmes, officiating. Burial was in St. Paul's churchyard.

Pallbearers were James Bond, Logan Elliott, Billy Pruden, Jack Bond, Murel Byrum, Frank Williams, George Wood and Elton Forehand.

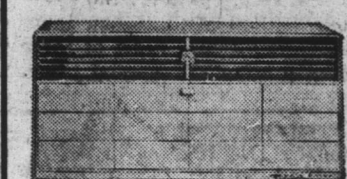
Home is the dearest spot on earth, and it should be the center, though not the boundary, of the affections.

—Mary Baker Eddy.

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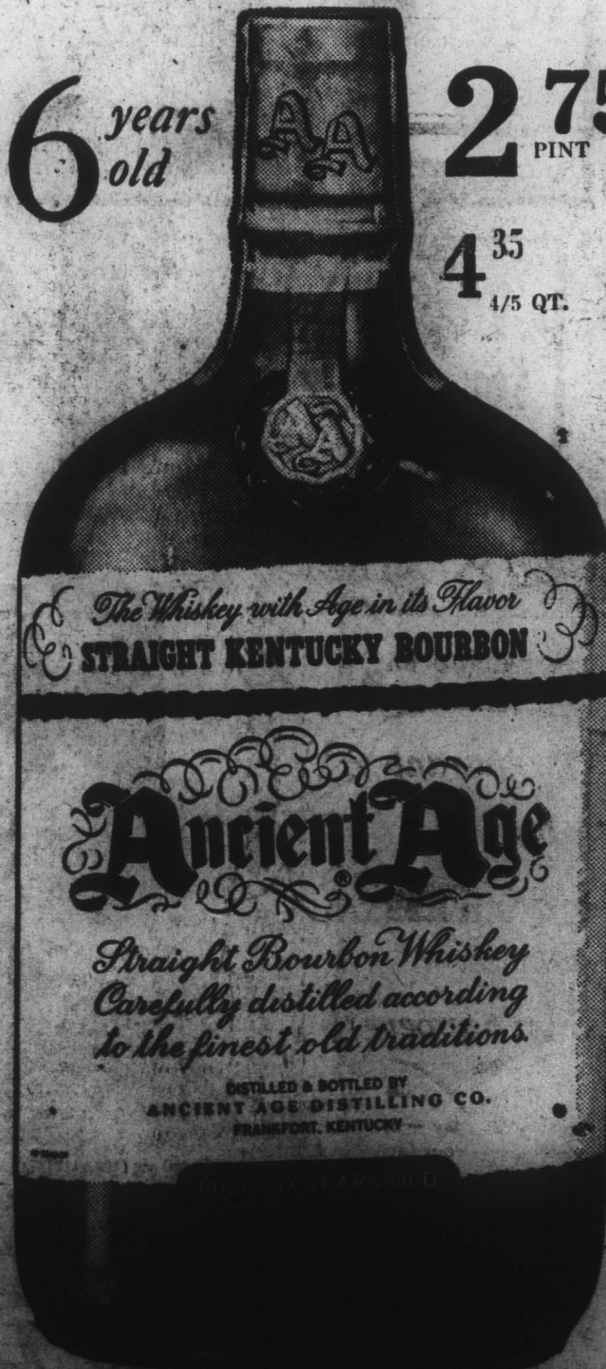
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