

Three P's

PERSONAL AND PRIVATE PROBLEMS

This column will accept to answer personal and private problems of individuals who submit their questions to this column. These inquiries to include family and social problems and all other questions that come up in the daily life and career. All inquiries are handled on a confidential basis. Correspondence and names will be held in the strictest confidence. All inquiries and questions should be addressed to "Three P's", care of The Chowan Herald, Edenton, N. C. *Madeline V. Miller, Counselor.*

Dear Three P's:

My mother is very sick and in the hospital as a result of some government man visiting her and telling her that some urban development company was going to take her home, tear it down and rebuild something else for the improvement of the city. My mother lives in a quiet, older section of the city. We kids were born there and my mother never expected to sell it or move from it. This government man told mother that the property had been appraised and he was offering so much money; that she would have to move out in sixty days as the house was to be torn down. If mother did not like the price she could go into court and demand more. But she had to move out. What can I do about it and why is it that the government can come in and take your property without the owner's consent?

—Justinus.

Dear Justinus:

The answers to your questions are very simple. As to what you can do about it, there is not a darn thing you can do about it; it is too late. To correct the situation you will have to work for the repeal of all the social legislation passed by your Congress and the half-baked decisions of the Federal courts, including the U. S. Supreme Court.

This situation has come about, since the turn of the century, through the educational forces of the country feeding the public a great deal of pap and mental tranquilizers. The professors of legal jurisprudence, social and political economy, of all the great universities of Yale, Princeton and Harvard all the way down to the small college of Lucinda, in Anamobia, have been teaching the principle of social and political expediency rather than the real principles of fundamental law and economics, that justice is cruel but merciful, that you have to work to produce and to live; that nothing comes easy and eventually you have to pay for what you get, in some form or other.

As a result, we have had a great deal of half thought-out social legislation which provides for the taking away from those who work and produce and gives it to those who do not deserve it, backed up by poorly thought-out decisions of the courts and misinterpretations of the principles and purposes of the constitution of the U. S.

Supreme Court.

One of the fundamental, basic principles of law is the right to own and dispose of property. Through the centuries men fought and died to win this principle and that a man's home is his castle; that he could do with it what he chose; he could keep it inviolate from all trespass and confiscation; he could sell it to whom he pleased or refuse to sell it; he could give it away to whom he pleased and he had the right to devise it under the terms of his will for all legal purposes. This was always upheld under what is known as the old constitution, that is before 1900. Today this principle has gone down the drain together with other fundamental principles of law that men fought and died to obtain, including our own Revolution.

Under the Urban Renewal Act of Congress, implemented by State laws, your property can be taken away from you without your say, yes or no. If you do not like the damages offered, you have to fight it out in court; in the meantime your home has been torn down. This comes about in this fashion: Under the Urban Renewal Act, and the supplemental state laws, a so-called Redevelopment Authority is set up, which has the power of eminent domain, or condemnation. This Authority has a planning commission which decides what should be done to improve areas according to their ideas. Under this program private property is taken

and subsidized, low rent housing is erected in place of the privately owned homes. The tenants of such subsidized houses, do not pay an economic rent to cover normal taxes, water and sewer charges and school taxes, but the other responsible producers have to absorb these taxes. This is perfectly legal under the new social concept of law and ownership, as stated by the U. S. Supreme Court in *Berman vs. Parker*, 348 U. S. 26. There is another phase to this problem and that is the Redevelopment Authority may sell the cleared land to private developers and builders, who make a large profit from the property taken from the private home owner.

This new social concept of law and of the constitution goes through the entire gamut of our private lives. The right to devise and bequeath property is no longer a fundamental right. According to the U. S. Supreme Court, the intent and purposes of a will may be set aside if the administrator is a public agency and the intent of the will is no longer in keeping with the current social conditions. See *Girard Estate*. This will was probated in 1835 and provided for the setting up of a home for half orphan white children. It was attacked on the ground that the social conditions had changed and the state had no right to discriminate against colored children. The Supreme Court upheld this view. Then there is the farm legis-

lation. A farmer in Pennsylvania wanted to raise his own feed for his chickens and livestock. He used more of his own acreage than was allotted to him under the farm program. This farmer appealed this decision all the way to the U. S. Supreme Court which held he was violating the law in raising his own feed and he was fined. The same decision applied to the farmer in Minnesota who was fined some six thousand dollars. He sold his farm and moved to Australia.

Then there are the laws as to minimum wages. Under these laws the Secretary of Labor informed cotton growers the wages they had to pay, regardless of the efficiency of the workers; then the Secretary condemned housing used for transient farm workers. If carried to extremes, any government official could close your own home and deprive you of the use of your property. State laws no longer control health and welfare.

Further the government is in business in competition with private enterprise. The Government owns, controls, finances and manages 700 big enterprises, split up into over three thousand companies; all operating without paying any kind of taxes, but all are in competition with private enterprise which has to produce the taxes to support the government owned competitors.

Under the guise of interstate commerce, the federal govern-

ment takes jurisdiction over purely local labor problems. It controls the window cleaners and porters who maintain large office buildings in cities on the theory that some of the tenants in some form or other, merely by mail, are in interstate commerce. This story could go on ad infinitum. It is all indicative how far we are traveling in giving up our individual rights to own and manage our own property and to dispose of it as we see fit. The Federal Government has gone far into our private lives. Where it will end no one knows, as evidenced by the Federal Income tax.

Dear Three P's:

I was engaged to a very nice man. He was generous and gave me many presents of jewelry and a beautiful engagement ring. Then I met another man I loved more and I broke the engagement. My first fiance wants the jewelry back and the engagement ring. Do I have to give it back to him legally?

—Rosette.

Dear Rosette:

Actually your question is not a legal one but a moral one. If you have accepted these expensive gifts from your boy friend on the basis of your accepting him as your future husband, then you should return the gifts, as you are no longer engaged to marry him, but someone else.

The legal question is one of a gift, and if you look at the

problem from a purely legal point of view, there is no doubt that you might keep them. However, if your boy friend sued you for recovery and the case went to trial, the court might decide the case on the theory of a contract to marry your boy friend and that the gifts to you were part of the consideration in the contract. The fact that you did not fulfill the contract and cancelled the engagement, however, the court might side with you for recovery and the case therefore, the court might decide that you would have to return the gifts!

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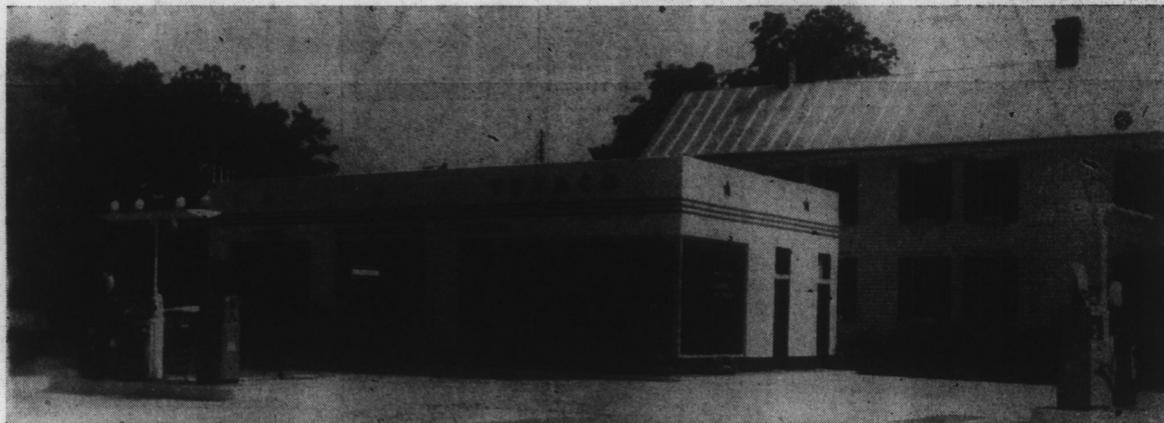
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