

# This is the Law



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

## Defects In Highways

This is the first of a spring series of articles which will appear each week throughout the next three months. They have been written for the non-lawyer as a public service of the North Carolina Bar Association.

There was a deep hole in the asphalt pavement of a State highway caused by public travel over it. It had existed for more than a month and had been called to the attention of officials of the State highway system. In passing another vehicle at a legal rate of speed, a farmer ran into the hole with his pick-up truck, lost control of it, and wrecked it, with the result that his four-year-old son was killed and the remaining seven occupants were injured. May there be a recovery from the State Highway Commission or the State of North Carolina?

No. Neither the State nor one of its agencies can be sued without its consent for wrongful acts.

A sovereign state would not be sovereign if it could be sued by its citizens. The ancient maxim that "the King can do no wrong" has come to mean that a sovereign is incapable of doing wrong.

Although North Carolina enacted for the first time in 1951 a statute in which it consented to be sued for the "negligent acts" of an employee committed while acting within the scope of his employment, provided the amount of damages awarded did not exceed \$10,000, the Supreme Court in 1956 held there could be no recovery under a set of facts similar to the above.

The Supreme Court said that the failure to repair a hole in the highway caused by ordinary public travel was not a "negligent act". It said: "We think it was the intent of the Legislature to permit recovery only for negligent acts of its employees, for things done by them, not for the things left undone."

Presumably, if an employee of the State Highway Commission should negligently operate a vehicle so as to injure the person or property of another, there could under the 1951 statutes be an award of damages not in excess of \$10,000.

Is a city liable for injuries caused by defects in streets that its employees have negligently permitted to exist?

Yes. A city or other incorporated municipality is not entitled the immunity of the sovereign State.

Municipalities are held liable for their failure to maintain their streets in a reasonable safe

condition. There is no statutory limitations of maximum liability as to cities.

# CHOWAN NEWS

By CATHERINE AMAN  
Assistant Home Economics Agent

Has your community started the structure for a Community 4-H Club? The Ryland Community Development Organization selected as their Youth Project to organize and sponsor a 4-H Club. Recently elected committee members to work with this project are: Mr. and Mrs. Lester Copeland, Mr. and Mrs. Deryn Bunch and Mrs. Eugene Jordan.

One of the first steps this committee will make is to survey the available youth who are potential 4-H members in Ryland. These boys and girls will be contacted and a meeting held to organize a 4-H Club.

The Advance Community 4-H Club members are working hard on their special community project, which is improving the community building grounds. On Saturday, March 25, the girls with the help of Mrs. Carlton Perry, adult leader, and aided by their mothers, made cakes and pies for special orders. Cookies, candy and cupcakes were sold. The girls netted \$32.00 on their bake sale.

The boys in Advance, guided by Adult Leaders Dick Lowe and Carlton Perry, staged a scrap metal drive on Saturday. The metal will be sold at a later date. All the money made from these two projects will be used to improve the Advance Community Building grounds.

The North Carolina 4-H Development Fund drive is still under way. The money from this fund will be used in four major areas of the 4-H program: (1) To improve and obtain additional 4-H camps; (2) To improve the recognition and awards programs; (3) To provide scholarships—Zackie Harrell, Route 3, Edenton, was awarded a 4-H Scholarship from this fund last year; (4) To expand the International Farm Youth Exchange program.

Chowan County's goal for the 4-H Development Fund is \$1,100. Last year the Chowan organization sent \$740.00 to the State Fund. This year we want to raise the other \$360.00 needed to complete our quota. The 4-H County Council voted to sell county license tags to raise some of the money. The tag is about one-half the size of a regular license plate; it bears the lettering: Chowan County—Peanut Capital of N. C. The 4-Hers will soon be selling these tags

## Joins Sears



ERWIN GRIFFIN

Erwin Griffin, formerly with the Virginia Wildlife Service, is now connected with the Edenton Sears Catalog Sales Office. He will serve in the capacity of outside representative.

throughout the county. When you are asked to buy a tag—contribute to the N. C. 4-H Development Fund by buying a county license tag. (Money contributed to the 4-H Development Fund is tax deductible.)

The 4-H record book workshop held last week in the Rocky Hock Community Center was well attended. L. B. Dixon, District 4-H Club Agent, conducted the class for 14 members and 6 adult leaders. Mr. Dixon explained the importance of keeping records, not only in 4-H project work, but in all phases of daily work. The 4-Hers and leaders were given Standard Report Forms to follow while each section of the form was thoroughly explained.

Those attending the workshop were: Mrs. Emmett Jones, Mrs. Melba DuBois, Mrs. Jack Leary, Mr. and Mrs. Marvin Evans and Hubert Byrum, adult leaders; 4-Hers were: Hubert Byrum, Judy, Lewis, Leon Evans, Jerry White, Cal Goodwin, Johnny DuBois, Brenda Parrish, Scot Ober, Arlyn Bunch, Gene Harrell, Donald Jackson, Jimmy Turner and Joe Bass.

## IMPROVING

Friends of Sidney Spruill will be glad to know that he is much improved after a spell of serious illness at his home on Rt. 3.

## THE CIVIL WAR NOBODY KNOWS

Noted historian and novelist Neil H. Swanson presents a new and unusual approach to the Civil War . . . told in a day-by-day diary filled with surprises.

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# AROUND THE FARMS IN CHOWAN COUNTY

By C. W. OVERMAN, Chowan County Agent

**What Do We Spend For Food?**  
According to the U. S. Department of Agriculture, 20 percent of our disposable income went for food in 1959. If we had bought in 1959 the same kinds and quantities of food we ate in 1935-39, we would have spent only 15 percent of our 1959 income.

We spent 23 1/2 percent of our disposable income for food in 1929 and 22-1/3 percent in 1939.

Japanese spend about 42 percent of their disposable income for food, West Germans, 45 percent and Russians 56 percent.

One hour's work in a factory buys more food today than it did 20 or 30 years ago. Pay for one hour's factory labor would buy: Round steak, 2.1 pounds in 1959; 1.8 pounds in 1939; 1.2 in 1929; or Bacon, 3.3 pounds in 1959; 2 pounds in 1939; 1.3 in 1929; or Milk, 17.6 pints in 1959; 10.4 pints in 1939; 7.8 in 1929; or Oranges, 3.3 dozen in 1959; 2.2 dozen in 1939; 1.3 in 1929.

Food costs have risen less since 1947-49 than most other consumer items in the cost-of-living index. For all items on the list, the increase in cost to late 1960 was 27.4 percent. For all food, the increase was 21.1 percent.

The retail cost of the farm food "market basket" is 12 percent higher than it was in 1947-49, but the farm value of the food in this market basket is 14 percent lower.

**Burned Shell Lime With Magnesium:** You can now get burned shell lime containing 15% magnesium. The product may also be purchased containing 6%, 10% or 20% potash. This may be the answer to the problem on soils showing a need for one ton or more of dolomitic lime per acre which will be planted to peanuts or soybeans this year.

The burned shell lime should give quicker action on soil acidity than dolomitic lime. It requires only 1400 pounds of the burned shell lime to equal one ton of dolomitic lime. On the other hand, in using burned shell lime containing potash you need to take into consideration the amount of muriate of potash contained in one ton. For example, 60% of muriate of potash is mixed with lime in this

instance. For example, in one ton of 6% potash lime you would have 200 pounds of 60% muriate of potash and 1800 pounds of lime. Your soil test report shows that for peanuts your soil needs one ton of dolomitic lime and 100 pounds of 60% muriate of potash. You would need to apply 1200 pounds of burned shell lime containing 15% magnesium and 6% potash. This would give you 120 pounds of muriate of potash and 1,080 pounds of lime which might be a little short on the lime side but should do a good job. To completely supply the lime needs on this land you would need to apply about 500 pounds of dolomitic lime per acre next fall.

**Efficient Hog Production:** I have just read with interest a brief article on a master swine producer, William Hernik, in the State of Iowa for 1960. The article states that Mr. Hernik led the 25 Iowa master swine producers last year. He weaned and marketed an average of 10.4 pigs per litter.

Mr. Hernik is not a real large hog producer but he does keep 24 brood sows on which this record was made. We have many swine producers in Chowan County who keep about this many brood sows. I haven't heard of a single producer in Chowan County who has averaged weaning and marketing 10 pigs per litter for two litters in any one year.

This record might be termed fantastic but on the other hand it is very possible. It can only be obtained by following all good swine production practices. If Chowan County swine producers could average marketing nine pigs per litter, our net return on hogs would be greatly increased. How many swine producers in Chowan County will shoot for this goal in 1961?

**Cotton Situation in Chowan County:** The ASC Office has just given me the following information on our cotton situation in Chowan County. Requests for additional allotment this year amount to 1,053 acres.

There has been 524 acres released. This leaves 529 acres to come from further releases or from the state pool.

April 5, Wednesday of next week, is the closing date for releasing cotton acreage this year. I hope that every cotton producer who will not have released his cotton acreage by that time will plant it so that we can hold our full allotment in Chowan County. Mr. Handy West also informs me that he has been informed they will receive enough acreage to take care of all requests for this year.

We are in the process of mailing to cotton growers a sheet entitled "High Yield, High Quality Cotton Production Suggestions." This sheet lists all of the improved practices we can think of in cotton production. I hope that you will look over this carefully, plan to follow it for a most profitable cotton crop this year, and also file this sheet for future reference.

## Tarkington Sent To Office In Wilmington

Raymond A. Tarkington, who has been staff manager for the Southern Life Insurance Company in Edenton, has been notified that he is being transferred to Wilmington, N. C. While his official title will remain as staff manager, it is a definite advancement, in that it is a much larger staff. The position offers him many more opportunities for advancement.

Mr. Tarkington came to Edenton in 1941 as agent for Southern Life Insurance Company. In 1944 he affiliated with Nationwide Insurance Company, being promoted and sent to Henderson in 1946. He returned to Edenton and went back with Southern Life Insurance Com-

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PHONE K. L. NIXON—2035

pany as staff manager in 1951. The Tarkington family loves Edenton and it was with reluctance that Mr. Tarkington accepted this transfer. But he realizes that if he is to advance with his company he must go where they send him.

Though Mr. Tarkington is scheduled to report for his new duties on April 4, his family will remain in Edenton for some time.

## New Corporation Is Formed In Edenton

A new corporation has been formed in Edenton, the Longbeach Land Company, developers of Longbeach estates located 3 1/2 miles below New Hope in Perquimans County. The corporation is composed of Edenton men including Frank Habit, Don Moyer and Bob Kline.

Habit is a native Edentonian, while Moyer is from Battle Creek, Mich., and Kline hails from Lansing, Mich. The latter two recently moved to Edenton and purchased the Ralph Blades

home in Pembroke Circle, where they will live in separate apartments.

The new sub-division includes 35 acres of waterfront property near the mouth of Perquimans River and Albemarle Sound and includes park facilities for picnics and other outdoor activities. The new development will open Wednesday, April 5, when desirable lots will be offered for sale, varying in size and price.

**CALL OFF MEETING**  
Edenton Lions have called off their weekly meeting next Monday, April 3, due to the observance of Eastern Monday.

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