

This is the Law



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

Bulls

In a case coming out of Henderson County, North Carolina, an employee on a farm was seriously injured as the result of being gored by a bull he was instructed to take to a pasture. The injured plaintiff did not give any evidence that the bull had ever attacked any other person or had given signs of having a "vicious propensity." He did not recover. In fact the trial judge did not al-

low the case to go to the jury; it was nonsuited.

The opinion of the Supreme Court of North Carolina in this case is a legal classic. It appears in *Banks vs. Maxwell*, 205 N. C. 233, decided in 1933.

The opinion is far more interesting than the usual run of Supreme Court decisions and for this reason is reproduced in its entirety:

"What are the essentials of liability for injury inflicted by a bull?"

"The ancestry and social standing of a bull antedates the pyramids of Egypt. Indeed, the written record reveals that in the first civilization along the stretches of the Nile a bull was a god. He was an emblem and symbol of vitality and ancient Egyptians worshipped vitality. The same impulse therefore that constructed the pyramids also endowed the bull with divinity.

"It is true that his fighting qualities have often been used for describing fear. For instance, the Sweet Singer of Israel, attempting to describe his sense of fear and depression, write: 'Many bulls have compassed me; strong bulls of Bashan' have beset me round. They gaped upon me with their mouths as a ravening and roaring lion.' Psalms 22:12-13.

Seeks Re-election



AL PHILLIPS

Al Phillips has filed as a candidate for re-election as Councilman from the Second Ward in the municipal election Tuesday, May 2. Mr. Phillips has served one term.

They gaped upon me with their mouths as a ravening and roaring lion.' Psalms 22:12-13.

"The familiar rule of liability for injuries inflicted by cattle has remained approximately constant for more than three thousand years. This rule of liability was expressed by Moses in the following words: 'If an ox gore a man or a woman that they die; then the ox shall be surely stoned and his flesh shall not be eaten, but the owner of the ox shall be quit. But if the ox were wont to push with his horn in time past, and it hath been testified to his owner, and he hath not kept him in, but that he hath killed a man or a woman; the ox shall be stoned, and his owner also shall be put to death. If there be laid on him a sum of money, then he shall give for the ransom of his life whatsoever is laid upon him.' Ex. 21:28-30.

"This Court declared in *Rector vs. Coal Co.*, 192 N. C. 804, 136 S. E. 113, that a person injured by a domestic animal, in order to recover damages, must show two essential facts: (1) 'The animal inflicting the injury must be dangerous, vicious, mischievous or ferocious, or one termed in the law as possessing a vicious propensity. (2) The owner must have actual or constructive knowledge of the vicious propensity, character and habits of the animal'. The same principal was announced in *Cockerham vs. Nixon*, 22 N. C. 269, this case involved an injury committed by a bull.

"In the case at bar there was no evidence offered tending to show that the bull had ever attacked a person or threatened to do so, nor that he was 'wont to push with his horn in time

past'; nor was there evidence that the owner had actual or constructive knowledge of any vicious propensity of the animal. It is true that a witness said that each morning when the bull was turned out of the pen 'he would bellow, paw the ground, and burrow in the ground with his head'. Those bred to the soil perhaps know that such acts on the part of a normal bull constituted per se no more than boastful publicity or propaganda, doubtless designed by the animal to inform his bovine friends and admirers that he was arriving upon the scene."

Legal Notices

NOTICE OF ADMINISTRATION

Having qualified as Executrix of the Estate of Gurnie C. Hobbs, deceased, late of Chowan County, North Carolina, this is to notify all persons having claims against the estate of said deceased to exhibit them to the undersigned at Edenton, North Carolina, on or before the 13th day of April, 1962, or this notice will be pleaded in bar of their recovery. All persons indebted to said estate will please make immediate payment.

This April 8, 1961.
HATTIE H. HOBBS,
Executrix of Estate
of Gurnie C. Hobbs.
Apr 13, 20, 27, May 4, 11, 18c

EXECUTRIX NOTICE

Having qualified as executrix of the estate of Ernest W. Leary, deceased, late of Chowan County, North Carolina, this is to no-

tify all persons having claims against the estate of said deceased to present them to the undersigned within one year from date of this notice or same will be pleaded in bar of their recovery. All persons indebted to said estate will please make immediate payment.

This 6th day of April, 1961.
MYRTLE R. LEARY,
Executrix of Ernest W. Leary Estate.
Apr 6, 13, 20, 27, May 4, 11c

EXECUTRIX NOTICE

Having qualified as Executrix of the estate of Carl B. Cease, deceased, late of Chowan County, North Carolina, this is to notify all persons having claims against the estate of said deceased to present them to the undersigned within one year from date of this notice or same will be pleaded in bar of their recovery. All persons indebted to said estate will please make immediate payment.

This 16th day of March, 1961.
MRS. CARRIE P. CEASE,
Executrix of
Carl B. Cease Estate.
Mar 16, 23, 30, Apr 6, 13, 20c

ADMINISTRATRIX NOTICE

Having qualified as administratrix of the estate of G. L. Lamb, deceased, late of Chowan County, North Carolina, this is to notify all persons having claims against the estate of said deceased to present them to the undersigned within one year from date of this notice or same will be pleaded in bar of their recovery. All persons indebted to said estate will please make immediate payment.

This 16th day of March, 1961.
MARIA L. SKINNER,
Administratrix of
G. L. Lamb.
Mar 16, 23, 30, Apr 6, 13, 20c

ADMINISTRATRIX NOTICE

Having qualified as Administratrix of the estate of Minnie Moore Rountree, deceased, late of Chowan County, North Carolina, this is to notify all persons having claims against the estate of said deceased to present them to the undersigned within one year from date of this notice or same will be pleaded in bar of their recovery. All persons indebted to said estate will please make immediate payment.

This 20th day of April, 1961.
MINNIE BELLE
ROUNTREE,
Administratrix of
Minnie Moore Rountree.
Apr 20, 27, May 4, 11, 18, 25c

North Carolina,
Chowan County.

NOTICE

Under and by virtue of the power of sale contained in a certain Deed of Trust executed by Sherman Spruill and wife, Alma W. Spruill to Marvin Wilson, Trustee dated the 9th day of April, 1949, and recorded in Book 59, Page 290 in the office of the Register of Deeds of Chowan County, North Carolina; and under and by virtue of the authority vested in the undersigned as substituted Trustee by instrument of writing dated March 21, 1961, and recorded in Book 16, page 49 in the office of the Register of Deeds of Chowan County; default having been made in the payment of the indebtedness thereby secured and the said Deed of Trust being by the terms thereof subject to foreclosure, and the holder of the indebtedness thereby secured having demanded a foreclosure thereof for the purpose of satis-

fying said indebtedness, the undersigned substituted Trustee will offer for sale at public auction to the highest bidder for cash at the Court House door in Edenton, North Carolina at 11:30 o'clock A. M., on the 24th day of April, 1961 the land conveyed in said Deed of Trust, the same being in the Town of Edenton, Chowan County, North Carolina and more particularly described as follows:

Beginning at Bodwell Paling's line on Albemarle Street, thence thence westwardly 33 feet to John Scott's line; thence northwardly with said John Scott's line 165 feet to Albemarle Street; thence Eastwardly 33 feet to the place of beginning and being the same property conveyed to Sherman Spruill by William S. Elliott and wife.

This 25th day of March, 1961.

JOHN W. GRAHAM,
Substituted Trustee.
Mar 30, Apr 6, 13, 20c

Consistent prayer is the desire to go right.—Mary Baker Eddy.



E. L. Pearce
SEEDSMAN
Phone 3839 — Edenton

YOUR VOTE AND SUPPORT
WILL BE APPRECIATED
RICHARD D. DIXON, JR.
CANDIDATE FOR
Councilman First Ward
In The Municipal Election
Tuesday, May 2, 1961



to North Carolina...



a glass of beer means many things

To the nation, the name Pinehurst means an ideal winter resort—golfing under warm southern skies... lawn bowling, horse shows, the steeplechase, polo or sket. And—to North Carolinians it means so much more... it means civic pride in their state's beauty, genuine southern hospitality and expanding economy.

So, too, a glass of beer means many things to Tar Heels—it has meant some 90 million dollars to the North Carolina tax economy during the past 26 years. This symbol of light, bright refreshment means relaxed comfort after a day's activities in this famous southern resort.



NORTH CAROLINA DIVISION
UNITED STATES BREWERS ASSOCIATION, INC.
RALEIGH



Rare form! Right price!

Pontiac's Catalina! Trophy V-8 Power. Wide-Track balance. Nothing handles like it, hustles like it. No car anywhere near its price is anywhere near it. Drive one and you'll have one delivered.

NEW BREED OF "CAT" FROM PONTIAC!

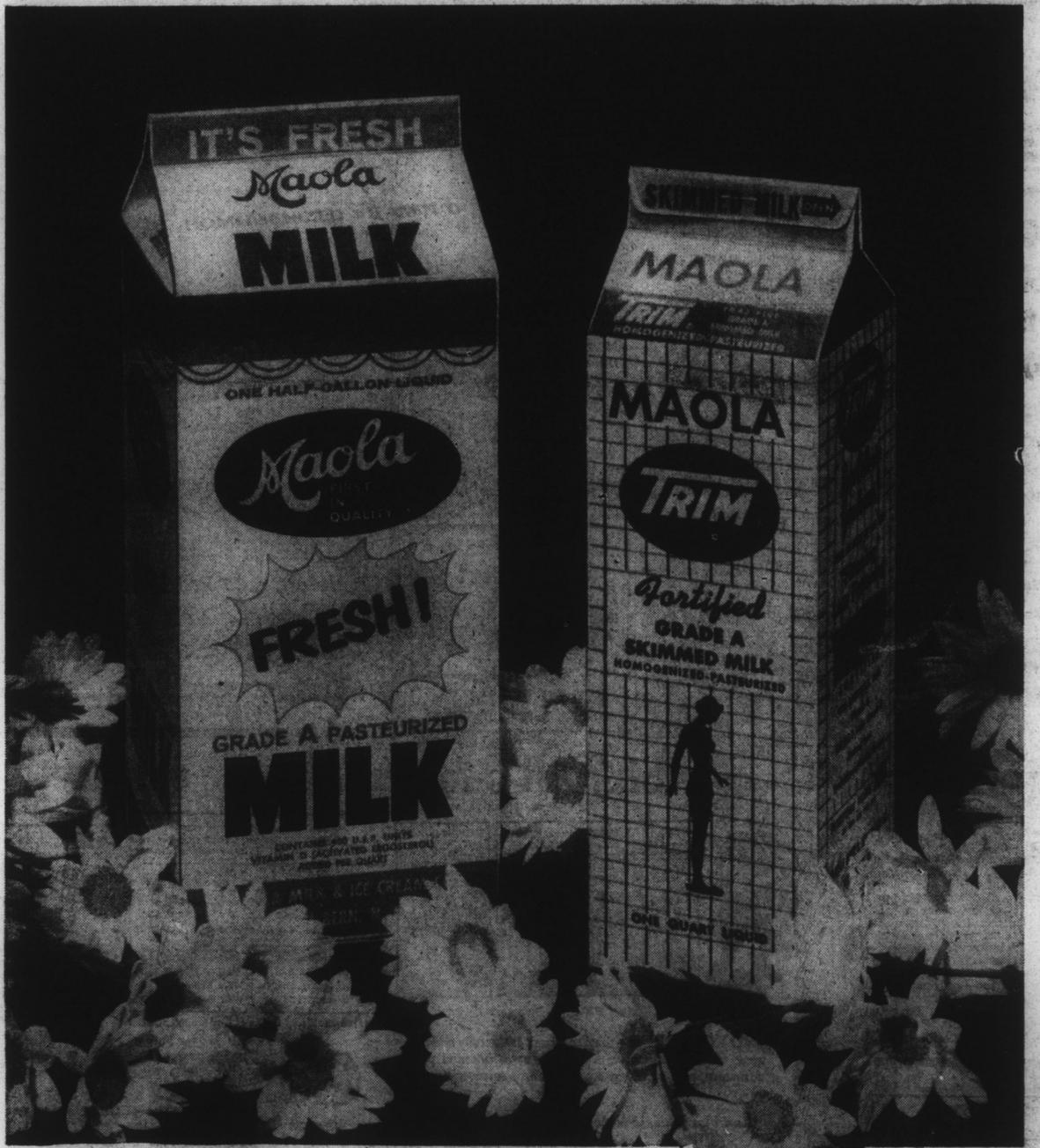


PONTIAC—THE ONLY WIDE-TRACK CAR!
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Pontiac Catalina!

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Today's newest trend is the 2-milk family. On-the-grow people find energy-packed Maola Homogenized Vitamin D milk the liquid fuel; gives them a lift without a letdown. For weight watchers, Maola Trim helps keep the waistline under control. Low in calories, it has more of the extras dieters need. So zip into spring with these high-protein refreshers. They're just right for on-the-go people like you.

Maola fresh means protein fresh