

# THIS IS THE LAW



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

## Arrest By Private Person

May a private person arrest another without a warrant?

Yes. There are two North Carolina statutes listing instances where a private person may arrest without a warrant.

Section 15-39 of the General Statutes provides: "Every person present at any riot, rout, affray or other breach of the peace, shall endeavor to suppress and prevent the same, and, if necessary for that purpose, shall arrest the offenders."

Section 15-40 of the General Statutes provides: "Every person in whose presence a felony has been committed may arrest the person whom he knows or has reasonable ground to believe to be guilty of such offense..."

Both of these statutes require that the crime be committed within the presence of the private person making the arrest.

And if the particular crime is not a "breach of the peace," the private person must determine at his peril whether the crime is a felony.

It is better and safer to ob-

tain a warrant when this may be promptly done. If a private person undertakes to arrest without a warrant another person otherwise than in the instances listed in these statutes, he at once trespasses on the legal rights of another; and the party whom he undertakes to deprive of his liberty may resist him with such force as may be necessary to defend himself successfully.

If it should subsequently be determined that the arrest was unlawfully made, the person making the arrest is himself liable in a civil action for damages.

What is a felony?

The term is defined in the statutes of North Carolina as follows: "A felony is a crime which is or may be punishable by either death or imprisonment in the state's prison. Any other crime is a misdemeanor."

In general, felonies are crimes that are of a more serious nature than misdemeanors. The distinction is more or less arbitrary, because the statutes have added to the list of felonies some crimes that are generally not considered serious and to the list of misdemeanors some crimes that are by many persons considered quite serious.

Police officers, as well as private persons, have difficulty in remembering whether a particular crime is a felony or a misdemeanor.

A private person observes another wrongfully breaking into the home of his neighbor. May he arrest the person without a warrant?

Yes. It is a felony to break into the home of another without authority. The act was committed within the presence of

the private person making the arrest.

A private person is passing a home. He hears shouts of "Help! He is murdering me." May he break open and enter the home to prevent the commission of murder?

Yes. A North Carolina statute says "All persons are authorized to break open and enter a house to prevent a felony about to be committed therein."

This is the last of a spring series of articles which have appeared weekly during the past three months. They have been written for the non-lawyer as a public service of the North Carolina Bar Association. Another series will be started in the fall.

## Wesley Chesson, Jr. On Agribus Caravan

More than 150 bankers and farm leaders from five southeastern states flew from North Carolina Monday, June 19, on a seven-day Farm Opportunities and Marketing Caravan to Mississippi, Texas, Mexico and Louisiana.

The annual week-long tour is sponsored by Wachovia Bank and Trust Company in cooperation with N. C. State College and the N. C. Department of Agriculture.

Included in the caravan was Wesley Chesson, Jr., of Hobbs Implement Company of Edenton. The caravan returned to North Carolina Sunday, June 25, flying from New Orleans. During the week, the group alternated between planes and buses to cover the caravan's 3,000-mile route.

## ATTENDS CONFERENCE

The Rev. and Mrs. F. H. LaGarde attended the annual ministers' conference held in Hampton, Va., this week.

## SUNDAY SCHOOL LESSON

Cont'd. from Page 6—Section 2

new world. Christianity is still his enterprise for helping people find release from all that defeats them and for helping them find entrance into all that cleanses, heals, and ennobles them.

Christianity has lasting meaning because it is a message about God—an invitation to know, love, and obey him. Our homes extend this invitation and convey this message best. The best teachers of religion in the world

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are not preachers or church-school teachers, devoted and well-trained and able though these may be. The best teachers are parents. Ministers, teachers and churches are ineffective if they are in competition with training that children receive from their families. The phrase "in competition" is used advisedly. A home is never neutral about religion. Parents, by what they are and do, are always teaching religion. The question is WHAT are they teaching about it? Do they insist that their children attend church services on Sunday? Or do they feel that religion is of little importance? What the parents DO, is what they teach. What possible chance has a church to succeed with you in one or two hours a week, if his home is pulling him in the opposite direction fifty to sixty hours a week?

We parents would do well to ponder on this thought!

Christianity has meaning not only because it is a message about God, but also because it is a message about men. It is an invitation for men to enjoy peace and goodwill. Animosity between men has become the scourge and threat of the modern world. No doubt hatred has always existed, but never has it been so intense, so divisive, and so threatening as today. Our world is too small for the bigotry generated from prejudice. And where are the most deep-seated prejudices taught? In our homes. Where is understanding, good will and brotherhood most effectively taught? In our homes. It therefore can plainly be seen that homes and parents working hand in hand with churches can bring this country and the world into the kingdom of love. May God have mercy on us if we do not squarely face up to this challenge!

(These comments are based on outlines of the International Sunday School Lessons, copyrighted by the International Council of Religious Education, and used by permission).

## Minutes Of County Board Of Education

June 2, 1961

The Chowan County Board of Education held its regular meeting June 2, 1961 at 8:00 P. M. The following members were present: Dr. L. F. Ferguson, Garland Asbell, O. C. Long, Jr., Eugene Jordan, Marvin Evans and G. B. Potter.

The meeting was called to order by the chairman, Mr. Potter, after which the secretary read the minutes of the previous meeting. Motion to accept the minutes as read was made by Dr. Ferguson, seconded by Mr. Evans and unanimously carried.

The Local School Fund treasurer's reports for Chowan High School and White Oak Consolidated School for May were read, and also the county accountant's report for May. Motion to accept the reports was made by Dr. Ferguson, seconded by Mr. Long and unanimously carried.

Bills paid since the last meeting were read by the secretary in the amount of \$4,266.48. Motion to approve the payments was made by Mr. Asbell, seconded by Mr. Evans and duly carried.

Teachers elected by the District School Committee since last meeting were read as follows: Miss Fatsy Ann Oliver, French and English; Troy L. Perry, Coach and Physical Education; Mrs. Imogene Finch Perry, 5th and 6th grade combination; Robert Hendrix, 7th and 8th grade social studies. Motion to approve the election of teachers was made by Dr. Ferguson, seconded by Mr. Long, and unanimously carried.

The replacement of the Chowan High School boiler was discussed. The superintendent read a letter from the architect and engineer offering certain recommendations. A motion to authorize the superintendent to have the architect to proceed with plans and specifications and advertisement of bids, and to request the Board of County Commissioners to advance the necessary funds against the budget appropriation for the installation of the boiler, was made by Dr. Ferguson, seconded by Mr. Evans and duly passed.

Motion to allow \$54,000 toward the workshop for the school bus mechanics was made by Mr. Asbell, seconded by Mr. Jordan and duly carried.

Membership in the North Carolina School Boards Association was considered. A motion was made by Mr. Jordan, seconded by Mr. Long, that the Board renew its membership by paying the \$50.00 fee, was duly carried.

The superintendent was authorized to obtain bids for painting classrooms, and be governed accordingly in the awarding of contracts. The motion to obtain bids was made by Dr. Ferguson, seconded by Mr. Long and duly passed.

Motion to allow the 4-H Club the use of the activity bus to attend camp at White Lake, was made by Dr. Ferguson, seconded by Mr. Evans and duly carried. Motion to adopt the following dates for opening and closing school 1961-62 as follows: August 30 and 31 for teacher preparation September 1, classroom work begins November 30 and December 1, two days for Thanksgiving December 15, close school to January 1 for Christmas

Allow Easter Friday and Easter Monday Terminate classroom work on May 30 Teachers file reports May 31. The motion to adopt the closing and opening dates was made by Dr. Ferguson, seconded by Mr. Asbell and unanimously carried. A letter from Mr. and Mrs. E. L. Belch requesting that their children be granted permission to transfer to the Edenton schools in 1961-62 was presented to the Board. A motion was

made by Mr. Asbell, seconded by Mr. Long, that these children be given permission to transfer to the Edenton schools at their own expense, was unanimously passed. A resolution was offered that all teachers and principals be paid their first monthly voucher on September 25, 1961, and on the 25th day of each succeeding calendar month during the school term of 1961-62, except that the final payment shall be made when all requirements of this Board shall have been met.

The resolution was adopted by a motion made by Dr. Ferguson, seconded by Mr. Evans and unanimously carried. The superintendent presented a proposed school budget for 1961-62 in the amount of \$52,204.00. Various items in the proposed budget were discussed, after which a motion was made by Mr. Jordan, seconded by Mr. Long and unanimously adopted. No further business the Board adjourned. G. B. POTTER, Chairman W. J. TAYLOR, Secretary

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