

Conclusion - The Trial

Magistrates Court And You

THE TRIAL

On the day of the trial, get to court on time and be sure to bring all papers, documents and other evidence you will use to prove your case. Remind your witnesses to come, for if they don't and the other party is ready for trial, the magistrate is not likely to grant a postponement.

any witnesses, and the magistrate will probably be the only persons present. There will be no jury. The magistrate will tell you what you are expected to do.

As a first order of business, the magistrate will ask you to take an oath and then state your case. Just tell your story simply and truthfully. Present the evidence you think will help prove your case.

The magistrate may ask you some questions, and the person you're suing will be allowed to ask you questions about the issues raised by your lawsuit. Then your witnesses will testify and may be asked questions.

The magistrate will then give the person you're suing an opportunity to talk. This person's viewpoint, and story, may be quite different from yours. Witnesses may say things to support the other party. However, you can ask questions of anyone who presents evidence for the other side. Remember that questions must be limited to facts relating to the issues of the lawsuit.

After hearing each witness and observing the evidence, the magistrate reaches a decision. The magistrate may give the judgment immediately, or take up to 10 days to consider some legal question involved in your case. If there is a delay, you can call or go to the courthouse to find out the decision.

If you have proved your claim "by the greater weight of the evidence," the decision will be in your favor. If not, the judgment will be that your case is "dismissed."

WHAT TO DO WHEN SOMEONE SUES YOU

It is not complicated or difficult to defend yourself in Magistrate's Court. You have the same rights and privileges as the person suing you.

Reading the first part of this booklet will give you an understanding of how you became involved in this lawsuit. You should prepare for the hearing just as the other person will. Decide first whether you will need a lawyer.

If you believe that you do have some obligation to the person suing you, try to pay the debt or arrange some way to settle the controversy before the trial. If the matter is settled, be sure the person suing you notifies the magistrate or the Clerk of Court and has the case dismissed.

If you believe that you do not owe anything to the person suing you, or that you owe less than the amount claimed, do not pay just to avoid going to court. You could win the case when the magistrate hears both sides of the dispute.

You may present your side of the story in writing if you wish. It is not usually done. Your written "answer" should discuss briefly any defenses you have. It must be filed with the clerk before the trial. However, your written answer will not be used as evidence or substitute for your personal appearance in court.

If you have a claim against the person who sues you, a written "counterclaim" can be filed as part of your answer. However, if you claim more than \$300, you must sue for it in the District

Court. A landlord may seek unpaid rent or money for property damage, and the tenant sued might ask for the return of a security deposit as a counterclaim. Two motorists might each claim that minor car repairs were caused by the negligence of the other; if one sues, the other may file a counterclaim.

If you think some other person is responsible to the one who is suing you, you can bring this person into the suit. This could happen if a neighbor damages a car you have leased, and the leasing company sues you. When such a "third party defendant" needs to be included, you will normally require the services of a lawyer.

Being in court on the day of the trial is important. If you're not able to be there at the time and date set, notify the magistrate or the Clerk of Court; they may be able to schedule the trial for another, more convenient time.

Collect any documents, letters, receipts, or other evidence you may have to support your case.

If you have witnesses who will testify for you, ask them to come with you to tell the court what they know about your case. If they won't come voluntarily, or tell you that they don't want to come, but will if required, you can get subpoenas from the clerk's office directing them to appear in court at a certain time and give information.

On the day of the hearing, bring your evidence and witnesses. If the other person presents evidence which the magistrate believes proves a claim against you, then you will tell your story to the magistrate. Should you fail to appear, the magistrate may decide the case in favor of the other person without hearing your side of the story.

If the other party has failed to prove the claim, or you present an adequate case and the magistrate rules in your favor, the trial is over.

AFTER THE TRIAL

After the magistrate makes the decision, this "judgment" is recorded in the office of the clerk as a permanent record of the county in which the trial occurred. The judgment usually says that one person owes another something, in most cases money, or that the case is dismissed.

The losing party can appeal the

decision. To appeal, you must notify the magistrate when the judgment is announced, or give written notice within 10 days after the judgment is given. An appeal bond is required of the losing party to delay collection of money or property if ordered by the magistrate's judgment.

A new trial may then be obtained in the District Court. It would proceed as if no previous trial of the issues had been conducted, although each party might be better prepared for the evidence presented by the other side. By request, a jury may

decide the facts which are disputed.

Proceedings in District Court are more formal, lengthy, and expensive. The papers which must be filed are not available as forms from the clerk. And, because most people cannot take the time to learn the rules of District Court and how to handle their own cases, they find it necessary to employ an attorney.

There is a procedure that can be used to collect money or property as ordered by the magistrate's judgment - if the losing party does not comply

voluntarily. This is called an "execution" of the judgment. It can be initiated in the clerk's office, and the procedure is carried out by the sheriff's office. Basically, it involves the taking and sale of property to satisfy the judgment of the court.

If the person who owes money cannot afford to pay, there is no way to execute the judgment and get the money awarded to you by the court. Nevertheless, the judgment debt will remain on record and may be paid at a later time by the debtor.

A&T Requests A Record Sum

GREENSBORO, N.C. - The state's Advisory Budget Commission Thursday was asked for a record \$22 million for capital improvement projects for A&T State University for the next two years.

Chancellor Dr. Lewis C. Dowdy presented the requests to the group at a meeting on the A&T campus.

Dowdy said the new funds, if granted would be used for a new social science building, pre-school laboratory, arts and humanities center and other much needed facilities. After the meeting the legislators toured the A&T campus.

Dr. Dowdy told the visiting legislator that "A&T wants to serve at the highest peak."

"We have over 4,900 students now," said Dowdy, "and we shall probably reach 5,700 within a few years. We would like to cut off at 6,000, but we don't know what the people will say about that."

Dowdy said that the university has requested new programs in industrial engineering, industrial management and is studying the feasibility of offering civil engineering.

He said the new funds would be used for a new administration building at a cost of \$2,290,000; an educational and community services building at \$1,193,000, and for renovation of F.D. Bluford Library at a cost of \$3,600,000. Dowdy said that \$4,675,000 of the \$22 million would be absorbed by self-liquidating projects.

Trustee Buried In Sanford

Sanford, N.C. - W.B. Wicker, a trustee emeritus of A&T State University and retired school principal died here September 26 in Lee County Hospital after a long illness.

A funeral service was held September 30 at 4 p.m. in Fair Promise AME Zion Church.

A native of Sanford, Mr. Wicker served on the A&T board of trustees from 1957 to 1973. He retired as principal of W.B. Wicker School after serving as an educator 39 years.

A son of the late Essex and Mrs. Lucy Wicker, he was graduated from Virginia Seminary and Atlanta University.

He is survived by his widow, two nieces and a nephew.

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SGA

Continued from page 1

discuss the housing and enrollment, the school judiciary system, name the elected officials of the SGA, discuss the new majors and courses offered at WSSU this semester, the Continuing Education Program, cabarets, etc.

"The feature will be different for each program and will provide human interest, entertainment, and interviews.

"Our first feature will be entitled "The Freshman Point of View". The freshmen will give views on housing, curriculum, school atmosphere and the city of Winston-Salem.

"The sports program will consist of scores from athletic events, interviews with coaches and players, and the player of the week (each week an outstanding player will be chosen-Ram of the Week).

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