

Court Rule Stringent, Says NCAE President

A U.S. Supreme Court ruling has placed stringent restrictions on the use of corporal punishment in the schools, the president of the North Carolina Association of Educators said.

Dean B. Westmoreland, a Kings Mountain teacher, said headlines in some newspapers have created the impression that the court has approved paddling children.

"In actuality," said Westmoreland, "the court has upheld a lower court ruling which, in effect, makes it extremely difficult for a teacher to legally paddle a student."

The Supreme Court, in a short statement, upheld the ruling of a three-judge federal court which decided a Guilford County spanking case.

The decision, written by Judge Braxton Craven, stipulated that North Carolina law which allows corporal punishment of children in constitutional, but only if stringent rules are followed.

Westmoreland said the rules are so strict that it is his opinion that most teachers will hereafter refrain from spanking for fear of a liability suit.

The NCAE official said the rules announced by Judge Craven include a stipulation that corporal punishment can be used only after other lesser forms of punishment have been tried and then only after

certain procedures designed to assure the student due process have been followed.

The due process requirements outlined by the court include:

1. The student must be forewarned of the behavior that will result in corporal punishment.

2. Another school official must be present when the corporal punishment is administered.

3. Parents who request a written explanation should be given one.

Westmoreland said the required procedures leave many unanswered questions for teachers, the major one of which is what constitutes "forewarning." He said an official of the Institute of Government in Chapel Hill has questioned whether it would be adequate forewarning to tell a kindergarten child, for example, on the day before administering the punishment.

"North Carolina teachers should be fully aware that failure to follow the guidelines outlined by the court could result in personal damage suits being filed against the teacher," Westmoreland said.

He said the NCAE has publicized to its members the ruling in the Guilford County case and has cautioned that alternatives to the paddle must be found.

"As usual, the teacher is left holding the bag in this whole matter," the NCAE leader said.



LOCALS SPARK VOLLEYBALL - Two Raeford women helped spark the volleyball team at Pembroke State University to a 12-4 record. Co-captain Teresa Allen is shown third from the left in the front row. Kathy Little is standing second from left in the top row.

This Is The Law

John Jones has an automobile liability insurance policy with the X Insurance Company on his automobile. The policy covers bodily injury and property damage caused by accident and arising out of his ownership or use of the automobile. Jones, while negligently driving his automobile, injures Sam Smith. May Smith sue the X Insurance Company?

No. In North Carolina and most states Sam Smith has no rights whatsoever under the liability policy insuring John Jones. Smith cannot bring an action against the X Insurance Company for the injuries he has received as the result of the negligence or wrongful act of Jones.

The insurance policy is for the sole benefit of the insured, John Jones. The insurance company has merely obligated itself "to pay on behalf of the insured all sums (up to the maximum stipulated in the policy) which the insured shall be legally obligated to pay as damages because of bodily injury or property damages caused by accident and arising out of his ownership or use of the automobile." Such a contract is properly a contract of indemnity for money paid by the insured, rather than a contract protecting the insured from liability to the injured person.

Furthermore, there is in many of these automobile liability insurance policies a clause expressly stipulating: "Nothing contained in this policy shall give any person or organization any right to join the company as a co-defendant in any action against the insured to determine the insured's liability."

In a number of states there are statutes that have changed the law from what it is in North Carolina.

Sam Smith's remedy in North Carolina, if he cannot get a satisfactory voluntary settlement from the X Insurance Company, is to sue John Jones. If he obtains a judgment against John Jones, the X Insurance Company will then satisfy the judgment up to an amount not in excess of the sum stipulated in the policy.

During the trial of the action that Sam Smith brings against John Jones, may there be evidence introduced to the effect that the defendant has automobile liability insurance?

No. The fact that the defendant carries indemnity insurance cannot be shown at the trial. It cannot throw any light on the question of negligence or other circumstances of the accident. It is disconnected with the issue before the court, and is as a consequence irrelevant and incompetent.

General Fund Down In Monthly Report

Net General Fund collections for September amounted to \$92.8 million, a decrease of \$4.5 million over the same month last year, according to state revenue officials.

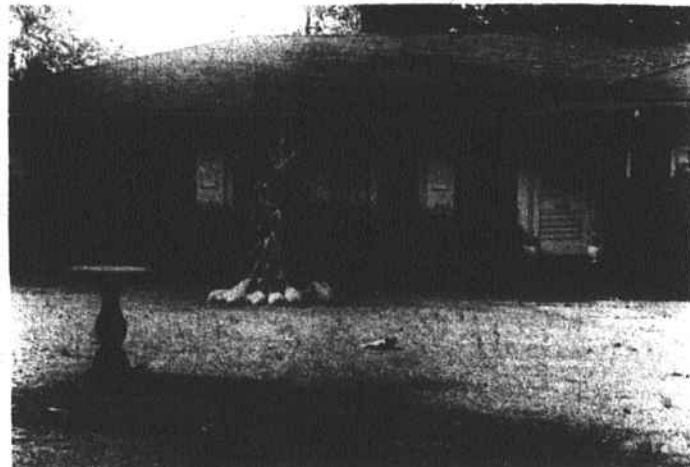
Net collections for the first three months of this fiscal year were \$359.1 million, an increase of 0.91 percent over last year.

September net Highway Fund collections were \$26.5 million, compared with \$25.8 last year. Gasoline tax receipts were \$24.0 million, compared with \$24.1 for Sept. 1974.

Tax Report Out

Local one per cent sales and use tax collections in the county for September totaled \$16,659.86, according to state revenue officials. Total for the state was \$10,450,723.35.

SUPPORT THE BUCKS



FALL SCENE - This harvest scene helps decorate one of the residences of Fulton Street. It's a sure sign that cooler weather will soon be here to stay.

J.H. Blue Picked For State GOP

J.H. (Buddy) Blue, Jr., was elected to the state Republican party executive committee during the seventh district Republican convention held this month in New Hanover County.

Blue, a former Robeson County resident, is manager of the Raeford-Hoke Chamber of Commerce.

Elon Grid Star Is Player Of Week

David Wood of Raeford, a veteran member of Elon College's Fighting Christians football team, was named a player of the week after the team's recent win over Presbyterian.

Wood, one of the co-captains, reaped defensive honors for two key interceptions from his cornerback position.

Burlington Income Up Last Quarter

Burlington Industries, Inc. reported net earnings of \$15.9 million or 57 cents per share for the September 1975 quarter. Net sales for September quarter 1975 were \$507.0 million. The results continue the improving trend noted in the June quarter when earnings were \$11.1 million or 40 cents per share, and sales were \$492.8 million.

Sales were \$580.5 million in the September quarter of the prior fiscal year, and net earnings were \$19.9 million or 73 cents per share.

For the 1975 fiscal year ended September 27, 1975, net sales of the Company were \$1.96 billion, a decrease of 16.0 percent from the \$2.33 billion in 1974. Net earnings were \$39.8 million for fiscal 1975, equal to \$1.43 per share of common stock. This compares to 1974 net earnings of \$99.5 million or \$3.65 per share.

Burlington's board of directors declared a quarterly dividend of 30 cents per share on the common stock payable December 1, 1975 to holders of record at the close of business October 31, 1975.

Job Corps Visits County Nov. 10, 24

A Job Corps counselor will visit Hoke county for interviewing Nov. 10 and Nov. 24 at the Four-County Community Services office in the county office building.

Wilbert Morris, Job Corps counselor, will also serve Sandhills Youth Center on regular Hoke county visits upon request.

Interested persons should call Four County Community Services at 875-2969.

Legals

STATE OF NORTH CAROLINA
 HOKE COUNTY
 IN THE GENERAL COURT
 OF JUSTICE
 SUPERIOR COURT DIVISION

EXECUTOR'S NOTICE

Having qualified as EXECUTRIX of the estate of William H. Faulk of Hoke County, North Carolina, this is to notify all persons having claims against the estate of said William H. Faulk to present them to the undersigned within 6 months from date of the publication of this notice or same will be pleaded in bar of their recovery. All persons indebted to said estate please make immediate payment.

This the 20th day of October, 1975.

Mrs. Allyne M. Faulk
 Route 2, Box 42
 Raeford, N.C. 28376

26-29C

NOTICE OF FORECLOSURE

Under and by virtue of the power of sale contained in a certain deed of trust made by Willett R. Bissett and wife, Marsh Locklear Bissett - (assumed by Wright & Best Corporation) to James L. Yates, Trustee(s), dated the 28th day of April, 1967, and recorded in Book 144, Page 219, Hoke County Registry, North Carolina, Default having been made in the payment of the note thereby secured by the said deed of trust, and the undersigned, J. William Anderson, having been substituted as Trustee in said deed of trust by an instrument duly recorded in the Office of the Register of Deeds of Hoke County, North Carolina, and the holder of the note evidencing said indebtedness having directed that the deed of trust be foreclosed, the undersigned Substitute Trustee will offer for sale at the Courthouse Door, in the City of Raeford, Hoke County, North Carolina, at Twelve (12:00) o'clock, NOON, on Monday, the 10th day of November, 1975 and will sell to the highest bidder for cash the following real estate, situate in the Town of Raeford of Hoke County, North Carolina, and being more particularly described as follows:

BEGINNING at an iron stake in the northern edge of Fifth Avenue, said stake being N 77-30 E 108 feet from the eastern edge of Saunders Street and running from said Beginning Point N 18-00 W 172 feet to an iron; thence S 88-00 E 105 feet to an iron; thence S 6-20 E 145 feet to an iron in the northern edge of said Fifth Avenue, thence as and with the northern edge of Fifth Avenue, a curve, whose chord is S 77-30 W 70 feet to the point of BEGINNING, and constituting all of Lot No. 70 according to plat of ROBBINS HEIGHTS SUBDIVISION as drawn and surveyed by R.H. Gatlin, C.E., and duly recorded in Map Book 3, Page 33, of Hoke County Registry.

LEGALS

This sale is made subject to all taxes and prior liens or encumbrances of record against the said property, and any recorded releases.

A cash deposit of ten per cent (10 per cent) of the purchase price will be required at the time of the sale. This 20th day of October, 1975.

J. WILLIAM ANDERSON,
 Substitute Trustee

COOLIDGE, ANDERSON AND CLARKE
 Attorneys at Law
 1008 Hay Street
 Fayetteville, N.C. 28302

26-27C

EXECUTOR'S NOTICE IN THE GENERAL COURT OF SUPERIOR COURT DIVISION STATE OF NORTH CAROLINA HOKE COUNTY

Having qualified as Executrix of the estate of Joel E. Gullidge of Hoke County, North Carolina, this is to notify all persons having claims against the estate of said Joel E. Gullidge to present them to the undersigned within 6 months from date of the publication of this notice or same will be pleaded in bar of their recovery. All persons indebted to said estate please make immediate payment.

This the 29 day of September, 1975.

Murrell W. Gullidge
 P.O. Box 417
 Raeford, N.C. 28376

25-28C

NORTH CAROLINA HOKE COUNTY

NOTICE Pursuant to G.S. 130-17(d)

NOTICE is hereby given by the Hoke County Board of Health that it did, at a regularly scheduled meeting of the Board on the 30th of September 1975, adopt an ordinance captioned REGULATIONS GOVERNING THE DESIGN, CONSTRUCTION, OPERATION AND MAINTENANCE OF PUBLIC SWIMMING POOLS IN HOKE COUNTY.

The ordinance adopting the regulation was passed at the board meeting on September 30, 1975.

A copy of the regulation is posted at the Courthouse.

A copy of the regulation is on file at the Hoke County Department of Health, and is available for public inspection.

That this notice shall be published in The News-Journal for two successive weeks, commencing October 23, 1975.

POSTED, this the 6th day of October, 1975, by order of Hoke County Board of Health.

HOKE COUNTY BOARD OF HEALTH

By: Walter Coley

25-26C

NOTICE OF FORECLOSURE NORTH CAROLINA HOKE COUNTY

UNDER AND BY VIRTUE OF THE POWER OF SALE contained in a certain deed of trust made by Phillip Malloy and wife, Katie Malloy, to Larry A. Thompson, Trustee, dated the 17th day of April, 1975, and recorded in Book 186, Page 305, Hoke County Registry, North Carolina, default having been made in the payment of the note thereby secured, and the holder having directed that the deed of trust be foreclosed, the undersigned Trustee will offer for sale, at the Courthouse door, in the City of Raeford, North Carolina, at Twelve (12:00) o'clock Noon on November 18, 1975 and will sell to the highest bidder, for cash, a five room frame dwelling, together with and situate on the following parcel of land (approximately eleven acres) in Quewhiffle Township, Hoke County, North Carolina, said land being more particularly described as follows:

BEING Lot or Tract No. 4 as is shown on a map entitled "Division of Will Burke Estate", said map being dated July 17, 1970, made by C. H. Blue, Registered Land Surveyor, of Southern Pines, North Carolina, and said map being duly recorded in Map Book No. 6, Page 32 of the Hoke County Registry, and reference is hereby made to the said map and to the said record of the same.

This sale is made subject to all taxes, prior liens or encumbrances of record against said property and recorded releases, if any.

A cash deposit of 10% of the purchase price will be required at the time of the sale.

This the 19th day of October, 1975.

Larry A. Thompson, Trustee
 Blackwell, Thompson, Swearingen,
 Johnson & Thompson, P.A.
 Attorneys at Law
 Post Office Box 469
 300 Dick Street
 Heritage Square
 Fayetteville, N.C. 28302

24-27C

Sunday School Lesson

Background Scripture:

Genesis 28:10-22; 32:1 through 33:4

Devotional Reading:

Galatians 1:10-17

A British psychiatrist tells of an Anglican clergyman and a rough, profane sailor who shared adjoining beds in a London hospital. Both the clergyman and the sailor were in comas. The surprising twist to the story is that while they were unconscious, the clergyman cursed and the sailor prayed.

To the psychiatrist it meant that there may be a considerable difference between what a person appears to be in terms of their conscious behaviour, and what they may actually be in their unconscious mind. The clergyman, for example was not quite as pious as he appeared to be and the sailor was not quite so opposed to religion as he appeared to be.

Sometimes there is better stuff within us than we know. We work so hard sometimes to build a hard veneer about our lives that often the finer qualities have little opportunity to show through. Thus, the



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VOTE FOR Carlton Niven

FOR City Council

who feels obligated to work
 in harmony for the good of
 the entire city.

(Adv. paid for by Carlton Niven)