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THURSDAY, NOVEMBER 2, 1978

Not many choices

Voters will have plenty of ballots to mark next Tuesday but few decisions to make. Most of the candidates are getting a free ride due to a lack of Republican opposition.

The ballot for state judicial officers is as long as the tail of a kite, but the two names in the Republican column are lost among blank spaces. They look as lonesome as homeless kittens, and no doubt some voters will befriend them just out of sympathy.

Interest in the local school board race has heightened in recent weeks as the hopefuls stated their views during several "meet the candidates" programs. Eight candidates are running for three seats on the board of education and only one is an incumbent.

The only other race expected to draw much response locally is the U.S. Senate race between incumbent Jesse Helms and N.C. Insurance Commissioner John Ingram.

Raymond Schrupp isn't expected to give Charlie Rose much trouble in the Congressional race, and the race for two soil and water conservation posts isn't too exciting.

Clerk of Court Juanita Edmund, County Coroner Frank Crumpler, Sheriff Dave Barrington, and county commissioners John Balfour, James Hunt and Mabel Riley are as good as elected. They have no opposition.

State House, Senate and District Court candidates are also running unopposed. Among them is Judge Joseph Dupree.

Symphony Plays Saturday

The North Carolina Little Symphony performs in the Hoke High School Gymnasium this Saturday night, November 4, at 8 p.m. Tickets will be on sale at the door. It promises to be a stimulating musical evening.

The symphony played for school children here Wednesday, and a spokesman for the Hoke County Chapter of the N.C. Symphony Society said this week that enough money has been raised to have the Discovery Program in local schools next spring.

It had been thought that the Discovery Program would be beyond the means of the local society, but donations and the sale of memberships exceeded expectations.

The Discovery Program is one of the most exciting aspects of the symphony, because it introduces elementary school children to various instruments and musical styles through informal programs in the schools. Last spring a brass quartet performed for the children and also held workshops at the high school. Next spring a string or woodwind ensemble will visit here.

The children were delighted by the program here last spring, and it may influence them to pick up an instrument themselves. But whether they become musicians or not, the Discovery Program serves a valuable purpose, broadening their appreciation for music.

LAW FOR LIVING

By Professor Howard Oleck, Wake Forest Univ. School of Law

(Distributed by the N.C. Academy of Trial Lawyers as a public service)



Violation of a statute seems to be proof of negligence, if not of actual crime. Most people would say that if your dog bites somebody, and there is a statute making the dog owner "strictly liable" for dogbite injury, that you are liable to the victim for damages for the injury.

But statutes are not quite that simple in some cases. For example there may be a statute requiring lights to be lit on a car at night. Then if you drive with lights out, and also cause damage while speeding at the time, on a bright moonlit night, does your violation of the lights statute prove negligence? Not necessarily, says the courts. It was the speed that caused the damage, not the violation of the lights law.

This is called the rule of "proximate cause." Every accident has many factors that all combine to produce the injury. But the main test of what or who is responsible is this: What is the main fact which, if it had not been present, would have meant that no injury would have occurred. Or, the intention of the legislature can be said to apply to lights in such case, not to speed.

Often this concept is called the "but for" rule. That is: the proximate cause of an injury is the one fact but for which the injury would not have occurred. In the case of a statute violation, it must be the violation that was the proximate cause of the injury. Statute violation does not, in itself,

prove negligence unless the violation does not, in itself, prove negligence unless the violation itself caused the injury.

A good illustration is an April 1978 decision of a Florida Court of Appeal: *Wendland vs. Akers*, 356 S.2d 368.

In that case a veterinary's assistant sued the owner of a German Shepherd dog because the dog had bitten her. There is a Florida statute (F.S.A. 76204) that makes a dog owner "strictly" liable for his dog's biting someone, even if the dog always was gentle, unless the bitee mischievously or carelessly provoked it.

In this case the owner also had told the vet that the dog was gentle and never had bitten anyone.

But the bite occurred while the vet's assistant was holding the dog under her arm, assisting the vet, who was extracting blood from the animal, for a blood test.

In such case, said the court, the statute did not apply. The cause of the bite was not the animal's nature, but the foolishness of the vet in not muzzling the dog while stabbing it with needles.

When two strange people grapple with a dog, in surroundings that frighten it, and then stick needles into it, that is "carelessly provoking" it.

The legislature meant to protect people from unprovoked attacks, not to authorize people to sue for attacks that they themselves caused.

'The dollar seems to be getting low in more ways than one'



The Christian Science Monitor

HOKUM

By Charles Blackburn

Mother Maybelle Carter, the grand old lady of the Grand Ole Opry and the matriarch of the singing Carter Family, died last Monday at age 69.

A singer of traditional mountain ballads and an accomplished guitarist, autoharpist and songwriter, she broke into commercial music the year after she married Ezra Carter in 1926.

Among the songs for which Mrs. Carter and the Family are known are "Amazing Grace", "Keep On the Sunny Side", "Wabash Cannonball", "Wildwood Flower", "Blood that Stained the Old Rugged Cross", "Walk A Little Closer", "Will the Circle Be Unbroken", "I've Got A Home In Glory", and "A Rose - Covered Grave."

She recorded her first song in Bristol, Tenn. in 1927 for RCA. It was called "Bury Me Beneath the Willow," and the lyrics follow.

My heart is sad, and I am lonely thinking of the only one I love, for I know I'll never more see him till

we meet in heaven above.

So bury me beneath the willow, underneath the weeping willow tree, and there he'll know where I am sleeping, then perhaps he'll weep over me.

He told me that he dearly loved me and how could I believe him untrue, until an angel whispered softly: He is proving false to you, Tomorrow was to be our wedding day, but oh, Lord, where is he? He's gone to seek him another bride, and he cares no longer for me.

So bury me beneath the willow, underneath the weeping willow tree, and there he'll know where I am sleeping, then perhaps he'll weep over me.

On the street one day a doctor met a patient who had given him a bad check. "I am sorry, Jim, and I am embarrassed to mention the matter, but that check you gave me came back," the doctor told him.

Jim replied sourly: "So did my lumbago."

Puppy Creek Philosopher

Dear editor:

The states, counties, cities, towns and school districts of this country have out-smarted Washington.

Look at it this way: when people complain about high taxes and government waste, who are they thinking of? Mostly Washington, of course. "It's those tax-eating, tax-spending politicians in Washington that're ruining this country," they say.

As though it was minor news hardly worth mentioning except to fill up space on an inside page, a big newspaper I got hold of printed the following:

"State and local government tax collections across the country increased 10.5 percent in the past year, reaching a total of \$192.2 billion."

The authority for this? The U.S. Commerce Department in Washington, D.C.

You see, state and local governments have managed to keep everybody's tax attention focused on Washington, while they slip in a 10.5 percent increase on their own in one year, although it'd be hard to find anybody who claims state and local governments on the average over the country have increased their services 10.5 percent. Looks like all the political brains aren't concentrated in Washington.

In fact, Washington clearly has been out-smarted and it had better hurry up and hire a public relations firm to distribute the blame.

Yours faithfully,
 J.A.

A preacher was overheard telling this story about one of his members whose business was the buying and selling of cattle. On one occasion the preacher was taking a collection and said: "Who will give \$10" the cattle buyer, who was asleep, suddenly woke up and thought he was attending a cattle auction. "I will give \$15 if she's fat," he said.

Last month the Paul Green Theater was dedicated in Chapel Hill. It's a triangular shaped building made of brick, rather stark and unadorned.

Amid the fanfare that accompanied its opening, the designer was asked to comment on his creation.

"We're living in the 20th century," he astutely observed, "and we see no need for spending money on useless columns and porticos. We spend the money on the functional building they really need."

It's hard to imagine anyone 100 years from now passing the hat to restore or preserve the theater in Chapel Hill or other buildings of similar design. Alas, even Paul Green's name won't save it once it has outlived its usefulness. On the other hand, perhaps it isn't altogether unfortunate that the architectural legacy of this century is largely disposable.

A hundred years from now, or even 500, if the world is still on its axis, the University of Virginia will still be greatly admired for all its "useless columns and porticos."

Letter To The Editor

To the Editor,

In answering the question in the October 26 editorial of *The News-Journal* "The NAACP for Segregation?" I have to answer by saying the NAACP has been and still is the forerunner for equality for minorities. The organization has fought hard and strong against segregation in any form. The NAACP is not for segregation. It has won U.S. Supreme Court decisions for the depressed, suppressed, and oppressed citizens of this great country of ours in times seemingly more

difficult than now. The NAACP is an organization for all people and should be supported by all people in Hoke County who are for human rights and human dignity.

In fairness to Mr. Morrissey, who is not an advocate of segregation, other wording in the letter presented to the Board of Education was referring to local assignment policy which would include all employees. It seems to me that Mr. Morrissey was questioning that policy.
 Charlotte R. Kelly

CLIFF BLUE ... People & Issues



COMPETENCY TESTS -- Over the state this week the much discussed "Competency Tests" in the public schools will be given. Our thought is that the students will come out with higher grades this time than here - to - fore because the teachers will have the students better prepared. In many schools the first tests given brought about many red faces among the school people and this time they will try and have the students better prepared. While some criticize the competency tests, many probably feel that it is one of the better parts of Governor Hunt's education program.

CARTER & INFLATION -- We feel President Carter came forth with a sincere and reasonable approach to the inflation crisis when he addressed the nation on October 24. His suggestions are worthy of support by citizens who would like to have a part in attempting to bring run - away inflation under control. There will be recalcitrants who oppose and kick back, but we hope a great majority of the patriotic American people will back the President in this very serious and critical confrontation.

In the President's proposal we see little likelihood of serious injury to any large body of our people. Of course almost any programs of major significance will pinch some people more than others. If it does not succeed the nation will suffer, and dearly, we are afraid.

DEMOCRATS -- We hear no predictions from the GOP that the Republicans will gain control of either the House or the Senate in the Congress November 7th.

With President Carter having rebounded after the Camp David peace meeting with Sadat and Begin and his speech on inflation, he may not, after all, have serious confrontation for renomination in 1980.

However, Gerald Ford while in the white house in 1976 barely won the GOP nomination after a tough fight with Governor Ronald Reagan of California. Had Ford chosen Reagan as his vice presidential nominee, Ford might still be in the white house and Reagan now serving as vice president.

REPUBLICANS -- Speaking of

Republicans, there will likely be a big battle for the GOP presidential nomination in 1980 as Ronald Reagan appears to be everything but an announced candidate already. Former President Ford will hardly pass up the opportunity to try a second time to win back the presidency. Senator Howard Baker of Tennessee is regarded as a sure bet to seek the Republican nomination for president. His reelection as U.S. Senator from Tennessee is regarded as everything but sure in the November 7 election this year. If Jesse Helms is re - elected to the U.S. Senate he will likely be considered as a GOP presidential candidate and might wind up with the GOP vice - presidential nomination.

MEDICAL COSTS -- Last week we made mention of the rapid increase of medical costs -- for several months greatly out - pacing inflation in general.

In the October 27 issue of the *Wall Street Journal*, there appeared a front page article on hospital costs, which indicated that the Federal government's medical assistance program was a prime factor in the ever - increasing medical costs. According to the *Journal* article, "In Medicare payments, for instance, the government reimburses hospitals for whatever the costs are; so the higher the costs, the more they get." The government is a primary factor in rate increases, the same people who are trying to lower them," reported the *Journal* in quoting James P. Eyerman, controller in the Clearwater, Florida Morton F. Plant Hospital.

SELLING THROUGH SCHOOLS -- Recently we mentioned that it was estimated that \$30 million yearly through school fund projects was raised. Last week an irate lady called to protest the children being asked to bring home from school things to sell.

PARTY REGULARITY -- Years ago we used to hear much talk about "party regularity," which meant sticking by the party, year end and year out. However, today "party regularity" means little to most of the voters, otherwise Jesse Helms would not be serving in the U.S. Senate.

Browsing in the files of The News-Journal

25 years ago

Thursday, October 29, 1953
 "The Army has abandoned plans to acquire over 40,000 acres of land in Hoke County, North Carolina with the purpose of expanding Fort Bragg." The Department of the Army said this in a prepared statement made public today after being released to Congressman Charles B. Deane of the Eighth District.

At a special meeting Monday with C.M. Brickhouse, district farm agent of the N.C. Extension Service, the Hoke County board of commissioners accepted his recommendations and employed a farm agent for the county to fill a vacancy existing since J.H. Prevette left over two months ago. The new agent is W.C. Willford and he is a native of Wilson County.

Commissioner Forrest Lockey last week reported that 3.3 miles of paving had been completed by the State Highway Commission in Hoke County during September.

Preliminary figures by counties for cotton ginned from the crop of 1953 were Hoke County 6,614 bales.

From School News:

Teachers and principals join in a request to parents, that they not allow children to bring pistols and caps to school. As congested as school grounds are, cap pistols create quite a hazard.

Funeral service was conducted at three o'clock last Saturday afternoon at the Raeford Methodist Church for Miss Carrie Norton, 73, who died in Scotland Memorial Hospital Thursday afternoon.

15 years ago

Thursday, October 31, 1963
 Only \$80 was added to Raeford's airport fund last week, leaving the campaign \$466 short of its \$10,000 goal.

Cyrus Israel, a local high school senior, has just received a letter of commendation from the National Merit Scholarship Corporation for his outstanding performance on the NMSC qualifying test.

Southern National Bank has named a board of local managers for the branch which will open November 21. The board includes John Balfour, R.L. Carter, Jr., Charles Hostetler, Walter L. Gibson, Harold L. Gillis, Riley M. Jordan, Clarence P. Kinlaw, Kenneth McNeill and Joel E. Davis.

Raeford surrendered two first - half touchdowns while scoring one of its own but failed to overcome the deficit Friday night, losing another one - touchdown thriller, 13 - 7, to Dunn.

Mrs. J.M. Andrews of Raeford was among four directors elected to the North Carolina Library Association board of trustees last week.

Edward K. Crothers, Jr., southern director of personnel for Burlington Industries, will be keynote speaker at the Hoke County High School Career Day in Raeford, November 5.

Hoke United Fund neared the halfway point in its drive for \$18,950 this week, with total collections and pledges standing at \$7,307.85.