

THIS IS THE LAW

LEGALITY OF RAIN-MAKING

Who owns the clouds and the moisture in the air? Who can tamper with the clouds? Who can prevent others from tampering with them? What are your legal rights if one takes the moisture out of a cloud headed your way? Or artificially creates a floor or a snow storm that damages you? These and many other questions have caused the law to be up in the air. No lawyer can at the present time speak authoritatively on all the answers.

Back in 1916 the City of San Diego, California, employed for \$10,000 Charles Hatfield to make rain by the use of chemicals. After twenty-seven days of Hatfield's secret chemical-mixing, San Diego had 2.5 inches of rain in twenty-four hours — still a record for that city. Unfortunately, the rain washed out a dam, causing loss of life and great property damage. Claims totaling almost a million dollars were filed against the city for these injuries. Hatfield fled to safer grounds, and the city succeeded in getting the law suits dismissed on the basis that the rain was an act of God. This was in the days before there was scientific proof of rainmaking.

San Diego did not forget the danger from Liability,

however, when in 1948, San Diego hired another rainmaker, the city purchased insurance to cover damage to the amount of \$500,000.

Attempts to produce snow in Nevada for ski meet have resulted in charges of illegal water diversion and threats of litigation from Utah.

On October 13, 1947, the Federal Government conducted a nucleation experiment on a hurricane which was then located about 300 miles southeast of Cape Hatteras, North Carolina. By the night of the 14th, the hurricane, which had been moving off-shore, had reversed the direction of its movement. It entered the coast a short distance south of Savannah on the 15th, doing estimated damage of \$2,000,000 in the Savannah region and unestimated damage in South Carolina. Disputes soon arose about the relation between the nucleation and the hurricane damage, but shortly thereafter details of information on the matter were classified by the Department of National Defense as military secrets.

Only a very few cases involving weather modification have so far actually matured into final judgment.

In 1950 the City of New York employed a rainmaker to alleviate a water shortage. A resort owner in the watershed area being seeded sought to enjoin the city from its attempts at rainmaking. He said the rainfall would be harmful to his re-

sort business. In denying the injunction, the court said: "The relief which the plaintiff asks is opposed to the general welfare and public good; and the dangers which the plaintiff apprehend are purely speculative. The court will not prevent a possible private injury at the expense of a possible public advantage."

On the other hand, a Texas court in 1959, enjoined the seeding of clouds by a group of farmers. The ranchers in an adjoining county had offered evidence that the seeding activity had reduced the natural rainfall on their lands. The court said that a landowner is entitled to such precipitation as may come naturally from clouds over his property and that the enjoyment of such benefits would be protected by the courts if interfered with improperly and unlawfully.

Too much weight should not be given to the limited number of cases presently decided on the subject of rainmaking. Each has its own peculiar set of facts. It is going to take a considerable number of cases before there develops a fairly ascertainable body of law governing all of the activities of the rainmaker. In the course of time, there will undoubtedly be legislation dealing with the subject.

Home Economics Bldg. Dedicated At ASTC

BOONE—On Sunday, Dec. 5 at 2:30 p. m., Appalachian State Teachers College dedicated a new home economics building in honor of Lillie Shull Dougherty, wife of D. D. Dougherty, one of the co-founders of the college.

Mrs. Dougherty, succeeding her husband, served as business manager of the college for several years. She was particularly interested in the program of home economics. She died in 1945.

W. B. Austin, attorney from Jefferson and longtime friend of the Dougherty family, delivered the principal address at the naming and dedication ceremony conducted in the I. C. Greer Hall, which is adjacent to the home economics building. A response was given by Mrs. Clara Dougherty Brown of Charlotte, a relative of Lillie Shull Dougherty.

The 26,880-square foot building was erected at a cost of \$227,351.28 and is one of several new constructions on the Appalachian campus.

Following the dedication ceremony, open house was held in the home economics building. Miss Mary Brown Allgood, chairman of the

Soil & Water Conservation To Elect Supervisor

Notice to qualified voters in Yancey County. Election of Supervisor for Yancey Soil and Water Conservation District.

Pursuant to North Carolina General Statute 139-6 as amended by Chapter 815 of the 1963 Session Laws, an election will be held in Yancey County on December 10, 1965, to elect one supervisor for the Yancey Soil and Water Conservation District for a three-year term beginning January 1, 1966. All qualified voters residing in the county will be eligible to vote in this election. Candidates for this office are Carlie R. Rice and Oscar Deyton of Burnsville, N. C. Polling places will be located at:

County Courthouse, Burnsville, N. C.; Deyton Farm Supply, Burnsville, N. C.; England Barber Shop, Cane River, N. C., and 2nd floor County Courthouse, Burnsville, N. C.

Appalachian home economic department, and her staff served as hosts.

Mrs. Clara Dougherty Brown of Charlotte is the wife of the Rev. Roy Brown, former pastor of Higgins Memorial Church here.

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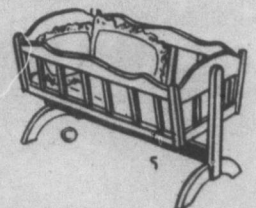
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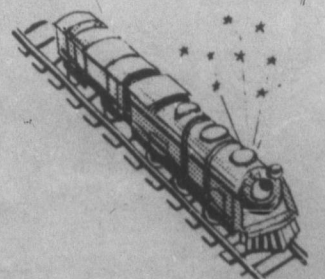


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