

**SENATOR
SAM ERVIN
SAYS**



WASHINGTON — When the Senate Rackets Committee completed its current series of hearings the other day into activities of certain leaders of the Teamsters Union, one of the most thorough jobs of work ever done by a committee was in the record.

SECONDARY BOYCOTTS

The committee has recessed subject to the call of the chair sometime in November, possibly around the 10th or 11th. My plans are to attend. It is my understanding that the subjects under investigation at that time will probably include the problem of secondary boycotts.

As I have written before, the work of our committee has been very helpful in providing information upon which legislation to correct the abuses should be based.

BIPARTISAN JOB

Chairman McClellan has effectively conducted the hearings with great dignity. I think the committee has observed the bipartisan aspects of the duties given to us when the select committee was created by the Senate. In connection with this, Senator McClellan made this observation the other day:

"The things that we have been inquiring into, the practices that we have exposed, that these investigations have revealed, that are definitely reprehensible, and those that come within the purview of questionable, transcend in importance and ultimate consequence, any partisan aggrandizement or self-serving effort. This is an effort of all Americans, regardless of party. It is an effort that will inure to the benefit of the working people of this country. They are destined to reap, in my judgment, greater benefits from our labors, assuming our labors come into fruition with the character of legislation that these revelations indicate is needed."

Future hearings will undoubtedly further strengthen the view that legislation is needed to correct these abuses.

LOCAL RESPONSIBILITY

But the hearings have also clearly indicated to me that there must be a demand for a clean-up beginning at the grassroots in this country in the labor and management relations. Much of the corruption that our committee has exposed could be cleaned up in the people back on the home ground would demand effective action to drive out the criminal element in labor-management relations.

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**THIS IS
THE LAW**

By Robert E. Lee
(For the N. C. Bar Association)

FOOTBALL BETS

Is it a criminal offense to bet on the outcome of a football game?

Yes. It is an offense against the criminal law of the State. The fact that the game itself is one of skill and endurance on the part of the two groups of football players does not confer immunity upon those who wager its result.

Murphy promises Cohen to pay him ten dollars if the X football team beats the Y football team, in consideration of which Cohen promises Murphy to pay five dollars if the Y football team beats the X football team. The X football team defeats the Y football team. May Cohen recover ten dollars from Murphy in a court of law?

No. The agreement is a wager or bet. It is void and illegal. The courts will not assist one in the collection of his gambling debts.

Mills bet Gardner one hundred dollars on the outcome of a football game. Gardner's team lost. Gardner paid to Mills the agreed one hundred dollars. May Gardner recover the one hundred dol-

lars in a court of law

No. The bet was illegal. As a general rule, the law will refuse to aid either party to an illegal contract. It will leave them where it finds them.

A party to an illegal agreement cannot recover damages for a breach thereof, nor can he, when he has performed on his side, as a rule, recover the performance that he has rendered or its value. The result in such case is the enrichment of one wrongdoer at the expense of the other; but the reason is to deter parties from entering into illegal transactions.

Alexander and Biggs made a wager on the outcome of a football game and each deposits the amount of his promised payment with Craig as a stakeholder. Alexander wins the bet. Before the money has been paid over to Alexander, Biggs notifies Craig not to pay Alexander. Craig nevertheless pays Alexander. May Biggs recover the money or goods he has given from Craig or Alexander in a court of law?

Yes. The loser may recover the amount he has bet from either the stakeholder or the winner.

This set of facts is an exception to the general rule that the law will aid neither party to an illegal contract. A party to an illegal contract who repents before the contract is wholly carried out may recover the money or goods he has given in performance if he gives a notice to this effect before the entire transaction is completed.

Biggs was fortunate in this case in getting to Craig, the stakeholder, before the money was paid to Alexander. If the stakeholder had paid the money to the winner before receiving the notice of the loser's repudiation of the wager, the loser would have been unable to recover from either the stakeholder or the winner.

**Mt. Olive College Assured
Support by FWB Convention**

Mount Olive Junior College has been assured by its sponsoring body, the North Carolina State Convention of Free Will Baptist Churches, that it has the full support of the Convention in its plans for an improved and enlarged program of educational service.

In annual session at Middlesex, the Convention unanimously approved the report and recommendations of the college and authorized a record budget of \$178,000 for operational expenses and payment on property already acquired by the college.

The Convention also voted to inaugurate a special endowment fund for Mount Olive Junior College by requesting that each of the 400 Free Will Baptist churches in North Carolina send a contribution for this fund with its regular report to future sessions of the convention, beginning in 1959. Next year the convention will hold its annual session at Mount Olive Junior College.

The Board of Directors of the college was enlarged with the addition of two out-of-state representatives, the Reverend Daniel F. Pelt, president of the Florida State Convention of Free Will Baptist churches; and the Reverend Fred S. Powers, moderator of the South Carolina Conference of Free Will Baptist churches.

Also placed on the Board were

two North Carolina laymen, W. P. Grant, farmer and civic leader of Goldsboro; and E. L. Jones, merchant and farmer of Walstonburg. Future sessions of the convention will add additional members to the Board of Directors until the present number of twelve is increased to eighteen, President Raper explained.

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