

Kidd Brewer's "RALEIGH ROUNDUP"

BENNETT . . . A person close to the present state administration said the other day, "If Bert Bennett doesn't change his mind he will be a candidate for governor next time." This is a little different for the usual approach to the situation. Usually, it is expressed in terms of the fact that such and such a person is considering taking the plunge, and may decide to do so.

This seems to be a case of Bennett having already decided to run. If this is true, then this means that Governor Sanford has decided to support him. This reasoning is due to the fact that someone else might get elected without the support of Sanford, but Bennett cannot.

If Sanford did not support his campaign manager and the person whom he selected as head of the Democratic Party, then they would indicate that he did not feel that his own friend was qualified. This would hurt. So we can take it that since Bennett would have to have the support of Sanford, and since it is said that he is going to run, then we can assume that he has been assured of Sanford's support.

Former Governor Hodges waited too long to make up his mind whom to support. When he finally did settle on Malcolm Seawell, it was too late. Sanford, apparently, is not going to make the same mistake.

TYPOGRAPHIC ERROR . . . When the late Clyde R. Hoey was Governor he underwent a hernia operation caused when he attempted to lift one of his bed room windows. The next day one of the papers reported, "Governor Hoey underwent a hernia operation caused when he attempted to lift a widow in his bedroom in the mansion."

CONFLICT . . . A lot of folks still can't understand all they have heard about the matter of scheduling the Trade Fair in Charlotte at the same time as the State Fair in Raleigh. President Kennedy was supposed to be in the state at that time and would be available to attend the Charlotte Fair. That, in itself still does not seem sufficient reason for the conflict — at least that is the reaction around Raleigh.

NOSTALGIA . . . Someone sent us a clipping from the Columbia, S. C. **COLUMBIA RECORD**, listed under "thirty years ago." The item said in part, "Miss Faith Brewer, a sophomore at the University of S. C. does not know which side of the field to sit on Saturday when the Gamecocks play Duke. Her brother, Kidd Brewer, is Captain of the Duke team."

This reminded us that thirty years ago this fall Wallace Wade fielded his first Duke football team. For the following twenty years Wade dominated the football picture in this state as no one had done before or has done since.

Coach Wade could probably have been elected Governor of North Carolina at the height of his coaching career at Duke. The papers and radio played up his every move and statement.

Since being reminded of this by the above clipping, we have made it a point this week to ask various people, "What ever happened to Wallace Wade?" The majority of them had no idea. Some of them thought he died some years ago, and not one of those asked knew for sure just what did happen to Wallace Wade.

One said, "The last I heard of Mr. Wade he had retired to his cattle farm and was spending his time counting his new calves — and old money."

Well, we don't know what Wallace Wade is counting, but he does live on his farm near Durham. Our guess is that the "old money" is

THIS IS THE LAW

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

Libel and Slander

Is it a crime to publish maliciously matters which tend to blacken the memory of a dead person?

Yes. It is a crime to write and publish defamatory matter of any deceased person if it is done with the evil purpose of injuring his family and posterity, and to expose them to contempt and disgrace.

The chief reason for punishing offenses of this nature is their tendency to breach of the peace. Although the person may be dead at the time of the publishing of the libel, yet it stirs up others of the same family, blood or society to revenge and to break the peace.

May there be a recovery of damages in a civil action for the defamation of a dead person?

No. The law has not seen fit to give a legal cause of action for defamation of a dead person.

There are many criminal actions which do not give rise to a recovery of damages in a civil suit.

May there be a recovery of damages in a civil action for slander or libel of a living person?

Yes.

May there be a recovery of

damages in a civil action for the slander or libel of a living person?

Yes. There is a complete defense, however, if the defendant satisfies the jury that the facts are true.

A North Carolina statute stipulates that before any action, either criminal or civil, is brought for slander or libel against a newspaper, periodical, radio or television station, the plaintiff or prosecutor must give a written notice of at least five days specifying in detail the alleged false and defamatory statements.

Also by statutes in North Carolina a newspaper, periodical, radio, or television station may, under certain conditions, lessen its criminal or civil liability by an appropriate reaction.

RESTRAINTS ON MARRIAGE

Parents conveyed real property

to their daughter, Cora, by means of a fee simple or absolute deed, containing the following provision: "It is understood and agreed between all parties herein that if the said Cora G. Jones marries, this property reverts back to the grantors, their heirs and assigns." Cora subsequently married. Did Cora cease to be the sole and absolute owner of the property?

No. The policy of the law is to encourage marriages. It frowns upon provisions in contracts and conveyances in general restraint of marriage.

This was an actual case before the Supreme Court of North Carolina. The court said: "It is the principle very generally recognized here and elsewhere that, when an estate has been definitely conveyed to another, a condition subsequent, in general restraint of marriage, will, as a

rule, be disregarded.

A husband under the terms of his will left a house and land to his widow subject to a provision that if she should remarry, the house and land should revert in his heirs. His widow some years later remarried. Did she thereby lose the title to the house and land?

Yes. Restraints against remarriage by widows and widowers are a well-established exception to the general rule.

This policy of our law is somewhat akin to the rule of the Federal Social Security Law, which stops payments upon the remarriage of a widow.

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