

# SENATOR SAM ERVIN ★ SAYS ★



The significance of the Senate amendment to the proposed Foreign Assistance Act of 1962 to bar aid to Communist countries like Yugoslavia and Poland reflects criticism of the foreign aid program. The fact that Tito has received \$2.5 billions in American assistance and recently has aligned himself inseparably close to Khrushchev may have had some bearing on the 57-24 vote. However, there may be an increasing realization which has affected the public and the Senate that events have changed and changed drastically since America embarked on the aid program with the Marshall Plan. Europe has recovered economically from the war. Its nations have become strong competitors in the world market. The same is true of Japan.

### Danger Signals

Our once lauded inexhaustible supply of natural resources is being used up at a fast rate. World War II used our minerals and our oil supplies in alarming amounts. Today, we increasingly depend upon non-U. S. sources for large supplies of raw materials. Our competitive position in the world market is no longer what it was when the Marshall Plan was inaugurated and the foreign assistance program was begun. The Common Market, and the Japanese and Hong Kong textiles, imperil our trade position. The national debt has risen to new heights. Congress is being asked to raise the debt ceiling to \$308 billions in response to deficits which are running at nearly \$8 billion for the fiscal year ending June 30th. Gold reserves which stood at \$24 billion at the inception of the Marshall Plan have dropped to little more than \$16 billion. These danger signals should remind us of the old saying that "we never miss water until the well runs dry".

### Is Aid Detrimental?

During the Senate debate on the authorization bill for Foreign Aid, Senator Lausche, who offered the



**PERFECT(O)**—Actress Hope Lange shows how perfect she can puff away on a perfecto on location in Nice, France.

amendment to bar aid to Communist countries, asked the question "Why is it always detrimental and inimical to the United States to grant aid to a Communist country?" He answered by saying: "We deceive and delude the citizens within Yugoslavia into believing that our Government is in sympathy with the Communist government of Yugoslavia." He might have added that we deceive the entire world and the cause of freedom when we attempt to compromise Communism with dollars. Former Secretary of Commerce Charles Sawyer made a statement in 1956 which sums up the difficulty of attempting to win Communist Yugoslavia with dollars. He said concerning his studies of foreign aid programs: "Neither individuals nor nations are made friendly or even grateful by handouts. Those who are given money soon think it is owed to them."

### Outcome

The Foreign Assistance Act of 1962 came to the Senate with an Administration request for \$4.8 billion for the fiscal year beginning July 1. The Senate authorized \$4.6 billion. Whatever the final amount

## THIS IS THE LAW

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

### BILLS OF LADING

Jones sent merchandise to Smith under a bill of lading issued by a railroad. The bill of lading, which Jones did not read, contained a printed provision to the effect that the railroad was not to be liable for any amount in excess of \$300. The merchandise was lost in transit due to the negligence of the railroad. The actual value of the merchandise was \$1,000. How much may Jones recover from the railroad?

The answer depends upon whether the transaction is an interstate or intrastate shipment.

If the merchandise was shipped from North Carolina to New York it would be an interstate transaction, and Jones would be able to recover only \$300. In interstate shipments the common carrier is permitted by contract to limit recovery for loss to a specified amount.

Bills of lading and express receipts are not only receipts but also contracts stating the terms of carriage. Acceptance of such by the shipper constitutes an assent on his part to the contract therein expressed, whether or not it has been read or explained to him. Persons receiving these well known instru-

ments are, therefore, presumed by law to know that they contain the terms upon which the goods are to be carried. If the merchandise was shipped from one point in North Carolina to another point in North Carolina, it would be an intrastate transaction, and Jones would be able to recover \$1,000. Contract provisions in bills of lading or express receipts limiting the liability of a contract carrier to a specified amount are contrary to public policy and void in North Carolina if the loss is due to the actual negligence of the common carrier. In this State a common carrier cannot by contract limit the amount of damages resulting from its negligence.

This is the last of a spring series of articles that have appeared weekly during the past three months. They have been written for the non-lawyer as a public service of the North Carolina Bar Association. Another series will be started in the fall.

### TWO DIVORCES

Monday in Lenoir County Superior Court two uncontested divorces each on grounds of two-year separation were granted to Shirley Elghman Howard from James Elbert Howard and David Croom Jr. from Annie Mildred Croom.

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