

This Is The Law

By Robert E. Lee
(For the N.C. Bar Association)
INTER-RACIAL MARRIAGES

May a white person and a Negro enter into a valid marriage in North Carolina?
No. The Supreme Court of North Carolina, interpreting a statute of the State on the subject, has said "all marriages between a white person and a Negro or between a white person and a person of Negro descent to the third generation, inclusive, shall be void. Therefore every person who has one-eighth Negro blood in his veins is within the prohibited degree within the meaning of the Constitution and the statute."

There have been no United States Supreme Court decisions dealing with the validity of interracial marriages entered into contrary to state statutes.
It is a criminal offense in North Carolina for a white person and a Negro to marry. It is also a criminal offense for a register of deeds to issue to them a license, or for a minister or justice of the peace to marry them, knowing them to be within the prohibited degree. The marriage is utterly null and void, and if they cohabit together they may be indicted on a criminal charge of fornication and adultery. Any children born of a void interracial marriage are illegitimate.

Will North Carolina recognize a marriage between a white person and a Negro solemnized in a state which permits such a marriage?
North Carolina will not recog-

nize a marriage between a white person and a Negro solemnized in a state which permits such a marriage if both parties were domiciled at the time in North Carolina and have gone into another state to be married for the purpose of evading the law of North Carolina and have immediately thereafter returned to North Carolina. But a marriage between a white person and a Negro domiciled in another state and married under the law of a state that permits such marriages will be recognized if the parties subsequently move into North Carolina.

CORPORATIONS
How many persons are required for the formation of a corporation?
There must be three or more natural persons signing the articles of incorporation.

May all of the shares of a corporation be acquired by a single person?
Yes.

Must any of the persons seeking the incorporation of a business enterprise in North Carolina be residents of this State?
No.

What is the minimum number of directors required for a corporation?
Three. None of these need be a resident of North Carolina.

May a person be elected to the board of directors of a corporation if he owns no shares of stock in the corporation?
Yes.

May shareholders remove directors before their terms of office have expired?
Yes.

Unless the charter of the bylaws otherwise provide, a majority of the shareholders entitled to vote at an election of directors may at any time remove, with or without cause, any individual director or the entire board of directors. Under this provision, one who gets control of a majority of the voting stock may at any time to his choosing kick out of office the existing board of directors and replace them with persons friendly to his wishes.

This broad power of removal is softened somewhat by a provision that, unless the entire board is removed, an individual director cannot be removed if the number of shares voting against removal would be sufficient to elect a director if voted cumulatively and further by the provision that one class of shareholders cannot remove directors elected by another class.

There is also a provision which specifically authorizes the holders of five per cent of the outstanding stock (with or without voting rights) to institute a suit to remove any director from office in case of fraudulent or dishonest acts or gross abuse of authority or discretion in discharge of his duties to the corporation.

In early times the administration of the law was not altogether free from abuses of the grossest kind. The king's officers were sometimes corrupt or partial, and for a considerable period the king's courts stood in awe of unscrupulous and powerful nobles. In extreme cases the poor subject had to seek redress of his wrongs by petition to the king, who, in theory, was the ultimate fountain of justice.

Originally, these petitions were heard by the sovereign himself; later, however, they were referred to the king's council. The foremost figure in this body was the chancellor. This official was the secretary to the king, the head of the king's chaplains, and keeper of the royal seal. In the early days the office was always in the hands of an ecclesiastic, because of the literary qualifications demanded. In time he became the chief law member of the council as well as the most powerful executive officer of state next to the king. He was learned in the canon and moral law. He has commonly been spoken of as the "keeper of the king's conscience."

It was, therefore, an easy development that after the middle of the fourteenth century all "matters of grace" were addressed directly to the chancellor; and in no long time this practice led to the establishment of a new tribunal in England which received the name of Court of Chancery.

By gradual stages there grew up a jurisdiction in chancery to grant relief in situations where the application to particular cases or rigid and general legal rules resulted in hardship or injustice. The rules applied by chancery in the exercise of this jurisdiction became known as "equity," whereas those administered by the previously established courts were designated as

"common law."
Many rights not recognized in the common law were created and enforced in equity. For example, no right existed in the common law by which a defective instrument could be reformed, a fraudulent conveyance set aside, a mistake or accident effectually relieved against, or a contract could be specifically enforced. Thus, equity became an important liberalizing agency in our legal system. Some of the things equity has jurisdiction over are: accident, mistake, fraud, mortgages, trusts, assignments, receiverships, specific performance, and injunctions.

The dual system of courts, which had existed in England and had been used in the colonies, continued in North Carolina until 1868. In this year, during the period of reconstruction following the Civil War, there was adopted a new constitution, making many changes in the plan of state government and the court system.

The principles of law and principles of equity are, however, as distinct in the minds of lawyers and judges as they have ever been. They are inherent in our judicial system. Today they are recognized and enforced in the same court and under a single system of procedure.

Equity does not have the flexibility it originally had. Today precedents frequently determine what is equitable. Equity is found in a set of principles almost as unalterable as those of the common law.

Medical Student's Theory Leads To Discovery On Heart Function

NEW YORK — A new discovery on the function of the heart, which originated in the theory of a first-year UNC medical student, was disclosed today to scientists attending the American Heart Association's 39th Annual Scientific Sessions in New York.

Reporting on the findings of a year-long study, Dr. Benson R. Wilcox, assistant professor at the UNC School of Medicine, said that the vena cava, one of the large veins returning blood to the heart, had been found to have muscle tissue similar to that of the heart itself, and that the vein's muscular tissue actually aids the heart in its blood-pumping action.

The discovery, Dr. Wilcox said, was the result of a theory developed five years ago by Hugh A. McAllister, Jr., of Lumberton. McAllister, who received his M.D. degree from UNC in June, reported his observations, suggested further investigation and assisted Dr. Wilcox in the research during his last term as a senior medical student. Dr. McAllister is now on active duty in the Army.

In making their discovery, the UNC research team attached metal strips, called strain gauges, to the superior vena cava and two of the heart chambers — the right atrium and right ven-

STOP HERE FOR YOUR Health Needs



CRUTCHES AND CANES HOSPITAL BEDS WHEEL CHAIRS
COMMODOE CHAIRS WALKERETTES

PLUS MANY OTHER TYPES OF CONVALESCENT EQUIPMENT

GRIFFIN'S DRUG
YOUR PRESCRIPTION STORE
FREE PICKUP & DELIVERY
PHONE 739-4721 • 129 MOUNTAIN ST.

If you want to make \$1 trying Modess products, just send us word.

The word you send us is "Modess." Here's how. Fill out the coupon below. Send it to us along with the word "Modess" from the backs of any 3 Modess brand packages. There's plenty to choose from: Modess Sanitary Napkins, Meds the Modess Tampons, Modess Sanitary Panties, Modess Sanitary Belts. (And you may choose 3 of the same product or any combination of 3 products according to your needs.) In return, we'll send you \$1.

See, it pays to use Modess brand products—in more ways than one.

To: Personal Products Company, Box 67-T, Milltown, N. J. 08850
I enclose the word "Modess" from the backs of 3 Modess brand packages. Please send my \$1 to:
Name _____
Address _____
City _____
State _____ Zip Code _____
Limit: one refund to a customer. Offer expires Dec. 31, 1966.
MODESS and MEDS are trademarks of Personal Products Company.

CLIP and PASTE on a U.S. Postal Card

From time to time, a person should check his social security record, say officials of the Social Security Administration. This is especially important if you have changed employers often.

You can get a statement of the earnings credited to your social security record by using the handy coupon below. Simply clip this coupon, paste it firmly on a postal card, and mail it to this newspaper, Attention: Social Security Editor.

In filling out the card, be sure to give your social security number and name exactly as they appear on your social security card.

REQUEST FOR STATEMENT OF EARNINGS
SOCIAL SECURITY NUMBER: _____
DATE OF BIRTH: MONTH _____ DAY _____ YEAR _____
Please send a statement of the amount of earnings recorded in my social security account to:
NAME: MISS _____ MRS. _____ MR. _____
STREET & NUMBER _____
CITY & STATE _____ ZIP CODE _____
SIGN YOUR NAME AS YOU USUALLY WRITE IT
Sign your own name only. Under the law, information in your social security record is confidential and anyone who signs someone else's name can be prosecuted. If your name has been changed from that shown on your social security account number card, please copy your name below exactly as it appears on that card.

Why it Pays to Check Periodically
If you have worked long enough under the social security law, you and your dependents can get monthly social security insurance benefits when you retire or if you should become disabled. Monthly benefits can also be paid to certain members of your family when you die. These benefits will depend on the earnings credited to your social security record. To check on your social security record, clip the coupon above, paste it firmly to a postal card, and mail it to this newspaper, Attention: Social Security Editor. Your coupon will be forwarded to social security's recordkeeping headquarters in Baltimore, Md. You will receive a confidential statement of the earnings credited to your record.

NOTE TO THE EDITOR: To assure speedy handling of requests, do not change size of coupon
OASI-45a (July 1966)
U.S. Department of Health, Education, and Welfare
Social Security Administration

BIG 2 DOOR KELVINATOR Refrigerator Freezer

in beautiful Antique Copper!

Family Size KELVINATOR Beauty!
Smart color styling with more usable storage space. Freezer holds up to 105 lbs. of frozen food. 2 Large food crispers, egg storage shelf and dairy products storage in door. Also available in Turquoise, Pink and White!

KELVINATOR Automatic WASHER and DRYER

A. WASHER with exclusive Golden Touch agitator, deep turbulent washing and rinsing, water temperature selector plus multi-cycle washing selector. \$199.95 EX. NO MONEY DOWN!

B. DRYER—select just the right drying temperature for your clothes load and fabric. Fabric guide on panel and automatic time cycle dial. \$149.95 NO MONEY DOWN!

Deluxe 40' Kelvinator Electric RANGE

Throw-away aluminum oven linings, pull out-plug in surface units, automatic oven timer and clock, divided cooking top and timed appliance outlet. Also available in Turquoise, Pink and White!

BIG 22 Cu. Ft. KELVINATOR FOOD FREEZER

Features counterbalanced lid and 5 freezing surfaces. Side mounted temperature control. Color interior and white exterior. All porcelain liner and lifetime construction. \$259.95 EX. NO MONEY DOWN!

Open Evenings By Appointment — FREE Delivery To Any Surrounding Community.

IT COSTS LESS AT—
Sterchi's
THE SOUTH'S LARGEST HOME FURNISHERS

PHONE 739-5451
KINGS MOUNTAIN, N. C.

Call Henderson Herndon or Betty Alexander, Your Friendly Sterchi Salesmen.