

This Is The Law

By ROBERT E. LEE
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SERVICEMAN'S INJURIES

May a person in the armed forces sue the Federal government for personal injuries caused by the negligence of an employee of the United States who is at the time acting within the scope of his office or employment.

Prior to the enactment of the Federal Tort Claims Act in 1946 there could be no recovery from the Federal government for damages wrongfully caused by Federal employees. This was based upon the common-law doctrine of sovereign immunity from suits by citizens. It was a historically sound doctrine, because no king or emperor could be a sovereign in the true sense if he could be sued by any of his subjects.

The Federal Tort Claims Act expressly excludes recovery in 13 enumerated instances. Among the claims excluded are those "arising in a foreign country" and those "arising out of combatant activities" of the armed forces.

I Feres vs. United States, decided by the United States Supreme Court in 1950, the court held that: "The government is not liable under the Federal Tort Claims Act for injuries to servicemen where the injuries arise out of or are in the course of activity incident to service."

Thus, under this decision, it seems that any service-connected injury by military personnel while on active duty status, whether in this country or on foreign soil, arising from combatant activities of non-combatant activities, cannot be recovered under the Federal Tort Claims Act.

This decision is not as harmful to the serviceman as it appears on its face. The court

seemed strongly persuaded by the comprehensive benefits provided for the injured servicemen under other enactments of Congress. An overriding consideration was the court's felt necessary to fit the statutory system of remedies against the government to make a workable, consistent and equitable whole. The court was of the opinion that the primary purpose of the act was to provide a remedy for the remediless, and that it did not include servicemen who were otherwise provided with relief.

The Veterans Administration Acts provide the serviceman with a fixed and certain scale of benefits for service-connected injury or death. These benefits are provided without the expense and uncertainty of litigation under the Federal Tort Claims Act.

Any injury or disease incurred by a person in the armed forces while on active duty status is deemed service-connected if it is not the result of his own willful misconduct. Active duty status expressly includes periods of authorized leave.

A disabled veteran receives from the Veterans Administration compensation in accordance with his determined degree of disability. The monthly payments may range from \$22 for peacetime disabilities rated at 10 percent to \$986 for total disability under certain circumstances. Wartime compensation, excluding dependency allowance, can range from \$28 for 10 per cent disability to \$1,232 for total disability per month. Additional compensation is provided for the dependents of the disabled veteran.

Hospitalization, medical treatment, and domiciliary care are also provided by the government. Death benefits to a widow are determined by a formula based upon the serviceman's pay. Provisions are also provided for children and dependent parents

upon the death of the serviceman. An immediate death gratuity equal to six months pay, not more than \$3,000 nor less than \$300 is payable to dependents.

Use Safety With Pesticides

Goggles, respirators, rubber gloves and aprons are recommended for farmer apparel this year for "special occasions."

This is just part of the safety equipment he will need when handling today's more toxic agricultural chemicals.

The removal of certain less toxic but more persistent chemicals such as DDT from the approved use list is leading to the use of newer materials that, while less persistent in the environment and of less danger to the consumer, are of greater potential danger to the farm applicator.

North Carolina through the Agricultural Extension Service and North Carolina State University, is cooperating in intensive, 4-state program to educate farmers in the use of the more toxicicides. "Project Safety" is being conducted in conjunction with the Environmental Protection Agency and the U. S. Department of Agriculture.

One of the things being taught is what to wear when using or handling pesticides. The list includes waterproof gloves boots jacket, hat, trousers, apron, goggles and a respirator with the proper canister for the insecticide involved.

Here are other suggestions: —An adequate supply of soap and water should be available wherever insecticides are stored or handled.

If a worker gets insecticide on his body and clothing, he should bathe thoroughly as soon as possible and avoid wearing any contaminated clothing until it is washed.

It is helpful to carry a 10-gallon drum of clean water on the application equipment to use in case the worker has to unclog a spray nozzle in the field or otherwise come in contact with chemicals that should be washed off immediately.

Where a leak or spill occurs in a storage area, determine the cause and fix it. Then scatter sawdust or other absorbent material over the spilled insecticide. Clean this up and scatter lime over the area. After this, wash the area with a solution of detergent and water. Dispose of the sawdust, lime and wash water in a safe manner.

Use water plus detergent in cleaning applicator equipment. When different pesticides are used, clean-up between each type by washing out the tank, nozzles, and pump.

Never leave empty pesticide containers lying around. Drain them into the spray tank for at least 30 seconds, then rinse and drain for 30 seconds three times, pouring the rinse water into the tank. Crush or dispose of the container as soon as possible.

MATCHES WALLS

A line of sheets, towels and blankets has been designed to coordinate with decorative fabric and wallpaper. This collection of coordinated products is in traditional floral print designs, says Mrs. Edith McGlamery, extension house furnishings specialist, N. C. State University.

LIGHT BULBS

Burning out a lot of light bulbs? Some of the reasons might be these: excessive voltage, poorly designed fixtures that don't allow heat to be dissipated, vibration in the fixture and poor electrical connections. If you are using 120-volt bulbs and having a lot of burn-outs, try those rated for 125 or 130 volts. Be sure bulbs are screwed in tightly for good connection.

Garden Time

When jonquil leaves turn brown, they are ready to dig, divide and replant. If they have been dug and divided at least once in the last three years, you may wish to leave them alone for another year of blooming. If you lift your bulbs every year, they should be stored in peat or vermiculite in a cool dry place.

In the mountains, keep your tomato plants tied to stakes as they grow. Use pieces of torn

cloth or soft string and do not tie the stems too tightly against the stake. Prune by removing the young shoots as they form in axils of the leaves (where the leaf stems join the main stem). Keep well mulched with pine needles or clean grain straw and water as needed.

Don't expect good performance from your plants if they are growing in a shaded location where they must compete with

tree roots for moisture and nutrients. They grow best in full sun.

Watch carefully for lacebugs on pyracantha, azalea, Washington hamthorn, rhododendron, etc. Spray or dust thoroughly with malathion giving special attention to the undersides of the leaves where they work in the shade. The same treatment will control spider mites (red spiders) and aphids (plantlice) on roses, azaleas and other ornamental plants.

Fllea beetles are likely to escape attention until after dam-

age occurs. These are small black insects which resemble the ordinary flea. They eat round holes in the young leaves and are especially destructive on Irish potatoes, snap beans, tomatoes, peppers and eggplant. For the beetles, spray or dust with malathion. Do a thorough job of coverage.

Can ornamental plants be treated for nematodes? Yes, by soil drenching with Nemagon.

Clear an area around the plant from 2 to 5 feet in diameter, depending upon the size of the plant. Build a small dike with

soil around the rim of the area to be treated to contain the drench solution. Add Nemagon to water as directed on the container and pour around the plants. For best results, the soil temperature should be between 60 and 80 degrees F.

Continue succession planting of snapbeans, sweet corn, etc. in the vegetable garden. Also, you can plant glads every two weeks, but not after about July 15 in the mountains.



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