

NORTH CAROLINA GENERAL ASSEMBLY
1963 SESSION

CHAPTER 1056
HOUSE BILL 80

AN ACT FOR THE RELIEF OF MRS. SUE (ED) SHEETS.

WHEREAS, on November 23, 1959, five prisoners, who were inmates of the Ashe County prison camp, made an escape near Laurel Springs, Ashe County, which escape was at least partly due to the laxity and carelessness on the part of the prison guard assigned to maintain the custody of the said prisoners; and

WHEREAS, after making their escape, these prisoners, or some of them, went to the home of Mrs. Sue (Ed) Sheets and by threats and at gun point they took away from her the keys to her automobile, and drove the said automobile away in furthering their escape; and

WHEREAS, the automobile which had belonged to Mrs. Sheets, which was a practically new 1959 Ford Sedan, was driven into West Virginia, where it was wrecked and abandoned; and

WHEREAS, at considerable expense to herself, Mrs. Sheets secured the return of the wrecked automobile, but it was determined to be beyond repair and for all practical purposes was a total loss; and

WHEREAS, the fright, nervous condition, strain and tension connected with the incident wherein the automobile was stolen, the worry and strain connected with the return of the automobile, and other events in connection with the escaped prisoners taking her car has caused Mrs. Sheets to suffer physical disability and to expend large sums for the payment of medical expenses; and

WHEREAS, Mrs. Sheets has no adequate remedy under existing laws, but it is proper and just that the State should compensate her for the loss of her automobile, the expenses connected with this incident, and the medical expenses resulting from the events surrounding the taking of her car: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the North Carolina Industrial Commission is authorized and directed to hear the claim of Mrs. Sue (Ed) Sheets based on the incident described in the preamble to this Act, and to make such award not exceeding the sum of five thousand dollars (\$5,000.00) as would be made if the prisoners were agents and employees of the State acting within the course of their employment at the time of the theft and damage to Mrs. Sheets' automobile, and the incurring of the physical disability resulting from such acts. The claim is to be filed by Mrs. Sheets under this Act, and must be filed within twelve (12) months after the ratification of this Act.

In all aspects of the hearing, including but not limited to physician's and attorney's fees, rights of appeal, and representation of the State by the Attorney General, the Workmen's Compensation Act and regulations adopted pursuant thereto shall apply but G. S. 97-22 and 97-23 shall not apply. The award made to Mrs. Sue (Ed) Sheets under the provisions of this Act shall be paid from the Contingency and Emergency Fund.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 20th day of June, 1963.