

This is the Law



By ROBERT E. LEE
(For the N. C. Bar Association)

Altered Contracts

Is a contract void if there are obvious alterations or changes appearing on its face?

No, not necessarily. The alterations or changes may have been done by one of the parties prior to its signing and delivery. If so, the contract is valid and enforceable in its altered or changed appearance.

If a written document contains alterations or interlineations, the presumption in North Carolina is that they were made before its execution and delivery. The burden of proof is on the party assailing the document to prove that the interlineations or erasures were made after its execution.

Many states, contrary to North Carolina, hold that when a writing offered in evidence shows on its face an alteration, there is a presumption that the alteration was improperly made after the execution of the instrument, and that, therefore, a burden is cast upon the party offering the writing to explain the alteration before the writing can be received in evidence.

Jones and Smith enter into a written contract for the sale and purchase of an automobile. Smith subsequently makes a fraudulent and material alteration in the writing containing the contract. What is the legal effect of the unauthorized alteration of the contract?

Smith does not have any enforceable rights. The law imposes this severe penalty as a safeguard against tampering with written instruments.

Jones, the innocent party, has a choice of remedies. He can elect to be discharged from the contract or he can enforce it according to its original form. But if he elects to go through with the contract under its original terms, he must perform the duties that would have been incumbent on him if there had been no alteration.

One party cannot by alteration destroy the rights of another without his consent.

An ordinary contract is not affected by an alteration that is not material by one made by a stranger to the instrument, or by one that is accidental or is made innocently without a fraudulent purpose.

A more rigorous rule has been made applicable to negotiable instruments. These are instruments such as checks and promissory notes, which contain unconditional promises or orders to pay a specified sum of money to the order of a specified person or bearer. Any material alteration of a negotiable instrument discharges any party whose obligation is affected by it, except as against an innocent subsequent holder in due course who can recover on the instrument according to its original tenor, without regard to who made the alteration or the motive for making it.



COOLING OFF BERTHA — George Merck, assistant to the president of the New York Zoological Society, pours a refreshing shower of water over Bertha II, a 400-pound Beluga whale from Los Angeles. Destined for the New York Aquarium, Bertha made the 13-hour flight to Idlewood Airport on foam rubber mats and wrapped in damp cloth.

The serious crime of forgery is committed if a person materially alters any kind of writing with a fraudulent intent.

SUNDAY SCHOOL LESSON

which was free from hate, greed, selfishness and bitterness. When he referred to the "poor in spirit" he was referring to those who saw the poverty of their souls. The man who sees the poverty of his soul will be shamed by it, and will do something about it. The man who never knows of his spiritual poverty is, indeed, a poor man.

When Jesus said: "Blessed are those who mourn . . ." he was referring to those whose souls were troubled by the misery surrounding them . . . troubled enough to do something to right the wrongs that bothered their consciences as Christians. Jesus, in referring to "meekness" meant a man who had good will toward his fellow men, and a ready obedience toward God. All these are truly the marks of a Christian.

Here, in the beautiful words of the Beatitudes, is the essence of a Christian life. All of us have at some time or another in our lives harbored resentment against our fellow men, refused forgiveness for a thoughtless act that has wounded us, or dealt ungenerously with those who have offended us. We have given little thought to the fact that when we do these things they war against the kind of person Christ wants us to be when he commands: "Be reconciled to your brother, and then come and offer your gift." (Matthew 5:24), and: "If any one strikes you on the right cheek, turn to him the other also." (Matthew 5:39). If you want to be Christlike, we must cultivate Christ's way of life, as laid down so plainly in the lesson we have studied today. If we really want health and peace of mind, and spiritual development, then Jesus in his Sermon on the Mount, has clearly shown us how it is to be

achieved. The task is not an easy one, but its rewards are great. Let us dedicate ourselves, then, to what lies before us to accomplish our goal.

(These comments are based on outlines of the International Sunday School Lessons, copyrighted by the International Council of Religious Education, and used by permission.)

ALAN BRYANT ROBERTSON

Funeral services were held in Kempsville, Va., Monday afternoon for Alan Bryant Robertson, who died Friday. Mr. Robertson is the husband of the daughter of Mr. and Mrs. George T. White, former Edentonians.

The services were held at the Emmanuel Episcopal Church with the Rev. Taylor Willis and Chaplain J. C. Rittenhouse officiating.

BLOODSHED BOXSCORE ON N. C. HIGHWAYS

Raleigh — The Motor Vehicles Department's summary of traffic deaths through 10 A. M., November 3, 1958 is as follows:
Killed This Year 850
Killed To Date Last Year 876

Scared
Police Sergeant — Have you caught that burglar?
Patrolman—No, but we've got him so scared that he doesn't dare show himself while we're around.

No Comment

By JAMES W. DOUTHAT
Assistant Vice President, Government Relations Division of the National Association of Manufacturers

"NO COMMENT" is a report of incidents on the national scene, and does not necessarily reflect NAM policy or position.

Washington — The 86th Congress, which convenes January 7, 1959, may get off to the slowest start in years. Some feel that the cherry blossoms will be in bloom in Washington before the new Congress comes to grips with any consequential legislative problems.

The reason lies in an apparent determination on the part of the liberal bloc in both houses of Congress to revise the procedural rules for handling legislation. It seems that the subject of unlimited debate in the Senate must again be the subject of unlimited debate.

Under present Senate rules debate may be concluded and a vote reached when agreed to by two-thirds of the entire Senate—64 affirmative votes. Liberal Senators have let it be known that when the new Congress meets they will push for a weakening of this rule, which was designed

to great thorough and complete debate of controversial issues.

One proposal of the liberals is that debate be cut off when two-thirds of those Senators present and voting request it (conceivably this could be two Senators); another is that a simple majority of the entire Senate (49) be empowered to curtail debate and force a vote.

This subject of limiting senatorial debate has been before the Senate many times before—the last time was 1957 when an attempt to revise the rule was defeated 55 to 38.

Proponents of changing the present rule say that the effect would be to make the Senate more responsive to the will of the majority, and to discourage obstructionist tactics.

Opponents contend that the Senate would immediately lose its character as a deliberative body—a body whose function it is to scrutinize the actions of the more numerous House of Representatives and to act as a check upon pressure groups organized to force radical and ill-considered legislation upon the country.

In any event, it is understood that Senate liberals are planning to reopen this question upon the convening of the new Congress. They say they have a good chance of winning, particularly if they are reinforced by the November election results. And they also say that they are prepared to fight unrelentingly for this change in the Senate rules.

Opponents of the change are said to be equally determined. Thus the Senate may spend many, many weeks on this question . . . starting January 7.

An effort to loosen rules to aid pressure groups is also expected on the other side of the Capitol when Congress convenes, although the situation in the House is considerably different.

Under House procedure, legislation of importance generally must clear through the House

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YIPPEE — Freckled Judy Lazinka, of Prineville, Ore., can spot any contender for the "Miss Rodeo America crown" at Las Vegas, N.M., this fall a freckle or two with no trouble at all. She's been named Oregon's rodeo queen for 1958.

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Rules Committee. This committee has been generally regarded in recent years as "pressure-group proof"—and it has been refused many times to grant rules for House consideration of bills whose chief virtue was demagogic appeal. The present chairman of this committee is Representative Howard Smith of Virginia.

The liberal group in the House proposes to alter House procedure so that chairmen of committees can bring legislation directly to the House floor, by-passing the Rules Committee. This effort will be fought by conservative House members and the controversy will unquestionably delay consideration measures.

Naturally, it's impossible to predict the result of these efforts

to change procedural rules in the House and Senate, but they do seem to signal a longer-than-usual "warm-up" period before Congress gets down to business in 1959.

Good Business

A farmer, paying his first visit to the seashore, asked a boatman if he could buy some of the water to take home to show his wife.

The boatman assented and charged the farmer a quarter.

A few hours later the visitor returned to the shore. By now the tide had gone out, and the man gazed open-mouthed at the spectacle.

"By gosh, mister," he said, "you've done a good business today."

Samovar

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NOTICE!

To Chowan County TAXPAYERS

The Tax Books for the year 1958 are now in my hands for the collection of taxes. We urge you to pay your taxes now and avoid the penalty which will begin on February 1:

A PENALTY OF 1% WILL BE ADDED ON 1958 TAXES NOT PAID BEFORE FEBRUARY 2. ANOTHER 1% WILL BE ADDED MARCH 2 AND AN ADDITIONAL 1/2 OF 1% WILL BE ADDED FOR EACH ADDITIONAL MONTH TAXES ARE UNPAID.

M. EARL GOODWIN

SHERIFF OF CHOWAN COUNTY



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are standard on Sport Fury models, optional on many other models. And for '59 the entire Plymouth line sparkles with exclusive new ideas in convenience, comfort, economy—and get-up-and-go! See your Plymouth dealer today!

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