

This is the Law



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

Contracts Between Husband and Wife

May a wife enter into a valid contract with her husband? In North Carolina the answer depends upon the facts and circumstances of the particular case. Some contracts are valid only when certain statutory formalities are complied with, others are valid without complying with these statutory formalities, and there are still others that are contrary to public policy and are not valid under any conditions.

No important contract should be entered into between a husband and wife without a prior consultation with an attorney. If such is not done, there may result bitterness and disappointment later. Such may not occur until after the death of one or both of the parties.

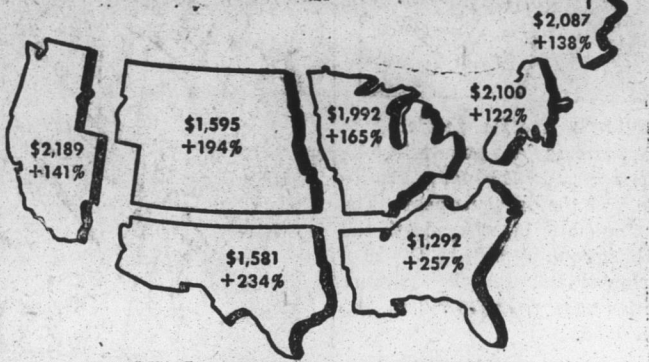
Mr. and Mrs. Henry Jones were happily married. Henry was a farmer and his wife, Sally, was employed as a clerk in a store. Henry became sick and he promised his wife that in consideration of quitting her job that he would pay her one hundred dollars a month for nursing him, cooking, sewing and doing other domestic duties around the home. Sally assented to the terms of the agreement and performed the agreed services up until Henry's death two years later. Sally has never been paid anything for her services. May she recover \$2400 from the executor of Henry's estate?

No. The contract is not legally enforceable. It could not have been enforced against Henry had he lived, and it cannot be enforced against his estate after his death.

A wife cannot recover from her husband for domestic services in the home which are imposed by the marriage status. This is true even though there is an express promise in writing by her husband to pay for such services.

The husband, as head of the family, is charged with its support and maintenance, in return for which he is entitled to his wife's services in all those domestic affairs of the

PER CAPITA INCOME IN 1955 AND PERCENT OF GROWTH SINCE 1929



Prepared by NAM from Gov't Statistics

The economic growth of the various regions of the United States can be measured by the per capita income of their peoples.

For the United States as a whole the per capita income of \$1,847 in 1955 was 163% greater than in 1929. Less than half of this gain was real—the rest of it being pure inflation. However, since all regions of the country were hit by the inflation, the relative growth shown in the chart is significant.

While there is a considerable range in per capita income between the regions, there has been a strong tendency for those regions which have the lowest per capita incomes to grow more rapidly than those which are above the average. The region with the highest per capita income was only 1.7 times the lowest in 1955, compared to 2.6 times in 1929.

home which pertain to the comfort, care, and well-being of the family.

The marital duties of husband and wife cannot be made the subject of barter and trade. Sally's services in the home were incident to her marital status. She did no more than that which was expected of her. The contract was without consideration and contrary to public policy. The Supreme Court of North Carolina has rightly refused to reduce the institution of marriage, or the obligations of family life, to a commercial basis.

If the contract entered into by Henry Jones had been with a person other than his wife, it would have been enforceable against the executor of his estate.

Medical Auxiliary Meets In Hertford

The Chowan-Perquimans Auxiliary to the Medical Society of North Carolina held its quarterly meeting Thursday, October 11 at the home of Mrs. Carlton Davenport in Hertford after a luncheon at the Hotel Hertford with Mrs. Davenport, hostess and Mrs. Roland Vaughan of Edenton, presiding.

The group discussed the various state-sponsored projects, and voted to stress support of the Yoder and Cooper Bed Funds for their

Pfc. Lee E. Valentine Training Grid Squad In Korean Regiment

Army Pfc. Lee E. Valentine of Edenton is a member of the 24th Infantry Division's 21st Regiment football team in Korea.

Valentine, a litter bearer in the regiment's Medical Company, is a trainer of the team, which will compete in the Korean regimental pigskin conference.

The 1954 Edenton High School graduate entered the Army in March, 1955 and completed basic training at Fort Jackson, S. C., before arriving overseas the following August.

His Heritage

One rainy afternoon Aunt Sue was explaining the meaning of various words to her young nephew.

"Now, an heirloom, my dear, means something that has been handed down from father to son," she said.

"Well" replied the boy, thoughtfully, "that's a queer name for my pants."

SUNDAY SCHOOL LESSON

Continued from Page 6—Section 2

God. He forfeits all power over himself, but he becomes God's own property: God's valuable property, since God shows the value he sets upon him by the price at which he buys him.

"Every redeemed soul in God's

flock represents the blood of the only begotten Son of God; and this figure therefore is strictly in the line of the Apostle Peter's thought—Peter, the apostle whom we should most naturally associate with this Psalm because of Christ's charge to him to "feed" his sheep and lambs—"Ye were not redeemed—bought back—with corruptible things, but with the precious blood of Christ, as of a lamb without blemish and without spot" (I Peter 1:18-19)."

There are ten specific things which God, as the Good Shepherd, does for those who are his sheep. (1) He is my Shepherd—he leads me, feeds me, shelters me and saves me. (2) I shall not want—he supplies my needs and gives me contentment. (3) He gives me rest—as every now and then a ship has to lie up for a time to be re-fitted, so do our souls need a time of quiet and rest for spiritual restoration.

(4) He furnishes necessary refreshment—the waters of rest and the wells of plenty are accessible through his mercy. (5) He effects my restoration—he re-invigorates my soul with spiritual life and health, putting new hope and a new heart in me. (6) He becomes my leader—and if I follow always his leadership I shall always go right, for he leads me in "the paths of righteousness."

(7) He relieves my loneliness—he goes with me always even where no other person can accompany me—through the shadows of death, since God shows the value he sets upon him by the price at which he buys him. I may be hurt but never may

I be harmed. (9) He supplies companionship—no better nor more constant companion is there in all the world than God. (10) He makes provision for my comfort—God is well-equipped with all the weapons needed for my defense, therefore, I can rely on him to take care of me in all circumstances.

The figure of speech changes somewhat at the end of the fourth verse—from Divine Shepherd to Divine Host. As the Eastern host is always gracious to his guests, even to the point of providing a sanctuary in time of danger, so God is unfailingly and eternally good and gracious to his people. The servant of God is more than a sheep to be fed—he is an honored guest, before whom God spreads a feast and protects him from danger while he partakes of the food so bountifully provided. As an honored guest, his head is anointed with oil, and so well take care of is he that his "cup" of joy literally runs over.

As long as the leadership of God is accepted, goodness and mercy follows the child of God, and his ultimate reward is life eternal with the Good Shepherd, enjoying the fellowship of heaven as one of the flock, or household, of the Good Shepherd.

If we really say in our hearts, like the Psalmist, "The Lord is

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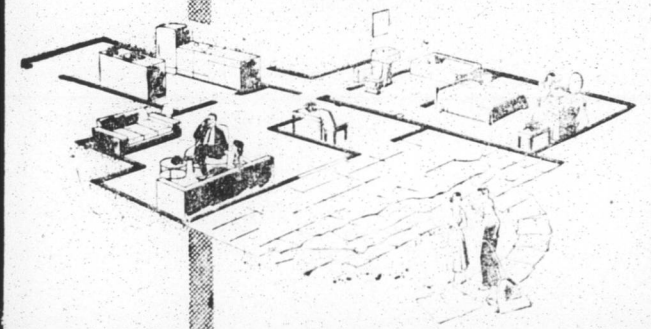
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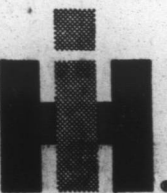
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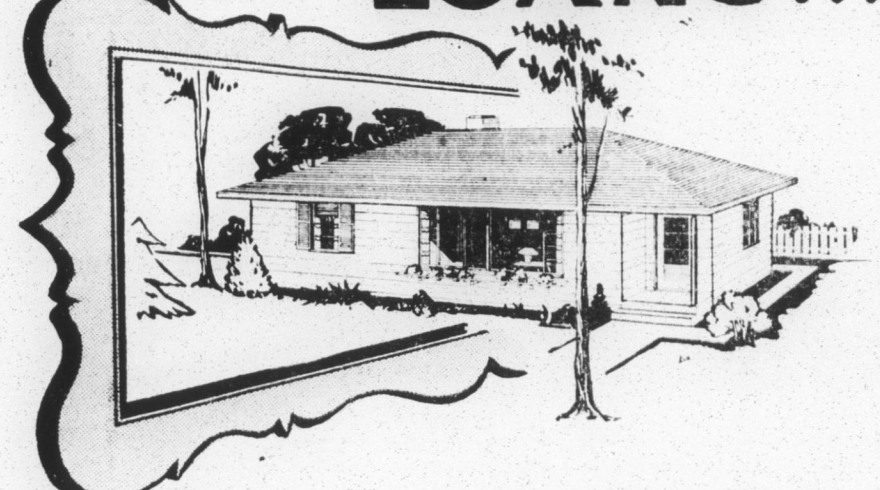
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