

This is the Law



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

Bailments and Sales Distinguished

Atkins took some corn to a mill for the purpose of having it ground into meal. He told Bailey, the operator of the mill, that he wanted to get back meal ground from the very corn that he brought, and that he would be back in a week to pick up the meal. In the meantime, the mill and its contents were destroyed by fire. The fire was not caused by any negligence on the part of Bailey. May Bailey be sued for the value of the corn delivered to him?

No. The transaction was a bailment. Atkins was a bailor and Bailey was a bailee. In a bailment the possession of personal property is delivered to the bailee, but the title or ownership of the property is retained by the bailor. The particular transaction was a bailment because Bailey agreed to return the identical property in an altered form.

If property delivered to another under a bailment is lost or destroyed without the fault of the bailee, the loss falls upon the bailor, because it is his property that is lost. The risk of loss for the destruction of property, unless otherwise agreed, is upon him who has the title.

Suppose Bailey's mill had not been destroyed by fire. Could the creditors of Bailey have levied upon the corn brought to the mill by Atkins?

No. Creditors of Bailey cannot seize property in his possession that does not belong to him.

Coble took some corn to Bailey's mill in exchange for some meal. There was no agreement nor understanding that Coble was to get back meal from the very corn that he brought. Coble was to simply exchange his corn for meal, picking up the meal a week later. Before Coble returned for the meal, the mill and its contents were destroyed by a fire without negligence on the part of Bailey. May Coble sue Bailey for the meal that he did not receive in exchange for his corn?

Yes. The transaction was a sale or exchange. The title to the corn had passed to Bailey. It was property of Bailey as of the time of its destruction by fire. Coble may recover from Bailey the market value of the meal promised in exchange for the corn.

If the mill had not been destroyed by fire, creditors of Bailey could have levied upon the corn delivered by Coble. As of the date of delivery, it became property of Bailey.

This is the last of a fall series of articles that have appeared weekly during the past three months. They have been written for the non-lawyer as a public service of the North Carolina Bar Association. Another series will be started in the spring.

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Weekly Devotional Column

By JAMES MACKENZIE

One of the most shameful chapters in the history of American Protestantism is drawing to a close—or so let it be hoped. For some years now the leaders of the National and World Council of Churches, a heterogeneous conglomeration of high churches, Unitarians, and all stops in between, have welcomed and defended Communist church leaders from Russia and its satellites.

Recently, at the meeting of the World Council of Churches in Evanston, Illinois, several of the Communist church leaders were elected to high positions in the organization; among them men who had accused the United States of germ warfare in Korea, and others who had written articles in Communist magazines that defamed our American way of life. When these modern Judas Iscariots returned home they carried on their propaganda warfare against American Democracy, telling their people all sorts of terrible things they "witnessed" while in the United States. At the time several American Christians protested the inclusion of these false witnesses in the World Council, but the leaders of the World Council, among them Bishop G. Bromley Oxnam, and Eugene Carson Blake, disregarded the protest and defended their "Communist brethren." Later these men were invited to Communist Europe, and were given degrees at Communist universities.

In the recent Hungarian revolt the people of that great country threw out their Communist church leaders, including those who had been so active in the World Council, and replaced them with their true bishops and pastors, who had been in prison. What did the World Council say to that? Bishop Oxnam says he knew all the time they were Communists, and that sooner or later the people would remove them from their positions.

Yet Bishop Oxnam has defended these very men, and has received honors at their hands. The magazine over which Dr. Blake has editorial direction said, "When they were in America at the World Council meeting many Christians felt they had no business there." But Dr. Blake was not one of these many Christians. During the Hungarian revolt the leaders of the World Council actually sent a telegram to the rightful leaders of Hungarian Protestantism congratulating them on their release and inviting them to unite with the World Council. It will be interesting to see whether or not the World Council goes back to its old policy now that the Communists are once again in control of Hungary.

It is too bad that these church leaders are too proud and too pompous to admit they were wrong, and let it go at that. It does not speak well of their Christian faith that they have to cover up their terrible mistake, to save face, to make everything appear as if they had always been opposed to Communist control of churches. However, let us be thankful that, in spite of themselves, they have realized their mistake, and though they won't admit they were mistaken, we may hope they will not make the same mistake again.

If they had read their Bibles to begin with, they would have realized that Christianity can have no fellowship with unbelief. If they had read their church history they

would have had the example of the early church which stood firm, without compromise, against just such a challenge as that which faces the church today. Their sin will not be forgiven until they repent of it, and humbly confess it; but let us rejoice that at least they will not be so quick to commit it again.

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Ad No. 118-41 lines

HAYSEED

By UNCLE SAM

Going To Bethlehem
"And it came to pass, as the angels were gone away from them into heaven, the shepherds said to one another, let us now go even unto Bethlehem, and see this thing which is come to pass, which the Lord hath made known unto us."

—Luke 2:15.
The human race is contaminated by sin. There are now no outward evidences that the world is growing better. There is turmoil in the business world. There is darkness in the moral world. There is much unfaithfulness in the religious world. On account of these things many are filled with doubts and

are undecided as to what course to pursue. The only home is in the Christ of Bethlehem.

There is but one world Saviour. All must go to the Christ of Bethlehem for deliverance from their sins. They must go there for a new and better life. They must go there to get their past record made clean and to have their sins blot- ted out.

In this world of sadness and sorrow there is but one world comfort- er. He is found in the babe of Bethlehem. There are many disap- pointments. The larger number of lives are either failures or near failures. Only the Christ of Beth- lehem can take such lives and make them over and give them comfort. He is the source of all lasting com- forts. The only perfect guide the world

has ever had came from Bethlehem. Men need to be guided away from the snares and pitfalls of sin. Nations must have a leadership that excels that of the greatest of men if they remain to function as they should. Only leaders who go to Bethlehem for guidance are safe leaders.

The only star of hope stands over the manger of Bethlehem. To the

Christ who once was there, is the only safe one to go in health and sickness, in joy and in sorrow in life and in death and in eternity.

The most exhausting thing in life, I have discovered, is being insincere. That is why so much of social life is exhausting; one is wearing a mask.

—Anne Morrow Lindbergh.

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