

# This is the Law



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

## Unenforceable Contracts Of Minors

May an adult enter into an enforceable contract with a minor?

The general rule is that an adult cannot make a contract that is binding upon a person less than twenty-one years of age. A contract for necessities is an exception to the general rule.

Legally speaking, persons less than twenty-one years of age are infants. They do not have the necessary legal or mental capacity to make an agreement that is enforceable against them.

The ordinary contracts of an infant are voidable at the option of the infant. An adult party to a contract cannot by an act on his part escape his obligation to perform; but an infant may at his option disaffirm or elect not to perform his obligation. An infant can secure the advantage of a good bargain and relieve himself of one that is bad.

When does a minor become an adult?

A minor reaches his majority on the first moment of the day preceding his twenty-first birthday. This is said to result from the fact that the law does not take into account fractions of days. As the law has been forced through necessity to fix an arbitrary time limit for the defense of infancy, a person is an adult with full capacity to contract on the day before his twenty-first birthday.

Charlie Jones, age twenty, represents to the Smith Motor Company that he is twenty-two years of age. He looks to be twenty-two years of age, and the Smith Motor Company, relying on the representation, sells to Jones a new automobile at a price of \$3,000. Jones pays \$1,500 in cash and gives to the Smith Motor Company a promissory note secured by a conditional sales agreement for the balance. Jones uses the car for eight months, wrecks it, and brings the car into the Smith Motor Company as a heap of junk and demands the return of his money. During the past eight months Jones has made monthly payments under the conditional sales agreement amounting to \$500. May Jones recover \$2,000 from the Smith Motor Company and refuse to make further payments towards the purchase price of the automobile?

Yes. The automobile was not a necessary for the particular infant.

An infant may disaffirm his contracts for items of personal property other than necessities at any time before he reaches twenty-one or within a reasonable time thereafter.

The fact that Charlie Jones lied about his age is immaterial under the court decisions of North Carolina.

A minor borrows money from an adult. Subsequent to reaching twenty-one years of age, he promises to pay. May there be a recovery of the money he borrowed as a minor?

Yes. After reaching his majority a person may ratify and thereby turn a voidable contract created during infancy into a valid and enforceable contract. The particular contract has been ratified. Ratification cannot be effectuated until the infant has reached his majority.

## Weekly Devotional Column

By JAMES MacKENZIE

Anyone who has ever read Arnold Toynbee is acquainted with his theory of the historical cycle. Indeed, it is not necessary to read Toynbee to discover the cycle, it is repeated again and again in the Book of Judges, in the Holy Bible. Briefly, the cycle runs like this:

1. A nation goes from bondage to spiritual faith;
2. From spiritual faith to courage;
3. From courage to liberty;
4. From liberty to abundance;
5. From abundance to selfishness;
6. From selfishness to complacency;
7. From complacency to apathy;
8. From apathy to dependency;
9. From dependency back again to bondage.

You who are conversant with the history of our own land will recognize the working of this cycle in it, and perhaps you will be interested in deciding how far we are along the cycle at the present time. Offhand, I would say at five or six.

Now look at ancient and modern history. Scan the historical progression of ancient Egypt, Assyria, Babylonia, Medo-Persia,

Greece, Rome—the same cycle is evident. France, Spain, the Netherlands, Poland, Germany, Portugal, all rise and fall to the tune of the historical cycle.

But there is one exception: England. Toward the middle of the eighteenth century England was rapidly coasting toward the end of the cycle. Her people apathetic, her churches dead on their feet, there seemed to be no hope for the grand old island republic. Then God raised up men like the Wesleys, Whitfield, Toplady and others who preached the Gospel in the fields, on the corners of streets and in the coal mines, and England experienced an outpouring of the Holy Spirit that rejuvenated every fibre of its being and inaugurated a new period of greatness and prosperity. Like a mighty army the sons and daughter of England sought out the far corners of the earth and carried there the glorious Gospel of grace. In 1887 Queen Victoria celebrated her golden jubilee to the tune of "Pomp and Circumstance."

"The sun never sets on the British Empire" was the proud boast. Canada issued a memorial series of postage stamps with a map of the world on them, the British Empire in red (one-fourth of the earth's land surface at that time), and the words, "A greater empire than has been." At that time the mission fields were manned by British missionaries, and a few Germans and Americans. But in the midst of this celebration Rudyard Kipling wrote a solemn warning:

Far-called our navies melt away;  
On dune and headland sinks the fire;

Lo, all our pomp of yesterday

## Housework Easy Without Nagging Backache

Nagging backache, headache, or muscular aches and pains may come on with over-exercising, emotional upsets or day to day stress and strain. And folks who eat and drink unwisely sometimes suffer mild bladder irritation... with that restless, uncomfortable feeling.

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**TRADITIONAL**—A procedure used by early Arctic explorers to plow through heavy ice is utilized by crewmen of the U.S. Coast Guard cutter Spar as the ship steams along the route of the famed "Northwest Passage" across the top of North America. The men are lowered with axes on concrete blocks which serve a double purpose: weights to warp the ship free from ice and crushers to pound the ice to powder.

Is one with Nineveh and Tyre!  
For heathen heart that puts her trust  
In reeking tube and iron shard—  
All valiant dust that builds on

dust,  
And guarding, calls not Thee to guard—  
For frantic boast and foolish word,

Thy mercy on Thy people, Lord.  
Since then England has continued down the cycle until now she is about at "eight." For the past forty years the British Empire has been living on its reputation.

Where is America? We have no Kipling to warn us—but better yet we have a word from the Sacred Page. America, hear the Word of the Lord: "Blessed is the nation whose God is the Lord, and the people whom He hath chosen for His own inheritance... there is no king saved by the multitude of an host: a mighty man is not delivered by much strength. A horse is a vain thing for safety; neither shall he deliver any by his great strength. Behold, the eye of the Lord is upon them that fear Him, upon them that hope in His mercy." (Psalm 33:12, 16-18).

Let us be silent that we may hear the whisper of God.  
—Emerson.

## ACCIDENT FACTS



Raleigh—The most frequent errors committed by drivers in last year's fatal North Carolina traffic accidents were:

1. Exceeded stated speed limit.
  2. Driving in wrong lane.
  3. Under influence of alcohol.
  4. Failed to grant right-of-way.
  5. Ignored stop sign or signal.
- An unintentional driving error can be just as deadly as a deliberate one, reminds the State Department of Motor Vehicles.

## Sun Glare Reduced By Highway Trees

Planted trees strategically placed along slightly curving highways will greatly reduce sun glare on East-West highways at the time of day when the sun shines most directly into the eyes of motorists, according to the American Association of Nursery-

men. While there are no statistics to show how much of a factor sun glare is in relation to accidents, it is stated, it definitely tires motorists and causes headaches when driving for extended periods into the face of the sun. A few trees planted where existing roadside vegetation or land contours do not obscure the sun in the early morning or late afternoon im-

proves driving comfort immeasurably, it is said.

## Good Reason

Friends—What's this I hear about your graduating? I thought you had two more years in school.

Football Player — I had, but the coach won't renew my contract.

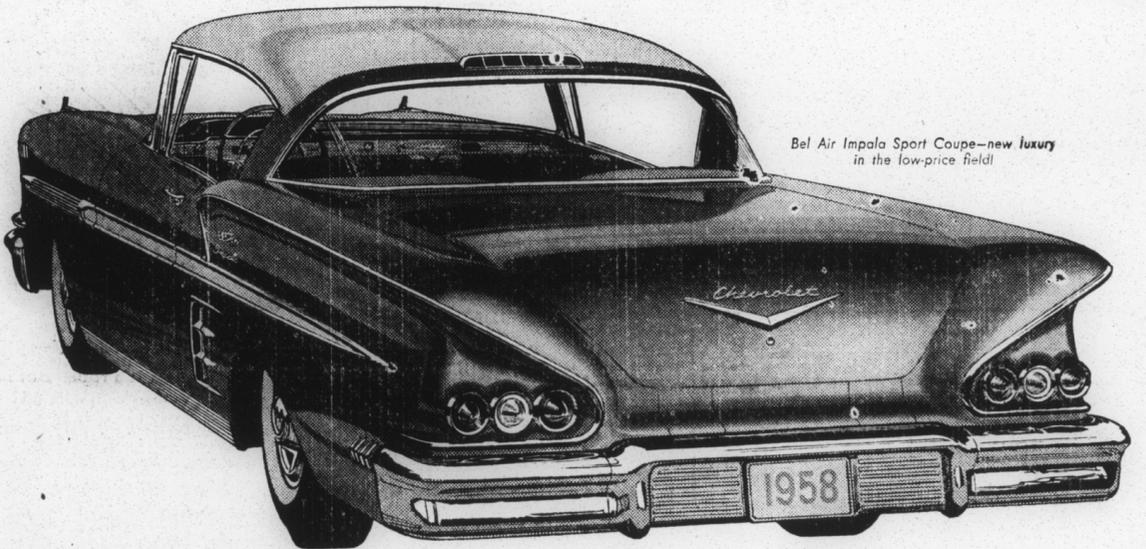
**10 REASONS WHY YOU SHOULD HAVE A BEDROOM TELEPHONE**

Nor. & Car. Tel. & Tel. Co.  
Elizabeth City - Edenton - Hertford  
Manteo - Sunbury

LISTEN EACH SUNDAY AT 8:45 A. M.

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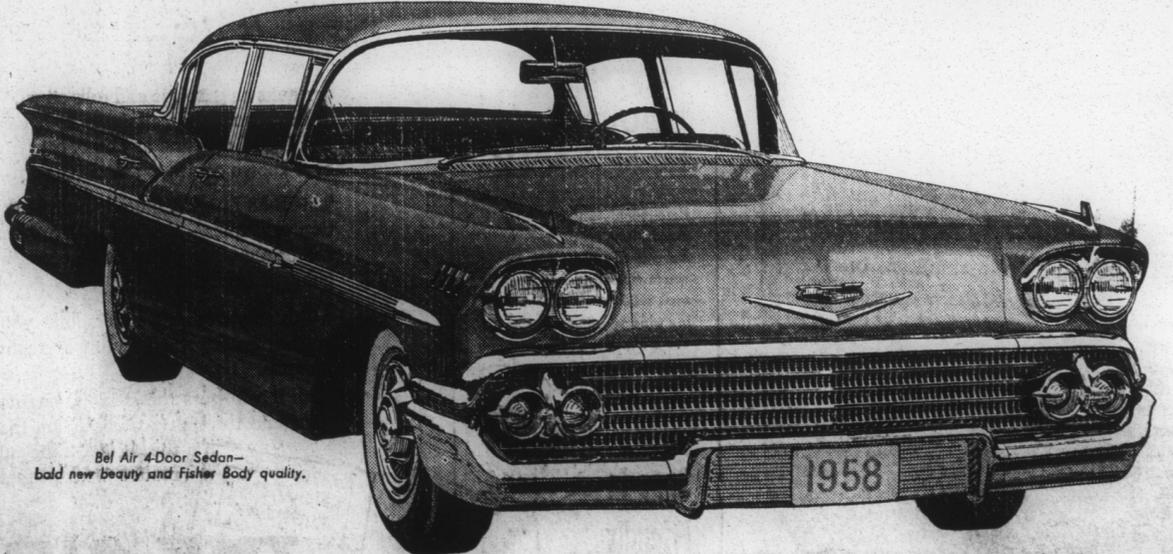
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road. There are two new rides—Full Coil suspension and a real air ride\*. The body-frame design is new, the wheelbase is longer.

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