

This Is The Law

CONSIDERATION IN CONTRACTS

Jones promises in writing to give to Smith a horse named "Nelly" on December 25, 1964. The written promise is handed to Smith. Smith tells Jones that he will be very happy to accept the horse. If Jones fails to keep his promise, may Smith sue him for breach of contract?

No. The promise is not supported by what lawyers call a "consideration." The parties have not entered into an enforceable contract.

If Smith had promised to give Jones something in exchange for the promise, there would have been a valid contract.

The written promise could also have been made by Jones affixing a seal or writing the word "seal" beside his signature. A contract must have either a seal or a consideration.

What is meant by the word "consideration" in the law of contracts?

"Consideration" is that which is given in exchange for a promise.

Consideration does not necessarily take the form of payment of money. It may be in the form of an act or forbearance, or a promise to do or forbear. A promise may be given for a promise. A promise to do something is just as valuable as the actual doing of the thing. This is so even though what one person has promised is worth more than what the other has promised.

There is a consideration if the promisee, in return for the promise, does everything he is not legally bound to do or refrains from doing that which he has a right to do. Legal detriment does not mean a detriment in fact; it may actually be an advantage to the promisee. If the promisee does something he is not legally bound to do, the fact that he himself derives a benefit therefrom is not material.

Of course, if Jones should actually deliver the horse to Smith with a donative intent, the horse

Byers Assigned To Korea Base

U. S. FORCES, KOREA (AHT-NC) — Army PFC Gilbert L. Byers, whose wife, Gertrude, lives on Route 4, Shelby, N. C., was assigned to Headquarters Detachment of the 728th Military Police Battalion in Korea, March 1.

Byers, a mechanic, entered the Army in November 1962 and completed basic training at Fort Gordon, Ga.

The 21-year-old soldier, son of Mr. and Mrs. N. H. Byers, Route 1, Kings Mountain, was graduated from Compact High School, Kings Mountain, in 1960.

would thereafter belong to Smith. Consideration is not required to support an executed gift.

Also, if Jones had manifested in the writing an intent to present the horse to Smith, but to postpone the physical delivery of the horse until December 25, 1964, the transaction would have been sustained as a gift. The horse would immediately become the property of Smith, with actual possession postponed until December 25, 1964.



Items this week from Washington, Halifax, McDowell, Caldwell, Henderson and Montgomery Counties.

HOBBY TURNS INTO PROFITABLE BUSINESS

Mrs. L. V. Chesson of Washington County has transformed a dark, storage area of her home into a sunny room so she can continue a hobby she started many years ago. And that hobby is working with flowers.

Mrs. Frances Darden, home economics agent, says Mrs. Chesson roots and grows all types of potted plants and flowers. She hopes to turn the new room into a floral shop as her hobby or business expands.

SHARES TALENT WITH OTHERS

Knitting is getting popular in North Carolina, and especially in Halifax County. Mrs. Estelle White, home economics agent, is extremely talented in knitting and is teaching the ladies in the county to knit too.

Mrs. White says she is trying to

teach some of the leaders so they can teach others in their communities. At the second class, 95 women attended and were progressing like professionals, she added.

In an effort to make more people aware of different types of heating systems available and the most practical for their house and budget, a program is being presented at community development meetings in McDowell County.

Miss Rachel Keisler, home economics agent, says many families have probably accepted the lowest bid when choosing their heating system and did not select the type of system best suited to their needs.

SELLING FRUIT PLANTS

The 4-H'ers in Caldwell County are not only interested in local people getting more fruit in the diets but are also trying to make some money to finance special 4-H projects.

As a result, they decided to sell fruit plants as a county-wide pro-

ject. Mrs. Margaret Tilson, assistant home economics agent, says the club members are taking orders for strawberry and blueberry plants and grapevines. The plants they are growing are recommended for growing conditions in the county.

TOURS FABRIC MILL OUTLETS

A tour of the fabric mill outlets recently proved to be profitable for the women in the tailoring class in Henderson County. Mrs. Peggie Davis, associate home economics agent, says many of the women purchased fabric at a savings of two to four dollars per yard of wool which was of good quality.

ADAPT YOUR HOME FOR NEEDS

Home furnishings leaders in Montgomery County told their club members that a house well planned with attractive furnishings, pleasing color schemes, pictures of good quality and a collection of books and records was twice as effective as parental lecturing on art, music and literature.

Mrs. Marthe Harris, home economics agent, says the leaders showed the club members how to adapt their home to meet the needs of the children. They had to exhibit of durable, washable fabrics, wall finishes, and floor coverings.



A reader from Polkton writes: "We have two vigorous fig bushes. They are located in full sun and have plenty of figs every year that get to be as large as the tip-end of your thumb then fall off—never ripen."

Since the writer states that young fruits form but drop off every year before maturity, I feel rather sure that the plants are of the Smyrna type. The Smyrna fig is the fig of commerce and is produced in this country almost entirely in California.

A special type of pollination is required for this fig and is accomplished by a small insect called a Blastophaga which is not found in North Carolina. The pollen is furnished by Caprifigs, most of which are inedible or pithy and unpalatable.

Unless these bushes are providing some ornamental value, they should be replaced with varieties which will fruit in North Carolina such as Brown Turkey, Celeste and Brunswick.

"Please tell me something about the artichoke. I have heard about two kinds but am only familiar with the one I can buy from the grocery store."

The artichoke you buy from the grocery store is the globe artichoke, sometimes referred to as bur artichoke. This is a vegetable, the edible part consisting of the immature flower head and scale. The plant came originally from the Mediterranean region and, in this country, is produced mostly in California and the Gulf Coast region.

The so-called Jerusalem artichoke can be grown in North Carolina. However, this one is not an artichoke nor does it come from Jerusalem. It is a species of sunflower, Helianthus tuberosus. If you want to be proper about it, call it Girasole.

Jerusalem artichoke is a strong growing perennial. It is cultivated for its tuberous-like rootstocks which are edible. It is reported to be one of the few plants cultivated by the American Indian.

Some years ago this crop was produced in the Piedmont for processing. Sections of the rootstocks were shaped into many attractive patterns and pickled. It made a fancy pack. It is sometimes used as a stock feed for sheep, hogs and cattle.

Vilagers Play For Grover Dance

The Vilagers entertained Grover teenagers Friday at a dance sponsored by the Grover Rescue Squad.

Along with several other songs, the local folk-singing group did their own version of "Hootenanny in Other Lands."

Members of the group include Philip Wright, Gary Stewart, Don Hurlbut and Debbie Hurlbut. The Jokers of Grover entertained for the dance.

Rites Saturday For Mrs. Ricks

Mrs. John D. Ricks, 54, onetime resident of Kings Mountain and former resident of York, S. C. until a year ago, died Tuesday at home in Indianapolis, Indiana.

Funeral rites will be held Saturday at 3 p.m. from York, S. C. Church of God. Rev. George Alfred will officiate and interment will be in Sharon, S. C.

Survivors include her husband; two sons, John D. Ricks, Jr. of Louisiana and James E. Ricks of York; and two daughters, Mrs. W. E. Brandon of Rock Hill and Mrs. Maxine Williams of Indiana. Also surviving are two brothers and seven sisters.

Harris Funeral Home had charge of arrangements.

The first powered airplane flight in the history of the world was made in North Carolina by Wilbur and Orville Wright. The historical flight took place on Kill Devil Hill, near Roanoke Island, on the Outer Banks on December 17, 1903. A scale model may be seen at the Hall of History in Raleigh.

Kings Mountain Herald

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time rigid one of a specific number of years and months. Direct reduction lending proves a benefit to the borrower who finds he can make bigger re-payments than he first thought. But the main business remains the same — helping local area citizens to become homeowners. We've the cash to lend and will do our utmost to lend it on the particular terms suitable to you. Perhaps you'd rather buy . . . perhaps you need to remodel . . . perhaps you need a new modern kitchen or extra room or two. . . we handle these loans too!

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