

# This Is The Law

By ROBERT E. LEE  
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## CONTRACTS SUPPORTED BY CONSIDERATION

A man agrees in writing to sell for ten dollars a farm worth fifty thousand dollars. Is this agreement binding? Yes. The agreement is just as binding as if the market value of the land has been promised. It is sufficient, in the absence of fraud, if the promisor gets what he bargained for. Courts will not ordinarily inquire into the adequacy of the consideration. Any real consideration, however small, will support a promise. The value of the consideration is left entirely to the determination of the contracting parties. They and not the courts make the contract.

Every man must bear the loss of a bad bargain legally and honestly made. If not, he could not enjoy in safety the fruits of a good one.

Johnson enters into a contract with Moore to build a house, according to certain plans, for twenty thousand dollars, which Moore agrees to pay. When the work is half done Johnson finds that he has lost money by performing the contract, and informs Moore that the work will stop unless Moore promises to pay two thousand dollars additional for its completion.

Moore makes the promise and Johnson thereupon completes the building. How much will Johnson be able to recover from Moore for the construction of the house? Twenty thousand dollars. There is no consideration for Moore's promise to pay the additional sum.

Most courts hold that a promise of additional compensation for the performance of a contract which the promisor is already under an obligation to perform, is without consideration. The promise sustains no

detriment for the extra pay and the promisor obtains no benefit. It is merely an application of the general rule: "An agreement to do what one is already bound to do is without consideration."

All courts agree that if a promise is required to do something in addition to or different from that acquired by the old contract, there is a sufficient consideration to support a promise of extra compensation. The consideration may be, for example, the promise of a contractor to finish the work before the time originally agreed upon.

## Ray Smith's Rites Conducted

Funeral rites for Arthur Ray Smith, 71, retired hostelry superintendent, were conducted Monday afternoon from First Baptist church of which he was a member.

His pastor, Rev. Paul Riggs, officiated at the final rites, and interment was in Mountain Rest cemetery.

Mr. Smith, of 811 Katherine avenue, died at 5 a. m. Saturday morning in the Kings Mountain hospital. He had been in ill health for two weeks.

He was a native of Catawba county, son of the late Mr. and Mrs. John Henry Smith. He was a veteran employee of Mauney Hosiery Mills, joining the firm over 30 years ago.

Surviving are his wife, Mrs. Verdie Houston Smith; three sons, Robert Smith, Houston Smith and Paul Smith, all of Kings Mountain; one daughter, Mrs. Joe L. Hord of Kings Mountain; three brothers, Fred Smith, Cloyd Smith, both of Hickory; Bruce Smith of Matamoras, New Jersey; two sisters, Mrs. Nell Kersey, Mrs. Grace Ball, both of Taylorsville, and seven grandchildren.

## Produce, Protect Campaign Slated

By FRANK JETER JR.

With farmers expected to boost food production in 1974, by bringing several million acres into production formerly "set aside" or seeded to pasture, the Department of Agriculture is giving top priority to controlling soil erosion on newly plowed land. It was declared today by Jesse L. Hicks of Raleigh, who heads the Soil Conservation Service in North Carolina.

He pointed out that Secretary of Agriculture Earl L. Butz has urged "using sound conservation practices" on land returned to production, and listed several reasons why:

"First of all, use of sound conservation practices will itself help increase production, the Agriculture Secretary said, adding that 'farmers have made great progress in the last 40 years in conservation farming, and with planning they can meet the increased demand for food in 1974 without stepping backwards."

"As the Number One guardians of the nation's natural resources, farm operators have a responsibility to themselves and to future generations to use the soil wisely."

The Secretary of Agriculture asked the Soil Conservation Service "to give first priority to helping farmers and ranchers with their conservation plans."

He also called on the Agricultural Extension Service staffs to renew their efforts to demonstrate that "conservation farming pays, and is more productive" at a time when increased production is needed.

The Secretary made it clear that the Produce More, Protect More program will be a major objective of the Department of Agriculture during the remainder of 1973 and 1974, with an information program coordinated with efforts "on the land" to assure that losses through agricultural erosion, well controlled in recent years, are not repeated as the demand for agriculture commodities surges.

The Department of Agriculture also anticipates that operators will be cultivating their land more intensively as they seek to

increase yields per acre. "It is vital that we protect the land from soil erosion with proven conservation practices," Secretary Butz emphasized.

These include: —Plowing and planting on the contour. —Strip-cropping. —Terracing and land forming. —Grassed waterways and field borders.

Minimum tillage — the new "mully planting" technique. Soil Conservation people can provide complete information on each of these techniques, the secretary added.

"While there is plenty of additional land in the U. S. that can be used for crop production without endangering our basis soil and water resources, there are also millions of acres of farm and ranch land with soils so prone to wind or water erosion that they should never be used for crops," Secretary Butz continued.

"Such land should remain in grass or under other vegetative cover," he said. "We do not want to risk starting another Dust Bowl."

## ESC Taps New Chairman

Governor Jim Holshouser Tuesday appointed a new Chairman of the Employment Security Commission. He is Charlotte businessman Manfred W. Emmrich, southeastern assistant operations manager of the Macke Company, a national vending machine concern. E. Kendall of Raleigh who is Emmrich replaces Colonel Henderson after 27 years as ESC Chairman.

The new commissioner will have administrative control of the 60 State Employment Offices, including the employment office in Shelby. Office Manager Franklin Ware said today he learned of Kendall's retirement this week through an announcement from the Chairman's office in Raleigh. "Colonel Kendall," Ware said, "was first appointed to this post by R. Gregg Cherry in 1946. He was appointed by each successive administration and is the only public official in North Carolina

to be pointed to office by seven governors.

"He has also served as Employment Security Commission chairman continuously longer than any other ESC administrator in the nation," Ware said.

The Employment Security Commission administers two federal-state programs, unemployment insurance and the public employment program.

Ware stated that Mr. Kendall is one of the most respected administrators in the nation, and that North Carolina has one of the best employment security programs in the nation. "Our unemployment insurance trust fund is the nation's most stable, our employers have one of the four lowest average tax rates in the nation and our cost of operation is about the lowest in the nation."

Kendall is expected to retire in early December, said Ware, when Emmrich is sworn in as the new administrator.

## Farm Bureau Dinner Friday

The annual meeting of the Cleveland County Farm Bureau will be held Friday, November 9, at Brackett's Cedar Park, beginning at 7 p.m.

The program will include an annual report, recommendations from the commodity committees, and election of officers, directors and delegates to the State Convention. The feature for the evening will be the presentation of an award to the "Farm Bureau Family of the Year."

Favors and door prizes will be presented during the evening. William L. Plonk, Kings Mountain dairyman, is president of the organization and will preside. Mrs. Coleman Goforth is program chairman.

In October 1972, 36 per cent of Hispanic American 16 to 24-year-olds in the United States were enrolled in school, compared with 41 per cent of white and 43 per cent of blacks, according to the U. S. department of labor.

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**Avocados \$39¢**

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**Pork Sandwiches \$1.49**  
**Formel Weiners \$1.09**

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**Stokely Golden Corn 29¢**  
**Stokely Cut Green Beans 27¢**  
**Stokely Shellia Beans 28¢**  
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**A&P Frozen Potatoes 89¢**  
**A&P Chopped Spinach 79¢**  
**A&P Asparagus Spears 75¢**  
**A&P Brand Chopped Broccoli 25¢**  
**Borden's Elsie Twin Pops 69¢**  
**Baby Green Lima 29¢**

**Gala Paper Towels \$100**  
**Facial Tissue \$100**  
**Family Napkins \$100**  
**Towels 89¢**  
**Bathroom Tissue \$2.85**  
**100% Orange Juice \$100**  
**A&P Orange Juice \$100**  
**Towels \$100**

**Fruit Cake \$4.49**  
**Marble Pound Cake 69¢**  
**Donuts \$1.00**  
**Lemon Pies 59¢**  
**Pineapple Topped Buns 39¢**  
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