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The Law in the North And South as It Relates to Business from The 1900s To The 1990s

Curriculum Unit 91.01.02

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As a Business Law teacher, I have found that many students feel that Connecticut Law is the supreme law of the land. I think this is mainly because Connecticut is their home state and probably feel that laws in other states are the same as here.

In my unit, I plan to show my students how laws are different in other states and how some of the laws are the same. My unit will be done mainly on three states: Connecticut, North Carolina, South Carolina. Some of the topics of law that will be included in this unit are divorce, bankruptcy, tort law and laws for the minors.

Since business law deals with the teachings of regulations for businesses, it is somewhat hard for some people to understand that one of the main purpose of this course is to help individuals deal with their own personal business.

The first part of the unit will deal with divorce law. This unit will be introduced by asking the following questions:

What is a divorce?

Who can get a divorce?

If a person has separated from his or spouse and moves to Connecticut and decides to get a divorce, will he or she be able to do so?

Does a couple need grounds for a divorce?

The above are just a few of the questions that students will be asked in the introduction. I will give the students materials that will answer many of these questions.

Students will be made aware of the steps that must be taken to get a divorce in Connecticut, North Carolina, and South Carolina. They will also take a look at the laws governing divorces in the early 1900's.

The following is a brief look at the difference in divorce laws in South Carolina, North Carolina, and in Connecticut.

First is a look at South Carolina and divorce in the early part of the century. South Carolina was still using the divorce act of 1878. This law repealed all divorces in the state. This meant that a couple could only get a divorce as described in the constitution, but the state could reject the request because it deprived the court of the jurisdiction of action. South Carolina was interested in the continuance of marriage rather than the dissolution and did not favor divorce. As late as 1943, the Attorney General reported that South Carolina was the only state not granting divorces. ¹

In North Carolina, getting a divorce seemed much easier. There were laws on the book as early as the 1900's. However, a person wanting to get a divorce would have to prove grounds, and legal cause for the divorce was granted as prescribed by statute. In other words, one of the marriage partners would have to be able to prove that a divorce was necessary because he or she had not been provided support or the other party had been involved in an affair and was guilty of adultery. If the proper proof was provided, the divorce was granted. ²

The divorce laws for the state of Connecticut seemed to be much like the ones in the state of North Carolina. Even though Connecticut believed in the continuance of marriage, persons seeking a divorce would need grounds and legal cause. ³ They would have the burden of proof as couples in the state of North Carolina.

Students will be given a chart similar to the following concerning divorces:

Divorce Statutes

	CT	NC	SC
Date			
1914	legal cause	legal cause	no law
1925	" "	statutory	" "
1933	" "	"	" "
1946	" "	"	" "
1957-70	" "	"	legal cause
1980-90	no fault	no fault	no fault ⁴

Bankruptcy Law

Years ago, persons who could not pay their bills as they came due could look forward to serving time in prison. Students will be asked if they think it is fair for a person to serve time in prison for not being able to pay their bills? Students will be asked to make an estimate of the number of people that would still be on the streets today with our present economic situation.

Since this did not seem to be a fair situation, the United States Constitution gave Congress the power to establish bankruptcy laws. A person filing bankruptcy is one that is unable to pay due debts and wants to start anew. When the courts allow one to start anew, this means that all previous debts are erased.

Since Congress set up bankruptcy laws, all these rules will fall under federal guidelines. The big question for most students will be—Why will these laws differ since they are under the guidelines of the federal government? To help students understand better, the chapters of bankruptcy will be discussed. Students will be given the assignment of reading chapter 7, chapter 9, chapter 11, and chapter 13 from *Understanding Business and Personal Law*.

At this point, students will be asked to discuss the cases that involved the failed savings and loan associations

and the bankruptcy lawsuit for the city of Bridgeport. The discussion will be started by reading the *Newsweek Magazine* article that states, "The problem with the savings and loan started by the federal government allowing too much freedom to those in charge. This freedom cost the federal government \$250 billion dollars."

⁵ Students will be asked what important lesson can an individual learn from this situation, and how has this same situation affected citizens in the north and south? (Photocopies of this article will be distributed to the class)

Students will also be given articles from the *New Haven Register* that deals with the bankruptcy of the City of Bridgeport. They will be asked why Bridgeport filed for protection under chapter 9 and was it illegal for a city in the state of Connecticut to do such? After discussion of the purpose of chapter 9 again, students will be asked if it is illegal for any city to file for protection under chapter 9? (The Bridgeport case is still being argued in court and will be available this fall.)

Torts

This unit will give students a list of acts that are considered as crimes in the north and south. For example, a few students may know that in the state of Connecticut, there is no crime of battery; only assault. In the south it's assault and battery.

This unit will also include current newspaper articles. Students will be asked to bring in articles that deal with torts in our region and the southern region.

Students will be given a list of cases that involve torts from the three states that we are studying. These cases will be taken from the West Digest.

Students will be encouraged to take a close look at product liability and joint liability.

I will introduce the joint liability section by asking the students this question: Can a person sue for damages after being injured in a fight where he or she was beaten by two or three other persons? At this point, I will present a news article of a student in Woodbridge, Connecticut who is bringing suit against another after being jumped in a school parking lot.

I will refer to two news articles for the product liability. The first article will be about the case of a man bringing suit against a tobacco company for causing the death of his wife. The man claims that the company's product (cigarettes) caused the death of his wife. Students will be asked how they would vote in this case if they were members of the jury.

The next article will be about a young man that sues the Jack Daniels Company. The young man claims that since there were no warning labels on bottles of alcohol, he has become an alcoholic. Students will be asked to give their views on this situation.

I will ask students if they think that the two situations are similar in any way. If they feel that the two are, I will ask them to show how each is similar.

I will also stress the point with students, that if products are tampered with by consumers, then there is no grounds for a product liability case.

Minors and the Law

In my business law class, most of the students seem to be interested in the following areas: drinking age, purchase of cigarettes, driving, parental rights, majority age, marriage, and school rules. Again, students will be given cases from West Digest and copies of news articles.

We will start discussing this unit by finding out the number of students in the class that has reached the age of majority.

The majority age in the three states that we are studying is 18. This means that an 18 year old is considered an adult. However, there may be certain things that these individuals are not allowed to do. At this point, we will move to the drinking age.

The drinking age in Connecticut, South Carolina, and North Carolina is the same, age 21. However, in South Carolina, 18 year olds may purchase beer and wine. ⁷

The driving age is 16 in the three states that we are studying. The driving age is consistent in all of the states.

Many students are very concerned about what their parents can and can not do. I always explain that there are laws governing parental rights; but at the same time I also try to help students understand that they are living with their parents and should follow the rules and regulations of the house.

Students are made aware of the fact that parents must educate their children. Parents have the right to punish their children. Parents are entitled to the wages earned by their minor children, and parents can emancipate their children.

Minors with parental consent may be married at the age 16 in the states of Connecticut, North Carolina, and South Carolina. In the state of South Carolina, a female may also be married at age 14 with parental consent. Once minors get married they are considered adults, but they must follow rules for the drinking age.

School Rules

Rules for schools in the three states are very similar in some ways.

Students in North Carolina, South Carolina, and Connecticut must be given the chance to attend school a total of 180 days. Students may only miss a small percentage of the days.

Students may not enter first grade before the age of 5 years and 8 months. They may attend up to the age of 18.

Students in the south may be suspended for gross immorality. Corporal punishment is allowed in the south. ⁸

Southern students unable to attend school because of unsuitable clothing, must or may be supplied clothing by the system through some social agencies.

Connecticut has established laws for the schools to follow when expelling, suspending or giving detention to students. Students must have a hearing when facing possible suspension, in school suspension or being removed from class more than twice a week or six times per year. Parents should also be notified. ⁹

At this point, my students will be asked if they have relatives attending school in the south. If so, they will be

asked to make a comparison of rules in the school there and the school here.

Lesson Plan 1

Objective To help students understand how some laws in the north and south may differ and how some are the same when dealing with divorce.

Procedure Read “West Supplement to Street Law.” Divorce

Vocabulary grounds

legal status

no fault

desertion

cohabitation

Questions for Discussion

1. What is a divorce?
2. Who can get a divorce?
3. Can a person who has established residence in Connecticut get a divorce from a spouse who still lives in North or South Carolina?
4. Referring to question #3, would that person have had a problem in the 1950's?
5. How easy is it to get a divorce today?
6. Explain no fault divorce.

Assignment

Make a comparison of divorce laws for North Carolina, South Carolina, and Connecticut; write a detailed description of the changes from the 1960 to the present.

Lesson Plan 2

Objective To teach how bankruptcy laws are the same in each region.

To show why the federal government has allowed such laws.

Procedure Explain chapters 7, 9, 11, and 13.

Questions for Discussion

1. What chapter should the failed savings and loan file under? Why?
2. What chapter should Bridgeport file under?
3. Can these same chapters be used in North Carolina and South Carolina as well as Connecticut?
4. If you were going to file bankrupt, which chapter would you use?
5. What chapter should an insolvent town use?

Assignment *Collect articles on the bankruptcy cases of Bridgeport and compare it with a case in the text.*

Lesson Plan 3

Objective *To show how a wrong can be a crime and a tort, and how they differ in the north and south.*

Procedure *Read the chapter on Torts in Applied Business Law .*

Vocabulary

liability
tort

Question for Discussion

1. What is the difference between product liability and joint liability? In what way can each act be considered a crime?

Assignment *Make a list of acts that can be a crime and a tort. Write a description of each.*

Lesson Plan 4

Objective *To help students understand the status of minors in the north and south.*

Procedure *Have students read materials that discuss rules and regulations for the young adults.*

Vocabulary minors

majority age

emancipation

parental rights

Questions for Discussion

1. Who is a minor?
2. Should minors who live in Connecticut be allowed to drink in another state where the drinking age is under 21?
3. Should the drinking age be the same in all states? Why?
4. If a minor works, who does the earnings belong to?
5. Should parents be allowed to emancipate their minor children?
6. If a 16 year old couple gets married with parental consent, are they considered adults in all situations?

Assignment Mock trial

The case deals with a young lady who brings suit against her high school, claiming that the principal violated her constitutional rights.

Appendix

Word List

divorce—the legal ending of a marriage relationship between a husband and wife.
repeal—to annul a decision or decree.
jurisdiction—the authority given to a court or judge to try an individual.
statute—a law enacted by legislature.
statutory—pertains to a statute; authorized by statute.
legal cause—a ground for legal action.
no fault—blameless
bankruptcy—the condition of being financially insolvent.
chapter 7—provides straight discharge of debts by turning over assets for liquidation.
chapter 9—deals with cities and towns that must file bankrupt.
chapter 11—allows businesses with financial problems to reorganize.
chapter 13—allows for adjustment of debts of individuals with regular income.
torts—unlawful acts causing private injury to another.
product liability—responsibility for injury caused by defective product regardless of intent or negligence.

joint liability—a type of liability held by a group of persons.

minor—person under the age of majority.

majority age—age at which one can be legally bound by a contract.

emancipation—release by parents of their parental rights.

Notes

1. South Carolina West Digest, Vo1.8. West Publishing Company, St Paul, MN.
2. North Carolina West Digest, Vol.17. West Publishing Company, St. Paul, MN.
3. Connecticut West Digest, Vol. 7. West Publishing Company, St. Paul, MN.
4. North Carolina West Digest.
5. Larry Martz, et al, “Bonfire of the S & L’s” *Newsweek Magazine*. New York, New York, pp. 20-25, May 21, 1990.
6. Connecticut West Digest.
7. South Carolina West Digest.
8. Codes of Law of South Carolina, titles 18-20. Lawyers Co-operative Publishing Company. Rochester, New York.
9. Connecticut General Status. Title 10. Section 23.

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South Carolina West Digest, St. Paul, MN. West Publishing Company.

The digests list cases that have been solved.

The New Haven Register, New Haven, Connecticut.

The News and Observer, Raleigh, North Carolina.

The Evening Herald, Rock Hill, South Carolina.

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Arberman, Lee P., Edward T. McMahon, and Edward L. O'Brien. *Street Law, A Course in Practical Law* . 2nd ed. St Paul, MN. : West Publishing Company. 1980.

Brown, Gordon and R. Robert Rosenberg. *Understanding Business and Personal Law* .6th ed. New York: McGraw-Hill Company, 1984.

Mietus, Norbert J., John E. Adamson and McKee Fisk. *Applied Business Law* . 12 ed. Cincinnati, Ohio: South-Western Publishing Company, 1982.

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