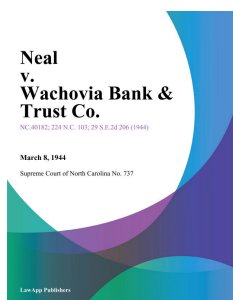


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Author: Supreme Court of North Carolina

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Summarizing the situation with which we have to deal, we observe that the plaintiffs in these separate actions have sued upon implied assumpsit for services rendered the decedent. The complaint in each case, however, discloses a parol contract to convey by will specific real estate -- the home place on Glenn Avenue -- or its value in money, and the death of the promisor, testate, without doing either. The defendant answered, denying the contract. Subsequently the defendant demurred to the complaints, ore tenus, upon the ground that plaintiffs had no separate cause of action, but must sue, if at all, in a joint action upon the contract disclosed in the complaints -- which, it is contended, contemplates joint employment, joint performance, and common or joint compensation.

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