PROCEEDINGS

OF THE

Nineteenth Annual Session

OF THE

North Carolina Bar Association

HELD AT

BATTERY PARK HOTEL
Asheville, North Carolina
July 3, 4, 5, 1917

EDITED BY
THOMAS W. DAVIS, SECRETARY
(Of the Wilmington Bar)

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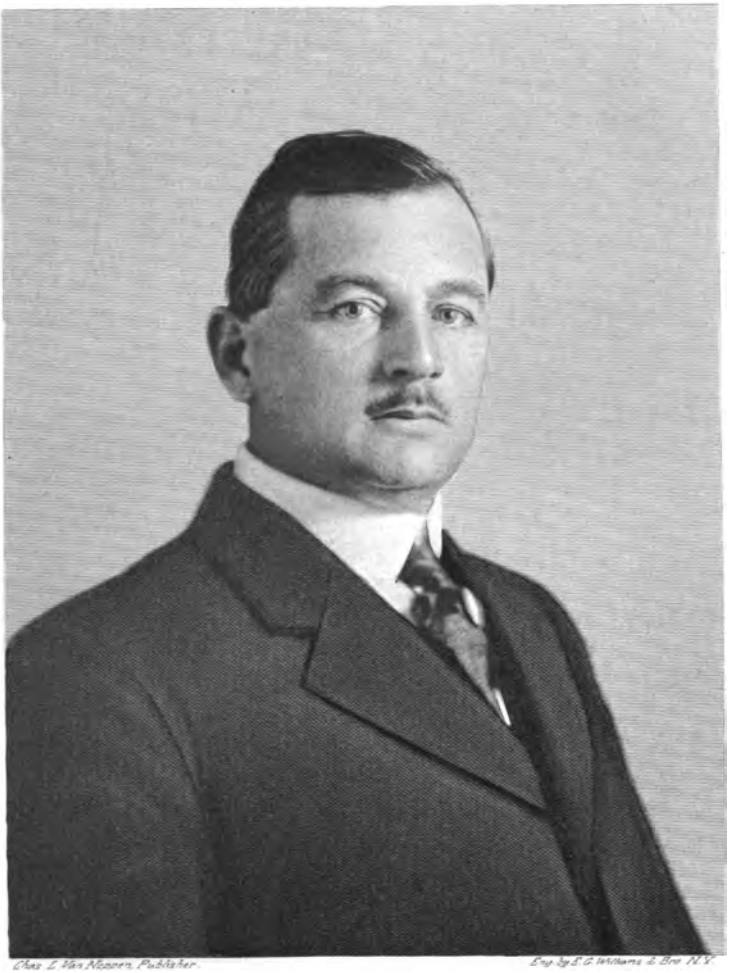

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A. W. McLean

PROGRAM

TUESDAY, JULY 3, 1917.

8:30 P. M.—Association convenes—

The President, Mr. Aubrey L. Brooks, of the Greensboro Bar, presiding.

Address of Welcome—By Mr. Eugene C. Ward, of the Asheville Bar.

Response—By Mr. T. T. Hicks, of the Henderson Bar.

President's Address—By Mr. Aubrey L. Brooks.

WEDNESDAY, JULY 4, 1917.

MORNING SESSION.

10:00 A. M.

Address—By Mr. W. H. Pace, of the Raleigh Bar.

AFTERNOON SESSION.

3:00 P. M.

Report of Committee on Memorials.

EVENING SESSION.

8:30 P. M.

Address—By Hon. Thomas J. Walsh, Senator from Montana.

THURSDAY, JULY 5, 1917.

10:00 A. M.

Address—By Mr. C. L. Abernethy, of the New Bern Bar

Reports of Special Committees.
Election of Officers.

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JULY 3, 4, 5, 1917

The Nineteenth Annual Meeting of the NORTH CAROLINA BAR ASSOCIATION convened at the Battery Park Hotel, Asheville, North Carolina, at 8:30 P. M., on Tuesday, July 3, 1917.

The meeting was called to order by the President, Mr. A. L. Brooks.

THE PRESIDENT: The Nineteenth Annual Meeting of the North Carolina Bar Association will now come to order.

The Address of Welcome will be delivered by Mr. E. C. Ward, of the Asheville Bar. (Applause.)

MR. WARD said:

Mr. President, Fellow Members of the North Carolina Bar Association, Ladies and Gentlemen:

On yesterday I asked a friend what the nature of a welcome address should be, and he answered that the object of the speaker should be to make his remarks as funny as possible not to make a fool of himself. So, acting upon this observation of my friend, and heedful of the uncertainty existing in my own mind as to boundaries of the twilight zone between the funny and the foolish, and between the ludicrous and the ridiculous, I shall be satisfied and content to confine myself to a very simple welcome.

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According to my own concept of a welcome address, it is perhaps the most formal part of any program. It may be dull, it may be amusing, and on rare occasions, it may be interesting and entertaining; it is most usually, however, perfunctory, and I was about to say highly unnecessary, yet, I suppose that among a people who cling so tenaciously to form and custom as we Lawyers are supposed to do, even the formal is essential, or must be considered so.

And, if as a general rule, a welcome address is uncalled for and out of place, a formal welcome to you ladies and gentlemen here this evening, is especially uncalled for, unnecessary, redundant and out of place, because you already feel your welcome; you know you are welcome. The atmosphere of our little city radiates with hospitality, and the very walls of the Battery Park breathe out a welcome. But it devolves upon me to reassure you that your presence here is very appreciated, both by the City of Asheville and by the local bar, and I feel honored and deem it a rare privilege to have the opportunity of addressing you—howsoever formal be the part assigned me. And perhaps it would be presumptive on my part to appear in any capacity before your body, composed of men so thoroughly versed in the art of criticism, and so eminently qualified to judge the efforts of a public speaker, without a few words of explanation and apology for doing so. Mr. Johnson, of the local bar, was on the calendar for trial here tonight, but at the last moment he found he would not be able to attend, and a continuance of such an important part of the program not being in order, I was hit upon—ostensibly as the next least lawyer in Asheville, to take his place. So, in this way, the very pleasant task of welcoming you to our city has fallen to my lot.

And to say that you are most welcome guests of the local bar, and of the City of Asheville and of Western North Carolina, is but to state in words, or rather to endeavor to portray in words, what has been repeatedly and eloquently demonstrated to you in action: you have been here before, you have tested our hospitality, you must have found it well. We

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are indeed glad to have you, and I would congratulate your Committee on Arrangements for its wise action in bringing your convention here this year, and particularly would I commend their happy choice in selecting Battery Park as headquarters; this quaint old hostelry that is famed so far, and remembered so pleasantly.

Asheville, the Queen City of the Southern Highlands, perhaps better known as the Convention City among the mountains, opens her doors to all who will come for business or upon pleasure bent. She receives your convention this evening with outstretched arms. Ever willing, as I stated, to entertain, convention, conference, convocation, assembly, or other body, we feel ourselves peculiarly fortunate, signally honored, to act as hosts to a body of men who mean so much, who have ever meant so much, to both State and Nation—a body of men who represent the soundest thought and the most progressive activities in every community in the Old North State.

Again, on behalf of the local bar, would I bid you a most cordial welcome to our midst. It is the one time in all the year when Attorneys from all over North Carolina can get together for conference. North Carolina is a big State, as she stretches with her over five hundred miles of length from the Mountains to the Sea. The legal problems of the East differ somewhat from the problems confronting the Attorney of the West, and I think it well that we can get together once in a twelvemonth, swap a few jokes, exchange ideas, and fraternize for a few days; we can go back to our work with renewed determinations, if not with new inspirations. Sincerely do we welcome you today, and trust you may come again, and often.

And, finally, in behalf of Western North Carolina, I bid you welcome to the mountains—this section we mountain-whites love so dearly, and prize so highly—this section so aptly designated by some speaker as "Nature's Roof-Garden." The Mountains not only welcome you, they invite you, they call you; and, when your deliberations here are over, we

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hope you may still find time from your busy lives to remain over and enjoy with us the pleasures of a summer in the mountains. Learn the delights of the forest, try your hand at the princely sport, the manly art of fly-casting; lure the timid rainbow from the shadowy depths of his favorite pool. Come out and breathe with us the air of the balsams; find relaxation and rest in the refreshing exertion of mountain climbing. Get back to Nature in a land so richly endowed, so gorgeously, so extravagantly decorated. Learn with us, (apologies to Mr. Service)

Our mountains none dearer were ever
In a land where beauty has lease;
There's a grandeur that thrills you with wonder,
And a stillness that fills you with peace.
And the shadows, they becon and becon,
And the brooks send out their call.
There are pleasures you never would recon,
And gladly they welcome you all.

THE PRESIDENT: The response to the Address of Welcome will be delivered by Mr. T. T. Hicks, of the Henderson Bar.

Mr. Hicks said:

Mr. President and Brethren; and especially Brethren of the Bar of Asheville; Ladies and Gentlemen:

I am pleased to be invited to give expression to the pleasure felt by this Association on being so graciously welcomed to Asheville. It is indeed a joy to everyone of us to be here as it has been to us and to others so many times before. We love you because you love to see us come; albeit you also love to see us go. It makes the burdens of our lives lighter to be here a few days and realize that about a hundred of our profession get a living out of one county about half of whose land is turned up on edge, and on most of the other half of which the cost of building a house is nearly doubled by having to level off a place big enough to build it on, and keep the babies from rolling off the world. If you all can live here, and live as well as you do live, what ought to be expected of you if you lived in Pitt or Edgecombe or Wilson

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or Nash or Sampson or Robeson or Richmond or Guilford or Wake, "Where every rood of ground maintains its man," and also furnishes corn, cotton, tobacco and peanuts for the world at large, as well as fees for lawyers? One of your brilliant welcomers said to us some years ago: "We're glad you're come, but don't undertake to stay for good. Our profession is crowded here. There is no more room, even at the top." We feel so kindly and loving toward you, that we'd like to distribute about nine-tenths of you over our eastern counties, knowing that, as you can do so well here, you might do even better with more elbow room.

It is related that an old Quaker, who had prospered in this world's affairs, was visited by a former school-mate, who had proven quite a failure in life, and was, indeed, almost a tramp. The Quaker gave the old chum of his boyhood the glad hand and for several days set before him his best. The visit was prolonged beyond measure. Finally the householder said to his guest: "Friend, thee will never come to see me again." Being assured by his visitor that he was mistaken and that the long stayer would certainly come again, the Quaker replied firmly: "No, thee will never come again, for thee will never go this time." We are not tramps. We will go away but we will come again and again.

The duly constituted authorities of this Association were by reason of certain "proceedings subsequent" and incident to the murder of Sarrajevo, thwarted in their purpose in respect to providing a response to the very gracious and cordial Address of Welcome that it was correctly anticipated would be given to this Association on this occasion. With a day's notice the pleasant duty was offered to this respondent. The first impulse was to refuse; then I was forced to admit with as much modesty as I could command, that the task was "within the reach of my cable-tow." My second refusal was a little less emphatic than the first; so that, as of old, the crown to Caesar, I, on the third tender, made it unnecessary for the Committee to "go further and fare" —better or worse.

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One half, save two, of all the meetings of this Association have been held in this beautiful mountain city, as the guest of its lawyers. The reason is, no better place could be found in the western half of the State. No better place exists.

The reception accorded our profession here prompts the wish that you will continue to invite us, and that we will continue to come biennially, not only "till Burnam wood be come to Dunsnane," but until Battery Park shall be claimed again by the Government, as a situs for its big guns, to stop German submarines in their onward sweep up the French Broad. While some may think that is a peril to be dreaded, your respondent is confident they will never get past New Orleans or Chicago, and that our meetings may be here, as happily as heretofore and now, as long as good will and good cheer and good fellowship are prized in this noblest profession known to man.

It is related of one of the old lawyers of this western section, that just before his death, many years ago, he met another old lawyer with whom he had been intimate from his youth. They sat down to talk of the past and of the great lawyers whom they had known, when our old friend said: "Everybody worth a damn's dead." He no doubt felt so —yet we know full well that he was mistaken, and that our noblest profession in North Carolina has more and better lawyers than ever before. The times and the advancing commerce and culture of the people demand improvement in jurisprudence and in administration, and in practical affairs, and they are getting it. More money is being paid for legal services and more value given for that money every year than ever before.

Notwithstanding a woe once pronounced upon certain kinds of lawyers, Providence has blessed the legal profession; is blessing it, and will continue to bless it. The lawyer is the king of men. When the lawyers meet in conference "The kings of the earth assemble and its rulers take counsel together." The reason is that they can "deliver the goods"

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every time; the ideas that influence and decide the actions of men and of money.

Our Critique of Pure Reason, if it could be applied to the questions that vex the Congresses and the Statesmen of the world, "would save trillions of dollars, oceans of blood and tears, and millions of lives." But, alas, the world insists on making waste and wounds, and applying to lawyers afterwards to heal the mischief.

The profession has never been weighed in the balance and found wanting, and it never will be.

On this delightful occasion we reciprocate the happy sentiments expressed in the welcome, feeling well assured that a session of our Association so happily begun; with such a splendid program for execution; and with such far-famed exponents of the thought of the time for our teachers, will work out much good for our profession and through it, for all the people.

THE PRESIDENT: I know that we have been very much entertained and gratified by the address of welcome and the response thereto.

Under the By-laws it becomes necessary to announce at the first meeting the names of certain committees, and on the Committee for Nomination of Officers, I desire to make the following announcement of appointees: E. S. Parker, Jr., Chairman; T. I.. Caudle, R. C. Lawrence, Z. V. Walser and Thomas Settle.

Committee on Publication, the following: A. C. Zollicoffer, Z. F. Curtis, J. G. Dawson.

Gentlemen, it has been deemed proper to call the attention of the members to the fact that any proposed amendments to the By-laws or the Constitution of the Association must be proposed at the first meeting. If there are any gentlemen who have any amendments either to the Constitution or By-laws they desire to offer, I shall be glad if they will hand them up.

MR. FRANK NASH, of Hillsboro: I have an amendment to propose to the By-laws. I have it written out and will hand it in.

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Mr. Nash offers the following amendment to the By-laws of the Association, which is read:

At the end of Section 4, of Article III:
"One, however, of such papers shall be an historical sketch of the bar of some community, district or section."

THE PRESIDENT: That will be taken up again at a subsequent meeting. Are there any other amendments? Mr. Sykes, I believe you are Acting Chairman of the Executive Committee. Are you ready to make a report? I shall be glad to hear from you.

MR. R. H. SYKES, of Durham: In the absence of Mr. D. L. Ward, Chairman, I have been asked to make the report of this Committee, which I will now read.

Mr. Sykes reads the report as follows:

REPORT OF
EXECUTIVE COMMITTEE
BATTERY PARK HOTEL, ASHEVILLE, N. C.
JULY 3RD, 1917.

To the North Carolina Bar Association:

Your Executive Committee, composed of D. L. Ward, Chairman, A. W. Cooke, H. L. Stevens, R. H. Sykes, H. F. Seawell, A. A. Hicks, A. L. Brooks and Thomas W. Davis, respectfully report that it met at the Yarborough Hotel, Raleigh, N. C., February 12th, 1917, and organized by electing D. L. Ward Chairman and Thomas W. Davis Secretary.

That at said meeting your Committee appointed a sub-committee, consisting of the President, and Chairman of the Executive Committee, and authorized them to select the place of meeting, but the whole Committee fixed July 3rd, 4th and 5th as the time for the regular annual convention of the Association for the year 1917.

The sub-committee finally agreed upon the Battery Park Hotel as the place of meeting.

In accordance with the By-laws the sub-committe with the

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approval of the whole Committee fixed the program as published.

Your Committee thereafter at 10 o'clock a. m. on the 3rd day of July, 1917, had a further meeting at the Battery Park Hotel, and in accordance with the By-laws, made the following changes:

On Tuesday evening, Mr. E. C. Ward, of Asheville, will deliver the address of welcome.

Mr. T. T. Hicks, of Henderson, will respond.

On Wednesday morning, Mr. W. H. Pace, of Raleigh, will deliver an address.

There will be a special session on Wednesday afternoon at three o'clock for the purpose of hearing the report of the Committee on Memorials.

The various Committees of the Association will make their reports as follows:

Reports of Executive Committee and Committee on Admission to Membership will be presented at Tuesday evening's session. Reports of other Standing Committees will be presented at Wednesday morning's session, except that of Committee on Memorials, which will be presented at Wednesday evening's session.

Reports of Special Committees will be presented at Wednesday evening's and Thursday morning's sessions.

At the request of the Secretary and Treasurer, your Committee authorized him to subscribe and pay for five hundred dollars of Liberty Loan bonds, which were purchased for the Association.

As required by the By-laws of the Association, your Executive Committee has appointed a Special Committee, composed of Haywood Parker, of Asheville, Chairman; W. A. Finch, of Wilson, and L. A. Beasley, of Kenansville, to audit the accounts of the Secretary and Treasurer, which Committee will report at its earliest convenience.

Respectfully submitted by the Committee.

R. H. SYKES,
Acting Chariman.

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THE SECRETARY:—Mr. Sykes, I think there is something the Executive Committe left out when they met, which has just occurred to me. The American Bar Association changed its Constitution or By-laws—I don't remember which just now—whereby there was a member of the general council, Vice-president and five members of the local council to be elected by the State Bar Association provided the State Bar Association accepted the By-laws of the American Bar Association, which at the meeting of the Executive Committee in February, the State Bar Association did accept, and I think that should be included in your next report at this session. I just desire to call your attention to it.

THE PRESIDENT: What shall we do with the Executive Committee report? What is the pleasure of the Association?

MR. HARRY SKINNER, of Greenville: I move that it be adopted.

The motion was duly seconded.

THE PRESIDENT: Without objection, the report is adopted. We will next ask for the report of the Committee on Admission to Membership. Mr. Schenck is Chairman, I think.

MR. MICHAEL SCHENCK, of Hendersonville: Mr. Chairman, I am unable to make a formal report for the Committee in that I have been able to get together only four members of the Committee and I have this suggestion to make, that I read the names that have been handed me as Chairman of this Committee and that they be acted upon now, and then I can make a further report if I can get the Committee together at a later time during the session of the Association. I want to say that I have been able to see only four members out of twenty; Mr. Rouse, Mr. Mason, Judge Murphy and myself are here and I understand that Mr. Clement is here but I have been unable to see him. If the suggestion meets with your approval, I will give you the list of names that these gentlemen may feel that they can take part in the deliberations from now on.

THE SECRETARY: I move that the Chairman of the Committee be given authority to appoint as members of his Committee, any members present who are from the particular

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districts from which the regular members are absent, and that that Committee be and constitute the Committee on Admissions at this session and bring in the regular report.

The motion was duly seconded and carried.

MR. SCHENCK: That I may notify the gentlemen, I think now would be a good time to name them.

I suggest the names of: Mr. E. F. Aydlett, from the First District; Mr. W. A. Finch, from the Second District; Mr. Jere Zollicoffer, from the Third District; Judge George H. Connor, from the Fourth District; Mr. E. H. Gorham, from the Fifth District; Mr. N. J. Rouse, from the Sixth District; Judge J. C. Biggs, from the Seventh District; Mr. J. D. Bellamy, from the Eighth District; Mr. R. C. Lawrence, from the Ninth District; Mr. Frank Nash, from the Tenth District; Mr. E. S. Parker, from the Eleventh District; Mr. T. C. Hoyle, from the Twelfth District; Mr. Walter E. Brock, from the Thirteenth District; Mr. O. F. Mason, from the Fourteenth District; Mr. Hayden Clement from the Fifteenth District; Mr. T. B. Finley, from the Seventeenth District; Mr. Walter Moore, from the Twentieth District.

Gentlemen, those names I have called please meet me in the writing room at nine o'clock. I ask that early because we want to meet before the regular meeting of the Association.

Mr. Chairman, the names that have been handed me thus far are: Mr. Robert H. Rouse, Kinston, N. C.; Mr. James A. Powers, Kinston, N. C.; Mr. G. V. Cowper, Kinston, N. C.; Mr. Fred H. Woodard, Asheville, N. C.; Mr. Clayton Moore, Williamston, N. C.; Mr. John A. Watson, Burnsville, N. C.; Mr. L. A. Swicegood, Salisbury, N. C.; Mr. William C. Coughenour, Jr., Salisbury, N. C.; Mr. N. C. Harris, Rutherfordton, N. C.; Mr. M. L. Edwards, Rutherfordton, N. C.; Mr. F. H. Woodard, Asheville, N. C.; Mr. F. W. Wallace, Kenansville, N. C.

THE SECRETARY: Mr. President, I would like to have the Committee to audit my accounts, consisting of Mr Haywood Parker, of Asheville, Chairman, Mr. W. A. Finch, of Wilson,

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and Mr. L. A. Beasley, of Kenansville, meet me tomorrow morning at nine o'clock to check and audit my accounts.

MR. SCHENCK: I want to move that the gentlemen whose names I have read be extended the courtesies of the floor from tonight that they may feel they are members of the association.

The motion that these gentlemen be extended the courtesies of the floor is seconded and unanimously carried.

THE SECRETARY: I have an invitation from the Asheville Club to the Bar Association which I will read:

ASHEVILLE, N. C., July 3, 1917.

MR. THOS. W. DAVIS,
Secretary, North Carolina Bar Association,
Asheville, N. C.

Dear Mr. Davis:

The President and Executive Committee of the Asheville Club extend to the officers and visiting members of the North Carolina Bar Association a most cordial invitation to make use of the Club rooms during their stay in Asheville, and we trust that as many as can do so will avail themselves of the privileges of the Club as often as they may find convenient to do so.

Very sincerely yours,
EUGENE C. WARD,
Secretary.

We have with us tonight Mr. Ralph K. Carson, former President of the South Carolina Bar Association. I move Mr. Carson be extended the privileges of this Association during this meeting.

The motion is duly seconded and carried.

THE PRESIDENT: We are glad to extend the courtesies of the floor to Mr. Carson.

The President then delivered his annual address as follows:

THE LAW AND THE FACTS.

To the busy lawyer this subject is the Alpha and Omega of his daily life. The task of applying the law to the facts of ever-differing cases and interpreting the facts in the light of changing laws is truly yours. I shall not presume in this presence to attempt to illumine that field.

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Obedient to the admonition that the law is a jealous mistress, the Bar, and nowhere more so than in North Carolina, has devoted its energies and talents to the study and practice of its precepts and principles as heretofore declared; assuming in the main that as to the law, whatever is, is right; and that as to the facts, the law should be applied blindly and faithfully. The profession, inspired and controlled by these restricted but high ideals, has produced great judges, advocates and counsellors, and many others less great. Do not misconceive my meaning. The labors to which I refer are highly honorable and absolutely essential to the administration of justice.

But I wish to emphasize the opinion that twentieth century enlightened justice does not require blind adherence to eighteenth century law, and that twentieth century facts are more important to the lawyer of today than eighteenth century law. Law is the direct result of existing facts. Facts are established by human society. Society is ever changing; hence there never can be a settled state of facts or unchanging laws. We all understand that it is essential to know the facts in order to apply the law, but have we fully realized that it is even more necessary to know the restless changes of society that produce the facts, in order to properly make the law and to intelligently interpret it?

The law has been defined as "a science consisting of the observations and classifications of human transactions."

Mr. Brice in one of his illuminating essays says:

"The law of every country is the outcome and result of the economic and social conditions of that country, as well as the expressions of its intellectual capactiy for dealing with these conditions; the causes which modify the law are usually to be sought in changes which have passed upon economic and social phenomena. When new relations between men arise, or when the old relations begin to pass into new forms, law is called in to adjust them."

If we are to demonstrate an intellectual capacity for dealing with these changed conditions, we must break the fetters of ignorance, discard the tyranny of the status quo, and openmindedly seek the truth of today as observed in the manifes-

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tations of life around about us. I wish to adopt with emphasis Emerson's views upon this subject in his essay on History. He says:

"I have no expectation that any man will read history aright who thinks that what was done in a remote age by men whose names have resounded far, has any deeper sense than what he is doing today. There is no age or state of society, or mode of action in history, to which there is not somewhat corresponding in his life. History must be this or it is nothing; every law which the State enacts indicates a fact in human nature; that is all. We must in ourselves see the necessary reason for every fact; see how it could and must be. All inquiry into antiquity is the desire to do away with this wild, savage, and preposterous then or there, and introduce in its place the here and now."

In the light of this admonition, I invite you to consider with me some of the twentieth century facts which our profession must understand if the Law for which we are guardians shall give a faithful account of itself.

First of all, in a moment and in the twinkling of an eye we have ceased to be merely citizens of North Carolina, and have become citizens of the world. No longer are the affairs of the peoples across the seas of no concern to us, but their problems have become our problems, and their struggles have become our struggles. No longer are we engaged in academic debates as to whether the Constitution follows the flag, but Constitution or no Constitution, the American flag today floats from the Eiffel Tower over the Republic of France, and from the dome of Westminister Abbey over the Kingdom of England. Truly the prophesy of Edward Burke is being fulfilled that, the daughter, America, with true Roman piety, is succoring her parent, England.

Buckle, the English historian, said that the American Declaration of Independence was the greatest declaration of human rights ever proclaimed, and that it should be hung in the nursery of every King and blazened upon the doorway of every Monarch. In true American fashion, however, we have set in to abolish nurseries for Kings and to bar the doorways of Monarchs.

We have become the creditor nation of the world. Its

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financial center is no longer to be found in London, Berlin or Paris, but in New York. From a child in swaddling clothes we have grown in a century to be the mightiest giant of the earth, endowed with all the power that God has ever decreed to mortal man. In our evolution and progress we found it desirable to greatly increase our territorial possessions. Thomas Jefferson negotiated with Napoleon for the transfer of that undeveloped empire west of the Mississippi River, known as the "Louisiana Purchase." It then became necessary for our own self-protection to enlarge our horizon and field of influence, and to espouse and announce the Monroe Doctrine, which was a notice to all the world that we had extended our activities and protection to all the peoples of the Western continent to the South of us, against the encroachment of any foreign nation. To our national possessions we have since added Texas, New Mexico, Southern California and Alaska on the continent, and to the islands of the sea we have gone in quest of Hawaii and the Phillipines. With the acquisition of these distant possessions inhabitated by alien people, whether for weal or woe, we have assumed the Asiatic problem. Over Cuba, Porto Rico and Haiti we have established a protectorate. Very recently we have acquired by purchase the Danish West Indies. Resist or evade it as we may, the Mexican problem must be solved, and it will be solved by this nation. We cannot, if we would, accept the benefits flowing from the Monroe Doctrine, and at the same time evade its responsibilities. It is a part of our manifest destiny. These are important facts with relation to our changed geography and territorial possessions. What of our industrial changes?

Today this nation is so closely knitted together by her railways, postal roads, telegraph and telephone lines that each morning we read at the breakfast table, in our daily papers, the minutest occurrences from Maine to California, and the intelligence of the happenings in Europe are but a few hours delayed.

The great oceans that wash the shores of this nation were regarded by our fathers as an impassible barrier against the

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designs and machinations of the ever-warring nations of Europe. And in their day they so thought with reason, for the Bosphorous Straights and the Dardenelles had held back for a thousand years the cruel Turk in his efforts to drive civilization and Christianity from Constantinople; while in their own time the English Channel had baffled the genius of Napoleon and held at bay his invincible armies until his military despotism could be destroyed. But from the watery desert of defense, the ocean has been converted by us into a living highway of communication. On the bosom of the seas now float mighty engines of death called "Dreadnaughts," carrying guns that shoot further than any at present employed to guard our coast. Beneath the waters glide silently and stealthily that maritine outlaw, the "Submarine," roving the depths of the ocean, seeking here and there its helpless victims which it may destroy like an assassin at night, without warning or chance of escape. Above the seas, with power to rise and return to the deck of a ship, flits the aeroplane, the cavalry of armies on land and the eyes of navies at sea. Lest the ingenuity of man should leave something undone to abolish the last barrier of the seas, electric cables have been laid on its bottom, connecting us with the great nations of the earth, and the wireless has been established so that we speak across the seas as if by magic. All of this, except the wireless, has been the result of American genius and enterprise. Do not assume that American brain and capital have produced these conditions through love of change and adventure. Back of it lies the nervous energy and restless ambition of a united nation, one hundred million strong, conscious of its power and proud of its achievements. These are some of the ominous facts of today.

Throughout the recorded history of man there is no truth better established than that governments, whether Monarchial or Democratic, are controlled and their destinies determined not by singular events, or even by a chain of connected events, but rather by a combination of a multidude of circumstances and phenomena extending frequently through centuries, all leaving their impress and exerting an influence

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which produces changes, revolutions, and sometimes decay. The three score and ten years allotted man does not enable him to judge and exactly estimate this changed phenomena, but by the careful study of the history of nations and peoples who have builded governments in the past, and by observing the operations of governments now established among men, we can collect necessary and valuable data to aid us in properly directing the course of our own nation in the fulfilling of its destiny. Whether you call it fatalism or predestination, I do not believe it possible either for the individual or the nation to escape the compelling influences of the powers of nature around about us, or to successfully evade the duties and responsibilities imposed by the law of our being, and the society and government which we have organized.

America one hundred and forty years ago fought the first great battle for freedom and democracy. France shortly thereafter followed through seas of blood and tears. In England the great charter has finally and entirely passed from the Barons to the people; Japan is only a monarchy in name; China has established a republic. By a bloodless revolution Russia, the chief of autocracies, has cast off the yoke and has taken her place in the sun of civilization. Can any one doubt that governmentally we are approaching the end of absolutism; that the thrones of the Hapsburgs and Mahomedes are crumbling; that the military depotism of the Hohenzollerns, no less of Greece and Bulgaria than of Prussia, is doomed, and that the liberty for the patient German people is as certain as the freedom for down-trodden Hungary, for despoiled Servia, and for bleeding Armenia.

Personal government has disappeared forever from every part of the Western Hemisphere.

Having observed some of the salient facts of the twentieth century, what of the law?

The President recently uttered a striking phrase that resounded around the globe when he said, "The world must be made safe for Democracy." Armies with their battling millions may destroy kingdoms and overthrow principalities, but

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Law and Order, the ripe fruits of Peace, can only come from the calm judgment of thoughtful men. The world can never be safe for Democracy until the law of liberty is enthroned in the hearts and the minds of men, and Justice guides their footsteps. Sidney Smith long ago most happily expressed this conception when he said: "Truth is Justice's hand-maid, Freedom is its child, Peace its companion, Safety walks in its steps."

In God's appointed time, when the world will be made safe for Democracy, shall come the imperative duty of making Democracy safe for the world. Neither can long exist without the other. Russia and China are striking examples of the truth. To make Democracy safe for the world, the world must be educated to appreciate not only its value, but to know its true virtue, viz: equality and justice founded upon law and order.

The American government has been largely a government of lawyers. They wrote the Declaration of Independence and the Federal Constitution. They have been leaders of the people because they have been in close touch with the life of the people. The work of adjusting our laws to the changed conditions of fact which will follow this great war must of necessity be directed by the great lawyers of this country. To make ourselves equal to this task it is needless to say that we must be educated in the legal jurisprudence of the world, both ancient and modern. We can no longer be satisfied with mediaeval teachings and principles of the Common Law. We must establish an International Jurisprudence, as it were, which will command the respect and admiration of all democratic nations. To do this our Jurisprudence must necessarily be inspired by the principles underlying Democracy, rather than by Feudal principles upom which Autocracy was built.

The Supreme Court of North Carolina in Thrift vs. Elizabeth City very aptly said:

"Our theory of government proceeding directly from the people and resting upon their will, is essentially different, at least in principle, from England; and Common Law maxims and definitions formed while the judges were still under the spell of the Fuedal system, must be construed by us in the light of changed conditions."

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How can we develop and establish a Jurisprudence to serve as a model for world-wide Democracy by attempting to build it upon a Common Law system of Feudalism, which was promulgated and maintained for the express purpose of suppressing Democracy and exalting the Feudal Lord? Such a system was intended to be the right arm of militarism, and even in England, from the Battle of Runnymeade to this good hour, the spirit of Democracy has fought to overthrow it.

Our whole political system is founded on a basis entirely different from the mother country. The theory of our institutions is summed up in the famous words of the Declaration of Independence—"All men are created equal." This has been called a glittering generality. So it is, and so is "the refulgent atmosphere in which we live, and the crystal ocean which girds the globe. Yet what air and water are to man, human equality is to the life of the republic." We need not the authority of Sir Henry Maine for the statement that this doctrine comes from Roman Jurisprudence; that it is not English, and that it is and ever has been unknown to English Common Law, where the members of the noble order have always enjoyed peculiar privileges, and where confessedly, the Common Law system was established in order to foster and maintain a landed gentry in defiance of and contempt for the democratic masses.

The same distinguished author expresses surprise at the source from which the expounders of the Federal Constitution drew their historical illustrations. In this connection, he says:

"Their writings display an entire familiarity with the Republics of the united Netherlands and Romano-German Empire, but there is one fund of political experience upon which the Federalist seldom draws, and that is the political experience of Great Britain."

I am thoroughly convinced that looking at our legal system of today it can be said with truth that most things in it, consistent with natural justice, liberty, and equality, came from the Roman Civil Law, and that its cumbersome, absurd and

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unjust features are a survival of the old English Common Law.

Immediately following the Declaration of Independence in 1776, and inspired with the conviction that all men are created equal, and that a Republic's laws should be so written as to guarantee this equality, in 1778 North Carolina wrote the present chapter on Common Law which has been preserved to this day unaltered. Instead of glorifying the Common Law this statute practically destroyed it, but for the spell of the Feudal system and Common Law maxims and definitions which seem to have possessed some of our judges. In the face of this statute limiting what Common Law should remain in force in North Carolina, a very distinguished judge wrote in our reports this statement: "The laws of our State rest for a foundation on the Common Law of England." The best refutation of this assumption is the reproduction of the statute enacted by the people relating to the Common Law, which shows a manifest purpose to destroy this supposed foundation. I quote in full the legislative declaration as to the Common Law:

"All such parts of the Common Law as were heretofore in force and use within this State, or as much of the common law as is not destructive of, or repugnant to, or inconsistent with the freedom and independence of this State and the form of government therein established, and which has not been otherwise provided for in whole or in part, not abrogated, repealed, or become obsolete, are hereby declared to be in full force within this State."

Instead of a blind and idolatrous worship of the English Common Law which has completely broken down in that country, we should recognize the truth, that American Jurisprudence does not in fact rest upon the Common Law of England for a foundation, but rather upon the approved teachings and established institutions of the great republics of the earth from which our ancestors so liberally drew in framing the Federal Constitution. The greatest statesmen of England for half a century past, while undertaking to destroy the injustice and the cruelty of the Common Law of England, and to Democratize her institutions along the line of our own, have

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been unstinted in their praise of what we have done. The great Gladstone said that, "The American Constitution is, as far as I can see, the most wonderful work ever struck off at a given time by the brain and purpose of man." Dicey, a noted writer on the English Constitution, says:

"The plain truth is, that educated Englishmen are slowly learning that the American Republic affords the best example of a conservative democracy; and now that England is becoming democratic, respectable Englishmen are beginning to consider whether the Constitution of the United States may not afford means by which, under new democratic powers, may be preserved the political conservatism dear and habitual to the governing class of England."

We owe much to England, and the debt should never be ignored. It is to be hoped, however, that the present generation will extend its researches in all directions, and if by close study and introspection we shall find that our institutions have about them much of the halo of republican antiquity, we should be proud of it as reflecting the great wisdom and broad learning of our fathers in establishing this great Republic. We are wont to speak of America as the "New World," but geologically, it is the "Old." Modern science in studying the records furnished by the rocks has discovered that it was in being when Europe was submerged beneath the waves. So also through the political movements of the last century such changes have been worked in the Old World that today the Constitution of the United States is almost the oldest in existence, outside of Asia.

I believe that a close study of our leading institutions will show that they are rooted in an older civilization, and a juster one, than the Common Law of the barbarians. It has been well said:

"In the construction of the Republic, our fathers had the same advantages which any man of fortune possesses who sets out to build a new house. Although not rich in gold, they were heirs of all the wisdom of the ages. They were hampered by no old structures to be modernized, and by no old materials to be put to use. A continent lay before them on which to build; the whole world was their quarry, and all the past their architects."

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What we need in this country is a Bentham. I quote below John Stewart Mill's appreciation of Bentham's judicial fairness and merits, and the nature of the obligations of the world to him:

"Bentham is one of the great seminal minds in England of his age. He is a teacher of teachers. To him it was given to discern more particularly those truths with which existing doctrines were at variance. Bentham has been in this age and country the great questioner of things established. It is by the influence of the modes of thought with which his writings inoculated a considerable number of thinking men that the yoke of authority has been broken, and innumerable opinions finally received on tradition as incontestable are put upon their defense and required to give an account of themselves. Who, before Bentham, dared to speak disrespectfully in express terms of the British Constitution or the English law.*** Bentham broke the spell. It was not Bentham by his own writings; it was Bentham through the minds and pens which those writings fed, through men in more direct contact with the world into whom his spirit passed. If the superstition about ancestral wisdom; if the hardest innovation is no longer scouted because it is an innovation, establishments no longer considered sacred because they are establishments, it will be found that those who have accustomed the public mind to these ideas have learned them in Bentham's school, and that the assault of ancient institutions has been and is carried on for the most part with his weapons."

England herself recognized the need for judicial reforms, and that the old Common Law was not suited to a modern Jurisprudence. Reform after reform has swept over that country, culminating in the Judicature Act of 1873, which practically brushed away the remnants of the Common Law as useless subleties, and the tide of ridicule turned back upon the Common Law itself. This act entirely destroyed the Common Law system of pleadings, and its code of civil procedure has gone considerably beyond the provisions of similar codes adopted in this country. This Act declared that when there was a conflict between the rules of law and those of equity, the equity rules should prevail.

A Lord Chief Justice of England in 1883 was so bold as to suggest a museum of Common Law procedure, as the Yellowstone Park was intended to preserve "the strange and eccentric forms which natural objects sometimes assume." He would establish a kind of "Pleading Park," in which the glories

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of the negative pregnant, *absque hoc*, *replication de injuria*, rebutter and sur rebutter, and all the other weird and fanciful creation of the pleader's brain might be preserved for future ages to gratify the respectful curiosity of our descendants, and then ironically adds: "Where our good old English judges, if ever they revisit the glimpses of the moon, may have some place in which their weary souls can still find the form preferred to the substance, the statement to the thing stated."

With the growth of Democracy in England her Jurisprudence developed toward the Roman Civil Law, which meant the broadening of Democracy and the breaking down of aristocratic caste. As late as 1885 Matthew Arnold wrote: "Inequality is our bane ****** Aristocracy now sets up in our country a false ideal, which materializes our higher classes, vulgarizes our middle class and brutalizes our lower class."

In Kay's work on Social Conditions of the English People, written under the supervision of the Senate of Cambridge University, he says:

"Here where the aristocracy is richer and more powerful than that of any other country of the world, the poor are more depressed, more pauperized, more numerous in comparison to other classes, and more irreligious, and very much worse educated than the poor of any other European nation, solely excepting Russia, Turkey, South Italy, Portugal and Spain."

Distressing as was the circumstances under which the statement was made, still it must have carried joy to the hearts of millions of plain people in England when Mr. Balfour in a recent address before the two houses of the Canadian Parliament declared that the British Empire had "staked its last dollar on Democracy and that if Democracy fails, England will be bankrupt indeed."

Now that Russia, China, Japan, and well nigh all the world, outside of Germany, has joined with the United States to make Democracy supreme, let us declare for an International Jurisprudence, based upon Justice and Equality, and cease once for all this blind worship of the Common Law.

Perhaps the greatest judge who ever sat upon an English Court was Lord Mansfield. For thirty years he presided over

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the Court of the King's Bench, surrounded by men of deep learning and independence of mind, and it is said that his brethren unanimously concurred in all the opinions delivered by him during that period, save two. Lord Campbell in his Lives of the Chief Justices, speaking of Lord Mansfield, said: "He formed a very low, and I am afraid a very just estimate of the Common Law of England, which he was to administer."

No doubt the reason he entertained such an opinion was due to the fact that he was highly educated in the Jurisprudence of all nations. The same author tells us:

"He acquired from his study of the Roman Civil Law and the judicial writers produced in modern times by France, Germany, Holland and Italy, not only a means of doing justice to the parties litigant before him, but in settling with precision and upon sound principles a general rule afterwards to be quoted and recognized as governing all similar cases."

Burke, the great English statesman, said of him:

"His ideas go to the growing amelioration of the law by making its liberality keep place with the demands of Justice and the actual concerns of the world. Not restricting the infinitely diversified occasions of men and the rules of natural justice within artificial circumscriptions, but conforming our Jurisprudence to the growth of our commerce and of our empire."

Of course such a man would be criticised in England in that day, and we are told that Lord Mahon, voicing the sentiment of his detractors, said: "The lawyers objected to him because he introduced too much equity into his court." Great offense was this!

Lord Campbell, speaking further of the deficiences and inadequacies of the Common Law of England and failure of the law-making department and the Courts to remedy these conditions before the time of Lord Mansfield, says:

"The Legislature had literally done nothing to supply the insufficiency of Feudal Law to regulate the concerns of a trading population; and the Common Law judges had, generally speaking, been too unenlightened and too timorous to be of much service in improving our code by judicial decisions. Hence, when questions necessarily arose respecting the buying and selling of goods, and respecting the affreightment of ships, respecting maritime insurance, and respecting bills of exchange and promissory notes, no one knew how they were to be determined. Not a treatise had been published upon any of these sub-

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jects, and no cases respecting them were to be found in our books of reports—which swarmed with decisions about lords and villians, marshalling the champions upon a trial of a writ of right by battle, and about the customs of manners, whereby an unchaste widow might save the forfeiture of her dower by riding on a black ram, and in plain language, confessing her offense."

To those of us who were taught to worship the name of Coke and Blackstone and to accept as final their every word upon the Jurisprudence of England, it must have been very shocking when you learned the real truth about these two exemplars of the Common Law, and of the times of which they wrote. No one has ever questioned the transcendent ability of Lord Coke, but this is the most that can be said of him. He was cruel and heartless beyond expression. The part which he played in the prosecution of Sir Walter Raleigh has forever damned him in the minds of just men. He prostituted his office as Attorney General of England in the trial of that case to such an extent that Lord Mansfield declared that he would not have made the speech which Lord Coke made for all the wealth and fame which Coke acquired. Coke in this arraignment of Sir Walter Raleigh said: "Thou art the most notorious traitor that ever came before the bar. Thou art a monster with an English face and a Spanish heart." Raleigh undertook to reply, but Coke, thundering at him, said: "Thou shalt not." The Lord Chief Justice of England presided over this trial with eleven other judges. Raleigh was denied counsel in his defense, and the Court in order to make certain of his conviction swapped juries on him after the trial had begun. Raleigh contended that upon the charge of treason the government must produce two witnesses, and that he had the right to be confronted with his accuser. Both of these manifest rights were denied him upon the insistence of Coke, who knew, that beginning with the Mosaic law, it had been written in every code of laws preceding his time that as many as two witnesses to the fact were necessary in such cases. After Raleigh was executed Coke confessed the wrong he did him.

The conduct of the Court that tried Sir Walter Raleigh, and the language of the Lord Chief Justice in pronouncing

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sentence was but little less cruel and brutal than that of Coke. The judgment which was pronounced by the Court, at that time was illustrative of the criminal branch of English Jurisprudence existing under the Common Law. I quote the concluding paragraph of the Court's sentence:

"That you shall be had from hence to the place whence you came, there to remain until the day of execution, and from thence you shall be drawn upon a hurdle through the streets to the place of execution, there to be hanged, and cut down alive, and your body shall be opened, your heart and bowels plucked out, and your privy members cut off and thrown into the fire before your eyes; then your head to be struck off from your body and your body divided into four parts, to be disposed of at the Kings' pleasure, and may God have mercy on your soul."

And yet we have been told that a system of laws which administered this kind of justice is the foundation of our laws, and that its chief apostle, with all of his cruelty and inhumanity should continue to be held up as our revered examplar. I deny it.

The other great Common Law author who professed in his time to have demonstrated that the English Common Law was perfect, and that there was nothing to be added to and nothing to be taken from it, was Sir William Blackstone. What has taken place in his own country with relation to the Common Law of England since his Commentaries were published, is of itself a rather a sad commentary on his Commentaries, and now that the students and jurists are looking at Jurisprudence through the eyes of twentieth century knowledge, tempered by the spiritual influence of the age, a rather poor opinion is entertained of Mr. Blackstone's treatise, except that it forms an interesting historical link in the progress of English Jurisprudence. But as a treatise, it has long since ceased to be greatly valued in England, and I think the time has arrived to speak plainly the truth about its merits as affecting our own Jurisprudence. Some of you may be surprised at the foregoing statement; if so, read the article on Blackstone published in the eleventh edition of the Encyclopaedia Britanica, copyrighted by the Chancellors, Masters and Scholars of the Uni-

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versity of Cambridge, and you will be shocked. As illustrative of this thought I quote a few extracts from this article:

"Blackstone was by no means what would now be called a scientific jurist. He has only the vaguest possible grasp of the elementary conceptions of law, he evidently regards the law of gravitation, the law of nature, and the law of England, as different examples of the same principle as rules of action or conduct imposed by a superior power on its subjects******. In distinguishing between private and public wrongs he fails to seize the true principle of the division. Even in discussing a subject of such immense importance as equity, he hardly takes pains to discriminate between the legal and popular senses of the word, and from the small place Equity Jurisprudence occupies in his arrangement he would scarcely seem to have realized its true position in the law of England*******. It is more correct to regard it as a handbook of the law for laymen than as a legal treatise."

"Bentham accuses him of being the enemy of reform and the unscrupulous champion of every form of professional chicanery. Austin said that he truckled to the sinister interest and mischievous prejudices of power, and that he flattered the overweening conceit of the English in their own institutions."

Mr. Blackstone accepted without question the superstitions and injustices of the law, and undertook to disarm all inquiry as to its reason or philosophy. Listen to this declaration in his Commentaries, Vol. 4, page 60: "To deny the possibility, nay, actual existence of witchcraft and sorcery is at once flatly to contradict the revealed word of God, in various passages, both of the Old and New Testament, and the thing itself was the truth," and that these crimes are punishable with death by fire.

It appears to me that the lawyers of America, and even the judges of our highest courts, are attaching too much importance to the influence of the Common Law upon our Jurisprudence, and too little importance to the philosophy and Jurisprudence of the world as interpreted and understood by students of the twentieth century. I call your attention to the Preface of the second edition of Wigmore on Evidence. He observes:

"One who has perused several thousand contemporary decisions cannot help forming some impressions of their juridical qualities."

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As a result of these impressions he says of the judges writing the opinions, speaking generally, that their acquaintance with legal history is almost totally lacking, that to them the philosophy and jurisprudence of the law is unknown, and that whenever there is an expounding of history Blackstone suffices.

"For the judiciary's purposes, the world stopped with him."

Prof. Wigmore's statement is, I think, extreme. Still it should demand our very serious consideration, because if the judges of our highest courts are subject to such condemnation, how must the average lawyer appear?

I do not believe we have fully realized the influence of the Mosaic Law and the Roman Civil Law upon our institutions. Pollock & Maitland in their exhaustive work on the History of English Law make this remarkable statement:

"Coming to the solid ground of known history we find that our laws have been formed in the main from the stock of Teutonic customs, with some additional change made and considerable additions or modifications of form received directly or indirectly from the Roman system. Both the Germanic and Romanic elements have been constituted or reinforced at different times and from different sources."

Historians generally agree that to the Romans we must ever look as essentially practical men, architects of empires, great law givers, and moulders of democratic institutions. Gibbons says:

"If a man were called upon to fix the period in the history of the world during which the condition of the human race was most happy and prosperous, he would without hesitation name that which elapsed from the death of Domitian to the accession of Commodus. The vast extent of the Roman empire was governed by absolute power under the guidance of virtue and wisdom. The armies were restrained by the firm but gentle hand of five successive Emperors, whose character and authority commanded involuntary respect. The forms of the civil administration were carefully observed by Nerva, Trajan, Hadrian, and the Antonines, who delighted in the image of liberty and were pleased with considering themselves as the accountable ministers of the law."

Chancellor Kent says of the Pandects of Justinian that with all their errors and imperfections they are "the greatest repository of sound legal principles applied to the private life

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and the business of mankind that has ever appeared in any age or nation."

George Boyer observes:

"The corpus of Civil Law is a judicial compiliation which contains the whole science of Jurisprudence,"

and Robey adds:

"that the civil law of Rome is today the principal source of private law in all the civilized countries of the world."

Grotius built upon this foundation the modern system of international law. Lord Mansfield borrowed the principles from this law which gave to his name an imperishable renown as the Father of English Commercial Jurisprudence.

The thoughtful student of legal history has already discerned what I believe to be unobserved and unappreciated by the general practitioner, that the rapid changes in our legal system now in progress are mainly attributable to the fact that we have cut loose the fetters of the Common Law, and are harking back, perhaps unconsciously, to the laws and systems of Jurisprudence established by the great Republics that preceded the Christian era.

Justice Holmes in a notable address at the 250th Anniversary of Harvard College delivered before its Law School Association, speaking of Judge Story as a great student of the Civil Law, said:

"But Story's simple philosophizing has ceased to satisfy men's minds. I think it might be said with safety that no man of his or of the succeeding generation could have stated the law in a form that deserves to abide, because neither his nor the succeeding generation possessed or could have possessed the historical knowledge, had made or could have made the analysis of principles, which are necessary before the cardinal doctrines of the law can be known and understood in their precise contours and in their innermost meanings.

"This new work is now being done. Under the influence of Germany, science is gradually drawing legal history into its sphere. The facts are being scrutinized by eyes microscopic in intensity and panoramic in scope. At the same time, under the influence of our revived interest in philosophical speculation, a thousand heads are analyzing and generalizing the rules of the law and the ground on which they stand. The law has got to be stated over again, and I venture to say that in fifty years we shall have it in a form of which no man could have dreamed fifty years ago."

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This is an ominous prophecy and presents a very serious thought. All history agrees that it was the Teutonic barbarian who in the early centuries overran Rome and Greece, and by sheer brute force and indomitable will destroyed, or undertook to destroy forever, all that was great and noble of ancient civilization. The educated Teuton of today, with no less resolve and with scarcely less brutality, has marshalled all the resources of science and invention, supplemented by an amazing capacity for self-sacrifice, and is making a determined drive to again become the undisputed rulers of the world.

To stem this rising and formidable tide, of course force must be matched against force, but if the democracies of the world are to survive this onslaught, something more than physical force must be employed. It is imperative that we develop an intellectual efficiency, unrestricted by the narrow provincialism of English law and learning, or the learning of any particular country, and look for precedents to the four corners of the earth, beginning at Civilization's earliest dawn, and glean and garner as our own the wisdom of the ages in law, science and government.

England's Criminal Jurisprudence was for many centuries, perhaps, the most cruel of any known to European countries, save and except Persia, and its procedure and practice, viewed in the light of the present day Jurisprudence, was positively ridiculous. Feudalism had no law of personal property; it was chiefly concerned with real estate and Feudal tenures. Bracton sought to supply the defect, and in doing so drew largely upon the Justinian Code. A noted American law writer has said:

"The more the subject is examined, the more certainly it will be found that only two salient features of the old Common Law of England are left to us. These are, trial by jury, and adherence to precedent; and they belong not to the substantive, but to the adjective or administrative law."

Feudalism was the foundation of Blackstone's treaty on real property. We have abolished it in this country, root and branch. I fully appreciate the value of the jury system, but

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as to this, it is instructive to know that the Attorney General of England recently recommended to Parliament the abolishment of the grand jury system as being antiquated and capable of no further useful service in the realm. As to the remaining feature of the Common Law—adherence to precedent—I most unqualifiedly subscribe, but as the law is an ever-developing science, it is folly to blindly adhere to precedents which were established by courts administering a Feudal system, or by judges who were apparently ignorant of the development of the law or the existence of any Jurisprudence save that which was established by a Monarchy, and oftentimes shamefully administered in the interest of the King, who, under its false philosophy, "could do no wrong."

Precedent should always be persuasive, but not decisive, except it has become a rule of property, or is the decision of a superior tribunal. In law, as in all things else, nothing should ever be finally decided until it is decided right.

In assuming the task which lies immediately before us, of perfecting a Jurisprudence, which like our Democratic institutions will appeal to the enlightened judgment of mankind wherever Justice is loved and Liberty is respected, I invite you to the contemplation of fields of legal lore established by the Republics of the past, where we may look with confidence for the wisest and best products of the human mind that has ever been promulgated for the government of men. It is a significant fact that in the realm of Science, Morals, and Judisprudence, the richest contributions to Society have been made, not by monarchies or autocracies, but by republics, and their respective Jurisprudence has been the result of their regard for precedent, and a willingness to perfect the legal institutions of their day by a deep study of the then and previously existing institutions which were known to them. These enlightened laws were always expressed in the form of a code.

It has been truly said that "first of all the municipal codes of the world in their importance to us, and relative also the first in the embodiment of the law of nature in statute form,

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although by no means the first in order of time, the so-called Mosaic law demands our consideration."

More than fifteen centuries before the Christian era Moses led the children of Israel out of Egypt, and in the Wilderness established a Democracy. He prepared a Code of Laws and addressed it to a free people. It is no exageration to say that regarding Moses merely from the human standpoint as being the author of the Code of Law which bears his name, he has more profoundly influenced the human race than any other law giver that has ever lived. It is interesting to note how Moses had regard for precedent. Egypt in those days was noted for its learning, and the Hebrew law giver did not hesitate to adopt a number of its laws and institutions for the government of his own countrymen. We are told that Moses was instructed in the "Wisdom of the Egyptians" (Acts of the Apostles, ch. vii; 22). The similarity between the Mosaic Code and the Egyptian law supports this statement. Both systems had the week of seven days and provided punishment for perjury and false testimony. Both codes were equally mild in their criminal branches as compared with the severe penalties of other nations. In both there were provisions for the commutation of penalty on the ground of extenuating circumstances.

When we consider how nearly our own laws are like the laws of Moses, we must realize the great influence which it has and is now exerting upon our Jurisprudence. Consider for a moment the Ten Commandments promulgated by this great law giver as received from Mt. Sinai. They are the embodiment of the Moral Law, and at last, all human law must begin with and be grounded in the Moral Law if it is to survive. It is interesting and instructive to note that while the Ten Commandments are usuallly regarded as purely religious and only binding upon the conscience, as a matter of fact only two of the Ten Commandments are of a purely spiritual or religious character; another is as much of temporal as of religious importance; the other seven deal almost exclusively with the organization of human society, and form a solid basis for what

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we are pleased to call Municipal Law. Three of the Ten Commandments expressly refer to domestic relations, and another enunciates the doctrine of the sacredness of human life. In two the law of private property is epitomized, and the administration of Justice is bound up in the precept, "Thou shalt not bear false witness against thy neighbor." These several commandments are the inspiration of the Municipal Law of our land today. For instance: There is no law in North Carolina declaring thou shalt not kill, but we have predicated a statute upon the Mosaic Law fixing the punishment for homicide.

The next notable system of laws and Jurisprudence which history records developed under the Democracy of Ancient Greece. Solon prepared a Code of these Laws which has made his name famous. He seems to have studied deeply the philosophy of his time and political economy. We are told that in the preparation of his Code he drew upon all the civilizations of the past that contributed anything worth while to Jurisprudence, and to acquire this information he traveled extensively in Asia Minor, Cypress, Crete and Egypt.

Let us see how much, in fact, we are indebted to the Jurisprudence of Solon: It was in the Code of Solon that the mandate first appeared, "Let no man have more than one wife." Coupled with the declaration of Moses that man should have but one God, we have established the two most powerful factors in modern civilization—the Monotheism of Israel, and the Monogamy of Greece. Indeed, we are so much indebted to the Republic of Greece that I would not dare in this brief space to undertake to enumerate our obligations. It has been beautifully said that

"Like the sun at noon day is the civilization of Ancient Greece among the civilizations of the world. Never before and never since has there existed on this earth a people more energetic, more enterprising, more versatile, more ingenuous, more artistic, more literary, more philosophical, more cultured, in all the departments of human knowledge than the Greeks of classical story."

We are familiar with its poetry and oratory, its philosophy and history, its architecture, and its sculpture, all of which

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testify that republican institutions are best capable of developing the highest civilization. This conclusion is verified by the examples of Republican Israel, Republican Rome, the Republican State of Italy in the period of Renaissance, the Republican State of Holland, and, inspired by their examples, the more modern Republics of America and France. Even the language of Greece, which is supposed to be dead, still lives in this Republic, and science is ever drawing upon it to give names to its latest and greatest inventions. Coming from Greek origins are the modern words, "telegram," "telephone," "photograph," and "automobile," and the Medical Science turned to the Greek language for a name for its greatest discovery—"anaesthetic."

We will now consider the Roman Republic. In my opinion the Civil law of Rome as fashioned and perfected in the Code, the Digest, and the Institutes of Justinian, are of so much more importance to the Republic of America in this, the twentieth century, than is the English Common Law, I shall not apologize for elaborating the point which I am seeking to establish, viz: that in seeking for precedent to guide a World Democracy we should attach great importance to the Jurisprudence of the only democratic world empire that has ever been established on earth. Be it remembered, however, that even Justinian did not claim for the Civil Law of Rome, with all of its Democratic jewels, that finalty and perfection which Blackstone claimed for the Common Law of England, when he said "it was the perfection of human reason." It may be remarked parenthetically that so ridiculous was this statement of Blackstone that his student Bentham, only twenty years of age, is reported to have actually laughed at him when he first made it in his lectures.

Recognizing the truth that a great Jurisprudence must be built upon the experience and wisdom of all nations rather than one, Rome set about to seek out all the precedents that were suitable to a Democracy, and to incorporate them into her marvelous Jurisprudence.

What Greece did for her higher esthetic culture, that Rome

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did for law, good government and statecraft. It has been truly said, "The one made life beautiful, the other made it secure."

"The Roman's conception of law has become the model upon which all Jurisprudence has been moulded, the State as he founded it being based upon the great principles of reciprocity and self-sacrifice on the one side, and of the protection of the santity of private rights on the other."

Lord Redsdale very truly observes: "There have been great jurists in many nations. Professors learned in the law—laws have been amplified and changed to meet circumstances; but no single nation has ever raised such a legal monument as that of the Romans, which according to Prof. Leist, is 'the everlasting teacher for the civilized world, and will so remain.' "

It is interesting to study how the Roman jurists adopted in their compilations precedents from many other nations, and which, notwithstanding the overthrow of Rome, survived the Dark Ages, reappeared in the English Law and the Germanic, and which we have adopted as a part of our Jurisprudence. Much of this has been attributed to the English Common Law, when in truth the best part of the English Law which we have adopted as our own was simply borrowed by it either from the Mosaic, Solon, or Justinian Codes.

A peculiarity of the Roman character was that they did not believe that they possessed all the virtues and wisdom, and that nothing was to be learned from the experience of other nations. On the contrary, the Romans seem to have been intelligent students, accepting anything from other nations, and especially from Greece, which was deemed to be advantageous and superior to what they already had. A Roman Commission was organized and sent to Greece about 450 B. C., and a close study of the Solon Code was made, which afterwards found expression in what is commonly known as "The Law of the Twelve Tables." These were the foundation upon which all subsequent Roman Law was built. The Justinian Code is divided into twelve books, classified according to

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subjects, with a statement of the time when each enactment was first made. This is substantially the plan pursued by the United States Government in publishing its Revised Statutes.

It is both interesting and important to observe the origin and development of the cardinal principles of our Jurisprudence, from which it will appear that most of the things that we prize as valuable to Republican institutions have either been taken directly from the Roman Civil Law, or indirectly through England from the Roman Law. By a still deeper examination of the subject it will be seen that many of these laws were even adopted into the Roman Civil Law. For instance: The Maritime and Admiralty Law of the Civilized world today came from the Roman Civil Law, but Rome in turn adopted it from the little Island of Rhodes in the Eastern Mediterranean, from which was a colony of Phoenicia.

Republican Rome enjoyed a social system more nearly like ours of today than our system resembles that of England in the time of Coke and Blackstone. "Their citizens were free, there were no degrees among them, no titled nobility, nor privileged aristocracy; no hereditary castes; all persons were equal before the law. The ownership of land was allodial or absolute, as with us. The land was available for all the purposes of commerce, was freely transferable by deed or will, and passed equally by inheritance to all children, male and female, alike. Husbands and wives were virtually partners in respect of their rights of property, and married women were perfectly free to control their own separate estates."

Probably the most conspicuous illustration of the triumph of the Roman Law with us is the emancipation of women and restoration to married women of the right to control their own separate property independent of their husbands. It is a repudiation of the Common Law theory of the legal merger of the wife's entity with that of her husband. Mr. Bryce says, "Not till 1870 did the British Parliament take the step which the Romans had taken long before the Christian era which allowed whatever a woman possessed at her marriage, or receives after it, or earned for herself, to remain her

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own as if she were unmarried." "By these slow degrees," he adds, "has the English wife risen at last to the level of the Roman."

Equity Jurisprudence is a product of the Roman Law. It is a significant fact that in the exhaustive and monumental work of Littleton he makes no mention of equitable estates, although it then existed. But we are told that in his will, which is still extant, he expressly created an equitable estate in his own property. This character of estates was derived from the Roman Law. It will be recalled by the student of English history that a great war waged in England for many years between the advocates of the Common Law led by Coke and the champions of Equity principles led by Bacon and Elsemere. The triumph of Equity in this contest was the beginning of the supremacy of the Civil Law over Feudalism.

When we consider the glory of Rome and her institutions. and how much we today find to appreciate and admire in her Jurisprudence, it is sad to contemplate that through ignorance, vice and savagery such a Jurisprudence should have gone in an eclipse for more than a thousand years. It has been said that

> "Probably the darkest hour in the annals of Time since the fathers of the human race went forth from Ararat, was that when the barbarians of the North burst through the barriers of the Roman Empire, drenched the plains of Gaul and Italy with blood, desolated their cities, ravaged their homes, covered the Mediterranean with their piratical fleets, destroyed the ancient marts of commerce, plundered the shrines of Art and Science, almost annihilated Literature, subverted all the safeguards of Society, and for the civilization of Rome substituted the unmitigated barbarity of the sword."

After the dark and dreary night of the centuries when civilization again asserted itself, and Europe became desirous for law and order, it turned back to the fountain of Justice and Liberty at which the pitcher of Civilization had been broken and began all over to drink from its still overflowing wells.

Napoleon, who rearranged the map of Europe with his sword, and demonstrated at Marengo and Austerlitz his great-

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ness as a warrior, saw that to maintain an empire it was necessary to have a code of just laws suitable to the times and conditions. He accordingly appointed a commission of able jurists to seek out for precedent, and he naturally directed them to make the Code of Justinian the foundation for their laws. Though the conqueror fell and his victories are forgotten, his code still lives.

At this moment the law whose foundations were laid in the Roman Forum, illumined by the precedents of the Mosaic and Grecian Codes, commands a wider area of the earth's surface than all other systems combined. I give you its domain: Italy, Spain, Portugal, Switzerland, France, Germany, Austro-Hungary, Belgium, Holland, Denmark, Norway, Sweden, Russia, the State of Louisiana, Quebec, Ceylon, British Guinea, South Africa, German Africa, French Africa, Mexico, Central America, South America, Phillipine Islands, Dutch and French East Indies, Siberia and Scotland.

In the resume of nations which have contributed to modern Jurisprudence I have omitted the mention of China. While possessing the oldest of civilizations, she seems to have pursued a line of thought and action the reverse of all mankind. In reading, instead of starting at the top of the page and reading down, the Chinaman begins at the bottom and reads up. A witty Englishman has written of her:

"It is a land where the roses have no fragrance, and the women no petticoats; where the laborer has no Sabbath, and the magistrate has no sense of honor; where the needle points to the South, and the sign of being puzzled is to scratch the antipodes of the head; where the place of honor is on the left hand and the seat of intelligence is in the stomach; where to take off your hat is an insolent gesture, and to wear white garments is to put yourself in mourning."

It is no answer to say that Greece and Rome fell and their power passed away. So also did Babylon, Phoenicia, Egypt and all the monarchies of the past. But who will deny that in re-establishing the law of civilization after the Dark Ages, that all free people have looked with increasing admiration and profit to the Republics of Israel, Greece and Rome. It seems that the students of the law coming to the bar, as well

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as those already at the bar, should study anew the foundations of our law. With 6,000 years of history behind us, and the illuminating teachings of the Nazarene, we ought to be able to develop a Jurisprudence that will be in keeping with the aims and aspirations of this Republic. So that when our armies have destroyed those who would by force suppress Democracy that we, as law makers, may be able to establish international laws and customs among the Republics of the world, based upon righteousness and justice and supported by the moral consciousness of mankind.

Then will Tennyson's dream be realized:

> "Till the war drum throbb'd no longer, and the battle-flags were furl'd
> In the Parliament of Man, the Federation of the world."

I do not belong to that school of thought which believes that this great world-war is an impeachment of religion. On the contrary, I believe that out of it will come a stronger Brotherhood of Man and the acknowledged Fatherhood of God. I look to see with the growth of Democracies, and a guaranteed freedom to the peoples of the earth, a more earnest recurrence to the ancient principles and laws of the first republic, which Moses established and so beautifully expressed in the Ten Commandments. The Supreme Court of a sister State in a recent decision, discussing the influences of the moral law in this country, said:

"These commandments which, like a collection of diamonds, bear testimony to their own intrinsic worth, in themselves appeal to us as coming from a superhuman or divine source, and no conscientious or reasonable man has yet been able to find a flaw in them. Absolutely flawless, negative in terms, but positive in meaning, they easily stand at the head of our whole moral system, and no nation or people can long continue a happy existence in open violation of them*****. It makes the law of morality concur fully with the laws of religion. According to it, he who serves man best, worships God best, and he who worships God best, serves man best."

Judge Dillon in his work on the Laws and Jurisprudence of England and America, very beautifully says:

"Not less wonderous than the revelations of the starry heavens, and much more important, and to no class of men more so than lawyers, is the moral law

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which Kant found within himself, and which is likewise found within and is consciously recognized by every man. This moral law holds its dominion by divine ordinance over us all, from which escape or evasion is impossible. This moral law is the eternal and indestructable seal of Justice and of right, written by God on the living tablets of the human heart and revealed in his Holy Word."

The two mighty forces which must control the world and inspire it to higher ideals and more efficient service in government and law are Organized Business and Christianized Religion. Business has given to religious endeavor efficiency and co-operation. Christianized religion has given to business a spirit of fair dealing and a desire for social service. Both are demanding of the law and the lawyer a recognition of these truths, and an administration by the courts of more equity and less technical law.

Are we prepared to assume and live up to these responsibilities and ideals?

The regenerator of England and the acknowledged leader of Democracy in Europe is a Welsh lawyer—Lloyd George. The spokesman for Democracy in the Western Hemisphere is a trained lawyer—Woodrow Wilson. Upon the shoulders of these two men largely rest the direction of the military operations of the greatest conflict ever waged among men, and the hope of Democracy on two continents.

Mr. Wilson very clearly understands the important relation of the law to twentieth century facts, for he has recently said:

"In these processes of adjustment, much depends upon the just and swift administration of the law. As it is today, the procedure of our Courts is antiquated, and a hindrance, not a help, in the matter of speedy and even-handed justice. Fundamental and far-reaching reforms must be undertaken to make Courts of Justice out of Courts of Law."

Let us build and perfect an American Jurisprudence of our own, which shall be illumined by the wisdom and statesmanship of all nations, both ancient and modern. A Jurisprudence that will not only conserve a great and happy people, but live on, as a model Code of Justice for generations yet unborn.

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I speak for an educated Bar that will clearly conceive and intelligently understand the importance of a World Jurisprudence, particularly suited and adapted to free men, where Tyranny is abhorred and Justice is revered, where Righteousness is the uplifting spirit of the law, and Brotherly Love its inspiration.

The realization of this mighty ambition, now hoped for by well nigh all the civilized peoples of the earth, must, in the very nature of things, be confided to lawyers. To this glorious task and wonderful opportunity I am raising my voice, in the hope that American lawyers, North Carolina lawyers, may catch the spirit, so that when the re-adjustment of a world's society shall come, their vision and their influence may be felt in the councils of the greatest jurists and in the parliament of nations.

THE SECRETARY: Mr. President, there are two amendments to the Constitution to be offered, which I will hand up and ask to be acted upon later.

The amendments are as follows:

Amend Article XII of the By-Laws by inserting after the word "meeting" (line 4) and before the word "but" the following: "and also suitable persons for member of the General Council, Vice-President and five members of the local council for North Carolina of the American Bar Association."

Amend Article VIII of the Constitution by adding at the end thereof the following: "Provided, further, that all members of this Association in actual service in the Naval and Military forces of the United States during the present war shall be exempt from all dues during such service."

Upon motion the meeting adjourned.

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SECOND DAY—MORNING SESSION.

WEDNESDAY, JULY 4, 1917.

The Association convened at 10:00 o'clock, President Brooks presiding.

THE SECRETARY: Gentlemen, there being no member of the Memorial Committee present, the President has appointed the following Committee to serve at this meeting:

Mr. Frank Nash, Chairman; Messrs. H. D. Robinson, M. W. Bell, W. F. Evans and J. W. Winborne. I will say for the benefit of that Committee that the Secretary has some memorials I would like to turn over to the Chairman.

THE PRESIDENT: Mr. Schenck, are you ready to make a report this morning?

MR. MICHAEL SCHENCK: Mr. President, your Committee on Admission to Membership beg leave to make the following report:

Since the last meeting your Committee has elected to membership the following gentlemen, to wit:

M. L. Edwards, Rutherfordton; N. C. Harris, Rutherfordton; Wm. C. Coughenour, Jr., Salisbury; L. A. Swicegood, Salisbury; Walter C. Berry, Bakersville; John C. McBee, Bakersville.

Your Committee has acted favorably upon the applications of the following gentlemen and recommend their election at this time, to wit:

Robert H. Rouse, Kinston; James A. Powers, Kinston; G. V. Cowper, Kinston; Fred H. Woodard, Asheville; Clayton Moore, Williamston; John A. Watson, Burnsville; F. E. Wallace, Kenansville; J. Adolph Long, Graham; Thomas C. Hoyle, Greensboro; John H. Folger, Mt. Airy; J. F. Spruill, Lexington; Dennis G. Brummitt, Oxford; William Graves, Mt. Airy; P. R. Hines, Greenville; Benj. M. Covington, Wadesboro; W. B. Duncan, Raleigh; John C. McBee, Bakersville; Walter C. Berry, Bakersville; Frank D. Hackett, North Wilkesboro.

S. P. GRAVES,
Sec. Pro Tem.

MICHAEL SCHENCK,
Chairman.

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THE PRESIDENT: What will we do with the report?

Upon motion, duly made and seconded, the report of the Committee on Admission to Membership was unanimously adopted.

THE PRESIDENT: Is the Committe on Legislation and Law Reform ready to report? Judge Manning is the Chairman of that Committee. No response.

THE PRESIDENT: Is the Judiciary Committee, Mr. L. R. Varser, Chairman, ready to report?

MR. BELLAMY: I am a member of that Committee, and we met in Raleigh in the absence of the Chairman and discussed matters informally. Mr. Varser was entrusted with the preparation of the report. He wrote several of us lately and as I understand he has made a report, but I have not yet seen it. I know Mr. Varser is a fine lawyer, thoroughly conservative, and I am prepared in advance to endorse what he says, and I would be glad to append my name to the report, because he is an able, safe and conservative lawyer.

THE PRESIDENT: Is the Grievance Committee, Mr. A. M. Scales, Chairman, ready to report?

THE SECRETARY: (Reads report of Grievance Committee.)

GREENSBORO, NORTH CAROLINA,
June 20, 1917.

To the North Carolina Bar Association:

As Chairman of the Committee on Grievances of the North Carolina Bar Association I herewith submit my report for the year:

There have been complaints made during the year against nine Attorneys of whom two are members of this Association and seven are not members. These complaints were as follows: One for not paying for books; one for losing valuable papers and not answering letters in regard thereto; two for bringing improper suit and five for not remitting money collected. Two of these complaints have been withdrawn and the others either adjusted or are in process of adjustment.

Respectfully submitted, A. M. SCALES,
Chmn. Committee on Grievances.

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THE PRESIDENT:—What is the pleasure of the Association?

Upon motion, duly seconded and carried, the report is adopted.

THE SECRETARY: The Report of the Committee on Legislation and Law Reform has been sent to me by the Chairman. Mr. Feimster of that Committee is present.

Mr. Feimster, of Newton, reads report of Committee on Legislation and Law Reform:

To the North Carolina Bar Association:

Since the last meeting of this Association the General Assembly of North Carolina has held its biennial session. At the November election the people of the State ratified the constitutional amendments proposed and the question as to when the amendments became a part of the Constitution has been passed upon by the Supreme Court of the State and that Court has held that these amendments became a part of the Constitution on the 10th day of January, 1917. Much local legislation was enacted during the first few days of the session, this legislation authorizing the issue of a large number of municipal bonds. The bond attorneys in New York, Boston and other cities declined to advise their clients to purchase municipal bonds issued under these acts until the Supreme Court had decided the question *when* the constitutional amendments became a part of the Constitution. This was, perhaps, the most important question submitted to the Court during the past term.

Another question submitted to the Supreme Court was the validity of the act of the General Assembly authorizing the State to issue its bonds for the benefit of public road building. This act authorized an issue not exceeding $800,000.00 a year for forty years, and could reach the enormous sum of $32,000,000.00. The question was submitted to the Supreme Court and the Court after considering it found the constitutional questions involved so important that it has taken the case under an *advisari*, and a decision will not be reached until the next term of Court.

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Very little was done by the past Legislature on the question of law reform. The Board of Examiners for applicants for law license was created, consisting of the Chief Justice and two Associate Justices of the Supreme Court.

A larger number of complaints than usual has been made against the work of the past General Assembly for inaccuracies in the enrollment of bills and the failure of the presiding officers to complete the ratification of measures approved by the Senate and the House of Representatives. These errors were found notably in the fish commission bill, in the revenue act, especially in regard to the tax on moving picture shows, the act to reform the treatment of prisoners in the penitentiary, appropriations for highway commission, and the appropriation to the board of public charities and welfare, also a failure to enact a general repealing clause to the general appropriation bill for State institutions.

A most serious situation has arisen recently in regard to the charitable institutions of the State, especially those institutions maintained for the treatment of mental defectives, in that the high prices for food products and other staple goods necessary to support and maintain the inmates in those institutions has made it impossible for those institutions to live within the appropriations made to them by the last Legislature, even with their present number of inmates. There is a considerable number of mental defectives in this State who have applied for admission in those institutions and if admitted will add to the cost of their maintenance.

I have deemed it advisable to call the attention of this Association to this condition, that the lawyers of the State who take a conspicuous part in the leadership of public thought may be informed as to conditions confronting some of the State's institutions.

Respectfully submitted,

J. S. MANNING,
Chairman of the Committee.

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THE PRESIDENT: You have heard the report of the Committee. What is the pleasure of the Convention?

Moved and seconded and duly carried that the report of the Committee be adopted.

THE PRESIDENT: We will now have the report of the Secretary and Treasurer:

Reports of Secretary and Treasurer read by Mr. Davis.

REPORT OF SECRETARY.

ASHEVILLE, N. C., July 4, 1917.

To the North Carolina Bar Association:

I beg herewith to submit my eleventh annual report as Secretary of the Association for the past year.

The Eighteenth Annual Meeting of the Bar Association was held last year at the Seashore Hotel, Wrightsville Beach, North Carolina, on June 27-28-29, 1916, and the proceedings of that meeting have been printed as Volume 18, Reports of North Carolina Bar Association, copies of which were distributed to every member and honorary member of the Association, and also to the various State Bar Associations of the country, and a number of libraries. Extra copies of the addresses of Hon. Thos. W. Shelton and Hon. Walter George Smith, which were delivered at the last meeting of the Association, were printed under the direction of the Association and mailed to these gentlemen, or distributed for them.

At the last meeting your Secretary reported a total membership of	682
Since that time, during vacation, we have elected eight members of the Association, to wit: Miss Margaret Berry, Charlotte, N. C.; Mr. Edward L. Stewart, Washington, N. C.; Mr. John H. Bonner, Washington, N. C.; Mr. Enoch S. Simmons, Washington, N. C.; Mr. Frank H. Bryan, Washington, N. C.; Mr. Junius Davis, Wilmington, N. C.; Mr. Harry P. Grier, Statesville, N. C.; Mr. Kemp D. Battle, Rocky Mount, N. C.	8
Making a total of	690

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Since then we have lost by death ten members of the Association, to wit: J. C. Buxton, Winston-Salem, John P. Cameron, Rockingham; Thos. Newland, Lenoir; W. A. Guthrie, Durham; Jacob Battle, Rocky Mount; Jas. R. Gaskill, Tarboro; J. C. Wright, Albemarle; R. B. Peebles, Jackson; John S. Henderson, Salisbury; C. B. Watson, Winston-Salem	10	
Two members by resignation, as follows: H. L. Godwin, Dunn, N. C.; W. B. Rodman, Norfolk, Va	2	
Deducting name of John C. Gudger, not on ledger roll, but included in calculation of members	1	
Resigned and dropped at request: Welsh Galloway, W. B. Council, Geo. A. Shuford, Gilmer Welch	4	
		17
Leaving an active membership of		673
To this have been added, elected at this meeting		22
Making a grand total of		695

RECAPITULATION.

Reported at last meeting		682
Elected at last meeting		38
Elected since last meeting and prior to this meeting		8
Elected at this meeting		22
Total		750
Transferred from honorary to active list	None	
Active to honorary	None	
One member included on roll twice	1	
Resigned during past year	2	
Deduction by death during year	10	
Dropped	4	
		17
Present membership		733
Honorary members		37
Grand Total		770

I am pleased to report that during the last ten years the membership of the Association has increased over 100%.

Respectfully submitted,

THOS. W. DAVIS,
Secretary.

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REPORT OF TREASURER.

ASHEVILLE, N. C., July 4, 1917.

To the North Carolina Bar Association:

I herewith submit my report as Treasurer of the North Carolina Bar Association for the year 1916-1917, from July 1st, 1916, to June 30th, 1917, both inclusive, as called for in Article II of the By-laws, together with a statement of receipts and disbursements to date:

MEMBERSHIP OF ASSOCIATION AS REPORTED BY SECRETARY.

Active members, 1917	682
New members elected at Eighteenth Annual Meeting	38
New members elected during vacation	8
Honorary members	37
Membership for year	765

RECEIPTS DURING YEAR.

Current dues 1916-1917, to June 30, 1917	$1,016.00	
Delinquent dues to June 30, 1917	303.00	
Admission fees to June 30, 1917	185.00	
Interest on deposit	56.69	
Miscellaneous	1.10	
Amount collected during year		$1,561.79
Balance on hand, June 27, 1916		1,372.51
Total resources for year		$2,934.30

DISBURSEMENTS DURING YEAR.

1916.		
July 5	—Thomas W. Shelton, expenses of Speaker	$ 9.00
10	—Walter George Smith, expenses of Speaker	35.00
18	—Seashore Hotel, hotel expenses speakers	26.41
29	—Telegrams	.49
Aug. 4	—Stenographer at meetings	70.00
24	—Salary of Secretary (three months)	100.00
Oct. 9	—Telegrams	3.93
24	—T. W. Davis, expenses to Raleigh, Executive Committee meeting	8.00

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Nov. 27	T. W. Davis, salary (October-November)	$ 66.67
Dec. 18	T. W. Davis, salary (December)	33.33
1917.		
Jan. 5	A. W. Cooke, expenses Executive Committee meeting	7.05
6	Stamps	5.00
22	Telegrams	3.63
30	Salary Secretary and Treasurer	33.33
Feb. 19	Wilmington Printing Co., copies of addresses of speakers, postage, envelopes and printing	119.08
Mar. 1	Telegrams	1.65
1	Wilmington Printing Co., on account annual reports	500.00
5	A. W. Cooke, expenses Executive Committee meeting	5.20
31	Telegrams	.25
22	J. W. Pless, expenses Executive Committee, 1916	16.50
24	Salary Secretary and Treasurer for February	33.34
26	Salary Secretary and Treasurer for March	33.34
30	Telegrams	.55
April 3	Stamps	28.00
6	Premium on Treasurer's bond	12.50
15	Salary Secretary and Treasurer	33.33
26	Letterheads and notices	7.25
May 3	Wilmington Printing Co., balance for printing reports 1916	200.00
12	Salary Secretary and Treasurer	33.34
14	Stamped envelopes and stamps	5.00
17	E. B. Jones, refund of overpayment of dues	1.00
19	Telegrams	2.25
June 14	Stamped pads	.35
14	Telegrams	.25
14	American Bank & Trust Co., for five $100.00 Liberty Loan Bonds	500.00
18	Balance for stamped envelopes	40.00
18	Salary Secretary and Treasurer	33.33
28	Programs and envelopes	27.03
29	Telephone tolls	2.02
29	Telephone tolls	5.30
	Total	$2,043.81

Balance on hand, June 30, 1917	$ 890.49
Liberty Loan Bonds	500.00
Total cash and investments	$1,390.49
Total collected from members during year	$1,505.00

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In accordance with the By-laws I also submit an estimate of the receipts and expenditures during the year 1917-18:

Receipts delinquent dues	$ 300.00
Current dues	1,100.00
Admission fees	150.00
Total	$1,550.00
Balance on hand, June 30, 1917	890.49
Estimated resources for year	$2,440.49
Estimated expenses for year	1,500.00
Estimated balance	$ 940.49

On March 28, 1917, I drew drafts on the members of the Association to the amount of $1,673.00 and the drafts which were returned to me unpaid amounted to $1,109.00, leaving only $564.00 collected by drafts. To all whose drafts were returned to me, I sent a special letter May 14,1917. In answer to this letter I received only $130.00, leaving $979.00 uncollected.

Your Secretary and Treasurer, believing it to be the duty of this Association to aid our Government in every way possible during the present times, and believing also that the members of the Association desired, or would desire, to subcribe to the Liberty Loan bonds, telegraphed the Executive Committee and obtained its permission to purchase and did purchase $500.00 of the Liberty Loan bonds, which will be delivered within the next few days. The Executive Committee at a meeting held at Asheville, N. C., July 3rd, 1917, approved the purchase of these bonds.

Respectfully submitted,

THOS. W. DAVIS,
Treasurer.

I will say in that connection, gentlemen, that the North Carolina Bar Association has more members in proportion to the number of active practitioners, than any other Bar Association in the country I have been able to check.

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THE PRESIDENT: Gentlemen, I will state for the benefit of the Association that a special committee has been appointed, as is customary, to audit the report of the Treasurer. That committee will make its report. For the present these reports are offered by the Secretary and Treasurer respectively. What is the pleasure of the Association?

It is moved and seconded that the report of the Secretary and the report of the Treasurer be adopted, and the motion unanimously carried.

THE PRESIDENT: Is the Auditing Committee ready to make its report?

MR. HAYWOOD PARKER, of Asheville: Mr. President and gentlemen, I beg leave to submit the report of the Auditing Committee;

To the North Carolina Bar Association:

We have examined the receipts and disbursements of Treasurer Thomas W. Davis, and find the same correct, the Treasurer having proper vouchers for all disbursements.

So far as the items of disbursements are concerned that is a matter for the Association; he has read them out, and if anybody wants to make objection it is up to the Association.

We find that the cost of collecting the annual dues can be decreased from about ten per cent. to about three or three and one-half per cent. if the members will pay their dues promptly upon the first notification of the Secretary, and we therefore recommend and urge that the members pay promptly and save this expense.

We commend the Treasurer for the zeal and fidelity with which he has discharged his trust.

Respectfully submitted, HAYWOOD PARKER,
L. A. BEASLEY,
W. A. FINCH,
Auditing Committee.

THE PRESIDENT: Gentlemen, you have heard the report of the Committee. What is the pleasure of the convention?

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Upon motion, duly seconded, the report is unanimously accepted.

THE SECRETARY: I read, Mr. President and gentlemen, the report of the Committee on Recommendations of Legislation:

GREENSBORO, NORTH CAROLINA,
June 20, 1917.

To the North Carolina Bar Association:

As Chairman of the Committee on Recommendations of Legislation made necessary by the Constitutional Amendments, I beg to report that this Committee had several meetings and worked patiently and earnestly, which I think was helpful to the General Assembly.

Respectfully submitted,
A. M. SCALES,
Chairman.

THE PRESIDENT: I will state, gentlemen, this was a special committee of the Executive Committee and the officers of the Association, appointed to be of what assistance they could to the Legislature in the preparation and passing of certain bills. Unfortunately, as stated in the report of one of the other Committees, this Association seemed to have very little influence with the Legislature. The whys and wherefores and lack of that influence will perhaps be discussed a little later, and I think ought to be considered by this Association.

You have heard the report of Senator Scales, who was a member of the Senate and a member of the Association. What is the pleasure of the Association as to the report?

It is moved and seconded that the report of the Committee be received and filed, and this motion is carried.

THE PRESIDENT: Gentlemen of the Association, ladies and gentlemen, the hour has arrived for the address of the morning, and I take pleasure in presenting to you a gentleman of our bar, member of the Capital City bar, Mr. W. H. Pace, who will now address the Association.

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MR. W. H. PACE, of Raleigh:

Mr. President, Gentlemen of the Bar Association, Ladies and Gentlemen:

In announcing the subject on which I am to address you, I hope you will not gain the impression that I expect to encompass the entire subject or attempt to, in one paper. It will be necessary for me to vary somewhat from the printed page, for the very good reason that I searched so diligently to find out the reason and whyfores for the existence of some things, I nearly put out my eyes, therefore I do not know whether I can read it with accuracy or not. My subject is:

OUR JURY SYSTEM, PAST AND PRESENT.

Mr. President, Gentlemen of the Bar Association, Ladies and Gentlemen:

Let him who wishes to understand things of the present first look backward and scan with careful eyes the past, for the man that presumes without this knowledge to attack the things that be, is speaking without proper foundation and usually from hollow reasoning, or ill content. Expressed otherwise, Sir Walter Raleigh in his History of the World (Oxford Edition, Volume II, preface 5 and 6) says: "In a word, we may gather out of history a policy no less wise than eternal, by the comparison and application of other men's forepast miseries their own like errors and ill deserving;" or, again, as Carlyle in his Essay on History so aptly puts it, "Examine History, for it is Philosophy teaching by experience."

This is particularly true when one seeks the reason, whys and wherefores, or the shortcomings of a system considered one of the fundamental pillars of the liberties of the civilized world. Legal rights do not spring up over night but they have usually arisen from long and slow processes of evolution, ofttimes culminating in revolution, the sources, causes and effects of which should be understood before any change is

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suggested. Our knowledge of the past should be more than superficial, or should at least be deeper than that displayed by an irate farmer trying to read his weekly paper, after numerous interruptions by his young hopeful, then laboriously studying his grammar. "Pa," says the small boy, "what is the past?" meaning the past tense of some verb, then giving him that same misery that we have all suffered. "The past," snapped his father, "is where we come from, and if you ax me of the present, it is whar we is, and the future is whar we are gwine to. Study your lesson."

Much to my surprise, I found that the facts concerning the birth, perfection and transmission to modern times of the jury system were surrounded with what seemed impenetrable mists. When I selected this subject I began an independent study wherein, I suppose, I made a vast mistake because it seems to lead me to conclusions differing from those of most of the few authors who have enlightened us on the subject. Out of the thousands of volumes in the Supreme Court Library in the city of Raleigh there was only one to be found devoting its pages to the ancient history of the jury system, and with this author I find myself disagreeing.

There is no given time, nor given act, to which the jury system, as we know it, can be accredited. It has been a slow and continual growth like the customs and usages of the common law.

In the earlier days it was not considered the business of a community to punish crime. If one was so unfortunate as to be murdered, it was the duty of the kinsman of the slain man to exercise summary punishment and to seek vengeance on the head of the murderer. Courts knew not "the tread of the murderer nor cared for his way." One can imagine the confusion thus caused among an ever increasing population. Courts, there being no legislatures, were finally forced to take cognizance of crime as they had therefore done in civil matters. Hence, as early as 520 A. D. we find reference, by no less authority than Samuel R. Gardner, of the chair of History of

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Oxford University, to the assertion of the mode of trial by compurgators, and around this system of trial has been woven the heated arguments of the birth of the jury system. Let us understand how it was conducted. The accused was brought into court, and entered his plea. If he was so thoughtful as to deprive the court of the trouble of trying him by pleading guilty he was sentenced to pay a penalty, called a weregild, the amount of which depended not upon the heinousness of the crime, but upon the social standing of the slain in the community. Hence, if the deceased, happened to be of the nobility the weregild was a certain amount and was graded from that down to the ordinary freeman. This system prevailed not only for murder but other personal injuries, and worked admirably, so it seems, where the defendant plead guilty, but the difficulty arose where the unthoughtful prisoner seemed not to be so mindful of the rights of the relatives of the deceased as of his own rights and plead not guilty. To take care of this situation there arose a trial by compurgators, which was nothing more nor less than requiring the accused to bring before the court twelve men to hear him swear to his own innocence, these twelve to swear in turn that the oath of the deceased was true. If the twelve gentlemen were so accommodating the defendant was acquitted, but, if not, he was put to the trial by the ordeal, a fastidious way of determining guilt, which I will hereafter describe.

I sincerely believe that this was the germ of the jury system. In the first place the twelve compurgators were supposed to hear the defendants swear, as is the case with the present jury, and then they in turn swore to their belief as to his oath, as is the case with the present verdict, and I can recognize in this system nothing but a jury trial in its infancy. There were no set rules of evidence, nor disturbers of court in the shape of lawyers, but, the essence of the trial by jury was present. My conclusion in this may be far fetched, but if I cannot recognize the jury system in the system of trial by compurgators then I am willing to be likened unto a farmer from

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my county who went to a circus a few years ago and there for the first time beheld a zebra. Standing next to the farmer, in the cosmopolitan crowd so distinctive in an American circus was one of these highly educated experts of the Animal Branch of the Agricultural Department. The old farmer viewed the zebra with a cautious eye, and, shifting his quid from jaw to jaw remarked aloud to himself, "That's the darnest lookin' mule that ever I seed." The young expert at his elbow was astounded at such a display of ignorance and began straightway to remonstrate to his next door neighbor that what he saw was not a mule but what was known in animal science as a zebra, and in his enthusiasm proceeded to launch forth into the history of the animal. He had gotten no further than the fact that the animal in question was a species of the Abyssinian zebra when the farmer interrupted by saying, "My friend, you can talk about your absinthe, and you can talk about your mint julep and you can talk about your theory as much as you please, but if that thar ain't a mule he sure has got the earmarks of it."

It is true that after this first reference to the trial by compurgators it seems that it degenerated into a system of which one of the parties could get the most compurgators in their behalf, and that compurgators subsequently became witnesses, who knew nothing whatsoever as to the facts but only as to the character of the parties involved. These witnesses had a known and specific value, which was estimated in accordance with the value of the life of the witness had he been murdered. In other words, the oath of an earl was worth the oath of twelve freeman, and the energetic party in court was frequently put to the inconvenience of bringing many compurgators to offset his opponent's few. In consequence of this, the system, as with all systems, good or bad, which are abused, finally grew into disrepute and ridiculousness. It is recorded that in one of the most important cases of ancient times involving a contest over the possession of two horses, the compurgators numbered one thousand, but that the plaintiff finally won on account of the importance of his com-

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purgators. However peculiar this may now seem to us, we must agree with Carlyle that "There is psycology in history," and we lawyers, even now, recognize the principle of the important witness of the community as we use our endeavors to secure his attendance before the jury.

May I digress from the main subject here to tell what became of the poor defendant who was found guilty and put to the trial of the ordeal? Historically, this is valueless, but from a standpoint of a study of the progress of the human race it shows us what abiding faith mankind has always had in the acts of the gods. Sitting as part of the court and the one who dictated the method of trial by ordeal was the ever-present priest of that time. It was he that prescribed the method of ordeal through which the defendant should pass, one of which consisted in plunging the arm to the shoulder in boiling water, then having it bound up by the priest. Three days thereafter the defendant reappeared in the court and exhibited the aforesaid ill-treated limb. If there were no signs of injury from his previous pleasant pastime he was deemed to be not guilty, and dismissed with blessings from his priesthood. If, however, there were any signs of burns or scalds from his shoulder to his finger tips he was straightway condemned, and either killed, or "sentenced to the woods," which latter meant that he had to live in the forest, a prey to any who desired to kill him, and is but the forerunner of our present outlaw system. This same result could be secured by the simple device of the accused walking nine steps in bare feet over red hot plough points, a trial to which most of our forefathers should not have objected as they usually went unshod and were accustomed to rough and stony ways. For these two ordeals the worthy priest had long ere discovered a remedy, which previously applied to the arm or foot would prevent the scald or burn. There was a third ordeal, which even he could not prevent from proving fatal, that was that the thumbs of the accused were tied to his big toes and the defendant in this undignified position was then cast headlong into the most convenient

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lake. If he sank he was innocent, but if he arose he was guilty, and was straightway set upon by the court and given his well earned relief from eternal trouble. As the priest prescribed the ordeal through which the defendant should go, and, as above stated, had remedies which would assure him of acquittal in case of the application of the first two, it can be well understood what a monopolist of the coin of the realm it made the priest, and we cannot wonder that the rich and influential members of the community always escaped.

Courts at that time were divided into convenient territorial districts and consisted of the leading men of the tribes. There was a different court for the trial of smaller cases between these geographical divisions now corresponding to our townships and counties. Some of these courts were for the trial of cases arising between members of different townships. The first of these was known as a hundred-mote and met at regular intervals to settle disputes among its members. It was in this court that the system of compurgators arose, and in which there had for a considerable time previous appeared the system of trial of civil cases.

By 975, we find that a larger division of these self-governing courts had disintegrated, but that the right of the were-gild and trial by compurgators still existed in the hundred-mote and that this court was then considered the highest court.

From then until the twelfth century no great, radical changes were made. In 1166 Henry II, to whom it is accorded that he was, if not the inventor, the great improver of the jury system, held a great council at Clarendon, and with its approval issued a series of decrees known as the Assize of Clarendon. Here radical changes in the trial by jury were recognized. According to these decrees there were to be in each county juries composed of twelve freeholders of the hundred-mote, and four from each township, whose duty it was to present offenses and to accuse persons on common report. They were sworn to speak the truth, so that their

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charges were known as verdicts. No compurgators were allowed, but the accused, after his offense had been presented, had to go to the ordeal, and even then if he succeeded, if his character was notoriously bad he was sentenced to adjure the realm, that is to say, to be banished, swearing never to return.

It was also prescribed that "the person whose possession of land was impunged was empowered to make choice between trial by battle, and an examination of his right by a body of twelve sworn knights, or freeholders, who were selected by four sworn knights or freeholders, summoned for this purpose by the high sheriff, acting under a royal writ." We thus see for the first time the method of the selection of a jury, the topic to which I wish to pay my attention in the latter pages of this paper.

These jurors were supposed to be witnesses unless in civil cases, and if they were unable to settle matters others were called in to whom these witnesses explained their views on the controversy, and the process continued until it was to be settled by a majority vote.

Between the reign of Henry II and the reign of John the only practical changes in the jury system seemed to be that whereas the jury was first intended to represent the Crown in presenting crime it was later called upon by the citizens to settle their disputes in cases other than those in which the Crown was interested, it being understood that in no case one should be tried by other than his peers.

The real documentary foundation of the jury system was the famous Magna Charta during the reign of John, signed at Runnimede on the 15th of June, 1215, by the terms of which trial by jury was guaranteed in the following language: "No freeman may be taken, or imprisoned, or disseized, or outlawed, or banished, or in any way destroyed, nor will we go against him, or send against him except by the lawful judgment of his peers, or by the law of the land. To none will we sell, or deny, or delay right or justice." Even this is denied by many to mean that it is a guarantee of the jury

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trial, but I have yet to see the argument of any of the dissenters which satisfactorily explains away the language "trial by peers." If it meant simply a trial by judges then it is entirely antagonistic to the entire system which has been growing up for six hundred years. Subsequent history, like blazes in the forest, point back to the fact that from this time on out there were trials by jury, and we find numerous instances of the verdicts of juries. Previous to the signing of this document between the time of Henry II, and the reign of John, the courts had degenerated into collection agencies for the Crown, and the rights of trial by juries had been forgotten. It was this that brought forth this protest, and established, in my opinion, the North Star by which the jury system has been guided from thenceforth.

To trace from that important document to the present time, or even to the beginning of Colonial Days the development of trial by jury would be unproductive of any valuable information. It grew as did England grow, and as did our own law grow, by custom. I have, so far as the ancient history of the jury system is concerned, gathered the harvest and laid before you the sheaves of fact. All authors that I have been able to consult, save one, attribute the statutory enactment of the jury system to Henry II, and to the Magna Charta, and some go so far as to say that its birth took place at the printing of the Domesday Book. As for me, I recognize in previous systems the germ of the jury system, although others may think that my examination is legally extremely microscopic. If I am wrong in my conclusions I have hosts of friends, for it is not the first time that one of my profession has been found in such an awkward attitude.

The jury system, varying in different localities, finally was consolidated in England into one system in the reign of George IV, when it definitely became, and ever since has been a recognized part of the English law. Through all vicissitudes and changes of time and all attacks on its virtue it has survived, and I believe will continue to survive. It has been handed down to us, the offspring of the English people, as

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a system garnered from sad experience and human effort, and one whose merits had won for it a permanent place in our judicial system.

Before going into the jury system of the present time I wish to call your attention to the laborious and frequently aimless occupation of the ancient jury. Some of the jury shirkers of today who continually complain about the nefarious system of the jury would find their surroundings quite pleasant on a present jury as compared to the ancient. For instance, "A hung jury in ye olden times if court adjourned, was loaded into carts and hauled to the county line in the wake of the exit of the Judge. If they had not agreed by the time that they reached this imaginary boundary they were unceremoniously dumped into the nearest and most convenient ditch." I, as well as most of my brethren here, have no doubt seen juries that we would like to have seen receive the same treatment.

No meat nor bread nor light nor heat was permitted the jury during their deliberations except the light of day, with possibly the heat of an August sun, and even in the face of all of this if they were so inconsiderate as to render a verdict against what the Judge thought was the weight of evidence, the individual members were subject to heavy fines.

Incidentally, the system of new trials arose not from appeal to a higher court, but to a trial by another jury, and if the second jury found that the first jury was wrong the party aggrieved by the verdict of the first jury was given his rights in accordance with the verdict of the second jury, and the first jury as promptly punished for its indiscretion.

OUR PRESENT JURY SYSTEM.

However much the historians may disagree as to when the jury system was established, we find that in the Constitution of the Colonies of the Carolinas, signed by the Lords Proprietors on April 11th, 1698, it is guaranteed according to Section 21 as follows: "Noe cause, Civil or Criminall, or any Freeman shall be tried in any Court of Judicature without a jury of his

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Peers." Of course, the jury system was administered in the outset as was that of England, which at that time gave great latitude to the Sheriff in the selection of the juries, which caused continual discontent. Hence, with the establishment of the Colonies, and especially that of North Carolina, and up until the time of its independence, there was a constant cry for change in its manner of selection of juries, although the history of our Colony for years until the Constitution of Independence and other constitutions seems to be silent on the further guarantee of the right of trial by jury, with the exception, probably, of the famous fundamental constitution of John Locke, who was so enamoured of our profession that he would have prohibited any lawyer appearing in the Court unless he first swore that he was doing so for no remuneration.

As early as 1731 we find that the agent of the Lord High Proprietors protested to them of the method of the selection of the juries, and that was followed by various enactments from the year 1748 up until the date of Independence. The most popular method in the Colonial days was that the Justices of the Inferior Courts should nominate twenty-four freeholders to serve as Grand Jurymen and twenty-four freeholders to serve as Petit Jurors, and this remained the law until 1779, when it was provided that the number of jurors to be nominated should be forty-eight.

For the first time, in 1806 (Chapter 694, Potter's Revisal 1055, Volume II), the County Courts were required to make up the jury lists from the tax returns while the subsequent Legislature of 1807 required that the justices should go over the jury lists every two years and remove therefrom those not entitled to the credit of respectable jurors. This remained the law through the succeeding years and was carried forward in the Revised Statutes of 1857 and 1858.

The new Constitution of North Carolina was ratified in April, 1868, and a special session of the Legislature was called for July 1st of that year. Matters to some extent were in chaos so that on August 4th the Legislature prescribed

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that the selection of the jury should be put in the hands of the County Commissioners and that the selection should be made on the first Monday in September in each year. It was, however, provided that this act should only continue until the counties should be subdivided into townships when the permanent provisions of the Code would prevail (Laws of the Special Session of the Legislature of North Carolina, 1868, Chapter 9), but the Code referred to contained no provision as to the manner of selection of jurors, and subsequent Legislatures left this important duty in the hands of the Commissioners of the County from that day hence.

It will thus be seen that our present method of making up the jury lists crept into the law accidentally and that the administrative branch of the county government was never intended by the originators of this idea to continue their power over this part of the judiciary system longer than the then emergency required.

To my mind there is absolutely no reason why the administrative branch of the county government should exercise this important function connected with our Court proceedings. In the first place, the selectors of the names to be placed in the jury box should be removed as far as possible from the political arena. The statute requires that the County Commissioners shall select from the tax lists those persons that they deem fit to sit upon the jury. Dependent upon the electorate of their county for their position, few County Commissioners can be found who would have the temerity to say to any large part of their constituents that by their failure to select them that they did not deem them fit to sit upon the jury and hence they indiscriminately place in the jury box those whom they know should be disqualified. In the second place the County Commissioners are required to meet only once, and in some counties, twice a month, and to go over the jury lists once in two years. To perform this important function intelligently requires far more time than the County Commissioners can possibly give to it. I use my own county as an illustration: According to the proportion of eligibles

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assigned to Wake County by the Census Bureau of the United States Government for the registration in the selected draft we have a population of between 65,000 and 75,000 souls. According to the statistics showing the average American family one-fifth, or between 12,000 or 14,000 of this number were adult males. We all recognize the fact that in certain sections of the State negroes are no longer drawn for jury duty. In my county they constitute about twenty-five per cent of the population at a minimum. Eliminating them it means that the County Board of Commissioners would have a tax list of from 9,000 to 12,000 names to draw from. Mark you, the commissioners are not supposed simply to dump into the jury box this entire list of names, but it is its duty to select therefrom men of sufficient intelligence and those best qualified to serve upon a jury. Imagine, if you please, the care with which this is done. It is impossible for them to know personally that many citizens of the county, and it is out of all reason to require them to, on the small pay allowed County Commissioners, and the limited number of days of meeting, ascertain the facts sufficiently about these men to warrant them in saying that they are qualified. The inevitable consequence of this system is that the duty is negligently performed and is usually relegated to some hireling or clerk on small pay, who in a shiftless manner and without gathering any further information about the character of the men than his own knowledge as a political hireling gives him, places his name on the lists, which receives the approval of the County Commissioners.

With the growing importance of the jury system, especially in the State of North Carolina, where questions of equity—those intricate and delicate questions of conscience—as well as blunt questions of fact are left to the jury and where our Supreme Court, by its decisions, has surrounded the jury verdict with that sanctity of the veil of truth behind which no Judge could go, except in violent cases of distortion, it is remarkable that we have paid so little attention to the selection of the men constituting this important part of our

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judicial system. It is peculiar that we pay unto each and every officer of court a reasonable salary and yet leave that part of our judicial system, which is by our apparent faith in the jury trial continually growing, to the selection of men not connected with the Court, and to men to whom practically no salary at all is paid. In this mercenary age voluntary service is the most expensive kind. Our cities are doing away with its Board of Aldermen, with its nominal salary, consisting of the business man, who was a seeker after a little political office. Our Board of County Commissioners is of the same level and from this source there springs the stream which is supposed by its verdict to wash away the stains of legal imperfection.

There should be somebody upon whom this important duty should devolve and who should be paid a sufficient remuneration to justify, if necessary, his entire time, and whose appointment should be as far removed from local politics or the votes of the people as possible.

Some people may say that this is a dead expense but the change in the character of the men selected, and the consequent strengthening of the faith of the people in the verdicts of the Court, would, in my opinion, justify the large expense involved.

I have previously called your attention to the unsatisfied attitude of our forefathers in Colonial days with the manner of the selection of juries. In ancient and Colonial times, the greatest objection seems to have arisen from the fact that great latitude was given the Sheriff, who could, if he so desired, and it seems that he frequently did, select men who would decide in accordance with his view. In the olden times a Court was more than a "legal grind." The processes of disseminating and securing knowledge even of current topics was scarce. The old hundred-mote, being composed of the leading men of a county, disseminated knowledge, not only of law, but of current events to those who attended. Hence it became the custom in that scattering population of Colonial days for all men to attend Court. The charge of the Judge

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to the Grand Jury was prefaced by a recitation of the happenings of the world, so far as he knew them, so that the country folk might be thus informed of what was going on. From this assemblage it was easy enough for the Sheriff in selecting the tales juror to find the best men of the county, but in this day and time the old custom of using Courts and Court time as a meeting place of the entire country side has passed and this method of selection is antiquated. I doubt if there is one out of ten courts held in North Carolina, where enough regular jurors are in attendance to permit the Court to hold its sessions without placing on the shoulders of the Sheriff the duty of presenting to the Court tales jurors, a custom against which our forefathers so valiantly fought and against which they persistently protested.

Sitting in the Court room, not in one but in several counties, and seeing Sheriffs select tales jurors from the character of men selected I have been frequently reminded of the composition of the little boy on the subject of Man. He described him as having a head at one end, two oblong things on the other called feet, split to the middle of his body and walking on the split end. In this busy time naturally those only attend Court who have business therein or are interested in a case being tried. Up until 1911 the Sheriff was forced to select from the people in the Court room these tales jurors—a relic of the olden times. Even now he is thus confined unless the Judge orders him otherwise and then it may be at the suggestion of the Attorney. The Sheriff, and in larger counties, the Deputy Sheriff, going out to look finds usually only loafers, or, in many cases, those of his friends that he knows feel as he does about the case under consideration. Seldom does he dare, for political reasons, to go into business houses and summons the intelligent business man because he and every one else knows their dislike of such a summons. The solution of this problem, to my mind, would be to have a sufficient number of regular jurors summoned for our Court, as did our forefathers in the year 1776, and then if tales jurors were necessary, have the jurors drawn from the jury

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box as was authorized by the Legislature of 1915, and this should not be left in the discretion of the Judge, but should be made mandatory.

Around the rendition of the judgment of the jury, we have in the present time cast almost the atmosphere of the truth of the sayings of an oracle. We seem to forget that the mere placing of a man in the jury box does not render him less human. The rules of evidence and their consequent effect have, on account of this false theory, grown consequently more lax, and this has given birth to the iniquitous principle of harmless error. In the myriad of cases that are tried, owing to the unthought of propositions of law growing out of ever increasing complex situations of civilization, it is impracticable to send every case heard in the Appellate Court back to the lower court for minor digressions from the rules of evidence, but there are instances in the enforcement of the rule of harmless error which lend to the jury system, and incidentally to the Appellate Court more power than was ever anticipated, or should be acknowledged. For instance, a Judge admits most damaging evidence, but two days later in the trial of that case tells the jury—possibly in the midst of the evidence of another witness—not to consider the evidence so erroneously admitted. This, the Supreme Court says, is sufficient. We should remember, however, that the human mind is no slate and jurors are not experts in legal niceties. The impression made on their minds by hearing a witness testify to damaging evidence cannot be wiped away by the mere judicial command and once it is thrown in the jury box it will be considered by them in the jury room. This is but human and in considering the question of jury verdicts we should regard it. It is impossible for the average jury—and in considering this question we must consider the average—however much reverence they may have for the Judge and his charging—to wipe from their memories a damaging statement once made in their presence, and in this respect the theory of harmless error is extremely dangerous and fatal. Could we but get men of the highest

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intelligence to occupy the jury box, then this theory might hold good, but the Supreme Court, taking judicial knowledge of so many other things, should take judicial knowledge of the fact that the practical rather than the theoretical prevails and that the average North Carolina jury remembers what it hears. It is impossible for the Judges of the Supreme Court, with all due deference for that single body, than whom, in my opinion no better graces any Supreme Court room in the several States of our United States, far removed as they are from the theatre of trial, with its ofttimes pathos and heartrendering scenes, impressing itself on the sympathies and human nature side of the jury to read the cold printed record and from that tell what effect on the the minds of twelve average men certain evidence had. This theory admits of too high an ideal for the selection of jurors and is one that, devoutly as it is to be wished, could never be accomplished. In this respect I submit that we worship too much the jury system and accord to it a place far above human nature and human experience.

There are other illustrations which could be used to show that we seem to forget that a jury is composed of human beings of non-expert knowledge, and accord to them that degree of intelligence which is entirely theoretical. The argument of counsel before the jury should be held to strict accord in our State as it is in other countries. The counsel that allows himself to make a prejudicial argument, not based on evidence, should be rebuked by the Court, without causing the opposing counsel to place himself in the embarrassing position of objecting and thus making the impression upon the minds of the jurors that the argument of his opponent was hurting. Our Judges are too prone to place upon the shoulders of the counsel correction of the error, which they know is being committed. It should be the duty of the Judge to eradicate these errors without waiting for the objection of counsel, and to see that a fair trial is held. Our juries have come to look upon this as the foundation principle of the trial and hence the attorney, although he may be right,

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that continually objects only gains the impression on the minds of the jury that his case is weak, otherwise the Judge would not have let the opposing counsel do what he was attempting to do.

The jury system is not perfect, nothing human is so, but if we would recognize its imperfections and set ourselves to work to guard against those, rather than attribute to it that high perfection of the science of reasoning, a view devoid, however, of knowledge of human experience, we would come closer to a solution of the problem.

During the progress of Mr. Pace's address Mr. Haywood Parker, Vice-president, is called to preside.

THE SECRETARY: Before the meeting adjourns, I have some announcements I think the Association ought to hear. I have an invitation from the bar of Asheville:

> The members of the Asheville Bar Association request the pleasure of the presence of the members of the North Carolina Bar Association, and their friends and guests at a reception and ball at the Battery Park Hotel tonight.
>
> DUFF MERRICK,
> Chmn. Entertainment Committee.

I am requested by the Asheville Bar to ask that as many as can of the members of the Association, their wives and guests, attend the ball.

I am requested by the Chairman of the Committee on Nominations, which consists of the following gentlemen: Messrs. E. S. Parker, T. L. Caudle, R. C. Lawrence, Z. V. Walser, and Thomas Settle to announce that the Committee will meet in this hall immediately after the adjournment of this meeting for the purpose of preparing their report.

Mr. President, there were two amendments to the By-laws offered last night. Mr. Nash offers the following amendment to the By-laws:

"Add at the end of Section 4 of Article III: 'One, however, of such papers shall be a historical sketch of the bar of some community, district or section,' " so that the Article as amended would read as follows:

"They shall as soon as conveniently may be after their

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first election under this constitution, and thereafter as soon as conveniently may be after such annual meeting, invite some lawyer of prominence not a resident of this State, to make an address before the Association at its next annual meeting, upon some subject to be selected by the person so invited. And they shall at the same time select not more than five members of the Association to prepare and read papers at the next annual meeting upon subjects to be chosen by the persons so selected, or such as may be suggested by the Committee," and Mr. Nash moves to amend: "One, however, of such papers shall be a historical sketch of the bar of some community, district or section."

MR. NASH: Mr. President, as the members of the Association well know, there are two Committees that deal with questions of this sort. One of them is the Executive Committee, as appears from the section read by the Secretary, who have to select a speaker from out of the State and may select speakers within the State up to the number of five.

The Memorial Committee has assigned to it the duty of preparing itself, or selecting others to prepare, memorials of members who have died since the last meeting of the Association. Upon them also is imposed the duty of selecting some one to write a biography of some deceased lawyer.

The functions of these two committees are on separate planes, and each one of them of course is very necessary for the proper conduct of the business of the Association, and neither one interferes with the other in the sphere of its operation. The object of this amendment is not to secure biographical sketches of great lawyers. We can get them. Wherever a lawyer is so great as to occupy a prominent position in the public eye, we can get them from other sources, but as our sketches are made up now, we do not get a great deal of historical material that we ought to have. Year by year members not only of the Association but older lawyers in the State of North Carolina die, and there is not a man who has practiced at the bar from 40 to 50 years whose mind is not to a large extent a storehouse of reminiscences not entirely

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of the great men with whom he has been associated, but members of the bar with whom he has been associated. If ever we are to have a history of the bar and bench of North Carolina written hereafter, and we can certainly look forward to it with hope at any rate, if not with certainty, then the material collected in this way would be invaluable to that historian, because he is not to deal with the great lawyers of the state of North Carolina alone, but with the great mass of the profession, and we can get the drift and tendency of legal life, the life of North Carolina, better by giving us a picture of the practice and life of the lesser members of the bar than we can its great members, and for that reason I thought it well to amend the By-laws and as far as we could to impose a duty upon the Executive Committee to have one of these sketches prepared by some of the older members of the bar, and present it at each meeting, with a view to the future in that way.

It has been suggested to me by one of the members that the Executive Committee has attempted heretofore and has not succeeded in securing proper historical sketches, either from the unwillingness or inability of those to whom they applied to prepare those sketches.

I would suggest, therefore, that there be incorporated in the amendment proposed by me, that, when it is possible, they shall select some one to deliver a historical sketch. I make that suggestion because it has been said to me several times that they have tried before and have failed.

THE CHAIRMAN: I understood from your remarks you wished these addresses to be confined to sections or districts or communities of North Carolina?

MR. NASH: Yes.

THE CHAIRMAN: I would suggest that you make it do, because as your amendment reads it will go afield.

MR. BELLAMY: I rise for the purpose of seconding the amendment of Mr. Nash. In the short period of life I have lived, I have noticed there are men in our profession who have been conspicuous in the local communities, and are as

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big men as many who have attained honors and higher positions, and I think it would be well to have a history of the bar of each county in the state written by some member qualified to write a historical sketch of that bar, and therefore if I catch the spirit and intent of his amendment, it will bring about a collection of historical matter which will be useful to the historian, because I can well conceive how a history of the bar of Wake County, a history of the bar of New Hanover or Guilford or Buncombe or many other counties of the State, would be of very great interest to the profession in the State at large, and you can easily conceive, as I suggest, men who have never had their biographies written on the records of this Bar Association, many who have never attained judicial honor or political prominence, yet they are men equal in many respects, if not in every respect, to those who have been more fortunate, and I rise merely to second the motion.

MR. H. F. SEAWELL: I understood Mr. Nash desired to add to the amendment the words, "if possible."

THE CHAIRMAN: The amendment now reads: "And whenever possible one of such papers shall be a historical sketch of the bar of some community, district or section of North Carolina."

MR. H. F. SEAWELL: I would like to register my protest against the words "if possible," because there never can be a time when it is not possible to have something said about some community or section, and I hope the gentleman will agree to strike that out, because if it is not possible it cannot be done, and if it is possible it ought to be done.

MR. NASH: That was the suggestion made to me by certain gentlemen who had tried before along these lines and failed, and while it may not accomplish anything special, I would rather it would remain in there to meet that suggestion.

MR. SEAWELL: I think the words there, if my Brother Nash will pardon my saying so, will really encourage the Executive Committee not to do what it might do if it was not in the wording of the amendment, and I think it would be better if those words were left out and make it imperative.

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MR. T. T. HICKS, of Henderson: The words, "when possible," imply a doubt and invite failure. It is very certain we now have one hundred counties, and in the next one hundred years we will have one of those sketches for each county, and by that time we will all be in another world and can start afresh and begin back at Orange, or New Hanover, and have a good deal more material to work on by that time.

I do not like to start into a thing with the idea we are going to fail. That kind of sketch would be most interesting. There are thousands of incidents that scintillate and sparkle throughout the county and community, and are worthy of preservation, and the brain who originated and found them and spread them forth is worthy of honor. Any lawyer upon whom our Executive Committee imposes this task in any county is not loyal in his duty to the Association if he does not make a faithful effort.

I respectfully submit that as much work as our distinguished President's address showed last night, any county in North Carolina would get up almost a book of valuable information that would be highly prized by the lawyer of today and the historian of the future. I hope you will strike out "when possible" and not consider anything impossible.

MR. HARRY SKINNER, of Greenville: I understand that the intent and purport of Mr. Nash's amendment is not to confine to counties, but applies to sections. For instance, the Cape Fear section, the Albemarle section, the Trans-Mountain section, that is where the bar usually attends each court, and one man can be found in each section to write it up. I agree with Mr. Seawell and Mr. Hicks in the suggestion to strike out "where possible," because it can be made possible, and it ought to be.

THE CHAIRMAN: Do you withdraw your amendment, Mr. Nash?

MR. NASH: Yes.

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THE CHAIRMAN: Then the amendment will be as originally offered:

"One, however, of such papers shall be a historical sketch of the bar of some community, district or section of North Carolina."

Upon the call of the question, the amendment as offered by Mr. Nash is unanimously adopted.

THE SECRETARY: I have an amendment to the Constitution for the consideration of the Association:

Amend Article VIII of the Constitution by adding at the end thereof the following: "Provided, further, that all members of this Association in actual service in the naval and military forces of the United States during the present war shall be exempt from all dues during such service."

Article VIII reads as follows: "The admission fee shall be five dollars, and the annual dues shall be two dollars, to be paid as may be prescribed in the By-laws: *Provided*, That the admission fee shall be in lieu of the annual dues for the current year in which it is paid. No member shall be qualified to exercise any privilege of membership while his fees or dues remain unpaid, when due."

Upon motion, duly seconded, the amendment to the Constitution was unanimously adopted.

JUDGE J. C. BIGGS, of Raleigh: I am Chairman of the Committee on Legal Education and Admission to the Bar. We passed over that report this morning.

THE CHAIRMAN: It will be received now.

JUDGE BIGGS: The Committee has had a meeting with three members of the Committee; we have not had time, however, to draft a formal report, but it occurred to us that it would probably be better to present this matter at this morning's session. It is a matter of some importance, and as we have a large attendance, with the consent of the President I will state our report in substance.

It deals with the question of examination of applicants for license to practice law.

As has been stated in the report of the Committee on Legal Education, the Legislature did not adopt the bill which was presented by the Association. This Association presented a bill providing that the President of this Association should

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appoint a Board of Law Examiners. That bill was introduced in the House and Senate. It passed the Senate and received a favorable report from the House Committee on Judiciary, but it came up in the House and was defeated. We then secured a reconsideration of the matter and sent it back to the House Judiciary Committee and had a very full hearing and fifteen out of seventeen of the members of the House Committee voted in favor of the bill with a provision that the Supreme Court should appoint the Board of Law Examiners instead of the President of the Bar Association. That was done for two reasons. First, our original bill had already been defeated in the House and we had to give some reason to the members for voting to get the bill in changed form, and then that was along the line of most of the bar examinations of the country, but those in charge of that bill were advised that the Supreme Court did not desire the bill in that form, that they were in favor of the bill as presented by the Bar Association, but they were opposed to having conferred upon them the power of appointing or the duty and responsibility of appointing the members of the Board, and in consequence of that suggestion and opposition of the Court, or some members of the Supreme Court, the bill was re-amended and put back in the form in which it originally had been defeated in the House, and it was again defeated in the House.

It is not necessary at this session to go into the influences that caused the defeat of the bill. There was very active opposition to the bill from influences outside of the Association; certain leaders of legal education in the State were very active in their opposition to the bill. The President of the Association and your speaker were active in support of the bill, but we found the lawyers divided, the members of the Legislature divided, and then we had very decided and pronounced opposition from other sources to the Association bill, and we could not succeed in getting it through the House.

After the Bar Association bill was defeated there was a bill introduced creating the Chief Justice and two Associate

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Justices of the Supreme Court as a Board of Law Examiners, and providing for their compensation, and also authorizing them to hold the examination preceding the meeting of the Supreme Court instead of during the first week. That is the law that was passed. The Committee on Legal Education and Admission to the Bar desires to bring to the attention of this Association three matters in connection with the examination of applicants for license to practice law, and to ask this Association to suggest to the Chief Justice and two Associate Justices who now constitute the Board of Law Examiners the adoption of these recommendations or suggestions.

Your Committee feels that one of the most important matters affecting our profession is the matter of legal education. Since I got to this Association the Secretary of the Association has shown me a letter from the Dean of the University Law School, who was invited to make an address to this Association. He unfortunately was unable to come because he has not been very well, but he gives expression to this idea:

"You left the subject open, but I feel that now would be an especially opportune time to say something which might be of interst on a subject I think of vital importance, which the profession in this State seem to regard with seeming indifference or apathy, that is legal education. Lastly, at least in the larger States and in institutions greatest in number, prestige and influence, new ideals of legal education are astir. It is hard to see anything of the kind in progress here. We seem to think that the highest aim of law teaching has been achieved when a student has learned by a sort of rule of thumb answers to the minimum amount of questions which will take him through the bar examinations, and set him adrift without rule or compass on the voyage of his professional life."

Now, gentlemen of the Bar Association, North Carolina is behind in the matter of legal education. That great American lawyer who now heads the Commission to Russia,

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probably the leading lawyer of the American bar, Mr. Root, made his address before the American Bar Association when he was President, on the subject of Legal Education, and the necessity of requiring a higher degree of legal training and academic training preceding the legal training. That is regarded as absolutely essential to keep our profession on the high plane heretofore occupied. Now the Association of American Law Schools, which is an Association composed of nearly all of the leading law schools of the United States, and I had the honor of being a member of that Association when it was organized, and on its Executive Committee in 1899, allows no college to be a member of the Association unless it requires at least three years of study before it gives a degree, and the leading law schools of America are now undertaking to require four years of legal training, and they are undertaking to require not merely a legal training of a certain time, but that a man shall be a college graduate, or shall have had two years of college work, and in our own State we have one law school that allows no man to enter unless he has had at least two years of college training. That is the Trinity Law School. It has not a very large membership because a large per cent. of the men who study law in North Carolina have had no college training at all. The result is the Trinity Law School has not grown in numbers. This Association in its inception took up this question of legal training. We asked the Supreme Court of North Carolina to increase the time required from one year to two years. It is almost impossible to keep a man in the law school or to keep him studying law after he has obtained his license, and if it is very difficult in this State for our law schools to have a higher standard or a longer course of study than that prescribed by those who have charge of applicants for license to practice law, so this Association asked the Supreme Court to increase the course of study from one to two years. That was about fifteen or sixteen years ago. The Supreme Court did that at our request, but they only increased the time required. They left the requirements of the books

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to be studied, or the subjects, the same as theretofore, so some years ago this Association took up that question, and we adopted a recommendation to the Supreme Court, asking the Supreme Court to make the course of study commensurate with the time of study. The fact is we have now in this State the same requirements of study for applicants for license that we had twenty years ago and any fair student can become qualified to stand the examination in this State in nine months of study, although we have two years of study required. There has been only one subject added to the course of study in North Carolina in the last fifteen years since the change from one to two years, and that is the study of Legal Ethics. So this Association went on record and asked the Supreme Court to add to our requirements of study additional subjects, Agency, Sales, Bailments, and other works. A special committee was appointed. Your speaker had the honor of being chairman of that committee, and on that committee was the representative of the Wake Forest Law School and the University Law School. I had been connected with two of the law schools and had recently been connected with Trinity and so we had representatives of all three of the law schools upon that committee. The committee agreed upon what ought to be added, and submitted this matter to the Supreme Court. Those law teachers said: "The work which you have prescribed can be covered by a law student in nine months, and if you are going to require two years of study, add these different subjects to the course." We presented it to the Supreme Court, and as has been heretofore reported back to the Association, the Court respectfully declined to do anything. I think the Chief Justice, in his letter to the chairman of the committee, said that it would impose a burden upon the young law student to require him to buy a few more books, and that Ewell's Essentials was prescribed, and that covered the subject substantially with what they had now. At the same time the Association recommended to the Supreme Court that a man before he should be allowed to stand his examination should be required to

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register that he was beginning the study of law. That recommendation was also declined.

The three things which the Committee is bringing to your attention this morning, include two which we have heretofore adopted, and one addition, and those three are:

First, we recommend that the Board of Law Examiners, as now created, broaden the course of study so as to make it commensurate with the time of study. In other words, that we re-adopt the recommendation heretofore made that additional subjects be added to those now required.

The second recommendation is that the Board of Law Examiners shall prescribe a rule requiring every man or woman who proposes to apply for license to practice law in North Carolina to register with the Clerk of the Supreme Court, saying that "I have this day begun the study of law preparatory to taking the examination two years hence," and that no person shall be permitted to stand the examination unless he or she has studied law for two years, and has registered two years prior to the time of beginning.

Why do we ask that? Because the law now is that they must study two years, but the fact is that provision of the law is daily violated or semi-annually violated; at every examination men present themselves who have not been studying law more than a few months. I know of cases. We all know of cases. A man will go to a law school and study nine months. He will have covered the subjects required, and he will then get his license and make the certificate that he has studied law for two years. How does he do it? When he was in college for three or four years he may have studied Constitutional law, or took up Blackstone and read a few chapters.

In other words, we want a bona fide compliance by applicants with this recommendation.

The third recommendation we make is that safeguards be inaugurated insuring examinations free from cheating and other fraudulent practices. It is a well known fact—current rumor—more than rumor, common talk—and has

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been for years, that men were cheating on examinations before the Supreme Court. It is not necessary to go into those matters, but I was before a committee of the Legislature, attended by probably fifty or seventy-five people, and heard a member of the Legislature get up and say publicly that an applicant for license had told him that three other applicants came to him and said, "Boys, let's all four get at the same table and help each other out; we will each assist the other." He said, "I am not going to do it, that is not fair," and he would not go into the pool. The other three got through and he failed.

There is no doubt about the fact that there has been cheating going on in our examinations for years. You cannot put one hundred men on examination, with no safeguards thrown around them, without having some of them cheat to get their license. They go out in the corridors and compare notes. Some have papers and books out in the ante-room. All those things have been going on and we want safeguards thrown around the examination.

So the Committee recommends to this Association that these three matters be taken up and suggested to the Board of Law Examiners. I feel this is one of the most important matters our profession can deal with, and I believe if we will require and make it necessary that a man must in fact study law for two years, that is of course for two collegiate years of nine months—he need not necessarily go to college, he can read privately—if we make the course of study so that he is compelled to study for two years in order to cover it, and then if we go further and make it so that only those men get through who get through on merit, we will have taken a considerable step forward, and we will keep out of our profession a great many men who ought never to get in.

MR. KLUTTZ: Will the Chairman of the Committee be embarrassed if I ask him what he has in mind as to effectuating that suggestion of preventing cheating on examination.

JUDGE BIGGS: I have said that the practice has been that they will have one hundred men in a small room. They have

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four at a desk sometimes, no larger than this one. The men are more or less put on their honor. One member of the Court sits there. He does not watch them. They are allowed to go in and out. They sit by each other. The poor student looks over on the good student's paper. Those of you who have not taught perhaps do not know how this thing is done. Men cheat in college. I had once to expel a young man for cheating on examinations. We all know that it is a practice that prevails.

I would suggest that you do not let the men sit two at a table, and that you do not allow them to retire during examinations unless the marshal is with them. You would watch them. You would be in there, right on the job. You would not leave it to their honor. You cannot do it. If you have got one hundred men, seventy-five may be honorable, but you would have some who would cheat, and so you have got to watch them all

MR. KLUTTZ: I am in hearty sympathy with the suggestion. I only wanted to know how to carry it out.

MR. SETTLE, of Asheville: If it would not prove embarrassing, it seems to me the Association should have a little further information from the Committee in reference to the defeat of the bill offered in the Legislature by the Committee of the Association. The statement of the Chairman is that this Committee, the creature of the Association, after deliberation and care, prepared a bill which was passed by the Senate and was recommended overwhelmingly by the Committee before whom it was pending in the Lower House, but was defeated in the House. Then it was amended in order to meet certain suggestions, but the amendment was not agreeable to the Supreme Court, consequently it was re-introduced in the House in the original form, and again received the support of a large majority of the Committee, and was again defeated by the House.

That compels this Association to recognize the fact that there were operative influences which were stronger than the influences of this Association and the Committee of this

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Association in the Lower House of the Legislature, and I think the Association should know what the reasons assigned for the opposition were.

Presumably the Committee of this Association had provided a bill meeting the requirements of the case, expressing the views of the Committee, and according to the statement of the Chairman, expressing the opinion of the Supreme Court of the State, therefore we face the situation that there were operative in the Lower House influences sufficient to overcome the judgment of this Association and the Committee and the Supreme Court, and defeat that bill. Presumably there were good reasons why the Legislature defeated it. I think the Association should be given detailed information as to the sources of opposition to the bill, and to the reasons assigned for that opposition, in order that we may know wherein our proposition is defective. The Lower House said it was defective in some way or other, otherwise they would not have defeated it.

It seems to me it is a matter of importance that the Committee should report to this Association fully the sources of this opposition, and the reasons for the opposition.

MR. JOHN D. BELLAMY, of Wilmington: When that report is reduced to writing I would like to move its adoption, and if this is the time, would like to discuss the propriety of it.

THE CHAIRMAN: The stenographer took down the remarks that were made of the report, and while it was made verbally, we will treat it as having been made in written form.

JUDGE BIGGS: I submitted my views to Mr. Finch and Mr. Lawrence, and they concur in the remarks.

Before you begin, I would like to answer what Mr. Settle said. I have nothing to conceal about this matter, gentlemen of the Association. I believe I stated that the bill as prepared by the Association was acceptable to the Supreme Court; that is, creating the Board of Law Examiners. Then there was this amendment which I had introduced because I found we could not pass it in its original form, as it had already been defeated in the House and men had gone on record as opposed

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to it, though they said if they had heard the matter presented as I had presented it to them privately, they would not have voted against it, so they wanted some reason for changing, so we introduced this amendment, and the members of the Supreme Court said, I was told, they did not desire to assume that responsibility, and the bill got back in the original form and was defeated.

I stated in my opening remarks there were certain representatives of legal education in North Carolina who opposed it. That was the influence which defeated it.

MR. SETTLE: What reasons did they assign?

JUDGE BIGGS: They did not talk to me because we were working along different lines—you know how those things are done—but they opposed it because they thought the present plan better; that the Supreme Court ought to conduct the examinations, that it was too great a power to confer upon the President of the Bar Association, and that we would have difficulty in getting lawyers to serve, and they could make a very good argument on their side, and I take it they were entirely honest in their views about the matter, and they opposed any changes.

MR. HICKS, of Henderson: Did you want to make it any harder?

JUDGE BIGGS: They were getting along very well as it was, and in this connection I will state one source of opposition. I was told by a member of the Legislature that he voted against it because he was asked to do so by a young lady.

JUDGE JONES, of Asheville: I think you need offer no further explanation to Mr. Settle.

JUDGE BIGGS: She said she wanted to apply for license and she was afraid if the men took charge of it—the lawyers—they would not give her a fair deal, and in deference to her desire he voted against it.

JUDGE JONES: I did not have the pleasure of hearing all of Judge Biggs' remarks, and before I can vote on this I would like for the committee's recommendation to be written, so that we can know just what it is.

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MR. BELLAMY: I was about to state that at the last meeting of the Bar Association, or possibly at a former meeting, I was honored by the Association by being appointed to the Chairmanship of the Committee on Legal Education. I prepared an elaborate report to this Association recommending a three years' course to be pursued by those applying for admission to the profession. On that Committee were Prof. Gulley, of Wake Forest College, and Judge Timberlake. I think Mr. McGehee and some others. I could not get a meeting of the Committee because, as I learned they were all opposed to the three years' requirement. My object in suggesting that, was that I had observed, as many of the profession had observed, that our profession had been retrograding. We have not kept pace with the times in popular esteem and in the confidence of the people generally as the sister profession of medicine, the requirements there being lengthened and education to an extent being required so as to give us the very best class of men to administer to our ills, and yet in the profession of law, which is the most important of all, we were denied the advantage of having the applicants possess prior collegiate education and sufficient training in the law to qualify them for membership at the bar.

There was a time in North Carolina when education was not as generally diffused as it is now. I was told day before yesterday that an eminent statistician stated that North Carolina was the third wealthiest State in the Union in natural resources. That was astounding to me, but nevertheless I learn it is true, and we have climbed from the bottom of the ladder of illiteracy up nearly to the top, and now our educational system is the equal almost of any in the Union, and no matter how poor the young man is in North Carolina we have our schools and high schools and colleges that are sufficient to give him an education which will equip him not only to practice the profession of law, but of any other profession. Harvard, Columbia, Ann Arbor, and nearly all the best schools of the country require three years' study of law before a man can obtain a degree. They require that a man

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shall not only be taught legal ethics, but taught in the history and principles of the law, and all the questions of Agency, Tort and Constitutional and International law, and other subjects of that character, and when a man comes to the bar who has been through those and similar schools he is equipped, and I know from personal experience through conversation with young men who have recently come from these colleges that they are better equipped to begin the practice of law today than we were in the past, and I am strongly of the opinion that if we wish to restore the prestige of the bar to the position that it once occupied in North Carolina, we must do something to elevate the tone of the profession and make its influence felt as it was of yore, and the only way we can do that is by making the requirements for admission and education through college of so many years standing, and also at least three years' admission to the bar.

I am in favor of the report because it requires two years and other essentials, and I am in favor of that because I saw the tenor of the Association last year and the year before was that they would not submit to the three years course, but you have got to come to it if you keep abreast of the times and abreast of the other law schools of the nation. In Germany, in France, in England, the requirements for admission to the bar are three years or more, and a man must pursue the study, and when he comes he is well equipped and that is why they have such great lawyers in those countries. I would suggest today that we resort to a similar course in this country and start now and adopt the report of this Committee requiring a two years course.

JUDGE JONES: Will Col. Bellamy let me ask one question? You first state that in your experience and observation men who apply now are better equipped than they were formerly. Then you say the bar has lost prestige. How do you account for that?

MR. BELLAMY: I say the young men coming to the bar now are better qualified.

THE CHAIRMAN: My experience for several years past is

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that this question is going to arouse a pretty heated debate. It always has, every time it comes up. I am going to adhere strictly to the By-law, and I know my good friend will not think there is any reflection meant, that no man shall speak more than once in debate, and no man shall speak more than five minutes.

Is there any further discussion?

JUDGE BIGGS: I have been asked to state exactly what our recommendations were. There were three recommendations we made. First, that the course be commensurate with the time; second, that the man be required to register.

MR. H. MCD. ROBINSON, of Fayetteville: How would that do for non-resident lawyers?

JUDGE BIGGS: That is a matter that the Supreme Court would have to cover by the rules. We did not go into that.

THE CHAIRMAN: How do you wish to vote on these resolutions, all three together, or one at a time?

MR. Z. V. WALSER, of Lexington: I do not rise to make a speech under the five minute rule, but I want to call attention to a statement in the proceedings last year, that out of 1,500 or 1,600 lawyers in North Carolina, that more than 500, after getting their license, go into other business or have side lines greater in importance than their profession, which shows that the bar ought to be raised in North Carolina. My friend Col. Bellamy referred to Ann Arbor, where I attended college. There ought to be in North Carolina a provision similiar to the one in that law school. Our colleges of law should not permit the student to enter who has had less than two years collegiate training in some college. That does not keep out the poor boy. A man ought not to go into the profession of the law who does not make up his mind to go there. These colleges ought to take some steps in that direction.

I am sure, Mr. Chairman, and gentlemen of the Association, that I have no suggestion to make, but I know that quite a number of young men in the last few years got their license not to practice law but simply wanted a license. It is going on all over North Carolina. There ought to be something

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done. This Association ought to take some action. I heartily favor the resolution presented by Judge Biggs this morning. Something ought to be done and it ought to be done quickly and done now.

THE CHAIRMAN: Any further debate?

MR. BROOKS: Mr. Chairman, I think it proper, as President of the Association, to make a brief report of certain efforts made in connection with these reforms which we undertook to get through the last Legislature. As President of your Association I think I went to Raleigh a dozen different times. I conferred with the Supreme Court and Judge Biggs, who was co-operating at Raleigh with us, and secured a satisfactory bill approved by the Supreme Court in form. Judge Biggs has spoken of the efforts made before the Legislature. They miscarried. The matter of examining applicants has now been continued with the Supreme Court. I would not be frank with this Association if I did not say that in my opinion, if we ever get the reform that we desire, and the increased requirements that we desire, and believe necessary, a little pressure has got to be brought on the Supreme Court.

Speaking personally, I am satisfied that when the time comes in North Carolina that the average lawyer is not as well posted and educated as the average man he meets on the street, that day the profession and its influence will sink into insignificance. We know it to be the truth now that a few lawyers in different parts of the State are doing practically all the business. Hordes of young lawyers are not getting much practice because poorly prepared, and the people have not confidence in them and are giving their business to the few in whom they have confidence.

It is useless to adopt resolutions unless we follow it with a committee, perhaps five of the ex-presidents of this Association should be appointed, whose business it would be to put it up to the Supreme Court so that a course of study shall be prescribed by that Court that means what we want it to mean, and let the Court understand that the profession desires it. I think there should be added to the course the

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History of Our Jurisprudence, and that at least one-third of the examination should be devoted to the reasons for the law, the whys and wherefores of the law, and the philosophy of it. I wish every lawyer would read Mr. Wigmore's preface to the new edition of his work on Evidence. From this you will see the lack of our profession in legal education.

The more you study the subject the more you will realize it. I want to say here that I resent the imperfect character of legal education I received at law school. If I want to send my boy to a law school, I do not know where in North Carolina he could go to be properly educated in the reasons and philosophy and science of the law. If the Supreme Court will fix an examination about one-third of it devoted to jurisprudence and philosophy of the law, two years will be required for these men to pass the examination, and we will have a far getter educated bar.

I heartily approve of this resolution, and I heartily trust that it will pass, and later that some gentleman will offer a resolution that five ex-presidents of the Association shall bring it to the attention of the Supreme Court.

It has been suggested that we ought to have on this committee some of the law professors. That is a matter of detail but I want to offer the suggestion to the Association that it shall have a committee who will bring it forcibly to the attention of the Supreme Court and impress them that we are in earnest.

MR. TURNER: We are talking about suggestions that the Supreme Court make a remedy and suggestions that the Legislature make a remedy. What I would suggest is that you see that our schools of law raise a higher standard before they issue certificates. Wake Forest, Trinity, the University, Davidson and other law schools in the State of North Carolina can remedy the trouble which you talk about. We must have an educated Bar, not alone educated in law but academically educated, collegiately educated. In that way you raise the standard. In order to do that let us appeal to the colleges, and ask the University of North Carolina to help along this

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line and say to the students of law that you must at least receive two years' collegiate education, with a certificate from that college to the effect that you are proficient in the studies you have passed, and then say, "You cannot pass this institution of law unless you remain with us two years and receive a certificate that certifies to a high grade." Do this and you reach the remedy.

THE CHAIRMAN: Any further debate?

MR. KEMP BATTLE: I hesitate to express my views, being a comparative youngster in the profession:

In the first place, in reply to my distinguished brother who has just spoken, the difficulty with that suggestion is that a certificate from the law school is not necessary to be admitted to the practice of law. I was admitted when the University would not give me a certificate.

MR. TURNER: It should be essential to education, not to license.

MR. BATTLE: That is true, but the point is if you let uneducated lawyers enter the profession you still have the condition we are trying to reach. It is the requirements of being admitted into the profession that are at fault. I graduated from the University after four years, studied law there, admitted to practice, and practiced one year. After that, by what I thought an unfortunate accident, I had to change my residence to another State, and decided to enter there the practice of the law. I applied to the proper authorities and was told I would not be allowed to practice by courtesy; not only I would not be allowed to practice, but after I repeated my experience in North Carolina I was informed that I would not even be allowed to stand the Bar examination on the training I had had, and so I had to enter another law school in another State, and after studying there a full year I was permitted to stand the examination and licensed to practice law, and so I was compelled by the wisdom of education of another State to get an adequate legal education which the experience in my own State had led me to believe was not necessary. Had I remained in North Carolina I would have

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gone on with what really amounted to a year of study. Even though I had been admitted here and had practiced here a year in active practice, I was not even considered as qualified to stand the examination in another State. That has made me very much interested in this subject, and I want to say that every thing Judge Biggs has said has my unqualified approval. I think all three of the recommendations absolutely necessary, because the trouble is not that the law schools do not have enough time because they have two years' course, but nothing requires anybody to take the two years' course. A young man may tell some lawyer he expects to practice law, and borrows books, but whether he reads them nobody inquires, and then he can go to the university and take a little quiz course and get by in the examination. We do not require the time and we do not require the subjects and the examinations are not conducted fairly. I know when I stood the examination cheating was going on, and in such a brazen manner that anybody interested to observe it could see it without any question.

In other States, when a man is going to study under an instructor, he has to file a record of his intention to study law and in this particular State where I was, Colorado, he has to get a certificate every month from the man under whom he is supposed to be studying that he has in fact seen that he is studying and has questioned him on the course.

I am very heartily in favor of the recommendations.

THE CHAIRMAN: Any further discussion? (No response.) If not, we will vote on the recommendations by the Committee on Legal Education and Admission to the Bar, which have been seconded by Mr. Bellamy, the first recommendation being that the course be made commensurate with the time; second, that all prospective applicants for law license shall first register at least two years before they intend to stand the examination; and third, that some steps be taken to prevent cheating and other fraudulent practices on the examinations.

Report of Committee unanimously adopted.

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MR. CLEMENT MANLY, of Winston: *Mr. Chairman and Gentlemen of the Association*:

Whereas, The American Bar Association has adopted amendments to its Constitution, as follows:

"The President of each State Bar Association recognized by this Association, which accepts this provision, shall become a member *ex officio* of the General Council, *provided* he be a member of the American Bar Association, and *provided, further*, that votes in the General Council be by States whenever a roll call is asked.

"The Secretary of each State Bar Association recognized by this Association, which accepts this provision, shall become a member *ex officio* of the Local Council for each State, *provided* he be a member of the American Bar Association."

I now move a resolution of the State Bar Association, as follows:

Resolved, That the State Bar Association of North Carolina accepts the provisions of the foregoing, and shall act in accordance therewith.

I am told by our Secretary that the Executive Committee has accepted these amendments, but it would be more formal and more regular, and perhaps for these officers *ex officio* to act it would require credentials in the way of a resolution of this Association, and therefore I move that this Association accept the provision.

Motion seconded and unanimously carried.

THE SECRETARY: Mr. R. C. Lawrence, of Lumberton, offers the following resolution:

Resolved, That from the funds of this Association the sum of $200.00 be and the same is hereby donated to the American Red Cross, and the Treasurer is hereby authorized and directed to pay over said sum to the proper officer of said organization at such time as the Treasurer may determine.

MR. H. MCD. ROBINSON, of Fayetteville: I move that the resolution be adopted by rising vote.

Resolution unanimously adopted by rising vote.

MR. BELLAMY: I hold report of Judge Francis D. Winston, Chairman of the Committee on Judicial Procedure, as follows:

To the Bar Association:

Your Committee on Uniform Judicial Procedure beg leave to report that the bills heretofore pending in Congress upon

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this important subject were not permitted to come to a vote during the last session, although having a favorable report from the committee charged with the consideration of this important matter. We recommend that this Association again express its approval of the general principles set forth in those bills and that it give its express approval of the bill now pending before the Lower House of Congress introduced by the Hon. Edwin Y. Webb, Chairman of the Judiciary Committee of the House.

Resolved: That we request the North Carolina delegation in Congress, both House and Senate, to give to this bill and to all similar bills their active support and to see that this bill is considered at the present session of Congress if any other matters of general moment are then to be considered.

Resolved: That the Secretary of this body mail a copy of these resolutions to each member of the North Carolina delegation as above set forth.

Respectfully submitted,

FRANCIS D. WINSTON.

I have been informed that the bill is that they have a uniform system of procedure in the United States courts which will apply to every State in the Union alike. Some of you may have and some may not have practiced in the United States Federal Courts in other States. I recently went to Charleston, S. C., to attend to an Admiralty case there, and they would not permit me to appear in that court unless I employed a local counsel in Charleston, and this bill is for the purpose of requiring uniform procedure in all the United States Courts.

THE SECRETARY: In this particular case, you ran up against the special rule of that District Judge in Charleston.

MR. SEAWELL: Senator Walsh, who is to address us later, has filed a minority report on that bill. The bill which is proposed in Congress repeals Section 914 of the Revised Statutes, that is what we call the Conformity Statute. That minority report made an impression on me and satisfies

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me that that bill ought not to pass Congress, for the reason that as at present under Section 914 we are familiar with the practice in our particular State; we can go into other districts and other sections and practice law, but it is seldom that a man leaves his own State to practice in another court.

I think Mr. Bellamy ran up against a rule of the court instead of a statute, but this would make a uniform practice in every State.

The practice in some other States perhaps may not conform to ours, but the original reason of the enactment, as I understand, of Section 914 of the Revised Statutes, was to let every lawyer practice in the United States Court along the line he practiced in the State Courts, therefore he follows practice familiar to him, but if a uniform practice is followed in the United States Court, it interferes with the practice in North Carolina, and every lawyer has got to learn a new system, else the lawyers in practically every other State will have to learn a new system.

I am heartily opposed to the passage of that bill. I think it would be inopportune at this time, particularly when we are to have the address by Senator Walsh, who made such an excellent minority report against the enactment of that law.

I move that that report be laid on the table.

JUDGE W. P. BYNUM, of Greensboro: I disagree with my Brother Seawell as to the advisability of the passage of the bill referred to. He stated the object of it in part, but he has not stated it fully. It is true that the bill does involve a repeal of the Conformity Act, Section 914 of the Revised Statutes of the United States, but it does not stop there. That is necessary to be done in order to make a beginning.

The proposed bill also authorizes and empowers the Supreme Court of the United States to adopt rules of practice in actions at law just as that Court now has power to adopt rules of practice in the Courts of Equity of the United States.

The equity rules promulgated by the Supreme Court, November 4, 1912, are in force in all Courts of the United States

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in suits in equity. They are recognized, I think I can safely say, by the Bar of the United States as being the best rules of practice ever adopted by Courts of the United States, or by any State. They are models of brevity and outline a system of practice as simple as it is possible to make it.

MR. SEAWELL: This Section 914 never applied to the equity rules at any time.

JUDGE BYNUM: Certainly not, but by virtue of that statute the Courts of the United States are required in actions at law to conform their practice as near as may be to that of the courts of record of the States, and it is necessary to repeal that section in order to unfetter the hands of the Supreme Court and allow it to proceed. It is by virtue of Section 914 that the Court is deprived of the power to make rules governing the practice in actions at law in Courts of the United States. If that statute were repealed, we might argue that the Court inherently had the power to prescribe such rules. But those who prepared the bill have expressly conferred such power on the Supreme Court. The bill was prepared by special committee of the American Bar Association, composed of William Howard Taft, Jacob M. Dickinson, Lawrence Maxwell, Joseph N. Teal and Thomas W. Shelton, the Chairman, and was introduced in the House of Representatives of the United States by Mr. Clayton, Chairman of the Judiciary Committee, on April 7, 1913. It did not pass at that session of the Congress and was again introduced in the House on January 5, 1916, by Mr. Webb, then Chairman of the Judiciary Committee. The bill is as follows:

A BILL

TO AUTHORIZE THE SUPREME COURT TO PRESCRIBE FORMS AND RULES AND GENERALLY TO REGULATE PLEADING, PROCEDURE, AND PRACTICE ON THE COMMON-LAW SIDE OF THE FEDERAL COURTS.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled: That the Supreme Court shall have the power to prescribe, from time to time and in any manner, the forms and manner of service of writs and all other process; the mode and manner of framing and filing proceedings and pleadings; of giving notice and serving process of

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all kinds; of taking and obtaining evidence; drawing up, entering, and enrolling orders; and generally to regulate and prescribe by rule the forms for the entire pleading, practice and procedure to be used in all actions, motions and proceedings at law of whatever nature by the District Courts of the United States and the District of Columbia.

SEC. 2. That when and as the rules of court herein authorized shall be promulgated, all laws in conflict therewith shall be and become of no further force and effect.

It will be seen that the bill empowers the Supreme Court of the United States to prescribe rules regulating pleading, proceeding and practice on the common law side of the Federal Courts as fully as it is now empowered to prescribe rules of practice in Courts of Equity of the United States. And the bill further provides that when such rules have been promulgated by the Court, all laws in conflict therewith shall become of no further force and effect.

I think the bill was passed by the House last year but it has not yet been passed by the Senate.

I think this Association should unequivocably endorse the bill and do what it can to secure its enactment into law. In North Carolina we have been striving for a simpler system of practice. Other States have been seeking the same end. If this bill should be passed by Congress, as in my opinion it will be passed, the Supreme Court of the United States will no doubt promulgate a system of rules governing pleading, practice and procedure in actions at law in Courts of the United States which will be models of simplicity and brevity and which in time will no doubt be adopted by the several States themselves. Then members of our profession practicing in the several States of the Union would be as familiar with the practice in actions at law in Courts of the United States as we are now with the practice in those Courts in suits in equity. We all know that when we bring a suit in equity in the District Court of the United States in any State of the Union, the practice is the same as it is here in North Carolina, because the same rules in equity apply in all Courts of the United States. Why not have the same thing in actions at law?

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MR. PLESS: The only thing that is troubling me is that Mr. Seawell has informed us that the distinguished speaker who is to come here through a vast number of miles and a lot of trouble to get here, has filed a report in opposition to this bill. We know him and we have honored him and ourselves in inviting him here, and we do not wish to detract from it and we do not wish to detract from his efforts in this bill by any action we may take here today while he is our guest, and the only fear I have is that we may do something unseemly. We invite him to come here to speak on another subject, and while he is here we act on a bill in which he seems to have great interest, and in which he can say nothing, of course. We do not wish to do anything unseemly. It seems to me this matter might be postponed, and I think really we are informed by Judge Bynum that this bill will pass anyhow, and if it has merits I am satisfied it will pass, and we ought not to put ourselves and our distinguished guest in an uncomfortable position by acting on this, and I move that it go over until the next session.

JUDGE BIGGS: I have given some consideration to this question, and I agree with Judge Bynum that it is desirable to have uniform rules. I had an experience in the United States Courts just a few days ago. I wanted to bring a suit in the District Court of the United States for Maryland, and I did not know how to proceed, because I had to conform to the local practice in Maryland. I would have had no trouble on the equity side, but I was not familiar with the Maryland practice. I think it desirable that this act should be passed. There are two sides to the question, but I believe, so far certainly as North Carolina lawyers are concerned, we have nothing to lose by it. The equity rules that have been promulgated by the United States Supreme Court are very similar to our rules, and any rules which the United States Supreme Court might adopt would be modeled after the equity rules, and if they were, we would not have anything to learn. We necessarily must be familiar with the equity rules, and we are familiar with our own practice, but of

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course what the American Bar Association is after is to get uniform rules for all Courts, and if the United States adopts model rules for law and equity, eventually all the State Courts will come to those rules.

But it is a fact that Senator Walsh is opposed to this bill and has filed a very strong minority report, and it occurred to me that he might make his address here tonight upon this subject. We do not know what he is to speak about, and as we went on record in favor of this, a year ago, there is no occasion for our taking any action now. The Association is committed to it, but if we re-commit ourselves upon the arrival of Senator Walsh it will look as though we are trying to forestall his views, or do not want to hear what he has to say. There is no advantage in adopting this report, because we are simply re-affirming what we have done, so I move that the report be received and go over, with the thanks of the Association.

Motion seconded, and report tabled.

MR. BROOKS: I wish to announce that Senator Walsh has arrived, and will deliver his address this evening at 8.30. It is very desirable that we should be on time, for the reason that the local bar of Asheville have very generously and kindly provided a ball this evening, which will start after the speaking, and therefore it is necessary that everyone should be present at 8.30 o'clock.

Senator Walsh told me a few minutes ago that the subject of his address this evening would be the powers which Congress has up to date conferred upon the Chief Executive with relation to the handling of the problems incident to the war in which we are engaged, and he incidentally remarked that there were quite a number of them.

THE SECRETARY: There will be a meeting at three o'clock this afternoon when particular attention will be given to the report of the Committee on Memorials.

We would like to have as large a crowd in attendance as possible.

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THE CHAIRMAN: The photographer is here, and has gone to a great deal of trouble and some expense in arranging to take a group photograph of the Bar Association. It does not impose any obligation on anybody to buy a picture, but we would like to have everyone in it. The photograph will be taken in front of the hotel immediately after adjournment, and we want you all there.

Upon motion, an adjournment was taken to 3 P. M. Wednesday, July 4th, 1917.

SECOND DAY—AFTERNOON SESSION.

WEDNESDAY, JULY 4, 1917.

The Association convened at 3:00 o'clock, Mr. Haywood Parker presiding.

THE CHAIRMAN: We have met to hear the report of the Memorial Committee, Mr. Frank Nash acting as Chairman of that Committee.

MR. NASH: *Mr. President, and Members of the Bar Association:*

As Chairman of the Committee appointed in the absence of the Committee itself, I read this report:

REPORT OF COMMITTEE ON MEMORIALS.

To the North Carolina Bar Association:

Your Committee on Memorials reports:

I.

That since the last Annual Meeting, the Association has sustained notable loss in the death of ten members of the Association. Following are the names of those who have died during the year:

J. C. Buxton, Forsyth County.
Thomas Newland, Caldwell County.
W. A. Guthrie, Durham County.
Jacob Battle, Nash County.

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J. R. Gaskill, Edgecombe County.
J. C. Wright, Stanly County.
R. B. Peebles, North Hampton County.
John S. Henderson, Rowan County.
C. B. Watson, Forsyth County.
John P. Cameron, Richmond County.

II.

That your Committee has caused to be prepared appropriate notice of these deceased members in the order named by the following members of the Bar:

Lindsay Patterson, Winston-Salem, N. C.
Edmund Jones, Lenoir, N. C.
Jones Fuller, Durham, N. C.
J. P. Bunn, Rocky Mount, N. C.
John L. Bridgers, Tarboro, N. C.
O. J. Sikes, Albemarle, N. C.
W. E. Daniel, Weldon, N. C.
Theo. F. Kluttz, Salisbury, N. C.
Clement Manly, Winston-Salem, N. C.
M. W. Nash, Hamlet, N. C.

III.

That your Committee, pursuant to a resolution unanimously adopted at the Annual Meeting of the Association in 1915, has caused to be prepared a biographical sketch of the late Honorable Robert M. Douglas by Honorable Wm. P. Bynum, and has also secured a suitable picture of Judge Douglas for insertion in the published proceedings of this Association.

Respectfully submitted,

DRED PEACOCK, Chairman.
JOHN E. FOWLER,
A. H. PRICE,
R. O. EVERETT,
C. W. TILLETT, JR.,
Committee on Memorials.

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MR. HARRY SKINNER, of Greenville: We have a very small attendance and that is a very distinguished list of the dead and we ought to have a full meeting. I move, therefore, that we postpone this memorial service until ten o'clock tomorrow morning.

THE SECRETARY: The President announced last night that there would be a special meeting here today. Tomorrow morning we have the opening session of the United States Circuit Court of Appeals with exercises and tomorrow morning we have a meeting.

MR. SKINNER: It will not take more than an hour down there.

THE SECRETARY: I differ with you.

MR. SKINNER: We ought to have a fuller attendance.

THE SECRETARY: I have been around and asked every member. It is a question of having it now or omitting it altogether.

MR. G. S. BRADSHAW, of Greensboro: These memorial sketches are all prepared and will be published in full in the regular minutes of the Association. I see no reason for postponing it. I think a majority of the members anticipate reading the various sketches of the deceased members and for that reason are not taking more interest. I think it will be a waste of time to postpone.

MR. E. S. PARKER, of Graham: Do you think it seemly for the Bar Association of two hundred or three hundred present, to read the memorial tributes to just these few? Wouldn't it be better to let the list of those be read and then the tributes printed? They will be printed. Do you think, as I say, that it would be well to read it to these few?

MR. CLEMENT MANLY, of Winston: There is something in that.

THE SECRETARY: We have a meeting here tomorrow morning at 10:00 o'clock.

MR. E. S. PARKER: I don't know what the program is tomorrow but that will be rather a strange proceeding if the Circuit Court of Appeals is to meet at ten, and we have a

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meeting here, but I don't suppose they will meet before eleven or eleven-thirty. I think if we requested them to do so they would postpone their meeting until twelve. We opened this meeting with exactly eleven men present.

THE CHAIRMAN: More than once the thought has presented itself to me as we are waiting, along the lines of Mr. Parker's suggestion, that instead of reading these memorials at open meeting to simply have the list read and filed.

MR. MANLY, of Winston: It would be setting a very bad precedent. I fear if we did that once it would establish a precedent.

THE CHAIRMAN: I don't think it would be well this afternoon unless it would be done after this. I thought we might discuss that while we were waiting.

MR. MANLY: I think it would be unfortunate to do away with a custom which is an honorable one and has great influence on the mind of the profession, to pay some respect to those among us who pass away. If we can't get a sufficient number, I think the wise course would be to postpone until tomorrow morning and at the meeting tonight let the Chairman announce this meeting should be attended and call the attention of the members to the fact that there was a meeting at three o'clock at which there was no attendance. Still, so many have come in now that it might be well to go on.

MR. FRANK NASH, of Hillsboro: The first was to have been a biographical sketch of J. C. Buxton, of Forsythe County. That was assigned to Mr. Lindsay Patterson, of Winston. I understand he has prepared the address and will be here by tomorrow morning.

The next on the list is Mr. Thomas Newland, of Lenoir. Mr Edmund Jones wrote the address and he is not present. I therefore request Mr. T. B. Finley to read it.

Mr. Finley reads as follows:

THOMAS MERONEY NEWLAND.

The subject of this sketch, at the time of his death, was solicitor of the sixteenth judicial district and was the only son

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of the late Benjamin A. and Mary (Halyburton) Newland. He was born at the home of his grandfather, Dr. Joseph C. Newland, in McDowell County, on the 15th day of October, 1874. He was educated at the Asheville High School, Emory and Henry College and the University of North Carolina. Having studied law under his uncle, Hon. W. C. Newland and Judge A. C. Avery, he was admitted to the Bar by the Supreme Court in September, 1895, before he was twenty-one years of age. He decided to make Lenoir, N. C., his future home, and there continued his studies while going through the "waiting period" incidental to all young lawyers starting out on their future career. Moved by that spirit of adventure common to all red-blooded young men, and desiring to see something of the world beyond his own locality, he joined in 1901 the Fourth United States cavalry, and saw service in the Philippines under that well known, and in Western North Carolina, much beloved officer, General Jack Hayes, who was at that time colonel of his regiment. His term of enlistment having expired, he returned to Lenoir and settled down to his profession. In 1908 he was elected Mayor of the rapidly growing town in which he lived, and re-elected next year. Imbued with the prevailing spirit of progress which then characterized, and has since characterized the community, he at once placed himself at the head of every movement for the advancement of the common weal. During his administration the streets of the town were greatly improved, and an excellent system of water-works installed, adequate to all needs for many years to come.

In 1913 he was appointed by Governor Locke Craig Solicitor for the newly formed sixteenth judicial district, and at the next general election was chosen to the same position without practical opposition; and few judicial districts had a stronger, abler, fairer and more conscientious prosecuting officer. With the average run of cases coming within the scope of his duties as Attorney for the State, he was compassionate and merciful; but when law and the public good demanded it, he was firm and just, but always without cruelty and always with sympathy for the offender.

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Gifted with far more than usual powers of intellect, and with a stately and handsome person, his social qualities were pre-eminent, and his capacity for making and retaining friends was remarkable. Genial and tolerant with the views and even the shortcomings of others, he never shirked or evaded the light of Truth; and with himself and others, he was candid, sincere and courageous. Despising shams and pretences, he sometimes ignored conventionalities not founded upon sincerity and reason.

Mr. Newland's love for children was proverbial, and their devotion to him proclaimed eloquently the kindness and gentleness of his nature. He would abstract more amusement and entertainment out of a three year old, than most men would from a conversation with a philosopher.

Unknown to his friends he had for several years been threatened with Bright's disease, and while attending Burke court in his official capacity, he was seized with an acute attack and returned home to pass away on August 12th, 1916.

On December 3rd, 1913, he was married to Miss Mary Massenburg Wilcox, a daughter of the late Dr. J. O. Wilcox, of Ashe County,who together with a posthumous infant daughter, survive him. EDMUND JONES.

The next is Mr. William A. Guthrie, of Durham, written by Mr. Jones Fuller and I will request Mr. Evans to read it.

Mr. Evans reads as follows:

SKETCH OF THE LIFE OF WILLIAM A. GUTHRIE.

Maj. William A. Guthrie, one of the prominent members of the legal profession, died at his home in Durham, N. C., on Saturday, October 14th, 1916. He was born in Chatham County in the year 1846, his parents being Col. Hugh B. and Margaret Andrews Guthrie. When he was a child his father moved to Chapel Hill, where Maj. Guthrie received his early academic training. His studies were continued at the University of North Carolina and he graduated from that institution with high honors at the age of eighteen years. The day

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after his graduation in the spring of 1864, he enlisted as a member of Company G, Third Regiment of North Carolina, Barringer's Brigade, and was a gallant soldier. He was captured at Stony Creek and held as a prisoner of war at Point Lookout, Maryland, until the close of the war.

At the close of the war Maj. Guthrie returned to Chapel Hill and became a member of the law class conducted by Judge Battle. Having completed his studies he obtained his county court license in June, 1866, and the year following was admitted to practice in the Superior Courts of the State. Shortly afterward he removed to Fayetteville, where he engaged in the practice of law and succeeded in establishing a large practice in Cumberland and adjoining counties, which practice he enjoyed until 1886, when he located in Durham. In 1867 he was appointed by Chief Justice Chase as Register in Bankruptcy for the Third Congressional District of North Carolina.

After his removal to Durham, Maj. Guthrie took a prominent part in all public matters, being a member of the school committee and for years an alderman of the city. In politics he was originally a Republican, but when that party in his opinion deserted the principles of its founders he left it and became an active member of the Peoples Party, and in 1896 was its candidate for Governor, but was defeated in the general election. He declared that in that election the leaders of the party, by reason of fusion with the Republicans, caused its adherents to desert him and that he was left a political orphan. From that time forward he was independent in politics and did not affiliate with any party organization.

Maj. Guthrie was a member of the Protestant Episcopal Church, the Philanthropic Society of North Carolina, was a Mason and a Knight of Pythias.

On November 29th, 1866, he was married to Miss Mary Ella Carr, of Chapel Hill, N. C., and to them three children were born. Only one of his children, Mr. W. B. Guthrie, a lawyer of Durham, N. C., survives him. Maj. Guthrie had a wide acquaintance in the State and was well known to practically

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all the members of his profession. He was a man of simple tastes and strong convictions, fearless in the performance of all his duties. JONES FULLER.

Judge Jacob Battle, of Rocky Mount, prepared by Mr. J. P. Bunn is next. In his absence I will ask Col. Harry Skinner to read that.

Col. Skinner reads:

JACOB BATTLE.

BORN, JANUARY 16, 1852. DIED, DECEMBER 12, 1916.

Honorable Jacob Battle, Lawyer, Jurist, Gentleman—this is, to those who knew him best, his fitting epitaph.

Sprung from a race, paternal and maternal, whose gentle blood was inherited from a long line of honored and historic ancestors, Judge Jacob Battle was the ripened product of generations of culture and refinement. Born of parents singularly upright and honorable, he was hedged about by inheritances of thought, speech and character, that could produce naught else than a cultured gentleman

He chose in his early manhood the law as his profession and came to the Bar, after graduation from the University of North Carolina, with the excellent preparation of Professor Minor's great law school. Almost at once he entered into an active practice in the courts of Nash and Edgecombe, and was soon recognized as one of the State's ablest lawyers. He was painstaking, diligent, upright and learned, and possessed to a marked degree that quality so essential to professional success, to wit, an unfaltering loyalty to and belief in his client and his cause. When he took a client's case there was thenceforth in his devotion "no variableness or shadow of turning." The opposing testimony of overwhelming numbers could not shake his confidence in the righteousness of his client's demands, or damp the splendid ardor of his enthusiastic support. If victory came to him, it was a joint triumph; if defeat, he wore the cypress and the olive with him.

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To his brethren of the Bar his courtesy was unfailing, and to the court his deference most marked.

To him the law was not merely an avocation. It was even more than a profession. It was a high and holy mission which called for and was entitled to the best of his manhood and the highest of his varied attainments. And so success came to him—not that type of success that is measured in princely incomes and large retainers; but that better and richer success that declares itself in the love and confidence and respect of client and community. He was "able to look God in the face without fear, and any man in the eye without servility."

His career as Judge of the Superior Court was not long in point of time, but it was of sufficient duration to prove that the mantle of his mightly grandfather had fallen upon him. Industrious, courteous, just and learned, he wore the ermine in such wise as to win the unreserved admiration of lawyer and litigant alike. He is written down as one of the State's great *nisi prius* Judges.

But it was in his private life that he shone brightest and was best beloved. His courtly, polished and gentle manner won him friends whose affection he cherished without, in his modesty, knowing its cause. Always gentle and considerate; widely read in classic literature and trained as student and scholar; possessed of fine sense of humor; clean and wholesome in life and daily conversation, and scorning the filthy and indecent—his companionship was always a delight to his fellows.

As the shadows lenghthened, he softened and grew ever gentler and more tolerant. In the latter days, especially, he would fain have been at peace with all men, and he sought only for that which was good in every one about him. He died before he reached the fullness of his years, with his affections unchilled, and his intellect undimmed. He met death with that calm courage with which he had faced the trials of life.

"He took his shriveled hand without resistance,
And found him smiling as his steps drew near."

J. P. BUNN.

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The next is that of Mr. James R. Gaskill, of Tarboro, prepared by Mr. John L. Bridgers. I shall ask Mr. Winborne to read that.

Mr. Winborne reads:

JAMES R. GASKILL.

James R. Gaskill was born February 19th, 1856, in Washington, Beaufort County and died in Tarboro, November 16th, 1916. From his early youth he had to make his way in life, his father having joined the Confederate State's Army, was of those destined to return no more. When about nineteen years of age he moved to Tarboro. He took a position with O. C. Farrar & Company, engaged in a large mercantile business. Feeling that he had work and prospects, he soon gratified the ambition of his heart and married a sweet and attractive young maid, Miss Mellie Hanks, likewise of Washington. After some years of a happy married life, all but too short, death claimed the wife and mother, leaving five small children to whom he was father and mother. He steadily rose with Farrar & Company and later became a member of the firm. After the death of Mr. Farrar and the dissolution of the business, Mr. Gaskill pursued the profession of law, his previous training proving a valuable qualification for that pursuit. He found this training a great help in the practice of law; rendering material assistance in unraveling and making plain many complicated accounts and matters. He was successful in his practice, his knowledge and influence increasing with his years. In his dealings and relations with his fellows, he was courteous, kind and considerate, and they mourn his loss.

JNO. L. BRIDGERS.

The next is Mr. J. C. Wright, of Stanly County, prepared by Mr. O. J. Sikes. I shall ask Mr. Mangum to read that.

Mr. Mangum reads as follows:

JOHN C. WRIGHT.

John C. Wright was born in Moore County, North Carolina, on the 26th day of May, 1855, he was reared on the farm and

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attended only the public schools of his community until he was twenty-two years of age, when he entered school in the town of Carthage, N. C. He taught school for a number of years and later he entered Wake Forest College and graduated with distinction from that Institution in 1899. Shortly after his graduation at Wake Forest College he located at Albemarle and lived here until a few weeks prior to his death when he left and went to live with his brother, L. A. Wright at Star, N. C. It was here that he died on September 30th, 1916.

The subject of this sketch while not engaged in the active practice of law as much so as some yet he was a thorough student of the law and as a counselor and legal adviser he was wise, painstaking and conscientious, no client ever had cause to question the wisdom of his advice.

As a scholar he had but few superiors. He loved only the best in literature and at the time of his death he possessed probably one of the most valuable private libraries in the State and this library after his death was bought by the Womans Club of Albemarle, N. C. and presented by that organization to the town of Albemarle and is now used as a Public Library in said town. Mr. Wright acquired his splendid education in spite of adverse circumstances, having worked his way through school and college. His boundless energy and his thirst for knowledge caused him to overcome poverty and lack of proper educational advantages.

No man was more loyal to his State than he was, he ever stood for the things which tended to up build his county and State. He was true to his friends and his fine conception of right and justice caused him to ever be fair and honorable in his dealings with his fellow-man.

He was never married and his constant companion was his splendid library. His companionship with the world's best written thought made its impress upon his life. The sordid things of life were repulsive to him, but few excelled him when it came to having a high regard for virtue and honor. He loved little children and possessed a sublime reverence for God and Christianity.

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In his death the Legal Fraternity lost a wise and conscientious member, the State a loyal and patriotic citizen, his many friends lost one who was ever faithful and true, the church lost a staunch supporter.

He had his faults and his weaknesses but the good in him so outweighed the bad that justice to the noble dead impels us to draw the mantle of charity over his faults and remember him for his real worth and sterling character.

O. J. SIKES.

The next sketch is that of Judge Robert Bruce Peebles, written by Mr. Walter E. Daniel. I shall ask Mr. Marshall W. Bell to read that.

Mr. Bell reads as follows:

JUDGE ROBERT BRUCE PEEBLES.

Robert Bruce Peebles was the son of Etheldred J. Peebles and Lucretia Tyner. He was born in Northampton County, July 21st, 1840, and died June 29th, 1916. Had he lived just three weeks longer, he would have attained the age of seventy-six years. These years were full of activities and even in the latter years of his life when the infirmities of age had begun to impair his physical vigor, his mental strength had not abated.

As a youth his education was planned along broad lines befitting the position occupied by his parents. He first entered the celebrated "Horner" School and afterwards in 1859 became a student of the State University. He pursued his academic studies at that venerable seat of learning until 1861, when he answered the call of his State and entered the army of the Confederacy. As a student in college he distinguished himself, and as a Confederate soldier, he returned to his native county having a part in the deathless valor of the soldiers of a Lost Cause.

Until his elevation to the bench, he was known and loved as Captain Peebles. Like many of the bravest men, and no man was braver than he, he would talk most interestingly of the incidents of the war, with never a reference to the distinguished

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part which he acted. Those of us who belong to a younger generation know and at times have almost begrudged the well earned glory of those who were willing to and did give themselves for a principle and a cause. The memory of these times is rapidly passing and in the light of the events of the day seem a long way in the past, but not even the valor of the English who stopped the victorious German army on its march to Paris, nor the bravery of the French at Verdun can eclipse the fortitude of the Confederate soldier on the battle fields of the Civil War. The subject of this sketch was a type of the youth of the South who followed its fortunes until the end, and then with the same devotion rebuilt its waste places.

After the close of the War, he fitted himself for the profession of the law at the University in a law cchool conducted by Judge William H. Battle, of the Supreme Court, and was admitted to the Northampton Bar in September, 1866.

From this time until he was elected Judge of the Superior Court, he was an active practitioner in the counties of Northampton, Halifax, Bertie and Hertford and frequently in other counties.

The writer of this sketch knew him best as a lawyer in active practice. His knowledge of the principles of the law was deep and comprehensive and his power of application was sure and unerring. He had a wide acquaintance with the decisions of the Courts and in the detail of a trial he was indeed a master. Few men were stronger with a jury and in his home county his intimate knowledge of the people made him well nigh invincible. Every one who knew him recognized his fund of common sense and his indomitable courage.

It is not inappropriate to write of him as uncompromising in his political faith, always decided, always firm, and in the section of the State where he lived and died, he was a leader of the party to which he gave an undivided allegiance. When cool deliberate courage and fearless determination were needed, he was called upon and he always answered the call. He was a member of the General Assemblies of 1866, 1883, 1891, and 1895.

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In no arena, whether battle field, legal forum, political contest or legislative hall, did he ever fail to take up the gage of battle when thrown down, it mattered not who might be his opponent.

In November, 1902, he was nominated and elected to the Superior Court Bench of the Second Judicial District and died in office, having been re-elected in 1910. One of his qualities as a Judge was his love of fair play. In his Court, every man had an equal chance. His mind was analytical, he was patient in research, and he was possessed of a memory which was so tenacious that he held principles and evidence apparently without effort.

He was naturally combative, and this characteristic at times brought him in conflict with some of his brethren, but however one might feel as to the position that he took, none ever doubted his sincerity or absolute honesty. And if one ever got into a conflict with him, at the end he knew that he had been in a fight.

But when it was all over, there were no scars left. He would give hard blows, but like the brave and true antagonist that he was, he never flinched when they were returned.

Hon. Charles M. Stedman writing of him in "The Biographical History of North Carolina, said:

"He carried to the bench qualifications of the highest order," and " when an impartial historian shall review the official lives of the Judges of our Superior Court, he will cause to be recorded upon the pages, which shall be written for the guidance and instruction of the youth who shall come after us, his well considered judgment that Robert Bruce Peebles ranked with the best and greatest of the *nisi prius* Judges of North Carolina."

Judge Peebles was married to Miss Margaret B. Cameron, daughter of Paul C. Cameron and Anne Ruffin of Orange County on the 7th of December, 1875. She preceded him to the grave leaving him one daughter, Anne Ruffin, who married Thomas Norfleet Webb, of Hillsboro, and who with her children now survive and reside in the town of her maternal ancestors.

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He spent his life in the neighborhood in which he was reared, and died having reached a ripe old age.

He was a fearless Judge, an eminent lawyer, a patriotic citizen, and a true, and loyal friend.

WALTER E. DANIEL.

The next sketch is the life of Mr. John S. Henderson, prepared by Mr. Theo. F. Kluttz. Mr. Kluttz will read that himself.

Mr. Kluttz reads as follows:

JOHN STEELE HENDERSON.

When the death of his great war-captain and devoted friend, Abner, the son of Ner, was announced to David, King of Israel, he exclaimed to those about him, "Know ye not that there is a prince and a great man, fallen this day in Israel?" and so knew and felt every citizen of Rowan, when the death of the Honorable John Steele Henderson was announced.

All North Carolina knew and mourned, that one of the State's worthiest and most eminent sons had fallen.

Having barely exceeded the Psalmist's limit of three score years and ten, full of years and honors, with naught behind him but a stainless life, he "fell on sleep," October 8th, 1916.

The purity and strength of his character, the eminence of his attainments, and the greatness of the honors he so worthily won and wore, are worthy of more than passing notice, and merit the commemoration and emulation of his surviving brethren of the Bar.

John Steele Henderson was born at the ancestral home, Steeleworth, in the suburbs of Salisbury, January 6, 1846, and was the descendant of a long line of illustrious and patriotic ancestors.

His father was Archibald Henderson, long a leading citizen of his county and State; his paternal grandfather was that Archibald Henderson who served with distinction in the Sixth and Seventh Congresses of the United States, and who

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was one of the greatest of North Carolina's lawyers; his great-grandfather was that Judge Richard Henderson, of Colonial days, who was instrumental in giving Kentucky and the middlewest to the Union; and he was also a great-nephew of Chief Justice Leonard Henderson.

On the maternal side, his mother was born, Mary Steele Ferrand; his great-grandfather was John Steele, who served in the First and Second Congresses and was first Comptroller of the Treasury under Washington; and he was a great-great-grandson of Elizabeth Maxwell Steele (wife of William Steele), who lives in story and in song, for her patriotic benefaction to Nathaniel Greene at Salisbury in 1781. Sprung from such an ancestry, Mr. Henderson rightfully inherited greatness of character, of purpose, and of action.

He was prepared for college at Dr. Alexander Wilson's noted school in Alamance County, and entered the University of North Carolina in January, 1862, leaving in November, 1864, when, at the age of eighteen, he enlisted in the Confederate Army as a private in Company B, 10th N. C. Regiment, and served bravely and faithfully until the sad end at Appomattox, receiving his University degree after the war.

Upon the return of peace, he read law with Chief Justice Pearson, at Richmond Hill, receiving County Court license in June, 1866, Superior Court license in June, 1867, and continuously, until his death, was an honored member of the Salisbury Bar.

As a lawyer he was distinguished for his grasp of fundamental principles, his diligence and thoroughness in the preparation of his cases, his uniform courtesy to Bench and Bar, his unbending integrity, and his fidelity to the interests of his clients.

He served faithfully and successfully, not only the rich and powerful, but the poor and friendless as well.

He was a learned lawyer, a wise counsellor, and possessed in large measure the qualities which would have made him a great judge.

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His early tastes did not incline strongly to politics, but such was the confidence of the people in his ability, and in his integrity, that he was destined to a long and honorable political career. His first office was that of Register of Deeds of Rowan County, to which he was appointed in June, 1866, and which he resigned in September, 1868, for the fuller practice of his profession.

In 1871 he was elected to the proposed, but abortive Constitutional Convention, and was again elected to the notable Constitutional Convention of 1875, of which he was one of the most useful and influential members.

In 1876 he was elected to the lower branch of the General Assembly, and in 1878 to the State Senate, leading the Democratic ticket in every instance, and proving himself a wise leader in legislation.

In 1881, along with Hon. W. T. Dortch and Hon. John Manning, he was unanimously elected by the General Assembly to the Code Commission, which so ably revised and codified the laws of the State.

In June, 1884, he was elected Presiding Justice of the Inferior Court of Rowan County, which position he filled with ability until his nomination for Congress.

On September 9, 1884, he was nominated as the Democratic candidate for the National House of Representatives, in the Rowan district, and after an able canvass, was triumphantly elected.

He was re-elected in 1886, 1888, 1890 and 1892, serving five consecutive terms with distinguished honor.

He stood high in the esteem of his colleagues, and was honored with appointment on the Judiciary and other important committees, serving his last term with distinction as Chairman of the great Committee on Post Offices and Post Roads.

In 1900, and again in 1902, he was elected to the State Senate, where, as of old, he was a power for wise and practical legislation.

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His last political service was rendered, only a few short months before his death, as a delegate to the Democratic National Convention which re-nominated Woodrow Wilson for President.

Always interested in the education of the young, he was for many years, and until his death, the efficient Chairman of the County Board of Education.

Truly, his was a life of service!

A devoted adherent of the Protestant Episcopal Church and for forty years Senior Warden of St. Luke's Parish, he was broad in his sympathies, and his heart and his hand were ever open to every good word and work for the upbuilding of the community, or for the uplift of humanity.

Distress never appealed to him in vain.

In 1874 he was congenially married to Miss Elizabeth B. Cain, of Asheville, a granddaughter of Hon. John L. Bailey, who was long an honored Judge of the Superior Courts; and for more than forty years their lovely suburban home was the seat of refinement, hospitality and beautiful domestic harmony.

Always, everywhere, at home and abroad, in public and in private life, Mr. Henderson was the chaste, cultured, considerate, christian gentleman.

His life beautifully exemplified the motto on the old Coat of Arms of the Henderson family: "Sola virtus nobilitat."

To his surviving loved ones, our hearts go out in tender sympathy.

It is hard to realize that he is gone, but he shall yet abide with us in sacred and cherished memory, for

"The earth which holds him dead,
Bears not alive a knightlier gentleman."

THEO. F. KLUTTZ.

The sketch of Mr. C. B. Watson, of Forsyth, written by Mr. Clement Manly, will be read by Mr. E. S. Parker.

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MR. PARKER: The beautiful biography which I shall read to you was prepared by the long-time friend of Mr. Watson, Mr. Clement Manly. You will note that in the way the personal pronoun is used. Because I was one of those who knew and loved Mr. Watson, Mr. Manly has asked me to read it, I mean has given me the privilege of reading it.

Mr. Parker reads as follows:

MEMORIAL OF C. B. WATSON.

NORTH CAROLINA BAR ASSOCIATION, 1917.

BY

CLEMENT MANLY.

Mr. President and Gentlemen of the Association:

Cyrus B. Watson is dead. We, his brethren of the Bar, today pay to his memory our tribute of admiration and affection. He was not of the ordinary. Nature gave to him more than she usually accords to the children of men. His life was one of strife and conflict, bearing from the field both scars and honors. In the far-flung battle line, in the domain of politics, in the fierce conflicts of the law, he played a part, in each a great part. In the practice of law he achieved his greatness. 'Twas here he struggled and fought the battle of life; mighty in his days of strength. But human, ah! so human; strength failed, weakness overtook him, and enfeebled by disease he went from among us to the quiet of home; then in a few short days, he passed to "the dark house and the long sleep."

Cyrus Barksdale Watson was born on the 14th day of January, 1844, in Stokes County, in that part which became, within a few years after his birth, the County of Forsyth. His parents lived on a well-known highway, marked by the early settlers, running from Pilot Mountain, circling to the Eastward, to Guilford Court House, called by the older people the "Hollow Road." He was the son of John and Maria Watson. On his father's side, he went back directly to

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Scotch ancestry. His great-grandfather, Drewry Watson, being a native of Scotland, came to this country in 1740, and settled in Prince Edward County, Virginia. He there married a Miss Barksdale, of Halifax County, Virginia, from whom the subject of this sketch takes his name Barksdale.

Mr. Watson's maternal ancestry were of a strong and virile stock, among them men of distinction in public affairs. His grandmother was a sister of Joseph Wilson, the famous Solicitor of the Western District of North Carolina, one of the most distinguished lawyers of his day, well known in the State for his knowledge of public questions, his grasp of intellect and his remarkable achievements at the Bar.

His mother, Maria Folger, traced her ancestry directly to the early settlers of Massachusetts; her great-grandfather being a brother of Abia Folger of Nantucket, the mother of Benjamin Franklin. She was of striking countenance, and as age came on her, it became marked to the critical eye how much she resembled Benjamin Franklin. Mrs. Watson was a woman of strength, both of mind and character. Growing up in the country, without the aid of physician and surgeon, like some ladies of her time, she studied the art of healing and caring for the sick, and her aid and comfort was sought by many in the surrounding country.

At the time of my first acquaintance with Mr. Watson, his venerable mother was then living at the home place on the Hollow Road. His friends knew of a sacred love between them, and of his regular visits to her. He delighted to talk of her, to tell of her intellectual gifts, her sprightly witicisms, of her steadfastness of character, her many deeds of charity, of her abiding faith in her soul's salvation—of this I have heard him say, that, of all people he had ever known on earth, she was the one who never had a doubt.

As might be supposed, while a growing boy, his natural bent led him to the activities of out-door life; yet he early got the rudiments of an education; through parental example, he read books, which his sponge-like mind absorbed—happily for him many of these books were the classics of our literature—

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and from this reading came his knowledge of the Fables of Æsop, often effectively used by him in some of his great arguments at the Bar.

His desire for reading followed him through life. He read and studied much. Such a mind could not be confined to one subject, the science to which he devoted his life was not enough, he wandered to other fields; he drank out of other buckets than that hung in the well of law.

After such education as he could obtain at the home school, at fifteen he went to the High School at Kernersville; from there, at sixteen, the boy passed to a sterner discipline than schools, that of grim-visaged war.

His record as a soldier is interesting and unusual. It is the story of the heroism of youth, giving himself to a sacred cause, without a thought of self, or secret ambition for honors or rank; his one thought, duty to his country. In the early spring of '62, he went to the battlefield, and left it on the 9th of April, 1865. He was no play soldier, dancing on the skirts of events; for the most part, in the army of Northern Virginia, in the midst of battles the like of which history will nowhere record, unless in the account which the impartial historian will some day write of them. He went in as a private; came out a second sergeant. He loved the part he took in this struggle, it was with him a great pride, he always held that in this furnace he learned life's lesson, the greatest mortal can learn.

In the early spring of 1862, Mr. Watson entered the Confederate service, going to Camp Mangum, and listed in Company K., Forty-fifth North Carolina Regiment, commanded by Junius Daniels. Col. Daniels was a West Pointer, a soldier bred; he organized the regiment into a perfect fighting machine, passed to the front, and war began for them at the Seven Days fight before Richmond.

After serving some time in Virginia, Mr. Watson was transferred to Eastern North Carolina, where his regiment was under Hoke's command. In a short time he returned to the army of Northern Virginia, where, except when fur-

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loughed by reason of wounds, he remained in the thick of the fight until the close.

From the beginning of '64 until the end, there was scarcely a battle in which Lee's army was engaged, in which his regiment did not take part, always with honor, often with thinned ranks, and the young soldier we are now speaking of did not come out unscathed. He was wounded in Maryland by the explosion of a shell; again he was painfully injured on the 5th day of May, 1864, in the Wilderness; and on the 19th day of May, the last day of the fight at Spottsylvania, his shoulder was shattered.

The last of November, 1864, with arm still bandaged, he went back to the regiment. On a march from Staunton of sixty miles, the wound broke out afresh, erysipelas set in, and he was compelled to return home.

There he read the stories of battles; thought of his friends, their dangers and perils. He could stand it no longer. Unable still to bear a gun, in March, '65, he returned to his regiment.

In the Regimental Histories of the Confederate States, Mr. Watson wrote the story of the Forty-fifth Regiment. It is a worthy contribution to the literature of these events, simple and direct in style, with a picture here and there, simply and accurately told.

On his return home, like many others, Mr. Watson felt the immediate necessity of making a living, obtained a clerkship in a store in Kernersville, and afterwards in High Point. But such occupation was not to his liking. After a little more than a year, he gave it up. His active mind impelled him to greater things in that greater world of thought. He went to Lexington, studied law under General James Madison Leach, then a prominent member of the Bar, and in the year 1869 obtained license, took up his residence at Winston, the county seat of his native county, then a village of four hundred or five hundred people.

He married Miss A. E. Henly, with whom he lived in happiness and perfect accord until her death a few years ago, leaving five children, two sons and three daughters, all now living.

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From the beginning of his professional life, Mr. Watson was active in public affairs. His abilities, character, and position among his neighbors, soon selected him for political preferment. All who knew him recognized his unselfish patriotism, his appreciation of the real rights of the people, and the people saw their interests could safely be entrusted to him. This, together with a natural ambition to fill honorable position, at times led him into politics, and while every public duty entrusted to him was performed with faithfulness to his constituents, he did not fill the exalted station which his talents and public service deserved. With all his breadth of mind, varied capabilities, enthusiasm of action which made him great in other lines, he did not disclose these qualities which make a successful politician. His connection with political events is a story rich in patriotism and love of his State; it tells of many of the most eventful and stirring epochs in the political history of the State since the Civil War, and its discussion would indeed be interesting, but this is not the place nor the hour. The propriety of this occasion suggests that we speak of him as a lawyer.

His many years of activity at the Bar, his varied experiences in the trial of cases, his acquisition of legal knowledge, and his natural gifts for excellence in this forum, present the great achievements on which rests his reputation, and on which in the far future will rest his fame. Here he was in an element for which nature especially endowed him. In the forensic battle, in the shifting scene of contest, always to the front, giving and taking, joyous in his eagerness for the fight and consciousness of his superb equipment, he was the lawyer.

For twenty-five years I have been at the same Bar with Mr. Watson, associated with him in the trial of cases, experienced his help and felt his steel in the fight. In my professional life, I know no lawyer, who with me in a case, was of more comfort; if against me, of more concern, than Cy. Watson. In my opinion, there are two elements of his power, possessed to so superlative a degree that on them rests his

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success: on acceptance of employment, his instant standing in his client's shoes, the cause his own in all its strength and weakness, and, perhaps a trait more conspicuous than all else, his power in the supreme moment of the trial, to vivify and make a living thing of facts apparently lifeless. I have seen him, to the amazement of all engaged in the trial, make a broken hamestring, apparently a trivial circumstance, and immaterial, the vital fact, through the one matchless attribute of his mental makeup—his imagination, boundless in scope and electric in its light. It seemed at times capable of life-giving, running riot almost to the border land, yet rarely his master, and always controlled to his service.

In the preparation of this sketch, I have tried to give some idea of this remarkable man, of his conspicuous abilities, his versatility of mind, his comprehension of principles and facts all to that degree which nature bestows so rarely, her celestial gift—that of genius. In speaking of the science of law, Lord North says:

"Sparks from all the sciences of the earth are raked up in the ashes of the law."

In the meaning of this truth, Mr. Watson was *the* lawyer.

Of the man as a man, apart from talents or fitness for the obligations of life, or apart from his achievements in ways he saw fit to follow, he stood four square. His mind was forceful and subtle, with breadth of vision broad as that of the eagle which he resembled; by nature generous and kindly, a good neighbor, a sincere friend; as a companion—he was Cy. Watson. He may not fill the standard sometimes prescribed for the good, with some follies and, perhaps, weaknesses—he was essentially human, but he had that divine spark, the "one touch of nature that makes the whole world kin."

As in this hour devoted to his memory, when in our thoughts he rises before us, and we see the face we knew so well, I recall that most amiable and precious gift, one possessed to an degree vouchsafed to few—a rare humor; his knowledge of nature,

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of animals, their habits and ways, a kinship with earth, and a mother-wit surpassing all— made him the center of every group, and in his hours of leisure made us all gather around him. Who will ever forget the story of Elnina Stanly, or that of the old bearded ram leading the flocks across the rail bridge in the meadow; or the meeting of the Forsyth Bar to honor the memory of a certain deceased Judge, or a thousand and one more which we have heard from him—rays of sunshine on the somber path followers of the law must tread.

On the 11th day of November, 1916, in the early morning, at the "earliest pipe of half-awakened birds," as the great watch stars ceased their vigil of the night, his spirit passed over the river "to rest 'neath the shade of the trees."

In the presentation of a portrait of Mr. Watson to the Supreme Court of our State, the present Chief Justice said:

"There is no such position designated by law or created by the vote of any body of men as that of the leader of the Bar of North Carolina. But it is safe to say, without invidious distinction, that if there were such post to be filled the eyes of the profession and of the people of this State would turn with great unanimity to Cyrus B. Watson as this uncrowned king."

A line in Macbeth he often quoted with much effect can well be said of him:

"After life's fitful fever, he sleeps well."

CLEMENT MANLY.

The last is a sketch of Mr. John P. Cameron, prepared by Mr. M. W. Nash. I shall ask Mr. Charles C. Rose, of Fayetteville, to read that.

Mr. Rose reads as follows:

JOHN PAISLEY CAMERON,

John Paisley Cameron was born in Richmond County, North Carolina, August 29, 1852. He was the son of John Anguish and Sarah Blue Cameron. He died at Rockingham, February 14, 1917.

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In early life he married Miss Estelle Terry, of Richmond County, who with a daughter, Miss Johnsie, survive. His early education was obtained at Oak Ridge Institute. In early life he entered politics and was for a number of years Deputy Sheriff of Richmond County, performing practically all the duties of the office.

He was admitted to the Bar in February, 1898, and from that date until his death practiced his profession at Rockingham where he met with much success. While a Republican in politics, holding for many years the chairmanship of his party in a county overwhelmingly Democratic, his worth as a man and a lawyer was so universally recognized that he was for several years before his death the leader of the Bar in his county. He was chairman of the County Bar Association and it was a rare occurrance that a case was tried in his county in which he was not associated. He was a good fighter, and when he entered a case he gave all that was in him to that case. He was also a good loser and when a verdict went against him, he did not express any resentment, but prepared for the next case. He was especially a friend of the poor, and espoused their cause in many a hard fought case without reward or hope of reward.

Among those activities and associations he most loved was his Church. For many years he was an Elder in the Presbyterian Church, and the handsome edifice of that denomination in his home town is largely due to his generous donations and untiring energies. He was one of the founders of the Bank of Rockingham, and was its only Vice-President.

A successful lawyer, a man of large affairs, equally attentive to his private business as well as the affairs of others, a man who the public trusted and who did not betray that trust, such was John P. Cameron.

Richmond County will surely miss him, this Bar Association had no more honorable or honored member than he.

M. W. NASH.

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MR. W. P. BYNUM, of Greensboro: I have a sketch of Judge Robert Martin Douglas, which I have been requested to read.

(Reads same.)

JUDGE ROBERT MARTIN DOUGLAS.

Robert Martin Douglas, a distinguished member of this Association and for eight years an Associate Justice of the Supreme Court of this State, died at his home in Greensboro, at one o'clock Thursday afternoon, the 8th day of February, 1917, aged sixty-eight years. He was born in Rockingham County, North Carolina, on the 28th day of January, 1849. His mother was Miss Martha Denny Martin, a daughter of Col. Robert Martin, of Rockingham County, and a grandniece of Alexander Martin, fourth Governor of this State after the adoption of the Constitution of 1776. His father was the Honorable Stephen A. Douglas, once a Justice of the Supreme Court of Illinois, for many years a senator from that State, a statesman of national reputation and one of the candidates for the presidency of the United States on the Democratic ticket in 1860. His debates with Abraham Lincoln in 1858 still rank among the great political discussions of this country.

The mother of Judge Douglas died when he was four years old and his distinguished father eight years later, so that much of his childhood was spent with his grandmother, Mrs. Martin, on the plantation in Rockingham County. He was educated at Georgetown University, from which he was graduated in 1867, and from which he subsequently received the degree of Doctor of Laws. In 1868, at the age of nineteen, he was made private secretary to the Governor of North Carolina, and one year later, while still under twenty-one, he was selected by President Grant as his private secretary. This office he held for four years. In 1873 he was appointed United States Marshal for the State of North Carolina and when the State was divided, in 1875, into two districts he held that office for the Western District until 1883.

He had chosen the law as his profession, but having assumed

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public office at the early age of nineteen and remained therein continuously until 1883, he was prevented from completing his studies until 1884. In that year he resumed the study of law which he pursued with his usual assiduity, and was duly licensed and admitted to the Bar in 1885. He established himself in Greensboro, where he devoted himself to the practice of his profession with that diligence for which he was noted. In 1886 he was appointed by the United States Circuit Court Standing Master in Chancery for the Western District of North Carolina, and served in that capacity until 1896, when he was elected Associate Justice of the Supreme Court of this State. At the expiration of his term in 1904, in recognition of the able and efficient manner in which he had discharged the duties of that high office, he was unanimously re-nominated but with the rest of his party suffered defeat.

As a judge he was noted for his learning, his fairness, his patience and his utter impartiality. His written opinions display not only a thorough comprehension of fundamental legal principles, but an ornateness of style and lucidity of expression which have never been excelled by any member of that Court. He was always a staunch upholder of the principles of justice and right,without respect of persons and without regard to the nature or magnitude of the interests involved. When he laid aside the ermine it was as spotless as when it first touched his shoulders.

After his retirement from the Bench he was chosen by his party, by unanimous vote, as its candidate for Corporation Commissioner in 1906, when that office was the highest one on the ticket. In 1910 he was again requested by his party to accept the nomination for the Supreme Court Bench, but he declined to yield to that request.

On his retirement from the Bench he practiced his profession continuously in the city of Greensboro where he had lived since 1873.

On June 23, 1874, Judge Douglas was married to Miss Jessie Madeleine Dick, the eldest daughter of Judge Robert P. Dick, a distinguished citizen of this State and for many years

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Judge of the District Court of the United States for the Western District.

In addition to his work as a member of our profession Judge Douglas devoted a considerable part of his time to literary pursuits. He was a welcome and valued contributor to the Catholic Encyclopedia, the Youth's Companion, and many other periodicals of this country. He wrote frequently upon economic subjects and always with elegance, incisiveness and force. He was a member of the American Bar Association and one of the judicial delegates to the Universal Congress of Lawyers and Jurists which was held in St. Louis in 1904.

In all these relations Judge Douglas was a kind and gentle man; a steadfast, affectionate friend; a faithful public servant; a conscientious lawyer; a painstaking, erudite judge, and above all an upright, honest, high-minded man. To his brethren of the Bar he was uniformly courteous, considerate and kind. On the Bench he was industrious, patient and affable, and his opinions disclose an unbiased and comprehensive mind, earnestly devoted to the work of ascertaining and declaring the law in accordance with the established principles of justice and right.

His career both as a lawyer and judge was unusual. On his graduation from college he began the study of the law but his appointment as private secretary to President Grant at the age of twenty occurred before he had obtained his license and his continual holding of federal office thereafter until the age of thirty-four resulted in his reaching his thirty-sixth year before he was licensed by the Supreme Court at the October Term, 1885. Almost immediately he established an extensive practice but not of the kind which most new members of the profession acquire on their way to success. Of criminal practice he had almost none and his civil practice was that of the counsellor rather than the advocate or trial lawyer. Probably to as great an extent as any other lawyer who has obtained eminence in the State his work was what we generally know as office practice.

Remarkable also was his election to the Supreme Court

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Bench in 1896, only eleven years after he had obtained his license, thus establishing a new precedent in this State and almost equaling the record of his distinguished father, who was a Justice of the Supreme Court of Illinois at the age of twenty-seven.

However, to supplement this short period at the Bar, Judge Douglas carried to the Bench an unusually complete and thorough education and a mind possessing in a large measure the rare quality of being able to strip a proposition of its non-essentials and lucidly and logically apply to its solution fundamental principles. "The life of the law is the reason of the law" was one of his favorite maxims. Perhaps as good an estimate of his characteristics as a judge as can be given was the remark jocularly made by one of his friends when he first went on the Bench: "There are a good many lawyers in the State who have a better off-hand knowledge of what the law is, but none who is a better judge of what it ought to be or who can better apply recognized principles to particular cases."

His record of eight years on the Bench as found in his opinions is necessarily voluminous, but to the student of those opinions two things stand our prominently, namely, the elegant English in which his thoughts are clothed and the constant recurrence to fundamental principles as the foundation on which the decisions of the Court should rest.

Which of his opinions is greatest is largely a matter of individual opinion. He was a firm believer in the rigid maintenance of the line of demarcation drawn by the common law between the powers of the judge and the functions of the jury as the best practical solution of the many difficulties and perplexities pertaining to the administration of justice; and I am told that he himself regarded as perhaps his most important and useful contribution to the jurisprudence of our State the part he took in settling the principle laid down in *Spruill v. Insurance Company*, 120 N. C. 141, and succeeding cases that the Court should never direct an affirmative finding of fact.

As illustrating his views on this question, and also as an

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example of his happy style of expression I may quote from his dissenting opinion in the case of *Neal v. Railroad Company*, 126 N. C. 634; "The rule now adopted by the Court is an adaptation of the Federal rule; and while it may find a home with us by adoption, it is not to the manner born, and is the legitimate off-spring neither of our Constitution nor of our laws. * * * * * * The tendency of judges to invade the province of the jury is shown throughout the entire history of the law, and the survival of the system in full vigor as the foundation stone of Anglo-American jurisprudence is in itself the strongest proof of its inherent merit."

The same decision contains one of the picturesque sentences for which Judge Douglas was noted:

"Dicta are the overflows of judicial learning, and like the freshets in our streams, are always dangerous and generally harmful. Occasionally they add fertility to the fair fields of jurisprudence. But more often they tend to cut gullies through well-established principles, or to create stagnant pools of doubt, whose mist and malaria are equally dangerous."

Without citing particular cases it may also be said that Judge Douglas laid great stress on the importance of constitutional limitations and the inherent rights of the individual, and viewed with apprehension what he regarded as the growing tendency both in the State and the nation to adopt the English theory of a supreme legislative body voicing the will of a majority.

I happen to know that one of the tasks which he set for himself after leaving the Bench, but which ill health prevented, was the writing of an essay on the proposition that Section 2 of our Declaration of Rights, "All government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole," should have written into it that part of Section 1 which declares that: "We hold it to be self-evident that all men * * * are endowed by their Creator with certain inalienable rights; that among these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness."

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Finally let me quote the following from one of Judge Douglas' public speeches:

"The law and the Constitution are to me not simply the law and the Constitution; they are a sacred inheritance bequeathed by a dying father. When that father lay on his death-bed he was asked whether he had any message to send to his absent boys. 'Tell them,' he said, 'to obey the laws and uphold the Constitution.' That request I have tried to fulfill."

WM. P. BYNUM.

JOHN CAMERON BUXTON.

BY LINDSAY PATTERSON.

John Cameron Buxton, the subject of this sketch, was born in Asheville, Buncombe County, North Carolina, on September 30th, 1852. His parents were Dr. Jarvis Buxton, an Episcopal clergyman, and Anna Buxton, whose maiden name was Cameron.

It is thus perceived at a glance that his parentage was from two of the most distinguished and widely known North Carolina families.

Except for those absences caused by attendance upon school, his youth and early manhood were spent in the city of Asheville, his father being many years rector of the Episcopal Church at that place.

His parents were a most devout couple, and it was under their influence and ministrations that there was born in the heart of their son that devotion to and reverence for the Church, which was one of his marked characteristics throughout his life.

Always generous in money matters, he was almost lavish in his gifts to the Episcopal Church, and to its various causes.

He was always a constant and devout attendant upon its services, and was for many years a member of the vestry of St. Paul's Episcopal Church in Winston-Salem.

As a young man he had most exceptional educational advantages.

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He was prepared for college at St. Clement's Hall, Ellicott City, Md., and upon finishing the course there he entered Trinity College, Hartford, Conn. At the end of his third collegiate year he taught school for one year at Edenton, N. C., and then entered the senior class at Hobart College, Geneva, N. Y., from which institution he graduated in 1874 with high honors.

He acquired his legal education under the tuition of the late Judge John L. Bailey, of Asheville, and upon receiving his law license in January, 1875, he at once opened his law office in the then small but progressive town of Winston, N. C.

There he lived, and there he assiduously practiced his profession until he was stricken with the malady that caused his death on April 26th, 1917.

In the year 1884 he and the late Cyrus B. Watson formed a law partnership, which lasted for thirty-two years.

During these years this firm enjoyed a large, varied and lucrative practice, and was engaged in the trial of many of the celebrated cases in the State, both on the civil and criminal side of the docket.

These two men made a strong team and could present as formidable a front in a legal battle as could any two lawyers in the State—Watson, the quick, alert practitioner, the unsurpassed cross examiner, the eloquent and skilful advocate, in short, the genius whose place as one of the greatest trial lawyers of his time, will long remain secure and unchallenged—Buxton, the strong, powerful, impassioned speaker, dealing right and left sledge hammer blows in behalf of his client's cause.

It was no wonder that clients were eager to obtain the services of lawyers possessing such an array of legal talents.

Mr. Buxton, in his denunciation of what he regarded as wrong and unjust, was overpowering and pitiless.

He was always fair and above-board in the trial of cases and in his conduct towards his fellow lawyers. He never took short cuts.

As has been said he was an impassioned speaker, and some times in the heat of debate he was led to say harsh things, but

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was always ready to make amends to any one, whether lawyer or layman, whose feelings he might have wounded.

But Mr. Buxton was more than an able lawyer. He was one of the most prominent, patriotic, and public spirited citizens of our State.

He always took a keen and often an active interest in politics, both State and national.

He held many positions, political and otherwise, both in his own community and in the State.

A man of commanding stature, of handsome presence, of dignified manners, he was a marked personality in any company and in any assemblage, and will long be remembered by his associates at the bar and by the members of this Association.

After a long and painful illness he expired on the morning of April 26th, 1917, leaving surviving him his wife, Mrs. Agnes Buxton, one son, Cameron B. Buxton, and two daughters, Miss Anna Buxton and Mrs. H. L. Edwards.

THE CHAIRMAN: Gentlemen of the Association, we did not break in on the reading of the memorials as we saw we had quite a number, for any remarks from anyone who might have anything to say about our deceased brethren. If anyone has anything to say we will give them that opportunity. Frequently in our past meetings, some of the most beautiful tributes have been those coming from the hearts of those who had not prepared any fixed speech.

(No response.)

THE SECRETARY: The President says there is no other business, but I would like the gentlemen of the Association to come up and sign this register before they go out into the hall. The meeting of the Association will be upstairs tonight at 8:30.

Upon motion the meeting adjourned.

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SECOND DAY—EVENING SESSION.

WEDNESDAY, JULY 4TH, 1917.

The Association convened at 8:30 P. M., President Brooks presiding.

THE PRESIDENT: The Association will come to order. There will be no proceedings tonight, the business of the Association having been finished except that which is scheduled for tomorrow, with the exception of the annual address.

On tomorrow the United States Circuit Court of Appeals meets at 12 o'clock in the United States Courthouse. The members of the North Carolina Bar Association are requested to attend *en masse* to welcome the judges of that court who will open it, the Congress of the United States having recently established a session of that court in this city, much to our pleasure and to the accommodation of the parties and litigants interested in the affairs of the court.

The North Carolina Bar Association, ladies and gentlemen, is one of the largest of any State in the Union. Your officers felt that it was due you and due the people of the State that the splendid record which had been maintained in the long history of this Association in having as its chief speaker for these annual occasions distinguished jurists and statesmen, should continue, and that you in this year were entitled to the best that could be had.

As President of your Association, I take great pleasure in saying that we have been exceedingly fortunate this year in securing a gentleman to deliver our annual address who not only meets the very high requirements and ideals of the lawyers of North Carolina that an address of this kind on this occasion should be delivered by an eminent lawyer, but we have been fortunate in securing a speaker who also is a statesman.

The gentleman whom I shall present to you has a very large and very present subject to discuss. He is one of America's greatest lawyers, one of her profound statesmen, and one of her noblest patriots.

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I take great pleasure in presenting to you Senator Thomas J. Walsh, of Montana. (Applause.)

SENATOR THOMAS J. WALSH, of Montana: Ladies and gentlemen, I am very much pleased indeed to greet this evening and to be welcomed so heartily by the Bar of the State of North Carolina, and by the good people of this romantic and attractive city. It is a far cry from here to the great State from which I come, and yet the scenes about us are in many respects strikingly similar to those that attract the eye and engage the affections at my own home. A strange fate has linked these two states, distant though they be apart. My predecessor, Senator Dixon, is a native of Western North Carolina. He was lured to Montana by an uncle who left these parts when a mere lad, before the war, and after adventures as thrilling as any ever related by Ned Buntline brought up in that part of our State that lies west of the Rocky Mountains before it even had a territorial form of government. He died full of years and honors within the last year, after having lived a highly useful life. And now my own family has contracted ties that bind us together. My son-in-law, as many of you may know, is a scion of an eminent, esteemed and distinguished family of this city. He is serving his country now, "somewhere in France" (applause), battling for human liberty in a larger sense than man perhaps before ever conceived of.

Ever since I came to the Senate I have been brought into the most pleasant and friendly relations with Senator Overman, of this State, upon whose urgent solicitation I have come to address you on: "Who's Afraid of a Dictator?"

WHO'S AFRAID OF A DICTATOR?

DELIVERED BEFORE THE NORTH CAROLINA BAR ASSOCIATION, AT ASHEVILLE, JULY 4, 1917

In times of extraordinary peril to the republic, generally in consequence of the exigencies of war, it was customary in ancient Rome to appoint a dictator who, for a brief period, never longer than six months, exercised supreme power. He

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was a temporary despot, armed with full authority to adopt what measures he thought expedient, without consulting the Senate, and to dispose of the lives and fortunes of the citizens without appeal.

As an institution, the dictatorship has generally been regarded as a restoration *pro hac vice* of the regal authority. The belief has been indulged that resort to it by the Romans amounted to a confession on their part that a republican form of government is unsuited to the stern necessity of a war involving the national life.

The very name by which the official was designated, who thus exercised over his fellow citizens the power of life and death, has become odious. The most autocratic ruler of our times would resent being referred to as a dictator, though at one time the chief executive of some of the South American republics assumed that title.

Machiavelli considered the dictatorship, however, as one of the most essential features of the republican constitution of Rome, and one which contributed most to the greatness of the State. His views are thus paraphrased by a modern writer:

"Popular governments particularly need provision for prompt and efficient action in critical times, from the fact that the normal action of the administration, requiring co-operation as it does of many wills, is feeble and slow. If the Constitution does not provide for the necessary concentration of authority, the Constitution will be broken when the stress comes and the requisite action will be taken regardless of the fundamental law. Thus, however, a precedent will be created in a good cause which may later be followed in a bad. The Roman dictatorship, therefore, carefully limited as it was by well defined methods of creation and termination, furnishes a model for all free governments."

Macauley was not able to dispel the suspicion with which anything emanating from the Florentine philosopher is quite universally regarded, yet an eminent American commentator upon policital theories, ancient and modern, William A. Dunning, professor of political science in Columbia University, remarks concerning the sage reflections to which your attention has been invited that "this judgment upon the necessity of dictatorial power in republics was as sound as it is unusual."

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If it be true that to promote the success of the war the President is being invested with the sweeping authority with which a dictator was clothed, as some timorous souls and captious critics proclaim, it does not follow that there is any departure from the just principles upon which republican institutions rest nor that any violence is being done to the constitution through which our liberties are made secure.

It is certain that powers startlingly vast have been and are being conferred upon him, so extensive, as compared with those ordinarily exercised by the chief executive or even with those ever delegated any president, that a catalogue and review of the acts approved and bills under consideration by which the investiture has been or is to be accomplished can not fail to awake your interest. If the enumeration shall excite, I trust the discussion may allay your alarm.

1. By the army reorganization act, approved June 9, 1916, the President is authorized in time of war or when war is imminent to order any individual or institution having the facilities to comply, to furnish any supplies or equipment for the army he may order, in preference to any other commitments, at a price to be named by him. In case of default he may seize and operate the plant.

2. By the same act he is authorized to construct and operate a nitrate plant, and to develop and install a hydro-electric system to furnish power necessary to the operation of such plant.

3. By the army appropriation bill, approved August 29, 1916, the President was empowered, in time of war, to take possession, assume control and utilize, in whole or in part, any railroad system for the movement of troops or for any other purpose connected with the emergency.

4. By the navy appropriation bill, approved March 4,1917, the President may, in time of war, command any person or corporation having the facilities to comply, to produce for or deliver to the government ships or any war material, prior commitments notwithstanding. In case of refusal he may seize and operate the shipyard or other plant controlled by the recusant.

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5 By the so-called espionage act, approved June 15, 1917, the President may:

a. In case of war or threatened war direct the seizure of any vessel in our waters, may remove the officers and men therefrom, put others in charge and exclude from it any persons not specially authorized by him.

b. In time of war or national emergency forbid any one to enter upon or fly over any place in which anything is being prepared, constructed or stored for the use of the army or navy.

c. During the present war to forbid exportations except at such time or times and under such regulations and orders and subject to such limitations and exceptions as he may prescribe.

6. By the act of May 12, 1917, the President was authorized to seize every enemy vessel in out ports and to operate the same.

7. The selective draft act does not require but authorizes the President to raise the great army which we are now assembling, and to devise and call into being much of the administrative machinery through which the additional troops are to be secured. It vested in him discretion to accept or reject Colonel Roosevelt's offer to raise one or more divisions of volunteers, and gave him authority to exempt many classes at will from the draft and to make regulations to free military camps from the evils of easy access to saloons.

8. A bill which has passed the Senate, generally referred to as the food survey bill, authorizes the President at any time during the war to close grain exchanges which decline or neglect to purge their transactions of operations in futues.

9. Another has passed the House which rests in the President full control, through rules and regulations to be promulgated by him, over the manufacture, shipment, sale and distribution of high explosives.

10. Another bill which has received the sanction of both houses empowers the President during the war to direct that preference in shipment be given to any commodities, the movement of which he may deem it wise to expedite.

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11. Food control bills now under consideration in both houses of Congress authorize the President during the war

a. To license the importation, exportation, manufacture, storage or distribution of food, fuel and feed; to prescribe regulations governing the business of licensee, violations of which are punishable criminally.

b. To purchase such necessaries at a price to be fixed by him, or by proceedings in court if the owner is dissatisfied, and to sell them; and to require any person having storage facilities to suppy the same for the keeping or preservation of any necessaries so purchased, compensation being made in like manner.

c. To requisition and take over any factory, mine or other plant in which such necessaries may be manufactured, produced, prepared or mined, similar provision being made for compensation.

d. To make regulations governing operations on board of trade and grain exchanges, observance of such being assured by penal provisions.

e. To guarantee a minimum price for agricultural products.

f. To prohibit the use of food-stuffs in the production of beverages, alcoholic or non-alcoholic.

The foregoing list is not exhaustive but is sufficiently portentous.

Of the necessity or wisdom of this legislation it is scarcely appropriate that much be here and now said. The history of the chapter of the espionage act authorizing the President to declare embargoes may move those to suspend judgment who might be disposed to be critical. By a very decisive vote the Senate substituted for the language of the bill giving to the President plenary power, a restrictive amendment offered by the senior Senator from Georgia, providing that whenever the President should determine that exports to any neutral country were finding their way to the enemy he might interdict shipment to such country. Thereafter Senator Martin, majority leader, moved a reconsideration of the vote, asking an executive session, and when the doors were again open the Senate

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had restored and approved the language of the bill as it had been reported by the committee.

Consideration of the power to enact legislation such as that referred to is more appropriate to the present occasion, however interesting might be a recital of the reasons urged for and against it or a justification from a standpoint of public policy to those who advocated it. It was quite generally assailed as violative of constitutional limitations, in many of its features with vigor, ability and persistence. And it must be admitted that the fate of much of it, when it shall ultimately be tried out in the courts, is involved in no little doubt. As a whole, it must be sustained, if it is to be sustained at all, as a legitimate exercise of the war power of Congress. Elaborate arguments appear in the Congressional Record in justification of the food control bill—most of them the work of gentlemen not members of either house—in which is advanced the view that that measure is warranted by the interstate and foreign commerce clause of Section 8 of Article I. But the contention is idle, as the bill is framed on no such theory. It contemplates an administration of all the food and fuel resources of the country, that part which never leaves the State in which it is produced as well as that which passes into interstate or foreign commerce.

More in detail concerning that particular measure hereafter.

It suffices for the present to say that if it cannot be sustained under the war power it must fall. Jefferson declared that he had stretched the Constitution until it cracked to effect the Louisiana Purchase. Let us pursue the inquiry as to whether the fundamental law has been thus far unduly strained to win the war against Germany.

The war power is vested in Congress through the following provisions of the Constitution. Congress shall have power

To declare war, grant letters of marque and reprisal and make rules concerning captures on land and water.

To raise and support armies.

To provide and maintain a navy.

To make rules for the government and regulation of the land and naval forces.

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To provide for calling forth the militia to execute the laws of the Union, supress insurrections and repel invasions.

To provide for organizing, arming and disciplining the militia and for governing such part of them as may be employed in the service of the United States.

An obligation, on the part of the nation, to wage war is implied in Section 4 of Article IV, which provides that "The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion and, on application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic violence."

It is equally implied in the last paragraph of Section 10 of Article I as follows:

"No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay."

and the obligation is enforced by the inhibition of the first paragraph of the same section, as follows: "No State shall enter into any treaty, alliance, or confederation, (or) grant letters of marque and reprisal."

Perhaps if no mention of the subject had been made in the Constitution at all, the power to defend itself by force of arms would be deduced from the fact that by that instrument a nation had been created. The right of self preservation would be easily inferred. That the nation, the federal government, was to wage war whenever resort to the arbitrament of arms became necessary or unavoidable is a necessary conclusion from the whole scheme of government designed by the framers of the Constitution. It, accordingly, made the President "the commander-in-chief of the army and navy of the United States and of the militia of the several States when called into actual service of the United States."

That this is a tremenduous power which has been thus vested in Congress no one can doubt; that in the granting of

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it a wide field of legislation was opened to Congress must be recognized, a field, the limits of which, so far as they can be scanned by the judicial eye, expands with the ever-increasing complexity of the life we call or once called civilized and the development of military science. It must be clear that it was intended that, so far as the necessities of the case required, any war in which the Republic might be engaged should be waged with all the power and the resources it could command and that Congress must have been endowed with power to utilize them to the limit to bring the conflict to a speedy and successful issue.

It could not have been considered that it would be necessary and, accordingly, no authority was granted to effect any radical change in our system of government, but, short of that, it must have been the purpose of those who took from the States the power to wage war and lodged it in the national government, to endow that government with all the authority necessary to bring a war in which it might engage to a successful conclusion, at least all such authority as had customarily been exercised by democratic governments to such an end and particularly by the government of Great Britain, whose system was uppermost in the minds of the men who gave us our Constitution. Von Holst says that the clause which makes the President commander-in-chief of the army and navy of the United States invests him, as such, with all the power which the King of England enjoyed as the commander of the land and naval forces of the United Kingdom. Willoughy says, section 715:

"The constitutional power given to the United States to declare and wage war, whether foreign or civil, carries with it the authority to use all means calculated to weaken the enemy and to bring the struggle to a successful conclusion. When dealing with the enemy all acts that are calculated to this end are legal. Indeed, the President in the exercise simply of his authority, as Commander-in-Chief of the Army and Navy, may, unless prohibited by congressional statute, commit or authorize acts not warranted by commonly received principles of international law; and Congress may by law authorize measures which the courts must recognize as valid, even though they provide penalties not supported by the general usages of nations in the conduct of

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war. Thus during the Civil War in certain cases the provision by congressional statute for the confiscation of certain enemy property or land was enforced, though such confiscation was not in accordance with the general usages of foreign States.

"Even in dealing with its own loyal subjects, the power to wage war enables the Government to override in many particulars private rights which in time of peace are inviolable.

"The power to wage war carries with it the authority not only to bring it to a full conclusion but, after the cessation of active military operations, to take measures to provide against its renewal. As the Court says in Stewart v. Kahn: 'The measures to be taken in carrying on war and to suppress insurrection are not defined. The decision of all such questions rests wholly in the discretion of those to whom the substantial powers involved are confided by the Constitution.' "

The case referred to is found in 11 Wall. 493.

The power to wage war having been conferred upon Congress the further power is expressly granted by the last paragraph of Section 8, of Article I of the Constitution to "make all laws which shall be necessary or proper" to carry into execution such authority. What measure may be necessary or proper, in the language of the Supreme Court in the case referred to, rests wholly in the discretion of Congress. "Let the end be legitimate," Marshall said in McCulloch v. Maryland, "let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional."

(4 Wheat. 421.)

It is not necessarily fatal to an act of Congress passed pursuant to the war power that it curtails the rights of the citizen as they are ordinarily enjoyed in times of prosperous peace. Few of our rights are altogether unlimited, even those guaranteed by the first ten amendments to the Constitution. Of these it was said in Robertson v. Baldwin, 165 U. S. 275, that they were not

"intended to lay down any novel principles of government, but simply to embody certain guaranties and immunities which we had inherited from our English ancestors, and which had from time immemorial been subject to

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certain well-recognized exceptions arising from the necessities of the case. In incorporating these principles into the fundamental law there was no intention of disregarding the exceptions, which continued to be recognized as if they had been formally expressed. Thus, the freedom of speech and of the press (art. 1) does not permit the publication of libels, blasphemous or indecent articles, or other publications injurious to public morals or private reputation; the right of the people to keep and bear arms (art. 2) is not infringed by laws prohibiting the carrying of concealed weapons; the provision that no person shall be twice put in jeopardy (art. 5) does not prevent a second trial, if upon the first trial the jury failed to agree, or if the verdict was set aside upon the defendant's motion, United States v. Ball, 163 U. S. 662, 672; nor does the provision of the same article that no one shall be a witness against himself impair his obligation to testify, if a prosecution against him be barred by the lapse of time, a pardon or by statutory enactment. Brown v. Walker, 161 U. S. 591, and cases cited. Nor does the provision that an accused person shall be confronted with the witnesses against him prevent the admission of dying declarations, or the depositions of witnesses who have died since the former trial."

It may be justifiable to dwell in this connection, for the purpose of enforcing the point made, on the so-called censorship clause of the espionage bill, eventually rejected by Congress, repeatedly declared in the effective newspaper campaign waged against it, and quite commonly believed, to be violative of the first amendment forbidding the enactment of any law abridging the freedom of speech or of the press.

In the form in which it was finally voted on in the Senate, it read as follows:

"In time of war, the President is hereby authorized to prescribe and promulgate rules and regulations for the purpose of preventing the disclosure to the public, and thereby to the enemy, of information with respect to the movement, numbers, description and disposition of any of the armed forces of the United States in naval and military operations, or with respect to any works intended for the fortification or defense of any place; and whoever, in time of war, shall wilfully violate any such rule or regulation shall be punished by a fine of not more than $10,000, or by imprisonment for not more than five years or by both such fine and imprisonment; *Provided*, That nothing in this section shall be construed to limit or restrict, nor shall any regulation herein provided for limit or restrict, any discussion, comment, or criticism of the acts or policies of the Government or its representatives, or the publication of the same."

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The conference committee recommended the following:

"When the United States is at war, the publishing wilfully of information with respect to the movement, numbers, description, or disposition of any of the armed forces of the United States in naval or military operations, or with respect to any of the works intended for the fortification or defense of any place, which information is useful to the enemy, is hereby prohibited; and the President may from time to time by proclamation declare the character of such above described information which in his opinion is not useful to the enemy, and thereupon it shall be lawful to publish the same. In any prosecution hereunder the jury trying the cause shall determine not only whether the defendant did wilfully publish such information but also whether such information was of such character as to be useful to the enemy."

It will be noted that no provision was at any time made for the appointment of a censor nor was any authority to be given to any one to blue-pencil any newspaper or prohibit in advance the publication of any matter its managers might choose to insert in it. The proposed law made it penal to publish information concerning the movement of the troops and news of like character, that, reaching the enemy, might prove disastrous to our cause. Does the freedom of the press imply the right to print without penal responsibility such information? Possibly at this very hour some thousands of the gallant sons of this State are embarking on transports on their way to the western front. Can it be there is no power in the federal government to protect the men thus called to the service of the nation from ruthless destruction at sea by enemy submarines, by appropriate legislation, making it a penal offense to make public through the press when they depart, by what route they travel and by what convoy they are guarded? It is no answer to say that the newspapers of the country will patriotically refrain, have refrained, from publishing such news, interesting as it would prove to their readers. Why should we take the risk that every newspaper will resist the chance to make a "scoop." Besides, the loyalty of not a few newspapers published in this country, only a few and those of no great character, is not above suspicion. Why should we not hold all such strictly responsible for the publication of information that may spell some horrible dis-

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aster to our forces? These comments may seem a defense of the policy of the statute rather than an exposition of the power to enact it, but they are made to enforce the point that the freedom of the press does not imply the right to print anything and everything.

It does not, and no one will contend that it does, extend so far as to warrant the publication or to afford immunity for the publication of matter that is libelous, or obscene or blasphemous. Similar provisions in State constitutions do not invalidate laws that forbid the circulation of papers carrying advertisements to promote the sale of intoxicating liquors, or noxious drugs, or other articles, the indiscriminate sale of which is by the law-making power justly held to be inimical to the public welfare. A number of the States have prohibited the sale of newspapers devoted largely to the publication of scandals, immoral occurrences and the like. These prohibitory statutes have been uniformly upheld, the decisions fully justifying the declaration of a standard work that "it is universally conceded that there is some limitation of the right of free speech and free press. Such limitation is fixed by common-law principles and statutory declarations of the police power." The same authority continues, "Statutes required to protect the public morals or general welfare of the people do not infringe this constitutional right." 8 Cyc. 892.

Cooley declares that the constitutional guarantee does not extend to "publications injurious to private character, or public morals or safety." Cooley Const, Lim. 615.

Story, in combatting the idea that the press is subject to no legislative restraint, inquires: "Is it contended that the liberty of the press is so much more valuable than all other rights in society, that the public safety, nay, the existence of the government itself, is to yield to it? Is private redress for libels and calumny more important or more valuable than the maintenance of good order, peace and safety of society?" (Story, 1887). Following the discussion he observes that the "right of government to punish the violators of these 'public

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rights and public liberties' flows from the primary duty of self preservation."

One Johann Most, a product of the kind of government to preserve the world from which we have entered into the present war, held a latitudinarian view of the free press amendment to the Constitution, but the Court of Appeals of New York refused to accept his idea that it protected him in the promulgation through his newspaper of the notion that the evils of society were to be redressed through murder and assassination. Commenting on the principle to which he appealed that Court said: "It places no restraint upon the power of the Legislature to punish the publication of matter which is injurious to society according to the standards of the common law. It does not deprive the State of the primary right of self preservation."

As there is an implied limitation on the right to speak and print, arising from a condition of war, so there is a limitation on the right to contract guaranteed by the fifth and the fourteenth amendments.

It has been held that the right to dispose of one's property is of the essence of the right to his property and is protected by the due process clause of the amendments referred to. Its comprehensive character was expounded in

Allgeyer v. Louisiana, 165 U. S. 578, 589,

as follows:

"The liberty mentioned in that amendment means not only the right of the citizen to be free from the mere physical restraint of his person, as by incarceration, but the term is deemed to embrace the right of the citizen to be free in the enjoyment of all his faculties; to be free to use them in all lawful ways; to live and work where he will; to earn his livelihood by any lawful calling; to pursue any livelihood or avocation, and for that purpose to enter into all contracts which may be proper, necessary and essential to his carrying out to a successful conclusion the purposes above mentioned."

Yet contracting with the enemy in time of war cannot be tolerated and before Congress adjourns it will pass a "trading with the enemy act," making all commercial intercourse with alien enemies criminal. Indeed it was said in Knoxville Iron

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Co. v. Harbison, 183 U. S. 22, that "the right to contract is not absolute in respect to every matter, but may be subjected to the restraints demanded by the safety and welfare of the State and its inhabitants."

In fact all our prized liberties so carefully guarded by the first ten amendments to the Constitution are held subject to the all-embracing war power of Congress. Confiscation statutes passed during the Civil War were assailed in Miller v. United States, 11 Wall. 268, as contrary to the fourth and fifth amendments. Touching the contention made in that behalf, the Court said:

"But if the assumption of the plaintiff in error is not well made, if the statutes were not enacted under the municipal power of Congress to legislate for the punishment of crimes against the sovereignty of the United States, if on the contrary, they are an exercise of the war powers of the government, it is clear they are not affected by the restrictions imposed by the fifth and sixth amendments. This we understand to have been conceded in the argument."

The Court then entered upon an inquiry as to whether the acts in question came within the compass of the war power and finding they did, sustained their validity, and in that connection said:

"Of course the power to declare war involves the power to prosecute it by all means and in any manner in which war may be legitimately prosecuted."

While there was a dissenting opinion in that case the principle announced in the majority opinion, as recited above, is not only approved but elaborated in that filed by the justices withholding their assent from the judgment, Justice Field saying:

"It is evident that legislation founded upon the war powers of the government, and directed against the public enemies of the United States, is subject to different considerations and limitations from those applicable to legislation founded upon the municipal power of the government and directed against criminals. Legislation in the former case is subject to no limitations, except such as are imposed by the law of nations in the conduct of war. Legislation in the latter case is subject to all the limitations prescribed by the Constitution for the protection of the citizen against hasty and indiscriminate

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accusation, and which insure to him, when accused, a speedy and public trial by a jury of his peers.

"The war powers of the government have no express limitation in the Constitution, and the only limitation to which their exercise is subject is the law of nations."

That the provision that Congress shall pass no law depriving one of life, liberty or property without due process of law did not forbid the confiscation of the property of an alien enemy by direct legislative act was decided by the Supreme Court in Brown v. U. S. 8 Cranch, 120.

In fact the great writ of liberty itself may be suspended when, in case of rebellion or invasion, the public safety may require it. Other rights appertaining to the person of the citizen are at best but shadowy if he cannot secure a writ of habeas corpus for the purpose of having an inquiry into the cause of his detention. The Constitution recognizes the right to suspend the writ as falling within the powers granted to Congress by Section 8, the war powers heretofore referred to. The succeeding section in which reference is made to the writ imposed limitations upon Congress and sets bounds to powers granted.

Not only the rights of individuals but the rights of the States may be restricted in the exercise of the war power by Congress. The case of Stewart v. Kahn, 11 Wal. 493, heretofore referred to, is illustrative.

The right of a State to make laws regulating the procedure in its courts and particularly to enact statutes of limitation is recognized as fundamental in our system. Equally indisputable is the proposition that in normal times the federal goverment has no right to prescribe rules for the conduct of business in State courts, to enact statutes of limitation to be observed by them or laws that operate to toll those the State commands its courts to observe. Yet the Supreme Court in the case referred to, in an opinion assented to by all the judges, sanctioned an act of Congress, passed in 1864, which provided that any statute of a State, resisting the federal authority by force of arms, to the contrary notwithstanding, no suitor

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should be denied a recovery in its courts because of delay in bringing his action occasioned by conditions growing out of the state of war. That law, it was held, was enacted in a proper exercise of the war power, the Court remarking, as quoted by Willoughby, that "The measures to be taken in carrying on war and to suppress insurrection rests wholly in the discretion of those to whom the substantial powers involved are confided by the Constitution."

It is not at all improbable that in the administration of the act authorizing the President to lay embargoes, a preference may be given to the ports of one State over those of another. It is conceivable that the submarine menace may grow so alarming as to make it necessary to assemble merchant ships undertaking trans-Atlantic voyages at one or more ports, from which convoy shall be provided, as was customary with the nations uniting in the Armed Neutrality League during the troubles out of which it grew.

It may be prudent to forbid the departure of vessels for Europe from any other port that the precious cargoes they might carry of food and supplies for the armies of the Allies in the field and their civilian population might not be on the voyage "in the deep bosom of the ocean buried." It may become advisable to refuse insurance under the war-risk insurance act except to vessels thus sailing from the ports from which convoy is to be furnished or following lanes patrolled by the destroyer craft of the Allies. It is scarcely to be conceived that the authors of the Constitution intended that Congress should be hampered in the exercise of the war power by the provision of Section 9 of Article I referred to. In other words, many of the restrictions and limitations of the Constitution are to be understood as yielding to the necessary; that is to say the appropriate, exercise of the power conferred on Congress to make war, the right of self preservation being paramount.

This does not mean that the Constitution or any of its provisions are suspended during war. It merely means that an exception is to be applied in all cases in which a conflict

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arises through the legitimate exercise of the war power which Congress is charged by the solemn adjuration of the Constitution to wield. It is not strange, perhaps, that having lived the peaceful career that has characterized our nation, the depths of the vast war power never having been sounded except during our unfortunate civil strife, an impression should obtain that Congress is proceeding in total disregard, if not in defiance, of the Constitution, effecting a revolution in our system of government. But it is in the light of the adjudications to which reference has been made, in recognition of what the war power means, that the measures attacked must be considered.

If the food-control bill is not vulnerable it will be vain to assail any other unit of the war legislation. It authorizes the President, as it was passed by the House, to buy and sell food and fuel, denominated as "necessaries;" to license any one engaged in the importation, exportation or storage of such necessaries and to make rules and regulations under which the business of such licensee shall be carried on; to guarantee a minimum price to the producers of non-perishable agricultural products; to regulate or suppress hoarding of and transactions in such necessaries on boards of trade and to prohibit the use of foodstuffs in the production of alcoholic beverages.

Read in the light of prevailing conditions and current history, of which the court takes judicial notice, the purpose of the bill is to stimulate the production and to conserve the food and fuel resources of the nation. The productive capacity of our allies has been materially reduced by the ravages of three years of war. They maintain enormous armies in the field, made up for the larger part of men who would normally be employed in the basic industries. Multitudes who, had peace prevailed, would be tilling the fields, "sleep the sleep that knows no waking," and others in distressing numbers are helpless cripples. Still others, making a veritable army in point of numbers, are drawn from their ordinary avocations to produce the horrible enginery of way. The

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capacity of the countries associated with us is overtaxed to produce food and fuel, at least, adequate to meet the demands of the occasion. Even in normal times they draw largely on foreign supplies for food not now available to them because of the exigencies of the war. Their soldiers fighting our battles, their people who, by their labor, maintain the forces in the field, must lose their efficiency unless nurtured with food which we alone can supply. Famine among them would be more deadly than all the fiendish ingenuity and ferocious valor of the common foe. The right of our government to supply their troops with the necessary munitions cannot be doubted, and if munitions, for the army, then certainly food for the army and as well for the civilian population that must have it to conduct the industries through the operation of which alone the army can maintain its existence as such. No one questions our right to supply them with money, by way of loan, that they may more effectually carry on the war and if we may supply them with money why not with food, as an appropriate means of bringing ultimate success to their and our arms.

As indicative of the extent to which they are obliged to rely upon us for subsistence, note the following table of our exports of foodstuffs for the past five years:

1912	$418,737,763
1913	503,111,639
1914	430,713,457
1915	961,568,583
1916	979,697,253
1917 to April 30	992,777,055

In the first four months of this year we exported nearly or quite twice as much food material as normally leaves our shores in a whole year.

Prominent in the strategy of war, taking perhaps first place in it, is the effort of each side to shut off the food supplies of the other. To this end the Allies maintain their blockade of the German ports and the Central Powers carry

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on their relentless submarine operations. Argosies from our shores laden with foodstuffs have sunk beneath the waves, victims of the assassins of the seas. It is the part of prudence to assume that our losses from that source may increase. Every cargo that goes down must be made up from our store or the pinch of want will be felt among the people whose necessities it was destined to relieve.

Unfortunately the reports reaching us concerning the condition of the crop in the countries with which we are allied are not reassuring. All or nearly all of them drew on Germany for their potash, an essential ingredient of most fertilizers. We have been importing 250,000 tons of potassium salts from Germany annually, most of it for use in the production of fertilizer extensively used in all the eastern and southern States. That country has hitherto enjoyed a practical monopoly of that mineral, and now that none of it is obtainable from the ordinary source the price of potash has risen from $35 to $475 per ton, a price that makes the use of it for agricultural purposes prohibitive.

We are building an enormous fleet of merchant vessels, the construction of which will involve the expenditure of three quarters of a billion dollars that we may get supplies, largely foodstuffs, to the people with whom destiny has for the time being linked us.

It can scarcely be doubted that it is within the power of Congress, under the circumstances, to stimulate the production of cereals that there may be a surplus which the ships being constructed under its authority may carry to the nations battling with us to "make the world safe for democracy." But the necessities of the situation are not met if we do no more than increase production. Britain, France, Italy and Portugal, among our Allies, are all clamoring for bread which we alone can supply and unfortunately jealousies have been aroused among them in their eagerness, springing from their necessities, to make ample provision for their people respectively. It is well known that the spectacular rise in price of wheat in May last, when it reached $3.40 in Chicago, was

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occasioned by the placing of large orders by the government of one of those countries and through the competition in which they engaged with each other. If there is not a phenomenal crop, sufficiently bounteous to supply fully all needs, and dealing is unregulated, they will bid against each other and buy at famine prices with money loaned to them by our government. Moreover, the neutral nations of Europe have scarcely been less clamorous. In normal times they import foodstuffs in vast quantity from our shores and to no little extent their rural population, as in the countries at war, have been drawn into the industries other than agriculture, that have felt the stimulating effect of war demands. Switzerland, Denmark and Sweden have each sent deputations to present to our government the necessities of their people in the matter of foodstuffs and to urge governmental action here or to cultivate public opinion looking toward more liberal treatment of their people in their efforts to secure a part of our surplus. If we should allow importers from those countries to compete unrestrictedly in our markets it might be that their resources not having been wasted by war, our Allies would be outbid by them and the people of the former suffer from the lack of nourishment necessary to enable them most efficiently to prosecute the war. And finally it is easily conceivable that in the dire straits to which they may be reduced, they, with the neutral nations, may draw off so large a part of our crop as that want, the fruitful parent of social disorder, would stalk through our crowded industrial centers and riot and revolution follow in its wake. At the approach of such conditions hoarding would be resorted to and the evil intensified, while the food speculator would find the season propitious for the prosecution of his business in its most nefarious form.

The food-control bill provides, as heretofore stated, for licensing all persons through whose hands foodstuffs pass after leaving the farm and for the conduct of their business under regulations to be prescribed by the President. It authorizes him to buy at a price to be named by him, or by

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the district court in case his price is not accepted, and to sell at his discretion. If it may be fairly argued that such procedure is calculated more certainly to bring the war to a speedy and successful conclusion, the act which authorizes it is within the powers of Congress. Justification for it need not be found in any other provision of the Constitution. It is sufficient that it is an appropriate war measure within the scope of the powers enumerated in the Constitution authorizing the national government to wage war.

It is advanced, however, that a feature found in the food bill and others authorizing the President to make rules and regulations having the force of law, the violation of which is punishable as a penal offense, is an unwarranted delegation by Congress. But this objection is so completely answered by the decision in United States v. Grimaud, 220 U. S. 506, that it is quite unnecessary to dwell upon it. In that case an act of Congress was sustained making it punishable to violate rules and regulations prescribed by the Secretary of Agriculture concerning the use of the forest reserves.

Some members of Congress feeling a genuine alarm at entrusting to one man, however able and patriotic he might be, with the vast power given and being given to President Wilson by the legislation reviewed, made a vain effort in the case of some of the measures to entrust the administration of the law to a board, but it found no great favor anywhere and was practically abandoned. It was quite urgently insisted upon for a time in connection with the railway bill, by which the President was authorized to direct that a priority in shipment be given certain commodities or consignments. But it was speedily recognized by all that as to the movement of troops, equipment and supplies, the President and his representatives at the head of the army and navy departments ought not to be required to go before a board to establish that the military situation required that priority be given such freight either generally or in specific instances. So it was soon appreciated that it would be impracticable to require an order from such a board to expedite the shipment

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of coal to munition factories, or steel to shipyards, or a multitude of articles necessary in manufacturies engaged in supplying the government with arms and equipment. Such a board would be obliged to hear representatives of the army and the navy departments on the urgency of the case and possibly interested parties in opposition. The whole strategy of the war would have to be unfolded to such a board, whose views might not coincide with those of the men actually directing it. It might at any time become necessary to hurry a consignment of flour to France because of conditions in that country with which the President had become familiar through the State, War and Navy departments. It would be intolerable to have an administrative board determining against the commander-in-chief that the exigencies of the situation did not require the expedition for which he asked. The more the plan was studied the less practical and practicable it appeared, and it was rejected eventually by an overwhelming vote.

For like reasons it will be recognized that the power to proclaim an embargo upon exports to any particular foreign country, neutral or ally, could not be reposed in a board which might decline to accept the view of the President concerning the necessity or propriety of a line of action either was desirous of pursuing. Should there seem to be occasion for holding suspected persons against whom no substantial proof can be adduced, it is more than likely that, as in a war between the States, the President will be authorized to make due proclamation of the suspension of the writ of habeas corpus. It seems that when authority is to be exercised under acts of Congress justifiable only as war legislation or designed to aid in bringing the conflict to a speedy close, it can be nowhere so appropriately lodged as in the commander-in-chief of the army and navy upon whom rests the responsibility for the military operations as a whole.

I have heard senators, Republicans as well as Democrats, confess to arriving in the morning at the chamber swearing they would never consent to giving a particular power to the President in connection with the war, to depart in the evening

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in a more pliant mood and returning next day to vote for the further grant. And so it is being demonstrated in the grandest republic of modern times that they were long-headed statesmen who designed the constitution of the greatest republic of the ancient world.

The Roman people never had cause to feel that the republic had suffered or its virility or permanency been impaired because when the enemy were at their gates the word of Cincinnatus was made the supreme law. Neither have the American people any just ground for apprehension that Woodrow Wilson will seek to retain or the Congress of the United States hesitate to recall the extraordinary powers with which it has vested him, when the occasion for their use shall have happily passed away and a triumphant democracy shall have assured a lasting peace to the world.

THE PRESIDENT: Gentlemen of the Association, it is very desirable, on account of the engagement about which I spoke of the opening of the Circuit Court of Appeals tomorrow at 12 o'clock, that we should meet promptly at ten in the morning. We think we can conclude the business of the Association in a couple of hours.

A motion to adjourn is now in order.

Upon motion the convention adjourned to 10:00 A. M., Thursday, July 5th, 1917.

THIRD DAY—MORNING SESSION.

THURSDAY, JULY 5TH, 1917.

The Association convened at 10:00 o'clock, President Brooks presiding.

THE PRESIDENT: Gentlemen, the meeting will come to order. The Secretary has a report to offer.

THE SECRETARY: We have a report here from the Committee to Revise and Improve the Torrens Land Act, sent by the Chairman of the Committee, which I shall read:

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To the North Carolina Bar Association:

Your Committee to Revise and Improve the Torrens Land Act, respectfully report:

That it has given careful attention to its duties. It met in conference with the State Council of the North Carolina Farmers' Union, and was aided with the presence and advice of Messrs. A. L. Brooks and T. W. Davis, President and Secretary of this Association, and W. S. Wilson, Legislative Reference Librarian.

The consensus of opinion was that the law ought to be administered by a land court similar in its general features to that of Massachusetts, with its practice as nearly conformable to that in special proceedings in our own courts as practicable.

The matter was placed in the hands of a sub-committee, and the original act was rewritten throughout, as preferable to specific amendments. By this means the general symmetry and detail of the act were much improved, and occasional obscurities removed.

Important changes were made in provision—for a land court judge with supervisory jurisdiction over all proceedings; for examiners with the authority of referees under the Code; for partition of land with registration of the several parcels separately; for registration where land lies in two or more counties; for judicial sales and removal of clouds from titles; for decreeing titles and registration under contracts of sale; for guardians *ad litem* to represent infants, non-residents and contingent interests.

The bill passed the Senate with one dissenting vote. In the House it was tabled and its explanation prevented by motion of Representative J. Frank Ray, of Macon County, who had not read the bill, was ignorant of its provisions, and did not even know that there had been a case under the original act, though the Supreme Court had twice approved it.

We recommend a further presentation of the matter to the Legislature until the law shall be made to serve in North

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Carolina the necessities of our people as fully as it is now serving others.

Respectfully submitted,

THOMAS M. PITTMAN,
For the Committee.

Henderson, N. C., July 2, 1917.

MR. HARRY SKINNER, Greenville: I move that the report be adopted and the Committee continued.

Seconded and carried.

THE SECRETARY: Mr. President, I have a report of the Judiciary Committee:

REPORT OF JUDICIARY COMMITTEE.

Your Committee begs leave to report:

That during the session of the Legislature of 1917 your Committee met in Raleigh and tendered its services to the Chairman of the Judiciary Committees of both branches of the General Assembly, and this tender was gladly received.

The matters upon which our services were requested to submit bills were soon covered by bills introduced by members other than these Committeemen, hence we were not required to draft these bills.

We have addressed letters to all the judges of the State upon the questions committeed to us and the replies have been prompt and full and this report is the result of these.

We recommend to your consideration the following:

First. That such changes, by legislation, be made that the jury trials be set for trial, separate and apart from the hearings of non-jury cases. This can be done by the division of the civil terms, or the arrangement of certain days in each county, as often as the business may require for these matters, and at these hearings the trial calendar could be set by the court.

These matters ought to be heard by the resident judges, and the jury trials only by the judge of the district. Then each district's business could be administered as well as tried,

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and each judge would be responsible for the dispatch of litigation in his own district. This will, in the opinion of many, necessitate no change in the Constitution.

Two. Our judicial system is sadly inelastic and *must* be changed, or some counties, with large and growing cities, will be hopelessly behind with its court business. This can be met by an amendment to the Constitution empowering the General Assembly to deal with all the courts below the Supreme Court. Then adequate Criminal or County Courts and intermediate Appellate Courts can be arranged to suit the varying needs of the State. Then the rules of practice and the co-ordination of the whole judicial system could be accomplished step by step.

There are many other observations that we have in mind, but we think it wiser to do a few fundamental things first, and not dissipate our energies in too many directions.

L. R. VARSER,
Chairman.

THE PRESIDENT: You have heard the report of the Committee. What is the pleasure of the Association?

It is moved and seconded and unanimously carried that the report be adopted.

THE SECRETARY: I do not find the Committee on Admission to Membership present, and I have some applications for membership.

THE PRESIDENT: Read them please.

THE SECRETARY: Application of W. P. Brown, Asheville; R. L. Ray, Selma; Hamilton C. Jones, Charlotte. These applications have been endorsed and approved.

THE PRESIDENT: Gentlemen, in the economy of time, the Committee not being present, the applications being in due form and in accordance with the By-Laws of the Association, a motion will be in order to elect these members.

On motion, duly seconded and carried, the applicants are declared elected as members of the Association.

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THE PRESIDENT: The Chairman of the Committee on Uniform Legislation is ready to report. Judge Bynum, the Association will be glad to hear from you.

JUDGE W. P. BYNUM, of Greensboro: Mr. President and Gentlemen of the Association:

REPORT OF THE SPECIAL COMMITTEE ON UNIFORM LEGISLATION.

To the North Carolina Bar Association:

At the last meeting of this Association a resolution was adopted authorizing the President to appoint a special committee of five members to be known as the Committee on Uniform Legislation, whose duty it should be to recommend to this Association such uniform acts as have been or may be approved by the National Conference of Commissioners on Uniform State Laws, and when such acts so recommended by the Committee shall have been approved by this Association, to secure their enactment into law by the General Assembly of North Carolina, and further to recommend to the General Assembly such legislation as might be necessary to secure permanent representation of this State in the said conference. The resolution itself is not printed in the proceedings of the Association but reference to it is made on page 327 of the report of those preceedings. By virtue of that resolution the undersigned Committee was appointed.

The resolution was presented and adopted because this Association has not and has never had a Committee on Uniform State Laws and it was deemed important that such a committee be established in order that it may co-operate with a similar committee of the American Bar Association and with the National Conference of Commissioners on Uniform State Laws.

The movement to secure uniformity of legislation in the several States of the Union was first given definite direction in 1889 when it was proposed in the American Bar Association to appoint a committee consisting of one member from each

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State to consider the best means of accomplishing that end. The committee was appointed but before any action was taken by it an act was passed by the legislature of New York in 1890 authorizing the appointment by the Governor of three commissioners to be known as Commissioners for the Promotion of Uniformity of Legislation in the United States, whose duty it should be to examine the subjects of marriage and divorce, insolvency, and certain other subjects, and to ascertain the best means of effecting uniformity in the laws of the States, and further to consider especially whether it would be advisable for the State of New York to invite the other States of the Union to send representatives to a convention to draft uniform laws to be submitted for the approval and adoption of the several States.

In consequence of the favorable report of the commissioners thus appointed, the invitation referred to was extended by the State of New York to the several States and accepted by them and commissioners appointed accordingly, and thereafter the efforts to secure uniformity in legislation assumed definite shape and came under the direction of what is now known as the National Conference of Commissioners on Uniform State Laws. This Conference is a subsidiary and allied body of the American Bar Association and holds its annual meetings at the same place of the annual meetings of the Bar Association and the week immediately preceding such meeting. It is an official body of State commissioners, composed almost exclusively of lawyers and judges, to which fifty-three jurisdictions have appointed commissioners. Some of these appointments are made by the governors of the several States under general authority from the legislature, but in thirty-three jurisdictions the commissioners are appointed under express legislative authority and are therefore State officers, reporting regularly their proceedings and recommendations to the legislature. It is a great body of great and useful men who without compensation give their time and attention, in a careful, conservative and effective way, to the preparation and perfection of acts on most important

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subjects which are designed to bring about uniformity in the statutes of the several States where uniformity is desirable and practicable. It has a record of twenty-seven years of efficient service and achievement. Its importance as a body and the importance and value of its work can hardly be over valued. One of its ablest and most useful members, in a recent address, says of it:

"It is the most efficient legislative drafting body in the land to lay hold of the many new undertakings of tremenduous importance constantly facing the legislatures of the respective States.

"The work is the most juristic work undertaken in the United States since the adoption of the Federal Constitution, and the significance of it will be realized when attention is called to the fact that since the debates resulting in the Constitution of the United States, it is the first time that the official representatives of the several States have gotten together in legislative assembly to discuss any legal question from a national point of view with particular reference to the needs of the respective States from which they come".—("Uniform State Laws—A Means to Efficiency Consistent with Democracy," by Nathan William MacChesney, Esq., of the Chicago Bar and President of the Illinois State Bar Association, delivered at the Fortieth Annual Meeting Illinois State Bar Association, June 1st, 1916.)

The plan upon which the Conference has worked has been as Mr. MacChesney points out, rather to embody existing law in the form of a statute upon the subjects treated than to introduce any novel principles. It has been careful not to trespass upon the functions of the legislature by proposing unusual laws on new subjects or entirely new laws on old subjects. It does not undertake to draft a uniform law upon all worthy subjects but only upon those in which uniformity is really desirable.

These subjects Prof. John H. Wigmore has grouped into three classes:

First. Laws affecting transactions which commonly concern parties or things in different States and hence lead to confusion and uncertainty unless they are uniform. Under this head belong the subjects of Negotiable Instruments and Bills of Lading.

Second. Laws affecting kinds of business having an interstate trade, in which a State passing a reform law will be at a disadvantage unless the adjoining

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States pass similar laws, and as to which State legislatures are not willing to pass such laws unless there is some prospect of a uniform law. In this class belong the Child Labor Law, Convict Labor Laws, and Incorporation Laws.

Third. Laws concerning classes of transactions which several States have already regulated by some legislative reform which other States now desire to regulate by whichever, if any, of existing measures is most efficient. In such a situation, the need arises for a study of the various measures passed and proposed by some impartial body which can choose among them and combine them, and recommend the resulting preferable and improved measure. The Workmen's Compensation Act, Occupational Diseases and Sickness Laws are good examples of this class.

The American Bar Association has for many years had as one of its standing committees a Committee on Uniform State Laws out of which grew the National Conference of Commissioners. The objects and ends sought to be accomplished by that committee are thus stated by its chairman in his last report:

(a) The drafting or shaping into uniformity those laws of the various States which in any degree affect interstate interests, or the rights and remedies of citizens in their interstate transactions; and

(b) The presentation to the legislatures of the various States for enactment such drafts of uniform acts as may have been approved by the committee, after the utmost study and the most painstaking investigation; and

(c) To bring about by securing proper co-operation on the part of the Bench and Bar that uniformity of interpretation in judicial decisions without which uniformity of law would certainly fail of accomplishment.

To this committee of the American Bar Association is presented for approval and recommendation to the Association the result of the labors of the National Conference of Commissioners on Uniform State Laws. Before presenting an act for approval the Conference, which is composed of many of the ablest lawyers of the country, itself considers it, in many instances for several years, during which it is subjected to criticism not only by the Conference but by all expert authorities upon the subject involved whose opinion can be obtained. The method is this: First, the subject of the proposed uniform act is considered and if it is decided by the Conference that the subject is one on which it is desirable

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to have a uniform law, the matter is referred to the proper committee. The committee, either through its members or by an expert draftsman employed to do it, prepares a draft of the proposed act, which is submitted to the Conference and considered just as it would be in a legislative body, sentence by sentence. After this is done the act is re-committed to the committee for another draft. This second draft is gone over and considered in the same way as the first and this process is continued until the Conference is fully satisfied with the proposed act and approves it. Some acts have been considered at a number of sessions and re-drafted many times and it is now provided by the constitution and by-laws of the Conference that no act can be finally approved until it has been considered, section by section, by at least two Conferences.

And when the act is finally approved by the Conference and presented to the Committee of the Bar Association on Uniform State Laws, it receives from that committee the same careful consideration before it is finally recommended to the Association for its approval. Thus every act approved by the Conference and the Committee receives the most careful consideration from the most eminent and capable authorities on the subject who can be found in this country or elsewhere.

The Conference has so far approved and recommended nineteen proposed uniform laws which have been adopted by jurisdictions of the United States, as follows:

Acts.	Jurisdictions where adopted.	Jurisdictions where not adopted.
Uniform Acknowledgements Act	5	48
Uniform Negotiable Instruments Act	47	6
Uniform Sales Act	14	39
Uniform Warehouse Receipts Act	36	17
Uniform Divorce Act	3	50
Uniform Bills of Lading Acts	14	39
Uniform Stock Transfer Act	11	42
Uniform Family Desertion Act	8	45
Uniform Probate of Foreign Wills Act	10	43

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Acts.	Jurisdictions where adopted.	Jurisdictions where not adopted.
Uniform Marriage License Act	0	53
Uniform Child Labor Law	1	52
Uniform Marriage Evasion Act	4	49
Uniform Foreign Acknowledgements Act	2	51
Uniform Partnership Act	3	50
Uniform Cold Storage Act	1	52
Uniform Workmen's Compensation Act	1	52
Uniform Land Registration Act	1	52
Uniform Foreign Probate Act	1	52
Federal Pure Food Law	1	52

Of these proposed uniform acts the Committee on Uniform State Laws of the American Bar Association has approved and recommended the following, namely: the Negotiable Instruments Act, the Sales Act, the Warehouse Receipts Act, the Divorce Act, the Bills of Lading Act, the Stock Transfer Act, the Family Desertion Act, the Probate of Foreign Wills Act, the Marriage Evasion Act, the Partnership Act, the Workmen's Compensation Act and the Cold Storage Act.

The scope of this report will not permit your committee to consider separately these acts. They have been drafted by men who are considered the most competent authorities upon the subject matter of the acts and they are being rapidly adopted by the legislatures of the several States. For instance, the Negotiable Instruments Acts, approved by the Conference August, 1896, was drafted by John J. Crawford, Esq., of the New York Bar, a recognized authority on the law of commercial paper, and has been adopted by nearly all of the States of the Union. The Uniform Sales Act, approved by the Conference August, 1906, was drafted by Prof. Williston, of the Harvard Law School, and has been adopted by the following jurisdictions: Arizona, Connecticut, Illinois, Maryland, Massachusetts, Michigan, Nevada, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Wisconsin and Alaska. The Uniform Warehouse Receipts Act, approved by the Conference August, 1906, was drafted by Prof. Williston and Barry Mohun, Esq., of the Washington Bar, and has been

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adopted by thirty-one states, including North Carolina, and also by Alaska, the District of Columbia and the Philippine Islands. The Uniform Divorce Act, approved by the Conference August, 1907, has been adopted by three states, namely Delaware, New Jersey and Wisconsin. The Uniform Bills of Lading Act, approved by the Conference August, 1909, was drafted by Prof. Williston and has been adopted in seventeen jurisdictions, namely, Alaska, California, Connecticut, Idaho, Illinois, Iowa, Louisiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont and Washington. The Uniform Stock Transfer Act, approved by the Conference August, 1909, was drafted by Prof. Williston, and has been adopted by Louisiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Wisconsin and Alaska. The Uniform Family Desertion Act, approved by the Conference in August, 1910, was drafted chiefly by Mr. William H. Baldwin, of Washington, D. C., and has been adopted by Delaware, Kansas, Louisiana, North Dakota, Texas, Vermont, Wisconsin and Hawaii. The Uniform Probate of Foreign Wills Act, approved by the Conference August, 1911, has been adopted by Colorado, Kansas, Louisiana, Maryland, Massachusetts, Michigan, Nevada, Rhode Island, Washington Wisconsin and Alaska. The Uniform Marriage Evasion Act, approved by the Conference August, 1912, has been adopted by Illinois, Louisiana, Michigan and Vermont. The Uniform Partnership Act, approved by the Conference, October, 1914, was drafted by Prof. William Draper Lewis, of the Pennsylvania Law School and has been adopted by Maryland, Pennsylvania and Wisconsin. The Uniform Workmen's Compensation Act, approved by the Conference October, 1914, has been adopted by Vermont, nearly all of the States having already enacted a similar law just before the approval of the proposed uniform law by the Conference. The Uniform Cold Storage Act, approved by the Conference in October, 1914, has been adopted by Maryland. The Uniform Land Registration Act, approved by the Conference August, 1915,

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has been adopted by Virginia, while the Uniform Child Labor Law, approved by the Conference August, 1911, the Uniform Flag Law and Uniform Foreign Probate Act, approved in August, 1915,have not yet been adopted in any jurisdiction of this country.

Of all of these uniform acts so recommended by the Conference and the Committee of the American Bar Association on Uniform State Laws, North Carolina has adopted only two, namely, the Negotiable Instrument Acts, in 1899, and the Uniform Warehouse Receipts Act, in 1917. The other proposed acts have either been rejected by the General Assembly or have not been brought to its attention.

The Commissioners have for consideration on their program for the Twenty-seventh Annual Conference, which will be held at Saratoga during the last week in August of this year, the following important acts: the second tentative draft of a Uniform Fraudulent Conveyances Act, the third tentative draft of a Uniform Flag Law, a proposed set of forms supplementing the Uniform Land Registration Act, the second tentative draft of a Uniform Motor Vehicle Act, the sixth tentative draft of a Uniform Business Corporation Act, the second tentative draft of a Uniform Non-resident Corporation Act, and the second tentative draft of a Uniform Occupational Disease Act.

All of the more recent acts recommended by the Conference contain this provision: "This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those States which enact it."

In construing this provision the courts of the country have co-operated to effect the end desired, that is, uniformity of judicial construction and interpretation of the several acts. The Supreme Court of the United States, in the case of *Commercial National Bank v. Canal-Louisiana Bank*, 239 U. S. 520, which involved the construction of the Uniform Warehouse Receipts Act, referring to the above quoted provision of that Act, says:

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"It is apparent that if these uniform acts are construed in the several States adopting them according to former local views upon analogous subjects, we shall miss the desired uniformity and we shall erect upon the foundation of uniform language separate legal structures as distinct as were the former varying laws. It was to prevent this result that the Uniform Warehouse Receipts Act expressly provides (Section 57): 'This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those States which enact it.' This rule of construction requires that in order to accomplish the beneficent object of unifying, so far as this is possible under our dual system, the commercial law of the country, there should be taken into consideration the fundamental purpose of the Uniform Act and that it should not be regarded merely as an offshoot of local law. The cardinal principle of the act—which has been adopted in many States—is to give effect, within the limits stated, to the mercantile view of documents of title. There had been statutes in some of the States dealing with such documents, but there still remained diversity of legal rights under similar commercial transactions. We think that the principle of the uniform act should have recognition to the exclusion of any inconsistent doctrine which may have previously obtained in any of the States enacting it."

It is not claimed that uniformity of laws is good on all subjects. The difference in character and surroundings of the people in the several States of the Union are such as necessarily render their laws on many subjects materially different and in that respect uniformity of laws is neither desirable nor practicable. On the contrary, there are many important subjects of legislation in which the interests of the States are so similar and connected that uniformity on such subjects may be of great convenience to the people of the whole country. Such for instance are the Negotiable Instruments Act, the Uniform Sales Act, the Uniform Warehouse Receipts Act, and others. The Committee cannot emphasize the necessity of uniformity of legislation upon such subjects more strongly than by using the language of Seth Low, President of the National Civic Federation, in 1910, in his address at its annual conference in January of that year:

"Uniform legislation is the equivalent in legislation of standardization in mechanical construction. Formerly there were broad guage railroads and railroads with a narrow guage. Broad guage railroads and narrow guage railroads

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could not connect. At last the guages of all railroads were standardized, that is to say, made uniform, and now the cars of every railroad can be used on the tracks of every other railroad and no one would think of returning to the old system. The broad guage, as a mechanical proposition, had some advantages over the narrow guage, but these were wholly insignificant compared with the advantage resulting from standardization; that is to say, from the uniformity of guage. Differences in guage did not make railroading impossible, but they did make it inconvenient, costly and slow. Similarly, differences in law relating to the common life of the people do not make the business impossible; but they do hamper business relations by causing inconvenience, expense and delay."

All of the States and jurisdictions whose commissions attend the annual meetings of the National Conference have, I believe, their expenses paid by appropriations made by the legislatures of their respective States for that purpose. These appropriations range from $500 to $1000 annually. The commissioners from each State vary from three to five and the Conference usually lasts about a week. The expenses of the Conference in the way of printing, drafting, etc., are in part paid by the American Bar Association which through its executive committee annually appropriates a considerable sum for that purpose. We do not know of any appropriation ever having been made by the State of North Carolina for the purpose of defraying the expenses of the commissioners appointed by its governor in their attendance on the meetings of the Conference. Such an appropriation by all means should be made and the Commissioners from this State should regularly participate in the important work of the Conference.

Your Committee therefore recommends the establishment by this Association of a standing Committee on Uniform State Laws, to be composed of seven members whose duty it shall be to promote uniformity of legislation among the several States, and to that end to examine such uniform acts as have been or may be approved by the National Conference of Commissioners on Uniform State Laws and report to this Association such acts as in the judgment of the Committee should be enacted into law in this State, and if such acts are approved by this Association, it shall be the further duty of

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the Committee to bring the same to the attention of the General Assembly and use its efforts in conjunction with this Association, to secure their enactment into law in this State.

Your Committee further recommends that a resolution be adopted by this Association asking the General Assembly of North Carolina to appropriate a sum not less than $500 annually to defray the expenses of such Commissioners on Uniform State Laws as may from year to year be appointed by this State as members of the National Conference of Commissioners on Uniform State Laws in their attendance upon the annual meetings of that Conference.

Respectfully submitted,

WM. P. BYNUM,
EDMUND JONES,
W. D. Turner,
W. E. DANIEL,
EDWIN F. AYDLETT,
Committee.

MR. HARRY SKINNER: I move that the report of the Committee be accepted and a standing permanent Committee be appointed.

THE PRESIDENT: You have heard the report of the Committee. It is a very important and exhaustive report. There is a special committee appointed on Uniform Legislation. A motion has been made that it be received and a standing permanent Committee be hereafter appointed to consider and carry out the recommendations in the report.

JUDGE J. D. MURPHY, of Asheville: The matters involved necessarily demand legislation by the State of North Carolina to some extent, and there is no aphorism more true than "opinion rules the world." We have got to get action by the Legislature of North Carolina on this subject, and I wish to thank Judge Bynum personally for his report and to make the suggestion and incorporate it here now or hereafter that Judge Bynum be requested to prepare a terse, and he always

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prepares a lucid statement, and that the press of the State be asked to print this statement prepared, so as to reach the people, and through the people the representatives in the Legislature.

THE PRESIDENT: I have no doubt the Committee would be glad to act upon that suggestion. It is a matter for the Committee.

You have heard the motion that the report be received and that the Association be authorized to appoint a Committee to carry out this work.

Motion seconded and carried.

THE PRESIDENT: The concluding address of the Association, as is customary, has been fixed for this morning, and I have the pleasure of presenting to you the last speaker on our program, a member of the Newbern Bar and the solicitor of that district, Mr. Charles L. Abernethy.

MR. CHARLES L. ABERNETHY, of Newbern:

DEMOCRACY AND PATRIOTISM.

When practically the whole world is in a state of war and our beloved country has felt the necessity to declare that a state of war exists between the United States and the Imperial German Government, and preparations are being made to enter into the greatest conflict of all history, I have felt that it would not be inappropriate for me to discuss on this occasion the underlying causes which have brought about this gigantic struggle.

The different people of the earth are formed into communities called governments. The government of Sparta was the invention of Lycurgus. Solon, Moses, Huna and Alfred in like manner shaped the governments of their respective nations.

Society without government resolves itself into a number of individuals, each following his own aims, and in the days before government each man followed his own aims. Hobbs speaks of it as a state of war, and government is the result

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of an agreement among men to keep the peace. On the other hand, Locke says, "Man being by nature all free, equal and independent no one can be put out of this estate and subjected to the political power of another without his consent. The only way whereby one divests himself of his natural liberty, and puts on the bonds of civil society is by agreeing with other men to join and unite into a community."

With Hobbs it is a state of war with the agreement among men to keep the peace; with Locke, it is a state of liberty and equality—governed by its own law, the law of Nature—which is brought to an end by the voluntary agreement of the individuals to surrender their natural liberty and submit themselves to law and order. Regardless of which is the correct view, it is recognized that without law, order and government, we have what is known as anarchy—which leaves the weak and helpless subject to the whims and wishes of the strong and powerful and which recognizes the doctrines that "might is right."

The great Grecian philosopher, Aristotle, and political writers from his time until now, have used the same classifications of the forms of government. There are three ways in which states may be governed. They may be governed by one man, a few men or many men. The government may be a monarchy, an aristocracy or a democracy. Aristotle divides governments according to two principles. In all states the governing power seeks either its own advantage or the advantage of the whole state, and the government is bad or good accordingly, whether it be under a monarchial, aristocratic or democratic form of government.

Since the beginning of governments the tendency has been gradually toward the democratic form of government. And when we read the history of the growth of nations we find that great conflicts have been waged in the interest of democracy. We find in Greece that communities oscillated between oligarchy, a depraved form of aristocracy, and some form of democracy. Greece was finally crushed. During the whole period of freedom the government of Rome was, in theory at least,

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municipal self-government. Finally a conspiracy of generals placed itself at the head of affairs, and the most capable of them made himself sole master, until under the Caesers the Roman people became accustomed to a new form of government, which is best described by the name of Caeserian, and finally that great nation fell. The dawn of freedom is ushered in again in Europe and democracy and liberty, hand in hand, appear on the horizon for the conflict. Liberty was recognized and organized through law when the barons forced King John at Runnemede, in June, 1215, A. D., to sign the immortal document, the Magna Charta, which guaranteed for all times certain rights and liberties denied them by the kingly prerogative and power. We find in Switzerland the great battle— Morganbon, 1315 A. D.—between Austria, which today is despotic, and the three Swiss Cantons, not larger than three counties, still today free, between Rudolph of the Hapsburgs and the three peasant leaders. In 1347 Holland won its first freedom. This fight for freedom in Europe waged for a period of two hundred years, at one time there being more than seventy free cities over the coasts of North Europe. It seems as if Italy and Spain would cause freedom to be extended over South Europe, but with the defeat of the Spanish Armada, in 1588, all that kept Europe from having universal despotism was Holland and the constitutional monarchy of the British Isles. France was a despotism; Germany, divided into many states, was under the heel of the Hapsburgs in the south, and the Hohenzollern in the march of Brandenburg had begun the personal government which today controls all Germany and Central Europe from the Baltic and the North Sea to the Agean.

In 1815 the Czar of Russia, the Emperor of Austria, the King of Prussia and the King of France made their "Holy Alliance" to put in force despotism in Europe under what they called "Christian Principles." They crushed revolt and stifled liberty in Italy. For eight years this "Holy Alliance" furnished armies to crush revolt wherever it arose. Freedom was trampled under foot in Hungary in 1849.

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But the fight for democracy and freedom had made such headway that we find that when the present war broke out there were but four European states where absolute despotism prevailed, and they were Russia, the German Empire, Austria-Hungary and the Ottoman Empire; and since, and during the war, the great Russian nation, which for more than a thousand years had been ruled by a despot, has, by a revolution enthroned democracy.

Today we find in this great world war the so-called Central Powers, embodying the political theory that all individual rights are derived from the state or sovereign, the other governments which are contending against the Central Powers, either being republics or constitutional monarchies, representing the idea that the state is but the organized society for the benefit of the people and that all rights and powers not delegated to the State or government belong to the people. The Kaiser is conceived of as "God's vicegerent, the episcopus of the church, the disposer of the resources of the state, the dispenser of rights, the official object of reverence and loyalty, the final arbiter of all those questions in theology, scholarship, art and social customs that affect the daily life of his people."

The great underlying issues in the world war are: Shall popular government perish from the earth? Shall despotic sway encompass the universe? Shall the people rule and shall we have a permanent and lasting peace?

In 1831 the five great powers, including Prussia, declared that the little country of Belgium, forcibly separated from Holland, shall form a prepetual neutral state and the five powers guaranteed to it perpetual neutrality, as also the integrity and individuality of its territory. Then again in 1839 the five great powers, including Prussia, guaranteed the treaty between Belgium and the Netherlands that Belgium should be an independent and perpetual neutral state, and this neutrality of Belgium was confirmed by the North German Confederation and its allies in 1870. And in the fifth convention of The Hague, signed by forty-four states, including Ger-

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many, articles were passed declaring that the territory of neutral powers is inviolable; that belligerents were forbidden to move across the territory of a neutral power troops and convoys, either of munitions of war or supplies; and the fact of a neutral power repelling even by force attacks on its neutrality cannot be considered as a hostile act.

Notwithstanding all this, we find Germany on August 2nd, 1914, proposing to Belgium to use her territory on the theory that France intended to make an attack upon Germany, and should Belgium oppose and offer obstacles that Belgium would be considered an enemy and the adjustment should be left to a decision of arms. This proposition was rejected and the results to Belgium furnishes the most horrible, bloody and revolting page of history ever written or to be written. With the violation of Belgium neutrality by Germany, the nations of Great Britain, France and Russia saw the beginning of the Prussian autocracy's efforts to impress itself upon the world; they saw the beginning of a titanic struggle between autocracy and democracy, and while Russia started in the struggle as an autocracy, yet the forces which had caused the Czar to recognize the demand of the people and to establish a Duma, a law-making body representing the people, were the real cause of Russia's joining in the conflict against Germany. And when it was found that the government of Russia was not in real sympathy with the war, then it was that the forces of democracy overthrew the Russian autocracy.

It was after this revolution in Russia and when our great President saw that the fight was whether democracy or autocracy should prevail on the earth, that we saw our duty. It is true that the overt acts were the sinking of our ships and the killing of non-combatants, and women and children, but this government realized that it is a war for human rights, for government by the governed. It was when our far seeing President had lifted the veil, and had looked upon the Kaiser and his Prussian machine, and feeling that the safety of this nation and her sacred institutions and the cause of humanity demanded it, that he called upon us to enter this conflict.

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The men who founded our government felt that some day its principles would encircle the globe. We were content, however, that free institutions should be permanently established on this continent and it was with this end in view that we pledged ourselves to maintain the Monroe Doctrine that any extention of monarchy on this side of the ocean was a menace to our liberties, but when we find the Prussian autocratic power, undertaking by intrigues to get a foot hold in Mexico, and by the ruthless submarine warfare, killing our people and undertaking to get the mastery of the seas, how could our government do otherwise than enter into the conflict, to the end that autocracy should be crushed from the face of the earth and that democracy should be enthroned in the hearts of all peoples and that a durable and lasting peace should be established.

And now, my friends, that we are in this conflict, what is the duty of every citizen? Our nation is in peril. I can see a long, serious and terrible conflict ahead of us; one that we should meet with brave hearts and with that patriotism worthy of true Americans.

Patriotism, love of country and devotion to the land that bore us, is the inspiration of this day in every true American heart.

We hear the immortal Cicero exclaimimg:

"Dear are parents, dear are children, dear are friends and relation, but all affections to all men are embraced in country alone."

Patriotism and love of country is coeval with man's organization of government.

We find the exiled Hebrew weeping and saying:

"If I forget thee, O, Jerusalem, let my right hand be forgotten. Let my tongue cleave to my jaws, if I do not remember thee."

We find the Trojan warrior in Homer exclaiming:

"O, glorious is he who for his country falls."

In every land and clime, if you find a great people, patriotism is their predominant virtue. Patriotism is of

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supreme value to a people; it is a vital spark of a nation's glory and prestige. It is the great force that cements a people together in the trying hour of the country's needs.

In this great conflict with Germany, our great leader, Woodrow Wilson, the President of the United States, the Commander-in-Chief of the Army and Navy, is in command of our destinies, and he is going through a most trying ordeal.

You remember when Moses said unto Joshua, choose out men and go out and fight with Amalek; tomorrow I will stand upon the top of the hill with the rod of God in mine hand, and Joshua did as Moses said and fought with Amalek, and Moses, Aaron and Hur went up to the top of the hill, and it came to pass when Moses held up his hands that Israel prevailed and when he let down his hands Amalek prevailed. But Moses' hands were heavy; and they took a stone and put it under him and he sat thereon; and Aaron and Hur stayed up his hands, the one on the one side the other on the other side, and his hands were steady until the going down of the sun. And Joshua discomfited Amalek and his people with the edge of the sword.

In this trying hour of our leader, our beloved President, if our nation is to prevail and autocracy be crushed and democracy be established upon the earth, let us hold up his hands. Let each man, woman and child be loyal and true and do their part in winning the great war.

THE PRESIDENT: Gentlemen, is the report of the Committee on Nomination of Officers ready to be submitted?

MR. E. S. PARKER, JR., Graham: Mr. President, and Gentlemen of the Association:

The Committee to recommend for your consideration certain officers, as provided in the By-Laws of the Association, respectfully report: For Vice-Presidents we recommend Mr. T. B. Finley, of Wilkes; Mr. O. F. Mason, of Gaston; Mr. N. J. Rouse, of Lenoir. For Members Executive Committee we recommend Mr. J. W. Pless, of McDowell; Mr. Frank Nash, of Orange. Respectfully submitted,

E. S. PARKER, JR., Chairman.

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THE PRESIDENT: Gentlemen, you have heard the recommendations of the Committee. Are there any other nominations?

JUDGE BYNUM: I move that the recommendations of the committee be received and accepted, and the officers named be declared elected.

Motion seconded.

THE PRESIDENT: You have heard the report of the Committee and the motion of Judge Bynum, which has been duly seconded, that the nomination of the Committee and the report be received and accepted, and the gentlemen declared elected.

Upon vote motion unanimously carried.

THE PRESIDENT: I notice the report of one committee seems to have been overlooked, the report on North Carolina Law Journal. I believe Mr. Nash is the only member present.

MR. FRANK NASH, Hillsboro: We have discussed the matter since the last meeting of the Association, and have finally concluded that in the condition of things, the high cost of paper and of printing, that it is inexpedient to move further now, and therefore we ask that the Committee be discharged.

THE PRESIDENT: You have heard the report of Mr. Nash of the Committee. What is the pleasure of the Association?

MR. TURNER: I move that the report be received and the Committee discharged.

Seconded and carried.

MR. PRESIDENT: The only remaining business is the election of President, and Secretary and Treasurer.

MR. HARRY SKINNER: Does not the outgoing President make the appointment of delegates to the American Bar Association, and also the delegates to attend the State Conference at the American Bar Association?

THE PRESIDENT: I believe that is correct. On account of the rush of time for subsequent engagements if it is agreeable to the Association to permit me to prepare that list and give it to the Secretary, I shall be very glad to do so.

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MR. HARRY SKINNER: I move that the President be permitted to make out a list of delegates and give to the Secretary.

Seconded and carried.

THE PRESIDENT: Under the constitution and by-laws of the Association, the offices of President and Secretary and Treasurer are not now recommended by any Committees, but are left to the Association to be filled.

I declare now the nominations for President of this Association to be in order.

MR. CLEMENT MANLY, of Winston: Mr. President and Brethren: I rise to place in nomination to the position of President of this Association Mr. Angus Wilton McLean (applause). I have not his permission and could not obtain it, but I beg your permission to just submit a word. There is no need to speak of his qualifications. As a lawyer he has tread the narrow path; he has not sought the near path. He has won his reputation and his fame by honoring the integrity of the profession to which he belongs, and pursued the path of rectitude and propriety. If I would speak of him as a man he has all those elements of which his breeding, environment and education have given the world assurance. If I would speak of why we should name him as President of this Association, I could say with all truth there is not one among us who has, during the life of this Association, given more of his time and his energies to its up-building. Much of the dignity and honorable position which this Association holds in the minds of the people of North Carolina is due to Angus Wilton McLean. Gentle, modest, retiring gentleman, I do not suppose he ever thought of the honor, but I am sure he will appreciate it, and, gentlemen, I present him for your consideration. (Applause.)

MR. W. C. HAMMER, Asheboro: Mr. President, I take pleasure in adding only a word. I heartily endorse and concur in all that Mr. Manly has said. I sat beside Mr. McLean when this Bar Association was chartered at its first meeting in Charlotte. For several years before that time I had known

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Mr. McLean. Every member of this Association knows him and knows the varied work and time and energy which he has given to the Association, and to the elevation of the profession, and the bringing together of the lawyers of the State each year, so that they may get together and associate and know each other better, and co-operate with each other for the best interests of the State and for the best interests of the profession. All that Mr. Manly has said is true, and more could be said. A gentleman by training and education and association and environment from his earliest manhood, equipped and qualified for this position as few are, and without detracting in any way from the qualifications of others, I do not think we could find within our membership a better equipped and more worthy member, one better qualified for the position. I heartily endorse the nomination of Mr. McLean, and hope the election will be unanimous.

THE PRESIDENT: Gentlemen, are there any other nominations? (No response).

JUDGE BIGGS: I move that if there are no other nominations, the rule be suspended, and the Secretary be instructed to cast the unanimous vote of the Association for Mr. McLean's election.

Motion seconded and carried.

THE SECRETARY: In accordance with the instructions, the Secretary takes much pleasure in casting the vote of the Association for Mr. Angus W. McLean as the next President.

THE PRESIDENT: Gentlemen, the next business in order is the nomination of Secretary and Treasurer of the Association. Nominations are now in order.

MR. R. C. LAWRENCE, Lumberton: I move that the President of the Association, under the suspension of the rules, cast the vote of the Association for Mr. Thomas W. Davis to succeed himself as Secretary and Treasurer.

Seconded.

THE PRESIDENT: You have heard the motion, which has been seconded, that the rule be suspended and the President

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cast the unanimous vote of the Association for our present efficient Secretary and Treasurer, Mr. Davis.

Motion unanimously carried.

THE PRESIDENT: I take pleasure in casting the unanimous vote of the Association for Mr. Davis.

MR. Z. V. WALSER, Lexington: I now move that the thanks of this Association be tendered Mr. Thomas W. Davis, our Secretary and Treasurer, for the most efficient and courteous service which he has rendered this Association.

THE PRESIDENT: The Secretary suggests that is out of order.

MR. WALSER: I make the motion anyhow (laughter).

JUDGE BIGGS: I desire now to move that the Association express its very deep appreciation to the Asheville Bar for the delightful courtesies which they have extended to us, and especially for the beautiful entertainment they gave us last evening.

Seconded.

THE PRESIDENT: I am sure, gentlemen, that motion finds a hearty response in the heart of every member here, and their families, and I take pleasure in putting it.

Motion unanimously carried.

MR. CLEMENT MANLY: I just wish to make this motion: that the thanks of this Association be tendered Senator Walsh for the very patriotic, and magnificent address of yesterday evening, and I ask the endorsement of this Association by a rising vote.

Seconded.

THE PRESIDENT: You have heard the motion of Mr. Manly that the thanks of the Association be extended Senator Walsh for the magnificent address he rendered on yesterday evening, and that it be by rising vote.

Motion unanimously carried by rising vote.

THE PRESIDENT: The Chair will appoint Judge Murphy and Governor Turner, with request that they wait upon the duly elected President and ask that he come into the hall.

THE PRESIDENT: Gentlemen of the Association, I have the

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pleasure of presenting to you your next President, Mr. McLean (applause).

MR. ANGUS W. MCLEAN:

Mr. President, and Fellow Members of the Bar Association:

May I not say with all sincerity of heart that I am overwhelmed with gratitude as I realize now that you have conferred upon me the greatest honor which you can confer upon a member of this Association? I have been a member of this Association, I believe, ever since its organization at Raleigh about nineteen years ago. I have attended most of the meetings, in fact, I think I have attended all except one or two when I was prevented by unavoidable necessity. I have tried to do what I could to further the interests of the Association, and can say in all candor that I have done this, not with the hope of receiving any honor at the hands of the Association, but because I believed, as I still believe, that this Association can be made a powerful factor for the welfare and development, not only of the members of the legal profession, but of the public generally.

I love my profession, and the most delightful experiences in my life are these annual meetings when I have the opportunity of mingling in social and professional intercourse with my brethren of the Bar.

Throughout my life, especially in the last ten or fifteen years, I have had occasion to associate with men of various professions, and callings, and I can truthfully say that I have never found any class of men who had combined in them more of the sterling qualities which go to make up true manhood than the lawyers. They possess courage and nobility of character that cannot be found so generally in any other profession or calling.

In accepting the honor which you have just conferred upon me, I do so with sentiments of the deepest appreciation, mingled with a very unaffected degree of hesitancy as I realize the meagre qualifications which I possess for the proper performance of the duties of this honorable and important position.

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Realizing my unworthiness, I can only make you the promise that I shall endeavor to dedicate my best efforts to the interests of this Association, and in the administration of the affairs of the office to which you have called me I shall be influenced by no other motive than the ardent desire to promote the interests of the Association and the interests of its entire membership.

And now again, my much esteemed brethren, let me assure you of my profound gratitude for this undeserved manifestation of your confidence and good will. (Applause.)

MR. Z. V. WALSER: I move that the thanks of the Bar Association be tendered the management of the Battery Park Hotel for the many courtesies and the splendid accommodations furnished us and the guests of the North Carolina Bar Association during our stay here.

Seconded and carried.

JUDGE J. D. MURPHY, Asheville: I have been asked by one or two gentlemen to give some information about two possible mountain trips. I hope any of our brethren who remain over will take the trip to Pisgah or Mt. Mitchell. For any one desiring to go to Mt. Mitchell, the train leaving here at 8:50, No. 22, goes to Mt. Mitchell station, and then there is a narrow guage road going up the mountain, returning here at 8 o'clock in the evening.

The trip to Pisgah Mountain is by automobile over a fairly good road, leaving here any time in the morning, returning in the afternoon.

And now, Mr. President, I desire to move that the Secretary tender the thanks of this Association to our retiring President for the dignity, impartiality and zeal with which he has discharged the duties of President of this Association, and that vote be taken by rising vote.

Seconded and carried by rising vote.

THE PRESIDENT: I wish to assure you of my profound appreciation for the kind expressions and manifestations of friendship which you have extended to me. As retiring

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President of the Association I wish to thank profoundly my brethren of the Bar who have co-operated so thoroughly with me and the other officers of the Association in our efforts to make this meeting a success. I would like to have rendered more efficient service to you than I did, but the service which I have rendered has been one of love and of affection, and I desire to say to my successor and to the Association that my services shall always be at the command of this Association, with the hope that what little I may do may help to lift its tone, to encourage higher ideals and higher aspirations, and to raise the profession in dignity and in splendor in this great State, where it should always exert a great and powerful influence.

I thank you most profoundly, my friends, for the great honor you have done me and the great kindness and courtesies you have shown me. (Applause.)

MR. L. M. BOURNE, Asheville: I would like, if there is no further business, to make an announcement.

Gentlemen, we will have the exercises attendant upon the opening session of the Circuit Court of Appeals at the Federal Court room at 12 o'clock, and every member of this Association is urged to be present, and we would like to have as many of the ladies who have been attending these sessions, as possible.

Upon motion, the convention adjourned.

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REGISTER OF MEMBERS PRESENT AT MEETING.

HONORARY MEMBERS.

NAME	RESIDENCE
Allen, W. R	Goldsboro
Bond, W. M	Edenton
Clark, Walter	Raleigh
Connor, Geo. W	Wilson
Devin, W. A	Oxford
*Hoke, W. A	Lincolnton
*Long, B. F	Statesville
Stacy, W. P	Wilmington
Walker, P. D	Charlotte

ACTIVE MEMBERS.

Abernethy, Charles L	Newbern
*Adams, J. G	Asheville
*Adams, J. S	Asheville
*Anderson, J. B	Asheville
Armstrong, Charles A	Troy
Aydlett, E. F	Elizabeth City
Battle, K. D	Rocky Mount
Beasley, L. A	Kenansville
*Bell, J. A	Charlotte
Bell, Marshall W	Murphy
Bellamy, John D	Wilmington
*Bennett, O. K	Asheville
*Bernard, S. G	Asheville
Biggs, J. Crawford	Raleigh
Bourne, Louis M	Asheville
Bradshaw, G. S	Greensboro
*Britt, J. J	Asheville
Brock, Walter E	Wadesboro
Brooks, A. L	Greensboro
Brooks, F. H	Smithfield
Brown, Junius C	Madison
*Brown, Mark W	Asheville
*Brown, R	Oxford
*Browne, R. L	Albemarle
Bynum, W. P	Greensboro

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NAME	RESIDENCE
*Campbell, Ruffner	Asheville
Caudle, T. L	Wadesboro
*Chalmers, A. C	Asheville
*Cheeseborough, J. W	Asheville
*Clark, Walter, Jr	Raleigh
Clement, Hayden	Salisbury
Clement, L. H	Salisbury
Coughenor, Wm. C	Salisbury
Covington, B. M	Wadesboro
*Craig, Locke	Asheville
*Curtis, Zeb. F	Asheville
Davidson, Theo. F	Asheville
Davis, Thomas W	Wilmington
Dawson, John G	Kinston
*Doughton, R. A	Sparta
Dunn, William, Jr	Newbern
Evans, W. F	Greenville
*Feimster, W. C	Newton
Ferguson, G. S	Waynesville
Finch, W. A	Wilson
Finley, T. B	North Wilkesboro
Ford, Jos. F	Asheville
*Fortune, W. G	Asheville
Fountain, R. T	Rocky Mount
*Glenn, J. Frazier	Asheville
Gorham, E. H	Morehead City
Graves, S. Parker	Mt. Airy
*Gregory, E. C	Salisbury
*Gudger, Herman A	Asheville
*Gudger, J. M., Jr	Asheville
*Gudger, V. L	Asheville
*Hammer, W. C	Asheboro
Hamrick, Fred D	Rutherfordton
Harding, Wm. F	Charlotte
Harkins, T. J	Asheville
Harris, N. C	Rutherfordton
*Hendricks, J. A	Marshall

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NAME	RESIDENCE
Hicks, A. A.	Oxford
Hicks, T. T.	Henderson
*Hoey, Clyde R.	Shelby
Hoyle, Thos. C.	Greensboro
James, F. G.	Greenville
Johnston, A. Hall	Asheville
Jones, H. C.	Charlotte
*Jones, Thomas A.	Asheville
Justice, M. H.	Rutherfordton
Kluttz, Theo. F.	Salisbury
Lawrence, R. C.	Lumberton
Lee, Chas. G.	Asheville
Linn, Stahle	Salisbury
Linn, T. C.	Salisbury
MacRae, Cameron F.	Asheville
McDowell, F. B.	Charlotte
*McLaughlin, R. B.	Statesville
McLean, A. W.	Lumberton
*McRae, D. C.	Thomasville
McRorie, W. C.	Rutherfordton
Mangum, A. G.	Gastonia
Manly, Clement	Winston-Salem
Markham, Thos. J.	Eilzabeth City
Martin, Julius C.	Asheville
Mashburn, C. B.	Marshall
Mason, O. F.	Gastonia
Meekins, I. M.	Elizabeth City
*Merrick, Duff	Asheville
*Merrimon, J. G.	Asheville
*Monteith, Arch D.	Asheville
*Moore, Chas. A.	Asheville
Moore, Walter E.	Webster
Moore, Tom	Webster
Morehead, J. L.	Durham
Murphy, J. D.	Asheville
Nash, Frank	Hillsboro
Pace, W. H.	Raleigh
Parker, E. S., Jr.	Graham

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NAME	RESIDENCE
Parker, Haywood	Asheville
Parker, John J	Monroe
Pless, J. W	Marion
*Rector, James E	Asheville
Rickman, Thos. J	Asheville
*Roberts, Gallatin	Asheville
Robinson, H. McD	Fayetteville
Rollins, Thos. S	Asheville
Rose, Chas. G	Fayetteville
*Rouse, N. J	Kinston
Ryburn, Robert L	Shelby
*Schenck, Michael	Hendersonville
Seawell, H. F	Carthage
Settle, Thomas	Asheville
*Shuford, Geo. A	Asheville
*Shuford, W. E	Asheville
Sikes, John C	Monroe
Skinner, Harry	Greenville
*Smith, P. C	Asheville
Smith, R. L	Albemarle
Smith, Willis	Raleigh
*Stevens, Henry B	Asheville
Stevens, H. L	Warsaw
*Styles, J. S	Asheville
*Swain, J. E	Asheville
*Sykes, Chas. Lee	Asheville
Sykes, R. H	Durham
Thomas, F. W	Asheville
Turlington, Zeb. V	Mooresville
Turner, W. D	Statesville
Van Winkle, Kingsland	Asheville
*Varnon, Thomas W	Asheville
Walser, Z. I	Lexington
*Walser, Z. V	Lexington
Ward, Eugene C	Asheville
Warren, T. D	Newbern
*Weaver, Guy	Asheville
*Wells, R. M	Asheville
*Whitson, W. R	Asheville

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NAME	RESIDENCE
Winborne, J. W.	Marion
Womble, B. S.	Winston-Salem
*Woodard, F. H.	Asheville
*Woodard, J. E.	Wilson
*Wright, Geo. H.	Asheville
Zollicoffer, A. C.	Henderson
Zollicoffer, J. P.	Henderson

GUESTS OF THE ASSOCIATION PRESENT.

Hon. Ralph K. Carson	Spartanburg, S. C.
Senator Thomas J. Walsh	Montana

*Present, but did not register.
†New member.
Note.—This includes all members who registered. A larger number of members was present, but not registered.

SECRETARY.

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LIST OF NEW MEMBERS ELECTED.

NAME	RESIDENCE	COUNTY
*Battle, Kemp D	Rocky Mount	Nash
Berry, Walter C	Bakersville	Mitchell
*Bonner, John H	Washington	Beaufort
Brown, W. P	Asheville	Buncombe
Brummitt, Dennis G	Oxford	Granville
*Bryan, Frank H	Washington	Beaufort
Coughenour, Wm. C., Jr	Salisbury	Rowan
Covington, B. M	Wadesboro	Anson
Cowper, G. V	Kinston	Lenoir
*Davis, Junius	Wilmington	New Hanover
Duncan, W. B	Raleigh	Wake
°Dunn, Thos. J	Laurinburg	Scotland
Edwards, M. L	Rutherfordton	Rutherford
Folger, John H	Mount Airy	Surry
Graves, William	Mount Airy	Surry
*Grier, Harry P	Statesville	Iredell
Hackett, Frank D	North Wilkesboro	Wilkes
Harris, N. C	Rutherfordton	Rutherford
Hines, P. R	Greenville	Pitt
Hoyle, Thomas C	Greensboro	Guilford
Jones, Hamilton C	Charlotte	Mecklenburg
Long, J. Adolph	Graham	Alamance
°MacNair, A. W	Tarboro	Edgecombe
McBee, John C	Bakersville	Mitchell
Moore, Clayton	Williamston	Martin
Powers, James A	Kinston	Lenoir
Ray, R. L	Selma	Johnston
Rouse, Robert H	Kinston	Lenoir

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NAME	RESIDENCE	COUNTY
°Siler, Walter D.	Siler City	Chatham
*Simmons, Enoch S.	Washington	Beaufort
Spruill, J. F.	Lexington	Davidson
*Stewart, Edward L.	Washington	Beaufort
Swicegood, L. A.	Salisbury	Rowan
Wallace, F. E.	Kenansville	Duplin
Watson, John A.	Burnsville	Yancey
Woodard, Fred H.	Asheville	Buncombe

*Elected during vacation, before meeting, 1917.
°Elected during vacation, since meeting, 1917.

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ANGUS WILTON McLEAN.

The newly elected president of the Bar Association, Angus Wilton McLean, has always led the life of a busy man.

He has been trustee of the University of North Carolina twelve years, and chairman of the board of trustees of Flora Macdonald College for eight years.

Of Highland Scotch and Scotch-Irish blood, he has dug deep into Scottish life and history. He was for a time president of the Scottish Society of America, and is a life member of the Clan McLean Association, of Glasgow, Scotland, and author of "Some Traits of Scottish Character," "The Clan McQueen," "Woodrow Wilson—An Appreciation," and is projector of the book entitled "Flora Macdonald in America," and is now writing another work on the "Scotch Highlanders of North Carolina."

He has never sought or held any political office, but has been active in the work of the Democratic party. Some of these activities are as follows: 1904 delegate National Democratic Convention at St. Louis and member of the committee on rules. He has been a member of the State Democratic Executive Committe for sixteen years, and was a delegate at large from North Carolina to the Democratic National Convention at Baltimore in 1912, at which President Wilson was nominated, and was also a member of the committee on permanent organization of the convention, and as a result of his labors a Carolinian was elected as permanent secretary of that convention after a spirited contest. Immediately after the convention he was elected chairman of the Wilson-Marshall campaign committee of North Carolina, and served throughout the campaign.

Mr. McLean was unanimously elected Democratic National Committeeman of North Carolina by the Democratic State Convention in 1916, and was chairman of the Wilson-Marshall compaign committee for 1916. He was prominently mentioned for the Democratic nomination for Governor in 1916.

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Mr. McLean has always been happy in his respect for the jealousy of the law as a mistress, but his ability to organize has shown itself in business life. He helped organize the Bank of Lumberton, now The National Bank of Lumberton, and soon after its organization was elected president, being at that time the youngest bank president in the United States. He is one of the largest farmers in Robeson County, and in all respects his business life has been quite constructive.

He is a member and officer in the Presbyterian church at Lumberton, North Carolina.

Mr. McLean finished the law course at the University of North Carolina in 1891, received his license to practice law in the fall of that year. He at once entered into the practice with Judge Thomas A. McNeill under the firm name of McNeill & McLean, at Lumberton, North Carolina. Upon the dissolution of that partnership in 1898 on account of the election of Judge McNeill to the Superior Court Bench, he then formed a partnership with the late Col. N. A. McLean under the firm name of McLean & McLean. Later Mr. J. G. McCormick was associated with this firm under the name of McLean, McLean & McCormick and then Mr. W. B. Snow succeeded Mr. McCormick, and the name was McLean, McLean & Snow. Upon the death of Col. N. A. McLean in February, 1911, the present firm of McLean, Varser & McLean was formed, of which he is the senior member.

He is a charter member of the North Carolina Bar Association and has been a regular attendant at all of its meetings. Has served as chairman of its executive committe, its committee on Legislation and Law Reform, as well as with a number of other important committees. He was elected by the Association as a delegate to the American Bar Association, of which he is now a member. He has spared neither pains nor time to perform every duty requested of him by the Association.

Mr. McLean enjoys a large and extensive practice in the courts of the Southeastern section of the State.

In 1904 he was married to Miss Margaret French, of

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Lumberton, North Carolina, and they have two children, Angus Wilton McLean, Jr., and Margaret French McLean.

The *Wilmington Dispatch*, commenting with approval upon his election to the presidency of the Association, said:

"Mr. McLean is a representative Carolinian indeed, and one whose work and ability is known far from the confines of his native State which he loves so well."

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OPENING

OF THE

INITIAL TERM

OF THE

United States Circuit Court of Appeals

AT

ASHEVILLE, N. C

July 5, 1917

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PROGRAM.

Introductory.....LOUIS M. BOURNE
President Asheville Bar Association

Welcome on Behalf of the City of Asheville.....HON. MARCUS ERWIN
Corporation Counsel of the City of Asheville

On Behalf of the State Bar Association.....HON. A. L. BROOKS
President North Carolina Bar Association

On Behalf of the State of North Carolina.....HON. LOCKE CRAIG
Former Governor of North Carolina

Our New Court.....HON. JAMES J. BRITT
Author of the Establishing Act

Greetings from the South Carolina Bar Association....HON. RALPH K. CARSON
President South Carolina Bar Association

Greetings from the Supreme Court of North Carolina....HON. WALTER CLARK
Chief Justice of the Supreme Court of North Carolina

Response on Behalf of the Circuit Court of Appeals.....HON. J. C. PRITCHARD
Member of the Circuit Court of Appeals

UNITED STATES CIRCUIT COURT OF APPEALS FOR FOURTH CIRCUIT:

HON. EDWARD DOUGLASS WHITE
Chief Justice United States Supreme Court

HON. JETER C. PRITCHARD
HON. C. A. WOODS
HON. MARTIN A. KNAPP

H. T. MELONEY
Clerk

C. M. DEAN
Deputy Clerk

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Opening of the Initial Term of the United States Circuit Court of Appeals, at Asheville, N. C., July 5, 1917

Upon the opening and convening of the Court the following speeches and remarks were made:

HON. LOUIS M. BOURNE, of the Asheville Bar:

May it Please the Court:

On behalf of the Asheville Bar Association, I ask the Court for leave to introduce a programme that is not on your docket.

Several years ago it occurred to a few members of our local association that it was desirable to establish this Court in Asheville. This was suggested in the first instance, probably, by the fact that the Court itself had found it *convenient*, to say the least, to hold one or more special or adjourned terms in Asheville, if not *necessary* to the proper and quick disposal of appeals in the Circuit. The matter then became one of interest to all our membership, some of whom began to have visions and to dream dreams regarding the necessity of the term as a regular institution, and its possibilities of benefit to this section, because, it must be confessed, we did not approach the subject in an entirely unselfish spirit. We know that everybody knows we are *from* Buncombe and *for* Buncombe; and we don't care if this is known. If it may be said that this movement originated in any sort of selfishness, it can still be fully justified on the ground that it will redound to the everlasting benefit of the two Carolinas, because it brings the Court to the people, instead of requiring the people to go a long distance, and at great expense, to the Court. And it makes the people feel that this is their Court. But I will not go into the history connected with the securing of this term, nor the reasons for its establishment, for there is one here who can, and will, do it much better than I, and who is entitled to all praise for his work and labors in that behalf.

For the men of the local Bar Association and myself, I am glad to say we worked for this Court because we felt and

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knew that it would be *our* Court, when established. I do not know how others feel, but it has struck me that the notion is far too widespread that the Courts of the United States are not local courts, nor a part and parcel of our local system of jurisprudence. There has grown up, unfortunately, in the past, probably as the result of reconstruction conditions, following the War Between the States, a feeling that this is a strange jurisdiction, and that, when we enter a Federal Court, we are upon alien territory. This feeling should be banished from every patriotic heart. A multitude of reasons may be suggested why some such feeling prevailed in the South at one time, but none, under present circumstances. The judges who preside on this bench are bone of our bone, flesh of our flesh, and blood of our blood; we all came from the same common stock and modern facilities for intercommunication between the sections, by telegraph, telephone, railroad, steamboat, motor and aeroplane, have made us realize as never before that the people of all the States are neighbors in the highest sense of the term, and ought to be friends. Every passing day impresses this fact upon the public mind, and nothing has brought it home to the people of every section of our country so forcibly as the recent war with Spain and the present war with Germany.

My friends, the judges of the federal bench, on the other hand, have come to recognize the fact that, however powerful they may be, in order to maintain themselves in a republic such as ours, for all time, they must have the sympathy and support of the worthy people of communities throughout which they dispense justice from day to day. Under such conditions, they will be revered and loved as all our judges should be. And this brings me to say that our two systems—state and federal—should be assimilated in all respects, and made alike as far as possible; and I, for one, cherish the hope that some day the law of Patton Avenue, whereon stands this federal structure, will be the same in Asheville and this country as the law of College Street, on which is located the County Court House.

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But, your Honors, I must hurry to the business in hand. You know that you are among friends. You know that you have our good wishes, and that every household on the Asheville Plateau has had, for some time, its latch-string on the outside, awaiting the day of your coming. And I speak advisedly when I say that I am afraid we wanted you to come much more than you wanted to come.

In conclusion, I will state that, if you should not find the accommodations here, in the way of Court House facilities, including libraries and judges' chambers, all that your needs require, please be assured that the inconvenience is only temporary, and that, in the course of a short time, we will see that all these defects are removed. You shall have an adequate Court House and comfortable quarters. I make this pledge in the name of the Asheville Bar Association; and their word is as good as their bond.

Representatives from every section of the southern part of this Circuit have turned out to give you welcome, and are here to express their pleasure at your coming into our midst.

Among the first, the City of Asheville will tell you how glad it is to have you, through Corporation Counsel Marcus Erwin, whom I now present.

HON. MARCUS ERWIN:

May it Please your Honors:

I have been delegated by the Mayor and Board of Commissioners of the City of Asheville to extend a hearty official welcome to your Honorable Court and each individual member thereof.

It was the fruition of a hope long cherished by the people of Asheville, when Congress passed the act making it possible for the Circuit Court of the United States to hold its sessions in our City.

We feel that Congress exercised an intelligent regard for the better administration of justice when, with an eye to your comfort it selected Asheville as the place for holding your summer sessions.

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We are mindful of the dignified importance your eminent body bears to the great government of the United States in the wise administration and enforcement of her laws. We are proud of the distinction that comes to us by your presence as a permanent institution in our midst.

Since the elevation of our fellow citizen and neighbor, Hon. Jeter C. Pritchard, to the Circuit Court Bench, we have felt somewhat of a proprietary interest in this Honorable Court. We have come to the full realization that we are part of the Federal Government and that the Circuit Court is really our Court. Broadminded, humane, generous and kind, Judge Pritchard is beloved, respected and honored by all his fellow citizens and along with our personal esteem for him and his associates goes our reverence and regard for the distinguished tribunal over which he so worthily presides today.

To the visiting members of the Circuit Court, to litigants and attorneys present and those to come in future summers, I extend a cordial and sincere welcome to our city.

Our hearts and our homes open instantly with the portals of our City, not to you alone, but to your families and your friends. Come, and bide a while in Asheville, the capital city of the "Delectable Mountains" of Carolina.

It is our sincere hope that you may find congenial environment and a pleasant abode while in our City, and I assure you it shall be our privilege to minister to your comfort and happiness while in our midst.

We offer you the advantages, the pleasures and comforts of a modern progressive American city, inhabited by a cosmopolitan, patriotic, law-abiding, Christian people; proud of our Common Country, her traditions and achievements, and devoted to the principles of Democratic Government and Liberty throughout the World.

Nature has been lavish in her endowments of our beautiful mountain country. Nestled among these eternal hills, fanned by pleasant breezes, ladened with balm from balsam and fir, and fragrance from the wild rose and azaleas, fresh-

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ened by mists from myriad cascades of torrents racing seaward, may we not indulge the hope that amidst these surroundings you may work with clearer vision and with lightened burdens.

MR. BOURNE:

I consider it peculiarly appropriate that this celebration should come at a time when the North Carolina Bar Association is in session. This Association heartily endorsed the movement to establish this term of Court. and contributed no little to its success, through the efforts of its former president, Hon. Clement Manly. I have great pleasure in presenting to this assemblage Hon. A. L. Brooks, President of the North Carolina Bar Association, who will speak a word of welcome on behalf of that body.

MR. BROOKS:

May it Please the Court:

On behalf of the North Carolina Bar Association, I desire to extend to you a most cordial welcome to our State. We feel an added pride in your presence because it was the Bar Association of this State that first actively advocated, and effectively urged the Congress to establish permanent sessions of this Honorable Court in the City of Asheville. Your coming at this time is peculiarly impressive, not alone because you comprise a Court next highest in authority and dignity to the Supreme Court of the United States, but because, by common consent, America is today recognized as the richest and most powerful nation on earth, and the chief exemplar of the doctrine of human rights and liberties. Henceforth, whether we would or not, the voice of this nation will be constantly heard around the world. Correspondingly, its great judicial system has increased in importance and power, until today, and for the future, rests in your hands the most weighty problems, not only of the State, but of national and international as well. We have perfect confidence in your ability to impartially mete out justice to all

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parties litigant appearing before you, as is becoming this great Court.

Candor compels me to say that we of the South have not always entertained so cordial regard for the United States Courts sitting in our midst, and I think not without reason at times, for frequently these Courts have been presided over by judges alien to our people, and out of sympathy with the problems and social conditions resulting from the Civil War. Happily these conditions no longer exist, and we now feel, in truth and in fact, that your court is our court, and that the hopes and aspirations of this and our sister States will be truly reflected in the quality of the equity and justice which you shall administer here.

There are geographic reasons why this Court should sit in North Carolina, for it is in the middle of the Circuit. Aside from the convenience to counsel thus promoted, making of these terms a Middle Court recalls, in these days of war, an incident connected with the famous Middlesex Regiment which won undying fame in the great battle of Verdun. Some months thereafter an American, while walking along the streets of London, was attracted by the marching by of a crack regiment of Scottish Highlanders. He had never seen its like before. Observing the dress, long stockings and short kilts, he asked what they were—men or women; then suddenly recalling the battle of Verdun, exclaimed "Oh! I know, that is the Middle Sex Regiment."

Permit me to add, in conclusion, that designating Asheville as the place, and summer as the time, for the sessions of your Court in North Carolina, is exceedingly appropriate, for it may now be truly said of you, by all men, that for this Court of justice all places are a temple and all seasons a summer.

MR. BOURNE:

We consider that the people of the two Carolinas are largely interested in this term of Court, which, Congress has directed, shall be held in the metropolis of Western North Carolina. We endeavored to have the Governor of the

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State present on this occasion, but found it impossible to do so, because of his previous engagements; and we did the next best thing in this emergency, and called upon former Governor Locke Craig, whose home is in this city, to extend the greetings of the State of North Carolina to this Court, on the opening of its first term here. I present Governor Craig.*

MR. BOURNE:

No man connected with the movement to secure this term of Court rendered more effective service in accomplishing this end than Hon. James J. Britt, who, at the time, had the honor to represent this District in the Lower House of Congress. He is familiar with the history of this undertaking, and knows better than any other, the difficulties encountered and overcome. He is here to tell the story of this good work. It gives me great pleasure to present to you the man who can tell this story so well.*

MR. BOURNE:

The success of this movement is not due alone to the efforts of the Asheville Bar Association, nor to those of the North Carolina Bar Association. When, in the progress of the work, it became necessary for us to call upon the Bar Association of our sister State, South Carolina, no man from that State did more to help us out than Hon. Ralph K. Carson, former president of the South Carolina Bar Association, who is here, by official appointment, to extend greetings to this Court on behalf of that State and its Bar Association. Hon. Ralph K. Carson, of Spartanburg, South Carolina, will now address you.

MR. CARSON:

If the Court Please, Ladies and Gentlemen:

I am here as a representative of the Bar Association of South Carolina to welcome this Court to its new home. This

*The Secretary has been unable to obtain the addresses from Governor Craig and Mr. Britt, and, therefore, they are not published.

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is indeed a pleasant duty. The Bar of our State is proud of the Circuit Court of Appeals, because it feels that South Carolina made a liberal contribution to the dignity, conscience and learning of the Court.

This occasion recalls a bit of history that is interesting and quite appropriate. Mr. George Mason, a member of the Federal Convention, refused to affix his name to the Constitution, objecting to the article relating to Judiciary, "The Judiciary of the United States," said he, "is so constructed and extended, as to absorb and destroy the judiciaries of the several States."

James Iredell, described at the time as a fast rising lawyer of thirty-five years of age, in an essay entitled "Observations on George Mason's Objections to the Federal Constitution," said, "Are not the State judiciaries left uncontrolled as to the affairs of that State only? In this, as in all other cases where there is a wise distribution, power is commensurate to its object. * * * The State judiciary will be a satellite waiting upon its proper planet; that of the Union, like the sun, cherishing and preserving a whole planetary system." This pamphlet attracted the attention of President Washington and resulted in the appointment of Mr. Iredell as Associate Justice of the Supreme Court of the United States, an office which he filled with such signal ability. Justice Iredell looked forward over a period of a hundred and fifty years, and the sitting of the Circuit Court of Appeals in North Carolina is, in a sense, a tribute to his broad vision.

It is a pleasure to practice in the Federal Court. I prefer the system of selection rather than election for judges. It is all right for the people to rule, but I have never been able to subscribe, without reservation, to the doctrine that the "voice of the people is the voice of God." A Federal Judge is a judge in fact as well as in name; he can give to the jury the benefit of his knowledge, and it is permissible for him to refer to the testimony and comment upon the facts. This tends to secure just and proper verdicts. In some of the State Courts where the judges are elected, they are so re-

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stricted by constitutional provisions that they are unable to refer to the testimony or the facts, and can do little more than preserve order of the Court.

It is unnecessary for me to comment upon the pleasant surroundings of the Court. Work is easier and better done with pleasant environment. No doubt, at least two members of this Court have been judicially advised that in Asheville it is never too warm in summer nor too cold in winter, and that the fog in Asheville lacks the element of moisture—an element with which the clouds are filled in less favored neighborhoods. There may and no doubt will be a difference of opinion as to the effect that the "ozone", as it is called here, will have upon the Court. One-half of the lawyers will contend that it has clarified and strengthened the mind of the Court; the other half, with great vehemence, will insist that the high altitude made the Court dizzy. Without a difference of opinion there would be no controversy, and without controversy, no lawyers.

I love my brethren of the Bar. They are a cheerful lot, and, as a rule, do not worry much over the present. The popular opinion, however, is that a lawyer should look forward with some degree of anxiety to the hereafter.

For my brethren I can wish no better fate when the end comes and life's work is done than that they be translated to a region where the Circuit Court of Appeals is in perpetual session, meting out justice, tempered with great mercy, to the erring members of the legal profession.

MR. BOURNE:

We consider ourselves very fortunate in having present, on this occasion, every member of the Supreme Court of the State of North Carolina, except one, who would have been present, we understand, except for illness. The Court in whose presence we are now assembled has been called, almost from the date of its establishment, the Junior United States Supreme Court. It is considered a happy omen, indeed, that the highest Appellate Court of the State, represented by the

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Chief Justice and three of the Associate Justices, is here to exchange greetings with, and to extend a cordial welcome to, this Court at its initial session, under the new act of Congress. That greeting and that welcome will be voiced by the present Chief Justice of the Supreme Court of North Carolina, Hon. Walter Clark, whom I now present.

CHIEF JUSTICE CLARK:

Your Honors and Fellow Citizens:

On behalf of the Court of which I have the honor to be a member, I deem it a pleasure and a privilege to cordially concur in the hearty expressions of welcome given your Honors upon the opening of this first session of your Court at this place. It is not only a convenience to litigants and to counsel that sessions of your Court should be held at some point in the two Southern States of your circuit, but it is a deserved compliment to the progressive people who have built the beautiful city you see around you and which shall be greater and grander in the years that are to come.

I can add nothing to what has been so admirably and eloquently said by the representatives of the bar of the two Carolinas and of the people of this city on this occasion. But there has been speech as to the clash of jurisdiction between the Federal Courts and the State Courts. There is no need or probability of conflict.

Both the State Courts and the Federal Courts rest upon the same basis of authority—the will of the people. It was their *fiat* that made the Federal Government and the State Governments, that created the Federal Courts and the State Courts and allotted to each their prescribed jurisdiction.

The greatest Power in the Universe, set the stars in the silent sky and prescribed the orbits in which they shall roll forever and forever without conflict and without competition. Should any planet vary by a hair's breadth from its ordained orbit, the quiet pull of the sun will recall it to its course. The highest earthly power has given to the Courts—State and Federal alike—their allotted course in which they shall move.

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There is no temptation to wander therefrom by design and as little by mistake, for the precedents of a hundred years have settled their allotted spheres. But should there be any variation on the part of either, the great central luminary, the great Supreme Court at Washington, will correct the error and like the needle of the compass the erring wanderer will tremble into place.

Your honors, I congratulate our bar and our people upon your advent in our midst and trust you will find your labors as pleasant to yourselves as they will be profitable to the public.

MR. BOURNE:

May it Please the Court:

This concludes the program which I asked this Court for leave to introduce at this juncture. We appreciate the kindness of the Court in thus indulging us, and wish you God speed in your work.

Response by HON. J. C. PRITCHARD:

Mr. Chief Justice, Members of the Supreme Court, and Gentlemen of the Bar Association:

We are highly gratified at the generous welcome that you have extended the Court on this the beginning of its first regular term for Asheville. The spirit you manifest clearly indicates the treatment that is to be accorded the Court by the people of this section of the Circuit. I have always felt that there should be the closest relation between the Bench and the Bar, and in this my associates heartily concur. The performance of our duties as judges is not without difficulty, and some times embarrassment, but when we feel that we have the hearty co-operation and enjoy the confidence of those who practice before us, our burdens are more easily borne. And here it is appropriate to say that as the judges are recruited from the Bar, whatever of honor or renown the judiciary has won belongs to the legal profession. The most celebrated judgments that have ever been rendered from the Bench were rendered after able and helpful arguments from the Bar.

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Think of the invaluable contributions to our jurisprudence in the forensic arguments of Hamilton, Webster, Wilson, Martin, Prentiss, and many other brilliant ornaments of the Bar, whose names are familiar to us all.

The judge, if such a one there be, who imagines he has no need of the aid of counsel, is to be pitied, as are the unfortunate litigants before him, or, rather I should say, unfortunate victims of his stupidity and conceit.

To say, moreover, in this connection, that not only has the American Bar won imperishable fame in the forum and in the Senate, but that in every great movement in our history, which has redounded to the public good and the public honor, the leaders have nearly always been lawyers, would be but to affirm the well known facts of history which no one can refute.

There has never been any real reason why differences should have existed between the Federal and the State Courts; each working within its own sphere is entirely independent of the other and where judges of either Court exercise common sense in the administration of the law, the one can always be helpful to the other. This Court is as much the Court of the people of the State as the State Court could possibly be in any sense of the word. There have been in the past, and will probably be in the future, conflicts of jurisdiction, but the Supreme Court, which presides over the destinies of all, will in the future, as in the past, determine such controversies in accordance with the Constitution which was framed by our forefathers.

The Supreme Court as the capstone of the Federal Judiciary, has well earned its title of "Bulwark of the Constitution," in repelling attacks—some times open, some times insidious—upon that venerable instrument, the Ark of the Nation's Covenant. In doing this, it has defended the States rights from invasion, as vigorously and as effectively as it has overthrown assaults upon the Federal prerogatives. It has, indeed, proven itself to be the "Balance Wheel of the Republic."

In the earlier days of our national life, when the newly

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formed Federal Government was surrounded by powerful States, like an infant king surrounded by fierce, jealous and turbulent barons, its strong, faithful and efficient guardian was the Supreme Court. But, when at the close of the Civil War, the Federal power was unduly exalted, and many would have trampled upon the reserved rights of the States, this same great tribunal interposed its powerful shield for the protection of the real rights of the States, saying as it did in *Texas vs. White:*

"The preservation of the State and the maintenance of their Government are as much within the design and care of the Constitution, as the preservation and the maintenance of the National Government."

And when, even in the midst of Civil War, ill advised men, flushed with recent victory and intoxicated with power, sought to stretch forth the mighty hand of the Federal Government to illegally seize the property of a private individual, even though he were one of the avowed adversaries of that very Government, the Supreme Court, in the great case of *United States vs. Lee,* decided in 1882, interposed its protecting aegis, proclaiming the fact that America is the land of law and not of violence, and that not even the greatest Government on earth can override the Constitutional rights of a free American citizen.

In the course of the masterly opinion in that case, Mr. Justice Miller (esteemed by many to rank in ability next to the great Marshall, himself), discussing the Constitutional provisions for the protection of the individual, said:

"These provisions for the security of the rights of the citizen stand in the Constitution in the same connection and upon the same ground, as they regard his liberty and his property, and it cannot be denied that both were intended to be enforced by the judiciary."

I would not, however, be understood as wanting in appreciation of the splendid contributions to our jurisprudence, and to the maintenance of the Constitution, by State judges. The names of Taylor, Ruffin, Pearson, Settle, Gaston, Bynum,

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Reed, Smith, Pendleton, Tucker, Staples, Kent, Shaw, Walworth, Gibson, Cooley, Pinckney, Harper, the Wardlaws, McKiver, and many others who have adorned the Bench of their respective States, will ever be venerated and held in grateful remembrance. Indeed, the history of American law could not well be written without referring to the work of those eminent jurists.

It is a great mistake to suppose that the duty of expounding the Constitution has devolved upon the Federal Courts alone. From the organization of the Government, that duty has been shared by the Courts of the several States (our Supreme Court, from its organization until this good hour, having borne a conspicuous part), and in many other matters these Courts have exercised, under the law, a concurrent jurisdiction with the Courts of the Union.

I sincerely trust that the day is not far distant when we will have a uniform procedure and practice throughout the country. Every movement made by the Congress, as well as by the Supreme Court, in the promulgation of rules, tends in that direction. There is one matter that I feel should be called to the attention of the members of the Bar of this Circuit. Under the law as it now exists, there are two methods provided by which cases may be brought to this Court for review; I refer to the Bankruptcy Law. Endless confusion has grown out of the provision which requires an appeal in certain instances, and in others a petition to superintend and revise. All cases from the Courts of Bankruptcy could easily be brought to this Court by an appeal, and thus avoid confusion, much expense, and relieve the uncertainty among the lawyers as to how suits of this character should be brought here for review.

This is a matter that should be presented to the National Bar Association, and through that organization direct to Congress, where I have no doubt it will receive prompt attention. It is true that we have two methods of bringing up other cases, but that is due to the fact that the Federal Court still preserves the distinction between law and equity. So

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long as that distinction is made, perhaps it would be just as well to permit the rules to remain as they are at this time; that is, have cases brought from an equity Court on Appeal and from Law Courts by Writ of Error.

Congress recently passed an act which provides that where a case is brought by writ of error and it should have been brought on appeal, that the case shall be heard as though it had been properly brought on appeal, or vice versa. While I am not inclined in the slightest degree to criticise Congress (because it would be improper to do so), on account of its action as respects this matter, still I believe that it would have been much better to have provided that all cases should be either brought by appeal or writ of error. Indeed, I think that until the distinction between law and equity is abolished, if that should ever occur, it would perhaps be better for the profession, as well as for the Court of Appeals, to require lawyers to acquaint themselves with the rules and to adhere strictly thereto. It is hardly fair to the well prepared lawyer who is capable of bringing his case here in a proper manner, to permit another who perhaps is not so well prepared to totally ignore the rules by bringing his case here in an improper manner without being penalized. If lawyers and litigants could only appreciate the fact that thousands of dollars have been wasted in the past, and many times litigants deprived of their just rights, because lawyers have not taken the pains to study the rules governing in such cases, I am sure this evil would be cured, either by the adoption of suitable legislation or the more rigid observance of the rules by many of the lawyers of the circuit. In saying this it is not my purpose to lecture the members of the Bar as to their duty, but simply in a friendly way to advise them as to the importance of this matter.

There is one thing that I deem proper to refer to before I conclude. The whole country is overshadowed with gloom on account of the terrible war that is raging in Europe, and our own land is saddened on account of the fact that our brave boys are called upon to engage in this terrible conflict

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for the purpose of protecting American rights and rendering aid to suffering humanity. Notwithstanding this condition, there are some who are doing all in their power to embarrass the President in his efforts to bring the war to a successful termination.

The only way to successfully meet those who preach the doctrines of anarchy and disloyalty is to instil in the minds of the people, lessons of patriotism and devotion to America and her institutions. Let us, therefore, cultivate a spirit of patriotism and respect for the majesty of the Constitution, and the laws passed in pursuance thereof.

The disposition in certain quarters to denounce the Courts and criticise those who are charged with the administration of the law, has a tendency to weaken the faith of the people in the stability of our Government. Notwithstanding the critical condition of the affairs of the Nation, at this time, some have dared even to go so far as to criticise the President, and in the past this same class of people have impugned the motives of the Supreme Court—the highest Court in the land—the last resort of the people.

The spirit of disloyalty and anarchy is abroad in the land and in some sections is gaining a strong foothold. This sentiment has been nurtured and developed by the demagogue who is willing to assail the very foundation of the Government in order that he may succeed in his political aspirations. The Courts are not above legitimate criticism, and when a judge acts improperly he should be criticised, and if his conduct warrants it, he should be impeached, but there should be no wholesale denunciation of the Courts, and those who attempt by such methods to bring discredit upon the judiciary should be taught by the American people that the doctrines which they teach can never flourish on American soil.

The late ex-President Cleveland, in an address delivered at Princeton, September 19th, 1901, in referring to the death of the lamented McKinley, said:

"There is a serious lesson for us all in the tragedy of our late President's death. The shock of it is so great that it is hard at this time to read the les-

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son calmly. We can hardly fail to see, however, behind the bloody deed of the assassin, the horrible faces and figures from which it will not do to turn away. If we are to escape further attack upon our peace and security, we must boldly and resolutely grapple with the monster of anarchy. It is a thing that we cannot safely leave to be dealt with by party or partisanship. Nothing can guarantee us against its menace except the teachings and practice of the best citizenship; the exposure of the ends and aims of the gospel of discontent and hatred of social order and the brave enactment and execution of repressive laws."

These are words of wisdom, spoken by one of the greatest statesmen of his age, and the lesson which he sought to teach should be constantly borne in mind by every patriotic citizen. This is indeed a land of liberty, but it is not a land of license, and the sooner the lawless classes understand the true situation, the better it will be for all parties concerned. We welcome from abroad the better class who desire to come among us, but our laws should be strengthened and improved so as to keep beyond our borders those who believe that their mission in life is to perpetuate strife and discord. The individual who believes in dynamite rather than reason, and who is willing to resort to unlawful methods to further his ends, should find no cordial welcome in this free land of ours. The enemies of this country and the demagogue have much in common, and the one is as dangerous as the other, and each should be shunned by the American people.

In these trying times it should be a source of gratification to know that our President used every means within his power to avoid a conflict with Germany—nothing more could have been done in the premises. Therefore, it becomes the duty of every citizen of this country to uphold the President in his efforts to vindicate our honor and perpetuate our institutions.

That we will succeed in the undertaking in which we are engaged I have not the slightest doubt. Let us press forward to the glorious future that awaits us, imbued with that supreme spirit which flashed from the lips of Patrick Henry when he said in the Continental Congress, "I AM NOT A VIRGINIAN, BUT AN AMERICAN."

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APPENDIX.

CONSTITUTION.

ARTICLE I

NAME

This Association shall be called THE NORTH CAROLINA BAR ASSOCIATION.

ARTICLE II

OBJECT

This Association is formed to cultivate the science of jurisprudence, to promote reform in the law, to facilitate the administration of justice, to elevate the standard of integrity, honor and courtesy in the legal profession, to encourage a thorough and liberal education, and to cherish a spirit of brotherhood among the members thereof.

ARTICLE III

MEMBERS

Active Members.—Those members of the Bar who attend the meetings at which the Association is formed and who shall subscribe to this Constitution and pay the admission fee, are hereby declared to be members of this Association. Any white person shall be eligible to membership in this Association who shall be a member of the Bar of this State in good standing, and who shall be nominated as hereinafter provided.

Honorary Members.—The Judges of the Supreme, Superior and Criminal Courts in this State, and the Judges of the Federal Courts in this State shall, as long as they remain in office, be honorary members of this Association, with all the right and privileges of regular members, except eligibility to office, and without liability for the payment of admission fees or dues.

ARTICLE IV

OFFICERS

The officers of this Association shall be a President, three Vice-Presidents and a Secretary and Treasurer, whose duties shall be such as may be prescribed in the By-Laws.

They shall be elected at the annual meetings hereinafter provided for, except those first elected under this Constitution. They shall hold office from the adjournment of the meeting at which they are elected, until the adjournment of the next succeeding meeting, except those first elected under this Constitution, whose terms shall commence upon their election and expire at the adjournment of the first annual meeting. The President and Vice-Presidents shall be ineligible for re-election until one year after the expiration of their terms of office.

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The office of Secretary and Treasurer shall be filled by one person, who shall receive as compensation for his services the sum of (four)* hundred dollars per annum. Payable quarterly.

All elections shall be by ballot.

ARTICLE V

STANDING COMMITTEES

There shall be the following standing committees of this Association, to be chosen as hereinafter provided, whose duties shall be such as may be prescribed in the By-Laws:

1. *Executive Committee.*—To consist of six members (and in addition thereto the President and Secretary of the Association shall be *ex-officio* members.)†
2. *Committee on Admission to Membership.*—To consist of one member from each of the Judicial Districts of the State.
3. *Committee on Legislation and Law Reform.*—To consist of five members.
4. *Committee on Judiciary.*—To consist of five members.
5. *Committee on Legal Education and Admission to the Bar.*—To consist of five members.
6. *Committee on Memorials.*—To consist of five members.
7. *Committee on Grievances.*—To consist of five members.
8. *Committee on Legal Ethics.*—To consist of five members.

The members of the Executive Committee shall hold office as may be prescribed in the By-Laws.

The members of all other standing committees shall hold office from the time of their appointment until the adjournment of the next succeeding annual meeting and until their successors shall be appointed.

ARTICLE VI

APPOINTMENT OF COMMITTEES

The members of the Executive Committee, except those first elected under this Constitution, shall be elected at the annual meetings.

The President shall appoint all other standing committees within ten days after the adjournment of this and each annual meeting (and shall designate one member of each committee as its Chairman and one member as its Secretary)¶ and shall announce the appointees to the Secretary, who shall immediately notify the persons appointed.

ARTICLE VII

MEETINGS

This Association shall meet annually in the month of June, July or August at such time and place as the Executive Committee may select, and those

*That portion of the article included in ( ) is an amendment passed at annual meeting of 1915.

†The paragraph in ( ) was an amendment passed at annual meeting in 1905.

¶The paragraph in ( ) was an amendment passed at annual meeting of 1900.

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present at such meeting shall constitute a quorum. Such notice of the meeting shall be given as may be prescribed in the By-Laws.

Special meetings may be called at any time by the Executive Committee upon such notice as may be prescribed in the By-Laws; and shall be called by said Committee at any time upon the written request of twenty-five members, upon like notice. At a special meeting no business shall be transacted except such as specified in the call therefor, without the concurrence of at least four-fifths of those present; and at such a meeting forty members shall constitute a quorum.

ARTICLE VIII

FEES AND DUES

The admission fee shall be Five Dollars, and the annual dues shall be Two Dollars, to be paid as may be prescribed in the By-Laws: *Provided*, That the admission fee shall be in lieu of the annual dues for the current year in which it is paid. No member shall be qualified to exercise any privilege of membership while his fees or dues remain unpaid, when due. (*Provided further*, That all members of this Association in actual service in the Naval and Military forces of the United States during the present war shall be exempt from all dues during such service.)*

ARTICLE IX

SUSPENSIONS AND EXPULSIONS

Any member may be suspended or expelled for misconduct in his relation to this Association, or in his profession upon conviction thereof, in such manner as may be provided in the By-Laws; and all interest in the property of the Association of persons in any way ceasing to be members shall *ipso facto* vest in the Association.

ARTICLE X

VACANCIES

In case of a vacancy in any office it shall be filled by appointment of the President until the next annual meeting: *Provided*, That a vacancy in the office of President shall be filled by appointment of the Executive Committee, of one of the Vice-Presidents. In case of a vacancy in any committee it shall be filled by appointment of the President until the next annual or special meeting. A person appointed to fill a vacancy shall hold office until his successor is elected or appointed and qualified.

ARTICLE XI

ANNUAL ADDRESS AND PAPERS

At each annual meeting the President shall deliver an address upon some subject to be selected by himself, in which he shall make suggestions as to the work of the Association as he may deem proper. An address shall also be

*That portion of the Article included in ( ) is an amendment passed at annual meeting in 1917.

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made by some lawyer (or other person)* of prominence, not a resident of the State, to be invited by the Executive Committee. And papers shall be read by not more than five members of the Association, to be selected by the Executive Committee, as prescribed in the By-Laws.

ARTICLE XII

AMENDMENTS

This Constitution may be amended by a three-fourths vote of the members present at any meeting: *Provided*, That if it be an annual meeting, notice of the proposed amendment, subscribed by at least three members, shall be given on the first day of each meeting; and, if it be a special meeting, a similar notice, similarly subscribed, shall be given in the call therefor: *Provided, however*, That no change shall be made at any meeting at which less than forty members are present.

ARTICLE XIII

INCORPORATION

This Constitution shall go into immediate effect. This Association shall be incorporated under the laws of the State of North Carolina at the present session of the General Assembly, and under such incorporation all money and property of said Association shall be vested in the President and Secretary and Treasurer, as trustees thereof, who shall pay over and deliver the same to said corporation as its property, as soon as the corporation is created by law.

*That portion of the Article included in ( ) is an amendment passed at the annual meeting in 1915.

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BY-LAWS.

SYNOPSIS

I

President and Vice-President—
President's duties.
His substitute.

II

Secretary and Treasurer—Duties.

1. Minutes of Proceedings and records as ordered. Preservation of archives. Transmission to successor.
2. Correspondence of Association.
3. Roll of Members, Officers, Committees, and their addresses. Notification of members and officers of election and appointment.
4. Issuance of notices of meetings. Special Meetings—Objects of.
5. Secretary's Report. Keeper of Seal.
6. Collection, disbursement, deposit and investment of funds.
7. Accounts—Inspection of.
8. Report to Executive Committee of Funds.
9. Treasurer's Report.
10. Submission of Report and Auditing Committee.

III

Executive Committee.

1. Election of. Filling vacancies.
2. Duties and powers.
3. Audit of accounts. Supervision of payments.
4. Invitation to non-resident speakers. Selection of members to prepare and read papers. Selection of subject.
5. Selection of place and time of Annual Meeting. Preparation of program of proceedings. Sending of program and notices of meeting to members.
6. Appointment of Committee to audit and certify Treasurer's accounts.
7. Secure services of stenographer to report proceeedings.

IV

Committee on Admission to Membership—

1. Requirements for application. Endorsements. Substitution for absent members of Committee at meetings.
2. Election of new members by Committee by ballot. Rejection, 1 in 5 rejects.

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3. Election during vacation of Committee. Procedure. Endorsements. Notification to Secretary of Association of election. Rejection referred to next meeting of Committee for disposal by Section 2, Article IV. Rejected candidates cannot be proposed again within one year.
4. Disclosure of action of Committee upon application.
5. Duties of members to inform Committee of disqualification, and to withhold endorsements.
6. Duties of Secretary of Committee. Record of applications. Preservation of applications.

V

Committee on Legislation and Law Reform—Duties of:

1. To examine proposed change in the law. To encourage, promote or check same. To consider and recommend amendments in law and judicial procedure to Association.
2. To call special meetings of Association.
3. To meet each year upon call of President. At least once each year not later than ninety days before Annual Meeting. To consider matters referred to it and other matters selected by it. It shall be duty of Chairman to appear before Legislative Committee to advocate enactment of recommendations of Association. Expenses of Committee borne by Association.

VI

Judiciary Committee—Duties:

To examine, report on and suggest changes and reform in the judicial system.

VII

Committee on Legal Education and Admission to the Bar—Duties:

Recommendations.

VIII

Committee on Memorials—Duties:

Memorials of deceased members. Biographical sketch and engraving of member of Bench or Bar.

IX

Committee on Legal Ethics—Duties:

To frame rules or canons of the principles of ethics for the Bar. To consider and take action upon departure from rules.

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X

Committee on Grievances—Duties of Committee:

1. To hear complaints against members and others affecting the legal profession, etc. To report with recommendations to Association. To prosecute under orders of Association.
2. Duties of Chairman. Expense allowance.
3. (*a*) Procedure for investigation of complaints against members. (*b*) Testimony at trial. (*c*) Committee at trial. (*d*) Findings and report to Association. (*e*) Action of Association.
4. Complaints against non-members. Procedure. Disbursements and expenses of Committee, payment of. Restrictions as to publicity of proceedings.
5. Duty of members of Association to prosecute upon request. No compensation. Expenses incurred.

XI

Committee on Publications—
Appointment of. Duties.

XII

Committee to Recommend Officers—
Appointment of. Duties. Recommendations. Limitation of power.

XIII

General Power and Duties of Standing Committees—General:

1. Organization. 2. Meetings. 3. Record and archives. 4. Voting by correspondence. 5. Annual reports. 6. Printing reports in advance.

XIV

Addresses and Papers—Time of:
President's address. Principal speakers. Balance of papers.

XV

Publication of Annual Reports, Addresses and Papers—
All papers read lodged with Secretary. Publication of in annual report. Restrictions. Extra copies of printed. Annual reports published and delivered to members.

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XVI

Current year begins and ends.

XVII

Dues—Collection and non-payment of:

(*a*). Admission fee. Time of payment. Non-payment.

(*b*). Annual dues. When payable. Failure to pay. Reinstatement.

(*c*). Three years' arrears.

(*d*). Notification of dues. Notification of draft for dues. Drawing drafts.

XVIII

Resignations—

(*a*). Member may resign, when.

(*b*). Resignations effective, when.

XIX

Limitation of debate—

Number of speeches. Limitation of speeches. Exceptions.

XX

Order of business at annual meeting.

XXI

Amendments—

To By-Laws, how. Notice of.

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BY-LAWS

I

PRESIDENT AND VICE-PRESIDENT

The President shall preside at all meetings of the Association; he shall open each meeting with an annual address, and perform all other duties required of him by the Constitution and By-Laws. In his absence one of the Vice-Presidents shall preside, and in the absence of all such officers, such person as may be elected to the chair by the meeting.

II

SECRETARY AND TREASURER

The person holding the office of Secretary and Treasurer shall be charged with the following duties:

1. He shall keep full and accurate minutes of the proceedings of all the meetings of the Association, and of all other matters of which a record shall be ordered by the Association, and he shall carefully preserve its archives and transmit them to his successor in office.
2. He shall, with the aid and concurrence of the President, when by the latter deemed expedient, conduct the correspondence of the Association.
3. He shall keep at all times a complete and accurate roll of the members, officers and committees of the Association, with their addresses; he shall notify new members of their election, and officers and members of committees of their election or appointment.
4. He shall, under the direction of the Executive Committee, issue notices of all meetings of the Association, and in case of a special meeting shall add a brief note of the object thereof.
5. He shall, as Secretary, report to the Association at each annual meeting, giving a summary of his transactions during the preceding year, and an outline of the business which is to come before the Association at such annual meeting so far as it relates to propositions or resolutions referred to any special or standing committee at the previous meeting. And he shall be the keeper of the seal of the Association.
6. He shall collect and, under the direction of the Executive Committee, disburse, deposit or invest the funds of the Association.
7. He shall keep regular and accurate accounts in books belonging to the Association, which shall be open at all times to the inspection of any member of the Executive Committee.
8. He shall report to the Executive Committee, whenever so required, the amount of money on hand or under his control, and any appropriations or charges affecting the same.

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9. He shall, as Treasurer, make a full and detailed report at each annual meeting, showing: (*a*) The receipts and disbursements of the preceding year, suitably classified; (*b*) all outstanding obligations of the Association; (*c*) an estimate of the resources and probable expenses for the coming year; and any suggestions that he may think proper to make.

10. He shall submit his said report and all his books, vouchers and papers relating thereto, to a committee to be appointed by the Executive Committee at its annual meeting, who shall audit and certify said report before its presentation to the Association.

III

EXECUTIVE COMMITTEE

1. At each regular meeting there shall be elected, by ballot, two members of the Executive Committee, to hold office for three years, and such additional members as may be necessary to fill vacancies, if any, to hold office for the unexpired terms of their predecessors.

2. They shall have the general management of the affairs of the Association and shall make such regulations and take such action, not inconsistent with the Constitution and By-Laws, as may be necessary for the protection of the property.

3. They shall audit all accounts against the Association, and no money shall be paid out of the treasury except upon a warrant signed by the Secretary and countersigned by their Chairman.

4. They shall, as soon as conveniently may be, after their first election under this Constitution, and thereafter as soon as conveniently may be, after such annual meeting, invite some lawyer of prominence, not a resident of this State, to make an address before the Association at its next annual meeting, upon some subject to be selected by the person so invited. And they shall at the same time select not more than five members of the Association to prepare and read papers at the next annual meeting upon subjects to be chosen by the persons so selected, or such as may be suggested by the Committee. (One, however, of such papers shall be an historical sketch of the bar of some community, district or section.)*

5. They shall, at least sixty days before each annual meeting of the Association, select a place and a time within the month of June, July or August, for holding such annual meeting, and prepare a printed programme of the proceedings to be held thereat. A copy of such programme and a notice of such meeting shall be mailed to each member of the Association by its Secretary.

6. They shall, at their annual meeting in each year, appoint a special committee of three members of the Association to audit and certify the accounts of the Treasurer before they are presented to the Association.

7. They may secure the services of a stenographer to report the proceedings of each annual meeting.

*That portion of the Article included in ( ) is an amendment passed at annual meeting of 1917.

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IV

COMMITTEE ON ADMISSION TO MEMBERSHIP

1. All applications for membership in the Association shall be in writing, signed by the applicant and addressed to the Committee on Admission to Membership. The application shall be endorsed by at least two members of the Association not members of the committee (residing in the judicial district of the applicant),* and by the member of the committee from the judicial district in which the applicant resides: *Provided*, That if the member of the said committee from any district shall not have registered at any annual meeting, or, having registered, shall have left the place where any annual meeting is held, it shall be the duty of the President of the Association, on the request of the Chairman of the Committee on Admission to Membership, or in his absence, of any member thereof, to designate a substitute for the said absentee, with power to act during his absence, naming one from the appropriate district, if convenient, or if not, any other member of the Association.

2. If the application be presented at a meeting of the committee, the vote thereon shall be by ballot, and every member present shall be required to vote; one negative vote in every five cast shall be sufficient to reject the applicant.

3. If the applicant be presented during the vacation of the committee the method of proceeding shall be as follows: Upon receipt by any member of the committee he shall forthwith refer it to the member of the committee from the judicial district in which the applicant resides, whose duty it shall be to diligently inquire as to the character and standing of the applicant and his eligibility to membership in the Association. If, upon such inquiry, he finds the applicant free from objection, he shall endorse the application favorably; otherwise he shall withhold his endorsement and communicate his reasons therefor, in writing, to the Chairman of the Committee and forward the application to him. If the application be favorably endorsed, it shall be referred to the Chairman of the Committee, and if favorably endorsed by him and four other members of the committee, including the member from the district in which the applicant resides, the applicant shall be declared elected, and the Secretary of the Committee shall notify the Secretary of the Association of his election. If the application be returned unendorsed by the member of the committee from the judicial district in which the applicant resides, or if any member of the committee to whom it is referred refuse to endorse it, it shall be filed by the Secretary of the Committee until the next meeting of the committee. At such meeting such application shall be disposed of as provided by Section 2 of this Article. No candidate rejected shall be again proposed within a year.

4. No member of the committee shall disclose to any person the discussions, statements or votes of any member thereof upon any application for membership; nor shall the committee's decision upon any such application be made known to any person other than the applicant.

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*The paragraph in ( ) was an amendment passed at annual meeting of 1899.

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5. It shall be the duty of any member of the committee who has knowledge of any fact which, in his opinion, disqualifies the applicant for membership in the Association, if it be in a meeting of the committee, to state such fact to the committee, to withhold his endorsement of the application and communicate such fact to the Chairman of the Committee in writing.

6. The Secretary of the Committee shall keep in a book provided for that purpose a record of all applications for membership in the Association, and shall preserve the originals of all applications among the archives of the committee.

V

COMMITTEE ON LEGISLATION AND LAW REFORM

1. It shall be the duty of the Committee on Legislation and Law Reform to scrutinize carefully all proposed changes in the law; to encourage and promote such as appear to be beneficial, and to check, as far as possible, all such as appear to be hasty or ill-advised; and to consider and recommend to the Association such amendments of the law and judicial procedure as will facilitate the administration of justice.

2. It shall be the duty, if at any time they deem it advisable, to call a special meeting of the Association to be called for the purpose of considering pending or proposed legislation.

(3. It shall be the duty of the committee to meet upon the call of the President at least once each year, and one such meeting shall be held not less than ninety days before the annual meeting of the North Carolina Bar Association, to consider such matters as have been referred to it by the Bar Association, and such other matters as the committee may think proper to consider and cover by its report. It shall be the duty of the chairman of the committee to appear before appropriate legislative committee and advocate the enactment of the legislation recommended by the North Carolina Bar Association. The expense of the members of this committee attending meetings of the committee each year and the expense of the chairman in performing his duties before legislative committees shall be borne by the Association.)*

VI

JUDICIARY COMMITTEE

It shall be the duty of the Judiciary Committee to carefully observe the practical working of our judicial system, to suggest, invite, entertain and examine projects and suggestions for changes and reforms in the system, and to consider and recommend to the Association such action as they may deem expedient.

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*The paragraph in ( ) was an amendment passed at annual meeting of 1906.

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VII

COMMITTEE ON LEGAL EDUCATION AND ADMISSION TO THE BAR

It shall be the duty of the Committee on Legal Education and Admission to the Bar to take into consideration the subject of legal education and other requisites for admission to the bar, and to recommend to the Association from time to time such action as they may deem necessary to guard the approaches of the profession from persons unfit for membership by reason of character or preparation.

VIII

COMMITTEE ON MEMORIALS

The Committee on Memorials shall prepare and furnish to the Secretary brief, appropriate notices of members who have died during the year preceding each annual meeting; such notices not to exceed four pages of printed matter, and to be published in the annual report. They shall also prepare or secure annually at least one biographical sketch of some member of the Bench or Bar of North Carolina, now deceased, having special reference to his professional career, and have the same presented at the annual meeting; and whenever practicable, they shall secure a steel engraving or other suitable picture of the subject of the sketch to be inserted in the published proceedings.

IX

COMMITTEE ON LEGAL ETHICS

The Committee on Legal Ethics shall be charged with the duty of reducing to the form of rules or canons the principles of ethics regulating the relations of lawyers to the courts, the public, their clients and each other, with the further duty of taking such action as they may deem best in case any departures from these principles by members of the Bar of the State come to their notice or are brought to their attention.

X

COMMITTEE ON GRIEVANCES

1. It shall be the duty of the Committee on Grievances to hear all complaints against members of the Association, and also complaints which may be made in matters affecting the interest of the legal profession, the practice of the law, and the administration of justice, and to report thereon to the Association, with such recommendations as they may deem advisable; and in behalf of the Association, institute and carry on such proceedings against offenders and to such extent as the Association may order.

(2. "It shall be the duty of the Chairman of the Committee on Grievances to give particular attention to all charges on reports reflecting on the character and honor of such attorneys, which tend to bring the legal profession into reproach, and inform himself of the foundation and probable truth thereof, and in doing so incur such reasonable traveling and other necessary expenses as may be proper, which shall be allowed and paid by the North Carolina Bar

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Association, with such compensation in each particular case as the Executive Committee may allow, and when he discovers that any such charges or reports are probably well founded, he shall lay the matter before his committee for investigation; and if it appears of sufficient importance the committee shall give notice to the person against whom the charges are made, and also appoint an attorney to prosecute before the committee, and proceed to hear all proper evidence and argument offered for or against the party whose conduct is under investigation, and take such action thereon as is hereinafter provided in cases in which charges are made.")*

3. Whenever any complaint shall be preferred against a member of the Association for misconduct in his relations to the Association, or in his profession, the person or persons preferring such complaint shall present it in writing to the Committee on Grievances, subscribed by the complaining party, plainly stating the matter complained of. If the committee are of the opinion that the matters therein alleged are of sufficient importance, they shall cause a copy of the complaint, together with a notice of not less than five days of the time and place when the committee will meet for the consideration thereof, to be served upon the member complained of, either personally or by leaving the same at his place of business during office hours, properly addressed to him; and they shall cause a similar notice to be served on the complainant. At the time and place appointed, or at such other times as may be named by the committee, the member complained of may file a written answer or defense, and the committee shall proceed to the consideration of the case upon such complaint and answer, or upon the complaint alone if no answer is interposed.

The complainant and the member complained of shall each be allowed to appear personally and by counsel. The witnesses shall vouch for the truth of the statements on their word of honor. The committee may summon witnesses, and, if such witnesses are members of the Association, a neglect or refusal to appear may be reported to the Association for its action.

The committee, of whom at least three must be present at the trial, except that a less number may adjourn from time to time, shall hear and decide the case thus submitted to them, and shall determine all questions of evidence.

If they find the complaint, or any material part of it, to be true, they shall so report to the Association, with their recommendation as to the action thereon, and, if requested by either party, may, in their discretion, also report the evidence taken or any designated part thereof.

The Association shall thereupon proceed to take action on said report as thay may see fit, provided only that no member shall be expelled unless by the vote of two-thirds of the members present and voting.

4. Whenever specific charges of unprofessional conduct shall be made in writing to the Association, against a member of the bar, not a member of the Association, or against a person pretending to be an attorney or counselor-at-law practicing in the State, said charges shall be investigated by the Committee on Grievances; and if, in any such case, said committee shall report in writing

*The paragraph in ( ) was an amendment passed at annual meeting of 1906.

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to the Executive Committee that, in its opinion, the case is such as requires further investigation or prosecution in the courts, the Executive Committee may appoint one or more members of the Association to act as prosecutor, whose duty it shall be to conduct the further investigation of such offender, under instructions and control of the Committee on Grievances.

The reasonable disbursements of the Committee on Grievances for expenses incurred in any such investigation or prosecution may be paid out of the funds of the Association under the direction of the Executive Committee.

All the foregoing proceedings shall be secret, except as their publication is hereinbefore provided for, unless otherwise ordered by the Association by a two-thirds vote.

5. It shall be the duty of any member or members of this Association, upon the request of the Chairman of the Executive Committee or the Chairman of the Committee on Grievances, to prosecute any case of unprofessional conduct occurring in his or their district without compensation, though his or their expenses shall be paid by the Treasurer of the Association.

XI

COMMITTEE ON PUBLICATIONS

It shall be the duty of the President, on the first day of each annual meeting, to appoint a special committee of three members, to be known as the Committee on Publications, whose duty it shall be to determine which of the papers read at such annual meeting should be published with the reports of the Association, as hereinafter provided.

XII

COMMITTEE TO RECOMMEND OFFICERS*

It shall be the duty of the President, on the first day of each annual meeting, to appoint a special committee of five members, whose duty it shall be to consider and recommend to the Association suitable persons for Vice-Presidents and members of the Executive Committee to be elected at each meeting; but the Association shall not be confined to the election of the persons so recommended.

XIII

GENERAL POWERS AND DUTIES OF STANDING COMMITTEES

Except as otherwise expressly provided, each standing committee shall have the following powers and be charged with the following duties:

1. *Organization.*—They may adopt regulations for their own government and proceedings not inconsistent with the Constitution and By-Laws, and subject to revision by the Association.

2. *Meetings.*—They shall meet annually on the day preceding the annual meeting of the Association, (but shall send a rough draft of their report to the Secretary at least sixty days before the meeting of the convention)†; special

*This article was amended at session of 1902, substituting the word Vice-Presidents for Officers.

†The paragraph in ( ) was an amendment passed at annual meeting of 1916.

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meetings may be called by the chairman of any committee, whenever in his opinion it may be necessary or advisable, and shall be called by him upon written request of the committee. At any meeting of any standing committee, other than the Committee on Admission to Membership, three members shall constitute a quorum, and at any meeting of the Committee on Admissions five members shall constitute a quorum.

3. *Records and Archives.*—It shall be the duty of the secretary of each committee to keep full and accurate minutes of each meeting of the committee, and under direction of the chairman, to conduct its correspondence, and to carefully preserve its archives and transmit them to his successor in office.

4. *Voting By Correspondence.*—They may, by correspondence, consider and vote upon any matter which might properly come before them in meeting; such correspondence shall be carefully preserved by their secretary and a minute thereof entered upon his records.

5. *Annual Reports.*—They shall report to the Association at each annual meeting, giving a summary of their proceedings since the last annual meeting, except such as they are prohibited from making public, and making such suggestions relative to their departments as they may deem proper.

6. *Printing Reports in Advance.*—When any such report contains any recommendations for action on the part of the Association, it may, in the discretion of the committee, be printed in the manner in which the annual reports are required to be printed, and a copy thereof mailed by the Secretary of the Association to each member thereof at least fifteen days before the annual meeting at which such report is proposed to be submitted.

XIV

ADDRESSES AND PAPERS

The annual address of the President shall be made on the first day of the annual meeting immediately after the Association is called to order by the Chairman of the Executive Committee. The address of the person to be invited by the Executive Committee shall be made at the morning session of the second day, and the reading of papers or essays shall be on the same day, or at such other time as the Executive Committee may determine.

XV

PUBLICATION OF ANNUAL REPORTS, ADDRESSES AND PAPERS

All papers read before the Association shall be lodged with the Secretary. The annual address of the President, the reports of the committees, and all proceedings at the annual meetings shall be published in the annual reports of the Association; but no other address made or paper read or presented shall be published except by order of the Committee on Publication or of the Association.

Extra copies of reports, addresses and papers read before the Association, not exceeding two hundred copies of each, may be printed by order of the Committee on Publication for the use of authors thereof.

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The annual reports shall be published by the Secretary, under the direction of the Executive Committee, and a copy thereof delivered to each member of the Association.

XVI

CURRENT YEAR

The current year of this Association shall commence with the first day of July of each year, and end with the 30th day of June the following year.

XVII

COLLECTION AND NON-PAYMENT OF FEES AND DUES

The admission fee (except from those persons declared to be members by Article III of the Constitution) shall be payable to the Treasurer within thirty days after notification of election; and any member who shall fail within that time to notify the Treasurer of his acceptance of membership and pay admission fee shall be deemed to have declined membership, and cannot thereafter become a member, except by being again regularly elected.

The annual dues shall be payable to the Treasurer on or before the first day of September of each year, beginning with the first of September, 1899. If any member shall fail to pay said dues when payable, the Treasurer shall immediately forward to such deliquent member an extract from this by-law, with a notice that if his default shall continue for thirty days his name shall be reported to the Executive Committee, which may, if said dues be not paid on or before the first day of January following, order the name of such member to be stricken from the rolls, and he shall thereupon cease to be a member of this Association. But upon written application, satisfactorily explaining such default, and the payment of all dues to the date thereof, the Executive Committee may reinstate any such member who has been dropped from the rolls by virtue of this by-law.

(Each member who shall be three years in arrears in the payment of dues to the Association shall, on failure to pay the same within ninety days after notification by the Secretary after such annual meeting, be dropped by the Secretary from the Association.)*

(The Treasurer shall notify each member on or before the first day of September in each year that his dues for the current year are due and if not paid by the first of October a draft will be drawn on him. And if said dues are not then paid the Treasurer shall draw a draft on such members who are then in arrears.)†

XVIII

RESIGNATIONS

Any member may resign at any time upon payment of all dues and charges to the Association, including his annual dues for the current year in which his resignation is tendered: *Provided*, There be no charges for misconduct pending against said member.

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*The paragraph in ( ) was an amendment passed at annual meeting of 1909.
†The paragraph in ( ) was an amendment passed at annual meeting of 1907.

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From the date of the receipt by the Secretary of a notice of resignation, with an endorsement thereon by the Treasurer that all dues have been paid, as above provided, the person giving such notice shall cease to be a member of the Association.

XIX

LIMITATION OF DEBATE

No member shall be permitted to speak more than twice on any subject, and in debate no speech shall exceed five minutes in length, unless a majority of those present consent thereto.

XX

ORDER OF BUSINESS

At each annual meeting the order of business shall be as follows:

1. Opening Address of the President.
2. Appointment of Committee on Publication.
3. Appointment of Committee to Recommend Officers.
4. Report of the Secretary and Treasurer.
5. Reports of Standing Committees.
   - (*a*) Executive Committee.
   - (*b*) Committee on Admission to Membership.
   - (*c*) Committee on Legislation and Law Reform.
   - (*d*) Judiciary Committee.
   - (*e*) Committee on Legal Education and Admission to the Bar.
   - (*f*) Committee on Legal Ethics.
   - (*g*) Committee on Memorials.
   - (*h*) Committee on Grievances.
6. Miscellaneous Business.
7. Report of Committee to Recommend Officers.
8. Election of Officers.
9. Election of Members of Executive Committee.

XXI

AMENDMENTS

These By-Laws may be amended at any annual meeting of the Association by a vote of two-thirds of those present: *Provided*, That written notice of the proposed amendment shall be given on the first day of such meeting.

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CANONS OF ETHICS

ADOPTED SESSION OF 1909

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SYNOPSIS OF CANONS

Quotations, Sharswood, Ryan, Lincoln.
Preamble.....Article I.
The Canons of Ethics.....Article II.

1. The Duty of the Lawyer to the Courts.
2. The Selection of Judges.
3. Attempts to Exert Personal Influence on the Court.
4. When Counsel for an Indigent Prisoner.
5. The Defense or Prosecution of Those Accused of Crime.
6. Adverse Influences and Conflicting Interests.
7. Professional Colleagues and Conflicts of Opinion.
8. Advising Upon the Merits of a Client's Cause.
9. Negotiations With Opposite Party.
10. Acquiring Interest in Litigation.
11. Dealing With Trust Property.
12. Fixing the Amount of the Fee.
13. Contingent Fees.
14. Suing a Client for a Fee.
15. How Far a Lawyer May Go in Supporting Client's Cause.
16. Restraining Clients From Improprieties.
17. Ill Feeling and Personalities Between Advocates.
18. Treatment of Witnesses and Litigants.
19. Appearance of Lawyer as Witness for His Client.
20. Newspaper Discussion of Pending Litigation.
21. Punctuality and Expedition.
22. Candor and Fairness.
23. Attitude Toward Jury.
24. Right of Lawyer to Control the Incidents of the Trial.
25. Taking Technical Advantage of Opposite Counsel; Agreements With Him.
26. Professional Advocacy Other Than Before Courts.
27. Advertising, Direct or Indirect.
28. Stirring Up Litigation, Directly or Through Agents.
29. Upholding the Honor of the Profession.
30. Justifiable and Unjustifiable Litigations.
31. Responsibility for Litigation.
32. The Lawyer's Duty in Its Last Analysis.

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"There is certainly, without any exception, no profession in which so many temptations beset the path to swerve from the line of strict integrity, in which so many delicate and difficult questions of duty are continually arising. There are pitfalls and mantraps at every step, and the mere youth, at the very outset of his career, needs often the prudence and self-denial as well as the moral courage, which belongs commonly to riper years. High moral principle is the only safe guide, the only torch to light his way amidst darkness and obstruction."—*George Sharswood.*

"Craft is the vice, not the spirit of the profession. Trick is professional prostitution. Falsehood is professional apostasy. The strength of a lawyer is in thorough knowledge of legal truth, in thorough devotion to legal right. Truth and integrity can do more in the profession than the subtlest and wildest devices. The power of integrity is the rule; the power of fraud is the exception. Emulation and zeal lead lawyers astray; but the general law of the profession is duty, not success. In it, as elsewhere, in human life, the judgment of success is but the verdict of little minds. Professional duty, faithfully and well performed, is the lawyer's glory. This is equally true of the Bench and of the Bar."—*Edward G. Ryan.*

"Discourage litigation. Persuade your neighbors to compromise whenever you can. Point out to them how the nominal winner is often a real loser—in fees, expenses and waste of time. As a peacemaker, the lawyer has a superior opportunity of being a good man. Never stir up litigation. A worse man can hardly be found than one who does this. Who can be more nearly a fiend than he who habitually overhauls the register of deeds in search of defects in titles, whereupon to stir up strife and put money in his own pocket? A moral tone ought to be enforced in the profession which would drive such men out of it."—*Abraham Lincoln.*

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CANONS OF ETHICS

ADOPTED SESSION OF 1909

I

PREAMBLE

In America, where the stability of Courts and of all departments of government rest upon the approval of the people, it is peculiarly essential that the system for establishing and dispensing Justice be developed to a high point of efficiency, and so maintained that the public shall have absolute confidence in the integrity and impartiality of its administration. The future of the Republic, to a great extent, depends upon our maintenance of Justice pure and unsullied. It cannot be so maintained unless the conduct and motives of the members of our profession are such as to merit the approval of all just men.

II

THE CANONS OF ETHICS

No code or set of rules can be framed which will particularize all the duties of the lawyer in the varying phases of litigation or in all the relations of professional life. The following Canons of Ethics are adopted by the North Carolina Bar Association as a general guide, yet the enumeration of particular duties should not be construed as a denial of the existence of others equally imperative, though not specifically mentioned.

THE DUTY OF THE LAWYER TO THE COURTS

1. It is the duty of the lawyer to maintain toward the Courts a respectful attitude, not for the sake of the temporary incumbent of the judicial office, but for the maintenance of its supreme importance. Judges, not being wholly free to defend themselves, are peculiarly entitled to receive the support of the Bar against unjust criticism and clamor. Whenever there is proper ground for serious complaint of a judicial officer, it is the right and duty of the lawyer to submit his grievances to the proper authorities. In such cases, but not otherwise, such charges should be encouraged and the person making them should be protected.

THE SELECTION OF JUDGES

2. It is the duty of the Bar to endeavor to prevent political situations from outweighing judicial fitness in the selection of Judges. It should protest earnestly and actively against the appointment or selection of those who are

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unsuitable for the Bench; and it should strive to have elevated thereto only those willing to forego other employments, whether of a business, political or other character, which may embarrass their free and fair consideration of questions before them for decision. The aspiration of lawyers for judicial position should be governed by an impartial estimate of their ability to add honor to the office, and not by a desire for the distinction the position may bring to themselves.

ATTEMPTS TO EXERT PERSONAL INFLUENCE ON THE COURT

3. Marked attention and unusual hospitality on the part of a lawyer to a Judge, uncalled for by the personal relation of the parties, subject both the Judge and the lawyer to misconstructions of motive, and should be avoided. A lawyer should not communicate or argue privately with the Judge as to the merits of a pending cause, and he deserves rebuke and denunciation for any device or attempt to gain from a Judge special personal consideration or favor. A self-respecting independence in the discharge of professional duty, without denial or diminution of the courtesy and respect due the Judge's station, is the only proper foundation for cordial personal and official relations between Bench and Bar.

WHEN COUNSEL FOR AN INDIGENT PRISONER

4. A lawyer assigned as counsel for an indigent prisoner ought not to ask to be excused for any trivial reason, and should always exert his best efforts in his behalf.

THE DEFENSE OR PROSECUTION OF THOSE ACCUSED OF CRIME

5. It is the right of the lawyer to undertake the defense of a person accused of crime, regardless of his personal opinion as to the guilt of the accused; otherwise innocent persons, victims only of suspicious circumstances, might be denied proper defense. Having undertaken such defense, the lawyer is bound by all fair and honorable means to present every defense that the law of the land permits, to the end that no person may be deprived of life or liberty, but by due process of law.

The primary duty of a lawyer engaged in public prosecution is not to convict, but see that justice is done. The suppression of facts or the securing of witnesses capable of establishing the innocence of the accused is highly reprehensible.

ADVERSE INFLUENCES AND CONFLICTING INTERESTS

6. It is the duty of the lawyer at the time of retainer to disclose to the client all the circumstances of his relations to the parties, and any interest in or connection with the controversy, which might influence the client in the selection of counsel.

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It is unprofessional to represent conflicting interests, except by express consent of all concerned given after a full disclosure of the facts. Within the meaning of this canon, a lawyer represents conflicting interests when, in behalf of one client, it is his duty to contend for that which duty to another client requires him to oppose.

The obligation to represent the client with undivided fidelity, and not to divulge his secrets or confidences forbids also the subsequent acceptance of retainers or employment from others in matters adversely affecting any interests of the client with respect to which confidence has been reposed.

PROFESSIONAL COLLEAGUES AND CONFLICTS OF OPINION

7. A client's proffer of assistance of additional counsel should not be regarded as evidence of want of confidence, but the matters should be left to the determination of the client. A lawyer should decline association as colleague if it is objectionable to the original counsel, but if the lawyer first obtained is relieved, another may come into the case.

When lawyers jointly associated in a cause cannot agree as to any matter vital to the interest of the client, the conflict of opinion should be frankly stated to him for his final determination. His decision should be accepted unless the nature of the difference makes it impracticable for the lawyer whose judgment has been overruled to co-operate effectively. In this event it is his duty to ask the client to relieve him.

Efforts direct, or indirect, in any way to encroach upon the business of another lawyer, are unworthy of those who should be brethren at the Bar; but, nevertheless, it is the right of the lawyer, without fear or favor, to give proper advice to those seeking relief against unfaithful or neglectful counsel, generally after communication with the lawyer of whom the complaint is made.

ADVISING UPON THE MERITS OF A CLIENT'S CAUSE

8. A lawyer should endeavor to obtain full knowledge of his client's cause before advising thereon, and he is bound to give a candid opinion of the merits and probable result of pending or complicated litigation. The miscarriages to which justice is subject, by reason of surprises and disappointments in evidence and witnesses, and through mistakes of jurors and errors of Courts, even though only occasional, admonish lawyers to beware of bold and confident assurances to clients, especially where the employment may depend upon such assurance. Whenever the controversy will admit of fair adjustment, the client should be advised to avoid or to end the litigation.

NEGOTIATIONS WITH OPPOSITE PARTY

9. A lawyer should not in any way communicate upon the subject of controversy with a party represented by counsel; much less should he undertake

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to negotiate or compromise the matter with him, but should deal only with his counsel. It is incumbent upon the lawyer most particularly to avoid everything that may tend to mislead a party not represented by counsel, and he should not undertake to advise him as to the law.

ACQUIRING INTEREST IN LITIGATION

10. The lawyer should not purchase any interest in the subject matter of the litigation which he is conducting.

DEALING WITH TRUST PROPERTY

11. Money of the client or other trust property coming into the possession of the lawyer should be reported promptly, and except with the client's knowledge and consent should not be commingled with his private property or be used by him.

FIXING THE AMOUNT OF THE FEE.

12. In fixing fees, lawyers should avoid charges which overestimate their advice and services, as well as those which undervalue them. A client's ability to pay cannot justify a charge in excess of the value of the service, though his poverty may require a less charge, or even none at all. The reasonable request of brother lawyers, and of their widows and orphans without ample means, should receive special and kindly consideration.

In determining the amount of the fee, it is proper to consider: (1) the time and labor required, the novelty and difficulty of the question involved and the skill requisite properly to conduct the cause; (2) whether the acceptance of employment in the particular case will preclude the lawyer's appearance for others in case likely to arise out of the transaction, and in which there is a reasonable expectation that otherwise he should be employed, or will involve the loss of other business while employed in the particular case or antagonisms with other clients; (3) the customary charges of the Bar for similar services; (4) the amount involved in the controversy and the benefits resulting to the client from the services; (5) the contingency or the certainty of the compensation; and (6) the character of the employment, whether casual or for an established and constant client. No one of these considerations in itself is controlling. They are mere guides in ascertaining the real value of the service.

In fixing fees it should never be forgotten that the profession is a branch of the administration of justice, and not a mere money-getting trade.

CONTINGENT FEES

13. Contingent fees, where sanctioned by law, should be under the supervision of the Court, in order that clients may be protected from unjust charges.

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SUING A CLIENT FOR A FEE

14. Controversies with clients concerning compensation are to be avoided by the lawyer so far as shall be compatible with self-respect and with his right to receive reasonable recompense for his services; and law suits with clients should be resorted to only to prevent injustice, imposition or fraud.

HOW FAR A LAWYER MAY GO IN SUPPORTING A CLIENT'S CAUSE

15. Nothing operates more certainly to create or to foster popular prejudice against lawyers as a class and to deprive the profession of that full measure of public esteem and confidence which belongs to the proper discharge of its duties than the false claim, often set up by the unscrupulous in defense of questionable transactions, that it is the duty of the lawyer to do whatever may enable him to succeed in winning his client's cause.

It is improper for a lawyer to assert in argument his personal belief in his client's innocence or in the justice of his cause.

The lawyer owes "entire devotion to the interest of the client, warm zeal in the maintenance and defense of his rights and exertion of his utmost learning and ability," to the end that nothing be taken or be withheld from him, save by the rules of law, legally applied. No fear of judicial disfavor or public unpopularity should restrain him from the full discharge of his duty. In the judicial forum the client is entitled to the benefit of any and every remedy and defense that is authorized by the law of the land, and he may expect his lawyer to assert every such remedy or defense. But it is steadfastly borne in mind that the great trust of the lawyer is to be performed within and not without the bounds of the law. The office of attorney does not permit, much less does it demand of him for any client, violation of law or any manner of fraud or chicane. He must obey his own conscience and not that of his client.

RESTRAINING CLIENTS FROM IMPROPRIETIES

16. A lawyer should use his best efforts to restrain and to prevent his client from doing those things which the lawyer himself ought not to do, particularly with reference to their conduct towards Courts, judicial officers, jurors, witnesses and suitors. If a client persist in such wrongdoing the lawyer should terminate their relation.

ILL FEELING AND PERSONALITIES BETWEEN ADVOCATES

17. Clients, not lawyers, are the litigants. Whatever may be the ill-feeling existing between clients, it should not be allowed to influence counsel in their conduct and demeanor toward each other or toward suitors in the case. All personalities between counsel should be scrupulously avoided. In the trial of a cause it is indecent to allude to the personal history or the personal peculiar-

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ities and idiosyncrasies of counsel on the other side. Personal colloquies between counsel which cause delay and promote unseemly wrangling should also be carefully avoided.

TREATMENT OF WITNESSES AND LITIGANTS

18. A lawyer should always treat adverse witnesses and suitors with fairness and due consideration, and he should never minister to the malevolence or prejudices of a client in the trial or conduct of a cause. The client cannot be made the keeper of the lawyer's conscience in professional matters. He has no right to demand that his counsel shall abuse the opposite party or indulge in offensive personalities. Improper speech is not excusable on the ground that it is what a client would say if speaking in his own behalf.

APPEARANCE OF A LAWYER AS WITNESS FOR HIS CLIENT

19. When a lawyer is a witness for his client, except as to merely formal matters, such as the attestation or custody of an instrument and the like, he should leave the trial of the case to other counsel. Except when essential to the ends of justice, a lawyer should avoid testifying in Court in behalf of his client.

NEWSPAPER DISCUSSION OF PENDING LITIGATION

20. Newspaper publication by a lawyer as to pending or anticipated litigation may interfere with a fair trial in the Courts and otherwise prejudice the due administration of justice. Generally they are to be condemned. If the extreme circumstances of a particular case justify a statement to the public, it is unprofessional to make it anonymously. An *ex parte* reference to the facts should not go beyond the quotation from the records and papers on file in the Court, but even in extreme cases it is better to avoid any *ex parte* statement.

PUNCTUALITY AND EXPEDITION

21. It is the duty of the lawyer not only to his client, but also to the Courts and to the public, to be punctual in attendance, and to be concise and direct in the trial and disposition of causes.

CANDOR AND FAIRNESS

22. The conduct of the lawyer before the Court and with other lawyers should be characterized by candor and fairness.

It is not candid or fair for the lawyer knowingly to misquote the contents of a paper, the testimony of a witness, the language or the argument of opposing counsel, or the language of a decision or a text-book; or with knowledge of its invalidity, to cite as authority a decision that has been overruled, or a statute

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that has been repealed; or in argument to assert as a fact that which has not been proved, or in those jurisdictions where a side has the opening and closing argument to mislead his opponent by concealing or withholding positions in his opening argument upon which his side then intends to rely.

It is unprofessional and dishonorable to deal other than candidly with the facts in taking the statements of witnesses in drawing affidavits and other documents, and in the presentation of causes.

A lawyer should not offer evidence which he knows the Court would reject, in order to get the same before the jury by argument for its admissibility, nor should he address to the Judge arguments upon any point not properly calling for determination by him. Neither should he introduce into argument, addressed to the Court, remarks or statements intended to influence the jury or bystanders.

These and all kindred practices are unprofessional and unworthy of an officer of the law charged, as is the lawyer, with the duty of aiding in the administration of justice.

ATTITUDE TOWARD JURY

23. All attempts to curry favor with juries by fawning, flattery or pretended solicitude for their personal comfort, are unprofessional. Suggestions of counsel, looking to the comfort or convenience of jurors, and propositions to dispense with argument should be made to the Court out of the jury's hearing. A lawyer must never converse privately with jurors about the case; and both before and during the trial he should avoid communicating with them, even as to matters foreign to the cause.

RIGHT OF LAWYER TO CONTROL THE INCIDENTS OF THE TRIAL

24. As to incidental matters pending the trial, not affecting the merits of the cause, or working substantial prejudice to the rights of the client, such as forcing the opposite lawyer to trial when he is under affliction or bereavement; forcing trial on a particular day to the injury of the opposite lawyer when no harm will result from a trial at a different time; agreeing to an extension of time for signing a bill of exception, cross interrogatories and the like, the lawyer must be allowed to judge. In such matters no client has a right to demand that his counsel shall be illiberal, or that he do anything therein repugnant to his own sense of honor and propriety.

TAKING TECHNICAL ADVANTAGE OF OPPOSITE COUNSEL; AGREEMENTS WITH HIM

25. A lawyer should not ignore known customs or practice of the Bar or a particular Court, even when the law permits, without giving timely notice to the opposing counsel. As far as possible, important agreements, affecting the

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rights of clients, should be reduced to writing; but it is dishonorable to avoid performance of an agreement fairly made because it is not reduced to writing, as required by rules of the Court.

PROFESSIONAL ADVOCACY OTHER THAN BEFORE COURTS

26. A lawyer openly and in his true character may render professional services before legislative or other bodies, regarding proposed legislation and in advocacy of claims before departments of government, upon the same principles of ethics which justify his appearance before the Courts, but it is unprofessional for a lawyer so engaged to conceal his attorneyship, or to employ secret personal solicitations, or to use means other than those addressed to the reason and understanding to influence action.

ADVERTISING, DIRECT OR INDIRECT

27. The most worthy and effective advertisement possible, even for a young lawyer, and especially with his brother lawyers, is the establishment of a well-merited reputation for professional capacity and fidelity to trust. This cannot be forced, but must be the outcome of character and conduct. The publication or circulation of ordinary simple business cards, being a matter of personal taste or local custom, and sometimes of convenience, is not *per se* improper. But solicitation of business by circulars or advertisements, or by personal communications or interviews, not warranted by personal relations, is unprofessional. It is equally unprofessional to procure business by indirection through touters of any kind, whether allied real estate firms or trust companies advertising to secure the drawing of deeds or wills or offering retainers in exchange for executorships or trusteeships to be influenced by the lawyer. Indirect advertisement for business by furnishing or inspiring newspaper comments concerning causes in which the lawyer has been or is engaged, or concerning the manner of their conduct, the magnitude of the interests involved, the importance of the lawyer's positions, and all other like self-laudation, defy the traditions and lower the tone of our high calling, and are intolerable.

STIRRING UP LITIGATION, DIRECTLY OR THROUGH AGENTS

28. It is unprofessional for a lawyer to volunteer advice to bring a lawsuit, except in rare cases where ties of blood, relationship or trust make it his duty to do so. Stirring up strife and litigation is not only unprofessional, but it is indictable at common law. It is disreputable to hunt up defects in titles or other causes of action and inform thereof in order to be employed to bring suit, or to breed litigation by seeking out those with claims for personal injuries or those having any other grounds of action in order to secure them as clients, or to employ agents or runners for like purposes, or to pay or reward, directly or indirectly, those who bring or influence the bringing of such cases to his office,

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or to remunerate policemen, court or prison officials, physicians, hospital *attaches* or others who may succeed, under the guise of giving disinterested friendly advice, in influencing the criminal, the sick and the injured, the ignorant or others to seek his professional service. A duty to the public and to the profession devolves upon every member of the Bar, having knowledge of such practices upon the part of any practitioner, immediately to inform thereof to the end that the offender may be disbarred.

UPHOLDING THE HONOR OF THE PROFESSION

29. Lawyers should expose without fear or favor before the proper tribunals corrupt or dishonest conduct in the profession, and should accept without hesitation employment against a member of the Bar who has wronged his client. The counsel upon the trial of a cause in which perjury has been committed owe it to the profession and to the public to bring the matter to the knowledge of the prosecuting authorities. The lawyer should aid in guarding the Bar against the admission to the profession of candidates unfit or unqualified because deficient in either moral character or education. He should strive at all times to uphold the honor and maintain the dignity of the profession and to improve not only the law but the administration of justice.

JUSTIFIABLE AND UNJUSTIFIABLE LITIGATIONS

30. The lawyer must decline to conduct a civil cause or to make a defense when convinced that it is intended merely to harass or to injure the opposite party or to work oppression or wrong. But otherwise it is his right, and, having accepted retainer, it becomes his duty to insist upon the judgment of the Court as to the legal merits of his client's claim. His appearance in Court should be deemed equivalent to an assertion on his honor that in his opinion his client's case is one proper for judicial determination.

RESPONSIBILITY FOR LITIGATION

31. No lawyer is obliged to act either as adviser or advocate for every person who may wish to become his client. He has the right to decline employment. Every lawyer upon his own responsibility must decide what business he will accept as counsel, what causes he will bring into Court for plaintiffs, what cases he will contest in Court for defendants. The responsibility for advising questionable transactions, for bringing questionable suits, for urging questionable defense, is the lawyer's responsibility. He cannot escape it by urging as an excuse that he is only following his client's instructions.

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THE LAWYER'S DUTY IN ITS LAST ANALYSIS

32. No client, corporate or individual, however powerful, nor any cause, civil or political, however important, is entitled to receive, nor should any lawyer render, any service or advice involving disloyalty to the law whose ministers we are, or disrespect of the judicial office, which we are bound to uphold, or corruption of any person or persons exercising a public office or private trust, or deception or betrayal of the public. When rendering any such improper service or advice, the lawyer invites and merits stern and just condemnation. Correspondingly, he advances the honor of his profession and the best interest of his client when he renders service or gives advice tending to impress upon the client and his undertaking exact compliance with the strictest principles of moral law. He must also observe and advise his client to observe the statute law, though until a statute shall have been construed and interpreted by competent adjudication, he is free and entitled to advise as to its validity and as to what he conscientiously believes to be its just meaning and extent. But above all a lawyer will find his highest honor in a deserved reputation for fidelity to private trust and to public duty, as an honest man and as a patriotic and loyal citizen.

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1917-1918

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H. F. Seawell (1916–1919).....Carthage
R. H. SYKES (1916–1919).....Raleigh
FRANK NASH (1917–1920).....Hillsboro
J. W. PLESS (1917–1920).....Marion
A. W. McLEAN (*ex-officio*).....Lumberton
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WILLIS SMITH (*Secretary*)	Raleigh	Seventh
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S. M. GATTIS	Hillsboro	Tenth
S. P. GRAVES	Mt. Airy	Eleventh
DRED PEACOCK	High Point	Twelfth
WALTER E. BROCK (*Chairman*)	Wadesboro	Thirteenth
W. S. O'B. ROBINSON, Jr.	Charlotte	Fourteenth

*Note—Figures opposite names of Executive Committee indicate year of their election and expiration of term.

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MISS MARGARET BERRY.....Charlotte
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(Continued from Last Year.)

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TO AUDIT ACCOUNTS:

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J. D. MURPHY.....Asheville
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ALTERNATES:

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THOMAS S. BEALL.....Greensboro
J. W. PLESS.....Marion

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1917-1918

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Ex-Officio.
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THE TREASURER.
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HARRY SKINNER.....Greenville
THOMAS C. GUTHRIE.....Charlotte
THOMAS W. DAVIS (*ex-officio*).....Wilmington

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1917-1918.

ACTIVE

NAME	RESIDENCE	COUNTY
Abernethy, Chas. L.	Newbern	Craven
Adams, J. G.	Asheville	Buncombe
Adams, J. S.	Asheville	Buncombe
Adams, Thaddeus A.	Charlotte	Mecklenburg
Adams, Spencer B.	Greensboro	Guilford
Alley, Felix E.	Waynesville	Haywood
Allen, M. H.	Goldsboro	Wayne
Allen, Murray	Raleigh	Wake
Allen, Herbert C.	Asheville	Buncombe
Albritton, J. A.	Snow Hill	Greene
Alexander, J. E.	Winston	Forsyth
Alexander, Julia M.	Charlotte	Mecklenburg
Alexander, Thos. W.	Charlotte	Mecklenburg
Allsbrook, R. G.	Tarboro	Edgecombe
Anderson, John B.	Asheville	Buncombe
Andrews, A. B., Jr.	Raleigh	Wake
Anthony, J. A.	Shelby	Cleveland
Armfield, Frank	Monroe	Union
Armstrong, Charles A.	Troy	Montgomery
Avera, T. A.	Rocky Mount	Nash
Averitt, H. S.	Fayetteville	Cumberland
Avery, A. C.	Morganton	Burke
Axley, W. M.	Murphy	Cherokee
Aydlett, E. F.	Elizabeth City	Pasquotank
Baggett, J. R.	Lillington	Harnett
Bailey, J. W.	Raleigh	Wake
Barbour, J. R.	Benson	Johnston
Barker, J. Abner	Roseboro	Sampson
Barnard, Alf. S.	Asheville	Buncombe
Barnes, D. C.	Murfreesboro	Hertford
Barnhart, C. C.	High Point	Guilford
Barnhill, M. V.	Rocky Mount	Nash
Barringer, John A.	Greensboro	Guilford
Bassett, L. V.	Rocky Mount	Nash
*Battle, Kemp D.	Rocky Mount	Nash
Beall, Thos. S.	Greensboro	Guilford
Beasley, L. A.	Kenansville	Duplin
Bell, James A.	Charlotte	Mecklenburg

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NAME	RESIDENCE	COUNTY
Bell, M. W	Murphy	Cherokee
Bellamy, Emmett H	Wilmington	New Hanover
Bellamy, John D	Wilmington	New Hanover
Bellamy, Marsden	Wilmington	New Hanover
Bellamy, William M	Wilmington	New Hanover
Benbow, Frank B	Winston-Salem	Forsyth
Bennett, O. K	Asheville	Buncombe
Bernard, A. C	Nashville	Nash
Bernard, Silas G	Asheville	Buncombe
Berry, Margaret	Charlotte	Mecklenburg
Berry, Walter C	Bakersville	Mitchell
Best, John J	Burgaw	Pender
Bickett, T. W	Raleigh	Wake
Biggs, J. Crawford	Raleigh	Wake
Bird, J. C. L	Marion	McDowell
Black, S. W	Bryson City	Swain
Blackwelder, B. B	Hickory	Catawba
Blair, David H	Winston-Salem	Forsyth
Bland, David H	Goldsboro	Wayne
Bland, J. T	Burgaw	Pender
Bland, J. T., Jr	Burgaw	Pender
Blythe, O. V. F	Hendersonville	Henderson
*Bonner, John H	Washington	Beaufort
Bourne, L. M	Asheville	Buncombe
Boushall, John H	Raleigh	Wake
Bower, John C	Lexington	Davidson
Bowie, T. C	Jefferson	Ashe
Bradshaw, G. S	Greensboro	Guilford
Bragaw, Stephen C	Washington	Beaufort
Bramham, W. G	Durham	Durham
Breece, A. B	Fayetteville	Cumberland
Breese, W. E. Jr	Brevard	Transylvania
Brenizer, Chase	Charlotte	Mecklenburg
Bridges, W. Marshall	Hendersonville	Henderson
Bridgers, J. H	Henderson	Vance
Bridgers, J. L	Tarboro	Edgecombe
Bridger, Roswell C	Winton	Hertford
Bristol, W. A	Statesville	Iredell
Britt, E. J	Lumberton	Robeson
Britt, E. M	Lumberton	Robeson
Britt, J. J	Asheville	Buncombe
Britt, Williams S	Lumberton	Robeson

*Elected during vacation, before meeting, 1917.

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NAME	RESIDENCE	COUNTY
Broadfoot, C. W., Jr.	Fayetteville	Cumberland
Broadhurst, E. D.	Greensboro	Guilford
Brock, Walter E.	Wadesboro	Anson
Brogdon, W. J.	Durham	Durham
Brooks, A. L.	Greensboro	Guilford
Brooks, F. H.	Smithfield	Johnston
Broughton, J. M., Jr.	Raleigh	Wake
Brown, Julius	Greenville	Pitt
Brown, Junius Calvin	Madison	Rockingham
Brown, Mark W.	Asheville	Buncombe
Brown, R. Lane	Albemarle	Stanly
Brown, W. P.	Asheville	Buncombe
Brummitt, Dennis G.	Oxford	Granville
Bryan, E. K.	Wilmington	New Hanover
*Bryan, Frank H.	Washington	Beaufort
Bryan, R. T., Jr.	Wilmington	New Hanover
Bryant, Victor S.	Durham	Durham
Bryson, T. D.	Bryson City	Swain
Buchanan, C. C.	Sylva	Jackson
Bulwinkle, A. L.	Gastonia	Gaston
Bunn, A. A.	Henderson	Vance
Bunn, J. P.	Rocky Mount	Nash
Bunn, J. W.	Raleigh	Wake
Burgwin, K. O.	Wilmington	New Hanover
Burns, R. L.	Carthage	Moore
Burton, E. T.	Wilmington	New Hanover
Busbee, Perrin	Raleigh	Wake
Busbee, P. H.	Raleigh	Wake
Butler, George E.	Clinton	Sampson
Byrd, W. P.	Lillington	Harnett
Bynum, Wm. P.	Greensboro	Guilford
Campbell, Ruffner	Asheville	Buncombe
Campbell, W. B.	Wilmington	New Hanover
Cansler, E. T.	Charlotte	Mecklenburg
Carlton, D. L.	Warsaw	Duplin
Carpenter, J. E.	Maxton	Robeson
Carpenter, John G.	Gastonia	Gaston
Carr, J. O.	Wilmington	New Hanover
Carroll, W. H.	Burlington	Alamance
Carson, J. M.	Rutherfordton	Rutherford
Carter, H. C., Jr.	Washington	Beaufort

*Elected during vacation, before meeting, 1917.

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NAME	RESIDENCE	COUNTY
Caudle, L. L.	Charlotte	Mecklenburg
Caudle, T. L.	Wadesboro	Anson
Chalmers, A. C.	Asheville	Buncombe
Chambers, Sidney C.	Durham	Durham
Cheesborough, J. W.	Asheville	Buncombe
Cherry, R. G.	Gastonia	Gaston
Cheshire, Joseph B., Jr.	Raleigh	Wake
Childs, C. E.	Lincolnton	Lincoln
Clark, D. M.	Greenville	Pitt
Clark, J. Bayard	Elizabethtown	Bladen
Clark, Walter, Jr.	Raleigh	Wake
Clarkson, Heriot	Charlotte	Mecklenburg
Clayton, O. W.	Brevard	Transylvania
Clement, Hayden	Salisbury	Rowan
Clement, L. H.	Salisbury	Rowan
Clifford, J. C.	Dunn	Harnett
Cobb, Arthur	Wilson	Wilson
Coble, A. L.	Statesville	Iredell
Cocke, Norman A.	Charlotte	Mecklenburg
Cole, W. W.	Smithfield	Johnston
Cooke, A. Wayland	Greensboro	Guilford
Cook, H. L.	Fayetteville	Cumberland
Cooper, L. G.	Greenville	Pitt
Coughenour, Wm. C., Jr.	Salisbury	Rowan
Covington, B. M.	Wadesboro	Anson
Cowan, Coleman C.	Sylva	Jackson
Cowper, G. V.	Kinston	Lenoir
Cox, Albert L.	Raleigh	Wake
Cox, Francis A.	Raleigh	Wake
Cox, William R.	Penelo	Edgecombe
Coxe, Fred J.	Wadesboro	Anson
Craige, Burton	Winston	Forsyth
Craige, Kerr	Salisbury	Rowan
Craig, Locke	Asheville	Buncombe
Cranmer, E. H.	Southport	Brunswick
Craven, Bruce	Trinity	Randolph
Currie, James W.	Raeford	Hoke
Curtis, Zeb F.	Asheville	Buncombe
Dalton, Carter	High Point	Guilford
Dalton, Wm. Reid	Reidsville	Rockingham
Dameron, E. S. W.	Burlington	Alamance
Daniel, E. A., Jr.	Washington	Beaufort

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NAME	RESIDENCE	COUNTY
Daniel, S. G.	Littleton	Halifax
Daniel, W. E.	Weldon	Halifax
Daniel, Will H.	Asheville	Buncombe
Davenport, John W.	Windsor	Bertie
Davidson, Theo. F.	Asheville	Buncombe
*Davis, Junius	Wilmington	New Hanover
Davis, Robert W.	Southport	Brunswick
Davis, Thos. W.	Wilmington	New Hanover
Dawson, J. G.	Kinston	Lenoir
Dees, Julius G.	Bayboro	Pamlico
Dickinson, O. P.	Wilson	Wilson
Dillard, John H.	Murphy	Cherokee
Dockery, Claudius	Troy	Montgomery
Dortch, W. T.	Goldsboro	Wayne
Doughton, R. A.	Sparta	Alleghany
Douglass, Clyde A.	Raleigh	Wake
Duncan, J. F.	Beaufort	Carteret
Duncan, W. B.	Raleigh	Wake
Dunlap, Frank L.	Wadesboro	Anson
Dunn, Albion	Greenville	Pitt
Dunn, R. C.	Enfield	Halifax
°Dunn, Thos. J.	Laurinburg	Scotland
Dunn, William, Jr.	Newbern	Craven
Dunning, A. R.	Williamston	Martin
Dye, Robert H.	Fayetteville	Cumberland
Edwards, M. L.	Rutherfordton	Rutherford
Ehringhaus, J. C. B.	Elizabeth City	Pasquotank
Elliott, Geo. B.	Wilmington	New Hanover
Empie, B. G.	Wilmington	New Hanover
English, D. L.	Brevard	Transylvania
Ervin, W. C.	Morganton	Burke
Ewbank, E. W.	Hendersonville	Henderson
Evans, W. F.	Raleigh	Wake
Everett, R. O.	Durham	Durham
Feimster, Walter C.	Newton	Catawba
Ferguson, Garland S., Jr.	Greensboro	Guilford
Finch, W. A.	Wilson	Wilson
Finley, T. B.	North Wilkesboro	Wilkes
Fletcher, J. C.	Boone	Watauga
Folger, John H	Mount Airy	Surry

*Elected during vacation, before meeting, 1917.
°Elected during vacation, since meeting, 1917.

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NAME	RESIDENCE	COUNTY
Ford, Jos. F.	Asheville	Buncombe
Fortune, W. G.	Asheville	Buncombe
Fountain, Richard T.	Rocky Mount	Nash
Foushee, W. L.	Durham	Durham
Fowler, John E.	Clinton	Sampson
Frazier, Clifford	Greensboro	Guilford
Frye, A. M.	Bryson City	Swain
Frye, Mrs. Lillian Rowe	Bryson City	Swain
Fuller, D. H.	Charlotte	Mecklenburg
Fuller, Thos. S.	New York	New York
Gafford, Walter P.	Wilmington	New Hanover
Gaither, E. L.	Mocksville	Davie
Gaither, W. B.	Newton	Catawba
Gallert, Solomon	Rutherfordton	Rutherford
Gantt, Robert M.	Durham	Durham
Gardner, O. Max	Shelby	Cleveland
Gash, R. L.	Brevard	Transylvania
Gattis, S. M.	Hillsboro	Orange
Gibbs, H. L.	Bayboro	Pamlico
Gibbs, John C.	Fayetteville	Cumberland
Gibson, E. H.	Laurinburg	Scotland
Gilliam, Donnell	Greenville	Pitt
Gilliam, M. B.	Windsor	Bertie
Gilmer, Branner	Waynesville	Haywood
Gilmer, R. D.	Waynesville	Haywood
Gladstone, D. H.	Durham	Durham
Glenn, J. Frazier	Asheville	Buncombe
Glidewell, P. W.	Reidsville	Rockingham
Godwin, R. L.	Dunn	Harnett
Gold, T. J.	High Point	Guilford
Goodman, Louis	Wilmington	New Hanover
Goodwin, Junius J.	Lumberton	Robeson
Gorham, E. H.	Morehead City	Carteret
Grady, H. A.	Clinton	Sampson
Grady, L. V.	Whiteville	Columbus
Grady, R. G.	Wilmington	New Hanover
Graham, Alexander H.	Hillsboro	Orange
Graham, A. McL.	Clinton	Sampson
Graham, A. W.	Oxford	Granville
Graham, John W.	Hillsboro	Orange
Graham, P. C.	Durham	Durham
Grant, A. T., Jr.	Mocksville	Davie
Grant, L. Clayton	Wilmington	New Hanover

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NAME	RESIDENCE	COUNTY
Gravely, Page K.	Rocky Mount	Nash
Graves, S. P.	Mt. Airy	Surry
Graves, William	Mount Airy	Surry
Gray, Eugene E.	Winston	Forsyth
Green, Ernest M.	Newbern	Craven
Green, G. C.	Weldon	Halifax
Greer, Jackson	Whiteville	Columbus
Gregory, E. C.	Salisbury	Rowan
*Grier, Harry P.	Statesville	Iredell
Grimes, J. D.	Washington	Beaufort
Grimes, Wm. D.	Washington	Beaufort
Gudger, Herman A.	Asheville	Buncombe
Gudger, J. M., Jr.	Asheville	Buncombe
Gudger, V. L.	Asheville	Buncombe
Guerard, Albert S.	Asheville	Buncombe
Guion, John A.	Norfolk Southern R. R., Norfolk, Va.	
Guion, Owen H.	Newbern	Craven
Gulley, N. Y.	Wake Forest	Wake
Guthrie, T. C.	Charlotte	Mecklenburg
Guthrie, W. B.	Durham	Durham
Hackett, Frank D.	North Wilkesboro	Wilkes
Hamlet, R. E.	Mt. Gilead	Montgomery
Hammer, W. C.	Asheboro	Randolph
Hamrick, Fred D.	Rutherfordton	Rutherford
Hannah, W. J.	Waynesville	Haywood
Harding, Collin H.	Washington	Beaufort
Harding, F. C.	Greenville	Pitt
Harkins, Thomas J.	Asheville	Buncombe
Harris, A. J.	Henderson	Vance
Harris, Charles U.	Raleigh	Wake
Harris, Hugh W.	Charlotte	Mecklenburg
Harris, J. C. L.	Raleigh	Wake
Harris, N. C.	Rutherfordton	Rutherford
Harris, W. C.	Raleigh	Wake
Hartness, J. A.	Statesville	Iredell
Hartsell, L. T.	Concord	Cabarrus
Hastings, G. H.	Winston	Forsyth
Hassell, Francis S.	Wilson	Wilson
Hayes, R. H.	Pittsboro	Chatham
Haywood, Ernest	Raleigh	Wake
Head, J. Felton	Wilmington	New Hanover

*Elected during vacation, before meeting, 1917.

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NAME	RESIDENCE	COUNTY
Hedrick, H. G.	Durham	Durham
Henderson, D. E.	Newbern	Craven
Hendren, F. B.	Wilkesboro	Wilkes
Hendren, W. M.	Winston	Forsyth
Hendricks, John A.	Marshall	Madison
Herring, R. L.	Clinton	Sampson
Herring, R. W.	Fayetteville	Cumberland
Heyer, Henry	Wilmington	New Hanover
Hicks, A. A.	Oxford	Granville
Hicks, T. T.	Henderson	Vance
Hines, P. R.	Greenville	Pitt
Hinsdale, J. W.	Raleigh	Wake
Hinsdale, John W., Jr.	Raleigh	Wake
Hoey, Clyde R.	Shelby	Cleveland
Hogue, Cyrus D.	Wilmington	New Hanover
Holden, Ben T.	Louisburg	Franklin
Holton, A. E.	Winston	Forsyth
Hooker, J. J.	Dillsboro	Jackson
Horn, A. W.	Franklin	Macon
Horton, J. Loyd	Farmville	Pitt
Hoyle, K. R.	Sanford	Lee
Hoyle, Thomas C.	Greensboro	Guilford
Howell, George H.	Wilmington	New Hanover
Hudgins, D. E.	Marion	McDowell
Huffman, R. L.	Morganton	Burke
Hummell, Leslie R.	Wilmington	New Hanover
Humphrey, E. A.	Goldsboro	Wayne
Humphreys, Ira R.	Reidsville	Rockingham
Huneycutt, A. C.	Albemarle	Stanly
Hurley, Bolivar S.	Troy	Montgomery
Hutchins, Charles	Burnsville	Yancey
Hutchinson, John Wadsworth	Charlotte	Mecklenburg
James, F. G.	Greenville	Pitt
James, J. B.	Greenville	Pitt
Jerome, T. J.	Greensboro	Guilford
John, M. L.	Laurinburg	Scotland
Johnson, R. D.	Warsaw	Duplin
Johnson, W. R.	Ahoskie	Hertford
Johnston, F. S.	Franklin	Macon
Johnston, A. Hall	Asheville	Buncombe
Johnston, Julius	Yanceyville	Caswell
Johnson, Thomas L.	Lumberton	Robeson

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NAME	RESIDENCE	COUNTY
Jones, Armistead	Raleigh	Wake
Jones, Arthur C.	Gastonia	Gaston
Jones, Chas. E.	Asheville	Buncombe
Jones, Edmund	Lenoir	Caldwell
Jones, E. B.	Winston	Forsyth
Jones, G. L.	Franklin	Macon
Jones, Hamilton C.	Charlotte	Mecklenburg
Jones, J. Lawrence	Charlotte	Mecklenburg
Jones, Paul	Tarboro	Edgecombe
Jones, Thos. A.	Asheville	Buncombe
Jones, Walter	Saluda	Polk
Jones, Wm. B.	Raleigh	Wake
Jones, W. N.	Raleigh	Wake
Justice, J. F.	Hendersonville	Henderson
Keeble, C. G.	Raleigh	Wake
Keerans, J. W.	Charlotte	Mecklenburg
Kellum, Woodus	Wilmington	New Hanover
Kenan, Graham	Wilmington	New Hanover
King, R. R.	Greensboro	Guilford
King, Robert R., Jr.	Greensboro	Guilford
Kimball, Ashbel B.	Greensboro	Guilford
Kitchin, W. W.	Raleigh	Wake
Kittrell, J. C.	Henderson	Vance
Kittrell, R. G.	Henderson	Vance
Kluttz, Theo. F.	Salisbury	Rowan
Koonce, C. D.	Whiteville	Columbus
Koonce, E. M.	Jacksonville	Onslow
Lambert, W. L.	Bakersville	Mitchell
Land, E. M.	Goldsboro	Wayne
Lanier, J. Conrad	Greenville	Pitt
Langston, John D.	Goldsboro	Wayne
Lanier, T.	Oxford	Granville
Lawrence, Lloyd J.	Murfreesboro	Hertford
Lawrence, R. C.	Lumberton	Robeson
Lee, Chas. G.	Asheville	Buncombe
Lee, R. E.	Lumberton	Robeson
Lennon, W.	Lumberton	Robeson
Lewis, D. J.	Whiteville	Columbus
Lisenbee, C. C.	Marion	McDowell
Linn, T. C.	Salisbury	Rowan
Linn, Stahle	Salisbury	Rowan
Little, J. C.	Raleigh	Wake

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NAME	RESIDENCE	COUNTY
Little, Jos. W.	Wilmington	New Hanover
Lockhart, J. A.	Wadesboro	Anson
Lockhart, W. S.	Durham	Durham
London, H. A.	Pittsboro	Chatham
Long, J. Adolph	Graham	Alamance
Loughlin, C. C.	Wilmington	New Hanover
Loughran, R. B.	Asheville	Buncombe
Lyon, H. L.	Whiteville	Columbus
Lyon, J. A.	Elizabethtown	Bladen
Lyon, Terry A.	Fayetteville	Cumberland
McBee, John C.	Bakersville	Mitchell
McClammy, H.	Wilmington	New Hanover
McCoin, R. S.	Henderson	Vance
McCorkle, George	Federal Trade Commission,	Washington, D.C.
McCormick, J. G.	Wilmington	New Hanover
McCrary, J. R.	Lexington	Davidson
McCullen, C. E.	Burgaw	Pender
McCulloch, E. F., Jr.	Elizabethtown	Bladen
McDowell, F. B.	Charlotte	Mecklenburg
McGehee, L. P.	Chapel Hill	Orange
McIntosh, A. C.	Chapel Hill	Orange
McIntyre, Stephen	Lumberton	Robeson
McLaughlin, J. J.		Johnson City, Tenn.
McKinnon, Henry A.	Maxton	Robeson
McLaughlin, R. B.	Statesville	Iredell
McLean, A. M.	Lillington	Harnett
McLean, A. W.	Lumberton	Robeson
McLean, A. D.	Washington	Beaufort
McLean, John A., Jr.	Fayetteville	Cumberland
McLean, J. D.	Lumberton	Robeson
McLendon, H. H.	Wadesboro	Anson
McLeod, J. A.	Lillington	Harnett
McMullan, Harry	Washington	Beaufort
McMullan, J. H., Jr.	Edenton	Chowan
McMullan, P. W.	Hertford	Perquimans
McNairy, W. M.	Marion	McDowell
McNeill, Franklin	Raleigh	Wake
McNeill, R. H.	Washington	District of Columbia
McNeill, Thomas A., Jr.	Lumberton	Robeson
McRacken, Donald	Whiteville	Columbus
McRae, Donald C.	Thomasville	Davidson
McRae, John A.	Charlotte	Mecklenburg
McRorie, Wm. C.	Rutherfordton	Rutherford

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NAME	RESIDENCE	COUNTY
MacNair, A. W	Tarboro	Edgecombe
MacRae, Cameron F	Wilmington	New Hanover
Malone, Chas. N	Asheville	Buncombe
Malone, Edwin H	Louisburg	Franklin
Mallonee, J. D	Murphy	Cherokee
Manly, Clement	Winston	Forsyth
Mann, S. S	Swan Quarter	Hyde
Mann, W. L	Albemarle	Stanly
Mangum, A. G	Gastonia	Gaston
Manning, James S	Raleigh	Wake
Manning, John Hall	Kinston	Lenoir
Markham, Thos. J	Elizabeth City	Pasquotank
Martin, Julius C	Asheville	Buncombe
Martin, J. H	Asheville	Buncombe
Martin, L. A	Lexington	Davidson
Martin, Wheeler, Jr	Williamston	Martin
Mashburn, C. B	Marshall	Madison
Mason, O. F	Gastonia	Gaston
Matthews, J. H	Windsor	Bertie
Meares, Iredell	Wilmington	New Hanover
Means, W. G	Concord	Cabarrus
Meekins, Isaac M	Elizabeth City	Pasquotank
Merrick, Duff	Asheville	Buncombe
Merrimon, J. G	Asheville	Buncombe
Miller, B. B	Salisbury	Rowan
Milliken, Jesse F	Sanford	Lee
Monteath, Arch D	Asheville	Buncombe
Moore, Chas. A	Asheville	Buncombe
Moore, Clayton	Williamston	Martin
Moore, L. I	Newbern	Craven
Moore, Tom	Webster	Jackson
Moore, Walter E	Webster	Jackson
Morehead, J. L	Durham	Durham
Morehead, J. T	Greensboro	Guilford
Morgan, J. R	Waynesville	Haywood
Morgan, W. T	Marion	McDowell
Morrill, L. V	Snow Hill	Greene
Morrison, Allen T	Asheville	Buncombe
Morrison, Cameron	Charlotte	Mecklenburg
Mull, O. M	Shelby	Cleveland
Mulliken, R. R	Asheville	Buncombe
Murchison, I. A	Fayetteville	Cumberland
Murphy, J. D	Asheville	Buncombe
Murphy, Walter	Salisbury	Rowan

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NAME	RESIDENCE	COUNTY
Nash, Frank	Hillsboro	Orange
Nash, M. W	Hamlet	Richmond
Neal, Walter H	Laurinburg	Scotland
Newell, Jake F	Charlotte	Mecklenburg
Newell, S. A	Louisburg	Franklin
Newton, J. Sprunt (Hicks Hotel)		Savannah, Georgia
Nimocks, Q. K	Fayetteville	Cumberland
Nooe, Bennett, Jr	Clayton	Johnston
Norfleet, James M	Tarboro	Edgecombe
Norvell, Edmund B	Murphy	Cherokee
Norris, H. E	Raleigh	Wake
Norwood, John H	Norwood	Stanly
Nunn, Romulus A	Newbern	Craven
Oates, John A	Fayetteville	Cumberland
Odom, J. B	Rocky Mount	Nash
Olive, Percy J	Apex	Wake
Outlaw, N. W	Greenville	Pitt
Overman, Lee S.	Salisbury	Rowan
Pace, W. H	Raleigh	Wake
Parker, E. S	Graham	Alamance
Parker, Haywood	Asheville	Buncombe
Parker, John A	Charlotte	Mecklenburg
Parker, J. J	Monroe	Union
Parrish, Fred M	Winston-Salem	Forsyth
Patterson, A. S	Bryson City	Swain
Patterson, Lindsay	Winston	Forsyth
Peacock, Dred	High Point	Guilford
Pearsall, P. M	Newbern	Craven
Peele, W. J	Raleigh	Wake
Peebles, C. G	Jackson	Northampton
Pegram, J. Ed	Durham	Durham
Pell, Geo. P	Raleigh	Wake
Perry, B. H	Henderson	Vance
Perry, H. Leslie	Henderson	Vance
Pharr, H. N	Charlotte	Mecklenburg
Philips, H. H	Tarboro	Edgecombe
Phillips, Wade H	Lexington	Davidson
Pickens, S. V	Hendersonville	Henderson
Pierce, Charles C	Greenville	Pitt
Pittman, Thomas M	Henderson	Vance
Pless, J. W	Marion	McDowell
Poisson, L. J	Wilmington	New Hanover

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NAME	RESIDENCE	COUNTY
Polk, Tasker	Warrenton	Warren
Pollock, W. D	Kinston	Lenoir
Poole, R. T	Troy	Montgomery
Pou, Edward W	Smithfield	Johnston
Pou, James H	Raleigh	Wake
Powell, Walter H	Whiteville	Columbus
Powers, James A	Kinston	Lenoir
Pratt, W. J	Monroe	Union
Preston, E. R	Charlotte	Mecklenburg
Price, A. H	Salisbury	Rowan
Price, J. R	Albemarle	Stanly
Proctor, James D	Lumberton	Robeson
Pruden, J. N	Edenton	Chowan
Pruden, W. D	Edenton	Chowan
Quickel, A. L	Lincolnton	Lincoln
Ragan, W. P	High Point	Guilford
Ragland, J. W	Newland	Avery
Ramsey, Joseph B	Rocky Mount	Nash
Ramsey, J. Coleman	Marshall	Madison
Raper, E. E	Lexington	Davidson
Ravenel, S. P	Asheville	Buncombe
Rawls, Z. V	Bayboro	Pamlico
Ray, Donald F	Fayetteville	Cumberland
Ray, J. Bis	Burnsville	Yancey
Ray, R. L	Selma	Johnston
Reade, R. P	Durham	Durham
Rector, James E	Asheville	Buncombe
Rector, W. C	Hendersonville	Henderson
Redwine, R. B	Monroe	Union
Reynolds, Robt. R	Asheville	Buncombe
Rickman, Thos. J	Asheville	Buncombe
Roberson, Wescott	High Point	Guilford
Roberts, Gallatin	Asheville	Buncombe
Roberts, Guy V	Marshall	Madison
Robertson, Archibald G	Charlotte	Mecklenburg
Robertson, Henry G	Franklin	Macon
Robinson, H. McD	Fayetteville	Cumberland
Robinson, L. D	Wadesboro	Anson
Robinson, W. S. O'B	Goldsboro	Wayne
Robinson, W. S. O'B., Jr	Charlotte	Mecklenburg
Rodman, Wm. B., Jr	Washington	Beaufort
Rodman, Wiley C	Washington	Beaufort

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NAME	RESIDENCE	COUNTY
Rogers, H. E	Wilmington	New Hanover
Rollins, Thomas S	Asheville	Buncombe
Rose, Chas. G	Fayetteville	Cumberland
Rose, George M	Fayetteville	Cumberland
Rouse, N. J	Kinston	Lenoir
Rouse, Robert H	Kinston	Lenoir
Royster, B. S	Oxford	Granville
Ruark, J. W	Southport	Brunswick
Ruark, Robert	Wilmington	New Hanover
Ruffin, Thomas	Washington	District of Columbia
Ruffin, W. H	Louisburg	Franklin
Ryburn, Robert L	Shelby	Cleveland
Scales, A. M	Greensboro	Guilford
Scales, J. I	Greensboro	Guilford
Schenck, Michael	Hendersonville	Henderson
Schulken, J. B	Whiteville	Columbus
Schulken, M. H	Whiteville	Columbus
Scott, H. R	Reidsville	Rockingham
Seawell, A. A. F	Sanford	Lee
Seawell, H. F	Carthage	Moore
Self, W. A	Hickory	Catawba
Settle, Thomas	Asheville	Buncombe
Shepherd, S. B	Raleigh	Wake
Shipman, J. E	Columbus	Polk
Shore, Wm. T	Charlotte	Mecklenburg
Shuford, W. E	Asheville	Buncombe
Sikes, John C	Monroe	Union
°Siler, Walter D	Siler City	Chatham
*Simmons, Enoch S	Washington	Beaufort
Simmons, F. M	Newbern	Craven
Simms, R. N	Raleigh	Wake
Sinclair, N. A	Fayetteville	Cumberland
Singleton, H. J	Lumberton	Robeson
Skinner, Harry	Greenville	Pitt
Small, John H	Washington	Beaufort
Smathers, George H	Asheville	Buncombe
Smith, Clarence J	Dunn	Harnett
Smith, Ed. Chambers	Raleigh	Wake
Smith, Julius C	High Point	Guilford
Smith, P. C	Asheville	Buncombe

°Elected during vacation, since meeting, 1917.
*Elected during vacation, before meeting, 1917.

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NAME	RESIDENCE	COUNTY
Smith, R. L	Albemarle	Stanly
Smith, Willis	Raleigh	Wake
Snow, W. B	Raleigh	Wake
Spainhour, J. F	Morganton	Burke
Spears, M. T	Lillington	Harnett
Spence, J. A	Asheboro	Randolph
Spence, U. L	Carthage	Moore
Spencer, C. B	Swan Quarter	Hyde
Spencer, Walter Lee	Swan Quarter	Hyde
Spruill, F. S	Rocky Mount	Nash
Spruill, J. F	Lexington	Davidson
Staton, R. H	Hendersonville	Henderson
Stedman, C. M	Greensboro	Guilford
Stevens, Henry B	Asheville	Buncombe
Stevens, H. L	Warsaw	Duplin
*Stewart, Edward L	Washington	Beaufort
Strange, Robert W	Wilmington	New Hanover
Stringfield, D. M	Fayetteville	Cumberland
Strole, Glenn F	Chadbourn	Columbus
Strong, R. C	Raleigh	Wake
Strudwick, R. C	Greensboro	Guilford
Stubbs, H. W	Williamston	Martin
Styles, J. S	Asheville	Buncombe
Sutton, F. I	Kinston	Lenoir
Swain, J. E	Asheville	Buncombe
Swiceood, L. A	Salisbury	Rowan
Swink, L. M	Winston	Forsyth
Sykes, Chas. Lee	Asheville	Buncombe
Sykes, R. H	Raleigh	Wake
Taliaferro, C. D	Charlotte	Mecklenburg
Taylor, C. Ed	Southport	Brunswick
Taylor, W. F	Goldsboro	Wayne
Taylor, Z. V	Charlotte	Mecklenburg
Thomas, Chas. R	Newbern	Craven
Thomas, F. W	Asheville	Buncombe
Thompson, Frank	Jacksonville	Onslow
Thompson, J. F	Goldsboro	Wayne
Tillett, Chas. W	Charlotte	Mecklenburg
Tillett, Chas. W., Jr	Charlotte	Mecklenburg
Timberlake, E. W	Wake Forest	Wake
Timberlake, E. W., Jr	Wake Forest	Wake

*Elected during vacation, before meeting, 1917.

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NAME	RESIDENCE	COUNTY
Tomlinson, L. A	Durham	Durham
Toms, Chas. F	Asheville	Buncombe
Tooly, John G	Belhaven	Beaufort
Toon, E. M	Whiteville	Columbus
Townes, W. A	Wilmington	New Hanover
Townsend, N. A	Dunn	Harnett
Travis, E. L	Raleigh	Wake
Trotter, Benjamin Carter	Spray	Rockingham
Tucker, Irvin B	Whiteville	Columbus
Turlington, Z. V	Mooresville	Iredell
Turner, W. D	Statesville	Iredell
Turner, W. P. Mangum	Wilmington	New Hanover
Vann, J. E	Winton	Hertford
Vann, C. S	Edenton	Chowan
Vann, J. C. M	Monroe	Union
Van Winkle, Kingsland	Asheville	Buncombe
Varnon, Thomas W	Asheville	Buncombe
Varser, L. R	Lumberton	Robeson
Vernon, John H	Burlington	Alamance
Vogler, C. A	Winston-Salem	Forsyth
Wallace, F. E	Kenansville	Duplin
Walser, Zeb V	Lexington	Davidson
Walser, Z. I	Lexington	Davidson
Ward, A. D	Newbern	Craven
Ward, D. L	Newbern	Craven
Ward, E. C	Asheville	Buncombe
Ward, George R	Wallace	Duplin
Ward, George W	Elizabeth City	Pasquotank
Ward, H. S	Washington	Beaufort
Warlick, Wilson	Newton	Catawba
Warren, J. K	Trenton	Jones
Warren, Lindsay C	Washington	Beaufort
Warren, Thos. D	Newbern	Craven
Watson, E. F	Burnsville	Yancey
Watson, John A	Burnsville	Yancey
Weaver, Guy	Asheville	Buncombe
Webb, Chas. A	Asheville	Buncombe
Webb, E. Y	Shelby	Cleveland
Weeks, C. D	Wilmington	New Hanover
Wellons, E. J	Smithfield	Johnston
Wells, R. M	Asheville	Buncombe

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NAME	RESIDENCE	COUNTY
Westfeldt, Gustaf R., Jr.	New Orleans,	Louisiana
Whedbee, Charles	Hertford	Perquimans
Whitehurst, H. P.	Newbern	Craven
Whisnant, J. W.	Lenoir	Caldwell
White, R. B.	Franklinton	Franklin
White, R. S.	Elizabethtown	Bladen
Whitehurst, R. E.	Newbern	Craven
Whitson, W. R.	Asheville	Buncombe
Wiggins, J. P.	Maxton	Robeson
Wildes, Charles D.	Troy	Montgomery
Wilkinson, W. S., Jr.	Rocky Mount	Nash
Williams, A. S.	Wilmington	New Hanover
Williams, C. L.	Sanford	Lee
Williams, E. C.	Monroe	Union
Williams, H. D.	Kenansville	Duplin
Williams, R. R.	Asheville	Buncombe
Willis, George T.	Newbern	Craven
Wilson, J. Kenyon	Elizabeth City	Pasquotank
Wilson, W. S.	Raleigh	Wake
Winborne, B. B.	Murfreesboro	Hertford
Winborne, J. W.	Marion	McDowell
Winborne, Stanley	Murfreesboro	Hertford
Winslow, Francis E.	Rocky Mount	Nash
Winston, P. H.	Chapel Hill	Orange
Winston, Francis D.	Windsor	Bertie
Winston, Robt. W.	Raleigh	Wake
Witherspoon, D.	Murphy	Cherokee
Witherspoon, L. L.	Murphy	Cherokee
Woltz, A. E.	Gastonia	Gaston
Womble, B. S.	Winston	Forsyth
Woodard, Fred H.	Asheville	Buncombe
Woodard, John E.	Wilson	Wilson
Woodley, T. H.	Columbia	Tyrrell
Woodson, Walter H.	Salisbury	Rowan
Wright, G. H.	Asheville	Buncombe
Wright, I. C.	Wilmington	New Hanover
Wright, R. Lee	Salisbury	Rowan
York, C. A.	Newbern	Craven
Young, E. F.	Dunn	Harnett
Zachary, W. W.	Brevard	Transylvania
Zollicoffer, A. C.	Henderson	Vance
Zollicoffer, Jere P.	Henderson	Vance
Total		706

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HONORARY MEMBERS

SUPREME COURT OF NORTH CAROLINA

NAME		RESIDENCE
Clark, Walter	Chief Justice	Raleigh
Walker, P. D	Associate Justice	Charlotte
Brown, George H	Associate Justice	Washington
Hoke, William A	Associate Justice	Lincolnton
Allen, W. R	Associate Justice	Goldsboro

SUPERIOR COURT OF NORTH CAROLINA

Bond, Wm. M	First District	Edenton
Connor, George W	Second District	Wilson
Kerr, John H	Third District	Warrenton
Daniels, F. A	Fourth District	Goldsboro
Whedbee, H. W	Fifth District	Greenville
Allen, O. H	Sixth District	Kinston
Calvert, T. H	Seventh District	Raleigh
Stacy, W. P	Eighth District	Wilmington
Lyon, C. C	Ninth District	Elizabethtown
Devin, W. A	Tenth District	Oxford
Lane, H. P	Eleventh District	Wentworth
Shaw, Thomas J	Twelfth District	Greensboro
Adams, W. J	Thirteenth District	Carthage
Harding, W. F	Fourteenth District	Charlotte
Long, B. F	Fifteenth District	Statesville
Webb, J. L	Sixteenth District	Shelby
Cline, E. B	Seventeenth District	Hickory
Justice, M. H	Eighteenth District	Rutherfordton
Carter, Frank	Nineteenth District	Asheville
Ferguson, G. S	Twentieth District	Waynesville

U. S. CIRCUIT COURT OF APPEALS—FOURTH CIRCUIT.

Chief Justice E. D. White	Circuit Justice	Washington, D. C.
C. A. Woods	Circuit Judge	Marion, S. C.
Jeter C. Pritchard	Circuit Judge	Asheville, N. C.
Martin A. Knapp	Circuit Judge	Washington, D. C.
H. G. Connor	District Judge	Wilson, N. C.
James E. Boyd	District Judge	Greensboro, N. C.
Edmund Waddill, Jr	District Judge	Richmond, Va.
John C. Rose	District Judge	Baltimore, Md.
H. A. M. Smith	District Judge	Charleston, S. C.
Joseph T. Johnson	District Judge	Greenville, S. C.

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H. C. McDowell	District Judge	Lynchburg, Va.
Alston G. Dayton	District Judge	Philippi, W. Va.
Benjamin F. Keller	District Judge	Charleston, W. Va.

ELECTED

Alton B. Parker	New York City
C. A. Woods	Marion, S. C.

Total 38

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GEOGRAPHICAL LIST OF MEMBERS.

ALAMANCE COUNTY.

Carroll, W. H., Burlington.
Dameron, E. S. W., Burlington.
Long, J. Adolph., Graham.
Parker, E. S., Graham.
Vernon, John H., Burlington.

ALLEGHANY COUNTY.

Doughton, R. A., Sparta.

ANSON COUNTY.

Brock, Walter E., Wadesboro.
Caudle, T. L., Wadesboro.
Covington, B. M., Wadesboro.
Coxe, Fred J., Wadesboro.
Dunlap, Frank L., Wadesboro.
Lockhart, J. A., Wadesboro.
McLendon, H. H., Wadesboro.
Robinson, L. D., Wadesboro.

ASHE COUNTY.

Bowie, T. C., Jefferson.

AVERY COUNTY.

Ragland, J. W., Newland.

BERTIE COUNTY.

Davenport, John W., Windsor.
Gilliam, M. B., Windsor.
Matthews, J. H., Windsor.
Winston, Francis, D., Windsor.

BEAUFORT COUNTY.

*Bonner, John H., Washington.
Bragaw, Stephen C., Washington.
*Bryan, Frank H., Washington.
Carter, H. C., Jr., Washington.
Daniel, E. A., Jr., Washington.
Grimes, J. D., Washington.
Grimes, Wm. D., Washington.
Harding, Collin H., Washington.
Warren, Lindsay C., Washington.
McLean, A. D., Washington.
McMullan, Harry, Washington.
Rodman, W. B., Jr., Washington.
Rodman, W. C., Washington.
*Simmons, Enoch S., Washington.
Small, John H., Washington.
*Stewart, Edward L., Washington.
Tooly, John G., Belhaven.
Ward, H. S., Washington.

BLADEN COUNTY.

Clark, J. Bayard, Elizabethtown.
Lyon, J. A., Elizabethtown.
McCulloch, E. F., Jr., Elizabethtown.
White, R. S., Elizabethtown.

*Elected during vacation, before meeting, 1917.

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BRUNSWICK COUNTY.

Cranmer, E. H., Southport.
Davis, Robert W., Southport.
Ruark, J. W., Southport.
Taylor, C. Ed., Southport.

BUNCOMBE COUNTY.

Adams, J. G., Asheville.
Adams, J. S., Asheville.
Allen, Herbert C., Asheville.
Anderson, John B., Asheville.
Barnard, Alf. S., Asheville.
Bennett, O. K., Asheville.
Bernard, Silas G., Asheville.
Bourne, L. M., Asheville.
Britt, J. J., Asheville.
Brown, Mark W., Asheville.
Brown, W. P., Asheville.
Campbell, Ruffner, Asheville.
Chalmers, A. C., Asheville.
Cheesborough, J. W., Asheville.
Craig, Locke, Asheville.
Curtis, Zeb F., Asheville.
Daniel, W. H., Asheville.
Davidson, Theo. F., Asheville.
Ford, Jos. F., Asheville.
Fortune, W. G., Asheville.
Glenn, J. Frazier, Asheville.
Gudger, Herman A., Asheville.
Gudger, J. M., Jr., Asheville.
Gudger, V. L., Asheville.
Guerard, Albert S., Asheville.
Harkins, Thomas J., Asheville.
Johnston, A. Hall, Asheville.
Jones, Chas. E., Asheville.
Jones, Thomas A., Asheville.
Lee, Chas. G., Asheville.
Loughran, R. B., Asheville.
Malone, Chas. N., Asheville.
Martin, Julius C., Asheville.
Martin, J. H., Asheville.
Merrick, Duff, Asheville.
Merrimon, J. G., Asheville.
Monteith, Arch D., Asheville.
Moore, Chas. A., Asheville.
Morrison, Allen T., Asheville.
Mulliken, R. R., Asheville.
Murphy, J. D., Asheville.
Parker, Haywood, Asheville.
Ravenel, S. P., Asheville.
Rector, James E., Asheville.
Reynolds, Robt. R., Asheville.
Rickman, Thos. J., Asheville.
Roberts, Gallatin, Asheville.
Rollins, Thomas S., Asheville.
Settle, Thomas, Asheville.
Shuford, W. E., Asheville.
Smathers, Geo. H., Asheville.
Smith, P. C., Asheville.
Stevens, Henry B., Asheville.
Styles, J. S., Asheville.
Swain, J. E., Asheville.
Sykes, Chas. Lee, Asheville.
Thomas, F. W., Asheville.
Toms, C. F., Asheville.
VanWinkle, Kingsland, Asheville.
Varnon, Thomas W., Asheville.
Ward, E. C., Asheville.
Weaver, Guy, Asheville.
Webb, Chas. A., Asheville.
Wells, R. M., Asheville.
Whitson, W. R., Asheville.
Williams, R. R., Asheville.
Woodard, Fred H., Asheville.
Wright, G. H., Asheville.

BURKE COUNTY.

Avery, A. C., Morganton.
Ervin, W. C., Morganton.
Spainhour, J. F., Morganton.
Huffman, R. L., Morganton.

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CABARRUS COUNTY.

Hartsell, L. T., Concord.
Means, W. G., Concord.

CALDWELL COUNTY.

Jones, Edmund, Lenoir.
Whisnant, J. W., Lenoir.

CARTERET COUNTY.

Duncan, J. F., Beaufort.
Gorham, E. H., Morehead City.

CASWELL COUNTY.

Johnston, Julius, Yanceyville.

CATAWBA COUNTY.

Blackwelder, B. B., Hickory.
Feimster, Walter C., Newton.
Gaither, W. B., Newton.
Self, W. A., Hickory.
Warlick, Wilson, Newton.

CHATHAM COUNTY.

Hayes, R. H., Pittsboro.
London, H. A., Pittsboro.
°Siler, Walter D., Siler City.

CHEROKEE COUNTY.

Axley, W. M., Murphy.
Bell, M. W., Murphy.
Dillard, John H., Murphy.
Mallonee, J. D., Murphy.
Norvell, Edmund B., Murphy.
Witherspoon, D., Murphy.
Witherspoon, L. L., Murphy.

CHOWAN COUNTY.

McMullan, J. H., Jr., Edenton.
Pruden, J. N., Edenton.
Pruden, W. D., Edenton.
Vann, C. S., Edenton.

CLEVELAND COUNTY.

Anthony, J. A., Shelby.
Gardner, O. Max, Shelby.
Hoey, Clyde R., Shelby.
Mull, O. M., Shelby.
Ryburn, Robt. L., Shelby
Webb, E. Y., Shelby.

°Elected during vacation, since meeting, 1917.

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COLUMBUS COUNTY.

Grady, L. V., Whiteville.
Greer, Jackson, Whiteville.
Koonce, C. D., Whiteville.
Lewis, D. J., Whiteville.
Lyon, H. L., Whiteville.
McRacken, Donald, Whiteville.
Powell, Walter H., Whiteville.
Schulken, J. B., Whiteville.
Schulken, M. H., Whiteville.
Strole, Glenn F., Chadbourn.
Toon, E. M., Whiteville.
Tucker, Irvin B., Whiteville.

CRAVEN COUNTY.

Abernethy, Chas. L., Newbern.
Dunn, William, Jr., Newbern.
Green, Ernest M., Newbern.
Guion, Owen H., Newbern.
Henderson, D. E., Newbern.
Moore, L. I., Newbern.
Nunn, Romulus A., Newbern.
Pearsall, P. M., Newbern.
Simmons, F. M., Newbern.
Thomas, Chas. R., Newbern.
Ward, A. D., Newbern.
Ward, D. L., Newbern.
Warren, Thos. D., Newbern.
Whitehurst, H. P., Newbern.
Whitehurst, R. E., Newbern.
Willis, George T., Newbern.
York, C. A., Newbern.

CUMBERLAND COUNTY.

Averitt, H. S., Fayetteville.
Breece, A. B., Fayetteville.
Broadfoot, C. W., Jr., Fayetteville.
Cook, H. L., Fayetteville.
Dye, Robert H., Fayetteville.
Gibbs, John C., Fayetteville.
Herring, R. W., Fayetteville.
Lyon, Terry A., Fayetteville.
McLean, John A., Jr., Fayetteville.
Murchison, I. A., Fayetteville.
Nimocks, Q. K., Fayetteville.
Oates, John A., Fayetteville.
Ray, Donald F., Fayetteville.
Robinson, H. McD., Fayetteville.
Rose, Chas. G., Fayetteville.
Rose, George M., Fayetteville.
Sinclair, N. A., Fayetteville.
Stringfield, D. M., Fayetteville.

DAVIE COUNTY.

Gaither, E. L., Mocksville.
Grant, A. T., Jr., Mocksville.

DAVIDSON COUNTY.

Bower, John C., Lexington.
McCrary, J. R., Lexington.
McRae, Donald C., Thomasville.
Martin, L. A., Lexington.
Phillips, Wade H., Lexington.
Raper, E. E., Lexington.
Spruill, J. F., Lexington.
Walser, Zeb. V., Lexington.
Walser, Z. I., Lexington.

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DUPLIN COUNTY.

Beasley, L. A., Kenansville.
Carlton, D. L., Warsaw.
Johnson, R. D., Warsaw.
Stevens, H. L., Warsaw.
Wallace, F. E., Kenansville.
Ward, George R., Wallace.
Williams, H. D., Kenansville.

DURHAM COUNTY.

Bramham, W. G., Durham.
Brogdon, W. J., Durham.
Bryant, Victor S., Durham.
Chambers, Sidney C., Durham.
Everett, R. O., Durham.
Foushee, W. L., Durham.
Gantt, R. M., Durham.
Gladstone, D. H., Durham.
Graham, P. C., Durham.
Guthrie, W. B., Durham.
Hedrick, H. G., Durham.
Lockhart, W. S., Durham.
Morehead, J. L., Durham.
Pegram, J. Ed., Durham.
Reade, R. P., Durham.
Tomlinson, L. A., Durham.

EDGECOMBE COUNTY.

Allsbrook, R. G., Tarboro.
Bridgers, J. L., Tarboro.
Cox, William R., Penelo.
Jones, Paul, Tarboro.
°MacNair, A. W., Tarboro.
Norfleet, James M., Tarboro.
Philips, H. H., Tarboro.

FORSYTH COUNTY.

Alexander, J. E., Winston.
Benbow, Frank B., Winston-Salem.
Blair, David H., Winston-Salem.
Craige, Burton, Winston.
Gray, Eugene E., Winston.
Hastings, G. H., Winston.
Hendren, W. M., Winston.
Holton, A. E., Winston.
Jones, E. B., Winston.
Manly, Clement, Winston.
Parrish, Fred M., Winston-Salem.
Patterson, Lindsay, Winston.
Swink, L. M., Winston.
Vogler, C. A., Winston-Salem.
Womble, B. S., Winston.

FRANKLIN COUNTY.

Holden, Ben T., Louisburg.
Malone, Edwin H., Louisburg.
Newell, S. A., Louisburg.
Ruffin, W. H., Louisburg.
White, R. B., Franklinton.

GASTON COUNTY.

Bulwinkle, A. L., Gastonia.
Carpenter, John G., Gastonia.
Cherry, R. G., Gastonia.
Jones, Arthur C., Gastonia.
Mangum, A. G., Gastonia.
Mason, O. F., Gastonia.
Woltz, A. E., Gastonia.

°Elected during vacation, since meeting, 1917.

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GRANVILLE COUNTY.

Brummitt, Dennis G., Oxford.
Graham, A. W., Oxford.
Hicks, A. A., Oxford.
Lanier, T., Oxford.
Royster, B. S., Oxford.

GREENE COUNTY.

Albritton, J. A., Snow Hill.
Morrill, L. V., Snow Hill.

GUILFORD COUNTY.

Adams, Spencer B., Greensboro.
Barnhart, C. C., High Point.
Barringer, John A., Greensboro.
Beall, Thos. S., Greensboro.
Bradshaw, G. S., Greensboro.
Broadhurst, E. D., Greensboro.
Brooks, A. L., Greensboro.
Bynum, W. P., Greensboro.
Cooke, A. Wayland, Greensboro.
Dalton, Carter, High Point.
Ferguson, G. S., Jr., Greensboro.
Frazier, Clifford, Greensboro.
Gold, T. J., High Point.
Hoyle, Thomas C., Greensboro.
Jerome, T. J., Greensboro.
Kimball, Ashbell B., Greensboro.
King, R. R., Greensboro.
King, Robert R., Jr., Greensboro.
Morehead, J. T., Greensboro.
Peacock, Dred, High Point.
Ragan, W. P., High Point.
Roberson, Wescott, High Point.
Scales, A. M., Greensboro.
Scales, J. I., Greensboro.
Smith, Julius C., High Point.
Stedman, C. M., Greensboro.
Strudwick, R. C., Greensboro.

HALIFAX COUNTY.

Daniel, S. G., Littleton.
Daniel, W. E., Weldon.
Dunn, R. C., Enfield.
Green, G. C., Weldon.

HARNETT COUNTY.

Baggett, J. R., Lillington.
Byrd, W. P., Lillington.
Clifford, J. C., Dunn.
Godwin, R. L., Dunn.
McLean, A. M., Lillington.
McLeod, J. A., Lillington.
Smith, Clarence J., Dunn.
Spears, M. T., Lillington.
Townsend, N. A., Dunn.
Young, E. F., Dunn.

HAYWOOD COUNTY.

Alley, Felix E., Waynesville.
Gilmer, Branner, Waynesville.
Gilmer, R. D., Waynesville.
Hannah, W. J., Waynesville.
Morgan, J. R., Waynesville.

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HENDERSON COUNTY.

Blythe, O. V. F., Hendersonville.
Bridges, W. Marshall, Hendersonville.
Ewbank, E. W., Hendersonville.
Justice, J. F., Hendersonville.
Pickens, S. V., Hendersonville.
Rector, W. C., Hendersonville.
Schenck, Michael, Hendersonville.
Staton, R. H., Hendersonville.

HERTFORD COUNTY.

Barnes, D. C., Murfreesboro.
Bridger, R. C., Winton.
Johnson, W. R., Ahoskie.
Lawrence, L. J., Murfreesboro.
Vance, J. E., Winton.
Winborne, B. B., Murfreesboro.
Winborne, Stanly, Murfreesboro.

HOKE COUNTY.

Currie, James W., Raeford.

HYDE COUNTY.

Mann, S. S., Swan Quarter.
Spencer, C. B., Swan Quarter.
Spencer, Walter L., Swan Quarter.

IREDELL COUNTY.

Bristol, W. A., Statesville.
Coble, A. L., Statesville.
*Grier, Harry P., Statesville.
Hartness, J. A., Statesville.
McLaughlin, R. B., Statesville.
Turlington, Z. V., Mooresville.
Turner, W. D., Statesville.

JACKSON COUNTY.

Buchanan, C. C., Sylva.
Cowan, Coleman C., Sylva.
Hooker, J. J., Dillsboro.
Moore, Tom, Webster.
Moore, Walter E., Webster.

JOHNSTON COUNTY.

Barbour, J. R., Benson.
Brooks, F. H., Smithfield.
Cole, W. W., Smithfield.
Nooe, Bennett, Jr., Clayton.
Pou, Edward W., Smithfield.
Ray, R. L., Selma.
Wellons, E. J., Smithfield.

JONES COUNTY.

Warren, J. K., Trenton.

LEE COUNTY.

Hoyle, K. R., Sanford.
Milliken, Jesse F., Sanford.
Seawell, A. A. F., Sanford.
Williams, C. L., Sanford.

*Elected during vacation, before meeting, 1917.

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LENOIR COUNTY.

Cowper, G. V., Kinston.
Dawson, J. G., Kinston.
Manning, John Hall, Kinston.
Pollock, W. D., Kinston.
Powers, James A., Kinston.
Rouse, N. J., Kinston.
Rouse, Robert H., Kinston.
Sutton, F. I., Kinston.

LINCOLN COUNTY.

Childs, C. E., Lincolnton.
Quickel, A. L., Lincolnton.

MACON COUNTY.

Horn, A. W., Franklin.
Jones, G. L., Franklin.
Johnston, F. S., Franklin.
Robertson, H. G., Franklin.

MADISON COUNTY.

Hendricks, John A., Marshall.
Mashburn, C. B., Marshall.
Ramsey, J. Coleman, Marshall.
Roberts, Guy V., Marshall.

MARTIN COUNTY.

Dunning, A. R., Williamston.
Martin, Wheeler, Jr., Williamston.
Moore, Clayton, Williamston.
Stubbs, H. W., Williamston.

McDOWELL COUNTY.

Bird, J. C. L., Marion.
Hudgins, D. E., Marion.
Lisenbee, C. C., Marion.
McNairy, W. M., Marion.
Morgan, W. T., Marion.
Pless, J. W., Marion.
Winborne, J. W., Marion.

MECKLENBURG COUNTY.

Adams, Thaddeus A., Charlotte.
Alexander, Julia M., Charlotte.
Alexander, Thos. W., Charlotte.
Bell, James A., Charlotte.
Berry, Margaret, Charlotte.
Brenizer, Chase, Charlotte.
Cansler, E. T., Charlotte.
Caudle, L. L., Charlotte.
Clarkson, Heriot, Charlotte.
Cocke, Norman A., Charlotte.
Fuller, D. H., Charlotte.
Guthrie, T. C., Charlotte.
Harris, Hugh W., Charlotte.
Hutchinson, John Wadsworth, Charlotte.
Jones, Hamilton C., Charlotte.
Jones, J. Lawrence, Charlotte.
Keerans, J. W., Charlotte.
McDowell, F. B., Charlotte.
McRae, John A., Charlotte.
Morrison, Cameron, Charlotte.
Newell, Jake F., Charlotte.
Parker, John A., Charlotte.
Pharr, H. N., Charlotte.
Preston, E. R., Charlotte.

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MECKLENBURG COUNTY.—Continued.

Robertson, Archibald G., Charlotte.
Robinson, W. S. O'B., Jr., Charlotte.
Shore, Wm. T., Charlotte.
Taliaferro, C. D., Charlotte.
Taylor, Z. V., Charlotte.
Tillett, Charles W., Charlotte.
Tillett, Charles W., Jr., Charlotte.

MITCHELL COUNTY.

Berry, Walter C., Bakersville.
Lambert, W. L., Bakersville.
McBee, John C., Bakersville.

MONTGOMERY COUNTY.

Armstrong, Charles A., Troy.
Dockery, Claudius, Troy.
Hamlet, R. E., Mt. Gilead.
Hurley, Bolivar S., Troy.
Poole, R. T., Troy.
Wildes, Charles D., Troy.

MOORE COUNTY.

Burns, R. L., Carthage.
Seawell, H. F., Carthage.
Spence, U. L., Carthage.

NASH COUNTY.

Avera, T. A., Rocky Mount.
Barnhill, M. V., Rocky Mount.
Bassett, L. V., Rocky Mount.
Battle, Jacob, Rocky Mount.
*Battle, Kemp D., Rocky Mount.
Bernard, A. C., Nashville.
Bunn, J. P., Rocky Mount.
Fountain, Richard T., Rocky Mount.
Gravely, Page K., Rocky Mount.
Odom, J. D., Rocky Mount.
Ramsey, Joseph B., Rocky Mount.
Spruill, F. S., Rocky Mount.
Wilkinson, W. S., Jr., Rocky Mount.
Winslow, Francis E., Rocky Mount.

NEW HANOVER COUNTY.

Bellamy, Emmett H., Wilmington.
Bellamy, John D., Wilmington.
Bellamy, Marsden, Wilmington.
Bellamy, William M., Wilmington.
Bryan, E. K., Wilmington.
Bryan, R. T., Jr., Wilmington.
Burgwin, K. O., Wilmington.
Burton, E. T., Wilmington.
Campbell, W. B., Wilmington.
Carr, J. O., Wilmington.
*Davis, Junius, Wilmington.
Davis, Thos. W., Wilmington.
Elliott, Geo. B., Wilmington.
Empie, B. G., Wilmington.
Gafford, Walter P., Wilmington.
Goodman, Louis, Wilmington.
Grady, R. G., Wilmington.
Grant, L. Clayton, Wilmington.
Head, J. Felton, Wilmington.
Heyer, Henry, Wilmington.
Hogue, Cyrus D., Wilmington.
Howell, George H., Wilmington.
Hummell, Leslie R., Wilmington.
Kellum, Woodus, Wilmington.
Kenan, Graham, Wilmington.

*Elected during vacation, before meeting, 1917.

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NEW HANOVER COUNTY.—Continued.

Little, Jos. W., Wilmington.
Loughlin, C. C., Wilmington.
McClammy, H., Wilmington.
McCormick, J. G., Wilmington.
MacRae, Cameron F., Wilmington.
Meares, Iredell, Wilmington.
Poisson, L. J., Wilmington.
Rogers, H. E., Wilmington.
Ruark, Robert, Wilmington.
Strange, Robert W., Wilmington.
Townes, W. A., Wilmington.
Turner, W. P. Mangum, Wilmington.
Weeks, C. D., Wilmington.
Williams, A. S., Wilmington.
Wright, I. C., Wilmington.

NORTHAMPTON COUNTY.

Peebles, C. G., Jackson.

ONSLOW COUNTY.

Koonce, E. M., Jacksonville.
Thompson, Frank, Jacksonville.

ORANGE COUNTY.

Gattis, S. M., Hillsboro.
Graham, Alexander H., Hillsboro.
Graham, John W., Hillsboro.
McGehee, L. P., Chapel Hill.
McIntosh, A. C., Chapel Hill.
Nash, Frank, Hillsboro.
Winston, P. H., Chapel Hill.

PAMLICO COUNTY.

Dees, Julius G., Bayboro.
Gibbs, H. L., Bayboro.
Rawls, Z. V., Bayboro.

PASQUOTANK COUNTY.

Aydlett, E. F., Elizabeth City.
Ehringhaus, J. C. B., Elizabeth City.
Markham, Thos. J., Elizabeth City.
Meekins, Isaac M., Elizabeth City.
Ward, Geo. W., Elizabeth City.
Wilson, J. K., Elizabeth City.

PENDER COUNTY.

Best, John J., Burgaw.
Bland, John T., Burgaw.
Bland, J. T., Jr., Burgaw.
McCullen, C. E., Burgaw.

PERQUIMANS COUNTY.

McMullan, P. W., Hertford.
Whedbee, Charles, Hertford.

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PITT COUNTY.

Brown, Julius, Greenville.
Clark, D. M., Greenville.
Cooper, L. G., Greenville.
Dunn, Albion, Greenville.
Gilliam, Donnell, Greenville.
Harding, F. C., Greenville.
Hines, P. R., Greenville.
Horton, J. Loyd, Farmville.
James, F. G., Greenville.
James, J. B., Greenville.
Lanier, J. Conrad, Greenville.
Outlaw, N. W., Greenville.
Pierce, Charles C., Greenville.
Skinner, Harry, Greenville.

POLK COUNTY.

Jones, Walter, Saluda.
Shipman, J. E., Columbus.

RANDOLPH COUNTY.

Craven, Bruce, Trinity.
Hammer, W. C., Asheboro.
Spence, J. A., Asheboro.

RICHMOND COUNTY.

Nash, M. W., Hamlet.

ROBESON COUNTY.

Britt, E. J., Lumberton.
Britt, E. M., Lumberton.
Britt, William S., Lumberton.
Carpenter, J. E., Maxton.
Goodwin, Junius J., Lumberton.
Johnson, Thomas L., Lumberton.
Lawrence, R. C., Lumberton.
Lee, R. E., Lumberton.
Lennon, W., Lumberton.
McIntyre, Stephen, Lumberton.
McKinnon, Henry A., Maxton.
McLean, A. W., Lumberton.
McLean, J. D., Jr., Lumberton.
McNeill, Thomas A., Jr., Lumberton.
Proctor, James D., Lumberton.
Singleton, H. J., Lumberton.
Varser, L. R., Lumberton.
Wiggins, J. P., Maxton.

ROCKINGHAM COUNTY.

Brown, Junius Calvin, Madison.
Dalton, Wm. Reid, Reidsville.
Glidewell, P. W., Reidsville.
Humphreys, Ira R., Reidsville.
Scott, H. R., Reidsville.
Trotter, Benjamin Carter, Spray.

ROWAN COUNTY.

Clement, Hayden, Salisbury.
Clement, L. H., Salisbury.
Coughenour, Wm. C., Jr., Salisbury.
Craige, Kerr, Salisbury.
Gregory, E. C., Salisbury.
Kluttz, Theo. F., Salisbury.
Linn, Stahle, Salisbury.
Linn, T. C., Salisbury.
Miller, B. B., Salisbury.
Murphy, Walter, Salisbury.
Overman, Lee S., Salisbury.
Price, A. H., Salisbury.
Swicegood, L. A., Salisbury.
Woodson, Walter H., Salisbury.
Wright, R. Lee, Salisbury.

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RUTHERFORD COUNTY.

Carson, J. M., Rutherfordton.
Edwards, M. L., Rutherfordton.
Gallert, Solomon, Rutherfordton.
Hamrick, Fred D., Rutherfordton.
Harris, N. C., Rutherfordton.
McRorie, Wm. C., Rutherfordton.

SAMPSON COUNTY.

Barker, J. Abner, Roseboro.
Butler, George E., Clinton.
Fowler, John E., Clinton.
Grady, H. A., Clinton.
Graham, A. McL., Clinton.
Herring, R. L., Clinton.

SCOTLAND COUNTY.

°Dunn, Thos. J., Laurinburg.
Gibson, E. H., Laurinburg.
John, M. L., Laurinburg.
Neal, Walter H., Laurinburg.

STANLY COUNTY.

Brown, R. Lane, Albemarle.
Huneycutt, A. C., Albemarle.
Mann, W. L., Albemarle.
Norwood, John H., Norwood.
Price, J. R., Albemarle.
Smith, R. L., Albemarle.

SURRY COUNTY.

Folger, John H., Mount Airy.
Graves, S. P., Mt. Airy.
Graves, William, Mount Airy.

SWAIN COUNTY.

Black, S. W., Bryson City.
Bryson, T. D., Bryson City.
Frye, A. M., Bryson City.
Frye, Mrs. Lillian R., Bryson City.
Patterson, A. S., Bryson City.

TRANSYLVANIA COUNTY.

Breese, W. E., Jr., Brevard.
Clayton, O. W., Brevard.
English, D. L., Brevard.
Gash, R. L., Brevard.
Zachary, W. W., Brevard.

TYRRELL COUNTY.

Woodley, T. H., Columbia.

UNION COUNTY.

Armfield, Frank, Monroe.
Parker, J. J., Monroe.
Pratt, W. J., Monroe.
Redwine, R. D., Monroe.
Sikes, John C., Monroe.
Vann, J. C. M., Monroe.
Williams, E. C., Monroe.

°Elected during vacation, since meeting, 1917.

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VANCE COUNTY.

Bridgers, J. H., Henderson.
Bunn, A. A., Henderson.
Harris, A. J., Henderson.
Hicks, T. T., Henderson.
Kittrell, J. C., Henderson.
Kittrell, R. G., Henderson.
McCoin, R. S., Henderson.
Perry, B. H., Henderson.
Perry, H. Leslie, Henderson.
Pittman, Thomas M., Henderson.
Zollicoffer, A. C., Henderson.
Zollicoffer, Jere P., Henderson.

WAKE COUNTY.

Allen, Murray, Raleigh.
Andrews, A. B., Jr., Raleigh.
Bailey, J. W., Raleigh.
Bickett, T. W., Raleigh.
Boushall, John H., Raleigh.
Broughton, J. M., Jr., Raleigh.
Bunn, J. W., Raleigh.
Biggs, J. Crawford, Raleigh.
Busbee, Perrin, Raleigh.
Busbee, P. H., Raleigh.
Cheshire, Joseph B., Jr., Raleigh.
Clark, Walter, Jr., Raleigh.
Cox, Albert L., Raleigh.
Cox, Francis A., Raleigh.
Douglass, Clyde A., Raleigh.
Duncan, W. B., Raleigh.
Evans, W. F., Raleigh.
Gulley, N. Y., Wake Forest.
Harris, Charles U., Raleigh.
Harris, J. C. L., Raleigh.
Harris, W. C., Raleigh.
Haywood, Ernest, Raleigh.
Hinsdale, J. W., Raleigh.
Hinsdale, John W., Jr., Raleigh.
Jones, Armistead, Raleigh.
Jones, Wm. B., Raleigh.
Jones, W. N., Raleigh.
Keeble, C. G., Raleigh.
Kitchin, W. W., Raleigh.
Little, J. C., Raleigh.
McNeill, Franklin, Raleigh.
Manning, James S., Raleigh.
Norris, H. E., Raleigh.
Olive, Percy J., Apex.
Pace, W. H., Raleigh.
Peele, W. J., Raleigh.
Pell, George P., Raleigh.
Pou, James H., Raleigh.
Shepherd, S. B., Raleigh.
Simms, R. N., Raleigh.
Smith, Ed. Chambers, Raleigh.
Smith, Willis, Raleigh.
Snow, W. B., Raleigh.
Strong, R. C., Raleigh.
Sykes, R. H., Raleigh.
Timberlake, E. W., Wake Forest.
Timberlake, E. W., Jr., Wake Forest.
Travis, E. L., Raleigh.
Wilson, W. S., Raleigh.
Winston, Robt. W., Raleigh.

WARREN COUNTY.

Polk, Tasker, Warrenton.

WATAUGA COUNTY.

J. C. Fletcher, Boone.

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WAYNE COUNTY.

Allen, M. H., Goldsboro.
Bland, David H., Goldsboro.
Dortch, W. T., Goldsboro.
Humphrey, E. A., Goldsboro.
Land, E. M., Goldsboro.
Langston, John D., Goldsboro.
Robinson, W. S. O'B., Goldsboro.
Taylor, W. F., Goldsboro.
Thompson, J. F., Goldsboro.

WILKES COUNTY.

Finley, T. B., North Wilkesboro.
Hackett, Frank D., North Wilkesboro.
Hendren, F. B., Wilkesboro.

WILSON COUNTY.

Cobb, Arthur, Wilson.
Dickinson, O. P., Wilson.
Finch, A. A., Wilson.
Hassell, Francis S., Wilson.
Woodard, John E., Wilson.

YANCEY COUNTY.

Hutchins, Charles, Burnsville.
Ray, J. Bis, Burnsville.
Watson, E. F., Burnsville.
Watson, John A., Burnsville.

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NON-RESIDENT MEMBERS.

Thos. S. Fuller	New York
John A. Guion	Norfolk Southern R. R., Norfolk, Va.
George McCorkle, care of Federal Trade Commission	Washington, D. C.
J. J. McLaughlin	Johnson City, Tenn.
R. H. McNeill	Washington, D. C.
J. Sprunt Newton (care Hicks Hotel)	Savannah, Ga.
Thomas Ruffin	Washington, D. C.
Gustaf R. Westfeldt, Jr.	New Orleans, La.

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Hon. P. D. Walker	Charlotte, N. C.
Hon. W. R. Allen	Goldsboro, N. C.
Hon. George H. Brown, Jr.	Washington, N. C.
Hon. William A. Hoke	Lincolnton, N. C.
Hon. Wm. M. Bond	Edenton, N. C.
Hon. Geo. W. Connor	Wilson, N. C.
Hon. John H. Kerr	Warrenton, N. C.
Hon. Harry W. Whedbee	Greenville, N. C.
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Hon. F. A. Daniels	Goldsboro, N. C.
Hon. W. P. Stacy	Wilmington, N. C.
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Hon. W. J. Adams	Carthage, N. C.
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Hon. Henry P. Lane	Wentworth, N. C
Hon. W. F. Harding	Charlotte, N. C.
Hon. Jas. L. Webb	Shelby, N. C.
Hon. E. B. Cline	Hickory, N. C.
Hon. M. H. Justice	Rutherfordton, N. C.
Hon. Frank Carter	Asheville, N. C.
Hon. Garland S. Ferguson	Waynesville, N. C.
Hon. Alton B. Parker	New York City

U. S. CIRCUIT COURT OF APPEALS—FOURTH DISTRICT.

Edward D. White	Circuit Justice	Washington, D. C.
Jeter C. Pritchard	Circuit Judge	Asheville, N. C.
Chas. A. Woods	Circuit Judge	Marion, S. C.
Martin A. Knapp	Circuit Judge	Washington, D. C.
John C. Rose	District Judge	Baltimore, Md.

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Henry G. Connor	District Judge	Wilson, N. C.
James E. Boyd	District Judge	Greensboro, N. C.
Henry A. Middleton Smith	District Judge	Charleston, S. C.
Joseph T. Johnson	District Judge	Greenville, S. C.
Edmund Waddill, Jr.	District Judge	Richmond, Va.
Henry Clay McDowell	District Judge	Lynchburg, Va.
Alston G. Dayton	District Judge	Philippi, W. Va.
Benjamin F. Keller	District Judge	Charleston, W. Va.

LIST OF PRESIDENTS.

1.	1898-1899—Platt D. Walker	Charlotte
2.	1899-1900—Charles F. Warren‡	Washington
3.	1900-1901—Charles M. Stedman	Greensboro
4.	1901-1902—Charles M. Busbee‡	Raleigh
5.	1902-1903—Charles Price*‡	Salisbury
6.	1903-1904—W. D. Pruden	Edenton
7.	1904-1905—Hamilton C. Jones†‡	Charlotte
8.	1904-1905—Thomas S. Kenan†‡	Raleigh
9.	1905-1906—Clement Manly	Winston
10.	1906-1907—George Rountree	Wilmington
11.	1907-1908—Charles A. Moore	Asheville
12.	1908-1909—Louis H. Clement	Salisbury
13.	1909-1910—John W. Hinsdale	Raleigh
14.	1910-1911—Charles W. Tillett	Charlotte
15.	1911-1912—Francis D. Winston	Windsor
16.	1912-1913—James S. Manning	Durham
17.	1913-1914—Thomas S. Rollins	Asheville
18.	1914-1915—J. Crawford Biggs	Raleigh
19.	1915-1916—Harry Skinner	Greenville
20.	1916-1917—Aubrey L. Brooks	Greensboro
21.	1917-1918—A. W. McLean	Lumberton

*The meeting of 1903, at Morehead City, was presided over by Mr. T. B. Womack, of Raleigh, the President, Charles Price, being absent on account of sickness.

†Mr. Thomas S. Kenan, of Raleigh, was elected President by the Executive Committee to succeed Hamilton C. Jones, of Charlotte, who died August 23, 1904.

‡Deceased.

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LIST OF SECRETARIES AND TREASURERS.

1. 1898-1906—J. Crawford Biggs.....Durham
2. 1906-1917—Thomas W. Davis.....Wilmington

LIST OF PLACES OF MEETING.

1898—Raleigh.
1899—Morehead City.
1900—Asheville.
1901—Wrightsville Beach.
1902—Asheville.
1903—Morehead City.
1904—Charlotte.
1905—Lake Toxaway.
1906—Wrightsville Beach.
1907—Hendersonville.
1908—Morehead City.
1909—Asheville.
1910—Wrightsville Beach.
1911—Lake Toxaway.
1912—Morehead City.
1913—Asheville.
1914—Wrightsville Beach.
1915—Asheville.
1916—Wrightsville Beach.
1917—Asheville.

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Pres. Bar Assn,

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