THE ROANOKE NEWS.

SATURDAY, APRIL 27, 1878.

OUR TICKET.

FOR CHIEF JUSTICE OF SUPREME COURT,

HON. DAVID SCHENCK.

OF LINCOLN.

ASSOCIATE JUSTICE FROM THE EAST.

T. N. HILL

OF HALIFAX.

THE SUPREME COURT SQUABBLE.

It is probable that no contest of like nature has ever been fought with more acrimony than that for positions on the Supreme bench. Criminations and recriminations have been bandied back and forth as shuttlecocks, and the private characters of gentlemen, and gentlemen too who are in no way concerned in the contest have been made the playthings of anonymous scribblers. That this is so, is probably attributable to the system of choosing the judicial officers which has grown up under reconstruction, and if this is the cause of the trouble, the system must be changed and as quickly as constitutional restrictions will admit of.

That the system is in fault we think admits not of doubt. We have no personal recollections of the way in which judicial officers were elected under the old regime, but we do know that under its workings the legal page of North Carolina's history was made bright by the names of Judges whose opinions were quoted with approbation in Westminster Hall, and we do know, that under the present system, the gentlemen who are prominent for nominations to the Supreme bench have won their triumphs more in the arena of politics than of law. It is true that all of the gentlemen who have been mentioned, are lawyers of no mean standing, and it is true that one at least of the number stands in the very front rank of the profession, but the fact remains that they with a single exception are more distinguished as politicians than lawyers and that men like J. H. Wilson, of Charlotte, John Dillard of Greensboro, Thomas Ruffin, of Hillsboro, R. H. Battle, Jr., of Raleigh, L. C. Edwards, and M. V. Lanier, of Oxford, Montford McGehee, of Person county and others whose fame has been won in the forensic arena are passed in contemptuous silence by the candidate makers with whose effusions the papers are filled.

Should this state of things continue there is little ground for hope that the Supreme Court will be composed of men who have at once made the study of law the delight and duty of their lives, men to whom the foundations of legal learning and the principles on which those foundations rest are as familiar as the alphabet and unless the Court is composed of such men we will have taken a leaf from the Republican book and we are estopped from ever again attacking that party on the score of the abasement of the judiciary.

How this change shall be accomplished, whether by a change in the tenure of the judicial offices or a change in the mode of electing the judges it is useless now to discuss. The Raleigh Observer inclines to the opinion that a change of tenure will effectuate the purpose sought, and our constitutional belief in the acumen and foresight of the editors of our ablest contemporary incline us to believe that it, ideas are correct, but this is a subject on which no conclusion can be arrived at without deeper study than we have yet given it; and as nothing can be done in the premises until January we will not now go into the discussion.

WITHDRAWAL OF JUDGE SCHENCK.

The Charlotte Democrat in its last issue formally withdraws the name of Judge Schenck from the contest for the Chief Justiceship. The reasons given for the withdrawal are that Judge Smith having announced his views on the Hoke case to be in opposition to those expressed by the Supreme Court all reasons for antagonizing that gentleman are at an end. The Democrat goes on to say that this step has been taken by the friends of Judge Scheck without consultation with him and without his knowledge and on the grounds stated. We notice the withdrawal without comment at least for the present.

The following is a text of the Democrat's article:

When it was supposed and believed by a large number of people in the Western section of the State and elsewhere, that the present Chief Justice, Hon. W. N. H. Smith, entertained the opinion that the revenue officers and others who violated our State laws could legally and constitutionally have their cases removed from a State Court to the U. S. District Court, they determined never to support Mr. Smith for a seat on the Supreme Court Bench or submit to having him forced upon the Democratic party as its nominee; and they felt confident that he could not be nominated if he entertained such views. Therefore it was that Judge Schenck permitted his name to be used by some of his friends, in connection with the nomination for Chief Justice. [And we think we ought to state just here that we were not one of the number who put his name forward for that position, or thought it prudent to do so, but we do not hesitate to say that we would have supported him heartily for that position if Judge Smith had entertained the anti-States Rights views that he was accused of entertaining and which we, with many others, supposed he entertained. But as soon as it was made known by good authority, that Judge Smith did not entertain the objectionable views attributed to him, but, on the contrary, agreed with the position taken by Judge Schenck against Federal jurisdiction over State cases, Judge Schenck and his Western friends did not then have the same good and sufficient cause for running in opposition to Judge Smith's nomination for Chief Justice; still, Judge Schenck's friends knowing his strength and his good qualications for Chief Justice, did not think it necessary to speedily withdraw him from the race.

"We know that when the positive information was communicated that Judge Smith's views about Federal jurisdiction were the same as his (Schenck's,) he was surprised, and declared that he had been laboring under a different impression.

"Judge Schenck is not at home, and is too far off (holding courts in the extreme Western part of the State) for his friends to communicate with him and act with his explicit autority at an early day, but under the circumstances, and considering the erroneous impressions heretofore entertained by him and many of his friends in regard to Judge Smith's views, we feel justified in saying that his friends will no longer press his name for the office of Chief Justice, but will support him for Associate Justice of the Supreme Court.

"We know he is thankful for and warmly appreciates the support and nominations tendered him by several counties and newspapers for Chief Justice, but we are authorized, after consulting several of Judge Schenck's most intimate friends, to say that his name will be used hereafter only for Associate Justice.

"We have written the above at the request and advice of some of Judge Schenck's most intimate friends, and we believe it has been in contemplation for the past three weeks to have such an announcement made; at least that was the intention when Judge Smith's views on the Federal jurisdiction question were first correctly understood; and we fully concur in the action of the Judge's friends in withdrawing him from the contest for Chief Justice.

"We respectfully request our Democratic cotemporaries whether they prefer Smith or Schenck, to copy the above article so that their readers may see all we have said on the subject."