

RECORDER'S COURT MENACE TO RIGHTS AND LIBERTIES AS NOW CONSTITUTED

A. D. MacLEAN POINTS OUT OBJECTIONS

NO CONTROVERSY UNLESS NECESSARY

ATTORNEY ASKED BY DAILY NEWS TO GIVE HIS OPINION OF RECORDER'S COURT

A reporter of this paper called on A. D. MacLean, Esq., attorney for Singleton Wallace, the young man, who was sentenced yesterday to sixty days in jail for having a vicious dog, which had snapped at a boy. Mr. MacLean was asked to express his opinion of the Recorder's Court, as now constituted, and in reply made the following statement.

"I have no purpose to engage in a controversy, unless it becomes necessary for disposition to indulge in unfair criticism of any Court, recognizing that a proper respect for all Courts is essential to the administration of law, but it is my deliberate opinion, as a citizen and lawyer, for what it may be worth, that the Recorder's Court, as now constituted, is a menace to the rights and even to the liberties of the people of this community, and in order that this statement may not be misunderstood, I hasten to say that my protest is directed against the system or procedure which obtains rather than against the individual Recorder, who, being human and not infallible, is nevertheless bound to be influenced by the system of which he is in part the creature. Without specifying instances of abuse, there are three fundamental objections which ought to condemn the system and procedure that now obtain.

1. Within his jurisdiction, the Recorder has more power over the freedom of the citizens of a community than any other official, and more power to believe that one man ought to be permitted to exercise. It is true that he cannot condemn to death nor sentence to the State's Prison, but he can send a man to the County Jail, or to the Public Roads—a case of "Hobson's Choice." It may be urged, aside from any question of his abuse, that this power must at times be exercised by somebody, and so it must, but it ought to be limited to serious offenses and then only permitted after due process has been properly safeguarded. Founded upon such observation and experience as I have had, it is my belief that no man should have the power of sentencing another to jail or to the roads, or upon a plea of guilty or conviction by an impartial jury, and that the power of trial by jury should exist in all cases where a man's personal liberty is involved. No Superior Court Judge, or Supreme Court Judge, has any such power to condemn without trial by jury, and yet we give it to a Recorder, who is responsible to no one but himself and his own conscience. I repeat it, that it is more power than one man ought to have over the liberty of another.

2. Not only do we permit the Recorder to try cases without a jury, but we place him with all the functions of Grand Jury, Prosecutor, Trial Judge and then expect him to perform them all without bias or favor. No man can do this. The Recorder has been created broad and just enough for such a combination of power. It is a fair comparison to put and I ask any man who may have the misfortune to be indicted, whether he be innocent or guilty, how he would like to be tried by the prosecuting officer, the Grand Jury, and yet the Recorder is expected to be impartial, and to be fair to all.

3. The girls of Los Angeles are willing to elect Manager Hip Hery to any office he desires, since he is supposed that ladies will be admitted into the Recorder's office. Grand Jury. He is then expected to sit in unbiased judgment, hear the evidence, as if he had never heard it before, and to give a verdict.

no preconceived opinion give the defendant the benefit of the doubt, and presume his evidence from the outset. It is straining human nature to expect and human credulity to believe any such thing possible.

It may be said that magistrates issue warrants and try cases without the intervention of a jury. So they do in petty misdemeanors, but even then the defendant has the right to demand removal to some other magistrate, if he fears the one who issues the warrant is biased, and also to ask for a jury, but with the Recorder there is no removal and no jury. He is too exclusive.

3. Having vested the Recorder with all the powers and functions of Grand Jury, Solicitor, Trial Judge and Judge, we best say to him in effect, "now you will not be paid for your manifold services unless you proceed to convict," which, to my mind, is one of the most intolerable features of the Recorder's Court. I would not willingly submit any case to any man whose compensation was dependent upon his verdict, or judgment, thereby making him interested instead of disinterested in the result. We pay solicitors fees for their convictions instead of salaries upon the theory that if the compensation is uncertain it will make them all the more vigorous in prosecution, because that is the Solicitor's duty, but the Judge and Jury who have the power to convict and punish are paid the same amount whether they convict or acquit, and have no financial interest at stake, thereby insuring the defendant a fair trial which is the object above all others to be attained. On the other hand, the Recorder is prosecutor or inquisitor in his own Court and is given the power of conviction which no solicitor has, who prosecutes for a contingent fee; or to put it briefly we say to the Recorder, "convict this man and you will be paid a fee, while if you do not, you will be paid nothing, but at the same time you must not allow this to influence you." Would it not be equally as fair to the Recorder to say, "you will be paid nothing unless you acquit this defendant?"

submit it would be fair both to the public and to the Recorder. I repeat it, that it is more power than one man ought to have over the liberty of another.

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ESCAPING THE FRANCHISE TAX



A. O. Bliss of Washington has devised a way to avoid payment of the franchise tax which has interested lawyers all over the country. He disposes of \$2,000,000 worth of real estate by transferring it to three trustees who are to hold the property for thirty years, during which time Mr. Bliss is to receive the net profits from rents and sales.

PROF. HARRY HOWELL WASHINGTON VISITOR

Professor Harry Howell, of Goldsboro, formerly superintendent of the Washington Public Schools, is in the city shaking hands with his many friends and admirers. For over ten years he was the moving spirit of the public schools of Washington and he will always receive a warm welcome whenever he comes to Washington. He expects to leave the city tomorrow.

CATHERINE FORBES CELEBRATE NATAL DAY

Sweet little Mary Catherine Forbes, the 4-year old daughter of Mr. and Mrs. Samuel Forbes who resides at No. 110 E. Third Street, entertained her many friends and playmates yesterday afternoon from three to five o'clock, the occasion being her fourth natal day. Miss Catherine was the personification of sweetness and entertained her guests most charmingly. All kinds of games and amusement were indulged in after which refreshments were served. The following were present, all of whom wished for their hosts many happy and joyous returns. Thomas Lewis, Beulah Willis Forbes, Bradford Forbes, Hubert Stella Mayo, Jennie Mayo, Ellen Forbes, Lee Forbes, Olivia Mayo, Louis, Thomas Lewis, Beulah Willis, Alton Willis, Lawrence Womble, Zeph M. Potts, Jr., Bessie Potts and Mary Thomas Stewart.

ELKS TO ENTERTAIN TUESDAY, APRIL 9

The Washington Benevolent and Protective Order of Elks will install their officers for the ensuing year at their hall tomorrow evening. Past Exalted Ruler J. F. Taylor will be in charge of the solemn and impressive ceremonies. On next Tuesday evening, April 9, the lodge will give a smoker. Dr. John C. Rodman will be the toastmaster and several of the city's best speakers are expected to respond to toasts.

BASEBALL NOTES

Since the season of 1903 no less than forty-five men have managed clubs in the American and National Leagues. Some of these men have drifted from one club to another in the same circuit, and have occasionally transferred their operations to the other league. President Ward of the Boston Nationals will perhaps take his Braves to Bermuda for 1912 training. According to reports from Washington training camp Pitcher Tom Hughes' injured hand is as good as severed. Manager Hank O'Day, of the Cincinnati team, has decided to cut out Sunday exhibition games for the Reds while in the East this season. Steinfeld or Smith will play third base for the St. Louis Cardinals in case Mike Mowers falls to report. Mike is holding out for more coin. Manager McGraw, of the Giants, says that there is no chance for any of his new men, even the pitchers, to make the first-string outfit on the team this year. The girls of Los Angeles are willing to elect Manager Hip Hery to any office he desires, since he is supposed that ladies will be admitted into the Recorder's office. Grand Jury. He is then expected to sit in unbiased judgment, hear the evidence, as if he had never heard it before, and to give a verdict.

SEVEN INMATES

There are now seven inmates in the County Jail awaiting trial at the May term of Beaufort Superior Court. Judge Webb or Shelby will preside.

MRS. DAWSON-BEETTER

Mrs. E. L. Dawson, who recently underwent an operation at the Potts Memorial Hospital, has been able to return to her home very much improved in health.

PURCHASES HOME

Mr. Washington Powers has purchased the residence on West Third Street owned by Mr. W. F. Sears and occupied by Mr. Suffolk Miles. Mr. Powers expects to occupy his new home shortly. Mr. Miles will move into the residence now occupied by Mr.

A FRENCHMAN OF NOTE WILL VISIT THE U.S.

WILL BRING A NATIONAL GIFT OF FRIENDSHIP FROM THE FRENCH REPUBLIC TO AMERICAN REPUBLIC

A BRONZE BUST OF LA FRANCE

WILL BE PLACED AT THE BASE OF MONUMENT DEDICATED IN JUNE TO SAM'L DE CHAMPLAIN

Washington, D. C., April 4.—Official circles in the national capital are looking forward with great interest to the impending visit to this country of a delegation of distinguished Frenchmen who will be the bearers of a national gift of friendship from the French Republic to the United States, consisting of Auguste Rodin's bust of "La France." This magnificent bronze bust will be presented to the United States as a token of France's friendship and is to be placed at the base of the monument which will be dedicated in June to Samuel de Champlain, French navigator and explorer, the tercentenary of whose discovery of Lake Champlain was celebrated in 1909.

The delegation will be headed by M. Gabriel Hanotaux, former Foreign Minister of France and member of the French Academy, and will visit New York, Washington, Philadelphia, Boston, Lake Champlain, Montreal, Quebec and Niagara Falls, delivering addresses voicing the gratitude of France for the numerous manifestations of friendship by the United States. The delegation will sail for New York on the new oceanic France, of the French line, which will start on its maiden voyage April 20.

What makes this official visit of especial interest is the fact that the delegation is headed by M. Hanotaux who is considered one of the most brilliant statesmen of France and believed to be destined to become President of the Republic at some time in the near future. M. Hanotaux was born at Beaufort, France, a village near St. Quentin, France, on November 19, 1855. His grandfather was a peasant and his father was a notary and small land owner. After Gabriel and completed his studies at the Lyceum of St. Quentin, he went to Paris to study law and entered the School of Charters. He showed intense interest in the study of history and won distinction by a thesis he wrote dealing with the time of Richelieu.

Henri Martin, the historian, who was a cousin of Gabriel Hanotaux's father, took the young man to Gambetta who was then at the height of his power. Gambetta obtained for him an appointment in the archives and also encouraged him to write on various subjects of a historical and political character for La Republique Francaise, the paper which Gambetta had founded and which he still controlled. Hanotaux soon became chief in the department of the archives and also was appointed professor, the Ecole des Hautes Etudes. When Gambetta became premier, he made Hanotaux sub-chief in his cabinet. In 1889 Hanotaux was appointed minister of foreign affairs, and in 1892 he was placed in charge of the office of Consular and Commercial affairs. From that position he was elevated to the position of minister of foreign affairs, which he held through a number of administrations.

DISTRICT MEETING

The next district meeting of the physicians for Eastern Carolina will be held in the town of Williamston on April 10.

TO MOVE HOUSE

Mr. George Hackney Jr. is making preparations to move the Grist residence recently purchased by him to the eastern side of the property. The house will be moved to the lot purchased by Mr. Hackney. Decisions upon the matter are to be made and when completed it will be an ideal

GOOD FRIDAY DAY OF CROSS OBSERVED

SERVICES AT ST. PETER'S CHURCH TOMORROW AT 11 O'CLOCK. PUBLIC SCHOOLS TO GIVE HOLIDAY

Tomorrow is Good Friday. The day of the "Cross" because it accomplished the salvation of men. It is the saddest and most solemn day of the church year. The great central truth of Christianity that Christ died for the sins of the world is brought before the minds of men by every means possible on this day and meditating on His patient suffering all are taught to mourn for the sins which thus crucified the Holy One.

Good Friday will be appropriately observed in the city. At St. Peter's Episcopal Church tomorrow at 11 o'clock there will be morning prayer with sermon delivered by the rector Rev. Nathaniel Harding. This evening at 8 o'clock in this church the Holy Communion will be celebrated. As previously announced in the Daily News the Washington Public Schools will give holiday. Heretofore the school has been giving Easter Monday instead but this year the trustees of the school decided to observe Good Friday.

RETURNS FLAGS TO TARHEELS

NEW JERSEY HAS TWO OTHER STANDARDS CAPTURED DURING THE WAR

Two other North Carolina flags, captured by New Jersey regiments during the war between the sections, will be returned to their original owners, according to a letter received today by Adjutant General Leinster from W. F. Sadler, Jr., Adjutant General of New Jersey. The description of the flags is best given in the letter which follows: My Dear General:

The New Jersey legislature has authorized the return to their original owners of all the Confederate battle flags that fell into the hands of New Jersey regiments during the Civil War.

In our collection is one that belonged to the Second North Carolina Regiment, and taken in the battle at Chancellorsville, May 3, 1863. There is another flag here that we think may possibly have belonged to a North Carolina organization. This flag is one of the "Stars and Bars" type. It was originally 7 feet 4 inches long by 4 feet 3 inches wide, and was made from a lady's shawl or dress. The stars or the blue field on the obverse side are cut out of white silk and sewed on. On the white bar on this side are the words "Surry Marksmen" embroidered in yellow silk. In the center of the blue field on the reverse side is a large single star embroidered with yellow silk. Above the star, embroidered with the same material, are the words "Car— in the Field." The flag is torn so that there are but three letters of the first word remaining. We think that it may have been "Carolines in the Field." Below the star are the words "Traitors Beware."

It is probably that the Surry Marksmen lost their local identity by being mustered into some regiment. Will you kindly have your records searched and inform me if there was such an organization from your state? If this flag belonged to North Carolina, it will afford me great pleasure to make arrangements for its return to its proper place through you, along with the flag of the Second North Carolina.

MISS HARVEY ENTERTAINS

Miss Bettie Harvey entertained at the home of Mr. J. Havens on Tuesday evening last at dinner in honor of Mr. and Mrs. C. H. Fuller and Mr. and Mrs. James Blake. The other guests were Mr. and Mrs. A. M. Dumay, Mr. and Mrs. Frank Cox, Miss Ellen Parker, Mr. and Mrs. Annie Cox and Miss Jennie Cox.

MARK GRAVE MINUTE MAN REVOLUTION

NORTH CAROLINA SOCIETY SONS OF AMERICAN REVOLUTION TO PLACE MARKER TO GRAVE OF JOSEPH GUILFORD

DR. J. C. RODMAN WILL BE ORATOR

THE EXERCISES TO TAKE PLACE AT MCCONNELL STATION THREE MILES FROM CITY

On April 12th, 1912, at 11 o'clock A. M., the North Carolina Society of the Sons of the American Revolution will place a marker to the grave of Joseph Guilford, a Minute-man of the Revolution. His grave is three miles from a station on the Washington and Vandemere Railroad, called McConnell.

An address will be delivered by Dr. John C. Rodman, President of the North Carolina Society of Sons of the American Revolution. The descendants of Joseph Guilford are especially invited to attend as well as the general public.

MRS. LEACH HOSTESS

Mrs. George T. Leach entertained Main Street in honor of Mr. and Mrs. last evening at her residence on West C. H. Fuller and Mr. and Mrs. James Blake. The other guests present were: Mr. and Mrs. J. F. Cowell, Mr. and Mrs. A. M. Dumay, Mr. and Mrs. Frank Cox, Miss Ellen Parker, Miss Annie Cox and Miss Jennie Cox.

MANY ENTRIES FOR BOSTON MARATHON

Special to the Daily News. Boston, Mass., April 4.—Entries are pouring in daily at the Boston Athletic Association for the sixteenth annual American Marathon run, which is to be decided over the Ashland-Boston course on April 19. A record-breaking number of entries is looked for this year, owing to the fact that the race will be the official tryout in the East for the Olympic Marathon team. The entries will close one week from today.

LADIES AID SOCIETY OF M. E. CHURCH

The Ladies Aid Society of the First Methodist Church of Washington met with Mrs. J. W. Dudley on East Second Street, Monday afternoon at four o'clock. A goodly number were present. The meeting was opened by the President Mrs. W. E. Byrd, she having just been elected such, Mrs. J. T. Lewis being forced to resign on account of ill health in the family. The society was very loath to give Mrs. Lewis up as president, as she has been very faithful and efficient in this work. Several plans and ideas were discussed for the financial betterment of the church in general. Mrs. Mattie Corbin read a very interesting sketch of John W. Wesley's great deeds of gift to the cause of Christ which was greatly enjoyed. This plan of reading by some of the members each meeting was adopted. The President suggested that instead of the roll call of scripture verses being taken at random from the Bible that she introduce a subject each week for the following meeting and that each verse repeated would be touching on this subject. This was adopted. The first fruit of the Spirit, which is "Love" will be Monday's topic. These ladies are doing a noble work for Christ, in fact, are the real backbone of the church. After the business was all arranged the society was treated to dainty refreshments by the hostess, and they adjourned voting it a very pleasant and profitable meeting. The next place of meeting will be with Mrs. J. W. Dudley on West Second St.

RAPID PROGRESS

Rapid progress is being made in the construction of the public building at the corner of Market and Second Streets. It will compare favorably with any other building of its kind in the city.