Instructors of the Blind in Biennial Session

Address of Welcome by Hon. B. R. Lacy Instead of Gov. Aycock—Harty Responses

The American Association of the Instructors of the Blind convened in their sixteenth biennial convention at 9.30 o'clock yesterday morning, the attendance being the largest in the history of the organization.

The sessions of the convention are being held in the assembly hall of the Institution for the Blind, and many visitors in addition to the members of the association assembled yesterday to witness the opening ceremonies and especially to hear the address of welcome by Governor Aycock and the responses by the president and other members of the association.

Mr. Lacy's Welcome

There was much disappointment when it became known that the Governor could not fill the engagement owing to the visitation of the storks at the mansion. However he sent an able substitute in the person of Hon. B. R. Lacy, State Treasurer, who was heartily greeted by the waiting audience. On being introduced he expressed sympathy for the audience in having to be content with a welcome through him rather than listening to one of the most gifted orators in the South such as the Governor is.

The welcome I now give you, through the Governor and the people, to North Carolina is however, said Mr. Lacy, as sincere and earnest as though given by the Governor himself.

He referred to North Carolina as a peculiar State—peculiar in that it does four things in a way not done by any other State in the Union: First of these is the making of history. No other State in the Union has made history like North Carolina. After making it she does not record it. Of the first we feel proud, said Mr. Lacy. Of the second we have cause for shame. The two peculiar characteristics of North Carolinians are, Mr. Lacy said, that they are extremely modest and that they are prone to be proud of and to boast of their modesty. But North Carolina is a brave State and its people, while modest, are both brave and daring when duty calls them.

Mr. Lacy reviewed the glorious record of North Carolina troops in war and then said:

"North Carolina is a great State; her people are wide awake and progressive; she nobly cares for the afflicted and infirm within her borders, and yet there is more to be done. North Carolina is 6½ times the size of Massachusetts in acres, yet bleak and barren Massachusetts is 13¼ times the size of North Carolina in dollars. The difference in educational advantage is even greater.

What remains to be done is work—work for the industrial development and education of the whole State—and while this work is going on there should be a liberal education provided for every afflicted and infirm child in North Carolina. This work is in no way a charity, but the simple provision of educational advantages for them just as it is provided for children of normal condition, and your work should receive the most hearty support of the people and the government. As a representative of the Governor and people of the State I welcome you to North Carolina, and hope that you will find the weather not to be the only warm thing in Raleigh.

Response by President Anagnos

The response in behalf of the association was made by the president, Mr. Anagnos. He said in part:

"We, the members of the American Association of the Instructors of the Blind, are glad to be in North Carolina this morning. We are glad to look into the faces of fellow-workers in the Old North State and we have no idea that the weather is the only warm thing that we will find here. From what I have already seen of your State and town, I am convinced that none of the glorious reports I heard of Raleigh and North Carolina were exaggerated, and that you have a busy city in a prosperous State. The recording of your history that the State Treasurer just spoke of need not be a matter of mortification. The world records the history that is worth recording and you may be sure that the bravery and virtues of North Carolina is sung in every State in the Union.

"But something else remains beside the social and industrial features of a State, and that is its education and the success in education lies not so much in great universities and schools of art, but in the education of all, especially those who come into this world afflicted and infirm."

A number of distinguished members of the association were called upon to make impromptu responses and happy ones they were. The first called upon was Mr. A. H. Dymond of Canada. He expressed regret that Gov. Aycock could not be present and congratulated Mr. Lacy on the manner in which he was substituted for him. He spoke feelingly of the fraternal feeling which exists between the United States, Canada and the Anglo-Saxon people generally, emphasizing the recent expressions of sympathy as manifested by one or the other country on the occasion of Queen Victoria's death, McKinley's assassination and King Edward's illness on the eve of the coronation. He declared that what the world needs now most of all is an alliance of the Anglo-Saxon people. It would insure to the world the blessing of peace and all that makes for noble manhood and womanhood.

Mr. W. B. Wait of New York spoke of Raleigh being the farthest south the association has ever met and expressed pleasure that they had come, and commended the hospitality they are receiving.

Superintendent N. F. Walker of the South Carolina school said that bring so near to the people of the Old North State he was ready for and confidently expecting the warm welcome being accorded. He knew of the great work North Carolina is doing, no state being more liberal in its provision for the education of the deaf, dumb and blind. He assured the association that the south is entering upon a new era and would in future be found spending more and more along these lines.

Superintendent A. J. Hutton of Wisconsin made a most pleasing and fraternal response, illustrating the complete reunion of the people of the north and the south and their mutual admiration of the courage manifested by both in the civil war and the pride felt in the valor displayed on both sides. His remarks were brought out by responses made by Mr. Lacy and were highly appropriate and pleasing.

There were calls for Kentucky and Supt. B. B. Huntoon, the able secretary of the association responded admirably. He rejoiced that he was here and spoke earnestly of the work in which the members of the association are engaged. "We are gleaners," he said, "gathering up the fragments." He spoke of the pleasure it must be for teachers of normal children to stand before them when they can see, hear and speak and then of the arduous labor of the instructor of those who have not the faculties of speech, sight and hearing. In conclusion he expressed appreciation for the welcome.

Supt. J. E. Ray Called

Supt. John E. Ray of the North Carolina School for the Blind was called out and expressed for himself and the directors of the school their pleasure in having the association as guests and his personal appreciation for their having come to North Carolina, they having assured him that they came as a token of their personal regard for him. Mr. Ray introduced the members of the board of trustees and asked Mr. W. N. Jones as spokesman for the board to address the association. Mr. Jones responded in his usual happy vein. He regretted that Governor Aycock could not keep his engagement and expressed the desire that every member of the association should meet and talk with Governor Aycock before they leave the city. He said he was glad the association came this far south and hoped it would come again and venture even further south in some future years.

Routine Business Taken Up

Soon after the opening ceremonies the association took up and discussed at length their relations with the National Educational Association now in session at Indianapolis, the present connection being as section 16 of the association. The section is now termed by the National Association as "Department for deaf, dumb, blind and feeble minded children," and the instructors of the blind adopted after the discussion a resolution asking that the section be changed to "Department of Special Education."

There was institute work under the direction of Mr. Lapier Williams of Kansas, a special paper being read by Mrs. Winifred Messmore of Ontario on "The Kindergarten."

The closing feature of the morning session was a discussion of "What is the economic value and what are the limitations of literary instruction in our schools?" led by A. H. Dymond of Canada.

Afternoon and Night Sessions

During the afternoon session the institute work was conducted by Mr. W. A. Bowles of Virginia. Miss May Schenck read a paper on "The Employment of Blind Women after Leaving School," and Mr. W. C. Hill conducted a discussion on this subject.

Prof. John A. Simpson of this city read a paper on "Imagination in Piano Playing."

There was much regret that Mr. W. K. Argo of Colorado was not present to read a paper scheduled for him on the question "Ought Schools for the Blind to Assume the Functions of Trade Schools?"

Last night the institute work was under the able direction of Mr. O. H. Burritt of New York.

"The True Character and Just Status of Schools for the Blind" was the subject of a paper by Mr. E. Allen of Pennsylvania. The discussion was opened by Mr. Anagnos of Massachusetts.

"What is the Best Kind of Typewriter for the Blind?" was discussed by Mr. W. A. Bowles of Virginia and others.

Program for Today

MORNING SESSION—9:30 o'clock.

Transaction of Business, the President in the chair.

Institute, under the direction of Mr. Andrew J. Hutton of Wisconsin.

Paper—"The Moral, Corrective and Economic Value of Physical Training." Mr. H. L. Piner, Texas. Discussion opened by Mr. E. E. Allen, Pennsylvania.

Topic—"What is the Best Means of Securing Co-operation in the Teaching Force?" Discussion opened by Mr. Andrew J. Hutton, Wisconsin.

Topic—"A Primer for the Blind." Miss Elizabeth Crow, North Carolina. General discussion.

Topic—"The Use and Abuse of Arithmetic Slates." Discussion opened by Mr. J. S. Graves, Alabama.

AFTERNOON SESSION—2 o'clock.

Transaction of Business, the President in the chair.

Institute, under the direction of Mr. F. D. Morrison, Maryland.

This session will be an open conference for bringing out by questions and answers the points in which members may be specially interested.

The subjects will be considered in the following order:

Matters connected with—

(1) Kindergarten, Primary and Academic departments.
(2) Music department.
(3) Manual Training.
(4) Physical Training.
(5) Discipline.
(6) General Administration.

Questions and answers should be concise and should cover a single subject only. Controversial questions will be avoided, and no question will be considered to which objection is made.

EVENING SESSION.

Thursday evening will be devoted to social functions. Governor Aycock will participate.

ANNUAL MEETING STATE BAR ASSOCIATION

(Continued from First Page.)

now sometimes cynically say that a lawyer can be hired to do anything; that his time and his influence are for sale for any purpose? If I unwittingly exaggerate it is because I feel that in our profession it is one of the vital questions of the day. Do we ever hear of lawyers receiving fees for aiding candidates to secure public office? Or for canvassing in political campaigns? or for constant and systematic lobbying? or for rendering other and doubtful services for the money that is in the service whic do not comport with the exalted and honorable relation which the profession bears to the public? I think it would be well if this Association were to make some declaration on the subject. It seems to me that there is a duty pressing upon us to revive in North Carolina the primitive code of principles that formerly governed in our profession, to sound the note of warning and of promise, and to let the public know that this Association countenances no unworthy or questionable methods of practice but declares them at variance with the ethics of the profession. Let us re-affirm what was said by Lord Bacon:

"I hold every man a debtor to his profession, from the which as men of course do seek to receive countenance and profit, so ought they of duty to endeavor themselves by way of amends to be a help and ornament thereunto."

I think it would be wise for this Association to define if possible the kind of services that are not professional in their nature, the practice of which brings discredit upon the profession. It is a delicate and difficult matter but for that reason there is the greater necessity that this Association should make a declaration in the premises, stating the position that it occupies and that in all ways it will observe the requirement of its constitution "to elevate the standard of dignity, honor and courtesy in the legal profession."

Another barrier is the purely speculative spirit that in so many places has entered into the practice of the law. There are so many suits upon our court dockets purely speculative in their nature. In many localities there are lawyers who actually solicit business and who stand ever ready to take any case for the consideration of a division of the possible spoils. We have gone so far in this respect that it is salutary to recur to the principles which obtained years and years ago; when under the old Roman law in regard to the relation between attorney and client, or patron and client, the exertions of the advocate were purely honorary and the reward of a similar nature, not the discharges of a legal obligation but the payment of a debt of gratitude. And so in England and in some of the American States, the ancient theory was that the office of a lawyer was simply one of honor and dignity and that what he received was by way of voluntary and honorary gift. Then no lawyer could sue for his compensation. In the 14th century, and until the revolution of 1789, the Bar of France constituted an order of nobility, and they were subjected to certain prohibitions, the violation of which rendered them liable to disbarment. Some of these prohibition debarred a lawyer from undertaking just and unjust causes alike without distinction and from making any bargain with his client for a share of the fruits of any judgment he might recover. Of course these rules are not consonant with the present usages of our profession, but in the length to which we have gone to the other extreme it is profitable to remember them. Now among some lawyers it is really not considered an unprofessional act to solicit employment. A person cannot receive in these days a personal injury without being the recipient of offers of service from sundry lawyers in bringing a damage suit. I heard not many weeks ago of a certain person who had received an injury in a railroad accident, who had a proposition of disinterested service for a division of the damages from seven distinguished attorneys. I think this is going entirely too far and I know that in some communities it is bringing the Bar of North Carolina into public disrepute. I think it behooves this Association to make a plain declaration on this subject so that the people may know that such conduct is outside the true sphere of a reputable lawyer. I think that we should take such action as will aid, if possible, in the mitigation of this evil. I believe that the evil is in large measure due to the too liberal construction which the Supreme Court has placed upon the statute in respect to binging actions in forma pauperis. That statute was never intended to multiply damage suits and clog the dockets of the State with purely speculative litigation. Some lawyers will bring suit of this nature and sometimes suggest a suit upon evidence that is palpably insufficient, trusting that something may turn up during the progress of the litigation, that will enable the plaintiff to win a verdict. Neither the lawyers nor the plaintiff take any risk in the matter. They simply contribute their time to the suit which, if won, has cost them nothing to litigate These cases have, in many counties, imposed useless burdens upon the officers of the court, upon witnesses and upon the judges, and they have interfered with and delayed the trial of other actions. I would suggest that this Association recommend to the General Assembly the propriety of amending the statute in regard to actions in forma pauperis, so as to avoid the evil of which complaint is made. As the law now stands there is virtually an obligation resting upon any clerk or judge, to whom application is made to bring suit without bond, to grant the application when the plaintiff swears that he has a good cause of action, or when a lawyer certifies that in his judgment the plaintiff has a good cause of action.

The court in two cases in the 74th volume of our reports has construed the statute as I have indicated. In my judgment the remedy is to limit the beneficial purposes of that statute to proper cases. I think that properly applied the statute is eminently necessary, but it has been and is being constantly abused. I think the statute ought to be so amended that leave to sue in forma pauperis can be obtainable only from a judge of the superior court; that the application for the order ought to contain a summary of the evidence upon which the plaintiff bases his cause of action duly verified by the plaintiff, and that the allowance of the order ought to be discretionary with the judge after due consideration by him of the evidence submitted, just as a grand jury finds or refuses to find a true bill upon the evidence submitted by the state. I think that in order to prevent any injustice, a refusal to grant the order by one judge ought not to bar the plaintiff from presenting his application to another judge. So that any person desiring to bring an action without giving security for costs can apply to each of the sixteen judges of the state, if he so desires. I think a statute of this sort will not interfere with the assertion of any legal right of action possessed by any person in the state, but will in large measure do away with the indiscriminate and improper use of the statute. It seems to me that the present obligatory nature of the statute regulating this matter should be modified, as I have indicated in the interest of public justice. To cite a person to court, to call upon him to defend a suit in which the plaintiff is under no obligation in respect to costs, to put him of necessity to expense, to loss of time and to manifold inconvenience, is wrong and especially so in those cases where the plaintiff has no valid cause of action and he and his attorney are merely speculating on the chances of a verdict. This, in my opinion, is contrary to all ideas of justice and the proper regulation of judicial procedure. I heartily commend, as I say, the law to allow persons without means and without friends to bring suits without giving a bond for costs, but I suggest that the law be so modified that some judge must examine and approve the plaintiff's cause of action before the defendant shall be vexed with a law suit. When the statute was passed the speculative era of practicing law had not then dawned in North Carolina, and the court which construed the statute liberally did not dream of the coming deluge of such litigation.

Among the reforms I have mentioned as having been obtained through the active instrumentality of this association is the recent increase of the judicial districts of the state. In my opinion this association ought to carry the reform still further by urging upon the general assembly the enactment of a law separating the state into two divisions, each containing eight districts and confining to each division the judges residing therein in respect to the successive holding of the courts of each district. This plan retains all the advantages of the rotating system which are universally conceded, and yet relieves the system of most of its attendant inconveniences. A judge would hold the courts of each district only once in every four years and yet would be at all times much nearer his own home in case of disaster or calamity. There have been times in recent years when judges have had to suffer by reason of being in the discharge of their public duties at a great distance from home.

The last Legislature enacted a law under which a plaintiff instituting an action upon a simple debt can have the action at issue at the return term by bringing suit and filing complaint at least thirty days before the term. It is a commendable law, because it is a law that aids and quickens the administration of justice. The law however is not sufficiently comprehensive. I can conceive of no valid reason why the causes of action should be limited to those enumerated in the act. Why should not the law be extended to all actions? If one has a cause of action against another, he should be allowed to test it at the earliest practicable time. The delay of justice is as inimical to the provisions of the State Constitution as its denial. I think we ought to recommend to the General Assembly the broadening of the law as I have indicated.

I have made the suggestions which I have mentioned with doubt and hesitancy. I have no pride of opinion, but I am impressed with their propriety and necessity. I think that this Association at its annual session and in the work it does should deal with practical and progressive matters as well as literary, historical and academic questions, bending its energies at all times to the task of securing needed reforms and advancement in the laws and in the administration of justice. We are members of the noblest profession that serves mankind, next to the holy ministry. Let us magnify our profession. Let us show to the people of North Carolina that as individuals and as an organization we have no ends to serve that are selfish or unworthy, that our constant desire is to establish ourselves in the confidence and good will of the people as a profession, that our purpose is to promote the objects declared by our constitution as the basis of our Association. Then will we grow in numbers and influence and will become a power in the State, compact, vigorous, invincible, safely anchored in the confidence and the respect of our fellow citizens. To further the great mission of this Association we need the moral aid of popular approval. It is easily secured. Just as soon as we demonstrate that we have no other aim than the good of the people, the enactment of laws that are wise, salutary and just, the maintenance of a judicial system that shall administer the laws promptly, faithfully and impartially—just as soon as we make it evident that professsional selfishness abideth not among us, and that no faithless or disreputable lawyer can be found within our ranks, then will this Association become what it ought to be, a power in the State, a power to be exercised at all times for the welfare of the people and the safety of the State.

The northeast wall of Central Methodist church was slightly damaged by lightning Tuesday evening.

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