

# RALEIGH REGISTER,



## AND North-Carolina State Gazette.

Once see the plan of Raleigh, a full page,  
Unwarped by party rage, at the office.

Vol. VIII.

MONDAY, JANUARY 5, 1897.

No. 360.

### DEBATE

on the

### JUDICIARY BILL,

Mr. Cameron's Amendment for extending the Districts being under consideration

(Continued from our last.)

Mr. WRIGHT said, that notwithstanding the patience of the house must be considerably exhausted, he felt it his duty, not to be the object of so much importance as to present, upon which he had to give a vote, pass without giving the reasons which would influence his decision. And he would commence his observations, by saying that he should impeach no man's motives. It is an unworthy idea that any gentleman influenced by improper motives, is the reasoning of gentlemen only which ought to be considered; and that is sound and correct, or weak and fallacious, it ought to be received or exposed. Those gentlemen who have undertaken to impeach the motives of borough members, should have considered how vulnerable themselves were. For, might it not be said to such a member, "Sir, you are a member from a part of the country in which there is no borough, would you are a man of influence in your county, but your influence is not equal to your ambition; you wish a superior court at your court house that your influence may reach the administration of justice, that you may have a decided preference over your neighbors." But these are unworthy sentiments, and are resorted to by those only who have either the resource of sound argument or ingenious sophism, and betray the weakness of that cause they are advanced to support.

Mr. W. proposed to consider some of the objections which had been offered to the proposed amendment. He would first remark on the remark of the gentleman from Anson to throw an odium on the reasoning of the gentleman from Salisbury, by representing him as saying that this house had not a right to legislate on the subject of the Judiciary without first consulting the Judges. This house is free, in a constitutional way, to legislate upon any and every subject. The gentleman from Salisbury said, that such a course would have been respectful and proper; that the Judges would have been the best able to say whether such a change as contemplated by the proposed bill was necessary, or whether it would be conducive to the welfare of the country.

An observation was made by the gentleman from Anson, in answer to one made by the gentleman from Salisbury, "That the good things held out in the caption and preamble of this bill, were not justified by the provisions of the context, that these provisions would not give us a more convenient and uniform system of justice than we have at present." He thought the observation of the gentleman from Salisbury correct. The gentlemen who support the bill before the house, have not shown wherein their system will be more uniform, and the context proves a different result. If conformity could be obtained in judicial decisions where we had but four Judges and eight courts, and which rendered it necessary to establish the Court of Conference, could it be obtained by increasing the number of Judges and multiplying the courts, could it be expected when the system is extended to sixty courts and six Judges. In his opinion, it would be more consistent with truth, to strike the bill. A bill to render less uniform and convenient the administration of justice, and the remark of the gentleman from Salisbury, applied to the caption of the bill, was correct. It appeared to him equally so as to the preamble, for he would ask the gentlemen how delays and expenses are inseparable from the present system. No argument had been adduced to show this. From what causes do they arise? Gentlemen say that from the extent of the present districts, it is impossible to try all the causes. To obviate this objection, the proposed amendment goes to reduce the extent of the districts to three or four counties, and to remove that cause and to show that the delays in our courts where they do exist,

are not inseparable from their constitution.

Under what pretence, Mr. W. asked, would it be said that the proposed bill would expedite the administration of justice? Will it not allow, from the mode in which business is to be conducted in the county superior courts, as was represented by the gentleman from Hillsborough, about the aid of books or much delay at the bar, that a great portion of the causes tried in those courts, will be brought up to the supreme court? This court will, of consequence, be crowded with business, and the delay in obtaining decisions will be greater than ever, unless some other ingenious system shall be offered for the more expeditious administration of justice.

A favorite feature in the proposed bill was that it would be less expensive than the present system; but it had been already shown, that so far from this being the case, the expense of the new system would be the greatest.

What are the causes of expense under the present system? The gentleman from Anson had stated them to arise from suitors, jurors and witnesses having to travel a great distance to attend court. But will it not be equally and more expensive to the community to call out in each county thirty jurors twice a year? As to the expenses of suitors and witnesses, they fall where they ought to fall, on the litigants. And shall we remove these expenses and fix them upon innocent persons, who have no immediate interest in the subject in dispute, the citizens of the community at large?

It had been said by the gentleman from Anson, that the present system is radically defective, by confining its advantages to a few, to the injury of the many. For administration of justice, Mr. W. said, ought not to be considered as it is beneficial to this or that town, because of the money expended during the term of a court, but with respect to the soundness, impartiality and purity of the decisions obtained under it; and it has been shown that the present system secures to us these valuable purposes, by securing to us the best chance of a fair and impartial trial by jury.

Mr. W. asked gentlemen where were in the habit of observing, if they had not frequently seen that the popularity or influence of an individual had produced more effect in decisions in the county court, than the real justice of the case. If this be true under the present establishment, where an appeal from a decision may be had, is it not likely to be much more so in a court, from whose decisions there will be no appeal, and where of course there will be every inducement to exercise every means of influence, and every art to bias the minds of the jurors? And this system, instead of improving the morals of the community, which the gentleman from Anson supposed would be its effect, will have a tendency to injure and deprave them by holding out inducements to suitors to employ dishonorable means to obtain their end. As to its effect of producing orderly habits, by enforcing the law against those who commit riots and assaults and batteries, &c., as had been represented, it is incorrect, as these offences are by the proposed bill confined to the county courts, as at present established, and as they will remain after its passage.

It is said that the trial by jury is preserved in the proposed bill; but of the mode of that trial, as heretofore in use, which is not retained, and which we consider so essential to a fair administration of justice, the jury as directed to be selected from the counties will be subject to the influence of the popularity or wealth of individuals. And so long as Wealth and Popularity are not synonymous terms with Virtue and Honesty. It is the duty of the Legislature to protect the poor and unpopular, against the influence of the wealth and popularity. We can therefore examine the reasons urged in favor of this bill, Mr. W. said, he saw nothing; but what were detailed in the preamble of the bill, and which he thought had been shown to be untrue, except the precedents which

had been drawn from other States. But why have not gentlemen produced some authority for their assertions as to the usages of other States. South-Carolina is brought as an example; but what was the object of the law passed in South-Carolina? It was to destroy the county courts; and the very law which divided the State into small districts, deprived these courts of all their power, except that of registering wills, granting administration, &c. Is this the object aimed at by the friends of the present bill, if not at present, at some future day? Are the members of this house prepared to go this length? What did S. Carolina, and what shall we have to do, if this bill passes into a law? They appointed three or four Chancellors and established a separate court of equity. What more was done? They appropriated \$5000 to every district in the State, for building permanent and substantial jails. Are we prepared to follow this example? Shall we not be obliged to do it if we adopt the present system? We must; not only for the convenience of suitors, but also for the protection and safety of the community; as our present jails are not sufficient to detain a debtor, much less an abandoned criminal, and it is as much our duty to guard the community against the depredations of those, as to facilitate the administration of justice to suitors in civil suits.

Mr. W. said he should not object to the proposed system on account of its expensiveness alone. He wished it to be tested by the means which it afforded for protecting the rights of our citizens, for enforcing the laws of our country, and for punishing such as may offend against them. It was on this account, he was in favor of preserving the present court system, inasmuch as he deemed it better calculated to secure these valuable objects than the plan proposed.

Mr. LOWRE was sorry, at this late hour, to trouble the house again on this question; and should certainly omit many remarks which he had intended to have made. It was notable that some of the observations made in favour of the amendment, considering the respectable source from which they came, might have weight, he therefore considered it necessary to offer a reply to them. He alluded principally to what had fallen from the gentleman from Salisbury.

That gentleman had grounded his objections to the proposed bill principally on the constitutionality. The section on which he principally relied was the 9th of the Bill of Rights, on the words "heretofore used," as applied to juries. The definition which the gentleman had given to the word heretofore was satisfactory; but it had never struck him, that the last part of that sentence can have the meaning given to it by that gentleman. It certainly does not relate to the manner of choosing juries, but to the qualification of the jurors, viz: that they shall be good and lawful men, such as were qualified, and such as had been heretofore used. If he was correct, then the arguments of the gentleman fell to the ground; if otherwise, if the bounds of a district were altered, or a county divided it would be an unconstitutional act.

In order to impress the minds of the members of this house with the sacredness of the present court system, he has called it the work of our ancestors. But, for himself, he always considered that though the legislature passed a law, the next might repeal it. Nor did he believe that the clause of the constitution which directs the manner of the appointing Judges, makes the proposed appointments unconstitutional. Several instances had occurred in this State in which Judges had been appointed to hold a particular court. This was once done to hold a court at Morganton; and if a Judge can be selected for six months, he may be elected for three years. He was therefore surprised to hear these objections fall from gentlemen well versed in the laws of our country.

Much had been said about imputing gentleman's conduct to improper motives. This example he should not follow. It had been observed by

the gentleman from Salisbury that some members of this house might have been elected for particular purposes. For his part, he could say that the county which he represented was clear of fiction, and that no man who had any personal views to serve, could be elected.

Mr. L. thought that principle of the common law a sound one, which says that a man shall be tried by men of the vicinity. He knew that the term vicinity had been considered as including the jurisdiction of the court. Though the present mode of choosing jurors had been highly panegyriced, he believed that it was not free from objections, as suits are often tried by jurors, strangers to the parties and to the facts submitted to them, and if men are so corrupt as gentlemen suppose them, these jurors might be imposed upon by suborned witnesses. He believed with the gentleman from Fayetteville, that all human systems are imperfect; and if we never adopt any until we find one that is free from objection, we shall never make a change. When a suit was put for trial before a jury of the county who knew the parties, they could not be imposed upon. He did not believe the yeomanry of this country are corrupt. He had seen much of courts and juries; but before he came to this place, he never heard it supposed that our jurors could be corrupted. In the part of the country with which he was best acquainted, he knew that no man dare make the attempt. If jurors sometimes err, it is for want of knowledge, or from the colouring put upon facts by the extraordinary talents of lawyers; but when a Judge presides, these errors can scarcely take place.

The gentleman from Hillsboro' had supposed, that as only two or three lawyers would attend on a circuit, these, or at least two out of the three might be engaged on one side, and the one, who was left, might demand an exorbitant fee, or refuse to act. This was not saying much for the profession, and he trusted, for the honour of it, no such instance would ever occur.

The question was taken, and the amendment rejected 81 to 43.

(The Debate to be continued.)

### FRANKLIN ACADEMY.

THE FRANKLIN ACADEMY will be opened on the first Monday of January next, for the reception of Students. The Trustees are happy in being able to inform the Public that they have prevailed with Mr. Dickinson to continue as Principal of this Institution for the two ensuing years. The Terms of Tuition will be Ten Dollars per Annum for Reading, Writing, Arithmetic and English Grammar; and Sixteen Dollars for the other Branches of Education—the Money to be paid semi-annually in advance. The Price of Board, Lodging, Washing, &c. will be about Seventy Dollars per Annum. The prosperity of this Academy has exceeded the most sanguine expectations of its friends and supporters, and they flatter themselves that on account of its healthy Situation and good regulations, the low Price of Board and Tuition, together with the well-arranged and approved abilities and assiduity of Mr. Dickinson the Principal, it will continue to meet with the encouragement of all friends of science and education. G. HILL, Jun. Sec.

### EDUCATION.

THE WARRENTON ACADEMY will be opened on the 1st day of January next, for the reception of Students. The Trustees have engaged Mr. MAAGUE GEORGE as Principal Teacher. Mr. J. M. W. will act as Secretary for the ensuing year. The regulations for this Institution are well calculated to preserve the Morals of Youth, its Situation is remarkably healthful. The following are the terms of Tuition and Board. For teaching the Classics, Mathematics, Geography and use of the Globes, &c. twenty dollars per annum, 12 dollars paid in advance for the first session and 8 for the second. For teaching the English, Arithmetic, &c. fifteen dollars, 9 paid in advance for the first session and 6 for the second. Students not having Relatives in the town, or its vicinity, must board with the Steward and lodge in the Academy. The price of Board \$75 per annum, in which time it is understood that the Students will be absent during the Winter Vacation (one month) those who stay during that vacation, to pay five dollars extra. Candles, if required, will be furnished at two dollars per annum. Washing & mending eight dollars. Those who do not furnish their own Beds and Bedding, will be charged eight dollars per annum. 40 dollars must be paid in advance for the first session and 35 in advance for the second, and in like proportion for Candles, Washing, Mending and Beds.

### ADVERTISEMENT.

THE Subscriber not having succeeded in the Sale lately advertised, informs his Friends and the Public in general, that in addition to his old Stock, he has received a fresh Assortment from New-York and Philadelphia, which he will sell at reduced prices, cheaper than any Cash Store. Hardware, Ironmongery, Cloths, Rose and Duffel Blankets, Cloaks, Sweaters, Down's, Hunters and Walker's Coats, Carriages, Durans; Muslins, Linens, Cotton Cambrics and Shirtings, Woollen & Cotton Hosiery, Pewter, Lead, Shot, Gunpowder, Cotton and Wool Cards, Ladies and Gentlemen's Hats, coarse and fine fashionable Straw Bonnets, Ladies Kid, Morocco and Leather Shoes, Lawn, &c. first School-Books, Novel, and a number of other Books, blank Ledgers, Journals, and Day Books, unruled Copying and Pocket-Books, Writing and Wrapping Papers, Quills, Water, &c. Barron's German, Crawley and Bistered Stated 10-Barrels of brown Sugar, Coffee, Meats India and N. E. Rum, 40 Hds. Molasses, Salt, with sundry Articles too numerous to insert in an Advertisement.

Also, on commission, March's Justice, Duty of Executors, do. or Sheriff's, Revision of the State Laws with an Appendix. Thirty Sails, from 32 to 100 gallons, all of which will be sold low for prompt pay. All kinds of Produce will be taken in payment.

I earnestly request all those indebted to come forward and make payment. I wish to sell the whole Stock in Trade. Any Gentleman wishing to get into a business of the kind, shall have a liberal credit, and be accommodated with my Store. Fayetteville, Nov. 12. P. PEARY.

### FOR SALE.

ALL my possessions in the County of Orange, and Town of Hillsborough, viz: a large two-story dwelling House, not yet finished, but might do very well for a Judge under the new Court System; a very convenient Office for a County Superior Court Clerk; Kitchen, Stables, other necessary out-buildings, &c., on a high commodious Lot, which is well enclosed with plank, and a large well-Strudwick's summer residence in Hillsborough. There is in the Dwelling House a good deal of furniture of best quality, which I would sell, together with all necessary Kitchen Furniture, with the Houses & Lot. Also, five Acres of Ground adjoining the Mill Pond, that are very rich and enclosed with common Rails; on this section of Ground, which is not more than 120 steps from the above mentioned Houses and Lots, is a good Stable and the best Spring in Town, with the Walls of a House about it, erected of Stone. On the End, opposite to Hart and Campbell's Mill, which is about two miles from Town, is 130 Acres of excellent Land, on which is a fresh Plantation, sufficient to work four good Hands. 250 Apple Trees of choicest kind, and necessary Houses for an Overseer and Negroes; the said Plantation and Houses are now in good repair. Near the Road leading from Hillsborough to the University, and about two miles distant from the former, is a Tract of 300 Acres more, on which is also a Plantation with moderate Buildings, now in the occupation of a Tenant at Will. On the End, adjoining the lands of Walter Alvin, Esq. and others, 210 Acres more, the most of which is of very high quality. Other Lands in the upper part of the County, and a Lot of four Acres in the Village of the University, not necessary to particularize.

I will sell all this property almost on any terms that will enable me to remove to some Government, from whence the restless and destructive spirit of innovation will not be kept in constant array to drive us citizens.

I am authorized by my Mother to sell also, on the most reasonable terms, or let to lease, a very handsome little SEAT, which she holds in the Village of the University, containing two Acres of Land, whereon is a very snug, and well-finished Dwelling House, a good Kitchen, Stables and most excellent Garden, neatly and substantially inclosed with Plank, and the other part of the Lot with common Rails. This property will be shown by Col. Taylor of that Village, to any one inclinable to buy or rent it.

SAML. BENTON,  
Hillsborough, Dec. 10, 1895.

### FOR SALE.

A TRACT of Land, containing 930 Acres, lying on New Hope, five Miles from the University.  
A other Tract, containing 412 Acres, on the eight Miles from the University and 1/2 from Hillsborough.  
Two other Tracts, one containing 232 Acres, the other 200 Acres, lying on the waters of New Hope, above seven Miles from the University.  
The two first Tracts, are well improved, so that each Plantation will employ about six Hands. There is upon each good Dwelling Houses, with other necessary buildings, Orchards, &c.  
The Tract containing 232 Acres has also a good House upon it with necessary out-buildings and will work about three hands.  
All of which Land is well calculated for raising Grain of all kinds, and as the Proprietor is about to remove to Tennessee, they will be sold on moderate Terms, and exchanged for Land of good quality, and in particular a fine plantation.  
JOHN MOORE  
New Hope, Orange County, Dec. 10, 1895.