

ANNUAL ADDRESS TO THE STATE BAR ASSOCIATION

By Charles F. Warren, President of the Body.

HIS THEME "THE STANDARD OF ADMISSION AND LEGAL ETHICS."

In his address to the North Carolina Bar Association today President Charles F. Warren spoke on "The Standard of Admission and Legal Ethics."

"Each of these subjects might well be treated and considered separately, but in many respects they are closely connected and interwoven. Nothing more nearly affects the bar of a state than the educational standard of admission or the tone of its professional honor."

"If ignorant and untrained men be admitted, with few exceptions, they will disappear from the profession. By the slow process of evolution only the fittest will survive."

"The bars have been let down too low and kept down too long. I speak my strong personal convictions alone, but I trust this association will not adjourn without giving expression to its views upon the subject of legal education and without giving the full weight of its influence to elevate in this state the standard of admission."

"It is no doubt within the power of the legislature to prescribe the qualifications requisite for admission to the bar. It is no doubt also within the power of the legislature to provide that graduates in law of certain institutions of learning shall be admitted without examination, subject, however, to the right of the court to reject any applicant unfit, in other respects, for admission."

"At February term, 1888, of the court the rule was adopted requiring a written examination for license to practice law, and examination itself was made more rigid. The adoption of this rule has imposed much additional labor upon the court, but the two have largely diminished the number of licensees and have elevated the standard of admission."

tained license to practice law and 90 were rejected. At February term, 1899, one year after the adoption of the rule, 32 of a class of 52 were rejected, and at February term, 1900, two years after, 15 of a class of 48 were denied license. At September term, 1897, all of a class of 55 were licensed. Law should be read, learned and digested, not crammed. These figures are full of meaning and they show not only that the method of oral examination was too lax, but they demonstrate as clearly that legal training and preparation are still inadequate.

"The tendency in all professions, even in the handicrafts, is to increase the period of training and to produce disciplined and expert men. In this state we have been satisfied to require a lower standard of knowledge for admission to the bar than is required by either the medical profession, the ministry or many of the relatively less important professions, or even by many of the trades. It is not to our credit that this should be, or that it should longer continue. One year is not sufficient time to be apprenticed to a trade. Yet for the law, a learned profession, the most exacting of them all, and the one where the grapple is closest and hardest, one year is considered, in this state, sufficient time for preparation."

"What is the remedy? Certainly one of the remedies is to require more legal knowledge for admission. It may not be practicable, at this time, to require in this state a three years' course of study, as recommended by the American Bar association. I am aware how far short of the timely recommendations of that association these views and suggestions fall, but improvement here must be a growth, and I fear, to advocate radical measures would result in no gain at all."

"In the interest of the young lawyer and the public we should ask and insist that he shall be taught something more than a knowledge of the principles of law, and that he shall be taught how to use and apply that knowledge. After receiving his license he should not be compelled to enter as a clerk, the office of an old lawyer to learn the practice which he ought to have been taught as a part of a complete law course."

"Both by statute and by rule of court, and, perhaps, independently of either, the applicant is required to present to the court evidence of good moral character. No matter how careful and rigid the test which may be applied to ascertain his legal knowledge, it cannot disclose the possession or absence of the moral qualities which render him fit or unfit to become a member of the bar. It may well be questioned whether the certificates of two members of the Supreme court bar afford sufficient evidence of his moral character. It is a weak and frail barrier at best. In many of the states the courts, or boards of examiners, take great precautions, and in some instances, require the action and endorsement of the bar of the county in which the applicant resides."

"Legal ethics form no part of the course of study prescribed by the court for admission to the bar, and, necessarily, there is no examination upon that subject. An examination would probably furnish no additional evidence of moral character to that now required. It has been often said that the first five years of the professional career of the lawyer will usually determine his standing at the bar, but danger is always imminent. To enable him to decide perplexing questions of duty, to aid and strengthen him in all good resolutions, nothing can be of more lasting benefit to the law student than the practical application of legal ethics in the lectures of the law course. If this practical instruction were given, and the student taught what, under given conditions, is the proper and honorable course of action, it would instill a high sense of professional honor and discourage sharp practice in the profession. It may be that the seed will sometimes fall upon unfruitful soil, and that the labor and pains will be wasted. You cannot appeal to honor if the sense of honor does not exist. The tenderness, care and admonition of the mother must have inculcated right principles in childhood and youth."

"Legal education, in this state, has been largely directed and controlled by men who knew the law not merely as a science, but who had applied it in active practice at the bar and administered it upon the bench. No one could be better qualified than they to warn the young lawyer against the temptations which assail and the perils which environ him. To them it had been given to see the lawyer at his best and at

his worst. An observant and discriminating judge who rides a circuit will form a just estimate of the character of the attorneys who appear before him. He is quick to detect evasion, trick and artifice, and he can test the strength of the mental and moral fiber of the lawyer."

"Apart from these matters which relate to admission to the bar, is another which should command our attention and which concerns our conduct as attorneys. How shall we practice law? 'This table,' said mine host at Hyde court, 'is reserved for the lawyers and that for the gentlemen.' The unconscious distinction cannot be lightly drawn. The lawyer should be both. His oath requires that he will truly and honestly demean himself in the practice of an attorney, according to the best of his knowledge and ability."

"As regards the relations between the bench and the bar something needs to be said. A lawyer should be respectful, never obsequious, to the court. By obsequiousness he gains nothing, forfeits the regard of the court, and, what is more, loses his self-respect. The court is entitled, as of right, to courtesy from the bar, but the lawyer must preserve his own dignity. The obligation of respect must be reciprocal."

"It is not my purpose to formulate rules or to draft a code of legal ethics. It is difficult to fix them by printed rules or to codify them, and that duty can well be performed by the proper committee of this body. Excellent treatises can be found upon the subject, and many of the state bar associations have prescribed rules of professional conduct. Opinions differ as to the value and utility of rules or codes of ethics. Of themselves, it is true, they amount to little except to please the ear and to gratify sentiment. If behind them there exists in the association a strong and determined purpose to promote and enforce fair and honorable dealing between attorneys, to suppress sharp practice and trickery, and to purge the association and the bar of unworthy members, then rules of ethics are more than empty words."

"Unless this association shall closely scan and scrutinize the professional conduct of the members of the bar, and endeavor to elevate the standard of integrity, honor and courtesy in the legal profession, it will fail to secure one of its greatest benefits and to accomplish one of its highest aims. By every means in its power it should promote clean practice and suppress the slyster. Nothing can be more unpleasant to an attorney than to be continually on the alert, and to be compelled to practice with members of the bar whom you must always suspect and watch."

"The annual meetings of the association are not alone for social recreation and the discussion of abstract questions, but the higher purpose is to achieve results which shall strengthen the bar and make it more efficient and useful to society. It can become a power for great good in the state, if it shall exert every effort and influence to elevate the bar and to simplify and purify the administration of justice. May the bar association live and prosper, and may it realize our fondest hopes and fulfill our highest aspirations!"

DEALS IN DIRT.

The following deeds have been filed in Register Mackey's office: O. H. Hill to James Booser, property in county... \$ 300 J. Berkeley Cain, individually and as trustee, to George W. Vanderbilt, 1383 acres on Bent creek... 6919 S. E. Chamberlain to Peter Summers, property on Poplar street... 100 Paul N. Spofford to J. Berkeley Cain, trustee, property on Bent creek... 1 Byron F. Reeves to Margaretha Starnes, property on west side South Main... 96

HOW'S THIS?

We offer One Hundred Dollars Reward for any case of Catarrh that cannot be cured by Hall's Catarrh Cure. F. J. CHENEY & CO., Props., Toledo, Ohio. We, the undersigned, have known F. J. Cheney for the last 15 years, and believe him perfectly honorable in all business transactions and financially able to carry out any obligations made by him. WEST & TRUAX, Wholesale Druggists, Toledo, O. W. ALDING, KINNAN & MARVIN, Wholesale Druggists, Toledo, O. Hall's Catarrh Cure is taken internally, acting directly upon the blood and mucous surfaces of the system. Price 75c per bottle. Sold by all druggists. Testimonials free. Hall's Family Pills are the best. 6-25-ts-lmo

WEAVERVILLE DULL SINCE COMMENCEMENT

The News From Our Northern Sister.

WHEAT CROP UNUSUALLY FINE, BUT MORE RAIN WILL WORK DAMAGE.

Weaver, N. C., June 25.—Since commencement our streets look deserted. The students at the college give life to everything about our quiet little town, and when they are gone we all miss them.

The president, Rev. G. F. Kirby is now on a visit to southwest Virginia, traveling in the interest of the college. Miss Roberts, the instructor in English, who was delayed two weeks on account of the sickness of her brother, left a few days ago for her home in Washington county, Va.

Mrs. McDowell and Mr. Kenneth Boyd have returned from Durham. Mrs. McDowell will take her usual place as professor of English in the college. She has had a year off on account of her health. Nearly all the young preachers have secured work for vacation. Rev. J. F. Armstrong goes to Broad River circuit, to fill a vacancy till conference. Rev. J. H. Bennett is on Morganton circuit for the present. Rev. J. M. Rowland is on Wilkesboro circuit. Rev. W. O. Goode will assist Rev. W. F. Womble on Shelby circuit and Rev. J. W. Bradley will teach school in McDowell. These are all worthy young men, who are destined to stand well in the ministry.

Mr. W. R. Taylor has accepted a station agency at Millboro on the Southern railway a few miles south of Greensboro. J. Roy Resgan has accepted a position in a drug store at Murphy. I would like to mention several other young men in this connection, but cannot, for I do not know where they are.

Mr. C. M. Cherry and his sister, Miss Sue, will spend the summer in Taylorsville and Charlotte.

Miss Bessie Vandiver is home from Columbia, where she has just been as professor in Columbia college. Mrs. Hoofnagle and her daughter, Mrs. Hoover, of Washington county, Va., are visiting Prof. and Mrs. M. A. Yost.

Rev. J. F. Austin, who is pastor of Randleman circuit of the M. P. church, is home on a two weeks' visit.

Mr. L. D. Thompson of Stanley is the guest of Dr. C. P. West.

The farmers say wheat is unusually fine, but the continued wet weather renders harvesting very difficult and will soon result in serious damage if it continues. But we are hard to satisfy. One week we pray for rain and another we pray for the rain to cease. We would do well to remember that an all-wise Providence presides over nature's weather department.

Rev. W. H. Belt is visiting in the Mills River community. His health has improved more this season than formerly. He hopes to be able to enter the active ministry again some time.

The event of last week was an ice cream supper by the Juvenile Missionary society. The net proceeds were about \$8.

An Appeal.



Peasant (to the head of the university)—Look here, professor, my boy has spent 8,000 marks studying here. Is it fair that he shouldn't have passed his examinations by this time?—Flegende Blätter.

FOR WOMAN'S HEALTH

Earnest Letters from Women Relieved of Pain by Mrs. Pinkham.

"DEAR MRS. PINKHAM:—Before I commenced to take your medicine I was in a terrible state, wishing myself dead a good many times. Every part of my body seemed to pain in some way. At time of menstruation my suffering was something terrible. I thought there was no cure for me, but after taking several bottles of Lydia E. Pinkham's Vegetable Compound all my bad feelings were gone. I am now well and enjoying good health. I shall always praise your medicine."—Mrs. AMOS FRSCHLER, Box 226, Romeo, Mich.

"DEAR MRS. PINKHAM:—I had female trouble, painful menses, and kidney complaint, also stomach trouble. About a year ago I happened to pick up a paper that contained an advertisement of Lydia E. Pinkham's Vegetable Compound, and when I read how it had helped others, I thought it might help me, and decided to give it a trial. I did so, and as a result am now feeling perfectly well. I wish to thank you for the benefit your medicine has been to me."—Mrs. CLARA STIEBER, Diller, Neb.

"DEAR MRS. PINKHAM:—Your Vegetable Compound has been of much benefit to me. When my menses first appeared they were very irregular. They occurred too often and did not leave for a week or more. I always suffered at these times with terrible pains in my back and abdomen. Would be in bed for several days and would not be exactly rational at times. I took Lydia E. Pinkham's Vegetable Compound, and menses became regular and pains left me entirely."—Mrs. E. F. CUSTER, Brule, Wis.



Cures Dandruff, Falling Hair, Brittle Hair and all Scalp Troubles, such as Itching, Eczema, Eruptions, etc. Purely Vegetable, harmless and reliable.

Cure Guaranteed even after all other remedies have failed, or money refunded.

A TEXAS DOCTOR WRITES. "Goke Sandruff Cure" has done me more good than any preparation I have ever tried.

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LARGE FUTURE PROFITS.

A Zirconia and Thoria Mine for Sale.

(To close a liquidation.)

The famous zinc mine on the old Meredith Freeman estate, situated in Henderson county, North Carolina, about two miles from the railroad station known as Zirconia, is now offered for sale.

In a few months, by the crudest kind of mining work, this mine produced 30 tons of zirconia, which were sold for nearly \$15,000, and, as a by-product, a few kilograms of auerite (containing nearly 70 per cent. of thoria) were picked up by children from the waste heaps.

A FIVE-SIXTHS INTEREST IN THE MINERALS WITH ALL MINING PRIVILEGES ON 821 ACRES OF LAND.

The price is \$8,500, but only a few days will be allowed wherein to purchase at this low valuation.

Address, WILLIAM E. HIDDEN, Att'y 25 Orleans Street, Newark, New Jersey.

TRANSYLVANIA RAILROAD CO

General Offices Brevard, N. C. SUMMER SCHEDULE In Effect June 14, 1909.

Table with columns for Stations, No. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

*Flag stations. Connects with Southern Railway at Hendersonville.

J. F. HAYS, General Manager. T. S. BOSWELL, Superintendent. Brevard, June 14, 1909.

SPECIAL NOTICES—If you have anything to sell or wish to buy anything say so in Special Notices.

Notice.

By virtue of the power contained in a deed in trust executed to me by Reuben R. Rawls on the 6th day of March, A. D. 1897, and registered in book 42, on page 170 of the records of trust deeds in the register's office of Buncombe county, N. C., to secure the payment of certain notes therein described, and default having been made in the payment of said notes I will on THE 17TH DAY OF JULY, A. D. 1909, at 12 o'clock m., at the court house door in the city of Asheville, Buncombe county, North Carolina, offer for sale to the highest bidder for cash, to satisfy said notes, and interest, the following described lot or parcel of land situate in the city of Asheville, county and State aforesaid, situate on the west side of South Main street, in said city and bounded and more particularly described as follows: Beginning at a stake in the southern margin of Willow street and the western margin of South Main street and runs with the western margin of Main street one hundred and one-half feet to the northeast corner of the Asheville Tobacco Warehouse company's land; thence with the northern boundary line of said company west two hundred feet to a stake, the southeast corner of the E. T. Clemmons lot; thence with the line of the said lot north to the southern margin of Willow street; thence with the southern margin of Willow street to the beginning, the same being the property on which the Swannanoa hotel stands and embraces all land owned by said Reuben R. Rawls in that particular lot. This 16th day of June, 1909.

W. H. PENLAND, Trustee.

Trustee's Notice.

By virtue of the provisions of a certain deed of trust executed to me by A. B. Hawkins and wife, M. J. Hawkins, on the 18th day of April A. D. 1898, to secure the payment of a note given by them to W. W. Zachary, and default having been made in the payment of said note, I will on THE 9TH DAY OF JULY, A. D. 1909, at 12 o'clock m., at the court house door in the city of Asheville, Buncombe county, N. C., offer for sale, for cash, to satisfy said note, the following described lot or parcel of land, situated in Leicester township, said county, on the waters of Turkey creek and bounded as follows: Beginning on a red oak on John Plemmons' line, J. P. Hawkins' corner, and runs north 85 degrees east 9 poles to a large white oak; thence south 77 degrees east 18 poles to a pine; thence south 67 degrees east 24 poles to a stake; thence south 69 degrees east 12 poles to a stake; thence south 40 degrees east 20 poles to a stake at forks of road; thence down the road towards Sandy Mush and with its meanders 82 poles to a stake, A. B. Hawkins' corner; thence west with his line 80 poles to Plemmons' line; thence south 45 poles to his corner, containing by estimation 28 acres, more or less. The said deed in trust is registered in Book No. 45, on page 496 of trust deeds in register's office of Buncombe county. This 7th day of June, 1909.

T. N. JAMES, Trustee.

Notice of Sale.

By virtue of a decree of the Superior court made in the case of Samuel Clayton and others vs. Dora Clayton and others, I will on

MONDAY, JULY 23, 1909,

at 12 o'clock m., sell at the front door of the court house in the city of Asheville the following described real estate for partition amongst the several tenants in common, lying and being in the county of Buncombe in said state, adjoining the lands of Joseph Young and others, beginning on a fallen down Spanish oak, Whitaker's north corner of his tract; thence south 30 deg. east 22 poles to a stake in the old line; thence south 60 deg. west 25 poles to a stake, Joseph Young's corner; thence north 20 deg. west 30 poles to a stake in Whitaker's north line, Young's corner; thence north 60 deg. east 30 poles to the beginning, containing three acres and 97 poles.

This June 21st, 1909.

H. F. ADICKES, JR., Commissioner.

Notice.

As administrator of the estate of M. E. Carter, deceased, and by virtue of an order of the clerk of the Superior court of Buncombe county, North Carolina, I will sell for cash, at public auction, to the highest bidder, at the court house door in Asheville, on WEDNESDAY, THE 18TH DAY OF JULY, 1909,

the following described personal property, to-wit: Twenty-five shares stock Asheville Street Railway company; 30 shares stock Asheville Tobacco Works and Cigarette company; 10 shares stock Asheville Park and Hotel company; three shares stock Asheville and Craggy Mountain Railway company; four shares stock Carolina Woodworking company. And at the same time and place I will sell to the last and highest bidder, at public auction, on a credit of six months, as prescribed by law, 22 shares of the preferred stock of the Asheville Street Railroad company. This June 26th, A. D. 1909.

C. T. RAWLS, Administrator.

The Biggest Clothing Sale

Ever introduced in Asheville. Our entire stock will be sold below cost for the next few days. Don't miss these big bargains. We can fit any shape and any size.

\$7.50 buys a \$10.00 Suit \$11.25 buys a \$15.00 Suit 8.50 " 12.50 " 13.00 " 18.00 " 9.50 " 13.50 " 15.00 " 20.00 "

We have several light suits, sizes 31 to 42 that go at HALF PRICE during this sale. Come and look them over.

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