

**PROCEEDINGS OF THE TWENTY-THIRD
ANNUAL SESSION OF THE NORTH
CAROLINA BAR ASSOCIATION, HELD AT
SELWYN HOTEL, CHARLOTTE, NORTH
CAROLINA, JULY 5, 6, AND 7, 1921**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649681136

Proceedings of the Twenty-Third Annual Session of the North Carolina Bar Association, Held at Selwyn Hotel, Charlotte, North Carolina, July 5, 6, and 7, 1921 by H. M. London

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.
Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

www.triestepublishing.com

H. M. LONDON

**PROCEEDINGS OF THE TWENTY-THIRD
ANNUAL SESSION OF THE NORTH
CAROLINA BAR ASSOCIATION, HELD AT
SELWYN HOTEL, CHARLOTTE, NORTH
CAROLINA, JULY 5, 6, AND 7, 1921**



JOHN A. McRAE

PROCEEDINGS
OF THE
TWENTY-THIRD ANNUAL SESSION
OF THE
North Carolina Bar
Association

HELD AT
SELWYN HOTEL,
CHARLOTTE, NORTH CAROLINA
JULY 5, 6, and 7, 1921

EDITED BY
H. M. LONDON, Secretary
(OF THE RALEIGH BAR)

STANFORD LIBRARY

Program North Carolina Bar Association

TUESDAY, July 5, 1921, 8 P. M.

Address of Welcome—

Mr. John A. McRae, of the Charlotte Bar.

President's Address—

"The Bar, its Duties and Burdens."

WEDNESDAY, July 6, 1921

Morning Session

10 o'clock

Address—

Mr. I. M. Bailey, of the Jacksonville Bar: "Influence of the Bar Association on the Younger Attorney."

Evening Session

8 o'clock

Address—

Mr. Junius Parker, of the New York Bar: "The Increasing Governmental Powers and Activities."

THURSDAY, JULY 7, 1921

Morning Session

10 o'clock

Election of Officers—

Address—

Mr. Thomas C. Guthrie, Sr., of the Charlotte Bar: "The Lawyer's Influence."

341708

WARRIOR

PROCEEDINGS
OF THE
TWENTY-THIRD ANNUAL SESSION
North Carolina Bar Association

HELD AT
CHARLOTTE, NORTH CAROLINA

July 5, 6 and 7, 1921

The Twenty-third Annual Meeting of the North Carolina Bar Association, convened at the Selwyn Hotel, Charlotte, North Carolina, at 8 P. M., on Tuesday, July 5, 1921.

The meeting was called to order by the President, Mr. Thomas W. Davis.

The President: The Twenty-third Annual Meeting of the North Carolina Bar Association will now open. Mr. John A. McRae, of Charlotte, will deliver the address of welcome on behalf of the Charlotte Bar. (Applause).

ADDRESS OF WELCOME

Mr. McRae addressed the association as follows:

Mr. President, Ladies and Gentlemen:

Governor Morrison, a member of the Charlotte Bar, was to have said the word of welcome tonight, but owing to circumstances beyond his control could not be here. The Charlotte Bar regrets his enforced absence.

The question may arise in the minds of some as to why the Bar Association did not meet by the restless ocean or in

the quiet mountains. It is easy, however, to demonstrate that this is a better place. Had we met at any of our summer resorts, upon your return home you would have missed the cooling breezes of the ocean or the invigorating atmosphere of the mountains and the climate of your home town would have suffered by comparison, but from present prospects I feel that we can guarantee hot weather here and safely give a good bond for the performance of the contract. It matters not whether you come from the north, south, east or west, upon your return home you will find that it is not any hotter than Charlotte. Your home climate will not suffer by comparison, and you will be in a fine humor to sing "Home, Sweet Home."

Charlotte is a city of some historical importance. Here was held the last full meeting of the Confederate Cabinet. Here was a Confederate Navy Yard, and so far as my limited knowledge goes it was the only Navy Yard in the world more than one hundred miles from navigable water. Here was the Mecklenburg Declaration of Independence May 20, 1775. Any doubters are referred to Dr. George W. Graham and Dr. Alexander Graham, both of Charlotte, who will furnish the proof, clear, strong, cogent and convincing. Here Cornwallis found a veritable "hornets' nest." By the 1910 census, Charlotte had the distinction of being the largest city in the State. But Winston-Salem by her foresight, her energy, her enterprise and her counting ability with special emphasis upon "counting," according to the 1920 census, took the lead. We used to be taught in school that the whole equals all of its parts and all the parts equal the whole. Some there be so ungracious as to charge that the Twin City in order to attain this lead reversed this mathematical truth and restates the proposition "the whole does not equal all of its parts and all the parts do not equal the whole." These ungenerous critics of the Twin City tell us that the addition of the population of all the wards of the city does not give as much as the total population. Not only does the Twin City bear the distinction of being the largest city in the State but is distinctive in other lines. A notable example is this. When the motion picture people sometime ago wanted a picture of a typical Afro-American Scene, they hid themselves with their machines to the Twin City and then and there found the desired material abundant and ready at hand.

The Bar does not claim for itself superior virtues. It is subject to the imperfections to which the human is heir. But it can, I think, with due modesty, claim that in fidelity to trust it has no superior. Both on the civil and the criminal side of the docket the faithful lawyer in face of hostile public opinion stands like a stone wall in defense of his clients. If he errs he errs in his zeal for his case.

We have in this country of ours a wonderful government, a government which we do not appreciate at its true merit, for the simple reason that we have never lived under another. Ours is looked on by the world as the "home of the free." "Equal rights to all and special privileges to none" is the mudsill of our government. We have here a system of law and government under which every individual has an opportunity to prove his every talent. For this system of laws the lawyers are more largely responsible than any other class. They frame, advise as to the execution and as judges construe the law.

The lawyers are the most conservative body of our people. They believe in, rely upon, and follow precedent. This principle is absolutely vital to a government of law and not of men. When the law is changed, it should be changed by legislation and not by the Courts. Any other course will lead and lead surely and inevitably to legal uncertainty and injustice. The voice of the lawyer is ever heard in defense of constitutional government and the right of the individual to enjoy the just fruits of his own labor.

During the entire history of our State our judiciary has been singularly free from corruption or suspicion. Our judges have administered justice with an even hand, without fear or favor. In our civilization we have no higher type of citizen than an upright judge. Continued judicial integrity is absolutely necessary to the due administration of justice. This is a free country and if Judge Kennesaw Mountain Landis wants to take a baseball job he has a right to do so, but when he does he ought to "cut loose" from his judicial position. It is not proper for him to hold on to his judgeship and the baseball job, too. I respectfully submit that he should either give up his \$50,000 baseball job or his judicial ermine.

We are glad to welcome the ladies who are attending the meetings of the Association. We hope you will grace every meeting with your presence.

In behalf of the entire Charlotte Bar I bid you welcome, both ladies and gentlemen. The entire Bar is interested in this meeting. Almost every man of the local Bar and every lady has contributed towards the entertainment of this Association.

The Committees have planned a luncheon at the Woman's Club, for the ladies at 1 o'clock Wednesday, a reception and dance at the Country Club Wednesday evening at 9 o'clock and a Barbecue at Lakewood at 1:30 on Thursday. We want all of the members of the Bar and the ladies in attendance upon the Association to attend and enjoy these festivities. It is the desire of the Charlotte Bar and the City to make your welcome here such, that you will want to come again. (Applause.)

The President: On behalf of the North Carolina Bar Association, I desire to thank you for the welcome you have extended. I have always known that the North Carolina Bar and the people of North Carolina claim to have everything and that Charlotte claims everything, and so I was surprised to have you say that the city of Winston-Salem had surpassed you in anything at all, even in population. (Laughter.) Next time you must use the comptometer instead of the adding machine and you will be able to get ahead. (Laughter.)

The present generation of lawyers, as represented by the present bar of Mecklenburg, has always extended a hearty welcome to us, and on behalf of the Association I thank you. (Applause.)

THE PRESIDENT'S ADDRESS.

THE BAR, ITS DUTIES AND BURDENS.

The President then addressed the Association as follows:

Members of the North Carolina Bar Association, Ladies and Gentlemen:

I shall impose upon your time to-night to discuss matters which I think vitally affect this Association and the profession, and I have taken as my subject "The Bar, its Duties and Burdens."

This Association was formed on the evening of February 28, 1899, in the City of Raleigh, with twenty-two lawyers