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THE NORTH CAROLINA STATE BAR

EDWARD L. CANNON, *Acting Editor*

October Council Meeting

The regular quarterly meeting of the Council was held in the Department of Justice Building, Raleigh, North Carolina, Thursday, October 21, 1943 with the following members present: Marshall T. Spears, President; Frank S. Spruill, Vice President; Fred J. Coxe, Vice President; Edward L. Cannon, Secretary-Treasurer; Junius D. Grimes; Z. V. Norman; B. H. Perry; D. H. Bland; Albion Dunn; John D. Warlick; Jos. B. Cheshire, Jr.; Louis J. Poisson; R. P. Reade; G. H. Hastings; H. R. Kyser; W. L. Mann; John A. Scott; B. F. Williams; Eugene Trivette; Kester Walton; and P. W. Glidewell, Sr.

The Council was called to order by the President, Judge Marshall T. Spears, and minutes of the July meeting were read and approved. The President introduced Mr. W. L. Mann of Albemarle who was elected by the Thirteenth District Bar to succeed Mr. M. G. Boyette of Carthage whose term expired.

The special committee on land bank fees made its report through the Chairman, Mr. Z. V. Norman of Plymouth. The motion was made that the report be adopted and filed. Upon amendment, the report was referred back to the committee with the request that the committee prepare a questionnaire to be sent to all local Bars. The report of the committee recommended certain fees higher than those now paid by Federal Land Bank.

The Legislative Committee through the Chairman, Mr. Poisson, reported that the committee had received copy of the resolution of the Second District Bar which was directed to the Supreme Court requesting consideration be given to the adoption of the Fourth Circuit Court of Appeals, Rule 10, in connection with the printing of records on appeal. Copy of the memorandum of the Court in this connection was also submitted. The committee further reported a resolution of the First District Bar requesting consideration of the abolition of the rotation system of the Judges of the Superior Court. This matter was referred back to the Legislative Committee. Consideration of H. R. 2617 and H.R. 2466 was referred to the committee. These bills appear to comprise the substance of the Waggoner-Dingell proposals for medical and hospital services under Social Security. The bills now pending and dealing with condemnation proceedings by the government were also referred to the committee for consideration.

The report of the Membership Committee was made by Mr. Grimes, Chairman, and action was taken on several applications for inactive membership, some being granted and others denied.

The President announced that Mr. F. D. Hamrick, Sr., of Rutherfordton was unable to attend the meeting due to illness, and the Council ordered a telegram sent to him expressing their regrets at his absence and best wishes for a speedy recovery.

Mr. L. J. Poisson, State Bar delegate to the House of Delegates of the American Bar Association, made a brief report on his attendance at the meeting of that association.

Mr. Reade, Chairman of the Unauthorized Practice Committee, made the report for his committee which recommended that the Secretary be authorized to dispose of the case against G. W. Williams, a Justice of the Peace and Notary Public of Rockingham County, counsel for Williams having requested the State Bar to recommend the acceptance of a plea of *nolo contendere*. The committee also reported to the Council that the question of practice before the Utilities Commission would be presented by the committee to the Council at a later date.

Mr. Grimes for the Insurance Committee reported that a meeting had been held with certain representatives of insurance companies but that the committee had no definite suggestions to report at this meeting.

Mr. Cheshire, Chairman of the Grievance Committee made the report for said committee, the substance thereof not being for publication.

Judge Dunn, Chairman of the Ethics Committee reported that his committee had advised a solicitor upon his inquiry that Canon D was applicable under the state of facts presented. The Council discussed recent publicity in connection with title work in the City of High Point and reported bidding on such work.

EDWARD L. CANNON.

Tenth Annual Meeting

The Tenth Annual Meeting of the State Bar was held in Raleigh at the Sir Walter Hotel, Friday, October 22, 1943 with Hon. Marshall T. Spears, of Durham, the President, presiding. The morning session convened at 11 A.M.

The invocation was given by Dr. Carl M. Townsend, Pastor of the Hayes Barton Baptist Church, Raleigh.

Carroll W. Weathers, President of the Wake County Bar Association welcomed the members of the State Bar and in his remarks directed attention to the members of the profession now serving in the Armed Forces.

Thomas D. Cooper of Burlington responded to the welcome given by Mr. Weathers. Mr. Cooper emphasized the necessity of a strong

organized Bar and the necessity of the profession taking advantage of its traditional qualifications in acting in the public interest.

Mr. Eugene Trivette of North Wilkesboro introduced Hon. Johnson J. Hayes, U. S. District Judge for the Middle District, who spoke to the Bar on the "Federal Rules." Judge Hayes urged lawyers to seek rules for the State Courts similar to those for the Federal Courts. He called particular attention to the federal rule requiring that written request be made for a jury trial, and secondly to the rule providing for pre-trial conferences. Judge Hayes also commented upon the questionable advantages of the rotation system in the State Courts. He also referred to the great amount of business taken from the hands of the lawyers by the passage of the Workmen's Compensation Act. Judge Hayes called upon the Bar to speed up the business of the Courts and the administration of justice and warned the Bar against the possibility of further encroachments in the legal field if the Bar did not act.

Major C. W. Hall introduced Major Charles R. Jonas of Lincolnton who spoke upon various aspects of the Civil Relief Act. The address of Major Jonas dealt in detail with the provisions of the Act, which constantly affect the members of the profession, and cited the various cases which have been decided under the Civil Relief Act or which have bearing on aspects of the rights of service men. (Major Jonas' address was ordered to be printed in pamphlet form and made available to members of the profession as soon as possible.)

At the afternoon session, Governor Broughton spoke briefly.

Mr. Leon L. Rice, Jr. of Winston-Salem introduced Dr. Malcolm McDermott of Duke University who made an address upon the subject, "The Lawyers' Place in an Upset World." Dr. McDermott called attention to the similarity between the philosophy and acts of the New Deal and those of Nazi Germany and Fascist Italy. He warned the Bar of the unconstitutional acts which have been committed by the present administration and called their attention to several decisions of the Supreme Court of the United States which present a new and novel chapter in American jurisprudence. (The address of Dr. McDermott was carried in great detail in the press.)

Mr. W. B. Rodman, Jr., former President of the State Bar, spoke briefly on the necessity of abolishing the rotation system of Judges in the Superior Court.

Mr. John S. Broadway, of Duke University, spoke briefly on the work of the committees established to assist men in the Armed Forces.

Mr. Arch T. Allen of the Raleigh Bar introduced the last speaker on the program, Mr. Albert Coates, Director of the Institute of Government at Chapel Hill. Mr. Coates spoke on the subject of "Present

and Post-War Planning for the Profession." Mr. Coates gave an interesting statement on the possibilities of assistance to men now in service and pointed out the desirability of holding some form of legal institutes for the members of the profession who return from war service.

Mr. Frank S. Spruill of Rocky Mount was elected President for the coming year. Mr. L. T. Hartsell, Jr., Concord, was elected 1st Vice President, and Mr. Bennett H. Perry of Henderson was elected 2nd Vice President. The Council of the State Bar re-elected Edward L. Cannon Secretary.

EDWARD L. CANNON.