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EDITORIAL NOTES

Because this issue of the NORTH CAROLINA LAW REVIEW is the last number of Volume II, it was thought advisable to retain last year's editorial staff, although there have been many changes this year, which will appear in the first number of Volume III.

The LAW REVIEW takes pleasure in announcing the appointment of Merton L. Ferson as Dean of the School of Law and of Frank S. Rowley as an associate professor of law.

WALTER CLARK—In the 187th volume of the *North Carolina Reports* there are three opinions by Clark, C. J., filed on Wednesday, May 14, 1924. On the following Wednesday, which was the next day for filing opinions, there are two more by Clark, C. J., with a notation at the end of the opinion that it was written in accordance with the court's decision and filed after Chief Justice Clark's death.

To remain at his work until the very end and to finish up his share in the court's work was the lot of the late Walter Clark, Chief Justice of the North Carolina Supreme Court.

Walter Clark was born in Halifax County, North Carolina, August 19, 1846. His father was a wealthy planter with vast estates and a large private library. He was a student first under Professor Ralph H. Graves in Granville County, and in 1860 at Colonel Tews Military Academy, near Hillsboro. Here, at the age of 15, Judge Clark was an outstanding student and was assigned as drill master to drill confederate troops near Raleigh. He returned to school after this assignment was finished. At the age of 16, he was First Lieutenant and Adjutant of the 35th North Carolina Regiment and engaged in very severe fighting in Maryland and Virginia, being wounded in the hand at the battle of Sharpsburg. In 1863, being too young for active service, although he had already seen the most active service, Judge Clark resigned his commission and entered the University, where he was graduated in 1864. Again he entered the military service and was elected Lieutenant Colonel of the 70th North Carolina Regiment, which saw heavy service in the eastern part of the state fighting Sherman's advance. As Lieutenant Colonel at the age of 17, Walter Clark was the youngest officer of his rank in either army.

As soon as order was restored, Judge Clark, who had begun the study of law at the University of North Carolina under Judge William H. Battle, became a student in a law office in New York City. Later he completed a course of study at Columbian University (now George Washington University) Law School, Washington, D. C. He was admitted to the bar in 1868. After several years of practice in Halifax County, he moved to Raleigh, where he built up an extensive practice. In Raleigh, he also engaged in newspaper work, directing the editorial policy of the *Raleigh News*. In 1885, he was named as Superior Court judge by Governor Scales. In 1889, when Judge Merrimon became Chief Justice, Judge Clark was appointed to the Supreme Court, where he served continuously for 35 years until the day of his death. He was Chief Justice since 1902.

Judge Clark's term of service in the Supreme Court of North Carolina was the longest in its history, Judge Pierson having been on the Supreme Court Bench the next longest time, 30 years. Walter Clark sat with Merrimon, C. J., Davis, Avery, Shepherd, C. J., MacRae, Burwell, Faircloth, C. J., Montgomery, Furches, C. J., Douglas, Cook, Walker, Connor, H. G., Brown, Hoke, Manning, Allen, Stacy, Adams, Clarkson. To have been in close contact with twenty such eminent judges is in itself a unique record; but when in addition we realize that for 22 years, as Chief Justice, Judge Clark was the dominating influence, we get some idea of the extent to which he impressed his personality on this state.

The first opinion written by Judge Clark appears in volume 104, and they run continuously until volume 187. Many of Judge Clark's opinions were written on questions of Civil Procedure, in which he was especially well informed, both

by study and by his work in preparing and publishing his Annotated Code and in various articles on Procedure in the Encyclopedia of Law and Procedure (Cyc) and other publications.

In *Bunn v. Todd* (107 N. C. 266), his analysis of the much quoted statute on evidence as to transactions with a person since deceased was given and has been accepted as a complete statement of that proposition of evidence. In *Barnhardt v. Brown* (118 N. C. 701), he explains the different ways in which jurisdiction may be acquired over the person, and his statement has been quoted frequently in subsequent decisions. In *Young v. Telegraph Company* (107 N. C. 370), he wrote the opinion of the court adopting the doctrine of mental anguish in telegraph cases. In *Garnell v. Water Company* (124 N. C. 328), he voices the opinion of the court as to the right of a beneficiary who is not a party to sue for a breach of a contract made by the city with a water company.

His views as to what is a necessary expense for a municipal corporation, expressed in a dissenting opinion in *Mayo v. Commissioners* (122 N. C. 5), became the opinion of the court in the latter case of *Fawcett v. Mount Airy* (134 N. C. 125). In the office holding cases based upon *Hoke v. Henderson*, his dissenting opinions, expressed in *Day's Case* (124 N. C. 256) and in *Abbott v. Beddingfield* (125 N. C. 256), probably led to a reversal of that noted case in the latter case of *Mial v. Ellington*. His well known advocacy of the complete liberty of married women as to their property and contract rights, so often expressed in his opinions and dissents, certainly had much to do with the development of the law on that subject and the passage of the *Martin Act* in 1911. He was also greatly interested in the subject of taxation. In the *Allsbrook Case* (110 N. C. 137), he wrote the opinion of the court which finally took from the railroads the exemption from taxation which some of them had previously enjoyed. In the more recent cases of *Person v. Watts* (184 N. C. 499) and *Person v. Doughton* (186 N. C. 723), his dissenting opinions express very forcibly his views upon what should be the proper subjects for taxation and the extent of the taxing power.

The above cases are mentioned to illustrate the wide scope of Judge Clark's opinions and to point out a few of his many opinions which marked distinct advances in the legal development of this state. In addition to the large number of opinions that Judge Clark was writing constantly, he found time to edit reprints of the *North Carolina Reports* with annotations, an immense task in itself and of great value to the State and the profession.

Judge Clark lectured for two years in the Summer Law School of the University of North Carolina. He was also a contributor to this *LAW REVIEW*, and he delivered the first of the addresses by justices of the Supreme Court to the Law School Association last Fall. A true friend of the Law School—a man interested in all its work—was the tireless student who died last May.

Besides his legal writing, Judge Clark compiled and edited the *Histories of North Carolina Regiments*, and also *North Carolina State Records*, and translated

Constant's *Private Memoirs of Napoleon* from the original French. All during his life, he wrote articles and delivered speeches on matters of general interest.

Although, Judge Clark was born an aristocrat of the first rank, he probably made the largest single contribution to the democratic spirit in this state. He often displeased both friends and foes by what he wrote and said, but he was admitted by all to be a true champion of democracy with a Jeffersonian faith in the people. There was nothing of the demagogue about him. He kept his views always on a high level. His open-mindedness was refreshing and stimulating to all who came into contact with him.

Judge Clark was devoted to his work and was able to withstand an amazing amount of labor. His never-failing courtesy and his wise counsel made of him a most pleasant associate. In all his work, he never was behind. It could not be said of him, in the words of a phrase he often quoted, that:

"In Aladdin's tower
Some unfinished window unfinished will remain."

When Judge Clark laid down his earthly tasks, they were all finished. In the words of the present Chief Justice William A. Hoke, "A great public servant has fallen—fallen as he would have wished to go, and as he ever was—at his post of duty."

A. C. McL.

R. H. W.

HENRY GROVES CONNOR—In the passing of Henry Groves Connor, the State of North Carolina has lost an outstanding son, and the University and this Law School have lost a staunch friend. In 1908, he received from the University of North Carolina the honorary degree of Doctor of Laws, and in 1923, he was offered a lectureship in the Law School, a position specially created for him. He was then over seventy years of age and had served more than ten years on the federal bench and was entitled to retire upon full pay. Judge Connor debated the offer for several months. Chapel Hill offered to him an environment which would have been a welcome change from the pressure of work and the irksome details connected with the duties of presiding over a trial court. He would have had leisure for legal research and for writing, work which he thoroughly enjoyed. But he decided to stay in the harness and finish up the many important cases before his court. It was a great loss to the Law School not to have had him identified more closely with the work of legal education in this state. However he gave a course of lectures during the Summer Law School of 1923 and would have done so again last summer had his health permitted.

Henry Groves Connor was born in Wilmington on July 3, 1852, but lived in Wilson, North Carolina, since early boyhood. There he received his early education and was admitted to the bar at the age of twenty-one. He practised

his profession in Wilson until his appointment to the Superior Court bench in 1885 by Governor Scales. Prior to his appointment to the bench, he was a member of the Legislature in 1885, having been elected to the Senate. Although a new member, he was appointed to the important position of chairman of the Judiciary Committee. In this capacity, he secured the passage of the *Connor Act* providing for the registration of titles to land and thus placed real estate titles and credits on a sound basis. He served as Superior Court judge from 1885 to 1893, and, under the prevailing system of rotation and circuit riding, held court throughout the entire state. When he was next elected to the General Assembly, as a member of the House, he was so well and so favorably known, that he was made Speaker. Judge Connor was a real leader in that famous legislature of 1899, which restored "white supremacy" by the passage of the constitutional amendment requiring an educational qualification for voting.

Judge Connor was elected to the North Carolina Supreme Court in 1903 and served for six years with great distinction. His opinions show thorough investigation and sound legal learning and are of increasing value to the legal development in this state.

However, his services as judge of the United States Court for the Eastern District of North Carolina mark the high point in his career and probably his greatest service. Appointed in 1909 by President Taft, now Chief Justice, who went outside the Republican party to find the right man, Judge Connor was instrumental in altering the attitude of the people of the state toward the federal courts. There was surviving from the days of reconstruction a feeling that the federal courts were hostile and foreign tribunals. This feeling no longer exists, and the change was largely due to Judge Connor, who constantly explained the federal judicial system and the jurisdiction of the federal courts. The people of North Carolina were made to understand that they might go to the federal courts with every assurance of just treatment. Judge Connor has the distinction of never having been reversed by the United States Supreme Court, although many of his decisions were appealed to that high tribunal.

As a trial judge, he had few equals. He was gentle and sympathetic, yet his decisions were always controlled by the merits of the controversy and not by his emotions. He had the capacity of keeping all arguments and discussions on an impersonal level. He was devoted to his work, performing all the burdensome duties of his office in spite of advancing years and failing health. He saw to it that justice was administered in his court. Although he was possessed of strong personal opinions on most of the questions of his time, he was able to express himself without bitterness and never allowed his personal convictions to interfere with his judicial duties. Nevertheless, he was a most forcible man and likewise a most lovable human being, simple in his habits, retiring in disposition and tolerant without losing sight of the value of tradition and its place in the law.

As an author, he collaborated with Joseph B. Cheshire, Jr. in publishing the *Constitution of North Carolina, Annotated*. He also wrote a life of Justice

Campbell of Alabama, who sat on the Supreme Court of the United States from 1853 to 1861 and took part in the Dred Scott decision. Judge Connor's work is especially valuable in discussing that famous case and in making clearer the history of those troubled times. Judge Connor did not believe in capital punishment, and his influence has created a large part of the public sentiment against the death penalty.

Judge Connor was the father of twelve children, nine of whom are living. One son is a distinguished scholar, another son has followed his father's footsteps to the Supreme Court of this state and another son is a prominent lawyer. Judge Connor's pride in his sons and his devotion to his wife and family were complete.

It is not possible to appraise such an active and useful life. Judge Connor has left his mark in the records of this state. Twenty-nine years as a judge, almost a third of a century, would, in itself, fix for him a high place in the esteem of his fellow men. But the esteem in which he is held is not based merely on his legal learning, which was profound, or his record as a judge. It is the esteem which is paid to a man for his understanding, his fairness, his wisdom, his devotion, in short, for his humanity.

The passing of such a man on November 23, 1924 was a real loss to us all.

R. H. W.

THE JUDGE'S SENTENCE IN THE LOEB-LEOPOLD MURDER*—1. In the judicial opinion giving reasons for imposing less than the extreme sentence for murder in the Loeb-Leopold case, the court was "moved chiefly by the consideration of the *age of the defendants*—boys of 18 and 19 years . . . persons who are not of full age." Declaring that the court's judgment "is not affected" by the psychiatrists' analysis of the "physical, mental and moral condition of the two defendants," and dwelling exclusively on their age, the court points out that the mitigation of penalty based on that circumstance alone "appears to be in accordance with (1) the progress of criminal law all over the world and (2) the dictates of enlightened humanity." The opinion adds that the life-imprisonment penalty "may well be the severe form of retribution and expiation."

These astonishing pronouncements with their incidental reference to "progress of criminal law," "humanity," "expiation," "retribution," evidently were logical consequences of some conceptions, in the judicial mind, of the purpose of the penal law. Let us therefore briefly glance at the well-known state of theory on that subject.

2. The theories of the basis of penal law are all reducible to four—Retribution, Reformation, Deterrence, Prevention. But the last of the four—the preventive basis—does not concern the law and the courts; it concerns the general

* Reprinted from 19 *Illinois L. Rev.* 167 with permission of the *Illinois Law Review*.

social measures—such as education and eugenics—which will eliminate or diminish the tendencies to crime; hence it is here immaterial. There remain the theories of Retribution, Reformation, and Deterrence.

The *retribution* theory was once dominant, centuries ago. It had a theological origin, but has long been discarded. Probably the last writer to advocate it frankly was Thomas Carlyle. In his *Latter Day Pamphlets*, he says, "There is one valid reason, and only one, for punishing" a murderer with death, and that is that nature "has planted natural wrath against him in every God-created human heart. Caitiff! we hate thee—not with a diabolic, but a divine hatred. In the name of God, not with joy and exultation, but with sorrow stern as thy own, we will hang thee on Wednesday next!" But nobody defends this theory any longer.

Why, then, does the opinion in the Loeb-Leopold Case refer to a life sentence as "the severer form of *retribution* and *expiation*?" Those terms are discarded—and discarded by the very "progress of the criminal law" elsewhere invoked in the same opinion.

There is indeed one aspect in which the retribution idea still legitimately has a bearing, viz., not in initially fixing the penalty, but in *rebutting a plea for mitigation*. "We do pray for mercy" says Portia, "and that same prayer doth teach us all to render the deeds of mercy." He who asks for mercy is met by the retributive answer, "You yourself showed no mercy." So in a homicide case: The atrocious killer, if he asks for mitigation, is answered: "Who are *you*, to ask for mercy, that showed no mercy to others?" From the killers' point of view the retribution idea is sufficient answer. And so it should have been in the Loeb-Leopold Case.

But *that* theory does not tell the law how to fix the penalty in the first instance. And so we come to the other two theories.

The *reformation* theory is the proper basis for shaping any and all penalties, so far as concerns the individual at bar. It may lead to permanent segregation from society, at one end or to immediate discharge on probation at the other end. All modern criminal law has been modified in obedience to this theory. In the Loeb-Leopold Case it would lead to no mitigation; for there was no evidence at all that these men would ever reform. The evidence was all to the contrary. Their philosophy of life was fixed; they had been developed by the highest education; their cynical, callous unscrupulousness revealed them as irreclaimable.

But this reformation theory affects solely the *individual at bar*. It takes no account of the mass of humans outside. The criminal law is quite as much concerned with social effects, i. e. effects on the community at large. And that is where the deterrence theory comes in. The opinion in the Loeb-Leopold Case ignores entirely this basis of the criminal law. And that is its cardinal error.

The *deterrence* theory is the kingdom of the criminal law. The crimes contemplated but not committed bear the same ratio, or greater, to those actually committed that the submerged base of an iceberg bears to the portion visible above the surface; scientists say it is as 6 to 1. The fear of being overtaken by the law's penalties is, next to morality, what keeps most of us from being offenders, in one way or another. For the professional or habitual criminals, who have ceased to care for social opinion, it is the *only* thing. A lax criminal law means greater yielding to the opportunities to crime. This is common knowledge.

So the main question here really was: Would the remission of the extreme penalty for murder in the Loeb-Leopold Case lessen the restraints on *the outside class of potential homiciders*? The answer is *yes* emphatically. And the daily newspapers dispense us from laboring to offer any elaborate proof. On Sept. 1, after the counsel's argument for the defense had been published, two 18-year-old girls were arrested in Chicago for assisting two youths of 16 and 19 (Bill and Tony) to kill cruelly an old woman whose money they coveted. And the girls on their arrest said: "A cop told me they would hang Tony. But they can't. *There's never been a minor hanged* in Cook County. (Note that the judge later cited this point in his opinion.) *Loeb and Leopold probably won't hang. They are our age. Why should we?*" These particular reckless dastards, it seems, "wanted money for our good times, excitement, clothes, and fun," and they don't mind killing because they won't hang. On Sept. 2 a male and female, 19 years old, were arrested for highway robbery in Alexandria, Va.; the robbery failed, by accident only, from being murder; the female, when arrested said: "I'm sorry I didn't get away with it; if *I had more experience, I would have.*" (*New York Times*, Sept. 3, 1924.)

As everyone knows, today is a period of reckless immorality and lawlessness on the part of younger people, at the ages of 18-25. It is more or less due to the vicious philosophy of life, spread in our schools for the last 25 years by John Dewey and others—the philosophy which worships self-expression and emphasizes the uncontrolled search for complete experience. Whatever the temporary cause of this behavior may be, it is in special need of repression. The instances above quoted show that such persons *are* amenable to the threats of the criminal law. If that law has no threat for them they will the less try to repress their nefarious anti-social actions. Life-imprisonment has no terrors to their minds. It takes not only imagination, but an experience of it, to sense any of that terror. But hanging is a penalty that needs no imagination and no experience. Everybody has sufficient horror of that—everybody except the crazy and the mere child.

And that is where we see the special, dangerous error of the court's opinion in the Loeb-Leopold Case, in basing the mitigation on the offenders being "under age"—that is, under 21. What has the 21 year line to do with the criminal law? Nothing at all, nor ever did have. The 21 years is merely an arbitrary date for

purposes of property rights, family rights, and contract rights. For purposes of criminal law the only question is: Are persons in general of their age at bar susceptible to the threat of the law's extreme penalty? Would it help to deter them?

It certainly would. Those two clever female miscreants of 18 that helped choke the old woman to death were smart enough to perceive the difference between hanging and imprisonment. Loeb and Leopold were clever enough to understand it; else why did they take such ingenious pains to avoid detection and to leave the country? As a matter of fact, the only thing that they did fear was the criminal law. Neither personal morality nor social opinion imposed any limit on their plans. The only repressing influence on them was the criminal law. To mitigate its penalty for them was therefore to "take the lid off" for all unscrupulous persons of their type.

And that is what the sentence of the judge in this case has done for Cook County!

JOHN H. WIGMORE.

APPLICANT'S CHARACTER FOR ADMISSION TO BAR—In the case of *In re Applicants for license*,¹ arising at the beginning of the Fall term of the Supreme Court 1906, protests were filed with the court against the admission of several applicants to practice law on the ground that they did not have good moral characters, as one of the applicants had been conducting an usurious and extortionate business upon the gullible negroes of his neighborhood and another had burned his own store for the insurance money. They were therefore alleged to be men of bad character and unworthy to become members of the North Carolina Bar.

Both applicants had passed the examination as to proficiency in law with excellent marks. The question of protest was thus presented and determined under the law as embodied in the Revisal of 1905, which reads, "all applicants who shall satisfy the court of their competent knowledge of the law shall receive license to practice in all the courts of this state."² It is further provided that an applicant must "file with the clerk of the court a certificate of good moral character, signed by two attorneys who practice in that court."³

In the above case, the applicants were given their licenses to practice law, regardless of character. The court based its decision on the ground that "the manner, terms, and conditions of an attorney's admission to practice, and his continuing in practice, as well as his powers, duties, and privileges, are proper subjects of legislative control and subject to the same limitations as any other

¹ *In re Applicants for License* (1906) 143 N. C. 1. 55 S. E. 635.

² Revisal (1905) sec. 207.

³ Revisal (1905) sec. 208.

profession or business that is regulated by statute." The judicial power of the courts in *admission to the bar*, consists solely in determining whether the requirements laid down by the legislature have been complied with.

Only in a few isolated cases has the power of the legislature to regulate admission to the Bar been questioned or deemed an unlawful attempt of this body to deprive the court of one of its so termed "inherent and essential powers" necessary to its own protection. In North Carolina the power of regulation in the matter of admission to the Bar has always been deemed a thing of legislative control resting within the police power of the General Assembly.⁴

In the case previously referred to, the court literally interpreted the legislative regulation for admission to the Bar without regard for the purpose of the phrase stating that an applicant "must file with the clerk of court a certificate of good moral character, signed by two attorneys who practice in that court." The court held that if previous requirements of good moral character had been inadvertently omitted in the adopted Revisal of 1905, the court could only apply the law as it was, and the law as it stood in 1905 no longer required judicial investigation into the general moral character of the applicant. By the law of 1905 therefore, the court contented itself with accepting a certificate of good moral character as conclusive.

In accord with the traditional view that a court should only declare the law as it finds it,⁵ Justice Hoke quotes as follows: "It is hardly necessary to add that our duty is limited to declare the law as it is; and, whether any change in that law would be wise or expedient is a question for the legislature and not for the judicial department of the government."⁶

In 1754, by legislative enactment the Superior Courts of North Carolina were given control over admission to the Bar, but this power was later, 1818, vested in the Supreme Court of the State, where it remains today.⁷ But the regulations for admission which the Supreme Court applies have been changed from time to time. In 1869 an applicant to practice law, had to show a good moral character and pay a fee of twenty dollars. In 1871 was added the requirement of passing an examination as to proficiency in the law. But from the very earliest 1774 until 1905, a period of 131 years, good moral character had always been essential to admission to the practice of law in North Carolina, and a certificate to that effect had been regarded as *prima facie* rather than conclusive of a good moral character.

"Lawyers on the average are morally no better or no worse than other people. There are some black sheep in their ranks as in every calling, and, were

⁴ *In re Applicants for License* (1906) 143 N. C. 1, 55 S. E. 635.

⁵ *Ex parte Thompson* (1824) 10 N. C. 355.

⁶ *In re Applicants for License* (1906) 143 N. C. 1, 55 S. E. 635 at 143 N. C. 10 quoting from *In re Robinson*, 131 Mass. 376.

⁷ 143 N. C. 1, 16-17.

there no moral qualifications, one black sheep who wishes to enter can apply to two black sheep who are already in, to certify as to his good moral character—Result: More black sheep to degrade the noble profession of the Law.”⁸

But under the Revisal of 1905, by what later appeared to be an inadvertence, the time honored requirement of an upright character for admission to the Bar was not included and in interpreting the letter of the law as it then stood, the court felt bound to admit those who would have been by previous statute morally disqualified.

But, sensing their error in thus omitting such an important regulation of the right to practice law, the legislature of 1907 made it plain to all that it had intended to include a good moral character among other qualifications for admission to the Bar in the Revisal of 1905. Thus the Legislature in 1907 provided that “All applicants who shall satisfy the court of their competent knowledge of the law and upright character shall receive license to practice in all the courts of this state.”⁹ And this law remains intact today.

The recent case of *In re Dillingham*¹⁰ was decided under the law of 1907 with the result that the court in applying the statute of 1907 reversed its previous ruling under the statute of 1905. So North Carolina is again in harmony with the great majority of other states in requiring an upright character as prerequisite to the practice of law.

The applicant in the principal case, Scott Dillingham, a resident of Asheville filed his credentials for “taking the Bar” with the August class of 1924. Immediately, strong protest was brought to bear on the court to refuse the applicant a license. This protest, filed by prominent members of the Asheville Bar, was to the effect that the applicant was not a citizen of upright character as required by law. But Dillingham was allowed to take the examination and passed with credit. Notice was then served on the applicant and an investigation as to the truth of the charges took place before the court in Chambers.

The protestants, having the burden of proof, produced numerous affidavits and certifications of the court record of Dillingham disclosing that he had often violated the criminal law in cases involving moral turpitude.

The applicant’s defense was a certificate to the effect that for the past twelve months his conduct has been above reproach and that he intended to persist in this career of good conduct.

But the court asserted that an effort at restoration of character which has been deservedly forfeited is a question of time and growth and that the desire to enter the ranks of the legal profession is no evidence of the repentance of

⁸ 143 N. C. 1, 27. Brown J. dissenting.

⁹ Pell’s Revisal (1908) sec. 207.

¹⁰ *In re Dillingham* (1924) 188 N. C. 162, 124 S. E. 130.

one's sins. "There is no more profitable field for gifted rascals to exercise their talents in that the practice of law, which makes it all the more important that the courts should be vigilant to keep them out."¹¹

Therefore, under the present statute a certificate of good moral character signed by two attorneys can only be regarded as establishing a presumption in favor of the applicant, leaving to the court the power of examining into the applicant's character and refusing a license if it be unfit. And so the court proceeded in the principal case, and the applicant's character was weighed and found wanting. The court then refused to license the applicant in view of the power given by the legislature.

It was by chance only that Dillingham's application became known and the court to avoid any possibility of an unworthy applicant slipping through in the future so amended the rules to provide that "all persons who intend to apply for license shall inform the clerk of court of their purpose at least thirty days before time of examination as fixed by statute and that a list of these persons shall be forthwith made and kept in the office and open to public inspection for this thirty days."¹²

Also, the court took occasion to warn all practicing attorneys that the signing of a certificate of character is not a formal act, but should be signed only from personal knowledge or after thorough inquiry into the character of the applicant.

R. K.

¹¹ 143 N. C. p. 27, Brown J. dissenting.

¹² This amendment is stated at the end of the opinion in *In re Dillingham* 188 N. C. 162, 166, 124 S. E. 130.