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THE NORTH CAROLINA STATE BAR

Meeting of the Council of the North Carolina State Bar
April 17, 1953

The regular quarterly meeting of the Council of The North Carolina State Bar was held in the Justice Building, Raleigh, on April 17, 1953, with the following officers and members present:

Officers:

Don A. Walser, President, Lexington
Z. V. Norman, First Vice President, Plymouth
W. H. McElwee, Second Vice President, North Wilkesboro
E. L. Cannon, Secretary-Treasurer, Raleigh

Councillors:

Bryan Grimes, First District, Washington
I. D. Thorp, Second District, Rocky Mount
Julius Banzet, Third District, Warrenton
J. C. Pittman, Fourth District, Sanford
Albion Dunn, Fifth District, Greenville
Rivers D. Johnson, Sr., Sixth District, Warsaw
James B. Swails, Eighth District, Wilmington
R. P. Reade, Tenth District, Durham
G. H. Hastings, Eleventh District, Winston-Salem
W. A. L. McKeithen, Thirteenth District, Pinehurst
H. M. Robins, Fifteenth District, Asheboro
B. F. William, Sixteenth District, Lenoir
J. V. Bowers, Seventeenth District, Newland
Paul J. Story, Eighteenth District, Marion
J. C. Cheesborough, Nineteenth District, Asheville
Edwin B. Whitaker, Twentieth District, Bryson City

The President called the meeting to order and called for the minutes of the January meeting which were read by the Secretary.

The President called the attention of the Council to the recent death of Dickson McLean, Councillor, from the Ninth District, and designated a committee to prepare memorial for the next meeting consisting of Judge G. H. Hastings, P. W. Glidewell, Sr., and Judge Albion Dunn.

The President announced with regret that Mr. Julius Banzet, Councillor from the Third District, had advised that in view of his election as Judge of the Warren County Court effective May 1 that his service on the Council would be terminated as of that date and expressed appreciation of the Council for his valuable services as a member.

The President introduced Messrs. R. D. Johnson, Sr., new Coun-

cillor from the Sixth District succeeding John D. Warlick; Paul J. Story, Councillor from the Eighteenth District, succeeding R. W. Proctor, resigned; J. V. Bowers, new Councillor from the Seventeenth District succeeding Mr. W. H. McElwee, elected Vice President. With the concurrence of the Council the President designated Mr. Johnson to serve on the Grievance Committee, Mr. Story to serve on the Dues Committee, Mr. Bowers to serve on the Membership Committee, Mr. Story to serve on the Unauthorized Practice Committee and Mr. Bowers to serve on the Special Committee on Accountants. The Council duly confirmed these committee designations by unanimous vote.

Judge Hastings made the report for the Executive Committee in the absence of Mr. Glidewell. The Committee reported that it had checked the statement of receipts and disbursements for the quarter ending March 31 and the financial statement of the Secretary and found the same to be correct. The report of the Committee was adopted.

The President called for the report of the Ethics Committee which was made by Judge Dunn, Chairman, as follows:

1. Inquiry requesting advice as to whether or not it would be illegal for a member of school board to act as attorney for the board. The Committee recommends that it is their opinion that it would be improper for said attorney to serve as attorney for the school board while he is a member thereof.

2. Inquiry as follows: Attorney is Judge of county Recorders Court. Resident of the same county was convicted in traffic matter in another county and of additional violation in third county. Hearing was granted on suspension of license in county of inquirer and appearance was made. No fee, however, has been accepted and opinion desired before any fee is accepted therein. The Committee recommends that it is their opinion that it was not unethical for said attorney to appear in such a matter although as a matter of propriety it might not be the best taste for such appearance for a defendant, as case is the same in effect as criminal action.

3. Inquiry as follows: Inquirer represented private prosecution and defendant was convicted and sentenced to prison. Would it now be proper for inquirer to seek a parole for the prisoner previously prosecuted? The Committee recommends that in its opinion it would be highly improper for attorney to appear in parole matter.

4. Communication addressed to attorney calling attention to use of stationery listing himself as Attorney at Law and Certified Public Accountant. Said attorney in correspondence indicated willingness to abide by instructions of Committee and Committee recommends adop-

tion of its recommendation that either one designation or the other be stricken out at such times as use is made for Certified Public Accountant or Attorney.

5. Inquirer is attorney for board of education. The local school bus driver, employee of State Board of Education, involved in accident and partly damaged in collision by school bus desires to retain inquirer to prosecute claim. Would acceptance of employment be improper? The Committee recommends that in their opinion the representation of the claimant would be improper in view of the fact that inquirer is employed by board of education.

6. Inquiry: Would it be improper for inquirer as assistant judge of the Recorders Court to practice in his own court when not acting as judge? The Committee recommended adoption of its opinion that it would be improper for assistant recorder to practice in any of the criminal courts of his county. Upon motion the report and recommendations of the Committee were adopted.

The President called for the report of the Membership Committee made by Mr. Cheesborough for the Committee, as follows: In the matter of Byron P. Richardson, the Committee recommended that the petition be denied without prejudice. The recommendation of the Committee was adopted. In the matter of W. Furman Betts, the Committee recommended that he be placed on the active list. The recommendation of the Committee was adopted.

The President called for the report of the Grievance Committee made by Mr. Reade, Chairman. The Committee made formal report in connection with complaints against Banks D. Thomas of Wadesboro, North Carolina, and recommended that a trial be ordered. Upon discussion the recommendation of the Committee was adopted.

The Committee made formal report in connection with complaint against Odie D. Ingram and recommended that the Secretary prepare complaint and prior to the fixing of date for hearing by the Trial Committee that inquiry be made of respondent as to surrender of license. Upon discussion the recommendation of the Committee was adopted.

The Committee further reported to the Council that there were several matters still before the Committee but not subject to report at this meeting. The Committee further recommended dismissal of one complaint and the recommendation was adopted. The Committee further recommended that one matter before it be referred to the Ethics Committee and such recommendation was adopted.

The President with the concurrence of the Council designated Mr. Z. V. Norman Chairman of the Committee on Dues after May 1 when Chairman Banzet's service on the Council terminates.

Judge Hastings reported that the Unauthorized Practice Committee had no formal report at this meeting.

The President called for the report of the Legislative Committee which in the absence of Mr. Brassfield was read by the Secretary on behalf of the Committee. The Secretary called the attention of the Council to the matter of amendment to committee substitute for Senate Bill 90 introduced by Senator Proctor. He advised the Council that it would be necessary to hold this bill pending the outcome of the redistricting bill and this might delay the passage of the committee substitute until the closing days of the session of the Legislature. The Council discussed the matter of dues and the language to be placed in the committee substitute for Senate Bill 90. The Secretary filed as a part of the report of the Legislative Committee the complete record covering all matters to date relative to the several bills the subject of statement by the Legislative Committee and particularly House Bills 572, 573, 574 and 576. The Council by unanimous vote adopted the report of the Legislative Committee and the record filed and unanimously approved the action of the Legislative Committee and the Secretary relative to the activities to date in connection with the several bills referred to. Mr. Banzet called the attention of the Council to the previous suggestion made to instruct the Legislative Committee and the Secretary to include as a part of substitute for Senate Bill 90 proviso for surrender of license and proviso was authorized to be placed in said bill by vote of the Council.

Mr. Norman made a motion that the Council extend its appreciation to the Legislative Committee, the Secretary, officers and Mr. Poisson for their work during this session of the Legislature. Motion was adopted with a rising vote.

The Council proceeded to election of Trial Committees as follows: In the matter of Odie D. Ingram—G. H. Hastings, Chairman, Messrs. McKeithen and Glidewell. Upon motion they were duly elected as Trial Committee. In the matter of Banks D. Thomas—Arch K. Schoch, Chairman, Messrs. Story and Swails.

The President called the attention of the Council to the fact that two terms on the Board of Law Examiners were expiring, those of George B. Greene, Kinston, and Kingsland Van Winkle, of Asheville. The President called for nominations and George B. Greene, Kinston, and Kingsland Van Winkle, Asheville, were nominated for three-year terms on the Board of Law Examiners beginning July 1, 1953. There being no further nominations, the same were closed and George B. Greene and Kingsland Van Winkle were unanimously and duly elected.

Meeting of the Council of the North Carolina State Bar

July 17, 1953

The regular quarterly meeting of the Council of The North Carolina State Bar was held in the Justice Building, Raleigh, July 17, 1953, with the following officers and members present:

Officers:

Don A. Walser, President, Lexington
Z. V. Norman, First Vice President, Plymouth
W. H. McElwee, Second Vice President, North Wilkesboro
E. L. Cannon, Secretary-Treasurer, Raleigh

Councillors:

Bryan Grimes, First District, Washington
J. C. Pittman, Fourth District, Sanford
Albion Dunn, Fifth District, Greenville
Rivers D. Johnson, Sr., Sixth District, Warsaw
L. S. Brassfield, Seventh District, Raleigh
James B. Swails, Eighth District, Wilmington
R. P. Reade, Tenth District, Durham
G. H. Hastings, Eleventh District, Winston-Salem
Arch K. Schoch, Twelfth District, High Point
J. Spencer Bell, Fourteenth District, Charlotte
H. M. Robins, Fifteenth District, Asheboro
B. F. Williams, Sixteenth District, Lenoir
J. V. Bowers, Seventeenth District, Newland
J. C. Cheesborough, Nineteenth District, Asheville
P. W. Glidewell, Sr., Twenty-first District, Reidsville

The President called for the minutes of the last meeting which were read by the Secretary and approved as read. The President advised the Council of the recent death of a former member of the Council, J. F. Spruill of Lexington, and designated Judge Hastings and Mr. Glidewell to prepare suitable memorial to Mr. Spruill to be presented at the October meeting of the Council.

The President called for the report of the Grievance Committee made by Mr. Reade, Chairman. The Committee recommended the dismissal of two matters and the continuation of two matters and advised the Council that there were several further matters being studied by the Committee upon which it would make a report at a later date. The recommendation and report of the Committee were adopted.

The President called for the report of the Executive Committee made by Mr. Glidewell, Chairman, as follows:

The Committee reported that it had checked the receipts and disbursements for the preceding quarter and found the same to be correct. The action of the Committee was adopted. The Committee submitted with its approval the audit of Messrs. Williams and Urquhart for the

year ending December 31, 1952. The action of the Committee was adopted.

The Committee reported that it recommended audit of delinquent accounts to the end that notices might be sent to all delinquents for consideration by the Council at the October meeting and the recommendation of the Secretary was adopted by the Committee that auditors send confirmation notices and the Secretary present report of the auditors to the Council at the October meeting. The recommendation of the Committee was adopted.

The President called for the report of the Legislative Committee made by Mr. Brassfield, Chairman. The Council adopted the report of the Committee and extended its thanks to the Committee for its activities during the recent Legislative Session.

The President called for the report of the Ethics Committee made by Judge Dunn, Chairman, as follows:

1. Inquiry as to propriety of using the following on letterhead—"Practice Limited to Biblical and Equity Matters." The recommendation of the Committee that there would be nothing improper in using such designation if desired, was adopted.

2. Inquiry of attorney as to whether prosecuting attorney of Recorders Court may properly accept employment in civil action growing out of matter connected with the office of prosecuting attorney. The recommendation of the Committee that Canon C applied and that such prosecuting attorney was prohibited from such employment was adopted.

3. Inquiry of attorney relative to propriety of Solicitor of City Recorders Court practicing in criminal courts of county in cases not originating in City Recorders Court. The Committee recommended its opinion that it would be improper for such Solicitor to appear as set forth in Canon D. The opinion and recommendation of the Committee were adopted.

4. Inquiry as to propriety of Solicitor of Recorders Court appearing in civil action for a party involved in criminal proceeding in Recorders Court. It was the opinion of the Committee that the Solicitor cannot properly appear in such civil action as the same would be in violation of Canon C. The opinion and recommendation of the Committee were adopted.

5. The Committee reported receipt of resolution from the Robeson County Bar as follows:

RESOLVED that the Robeson County Bar Association petition the Council of the North Carolina State Bar, Inc., and the North Carolina State Bar, Inc., to adopt the following as one of the canons of ethics applicable to its members:

THAT it is declared unethical for any member of the North Carolina State Bar, Inc. (or any member of his firm), who serves in the capacity of an investigator or adjuster for any insurance company, to represent as an attorney any interest except that of his employer-insurance company in any claim or litigation arising out of the matter investigated by such member.

The Committee recommended the adoption of the resolution to the present Canon of Ethics. There was considerable discussion in the Council and the motion was made that special committee to study the resolution and the suggestions made in the discussion and report to the October meeting and such motion was adopted.

6. Inquiry of attorney relative to propriety of his firm representing title insurance company in an action brought to set aside deed to a lending agency when said attorney's firm had prepared deed in question and member thereof was present at the time of the execution of the deed and thereafter closed the loan upon which policy of title insurance was issued. It was the opinion of the Committee that it was entirely proper for inquirer and his firm to represent title insurance company and lending agency in this action. The opinion and recommendation of the Committee were adopted.

7. Inquiry of attorney as follows:

(a) A and B are Attorneys. A and B own adjoining tracts of land. A contracts to sell his land to C, a real estate developer. C wishes to buy a small parcel or fringe of land from B in order to lay out his proposed development to the best advantage. B and C agree on a price, and then B stipulates that he, B, shall do all of C's legal work involved in the purchase, development, and sale of both parcels of land, including loans to individual purchasers by C's Insurance Company lender. C prefers A as his Attorney but has to yield to B or sacrifice a substantial advantage in the development and sale of the lands. What steps, if any, should be taken by the local Bar Association?

Opinion and recommendation of Committee: That the conduct of attorney B is improper and constitutes soliciting professional business in an aggravated form. The conduct of Attorney B in this connection should be called to his attention with a reminder of the penalties imposed by General Statutes 84-28. If the attorney refuses to desist from such conduct after the situation has been called to his attention, a complaint should be filed setting forth the name of the attorney, the facts involved in the situation, and it would then be acted upon by the Grievance Committee of the North Carolina State Bar.

(b) A is the regular Attorney for a large Insurance Company lender and its local Loan Correspondent. B's client obtains a loan from the Insurance Company through its Loan Correspondent. B

notifies the Loan Correspondent that he, B, will do the necessary title and other legal work necessary for the loan, and if he doesn't get the work he will see that his client gets his loan elsewhere. What steps, if any, can be taken by the Bar Association?

Opinion and recommendation of Committee: It is likewise the opinion of the Committee that B is guilty of unprofessional conduct in that he is violating the Canon of Ethics against solicitation of business and the remedy would be the same as set forth in (a).

(c) D is a firm of Attorneys. E is a real estate developer, brother of a member of the firm. E shops around for the best Insurance Company loans for his purchasers, selects A's Insurance Company loans, and so notifies the Loan Correspondent, but stipulates that his attorney brother do all the legal work incidental to the loans. What steps can the Bar Association take?

Opinion and recommendation of Committee: If such attorney is acquainted with the activities of the real estate developer, it would be improper for him to accept the work under such circumstances, for that in such case the developer occupies the position of a "runner" and would constitute, in its final analysis, a solicitation of business upon the part of the attorney.

(d) F is a real estate Broker. F sells a residence and helps the purchaser to obtain a loan from A's Insurance Company through the Loan Correspondent. F then stipulates that his friend, a young attorney, recently licensed, shall do the legal work incidental to the loan, or he will get his loan elsewhere. The young attorney admits that he is ignorant of the procedure of closing such loan and asks A to guide him and to certify the title for Title Insurance. What should A do and what steps, if any, can the Bar Association take?

Opinion and recommendation of Committee: It would be improper for the newly licensed attorney, or any other attorney, to accept the work involved secured through the stipulations of F if such attorney was appraised that the work had come to him by reason of such stipulations, and if the attorney was using his brother and his friend as "runners," it would constitute solicitation of business in its most aggravated form and his conduct would be unethical. However, if the attorney was not advised as to the manner in which his legal services were obtained, then he could not be charged with the solicitation of the business and in such event it would not be improper for him to ask the guidance of A.

8. The Committee reported that it had received newspaper clippings wherein professional cards of attorney were carried and on one of said cards, in addition to simple form allowed, appeared the words "real

estate loans." The Committee recommended as its thought that that particular language should be eliminated from professional card. The observation of the Committee was adopted.

The President announced the appointment of special committee to consider the resolution of the Robeson County Bar previously discussed as follows: Mr. Norman, Chairman, Messrs. Schoch, Cheesborough, Pittman and Bell. The Council adopted the action of the President.

Judge Hastings reported that there was no report for his Committee on Unauthorized Practice at this time.

The President called for the report of the Membership Committee made by Mr. Cheesborough, Chairman, as follows:

1. In the matter of R. A. McPheeters, the Committee recommended that the petition not be granted until and unless said McPheeters is admitted as a member of the Bar of the State of Florida. The recommendation of the Committee was adopted.

2. Owen M. Marshburn, Greenville—Petition to be placed on inactive status was granted for the years following 1953. The recommendation of the Committee was adopted.

3. Barbara Stockton Perry, Kinston—The Committee recommended inactive status beginning with 1952. The recommendation was adopted.

4. Edward E. Crutchfield, Albemarle—The Committee recommended that petition be granted upon condition that dues be paid for the years 1939 and 1940. The recommendation of the Committee was adopted.

5. A. J. Blanton, Winston-Salem—The Committee recommended that petition be granted for inactive status for the years 1946-1952. The recommendation of the Committee was adopted.

6. Robert B. Campbell, Winston-Salem—The Committee recommended that the petition be granted for the years 1943, 1944 and 1945 but as to other years not granted. The recommendation of the Committee was adopted.

7. Carl H. Ragland, Oxford—Request to be placed on active list recommended granted. The recommendation of the Committee was adopted.

Mr. Brassfield, Chairman of the Special Committee on Accountants, stated that he had no report at this meeting.

Mr. Norman advised that the Special Committee on Trust Companies had no report at this time. Mr. Bell called the attention of the Council to the work done by a special committee of the Bar Association in connection with trust companies and suggested the exchange of information between the Council Committee and the Bar Association

Committee. Mr. Norman advised that his Special Committee on Trust Companies had not received any material from the Bar Association Committee.

Mr. Norman reported for the Committee on Dues that plans were being made for a full report at the October meeting in line with the recommendation of the Executive Committee and the action to be taken in connection therewith.

The Secretary presented to the Council the request of the Legal Directories Publishing Company of California whose representative had previously contacted Judge Dunn of the Ethics Committee and others relative to having access to the records of the State Bar for compiling of lists of attorneys for use in publication proposed for the states of Virginia, North and South Carolina. Following discussion of the matter, the Council unanimously voted to reject the request of the company for use of State Bar records in such matters.

The Secretary reported to the Council in connection with the matter of S. E. Edwards, Forest G. Miles, Banks D. Thomas and Odie D. Ingram.

The Secretary called the attention of the Council to the list of applicants for the August, 1953 bar examination and urged the members of the Council to make inquiry of the several applicants from their respective districts. He also advised the Council that the Board was in the process of consideration of changes in the Board rules and it was hoped that the Board might have these ready for submission to the Council at its October meeting.

The Secretary called attention of the Council to a change in the administrative organization of the North Carolina Bar Association and the possible moving of Bar Association files and activities from the State Bar office.

The President called for the memorial to Dickson McLean, former member of the Council, and memorial was read by Judge Dunn for the Committee and the Council and is spread upon the minutes of the Council herewith:

MEMORIAL TO DICKSON McLEAN

*Presented to the Council of the North Carolina State
Bar at Its July Meeting, 1953.*

Mr. President and Members of the Council of the North Carolina State Bar:

The presentation to this Council of a memorial to a departed friend and former colleague is attended with sentiments both of satisfaction and of sorrow.

The ancient and beautiful custom of perpetuating in song and story the deeds and achievements of illustrious men has been long considered

one, not founded on sentiment alone, but an obligation due by the living to the dead. It is this hallowed custom that occasions this memorial, for we come to pay tribute to the memory of one who was born in Scotland County, who spent his youth upon his native heath, entered the honored profession of law to practice that profession among his own people, loving the law with his whole heart, always believing and maintaining that a man could not be called to a higher or more honorable estate than that of a lawyer. Throughout his life and up until his untimely death, he strived to "uphold the honor and maintain the integrity of the profession and to improve, not only the law, but the administration of justice," and thereby built for himself a name worthy to be emulated by lawyers everywhere, leaving to his own and succeeding generations a memory full of inspiration, having established by his loyalty to his clients, by his unswerving devotion to duty, by his fidelity to both public and private trusts, a monument to his memory more lasting than bronze, more durable than marble.

Since the call of "the Evening Bell," when the crown of splendid manhood was lifted from his head and he passed off the stage of action, leaving to his generation and to posterity a record of high service to his State and a heritage to great worth to his contemporaries and successors, it does not appear natural in any gathering in the courthouse at Lumberton where he appeared so often, whose portals he loved and held sacred, that his colleagues must forego his presence, that his chair is vacant, that his smile is not to be seen, but since an all-wise Providence saw fit to call him into the councils of the Great Beyond, we come today to do honor to his memory and at the request of this Council it is the pleasure of this Committee and our honored privilege to memorialize the name of a good friend, a wise counselor, a zealous advocate, a strong lawyer, a Christian gentleman, a devoted husband and father—above all, a man's man.

The subject of this address, James Dickson McLean, was born in Laurinburg, North Carolina, on the 31st day of May, 1888, the son of James Dickson McLean and Harriet McIntyre Purcell McLean. In Laurinburg he spent his youth. Having completed his course in the schools of his community, he entered the University of North Carolina where he graduated in law and was admitted to the bar in 1910.

It was but natural that Dickson McLean, endowed with splendid talent, of affable manner, of comely appearance, of astute mind, coupled with a sincere and honest purpose to serve his fellow men, should have turned to the profession of law which afforded the best opportunity for the employment of his ability, for the gratification of a worthy ambition to become a friend and leader of his fellow citizens.

When he entered the practice of the law his ability was promptly recognized. He met with instant success at the Robeson County Bar, which then and now counts among its practitioners some of the ablest lawyers in North Carolina. From the very outset of his career he proved his worth and from its very inception was able to successfully measure sword in legal combat with older and more experienced counselors and advocates. In the legal forays of the courts of his district he asked no quarter and he gave none. The courthouse was truly his sphere; there he was a master—"a McGregor upon his native heath."

Dickson McLean never aspired to public office though he was well qualified to fill successfully any trust within the gift of the people.

From an editorial appearing in *The Robersonian* a few days after his death we read: "Mr. McLean might have 'gone places' as a judge or congressman or in some other public office without even conducting a campaign. His friends would gladly have done the campaigning for him, but then our county has problems aplenty for a man who can deal with them and Mr. McLean could do that. His interest and capabilities were not confined to this county but they were put to good use here. He might have gone places but many citizens are thankful that he chose to stay at home and be of service."

Continuing, the editorial says: "He might have become a judge," and, parenthetically, we might add, that if he had graced the bench he would have measured up to Lord Bacon's estimate of a judge, that "he should be more learned than witty, more reverent than plausible, more advised than confident, with integrity as his portion and proper virtue."

Dickson McLean was gifted with a brilliant legal mind; he possessed an instinctive understanding of human nature; he was congenial with his fellow men; he was entirely human; he despised double dealing, trickery and deception; he abhorred hypocrisy and deceit. Loyal in his friendships, true to his convictions, he commanded in the fullest measure the respect and admiration of all who knew him. It is not surprising that on the day of his death one of his fellow citizens who knew him best wrote this brief tribute: "Golden-hearted Dickson McLean, the soul of honor and integrity, will be missed on the streets, in the councils of the bar, in his church and in this community."

Observation of and association with Dickson McLean leads us to place him in the category of a conservative. He liked to follow the precedents of the law. He was guided by fundamental principles as he knew and understood them. He always did the right as he saw it. Indeed, it may truly be said of him that he was:

"One who never turned his back but marched breastforward,
Never doubted clouds would break,
Never dreamed tho' right were worsted, wrong would triumph,
Held we fall to rise—are baffled, to fight the better,
Sleep but to wake."

With such characteristics it is not to be wondered that throughout his career as a lawyer he was recognized for his prompt dispatch of business, his ready grasp of legal propositions, his extraordinary executive ability, his fair treatment to the high and the low, the rich and the poor, and for the conscientious discharge of his responsible duties and his untiring efforts to bring to a successful and honorable conclusion any matter entrusted to his attention.

He usually appeared on one side or the other in all important litigation arising in Robeson County and among the cases in which he appeared we might mention: *The Atlantic and Pacific Tea Company vs. Commissioner of Revenue* 199 N. C. 433, involving chain store taxes; *Clegg vs. Clegg* 186 N. C. 28, involving custody of children, and *Anderson vs. Anderson* 183 N. C. 139, involving alimony without divorce—

all of which indicate the versatility required of a country lawyer, of which Dickson had no small measure.

As we have said, he never aspired to public office, but he was president of his local bar association from 1929 until his death in 1953, was Councilor of the North Carolina State Bar from the 9th Judicial District from its organization in 1933 until his death, and those of us who knew him and served with him upon this Council recognized his ability and true worth, his wise counsel and his distinctive service, and he will continue to live in our memory as a wise counselor, a loyal friend, and one devoted to upholding the honor and integrity of the bar.

In the twilight of a brilliant life, he was claimed by the Grim Reaper who plays no favorites and on March 12, 1953 he passed away and the the shocking and sad news spread that he was no more.

To those who cherish his memory, and all of us do, there arises in our hearts a wellspring of hope. To those who long for a face no more to be seen, let your souls cease to yearn. Let all who reach for a vanished hand take comfort, for they who are separated will meet again, for this great and brilliant personage of whom I speak is not dead, he is only away—in another, a nobler existence, for

"There is no night;
The stars go down
To rise upon some far-off shore;
And in heaven's jeweled crown,
They shine forever more."

On the 24th day of November, 1925, Dickson McLean was married to the charming, gracious and attractive Miss Katherine Glenn Sartor, of Union, South Carolina, who, with two sons—James Dickson McLean, aged 26, and William Sartor McLean, aged 18—survive him, and to them and to this Council and to the people of Robeson County, we take great pleasure in presenting this memorial that his memory may continue to abide with us and with them, a source of constant inspiration, a lasting and enduring reminder of an illustrious life—worthy of emulation.

The President announced that it was necessary for the Council to elect four members of the Judicial Council as provided by statute for terms beginning July 1, 1953. Motion was made that L. J. Poisson, Z. V. Norman and Don A. Walser be nominated for re-election to the Judicial Council. Motion and nominations were seconded. Mr. Fred B. Helms was nominated to take the place of Mr. A. W. Sapp. The nomination was seconded. Motion was made that the rules be suspended and that Messrs. Poisson, Norman, Walser and Helms be elected to the Judicial Council and that the Secretary be instructed to cast the ballot for the Council for the nominees. The motion was unanimously adopted and the Secretary declared Messrs. Poisson, Norman, Walser and Helms duly elected to the Judicial Council.

Meeting of the Council of the North Carolina State Bar**October 22, 1953**

The regular quarterly meeting of the Council of The North Carolina State Bar was held in the Justice Building, Raleigh, on October 22, 1953, with the following officers and members present:

Officers:

Don A. Walser, President, Lexington
Z. V. Norman, First Vice President, Plymouth
W. H. McElwee, Second Vice-President, North Wilkesboro
E. L. Cannon, Secretary-Treasurer, Raleigh

Councillors:

Bryan Grimes, First District, Washington
I. D. Thorp, Second District, Rocky Mount
B. H. Perry, Third District, Henderson
J. C. Pittman, Fourth District, Sanford
Albion Dunn, Fifth District, Greenville
Rivers D. Johnson, Sr., Sixth District, Warsaw
L. S. Brassfield, Seventh District, Raleigh
J. B. Swails, Eighth District, Wilmington
R. P. Reade, Tenth District, Durham
G. H. Hastings, Eleventh District, Winston-Salem
Arch K. Schoch, Twelfth District, High Point
W. A. L. McKeithen, Thirteenth District, Pinehurst
J. Spencer Bell, Fourteenth District, Charlotte
H. M. Robins, Fifteenth District, Asheboro
Paul J. Story, Eighteenth District, Marion
J. C. Cheesborough, Nineteenth District, Asheville
P. W. Glidewell, Sr., Twenty-first District, Reidsville

The meeting was called to order by President Don A. Walser. The President advised the Council that Mr. Kingsland Van Winkle, representing the Board of Law Examiners, was present in connection with a draft of amendments to the rules of the Board of Law Examiners which had been approved by the Board on October 21. Mr. Van Winkle explained that the proposals had been given considerable study by the Board and in the light of Chapter 1012, Public Laws 1953, it was felt that the Board should make some proposals to the Council for their consideration and adoption and certification to the Supreme Court.

The amendment to the rules as recommended is as follows:

"20. Appeals. (a) Any applicant may appeal from an adverse ruling or determination of the Board of Law Examiners as to his eligibility to take the bar examination. After an applicant has successfully passed the bar examination, he may appeal from any adverse ruling or determination withholding his license from him.

(b) Any appealing applicant shall, within ten days after notice of such

ruling or determination, give notice of appeal in writing and file with the Secretary of the Board his written exceptions to the ruling or determination, which exceptions shall state the grounds of objection to such ruling or determination.

(c) The record on appeal to the Superior Court shall consist of the following—

- (1) The papers filed by the applicant with the Board under its rules.
- (2) A certified copy of the evidence taken by the Board upon the question or questions appealed.
- (3) The rulings and determinations of the Board.
- (4) The notice of appeal.
- (5) The exceptions.

Within sixty days of receipt of the exceptions filed by the applicant with the Board, the Secretary of the Board shall certify such record at the expense of the applicant.

(d) Such appeal shall lie to the Superior Court of Wake County and shall be heard by the Presiding Judge, without a jury. The findings of fact by the Board, when supported by any evidence, shall be conclusive and binding upon the Court. If the Court is of the opinion that the Board was in error, it shall so specify and remand the matter to the Board, which may appeal as hereinafter provided. Said appeal shall operate as a supersedeas. In case no appeal is taken by the Board, it shall proceed in accordance with the judgment of the Court.

(e) The said applicant, or the Board of Law Examiners, may appeal to the Supreme Court from any judgment or order of the Superior Court. If the said cause is remanded by the Supreme Court to the Superior Court, then the Superior Court shall remand the same to the Board of Law Examiners, to be proceeded with in accordance with the opinion of the Supreme Court."

The Secretary read the minutes of the July meeting of the Council. Upon motion the same were approved as read.

The President designated Messrs. J. C. Pittman and R. D. Johnson to prepare proper memorial for D. H. Bland, former member of the Council.

The President presented Mr. B. H. Perry as the newly elected Councillor from the Third District.

The President called for the report of the committee designated to prepare memorial to J. F. Spruill, former member of the Council. The following memorial was presented by Judge Hastings and upon motion, the same was ordered spread upon the minutes of the Council and a copy sent to the family of Mr. Spruill:

JAMES FRANKLIN SPRUILL

James Franklin Spruill was born in Pamlico County, North Carolina, September 29, 1882. He attended school in Pamlico County and later entered the University of North Carolina where he graduated in 1907. He obtained his law degree from the same institution in May, 1910. He received his license to practice law in August, 1910, and the same year located in Lexington, North Carolina, where he continued to practice law until his death, June 13, 1953.

He was elected the first solicitor of the Lexington Township Recorder's Court. In 1912 he was elected solicitor of the Twelfth Judicial District and served for eight years. He was soon recognized as one of the ablest solicitors in North Carolina. At this time, he formed a partnership with Hubert Olive, which partnership continued until Hubert Olive became a Judge of the Superior Court.

Mr. Spruill later admitted his son-in-law, Walter F. Brinkley, as a partner, and this partnership continued for two years when Mr. Brinkley was called back into service as a naval officer. Mr. Spruill was elected Councillor from the Twelfth Judicial District of the State Bar and served in this capacity from 1947 to 1950. For several years he was a trustee of the University of North Carolina. He was always interested and active in every phase of community developments.

Mr. Spruill was devoted to his church and gave much of his time to the program of his church. His pastor said of him that Frank Spruill was "the finest layman I have ever known."

On December 31, 1919, Mr. Spruill was married to Miss Flossie Harris of Salisbury, North Carolina. Of this marriage were born three daughters, all of whom, along with his widow, survive him. He has five grandchildren. His family was his first love and he gave much of his time and devotion to his home and family.

Mr. Spruill was active in the community life of his county and state. He gave much time to the Red Cross, Chamber of Commerce, and every local need. He was never too busy to answer the call for help for the helpless.

Mr. Spruill was individualistic in his thought and action and in his belief that the citizen possessed personal rights that should be free of governmental interference. He never hesitated to state his own view of the right or wrong of every question confronting him. This was his reputation. Such a reputation was due not only to his legal learning but to his outstanding capacity to understand people and to appreciate the working of human relationships and conduct. To him, "a court of equity was a court of conscience."

He was a great believer in human rights. He had no patience with influence peddlers, traitors, and with fellow travelers. He was generous and gentle and considerate in his treatment of those in possession of less power and influence than he.

An editorial in the *Lexington Dispatch* of June 15 is a correct appraisal of Frank Spruill. It is as follows:

"HERE WAS NO NEUTRAL

Folks who knew him during his forty-three years of usefulness to his community liked to say of Frank Spruill that you could always put your finger on him.

The lamented Lexington lawyer was not a man of neutral mold. To him, things had two sides, the right side and the other side, and he never hesitated to place himself on what he believed to be the right side. And once he had taken his position he was willing and ready to battle for it with might and main.

There may have been occasions when Mr. Spruill's judgment erred, but not often. But there were no times when his fellow citizens who knew him best felt that his heart was not his unerring guide. He fully lived up to his name, for he was frank about all matters that concerned him or that he felt concerned his community, his state and his country. He never learned to dissemble. His whole life was so marked by hard and honest work that he had no time to learn how to make the artful dodge. And he didn't waste the time to reach tortured decisions on whether the course he chose would add to his popularity or invite criticism. Folks could differ with Frank Spruill and they did on occasions, but they were always forced by the character of the man to yield the respect and honor due a man of integrity.

Every worthy cause that came to his attention in the community found in him a ready advocate, and he served in capacities so numerous that none can recollect them all in the upbuilding of the community to which he came as an eager young lawyer forty-three years ago. And as a lawyer he had no difficulty in seeing the cause of his clients as his own and yielded to them the full measure of devotion backed by never-flagging effort.

There was no difficulty for one observing Frank Spruill during his long and constructive career here in recalling enough of his services to compose a worthy sketch. But, like the Master whose cause he served so devotedly, all the things that this man did for his fellowmen would indeed fill a noble book."

The President called for the report of the Trial Committee in the matter of Forest G. Miles of Winston-Salem. The Secretary advised the Council that there had been delivered to him physician's certificate together with communication from attorneys for respondent indicating his illness and inability to be present. Following discussion and motion, the Council deferred action on the report of the Trial Committee until the January meeting.

The President advised the Council that the Trial Committee in the matter of Banks D. Thomas of Wadesboro filed its report and that a copy thereof had been forwarded to said Thomas but no exceptions had been filed. That said Thomas had requested him as provided under the rules for an extension of time in which to file exceptions and that under said rule he had advised said Thomas that extension of time to file exceptions was granted until December 1, 1953, and that the case would be heard before the Council at the January meeting, 1954.

The Council adjourned for luncheon and reconvened at 2:15 p.m.

The President called for the report of the Ethics Committee made by Judge Dunn, Chairman, as follows:

1. Inquiry in substance as follows: Is it improper for attorney to contact opposing witnesses and to attempt to persuade said witnesses to refuse to be present for the purpose of taking deposition? The Committee recommended that it was their opinion that it is unethical for an attorney to contact opponent's witnesses in an attempt to persuade them to refuse to go to designated place for taking of deposition. The recommendation of the Committee was adopted.

2. Inquiry in substance as follows: Is it proper for attorney to subscribe to a "Welcome Service" which systematically visits newcomers to a city and wherein such service charges for leaving business card, free memento or merchandise as an introduction to said newcomers and for such attorney to have such service leave professional card with all such newcomers? The Committee recommended that it was their opinion that it would be highly unethical for attorney to subscribe to any such welcome service and have them distribute professional cards. Upon motion the recommendation and opinion of the committee were adopted.

3. Inquiry concerning card proposed for insertion in weekly paper. The Committee indicated there was nothing improper in the proposal submitted. The observation of the Committee was adopted.

4. Inquiry in substance as follows: Is it unethical for a member of a partnership to practice in the criminal court wherein one member of the partnership is solicitor, said solicitor having taken leave of absence from partnership? The Committee recommended adoption of its opinion that temporary leave of absence granted solicitor from partnership firm would not cure inhibition contained in Canon B and therefore such practice would be unethical. The recommendation and opinion of the Committee were adopted.

5. The Committee reported receipt and consideration of addition to Canon of Ethics concerning bonds and bonding companies and recommended the adoption of the following amendment to the present Canon of Ethics:

"When any member of The North Carolina State Bar shall be financially interested, either directly or indirectly, in any bonding company authorized to write appearance bonds for any person charged with violation of the criminal laws of the State of North Carolina, or whenever such member of The North Carolina State Bar shall be regularly retained and employed as attorney for such bonding company, neither shall said member nor any partnership of attorneys with whom he is associated, or by whom he is employed, be permitted to represent as attorney any person charged with a criminal offense or a misdemeanor,

whose appearance bond shall have been written with such bonding company as surety thereon for the appearance of said person in any Court of the State."

Upon discussion the amendment to the Canon of Ethics was adopted and the Secretary directed to make certification of the same to the Supreme Court.

6. Inquiry in substance as follows: Is it improper for solicitor of Recorder's Court to represent a defendant in another Recorder's Court of same county in criminal action on charge arising outside the township wherein Recorder's Court of which he is solicitor is located although in the same county and follow said case into Superior Court of said county? The recommendation and opinion of the Committee was that Canon D of the Canons of Ethics makes such a practice unethical and if the Legislature has undertaken to enact any special legislation applicable to other counties which might tend to render inapplicable the provisions of Canon D, such legislation would not affect such Canon and those counties not included in such special legislation. The recommendation and opinion of the Committee were adopted.

7. Inquiry in substance as follows: Is it improper for Vice Recorder of municipal recorder's court to appear in criminal actions in other courts of his county? The recommendation and opinion of the Committee was that it would be improper for Vice Recorder to practice in criminal courts of his county as Canon D also applies to Vice Recorder. The recommendation and opinion of the Committee were adopted.

8. Inquiry in substance as follows: Is it improper for member of partnership to retain his name in the firm if appointed to a State office although said partner will not share in any way financially or otherwise in partnership business and announcement will be made that said partner is on leave during his tenure of office. The Committee recommended that it was their opinion that they saw no objection to continuation of partnership name in the event of contingency referred to. There was discussion relative to the recommendation of the Committee and following discussion, a motion was made that the opinion of the Committee be amended to add the following: "That while the proposal might not be a violation of the Canon of Ethics, the Council feels the same would be improper." The recommendation as amended was adopted.

9. Inquiry in substance as follows: Would it be proper for attorney who is Solicitor of Recorder's Court of County to accept employment in Superior Court from defendants who are held by coroner's jury on murder charge when no preliminary hearing was had in Recorder's Court? The Committee recommended as its opinion that Canon D of

the Canons of Ethics would make it improper for said Solicitor to appear for the defendants in such matter. The opinion and recommendation of the Committee were adopted.

10. Inquiry in substance as follows: Would it be proper for attorney to send letters together with forms to former clients requesting that they fill out lengthy form designated as "1953 Income Tax Information" and return to attorney at his office. Further letter addressed to "Dear Friend" advising of removal of offices from the mezzanine floor to the fourth floor of the same building. The opinion and recommendation of the Committee that such material constitutes solicitation and would be a violation of the ethics of the profession were adopted.

11. Inquiry in substance as follows: Would it be improper for Solicitor to appear for plaintiff in civil action, such action being for recovery of damages for personal injury and where there is criminal action pending or possibility of one being instituted in connection with accident. The recommendation and opinion of the Committee that Solicitor could not accept such employment and to do so would be a violation of Canon C of the Canons of Ethics was adopted by the Council.

The President called for the report of the Grievance Committee made by Mr. Reade, Chairman, as follows:

The Committee filed formal report in connection with complaint against Thomas L. Johnson, attorney of Lumberton, and recommended that trial be had. Following discussion the Council adopted the recommendation of the Grievance Committee and trial was ordered and the Secretary instructed to proceed with presentation of the case. Messrs. Dunn, Perry and Brassfield were nominated and elected as Trial Committee to hear the matter.

The Committee advised the Council that it recommended dismissal in two cases and the recommendation of the Committee was adopted. The Committee further advised the Council that in two matters before it, it desired the same to be continued for further consideration. The recommendation of the Committee was adopted.

The President called for the report of the Unauthorized Practice Committee made by Judge Hastings. The Committee recommended that the Secretary send notifications to numerous persons reported to the Committee as probably engaging in unauthorized practice. The recommendation of the Committee was adopted.

The President called for the report of the Membership Committee made by Mr. Cheesborough as follows: The Committee recommended granting of petitions to the following: Thad Eure, Henry E. Colton, Kirby H. Wells and Julian C. Franklin. The Committee reported that

it had given consideration and reconsideration to the petition of W. D. Holoman and recommended that the same be denied. The Committee reported that it had given consideration and reconsideration to the request of Paul M. Crumpler, Clinton, and recommended that the same be granted. The recommendations of the Committee were adopted.

The President called for the report of the special committee heretofore designated to present drafts of new Canon of Ethics dealing with investigation and handling of personal injury claims under insurance contracts and otherwise. Mr. Norman presented the following draft:

"The canons of The North Carolina State Bar shall be amended by the adoption of the following:

When any member of The North Carolina State Bar shall investigate or adjust any claim for any insurance company or agency, either directly or indirectly, through the service of any other person, neither shall said member, nor any partnership of attorneys by whom he is employed, be permitted to represent as attorney any person, firm or corporation in anywise identified with said claim as a result of the facts or circumstances through which said claim originated, except the insurance company or agency for which or for whom the said investigation or adjustment was made."

There was considerable discussion relative to the recommendation. Finally, upon motion, the same was adopted. There was further discussion and thereafter the Council agreed to continue the matter until the January meeting for further consideration and final action. The President designated Mr. Cheesborough as Chairman of the Committee and added to the Committee Mr. McKeithen.

The President called for the report of the Executive Committee which was made by Mr. Pittman on behalf of the Chairman, Mr. Glidewell. The Committee reported that it had examined the receipts and disbursements for the previous quarter as submitted by the Secretary and moved that the same be approved. The Committee also recommended that \$1,500.00 be invested in Building and Loan stock which had been placed in checking account following the cashing in of certificates of deposit. The report of the Committee was adopted.

The President called for the report of the Special Committee on Dues and Mr. Norman for the Committee reported that the auditors had made their audit of delinquent accounts of all years prior to the present and submitted the report of Messrs. Williams and Urquhart, Certified Public Accountants, which he presented and also the various and sundry responses and inquiries received and returned undelivered, etc., which accompanied the audit report. Upon discussion it was

recommended that the list be purged of those members of the Bar known to be deceased or entirely out of the practice and upon the establishing of such information, the remainder be sent notices as to the amount due and a demand for payment. Secondly, that show-cause orders be considered for delinquents and the President requested Mr. McElwee to preside during the discussion. Numerous suggestions were offered and amendments made as to action being taken. The following resolution was presented as the resolution of the Committee and adopted as a part of the report of the Committee and upon motion made, said resolution was unanimously adopted by the Council:

“BE IT RESOLVED by the Council of The North Carolina State Bar that if and when any member of The North Carolina State Bar shall become or is delinquent in payment of his dues to the State Bar as prescribed by statute, and his name shall appear on the delinquent list filed with the Council at its October meeting in each year, then any such delinquent shall be subject to have his license suspended during the period of his delinquency, or revoked; and suspension of license to practice or revocation by the Council in such case of any such member is hereby deemed necessary and proper; but before such suspension shall become effective, the Secretary of the State Bar shall forward to such delinquent member by registered mail at his last known address a notice to show cause at the meeting of the Council convening 10 days after return receipt of delivery of said notice has been received by the Secretary, to show cause why the license to practice law of such delinquent member shall not be suspended or revoked, and upon failure of such member to show satisfactory cause for non-payment of the dues or account of which he is delinquent, then the Council at such meeting shall suspend or revoke license of such member and if suspended, such suspension shall continue until such delinquent member shall have paid such delinquent dues.”

The President called on the Secretary for statement relative to matters to come before the Council. The Secretary advised the Council that W. O. Williams of Morehead City had filed petition for restoration of license and that the same had been put on the calendar for the present meeting. However, said petitioner Williams had called by telephone and requested that the matter be continued until the January meeting. Motion was made that the matter be continued without prejudice until the January meeting of the Council. The motion was adopted.

The Secretary called the attention of the Council to communication received from Odie D. Ingram dated October 21, 1953, in which said communication the said Ingram consented to surrender of his license without conditions.

Upon discussion and consideration, the following resolution was adopted:

That it appearing that Odie D. Ingram, of Gibson, North Carolina, formerly of High Point, North Carolina, having indicated his desire to surrender his license in accordance with Chapter 1310, Session Laws of 1953, and the Council having considered all matters relative to the case as contained in the records of the Council, the President be and he is herewith authorized to enter proper order in the matter of Odie D. Ingram.

The Secretary discussed briefly the record of delinquents and requested members of the Council to advise concerning deceased members and those who obviously should be called upon to file petitions for inactive status.

The Secretary made statement to the Council as State Bar Delegate to the American Bar Association Meeting in Boston and advised the Council of his votes on various controversial matters which had come before the House of Delegates.

The Secretary advised the Council of the fact that Mrs. Hellon Senter who had been with the Council for a number of years would find it necessary to take a leave of absence after January and called attention to the difficult task faced in replacing her.

The President advised the Council that nominations were in order for the election of a Secretary-Treasurer for the forthcoming year. E. L. Cannon was nominated as Secretary-Treasurer for the ensuing year with salary to be the same as heretofore received but authorizing a \$50.00 per month increase in expense allowance. There being no further nominations, E. L. Cannon was duly elected Secretary-Treasurer.

Mr. P. W. Glidewell expressed the appreciation of the Council to Mr. Don A. Walser, the retiring President, for his services to the Council and his services as President. There was a rising vote expressing appreciation for Mr. Walser's services.

Twentieth Annual Meeting The North Carolina State Bar

The Twentieth Annual Meeting of The North Carolina State Bar was held in Raleigh, North Carolina, on Friday, October 23, 1953, at which time the following program was presented:

MORNING SESSION—10:15 A.M.

DON A. WALSER, President, *Presiding*

Welcome.....W. T. JOYNER
Wake County Bar, Raleigh

Response.....	STAHL LINN
	Rowan County Bar, Salisbury
Address.....	HON. H. HOYLE SINK
	Resident Judge, 12th Judicial District, Greensboro
Greetings from The North Carolina Bar Association....	W. L. THORP
	Rocky Mount
Address.....	HON. SAM J. ERVIN, JR.
	Associate Justice, North Carolina Supreme Court

AFTERNOON SESSION—2:15 P.M.

CHIEF JUSTICE W. A. DEVIN, Presiding

Report from the Judicial Council.....	HON. M. V. BARNHILL
	Associate Justice, North Carolina Supreme Court and Chairman Judicial Council
Address.....	HON. JOHN J. PARKER
	Chief Judge, Fourth Circuit Court of Appeals
Discussion	
Election of Officers	
Adjournment	

Mr. Z. V. Norman of Plymouth was elected President for the year 1953-1954, Mr. W. H. McElwee was elected First Vice President, and Mr. L. S. Brassfield of Raleigh was elected Second Vice President. Four hundred members of the Bar attended the sessions.

EXHIBIT "A"

NORTH CAROLINA STATE BAR

Raleigh, North Carolina

COMPARATIVE BALANCE SHEET—DECEMBER 31, 1952 AND 1951

	December 31, 1952	December 31, 1951	Increase Decrease
ASSETS			
CASH:			
First Citizens Bank and Trust Company:			
Checking Account—Exhibit "D"	\$ 425.55	\$ 553.53	\$ 127.98
Certificates of Deposit	3,000.00	3,000.00	—
INVESTMENTS:			
First Federal Savings And Loan	2,000.00	2,000.00	—
FURNITURE AND FIXTURES:			
After Reserve For Depreciation Of \$1,052.67			
At December 31, 1952, And \$996.17 At			
December 31, 1951	290.78	347.28	56.50
TOTAL	<u>\$5,716.33</u>	<u>\$5,900.81</u>	<u>\$ 184.48</u>
LIABILITIES			
ACCOUNTS PAYABLE	\$ 929.42	\$ 701.89	\$ 227.53
DUES COLLECTED IN ADVANCE	35.00	20.00	15.00
SURPLUS—EXHIBIT "B"	4,751.91	5,178.92	427.01
TOTAL	<u>\$5,716.33</u>	<u>\$5,900.81</u>	<u>\$ 184.48</u>

EXHIBIT "B"

NORTH CAROLINA STATE BAR

Raleigh, North Carolina

STATEMENT OF SURPLUS FOR THE YEAR ENDED

DECEMBER 31, 1952

BALANCE—December 31, 1951\$13,178.92

DEDUCT:

Excess Of Expenses Over Revenues—Exhibit "C" 427.01

BALANCE—December 31, 1952—Exhibit "A"\$4,751.91

EXHIBIT "C"

NORTH CAROLINA STATE BAR

Raleigh, North Carolina

STATEMENT OF REVENUES AND EXPENSES FOR THE YEAR

ENDED DECEMBER 31, 1952

REVENUES:

Dues Collected	\$13,621.00
From Board Of Law Examiners	1,231.25
From North Carolina Bar Association	188.95
Dividends On Investment Shares	85.00
Interest On Certificates Of Deposit	60.00
Refund Of Cost—L. A. Wilson Case	50.00
Redeposit Of Returned Checks	25.00
Refund Of Dues	15.00
Refund Law Licenses	5.00
Law Review Subscription	4.00
Refund Of Council Expense	2.45
Refund Of Telephone Expense	1.15

TOTAL REVENUES\$15,288.80

EXPENSES:

Salaries:

Secretary	7,200.00
Secretarial	3,215.00
Council Expense	1,840.05
Committee Expense	540.72
Telephone And Telegraph	527.20
Supplies	435.42
Bar Meetings	431.68
Postage	314.84
Investigations	307.63
Payroll Taxes	227.45
Trial Committee	181.25
Printing	135.20
Audit	125.00
Extra Clerical	65.00
Depreciation	56.50
Refunds On Overpayment Of Dues	35.00
Bank Charges	31.62
Bond Premium	17.50
Bad Checks	15.00
Licenses	9.75
Refund Of Law Review Subscriptions	4.00

TOTAL EXPENSES 15,715.81

EXCESS OF EXPENSES OVER REVENUES—EXHIBIT "B"\$ 427.01

EXHIBIT "D"

NORTH CAROLINA STATE BAR

Raleigh, North Carolina

CONDENSED STATEMENT OF CASH RECEIPTS AND
DISBURSEMENTS FOR THE YEAR ENDED DECEMBER 31, 1952

CASH BALANCE—December 31, 1951\$ 553.53

RECEIPTS:

Revenue—Exhibit "C"\$15,288.80

Less: Dues For 1952 Collected In 1951 20.00

Revenue Collected For 1952 15,268.80

Add: Dues For 1953 Collected In 1952 35.00

TOTAL RECEIPTS 15,303.80

TOTAL 15,857.33

DISBURSEMENTS:

Expenses—Exhibit "C" 15,715.81

Less: Unpaid Expenses For 1952\$ 929.42

Depreciation 56.50 985.92

Total 14,729.89

Add: Expenses For 1951 Paid In 1952 701.89

TOTAL DISBURSEMENTS 15,431.78

CASH BALANCE—DECEMBER 31, 1952—EXHIBIT "A" 425.55

EXHIBIT "E"

THE BOARD OF LAW EXAMINERS

Raleigh, North Carolina

COMPARATIVE BALANCE SHEET—DECEMBER 31, 1952 AND 1951

	December 31, 1952	1951	Increase Decrease
ASSETS			
CASH:			
First Citizens Bank And Trust Company:			
Checking Account—Exhibit "H"	\$1,559.17	\$1,798.17	\$ 239.00
FURNITURE AND FIXTURES:			
After Reserve For Depreciation Of \$117.16			
At December 31, 1952, And \$79.16 At			
December 31, 1951	262.78	300.78	38.00
TOTAL	<u>\$1,821.95</u>	<u>\$2,098.95</u>	<u>\$ 277.00</u>
LIABILITIES			
ACCOUNTS PAYABLE	\$ 319.19	\$ 55.25	\$ 263.94
SURPLUS—EXHIBIT "F"	1,502.76	2,043.70	540.94
TOTAL	<u>\$1,821.95</u>	<u>\$2,098.95</u>	<u>\$ 277.00</u>

EXHIBIT "F"

THE BOARD OF LAW EXAMINERS

Raleigh, North Carolina

STATEMENT OF SURPLUS FOR THE YEAR ENDED
DECEMBER 31, 1952

BALANCE—December 31, 1951\$2,043.70

DEDUCT:

Excess Of Expenses Over Revenues—Exhibit "G" 540.94

BALANCE—December 31, 1952—Exhibit "E" \$1,502.76

EXHIBIT "G"

THE BOARD OF LAW EXAMINERS

Raleigh, North Carolina

STATEMENT OF REVENUES AND EXPENSES FOR THE YEAR
ENDED DECEMBER 31, 1952

REVENUES:

Bar Examination Fees:			
197	@	\$23.50	\$4,629.50
8	@	25.00	200.00
3	@	22.00	66.00
1	@	24.00	24.00
1	@	23.00	23.00
3	@	1.50	4.50
1	@	.50	.50
			<hr/> \$4,947.50
Registration Fees:			
148	@	1.00	148.00
Comity Fees			876.00
Refund—North Carolina State Bar			9.75
TOTAL REVENUES			<hr/> \$5,981.25

EXPENSES:

Expense Reimbursement—State Bar	1,231.25
Board Meeting Expense	1,622.19
Supplies	787.80
Investigations	806.66
Refunds	650.00
Examination Expense	408.62
Reporting	277.44
Proctoring	225.00
Printing	188.75
Postage	185.91
Telephone	49.57
Depreciation	38.00
Bad Checks	23.50
Extra Clerical Salary	15.00
Bond Premium	12.50
<hr/>	
TOTAL EXPENSES	6,522.19

EXCESS OF EXPENSES OVER REVENUES—EXHIBIT "F" \$ 540.94

EXHIBIT "H"

THE BOARD OF LAW EXAMINERS

Raleigh, North Carolina

CONDENSED STATEMENT OF CASH RECIEPTS AND
DISBURSEMENTS FOR THE YEAR ENDED DECEMBER 31, 1952CASH BALANCE—December 31, 1951 \$1,798.17

RECEIPTS:

Revenue—Exhibit "G"	5,981.25
TOTAL	<hr/> 7,779.42

DISBURSEMENTS:

Expenses—Exhibit "G"	\$6,522.19
Less: Unpaid Expenses For 1952	\$319.19
Depreciation	38.00
	<hr/> 357.19

TOTAL	6,165.00
Add: Expenses For 1951 Paid In 1952	55.25
	<hr/>

TOTAL DISBURSEMENTS 6,220.25CASH BALANCE—DECEMBER 31, 1952—EXHIBIT "E" \$1,559.17