

AN ADDRESS

— ON THE —

Administration of the Law,

— BY —

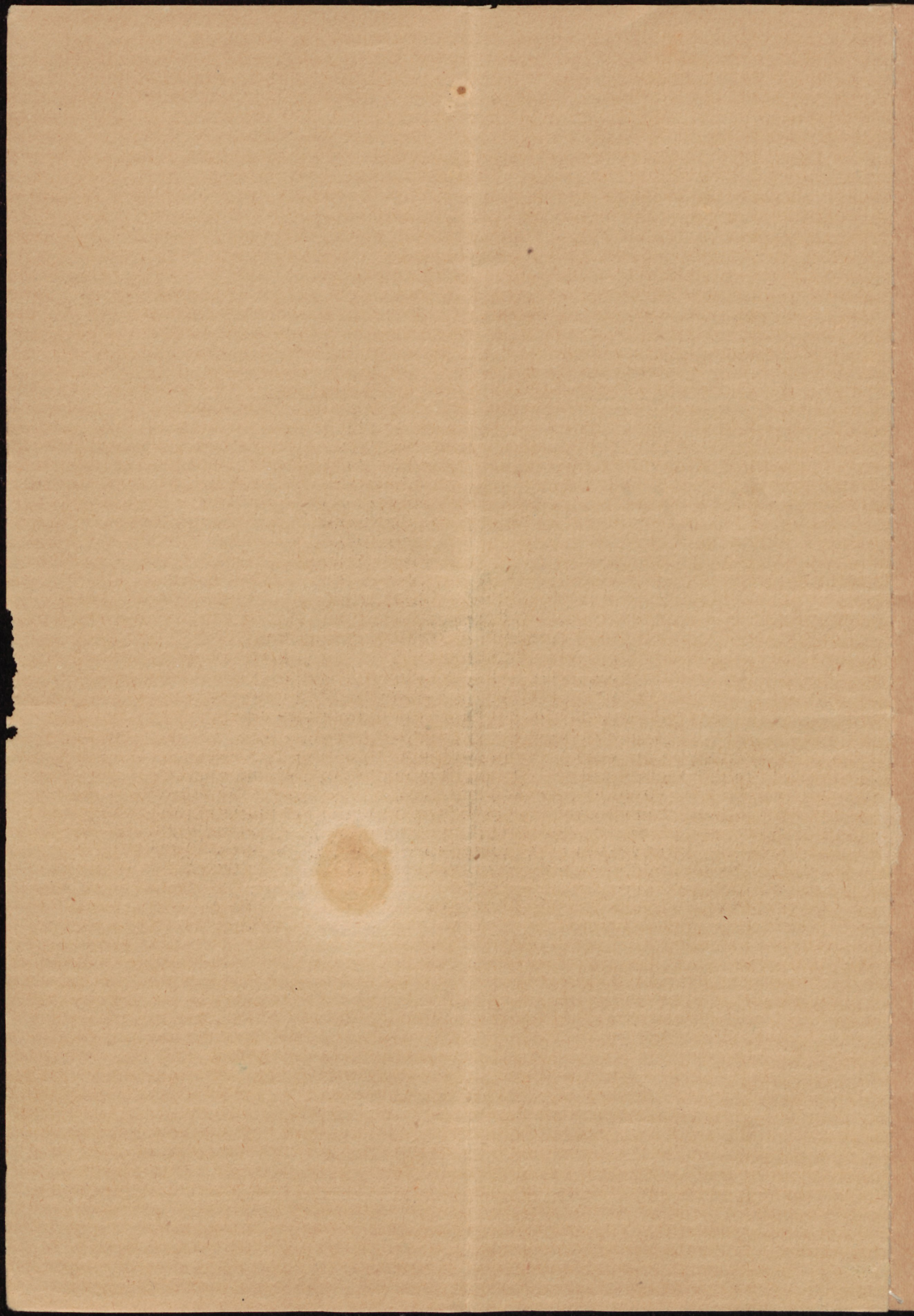
Compliments of
IREDELL MEARES, ESQ.,

— OF THE —

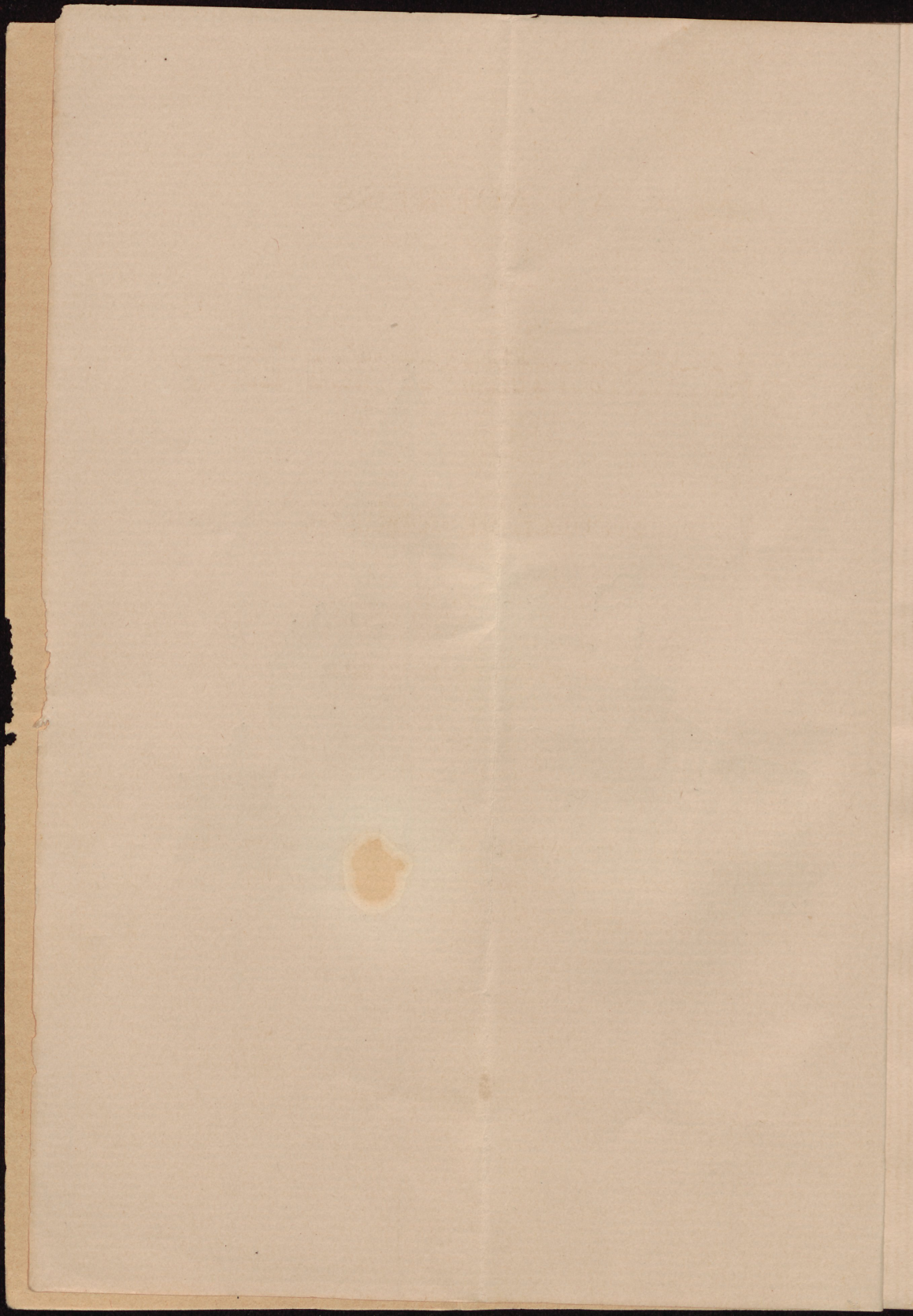
WILMINGTON (N. C.) BAR.

Delivered at the laying of the Corner-Stone of the New
Court House for New Hanover County, at Wil-
mington, N. C., April 21st, 1892.

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LADIES AND FELLOW CITIZENS:

The genius of our race, which has been sung and praised alike by poet and sage, and copiously illustrated in science, literature, art, war and industrial achievement, has nowhere been more generously manifested than in its ethical conceptions, creations, and practical upbuilding of the law. Even in the earliest periods of our history, when our ancestors were wandering hordes in the primeval forests of Germany, we discern in their tribal government the unit of our present political system and many of the germs of the cardinal doctrines of our juridic science, which, transplanted upon English soil, there passed through an evolution with the progress of successive generations, absorbing in their development and perfecting in their application the best creations of the Latin races, broadening and strengthening with the marvelous record of time, until finding in the constitution and law of our country, state and national, their freest recognition and firmest establishment.

Historic research has traced our representative political system, which we are wont to regard as the spontaneous conception of American statesmanship rather than as an evolution from a primitive original, to our Teutonic ancestors, and found in their earliest customs and domestic regulations many of the prototypes of the essential principles of modern law. When they came forth from the forests, where they were accustomed to a nomadic life, amid hoar frosts and storm clouds, in foggy clime and dense wildwood, their environments had imbued them with the hardi-

hood, resolute will and adventurous energy, that have since led them to dominate in the affairs of man. Already the race had conceived the central idea of representative government, and in its love for individual liberty, had created the greatest conservator of the rights of citizenship. Wherever they ceased their predatory wanderings and settled in newly conquered districts, they organized under a system peculiarly their own, having for its unit the family circle, with several of these units grouped in village communities, which in turn, when banded together, formed petty states, and, as each individual in the family circle enjoyed absolute freedom in the regulation of his own conduct, save in affairs of mutual concern, so the family circle, the community, the State, each in its particular sphere, regulated unfettered its own local and domestic concerns.

It is upon this primitive substructure that the whole superstructure of our modern divisional and representative system has been built by the wisdom, labor and evolution of centuries. With us the town, the county, the State, each governing exclusively in domestic concerns and participating by representation in general affairs, prove the identity with the original to be complete. And it is to the rude virtues and sound common sense of the Saxon, who seems to have caught the spirit and action of individual liberty from the free air and wild surroundings of his forest home, and transmitted it to his descendants, untarnished and undiminished, as the priceless legacy of a free people, that we owe the origin of trial by jury, which has been the conservator of personal liberty in guaranteeing to each citizen the right to be judged by his compeers after hearing of testimony and instruction in the law. With the adoption of this tribunal, the distinguishing feature and the crowning glory of our institutions, which has been sanctified by time and tested by experience, began the career of our race as a free and independent people, the most marvelous in all the tide of time.

This idea of divisional and local self-government, this vigilant regard for personal liberty, this creation of trial by jury, are the

central ideas around which have grown and from which have been evolved our political and juridic science. Bedrocked in English and American institutions, they constitute alike the corner-stone and the keystone of the edifice, and though monarchs have sought to undermine them, though ecclesiasticism has hurled its anathemas against them, though revolutions at times have submerged them, they have been reasserted and revindicated in legislative hall, in court decrees, in the blood of patriots, and, with every great epoch of the nation's history, in the Bill of Rights and the Magna Charta, in the Declaration of Independence and Constitutions of America, they have been reclaimed from the encroachments of kingly, priestly or autocratic power and reannounced as the birth-right of the race.

When the great architects of the American constitutional and civil law drew the plans and specifications of the edifice of this Republic, they wrought from the experience, wisdom and learning of all nations and all ages, but preserved the underlying and cardinal ideas of the builders of the Saxon race, and in proportion as our great structure rests upon the principles of law inherent in the race, our confidence in its enduring grandeur is enlarged or diminished. The soldier, in the clash of arms and roar of cannon, may achieve a nation's independence, the statesman may construct its organization and point the pathway of its progress, but, in the march to grandeur or decline, the courts of law, in adjusting its difficulties, preserving its order, uniting it in harmony and saving it from entanglements, private and public, and in indicating and prescribing the limit and extent of its action are indeed the real builders of its destiny. If the sword of Washington won the independence of the colonies, if the statesmanship of Hamilton and Jefferson and their compatriots welded them together and wrought the frame-work of the nation; if the wisdom of Ellsworth and Wilson conceived the organization, process and jurisdiction of our courts, it was Marshall and his learned associates upon the Supreme Court bench, who, by a system of practical adaptation and broad construction of our or-

ganic law, by profound analyses and conservative adjustment of conflicting claims between the States, and by wise and temperate decisions touching upon innumerable questions of private and public import, raised the government founded by our fathers from an experiment to an assured success, and in laying with marvelous prescience the foundation of our constitutional and civil law, established the government in the affections of the people and confidence of the world.

And, if upon a less extended field, the genius of Henderson, Ruffin and Gaston, and their distinguished co-workers upon the bench, whose learning, wisdom and statesmanship have shed a lustre upon the pathway of our State, have wrought their vast and silent influence in the creation and upbuilding of our jurisprudence, the character and extent of their labors of a half century have equally borne rich fruitage and untold beneficence to our land.

When it is considered that the law is a science which treats of human conduct and is co-extensive with human action, we can form some conception of the obligation we owe to its great votaries and jurists, who, walking upon the mountain ranges of the law and casting the light of their genius upon the limitless fields of human enterprise, have created and established American jurisprudence. These great builders found their inspiration in laboring for individual and national happiness, in the purest fountains of philosophy and in the beautiful morals of inspired writings, and laid the foundations of our jurisprudence upon the collective wisdom and experience of ages. It is a narrow view of that jurisprudence to regard it in the light of a mere collection of disconnected rules and arbitrary institutes, resting in authority upon antiquated notions and judge-made law, without adaptability or expansiveness to the ever varying conditions of the world's progress. While seeking in the purest atmosphere of moral truth the spirit of its own philosophy and finding in the empire of reason the postulates of its own decrees, it is pre-eminently a progressive, practical and expanding science, consisting of inter-dependent systems connected by nice links and beautiful relations. It widens

with the enterprise of man, moves in sympathy with his endeavor and adjusts in harmony his social relations, and makes possible and orderly the grand march of civilization. In its administration it touches every avocation and condition of man, whether in his individual or collective capacity, defends his rights, redresses his wrongs, proclaims his liberty, restrains his license, enhances his happiness and ameliorates his condition. It throws its mantle of protection over the shoulders of every citizen in the land, however humble, and upholds him in the free exercise of his liberty. It lays its strong arm upon the unjust, however powerful, and checks the committal of his wrongs. The Nation, President, Governor and citizen alike bow before its majesty and obey its supreme dictates. As a mighty unseen power, it walks with calm mien through the affairs of man, regulating his conduct, facilitating his enterprise, ensuring his peace, a constant monitor to evil and a guardian angel to innocence. It may—it does—suffer the frailties and partake of the faults incident to all human institutions, but it struggles to the attainment of its ideal, and is, indeed, the great co-worker with Christianity in the elevation and civilization of mankind. In the administration of the law in the American courts, its philosophy has been enlarged, its ethics maintained, its application widened, its beneficence increased, and a wise and conservative spirit of reform and adaptation to our varied life and complex system has prevailed. The vast extent and far reaching character of the labor done by the courts of this country, state and national, in the formation, amplification and upbuilding of this great Republic, are perhaps not as profoundly appreciated by the general public as they deserve, but every patriotic citizen who has investigated their effect regards them with a grateful sense of obligation. Our courts have been invoked to settle constitutional questions, arising under State and National Government, in controversies between the States and under treaties with foreign Governments, and in cases of great import involving personal and political rights. Many of these great questions have been submitted to them, when the passions and heat of political

controversy threatened the perpetuity of our institutions, but with calm disregard of party strife and with majestic dignity rising to the height of the great occasion, they have settled, determined and caused to be accepted the long line of their great decisions as the foundation of our organic law. The energies of our courts have likewise been tested to the utmost by the endless variety of questions concerning corporate, maritime and commercial law, landed and personal rights. Had the exposition, construction and administration of our law devolved upon men unfitted for the task that demanded the highest attributes of character and intellect, our history might have been a repetition of the strife, contentions, petty warfare and supine civilization of the divided provinces of South America. If we are a law-abiding people, which imports a peaceful and advancing civilization, it is because the law of our country has been conceived and administered with such broad equity, just conservatism and determined purpose, as to make it a majestic and impartial arbiter in our midst for the quiet settlement of our private and public concerns, the wisdom of whose decrees and the righteousness of whose judgements have commanded our respect and obedience.

When upon an occasion like this we are assembled to lay the corner-stone of an edifice erected to the administration of the law and intended to advance its policy, it is appropriate that we come with civil, military and masonic honors to commemorate the event. It is indeed an event of proud significance in our county's history. It is an epoch in our city's progress, commemorative alike of the wise husbandry of our resources, which has made possible the costly outlay, and of our advancing civilization, which demands for its necessities the erection of so magnificent and elegant a court house. With the official presence and symbolic ceremonial of the order of ancient craftsmen, who continue the fraternal associations and honorable obedience to the law of the great master builders of the historic temple of King Solomon, the intervening centuries are bridged in imagination, and with the gorgeous tabernacle of Israel's King, where the law of God was

deposited, is linked the temple we are building, where, let us hope, His law will be held in high reverence and be perpetuated forever.

In the "Stones of Venice," chiselled in æsthetic beauty and sculptured by wondrous genius, out of the cumbrous masses of desecrated ruins and grand suggestions of magnificent buildings, from the composite architecture of the noble cathedrals, arched bridges and ducal palaces, Ruskin has gleaned and gathered and drawn in vivid portrayal the romantic life, both in the golden dawn and falling shadows, of the history of the city of Venice, which seems to have been called into existence by the enchanter's rod, resting in the bosom of the ocean, amid restless tides and upon trembling sands. When future generations look upon this beautiful temple of justice, which we to-day dedicate to the majesty of the law, so beautifully designed in its architectural proportions and adorned by its triple towers, they will not have to turn the leaves of doubtful chronicle to learn the character, resources, power and intelligence of the civilization which builded this most noble and enduring edifice. In its granite basis they will find an expression of our faith in the enduring permanence of our law. In its three companion towers, standing as if watchful sentinels of the three departments of city, county and State, they will discern the three particular fields upon which the labors of its court will be directed. In the spacious court room with its practical detail and arrangement, they will detect the organization and orderly procedure of the administration of the law, while in its massive proportions, beautiful suggestions, practical utility, cultured architecture and skillful building they will find the design of the educated architect and handiwork of intelligent labor, and, in imagination, draw a picture of the intelligence and activities of a civilization, renowned for its enterprise, varied accomplishments, moral force and reverent and abiding confidence in the majesty of the law of its own creation. When we consider the multitudinous causes which are to be here heard and determined, the power for good or evil that is to be here exercised, the wrongs to be redressed and the rights to be upheld, and the high character and great learning necessary to their equitable treat-

ment, I do not know an invocation that upon this occasion might more impulsively escape the portals of the soul to seek its responsive echo in the blue vault of Heaven than a prayer to the Supreme Ruler of the Universe that the ethics, the moral law, the judgments and decrees, which shall go forth from the Tribunal of Justice presiding within this Temple, may ever serve to direct the doubtful and instruct the ignorant, to prevent wrongs and terminate contentions, and to relieve the sentiments of mankind from those associations of prejudice, passion and false ideals, which have so constant an influence in perverting the judgment and corrupting the heart, and preserve them in the association of unbiassed reason, untrammelled thought, moral truth, and the ennobling ideals of a peaceful, righteous and Christian civilization, until they shall become, in the wide sweep of their mighty influence, like the Law and Testimony of Jehovah perfect, converting the soul and making wise the simple, and life His precepts, commandment and judgments, quickening the heart, enlightening the eye, altogether righteous, and enduring forever.



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