

Constitutional Convention of North-Carolina,

Raleigh, ..... 1868.

It is recommended more simple  
forms -  
certificates

Resolved  
That the

Members of the Convention be authorized  
to collect the names of the

CHAUTAUQUA COUNTY NY HISTORICAL SOCIETY 2013



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Shall the distinction between ~~action~~  
at Law & Equity be abolished

What is this distinction? And how did  
it arise? Is it inherent and essential  
to the subject matter? or is it artificial  
and formal merely? Does it follow  
from a distinction in the nature of law  
and equity? or is it a custom of olden  
times acquiesced in and submitted to  
today.

Let us first inquire what is Law - its  
proper extent and boundaries - Law in the sense  
in which we must now consider it is a rule  
of property and conduct prescribed by the sovereign  
power of a state - Its extent is the domain of  
human society - its boundaries the limit of  
traffic. Wherever there is a family - wherever  
there is a man the law comes and prescribes  
rights, duties and relations - wherever there

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as natural capere of appropriation the law comes and gives the rule by which it may be taken, used and transferred. No engagement can be entered into - no work performed but with the law in view - "No man walks abroad in the morning or lies down to sleep at night - takes his bride to the altar or lays his child in the cradle but under the laws protection and control." Law therefore embraces all the rules enforced by the state - Of all the property and all the conduct of men in all the relations of life.

What then is Equity? A part of law! How did it arise? By accident - Vol History

What are its present limits? One thing in one state - something else in another and in several states - Deed, Furbanc. p. 13 & 17. Story pp. 25 & 26.

Latin words - fish

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Why should the enforcement of our right or the redress of our wrong require a different court from another?

What is necessary to the enforcement of a right or the redress of a wrong? That the court shall have knowledge of the parties - the fact and the law. And this is all the form it is needful the action should assume.

Partial  
Notes on  
Speech on  
Law &  
Equity 68