

Greenboro

July 21<sup>st</sup> 1868

Capt A W Younger

My Dear Sir

Enclosed I send you an ordinance which I desire you to pass through the Convention. - You recollect that I explained a case of precaution bondships in regard to our Sheriff. - M. S. Robbins Esq of Randolph obtained 3 judgments against C P Mendenhall brothers at May Term 1867 of Randolph County Court. Executions came to the hands of the Sheriff of Guilford and he laid the same upon all the property of Mendenhall brothers and duly advertised the same for sale. - On the day of sale the defendants requested the Sheriff to have the property valued as provided for in the Act referred to. - This valuation was made and the property was then offered for sale but would not bring the  $\frac{3}{4}$  value as required, and the sale was discontinued. A return of these facts was made on the

executions to August Term 1867. - At this term the Pleff moved the Court to remove the Sheriff from making sale of the property and interfering the execution, alleging that the Act under which the Sheriff acted was unconstitutional and was therefore no protection. - The Court refused to remove and the Pleff appealed to the Superior Court. - At my request bonds were issued on said executions from August Term, and by November term the whole amount of the judgments and interests were collected by the Pleff and paid to the Pleff. - The Pleff did not lose one cent and received full interest.

The only damage which he pretends that he suffered, was that the money (about \$15,000) was worth to him more than the legal rate of interest. -

At the last full term of the Superior Court of Randolph the question of amendment came up on the appeal. The Judge told the Pleff that he ought to be ashamed of himself for making such a motion, but if he insisted on it he would have to grant the amendments as he regarded the Act unconstitutional

The judgments  nisi are now pending and will come up at March Term 1868. -

The Sheriff obeyed the law, and in other similar cases, he was compelled by the Military authorities here to obey the Act. - He could not judge of the unconstitutionality of the Act as the Court here differed on the question and the Military had determined the question.

The question is shall the Sheriff suffer a loss of about seven hundred dollars when he obeyed a plain and positive Act of the Legislature, and the Pleff suffered no real damage. - The amount if collected will go into the hands of counsel and the Pleff. - The Sheriff used unusual diligence in the collection of said debts, and if he had adopted a different course the Pleff would not have received his money as the property sold under such circumstances would have brought only a nominal price.

I regard the action of the Pleff as a gross outrage and I hope you will be able to stop the enclosed order.

Yours Truly  
Robt. O. Dick

I write you by the day's mail)

Whereas - In the opinion of the undersigned,  
the Ordinance passed by vote of this  
Convention yesterday, ~~and~~ <sup>as reported</sup>  
by the Committee on Relief, is entirely  
insufficient to meet the wants of the  
people, unjust in its distinction be-  
tween debtors, entirely ignoring that  
class of debtors, not protected by ex-  
isting Military Orders, <sup>and those</sup> whose debts  
~~have been~~ renewed since the close of the  
war, and whereas the ordinance, as  
we believe opens the door to un-  
limited fraud, we beg leave  
respectfully to protest against  
the same, as insufficient, unjust and  
dangerous, and ask that this pro-  
test may be entered on the journal