

STATE OF NORTH CAROLINA,

OFFICE CODE COMMISSIONERS,

W. B. Rodman,
V. C. Farringer, } Commissioners.
A. W. Tourgee,

Courts ~~at~~ Raleigh, Oct 4, 1869.

My dear friends:

Your letter has been a long time unanswered. I have been away. I got back a day or two ago. I have been looking into the effect of the "Act concerning the estates of decedent persons" - I am interested to give it no retrospective action, & of course am biased that way. I admit the force of your reasoning, and beg to thank you for your views. But, in inquiring into the effect of a repeal of Statutes generally, let me ask; can a repeal take away a precedent created by the repeal of ~~the~~ ~~law~~ by bringing a suit instituted under the old system! You will say, bringing suit creates no precedent. It is

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As to our work, I have set a considerable part of the Penal Code prepared; & if we prefer a meeting before the Legislature meets, I am ready. The work from England (McClellan's Indian Code) has not arrived. I have gone on without it, on the basis of the U. S. Code, from Title XII, p. 157.

Let me congratulate you on the numerous opinions I have expressed from your district, of your competency as a judge. It gratifies me exceedingly. Both sides concur in your ability and fairness; and this is high praise in these times. I would to God that something of this sort could come from our district, where both sides equally concur in condemnation of incompetency and weakness.

so, strictly speaking. Yet if I began ~~suit~~
against an adwer, he could not voluntarily
afterwards pay a demand due you of the
same grade, so as to defeat me. He would have
to confess judgment to you in order to give
you proof. Now, if a suit has been brought
against an adwer, plea ~~been~~ entered,
issues made; what is the effect of a repealing
Act, in such a case? There is, I own, as it
seems to me, for the doctrine of law for
a repeal will take away rights acquired
by a suit already begun. I have a good
many authorities on this point, some of
which touch closely on the ground between
us; but I know how easy it is to find
authorities for almost any thing.

Tell me, what bearing has Ch. 108,
Rev. Coll. Sec. 1, I find very few lawyers
are aware of its existence. I am not dis-
posed to consider it as such a mat-
ter as down to whose attention I have called.

I understand Lozano refuses judgment in all cases, & continues to spring tenns. This is outrageous wrong to creditors -

What will you do to the N. R. in Chatham & Rockingham? Our part of the State is free from such disorders - but they should be put down with a strong hand in every part of it.

I am engaged (in not), at intervals, on a serious work - a digest of American law on the basis of the French Code (the Code Napoleon). Do you think it will take? My idea is, under each head or article of the Code Napoleon, to group the American law (sometimes also the English law) as briefly & as tersely, as ~~at~~ our multitudinous legislation & decisions will allow. I have been on it for a long time, but never seriously until now. The plan is novel, though I see an Englishman has done something of the same thing for the law of

England. It offers, if you think it
is, a very scientific form in which
to embody American Law; and
could be made invaluable for
reference & for students. I will
show you what I have done, & hope to
set you all this winter.

Yours Respectfully
V. C. B.

Frederic Tappan

Greenboro,

V. C.

Lawrence & O'Neil
1869