

Editor N. C. Standard:

Sir:

As you are aware, I am not accustomed to ~~pay~~ any attention whatever to the assaults of tenderers, being satisfied that the major-
of them are simply contemptible fabrications of feeble-minded malice. Having, however, been assailed in public debate upon the floor of the Senate, and also, (as I am informed) in the house, as the cause and origin of all the trouble in the County of Orange, I feel bound to lay the circumstances before the public, not in self-defence, but simply that it may be seen from what the clamour has sprung. It was stated by Mr. Graham of Orange on Monday night last, in the Senate, that the excuse offered for all the outrages, ^{committed by} ~~by~~ ^{persons} ~~persons~~ by the parties who were guilty of them, was that they could not trust the courts because I had twice granted a new trial to a colored man found guilty of larceny. This, the Senator stated, was what "the men themselves" had told him. I am not sufficiently intimate with any of these men, to judge of the accuracy of Mr. Graham's statement, but ~~proceeding~~ ^{admitting}

that his facilities for obtaining of information upon this point, are far superior to ~~mine~~, ^{my own}, since I have not the honor of knowing "the men themselves"; I wish to call attention to the excuse alleged and its sufficiency.

~~The verdict in~~ The case referred to (as I suppose), was that of "The State v Dennis Heimes." It was first tried at Spring term (May) 1869. Previous to this term there had been several cases of ~~similar~~ ^{by groups of disguised men} outrages committed, in that county, one of which the "Stule case", obtained considerable notoriety. Several others were reported to the ~~Grand~~ ^{Grand} Jurisdiction but the Grand Jury found no bills against any of them.

I suppose the setting aside the verdict a second time, could hardly be counted an excuse ^{for} or a cause of the acts committed ⁱⁿ ~~before~~ ^{the case} ~~that~~ ~~case~~ had been tried at all.

Again, before the Fall Term of the Court had arrived, the Jail at Hillsboro had been broken open by armed men in disguise, two men taken out and one of them murdered in cold blood not far from the town; two men hanged by the roadside and numerous ~~other~~ ^{other} acts of "wild justice"

as Mr Ingraham terms them, committed, ^{by "wild" men} in that county. Before the second trial of this case had come on, organized murder had become so prevalent in the county that the Governor had threatened to send troops ~~into the county~~ ^{there} to protect the citizens -

At Fall Term 1869 - in November, the case came on for trial a second time. A verdict of guilty was rendered, set aside, and a new trial granted. Since that time, so far as I have been advised, there has been less of outrage in that county than before. I cannot exactly see how my granting a new trial for the second time, to Dennis Hevins, in November 1869, could have been an ex-
cause for, or cause of, murder, committed
 the tenth of August ~~or~~ or sixth of October preceding. Thus much as to
 # the effect of setting aside this verdict -
 Now let me consider for a moment the act itself - Immediately after the ~~remarks~~ ^{the matter} ~~attack~~ made upon me, in the Senate I wrote to Henry K. Nash Esq of Hillsboro, the defendant's counsel and asked him to put in writing his recollection of the entire case

On yesterday I received his reply. His recollection differs from my own in one immaterial point. I give it however, entire, and ~~the~~ accept it as a fair, clear and lawyer-like statement of the case - The following is his letter. -

(Copy Letter)

Entertaining the same opinion with Mr. . . .
 Nash, as to the law of the case, I had
 only this alternative, set the verdict aside
 and grant a new trial, ~~or~~ ^{or} be guilty
 of a great and glaring injustice to the
 defendant - Believing that the evidence
 was legally insufficient for conviction
 I acted accordingly. Had I done other-
 wise I should have avoided the clamor
 and abuse which has been heaped upon
 me, but I should have despised my-
 self forever as one who did evil in
 the seat of justice from a cowardly
 fear of the slanderer. In the future
 as in the past, therefore, I shall contin-
 ue to act upon my own sense of
 justice, my own apprehension of the law
 and my own conviction of duty, ^{entirely unmindful} regardless
 whether the same pleases friend or foe

or accords with the wishes and ideas
 of the administrators of "wild justice"
 in the county of Orange ^{and} elsewhere
 or not. I prize my own self respect
 too highly to do otherwise, and believing
 as I do, that justice should
 at least, be "color-blind." I
 shall know no man by
 the ~~color~~ ^{hue} of his skin -

Respectfully
 A. D. Bourne
 Judge Superior Court
 7th Judicial Dist.

Uniontown N.C. }
 Jan. 28th 1870 }

CHAUTAUQUA COUNTY NY HISTORICAL SOCIETY 2015

W. L. Standard
in yard

To ...

Mar 1865

CHAUTAUQUA COUNTY NY HISTORICAL SOCIETY 2013