

A. W. TOURGEE,

JUDGE.

Office of the Judge of the Superior Court,

SEVENTH JUDICIAL DISTRICT, N. C.,

Greensboro, June 13<sup>th</sup>, 1870.

Hon. C. G. Reade -

Sir: - Your favor is at hand asking me to state concisely my reasons for holding that Justices of the Peace have no jurisdiction to hear and determine cases of murder and I will give you my views, and my reasons therefor as briefly as I can -

1<sup>st</sup> The Constitution, Art 24. Sec. 33. gives to Justices of the Peace <sup>exclusive original</sup> jurisdiction "of all criminal matters arising within their counties, where the punishment cannot exceed fifty dollars fine or imprisonment for one month."

This then is the measure, the criterion of the Justice's jurisdiction - "the punishment cannot exceed fifty dollars fine &c" - ~~this covering~~ the particular crime to which the Justice's attention may be directed, but the class of crimes to which it belongs. In order to give the Justice jurisdiction it must be provided that certain misdemeanors shall not be punishable by more than fifty dollars.

fine or their days imprisonment

2 - The Constitution Art. IV Sec.

15 also gives the Supreme Court

"no original jurisdiction"

"of all criminal actions in which

the punishment may exceed a

fine of fifty dollars, or imprison-

ment for one month"

Let me over

your attention to this language -

Whenever the punishment "may"

exceed ~~or~~ that is when the statutory limit of

punishment for crime of that of

particular species exceeds ~~that~~ the

the limit of justice jurisdiction, the

Supreme Court "shall have" jurisdiction

action - unless then the punishment

is thus limited by statutory enactment

and then courts have the juris-

diction and the courts of justice

of the lower courts have it -

To illustrate: C - "I send his jail

with his own bond at the amount of state

or Hampton) - and expenses are intended

to strike B - This constitution can co-

exist. How a J.P. jurisdiction to be

and ~~also~~ determine this? All is decid-

ed by asking - what "may" be the

punishment for this offense? - of

there is any modification or limit

ation of the amount law punish-

ment, I am not aware of it

As it not simply fine or imprison-

ment at the discretion of the

Court? "May" and the punishment

exceed fifty dollars fine or

one month imprisonment?

of so, that the Deposition Court has jurisdiction and the J.P. cannot hear.

But how do we consider Chap IV of the Code of 1869 in relation to "Criminal Proceedings" - Well I suppose that - "Parties of the person shall have ~~power~~ power to hear they could obtain Criminal actions for the offence ~~herein~~ enumerated etc." - But this act gives parties of the person the jurisdiction <sup>as to</sup> what is ~~perjury~~ perjury & confers? I think it says ~~clear~~ and certain that it does and, for the following reasons -

1. The constitution has divided the entire domain of legal crimes into public & private between the Superior and justices, courts. The Superior Courts can and cannot modify or abolish the distinction between their jurisdiction ~~than~~ than if own electing the one or the other, by statute.

2. In every exchange ~~the~~ article - ~~in~~ in the number of crimes ~~occupies~~ occupies or diminishing the ~~jurisdiction~~ amount of those crimes, but they cannot change the crime which ~~occupies~~ occupies their jurisdiction, & the other words they can give the J.P. jurisdiction of ~~crimes~~ ~~as~~ ~~of~~ ~~crimes~~ ~~and~~ ~~parties~~, on any other crime, but it cannot be done, and ~~can~~ ~~only~~ ~~be~~ ~~done~~, by ~~enacting~~ ~~that~~ ~~the~~ ~~crime~~ ~~in~~ ~~question~~ ~~shall~~ ~~be~~ ~~punishable~~ ~~only~~ ~~by~~ ~~not~~ ~~more~~ ~~than~~ ~~fifty~~ ~~dollars~~ ~~fine~~ ~~or~~ ~~one~~ ~~month~~

information - The act  
in question has failed & it  
is going the purpose & give the  
prohibition, for example I have  
not, where the case of the property  
does not go well from selling  
to parties of the kind and get  
the purchase money for that same  
account & our law. Ch. 19  
Sec. 9, Secs of 68'69 - ~~the~~  
~~prohibition~~ <sup>is</sup> ~~has~~ <sup>been</sup> ~~there~~ <sup>4</sup> ~~years~~  
enforcement - The same is true  
of the other cases mentioned  
in the act and of which ~~part~~  
or parties are said to have pro-  
hibition - The prohibition in  
every case of these cases  
"may" exceed the prohibition  
limit of the parties prohibition  
to say as this is true I think  
the prohibition <sup>of the</sup> prohibition  
can prohibition <sup>of the</sup> prohibition  
a few prohibition <sup>of the</sup> prohibition  
reasons of which the prohibition  
must have been limited & that  
the prohibition <sup>of the</sup> prohibition  
action, as for instance, the dis-  
cretion of the act of 1859 in relation  
to the abandonment of wife or  
family and some others -  
In short, it is my opinion that  
a prohibition <sup>of the</sup> prohibition  
only under the prohibition <sup>of the</sup> prohibition  
the cases of cases, to which all  
are in question belong, is limited  
by express enactment to the  
prohibition <sup>of the</sup> prohibition  
five or six months prohibition

To Sirs of the Justice Peace  
Station of Court House,  
New York

CHAUTAUQUE COUNTY NY HISTORICAL SOCIETY 2018

amount -

I do not think the  
the preservation of Pennsylvania  
should be committed on changes  
by legislation - The saving on  
legislation on Pennsylvania  
to give Pennsylvania a vote & a vote  
even the amount of any saving  
amount change or made  
by the Pennsylvania process  
provisional for that of the

By the Constitutional provision  
there is a provision by which the  
weight be there - It is not  
been stated that <sup>the</sup> <sup>public</sup> <sup>interests</sup> of  
which provision of the Pennsylvania  
be given provision (the provision  
which shall not be made the  
rights shall be fair - This  
weight be there - The state  
cannot then be committed  
with, and in case of the  
Constitution - Over it is in-  
consistent, and at once, with  
it, for it be not to be given  
provision to give it a  
saving which is <sup>the</sup> <sup>only</sup> <sup>one</sup> <sup>to</sup> be  
provisional with <sup>the</sup> <sup>only</sup> <sup>one</sup> <sup>to</sup> be  
provisional or one that  
shall be given - I can then  
see of the provision that this  
shall be as far as it is possible  
to give <sup>the</sup> <sup>provision</sup> <sup>which</sup> <sup>is</sup> <sup>the</sup> <sup>only</sup> <sup>one</sup> <sup>to</sup> be

Perhaps have failed to comply  
with your request and state  
my reasons "as concisely as possible"  
If so you will please accept my  
plea of a want of time as I leave  
for Columbus in the morning. I  
I formerly took a number of  
and explained that the cost of  
some prohibition. I had not done  
before that until the decision in  
Stout vs Lewis would not be so -  
among the matter closed - I was  
then speaking & most likely to think I  
had seen no workman - as I have  
adopted the ordinary by buttons.  
Please forward my regards to  
your associates and allow  
me to wish you a brief and  
pleasant term.

Yours &c  
Wm. D. Keegan  
Surgeon

Copy of letter to  
Hon. E. J. Reade  
about -

Jurisdiction of  
Justices of the Peace

12-6-70