

1711
Superior Court--Seventh Judicial District, N. C.

ALBION W. TOURGEE, Judge.

To the Honorable

Apr 20, 1873

The House of Representatives
of North Carolina

Your Petitioner

respectfully represents to your honorable body, as follows - to wit:

1. That he is the Judge of the Superior in and for the Seventh Judicial District.
2. That at your former session, to wit, on the first day of March A.D. 1873, a resolution was introduced into your body directing an inquiry to be made into the official conduct of your Petitioner as Judge aforesaid, and your Petitioner is informed and believes, that said Resolution by vote of your honorable body was referred to the Judicial Committee of your body.
3. That even thereafter, to wit, upon the third day of March 1873, your honorable body adjourned.
4. That your Petitioner fully believes that the purpose and intention of said Resolution, was not bona fide, to cause such inquiry and investigation into the conduct of your Petitioner to be made or had, but rather, but rather to cause a record to be made implying reprehensible irregularity in his conduct at a time when the near approach of the antecedently determined adjournment reasonably forbade any inquiry either on the part of the Committee or of your body - And your Petitioner

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- time avers his belief that the sole object and purpose of said Resolution, was, by means of said record in your Journal, and the impossibility of investigation or inquiry, at that time to defame injure and oppress your Petitioner both as a public and judicial officer and as a citizen; and he also avers that such has been the result of said Resolution and of said action of your honorable body, thereon as he believes.
3. That, if there was any sufficient ground for such inquiry, when said Resolution was offered, the same still exists and the public good and judicial fairness demands that said inquiry should be prosecuted, to the end that your Petitioner may be impeached if found guilty.
4. That, if there was no sufficient ground for the offering of said Resolution, and the institution of such inquiry, - yet nevertheless, your honorable body having entertained said Resolution and ^{sanctioned} placed it upon your calendar or referred it to a committee, as the case may be, have in a measure thereby endorsed and sanctioned the implication intended to be made against your Petitioner, as he submits, and he thereby becomes entitled to demand that the investigation shall proceed according to the tenor and purport of said resolution, for his own justification and acquittal of any implied charge.

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For your Petitioner respectfully insists that your honorable body, have no right to make the record of your proceedings a medium for a baseless assault upon the official character of a judicial officer -- ~~not a means~~ ^{an instrument} of oppression and injury of ^{even} the meanest citizen of the State.

7 - That your Petitioner has already, waited eight months - since the preferal of a charge of official misconduct against him - by said Resolution and the ~~act~~ ^{action} of your body in relation thereto, hoping, that common fairness, if not the good of the public service would stimulate a compliance with the apparent intention of said Resolution, and a prosecution of the inquiry. And your Petitioner insists that such delay, was not only of necessity, prejudicial to the public interest - if such inquiry, was at all requisite - but, in case there was no ground for its institution, in the highest degree prejudicial to the rights and interests of your Petitioner and violation of the spirit of the Constitution which guarantees a speedy trial to every person charged with crime -

Your Petitioner therefore prays -

- 1 - That the inquiry, purported to have been set on foot by said Resolution of March 1st 1878 may be proceeded with, without unnecessary delay - in order that your Petitioner may be punished if guilty of official misconduct -

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~~and~~ ^{or} if not, that he may be vindicated from
said charge and implication -

2 - That this Petition may be referred to said
Committee ~~having~~ charged of said Resolu-
~~tion~~ - with the prosecution which said
Resolution professes to demand -

And your Petitioner will ever pray &c

Albion W. Tourgee
Judge Superior Court
Seventh Jud. Dist. N.C.

Nov. 20th 1878

CHAUTAQUA COUNTY NY HISTORICAL SOCIETY 013

873

Petition to Reg
on charges of
Milton Seely

CHAUTAUQUA COUNTY NY HISTORICAL SOCIETY 2013

To the Honorable

The House of Representatives
of North Carolina —

Your Petitioner respectfully represents
to your Honorable body

First— That he is the Judge of the Superior Court for
the Seventh Judicial District of said State —

Second— That at your former session, to wit, upon the
first day of March A. D. 1878, a Resolution
was presented to your Honorable body di-
recting an inquiry into the official con-
duct of your Petitioner as Judge aforesaid —
And your Petitioner is informed and believes that
said Resolution was either referred to a Com-
mittee of your body, or placed upon your
calendar

Third— That at the time said Resolution was offered the
day of adjournment of your Honorable body had
been already fixed and soon thereafter, to wit,
upon the 8^d day of March your body adjourn-
ed, without further action either by your body
or by any Committee thereof in regard to said
Resolution.

Fourth— That your Petitioner fully believes that the
object and purpose of said Resolution, was not
bona fide to secure an investigation of your
Petitioner's official conduct to be made
— as its terms purported — but to cause
a record to be made upon the floor-
seals of your body, implying reprehension —

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sible, or criminal conduct upon the part of your Petitioner as Judge aforesaid, at a time when the near approach of your adjournment would reasonably prevent any investigation whatever, for the sole purpose and intention of embarrassing and obstructing your Petitioner in the discharge of his duties as Judge aforesaid, and to annoy, injure oppress and degrade your Petitioner personally, by exciting public feeling and clamor against him as a malefactor in office - and such he believes to have been the result of said Resolution and the action of your honorable body thereon -

Fifth - That if there was any sufficient ground for said inquiry at the time said Resolution was offered and entertained by your Honorable body, the same still exists, and in that event the public interest demands that said inquiry should at once be proceeded with.

Sixth - That, although there may have been at that time no sufficient ground for such inquiry, yet the said Resolution was a public implication of improper conduct upon the part of your Petitioner in the nature of an accusation of crime; that said Resolution having been entertained by your honorable body, the said accusation was by such action in a measure sanctioned and

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endorsed by your body, and your Petitioner submits, that said investigation should proceed in order that he may be relieved of said accusation, thus publicly made and sanctioned by your action, by the report of your committee. For your Petitioner respectfully insists that your honorable body has no right to make the record of your proceedings a medium for a baseless assault upon the official character of a judicial officer, nor the means and instrument whereby even the meanest citizen of the State may be oppressed and defamed without opportunity for vindication or redress.

Seventh - That your Petitioner has already waited eight months since the profferal of said charge of malfeasance, by the Resolution aforesaid, hoping that common fairness if not the good of the public service, would stimulate the prosecution of the inquiry which the said Resolution, by its terms professes to initiate - and he respectfully insists that such delay is violative of the spirit of the Constitution which guarantees a speedy trial to the accused in all cases -

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Your Petitioner therefore prays -

- 1 - That the inquiry contemplated by the tenor of said Resolution, may be proceeded with, without further unnecessary delay.
- 2 - That this Memorial may be referred to the committee charged with the conduct of said investigation.

And Your Petitioner will ever pray &c

Albion W. Bourgee
Judge Superior Court
— 4th Dist. —