DOWNLOAD PDF THE COMMITTEE OF CLAIMS TO WHOM HAS BEEN REFERRED THE PETITION OF WILLIAM B. STOKES REPORT

Chapter 1 : Full text of "History of the Thirty-ninth Congress of the United States"

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Fig-2 First American patent, July 31, Fig. X, July 31, , was awarded to Samuel Hopkins for a process for making potash, an ingredient in fertilizer. Signed by President George Washington. Patents and copyrights are the only property rights actually written into the U. Constitution, Article I, Section 8, Clause 8. Over 7 million patents have been awarded since What are the -only property rights that the Founders considered important enough to actually write into the Constitution? President George Washington himself signed the first patent, U. X, on July 31, They believed patents would grow the economy with new ideas that create new jobs and wealth. But without patent protection, inventors and their investors have no incentive to risk their time and treasure to do the hard work of inventing. No inventor is safe if they are allowed to succeed. Leader legally filed for patents that they believed would protect their invention. They excused their theft by falsely asserting that the technology system was "open source" i. What inventor wants to spend years perfecting and patenting an invention that may then be stolen with impunity? What investor will trust his investment to a government that will not protect the entrepreneurial risk? When inventors are not rewarded for their inventions, society suffers. China, once known for inventions like paper and fireworks, is now notorious for industrial espionage and intellectual property theft and for copying rather than innovating. Do we want to risk becoming another China? The Greatest Financial Crime in History: Theft of the social networking invention Go directly to the Timeline Detailed citations, by year: Brief summary of the MANY smoking guns in this collusion: Stark shoehorned into Leader v. Levine went to work for Facebook on the same day Aug. Stark confirmed as judge, just two weeks after the Leader v. They yearn for money and power. Their goal is a "New World Order. In 6, Leader was awarded its first patent. The invention enabled them to create "The Internet of Things" or "The Internet of Everything" where they could permanently control the digital economy in all its aspects: This sounds like Hollywood fiction, but as you will read in these pages, it is all too real. They benefit personally through investment gains and insider information. World government is the notion of a common political authority for all of humanity, yielding a global government and a single state. Such a government could come into existence either through violent and compulsory world domination or through peaceful and voluntary supranational union. In such a world, national constitutions must be subservient to the single state. Critical to the Deep State agenda is the centralized control of education via Common Core in secondary education and M. Massive Open Online Course in higher education. Just like the re-education camps of every totalitarian ideology before them like Mao, Lenin, Pol Pot, Stalin, Hitler, Brownshirts, Komsomol , the Deep State works to control the "narratives" that our children learn. Where the facts do not fit the Deep State narrative, the facts are ignored or altered. They want to grow obedient, docile, faithless worker bees for their factories. Just like George Orwell envisioned in , gone will be free thinking, free will and individuality. Liberty will be replaced by oligarchies, a permanent under-class, doublespeak, political correctness, disrespect, reading between the lines, hate, intolerance, inequality and brutality. The digital part of this remaking of education is well down the path. Most secondary schools use Google Docs almost exclusively for their document sharing. The supply of Deep State shiny things to lure educators, parents and students into this morally dark world appears unstoppable as the "users" mainline on the digital drugs. Anne-Marie Slaughter This Leader v. She started promoting Facebook at the State Department in , even though Facebook did not have the intellectual property rights. Hillary Clinton is an expert. She wrote her undergraduate thesis on Alinsky and corresponded with him. Alinsky wrote his Rules for Radicals in Hillary Clinton wrote her undergraduate thesis on Alinsky and sought his counsel subsequently. Alinsky extolled Lucifer as his model radical. Tellingly, Alinsky dedicated 12 Rules to Lucifer, who he calls the original radical. Keep the enemy confused and on its heels working to keep up with your lies. Lies also often become truths if repeated incessantly. For example, the lies about Zuckerberg and Facebook in The Social Network movie are accepted as the truth by many. In the movie and in sworn

testimony, Zuckerberg claimed to have invented Facebook in a few weeks, while preparing for finals at Harvard, and drinking. Power is not only what you have but what the enemy thinks you have. Never go outside the expertise of your people. Whenever possible, go outside the expertise of the enemy. Make the enemy live by its own book of rules. A good tactic is one your people enjoy. A tactic that drags on too long becomes a drag. Keep the pressure on. The threat is usually more terrifying than the thing itself. If you push a negative hard enough, it will push through and become a positive. The price of a successful attack is a constructive alternative by the enemy. Pick the target, freeze it, personalize it and polarize it. They have also brazenly ignored and violated laws. They encourage others to violate U. Constitution and the people responsible for carrying out our laws, such as our police and military personnel. Attorneys have become little more than mobsters themselvesâ€”A fish rots from the head down. Facebook were purposely confusing in order to discourage the public from learning the truth The following timeline is complex. That is an Alinsky tactic: Americans for Innovation has been peeling away the layers of this Leader v. Facebook judicial corruption onion for years. Names, places, dates, crimes and motives have been uncovered thanks to the dedicated work of many. In their morality, you would be reduced to merely a consuming animalâ€”"a useful idiot" Alinsky. In their world, faith, hope and love are the antiquated values of weak people. They also have little need for any constitution, law or regulation that stands in their way. With control of the digital essences of our lives "The Internet of Things" aka "The Cloud" , the Deep State could achieve their new world order more quickly. Which side are you on? Conspirators pictured are Barack Obama U. Two weeks later, on Mar. The moral, philosophical and cultural battle lines are drawn. If we choose the globalist Cartel, the "nanny state" of entitlements will eventually overtake us like it collapsed the Soviet Union. On the other hand, if we choose the timeless values of the U. Then, we empower real, ethical innovators to rebuild our digital networks in a way that takes us to higher ground. In our increasingly global economy, the U. But we are allowing our advantage to evaporate. If someone had backed up a truck to the "back door" of the U. This is exactly what has happened over the past few yearsâ€yet there is no defensive uproar. We cannot allow this thievery to continue. Whether these criminals go to jail, are pardoned or ignored, one thing is for sure-- they must be defunded and disempowered. Is "the New World Order" too big to fail? Some ask if social networks are now "too big to fail. The taxpayer was stuck with the bill while the bankers continued to pay themselves bonuses. Not a single banker was jailed, fired or even fined. Is this the New World Order we have to look forward to? These social networks can and will be reconfigured to provide the positive benefits without the abuses of security and privacy.

Chapter 2 : Commercial and Financial Chronicle, April 26, , Vol. 38, No. | FRASER | St. Louis Fed

In Senate of the United States, January 7, the Committee of Claims, to whom was referred the petition of William Purcel and Martin Rose, report by United States ().

Tactics included anonymous phone calls, IRS audits, and the creation of documents that would divide the American communist organization internally. Howard , a civil rights leader, surgeon, and wealthy entrepreneur in Mississippi who had criticized FBI inaction in solving recent murders of George W. Lee , Emmett Till , and other black people in the South. Under pressure from Hoover to focus on King, Sullivan wrote: We must mark him now if we have not done so before, as the most dangerous Negro of the future in this nation from the standpoint of communism, the Negro, and national security. Hoover responded by publicly calling King the most "notorious liar" in the United States. You better take it before your filthy, abnormal, fraudulent self is bared to the nation". DeLoach, commenced a media campaign offering the surveillance transcript to various news organizations including, Newsweek and Newsday. King was said to have potential to be the "messiah" figure, should he abandon nonviolence and integrationism, [45] and Stokely Carmichael was noted to have "the necessary charisma to be a real threat in this way" as he was portrayed as someone who espoused a much more militant vision of " black power. Individuals such as writers were also listed among the targets of operations. The FBI monitored and disrupted the campaign on a national level, while using targeted smear tactics locally to undermine support for the march. Within the year, Director J. Many released documents have been partly, or entirely, redacted. The Committee finds that the domestic activities of the intelligence community at times violated specific statutory prohibitions and infringed the constitutional rights of American citizens. The legal questions involved in intelligence programs were often not considered. On other occasions, they were intentionally disregarded in the belief that because the programs served the "national security" the law did not apply. While intelligence officers on occasion failed to disclose to their superiors programs which were illegal or of questionable legality, the Committee finds that the most serious breaches of duty were those of senior officials, who were responsible for controlling intelligence activities and generally failed to assure compliance with the law. The domestic operations were increased against political and anti-war groups from through Create a negative public image for target groups by surveiling activists and then releasing negative personal information to the public. Break down internal organization by creating conflicts by having agents exacerbate racial tensions, or send anonymous letters to try to create conflicts. Create dissension between groups by spreading rumors that other groups were stealing money. Restrict access to public resources by pressuring non-profit organizations to cut off funding or material support. Restrict the ability to organize protest. Restrict the ability of individuals to participate in group activities by character assassinations, false arrests, surveillance. Its actions went as far as political assassination. While the declared purposes of these programs were to protect the "national security" or prevent violence, Bureau witnesses admit that many of the targets were nonviolent and most had no connections with a foreign power. Indeed, nonviolent organizations and individuals were targeted because the Bureau believed they represented a "potential" for violenceâ€”and nonviolent citizens who were against the war in Vietnam were targeted because they gave "aid and comfort" to violent demonstrators by lending respectability to their cause. The imprecision of the targeting is demonstrated by the inability of the Bureau to define the subjects of the programs. The Black Nationalist program, according to its supervisor, included "a great number of organizations that you might not today characterize as black nationalist but which were in fact primarily black. Examples of surveillance, spanning all presidents from FDR to Nixon, both legal and illegal, contained in the Church Committee report: The Kennedy administration had the FBI wiretap a congressional staff member, three executive officials, a lobbyist, and a Washington law firm. President Johnson asked the FBI to conduct "name checks" of his critics and members of the staff of his opponent, Senator Barry Goldwater. He also requested purely political intelligence on his critics in the Senate, and received extensive intelligence reports

on political activity at the Democratic Convention from FBI electronic surveillance. President Nixon authorized a program of wiretaps which produced for the White House purely political or personal information unrelated to national security, including information about a Supreme Court Justice.

Chapter 3 : Samuel J. May Anti-Slavery Collection

The petition states that congress passed an act, which was approved by the President of the United States on the 2d of July, , which act provided, 'that the solicitor of the treasury be and he is hereby authorized and directed to settle and adjust the claims of William B. Stokes, Richard C. Stockton, of Maryland, and Lucius W. Stockton, and.

This case comes up on a writ of error from the Circuit Court of the United States for the District of Columbia, sitting for the county of Washington. This case was brought before the court below by petition, setting out certain contracts made between the relators and the late Postmaster General upon which they claimed certain credits and allowances upon their contracts for the transportation of the mail. That credits and allowances were duly made by the late Postmaster General. That the present Postmaster General when he came into office, reexamined the contracts entered into with his predecessor, and the allowances made by him, and the credits and payments which had been made, and directed that the allowances and credits should be withdrawn, and the relators recharged with divers payments they had received. That the relators presented a memorial to Congress on the subject, upon which a law was passed on the 21st of July, , for their relief, by which the Solicitor of the Treasury was authorized and directed to settle and adjust the claims of the relators [p] for extra-services performed by them, to inquire into and determine the equity of such claims, and to make the relators such allowance therefor, as upon full examination of all the evidence may seem right, according to the principles of equity. And that the Postmaster General be, and he is hereby directed to credit the relators with whatever sum or sums of money, if any, the Solicitor shall so decide to be due to them, for and on account of any such service or contract. And the petition further sets out, that the Solicitor, Virgil Maxcy, assumed upon himself the performance of the duty and authority created and conferred upon him by the law, and did make out and communicate his decision and award to the Postmaster General, by which award and decision the relators were allowed one hundred and sixty-one thousand five hundred and sixty-three dollars and eighty-nine cents. That the Postmaster General, on being notified of the award, only so far obeyed and carried into execution the act of Congress as to direct and cause to be carried to the credit of the relators the sum of one hundred and twenty-two thousand one hundred and two dollars and forty-six cents. But that he has, and still does refuse and neglect to credit the relators with the residue of the sum so awarded by the Solicitor, amounting to thirty-nine thousand four hundred and sixty-two dollars and forty-three cents. And the petition prayed the court to award a mandamus directed to the Postmaster General commanding him fully to comply with, obey and execute the said act of Congress by crediting the relators with the full and entire sum awarded in their favour by the Solicitor of the Treasury. Such proceedings were afterwards had in the case that a peremptory mandamus was ordered commanding the said Amos Kendall, Postmaster General, forthwith to credit the relators with the full amount awarded and decided by the Solicitor of the Treasury to be due to the relators. The questions arising upon this case may be considered under two general inquiries: Does the record present a proper case for a mandamus, and, if so, then, 2. Had the Circuit Court of this District jurisdiction of the case, and authority to issue the writ. Under the first head of inquiry, it has been considered by the counsel on the part of the Postmaster General that this is a proceeding against him to enforce the performance of an official duty. And [p] the proceeding has been treated as an infringement upon the executive department of the government, which has led to a very extended range of argument on the independence and duties of that department, but which, according to the view taken by the Court of the case, is entirely misapplied. We do not think the proceedings in this case interferes in any respect whatever with the rights or duties of the executive, or that it involves any conflict of powers between the executive and judicial departments of the government. The mandamus does not seek to direct or control the Postmaster General in the discharge of any official duty partaking in any respect of an executive character, but to enforce the performance of a mere ministerial act, which neither he nor the President had any authority to deny or control. We shall not, therefore, enter into any particular examination of the line to be drawn between the powers of the executive and judicial departments of

the government. The theory of the Constitution undoubtedly is that the great powers of the government are divided into separate departments, and, so far as these powers are derived from the Constitution, the departments may be regarded as independent of each other. But beyond that, all are subject to regulations by law touching the discharge of the duties required to be performed. The executive power is vested in a President, and, as far as his powers are derived from the Constitution, he is beyond the reach of any other department except in the mode prescribed by the Constitution through the impeaching power. But it by no means follows that every officer in every branch of that department is under the exclusive direction of the President. Such a principle, we apprehend, is not and certainly cannot be, claimed by the President. There are certain political duties imposed upon many officers in the executive department the discharge of which is under the direction of the President. But it would be an alarming doctrine that Congress cannot impose upon any executive officer any duty they may think proper which is not repugnant to any rights secured and protected by the Constitution, and, in such cases, the duty and responsibility grow out of and are subject to the control of the law, and not to the direction of the President. And this is emphatically the case where the duty enjoined is of a mere ministerial character. Let us proceed, then, to an examination of the act required by the mandamus to be performed by the Postmaster General, and his obligation to perform, or his right to resist the performance, must [p] depend upon the act of Congress of the 2d of July, These claims were, of course, upon the United States, through the Postmaster General. The real parties to the dispute were, therefore, the relators and the United States. The United States could not, of course, be sued, or the claims in any way enforced against the United States, without their consent obtained through an act of Congress by which they consented to submit these claims to the Solicitor of the Treasury to inquire into and determine the equity of the claims, and to make such allowance therefor as, upon a full examination of all the evidence, should seem right according to the principles of equity. And the act directs the Postmaster General to credit the relators with whatever sum, if any, the Solicitor shall decide to be due to them for or on account of any such service or contract. The Solicitor did examine and decide that there was due to the relators one hundred and sixty-one thousand five hundred and sixty-three dollars and ninety-three cents; of this sum, the Postmaster General credited them with one hundred and twenty-two thousand one hundred and one dollars and forty-six cents, leaving due the sum of thirty-nine thousand for hundred and seventy-two dollars and forty-seven cents, which he refused to carry to their credit. And the object of the mandamus was to compel him to give credit for this balance. Under this law, the Postmaster General is vested with no discretion or control over the decisions of the Solicitor, nor is any appeal or review of that decision provided for by the act. The terms of the submission was a matter resting entirely in the discretion of Congress, and if they thought proper to vest such a power in anyone, and especially as the arbitrator was an officer of the government, it did not rest with the Postmaster General to control Congress or the Solicitor in that affair. It is unnecessary to say how far Congress might have interfered, by legislation, after the report of the Solicitor. But if there was no fraud or misconduct in the arbitrator, of which none is pretended or suggested, it may well be questioned whether the relators had not acquired such a vested right as to be beyond the power of Congress to deprive them of it. But so far from Congress attempting to deprive the relators of the [p] benefit of the award, they may be considered as impliedly sanctioning and approving of the decisions of the Solicitor. It is at least so to be considered by one branch of the legislature. After the Postmaster General had refused to credit the relators with the full amount of the award of the Solicitor, they, under the advice of the President, presented a memorial to Congress setting out the report of the Solicitor and the refusal of the Postmaster General to give them credit for the amount of the award, and praying Congress to provide such remedy for the denial of their rights, as in their wisdom might seem right and proper. Upon this memorial, the Judiciary Committee of the Senate made a report in which they say that Congress intended the award of the Solicitor to be final, is apparent from the direction of the act that the Postmaster General be, and he is hereby, directed to credit such mail contractors with whatever sum the Solicitor shall decide to be due to them. If Congress had intended to revise the decision of the Solicitor, the Postmaster General would not have been directed to make the payment without the intervention

or further action of Congress. That unless it appeared, which is not suggested by anyone, that some cause exists which would vitiate or set aside the award between private parties before a judicial tribunal, the committee cannot recommended the interference of Congress to set aside this award, and more especially as it has been made by a high officer, selected by the government, and the committee conclude their report with a resolution That the Postmaster General is fully warranted in paying, and ought to pay, to William B. Stokes and others the full amount of the award of the Solicitor of the Treasury, which resolution was unanimously adopted by the Senate. After such a decided expression of the opinion of one branch of Congress, it would not have been necessary to apply to the other. Even if the relators were bound to make any application to Congress for relief, which they clearly were not, their right to the full amount of the credit, according to the report of the Solicitor, having been ascertained and fixed by law, the enforcement of that right falls properly within judicial cognizance. It was urged at the bar that the Postmaster General was alone subject to the direction and control of the President with respect to the execution of the duty imposed upon him by this law, and this right of the President is claimed as growing out of the obligation imposed upon him by the Constitution to take care that the laws be [p] faithfully executed. This is a doctrine that cannot receive the sanction of this court. It would be vesting in the President a dispensing power which has no countenance for its support in any part of the Constitution, and is asserting a principle, which, if carried out in its results to all cases falling within it, would be clothing the President with a power entirely to control the legislation of Congress and paralyze the administration of justice. To contend that the obligation imposed on the President to see the laws faithfully executed implies a power to forbid their execution is a novel construction of the Constitution, and entirely inadmissible. But although the argument necessarily leads to such a result, we do not perceive from the case that any such power has been claimed by the President. But, on the contrary, it is fairly to be inferred that such power was disclaimed. He did not forbid or advise the Postmaster General to abstain from executing the law and giving the credit thereby required, but submitted the matter in a message to Congress. And the same Judiciary Committee of the Senate report thereupon, in which they say, The President in his message expresses no opinion in relation to the subject under consideration, nor does he recommend the adoption of any measure whatever. He communicates the report of the Postmaster General, the review of that report by the Solicitor of the Treasury, and the remarks of the Postmaster General in answer thereto, together with such vouchers as are referred to by them respectively. That the committee have considered the documents communicated and cannot discover any cause for changing their opinion upon any of the principles advanced in their former report upon this subject, nor the correctness of their application to this case, and recommend the adoption of the resolution before reported. Thus, upon a second and full consideration of the subject, after hearing and examining the objections of the Postmaster General to the award of the Solicitor, the committee report that the Postmaster General ought to pay to the relators the amount of the award. The right of the relators to the benefit of the award ought now to be considered as irreversibly established, and the question is whether they have any, and what, remedy? The act required by the law to be done by the Postmaster General is simply to credit the relators with the full amount of the award of the Solicitor. This is a precise, definite act, purely ministerial, and about which the Postmaster General had no discretion whatever. No money was required to be paid, and none could have been drawn out of the treasury without further legislative provision, if this credit should overbalance the debit standing against the relators. But this was a matter with which the Postmaster General had no concern. He was not called upon to furnish the means of paying such balance, if any should be found. He was simply required to give the credit. This was not an official act in any other sense than being a transaction in the department where the books and accounts were kept, and was an official act in the same sense that an entry in the minutes of a court, pursuant to an order of the court, is an official act. There is no room for the exercise of any discretion, official or otherwise; all that is shut out by the direct and positive command of the law, and the act required to be done is, in every just sense, a mere ministerial act. And in this view of the case, the question arises, is the remedy by mandamus the fit and appropriate remedy? The common law, as it was in force in Maryland when the cession was made, remained in force in this District. We

must, therefore, consider this writ as it was understood at the common law with respect to its object and purpose, and varying only in the form required by the different character of our government. Such a writ, and for such a purpose, would seem to be peculiarly appropriate to the present case. The right claimed is just and established by positive law, and the duty required to be performed is clear and specific, and there is no other adequate remedy. The remedies suggested at the bar were, then, an application to Congress, removal of the Postmaster General from office, and an action against him for damages. The first has been tried and failed. The second might not afford any certain relief, for his successors might withhold the credit in the same manner, and, besides, such extraordinary measures are not the remedies spoken of in the law which will supersede the right of resorting to a mandamus, and it is seldom that a private action at [p] law will afford an adequate remedy. If the denial of the right be considered as a continuing injury, to be redressed by a series of successive actions as long as the right is denied, it would avail nothing, and never furnish a complete remedy. Or if the whole amount of the award claimed should be considered the measure of damages, it might, and generally would be an inadequate remedy where the damages were large. The language of this Court, in the case of Osborn v. United States Bank, 9 Wheat. It would be a remedy in name only, and not in substance, especially where the amount of damages is beyond the capacity of a party to pay. That the proceeding on a mandamus is a case within the meaning of the act of Congress has been too often recognised in this Court to require any particular notice. It is an action or suit brought in a court of justice, asserting a right, and is prosecuted according to the forms of judicial proceedings. The next inquiry is whether the court below had jurisdiction of the case, and power to issue the mandamus? It is admitted that those cases have decided that the Circuit Courts of the United States, in the several States, have not authority to issue a mandamus against an officer of the United States. And unless the Circuit Court in the District of Columbia has larger powers in this respect, it had not authority to issue a mandamus in the present case. It becomes necessary, therefore, to examine with attention the ground on which those cases rested. And it is to be observed that, although the question came up under the names of different parties, it related to the same claim in both, and, indeed, it was before the Court at another time, which is reported in 2 Wheat. The question in the first case originated in the Circuit Court of the United States in Ohio, and came to this Court on a certificate of division of opinion. The second time, it was an original application to this Court for the mandamus. The third time, the application was to the State court, and was brought here by writ of error, under the twenty-fifth section of the Judiciary Act. By the first report of the case, in 7 Cranch, it appears that the application to the Circuit Court was for a mandamus to the register of a land office in Ohio, commanding him to issue a final certificate of [p] purchase for certain lands in that State, and the court, in giving its judgment, says: But, it is added, if the eleventh section of the Judiciary Act had covered the whole ground of the Constitution, there would be much ground for exercising this power in many cases wherein some ministerial act is necessary to the completion of an individual right, arising under the laws of the United States, and then the fourteenth section of the act would sanction the issuing of the writ for such a purpose. But that, although the judicial power under the Constitution extends to all cases arising under the laws of the United States, the legislature have not thought proper to delegate that power to the Circuit Courts, except in certain specified cases. The decision, then, turned exclusively upon the point that Congress had not delegated to the Circuit Courts all the judicial power that the Constitution would authorize, and, admitting what certainly cannot be denied, that the Constitution is broad enough to warrant the vesting of such power in the Circuit Courts, and if in those courts, it may be vested in any other inferior courts, for the judicial power, says the Constitution, shall be vested in one Supreme Court, and such inferior courts as the Congress may from time to time ordain and establish. Wood in what respect there is a want of delegation to the Circuit Courts of the power necessary to take cognizance of such a case and issue the writ. It is said, however, that the power is confined to certain specified cases, among which is not to be found that of issuing a mandamus in such a case as was then before the Court. It is unnecessary to enter into a particular examination of the limitation upon the power embraced in this eleventh section of the Judiciary Act. There is manifestly some limitation. The Circuit Courts have certainly not jurisdiction of all suits or cases

of a civil nature at common law and in equity.

Chapter 4 : Nevada Rules of Civil Procedure

COINTELPRO (Portmanteau derived from COunter INTELligence PROgram) () was a series of covert, and at times illegal, projects conducted by the United States Federal Bureau of Investigation (FBI) aimed at surveilling, infiltrating, discrediting, and disrupting domestic political organizations.

On the 30th of March, , a peremptory mandamus was issued by the Circuit Court, commanding him to obey and execute the act of Congress immediately on the receipt of the writ, and certify perfect obedience to it on the 3d of April next. On the 3d of April, Mr. Kendall addressed a letter to the court, saying that he had communicated the award of the solicitor of the Treasury to the auditor, and received from him official information that the balanced of said award had been entered to the credit of the claimants, on the books. The declaration consisted of five counts, three of which were abandoned after a verdict and motion in arrest of judgment. The two remaining were the first and fifth. The first count averred, in substance, that the plaintiffs, with Richard C. Stockton, deceased, under and in the name of said Richard, were contractors for the transportation of the mails of the United States, by virtue of certain contracts entered into between them and the late William T. Barry, then postmaster-general of the United States. That the said William T. Barry, as postmaster-general, did cause certain credits to be given, allowed, and entered in the books, accounts, and proper papers in the Post-office Department, in favor of the plaintiffs and said Richard, as such mail contractors, under and in the name of said Richard. That the defendant, on succeeding Mr. Barry, and by which the postmaster-general was directed to credit them with such amounts as might be awarded, pursuant to the act. Stockton, as the representative of himself and the plaintiffs below, and the refusal of Mr. Kendall to comply fully with the terms of the award, by crediting them with the full amount awarded. The cause came on for trial at November term, , which resulted in a verdict for the plaintiffs. After the rendition of the verdict aforesaid, the defendant produced the following certificate by the said jurors, and prayed the court to be permitted to have the same entered on the minutes of the court, to which the court assented. Stokes and others v. The 1st exception was to the competency of the evidence to sustain the action. The evidence offered by the plaintiffs was: A transcript of the record in the mandamus case. The report of Virgil Maxcy, solicitor of the Treasury. Sundry letters and documents. Oral testimony relating to the partnership. The defendant offered four prayers to the court, praying instructions to the jury that the defendant was not responsible to the plaintiffs in the right in which they then sued under the 1st count; that he was not liable under the 5th count for refusing to comply with so much of the award of the solicitor as he, on the ground of want of jurisdiction in the said solicitor, refused to comply with; that he was not liable for consequential damages; and that the plaintiffs had no joint right of action. All of which prayers were refused by the court, to which refusal the defendant excepted. The defendant then offered in evidence sundry depositions and papers. Kendall and the attorney-general. Letter from the solicitor of the Treasury. Reports of post-office committees of Senate and House. The evidence of Francis S. Upon all which evidence the defendant founded four prayers: That plaintiffs were not contractors. That defendant was not liable if he acted from a conviction that it was his official duty to set aside the extra allowances. That he was not liable for any of his acts, if the jury believe that he acted with the bona fide intention to perform duly the duties of his office, and without malice or intention to injure and oppress the plaintiffs. All of which prayers the court refused to grant, and to the refusal the defendant excepted. To which overruling the defendant excepted. The case came up upon all these grounds. Dent and Jones, for the plaintiff in error. Dent laid down the following propositions: That the official acts complained of in the declaration amount to nothing more than a breach of contract, and a refusal to pay money due by contract and award. That these acts, with what motives, aggravations, or consequences soever accompanied, lay no ground for an action, sounding in damages, as for an official or personal tort or misdemeanor. We maintain the negative of this question. We maintain that the only measure of damages for withholding money due, whether on public or private account, is the legal interest on the sum due. That all

right of action if any such ever existed, which is denied for the pretended misfeasance complained of in the first count, was completely extinguished and barred by the act of Congress authorizing the solicitor of the Treasury to settle and adjust the claims of the plaintiffs and R. That the defendant, as postmaster-general, had authority, and was prima facie justified, by the circumstances of the case, for both the acts of pretended misfeasance and nonfeasance complained of: That there is a fatal misjoinder of parties in this action; inasmuch as the plaintiffs, by their own showing, both in pleading and in evidence, have no such joint rights of contract or action as they have sued on in this case. That from their own exhibit of the awards of the solicitor of the Treasury, referred to in their 5th count, their case, upon their own showing, equally concludes against such joint rights of action as are asserted in the 5th count. Consequently, the evidence of O. Brown ought to have been rejected, as incompetent and inadmissible; and the court ought to have allowed the several instructions asked by the defendant in regard to such joint rights. We maintain generally, and without exception, that the points of evidence, and of law, raised by the defendant in the course of the trial, and in arrest of judgment, as set forth in the several bills of exceptions and motions in arrest of judgment, already referred to, ought to have been sustained by the Circuit Court, and were erroneously overruled by that court. Dent went largely into the history of the case, referring to many of the public documents which have been mentioned. He then took up the points, and contended that the act of , 3 Story, , made the postmaster-general a disbursing officer of all the revenue of the department. See also 3 Story, , the 4th section of the act of March 3d, ; 2 Story, , 5th section of the act of April 21st, ; Gidley v. On the third point he cited 1 East, , , and , note; 11 Johns. The fourth point he thought too clear to be discussed. On the fifth and sixth points he contended that the plaintiffs were precluded from this action, by having already elected their remedy. The evidence which the plaintiff introduced in this case is the same which they brought before the solicitor to obtain his award, and also in the mandamus case; and this may be shown under a plea of the general issue as well as under a plea in bar. Black, 7 Cranch, Coxe, for defendants in error, referred to numerous documents to show that there was no misjoinder of parties; that they had all been recognized as joint contractors. He denied that it was a concessum that there was no malice; on the contrary, it is averred in the declaration. He denied also that the merits of this case had ever been settled. They were not by the solicitor of the Treasury, whose province it was to decide on the legality or illegality of Mr. They were not settled in the mandamus case, which related to an entry which Mr. Kendall refused to make. The Circuit Court directed him to make it, and the Supreme Court affirmed the decision. Having disposed of some preliminary objections, Mr. Coxe proceeded to discuss the liability of public officers to pay money withheld, and cited 6 T. Jones, in reply and conclusion, referred to several parts of the record to show that there was not such a partnership as would enable the plaintiffs to sue, and to other parts to show that malice in Mr. Kendall was wholly out of the case. This destroyed all claim for consequential damages. He then discussed what constitutes an illegal act in a public officer, so as to make him liable in damages for withholding money, and referred to Story on Agency, , sect. Upon what grounds actions ex delicto have been maintained against a public officer, he referred to 1 East, , ; and to show what description and quality of officers are liable to this action, he referred to the case of Gidley v. If the action be really founded upon a form of contract, yet, being mixed up with tort, every defence, good against the form ex contractu, is good against the tort. An action will lie against a public officer only when the duty to be performed is wholly ministerial, and never in a case where judgment is to be exercised. Bank of Metropolis, 15 Pet. As to the mandamus case, Mr. Kendall did not disobey, for the extra allowance extended only to the end of the first quarter of The record in this case is very voluminous, and contains a great mass of testimony, and also many incidental questions of law not involving the merits of the case, which were raised and decided in the Circuit Court, and to which exceptions were taken by the plaintiffs in error. But both parties have expressed their desire that the controversy should now be terminated by the judgment of this court; and that the leading principles which must ultimately decide the rights of the parties should now be settled; and that the case should not be disposed of upon any technical or other objections which would leave it open to further litigation. In this view of the subject it is unnecessary to give a detailed statement of the proceedings in the court below. Such a statement

would render this opinion needlessly tedious and complicated. We shall be better understood by a brief summary of the pleadings and evidence, together with the particular points upon which our decision turns; leaving unnoticed those parts of the record which can have no influence on the judgment we are about to give, nor vary in any degree the ultimate rights of the parties. At the time of the trial and verdict in the Circuit Court the declaration contained five counts. But after the verdict was rendered, the plaintiffs in that court, with the leave of the court, entered a nolle prosequi upon the second, third, and fourth, and the judgment was entered on the first and the fifth. It is only of these two last mentioned counts, therefore, that it is necessary to speak. The first count states that by virtue of certain contracts made with William T. The fifth count recites the act of Congress of July 2d, , by which the solicitor of the Treasury was authorized to settle and adjust the claims of the plaintiffs for services rendered by them under contracts with William T. Barry, while he was postmaster-general, and which had been suspended by Amos Kendall, then postmaster-general, and to make them such allowances therefore as upon a full examination of all the evidence might seem right and according to principles of equity; and the postmaster-general directed to credit them with whatever sum or sums of money the solicitor should decide to be due to them, for or on account of such service or contract; and after this recital of the act of Congress, the plaintiffs proceed to aver that services had been performed by them under contracts with William T. The defendant plead not guilty, upon which issue was joined. At the trial, the plaintiffs offered in evidence the record of the proceedings in the mandamus which issued from the Circuit Court upon their relation on the 7th day of June, , commanding the said Amos Kendall to enter the credit for the sum awarded by the solicitor. It is needless to state at large the proceedings in that suit, as they are sufficiently set forth in the report of the case in 12 Pet. Other papers and letters were also offered showing that after the judgment of the Circuit Court awarding a peremptory mandamus had been affirmed in the Supreme Court, the plaintiffs demanded a credit for the above-mentioned balance on the 23d of March, The whole of this evidence was objected to by the defendant, but the objection was overruled and the testimony given to the jury. And upon the evidence so offered by the plaintiffs, before any evidence was produced on his part, the defendant moved for the following instruction from the court: The question presented to the court by this motion in substance was this: Had the plaintiffs upon the evidence adduced by them shown themselves entitled in point of law to maintain their action for the causes stated in their declaration upon the breaches therein assigned, assuming that the jury believed the testimony to be true? The instruction asked for was in the nature of a demurrer to the evidence, and in modern practice has, in some of the states, taken the place of it. In the Maryland courts, from which the Circuit Court borrowed its practice, a prayer of this description at the time of the cession of the District and for a long time before, was a familiar proceeding, and a demurrer to evidence seldom, if ever, resorted to. And the refusal of the court was equivalent to an instruction that the plaintiffs had shown such a cause of action as would authorize the jury, if they believed the evidence, to find a verdict in favor of the plaintiffs, and to assess damages against the defendant for the causes of action stated in the declaration.

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The case before us is altogether unlike the cases referred to in the argument, where, after a party has been admitted or restored to an office, he has maintained an action of assumpsit or case to recover the emoluments which had been received by another, or of which he had been deprived during the time of his exclusion.

Supreme Court of United States. The record in this case is very voluminous, and contains a great mass of testimony, and also many incidental questions of law not involving the merits of the case, which were raised and decided in the Circuit Court, and to which exceptions were taken by the plaintiff in error. In this view of the subject it is unnecessary to give a detailed statement of the proceedings in the court below. Such a statement would render this opinion needlessly tedious and complicated. We shall be better understood by a brief summary of the pleadings and evidence, together with the particular points upon which our decision turns; leaving unnoticed those parts of the record which can have no influence on the judgment we are about to give, nor vary in any degree the ultimate rights of the parties. At the time of the trial and verdict in the Circuit Court the declaration contained five counts. But after the verdict was rendered, the plaintiffs in that court, with the leave of the court, entered a nolle prosequi upon the second, third, and fourth, and the judgment was entered on the first and the fifth. It is only of these two last mentioned counts, therefore, that it is necessary to speak. The first count states that by virtue of certain contracts made with William T. The fifth count recites the act of Congress of July 2d, , by which the solicitor of the Treasury was authorized to settle and adjust the claims of the plaintiffs for services rendered by them under contracts with William T. Barry, while he was postmaster-general, and which had been suspended by Amos Kendall, then postmaster-general, and to make them such allowances therefore as upon a full examination of all the evidence might seem right and according to principles of equity; and the postmaster-general directed to credit them with whatever sum or sums of money the solicitor should decide to be due to them, for or on account of such service or contract; and after this recital of the act of Congress, the plaintiffs proceed to aver that services had been performed by them under contracts with William T. The defendant plead not guilty, upon which issue was joined. At the trial, the plaintiffs offered in evidence the record of the proceedings in the mandamus which issued from the Circuit Court upon their relation on the 7th day of June, , commanding the said Amos Kendall to enter the credit for the sum awarded by the solicitor. It is needless to state at large the proceedings in that suit, as they are sufficiently set forth in the report of the case in 12 Peters, ; the judgment of the Circuit Court awarding a peremptory mandamus having been brought by writ of error before the Supreme Court, and there affirmed at January term, Other papers and letters were also offered showing that after the judgment of the Circuit Court awarding a peremptory mandamus had been affirmed in the Supreme Court, the plaintiffs demanded a credit for the above-mentioned balance on the 23d of March, The whole of this evidence was objected to by the defendant, but the objection was overruled and the testimony given to the jury. And upon the evidence so offered by the plaintiffs, before any evidence was produced on his part, the defendant moved for the following instruction from the court: The question presented to the court by this motion in substance was this: The instruction asked for was in the nature of a demurrer to the evidence, and in modern practice has, in some of the states, taken the place of it. In the Maryland courts, from which the Circuit Court borrowed its practice, a prayer of this description at the time of the cession of the District and for a long time before, was a familiar proceeding, and a demurrer to evidence seldom, if ever, resorted to. And the refusal of the court was equivalent to an instruction that the plaintiffs had shown such a cause of action as would authorize the jury, if they believed the evidence, to find a verdict in favour of the plaintiffs, and to assess damages against the defendant for the causes of action stated in the declaration. Now the cause of action stated in the first count is the suspension, by the defendant, of the allowances made by his predecessor in office; and of the recharge of sums with which the plaintiffs had been credited by Mr. Barry when he was the postmaster-general. It was not a controversy between the plaintiffs and Amos Kendall as a private individual, but between them and a public

officer acting for and on behalf of the United States. If they had sustained damage, it was the consequence of his act, and the question of damages was necessarily referred with the subject-matter in controversy, out of which that question arose. It was an incident to the principal matters referred, and therefore within the scope of the reference; and it is not material to inquire whether damages for the detention of the money were claimed or not, or allowed or not. In point of fact, however, the plaintiffs did claim interest on the money withheld as a damage sustained from the conduct of the postmaster-general, and offered proof before the solicitor of the amount of discounts and interest they had been compelled to pay; and, moreover, were allowed, in the award, a large sum on that account, which was paid to them as well as the principal sum. The question, then, on the first count is, can a party, after a reference, an award, and the receipt of the money awarded, maintain a suit on the original cause of action upon the ground that he had not proved, before the referee, all the damages he had sustained? The rule on that subject is well settled. It has been decided in many cases, and is clearly stated in Dunn v. The plaintiffs, upon their own showing, therefore, were not entitled to maintain their action on the first count, and the Circuit Court ought so to have directed the jury. The judgment upon this count is also liable to another objection equally fatal. The acts complained of were not what the law terms ministerial, but were official acts done by the defendant in his character of postmaster-general. The declaration, it is true, charges that they were maliciously done, but that was not the ground upon which the Circuit Court sustained the action either on this count or the fifth. For, among other instructions moved for on behalf of the defendant, the court were requested to direct the jury: The postmaster-general had undoubtedly the right to examine into this account, in order to ascertain whether there were any errors in it which he was authorized to correct, and whether the allowances had in fact been made by Mr. Barry; and he had a right to suspend these items until he made his examination and formed his judgment. It repeatedly and unavoidably happens, in transactions with the government, that money due to an individual is withheld from him for a time, and payment suspended in order to afford an opportunity for a more thorough examination. Sometimes erroneous constructions of the law may lead to the final rejection of a claim in cases where it ought to be allowed. But a public officer is not liable to an action if he falls into error in a case where the act to be done is not merely a ministerial one, but is one in relation to which it is his duty to exercise judgment and discretion; even although an individual may suffer by his mistake. A contrary principle would indeed be pregnant with the greatest mischiefs. It is unnecessary, we think, to refer to the many cases by which this doctrine has been established. It was fully recognised in the case of Gidley, Exec. Moore, 91, 3 Barb. But upon an examination of that case it will be found that it had been decided by the Court of Session in Scotland, in a former suit between the same parties, that the act complained of was a mere ministerial act which the party was bound to perform; and that this judgment had been affirmed in the House of Lords. And the action against the party, for refusing to do the act, was maintained, not upon the ground only that it was ministerial, but because it had been decided to be such by the highest judicial tribunal known to the laws of Great Britain. The refusal for which the suit was brought took place after this decision; and the learned Lords, by whom the case was decided, held that the act of refusal, under such circumstances, was to be regarded as wilful, and with knowledge; that the refusal to obey the lawful decree of a court of justice was a wrong for which the party, who had sustained injury by it, might maintain an action, and recover damages against the wrongdoer. This case, therefore, is in no respect in conflict with the principles above stated; nor with the rule laid down in the case of Gidley v. In the case before us the settlement of the accounts of the plaintiffs properly belonged to the Post-office Department, of which the defendant was the head. As the law then stood it was his duty to exercise his judgment upon them. He committed an error in supposing that he had a right to set aside allowances for services rendered upon which his predecessor in office had finally decided. We proceed to the fifth count. But before we examine the cause of action there stated, it will be proper to advert to the principles settled by this court in the case of the mandamus hereinbefore referred to. The court in that case, speaking of the nature and character of the proceeding by mandamus, which had been fully argued at the bar, said that it was an action or suit brought in a court of justice, asserting a right, and prosecuted according to the forms of judicial proceeding; and that a

party was entitled to it when there was no other adequate remedy; and that although in the case then before them the plaintiffs in the court below might have brought their action against the defendant for damages on account of his refusal to give the credit directed by the act of Congress, yet as that remedy might not be adequate to afford redress, they were, as a matter of right, entitled to pursue the remedy by mandamus. Now, the former case was between these same parties, and the wrong then complained of by the plaintiffs, as well as in the case before us on the fifth count, was the refusal of the defendant to enter a credit on the books of the Post-office Department for the amount awarded by the solicitor. In other words, it was for the refusal to pay them a sum of money to which they were lawfully entitled. The credit on the books was nothing more than the form in which the act of Congress, referring the dispute to the solicitor, directed the payment to be made. For the object and effect of that entry was to discharge the plaintiffs from so much money, if on other accounts they were debtors to that amount; and if no other debt was due from them to the United States, the credit entitled them to receive at once from the government the amount credited. The action of mandamus was brought to recover it, and the plaintiffs show by their evidence that they did recover it in that suit. The gist of the action in that case was the breach of duty in not entering the credit, and it was assigned by the plaintiffs as their cause of action. The cause of action in the present case is the same; and the breach here assigned, as well as in the former case, is the refusal of the defendant to enter this credit. Indeed, the record of the proceedings in the mandamus is the testimony relied on to show the refusal of the postmaster-general, and the circumstances under which he refused, and the reasons he assigned for it. But where a party has a choice of remedies for a wrong done to him, and he elects one, and proceeds to judgment, and obtains the fruits of his judgment, can he, in any case, afterwards proceed in another suit for the same cause of action? It is true that in the suit by mandamus the plaintiffs could recover nothing beyond the amount awarded. But they knew that, when they elected the remedy. But if instead of an action of trespass he elects to bring trover, where he can recover only the value of the property, it never has been supposed that, after having prosecuted the suit to judgment and received the damages awarded him, he can then bring trespass upon the ground that he could not in the action of trover give evidence of the circumstance of aggravation, which entitled him to demand vindictive damages. The same principle is involved here. The plaintiffs show that they have sued for and recovered in the mandamus suit the full amount of the award; and having recovered the debt they now bring another suit upon the same cause of action, because in the former one they could not recover damages for the detention of the money. The law does not permit a party to be twice harassed for the same cause of action; nor suffer a plaintiff to proceed in one suit to recover the principal sum of money, and then support another to recover damages for the detention. This principle will be found to be fully recognised in 2 Bl. And in the case of Moses v. Mansfield held that the plaintiff having a right to bring an action of assumpsit for money had and received to his use on a special action on the case on an agreement, and having made his election by bringing assumpsit, a recovery in that action would bar one on the agreement, although in the latter he could not only recover the money claimed in the action of assumpsit, but also the costs and expenses he had been put to. The case before us falls directly within the rule stated by Ld. This objection applies with still more force, when, as in this instance, the party has proceeded by mandamus. The remedy in that form, originally, was not regarded as an action by the party, but as a prerogative writ commanding the execution of an act, where otherwise justice would be obstructed; and issuing only in cases relating to the public and the government; and it was never issued when the party had any other remedy. It is now regarded as an action by the party on whose relation it is granted, but subject still to this restriction, that it cannot be granted to a party where the law affords him any other adequate means of redress. Whenever, therefore, a mandamus is applied for, it is upon the ground that he cannot obtain redress in any other form of proceeding. And to allow him to bring another action for the very same cause after he has obtained the benefit of the mandamus, would not only be harassing the defendant with two suits for the same thing, but would be inconsistent with the grounds upon which he asked for the mandamus, and inconsistent also with the decision of the court which awarded it. It is treated both by him and the court as no remedy. Such was obviously the meaning of the Supreme Court in the opinion

delivered in the former suit between these parties, where they speak of the action on the case, and give him the mandamus, because the other form of action was inadequate to redress the injury, and they would not therefore require the plaintiffs to pursue it. And they speak of the action on the case as an alternative remedy; not as accumulative and in addition to the mandamus. Campbell, in giving his judgment, said that this proposition was not universally true; and at any rate applied only to the original grant of the mandamus, and not to the remedy for disobeying it; and that no case had been cited to show that an action would not lie for disobedience to the judgment of the court. This remark upon the proposition stated by the attorney-general shows clearly that in his judgment you could not resort to a mandamus and to an action on the case also for the same thing. If the postmaster-general had refused to obey the mandamus, then indeed an action on the case might have been maintained against him. But the present suit is not brought on that ground. No question is presented here as to the necessity of pleading a former recovery in bar, nor as to the right to offer it in evidence upon the general issue. The point in the Circuit Court did not arise upon the pleading of the defendant, nor upon evidence offered by him; but upon the case made by the plaintiffs, in which, by the same evidence that proved their original cause of action, they also proved that they had already sued the defendant upon it, and recovered a judgment, which had been satisfied before this suit was brought. The case before us is altogether unlike the cases referred to in the argument, where, after a party has been admitted or restored to an office, he has maintained an action of assumpsit or case to recover the emoluments which had been received by another, or of which he had been deprived during the time of his exclusion. In those cases the cause of action in the mandamus was the exclusion from office; and the suit afterwards brought was to recover the emoluments and profits to which his admission or restoration to office showed him to have been legally entitled. The action of assumpsit or case would not have restored him to the office, nor have secured his right to the profits. Clearly, they could not have maintained one action on the case for the amount due, and then brought another to recover the damages; and this, not because both were actions on the case, but because they could not be permitted to harass the defendant with two suits for the same thing, no matter by what name the actions may be technically called, nor whether both are actions on the case, or one of them called a mandamus. But if this action could have been maintained, we think that most of the evidence admitted by the Circuit Court to enhance the damages ought not to have been received. It consisted chiefly of discounts and interest paid by the plaintiffs before the award of the solicitor, and of expenses on journeys and tavern bills, and fees paid to counsel for prosecuting their claim before Congress and the courts. We have already said that although this action is in form for a tort, yet in substance and in truth it is an action for the non-payment of money. And upon the principles upon which it was supported by the court, and decided by the jury, if there had been no proceeding by mandamus to bar the action, the legal measure of damages upon the fifth count would undoubtedly have been the amount due on the award, with interest upon it. The testimony, however, appears to have been offered chiefly under the first count, because the items for interest paid, and travelling and tavern expenses, for the most part, bear dates before the award, and also a portion of the fees of counsel. The evidence was certainly inadmissible under this count, since, for the reasons already given, no action could be maintained upon it, if there had been no previous proceeding by mandamus, and consequently no damages could be recovered upon it. But independently of this consideration, and even if the action could have been sustained, there are insuperable objections to the admission of this testimony. In the first place, no special damages are laid in the declaration; and in that form of pleading no damages are recoverable, but such as the law implies to have accrued from the wrong complained of; 1 Chit.

Chapter 6 : Richard Swepson of Lunenburg & Mecklenburg, Virginia

Resolved, By the House of Representatives, the Senate concurring, that a joint committee of fifteen members shall be appointed, nine of whom shall be members of the House and six members of the.

Chicago, Illinois U. Douglas, lawyer, judge, politician. Douglas papers document his professional and personal life from The collection includes correspondence, speeches, reports, memoranda, notes, financial and legal documents, portraits, maps, ephemera, newspaper clippings, and artifacts. The largest portion of the collection consists of Senate and Constituent correspondence. Information on Use This collection is open for research. Citation When quoting material from this collection, the preferred citation is: His father, physician Stephen Arnold Douglass, died when the baby was only two months old. In , the Granger family moved from Vermont to upstate New York, where after a brief period at an academy Stephen Douglass began to read law under a locally prominent Democratic attorney. In , Stephen made his way west to seek his career and fortune. After arriving in Quincy, Illinois, and operating a private school for a time, he secured a law license and set up practice in Jacksonville, Illinois. As he established the basis for a professional career, Stephen also changed the spelling of his last name from Douglass to Douglas. Douglas first became politically known in Illinois as a staunch Democratic proponent of President Andrew Jackson. In , at the age of twenty-seven, he was elected to a seat on the Illinois Supreme Court. In , he lost a disputed race for the U. House of Representatives by thirty-six popular votes. Four years later he lost a campaign for a U. Senate seat by five legislative votes. Only in , running in a newly created congressional district, was Douglas able to win a seat in the House. As a member of the House of Representatives, Douglas was among those urging an extension of United States territory from the Atlantic to the Pacific. He called for the annexation of Texas, the establishment of military posts along the Western emigrant trails, and organization of a Nebraska territorial government. By , these and other strong expansionist positions had won Douglas the chairmanship of the House Committee on Territories. Through a congressional colleague, Douglas met Martha Denny Martin , the daughter of a wealthy North Carolina planter and a member of a family long prominent in North Carolina political affairs. Douglas declined the gift, but after Martin died a year later, the Pearl River plantation was bequeathed to Martha and any children she might have. In , after only three years in the House of Representatives, Douglas was elected by the Illinois state legislature to a seat in the U. Senate, where he was made chairman of the Senate Committee on Territories. His position gave him an influential role in shaping all aspects of national policy affecting western lands, from the courts and post office to military posts and legislative powers. He also became quickly immersed in growing sectional disputes over the future of slavery. As a Senator from a state with a mix of strong anti-slavery and pro-slavery sentiment, and as the manager of a Mississippi plantation with more than slaves, Douglas attempted to craft a political position that would avoid favoring either the North or South. To satisfy the North, California was admitted as a free state, and the slave trade was abolished in the District of Columbia; to reassure the South, the territories of New Mexico and Utah were organized without a prohibition of slavery, and a rigid fugitive slave law was enacted. Despite this careful attempt to placate both sides in the slavery controversy, the reaction to the Compromise in the North was immediate and hostile. Douglas came under fierce attack in his home state and was able to calm his supporters only by rushing back to Illinois to defend himself before the Chicago city council and the state legislature. In , Douglas sustained a grave personal loss when his wife Martha died following complications from the birth of a daughter. After their infant girl also died a few weeks later, a grieving Douglas decided to leave the country for an extended tour of Europe. His travels took him to London, Constantinople, Moscow, St. Their infant daughter Ellen died shortly after birth in The Douglases built an imposing townhouse in Washington just north of Capitol Hill, and it soon became renowned for lavish parties and receptions. In , Douglas sold the family plantation on the Pearl River, which had been affected by flooding and poor crops, and in partnership with James A. McHatton of Baton Rouge, moved the agricultural operation to a 2,acre property south of

Greenville, Mississippi. Throughout his career, Douglas maintained a strong interest in science, education, and technological improvements. In , Douglas secured the passage of federal legislation supporting the Illinois Central Railroad route from Chicago down the Mississippi Valley to New Orleans, thus helping to make Chicago and Illinois a national center for industry and commerce. Douglas was an enthusiastic supporter of the Smithsonian Institution from the time of its founding and in was appointed a regent of the Smithsonian. In Douglas gave ten acres on the south side of Chicago to serve as the site of the newly organized University of Chicago; the land was part of his Oakenwald estate, where Douglas planned to develop an exclusive suburban neighborhood and erect his own residence. In each territory, the question of slavery would be reserved until it entered the Union as a new state; at that time, the voting citizens would draw up a constitution and determine whether or not their state would permit slavery. Douglas also hoped that popular sovereignty would remove slavery from congressional debate and insulate the federal government from further sectional conflict. The Kansas-Nebraska Act, however, unleashed a new torrent of angry protest by Northern anti-slavery forces, who felt it opened the door to an expansion of slavery across the West. Douglas returned to Illinois to defend his position, touring the state for two months and twice trading opposing speeches with Abraham Lincoln, a former Whig legislator and congressman who reemerged on the political stage and became a spokesman for the new Republican Party. In the wake of the Kansas-Nebraska Act, Douglas also found himself at odds with important elements of the national Democratic party. He had first attempted to gain the Democratic nomination for president in In , he tried once again for the presidential nomination, but withdrew his name in favor of James Buchanan, who went on to win the election. The brief alliance between Buchanan and Douglas ended within a year, however, when a pro-slavery convention meeting in Lecompton, Kansas, drew up a constitution proposing statehood and protecting property in slavery. Buchanan supported the Lecompton constitution, but Douglas was determined to block it, arguing that its passage was fraudulent and did not express the will of the people in accordance with popular sovereignty. Although Douglas could not prevent congressional approval of the constitution, it was later rejected by the voters of Kansas. The struggle over Kansas and the spread of slavery became the dominant theme in the Senate election campaign of in Illinois. Douglas was renominated by the Democrats, while Abraham Lincoln was selected as the Republican candidate. The campaign between Douglas and Lincoln gained unexpected attention when Lincoln pressed Douglas to agree to join in a series of debates. Staged in seven Illinois towns from August to October of , the campaign debates between Douglas and Lincoln drew large crowds and generated detailed press coverage. Lincoln charged that Douglas was part of a slavery "dynasty" seeking to promote the spread of slavery over the entire nation. On election day, the Republicans won a majority of the popular vote across the state; the Illinois legislature, however, remained in the hands of the Democrats, and Douglas was returned to Washington for another Senate term. Douglas and Lincoln were to meet again in the tumultuous presidential election of Divisions within the Democratic Party had become so deep that when Democrats met first in Charleston and later in Baltimore for their nominating convention, the southern delegates walked out. Douglas was able to win the presidential nomination from the remaining northern delegates, but the breakaway Democrats turned to John C. Breckinridge of Kentucky as their candidate. The Constitutional Union party nominated John Bell of Tennessee, and the Republicans chose Abraham Lincoln to carry their banner, making the presidential election a four-way race. Douglas was so concerned about the sectional division in the Democratic party and the potential rupture of the federal Union that he decided to break with precedent and campaign on his own behalf, the first presidential candidate in American history to do so. His desperate efforts to reunite the Democratic party, however, could not overcome the rapidly disintegrating political situation. In November , none of the four presidential candidates secured a majority of the popular vote, but Abraham Lincoln carried the electoral college and won the White House. In the months following the presidential election, Douglas returned to Washington to join the efforts to prevent the secession of the southern states, engaging in a series of private meetings with Lincoln to map strategy. When the Illinois state legislature went into special session, Douglas traveled to Springfield to make an impassioned speech rallying citizens to a

defense of the Union. Several weeks later, while staying the Tremont House hotel in Chicago, Douglas fell ill, and his condition soon began to deteriorate. On June 3, , with his wife, Adele, at his side, he died. The funeral of Stephen A. Douglas was attended by more than 5, mourners. His body was laid to rest in a temporary tomb overlooking Lake Michigan, on the Oakenwald property that he had selected for his Chicago residence. In , a permanent monument was erected on the site; its designer was Leonard W. Volk, whose wife was a cousin of Douglas and whose education as an artist had been sponsored by Douglas. The Civil War had immediate and devastating effects on Douglas family estate. In , Camp Douglas, a Union military prison, was established at the northern end of the Oakenwald property; it housed more than 26, captured Confederate soldiers, of which 6, died. The Douglas mansion in Washington was turned over to the Federal government, and it was converted into a military hospital for the duration of the conflict. In Mississippi, the Greenville plantation was raided by Union troops, and the entire cotton crop was lost. Grant, and became a justice of the North Carolina Supreme Court. Army; they had six children. Scope Note The Stephen A. Douglas collection is organized into seven series: Financial and Legal; Series V: Artifacts and Ephemera; Series VI: Oversized; and Series VII: The largest portion of the collection is housed in Series I. This series contains the incoming correspondence of senators and constituents contemporary to Stephen A. Douglas, arranged chronologically from to Correspondence with unknown dates has been arranged alphabetically by the name signed and is located at the end of this series. It is further divided into nine subseries. Subseries 1, Correspondence, primarily contains letters exchanged by Douglas with other prominent political figures, most prominently Abraham Lincoln. Also included are documents collected by Douglas, including several letters written by Andrew Jackson in the s. Senate and the presidency and date from to Subseries 3, Commerce and Internal Improvements, contains materials addressing the national economy and infrastructure, ranging from to Subseries 6, 7, and 8 are comprised of materials pertaining to debates on the issues of Secession, Slavery and the Territories respectively. Many of the materials in these three subseries are in the form of speeches, petitions, newspaper clippings, and copies of legislation brought before Congress and range in date from to It is further divided into five subseries.

Chapter 7 : The 97% consensus on global warming

An immense petition from Utah signed by about 2, women in favor of polygamy, and not against it, as stated, has been sent to the Executive Mansion by delegate Hooper. The pefitioners represent that-federal officials are creating disturbances, and ask stoppage of court proceedings.

The defendant then offered in evidence sundry depositions and papers. Kendall and the Attorney General. Letter from the Solicitor of the Treasury. Reports of post office committees of Senate and House. The evidence of Francis S. Upon all which evidence the defendant founded four prayers: That plaintiffs were not contractors. That defendant was not liable if he acted from a conviction that it was his official duty to set aside the extra allowances. That he was not liable for any of his acts, if the jury believe that he acted with the bona fide intention to perform duly the duties of his office, and without malice or intention to injure and oppress the plaintiffs. All of which prayers the court refused to grant, and to the refusal the defendant excepted. To which overruling the defendant excepted. The case came up upon all these grounds. The record in this case is very voluminous, and contains a great mass of testimony, and also many incidental questions of law not involving the merits of the case, which were raised and decided in the circuit court, and to which exceptions were taken by the plaintiffs in error. But both parties have expressed their desire that the controversy should now be terminated by the judgment of this Court, and that the leading principles which must ultimately decide the rights of the parties should now be settled, and that the case should Page 44 U. In this view of the subject it is unnecessary to give a detailed statement of the proceedings in the court below. Such a statement would render this opinion needlessly tedious and complicated. We shall be better understood by a brief summary of the pleadings and evidence, together with the particular points upon which our decision turns, leaving unnoticed those parts of the record which can have no influence on the judgment we are about to give, nor vary in any degree the ultimate rights of the parties. At the time of the trial and verdict in the circuit court, the declaration contained five counts. But after the verdict was rendered, the plaintiffs in that court, with the leave of the court, entered a nolle prosequi upon the second, third, and fourth, and the judgment was entered on the first and the fifth. It is only of these two last mentioned counts, therefore, that it is necessary to speak. The first count states that by virtue of certain contracts made with William T. The fifth count recites the Act of Congress of July 2, , by which the Solicitor of the Treasury was authorized to settle and adjust the claims of the plaintiffs for services rendered by them under contracts with William T. Barry, while he was Postmaster General, and which had been suspended by Amos Kendall, then Postmaster General, and to make them such allowances therefore as upon a full examination of all the evidence might seem right and according to principles of equity, and the Postmaster General directed to credit them with whatever sum or sums of money the solicitor should decide to be due to them, for or on account of such service or contract; and after this recital of the act of Congress, the plaintiffs proceed to aver that services had been performed by them under contracts with William T. The defendant plead not guilty, upon which issue was joined. At the trial, the plaintiffs offered in evidence the record of the proceedings in the mandamus which issued from the circuit court upon their relation on 7 June, , commanding the said Amos Kendall to enter the credit for the sum awarded by the solicitor. It is needless to state at large the proceedings in that suit, as they are sufficiently set forth in the report of the case in 37 U. Other papers and letters were also offered showing that after the judgment of the circuit court awarding a peremptory mandamus had been affirmed in the supreme court, the plaintiffs demanded a credit for the above-mentioned balance on 23 March, ; that the defendant declined entering the credit, alleging that a recent change in the post office law had placed the books and accounts of the department in the custody of the auditor, and some difficulty having arisen on this point, the circuit court, on 30 March, , issued a mandamus commanding the Postmaster General to enter the credit on the books of the department, and to this writ the defendant made return on 3 April, , that the said credit had been entered by the auditor who had the legal custody of the books. The whole of this evidence was objected to by the defendant, but the

objection was overruled and the testimony given to the jury. And upon the evidence so offered by the plaintiffs, before any evidence was produced on his part, the defendant moved for the following instruction from the court: The question presented to the court by this motion in substance was this: The instruction asked for was in the nature of a demurrer to the evidence, and in modern practice has, in some of the states, taken the place of it. In the Maryland courts, from which the circuit court borrowed its practice, a prayer of this description at the time of the cession of the district and for a long time before, was a familiar proceeding, and a demurrer to evidence seldom, if ever, resorted to. And the refusal of the court was equivalent to an instruction that the plaintiffs had shown such a cause of action as would authorize the jury, if they believed the evidence, to find a verdict in favor of the plaintiffs, and to assess damages against the defendant for the causes of action stated in the declaration. Now the cause of action stated in the first count is the suspension, by the defendant, of the allowances made by his predecessor in office; and of the recharge of sums with which the plaintiffs had been credited by Mr. Barry when he was the Postmaster General. Assuming, for the sake of the argument, that an action might in the first instance have been sustained against the Postmaster General, can the plaintiffs still support a suit upon the original cause of Page 44 U. It was not a controversy between the plaintiffs and Amos Kendall as a private individual, but between them and a public officer acting for and on behalf of the United States. If they had sustained damage, it was the consequence of his act, and the question of damages was necessarily referred with the subject matter in controversy, out of which that question arose. It was an incident to the principal matters referred, and therefore within the scope of the reference; and it is not material to inquire whether damages for the detention of the money were claimed or not, or allowed or not. In point of fact, however, the plaintiffs did claim interest on the money withheld as a damage sustained from the conduct of the Postmaster General, and offered proof before the solicitor of the amount of discounts and interest they had been compelled to pay, and, moreover, were allowed, in the award, a large sum on that account, which was paid to them as well as the principal sum. The question, then, on the first count is can a party, after a reference, an award, and the receipt of the money awarded, maintain a suit on the original cause of action upon the ground that he had not proved, before the referee, all the damages he had sustained? The rule on that subject is well settled. It has been decided in many cases, and is clearly stated in Dunn v. The plaintiffs, upon their own showing, therefore, were not entitled to maintain their action of the first count, and the circuit court ought so to have directed the jury. The judgment upon this Court is also liable to another objection equally fatal. The acts complained of were not what the law terms ministerial, but were official acts done by the defendant in his character of Postmaster General. The declaration, it is true, charges that they were maliciously done, but that was not the ground upon which the circuit court sustained the action either on this count or the fifth. For, among other instructions moved for on behalf of the defendant, the court were requested to direct the jury: We are not aware of any case in England or in this country in which it has been held that a public officer, acting to the best of his Page 44 U. The Postmaster General had undoubtedly the right to examine into this account, in order to ascertain whether there were any errors in it which he was authorized to correct, and whether the allowances had in fact been made by Mr. Barry, and he had a right to suspend these items until he made his examination and formed his judgment. It repeatedly and unavoidably happens, in transactions with the government, that money due to an individual is withheld from him for a time, and payment suspended in order to afford an opportunity for a more thorough examination. Sometimes erroneous constructions of the law may lead to the final rejection of a claim in cases where it ought to be allowed. But a public officer is not liable to an action if he falls into error in a case where the act to be done is not merely a ministerial one, but is one in relation to which it is his duty to exercise judgment and discretion, even although an individual may suffer by his mistake. A contrary principle would indeed be pregnant with the greatest mischiefs. It is unnecessary, we think, to refer to the many cases by which this doctrine has been established. It was fully recognized in the case of Gidley, Exec. Moore 91, 3 Brod. The case in 9 Cl. But upon an examination of that case it will be found that it had been decided by the court of Sessions in Scotland, in a former suit between the same parties, that the act complained of was a mere ministerial act which the party was bound to perform, and

that this judgment had been affirmed in the House of Lords. And the action against the party for refusing to do the act was maintained not upon the ground only that it was ministerial, but because it had been decided to be such by the highest judicial tribunal known to the laws of Great Britain. The refusal for which the suit was brought took place after this decision, and the learned Lords, by whom the case was decided, held that the act of refusal, under such circumstances, was to be regarded as willful, and with knowledge; that the refusal to obey the lawful decree of a court of justice was a wrong for which the party, who had sustained injury by it, might maintain an action, and recover damages against the wrongdoer. This case, therefore, is in no respect in conflict with the principles above stated, nor with the rule laid down in the case of Gidley v. In the case before us the settlement of the accounts of the plaintiffs properly belonged to the Post Office Department, of which the defendant was the head. As the law then stood it was his duty to exercise his judgment upon them. He committed an error in supposing that he had a right to set aside allowances for services rendered upon which his predecessor in office had finally decided. But as the Page 44 U. We proceed to the fifth count. But before we examine the cause of action there stated, it will be proper to advert to the principles settled by this Court in the case of the mandamus hereinbefore referred to. The court in that case, speaking of the nature and character of the proceeding by mandamus, which had been fully argued at the bar, said that it was an action or suit brought in a court of justice, asserting a right, and prosecuted according to the forms of judicial proceeding, and that a party was entitled to it when there was no other adequate remedy; and that although in the case then before them the plaintiffs in the court below might have brought their action against the defendant for damages on account of his refusal to give the credit directed by the act of Congress, yet as that remedy might not be adequate to afford redress, they were, as a matter of right, entitled to pursue the remedy by mandamus. Now the former case was between these same parties, and the wrong then complained of by the plaintiffs, as well as in the case before us on the fifth count, was the refusal of the defendant to enter a credit on the books of the Post Office Department for the amount awarded by the solicitor. In other words, it was for the refusal to pay them a sum of money to which they were lawfully entitled. The credit on the books was nothing more than the form in which the act of Congress, referring the dispute to the solicitor, directed the payment to be made. For the object and effect of that entry was to discharge the plaintiffs from so much money, if on other accounts they were debtors to that amount, and if no other debt was due from them to the United States, the credit entitled them to receive at once from the government the amount credited. The action of mandamus was brought to recover it, and the plaintiffs show by their evidence that they did recover it in that suit. The gist of the action in that case was the breach of duty in not entering the credit, and it was assigned by the plaintiffs as their cause of action. The cause of action in the present case is the same, and the breach here assigned, as well as in the former case, is the refusal of the defendant to enter this credit. Indeed, the record of the proceedings in the mandamus is the testimony relied on to show the refusal of the Postmaster General, and the circumstances under which he refused, and the reasons he assigned for it. But where a party has a choice of remedies for a wrong done to him, and he elects one, and proceeds to judgment, and obtains the fruits of his judgment, can he, in any case, afterwards proceed in another suit for the same cause of action? It is true that in the suit by mandamus the plaintiffs could recover nothing beyond the amount awarded. But they knew that, when they elected the remedy. If the goods of a Page 44 U. But if, instead of an action of trespass he elects to bring trover, where he can recover only the value of the property, it never has been supposed that, after having prosecuted the suit to judgment and received the damages awarded him, he can then bring trespass upon the ground that he could not in the action of trover give evidence of the circumstance of aggravation, which entitled him to demand vindictive damages. The same principle is involved here. The plaintiffs show that they have sued for and recovered in the mandamus suit the full amount of the award; and having recovered the debt they now bring another suit upon the same cause of action, because in the former one they could not recover damages for the detention of the money. The law does not permit a party to be twice harassed for the same cause of action; nor suffer a plaintiff to proceed in one suit to recover the principal sum of money, and then support another to recover damages for the detention. This principle will be found to be fully recognized in 2

Bl. And in the case of Moses v. Mansfield held that the plaintiff having a right to bring an action of assumpsit for money had and received to his use or a special action on the case on an agreement, and having made his election by bringing assumpsit, a recovery in that action would bar one on the agreement, although in the latter he could not only recover the money claimed in the action of assumpsit, but also the costs and expenses he had been put to. The case before us falls directly within the rule stated by Ld. This objection applies with still more force, when, as in this instance, the party has proceeded by mandamus. The remedy in that form, originally, was not regarded as an action by the party, but as a prerogative writ commanding the execution of an act, where otherwise justice would be obstructed, and issuing only in cases relating to the public and the government, and it was never issued when the party had any other remedy. It is now regarded as an action by the party on whose relation it is granted, but subject still to this restriction, that it cannot be granted to a party where the law affords him any other adequate means of redress. Whenever, therefore, a mandamus is applied for, it is upon the ground that he cannot obtain redress in any other form of proceeding. And to allow him to bring another action for the very same cause after he has obtained the benefit of the mandamus, would not only be harassing the defendant with two suits for the same thing, but would be inconsistent with the grounds upon which he asked for the mandamus, and inconsistent also with the decision of the court which awarded it. If he had Page 44 U. It is treated both by him and the court as no remedy. Such was obviously the meaning of the Supreme Court in the opinion delivered in the former suit between these parties, where they speak of the action on the case, and give him the mandamus, because the other form of action was inadequate to redress the injury, and they would not therefore require the plaintiffs to pursue it. And they speak of the action on the case as an alternative remedy, not as accumulative and in addition to the mandamus.

Chapter 8 : Bills and Resolutions, Senate, 25th Congress, 2nd Session: Keywords

On the twenty-sixty day of May, , William B. Stokes, Richard C. Stockton, Lucius W. Stockton, and Daniel Moore, presented a petition to the Circuit Court of the District of Columbia for the County of Washington stating that, under contracts duly and legally made by them with the late William T. Barry, then postmaster general of the United.

They shall be construed and administered to secure the just, speedy, and inexpensive determination of every action. Upon request of the plaintiff, separate or additional summons shall issue against any defendants. When service of the summons is made by publication, the summons shall, in addition to any special statutory requirements, also contain a brief statement of the object of the action substantially as follows: Process shall be served by the sheriff of the county where the defendant is found, or by a deputy, or by any person who is not a party and who is over 18 years of age, except that a subpoena may be served as provided in Rule 45; where the service of process is made outside of the United States, after an order of publication, it may be served either by any person who is not a party and who is over 18 years of age or by any resident of the country, territory, colony or province, who is not a party and who is over 18 years of age. The summons and complaint shall be served together. The plaintiff shall furnish the person making service with such copies as are necessary. Service shall be made by delivering a copy of the summons attached to a copy of the complaint as follows: If the suit is against an unregistered foreign entity or association that has an officer, general partner, member, manager, trustee or director within this state, to such officer, general partner, member, manager, trustee or director or, if none, then service on such unregistered entity or association may be made by delivery to the secretary of state or the deputy secretary of state, in the manner and after affidavit as provided in subsection d 1 of this rule or otherwise as provided by law. If against a person residing within this state who has been judicially declared to be of unsound mind, or incapable of conducting his or her own affairs, and for whom a guardian has been appointed, to such person and also to his or her guardian. If against a county, city, or town, to the chairperson of the board of commissioners, president of the council or trustees, mayor of the city, or other head of the legislative department thereof. In addition to methods of personal service, when the person on whom service is to be made resides out of the state, or has departed from the state, or cannot, after due diligence, be found within the state, or by concealment seeks to avoid the service of summons, and the fact shall appear, by affidavit, to the satisfaction of the court or judge thereof, and it shall appear, either by affidavit or by a verified complaint on file, that a cause of action exists against the defendant in respect to whom the service is to be made, and that the defendant is a necessary or proper party to the action, such court or judge may grant an order that the service be made by the publication of summons. This rule shall apply to all manner of civil actions, including those for divorce. In any action which relates to, or the subject of which is, real or personal property in this state in which such person defendant or corporation defendant has or claims a lien or interest, actual or contingent, therein, or in which the relief demanded consists wholly or in part of excluding such person or corporation from any interest therein, and the said defendant resides out of the state or has departed from the state, or cannot after due diligence be found within the state, or by concealment seeks to avoid the service of summons, the judge or justice may make an order that the service be made by the publication of summons; said service by publication shall be made in the same manner as now provided in all cases of service by publication. The order shall direct the publication to be made in a newspaper, published in the State of Nevada, to be designated by the court or judge thereof, for a period of 4 weeks, and at least once a week during said time. In addition to in-state publication, where the present residence of the defendant is unknown the order may also direct that publication be made in a newspaper published outside the State of Nevada whenever the court is of the opinion that such publication is necessary to give notice that is reasonably calculated to give a defendant actual notice of the proceedings. The service of summons shall be deemed complete in cases of publication at the expiration of 4 weeks from the first publication, and in cases when a deposit of a copy of the summons and complaint in the post office is also required, at the expiration of 4 weeks

from such deposit. Personal service of summons upon a party outside this state may be made by delivering a copy of the summons, together with a copy of the complaint, to the party served in the manner provided by statute or rule of court for service upon a party of like kind within this state. The methods of service are cumulative, and may be utilized with, after, or independently of, other methods of service. Whenever a statute provides for service, service may be made under the circumstances and in the manner prescribed by the statute. All process, including subpoenas, may be served anywhere within the territorial limits of the State and, when a statute or rule so provides, beyond the territorial limits of the State. A voluntary appearance of the defendant shall be equivalent to personal service of process upon the defendant in this State. The person serving the process shall make proof of service thereof to the court promptly and in any event within the time during which the person served must respond to the process. Proof of service shall be as follows: In case of service otherwise than by publication, the certificate or affidavit shall state the date, place and manner of service. Failure to make proof of service shall not affect the validity of the service. At any time in its discretion and upon such terms as it deems just, the court may allow any process or proof of service thereof to be amended, unless it clearly appears that material prejudice would result to the substantial rights of the party against whom the process issued. Time Limit for Service. If the party on whose behalf such service was required fails to file a motion to enlarge the time for service before the day service period expires, the court shall take that failure into consideration in determining good cause for an extension of time. Upon a showing of good cause, the court shall extend the time for service and set a reasonable date by which service should be made. Except as otherwise provided in these rules, every order required by its terms to be served, every pleading subsequent to the original complaint unless the court otherwise orders because of numerous defendants, every paper relating to discovery required to be served upon a party unless the court otherwise orders, every written motion other than one which may be heard ex parte, and every written notice, appearance, demand, offer of judgment, designation of record on appeal, and similar paper shall be served upon each of the parties. No service need be made on parties in default for failure to appear except that pleadings asserting new or additional claims for relief against them shall be served upon them in the manner provided for service of summons in Rule 4. A Delivering a copy to the attorney or the party by: B Mailing a copy to the attorney or the party at his or her last known address. Service by mail is complete on mailing; provided, however, a motion, answer or other document constituting the initial appearance of a party must also, if served by mail, be filed within the time allowed for service; and provided further, that after such initial appearance, service by mail be made only by mailing from a point within the State of Nevada. C If the attorney or the party has no known address, leaving a copy with the clerk of the court. D Delivering a copy by electronic means if the attorney or the party served has consented to service by electronic means. Service by electronic means is complete on transmission provided, however, a motion, answer or other document constituting the initial appearance of a party must also, if served by electronic means, be filed within the time allowed for service. The written consent shall identify: An attorney or party who has consented to service by electronic means shall, within 10 days after any change of electronic-mail address or facsimile number, serve and file notice of the new electronic-mail address or facsimile number. Failure to make proof of service shall not affect the validity of service. In any action in which there are unusually large numbers of defendants, the court, upon motion or of its own initiative, may order that service of the pleadings of the defendants and replies thereto need not be made as between the defendants and that any cross-claim, counterclaim, or matter constituting an avoidance or affirmative defense contained therein shall be deemed to be denied or avoided by all other parties and that the filing of any such pleading and service thereof upon the plaintiff constitutes due notice of it to the parties. A copy of every such order shall be served upon the parties in such manner and form as the court directs. All papers after the complaint required to be served upon a party shall be filed with the court either before service or within a reasonable time thereafter, except as otherwise provided in Rule 5 b , but, unless filing is ordered by the court on motion of a party or upon its own motion, depositions upon oral examination and interrogatories, requests for production, requests for admission, and the answers and

responses thereto, shall not be filed unless and until they are used in the proceedings. Originals of responses to requests for admissions or production and answers to interrogatories shall be served upon the party who made the request or propounded the interrogatories and that party shall make such originals available at the time of any pretrial hearing or at trial for use by any party. The filing of pleadings and other papers with the court as required by these rules shall be made by filing them with the clerk of the court, except that the judge may permit the papers to be filed with the judge, in which event the judge shall note thereon the filing date and forthwith transmit them to the office of the clerk. A court may by local rule permit papers to be filed, signed or verified by electronic means that are consistent with technical standards, if any, that the Judicial Conference of the United States establishes. A paper signed by electronic means in compliance with the local rule constitutes a written paper presented for the purpose of applying these rules. The clerk shall not refuse to accept for filing any paper presented for that purpose solely because it is not presented in proper form as required by these rules or any local rules or practices. In computing any period of time prescribed or allowed by these rules, by the local rules of any district court, by order of court, or by any applicable statute, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a nonjudicial day, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a nonjudicial day, or, when the act to be done is the filing of a paper in court, a day on which weather or other conditions have made the office of the clerk of the district court inaccessible, in which event the period runs until the end of the next day which is not one of the aforementioned days. When the period of time prescribed or allowed is less than 11 days, intermediate Saturdays, Sundays, and nonjudicial days shall be excluded in the computation except for those proceedings filed under Titles 12 or 13 of the Nevada Revised Statutes. When by these rules or by a notice given thereunder or by order of court an act is required or allowed to be done at or within a specified time, the parties, by written stipulation of counsel filed in the action, may enlarge the period, or the court for cause shown may at any time in its discretion 1 with or without motion or notice order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order, or 2 upon motion made after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect; but it may not extend the time for taking any action under Rules 50 b , 50 c 2 , 52 b , 59 b , d and e and 60 b , except to the extent and under the conditions stated in them. A written motion, other than one which may be heard ex parte, and notice of the hearing thereof shall be served not later than 5 days before the time specified for the hearing, unless a different period is fixed by these rules or by rule or order of the court. Such an order may, for cause shown, be made on ex parte application. When a motion or opposition is supported by affidavit, the affidavit shall be served with the motion or opposition. Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper, other than process, upon the party and the notice or paper is served upon the party by mail or by electronic means, 3 days shall be added to the prescribed period. There shall be a complaint and an answer; a reply to a counterclaim denominated as such; an answer to a cross-claim, if the answer contains a cross-claim; a third-party complaint, if a person who was not an original party is summoned under the provisions of Rule 14; and a third-party answer, if a third-party complaint is served. No other pleading shall be allowed, except that the court may order a reply to an answer or a third-party answer. The requirement of writing is fulfilled if the motion is stated in a written notice of the hearing of the motion. Demurrers, pleas, and exceptions for insufficiency of a pleading shall not be used. Any nongovernmental party to a civil proceeding must file an original and one copy of a disclosure statement that: A pleading which sets forth a claim for relief, whether an original claim, counterclaim, cross-claim, or third-party claim, shall contain 1 a short and plain statement of the claim showing that the pleader is entitled to relief, and 2 a demand for judgment for the relief the pleader seeks. Relief in the alternative or of several different types may be demanded. If a party is without knowledge or information sufficient to form a belief as to the truth of an averment, the party shall so state and this has the effect of a denial. Denials shall fairly meet the substance of

the averments denied. When a pleader intends in good faith to deny only a part or a qualification of an averment, the pleader shall specify so much of it as is true and material and shall deny only the remainder. In pleading to a preceding pleading, a party shall set forth affirmatively accord and satisfaction, arbitration and award, assumption of risk, contributory negligence, discharge in bankruptcy, duress, estoppel, failure of consideration, fraud, illegality, injury by fellow servant, laches, license, payment, release, res judicata, statute of frauds, statute of limitations, waiver, and any other matter constituting an avoidance or affirmative defense. When a party has mistakenly designated a defense as a counterclaim or a counterclaim as a defense, the court on terms, if justice so requires, shall treat the pleading as if there had been a proper designation. Averments in a pleading to which a responsive pleading is required, other than those as to the amount of damage, are admitted when not denied in the responsive pleading. Averments in a pleading to which no responsive pleading is required or permitted shall be taken as denied or avoided. No technical forms of pleading or motions are required. When two or more statements are made in the alternative and one of them if made independently would be sufficient, the pleading is not made insufficient by the insufficiency of one or more of the alternative statements. A party may also state as many separate claims or defenses as the party has regardless of consistency and whether based on legal or on equitable grounds or on both. All statements shall be made subject to the obligations set forth in Rule All pleadings shall be so construed as to do substantial justice. It is not necessary to aver the capacity of a party to sue or be sued or the authority of a party to sue or be sued in a representative capacity or the legal existence of an organized association of persons that is made a party. In all averments of fraud or mistake, the circumstances constituting fraud or mistake shall be stated with particularity. Malice, intent, knowledge, and other condition of mind of a person may be averred generally. In pleading the performance or occurrence of conditions precedent, it is sufficient to aver generally that all conditions precedent have been performed or have occurred. A denial of performance or occurrence shall be made specifically and with particularity. In pleading an official document or official act it is sufficient to aver that the document was issued or the act done in compliance with law. In pleading a judgment or decision of a domestic or foreign court, judicial or quasi-judicial tribunal, or of a board or officer, it is sufficient to aver the judgment or decision without setting forth matter showing jurisdiction to render it. For the purpose of testing the sufficiency of a pleading, averments of time and place are material and shall be considered like all other averments of material matter. When items of special damage are claimed, they shall be specifically stated. Every pleading shall contain a caption setting forth the name of the court and county, the title of the action, the file number, and a designation as in Rule 7 a. In the complaint the title of the action shall include the names of all the parties, but in other pleadings it is sufficient to state the name of the first party on each side with an appropriate indication of other parties. A party whose name is not known may be designated by any name, and when the true name is discovered, the pleading may be amended accordingly. All averments of claim or defense shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances; and a paragraph may be referred to by number in all succeeding pleadings. Each claim founded upon a separate transaction or occurrence and each defense other than denials shall be stated in a separate count or defense whenever a separation facilitates the clear presentation of the matters set forth. Statements in a pleading may be adopted by reference in a different part of the same pleading or in another pleading or in any motion. A copy of any written instrument which is an exhibit to a pleading is a part thereof for all purposes. Except when otherwise specifically provided by rule or statute, pleadings need not be verified or accompanied by affidavit. An unsigned paper shall be stricken unless omission of the signature is corrected promptly after being called to the attention of the attorney or party. If, after notice and a reasonable opportunity to respond, the court determines that subdivision b has been violated, the court may, subject to the conditions stated below, impose an appropriate sanction upon the attorneys, law firms, or parties that have violated subdivision b or are responsible for the violation. A motion for sanctions under this rule shall be made separately from other motions or requests and shall describe the specific conduct alleged to violate subdivision b. It shall be served as provided in Rule 5, but shall not be filed with or

presented to the court unless, within 21 days after service of the motion or such other period as the court may prescribe , the challenged paper, claim, defense, contention, allegation, or denial is not withdrawn or appropriately corrected. Absent exceptional circumstances, a law firm shall be held jointly responsible for violations committed by its partners, associates, and employees. On its own initiative, the court may enter an order describing the specific conduct that appears to violate subdivision b and directing an attorney, law firm, or party to show cause why it has not violated subdivision b with respect thereto. A sanction imposed for violation of this rule shall be limited to what is sufficient to deter repetition of such conduct or comparable conduct by others similarly situated.

Chapter 9 : Annals of Congress Page Headings

A party asserting a claim to relief as an original claim, counterclaim, cross-claim, or third-party claim, may join, either as independent or as alternate claims, as many claims, legal or equitable or both as the party has against an opposing party.

Brooks, November 3, Judge Walter D. I have attempted to transcribe his work faithfully, modifying punctuation and spelling in some cases where I believed errors of typesetting in the s needed correction for clarification or accuracy. His work should be read as much as reflective of the worldview of a prominent citizen of the s as for its detail of the political and military life of the county in its early years. While whole sections of his work were used as chapters in the publication of Chatham County, by Wade Hadley, Doris Goerch Horton, and Nell Craig Strowd, it seems important to me that the entirety of his writings for The Chatham News be presented. It is my hope that these notes will add to the value of the history for the reader. The parent county had been formed in the year from Bladen, Johnston and Granville, and as Chatham lies within the original domain of the last, our county may be properly termed a daughter of Orange and a granddaughter of Granville. However, long before the controversy between the Crown officers and oppressed and discontented settlers, which was to culminate in the Regulation movement, had its birth, many immigrants, having secured land grants from the Earl of Granville, bringing their families, slaves and household goods, had taken possession of many of the broad acres along the rivers and amidst the hills of what was then southern Orange. They had cleared land for cultivations, erected crude but comfortable log dwellings, and soon thrifty settlements dotted various sections of that locality. Like the early settlers in all Piedmont North Carolina, those first to take up their abode in what was destined to be Chatham County, were, for the most part, of Scotch-Irish and German stock, who had come from Pennsylvania and Virginia though not a few were of English extraction who had come from the eastern section of the State; Chowan, Halifax and possibly other of the coastal and tide-water counties having contributed many families to the rapidly developing community. Our earliest settlers were not adventurers, who came in quest of gold, nor were they of the turbulent and violent classes, who had departed from the older and more populous centers to escape the avenging arm of the law. They were of that sturdy, independent, liberty-loving type, such as Bancroft, the historian, had in mind when he said: Their surroundings were the most primitive and they were forced to dwell remote from the centers of culture and social advantage, but they remained gentle in their tempers, serene in their minds and strict in their abhorrence of bloodshed and violence. Love of liberty and hostility to outside interference with their domestic concerns was their most prominent characteristic, as was soon to be demonstrated in the controversy, which had been precipitated by the arbitrary acts and oppressive conduct of Edmund Fanning, Register of Deeds of Orange, and other Colonial officers, whose arrogance and rapacity had raised a storm that was to end in strife and bloodshed. While there has been considerable controversy among historians as to whether the Regulators should be regarded as devoted patriots, who at Alamance were beginning an offensive against the mother country that was to culminate in the war for American Independence, or a poorly organized band of anarchists who were fatally bent upon overturning all form of government and destroying the safeguards that protected life, liberty and property, it is now pretty generally conceded that neither is correct. The conditions which led to the conflict were due to abuse, extortions, excesses and oppressive exactions on the part of the Crown officers on the one hand, and a determination on the part of the people to remedy the evils, and reform a system which had become hash, burdensome and galling, on the other. The chief causes of popular complaint were high taxes, corrupt and rapacious officials and extortionate fees. The system of taxation, which had apparently been devised without regard to justice or fairness, provided that all taxes should be levied on the poll, so that the owner of a single ox was required to pay the same as was the owner of a ten thousand acre farm and the cattle on countless hills. Money was, as is always the case in rural communities, distant from the marts of trade and centers of commerce, scarce, and this

fact made it all the more easy for designing and dishonest officers to levy upon the property of delinquent tax-payers, collect an additional fee for so doing, and sell the property to some friend at a fraction of its real value. Fees exacted by officers were claimed to be exorbitant, while the officers themselves were, so far as a large number were concerned, either corrupt or inefficient, and in many cases, both. But when the day came, though twelve delegates appeared on the part of those who were demanding relief, no officer was in attendance; such failure, it was charged, being due to the influence of Edmund Fanning, who, deeming the meeting an insurrection, had counseled his fellow office-holders to remain away. The Maddox meeting seems to have resulted in nothing except the proposal that the people hold such meeting annually to discuss the qualifications of legislative candidates, advise the representatives of their wishes and to investigate the conduct of public officials. Though the cause of complaint remained and the agitation was kept up, organized opposition to the royal officials remained dormant until about March, , when the storm broke with redoubled fury. It was at this time also determined to request the Sheriff and Vestrymen to meet a committee and produce for inspection a copy of the list of taxables, a list of the insolvents, with an account of how the money was applied and to whom paid. Before the action of this meeting had been made known to the authorities, the Sheriff of Orange seized a horse, bridle and saddle, the property of a Regulator, and sold the same for taxes. This, as might have been anticipated, brought matters to an immediate crisis. At this juncture an effort seems to have been made to compose the differences between the warring parties, the officers agreeing to meet the Regulators with a view to an amicable adjustment. The latter appear to have entered into the negotiations in good faith, while the former, true to their usual custom, were utterly insincere in their supposed desire for reconciliation. Immediately after this agreement the Regulators appointed a committee to gather information and facts regarding taxes, fees, etc. While the data was being collected, Fanning, who was the dominating personality of the office-holding class, at the head of an armed posse went to the Sandy Creek settlement, and arrested William Butler and Herman Husband, two of the most prominent Regulators, upon a charge of inciting rebellion, and conveyed them to Hillsboro, where they were incarcerated in jail. The arrest and imprisonment of the two Regulators, not only aroused the frenzy of their fellow clansmen, but enlisted the sympathy of many who had never been identified with the Regulation movement, and who now armed themselves and joined a force numbering nearly seven hundred, which marched on Hillsboro to release the prisoners. This official, in the name of his royal principal, assured the people that if they would quietly and peacefully disperse, and return to their homes, and petition the Governor in the proper manner, that full justice would be done them. To this the Regulators acceded, only to be again deceived and imposed upon, for the Governor declined to ratify the conductof his secretary, and, refusing to deal with them as an organization, demanded that they disband. In July, true to his promise, Governor Tryon went to Hillsboro and while there he was in communication with the Regulators, several letters passing between him and them. On August 18th, he addressed a letter to the meeting that had been called by them, in which, after reproving them for their course in refusing to pay their taxes, and their threats against the lives of many of the inhabitants of the county, he closed by requiring that twelve of the principal Regulators furnish him bond in the sum of One Thousand pounds, as a security that no rescue should be made of Husband and Butler, who were to be tried at the Superior Court of Hillsboro to be held in September. The bond was not given and to the end that the court might not be interfered with in its deliberations, the Governor called out the militia. Husband was acquitted, while Butler and two other Regulators were convicted, but were pardoned. Found guilty at this term of court of extortion, Fanning appealed, and the Attorney General of England declared that the charges were groundless. All in all, it would seem that the session of court might be regarded as a triumph for the Regulators. But they seemed to have felt little inclined to be content with what they had gained, and so, impatient for a more speedy relief than either the courts or the Assembly seemed willing to secure for them, that they now entered upon a career of excesses that lost them, to a considerable extent, that popular sympathy that had heretofore been theirs. At a court held in Hillsboro in September, , a mob of more than one hundred and fifty Regulators, headed by Herman Husband, Rednap Howell, William Butler and James Howell, armed

with clubs and bludgeons, entered the court house during the sitting of the court, drove the presiding judge from the bench, beat up William Hooper and John Williams, two prominent attorneys, dragged Edmund Fanning through the streets, and after whipping him severely, destroyed his furniture, valuable papers and other personal effects, and demolished his house. After maltreating and abusing several other prominent gentlemen, they took possession of the courts house, organized a mock court, and having secured possession of the court dockets, made many scurrilous and profane entries therein. In the midst of the excitement, which followed these outbreaks, the Assembly met in New Bern on December the 5th. It was evident that something must be done and that quickly, to restore tranquility and a respect for law and order, or the entire colony would be reduced to anarchy. The Assembly at once entered upon the task of trying to devise by legislative means some method of restoring order, and consequently acts were passed relative to the selection of sheriffs and defining their duties, regulating the fees of public officers and reforming the court procedure. What was know as the Johnston act, so named because it was introduced by Samuel Johnston and which contained drastic provisions for the prosecution and punishment of all such as might incite and participate in a riot in any Superior Court of the Province, was also enacted. As a further means of bringing peace and quiet to the disturbed and distracted section, it was determined to create a number of new counties in the territory where the Regulation sentiment was most pronounced, so that large bodies would have less occasion to assemble at any one place in the disaffected district. As a consequence bills were introduced providing for the creation of Chatham, Wake, Guilford and Surry, and were all speedily enacted into law, the act establishing Chatham being ratified on January the 26th, All these measures proved disappointing results, for the Regulators became more violent in their denunciation of all governmental authority, and the situation became so acute that the judges protested against holding court at Hillsboro in March, assigning as a reason that it would be impossible to despatch business with any feeling of personal safety to themselves. With 1, militiamen, commanded by himself, the Governor reached Hillsboro on May the 9th, having encountered no opposition on the march. On the 14th he camped on Alamance Creek, some miles from Hillsboro. On the 16th his troops, in line of battle moved on the Regulators, who had assembled to the number of 2, Neither force seemed to have a great thirst for battle, and the Regulators sent a communication to the Governor asking for permission to lay their grievance before him. He replied that he could have no parley with citizens in a state of armed rebellion, and ordered them to disperse and submit to the laws of the Province. He gave them one hour in which to determine their course, at the expiration of which he sent for the reply; the officer who went for it advising that unless they dispersed the Governor would fire upon them, whereupon they replied: The Regulators returned the fire, and the battle was on. The engagement continued for two hours, when the Regulators, defeated by the organization and discipline of the militia, were through into confusion and driven from the field. As a result of the battle, the royal forces lost nine killed and sixty one wounded, while the Regulators had nine killed, quite a number wounded, besides fifteen captured. The victims of the gubernatorial wrath were neither traitors nor outlaws, and their summary execution for having, though in an unwise and unlawful manner, sought a redress of their grievous wrongs, was a cruel, vindictive and despotic act of folly characteristic of a tottering government soon to be overthrown. The Colonial office-holder, who more than all others, by his conduct, furnished the principal cause and excuse for the Regulation movement, was Edmund Fanning, chief representative of the royal government, and the dominating factor in Orange County. He was a native of the State of New York, an alumnus of Yale college, having graduated from this renowned institution with distinction, in the year , a lawyer of splendid ability and a man of commanding talents. By the Regulators he was regarded as a dishonest and rapacious official, who was systematically despoiling the people, and while evidence is inadequate to convict him being the corrupt and venal character that he has sometimes been painted, it is easy to understand how one with his insatiable thirst for office and his success in satisfying it, would not be regarded with much popular favor. He was at one and the same time, member of the General Assembly from Orange; Register of Deeds for the same county; Judge of the Superior Court, and Colonel of the militia. His affinity for office followed him wherever he went, and he was in turn, Surveyor General of

New York, Councilor and Lieutenant Governor of Nova Scotia, and in became Royal Governor of Prince Edward Island, which office he held for nineteen years. He died in the city of London in the year , leaving a son who became an officer in the British Army, and two daughters, each of whom married a titled Englishman. He had two nephews who became distinguished American soldiers in the War of , and they rendered valiant service in behalf of the Republic to whose liberties their uncle had always been an enemy. The most active and influential character among the Regulators, and the one most potent in the dissemination of propaganda and the organization of the movement, was Herman Husband, a Quaker preacher from Pennsylvania, who had several years before moved to North Carolina and settled on Sandy Creek, in what is now Randolph County. He was a man of much native ability, better educated than the people among whom he lived, and seems to have been as noted for his business shrewdness, energy and thrift as for his predilection for political strife. Personally popular with a people groaning under the burden of high taxes and exasperating local government, he soon secured a considerable following and was twice elected a representative from Orange to the General Assembly. Deserting his followers on the eve of the battle of Alamance, he made his way to Pennsylvania and settled near Pittsburgh. Though exempted from the general pardon issued by Governor Tryon and a reward of one hundred pounds and a thousand acres of land offered for his capture, he was never apprehended. After the Revolution, he returned to North Carolina, but only remained for a short time. An agitator, rather than a patriot, his subsequent career showed him to be, for in his old age, he became involved in the Pennsylvania Whiskey Insurrection of , and, as a result, was arrested and put in jail. He is said to have been released by the efforts of David Caldwell. Though never a resident of Chatham or what is now Chatham, he owned considerable land within its boundaries, as court records show, all of which he sold after departing from the State. The land owned by him was in the western section of the county, in the vicinity of Siler City, he having acquired by grant from the Earl of Granville, the plantation now owned by Messrs. Bray, and other tracts in that section. After Husband, the most prominent actors on the part of the Regulators, were Rednap Howell, a native of New Jersey, who had many years before come to North Carolina, and James Hunter, a Virginian, who had settled in the Sandy Creek section. The measure was entitled: Provision was also made for the levy of a poll tax of two shillings upon each taxable person of the county for three years for the purpose of building a court house, prison and stocks. Among other provisions, provision was made for the nomination by the Inferior Court of Pleas and Quarter Sessions of Chatham of eight freeholders at each term just preceding the Superior Court for the Hillsboro District to serve as Grand and Petit Jurors in that court, this county being in that district, and another for the employment of workmen to build a Court House, jail and stocks at some place to be selected by a committee or commission composed of Edmund Fanning, Mark Morgan, Richard Parker, Stephen Poe, and Richard Cheek. The County was named in honor of the Earl of Chatham, the greatest English statesman of his day, and one of the greatest of all time. Throughout his long and brilliant career, he was the great champion of America in the British Parliament, and North Carolina has perpetuated his name by the counties of Pitt and Chatham, while our own county named is capital in honor of his illustrious son. The Hillsborough District had a session of the Superior Court twice each year, and Chatham sent jurors to each term until the year , after which Superior Courts were held in our own county. The first Court of Pleas and Quarter Sessions met on the 6th of May, , at the place designated by law, viz: Before this tribunal came William Hooper, who presented his commission of appointment from the Governor, filed a bond with approved surety, and was duly qualified as County Court Clerk for Chatham. Hooper was then an attorney residing at Hillsborough, and was destined to fame, not only as a lawyer and statesman, but for his patriotic services in behalf of American liberty. He later occupied many positions of public trust in the State and was a signer of the American Declaration of Independence. The first book of records in the office of the Register of Deeds is in his hand writing and is as legible today as when written in At this same time, Elisha Cain, producing his commission, filing his bond and taking the prescribed oath of office, became the first Sheriff of the County. The records fail to indicate how many sessions of the court met at the residence of Captain Poe, but it is assumed that the committee named to choose a site for the location of the court house

and other public buildings acted with promptness, and that the seat of government was soon established at the point selected, viz: The exact spot on which the court house stood may still be pointed out, as may also the site of the old jail, which was just south of the court house and about and about 75 yards northwest of the Scurlock dwelling, the only habitation in the immediate vicinity. It is said that the Commissioners determined upon this location because of its being near the geographical center of the county, and that near by was a never failing spring noted for its excellent water. The court house must have been built soon after the organization of the county, for in the year it seems to have been in need of repairs, and at the November term of the Court of that year, it was ordered: It stood on the main street of Pittsboro and was in a good state of preservation when destroyed by fire a few years ago. The seat of government remained at this place until some time after the Revolution when it was removed to its present location when the town of Pittsboro was established. Both have many descendants in the county and other sections of the state, and they have just cause to be proud of these honored ancestors. Wilcox was one of the most enterprising and substantial business men of the county, and was the owner of the old Iron Works at Gulf, which was then in operation. He furnished iron to the American government during the Revolution, which was soon to begin, and his petition to the Governor of North Carolina for payment of his claim for iron delivered to the American army, in order that he might re-build his furnace, which had been washed away by one of the freshets, to which Deep River is subject, is still extant. Coal was discovered on this property, and he opened a mine and used coal in his furnaces.