

## APPENDIX.

PORTRAIT OF THE LATE ASSOCIATE JUSTICE RODMAN, PRESENTED TO THE COURT  
ON 6 FEBRUARY, 1895.

Hon. Geo. H. Brown, Jr., addressing the Court, said:

MAY IT PLEASE THE COURT:—In behalf of his sons and daughters, I have the honor of presenting the portrait of WILLIAM BLOUNT RODMAN, who was for ten years of his life a member of this Court. It is right and proper that we should not only preserve in the volumes of the Reports of this Court the evidences of the wisdom, learning, and ability of its members, but that their familiar faces should look down from their canvases upon the scene of their earthly labors and triumphs. It is not only calculated to inspire your Honors to emulate the examples of your great predecessors and to write your names in large letters upon the judicial history of the State, but the young men who, on each recurring term, go forth from this room to engage in the generous rivalry, and encounter the difficulties of our profession, will catch hope and inspiration as they gaze upon the noble features of the dead jurists whose portraits ornament these walls. They will remember the humble origin of many of them, the obstacles overcome, and the difficulties surmounted, and perchance ambition's spark may be fanned into an energetic flame by the contemplation of their careers.

“Lives of great men oft remind us  
We can make our lives sublime,  
And departing leave behind us  
Footprints on the sands of time.”

He, whose lifelike portrait I have the honor to present, was born in the town of Washington, North Carolina, 29 June, 1817, and was the son of William Wanton Rodman and his wife, Polly Ann, the daughter of that John Gray Blount whose name is so well known throughout Eastern and Western North Carolina as the largest landowner who ever lived in the State. The subject of this sketch came of intellectual ancestors on both sides. His father is said to have been a very able lawyer and a man of much intellectual force, who practised law in the city of New York for a number of years, and removed to Washington, North Carolina, in 1811. The maternal grandfather, John Gray Blount, is said to have been a man of strong and rugged personality, progressive and enterprising, of great force of character and excellent judgment. He was not a member of any of the learned professions. The residence which John Gray Blount constructed, and where he lived and died, is now standing in the town of Washington, and is the home of Judge Rodman's surviving sister.

From the early accounts that we have of him, the youth of Judge Rodman was very precocious. At the early age of five years the young boy William Rodman was at school, and according to the reports of his teacher, still in existence, he could at the tender age of seven years scan and translate Latin. It frequently happens that extraordinary, precocious children do not fulfill the promise of their youth. In this case, however, the youth was but the father of the man. A remarkable capacity to acquire and assimilate learning was manifested in him almost before he was out of frocks, and he retained his faculty in a most remarkable degree unimpaired up to the close of his long and laborious life. It was not simply the power to remember that he possessed, but it was the faculty of complete assimilation. What he read and learned became a part of his intellectual fiber. As the healthy stomach takes

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up food, feeds and strengthens the body, so his capacious memory took up, digested and retained all he read, and his intellectual powers grew and strengthened upon the nutriment. At the age of fifteen young Rodman entered college, graduating at Chapel Hill at the age of nineteen with the first distinction. While at college he is said to have been a close student and an omnivorous reader, a habit he retained all his life. He had the advantage of studying law under one of the greatest men whose careers adorn the history of this State, William Gaston, *clarum et venerabile nomen*.

After he came to the Bar the young lawyer settled in his native town. Making rapid strides, he was soon in the enjoyment of a large and lucrative practice. He came to a Bar whose members were men of great ability and distinction in their profession. Such lawyers as Stanley, Bryan, Donnell, Warren, Satterthwaite, Sparrow and Carter were for years his generous rivals, and constituted foemen worthy of his steel. In a short time Mr. Rodman came into the very front ranks of the profession and was justly and generally regarded as one of the very ablest and most learned practitioners in Eastern North Carolina.

After 1878 I met him at the Bar frequently in the courts of Pitt, Beaufort, and Hyde. Although his silvered hair betokened advancing years, yet to those who witnessed the trial of the first cause in which he participated after returning to the Bar, it was plainly evident indeed that "Ulysses had come." There are some lawyers who, from peculiar mental endowment or from taste, acquire special skill in the trial of certain kinds of causes. Judge Rodman tried all kinds well. His management and speech in the celebrated case of Washington Carrowan, in which he was leading counsel for the prisoner, proves that as a criminal lawyer he had few equals and no superiors in the State. The trial of civil causes, however, he much preferred. He prepared them exhaustively and tried them with great success.

He managed a complicated boundary case with as much ease, clearness, and ability probably as any lawyer who ever lived in the State. Upon questions of tort, commercial and contract law, he was equally at home. He was not an orator in the usual sense of that word. He did not try to stir the passions, and he never condescended to appeal to the prejudices of a jury. He was as far removed from the demagogue as one pole is from the other. He was essentially a reasoner. His style of speaking was as fluent and easy as that of any speaker I ever heard, and so simple and clear that the humblest intellect must surely have comprehended his meaning. It was not only no effort to listen to him, but his speech had that logical and interesting quality which carried his hearers along without effort on their part. He was eloquent, but it was the eloquence of pure reason. His speech flowed as smoothly and evenly as a deep-flowing stream. It seldom surged as a tempestuous torrent. No lawyer was ever more devoted to the interest of his clients. No lawyer ever served them with more fidelity as well as ability, and I may add that few ever demanded such moderate compensation for their services.

In 1854 Judge Rodman was associated by the Legislature with the Hon. B. F. Moore, then the recognized head of the Bar of this State, as a commissioner to revise and print a complete compilation of the laws of this State. Their work is known as The Revised Code. It is said that Mr. Moore always gave Judge Rodman credit for having performed the larger share of that work, and that he always spoke of him as one of the most thoroughly equipped and accurate lawyers in the State. This work, though now but little in use owing to the great revolution in our laws, is a monument to the research and ability of both these eminent men.

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On 1 September, 1858, Judge Rodman was married to Miss Camilla D. Croome, of Greensboro, Alabama, a lady who blended in her character the highest mental and moral qualities, coupled with a charming personality. She died 26 May, 1887. The surviving children of this marriage are Col. William B. Rodman, a distinguished lawyer, living in his father's native town and occupying his father's old office, Miss Lida T. Rodman, Mrs. Owen H. Guion, Dr. John C. Rodman, and Willie Croome Rodman, all of whom, without exception, inherit the quick mental faculties and rare intelligence of their parents.

In the home circle, Judge Rodman's character was most beautiful. In portraying this I can do no better than borrow the eloquent pen of Mr. Pulaski Cowper: "His home, of all places on earth, was the most attractive to him; and when not professionally engaged, at his home he would always be found, and he never left it at night. Thoughtful, sympathetic, and indulgent to his children, ever alive to their wishes and wants, with a heart as warm and unselfish as was ever implanted in the human breast, and impulses responsive to love and tenderness, it can well be conceived how joyous was the family tie, and how intense the sorrow when death had broken it."

To those who did not know Judge Rodman intimately this picture may appear overdrawn, for he was very reserved in his nature, and as imperturbable as a Teuton. But beneath that calm and unmoved exterior there dwelt a wealth of tenderness and affection that today finds a most responsive echo in the hearts of those who were its objects.

At the breaking out of the war between the States, Judge Rodman raised a company of artillery and served for some time in Eastern North Carolina. Afterwards he became a judge of a military court, which position he held until he surrendered at Appomattox. In 1868 he was elected to the Constitutional Convention and took his seat in that body. In the minds of those who knew Judge Rodman well at that time there is no doubt that in taking that seat he was not inspired by a desire for office. He was not an office-seeker, and never had been. His ambition had never taken that form. Shortly before the war he was tendered a high judicial station and declined it. He had never been a candidate for any office up to that time that I am aware of except in 1842 he ran for the Legislature. So I am firmly convinced that he was not actuated by any selfish motive or desire for personal aggrandizement. His motives were pure and patriotic and inspired by love for his people and his State. He saw that coming events were casting their shadows before, and that his mother State would soon be under the domination of an alien crew unless her children came to her rescue.

He hoped, when he took his seat in that memorable body, to lead it in those paths of legislation conducive to the good of the State. He fervently believed that it was the only salvation for the State that her sons, having her true interest at heart, should endeavor to take part in formulating for her government the new Constitution. That he was only partially successful was not his fault. There is no doubt that, while Judge Rodman's conservative views, as frequently expressed in that Convention, did not always prevail, they had a very salutary influence and doubtless averted many harmful measures which otherwise might have been engrafted upon the fundamental law of the State.

He also gave to the Constitution some most valuable and useful provisions which have been of great utility as safeguards against unwise legislation. He was the author of the provision in the article on Revenue and Taxation which fixes the proportion between the tax on property and on the poll. I have been informed that this provision up to that time had not been found in the Constitution of any state in the Union. He was also the author of the provision

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which regulates State and county taxation, and imposes a limit to taxation by the county. I believe he was also the author of the Married Woman's Act, adopted in 1869 and 1870.

When the distinction between the law and equity practice was abolished and the common-law method of civil procedure displaced by the Code, Judge Rodman assisted more than any other in adapting the code system to the needs of our State. He prepared a criminal code, to which he devoted great labor and research. As it was never adopted, its merits are generally unknown. I have examined a copy of it, and, while I regard the common-law criminal procedure as far superior to any possible criminal code, I can say that this work of Judge Rodman bears the impress of the fullness of his learning, and of his comprehensive and discriminating mind. In leaving this part of Judge Rodman's life, I must say that I believe the impartial judgment of posterity will declare that our State is largely the gainer by his connection with the Convention of 1868.

Without effort on his part, Judge Rodman was called to the Bench of the Supreme Court, and took his seat at the January Term, 1869. Like his preceptor, the great Gaston, he had no preliminary training as a judge in the *nisi prius* courts of the State; but I doubt if any lawyer ever brought to this Bench more fullness and accuracy of learning, a greater capacity for labor, or a more impartial and discriminating mind. He had, preëminently, the judicial temperament. Nature had made him a just and impartial man, and all his life he had followed the precepts of justice and right in his dealings with his fellow-man.

There are judges, I doubt not, who feel a tendency to sometimes allow their emotions to influence their judgment, and who restrain such feelings by the exercise of will and the promptings of an enlightened conscience. Judge Rodman needed no such curb. Impartiality was, in his composition, an intellectual quality, a feature of his mind with which he had been endowed by nature. He was, also, more of the philosopher than most of us. He always bore good fortune without undue elation, and adversity with wonderful equanimity. I was present in his room at Hyde court on an occasion when a messenger from his farm hurriedly brought him the news that his gin-house and fifty bales of cotton had been destroyed by fire the night before. At the time he was engaged in writing an important pleading. He looked up from his work, asked the messenger two or three questions, and resumed his writing with the utmost composure. It is seldom that men acquire that great control over their feelings and emotions that he possessed.

At the time Judge Rodman came to the Bench, our jurisprudence underwent, in many respects, a radical change. It was a transition period in our history. The Court could not always "travel with ease along the highway of precedent." New paths had to be blazed out, and a system of law, in many respects unfamiliar to our people, was to be shaped and molded to the needs and uses of a sparsely settled agricultural State. Judge Rodman's fertile and resourceful brain lent invaluable aid to this Court during that period. His opinions upon constitutional questions are justly regarded by the profession as among the very ablest in our Reports. His dissenting opinions, in some notable cases, show not only the independence of his mind, but the power and force of his reasoning faculties and his great acumen. His style might well be studied with profit by the judicial writer. The simplicity and elegance of his diction is evidence of the richness of his vocabulary. He was not only a master of his native tongue, but he was entirely at home in the language of Virgil, as well as Homer; in the language of Goethe, as well as Hugo. He was a mathematician of a high order, and a *belles lettres* scholar of extensive and varied

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acquisition. His love of learning was only exceeded by his love of truth. It is useless that I should continue this imperfect sketch. No words that I can utter will add to his fame. He has made for himself, in the records of this Court, a monument which will preserve his name and memory to future generations as long as law is revered and precedents are respected.

It only remains, in conclusion, that I shall present to your Honors this portrait of a great judge and a good man, that it may hang among those of his illustrious predecessors and associates, portraying to present and future generations the lineaments of one of those profound lawyers who assisted in expounding and maintaining the great system of jurisprudence under which we live.

Following Judge Brown, Hon. Charles F. Warren addressed the Court as follows:

MAY IT PLEASE YOUR HONORS :—I have been requested by the family of the late Judge Rodman to be present on this occasion. The distinguished jurist who has presented his portrait to this Court has left but little unsaid. Born in the same town, and living neighbors, members of the same profession and practising at the same Bar, I esteemed and admired him. It is a pleasure to pay my tribute to his worth as a citizen, his purity as a man, his ability as a judge, and his learning and integrity as a lawyer.

Graduating at the State University with the first honors of his class, he was prepared for the Bar by Judge Gaston. A hard student, a ripe scholar, a close reasoner, with high conceptions of the dignity and honor of his profession, he was splendidly equipped for the practice of the law. There was no flaw or crevice in his armor. Like a knight of old, he entered the lists prepared to do battle with all comers. He at once took and held high position in a conspicuously able and brilliant Bar. Stanley, Donnell, Satterthwaite, Warren, Carter, and Sparrow, his professional brethren, have all long since gone over to the silent majority. They were not mere practitioners, trained and skilled in the principles and forms of the law. They brought to the practice of the law every resource of liberal education and cultivated and disciplined faculties. History, science, philosophy, and the literature of the living and dead languages were at their command. The attrition of mind, like the spark from the flint, drew forth their best powers. They entered the arena like the Greek athlete, stripped and oiled for the decisive wrestle, and, if in the contest they touched mother earth, like Antæus, they arose strengthened by the contact. There was a courtesy and *esprit de corps* among them which gave tone and character to the profession. With them the practice of the law had higher aims than the acquisition of money.

Judge Rodman loved the law for its own sake. He gave it no divided affection, but devoted his life to its service. To him it was the noblest and most attractive of the sciences. To him it was a progressive science, adapting itself to social changes and conditions and keeping pace with the progress of invention and the march of civilization. He did not hesitate to discard the useless and obsolete. He believed—

“That man’s the best conservative  
Who lops the mouldered branch away.”

In the maturity of his intellect and physical powers his capacity for labor was immense. He considered nothing done while anything remained to be done. Enjoying a lucrative and exacting practice, he still found time to labor in other fields. With his associates he prepared the Revised Code, which is regarded by the profession as a most thorough and accurate compilation of the statute law of the State. The articles of the Constitution of 1868 upon the

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judiciary and revenue and taxation were mainly drawn by him. A pleader of rare skill and precision under the old method, and schooled in its forms and precedents, he strongly advocated the adoption of the new system. The changes and alterations in the New York Code of Civil Procedure necessary to adapt it to our judicial system were made by him. The acts on Criminal Procedure, Draining Lowlands, Landlord and Tenant, and Marriage were drawn by him, and stand upon the statute books substantially as he drew them. As a lawmaker he was exact, painstaking and conscientious. Lord Catham deprecated the presence of the mere lawyer in Parliament, and he said you might shake the Constitution and the lawyer would remain silent, but if you touched a cobweb in Westminster Hall, the exasperated spider would sally out in its defense. Judge Rodman had no reverence for rubbish.

His ten years of service upon this Court was a period of transition. The State had just emerged from a desperate civil war, and old forms had vanished in the conflict. The foundations of society were shaken. Novel and perplexing questions arose which needed to be solved by the Court. The thousand and one questions incident to a change from one form of government and currency to another, and from a system of slavery to a free State, acts and contracts which had their birth and origin in social disorder, the construction and adaptation of new laws enacted to meet the new order and condition of things, all came up for solution. It was a fierce light which beat upon the Court in those days of unrest and passion. While its conclusions may not always have met our approbation, no one can deny its great ability. The opinions of Judge Rodman are well considered and expressed. His style, if less terse and perspicuous than that of the great Chief Justice who presided over the Court, was more ornate and scholarly. He was apt in illustration, and was a fine classical scholar. His knowledge of the law was profound. He was a great judge. Soon those who have heard him will pass away and time will obliterate the monument which marks his last resting place, but his voice will still speak from the printed page.

Returning to the practice of the law at the expiration of his judicial term, he found his old associates gone and younger men contesting for the emoluments and honors of the profession. I wish here and now to bear testimony to his uniform courtesy and kindness, to his absolute fairness to his professional brethren, and to the modesty and amiability of his character. What there was in his case, Judge Rodman developed, and he tried it upon its merits. He planned no surprises and dug no pitfalls for his adversary. The trial of a case was to him the method provided for the ascertainment of truth. He lacked the fire and intensity of the orator. He appealed to the intellect rather than the emotions. In his estimate of men he was not always correct, and by reason of this, in the trial of cases, he sometimes lost when he ought to have won. In legal argument he was admirable, and he unfolded and developed the equities of his case with rare judgment and power. No subject was so subtle and intricate that he could not elucidate it. When he presented some nice question of law, or drew some fine distinction, I thought that the science of metaphysics had lost what the law had gained.

His life was filled with honors and usefulness. He has done the State service and should live in her history. Her judicial annals are enriched by his labors, and he has left his impress upon her statute and organic law. His memory will be cherished and honored by the members of that profession to which he devoted his life and which he so highly adorned.

Remarks were also made by Mr. John H. Small, as follows:

MAY IT PLEASE THE COURT:—The grateful spirit which prompted the presen-

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tation of the portrait of this eminent lawyer and judge by his family is worthy of commendation.

It is a beautiful custom and, I believe, received its impetus with the removal of the Court to this commodious and appropriate building. It is well that the living students of the law may look upon the faces of the great jurists of our appellate court who have laid deep and strong the basic principles of our jurisprudence and that the laity shall see here reflected the images of these great men who, as expounders of the law, have thrown a protecting panoply around the liberty and property of its citizens.

Success in any calling involves labor, and, in many instances, a more or less high degree of intelligence, but to achieve a distinguished success in the law, at the Bar, or on the Bench, involves the unceasing industry of a well-matured mind, which no pretensions can usurp and no false glamour deceive.

The ultimate criterion of a lawyer is the verdict of his peers, and, as in no other profession, their verdict is always just.

The people of North Carolina, from the days of the Colonial period to the present, have possessed many virtues which, in many respects, have never received just recognition at the hands of the historian; but I wish, with becoming modesty, to suggest that gratitude to her public men, a prompt recognition of eminent services, and a reverent preservation of the memorials of the past, cannot truthfully be considered as one of our cardinal virtues.

We permit the pressing problems of the present to usurp the glorious memories of the past, and while we admire the learning of the living and applaud the hero of today, we forget the dead oracles of the generations before, and permit the patriotic services of her sons to rest in uncertain tradition.

It has been said that "history is the essence of innumerable biographies." Certain it is that if the biographies of our distinguished men could be written with fidelity and memorials of their life's work properly cherished, then the field would be ripe and the harvest plentiful for the future historian.

This is not the occasion, nor does time permit any extended notice of the life and service of the distinguished Judge, to whose memory this occasion is a tribute, and it would be superfluous in view of the very appropriate sketch which has been submitted; but it is to be hoped that the biography of Judge Rodman may yet be written by loving hands, in order that his zeal and industry and learning in the mysterious realms of the law may furnish an inspiration and stimulus to those whose good fortune it was not to know him in life.

Judge Rodman was always a student. His conclusions did not come by intuition, nor did he always regard precedents as infallible, but he entered into the reason and principles of the proposition under consideration, and boldly followed the conclusions of his logical mind. As an advocate, when his case demanded it, he reveled in a technical point and often excited the admiration of his brethren at the Bar by his lucid, cogent, and learned arguments upon questions which to them had been speculative, but under the treatment of his logical mind and terse English became living realities of the law.

Prior to the war, he had a large practice in his circuit, comprising a number of eastern counties, and attracted a large and influential clientage, particularly in litigation affecting real estate. To use the expression of the laity, he was regarded as the best "land lawyer" in the east, which was no mean distinction considering the brilliant galaxy of lawyers then practising in that section.

Judge Rodman has left his impress upon the organic and statute laws of our State. As a member of the Convention of 1868, he was one of the most learned members of that body, and took an active part in framing the new Constitution to meet the changed conditions, and it may be said with simple

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justice now, that every clause which he drafted and was adopted has proven by actual experience the wisdom of his great mind and his disinterested zeal for the people of North Carolina. As the leading member of the commission appointed to draft the Code of Civil Procedure, the present Code was reported and adopted. Considering the traditional conservatism of the Bar of the State, this in itself was a bold act and brought many anathemas upon the heads of the commission, but a practical application of its provisions has overcome all opposition, and it would be impossible to return to the old forms of pleading and procedure.

Judge Rodman was elected a Justice of the Supreme Court in 1868, and served the full ten years of his term until 1 January, 1879, the only other Justice elected at the same time and serving the full term being Justice Reade. It would be verily "carrying coals to Newcastle" to speak in detail of his labors in this Court. The memorials of his work are found in the 17 volumes of the Reports from 63d to 79th, inclusive.

Many of his opinions on leading cases, many are landmarks which point the way, and they have not only been the admiration of the Bar, but they have been quoted with approval by his learned successors on this Bench. During the ten years which he sat in this Court there were nine Justices at different periods, viz.: Chief Justices Pearson and Smith, Justices Reade, Dick, Settle, Faircloth, Boyden, and Bynum.

We are reminded that time in its relentless march has made serious inroads into the ranks of this illustrious company. Of these nine only three survive: the present Chief Justice and Justices Dick and Bynum.

I surmise there was one side of the character of Judge Rodman which the superficial acquaintance did not perceive. With his studious habits, his contemplative mind, and his innate modesty, he was withal a man of deep sentiment and tender emotions. Not the susceptible consciousness which bubbles over at trifles but the deep, abiding sentiment which runs its majestic and silent course and mingles its being in the object of its affections. The great sorrow of his life was the death of his loyal and estimable wife, and though he seldom referred to his great grief, yet his friends knew that his heart was sad in contemplation of his irreparable loss. He passed the evening of his life in his native town of Washington, dwelling among his beloved books and with his devoted children, to whom he was fondly attached until the summons came and he passed over the river to that bourne from which no traveler returns. He left surviving two most estimable and intelligent daughters and three sons, all of whom are exemplifying the force of parental example, and do honor to a distinguished lineage. Two of the sons have entered life's work; the one a physician and the other a lawyer, the latter bearing the name of the distinguished judge and making fine promise of a useful future.

William Bland Rodman, the learned lawyer and upright judge, will live in the annals of North Carolina, and his portrait upon these walls will serve to recall a life fraught with good and fruitful works.

### Response of CHIEF JUSTICE FAIRCLOTH:

The Court has listened to the remarks just made with much pleasure.

Judge Rodman engaged in his chosen profession at an early age and pursued it diligently until his declining years, and did so with marked success. His success at the Bar and on the Bench as member of this Court affords abundant proof of his distinguished ability, astuteness and untiring industry. His power was impressed upon the mind of his profession and intelligence of the people of the State. The organic law, the statutes of the State, and the court records, and especially his opinions in this Court, all testify to his fine learning, his

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superior abilities and his great usefulness to his country and to his profession. His learning was general and everywhere disclosed his superior power and careful thought. His example in the work of his profession is worthy of imitation by those who come after him. His name, reputation, and usefulness as a jurist will be the inheritance of those who survive long after the memories of those who knew him have failed.

The Court accepts the portrait cheerfully and tenders its thanks to the donors. It will be suspended on the walls of this hall in its appropriate place and it is now so ordered by the Court. The clerk will note these proceedings in his record and superintend the execution of the foregoing order.