

PRESENTATION OF THE PORTRAIT
OF
EX-ASSOCIATE JUSTICE JAMES CAMERON MACRAE

TO THE SUPREME COURT

BY

EX-CHIEF JUSTICE JAMES E. SHEPHERD

TUESDAY MORNING, 17 MARCH, 1908.

In making the presentation, ex-Chief Justice SHEPHERD said:

May it please your Honors: In response to an invitation of the Court, I have the honor of presenting the portrait of the Honorable James Cameron MacRae, a former Associate Justice of this high tribunal.

It is characteristic of the modesty of this distinguished jurist that he has requested that no words of eulogy be pronounced on this occasion, as he is happily still with us and engaged in the discharge of the responsible duties of his important and dignified position. As, however, he has retired from the practice of the law, I trust he will pardon me in giving, at least, a brief outline of his useful and honorable career.

We are standing very near where the river and the ocean meet. Every day brings its sad reminder that our generation is passing away, and that those who were reared in the high and peculiar civilization of the past, and those who illustrated its virtues and courage in the days that tried men's souls, are rapidly crossing over the river and resting under the shade of the trees.

It is meet, therefore, that a few words be said of one who, though still living, began his career in that crucial period in the history of his State which reflects its greatest civic and military glories—a time indeed when "None was for the party and all were for the State"; when men bared their breasts to the iron hail of battle, not for conquest or glory, but in defense of their homes and firesides.

Justice MacRae was born in the historic town of Fayetteville, in 1838. His father, John MacRae, for many years occupied a prominent position in that place. His mother, Mary Shackleford, was from Marion, South Carolina. He was educated at old Ronaldson Academy, in Fayetteville, and taught school in Brunswick County, North Carolina, and Horry County, South Carolina. He was licensed to practice law in

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the county court in 1859, and obtained his full license in 1860. He located in his native town and began the practice of his profession. But soon the tocsin of war was sounded, and, in common with thousands of chivalrous young men of the South, he went to the front to meet the invaders of his country. He first enlisted in Company H, First North Carolina Volunteers, but was soon promoted to the adjutancy of the Fifth North Carolina State Troops. This was a great compliment to the young soldier, but his advancement did not stop here, as he was soon afterwards appointed, as major, to the command of a battalion in Western North Carolina, and was afterwards appointed Assistant Adjutant-General to General Baker, in the eastern part of the State, and continued in that position until the end of the war. Among other actions, he participated in the brilliant battle of Kinston, under the distinguished General Hoke, where he was captured, but soon afterwards exchanged.

Having gallantly served his country during the four years of terrible war, he returned home to take up the broken thread of his chosen profession, and throughout the succeeding dark and trying period, in which the Southern people displayed a moral courage and heroism equal, if not greater, than on the field of battle, was ever ready to devote his services to the interests of his State. As a mark of appreciation of his character and services, he was elected in 1874 by the people of Cumberland County to represent them in the Legislature. There he was distinguished for his wise counsel and devotion to duty. In 1882 he was appointed a judge of the Superior Court, to fill an unexpired term, and in the fall of the same year was elected judge of the Fourth (now the Seventh) Judicial District. As illustrating his fearless adherence to convictions of duty, it is worthy of remark that, a short time before he was nominated, he presided over the Prohibition Convention, which met in Raleigh in 1881. At that time there was much and bitter opposition to the movement, and to give it such prominent support was thought to greatly endanger his nomination. Such consideration had no weight with him; and the result showed that, however much they differed with him, the people of North Carolina were capable of appreciating and rewarding such brave and unselfish devotion to principle.

Judge MacRae continued on the Superior Court bench until 1892, when he became an Associate Justice of the Supreme Court. His long and useful service on the Superior Court bench is known in every county in North Carolina. He was well equipped for the position, as he had not only legal learning and sound judgment, but a rare knowledge of human nature, combined with a quick perception of justice and equity. While of a warm and sympathetic nature, and often blending mercy with justice, he had too much regard for the "gladsome light of jurisprudence" and its proper administration to pretend to be better and wiser than

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the law. He appreciated fully that the office of the judge was *jus dicere, non dare*, and he thoroughly realized that no system of laws could endure unless certainty and uniformity were maintained as a rule of action. As a judge of the Supreme Court his memory will be cherished with pride and affection by the people of North Carolina. He was appointed by Governor Holt to fill the unexpired term of the pure and lamented Justice Davis, and was afterwards elected to fill the unexpired term. He was unanimously renominated for the full term, but shared the fate of his party in 1894. Although his service on this bench was short, the character of his work indicates the wise and conservative judge.

After leaving the bench, Justice MacRae resided in Raleigh and resumed the practice of the law, in connection with Capt. W. H. Day. Here he remained until 1899, when he became dean of the Law Department of the State University, succeeding that able law teacher and noble gentleman, the Honorable John S. Manning. Here, under the classic shades of the old University, respected by all and beloved by his students, we leave our distinguished friend, devoting the closing years of his life to the high calling of instructing those of our youth who aspire to a profession which has always exerted such great influence in shaping the destinies of the State.

ACCEPTANCE OF MACRAE PORTRAIT.

REPLY OF CHIEF JUSTICE CLARK

The Court is gratified to receive the portrait of Mr. Justice MacRae, and to add it to those of the other learned and able men which look down upon us from these walls, and whose lives and labors reflect credit upon this Court and the State.

It cannot be said that Judge MacRae has ceased to be a member of the Court. The sitting members are only a part of that greater court which takes part, and whose views are potent, in the decision of controversies. The opinions of our predecessors are daily quoted to us at the bar as controlling. The long row of volumes before us is the repository of their views. In our deliberations and decisions they descend, as it were, from their frames, sit at our councils, throw light upon the path we should go, and point the way. They are

*"The dead but scept' red sovereigns, who still rule
Our spirits from their urns."*

In the courts of England, Coke and Hale, Camden, Hardwick, and Eldon, and others of the great of old are as really present and share in the decision of causes as the living judges who gather around the consultation table. At Washington, Marshall, Taney, Chase, Waite, are potentially still existing, the voice of either being more powerful than that of any living member of the Court.

With us, Taylor and Henderson, Gaston and Ruffin, Pearson, Smith, Ashe, and Merrimon still take their seats at the council board; their views are sought for and followed. In the illustrious company of our predecessors the recorded opinions of Mr. Justice MacRae, who is yet spared to us, make him still a part of the Court. His services were long enough to establish his fame, but too short for the full measure of the services he might have rendered the profession. Yet it may be doubted if, in his present position, he is not rendering greater service still, and more enduring, through his influence upon the future bar and judges of North Carolina.

To those who sat with him here the memory of his uniform courtesy, his great learning, and indefatigable labors is a benediction.

The Marshal will hang his portrait in an appropriate place on the walls of this chamber.