

PRESENTATION OF THE PORTRAIT
OF
HON. THOMAS S. KENAN
TO THE
SUPREME COURT OF NORTH CAROLINA
BY
HON. THEODORE F. DAVIDSON

15 DECEMBER, 1914

Colonel DAVIDSON said:

THOMAS STEPHEN KENAN was born on the 12th day of February, 1838, in the home of his father at Kenansville, Duplin County, North Carolina, and the home of his ancestors since Colonial times, and died at his residence in Raleigh, on the 23d day of December, 1911.

Measured by true standards, his life was singularly happy and fortunate—blessings which his virtues and conduct well merited. He was the embodiment, I venture to say, in the highest expression, of that fascinating and inspiring social and political *status* that prevailed throughout the South in the years preceding the War Between the States—a condition which, despite many defects that envious criticism has not failed to exaggerate, had for its standard of public and private conduct the most elevated ideals. It especially developed that most valuable quality in any social state, the *individualism* of the citizen—that consciousness of *personal* responsibility to God, country, and mankind, which, so long as they are appreciated, will give a community courageous and strong leaders. With many thoughtful men the modern tendency to submerge the individual in the flood of the masses, while it may increase the power of the whole up to a certain point, is pregnant with danger in those great crises which come to every people and which demand the qualities of personal devotion and commanding influence.

The span of his life embraced the most eventful years in our National annals, involving radical revolutions in our political, social, and economic conditions. Standing at the side of his new-made grave, and looking backward to the day of his birth, it is almost impossible to comprehend that we are the same people, or that the same ideals and principles of governmental policies and individual conduct are recognized; and yet, let us hope that deep down in the hearts of the people, especially among those of the "original thirteen States," there are embedded those eternal fundamental principles which underlie and can only maintain the conception of true republican government, such as

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found expression in those inspired writings, our original State and National Constitutions. It is a pleasant belief with some of us that in this reflection North Carolina is entitled to the first place.

While we are too near his death to be free from the influence of universal and individual grief, it is a delightful consolation to reflect upon his career and character. Descended from an ancient and illustrious ancestry, his youthful days were in that golden period of our State's history when lineage, social position, talents, and worth were recognized at their proper value. A long, peaceful, and prosperous period had been the blessing of our people, and under its benign influence civilization in its various and best forms flourished. Surrounded in his infancy and boyhood by the atmosphere of a Southern gentleman's home, he easily developed those noble principles of manhood which he had inherited. When he entered the University he found congenial companionship, a companionship well calculated to enlarge and mature his lofty preconceptions of his duties as a man and citizen. From the University, and glowing with the inspiration of its opportunities and associations, he began the study of law, under the personal supervision of one of the greatest lawyers this State has produced, Chief Justice Pearson, and with a class remarkable for its intellectual brilliancy, whose subsequent careers have made the annals of the legal profession in our State famous.

But before he had opportunity to exhibit in active practice the talents which undoubtedly would soon have won for him a high place at the bar, the "call to arms" resounded throughout the South, and to one of his training and belief there could be and was not a moment's hesitation. His ardor, courage, and conscientious devotion at once distinguished him, and he rose with extraordinary, though not unmerited, rapidity to the rank of colonel of his regiment, and gallantly leading it, after many other "well foughten fields," he was desperately wounded at Gettysburg, and, falling into the hands of the enemy, was kept prisoner of war until the close of hostilities. This period of enforced inactivity was always regarded by him as the great misfortune of his life; but even under these unhappy conditions he was not idle nor depressed. He devoted his energies and employed his powers in devising and executing ways to ameliorate the miserable gloom and wretchedness of his companions in the horrors—it is not too much to say *horrors*—of prison life on Johnson's Island. His diary of that portion of his life is one of the most interesting and inspiring records of those tragic days.

At the close of the War Between the States he was released from prison and returned to his home, intending to devote himself to his chosen profession; but it was not to be. The conflict of rifle and cannon had ended, but there at once began a more stupendous conflict of ideas

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and policies in which the very foundations of the political and social existence of the Southern people were imperiled. When the future historian shall consider that epoch he will undoubtedly record that in all the elements of courage, self-denial, patriotism, and brilliant intellectual effort, it was the most honorable period in the history of our State. Colonel Kenan threw himself into this convulsion with the same courage, energy, and spirit of self-sacrifice that had distinguished him when war was rampant; and these qualities at once put him among the leaders of those who were striving to hold on to what was left in the South.

In the General Assemblies of 1865-6 and 1866-7 he was an influential member, and took an active part in the framing of that difficult and imperative legislation demanded by the radically changed conditions of our people resulting from the termination of the war. Those were great and perplexing problems, and how well they were solved is evidenced by the fact that the legislation of that period has survived longer and become a more fixed policy in our legislative history than that of any other period, except possibly that immediately following the Revolutionary War.

Twice in those momentous days he was called upon to make the race for Congress, in which he and every one knew there was no possible chance of election; but it was vital that the questions at issue should be discussed and our people encouraged to stand fast for the brighter days which were to come, and which, thank God! have come; and no one is more entitled to the gratitude of the people of North Carolina for this result than Colonel Kenan.

Peaceful days were coming once more. Colonel Kenan again resumed his profession, and, cheerfully performing all the duties and meeting all demands of his fellow citizens for public service, no matter how small or large, he was steadily advancing in his practice, when, in 1876, he was called to the office of Attorney-General, a position he filled with great credit to himself, to the honor of the bar, and benefit of the State, for eight years.

Soon after the expiration of his second term as Attorney-General he was appointed clerk of this Court, and continued to be its clerk until his death.

For more than thirty years he was one of the most active and influential trustees of the University of North Carolina, and for the greater portion of that time a member of its executive committee and president of the General Alumni Association. His devotion to and unalterable confidence in this institution were conspicuous; he was absorbed with the conviction that the reputation of the State and its general welfare were largely dependent upon the influence of the University. He was

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often called upon to perform duties and assume obligations in other, but not less important, functions of current civic life; as president of the North Carolina Bar Association; in the Grand Lodge of Masons; as director and always the deeply interested friend of our State charitable institutions; and that which was nearest to his heart, every movement to aid the Confederate soldier, either by measures for his material relief or the far more essential purpose of preserving for the generations to come the record of his patriotism and valor, he was indefatigable and preëminently useful, and his labors have not been in vain.

It is in his official connection with this Court that he was perhaps best known and will be remembered by the public. For more than a quarter of a century he so discharged the duties of the responsible office of your clerk that its members and the legal profession throughout the State came to regard him as an indispensable member of the Court, and his death an irreparable loss. During this period he reported sixteen volumes of the opinions of this Court, a work in which he took much pleasure and pride, and which increased his reputation with the bar. His inborn reverence for the law, his pride in the profession, and his veneration for this tribunal not only made his labors congenial, but exercised a powerful influence with the bar, especially with the younger members who were examined and admitted during his incumbency, and for whom he ever maintained great interest.

He believed thoroughly in the old ethical rules and traditions of the bar, and in his peculiarly happy way never lost the opportunity to urge upon the younger and coming members their preservation. He sometimes was much concerned by certain tendencies, which we all detected, calculated to lower the professional standards, and by admonition and conduct strove to resist those demoralizing influences and to keep the bar on its ancient elevated plane. His work has not been in vain.

It is especially appropriate that some enduring memorial of this lawyer, public official, and representative gentleman shall be placed in this Chamber, whose traditions and associations were so dear to him; and I now, in the name and on behalf of his beloved wife, who survives him, present to the Court this portrait of our departed and beloved colleague and distinguished fellow citizen. It is a wonderfully faithful and striking representation of Colonel Kenan's features and expression, obviously a work of high artistic rank. It is a cause of much pride that the artist, Mr. Jacques Busbee, is a North Carolinian.

It is, however, in the recollection of his social, private, and domestic relations those who knew him intimately have the most happiness. The lofty standards of conduct he observed in public affairs were carried into his home and his family, sweetened by a gentle, joyous, and generous

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heart. Who of us will ever forget his handsome face and form; his cordial, gracious manner, and modest dignity? It has been said that men, while they have the faculty of exciting the respect and confidence of men, rarely evoke the love of men; but it was not so with Colonel Kenan; men loved him as women and children loved him. His very presence in social life, and at all public functions, was always welcomed with delight and pride; and his sound judgment and fine sense of propriety singled him out and imposed upon him—more, perhaps, than any other of his time—leadership in those occasions requiring the exercise of taste and tact. He was endowed by nature and developed by habit the unusual combination of administrative and executive talents; and to this may be attributed his uniform success in meeting every requirement and fulfilling every expectation of his friends and country.

I trust I shall be permitted, without impropriety, to refer to his domestic life. On 20 May, 1868, he was married to Miss Sallie Dortch—a perfect union of tastes, opinions, and aspirations, and full of happiness to both. There was no home in the land where unostentatious hospitality, taste, elegance, and refinement reigned more supremely, brightened and ennobled by perfect confidence and mutual affection and devotion. In his family, to the remotest circle, he was the trusted friend and universal benefactor. The world can never know the manifold forms in which his almost regal generosity found expression, but its recipients know and will never forget.

There is another aspect of his life and character which I am sure will not be without lasting influence. While special forms or creeds did not apparently interest him, he was profoundly impressed with, and convinced of, the truths and beauty of the Christian religion. A member, from his youth, of one of our oldest religious associations, and in his quiet way always deeply interested in and striving to promote its efficiency, he never sympathized with sectarian controversies or church rivalries. He *lived* the life of a sincere Christian. In these days of restless doubt and discussion, which are unsettling the foundations of religious opinion, it is comforting and encouraging to turn to the contemplation of the example of this cultured and upright man, who illustrated in his daily walk the influence of the Christian philosophy of life.

Among the brilliant men of his time, with possibly two or three exceptions, he was the best known and esteemed.

Colonel Kenan's life and character adorn the annals of North Carolina; and this portrait of him will, I hope and believe, keep fresh, in future generations, the memory of the appearance and honorable career of one of the most lovable and useful of men. In all essential qualities that constitute the ideal man he will find peers, but no superiors among

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those illustrious men whose portraits already decorate these walls, or in that long list of equally eminent citizens whose portraits will in all probability be additional memorials of our love and esteem for high character and public service.

Were I asked to suggest to the youth of our land models for imitation in life, I would point to the late Chief Justice Smith and to Colonel Kenan, in whom were combined, in my estimation, those qualities which constitute the very highest excellence of manly and civic virtues.

ACCEPTANCE BY MR. CHIEF JUSTICE CLARK

The hall containing the records of this Court was singularly incomplete while its walls lacked the portrait of the efficient officer who so long served as clerk of the Supreme Court. His distinguished services to his State as a young and gallant officer, as a public-spirited citizen, and as a State official, have been admirably told by his friend and ours, and to that admirable and sympathetic summary nothing can be added.

It may well be said, however, that no reports issued by this Court have ever surpassed those edited by Colonel Kenan when Attorney-General and reporter, and as clerk of the Supreme Court it may also be said without fear of contradiction that there has been none better, not only in this State, but in any state of the Union. He had a natural talent for the position, and it would be impossible for any one to discharge its duties more faithfully or efficiently. It was a rule with him never to leave the office on any day when its work was not entirely completed. Work which should have been done on any day was never carried over till the next. As a result his office was always up with its work. There was never any arrearage.

In the conduct of his office he was not only efficient, but he knew how to discharge its various duties in a manner that made and retained as friends all with whom he came in contact. He was not only a personal friend to every member of the Court, but to every lawyer who had business in his office. The story of his work here may be summed up without flattery in saying that his portrait merits the inscription "The Model Clerk."

The marshal will hang his portrait in the hall of our records, where it will remain for all time as a testimonial of the deep impress he made upon the legal life of the State, and a memorial of the brave soldier, the distinguished reporter, and Attorney-General, and the well rounded, popular, and efficient executive officer of this Court, the friend of the bar of the State and our friend.