

PRESENTATION OF THE PORTRAIT

OF THE LATE CHIEF JUSTICE OF THE
SUPREME COURT

WALTER CLARK

BY THE
HONORABLE JAMES A. LOCKHART

OCTOBER 28TH, 1924

May it Please the Court: Commissioned by the family of the late CHIEF JUSTICE WALTER CLARK, I herewith present a portrait of that distinguished jurist, that his likeness upon these walls may constitute a perpetual and visible memorial of his virtues and achievements. The late Cyrus Watson said that the average North Carolinian slept sounder because he knew that WALTER CLARK stood guard at the outer door of the temple of justice, and it is fitting that his image should look down upon the labors of those who succeed him in his exalted duties.

WALTER CLARK was born 19 August, 1846, on the plantation of his father, in Halifax County, N. C. The son of Gen. David Clark, the only general officer called into the service of the Confederate States from the State troops of North Carolina, and his wife, Anna Maria Thorne, he inherited the strong physical and mental characteristics of a pure British stock who had been for four generations transplanted to Carolina soil. His early youth was spent upon the vast plantation which had been the property of his ancestors for many generations, amid surroundings now gone, but which tended to develop qualities of leadership and habits of command almost from infancy. He here learned to fear God, revere womanhood, and respect the rights of his fellow-man.

In the fall of 1860 he entered Tew Military School, at Hillsboro, N. C., and was engaged in his academic and military training when North Carolina seceded from the Union and became a party to the War Between the States. He deemed it his duty to answer the call to arms and entered the service in May, 1861, at the age of 14, being appointed lieutenant and drill master by the Governor, and was attached to Pettigrew's 22d N. C. Regiment, went with it in August, 1861, to Virginia, and served on the Potomac, where it supported the land batteries at Evansport; 1st August, 1862, was appointed adjutant and first lieutenant of the 35th N. C. Regiment, commanded by Col. Matt. W. Ransom (afterwards United States Senator); was in hearing of the guns, but not engaged at the battle of Second Manassas; served in the first Maryland campaign; was at the capture of Harper's Ferry, 15th September, and at the battle of Sharpsburg, Md., 17th September,

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where he was wounded, and was at the battle of Fredericksburg, where his command was stationed on Marye's Heights, and drove back in several successive charges Magher's Irish Brigade and other commands in Franklin's Corps. Ransom's Brigade being ordered back to North Carolina in 1863, he resigned and went to the University about September 1st of that year and joined the senior class; graduated 2d June, 1864, with the first honor, and the next day, 3d June, was elected major of 6th Battalion (five companies), N. C. Junior Reserves. On July 4th was elected lieutenant-colonel of the 70th N. C. Regiment (1st Junior Reserves), at the age of 17, being the youngest officer of that rank in either army. Commanded the post at Williamston, N. C., in face of the enemy in the fall of 1864, commanding five companies of the infantry; was in the battle of Fort Branch, Christmas, 1864, when the enemy fleet was driven back; was at the battle of Southwest Creek, below Kinston, 2d March, 1865, and at Bentonville in the three-days battle, 19-21 March, 1865, when Johnson repulsed Sherman's army, and on the second and third days commanded the skirmish line of Nethercutt's Brigade, Hoke's Division; was on the retreat from Smithfield to High Point, and at the latter place was paroled with the army on 2d May, 1865—more than three weeks after Lee surrendered. His diligence commanded the approbation of his superiors; his courage drew the affection of those under him. His military service developed his inherent aptitude for leadership and command, and seeing men tested by the red fires of battle impressed him with the great truth that real merit, courage, and patriotism are confined to no rank, caste, or set of men. The necessities of such arduous service gave to him the systematic habits which largely contributed to his ability to perform his unparalleled labors and the courage to face any situation which might arise. He saw men tested in the fiery crucible, and learned that the intelligence, character, courage and patriotism of North Carolinians can be relied upon. The confidence in his fellow-man he there acquired he never lost, and throughout his subsequent career his speeches and writings demonstrated his faith that people can be trusted, and, while they are hard to drive, if courageously and intelligently led, no man will regret the confidence he reposes in the masses of men.

In 1867 he received the degree of A.M. from the University of North Carolina, later serving as trustee of this institution for many years, and always evincing an active interest in its welfare and progress. Entering Columbian Law School, Washington, D. C., he was graduated in 1867, and in the same year licensed to practice law. In early life he joined the Methodist Episcopal Church, South, and continued as a consistent member and active worker during his entire life. The influence of Wesley's disapprobation of the waste of time on frivolous amusements bore

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its impress upon his character, restricting his activities to that which was useful, preventing the dissipation of energy and converting work into recreation. No man believed more firmly that a change of labor was the truest rest, and no man more nearly practised his beliefs. He was a delegate to the General Conference of his church at St. Louis in 1890, and again at Memphis in 1894, and was instrumental in procuring the transfers to the North Carolina Conference of those parts of the State which had formerly been embraced in the Holston and Virginia conferences. In 1881 he was a delegate to the Eccumenical Council of all the Methodist churches in the world, at London. At this time he traveled extensively in Europe, observing closely the laws, customs and social and economic conditions of the peoples in other lands.

At all times keeping an open mind, unprejudiced by ancient custom or early environment, his observations broadened his knowledge and increased his understanding of the problems of civilization and the remedies to be applied for its evils. He saw at first hand the experiments being tried by the different nations of the earth, and the results of these experiments. A tour of Mexico in 1899, and numerous trips throughout America and Canada, served a similar purpose in the development of his character and learning.

Admitted to the bar in 1867, he located at Scotland Neck, Halifax County. Nor was the prophet without honor in his own country. The people of that section realized his ability and his devotion to the matters committed to his care, and within a short time he had developed an extensive business in that and neighboring counties. In 1872 he removed to Halifax, but his training and abilities were such as to broaden his horizon, and no pent-up Ithica could restrain his talents. He removed to Raleigh, N. C., in November, 1873, and there engaged in the general practise of law. His reputation had preceded him, and there was no dreary wait for clients, but business of important character was at once directed to his office, and until his elevation to the bench his services as advocate and counselor were in constant demand.

In addition, he was a director and general counsel for several railroads, the last being the Raleigh and Gaston and the Raleigh and Augusta railroads, the stem from which the present Seaboard Air Line system sprung. During this time he engaged extensively in newspaper work, directing the editorial policy of the *Raleigh News*. This was an era when a prostrate people were the prey to the avarice and corruption of enemies from abroad and traitors from within. WALTER CLARK, from his training and sacrifice, had learned to love his State and its people with a devotion as clear-sighted as it was strong, and as intelligent as it was ardent. His journalistic work was merciless, unsparing, and overwhelming in its cold, logical, and indiscriminate exposure of

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the acts of the exploiters. By nature he was fearless. By his early training he was awed by no man. By his military service it had been burned into his mind that all men, in their rights and before the law, were equal; and when he discovered that a wrong was being done or attempted against the people of the State, wealth, social standing, political power and personal friendship were alike useless as shields against his editorial shafts. To the last he frequently and strenuously urged his views through the press where he saw a public injury threatened or an unjust policy about to be pursued.

January 28, 1874, he was happily married to Miss Susan Washington Graham, the daughter of William A. Graham, former Governor, United States Senator, and Secretary of the Navy. For half a century his home in Raleigh was a center of cultured Southern hospitality, and he was never too busy to devote time to the entertainment and information of his friends who might call for the sake of spending a time in his company. Realizing that the old South had passed, in an industrial sense, he sought to hold on to the spiritual and intellectual old South and apply to the new industrial era the principles and ideals of the firmness, chivalry, and justice which had been the glory of a passing age. Mr. Jefferson constituted the model for his life; and, thoroughly imbued with Jefferson's democratic ideals, he, like Jefferson, informed himself on each current subject, whether in agriculture, commerce, manufacturing, or finance; and in the solution of the various grave problems which presented themselves in the different fields of human endeavor, he brought to bear a judgment informed by a most extensive study of the history of the actions of men in former times, realizing that there is no sure guide to determine the result of our action, except a record of the results of similar actions under circumstances as nearly similar as it is possible to discover. He approached each subject with an open mind, seeking after the discovery of the truth. Disregarding forms and prejudices, he went straight to the heart of the question, dissecting the most intricate problems with the careful skill of the expert surgeon.

Acquiring by inheritance and purchase a large plantation in Halifax County, he directed and managed its operation with a marked degree of success, constantly improving agricultural methods, and each year making the land which ministered to his wants richer rather than poorer by reason of his ownership.

These had been his trainings and contacts with men and their problems when Governor Scales appointed him judge of the Superior Courts, to take effect April 15, 1885, a position to which he was elected in November, 1886, and in which he continued until his elevation to the Supreme Court bench. In the administration of the duties of judge of

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the Superior Courts he inaugurated a new era in efficiency in the administration of *nisi prius* trials. He established the rule that courts should open on time. Witnesses, jurors, lawyers, and court officials must be present in the courtroom. No action or proceeding should be delayed to suit the convenience or whim of individuals who considered their personal affairs more important than the administration of justice. Clocks were installed in courtrooms, and court ran by the clock. A firm believer in strict justice, technicalities met short shrift, and violators of the criminal law sought in vain a loophole to escape the consequences of their acts.

Physically a man of handsome and commanding presence, 5 feet 7½ inches in height, with large head, firm chin, brilliant dark grey eyes, with the curl of humor at their corners and the penetrating quality which seems to see through sham and detect deception; with deep chest and firm, well-cared-for body; neat in his attire—his appearance upon the bench impressed bar and laity with the dignity of the court and the solemnity of its session.

November 14, 1889, he was appointed by Governor Fowle Associate Justice of the Supreme Court of North Carolina; elected to fill the unexpired term in November, 1890; elected to the full term in 1894; in 1902, after a vigorous campaign, he was nominated for Chief Justice of the Supreme Court of North Carolina by a majority so overwhelming that in 1910 and again in 1918 he was nominated without opposition. After each of these nominations, he was elected to this position, which he held until his death, on May 19, 1924. The late Claude Kitchen, in placing his name before the Democratic Convention in 1902, dramatically declared, "His worst enemy dare not assert that he has been influenced by wealth, awed by power, or swayed by personal friendship!" It is as a Justice and Chief Justice of the Supreme Court that JUDGE CLARK will be longest remembered. He was, as he once said of Judge Ruffin,

"A man resolved and steady to his trust,
Inflexible to ill and obstinately just."

Four years six months and twenty-nine days judge of the Superior Courts; twelve years one month and seventeen days Associate Justice, and twenty-two years four months and eighteen days Chief Justice of the Supreme Court—a total of thirty-nine years one month and four days as a judicial officer, of which thirty-four years six months and five days were as a member of this Court. His service was longer than that of any other judge, the next being Pearson, twenty-nine years and three weeks, and Ruffin, nearly twenty-five years—each for nineteen years Chief Justice. During his long tenure of these positions, which in-

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cluded one-third the life of this Court, during which more than one-half of its opinions were written, he never missed a session of court and was never a moment late. He systematized the business of the Court—wrote the present rules, and so guided its business that it is the only appellate court which is habitually up with its work. Here there is no denial of justice by delay. He wrote more opinions than any other judge of an American appellate court has ever written. When the end came, his lamps were trimmed, and each opinion assigned him had been written and signed. These opinions were marked by a clear, trenchant style, which cut through technicalities and mazes of conflicting precedent, going straight to the real core of the case to be decided, and without evasion setting forth the real point at issue and applying to it the recognized principles of law, equity, and justice. Perhaps the most learned man in black-letter law in a generation, his great service to North Carolina was in interpreting precedents in accordance with modern conditions, and discarding the chaff in order to arrive at the kernel. One of his favorite maxims was, "He who sticks in the letter, sticks in the bark." Another, "Where the reason ceases, the rule itself shall cease." And "There is no wrong without a remedy." His ideas were progressive, but never destructive. Among the great principles, the adoption of which he secured in this State, is the principle laid down in *Greenlee v. Railroad*, 122 N. C., 977, establishing the continuing liability of railroads for failure to have proper equipments to safeguard their employees; *Whitsell v. Railroad*, 120 N. C., 539, which defined what were proper appliances; *Arrowood v. Railroad*, 126 N. C., 632, which required railroads to use proper care for the general public; and a long line of cases which recognized that modern industry, being differently organized from ancient industry, owed greater obligations to those who were in their employ; that he who utilizes complicated machinery for his profit must safeguard others against injury. No man can compute how many lives and limbs such decisions have saved. Soon after his elevation to the bench, he seized the bludgeons on behalf of married women and their property rights. The manifest intention of the Constitution of 1868 had been to fully guarantee women's contractual independence; but even after this Constitution the judges were not prepared to accept so complete a revolution in marital relations, and had practically annulled this provision. JUDGE CLARK first secured a reversal of the doctrine that a man had the right to whip his wife. He was the first prominent Southerner to advocate woman's suffrage, and the case of *Crowell v. Crowell*, 180 N. C., 516, completely removes the last vestige of the inequality of women in North Carolina and fulfills JUDGE CLARK's early prediction, in a dissenting opinion, that the

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time would come when women would not in any particular be classed with infants, idiots, convicts, and persons *non compos mentis*.

Having sprung from England, it required long for us to shake off all idea of official superiority and prerogative. We had accepted the idea that a public office was private property, and in a struggle extending over many years the Chief Justice was finally successful in the case of *Mial v. Ellington*, 134 N. C., 131, in having it adopted as the policy of North Carolina that a public office is a public trust, belonging to the people who gave it, and that no man can have private property in that which of right belongs to the whole body of people. Our educational system had been hampered by a decision that, though the Constitution required a four-months school term, yet if circumstances were such that this could not be obtained without exceeding another constitutional provision that taxation should not exceed two-thirds of one per cent, the provision against higher taxes should be first regarded. It was largely by reason of the efforts of JUDGE CLARK that our courts adopted the principle that where there was a conflict between the right of taxpayer and the right of a child to receive a chance in life, the right of the child should be first regarded, and to this decision is largely due the great educational advancement in North Carolina, which in turn has so promoted all internal improvements and industrial progress. This was in line with the humane decisions which he had rendered exploding the doctrine that the negligence of the parent should be imputed to the child, and holding to strict accountability the employers of those of tender years for injuries inflicted upon the little ones who aided in their businesses, and the opinions holding that a little child, incapable of discretion, could not be guilty of contributory negligence. The case, *Public Service Company v. Power Company*, 179 N. C., p. 18, laid down the doctrines that hydro-electric companies were subject to regulation by the State, and that while those who developed the resources of the State should be accorded every facility for doing so, they should never be permitted to discriminate among their patrons or charge unreasonable sums for their service. This decision removed any danger which might exist from consolidation of great plants whose services are necessary in a State remote from coal, and who without restraint would have the power, if they desired to exercise it, to kill or make alive.

Believing the human body to be the temple of the spirit and the support of the brain, JUDGE CLARK abhorred whatever detracted from physical perfection and the highest degree of physical efficiency. He never used tobacco or alcohol in any form, and consistently rendered opinions to carry out the spirit as well as the letter of the laws designed first to lessen and then to end the traffic in alcoholic liquors. His opinions

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uniformly placed the rich man's club upon the same level as the poor man's club. The dissenting opinion in *State v. Barksdale*, 181 N. C., p. 621, ended the last ingenuous devices for selling liquor by subtle subterfuge—in that case, a pretense that it was a cooking extract.

If a person desires to learn something of versatility in style, he should study the lofty and tender sentiment in *Fitzgerald v. Manufacturing Co.*, 131 N. C., 643, which could only have been written by a man who loved children; the classic style in *Miller v. Bank*, 176 N. C., 156; and no humor is more delicious than that in *State v. Neal*, 120 N. C., 617; *State v. Good*, 130 N. C., 656; and *State v. Cox*, 153 N. C., 641.

His opinions appear in eighty-five volumes of North Carolina Reports—*i. e.*, 104-188, inclusive, have been quoted with approval and praise wherever the English system of jurisprudence prevails, and their influence has been and, so long as our civilization endures, will be toward liberalizing and making more humane the system under which we live. These labors incorporated into our jurisprudence the principles of progressive humanity, and converted our legal system into a living agency for the elevation of mankind.

Throughout his long service upon the bench he was keenly interested in the young members of the bar, and it is not probable that there is now in the State a lawyer who does not recall with pleasure some act of kindness or some words of encouragement and advice from him.

During his long career upon the Supreme Court bench, Merrimon, Shephard, Faircloth, and Furches were Chief Justices; Avery, Davis, Shephard, McRae, Burwell, Furches, Douglas, Montgomery, Cook, Connor, Walker, Brown, Hoke, Manning, Allen, Stacy, Adams, and Clarkson were Associate Justices—all men of positive convictions, who held to firm opinions. The Chief Justice was exceeded by no man in the firmness of his convictions and the vigor with which he expressed them, but he fought for what he conceived to be good principles, and against what he conceived to be bad principles, and such was his tact and consideration for the opinions of others that he maintained the most cordial personal relations with his associates, however strongly he might differ from their opinions; respecting them, he commanded their respect and drew their affections.

Coke conceived the law to be a procrustean bed and declared, "Judges are bound as firmly by precedent as the Roman Deities were supposed to be by the decrees of the fates." CLARK conceived the law to be founded upon immutable principles of justice, the application of which to any given case should be determined in the light of changed conditions and altered customs, that law should develop in such manner as to keep pace with the development of our civilization and be interpreted in the light

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of existing condition, nor should we forever bivouac by the ashes of the camp fires of more progressive sciences. "The law is not fossilized. It is a growth. It grows more just with the growing humanity of the age and broadens with the process of the suns." The static system of Coke was followed by a bloody and devastating revolution. The dynamic system of our Chief Justice enables society to smoothly and almost imperceptibly pass from one stage of human development to the next stage. His opinions breathe a deep sympathy and serve as a strong shield to each individual, race, sect, creed, and class, whose rights or liberties are threatened or impinged by wealth, power, prejudice, bigotry or immemorial custom. He might well have exclaimed with Demosthenes, "I have never preferred the favor of the wealthy to the rights of the many."

He edited and issued the Annotated Code of Civil Procedure which passed through three editions and annotated one hundred and fifty-four volumes reprints of North Carolina Reports; was editor of the article on Appeal and Error, in Cyc.

From its founding in 1902, he was active in the work of the State Bar Association, attending and taking part in each of its sessions.

In 1917 and 1918, he was umpire of the U. S. War and Labor Board, devoting great time and care to the preparation of his decisions, that in the case of Iron Molders Union, No. 364 (Wheeling W. Va.) versus the Wheeling Mold & Foundry Company, expressing clearly his sentiment in the question between capital and labor and having been printed by the American Federation of Labor.

An address delivered at Cooper Union in New York City on 27 January, 1914, on "Government by Judges," was printed as a Senate document at the request of Senator Overman. An address delivered at the University of Pennsylvania, 27 April, 1906, "Some Defects in the Constitution of the United States," was printed as a Senate document on request of Senator Owens. "Back to the Constitution," was so printed on motion of Senator LaFollette; "Some Myths of the Law," was also printed as a Senate document on motion of Senator Owens. In the 117th volume of the N. C. Reports, appears JUDGE CLARK'S History of the first hundred years of the life of this Court.

The unequal burdens of taxation brought trenchant articles from his pen on behalf of the farmer and small property holder.

An accomplished scholar of French, in 1895, he translated Constant's Memoirs of Napoleon in three volumes. It is not probable that any book upon Napoleon, or his era, was ever written which JUDGE CLARK had not read with care. He studied the great campaigns not only with regard to tactics and strategy, but with reference to the social and economic forces which lay back of the struggle upon the field. His

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knowledge of the causes and science of war was exhaustive, and like most men, of great intellect, the more he learned of it, the less he liked it.

At the request of the Governor and Counsel of State, without compensation, between 1895 and 1906, he compiled and edited the State Records of North Carolina in 16 volumes, and in 1901 to 1904, the Governor and Counsel of State and Confederate Veteran's Association, having requested, he compiled and edited in 5 volumes, The History of North Carolina Regiments in the Civil War, likewise without compensation to him. His tribute to Hon. Charles M. Stedman is a classic worthy of preservation throughout all times and the addresses upon Capt. Ottoway Burns and General Martin, are high marks in commemorative oratory. As a speaker, he seized the attention of his audience and impressed his subject upon them. His addresses and articles cover a wide range of subjects. "Indian Massacre and Tuscarora War," "North Carolina Troops in South America," (Harper's Magazine), "North Carolina's Record in War," "Where the Governing Power Reside," (Address to the University College of Medicine, Richmond, Va.), "The Right to Regulate Railroad Fares and Freight Rates," (Address before the law class of Wake Forest College), "Political Teachings of the Gospel," (Address before Sunday School Convention at Franklinton), "Revision of the Constitution of the United States," (Address to the Bar Association of Tennessee), "San Miguel de Guan-dape—Jamestown Settled 81 Years Before John Smith," (Wake Forest Student), "Progress of the Law," (American Law Review), "Mal-administration of the Post Office Department," (Arena), "Why the Telegraph Should be Restored to the Post Office," (New Time), "Reform in Law and Legal Procedure," (Address before North Carolina Bar Association, 1914), "Pleading and Practice," (One of the lecture series of the American Correspondence School of Law), "The Legal Status of Women in North Carolina," (An address before the federation of Women's Clubs at New Bern, N. C., 8 May, 1913), "Equal Suffrage," (An address before the Equal Suffrage League at Greensboro, N. C., 22 February, 1915), "The Electoral College and Presidential Suffrage," (Penn. Law Review, June 1917), "Labor Day Address," (at Wilmington, N. C., 1914), "The Legal Profession," (delivered in accepting portrait of Hon. Wm. T. Dorte), "The Legal Aspect of Telegraph and Telephone," (Printed by order of United States Senate, being a reprint from the American Law Review), "Election of Federal Judges by the People," "Address on William A. Graham," "Address on Thomas Ruffin," (delivered in the hall of the House of Representatives, 1 February, 1915), an article on the "Career of Gen. James Hogan," an article on "The Forgotten Law of Burning Slaves for Petty Treason," an address

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on Roanoke Island, (before the State Historical Association, 4 July, 1922), "Raising, Organization and Equipment of N. C. Troops During the Civil War," (Address before North Carolina Historical Association, 1917), "Old Foes With New Faces," (Address before the Bar Association of Virginia, 25 August, 1903), "The Gospel of Progress," (an address at Elon College, 6 June, 1911), "Coke, Blackstone and the Common Law," (Case and Comment), "Letters From Mexico," (Raleigh News and Observer), "Legal Cobwebs and Judicial Aggrandizement," "An Open Letter to the North Carolina Corporation Commission Upon Railway Rates," (News and Observer), "The Bible in Public Schools," the foregoing list of a portion of the titles of the articles and addresses which were the children of his brain, give some idea of the versatility and wide range of subjects which his learning covered, and he never spoke or wrote upon any question until he had fully mastered the subject in all its details.

For many years he was chairman of the Judiciary Committee of North Carolina Grand Lodge of Masons.

His activities did much to encourage the dissemination of information in regard to the History of North Carolina and he was at one time president of the State Literary and Historical Society. Through his efforts, the two dates, 20 May, 1775 and 12 April, 1776, were written upon the State Flag, and North Carolina adopted as its motto, the test he applied to each proposition and the rule by which he guided his conduct, "*Esse Quam Videri*."

In the life of him to whom we now do honor, good seed had fallen on fertile soil. Sound stock, firmly, righteously and humanely trained, produced the diligent student and affectionate son—the patriot who endured the hardships and dangers of battle; partook of the privations of his despoiled State, developed into the able advocate, wise counsellor, skillful farmer, bold journalist, accurate author, accomplished linguist, learned scientist, profound economist and jurist who with knowledge judged righteously between men. Reflecting so many phases of life in our State, the champion of the weak, the mantle of Vance fell upon his shoulders, and now that he has passed, there is none to receive it from him. So large a figure cannot now be rightly measured. It remains to posterity to rightly appraise the towering statute of his intellect.

In the contemplation of his public achievements and his mental attainments, we should not lose sight of the tender and affectionate relations he bore to his friends and to his family. His wife had preceded him upon the last journey. He left five noble sons and two charming daughters who are monuments bearing witness to the truth of the statement that he gave freely of his time and attention to the training of his children. Those who attended the last rites were touched to see

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his nephew, two sons-in-law and five sons,—the active pall bearers of one who in every phase of life had written himself a man.

The world is richer that he has lived and poorer that his labors have ceased. The father of Greek philosophy told the richest of rulers, "Count no man happy till he be dead," the mighty monarch scorned the sage's advice and proved it by dying a slave. A career of public service in war and peace extending over a period of 63 years is ended and now that it is closed, we may count WALTER CLARK happy. The last Confederate Veteran has sat as a Judicial Officer, the last of that courageous and patriotic band who served our State so well as a State Officer, has passed. WALTER CLARK, the man is dead. WALTER CLARK, the spirit of progressive enlightened jurisprudence is immortal.

REMARKS OF CHIEF JUSTICE HOKE, UPON ACCEPTING PORTRAIT OF
THE LATE CHIEF JUSTICE WALTER CLARK, IN SUPREME
COURT ROOM, 28 OCTOBER, 1924

The Court has heard in fullest sympathy the fine tribute to our late Chief Justice. His was indeed a commanding personality whose thought and work impressed itself on the life and jurisprudence of the State in a most remarkable degree.

He had strong personal convictions on the public questions of the day and supported them always with such learning and power that even when his views were too advanced for immediate adoption by judicial opinion, they not infrequently prevailed by reason of legislation deemed necessary for the public good.

In addition to his many unusual qualities as man, citizen and jurist, which have just been so impressively stated, the Court desires further to express its appreciation of his great merit as a presiding officer. While direct and positive, he was also both considerate and courteous, and ever ready to spend himself to the uttermost in promoting the work of his Court and in the assistance of each individual member of it. And I am justified in saying that it is due to his great diligence and the methods established by him that the Court has thus far been able to efficiently dispatch its business and keep abreast with its docket.

Able, learned, patriotic and in all things courageous and dutiful, in his death North Carolina has lost a great public servant who wrought diligently for the good of the State and its people, and who had their welfare always at heart.

The Marshal will cause the portrait to be hung in its appropriate place, and these proceedings will be printed in the forthcoming volume of our reports and spread upon the minutes of the Court.