

PRESENTATION OF THE PORTRAIT

**OF THE CLERK OF THE SUPREME COURT
OF NORTH CAROLINA. 1868-1886**

MAJOR WILLIAM HENRY BAGLEY

ADDRESS BY

**CHARLES WHEDBEE
OF PERQUIMANS COUNTY**

MAY 14TH, 1929

May it please the Court:

As a representative of Perquimans County, and as a friend of the family, it is my privilege to present to you today a portrait of Major William Henry Bagley, a son of Perquimans and one of her contributions to the State's history.

As a representative of Perquimans County, may I indulge for a few moments in recalling briefly the historic and characteristic background of the people and the county from which the subject of my sketch came?

With its fertile acres stretching back on each side of the beautiful stream which bears its name, the county of Perquimans is nestled near the center of that tier of counties in northeastern North Carolina, lying north of the Chowan River and Albemarle Sound, and adjoining the State of Virginia and the Atlantic Ocean, sometimes referred to in modern times as the lost provinces of the east. Each of these counties has its facts of historic interest of which it is justly proud, and not unlike her sisters, Perquimans has her facts of history to which she points with pride, but not with boastfulness. The records of her sons, the Harveys, the Durants, the Skinners, the Bagleys, the Blounts and others, are blazoned in the annals of the early history of the State. The first religious service held in North Carolina was held at Phelps Point, now Hertford, by Hugh Edmonson, and a tablet marking the spot and giving the data will be dedicated with appropriate ceremonies by the Friends on 11 June next. There are many other matters of historic interest that cluster about this good county. But while we are justly proud of the facts of historic interest, we are more proud of the characteristics of her people. Her people are kindly and retiring; they believe to every one should be accorded his just due; they are long suffering and patient, but when once aroused and feel that their rights have been improperly taken from or denied them, they will fight a rattie-snake and give him the first strike. These characteristics are quite aptly illustrated by two incidents in the life of George Durant, one of the early settlers and one of the leaders of that section; one is when Durant came to settle in Perquimans County, instead of taking the land, as was the usual wont

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in that day, he bargained with and bought the land from the Indians, and the deed of the King of the Yeopims, on record in Perquimans County, recites that the King conveyed the land with the consent of his people. So well and faithfully did George Durant deal with the Indian that John Durant, son of George, was elected honorary King of the Yeopims. This incident, I think, aptly illustrates the kindly and just attributes of her people. The other incident relates to the time when Miller, a representative of the King of England, came to Perquimans County and denied to her citizens certain rights that they had rightfully been enjoying. George Durant pleaded with Miller to allow the people to exercise these rights and privileges, and so insistent did he become that Miller ordered Durant's arrest; but outwitting Miller, Durant called a meeting of the leading men of the realm and had himself appointed Attorney-General of North Carolina. Immediately he brought an indictment against Miller, with the result that he was banished from the realm under pain of being hung for high crimes and misdemeanors should he return to the community.

Of this community, with this historic and characteristic background, the Bagley family was a part, and with these ideals firmly imbedded in his nature, the subject of my sketch was born on the banks of the beautiful Perquimans River, which he loved so devotedly all his life.

Among the earlier settlers in this county we find the Bagleys, and the records disclose that from a very early period they took an active part in the civic and official life of the county. We find them filling the offices of sheriff, Clerk and Master in Equity, Justice of the County Court and similar positions; later we find them active in the Masonic Order.

The first American paternal ancestor of Major William Henry Bagley, of which we have a record, was Thomas Bagley, who died in July, 1727, and devised to his son Thomas the plantation on which he lived; to his son William the land on Great Branch, and other property to his daughter Hanna, and his wife Susannah; a grandson of this Thomas Bagley, another Thomas, fought in the Revolutionary War; his son William fought in the War of 1812. William Bagley married Dinah Holmes, daughter of William Holmes and Ann Gregory. Their son, Willis Holmes Bagley, was born 15 March, 1808; in 1828 he married Mary Elizabeth Clary, daughter of James Clary and Susannah Scarborough. Twelve children were born to them, of whom five attained mature age, William Henry, subject of this address, the eldest; Stephen D. Bagley, educator, was born in 1840; Willis Bagley, attorney, was born in 1845; Grizelle Clary Bagley was born in 1847, and Leroy G. Bagley, who was born in 1849. Those were the only children who lived to maturity and married.

Stephen was a lieutenant in the Confederate Army, serving through the war with Company A of the Eighth North Carolina Regiment. He

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was at one time principal of the Littleton Female College, and was later president of the Louisburg Female College for Women.

Willis Bagley, at the age of 18, was principal of Hertford Academy; at 26 he was appointed Solicitor of the First Judicial District of North Carolina, and later became Assistant United States District Attorney. During the last illness of his brother, Major Bagley, he filled, unofficially, but with credit, the place of Clerk of the Supreme Court.

Grizelle Bagley became the wife of Mr. Benjamin Moffitt, cotton mill president at Franklinville, Randolph County, and died 6 April, 1902.

Leroy G. Bagley, accountant, married Miss Minnie Haywood, of Raleigh. He died in 1888.

On his mother's side Major Bagley was descended from the well known Scarborough family of Virginia and North Carolina. The line goes back to William Scarborough, who married Frances McRora, in Middlesex County, Virginia, in 1691. Their son, McRora Scarborough, was a member of the Colonial Council and a colonel in "His Majesty's" Militia. In 1729 he married Anna Peterson, daughter of Thomas Peterson, who owned the land upon which Edenton is built, and Johannah Taylor. Their son, Benjamin Scarborough, married Sarah Long, daughter of Thomas and Susannah Long. Susannah Scarborough, their daughter, became the wife of James Clary, son of William Clary. Willis Holmes Bagley, father of Major Bagley, married their daughter, Mary Elizabeth Clary.

Major Bagley's mother and father lived only a short time after the Civil War. He was devoted to them both, and his mother particularly made a deep impress on his whole life. She was a woman of decided personality and strength of character. During her last illness she kept in touch with and discussed intelligently current events. Major Bagley, when he was away from home, and after he moved to Raleigh, wrote her constantly, and particularly he never let his own birthday pass without writing her a letter.

It may be of interest to pause just here and note the record of both sides of Major Bagley's family made about 100 years ago: In the will of William Bagley in 1826 he devises, "to my son the land whereon I live and the still erected thereon to him and his heirs forever." In the will of John Clary, in 1825, he devises, "to my son all the lots and common grounds and the improvements thereon I own in the town of Hertford. The whiskey apparatus alone excepted." We can judge from the attitude of the two branches of the family that the mother well might be the guiding star in the succeeding generations.

William Henry Bagley was born in Perquimans County on 5 July, 1833, at the home of his father, Col. Willis Holmes Bagley, on the banks of Perquimans River. Colonel Bagley was a popular and influential citizen of the county, having been sheriff, and was also Grand Master of

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the Masons. His portrait hangs today in the Masonic Hall in the historic courthouse of Perquimans County. William Henry received his early education or instruction from Rev. Benjamin F. Bronson, a scholarly divine of the Episcopal Church, and long a rector at Wilson, North Carolina, and a liberal education at the academy located in Hertford under the able and accomplished instruction of Professor John Kimberley, afterwards a professor at the University of North Carolina. The boy showed remarkable precocity, for at the age of 19 he was register of deeds of Perquimans County. He moved to Elizabeth City in 1855 and became the editor of a paper called *The Sentinel*. In 1859 he was licensed to practice law, but the appeal of journalism was still strong in him, for in 1860, with Colonel James W. Hinton, he became co-editor of *The State*. He was afterwards editor of a paper which supported the American Party, which became strong for a period in northeastern North Carolina, with the passing of the Whig party, of which the Bagleys were members.

Then came the Civil War. He immediately enlisted as a private and was, on 15 May, 1861, commissioned lieutenant of Company A, Eighth Regiment North Carolina Troops. On 8 February, 1862, he fought in the battle which resulted in the capture of Roanoke Island, and was captured by the Federals. After exchange of prisoners he was, on 25 October, 1862, commissioned Captain of Company A, Eighth Regiment. In April, 1864, he was transferred to the 68th Regiment North Carolina Troops, and was commissioned major on 16 April, 1864. He resigned as major on 11 June, 1864, in order to serve as Senator from Perquimans and Pasquotank counties, to which office he had been elected. This was his second term as State Senator. In July, 1865, President Johnson appointed Major Bagley as superintendent of the United States Mint at Charlotte, but Major Bagley was not able to take the "Ironclad" oath required, and this office passed into other hands. In that year, however, Jonathan Worth, in the first vote of the people after the war, was elected Governor, and he made the young man from Perquimans his private secretary, and on 1 March, 1866, Major Bagley and Adelaide Ann, daughter of Governor Worth, were married.

In January, 1869, after a governor, supported by Federal bayonets, had supplanted the governor elected by native ballots, Governor Worth wrote his brother :

"There is now a strong probability that Major Bagley, who has been on his oars for six months, will be elected Clerk of the Supreme Court. This office is worth at least \$3,000 a year. He is admirably fitted to fill it, and would be likely to retain it permanently." Governor Worth, whose influence counted heavily for Major Bagley, was right. Major Bagley was elected, and he loved the office, and held it when Pearson

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was Chief Justice, and when Smith presided over the Court, and "permanently" until his death.

In those days the Supreme Court had its court room and its chambers in the State Capitol. Major Bagley's office is now occupied by the Secretary of State. Outside the windows was the Capitol Square, informally lovely behind its old iron fence. He loved it. It became part of him, its huge oaks, the sweet grass which grew about their roots, the birds that sang there every spring and summer. There is a legend that it was he who brought the squirrels, the ancient ancestors of those squirrels there today eating peanuts timidly from the delighted children. In that office in his fine legible hand he kept the clear record of the Court. There were not so many assistants as there are today. A woman stenographer would have been something approaching the scandalous.

But the records were kept neatly, accurately, and filed in high cabinets along the walls. In office Major Bagley was cordial and courteous to attorneys who came from all parts of the State to appear before the Court. He held the respect and regard of the Justices of the Court. Particularly he loved to hand the parchment licenses to newly fledged young lawyers, and if these young fellows in post-war poverty lacked the clerk's fee, Major Bagley was glad to wait. One successful New York attorney sent to Major Bagley's widow, after his death, the fee which the Major had waived when the young man, then poor, received his license. Major Bagley was happy in the place where life had put him.

There have been many changes in the personnel of the Court since its organization in 1819, but there have been only seven clerks during that time. The first Clerk was William Robards, who served from 1819 to 1828. He was succeeded by John Lawson Henderson, who served from 1828 to 1843. He in turn was succeeded by Edmund B. Freeman, who held office from 1843 to 1868. He was succeeded by Major William Henry Bagley, who held office from 1868 to 1886. He was succeeded by Colonel Thomas S. Kenan, who held office from 1886 to 1911. He was succeeded by Joseph Seawell, from 1911 to 1923, and he was succeeded by Edward C. Seawell, who now holds the position of Clerk.

At the time of the appointment of Major Bagley the Court consisted of Richmond M. Pearson, Chief Justice, and Associate Justices Edwin G. Reade, William B. Rodman, Robert P. Dick, and Thomas Settle.

Settle resigned in 1871, and Governor Caldwell appointed Nathaniel Boyden to succeed him.

Dick resigned in 1872 to become United States District Judge of the Western North Carolina District. Thomas Settle came back on the Court as his successor.

Boyden died in November, 1873, and William P. Bynum was appointed to succeed him.

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Thomas Settle resigned again in 1876, and William T. Faircloth was appointed to succeed him.

Chief Justice Pearson died in 1877, and on 14 January, 1878, Governor Vance appointed W. N. H. Smith to succeed him.

In August, 1878, a Court of three (the size being reduced from five to three) was composed as follows: W. N. H. Smith, Chief Justice, and Thomas S. Ashe and John H. Dillard Associates.

Dillard resigned in 1881, and Governor Jarvis appointed Thomas Ruffin to succeed him.

Ruffin resigned on 29 September, 1883, and Augustus S. Merrimon was appointed to succeed him.

At the time of Major Bagley's death, 21 February, 1886, the Court was composed as follows: W. N. H. Smith, Chief Justice, and Thomas S. Ashe and Augustus S. Merrimon, Associates.

We may be pardoned for paraphrasing a well known poem and say: Courts may come and courts may go, but a clerk, if faithful, as was Major Bagley, holds on "forever."

During Major Bagley's last illness the duties of Clerk were carried on by his brother, Willis Bagley, of Jackson, N. C.

After Major Bagley's death Chief Justice Smith wrote Willis Bagley: "Your brief note has been received this morning, and we are glad to give you our appreciation and approval of the manner in which during the illness of your brother, our late Clerk, you have discharged the onerous and responsible duties of the office. The Court desires me in giving this assurance to request that you will continue to perform these duties until a successor has been appointed and conducted into office."

A short time later Colonel Thomas S. Kenan, former Attorney-General, was elected Clerk and served for many years.

Shortly after Major Bagley became Clerk of the Supreme Court that Court faced the situation created by the activities of Governor Holden and his armed emissaries under the infamous Kirk.

Major Bagley, as Clerk, had no discretionary part in that thrilling episode, but he must have been stirred, as were other North Carolinians in that crisis, although his place as Clerk made him refrain from expressing his feelings. The action of Chief Justice Pearson and the action of Judge Brooks, from our own bailiwick, is history with which all of us are familiar, and is another example of the characteristics of our people to which we point with pride, but not with boastfulness.

There was a large trekking of North Carolina Quakers and others from Guilford and Randolph counties in the central part of the State, and from Perquimans in the east to Indiana and other Western States in the early fifties and earlier—some following the lure of cheap, rich new lands, some because not believing in slavery they wished to live in a non-slave holding State; some for perhaps both reasons. Among those going

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from Guilford and Randolph were the parents of Hon. Joseph G. Cannon, afterwards Speaker of the House. Among others going from Guilford and Randolph were two sisters of Jonathan Worth, father of Major Bagley's wife.

From Perquimans there went to Indiana members of the Nathan Bagley family and settled in same section where the Guilford and Randolph Friends had made their homes. In those days it was a far cry from Perquimans to Randolph, without good highways or railroads or other means of communication, there was more intercourse between Hertford and New York than between Perquimans and Guilford, though there was early exchange of greetings through traveling delegates to the various Friends assemblies in different parts of the State. After visiting eastern North Carolina, following in the footsteps of Hugh Edmonson, who preceded him, John Fox visited the Friends meeting-houses in Guilford and Randolph. But between the people generally of the two sections it was as if a great gulf was fixed.

It is not so remarkable that going to Raleigh as a Senator in the days of the war, that William Henry Bagley, young, unmarried and eligible, should meet the daughters of Governor Worth, nor remarkable or surprising that a union between the Bagleys and Worths should follow by the marriage of Major Bagley and Miss Adelaide Ann Worth. It was but natural that the young Senator in the days after Appomattox should be invited to the social functions of the capital city, making a brave attempt to restore the social life of the older and more prosperous days. Raleigh has always been a center of social activities in North Carolina, though without the settings, surroundings and refreshments that characterized the days of former prosperity, youth could not be denied its pleasures because calico reigned in the place of silk and satin. Raleigh was gay in those days, when Major Bagley and other young men fresh from the war, and Miss Worth and other young women, suffering the privations of war, met in the hospitable homes, no less hospitable because there was enforced absence of luxuries. There was no event celebrated with more eclat than when Governor Worth's daughter and the Senator from Perquimans were married in the First Presbyterian Church. If the trousseau and flowers were simpler than in these days, the bells rang as merrily and marriage then, as later, was "one grand sweet song."

It was, however, a much further cry from Perquimans to the Quaker settlement in Indiana than from Perquimans to Randolph, which witnessed the union of the Worth and Bagley families. But truth is stranger than fiction. The Reuben Bagley family of the succeeding generation from Perquimans in Indiana became the friends of the descendants of the Worths from Randolph. Later the family friendship ripened and the descendants of the Perquimans Bagleys and the Randolph Worths plighted their troth in holy matrimony in far off Indiana as another

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Perquimans Bagley and Randolph Worth had done in Raleigh in 1866. This seemed to evidence some sort of magnetic attraction by which love leaped barriers of space and territory and time, as it has a way of doing.

Called to Indiana to deliver the address at Earlham College, an institution founded by the Friends and at one time presided over by David Worth Dennis, kinsman of Jonathan Worth of Randolph, Josephus Daniels, who had married Addie Worth Bagley, daughter of Major Bagley, and granddaughter of Governor Jonathan Worth, visited relatives of his wife—Worth descendants. At one home near Richmond, Indiana, he met a lady who had married a cousin of his wife. "My family also came from North Carolina," she said to Mr. Daniels. "They were of the Nathan Bagley stock of Perquimans County." She had not known of the intermarriage of the Bagleys and Worths in North Carolina. Mr. Daniels did not then know of the Nathan Bagleys of Perquimans County. It was rather a strange coincidence that these two families, who had not either known or known of each other in North Carolina, should constitute another chain in the marriage relations of the Bagleys and Worths.

This incident shows how little one generation can look into the future, and recalls an incident related by Dr. C. Alphonso Smith in presenting the tablet of O. Henry, which was unveiled in this building, appropriate here because it concerned the Worth family: "Dr. David Worth, father of Ruth, made minute inquiries into the past of his would-be son-in-law (Sidney Porter), and became convinced, writes a descendant, that 'Mr. Porter was a man of strictly upright character and worthy of his daughter's hand.' The marriage took place at Center, the ancestral home of the Worths, on 22 April, 1824, and was really a double celebration. Ruth Worth's brother, Jonathan, who was later to become Governor of North Carolina, had married Martitia Daniel, of Virginia, two days before, and the brother's infare served as a wedding reception for the sister. It was a notable occasion for the little Quaker village in more ways than mere festivity. Could I have been present when the infare was at its height, when congratulations and prophecy were bringing their blended tributes to father and mother, and to son and daughter, I should not have been an unwelcome visitor, I think, could I have lifted the veil of the future for the moment and said to Dr. Worth and his wife: 'Eighty years from now a statue will be dedicated in the capital of North Carolina to one of Jonathan Worth's grandsons, the first statue to be erected by popular subscription to a North Carolina soldier, and the name engraved on it will be that of Worth Bagley, and ninety years from today a memorial tablet will be dedicated in the same city to one of Ruth's grandsons, the only monument ever erected in the State to a literary genius, and the name engraved upon it will be that of William

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Sidney Porter.' But the roads of destiny along which the two cousins were to travel to their memorial meeting place were to be strangely diverse."

I might go on and recount a great many incidents in the lives of these two families from their earliest settings in Perquimans and in Randolph and many of them would prove interesting and instructive reading, but I desire now to speak more particularly of Major Bagley himself and his life in Raleigh. It was here that his last days were spent, and here it was that he served as Clerk to this Court.

Life to Major Bagley was a gracious and beautiful thing. And in that life he was such a one as we now too seldom see—a man content with his world, bent on blessing his own sphere and making it beautiful, undisturbed by the driving madness that has come in these later years tending to rob leisure of its grace and living of its dignity. He was a man content, but content only because he had found beauty and happiness at the center of the circle of his personal and official life, making it only folly to go seeking upon tangents more flamboyant, or satisfactions more startling.

Raleigh people thought it strange that he was not born in Raleigh—he became so definitely a part of it. Every man, woman and child in the city, which was then an oak-shaded town of six thousand persons, knew him and loved him. To every one he was the "Major." Picture him now moving along the streets of that pretentious town which insisted it was a city. Erect, with his immaculate beard trimmed in smart precision, he walked like a soldier along those sidewalks of foot-packed earth between the encroaching grass. People saw him coming, and accepted his joyous greeting with a rising sense of friendliness in their own hearts. Each day he walked from his office in the capitol down the wide, shaded Fayetteville street, to its foot and the old Governor's palace, now turned into a school, and east two blocks to his own house on South street. He loved that house with the two great oaks that shaded it and the magnolia trees at its door.

Inside the house would be his wife, the lovely Adelaide Ann, his three daughters, Adelaide, now Mrs. Josephus Daniels, Belle and Ethel, and his three sons Worth, later to be known as Ensign Worth Bagley, the first fallen of Naval officers in the Spanish War, and whose monument now stands on the capitol square, William Henry, now a journalist of Fort Worth, Texas, and David, now Captain David Worth Bagley, U. S. Navy. There would be a satisfying fragrance in the house part of the roses from the garden under his bedroom, and part from the aroma of supper coming from the detached kitchen behind the rambling house. There would be something for supper that a friend had sent or that he had bought that morning in the big cool market on Fayetteville street. There might be partridges, wild turkey or best of all, shad or oysters

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from the eastern country where he was born and which he loved. After supper perhaps Ethel played on her violin, or Belle would be at the piano, and they would all sing together contemporaneous songs, one of the dearer hymns, and finally always the rollicking political battle song which the Major himself had written when the presidential campaign of Greely stirred his heart. I am giving you herewith two of the verses of the battle song:

CINCINNATI.

They went from the EAST and they went from the WEST,
Sent there by the people who love the land best;
The NORTH and the SOUTH had gathered there, too,
United once more "neath the red, white and blue."

They are crossing "the chasm"—"the BLUE and the GRAY,"
And soon the two colors will mingle away;
God bless the "OLD FARMER," and long may he live,
To teach a brave people, "FORGET AND FORGIVE!"

CHORUS.

Then, Hip! hip!! hurrah!!!
For the HERO so true,
Who clasps the GRAY hand
In that of the BLUE!

And afterwards, when the children were in bed, there would be the *New York Herald*. But there would be other nights—cold nights, when the mud would be jagged steel—when he would go out with basket or with buggy piled with provisions or firewood on errands that satisfied his heart. Once he broke his leg in the sleet when he was carrying a load of wood to an old negro servant. But usually he came back whistling a little, to read his *New York Herald*, or to talk to his wife of things that happened at the capitol that day. He came to love Raleigh as he ever loved the sweep of the broad and beautiful Perquimans River, on which his infant eyes opened, and where in boyhood he swam and fished and boated. Up to his last days he often spoke with the sincerest affection of his happy boyhood days on the banks or the bosom of the Perquimans and of his early manhood on the banks of the Pasquotank. The love of the waters of the section where he was born, the spirit of its people, its history and tradition, were part of his very being. In his latter days in the bed of sorrow he often sighed for a sight of the rivers "his ain country," and delighted in living over again the incidents that made his early home and companions dear to him. He became so much a part of Raleigh, he came to love it for his own, and it loved him. Life was so beautiful. He tasted it so gracefully, so thankfully. It seemed to be no part of the story begun, that his life had to be cut off in agony and tragedy. And yet there was a time when Raleigh hardly

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knew him. That was the time when sturdy, sober old Jonathan Worth sat down at his desk and wrote a letter to his friend, John Pool, prominent then in the eastern part of the State :

"I desire, in strictest confidence, to make an inquiry of you, which it may be unpleasant to you to answer. If so, I will not complain of your silence.

"I learn from one of my daughters that Major Bagley, Senator from Pasquotank and Perquimans, has asked leave to address her. I do not know enough of him to approve his suit till I know more about him. My daughter is young, intelligent, well educated and in every way fitted to be the wife of an intelligent, energetic and virtuous husband. You will treat this as a just description, not springing from excess of parental affections. My fortune is not large and I have many children, and consequently she can receive but a moderate outfit from me. Will you favor me in perfect candor, and in strictest confidence, the information I ought to have. Sober and virtuous habits, intelligence and capacity to make a living are qualities without which no one is deserving of my approval." We have no way of knowing what John Pool answered; his letter has been lost, but we do know the facts which would have built his answer.

As he loved life, so he loved men and cherished the fraternity of men, one of the great interests of his life was his devotion to Odd Fellowship. As a young man he became a member of Anchorre Lodge, No. 14, at Elizabeth City. In 1865, when he moved to Raleigh, he affiliated with Seaton Gales Lodge, No. 64, and McKee Encampment No. 15. In 1871 he entered the Grand Lodge, and the next year he was chosen grand master. He was elected grand representative to the Grand Lodge of the United States in 1874; he was reëlected in 1875 and again in 1877. During his lifetime he held every office in the gift of the fraternity in the State. He continued to be prominent in the affairs of the order until his death. His attitude toward religion was deep and reverent. The Bagleys were Methodists, but most often Major Bagley went with his wife to the Presbyterian Church, to which the Worths had gone when Jonathan Worth's marriage to a non-Quaker had resulted in his being dropped from the church rolls of the then ultra rigid Friends. Major Bagley was a protestant, but above all he was a Christian. One who loved him remembers his friendship for a young Catholic priest who had come to North Carolina with an empire for a diocese and a scattered few for a flock. No one dreamed in that day the priest would one day wear the red hat of a Cardinal, as Cardinal Gibbons, but Major Bagley knew him and liked him, because he was a sweet-souled man following an ideal in a country where his ideal had but few followers.

While the office of Clerk provided a competence for Major Bagley and his family, he had good business foresight and made wise investments,

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but like many of his time he, too, signed with a friend and paid to the last penny, leaving him only his office and his insurance. He paid without ever a word of reproach. He was the mould of man Stevenson had in mind when he said they could "renounce when that shall be necessary and not be embittered." He went smiling down the street, and few knew of the privations he bore in order to meet the obligations assumed for a friend. All the time he was smiling and cordial, friendly and helpful. People loved to see him coming down the street with smiling eyes.

And then one day the life he had loved added savagery to the troubles he had borne, added to it in the most casual way. The negro barber who had served him for years was trimming his beard and remarked, "Major Bagley, there's a little lump on your throat here right under the chin."

And that was all. But two months later Dr. E. Burke Haywood, perfect friend and perfect physician, went with him and his wife to Baltimore. Major Bagley wore a handkerchief around his throat where his collar had been, but he held his head like a soldier, and the same smile lived in his eyes. But there had come a sudden gray in the gold hair of Adelaide Worth. She loved him and she lacked the spirit he had for smiling.

The great doctors at Baltimore were kind, so kind and so helpless and so sorry to have to be frank. There had been examinations and consultations. The Bagleys, man and wife, waited bravely in a boarding-house desperately afraid of each other's unhappiness. They made a gallant show to shield each other. Then the great doctor told her:

"You must go home. There is nothing we can do. Nothing anybody can do. I am so sorry. You will just have to wait. There isn't any hope."

She could not help but hope. She did not tell the Major, but he knew, and a thousand times worse—she knew that he knew. So they came home. Life was done with its kindness to him. It held him savagely, cruelly, unwilling to let him go to the kinder death. Delirium drove the smile from his kindly eyes. Death came slowly like a torturer, but it came at last on 21 February, 1886. He loved life, but it was death in the end that set him free.

After so much suffering, you might well realize how he could appreciate Swinborne's thought thus expressed:

"I have lived long enough, having learned one thing—
That life hath an end.
Goddess and maiden and queen be near me now and befriend;
Thou art more than the day or the morrow—
The seasons that laugh or that weep—
For they give joy and sorrow,
But thou, Presephane, sleep."

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And now we come to remember him. He would want us to speak frankly of him, and so we would. We say it truly: In the office in this Court he was no great man; he was faithful; he was competent; he was honest. And yet somehow his service here, efficient and valuable as it was, was not the great thing in his life. His genius was in living. His genius lay in his love of life, in his love of its fine things, its good things, its lovely things. He had a genius for joyous living, but there was something greater than that: It was that he could sacrifice and remain wholesome in spirit.

Write him down then, not primarily as a public officer with whom public office was a sacred trust, but as a man who could go smiling after sacrifice for an ideal.

On behalf of his loved ones, I now have the honor of presenting to the Court the portrait of him who for many years served this Court, that it may take its place among the silent images of his predecessors, who have gone the way of all flesh.

REMARKS OF CHIEF JUSTICE STACY, UPON ACCEPTING PORTRAIT
OF FORMER CLERK WILLIAM H. BAGLEY, IN THE SUPREME
COURT ROOM, 14 MAY, 1929

For seventeen years, beginning in 1869, and ending with his death in 1886, Major William H. Bagley served as Clerk of this Court. It is fitting that his portrait should adorn the walls of the office which he filled so long; and we welcome the opportunity of thus honoring his memory.

His achievements—military, public and private—have been faithfully chronicled by his friend and ours, and to this admirable and sympathetic sketch nothing can be added by way of improvement. That he was “an upright, capable and efficient officer, loyal friend and excellent citizen,” was the judgment of his contemporaries and this has been handed down to us as a correct estimate of his worth.

*He who serves well his day and generation,
Foreshadows a life of effort beyond his own.*

The Marshal will hang the portrait in the hall of our records, where it will remain as a testimonial of the lasting impression which Major Bagley made upon the State and its people; and these proceedings will be published in the forthcoming volume of our Reports.

