

PRESENTATION OF THE PORTRAIT

OF THE LATE CHIEF JUSTICE OF THE
SUPREME COURT

WILLIAM ALEXANDER HOKE

BY

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2 SEPTEMBER, 1930

It is a rare privilege that has fallen to me to be commissioned by the family of Chief Justice William Alexander Hoke to present to you a portrait of this distinguished jurist and North Carolinian, that his picture upon these walls may be a constant reminder of his sterling character, lovable nature, rare virtues and large accomplishments. I, therefore, present this likeness that it may be a pole star to the Bench and Bar of North Carolina as they come into this historical room and Court, to carry on the work that the subject of this portrait was so illustriously engaged in for a period of twenty years, inspiring them to emulate his great example, and furnishing as it will, a fitting and perpetual memorial to his transcendent ability and masterful contributions to the jurisprudence of North Carolina. Few men in the public life of North Carolina have ever received from its people a greater love or a higher regard, than this eminent Judge and lawyer.

William Alexander Hoke was born at Lincolnton, North Carolina, 25 October, 1851, and died at Raleigh, North Carolina, 13 September, 1925. He was the only son of John Franklin Hoke and Katharine Wilson Alexander, who was the eldest daughter of William Julius Alexander and Elvira Katharine Wilson, Judge Hoke being the great grandson of the Revolutionary hero, William Lee Alexander and Elizabeth Henderson. His family on both sides has been influential in the public affairs of the State and country for many years.

The Hokes were among the virile leaders of the Democratic party in the '40's and '50's and their leadership, together with other outstanding men in the party brought it from a minority to a majority party that has controlled the State for many years. In fact, with few lapses, the Democratic party has been in control since Michael Hoke stirred the State in his unsuccessful campaign for Governor. The Democracy of the Hokes was deep-rooted and founded upon the principle of equal rights to all men and hostility to every form of tyranny.

Colonel John Franklin Hoke, his father, was Adjutant General in North Carolina in 1861, later Colonel of the 30th Regiment and was

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advanced finally to the rank of Colonel of the 23d. His father's nephew was even more distinguished, being the late General Robert F. Hoke, one of the bravest and most brilliant Major-Generals in the Confederate Army. Colonel Hoke, it was said, recalled with much pride how his son, Alex, who was then only nine years old, and filled with martial ambition, insisted upon accompanying his father to the front. Colonel Hoke was the leader of the bar in Lincoln and adjacent counties, but like his distinguished nephew, Robert, preferred private life to public office.

On his maternal side, his ancestors were among the outstanding leaders of the State, reaching back to pre-revolutionary days. His grandfather was William Julius Alexander, one of the most brilliant lawyers of his day, his great-grandfather being Hon. Joseph Wilson, one of the most powerful lawyers and solicitors of Western North Carolina. His great-great uncle, was Nathaniel Alexander, of Mecklenburg County, elected Governor of North Carolina in 1805, a graduate of Princeton University and the only doctor of medicine to hold the office of Governor in the history of the State, his death on 7 March, 1808, at the age of fifty-two years, ending a most promising career. So his mother's people, like the Hokes, were brilliant leaders in the public and professional life of their day, his forbears being makers of history on both his maternal and paternal sides.

On 16 December, 1897, Judge Hoke was married to Miss Mary McBee of Lincolnton, North Carolina, a charming woman of a distinguished family, and it was a particularly joyful event that their wedding was the golden anniversary of the wedding of the parents of Mrs. Hoke. This marriage was an ideally happy one, and their home a center of culture and charm until her death in 1920. There was born of this union one daughter, Mary McBee, who was a charming and devoted companion of her father from the time that she was a tiny girl until the day of his death. No companionship could have been closer or dearer than that existing between this adoring father and devoted daughter.

At the end of the war, William Alexander Hoke was fourteen years old, and from that time until he reached his majority, was raised and instructed in that period of reconstruction which molded so many men of fine character and genius to later serve their State and nation.

After receiving his early education, Judge Hoke entered upon the study of law, having the privilege of being a student and sitting at the feet of that great lawyer and trainer of so many brilliant members of the North Carolina Bar, Chief Justice Pearson, who conducted a law school at Richmond Hill, North Carolina, and was admitted to the bar on his twenty-first birthday, 25 October, 1872. After securing his

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license, Judge Hoke practiced law at Shelby for a time and later at Lincolnton. During this period and until 1891, when he was elevated to the Superior Court Bench, Hoke was one of the outstanding lawyers and practitioners in the Piedmont section of North Carolina. He early showed unusual legal talent and an exceptional mind, rare traits of character and above all, a personality that radiated respect and love in every circle in which he moved.

LEGISLATOR.

In 1889, he was nominated by his county for the House of Representatives in Raleigh. At that time, it was the custom for the Democratic and Republican candidates to have joint debates, and the joint discussion between Judge Hoke and his Republican opponent is one of the most interesting events in Lincoln County's history. His opponent was a very active, shrewd and militant politician, but lacked the poise and presence on the public platform that Judge Hoke possessed to such a marked degree. This lack of poise Judge Hoke discerned as his greatest weakness, and after their first debate he began to play upon this chord in a most able manner, in fact, it is said by those who heard the debate, that no actor could have beaten Judge Hoke in disarming his opponent. After his antagonist had spoken in the usual fervid political style, Judge Hoke arose to speak with the greatest dignity. It was said that he really rose higher than his natural height and hesitated almost minutes before making any remarks whatever. He realized that dignity and presence were among his best weapons in this debate and it is said that even before he uttered a word, his opponent was routed by the contrast the two men presented on the platform. It is needless to say that he won in this election and came to the General Assembly in the year 1889.

There were important questions before the Assembly in this critical period, and before the close of the session, by the common consent of all, although serving his first term, he won a place among the ablest and wisest leaders of that body, being chairman of the important Judiciary Committee. No legislator in this generation showed a greater mastery of the problems that he was helping to solve. His information was full and accurate, his logic unanswerable and his expressions direct and able, and with these qualities he won many a victory over older members of the Legislature. Here he exhibited for the first time in the affairs of the State, the courage and wisdom which afterwards developed and ripened in passing years to such a marked degree. Indeed, his exhibition of fine legislative qualities caused him to be frequently mentioned as ideal Representative in the United States Senate from the State of

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North Carolina, although it is well known that he did not himself seriously entertain this ambition.

The State Chronicle in speaking of him as a legislator, said: "He was a leading member of the last North Carolina House of Representatives and made a reputation second to that of no member of that body. . . . Alexander Hoke will attain high honors, and we predict that he will be Governor of North Carolina."

It is an interesting incident that during this campaign of 1888 for the Legislature, the Democrats, as a feature of the campaign, staged a large horseback parade in the town of Lincolnton, and Alex. Hoke, being one of the candidates for the Legislature, occupied a conspicuous place in the parade. It seems that his father, returning from court at Shelby the day of the parade, arrived just in time to view the Democratic display, and stepped out on the porch of his residence on Main Street for this purpose, and as the parade passed by waved his hand to his son in the procession and suddenly breathed his last, passing into the great beyond and leaving behind him a fine contribution to the many splendid public achievements of this great family.

SUPERIOR COURT JUDGE.

In 1890 Judge Hoke was nominated for the Superior Court Bench at a notable convention at Lincolnton. It was one of the most exciting and hotly contested convention nominations in the history of Piedmont Carolina. The candidates were W. A. Hoke, of Lincoln; M. H. Justice, of Rutherford, and John Vann, of Union, three brilliant lawyers and outstanding leaders of the bar in Piedmont Carolina. The district embraced Union, Mecklenburg, Gaston, Lincoln, Cleveland, Rutherford and Catawba counties. Judge Burwell, of Charlotte, was the campaign manager and floor leader at the convention for Mr. Vann, being his former law partner. Judge Burwell carried two-thirds of the Mecklenburg delegation for Mr. Vann for more than sixty-five ballots. One-third of the Mecklenburg delegation was headed by Mr. E. T. Cansler, Sr., of Charlotte, who was one of the leaders for Judge Hoke, and made a brilliant speech seconding Hoke's nomination, Captain Hoyle, of Cleveland County, making the nominating speech. Hoke had the vote of Lincoln, some of Cleveland, and some of Gaston. Justice had the vote of Rutherford, some of Cleveland and of Catawba; Vann the vote of Union and part of Mecklenburg. The contest was long and fiercely waged, taking sixty-six ballots to make the choice, although Hoke lacked only twenty votes of being nominated after the first few ballots. The crisis came when that distinguished citizen of Mecklenburg, Judge Burwell, stated to those of the Mecklenburg delegation who had

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voted solidly and consistently with him for Vann, that they could vote for whom they pleased, but as for him, he would cast his vote for Hoke. On this statement from their leader, the entire Vann wing of the Mecklenburg delegation joined the original Hoke delegation, and he was nominated on the next ballot.

Judge Hoke took his seat in January, 1891, on the Superior Court Bench. This was in the good old days when sectional division did not deny to all portions of North Carolina the privilege of having Western judges hold court in the Eastern counties and *vice versa*. Had the present rule of dividing the State prevailed, one-half of our State would have been deprived of the fine judicial attainments of this great lawyer as a *nisi prius* judge in North Carolina. It is a possibility that he would not even have been elected to the Supreme Court Bench because his gifts would not have been so well known to the whole State. He was a splendid Superior Court judge and ranked as high in the opinion of the members of the bar and people of this State as any man who ever held this exalted position, which yields such a large and wholesome influence in the life of our State.

Judge Hoke greatly endeared himself to the people of the State, especially to the members of the legal profession. He inspired in them the greatest respect and admiration, and at the same time a feeling of tenderness that was little removed from love. No man ever sat on the bench of North Carolina who enjoyed or deserved in greater measure, the love and affection of the people of the State. He held court in practically every county in North Carolina during his fourteen years on the Superior Court Bench, from the mountains to the sea, and left indelibly impressed upon the hearts and minds of thousands of his fellow-citizens an abiding and affectionate recollection of his kindly manner and wise counsel. As Chief Justice Stacy aptly expressed it, in his splendid address on Judge Hoke before the North Carolina Bar Association, "His striking appearance and military bearing at once arrested attention and commanded respect wherever he went."

He fully met the requirements of a "good judge" according to the recital made by Rufus Choate in the Massachusetts Constitutional Convention of 1853: "In the first place, he should be profoundly learned in all the learning of the law, and he must know how to use that learning. In the next place, he must be a man, not merely upright, not merely honest and well-intended—this, of course—but a man who will not respect persons in judgment—and finally, he must possess the perfect confidence of the community, that he bear not the sword in vain."

Alex. Hoke held this important office of Superior Court judge at a critical time in the history of the State, from 1890 to 1904, as fittingly set forth in resolution adopted by the Raleigh Bar Association

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on the death of Judge Hoke, the resolution speaking as follows: "What testing years these were in the life of the State. Legal learning was not sufficient to qualify a man for the judgeship in those days. There was needed an experience which ran back to the reconstruction era, a sympathy that could compass the yearnings, difficulties and aspirations of a struggling people and an integrity that could withstand the fires of intense partisanship. Judge Hoke possessed these qualities in the highest degree; and withal, he had that rarest of gifts, personal charm. Judge Hoke well understood human weaknesses; he did not claim to be free from them himself. He was just and firm in his dealings with the offender, but his was ever a gospel of the second chance. He understood the philosophy of the poet who wrote:

'In men whom men condemn as ill,
I find so much of goodness still;
In men whom men pronounce divine,
I find so much of sin and blot,
I hesitate to draw the line,
Between the two, where God has not.'

During this long period of service on the Superior Court Bench, there were many interesting incidents which suffice to show his great courage, fairness and rare sense of humor, but in the economy of time, only two of these occurrences can be referred to. An incident showing his dauntless courage and firm decision was tersely and graphically described by Judge Stacy in his address previously referred to, describing the occurrence as follows: "A negro was brought into his court, charged with a capital assault upon a white woman. There was much excitement in the community over the occurrence. The crime had been committed only the day before. The defendant lodged a motion for a continuance upon the ground that he had not had time to summons his witnesses or to get ready for trial. It was suggested that a lynching would probably take place if the case were not tried at that term of the court. To this the judge promptly replied: 'If there is to be any violence, it is better for the prisoner to be lynched by the mob than to be mobbed by the court.' This nugget of truth and wisdom, so tersely and epigrammatically expressed, attracted the immediate attention of the whole State and country at large. The case was continued for a week, the defendant given the opportunity to prepare his defense, and there was no lynching."

An incident showing his superb humor and his appreciation of a joke on himself was referred to and humorously expressed by Judge Murphy in his address before the North Carolina Bar Association at Wrightsville Beach in June, 1926, Judge Murphy using the following

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language in narrating the experience: "He told me he was trying an insurance case in Perquimans County or Hertford County—I forgot which—where the plaintiff had brought an action on a fire insurance policy for the destruction of a storehouse. The amount involved was \$2,500. After the evidence was all in, Judge Hoke reached the conclusion that under the facts and the law and the conditions of the policy, that the plaintiff was not entitled to recover. He so told the jury. The jury went out and stayed a few minutes and brought back a verdict of \$2,500. Judge again directed the jury how to answer the issue, and in a few minutes they brought back a verdict of \$1,250. He again sent the jury to their room, with the same instructions, and they returned with a verdict of \$625. By this time Judge Hoke was mad, and told the foreman of the jury, "Give me that issue, I'll answer it myself." With great humility, smiling, the foreman said, "That's all right, Judge, we will answer it. We all agreed in the jury room that if you did not back down this time, we would."

That he was held in the highest esteem by the members of the bar and the citizens of North Carolina throughout the length and breadth of the State, is attested to by the many fine compliments that were paid him by the press as he went into one county after another winning the high regard and love of the people of his native State in all sections. In the interest of brevity, I will only quote from the *Cleveland Star* of 27 October, 1897, which had this to say of the subject of this sketch: "Cleveland Superior Court is in session this week and that able and learned jurist, Judge W. A. Hoke, of Lincolnton, is presiding with characteristic ability and fairness. In times when unworthy men have been elevated to office and the standard of the judiciary lowered in consequence, it is really refreshing to have such an ideal judge as the presiding officer at this court to visit our county. Conceded on all sides to be one of the ablest and purest judges in this State, Judge Hoke is also one of the noblest and truest of men, and to paraphrase the poet's words,

'Grecian chisel never traced
A manlier form or kindlier face.'

Honest, able, fearless, kindhearted and absolutely incorruptible, Judge Hoke wears the judicial robes with becoming fitness."

Articles equally as complimentary of Judge Hoke appeared in the papers throughout North Carolina in every section during this period that he was impressing the State and its people so favorably.

Alex. Hoke was so popular in Mecklenburg County and his association through kinship and otherwise so identified with it, that when the committee in charge of dedicating the new courthouse which was built

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in Mecklenburg County in 1896, and which was dedicated on 2 October, 1897, was looking around to select the proper judge to preside over the dedication exercises, there was but one judge in the State who properly fitted in the picture. He was William Alexander Hoke. It was so arranged with the Governor that he would be on hand for these very important exercises. So on this date, with great dignity and appropriate exercises Judge Hoke conducted the dedicatory proceedings with such men as Judge Armistead Burwell, Hon. Clement Dowd and the late Hamilton C. Jones, making interesting and thoughtful addresses; his fitness for this task being aptly described by Colonel Jones in his brief remarks, who in speaking of Joseph Wilson, the great-grandfather of Alex. Hoke, says: "He was an ancestor of that distinguished gentleman who presides here today, and whom we are proud of as our judge. We recognize his great ability and his aptitude for this position. He would have had less excuse for not being a great lawyer than any man of my acquaintance." As a climax to the exercises, Judge Hoke made a brief but able address in which he exhibited one of his outstanding qualities which made him a big man, that is, innate modesty, speaking in part as follows: "For I tell you, my countrymen, that it is a precious thing to wear the regard of this bar and this people. . . . You stand now where you have stood, in the forefront of what is best and noblest in our civilization, and if I have been enabled to fill this high office acceptably, to which your kindness has preferred me, and to accomplish some good in its administration, which my brethren here so kindly stated in your hearing, it is in no slight measure due to the fact that I have had the assistance and association of a trained, capable and patriotic bar, and the inspiration and approval of an intelligent, earnest-minded and sound-hearted people. It is a great honor to be the chosen judge of such a people, and it is a reward greater than I deserve to wear their esteem and approval."

The press of the State during the time of his incumbency on the Superior Court Bench was replete with high compliments and commendation for the subject of this sketch. The excerpts from papers throughout the State in Western, Piedmont and Eastern North Carolina such as the typical ones recited heretofore show lustroously the splendid impression made by Judge Hoke as a *nisi prius* judge and the high esteem and love that the people of his native State held for him. These articles written at the time of his gripping hold on the State and these occasions such as the dedication of the Mecklenburg County courthouse occurring in this important period in the State's life, are true barometers of public opinion and express accurately the pulse of the people. They indisputably prove that the bar and the people of his State recognized him as the embodiment of the hopes and ambitions of the people

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and as a trial judge without superior in the State's history. The average man loved and admired him and hesitated not to show it.

For fourteen years he held this important and exalted position with rare ability, impartiality and learning. Inflexible honesty, dauntless courage, mastery of law, love of justice and loftiness of character moulded this outstanding *nisi prius* judge as the idol of the people, and they sustained an irreparable loss when he stepped from among them to a more exalted position on the Supreme Court of North Carolina. Through the various channels of the people of this State, "He sailed an unvarying course, towards truth, honor and justice."

In 1904 at a spirited convention in Greensboro, Judge Hoke was nominated by the Democratic party for Associate Justice of the Supreme Court, winning the nomination over Judge M. H. Justice of Rutherfordton, and being elected in the fall of that year. Hoke sat as Associate Justice of the Supreme Court from the Spring Term of 1905 until the Spring Term, 1924, and as Chief Justice of the Supreme Court from 2 June, 1924, until his resignation on account of ill health on 16 March, 1925, then becoming an Emergency Judge. During this long period of distinguished service, he wrote a mass of opinions, enunciating legal principles and doctrines that are the foundation of the law of North Carolina on many important subjects. From the 137th to the 189th North Carolina Reports, inclusive, the opinions of Justice Hoke are to be found, covering a wide range of subjects and erecting for him a monument which will be an everlasting tribute to his brilliant intellect, his deep-rooted sense of justice and his almost uncanny appreciation of the hopes and aspirations of the people of his State.

His style always trenchant and forceful, characterized at all times by accuracy and facility of expression, cuts to the heart of the subject and gives his opinion an elucidation and clearness which leaves no vestige of doubt as to the principle of law that he is enunciating. His style seems to have been an inherited one, as it was displayed from the time that he was assigned his first opinion at the Fall Term of 1905 until his resignation from the Bench during the Spring Term of 1925. His opinions are always incisive and essentially just and show that at all times he was appreciative of the people's rights and guarded them diligently.

One of his first opinions, *Jones v. Commissioners*, 137 N. C., 579, filed 28 March, 1905, is written in strong, lucid style, and holds that it is a matter of vital importance that the good name and credit of a county be jealously guarded, construing "authorize and empower" in the statute to be mandatory upon the commissioners of Madison County to issue bonds to fund accrued indebtedness for necessary expenses.

Next in *Fayetteville Street Railway Company v. Railroad*, filed 30 October, 1906, 142 N. C., 423, he wrote a vigorous opinion, holding

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that that railway company first locating its line had the right of way over all contesting lines, irrespective of whether or not rights of way had been secured from the property owners by the contesting companies. This was an important decision, in that it settled the law as to the rights of the public railway companies and the landowners.

In *Corporation Commission v. Manufacturing Company*, 185 N. C., 17, he handled this important litigation between the Southern Power Company and a number of leading cotton mill owners in a very skilled manner, writing a strong opinion recognizing the absolute right of the electric power company to charge rates that are reasonable and just, at the same time definitely holding that the Corporation Commission had the absolute power to fix rates on electricity generated in another State, transported to this State, distributed and sold here. In this opinion he showed his facility as a writer and his power to express in ornate language sound legal principle, "There must be the strict guardianship by the State outlined by statute and enforced by judicial and administrative officials, to protect for public use the bounty of heaven, whether folded in the recesses of the earth, laid up from countless ages for the benefit of future generations of men, or created by the waters falling from the skies from which power is made for the necessities of men."

In *Small v. Morrison*, 185 N. C., 579, filed 8 June, 1923, we find him holding that it is against the policy of the law to permit an unemancipated minor child to sue his father for personal injury, speaking eloquently in this opinion of the sanctity of the home.

In *Citizens Company v. Asheville Typographical Union, No. 263*, filed 22 January, 1924, 187 N. C., 42, we find him concurring in the opinion of the Court written by *Judge Clarkson*, expressing boldly his views with reference to the right of employer and employee in labor crises.

Other cases of public interest are *Becton v. Dunn*, 187 N. C., 559; *May v. Loomis*, 140 N. C., 350; *Broadstreet Bank v. National Bank of Goldsboro*, 183 N. C., 463; *Yellow Cab Company v. Creasman*, 185 N. C., 48, and *Lacy v. Indemnity Company*, 189 N. C., 24.

In criminal cases his opinions exhibit a strong desire to give each citizen a fair and impartial trial, at the same time showing a determination to punish those who have flagrantly and intentionally violated the laws of the land, and to discharge those who have unintentionally infringed upon some statute.

Two cases written soon after his entrance upon the Supreme Court, illustrate this attitude clearly. In *S. v. Exum*, 138 N. C., 599, a case of deliberate murder where Exum killed his step-son without any excuse whatsoever, he affirms in an able opinion the judgment of the lower court in finding the defendant guilty of murder in the first degree,

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holding that previous threats made by the prisoner against the deceased are competent. On the contrary, in *S. v. Horton*, 139 N. C., 589, showing his even sense of justice, he was equally as aggressive in holding that unintentional homicide should go unpunished. In the particular case, Horton had killed a man, mistaking him for a wild turkey while hunting on land without a permission.

In *S. v. Barksdale*, 181 N. C., 621, he showed his unwillingness to be influenced by press reports or public demand. Here he said, "More important even than a prohibition law, is the constitutional principle, which guarantees to every citizen charged with crime, an impartial and lawful trial by a jury of his peers."

In addition to these opinions, *S. v. Hardin*, 183 N. C., 815, *S. v. Springs*, 184 N. C., 768, all show his ability as judge of the criminal law and his devotion and regard for the Constitution of North Carolina and of the United States.

In the field of negligence, he wrote some very able opinions, establishing for our State principles of law governing the relationship of master and servant which are absolutely fair to both sides of this equation: *Hicks v. Manufacturing Company*, 138 N. C., 319; *McKinney v. Allen*, 185 N. C., 562; also very frequently ably discussing general rules of negligence; *Cooper v. Railroad*, 140 N. C., 209.

He was a master of real property and raised during that period when this branch of the law was the most important in the field of practice in this jurisdiction, as attested to in the cases of *Gaylord v. Gaylord*, 150 N. C., 222; *Christopher v. Wilson*, 188 N. C., 757; *Wallace v. Wallace*, 181 N. C., 158; *Pou v. Allen*, 179 N. C., 307. The deliberation and logic of his mind was well suited to consider and solve the abstruse problems of real property and with him it was not a difficult task because of his knowledge of the old masters, Blackstone, Coke and Littleton.

I have dwelt at some length upon the decisions of Judge Hoke, covering his long period of service on the Supreme Court Bench as showing his fine judicial temperament, matchless sense of fairness, intense humanity and his passion that all men in the State of all classes should receive equal and exact justice before the law.

In his long career on the Supreme Court Bench, he served with Clark, Walker, Brown, Henry Groves Connor, Manning, Allen, Stacy, Adams, Clarkson and George W. Connor, all men of strong convictions who hesitated not to clash sharply with him in their views of the law on any particular subject, yet maintained at all times the most cordial personal relations with their associate and he enjoyed to a remarkable degree their love, admiration and respect. He was a member of that great quintet of Judges who held sway upon the Supreme Court of North Carolina with such signal distinction—Clark, Hoke, Connor, Walker and Brown:

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a Court which was famed throughout the nation as one of the ablest appellate Courts of any State in the Union. He was the last survivor of this brilliant Court, for when he resigned on 16 March, 1925, as Chief Justice, only one of this great coterie of jurists, Judge George H. Brown, was living at that time, and he had previously retired from the Supreme Court Bench.

It is interesting and at the same time sad to note that while Chief Justice, Judge Hoke had the honor of accepting the portrait of Chief Justice Clark which was presented to the Supreme Court on 28 October, 1924, and just about a month thereafter, on 25 November, 1924, received for the Court the sad news of the death of his devoted friend and associate, Judge Henry Groves Connor, Ex-Associate Justice of the Supreme Court of North Carolina and of the District Court of the United States.

CHIEF JUSTICE.

When William Alexander Hoke was appointed Chief Justice by Governor Morrison, there was never a more popular appointment made in the State. It was the universal opinion that there was but one man who should be appointed Chief Justice, and he was Judge Hoke. One has but to read the mass of letters and telegrams sent from all parts of the State, from the judiciary, the bar and the leading citizens, to appreciate the universal sentiment that here was the rare occasion where the office absolutely fitted the man. Possessing unusual native ability, having served on the Superior Court and the Supreme Court of North Carolina for thirty-four years, with rare distinction, commanding the highest esteem of his fellow-citizens, Hoke was the only logical choice for Chief Justice. It is impossible to quote at any length from the mass of editorial comment and laudation of Judge Hoke as it appeared in the press of the State, and a still more difficult task to give mention to the hundreds of personal letters that came to Judge Hoke and his family both strongly endorsing him for Chief Justice, and after his appointment, commending the wisdom of the choice.

The editorial in the *Raleigh News and Observer*, 3 June, 1924, published in the city in which he had resided for twenty years, is typical of the universal approval of his appointment throughout the length and breadth of the State, said article reading in part as follows: "It is hardly possible for Judge Hoke to add any new laurels to his judicial career, which has been one of great usefulness to the State, but the people are fortunate in having a man of such wisdom and discretion at the head of the State's most important Court. He will direct its deliberations always with a view to serving the interest of the people."

Articles just as commendatory of the appointment appeared in practically all of the leading newspapers of the State.

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HONORED AS A CITIZEN.

Judge Hoke was the recipient of many honors as a citizen independent of his activities as a lawyer and his long service upon the Superior and the Supreme Courts of his native State. He was chairman of the commission to place a suitable statue of the great North Carolina statesman, Zebulon Baird Vance, in Statuary Hall, in the city of Washington. Probably nothing in his life outside of his absorption in his judicial duties ever interested him more, and his diligent and able efforts resulted in the erection of a suitable statue to Vance. Vance was the ideal statesman to Hoke, and it was a privilege to him to answer the call and to preserve his form in the forum of his country where Vance had served with such brilliance and outstanding leadership for so many years. In the unveiling and presentation of this statue, 22 June, 1916, in Statuary Hall, Judge William Alexander Hoke made the following remarks about Vance: "As a man amongst us who preëminently fills the requirements of the act of Congress dedicating this Hall to the good and great men of the nation . . . an illustrious citizen, distinguished for civic and military virtues. He was indeed, my countrymen, a great leader of his people in war and peace; great in intellect, great in character and achievement, great in breadth and quality of his sympathy. His people followed him with unfaltering trust for more than thirty of the most eventful years of their history and were not disappointed. They admired and loved the man for his integrity and his courage, for his wisdom and strength, his genius, his matchless eloquence and far-seeing vision, for his loyal-hearted, unchanging devotion at all times and under all circumstances to their best interest as he was given light to see it. His hold upon the affections of the people of North Carolina endures and grows stronger with time, and we are deeply gratified to have you with us here today in paying this tribute to his memory."

Hoke venerated and admired Vance, and it was one of the greatest satisfactions of his life that he took so large a part as head of the commission in placing in Statuary Hall at the Capitol an image of Vance, the great North Carolina leader whom he loved and followed. Knowing then his devotion for and his admiration of Vance, it is not surprising that five minutes before he passed into the great beyond sitting in his chair at the Rex Hospital, he was telling the house physician the high day in his own life when he had been privileged to honor Vance. This was not a reference to his important part in securing the statue, but rather rejoicing that he lived to see the State honor its distinguished citizen. He was giving in detail the reasons for the high place that Vance occupied in the history and the hearts of the people of North

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Carolina, when without pain he passed into eternal companionship with the only man in his long career to whom he had given absolute and wholehearted allegiance as a leader.

HONORARY DEGREES.

Two great institutions of learning in North Carolina conferred the honorary degree of Doctor of Laws upon the distinguished subject of this sketch in appreciation of his eminent service as a judge and his understanding and leadership as a citizen. Dr. C. Alphonso Smith, the former dean of the Graduate Department at Chapel Hill, in conferring for the University the honorary degree of Doctor of Laws upon Judge Hoke, which took place at Chapel Hill in June, 1909, said in part: "Judge Hoke has exemplified and exhibited in every position that he has filled, those qualities of head and heart which North Carolinians love to honor. To strong convictions he adds the faculty of putting himself in others' places so that prejudice is disarmed and justice is tempered with understanding. His ingrained honesty, his judicial poise, his wide charity of hand and thought, and his sense of stewardship as man and as citizen commend him as peculiarly worthy of the distinction which we today confer upon him."

Justice Hoke was also signally honored by that great Presbyterian Institution, Davidson College, who likewise conferred the honorary degree of Doctor of Laws upon him because of his distinguished service on the Bench and his fine contribution to the laws of the State of North Carolina.

CHURCHMAN.

Judge Hoke was a staunch Episcopalian throughout his life. He was ever active in the affairs of his church and honored by it. He served for many years as Vestryman of St. Luke's Episcopal Church at Lincolnton, and was elected by it Honorary Senior Warden for life after his removal to Raleigh. In Raleigh, he attended the Church of the Good Shepherd and was one of its strongest supporters, but never moved his membership to the church at Raleigh because of his sentiment about the church of his nativity, St. Luke's Episcopal Church at Lincolnton. He and the Right Reverend Joseph Blount Cheshire, Bishop of North Carolina, were intimate friends for many years, and this venerable and beloved North Carolinian, relied upon Judge Hoke as one of the strongest laymen in his Diocese.

DEMOCRAT.

William Alexander Hoke was a militant, loyal Democrat all of his life. He followed the trail blazed by his distinguished ancestors, the Hokes, who were for so many years virile leaders of the Democratic

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party, and whose wise counsel was most influential in bringing the party from the minority to the majority party in the State. His long service of thirty-four years on the Bench naturally prevented his active participation in the campaigns, but his party felt at all times that in Alex. Hoke it had a loyal supporter and friend and wise counsellor so far as was consistent with the dignity of his office. Before entering upon the Bench, he was a strong, virile Democrat and hesitated not to draw swords with an adversary if it meant the maintenance of party principle. Zealous as he was for the Democratic party, however, he commanded at all times the respect, regard and real affection of thousands of citizens of North Carolina, who disagreed with him in party affiliation. Judge Hoke's love for Jeffersonian principles was so profound that tempting offers of support from opposing parties always fell upon deaf ears with him.

MEMBER OF THE SOCIETY OF CINCINNATI.

On 4 July, 1902, William Alexander Hoke was admitted into the distinguished Society of Cincinnati, being a representative of Lieutenant William Lee Alexander, of the Fourth Regiment of North Carolina Continental Infantry, an original member of the Society. From the time of his admission, Judge Hoke took an active part in the meetings of the Society and gave it the benefit of his strong mentality and warmth of patriotic fervor. At all times, he was intensely interested in the aims and purposes of this historic organization and was a worthy representative of his distinguished ancestor in the Society of Cincinnati until the day of his death.

DEVOTEE OF LITERATURE.

Judge Hoke "loved the best literature and made of himself a man of letters as well as of legal lore." His public utterances and private conversation distinguished him at once as a man who was well versed in the classics, and who had given literature and literary style intense study and observation all of his life. His opinions are inoculated with a classic style and his facility of expression couched in splendid English, at times almost quaint, indicates a mind that has spent long hours of study in perusing classical literature. At the same time, he was devoted to literature of a light character, and never was more pleased than to be able in conversation to give expression to some little verse that expressed a bright thought appropriate to the occasion. Dr. Archibald Henderson, of the University, a close friend of Judge Hoke, in his later years, stated to me that he never met his distinguished friend without his giving expression to some new limerick or verse that he had heard which appealed very much to his sense of rhythm and humor. The

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requirements of the Bench never prevented Judge Hoke from developing through the years his literary attainments.

What a life, so fruitful of result! William Alexander Hoke, a devoted husband and father, distinguished citizen, brilliant lawyer, wise legislator, exponent of rare literary style, faithful churchman, Judge of the Superior Court for fourteen years, Associate Justice of the State Supreme Court for more than nineteen years, and Chief Justice for almost a year, faithful in every trust, a signal success in every stage of his career; an idol of the people and the embodiment of their hopes and aspirations. Truly here was a prince among men, giving to his State a life that will be a benediction to all of its citizens who observe and follow his illustrious career.

As was said by Chief Justice Stacy in the address previously referred to, "So long as the establishment of justice shall remain the end of all government and so long as men everywhere shall continue to seek the right, he will ever live with the deathless dead for in the temple of the law he hath builded for himself a monument more lasting than marble and more enduring than bronze. His epitaph is written in his own hand and will be found in the North Carolina Reports." They breathe the spirit of justice and illustrate the truth. "For justice, all seasons summer, and every place a temple."

It is tradition that "The native hunter in the Indian jungle discovers by unmistakable signs when the king of the forest has passed by. So the lawyer when he runs through the pages of the North Carolina Reports and comes upon the opinions of William Alexander Hoke, he instantly perceives that a lion has been there."

Strong, brilliant, just, courageous, lovable, with unswerving loyalty, there met in him the qualities of true greatness. "A great man is made up of qualities that meet or make occasions." He set for the people of his State a noble example that will live in the years to come and guide them to the higher and better things as they come under the influence of his brilliant career. "Great men stand like solitary towers in the city of God," their achievements flashing to the world an example and ambition to be aspired to by the generations yet to come. His work upon this earth is past, but his great influence will continue through eternity.

"Nothing can cover his high fame but heaven;
No pyramids set off his memories,
But the eternal substance of his greatness—
To which I leave him."

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REMARKS OF CHIEF JUSTICE STACY, UPON ACCEPTING PORTRAIT
OF FORMER CHIEF JUSTICE WILLIAM ALEXANDER HOKE,
IN THE SUPREME COURT ROOM, 2 SEPTEMBER, 1930

The Court is pleased to have this portrait of its late Chief Justice, and it has heard with fullest sympathy the splendid address of presentation made by his friend and ours.

William Alexander Hoke is one of those names for which no death lies in wait. It denotes a spirit, at once courageous and true, still vibrant in these halls. Here it lived with its fleshly screen. Here it lives with its finer body. Its voice is the voice of law, and it speaks from fifty-three volumes of our published Reports.

To those who did not know him, words of just appraisal must seem but the fulsome praise which custom decrees shall be accorded the dead. But for the profession he served so long and well, and for those of us whom he honored with his friendship, his work will stand as his monument, more enduring than granite, more precious than refined gold, for it has been wrought into the temple of the law of a great people. He put all of his powers to a noble task, hammered out a compact and solid piece of work, made it first rate, and left it unadvertised.

Faithful over a few things; ruler over many.

There is a space reserved for his portrait on the walls of this Chamber. The Marshal will see that it is hung in its proper place. The proceedings on this occasion will be published in the forthcoming volume of our Reports.