

ADDRESS
BY WILLIAM A. BLAIR
ON
PRESENTATION OF A PORTRAIT
OF THE LATE
GEORGE PIERCE PELL
TO THE
SUPREME COURT OF NORTH CAROLINA
DECEMBER, 1940

"It singeth low in every heart,
We hear it each and all,—
A song for those who answer not,
However we away call;
They throng the silence of the breast,
We see them as of yore,—
The kind, the brave, the true, the sweet,
Who walk with us no more."

It is well for us, for any reason, sometimes to turn away for one brief hour from light or heavy tasks that often tire,—from business, factory, farm or office, and from the "dry drudgery of the desk's dead wood," to meet face to face, forget home and business cares, and feel the great throbbing pulse of humanity beat in common current through the channels of our being. Particularly so if we meet to consider lives worth living, to recite their achievements, to recount and evaluate their services, and

"in the book of fame
The glorious record of their virtues write,
And hold it up to men and bid them claim
A palm like this, and catch from them the hallowed flame."

And yet, it is a difficult, delicate, and indeed dangerous task, in considering any clear, forceful story of human accomplishment, endeavor and high idealism, particularly in the case of a special friend almost from childhood's earliest days, to avoid, on the one hand, the base Scylla of extrava-

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gant, excessive, undue and fulsome eulogy, which overshoots the mark,—for “Praise undeserved is satire in disguise.” On the other hand, it is likewise difficult to avoid the Carybdis of failing to express due appreciation of the great and outstanding qualities which highly deserve special notice, commendation and proper notes of praise. The difficulties and dangers of the duty, always sufficiently and clearly manifest, are multiplied a hundredfold in the case of the man whose life, services and memory we honor on this good day, so I come simply to lay my humble tribute, with a rose upon the grave, and with deepest and tenderest emotions of the heart,—with you, to drop a tear for the past, rejoice in the present and look forward to the future with the gladness, faith and hope that he whose memory we honor would have us do. Judge Pell was, at heart, one of the most retiring, modest men, impatient of eulogy or of undue praise and compliment. We can almost hear him quote,

“Paint me as I am, said Cromwell,
Rough with age and gnashed with wars;
Show my visage as you find it,
Less than truth my soul abhors.”

And particularly in this august presence he would surely enjoin, as the “blind old bard of Scio’s rocky isle” makes the wise Ulysses say, “Praise me not too much, nor blame me. Thou speakest to the Greeks who know me.”

I think we will agree that,—

“’Tis only noble to be good,
Kind hearts are more than coronets,
And simple faith than Norman blood.”

And yet we must admit that there must be something in Oliver Wendell Holmes’ statement—“No, my friends I go (always other things being equal), for the man who inherits family traditions and the cumulated humanities of at least four or five generations.” According to Renan, “one always retains the traces of one’s origin,” and “blood will tell” is a common aphorism.

Judge Pell was blessed in having, not only that kind of a heart that is more than coronet, but also distinguished ancestry as well. His great-grandfather came to Currituck County, North Carolina, direct from England in 1745, thirty years before the Revolutionary War, while George II was the reigning monarch and Gabriel Johnson, Governor here. He was a leading and useful citizen of his section and his son Joseph won high place as a gallant soldier in the Continental army under

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the leadership of Washington as Commander-in-Chief. Going still further back, we find a noted ancestor, Sir John Pell, the great mathematician, born 1613, who made outstanding records in both Oxford and Cambridge Universities, became a prominent professor in Amsterdam, discovered the Binomial Theorem in Algebra, and was the author of several important books and papers. It was to this ripe and cultured scholar that Sir Isaac Newton turned for consultation, counsel and advice, and to him, first of all, submitted, and explained his invention of Calculus, or "Fluxions," as he gave it name. The Judge's mother, Virginia Carolina Ramsey Pell, traced her ancestry, through the Bollings of Virginia, to Sir Thomas Boleyn, the Viscount Rochford and Earl of Wiltshire, father of the ill-fated Anne Boleyn, wife of Henry the Eighth and mother of Queen Elizabeth. Through the Rolfes, also, her direct line went back to John Rolfe, who married Pocahontas, the daughter of the great Indian Chief Powhatan, and who at the risk of her own life dramatically saved from death Captain John Smith of Colonial fame. Judge Pell's father was the Rev. William Edward Pell, a noted Methodist minister, editor and statesman, who founded and conducted the *Raleigh Sentinel*, now the *News and Observer*. During the sad, dark days of the awful reconstruction period he was a great power in the State, and a tower of strength, making a determined, valiant and successful fight against the corrupt "Carpet Bag" rule and in favor of good government, white supremacy and local control in the State. He was a member of the Governor's Council and intimate and confidential adviser of Jonathan Worth, Zebulon B. Vance, William A. Graham and others known to fame. Governor Worth frequently mentions him in his letters, referring to him "my friend," "my sincere friend," "personally and politically my friend," etc. In a letter to Vance he is referred to as "your ardent friend." His power and influence continued with unabated force and might up to the time of his death in 1870. Into a home of refinement, culture, religious influence and high ideals Judge Pell was born in Raleigh, June 19, 1870, the youngest child of his parents. Both his brothers, still living, became prominent and outstanding men of force, character and reputation. Dr. Edward Leigh Pell, of Richmond, Virginia, author, lecturer and forceful writer, is known everywhere as editor of the popular "Pell's Notes for Sunday Schools." Dr. Robert Paine Pell attended Trinity College and the University, where, upon graduation, he became instructor in English and Secretary of the faculty. Feeling a call to the ministry, he received preparation at the Union Theological Seminary and entered upon a successful ministerial career. In 1902 he was elected president of Converse College, South Carolina, a position which he held for over thirty-one years, and is now president *emeritus*. Degrees from many

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colleges and universities have been showered upon him and other honors have crowned his fine, successful, outstanding career. There were also three fine daughters of marked talents in vocal and instrumental music, as well as in intellect, all graduates of the Greensboro College. Alice became the wife of Rev. William A. Puckett, Carrie was married to Dr. J. B. Gunther, and Lula's husband was Mr. Thomas Rouse, the banker of La Grange. But the father had died when George was only six months old and the boy never knew a father's care, direction, training, advice and companionship. Fortunately the accomplished mother—and "happy he with such a mother"—was daring, strong and able enough to face the situation and to accept the holy charge of keeping the family together in unbroken band and of meeting their pressing human needs and such comforts as were most desired. She did even much more than this. She provided ways and means and methods for every opportunity of training, education and culture of body, mind, heart and soul.

"The bravest battle that was ever fought;
Shall I tell you where and when?
On the maps of the world you will find it not;
It was fought by the mothers of men."

Virginia Carolina Ramsey Pell, a little later, accepted a position as teacher of French and music at the "Greensboro Female College," and in her leisure moments personally instructed her children, and particularly young George until he was well prepared to enter college. Arrangements were perfected whereby he could attend classes with the girls and he graduated from this institution at the surprisingly early age of only thirteen years. Later he entered Trinity College, now Duke University, and finished with high standing in his class. He then took a post-graduate course at the George Washington University in Washington, D. C. Having definitely decided on Law as his profession, he entered Georgetown University and, in due course, received the degree of "Bachelor of Law." And now begins the next two score year record of achievement, not in ignoble ease of waiting for clients to come, but in the labor, grind, and drudgery of a full, active, strenuous life.

"Toiling, rejoicing, sorrowing,
Onward through life he goes;
Each morning sees some task begun,
Each evening sees it close.
Something attempted, something done,
He earned a night's repose."

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At the age of eighteen, and for three years thereafter, we find the young man joyously serving as associate editor, with his friend Josephus Daniels of the *Raleigh Chronicle*, later absorbed into the *News and Observer*. There must be some strange fascination, charm or witchery about blackening one's fingers in printers' ink, or sitting in the editorial chair. When once experienced, the love for it never fails, fades nor dies, and so we are not surprised, later on, to find young Pell editing at one time the *Winston-Salem Sentinel*, at another, conducting the *Yadkin Valley News* in Mount Airy, and again acting as editor and proofreader in the U. S. Government Printing Office in Washington, meantime contributing articles from his ready pen to various papers inside and outside the State. He had already been admitted to the Bar in the very May-morn of his youth, and practiced his profession with honor and success in Winston-Salem, Raleigh, and in partnership with the noted, brilliant, and original Captain J. R. Todd at Jefferson. This latter experience was often spoken of as a rare one, of great worth and of immense educational and cultural value. Other honors came thick and fast upon him. For three terms Pell was reading clerk in the State Senate, and he also served for five years as assistant librarian of public documents in Washington. Soon after his election, Governor Aycock appointed George one of the directors of the N. C. Railroad, a position that interested him greatly and to which he gave much time, thought and attention at a period when it was sorely needed. In 1908, just when it seemed that an ever-expanding future was well within his reach, it appeared to all that a brilliant career had suddenly been closed in tragedy, sad and deep and dark. A mad dog's savage bite and resultant treatment, possibly improperly applied, brought on a partial paralysis of lower limbs, but even that could not stop the skyward-jutting soul. All was not lost for his unconquerable will and courage would never submit nor yield. He carried this heavy burden to the end, as only the bravest could possibly do, and I doubt if anyone ever heard him utter one single complaining, lamenting or whining word about it.

“He never turned his back, but marched breast forward.

Never doubted clouds would break.

Never dreamed, though right were worsted, wrong would triumph.

Held, we fall to rise, are baffled to fight better, sleep to wake.”

Two years later Governor Kitchin appointed him Judge of the Superior Court, a position he held with much honor and success until he took his seat on the State Corporation Commission, which relieved him of the extensive and tiresome travel incident to wearing the ermine and

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to a career on the bench. This place of great responsibility Judge Pell continued to hold, by virtue of triumphant elections one after another until the Commission was abolished in 1934.

Then Judge Pell opened in Raleigh an office for the practice of his profession and devoted much time to writing and to his celebrated law school, noted for its thorough work and for the small percentage of its students who failed to pass the bar examinations. How the Judge ever found time in the stress and strain of his full and busy life to write and publish twenty-six volumes of books and monographs is a source of wonder and surprise. His well known "Revisal of N. C. Statutes" is regarded as one of the most important and valuable legal contributions ever made by any man in the State. At the time of his death he had almost completed another volume on the administration of estates. He was always a loyal Democrat, but liberal and broad in his views. A Methodist without narrowness, sectarianism or bigotry, a Sunday School superintendent without sanctimoniousness, affectation or pretense. His sense of duty as a citizen was never dimmed, and education, health, social uplift and welfare seemed ever on his mind. His was a buoyant and friendly soul, had a rare genius for friendship and the highest qualities of companionship, kindness, cheerfulness and good will. He loved the whole human race and there came back to him from every side just what he gave, for he had warm friends everywhere in all the walks of life without regard to race, color, previous condition of servitude or social standing.

In 1892, on May 25th, at the age of 22, he was happily married to Mary V., the accomplished daughter of Mr. Larkin DeShazo, a tobacco manufacturer-planter, and leading citizen of Virginia. The union was a fortunate and blessed one, for the young wife at once became a real helpmate, comrade, stimulant and inspiration. Three children, the parents' pride, were born to them, and the oldest, Mary, blossomed into fine womanhood, graduated from Salem College, married the noted tobaccornist, W. B. Lea, of Danville, Virginia, became the mother of five children, and lost her life in one of those unnecessary automobile accidents that happen far too often in our land. One boy, William Edward, graduated a Phi Beta Kappa at the University of North Carolina, and from the Carnegie Institute of Technology and then took a post-graduate course at Columbia. He served in the Navy during the World War and died suddenly in Troy, N. C., where he was serving with distinction and renown as superintendent of the city schools just as he was about to leave home to receive his doctor's degree at Columbia. Josephus Daniels, the only living child, graduated from the State College, became designer for the Cannon Mills, superintendent of the Mooresville Cotton Mills, built the first rayon weaving mill in the south, and invented chemical

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formulæ used in processing rayon yarns. He is now president of the Angle Silk Mills in Virginia and director of the "National Association of Rayon Weavers."

In the World War he served in the Army and was the youngest commissioned officer in the entire armed force. Judge Pell died in Raleigh, May 11, 1938.

And now, Honorable Chief Justice and Associate Justices of the Supreme Court, I have the honor to present you on behalf of Mrs. Mary DeShazo Pell and through her generosity, a life-like portrait of Judge George Pierce Pell to adorn the walls of this grand temple of law and justice. Along the side of the great marketplace in ancient Athens, so he might read who ran, was the "Poecile Stoa," or painted porch, where for half a thousand years the descendants of the men who followed Miltiades to victory, and all other Greeks, might trace the glories of their immortal Marathon, and gain strength, heart and inspiration from the example and lives of great men of former days. On either side and high above the Appian way in Rome stood statues of the Italian great, so that youth and age might upward look as they passed by, and thus be encouraged to write their names high upon the tablets in fame's exalted temple. Such, in ancient days, were some of the noteworthy memorials to the dear, departed dead. But here we have them not—nay, far too few of these! The stars of heaven alone keep solemn watch over the graves of our dead heroes while the evening breezes only chant a mournful requiem in memory of their immortal lives. But gatherings such as this are sweeter, tenderer, grander monuments, methinks, than any work of art or high design from mighty mortals' good-like hands. It is well, therefore, that upon the walls of this courtroom, fine and new, but old in history and tradition, portraits are treasured and preserved of some of North Carolina's great, "Whose names are writ where stars are lit." Among them, this picture of Judge Pell deserves a place.

"The night is darker because his light has gone out. The world is not so warm, because his heart is cold in death."

ACCEPTANCE OF PELL PORTRAIT.

**REMARKS OF CHIEF JUSTICE STACY, UPON ACCEPTING THE
PORTRAIT OF GEORGE P. PELL, IN THE SUPREME
COURT ROOM, 11 DECEMBER, 1940:**

The Court is pleased to receive this splendid portrait of a distinguished member of the bar, former Superior Court Judge, former member of the Corporation Commission, author, lecturer and teacher—George P. Pell. His greatest service to the legal profession was his pioneering in the field of annotations. For this work, the General Assembly assigned to him the important task of recodifying the statute law of the State. This recodification, in annotated form, was published under the name of "Pell's Revisal of 1908."

Nothing can be added to the faithful tribute of his friend and biographer who has spoken today. We are glad to receive his eulogy and just appraisal.

The Marshal will see that the portrait is assigned to its appropriate place, and these proceedings will be published in the forthcoming volume of the Reports.