

ADDRESS
BY HALLETT SIDNEY WARD
ON
PRESENTATION OF THE PORTRAIT
OF
HON. WILLIAM MARION BOND
TO THE
SUPREME COURT OF NORTH CAROLINA
ON TUESDAY, 26 AUGUST, 1947

May it please your Honors: Since your last adjournment, the only surviving son of the late Judge William Marion Bond, Mr. Lyn Bond, a lawyer of Tarboro, and his only sister, Mrs. Julia Dixon of Norfolk, Va., moved by pride and affection for their distinguished father, suggested to the *Chief Justice* the placing of his portrait on the walls of this building among the large number of his official kindred and kind. I was advised by the son that the *Chief Justice* kindly approved, and in obedience to their request I come to present it.

However, a stunning shock came on July 11; this young man, Lyn Bond, was suddenly taken by death in the flower of a vigorous and useful life, thus leaving Mrs. M. H. Dixon the only immediate survivor of what was lately one of the happiest families I ever knew. Mrs. Dixon is with us this morning. There were two other sons older than Lyn, William M., Jr., and Edward Griffith. William was practicing in Plymouth when called by his state of health to a higher climate. He stopped in Denver, opened an office and plunged immediately into a professional success that was a marvel to his friends. This success was so pronounced that he was able at the end of ten years to return to Edenton and build a fine house, but he passed on April 11, 1944, leaving a widow and one son of his own name. The next son, Edward Griffith, was killed on the battle line in the first World War. So it is, that with Mrs. Dixon and Lyn's widow only, I come bearing the service of presenting this portrait for a place his fine life merited.

It is a gracious privilege, and my selection for that service was because I knew him as it falls to the lot of few men to know another, and with a personal affection and profit that falls to the lot of few men by association with another man. By the custom of such occasions, it seems to become my right to ask your indulgence for a brief review of his career.

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He was born in Edenton, North Carolina, July 14, 1858, the son of William E. and Virginia Darden Bond. At this birth, the father was a man of substantial estate as far as property in slaves could be said to be substantial and was a gentleman of finished and accumulated education. He stood out (unfortunately, I think it may be said) in a small but stubborn minority of that community as a zealous opponent of the prevailing Southern political opinion and was presidential elector for the Bell and Everett ticket in 1860 and made an active canvass of the District in public debate. Joint debates, three from the same platform, for that campaign. In that day, you know, unlike the present, it was impossible to talk a crowd to death. Opinion was unanimous that Mr. Bond was the only scholar that spoke. Secession went against him and his slaves went and practically all else and the boy, who is the subject of this sketch, was six years old. The father never made a financial come-back. An old gentleman introduced himself in Plymouth, by saying: "I studied Greek under your father." The answer was affable and courteous: "But excuse me, Mr. Lewis, if I say I think you were both engaged in a very sorry business." They parted with a merry laugh. This shows the father, earning a very meagre income of course, for teaching Greek could not be remunerative to teacher or pupil.

And now we have a boy six years old with a brother four and a sister younger in a home swept by the holocaust of war. Born in Edenton, North Carolina, in 1858, six years old at the close of the war! This presents a picture that this generation never knew and history's pages do not disclose it to them. Boyhood and adolescence passed in Eastern North Carolina through the two decades following the Civil War, especially in the counties lying on the Seaboard between the Virginia line and Wilmington, and its privations and struggles are not appreciated by those who hear or will read these remarks. The home life of peoples do not reach the pages of history directly. Battles and big incidents of government and outstanding landmarks, exploits of heroes and highlights fill those pages. It was ever so and ever will be. Macaulay, in his essay on "Hallam's History of England," presents this unfortunate fact with even more than his usual force of philosophy and charm of expression. The history of these counties, and of Edenton, tells about the fall of Roanoke Island and of New Bern before Burnside's invading armies, and of the outstanding men who fell in those battles. But it does not follow the horde of stragglers that broke away from those Federal Armies (or perhaps never were truly attached to them) and plundered through the roads and by-ways of country life, attaching themselves to local Buffaloes who were residents and could lead them to the recesses of hiding, back in the woods and everywhere else where the horses and milk cows were left tied, and to every suggested hiding place where last

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year's ham might be found. This sad story is left to tradition, and has faded from memory. It reached into the little towns supplied by the farms.

I am talking about little Bill Bond from six to twenty and of his life's environment and of the unnumbered others of his fellows of the same world. It is true and applies to the conditions I try to describe that a gracious God seems always to stretch out a saving hand. The story of the production of the rivers of those counties, of fish through these two decades, cannot now be told because the narrator of the actual truth cannot risk his reputation for veracity merely to try to educate an incredulous listener. Therefore, let it only be said that the herring production was phenomenal through the long reaches of the Chowan, Roanoke and Neuse and their tributaries. At a cost of one to three dollars a thousand, this food was conditioned and carried to the smoke houses, two to three thousand to the family, every spring. The West Indies Islands were equally bountiful of molasses and swamp owners kept sail crafts carrying staves and shingles to these islands and bringing back molasses at twenty cents per gallon, in packages of sixty gallons and with labor at fifty cents per day. The fields, unfertilized, undrained and half-tended would yield two or three barrels of corn per acre, providing enough cornbread; every neighborhood had a yaupon bush, one enough for four or five families, wholesome tea but not good. So it's herring and cornbread and molasses and yaupon tea for every single breakfast, not as variety but as staple. It was sufficient to promote physical growth, but required a good sharp appetite for a keen relish. These meager provisions brought lifesaving food, but did not bring a coat, nor shoe, nor horse, nor cow, nor a silver dollar for any purpose and not a single schoolhouse could they build. The public school, even in the county-seat town, did not get on its first feet until this boy was sixteen or more. His aspirations were stimulated to service of distinction to fill the years of approaching manhood by the returning Confederate soldier, the like of whom for reports of great and big things and of gigantic exploits, told by the accomplishment of classical lying, this world never saw in any others.

Lying around on the tables in the home, he finds dusty volumes, most likely the Bible or Bunyan's *Pilgrim's Progress*. In this I compare him to the average boy of his age and time and place. He does not take to the style of the Bible easily. *Pilgrim's Progress* is better. *Robinson Crusoe* still better, if he happens to find it. His ambition and spirit of emulation turned him to one advantage—nature is always good in its law of compensation, and finds something to help in time of need—he had time to pick up the nuggets of gold and precious stones that lie along the pathway of him who walks with the classics and his educated

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father had them. He should have picked up many from this Greek-teaching father, but truth is that old scholar and defeated reactionary was struggling with discouragement. Everything had gone against him and from him, except bags of Confederate money. This growing, striving boy picked up these nuggets wherever they were to be found and stored many of them away in memory's locker where they kept fresh and ready through all his years of future speech-making and charming conversations. I think here of the hypnotic talks in the Taverns of Fleet Street of Dr. Sam Johnson, which Boswell has of course exaggerated, in which Johnson was urging this practice and its high value upon the youth of England. When the high school puts the harness on the fourteen-year-old and sets out his courses of study and prescribes the monthly exams and the college beckons with its extended curriculum and cracks the whip for the race, the high landmarks of these classics that memory ought to store up while it's "Young and stout and strong" get only a passing salute, but are seldom taken into comradeship and communion within the working hours. Bond's mind was well stored by reason of these opportunities with these gems of thought and speech gathered up out of the workmanship of the "Dead but sceptered sovereigns who still rule our spirits from their urns." In advanced life and rush of business, he took out his notebook and wrote down the opening lines of "Derhaven's Ode to God" as they were repeated to him, because they enchanted his taste for the sublime, saying he was going to memorize them, but he was told, "You have smoked too many Old Virginia Cheroots for that; you will never do it," and I think he never did. Gone were the days for memory's successes.

He had another big helper in his self-efforts to learning and manhood's fruition. Edenton, in the center of the Congressional and Judicial Districts, had more political conventions, also religious, than any town in all that country and let no man underrate them for their value to one whose mind was open and fertile to every thought and expression to catch and hold it and build to it for future use. Here the strongest intellects in all these defeated Southern States gathered for the clashes and combats of platform debate. Here Jesse Yeates, Louis Latham, James Edwin Moore, Tom Skinner, John Gatlin, Octavious Coke and Thomas J. Jarvis, as the lawyers; and Dr. Dick Dillard, the elder, and Dr. R. H. Winborne (the last two on their native heaths) with the great Dr. O'Hagan of Greenville who was very frequently with them, were often assembled. The Gods of Olympus threw their thunderbolts about and the heavens shook and the earth trembled by the powers of intellect. Bond from ten to twenty was sitting at their feet, and doubt it not, he took it all in and carried it along with him through life.

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Be it remembered that Edenton in that day was strong in doctors as it was in lawyers and two of them must be noted for eminent learning and for service to the needs of social and political life. They are Doctors Richard Dillard, the first, and Dr. R. H. Winborne. Dr. Dillard's grandson, Richard Dillard Dixon, was recently on our Superior Court Bench and is now serving the judiciary in Germany. A son of Dr. Winborne's is among your numbers, now on this Bench. I saw the father in my early boyhood but with a distinct recollection. He carried a towering personality and spoke in these public assemblies with a power that no lawyer surpassed. Eye and ear witnesses brought it to me and stamped it on memory, that he made a speech, one minute long, in an agitated mass meeting in Edenton called to discuss threats of violence in an approaching election, which speech was made in response to one by Henry Gilliam (afterwards Judge Gilliam) of same length, which two speeches together had an effect on the troubles of the hour like that to the winds on Galilee, "Peace be still."

About half of a generation after these two great men, another Edenton doctor took over their professional mantle but not their political activities—the necessity had been removed—and sent also a son to the Bar instead of to the sick bed. That was Dr. Jack McMullan. That son is now our Attorney-General. So we have three Edenton doctors sending their sons to the judiciary and valuable as their public service has been, I think they would have served and pleased their Lord as well in the footsteps of their fathers.

These associations and boyhood readings were William Bond's university and gave him an insight into the reaches of personality, and doubts arise whether Chapel Hill, eagerly as he craved it, could have done for him so good a job. I thus bring him to early manhood through meager local-school support, little enough for me to say practically none, to a clerkship in a drugstore through the day hours and the evening hours in the law office of Judge William A. Moore. I am in the later Seventies and while reconstruction was well on the way out, in most of the Eastern towns, its still threatening clouds hung dark over Edenton and that difference attributable chiefly to that particular law teacher. I make this digression to say this because it is hidden history of an important character which has come to me so often from Bond's own lips, that this law teacher of his was perhaps the best lawyer and the finest intellect in the State and yet I repeat reconstruction and its deep damnation hung over Edenton by this man's efforts and influence, when the sun was shining in the other Eastern towns. From this law office study, Bond found the means to get up here to Raleigh and spend a short time with Judge Strong, who prepared many of the Eastern lawyers in the course of a long and valuable service.

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He was admitted at the January Term, 1880, and went home to Edenton to struggle with the hard, lean days that fall to the lot of them all. He made no association and had no connections to bring in practice, and so progress dragged along with a leaden heel. Comes 1884. He was nominated to the State Senate with a silent partner from Camden. Campaign speeches were compulsory. He made a fine impression. At Gatesville, Gov. Jarvis drew the crowd and Bond did the speaking and there was never thereafter a Court in that county that he did not have a case until he left the Bar for the Bench.

I present him now as a model, First District lawyer of thirty-three years active work in nine counties of the District and at the Bar of this Court through seventy volumes of its Reports. I cannot recall any case, civil or criminal, of outstanding importance that he did not appear in. He was in the great Wilcox homicide and Harrison kidnapping cases, never outstripped by any compeer; was on the Bench when the Brown will case was tried. In personal and professional integrity and morality, he was as clean and transparent as the icicles that hung from Diana's Temple. Clear of thought and attractive of expression. On the death of Mr. J. H. (Jack) Blount of Greenville, he moved there and stayed longer than he could stay anywhere in peace away from Edenton, about two years. I imagine when he said his prayers, he raised the window towards Edenton as Daniel the Prophet did toward Jerusalem in the Babylonian Prison. After about two years he went back in the flesh from where his heart and soul had never left.

There wasn't a lawyer in the First District that didn't regret his going on the Bench by reason of the loss of his personal touch. He left them and accepted this honor at the appointment of Gov. Craig on the resignation of Judge Bragaw in 1913 and continued in that office until his death in Durham while holding that court, March 31, 1928. Fifteen years on the Superior Court Bench; seventy years of active and combative life, without enemies or defamers.

He had married Laura Griffin in Norfolk, November, 1885, his fifth year at the Bar. She predeceased him by five years. With the four children I have already named coming up in that home, it was my privilege of being with them many times and I have never seen so much sunshine, perhaps in any other, due in part to the unusual wit and humor that was his most conspicuous gift. It radiated in every passing subject and yet I have to recall the heavy stroke that fell when the news came from the battle line that Ed would not again be with them. That stroke, of course, struck his sunny nature with a blight that no father could ever survive.

Strange to say, in politics Judge Bond was strongly a conservative. Passing strange, I say to me to be accounted for, if at all, by con-

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necting it possibly by the law of inheritance with that Bell and Everett campaign of his father's and the political views behind it. "Levi, who received tithes, paid tithes in Abraham, for he was yet in the loins of his father when Melchisedec met him." Heb. 7, 9-10. His bread and meat for the first twenty years of his practice, came from the class that sat at the foot of capital and industry, wore its harness, plowed its furrows and lived on its allowances. Out of this order of clientage, he made a living and educated the four, but of course never made enough money to hurt him until in the last ten years. When the plunderers of the forest and swamps came down after the golden fleece and had a few years experience and troubles in the courthouses, they found him attractive and necessary to lean on his strong arm and faithfully did he serve these lumber companies. He had sense enough to estimate his value to them and thereby to make the last ten years at the Bar highly prosperous. This professional association did not make a political reactionary out of him, however. He was that before.

If human character and mentality had not been made up with such complexities the Psalmist could not have told his God that the man he had made was "Fearfully and wonderfully made." Although, always loyal to his party alignment he did not join his friends in the full measure of their admiration of the "Crown of Thorns and Cross of Gold" speech. It was the job of affectionate mischief, however, to contend with him and aggravate him with the statement that the speech was not half as bad an attack on his friends, the capitalists, as the Fifth Chapter of St. James Epistle and that in fact it was that Scriptural Chapter embossed and embellished and set to the music of Western oratory. He had a profound reverence for the Bible and although he disliked the Bryan speech, was silent on St. James. He was a good-natured critic and quarreler about the speech that Judge Clark made several times in the State in which the Judge proved to his own satisfaction that it was within the legitimate power of government to remove poverty and all inequality from the earth. He admired Judge Clark in person but the speech had the smattering of demagoguery. The speech was greatly admired by Judge Clark's friends and was only weak in theology—he did not recognize that the earth was under a curse until the day of the new earth and heaven and that he was an indefinite time ahead of the promised time when all the deserts and fallow lands would bloom together.

Judge Bond's religious life was under the training of the perfect orthodoxy of the Baptist Church. He was loyal to it and co-operated to the end, "Holding the mystery of the faith in a pure conscience," doubtful and hesitant, however, about the doctrine of positional salvation and apparently disturbed to some extent by one of his favorite

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quotations from St. Peter, "If the righteous shall scarcely be saved, where shall the ungodly and sinner appear." He found perhaps the same kind of conflicts and opposing doctrines in his Bible and its theology that he did in the Supreme Court opinions. It must be admitted that the student of both as he struggles for the truth meets confusion on the way and halts between conclusions.

Judge Bond's life radiated with a surpassing gift of natural wit and humor. I don't mean he was a joke teller, far from that. From a Chinese Philosopher I quote: "The importance of humor should never be forgotten for a high sense of it changes the quality and character of our entire cultural life. There is purifying power in it both for individuals and for nations. If they have a proper sense of it, they have the key to good sense, to simple thinking, to a peaceable temper and to a cultural outlook on the world." Personality plays its never failing part in it.

In the courthouses of his thirty years, Sheriffs and Judges had more trouble on account of him than with all their other official duties, to keep the noise of laughter under such control that the court could function. Very frequently, they both gave up the job and let the circus carry on.

At the Bar of this Court, he brought it many times without the slightest jar to the cultural dignity of the occasion and the surroundings. Spring Term, 1895! New Justices, Faircloth, Furches and Montgomery. He had an appeal in a *quo warranto* in which the plaintiff had somehow gotten by without alleging the plaintiff's citizenship and interest in the case. On the call of the case by the *Chief Justice*, he moved for nonsuit on that ground, stating that the complaint did not show whether the plaintiff was a resident and citizen of Chowan County or whether he might, or might not be, a Cuban insurgent (the Cuban revolution was raging and the expression on everybody's lip) and wondered if he was in fact a Cuban insurgent, what he had to do with who held office in Chowan County. During these remarks, the *Chief Justice* and Mr. Bradley were talking across the Bench, presumably about the records Mr. Bradley was handing up. The *Chief Justice* didn't have ears for both Bond and Bradley talking at the same time and when Bond had passed on, the *Chief Justice* with an innocence that was simply pathetic, leaned forward and said: "You say the plaintiff is a Cuban insurgent?" Judge Clark started the laugh and the lawyers took it up to the point where the Marshal called for order and most of them went out the hall.

Comes September Term, 1900. The Grand Father Amendment had just passed at the election about ten days before. Every lawyer in the First District came to the court, most of them only to talk, to meet folks; to see Raleigh and tell how happy they were, for it was the happiest

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crowd of lawyers that ever met in Raleigh. The only silent man in Raleigh was *Chief Justice Furches*. He saw nothing to be happy for and was as silent as a Far-Creek oyster. Adjournment hour; all strolled down to the Yarborough for dinner. In the dining hall, long tables with oval ends, just sufficient to seat the First District at one, with Judge Furches at the head. With deference to him, courtesy demanded that no reference be made to the election but you can't hold such enthusiasm as that silent for long. From somebody it bubbled out. The Chief Justice touched the table with his fork handle and got attention and said: "One thing troubles me and that is how you gentlemen from the East will be able now to bring up your former large majorities." Deep silence for a few minutes. Bond's humor came forward: "One thing, Judge, I expect you to agree to, and that is that where one political party is able to get a majority in excess of the registered vote of both political parties, there is no suppression of the ballot." I have not heard from Judge Furches on the subject since.

In Hyde County there was a famous cow stolen. She was the pet of the neighborhood among the colored folks. She was solid black, except her tail, that was solid white. No other cow ever had that flesh mark. John Anderson was indicted for the larceny and ran a small freight boat from Hyde County ports to Washington. Bond was employed for the State and the future Governor retired from the active management as Solicitor, turned the case over to Bond and sat back and greatly enjoyed the circus. The State relied on recent possession and the presumption. Bond found a Negro witness who was as fine a dramatist as himself who went on Anderson's freight boat a day or two after the killing of the cow and saw a pile of raw hides and noticed the end of a white tail sticking out about the bottom of the pile. The way that Negro described to the Court how he came to discover and how he walked around the pile and watched that white tail and followed it to Washington and saw it unloaded, walking around the pile as he presented it on the floor of the courthouse, showed to me that Bond had helped in those dramatics. They were too much like him and in some respects the Negro excelled him. By his humor and his recurring wit he kept the packed audience of that courthouse in laughter beyond the control of the court for half a day. It was apparent that Anderson had been laughed into conviction for with the able legal ability representing the State who ought not to have resisted the defendant's contention, he was unable to get the court to hold that no presumption had been raised because the possession was in a common carrier and the defendant had to come to this Court for his freedom. If a lawyer can show his adversary's case to be ridiculous and get the Court and the crowd to laughing at it, he has won and Bond did it a hundred times.

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In Gates County court, the complaint and evidence supporting an oral slander, alleged the slander to be "Dor's Umphlett (the plaintiff) stole a rabbit out'er Holly's Gum." The rabbit and the gum were enough for Bond. There was no keeping the courthouse quiet and the plaintiff got no trial. On a second hearing, but a little more serious, Bond demurred on the ground that the word "Gum" could be a standing tree with a hollow that rabbits frequent and hide in as well as a boy's box he sets on the ground to catch them, which everybody knew the plaintiff meant. The rabbit was therefore *ferae naturae*. Judge Erastus Jones sustained the demurrer and the rabbit and the gum and the slander all went together into history.

Judge Shaw of Greensboro was holding a Special Term to try titles to swamp lands in Tyrrell County. Two Methodist preachers made their ministerial visitation to the Solicitor to advise him that the swamps had more liquor stills in them than they had timber cutters. The Solicitor got from them names of twenty-four defendants and woke Judge Shaw at a late hour to sign a Bench warrant for the whole group. Judge Shaw's opportunity to serve his lord and master, Prohibition, dissipated all drowsiness and made him happy. The warrant was the first Bench warrant Tyrrell County had ever heard of and scared the Sheriff so that he took a posse with him and went out and before the Court convened next morning had them all—more moonshiners than I ever saw at one look. For some reason, forgotten, Mr. Aydlett, who shared largely the practice of that court, was temporarily away that morning and the whole group went to Bond. I had to go in the room where they were huddled with him and saw more money than I ever had remembered seeing one man have at one time. He couldn't hide it in his pockets. I have said before that while he was fair and honest in everything, he knew the time and place to collect a fee and how to fix the amount of it and this talent didn't fail him in this instance. Judge Shaw seeing the chance to serve his favorite hobby, turned away from the Civil Docket, refused to accept waivers of examination, insisted on putting the evidence on record and the balance of the week was consumed with the moonshiners. While Bond and I lay sleeping on separate beds, a gang of marauders, supposed to be about twenty-five, assembled before the door of our room and poured a volley of about a dozen shotgun fires in the door and walls of the room. They were supposed to be Bond's clients. I was lying nearer the shots and sprang from the bed first. Bond's description of that incident and of me and my antics was carried as far as he went as long as he lived, embellished, exaggerated and made to fit the comic stage. There was never any use of my denying anything as it was repeated to me as coming from him years afterwards and I stopped trying and only say now, "I did not get under the bed, nor attempt to wrap up in the carpet."

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He could even find humor in his Bible. There is humor in the Bible that can be reverently pointed out, but few people see it. It took Bond's spirit of humor to see the joke in that 7,500 he-goats that the Arabians sent to old Jehosephat, 11 Chronicles, 17:11. The average reader, reading that story, has never thought of the atmospheric conditions of Jerusalem with 7,500 billy goats herded together and marching through it, notwithstanding he may be familiar with Tom Moore's lines :

"You may break, you may shatter the vase if you will,
But the scent of the roses remain with it still."

Even in the solemn story of the importunate widow, harassing the old King to be avenged of her enemies, was seen by him to present primarily the picture of the old King that "Feared not God nor man," turning to his courtiers and saying: "Give this woman the half of my kingdom if it takes that to stop her. I can stand her no longer."

He gave his best efforts to his official duties and was universally personally popular with the Bar in the exercise of them. Seeing him in that service for fifteen years and knowing his character and his nature as I did, I often thought that great and honorable as the judicial office is, there are qualities and traits of human life and character higher and stronger in the Divine crucible than those that following the precedents, doctrines and formulas make the greatest Judges. And this is my estimate of his Judgeship. The case had to go right as he saw it, or he would not go with it.

I beg to return my personal thanks to the *Chief Justice* for this opportunity to pay this last tribute to his memory. "We were lovely in life and in death not divided."

**REMARKS OF CHIEF JUSTICE STACY, UPON ACCEPTING THE
PORTRAIT OF WILLIAM MARION BOND, IN THE SUPREME
COURTROOM, 26 AUGUST, 1947**

For a third of a century, from 1880 to 1913, W. M. Bond followed the courts of the First Judicial District. In his career as a lawyer, he represented all sorts and conditions of people—high and low, rich and poor, saint and sinner. He was both an advocate and a pleader. At first his fortunes ebbed and flowed with the general economic tides of the community. His mastery of the spoken word, however, soon won

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for him a commanding place at the bar. This he maintained with increasing power and influence until 1913 when he was named to the Superior Court bench. The balance of his days were spent in the discharge of the duties of this most important position. No office in the State affords quite the opportunity for genuine, unadvertised, public service as that of Judge of our Superior Courts.

The Superior Court judge comes in intimate contact with the life of the people. It is a great thing to have power; it is an awful thing to use it. No one appreciated this more than did Judge Bond. In one of his first courts, when he came to sentence a youthful offender, he used an expression which is recalled even to this day. He remarked that in his long experience in the criminal courts of the First Judicial District he had "literally waded through an ocean of tears." He was gentle with the first offender, kind to the downtrodden, and gave an attentive ear to those who stood in need of help. He often said that if he ever imposed a death sentence, and the Supreme Court should later hold the evidence insufficient to carry the case to the jury, he would resign his position on the bench. This statement, now recalled, gives clear indication of where his sympathies lay. His kindness of heart was his crowning virtue.

Judge Bond had an engaging sense of humor which seemed never to fail him. When some ruling of his was reversed by the Supreme Court, which was seldom, or a new trial was granted in a case which he tried, he was wont to remark with a smile: "Just think of the mistakes I have made which will never be brought to the attention of those gentlemen. Furthermore, I know the members of the Supreme Court. They are all good lawyers, good enough at least to make sure of their own calling. Why if they should affirm every case, the State would soon conclude there was no need for the Court, and the reformers would surely set about to abolish it." And then with a twinkle in his eye he would add: "And I might join them."

We have listened with appreciation to the faithful tribute which his friend and ours has paid him today. He has made him live again in memory for a time.

We are glad to receive this splendid portrait. The Marshal will see that it is assigned to its appropriate place, and these proceedings will be published in the forthcoming volume of the Reports.