

## APPENDIX A

### PORTRAIT OF JUDGE BATTLE, PRESENTED TO THE SUPREME COURT ON TUESDAY, 15 MARCH, 1892

Mr. JOSEPH B. BATCHELOR said—

*May it please your Honors:*

The pleasant duty has been assigned to me of presenting to your Honors this portrait of Hon. WILLIAM H. BATTLE, so long a member of this Court, to be placed among these memorials of the honored dead. It was painted from life when he was in his fifty-ninth year, and represents him as he appeared during his service on the Superior Court bench, and for most of the time when he was a member of this Court. It will be recognized at once as a most accurate likeness by all who knew him. It is said "History is philosophy teaching by example"; it is, therefore, meet and right that these memorials of those who, by their lives, have illustrated history and earned the gratitude of their country should be preserved.

On an occasion like this, may we not turn for a moment from the beaten road of professional and official labor to recall the life which he led, the work which he accomplished, and to learn the lessons which they teach?

WILLIAM HORNE BATTLE was born in Edgecombe County on 17 October, 1802. Elisha Battle, his great-grandfather, removed to this State from Virginia and settled on Tar River. Here he became a leading citizen, and was a member of the Convention which met on 12 November, 1776, and adopted our first Constitution and Bill of Rights. Joel Battle, the father of Judge BATTLE, was also an influential and enterprising citizen of the same county, and was one of the first to engage in manufacturing, having established the Rocky Mount Mills, which were, until very recently, owned by the Battle family. His mother was a daughter of Amos Johnson, another large planter and leading citizen of Edgecombe County. Descended thus from ancestors who had lived in "the times that tried men's souls," and had taken part in its events, he held, by descent, the great principles taught in that heroic period.

His father having graduated at the University, and knowing and appreciating the value of thorough education, gave to his six sons the same advantages which he had enjoyed. William, the eldest, after receiving his preparatory training at the schools which were then taught in his neighborhood, entered the University in January, 1818, and, becoming a member of the sophomore class, graduated at the commencement in June, 1820, in the eighteenth year of his age.

While at college he was distinguished by his cheerful and regular discharge of every duty, and the singular rectitude of his conduct; and, such was his industry and success in the prosecution of his studies that, although graduating at so early an age, he was awarded the honor of delivering the valedictory oration, which was then conferred on the second scholar in the class. The habits of industrious and patient study and investigation which he thus acquired at this early period lasted him through life, and contributed greatly to the success which he afterwards achieved.

Soon after leaving college he entered the law school of Judge Henderson. Here he remained until January, 1824, applying himself with his usual dili-

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gence, and winning the affection and esteem of his great instructor, frequently accompanying him to Raleigh, and acting as his amanuensis during the terms of the Supreme Court. In January, 1824, he applied to the Supreme Court for license to practice law in the old Court of Pleas and Quarter Sessions. At that time, this, which was called the Court of the People, and was presided over by justices of the peace, was in existence in this State, and license was usually granted first for practice in this court only. After twelve months of additional study, the young attorney applied for license to practice in the Superior courts. But so favorable was the impression which Mr. BATTLE made upon the other members of the Court while acting as amanuensis for Judge Henderson, and such was their opinion of his legal acquirements at that early age, that they gave him both County and Superior Court license at the same time without the formality of an examination. I know of no other instance in which this has been done.

It seems that during this time the young student was not entirely engrossed by Coke and Blackstone and Feame and Chitty and other legal lights. The poet had taught him that "The proper study of mankind is man," and this he found was no less true if the *technical man* happened to be a lovely woman. While at the law school he formed many friendships which lasted through life, and among others he met and wooed, and won the heart of Lucy Martin Plummer, the daughter of Kemp Plummer, of Warrenton, who was a gentleman of the old school, and who, in addition to his ability as a lawyer and his unrivaled personal popularity, was called "the honest lawyer," by which title he is still remembered. North Carolina had no daughter who combined in a higher degree than did Miss Plummer all the characteristics which adorn and ennoble her sex. She embodied the ideal of the poet:

"A perfect woman, nobly planned,  
To counsel, comfort, and command,  
And yet a spirit too, and bright  
With something of an angel's light."

They were married in January, 1825, and for nearly half a century they lived together in the enjoyment of a domestic happiness rarely vouchsafed to mortals. This I regard, in the influence that it exerted on his subsequent career, as the most fortunate event of his life. How many lives have failed and gone to ruin for the want of a happy home and a good wife! How many of us can truly say that here we have found the rock of our temporal salvation!

In January, 1827, he settled in Louisburg, in Franklin County, for the practice of his profession. Here the real struggle of life began. The Rubicon had been passed, and Rome was now to be conquered. Too many of us can, from our great experience, appreciate the struggle that followed, for of very few can it be said, as is so frequently uttered in *post obit* eulogy, that "He stepped at once into a large and lucrative practice." On the contrary, his practice was not large, and the forty shilling fee, that prize for which the young attorneys of that day so earnestly contended, was an infrequent visitor to his coffers. He was not a brilliant speaker, and his gifts were more of the solid than of the showy order. He was never of a sanguine temperament, and, pressed by the "*augustae res domi*," he may sometimes have apprehended failure, and have even doubted whether he had the qualities which would bring success in his chosen profession. With him this success could only be attained by untiring labor and the moral qualities which noth-

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ing could tempt to swerve from the right. But returning from his office day after day, fatigued and discouraged by labors that seemed to bring no reward, he found new strength and encouragement in that home, only the brighter by contrast with the outside gloom. In that happy circle, lighted by a faith that never faltered, a hope that never grew dim, and a cheerfulness that nothing could cloud, like Saint Paul, when he saw the brethren who had come out to meet him "as far as Appii Forum and the Three Taverns," "he thanked God and took courage." The history of our profession affords other striking instances of those whose early career gave little promise of the brilliant future awaiting them. I have heard Mr. Moore, who, to use the hunter's phrase, "taken from find to finish," was, in the trial of a difficult and complicated case, the strongest lawyer I ever met, say that he was at the Bar seven years before he made seven hundred dollars. Judge Daniel, than whom a greater judge never sat on our Supreme Court bench, was, I think, never a successful practitioner; and tradition informs us that so slow was Chief Justice Ruffin in obtaining a practice, he was advised by friends to quit the profession and turn to other pursuits. What a loss would have been sustained if such advice had been followed!

Judge BATTLE did not waste this time of enforced leisure in vain regret and idleness, but realizing, more and more as he advanced, the necessity for constant and systematic application if he aspired to the high places in the profession, in which there is always room, he continued the diligent student he had ever been.

Among the great lawyers and judges whom North Carolina has produced was JOHN HAYWOOD, who had published two volumes of Reports, the first being of cases decided from the year 1789 to 1798. This book, which had a high reputation with the profession, was now out of print, and a new edition was in demand. This Judge BATTLE undertook to supply, and, in 1832, he published a second edition of this valuable work, rendered more valuable by the well considered notes in which are "references, in each case, to such legislative enactments or judicial decisions as have been subsequently made upon the points adjudged or the doctrines embraced in the Reports." This work, manifesting as it did the learning, ability, and patient and laborious investigation of the editor, was received with great favor by the profession and gave him at once a place among the foremost young men of the State. It was followed by several other volumes of the earlier Reports—all executed with the same care, industry, and exhaustive learning which characterized the first.

Judge BATTLE was little fitted by nature for the character of a demagogue, or even of a popular leader, and therefore could have but little hope of success in politics. Besides, he belonged to the opposition party in the days when the influence and popularity of General Jackson were at their zenith, and the voters of the county of Franklin, in which he resided, were almost unanimous in supporting the Administration. Yet he was induced to become a candidate for the Legislature from that county, and, though twice defeated, a third effort was more successful, and he was, in 1833, elected to the House of Commons by a large majority. So faithfully did he serve his constituents that at the next election he was again chosen by an increased majority. The significance of these two elections is emphasized by the fact that at least three-fourths of the voters of the county belonged to the political party to which he was opposed, and by the further fact that, after he was elected, a majority of these voters signed a petition requesting him to cast his vote in the Legislature for Hon. Bedford Brown for United States Sena-

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tor, a man to whom they knew Judge BATTLE was opposed in politics. Their confidence was not misplaced. Recognizing the right of the people to control the action of their representatives, he complied with their request, while, at the same time, he opposed the claim of a right on the part of the Legislature to control the action of Senators in Congress. It is difficult to realize the position which Judge BATTLE held in the esteem and confidence of the good people of Franklin, which could thus overcome the violence of party and twice honor him with a seat in the Legislature. He was not misled by these successes into the opinion that he was fitted for the life of a politician; on the contrary, being satisfied that this was not his true sphere of labor, he was never again a candidate for political office, but turned, with increased devotion, to the profession which he had made the work of his life, and in which success was now certain.

In 1833 Governor Swain earnestly impressed on the Legislature the necessity for a revisal of the statute law of the State, and urged the passage of an act authorizing the appointment of a commission for that purpose. This recommendation met the approval of the Legislature, and a bill was passed by that body authorizing the appointment of such commission. So well qualified had Judge BATTLE shown himself for this position by the manner in which he had edited the first volume of Haywood (2 N. C.), and by his conduct in the General Assembly, that he was appointed on this commission, with Gavin Hogg, Esq., and ex-Governor Iredell. Mr. Hogg, owing to his failing health, attended but one meeting, and having resigned, Mr. Nash, of Hillsboro, afterwards judge, and later Chief Justice, was appointed in his place.

The extent of the labor required for the performance of this work will be shown by a short extract from the act under which the commission was appointed. That enacted that "three commissioners be appointed by the Governor of the State to collate, digest, and revise all the public statute laws of this State, commencing with the earliest English statutes now in force, and including those which may be enacted during the present session of this General Assembly; that in the performance of this duty they shall carefully collect and reduce into one act the different acts and parts of acts which, from similarity of subject, ought, in their judgment, to be so arranged and consolidated, distributing the same under such titles, divisions, and sections as they shall think proper, omitting all such acts and parts of acts before passed as shall either have expired by their own limitation, become obsolete, or been repealed."

The colonies had brought with them from the mother country much of the common law of England, which, as a security for liberty and property, was justly regarded as a priceless inheritance. Many English statutes, changing or modifying the common law, introducing new principles, and aiding in that growth which has been compared to the growth of the bark around the tree, fitting and adapting itself to every new development, were in force here. Our statutes commenced in 1715, when an act was passed, among other things, "for repealing all former laws not herein particularly expressed." From that time there was constant legislation modifying, changing, and repealing former laws, and declaring, in terms so general that legal meaning could with difficulty be given to them, what English statutes were still in force and what were repealed. There was a long period of colonial government in which the people were restive, sometimes rebellious, under the rule of the mother country. This was followed by the Revolution, in which the whole theory and foundation of the Government was changed, and a new

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government, under a written Constitution, with limited powers, was established, followed by the immense changes necessary to inaugurate the new system. After this was effected, there were sixty years in which the General Assembly met annually, and, though not so prolific in statutes as some of our more recent legislatures have been, they were sufficiently so to add to the confusion and uncertainty which perplexed and harassed our wisest and most learned lawyers and judges. The lawyers found the utmost difficulty in advising their clients, and the labor required, both of bench and bar, was immense, and frequently very unsatisfactory. The people knew not where to look for the laws under which they were living, and were in danger of violating them through sheer ignorance.

To evoke order out of this chaos of matter, the accumulation of over a century, was the labor imposed upon this commission. They completed the task in three years, making reports of their progress at intervals during that period. They made their final report to the Legislature of 1836-'37, which, after a careful examination, was adopted by that body with but few alterations and "The Revised Statutes of North Carolina" was given to the State, than which no greater boon of like kind, produced under circumstances of such difficulty, was ever conferred on any people. We of the present day, accustomed to frequent revisals, can but imperfectly estimate the difficulties under which our ancestors labored, the immense relief afforded people of every class and pursuit when the statutory law of the State, instead of being spread through innumerable volumes of badly conceived and frequently contradictory and uncertain legislation, hard to find and harder still to construe, was reduced to one volume of convenient size, well printed, accurate and perspicuous in language, and much less in bulk than the acts of one session of the Legislature have since frequently been. It may be said that it was not perfect, and it might suffer by comparison with the "Revised Code," which followed it a score of years later. The wonder is that this stupendous work was not more imperfect than it was, and it should lose none of its glory because it may have been, in some respects, excelled by its successor, the Revised Code, which it made not only possible, but comparatively easy. If Judge BATTLE and his colleagues had done nothing else to merit the gratitude of the State, this work alone would entitle them to it.

While engaged in this great work he was, in 1834, associated with the late Thomas P. Devereux as Reporter of the decisions of the Supreme Court, which had been in existence only sixteen years, and had already achieved a reputation which grows brighter with time.

Here let us pause for a moment, and ask a rehearing and reversal of the opinion which has been somewhat frequently expressed, that, as a lawyer, his early life was unsuccessful. If by this is meant that he did not accumulate money, then he did not succeed either in his earlier or later life. But we trust that this will constitute but a small part of the success which the great and the good most value. Before he was thirty, he published the second edition of 2 N. C. Reports, before referred to as showing extensive reading and research, and astonishing familiarity with the Reports and statutes of the State. Before he was thirty-one, he had achieved such a position with the people of his county that, in a time of great partisan excitement and bitterness, his political opponents, whose chief was that great popular leader, General Jackson, elected him to the Legislature for two successive terms by large majorities, and, while never deserting his principles, he retained the esteem, confidence, and warm personal regard of a

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constituency which has thus honored him. When just past thirty-one he was appointed one of the commissioners to revise the statute law of the State, which work was accomplished in three years, and was reported to and adopted by the Legislature when he was just past thirty-four. At the close of this period he became associated with that excellent gentleman and able lawyer, Thomas P. Devereux, who stood in the front rank of the profession, as Reporter of the Supreme Court. Looking back at this period, when he was not yet thirty-five years of age, at the life which he had led, the magnitude and importance of the works which he had accomplished, who can say that if his life had terminated here it would not have been full of that success which entitles him to a place among the great men who had preceded him?

To resume: Mr. BATTLE, as before stated, became, in 1834, associated with Mr. Devereux as Reporter of the Supreme Court decisions. This continued until 1839. During this period there were published three volumes of law and two of equity decisions, 18 to 22 N. C., delivered by RUFFIN, Chief Justice, and DANIEL and GASTON, Judges of the Supreme Court. I doubt if there ever was, in any country, at any time, a Court composed of three judges which was superior to this. These five volumes of their opinions, to which many more were added, will stand an imperishable monument to their glory, as long as right shall find an advocate and law a champion. In 1839 Mr. Devereux, finding that a large private fortune demanded all his time and attention, gave up his profession, and the position of Reporter which he then held with Mr. BATTLE, and the latter became sole Reporter. In order that he might more easily and efficiently discharge the duties of his office, he removed from Louisburg to Raleigh in the same year. His work in this position was of short duration. Judge Toomer resigned the office of Judge of Superior Courts in August, 1840, and Mr. BATTLE was appointed by Governor Dudley to fill the vacancy. At the session of the Legislature, which met in November of that year he was elected one of the judges of the Superior Courts. The salary attached to his office at that time was \$1,950. How this curious sum was arrived at I do not recollect; perhaps some archæologist, filled with forgotten lore, will tell us. However, such was the fact, and Judge BATTLE soon discovered, as I have heard him say, that, as a money-making transaction, the acceptance of this office was a mistake, and that it was impossible for him to live on this sum and give six sons and two daughters the advantages of the thorough education which he intended for them. This, and the greater opportunities for such education afforded at Chapel Hill, the seat of our University, to which he was much attached, as all her children are, and of which he had been a trustee for many years, determined him to remove to that place, which he did in 1843. In 1845 he was elected by the trustees Law Professor—but without salary—and opened a law school, which lasted until 1866. Many of the leading men of the State received their professional education at this school, and, among others, three who are now judges of this Court.

As a judge of the Superior Courts, he manifested the peculiar fitness which was derived from his early training and study. Able, learned, firm, dignified, courteous and patient, of incorruptible integrity and absolutely impartial, no judge ever held the scales of justice more evenly balanced, whether the case was civil or criminal. To him, while the trial lasted, the opposing litigants were mere men of straw—the John Doe and Richard Roe of the law—impersonal objects through which and to which the law was to be applied. If to this is added natural quickness, an excellent memory, and thorough

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knowledge of our statutes and decisions, little seemed to be lacking to make him a model *nisi prius* judge. I believe it was the general opinion that, taken all in all, he was never surpassed on our Superior Court bench. In criminal matters, though firm in inflicting punishment, when the offense deserved it, yet he could feel the tenderest sympathy with the distressed, and weigh, at its true value, every circumstance of mitigation or of extenuation, always remembering that—

“Earthly power doth then show likest God’s  
When mercy seasons justice.”

Elected to the Superior Court bench in 1840, he continued in the discharge of the duties of that office until May, 1848, when, a vacancy having occurred in the Supreme Court, by the death of Hon. Joseph J. Daniel, he was appointed by Governor Graham to fill this position until the meeting of the ensuing Legislature. That body failed to confirm this appointment. During the same session, however, the Hon. Augustus Moore having resigned the office of Superior Court judge, which he had held for a short time, Judge BATTLE was immediately elected without opposition, being the choice of both the Whig and Democratic parties. Members of the Legislature, without distinction of party, united in a letter requesting him to accept this office, tendered him without his knowledge or solicitation. This letter, which is dated 9 January, 1849, is so creditable to the writers, and so honorable to Judge BATTLE, that it deserves more than a passing notice. At the risk of being tedious, I copy it in full, that it may speak for itself as a part of the history of the times:

HOUSE OF COMMONS, 9 January, 1849.

DEAR SIR:—We have today by a vote highly honorable to the General Assembly, determined, by electing you to the office of judge of the Superior Court, to do justice to the wishes of a large majority of the good people of the State of North Carolina without distinction of party.

The preference of another to you for a still higher judicial station was owing principally to your residing in a county where there are already three judges, a Governor, and a Senator in Congress.

In the name of our constituents, and your friends, we most respectfully ask that you will accept the honor now tendered you by a vote of so large a portion of both parties of the General Assembly.

We ask leave to offer our congratulations to you, that, in the midst of great excitement, no man has attributed to you the slightest impropriety, either in your personal or official conduct, and that you have not sought office, but office has sought you.

With high respect, your obedient servants,

EDWARD STANLY,	NEWTON COLEMAN,
WILLIAM L. LONG,	W. B. WADSWORTH,
RICHARD H. SMITH,	J. S. ERWIN,
F. B. SATTERTHWAITE,	A. G. LOGAN,
W. J. BLOW,	THOS. J. PERSON,
R. G. A. LOVE,	ROBERT GILLIAM.

To HON. WILLIAM H. BATTLE, *Chapel Hill.*

What cause other than the one assigned may have operated to defeat his election to the higher office we may never know, but men were human then, as they are now. It is remarkable that the same Legislature which defeated him for Supreme Court judge because of the honors heaped upon the county in which he resided should so soon forget or ignore this fact, and urge

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his acceptance of another office nearly or quite as important, and but very little lower in honor. The fact of his election, under such circumstances, to the second office is the strongest evidence of the high opinion entertained by both political parties as to his eminent qualifications for either place, and it is most creditable to him that during the pendency of this election, which continued for several weeks, he refused to visit Raleigh, though frequently urged to do so, or to attempt to exercise any personal influence or solicitation with any member.

Thus urged by members of the Legislature, and many friends outside that body, he accepted the office tendered him, and entered again upon the discharge of its duties. He continued to ride the circuits as Superior Court judge until 1852, when he was elected judge of the Supreme Court to fill the vacancy caused by the resignation of Chief Justice RUFFIN. He continued to fill this office until the year 1865, when all the offices in the State were declared vacant. He was, however, immediately reelected and continued in office until 1868, when the State Constitution of that year was adopted, and the judges of the new Court, which was created by it, were elected by the people. He then returned to the practice of law in connection with his two sons, Kemp and Richard. This continued until 1876, when he was elected President of the Raleigh National Bank. In 1877, his son Kemp having been elected President of the University, and having removed to Chapel Hill, Judge BATTLE returned with him to his old home; was again elected Law Professor of the University, and there spent the remainder of his days.

In 1866 Judge BATTLE published a digest of the decisions of the Supreme Court in three volumes, in the preface to the third volume of which he says that he "has read over every case ever reported in North Carolina, from the beginning to the end." To these he afterwards added a fourth volume.

In 1872 he was appointed by the Legislature to revise our statutes. Only one year was allowed for this work, and he was not given even the aid of a clerk. It is not surprising, therefore, that this revisal did not equal its predecessors, but considering the short time in which it was done, it must be regarded as a highly creditable work, and by many is considered as fully equal to The Code which we now have.

Judge BATTLE was for forty years a communicant of the Protestant Episcopal Church, to which he was devotedly attached. For twenty-five years he was a member of her diocesan and general conventions, in which his influence was great. In the first general convention that was held after the war, a measure was introduced which created strong feeling, and seemed likely to be adopted. To the astonishment of his Northern brethren he opposed it in an argument of such ability that it did what speeches rarely do—produced a change in the minds of those who had supported the measure. It was dropped, and never afterwards revived.

It is frequently the case that the most brilliant advocate *does not* make the best judge, and very different qualities are required in judges of the Superior and Supreme Courts. While in the one is required administrative talent, quickness of perception, readiness of application, and a capacity to express conclusions arrived at almost intuitively with accuracy, clearness, and force, in the other we expect the patient and laborious student who knows how to think, investigate, and reason, and most powerful is he who can utilize the rich treasures of learning which ages have accumulated and make them his own. Judge BATTLE was eminently fitted for both positions. To the qualities of which we have spoken that made him so excellent as a Superior Court judge, he added a most extensive and accurate knowledge of



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the statutes and decisions of our own State, and a capacity for patient study and investigation rarely equaled. He was courteous, attentive to the arguments of counsel, and always gave them due consideration. He had an appreciation and love of truth and right, and a well-balanced judgment, never affected by outside influence. He was devoted to the law as a science, and loyal to its every teaching. He indulged in no dicta, but strove to decide correctly the point at issue. He eschewed judicial legislation, and had no systems of his own which he endeavored to promote. He knew no standard of right and wrong save that which the law afforded, and where that logically and truly led he unhesitatingly followed. He was not led astray by any *ignus fatuus* of an abstract justice which had its origin only in his own conceptions. His opinions were strong and logical, expressed in simple and perspicuous language, with no effort at show or effect. He stated his propositions with clearness and force, and supported them with reason and the authorities which his well stored mind always furnished in abundance. It was in the consultation room, in which the best labor of the Supreme Court judge is done, that Judge BATTLE was invaluable. It is said that when a question pertaining to North Carolina statutes and decisions was raised, Chief Justice PEARSON often said: "Ask brother BATTLE about that; he knows more of North Carolina law than any man in the State." And I have recently heard the present Chief Justice remark that there was no lawyer more learned in the law of this State than was Judge BATTLE. But a few days since I heard an able lawyer, in whose opinion I have great confidence, say that the opinions of none of our judges were better sustained by authority, and that no judge had written more opinions that have been approved by subsequent decisions, and fewer that have been overruled or departed from. While in some qualities he had superiors, yet in the roundness and fullness of his life and character, and the combination of the elements which make a good, a useful, a safe and a great judge, he must stand in the front rank of those whom the State has delighted to honor.

In stature, Judge BATTLE was below the middle size, but of a graceful and symmetrical figure, and moved with a quick and nervous step. In manner, he was simple, natural, and unostentatious; cordial and free from every affectation. In conversation he was pleasing, agreeable, and instructive; always refined, never attempting to shine, and quite as ready to listen to others as to talk himself. He was but little gifted with humor, and the anecdotes which he told were intended more to illustrate personal characteristics and real events than to excite the mirth of his hearers, and were always free from the objectionable features so common with the professed humorists. Though in manner extremely gentle and quiet, yet he was firm and fearless. He had the courage of conviction; never hesitated to express an opinion which he had deliberately formed.

It is said one of the precepts impressed by Judge HENDERSON on his students was this: "Never do anything that requires explanation; let your conduct explain itself." This lesson Judge BATTLE never forgot, and in his long life, full of public and private duties, he was never called on to explain his conduct. To think right, to be right, and to do right, was his purpose; and this done, he feared no consequences.

Judge and Mrs. BATTLE lived to educate eight children and to see them reach years of maturity. Two fell wearing the gray. Three still survive, one of whom spent fifteen of the best years of his life in efforts to revive our State University, in which he probably accomplished more than could have been done by any other man under like circumstances. Another is bound

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to us by ties too close to admit of the words of praise which he so well deserves and which it would give us such pleasure to utter. The third, Dr. William H. Battle, is a most skillful and popular physician in the county of Anson.

In conclusion, as the key-stone is the beauty and strength of the arch, let us add that which was the crowning glory of Judge BATTLE's life, and without which all else would have been of little worth. He was a Christian gentleman—a faithful follower of the meek and lowly Jesus. This gave to his life its beauty and its strength, and this it was that made that life so blameless and so pure.

And when, on 14 March, 1879, the final summons came, he fell asleep as quietly as a babe in its mother's arms, "in the communion of the Catholic Church, in the confidence of a certain faith, in the comfort of a reasonable, religious and holy hope, in favor with Thee, our God, and in perfect charity with the world."

As the representative of his children, I present this portrait to your Honors, and through you to the people of North Carolina, who honored him so greatly, and whom he so faithfully served. Here let it rest, among "the immortal names that were not born to die."

*Reply of*

CHIEF JUSTICE MERRIMON:

In the course of his life, the late Judge BATTLE was for a long period a learned, eminently useful and distinguished member of this Court. He was surpassingly familiar with the Reports of its decisions and the statute law of the State. He left a wholesome impress upon the administration of the law, that will last through all the future. His whole life was praiseworthy and noble; he set a high example of excellence, usefulness, and honor, that won for him the profound respect and affection of all who knew him for many years before his death, and his memory will long continue fresh in the minds of his grateful countrymen.

His dutiful and very worthy sons have done well and most appropriately in presenting to the Court so good a portrait of their late father. The Court accepts it with much satisfaction. It will be set in its place on the walls of this chamber, where it will ever remain in company with other portraits of judges of the Court, and serve to remind all who shall come here in the future of a good man and an able judge, who was deservedly respected and honored in his day and generation.

The Clerk will note upon the records the presentation and acceptance of this portrait.