

PRESENTATION OF PORTRAIT
OF
COLONEL JAMES T. MOREHEAD
TO THE
SUPREME COURT OF NORTH CAROLINA
BY
HON. ROBERT C. STRUDWICK
2 NOVEMBER, 1915

May it please your Honors:

The bar of Guilford County has conferred upon me the honor of presenting to this Court the portrait of Colonel James T. Morehead, its oldest and most distinguished member.

The name Morehead is a household word in North Carolina, and for years many members of this family have been among the most useful and eminent citizens of this Commonwealth, serving their State with conspicuous ability and unselfish devotion, both in peace and in war. Among its sons it has numbered statesmen, lawyers and financiers whose careers have reflected honor upon the State and whose names will not be forgotten as long as its history endures.

Colonel James T. Morehead was born in Guilford County, North Carolina, the son of the Honorable James T. Morehead and of his wife, Mary Lindsay Morehead. His father was a brother of Governor John M. Morehead, and was one of the leading lawyers of his day, practicing his profession in Guilford and all the adjoining counties. The frequency with which his name appears in the reports of this Court from 1830 up to the time of his death bears witness to his eminence as a lawyer and the importance of the litigation in which he was employed. He represented his district in Congress in 1850, declining reëlection in order to devote himself exclusively to the practice of his profession.

Colonel Morehead received his primary education in the schools of his native county and at the school of Dr. Alexander Wilson, at Melville, Alamance County. He entered the University of North Carolina and was graduated therefrom at the age of twenty with the class of 1858. He was one of the four first-honor men of his class. He then entered the law school of Chief Justice Pearson at Richmond Hill, Yadkin County, where, amid primitive surroundings and without any of the equipment of the modern law school, that great lawyer and teacher, with unequalled force, terseness and clarity of expression, indelibly impressed upon the minds of his pupils the great underlying principles of law and of equity.

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Colonel Morehead, upon an examination by the Supreme Court, then consisting of Chief Justice Pearson and Associate Justice Thomas Ruffin (formerly Chief Justice) and W. H. Battle, was licensed, in 1859, to practice before the old county courts, and one year thereafter, which was as early as such license could be applied for, he was duly licensed by that court to practice in all the courts of the State. Associate Justice Ruffin had, in the interval, been succeeded upon this bench by the Honorable Matthias E. Manly.

He had been engaged but a short time in the practice of his profession when the storm of Civil War burst upon the country. In April, 1861, he was a member of the Guilford Grays, a company composed almost entirely of young men born and reared in Greensboro and in the surrounding country. He was elected lieutenant in that company, which, under the orders of Governor Ellis, was sent to Fort Macon, N. C., in April, 1861, and subsequently, when the ordinance of secession had been passed, it became a part of the army of the Confederate States, officially designated as Company B, Twenty-seventh Regiment. Colonel Morehead served with distinction and gallantry throughout the entire war. He rose through successive grades to the colonelcy of the Fifty-third Regiment. He was present in every battle in which his command was engaged but one, when he was in a hospital suffering from wounds received at the front. He was at Gettysburg and was with General Early in 1864, when that dashing commander led his troops within sight of Washington City and for a time seriously menaced the National Capital, and he was with that general in his subsequent campaign in the Valley of Virginia.

As soon as the courts were opened after the war Colonel Morehead resumed the practice of his profession. He regularly attended the courts of every county adjoining Guilford, and was among the last of the lawyers who followed this custom. He did a leading practice in all these counties. The dockets of Rockingham, Alamance, Randolph, Forsyth and Stokes attest the extent of his business and the high estimation in which his services are held by litigants. Endowed by nature with a logical and analytical mind, he seeks for and rarely fails to find, the leading, governing principle of law involved in a case in which he is engaged, and, when found, he elucidates it with rare force and clearness, both to the court and to the jury. Never what is known as a case lawyer, he is strong upon the facts and the basic principles of law and equity applicable to them. Few men have ever appeared at the bar in North Carolina who are so effective as he in the argument of questions of fact to petit juries. He knows men, he knows human nature, and he always knows the facts of his case, and he applies that knowledge in a way that juries find it hard to resist. With wit, humor, pathos and

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cogent reasoning at command, his appeals to the feelings and intelligence of juries have turned the scales in many a hard-fought battle and won many a seemingly doubtful case. In addressing juries he often disregards mere correctness of expression and, using the forcible and homely language of the man in the street and of the man between the plow-handles, he drives home upon the minds and consciences of his "little twelvers" (as Erskine used to call them) his convictions of what their verdict ought to be. And generally it is as he desires.

Colonel Morehead is one of the three or four lawyers at the bar who commenced to practice under the old system and who are familiar with our courts and our practice as it existed before 1868, when the Code of Civil Procedure was adopted. These men form an interesting and notable link between the practice as we know it and as it was known to a former generation. He has appeared before every judge of the Supreme Court who has been upon the bench since the war; before every judge of the Federal Court in this State who has sat upon that bench since 1866, except the late Judge Purnell, of the Eastern District, and he has never failed to secure and retain the friendship and esteem of every judge before whom he has appeared. He has been called on to appear in important cases in the Circuit Court of Appeals in Richmond, and in the State courts of Virginia and of New Jersey.

In 1866 Colonel Morehead represented Guilford County in the last House of Commons of North Carolina and, while a member of that body, he introduced the bill which became a law restoring to married women their common-law right of dower. He represented his district in the State Senate in 1872, 1874 and 1883. In 1872 he was elected President of the Senate upon the accession of Lieutenant-Governor Tod R. Caldwell to the governorship, made vacant by the impeachment of Governor W. W. Holden.

Colonel Morehead has won distinction as a soldier, as a lawyer, and as a legislator, but his greatest achievement has been the conquest he has made over the hearts of his fellow-men. He has ever been kind and considerate to the younger members of the profession, courteous to the court and to all his brethren at the bar. No man has ever heard him say a harsh or unkind word about any human being, or has known him to do an unkind or ungenerous act. In the practice of his profession he has always been fair, scrupulous in the observance of every promise and engagement, disdaining to avail himself of any unfair advantage under any circumstances. His kindness, his courtesy, his consideration for the feelings and interests of others have enshrined him in the hearts of all who know him.

ACCEPTANCE OF MOREHEAD PORTRAIT.

“And thus he bears without abuse,
The grand old name of gentleman,
Defamed by every charlatan,
And soiled with all ignoble use.”

His ability as a lawyer and as an advocate, his purity, kindness and sterling worth as a man, make it fitting that his portrait should hang upon the walls of this building in company with those famous judges and lawyers whose faces, now looking down upon the scenes enacted here, admonish us to walk worthy of our high vocation.

ACCEPTANCE BY CHIEF JUSTICE CLARK

Greensboro has always had a strong and able bar. We are glad to receive at its hands this portrait of one of its most distinguished and ablest members. He is one of the very few men now living who received his commission to hold a brief in the courts before the outbreak of the great Civil War. A brave soldier, a learned lawyer, an honorable gentleman and a member of one of the most distinguished families in the State, he has been a man among men, a lawyer among lawyers.

The friends and comrades who began the march of life with him have been scattered like leaves in wintry weather. He has ever recognized what was due to our great profession and has held high and clear its standards at all times. His career has not only been honorable to himself, but has reflected luster upon the profession, his county and his State, and the illustrious name that he bears.

The marshal will hang the portrait in its proper place among the great lawyers whose memory will be held in honor for all time by the people and the bar of North Carolina.