

PRESENTATION OF THE PORTRAIT

OF THE LATE ASSOCIATE JUSTICE OF THE
SUPREME COURT

PLATT DICKINSON WALKER

APRIL 20, 1926

ADDRESS BY

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May it Please the Court: It has been said by an eminent authority that no biography was ever written that pictured the man as he really was. The biographer, inspired by either a spirit of hero worship or a desire for self-glorification, usually overdraws the picture, so that the best friends of the subject do not recognize the likeness. Thus, all judges are made the equals of Coke, Erskine or Marshall, and all lawyers superior to Webster, Choate or Story. A popular biographer quotes Dean Stanley as saying, "All the gods of ancient mythology were once men." He then traces the evolution of man into a hero, the hero into a demigod, and the demigod into a divinity. Thus, by a slow process, the natural man is divested of all our common faults and frailties, he is clothed with superhuman attributes, and declared a being superior and apart, and is lost to us in the clouds.

In presenting to this Court the portrait of JUSTICE WALKER, I trust that I shall not, by this process of rhetorical evolution, describe him either as a hero, demigod or divinity, but simply as "splendidly human . . . in that he had in him the appetites, the ambitions, the desires of a man . . . who aspired, feared, hoped, loved, and bravely lived and died."

PLATT DICKINSON WALKER was the only son of Thomas Davis Walker and his wife, Mary Vance Dickinson. His father was the grandson of Major Jack Walker, a member of General Washington's staff, was a prominent business man in Wilmington, and once President of the Wilmington and Weldon Railroad Company. His mother was the daughter of Platt K. Dickinson, a wealthy manufacturer of Wilmington, with large business interests in New York, his native state. His parents both sprang from sturdy American stock, and were socially prominent in the Lower Cape Fear section.

It would serve no useful purpose further to trace his ancestry. Every American family tree should be rooted in good, American soil. He who seeks to trace his ancestry beyond that, either feels his own deficiencies or despises the land of his nativity. In either case, he reflects no credit upon his ancestry or his country.

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He was born in Wilmington October 25, 1849, in a home of wealth, culture and refinement, which, however, do not always constitute the best environment for character building. The proverbial silver spoon has rarely adorned the infantile mouths of our presidents or other great men. It was Luther who said that men who become great and learned usually do so in spite of their parents. Else, how do you account for Luther? The truth is that real greatness, like the greatness of Washington and Lee, is of the soul, and not of the body. God is responsible for the one, and man for the other. In working out His divine plan, He bestows upon one, ten talents; upon another, one; and upon another, none. Mediocrity is normalcy; genius is a miracle, and only God can work a miracle. Nevertheless, it is good for a boy to be well born. God is more likely to commit His chosen vessels to the care of a Sarah than to the keeping of a Hagar. But passing by the seeming conflict in the laws of heredity and environment, we rejoice to know that this man-child was well born, in the truest and best sense of the term.

He was also well brought up. There is no doubt that parental influence has a large share in the development of a boy's character. The soil in which the acorn sprouts cannot change its species, but it can and does influence the seedling, so as to make it grow into a giant oak, or degenerate into a scrubby dwarf. So with the seed of woman. God can plant the germ of greatness in the unborn child, but whether that germ shall develop into the full stature of the man, according to God's design, will largely depend upon the soil in which the soul strikes its roots. This is why great men are usually the sons of great mothers, who, by their worthy precepts and examples, furnish their sons a fertile domestic soil in which to nourish the God-given seeds of genius. Witness Mary, the mother of Washington, and that other Mary, the mother of Marshall—fit representatives of a host of other mothers of the great men of the ages.

Mary Dickinson, the mother of our subject, proved to be no exception to this time-honored rule. She belonged to the best school of the antebellum mother. She required her children to obey and honor their father and mother, and thus keep the first commandment with a promise. She taught them all the cardinal virtues in the good, old-fashioned way. She knew nothing of rearing children by proxy, but was their real mother, in all the relations of life. Their home was her domain, over which she ruled by the divine right of motherhood. She knew no other sphere of activity to divert her from the supreme duties of wife and mother. The day of patriotic societies, social clubs and uplift movements had not yet arrived to interfere with the motherhood movement. In very truth, she was a mother in Israel. Small wonder, then, that

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this, her only son, should grow up to bless her memory and reflect the sterling virtues of his forbears.

Young WALKER was also well educated in the schools and colleges of his day. When the Civil War ended, he was in his sixteenth year. Too young to enter the great struggle, he spent the four sad years of fratricidal strife in preparing himself for college in the private schools of Wilmington and at Horner's, at Oxford. Despite the poverty of reconstruction, means were found for him to enter the State University as a sophomore in 1866, where he remained for only one scholastic year. Among his fellow students were Dr. R. H. Lewis and F. H. Busbee, of Raleigh, Judge Jacob Battle of Rocky Mount, John W. Fries of Winston, Alexander Graham of Charlotte, Edmond Jones of Lenoir, A. H. Boyden of Salisbury, George M. Rose of Fayetteville, W. H. S. Burgwin of Henderson, Eugene Morehead of Durham, and Judge A. W. Graham of Oxford.

On leaving the University, he entered the University of Virginia, where he pursued an elective literary course and studied law under Dr. Minor, the Dean of the University Law School. While he made high averages as a student, both in school and in college, he showed no disposition to crowd his fellow students off the stage. His innate modesty and reserve naturally caused him to shrink from any unseemly struggle, either for class honors or college leadership. So far as we know, he was neither a boy orator nor a campus hero. He had no ambition to spring, full panoplied, into the arena of life, ready to do battle against all comers. He was just an honest, earnest, hard worker, willing to grow gradually and bide his time. He showed no ambition to arrive ahead of the schedule or wreck the train. Hence we have no "Little Willie" or Daniel Webster stories to relate, either of his school or college days, but, as we shall see, he made the grade and reached the end of the run absolutely on time. His growth was rather like that of the sturdy oak than the fabled beanstalk.

In the ideal civilization which flourished before the Civil War, there were only three learned professions—law, medicine and theology—the three "Black Graces." Young men of parts were usually sent to college to fit themselves for one of these three callings. It was then supposed to be a mere waste of time and money to educate boys to fit themselves for other pursuits. Whether the fathers were right or wrong in drawing this distinction has ever been a much mooted question. The college professors vote one way, and the disciples of the Old Blue Back Speller the other. Even so great a man as Webster voted both ways on the same question. In his great argument before the Supreme Court of the United States in the *Dartmouth College case*, he extolled higher education to the skies, only to reverse himself eighteen years later, in his

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argument before the same august tribunal, in the *Girard College case*. Probably he was half right in both instances. It depends more upon the man than the opportunity. More men die of undernourishment from overfeeding than from underfeeding. St. Paul makes mention somewhere of feeding some weak Christians with milk and not with meat, because they were unable to bear it. He who looks upon a college course as a stepping-stone to a mere avocation fails, while he who considers it as a preparation for a real vocation, succeeds.

Of these learned professions, as we have seen, young WALKER selected the law. Subsequent events proved the wisdom of his choice. Professor William Lyon Phelps says: "‘Law’ and ‘Duty’ are the two greatest words in the dictionary." He might well have stopped with "Law." Without laws, natural, divine and human, there would be universal chaos. But for natural laws, there would be no human beings upon whom the divine laws could operate; without divine laws, there would be no duty which one man owed to another; and without human laws, the duties imposed by the divine could not be enforced. Until the arrival of the millenium, man-made laws, founded on the divine, are the keystone to the arch of civilization. The making and enforcement of these laws naturally and necessarily devolve upon the lawyer. Hence, the law ranks first among the learned professions.

That the subject of this sketch was inspired by these high ideals of his chosen profession is borne out by his walk and conversation, both as jurist and judge. He was licensed to practice in June, 1870, before he was twenty-one years of age, having passed the first examination for a license ever held by this Court. He first located in Rockingham, forming a partnership with Colonel Walter L. Steel, one of the most prominent citizens of his section. This relation continued until 1876, when Colonel Steel was elected to Congress. It was not long before he became one of the recognized young leaders of the bar of the Pee Dee section. To hold his own, he was compelled to measure swords with such able and resourceful lawyers as Colonel French and Judge T. A. McNeill of Lumberton, Major John D. Shaw, James T. LaGrande and Franklin McNeill of Rockingham, Judge J. D. McIver of Carthage, Judge Risden T. Bennett and James A. Lockhart of Wadesboro, and David A. Covington, H. B. Adams and J. J. Vann of Monroe. The legal battles waged with these able and worthy opponents were most conducive to his mental growth and development as an all-round trial lawyer. Nothing is more stimulating to the healthy ambition of the young lawyer than to be forced from the beginning to mix wits and try conclusions with foemen worthy of his steel. When the leaders of the bar are lazy and indolent, the younger members almost invariably emulate their example, or seek a more stimulating legal atmosphere. Hence the five

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years thus spent by this splendidly endowed young lawyer among his peers best served to lay the foundation upon which he built a sure and solid legal superstructure.

These five years, however, were but the beginning of a long and continuous legal warfare with other foemen, every whit his mental match. In 1876 he removed to Charlotte to become a member of the strongest bar that city ever possessed. The Civil War had impoverished the smaller surrounding country towns, so that their leading lawyers naturally gravitated to the largest and most prosperous town in Piedmont North Carolina. There came from Lincoln Guion, Ship, Bynum and Johnston; from Rowan, Jones and Bailey; Dowd from Moore; Fleming from McDowell, and Vance from North Carolina, to augment an already unusually strong local bar. Of these Vance, Saul-like, towered above his fellows, absolutely invincible before a jury. Bynum, the Old Roman, was the equal in lineage and learning of any man who ever sat upon this bench. Ship was a natural born judge, and looked it. Bailey was the "Black Letter" lawyer, Guion the typical English barrister, Jones, one of the greatest trial lawyers of his day and time, Dowd the wisest counsellor, Wilson the indefatigable, Osborne the eloquent, Grier the intrepid, Johnston the aggressive, Fleming the fearless, Maxwell the humorist, and Burwell the handsome, high-minded barrister. In such distinguished company, each lawyer took his place according to his several ability. Walker took his, and gradually, inch by inch, fought his way to the top. The partnership which he formed with Major Dowd instantly threw him in the forefront of the battle, where he fought without fear or favor, giving no quarter and asking none. To him, the trial of a lawsuit was not a mere game of chance, but a legal battle with definite plans of attack and lines of defense. Verdicts were not to be won by chance, but by the strongest army of facts most adroitly maneuvered on the battlefield. No general ever made a more careful and painstaking preparation for next day's fight than he for the next day's trial. He never went into court without a full brief on both the law and the facts, and consequently, was never taken by surprise. However, he was stronger on the law than the facts. He preferred to cut the Gordian knot by forcing the court to decide the whole case on the law, rather than leave it to the jury to decide on the facts. He studied the law of his case more thoroughly than he did the facts, and sometimes argued the facts to the jury like he argued the law to the court.

He was too learned a lawyer to be a popular advocate. Great jurists are rarely great orators. Patrick Henry ranks as one of the world's greatest orators, yet his ignorance of the law was appalling. It has been said that great orators have always been country bred, and their appeal has always been to a rural people—that people who live in cities

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are not ordinarily moved by oratory, because they see so much and hear so much they cease to be impressed. Be that as it may, we know that orators, like poets, are born, not made, and while oratory has always been one of the coveted gifts of the gods, it has not always been associated either with brains or character. Witness the orators of the French, as well as some of those of the American Revolution. The orator, like the poet, is both irregular and erratic in his habits of life. He is neither thorough nor profound. To him the genius for hard, honest work is an unknown quantity. The untutored savage and the ignorant negro frequently possess great oratorical powers. Therefore, the influence of the orator upon governments and nations is evanescent and transitory. Unless the orator is consumed with the zeal of a fanatic, it is hard to separate the wheat of sincerity from the chaff of play-acting.

However, we must not confuse oratory with eloquence. At Gettysburg, Lincoln spoke two minutes and Everett two hours. What Lincoln said there will be remembered as long as this nation endures. What Everett said was forgotten the next day. Lincoln's memory will be kept green as long as the American school boy declaims his immortal oration. Everett would have been long ago forgotten but for the fact that he was present when Lincoln made his famous speech. One was eloquent, while the other was a mere orator. The utterances of the one sprang from the heart, while those of the other sprang from the head. Oratory is not necessarily eloquence, and any earnest man, thoroughly imbued with the righteousness of his cause, can be and frequently is eloquent. In this sense, our hero was always eloquent, for he was always convinced that his client's quarrel was just, before he entered the lists.

When Major Dowd was elected to Congress in 1880, MR. WALKER formed a partnership with Captain Armistead Burwell (a former partner of Vance), an acknowledged leader of the Charlotte bar. These two strong men were admirably mated and matched for the practice of their profession, and no firm of lawyers in the State ever ranked higher in learning, ability and integrity. Their legal opinions passed as current coin, and were everywhere accepted for their face value. They appeared on one side or the other in nearly every important lawsuit that was tried in Mecklenburg and the surrounding counties, frequently being called to distant parts of the State. They were constantly pitted against such strong men as Bynum, Jones, Osborne and Wilson of Mecklenburg, Justice and Forney of Rutherford, Webb and McBrayer of Cleveland, Shank and the Hokes of Lincoln, Armfield, Robbins and Long of Iredell, Montgomery of Cabarrus, Covington, Adams and Vann of Union, Bennett and Lockhart of Anson, Shaw and McNeill of Richmond, and the McNeills of Robeson, and always and everywhere acquitted themselves like men.

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Yet they earned but little more than a modest livelihood from what should have been a most lucrative practice. This was due to the fact that they looked upon the practice of the law as a profession, and not as a business. When they dedicated their lives to the law, they felt that the ethics of their profession forbade their trading upon the misfortunes of their clients. They esteemed the law as highly as the ministry. In each profession, the laborer was only worthy of his hire. They held that it was as much a prostitution of his profession for a lawyer to espouse an unworthy cause for the sake of a fat fee, as it was for a minister to accept a call of a big church for the sake of a tempting salary. They believed it to be the duty of the lawyer to advise his client to avoid litigation rather than seek it. Unfortunately, these old-fashioned ideals have passed away with the old-fashioned minister, family doctor and lawyer, who were "institutions" handed down from one generation to another. In those days, the preacher sometimes officiated at the marriage and burial of as many as three generations in the same family. The family doctor often officiated at the birth of mother, daughter and grand-daughter, and the family lawyer frequently drew the wills and settled the estates of both father and son. These confidential relations were held too sacred to be cemented by sordid gold. The day of the high-salaried city pastor, unsympathetic medical specialist and the cold-blooded business lawyer had not yet arrived. Therefore, it could not be said of these lawyers, what John Randolph once said of Webster: "His belief in his client's rights could always be refreshed and his zeal renewed by a check." They coveted their client's confidence more than all the coin in his coffers, and they strove more to vindicate the right in the trial of his cause than to earn their fee. They possessed a worthy ambition to honor the profession that had honored them. As sworn officers of the law, they deemed it their duty to aid the court in enforcing men's legal rights by upholding the majesty of the law. They held that all laws were equally binding on all men, and that he who violated one jot or one tittle of the law violated the whole law, by showing his contempt for the law. To them the law was no respecter of persons, but demanded unquestioned obedience, alike from judge, lawyer and layman. They believed that the judge who rendered an unrighteous judgment, in the name of the law, was as much a violator of the law as the guiltiest criminal serving the sentence of the law; that it was as much the duty of the citizen to aid in the enforcement of an unjust, as a just, law. Little wonder, then, that the best class of clients sought them in abundance, and that finally, they were each in turn called to sit on this bench. For twenty years these two able, honest lawyers worked as yoke-fellows in perfect harmony in the practice and purification of their profession. Their ideas and ideals coalesced on all ques-

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tions—moral, professional and political. Verily, they were “lovely and pleasant in their lives, and in their death they were not divided.”

When Captain Burwell was appointed Associate Justice of this Court in November, 1892, MR. WALKER associated your speaker with him in the practice of the law. This partnership continued until Judge Burwell retired from the bench in January, 1895, to become the head of his old firm, which relationship continued until MR. WALKER took the oath of the office as Associate Justice of this Court.

The contest for his first nomination in the Democratic Convention of 1902 was spirited. His opponents, Davidson, Armfield and Lockhart, were all able lawyers and widely popular. They were also his life-long personal friends, which caused him reluctantly to permit his friends to urge his candidacy for this high office. He regarded the office of such great honor and dignity that he felt that any man who actively sought it was unfit to fill it. Therefore, he absolutely refused to turn his hand over to secure this nomination, or to permit his friends to enter into any unseemly political scramble to secure it for him.

Though he was a loyal party man, he was in no sense a politician. Though a Democrat, he was elected from the then Republican county of Richmond to represent it in the State Legislature in 1875. In 1884, he was defeated by only a hair's breadth for the Democratic nomination for Attorney-General, but aspired to no other office prior to his nomination for Associate Justice of this Court. Yet so widespread was his reputation as a great lawyer, that he was unanimously elected the first president of the North Carolina Bar Association in 1899, and when his name was suggested for the position of Associate Justice of this Court, his party responded so cordially that he received nearly as many votes in the convention on the first ballot as did his three distinguished opponents, combined, and was triumphantly nominated on the second ballot. He was elected in the succeeding November election, and took the oath of office as Associate Justice of this Court in January, 1903, which office he filled by successive re-election until the day of his death in Raleigh, May 22, 1923, thus having rounded out a period of more than twenty years of continuous service on this bench, which exceeded that of any other member of the Court, with the exception of Chief Justices Ruffin, Pearson, and Clark. At the time of his death, he was the senior Associate Justice of this Court, and therefore, next in line of promotion to the Chief Justiceship when a vacancy in that high office should occur.

When he became a member of this Court he was fifty-three years of age. He had been engaged in the general practice of his profession for thirty-two years. He was at the peak of his physical and intellectual powers, having arrived at the age when youthful desires for individual

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success had passed, leaving him capable of doing his best work. He had also reached the goal of his ambition—the dream of his young manhood. Notwithstanding he had had no previous judicial experience, he was peculiarly fitted, by natural endowments and professional training, to worthily wear the judicial ermine. Many of the ablest men who have adorned this bench have served apprenticeships as trial judges. However, there have been notable exceptions to this rule, among whom (and I speak only of the dead) were Gaston, Rodman, Dillard, Ashe, Smith, Davis and Burwell, all of whom, as we remember, came here directly from an active practice at the bar. It is not denied that a wide and varied experience incident to the duties of a trial judge tends to produce that judicial temperament without which no court of last resort can fairly and fearlessly pass upon the life and death, or the personal or property rights, of him who brings his cause here for judgment. But a fair, unprejudiced mind is not the sole prerequisite of a great judge. He must also possess the ability to analyze and clearly grasp the facts of a case before he can accurately apply the law. These powers of analysis are best developed by the experiences of the active practitioner, who must consider and fairly appraise his adversary's theory of the case, as well as his own, if he would not be taken by surprise. Probably the ideal preparatory schools for the well-rounded appellate judge would be fifteen years in active practice at the bar, and ten years as a trial judge. He should then be able to glean from the record the living, vibrant facts as they appeared to the eyes of the trial judge and jury, to analyze and appraise the testimony as it fell from the lips of the witnesses on the stand, and not as it literally appears in cold, unsympathetic type. In no other way can this Court know whether the error complained of was prejudicial or harmless—the latter the loophole through which so many of the errors of the trial court escape.

JUDGE WALKER filed his first opinion in the case of *Board of Education v. The Town of Greenville*, reported 24 February, 1903, 132 N. C., 4, and his last opinion was filed in the case of *Erskine v. Motors Co.*, 185 N. C., 479, 26 May, 1923, four days after his death. He probably wrote more than two thousand opinions during the twenty years he was a member of this Court. However, it would be a useless waste of time, as well as a very difficult task, to undertake here to give even the briefest analysis of his more important judicial deliverances. They are familiar to this Court, and ought to be reasonably so to the profession. To others, they would not be interesting. While all the opinions of this Court are supposed to represent the combined wisdom of at least a majority of its members, the truth is, they do not. Each opinion is the mental offspring of the judge who writes it, and more vividly represents his mental and moral characteristics than the chil-

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dren around his fireside. Therefore, if you would know the real man, read what he has written. (The wise man showed wisdom when he exclaimed, "O that mine enemy would write a book!") If his mind is warped by passion or prejudice, he cannot think or write straight. If he is honest and above board, he will so think and write. To slightly paraphrase the words of the great lawyer-Apostle, he will think on "whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good report." Measured by this standard, I confidently commend to this Court and to the profession the high ideals reflected in JUDGE WALKER's opinions. They lifted on high the majesty of the law; they were free from personal and party prejudice; they recognized the constitutional limitations of this Court; they accorded to the legislative branch of the government the sole right to make laws; they reserved to the courts the right to interpret these laws in the light of the Constitution and the well established common-law rules of construction; they recognized that new conditions required new laws, but they also recognized that it was the sole function of the Legislature to pass such laws; they held that it was as wrong for the judiciary to encroach upon the powers of the Legislature as for the Legislature to usurp the powers of the judiciary; they upheld the ancient landmarks of the law established by well seasoned precedents, and neither "respected the person of the poor nor honored the person of the mighty."

But let no one think that because JUDGE WALKER adhered to those ancient landmarks, he was a reactionary. To the contrary, he was in all things progressive, within the limitations of the law. He fully recognized that the many and mighty changes that had been wrought in our civilization within the last half century had brought about social, industrial and economic conditions which demanded new laws to meet these conditions, and no man was more heartily in favor of the enactment, by the duly constituted law-making bodies of the land, of every wise and humane law necessary to protect the rights of all men and women against the aggression of predatory power, wherever found; but he insisted that under the Constitution, these reforms could only come through legislation, and not by judicial usurpation. He therefore held that it was a greater sin to violate the Constitution by a species of judicial legislation, even to correct an economic or industrial wrong, than to leave that wrong unrighted, until the people, through their chosen representatives, could provide the remedy. To him, the end never justified the means if the means were unlawful. He would not do evil that good might come of it. In no other way did he believe that constitutional government could endure.

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JUDGE WALKER was a member of the Dialectic Society of the University of North Carolina, and after becoming a member of this bench, that institution, as well as Davidson College, conferred upon him the degree of Doctor of Laws. He was also elected vice-president of the American Bar Association for North Carolina for the years 1916, 1917 and 1918.

But I fear I have already violated the rules of propriety in multiplying words in an earnest attempt to inscribe on the records of this Court a true estimate of the virtues of this great lawyer and judge as they appeared to me. Let me speak for but a moment of the man, divorced from his profession and his office.

First of all, he was a faithful but humble member of, and for many years vestryman in, the Episcopal Church, upon the services of which he was a regular attendant. However, he did not parade his religion by wearing phylacteries or making long prayers. He neither magnified his own Christian virtues nor minified those of others. His whole life was a living sermon, exemplifying the divine command "to do justly and to love mercy and to walk humbly before thy God."

But learned and profound as he was as a jurist and judge, and faithful as he was to the vows of his Church, in my opinion his chief charm consisted of his gentleness of soul, and his consequent perfect poise. Truly it could be said of him that he was as wise as a serpent, yet as harmless as a dove. This, indeed, is a rare virtue in a strong man such as he was. Thinking no evil, he spoke no evil of any man. Though he spake not "with the tongue of men and of angels," yet he possessed that broad charity for the weakness of mankind, which we are told by the great Apostle not only abideth, but is greater than either faith or hope.

It was my privilege to be intimately associated with him for half a lifetime—ten years in the practice of law, and twenty years while he was a member of this Court. During that period, he accorded me every consideration he showed men nearer his own age and attainments. He was always and everywhere the soul of courtesy and kindness. He never lost his temper or became irritated with anybody or at anything. He was courteous and deferential alike to his opponents and his associates at the bar, as well as his brethren of the bench, and he never impugned the motive or good faith of any one.

But in Rome, the private character of a Cæsar's wife is never discussed. So with a man who possesses the cardinal virtues. His character is not in issue. When it is, there is some doubt about it. We assume that a gentleman is truthful, honest, chivalrous and courageous. To discuss these virtues is to doubt them. Only a muck-raking notoriety seeker will discuss the private character of a Washington, which

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is beyond the realm of doubt or the clouds of suspicion. We may discuss a gentleman's personal traits, but not his private character or his domestic relations. To assert that a man is a true, tender, considerate husband is to imply that somebody has suggested that he is not. So we shall not tear asunder the veil of the sacred domestic temple to cast profane eyes upon the holy of holies of this man's family life, except merely to chronicle the fact that he was married in 1878 to Miss Nettie Settle Covington of Richmond County, who died at her home in Charlotte in 1907, four years after her devoted husband had been elevated to this bench, and in 1910 he was again married to Miss Alma Locke Mordecai of New Orleans, who survives him to cherish the memory of the tranquil happiness of their married life.

After having lived beyond the time allotted to most men, he was stricken within the precincts of this temple of justice with the robes of office about him, and on 22 May, 1923, at his home in this city, surrounded by his loved ones, the silver cord of life was loosed, and his spirit returned unto the God that gave it. Accompanied by his family and friends, his remains were borne hence to the city of Wilmington and laid to rest among the scenes and surroundings of his boyhood, there to be mingled with the dust of his loved ones who had gone before. Verily, "thou shalt come to thy grave in a full age, like as a shock of corn cometh in in his season." He is also survived by a sister, Miss Maria Walker of Wilmington, and several nieces and nephews, one of whom is Mr. Thomas W. Davis, a leading lawyer of Wilmington, ex-president of the North Carolina Bar Association, and now general solicitor of the Atlantic Coast Line Railroad Company, a position formerly held by his distinguished father, Mr. Junius Davis, and by his grandfather, the Hon. George Davis, Attorney-General in the Confederate Cabinet.

I can do no better, in closing this memorial, than to repeat the words of Washington, in speaking of the death of a friend: "He left as fair a reputation as ever belonged to a human character. . . . Midst all the sorrows that are mingled on this melancholy occasion, I venture to assert that none could have felt his death with more regret than I, because no one had a higher opinion of his worth."

On behalf of his loved ones, I now have the honor of presenting to this Court the portrait of him who not long ago sat as one of you on this bench, that it may take its place in this room, among the silent images of those of his predecessors, who have gone the way of all flesh. In doing so, I am deeply conscious of the utter inability of artist's brush or spoken word to reproduce more than a faint image of him whose life we have attempted to portray. When the stranger, who knew him not, beholds this portrait and reads these words, he will be like the

REMARKS ON DEATH OF ASSOCIATE JUSTICE WALKER.

man who beheld his natural face in a glass and went his way and straightway forgot what manner of man he was. It is reserved to those only, who knew him best and loved him most, to see in that face and discern from these feeble words, the great, gentle, generous soul that dwelt within the breast of him whose portrait today takes its place on these walls, among its mute companions, as another silent sentinel to guard the dignity and honor of this Court.

**REMARKS OF CHIEF JUSTICE STACY, UPON ACCEPTING PORTRAIT
OF THE LATE ASSOCIATE JUSTICE PLATT D. WALKER, IN
THE SUPREME COURT ROOM. 20 APRIL, 1926.**

The Court is pleased to have this portrait of Associate Justice Platt D. Walker, and it has heard with gratification the thoughtful and discriminating address on his life and character.

In fifty-four volumes of our published Reports, his opinions afford convincing proof of the unusual ability, the marked accuracy of learning and the constant devotion to duty, which were his. These opinions will be read and studied and appreciated more and more as time and careful perusal continue to reveal their great value to the bench as well as to members of the legal profession and students of the law.

We heartily concur in the estimate of the speaker that he will take prominent place among the ablest and most learned judges of the commonwealth.

He was a rare type of gentleman and scholar, a great lawyer and jurist, and to those of us who had the honor of his association and the privilege of his friendship, his passing was a matter of deep personal sorrow, and we shall ever hold for him an abiding affection and respect.

The Marshal will cause the portrait to be hung in its appropriate place on the walls of this Chamber, and these proceedings will be published in the forthcoming volume of our Reports.