

ADDRESS
BY JOHN A. LIVINGSTONE
ON
PRESENTATION OF A PORTRAIT
OF THE LATE
RISDEN TYLER BENNETT
TO THE
SUPREME COURT OF NORTH CAROLINA
BY HIS FAMILY
22 NOVEMBER, 1933

INTRODUCTION

H. H. McLENDON, of Wadesboro, N. C.

May it please the Court:

As president of the Anson County bar, I desire to move the Court to suspend its regular business for a few moments, at the request of the family of the late Risdén Tyler Bennett, a distinguished lawyer of our county, in order that his portrait may be presented to the State. It is a great pleasure for me to make this motion, not only for the reason that he was my personal friend for many years, but also for the greater reason that I believe North Carolina has produced no more loyal and patriotic son than he.

Colonel Bennett was not only a great and learned lawyer; he was also a brave and gallant soldier of the South, a judge who held the scales of justice evenly balanced, a statesman who reflected honor and credit upon our State. He was extremely courteous to the court at all times, and considerate in his dealings with other lawyers, particularly the younger members of the profession. He was especially kind to me. When I was sworn in he extended his hand and in his own inimitable, humorous manner said, "My son, I welcome you to the brotherhood of paupers." That his description was correct can be attested by the brethren here present.

His was an original and remarkable personality. No one who ever met him forgot him. Possessed of a marvelous voice, he was an orator without an equal, moving his audience to laughter or tears at will. Dramatic at all times, his hearers were held spellbound as he presented his cause to the court, the jury or the public.

PRESENTATION OF BENNETT PORTRAIT.

He was a partner of the late *Judge Thomas S. Ashe* who later became a distinguished member of this Court, and whose granddaughter it was my good fortune to marry. This firm had an extensive practice in the Pee Dee section, appearing in all the important cases with rare success.

The recipient of many honors he preferred to be called "Colonel," the title he won for courage, bravery, daring and military ability displayed at an early age during the struggle between the states.

It is my privilege to present to the Court a native of Anson of whom we are justly proud; in the face of many hardships and handicaps, he has acquired fame for himself and has done honor to his county, John A. Livingstone.

PRESENTATION

It is an honor to have the privilege on behalf of the family of the late Ridsen Tyler Bennett to present to the Supreme Court a portrait to replace a lithograph of him presented in 1918 by his lifelong friend, the late *Chief Justice Walter Clark*. As a boy and young man I knew *Judge Bennett* in Wadesboro, and the great interest he always manifested in me is one of the inspiring memories of my life. He had then been long retired from the public stage, which had known him as a Confederate officer of distinction, a legislator of unusual capacity and a Superior Court judge of fine ability; but his interest in life and its affairs never abated. No person was too young, no one too humble or obscure, to escape his attention or to attract his friendly and sincere interest.

He was noted for his politeness. It was not affected, but was the natural manifestation of a man of broad and tolerant mind, who took a keen personal interest in every person he met. He allowed no man to excel him in politeness, no matter what his race, class or position. He took off his hat to the humblest man, not in an attitude of servility but in response to the expression of respect always manifested for his striking personality and dignity of manner. He bowed his knee to no man nor stooped to the level of any, but met all in a spirit of consideration and respect. In him was the spirit of a gentleman unafraid.

No one who met him could forget him. He was an individualist; and as he said of his friend, Eli Hildreth, "they broke the die in moulding him." There was nobody else like him. He was *sui generis*. He was stamped with the attributes of genius at his birth, with its grandeur and its weaknesses, its inequalities and its eccentricities. He always left a vivid impression in whatever station he occupied or in whatever gathering he found himself. He was dramatic to a marked degree and in another environment he might have been a Booth, thrilling the multitudes with his histrionic art. He had a terse style, a style peculiar to

PRESENTATION OF BENNETT PORTRAIT.

himself, and in another age, he might have been a Carlyle, writing observations which would have made him a towering figure in literature. But fate decreed that he was to be known as a Patriot, faithful unto death to home and kindred.

He was distinguished from his fellows by a supreme intelligence and by a zest for living. His originality reminds us of another distinguished North Carolinian, Zebulon Vance; but *Judge Bennett* was ever himself. All his life he was a diligent student both of books and of men, a lover of Nature, and interested in everything that went on about him. Only a short time before his death, he told a friend: "I seek knowledge not for selfish considerations but for the whole orb of the universe, and there is not a moment of my life when the machinery of my intellect is not in motion."

Judge Bennett was the incarnation of the spirit of the Renaissance, so well described by Walter Pater, in these striking words: "Every moment some form grows perfect in hand or face; some tone on the hills or the sea is choicer than the rest; some mood of passion or insight or intellectual excitement is irresistibly real and attractive to us—for that moment only. Not the fruit of experience, but experience itself, is the end. . . . To burn always with this hard, gemlike flame, to maintain this ecstasy, is success in life."

Living in an age when misfortune and tragedy tended to cause his fellows to seek escape from the realities in fancy and refuge in legend, *Judge Bennett* steadfastly faced the realities, his intelligence permitting no other course to him, but he was no materialist. He understood full well that life is more than meat, and that the spiritual is more real than the material. His personality inevitably made him a leader, but his leadership was founded upon the eternal verities and his life was marked by adherence to basic principles. He was a true realist, who looked beyond the circumstance of time and place to the cycle of the centuries and beyond the changing scenes of a material world to "a building of God, a house not made with hands, eternal in the heavens."

For one of his profound spiritual insight and his great intellect to have been thrust into bloody war in defense of his homeland just as he had reached manhood, and then to have suffered defeat, was a blow from which he never recovered; but it is to his glory that he carried on bravely for nearly a half century, serving well his generation. The memory of the subjugation of his people brought into his life a note of melancholy. The words of the 137th Psalm, describing the constancy of the Jewish people, were often in his mind:

"By the rivers of Babylon, there we sat down, yea we wept when we remembered Zion.

PRESENTATION OF BENNETT PORTRAIT.

"We hanged our harps upon the willows in the midst thereof.

"For there they that carried us away captive required of us a song; and they that wasted us required of us mirth, saying, sing us one of the songs of Zion.

"How shall we sing the Lord's song in a strange land?

"If I forget thee, O Jerusalem, let my right hand forget her cunning."

Born in Anson County on the 18th day of June, 1840, *Judge Bennett* was the son of Nevile and Catherine Harris Bennett, their twelfth and youngest child. His great grandfather, William Bennett, migrated from Maryland to Anson County soon after its formation in 1750, and was chaplain of Wade's Minute Men, Salisbury District, Continental Army. His forefathers were sturdy farmers, avoiding public life, shunning notoriety, plain spoken, independent in thought, whose one ambition was to owe no man anything. Nevile Bennett farmed during the week and as a Primitive Baptist minister preached on Sundays. He was a diligent business man, extremely honest in his dealings, never selling corn for less than fifty cents a bushel nor for more than one dollar, had a large head, a strong brain and, although he married at the early age of 17, he improved steadily in his learning and became equal to the task of writing any legal document that his business dealings required. He was a Whig in politics. *Judge Bennett's* mother was the daughter of Rev. Archibald Harris, son of Sherwood Harris, a Revolutionary soldier, who was a son of Sherwood Harris, a Colonial Officer, Granville District. He was a Baptist minister, and was born in Wake County. She is described as having been a woman of unusual beauty, of unbounded energy and of strong intellect, who inspired in her son a devotion to herself and an admiration of her character which remained with him throughout his life. His father died when he was only 12 years old, leaving him to the care of his mother.

Judge Bennett's early life was spent on his father's plantation, and his natural intelligence prompted his father to impress upon the mind of his son a desire to strive for the honors of the law. Apart from the paternal admonition, there was within him a strong latent ambition which manifested itself in his inclination to test his strength against that of any boy of his age. His childhood was devoid of care, his earliest recollection being of riding on the neck of his Negro nurse, Peter, with whom he said in later days that "there was perpetual sunshine and concord."

His early education was described by *Judge Bennett* as a sort of "shadow in the mist." He could not recall when he did not know the alphabet. He attended Gouldsfork Academy near Wadesboro and Anson Institute in Wadesboro, and when 16 years old was ready for the sopho-

PRESENTATION OF BENNETT PORTRAIT.

more class at the University of North Carolina. His early education was the natural development of a strong, vigorous and growing boy, and if rather haphazard, developed a towering personality. Hazing was a common practice in the colleges of those days, as well as for many years later, but the self-reliant youth from Anson County would not submit to such indignities without rebellion and it was in accordance with his independent nature that he left the University soon after enrollment, registering his protest in a way that could leave no doubt of his stern disapproval.

The Wanderlust was strong in him, as it usually is in boys of 17, and he set out for the West. He was always reticent as to his adventures, but his daughters in later life learned from him that he saw the Rocky Mountains, lived with Indians, went to a funeral on a mountain road where they "lost the corpse and had to go back three miles and find it; everybody drunk but me and the corpse." He was carried away with Kansas City, then in its early development, and liked to recall that he saw "twelve yoke of oxen run away and swim the Missouri River." He wrote his guardian, George W. Little, to sell everything he had and come West, promising him that he could get rich by buying lots in the growing town. The old gentleman replied by sending him enough money to come home on. Useless to speculate on what might have happened had he been permitted to settle in the mid-West, for one cannot think of *Judge Bennett* apart from his native environment.

Following his Western adventures, *Judge Bennett* attended Davidson College for a short time, and in the winter of 1858-9 enrolled as a law student at Cumberland University, Lebanon, Tennessee, and, joining the Delta Psi fraternity, found himself at home with a congenial company of youngsters, many of whom were shortly thereafter to find themselves fighting on opposite sides in war. After his graduation in 1859, he finished his law studies under *Chief Justice Pearson*, beginning active practice as an attorney at law in the Court of Common Pleas and Quarter Sessions in Anson County at the January Term in 1860.

Always a man of strong convictions and deeply devoted to his native State, *Judge Bennett* was naturally an advocate of State rights and an ardent secessionist. Upon the fall of Fort Sumter and the proclamation of President Lincoln calling for troops to coerce the seceding states, he was among the first to volunteer in response to the call of North Carolina for men to defend her rights and independence. He enrolled in April, 1861, as a private in the Anson Guards, which was the first company in the State to offer its services to Governor Ellis of North Carolina. Soon promoted to corporal, he received the flag, given to this company by their home county and presented by Miss Kate Shepherd,

PRESENTATION OF BENNETT PORTRAIT.

whom he married 26 August, 1863, while at home on a furlough on account of wounds at Gettysburg.

Resolute, competent and courageous, the young soldier soon won his spurs and on 5 July, 1862, when just 22 years of age, he was promoted to the colonelcy of his regiment, the famous Fourteenth North Carolina Troops, which had been trained and drilled by its first Colonel, Junius Daniel, until it had attained a high degree of efficiency. *Judge Bennett* bore his part bravely in nearly every battle fought by the Army of Northern Virginia, displaying that coolness and courage for which he was so highly distinguished. He was especially mentioned for his gallant conduct at Sharpsburg, Chancellorsville, Gettysburg, and in the campaign of 1864 from the Rapidan to Richmond. Particular mention may be made of his conduct at the "Bloody Lane" at Sharpsburg, where Anderson's Brigade, of which his regiment was a part, was so fiercely attacked by a Federal Division that it lost its commander, George B. Anderson, and Colonel Bennett and many others were wounded. *Judge Bennett*, in his history of the Fourteenth Regiment, in his own inimitable way, vividly describes this battle:

"The first great baptism of fire in our regimental experience was at Sharpsburg. Our position in the 'bloody lane' has become historical and deserves immortality. In the most exposed part of the lane, the regiment held its ground, repelling every stroke of the enemy from sunrise until late in the afternoon. It was a terrific battle. Nature was in her most peaceful mood; the autumn sun was without caprice. I watched the tide of this battle with intense interest while the combatants thundered away. The open fields to the left oblique of our regimental position were fought over and over with varying fortune. Now the flag of the Government was on the summit of a hill over which all were striving, then the tide went back and the ensign of the Confederate States was to the fore."

The most memorable day of the war to him was the 12th of May, 1864, when his regiment saved Ramseur's Brigade from imminent destruction at Spottsylvania Court House, for which he was publicly recognized in official reports. The large oak which was cut down that day by shot and shell fell within a few feet of his regiment. In his own picturesque manner, *Judge Bennett*, writing of this battle, told of a conscript soldier from Edgecombe County, who had been complaining of rheumatic pains and begging the boys never to run away from him, as being in the very forefront, without a gun, using an iron ramrod as his support and weapon and shouting to his comrades to strike home.

In these battles he was several times wounded, and he was finally captured by the forces of the Federal Government at Winchester, Virginia, and thereafter was kept a prisoner on parole until 28 February,

PRESENTATION OF BENNETT PORTRAIT.

1864. Brigadier General William R. Cox, in his history of the Anderson-Ramseur-Cox Brigade, tells of his capture in a succinct sketch of Colonel Bennett:

"R. T. Bennett, Colonel of the Fourteenth Regiment, was of imposing presence, strong individuality, and an able commander. His voice was clear and sonorous and there was no mistaking or disobeying his commands. When I was placed in command of the brigade, he was suffering from an unhealed wound, yet he promptly returned to duty. In the battle of Winchester, after having two horses shot under him, he on foot pressed to the front, when the brigade was changing its position, to one of more effectiveness, and the movement was so rapidly executed that he, with a few others on the right, were taken prisoners."

Even in the bloody strife of war, *Judge Bennett* was unique in whatever he did. His conduct on the field of battle won for him the confidence of his superiors and the respect of the soldiers serving under him. His personality could not be submerged even by military discipline. He complied with all of the routine, but beyond that he was free to express himself. In making a report of his regiment, giving a list of the dead and the wounded, such as all colonels were required to make, he wound up with this sentence:

"These bloody accompaniments adminiculate the truthfulness of the apothegm of Burke that liberty in its last analysis is but the blood of the brave."

Returning home at the close of the war, he found that Sherman's Army, on its famous "march to the sea," had just crossed the Pee Dee River on the journey eastward and that a Federal soldier had killed his uncle, James H. Bennett, a fine citizen and original Union man, who had three sons in the Confederate armies. This tragic incident made a lasting impression upon his mind.

In common with his comrades in arms, *Judge Bennett* came out of the War Between the States with a nostalgia that no subsequent experiences could obliterate. Before there had been a Union, there were thirteen states, one of them being North Carolina, and in these states the first loyalty of citizens was to the State. The doctrine of State Rights was no mere shibboleth to justify slavery, as some historians have claimed, but was imbedded in the heart of the American Union. This doctrine was well expressed by Rawle, the Pennsylvanian, in his book on the Constitution, used as a textbook at West Point when Jefferson Davis was a student there:

"The secession of a State from the Union depends upon the will of the people of such State. The states then may wholly withdraw from the Union, but while they continue they must retain the character of representative republics."

PRESENTATION OF BENNETT PORTRAIT.

Agriculture was the main occupation of the South, as it was of all the states at the founding of the Union. The South retained its original unchanged views but the industrial and commercial development of the North brought changed social and economic conditions while the West was settled under social, political and economic conditions that caused citizens of those states to feel that their first allegiance was to the Union.

The South, confident of the righteousness of its cause, had challenged the power of the nation in full expectation of victory. Now, after four years of bloody conflict, it faced the future with the consciousness of overwhelming defeat. Not for a half century was it to recover its faith in its destiny. Not only was there a loss of confidence, due to its crushing defeat, but there was also dire poverty for the next fifty years. Confederate soldiers, returning home, found incredible loss and wreckage. Nothing finer in the pages of history can be found than the heroism with which they set to work to mend hearts and fortunes.

For a man of the sensitive nature of *Judge Bennett*, who had felt the exaltation of victory on many battlefields, to return to the degradation and ruin which he found on every hand was even more of a Gethsemane than it would have been for a man of more mature years. The best evidence of his intelligence is the fact that in the midst of the ruins of his ideals and his fortunes, he framed for himself a philosophy and found in these experiences of defeat and frustration a religious faith that sustained him in the darkest hour, even down to old age. Forty years after, he could say to his former comrades, who with him had kept the faith: "We lost. Philosophers do not repine over the inevitable. They are content, after acting well their parts, to submit to the will of God. We are Confederates still."

In the dark days of the Reconstruction period, when the very foundation stones of government appeared to have fallen, *Judge Bennett* found a sustaining consolation in the sentiment and the language of Pericles, as expressed in his celebrated oration over the dead, who had perished in the first campaign of the Peloponnesian War, 430 years before Christ. Eulogizing the Grecian soldiers who had stopped short of success, Pericles declared that they "when at the very height of their fortune were taken away from their glory rather than their fear." *Judge Bennett* retained vivid memories of the Confederate soldiers of whom he declared that "the zeal which impelled the men of the crusades in their mission to redeem the Holy Sepulchre was not more fiery than the Divine intoxication which moved the spirit of our soldiers." Though they had fought bravely, they lost and henceforth their deeds of heroism would be only a sad memory to the living and the dead could only be eulogized, in the words of *Judge Bennett*, as having "no country except the un-

PRESENTATION OF BENNETT PORTRAIT.

marked empire of eternity; no flag except the weird cross borne at the head of the spectre host in the spirit land."

The heritage of defeat and frustration, which was to be the South's for the next half century, brought in its train a spirit of narrowness and provincialism, which found expression in the claims of the different Southern States for priority of distinction in the brave exploits of war before the Confederate states were crushed. But not to *Judge Bennett*, for he never joined in singing the praises of North Carolina by citing *Judge Walter Clark's* famous phrase: "First at Bethel, farthest to the front at Gettysburg and Chickamauga, last at Appomattox." If such were the case, *Judge Bennett* declared that it was a mere coincidence. "It is unjust to say that the soldiers of this or that state fought best," he said. "All did well, and if on any given battlefield of war, the dead of North Carolina or Virginia, or any other state fell nearest the enemy, it was the accident of fortune."

His difference of opinion with *Judge Clark* did not mar their friendship. Upon completion of the five-volume history of North Carolina regiments, in the War Between the States, which was compiled under the direction of *Judge Clark*, the latter asked *Judge Bennett* to write the dedication, declaring that nobody else in North Carolina could do it as well as he. This dedication reads:

"In the name of the more than 125,000 soldiers, living and dead, whom this State sent to the front in one of the greatest and most unequal conflicts recorded in history, these volumes, fraught with the testimony of comrades to immortal courage, are inscribed to the heroic women of North Carolina, who inspired our citizen soldiery by their faith in God, by their magic influence and immeasurable good works, and to their fair daughters, whose unshaken fidelity has preserved the fame of our Glorious Dead. With such to inspire the living and honor the fallen the men of North Carolina will ever be equal to victory—superior to defeat."

While *Judge Bennett* complied with the request of *Judge Clark* to write a history of the Fourteenth Regiment, he refused to join in supplying pictures of the officers when the sketch was printed, declaring that "no picture of any officer of the regiment now alive should go into the sketch" because the officers most conspicuous in peace and least forward in battle would be sure to take up the front pages and stir up strife if elbowed "out of their proper margin by the best men of the regiment." And if the officers, why not the privates and noncommissioned officers? "It disturbed my democratic sense of equality," he added.

Judge Bennett carried with him throughout his life a vivid recollection of the few times that he saw or met "Stonewall" Jackson, his regi-

PRESENTATION OF BENNETT PORTRAIT.

ment having been a member of Jackson's corps, and wrote a classic description of Jackson's ride to Chancellorsville, shortly before his untimely death. *Judge Bennett* and his men were resting on the roadside. Suddenly came "the sound of a great multitude who had raised their voices in accord. Even the heavens seemed agitated," he said, as the horse and its rider came into sight. The picture left with *Judge Bennett* was that of "the simple Presbyterian Elder, anointed of God, with clinched teeth, a very statue, who passes to his transfiguration." Great as was his admiration for Jackson, *Judge Bennett* never subscribed to the prevalent belief in the South of his day that if Jackson hadn't been killed, the Confederate armies would have won the war. "In general it is rash to say any single man has been indispensable in the accomplishment of any great end," he declared in a eulogy of Jackson describing him as a man whose "enterprise, official initiative and the mystery which enveloped his person and plans, crowned with the intense and powerful seriousness of his manner, mind and method, clothed him in public apprehension unrelentingly in earnest from first to last."

Though there was a nostalgia in his heart that would never be obliterated, a melancholy in his mind that would remain with him for life, *Judge Bennett* was too much a man of action to hesitate as to his course at the end of the War Between the States. He returned to Wadesboro and applied himself to the practice of the law. The first year he made only one hundred dollars in gold, but true to his early teachings of thrift, he saved half of it. His wife taught music and helped him as best she could. As was the case during the war when his accurate and faithful discharge of duties, his endurance and his courageous service, won for him the confidence of his superior officers and the devotion of his soldiers, so now his legal ability and force as a speaker rapidly won for him success as a lawyer. He made rapid progress in his profession and was at one time a partner of *Judge Thomas S. Ashe*, later a member of the N. C. Supreme Court. He served as solicitor for Anson County during the years of 1866 and '67. He was soon in the thick of politics, the only career then open to a man of his talents and training, and sprang to the front at once, bending all his energies to the upbuilding of the Democratic party in the State.

He was a candidate for the Constitutional Convention in 1867 under the Reconstruction acts as a Democrat, but was defeated. He was nominated for Congress in 1870, and declined on account of infirm health, but two years later he was elected to the House of Representatives of North Carolina, and was made chairman of the Judiciary Committee in that body, and Democratic leader by common consent. After serving two years, he declined reëlection. He was a member of the Constitu-

PRESENTATION OF BENNETT PORTRAIT.

tional Convention of North Carolina in 1875 and was chairman of the Judicial Department, reporting numerous amendments to the Constitution. At this time he was almost helpless with sciatica, but the majority being so close, he was carried to the Capitol daily, and lay on a cot, unable to sit up.

In 1880, he became a judge of the Superior Court, and wherever he went about the State, the people honored and praised him, and his former comrades in arms never ceased to press forward to touch his hand.

On 2 February, 1882, while he was holding court in Raleigh, veterans of companies E and K of the old Fourteenth Regiment presented him with an elegant gold-headed cane, which became one of his chiefest treasures. He enjoyed the rides on the circuit, but soon the call of political battle came again.

In 1882, it was necessary for North Carolina to elect a Congressman-at-large. Because of the dissatisfaction with the prohibition legislation of the previous session of the Legislature, when the question was submitted to the people of the State, and the fierce campaign in the West waged against the county government system, which deprived the people of their right to choose their county commissioners, it was extremely doubtful if the Democrats could carry the State. Party leaders feared that all the reform measures which the Democrats had been able to adopt, with a view to restoring the government of the East to the control of white leaders, was in danger of being overthrown by hostile forces. In this emergency, *Judge Bennett's* personal popularity and his political record led to his being chosen as the most likely of all the public men to stem the tide and avert the disaster. He resigned his seat on the bench, was nominated, made a brilliant canvass of the State, carried the State by a small but safe majority, and the opposition, being thus defeated, after a great contest, abandoned hopes of success in the State and for ten years after made no important effort against the domination of the Democratic party.

In the 48th Congress *Judge Bennett* served as a member of the Committee on Privileges and Elections, also on the Committee for the Election of President and Vice-President. At the next election he was nominated by his own district and was reelected to the 49th Congress, receiving more than 19,000 votes against 14,000 for his Republican opponent. He served on the Judiciary Committee, and as chairman of the Committee on Expenditures in the State Department. In Congress, as on the Bench, in the Legislature, and on the battlefield, he carved his own career, spoke his own mind, held to his own convictions, relied upon his own judgment, and was captain of his own soul, ever mindful as he

PRESENTATION OF BENNETT PORTRAIT.

always was of the right of others to do the same. He was the leading member from North Carolina by common consent and Chairman Tucker said he was the ablest member serving on the Judiciary Committee.

He was a Democrat, but did not hesitate to vote with the minority, even if it constituted only himself and one other as was the case on 22 April, 1884, when he voted against the pension appropriation bill. There were 180 ayes and 140 not voting, but he did not dodge expressing his opposition, declaring that the expenditures for pensions in ten years would reach two hundred million dollars. He was one of seven voting "No" against exempting the building of a Young Women's Christian Association in the District of Columbia from taxation, declaring that with the country burdened with a great public debt, he could not take a stand that would impose heavier tax burdens upon other property owners. He was one of six voting against a bill to prohibit aliens from owning lands in territories of the United States, declaring that every State except Vermont had provisions in their Constitution or statutes permitting aliens to own land and adding: "Yet this great country which has accepted service of foreigners in war and in peace is afraid of the presence of these people in the territories. There is nothing more splendid in the long annals of Phariseism." He opposed the Edmunds-Tucker anti-Mormon bill, being in the minority, on the ground that the converse of the first amendment of the Constitution is true, and that Congress had no right to make a law to disestablish a religion. His two speeches against this bill make spicy reading. They show acuteness, vigor, culture, legal acumen and ability.

He retired from Congress of his own volition, declaring that the South needed men of every social virtue, of religion and of honor in Congress, and that it must remain poor for another generation to come because of the great drain upon its resources by taxation and "by the cupidity of those who seek to get something for nothing—pay for patriotism, pretended or real." He did not again hold public office, preferring the practice of law in his own town and county to any further political honors.

He was mentioned for Governor, but ill health prevented him from giving the suggestion serious consideration. When Senator Vance died in 1894, he was mentioned for appointment as his successor.

Throughout his political career, his broad and practical mind and his decided convictions brought him unusual influence in party councils. He was through life a Jeffersonian Democrat, always an advocate of free suffrage, believing in the right of every male citizen, whether white, black or Croatan, to cast his ballot, unless he had forfeited his right by crime, again carrying his convictions to their logical extreme, and refusing to compromise his convictions by narrow or provincial conceptions.

PRESENTATION OF BENNETT PORTRAIT.

As an orator, *Judge Bennett* was one of the most gifted men in the State. He approached genius, scintillating at times with real eloquence, sparkling with wit and humor, his arguments clear, persuasive and convincing. He was uneven and uncertain, flashing today and going out tomorrow, but when at his best, there was none in the State who could excel him. His originality, all his own, and his striking and pleasing personality, his mastery of dramatic effect, his poise and dignity, his naturalness, added to the attractions of his discourse.

As a lawyer, his habits were studious, his comprehension broad and his memory accurate. In his relations with the courts, he was the soul of courtesy, ever considerate, and his appeals to a jury were powerful and compelling.

As evidence of the high esteem in which he was held as orator, patriot and soldier of the Confederacy, he was chosen time and again by the Daughters of the Confederacy to deliver memorial addresses. Among the addresses on such occasions which stand out are: One on Brigadier General Junius Daniel before the Ladies Memorial Association, Raleigh, 10 May, 1880; one on "The Confederate Soldier" before the Ladies Memorial Association at Wilmington, 10 May, 1883; one on the occasion of the laying of the cornerstone of the Confederate monument in Raleigh, 22 May, 1894, and one on "Stonewall" Jackson in Charlotte, 10 May, 1908. He was in demand as a speaker at the annual reunions of his comrades, speaking time and again in his home town. Among his memorial addresses on such occasions was one delivered at Newton, 10 May, 1904. Some of these addresses were so highly esteemed that they were thought worthy of permanent preservation among the Southern Historical Papers, published at Richmond, Va.

In addition to his memorial addresses on various occasions, *Judge Bennett* made a large number of addresses on various subjects and his contributions to newspapers received many complimentary notices. He achieved a Statewide reputation as a writer of obituaries of departed friends and acquaintances, which were published in the *Wadesboro Messenger and Intelligencer*, and many of which were widely copied. These obituaries, like his speeches or whatever he did, had an individuality and originality all their own, and in them were expositions of his own philosophy of life and outlines of his religious faith, which he found exemplified in the lives of the men and women about him. During the later years of his life, he was the gifted biographer of Anson County, and left behind him a rich collection of sketches which give an interesting insight into the men and women whom he knew and admired.

Time does not suffice to go into detailed reference to these obituaries but among those deserving special mention is one of Rev. John W.

PRESENTATION OF BENNETT PORTRAIT.

Davis, who was described by him as "a striking man in appearance, wearing his hair long and parted, after the fashion of Cromwell and his Ironsides; a ruddy complexion with Falerian coloring, a blend of the Puritan and Whig, with a Missionary Baptist finish." Another Anson County man whom he brought to public notice was Dan Short, "an Old-Style, Home-Made, Upright Citizen." We are told that Uncle Daniel stood by the ancient ways, particularly in the matter of the useless habit of wearing undershirts, for he "wore one shirt at a time made of cotton of his own raising, woven under his own roof in the looms, with shuttles, which taxed the patience but gladdened the hearts of our mothers and grandmothers, cut and put together and fitted by the women folks of the house." But the most surprising virtue of Uncle Daniel was his peaceful inclinations, for "he never had a law suit with neighbor or stranger or foe in any court, high or low." His further characteristics are thus minutely catalogued by *Judge Bennett*: "He was a frugal minded man. Made money by farming and saved his money; lent it at interest if the intended borrower suited him; never took unlawful interest of usance for the loan or forbearance of money. A moral man who never joined any church, but like all sensible men had his religion; a believer in our blessed Bible, honest in word and deed, through and through. He lived up to the scriptural injunction: 'Owe no man anything, except to love the brethren.' He was plain of speech; sometimes too candid in his talk to keep in friendly touch with everybody. To one desiring to borrow money, he said he had it, but it wern't doing the proponent any good. His business was his pleasure. His education was rudimentary. His economy was worthy of praise. His habits of saving were assurance against unworthy citizenship. There is much self denial mixed up and blended in an humble life which makes and saves its earnings."

None was too humble to claim *Judge Bennett's* interest and he eulogized George Crowder "ex-slave and philosopher" with the same objective impartiality as he did his other friends, making of him this striking but true observation: "The chief pleasure in life is derived from the company of our inferiors. People who are constantly screwed to the point of saying only those things which top-dressed with icing are deserving, but belong to themselves. They have little sympathy with conditions in life away below them." Of George he declared that "he was one of the most powerfulest minded colored men since Hannibal."

Among the important publications of *Judge Bennett* was his admirable contribution to the Regimental Histories of North Carolina, compiled under the direction of *Judge Clark*, mention of which has already been made, and he also worked on a history of Anson County.

In addition to his professional studies, *Judge Bennett* read widely and systematically in the realm of literature. He had an intuitive perception

PRESENTATION OF BENNETT PORTRAIT.

of the best literary works, and was careful to form his style on the basis of the best writers. Montesquieu and Renan; Shakespeare and Montaigne, De Tocqueville and Hugo, and among the novelists, Dickens, these constituted the literary diet upon which he delighted to feed, but above all he was conversant with the writings of the Apostles and the Prophets of Israel. In general it may be said that he followed in the train of the glorious company of men, who have left behind the noblest thoughts and ideas, and their effect upon his life and labors was marked.

He was a great lover of nature and the outdoors, and no day was too dark or crowded for him to fail to note the myriad colors made by the sunshine upon the blanket of earth spread out before him. Like all great spirits, he was at home in the world, in tune with the cosmic forces, and for him all was beautiful. As a boy on the farm, he had picked cotton, cut small grain, hunted rabbits, shot squirrels, and the impressions then formed never left him. In his manhood he delighted in the pastimes of fishing and quail hunting. His delight was in the joys of associations with the birds, the trees and the flowers. He usually rode horse back in going about his farm. He delighted in the forests that covered the many acres of land that he owned in the vicinity of Wadesboro, and he could not stand the thought of having them cut down. One of his last appeals to his fellow Ansonians was in behalf of the birds, which he said were the friends of the farmers. So great was his love of nature that he began his last will and testament with these words: "I yearn to express my deep sympathy with all animate nature. Hence my children and grandchildren are persuaded to keep in their integrity the haunts of birds of the air and fields, not to fell the trees of original growth but keep them as tired nature's sweet restorer. I am so devout in this that I put it in the forefront of my devotion to the universe and to my Creator."

His religious affiliations were with the Protestant Episcopal Church, but he was reared in the Primitive Baptist faith, was baptized by a Methodist chaplain during the war, and throughout his life was broad and catholic in his views. He knew as much theology as most of the ministers with whom he delighted to associate, regardless of what church they served, but there was nothing narrow or sectarian in his religious views. He had faith in God and confidence in his fellow man, and believed in striving after moral excellence with less regard for material prosperity than for exalted ideals.

In his own words, referring to another, *Judge Bennett* "stumbled upon death" after a short illness on 21 July, 1913, leaving surviving him his widow, Mrs. Kate Shepherd Bennett, their married life lacking only one month of having spanned a half century. To them were born three daughters, Mrs. Effie Nevile Leak, Mrs. Mary Bennett Little and

 PRESENTATION OF BENNETT PORTRAIT.

Mrs. Kate Shepherd Bennett, all of Wadesboro. Twin sons, born to them, died in infancy.

He was buried near Wadesboro in the Bennett family burying ground, which in his will he asked to be denominated "Magnolia Summit," and "to be kept in perfect condition—adorned with flowers." "Let the supply of rose bushes be prodigal," he admonished.

To the end he carried with him "but one great sorrow, the fall of the Confederacy." Despite this sorrow, with life's greatest adventure behind him at the age of 25, he bravely carried on for a half century, carving for himself a notable career in the political life of his State and in his chosen profession, making for himself innumerable friends of all classes and occupations, often misunderstood because his intelligence and his spiritual comprehension was broader than that of most of his fellows but always commanding their respect and esteem, never deserting or forgetting home or kindred, never desiring to escape their misfortunes. He found solace in communing with the great spirits of all time, comfort in acquaintance with Nature, and consolation in the teachings of religion. Of him it may be said, as was said of another:

"He was a man, take him all in all,
I shall not look upon his like again."

 REMARKS OF CHIEF JUSTICE STACY, UPON ACCEPTING PORTRAIT
 OF THE LATE RISDEN TYLER BENNETT, IN THE SUPREME
 COURT ROOM, 22 NOVEMBER, 1933

The name of Risdén Tyler Bennett is inseparably connected with the Civil Strife and Reconstruction Period of North Carolina history. He wrought nobly and heroically in his day and generation. A grateful people will ever honor and revere his name.

As he returns to us in remembrance today, we are happy to recall him as lawyer, statesman, citizen.

His associations with the courts and their officers, whether as attorney or presiding judge, were always marked with great deference and respect. His unfailing and uncommon courtesy earned for him the title, "Gentleman of the Old School"; and never did he "darkeneth counsel by words without knowledge." Job 38:2. Indeed, he was master of the

PRESENTATION OF BENNETT PORTRAIT.

unusual phrase. No one privileged to meet him could ever forget him. On one occasion he made a profound and lasting impression upon the mind of a youth, who, with his father, a Methodist minister, chanced to meet him upon the street. Tipping his hat and bowing, he introduced himself with the salutation, "Your servant, sir, *Judge Bennett.*"

A man of commanding personality, of strong convictions, of unyielding loyalty to friend and cause, he could not fail of leadership among his people. His broad and humane sympathies made him champion of the rights of the meek and the lowly, and they, in turn, never denied to him their full measure of devotion. He was the idol of the helpless, their protector and friend.

His greatest contribution was that of an outstanding citizen. He believed in the multiplication of life's satisfactions, but he also preached a gospel of right living and high thinking, for he knew that if civilization itself is to endure, it must be guided by the steadying influence of spiritual values. He dwelt much upon the vision of the mind's eye, and anchored his soul deep in the recesses of an Unseen Force. He learned his lessons in the stern realities of war.

The court is pleased to receive this excellent likeness of *Judge Bennett*. The Marshal will hang it in its appropriate place among his peers as a worthy tribute to one who served ably and well his State and its people.

The splendid appraisal of his friend and ours will be published in the forthcoming volume of the Reports.