

MEMORIAL ADDRESS

BY ROBERT WATSON WINSTON ON PRESENTATION
OF A PORTRAIT OF THE LATE

FRANK SHEPHERD SPRUILL

TO THE

SUPREME COURT OF NORTH CAROLINA

29 MARCH, 1938

May it Please Your Honors, Ladies and Gentlemen:

Scarcely had the seceding southern states entered upon their brief career before Roanoke Island fell and Union gunboats were threading their way through our defenseless waters. The Roanoke River became an avenue of flame. So great was the terror along its banks that women and children fled to the hill country, many families finding homes in the county of Halifax. There, upon his father's Halifax plantation on the waters of the upper Roanoke, was born December 9, 1862, to William E. Spruill, a Confederate soldier, and Harriet, his wife, a son whose portrait we now unveil and shall presently present to a court he loved so well.

The pattern of Frank Shepherd Spruill's life conforms to that of the average youthful enthusiast. At first we find him bold and confident. With his coöperation the liberal spirit of the coming century should blossom out. The poet's dream would come true: the parliament of men, the federation of the world, this and nothing less was the vision. But the maturer man arrived at a far different conclusion. He began to understand that this terrestrial ball, which men call the Earth, is so unmanageable, so incomprehensible, that a heavenly paradise is not likely to develop the overnight. Not only so but he realized that toil and patience are the only keys to genuine success. The old way is the best way, here a little, there a little, first the blade then the ear, and after that the full corn in the ear.

In a life of Joseph Chamberlain, which I recently read, it is stated that the first milestone of "Radical Joe" ended so abruptly and the second began so definitely that the precise year is discoverable. "At forty-nine," as his biographer relates, "Chamberlain stood on the threshold of a complete change. His outlook upon our national life, which,

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although always intense, had up to this point been narrow and short, broadened and lengthened; and he perceived that the remorseless unfolding of events had proved contrary to the expectations both of his youth and of his prime. The rest of his life was to be spent fighting against the forces he himself so largely set in motion." So was it with Frank Spruill. His forty-fifth year marks the ending of the first and beginning of the second period of his career. After his forty-fifth birthday the liberal changed into a conservative, not a radical conservative at all, not the reactionary type of the Earl of Rosebery, for example, who felt about democracy as if he were holding a wolf by the ears.

As we have seen, Frank Spruill was born in the throes of war. About his cradle the sound of guns reverberated. At the hour of his birth, over the border at Chancellorsville, in a tangled wilderness of the Rappahannock, the strategy of Lee and the tactics of Jackson were astounding the world. The child was therefore a war baby. But, in a search for the roots of his character, another circumstance should be taken into account. He was reared in the country, far, far removed from the big city with its enervating influences and its benumbing conventionalities. His lot was also cast in a community noted for aggressive leadership. At an assemblage of historians, in which I recently took part, the question was raised as to which two North Carolina counties in the past should be considered the leaders. Orange and Halifax were the favorites. Not on account of their wealth, not on account of their industries, but because of the number and vigor of their local leaders.

Amid such surroundings of war and rusticity, it might well be expected that young Spruill's life would have been warped, that he would be hindered by sectionalism. That this result did not follow is due, in part at least, to heredity. If his early surroundings were exiguous and tended to pull the youngster backward, a well poised and a stable ancestry propelled him forward. Now when one begins to discuss the subject of heredity and environment, and to appraise them, I am well aware that he is treading on slippery ground. The subject squints both ways, some psychologists acclaiming the former, and others, the latter. And yet, as we read, the better opinion is that the strictest apostle of heredity must suspect that environment and heredity are aspects of the same thing. No matter, for example, how begotten or how born Charles Dickens might have been, the Victorian poverty must have controlled his pen just as feudalism directed the pen of the immortal Scott.

At all events the quality of young Spruill's life is traceable to the blood that coursed through his veins. For generations his father's people—a sturdy, prolific, English stock whose foundation stone was

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God and whose faith was rooted in Holy Writ—created hearthstones so wholesome and so characteristic of North Carolina that they made our good State loved at home and honored abroad.

And certes in fair virtue's heavenly road
The cottage leaves the palace far behind.
What is a lordling's pomp? A cumbrous load,
Disguising oft the wretch of human kind
Studied in arts of hell, in wickedness refined!

Mr. Spruill's mother was an Arrington, a Nash County Arrington, with all that the name implies of serenity, kindness, and open-handed hospitality. Indeed one cannot think of Nash County without a smacking of the lips. He has wonderful visions. His thoughts turn to old Nick Arrington and his famous Nash County apple brandy, to horse-racing, to cock-fighting, to deer stalking, to fox hunting, to anything and everything, in fact, save and excepting seriousness! One of the Arrington stock was our Governor, and three were judges. Four of them have been members of Congress. Archibald Hunter Arrington and Archibald Hunter Arrington Williams, each a Congressman and a popular favorite, were generous to a fault, hospitable to a degree, in warp and woof, typical Tar Heels! In his day old man Baldy Arrington had been a noted politician, from January 1st to December 31st always mending his fences and keeping his ear close to the ground. On election day he would leave his Nash County home and go up to Brassfields Township in Granville County, where by his winning personality he would convert a Whig majority into a Democratic victory.

Such was the home, such the surroundings, and such the ancestry of our young friend. And a handsome, ruddy-cheeked, blue-eyed youth he was, broad-shouldered, six feet in his stockings, a fine horseman, a lover of nature in all her varying moods. To him indeed all the earth was gay, and land and sea gave themselves up to jollity. At the age of eighteen we find the lad a student of the famous, classical Bingham School at Mebane, where he excelled in belles-lettres and won a much coveted medal for the best English essay. In due time he entered the University of North Carolina. At these two institutions he laid deep and broad the foundation of a liberal education. Likewise he acquired a taste for moving, classical oratory—a trait which distinguished him throughout life.

While at college the young student developed a genius for genuine friendships. Not the promiscuous friendship of the flippant French woman, with her dear three hundred friends. But a friendship of choice spirits. Sterling Ruffin, Edwin Alderman, Frank Dancy, Wil-

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liam J. Adams, Frank Daniels, Gordon Battle, these and a few other generous youngsters he grappled to his soul with hoops of steel—one of them, Dr. Sterling Ruffin, becoming closer and dearer till the very end.

While young Spruill agreed with my Lord Bacon that whatsoever delighteth in solitude is either a wild beast or a god and whosoever, in the frame of his nature and affections, is unfit for friendship, he taketh it of the beast and not from humanity, he nevertheless gave heed to the caution of King Henry to Prince Hal. He resolved not to be common nor hackneyed in the eyes of men. He would be chary of his presence, he would sit well back in the rear of his affections.

From these apparent niceties it must not be concluded that our young student was a recluse or in any sense a parlor knight. The fact was far otherwise. True, he was somewhat exclusive in his associates, wore the best-fitting clothes and attained numerous college honors, becoming an editor of the University Magazine, and an active member of the Alpha Tau Omega Fraternity, but he was far removed from snobbery. Essentially he was a thoroughly carefree youngster, a splendid specimen of the gay debonnaire eighties. With the best of the boys he sowed his wild oats. Occasionally he would make excursions afoot, three miles up the creek to Graham Sykes' moonshine distillery. He loafed in Tom Dunstan's famous barber shop, and delighted in the homely wit and abounding nonsense of "Professor" Dunstan, Jordan Weaver, Wilson Caldwell, and Bill McDade, our faithful friends and college servants.

After graduating from Dr. Manning's popular law school, he came down to this court and was orally examined by the three learned judges then presiding, Smith, Chief Justice, Ashe, and Ruffin, the younger, associates. It is an interesting fact that two of his classmates afterwards became judges—Owen H. Guion a judge of our North Carolina courts, and R. B. Albertson a judge in the state of Washington.

The young man's career had now begun, and under favorable auspices. After a short association with William Hamilton Young, of Henderson, a black-letter lawyer, worthy to rank in knowledge of the intricacies of the profession with George N. Folk and Foster Sondley of the west, or with George Davis and M. V. Lanier of the east, he removed to Louisburg and became the partner of Captain J. J. Davis. Honest Joe Davis! How well the pseudonym fits! Legislator, Congressman, judge of this exalted court, beloved citizen, royal gentleman! But greater than these, a captain under Pettigrew—one of the few, the immortal few, who scaled the serried heights of Gettysburg, passed beyond the Bloody Angle, amidst shot and shell planted the Stars and Bars farthest north, and immortalized that spot now marked in enduring bronze and visited every year by the millions who honor the Brave.

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The copartnership of Davis and Spruill was based on mutual confidence and real affection and continued until the senior became a member of this court. Soon thereafter the Captain's place in the firm was filled by William H. Ruffin, who well sustained the great name he bore.

At this point in our young lawyer's career let us pause a moment and endeavor to ascertain what he was driving at. The survey may prove interesting. Indeed, since it is source material and typical of the southern youth, it may aid some future historian. What then was his aim in life, what his central point? Undoubtedly his motif was ambition—the ambition to become a great lawyer, and the further ambition to be a reformer and serve the people. When the Farmers' Movement took shape he sympathized and coöperated with it. He recognized the needs of agriculture as well as industry. In order to further the cause which he espoused and to raise the necessary funds he took an unusual step. He placed a mortgage upon the very house which sheltered him! Thus equipped, with borrowed money and a brave heart, he began to step out!

In a short time he represented Franklin County in the Legislature, was a delegate to the National Democratic Convention, and was chosen a trustee of the University. In the early 1890's he became an elector and canvassed his congressional district for Cleveland and Stevenson. When Charles B. Aycock was appointed United States District Attorney Mr. Spruill qualified as his assistant. The agrarian movement, now well under way, claimed Franklin County as its stronghold and Louisburg, the county seat, as the home of its crusader, its voice, its hope, its spiritualizing factor. Rev. Baylus Cade, a preacher of the fiery gospel of the absolute equality of every son of Adam, has not been surpassed, in our annals, as prophet and popular orator! In a short time Cade and Spruill began to coöperate. They greatly admired each other. So far had the farmers' movement developed that in 1888 Elias Carr, a practical Edgecombe County planter, emerged from his plantation and was elected Governor, to the dismay of the old-line politicians. Governor Carr and Spruill were neighbors and their families had been intimate for years.

Since Carr was not a stumper, he had requested young Spruill to make his canvass for him. This he did, and the Carr ticket was elected by an overwhelming majority, Spruill becoming an important factor in the new administration. Offices of various kinds the Governor showered upon him: Superintendent of the State's Prison, director of the North Carolina Railroad, and others. In fact, honors came the young man's way so thick and so fast that the matter became the talk of the streets. When a convention of the Episcopal Church was sitting to elect a suc-

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cessor to Bishop Lyman, the irrepressible Bill Day, himself a Halifax product, chuckled and offered to bet his Sunday hat that Governor Carr would give Spruill the job!

This period is recognizable as the William Jennings Bryan era of political excitement. Undoubtedly it was also the forerunner and the matrix of the New Deal. A day when free silver and 16 to 1 became the cry. When, as the silver-tongued orator proclaimed, mankind should not be crucified on a cross of gold! When Mark Hanna, the Goldbug Republican leader, was tattooed with dollar marks from head to foot. In our good State, unless one stood for free silver, he was anathema.

The story is told of Fabius H. Busbee, the versatile, old-line Democrat, that he accosted Bos Beckwith, one of the free silver pillars, and made known that he would like to go as a delegate to the Free Silver National Democratic Convention, soon to convene.

"But, Mr. Busbee," Bos protested, "are you in favor of 16 to 1?"

"Of course I am, Bos," retorted Busbee. "But I am not a damn fool about it!"

"Oh, well then, Mr. Busbee, you are not qualified!"

Now Spruill was qualified, and so were others of us. We were in the throes of five-cent cotton and seven-cent tobacco, and we met Bos Beckwith's severest test.

On a hundred stumps Frank Spruill's voice had been heard heralding an advancing democracy. On one occasion he made a telling reply to Jeter C. Pritchard, the wheelhorse of Republicanism. Times had changed, Spruill concluded, and government should change with them. In truth he stood closer to the people than Governor Carr himself. He disagreed with the Governor and concurred with that radical reformer, Walter Clark, in the matter of leasing the North Carolina Railroad to the Richmond and Danville. Spruill stoutly opposed this lease and contended that the property should be held by the State and become a necessary feeder, linking west and east in closer bonds.

Thus rapidly moved the life of our impetuous young barrister when an event happened which somewhat changed his plans. The liberal movement collapsed—it was swallowed up: hoof and hide devoured by its opponent! Populism, free silver, the sub-treasury scheme, all, all threw up the sponge. Surrendered! The Free Silverites and the Goldbugs went to bed together! Pritchard, brave, unyielding advocate of the gold standard, a standpat McKinley Republican, was given one seat in the United States Senate and the other seat was accorded Marion Butler, apostle of free silver and Populism. W. A. Guthrie, a brilliant Populist, was turned down for Daniel Russell, who was elected as an out-and-out

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Republican. The unholy alliance, as it was called, swept the deck, but its success proved the death of liberalism. Coalition had won an election, but it had lost its own soul. And with the going of liberalism went also Mr. Spruill's sporadic political activities. Definitely he concluded that reforms do not come by a sacrifice of principle nor with the speed of a cyclone.

The amount of energy he had wasted in arriving at his true degree before he began to be himself can hardly be measured. And yet the first half of his life was not wholly useless. He had learned to know his fellowman. He had also got a line on himself. Moreover he had become a good lawyer, diligent, painstaking, and thorough. From the very start he had kept a legal notebook—a compendium of great value. From this *vade mecum* no recent statute was left out, and no recent decision of this court. As a general rule our profession relies for authorities on the printed page, the digests, and the encyclopedias. Spruill was more diligent. He had the books, but he also prepared a digest of his own. Another practice of his is remarkable. It deserves the highest praise. He briefed the facts as well as the law of his cases. His brief book is a model of thoroughness and capability. Despite a flare for politics he had, for full twenty years, ridden the circuit with the judge, attending the courts of Franklin, Nash, Vance, and Granville, and crossing swords with the able lawyers of those counties. He was a prime favorite of Captain C. M. Cooke, who afterwards adorned and amused the bench!

A little incident, which I witnessed, may illustrate the range and thoroughness of Mr. Spruill's legal application. Down in Halifax the case of *Trust Company v. Whitehead and others* (to be found in our 165th Reports) was on trial before Judge Peebles. The plaintiff bank claimed to be the owner of the note sued on, it being an instrument not due when acquired, though one payment of interest was then overdue. The defense was lack of consideration and fraud. The judge, though anxious to allow the plea, was constrained to hold that the bank was an innocent purchaser. Judgment for the bank was therefore entered, and court adjourned for the midday meal. At the recess Spruill, who was not in the case, met Judge Peebles and said, "Judge, did not the failure to pay interest dishonor the note and enable the defendant to show fraud?" The judge, now greatly interested, asked for some authority, and was cited to a decision of an obscure New York court. Judge Peebles adopted Mr. Spruill's law and set the verdict aside. On appeal to this court a like result followed and the defendants won their case.

In his forty-fifth year Mr. Spruill moved to Rocky Mount and formed a partnership with Ben H. Bunn, a former Congressman from the

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Fourth District. Rocky Mount, an ambitious little city, is located in both Nash and Edgecombe counties, and is the market town for an excellent farming country. Its people are hospitable and progressive. Close-in to aristocratic Tarboro and to politically-minded Goldsboro and to bustling Wilson, where Tobe Connor, Mr. Spruill's never-failing comrade, resided, Rocky Mount is itself an ideal home city. Into the inner circle of their new surroundings, the Spruills fitted without a jar. In a short time they constructed a commodious home, with flowers and shrubs, annuals and perennials all around and with a wonderful vegetable garden in the rear.

This homestead was very dear to Mr. Spruill. It became the apple of his eye. Presided over by a devoted wife, Alice Capehart, only daughter of Patrick H. Winston and Martha E. Byrd, of Bertie, blessed with a loyal son and two interesting daughters, the new home was everything that affection could desire. Social functions weighed but little in the scales with this home, which Mr. Spruill never quitted without a sigh and never approached without joy. Often in the afternoons the busy lawyer would leave the office to his son and well-equipped partner, Captain F. S. Spruill, Jr., and would throw the saddle upon his well-trained single-stepper and canter through the surrounding country, up and down the Tar, over the hills and through the pines. His day's work had a remarkable beginning. For a period covering nearly thirty happy seasons, each morning at six he would rise and slip on his overalls. Then with hoe and rake and hand-plow, Cincinnatus-like, he would cultivate his garden, making of it a thing of beauty—each row straight as the garden line could make it and rich with lady peas and beans and radishes and sweet corn and kale, the cold frames verdant with lettuce and potato slips and cabbage plants. In an hour or two he would lay aside his garden tools, take a full-length bath, eat a simple breakfast, and stroll down to his office, taking along a basket of the reddest tomatoes or the biggest Sharpless strawberries to be exhibited as a specimen of masterful horticulture!

Mr. Spruill's legal work was pleasant, and so absorbing that he wasted no time at cards or golf or social functions. For nearly thirty years he was division counsel of The Atlantic Coast Line Railroad, serving them with fidelity and satisfaction. Likewise he was general counsel for the extensive North Carolina Pine Association and for other important industries. In a word he did a grade of commercial practice, various, extensive, and of the highest quality. Moreover, as an adviser and consulting attorney, his judgment, his tact, and his learning were greatly appreciated. In the important suit of *Wells Whitehead Tobacco Company v. The American Tobacco Company*, involving an immense

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sum under the Sherman Anti-Trust Act, he was one of the mainstays of an array of able attorneys representing the plaintiff. This case was heard at a special term of the United States Court held in Raleigh, and occupied more than a month in its trial.

In short, Mr. Spruill's emoluments were commensurate with the extent of his practice. When Attorney-General William Wirt, lawyer and scholar, would receive a *good* fee, it was his custom to write in his receipt book *Laus magna Deo*. Sometimes when the fees were *very large*, and ran into five figures, Wirt would write *Laus maxima Deo!* Mr. Spruill could join in with Wirt and at the end of nearly every year write *Laus maxima Deo*.

His style in speaking was ornate and classical. He strove for the highest standards. One or two sentences may illustrate. On the death of his friend Bishop Cheshire, whom he had known and loved for half a century, he beautifully said: "His convictions were so deeply rooted in his nature that they expressed themselves in his hourly walk and conduct. He never compromised with them, and in differing from others he was ever the urbane and courteous gentleman, but he was the positive exponent of his considered thought."

Perhaps it was this quality—consideration for others—that drew the priest and the lawyer together. Certainly it was this trait of magnanimity and courtesy which endeared him to the bench and bar alike and enabled him, even in the face of the highest legal tempests, to keep his rudder true. In Halifax County, as an instance, those influential lawyers, the Kitchens, the Dunns, Ed Travis, and Walter Daniel, would sometimes combine and cause juries to render the most "ongodly" verdicts. But even under this bludgeoning Mr. Spruill stood up like a man, never a whiner, never sour, never losing heart. Time and patience and an educated citizenry, together with remedial statutes, as he concluded, would cure the evil of excessive verdicts. But above all and in the final analysis Mr. Spruill pinned his faith to the integrity and the ability of this our highest court of appeals.

As I have been developing the character of this product of our good State, the thought must have occurred to some that he was remiss in abandoning the cause of liberalism; a criticism quite just had Mr. Spruill become self-centered or cut loose from his fellowman. This he did not do. On the contrary he became more truly liberal. His approach to liberalism changed but not the pursuit, and with the change came a newer, a deeper, a broader concept of service to humanity. When a young reformer he had relied upon the law—that is, upon the fleshly arm. When he grew more mature he understood that he had made a mistake. The Kingdom of Heaven is not taken by violence—

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the Kingdom of Heaven is within us. The old, old way is the only way: Here a little, there a little.

Instead of a violent approach, therefore, he determined to employ more winning methods. He would build up, he would not tear down. He would awaken the conscience of his fellowman. He would reenact the Golden Rule.

Now, in approaching the second stage of Mr. Spruill's life, I can but regret my inability adequately to depict it or to make known how admirably it worked out. Suffice it to say that God became his central point—a universal God, the God and Father of all mankind. The Christian faith, as he concluded, was as good as can be expected, and certainly it is absolutely necessary to a well ordered social life. Upon this rock he planted himself and won the victory. He had wrestled desperately in the dawn with the angel of the withheld secret. He became as a lighted candle in a night of doubt.

For many years he was a vestryman of the Episcopal Church, whose ritual of beauty, dignity and, as he loved to call it, historicity, stimulated his æsthetical nature. He was likewise trustee and attorney for the local hospital and greatly interested in its work. The town library was very dear to him. He contributed to all community activities. A delegate and a regular attendant at all church conventions, he was a tower of strength to his minister and his bishop. For more than a quarter of a century he was the beloved teacher of a men's Bible class, which met every Sunday morning just before the church hour.

Such were a few of his social activities, the fruits of which were a patience, a tolerance, and a spirit so deep and so broad that it embraced all creeds, all colors and all conditions of mankind, notably the Hebrew people. It was a source of amazement to him that a race without a country, and throughout the ages, should have resisted absorption by other nations and retained their racial characteristics. He frequently dwelt upon the fact that so many things that make for the beauty and the pleasure of the human family were sponsored by the Jews—art, music, religion, philosophy, the theatre, and even the movies.

Referring to Mr. Spruill's Bible class and its far-reaching influence, one of its constant attendants recently wrote that the meetings were first held in the municipal courtroom and were presided over by a Methodist, being the Chief of Police. Such subjects were discussed as the life and the trial of Jesus, the life of St. Paul, the Book of Job, the story of the major prophets and of the lesser characters of the Old Testament. This letter concludes with the deepest appreciation and the statement that the lectures unfolded so much of the richness and beauty of the Bible literature, in addition to its spiritual significance, that parts

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of the Scriptures, incredible to most minds, were converted into sources of comfort and help.

Among Mr. Spruill's papers were found many hundreds of these lectures and addresses, in the preparation of which he had been just as painstaking, thorough, and methodical as if writing a brief in an important case. Each paper is in longhand and covers many pages, including copious notes and references, and profound comments and deductions. In a characteristic Christmas talk, which he called the Three Wise Men, he made a striking observation. As he saw it, the language about seeing the star in the East was figurative. A visible star was not the real cause of the journey. The Three Wise Men were illumined by an inner light—that is, by an inner vision. When they could not see the star, the star had not faded from the sky at all. The three men had temporarily lost their inward glow. As a result they did not go to Bethlehem to inquire, nor to the temple. They went to the palace of the wicked Herod.

Unlike Saul, who went forth to tend his father's asses and founded a kingdom, the Three Wise Men went forth to find the Saviour and wandered off into the palace of the monster Herod. Not until the inner light returned did they discover the Babe in the Manger.

As with the Three Wise Men, so with Frank Spruill. After the heyday of his youth had spent itself, the inner light appeared and became his guide. Even as Elijah, he stood at last upon the mount before the Lord, and the Lord passed by and a great and strong wind rent the mountain, but the Lord was not in the wind, and after the wind an earthquake, but the Lord was not in the earthquake, and after the earthquake a fire, but the Lord was not in the fire, and after the fire a still, small voice.

Surely the serene face and the noble lineaments of such a man is worthy of perpetuation. His portrait should be hung upon these walls, these peaceful walls, unruffled by strife or turmoil, amidst a noble brotherhood who have gone before to encourage and to bless. At the request of his wife, his children, and his children's children, I now present to your Honors this portrait of Frank Shepherd Spruill, and request its acceptance in the spirit of its presentation.

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REMARKS OF CHIEF JUSTICE STACY, UPON ACCEPTING THE
PORTRAIT OF FRANK SHEPHERD SPRUILL, IN THE
SUPREME COURT ROOM, MARCH 29, 1938

“To every man upon this earth
Death cometh soon or late.”

The Grim Reaper is no respecter of persons. He calls with equal tread at the cottage gate and the palace door. The high and the low, the young and the old, he visits them all. He presses their eyelids down with dreamless slumber and they sleep with the hush of the generations.

“Like to the bubble in the brook,
Or in a glass much like a look,
Or like the shuttle in weaver’s hand,
Or the writing on the sand,
Or like a thought, or like a dream,
Or like the gliding of the stream—
Even such is man, who lives by breath,
Is here, now there, in life and death.
The bubble’s out, the look forgot,
The shuttle’s flung, the writing’s blot,
The thought is past, the dream is gone,
The water’s glide, man’s life is done.”

Such is the flight of time. ’Tis the way of life.

“Time flies, you say! Ah, no!
Alas! Time stays! We go.”

Our friend who returns to us in remembrance today, and who made the world a little better for having lived in it, deserves a permanent place in the annals of his day and generation. As has been so well said in the splendid appraisal of his life and character by his friend and ours, he was fortunate in the stock from which he sprang; also the temper of the times and the society of his young manhood stimulated him to effort, evoked him to nobleness, and spurred him to strength. During the early years of his career the South emerged from the carnage of battle, and, under the leadership of the heroes of the Confederacy, finally triumphed over the night of reconstruction and found a way,

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after its wounds had healed, but with heart still bleeding, to rehabilitate itself honorably and without the surrender of cherished ideals or principles. It was a task which required the exercise of superb wisdom and rare statesmanship. Human endurance has always been equal to human misfortune, and great causes have never lacked for leaders. Like all bruised and battered peoples, they turned instinctively to the younger generation for the realization of their hopes and for the fruition of their dreams. There was a fine spirit of determination in the atmosphere of the time, a broad conception of civic duty, and a clear call to youth to put its hand to the plow and spend itself, if need be, in high endeavor for the upbuilding of the common good. Frank Shepherd Spruill heard and heeded this call with great credit to himself and in a manner eminently satisfactory to his contemporaries. He was freely accorded a place of first rank among his fellows, as lawyer, statesman, citizen. We honor ourselves by honoring him. Nothing can be added to the just and faithful tribute of his biographer, who has spoken today.

At a time when the world is again enveloped in an agony of uncertainty; when men are bewildered by the sheer complexity of the civilization which they have evolved; when the center of gravity appears to have shifted from spiritual values to externals; when people are "shell-shocked" by economic collapse and baffled, if not intimidated, by life itself; when society as a whole seems to have lost, in large measure, its grasp upon reality, it is fitting that we pause in the midst of such confusion and pay homage to the memory of one who placed first things first, who added to the peace and tranquillity of the community, and who taught by precept and example that the better way of living comes only from holding fast to that which is good.

The Court is pleased to receive this handsome portrait. The Marshal will see that it is hung in its appropriate place, and these proceedings will be published in the forthcoming volume of the Reports.