

ADDRESS OF R. P. READE
PRESENTING THE PORTRAIT
OF
JAMES SMITH MANNING
TO
THE SUPREME COURT
APRIL 11, 1950

May it please Your Honors: Because of the esteem which I entertained for him while he lived, and my respect for his memory now that he is gone, the privilege of presenting his portrait to this Court has been afforded me by Mrs. James Shepard Milliken, a daughter of the late Justice James Smith Manning. There are those of his contemporaries who could pay more eloquent tribute to his memory as a citizen, lawyer and jurist than I, but there is no one who has a deeper sense of appreciation of his fine contribution to the economic, political and judicial life of the State of North Carolina.

Justice Manning was well born, well educated, and well equipped when he began his life work. He was the second son of John and Louisa Hall Manning. His paternal grandfather, John Manning, was born in North Carolina, and in young manhood joined the United States Navy, in which he held the rank of Captain at the time of the outbreak of the War between the States. When North Carolina seceded from the Union he immediately resigned his commission to offer his services to the Confederacy. A great uncle, the Honorable Thomas C. Manning, was Chief Justice of the Supreme Court of Louisiana and Minister to Mexico.

John Hall, the maternal great-grandfather of Justice Manning, was one of the first three Justices of the Supreme Court presiding after its permanent organization. He continued as a member of this Court until his death.

The Honorable John Manning, the father of Justice Manning, was born in Edenton, North Carolina, and when a young man enlisted in the Confederate service at the outbreak of the War, rose to the rank of Lieutenant. In 1861 he was elected a delegate to the Secession Convention and for many years thereafter was active in State politics. In 1879 he was elected to Congress to fill the unexpired term caused by the death of Congressman Gilliam. In 1875 he served as a member of the Constitutional Convention of the State, and in 1881 was elected to the State Legislature, and was appointed a member of the Committee of

PRESENTATION OF MANNING PORTRAIT.

Three chosen to codify the laws of the State of North Carolina. Upon the death of the Honorable Joseph A. Englehard he was tendered the position of Secretary of State by Governor Jarvis but declined the appointment, and also later declined appointment to the Superior Court Bench. In 1881 he was unanimously elected Dean of the Law School of the University of North Carolina, where he served with distinction and ability until his death in February 1899.

It is not surprising, therefore, that one of such noble lineage and cultural background should ultimately take high position in the life of the State. Justice Manning was born in Chatham County, North Carolina, on June 1, 1859. He attended a private school in Pittsboro, after which he entered the University of North Carolina in the Fall of 1875 and was graduated in 1879 with the degree of Bachelor of Arts. He was a member of the first four-year class graduating from the University after it reopened following the Civil War. He taught school for two years in the Morson and Denson Academy in Pittsboro, after which time he studied law under his father, and at the October Term of the Supreme Court of North Carolina in the year 1882 he was admitted to the Bar, at which time he entered upon a long and distinguished career. On January 1, 1883, about two years after the formation of Durham County, he located in Durham, North Carolina, and opened his first law office. Early in his professional career he gave unmistakable evidences of those qualities that marked him for leadership at the Bar, as a private citizen and a public servant. He was a tireless worker, and was endowed with a fine intellect, which he continued to cultivate. He likewise possessed character, stability, and solidarity. Young Manning was genuine and dependable, qualities that were magnified in him through the passing years and which continued to attract to him a host of friends from all walks and stations in life.

Although Durham had a relatively small Bar it had a strong one. As his contacts broadened, his influence was extended to where he became one of the dominant forces in the community. He further demonstrated his ability as a lawyer and fought his way to the top of his profession in the State, which proud position he maintained during his entire professional career.

With him the practice of law was always a profession. No act of his tended to cheapen or commercialize it. The trial of a lawsuit with him was never a case of bluff or a game of chance, but a legal battle with plans of attack and lines of defense. He did not depend upon his wits or his skill to win a case, but rather the strength of his legal position and the correctness of the facts upon which his case was bottomed.

In his appearances in the Courts he was always deferential to the Presiding Judge, courteous and polite to opposing counsel, considerate

PRESENTATION OF MANNING PORTRAIT.

of and respectful to witnesses. He believed in the dignified and orderly administration of justice. He loved the profession and was true to its traditions. He was always mindful of the fact that he too was an officer of the court. He was a forceful and aggressive advocate, a safe and wise counselor. His clients had implicit confidence in him, and his brethren knew they could rely upon every word he said. With him the court room was not a place for petty quibbling or bickering. He despised sham, pretence, hypocrisy and deception, whether in a court room or in the market place, and looked with scorn upon the lawyer who stooped to engage in sharp practice. He was always modest in victory and accepted defeat without bitterness. His open, frank demeanor in the Courts won for him the esteem and confidence of Judges, the admiration of his antagonists, and the respect of court officials and jurors alike.

Although his busy life was crowded with the affairs of a large clientele, he had the happy faculty of being able to leave his work on his desk at the close of the day, to enjoy with his loved ones the atmosphere of a perfect home, made possible by a devoted and affectionate wife and the love of happy, rollicking children, who were to him an ever-increasing source of pleasure. His capacity for friendship was one of the dominating forces of his life. He loved to spend himself in the service of his friends.

On December 12, 1888, he was married to Miss Julia Tate Cain, of Hillsboro, North Carolina, who was the daughter of Doctor James F. Cain, a prominent practicing physician. To this happy union six children were born: John Hall, now serving his second term as United States District Attorney for the Eastern District of North Carolina; James S., Jr., now deceased, who was Captain of Headquarters Company in the 322nd Infantry, 81st Division, which saw service in France in the First World War; Frederic Cain, who died of influenza while serving in France with the American Army in the First World War; Julia, the wife of J. B. Powell of Raleigh, North Carolina; Annie Louise, the wife of Doctor James Shepard Milliken of Southern Pines, North Carolina; and Sterling C., of Raleigh, North Carolina.

Justice Manning and the members of his family were members of the Episcopal Church.

Although he was always active and influential in the councils of the Democratic Party, he never held elective office until 1907, when he represented Durham County in the General Assembly, and again in 1909 when he was elected to the State Senate. In both branches of the General Assembly he served with ability and distinction.

Although always regular in his Party affiliation, when factional differences began to arise in the ranks of the organization, Manning

PRESENTATION OF MANNING PORTRAIT.

aligned himself with that wing of the Party sometimes designated as the "Progressive," which was led in the campaign of 1908 by W. W. Kitchin, of Person County. When Kitchin became a candidate for Governor he persuaded Manning to assume the management of his campaign. Headquarters for Kitchin were opened in Durham many months before the Democratic Convention assembled in Charlotte on June 24, 1908. He displayed great skill and political acumen in assisting in the alignment of the Kitchin forces over the State, and at the Convention in Charlotte in June 1908, after a long and bitter contest, the militant forces led by Manning succeeded in nominating Kitchin for Governor.

In 1909, when Justice Henry Groves Connor was appointed United States District Judge for the Eastern District of North Carolina, Judge Manning was appointed by Governor Kitchin to fill the vacancy on the Supreme Court occasioned by Judge Connor's resignation. The co-partnership that had existed between Judge Manning and H. A. Foushee since its formation in 1893 was dissolved. Judge Manning took office on June 3, 1909, and served until January 1911. He came to the Bench at the height of his physical and mental faculties. His wide and varied experience at the Bar, his knowledge of the decided cases, enabled him to ably discharge the duties of this high office. He maintained the high standard established by those who had preceded him as members of this Court. His opinions are found in Volumes 151, 152, 153 and 154 of the North Carolina Reports.

In January 1911 he again resumed the practice of law in Durham, North Carolina, where he was associated with R. O. Everett, Esq., under the firm name of Manning and Everett. This partnership continued until February 1913, when he and former Governor Kitchin both moved to Raleigh, where they engaged in the general practice of law under the firm name of Manning and Kitchin.

In 1916 he was again called to high office, when nominated and elected Attorney General of the State of North Carolina. This office was held by him for two successive terms at the end of which he refused to be a candidate for a third term. After Governor Kitchin's health failed and he retired from the practice of law, Judge Manning formed a partnership with Governor Bickett, who had just completed his term of office as Governor. This association lasted for less than a year, due to the sudden death of Governor Bickett. In the Spring of 1922 his oldest son, John Hall Manning, joined him in the practice of law under the firm name of Manning and Manning, which association continued until his death on July 28, 1938.

During a long and successful career, Judge Manning held numerous positions of trust and responsibility, notably among them Trustee of

PRESENTATION OF MANNING PORTRAIT.

the University of North Carolina for many years, where he served on its Executive Committee. His life was characterized by right living and high thinking. He was a typical example of the best in North Carolina Citizenship.

It has been truthfully said that the Supreme Court of North Carolina, from its organization, has justly held the respect and confidence of the people more steadfastly than any other branch of the State Government. This is partly due to its power and the fact that it is the head of one of the departments in Government established by the Constitution. It is chiefly due, however, to the character and ability of the Judges who have been members of this Court. They have performed the duties of their office so ably and impartially that they have endeared themselves to the State and are justly entitled to be numbered among its great builders. Their names will be revered as long as the profession which they ennobled shall endure.

Judge Manning contributed greatly to this rich heritage. His portrait is presented by his devoted daughter so that it may take its proper place among the portraits of other distinguished and beloved Judges of North Carolina.

**REMARKS OF CHIEF JUSTICE STACY, UPON ACCEPTING THE
PORTRAIT OF THE LATE ASSOCIATE JUSTICE JAMES S.
MANNING IN THE SUPREME COURTROOM, 11 APRIL, 1950.**

The Court is pleased to receive this splendid portrait of the late Associate Justice James S. Manning, who sat as a member of this Court from June 1909 to December 31, 1910. His opinions appear in Volumes 151 to 154, of the Supreme Court Reports and clearly reveal his quality of mind and the careful student that he was. Closely reasoned, well written and always to the point, they go to make up his contribution to the Judicial Annals of North Carolina.

In addition, Justice Manning was associated with the Court as Attorney General from 1917 to 1925. Add to this his more than fifty years at the Durham and Raleigh Bars, and a record of solid achievement emerges which entitles him to a permanent place in the annals of his time. We are glad to have him return to us in remembrance today.

The Marshal will see that the portrait is hung in its appropriate place, and these proceedings will be published in the forthcoming volume of the Reports.