

ADDRESS OF HONORABLE FRED B. HELMS
OF THE CHARLOTTE BAR
PRESENTING THE PORTRAIT
OF
CHIEF JUSTICE WALTER PARKER STACY
TO
THE SUPREME COURT
NOVEMBER 10, 1953

Mr. Chief Justice and Associate Justices of the Supreme Court of North Carolina:

The family of our late Chief Justice, Walter Parker Stacy, has asked that I present his portrait to this Court. I do so, humbly conscious that neither the gifted brush of the artist, nor the English language in my inexpert hands can adequately portray either the man or the jurist. I am confident, however, that his portrait will be a constant inspiration to all members of the Bench, Bar and public who shall hereafter come into this Court which he graced with his presence for thirty years and which he distinguished by his illustrious career as Chief Justice for more than a quarter of a century.

Walter Parker Stacy was a great Chief Justice. As a jurist, he was a John Marshall. As an administrator and executive, he was a Charles E. Hughes. His profound and extensive knowledge of law and procedure was the marvel of all who knew him. His familiarity with North Carolina decisions was unparalleled. Frequently, during oral argument by the ablest attorneys on unusual points he would interrupt the argument to ask: "Why doesn't the case of (naming the case and the volume of the reports) decide this case?" In many such instances, the case to which he referred had not been mentioned in the argument nor cited in the briefs, and yet it was decisive of the point at issue. His intimate knowledge of and his retentive memory concerning the decisions of his own court were far more reliable than the best digests. No jurist ever had a more extensive or better stocked tool chest and no master craftsman in the annals of jurisprudence ever used his tools with greater knowledge, skill or effectiveness.

He was and is one of the immortal chief priests in the temple of justice. The sacrifice which he placed upon the altar was not that which was bought or sold in the marketplace. He placed himself upon the altar and gave his own life as his supreme sacrifice in order that he might make his maximum contribution toward the continuation of the blessings of liberty under law for his fellowmen. He will forever occupy high

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position in the immortal Hall of Fame of the Goddess of Justice as one who served her with fidelity and effectiveness.

As Chief Justice, he personified and exemplified the majesty and the glory of the law and the inherent dignity of the courts. The stature and greatness of the man were such as to engender a spontaneous respect for law and a willing obedience to the statutes and the decrees of the courts. He looked like a Chief Justice should look.

No wearer of the judicial ermine ever held the scales of justice with a firmer or more sensitive hand. No power and no combination of powers, however great, could influence him to make the slightest deviation from his fidelity to the principles of our Constitution and laws and to truth and justice. Yet he was keenly sensitive and immediately responsive to the protection of the rights and liberties of the humblest. He jealously guarded and zealously protected the innocent at all times. If there was reasonable doubt as to the guilt of a defendant, he was quick to throw the protective cloak of the law and justice around such a one.

In his concept of his office and in the performance of his duties, he was the positive, aggressive impartiality of the great leader and jurist. He moved with undaunted courage, with unwavering faith and with rare foresight in the administration of equal justice under law for all people. A timorous, expedient neutrality merely seeking to be on the side of, and to please, the majority was utterly foreign and distasteful to both his character and his intellect. His greatness was molded for and flourished in leadership. As a leader, he never hesitated, no matter how difficult or perplexing the obstacle or problem.

The essentials for a sound judiciary were tersely stated by him when he said :

“A fair jury in jury cases and an impartial judge in all cases are the prime requisites of due process. . . . It is important that the judgments of the court should be respected. To insure this, however, the court must first make sure that they merit respect . . .”

For himself, Chief Justice Stacy deliberately set the highest standards of the best in the judiciary and in jurisprudence, and he exacted from himself the strictest observance of these high principles. He likewise required strict adherence to these principles by all members of the Bench. Instances of any departure of even a minor nature from high standards by any of the members of the Bench in North Carolina have been exceedingly rare, but any case involving even a slight deviation by anyone holding judicial office was certain to bring prompt, positive and severe condemnation from the Chief Justice. Nor were his views in this respect limited to the Bench. They extended to the members of the Bar as officers

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of the courts. Perhaps his most scathing opinions were reserved for those who had been admitted to the high profession of the law and who had been unfaithful to the trusts reposed in them as members of the profession. Of both lawyers and litigants he demanded alertness and diligence in their cases before the courts, and he was unwilling to gloss over or whitewash with the brush of "surprise or excusable neglect" the carelessness or lack of attention of either lawyers or litigants in their business with the courts.

As Chief Justice, he directed the argument in and the hearing of cases before the Court with such expedition as to amaze all and frequently irritate some of the attorneys who appeared in the Supreme Court. He had the superb faculty of being able to go immediately to the heart of the case or the questions before the Court. His analytical powers in this respect were nothing short of remarkable. He likewise believed that in oral argument of cases before the Supreme Court that "the case was properly before the court" when the attorney had stated the facts and the questions involved in the appeal. He would sometimes remark that the members of the court "either knew the law, or could and would read the printed briefs." He held firmly to the view that it was a waste of time of both court and counsel for an attorney to read the cases or texts from the briefs in his oral argument.

In presiding over the sessions of the Supreme Court and in directing the oral argument, he displayed a surprising familiarity with and a thoroughly effective use of the terminologies of the gridiron, the baseball diamond and the hunt, although he seldom, if ever, attended or listened over the radio to any game or sporting event. Perhaps the explanation of his familiarity with such terms is traceable to the fact that while he was a student at Carolina he was a member of the sophomore football team. When an attorney had failed in the trial court to enter an objection or make a necessary motion, the Chief Justice would ask: "Well, didn't you fumble the ball?" If counsel in oral argument before the Court were evading the real issue in the case, he was quickly brought back to the point by the admonition from the Chief Justice: "Let's put the ball over the plate." Or, if the argument strayed from the decisive issue, the Chief Justice would quickly direct it back on the right course with the remark: "The other side jumped that rabbit but you started chasing it. Let's get back on the track, let's catch the fox." When an attorney would complain that the trial judge had been against him, the Chief Justice would aptly summarize his predicament for him by saying: "What you say is that you were behind the eight-ball and the eight-ball was the trial judge." Nothing in the lexicon of the law could have been as brief or as effective as such comments, suggestions or summaries.

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When confronted with new or troublesome questions or cases, the Chief Justice was frequently up and at work when most of the world 'round about him was still wrapped in peaceful slumber. When queried as to the reason for his early rising, he would often reply that he had a case in which he was "up a tree," or in which he "didn't know whether he was coming or going," or that he was "up in the air," but he never abandoned his search until he had explored every branch of law and procedure in order to find the right answer. He would then write the decision and would remark to those around him: "Now I feel the rock under my feet."

His discipline and devotion to his duties are well illustrated by an incident which occurred a few years before his death. He was asked to deliver an address on the improvement of the administration of justice at the annual meeting of the North Carolina State Bar. He replied that the Bar had the right to expect him to make the address and that he would like to do so, but that a speech on such an important question would entail a study of our own and other judicial systems as well as other preparatory work. He then said to the President of the Bar: "Two of my Associate Justices are sick. One has not been able to write an opinion in eighteen months. I am doing everything in my power to keep up the work and the standards of this Court. I know you and the other attorneys do not want to see this Court behind with its work or with its standards lowered. Which do you think I should do, make the address or do my work here? I will do whichever you say." The correct answer was obvious. He continued with the pressing, even though less spectacular, work of writing opinions for the Court.

He did not regard it as either necessary or becoming for the chief judicial officer of the State to frequent the legislative halls as a lobbyist in behalf of legislation affecting the judiciary. He consistently refused to go, hat in hand, as a beggar to the Exchequer for the modest and conservative budgetary requirements which he presented from time to time for his department of the government.

As Chief Justice, he presided over the Supreme Court of North Carolina from 1925 to 1951, a period of upheaval and transition—a period which profoundly touched and deeply disturbed every community and state in America. During this epochal era he directed our courts with a steady hand. There was never a question as to the safety or sufficiency of our judicial processes or as to the reasonable interpretation and application by our courts of new and untried legislative enactments affecting our social welfare, our economic order and our governmental structures.

His wide range of knowledge, his familiarity with the classics, and his own literary genius are permanently expressed in the fifteen hundred opinions written by him. His opinion in the case of *State v. Wingler*

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(184 N.C. 747) is not only one of the literary gems of all time, but is also a classic example of his literary genius, his deep understanding of human nature, his abiding faith in the Eternal, and his complete mastery of the English language which he used so superbly as his obedient servant in both the beauty and the clarity of his decisions. He wrote:

“Three decades ago, Ves Wingler, with axe in hand, cut from the virgin forests of Wilkes County the logs and the timbers with which he built upon the mountainside a crude and humble hut for himself and Candace Wingler, his wife. Here this couple started life together in a rough, rugged, mountain home—a log cabin, in fact—but to the deceased it was at least a stable and a manger. The only means of getting in and out of this country at that time was by a wagon road and by walkways which led across ridges and hollows and creeks. In winter there was a scene of leafless branches, snow-covered peaks, and frozen brooks; and that was poverty. But the defendant and his wife were not daunted by the dangers of the inaccessible hills, nor by the frightful stories of the mountain coves. They started life with high hopes and with a faith that knew no fears, waiting and praying for the dawn of a better day.

“It matters not on what plane of life one labors, nor how large or small the number of his acquaintances, the man who toils and yet knows that in the circle of his influence there is at least one life in which there is sunshine where but for him there would have been shadow; that there is at least one home in which there is cheer where but for him there would have been gloom; that there is at least one heart in which there is hope where but for him there would have been despair, that man carries with him as he goes one of the richest treasures on this earth. This was the goal for which Ves Wingler was striving thirty years ago. But, alas, another story is told. He soon grew weary of his wife, and for some reason, not clearly disclosed by the record, he took her life in a cruel and heartless manner. Evidence of the crime was concealed at the time; he married again, raised another family, and, after the lapse of twenty-nine years was arrested, tried, convicted, and sentenced to the State’s Prison. Though justice sometimes treads with leaden feet, if need be, she strikes with an iron hand. Verily, the wages of sin is death, and sin pays its wages.

“The supreme tragedy of life is in the immolation of woman. With a heavy hand, nature exacts from her a high tax of blood and tears. The age of knighthood has passed and is gone, but let us hope that the spirit of chivalry may never die. No civilization can last where women are permitted to be butchered like sheep in the shambles. Surely there is no pleasure to be derived from the punishment of the wicked, but it would seem that this defendant ought to welcome an opportunity to expiate his crime and to make some atonement for it. No doubt, in his own con-

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science, he has already suffered the agony of remorse. How, through the many years, has it been possible for him to banish from his mind the vision of the woman who, in the days of her youth, put her hand in his, with a promise to forsake all others and to follow him? At the altar she vowed, in substance, that 'whither thou goest, I will go; and where thou lodgest, I will lodge; thy people shall be my people, and thy God my God.' Can the defendant ever forget that momentous hour when this woman, with heroic courage, took immortality by the hand and went down into the valley of the shadow of death that his child might live? And then, can he for a moment cease to hear her screams of terror as she fled from his murderous hand?

"The fates decreed for Candace Miller a hard lot, and a cruel death, but—

" 'Oh, can it be the gates ajar
Wait not her humble quest?'

"There is no error appearing on the record, except the great error of the defendant in murdering his wife; but this is a mistake which is beyond our province or power to correct.

" 'Repose upon her soulless face,
Dig the grave and leave her;
But breathe a prayer that, in His grace,
He who so loved this toiling race
To endless rest receive her.' "

To Walter Parker Stacy, the law was far more than a jealous mistress. She was a noble mistress, worthy of the deepest devotion and the fullest sacrifice.

He believed that law is a vibrant, pulsating, living organism, permeating and giving life to the very blood stream and body of our democratic institutions and liberties; that law is not merely a set of negative, archaic rules designed primarily to restrict and restrain the activities of those who would transgress the rights of others, but, that the law in its positive and permissive provisions is the guarantor of the security of the liberties and the progress of humankind.

He had an abiding faith in our Constitutions as being sound in principle and workable in practice, but held that constitutional limitations must not be permitted to become a millstone around the neck of our youthful and healthy but struggling civilization. If constitutional provisions, properly and intelligently interpreted by the courts, restrict social, economic and governmental progress, then he held that the remedy was by amendment to and not by disregard or destruction of constitutional foundations. He was unalterably opposed to the usurpation of the

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functions of the legislative branch of the government by the judicial. When enactments or lack of enactments by the Legislature were criticised or attacked in argument before the Court, the Chief Justice would observe: "You have appealed to the wrong forum. It is our function to interpret and apply the law as it is enacted but not make it."

He fully recognized and believed in the soundness of the great triumvirate in our republican form of government—the legislative, the executive and the judicial. He yielded to no one in his championship of the equality of the judicial with the other two coordinate branches of government. Indeed, he believed that the very security and effectiveness of the legislative and executive departments of government were dependent upon our system of jurisprudence and the proper interpretation and administration of our fundamental laws by the judiciary.

He understood fully that the real foundation of government as well as the court of last resort resided in the people. His fundamental theory of government and his political philosophy were summed up and stated by him with his usual aptness and brevity when he wrote:

"The voice of the people is the voice of finality."

Walter Parker Stacy was a statesman and not a politician in the commonly accepted term. He carefully shunned the political limelight and he scrupulously avoided political alliances or entanglements. By party affiliation he was a Democrat, but his personal and judicial bearing were such that he was never suspected of partisanship in the performance of his official duties. He was repeatedly called to high service by four Presidents of the United States, two of whom were Democrats and two of whom were Republicans. In the administration of justice, he knew no political lines. His personal and judicial stature and statesmanship were such that he was renominated without opposition for Chief Justice for four consecutive terms and he was overwhelmingly approved by the people in each election.

Walter Parker Stacy was born, reared and moved in the atmosphere of revealed truth and the immutable laws of the Eternal. He early planted and he always kept his feet firmly on this rock. His character was fashioned and molded from the same type of enduring materials. Though the rains descended, the floods came, the winds blew and the storms broke about him, the house of his habitation was unshaken and each test not only left him the stronger but added luster to his life.

He first saw the light of day in Ansonville, North Carolina, on December 26, 1884, the son of a Methodist minister, Rev. L. E. Stacy, and Mrs. Rosa Johnson Stacy. There were twelve children in the family as there were twelve tribes in the House of Israel. His father, as a Methodist

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minister, moved from place to place under assignments by the Bishop. Early in life, young Stacy *ex necessitate* learned the virtue of thrift in matters material. *A fortiori* he learned the eternal values of the resources of time, life and talents entrusted to him, and he so lived as to be prepared at any time to render a strict accounting of his stewardship. He was a member of, and for many years he taught a large class of men in, the Edenton Street Methodist Church in Raleigh.

He was elected to represent New Hanover County in the 1915 General Assembly. He was appointed a regular Superior Court Judge at the age of thirty-one. He was nominated and elected an Associate Justice of the North Carolina Supreme Court in 1920, and served in this office until March, 1925, when he was appointed Chief Justice to succeed Chief Justice Hoke (resigned), and he served as Chief Justice continuously until his death, having been nominated without opposition in each primary and elected overwhelmingly in each election.

Chief Justice Stacy remained a bachelor until 1929. On June 15 of that year he married Mrs. Maude DeGan Graff of Lake Placid, New York. Mrs. Stacy died in 1933. There were no children born of this marriage. He never remarried.

In his ideals and principles, he lived in the clear sunlight and the rarefied atmosphere of the peaks thus far achieved by humankind and as revealed by the Eternal. While he kept his head above the uncertainties and the confusions of the obscuring clouds, yet in his practices and work no valley was so deep or so dark and no human life was so degraded by crime or sordidness as to be lost to the clear light and the warmth of justice as it was reflected in him and applied in his high office.

His wit was both keen and subtle. Indeed, it was often difficult to determine which were the more delightful, his witticisms or his subtleties. Both cropped out spontaneously and frequently to brighten the monotony of court routine or to break the tension of argument at the Bar. If an unsound principle of law were advanced in oral argument as the answer to a given question before the court, he would sometimes comment: "Interesting, if true." After lengthy argument by some of those who knew him well, who were his devoted admirers, and who appreciated the laughter in his soul, he would sometimes inquire with a twinkle in his eye: "Now do you have anything important to say to us?" Where unusually lengthy briefs had been filed in a case before the court, with characteristic good humor and subtlety he wrote: "We have concluded to affirm the judgment without lengthy opinions, which the briefs would seem to invite."

His obvious brilliance was always kept under proper rein by his keen, massive intellect, his powers of logic and his indomitable will; so that

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his brilliance was his faithful and obedient servant and was never allowed to lead him into devious paths or tangent decisions.

His intellect, brilliance and greatness were matched if not exceeded by his innate modesty.

Included as addenda hereto are three articles by some of his long-time friends and close associates which portray the character, friendliness, greatness and the illustrious career of Walter Parker Stacy as a man, as a judge, and as a Chief Justice, as a friend and as a Christian nobleman with unmatched fidelity, tenderness and beauty. The first is a revealing and philosophical insight by Chief Justice William A. Devin. The second, by Justice Emery B. Denny, not only reveals the Chief Justice from the standpoint of his associates, but also embodies a comprehensive biographical sketch, including the varied and high duties in other fields of activities to which the Chief Justice was called and in which he rendered distinguished service to his country. The third is a beautiful and spontaneous tribute by Honorable Dillard S. Gardner, Marshal-Librarian of the North Carolina Supreme Court.

To his associates and to devoted friends and admirers Chief Justice Stacy was and always will be known affectionately as "The Chief." This was no empty or chance phrase. He was in fact "The Chief." The Encyclopaedia Britannica might well have had him in mind in this description:

"The chief is not merely the representative and leader of the community; he is also frequently the symbol of its corporate unity."

He not only symbolized the unity of the judiciary but he was also its leader and representative.

As "The Chief," and like any great leader, he often walked alone and he was frequently misunderstood. Of him we would say with James Russell Lowell:

"Count me o'er earth's chosen heroes,—they were souls that stood alone,
While the men they agonized for hurled the contumelious stone;
Stood serene and down the future, saw the golden beam inclined
To the side of perfect justice mastered by their faith divine
By one man's plain truth to manhood and to God's supreme design."

On September 13, 1951, Chief Justice Walter Parker Stacy was advanced to higher position in that Eternal Court of the Great Lawgiver where justice and mercy are forever merged. While we mourn our loss, we hail his advance. In this spirit his portrait is presented to the Court, and, with Scott, we say:

"Hail to The Chief who in triumph advances!"

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CHIEF JUSTICE WALTER PARKER STACY

By HON. WILLIAM A. DEVIN

The death of Chief Justice Walter Parker Stacy September 13, 1951, closed a service of more than thirty years as a member of the Supreme Court of North Carolina, over which he presided as Chief Justice for twenty-six years, the longest in the annals of the Court. And now in the lengthening shadow of his great life, we pause to contemplate the magnitude of the man who served the State so long in this high office, and to pay deserved tribute to his memory.

His roots were typically American. Born in a parsonage, the son of a Methodist minister, one of twelve children, he grew up in a home purified by piety and faith. Early struggles to gain an education and to achieve strengthened and developed his character. He pursued his studies at the University of North Carolina where he earned degrees both in letters and in law. His fame as a student still lingers in Chapel Hill where he excelled as a debater and in student councils. There he was honored by being tapped for the Golden Fleece. Coming to the bar in 1909, he chose to practice his profession in Wilmington. He served in the Legislature of 1915, where his poise, good judgment and ability to state a question clearly and pointedly singled him out, and won him appointment as Superior Court Judge at the age of 31. Five years later he was chosen by a vote of the people of the State to serve as a member of the Supreme Court, thus beginning a career which has illumined the judicial annals of the State and in which he rendered to the State a service in the administration of justice unsurpassed in its history.

Those who knew Judge Stacy best and who have observed the development of his powers through the years, who have had opportunity to perceive the unusual coordination of legal learning and sound judgment in its application, with the gift of clear and accurate statement of the law, who have studied his opinions written in flawless English, and noted the manner in which with the hand of a master craftsman he has disposed of causes wisely and justly, without waste of time, must conclude with me that no greater Chief Justice in North Carolina has ever held unshaken the balances of human justice in this high office.

So well balanced was his mind, so diversified his gifts, so much did he excel in all that makes a great judge, that it is difficult to seize upon any one quality or excellence that outshone the rest as typical of the man.

His legal opinions written for the Court will constitute his most enduring monument. He wrote 1,500 opinions and they extend through fifty-four volumes of the North Carolina Supreme Court reports. These opinions give the measure and the quality of his thoughts and reveal as

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nothing else could do the strength and variety of his powers in the field in which he truly served the State. It may be said of him as was said of another great Chief Justice, "He had the gift to state in terms of law the meaning of life in action." His choice of words in stating the decisions of the Court demonstrated the extensiveness of the vocabulary which his wide reading had made available for his use. His many apt expressions show his understanding of the springs of human action. He had the happy faculty of choosing the right word to express the exact meaning he wished to convey, and he could puncture an unsound argument with a single phrase. But always he fashioned the forms of judicial decision to achieve the ends of justice. All else, in his words, was *brutum fulmen*.

There were those who considered him to be conservative, but, if so, his was the conservatism that builds on sure foundation, and refuses to be led astray in search of false gods. He had few diversions and no hobbies. To him the law was a jealous mistress and to her he paid constant court. He loved books. He lived with them and in them. They were the tools with which he fashioned the rules of justice according to law.

His extrajudicial services in the field of national labor disputes earned for him the grateful commendation of four Presidents of the United States.

For thirty years Chief Justice Stacy seemed to personify the Supreme Court, in dignity, in character, in learning, in human sympathy. No embryo lawyer with shaking knees ever addressed the Court for the first time without a kindly smile of encouragement from the Chief.

He was a staunch defender of the Constitution as the basis upon which democratic action must find support. When a proposed amendment to the Constitution was defeated by vote of the people, and an attempt was later made to accomplish the same result by legislative action, he adjudicated the controversy in a single sentence: "The voice of the people is the voice of finality." This dictum expressed his political philosophy.

Characteristically he was reserved in personal expression, but for sixteen years I had the privilege of sitting beside him on the bench and in conference, and felt the warmth of his feeling for his associates, his respect for their views, his kindly helpfulness, and the value of his judgment on difficult problems. He won and held the affectionate regard and sincere loyalty of those who served with him. Beneath his reserve his feelings ran deep.

Chief Justice Stacy's influence on law and the procedure for the administration of justice while not spectacular was profound and will endure. A hundred years from now his words will still be quoted as the most concise and accurate statements of the law, and will serve as the basis for sound judicial thinking. The labors which will give him enduring

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fame were rendered within the circumference of the Supreme Court of which for a quarter of a century he was the leader and spokesman. These have served to strengthen respect for the judicial powers conferred upon the Court by the Constitution.

To his associates he was a friend, a companion, a great judge, but he was more. He seemed in our eyes the symbol of the supremacy of law, of the dignity of obedience, of the calm neutrality of justice, but always with an underlying touch of sympathy and human kindness.

We shall see his like no more.

WALTER PARKER STACY

By EMERY B. DENNY

Walter Parker Stacy was born in Ansonville, North Carolina, December 26, 1884. He died in Raleigh, September 13, 1951. Chief Justice Stacy was the son of the Reverend L. E. and Rosa (Johnson) Stacy. His father was a Methodist minister, and the Chief Justice was one of twelve children.

His father being a Methodist minister, it was necessary for the Stacy family to move from place to place wherever the Reverend Mr. Stacy was assigned a pastorate by the Bishop of his church. As a consequence, the Stacy children were, as a rule, not privileged to attend the same school for more than four years. When Judge Stacy was eleven, he entered what was known as Weaverville College, Weaverville, North Carolina, and remained a student in that institution until 1898. He finished his preparatory training in the high school at Morven, North Carolina, in 1902. He entered the University of North Carolina in the fall of 1902 where he remained a student for two years. Not being financially able to continue his studies at the University, he accepted a position as principal of the Ingold school for the school years of 1904-05 and 1905-06.

He returned to the University in the fall of 1906 and was graduated in 1908 with the degree of Bachelor of Arts. While at Chapel Hill, Judge Stacy was not only an outstanding student but enjoyed the confidence and respect of both the faculty and students. He was active in the student government and other campus activities. In his senior year he was assistant in physics, winner of the Wiley P. Mangum medal for oratory, and appeared in his second intercollegiate debate. In recognition of his outstanding qualities, he was tapped for the Golden Fleece.

After graduation, Judge Stacy remained with the University for one year as an assistant in history, during which time he studied Law. He was admitted to the bar in 1909. In the fall of 1909 he accepted a posi-

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tion as principal of Murphey School in Raleigh. He resigned this position in 1910 to enter his chosen profession, locating in Wilmington and forming a partnership with Mr. Graham Kenan under the firm name of Kenan and Stacy. This partnership continued until December 31, 1915.

Judge Stacy was elected to represent New Hanover County in the 1915 General Assembly. He made such a fine impression as a member of the General Assembly that on November 30, 1915, Governor Locke Craig appointed him Superior Court Judge of the Eighth Judicial District to succeed the Honorable George Rountree who had resigned. He assumed his duties on the bench January 1, 1916, at the age of thirty-one. He was the nominee of the Democratic Party to fill out the unexpired term of Judge Rountree and was duly elected in the general election that fall.

On February 14, 1920, Judge Stacy resigned as Superior Court Judge, effective as of March 1, 1920, to resume the practice of law with his former partner, Mr. Graham Kenan. However, his career as a practitioner at the bar was of short duration. On April 17, 1920, the Honorable George H. Brown, Associate Justice of the Supreme Court, announced he would not be a candidate to succeed himself. Judge O. H. Guion, resident judge of the Eighth Judicial District, Judge William J. Adams, resident judge of the Thirteenth Judicial District, Judge Benjamin F. Long, resident judge of the Fifteenth Judicial District, Dean N. Y. Gulley of the Wake Forest School of Law, the Honorable N. J. Rouse of Kinston, and Judge Stacy became candidates in the Democratic primary in June, 1920, for the nomination for Associate Justice of the Supreme Court. Judge Stacy received the highest vote in this contest, and Judge Long the second highest vote. In the second primary, Judge Stacy received the nomination of his party and was duly elected in November, 1920. He assumed his duties as Associate Justice of the Supreme Court on January 1, 1921, which position he held until March 16, 1925, when he was appointed by Governor A. W. McLean to succeed Chief Justice Hoke (resigned). In 1926, in 1934, in 1942, and again in 1950, Judge Stacy was nominated without opposition in the primaries and elected Chief Justice of the Supreme Court for eight-year terms.

Judge Stacy did not confine his services and activities solely to his work as an Associate Justice or as Chief Justice of the Supreme Court. He retained his membership in the North Carolina and American Bar Associations and in the General Alumni Association of the University of North Carolina, serving it as president in 1925-26. He was a member of the Edenton Street Methodist Church in Raleigh, and for many years taught a large class of men in the Sunday School of that church. He lectured during the summers of 1922-25, inclusive, in the Law School of the University of North Carolina, and was tendered, but declined, the deanship of the school in 1923. He lectured in Northwestern University

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School of Law in the summers of 1926 and 1927. In recognition of his outstanding ability and service to his State, his Alma Mater conferred upon him the degree of Doctor of Laws in 1923.

On June 15, 1929, Judge Stacy and Mrs. Maude DeGan Graff, of Lake Placid, New York, were married. Mrs. Stacy died June 8, 1933. No children were born of this union.

The reputation of Judge Stacy as Chief Justice of the North Carolina Supreme Court became so well and favorably known that he was called upon to render many additional services, especially to aid in the settlement of numerous controversies between labor and management. He was named by the U. S. Board of Mediation, under the Railway Labor Act, as neutral arbitrator to serve on the Board of Arbitration, and later was elected chairman of the board, to settle a wage controversy between the Brotherhood of Locomotive Engineers and certain railroads in the South-eastern Territory of the U. S. in 1927 and '28. In 1928, President Coolidge appointed him a member of an Emergency Board, under the Railway Labor Act, to investigate and report respecting a dispute between officers and members of the Order of Railway Conductors and the Brotherhood of Railway Trainmen and certain railroads west of the Mississippi River. Pursuant to the provisions of a resolution of the General Assembly of North Carolina, in 1929, Judge Stacy was appointed by Governor O. Max Gardner as chairman of a Commission to redraft the Constitution of North Carolina. The U. S. Board of Mediation appointed him in January, 1931, to serve as neutral arbitrator in a controversy between the Brotherhood of Railway Trainmen and the N. Y. Central, the "Big Four," and the P. & L. E. Railroads, and again in November, 1931, to serve as neutral arbitrator between the Brotherhood of Railway and Steamship Clerks, and Railway Express Agency. In 1932, President Hoover appointed him a member of an Emergency Board of three, which board elected him as its chairman, to investigate and report concerning a number of disputes existing between the L. & A. and L. A. & T. Railroads and certain of their employees. The U. S. Board of Mediation appointed him, in 1933, to serve as neutral arbitrator in several controversies between the Boston & Maine Railroad and certain of its employees. In 1933, he was appointed by the President as a member of a board to investigate a labor dispute involving the Texas & New Orleans Railroad, and in 1934 to investigate a labor dispute involving the Delaware & Hudson Railroad. President Roosevelt appointed him chairman of the National Steel & Textile Labor Relations Boards in 1934. In 1938, the President appointed him chairman of an Emergency Board of three, to investigate and report on a threatened strike of railroad employees due to a wage reduction controversy on Class I railroads. He was again appointed by the President as an alternate member of the National

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Defense Mediation Board, in 1941, and also a member of the National War Labor Board. He was appointed by President Roosevelt, in 1942, as a member of the National Railway Labor Panel. Again President Roosevelt appointed him, in 1944, as chairman of the President's Committee on Racial Discrimination in Railroad Employment. President Truman appointed him chairman of the President's National Labor Management Conference in 1945. He was urged to accept many additional assignments to serve as arbitrator in labor disputes or as a member of mediation boards; but in deference to his duties as Chief Justice, he found it necessary to decline such additional requests.

While Judge Stacy accepted many assignments at the hands of four Presidents of the United States his greatest service was rendered as Chief Justice of our Supreme Court. He was a member of the Court for more than thirty years, and presided as Chief Justice for twenty-six years. He served the Court as Chief Justice longer than any other man. His opinions appear in fifty-four volumes of our Reports, beginning with the 181st and ending with the 234th. In these opinions will be found the written words of his wisdom, the imprint of his scholarly mind, and his clear and comprehensive knowledge of the law. He never wrote for the mere sake of writing; he never used language merely to adorn or embellish his opinions. He selected words with care; he wrote concisely and discerningly to express the exact meaning he wished to convey. As a jurist, others may have been his equal, but among all those who have held judicial office in the annals of this commonwealth, none has been his superior. And as long as men seek to administer justice, his influence on our jurisprudence will abide.

I was privileged to serve as a member of the Court for nearly ten years while Judge Stacy was Chief Justice. In Court conferences, and in conferences with individual members of the Court, he never tried to coerce or influence our views. He was never too busy to confer with an associate or to give him the benefit of his judgment on difficult questions. As our present Chief Justice, W. A. Devin, recently said of him, "To his associates he was a friend, a companion, a great judge, but he was more. He seemed in our eyes the symbol of the supremacy of law, of the dignity of obedience, of the calm neutrality of justice, but always with an underlying touch of sympathy and human kindness."¹ Holland must have had in mind such a man as Chief Justice Walter Parker Stacy, when he wrote:

"God give us men! . . .
Tall men, sun-crowned, who live above the fog
In public duty, and in private thinking . . ."

¹North Carolina Law Review, December 1951.

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CHIEF JUSTICE WALTER PARKER STACY

By DILLARD S. GARDNER

A year has passed, and nature with a carpet of green has softened the raw contrast of a new-made grave. The alchemy of time has transmuted the sharp pangs of grief into a dull sense of loss.

All that was mortal of a great Chief Justice lies at rest on a sunny knoll at Hamlet. An era in our law has ended. For three decades he sat on the Supreme Court. For more than a quarter of a century, he was the presiding officer. In some fifteen hundred opinions, found in fifty-four volumes of the Reports, he spoke for the Court. His life was the law. His legal opinions were the lengthened shadow of the man. The work of a great public servant sometimes overshadows the man. So it was with him. He was not merely the Chief Justice; he was a living institution. The life of the law is its interpreters. Particular controversies give life-or-death—to the enacted words; to the just interpretation of those words he dedicated his life. He was no abstract philosopher dreaming of an ideal system of jurisprudence. Neither was he a crusading reformer, white-hot in his zeal for some cause. His achievement was the greater and more lasting, if the less spectacular, because of this. Within the frame of everyday life, and within the periphery of the living law, he applied himself to the accomplishment of justice among named men in specific controversies. Let other men write about the law; he wrote the law.

Few men in our time have applied such full talents and energies with such singleness of purpose. To accomplish this fearlessly and completely, he willingly paid the demanded price of an impersonal detachment from the social world about him. He held himself apart from men that all might respect him equally. Save for a few brief years of marriage, he lived alone. He had no hobbies. He severely limited and circumscribed his social contacts, especially in his later years of impaired health. With whole-souled devotion, he gave himself to the law and in it found his full recompense. As he once said of another, "We shall not see his like again." Even if one with his rare talents should appear, it is inconceivable that he would, for so long a time, so completely consecrate himself to the law in such self-denial and self-discipline. He was a thinker, and he who lives with thought must take loneliness by the hand. He who walks ahead must often be content to walk alone. He who leads must risk being misunderstood. He knew all this and accepted it. In return he gained what Justice Holmes described as "the secret isolated joy of the thinker who knows that, a hundred years after he is dead and forgotten, men who never heard of him will be moving to the measure of

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his thought. . . ." Like Holmes, too, he proved that "a man may live greatly in the law. . . . there as elsewhere he may wreak himself upon life, may drink the bitter cup of heroism, may wear his heart out after the unattainable."

One evening at Chapel Hill, I heard Dr. Frank Graham ask the honor-man in the Law School whom the students regarded as North Carolina's ablest judge. Instantly, the student answered, "Undoubtedly, Chief Justice Stacy." "Why?" shot back Dr. Graham, ever the teacher. Deliberately, the student answered, "He unerringly goes straight to the crucial question involved, then states the law concisely." Dr. Graham was satisfied and turned away. He did not hear the student add, in an undertone, "Sometimes he states it too concisely—for a student." The student's appraisal was so apt that I could not resist telling the story to the "Chief." He chuckled heartily over it, then lapsed into one of his rare moods of intimacy. He observed, "What is not properly before us, we should not decide. My own opinions are as important for what is left unsaid as for what is said." Then, with a twinkle, he observed from long experience, "What you do not say, you don't have to take back."

He wrote as he talked—with measured deliberation. He weighed his words—and was frugal in their use. He rode the English language with a tight bridle, making it do his every command. His written opinions are incisive, brief, terse. In content and word, his search was ever critical and selective. He often examined a dozen synonyms to find the one word with just the shade of meaning wanted. With the sure touch of the master, confident of his command of his field, he bored deliberately into the heart of the problem. In his constant search for the significant and the crucial, he brushed aside the incidental and the superfluous. He never flinched or faltered as he moved in on the problem. There was never any doubt that the problem would be solved; an air of inevitability hovered over him as he worked. His old philosophy teacher, Horace Williams, had trained him in the philosophy of Hegel. A fundamental assumption of Hegel was that all that is actual is rational and all that is rational is actual. Out of this belief flowed the firm conviction that all problems presented to man are capable of solution; the work of the Chief Justice continually demonstrated this truth. In the writing of opinions, he was anxious to come to grips with the basic question, sure of his capacity to solve it. He often remarked that he was "up a tree." He climbed most of the trees in the orchard of the law—and he always came down with fruit. He liked to use the expression "boring for oil," implying as it does that truth lies hidden deep and is found only by the discerning and the industrious. Yet, the long, labored and elaborate opinion found no favor with him. On one occasion when a colleague, new to

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appellate duties, filed an opinion extensively surveying a field of law, he gently chided him by referring to it as a "treatise."

A thwarted poet is imprisoned in the heart of every truly great judge. In his chambers, when he died, was a well-thumbed copy of essays on the English poets; the critique of Wordsworth had been read again and again—and many passages were underlined. Now and then the poet would speak in his opinion (as in *State v. Wingler*), but usually the artistic touch was confined to a happy phrase or a chiseled sentence, the final and expert touch of the master craftsman. To the world he often presented the austere countenance of the judge who placed the sense of duty above all else, but his infrequent moments of intimacy revealed a profoundly sensitive nature and a warm sense of humanity. Busy as he was, I never knew him (and I have found no one else who ever knew him) to betray the least impatience when interrupted in his work. He was always a wise, helpful and sympathetic consultant. He wore the office of Chief Justice with a profound sense of personal responsibility. He always seemed mature beyond his years. He came to the bench as a young man and steeled himself early in the stern discipline of judicial propriety. Schooled in the often severe university of hard knocks, there was more than a touch of granite in the man. In personal matters and matters of conviction, he was aloof and self-contained. He did not wear his soul upon his shoulder. Only in his will do we find this fleeting flash of self-revelation, "In looking backward over the journey, the road seems strewn with victories and defeats. I have never consciously tread the path of the cynic. I face the future with confident faith in the purposefulness of life." As Edna St. Vincent Millay observed, "What a man believes, he lives with quietly." He who was an enigma in life, in death has become a legend.

Justice Holmes once observed that the high court of each jurisdiction restates its law every generation and Chief Justice Vanderbilt has more recently observed that this happens every thirty years. It is a striking coincidence that this is just the period covering Chief Justice Stacy's service on the Supreme Court of North Carolina. Though his body has returned to the earth from which our common parents sprung, already we know the immortality of his spirit, for four million citizens of his beloved state live and move and have their being under a body of law in no small measure shaped by his hands. He built not alone for the day when he was with us. He built also for that future which is the present, and beyond it for that future which is yet to be. To him was granted that unique power vouchsafed to few men, an immortal authority which projects into the future beyond his own day and time. One day he read to me from a dissent he had just written, then turned and said, "You are a young man and will probably be here when I am gone"; then, with a

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smile he added, "Tell them to put on my tombstone, 'He knew what he was about.'" He knew that all life is expendable, to be frittered away or dedicated to a high purpose. His life was a calculated sacrifice to a noble end deemed worthy. Within the ambit of the law he found the opportunity to burgeon out to the fullest those rare talents which were his. Much of the warp and woof, which is the tapestry of North Carolina law, is his handiwork. In a confused age which can say it rarely and with hushed tones of abiding respect and unconcealed admiration, we repeat his own requiem,

"He knew what he was about."

**REMARKS OF CHIEF JUSTICE DEVIN, UPON ACCEPTING THE
PORTRAIT OF THE LATE CHIEF JUSTICE WALTER PARKER
STACY IN THE SUPREME COURTROOM, 10 NOVEMBER, 1953.**

This Court is pleased to have this portrait of its late Chief Justice, and it has heard with interest and appreciation the thoughtful and discriminating address on his life and character delivered by Mr. Helms.

Chief Justice Stacy served the State in this high office for a longer period than any other in the history of the State. As a member of this Court he wrote approximately 1,500 opinions, and they extend through 54 Volumes of the North Carolina Supreme Court reports. These opinions give the measure and the quality of his thoughts and the strength and variety of his powers. His choice of words in writing the decisions of the Court demonstrated the extensiveness of the vocabulary which his wide reading had made available for his use. He had the happy faculty of choosing the right word to express the exact meaning he wished to convey. But always he fashioned the forms of judicial decision to achieve the ends of justice. All else, in his words, was *brutum fulmen*.

He possessed the unusual coordination of legal learning and sound judgment in its application, and to this was added the gift of clear and accurate statement of the principles of law. To him the law was ever a jealous mistress and to her he paid constant court. He loved books. He lived with them. They were the tools with which he sought to establish the rules of justice according to law.

For 30 years Chief Justice Stacy seemed to personify the Supreme Court, in dignity, in character, in learning, in human sympathy. We shall see his like no more. But the vigor and strength he gave to judicial pronouncements have contributed greatly to the traditions of this Court.

There is a space reserved for his portrait on the walls of this chamber. The Marshal will see that it is hung in its proper place.

The proceedings on this occasion will be published in the forthcoming volume of our reports.

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