

Presentation of the Portrait

of

MURRAY GIBSON JAMES

Associate Justice
Supreme Court of North Carolina
1950

November 1, 2001

Murray Gibson James

Justice James was born at Maple Hill in Pender County on November 5, 1892. He was the second of four brothers, all of whom became lawyers. His father was Gibson James, descended from Samuel James of English ancestry who settled near Kenansville in the 1730's in what is now Duplin County. Anabel Murray, his mother, was descended from James Murray of Scotch ancestors who immigrated to the Court House Bay area of Onslow County in the early 1720's. Both Samuel James and James Murray were mentioned in court records as "His Majesty's Justices."

After receiving his early education in Pender County, Justice James attended Maryville College in Tennessee and North Carolina State College, where he received his BS degree in Scientific Agriculture. He was a member of the Phi Kappa Phi and the Phi Kappa Delta fraternities. He served in World War I as a 1st Lieutenant in the 1st Pioneer Division. After the war, he taught English in the Wilson High School while finishing his graduate work at UNC-Chapel Hill. Justice James was a member of the faculty of State College from 1922-1925. His legal training was self-taught with the assistance of night classes taught by Dean Samuel F. Mordecai of Trinity College (Duke) and Judge George P. Pell of Raleigh. He was admitted to the Bar in 1924, and moved to Wilmington in 1925 to practice law with the firm of Roundtree, Carr and James.

This firm became James and James when his youngest brother Joshua Stuart James and nephew Richard S. James joined him in the practice. As a civil trial lawyer, Justice James practiced in both the State and Federal courts and was a member of the ABA, the American Counsel Association, the International Association of Insurance Counsel, and the American Judicature Society. Governor Kerr Scott appointed Justice James to the Supreme Court on October 20, 1950.

Justice James married Elizabeth Wiggins McCraw of Wilson, N.C. on June 1, 1926. They had two sons, Murray Gibson James, Jr., who died as a young child, and Joseph McCraw James, who became a physician. Mrs. James died September 28, 1938. There are two grandchildren, Elizabeth James Dunn and Eleanor James Hissam. There are four great grandchildren: Sallie Dunn, Mary Katherine Dunn, Isabelle Hissam, and Margaret Hissam. Justice James was remarried on January 1, 1959 to his childhood sweetheart, Sallie Marshburn. He died on November 17, 1968, and she died on November 5, 1996.

OPENING REMARKS
and
RECOGNITION OF DR. JOSEPH M. JAMES
BY
CHIEF JUSTICE I. BEVERLY LAKE, JR.

The Chief Justice welcomed the guests with the following remarks:

It is my pleasure to welcome you on behalf of the Court to this special ceremony honoring Justice James. Due to the efforts of the Supreme Court Historical Society and the James family, the presentation of Justice James' portrait today closes another gap in our portrait collection and we have a significant contribution to our fine collection. This contribution allows us to appropriately remember an important part of our history and a valued member of this Court family.

With portrait ceremonies for less recent members of our Court, there is the added interest in remembering the times of previous members of this Court and former administrations. Today, for a moment, we return to the times of Governor Kerr Scott and to a Supreme Court headed by then Chief Justice Walter Stacy and former Associate Justices William Devin, M.V. Barnhill, Wallace Winborne, Emery Denny and Sam Ervin.

Chief Justice Lake welcomed official and personal guests of the Court. The Chief Justice then recognized the James family.

The Chief Justice recognized Dr. Joseph M. James, son of Justice Murray James, to present the portrait to the Court.

PRESENTATION ADDRESS
BY
DR. JOSEPH M. JAMES

Chief Justice Lake, Justices of the court, honored guests and friends, I am tardy. It is a trait of mine that my father had to endure. He knew about the portraits in these halls. I did not know of them until recently. Mr. Danny G. Moody, the Executive Director of the North Carolina Supreme Court Historical Society, phoned me awhile back and asked if we would provide a portrait. The project has proven to be a pleasant one. This process has enriched my family.

There is a biographical sketch of Justice James in the program and I won't repeat it.

I will tell you of some of his cases and some of the things I remember about him, as seen through the eyes of a child and a young man. He was tall and slender. He always wore a moustache. He was generally rather quiet. In the mid-'40s he developed chronic peptic ulcer disease. Before this he was quite vigorous. He enjoyed humor, and read extensively. He frequently used colloquialisms, but they disappeared suddenly when he became inquisitive or angry and were replaced with impeccable grammar and elocution. After my mother died in 1938 we became very close. Over dinner we discussed cases that he was preparing or trying. After my homework was done he would frequently read to me from Mark Twain, Bill Nye, Artemis Ward and other humorists. It was soon apparent that humor lay immediately below this quiet demeanor. He frequently used it to evaluate a juror, witness or new acquaintance, but usually in a quiet non-confrontational manner. He made you think of the frequently repeated skit of the adult tiring while playing with a child and feigning sleep, only to have the child lift one eyelid and inquire "are you in there?" He was a genealogist. This was born of long waits in county court houses, waiting for his case to be called, and time was spent in the registrar's office looking at old wills and deeds. He felt the strong obligation of being first an officer of the court, and then an advocate for his client.

Father had a rather explosive introduction to N.C. State College and was soon known throughout the student body. It seems that the "new economics" had been applied to clearing farmland. No longer did one burn stumps out. Scientific Agriculture taught one to remove stumps with dynamite. They demonstrated how to drill holes under the stump and place the dynamite sticks in the ground under the stump to blow it out of the ground. They also demonstrated that if one placed the dynamite on a plank on top of the ground that all it did when it went off was to blow the dust off the plank. Aha, an idea developed! At the end of class they took the plank and absconded with several sticks of dynamite. That night at about one o'clock they placed the plank with the dynamite on top of it on the roof of Watauga Hall and lit the fuse. They woke up the entire West Side of Raleigh. The next morning a sixteen-foot hole was found in the roof. Father spent the next summer working in the logwoods to pay for the roof. I don't know if his friend Kerr Scott was involved.

He was particularly proud of his service in the 1st Pioneer division. This was the first division trained to circumvent trench warfare.

They were trained to get behind the trenches and disrupt communications and supply lines. Father's platoon members were from the mountains of Tennessee. They qualified as marksmen immediately. They had always traveled by foot. All he had to do was teach them to march and read a map. In short order they were on training sorties of seven to ten days in length. They traveled at night living off the land in the area of Camp Seavere, SC. He enjoyed recalling the surprised look on farmers' faces as he led the pay-master back along their route to pay for the chickens, pigs, corn and milk that they had appropriated the week before. This is where he learned pacemaking. Wilmington's city blocks are laid off sixteen blocks to a mile. If we walked from his office to the bank, savings and loan, post office or courthouse, he would announce the distance and arrival time. With me running along side, he would start off, with a 31-inch stride at a standard pace and arrive precisely on time. He later taught me to determine north by time if the sun was out, or by the appearance of a tree. On a cloudy day a telephone pole was even better. The sun caused the creosote to dry and change color on the south side of the pole.

After my mother died I spent more time with him. When he became attorney for the Wilmington Shipyard I frequently traveled to Newport News with him. He would go to work at the Newport News Shipbuilding and Dry Dock Co. and I would take my sandwich and coke and spend the day at Mariners Museum. After he died I found a number of notes that he had written. One said, "It has been a long and exhaustive effort. I have spent many long hours on the legal work of the shipyard. We have built over three hundred ships. The war has been won. I am very tired but proud of what we have done."

I remember the case that involved a ship being towed through the Cape Fear River Bridge. The ship hit the bridge abutment and sunk under the open span, preventing the bridge from closing. The ship had to be refloated. The span would not close properly and the bridge eventually had to be replaced. It was an expensive collision. The case revolved around two points. First, was the current at a standstill? Second, was the ship hogged? If it was the captain was negligent for not telling the tug skipper of its deformed condition that would cause it to veer suddenly when it came close to the bottom. The U. S. Coast Guard Commandant was called to testify about the tide and current. He was the first Admiral that I ever saw. His gold braid and uniform was an impressive sight to a youngster. Father represented the insurer of the tug. The jury found that the cur-

rent was at a stand, and that the ship was hogged and that it “smelled bottom” causing it to hit the bridge. The tugboat Skipper was absolved. It was a huge loss to Lloyds of London.

After WW II oystermen returning home from the military found that all of the oysters in Stump Sound were dead. This was a major loss. The effluent from the laundry at Camp Davis was found to have entered a creek and then into the bay and this killed the oysters. It required a Private Bill of Congress in order to sue the Government and recover the damages. Father began to lobby Representatives and Senators on behalf of the oystermen. My trips to Washington began. I rode the Pullman trains and met politicians for the first time. The lobbying was successful. The damages proven were the largest ever in the state at that time.

I became aware of the false teeth caper. In spite of his strong feeling of obligation as an officer of the court, he on this occasion became a backslider. At supper one night he announced that he almost got put in jail that afternoon. He was trying a case whose opposing counsel was Mr. Aaron Goldberg. He considered Mr. Goldberg one of the few worthy opponents in Wilmington. Both recognized that the case had little merit but neither client would compromise and settle the case. On this hot August afternoon the heat in the courtroom was stifling. It was difficult to keep the jury's attention. Father was summing up his case to the jury and realized that he had lost their attention. He heard a loud scraping sound that was distracting the jury. Mr. Goldberg was whetting a large pocketknife on the sole of his shoe. Father stopped in mid sentence and sat down. It was Mr. Goldberg's turn. Midway through his summation father removed his upper plate and using his pocketknife began scraping a high spot off the roof of the upper plate. The accompanying loud groink groink noise put an end to the business of the court. The judge angrily summoned them to his chambers and threatened them with contempt, or as Artemis Ward might have said “arson in the third degree”. They both managed to avoid jail. The case was promptly settled.

Kerr Scott, his old classmate, called and inquired if he ran for governor would Dad campaign for him in eastern North Carolina. The Campaign was joined and I spent many hours putting up posters in eastern NC. My most vivid memory was of a Friday rally in Burgaw. Mr. Scott was an avid foxhunter and on Saturday the Maple Hill farmers had a hunt in his honor. The first pack of dogs was let out of the pickup truck and they picked up the scent in five

minutes. He climbed in the truck and off they went. It seems that every five minutes they met another truck with another pack of dogs and the scenario was repeated. This happened until it was obvious that this group of farmers had on previous days caught and penned up almost every fox in Pender County and were releasing them one at a time. The hunt was a howling success as was the subsequent election.

Late in the afternoon of October 20, 1950 a Highway Patrolman appeared at my dormitory door at Chapel Hill, identified me and told me I was to come with him. My mind raced. I thought that I had made it home from Harry's Beer Parlor the night before without incident. I had no idea what could he want. He told me to put on a tie and coat, that I was wanted at the Governor's office. That evening I watched as Governor Scott announced to the press his appointment of my father to the N. C. Supreme Court. Of the Justices I met I remember Justice Ervin the best. I later encountered him on several occasions. I have fond memories of him. The Senate Watergate investigation was particularly memorable, hearing him take the testimony of the bagman Mr. Elasowitz.

After an interim term on the Supreme Court he returned to Wilmington and practiced until two years before his death.

As his health began to decline I frequently visited him before supper. I would pour us a drink of bourbon and we would discuss the events of the day. On one occasion he opened the conversation with "You have always irritated me." I answered with my best psychiatric non-committal, "Oh." He then went on to say "I was born and raised thirty five miles from Wilmington, practiced law here for forty years and never became a Wilmingtonian. You were born here and were one that day and that has always irritated me." We both laughed realizing that he was again stating that he had always considered himself a countryman and a farmer, not an urbanite. He died on November 17, 1968.

He was a member of the American Bar Association, the American Counsel Association, the International Association of Insurance Counsel and the American Judicature Society.

He married Elizabeth Wiggins McCraw of Wilson, NC on June 1, 1926. They had two sons, my brother, Murray Gibson James Jr., died as a young child. Mrs. James died September 28, 1938. There are two grandchildren, Elizabeth James Dunn and Eleanor James Hissam. There are four great grandchildren Sallie Dunn, Mary Katherine Dunn, Isabelle Hissam and Margaret Hissam. Justice James was

remarried on January 1, 1959 to his childhood sweetheart Sallie Marshburn. She died November 5, 1996.

Justice James' nephew and partner Richard S. James will unveil the portrait.

ACCEPTANCE OF JUSTICE JAMES' PORTRAIT
BY CHIEF JUSTICE LAKE

Thank you. On behalf of the Supreme Court, it is with pleasure that I accept the portrait of Justice James as a part of the collection which will hang on the third floor of this building. We are delighted to have this work of art, and we sincerely appreciate the efforts of all who helped to make this ceremony a reality.