

# The Chatham Historical Journal

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## Lawyers of Chatham County

Walter D. Siler\*

Mr. Chairman, Fellow Members of the Bar, and Guests:

For the high honor that your committee has conferred in according me a place upon the program of today's proceedings, I am most profoundly grateful, and only wish that I could bring some message worthy of the occasion and beneficial to the high purposes of the meeting.

Judge Bell, in that spirit of generosity for which the profession is proverbially noted, was so kind as to advise that I might choose any subject that might occur to me, but in his polite and diplomatic manner, suggested that as lawyers were, of necessity, forced to listen to more speeches devoid of human interest than any other class upon earth, that they appreciated most heartily short and snappy discourses, and that to a man they all subscribed wholeheartedly to the sentiment so pithily expressed by the Bard of Avon when he said, "Brevity is the soul of wit."

According to customary usage, I should be expected to deliver a treatise on some abstruse mystery of the law; explain what I do not know concerning the rule in Shelly's case; perhaps comment upon resulting trusts, shifting uses, the menace of the absentee law, the workings of some new alphabetical agency, or some other highly technical subject; or at least deliver some age-old advice to the bar; glorify the profession for the contributions its members have made to the establishment and maintenance of constitutional government, or bemoan the degeneracy of the time

*\*Walter D. Siler (1878-1951), a distinguished member of the bar, judge, and public servant from Chatham County, was well-known as a public speaker. A number of his speeches were recently found in old files and donated to the Chatham County Historical Association by Edward S. Holmes.*

*This speech appears to have been delivered at a meeting of the Fourth Judicial District, perhaps in the mid-1930s. The original typescript is copied here with minor editing and correction of spelling. Facts have not been verified.*

and the decay of legal ethics.

I have decided to pass all these things up and to talk for a little while upon the Chatham bar. I realize that this will be of no special interest to those present from the other counties of the district, but I am inclined to the belief that there is a certain freemasonry among lawyers that makes us feel an interest in lawyers and their activities regardless of time or place, and trust that you will bear with me while I tell you something of the personnel of those who administered at the altars of justice, hereabouts, in the days that now are no more.

When Chatham was organized and took its place among the sisterhood of North Carolina counties, the American colonies were still a part and parcel of the British Empire. We were subject to the ancient common law of England, the acts of the British parliament, and the enactments of the colonial assembly; our procedures were the procedures of the English courts, and the courts themselves were fashioned, as nearly as practicable, after the courts of the mother country.

At that period the chief legal tribunal of the county in the province of North Carolina was the "Inferior Court of Pleas and Quarter Sessions." This court was composed of all (or a quorum) of the Justices of the Peace of the county, meeting in joint session four times a year. In criminal prosecutions, it exercised jurisdiction over all offenses below the grade of felony, and in civil actions it had jurisdiction in both actions on contract and in tort, but only to a limited extent; and it was not a court of equity.

There were also judicial districts in the colony. These were composed of several counties and over these the "Superior Court" exercised jurisdiction, higher than that of the Courts of Pleas and Quarter Sessions. The Superior Courts were the highest courts in the colony and were presided over by the "Chief Justice of North Carolina" and two Assistant Judges.

Chatham County was in the Hillsborough District, and all its business had to be transacted at the town of Hillsborough, in neighboring Orange County. This system prevailed, not only during the days of British

**Hon. Walter D. Siler**

"The popular confidence and judgment which elevated Walter D. Siler to his present position as solicitor for the Fourth Judicial District is due not only to his splendid record as a lawyer and public spirited citizen but also to the fact that for generations the Silers have been a family of irreproachable honor and of distinctive usefulness in Chatham county. . . .

Walter D. Siler was born at Siler City and partly through the family position and as a result of his own energies and ambitions he acquired every qualification for a successful career. He prepared for college at Thompson High and Military School and afterwards pursued an academic as well as the law course in the University of North Carolina. Mr. Siler was licensed to practice in 1900, and soon afterwards opened his law offices in Siler City. Public honors soon came to him and in 1903 he was elected to represent Chatham county in the State Legislature. He was promoted to his present dignities and responsibilities as solicitor of the Fourth Judicial District in 1913, and has been re-elected for a second term. As a [D]emocrat he has accorded the staunchest support and admiration for the party policies of President Wilson."<sup>m</sup>

[\*From what appears to be a biographical entry for a North Carolina edition of what may be a legal directory published by the Lewis Publishing Co. of Chicago. The undated typescript is among Judge Siler's papers.]

control, but for a number of years after Independence. In fact, no sessions of the Superior Court were held here until after the year 1806.

The lawyers of that day "rode the circuit," and they came from Hillsborough, Oxford, Bloomsbury (as the county town of Wake was then known), Guilford Court House, from Wilmington, and sometimes even from Virginia to attend the Chatham Court of Pleas and Quarter Sessions.

From the trial dockets, extending from 1771, the date of the organization of the county, to the year 1783, appear the names of the following attorneys appearing in civil actions tried in the Court; viz., Bromfield Ridley, who appeared in Granville, appears to have had a larger number of appearances than any other Circuit Rider. John Rand, who lived at Bloomsbury, usually designated as Wake Court House, had quite a number of appearances, and it is of record that he was the County's first Crown Counsel, as the prosecuting officer of the Court was designated.

John Kinchen, who lived at Hillsborough, as did William Hooper, later to become a signer of the national Declaration of Independence and was the first Court Clerk here, and Thomas Burke, third Governor under the constitution, all practiced here, as did also John Penn, a signer from Granville, Henry

Gifford, Henry Lightfoot, Alfred Moore, later to become a Justice of the Supreme Court of the United States, and Alexander Gray, who resided in Guilford: all were regular practitioners in our courts.

Sometime just prior to the beginning of the Revolution, James Williams, who had been reared in Orange and who had been licensed to practice, moved to Chatham and thus became the first resident lawyer of the county. He was a son of John Williams, a lawyer of Hillsborough, and called "London John," to distinguish him from a John Williams who lived in Granville and was also a lawyer. It is said that he was designated as "London" because he was born and reared in the city of London and had been admitted to the bar there before coming to America.

Little data can be found concerning James Williams, but from the meager facts obtainable one is led to conclude that he was a successful practitioner, enjoyed the confidence of the people of the county, and was well disposed to the cause of American liberty. Soon after his coming to Chatham his name begins to appear as counsel for either plaintiff or defendant in practically all litigated cases. He became Crown Counsel, and as soon as the state threw off British control he became the first prosecutor under the state government. When Fanning, the Tory guerrilla, captured a court martial here and carried the militia officers off as prisoners of war and delivered them to Major Craig at Wilmington, he was included in the list of captives, and letters addressed to Governor Burke from him while in captivity may be found in the State Records. He represented the county in both the House of Commons and the State Senate. Whether or not he was a profound lawyer, there is no evidence now available, but a tradition connected with his name has lived through the flight of the years and the expression accredited to him that "a turkey is most too much for one person, but not nigh enough for two" is known by thousands who never heard of James Williams, first resident lawyer of Chatham. The fact that he died before passing middle life would lead us to conclude that in all probability he fell a victim to meat rather than drink.

The next lawyer to locate his domicile within the confines of Chatham, insofar as my research is able to ascertain, was Col. Edward Jones. He was one of the state's really great lawyers of his day. He was an Irishman by birth, a man of broad culture and great learning. He lived for some time in Wilmington and once represented that borough in the House of Commons. He was for more than forty years Solicitor General of the state, an office at that time practically similar to that of Attorney General. Under the practice at that time, the Attorney General prosecuted the criminal docket in the Superior Courts in the eastern circuit and the Solicitor General prosecuted in the western circuits. He lived for many years at Rock Rest on Haw River, in this county, at which place his highly educated wife conducted a school for young

ladies. The daughters of the elder Judge Ruffin, Senator Mangum, and other of the state's most prominent citizens of their day attended this school. Historians of the state are all lavish in their praise of him as an upright man, and as a learned, profound, and successful lawyer. Wheeler, Moore, Caruthers, Ashe, Conner, and others who have written of the period of his activities make mention of his high place in the legal life of the Commonwealth, and all make mention of his most brilliant service for the state in the prosecution of the celebrated and noted land fraud cases, which involved the Secretary of State and other state officers. He was intensely interested in education and in public improvements and was for more than thirty years a trustee of the state university. He died at his country seat in what is now Hadley Township, is buried in St. Bartholomew's churchyard in Pittsboro, and has many descendants who are among the most prominent people of the state.

William Duffy, of Irish descent though born in North Carolina, was the third member of the profession to become a resident of the county. He was a preceptor of Judge Archibald D. Murphy, who in his celebrated historical address before the Literary Society of the University speaks most highly of Mr. Duffy's abilities as a lawyer and of his honesty and integrity as a man. In his voluminous correspondence and in his published papers, Judge Murphy makes frequent reference to his friend Duffy, and always in terms of admiration and affection, regarding him in the class with William R. Davis, Alfred Moore, and John Haywood, the great lawyers and advocates of their day. Mr. Duffy moved to Chatham from Fayetteville in order to secure a climate more conducive to the health of his family and owned a considerable tract of land on Hickory Mountain. He had been a Commoner from Cumberland, was in active practice when he came here, and until ill health lessened his activities, he represented an extensive clientele in the counties of the Cape Fear section extending as far south as New Hanover. He accumulated a large law library for his day, and after his death his executor, in offering it for sale, advertised it as the best law library in the state. He died in the county and is buried on Hickory Mountain.

Messrs. Williams, Jones, and Duffy each had obtained license to practice before locating in Chatham. The county it would appear now began to produce its

own lawyers, as native-born sons about this time were licensed.

James Fauntleroy Taylor was the first resident of the county to be granted license. He practiced in the courts here for a short time and moved to Raleigh, where he enjoyed a lucrative business and his popularity was such that he was chosen Attorney General of the state. While serving in this capacity, and before reaching middle life, he died, leaving a splendid record, both as a lawyer and as a man. He was a member of the well-known Taylor family, which has been prominent in the affairs of the county since colonial days, and was connected with the Busbees of Raleigh.

John S. Guthrie, who was an orphan born in Fayetteville, was brought to Chatham in his early life and reared on the farm upon which is located the town of Siler City. He studied law and began the practice in the western section of the county but later moved to Pittsboro, where he resided until the date of his death. Tradition has it that he was a trial lawyer of real ability, and his jovial wit and humor are said to have made him a universal favorite. He was elected to the House of Commons for a number of years and was a member at the time of his death. He erected the house in which Tom Ramsey now lives.

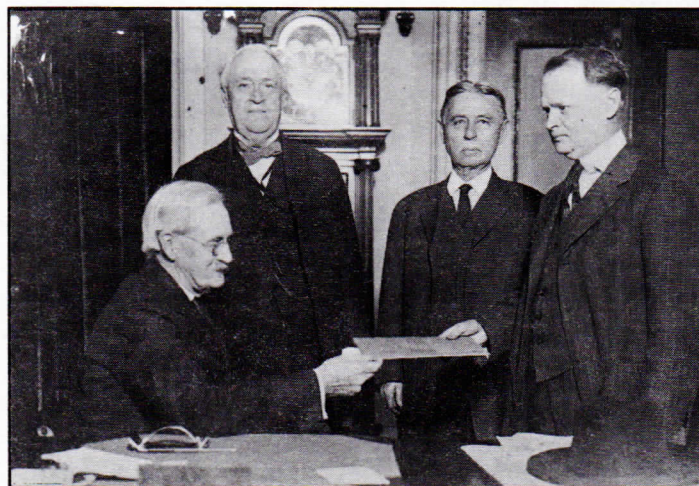
Within this period there also appeared upon the scene Hugh McQueen, Charles Manly, and Abraham Rencher, each a member of the profession who began his career here and each of whom was destined to achieve fame in law or statecraft.

Hugh McQueen served in both the Commons and the State Senate, and in the last-named branch of the General Assembly he introduced the first bill ever offered in behalf of public education, i.e., the establishment of a common school system. He at one time edited a newspaper here, the first paper ever published in the county, but I have never been able to secure the copy of a single issue. He became Attorney General of the state, and contemporary history classes him as one of the real profound, learned, and out-

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*Judge Walter D. Siler, accompanied by Senator F. M. Simmons and Senator Lee S. Overman, delivers the electoral vote of North Carolina to Senator Albert B. Cummins, president of the U.S. Senate, at the Capitol in Washington, D.C., in 1925.*

*(Photograph in the Chatham Historical Museum, a gift from the estate of Helen B. Siler)*



standing lawyers of his day. In the midst of a brilliant career, he left the state and located in Texas, where he died soon after the close of the Mexican War.

Charles Manly, a member of the distinguished Manly family, so illustrious in the history of the State, began the practice here; the office he occupied is still standing on the main street and is now used as a pressing club. He maintained an office here for some years and then moved to Raleigh. He, as long as he was engaged in the active practice, attended the courts of Chatham, and the dockets would indicate that he enjoyed a large volume of business. He was county attorney for more than thirty years, continuing to hold this position after he had become a resident of Raleigh. He was elected Governor of the state in 1848, and was the last of the Whig party to occupy the gubernatorial chair. He was always most popular with the people of Chatham, and when a candidate for office, he always received their enthusiastic support. His brother, Mathias E. Manly, also a distinguished lawyer, Judge of the Superior Court, Justice of the Supreme Court, Speaker of the State Senate, and chosen United States Senator but deprived of his seat by the reconstruction acts of Congress, was also a native of Chatham, but he never practiced here, having moved to New Bern upon receiving his license.

Abraham Rencher, though a lawyer, practicing here for many years, and a man of decided ability, devoted so much time to statesmanship that he seems to have regarded the law as only a sideline in his career. He is unquestionably the county's most prominent man insofar as the holding of high positions of public trust is concerned. He served as a member of the National House of Representatives from 1829 until 1839. He was again elected in 1840 and after serving two terms voluntarily retired. He served as Minister to Portugal under President James K. Polk and as Territorial Governor of New Mexico under President James Buchanan. He once served as Presidential Elector, was for a time chairman of the Democratic State Committee, and also held other positions high in party councils. He presided over the State Convention of 1850, which nominated David S. Reid for Governor, Mr. Rencher having himself declined the nomination. In my judgment, he is Chatham's greatest statesman, and if not a statesman, he was at least its most successful politician.

For many years, John H. Haughton was a prominent and most successful lawyer here. He was a graduate of the University, was a member of the House of Commons from the county in the early forties, and later was Senator from Chatham for several years. He was at one time the nominee of his party for Congressman from this district, but the fortunes of war were against his party at the time. He enjoyed the confidence and trust of the people of the

county, and was not only a leader at the bar but prominent in the promotion of every cause designed to aid in the progress and development of the county.

Maurice Q. Waddell was for many years a member of the local bar, was in the Commons from Chatham for a number of terms, was Clerk and Master in Equity, and prominent in public affairs. A son, L. R. Waddell, was a practicing lawyer in the county of Johnston and served as Clerk of the Court there, as well as a member of the State Senate.

J. J. Jackson has outdistanced all other Chatham barristers in the length of time he was a member of the bar of the county. He was born 1817, graduated from the University in 1838, and soon thereafter took up the practice here. He served in the state legislature in the forties, was many years County Attorney, Mayor of Pittsboro, U. S. Commissioner, and held other positions of honor and trust. In addition to the law, he carried on agricultural activities and was at one time engaged in mining. He at one time wrote a series of articles concerning the public men of the county in his youthful days, and also some articles in the nature of his reminiscences, which constitute about the only reliable local history of the time which they cover. He died in 1902 and is buried in St. Bartholomew's churchyard.

John Manning, who was a native of Edenton, came to Chatham and began the practice some years before the commencement of the Civil War, soon acquired fame and distinction at the bar, and was for many years before he quit the practice to become Head of the Law Department of the University, not only regarded as the leader of the Chatham bar but as one of the great lawyers of the state. He served as a delegate from Chatham in the Constitutional Convention of 1861, also in the Convention of 1876. He served a number of times in the state legislature, was member of Congress one term, declined an appointment as Secretary of State, was one of Commissioners who compiled the Code of 1881, and served as Professor of Law at the State University from 1881 until his death in 1899. The local bar may well point to his career with pride.

*(Ending, Part I, of two parts)*

The Chatham Historical Journal is an occasional publication of the Chatham County Historical Association. Its purpose is to disseminate items of historical interest about Chatham County. To be considered for publication, articles or photographs should be previously unpublished, of reasonable length, and include detailed sources of information.

Correspondence about membership or publication should be addressed to the Secretary, CCHA, Box 913, Pittsboro, N.C. 27312.