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Lawyers of Chatham County

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Part II

Leonidas J. Merritt, who was a graduate of the University of the Class of 1854, had been called to the bar a few years before the beginning of the War Between the States and, possessing rare ability, his prospects for success were most brilliant. He was chosen a member of the Constitutional Convention of 1861 and though this would have exempted him for service in the army if he had chosen to remain out, he entered the service, soon reached the grade of Lieutenant, and was killed at the battle of Malvern Hill, July the 1st, 1862. The local chapter of the United Daughters of the Confederacy is named in his honor.

James H. Headen was long a member of the bar and served in the legislature before the War and was postmaster at Pittsboro under President Benjamin Harrison. He was educated at the University and was a learned lawyer, but diffident and shrinking, so that he never occupied that place which his talents entitled him. He was nominated by his party for Congress and once for Superior Court Judge, but at times when the Republicans were in the minority.

William J. Headen was also licensed and was a member of the General Assembly. He served in the Confederate Army and died about the close of the war. William McClenahan, a native of the village, who had just been admitted to the bar, volunteered for service in the Confederate Army and lost his life.

Following the war John M. Moring was for many years a leading lawyer of the county. He was born

and reared in Williams Township and was long prominent in politics, as well as at the bar. He represented the county in the legislature for several sessions in the eighties and was Speaker of the House in 1879, being the only representative from Chatham ever chosen to this high and responsible position. Soon after the formation of the county of Durham, he moved to the new town of Durham, but after a short stay there returned to Pittsboro, where he died. He was a Confederate soldier, exceedingly popular in the county, and regarded as a trial lawyer of great skill.

Major R. W. York also was from the eastern section of the county and for a time enjoyed an extensive practice, especially in the federal courts. He was regarded as an authority upon bankruptcy, and under the old Bankruptcy Act, he was for a time Referee for the state. He raised a company from Chatham for service in the Confederate army, fought through the four years of the war, and came out as a major. He was noted for his eloquence of speech, courtly bearing, and social grace, but for some reason failed to ever achieve that career which his natural endowments promised.

James S. Manning and Thomas B. Womack, both natives of Pittsboro, were admitted to the bar at about the same time, and each began the practice here. Judge Womack served in both the House of Representatives and in the State Senate from Chatham. He served as Judge of the Superior Court under an appointment by Governor Fowle and was chosen by the General Assembly of 1903 one of the commissioners to revise the statute law of the state. He was one of the most learned lawyers who ever practiced at the local bar. He prepared and published a digest of the civil cases tried by the Supreme Court of the state, and Womack's Digest was an indispensable set of books for every law office until the digests published in recent years by Mickie's and the West Publishing Company. He also was the author of a work on private corpora-

[This is the second and concluding part of a speech by Walter D. Siler, thought to have been given at a meeting of the 4th Judicial District in the mid-1930s. Biographical notes are included in the first part of the speech, which was printed in the last issue of the Chatham Historical Journal.]

tions, the forms therein prepared by him being those now in general use in the corporate practice in the state.

Judge Womack possessed a variety of talents: he was a musician and in addition to other accomplishments was an amateur architect, having drawn the plans for the courthouse in which we are now assembled. He was a most courageous gentleman and universally popular here and wherever he was known. He moved from here to New York in the late nineties to accept a position in the legal department of the American Tobacco Company, but the life in the country's metropolis did not appeal to him, and he returned to Raleigh, where he established himself and where he enjoyed a lucrative practice until the time of his death.

Judge James S. Manning moved from here to Durham, where he resided for a number of years, moving from there to Raleigh. He enjoyed many positions of honor and public trust, having been legislator, Supreme Court Justice, and Attorney General. He died recently, and his passing was lamented throughout the state. He never lost touch with the county of his birth, and our people always accorded him their respect, confidence, admiration, and love, and he never returned to the county except to receive a most hearty welcome.

Atlas P. Gilbert was for a number of years active in the practice here. He was a native of the county, a Confederate soldier, and admitted to the bar in 1882. He lived in the western section of the county, residing in Gulf and Goldston and, in his last days, in Siler City, where he died in 1902. He was a man of splendid native ability, possessed a keen legal mind, and though not especially gifted as an advocate, was most potent in the preparation of cases for trial, and was especially gifted as an examiner of witnesses. He was the most companionable of men, and universally popular.

Major Henry A. London was a leader at the bar here for practically half a century and not only enjoyed a leading practice, but for more than thirty [years] edited and published a newspaper, which was justly regarded as one of the best edited journals in the state. He was a most capable lawyer, a man of unbending integrity, and ever-devoted to the upbuilding of the county and the welfare of its people. He was devoted to the cause of the Confederacy, having been a soldier, and did much to perpetuate the history of the county and its part in the War of the sixties. He it was who coined the expression, "First at Bethel, farthest at Gettysburg and Chicamauga, and last at Appomattox," and collected historical proof of the accuracy of the statement. It was due largely to his efforts that the

state erected at Appomattox Court House in Virginia, a monument which will tell to generations yet unborn the story of North Carolina's part in the great struggle.

Roland H. Hayes for more than a quarter of a century was leader of the bar here and was prominent in the political life of the county from his coming to the county in the early nineties until the time of his death. He represented the county in the General Assembly, was many years county attorney and throughout his residence in the county was regarded as a most successful lawyer and a citizen of most inflexible integrity. He was a most excellent lawyer and as a trier of cases was without a rival in this or other section of the state.

A. C. Ray, a native of Moore County, came to Pittsboro some years ago and, while engaged in the lumber business, studied law; was admitted to the bar and engaged in the practice, with lumbering as a sideline, until the time of his tragic death, which occurred as the result of an automobile accident several years ago. He was a member of the state legislature and one time Mayor of the town of Pittsboro.

Robert H. Dixon, who served as Clerk of the Superior Court from 1894 until 1902, studied law some time after retiring from the Clerk's office and engaged in the practice for a number of years, retiring upon being appointed Postmaster at Siler City, which office he held at the time of his death.

Charles E. McLean, who was a native of Guilford, practiced here for a number of years, moving to Burlington and later to Greensboro. He died in Wake County some two years ago.

It may not be amiss to state that several natives of Chatham who chose the law as a career and located elsewhere have not only achieved fame but have reflected honor upon the county that gave them birth.

Isham W. Garrett, who was born and reared in this county and who was admitted to the bar from here, located in the state of Alabama, where he rose rapidly in the profession and also in the political life of his adopted state. He entered the Confederate Army, having raised a company, reached the grade of Brigadier General, the highest rank obtained in the Army by a native of Chatham, and though chosen Confederate State Senator by the legislature of Alabama, he declined, preferring service in the field. He was killed at the storming of Vicksburg.

Frank H. Woody, who was born in the Albright section many years before the Civil War, went to the Far West, where as a lawyer he achieved success in the territory and later in the state of Montana. He served in the territorial legislature, was

judge of the Superior Court for many years, and was for a long time a judge of the Court of Appeals of that distant state.

Joseph M. Dixon, who belonged to the well-known Dixon family of the Snow Camp section, located in the state of Montana. He not only succeeded at the bar but, in the language of the street, "he went places" in politics. He represented his county in the lower House of the General Assembly and in the Senate; served two or three terms as Representative in Congress; served one term as a United States Senator for the state of Montana, having defeated William A. Clark, the multimillionaire; served as governor of the state, having defeated for this office the present United States Senator Wheeler; and at the time of his death was first Assistant Secretary of the Interior under President Hoover.

Major Charles M. Stedman, one-time Lieutenant Governor, many years a member of Congress, and the last Confederate soldier to serve in the national Congress, was a native of Chatham, having been born in Pittsboro and having enlisted in a Chatham company at the commencement of the war.

There are doubtless other sons of the county who elsewhere have reflected honor upon themselves and upon Chatham, but time forbids my entering further upon this phase of the subject.

As this is and has always been a rural county, having within its borders no cities and towns and villages, the volume of litigations has never been heavy, and the sums involved have usually been comparatively small. However, since James Williams moved to the county in the days of old, there has never been a time when the county did not have a bar whose members were men of ability, capacity, and integrity, and the lofty ideals maintained by the bar I doubt not have contributed in no small degree to the high standard of commercial integrity always maintained by our people and have likewise contributed to the law-abiding habits that our people have always maintained.

In the earlier days, the principal sources of litigation were slaves and land titles, and as land titles in the county are all traceable to [the] grant held by the Earl of Granville and all his lands or practically all his lands within the confines of the county had been aliened prior to the Revolution, there has never been much land litigation here, certainly nothing to compare with that of the counties south of us. And as there were comparatively few slaveholders here, as compared to those in the counties east of us, this did not furnish the litigation the institution of slavery appears to have furnished in counties having less population than ours.

Our people, both white and colored, have been in the most part free from crime of a serious nature, and there have been few notable trials on the criminal docket ever held in the courts here, and for the most part they were either cases moved here from other counties or prosecutions of non-residents, who were so unfortunate as to commit depredations within our borders. Since the organization of the county, but three white men have been convicted and executed for a capital offense; two of them were residents and the only citizen and resident so convicted and executed was afterward proven beyond any doubt, reasonable or otherwise, to be absolutely innocent.

The most noteworthy criminal trials before the War were the prosecution of the Wild Man of Borneo, the Bearded Woman, and other members of the John Robinson Circus crew tried for murder here in 1852, and the trial of Hester, indicted for stealing a slave and tried here in 1854. All these defendants were non-residents, Hester being a native and citizen of Granville, his offense having been committed in Orange and the case removed here; and the Circus defendants having come from the utmost parts of the earth. Hester was convicted and



Judge Walter D. Siler in a photograph retrieved from the time capsule buried during the county bicentennial in 1971. The photograph was placed in the time capsule and donated to the Chatham Historical Museum by Mr. and Mrs. Joe M. Taylor, Siler City.

hanged. The circus performers were all acquitted.

Since the War, the most noted trials on the criminal calendar have been that of Mann, indicted for the homicide of James Pace; the trial of James P. Davis, alias William Shackelford, prosecuted for murder; George W. Horner, tried for arson under an indictment moved here from Moore County; W. M. Lawrence, tried a few years ago for murder; and the escaped convicts Baxter and Willis, tried for the murder of Reuth. Mann was acquitted, as was Horner; Davis or Shackelford was convicted and hanged; and Lawrence, Willis, and Baxter were convicted of murder in the second degree.

Likewise it may be said with an equal degree of truth that the most important civil cases tried here, insofar as the public interest is concerned, were those that either were removed here for trial or the litigants or part of them were not residents.

The Peabody Street case from Durham, Buckhorn Land and Timber cases from Harnett, the Muse case from Moore, the Riley-Stone case from Guilford, and others were all removed here for trial. For many years, during the time of the development and operation of the mines on Deep River, a volume of litigation was always on from that section of the county, the suits and countersuits of Hensey and Langdon keeping the courts busy for several years. Also, about the time of the development of the hydroelectric system, there was considerable litigation, there being quite a number of suits here tried, known as the "Backwater Cases."

Only a moderately modest number of cases have found their way to the State Supreme Court, but a perusal of the opinions will disclose that we have always had some litigants willing to take a chance before the court of last resort, and practically every report beginning at the 1st will disclose that some case from Chatham has been there.

No cases involving novel or highly important principles, instituted in our courts, have become landmarks, like Bayard vs Singleton, Hoke vs Henderson, Farthing vs Shields, etc., but the records at least indicate that our bar has given the wise gentlemen a reasonable amount of business. For curiosity, I have made an investigation of citations to ascertain what Chatham cases have been frequently cited in subsequent opinions, and find that the following are the most often mentioned, viz., State vs Hatch, Stafford vs Commissioners, Harris vs Junior Order, In re Craven's Will, Bright vs Telegraph Company, and State vs Baxter.

A casual inspection of the summons and trial dockets would indicate that from the year 1885 until about the year 1900 the number of civil actions brought and tried or reduced to judgment was the

fewest for any corresponding period and that from about 1915 to 1930 [was] the fifteen-year period that shows the largest volume of litigation instituted and disposed of. Since that date the number of cases instituted and tried have begun to diminish until, unless something occurs to intervene, we are now near the vanishing point. Railroad travel having ceased, there are no more railroad cases; the Industrial Commission has taken over all the negligence cases; automobile cases are settled by insurance adjusters before the victims can confer with counsel; none of the criminally inclined have money with which to employ counsel, so that lawyers are now just upon the point of seeking some kind of government control of litigation, to the end that some alphabetical agency be secured to take over the dockets, non-suit a third or fourth of the cases pending, pay counsel fees and court cost, and then make it mandatory that every citizen be required to institute so many new suits each year, or put all barristers on relief. I am looking forward with much interest to see what the next Congress will do about this important matter and what positions the political parties will take in their next platform utterances.

You will recall that in speaking of the members of the bar of Chatham I have spoken only of those who have passed to the beyond, leaving those who still linger upon the stage to take care of themselves, for like the poor, the lawyers are always with us. And while the prospects may not now be so enticing, let us all look with courage to the future, knowing that change is the law of life. Let us press forward, believing that times will change, even though they grow worse, and if the worst comes to the worst and we must each go back to nature and the simple life, that we will find other barristers to welcome us to these sylvan retreats and our original obscurity.

[Editor's note: The typescript of this and other speeches delivered by Judge Siler may be examined in the Chatham Historical Museum, Pittsboro, currently open on Fridays from 10 a.m. to 2 p.m.]

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.

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