

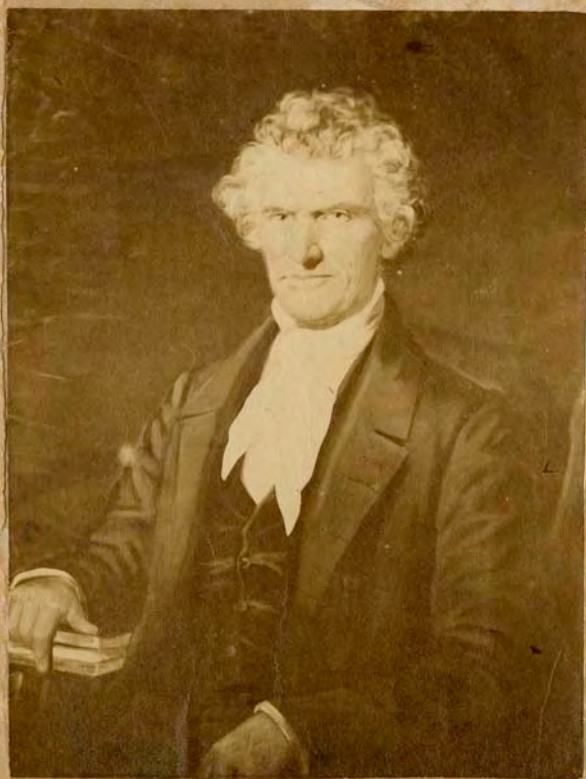
LIFE AND CHARACTER OF THE
HON. THOMAS RUFFIN

by

William A. Graham



B
R923G



LIFE AND CHARACTER
OF THE
HON. THOMAS RUFFIN,

Late Chief Justice of North Carolina.

A MEMORIAL ORATION,

BY

WILLIAM A. GRAHAM,

Delivered before the Agricultural Society of the State, by its request,
at the Annual Fair in Raleigh, Oct. 21st, 1870.

N. C. State Library.

January 14, 1889.

RALEIGH, N. C.:
NICHOLS & GORMAN, BOOK AND JOB PRINTERS.
1871.

N. C. State Library.

ORATION.

The patriotic people of the County of Rockingham in a public assemblage at their first Superior Court after the death of Chief Justice RUFFIN, in which they were joined with cordial sympathy by the gentlemen of the bar of that Court, resolved to manifest their appreciation of his talents, virtues and public usefulness, by causing to be pronounced a memorial oration on his life and character. Such an offering was deemed by them a fitting tribute from a people among whom his family first settled upon their arrival in North Carolina, and with whom he had been associated as a planter and cultivator of the soil from his early manhood till his decease.

The Agricultural Society of the State, of which for many years he had been a distinguished President, subsequently determined on a like offering to his memory at their annual Fair. The invitation to prepare such a discourse has been by both bodies extended to the same individual. The task is undertaken with confidence, and a sense of apprehension, that amid the multiplicity of other engagements, its fulfilment may fail in doing justice to the subject of the memoir.

THOMAS RUFFIN, the eldest child of his parents, was born at Newington, the residence of his maternal Grand Father, Thomas Roane, in the County of King and Queen, in Virginia, on the 17th of November, 1787.

His Father, Sterling Ruffin, Esquire, was a planter in the neighboring County of Essex, who subsequently transferred his residence to North Carolina, and died in the County of Caswell. Ardent in his religious sentiments, and long attached to the Methodist Episcopal Church, he very late in life, entered the ministry, and was for a few years prior to his death, a preacher in that denomination.

His Mother, Alice Roane, was of a family much distinguished in Virginia by the public service of many of its members, and was herself first cousin of Spencer Roane, the Chief Justice of that State in the past generation, whose judicial course, connected as it was with questions of difficulty and importance in constitutional law, gave him high professional, as well as political, distinction; but it may well be doubted, whether, in all that constitutes a great lawyer, he had any pre-eminence over the subject of our present notice, his junior kinsman in North Carolina, then but rising into fame, and destined to fill the like office in his own State.

His Father, though not affluent, had a respectable fortune, and sought for the son the best means of education. His early boyhood was passed on the farm in Essex, and in attendance on the schools of the vicinity. Thence, at a suitable age, he was sent to a classical Academy in the beautiful and healthful village of Warrenton, in North Carolina, then under the instruction of Mr. Marcus George, an Irishman by birth and education, a fine classical scholar and most painstaking and skillful instructor, especially in elocution, as we must believe, since

among his pupils who survived to our times, we find the best readers of our acquaintance in their day. His excellence in this particular was probably attributable to his experience on the theatrical stage, where he had spent a portion of his life. He made his first appearance in the State at the Convention in Hillsborough, in 1788, which rejected the Federal Constitution, in search of employment as a teacher, was engaged by the Warren gentlemen then in attendance, and many years subsequently was still at the head of a flourishing school, in which our student entered. The system and discipline of Mr. George conformed to the ancient *regime*, and placed great faith in the rod. He is described as a man of much personal prowess and spirit, who did not scruple to administer it on his pupils, when sloth, delinquency or misbehavior required, without reference to age, size or other circumstances. Yet he secured the respect of his patrons, and the confidence of the public, and inspired the gratitude and affection of his pupils in a remarkable degree.

This turning aside from our subject, to pay a passing tribute to his old preceptor, is deemed to be justified not only by the long and useful labors of Mr. George, in the instruction of youth in the generation in which Mr. Ruffin's lot was cast, but because he himself entertained the highest appreciation of the profession of an instructor, accustoming himself to speak of it as one of the most honorable and beneficent of human employments. Throughout his laborious and well-spent life, he often acknowledged his

obligations of gratitude for the early training he had received under the tuition of this faithful, but somewhat eccentric son of Erin. And it may well be doubted whether Lord Eldon, in the maturity of his wisdom and great age, retained a more grateful and affectionate recollection of Master Moises of the High School of New Castle, than did Chief Justice Ruffin of Master George of the Warrenton Male Academy.

At this institution were assembled the sons of most of the citizens of Eastern North Carolina and the bordering counties of Virginia, aspiring to a liberal education. And here were formed friendships, which he cherished with great satisfaction throughout life. Among his companions were the late Robert Broadnax, of Rockingham, subsequently a planter of large possessions on Dan River, among the most estimable gentlemen of his time; and Cadwallader Jones, then of Halifax, but afterwards of Orange, at different periods an officer in the Navy and in the Army of the United States, a successful planter, and a model of the manners and virtues which give a charm to social intercourse. With both of these gentlemen his early attachments were in after life cemented by the union in marriage of their children. Here, too, he found Weldon N. Edwards, of Warren, subsequently distinguished by much public service in Congress and under the Government of the State, thenceforward his lifelong friend, with whom his bonds of amity seemed to be drawn more closely as others of his contemporaries dropped from around him. Of these four youths of the Warrenton Academy, at the beginning of

the nineteenth century, Mr. Edwards alone survives. Long may he live to enjoy the veneration and respect due to a life of probity, honor and usefulness.

From the Warrenton Academy young Ruffin was transferred to the College of Nassau Hall, at Princeton, New Jersey. It is believed that his father, who was a deeply pious man, was controlled in the selection of this College in preference to that of William & Mary, in Virginia, next to Harvard University the oldest institution of learning in the United States, not only by a desire to place his son in an unsuspected situation as to his health, which had suffered from the malarial influences prevailing in the tidewater region of Eastern Virginia, but to secure him as well from the temptation incident to College life, in an institution, in which as he supposed, there was too loose an authority and discipline exerted over the sons of affluence and ease. He entered the Freshman class, at Princeton, and "graduated at the commencement in 1805;" the sixteenth in a class of forty-two members, "being the first of the second division of intermediate honors." The late Governor James Iredell, of North Carolina, was in the class succeeding his own, and for nearly the whole of his College course, his room-mate. Thus commenced a friendship between these gentlemen in youth, which was terminated only by the death of Mr. Iredell. Among others of his College associates who became distinguished in subsequent life, there were Samuel L. Southard and Theodore Frelinghuysen, of New Jersey, Joseph R. Ingersoll, of Philadelphia, the Cuthberts and Ha-

bershams, of Georgia, Christopher Hughes of Maryland, and Stevenson Archer, of Mississippi.

Returning home with his bachelor degree, Mr. Ruffin soon afterwards entered the law office of David Robertson, Esquire, of Petersburg, as a student of the law, and continued there through the years 1806 and 1807. Here he was associated as fellow-student with John F. May, afterwards Judge May, of Petersburg, and Winfield Scott, afterwards so highly distinguished in arms, and the only officer down to his time, except General Washington, who attained the rank of Lieutenant General in the army of the United States. General Scott, in his Autobiography, describes their preceptor, Mr. Robinson, as a Scotchman, a very learned scholar and barrister, who originally came to America as a classical teacher; but subsequently gained high distinction as a lawyer, and was the author of the report of the debates in the Virginia Convention which adopted the Federal Constitution, and of the report of the trial of Aaron Burr for high treason. In a note to the same work, General Scott mentions his chancing to meet Judge Ruffin in New York in 1853, while the latter was attending as a delegate, the Protestant Episcopal Convention, of the United States after a separation of forty-seven years, and recurs to their association together with Judge May, as law students, and to the conversation in which they then indulged, with manifest pride and pleasure. He also refers to their subsequent intercourse in the city of Washington, in 1861, while Judge Ruffin was serving as a member of the Peace Congress, and ex-

presses the opinion, that, "if the sentiments of this good man, always highly conservative (the same as Crittenden's,) had prevailed, the country would have escaped the sad inflictions of the war, which was raging at the time he wrote.

Sterling Ruffin, the father, having suffered some reverses of fortune, determined to change his home, and removed to Rockingham County, North Carolina, in 1807. His son soon followed, a willing emigrant. It was in North Carolina he had received his first training for useful life: here was the home of most of his early friends, and here he confidently hoped to renew his association with Broadnax, Jones, Edwards, Iredell and other kindred spirits.

He doubtless brought with him a considerable store of professional learning from the office of Mr. Robertson, in which he had been more than two years a student, but on his arrival in North Carolina, he pursued his further studies under the direction of the Honorable A. D. Murphey, until his admission to the bar, in 1808. Early in 1809, he established his home in the town of Hillsborough, and on the 9th of December, in that year, he was united in marriage with Miss Anne Kirkland, eldest daughter of the late William Kirkland, of that place, a prominent merchant and leading citizen.

The twenty years next ensuing, during which his residence was continually in Hillsborough, comprehends his career at the bar and on the Bench of the Superior Courts. In 1813, 1815 and 1816, he served as a member of the Legislature in the House of

Commons from this town, under the old Constitution, and filled the office of Speaker of the House, at the last mentioned session, when first elected a Judge upon the resignation of that office by Duncan Cameron. He was also a candidate on the electoral ticket in favor of William H. Crawford for the Presidency of the United States, in 1824. But his aspirations, tastes and interests inclined him not to political honors, but to a steady adherence to the profession to which his life was devoted. He found at the bar in Orange and the neighboring counties to which his practice was extended several gentlemen, his seniors in years, who were no ordinary competitors for forensic fame and patronage; of whom it may be sufficient to name Archibald D. Murphey, Frederick Nash, William Norwood, Duncan Cameron, (who although he had suspended his practice for a time, resumed it not long after Mr. Ruffin came to the bar,) Henry Seawell, Leonard Henderson, William Robards, Nicholas P. Smith, of Chatham, and later of Tennessee. His first essays in argument are said not to have been very fortunate. His manner was diffident and his speech hesitating and embarrassed. But these difficulties being soon overcome, the vigor of his understanding, the extent and accuracy of his learning, and his perfect mastery of his causes by diligent preparation, in a short time gave him position among these veterans of the profession, secured him a general and lucrative practice, and an easy accession to the Bench in seven years from his initiation at the bar. His reputation was greatly ad-

vanced and extended by the manner in which he acquitted himself in this office. The wants, however, of an increasing family and an unfortunate involvement by suretyship forbade his continuance in a situation of no better income than the salary which was its compensation. He resigned to the Legislature of 1818, and immediately returned to the practice. Mr. Ruffin had kept up habits of close study of his profession before his promotion to the Bench, and the leisure afforded by the vacations of the office was eagerly availed of, for the same object. He came back to the bar not only with his health renovated, which had never been very robust, but with a brightness in his learning and an increase of fame, which, in the Supreme Court then recently established on its present basis, and in the Circuit Court of the United States, as well as on the ridings in the State Courts, brought to him a practice and an income, which has hardly ever been equalled in the case of any other practitioner in North Carolina. For forty-three weeks in the year he had his engagements in Court, and despite of all conditions of the weather or other impediments to travelling in the then state of the country, rarely failed to fulfil them. He held the appointment of Reporter of the decisions of the Supreme Court for one or two terms, but relinquished it from the engrossment of his time by his practice; and his labors are embraced in the prior part of the first volume of Hawks. Mr. Archibald Henderson, Mr. Gaston, Mr. Seawell, Mr. Murphey, Mr. Moses Mordecai, Mr. Gavin Hogg, and Mr. Joseph Wilson,

all men of renown, were, with Mr. Ruffin, the chief advocates in the Supreme Court at that period, Mr. Nash and Mr. Badger being then upon the Bench; and according to tradition, at no time have the arguments before it been more thorough and exhaustive. The late Governor Swain being a part of this period a student of the law in the office of Chief Justice Taylor, in a public address at the opening at Tucker Hall, in which he gave many reminiscences of former times in Raleigh, mentions a prediction in his hearing of Mr. Gaston to one of his clients in 1822, that if Mr. Ruffin should live ten years longer he would be at the head of the profession in North Carolina. By the same authority we are informed, that only a year or two later, Judge Henderson declared that he had then attained this position of eminence. Among the professional gentlemen he met in the wide range of his practice on the circuits, in addition to his seniors already named, were Bartlett Yancey, Augustine H. Shepperd, Romulus M. Saunders, James Martin, Thomas P. Devereux, Jas. F. Taylor, Charles Manly, Wm. H. Haywood, Jr., Daniel L. Barringer, Samuel Hillman, John M. and James T. Morehead, Bedford Brown, Willie P. and Priestly H. Mangum, Francis L. Hawks, Thos. Settle, John M. Dick, George C. Mendenhall, and several others, of high distinction among the advocates and public characters of the State; by all of whom his eminent abilities and attainments were fully acknowledged and appreciated.

In the summer of 1825, upon the resignation of

Judge Badger, Mr. Ruffin again accepted the appointment of a Judge of the Superior Courts. His recent successes had relieved him of embarrassment, and supplied him a competent fortune; his health demanded relaxation and rest; and his duties to his family, now quite numerous, in his estimation required more of his presence at home than was consistent with the very active life he was leading. He therefore relinquished his great emoluments at the bar for the inadequate salary then paid to a Judge, and virtually closed his career as an advocate. By the bar and the public he was welcomed back on the circuits, and for the three following years he administered the law with such universal admiration and acceptance, both on the part of the profession and the people, that he was generally designated by the public approbation for the succession to the Bench of the Supreme Court whenever a vacancy should occur.

The reputation he had established by this time, however, did not merely assign him capabilities as a lawyer, but ascribed to him every qualification of a thorough man of affairs. It was conceded, at least, that he could teach bankers, banking and merchants the science of accounts.

In the Autumn of 1828, the stockholders of the old State Bank of North Carolina, at the head of whom were William Polk, Peter Browne and Duncan Cameron, owing to the great embarrassment of the affairs of this institution, involving disfavor with the public, and threats of judicial proceedings for a forfeiture of its charter, prevailed on him to take the Presidency of

the Bank, with a salary increased to the procurement of his acceptance; and with the privilege on his part to practice his profession in the city of Raleigh. In twelve months devoted to this office, with his characteristic energy, mastering the affairs of the Bank with a true talent for finance, making available its assets and providing for its liabilities, and inspiring confidence by the general faith in his abilities and high purpose to do right, he effectually redeemed the institution, and prepared the way to close out in credit the remaining term of its charter.

At this period, also, another place of high political eminence was at his choice, but was promptly declined. A vacancy having happened in the Senate of the United States by the appointment of Governor Branch to the head of the Navy department, and the Honorable Bartlett Yancey, who had been the general favorite for the succession, having recently died, Mr. Ruffin was earnestly solicited to accept a candidacy for this position with every assurance of success. But his desire was, as he himself expressed it among his friends, "after the labor and attention he had bestowed upon his profession, to go down to posterity as a lawyer." Irrespective, therefore, of his domestic interests, and the care and attention due to his family, of which no man ever had a truer or warmer conception, he could not be diverted from his chosen line of life by the attractions of even the highest political distinction.

While assiduously employed in the affairs of the Bank, to which was devoted the year 1829, his services were still demanded by clients in the higher courts,

and his reputation at the bar suffered no eclipse. Upon the death of Chief Justice Taylor, in this year, the Executive appointment of a successor was conferred on a gentleman of merited eminence in the profession, and of a singularly pure and elevated character; but the sentiment of the majority of the profession as well as public opinion, had made choice of Mr. Ruffin for the permanent office, and he was elected a Judge of the Supreme Court at the session of the Legislature in the autumn of 1829. In 1833, upon the demise of Chief Justice Henderson, he was elevated to the Chief Justiceship, in which he won that fame which will longest endure, because it is incorporated in the judicial literature of the country, and is co-extensive with the study and administration of our system of law.

Before directing attention to his labors in this highest court of appeals in the State, it is appropriate to remark on his prior career as an advocate, counsellor and Judge of the Superior Courts. Of his arguments at the bar, at *nisi prius*, or in the Courts of appeal, no memorials have been preserved save the imperfect briefs contained in the causes that have been reported. His nature was ardent, and his manner of speech earnest and often vehement in tone and gesticulation. Though versed in *belles lettres*, and with tastes to relish eloquent declamation, it was a field into which he did not often, if at all, adventure. His reliance was upon logic, not upon rhetoric; and even his illustrations were drawn from things practical, rather than the ideal. Analyzing and thoroughly comprehending

his cause, he held it up plainly to the view of others, and with a searching and incisive criticism exposed and dissipated the weak points in that of his adversary: and all this, in a vigorous, terse and manly English, every word of which told. Few advocates ever equalled him in presenting so much of solid thought in the same number of words, or in disentangling complicated facts, or elucidating abstruse learning so as to make the demonstration complete to the minds of the auditory; capacities, doubtless gained by severe culture, a part of which, as I learned from an early student in his office, had been a daily habit, long after his admission to the bar, of going carefully over the demonstration of a theorem in Mathematics. Thus habituated to abstract and exact reasoning, he delighted in the approach to exactness in the reasoning of the law, and no student could more truly say of his professional investigations, "*Labor ipse est voluptas.*" The accuracy thus attained in his studies, gave him high eminence as a pleader, in causes both at law and in Equity; and among his associates usually devolved on him the office of framing the pleadings in the causes in which they were engaged. It also gave him rank among the great counsellors of the time, whose opinions were not the result of cramming for an occasion, or a fortunate authority, but the well considered reflections of gifted minds imbued with law as a science, and who had explored to their sources, the principles involved in the subjects they examined, and made them their own. This full developement of his forensic character does not appear to have been manifested until

Hon. Thomas Ruffin.

17

after his return to the bar subsequently to his first service on the bench. But from this period till his second retirement, in 1825, he had hardly a rival in the bar of the Supreme Court of the State or the Circuit Court of the United States, except Archibald Henderson and Gaston, and had a command of the practice in all the State Courts he attended. As a Judge of the Superior or *nisi prius* Courts, he exhibited equal aptitude for the Bench as for the practice at the Bar. With an energy that pressed the business forward, a quickness rarely equalled in perceiving and comprehending facts, patient and industrious habits of labor, and a spirit of command which suffered no time to be lost, he despatched causes with expedition, but with no indecent haste. Whilst he presided, it was rare that any cause before a jury ever occupied more than a single day, and none is remembered that extended beyond two.

It may be inferior to the dignity of the occasion to indulge in professional anecdotes. The promptness, however, with which he disposed of a case of some novelty on the circuit, may justify a passing notice. The plaintiff and defendant had disputed on a matter of law, and growing warm in the controversy, laid a wager on the question of whether or not the law was as affirmed by the plaintiff; and a suit was brought to have the point determined. After the contract of wager had been proved, the plaintiff rested. The Judge called on the counsel for the plaintiff to prove that he had won. The counsel replied that that depended on the point of law which he submitted to his Honor.

The Judge rejoined, that it was one of facts in the controversy, on which he was forbidden to express an opinion; but for their trifling with the Court in instituting such an action, he ordered it to be dismissed, and each party to pay half the costs, with an intimation, that it was leniency in the Court to stop with no greater penalty. It is worthy of remark, that about the same time, as we since learn from the reports, Chief Justice Abbott, in the King Bench in England, ordered a cause "to be struck out of the paper," the subject of the action being a wager on a dog-fight, upon the ground that it was insignificant, and it would be a waste of time to try it.

In administering the criminal law, in which the extent of punishment generally depended on the discretion of the Judge, his sentences were such as to inspire evil doers with terror, but eminently tended to give protection to society and confidence to honest and law-abiding men.

His accession to the Bench of the Supreme Court was a source of general satisfaction to the profession, and to the people of the State, by whom his enlightened labors in the circuits had been witnessed with admiration and pride. He at once took a conspicuous part in the proceedings of this high tribunal, and for twenty-three years, that he continuously sat there, probably delivered a greater number of the opinions on which its judgments were founded, than any Judge with whom in this long career he was associated. These opinions are found through more than twenty-five volumes of books of reports, and form the bulk

of our judicial literature for a full generation. They embrace topics of almost every variety, civil and criminal, legal and equitable, concerning probate and administration, marriage and divorce, slavery and freedom, and constitutional law, which can enter into judicial controversy, in the condition of society then prevailing in the State, and constitute memorials of her jurisprudence, by which the members of the profession are content she shall be judged in the present age and by posterity. They have been cited with approbation in the American courts, State and National, by eminent legal authors, and in the judicial deliberations of Westminster Hall; and the North Carolina lawyer who can invoke one of them as a case in point with his own, generally considers that he is possessed of an impenetrable shield. It has been rare in England that a Judge or Advocate has reached high distinction in the courts both of common law and Equity. The student of the judicial arguments of Chief Justice Ruffin will be at a loss to determine in which of these branches of legal science he most excelled. To the votary of the common law, fresh from the perusal of the black letter of the times of the Tudors and early Stuarts, and captivated with its artificial refinements and technical distinctions as to rights and remedies, he would appear to have pursued his professional education upon the intimation of Butler in his reminiscences, that "he is the best lawyer, and will succeed best in his profession, who best understands Coke upon Littleton;" or, advancing to the modern

ages of greater enlightenment and freer intercourse among nations, that he had made a specialty of the law of contracts, bills of exchange and commercial law generally; whilst his expositions of Equity causes will satisfy any impartial critic, that he was at least equally a proficient and master of the principles and practice of the jurisprudence of the English Chancery, and would induce the belief that, like Sir Samuel Romilly or Sir William Grant, his practice at the bar had been confined to this branch of the profession. The minute distinctions between the limits of the jurisdiction of the Courts of Equity and common law, he comprehended and illustrated with a rare discrimination and accuracy.

During the term of his service in that Court, it will be remembered by the profession, that three great departures were made from long established precedents in the English Courts of Equity, which have tended to give simplicity to our system, and to free it from the embarrassment and confusion of the authorities in the English cases; namely, First, in adhering to the direction of the statute of Frauds, and refusing to decree the specific execution of a contract for the conveyance of real estate required to be in writing, upon the ground that the parties had acted upon their agreement, and that it had been partially carried into execution. Second, in discarding the doctrine that a vendor who had sold land and parted with the title, trusting his vendee for the purchase money, yet had a lien on the land as a security for its payment. Third, in negating

likewise the English doctrine of a married woman's equitable right to a settlement for her maintenance before her husband should invoke the power of the court to reduce her estate to possession. These have been acknowledged as salutary reforms both at home and abroad, in all of which Chief Justice Ruffin concurred and delivered leading arguments in their support. Accustomed tenaciously to adhere to precedents upon the theory, that the wisdom of a succession of learned Judges, concurred in or tolerated by the Legislature from age to age, is superior to that of any one man, and that certainty in the rules of the law is of more importance than their abstract justice; yet where there had been no domestic precedent, and those abroad were at variance with the command of a statute or with obvious principles, he readily embraced these opportunities to symmetrize and perfect the system of practical morality administered in the American courts of Equity.

His familiar knowledge of banking and mercantile transactions and skilfulness in accounts, gave him a conceded eminence in the innumerable causes involving inquiries of this nature. During his presidency in the Supreme Court, it cannot fail to be remarked that there was a great advance in the accuracy of pleadings in Equity causes, and in a general extension of the knowledge of Equity practice throughout the circuits. And the precision and propriety of entries in every species of procedure were brought to a high state of perfection, mainly by his investigations and labors, in conjunction with those of that most worthy gentleman,

and modest but able lawyer, Edmund B. Freeman, Esquire, late Clerk of the Court, whose virtues and public usefulness, connected as he was for so many years in close and friendly association with the immediate subject of our remarks, now likewise gone down beyond the horizon, I am gratified the opportunity serves to commemorate.

In the department of the law peculiarly American, in which there comes up the question, whether the Legislature can legislate to the extent it has assumed, or other expositions of the Constitutions of the State or Union, though the occasions for such exercises were rare in the quiet times of his judicial life, Chief Justice Ruffin shone to no less advantage, than in those dependent on municipal regulations. His conversancy with political ethics, public law and English and American history, seems to have assigned to him the task of delivering the opinions on this head, which have most attracted general attention. That delivered by him in the case of Hoke against Henderson in which it was held, that the Legislature could not, by a sentence of its own in the form of an enactment, divest a citizen of property, even in a public office, because the proceeding was an exercise of judicial power, received the high encomium of Kent and other authors on constitutional law; and I happened personally to witness, that it was the main authority relied on by Mr. Reverdy Johnson, in the argument for the second time, of *Ex parte Garland*, which involved the power of Congress by a test oath, to exclude lawyers from practice in the Supreme

Court of the United States, for having participated in civil war against the government; and in which, its reasoning on the negative side of the question, was sustained by that august tribunal.

The singular felicity and aptitude with which he denuded his judgments of all extraneous matter, and expounded the very principles of the case in hand, usually citing authority only to uphold what had been demonstrated without it, is the most striking feature in his numerous opinions. No commonplaces or servile copying of the ideas of others fill the space to be occupied, but a manly comprehension of the subject in its entire proportions, illustrated by well considered thought and lucid and generally graceful expression. His learning was profound, but not so deep as his own reflections. His powers of abstraction subjected every thing to scrutiny, and rare was the fallacy which passed through that crucible without exposure. If he did not develope new truths the old were made to shine with a fresher lustre, from having undergone his processes of thought and illustration. His style of writing was elevated and worthy of the themes he discussed. His language well selected, and exhibiting a critical acquaintance with English philology. A marked characteristic in his writings, as it was also in his conversation, was the frequent, dextrous, and strikingly appropriate use he made of the brief words of our language, usually of Saxon derivation; as in his response to the tribute of the bar to the memory of Judge Gaston: "We knew that he was, indeed, a good man and a great Judge."

In the autumn of 1852, while in the zenith of his reputation, and not yet pressed with the weight of years, Chief Justice Ruffin resigned his office and retired, as he supposed forever, from the professional employments he had so long and with so much renown pursued. But on the death of his successor and friend, Chief Justice Nash, in December, 1858, he was called by the almost unanimous vote of the General Assembly then in session, to fill the vacancy, and sat again as a Judge of the Supreme Court until the autumn of 1859, when failing health rendered his labors irksome, and he took his final leave of judicial life. Six years of rest in his rural home had induced nothing of rust or desuetude: he wore the ermine as naturally and gracefully as if he had never been divested of its folds; his judicial arguments at this time evince all that vigor of thought and freshness and copiousness of learning which had prompted an old admirer to say of him, that he was a "born lawyer." It is not improbable that this preservation in full panoply was in some design aided by the circumstance, that in a desire to be useful in any sphere for which he was fitted, he had accepted the office of a Justice of the Peace in the county of Alamance, in which he then resided, and had held the County Courts with the lay justices during this period. Though near ten years later, and when he had passed the age of eighty, in a matter of seizure, in which he took some interest for a friend, under the revenue laws, in the Circuit Court of the United States, a branch of practice to which

he had not, been habituated by experience, I had occasion to observe that he was as ready with his pen in framing the pleadings, without books of authority or precedent, as any proctor in a Court of admiralty.

In looking back upon his long life devoted to the profession, and the monuments of his diligence, learning and striking ability that he left behind him, it is no extravagance of eulogy to affirm, that if the State or any American State has fostered great advocates, counsellors or Judges, he assuredly was of this class.

But when, as Coke to Littleton, we bid "Farewell to our jurisprudent," who had basked so long in the "gladsome light" of jurisprudence, we have not wholly fulfilled the task assigned us. Jurisprudence was indeed his forte; and that in its most enlarged sense, embracing the science of right in all its aspects. Considering how thoroughly he had mastered the systems prevailing in England and the United States, the fullness of his knowledge in kindred studies and the facility with which he labored and wrote, it is to be regretted that he did not betake himself to professional authorship. But there are other aspects of his character than that of a lawyer and Judge.

At an early period he became the proprietor of an estate on Dan river, in Rockingham, on which he established a plantation at once, and gave personal direction to its profitable cultivation from that time until his death. Carrying his family to Raleigh for a so-

jour of twelve months upon assuming the Presidency of a Bank as already stated, he removed thence to Haw river, in Alamance, in 1830, and there under his own eye carried on the operations of a planter with success until the year 1866, when the results of the war deprived him of laborers, and he sold the estate and removed again to Hillsborough. The law has been said by some of its old authors, to be a jealous mistress, and to allow no rival in the attentions of its votary. Chief Justice Ruffin, however, while diligently performing the duties of his great office, and keeping up with the labors of his cotemporaries, Lynnhurst, Brougham, Tenterden and Denman, in England, and the numerous Courts exercising like jurisdictions in America, found leisure to manage his farm at home as well as to give direction to that in Rockingham. And this, not in the ineffective manner which has attended the like efforts of some professional men, but with present profit and improvement of the estates. From early life he appeared to have conceived a fondness for agriculture, including horticulture and the growing of fruit trees and flowers, which his home in the country seemed to have been selected to indulge. Here for thirty-five years, in the recess of his Courts, he found recreation in these pursuits and in the rearing of domestic animals; the result of which was the most encouraging success in orchards, grapery, garden ereal crops, flocks and herds. Combining a knowledge of the general principles of science, with fine powers of observation, and the suggestions of the most approved Agricultural periodicals, he was prepared to

avail himself in practice of the highest intelligence in the art. It was therefore no empty compliment to a great jurist and leading citizen, when the Agricultural society of North Carolina, in 1854, elected him to its presidency after his retirement from the Bench, but the devotion to public uses and service, of an experience and information in the cultivation of the soil, and all its manifold connections and dependencies, which few other men in the State possessed. He was continued in this distinguished position for six years, when declining health demanded his retirement; and at no time have the interests of the society been more prosperous, its public exhibitions more spirited; and it may be added, that on no occasion did he ever manifest more satisfaction than in the reunions of its members.

His farming was not that of a mere *amateur* in the art, designed as in the case of other public characters of whom we have read, to dignify retirement, to amuse leisure or gratify taste, though few had a higher relish for the ornamental, especially in shrubbery and flowers. This, he could not, or did not think he could afford, but to realize subsistence and profit, to make money, to provide for his own, and to enable him to contribute in charity to the wants of others. He consequently entered into all the utilities, economies and practicabilities of husbandry in its minute details, realizing the English proverb, quoted in the writings of Sir Francis Head, that "a good elephant should be able to raise a cannon or pick up a pin."

The liberal hospitality that he dispensed throughout life was a most conspicuous feature in the period thus devoted to practical agriculture. His nature was eminently social, his acquaintance in his high position extensive, his dwelling near one of the great highways of travel through the State in the old modes of conveyance, easy of access; and the exuberance of his farm, garden, orchards and domestic comforts were never more agreeably dispensed, than when ministered to the gratification of his friends under his own roof. The cordiality and ease with which he did the honors of an entertainer in an old-fashioned southern mansion, is among the pleasant recollections of not a few between the Potomac and the Mississippi. It was here, indeed, surrounded by a family worthy of the care and affection he bestowed upon them, relaxed from the severe studies and anxieties of official life, in unreserved and cheerful intercourse, that, after all, he appeared most favorably.

By his industry, frugality and aptitude for the management of property, he accumulated in a long life an estate more ample than usually falls to the lot of a member of the profession in this State; and although much reduced by the consequences of the civil war, it was still competent to the comfort of his large family.

Judge Ruffin was, until superseded by the changes made in 1868, the oldest Trustee of the University of the State, and always one of the most efficient and active members of the Board. For more than half

a century on terms of intimate intercourse with its Presidents, Caldwell and Swain, and the leading Professors, Mitchell, Phillips and their associates, he was their ready counsellor and friend in any emergency; whether in making appeals to the Legislature in behalf of the institution for support and assistance in its seasons of adversity, or in enforcing discipline and maintaining order, advancing the standard of education, or cheering the labors both of the Faculty and students. His criterion of a collegiate education was high, and he illustrated by his own example the rewards of diligent and faithful study. He retained a better acquaintance with the dead languages than any of his compeers we have named except Gaston, Murphey and Taylor. In ethics, history and the standard British classics, his knowledge was profound. In science and in natural history, more especially in chemistry and those departments pertaining to Agriculture, Horticulture, Pomology and the like, his attainments were very considerable, as they were also in works of *belles lettres*, Poetry, taste and fiction, at least down to the end of the novels of Scott and Cooper. He worthily received the honorary degree of Doctor of Laws from the University of North Carolina in 1834, and the like honor is believed to have been subsequently conferred by his Alma Mater at Princeton.

His style and manner in conversation, in which he took great delight and bore a distinguished part in all companies, abounded in pleasantry, but exhibited the same wide range of thought and information

with his public performances, and was full of entertainment and instruction to the young. His temperament was mercurial, his actions quick and energetic, and his whole bearing in the farthest possible degree removed from sloth, inertness and despondency. In political sentiment he accorded with the school of Jefferson, and for more than forty years was a constant reader of the *Richmond Inquirer*, the editor of which, Mr. Ritchie, was his relative; though no one entertained a more exalted reverence for the character, abilities and patriotism of Marshall, with whom he cherished a familiar acquaintance while in practice before him at the bar, and after his own elevation to the Bench. Later in life he formed a like kind and admiring acquaintance with Chancellor Kent.

In the winter of 1861, the Legislature of North Carolina, having acceded to the proposition of Virginia, on the approach of the late rupture between the States of the Union, to assemble a body of delegates in the city of Washington, to consider and recommend terms of reconciliation, Judge Ruffin was appointed one of the members in the "Peace Conference," and is understood to have taken a conspicuous part in its deliberations and debates. We have the testimony of General Scott, in his Autobiography, already quoted, that his counsels in that assembly were altogether pacific. President Buchanan, in his work in defence of his action in that important crisis, makes assertion of the same fact. After the failure

of the efforts at adjustment, and the war in his opinion had become a necessity, Judge Ruffin accepted a seat in the State Convention of 1861, and threw into its support all the zeal and energy of his earnest and ardent temper; one of his sons, a grandson and other near connections taking part in the dangers and privations of its camps and battlefields. When defeat came, he yielded an honest submission and acquiescence, and renewed in perfect good faith his allegiance to the government of the United States. Too far advanced in years to be longer active in affairs, his chief concern in regard to the public interests thenceforward, was for the conservation of the public weal, and that the violent convulsion of which we had felt the shock and the change might be permitted to pass without any serious disturbance of the great and essential principles of freedom and right which it had been the favorite study of his life to understand and illustrate.

With the close of the war his farm about his mansion having experienced the desolation of an army encampment, and its system of labor being abolished, he felt unequal to the enterprise of its resuscitation and culture, and therefore disposed of the estate and again took up his abode in Hillsborough. Here, in occasional occupation as a referee of legal controversies, in directing the assiduous culture of his garden and grounds, in desultory reading, in which he now and then recurred to his old favorites among the

novels of Scott, in the duties of hospitality and the converse of friends in the bosom of his family, he passed the evening of his days. In the sense of imbecility or decrepitude, he never grew old, but was blessed with the enjoyment of a remarkable intellectual vigor and fine flow of spirits almost till his dissolution. And in anticipation of death in his last illness, he laid an injunction on his physician to administer to him no anodyne which should deprive him of consciousness, as he did not wish to die in a state of insensibility.

On the 15th of January, 1870, after an illness of but four days, though he had been an invalid from an affection of the lungs for a year or more, he breathed his last, in the 83d year of his age. His end was resigned and peaceful, and in the consolation of an enlightened and humble christian faith. For more than forty years a communicant in the Protestant Episcopal church, he was one of its most active members in the State, and more than once represented the Diocese in the Triennial Conventions of the Union.

The venerable companion of his life, a bride when not yet fifteen, a wife for more than sixty years, yet survives to receive the gratitude and affection of a numerous posterity and the reverence and esteem of troops of friends.

This imperfect offering is a memoir, not a panegyric. It contains not history, but *particulas historię*—scraps

of history which it is hoped may not be without their use to the future student of our annals, for the character we contemplate is destined to be historical. His life was passed in the public view in the most important public functions—in contact with the most gifted and cultivated men of the State for half a century; it ran through two generations of lawyers. It was given to a profession in which were engaged many of the first minds of other States, and I can call to recollection no Judge of any State of the Union who in that period has left behind him nobler or more numerous memorials of erudition, diligence and ability in the departments of the law he was called to administer. The study of his performances will at least serve to correct the error of opinion prevailing with many at the North, that the intellectual activity of the South delights itself only in politics.

To the members of the Agricultural Society and to this audience his devotion to, and success in agriculture is a subject of only secondary interest to his professional fame. It has been remarked by one of the British essayists, as “a saying of dunces in all ages, that men of genius are unfit for business.” It is perhaps a kindred fallacy, to which pedantry and sloth have given as much countenance on the one hand as blissful ignorance on the other, that high culture and erudition as in the case of the learned professions, is incompatible with success in practical affairs in other departments. We have before us the life of one who demonstrated in his own person, that it is pos-

sible for a great and profound lawyer to take a leading part and become a shining light in practically promoting the first and greatest of the industrial arts, and although there be no natural connection between these occupations, that the same well-directed industry, patience and energy which had achieved success in the one, was equal to a like triumph in the other; whilst in high probity, in stainless morals, in social intercourse, in the amenities of life, and the domestic affections and duties, his example will be cherished in the recollection of his friends, and may well be commended to the imitation of our youth.

