## PROCEEDINGS IN MEMORY

#### OF

# THOMAS RUFFIN.

PROCEEDINGS OF THE SUPREME COURT OF NORTH CAROLINA, AND THE BAR IN ATTENDANCE UPON THE SAME, AND ALSO UPON THE SUPERIOR COURT OF WAKE COUNTY, IN REFERENCE TO THE DEATH OF THOMAS RUFFIN, LATE A CHIEF-JUSTICE OF THE SUPREME COURT.

Upon Monday, January 17, 1870, soon after the opening of the Court, the death of THOMAS RUFFIN, late a Chief-Justice of the Court, was announced; and it was suggested that the Bar in attendance upon the Court, and the Superior Court for Wake County, now in session, would hold a meeting this afternoon in honor of his memory; that his Honor Judge Watts, had consented to attend, and that the Bar desired the Justices of the Supreme Court also to unite with them.

The Members of the Court thereupon expressed their readiness to join their brethren of the Bar at the meeting proposed; and **3** o'clock, and the room of the Court, were named as the hour and place of assembling.

At 3 o'clock the Meeting was called to order: Present, Chief-Justice Pearson, Justices Reade, Rodman, Dick and Settle, Judges Watts and Cloud, Attorney-General Olds, Messrs. D. M. Barringer, V. C. Barringer, W. H. Battle, R. H. Battle, Jr., W. H. Bagley, J. B. Batchelor, Thomas Bragg, C. M. Busbee, W. P. Bynum, F. H. Busbee, W. R. Cox, J. H. Etheridge, D. G. Fowle, E. G. Haywood, Johnston Jones, R. W. Lassiter, A. M. Lewis, A. S. Merrimon, W. A. Moore, W. S. Mason, W. G. Morisey, S. F. Phillips, S. H. Rogers, George H. Snow and George V. Strong.

Upon motion, Chief-Justice Pearson was called to the Chair, and Mr. Phillips was appointed Secretary.

Upon motion of Mr. W. H. Battle, a committee of five was raised to report resolutions expressive of the sentiments of the Meeting in reference to the death of THOMAS RUFFIN.

The Chairman appointed, as members of this committee, Mr. W. H. Battle, Mr. Justice Reade, Mr. Bragg, Judge Watts and Mr. Merrimon.

After retirement and deliberation, the committee, through Mr. Battle, reported the following resolutions:

The members, officers and bar of the Supreme Court, and of the Superior Court of Wake County, now in session, having heard of the death of THOMAS RUFFIN, are impelled by a sense of duty to his memory to give a public expression to the feelings which the sad occasion has excited. They cannot forget, if they would, that the State has lost one of her most distinguished citizens, and the United States one of her most eminent jurists.

Strong natural talents, improved by assiduous culture, brought Mr. RUFFIN, at an early period of his life into public notice. The Speakership of the House of Commons, the election to a Judgeship of the Superior Court at two successive periods, and the Presidency of the principal Bank of the State, marked his upward career, until he reached, with general approbation, the Bench of the Supreme Court, of which he was soon after made Chief-Justice. How he demeaned himself in that high office is well known throughout the land. His judicial opinions are read with admiration by all who have occasion to consult them, and are often quoted with approbation by Judges in other States, and by the ablest law-writers of the Union.

Standing pre-eminent as a jurist he was not less distinguished in the private walks of life. As an agriculturist, he had few equals in skill; and no superior in devotedness. Living for a long period near one of the public highways, his home was the seat of unbounded hospitality. In the relations of friendship he was faithful and true; and in the sweet intercourse of domestic life, he was all that a devoted wife and affectionate children could desire. To crown all he was a Christian gentleman. Therefore, *Resolved*,

1. That the members of this meeting will wear the usual badge of mourning during the present terms of the Supreme Court and the Superior Court.

2. That a copy of these resolutions be sent to the family of the deceased by the Chairman of this meeting.

3. That a copy of the resolutions be presented to the Supreme Court and the Superior Court of the County of Wake, with a request that they be entered upon the minutes of the respective Courts.

The report was adopted unanimously, and the Chairman of the Committee instructed to present it to the Supreme and Superior Courts, upon the morrow.

Thereupon the meeting adjourned.

Upon Tuesday, the 18th, after the opening of the Court, Mr. Battle rose, and presented the resolutions that had been adopted on the 17th: introducing them with the following remarks:

### May it please the Court:

I have been charged with the duty of presenting to your Honors Resolutions adopted at a meeting of the Bench and Bar upon yesterday, and to request that they be spread upon the minutes of the Court.

Before proceeding to the performance of this duty, I beg leave to remark that this sad occasion carries our thoughts back vividly to the time of the organization of this Court in the year 1819, and to the distinguished men who were then connected with it.

The Bench, at that time, was illustrated by the legal learning and fine literary taste of Chief-Justice Taylor, the genius of Judge Henderson, and the strong common sense of Judge Hall. They were aided in their decisions by the arguments of a Bar of the greatest ability. At that time, and for some years afterwards, the business of the Court was conducted by gentlemen, who were called, the Bar of the Supreme Court, and the practice was confined to them with almost as much exclusiveness, as was formerly that of the Court of Common Pleas in England, to the Sergeants-at-Law. It was a rare instance that any other member of the profession ventured to appear before the Court; for it required no little moral courage to do so. The members who then composed the Supreme Court Bar were regarded as equal, if not superior, to the members of such Bars in any other State in the Union. Your Honors will at once acknowledge the justice of this high encomium, when I recall the names of William Gaston, Thomas Ruffin, Henry Seawell, Archibald Henderson, Archibald D. Murphy, Gavin Hogg, Moses Mordecai, Joseph Wilson and James Martin.

All these men, except him to whom we now bid farewell, have long since passed away. It was the fortune of the survivor to live until he became full of years, and of honors!

On yesterday, we learn, his mortal remains were consigned to the tomb.

In a long life, THOMAS RUFFIN had greater opportunities than any of his competers, of connecting his name indissolubly with the judicial annals of North Carolina. In 1829 he was elected a Judge of the Supreme Court of the State, and in 1833 he became its Chief-Justice. In this high office he presided nearly twenty years, and during that period he was called upon to deliver opinions in many great causes, involving important and difficult questions of Constitutional, as well as of Common and Statute law. These opinions have spread his fame beyond the limits, not only of this State, but of the United States. We are informed that great Judges in England have spoken of his judicial discussions in terms of high admiration.

As a tribute of respect to such a man, it is, that I beg leave to

move, that the resolutions be ordered by your Honors to be placed upon the records of the Court.

The resolutions having been read, Chief-Justice Pearson responded as follows:

#### Gentlemen of the Committee:

The Justices of the Court concur in the sentiments expressed by the Resolutions which you have presented.

To a vast fund of legal learning, and remarkable faculties of perception and of reflection, THOMAS RUFFIN united a power of application and mental endurance, by which he "built for himself a monument more lasting than brass." As long as the Reports of Devereux, Devereux & Battle and Iredell are extant, it will be known that his was a Master-mind, which made its mark upon the jurisprudence of the State.

Chief-Justice RUFFIN, during a long life time filled a large measure of usefulness, and attained a reputation as a jurist, which is justly a matter of pride to our profession.

The Clerk will record the Resolutions.

Thereupon, the Court adjourned.

THOMAS RUFFIN, the eldest child of Sterling and Alice-Roane Ruffin, was born at Newington, King & Queen County, Virginia, November 17, 1787.

He was sent to school at Warrenton, N. C., where he was taught by Mr. George, an Irishman, an excellent classical scholar, and severe disciplinarian. From thence, he went to Princeton, N. J., and was graduated there in 1805.

Returning home, he commenced the study of the law, in the office of David Robinson, at that time, an eminent lawyer of the city of Petersburg.

His Father having removed to Rockingham county, North Carolina, in 1807, Mr. Ruffin came with him, and resumed his studies, for a few months, with the late Judge Murphy, and was admitted to the bar in this State, in 1808. Early in 1809, he removed to Hillsboro', and upon the 7th of December, in that year, married Anne, eldest daughter of the late William Kirkland, Esq. For the next twenty years he continued to reside at that place, engaging in a wide circle of professional labors. In 1813, 1815 and 1816, he represented the Borough of Hillsboro', in the House of Commons, and in the latter year, was Speaker of the House. During the same session, he was elected a Judge of the Superior Court. He remained upon the Bench for two years, when his private interests compelled him to resign.

His health breaking down in consequence of his very extended and laborious professional business, he again accepted a seat upon the Bench of the Superior Court, in 1825. At the close of 1828, he resigned this seat a second time, in consequence of an election to the Presidency of the State Bank. A year afterwards, he was elected to fill the vacancy upon the Supreme Court Bench, occasioned by the death of Chief Justice Taylor. At December Term 1833, upon the death of Chief Justice Henderson, he was chosen to succeed to his place.

Upon his election to the Supreme Court, he removed his residence to Haw River, in what is now, Alamance county. In the Fall of the year 1852, he again retired to private life, and withdrew to what he always regarded as the most worthy of human occupations, the tilling of the earth. For several years, he served his fellow-citizens as a county magistrate, and Chief Justice of the Court of Pleas and Quarter Sessions.

At the session of 1858, the General Assembly again called him to the Supreme Court Bench, and he continued to sit there for three terms, ending with June 1859.

In the Spring of 1861, he served as one of the members of what was called "The Peace Congress;" and in the same year, was elected to the State Convention of 1861.

At the close of the late war, he returned to reside in Hillsboro', and died there, on the morning of the 15th day of January 1870.

Chief Justice Ruffin, in person, was about six feet in height, and of a spare figure. His movements were nervous and rapid. The general expression of his countenance indicated great energy, resolution and power. He was neat, uniform and tasteful in regard to dress. In his latter years, his appearance was impressive, and very venerable.

His special reputation, aside from his professional position was that of a financier.

He was for many years, a communicant of the Episcopal Church, attached to its order and worship, yet liberal in his estimate of the worth and usefulness of other denominations.

He left a numerous family of children and grand-children.

He died in the full possession of his mental faculties, in charity with all men, and in the Peace of God.