

mother being there and having her photograph made and of our having our first automobile ride, on a White Steamer, I am reminded that it was at that Exposition that I saw James Bryce, the British Ambassador and the author of The American Commonwealth, my one and only time. Later, while I was at work on Race Distinctions, or some subject, I wrote Mr. Bryce for some information. He answered me on a handwritten postal card, in his own handwriting, I presume. I have that card somewhere, in my office in the yard among the papers to be preserved.

This 1906 Commencement ended my work in the Graduate School. After another year at home, a second sabbatical, I returned to Harvard for three sessions in the Law School. But, first, let me tell about that year at home. It really was a significant year, as it turned out, in preparation for my life-work.

Again, my father acted wisely in having me stay out of school another year. It meant much more than rest and relaxation from schoolwork. I needed time to think through and try to think out what I should do for my lifework. I still was undecided as between teaching and law. When I had entered the Graduate School in 1904 and even after I had gone on to Harvard in 1904 I could not decide whether I was preparing for teaching or for politics via the law.

In 1906 I was 22, nearly 23 years old. It was time for me to get my bearings. I got them, partly at any rate, in a most unexpected way.

This is the way I describe it in my volume, Reflections of a Trustman, Chapter I, and I cannot do better than quote direct from that:



Between leaving the Harvard Graduate School and entering the Law School, I took a year off from school and stayed at home. During the summer of that sabbatical year I attended a local farmers' meeting and heard an address by a representative of the American Society of Equity. This was a farmers' organization with its head office somewhere in the Middle West. The speaker urged the peanut growers of southeastern Virginia and north eastern North Carolina to organize a division of the Society for their protection and for the promotion of their interests. Our farmers responded to this appeal. They invited me to take over the organization of the peanut division of the Society, and I accepted.

During that school year, I went, mostly by horse-and-buggy, from township to township throughout the peanut-growing areas of the two States. I called together the farmers in school-houses, on store porches, wherever I could get them together, explained to them the best I could the workings of the Society, and organized them into local chapters. Also, that was the year of the Jamestown Exposition, and I was active in arranging a peanut exhibit in the Exposition. In our area the American Society of Equity has been succeeded by the Farm Bureau and the Peanut Growers Association which are much more effective organizations than the Society or its Peanut Division ever was. But it was the A. S. of E. - as it was abbreviated - that gave me my first experience in organizing and influencing men for a common objective.

So much for the somewhat impersonal side of that work. I was paid, not a salary, but a commission on the new members whose membership fees I collected, took out my commission, and turned in



the net amount. The money I made, which was not much, I used mostly in buying a colt named Nellie who - who, no which - lived on to a ripe old age and was a rich character to the end of her days. She had personality. She almost could unlock barn doors and open gates and go where she wanted to go.

Not only did that year, as I quoted above, give me my first experience in organizing and influencing people; it gave me my first insight into the homelife of the farmers of the Tidewater Section of Virginia and North Carolina - Southampton, Nansemond, and Isle of Wight in Virginia; Northampton, Hertford, Bertie, and Gates in North Carolina. I got my first taste of hotel life. Working the Virginia counties, I would go by train to Suffolk, spend the night, and work out from there the next day, using the Seaboard, the Norfolk and Western, and the Norfolk Southern Railroads.

It was during this sabbatical year, too, that I met Grace. I have typed a diary of hers for that year, 1906-1907. I find several entries about "Mr. Gilbert Stephenson" calling. And my own Journal carries numerous entries of my calling. She was teaching in the Conway School and living with her sister, Mrs. D. H. Reed. In fact, I think it was after a peanut meeting that I made my first call on her. I do not think she attended the meeting; she was not at all interested in that. But, as I recall, after the meeting Will Stephenson took me to Dr. Reed's and introduced me to the new teacher, Miss White.

Is it not interesting to note how many things of the very greatest importance in one's life come unexpectedly and in the most unexpected places? My experience with the A. S. of E. that year and my meeting Grace made that year the most eventful of my



career up to that time and probably ever since.

With the coming of the school year, 1907-1908, I decided to return to Harvard and to enter the Law School and work for a Law degree, LL. B., rather than return to the Graduate School and work for a Ph. D.

Why Harvard? Let me stop here and in this connection pay tribute to my father: He wanted me to have the best education that was obtainable. He did not know what that was nor where I could get it. But he only wanted the "best" - the best of everything, the best horse, the best buggy, the best house, the "best" anything and everything.

Illustrative of his wanting the best: One year he attended the Baptist State Convention. The Convention sermon - the big event - was preached by a city pastor. My father did not think much of it. He remarked that he knew country preachers who could outreach that man. One of those country preachers was Rev. Q. C. Davis who had a pastorate, I think, in the Chowan Association near Elizabeth City. In some way - I do not know how - my father got him on to preach the Convention sermon the next year. He did outreach the city pastor of the year before. My father attended that convention too. No mother ever was more concerned about the looks and actions of her daughter at her coming-out party than my father was over his preacher - his clothes, his delivery, everything. In fact, he made a good selection. The Reverend Mr. Davis was a theologian and a good speaker. He had a brother who was a federal court judge in New Jersey and an active church layman. He came down to Wilmington for a YMCA address, and we entertained him at 814 N. Broome Street. My father had a son who was, perhaps still is, a professor in one of the Baptist



theological seminaries. But my father was most interested in having "his" preacher outreach the city preacher of the year before two years and three sessions later that the book of that title was My father got his wanting the "best" from his mother rather than his father. And he had this ambition far more than my mother did. She would have been willing for me to stop school after I was graduated from Wake Forest in 1902 and go to teaching or something. Not he. If there was any better educational obtainable, here or abroad, he wanted me to have it. While money with him was not plentiful, he would have found a way to finance further schooling no matter where, just so it was the "best."

Now, after this digression, let me get back to the selection of a law school. Why I chose Harvard in the first place I really do not know. I presume I inquired around among the professors in Wake Forest and from them got the impression that, when all is said and done, Harvard is the best institution of higher learning in either the United States or Great Britain. So it was Harvard I selected.

This was about the time of the beginning of the Rhodes Scholarships to Oxford University. I thought for a while of trying for one of them. But that was too far away from home for me. Harry Trantham, David Covington's first cousin, did try and got one. In later years I twice visited Oxford University, in 1927 and again in 1956. I wonder what would have been my lot in life if I had gone there for graduate work or even for law, as our friend Robert Lee Humber did, a lawyer, also named *Graduate School* with whom? But why the Law School instead of the ~~Law~~ School? I am sure Professor Albert Bushnell Hart had a hand in that too, though he did not realize and perhaps would not have approved



Now let me come back to the place where Professor Hart it at the time. Early in my Graduate School work under him I veered me toward the Law School. As anyone who glanced through had begun to work on Race Distinctions in American Law. But that the book, Race Distinctions in American Law, will see, was three years and three session later that the book of that ti- source material is statutes and court decisions. See the page tle was written. Professor Hart, always eager to promote his after page of footnotes at the end of each chapter. Running students, had got me on the program of the Baltimore meeting of down these statutes and decisions took me to the Law School the American Political Science Association. He had me speak library. Later, while I was preparing the book for publication, on race distinctions.

Three things about that convention I remember: One, the I was given the run of the stacks, for which privilege I gave due credit to the Librarian, Mr. John A. Arnold, in the preface audience room was one of the Johns Hopkins classrooms with rising of the book. tiers of seats from front to rear - an amphitheatre. When my Thus it is easy to see why I headed toward the Law School time came on the program I was sitting on one of the top tiers of and away from the Graduate School. But this does not mean at all seats. Starting to walk down I stumbled and fell sprawling. However, I lost touch with Professor Hart. In fact, I saw more of I picked myself up and went on and made my address. This was my him during my Law School days than I did of any of the Law School first address before a learned gathering. professors and after I left Harvard I remained more intimate

Second: During the convention the head of the Catholic with him than I did with any of them. It was many years later Church in Baltimore - Cardinal Gibbons, I think he was - gave a that my intimacy with Austin Scott came. reception and I attended it. That was my first intellectual social So much for why I entered the Law School. Certainly there affair of that kind. was no blazing enthusiasm for the law nor dedication to the legal

Third: My address was published in the American Political profession. It was, at best, a platonis, rather than an emotional. Science Review of May 1909. Somewhere I think I have a copy of it. attachment.

Then, too, Professor Hart put me in touch with Charles E. Having already spent two sessions in Harvard, I knew Grinnell, editor of The American Law Review. Mr. Grinnell, then way around. I returned to 14 Oxford Street to room and to Randall an old man, had me out to dinner and to spend the evening with Hall to eat. him and Mrs. Grinnell. Mr. Grinnell himself, I think, as a young During my Graduate School years, the only Law School man, had seen Abraham Lincoln or perhaps had seen his body as he building was Austin Hall. I had played tennis where Lansdell Hall lay in state. They had a son, a lawyer, also named Charles, with now stands. This open space for tennis courts once had been the vegetable garden of the Holmeses - Dr. Oliver Wendell Holmes and whom I had some, not much, contact later. Mr. Grinnell, editor, accepted for publication a series of articles by me on race dis- tinctions. This was my first break-into a legal publication.



Now let me come back to the place where Professor Hart I entered the Law School, in 1907, the first part of Langdell veered me toward the Law School. As anyone who glanced through Hall had been completed and our classrooms were in it. We still the book, Race Distinctions in American Law, will see, its used the reading room and washrooms and lockers of Austin. Since source material is statutes and court decisions. See the page then unit after unit has been added to Langdell until now it after page of footnotes at the end of each chapter. Running is spread all over what used to be the Holmeses' garden. down these statutes and decisions took me to the Law School library. Later, while I was preparing the book for publication, In 1870, three months after President Eliot had been inaugurated, Christopher Columbus Langdell had been installed I was given the run of the stacks, for which privilege I gave as Dane Professor of Law. In 1895 he became Dean of the Law due credit to the Librarian, Mr. John A. Arnold, in the preface School. Encouraged by President Eliot, he had introduced the of the book.

Thus it is easy to see why I headed toward the Law School case system of teaching law. This was something new under the sun. Instead of the teacher's telling student what the law is and away from the Graduate School. But this does not mean at all that I lost touch with Professor Hart. In fact, I saw more of or letting him go to a textbook to find out what the author thought the law on a given point is and then recite to the him during my Law School days than I did of any of the Law School teacher, the student had a casebook - that is a book of selected professors and after I left Harvard I remained more intimate cases. He was to study these cases, find out what the points of with him than I did with any of them. It was many years later the court's opinion were, and be prepared to discuss them in class. that my intimacy with Austin Scott came.

So much for why I entered the Law School. Certainly there in class the teacher did not lecture. He only raised point after point that had been covered in the assigned cases and called upon was no blazing enthusiasm for the law nor dedication to the legal students to discuss or students volunteered to discuss the point. profession. It was, at best, a platonic, rather than an emotional, The only instructor I had who almost-lectured to us was Ed (Bull) attachment.

Having already spent two sessions in Harvard, I knew my Warren, because he did near-lecture instead of lead discussion, he was not rated so high as an instructor as the others were. It way around. I returned to 14 Oxford Street to room and to Randall was these classroom discussions that brought out what was in the Hall to eat.

During my Graduate School years, the only Law School student. Some of them were loquacious and talked too much; and the instructor had a nice way of squelching them. Others made building was Austin Hall. I had played tennis where Langdell Hall names for themselves by their intelligent discussions. Among the now stands. This open space for tennis courts once had been the letter were Robert Swaine of Iowa, Hanley O. Hudson of Missouri, Vegetable garden of the Holmeses - Dr. Oliver Wendell Holmes and Harrison Tynd of New York, and Winthrop Aldrich of Rhode his son Justice Oliver Wendell Holmes. But by the time I entered island but let me postpone for the moment anything further



I entered the Law School, in 1907, the first unit of Langdell Hall had been completed and our classrooms were in it. We still used the reading room and washrooms and lockers of Austin. Since then unit after unit has been added to Langdell until now it is spread all over what used to be the Homleses' garden.

In 1870, three months after President Eliot had been inaugurated, Christopher Columbus Langdell had been installed as Dene Professor of Law. In 1895 he became Dean of the Law School. Encouraged by President Eliot, he had introduced the case system of teaching law. This was something new under the sun. Instead of the teacher's telling student what the law is or letting him go to a textbook to find out what the author thought the law on a given point is and then recite to the teacher, the student had a casebook - that is a book of selected cases. He was to study these cases, find out what the points of the court's opinion were, and be prepared to discuss them in class. In class the teacher did not lecture. He only raised point after point that had been covered in the assigned cases and called upon students to discuss or students volunteered to discuss the point. The only instructor I had who almost-lectured to us was Ed (Bull) Warren, because he did near-lecture instead of lead discussion, he was not rated so high as an instructor as the others were. It was these classroom discussions that brought out what was in the student. Some of them were loquacious and talked too much; and the instructor had a nice way of squelching them. Others made names for themselves by their intelligent discussions. Among the latter were Robert Swaine of Iowa, Manley O. Hudson of Missouri, Harrison Tweed of New York, and Windthrop Aldrich of Rhode Island. But let me postpone for the moment anything further



the vowels and all of the consonants that were not determinative about these and other leaders in my class.

In my judgment the case system is the ideal way to teach opportunity, aptly. There were a few signs. The was /; of the law to men who expect to be really learned in the law. Instead of telling them what the law is - who knows? - tell them how writing and is being taught in business schools. Anyhow, I became to find out what, others think, the law is or should be. In rather proficient in this system of speedwriting. Even, now, when practice, when a lawyer gets a case, he tries - or he should I get into a pinch, I can use it almost as well as I did in my try - to reason out what the law should be or what he hopes it student days.

is. Then he tries to find out what the statutes, if any, say it In saying that I became a slave to my notes I mean that I is for the time being. For several years The News and Observer was so busy taking down what the instructor or the student has carried a column, This Is the Law, by a college professor saying about a point of law that sometimes I failed to get what of law. Let's not name the college nor the man. Had that man the conclusion about the point was. Furthermore, I was so busy been trained in the Harvard Law School he, I hope, never would taking notes that I did not participate in the classroom dis- have given his column any such cocksure title.

In my library I have a collection of casebooks I used something like to my note-taking. all during my three sessions in the Law School. They, of course, have been superseded by casebooks containing more recent cases. As soon as the class or classes were over I would go back to my room and type out the lecture or lectures. It would have For instance, I have Volume I of Ames's selected cases on The Law of Trusts, published in 1893, and Austin Scott's selectee cases and other authorities on The Law of Trusts, second edition, published in 1931, 38 years later. And, no doubt, there are many bound and lettered in leather and cloth, just like lawbooks. other, later editions of selected cases on the law of trusts They are among my prized possessions. Someday, maybe, they will and other subjects. The case system still applies in the Law be offered to the Harvard Law School Library, not for the School and has spread to the leading law schools of the coun- goodness of the notes but for the way one student made and kept try.

his notes back in the 1900's. The following is a list of my In the Law School I became a slave to my notes. In the Notes; Ames, Equity, Pleading, and Trusts; Beale, Criminal Law Graduate School Professor Hart had taught me a system of tak- and Conflict of Laws; Brannan, Bills and Notes; Gray, Evidence; Smith, Torts; Washburn, Agency and Constitutional Law; Warren, Corporations and Property I; Williston, Sales; and Wyman, Mort-



the vowels and all of the consonants that were not determinative of the sound. For example, character was crtr; marriage, mrg; opportunity, optnty. There were a few signs. The was /; of the, v/ It is substantially the same system that now is known as speed-writing and is being taught in business schools. Anyhow, I became rather proficient in this system of speedwriting. Even, now, when I get into a pinch, I can use it almost as well as I did in my student days.

In saying that I became a slave to my notes I mean that I was so busy taking down what the instructor or the student was saying about a point of law that sometimes I failed to get what the conclusion about the point was. Furthermore, I was so busy taking notes that I did not participate in the classroom discussion. This, however, I think, was due more to my timidity or something than to my note-taking.

As soon as the class or classes were over I would go back to my room and type out the lecture or lectures. It would have been much better if I had spent less time taking and typing notes and more time studying and discussing cases in and out of classroom. In my library I have 17 volumes of these notes nicely bound and lettered in leather-and-cloth, just like lawbooks. They are among my prized possessions. Someday, maybe, they will be offered to the Harvard Law School Library, not for the goodness of the notes but for the way one student made and kept his notes back in the 1900's. The following is a list of my Notes: Ames, Equity, Pleading, and Trusts; Beale, Criminal Law and Conflict of Laws; Brannan, Bills and Notes; Gray, Evidence; Smith, Torts; Wamborgh, Agency and Constitutional Law; Warren, Corporations and Property I; Williston, Sales; and Wyman, Mort-



gages and Suretyship. and Sam Boyd Sebree of Kansas City, Missouri. There is one volume missing. I loaned it to Charlie the Vogel in Winston-Salem. He died soon thereafter. I asked his only brother Herbert to try to find it for me; but he never was able to find it. Today it may be hidden away in some attic in Winston-Salem. I do not recall now in what course this volume of Notes was. Every law student, so far as I know, was supposed to be a member of some Law Club. Mine was the Smith Law Club. Why or how I became a member of it I have no idea. It was not one of the distinguished clubs of the Law School. It was named for Professor Jeremiah Smith. He was one of the oldest members of the faculty. He taught Torts. They used to say that he was living when Lief Erickson from Scandinavia landed on our coast, long before Christopher Columbus came, and was there to welcome Erickson. For some reason I was elected "clerk" of the club my first session, and charged with the duty of keeping its records. I have a 133-page copy of the records of the club, 1907-1908, the year of my clerkship. It contains a copy of the constitution of the club, the outline of Professor Wambaugh's lecture to the club on how to find authorities, and a statement of the 11 cases we moot-ried that session. It contains also the lawyers' briefs on the cases. Someday I should like to find out whether the Smith Club still is in existence and, if so, maybe it would like to have my copy of its records for that year, 1907-1908.

The records contain a roster each of the First Year, Second Year, and Third Year students. Of the eight First Year members the only two that I kept in touch with are Edward Rieman



Lewis of Indianapolis and Sam Boyd Sebree of Kansas City, Missouri. In recent years I have lost touch with both these. Of the <sup>akv</sup> either members of the Second Year Court I kept in touch with only Ben Parham of Oxford, North Carolina, who married Kate Johnson, Gerald's sister, practiced law in Oxford, and died rather young. Of the five members of the Third Year Court I never had or, if I ever did, I lost touch with all of them. This was in no sense a social club. We met weekly to argue cases that had been assigned to us.

I argued my first case November 5 1907. It was a criminal case, and I appeared for the prosecution. The point was whether pointing an unloaded pistol - known by the victim but not by the defendant to be unloaded - was an attempt to murder. As I glance over my brief in that case I am rather pleased with it. It looks as though I did go to the heart of the case; and my citations indicate that I really had made a study of the different points covered in the prosecution.

Now let me tell some of my reminiscences of the instructors in the Law School, 1907-1910, and of the courses they gave. In the history of the Law School it was midway, before the old men went out and before the new ones came in.

James Barr Ames was not only Dean of the Law School but also taught Trusts, Pleading, and Equity. I took his course in Trusts my second year. He was succeeded by Austin Scott, of the Class of 1909, who has been giving it ever since and who is retiring at the end of the next, 1960-1961, session at the age of 76.

Dean Ames was one of the most democratic, personable, unpretentious men of the Law School Faculty. He lived in a house



just back of 14 Oxford Street where I roomed. In the morning he would crawl through the space of a left-out board in the fence around his backyard and dog-trot by Pierce Hall, in which Professor Hart's office was, over to his own office in Langdell Hall. Once or twice I stopped him on the way and asked him about some point. He was as simple and approachable and democratic as anyone could be. It is interesting that trust has turned out to be the branch that I have had the most to do with. I do not know now the grade that I made in the course; it could not have been above a B; maybe it was only a high C. I do remember that in 1909, my second year, it was my first examination coming on Monday. The Sunday evening before I had been out with the Larramendi girls and had overeaten and had not slept well. How well I did on the examination the next morning I do not know; but, I suspect, not very well. Dean Ames died during my third year in the Law School. I went to his funeral in Appleton Chapel. He had been stricken with what then was called "softening of the brain." One day, I was told, he called the Law School Faculty together at lunch in the University Club. He told them, as they sat together around the table, that there was something the matter with him, that he could not call the name of a single one of them, and that he was going away. He went, but he did not return.

He was succeeded by Professor James Bradley Thayer. I never had any course under him nor knew him. And my LL. B. diploma granted in 1910 carries the name of A. Lawrence Lowell President and Samuel Williston Dean of the Law School ad hoc. As I



The students who, as I have indicated, referred to him as Jerry, recall, Dean Thayer, on account of ill health did away with himself. He had been a member of the faculty since 1890 after a long and distinguished career at the Bar and on the Bench in his native State of New Hampshire. He was succeeded mediately or immediately by Roscoe Pound, who had been brought in from Nebraska. I heard him lecture at the University of North Carolina, I saw and perhaps met him at American Bar Association meetings. But I never warmed up to him. He still is alive, I think. The only dean after Ames that I did come to know was Erwin Griswold, the present Dean, during his college days he had lived in College House which was the dormitory of boys in straitened financial circumstances. Although I never came into much, if any, direct contact with him, I had tremendous respect for him; and I think everyone else did. to remain a teacher.

Twice Austin Scott was offered the deanship of the Law School and twice had the good sense to turn it down. He preferred to remain a teacher.

Samuel Williston taught Sales and Contracts. He was the third man who came onto the faculty that same year, 1890. In 1909 he published a textbook, not a codebook, on The Law of Sales of Goods at Common Law. I noted on the flyleaf that I bought a copy on April 6 1909, "bought the day the book appeared." I always thought of Professor Williston as a lovable man. In 1941, long after I had left the Law School and long after he had retired, he wrote his autobiography, Law and Law. Perpetuities and for his scathing denunciation of Spendthrift Trusts. I suppose his work on the rule against perpetuities is affectionately dedicated to my former students and the many friends who have come to me through a long life. I bought a copy and read it with a great deal of pleasure. So much did I enjoy reading it that I wrote him a note of congratulation, of the present-day Law School Faculty, A. James Casner, long has never dreaming that I would hear from him except, perhaps, by formal note. To my amazement and very great satisfaction promptly there came this handwritten note:

I already have mentioned Professor Smith - Jerry - as the patron saint of the Smith Law Club. I do not recall his ever having attended a meeting of our club; maybe he did. But he was a very popular member of the faculty and had the universal respect of



the students who, as I have indicated, referred to him as Jerry. He had been a member of the faculty since 1890 after a long and distinguished career at the Bar and on the Bench in his native State of New Hampshire.

Joseph H. Beane also came onto the faculty in 1890. He taught Criminal Law and Conflicts of Laws. He was a small, plump man, with a walrus mustache. His nickname with us was Joey. During his college days he had lived in College House which was the dormitory of boys in straitened financial circumstances. Although I never came into much, if any, direct contact with him, I had tremendous respect for him; and I think everyone else did.

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Mr. dear Mr. Stephenson,

Thank you for taking the trouble to write me that you find "Life and Law" interesting. The author of an autobi-



ography feels a little shame-faced about it - at least I do - and is grateful for testimony that it has been worthwhile, one of the younger ones during my day. He was Edward H. Warren who taught me Corporations and Property I. Although I have spoken somewhat disparagingly of him because he was more inclined to tell us what the law is than to discuss it with us. I became and remained somewhat prejudiced against him because of this incident: One day in the reading room of Austin Hall I saw Professor Warren sitting huddled over a book in one of the side-rooms off the main reading room. I went over and asked him still is alive in the flesh but is a mental invalid.

I hope very much that if you are in Cambridge again you will look in on me. I am ordinarily at the Law School throughout the morning.

Very sincerely yours,

Daniel Williston

Recently - February 1960 - I learned that Mr. Williston still is alive in the flesh but is a mental invalid.

Professor Eugene Wambaugh came to the Law School from Iowa State University in 1892. I had him in Agency and Constitutional Law. And, I recall, I made an A in his course in Constitutional Law. After I had left the Law School I remember paying a courtesy call on him in his office in Austin Hall. More than that, once when Grace and I were visiting the Albert Bushnell Harts, Professor Hart gave a dinner for us in the University Club, and Professor Wambaugh was one of the guests. Then I did have opportunity really to sit down and have a talk with him as man to man and on that level.

What impressed me then was the difference in attitude of a former student toward his former teacher when the two meet in afterlife as man to man. Professor Wambaugh's attitude toward me was different from what it had been when he was teacher and I, student; at any rate, I thought it was. And now, when I myself am in my 70's, I cannot get quite used - in fact, I do not want to - to the difference that younger people pay me simply because I am older or because I have held or still am holding some position which they regard as higher than theirs.



Speaking of Professor Wambaugh's (Wamby's) change of attitude toward me, let me introduce another member of the faculty, one of the younger ones during my day. He was Edward H. (Bull) Warren who taught me Corporations and Property I. Although I have spoken somewhat disparagingly of him because he was more inclined to tell us what the law is than to discuss it with us. I became and remained somewhat prejudiced against him because of this incident: One day in the reading room of Austin Hall I saw Professor Warren sitting huddled over a book in one of the side-rooms off the main reading room. I went over and asked him some point about ~~some point~~ in one of his courses. He resented my intrusion and showed it rather plainly. I was as wrong in intruding upon him as he was in showing his resentment; so we

broke even on that. Years later, back in the Law School on a visit, I called at Dean Griswold's office to pay my respects to him. Professor Warren, then old and retired, was in the office at the time. Either I went up and introduced myself or Dean Griswold introduced me. He was the essence of gentlemanliness toward me. Years had softened and sweetened him. In 1942 he wrote an autobiography entitled Spartan Education. I ordered a copy. On the flyleaf of the one I received is this: This edition limited to one thousand copies. Printed at the Riverside Press, Cambridge, Massachusetts, U. S. A., in August 1942. This is number 224 (autographed) For Gilbert T. Stephenson, Edward H. Warren." As I recall, the book as a whole reveals something of the personality of Bill Warren that had characterized his career as teacher.

Professor Joseph Doddridge Brannan taught us Negotiable Instruments or Bills and Notes or, as we called it, Bulls and Nuts. He was not an impressive personality nor instructor. In fact, I



returned to South Dakota and became a country lawyer. He was I remember his daughter Elsie upon whom, along with a group, I called a few times, better than I do him. He was regarded as one of the intimate friends of Dean Ames.

These were the men who made the Law School what it was in the 1900's. No doubt the succeeding generations and the present generation of teachers, typical of whom are Austin Scott and A. James Casner and Manley Hudson, have built well upon the foundations that these men laid and today are doing a better job of teaching than their predecessors did. This in no way discounts the contribution that Langdell, Ames, Gray, Thayer, and their generation made to legal education, not in Harvard alone, but in every law school through the common-law world.

Let me speak now of some of my classmates. The two with whom I was the most intimate were Manley O. Hudson and Charles V. Implay. But before I say more about them, let me say a little about several others.

Perhaps the most distinguished member of our class as a lawyer was Robert T. Swaine. At the time of his death Bob Swaine was a member of the firm, Cravath, Swaine, & Moore, New York City, long and honorably known as the Cravath Firm. In 1947 Bob sent me Volume I and in 1948 Volume II of The Cravath Firm, 1819-1948. Of course, he sent the two volumes to every member of our class; there was nothing whatever personal about his sending them to me. During his student days Bob already was a man of mark. From the Law School he went to New York City and on up to the top of the profession. Bob himself was a native of Council Bluff, Iowa.

Another member of our class was William Christian Rempfer of Parkston, South Dakota. Bob Swaine and Rempfer were friends and kept up some contact with each other. After graduation Rempfer



returned to South Dakota and became a country lawyer. He was the son of a Russian emigre - whether Jew or not - do not know. - who had come over here and made good. He came a country banker out in South Dakota. Rempfer succeeded his father as President, I think, of the bank. It was at bankers meetings that I used to see him. He became a big frog in a little pond. Bob Swaine, on his part, became a big frog in a big pond. Bob was so busy in his profession that he had a desk fitted up in the back seat of the automobile that took him daily from his residence to the suburban station in the morning and went for him in the afternoon, so that he could work between home and station. Bob, I think, had marital trouble, divorcing one wife and marrying another. He died at 63. The few times I saw Rempfer, he and I talked about Bob and his distinguished career at the Bar. There was not one vestige of jealousy on Rempfer's part over Bob's career compared with his. Nor was there any on my part. I would not have exchanged places with Bob any more than Rempfer would have.

Another distinguished member of our class was Winthrop Aldrich. He was the son of Senator Aldrich of Rhode Island. His sister was the first wife of John D. Rockefeller, Jr., the mother of Nelson and the other Rockefellers of this generation. Winthrop was born with a silver spoon in his mouth, but, infinitely better than that, he was born with a clear head and a good character. In addition to being a distinguished member of the New York Bar, he became President of the Chase, now Chase-Manhattan, Bank and later, I think, our Ambassador to the Court of St. James. I had no contact with him while we were in the Law School. Later, while he was President of the Chase, I did have a talk with him about a fidu-



ciary's voting stock by proxy. In the Middle West a big lawsuit was in process over the consolidation of two or more big oil companies. The Chase, as well as other trust institutions, wanted to vote the stock that it held in fiduciary capacities for or against the consolidation. Aldrich told me that he was afraid to vote by proxy the stock that the Chase held in fiduciary accounts and that he had had a representative of the Chase go out to the meeting and vote the stock in person. That led me to do some thinking and studying on a fiduciary's voting stock by proxy. This eventually led to the <sup>ul</sup>formation of a suggested statement of policies on voting stock which was recommended by the Trust Division Committee on Trust Policies of which I was serving as draftsman.

Charlie V. Imlay was from Missouri, graduate of the University of Washington. His father was a cabinet maker or woodworker. The Imlays were poor in this world's goods. Early in life Charlie was stricken with polio which left him with a shriveled leg. Ever thereafter he had to hobble around on a cane. Entering Harvard, he worked his way through college, made Phi Beta Kappa, and was graduated A. B. in 1908 and LL. B. in 1910. Upon graduation he went to New York into the legal department of the American Telegraph and Telephone Company. The strain of working his way through college and law school was too much for him. He had what was almost, if not quite, a nervous breakdown. At my invitation he came down to Warren Place during the summer of 1910 and spent several weeks on the farm. He led a real farmer's life. He hobbled around with us wherever we went. I remember his going with us up to near Weldon for a yoke of steers. The outdoor, country life



worked a complete recovery for him. While I was here he reconditioned the chest of drawers that now stands in our second-floor hall which, but for his reconditioning, would, no doubt, have been junked long ago. Charlie returned to Washington City, practiced law, taught in a law school sponsored by the YMCA, and became a respected, though not distinguished, member of the Bar. He married Nelle Hudson, Manley's sister. They visited us once while we were living in Wilmington. In his later years he became somewhat garrulous and tedious and hard of hearing. I had tremendous respect for Charlie. Whether he is living or dead I do not know. These reminiscences may lead me to try to get the latest facts about him and some of my other classmates.

Manley O. Hudson was from Missouri, graduate of the University of Missouri, son of a physician, member of a Baptist church of which a Reverend Mr. Green had been pastor. This Mr. Green was the father of Sylvester Green, a member of the administrative staff of Wake Forest College and now of William Jewell College and, at his own request, was reviewer of our book, We Came Home to Warren Place. The elder Mr. Green had been a pastor of the Boykins Baptist Church, and Sylvester had spent some years of his youth in Boykins. <sup>and</sup> Meeny, who was not flushed with money, lived in a Settlement House in Boston, which helped him to meet expenses in both Graduate School and Law School. I think that he had been an assistant to Professor Hart in one of the Graduate School courses, but I did not know him until we came together in the Law School. In the Law School he soon became a student of mark; but I do not believe that he quite made the Law Review. After a few years out of Law School, he was called back, was made Professor of Torts and later of In-



ternational Law. He became a member of the Secretariat of the League of Nations in Geneva, Switzerland. Once Grace and I called upon him at Geneva and had outdoor lunch with him. Later still he was appointed a member of the World Court sitting at the Hague; but he was not reappointed. In 1956 Grace and I visited the Hague; and I stood before the dais on which Manley as a member of the World Court had sat. After his service on the World Court he returned to Harvard to his chair of International Law. A few years ago he had a stroke. The last time I saw him, in 1958, he was a crippled old man, though not as old in years as I am, crippled in his leg and having difficulty with his enunciation. And he died April 1 1960, soon after I have made the first draft of this paragraph.

All these 50 years since we were graduated I have seen Manley from time to time. He visited us once in Wilmington, down there from Cambridge to represent Harvard in some University of Delaware affair. I visited him in Cambridge before he was married. He married late in life a woman much younger than himself, whom I never met.

In January 1911 (January 11) soon after we were graduated he presented me a copy of Gleason L. Archer's Ethical Obligations of a Lawyer (Little, Brown and Company, 1910) inscribed as follows: To Gilbert Thomas Stephenson, a friend in the law, whose appreciation of his ethical obligations has won my respect and admiration.

Manley O. Hudson

Columbia, Missouri,

4 January, 1911

In 1960 <sup>my</sup> Law Class of 1960 is to celebrate its 50th



personal about it; I simply was one of the students at the anniversary. Already I am receiving notice of and literature about it. It will be June 14-15. I cannot be there because I shall be in Gainesville, Florida. If I were here, I doubt that I should attend because my connections with the members of my class are too tenuous for me to make the trip. However, when I see the group photograph of those who do attend, I shall be glad to take a close look at it to see how many - more likely, how few - of them I do remember. The past 40 years and more my associations have been, not with lawyers, but with trustmen. But, as I expect to bring out later, during the years 1937-1951 I doubt that any member of my class, certainly except law professors, saw as much of the leading law schools of the country, including Harvard, as I did.

Now let me say something about my social life in Harvard. I was between the ages of 20 and 26 while I was, first, a graduate student and then a law student in Harvard. That, it would seem, would or should have been my years of the greatest social activities. Not so, simply because I was not inclined that way nor adept in it.

As I already have said, during my first session up there and until they moved to Chicago, I saw and went out a good deal with Clara Dixon. But I met very few of her friends, none of them I now recall. In fact, I do not believe that the Dixons themselves had many purely social, nonchurch contacts. Dr. Dixon was too serious-minded and too absorbed in his pastoral work for that.

In Cambridge during my later years I did go out Sunday afternoons occasionally with a group of students. I remember our calling upon Elsie Brannan, and once upon Elizabeth Kittridge, daughter of Professor Kittridge. But there was nothing whatever



personal about it; I simply was one of the students making rounds. Neither of them, should she still be alive, would remember my calling.

In Cambridge I did call repeatedly upon two girls. One of them was Roxanna (Roxy) Henderson and the other was Marian Shepherd who lived at 33 Garfield Street.

Roxanna Henderson was the daughter of a carriage manufacturer in North Cambridge. She had a sister who had married one of the Harvard professors or instructors. Roxy had open house every Sunday afternoon. The boys flocked to it; she was pretty and attractive. One afternoon I stayed over and took supper with the family. However, I do not remember ever going out with Roxy alone or taking her to any social affair.

Marian Shepherd lived near in. She too had open house every Sunday afternoon. Her father ran a grocery store on the Square. She always served tea. I drank my life quota of tea at her house and have abstained from it ever since. After I left Harvard I kept in some touch with her. Only a few weeks ago (February 1960) in an elevator in the Waldorf Astoria Hotel I found myself with a man and a woman whose Trust Conference identification labels showed that they were from Nashua, New Hampshire. I asked them if they ever had heard of a woman in Nashua named Marian Shepherd. They both said yes, that she had been a teacher there, and that she was a customer of their bank. Really, I should like to see Marian after all these over-50 years.

Over in Boston, in Jamaica Plains, I saw really a great deal of the Larramendi girls - Marie, Lucille, and the youngest Sophia (pronounced Sophia-i-a) Their father had been a physician in Cuba. They were real, cultured, aristocratic, Castilian



Forest I made and kept and had bound Notes on Professors Gullie's Spaniards. I never knew a more cultured family. John McManus of Macon, Georgia, and I used to go out to see them frequently. He went with Maria; I, with Lucila (pronounced Luthila). Once I went with the girls down on the Cape to spend a weekend with a family that, after the Civil War, had emigrated from Louisiana to Bra-

all where the family could raise coffee with slave labor. The lasting friendships. Among them were that of Melville Broughton, son of the emigrants, our host, had, I think, been a ship captain on a run between Brazil and Boston. I knew the family only after he had retired down to the Cape and only on this one visit. He became Governor of North Carolina, and died United States Senator.

When my mother, along with Clarene Joyner Woodard (Antoinette Joyner's mother) came up to my Commencement in 1910, the Larramendis sent her a beautiful <sup>bouquet</sup> corsage of American Beauty roses and had her and me and, I believe, Clarene, out to their home for dinner. He was a rather outstanding lawyer, was historian of the Cape Fear section, married first a woman (Dr. Henry A. Brown's wife's sister) about 20 years

It was one of the girls - Maria or Lucila - who said to me that Americans did not know how to leave a social affair - whether public or in the home - with grace and ease; that they did not know how to say good-bye. And this I have noted so often in recent years and remarked about it many times. The only two people in the South who do retire gracefully and quickly - that is, of course, among our friends - are Jim and Carroll White. It is, indeed, quite an art.

Soon after graduation from the Harvard Law School in June 1910 I returned to Wake Forest College for the summer law school session to cram up for the Bar examination in August. Cramming up for the Bar examination in the Wake Forest summer school was the order of the day. Students, such as I, from other law schools went there to cram.

Just as I had done in the Harvard Law School, so in Wake



Forest I made and kept and had bound Notes on Professors Gulletts and Timberlake's lectures. These two volumes, I think, would be cherished by the present School of Law of Wake Forest College, Winston-Salem. Possibly they will be offered to Wake Forest after I <sup>or</sup> someone for me breaks up my library.

It was during this summer in Wake Forest that I made several lasting friendships. Among them were that of Melville Broughton, John Oates, Santford Martin, Ralph Ferrell, and Gideon Hastings.

Melville later went on to Harvard Law School for a year, became Governor of North Carolina, and died United States Senator. In our wedding in 1912 he was one of the ushers.

John Oates, who had been a newspaperman in Fayetteville before he studied law, returned to Fayetteville, became a rather outstanding lawyer, was historian of the Cape Fear section, married first a woman (Dr. Henry A. Brown's wife's sister) about 20 years his senior and, after her death, one about 20 years his junior whom we see from time to time and like very much.

Santford Martin, after a year or so of teaching in Wake County, went to Winston-Salem and became editor of the Winston-Salem Journal. He and I saw a great deal of each other while I too was living in Winston-Salem. It was through his good offices that I had the privilege of representing the Journal in the 1912 Democratic Convention in Baltimore that nominated Woodrow Wilson and of sitting in the newspaper reporters' section up front along with William Jennings Bryan of whom I shall say more later.

Ralph Ferrell of Raleigh, nephew or cousin of Professor W. J. Ferrell, my Uncle Wiley's classmate, married Belle Willingham of Richmond, daughter of Dr. W. J. Willingham. I was one of his ushers. He came an outstanding lawyer first in Albany, Georgia,



and now in Miami Florida. In the fall of 1960 Grace and I had the pleasure of seeing and being entertained at lunch at the Fontainebleau Hotel by Ralph and his second wife, charming, about 20 years his junior.

Gideon H. (Gid) Hastings, a native of Foreyth County, after passing the Bar examination in 1910, opened a law office in Winston-Salem, became Judge of the Municipal Court, in which office I had succeeded him after I had served as Solicitor under him. Then in 1916 we became law partners. If ever there was a Christian gentleman with a Christian lady for a wife, Gid and Miss Betty were. He died a year or so ago. She still is living, and we had a beautiful letter from her only a few weeks ago (January 1960).

This brings me up to August 1910 and to the end of my formal schooling. What I did the balance of that year belongs later.

Looking back now, after the lapse of 50 years, upon my Graduate School and particularly my Law School years, I can see how my afterlife was shaped and directed by my school life. In the Law School I was a B student, although I dropped to a high C the last half-session of my third year. This drop was due to my putting too much time on my book, Race Distinctions in American Law. Suppose I had stayed on in the Graduate School and got my Ph. D. I probably would have become a professor in some college or university and written some books. As it has turned out, I have had as much and more varied experience teaching - lecturing in law schools, teaching in The Stonier Graduate School of Banking, in the Pacific Coast Banking School, in Wake Forest College School of Law, <sup>in the National Insur School</sup> - than I should have had as professor in any college or



university. Suppose I had been really enamored of the Law, which I never was, had buckled down and made an A and had made the Law Review. I probably should have been invited to become a clerk, with the hope eventually of becoming a partner, as Bob Swaine did, in one of the big New York Law firms. My father, still desiring for me only what was "best," probably would have encouraged me to go to New York, as he later encouraged me to go to Wilmington, Delaware. In New York I even might have become one of the better known lawyers; I might have made a small money-fortune. But think what I would have missed - my rich and rewarding life as a trustman; Grace, and I never may have met her; the boys and their families; Warren Place and its satisfactions; my present position of respect and recognition in the fraternity of trustmen. I would not trade place with any member of my class. Nor, I suppose, would many of them exchange place with me; yes, they would, to be honest. Every man to his liking.

(3) by election and service first as Solicitor and later as Judge of the Municipal Court of Winston-Salem; (4) by engagement in military war work during World War I; and (5) by retirement from the practice of law to go into the trust business.

It was during this decade also that death entered my immediate family. In 1912 my Grandmother Stephenson died; and in 1915, my Grandfather Stephenson. My Grandfather Fleetwood had died during the preceding decade, while I still was in college; but I never had been associated with him as I had been with my Stephenson grandparents. Beside, he had so many grandchildren, associated with my Stephenson grandparents' one, that for him I was only one of a score or more. His passing did not make as much of an



impression on me a ~~EARLY~~ EARLY YEARS TOGETHER

Now let me recall 1910-1920 at the events of this decade in the order mentioned, except that I shall save the personal events I have entitled this part of our All in a Lifetime Our Early Years Together because the four outstanding events of the decade, 1910-1920, so far as we were or still are concerned, were: (1) our own marriage December 19 1912; (2) the birth of our son, Thomas Wilson, on August 8 1912<sup>5</sup>; (3) the birth of our son, James Henry, on June 6 1918; and (4) the establishment of a home of our own. Nothing else in this decade nor all else together compares in importance for us with the first three events and, the fourth trails not far behind.

Other than these four intimately personal events of this decade, the following stand out in my memory: (1) my location in Winston (now Winston-Salem) and opening an office for the practice of law; (2) my brief experience in politics as chairman of the Forsyth County Democratic Executive Committee; (3) my election and service first as Solicitor and then as Judge of the Municipal Court of Winston-Salem; (4) my engagement in civilian war work during World War I; and (5) my retirement from the practice of law to go into the trust business. It was during this decade also that death entered my immediate family. In 1912 my Grandmother Stephenson died; and in 1916, my Grandfather Stephenson. My Grandfather Fleetwood had died during the preceding decade, while I still was in college; but I never had been associated with him as I had been with my Stephenson grandparents. Beside, he had so many grandchildren, compared with my Stephenson grandparents' one, that for him I was only one of a score or more. His passing did not make as much of an



so intimate during my last year in Wake Forest, had located impression on me as theirs did.

Now let me reminisce about the events of this decade in the order mentioned, except that I shall save the personal events for the last.

Following my decision to return to my native State and open an office for the practice of law, my next step was to select a location.

There was little inducement to me to locate in my native county of Northampton. Northampton was and still is a rural county with a population of somewhat over 20,000 of whom nearly two-thirds are colored people. Then, as now, it already was well manned with lawyers.

I thought that my best chance would be to locate in the most progressive and fastest growing city in the State. During the summer of 1910, particularly during the time I was in the Wake Forest Law School, I made inquiries as to the best location for a young lawyer. The possibilities seemed to be Charlotte, Greensboro, and Winston. I dismissed Charlotte without much consideration because it was so far from Warren Place and, beside, I had no one there with whom I was at all intimate.

I did think seriously of Greensboro. Wayland Cooke of Murfreesboro, nephew of my Grandfather Fleetwood's second wife (not my grandmother) had located there and had become a partner of Major Charles M. Stedman who then was and for sometime had been Representative in Congress of the Fifth District, including Greensboro and Winston. I did stop over in Greensboro on my way to Winston and talk things over with Wayland; but I did not find much of an appeal to locate there.

A few months before, Wingate Johnson, with whom I had been



so intimate during my last year in Wake Forest, had located in Winston to practice medicine. Several of my Wake Forest schoolmates - among them, Neal and Egbert Davis and Bruce Futrell - were living there. At that time Winston had a population of 17,000; and Salem, 5,000. It was several years after I located there before the two communities were united to become Winston-Salem. I decided to locate in Winston as of the first of 1911. The fact that Wingate already was there was, no doubt, the main inducement.

Having decided to locate in Winston, I returned to Warren Place and spent the rest of the fall with my parents. This was the last time that I was "at home" in Warren Place until May 1950, 40 years later.

Even now, after a half-century, I sometimes chuckle over one of the many foolish things I did. Wayland Cooke was very diminutive in size, not much over five feet tall. In order to make himself appear to be taller and larger and, perhaps, more distinguished looking, he bought and wore a big, broad-brimmed black hat - almost like a sombrero hat of the ranches. He advised me to do the same; and I did. I presume that I appeared in Winston during my first weeks there with that hat on. I soon realized that it was a misfit in every respect. I never wore it again. I kept it for years, as a sort of keepsake. I do not know - nor do I care - what ever became of it; for I was truly ashamed of ever wearing such a hat.

Before ever going to Winston I wrote to the several leading lawyers and law firms asking each of them if he or it had an opening for a young lawyer. Among those to whom I wrote were: Judge Erastus Beverley (Ras) Jones; Lindsay Patterson; Manly,



Hendren and Womble: Louis M. Swink; and possibly others. The only half-way encouraging answer I received was from Lindsay Patterson. Upon arrival in Winston I called at his office only to be greeted by Fred Parrish, another young lawyer, who had beaten me to it. Fred brusquely asked me what I wanted; and I promptly retired.

Finding no opening in an established lawyer's or firm's office, I had no alternative than to open one of my own. At the time the home office of the Wachovia Bank and Trust Company on the Courthouse Square, the present home office of that mammoth company, was nearing completion. I went to see James A. Gray, Sr., a vice president (father of my contemporaries Bowman and James Gray and grandfather of Bowman and Gordon Gray of this generation) about taking an office in the new building. However, I decided against it because I feared that prospective clients would not find me in the new, largely unoccupied building.

I decided to open an office in the T&E Building, also on the Courthouse Square, next to an opening into the office of David H. Blair. The Blairs, from High Point with Quaker background, were Republicans. William A. Blair, David's brother, was head - President or Executive Vice President - of the Peoples National Bank. He had married John Fries's daughter, Colonel Fries's niece. David Blair (Dave) was a bachelor at the time. Later he married a Mrs. Douglas, the widowed daughter of Mr. Cannon of Kanapolis (father of the present Charles Cannon). David Blair later became Commissioner of Internal Revenue in Washington under one of the Republican Presidents. Dave's secretary was Lillie Leaf. In those days Dave and "Miss Lillie" were very helpful to and considerate of me.



In the beginning I boarded and, I believe, roomed at the Frances Hotel downtown near the YMCA, the Library, and the Presbyterian Church. It was managed, perhaps owned, by the Youngs who later moved to Roanoke, Virginia. It was named for their daughter Frances. As I recall, Dave Blair boarded and roomed there too.

But in a month or two I left the hotel and moved out to Spring Street to room and board at Miss Hattie Davis's. Wingate Johnson already was out there. Miss Hattie, who later became Mrs. Bruce Fitrell and now is a widow, is the sister of Neal and Egbert Davis with whom I was in Wake Forest and the sister of Maude Davis who married Wilbur Bunn of Raleigh. Wingate and I lived together until I was married in 1912 and, after Grace and I were married, came and roomed and boarded with us until he himself was married to Undine Fitrell, Bruce's sister. The Davis parents resided in Yadkin County and were very substantial people.

I promptly joined and soon became active in Brown Memorial Baptist Church. It had been named for Dr. Henry A. Brown, long-time pastor of the First Baptist Church. I wrote a biography of him under the title, The Pastor Beloved. That usually consists

Dr. Brown, whom I knew only in his very old age, was, indeed, one of the most beloved persons I ever knew. He was supreme master of two arts - one of pastoral calls; the other, of ending a sermon on time.

While I was practicing alone and had an office in the Tise Building and later in the Masonic Temple, he would come to my office, enter without apology, talk with me a few minutes, and get up and leave.

He would write out his sermons on eight pages of note-sized paper. He would not read his sermon. When he had said what he had



written out to say, he would quit then and there. Sometimes, when he was in the midst of what seemed to be an approaching climax, he would say all of a sudden, "Well, Brethren and Sisters, I'm ~~through~~ through." This was one habit of his which, I am glad, I have emulated. When I am asked to speak 20 minutes, I speak 20 minutes and quit. And I find myself saying that I am going to speak 20 minutes and, when I have come to the end of that time, saying, "My 20 minutes are up and I'm through." And, as I often have said, "I never have been lynched for quitting when I said I would."

While I was an active member of Brown Memorial I ~~tried~~ tried to get it and the First Baptist to consolidate. I was squelched good and hard. Later Brown Memorial was taken over by the First Baptist, and the Brown Memorial building sold to the Greek Catholics.

Will Hendren used to speak of his early years at the Bar, not as practicing law, but as waiting for clients. The young lawyer in an established lawyer's or firm's offices has cases and legal matters assigned to him. The young lawyer out on his own, as I was, must take what he can get. That usually consists of collection items that no one else will take, cases assigned to him by the judge, and cases that no older lawyer wants. I remember receiving for collection an item against the erratic daughter of one of the leading citizens of the community and another group of items against the leading physician of the city. No older lawyer would have accepted either of them - perhaps already had turned them down - and antagonized two leading families.

In the early ~~days~~ days, when Wingate got a ~~car~~ car, I would ride out with him on his horse-and-buggy and wait in the buggy while he



made the call. When I got an item to handle, I sometimes didn't have any better sense than to tell about it at Miss Hattie's table. Wingate warned me not to talk about such matters - ~~that~~ ~~anyrate~~ they were professional secrets. How little does a young lawyer - at any rate, how little did this one young lawyer - know about professional ethics! Had I been in an older lawyer's office, I would have learned sooner not to divulge nor even to discuss in public professional matters.

All in all, I was engaged in the practice of law or, at least, in waiting for clients about seven years, 1911-1917. During that time I had each year an increasing number of cases, some of them interesting and of some importance. Some of these cases stand out in my memory and may be worth telling about. The following are some of these cases.

A local tombstone manufacturing company was in financial trouble with its bank. I shall not divulge the identity of the bank nor of the banker involved. Let's refer to them simply as the bank and the banker. The bank undertook to reorganize the company by selling stock and taking notes for the stock and using the notes as collateral to the indebtedness of the company to the bank. I opened an account with the bank. The banker invited me to take stock in the company and to go onto its board of directors. How flattered I was - to be asked so soon to go onto the board of directors of a corporation. The company sold stock and took notes not in Winston alone but in other parts of the State. Before long it came to light that the stock issue was tainted with fraud. I went to see the banker, and he exchanged the stock for my notes, and I was out. But one of the men in another city refused payment when the company or the bank tried to collect his notes. Having found



out in some way my familiarity with the matter, he asked me to represent him in the civil suit on the notes. That was my first big civil suit.

I soon found out that neither the bank nor the banker was rated high in the estimation of other lawyers nor in that of the general public. Not a few people were glad that a lawyer had the temerity or whatever it took to "beard the lion in his den." In fact, one of the older lawyers advised me step by step how to handle the case, himself staying in the background all the while. Singlehandedly I fought the case through to a verdict, with two of the leading lawyers at the Bar appearing for the bank. The verdict, setting aside the transaction and ordering the bank to return the notes to the man, was a feather in my cap. When one of the lawyers spoke rather critically of the way I had handled the case, particularly some of the statements about the bank I had made in my speech to the jury, the trial judge came to my defense and complimented me on the way I had handled the case against such odds. In fact, my handling of that case was, in a way, my "arrival."

But there were two results - one that might have been expected; the other, wholly unexpected.

The expected result was that I incurred the everlasting ill will of the banker and of his partisans. I was sorry for this; but I did not blame them. I had pushed the case vigorously. In my address to the jury I had likened the transaction as the dead limb of a tree the deadness of which limb was evidence that the tree itself was rotten at the core. The fraud of a bank in connection with a financial transaction is comparable in seriousness with the charge of unchastity of a woman



The other, wholly unexpected result of the case was that it brought me favorably to the attention of the Wachovia Bank and Trust Company, particularly of Colonel Fries, the President, himself. I learned in afteryears that the banker did not rate high in the estimation of the Wachovia people. They thought that it was time for someone to show him up. They were glad that I had done so. In 1918, when Colonel Fries was considering employing me in the trust department of the Wachovia, this banker, as I learned many years later, went to Colonel Fries and warned him against taking me on, saying that I would not "do," that I would bear "watching." Little did the banker realize that he was putting a feather into my cap instead of taking one out.

While I was Solicitor of the Municipal Court, in one of the cheap downtown hotels a wife (Ida Ball Warren) and her paramour <sup>Sam Christy</sup> ~~Giff Stonestreet~~ killed her husband <sup>Giff Stonestreet</sup> ~~Sam Christy~~, put his body into a trunk, hauled the trunk with the body in it out to Muddy Creek, weighted the body, and threw it into the channel of the creek. At the time, unrealized by them, the creek was flooded. The body landed on a log in the stream with the head one side and the legs on the other. When the freshet subsided the body came to light. It was identified. Ida Ball Warren and <sup>Christy</sup> ~~Stonestreet~~ were traced down, caught, and brought back to Winston for trial. As Solicitor of the Municipal Court it was my duty to prosecute them in the court of first instance. As a matter of course they were bound over to the Superior Court. The District Solicitor, Porter Graves, invited me to assist him in the prosecution. I did appear with him, addressed the jury, and thereby received some more recognition. Ida Ball and <sup>Christy</sup> ~~Stonestreet~~ were convicted and sentenced to prison for a long term, she perhaps for life and he



for a shorter term as being only an accessory to the murder. Years later, after we had moved to Raleigh, I went over to the State Prison one Sunday afternoon to teach a class. In the class was a woman whose face was familiar. She was Ida Ball Warren. She recognized me and seemed as glad to see me as if I had defended her in the suit. I was informed that she had been a model prisoner and had been a good influence upon the younger women prisoners.

Before leaving the Muddy Creek Murder Case let me say that the Winston-Salem Journal and Sentinel of August 17 1958 carried a feature article by Roy Thompson on the case.

Now let me tell briefly of another murder trial. In this one a Negro was charged with going to another Negro's house one Sunday afternoon and killing him with a pistol. He did not have a lawyer; the court assigned his case to me. The killing itself was admitted. The main issue was whether it was done in the heat of passion on the spur of the moment or deliberately with malice aforethought. Very influential, if not absolutely determinative of this issue was whether the killer took the pistol with him to the other Negro's house looking for trouble or whether he went peacefully minded, got into an argument, grabbed the pistol off the table of the other Negro's house, and shot him during the un<sup>p</sup>-meditated struggle. It was very important, therefore, to know where the pistol had been - whether in the Negro's pocket when he went to the other Negro's house or on the table in the other Negro's house. Just before the trial I went to the jail where the killer was being held and, without explaining to him the significance of my question, asked him where the pistol had been the afternoon of the killing. His answer to me was, "Mr. Stephens",



where does you want that pistol to be?"

I do not recall now what became of the case; I presume he was convicted and sentenced.

After writing the above paragraphs in draft form I sent them to Wingate Johnson for his comment and criticism. He replied, "Didn't he work for Mr. Yates, the tailor, who for a fee<sup>2</sup> made the striped trousers which you wore at your wedding - and I believe mine also! I think that you told me that was all you got out of the case."

The fourth case was the Methodist Orphanage Case. The superintendent was a lay preacher or, maybe, an ordained minister of the Methodist Episcopal Church. He sexually abused not only women members of the staff but also several of the older girls in the orphanage. At last he was caught up with. He ran away. We found him, I think, out in Iowa. He was brought back to Winston. As Solicitor it was my duty to prosecute him. Preparing for the prosecution I had a session with the board of trustees of the orphanage. The men were red hot. One of them suggested seriously that in some way the man should be castrated. That drastic course, however, was beyond my jurisdiction. We did bind him over to the Superior Court where he was convicted and sentenced to State Prison.

I remember this incident connected with the case; This Superintendent sometimes had preached or spoken in the West End Methodist Church in Winston of which Edward Dixon, father of Josephine Dixon Parker (Mrs. John Welsey Parker of Seaboard) was a member. Mr. Dixon had a hunch that this man was a "bad egg." Whenever he got up to speak, Mr. Dixon left the room. How right he was!



to his estate. Upon my advice, phoned in from Councils Bluffs, Iowa. The man who succeeded him as Superintendent of the orphanage was a great, big, burly man named Walter Thompson. He told me this story apropos of the other Superintendent's conduct: A Negro preacher was "had up" by his board of deacons for being too familiar with several of the girls and women of his flock. He appeared before the board and said that he had done nothing more nor worse than put his arm in a brotherly way around some of "the little lambs of the flock." After he had retired, the board adopted a resolution to the effect that, if the pastor felt impelled to put his arms around any more "little lambs of the flock," he confine himself to "little ram lambs."

Speaking of the Methodist orphanage brings to mind another case in recollection of which, after all these years, I take pleasure. A man named John Neal had been the illegitimate son of one of the prominent businessmen of the city. He had been raised mostly in the Masonic orphanage at Oxford, North Carolina. After he had grown up he became a salesman for the R. J. Reynolds Tobacco Company and had accumulated an estate of \$1 million or more. He died in Omaha, Nebraska. The Wachovia had sent me out there to see about probating the will and taking over the estate. Out there, I could not find the original of any will but I did find a copy of a will in the office of the lawyer who had drawn it. I learned that Neal had made many wills. But this was the only one of which we could find a copy. In this copy he had given his estate, half and half, to the Masonic orphanage and to the Methodist orphanage. While I was out there in Nebraska I learned that a woman in Oklahoma claimed that John Neal had been her common-law husband and that she had a son by him and that she and her son were entitled



to his estate. Upon my advice, phoned in from Councils Bluff, Iowa, where I had gone to keep out of the Nebraska jurisdiction, the Wachovia sent a detective (Robert Lumsden of Raleigh) out to Okmulgee, Oklahoma, to investigate the woman and her claim. He reported to us that there probably was something to her claim. Unable to find the original of the will, I arranged for the lawyer who drew the one of which we had found the copy and another prominent citizen of Omaha to accompany me back to Winston. There, with their help, we probated the copy of the will under a North Carolina statute that permitted probate by copy when the original could not be found. The whole case was handled with very little publicity which would have been very embarrassing to the father of John Neal. We settled with the woman in Oklahoma for about \$50,000, as I recall. The rest of the estate, about a half-million for each, went to the two orphanages. Thinking of this case, I often have thought that it is an ill wind that does not blow somebody some good. Wingate Johnson recalls that a man - let's not name him - found out about Neal's common-law wife out in Oklahoma, put her wise to the death and his estate and, for doing so, received one-half of the amount allotted to her. Of this I have no recollection whatever. In 1913, as a reward for my having waged a successful campaign for the Democrats as chairman of the county executive committee, I was appointed solicitor (prosecuting attorney) of the Municipal Court and, after a year or so in that office, was named judge of the same court, succeeding Gideon H. Hastings who retired to devote his full time to private practice. Then after about a year as judge I resigned to go into partnership with Gideon Hast-



ings and his new law, Hubert Whicker. she had been up in our court. I already have described a few of the cases in which I participated. But, on the whole, I did not get much satisfaction out of serving either as solicitor or as judge. I felt that I was sentencing to jail or binding over to the Superior Court parents who should be taking care of their children; that I was taking money from them in fines that was needed more for their family living expenses. There was just one phase of my work as judge that I did regard as rewarding. The judge of the Municipal Court was ex officio judge of the Juvenile Court. In the latter capacity I dealt with delinquent children. I then had opportunity in many cases to call a halt upon their wayward tendencies and, perhaps, to turn them back into the right way before they had gone too far. Further, as judge I was active in getting a Forsyth Building on the campus of the State school for delinquents out from Concord, North Carolina. I thought - and think - that a State school <sup>wi</sup> feth county buildings is more effective and efficient than local county buildings. <sup>rest. He had two daughters</sup>

In Winston there was a colored woman named <sup>Laura</sup> Hairston who <sup>she</sup> had been up in court for minor offenses so often that had become almost "a member of the family." I had made a record of her offenses and they covered several cards. This time she was up for <sup>v</sup> assulting her sister. The charge was that she had gone to her sister's house and got into an argument and then into a fight with her. Her defense was that her sister had been misbehaving sexually, that she had gone to her sister's house to remonstrate with her, that her sister had resented her intrusion, that they had got into a fight, that she really was trying to make her sister behave herself. On cross-examination I reminded her of some



of the long list of things for which she had been up in our court, including sex offenses. I reminded her that she was the mother of several illegitimate children. She admitted it. I rather belittled her trying to reform her sister when she herself did not have a husband and yet she was the mother of several children. At length, she traightened up in the witness chair, looked me in the face, and said, "Mr. Stephens', don't you know that a lady can have a baby without having a husband?" I told him what Grace had told me. After I retired from the solicitorship and then the judgeship of the court and entered the private practice, not a few of those that I had prosecuted or fined or sent to jail became my clients. They evidently wanted to see how I would do when I was on their side. We opened an office in the O'Hanlon Building. This In 1916 I resigned as judge of the Municipal Court to enter the law firm of Hastings, Stephenson, and Whicker. Gid. Hastings and I had received our law license at the same time, August 1910. We had worked together in the Municipal Court. We had lived near each other on Spring Street. He had two daughters much younger than I was, Louise and Elizabeth. One morning, while I was solicitor, I rashed over to the Hastings', before we went downtown to court, to discuss some point with him. Elizabeth, perhaps eight or ten years old, met me at the door. She saw I was excited or in a hurry. Half out of breath, I asked her where her father was. Her comment was, "Keep your shirt on." Here was one of the best pieces of advice I ever received. The briefwork and the As I have said, my first law office was in the Tise Building adjoining the office of David Blair. Later I moved over to the Masonic Temple and had an office adjoining those of Jeter C. Buxton (almost as tall as Charles DeGaulle or our Tom), Cyrus B.



As I have said, on my way up to Winston to see about (Cy) Watson, and his son Thomas (Tom) Watson. Cy Watson had run for the United States Senate against Lee S. Overman and had been defeated. He was the best story tell (reconteur) I ever knew. I would tell him a story which was only mildly funny. Days or weeks would pass. He would come into my office and tell it to me. He had made it into a very funny story. His son Tom was named Thomas Wilson. When I told Mr. Cy. Watson that we had named our son Thomas Wilson, he asked me where we got the Wilson. I told him what Grace had told me. Then he told me that his son Thomas Wilson had got his Wilson from the same family. Grace has told me and, I hope, will tell about the Wilson side of her family.

After I went into partnership with Gideon Hastings and Hubert Whicker, we opened an office in the O'Hanlon Building. This office building had been erected by Ed. O'Hanlon, the druggist, who had married one of the Critz girls whose mother was a sister of R. J. Reynolds. Our secretary was Alma Jordan, a Meredith College girl, now Mrs. LeRoy L. Corbett of Raleigh. For many years, after I left the firm, she served a succession of Governors' offices in Raleigh, whose main duty was assigning Superior Court judges to their respective courts.

Had I remained on in the partnership, I think that I should have done briefwork and appellate work before the State Supreme Court and the federal courts. Judge Hastings was more of a counselor - a superior one - than a trial lawyer, and Hubert Whicker was inclined toward politics - a Republican. The briefwork and the appellate-court work probably would have fallen to me; and I would have loved it. It was my civilian work during World War I that led me out of the practice of law into the trust business; of this I shall tell more in due course.



As I have said, on my way up to Winston to see about locating there, I had made the acquaintance of Adolphus H. Eller of the Winston Bar who then was Chairman of the State Democratic Executive Committee. He was in Raleigh temporarily conducting the 1910 campaign. At that time Forsyth County, in which Winston is located, was in the Republican or, if not quite that "bad," in the doubtful column.

Although no one ever told me so, I am confident that it was at Mr. Eller's suggestion that I was invited to become Chairman of the Forsyth County Democratic Executive Committee. Being an almost briefless lawyer, I accepted the chairmanship readily and took over the running of the county campaign.

First, I obtained a list, precinct by precinct, of the registered voters of the county. Next, I obtained a list of the Democratic leaders in each precinct. Then, I went from precinct to precinct, called together the leaders in evening meetings, with their aid checked off the known Republicans and Democrats, and assigned the doubtful or uncommitted voters to the different precinct leaders. We did not waste our time on voters known to be regular Democrats or regular Republicans.

Then I arranged a series of political addresses in different parts of the county. The more prominent ones spoke in the courthouse. This brought me into contact with some of the State Democratic leaders. Through Mr. Eller I had the advantage of chaimen in other counties in getting these leaders for Forsyth County, for he, no less than I, was out to "redeem Forsyth."

On election day we carried the county for every elective office except that of Treasurer and one member of the Board of County Commissioners. That, of course, brought me into favorable light with the Democratic leaders of Winston and of Forsyth County.



For the duration of the campaign, which had been stretched out over several months, I had neglected what little practice I had had. I even had neglected looking for clients. I seem to recall that my income for November or December of that year, 1912, had been only \$18.

Forsyth County has been in the Democratic column ever since and still is. I have heard it said that the succeeding county chairmen, for some years after my retirement at any rate, employed my method of organization.

As for myself, the conduct of that campaign, the organization, the precinct-by-precinct visits gave me some acquaintance with the science and the art of organization and of influencing people that I scarcely could have obtained so well in any other way.

As I have said, as a reward for my political activities, I was elected by the city government, not the general electorate, Solicitor of the Municipal Court and later moved up to Judge. The political campaign, no doubt, also brought me some clients. In a word, this brief fling in politics did pay off financially.

But in another way and, in the long run, in a much more important way this experience had a major effect upon my life. It made me dismiss any further thought of politics as a career. I had studied law, not primarily to practice that profession, but mainly as a stepping-stone to a career in politics. I had aspired to running for Congress, or becoming Governor, and, possibly, winding up as a United States Senator. This vision faded out and vanished forever during the county campaign of 1912. And, really, I do not know now why it faded out and vanished so quickly and so completely. I do not recall any unpleasant or disillusioning exper-



iences/during th campaign. I think that I r t have come to realize that politicians, the same as other people, are just ordinary, plain people, some good, some bad. The glamor of it all was gone. I was cured forever, almost painlessly, of the "political itch."

I have said enough already of my short terms as Solicitor and then as Judge of the Municipal Court. The title Judge lingered on and sometimes even now, after nearly 50 years, I am addressed as "Judge."

In April 1917 the United States, under the leadership and inspiration of Woodrow Wilson, entered - was forced into - World War I. Gradually and not very slowly the war came closer and closer home to us young men of military age. I was 33. One after another of my acquaintances and friends volunteered or were drafted into the Service. I began to feel left out. My great-great grandfather had been a soldier in the Revolutionary War. My grandfather had been a soldier in the Civil War. I felt that I was not keeping up the family tradit~~ion~~ of unspectacular but real patriotism. I had the urge, really patriotic urge, to enter the Service in some capacity.

Despite the fact that I was a young married man, that we already had one baby (Steve) born in 1915, that another (Jim) would be born in 1918, that we had a mortgaged home, and that my income was inadequate for the support of such a family, I felt that, for the sake of my children as well as myself, I should do something other than stay at home and practice law and profit by the absence of other young men of my age and condition who were risking their lives.

I realized that I had one "bad eye" that might keep me out of active military service. It occurred to me that as a lawyer I



might get a place in the Judge Advocate General's office. Accordingly, I went to Dr. Schaub in Winston, an eye specialist, and had him examine my eyes. He found, as I thought he would, that I had one eye, the right one, that had very little vision, and he told me that this could not be remedied except by a major operation. It seemed to me that, if I was to be of any service at all, there was nothing left for me to do but find some civilian work associated with the War.

As the War wore on and the government's cost of financing it mounted higher and higher, it became necessary for the federal government to finance it partly by selling its obligations to its own citizens. It issued Liberty Bonds and sold them to banks, insurance companies, and other large investors. In addition to these larger, conventional obligations, it issued War Savings Stamps purchasable mainly by schoolchildren and other person who were small savers rather than large investors. The sale of these stamps called for a nationwide, intensive, grassroots campaign that would go into the highways and byways and make direct appeal to the savers.

At the time William G. McAdoo was President Wilson's Secretary of the Treasury. Mr. McAdoo requested Frank A. Vanderlip, a New York City banker, to be Chairman of the National War Savings Campaign. Mr. Vanderlip, in turn, invited Colonel Fries to become chairman for North Carolina War Savings Campaign. In the fine spirit of patriotism that characterized him, Colonel Fries accepted the state chairmanship.

Colonel Fries soon realized that, if the North Carolina campaign was to be a success, he would have to have some younger man than he to serve as "legs" for him and go all over the State



organizing for the campaign. He asked me to be his Director

Throughout my student days in Harvard, passing through of Organization. He offered me a salary of \$3,000 a year. I obtained a leave of absence from my firm and, as I recall now, ac- New York City back and forth, in my imagination I had built up the old Waldorf Astoria Hotel as the Castle which some day I counted to it for the salary I received and, in turn, received my night storm, enter, and explore. I idealized it. I would say to share of the firm's income which share, I think, was about myself that I would save my money and some day I would spend a \$3,600.

Why Colonel Fries turned to me I do not know. I always

have thought that Mr. Eller had a hand in it. In my conduct of

Well, it was not long after Colonel Fries had appointed me the 1912 county campaign, just described, I must have shown some his Director of Organization and I had accepted that he took me organizing ability. In my conduct of the bank case, also just with him to New York to a meeting of the State Chairmen of the described, I had come to the favorable attention of Colonel Fries. War Savings Campaign. The meeting was in the Waldorf Astoria Hotel. As Solicitor and then Judge of the Municipal Court I had come Mr. Vanderlip presided over the meeting. I sat at the table with into some notice. I had become President of the local YMCA. In prominent bankers and businessmen for the different States. It a word, perhaps I had come to be known as a "promising" young was my first experience associating with that type of men. It was lawyer and citizen around town. Why he turned to me is not im- the beginning of my contact with that famous hotel. During the War portant; that he did, is.

year, with Colonel Fries I visited the hotel several times. I remem-

Colonel Fries opened State Headquarters on the first bar being assigned to the same room on two different occasions. I floor of an old building across the street from the Wachovia. had begun to feel at home there. And I remember taking dinner with He put R. O. Self in as Office Manager. He made me Director of Colonel Fries in the main dining room of the hotel. He decided Organization. He gave us adequate secretarial staff. One member to order a steak. I was pleased. When the waiter came and he ordered of the staff was Kate Herring. Later she became Mrs. Henry High- a "filet mignon," I remarked to Colonel Fries in a low voice that smith of Raleigh and still is living. With that marriage I think I I thought he was going to order a steak. That was typical of my had something to do by playing up with Mr. Highsmith a rival of "greenness."

his in Winston. In a word, I built a fire under him, and he got a move on.

As the years passed and as I became more and more closely associated with Colonel Fries, I stopped at the Waldorf Astoria

But before I get further into the War Savings Campaign, more and more often. When the old hotel gave way to the Empire let me tell about my introduction to the Waldorf Astoria Hotels - State Building and a new Waldorf Astoria was established on Park the old one on Thirty-Second Street and the present one on Park Avenue between 50th and 51st Streets. I followed it there. For Avenue, New York City.

years and years the Mid-Winter Trust Conference has been held in



Throughout my student days in Harvard, passing through New York City back and forth, in my imagination I had built up the old Waldorf Astoria Hotel as the Castle which some day I might storm, enter, and explore. I idealized it. I would say to myself that I would save my money and some day I would spend a night in the Waldorf Astoria in order to be able to say I had done so.

Well, it was not long after Colonel Fries had appointed me his Director of Organization and I had accepted that he took me with him to New York to a meeting of the State Chairmen of the War Savings Campaign. The meeting was in the Waldorf Astoria Hotel. Mr. Vanderlip presided over the meeting. I sat at the table with prominent bankers and businessmen for the different States. It was my first experience associating with that type of men. It was the beginning of my contact with that famous hotel. During the War year, with Colonel Fries I visited the hotel several times. I remember being assigned to the same room on two different occasions. I had begun to feel at home there. And I remember taking dinner with Colonel Fries in the main dining room of the hotel. He decided to order a steak. I was pleased. When the waiter came and he ordered a "filet mignon," I remarked to Colonel Fries in a low voice that I thought he was going to order a steak. That was typical of my "greenness."

As the years passed and as I became more and more closely associated with Colonel Fries, I stopped at the Waldorf Astoria more and more often. When the old hotel gave way to the Empire State Building and a new Waldorf Astoria was established on Park Avenue between 50th and 51st Streets, I followed it there. For years and years the Mid-Winter Trust Conference has been held in