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*The
Real Hero of
A. Fool Around
Younger Hall.*

From "Watchers of the Sky"

By Alfred Noyes

Frederick A. Stokes Company
Publishers New York

CAROLINA, SUNDAY MORNING, MAY 28, 1905.

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FREDERICK A. STOKES COMPANY
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THE REAL HERO OF "A FOOL'S ERRAND"

**Albion Tourgee's Life in
North Carolina.**

BRAVE AND TRUE MAN

**If He Could Have Seen His Error in
Blind Adhesion to the Negro Suffrage Idea His Name Would**

**Be Written
High.**

By ANDREW JOYNER.

There is a touch of pathos in the announcement of the death of ex-Judge A. W. Tourgee, at Bordeaux, France, on the 21st inst. It comes

signal to tear his body into shreds with the cold lead of death, he displayed the nerve of a martyr in his wild, mistaken attempt to make an Ohio of North Carolina. Calmly, tenaciously and boldly throughout the darkest of these years, he persisted in the advocacy of ideas wholly and offensively obnoxious to our people. Fearlessly and loyally he stood by his party in support of all these policies, which to the Southern mind were wicked and cruel.

Stung by defeat, embittered by reconstruction legislation, humiliated by the insolence resulting from the privileges accorded the negro and other causes, the Southern mind rebelled against the importation of every Northern idea, and was not enough to go to death and hell for the supremacy of Southern white blood and Southern ideas. This was the volcano over which Tourgee slept for a decade. It was doubtless these very elements of opposition which developed and called forth the exercises of his wonderful resources. His capacity for work exceeded that of any man the writer ever knew with two possible exceptions: Chief Justice Walter Clark and the late Dr. Braxton Craven. There was not an idle hour for him during these years. His only companions were his faithful wife and his books. His wife was a real heroine in the constancy and the steadfastness of her devotion in her lonely and ostracized life. Neither knocked at the closed door of social life in this State. They were too conscious of their strength to play in the

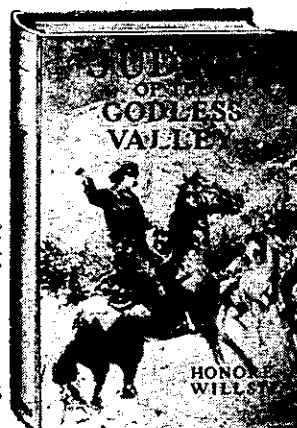
to all the winds on his own matchless powers. He could measure his rapier with any gentleman in any contest, at the bar, on the stump, in legislative hall and with pen no antagonist quit the combat without a scar.

Richly endowed by nature, his mind was a marvel in its capacity to grasp, absorb, digest and retain. His mental storehouse was overflowing. Equally marvellous was his ready power to marshal and employ every resource in emergency. More marvellous still is the fact that emerging from the war in '65 a physical wreck and a sufferer to the end from an aggravated wound, his intellectual equipment was the work of a few years. In the Constitutional Convention of 1868 and thereafter a Superior court judge for six years, Code Commissioner, the author of two notable law books, "Toinette," "A Fool's Errand," "Figs and Thistles," "Bricks Without Straw," "The 'C' Letters," and with the exception of his term on the bench, sharing the burden of his party in every political campaign and attending a large law practice, this is an epitome of the work of his sixteen short years in North Carolina. It was the late Judge Dillard who said of him that "he went on the bench the poorest judge and came off the ablest judge in the State." His name and fame will live longer in connection with his great work in '68 in having enacted and placed in our organic law the Code of Civil Procedure. This was another Northern idea, being copied largely from the Codes of New York and Ohio, and stubbornly opposed by the older lawyers of the State, but time and experience have vindicated the

owned capital. He stood four-square proud to seek social position on boulevard carpet-bagger. Tourgee was to role of a sycophant. Unlike the aver-

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Mrs. Willisie in Action

the wisdom of its enactment. While many of the older lawyers of North Carolina retired and refused to practice under the new Code, all thinking men now concede that it was not a visionary experiment, but that with all of its wise provisions it has come to stay. As further proof of the sagacity of its author, it may be noted that the reformed procedure is now in force in nearly every State of this Union, in England, Ireland, Wales, India, Australia, in several provinces of Canada and in many other English colonies. To Mr. Tourgee, more than to any other one man, is North Carolina indebted for this new and simpler Code of Procedure and for relief from the cumbersome and absurd forms of action under the old system.

Illustrative of Tourgee's dominating influence, as well as of the reckless manner of using it to accomplish a desired end, and throwing luminous rays of light on the subservience or the incompetency of the legislative body of the reconstruction period, the following story told by the late Chief Justice Pearson is apropos. It should be stated here that knowing Mr. G. S. Bradshaw, of this city, a prominent attorney, began the practice of his profession with Judge Tourgee, as a partner, in 1881 was interrogated as to whether he had ever heard Judge Tourgee speak of the incident, and he said, "Yes, Judge Tourgee never liked Chief Justice Pearson, and spoke of his refusal to grant him a license to practice law out of term time as one cause of complaint." "Tourgee never told me that the \$20 law was passed to enable him to qualify as a lawyer, before taking his seat on the bench as a judge, but he often remarked that the best judges were those trained in law on the bench before having by long years of practice got set in their trend of thought or bias in the constant appearance for the prosecution or defense in criminal, or plaintiff or defendant in civil cases."

Chief Justice Pearson, with his epigrammatic style of lecture before his law class was decrying the growing modern habit among the legal profession of becoming what he termed "case" lawyers, attributing it to the "twenty dollar license law" where many who had come to the bar without previous training in the fundamentals of jurisprudence, and the "common law principles" relied on Supreme court reports alone to guide their practice or their Supreme court arguments. So fixed was he in this opinion, during the whole two years' course of his law students he never permitted them to read Supreme court reports, and in his lectures quoted cases only of established leading nature to emphasize or illustrate a principle.

(Continued on Page Three.)

ATTABLE NEW NOVELS 3

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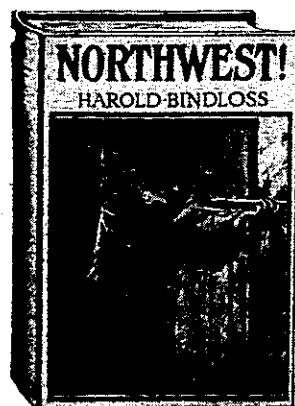
rary Digest, "Mrs. Burnett is a real . . . It seems likely that this prove one of the most popular she written. . . . A story that is shining true light of romance."

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A tale of endeavor, of mystery and of love, in the wilds of the Canadian Rockies. A weakling idling away his life and fortune in drinking and gambling, easy prey to the professional crooks into whose clutches he falls, is taken by Nature in her all-powerful grip and given his chance to become a man.

Believing that he has killed a game-warden, young Leyland escapes into the wilds. Here, hidden away in a cave far up in the mountain fastnesses, scaling impossible precipices, crawling over glaciers—with the Royal Northwest Mounted

Police ever on his trail—life is a series of hardships and thrills, of hair-breadth escapes and stubborn fights against the freezing cold. The mystery becomes more involved when a treacherous half-breed and an Englishman of irreproachable character are also suspected of the warden's murder.

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The Real Hero of "a Fool's Errand."

(Continued From Page One.)

ciple being elucidated. But he paid Judge Tourgee a high compliment, as the context of his remarks will show. He said: (the narrative form of report is here used for brevity and explanation:) "Good horse sense, you will find by studying the lives of great lawyers and jurists, as well as physicians, joined to thorough knowledge of 'horn book,' anxious and 'bed rock' fundamentals, is the secret of success in any profession, measuring success by the rule of lasting, but often posthumous measurement. Some of the best judges of law on the bench, most often sustained by the Supreme court are men of rugged character and unfinished literary training, but of strong 'horse sense' like old Cloud, who is always made fun of but seldom over-ruled.

"There's Tourgee, of fine literary and mental acumen but with plenty of 'horse sense,' who was made a judge before he was licensed to practice law. But he made one of the best of our judges of Law or Equity, and it was he too who destroyed our Common Law system of practice and pleading and substituted the 'Code of Civil Procedure,' a New York innovation, which we judges leave to Rodman to untangle on the Supreme court bench. Tourgee found he could be one of the new issue judges, and he came out here to my house between the sessions of the Supreme court to get me to give him an examination and grant him a license to practice. He seemed to think I would do anything he asked. I told him the Supreme court rule set a regular time for the examination of applicants, which was at the beginning of each term in January and September, and I would make no exceptions. He insisted so hard, telling me of his prospective judgeship, that I 'felt of him' to see if he knew any common law, and found he knew the literature but not the principles, and I stuck to my first resolution."

THE HOR OF "MR. WU"

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nd, and a young doctor—who loves the a religion in which a green goddess, a Rajah with all the instincts, all the of Western culture, gained at Oxford free English people the utmost in hosing on for sacrificing them to the one another. The day arrives. The see the death of the strangers; the something unexpected occurs.

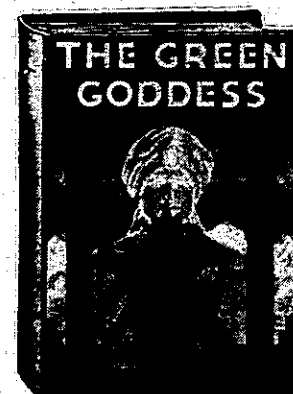
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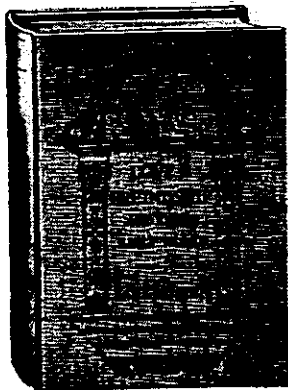
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The Rt. Hon. Augustine Birrell, in the *London Times*, says: "We found ourselves simply revelling in the revelation there made to us of the 'Elementary Jane,' and entirely in agreement with Mr. Chesterton, who remarks in his Preface that these fragments 'are something more than the discovery of a document; it is the discovery of an inspiration. And that inspiration was the inspiration of Gargantua and Pickwick; it was the gigantic inspiration of laughter!'"

Gilbert K. Chesterton, in his Preface, says: "A thing to laugh over again and again. . . . All the better for being juvenile in the sense of being joyful. . . . I think she has added something intrinsically important to literature and to literary history."

"John O' London" in the *N. Y. Times*, says: "The literary 'scream' of the moment. . . . You may expect a treat exceeding that provided in 'The Young Visitors.'"

THE COASTS OF ROMANCE. By CROSBIE GARSTIN, author of "The Ballad of the 'Royal Ann.'" With many quaint and humorous illustrations, cloth, 5" x 7½", net \$2.00.

The riot of color, the unforgettable atmosphere of quaint, age-old places are made real in this vivid account of a leisurely trip to Mediterranean ports. Here in humorous prose the poet-author (well-known to *Punch* readers as "Patlander") tells of those towns just off the tourists' beaten path—Gibraltar, Algeciras, Tangier, Casablanca, Fez, Cadiz, Seville, Madrid—in a tale of adventure and romance.



MY LADY APRIL. By JOHN OVERTON. Cloth, 5¼" x 7½", net \$1.90.

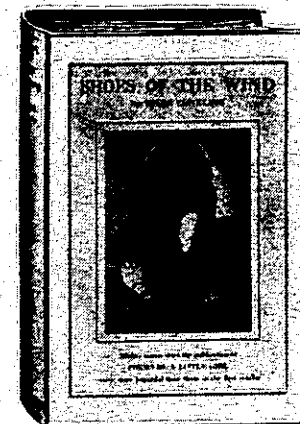
"A charming romance of Bath in the days of Beau Nash," is the *London Times*' characterization of this story of young love in those mad, merry days when mystery and high adventure held full sway.

went back to Raleigh, got the Legislature to pass a law permitting any one to practice law who paid a fee of twenty dollars to the Clerk of the Supreme court, qualified under this law and mounted the bench." (Note: Judge Richmond M. Pearson lived in the "wild woods" of Yadkin county, thirty-five miles from the then nearest railroad station, Winston, and died January 3rd, 1878, on his way to Raleigh to attend Supreme court and examine his last class of students. His house was a comfortable two story brick structure of nine rooms, but the "log offices" where students had used as residences for thirty years, which were grouped on the premises, made the name "Logtown" the popular index of the place, though it was known in the postal guide as "Richmond Hill." He was the greatest Equity and Realty lawyer the State has ever had, and was the father of Richmond M. Pearson, now United States Consul to Italy, grandfather of Richmond Pearson Hobson, and father-in-law of the late Judge and Governor Daniel O. Fowle, with whom Tourgee had a sensational street fight in Raleigh in 1880 as an outcome of one of his letters holding Judge Fowle, who was then a candidate for Governor against Jarvis, up to ridicule, and lashing him into a fury of rage and indignation.)

The pet idea of Tourgee was negro suffrage. His persistent devotion to this idea made it impossible for the average Southerner to see any good in any other idea or suggestion, however meritorious, coming from or supported by him. It was his wonderful tact, together with his cool head and ready resources, that saved him in many perilous places. He was never rattled. Illustrative of his tact was an incident at Rockingham court house in '69.

The older Morehead, Col. James T. Morehead, Sr., was defending one of his old slaves charged with larceny. He had proved the good character of his client by a dozen of the best men in the county, and, while jealously arguing the case to the jury referred to his own long association with the negro on the old plantation, was suddenly interrupted: "Mr. Morehead," said the Judge, "your client does not seem to have improved with his associations." Turning upon the Judge, the doughty old Roman said: "Your Honor, I have proved by the best men of this county his high character and that nothing was ever charged against him until you had recommended Crosbie Garstin's work."

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A New Book of Vital Importance

ADVANCED LESSONS IN LIP-READING. By ELIZABETH HELM NITCHIE. Ready about November 15. Cloth, 5½" x 7½", about net \$2.50.

In response to a country-wide demand by teachers in lip-reading for adequate lessons for advanced pupils, the Principal of the Nitchie School of Lip-Reading, New York, has compiled this authoritative book for the countless students who need advanced exercises. In addition to the carefully selected exercises, there are descriptions of games to play, lists of special books for reading, etc. *The book is equally adapted for school or home use.*

...of hold of him." The Judge knew the temper and high courage of the old lawyer and the temper of the people who idolized him, and the incident was closed without further remark. It having been suggested on the court green at the noon recess that the Judge intended to attack the old lawyer for contempt, when court assembled the court room was full, and in it three hundred men who would have demolished every brick of the court house and jail if anything of the kind had been attempted. Tourgee was quick to see every situation and his tact seemed equal to any emergency. While Mr. Tourgee remained long enough to see peace, order, law and quiet restored in North Carolina, he felt that no matter how faithfully and diligently he might labor for his adopted State his work would never be appreciated, and the unbiased student, even at this day, must admit as much. He had come here in good faith. He had toiled in good faith. If he could have seen his error in his blind adhesion to the negro suffrage idea and remained here, his name would today be enrolled among the giants in our history.

There is something pathetic in the retrospect of those sixteen years—the best of his life—given and exhausted in a hopeless struggle. And yet they were not wasted. From them and the material drawn from them, he was enabled to plunge into the world of letters and win fame and money. He knew not and cared not for the value of a dollar. He realized a fortune from the sale of 20,000,000 copies of "A Fool's Errand," translated in more than a dozen different languages, soon after he left North Carolina in 1880. With this good luck he established a magazine, "The Continent," a magazine of rare merit and edited with rare skill, which absorbed his fortune and left him penniless. Following this adventure appeared a flood of literary productions from his pen. Among them were: "John Fox,"



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1882; "Hot Plowshares" 1883; "An Appeal to Caesar," 1884; "Black Ice," 1886; "Bution's Inn," 1887; "A Son of Old Harry," "Veteran and His Pipe," 1888; "Letters to a King," "With Gauge and Swallow," 1828; "Pactolus Prime," "Murvale Eastman, Christian Advocate," 1890; "Out of the Sunset Sea," 1892; "An Outing of the Queen of Hearts," 1894; "The War of the Standards," "The Mortgage on the Pine-foot House," 1896. He has himself stated that he had burned more books than he had ever printed. The bee, viewed from a Carolina literary standpoint, is his "purely literary sta in 1879. Nothing Letters," published literature surpasses yet seen in our lit.

Greensboro, N. C., May 25.

HONORS TO OUR BOYS.

Splendid Stand Taken by North Carolinians in Educational Institutions.

(Winston Sentinel.)

Our attention has been called recently to the splendid stand that boys from North Carolina are taking in the great educational institutions of the country. It gives evidence of a con-