



UNC
SCHOOL OF LAW

NORTH CAROLINA LAW REVIEW

Volume 3 | Number 3

Article 1

1925

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Recommended Citation

Walter P. Stacy, *Chief Justice Hoke, Patriot and Great-Hearted Fighter for the Right*, 3 N.C. L. REV. 83 (1925).

Available at: <http://scholarship.law.unc.edu/nclr/vol3/iss3/1>

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The
North Carolina
Law Review

Volume Three

June, 1925

Number Three

CHIEF JUSTICE HOKE, PATRIOT AND GREAT-
HEARTED FIGHTER FOR THE RIGHT

WALTER PARKER STACY

CHIEF JUSTICE OF THE NORTH CAROLINA SUPREME COURT

On 16 March, 1925, William Alexander Hoke voluntarily retired as Chief Justice of the Supreme Court of North Carolina, such action being induced by the condition of his health. All will agree that he has had a unique and far-reaching influence upon the judiciary and life of the Commonwealth. The law of the State has been enriched by his labors, and it will feel the effects of his retirement.

Born in 1851, of noble ancestry, studied law under Chief Justice Pearson, admitted to the Bar in 1872, member of the State Legislature in 1889, elected Judge of the Superior Court in 1890 and served as such for fourteen years, married in 1897, nominated and elected Associate Justice of the State Supreme Court in 1904, reelected to same position in 1912, and again in 1920, appointed Chief Justice 2 June, 1924, elected to the same position in November following, Democrat, Episcopalian, recipient of two honorary degrees, member Society of the Cincinnati—these in bold relief constitute the outstanding facts in the life of the subject of the present sketch.

It will be observed that his boyhood spans the days of civil strife, the time when all men's souls were tried and cast in heroic molds. His distinguished father, John Franklin Hoke, was appointed Adjutant-General of North Carolina at the outbreak of hostilities in 1861, and was afterwards elected Colonel of the Thirteenth Regiment; later he commanded the Twenty-third Regiment and subsequently served as Colonel of the Senior Reserves. Colonel Hoke always remembered with fatherly pride how his boy, a lad of only nine years, tried to follow him to the battlefield. This may seem of small moment now, but it was heroic then, and gave unmistakable evidence of the innate qualities which were later to develop in the man.

“Judge Hoke,” as he is affectionately called, is not only fortunate in the stock from which he springs, but also in the temper of the era and the society of his young manhood which stimulated him to effort, evoked him to nobleness and spurred him to strength. It was not an age of materialism, but one of serious-mindedness. During the early years of his career the South, under the leadership of the heroes of the Confederacy, finally triumphed over the ruin and exhaustion of war, and found a way to rehabilitate itself honorably and without the surrender of cherished ideals or principles. It was a task which required the exercise of superb wisdom and rare statesmanship. Then, like all bruised and battered peoples, they turned instinctively to the younger generation for the realization of their hopes and for the coming true of their dreams. There was a fine spirit of determination in the atmosphere of the time, a broad conception of public duty, and a clear call to youth to put its hand to the plow and to spend itself, if need be, in high endeavor and for the upbuilding of the common good. W. A. Hoke heard and heeded this call with great credit to himself and in a manner eminently satisfactory to the people of his State. They have ever delighted to honor him for his sterling qualities, and today he stands second to none in their esteem and affection. Such is the reward of earnest effort, nobly expended. He has now reached that position of mental calm and tranquility of soul, so devoutly to be wished, and which comes only to the man who has lived a righteous life. The world is a little better for his having lived in it; he has added to the sum total of human happiness, and hence he deserves a permanent place in the annals of his time. To many, Judge Hoke is the embodiment of the hopes and aspirations of the people of North Carolina. He has dared to speak and speak again in their behalf and to give expression to their longings and desires. In this, he has made a distinct contribution to the life of the Commonwealth.

There is about him the meed of gentleness and the fruit of strength, the courage of the true and the stamina of the great, the heritage of the meek and the harvest of the bold. Truly, a noble soul. Which element predominates, we scarcely know. He has given a helping hand to all sorts and conditions of men. And long may it remain in this mixed world a mooted question, or at least a point not easy of decision, which is the more beautiful evidence of the Almighty's goodness, the delicate fingers that are formed for sensitiveness and sympathy of touch and made to minister to pain and grief, or the strong masculine hand that the heart teaches, guides and softens in a moment.

While on the Superior Court bench, Judge Hoke greatly endeared himself to the people of the State and especially to members of the legal profession with whom he came in intimate contact. His striking appearance and military bearing at once arrested attention and commanded respect wherever he went. A single incident will suffice to show his readiness and courage as a *nisi prius* jurist: A negro was brought into his court, charged with a capital assault upon a white woman. There was much excitement in the community over the occurrence. The crime had been committed only the day before. The defendant lodged a motion for a continuance upon the ground that he had not had time to summon his witnesses or to get ready for trial. It was suggested that a lynching would probably take place, if the case were not tried at that term of the court. To this the Judge promptly replied: "If there is to be any violence, it is better for the prisoner to be lynched by the mob than to be mobbed by the court." This nugget of truth and wisdom, so tersely and epigrammatically expressed, attracted the immediate attention of the whole State and the country at large. The case was continued for a week, the defendant given an opportunity to prepare his defense, and there was no lynching.

The opinions of Judge Hoke, appearing in fifty-three volumes of the Supreme Court Reports from the 137th to the 189th, both inclusive, and treating a wide range of subjects, will stand as a lasting tribute to his industry, learning and ability. The decision in *Hicks v. Manufacturing Company* (138 N. C., 319) was written by him during the first term of his incumbency on the Supreme Court and it is one of the leading cases in this jurisdiction, dealing with the questions of assumption of risk and contributory negligence as affected by the negligence of a master or employer, and limiting or modifying, as it does, some of the former decisions on the subject. Again, in *Cooper v. Railroad* (140 N. C., 209) and *McKinney v. Adams* (184 N. C., 562), the law of negligence received his attention, and profited by it. *Christopher v. Wilson* (188 N. C. 757) one of his latest opinions, *Bank v. Dortch* (186 N. C. 510), *Wallace v. Wallace* (181 N. C. 158), *Pugh v. Allen* (179 N. C. 307) and *Jones v. Whichard* (163 N. C. 241), among others, afford convincing proof of his mastery of the law of real property—a subject which all will agree has its many niceties and abstruse problems.

There is a quaintness about his style of writing, peculiarly his own, and which comes more from the vigor and integrity of his mind and from his knowledge of the masters of the law, such as Black-

stone, Coke and Littleton, than from any heat of passion or imaginative excess. His opinions in criminal cases are flavored with a devotion to constitutional principles and the right of every citizen to a fair and impartial trial in full accord with such principles. His pronouncements in *State v. Exum* (138 N. C. 599), *State v. Horton* (139 N. C. 588), *State v. Banks* (143 N. C. 652), *State v. Murphy* (157 N. C. 614), *State v. Barksdale* (181 N. C. 621), *State v. Hardin* (183 N. C. 815) and *State v. Springs* (184 N. C. 768), are sufficient to show the trend of his mind in dealing with the State docket.

Judge Hoke is not only an able lawyer and splendid judge, but he is a great spirit as well. In order to glimpse the man in the inner recesses of his thinking, we must turn to his opinions in equity cases and those dealing with public questions. A perusal of his deliverances in *Jones v. Commissioners* (137 N. C. 579), *Fayetteville Street Ry. v. Railroad* (142 N. C. 423), *May v. Loomis* (140 N. C. 350), *Gaylord v. Gaylord* (150 N. C. 222), *Atkinson v. Downing* (175 N. C. 244), *Broad Street Bank v. National Bank of Goldsboro* (183 N. C. 463), *Corporation Commission v. Manufacturing Company* (185 N. C. 17), *Cab Company v. Creasman* (185 N. C. 551), *Citizens Company v. Typographical Union* (187 N. C. 53—concurring opinion), *Small v. Morrison* (185 N. C. 586—concurring opinion), *Lacy v. Indemnity Company* (189 N. C. 24) will give the reader ample opportunity to assess his great worth as a chancellor and his invaluable service in conference on questions of public moment. In addition to writing the opinions in cases assigned to him while a member of the Supreme Court, he was ever ready to spend himself in debate or in research with his associates.

My friend and colleague is a man of strong character and of unusual attainments. Endowed by nature with an acute and analytical mind, logical and orderly in its processes, he early assumed a place of leadership at the bar and he has continuously maintained a position of influence throughout his long and useful career. His characteristic virtues are unwavering loyalty, sublime courage, and sincere, sympathetic friendship. Among the highest relations in life is that of genuine devotion one for another. Friendship, unalloyed by selfishness, and of the sacrificial kind, if need be, partakes of the best part of one's self. "He serves best who loves best." Judge Hoke believes in a gospel of justice, in a religion of morality and in the efficacy of instant reliance on a Greater Power. This is the real source of his strength and effectiveness. Four-square to every wind

that blows, he is the soul of honor, high-minded, straightforward, clean-cut, and withal a great-hearted fighter for the right. The lives of many have been enriched by the rare charm of his friendship, and in the hearts of those who know him best such is accounted to him for righteousness. The love and admiration of his associates, the universal regard and approval of the bar, the esteem and affection of a great people, alike testify to the fullness and completeness of his success.

William A. Hoke: lawyer, citizen, legislator, Judge of the Superior Court for fourteen years, Associate Justice of the State Supreme Court for more than nineteen years, and Chief Justice for nearly a year, a great public servant, husband, father, friend—faithful in all. This is the story of solid achievement and of service well rendered; an inspiration to all good citizens and especially to members of the legal profession; a prince among men and a benediction to his State. Long may he live to enjoy the fruits of his labors and to witness his own immortality.