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TRIBUTE

TO THE

MEMORY

OF

Bartholomew Figures Moore;

CONTAINING.

THE PROCEEDINGS OF A MEETING OF THE BAR OF NORTH CAROLINA; CALLED BY THE RALEIGH BAR, AND HELD AT THE SENATE CHAMBER IN THE CAPITOL AT RALEIGH, ON THE 11TH OF JANUARY, 1879:

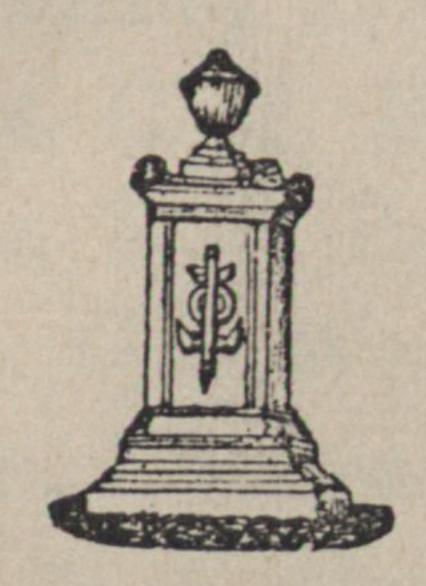
WITH

THE REMARKS OF HON. WILL. H. BATTLE AT THE MEETING.

ALSO,

AN ADDRESS, DELIVERED BY ED. GRAHAM HAYWOOD, ESQ., OF THE RALEIGH BAR, ON THE OCCASION.

WITH AN APPENDIX.



RALEIGH, N. C.:

EDWARDS, BROUGHTON & CO., PRINTERS AND BINDERS. 1879.

EAST CAROLINA COLLEGE

BARTHOLOMEW FIGURES MOORE.

Bartholomew Figures Moore died Wednesday afternoon, November 27th, 1878, at his residence, in the City of Raleigh, N. C.

PROCEEDINGS

OF A MEETING OF THE RALEIGH BAR, UPON THE OCCASION OF THE DEATH OF B. F. MOORE, Esq.

From the Observer of November 30th, 1878.

At 10:30 o'clock, on Thursday, the Supreme Court room was filled with a large number of members of the Bar resident in and visiting the city, and numerous other prominent gentlemen. The following are the members of the Bar whom we saw: Chief Justice Smith, Gov. Z. B. Vance, Attorney General Kenan, Senator Merrimon, Judge Brooks, Judge Fowle, Judge Cox, Judge Howard, Col. T. C. Fuller, R. H. Battle, H. A. Gilliam, J. B. Batchelor, S. A. Ashe, A. M. Lewis, District Attorney J. W. Albertson, Jos. A. Engelhard, W. L. Saunders, C. M. Busbee, Rob't T. Gray, F. H. Busbee, E. R. Stamps, R. C. Badger, L. R. Waddell, Jacob Battle, W. H. Bagley, Geo. Wortham, J. C. L. Harris, R. G. Lewis, L. S. Overman, Sherwood Haywood, J. Eaton Bledsoe, Armistead Jones, B. F. Montague, W. H. Kitchen.

The meeting was called to order by Mr. D. G. Fowle, upon whose motion Mr. W. N. H. Smith was called to the chair,

and was conducted to his seat by Mr. T. S. Keenan and Mr. E. R. Stamps.

Upon motion of Mr. Geo. Howard, Mr. P. M. Wilson was

appointed Secretary.

It was stated that the arrangements for the funeral had been completed, and upon motion of Mr. A. M. Lewis, amended by Mr. D. G. Fowle, it was resolved that the members of the Bar assemble at the late residence of the deceased to accompany his remains to the cemetery in a body.

Mr. Wm. R. Cox moved that a committee of five be appointed to draft Resolutions of Respect in memory of the deceased, to report to a subsequent meeting of the Bar to be called by the chair.

It was suggested by Mr. Z. B. Vance that the adjourned meeting should not be called until the session of the Supreme Court, to enable as large a number as possible of the Bar of the State to attend.

The Chairman appointed as the committee of five under the resolution: Mr. W. R. Cox, chairman; Messrs. J. B. Batchelor, R. C. Badger, H. A. Gilliam, D. G. Fowle.

Upon motion of Mr. R. G. Lewis, the meeting adjourned. W. N. H. SMITH, Ch'm'n.

P. M. Wilson, Sec'y.

THE FUNERAL.

(From The Observer of November 30th, 1878.)

At 3 o'clock Thursday afternoon, the members of the Bar assembled at the late residence of Mr. Moore to escort, in a body, his remains to Christ Church, whence he was to be buried.

The body was placed in a beautiful casket covered with flowers.

At the Church there was a large assemblage of his friends, the body of the Church and the galleries both being crowded. The services were conducted by the Rev. Dr. Marshall. After the hymn

"Just as I am,"

had been sung in a most solemn manner, the body was conveyed to the cemetery. The following distinguished gentlemen acted as pall-bearers: Governor Vance, Chief Justice Smith, Senator Merrimon, Judge Brooks, Judge Fowle, Auditor Love, Judge Strong, Maj. Gilliam, Hon. J. B. Batchelor, Edward Graham Haywood, Esq., Dr. Eugene Grissom, R. H. Battle, Esq.

In a beautiful square, commanding a view of the lake, and beneath the shadow of an oak, the tree he loved so much, rests the father of the North Carolina Bar. His sturdy character has left its impress upon his times, and in the years to come he will be remembered and respected as a wise, honest, learned, patriotic man, and loved by his friends, his family, and the recipients of his quiet charity.

PROCEEDINGS

OF A MEETING OF THE BAR OF NORTH CAROLINA, HELD AT THE SENATE CHAMBER IN THE CAPITOL IN THE CITY OF RALEIGH, ON THE 11th JANUARY, 1879, IN PURSUANCE OF THE CALL OF CHIEF JUSTICE W. N. H. SMITH.

(From the Observer of January 20th, 1879.)

IN MEMORIAM.

There was a large attendance at the memorial ceremonies of the late Mr. Moore on yesterday. The Senate Chamber had been selected as a suitable place for holding the solemn offices, and the seats were all filled by lawyers of the Raleigh Bar, and by many distinguished members of the profession from our sister cities and from the State at large. The Governor and other State officers occupied seats on the floor. Many grave Senators sat within the Bar; the House adjourned and the Commoners poured into the Chamber to participate in the honors to the illustrious dead.

At the appointed hour the Chief Justice, Mr. Smith, assumed the chair, and in a few simple and suitable words explained the object of the meeting.

Mr. Cox, as Chairman of the Committee to draw up Resolutions of Respect, and to report them to this meeting, after appropriate introductory remarks, read the following resolutions:

A great lawyer—a cherished and distinguished citizen having fallen in our midst, in obedience to an honored custom, we turn aside from ordinary pursuits and ambitions to pay this sad tribute to our illustrious brother.

Bartholomew Figures Moore having passed the age allotted to man by the Psalmist, in the midst of his friends and kindred, departed this life in the city of Raleigh, November 27th, A. D. 1878.

He was the son of a revolutionary soldier, and born at the family residence near Fishing Creek in Halifax County, January the 29th, 1801.

Having prepared himself for College, he entered the University of the State in 1818, and in 1820 graduated with honor in a class of recognized ability.

Leaving the University, Mr. Moore read law with the Hon. Thomas N. Mann, an able and distinguished lawyer of Nash County. After obtaining his license he entered upon the practice of his profession at the then flourishing village of Nashville, the County seat. His success for some years was not by any means flattering, yet the first \$500 he received from his professional services he expended in travelling and familiarizing himself with his country.

In December, 1828, he married Louisa, a daughter of George Boddie, Esq., of Nash County, who only lived until the 4th of November, 1829.

In April, 1835, he married Lucy W., likewise a daughter of George Boddie, who, having witnessed and shared his toils and triumphs, survives him, blessed with a large and estimable family.

He returned, in 1835, to Halifax, his native County, and while pursuing his profession, was elected successively to the House of Commons from 1836 to 1844, with the exception of 1838, when he was defeated in consequence of having voted to give State aid to the Wilmington and Weldon Railroad Company, of which he was a warm friend and an able advocate.

He was appointed Attorney General of the State in 1848, and upon the convening of the General Assembly in December, elected to the same position. This office he continued to hold and fill with great acceptability until he

resigned it in consequence of being appointed a Commissioner to revise the statute law of the State. The "Revised Code" is the result of that commission, and to him was assigned the principal labor in arranging it's matter and superintending its publication.

While ample success crowned his professional career in Halifax County, yet in 1848 he removed to Raleigh, where he resided to the time of his death. Bringing with him his well established reputation for research and ability, he continued to command an extended and lucrative practice in this and other parts of the State.

Mr. Moore early secured a high reputation as an able and profound lawyer, by an elaborate brief in the celebrated case of the State vs. Will, a slave (1st Devereux & Battle). It was a case that awakened a general and profound interest throughout the country and settled the true relations between master and slave in our State.

It recognized the right of the slave to defend himself against the assaults of his master in the preservation of his own life. It is reserved to but few of the profession to so impress their views upon the Courts, in advance of public opinion, to prepare so admirable a collocation of the law and to establish so durable a reputation upon any one case.

Mr. Moore was a close and pains-taking student; reluctant to appear in any case without careful preparation, yet when he entered the combat, the rich and fertile resources of his well stored mind clearly manifested that nothing rusted in his intellectual armory, but his weapons were kept polished and prepared for use.

His mind was logical, his manner forcible, and his ideas, without undue ornamentation, clothed in strong and graphic language. He seized at once the strong points of his case, and pressed them with skill and sagacity. Possessed of a strong mind and robust constitution, he was a fine exemplification of the mens sana in corpore sano.

In politics he was a Whig, and admired a strong and

stable government; an ardent lover of civil liberty, he watched with jealousy all legislation tending to encroach upon the guaranteed rights of the citizen.

A bold and avowed Union man, while the States were engaged in an unremitting and unrelenting civil war, his high character and recognized integrity secured him even amidst the clash of arms a respectful hearing, for it was known that he sympathized with his own people in their unequal conflict, and that often his hasty expressions were the result of deep convictions. Recognized as a pronounced and outspoken Unionist, it was but natural that he should be sought for and consulted by the President of the United States at the termination of the war. His respect, however, for the Constitutional limitations of the general government compelled him to oppose the whole reconstruction policy, for he was incapable of yielding to the intrigues of the politician or the subservient traffic of a mere placeman.

He was a leading member of the State Convention called by the President, and ably advocated the adoption of all such measures as were proclaimed as indispensably necessary to a rehabilitation of the State, believing that wise statesmanship required an early submission to the demands of the general government.

Reared in a conservative school of politics, and devotedly attached to his State and the high character of her judiciary, he ever looked with distrust upon the election of judges for short terms and by popular ballot as an alarming inroad.

As a citizen, to the poor he was liberal and unostentacious; to his equals, frank and manly; to all, kind and just.

That he had his faults none will deny; he was impatient of contradiction, at times impetuous and irascible, yet these were but the natural emotions of an ardent and sanguine temperament, and while they tended to obscure did not infect those true and excellent qualities which lay beneath the surface.

He lived literally within the Augustan age of the profession in our State. With a Gaston, Daniel and Ruffin on the Bench, with the logical and versatile Badger; the strong and rugged Saunders, and the able and astute Haywood and their illustrious compeers as rivals at the Bar, it is praise enough to say that he was ever equal to the emergency of any occasion. For they constituted a proud galaxy of which our State may justly feel proud; therefore,

Resolved, 1. That in the death of Hon. B. F. Moore the Bar has lost a great and distinguished leader and society an able and valuable member, and the State a pure and representative man.

2. That a copy of the resolutions of this meeting be presented to the Supreme Court by the Attorney General, with the request that the same be spread upon its minutes.

3. That a copy likewise be presented to the Superior Court of Wake County, with a like request.

4. That a copy be furnished the family of the deceased.

WM. R. COX,
J. B. BATCHELOR,
R. C. BADGER,
D. G. FOWLE,
H. A. GILLIAM.

Mr. William H. Battle paid a sincere tribute to Mr. Moore's name and fame, and spoke feelingly of their boyhood association, their manhood friendship, and the well grounded respect and mutual good will of their mature and declining years.

He was followed by Mr. Batchelor, a fellow-countyman whose father was Mr. Moore's friend, and who was himself a life-long friend. Many touching incidents of the simple but manly history of the great lawyer were told, and his unostentatious life after he had acquired wealth, without assuming the pride of riches, was held up to admiration.

Mr. Edward Graham Haywood then arose and addressed the meeting.

On Mr. Batchelor's motion the resolutions were adopted.
Mr. Fowle then moved an adjournment, and the Chief
Justice announced the solemnities ended and the meeting
adjourned.

REMARKS OF HON. WILL: H. BATTLE.

Judge Battle rose and said: I second the resolutions prepared by the Committee, which have been read by their chairman, Judge Cox, and beg leave to submit a few remarks. I doubt not that my acquaintance with the deceased antedates that, not only of any person here present, but of any member of the Bar in this State. I first met Mr. Moore when we were school boys at Vine Hill Academy in the county of Halifax, during the Spring Session of 1814. We boarded at the same house. We then parted, but met again at a school kept in the upper part of Franklin county, by that eminent teacher, the late John B. Bobbitt, who graduated at the University in the year 1809, and then devoted the whole of his life to the instruction of youth.

As a school boy, Mr. Moore was a diligent student and a genial companion. We again boarded at the same house, and a further acquaintance only served to cement the friendship which we had formed at Vine Hill. At the close of the session we went off to different schools and did not see each other again until we went to the University. It so happened that we arrived at Chapel Hill about the same time in January, 1818, and joined the same class, the Sophomore, half-advanced. We again boarded at, and had a room in, the same house in the village. As upon former occasions we were upon the most friendly terms and remained so during our whole college course. I ever found Mr. Moore pleasant and agreeable, very sociable, and always fond of a joke. He was well prepared in the languages, and as we studied them at that time principally in the Sophomore Class he took a high stand among his class-mates.

During the Junior year we devoted our attention almost

exclusively to mathematics. The late distinguished Dr. Mitchell had then taken charge of the Professorship of Mathematics and our class was the first which he took through the whole mathematical course. To my great surprise, and to the surprise of all who knew him, Mr. Moore failed in his mathematical studies; and I saw a letter which he wrote to Dr. Charles Phillips, not long before his death, that he could not for some time understand the theorems in geometry, and he came very near asking his father to permit him to withdraw from college, but after a while he got over the difficulty, and the present President of the University told me that he heard Mr. Moore say that he recollected the very spot in the college campus where light on that subject first broke in on his mind. After he reached the Senior year he became a much better scholar, and graduated with distinction. As a writer he was considered the best in the class, next after the late Bishop Otey, of Tennessee.

After leaving college, Mr. Moore studied law and settled at Nashville, in Nash county, N. C. We practiced together in the Courts of Nash county, until I quit the Bar to take a seat upon the Bench of the Superior Court in 1840. In his practice, I always found Mr. Moore fair and liberal; and as we had always been friends at the schools and in college so we continued to be when we practiced together at the Bar.

I leave it to other gentlemen to speak of his merits as a lawyer. I always regarded him as among the best in the State. I have often said that if I had a difficult and complicated case and was permitted to have one lawyer only to manage it I knew of no person whom I should prefer to Mr. Moore. He was never satisfied until he fully understood his case and then he would argue it thoroughly and efficiently. Having been Mr. Moore's friend from our boyhood, when he was arraigned before the Supreme Court on a memorable occasion, for a libel upon the Judges, I took great pleasure in being one of his counsel, and in my argu-

ment before the Court I invariably styled him my friend and client, and I am now happy to think that our defense was successful, that the rule was discharged and he was restored to his full rights as a member of the Bar. It is well known to you all that at the time of his death he was considered and called "the Father of the Bar."

It is regretted that the appropriate remarks of Joseph B. Batchelor, Esq., on the above occasion, have not been furnished for publication.

ADDRESS

OF

ED. GRAHAM HAYWOOD, Esq.,

OF

THE RALEIGH BAR.

Mr. President and Gentlemen of the Bar:

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Death loves a shining mark. On Wednesday, the 27th day of November, 1878, all that was mortal of Bartholo-MEW FIGURES MOORE died; not only have the form and visage, ripened and mellowed by venerable age, which for many years were so tenderly familiar to every member of this community in all the homely intercourse of daily life, gone from us forever-but 'certain also it is, when a great 'learned man (who is long in making) dieth, much learn-'ing dieth with him.' With all customary ceremony and respect we have deposited his mortal remains in their last resting place: for 'man is a noble animal, splendid in ashes, 'pompous in the grave; solemnizing nativities and deaths 'with equal lustre, nor omitting ceremonies of bravery in 'the infamy of his nature.' It was the last service we could render to the mortal part of our deceased brother. So then let him rest; and peace be to his ashes; one more riddle of life has passed with his soul into eternity.

And is this all? The best human life in itself is but sorrow, and travail, and labor to the end.

Does the road wind up hill all the way?

Yes. To the very end:

"Will the day's journey last the whole, long day?

"From morn till night my friend."

And Time the great philosopher—Time the mighty king
—Time the best searcher after truth—Time the calm gray
satyrist, with sad smile—seems to say: 'Behold O! man
'the vanity of the things which you pursue—and of you who
'pursue them!' And the heavens seem to take no notice,
leaving humanity to solve their own problems, awaiting
the grand Exposition; which comes not, till time, and human things have passed away, 'like a tale that is told.'

Has such a life as that of our great brother wrought nothing for the advancement of humanity? Is there no hope for our friend beyond this "vale of tears"? Amid the fermentations of this time, the decay in the old forms of faith, the revolutions being wrought by scientific inquiry, is religion destined to perish? And is society a mass to be experimented on, manipulated, shaped and reshaped according to a theoretical scheme—leaving human nature always the same in constitution, unimproved, unadvanced—always having the same need of guidance and training—forever in the same degree demanding authority's strong hand, holding a sceptre, and occupying a throne?

Much have we seen go: Aristotelian logic, Ptolemaic astronomy, Arabic and Venetian geography, alchemy and the like went long ago; and in recent time many a fine, ingenius conjecture, many an elaborate and well accepted theory in social, in speculative, and in physical science, has passed away; how shall religion be affected—how shall it be with faith in the capability of human society for indefinite growth and improvement by the lives and labors of men? When intelligence shall be full and perfect, and when every realm has been illuminated in the perfect scientific day, how shall it fare with these?

Such questions arise with many; sometimes they get spoken—but they are put still oftener in the silent thought—they deserve careful consideration; they ought, if possible, to receive just and decisive answer.

Hobbs said—"That superstition was a religion that was

"out of fashion, and religion was a superstition that was in "fashion." This apothegm has a pithy sound, but it is in fact a play upon words: it admits by implication that the superstitious sentiment, the religious sentiment, the sense of the supernatural—call it what you will—is a permanent element in man; as much so, as his bones, and muscles, and heart and brain. That after the revolutions it has survived it will now fade away and disappear with the outlines of a few definitions, or with some one's notions and speculations of religion, is extremely improbable. People expected the stars to fall when the Ptolemaic system was discredited: and men would set up idols if the Star of Bethlehem were to vanish in eternal night. Men will adore, revere, aspire, worship, love. They will still send out their feelings into the unseen, which faith tries to penetrate with its vision, and hope strives, to people with its anticipations. The reliligious sentiment in man will commune with the living and commemorate the dead; music will voice its unutterable emotions; symbols will express its half conscious thoughts; and the gorgeous language of the imagination will carry its longings up above the level of material wants. It gains power by becoming free. Opportunity will not kill it. There must be something, somewhere, to answer to it: it must have its habitat. "All things are double one against another; and God hath made nothing imperfect."

Taking our stand at one point of view, we may, with all truth, affirm that man is the product of the world; he is a birth of outer and surrounding nature. He was brought here by these powers, he is built up of the elements. The earths and the gases make him to his inmost tissue, and fibre, and nerve-cell. He is organized carbon, azote, calcium, hydrogen, oxygen, sodium. His bones are wrought from lime, his blood is charged with mineral iron, and his brain is rich in phosphorus. The elements that make him have been prepared from the foundation of the world, softened, purified, refined in manifold crucibles of being, that

they might be brought to just the condition fitting them spontaneously to build up his structure.

Recent science hints to us something of the process, the ladder of this ascent; shrewdly suspects, though it does not yet clearly see, how all comes by one method of nature. Given matter and its forces, attraction and repulsion, centripetal and centrifugal, drawing and tension, and we have in sure result man—his organization, vitality, and (shall we say?) his conscience, his reason, his will, and his affections. We can account for him: all comes from the atom, the molecule: vitality is the systole and diastole of motion: attraction, repulsion: appropriation, rejection—constant—the poise of opposing and perpetual action. The glasses are not yet sharp enough to see all the genesis and the process, but indications point that way, and some day, perhaps not distant, we shall see and know it all.

Man's consciousness from this point of view, is the consciousness of the molecule in motion, his thinking is oxidation of phosphorous in the brain, all the highest activities and experiences within him, chemical process. He is the creature of organization from beginning to end; he comes of matter and its subtle interacting forces, and they are as organized in this or that special person, as we say, himself. At death this being dissolves, certain forces cease to act, others continue, and bear sway, he disintegrates, gases and earths go back into new, which are also old combinations.

Thus sentient and intelligent he knows the things somewhat of which he is made—knows carbon, oxygen, hydrogen; sees and learns of the physical, or, if you will vital processes; sees uniformity of operation under some circumstances, and infers certain laws, which he comes very implicitly to believe in. Matter and its forces—this is the scope of his intelligence. World of seen and known—he belongs there by origin, relationship, endowment. In respect to sensuous knowledge he is certainly tethered within the domain of seen and sensible—he cannot break from it.

In the farthest height of his understanding's stretch he cannot go beyond it. To master it, to translate the experience of his senses into knowledge, to formulate, methodize, condense them, draw some generalizations, is the utmost he can do.

But have I defined man as he is, have I described him? Universal experience answers—No. I have looked at him upon one side of his nature, but have utterly ignored him upon another, and perchance, far higher side.

- "I trust we have not wasted breath.
- "I think we are not wholly brain,
- "Magnetic mockeries; not in vain
- "Like Paul with beasts, we fight with death;
- 44 Not only cunning casts in clay;
- "Let science prove we are, and then
- "What matters science unto men?
- "At least to me-I would not stay.
- "Let him the wiser man, that springs
- "Hereafter, up from childhood shape
- "His action on the larger ape-
- "But-I-was born to other things."

Man denizen of time is heir also of eternity. Earth-born, he is, withal, sky-born. Sprung from the ground, he is descended from the heavens. Eternal elements are inlaid, inwrought into his being, in indelible impression there; the one fast color in the fabric that no chemical can turn, no process wash out. All else he may lose: he holds less strongly by time: his senses, his body, the outer world, his own existence, even, he may question, may seriously theorize upon, and finally explain away, but this impression he never doubts or forgets—the sense of the supernatural—the religious sentiment. An eternal presence beams, a high consciousness of a transcendant and everlasting. It is a reality that underlies—fact that overarches. It is a presence ever besetting—for we are met with it everywhere. In the midst of time is suggested to us eternity—in the midst of the tran-

sient a permanent—in the midst of the finite we are reminded of the infinite. It is so subtle, this supernatural, it cannot be grasped, yet so real it impresses as the deepest reality we know, the something we most long to reach, possess, and enjoy. Most felt when least seen-most realized when least apprehended—there is no solitude it does not visit and fill no separation or bereavement that takes it away-and no access that can impart it complete. It is an unseen, unknown to the senses, the infinite, superlative reality, of all we see or know, both the contrast and transcendence. Negation seems empty privative, but we can describe it affirmatively only remotely and in shadow. We see its sublime symbols, which reveal it, however resplendently, yet dimly, and but from afar-veil as well as revelation. Men call it reality, substance, being, eternity, God. Feeling is allname is but sound and smoke. Religion is the human effort to bridge the chasm that divides material and idealsensible and real.

So then—now, and here, we commemorate and honor the dead—because he has not all died. The religious sense of mankind recognizes the fact, and demands the service.

Turning over the leaves of a fiction, of the greatest humorist of modern times—whose theme was the philosophy of man and human life—I find it written: 'As I sit writing 'in my chamber, there comes under my window a flower- merchant. He has his roses and lilies on a cart, drawn by 'a quadruped. A little, long-eared quadruped—which lifts 'up its voice and sings after its manner. Go to—thought 'I—donkeys brayed in precisely the same manner, when I 'was young, and others will hee haw so when we are silent, 'and our ears hear no more.' Let us bray Oh! brother wearers of motley, and munch our thistles, and endure our thwacks, and bear our fardels—for this is our portion under the sun. Let us eat and drink for to-morrow we die.

And recurring to the saddest book in any language—the preaching of the wise foolish King of Israel—I am taught: "The thing that hath been, it is that which shall be; and "that which is done, is that which shall be done; and there "is no new thing under the sun." * * *

"Behold that which I have seen; it is good and comely "for one to eat, and to drink, and to enjoy the good of all "his labor that he taketh under the sun all the days of his "life, which God giveth him; for IT is his portion." * *

"Whatsoever thy hand findeth to do, do it with thy "might; for there is no work, nor device, nor knowledge, "nor wisdom, in the grave whither thou goest.

"I returned, and saw under the sun, that the race is not to the swift, nor the battle to the strong, neither yet bread to the wise, nor yet riches to men of understanding, nor yet favor to men of skill; But time and chance happeneth to them all."

Very wise men these—the modern humorist and the ancient preacher; but their melancholy wail over the fruit-lessness of human life, and the hopeless sameness of human society, is contradicted by the universal voice of mankind. Semper, ubique, ab omnibus. Every form of faith among men—the religions accepted as revealed by more or less of mankind. Buddhism, Islamism, Judaism, and Christianity—the devolutionists; and rationalistic deism and pantheism—the evolutionists; and even atheism and materialism, the men almost without hope—as the very centre and omphalos of each system—recognize the infinitesimal, but incessant, and continual advance and improvement of human society by the lives and labors of men as a fact—and adopt it as the main object of their travail and desire.

The revealed religions start from the point, that man created perfect, lapsed, declined, followed a downward tendency for thousands of years, and then must be led back to his original condition. Here is the key to every system; every creed, ceremony, worship, discipline, style of piety, senti-

mental mood, attitude, gesture—all are explained. The law of descent, devolution, determines everything-the rank of the redeemer, and the posture of the redeemed, and the conditions on which redemption is made available; it necessitates the machinery of salvation, arranges the drama of redemption, shifts the scenes, manages the incidents of the stage; it plans the cathedral, erects the altar, dresses the priest, puts the prayer in the suppliants mouth, agitates the bosom of the penitent, sets the rule for conscience, gives the key-note to the music of the heart. The wail over a lost peace, the cry for rescue from an inward foe, the self-reproach, the humiliation, the timid trust, are all beads on this string -Christendom vibrates all over at the touch of that iron chord—and the object, and end, of the christian system is appropriation and growth as the destiny of the individual man and of the human race. It is, reverently be it spoken, to exhaust the infinitude of God. All the heights of knowledge, of wisdom and of power, that stretch between us and the infinite One, the nature within us is to scale, and like that mathematical line—the asymptote—it is, through eternity, ever to approach, never to touch the curve. To the wise, world opens within world, and there is new birth continually; and this hope, and this faith, and this expectation, shall end, when life ceases to be motion, and when ideals are no more, but are absorbed in realization.

With the rationalistic deists and pantheists of modern time—the hope—the faith—the expectation is the same; but in their system the law of evolution takes the place of the law of devolution, and gives a new and original set to every religious conception; it assumes man's ascent from his beginning, thus compelling all the facts to face in an opposite direction. Of the being "who was in the beginning" it knows nothing, and hopes to know nothing. Its apprehension of God is before it, not behind—a search, not a memory. The First Principle is looked for last; not being considered as the known cause from which the world is deduced, but as

the unknown law after which intellect is groping. Through thought, and labor, and science it "feels after Him if haply "it may find Him." It works among processes on the inductive principle, and waits to crown its king when it has found him. Its method discountenances assumption; compels it to begin at the beginning, not at the end. Its faith anticipates discovery in the future, but it does not hang on memory of the past. It is more at home with Darwin and Huxley, than with Butler and Paley.

But only the cardinal principle is reversed, and the currents of spiritual life in humanity, full, rich, swift, and quickening as ever, set in the opposite direction. This system starts from the position that the race commenced its career at the lowest point, in close contact with crude forms of organized being, but has ever since been struggling up towards the higher levels of humanity; it discards (what it styles) the Jewish myth of a primitive paradise, and in place of the perfect Adam substitutes, a helpless, inchoate, chaotic creature—the possibility of a man-and so gives a new interpretation to all the main spiritual facts. In its cosmogony and book of Genesis the manifestations of God are recorded, not at the beginning but at the end of the series. The science of God is last. The perfect man is at the remote termination of the line. Paradise is in the far future, and is not a garden, but a city. Sacrifice is not the shedding of blood, but the transfusion of blood into new veins. The benefactor helps by living, not by dying. Hell is put where Eden was, and hope fills the horizon of the future. Progress is advance, not reversion. The law of predestination still holds, impelling men upwards to life. The law of universal brotherhood still holds -but it makes men a unit for development, not a unit for doom. To help men to become rational is the task—to be accomplished by those who understand the conditions of this life, not by those who dogmatize about the polity of another kingdom. Its disciples wear on their breasts the Eagle and discard the Cross.

But the followers of this faith also take upon themselves the task of servants to their kind—it is true, not because Christ died for them—but because man lives and grows by and through them Service is rendered on account of the benefits the doer may confer on his neighbor; it is tributary only, not retributory—valuable—precious—useful—worthy for its own sake; a contribution to human welfare, a privilege and no penance. This faith strives to clothe itself with the shining garments of spiritual qualities, and to make EVIDENT, 'that the tabernacle of God is with men': and it claims for its very name, The Religion of Humanity.

And even the atheist and materialist recognizes the fact of the gradual development of humanity towards perfection, by the lives and labors of men; and has it as his only motive for living worthily. For not a few of them do live worthily—and have virtues which are accredited to them by all men: love of truth, unselfishness, singleness of heart, integrity, self-respect, scorn of meanness, veracity, genuine devotion to the welfare of their kind. He does not expect to live hereafter; he does not wish to; he desires neither the consolations of another life, nor its motives; but he has an intense desire to live like a man here.

"Men are but flies of later Spring,

"That lay their eggs, and sting, and sing,

"And weave their petty cells, and die."

He expects to go out like a candle, but while the candle burns he means that its beam shall penetrate as far as possible in a naughty world. He puts into this life, what most men expect in the other. He strives to keep faith with his fellows and with his own nature. He enjoys confining himself within human limits, and doing human work—he concentrates his faculties within definite lines. He lives a rich present life, is not interested in the length of eternity, but, in the fullness of time. If any find satisfaction in projecting their personal being into the future, and exploring

the unknown fields of existence, he wishes them well, and hopes they will bring back a good report; but he prefers honest dealing with immediate concerns to a promiscuous search after possible gold mines.

His hope in Humanity—the unit—is his all: lowliness, meekness, peacefulness, mercifulness, patience, to him, seem to grow more beautifully and luxuriantly in the open air and free sunlight, than under ecclesiastical glasses; he claims that these lovely flowers are native to the human soil, and are found wherever human relations are healthy and sweet; that they spring up as freshly along the pathways of travel, as they do in the sheltered cloisters of monasteries; that he, who cultivates any flowers in his garden cultivates these. His is not a spiritual faith—but his faith in time and man is unlimited.

So then, Mr. President and Gentlemen, now and here we commemorate and honor the dead—because his life and his travail which he had under the sun, yet live and are yet with us in the progress of human society which they have wrought—and will continue to work out—his deeds, his words, his thoughts, his example—"an echo and a light unto eternity."

We, therefore, who are left, no longer concern ourselves with that part of the venerable Father of the Bar which has perished; the subjects with which this meeting has to do, are his career, his reputation, his character, the works which he wrought, and the edifices which he builded here, upon Earth; and his *immortal part*, which yet communing with us, has also accompanied him, to witness for him up yonder in the light.

In the immediate presence of eloquent, just, and mighty Death, I shall venture to say of the distinguished dead—that he was a very great man: He was the wisest man I ever knew: At his decease, and for almost his whole life, filling only a private station, he had come to be recognized.

long before he died, as a distinct and efficient moral power, in regulating the social and political welfare of the State: He lived almost to the uttermost limit of the span allotted by the Psalmist to man: Satisfied with only some very brief honorable rest in extreme old age, he spent all these years of his life in active, unremitting, assiduous labor, and finished his career, without a taint upon his honor, or a stain upon his reputation: His life covers many epochs in our State and national histories, and among them the most solemn and imperative political crisis, through which State and nation have yet passed: For forty years he was a leader in the Legal Profession, and for, perhaps, a quarter of a century, he was the very head of the Bar-facile princeps: His life was not isolated; beginning with the family, the primary cell of social life, the natural seminary and nursery of that broad philanthropy—which binds mankind together, as the conscious reflex of that law of gravitation, which binds the unconscious worlds of the universe into one vast cosmos-not only his individual, but his relative social life was full and rounded. How can I do justice to such a man,—to such a career, to such a life—within the narrow limits which iron precedent has assigned me on such an occasion as this? The necessary regard for the equally just claims of others to be heard, compels me to epitomize what I desire to say before you—and the consciousness that the memory and merits of my venerable friend must suffer from the brevity with which I must speak of him, has almost deterred me from saying anything at all.

But, Mr. President and Gentlemen, it seems to me peculiarly fit that I shall shortly say something, however unworthy, of Mr. Moore—his character mental and moral—his traits and characteristics—his labors in his profession, and his perfected works, which are his best monument. Of all the gentlemen who composed the Raleigh Bar when I was first admitted to practice at it, he was the last relict: some few have abandoned the profession, or their homes

here, and have removed to other places—most of them have gone into the dark.

- "Eheu! fugaces, Postume, Postume,
- "Labuntur anni; nec pietas moram
- "Rugis et instanti senectœ
- "Afferet, indomitæ que morti."

Badger, the two Busbees, Husted, Jones, Manly, Marriott, Miller, Rogers, Saunders, Sheppard, Wilder-perhaps others whom I do not now recall-and at last the venerable, the wise, the learned Moore-within the short period of twenty-six years they are all gone, sunk down, down, with the tumult that they made: and the rolling and the trampling of ever new generations passes over them-and they hear it not any more again forever. Some of them perhaps unfit for Heaven, but surely no one of them bad enough for Hell. Ah! God-where are they all? These souls that with all their short-comings and infirmities, knew how to win our love and devotion on earth. Can it be possible that for them too-dear as they were to us-the doom of outer darkness is to be spoken-together with the murderers, and the adulterers, and the thieves, and the oppressors of the poor, and the makers and lovers of lies, whom on earth we so justly hate? Perish the thought-forbid it Almighty God -for surely Thou are not less merciful than man.

Moreover, the veneration, the esteem, the admiration, and affection, with which I regarded Mr. Moore while living, will not permit me to be entirely silent and inactive where any effort is being made to do honor to his merits now that he is dead. The shock of his death has illuminated the tablets of memory. When a man dies it is said he is forgotten, but this in fact does not take place, though I have known exceptions, till after he is buried: on the contrary: Even the melancholy and contemplative Prince of Denmark admits—"there's hope a great man's memory may outlive "his life half a year": and a man's death awakens memories of him that have slumbered in many breasts for years.

There are thousands of men, whose recollections of the very useful and prominent part which Mr. Moore has filled in this State for the last fifty years—of his ability, his learning, his legal attainments, his personal purity, his personal integrity, his sturdy candor, his unparalleled courage of opinion, and his unflinching devotion to the principles of civil liberty-were thus aroused by the announcement of his demise.

* The true measure of a man's greatness is his usefulness to his kind; and the criteria by which a human life is to be judged, are the benefits it has conferred on the social community in which its lot was cast-and the extent of its contributions to the advancement of the human race: And in such an estimate, not only must his successful accomplishment of the works which he perfected, and his ideas which eventuated in action he weighed-but also his honest failures, and his individual views, which were rejected by the society of which he was a constituent part; for 'they may 'sit in the orchestra and highest seats of heaven, who have 'held up shaking hands in the fire and only contended for 'glory'-and the just thoughts of a great mind are seed sown, the harvest of which a nation may not reap, until the heart, and brain, which gave them birth have long been mouldering in the dust, and the lips which uttered them have been cold and silent for many lustres.

Vice, ignorance, pain, and poverty are the great and apparently ineradicable evils that affect society. The amelioration of their consequences while they continue to exist, and their ultimate extermination—though by degrees so gradual as to be imperceptible within the short segment under the . sun allotted to any man in the circle of life-are the problems which exercise the powers of great and good men. To recognize the capability of society for indefinite advancement and improvement; to find out the meaning of the time and the social community he lives in; to ascertain the work which must be done in them, and that part of it which

his hand findeth to do, to do with his might, make a man great; these constituted the web of which the life of Mr. Moore was woven.

I cannot within the limits which I have assigned myself, under the circumstances of this occasion, even enter upon the details and particulars of the life of our distinguished brother—the consideration and discussion of which would be both pleasant and profitable to all of us: and my endeavor is to present him to you in only a single aspectand that the one in which I see him, and as it appears to me, the greatest, and best, in which a man can be viewedand of which he is so apt and pronounced an example: a private person affectionately responding to all the demands of the family—a prominent citizen rigidly discharging all his duties to the State and his fellows-a man hopefully and faithfully laboring for the advancement of his kind, cleaving his way steadfastly through the work set before him—fighting a good fight right on to the last: the happy warrior in that yawning and clashing conflict now characterizing all relations of human life. An example which cannot be over estimated by any people.

- "'Tis he whose law is reason; who depends
- "Upon this Law as on best of friends;
- "Whence, in a state where men are tempted still,
- "To evil for a guard against worse ill,
- "And what in quality and act is best
- "Do seldom on a right foundation rest-
- "He fixes good on good alone and owes
- "To virtue every triumph that he knows.
- "'Tis finally, the man who lifted high,
- "Conspicuous object in a nations eye,
- "Or left unthought of in obscurity-
- "Who with a toward or untoward lot,
- "Prosperous or adverse, to his wish or not-
- "Plays in the many games of life the one,
- "Where what he most doth value must be won.
- "Whom neither shape of danger can dismay,
- "Nor thought of tender happiness betray;

ne soon til his hers.

- "Who, not content that former worth stand fast,
- "Looks forward, persevering to the last-
- "From well to better-daily self-surpast-
- "Who, whether praise of him must walk the earth
- "For ever, and to noble deeds give birth-
- "Or he must go to dust without his fame,
- "And leave a dead unprofitable name—
- "Finds comfort in himself and in his cause,
- "And, while the mortal mist is gathering-draws
- "His breath in confidence of Heaven's applause.
- "This is the happy warrior; -this is he
- "That every man in arms should wish to be."

Mr. President and Gentlemen, there are many facts in the life and career of the man whom we commemorate, of which I desire to speak; but the time which I have already consumed admonishes me that I cannot now do more than indicate some of them.

His thorough and life-long devotion, under all the varying circumstances by which he was from time to time surrounded during his extended existence, to the enforcement of civil liberty—distinguished him among his fellows. No circumstances of danger-no allurements of ambition-no fear of consequences—no regard for himself, his family, his fortune, his future—no specious arguments of expediency ever tempted him, upon any occasion, to refrain from boldly and perseveringly, in public and in private, as a citizen, a professional gentleman, or a public officer, urging and enforcing his objections-whenever, wherever, and in whatsoever form the liberty of the humblest citizen was threatened or invaded. The great language of Magna Carta was part of his being. x" Nullus liber homo capiatur vel imprisonetur, aut " dissaisiatur, aut utlagetur, aut aliquo modo destruatur; nec super " eum ibi mus, nec super eum mittemus, nisi per legale judicium " parium suorum vel per legem terræ.

"Nulli vendemus, nulli negabimus aut differemus rectum aut "justitiam."

The great commoner of England in a speech in the House

of Peers in 1870, speaks of this as "the simple Latin of the "times." He says: "they are uncouth words and sound "but poorly in the ears of scholars;" but he adds, "they are "not addressed to the criticism of scholars, but to the hearts of "freemen. These three words, nullus liber homo, have a mean-"ing which interests us all; they deserve to be remember-"ed, they deserve to be inculcated in our minds, they are "worth all the classics." With Mr. Moore they had become a portion of himself. It is related of an English queen that so great was her love for Calais, so sharp her chagrin and sorrow at its loss, that she said 'She should die-and 'if her breast was opened Calais would be found written on 'her heart.' And we may almost believe if the dead calm of the sturdy heart of this devotee of liberty, whose heavings are now stilled forever, were searched, we should find the homely language of Magna Carta engraved upon its tablets. The meekest of citizens in his submission to legitimate authority—the most uncompromising and inflexible advocate of law and order-he was the studiest and most determined champion of the rights of the people when unjustly invaded.

For solid wisdom—penetrating foresight—and invariable sagacity—in life he had no peer—and he has left behind none like him. In an intimate knowledge of him, which extended through a quarter of a century, I never knew him to make a mistake of judgment. I do not mean that he never, upon some passing matter, erred either in act or opinion; but that in great crises, when the waters of revolution were out, and the files of political experience furnished no precedent for guidance—when 'the storm was up, and all was on the hazard'—and he was called upon to use his wisdom—in suggesting the best means applicable to the production of the best results—in predicting what results must follow from one course of action or another—he was almost infallible—his predictions were prophecies. His bare opinion had come to have the weight in this community of ac-

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tual knowledge. Mr. President and Gentlemen, this is the rarest and greatest quality of the human intellect.

The wisest cannot always be wise; the wariest are apt to omit, now and then, some slight precaution, whereby the dread catastrophy, against which they had built up so many defences, might have been averted after all: Thetis, when she dipped the hero Achilles in the Stygian waves, forgot the heel by which she held him and left it vulnerable to the fatal arrow: Imperial Caius put aside for future reading the paper which might have prevented his own assassination: Henry IV, of France-that valiant man-he of the lion heart—to whom nothing seemed impossible, neglected alike his own presentiments, and the prayers and tears of those who loved him, when he went forth to meet his fate in the Rue de la Ferroniere. Nor are such observations to be confined to great occasions. We read the same story in the history of every notorious crime, and sudden catastrophy. The complete steel has some weak point of juncture through which the enemy's sword will find its way: a conspirator drops a paper, and a plot which was to have subverted an empire recoils upon the heads of the plotters: the cleverest alibi breaks down in some unimportant particular, which apparently no human foresight was sagacious enough to have anticipated. But a little more care, it seems, was needed to have produced quite opposite results; but a little better closing of the joints of the harness, or the rivets of the gorget, or the seams of the pocket, or the incidents of the story; but exactly that precaution was neglected which has left open the avenue through which stalked destruction or despair. Non omne molitor quod fluit unda videt. And therefore it is that in this exceptional man-whose foresight was unerring-judgment perfectly poised-wisdom almost infallible—we have lost one of whom we may, in sober sadness say: 'he was a man, take him for all in all, we shall not "look upon his like again."

And in this cannexion, let me say one word of a single

episode in Mr. Moore's career with which I have heard some thoughtless person find fault: I speak of his well known hostility to secession, and the Confederate cause. Surely those who impute blame to him have not considered his motives, his opinions, his conduct. Mr. Moore was by conviction a Federalist-both in politics, and in the construction which as a lawyer he gave to the Constitution of the United States; he denied always, and from first to last, the right of secession; he thought the only safety for his people, for the State, for the Nation, for civil liberty even, was in the perpetuation of the Union; with his far-seeing intellect, he knew and foretold the fierce struggle to come, and the bloodshed, the evil passions, the crime, the suffering, which would accompany it: its failure: the dreadful consequences: the perils to all civil liberty, and all rights of person and property, which would result, and many of which are not yet past: he made no secret of his opinions and his feelings ever at any time-he was constant in season and out of season in proclaiming them from the housetops, and in endeavoring to convert others to his views: to him the result—the failure—was always present in all its shocking and useless reality: and when the good opinion of his neighbors and friends (which he cherished as much as any man) was at stake-and his liberty-his future-his reputation-his very life-was on the hazard of the die-he yet stood steadfast as the Northern Star-" of whose true fixed "and resting quality, there is no fellow in the firmament."

Which of his fault finders would have done as much under like circumstances? Which one of us, I pray you, Oh! hot blooded secessionists—Hebrew of the Hebrews—if we had had his prevision would have obeyed the dictates of our convictions and have exhibited such courageous virtue? And how many of us are there, who, seeing the result now, as he always saw it, long to undo the inevitable past? His critics may, for aught I know, 'have revelations from 'Heaven like Mr. Percival, or pure anticipated cognitions

BARTHOLOMEW F. MOORE had nothing but observation, and reason and duty to guide him, and he obeyed the guidance of observation, and reason, and duty, under trials and temptations, which it is to be hoped, for the sake of the public virtue of the country, are not to become common. I protest before you, this day, that in the presence of such manly, unselfish, heroic virtue, I uncover my head, and put off the shoes from my feet, and lift up my heart to God in thankfulness, for the example of this faithful soldier and servant of His—for the presence in which we stand is holy.

According to his lights he did his duty—a hard and painful duty it was-and the event has proved that his lights were as true as the Sun in Heaven. Every man is to be judged, so far as human judgment is to be passed upon him at all, by the tenor of the motives which actuated him in the case in hand; and to which the main current of his days has responded. Judged by this standard, the course of Bartholomew F. Moore with reference to the late social war, must command the deliberate admiration even of those who most earnestly condemned the action upon which he decided, in that solemn and imperative crisis of his life. It is not my aim to-day to criticise, nor to broach political questions, but to pay a tribute of respect and honor to a great man, who struck fairly and nobly for the side he took under circumstances of exceeding perplexity, sincerely believing it to be the side to which patriotism and honor summoned him. There are too many men in the world who willfully go wrong, from base, and venal, and selfish motives. Let us be just to the brave and good, who, if they do err, err because human judgment is fallible, the circumstances of their position difficult, and the path of duty, which they wish to follow, is not, to their eyes, clearly discernable. If we have censures to bestow, let us reserve them for those false and feeble souls, whose half-hearted support was ostensibly given to us, while the war went on, and it was dangerous to be even neutral; but, who, when our cause was lost, and our idol lay shattered in the dust, made haste to protest that they had served us not all, or only for the purpose of betraying the cause which they pretended to embrace—to perjure themselves with iron-clad oaths—to crawl and sting and stink—and fawn upon the Federal government, and cringe, and lie, as only sycophants and cowards can, "that thrift might follow fawning."

It would be anomolous to conclude any remarks upon the life of Mr. Moore, without touching upon his acknowledged pre-eminence in the legal profession; though anything like a fair exposition and analysis of his career, and his merits, as a member of the Bar demands a chapter devoted to them alone. I do not think he had any genius, but his talents were great, his will imperative, his industry unbounded, and his habit of methodical and exhaustive analysis unequalled: he had no great oratorical gifts-except to those cultivated minds to which lucidity of arrangement, and in the presentation of a subject, and powerful logic, and an exhibition of the matter on all its sides in the utmost illumination of which in its nature it was capable, are the most pleasing and convincing oratory; even his voice, when addressing an audience, was harsh and unmusical. But he was the most successful lawyer we had, and I remember, watching his mode of managing and conducting a cause with admiration and wonder, for years after I was admitted to the Bar-from the issuing of the Writ, to the final judgment in the Supreme Court-and studying it-as the most perfect model within my reach: in this respect his professional skill and acumen were, and to the very end continued to be, unapproachable.

On a more favorable occasion, it is to be hoped that some person, well qualified for the task, will lay before the profession a full and critical and careful history and examination of some of the numerous great causes in which he appeared, and his arguments therein; in one or the other of

which, as I verily believe, is exhibited every form, and feature, and variety of intellectual excellence, demanded, for the elucidation and application of law and legal principles in the Courts of Justice. His briefs, in State v. Will, in Moye v. May, and in Walton v. Gatlin, are all models; and each one has its distinct method, and discloses a special and different character of legal excellence in the mind which conceived it.

But, in my opinion, "The Revised Code" is the greatest monument he has left of the excellent and rare endowments of his mind, especially in the profound knowledge of the written and unwritten law of North Carolina, at the date of its preparation. Lord Coke said of Littleton's Treatise on Tenures-'I affirm, and take upon me to maintain, against 'all opposites whatsoever, that it is a work of as absolute 'perfection in its kind, and as free from error, as any book 'that I have known to be written of any human learning;' and I venture to adopt his language as applicable to The Revised Code. Its great and surpassing excellence can only be fully perceived and appreciated by those who have studied it, and have long had occasion to apply it practically: and they will have seen that it is far more than a bare compilation of statutes-far more than a codification of existing acts of assembly-but that it has amended and perfected every such act in those particulars in which it had been proved by experience to be imperfect and defective-indicates a profound and exact knowledge of every principle which had been established, and every decision which had then been made by our Courts-and an exhaustive, methodical analysis by its author of the fundamental principles of the Common Law.

But the lights are going out, the curtain is about to fall, the last scene in the drama is about to be enacted—Vanity Fair is over: Come, child of Earth, put on your Cloak and and go home. He had no disease, and though the man was

so strong, he had lived to that great age when his strength was "but labor and sorrow"—he was about to put off the burden of the flesh:

- " And now he walks the streets,
- "And he looks at all he meets, "Sad and wan;
- "And he shakes his feeble head,
- "And it seems as if he said,
 - "They are gone.
- "For the mossy marbles rest
- "On the lips that he has prest
 "In their bloom;
- "And the names he loved to hear
- "Have been carved for many a year "On the tomb."

Having carefully arranged his affairs, and provided for the wife and children whom he loved, and disposed of his great estate—he retired to his chamber, to fold his mantle about him, and die, as he had lived, with decency. Weary and worn, perhaps disappointed, certainly disenchanted, disillusioned of all the bright dreams of his green manhood -let us follow him there: be ye sure that sacred chamber was not haunted by memories of evil deeds, of sins that had sorrowfully come home at night-fall-with hopes that had borne no fruit, with resolves abandoned almost as soon as formed: his strength failed him more and more-but painlessly he sinks into the lethargy of approaching death, while his children gather around his dying couch. What are the last feeble syllables which they anxiously gather from the dying lips of this gray-haired veteran—" I am tired now. I am going to my Mother in Heaven."

And that same November noon Bartholomew Figures Moore lay dying, calmly and peacefully going off, taking his accounts to a larger world. Perhaps he knew that there were some heavy items underscored against him: but he also knew that the mercy of God can even outdo the hope He gives us for token and for keepsake. A greater and a

grander end, after a life of mark and power, might, to his early aspirations and self-conscious strength, have seemed the bourne intended. If it had befallen him—as but for himself it would have done—to appear more actively in official life, where men are moved by passion, vigor, and bold decision, his name would have been more famous in history—but perhaps better known to the Devil also. As it was, he lay there dying, and was well-content. The turbulence of life was past, the torrent and the eddy, the attempt at fore-reaching upon his age, and the sense of impossibility, the strain of his mental muscles to stir the great dead trunks of "orthodoxy"—and then, the self-doubt, the chill, the depression, which follow such attempts, as surely as ague tracks the pioneer.

Thank God, all this was over now—and the violence gone—and the dark despair—of all the good and evil things which he had known and felt, but two yet dwelt in the feeble heart—only two still showed their presence in his dying eyes and words. Each of these two were good—if two indeed they were—faith in the Heavenly Father, and love of the earthly children. And so he died: and was gathered to his fathers.

Let us, while yonder velvet-palled box, containing within the aged slough and envelope of a soul gone to render its account, yet rests on the outer earth's surface, enter the chamber whither these void remains of our dear brother departed have heen borne, and pronounce our elegy over that bedizened box of corruption:

'When the young are stricken down, and their roses nip'ped in an hour by the destroying blight, even the stranger
'can sympathize, who counts the scant years on the grave'stone, or reads the notice in the newspaper corner. The
'contrast forces itself on you. A fair young creature, bright
'and blooming yesterday, distributing smiles, levying hom'age, inspiring desire, conscious of her power to charm, and
'gay with the natural enjoyment of her conquests—who, in

'his walk through the world has not looked on many such 'a one: and, at the notion of her sudden call away from 'beauty, triumph, pleasure; her helpless outcries during 'her short pain; her vain pleas for a little respite; her sen'tence and its execution; has not felt a shock of pity?

'When the days of a long life come to their close, and a 'white head sinks to rise no more, we bow our own with 'respect as the mourning train passes, and salute the her-'aldry and devices of yonder pomp, as symbols of age, wis-'dom, deserved respect, and merited honor; long experience 'of suffering and action. The wealth he has achieved, is 'the harvest which he sowed; the titles on his hearse, fruits 'of the field he bravely and laboriously wrought in. Around 'his grave are unseen troops of mourners waiting; many 'and many a poor pensioner trooping to the place; many 'weeping charities; many kind actions; many dear friends 'beloved and deplored, rising up at the toll of that bell to 'follow the honored hearse; dead parents waiting above, 'and calling 'come son!' lost children, heaven's foundlings, 'hovering around like cherubim, and whispering 'Welcome 'Father!"

'Here lies one who reposes after a long feast, where much 'love has been; here slumbers, in patience and peace, a 'veteran, with all his wounds in front, and not a blot on 'his 'scutcheon after four-score years, of duty well done, in 'the fierce and ceaseless campaign of life!'

Let us take off our hats to this procession as it passes, and salute the aged slough and envelope of our friend, "admir-" ing the different lots awarded to the children of men, and "the various uses to which heaven puts its creatures."

[&]quot;But yet we trust that somehow good

[&]quot;Will be the final goal of ill,
"To pangs of nature, sins of will,

[&]quot;Defects of doubt, and taints of blood;

[&]quot;That nothing walk with aimless feet;
"That not one life shall be destroy'd,

"Or east as rubbish to the void,

"When God hath made the pile complete;

"That not a worm is cloven in vain;

"That not a moth with vain desire

"Is shrivel'd in a fruitless fire,
"Or but subserves another's gain.

"Behold, we know not anything;

"I can but trust that good shall fall

"At last—far off—at last, to all,

"And every winter change to spring.

"So runs my dream: but what am I?

"An infant crying in the night:

"An infant crying for the light:

neither the printing and the form toric tracks will be the extense and the contract to

adequate the enter the room after a least a room of the care entitled

THE RESIDENCE RELIEF HOUSE LINES IN COLUMN SERVICE

"And with no language but a cry,"

APPENDIX.

APPENDIX.

(From The Observer of November 28th, 1878.)

DEATH OF MR. MOORE.

And still another of North Carolina's most honored and most worthy sons has gone to his rest, for on yesterday Hon. Bartholomew Figures Moore breathed his last. The end was not wholly unexpected, however, as for months his health has been feeble, and for weeks it has been manifest that the final struggle might come at any moment. But come with all the warning it may, when death strikes down the best in the foremost rank of her sons, a State can but mourn with exceeding great sorrow. Ripe in years, full of honors, rich in the confidence and regard of his fellow citizens everywhere, he has ended a long career of unremitting and signally successful labor without a taint upon his honor or a blot upon his escutcheon.

Mr. Moore was indeed a remarkable man in his character and of rare singleness—but he did not much regard the things that constituted merely the ornamentation of life. It was to the real, the tangible, the substantial, in a word, the stern realities of life that he devoted with assiduity unparalleled, all the years of his long and honorable life. Though ever highly appreciating the esteem of his fellow citizens, yet for the fleeting ephemeral honors of his day and generation, he cared but little, though at no man's feet were they cast in greater profusion. But never did his State, never did the nation have a more single-minded, or a more devoted, or more unselfish citizen than he. A mere politician he was never, nor was he given to statecraft save upon that high plane on which the statesman separating from

the politician, becomes blended with, and inseparable from the patriot. It was in the study and the practice of the law, however, that his great faculties found their fullest and most congenial exercise, and it ever delighted him to bow in reverence before its majesty, that is to say, before the majesty of the civil law, which he ever regarded as the paramount supreme law of the land. Military rule found no favor and could have no majesty in the eyes of a republican so sturdy as he in theory and quite as little in practice, in the sight of one so thoroughly possessed with the courage of his opinions as he. As a thorough proficient in the learning of the common law, and as a complete master of its principles, Mr. Moore never had a superior in the State of North Carolina. And there was never a man sterner, or stricter, or straiter in his belief that in theory and practice the essence of Democratic government depended upon the subordination of military power to civil law. Earnest in this belief, he was fearless at all times in its expression, and most zealous in its illustration. Verily a man who is at once a great lawyer and a fearless, ardent and uncompromising lover of civil liberty needs no other epitaph. All these Mr. Moore was, for no man ever stood before him as a lawyer in North Carolina, nor did any man ever stand before him as an unbending, unyielding, unhesitating lover of that liberty which is regulated, not by the bullet and the bayonet, but by the civil law of the land.

Bartholomew Figures Moore, fifth son of James Moore, a Revolutionary soldier, of Halifax County, North Carolina, was born on the 20th January, 1801, at the residence of his father, near Fishing Creek, in the upper part of the County. In 1818 he entered the University of the State, where he remained until June, 1820, when he graduated with honor in a class distinguished for its talent, but of which Hon. W. H. Battle, Archibald G. Carter, of Davie, W. H. Hardin, now of this city, and Rev. Thomas B. Slade, of Columbus, Georgia, are, so far as we know, the only survivors.

After leaving Chapel Hill, Mr. Moore studied law under Hon. Thomas N. Mann, of Nash County, one of the most gifted lawyers, most accomplished gentlemen, and withal one of the closest students ever in North Carolina; and to the last his distinguished pupil ever spoke in terms of the highest admiration and warmest affection for his old preceptor. Having obtained his license, Mr. Moore entered upon the practice of his profession at the County seat in the County of Nash, in the latter part of the year 1823, where he continued without much success for several years. Indeed it is said that seven years had elapsed before he made the first seven hundred dollars from his practice. On the 2d December, 1828, he married Louisa Boddie, daughter of George Boddie, Esq., of Nash County, who died on the 4th November, 1829.

On the 19th April, 1835, he married Lucy W. Boddie, another daughter of George Boddie, Esq., and thereupon moved to Halifax County and settled upon a small farm on Quanky, near the town of Halifax. Here, while most diligently pursuing the practice of his profession, he was elected a member of the House of Commons, as it was then called, of our State Legislature, in 1836, 1840, 1842 and 1844. In 1838 he was defeated by one vote because of the support he had given the bill giving State aid to the construction of the Wilmington and Weldon Railroad. In 1846 he declined to be a candidate because of the pressure of private affairs upon his time compelling his absence from the State. In May, 1848, he was appointed by Governor Graham, Attorney General of the State, and in December of the same year was elected to that position by the Legislature, and held it until may, 1851, when he resigned the office in consequence of his appointment on a commission to revise the Statute law of the State. The commission was continued at the session of the Legislature in 1852, and the Revised Code being reported to that body at its session in 1854, was read and passed into law. He was also a member of the

commission to superintend the publication of the Code in 1855.

After Mr. Moore's removal to Halifax, abundant success crowned the arduous labors necessary to the conduct of a large and successful practice in all the courts within his circuit. In 1848 Mr. Moore removed to Raleigh, and resided here from that time till his death, always receiving a very lucrative and very extensive practice. In 1871 he associated with him his son-in-law, John Gatling, Esq., of Gates County.

Mr. Moore had a State reputation as a lawyer of rare ability, near fifty years ago, but it was put upon a lasting foundation by a brief he filed in the Supreme Court of the State in the celebrated case, made celebrated indeed by the brief and the opinion that followed it, of the State vs. Will, reported in 1st Devereux & Battle's North Carolina Reports. That brief stood when filed without a superior in the annals of legal argument in the State, and so it stands to-day. It settled then and for all time to come the true relations between master and slave in North Carolina, and settled them in favor of the right of a slave to protect himself against the unlawful violence even of his own master.

Mr. Moore was strongly opposed to the action of the seceding States of the South in 1861, because he was thoroughly convinced that the happiness, prosperity and welfare of the whole country, including his own section, could only be preserved and promoted by the maintenance intact of the Federal Union. This view he supported openly by letters to the public press, to private individuals and in conversation at all times and almost under all circumstances. His views and opinions for once, however, fell upon unwilling ears, and a vast majority of his fellow citizens, while still conscious of the honesty of his intent and the integrity of his purpose, paid no heed to his counsels. They did, indeed, regret his course, but none the less did they respect him, for well did they know that never was there an hour,

or a minute, or a second, when he was not true to the heart's core to what he honestly believed to be for the best interest of North Carolina and her people. Indeed, one of the strongest and most unfading, unchanging characteristics was his attachment for his native State and her people. Born a North Carolinian and ever resident with her people, he never failed in his regard for the State of his birth; and her people for a life time were the people of his unwavering preference.

Immediately after the surrender, Mr. Moore, by invitation, visited President Johnson, at Washington City, for consultation as to the best method to proceed in the "restoration" of North Carolina to the Union. His advice was that she should be immediately recognized as a member of the Union, with only such changes in her State Constitution as should be necessary to make it conform to the changed condition of affairs, those changes to be made by her own people in their accustomed constitutional way. His advice, however, it is needless to say, was not followed. Mr. Moore persisted, nevertheless, in his endeavors to bring about a speedy and complete restoration of the State to its former place in the Union, and in the Constitutional Convention called by President Johnson, he was a leading member, and warmly advocated the adoption of every measure inaugurated by the General Government, that in his judgment seemed calculated to accomplish the end he had so much at heart, which was to see North Carolina once more a free and equal member of the Federal Union, with all her rights unimpaired and all her privileges unabridged. But S when in 1867, that same General Government sought to force negro suffrage upon the South, he strenuously opposed it for the reason that he plainly foresaw the evils it would entail upon the country to vest, in so ignorant a population) as the negroes then were, the privilege of suffrage. And so also, he was always opposed to the military rule imposed by Congress upon the South, maintaining to the end that the

people of North Carolina ought to be allowed to govern themselves under their own Constitution and laws not inconsistent with the Constitution of the United States.

In 1868, for the only time in his life Mr. Moore came in conflict with the judicial authorities in the State. That it was reluctantly done, and purely from a stern sense of duty due from him as a citizen to the cause of a pure, impartial administration of justice, no man who knows his life-long habitual deference and respect for the ministers of justice of every grade, may reasonably doubt. Respect for authority, for judicial authority especially, was the habit of his life and the instinct of his nature. But the occasion arose on which he deemed it the duty of the Bar to teach the Bench a lesson that would long be remembered, and, disagreeable as it was, he shrank not from it. The judiciary of North Carolina had ever been singularly free from partisan or political taint or blemish of any kind. Not long, however, after the enforcement of the Canby Constitution, political excitement began to run very high, and certain Judges of the Supreme Court openly took part in the canvass. And it was against such participation that Mr. Moore felt it to be his duty to take a bold stand. Accordingly he drew up the protest signed by so many members of the Bar throughout the State, and that was the foundation of the notorious "contempt proceedings," so-called, that attracted attention from one end of the State to the other in 1869. The rebuke was one from which the Court never recovered.

For years Mr. Moore has been revered as the father of the Bar in North Carolina, and dying, leaves behind him a reputation that will for all time to come be a priceless legacy, not only to the profession of which he was so long the head and front, but to the people of the entire State as well. There was never a man perhaps in North Carolina, since the days of the great Willie Jones, of Revolutionary fame, whose mere opinions carried more weight with them than did those of Mr. Moore, and yet in nearly four-score years

he was barely six years in political official position. It needed not official position, however, to give him weight or influence or standing with the people of North Carolina. His ability, his learning, his great legal acumen, his personal purity and his personal integrity, his sturdy candor, his unparalleled courage of opinion and unflinching devotion to the principles of civil liberty, gave him a stronger hold upon the respect and a warmer place in the affections of our people than any mere official position or political prominence could do. A devoted son of North Carolina, a never failing friend and liberal benefactor to her University, an uncompromising foe of governmental oppression in every shape, a profound jurist and a fearless patriot, the State may well place him high on the roll of her most illustrious dead, as he was yesterday among her most illustrious living.

(From the RALEIGH NEWS, of Nov. 28, 1878.)

DEATH OF HON. B. F. MOORE.

At the hour of 2 P. M., yesterday, Hon. B. F. Moore died. He had been for more than a year confined to his home, his bodily powers having failed. He relinquished all business matters, and, in the quiet of home, undistracted by the cares of life, sank slowly to rest. He was attacked by no disease, and death was but the result of gradually failing powers. He suffered no pain, but the senses one by one grew weaker, until, perfectly conscious to the last, the lamp of his life went out.

Bartholomew Figures Moore was the son of James Moore, a soldier of the Revolution, who, at the close of that war, settled in the county of Halifax in this State, and was born in January, 1801. He received a good academic education, being prepared by Mr. John Bobbitt, who was prin-

cipal of a school at or near Louisburg. He joined the University at Chapel Hill, whence he graduated in the year 1821, with some distinction, at the age of 20. After leaving the University he studied law with Hon. Thos. Mann, of Nash county. After being admitted to practice by the Supreme Court, he settled in the town of Nashville.

In the year 1828 he took his first step in political life, becoming a candidate for the House of Commons and canvassing the county. It was at the time when the three candidates for the Presidency of the United States were General Jackson, Adams, and Crawford of Georgia. Mr. Moore was an ardent supporter of the last named candidate.

From Nashville he removed to the county of Halifax, settling near the town of Halifax, about 1833. In 1835 he was elected a member of the Legislature from that county, and took a leading part in the revisal of the laws, known as the Revised Statutes. He was then elected to the House for several years. In 1848 he was appointed Attorney General by Governor Graham, to fill a vacancy in that office. He then removed to the city, which was ever since his home. He was elected by the Legislature of 1848-'49 to succeed Edwin Stanly, to fill out whose term he had been before appointed. He served as Attorney General until 1851, when he resigned. In the next year he was appointed one of a committee of eminent legal gentlemen to revise the Statute Laws of the State. His associates in this work were Hon. Asa Biggs and Judge R. M. Saunders. They prepared the revision in an able manner, and submitted their work to the Legislature of 1854-'55, which adopted it. It was regarded as being in all respects excellent.

Mr. Moore held office thrice again during his life, being one of the Commissioners to adjust the State Debt, in 1861, just prior to the beginning of the war. In 1865 he was elected a member of the Constitutional Convention, and in 1866 to the lower branch of the Legislature. He took a prominent part in the deliberations and debates of both, as

well as in all matters of State importance after the war. He used untiring and earnest efforts for pacification and re-adjustment of the difficulties which then closed thick upon us.

Mr. Moore was liberal in his views, and was, in all matters of law, held as high authority, and his advice was much sought after. At the conclusion of his official work he devoted himself to the practice of his profession, which was very large and remunerative. Soon after the war he associated with him in his practice Maj. John Gatling, his son-in-law. He always devoted himself to his legal business, and possessed one of the finest legal minds in the country. In the death of Mr. Moore his State loses a man of whose memory she may well be proud.

(From the RALEIGH NEWS, of December 5th, 1878.)

ADMITTED TO PROBATE.

The last will and testament of the late Hon: B. F. Moore was admitted to probate yesterday. It contains forty-one items.

Item 29 gives the State University the sum of \$5,000 in U. S. Bonds, the interest on which is to be appropriated exclusively for the instruction of such persons as the children of the deceased may select, being an endowment of five scholarships.

Item 30 donates to the Grand Lodge of Masons of the State, \$1,000 for the benefit of the Orphan Asylum at Oxford.

Item 39 reads as follows: "Prior to the late civil war I "had been for more than thirty years much devoted to in"vestigating the nature and principles of our Federal and
"State Governments; and during that period having been
"several times profoundly exercised as to the true and law"ful powers of each—not as a politician, but as a citizen

"truly devoted to my country—I was unable, under my "conviction of the solemn duties of patriotism, to give any "excuse for, or countenance to, the civil war of 1861, with-"out sacrificing all self-respect. My judgment was the in-"structor of my conscience, and no man suffered greater "misery than did I, as the scenes of battle unfolded the "bloody carnage of war in the midst of our homes. I had "been taught under the deep conviction of my judgment "that there could be no reliable liberty of my State, with-"out the Union of the States, and being devoted to my State, "I felt that I should desert her whenever I should aid to "destroy the Union. I could not imagine a more terrible "spectacle than that of beholding the sun shining upon the "broken and dishonored fragments of States dissolved, dis-"cordant and belligerent, and on a land rent with civil feuds "and drenched in fraternal blood. With this horrible pic-"ture of anarchy and blood looming up before my eyes, I "could not, as a patriot, consent to welcome its approach to "'my own, my native land,' and truly was I happy when I "saw the sun of peace rising with the glorious promise to "shine once more on States equal, free, honored and united. "And although the promise has been long delayed by an "unwise policy, and I, myself, may never see the full-orbed "sun of liberty shine on my country and every part of it, "as once it did, yet I have strong hopes that my country-"men will yet be blessed with that glorious light."

(From THE RALEIGH NEWS, of December 6th, 1878.)

Tribute of Respect to Hon BF Moore

PHILANTHROPIC HALL, CHAPEL HILL, November 30, 1878.

In the city of Raleigh on Wednesday, Nov. 27th, 1878, Hon. B. F. Moore departed this life. His death was not unexpected. Gradually had his giant frame, weakened by a long life of patient toil and study, succumbed to the ravages of age, for he had long since passed his three-score years and ten. His death was gentle. The silver cord of life was gently untied by the hand of age. The orphaned Bar of his native State laments its departed father. In the callings of life, civic and domestic, Mr. Moore was an ornament to the State.

Resolved, That so great a loss as the death of Hon. B. F. Moore deserves, and should receive, of the people of the State, in convention, a befitting and appropriate recognition.

Resolved, That the sad announcement of his death is received by the Philanthropic Society in the deepest sorrow and profoundest regret, and that in his death the State of North Carolina has lost a citizen and a patriot; the Society a member, a friend and a benefactor.

Resolved, That his portrait be draped in mourning, and that these resolutions be pulished in the University Magazine and the daily press of Raleigh, and that a copy be conveyed to his family, with whom we mourn and sympathize in the sad hour of their bereavement.

F. D. WINSTON,
M. C. S. NOBLE,
J. E. RANSOM,

Committee.

(From The Observer, of December 12th, 1878.)

THE LATE MR. MOORE.

Mr. Donald W. Bain, the Grand Secretary of the Grand Lodge of Masons, has, in obedience to the direction of the Grand Lodge, at its last annual Convention, addressed a letter to Mrs. Moore containing the following extract from the report of the Committee on the Orphan Asylum:

"We feel that we cannot close this report without an ex"pression of the feeling of loss in the death of Hon. B. F.

"Moore. He has been a friend indeed of our noble work.

"Words of cheer and encouragement, as well as an open
"purse, were ever ready to forward the orphan enterprise,
"and dying he has left, beside the rich legacy of good deeds
"and kindness toward the work, a donation in his will of
"\$1,000 for the sustentation of the benefaction under our
"charge.

"The Grand Secretary is directed to transmit a copy of the foregoing to the widow of the deceased."