

THE STATE

A Weekly Survey of North Carolina

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C. C. McGinnis, who succeeds George Coan as head of the WPA activities in North Carolina.

DAVID PENDER... GEO. GORDON BATTLE

By **R. C. LAWRENCE**



George Gordon Battle

An outstanding member of a Carolina aristocracy that has produced so many distinguished citizens it is difficult to record them all in a single article.

AT annual meetings of the State Bar, the Committee on Memorials always came out with a sketch of someone who had been a Judge, or a General, or a Senator. Finally a member moved that the Committee be instructed to present a sketch of a man who had been **NOTHING BUT A LAWYER.** Such a sketch I here present of a Carolina lawyer, so eminent in his

By R. C. LAWRENCE



profession that if I rank him *below* Chief Justice Marshall and Mr. Justice Holmes, I rank him as the peer of the leaders of our national bar. The first time I ever heard his voice he was trying, over the ra-

dio, the case of *United States v. Aaron Burr*, the opposing counsel being the famous Clarence Darrow. Ever since then I've been wishing that Mr. Battle had been in charge when the *Scopes case* was tried over in Tennessee.

He came out of Edgecombe County, as do all the Battles. If, at any time during the past three centuries, Tennyson had taken up his station at any point in Edgecombe, say at *Battleboro*,

he would have described what he saw as he did the charge of the Light Brigade at Balaklava:

"Battles to the right of you,
Battles to the left of you
Battles in front of you."

These Battles constitute a Carolina aristocracy not only in *birth* but in *brains*. And they have been in Edgecombe a long time. Sir William Blackstone in his *Commentaries*, had a habit of referring to a thing as existing "from the time the memory of man runneth not to the contrary." He did not know the Edgecombe Battles. They were down there a long time *before that*. In fact when it comes to genealogy, I know of no one whom I can pit against the Battles, unless it be the forbears of the late Captain Samuel A. Ashe (what a gentleman!) whose ancestors were Governors and Generals during the Revolution; or Governor A. H. Graham of Hillsboro, whose ancestors were Cabinet Officers, Generals or United States Senators; or Doctor Archibald Henderson of the University, whose ancestors were Chief Justices, lawyers, Transylvanians—men who were close in the councils of old Daniel Boone himself!

His great-great-grandfather, Elisha Battle, was a member of the Halifax Convention which framed the State Constitution, and he was also the first Senator from Edgecombe County; his great-grandfather was Jacob Battle (a name which persists in Carolina to this day); his grandfather was James Smith Battle; and his father was Turner W. Battle, lawyer, planter, and Captain of Confederate infantry. Just to make the legal picture complete, his mother was a daughter of Supreme Court Justice Joseph J. Daniel. When I add to this that he was born on the famous *Cool Springs Plantation* near Rocky Mount, you'll naturally say that if he is a big lawyer it's just because he cannot help it, coming from such an ancestry and with such a background.

Many Big Battles

There were so many big Battles down in Edgecombe that I can't keep all of them in my head, but I do remember a *few*; Mr. Justice William H. Battle of the Supreme Court. One of his sons, Dr. Kemp P., was President of the University; and another was Richard H., of the Raleigh Bar, a man of such probity that he always won his cases before a Wake jury. The jurors reasoned that Mr. Battle's client must be in the right, "else *Old Man Dick* would not have taken his case."

Then Dr. Kemp P.'s children went out and began to do things: there was Dr. Kemp P., Jr., Raleigh medical specialist; Thomas H., banker and mill president; William J., professor of Greek in the University of Texas (think of a man wanting to teach Greek!); Herbert B., prominent chemist; Kemp D. (of Rocky Mount) ex-President of the State Bar. Then there was our subject's great-grandfather, Jacob Battle, from whom descended Jacob Battle, noted Carolina jurist; Turner W., Assistant Secretary of Labor of the United States; William S., vice president of the Norfolk and Western Railroad; and there was Judge Dossey Battle, another notable jurist. Now take up the *half-blood* Battles; Dr. Ivey F. Lewis, Dean of the University of Virginia; Kemp P. Lewis, president of the Erwin Cotton Mills of Durham; Richard H. Lewis, president of the Oxford Cotton Mills. That's just the *beginning* of the big Battles of Edgecombe.

Graduated from the University

He attended the University, where his father and grandfather had been graduated; and went thence to the University of Virginia, where others of his ancestors had attended, and there he took his Master's degree in 1889. Then he studied law at Columbia and began the practice at New York City where he has been ever since.

Private John Allen of Mississippi went to Congress on a platform which contained but one plank: that the *private* of the Confederate army was entitled to representation in the Halls of Congress. He said the Confederate army was composed entirely of Generals, Colonels, Majors, Captains, and Lieutenants; that he himself was the *only private*. His platform was so popular that the people not only sent private Allen to Congress but kept him there over thirty years. Mr. Battle is the only living metropolitan law-

(Continued on page eighteen)

HOW MANY CAN YOU ANSWER?

No one was able to answer the "pay-off" question at the close of the Allen's Service Station broadcast over WPTF last Saturday morning, which means that there will be a carry-over of \$25.00 for next Saturday's last question. However, six dollars were given away last Saturday to persons who answered six questions (the ones in heavy type) satisfactorily. See how you would have fared:

1. What is "Two-ton Tony's" last name?
 2. What book hastened the War Between the States?
 3. President Roosevelt's full name? Garner's full name? Chief Justice Hughes' full name?
 4. If you bought a dollar shirt, how much sales tax would you pay? If you bought a \$1,000 car, how much sales tax would you pay?
 5. What country do you think of when I say Devil's Island?
 6. What do you think of when I say "Lloyd's?"
 7. What organization is renowned for always getting its man? And what organization is renowned for doing one good deed a day?
 8. What great American was known as "The Commoner?"
 9. What is Ford's first name? Chrysler's? Sloan's?
 10. What man do you think of when Harper's Ferry is mentioned?
 11. What state in the Union should you think of when you hear the name of Nathaniel Macon.
 12. What is the slang name for the person who looks over your shoulder while you're playing bridge?
 13. What is the speed limit on North Carolina's highways?
 14. What North Carolina towns are suggested by the names of these men: Tomlinson? Tufts? Cannon?
 15. Who is the most prominent man associated with the highest building in the world?
 16. What town is closest to the mouth of the Cape Fear River?
 17. Who presided over the North Carolina Senate? Over the House?
 18. What river do you think of when I say Alaska? Name two cities in Alaska.
 19. What countries do these flowers suggest: Tulips? Cherry blossoms? Thistle?
 20. Finish this quotation: "Oh, Liberty, what—"
- And here's the pay-off question. One of the six who had answered previous questions correctly, was selected by a small child in the crowd. Had he answered this question correctly, he would have received \$25:
21. What king should you think of when I say: Round Table? When I say Fiddlers? When I say Gold?

GEORGE GORDON BATTLE

(Continued from page seven)

yer who was a private, for he admits to service as a high private in the rear ranks in the 7th Regiment of the New York National Guard back in the early '90s.

He was Assistant District Attorney for five years; and the Democratic candidate for District Attorney in 1909. He's as much at home at the New York Bar as the Mayo Brothers are at their

medical clinic out at Rochester in Minnesota. His firm appears in many of the really big litigations in New York, civil or criminal.

A Southern Gentleman

But he's more than a big lawyer. He's a charming Southern gentleman, saturated in literature, steeped in culture, representing all that is best in the traditions of Southern life, whether of

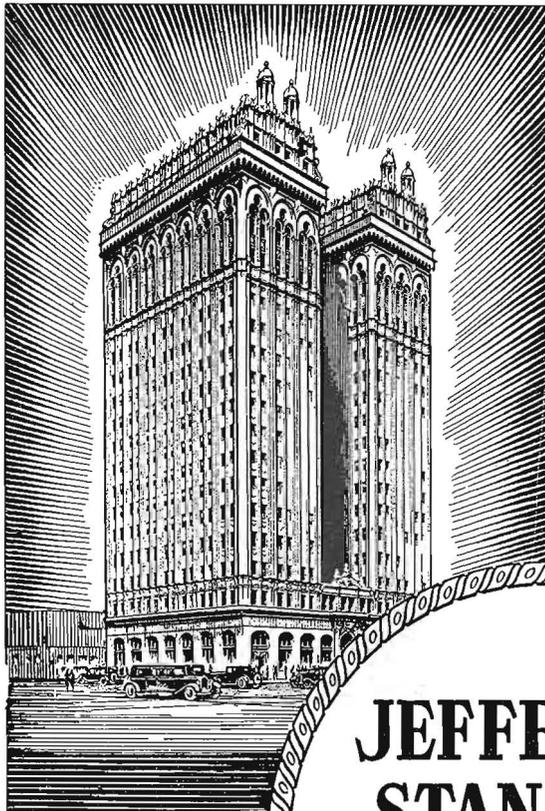
the "Old South" befo' de war, or the "New South" of the days of Henry W. Grady, Gerald W. Johnson, or Jonathan Daniels. He is so Southern, that one of his early partners was H. Snowden Marshall, the son of Col. Charles Marshall, *aide de camp* to General Lee, and if the truth were known I'll wager Mr. Battle gave Dr. Douglas Freeman just a little help on his monumental "Life of Lee." His kinsman, Dr. Ivey F. Lewis, may be Dean at the University of Virginia, but Mr. Battle is one of the deans of Southerners in the North.

A great part of the business of his life is serving on boards, societies, commissions. The Governors of New York often appoint him on boards of various kinds. He is so Southern that he has served as President of *all* the Southern societies in New York, including the New York Southern Society itself, the New York Virginia Society, which is called "The Virginians" (his *before-the-flood* Virginia ancestors made that possible); and the North Carolina Southern Society. But I'll wager it was not he who framed the Constitution of that body, and provided that its annual meeting should be held on the second *Tuesday* in February, unless that day happened on *Sunday*. As Dean Samuel Mordecai (once law partner of Richard H. Battle) said: "Thar's a bull what am a bull!"

Love for His State

Moreover, he's a *kindly* man and loves to serve his native State. Right now he is taking part in having a memorial to Captain Samuel A. Ashe erected on capitol square in Raleigh. If Sir Joshua Reynolds were painting a portrait of Mr. Battle, I'd tell him to be sure to put that in, for it typifies the man.

What I want to get him to do is to come back to Carolina and try a case in the courthouse at Raleigh. That would draw Carolina lawyers from Murphy even unto Manteo. I've been thinking about whom I'd select to serve as the opposing counsel, and I finally chose ex-Governor J. C. B. Ehringhaus. Boy! if they got to scrapping, the *Supreme Court* would adjourn to come and hear them, and *Federal Circuit Judge* John J. Parker would adjourn his court up in Richmond and listen in over the radio. I'm going to tip off Governor Ehringhaus and whisper to him that if he does not do better than Clarence Darrow did, Mr. Battle will do things to him!



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