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A HISTORY OF RICHMOND HILL LAW SCHOOL

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A Thesis

Presented to

the Faculty of the Department of Social Studies

Appalachian State Teachers College

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In Partial Fulfillment

of the Requirements for the Degree

Master of Arts

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by

Samuel R. Wooten

August 1963

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The history of Richmond Hill Law School, Yadkin County, North Carolina, is unique and rich in tradition from its beginning around 1847, until it closed in the year 1877. It offered legal training and services to meet the educational needs of the boys in North Carolina and the South. It was a challenge to meet these needs and as a result of meeting these challenges, this institution was well respected and admired by both state officials and former students. Through this admiration and respect lies proof that it successfully achieved its aims and objectives. The history of Richmond Hill Law School has been written in the hope of preserving the record of its achievements and to create a greater appreciation for and understanding of the services offered by it.

The purpose of this study was to collect, evaluate, and relate the data of Richmond Hill Law School. Since the school under that name officially closed in 1878, it was important to preserve the story of that institution. It is possible that with the passage of time, some of the present records might be unavailable and the factual account of the history and the effort to provide a quality of legal education for young men would have been difficult to trace.

The methods of research which were used in this study involved a great deal of documentary work. The sparse records of Richmond Hill Law School were all avail-

able in the Southern Historical Collection, University of North Carolina. In addition to these records, wide reading in the general educational history of North Carolina was done. A search of these records yielded valuable information which was useful for the preparation of a chapter on the background of Richmond Mumford Pearson. A review of newspapers and other literature yielded vital information about students habits and the type of training that existed at Richmond Hill.

During the forty-five years critically examined in this study, Pearson's "boys" were trained in the principle and practice of law at Mocksville and later at Richmond Hill in Yadkin County, North Carolina. Over one thousand young men received their legal training under the direction of this controversial man, hence it was significant to investigate and evaluate this "old time law school."

It was found that Richmond Hill Law School had a profound influence upon North Carolina jurisprudence, especially in the last half of the nineteenth century. Many prominent men of the State received their legal training at this institution.

Some of the conclusions drawn from this study were:

- (1) Richmond Hill Law School served a very useful purpose by providing low-cost legal training for the young men who attended,
- (2) its graduates were generally believed to be well educated and were usually very loyal to their alma

mater, (3) the school was served by a dedicated man whose contributions to the cause of legal education was outstanding, and (4) the name, Richmond Hill Law School, is now a part of history.



## TABLE OF CONTENTS

CHAPTER	PAGE
I. PEARSON'S LIFE AND EDUCATION . . . . .	
II. PEARSON'S LAW SCHOOL AT RICHMOND HILL . . . . .	
III. PEARSON'S METHODS OF TEACHING JURISPRUDENCE . . .	
IV. INFLUENCE OF THE LAW SCHOOL ON NORTH CAROLINA JURISPRUDENCE . . . . .	
V. RICHMOND HILL AFTER PEARSON'S DEATH . . . . .	
BIBLIOGRAPHY . . . . .	
APPENDIX . . . . .	



## CHAPTER I

### PEARSON'S LIFE AND EDUCATION

Legal history, although one of the oldest subjects of historical scholarship, has been one of the most neglected fields in the South. Throughout the ante-bellum period various schools, devoted to the study of special subjects, flourished in North Carolina. Among these were law schools, which played a significant part in the development of the political life of the state. They were usually taught by prominent lawyers and/or judges. They found that teaching jurisprudence was a good way to supplement their income and, after retiring, to add to their savings.

In the state legislatures, lawyers generally constitute between twenty and twenty-five per cent of the membership, and the percentage may run as high as forth in some states.<sup>1</sup> If the bar has played a major role in furnishing the United States its chief executives<sup>2</sup> and its lawmakers, it has exercised an even more dominant role in the judicial branch of government. Throughout the nation's history, the judiciary--federal, state, and local--has been staffed almost exclusively by persons trained in jurispru-

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<sup>1</sup>Esther Lucile Brown, Lawyers, Law Schools and the Public Service (New York: Russell Sage Foundation, 1948), p. 18.

<sup>2</sup>Ibid., p. 17.

dence. It is an accepted fact that law-trained persons have maintained an almost complete monopoly over the judicial branch of government and have exerted a considerable control over the other two branches. In spite of this phenomenal record in official life, the orientation of the bar has always been toward the private practice of law. Lawyers have been prepared by the law schools for private practice, and the great majority of them have engaged in it.

Through inclination or circumstance however, a considerable number have entered politics. Thus law-trained individuals, as the interpreters of and the framers of new laws and regulations, have played an important and decisive role in the history of North Carolina.

For many years Richmond Mumford Pearson of North Carolina conducted a school devoted to teaching students jurisprudence. During its day its reputation substantiated the belief of many people that it was preeminent among law schools in this country. Certainly not many men ever developed more fully the ability to influence their pupils than did Judge Pearson.

As a common law lawyer, Judge Pearson, according to Walter Clark, was without a superior in the State and possibly out of it. This fact has been acknowledged by the State Bar as truth for years. His imprint upon jurisprudence in the State was great, but in the opinion of the writer, based upon the critical study of Pearson, it was

not from the bench that he wielded his greatest influence, but through his teaching jurisprudence.

By his students, Pearson was regarded as the greatest of benefactors and, in fact, the greatest "teacher of the age."<sup>3</sup> One of his students went even so far as to say:

His character and force truly displayed themselves in the lecture room, and no man, however great the grasp of his intellect, but felt and cherished the magnetic thrill which pervaded all the intelligence of his nature when this great master taught.<sup>4</sup>

Richmond M. Pearson became a prominent figure in North Carolina. His learning and acuteness made him famous as a lawyer and law teacher. He was a judge for forty-one years continuously, except for eight months in 1865. Of these, twenty-nine years were spent on the Supreme Court bench; during twenty of them, he was Chief Justice of that high tribunal. His judicial career began at the age of thirty-one years, after a few years service in the General Assembly and a large practice at the bar.

Pearson's name lives on in North Carolina. He has often been termed by Walter Clark and many others as the leader of the North Carolina Bar for practically all the ante-bellum period of North Carolina history. Many of the lawyers of note in North Carolina during this period, received their legal training at his famous law school at

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<sup>3</sup>Raleigh Observer, January 8, 1878.

<sup>4</sup>Ibid.



"Richmond Hill." One observer says that if by chance "some member of the Bar had been educated elsewhere, he was somewhat looked down upon by his professional brethren," and not regarded as "belonging to the aristocracy of intellect which distinguished the lawyers of the Pearson trained school"<sup>5</sup>

No analysis of the court decisions was undertaken in this study, as to do so would involve legal technicalities that are not easily understood except by members of the legal profession. A few statements of certain important outposts in Pearson's career however, are in order and should be made for the record.

He was widely known for his deep knowledge of the principles of the great branch of knowledge--common law. It had been his intention to write a textbook on his favorite subject, but his elevation to the Supreme Court bench prevented its preparation. Also, John Adams published a book<sup>6</sup> on the subject about the same time and Pearson saw no need of duplicating that great work with a publication of his own.

Pearson held judicial power at a critical period in

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<sup>5</sup>R. C. Lawrence, The State, September 4, 1939, p. 9.

<sup>6</sup>John Adams (1813?-1848), The Doctrine of Equity, an English work of great merit. This was a choice textbook that Pearson cited most often in his court decisions.

the history of the State. He was Chief Justice during the Civil War when there was a bitter conflict between the courts and the military. He also headed the Court during the trying period of reconstruction, when the abolition of slavery and the turmoil of the war raised many new and difficult legal problems. Many of these cases were presented to his court as cases without precedent.

He was Chief Justice when a new State Constitution was adopted, under which the old common law system of pleading, with which the bar was so familiar, was abolished. In its place, one court, having jurisdiction over both law and equity, was established. This radical change, both in practice and in procedure, produced many grave and perplexing problems involving the construction of the new Constitution (which came before the court for settlement).

Once political animosity had subsided, the character of Richmond Mumford Pearson loomed the larger in retrospect. Time has demonstrated that he was one of the State's greatest legal and political figures, and his name will long be remembered within the State's borders and possibly the nation.

As late as 1876, David Schenck still spoke of his former instructor with admiration. Schenck wrote in his "Journal" on December 31 of that year, "His giant intellect is still unimpaired, and the resources of his mind seem inexhaustable. He was my old preceptor and I have great



reverence for him."<sup>7</sup>

Richmond Mumford Pearson was born June 28, 1805, near the town of Cooleemee, North Carolina, in the lower valley of the South Yadkin River.<sup>8</sup> The place of his birth, "the first Richmond Hill," is said to have been located where the Cooleemee Cotton Mills now stand.<sup>9</sup> His father, Colonel Richmond Pearson, came to the South Yadkin River Valley at the age of nineteen. He was of an old aristocratic Virginia family from the Dinwiddie valley area. The elder Pearson became a planter, merchant, and mill owner. He soon acquired a small fortune and a reputation for honesty. At the outbreak of the Revolutionary War, the elder Pearson became a lieutenant in Captain Bryan's North Carolina Company. Pearson and Bryan held different political views, so it was inevitable that they should fight on different sides during the Revolution. Colonel Pearson settled the political affirmitiy of the Company by whipping his captain in a fist fight.<sup>10</sup>

Pearson became a Captain in the Revolutionary Army

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<sup>7</sup>David Schenck's "Journal," Volume 5, December 31, 1876. The Southern Historical Collection, University of North Carolina. Hereinafter cited as Schenck, "Journal."

<sup>8</sup>John H. Wheeler, Historical Sketches of North Carolina, 2 volumes (Philadelphia: Lippincott, Grambo and Company, 1881), II, p. 385. Hereinafter cited as Wheeler, Historical Sketches, II, 385.

<sup>9</sup>Raleigh News and Observer, December 1, 1940.

<sup>10</sup>Wheeler, Historical Sketches, II, 385.

and was assigned to harrass General Cornwallis's advance into North Carolina. He was present when Cornwallis crossed Cowan's Ford on the Catawba River in 1781, and witnessed the fall of the brave General William Davidson.<sup>11</sup>

After the war ended, Colonel Pearson lived in the uncertain prosperity characteristic of Piedmont North Carolina in the early nineteenth century. After the War of 1812, this uneasy prosperity ended altogether. Poor transportation, combined with a collapse in prices brought about his downfall, and he died in 1819, a poor and broken man.

The future Chief Justice's prospects in life were at a low ebb. He was left penniless and without an education. All was not lost however, because his two older half brothers agreed to finance his education. One of them, Jesse A. Pearson, represented Rowan County in the House of Commons. As a colonel, he had ridden with General Joseph Graham against the Creek Indian Nation in 1814. He became widely known for his duel with Mumford Stokes, a former governor of the State. Later he bacame a major general in the militia and a large land broker. "Cooleemee," the Peter Hairston plantation, was purchased from Jesse Pearson.<sup>12</sup>

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<sup>11</sup>Jethro Rumple, A History of Rowan County (Salisbury: J. J. Brunner, 1881), pp. 220-222.

<sup>12</sup>Wheeler, Historical Sketches, II, 385.



The other half brother, Joseph Pearson, also represented Rowan County in the House of Commons. Like all members of the Pearson family, Joseph was a strong Union man. From 1809 to 1815, he was a member of Congress.<sup>13</sup> During these six years young Richmond lived on his brother's plantation, "Brentwood." Joseph later enrolled Richmond in a Catholic primary school in Washington, D.C.<sup>14</sup> According to his letters young Richmond seemed to enjoy attending this school "better than any other school I have attended."<sup>15</sup> He especially liked the "premiums" that were awarded for merit in studies and behavior and promised to write immediately when he received one. His letters indicated that on at least two occasions he felt that he should have received "premiums" that went to other boys.<sup>16</sup> In Washington, Richmond was baptized by Archbishop John Carroll of the Roman Catholic Church.<sup>17</sup> Later in life Pearson became

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<sup>13</sup>Biographical Directory of the American Congress, 1774-1949 (United States Government Printing Office, 1950), p. 1025.

<sup>14</sup>Judge Robert Paine Dick, "Memorial Address on the Life and Character of Richmond Mumford Pearson, Chief Justice of North Carolina," delivered at Raleigh on the occasion of the unveiling of the monument to Pearson's memory in Oakwood Cemetery, June 8, 1881 (Raleigh: News and Observer Book and Job Printing, n.d.), p. 5. Hereinafter cited as Dick, "Memorial Address."

<sup>15</sup>Richmond M. Pearson to his mother, April 14, 18??, in Richmond M. Pearson Papers, The Southern Historical Collection, University of North Carolina.

<sup>16</sup>Ibid.

<sup>17</sup>Dick, "Memorial Address," p. 5.

somewhat disenchanted by this faith because he became an Episcopalian.<sup>18</sup>

Pearson was prepared for college in a typical academy of the day--the Statesville Academy. At that time the academy was the principal source of secondary education in North Carolina. The academy, during the ante-bellum period, placed more emphasis on Greek and Latin than did the subscription schools. The quality of instruction varied considerably from one academy to another. It was a fortunate town or community that could boast of an academy whose master was university-trained. Some academies were staffed by clergymen. Discipline was usually severe, and moral regularity and religious demeanor were virtues emphasized by nearly all of them.<sup>19</sup>

The Statesville Academy, conducted by the Reverend John Mushat, was such a school. The Reverend Mr. Mushat had come to the Statesville Academy in 1815 and offered his students Greek, Latin, and Hebrew languages. Other subjects were English grammar, geography, Euclid's elements of geometry, natural and moral philosophy, rhetoric and logic.<sup>20</sup> Reverend Mr. Mushat was a reputable scholar and a

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<sup>18</sup>No reason for this change of faith by Pearson is known.

<sup>19</sup>Guion Griggs Johnson, Ante-Bellum North Carolina; A Social History (Chapel Hill: The University of North Carolina Press, 1937), pp. 323-325.

<sup>20</sup>Charles Lee Coon, (ed.) North Carolina Schools and Academies, 1790-1840: A Documentary History. Publication of the North Carolina Historical Commission. (Raleigh: Edwards and Broughton, 1915), p. 187.



stern taskmaster. He felt a keen responsibility for his pupils. By 1821, he had published a set of rules which undoubtedly had been evolving for several years. These rules were designed to regulate the behavior of the pupils. Each student could select a store in the town with which to trade; but to prevent extravagance among the youth, a monthly check would be made on all accounts. Gambling and indulging in "ardent spirits" were strictly forbidden. A monthly check with the local tavern keepers and landlords was to be made to insure sobriety and proper conduct on the part of the students.<sup>21</sup> Although it is not certain what percentage of these rules was enforced during Pearson's stay in Statesville, it is obvious that the Reverend John Mushat was not a man to tolerate frivolity and moral laxness among his students.

One of Pearson's schoolmates at this academy was William Alexander Graham, the future United States Senator, Governor of North Carolina, Secretary of the Navy, and renowned statesman.<sup>22</sup>

At the age of fifteen, Pearson entered the University of North Carolina at Chapel Hill. Under the supervision of his half-brothers, he had acquired a sound basic education,

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<sup>21</sup>Ibid., pp. 187-188.

<sup>22</sup>James Albert Hutchens, "The Chief-Justiceship and the Public Career of Richmond M. Pearson, 1861-1871," Unpublished Masters Thesis (Chapel Hill, 1960), p. 3. Hereinafter cited as Hutchens, "Chief Justice Pearson."



a reverence for strong central government, and a deep seated curiosity about jurisprudence. Pearson remained a student at the University for three years. It seems that at the University he gained the respect of his professors for his diligent study. In 1823 he graduated from the University, where he shared top honors in a class of twenty-eight students.<sup>23</sup>

Knowledge was not the only thing Pearson acquired at Chapel Hill. It is said that Pearson was one of the ring-leaders when nineteen out of the twenty-eight members of the Senior Class of 1823 decided, after they had passed their final examinations, to celebrate the event by having a "high old time."<sup>24</sup> They proceeded to gather a large quantity of whiskey and brandy and "carried it to a gusling spring north of the village, known as Foxhall . . ."<sup>25</sup> It seems that all nineteen of them then proceeded to get on a "glorious drunk."<sup>26</sup> Among these festive youths of 1823 were a future Chief Justice of the Supreme Court of North Carolina, a State Treasurer, two judges of the Superior Court, four prominent physicians, several outstanding lawyers

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<sup>23</sup>Kemp Plummer Battle, History of the University of North Carolina, 2 volumes (Raleigh: Edwards and Broughton, volume I, 1907; volume II, 1912), I, 289. Hereinafter cited as Battle, History of UNC.

<sup>24</sup>Ibid., pp. 290-291.

<sup>25</sup>Ibid.      <sup>26</sup>Ibid.

and several first rate citizens.<sup>27</sup> Thus, at Chapel Hill, Pearson became familiar with the two companions of his life-- whiskey and jurisprudence.

Judge Robert P. Dick, who was one of Pearson's law students at "Richmond Hill" in what is now Yadkin County, stated in his "Memorial Address" to Pearson that at the University, Pearson "devoted but little time to the beauties of poetry and the elegancies of polite literature," but that he "studied diligently the classics prescribed in the college curriculum . . ."<sup>28</sup> Judge Dick goes on to say that Pearson "read with much interest and care the histories of Greece and Rome," and studied with enthusiasm and absorbing interest the . . . history of England . . ."<sup>29</sup> The influence of this diligent study remained with Pearson throughout his life.

Judge Dick also states that Pearson was offered a tutorship in the University after his graduation, but that he declined the honor since he wanted to begin the study of law as soon as possible.<sup>30</sup>

It seems that early in life Pearson had determined to enter the legal profession, and "in the bright day-dreams of boyhood he had placed the Chief Justiceship of the Supreme

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<sup>27</sup>Ibid.

<sup>28</sup>Dick, "Memorial Address," p. 15.

<sup>29</sup>Ibid., p. 6.    <sup>30</sup>Ibid.



Court as the goal of his ambition."<sup>31</sup>

Another of Pearson's associates, Judge Edwin G. Reade, who sat on the Supreme Court Bench, said that Pearson revealed to him that early in life he had three aims: (1) to marry and have a prosperous family, (2) to make a competent fortune, and (3) to be Chief Justice.<sup>32</sup> Judge Pearson succeeded in all of the three goals of his life.

By his first wife Pearson had ten children, three of whom survived him. There were six daughters, Eliza, who married Mr. Burlock of Granville County, and settled in Hillsboro, Texas. His second daughter, Ellen Brent, married Governor Daniel Fowle. His third daughter Mary, married Mr. Hayne Davis, of Statesville, North Carolina. His fourth daughter Sarah, married J. N. Hobson, and was the mother of Captain Richmond Pearson Hobson of Spanish-American War fame. His younger daughters Laura and Margaret died unmarried. His oldest son John W. Pearson, was in the Confederate Army and was supposedly a handsome, dashing officer. He was wounded and for the duration of his life felt the effects of the injury. His youngest son, Richmond, married Miss Gabrielle Thomas, of Richmond Virginia. By her he had two children, Thomas and Margaret, both of whom still live at the third Richmond Hill near Ashville, North Carolina.

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<sup>31</sup>Ibid.      <sup>32</sup>Dick, "Memorial Address," p. 6.

With a strong and fixed purpose plus a boundless curiosity about jurisprudence, Pearson traveled to Williamsboro near the Roanoke River to study law under the second Chief Justice of North Carolina, Leonard Henderson.<sup>33</sup> The Henderson plantation was called "Jonesboro," and contained some six hundred acres or more.<sup>34</sup> It was here that Pearson began the study of law in real earnest and drank deep from the knowledge of his preceptor. This was one of the first law schools to be established in the United States. Judge William Horn Battle, a schoolmate under Henderson with Pearson stated that Henderson "did not deliver regular lectures, nor appoint stated hours for recitations," but that he "directed the studies of his pupils."<sup>35</sup>

Henderson said as much himself in an advertisement in the Raleigh Register on March 7, 1826:

I shall not deliver formal lectures, but will give explanations whenever requested, examinations will be frequent, and conversations held on law topics, most usually at table after meals.<sup>36</sup>

In Judge Henderson, Pearson found a kind, sympathetic friend as well as a learned and distinguished jurist who was well qualified to guide him through the intricate ways of

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<sup>33</sup>Ibid., p. 7.

<sup>34</sup>R. W. Winston, "Presentation of Portrait of Chief Justice Leonard Henderson", in Joseph Lacy Seawell, Law Tales for Lawyers (Raleigh: Alfred Williams & Company, 1925), p. 300. Hereinafter cited as Winston, "Presentation of a Portrait."

<sup>35</sup>Ibid., p. 303. <sup>36</sup>Raleigh Register, March 7, 1826.



learning common law. Pearson remained at "Jonesboro" in Vance County for about two years. The influence of Henderson's character remained with Pearson the rest of his life.

As a law teacher, Henderson's methods were patterned on the question and answer technique of Socrates and Plato. It seems Pearson acquired both the conviction and the teaching technique of his instructor.<sup>37</sup> Pearson's preparation was thorough and extensive, and in 1829 he obtained his law license without having "to undergo the melancholy period of long probation" which many imperfectly prepared young lawyers had to endure before their admission to the bar. Pearson's law license is dated July 6, 1829.<sup>38</sup>

Pearson returned to his native area of Salisbury and Mocksville, which was then known as "Mock's Old Field",<sup>39</sup> to practice law. This was a sparsely populated area in that day, but Pearson had a lucrative practice from the start. It was only a matter of time before "he stood as an acknowledged equal among the distinguished lawyers of his circuit."<sup>40</sup> His first law office was in his yard on what is now Gaither Street in Mocksville.

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<sup>37</sup>Dick, "Memorial Address," p. 7.

<sup>38</sup>It is preserved in the Richmond M. Pearson Papers, Southern Historical Collection, University of North Carolina.

<sup>39</sup>Dick, "Memorial Address," p. 7.

<sup>40</sup>Ibid.



Judge Dick stated that Pearson did not have "the gift of eloquence with words and imagery," but that "the clearness and precision with which his arguments were made gave them . . . eloquence of thought and pure reason."<sup>41</sup> He was always faithful to his clients whether he won or lost their cases. Whatever the outcome of their cases, his clients felt that "he had done all that his intellect, integrity, industry and learning could accomplish."<sup>42</sup>

In 1829 Pearson was elected to the House of Commons as a representative from Rowan County.<sup>43</sup> He presented his credentials and qualified for the seat on November 16, 1829.<sup>44</sup> He continued in that service until 1833, during which time he diligently and faithfully performed all the duties imposed upon him by that important and responsible body. Some of these activities merit attention here. He was appointed to the select joint committee, representing both the Senate and the House, to wait upon Governor John Owen, and to inform him of the readiness of the two houses to receive any communication that the Governor deemed proper to make.<sup>45</sup>

On November 18, 1829, Pearson was appointed to the

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<sup>41</sup>Ibid.    <sup>42</sup>Ibid., p. 8.

<sup>43</sup>This was Pearson's first experience in politics; unfortunately, it was not his last.

<sup>44</sup>Journal of the House of Commons of the General Assembly of the State of North Carolina, at its session in 1829-30 (Raleigh: 1830, p. 143. Hereinafter cited as House Journal).

<sup>45</sup>Ibid., p. 144.

House Committee on Internal Improvements.<sup>46</sup> As a member of this committee he proposed that a railroad be built from Fayetteville to the Yadkin River. Some years later a plank road was built following the old railroad route advocated by him in 1829.

Pearson advocated a greater voice by the western part of the state in the General Assembly, and he was instrumental in the fight to achieve a more equal basis of representation in that body between East and West.<sup>47</sup> He especially advocated a constitutional convention to meet and equalize representation based on population figures. Such a convention was called in 1835.<sup>48</sup>

The North Carolina Historical Society was incorporated by the General Assembly at its session of 1832-1833, and Pearson, James Iredell, David L. Swain, Alfred Moore, Joseph S. Jones, Louis D. Henry, Issac T. Avery, Joseph A. Hill and William D. Mosely were named in the act as those (incorporated in the body politic) of that organization.<sup>49</sup> Thus,

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<sup>46</sup>House Journal, at its session in 1829-30, p. 157.

<sup>47</sup>William L. Sherrill, Annals of Lincoln County, North Carolina (Charlotte: The Observer Printing-House, Inc., 1937), p. 105. Hereinafter cited as Sherrill, Annals of Lincoln.

<sup>48</sup>This convention redistricted the State and put representation on a more equal basis between East and West.

<sup>49</sup>Private Acts of the General Assembly of the State of North Carolina, at the session of 1832-1833 (Raleigh: 1833), Chapter LXIII, p. 54.



Pearson, at an early age, was interested in the preservation of the state's history.

In 1831, about the time of his first informal legal instruction, Pearson met the first love of his life. Some of the Williams family of Knoxville, Tennessee, were visiting their relatives in Panther Creek, Forsyth County. As the Williams family was important in social and political circles, it was to the advantage of a rising young lawyer to be associated with them. Pearson and several other young members of the bar happened to be paying their respects to the N. L. Williams family at the time. Pearson was completely overwhelmed by the beauty of Margaret McClung Williams of Knoxville. Years later the Honorable Daniel W. Courts, a former classmate of Pearson at the University who was also present at the social gathering, related that Pearson said to him on that occasion, "Dan, if I had the money I would follow that girl to Tennessee and marry her."<sup>50</sup> As they were close friends at the time, Courts offered to lend Pearson the necessary money to finance the proposed trip. He accepted the offer and journeyed to Knoxville to woo the prospective bride. Apparently he was successful in this endeavor because on June 12, 1832, in the vicinity of Knoxville, Tennessee, Richmond M. Pearson, attorney at law

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<sup>50</sup>Sherrill, Annals of Lincoln, p. 105.

and member of the House of Commons from Rowan County, was married to Miss Margaret McClung Williams, the socialite daughter of Colonel John Williams.<sup>51</sup> Thus Pearson married into an old and distinguished Southern family, similar to his own ancestral family from Virginia. After the marriage, he and his bride returned to Mocksville where he resumed his law practice and duties as an outstanding member of the community. In 1833, at the age of twenty-eight, he was nominated by the General Assembly for the Circuit Court Bench, but for some unknown reason he withdrew his name from consideration.<sup>52</sup>

Pearson entered the political arena again in 1835 as a candidate for Congress from the Tenth District. His opponents were Abram Rencher and Burton Craige. Rencher ran as a States' Rights Democrat,<sup>53</sup> Craige as a Nullifying Democrat,<sup>54</sup> and Pearson as a Whig.<sup>55</sup> The contest is said to have been quite warm with some heated charges made by each of the three sides against the other two.<sup>56</sup>

Pearson decided to make "political hay" by writing

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<sup>51</sup>Ibid.

<sup>52</sup>The reason could have been a financial one. Pearson, at the time, was deeply in debt for his education to his brother and he could make more money as a member of the bar than he could on the bench.

<sup>53</sup>The (Raleigh) News, January 8, 1878.

<sup>54</sup>Ibid. Dick, "Memorial Address," p. 12.

<sup>55</sup>Ibid. <sup>56</sup>Ibid.



an address to the freemen of the Tenth District. This address was powerfully written and in the vigorous style which characterized the clear cut reasoning for which his later judicial opinions were famous. The language of the address was crisp, strong, and to the point. Pearson wrote:

I am a Republican--I am in favor of the Republican institutions of our country. And I am opposed to Nullification: because I believe it is a doctrine dangerous to the existence of those institutions . . . .<sup>57</sup>

Rencher was elected, and Pearson accepted defeat with "his usual calmness under adverse circumstances."<sup>58</sup> For the next two years the record is scant on Pearson's activities. Then in 1837, the name of Richmond M. Pearson was presented to the General Assembly of 1836-1837 for election as a judge of the Superior Court.<sup>59</sup> His competitor for this position was Thomas P. Devereux of Raleigh.<sup>60</sup> The vote on a joint ballot by both houses of the General Assembly stood: Pearson 82, Devereux 46, with some votes scattered among several prominent members of the bar, including David L. Swain and Michael Hoke.<sup>61</sup> After a careful tabulation of the votes Pearson was declared elected.

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<sup>57</sup>Ibid.   <sup>58</sup>Ibid.

<sup>59</sup>Journals of the Senate and House of Commons of the General Assembly of the State of North Carolina, at its session in 1836-1837 (Raleigh: 1837). Senate Journal for January 3, 1837, p. 154; and House Journal for the same date, pp. 413-414.

<sup>60</sup>Ibid.   <sup>61</sup>Ibid.

Thus Pearson began his long and distinguished judicial career. Over the years his reputation as a jurist steadily rose, and when a vacancy on the Supreme Court bench occurred with the death of Judge Daniel, Pearson's name was submitted for election to fill the vacancy.<sup>62</sup> His competitors were Robert Strange and William H. Battle. The latter had temporarily filled the position by appointment of the Governor. Pearson narrowly escaped defeat. The balloting began on December 4, 1848, and continued day after day until December 11, when Pearson was declared elected as an associate justice of the Supreme Court.<sup>63</sup> This election attests to Pearson's rising popularity and to non-partisan politics on the part of the democratic General Assembly, as Pearson was an old-line Whig in politics.<sup>64</sup>

About the same year, and near the time of his election to the Supreme Court bench, Pearson transferred his place of residence up the Yadkin River to his later, far-famed home of "Richmond Hill," the scene of his outstanding law school. This was an isolated section of what is now Yadkin County, some five miles or more northwest of the present-day town of East Bend, North Carolina.<sup>65</sup>

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<sup>62</sup>House Journal, for December 23, 1848, p. 542.

<sup>63</sup>Ibid.

<sup>64</sup>Ibid.

<sup>65</sup>Conclusion and observation of the writer.



Unlike most of the finer houses of the day, the Pearson home had no ornamentations of any kind. There were no frescoes, no carved woodwork nor cornices, nor were the mantels elaborate. The interior was very plain and relieved in only one detail, this being a wide arch where the front hall joined squarely with the hall running from side to side of the house.<sup>66</sup>

Richmond Hill was a very out-of-the-way place and to Mrs. Pearson, a woman who thrived on company and an active social life, a very remote and dreary place. Consequently she was unhappy in her new surroundings. It is probable that its remoteness and lack of social life contributed to her mental breakdown.<sup>67</sup> Life at home was anything but peaceful and blissful for Pearson during the next seven years.<sup>68</sup> Then on December 27, 1855, Mrs. Pearson's troubled mind found peace. Funeral services and burial were conducted at the Pearson family graveyard at Richmond Hill.

Apparently, Pearson attempted to obtain domestic care and assistance for his children after his wife's death, for a correspondent writes him that he is sorry that a certain

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<sup>66</sup>Ibid.

<sup>67</sup>Receipts from a Mental Hospital show her mental condition. They are in the R. M. Pearson Papers.

<sup>68</sup>This is evident in Pearson's correspondence with relatives in Galveston, Texas and other close friends.



woman cannot be induced " to take the care of your children, for I am sure her kind attention would be satisfactory both to yourself and the children."<sup>69</sup> The woman referred to was already employed, and she refused to leave her employment.

For several years now Pearson had been a widower. It seems that he became lonely for feminine companionship. Since his first wife's death, Pearson had devoted himself to the task of raising his children and to "that jealous mistress" of the law.

It is evident that these two tasks did not occupy all of his time for his name was associated with several single women during this time. Some said he wanted to marry a rich woman but this is highly unlikely as he had already accumulated a fortune of over \$100,000 at the time.<sup>70</sup> This is quite remarkable as he had begun life without any money, and in debt to his brother for \$2,000 for his education.<sup>71</sup>

It was about this time that Pearson became attracted to the widow of John Gray Bynum of the Morganton-Rutherfordton area. The woman in question was the daughter of Charles McDowell of Morganton. They saw each other

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<sup>69</sup>The letter is in the R. M. Pearson Papers, The Southern Historical Collection, University of North Carolina.

<sup>70</sup>Council S. Wooten, "Richmond M. Pearson," The Charlotte Observer, n.d. in The North Carolina Room, University of North Carolina.

<sup>71</sup>Ibid.

occasionally but most of the courtship took place by correspondence. After several months of working out different details concerning the marriage, Mary L. Bynum and Richmond M. Pearson were married on September 21, 1859.<sup>72</sup> Evidently they went immediately to Richmond Hill after the marriage.<sup>73</sup> Unlike many foster mothers, Mary Pearson fitted in quite well from the beginning with the other members of the Pearson family. They affectionately called her "Ma" and in Mary, Pearson realized all of his "fondest hopes" for a wife.<sup>74</sup>

By 1860, Pearson had reached his "golden age" as a jurist. Twenty-two of his fifty-five years had been spent on the bench--ten years on the Circuit Court,<sup>75</sup> ten years as an associate justice on the Supreme Court bench and, for the last two years, Chief Justice of that high tribunal. Over those years Pearson had won admiration for himself as a man. To his friends he was warm, genial, and generous.<sup>76</sup> To his enemies, and they were many, he was "austere," dispassionate,"

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<sup>72</sup>Mary Bynum to Pearson, September 10, 1859, in R. M. Pearson Papers.

<sup>73</sup>Correspondence before the marriage indicate that this was what happened anyway.

<sup>74</sup>Mary Pearson to her husband, December 22, 1859, in R. M. Pearson Papers.

<sup>75</sup>Aubrey Lee Brooks and Hugh Talmage Lefler, (eds.), The Papers of Walter Clark (Chapel Hill: The University of North Carolina Press, 1948), I, pp. 554-555.

<sup>76</sup>Ibid.



"rough and cantankerous." All agreed that he possessed a formidable intellect. One attorney summed it up when he said that Pearson was "mind and law, not feeling and rhetoric."<sup>77</sup> Except for his intellect, Pearson did not draw men close to him. His drinking--Judge Schenck called it his "chartered infirmity"--caused many eyebrows to be raised.

No matter what his personal shortcomings were, Pearson remained the foremost exponent of the teaching of jurisprudence in his day. His ability to cut right to the heart of a legal problem and then solve that problem logically and lucidly was an accepted fact, both by friend and foe.

To Richmond Pearson the law was "a liberal science based on general principles and correct reasoning."<sup>78</sup> In his court, a proper legal principle improperly applied had no more status than a discredited witness. Pearson saw the law as a thing of change. He not only expected it to change; he encouraged it. "One excellence of the common law," he said, "is that it works itself pure."<sup>79</sup>

In several Civil War habeas corpus cases, Pearson repeatedly cited the ancient legal principle, fiat justitia

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<sup>77</sup>Ibid.

<sup>78</sup>Gaskill v. King 34 N. C. 223.

<sup>79</sup>Shaw v. Moore 49 N. C. 27.



ruat coelum--let justice be done though the heavens fall. Whether or not justice was done in these cases was a matter of controversy and though heaven did not fall the opposite of it was raised. The friction began with the Confederate Conscription and Exemption Acts of 1862. These laws exempted certain classes of men from military service. They also provided that a man could hire a substitute to take his place in the army, provided this action was taken before a man was actually drafted.

After the Civil War, President Andrew Johnson appointed William Woods Holden provisional Governor of North Carolina. Holden then reappointed Pearson, Manly, and Battle to the State Supreme Court. As he owned property worth more than \$20,000, Pearson was one of those individuals who required a special pardon from the President. In his application for presidential pardon, Pearson stated that he had felt it better to remain loyal to his state and uphold individual rights of its citizens than to resign his office.<sup>80</sup>

Later in 1865 Pearson decided to re-enter politics. As all office holders needed to be pardoned, Pearson wrote Governor Holden about his desire to seek election to the

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<sup>80</sup>A photostatic copy of his application for pardon is in the R. M. Pearson Papers, The Southern Historical Collection, University of North Carolina. President Johnson granted Pearson a pardon upon the recommendation of Governor Holden.

"Johnson" constitutional convention. Holden replied that he (Pearson) "could be a candidate for the convention."<sup>81</sup>

Apparently Holden expected Pearson to be elected as a delegate to the 1865 convention representing Yadkin County for he said you "will find your pardon in this office when you come here to attend the meetings of that body."<sup>82</sup>

The voters of Yadkin reacted in a different manner from what the governor expected. Pearson was defeated by Thomas Haynes in a close election. The vote was highly sectional within the county.<sup>83</sup> The campaign itself was quite heated and Pearson lost stature in his "stumping." One observer explained the defeat by writing, "The Chief Justice did not preserve either sobriety or his temper on the stump, whilst Haynes did better."<sup>84</sup> Others were even less surprised. Governor Vance wrote, "Judge Pearson's defeat took everyone by surprise except me. They proved on him that he changed shirts once a week and very properly beat him, the sweet scented aristocrat."<sup>85</sup>

All state officers were again vacated by this convention, but Pearson was again appointed to the Supreme

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<sup>81</sup>Holden to Pearson, September 12, 1865, in R. M. Pearson Papers.

<sup>82</sup>Ibid.

<sup>83</sup>This is evident in that Pearson took all the votes in some precincts and Haynes took all of them in others.

<sup>84</sup>Samuel F. Philips to W. A. Graham, October 10, 1865, in W. A. Graham Papers, The Southern Historical Collection, University of North Carolina.

<sup>85</sup>Z. B. Vance to K. P. Battle, September 25, 1865, in

Court as Chief Justice late in 1865. In 1868, the existing state government having been overthrown by Congressional Reconstruction, Pearson was the choice of both the Republican-radical and the Conservative parties for the position of Chief Justice of the North Carolina Supreme Court.<sup>86</sup> Pearson was elated with this show of confidence. In his elation, he took a drastic step into partisan politics. On July 20, 1868, he wrote a public letter endorsing General Ulysses S. Grant for President and Colfax for Vice-President of the United States. In the "Address" Pearson stated his reasons for supporting Grant. He did this, he said, "to avoid a race war in North Carolina and to ease this state's re-admission to the Union."<sup>87</sup> Republicans were filled with glee and had 50,000 copies of Pearson's letter printed and distributed within the state as a major campaign document in the election of 1868.<sup>88</sup>

Members of the state bar were shocked by this entering into partisan politics by a member of the Supreme Court bench. Others charged that Pearson had written the letter in a self-serving effort to gain an appointment to

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Battle Family Papers, The Southern Historical Collection, University of North Carolina.

<sup>86</sup>The new state constitution increased the membership of the Supreme Court of the state from three to five members and made Supreme Court justices subject to popular election by the people instead of by appointment by the governor.

<sup>87</sup>The "Address" is in the R. M. Pearson Papers.

<sup>88</sup>Ibid.



the United States Supreme Court.<sup>89</sup> In protest of Pearson's actions, members of the bar, led by Bartholomew Figures Moore, one hundred eight attorneys,<sup>90</sup> about twenty per cent of the entire state bar--signed "A Solemn Protest of the Bar of North Carolina Against Judicial Interference in Political Affairs". At least five of Pearson's former students signed the "Protest."<sup>91</sup>

Although Pearson tolerated differences of opinion--not always gladly--he could not tolerate any question regarding his motives. On that subject he was highly sensitive, a fact that the signers of the "Protest" soon discovered. The "Protest" was in contempt of court in Pearson's opinion. He said, "It was as if the bar had been lying in wait to murder the judiciary,"<sup>92</sup> and immediately launched contempt proceedings against twenty-five of those who signed the "Protest" that practiced before the Supreme Court.<sup>93</sup> For a short time, these twenty-five were barred from appearing as attorneys and counsellors before the Supreme Court but Pearson was

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<sup>89</sup>The Conservative-Democrats made this charge.

<sup>90</sup>Other important signers were A. S. Merrimon, John Kedr, E. G. Haywood, Thomas Bragg, J. E. Boyd, Z. B. Vance, William T. Dortch, Ed. Conigland, Asa Biggs, T. Ruffin, Jr. and A. M. Scales. These proceedings are found in Ex Parte Moore, 63 N.C. 397.

<sup>91</sup>They were Merrimon, Kerr, Dortch, T. Ruffin Jr., and Scales.

<sup>92</sup>Ex Parte Moore, 63 N. C. 397.

<sup>93</sup>Ibid.

unable to make the contempt proceedings stick.<sup>94</sup> Although these men regained their right to practice before the Supreme Court, Pearson lost stature over the conflict between bench and bar.

As the elections of 1870 neared, the Ku Klux Klan became widely active within the state. Governor Holden, anxious to fortify his position, decided to crack down on the Klan. The murder of John W. Stephens, a state senator and Holden supporter, gave him an opportunity for action. He declared Caswell and Alamance counties to be in a state of insurrection and under martial law. Colonel George W. Kirk, a Tennessean, was ordered, with a number of troops, to restore law and order in the area. Kirk's men arrested Adolphus G. Moore and several others of the community. They were held without privilege of bail. A group of prominent attorneys appeared before Pearson with a petition for the release of Moore and the others arrested by Kirk.<sup>95</sup> Writs of habeas corpus were granted by Pearson returnable to him at Raleigh. When the writs were served on Kirk he snorted, "This kind of thing is played out," and refused to release the prisoners.<sup>95</sup> Pearson then wrote the governor requesting

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<sup>94</sup>A hearing was held on the case June 15, 1869 and the men were released from the contempt proceedings.

<sup>95</sup>They were led by William A. Graham and Thomas Bragg.

the men's release. When Holden refused, Pearson ruled that "The power of the judiciary is exhausted and the responsibility must rest with the executive."<sup>96</sup>

Pearson was called upon to order out a Posse Comitatus but refused to do so. He said that he could not call on persons declared by the governor to be insurgents to man such a force, and furthermore, "any such action on his part would both usurp the executive function and trigger a new civil war."<sup>97</sup> If the Chief Justice erred, he had respectable authority to sustain him. Not only did his associates on the Supreme Court of the state agree with him, but the Supreme Court of the United States had taken exactly the same position in a similar case, where Chief Justice Roger Taney wrote the opinion.<sup>98</sup>

In the election of 1870, the Conservative-Democrats took over control of both houses of the General Assembly. The air was filled with hate and bitterness against Holden and others, including the Chief Justice. Led by Josiah Turner, Jr., the brilliant but destructive editor of the Raleigh Sentinel, a movement arose to impeach both the Governor and the Chief Justice. Turner charged that the

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<sup>96</sup>Council S. Wooten credits Chief Justice Taney as being the author of this statement rather than Pearson.

<sup>97</sup>65 N. C. 349.

<sup>98</sup>Merryman Case, 9 U.S. 487 (1862).



Chief Justice had been bribed by Holden, as Holden had offered Pearson the post of Code Commissioner with a salary of \$2,500 per year.<sup>99</sup> The position was offered to Pearson but he refused the post. Holden was impeached and Pearson had the responsibility of presiding over the impeachment trial. During the course of the trial, the Chief Justice conducted himself with dignity, wisdom, and great probity of character.<sup>100</sup>

With Holden disposed of, Pearson expected to be next. He prepared a statement and retained one of his former law students to defend him if such was to be the case. But a man of Pearson's stature was hard to cut down. His friends in the General Assembly<sup>101</sup> and his former law students, now men of influence and stature in the state, closed ranks and when the shouting subsided he remained Chief Justice of the North Carolina Supreme Court.

After 1871, Pearson relaxed into the quiet and congenial duties of Chief Justice and law tutor. During several of his last years, Pearson was in feeble health. In the summer of 1874, he was so gravely ill that his friends

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<sup>99</sup>This would have doubled Pearson's salary as he also made \$2,500 as Chief Justice of the Supreme Court.

<sup>100</sup>By all accounts he presided fairly without shrinking from his duty as Chief Justice.

<sup>101</sup>They were led by Thomas Jarvis and Thomas Bragg.

feared for his life.<sup>102</sup> As the passions of the reconstruction period subsided, Pearson regained some of his shattered prestige. A mere seven years later, men who had damned Pearson in 1871 stood in solemn tribute with bowed heads in the rotunda of the state capital where his body lay in state in 1878.

In 1875, Pearson passed another milestone in his life as he, along with William A. Graham, John H. Wheeler, Z. B. Vance, C. H. Wiley, George Davis, K. P. Battle and others, were named as incorporators of the Historical Society of North Carolina on March 22, of that year.<sup>103</sup> Thus he was recognized as a person interested in the preservation of the state's history throughout his life.

After ten years and one week of service as an associate justice of the Supreme Court, Pearson was chosen by the court as its chief justice on December 30, 1858, to succeed Chief Justice Frederick Nash, who had recently died.<sup>104</sup> Pearson remained Chief Justice until his death in Winston in Wilson's Hotel from apoplexy, or a stroke in 1878. He became ill during a buggy ride from Richmond Hill to Winston where he planned to board a train to go to Raleigh to open the

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<sup>102</sup>Schenck's "Journal," Volume 7, p. 432.

<sup>103</sup>Battle, History of UNC II, p. 105.

<sup>104</sup>Judge Nash died on December 4, 1858.



January term of the Supreme Court. The driver, thinking the Chief Justice was only tired and sleepy, continued on to Glenn's Ferry across the Yadkin River. There the seriousness of his condition was discovered. Paralyzed and helpless, he was taken on to the hotel where Doctors Roan and Bynum were called. They immediately saw that their professional services would be of little value as the Chief Justice was already dying.

Members of the family were notified but only two of them--his niece, Maggie Fowle and his son-in-law, Daniel G. Fowle--were present when he breathed his last breath thirty-five minutes after ten o'clock on Saturday night, January 5, 1878.<sup>105</sup>

A meeting of the bar was held in January, 1878, and after adopting the usual preamble, they adopted resolutions to the effect that the State had lost a great man; that a delegation of members representing the bar would attend the funeral.<sup>106</sup> Funeral services were held at Christ Church in Raleigh in accordance with the ritual of the Protestant Episcopal Church. The services were conducted by the Rector, the Reverend Bishop Byman, assisted by the Reverend Doctor

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<sup>105</sup>The (Raleigh) Observer, January 10, 1878.

<sup>106</sup>Some of them served as Pall-bearers: A. S. Merriman, J. B. Batchelor, R. G. Lewis, T. C. Fuller, C. M. Busbee, Walter Clark, R. C. Badger and Octavius Coke.



Marshall.<sup>107</sup>

Outside the scope of this work are the decisions handed down by Pearson as a Supreme Court jurist. They may be found in volumes 40-67 of the North Carolina Supreme Court Reports. They appear throughout the reports of the sessions of the court from the first of the December term of 1848 until sometime in the June session of 1877. He was on the Supreme Court bench for twenty-nine years, the second longest period of service on that high tribunal. (Judge Walter Clark's thirty-four years was the longest.)

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<sup>107</sup>The (Raleigh) Observer, January 10, 1878.

## CHAPTER II

### PEARSON'S LAW SCHOOL AT RICHMOND HILL

A law school, like the profession it serves, must tread the path of courage. Its mission is one of strenuous effort and unrelenting toil. The philosophy it teaches is of utmost importance. Its destiny calls for men of vision, devotion, and preparation. Law schools are expected to do two things: one is to implant in the mind of each student a background of legal theory, and the other is to teach students what is called jurisprudence.<sup>1</sup>

In the late 1700's and early 1800's, candidates for the bar prepared themselves for admission by reading law in a lawyer's office.<sup>2</sup> A notice inserted by Leonard Henderson in the (Raleigh) Register of March 7, 1828, indicates the relationship of lawyer and student in one of these offices.<sup>3</sup> It is significant because it illustrates the transition of law teaching from the private home to the private office. The student was expected to master the theory of law and at

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<sup>1</sup>In this respect, the philosophy of jurisprudence has not changed even today.

<sup>2</sup>This conclusion is drawn by the author after a critical investigation of data dealing with the subject.

<sup>3</sup>(Raleigh) Register, March 7, 1826.

the same time to learn how to act in a courtroom.<sup>4</sup> Some excellent lawyers were developed by this system, but "law practice at that time was largely forensic."<sup>5</sup> At that time, private law schools were gradually taking over the work of preparing students for admission to the bar. Richmond Mumford Pearson helped generate this forward impulse of legal education in North Carolina--the transition from the private office to the private school.<sup>6</sup> This transition from instruction of law students as an incidental activity to instruction of law students as a parallel profession to the practice of law was illustrated by the large number of young men who received their legal instruction under this learned master. Pearson's influence upon these young men was profound and far-reaching. He carried some of the top young men of North Carolina into the bloodstream of the legal profession in the State.<sup>7</sup>

It is at this point that the question arises of why Pearson, occupied at first with a successful law practice

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<sup>4</sup>Ransour v. McClees, 64 N. C. 54.

<sup>5</sup>Merton Leroy Ferson, "Teaching Theory and Practice in the New Day," in Robert H. Wettach's A Century of Legal Education (Chapel Hill: University of North Carolina Press, 1947), p. 127.

<sup>6</sup>See Appendix B for a picture of Pearson's law school at Richmond Hill.

<sup>7</sup>W. D. Lewis, Great American Lawyers (Philadelphia: Winston, 1908), pp. 235-236.



and later with the responsibility of a jurist, decided to teach law. A close investigation of Pearson's Supreme Court decisions, particularly the closing paragraph of his opinion in *State v. Worthington*, June term, 1870, suggests some possible reasons. They are: (1) to serve the public by assisting law students to improve their professional quality, and (2) to supplement his income as his salary was modest and he now had a family to support.

Two years after his admission to the bar in 1829, Pearson began his first informal instruction of law students. It could have been even earlier because on December 4, 1831, James R. Dodge wrote Thomas Ruffin that John Kerr had been engaged for the past year in the study of law in the library of his brother-in-law, Nicholas L. Williams, of Surry County, "with some assistance from Mr. Pearson."<sup>8</sup> As far as is known, Kerr was his first student and the scene of this beginning instruction, the residence and library of Nicholas L. Williams family of social and political fame. This residence was about twenty-five miles northeast of Pearson's native area in Davie County. Margaret, Pearson's first wife, was a close relative of this family, as was related in Chapter I. It is not known how many other law students read law infor-

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<sup>8</sup>Joseph Gregoire de Roulhac Hamilton, editor, The Papers of Thomas Ruffin (Raleigh: The North Carolina Historical Commission, 1918), II, 285. Hereinafter cited as Hamilton, Ruffin Papers.

mally under Pearson, but it is fairly certain that others followed Kerr's example, for Pearson was unquestionably a man of learning and ability.<sup>9</sup>

Sometime around 1840, Pearson set up his first law school in which he gave formal instruction to full time students in the town of Mocksville.<sup>10</sup> At this school, the students lived in a big house known as "the White House" because it was the first painted house in the town, then known as "Mock's Old Field."<sup>11</sup> The "White House" served other purposes besides that of housing the law students. A man by the name of Bingham, who owned the structure, also used it as a hotel for travelers.<sup>12</sup> It is evident that this early law school had little or no system as to curriculum or lecture periods. The individual instructors of early law schools in the State discussed the law with the students when they had time, and when they were not in court representing a client. Then, toward the middle of the nineteenth century, books became more and more important to the law student, for law schools began emphasizing theory rather than

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<sup>9</sup>Council S. Wooten, "A Famous Old Time North Carolina Law School," The North Carolina Journal of Law, 2 volumes (Published at the University of North Carolina in 1904-1905, II, 465. Hereinafter cited as Wooten, "A Famous Law School."

<sup>10</sup>"Richmond M. Pearson," (Charlotte) Daily Observer, by Council S. Wooten, n.d.

<sup>11</sup>Ibid.

<sup>12</sup>Ibid.



practice. Pearson and Battle,<sup>13</sup> for example, held lectures and emphasized basic principles of the law. They gave frequent examinations but few formal lectures.<sup>14</sup> While conducting the Mocksville school, Pearson decided upon the correct way to teach law and began openly to advertise his school with this newspaper advertisement:

Law School--I have opened a Law School at Mocksville, Davie County. The mode of instruction is that adopted by the late Chief-Justice Henderson, familiar conversation.

No young gentleman will be recommended for License until he has studied one year; I advise two years as the term of preparation. The charge will be one hundred dollars, whether the student remains one or two years. Students who have County Court License, may attend our conversations without charge.

Books will be furnished.

Mocksville is healthy, and offers but few temptations for dissipation and irregularity.

The price of boarding in the Village \$7.50 per month exclusive of washing, which will cost \$1 per month.<sup>15</sup>

Some students attended Pearson's school because it was cheaper than other noted law schools of the day. For example, on March 29, 1844, Mrs. William H. Battle wrote from Chapel Hill to her husband concerning a student who had

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<sup>13</sup>William H. Battle, with James Iredell, established at Chapel Hill what ultimately became the University of North Carolina Law School.

<sup>14</sup>Fannie Memory Farmer, "Legal Education in North Carolina 1820-1860," North Carolina Historical Review. XXVIII, p. 297.

<sup>15</sup>The (North Carolina) Watchman, n.d.



talked with Pearson and found out he could attend Pearson's school cheaper than Battle's. But, she added that the student in question would have preferred to study under him (Battle) if it were not for the cost.<sup>16</sup> Pearson continued to operate the law school at Mocksville until sometime in 1847. He then moved about thirty miles northwest from Mocksville to a place which he named "Richmond Hill" (then a part of Surry County) and established a new residence. It was a fine house, not elaborate but comfortable. The grounds surrounding the house were terraced for a flower garden for Mrs. Pearson. Traces of the terraces can still be found if one looks to the northwest from the still-standing, but badly decayed main structure.<sup>17</sup> Even though traces can still be found of some of the outbuildings, nothing can be found of the old kitchen. It was set apart from the main structure causing some inconvenience to the Pearson family. The weather was usually responsible for this inconvenience. In a letter written on December 10, 1859, Mary Pearson wrote to her husband that, "We have had a five day rain and we were deluged in mud."<sup>18</sup> Mary

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<sup>16</sup>Mrs. William H. Battle to William H. Battle, March 29, 1844, in Battle Family Papers, The Southern Historical Collection, University of North Carolina.

<sup>17</sup>See Appendix B

<sup>18</sup>Mary Pearson to Richmond M. Pearson, December 10, 1859, in R. M. Pearson Papers.

Pearson also made reference to a covered walkway that she had built by the slaves on the fourth day of the rain because she "could stand it no longer and between showers I had a walk made from the house to the kitchen."<sup>19</sup> Then she went into details of how the colored children gathered the stones and brought sand to cover the walk built between heavy log sills made by the men". . . then it was covered."<sup>20</sup>

The smoke house, store house, slave quarters and spring are all mentioned in the letters covering the years from 1812 to 1870. Nothing can be found of the remains of them today except for a part of the barn, one wall of the ice house, and traces that indicate where the gardner lived.<sup>21</sup>

It was here on a bluff near the Yadkin River, a few miles from Rockford, that Pearson set up the principal seat of his law school. He justified the move in that Richmond Hill overlooked the town of Rockford, then county seat of the area now contained in Yadkin, Surry, and Forsyth Counties. It was a good place to locate and establish a law school in that it was near a county seat as well as away from distractions for his law students. He was to reside at Richmond Hill the rest of his life. It was here in the northern part of Yadkin County, on a bluff sloping

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<sup>19</sup>Ibid.

<sup>20</sup>Ibid.

<sup>21</sup>Observation by the author.



northward down into the Yadkin River Valley, where the Yadkin flows generally eastward and forms the present day boundary between Yadkin and Surry Counties, that the fame of Richmond Mumford Pearson was made.<sup>22</sup> Many men, prominent in legal and public affairs in North Carolina, studied law at Richmond Hill in the mid-nineteenth century and Richmond Hill and Rockford were closely associated as county-seat and famous law school in the same community. The place, once a scene of great activity and renown is now greatly decayed and almost inaccessible except for a footpath. The town of Rockford still survives but it is not the prominent place that it once was. The collective impact of Pearson's law students on North Carolina's jurisprudence in the last half of the nineteenth century shows why "Richmond Hill" deserves to be rated as one of the far-reaching schools of the ante-bellum period of Southern history.

One of Pearson's students described the place as "a quiet secluded spot" and said that "Pearson might have selected it to get away from the whirl and excitement of society" and where "students could be quiet and have nothing to withdraw their minds from their books."<sup>23</sup> Pearson "would

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<sup>22</sup>This assertion is made only after a close examination of the facts about Judge Pearson and is borne out and proved during the course of this work.

<sup>23</sup>Wooten, "A Famous Law School."



jokingly say to his boys," continued this student, "that it was a good place to wear their old clothes."<sup>24</sup> Alluding to the remoteness of the spot John M. de Berniere, while waiting at Rockford to study law when Pearson should return from a session of the Supreme Court, wrote on September 3, 1849: "of all the lonesome places this gets worse . . ."<sup>25</sup> In a letter dated March 8, 1851, William H. Battle wrote to his wife from Rockford "I shall certainly not be very sorry to leave here, as I think the place has as few attractions as any I have seen."<sup>26</sup> Apparently the area did not become any more attractive for on September 5, 1856, David Schenck arrived at Rockford to attend the law school, and thus recorded his reaction: "I arrived in Rockford--the most uninviting place I ever saw--my spirits were dejected and my heart sank within me. I came here to attend the 'Law School.'"<sup>27</sup> One of his students wrote that the nearest point of the railroad from Richmond Hill was High Point, "a distance of about forty miles."<sup>28</sup> Thus, in an age when the railroad was the chief means of travel, the law student was not tempted to spend a night or a week-end in some

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<sup>24</sup>Ibid., p. 466.

<sup>25</sup>John M. de Berniere to Kemp P. Battle, September 3, 1849, in Battle Family Papers.

<sup>26</sup>William H. Battle to his wife, March 8, 1851, in Battle Family Papers.

<sup>27</sup>David Schenck, "Journal," September 5, 1856.

<sup>28</sup>Wooten, "A Famous Law School," p. 465.

town, away from his studies, and the school was free from the noise and distractions of modern society. Council S. Wooten, another of his students, describes the school in a different light. Wooten described Richmond Hill as follows:

It was an ideal place for a school. The climate was delightful, the air invigorating, implanting the glow of health to the cheeks. To the west was the Blue Ridge, which in the winter was covered with snow and ice, and which looked beautiful, glistening in the clear sunlight, while the Yadkin, a clear, pure, limpid mountainous stream, as it meandered through the wooded hills and the blooming meadows, looked like a stream of liquid silver. In the woods there was an abundance of hickory nuts, chinquepins and chestnuts, and after the frost had touched the forest the leaves of the trees presented a variegated hue, some green, some a russet color, some yellow, or as the poet would say, "distained with dusty gold."<sup>29</sup>

The school itself was conducted "in a modest building on the lawn of Judge Pearson's residence,"<sup>30</sup> and the little law school building stood on the west side of the grounds. His office was set off down the hill about fifty yards from the big brick house. The entire clearing was, and is, surrounded with large walnut and cedar trees.

Pearson was somewhat small in stature and possessed no striking physical characteristics except for the swash-buckling moustache he grew in later life. David Schenck described Pearson as being:

A small man, possessing no striking mark of character except the light & intelligence of his eye. He is care-

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<sup>29</sup>Wooten, "A Famous Law School," p. 465.

<sup>30</sup>Ibid.



less and easy in his manner and sociable in his learning. He sometimes indulges in pleasantry and is never too dignified to be pleasant & agreeable.<sup>31</sup>

At the formal presentation of the portrait of Chief Justice Pearson, on behalf of his family, to the Supreme Court of North Carolina, on March 15, 1893, Attorney-General Frank I. Osborne said of him:

His life is a part of the history of our State, known and read of all men . . . no man ever lived on this earth that was nearer exactly just what he seemed than was the Chief Justice . . . .

Judge Pearson, [was] fired by an honorable ambition that burnt as fiercely in his heart as it ever burned in the heart of a Caesar or Napoleon. . . .<sup>32</sup>

He never turned a student from his door for lack of means. He invited all such to come to him. He was one of those rare persons who trusted his students' honor and ability to repay him in the future. Following such a course as this, he won the heart of every young man with whom he was thrown into contact; as much by these unselfish acts as by his teaching, he gained through his students such an influence as has ever been exercised before or since by any judge over the bench and bar of North Carolina. The number of students ranged over the years from about a dozen in number up to fifty. Schenck saw twenty-three when he attended his first lecture

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<sup>31</sup>Schenck, "Journal," September 5, 1856.

<sup>32</sup>112 N. C. 656.



in September, 1856.<sup>33</sup> One of Pearson's brothers wrote from Florida on July 12, 1859: "I think you ought to take some rest, what do you do with your 50 students."<sup>34</sup> One of his daughters wrote to him at Raleigh on February 5, 1860, that there were three or four students present already, and that she expected the law school should be quite large.<sup>35</sup> Another wrote on the 27th of February that there were eleven or twelve students present and that some were coming in the following week--she believed that some were coming as soon as Wednesday [sic.] and some, maybe sooner. She continued, "Mr. Manly and Mr. Cole will be here Wednesday [sic.] and we are looking for some every day that have been in Salem since Christmas. . . ."<sup>36</sup> Richmond Pearson, son of the Chief Justice, while studying law under his father at Richmond Hill, wrote on October 12, 1872:

There are eighteen young fellows up here now: some of them know life only by season! but others are well educated and decidedly refined. The greatest trouble with us is having so many strangers about the house: There are eight boarding with us, and you must know that it begets not a little inconvenienced: still they are all very good natured and accommodating and bear domestic

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<sup>33</sup>Schenck, "Journal," September 5, 1856.

<sup>34</sup>An unidentified brother to Pearson, July 12, in the R. M. Pearson Papers.

<sup>35</sup>L. P. to R. M. Pearson, February 5, 1860, in the R. M. Pearson Papers.

<sup>36</sup>John Gray Bynum II to R. M. Pearson, February 27, 1860, in the R. M. Pearson Papers.

accidents with remarkable cleverness.<sup>37</sup>

On February 22, 1857, David Schenck arrived at Rockford to resume his studies and found there his friend Shaw who gave him a cordial welcome. There Schenck found several new students and wondered "how on earth all of them are to make a living by the profession."<sup>38</sup>

In spite of the precautions exercised by Pearson in locating his school in a rustic area, his students still possessed the frailties of the flesh and discovered concerns other than the mysteries of the law. John M. de Berniere related how, while he was a student at Richmond Hill in the Autumn of 1849, N. L. Williams came by on his way to Ashe County, and de Berniere and two others accompanied him up to his summer retreat. During their sojourn, he wrote, they "killed more whiskey than any other kind of game most of the rest being too wild."<sup>39</sup> Judge William H. Battle in a letter to his wife from Rockford in the spring of 1851 spoke of "the contagion of dissipation which I am told is very prevalent here and hereabouts."<sup>40</sup> He continued, "there are

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<sup>37</sup>Richmond Pearson to Love Gales Root, October 12, 1872, in the Ann Gales Root Papers, The Southern Historical Collection, University of North Carolina.

<sup>38</sup>Schenck, "Journal," February 22, 1857.

<sup>39</sup>John M. de Berniere to Kemp P. Battle, September 3, 1849, in the Battle Family Papers.

<sup>40</sup>William H. Battle to his wife, March 8, 1851, in the Battle Family Papers.



. . . quite a number of law students here several of whom are preparing to practice at more bars than one.<sup>41</sup>

On November 26, 1856, David Schenck recorded that he had returned from a magnificent party at Mr. Hairston's in Davie County which nine students attended and that he had "had a great deal of pleasure and participated very fully in the dance and other amusements."<sup>42</sup> Jealousy among the gentlemen created a disturbance and Schenck himself became "embroiled" in a fight, but the misunderstanding was soon cleared up. About four months later Schenck wrote in his "Journal":

Am esconced in my old domicil and have been reading very closely. I have quit several bad, or rather injurious practices. Smoking, eating meat or drinking coffee for supper and drinking liquor.<sup>43</sup>

Richmond Hill was probably as isolated as seat of learning as existed in North Carolina at the time. On October 3, 1856, Schenck wrote in his "Journal":

Our amusements at leisure hours are agreeable and always friendly and pleasant ie a game of whist or quoits--we have the Judges daughters to visit. . . and they are always pleased to see the young gentlemen and entertain them in the most interesting and social manner. . . .<sup>44</sup>

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<sup>41</sup>Ibid.

<sup>42</sup>Schenck, "Journal," November 26, 1856.

<sup>43</sup>Ibid., March 8, 1857.

<sup>44</sup>Ibid., October 3, 1856.



In April, 1857, Schenck returned to Richmond Hill after a visit to N. L. Williams" and to Salem, and found Our school in a ferment Two students having fought on the slavery question."<sup>45</sup> Judge Pearson sometimes joined his students and played chess with them. His son Richmond, a graduate of Princeton in 1872, studied law under him in the Autumn of that year. He wrote that he and his father played chess and that the Chief Justice was fond of the game, but that he would not play his son until he was sure that the latter was getting along well with his law.<sup>46</sup> One of the Chief Justice's greatest pleasures came when he beat "that Princeton lad" in the game. These few amusements left much to be desired by the students. Many of them still found Richmond Hill a lonely and desolate place. David Schenck reflects this concept in his "Journal" on a rainy day, May 3, 1857. He records the gloom that prevailed over him as he listened to the torrents of rain upon his log cabin, and said:

In this lonely spot no society gladdens the heart of the young man or offers to his bounding spirits one bright line of hope--all is monotonous, dreary and tiresome. The mind grows fatigued with the abstract learning of so subtle a science as the law. . . .<sup>47</sup>

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<sup>45</sup>Schenck, "Journal," April 20, 1857.

<sup>46</sup>Richmond Pearson to Love Gales Root, October 12, 1872, in the Ann Gales Root Papers.

<sup>47</sup>Schenck, "Journal," May 3, 1857.

According to the (Raleigh) Sentinel, it had long been a custom at the Richmond Hill Law School to terminate the year's class exercises with a dinner party, with all the students and Pearson present.<sup>48</sup> This paper reported an interesting incident as having occurred at the dinner of December 15, 1870. Pearson presided at the dinner, several toasts were offered by him "and [they] drank solus, because of the sentiment." At the close, one of the students proposed a toast "to the success of the Conservative party," whereupon the Chief Justice became very indignant, arose from the table and proceeded to administer a "tremendous" rebuke particularly to two of the students. He remarked that he could not endure these two, that he considered it a great condescension even to speak to them. One of them inquired what they had done to incur his displeasure, then he replied that they "were unworthy of the name of man, because one of them subscribed for the Raleigh Sentinel and the other for the Wilmington Journal."<sup>49</sup> The two students in question were John J. Fowler of Wilmington, and W. J. Means of Concord.

Pearson continued to conduct the law school at Richmond Hill into the final two years of his life. There

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<sup>48</sup>(Raleigh) Sentinel, December 28, 1870.

<sup>49</sup>Ibid.

is no evidence to verify the exact year the school actually closed its doors. Jerome Dowd wrote that T. H. Coble, for several years general counsel for the Carolina Central Railroad west of Charlotte, spent the year 1877 at the Pearson school, and that he obtained his license to practice in January, 1876.<sup>50</sup> Dowd also wrote that Benjamin F. Long (later compiler and publisher of Pearson's law lectures) entered Pearson's school in 1876, and obtained his license to practice in the following year.<sup>51</sup> Richard C. Puryear of Yadkin County entered the law school sometime in 1877 about one year before the Chief Justice's death. As far as is known at the present time Long, Coble, and Puryear were the last of a long line of students on the "Hill."

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<sup>50</sup>Jerome Dowd, Sketches of Prominent Living North Carolinians (Raleigh: Edwards & Broughton, 1885), p. 150.

<sup>51</sup>Ibid., p. 151.



### CHAPTER III

#### PEARSON'S METHODS OF TEACHING JURISPRUDENCE

From the time Pearson asked his first question "What is the law?" until after one, and generally two years, when he certified a student for graduation, there was only one compelling attraction at "The Hill". That was Pearson's phenomenal memory, his brilliantly precise and lucid mind, and his ability to bring jurisprudence to life and make it meaningful to his students. He was ardently in love with his work for which he had made thorough preparation, and to which he gave the best years of his life.<sup>1</sup> The law schools in North Carolina at this time were conducted with the same methods as those used in law-office teaching. Study in a law office was far more haphazard than it was systematic. The student picked up what law he could from being around a practicing attorney and reading his books. The studies were molded on much the same pattern in the private law schools, such as the one taught by Chief Justice Pearson. Learning law was more a practical matter than a theoretical one. The teachers, unless they were retired, continued to practice law as their prime purpose in life, teaching jurisprudence on the side to supplement their income.

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<sup>1</sup>W. D. Lewis, Great American Lawyers (Philadelphia: Winston, 1908), p. 233. Hereinafter cited as Lewis, Lawyers.

Pearson was well qualified to present the law to his pupils. He had had experience in actual practice and, though he had not had the highest type of training, he did know how to teach a young man the basic principles of jurisprudence and the way to begin and build a successful practice at the bar. So thoroughly had he mastered the principles of jurisprudence and so familiar was he with the writers of law of the time that he never during his lectures opened a book in the classroom, and his "Powerful memory retained every detail, even the side pages or margins where a given doctrine could be found."<sup>2</sup>

The most striking characteristics of Pearson were his courage, justice, and simplicity.<sup>3</sup> His love of justice was innate and all-controlling. He was a great law teacher and his exchange of thoughts and ideas with his pupils was such as to establish lasting ties between himself and those whom he instructed. As evidence of their affection for him, his former students erected a monument to his memory in Oakwood Cemetery, at Raleigh.<sup>4</sup> At that time about one-half of the seven hundred lawyers of the State had, at one time, been his pupils, and they "loved their old Chief as children love their father."<sup>5</sup>

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<sup>2</sup>Lewis, Lawyers, p. 234.

<sup>3</sup>Ibid.

<sup>4</sup>Dick, "Memorial Address," p. 8.

<sup>5</sup>Lewis, Lawyers, p. 235.



This is a tribute rarely paid to a teacher by his associates under such circumstances.<sup>6</sup> It is difficult to imagine a more trying position than that occupied by the Chief Justice at that time. Passion and prejudice had inflamed the public mind to such an extent that it was extremely difficult to secure a satisfactory adjustment of the many opposing interests that grew out of that unfortunate conflict.<sup>7</sup> Through it all he was idolized by his students and revered by the bar. He had his personal faults, but "not one that came near his heart."<sup>8</sup>

Year by year, for over forty years, there went forth from his home at Mocksville, and later from the quiet shades of Richmond Hill, a small body of men, thoroughly instructed in jurisprudence by the "finest teacher of law in the State," and who were prepared to take their stand in the front ranks of the legal profession. He was not a case-law teacher, but he regarded the law as a system and a science that afforded ample fluid for the exercise of the powers of reason. Jurisprudence was, he said, a "liberal science based upon general principles and correct reasoning."<sup>9</sup> On a new

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<sup>6</sup>See 65 N. C. "Appendix" for Pearson's defense of his rulings in the "Kirk-Holden War."

<sup>7</sup>Ibid.

<sup>8</sup>Brooks and Lefler, (eds.) Papers of Walter Clark, P. 555.

<sup>9</sup>Gaskill v. King, 34 N. C. 223.

question of law and one "not alluded to in the books," Pearson said, "it must be decided by the aid of legal analogies and the reason of the thing."<sup>10</sup> "It is not enough that a man is guilty; his guilt must be proved according to the law of the land before he can be punished," Pearson wrote on at least one occasion.<sup>11</sup> This is true and right he thought because "This principle is set out in the 'Declaration of Rights,' as a sacred guaranty [sic.] necessary for the protection of life and liberty."<sup>12</sup> His pupils scattered all over the State and the South, everywhere occupying positions of the greatest eminence, and they carried with them the impress of the great mind of the man at whose feet they sat when seeking the principles upon which was to be founded the practice of their profession.<sup>13</sup> At a meeting of the Bar, Judge McKay said:

He taught the young to reason and when once a conclusion was arrived at by the student, it was such a conclusion as satisfied the investigating mind in search of truth and did honor to the teacher who planned and led the young mind into and along the channel of patient thought and thorough investigation. . . .<sup>14</sup>

Pearson despised verbiage, surplusage, and sham. He

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<sup>10</sup>Howie v. Rea, 75 N. C. 240.

<sup>11</sup>State v. Andrew J. Jones, 67 N. C. 153-159.

<sup>12</sup>Ibid.

<sup>13</sup>(Raleigh) Observer, January 8, 1878.

<sup>14</sup>Ibid.



was impatient with efforts by lawyers or students to shine in oratory or accumulations of learning. Kemp P. Battle said, "I tried a flight of eloquence on him once. I saw his eyes begin to look deadly, and I fell to earth at once."<sup>15</sup> As an example of Pearson's quest for simplicity, and his cutting away the verbiage and irrelevencies in his decisions he wrote:

Interist reipublicae ut sit finis litium is a maxim in every system of law. In pleadings by the course of the common law, Lord Coke says: "Good matter must be pleaded in due form, apt time, and proper order." After judgment the question touching a gaming consideration was res adjudicata, and could not be again presented except on writ of error.<sup>16</sup>

Council S. Wooten states that he

. . . never saw him reading a law book. His figure was small, inclined to stoop in the sholders, with a well shaped head which was bent forward as he walked, as if in deep thought and with a black eye and as piercing as an eagle's. I at once thought of what I had read about the great emperor of the French, before the glance of whose eye no man could stand without quailing. He was plain in his dress and simple in his manners as an old farmer and was as kind hearted a man as I ever knew, never knew a more honest man.<sup>17</sup>

Wooten continued his praise of Pearson by saying:

. . . In writing his opinions his reasoning was clear and forcible, his language was plain, simple and strong, and was of the purest English. There was no effort at orna-

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<sup>15</sup>Battle, "History of the Supreme Court.", 103 N. C. 373.

<sup>16</sup>Ransour v. McClees, 64 N. C. 54.

<sup>17</sup>Council S. Wooten, "Richmond Mumford Pearson," (Charlotte?) Daily Observer, n.d. in the North Carolina Room, University of North Carolina.

mentation or display, but he used such words as would best express his meaning. He was like a man who went into the forest and pursued the straightest way to reach his end. He blazed his own way and trod not in beaten paths. He was a great logician and could take certain statement of facts, apply the law to them and by a process of reasoning arrive at a proper conclusion.<sup>18</sup>

Wooten, one of Pearson's former students, in 1905 described in detail his instructor's different methods of teaching. He wrote that in teaching law, Pearson adopted the methods of Socrates, Plato, and Aristotle, by asking the students questions. He did not give lessons, but he told his students what books they must read, and then about twice a week the students would come to his office and he would examine them upon what they had read by asking them questions. To Wooten, this seemed the true way to teach and it made a deep impression upon his mind; he even wondered why everyone did not adopt the Socratic method of teaching.<sup>19</sup> Wooten states that the Chief Justice once described his system of teaching as like manuring broadcast, while the other was like manuring in the hill.<sup>20</sup>

This description seemed very apt to Wooten and he goes on to say:

His office was at the bottom of a hill and before he

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<sup>18</sup>Wooten, "Richmond Mumford Pearson," (Charlotte?) Daily Observer, n.d.

<sup>19</sup>Wooten, "A Famous Old Time Law School," ii, 465.

<sup>20</sup>Ibid., p. 466.



would come in to lecture, he would walk around the hillside and break off a little twig from some favorite tree and come in chewing it and then he would take his seat and begin to ask questions. His lectures were about two hours in length. He had a regular system in his lectures for he would take up some subject and exhaust it, and when he concluded, the student was master of the subject. He taught his students how to think and reason.<sup>21</sup>

"I consider myself fortunate in having read law under him," Wooten said, and "He was the greatest teacher that ever lived on the earth, and I don't believe that there will ever be such another."<sup>22</sup>

Benjamin F. Long wrote that it was a maxim with Pearson "that training which would prepare one to meet any question, however suddenly arising," should be the objective of any teacher.<sup>23</sup> Long said that Pearson thought

. . . that it was not best for the student to pursue too analytically or consecutively page after page of Coke or Blackstone, but rather try to master, in its turn, each great subject of the law, --learning to look at it from various points of view, --so as to answer such questions as might be casually propounded by the instructor. . . .<sup>24</sup>

In this manner the student would become "better furnished for the conflicts of the forum, where questions of Law arise in

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<sup>21</sup>Wooten, "A Famous Law School," p. 266.

<sup>22</sup>Ibid.

<sup>23</sup>Benjamin F. Long, compiler, The Law Lectures of the Late Chief Justice Richmond M. Pearson (Raleigh: Edwards & Broughton & Company, 1879), "Preface," pp. 4-5. Hereinafter cited as Long, Pearson's Lectures.

<sup>24</sup>Ibid., p. 5.

no regular order."<sup>25</sup>

Judge Dick stated that Pearson had no strictly scientific arrangement or definite scholastic system of education, but communicated instruction by frequent examination on the texts, accompanied by familiar conversational lectures.<sup>26</sup> Pearson, according to Dick, was fond and proud of "his boys," and did not confine his instruction to the classroom, but would talk to them on legal subjects whenever an opportunity arose--at the table, on the paths in the woods as they went to a neighbor's house, at the fishing place on the river, or in the summer afternoons as they sat in the shades of the old oaks on the hill, or down by the spring.<sup>27</sup>

R. W. Winston in his comparison of Pearson and Leonard Henderson said that they both "would rather their students reasoned correctly, though they gave a wrong answer, than that they reasoned wrong and stumbled upon the right answer."<sup>28</sup> He was fond of meeting legal problems by homely comparisons and phrases. Sometimes his students received an extra treat

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<sup>25</sup>Ibid.

<sup>26</sup>Dick, "Memorial Address," p. 21.

<sup>27</sup>Ibid.

<sup>28</sup>R. W. Winston, "Presentation of Portrait of Chief Justice Leonard Henderson," in Joseph Lacy Seawell, Law Tales for Lawyers (Raleigh: Alfred Williams & Company, 1925), pp. 302-302. Hereinafter cited as Winston, "Presentation of a Portrait."



from his sense of humor. His wit consisted in unexpected application of legal language to non-legal subjects. Governor Caldwell said to him when they were both young, "Pearson, why did you let the Bishop confirm you? You know you are not a fit member of the church." "Well," Pearson supposedly answered, "when I was baptized, my sponsors stood security for me. I thought it dishonest to hold them bound for me, and I surrendered myself in discharge of my bail."<sup>29</sup> He would sometimes say, "You can't make an omelet without smashing an egg, nor clear a road through a forest without cutting down a tree."<sup>30</sup> He was not an idolator of other men's thought, and if he thought a precedent were wrong, or, if in the progress of events it had become an anachronism, he did not hesitate to overrule former decisions. In the December, 1856, term of court, Pearson said:

One excellence of the common law is, that it works itself pure, by drawing from the fountain of reason, so that if errors creep into it, upon reason, which more enlarged views and a higher state of enlightenment, growing out of the extension of commerce and other causes, proves to be fallacious, they may be worked out by subsequent decisions.<sup>31</sup>

Kemp P. Battle in his "Address on the History of the Supreme Court: stated that Pearson leaned toward mercy in

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<sup>29</sup>Battle, "History of the Supreme Court," 103 N. C. 373.

<sup>30</sup>Brooks and Lefler, (eds.), Papers of Walter Clark, p. 555.

<sup>31</sup>Shaw v. Moore, 49 N. C. 27.

his decisions and that he was "watchful for circumstances which could mitigate murder to manslaughter," and "which could make a case out of larceny rather than one of highway robbery."<sup>32</sup> In a burglary case, for instance, he spoke of a chimney which was low and easy of entrance, "A traveling dog or an enterprising old sow" might have easily entered the house, and therefore no one should be held guilty of burglary for entering.<sup>33</sup> In another case, he made a comparison between fellow men "as one rotten egg spoils an omelet"; so he thought the same rule applied to man.<sup>34</sup>

Pearson concerned himself primarily with the teaching of the practical points of common law and the state law of North Carolina rather than that of Constitutional law. He thought that this would be of greater benefit to his students in their profession. This one-sided emphasis of common law and neglect of federal law had several reasons behind it. His specialty was common law and equity. A choice text of his and possibly the one which he cited most often--and required the reading of by his students--was John Adams (1813?-1848), The Doctrine of Equity, an English work of great merit.

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<sup>32</sup>Battle, "History of the Supreme Court."

<sup>33</sup>State v. Willis, 52 N. C. 192.

<sup>34</sup>Palmer v. Giles 58 N. C. 89.



Twice reference has been made to Benjamin F. Long who was the compiler of the only published volume of Pearson's law lectures. The compiler's "Preface," written by him on June 1, 1879, over a year after Pearson's death is extremely interesting. Long wrote:

The plan which was pursued by the late distinguished Chief Justice Pearson in imparting instruction to students of the law was peculiar to himself, as will be remembered by all the numerous members of the bar of North Carolina who laid the foundation of their legal attainments under his tuition. No text-books were used at his recitations. By a few simple questions, so pointed as to reach the marrow of the subject at hand, he tested and drew out the student's knowledge; and any incompleteness in the answers by the students were sure to be tested by the stores of learning that poured forth from his own full mind. A long life devoted to the mastery of the science of law had made him at home in every branch of it; and every student will bear testimony to the closeness, the correctness, and the fidelity of his explanations and illustrations.<sup>35</sup>

Long further explained that the lectures were never in manuscript form but given from the fertile mind of Pearson without the presence of any notes. The lectures had been carefully preserved by student's notes from session to session as each lecture was distinct. The students soon discovered this, and the notes of former students were left and additions added to the master copy from time to time by each succeeding crop of students made it very complete. It was from this source and from his own careful notes that Long was able to prepare the law lectures and compile

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<sup>35</sup>Long, Pearson's Lectures, "Preface," p. 3.

them for interested students of Pearson's life. Long states that two distinct characteristics present themselves in these lectures. One was, their being in the form of question and answer, and the other, their apparent want of continuity.<sup>36</sup>

The lectures have been divided into five books. The first is entitled "Of the Rights which Relate to Things Real," and is further subdivided into sixteen lectures, The second book, "The Rights which Relate to Things Personal," contains four lectures. The third book, "The Rights which Relate to the Person," contains only one lecture, with supplementary notes on master and servant, and guardian and ward. The fourth book, "Practice of the Law in Civil Cases," contains eleven lectures; and the fifth book, "Doctrine of Equity," contains five lectures.<sup>37</sup> Thus, this compilation contains thirty-seven lectures.

In Pearson's legal thought, common law was the first thing and from this center there radiated outward in concentric circles, as may be aptly illustrated by the state constitution, the state statutes, then the federal constitution, and finally, the federal statutes. It is only necessary to read Pearson's judicial opinions to discern what his generation thought about the relationship of the

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<sup>36</sup>Long, Pearson's Lectures, "Preface," p. 4.

<sup>37</sup>Ibid., "Contents," pp. 7-8.



individual to the State, and of the states to the nation; about the role of government, and about the character of the law itself. His teaching reflected his legal philosophy in much the same way. Pearson's lectures as compiled by Long show that along with the answers to the questions, simple explanations are many times attached. This device would clothe the answers with reason, making comprehension of them much less difficult for the immature student.

Soon after David Schenck's arrival at Pearson's school, he commenced a general review of his county court course, aided by his reference to "copious" notes on Pearson's lectures.<sup>38</sup> When he attended his first lecture he thought that it was "a novel and interesting spectacle" to see the young gentlemen sitting at the feet of "this great legal genius to learn wisdom and hear the teachings in this complicated science."<sup>39</sup> He went on to say that

The judges plan, is to lecture in a familiar conversational tone and to elicit the students knowledge by questions and remarks--Everything is simplified and brought clearly to the understanding. The scene reminded me much of what I have read of the schools of Socrates, of Plato and other philosophers, nor do I think they were more learned in their sciences than our venerable teacher.<sup>40</sup>

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<sup>38</sup>Schenck, "Journal," September 5, 1856.

<sup>39</sup>Ibid.

<sup>40</sup>Ibid.

On October 3, 1856, Schenck wrote that he had learned "a vast deal." He was highly delighted with Pearson's mode of teaching, and had already profited "greatly" from it.<sup>41</sup> He attended three lectures each week: two on county court and one of superior court.

As to the texts available to Pearson's students, they were surveyed and catalogued in August, 1868, by "L [aura] G. P[earson] and R[ichmond] M. P[earson] and the number of them was '274.'"<sup>42</sup> Included were the following titles:

Story's Equity, Story's Commentaries (1 vol.) Starkie on Evidence, Iredell's Digest, Smith's leading Cases, Battle's Digest, Catalogue of State Library, Laws of N. C. 1855-59, Laws of N. C. 1866-67, Eng[lish] C[ommon] Law Reports (57 volumes shown), Bacon's Abridgement, Iredell on Executors, Cunningham's Law Dictionary, Blackstone (1 volume).<sup>43</sup>

These were generally left openly accessible to the students while he was away from Richmond Hill. He had furnished books at Mocksville and it is very probable that he continued this policy at Richmond Hill. Some of his favorite texts were:

Blackstone, Cooe, Fearne on Remainders and Sanderson on Uses and Trusts . . . He required his students to read them. . . for he regarded them as the most accurate and greatest of law writers. . . .<sup>44</sup>

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<sup>41</sup>Ibid.

<sup>42</sup>Catalogue in the R. M. Pearson Papers.

<sup>43</sup>Ibid.

<sup>44</sup>Wooten, "Richmond Mumford Pearson," (Charlotte?) Daily Observer, n.d.



CHAPTER IV

INFLUENCE OF THE LAW SCHOOL ON  
NORTH CAROLINA JURISPRUDENCE

Richmond Hill Law School left its imprint upon the character of a people already rich with the lives of great men. North Carolina is proud of her soldiers, her statesmen, and her orators, but her proudest possession is her courts of justice, and the dignity, the wisdom, and the impartiality with which her judges and lawyers administer justice among men. After a thorough and careful analysis of historical facts, the writer is persuaded that Chief Justice Pearson was one of the master spirits in the foundation and development of these institutions. He brought to the study of jurisprudence the energy of a toiler, the investigation of a scientist, and the enthusiasm of a devotee.<sup>1</sup> With him the law was neither a trade, nor a business, nor an avenue to wealth. Instead it was a solemn and dignified profession attended with vast responsibilities and affording unlimited opportunities for good.<sup>2</sup>

Names that brighten the pages of North Carolina jurisprudence are to be found on the roll of students who

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<sup>1</sup>Lewis, Lawyers, pp. 235-236.

<sup>2</sup>Ibid.

attended the famous law school of Chief Justice Richmond Mumford Pearson at Mocksville and later at Richmond Hill.<sup>3</sup> During the middle and final years of the nineteenth century, these men represented the cream of the North Carolina bench and bar. Products of this school were men, who in their day-to-day practice of law, gave the North Carolina bench and bar a luster which, in a very real sense, reflected the personality of this exceptionally talented man. The collective impact of his students on North Carolina's development in the last half of the nineteenth century shows why the Richmond Hill Law School deserves to be rated as one of the important schools of the ante-bellum South.

The Chief Justice never turned a student from his school for lack of means.<sup>4</sup> He trusted the honor and ability of such a student to pay him in the future, and if he failed to do so, Pearson "quietly endured the loss."<sup>5</sup> Through such unselfish acts, as well as by the teachings of his powerful intellect, he gained through his students such as influence "as has never been exercised" on the state of North Carolina "before or since by any Judge over the bench and bar of this State."<sup>6</sup> Although he never turned students away from his

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<sup>3</sup>Battle, "History of the Supreme Court."

<sup>4</sup>"Appendix," 112 N. C. 657.

<sup>5</sup>Ibid.      <sup>6</sup>Ibid.



door for lack of funds, other factors limited the number of students. Francis D. Koonce, writing to Thomas Ruffin, said that he had been studying under Pearson for one session but that he could not find board and lodging for the next term.<sup>7</sup> Mrs. Pearson apparently exercised some degree of influence upon her husband in his selection of qualified students. While visiting her uncle, Nicholas L. Williams, Mary Pearson wrote her husband:

. . . I left this morning for home; just before leaving Mrs. French asked me to board her son who wishes to come here and read law; I refused repeatedly; . . . I hope you will say no! emphatically!! I don't like his looks; think he disepates; I don't wish to be trubled with boarders . . . .<sup>8</sup>

It may be said truthfully that from this institution graduated some of the most distinguished jurists and lawyers of the State's history. A few of them later occupied the highest positions on the bench and at the bar. These men compare favorably with the later generation of lawyers, who have been educated to the profession under more modern ideas of legal education. Judge Dick attested to the fact that Pearson's law school was "very prosperous."<sup>9</sup> He stated that he had heard Pearson say that he had instructed more than a

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<sup>7</sup>Hamilton, Papers of Thomas Ruffin, III, pp. 41-42.

<sup>8</sup>Mary Pearson to Richmond M. Pearson, March 17, 1860, in R. M. Pearson Papers.

<sup>9</sup>Dick, "Memorial Address," p. 20.

thousand law students who were scattered throughout the state and nation.<sup>10</sup> Council S. Wooten, previously mentioned as having been one of Pearson's students, wrote that "Judge John Kerr was his first law student. He was for years the leader of the Whig party, was candidate for governor," and he (Kerr) was "one of the most brilliant orators in the State." Wooten also wrote that Honorable Jacob Thompson, of Mississippi, Secretary of the Interior in President Buchanan's Cabinet, read law under the Chief Justice.<sup>11</sup> Governor John W. Ellis, of North Carolina, was one of his students.<sup>12</sup> James Hobson, another student, married Sallie, one of Pearson's daughters, and their son, Richmond Pearson Hobson, became a naval hero in the Spanish-American War, when in 1898, he sank the ship Merrimac in a futile attempt to block the harbor in Santiago, Cuba.<sup>13</sup> Daniel G. Fowle, another student, married another one of Pearson's daughters, Ellen Brent, and was later governor of the state.<sup>14</sup>

A congressman from the state, Joseph J. Martin,

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<sup>10</sup>Dick, "Memorial Address," p. 20.

<sup>11</sup>Wooten, "A Famous Law School," pp. 465-466.

<sup>12</sup>Ibid., p. 466.

<sup>13</sup>Blackwell P. Robinson, editor, The North Carolina Guide (Chapel Hill: The University of North Carolina Press, n.d.) p. 517.

<sup>14</sup>Dowd, Sketches, pp. 35-36.

<sup>15</sup>Biographical Directory of the American Congress, 1774-1949 (United States Government Printing Office, 1950), p. 1025.



studied under Pearson in 1857.<sup>15</sup> Another congressman from the state, W. H. H. Cowles, studied at Richmond Hill in 1866.<sup>16</sup> A third student who became a congressman was John Steele Henderson, who was also on the North Carolina Code Commission in 1881.<sup>17</sup>

A reporter of the state Supreme Court and Attorney General of the State, Tayewell L. Hargrove, was Pearson's student;<sup>18</sup> so was Philo Henderson, a gifted poet and journalist, who wrote the poem "The Flower of Catawba."<sup>19</sup> The number of Pearson's students who became justices of the Supreme Court of North Carolina is remarkable, and can be considered as a commentary of high praise for their renowned instructor.

Robert P. Dick, who is quoted within the course of this paper, studied under Pearson and later sat with him on the Supreme Court bench from 1868 until 1872. Thomas Settle, another student, sat with Pearson on the Supreme Court from 1868 until 1871, and in 1872, he was President of the National Republican Convention at Philadelphia--the only Southern Republican ever to receive this honor. He was

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<sup>16</sup>Schenck, "Journal," October 25, 1880.

<sup>17</sup>Wooten, "A Famous Law School," p. 466.

<sup>18</sup>Samuel A. Court Ashe, editor-in-chief, Biographical History of North Carolina, 8 volumes (Greensboro: Charles L. Van Noppen, 1905-1917), I, 300-308. Hereinafter cited as Ashe, Biog. Hist.

<sup>19</sup>Archibald Henderson, author and editor, North Carolina, The Old North State and the New, 5 volumes (Chicago: The Lewis Publishing Company, 1941), II, 696.

again on the Supreme Court bench with Pearson (in succession to Judge R. P. Dick) from 1872 until 1876. William Preston Bynum (1820-1909), a first-honor graduate of Davidson College, read law with Judge Pearson, and in 1873, went to the Supreme Court to sit with his old teacher.<sup>20</sup> Alphonso Calhoun Avery, a University of North Carolina graduate, who stood first in his class of 1857, read law under Pearson and later became a superior court judge and an associate justice of the Supreme Court from 1889 until 1897.<sup>21</sup> Avery's length of service on this high tribunal thus came after the death of Pearson. David M. Furches of Davie County studied law under Pearson and was elected a superior court judge, and in 1894 he became a judge of the Supreme Court. He followed his teacher into the Chief-justiceship, in which capacity he served from 1901 until 1903. William Alexander Hoke, another student, was associate justice and chief justice of the Supreme Court for twenty years, from 1905 until 1925.<sup>22</sup> Thus it can be seen that Pearson sat on the bench as chief justice with two of his former students, Dick and Settle. Later he again sat with two others, Settle and Bynum. After

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<sup>20</sup>Ashe, Biog. Hist., II, 33-41, passim.

<sup>21</sup>Ibid., VII, 18-25, passim.

<sup>22</sup>William Alexander Hoke's notebook, "County Court Lectures of Chief Justice Pearson," is in the William Alexander Hoke Papers, The Southern Historical Collection, University of North Carolina.



his death, four others, Avery, Furches, Faircloth, and Hoke (Furches and Hoke in time became chief justices) sat on the Supreme Court bench.

There were other students who became famous and successful later in life. David Schenck, whose "Journal" gave this researcher an insight into Pearson's law school, was a highly successful lawyer and superior court judge. Thomas C. Fuller, once the youngest member of the Confederate Congress, was one of Pearson's students and, when Pearson apprehended that he might be impeached in 1870, he retained Fuller to defend him if it became necessary.<sup>23</sup> Rufus Barringer, another student, was a strong advocate of railroad construction in the Piedmont section of North Carolina and a prime factor in the incorporation of the North Carolina Railroad Company.<sup>24</sup> John M. Clement, his son, Lewis H. Clement, and his son-in-law, Ephraim L. Gaither, were three successful lawyers who were prepared under Pearson.<sup>25</sup> Louis H. Clement became president of the North Carolina Bar Association in 1908.<sup>26</sup>

Richard C. Puryear, son of ex-congressman R. C.

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<sup>23</sup>Ashe, Biog. Hist., I, 277-286, passim.

<sup>24</sup>Ibid., VIII, 98-101, passim.

<sup>25</sup>The North Carolina Journal of Law (Published at the University of North Carolina, October, 1905, II, 465.

<sup>26</sup>Ibid.

Purveyor of Huntsville, one of Yadkin County's most beloved citizens and lawyers, graduated from Richmond Hill Law School, and opened a law office in Yadkinville in 1878.<sup>27</sup> The number of students who became members of the General Assembly runs into the hundreds. This is by no means a complete list of the alumni of the Richmond Hill Law School, but from it, one can see that a number of judges and several of the most prominent lawyers of the State were at one time his students. This list of students can never be complete because no record exists that gives a complete roll-call of the men who attended this famous institution.<sup>28</sup> This partial list does show, however, that the influence of the late Chief Justice Pearson did not end with his death, but continued on in the achievements of "his boys" who had received their legal training on the "Hill."

It is known that his students were numerous, and as a result of their training, they largely shaped the destiny of North Carolina jurisprudence during the last half of the nineteenth century. Associate Justice Michael Schenck of the Supreme Court on North Carolina, whose father, Judge David Schenck, read law at this school, in a letter dated

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<sup>27</sup>Yadkin County Record Book, 1939 (Yadkinville: James Williams Printing Co., 1939), p. 5.

<sup>28</sup> See Appendix for a list of all the known students.



June 14, 1939, states:

I do not know where anything like a complete list of those who read law at Richmond Hill could be obtained, but practically all of the lawyers of note in North Carolina, who were licensed in the 40's and 50's, and I think possibly the 60's read law at Richmond Hill.<sup>28</sup>

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<sup>29</sup>Yadkin County Record Book, 1939 (Yadkinville: James Williams Printing Co., 1939), p. 19.

## CHAPTER V

### RICHMOND HILL AFTER PEARSON'S DEATH

Traveling west on highway 67, about six miles from East Bend, North Carolina, one will sight a state historical site marker on the right at Wiseman's Cross Roads in Yadkin County.<sup>1</sup> This marker points out the general direction of Richmond Hill. To reach the old Law School, it is necessary to walk about a mile down a small foot-path. There in a clearing, surrounded by honeysuckle, briars, and weeds stands what little remains of the Richmond Hill Law School. The two-and-a-half story house still stands today over a century after Paton Corum laid the stout brick walls for the Chief Justice. The interior of the building shows the effects of time and the elements. The numerous student's cottages, and other buildings have decayed and fallen, but if the traveller inspects the grounds, he can find the tell-tale signs of where they once stood. Part of one wall is still standing where the ice house used to be. Nothing can be found, however, of the covered walkway that connected the kitchen with the main structure. If the traveller inspects the ceilings of the old structure, he will find a crack that resulted from the Charleston earthquake in 1892. The spring,

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<sup>1</sup>See the Appendix for a picture of the marker.



located about fifty yards from the house, is filled up with leaves and other trash. It used to be rock lined and furnished the house-hold with drinking water, as well as water to do the laundry. Besides this, it was a favorite gathering place for the students to read and to listen to lectures given by the Chief Justice. Today there is little evidence left of the landscaped terraces that used to be the flower garden. Margaret, Pearson's first wife, liked flowers and her flower garden consisted of a plot of land containing an estimated two to three acres. The gardner, who looked after the flowers, lived about five hundred yards up the trail and traces of his log cabin can still be located if one looks long and hard enough.

During the 1930's a movement was started to restore this landmark of Yadkin County history. Leaders of this movement such as Adelaide L. Fries, Earl Norman, and others, working with the North Carolina Society for the Preservation of Antiquities, were forced to abandon the project during World War II. The promised state road to the site was also abandoned because of lack of funds at the time.<sup>2</sup>

The main house and thirteen acres of land had been donated to the society by the Yokely family of Mount Airy, North Carolina. The deed to the house, thirteen acres of land and the right of way to the house was signed by J. F.

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<sup>2</sup>Interview with Earl Norman, January 12, 1963.

Yokley and Sallie Yokley, his wife; Olt H. Yokley; J. B. Yokley and Dorothy Yokley, his wife; R. A. George and Mathie Yokley George, his wife; Sadie Yokley Payne and Alma Yokley. After the project of restoring this outstanding historic spot in Yadkin County was temporarily abandoned, Mr. Earl Morman received a check from the society for \$100 to have the roof repaired and the windows boarded up. Otis Davis of the East Bend community, along with the writer's father, Pride E. Wooten, made the necessary repairs just before World War II. Today Bingham Land Investment Company of Lewisville, North Carolina, owns the largest part of "Pearson Woods,"<sup>3</sup> a track of timber land consisting of three hundred and nine acres.

At Richmond Hill, Pearson maintained a seat of learning that was the preeminent authority on legal matters of its day. Today the house is in a bad state of decay and there is no longer a beaten path to its door. In fact, there is hardly any path leading to it at all. This is deplorable, because in the estimation of this researcher, Richmond M. Pearson was the most influential man ever produced by the Northwest section of North Carolina. It is also true that he was possibly the most controversial man this section of the state ever knew. Now that more than eighty years have

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<sup>3</sup>Interviews with James Albert Hutchens, January 13, 1963, and with Irma Matthews, January 12, 1963.



elapsed since his death, it is still fitting and proper that he be recognized for his outstanding contributions of which the state of North Carolina can be proud.

North Carolina, according to Attorney General Frank I. Osborne in his formal presentation of the portrait of Chief Justice Pearson, on behalf of the Pearson family, to the Supreme Court of North Carolina, on March 15, 1893,

must depend for her intellectual eminence upon her great jurists, her Ruffins and her Pearsons, and these two-- the one, by common consent, her great expounder of equity, the other the grandest common law lawyer of the land-- have sustained her prominence not only among her sister states, but carried it across the sea and firmly fixed it in the birthplace of English law. It is impossible to think of either one of these great Judges without thinking of his great rival. The difference between their intellects has been best described by Justice Reade: "If Ruffin had more scope, Pearson had more point; if Ruffin had more learning, Pearson had more accuracy; if Ruffin was larger, Pearson was finer; both were great."

Permit me to add one more word to this distinction: Pearson was more original. . . .<sup>4</sup>

It is difficult to evaluate the total influence of the Richmond Hill Law School upon North Carolina jurisprudence. There were over one thousand men who received their legal training in this famous law school and where does this influence end? Some of his students set up their own law schools later in life. One of the most prominent was the "Dick and Dillard Law School" set up in Greensboro, North Carolina and operated by R. P. Dick and J. H. Dillard.

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<sup>4</sup>"Appendix," 112 N. C.

Kemp P. Battle, in an address eleven years after Pearson's death, declared that he was "wonderfully genial and kind, especially to young men," and that this trait made him idolized by his law students.<sup>5</sup> Proof of this, Battle continued, "lies in the fact that his students spread abroad his fame as a law teacher," and also in the monument erected to his memory in Oakwood Cemetary in Raleigh, North Carolina, by his former students.

In 1924, "the very interesting old library" of Pearson was given to the University of North Carolina Law Library by Mrs. Richmond Pearson, wife of the Chief Justice's son, in memory of her husband and his father.<sup>6</sup> The seven hundred books

consisted of a whole set of original editions of the North Carolina Supreme Court Reports, texts, and old codes published in the state. Some of the most prized items were the folio volumes of English law books. This was a typical North Carolina lawyer's library of his day, but more important, it had belonged to one of the first law schools of the state. . . .<sup>7</sup>

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<sup>5</sup>Battle, "History of the Supreme Court," 103 N. C. 373.

<sup>6</sup>Ashe, Biog. Hist., VIII, 162-166, passim.

<sup>7</sup>Ashe, History of North Carolina, p. 104.



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UNIVERSITY OF MICHIGAN

BIBLIOGRAPHY



## BIBLIOGRAPHY

### I. PRIMARY SOURCES:

#### A. Manuscripts

Ann Gales Root Papers, 1863-1872. Southern Historical Collection, University of North Carolina.

Battle Family Papers, 1765-1955. Southern Historical Collection, University of North Carolina.

David Schenck Journal. Southern Historical Collection, University of North Carolina.

Richmond Mumford Pearson Papers. Southern Historical Collection, University of North Carolina.

William Alexander Hoke Papers, 1750-1925. Southern Historical Collection, University of North Carolina.

#### B. Published Correspondence and other papers

Brooks, Aubry Lee, and Lefler, Hugh Talmage, (eds.), The Papers of Walter Clark, 5 volumes. Chapel Hill: The University of North Carolina Press, 1948.

Hamilton, Joseph Gregoire de Roulhac, editor, The Papers of Thomas Ruffin, 4 volumes. Raleigh: North Carolina Historical Commission, 1918.

#### C. Public or Official Documents

North Carolina, House Journal, 1836-1837; and 1848-1849.

North Carolina, Senate Journal, 1836-1837; and 1848-1849.

Private Acts of the General Assembly of the State of North Carolina, at the session of 1832-1833.

Reports of the Supreme Court of North Carolina, 1847-1889.

#### D. Newspapers and Periodicals



Charlotte Daily Observer, n.d.

North Carolina Journal of Law 2 volumes, Chapel Hill, 1904-1905.

Raleigh Observer, 1878.

Raleigh Sentinel, 1870.

#### E. Pamphlets

Dick, Robert P., "Memorial Address on the Life and Character of Richmond Mumford Pearson," delivered at Raleigh, North Carolina, June 8, 1881. Raleigh: Pearson Mumford Association, 1881.

#### F. Physical Remains

Pearson House, in Fall Creek Community, Yadkin County, North Carolina.

Pearson Law Library, University of North Carolina Law School, Chapel Hill, North Carolina.

Pearson Family Graveyard, Richmond Hill, North Carolina.

Pearson's monument and grave in Oakwood Cemetery, Raleigh, North Carolina.

Pearson's Piano in Wachovia Museum, Winston-Salem, North Carolina.

#### G. Published Literary Remains

Pearson, Richmond Mumford, Law Lectures, Benjamin F. Long, compiler. Raleigh: Edwards, Broughton & Company, 1879.

## II. SECONDARY SOURCES:

#### A. General Works

Ashe, Samuel A'Court, editor-in-chief, Biographical History of North Carolina, 8 volumes. Greensboro: Charles L. Van Noppen, 1905-1917.

Ashe, Samuel A'Court, History of North Carolina, 2 volumes, Raleigh: Edwards & Broughton, 1925.

Battle, Kemp Plummer, "Address on the History of the Supreme Court." February 4, 1889. 103 N. C., pp. 338-339.

Biographical Directory of the American Congress, 1774-1949. Washington: United States Government Printing Office, 1950.

Hamilton, Joseph Gregoire de Roulhac, "Richmond Mumford Pearson." Dictionary of American Biography, 21 volumes. Edited by Allen Johnson and Dumas Malone. New York: Charles Scribner's Sons, 1928-1944, XIV, 360-361.

Henderson, Archibald, author and editor, The Old North State and the New, 5 volumes. Chicago: Lewis Publishing Company, 1941.

Robinson, Blackwell P., editor. The North Carolina Guide. Chapel Hill: University of North Carolina Press, 1955.

Western North Carolina, Historical and Biographical. Charlotte: A. D. Smith & Co., 1890.

Winston, R. W., "Presentation of Portrait of Chief Justice Leonard Henderson," in Joseph Lacy Sewell, Law Tales for Lawyers Raleigh: Alfred Williams and Company, 1925.

Wheeler, John H. Historical Sketches of North Carolina. 2 volumes, Philadelphia: Lippincott, Grambo and Company, 1881.

Ya  
Yadkin County Record Book, 1939. Yadkinville: James Williams Printing Co., 1939.

#### B. Special Studies and Biographies

Dowd, Jerome. Sketches of Prominent Living North Carolinians. Raleigh: Edwards & Broughton, 1888.

Hutchens, James Albert. The Chief Justiceship and Public Career of Richmond M. Pearson. Unpublished Master's Thesis. University of North Carolina, 1960.

Lewis, W. D. Great American Lawyers. Philadelphia: Winston, 1908.



Wettach, Robert H., editor. A Century of Legal Education. Chapel Hill: University of North Carolina Press, 1947.

APPENDIX



## APPENDIX A

### ALUMNI OF RICHMOND HILL LAW SCHOOL

Alphonso Calhoun Avery  
T. B. Baily  
W. H. Baily  
Rufus Barringer  
John Gray Bynum  
William Preston Bynum  
J. M. Clement  
L. H. Clement  
Theodore H. Cobb  
W. H. H. Cowles  
Kerr Craige  
Robert P. Dick  
John W. Ellis  
W. T. Faircloth  
Daniel G. Gowle  
John J. Fowler  
Thomas C. Fuller  
David Furches  
E. L. Gaither  
Tazewell L. Hargrove  
C. L. Heitman  
John Steele Henderson  
Philo Henderson  
James Hobson  
Thomas D. Johnson  
William Johnston  
Andrew Joyner  
Thomas S. Kenan  
John Kerr  
K. Kyle  
Francis P. Koonce  
A. J. Loftin  
Benjamin F. Long  
M. E. Manly  
Joseph J. Martin  
W. J. Means  
W. J. Montgomery  
James Turner Morehead  
A. M. Morning  
Richmond Pearson  
Richard C. Puryear  
Edwin G. Reade  
David Reid

W. P. Rodman  
Alfred M. Scales  
Jurrius I. Scales  
David Schenck  
Thomas Settle  
A. K. Simonton  
Garland Smith  
Jacob Thompson  
Council S. Wooten

Class of 1871

Lewis W. Barringer  
J. B. Bryan  
Rufus Bynum  
J. F. Dortch  
William B. Glenn  
Robert T. Gray  
William A. Hoke  
John F. Laudon  
Alex Malloy  
Murray F. Smith  
Sam B. Spruill  
George E. Wilson  
J. D. Winston



APPENDIX B.

PHOTOGRAPHS

BY SAMUEL R. WOOTEN



A picture of Richmond Mumford Pearson which hangs in the Yadkin County Courthouse at Yadkinville, North Carolina, taken on July 13, 1963.



A picture of the North Carolina historical site marker indicating the general location of Richmond Hill Law School, taken February 13, 1963.



The front entrance of the main structure of Richmond Hill Law School, taken on February 13, 1963.





The decayed dining room of the main structure,  
taken on February 13, 1963.

