

LIFE AND CHARACTER OF HON. WM. GASTON.

A EULOGY,

DELIVERED BY APPOINTMENT OF

THE OFFICERS AND MEMBERS

OF

THE FAYETTEVILLE BAR,

On Monday, November 11, 1844.

BY HON. ROBERT STRANGE, LL. D.

PUBLISHED BY REQUEST.

FAYETTEVILLE:

PRINTED BY EDWARD J. HALE.

1844.



Digitized by the Internet Archive
in 2012 with funding from
University of North Carolina at Chapel Hill

FAYETTEVILLE, NOVEMBER 15, 1844.

At a meeting of the Officers and Members of the Fayetteville Bar,
Judge BAILEY presiding,

On motion by Mr. TOOMER,

Mr. WRIGHT, Mr. REID, and Mr. W. WINSLOW, were appointed a Committee to convey to the Hon. ROBERT STRANGE the acknowledgments of his professional brethren for the able and eloquent Eulogy of the Life and Character of WILLIAM GASTON, delivered by him, at their request, and to solicit a copy of the same for publication.

E U L O G Y.



I come to praise, and not to bury. The latter hath been long since done—and corruption hath already asserted her irresistible claim. To die is the lot of all men, and no one is denied his share in the inheritance of the grave. But to be praised after death is the property of a few, and a price must be paid to obtain an interest therein. Men give not praises for nothing, either to the living or to the dead. The consciousness of every man that he hath but a short time to live, makes him covetous of a place in the memory of his fellow men, that he may continue to live there, when he shall have ceased to be among them in the activity of life. Among the ancient Egyptians, men sought by the skill of the embalmer to perpetuate their personal identity, after the immortal spirit had ceased to animate the body. To the same end, other clumsy expedients have been from time to time adopted; and some with one price, and some with another, have endeavored to ransom themselves from the oblivion belonging to the grave. But Posterity, if not very liberal in her dealings with the departed, is yet very just, and will surely give to every one exactly what he has purchased. If he have laid out his money in the drugs and implements of the

embalmer's art, Posterity will look with wonder on relics of mortality, that have contrived to preserve for themselves some general resemblance to living humanity, after ages have rolled over them. It will desire to read the Hieroglyphicks written on the cerecloth, and to decypher the name of this juggler with Death. If he have erected a Pyramid, to be for his body an eternal home, Posterity will give to that Pyramid the tribute of its wondering gaze, and will perform pilgrimages to examine, and write volumes to explain, its size, its construction, the date of its beginning, and its purpose. But the Pyramid will probably, like the shell of the tortoise, be more esteemed than its contents. If his deeds of beneficence have left something behind of which Posterity is daily taking benefit—Posterity will remember, as she takes the benefit, the name of her benefactor. And if his life have been a volume whose illuminated pages furnish bright examples for mankind, "every day i' the hour Posterity will turn the leaf to read it," and think with gratitude of the gifted author. And such a volume was the life of WILLIAM GASTON! It is because we have read this volume, that we, my brethren, among the first and tiniest waves that shall roll in the ever moving Ocean of Posterity, are permitted to murmur out our gratitude, and lift up our heads in joy, that he once lived; and to sink them in sorrow, that he is no more.

Whatever restraints delicacy may impose among the living, no one is so stern as to condemn the child who lavishes upon the remains of a deceased parent

every mark of kindness, and commemorates with ardent gratitude his many virtues. And who but a few short months since was the acknowledged Father of the North Carolina Bar? The memory of each of us answers the question. And I say with honest pride, and a gush of correspondent affection, that among no class of men are the ties of professional relationship more warmly felt, or more scrupulously acted upon, than among the Bar of North Carolina. It is a worthy and kind hearted family, in which a lively common sympathy prevails—where the most candid acknowledgments of superior worth are ever accorded—where right is most heartily commended, and compassion is ever alive for error—where the hand of kindness is extended to raise up the fallen, and the mantle of Charity unostentatiously cast over the faults of frailty. Can such a family suffer the loss of such a head without dropping a tear? or withhold from his memory the tribute of its praises? That portion of it constituting the Officers and Members of the Fayetteville Bar, in a kindness to me that I have so often gratefully experienced, hath selected me, on the present melancholy occasion, as the organ of its utterance—and I esteem it not a task, but a holy and filial duty.

It was my fate to be among the few of Judge Gaston's professional family who had an opportunity of seeing him near the moment of his decease, and deeply did I feel, while gazing on his yet warm remains, the force of the inspired exclamation, "Lord, what is man, that thou art mindful of him! Or the

son of man, that thou visitest him?" If personal consequence was associated with the name of any man in North Carolina, it was with that of William Gaston. If any might call with "voice potential" upon all human assistance to procrastinate the day of doom, it was William Gaston. If any would be so missed from the organization of society as to suspend by his absence even for a moment its action, it was William Gaston. If nature—kind nature—might be supposed at all to sympathize in his last great agony with any man, it was with William Gaston. If any great moral convulsion might be looked for in connexion with his Death, it was with that of William Gaston. But there he lay more powerless than the new born infant—and those lips whose accents had enchained Senates and added years to the existence of many other men, were breathlessly mute. I found him alone with the ministers of the grave, who were silently decking him in that simple apparel in which he is taking the long sleep of Death. Earthly hope had deserted him, and with her those who had assisted him in his brief strife with Death—and yet I knew by the hum of human voices in the distance, that society was as busy with the hopes—the desires—the passions—the pleasures—the distresses of this earthly existence,—as though William Gaston lived. And the moonbeam that had lighted my path, and the night wind that, struggling in at the casement, was agitating the thin gray locks upon his forehead, told me that nature was in quiet. And the stillness amid which was heard even the ticking of a watch, and the melancholy compo-

sure with which my companions looked upon the scene, assured me that no great moral convulsion was impending—and I was oppressed with a sense of this world's nothingness—and full of thoughts too deep for utterance. That morning I had seen him enter the capitol of the State, (not in his wonted health to be sure, but still he was himself)—the instructive, the cheerful companion—the just, the benevolent man—the wise, the learned Judge—the great moral machine performing all its functions in the same beautiful order and propriety that had been its wont—his memory as rich as ever in its judicial treasures, and his judgment dealing them out with its accustomed accuracy. And now, to see where all this had so lately been—dead, blank clay! It was enough to bewilder reason, and make her reject the evidence of the senses. But reason had long since known that “to this complexion all must come at last,” and yet the sad reality had well nigh “frighted her from her propriety.”

Those to whom Judge Gaston was bound by the ties of blood, were far, far away,—cherishing for him hopes of many more years of life and honor and usefulness, and confidently believing him as happy and prosperous and well, as in their own fond hearts they wished him. Doubtless they think, now that it is past, that there would have been a melancholy satisfaction in performing for him many nameless acts of tenderness, and in giving and receiving tokens of affection, which the approach of Death would have suggested. But such regrets are probably founded

on a misconception of the true state of the case. Judge Gaston was one of those to whom the midnight cry, "Behold the bridegroom cometh, go ye out to meet him," would bring neither surprise nor terror;--- but there is reason to think, that although his mind was deeply embued with a sense of the uncertainty of human life, and was even impressed with a conviction that his own remaining span was probably short, yet that but a little while preceding his dissolution, the assurances of his physician as to the nature of his disease had freed him from all immediate apprehension, and that the death struggle came upon him almost as unlooked for as upon the late lamented victims on board the Princeton. For he was conversing with his wonted cheerfulness with his friend the Chief Justice, (who sincerely loved him, and most affectionately waited upon his last hours,) when a change being seen in his countenance, he was asked "if he would take something to refresh him." "I will take any thing," was his expressive reply—and in another moment he was still forever. He had then none of those tedious and hard wrestlings with the great enemy, in which the encouragements, the counsel, the consolations, of friends, are so eminently needed. But so far as these could have served he had them—not from kindred after the flesh it is true—but from those who had borne with him the heat and burden of life's weary day, and amid the labors and struggles of that day had become well acquainted with all his necessities. I too had occasionally met Judge Gaston in the great field of life, and in speaking of him, in part

I speak what I do know. I have seen him at the Bar—on the Bench---in our State Legislature, and in the social circle; and it is no disparagement to others to say, that in none of those various departments have I met his superior. He was an able and eloquent advocate—a sagacious and learned judge—a most discreet and intelligent legislator—a ripe scholar—charming and brilliant in his powers of conversation, in which wisdom and learning were seasoned with wit and anecdote. His benevolence even attracted children around him, and condescended to enter into their childish griefs, pleasures, and business. He was courteous to every one, although a diffidence conspicuous in every thing he did, gave him often to the stranger an appearance of distant and haughty reserve. He was in short an ornament to our profession—the admiration and model of all its members. But his star has set in the dark valley of the shadow of Death; and we have met to speak mournfully our gratitude for its past glory—to admire its light yet lingering in the horizon, and to breathe out our hopes, that it will rise again to shine in the firmament forever and forever.

The dead cannot be benefited by any thing done in their commemoration, but survivors may gather from the grave most useful treasures, as they bend over it in sorrow for a decaying tenant. A judicious dispensation of praise, even to the living, is often eminently useful, not so much to the subject of that praise as to those who bestow and those who hear it. I believe no civilized people under the sun is so spar-

ing of praise, either to the dead or to the living, as the people of North Carolina. We are so accustomed to see every one around us quietly and steadily walking in the path of duty, according to his ability; and our minds are so generally imbued with the Gospel truth, that after all, the most highly gifted and virtuous are but unprofitable servants, that real merit excites in us no surprize; and there is a vein of homely wisdom running through our scattered population, which, in connexion with its sparseness, forbids the excitement by which intellectual mountebanks cheat in the semblance of gold and precious stones with the tinsel glitter of light and shallow accomplishments coupled with bold assumption and confident pretension. Still, praise judiciously bestowed, is like money well laid out—while it enriches others, it benefits ourselves, and gives a wholesome excitement to the intercourse of life. To a State, her sons are her jewels, even more emphatically than to the Roman matron. The value of any thing is more a matter of estimation than of fact; and this estimation is not the opinion of one or two persons, but the general opinion of the community. Much the greater part of every community forms its opinion upon the decisions of others, whose means of judging are better, or supposed to be better, than its own; and seldom is the judgment of each individual brought to bear upon a subject. Hence, when the people of South Carolina or Virginia, or of any other State, laud and magnify some favorite citizen, echo brings back the peal from other States, and voices a thousand and ten thousand

tintes compounded, fill the welkin with an irresistible volume of approbation. And when Virgil is praised who does not think of Mantua? And if any city could have established an undisputed claim to have been the birth-place of Homer, would she not have been the first among the cities of Greece? When a State, then, lauds one of her own children, she but pours upon him a flood of glory to be reflected back upon herself in more dazzling splendor, and her homely rocks and her lonely rivers glitter and shine in the brightness of his fame—and men are attracted by the blaze, gather around it, and, rejoicing in its brilliancy, that State becomes great and populous. What does not Virginia owe, in her conspicuous and long continued position in this Union, to the fame of Washington, and Jefferson, and Henry, and Madison, and a host of others on whom she had cast the prismatic brightness of her own praises? And South Carolina, by wresting the trumpet from Fame herself, and blowing with unceasing blasts the name of some favored son, has come to be justly honored as the mother of great men. But where are the jewels of our own State? Has she none? And were there never any to whom and from whom she might give and receive this glorious lustre? Alas! although her jewels have been many, she has seldom or never turned upon them the full light of her countenance; and hence, although we who know her well, value her as she deserves, few and faint are those rays of reflected glory that might attract the eye of the stranger, and win him to admire and exalt her. We have been

taunted with supineness, with being wrapt in the shadow of an intellectual night, and that for almost an age only the kindling genius of Gaston has shone like a solitary star amid the gloom to mark our existence among the States. Men have gazed upon the brightness of this star, and like the Magi of old, attracted thereby, have been led to inquire of the distant and unknown country on which it rose—and William Gaston has for years past been the very impersonation of North Carolina, and few, very few, have spoken of the one without thinking of the other. But as we have said, that star is now set; and other eyes beside our own have missed it from our sky. The death of Judge Gaston has been mournfully noted in many portions of the Union, and North Carolina hath been honored in regrets for her son. It is not only just, but expedient, that we too should mourn him, and in performing this pious duty to the dead, learn something of what is due to the living—and by a future more liberal and just estimation of our own intellectual wealth, assume our rightful position among the sister States. Praises, too, have in them another value. To praise discreetly we must contemplate the object of our praise; thus will we learn in part to copy what we look upon and admire—and hence perhaps the Benevolent Author of our Holy Religion has made the praises of the Almighty so large a portion of a Christian's duty. It were blasphemy to say, that in contemplating the object of the present eulogy we should find a faultless model for imitation. But of his faults, if any, (and doubtless he had some,) it is

not mine to speak. Let them be hidden from view amid his clustering virtues, and be buried forever with his ashes in his grave. But let his virtues live after him, and, through them, let him speak to us in parental admonition and encouragement.

The late William Gaston was born at Newbern, North Carolina, on the 19th day of September 1778, amid the heat and fury of our Revolutionary struggle, and must of course on the day of his death have been one of the very few whose life reached back to that interesting period. His father, Dr. Alexander Gaston, was a native of a town in the North of Ireland, descended from French ancestors, who had escaped from the persecutions let loose upon the Huguenots, by the revocation of the famous edict of Nantz. He was the younger brother of the Rev. Hugh Gaston, who was a Protestant Divine of much distinction, and the author of a Concordance to the Scriptures, a work of high authority among Christians. Dr. Gaston having before the Revolution become a resident of North Carolina, was no idle spectator of the domestic strife there waged between the friends of the old form of government and the advocates of the new, but took sides under the bias so common among his countrymen of Ireland, and was a Whig of 1776, not only in word but in deed, and ultimately fell a sacrifice to the fury of the Tory party, under circumstances most remarkable for holy and heroic devotion on one hand, and of fiendish ferocity on the other. Judge Gaston's mother, Margaret Sharpe, had been married to his father in May 1775, and more than six years of

domestic peace had passed over them, marred to be sure by the troubles of the times and the early death of their first son by some ordinary disease. But the subject of our remarks and a little girl had been successively sent by Providence to occupy their parental affections and strengthen the bond of their union; and nothing seemed wanting but a more settled condition of their country, to afford them a due share of earthly happiness. Little William had nearly attained his third year, and it could not have escaped the keen discernment of parents that he was a child of promise. Their hopes gathered around him, and endeared them more and more to each other. But Newbern, which, lying at the junction of two noble streams, the Neuse and Trent, and thus almost surrounded by water, and which had been in a good degree exempt from those scenes of blood and horror so common in other parts of the country, was on the 20th of August, 1781, suddenly invaded by a party of British and Tories, and, unprepared for defence, every male capable of bearing arms, who was unwilling to say "God save King George," had no safety but in flight. Dr. Gaston fled, and betaking himself with others to a flat, or scow, endeavored to cross the Trent River, there nearly a mile in width, and seek an asylum on the other side. His fond wife, perceiving that his steps were marked by the foe, and that he was pursued with a murderous purpose, rushed to his rescue. Using the proper weapons of her sex, she threw herself upon her knees before his pursuers, and with tears and sighs entreated for his life. But in his

slow moving vessel the gallant Doctor stood an inviting mark for loyal vengeance, and over the very shoulders of his wife a hard-hearted ruffian discharged the shot which terminated his existence.

“She came—’twas but to add to slaughter,”

His heart’s best blood is on the water!

Thus perished the father of William Gaston, an honored sacrifice on the altar of his adopted country: and thus was a horrible blight brought upon the young and gentle heart of his mother. She became a widow indeed, and the same explosion by which her husband was slain, shattered forever the mysterious texture of her own nervous system. She was an invalid for life, and devoted the remainder of her days to her God, to rearing her orphans, and teaching them to tread the paths of virtue and religion. It was to the lessons she taught, that her gifted son mainly attributed his success and usefulness in after life. She was represented by him to have been “among the noblest of created beings.” With feelings exceedingly strong, a sensibility he never saw exceeded—no emotion, no passion, could ever induce her to swerve on any occasion from what she believed to be the course of duty. “Whatever there may be of good in me,” he said, “I attribute it to her.” And it is worthy of remark, that history teems with instances in which the most conspicuous men of the time have owed their training to the anxious and untiring care of a widowed mother. The virtues and excellencies of his mother, was a theme of which the late Mr. Gaston seemed never to tire, and while

it proves the sterling qualities of that exemplary parent, it strongly marks the virtuous susceptibilities of the heart of her son. How many mothers devote the energies of their lives to the training of their sons! And yet how seldom is their labor of love repaid with gratitude! To him, however, the crowning gratification of having achieved the first honors of his Alma Mater, was laying them at the feet of his mother and feeling conscious of the maternal pride he had roused in her bosom. But a mother could only lay the deep and strong foundations on which others must build; yet on the depth and strength of those foundations mainly depended the whole future worth of the fabric. Mr. Gaston left his mother's immediate care at an early age, and acquired the rudiments of a fine education under the most approved private instructors of the time. In the Fall of 1791, being only about thirteen years of age, he was sent to the College of Georgetown, in the District of Columbia. This institution was then, like himself, in its infancy, and like him has improved its advantages until it has achieved success and a high reputation. And how far they may have mutually cheered onward and supported each other in the road to fame, I am unable to say. There the religious principles he had inherited from his mother, who was an English Roman Catholic, were strengthened and fully developed. And while I would not compromit the sacred Protestant opinions, in which so many of us have been educated, and as I trust in connexion with the most cheering of eternal hopes, I would not take advantage of the occasion to

disparage the Roman Catholic faith—for if that ancient tree had always borne such fruit as it did in the person of William Gaston, few would be found to question its claim to be considered the true Church of God. By the Spring of 1793, the bleak winds of the Potomac Valley had so affected his constitution, as to excite serious fears that Consumption, that subtle and common enemy of genius, had marked him for one of its victims. Mr. Gaston was therefore advised to return to the benignant climate of the Old North State. Here the air, freighted with the balsamic influence of her pines, mingled with the fragrance of the grape, the jessamine, and the wild crab, soon restored health to his lungs and vigor to his constitution. With renewed energy he recommenced his academical studies, under the Rev'd Thomas P. Irving, a man of much distinction in that most arduous and generally most thankless office, of training the youthful mind. In the Autumn of 1794 he entered the Junior Class at Princeton College, and was soon marked as its leader, which distinguished position he maintained during his course. In 1796 he was graduated, when, to use his own language, "it was one of the proudest moments of my life when I was enabled to write to my mother, that I had obtained the first honor of the class." Soon after his return from Princeton, he commenced the study of the Law, in his native town, under the direction of Francis Xavier Martin, Esquire, then a successful practising lawyer in that region of country, but for many years past, and now at a very advanced period of life, a

Judge of the Supreme Court of Louisiana. In entering upon the study of the law, Mr. Gaston sacrificed a purpose which he had somewhat cherished, of adopting the military profession—cherished perhaps from an almost instinctive and half defined impulse, to be the avenger of his father's blood, and of his mother's blighted hopes. In 1798 he commenced the professional career, afterwards so brilliant and so long continued. And here, my younger professional brethren, let us mark the friendly light which his example casts upon the untrodden path that lies before you. He did not set out with the mere sordid purpose of making money—"of wringing from the hard hands of peasants their vile trash by any indirection"—by the mere exhibition of his parchment and a showy display of light and superficial acquirements, in the absence of every thing justly entitling him to their confidence and qualifying him to conduct their affairs. Even as a lawyer, he did not consider himself a mere human animal, destined to get through life in the appropriation to himself of as large a share as possible of its sensual delights and pecuniary advantages, but as a moral and intellectual being, destined to live an eternal life, of which his present state was a beginning—inconsiderable in itself it is true, but pregnant with immense results for the future;—that he owed to himself and to his family to labor not merely for the bread that perisheth even in his profession, but for a fame that might live after him, and be to them a richer inheritance than the charter of an Earldom;—that he owed it to the profession he had

adopted, as far as in him lay to render it not a mere system of trick and artifice, where the cunning and least scrupulous should reap the largest profits—but a noble and ennobling science, embracing those eternal principles of right and wrong; those great truths, moral and metaphysical, of which the Almighty was himself the Author, and which it had been the business of the great and good through all ages to search out and illustrate—to remember that it was a profession not destined to perish with himself, but that, in countless succession, others without number were to follow him, whose happiness, usefulness, and moral dignity, would materially depend upon the footmarks he might leave in the road before them;—that he owed it to his clients, whose confidence he sought, and on whose patronage he waited, not to bring to their service a mere smattering in his profession, and an impudent confidence that success might crown perchance his blundering efforts; but by patient industry to acquire a skill by which he might confidently warn them when they were wrong, and achieve for them, with the utmost certainty that belongs to any thing human, success when they were right;—that he owed it to his country, by all in his power to render her administration of justice pure, dignified, and enlightened, liberal and effective. To these noble ends he directed the energies of his vigorous mind with unwearied application. To accomplish them, he did not suppose that the Temple of the Law must be a gothic edifice, consisting of stiff mathematical figures and marked with black letter inscriptions—but that

all the arts and sciences should be invoked to give it strength and beauty. That law should be forever divorced from Eloquence and Poetry, and that lawyers should be ashamed to speak well lest it might be supposed they were incapable of thought—were such barbarian fancies as dwelt not in his brain; but he justly deemed, that truth loses nothing from being gracefully set forth, and that although in a state of nature we may not be shocked at the sight of naked men, yet in a civilized community it is not beneath the dignity of the most intelligent to array himself with taste and even with elegance;—that if men have heads they have hearts also; and that under all circumstances each is entitled to be regarded as one of the constituents of the intellectual man. Hence, while he was content that Coke and his black gowned associates might lay the foundations and build up the walls of his edifice, he desired that Chatham, and Burke, and Sheridan, and Pope, and Dryden, and Johnson, and Shakspeare, and others such, should carve its cornices, its columns, and pilasters; and that the wild flowers of Poetry, from every clime, should be planted around to beautify, to freshen its atmosphere, and fill it with fragrance. And he was unwilling that even Music should be expelled from its sacred recesses, but chose rather that they should echo every pleasant sound, from the solemn organ, to the light song of the Troubadour. An American lawyer surely is not meant to be a mere black letter index—but a noble spacious cabinet of intelligence, where every one may seek for and find something to

his taste: Nor shall he be a licensed pickpocket, to appropriate the money of every thoughtless, idle, or passionate mortal he may meet, by virtue of his parchment from the Supreme Court, without possessing the qualities of which that parchment testifies—but laboring for the public with his might and main, and elaborating and combining for the common good, theology, metaphysics, mechanics, eloquence, poetry, and every thing else that can delight and ennoble the human understanding, he is not unjustly an unstinted pensioner upon public contribution. So thought Mr. Gaston; and while he devoted himself with untiring zeal to the sterner labors of his profession, his spare moments were cheered and improved with the Poetry of Queen Anne's age, (the British Augustan age, as it has been called,) and other like intellectual repasts; and even while riding to his Courts, has the intellectual man, in the pursuit of its own enjoyments in the pages of Scott and others, so far forgotten the physical, as to expose it to numberless and sometimes serious hazards. He was also a model to us all in the happy control of his temper, by which, through the long course of his practice, he avoided those painful professional discords, which so many of us have cause with shame to remember, even in our own short experience.

Legislation is in our country so intimately connected with the administration of law, and a knowledge of existing laws is so very necessary in altering them or making new ones, that it is not wonderful so many of our profession constitute portions of our Legislative

bodies. Accordingly, Mr. Gaston was often a member of our State Legislature, and first in 1800, as a member of our State Senate. In 1808, Mr. Gaston was chosen from the District in which he resided, an Elector for President and Vice President of the United States. In 1813 he took his seat in Congress, by the election of his District, and acted with the Federal party for the four years he continued in Congress, as indeed he did during his life. This period, embracing the greater part of the last War with Great Britain, was one of intense interest, and afforded fine opportunities for talent on either side to display itself; and accordingly, though but a young man, with but a limited term of service, Mr. Gaston greatly distinguished himself even among the great spirits of that time, and the enduring reputation that he left behind him, and that still lingers in the Halls of the National Legislature, declares him a man of no common powers. His speeches upon the Loan Bill and the Previous Question, advantageously shewed forth those abilities which carried him triumphantly through so many trials. The peculiar cast of his political opinions must be spoken of by me in the same measured and cautious terms in which I have spoken of his religious. Upon these subjects it is perhaps my misfortune to have differed with him. I cannot therefore applaud, and I will not condemn. On both, his sentiments were sincerely and conscientiously entertained, and were always maintained and defended with wonderful ability. But his temper was too kind and amiable for him willingly to engage in any

disputation to which a sense of duty (to which he always yielded) did not impel. So benevolent and social was his disposition, that no jarring chord was ever struck by him in the company of any for whom he felt respect; and with great adroitness would he give a playful and humorous turn to conversation, when disputes were likely to arise between others. Claiming for himself the right to think for himself, he cheerfully accorded to others the same privilege. Among the trophies of Mr. Gaston in our State Legislature, may be reckoned the act of 1808, regulating the descent of real estate, the act of 1818, establishing our Supreme Court upon its present system; and able speeches upon subjects innumerable. He might have had a seat upon the Supreme Court Bench upon its first organization, but by his own wish, as I think, his name was not openly proposed, and his distinguished relative, the late Chief Justice Taylor, the late Chief Justice Henderson, and the late Judge Hall, constituted the first Supreme Court Bench, remarkable alike for judicial learning and integrity. It is hardly a digression to say, that between himself and Chief Justice Taylor, who married his sister, (that other orphan of the bloody Trent,) a most unwavering and devoted friendship existed during many of the later years of the former, in which was strikingly illustrated the strong attachment with which Mr. Gaston's heart was wont to fasten on its object. After Judge Taylor ascended the Supreme Court Bench, Mr. Gaston pursued his profession with great zeal and brilliant success, and even after the death of Judge

Taylor, until 1833, when the death of Chief Justice Henderson opened a vacancy, which, yielding to the solicitations of his friends, he consented to fill. The deference felt for his fame and talents by those who had preceded him on the Supreme Court Bench, and with whom he had become associated, would have accorded to him the place of Chief Justice. But his modesty and sense of expediency induced him to decline—thinking it better to establish the precedent that seniority in commission should confer that high distinction, than that a way should be opened for electioneering and intrigue, for jealousy and disappointment. Soon after his attainment of a seat upon the Bench of the Supreme Court of his native State, a Convention assembled to amend her Constitution. Of this Convention his native County elected him a member. Here he was as usual “the observed of all observers”—the master spirit of that great and distinguished body. His identification with the State was thus completed. By a remarkable coincidence his exertions had mainly prevented the removal of the Seat of Government from Raleigh, and contributed to fix it there for ages to come, by the enduring and magnificent pile of native granite which has been erected into the State House. So that in times to come, if a visiter to the State shall seek the Halls of her Capitol, his very tread will wake up in echo the name of William Gaston. If he look into her organic law, he will find it impressed with the genius of William Gaston. If he turn to her legislative records, there also will he read the name of William Gaston.

If he search among her judicial lore, its pages will bear the name of William Gaston. In his attainment of a seat upon the Supreme Court Bench, the interests of the public and those of Judge Gaston coincided. All admitted him without a rival in fitness for that branch of public service, considering his moral, intellectual, and physical qualifications. His pecuniary condition was now such as to render large professional receipts no longer necessary to him, and to meet his wants, a moderate salary was all that would be required in addition to the income of his estate. His advancing age made rest needful to him;—and the approach of eternity demanded all advantages for preparation to meet it. All these considerations were happily met in the office he now filled. The salary of the office was a handsome one—and the calm and passionless discharge of his judicial duties gave rest to his body, and health to his soul, as was most happily expressed by himself in his very last letter to his eldest daughter. “To administer Justice,” said he, “in the last resort—to expound and apply the laws for the advancement of right and the suppression of wrong, is an ennobling and indeed a holy office; and the exercise of its functions, while it raises my mind above the mists of Earth-born cares and passions, into a pure and serene atmosphere, always seems to impart fresh vigor to my understanding, and a better temper to my whole soul.” With such views and sentiments, and from such a position, it is no wonder that his exit more resembled a translation than a death—and that the space between his active usefulness a-

mong men, and his entrance upon the more extensive and untold duties of another world, should have been contracted to a span. That his bright career was thus suddenly ended, has already been told. He died about 8 o'clock on the evening of the 23d day of January 1844.

Such are some of the things that have been done by one of our profession to challenge our admiration and excite us to emulate them. The story is before us, and each must draw for himself the appropriate moral. We have thus seen Mr. Gaston, since we left him lisping his mother's name in infancy, and still repeating it in childhood and youth, chiefly as a public man:—and are led to admire him as we would some bright particular star whose glory was distant and unattainable to us. But it is in the social circle, and by the domestic hearth, that the hearts of those who have seen him there, melt in sympathy and gush out with affection towards him. In society he partook with a cheerful heart (subordinate at all times to the regulations of his Church) of whatever delighted other men. And while he seldom turned his back upon the festive board, he gave no countenance to intemperance or excess. His own table was always hospitably and liberally, but unostentatiously spread, and where he was present the intellect was ever more treated than the palate. The understanding and the imagination was each allowed its portion; and an appropriate and well told anecdote was never wanting to amuse and illustrate the topic of conversation. The filial is the first domestic relationship in which Providence places

us, and the manner in which its duties are discharged is generally a sure indication of how those which follow will be filled. And accordingly, as Judge Gaston was a most exemplary son, he proved in after life a kind brother, a most devoted, faithful, and affectionate husband, an indulgent, yet wise and conscientious Parent. He was thrice married, but survived by many years the last of his wives. His sister yet lives; and several children, who have well repaid his parental care, were left to mingle their voices with the wailings which followed him to the tomb, and to stand with pride beneath the overshadowing greatness of his name—a name that descends not with his body to the Earth, nor passes to the Heavens with his ascending spirit; but remains behind like the odour of departed flowers—marking forever the place where he has been.





