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Centenary Sketch
of William P. Chilton



WILLIAM P. CHILTON.

Photograph by Arthur B. Chilton, from a painting in the
Supreme Court Room, State Capitol, Montgomery, Ala.

Centenary Sketch
of William P. Chilton

BY
CLAUDIUS LYSIAS CHILTON
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Arthur B. Chilton

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Centenary Sketch of William P. Chilton

That is but sorry modesty that would refrain from burnishing an illustrious name lest some reflected glory should fall upon one's hand; and so the writer makes no apology for the following—being prompted consciously by no other motive than filial respect and love; for, next to the Good Father in Heaven, is a good father on earth, and it seems more a shame to omit than to give him loving praise.

And so, as his youngest son, it seems to me not inappropriate that for the sake of those who are to live after me, and who will scarcely know of such things apart from such means, that I should call to mind by some such service as this, brief though it be, and all inadequate, the life and virtues of so good and great a man on this the one hundredth anniversary of his birth.

William Parish Chilton was born near Elizabethtown, in Adair County, Kentucky, August the tenth, 1810. His father was Rev. Thomas John Chilton, and his mother was Margaret Bledsoe Chilton. His father was born in Virginia,—Loudon County I think, and was a Baptist preacher of note and influence in his day. The father of his wife was also a Baptist preacher.

Of the early life of William P. Chilton but little is known. It is likely that William went to school to his older brother Thomas, or that he was taught by his father. He taught school himself when he was seventeen years of age. When about eighteen he went to Athens, Tennessee, and, living with his older sister, Mrs. Charles Metcalf, read law under the direction of the eminent Return J. Meigs. When he was nineteen years of age he married Mary Catherine, the oldest daughter of George and Frances Irby Morgan, and when he was about twenty-one he emigrated to Alabama, then but

sparsely settled and full of Indians,—moved from Athens, Tennessee to Alabama in 1833 or '34 in a “carry-all,” a covered spring wagon common in those days,—with his wife and little one and a few servants. Once in Alabama, he fully identified himself with all her interests, fought her battles as his own, and sleeps in her bosom.

He located in Mardisville, in Talladega County, as that was then the Land Office of the State, and shortly after moved to Talladega, the county seat.

Here he remained practicing law until about 1846, when he removed to Tuskegee, Alabama. He lived in Tuskegee until 1859, when he removed to Montgomery, which was his home until his death, January 20, 1871. He was twice married; first to Mary and next to Elvira, daughters of George and Frances Morgan—the parents also of John T. Morgan. He was the father of twelve children, ten of whom survived him.

William P. Chilton had two brothers: Hon. Thomas Chilton, one of the representatives in Congress from the State of Kentucky in 1827, and afterwards a Baptist preacher of note in Alabama and Texas, and Dr. Lysias Chilton of Tennessee; one sister, Mrs. Jane Metcalf of Nashville, Tennessee.

HIS PUBLIC SERVICE.

After settling in Talladega in 1834, Judge Chilton began his public career in 1839, (being a Whig in politics) as a member of the House of Representatives of Alabama, and, as Garrett says in “Alabama Reminiscences,” “at once took high rank as a debater and ready business man, and was considered the most rising young character in the House. In the presidential canvass of 1840 and 1844, he was active in the support of General Harrison and Mr. Clay, often addressing large assemblages of the people at mass meetings and in Tippecanoe and Ashland clubs. In this field he was a power

within himself; eloquent, logical, and abounding in anecdote and humor. In 1843 he opposed General Felix McConnell for Congress, whose personal popularity, added to the large Democratic majority in the district, prevailed in the contest.

“In 1847 Mr. Chilton was elected a judge of the Supreme Court, and in 1849, on the resignation of Judge Collier, he succeeded to the rank of Chief Justice, which he retained for several years. In 1859 he was elected Senator from Macon County, and took a leading part in the measures of that period. His acknowledged abilities and ripe experience made him a principal figure in any deliberative body of which he was a member. In 1861 Judge Chilton was a member of the Confederate Provisional Congress, and was re-elected in 1863. He served on the most important committees and exerted himself as best he could to serve the cause with which he was identified as a Southern patriot and statesman. He was connected officially with the Confederate government from its inception at Montgomery in 1861 until the surrender of its army in 1865.” . While opposed to secession as being unwise, as soon as it was a fact, he went into the Confederacy with all his soul, took part in the inauguration of Jefferson Davis, escorting Mr. Davis to the Capitol on that occasion, and stood by the Confederacy to the bitter end. After the war, he devoted himself entirely to his profession..

AS A JURIST.

It would be impossible, in the small space that I have allotted, to more than hint at the great number of encomiums that were passed upon Judge Chilton at the time of his death with reference to his legal ability and standing. There were few, if any lawyers in the State, more universally known and respected. The Bar of Mobile, Selma and Montgomery met and passed resolutions with reference to him at the time of his death.

Perhaps nothing could be said in regard to the subject of this sketch as a lawyer more appropriate than what was said at the meeting of the Bar of the City of Montgomery and those in attendance upon the Supreme Court in the presence of that Court on the 23d day of January, 1871.

The resolutions then adopted prepared by Messrs. Geo. W. Stone, A. J. Walker and Thomas H. Watts were in part as follows:

“Whereas, by a dispensation of Providence, sad as it is mysterious, our brother, the *Honorable William P. Chilton*, has been struck down in our midst; Therefore,

Resolved unanimously by the members of the bar of Montgomery, That in the death of our brother, we have lost one of the most honored and honorable members of our profession, the country has lost one of its most distinguished, beloved and patriotic citizens, and his family has lost all that is dear and lovable in a husband and a father.

Resolved, That in contemplating his character, we dwell with pride and supreme pleasure on the fact that our lamented brother has presented to society and to the world a model of Christian benevolence, enlarged philanthropy and spotless integrity worthy of all emulation; and these sublime virtues, combined with distinguished professional attainments, have been deservedly rewarded with the highest judicial honor which his State had the power to bestow upon him.

Resolved, That we, as a band of brothers, will attend the funeral of our deceased brother, and we cordially invite the members of the Supreme Court of Alabama, now in session, the presiding Judge and officers of the District Court of the United States for the Middle District of Alabama, the members and officers of all other courts in the City of Montgomery, all judicial officers and attorneys now visiting the City of Montgomery, and the Governor, the Lieutenant Governor, members of

the legislature, and all other executive and legislative officers of the State, to unite with us in rendering this last solemn duty of affection to our deceased brother."

* * *

In speaking to these resolutions, Honorable John W. A. Sanford, then Attorney General, said:

"May it please the Court:

"The Honorable William P. Chilton, formerly a chief justice of this court, died in Montgomery on last Friday night.

"He became a citizen of Alabama more than thirty years ago, and for more than a quarter of a century he stood in the foremost files of her illustrious men. This position was the natural result of his large endowments, of his manifold and comely virtues, and his attractive traits of character. His talents were developed by liberal culture, and well disciplined by the labors incident to a successful professional career. For there was no learning of his profession to which he had not assiduously devoted himself, and none in which he was not proficient. Such acquirements alone would have conferred distinction upon him. But to these he united a thorough knowledge and cordial appreciation of the people among whom he lived; a strong fellow feeling with them in all the vicissitudes of their fortune; a sagacity rarely at fault, and uncommon tact, that rendered him a prosperous advocate. So that I might almost say of him what Cicero said of one of his friends—that he was the most eloquent of those skilled in jurisprudence, and the most learned of those who had dedicated themselves to the study of eloquence.

"His attainments and achievements gave him a manly confidence so essential to success, but they never made him arrogant in his manners or intolerant of the errors, or blunders, or ignorance of less gifted persons. Especially was he kind in his deportment towards the

younger members of the profession. To the strong he suggested methods of improvement; to the diffident he gave encouragement, and to all he imparted information upon every subject connected with their pursuit. This, however, was in accordance with the benevolence and beneficence that always characterized his conduct.

“He was energetic and zealous in the prosecution of whatever engaged his attention; but his energy never degenerated into harshness, nor did his zeal ever dwindle into discourtesy. He possessed great amiability. If he was ‘slow to anger, he was plenteous in mercy.’ He was catholic in his sympathies, and so rightly endowed with friendliness that he could not cherish enmity; and malice was utterly foreign to him. He was gentle as charity. But this did not detract from his manliness. Indeed, it heightened it, and bestowed an additional grace upon his character. He was generous and genial in his intercourse with the world. His whole nature had a look southward, and his heart was several degrees nearer the equator than his climate. He was earnest in his convictions and faithful to them, but he was not fanatical in his opinions. He was liberal in his sentiments, and never gave to party what was meant for his country.

“These are a few of the qualities that made him so influential and popular in 1847, and although he belonged to a political organization that was in a minority, he was chosen to be a judge of the Supreme Court of this State. In that office he increased his reputation and enlarged the circle of his friends. He believed with Lord Bacon, that judges should not be ‘hard-headed, but strong hearted,’ and ‘ought to be more learned than witty, more reverend than plausible, more advised than confident. Above all things, integrity is their portion and proper virtue.’ Hence, during the eight years he was Justice and Chief Justice of this court, he was laborious, painstaking and conscientious in the discharge of his duties. His opinions were carefully prepared, are well

sustained by precedents, and are clearly expressed. He was patient in hearing arguments, that he might be well advised; thus obeying the injunction given by the great philosopher and chancellor to Justice Hutton, 'that you affect not the opinion of pregnancy and expedition by an impatient and catching hearing of counsellors at the bar!' His integrity was as great as that of any man's who ever sat upon the Bench. Like Sir Thomas More, he would have worn the gloves from regard to the donor, and like him he would have refused the coin out of respect for himself; like him, too, he might have drank the wine, but like him, also, he would certainly have returned the golden goblet. For,

'In Israel's courts ne'er sat an Abethdin
With more discerning eye, or hands more clean.'

"In commemoration of his virtues, and as a feeble expression of their sorrow, the members of the bar of Montgomery have adopted these resolutions, which I ask may be spread upon the Minutes of this Court.

The Chief Justice responded as follows:

"The melancholy announcement made to the court, and the impressive manner in which it is made, almost unfit me to make a suitable and appropriate response. Our sympathies are deeply moved, and our hearts filled with sorrow and sadness.

"A noble and generous spirit has been suddenly taken from among us.

"The loss of a friend by the ordinary providences, after the mind is, in a certain sense, in some manner prepared for it, is an affliction hard to be borne; but, when suddenly taken from us by some distressing calamity—some extraordinary and inscrutable providence, unexpected, unlookedfor, and unprepared for—the heart is crushed, and we become dumb, as it were, in the very

presence of our Maker. What a lesson to teach us not to suffer our thoughts and our time to become too much engrossed with the follies and pleasures of this world, its pomp and its vanities.

“At such a time, as at all times, how appropriate and impressive is the prayer of the psalmist, ‘Lord, so teach us to number our days that we may apply our hearts unto wisdom!’

“It was my good fortune and happiness to become acquainted with Judge Chilton on his first coming to this State, more than thirty years ago, and, being both engaged in the same profession, and practicing in the same courts, to see and know much of him. In social life he was cheerful and genial, a pleasant companion, and a sincere, faithful and trusted friend. As a lawyer, he was an honest and safe adviser to his clients, and their able and eloquent advocate. He was quick to discover any fault or blunder in an opponent, on the trial of a cause, and skillful, though always courteous, in taking advantage of it.

“As a judge he was conscientious, impartial and accomplished, discharging all the duties of his high office with great industry, faithfulness and ability, both to the satisfaction of the public and his friends, and commanded the highest respect, and enjoyed the entire confidence of the members of this bar practicing in this court.

“His death is an irreparable loss to his family, and to the community in which he lived a loss that cannot be easily supplied.

“The last sad office to the body has been affectionately discharged; it is buried, and it only remains for us to cherish his memory and to practice his virtues.

“Let the resolutions be entered upon the Minutes of the court, and at the request of the bar, the response of the chief justice, for the court, is also permitted to be entered upon the Minutes.”

The court then adjourned till Tuesday morning, at ten o'clock, in honor of the illustrious deceased.

Judge Chilton was not only a lawyer, but a teacher of law. Even in Talladega, a number of the most famous lawyers of the State read law under him, among them John T. Morgan. After moving to Tuskegee, he established a regular law school, which was attended by young men from all over the country, and some of his students have achieved the highest distinction in this and other states. While in Texas a number of years ago, the writer was informed that two or three of the then Supreme Judges of the State of Texas had read law under Judge Chilton.

CHARACTER.

The following extract, taken from a sketch written by Rev. Samuel Henderson, D. D., his pastor for a number of years, illustrates the estimation in which he was held by thousands:

“A Christian man, whom, in some aspects of his character we do not scruple to say we have never known surpassed. Among a thousand men, a stranger would have been apt to ask first of all who he was. His whole temperament, intellectual and moral, with a grand personel that ever made him the ‘observed of all observers,’ combined to make him one of the most charming characters that ever adorned the Christian profession. There seemed to be a kind of sympathy between the interior and exterior man, between the jewel and the casket, as if the Divine Being had intended to set off to advantage the moral beauty of the one by the physical symmetry of the other. In his case all the kindly virtues were as nicely balanced and as accurately circumscribed within their appropriate limits as human frailty ever admits. In the exercise of these amiable graces he was singularly gifted in always doing the

right thing at the time and place, and in that spirit and measure that met every demand; and then, as if to invest such princely moral organism with every advantage, he was endowed with a massive intellect that made him the peer of any man in the State."

At the time of his death both Houses of the Legislature, then in session, adjourned, at the suggestion of a message from Gov. Lindsay, in which he said "Judge Chilton was one of our best beloved citizens; eminent as a jurist, and the people of Alabama have often honored him with their public esteem and confidence. As a member of the Legislature, as a Member of Congress, and as the Chief Justice of our Supreme Court, he discharged his duties with devotion and zeal. In the halls of legislation he was a statesman, and he adorned the bench by his integrity and learning. The loss of such a man is a public calamity, and it is fit that the departments of the government of the State he loved so well should pay tribute to his memory."

In pursuance of this suggestion, the House passed resolutions on January 21, 1871, in part as follows: "Whereas, the said William P. Chilton has for many years been identified with the history of Alabama, contributing by his great wisdom, profound learning, and spotless integrity, to the honor and welfare of the State, therefore be it resolved, that the House of Representatives, out of respect to the memory of the deceased, adjourn until ten o'clock a. m. on Monday."

On the Monday following, the Senate passed the following resolutions: "Resolved, that in the death of Hon. William P. Chilton, the State has lost one of her most valued, eminently useful and distinguished citizens; the community in which he dwelt, one of its brightest exemplars and ornaments; the Church of which he was a communicant, who, by a consistent and godly 'walk and conversation' manifested the sincerity of his profession; the legal fraternity an associate whose nobleness and purity of character was as conspicuous and

unsullied as his talents were pre-eminent; and his stricken family a guide and protector whose void cannot be filled."

The press of the whole State was unanimous, at the time of his death, in ascriptions of praise to his character. Statements like the following appeared throughout the State press:

Montgomery Advertiser: "His loss will not only be profoundly felt by this particular community, where he has resided for years past, and where he was surrounded with the friendship and affection of all our citizens, but the grief occasioned by his death will be shared by the whole commonwealth. Without fortune or friends at the commencement of his career in Alabama, by diligent pursuit of his profession, by his natural kindness and amiability of manners, and by the force of his splendid talents, Judge Chilton succeeded in making his way to the front rank among the ablest and most famous men in the State.* * * He was a lawyer of great learning and possessed of forensic abilities of a very high order. He was a kind and indulgent father, a generous and faithful friend, a devoted husband, a pious member of the Baptist Church, and an exemplary citizen."

Said the *Selma Times*: "From the very dawn of his professional career, through a long life as attorney, judge, and throughout his political life, he maintained a spotless Christian piety, and always walked in the path of moral rectitude. Judge Chilton was one of the most remarkable men that Alabama ever produced, and the memory of his worthy deeds will last so long as the State itself lives in history."

The Daily State Journal: "No event has recently transpired in Alabama that will cause more sincere re-

gret among all the people than the death of Judge William P. Chilton. Standing in the front rank among the gifted sons of our State, he was universally honored and respected.”

Judge Percy Walker said, in response to the resolutions of the Bar of Mobile, “The Court most cordially approves and endorses the resolutions just read, and orders that they be spread upon the minutes. Judge Chilton was a man of most estimable traits and noble qualities. He knew how to adhere firmly to his own political opinions, and yet to be free from political rancor; his benevolence was not only spontaneous, but it was without ostentation; his philanthropy knew neither wet nor dry seasons, but through the parching heat of summer and the chillness of winter it flowed with a steady and perennial stream, bearing blessings to those who were ready to perish and bespeaking the innate nobility of his soul. He was a learned and conscientious jurist, a steadfast friend, a placable enemy, a useful citizen and a pure judge. To borrow one of Burns’s pithy phrases, he ‘held his patent of nobility direct from God,’ and he left no stain upon the spotless roll. When so pure, so noble and so good a man falls into the grave, it is fitting that those of us who survive him should give him the applause due to a life of purity, usefulness and virtue.”

* * *

At the time of his death Judge Chilton was Grand Master of the Free and Accepted Masons of the State of Alabama, and also a member of the Grand Commandery. It would require quite a volume to print even the resolutions of respect and sympathy tendered to the family. His funeral was attended, not only by thousands of citizens, but by the Supreme Court, both houses of the Legislature, all the Masonic bodies, and the Bar of the city in body. He lived nobly, he died in peace; his children rise up to call him blessed. Surely “a good

name is rather to be chosen than great riches, and loving favor rather than silver and gold."

"O, may we triumph so,
When all our warfare's past,
And dying, find our latest foe,
Under our feet at last."

CLAUDIUS LYSIAS CHILTON.

MONTGOMERY, ALABAMA,
August 10, 1910.



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