

## Seawell, Herbert Floyd <sup>[1]</sup>

### Seawell, Herbert Floyd

by K. S. Melvin, 1994

**8 Aug. 1869–15 Feb. 1949**

Herbert Floyd Seawell, lawyer and public official, was born in Wallace, Duplin County <sup>[2]</sup>, the son of Dr. Virgil Newton and Ella Croom Seawell. His father was a native of Moore County <sup>[3]</sup>, but after receiving an M.D. degree from the University of Maryland <sup>[4]</sup>, he began his career as a medical practitioner in Bladen <sup>[5]</sup>. His maternal grandmother, a Moore of the old Brunswick community, was a descendant of Alfred Moore <sup>[6]</sup>, for whom Moore County was named.

Young Seawell attended the graded school at Goldsboro, Clement High School, Wallace, and Wakefield School. After a written examination he received a North Carolina state certificate and for a year taught school at Clarksville, Va. During this period he was also reading law under Dr. John Manning <sup>[7]</sup> and James E. Sheppard. He entered Wake Forest College <sup>[8]</sup> for special courses in 1890 and was graduated from the law school of The University of North Carolina <sup>[9]</sup> in 1892. In the latter year the supreme court granted him a license to practice. He opened his law office in Carthage and from that town entered on his long and successful career as a lawyer.

At the Market House <sup>[10]</sup> in Fayetteville <sup>[11]</sup> in 1894, Seawell was nominated by the Republican-Populist party for solicitor of the Seventh District, which at the time included the counties of Cumberland <sup>[12]</sup>, Richmond <sup>[13]</sup>, Anson <sup>[14]</sup>, Bladen <sup>[5]</sup>, Robeson <sup>[15]</sup>, Columbus <sup>[16]</sup>, Moore <sup>[3]</sup>, and Brunswick <sup>[17]</sup>. Elected, he served in that position for four years.

In 1898 he received the Republican-Populist nomination for judge of the superior court but lost at the polls. Two years later he was the Republican <sup>[18]</sup> nominee for lieutenant governor but again did not win. In 1904 he declined to be his district's Republican candidate for the U.S. Congress. In 1907 Judge Jeter C. Pritchard <sup>[19]</sup> appointed him a special master for some cases involving intricate law knowledge and research. Pritchard was so impressed with his work that he recommended Seawell to President Theodore Roosevelt <sup>[20]</sup> as a promising jurist. Upon the death of Judge Thomas Richard Purnell <sup>[21]</sup>, U.S. district judge for eastern North Carolina, Roosevelt, at the close of his administration in 1909, appointed Seawell to fill that judgeship. But the senate, embroiled at the time in partisan politics, dallied and, though no complaint was filed against Seawell, did not act on the nomination. Finally, leading partisans persuaded the incoming president, William Howard Taft <sup>[22]</sup>, to appoint a Democrat <sup>[23]</sup>. However, on 1 Mar. 1910, though Seawell did not apply for the position, President Taft appointed him U.S. attorney for the Eastern District of North Carolina, a post that Seawell served with distinction from 1910 to 1914.

In 1928 the Republican party nominated him for governor of the state. Although he received more votes than any Republican at the time, he did not win the election. In 1929 President Herbert Hoover <sup>[24]</sup> appointed him to the U.S. Board of Tax Appeals (now the U.S. Tax Court). Judge Seawell's record on the tax board, where he served from 1929 to 1936, was reported by the national press as unique: "Of the many cases decided by Judge Seawell over the six years, sixteen were appealed to the United States Supreme Court. In passing on these appeals, the Supreme Court, as shown by their reports and opinions, found no error in any case and confirmed each of Judge Seawell's decisions."

He held office in the North Carolina Bar Association <sup>[25]</sup>, American Bar Association <sup>[26]</sup>, and American Law Institute <sup>[27]</sup>. He was a Republican, a Mason <sup>[28]</sup>, a member of Kiwanis, and a deacon and trustee of the present Baptist <sup>[29]</sup> church in Carthage. In the forefront of progress in the county, Seawell served as chairman of the local school board, aided in the formation of the Pinehurst Forum, and, having built a store-office building on Courthouse Square in Carthage, constructed the first concrete sidewalk in the town. When the old elm trees on the courthouse lawn were destroyed shortly after the erection of the present courthouse, he petitioned the county commissioners for permission to plant four white oaks on the grounds: two on either side of the east and west entrances. Seawell personally selected the trees from his own farmlands and had them planted in the fall of 1927. They are now taller than the three-story courthouse and have a pleasing complementary spread. In 1964 a bronze plaque commemorating Seawell's gift was placed on a side wall of the courthouse, at the east entrance.

On 30 July 1895 Seawell married Ella McNeill, the daughter of Colonel Alexander Hamilton and Margaret Currie McNeill. They had three children: Ella Meade, Herbert Floyd, Jr. <sup>[30]</sup>, and Henry.

#### References:

*The State* magazine, 12 July 1941.

*Wake Forest Student* 30 (February 1911).

*Who's Who in America* (1936).

*Who's Who in Jurisprudence* (1925).

#### Additional Resources:

Herbert Floyd Seawell, Sr., Papers, 1785-1930, (Manuscript Collection #497), East Carolina University Libraries:  
<http://digital.lib.ecu.edu/special/ead/findingaids/0497/> [31]

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