

Clark, Walter McKenzie ^[1]

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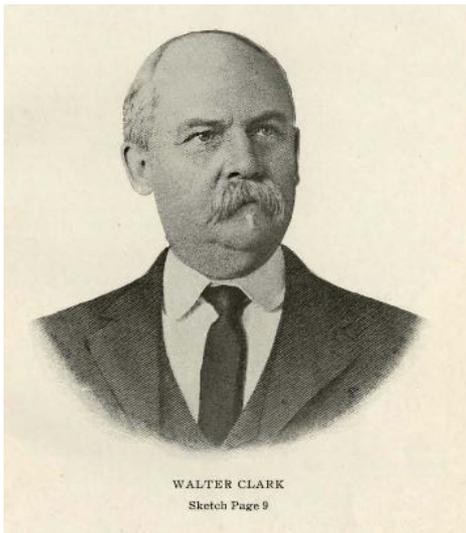


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Clark, Walter McKenzie

by David Clark and Charles W. Eagles, 1979

19 Aug. 1846–20 May 1924



brief biographies of leading people for ready reference purposes".

^[2]Walter McKenzie Clark, chief justice of the supreme court, was born at Prospect Hill plantation in [Halifax County](#) ^[3]. His father was David Clark II, a wealthy planter ^[4] and a brigadier general in the North Carolina militia during the [Civil War](#) ^[5]. His mother was Anna Maria Thorne of Halifax County. Walter Clark spent most of his boyhood at Ventosa, his father's plantation on the [Roanoke River](#) ^[6]. At eight years of age Clark went to [Vine Hill Academy](#) ^[7] near Clarksville. In 1857 he attended Ridgeway School under the supervision of Professor William K. Bass, and in 1859 he studied with [Professor Ralph H. Graves](#) ^[8] at Belmont School in [Granville County](#) ^[9]. Clark entered Colonel C. C. Tew's Military Academy in Hillsborough in August 1860.

In May of 1861 Clark was selected to drill the state's first group of recruits for the Civil War. He went with the Twenty-second North Carolina Regiment when it was sent to Virginia later that year. He joined Colonel [Matt W. Ransom](#) ^[10]'s Thirty-fifth North Carolina Regiment in August 1862 and served as adjutant and first lieutenant. Clark witnessed the Second Battle of Manassas and participated in the capture of Harper's Ferry and the battles of Sharpsburg and Fredricksburg. When his regiment returned to North Carolina in February 1863, Clark resigned his commission and continued his education at [The University of North Carolina](#) ^[11]. He studied with President [David L. Swain](#) ^[12] and Professor [William H. Battle](#) ^[13] and graduated first in his class in June 1864. The day after commencement Clark was elected major of the Sixth Battalion, North Carolina Junior Reserves; he fought the next year within the state and became lieutenant colonel of the Seventieth Regiment.



Walter Clark, Twenty-Second NC Regiment, CSA.

^[14]After the war Clark managed the family's plantation because his father was in poor health and he also supervised the Riverside plantation near New Bern, which his father had given him. In the late 1860s Clark supported industrialization for the South, advocated the importation of free white labor, and urged Southerners to get to work and forget the Lost Cause ^[15]. He studied law on Wall Street in New York and at Columbian Law School in Washington, D.C., in 1866. In 1867 he received his license to practice law in Halifax County and opened his law office in Scotland Neck. The next year he was licensed to practice law before the supreme court. The University of North Carolina ^[11] awarded the increasingly prosperous and prominent lawyer a M.A. in 1867. During the summer of 1871 Clark travelled widely in the American West. He lived briefly in Halifax in 1872 before moving to Raleigh ^[16] in 1873. In the capital Clark practiced law, managed the Raleigh News, and served as a director and general counsel for the Raleigh and Gaston and the Raleigh and Augusta railroads ^[17]. When he moved to Raleigh, Clark joined the Methodist ^[18] church. His father and most of the Clark family were Episcopalians ^[19], but his mother had joined the Methodist church shortly before her marriage. As an active Methodist, Clark wrote about the church's history, spoke at Trinity College ^[20] in 1880 on the philosophy of religion, and attended many church meetings. In 1881 he represented the Southern Methodist Episcopal Church at the Ecumenical Conference of Methodism at London. At that time he travelled extensively in Europe. He was a delegate to the church's General Conference at St. Louis in 1890 and at Memphis in 1894.

Clark had a deep interest in North Carolina's history and laws. In 1882 he published Everybody's Book, Some Points in Law of Interest and Use to North Carolina Farmers, Merchants, and Business Men Generally ^[21]. He compiled an annotated Code of Civil Procedure of North Carolina ^[22], which appeared in 1884 and became known as Clark's Code. He compiled and edited the State Records of North Carolina ^[23] (16 vols., 1886–97). Clark also edited the Histories of the Several Regiments and Battalions from North Carolina, in the Great War 1861 – 1865 (5 vols., 1901) ^[24]. He annotated over one hundred volumes of North Carolina Reports of the state supreme court ^[25].

In April 1885, Governor Alfred M. Scales ^[26] appointed Clark a judge of the superior courts; he was elected to the post in November 1886. Three years later Governor Daniel G. Fowle ^[27] named Clark an associate justice of the supreme court. The following year Clark won election to the unexpired term. In 1894 he was nominated by the Democratic ^[28] party and endorsed by both the Populist ^[29] and Republican ^[30] parties for a full term on the supreme court. He won unanimously. In 1896 he refused the Democratic nomination for governor and chose to remain on the bench. In the same year, Clark, a supporter of free silver, received fifty votes for vice-president at the Democratic national convention.

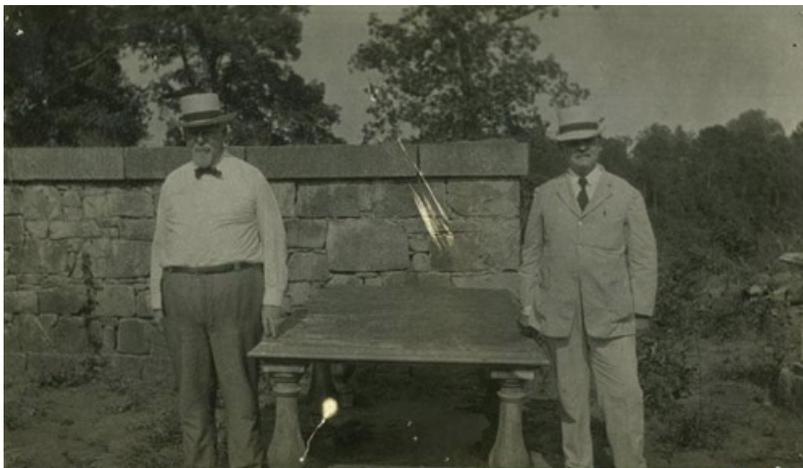


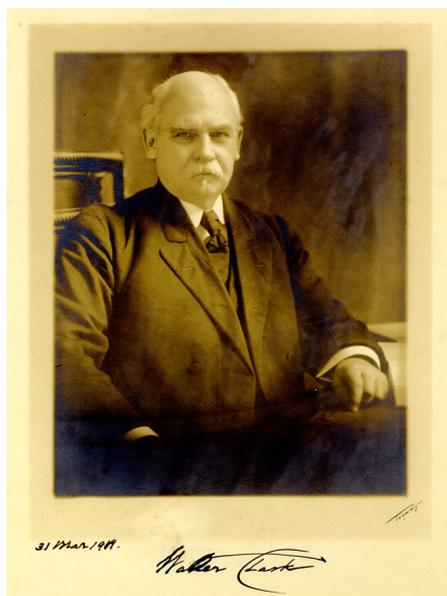
Photo of tomb of William R. Davie with William A. Graham and Walter Clark standing on either side. Image courtesy of the NC Museum of History.

^[31]For several years around the turn of the century, Clark was embroiled in many controversies. He attacked the American Tobacco Company ^[32] for violating the Sherman antitrust law ^[33] and argued that it unfairly destroyed competitors and mistreated farmers. He exposed the evils of the state's powerful railroads, the Southern ^[34], the Atlantic Coast Line ^[35], and the Seaboard ^[36]. Clark charged that they issued illegal passes, set exorbitant rates, received unfair tax valuations, lobbied in the legislature, and interfered in state

politics. In dissenting opinions, speeches, articles, and letters, Clark criticized the control over government exercised by banks, trusts, and railroads. In addition, he advocated many social reforms: postal savings banks, one-cent letter postage, popular election of senators, election of postmasters, an income tax, and woman suffrage [37]. A. L. Brooks [38] and Hugh T. Lefler [39] called Clark "probably the most outspoken man in North Carolina or the South in advocating economic and social reforms." Clark also enthusiastically supported the Spanish-American [40] war.

In 1897–98 Clark, a member of Trinity College's [20] board of trustees since 1889, clashed with President John C. Kilgo [41] of Trinity. Part of the controversy resulted from Clark's opposition to Kilgo's proposal to elect faculty members for four-year terms. A larger issue involved Kilgo's close relationship with the Dukes and the tobacco trust, which Clark strongly opposed. The two men also differed regarding state aid to higher education, because Kilgo joined the forces opposing state aid to The University of North Carolina [11] while Clark supported The University of North Carolina. In the end Kilgo won the battle and Clark resigned from the board of trustees.

In 1902 Walter Clark sought the Democratic [28] nomination for chief justice of the supreme court. The railroads, the American Tobacco Company, and most of the state's newspapers opposed Clark's candidacy. His strongest supporter was Josephus Daniels [42] and the Raleigh News and Observer. [43] After a bitter fight and a stirring nominating speech by Claude Kitchin [44], Clark won the Democratic convention's nomination. He was elected and later reelected to two additional terms. Clark served on the supreme court for thirty-five years and wrote 3,235 opinions. He made the court work efficiently, orderly, and promptly and was prominent in advocating the construction of a new building for the court.



"Walter Clark 1846-1924." N.C. Highway Historical Marker E-43, N.C. Office of Archives & History.

[45] In 1912 Clark fought three of the state's most powerful figures for the Democratic nomination for the U.S. Senate: Governor W. W. Kitchin, former governor Charles B. Aycock [46], and incumbent Senator Furnifold M. Simmons [47]. Candidate Clark advocated destruction of the trusts, popular election of senators and federal judges, a tariff for revenue only, initiative, referendum, recall (except for judges), child labor laws, more public schools, extension of good roads, and the operation of telephone and telegraph by the post office department. After the death of Aycock, Simmons aimed his campaign against Clark because Kitchin posed little threat. Simmons won easily and Clark received only about ten percent of the vote.

After his defeat Clark continued to battle for "socialized democracy" in his many opinions, articles, addresses, and letters. He was a forceful supporter of woman's suffrage [37] and served as legal adviser to the North Carolina League of Women Voters [48]. He defended labor's right to organize and favored workmen's compensation laws and the eight hour day. He called for the abolition of the poll tax and an end to lynching [49]s. Clark approved municipal ownership of utilities and advocated nationalization of coal mines, oil reserves, and water power sites.

Appointed by President Wilson, Clark served as an umpire for the National War Labor Board in 1917–18. Clark was president of the North Carolina State Literary and Historical Association [50] in 1902. For many years he was chairman of the judiciary committee of the North Carolina Grand Lodge of Masons [51]. Clark led the efforts to have the two dates, 20 May 1775 and 12 Apr. 1776, placed on the state flag [52] and to have the state adopt as its motto, Esse Quam Videri [53].

Clark was married on 27 Jan. 1875 to Susan Washington Graham, daughter of William A. Graham [54], governor of North Carolina, U.S. Senator, and secretary of the navy. Their children were Susan, David [55], John Washington [56], Graham McKenzie, Walter, Thorne McKenzie [57], and Eugenia. Clark was buried in Raleigh [16]. His portrait hangs in the Supreme Court [25] Building and his papers are in the state archives.

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Additional Resources:

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^[64]

[Address by Chief Justice Walter Clark Before the Federation of Women's Clubs, New Bern, N. C., 8 May, 1913](#) ^[65]

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[History of the Raleigh & Gaston Railroad Company, Including All the Acts of the General Assembly of North Carolina Relating Thereto](#) ^[67] Documenting the American South, UNC Libraries

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Judges ^[74]

UNC Press ^[75]

Authors:

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Eagles, Charles W. ^[77]

Origin - location:

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