

Whitaker, Spier ^[1]

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by Elizabeth E. Norris, 1996; Revised by Jared Dease, Government and Heritage Library, January 2023

15 Mar. 1841–10 July 1901

Spier Whitaker, Confederate ^[2] and Spanish American War ^[3] officer, attorney, state senator, and superior court judge, was born in Halifax County ^[4], the seventh and youngest son of Attorney General Spier and Elizabeth Lewis Whitaker, the daughter of Exum Lewis, a militia colonel in the Revolutionary War ^[5] and long a leading citizen of Edgecombe County ^[6]. He was the grandson of Matthew Cary Whitaker, who represented Halifax County in both houses of the legislature in the early nineteenth century. Matthew, on 13 Mar. 1787, married Elizabeth Coffield, the daughter of Spier Coffield of Edgecombe County, and bought land in the wilderness near Enfield ^[7], Halifax County. In 1790 he began constructing a manor that would remain in the family for generations. The house was built by enslaved laborers, and was constructed out of lumber and bricks from the estate; the lime was made of oyster shells brought from Norfolk, Va., where Whitaker's produce was sent to market and from where his supplies were purchased. The house received its name, Shell Castle, from one of the building materials. The manor was still occupied by descendants of its builder at the end of the twentieth century.

In 1854 young Spier's father moved to Davenport, Iowa, to practice law, but his attachment to his native state prompted him to send his son back to North Carolina the next year to attend the school of Major Sam Hughes at Cedar Grove ^[8] in Orange County ^[9]. In the summer of 1857 Whitaker entered The University of North Carolina ^[10] as a freshman. Shortly before graduation, when his state called for troops to fight for the Confederacy, Whitaker volunteered for service as a private in the company raised by Captain Richard J. Ashe and was in training camp at the time of North Carolina's secession on 20 May 1861. His company became a part of the regiment of Lieutenant General D. H. Hill ^[11], then a colonel, which so distinguished itself in the Battle of Bethel. In March 1862 Whitaker was captured by Federal forces at New Bern ^[12] and imprisoned for four months. On his exchange, he was appointed second lieutenant and assigned to Company K, Thirty-third Regiment North Carolina State Troops, and participated in several battles including Sharpsburg ^[13] and Chancellorsville. For some time, he was his company's adjutant. Whitaker surrendered at Appomattox ^[14] and then went to his father's home in Iowa.

In 1866 he returned to his native state and, having studied law under his father, obtained a license to practice in the county courts. Settling in Raleigh ^[15], he occupied an office with Colonel Ed Graham Haywood ^[16]. In the winter of 1866 he moved to Halifax and made his home in Enfield. In 1876 he was licensed to practice in the superior courts and shortly afterwards was made solicitor of the county courts. He soon commanded a good practice and became prominent in county politics. By 1881 he was elected to represent Halifax County in the state senate. To enlarge his practice, he returned to Raleigh in 1882 and formed a partnership with John Gatling, a lawyer of noted ability. Whitaker was diligent in the prosecution of his profession, though occasionally he took part in state politics. In 1888 he was made chairman of the state Democratic ^[17] committee.

Whitaker attracted much public attention in July 1889 with his skilled investigation of the conduct of certain officers of the state hospital. That November Governor Daniel Fowle ^[18] appointed him judge of the superior courts of the Fourth District. Subsequently elected by the people, he held the office until 10 July 1894, when he resigned and returned to the practice of law.

In the summer of 1898, on the declaration of war with Spain, Judge Whitaker was urged by some of his friends to seek the post of brigadier general of volunteers of the U.S. Army. President William McKinley did not make that appointment but on 20 June 1898 signed him a commission as major with the Sixth Regiment, U.S. Volunteers. He departed at once for Knoxville, Tenn., where his regiment was in camp, and assisted in its drilling and more thorough organization. Whitaker went with the regiment to Puerto Rico, but the war ended before it was called for active service.

About the time Whitaker began practicing law he married Fanny De Berniere, the daughter of the late John De Berniere Hooper, professor of Greek at the University of North Carolina, and the great-great-granddaughter of George Hooper ^[19], brother of William, who signed the Declaration of Independence. The Whitakers had five children: four sons, De Berniere, Percy, Spier, and Vernon Edelen, and one daughter, Bessie Lewis. An Episcopalian, Judge Whitaker was a member of Christ Church, Raleigh.

Whitaker died at his home in Raleigh and, according to a long-cherished wish, was shrouded in a Confederate battle flag. The flag was a gift from the local camp of United Confederate Veterans. He was buried in Raleigh's Oakwood Cemetery ^[20].

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