

Judge Felix E. Alley A Musing Mountaineer

By R. C. LAWRENCE

(Written for The State Magazine, Raleigh, N. C.)

HAYWOOD is an ancient Barony and, as was Mount Zion, it is "beautiful for situation;" and from her high hills have come many men who have risen to eminence on the field of State and Church. Even within the period of my own recollection (and I am in my young and tender years) on this soil have lived Garland S. Ferguson, Sr., gallant officer in the army of Northern Virginia, desperately wounded at the siege of Petersburg, distinguished lawyer, solicitor, and veteran superior court jurist at a time when the Judges rode the entire State. His son Garland S. Jr., attained such eminence as a lawyer that he was named by President Wilson as a member of the Federal Trade Commission, one of the Nation's most important administrative agencies, of which body he is yet a member, and he has served as its chairman more frequently than any other member.

There was the outstanding lawyer, legislator and Congressman William T. Crawford; Homer L. Ferguson, president of the largest shipbuilding company on the Atlantic Seaboard; William T. Lee, Chairman and veteran member of the old Corporation Commission, now known as the Public Utilities Commission. Consider Harlee B. Ferguson, General of Engineers, United States Army, who directed the operations which raised the battleship Maine after it had been sunk in Havana Harbor, an act which brought on the Spanish-American War; William L. Norwood, gallant soldier of the South, last of the Judges of the Republican political faith to serve on the bench of our mountain district; the great physician J. Howell Way, so distinguished for his service in the Public Health work of his native State; John Ferguson, Rear Admiral, United States Navy, and others who have risen from the ranks. Then lastly, but by no means least, consider FELIX E. ALLEY—MUSING MOUNTAINEER.

If I state not the year of his birth, it is not to hide his years but to conceal his youth. He is a native of Jackson county, named for President "Old Hickory," concerning whose birthplace there has been so much argument "about it and about," but that of Judge Alley was safely in our own State, for it was eight miles from both the South Carolina and the Georgia lines! He comes of a family of fighting men, and he is himself a fierce fighter as you will see, for he not only conquered his outside handicaps but his own infirmities, and is therefore "greater than he that taketh a city." His ancestors served at King's Mountain, turning point of the Revolution; and his father, John H. Alley, in his capacity as Colonel of Rutherford county militia, assisted the military forces sent out by General Scott to remove the Cherokee tribe from Western Carolina to their future home in the Indian territory. He volunteered for service in the Mexican war, and after the battle of Chapultepec (in which Stonewall Jackson first rose to military fame) he was commissioned as a Colonel in the regular United States army. When the Civil War drew on and our State seceded, some of the Alleys served in the Union army, but Colonel Alley remained staunch in his allegiance to the South and immediately volunteered for service in the Confederate army. After a

year of such service he was forced to retire on account of lameness contracted during the Mexican war, whereupon he was commissioned by his friend Governor Vance as Colonel in the home guard, a service even more dangerous than that of the regular army, for the mountain fastness was the retreat and hideout of deserters, bushwhackers and outlaws of both armies, and the Home Guard was charged with the duty of seeking them out and carrying them to Fort Sumter. Three of his Uncles were killed in the Confederate army, while a fourth was foully murdered by the alien troops under the notorious Col. George W. Kirke, whose lawless acts and infamous brutalities finally resulted in the impeachment of Governor Holden.

The great Dr. Samuel Johnson, father of English literature, truly said: slow rises worth, by poverty oppressed. The boyhood of my subject was passed on only during the poverty of the post war period and the worse wreckage of Reconstruction, but he was born with asthma in its severest form, and the first sixteen years of his life were spent in a struggle for breath. He survived only because he possessed the qualities described by Wordsworth as "strong in will to strive, to seek, to find and not to yield."

He passed his boyhood on the farm and was almost grown before he owned a suit of store bought clothes. President Lincoln attained immortality without the benefit of formal education; and Carolina's President Andrew Johnson, was the head of a family before he could read or write. When young Alley came along, it was before the days of Aycock with his program of "a school for every child and every child in a school."

In Jackson county the average term was but six weeks, sometimes extended for a short period by the "subscription method." But he was able to get one full session at Cullowhee high school (now Western Carolina Teachers College) and from its scholarly President Robert L. Madison he received much of the inspiration of his life.

During his teens all the property of his father was sold for "security debts" and the son had to fend for himself, and he considered no labor beneath his dignity. Then came the great opportunity of his life, for he yearned and longed for a college education and friends finally procured for him the opportunity to work his way through Erskine College. But it was given to him to withstand the temptation, as he felt that it was his imperative duty to go to work to aid his aged father and saintly mother in their helpless old age. Surely here was an act of which the Recording Angel took due notice; and certainly on that day Felix Alley, as did Abou Ben Adhem, wrote his name in imperishable letters, "As one who loves his fellow man."

He contrived to borrow \$300.00 and went to the University just long enough to study part of Blackstone, but his mother became desperately ill and the doors of instruction closed upon him forever. On the advice of his father that the office of Clerk of the Superior Court would offer an opportunity for practical legal education, he sought the nomination and so popular was he, and so familiar were the people with the heroic efforts he had made to "find a way or make

one," that he received the nomination by acclamation. What is even more, although Jackson was a Republican County, young Alley was elected with fifty-seven votes to spare! Such, my Masters, are just a few of the many struggles through which this man of the mountains passed to come to a bench to which Thomas Ruffin brought international fame; which has been adorned by Richard M. Pearson; graced by Walter Clark; and on which Walter P. Stacy shed lustre before elevation to the Chief Justiceship.

Young Alley opened his law office with an imposing library of just five volumes, among which was the "Lawyer's Bible—Simms Manual of Law and Forms. Concerning Simms, when he came to the Bar the examinations were oral and Chief Justice Clark, who conducted the examination, did not ask the aspiring young barrister a single question. Maybe that will explain how Judge Alley got his license!

His first court appearance was before that prince of the bench, William A. Hoke, who, when told that unless a prisoner was tried at that term for a capital felony committed the day prior to the convening of the court that there would be a lynching, continued the trial saying that the prisoner had not had sufficient time to prepare his defense, and that if there was to be any violence it was better for the prisoner to be lynched by the mob, than mobbed by the court. God bless his gallant soul!

Judge Hoke was noted for his gracious kindness to struggling young lawyers, and young Alley was employed in thirteen misdemeanor cases of which, with the kindly protection and kindness of the judge, he was able to win eleven. Thenceforth he commanded all the practice he could handle, and his legal reputation widened until it attracted the attention of all the western country, and there was scarce any case of importance in which he did not appear. Nor has his practice been confined to nisi prius, for he is a member of the bar of the U. S. Circuit Court of Appeals, of that of the Supreme Court of the United States, and of the Supreme Courts of the States of Virginia, Tennessee, South Carolina and Georgia, and he has tried cases of importance in eight States. While he is best known as a trial lawyer, his arguments before the appellate tribunals have been marked by his lucid logic; his briefs are models of clear, cogent and con-

vincing reasoning; and the percentage of cases won by him on appeal attest the effectiveness of his efforts.

Of course such a man was soon called into the political life of the State and he was elected to the Legislature two years after he settled at Webster; and here he met John Christopher Blucher Ehringhaus, and the man of the mountains so impressed Ehringhaus that when he rose to power—but of that later. As early as 1910 Alley was elected Solicitor and won for himself a reputation as a bold and fearless prosecutor, yet a man who felt that it was his duty to protect the rights of the prisoner as well as those of the State. He did not seek re-election which he could have had for the asking. He removed to Waynesville in 1913, where he has since resided and where he was active in the legal, civic and political life of the section until 1933 when he was named by Governor Ehringhaus as Judge of the 20th District to fill the vacancy caused by the death of Judge Walter E. Moore, and since that time he has been continued in office

FIRST NURSES TO ARRIVE BY AIR IN ITALY



EAGER TO GET TO WORK, the first group of Allied nurses to arrive in Italy by air leave an ambulance plane on a field on the southern mainland. Many of the nurses are now stationed at front line field hospitals, bringing medical comfort to soldiers and civilians alike. (International)

Before he went upon the bench his powerful voice was heard in every campaign. He often served as Presidential elector, and was a delegate to the National Convention at Chicago when President Roosevelt was first nominated, and in that campaign at his own expense he made more than thirty speeches, pleading the cause of Jeffersonian Democracy. It is no wonder that this man of high ideals, lofty patriotism and eminent public service, should have been selected by Western Carolina Teachers College as its most distinguished graduate.

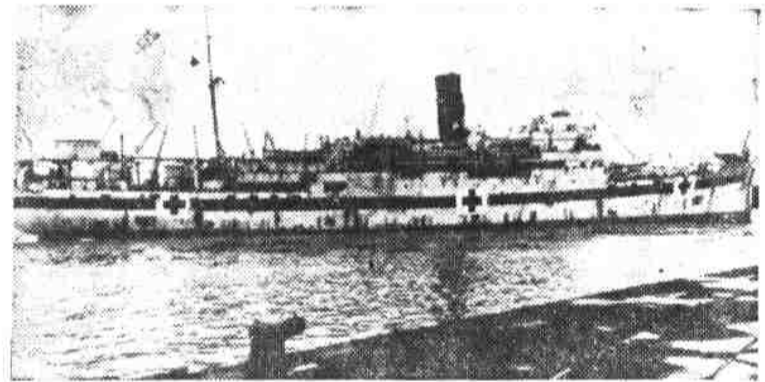
He possesses amazing physical and intellectual resources, and has

amid all the carking cares of his judicial office, travelling from place to place, week after week, somehow finds the time to deliver hundreds of addresses, and his service has been as effective to the cause of religion as it has been in that of the State, and he has graced many a pulpit, for he possesses all the holy zeal of a Prophet and he pursues his ideal with all the ardor shown by Sir Launfal when he sought the Holy Grail.

His mind is so well furnished and is such a storehouse of information that he can speak with authority on almost any subject with little or no preparation, and he seldom presides over any term of court but that he is called upon to address some Bar Association, to make some speech before some educational gathering, community rally or to render some other public service of an extra judicial nature. He has been a constant burner of the midnight oil, and has authored many articles, and there has been no cause of moral, civic or religious righteousness on the field of the State which has not received powerful impetus for the work of this Joshua among Judges.

His mind is a storehouse of information concerning our State, and if you do not believe that he is a writer of compelling charm, read his MUSINGS OF A MOUNTAINEER, recently published, than which no book published by any son of Carolina has attracted wider or more favorable comment; and had I been upon the board of award he would have received the Mayflower Cup. When I get to be a University Trustee (which may happen any day now) he will be

HOSPITAL SHIP SUNK BY NAZIS



DESPITE ITS PROMINENTLY DISPLAYED insignia and bright lights, the Allied hospital ship Newfoundland (above) was sunk by Nazi divers in the Gulf of Salerno. No patients were aboard the vessel when it was hit. All of the 103 U. S. Army nurses aboard were saved. Several British nurses and doctors were killed. (International)

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Mountaineer

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The MOUNTAINEER

my first candidate for the honor degree of Doctor of Laws.

His gifts as an author are great as his gifts as an orator, but recently there has come to his potent and prolific pen an ecle descriptive of the glory grandeur of Western Carolina, was as fine a poem in prose as poet laureate John G. Myers ever wrote in rhyme and rhythm. So majestic was it in its style that Carl Guersch, editor of the State, "the man whose magazine only published it in its original but read it over the radio and offered \$25.00 to anyone who would match it in describing the Seaboard and coastal plain. Far the offer has gone unmet, and I believe Guersch could still keep his money in the bank. Had this been a portrait in oils, it would have been worthy brush of a Gainsborough or a Joshua Reynolds.

Such, my Lords and Gentles, is a rough and ragged outline of FELIX E. ALLEY, a man who shed lustre upon the annals of bench and bar; who has rendered his State eminent service on field of statecraft; who has wrought an imperishable monument in literary life of our people; who served the cause of religion with the zeal of a priest and prophet and I acclaim him as a Christian Statesman.

"LET US LOOK UNTO THE HILLS WHENCE COMETH OUR STRENGTH."

Industry is paying such wages the devil will have to do something about the wages of

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