

982

PROCEEDINGS OF THE
TWENTY-EIGHTH
ANNUAL MEETING
OF THE
BAR ASSOCIATION
of
TENNESSEE

for

Held at Chattanooga, Tenn.
June 23rd, 24th, and 25th

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Johnson City	500,000
Jackson	25,000
Franklin	35,000
Mount Pleasant	65,000
Jellico	90,000
Sevierville	25,000
Obion	35,000
Total	<u>\$931,500</u>

PUBLIC BUILDINGS.

Giles County (Court House)	\$100,000
Hickman County (Jail and Bridge)	50,000
Jackson (City Hall)	25,000
Sequachie County (Court House)	15,000
Memphis (Police Station)	260,000
Total	<u>\$450,000</u>

THE LIFE, CHARACTER, AND PUBLIC SERVICES
OF COL. A. S. COLYAR.

By Floyd Estill, of Winchester, Tenn.

Mr. President and Gentlemen of the Bar Association:

ARTHUR ST. CLAIR COLYAR was born June 23rd, 1818, seven miles west of Jonesboro, Washington County, Tennessee. The cabin in which he was born was situated upon the banks of the Nolachucky River, and was built by his grandfather, William Colyar, in the first days of the Jonesboro settlement. It was the birthplace of his father, Alexander Colyar, and of the grandmother of Governor Albert S. Marks.

Alexander Colyar was a river man, employed in steering boats on the Nolachucky from Jonesboro to Ditto's Landing. During his employment as steersman he fell in love with the daughter of a brother of "Bonny Kate" Sherrill, the wife of John Sevier. The father of the young woman moved from East Tennessee to what was then Franklin County, now Coffee County, in Middle Tennessee. Undaunted by the great distance that separated them, Alex-

ander continued his suit, and a few years later proceeded by river to Franklin County where he was married to the mother of Colonel Colyar.

That was before the days of the steamboat, and while it was an easy task to descend the rivers, it was quite another matter to go up. Appreciating the difficulties before him and his bride, the sturdy frontiersman mounted a horse and with his new-made wife behind him proceeded with her across the mountains to his home on the banks of the Nolachucky River. Here, by the historic Nolachucky, Alexander Colyar and his wife Kate lived until Colonel Colyar was nine years of age. During that time young Colyar was put under the tutorship of the paternal grandfather of Frank Slemmons, a prominent member of the Nashville bar, but the rudimentary studies under Mr. Slemmons were cut short by the destruction of the family home by fire. Alexander Colyar took what household goods survived the fire on a flat-boat, with a wagon and two horses, and made the descent of the river to the mouth of Battle Creek. Leaving the boat at Battle Creek they took to the wagon, and after many days of hardship arrived at their destination, Hillsboro, in Franklin County.

Settling in Franklin County, the elder Colyar rented a farm and set to work, making crops. Two crops were made upon the land upon which the family first settled, and in the making of them young Colyar got his first experience as a tiller of the soil. His application to the task of plowing won remark and signalized the beginning of the useful citizens rise from the ranks. In this, as in all things undertaken by him throughout his long and eventful career, he went to the task with his whole self.

After two crops were made, young Colyar's father rented the old "Stone Fort" property, near what was later made the site of Manchester, for Manchester was not only not founded, but Coffee County had not been organized. The educational facilities of this section were at that time limited to "Hedge Schools" for the most part, but young Colyar, through the interest of his mother, who had spent

her girlhood in the family of Governor Sevier, was given all the chance possible, and while living near Hillsboro was sent to school to Willam Jennngs, and after the removal of the family to the "Stone Fort" property, to Daniel McLean.

The school periods were limited to two or three months of the fall of each year, and the little education he had before he began the study of law was obtained under the prevailing conditions.

In a sketch of his life, contained in a letter to one of his daughters, a little more than a year previous to his death, the only references made to his residence in Coffee County are, that he walked four miles when he was nine years of age to join the Sons of Temperance, and that he made some reputation there plowing corn.

The father was a man of very limited means and the family was quite a large one, there being ten girls and three boys.

After young Colyar was grown, he taught school, and at the age of twenty-two he began the study of law in the office of Micha Taul, at that time the leader of the Bar at Winchester. Col. Taul was a Kentuckian, and had served several terms in congress prior to his removal to Franklin County, and had been defeated for re-election on account of his vote to raise the salaries of congressmen from fifteen to twenty-five hundred dollars.

After his admission to the Bar, Mr. Colyar soon became prominent as a lawyer and a Whig leader, and early in his professional career he acquired a large and lucrative practice. His first association in the practice of law was with W. P. Hickerson, at Manchester. Mr. Hickerson was himself a lawyer of great ability, and after the Civil War served a long time as Judge of his Circuit, and until his voluntary retirement from the Bench. Mr. Colyar lived at Manchester for a few years, and then returned to Franklin County and continued the practice of law at Winchester and in the adjoining counties. His practice extended into the counties of Lincoln, Bedford, Coffee, Grundy and Warren, and in these counties he attended the Courts regularly,

and in cases of exceptional importance he was frequently called to still other and more remote counties.

Colonel Colyar was eighty-nine years of age at the time of his death in 1907. He was about forty-two years of age when the war between the states came on. The war times divided the period of his life activities into halves. Before the war he devoted his entire time and great energy exclusively to the study and practice of law, and his success was very remarkable.

When the war period came on he was in the prime of life, had all the practice he could attend to, was the owner of a thousand acres of fertile land, upon which was situated a handsome and commodious residence; he was the owner of thirty slaves who lived upon and cultivated these lands under the direction of an overseer. This tract of land is in sight of the main line of the Nashville, Chattanooga & St. Louis Railway, within a few hundred yards of the railway station at Decherd.

In 1858 or 1859 Col. Colyar opened a law office at Nashville, but he did not change his residence until 1866. Shortly after opening his branch office in Nashville, war talk broke loose, and he went forth to do what he could to save the Union from destruction. He was an "Old Line Whig," and as such, in 1860, was sent to the Whig convention at Baltimore as one of the twelve delegates from Tennessee, under instructions to vote for the nomination of John Bell.

The great question in his mind at this crisis was the preservation of the Union. He has been called the "Second Andrew Jackson," and it was his rule to hew directly with the policies of this illustrious leader. The words of Jackson, that "the Union must be preserved" were always before his mind's eye, and during the days in which secession seemed inevitable, he held to this view of Old Hickory's with Jacksonian tenacity.

In this convention Texas proposed Sam Houston for the nomination, in the hope of averting a disruption, and Colonel Colyar remembering that Houston had been with

Jackson through the dark days of the Creek War, broke his instructions by casting his vote as a delegate for Houston instead of Bell. Bell's cause was championed upon the floor of the convention by Gustavus A. Henry, one of the foremost orators of the South. The eleven other members of the delegation stood to Bell, and he was nominated. Colonel Colyar never regretted his action and maintained until the last that it was justified. He held that if the others had voted as he did Houston would have been elected and the war probably averted.

Returning to Tennessee, Colonel Colyar began an active canvass of the State in the interest of the campaign against secession and was a great factor in the result. His speeches were strong, and he was unsparing in his denunciation of the war party, which he declared would have the destruction of the great Union to answer for.

A Confederate soldier once told me that he heard the speech delivered by him in this campaign at Old Salem, situated within two or three miles of where the elder Colyar finally settled and reared his family of ten girls and three boys, and that in this speech Colonel Colyar predicted the conditions that would obtain in the South at the close of the war as though endowed with prophetic vision. My informant said that when this speech was being delivered he did not believe a word of these prophesies; that at that time he felt that the South would whip the Yankees in sixty days; but, that after four years of hard fighting and privations of every description, as he was returning on foot from Virginia to his old home in the lower end of Franklin County, he thought a thousand times on the journey of Colonel Colyar's prophetic utterances in the Salem speech.

Notwithstanding his antagonism to secession in the formation of the Confederate Congress, he was nominated and elected from the Chattanooga District, without his having solicited the honor. He served during the entire war as a Congressman from the Chattanooga District.

Prior to the war Colonel Colyar had earned a splendid

reputation as a painstaking, industrious, accurate and successful lawyer. He was a great lawyer until his powers began to wane on account of age. But after the war, and after he had become interested in industrial enterprises and newspaper work, it was difficult to interest him in a case, unless it involved a very large sum of money or some public question of vital importance. Before the war he was not only successful as a practitioner of the law, but he was a financial success as well.

In about 1852 some New York capitalists obtained a charter for the purpose of mining coal in Marion, Grundy and Frankln Counties. It was then considered a large outlay of capital which was invested in this enterprise. Soon after the organization of the company a railroad leading to the coal fields was commenced and was constructed from Cowan, in Franklin County, up the Cumberland Mountain. At that time this was regarded as one of the greatest feats of engineering ever attempted, and this road has the unique distinction of being the only line of railway ever constructed in the State, prior to 1870, without State aid. This railroad was afterwards extended to Tracy City, and the first car load of coal was shipped on the 8th day of November, 1858. This road was built at an expenditure of over a million and a half of dollars.

Just prior to the war, however, the company became involved in litigation which resulted disastrously for the enterprise. Two creditor's suits were instituted, one in the State, the other in the Federal Court, and in this way the property passed out of the hands of the projectors and builders. Colonel Colyar represented some of the creditors in this litigation. In 1866 he went to New York and effected a compromise, whereby the New York creditors were given a mortgage on the property of two hundred and twenty thousand dollars, and the Tennessee creditors took the stock of the new company in payment of their debts. He was elected president of the new company. The property then consisted of about thirty thousand acres of land, the title to which was defective, and the so-called "railroad"

was in fact one with about half the rails gone. As head of the new company, he immediately went to work to rehabilitate the property, and succeeded in interesting many prominent citizens in the enterprise.

In 1871 a contract was made with the State by which convicts were to work in the coal mines. This was the first time in history that convicts of a State ever worked in mines, and it was continued in Tennessee until 1896.

The name of the original corporation that constructed this railroad and acquired these lands was the Sewanee Mining Company. The name of the company was changed to the Tennessee Coal & Railroad Company. In 1880 the charter was again changed—this time to the Tennessee Coal, Iron & Railroad Company, and an iron furnace was constructed.

At this time the majority of the stock was acquired by New York capitalists, and John H. Inman, of New York, secured control. The company began to make great extensions and entered Alabama in 1886. The capital stock was increased to ten million dollars and large absorptions were made. In 1888 Ex-Governor John C. Brown became president of this company, and was soon succeeded by Senator T. C. Platt of New York. The capital stock was increased to twenty million dollars in 1891, and Nathaniel Baxter was chosen president. In 1900 D. H. Bacon assumed the management of the company.

The work of Colonel Colyar in the interest of this company was probably one of his greatest achievements. Starting in 1866 with a bonded indebtedness of \$220,000.00 and stock amounting to \$400,000.00, which sold from ten to twenty cents on the dollar, he saw this great enterprise grow and increase until it was stocked at fifty millions, producing nearly five million tons of coal annually, besides over five hundred thousand tons of pig iron, and two hundred and fifty thousand tons of steel. It was largely through his efforts that the rehabilitation of this company was brought about, and in doing this Colonel Colyar not only accomplished a great work for Tennessee, but for the entire South.

At the time that Inman and his associates obtained control of this corporation, Colonel Colyar sold his holdings in the company. With a part of the money derived from this sale he bought a controlling interest in the "American" in 1881, and with the aid of a positive pen he forged a place for himself in the history of journalism in Tennessee. A tribute paid him at a banquet given in his honor by the Nashville Press Club, by Mr. G. H. Baskette, editor of the "Banner," expresses fitly the estimate of the man against whom he was pitted. Mr. Baskette said: "I found him a very virile and sturdy foe; aggressive, provocative, courageous, persistent—one who never gave up. If he ever got the worst of it, as I in my assurances, might have thought he did sometimes, he had an obstinate way of insisting that he had won the victory. I can vouch for the sharpness of his thrusts, the skill of his parry and the persistence of his purpose."

He was editor of the American until 1884, at which time he again took up the practice of law. He was identified with some of the most famous cases of his day. He was often in the Supreme Court of the United States and was a well known figure in Washington. As a testimonial of appreciation of the value of his services in a certain case, fought through the Supreme Court, his client tendered him two thousand dollars in addition to the fee contracted for.

Colonel Colyar was a firm believer in the old English idea that for every wrong there is a remedy. His belief in this great principle was forcibly illustrated in his attack upon what is known as the "Alden Ring," in the City of Nashville. Shortly after the war Nashville was being ruled by this "ring." The "ring" over-rode the rights of the people and appropriated the taxes. The Judges on the Bench were Union men, but they were neither time-servers or corruptionists. To these officers he appealed in behalf of the rights of the citizens of Nashville and asked for the appointment of a receiver to take charge of its affairs, and for an injunction. An injunction was

granted and a receiver was appointed to take charge of the assets and property of the City of Nashville, and for two years, as such receiver, Mr. John M. Bass had control of the affairs of the capitol city, including the police and fire departments. This was the first time in the history of either England or the United States that the affairs of an incorporated city had ever been placed in the hands of a receiver.

An exhaustive argument was made before the Chancellor, in which it was maintained that the heads of an incorporated city had no more right to abuse its powers than any other corporation. When the receiver was discharged the citizens of Nashville had, in the meantime, been enfranchised, and they came into possession of their own.

His own account of his connection with this litigation, in which the receiver was appointed for the City of Nashville, was given in a speech before the Nashville Press Club, in which he said:

"Shortly after the war most of our citizens were considered by the Alden Ring, then in charge of the city affairs, as being unfit to take any part in the city government—and we were simply lookers on. While under a pretense of taxes, they were appropriating our property to their own private use. There seemed not to be the slightest hope of removing these city cormorants. But we had some Judges on the Bench who were faithful public officers, without regard to differences on the then-recent war. I drew a bill in the names of some citizens with a view of going into the Chancery Court, and on the principle of the old English writ of replevin—a mode of getting your rights at the beginning—we asked the Court to give us possession, and try the lawsuit later. The first application was at Chambers, asking a Judge of a new Court to recognize our proceeding, to give us an injunction temporarily, which he did. Later we went to the Chancery Court and the Chancellor gave us possession and appointed a receiver for the city. From start to finish this proceeding was in effect a declaration of war, with all the attending conditions be-

fore the actual fighting commences. The receiver was John M. Bass, father of our esteemed citizen of the same name. Mr. Bass was a man of mind and clean in every respect. He appointed his agents and closely looked after the city affairs for two years, and gave us all an opportunity of seeing city matters conducted on business principles, without politics or partisan favorites to be rewarded. Neither in England nor the United States had a receiver ever been appointed to take charge of an incorporated city. The argument before the Chancellor was exhaustive, and the defense was pronounced and fierce. But the question at last was—has a chartered city any such connection with the State as to make it, except in form, different from other corporations in the case of a gross abuse of the trust. So in the Courts we got relief, when otherwise we might have had a mob, which is sometimes resorted to in such troubles. This, with other scenes in life, has made me a believer in the old English idea that in the law there is a remedy for every abuse of our rights as citizens. And along this line let us maintain unshaken confidence in our judiciary—always remembering that to go on the Bench—chosen to adjust the peoples' rights, and then to become a partisan, would be degradation that we can't afford to imagine."

In a letter to his daughter, shortly before his death, in which he gave a brief sketch of his life, Col. Colyar made substantially the same reference to this celebrated case, as in the speech before the Press Club, and paid the same tribute to the Judges who granted the fiat and appointed the receiver, and then paid this glowing tribute to the members of his profession:

"My experience with and observation of our Judges on the Bench has fixed in my mind a high estimate of the profession. The trust reposed in the lawyer at the Bar is little less sacred than that reposed in the Judge on the Bench. It has been the education and training of our lawyers, and the lines of thought which they pursue, that have made for this country, as well as for England, whose service in both countries is the crowning feature of public

life, and this from the faithful discharge of public trusts. The young man thinking of the law should arrest himself and inquire: 'Can I take the responsibility of this trust and perform every obligation with fidelity?'"

The suit of the citizens of Nashville against the "Alden Ring" was the character of litigation that most interested Colonel Colyar, and was about the only kind that did interest him after he became a captain of industry. He was not the accurate, industrious, painstaking and diligent lawyer after he became interested in this coal and iron property that he was before. He appeared as counsel in a great many important cases from time to time after he removed to Nashville, and at one time did a large practice there; but he never, at any time after the war, was the successful general practitioner that he had been before. It required a case that involved a very large amount of money, or one in which there was some question of great public concern to excite his lively interest at this period of his life. When he did become interested in a case he devoted all of his mind and energy to the solution of its problems until he had mastered the case in all of its details.

Some thirty years ago I asked a gentleman, whom I regarded as the leader of the Tennessee Bar at that time, who he regarded as the strongest lawyer in Tennessee. His reply was—that he would rather meet any of them than A. S. Colyar, when Colyar got to carrying the file under his arm.

Colonel Colyar was an all-round lawyer. As a trial lawyer he was unexcelled. He was master of the science of pleading. His briefs were exhaustive, his propositions being stated in the simplest language and the argument couched in the purest English. He was an expert in cross examination, and a terror to the lying or dodging witness. In the argument of a cause, either before a Court or jury, he was interesting, forceful, logical and effective. His fund of anecdotes was inexhaustible, and he employed them with rare tact and effect in impressing his points or ridiculing his adversary. In a good cause he was invincible, and in

making the worst appear the better reason he was a dangerous antagonist.

Colonel Colyar was a born orator, but not of the conventional type. On the stump and in the Court room he was at his best, because he did not like to trammel himself with a prepared oration. His thoughts flowed freely and he was fluent in expression.

It was Colonel Colyar who first advocated scaling the State debt, which was crushing the life out of the State which had not profited by it, and when the pendulum bade fair to swing too far, it was Colonel Colyar who threw himself into the breach, and he was a powerful influence in saving the State from the curse of repudiation.

While he was editor of the American, and in fact during his entire public career, he advocated the doctrine of a protective tariff. He was frequently charged by political adversaries with inconsistency. This charge was lodged against him on account of his vote for Sam Houston in the National Convention of 1860. Colonel Colyar's reply to this charge was that in the emergency he chose between the choice of his constituents of a presidential candidate and what he regarded as a vote for the preservation of the Union.

It was also said that he was inconsistent in fighting the wave of repudiation that spread rapidly over Tennessee, after he had made the suggestion that the debt should be scaled. To this criticism his reply was—that there were equities in favor of the people, and that the debt should be reduced, but that the rights of the bondholders should have due and fair consideration.

Colonel Colyar's democracy was often impeached on account of his advocacy of a protective tariff. To this his reply was—that he was as good a democrat as could be made out of an Old Line Whig. The Whig party has stood for a protective tariff and his views on this subject underwent no change when he decided after the war to affiliate with the democratic party.

He opposed secession with all the ability and energy

he could command. When war was declared he did not surrender his views on this subject, but stood loyally by the people of his native State, and his constituents showed their faith in the man by sending him to represent them in the Confederate Congress. But whatever may be said of his consistency in other things, there was never any criticism at any time of his record upon the subject of temperance and prohibition.

He was the first prohibitionist I ever knew. He made the first temperance speech I ever heard. He fought the liquor traffic and intemperance with all the zeal of his nature and powers of intellect from the time he walked four miles to join the Sons of Temperance, when nine years of age, until his death on December 13th, 1907, in the Capitol City of his native State. It has been said that he was the author of the now celebrated Four Mile law. This is true in a sense.

The passage of the Four Mile law came about in this way: In 1877 Hon. H. R. Moore, a friend and contemporary of Colonel Colyar, represented Franklin County in the Lower House of the General Assembly of Tennessee. Major G. R. Fairbanks, a representative of the University of the South, situated at Sewanee, in Franklin County, approached Mr. Moore and requested that he introduce and secure the passage of a bill to prohibit the sale of intoxicating liquors within four miles of the University, stating that the officers and professors of the University were constantly annoyed by the sale of wildcat whiskey to the students of the institution. Mr. Moore, who had been educated for a lawyer, but who had never actively practiced the profession, expressed to Major Fairbanks grave doubts as to the constitutionality of the proposed measure, and suggested that they confer with Col. Colyar on the subject. Col. Colyar agreed with Mr. Moore that such a bill would be unconstitutional. He suggested, however, that a constitutional bill could be framed and enacted, prohibiting the sale of intoxicating liquors within four miles of ALL incorporated institutions of learning, and this was done.

The liquor men did not realize the importance of this measure and made no effort to defeat its passage; but they soon woke up to the fact that this bill had cut out the sale of their goods, wares and merchandise in a large part of the territory of Tennessee. The bill was afterwards amended so as to prohibit the sale of intoxicants within four miles of where a school of ANY SORT was conducted, and this measure stopped the sale of liquor in all the territory of the State except in incorporated towns. It has since been amended from time to time until the Four Mile law now applies to the entire state.

On this subject of temperance and prohibition he practiced what he preached; he never drank a drop of liquor in his life.

He was a man of great physical as well as moral courage. His moral courage was demonstrated in many emergencies throughout his long and eventful career, with the history of which many of you are familiar.

I will relate two incidents illustrating his physical courage. In the early seventies there was an effort made to remove the county site of Grundy from Altamont to Tracy City. It required, as you are aware, three-fourths of the qualified voters to vote in the affirmative in order to do this. Colonel Colyar had large interests in Grundy County, and he at once began to write and speak advocating this change. He was violently opposed in this effort, and the opposition was led by a lawyer named Boulden, who lived at Altamont. Colonel Colyar and Boulden had made numerous speeches over the county, advocating their respective views on the subject of the removal of the county site. Col. Colyar made an appointment to speak at Altamont; the citizens of that place and of the immediate surrounding districts were much opposed to the removal of the county site; Col. Colyar was notified that he would not be allowed to deliver a speech on that subject at Altamont. This antagonistic movement was supposed to have been started by Mr. Boulden. When the day arrived for the speaking at Altamont, it was a cold, snowy day in January. Col.

Colyar, with his son Wallace, and one or two of his friends went from Tracy City in the morning, arriving at Altamont at 11 o'clock, and found the court house filled with Boulden's friends and those opposed to the removal of the county site. Colonel Colyar promptly pushed his way through the crowd in the court house, walked up into the Judge's stand, without pausing to remove his gloves. Turning around and facing the audience he began his speech by saying:

"When I have to skin a dog I usually take off my gloves"—at the same time suiting the action to the word and slowly drawing off his gloves. Boulden had taken a front seat almost immediately under the speaker. Pointing his long bony finger at Boulden, he continued:

"If there is a man in this county who will swear out a warrant against this man Boulden for perjury, and I don't put him in the penitentiary, I will promise never to try another lawsuit."

He spoke for an hour, castigating Boulden, notwithstanding the fact that there were over two hundred men there who had declared that he should not speak. The fall of a pin could have been heard anywhere in the court room while he was speaking; not a word was uttered by anyone at any time.

Having finished his speech, he walked out of the court house, got in his buggy, and drove back to Tracy City unmolested.

Another similar instance was during the campaign in which Senter was elected Governor of Tennessee, when James Mullins was running for Congress and making speeches in Bedford, Franklin, Lincoln and Coffee Counties. In his speeches Mullins said something derogatory about Colonel Colyar. As soon as he heard of it he wrote Mullins and asked for a division of time for one of his appointments, at Salem, Tennessee, this being near the old Colyar home. Mullins refused to divide time with him, saying that it was his own appointment, and declining to permit Colonel Colyar to speak on that occasion. Colonel Colyar than no-

tified Mullins that he intended to speak in Salem on that day—the day of Mullins' appointment. When the day arrived he left Tracy City at daylight with two or three friends; he reached Salem about eleven o'clock that morning. When Mullins walked up to the platform to commence his speech, Col. Colyar closely followed him and stopped in front of him and said to the audience:

"I have asked this man to divide time with me here today, and he has refused. I now notify him that he can speak one hour, and at the expiration of that time I am going to speak from this platform," he then took a seat directly behind Mullins.

Mullins was so embarrassed and confused that he could not consume his allotted time, and after speaking thirty minutes in a wandering and disconnected manner, without referring to Colonel Colyar or calling his name, took his seat.

Colonel Colyar then walked to the front of the platform and looking around him, discovered that he was almost surrounded by two hundred of Brownlow's militia, every man with a gun in his hand, sent there for the protection of Mullins. He began by saying that if Mr. Mullins thought he would intimidate him by surrounding himself with a bodyguard of two hundred of Brownlow's barefooted thieves, he was very much mistaken. He then spoke for more than an hour, devoting his time equally to abuse of Brownlow's militia and Mr. Mullins. Not a word was said—not a hand moved, while he was speaking.

Numerous instances in his life could be cited which clearly demonstrate that he had no conception of the meaning of the word "fear," so far as personal courage was concerned.

While he was the successful promoter of many enterprises, notably the great coal and iron industry, to which reference has been made, he was not a good business man; he was too careless and indifferent as to details to make and keep money for himself. While at several times in his life he was possessed of a large fortune, he died a poor

man. While he was in affluent circumstances at several periods of his life, his sympathies and feelings were always in the interest of the masses. He was distinctly a friend and an advocate of the poor man. He probably gave more legal services to clients who were unable to pay than any lawyer who ever lived in Tennessee.

He made the race for the democratic nomination for governor in 1878, while the scaling of the state debt was the issue of state politics, and while a large majority of the democratic party supported him in his aspirations, he failed of the nomination on account of the two-thirds rule that then obtained in democratic conventions. Albert S. Marks, a cousin of Colonel Colyar's, who had been Chancellor of his division, was nominated as a compromise candidate. Gov. Marks had been Colonel Colyar's law partner at Winchester before the war, and after his term as Governor had expired, they again formed a partnership and practiced law together for many years at Nashville.

Colonel Colyar lived far ahead of his day and time. Instead of waiting for public sentiment to create a demand for his opinion and his views, he was the first to announce his convictions on every public question. This fact always tended to keep him out of line with the politicians and made him unpopular from a political standpoint. He did not wait for public opinion to form his convictions on any subject.

He was influential in locating two of the most famous of southern educational institutions. It was largely through his influence that the University of the South was located at Sewanee, Tennessee, and he secured the location of the renowned Mary Sharp College at Winchester. For nearly a quarter of a century Mary Sharp College was the best known female educational institution in the south, being the first female college in the United States to confer the degree of A. B. upon women, with both Latin and Greek as a sine qua non to the attainment of this degree.

One of the most notable achievements in Colonel Colyar's later life was the writing of the Life and Times of General Jackson. This great work was published in the

eighty-fifth year of his life, and is one of the most remarkable biographies in existence. He was an ardent admirer of General Jackson, and no man, perhaps, in the whole nation was so well equipped to write this biography. This great task was accomplished after he was past the age of eighty.

Among other things in the preamble to the resolutions adopted by the Nashville Bar, after his death, were these words:

"One of the most pronounced characteristics of Colonel Colyar was his public spirit. He was in deep sympathy with everything involving the material prosperity of the country, and the intellectual, moral and religious culture of society. He was found among the most active promoters of schools, colleges and churches, and among the most ardent friends of manufactures, railroads, mines and commercial and financial enterprises. He was the uncompromising friend of law and order, of sobriety and of purity in the administration of government. He was a consistent friend of temperance, by example as well as by precept, and a total abstainer from alcoholic liquors; he was the author of the Four Mile law, the most unique piece of prohibition legislation which the country has ever produced. No man in the state was ever more oblivious of his personal popularity when a worthy cause needed a champion. His courage was almost without limit. Like all positive characters, he made his mistakes and incurred criticism even when he was in the right. As might be expected he sacrificed himself, so far as public office was concerned, and died a poor man. At the remarkable age of ninety years he rounded out a life full to the end of extraordinary intellectual and physical vigor, and full of a fruitful activity which endears his memory to the great body of his surviving fellow citizens.

Colonel Colyar had devoted perhaps more than half of his life to politics, newspaper work and to the promotion and development of industrial enterprises, yet he ranked with the best in the south in his profession. After his death

the Memphis News-Scimitar commenting editorially on his great career as lawyer, statesman, journalist and man of affairs, concluded with these words:

"At the time of his death he was far and beyond Tennessee's foremost citizen. The good he has done will live after him. His life's walk would prove a worthy pattern for those of succeeding generations. His name and fame are secure in Tennessee's pantheon."

BANKRUPTCY LAW, ITS HISTORY AND PURPOSE.

By H. H. Shelton, Bristol, Tennessee.

Mr. President, Ladies and Gentlemen:

I am aware of the fact that my subject is an unpopular one. It is neither a cheerful nor a pleasing theme, because it deals with financial disaster, and we dislike the gloom attending ruin. Bankruptcy law, however, is a distinct and an important branch of our system of jurisprudence. In its administration it is far-reaching, and I hope, therefore, that a consideration of certain phases of it may neither be wholly without interest nor altogether unprofitable. Unless one's attention be challenged to the scope and effect of the present system, he scarcely realizes its magnitude. Statutes dealing with the subject of bankruptcy, when they have been enacted at all in the United States, have always followed periods of financial depression. Existing conditions, just prior to the passage of the Act of 1898, demanded the enactment of such a law. Countless debtors throughout our country were laboring under the burden of debt, and the debt-laden man has little ambition to accumulate, or to succeed as the world views success. His energies do not play freely, his family suffers, and he is not in position to render either the State or society efficient service. As someone has said: "We cast off the care of all future thrift, because we are already bankrupted." The period preceding the passage of this law was a strenuous one. Those were the days of general creditor's bills, attachments, assignments, receiverships. The reminiscences of some of my