

H. M. Henderson

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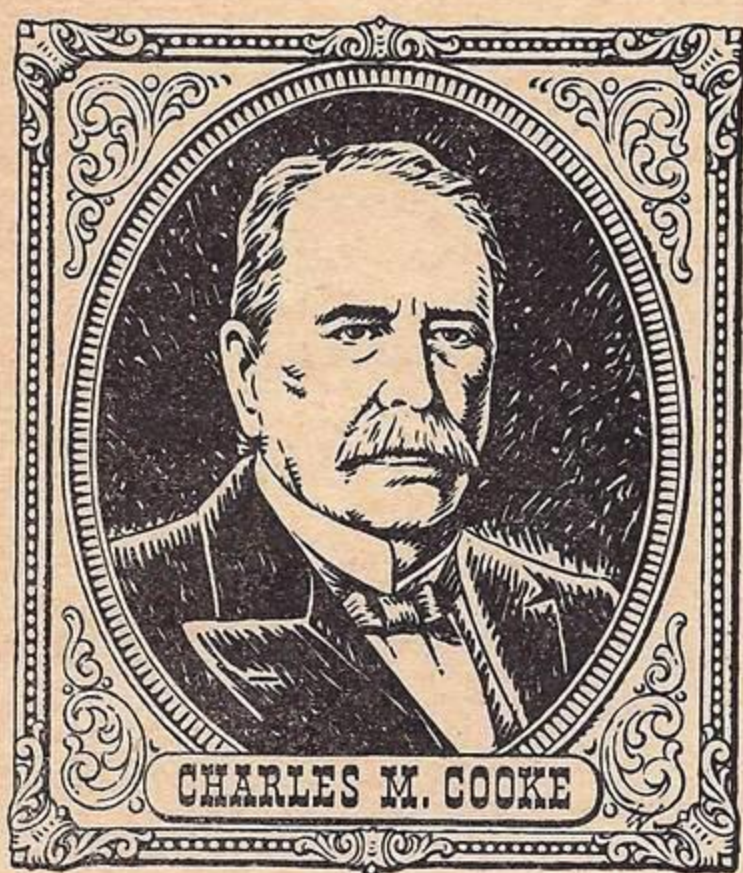
"Judge Cooke"

Reminiscences of the Homely Humor and
Merciful Judging of North Carolina's
Grand Old Jurist.

By TOM HENDERSON

Price 50 Cents

"Judge Cooke" Frontispiece



ODE TO JUSTICE

(With apologies to lyric meter)

Resolve it as you may or will,
the temple of earthly justice is man,
And man cannot judge the erring heart
like the Heavenly Judge can;
He tempered the cold winds to the shorn lamb's
shivering, bleating cries,
And turned His wrath to mercy
with a rainbow in the temple of the skies.

I sing of an earthly judge with a touch
of that Godly mercy in his heart,
Who, in the temple of earthly justice,
took the underdog's sorrowful part;
Who, like the Heavenly Judge when He stooped
and wrote forgivingly in the sand,
Meted out Divine justice of merciful forgiveness
to poor, weak, sinning man.

So, I strive to honor earthly justice
in the scribbling of this little book,
Honoring the memory of that humanitarian jurist,
Judge Charles M. Cooke;
Trusting the recorded verdicts of merciful justice
of his kind and witty heart
Will inspire other earthly judges
to compassionately emulate his good part.

FOREWORD

This little book, which honors the memory of the great heart, fine brain, homely humor and humane judging of that grand old jurist, Judge Charles M. Cooke, of Louisburg, Franklin County, North Carolina, is dedicated to his life-long friend and Confederate-comrade-in-arms, my father, Archibald ('Baldy') Erskine Henderson, to Judge Cooke's living friends and to the legal fraternity of North Carolina.

This foreword is foot-noted by the reminiscences of another admirer and another native of my Yanceyville, Caswell County, North Carolina, Congressman-Judge John Hosea Kerr, of Warrenton, who writes:

"Most of the good jokes attributed to this distinguished gentleman were risqué, or, as my old friend, Blunt Plummer, would say, 'a little too tainted for print.' When he came out of the war, he began to practice law in Louisburg, his home, and his practice was very extensive in Wake, Granville, Warren, Nash and Franklin counties. He was associated for a number of years with Judge Joe Davis, who afterwards was a member of our Supreme Court. He was known and spoken of by the people of this section of the State as 'Honest Charlie Cooke', and I doubt if any lawyer in North Carolina ever held the confidence of the people who knew him to a greater extent than did Judge Cooke. This is one of the finest tributes that can be paid to him, or to any other man.

This little incident I remember well, and know that it is true. Judge Cooke was passing through a county seat in North Carolina, and, while waiting for his train, dropped in at the courthouse in that county seat. When he went into the court room, he discovered that Court was not in full session, but that Judge Peoples was hearing a case 'in chambers.' He was at ease, with his feet cocked up on the judge's desk, while listening to the lawyers argue the case. He did not notice Judge Cooke when he came in and took a seat in the bar, without removing his hat. Shortly afterwards, Judge Peoples cast his eye that way, saw and recognized Judge Cooke, but humored the situation by seemingly not recognizing him. Then Judge Peoples commanded the Sheriff to 'tell that man over there to take his hat off of his head.' The Sheriff promptly did so, and Judge Cooke said to the Sheriff:

" 'You tell Judge Peoples to take his feet off of his desk, and I will take my hat off of my head.' "

* * *

It is safe to say that most so-called extemporaneous speeches and at-the-moment flashes of wit are not extemporaneous, but have been thought up beforehand and used time and again. I know a speech-maker who, while a student at Oak Ridge, committed to memory

all the speeches of the South's great orator, Henry W. Grady, and practiced them from treetops in the depths of inaccessible forests. That fellow was primed for an extemporaneous speech on any and all occasions. He could make the prettiest speech imaginable, and the words seemed to drip from his tongue like melted honey. I thought him incomparable in beauty of language and depth of thought until on one occasion I realized I was hearing, with but slight twists of variation, Henry Grady's great oration, "The New South."

While Judge Cooke had a quick brain and was always ready with bright repartee and appropriate conversation, he had a certain amount of "stock-in-trade" for every occasion. For instance, Fred Upchurch wasn't the first lawyer or the last to whom the old jurist said: "I know more law when I'm sleep than you when you're awake." This is evidenced by the reminiscences of his friend and admirer, Judge William G. Bramham. But, first, I must tell you the little story of Sergeant Jasper Pendergrast, another warm admirer of Judge Cooke, now living in the friendly village of Mebane and connected with T. Boddie Ward's highway safety division.

The time was the morning after the night of the day that President William Howard Taft spoke at Chapel Hill. The bar of Durham spread a great banquet that night, and good cheer and fraternal fellowship flowed freely. Judge Cooke was presiding over the Superior Court of Durham County at the time, and he was an honored and humor-bearing guest of the banqueters. Everybody was happy, and the occasion was prolonged far into the "wee sma'" hours.

Sergeant Pendergrast was standing inside a small pop-shop, near the courthouse, just before the hour of convening court, when Judge Cooke came in and ordered "a pop with a little ammonia." The great old jurist's eyes did look a bit sleepy, but Sergeant Pendergrast politely said:

"Good morning, Judge, you're looking 'fit as a fiddle'."

Judge Cooke gulped his "pop" down, made a wry face and replied: "You are very charitable, Young Man, but you are telling a damn lie."

* * *

Commenting on Jasper's story, Judge Bramham added this:

"The banquet was very fine in every respect, but damn dry when it came to refreshments. The judges of the Federal Bench were present; also, those of our Supreme Court and some of our Superior Court. And,

then, there stood Josephus Daniels, dryest of them all. If that and them were not enough to create a drough in the eyes and throats of practicing anti-prohibitionists—what would it take.

“Well, when the banqueters had ‘done and adjourned’, the younger members of the bar decided the prohibitionists had had their turn, and the time had come for the anti-prohibitionists to perform. We adjourned to a specially prepared room in the hotel—previously properly equipped with pre-war refreshments. Then it was that things really began to happen.

“Some bright prankster in our crowd—I will not say who, played the role of the late Paul Graham, then Judge of the Recorder’s Court, and opened his court. Then, growing bolder, he opened Judge Cooke’s Superior Court, and proceeded to imitate the old jurist in nodding on the bench.

“There was a traitor in our crowd, who we were never able to put our finger on, and he carried the tale of our doings to Judge Cooke. The next morning as I was nervously wending my way to the courthouse, shaking like a leaf from the previous night’s entertainment, who should I run right into on the courthouse lawn but Judge Cooke.

“‘Come here, Young Man,’ said the old judge, unmindful of the many spectators who were looking and listening. ‘I understand that after all the respectable guests had left the banquet-room last night, you, Buck Guthrie, Jones Fuller, Jim Barbee and your gang proceeded to celebrate by imitating me sleeping on the bench, and I just wanted to tell you and them that Judge Cooke has more sense asleep than you young bucks have wide-awake.’

He did not get any argument, both the facts and the conclusion being unanswerable.”

* * *

Even an ardent admirer of Judge Cooke is bound to admit that sometimes he was seemingly unkind to young lawyers, yet I doubt if he ever really meant to be unkind. His wit was forever bubbling near the surface, and he had to let off steam. Few men revere his memory more today than does Fred Upchurch, but Fred will never forget the embarrassment of the moment when Judge Cooke called him a “jumping-jack,” and made him sit down. On the heel of that, he referred to the late Edd Saintsing as “a limberjack.” Edd was so mad that he deserted his case, left the courtroom, got in his old Ford, and left the village as fast as he could push the ancient motor.

Charles C. Weaver, district superintendent of the Winston-Salem district of the Western North Carolina Conference of the Methodist church, writes me his recollections of a remark of Judge Cooke, which substantiates my statement that the old judge kept some remarks "on tap," so to speak, for I heard him get off something like this on another occasion:

"Your article in 'The Rotarian' about Judge Cooke interested me greatly. For years one of my favorite stories revolves around an incident that took place in his court in Lenoir, N. C., years ago. I had gone to court just to see and hear the old judge, who was a friend of some of my wife's family, the late Capt. Jeff Johnson. He had told me of his great admiration of Judge Cooke.

"The evidence in the case, then being heard, was that on a Sunday afternoon a group of young fellows was gambling in a railroad cut on the edge of the town; a quarrel arose, and one of the gamblers started toward another with an open knife. The latter jerked out a pistol, and shot his assailant through the forehead, killing him instantly. All the gambling crowd were in the courtroom, as witnesses, when the jury brought in a verdict of 'manslaughter.'

"Judge Cooke sentenced the convicted fellow in these words:

" 'John, stand up. Now, John, I am going to send you to the penitentiary, and I want to say, John, I am sending you into better company than you had that Sunday afternoon down on the railroad.'

"He was a great judge."

TOM HENDERSON

Yanceyville, N. C.

1942

A LITTLE FUN IS A SAVING GRACE

Poetry hath her priceless gems, music her soothing charms, philosophy her golden wisdom and fiction her absorbing interests, but the humor of a chaste anecdote warms the cockles of the human heart.

No jurist I have ever known possessed a truer understanding of legal justice, a more merciful heart and a finer sense of wholesome wit than did Judge Charles M. Cooke, of Louisburg, North Carolina, the little village memorialized by the sweet songster, Edwin Fuller, in his beautiful parody on "Bingen on the Rhine," wherein he tragically depicted the death of a "drunkard" from "Louisburg on the Tar." He was a former soldier of the Southern Confederacy, sometimes Secretary of State, gentleman, scholar, judge and humane human being.

Permit me to philosophize a bit by saying that the dignity of the court, the majesty of the law and the even balance of the scales of justice are not necessarily sacrificed by indulgence in a little fun in the temple of justice and jurisprudence. Standing before the bar, guilty or not guilty, I'd rather risk my chances with a judge who warms the temper of his heart with the sunshine of humor and tickles the ribs of his dignity with flashes of wit. I wouldn't want to be the client of a lawyer whose dignity wouldn't permit him to smile and laugh—or even to stoop to tell a joke to a jury of my peers who were to pass upon my guilt or innocence.

Let me further introduce this grand old jurist by relating a story which was told to me by Powell W. ("P. W.") Glidewell, of Reidsville, a superb raconteur and one of the brightest criminal lawyers in these parts. He started his practicing at Judge Cooke's bar, and he perhaps remembers more of his witticisms and kindly deeds while on the bench than any other living lawyer. Furthermore, he goes as far as any man in expressing admiration of the great heart and splendid brain of this great old judge who now lives only in memory.

On one occasion, Hon. Allen D. ("Dump") Ivie, father of the present handsome and erudite solicitor of Spray's "Recorder Court," who bears the same name, was assisting Solicitor S. Porter Graves in prosecuting a case which Glidewell was defending. Solicitor Graves was a native of Mount Airy, North Carolina, and his solicitorial district then embraced some ten or eleven counties. He was tall, blond, an orator with a magnificent voice, and, withal, a superlative actor. In this case, he was sitting back and letting his assistant do most of the developing of the evidence, as is oftentimes customary when a private

prosecutor has been employed to assist the State. Ivie, with the dress and dignity of a senator—he was a State senator, dramatically arose to say a word.

“You set down, ‘Dump’,” commandingly spoke Judge Cooke.

Ivie wilted and sank to his seat. Glidewell jumped to his feet.

Judge Cooke gave him a withering look, and curtly said:

“You set down, too, Young Man, the ‘Cote’ would like to hear from the blond statesman from ‘Airy Mount’.”

Porter Graves arose with all his height and dignity, but with blushing face. Oratorically, he resented the witticism which had produced laughter from the spectators at his expense:

“Your Honor, I admit I am blond, but that I cannot help; I acknowledge I am not a statesman, also, and for that I cannot be blamed; but, I ask your indulgence in permitting me to say that I do not appreciate your twisting the name of my beautiful home city of ‘Mount Airy’ to ‘Airy Mount’.”

“Now, Mister Solicitor,” replied Judge Cooke, “don’t get riled. The ‘Cote’ was just amusing himself in a little innocent fun and wasn’t meaning any harm. After all, a sense of humor is a saving grace. You must charitably overlook my little witticisms, bearing in mind that my lot as a judge is a hard one, traveling as I must do all over the State, most of the time in buggies and hacks over almost impassable roads, sleeping in uncomfortable beds in sorry hotels, like this little one down the street, eating soggy biscuits and other badly cooked foods, which would ruin the stomach of a jackass much less a human being, having my heart torn by sentencing even unto death weak, sinning men, all the while being away from the home and family I love, and drawing a salary incommensurate with the worth of a cross-roads lawyer. If the ‘Cote’ couldn’t have a little fun now and then, he’d resign and go on back home.”

* * *

COURT PROCEEDINGS

It was the first time Judge Cooke had come to our little county seat, and most of us didn’t know him and didn’t know how lovable and merciful he was. And, we didn’t know how humorous, homely and bluntly-spoken he could be. I, a mere boy and ever precocious, was sitting on the rostrum, within touching distance of his indulging honor. In fact, I had just touched him, at the request of Counsellor Fred Upchurch, whose

speech to the jury was being interrupted by Judge Cooke's snoring, the old jurist having gone to sleep on the then young lawyer. Judge Cooke jumped, so to speak, batted his eyes and somewhat gruffly demanded: "Who waked me?"

I turned my youthful head and smiled, but refused to incriminate myself. Judge Cooke turned to Fred Upchurch, and accused him of the crime. Fred bravely admitted his guilt:

"I asked Tom to touch Your Honor, that you might not miss the point of law I am arguing."

"Humph," sort of snorted Judge Cooke, "Young Man, I know more law when I'm sound asleep than you know when you're wide awake."

Cullen Bryant came in the courtroom at that moment, stooping to get under the high-pitched door portal. He is dead now, but at that time he was Caswell County's outstanding giant within the memory of men, the finest specimen of physical manhood I ever saw, standing nearly seven feet and weighing 275 pounds, with not an ounce of surplus flesh, a perfect symmetry and coordination of bones, sinews and flesh. Judge Cooke's eyes opened wide as they fell on this mountain of a man.

"Mister Sheriff," His Honor addressed Abner Fitch, "you adjourn this court for five minutes, and bring that yonder fellow up here. The 'Cote' wants to take a good look at a real man."

Sheriff Fitch quickly obeyed, led Cullen up to the bench and introduced him. Judge Cooke looked him over admiringly, the while carrying on a running fire of humorous comments. He concluded his interview:

"Young Man, you could stand knee-deep in hell and reach up and shake hands with Abraham, Isaac and Jacob."

Court resuming, a tall, gawky, bushy-foreheaded man was called for special jury service. As he came forward, Judge Cooke looked him over, and then said:

"What did they say your name was?"

"My name's Jeffriss," meekly replied the prospective juror.

"You any kin to the Jeffrisses over in Granville County?" interrogatingly continued Judge Cooke.

"I don't know, sir, Jedge," replied Jeffriss, "I hain't never hear'n tell of 'em."

Judge Cooke was not entirely satisfied with his genealogical investigation. He tried again:

"Do you love liquor?"

I could see that Judge Cooke had the fellow. Jeff-riss dropped his head and, in a sheepish kind of voice, he admitted:

"Yes, sir, I likes a leetle dram sometimes, when I kin git it."

"Un-hunh," grunted Judge Cooke, as if proud of the outcome of his cross-examination, "I know'd it—you're kin to 'em."

The trial drifted on, and Judge Cooke dozed again. My father was sitting in the pit of the bar. He and Judge Cooke had been lifelong friends and Confederate comrades-in-arms. My daddy was clearing his throat—an affliction he acquired while sleeping out under the canopy of heaven on Virginia battlefields. The judge suddenly awoke, and interrupted the orderly procedure of court by blurting out:

"'Baldly', quit clearing your throat—the noise disturbs the 'Cote'."

The eloquent Solicitor Graves was now addressing the jury, the actor-like gestures of his long arm calling down high heaven to witness the guilt of the defendant and his sepulchral voice condemning him with persuasive force sufficient to sweep a jury from the moorings of justice.

My father walked up to the bench, and whispered to Judge Cooke in a whisper that carried to the farthest corners of the courtroom.

"What did you say, 'Baldy'," smilingly spoke out Judge Cooke, "you say you like Porter Graves, but he's too damned theatrical. Unhuh, he has got some theatrics, ain't he."

In the next case, a male witness displayed a reluctance to give testimony reflecting on the character of a woman. Judge Cooke came to his rescue by interposing a remark of his own:

"I don't blame you for not telling on a woman. I wouldn't tell on a woman until Judgement Day—and I'd have to be cross-examined then."

* * *

GOD ANSWERS PRAYERS

Rivaling "P. W." Glidewell in reminiscences of Judge Cooke is Numa R. Reid, Wentworth postmaster, poet and polished Christian gentleman. This story of touching pathos is out of the store of Numa's recollections:

A youthful white hobo was picked up by officers of the law soon after he had crawled out from under a northern-bound freight train of the Southern Railway in Reidsville, and lodged in jail at Wentworth on a

charge of vagrancy. Arraigned before Judge Cooke, the fresh, honest-appearing face aroused the interest and sympathy of the great jurist. He took the boy in hand himself, for examination of evidence, a field in which he has had but few superiors, if any, in the annals of North Carolina. The conversation ensued:

"Son, how old are you?"

"I'm sixteen, going on seventeen."

"Where is your home?"

"Atlanta, Georgia."

"What you doing here?"

"I ran away from home and bummed rides to Reidsville, hoping to get a job there, but the officers arrested me and put me in jail before I even had time to hunt for work."

"What folks you got in Atlanta?"

"My mother lives there."

"So you ran away from your old mammy. Well, maybe, after all, you were hunting a job. Does your mammy know where you are now?"

"Yes, sir. After I got in jail, I wrote to her and told her, and I told her I hadn't done anything awfully bad."

"You heard from her yet?"

"Yes, sir, I got a letter from her yesterday."

"You got that letter in your pocket?"

"Yes, sir."

"Let me see it."

The little prisoner brought out of his pocket a cheap, soiled envelope, addressed in pencil marks, all plainly evidencing poverty, and passed it over. Judge Cooke read it aloud. It was filled with the heartaching prayers of a sorrowing, helpless mother, begging God's watch-care over her prodigal son, pouring out her heart's love, and expressing the truism of Kipling's beautiful words:

"If I was hanged on the highest hill,
I know whose love would come up to me still."

Judge Cooke turned to the Sheriff, and ordered:

"Mister Sheriff, you go over to the 'phone office, call up the railroad station in Reidsville, and find out how much a ticket to Atlanta will cost."

The case hung fire for a few minutes. The lawyers in the bar pit whispered in understanding tones. They knew what was coming. Judge Cooke wiped his eyes, and had pulled out a worn checkbook when Sheriff Pinnix returned from the 'phone. Powell Glidewell arose, grabbed his hat, and feelingly said:

"You shan't do that, Your Honor. I am sure the members of this bar will accept as a privilege the donation of this fare."

The lawyer quickly passed his hat, and no man in the pit refused to make a contribution. The collection was turned over to Judge Cooke, and he further ordered:

"Mister Sheriff, you take this boy over to Reidsville, buy him a ticket to Atlanta, and put him on the train."

Turning to the little prisoner, whose own eyes were now streaming with tears, the merciful jurist benedictively said:

"I see there is enough money here to pay your fare, buy you something to eat on the train, and, maybe, get a nickel's worth of candy. Good-bye, Sonny, be a good boy, and when you get back to Atlanta, you tell that old mammy of yours that God answered her prayers."

* * *

EQUALITY OF JUSTICE

Sometime ago, Mr. G. C. Gatling, of Gates County, sent me the incidentals of a little story which illustrates Judge Cook's splendid conceptions of the equality of justice, in the realms of racial color. This incident happened nearly forty years ago, when the great jurist went to one of our eastern counties, to hold court. A popular politician and county official was under indictment for embezzlement of several thousands of dollars of county funds. When the case was called, the entire bar of the county stood up to plead with Judge Cooke that he agree to accept a plea of guilt to a lesser offense, that their prominent client might not have to go to the penitentiary.

Seemingly, the old judge was dozing while the law-years pled. Finally he opened his eyes, and then spoke:

"Gentlemen of the Bar, I understand you got an old nigger in jail, coming up before me for trial on a charge of stealing a little runty pig, worth about a dollar. You're going to ask me to give that ignorant old nigger about eighteen months in the pen for stealing that little pig. Here is an intelligent white man who has stolen thousands of dollars of funds entrusted to his care under oath and color of office, and you are asking me to let him go unpunished. I'm not a-going to do it. I don't believe in one set of scales for the white man and another for the black. When they get into my court, I'm going to weigh them on scales of equality."

* * *

NO SUGAR NOR SPOON

This story was told to me by 'Colonel' George A. Anderson, ex-superintendent of schools and ex-clerk of the superior court of Caswell County. It was related to George by another one of our superior court judges, possibly Judge Brady, and the stage was set in another county, where the jurist was presiding at the time.

It was a cold, raw day, and a friend of Judge Cooke, who had a room in the hotel where he was stopping, left word at the hotel desk that Judge Cooke's presence was desired in the friend's room as soon as the judge came in at the noon recess of court. Shortly thereafter, Judge Cooke made his appearance, and he was greeted by the warmth of friendship's friendliness and the hospitality of the heat of an open fireplace, each of which tend to cheer the cockles of the heart and tingle the chill of the blood.

"Judge," opened up the friend, after greetings, "I happened to be up in the mountains of Stokes County this morning, and I ran across a place which has the reputation of making the best brandy made in North Carolina. I got me a gallon, and I thought maybe you might like to sample it on a day like this and give me your opinion of its taste and purity."

"You would tempt a judge of the Superior Court of North Carolina," answered the great old judge, seemingly under strain of the temptation, "you would have me go back into the courtroom and sit on the bench in the temple of justice as the guardian of the weights of right and wrong, to pass upon the guilt and innocence of malefactors of the law and makers of unlicensed spirituous liquors with my own breath reeking with the fumes of illicitly made brandy."

Judge Cooke took a seat before the open fire, facing the mantel on which had been set the gallon jug of brandy. Calmly the friend awaited developments, confident that the cheerfulness of the moment and the sight of the brandy would fire the humor of the judge's brain.

Finally, a smile played upon the splendid features of Judge Cooke's face, as he leaned forward and whispered in his inimitable show of wit:

"I bet you ain't got no sugar nor spoon."

When the two friends were parting, Judge Cooke hooked a finger in the handle of the jug, and humorously but meaningly said:

"You don't happen to be going back by that place in the mountains anytime soon, do you? Because, if you are contemplating any such movements, I'd as well take this gallon on with me to my room, so's I can sample it some more."

* * *

THE SOLE OF A MAN'S SHOE

Judge Charles M. Cooke was sitting on the court bench, and Bill Fitch was sitting in a comfortable chair, facing him, with his feet atop the iron railing of the extra jury box, the soles of his shoes being on a dead level with the eyes of His Honor. Bill was raised on

a farm in the country, and has noble foundations in the way of feet. Judge Cooke interrupted court proceedings.

"Hold on there, Mister Sheriff, you stop this court a minute."

Sheriff Abner W. Fitch hurriedly obeyed the order. Bill was dozing at the moment, but he jumped, so to say, and quickly drew down his feet, seemingly sensing what was to come, as Judge Cooke began to address his remarks to him:

"What's your name, Young Man?"

"My name's W. F. Fitch, Your Honor" politely and meekly answered Bill.

"You warn't borned in Yanceyville?" asked the judge, affirmatively answering his own question.

"No, Sir," answered Bill, "I was born in the country, about three or four miles away."

"Humph! I know'd it," chuckled Judge Cooke; "you couldn't have growed those big feet in no incorporated town. The 'Cote' don't mind looking at the bottom of a woman's foot, but he ain't got no taste for gazing at the sole of a man's shoe. Besides, your big feet obstruct my view! Take in court again, Mister Sheriff."

* * *

FOUR YEARS IS A LONG TIME

This is another story related to me by Numa R. Reid, and portrays the rich wit and kindly understanding of Judge Cooke.

The prosecutor for the State of North Carolina had just secured a conviction in a case against an ashen-faced, consumption-chested, bow-legged little Negro, on a felony charge of purloining a bag of corn. Facing the Solicitor, Judge Cooke asked, in a tone of voice somewhat bordering on irony:

"Now, Mister Solicitor, you done got your little nigger convicted, what do you think I ought to do with him?"

"Four years in the penitentiary, Your Honor," hard-boiledly spoke the State's representative at the bar of justice.

Judge Cooke looked at the Solicitor in amazement, with a withering look, and then said ironically, if not sarcastically:

"F-O-U-R Y-E-A-R-S, Mister Solicitor! Did you say 'Four Years,' Mister Solicitor? That's a long, long time, Mister Solicitor. Do you know how long is 'four years,' Mister Solicitor? I fought for four years in the army of the Confederacy, and I know how long is four years.

Now, Mister Solicitor, you're just joking. You didn't mean 'four years' in the pen for this sorry-looking little nigger who got hongry and took a little corn to bake him some ashcake. Did you say 'four years,' Mister Solicitor?"

Turning to the Clerk of the Court, Judge Cooke said:

"Mister Clerk, the 'Cote's' verdict is that you send this little nigger to the county roads for twelve months. The ends of justice will be met—and, that's a long time."

SACRILEGE AND UNFORGIVENESS

In Garfield Wilson's store over at Rockingham's county seat, I was chatting with some of the natives when Numa Reid came in, bought me a soft drink and joined in the conversation, the subject of which at the time was the late beloved Judge Charles M. Cooke. Wentworth still breathes the spirit of its illustrious but lackadaisical past, regardless of its modern courthouse. Newton (Newt-she's-a-rearing) McCollum, who did live on the outskirts of the village until death took him a short time ago, took a dig at the villagers by relating a remark Judge Cooke is reputed to have made one night while playing set-back in the lobby of the old Reid Hotel. Two of the foursome in the game happened to be handsome childless wives. The eminent jurist pushed his chair back, said he was through for the night, and dryly said as he arose from his seat:

"I don't understand it. Wentworth has more buxom-looking matrons and fewer children than any place of its size in the United States."

'Newt' held the floor, and told the story of "some judge" and a Negro porter of the old hotel. This porter was also the official firebuilder for the rooms of the guests. The old Negro had gone up to the judge's room one cold morning, to build a fire, and it so happened he had taken a dram beforehand. The judge awakened, sniffed the fumes, and, seemingly in rage, he blurted out:

"Nigger, ain't you got liquor on your breath?"

The startled Negro humbly pled guilty:

"Yas, sah, Jedge, I'se had a leetle mawnin' dram."

"Nigger," continued the judge, "if you ever come into my room again with your breath reeking with the fumes of liquor, I'll put you on the county roads."

The old Negro hotel factotum had left off his dram the next morning when he entered the judge's room, to build the fire, but, in the interim of the morning before he had been doing a little detective work by way of private investigation. He had discovered that in the

bureau drawer of the judge's room there were several partly filled bottles of expensive brands of rye liquor. The old negro started the fire and, then, while the judge seemingly slept soundly, he moved over to the bureau, took out the bottles, slipped them in the lining of his coat, and headed for the door. His leave-taking was interrupted by the distressing cry of the judge:

"Nigger, what you got?"

"Jedge," replied the old darky, 'sum trablin' man staid in dis room las' week, an' he left sum bottles uv old licker in de buro' draw'r, an' knowin' how bad yo' hates de smell uv de vile stuff, I'se taking de bottles out t' thro' 'em in a old gulley."

"Nigger," roared the judge, "if you don't put my liquor back in that drawer, I'll put you in jail for life."

It was then that Numa, or maybe it was Mr. Mitchell, told this classical anecdote, which I proudly added to my collection of Judge Cooke stories.

At one time before their death, Bob and Jim Ivie were the premier horse and mule dealers of a wide scope of country. They had the reputation of handling good stock at fancy prices, on the basis of strict honesty and square dealing. Incidentally, I might say that their mantle has fallen on the shoulders of "Crackerjack" Jim Wilson, who is a philosopher and humorist, as well as a trader of rare qualities and impeccable character, and possessed of the true "horse-trader's smile."

During a term of court which Judge Cooke was holding at Wentworth, he saw a riding-horse, said at that time to be the finest ever brought to Rockingham County, in the drove of the Ivie brothers. Judge Cooke purchased the horse at a fancy price for a lovely and greatly loved daughter, whose health was then impaired, and he hired some fellow to ride it to Louisburg. I am told, sad to say, this lovely daughter died shortly afterwards, bringing a deep and abiding sorrow into the heart of the ageing judge.

It so happened that at the next term of court, the name of Bob Ivie was called for jury service. It afterwards developed that Jim Ivie was present somewhere on the grounds, but he wasn't in the court room. Judge Cooke cocked his ears like a setter dog, when there was no answer to the call. He turned to the Clerk of Court, and asked:

"Mister Clerk, isn't Jim Ivie one of them Ivie brothers, horse and mule traders from over at Leaksville?"

The Clerk informed him that his surmise was correct.

Then, in a tone of voice that suggested the judge had scores to even and that the moment of sweet revenge had arrived, Judge Cooke said:

“Mister Clerk, you fine Jim Ivie \$70 for ‘contempt of court’—I believed the ‘Cote’ traded horses with him once.”

* * *

VETERANS OF “AN-TEE-TAM”

Judge William G. Bramham, of Durham, ramrod of all minor league baseball clubs in the United States and friend of every player under contract, every would-be player trying to break into the game and every knot-hole kid chasing flies on back-street sand lots, told me this story. The ex-chairman of the Republican party of North Carolina is a dynamic personality, a forceful conversationalist and a lovable human being. Few men have the temperamental and judicial capacities to handle such a job. He needs must rule with an iron hand, but always that hand must have the touch of sympathetic understanding, justice and fairness, for it's rules over the destinies of thousands of young men who are striving to climb the ladder that leads to the limelight and the payroll of the big leagues. And, he knows how to say “dammit,” which word is a universal language in itself, understandable to all men.

Judge Charles M. Cooke was sitting on the bench of the Superior Court at Hillsboro, when an old negro was brought before him on the charge of having violated some one of the prohibition laws. To those who were never privileged to know the grand old jurist, it might be told that it was nothing unusual for him to take the trial of a case in his court out of the hands of the Solicitor, the lawyers and the jury, to conduct his own investigation and return his own verdict. It should also be said that while he was an educated man with a high regard for good English, he could stoop and talk the language of even the humblest, blackest and most unlettered Negro. In this case, this conversation followed after the old darky had gone on the stand in his own defense:

“What you doing in my ‘Cote,’ Old Man?”

“De white folks fotched me here, Jedge.”

“What you been doing violating the law of the land?”

“Dey ‘cuses me ob foolin’ wid a leetle licker, Jedge.”

“Whar yo’ borned, Nigger?”

“I’se borned ober in Purson.”

“Who yo’ Old Marster?”

“I’se longed t’ Mars’ Cap’n George Wilkins.”

“Nigger, wan’t you in the war?”

"Yas-suh, Jedge, I wuz sarvint-boy t' Mars' Cap'n George, an' I follered him all de way t' An-tee-tam."

"What happened at 'An-tee-tam'?"

"Mars' Cap'n George wuz a-settin' dar on a stump, arter a hard chase uv dem Yankees, sort uv restin', when erlong cum a big bumb an' bust right at him feet."

"Did it kill him?"

"Bus' him int' thousand pieces."

"What did you do den?"

"Got me a guan-no sack an' pick up de bones an' de pieces uv flesh I could find, an' den I got me a pine box an' I stole me a old mule an' a rickety kerry-all, an' I carried de 'mainses uv Mars' Cap'n George all de way back t' de big house, an' I gin 'em t' Ole Mistis."

"Nigger, I knew I had seen your face somewhere before today. You're telling me the truth. I wuz right dar at 'An-tee-tam' myself, and I know what you are telling really happened."

Judge Cooke pulled out an old bandanna handkerchief, wiped his tear-stained eyes, turned to the Clerk of the Court, and meted out that justice not found in the pages of the written law:

"Mister Clerk, you enter a verdict of 'Not Guilty.' They ain't going to convict this old nigger in my court."

Judge Cooke reached to his pocket, pulled out a dollar bill, and stretched over and put it into the trembling hand of the amazed old darky, as he feelingly said:

"Shake hands, Old Man, I'm glad to call you a comrade-in-arms of the Southern Confederacy. You got a black skin, but your heart is white, even if maybe you did violate the prohibition laws."

Surely, Abou Ben Adhem's angel, looking down from the bivouac of the dead, wrote down the name of Judge Charles M. Cooke as one who loved his fellow-man.

* * *

JUDGE COOKE AND 'AUNT' HENRIETTA

This story perhaps is the summum bonum of my endeavors to memorialize the memory of Judge Charles M. Cooke, and I must give proper credit to 'Colonel' George Anderson, who has helped me in recalling the events and language. We both have been thankful these nearly forty years that it was our privilege to sit in the courtroom that day and witness the unfolding of a great epic on life's stage, with all its realities of

heart-touching pathos. Incidentally, it may not be out of place here to say that Columbia Broadcasting Company, through the kindly favors of Major Edny Ridge, of WBIG in Greensboro, put this story on the air in a coast-to-coast hook-up out of New York, under Richard Maxwell's "A Friend Indeed" program. Columbia, also, had made and presented to Mr. Percy Cooke, of Greensboro, a grandson, a handsome medallion honoring the memory of the great jurist.

It was the April term of Caswell's Superior Court, and Judge Charles M. Cooke, of Louisburg, sat upon the bench. The courtroom was crowded to standing capacity that day, for the case set for trial was one of unusual interest to whites and blacks alike. Upon presentment of two reputable physicians, the grand jury had returned a true bill against 'Aunt' Henrietta Jeffress, an old ginger-cake-color 'black mammy', for the crime of practicing medicine without license.

It should be told here that this old negress was but one of thousands of "black grannies" in the backwoods of the South who unselfishly and skillfully ministered to white women when they went down into the shadows of death to bring their babes into the light of life, oftentimes when death hovered near and no doctor could be had. Their devotions to the call of suffering womanhood have been sung in song and story. They "practiced" in mansion and hovel, and the thought of remunerations of money for services rendered was the least of their considerations. Ignorant they may have been in letters and the science of materia medica, but they were not without experience in feminine diagnosis and doctoring, and seemingly God had given to them uncanny intuition, as well as hearts that plumbed the depths of sympathetic understanding. "Honey" and "dearie" were soothing poultices out of the lexicon of life when shooting pains racked the body of an expectant mother, and 'Granny's' gentle touch was the inspiration of courage and hope.

The doctors shouldn't have done it. Perhaps they were jealous of the success of this old granny, and certainly they were moved by a spirit of selfish resentment. 'Aunt' Henrietta was doing charity work and depriving them of the emoluments of professional services. These two doctors had already brought this matter to the attention of the Caswell County Medical Society, but this body refused to prosecute the old negress, so the two doctors went before the grand jury and brought the charge, and had her indicted.

Porter Graves, prosecuting attorney without perhaps a peer in all of North Carolina, was in the zenith of his oratorical glory that day, and his voice rang with the clarity of a silver bell and the boom of a loud-roaring sea, even as his long arm and tapering fingers stretched high towards heaven above his mag-

nificent stature. Like some mighty actor of the stage, a Joseph Jefferson or a De Wolf Hopper, he played upon the jury in presenting his indictment and challenging the twelve good and true men to do their duty and bring in a verdict for the great State of North Carolina.

When the Solicitor had finished the evidence for the prosecution and rested the case, Judge Cooke himself called the defendant to the stand in her own defense. As the old gnarled and badly bent figure shuffled forward, her tottering legs propped and supported with a hickory staff, I saw plainly that her cause had won the sympathy and drawn the help of the judge on the bench. The frightened heart of the old negress was calmed by Judge Cooke's gentle voice and friendly smile. Seemingly, she sensed that she had found a friend who would help her. Certainly, after hearing big white folks on the witness stand scandalize her good name, misjudging her motives and belittling her services in rendering aid to suffering women, she needed a friend who would understand her heart and give her a strengthened faith and a fresh hope. She must have felt that she was facing a white man who leaned on the side of mercy.

This day was another occasion when Judge Cooke took the case in his own hands, left the lawyers out, and conducted his own investigation. When the old darky had taken her seat in the witness chair, after painfully and slowly climbing the two steps to the rostrum, the judge asked, in voice attuned to gentle, sympathetic understanding:

“ ‘Aunt’ Henrietta, who's your lawyer? ”

“ Jedge, you knos I ain't got no lawyer, ” answered the old black mammy, “ you knos, Jedge, I ain't ‘pending on nobody but you. ”

There was a twinkle in Judge Cooke's eye which most of us sitting nearby caught and understood, as he wittily said:

“ ‘Aunt’ Henrietta, you done picked the right lawyer. ”

Then, tenderly, the great man led his witness:

“ ‘Aunt’ Henrietta, how old are you and how many children have you yourself given birth to? ”

The old negress guessed and counted on her fingers. She didn't really know how old she was. She had been born in slavery, and she had grown up loving and respecting white folks and esteeming it a privilege to wait on and serve them dutifully and faithfully. She knew and told how many babes she had brought into the world. I could see the moisture gathering in Judge Cooke's eyes as, seemingly oblivious to the presence of all in the courtroom save the defendant alone, he spoke:

"Do you know, 'Aunt' Henrietta, that was the same number of babies my old mother had and that an old black mammy just like you was there at her bedside when I myself was born."

There was a stillness in the temple of justice such as I have seldom seen or sensed. Hardened hearts grew soft and tears trickled down the faces of some, as their memories went back to the earliest recollections of babyhood and mother. Judge Cooke stated a hypothetical question, seemingly philosophically soliloquizing, and I wish I could recall and repeat his exact words, for never in any courtroom anywhere has such a hypothetical question been so beautifully and feelingly stated:

"'Aunt' Henrietta, the weather is bad outside, and before morning it may be raining and hailing and sleet-ing. Now, then, supposing tonight just about the time you have gotten into your rickety old bed and eased your rheumatic pains, while the rain and hail and sleet are drifting through the leaks in your clap-boarded roof, you hear the hoofs of a horse coming galloping down the road, and you hear the horse stop at your cabin, and you hear a knock on your door, and you say, 'Who dar an' what yo' want?' and the voice say, 'This is Mister Jim Smith an' my wife is bad off, an' wants you to come to her as quick as possible, now, I ask you, 'Aunt Henrietta, what would you do?'"

The old ex-slave and midwife looked up into Judge Cooke's face, and, with tears now streaming down her own black cheeks and her lips trembling with deepest emotions, she humbly answered without waste of words:

"Jedge, you knos I'd git up an' go."

"Yes, God bless your heart, 'Aunt' Henrietta," said Judge Cooke, "I know you would. I can see you now as you scratch a match and light your little old broken-chimney lamp, and reach out with your crooked hickory stick and pull your old ragged stockings to your bedside, put 'em on and put on your faded calico dress, tie your red bandanna handkerchief around your ears, leave the door of your cabin to face the cold and the wet on the outside, get up on the horse behind the white man, and go 'buckety-buckety' into the darkness of the night."

There was scarcely a dry eye in the courtroom now. The Solicitor sat with head bowed over his table, conscious that the hand of mercy had outreached and overshadowed the arm of legal statutes and that it was futile to fight to try to stem the tide. It was at this juncture of the heart-rending proceedings that he, maybe remembering his oath and his duty, jumped to his feet and feebly said:

"But, Your Honor, there were white women down there whose lives she imperiled, some of whom developed child-bed fever and died."

"All that you say may be true, Mister Solicitor," replied the judge, looking with seeming pity upon the dynamic prosecutor, "but she has probably saved the life of many a mother and babe, aside from relieving their pains and sufferings. And, I'd be willing to bet that some of those mothers these doctors waited on with all of their professional skill died, too. Maybe the good she has done has far outweighed the bad."

Then turning to 'Aunt' Henrietta, while spectators stretched their necks and strained their ears, Judge Cooke benignly said:

"'Aunt' Henrietta, they shan't do anything to you in my Court. You go on back home, God bless you, and when the call of suffering womanhood comes to you, you go and minister to them as best you can. Only, you musn't give them any drugs or physics, because you don't know the nature of their actions. I don't mean you shouldn't give them a little turpentine or 'ditney tea,' because they're about the best remedies, anyhow."

I saw the old jurist as he turned his eyes from the happy face of the aged black mammy, swept over the helpless figure of the able prosecuting attorney, and rested for a moment on the emotionally torn faces of the twelve men in the jury panel. Then, in the poise of the dignity of assertiveness that told me plainly that Judge Cooke had again taken the law into his own hands, reached a verdict, and was about to render a decision, he turned to the Clerk of the Court and said, in tones of voice and expressions of language that somehow seemed to me to typify and exemplify the Master on that occasion when He rendered a verdict in the case of Mary Magdalene, closing this case and ending this story in a spirit of earthly pardon and benediction:

"Mister Clerk, in the case of the State of North Carolina versus Henrietta Jeffries, the Court ORDERS a verdict of 'Not Guilty'."

(Editor's Note: Some of these stories appeared in the December issue of "The Rotarian" magazine under the heading "True Tales of a Judge," giving them nationwide and international recognition. The cut of Judge Cooke's likeness, after a photograph furnished by Mr. Percy Cooke, of Greensboro, was donated by "The Rotarian." I am deeply grateful to that excellent magazine.)

