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BIOGRAPHICAL SKETCHES
OF THE
BENCH AND BAR
OF
South Carolina:

BY
JOHN BELTON O'NEALL, LL. D.,
PRESIDENT OF THE LAW COURT OF APPEALS AND THE COURT OF ERRORS.

To which is added,

THE ORIGINAL FEE BILL OF 1791.
WITH THE SIGNATURES IN FAC-SIMILE.
THE ROLLS OF ATTORNEYS ADMITTED TO PRACTICE,
FROM THE RECORDS AT CHARLESTON AND COLUMBIA, ETC., ETC.

IN TWO VOLUMES.

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EDWARD S. COURTENAY.

The subject of this brief notice was born at Charleston, South Carolina, July 11th, 1795; admitted to the Law Bar, May 14th, 1823; to the Equity Bar, November 23d, 1825; and died at the residence of his son, in Charleston, October 5th, 1857. He was of Protestant Irish descent, from a family of consideration and respectability in the North of Ireland.

His father, Edward Courtenay, was the son of Edward Courtenay, Esq., of Newry, County Armagh, Province of Ulster, who intermarried with Miss Carlisle, of the same place. They were the parents of a large family, two of whom, Edward and John, came to America in 1789.

Edward settled in Charleston, where, in 1793, he married Miss Lydia Smith, of Newburyport, Massachusetts. He died at Savannah, August 4th, 1807, while on a visit to that place, in the thirty-fourth year of his age, leaving a widow and six children, the eldest of whom, Edward Smith, had just completed his twelfth year.

They were left in narrow circumstances, at a period of our history, when the opportunity for acquiring education, except to the wealthy, was far more restricted than at present. We find, however, that the eldest son had, at the age of nineteen years, so successfully struggled with the pressure of adversity, that he was elected to the mastership of one of the public schools of the city—a position which he continued to hold with great credit to himself and usefulness to the public, until he was admitted to the Bar in 1823.

As a teacher many still remember him with gratitude, who, in their own persons, bear testimony to his fidelity and success, in that honorable and responsible vocation.

He had previously, in 1821, intermarried with Miss Elizabeth S. Wade, a native of New York, who, with four sons, still survive him.

While his livelihood was thus secured by his labors as a

teacher, his own education was not neglected; his preparation for the Bar was prosecuted under the direction of B. F. Pepon, Esq., and accomplished in the twenty-eighth year of his age.

Immediately on his admission to the Bar, he entered upon the practice of his profession, but continued to devote several hours each day to teaching in McCullough's then flourishing grammar school.

Mr. Courtenay continued at the Bar about ten years, and with every prospect of a successful career, during the first seven years of his devotion to it. He was commissioned and acted as one of the Magistracy in Charleston, under the old system, and his professional labors were mostly devoted to magisterial duties, to office business, and to practice in the criminal courts. If we may judge of him as an advocate in the defence of criminal causes, by his forensic efforts outside the profession, which are alone preserved to us, the traditions of his success are well sustained.

About 1827, commenced the great political contest in South Carolina, which culminated in 1832 and 1833, and which, for earnestness and intensity, has never since the Revolution been exceeded in this country. Mr. Courtenay's warm and earnest temperament did not permit him to remain neutral. Indeed, neutrality, where there was intelligence, or position, or spirit, was unknown. There was no neutrality. Every man took his stand on one side or the other. Mr. Courtenay's natural position seemed to be with the Union party, and there he found himself—though others, whose political faith had previously been entirely in harmony with his own, identified themselves with the dominant party in favor of the Nullification doctrine.

This contest, and the great public depression and changes it was working, seems to have called back Mr. Courtenay's attention to his early and happier pursuits. He again became a teacher, and for a time with great success, at the head of a large and flourishing private school. But it was not a time when the school-room, any more than the forum, could shut out political influences; and the necessity of a fixed and cer-

tain income to provide for the education of a rising family, at length induced him to accept an office under the Federal Government, in the Custom-House, which he held till within a short time of his death, when a stroke of paralysis confined him to his chamber.

In political faith, Mr. Courtenay was a Federalist of the truest stamp. He never for a moment swerved from his faith or its avowal, no matter what the consequence, or what others might think. From 1807, when he was a boy of twelve years, to 1815, was just the period when political discussion would make its enduring impression upon an ingenuous and youthful mind. It was, too, the most remarkable juncture in the history of our own country since the Revolution—the times of the Embargo and of the War of 1812; in the history of the Old World, it was the period of the zenith and the fall of the French Empire—of the great and wonderful genius, its founder.

The great men who had made for themselves great names in the American Revolution, adhered in those days mostly to the Federalist side. It is not to be wondered at, that a youth like young Courtenay, impulsive, and full of glowing sentiment, should not only adopt the doctrines of such men, but should also embalm them and their teachings in his memory, with all the idolatry of a first love.

But among the men of that day, no one seems more to have fixed his admiration, than William Crafts, Jr. Mr. Crafts was his senior by about ten years. They were members of the same profession, and of the same political faith and party. Upon the occasion of his death, in 1826, Mr. Courtenay was selected to speak his eulogy. The manner in which he performed this labor of love, is on record. It is almost the only, if not the only evidence of his style as a forensic speaker, which has been preserved, and it is well worthy of preservation. If the space were allowable, we would insert it entire, for the sake of the memories of Mr. Courtenay, whom we knew and loved, and of Mr. Crafts, whom we did not know, but of whom tradition has impressed the generation that succeeded him with a wonderful love and admiration. We venture upon an extract,

which at this time is especially attractive, in consequence of the great good that has lately been accomplished by the zeal and devotion of a few men, to the very cause in which the orator portrays his friend as a laborer and pioneer.

“Notwithstanding,” says the eulogist, “the unpopularity of his political opinions, he was several times elected to a seat in the General Assembly of his native State. In this situation he rendered important services to his constituents. He was early distinguished for his love of letters, and omitted no opportunity of disseminating a love of learning among the people. He felt, to use his own language, that ‘knowledge was the life’s blood of republics and free governments.’ That the eagle was the bird of light as well as of liberty. In the Legislature, he always advocated every measure which had for its object the encouragement of scientific and literary institutions. At a period when a short-sighted policy, aided by a parsimonious spirit, would have abolished the free-school system of the State, and left the children of the poor to all those innumerable miseries and crimes, which are the almost certain consequences of ignorance, Mr. Crafts undertook the defence, and in a speech replete with eloquence and good sense, depicted in glowing terms the blessings of knowledge to a State, and the curses entailed upon it by the ignorance of its citizens. He was successful: humanity and good sense triumphed over a narrow-minded policy, which would have weighed the true wealth of the State—the intellect and moral character of the rising generation—with the gold and silver which fill its coffers.

His friends might rest his character for usefulness as a legislator on this one fact; for if, in ancient days, he who saved the life of a single citizen, was deemed worthy of the civic wreath, to what is he not entitled, who, by his eloquence and zeal, preserved to thousands that means of moral life, without which man is little better than the brute on which he banquets; the prey of appetites and passions that degrade him in the scale of creation, which unfit him for usefulness, and make him a burden to himself, and, too often, a curse to the State. If gratitude be not an imaginary virtue, while the free

schools remain in existence, they will be identified with the name of Crafts: his memory will long be cherished by the thousands who have, and the tens of thousands who shall hereafter participate in the blessings they impart."

The man who spoke thus was gifted with the power of just and elevated thinking, and with a scope and grace of language to express his thoughts, sufficient to have insured high professional and forensic position. The whole production is equal to, and, in some parts, rises above this specimen of his powers of thought and language.

Mr. Courtenay's religious opinions settled down in an adherence to the doctrines and discipline of the "Methodist Episcopal Church," in the full communion of which he lived and died. But there was no sectarianism in the ample folds of his noble and flowing Christian heart. The charity of his soul was only circumscribed by the numbers of the human race. He was an active and devoted servant of the Master he loved, at Trinity Church, Hasel-street, Charleston, where his mortal remains are buried. The teachers and pupils of the Sunday school where he labored, asked and obtained from his family permission to erect a monument to his memory. There it stands, a simple and truthful witness to the affection he had inspired by his efforts and usefulness, where the precepts of the Gospel were most likely to influence a true judgment of his character.

In his personal figure, he was above the middle stature, and his bearing was commanding and courteous. Genial in his feelings, full of kindness in his manner to all who approached him, he bore the trials of life, which were neither few nor light, with patience and resignation—leaving a memory most cherished by those who knew him best. His name survives, and is worthily represented by his sons. One of his brothers, the late Professor James Carlisle Courtenay, of the Charleston College, died, unmarried, several years since, greatly lamented for his private virtues, and for his devotion to the cause of science, having been one of the earliest advocates for the establishment of the present "National Observatory." Another brother, of remarkable promise, died young. The Hon. Ed-

ward Courtenay Bullock, of Eufaula, Barbour County, Ala., is the son of one sister. Col. Charles Courtenay Tew, of the Hillsboro', North Carolina, Military Institute, is the son of another.

The writer of this humble attempt to rescue Mr. Courtenay's name from the mists and oblivion with which the unceasing work of time enshrouds all things, performs a grateful duty to the memory of a friend, gone before, who loved and served him with a zeal that would not cease when he ceased to live, but descended, with his last blessing, to those who received his dying sigh and inherited his name.
