

HENRY ELLIOTT COLTON:

Your Committee appointed to draft resolutions in memory of our Colleague, Henry Elliott Colton, beg leave to report as follows:

WHEREAS, it is with deep sorrow and with a sense of genuine loss to this Bar and to the community that we record the death of Henry Elliott Colton on March 5, 1945, at his home in Franklin, Tennessee. In his professional and business life, in his home, and in the public service, Mr. Colton exemplified the highest qualities of integrity, courage, ability and self-sacrifice. Death came unexpectedly when there should have been many more years of further usefulness, yet he had lived an intensely happy and successful life, full of accomplishments, and he died not only with the respect and esteem of legions of people, whom his business and professional life had touched, but mourned because of the sense of personal loss that comes from real affection.

Mr. Colton was born in Morgantown, North Carolina, the son of James H. and Eloise Avery Colton. In preparatory school he was a leader both in scholarship and athletics. He went on to Yale University, from which he graduated with honors, with membership in the Yale Chapter of Phi Beta Kappa. Carrying out his long-cherished ambition to enter the legal profession, he then entered the Law School of Columbia University, New York, where he continued his excellent scholarship record, upon the basis of which, and other qualifications, he was elected to the Board of the Columbia Law Review. During his senior year he was Editor-in-Chief of that publication.

Shortly after graduation from Columbia in 1908, and while Mr. Colton was occupying a young lawyer's desk in the Department of Justice he attracted the favorable attention of the Honorable Jacob McGavock Dickinson, one of the great leaders of the Tennessee Bar, who lived at Nashville, and who subsequently became Secretary of War. This association with Judge Dickinson began while Judge Dickinson was interested in the prosecution of certain anti-trust cases, and resulted in the recognition of Mr. Colton's abilities as special assistant to the Attorney General of the United States. The friendship of Judge Dickinson also resulted in Mr. Colton's visits to Nashville and thereby changed the course of his whole life. On one of his first visits he met Miss Elizabeth Williams Overton, the lovely daughter of Mr. and Mrs. J. M. Overton. They were married, and soon thereafter Mr. Colton severed his connection with the Department of Justice and came to Nashville to make his home and practice law. He was genuinely fond of Nashville and its people, and the Cumberland Mountains and its people, and this feeling was returned. In a very little while he became one of us.

Mr. Colton's ability as a member of the Bar was soon recognized by all who came in contact with him. For many years he practiced law with Henry, McGavock and Overton Dickinson under the firm name of Colton and Dickinson, with offices in the Stahlman Building, and later in association with Jack White, under the firm name of Colton, Dickinson and White. He had an analytical mind, he was aggressive and bold in argument, but he was always fair and open-minded. He was forthright and frank; prejudice and abuse had no part in his nature, and he was mentally honest to the last degree. Mr. Colton was an active member of this Bar Association, and thoroughly interested in its activities. He carried his work into the State Association, which had honored him by election as Vice President.

Henry Colton was a solidly religious man, and to some extent a fundamentalist. Nevertheless he had no hesitation in accepting employment in the famous Scopes case, as Attorney for the Tennessee Academy of Science, on the so-called "liberal" side of this issue. It was his conviction that God alone was the judge of man's

conscience, and that the legislation in the Scopes case could only create a disrespect for law, and increase bigotry and misunderstanding.

The loss of Mr. and Mrs. Colton's only son in combat in France while leading his company of Marines against the Germans in World War I, followed by the death of Mr. J. M. Overton, placed upon Mr. Colton heavy responsibilities when he returned to civil life after the last World War. In addition to legal adviser, he assumed the management of the large business interests of the Overton family, and he became Vice-President of the Alabama Fuel and Iron Company of Birmingham, President of the Van Buren Coal Company of Nashville, and the Rocky River Coal Company, and later for a time, President of the Arcade Company. He displayed the soundest business judgment and executive ability in this field of business and commerce, in which the average lawyer is not often gifted. He was particularly valuable in his personal relations with all of the employees, high or low, of these corporations. He delighted in getting out into the field and meeting the men personally. During all the troubled economic period for years prior to his death, when there was a tendency towards increasing antagonism between employer and employee, the confidence with which Henry Colton was regarded by those who worked with and for him resulted in the friendly solution of problem after problem for the benefit of both the men and management.

In spite of his professional and business interest, Mr. Colton found time, (but not without great sacrifice to himself) to give the best that was in him to the public service. He was an outstanding civic leader. He had been active in many Community Chest campaigns, serving as Chairman of the Metropolitan Division, and he gave long and arduous attention to his duties as the Chairman of the Davidson County War Price and Rationing Board 1-B, until its recent consolidation with Board 1-A.

Mr. Colton was a veteran of World War I. He was the first commander of American Legion Post No. 5. He was active in affairs relating to disabled veterans. His loyalty and patriotism were unbounded, and he did not conceal his views from either his friends or the public in general. He foresaw the inevitability of our entry into World War II, and like Winston Churchill in England he raised his voice even when the people would not listen. But like Churchill he was completely vindicated.

At various times he wrote brief and timely communications to the daily papers of this State. On December 31, 1937 the press published a communication from him in which he said "If the Democracies of the world do not defend their rights there is no corner of the earth so remote from the militaristic dictators that they will be safe from attack. Peace cannot be gained, war cannot be avoided by yielding. Still less can such ends be attained by a reputation for being unwilling to defend our rights."

On October 3, 1939, in urging the repeal of the existing Embargo he wrote, "It is folly not to recognize that the British and French fleets, armies and air forces have been and are with our own army, navy and air force; our walls of defense,*****. It is folly in times like these not to strengthen our army, navy and air force."

On May 4, 1940, he wrote, "The sooner we get into the fight the better. But how? First with our money, our resources, our credit -- Then, if necessary, with all our manpower. That is the best way to protect our resources, preserve our lives and effect peace -- that is the only way to preserve our freedom."

Today, looking back, these prophesies uttered in 1937, 1939 and 1940 seem almost inspired.

One of Mr. Colton's most effective public utterances was entitled "Frank Prayer and Endurable Peace." It is as timely now as it was when published on May 27, 1940. For this

reason it is quoted in full.

"The statesmen and politicians from the highest to the lowest seek our approbation by telling us 'We are praying for peace.'

"But don't tell us what sort of peace they are praying for.

"If anything demands frankness it is prayer.

"God demands sincerity, the people are entitled to sincerity in prayer in any way affecting their welfare.

"Prayer is sacred and perhaps most often granted when fervently made in the privacy of our homes to God alone. But if the thing prayed for is of such public importance that we should tell the public about it -- then we should tell them all about it.

"Are we, or our statesmen and politicians, praying for peace at any price? No, a thousand times no.

"Are we, or our statesmen and politicians, praying for the kind of peace that Hitler will give America and the world if victorious -- the kind of peace that the world will have with Holland, Belgium, England and France under his heels, and his arms stretched out to grasp what he wants in America? No, a thousand times no. America does not want that kind of peace.

"Then pray God for the kind of peace America does want. Work, pray and fight for it with the British and French who are still fighting between us and the Germans. Sustain them with all of our resources, with out manpower if necessary. For Hitler will never give the world or America enduring peace until defeated."

Mr. Colton was a Mason (32nd degree), a Shriner, and a member of the Coffee House Club and the Kiwanis Club of Nashville. He was a lifelong member of the Presbyterian Church.

He is survived by his wife, Mrs. Elizabeth Williams Overton Colton, three sons, Lt. Henry E. Colton, Jr., stationed at Ottuma, Iowa, with the Naval Air Corps; Pfc. Jesse Maxwell Colton in France with the U. S. Army; and Lt. John Overton Colton of the Army Air Forces, reported missing in action since May 1944; a grandson, John Overton Colton, Jr., of Franklin; three brothers, Major General, Roger Colton of Washington, James Colton and Willoughby Colton of California; and two sisters, Susan A. Colton of Mexico, and Clara A. Colton of California.

Henry Colton loved his home and he was blessed with a devoted wife and children. He lived to see all of his sons volunteer for the Armed Forces of the United States in this war for freedom and an enduring peace. When one of his sons was reported missing in action he bore up with outward cheerfulness, sustained by his simple faith in God and Prayer -- an inspiration to countless others to whom sorrow has come in this tragic period.

NOW, THEREFORE, BE IT RESOLVED by the Nashville Bar and Library Association:

1. That in the death of Henry E. Colton, the Bar of Tennessee has lost an able and courageous leader, of the highest integrity and vision, and we have lost a friend and colleague whom we respected and loved; and

2. That the City of Nashville has lost a successful business executive, whose wise counsel will be greatly missed, and a public servant who always gave of his time and resources unstintedly for the common good; and

3. That the State has lost an outstanding patriot whose love for Country was second only to his love for God.

4. That we extend our sincerest sympathy to his widow, Mrs. Elizabeth Overton Colton, and her mother, Mrs. J. M. Overton; to his sons fighting our cause in the Armed Forces of the United States; and to his brothers and sisters; a n d

5. That a copy of these Resolutions be spread upon the "In Memoriam" Book of the Chancery Court of Davidson County, and that said Resolutions be filed among the permanent records of the Bar Association, and that a copy be sent, with our sense of profound sorrow, to his widow, Mrs. Elizabeth Overton Colton.

Respectfully submitted,

Lee Douglas, Chairman.
Jack P. White,
Geo. J. Gale.
COMMITTEE.

THOMAS EDWIN MATTHEWS:

MR. PRESIDENT, LADIES AND GENTLEMEN:

We have gathered in this beautiful room to pay our respects to our distinguished and honored dead.

This Memorial is to that fearless, diligent and righteous Judge and historian, Thomas Edwin Matthews, He was born in Iberville Parish, Plaquemine, Louisiana, on April 7, 1854, and died at his home in Davidson County on January 28, 1945. Samuel Matthews, his father, was a descendant from a Colonial Governor of Virginia, and had a university education, graduating in law at Harvard. His mother, Elizabeth Sharp, was descended of wealthy, cultured pioneer ancestry of a hardy race. There were two children of this marriage who survived infancy,- Thomas Edwin and Elizabeth. There were five brothers and one sister of a second marriage.

Judge Matthews married Mary Adams, the daughter of A. G. Adams and Mary Jane Strickler Adams, on May 13, 1886. She survives him. They had no children. He came of pioneer ancestry, including James Robertson, the founder of Nashville, William Blount Robertson, Attorney-at-Law of Tennessee and of Louisiana, Leodocia Erwin, his grandmother, a descendant of Captain Erwin, one of the heroes of the Battle of Alamance Creek, North Carolina, and of Robert Thompson, the first martyr in the cause of American freedom. From this hardy pioneer ancestry there was reflected in his character moral and physical courage, quiet dignity and refinement. He was self-reliant, just and fearless. He asked help alone from God.

He received his preparatory education at Montgomery Bell Academy at a time when General Kirby Smith was Headmaster; He next studied at the University of Virginia the Latin Classics and English, American Literature and History. He was a student in the class of the great Latin scholar, Dr. Gildersleeve, and studied Logic and Philosophy under the distinguished Noah K. Davis, soldier and scholar, and friend of General Robert E. Lee. He graduated in the first law class of Vanderbilt University in 1876, and was Founders Medalist.

Physically he was strong and robust, a bit above the average in height and in weight.

Thus equipped in body and in mind, he began the practice of law in the office of the late Thomas H. Malone, Sr. who gave him desk space, and soon, because of their close friendship, was taken into the home of Judge Malone and treated as a member of his family.