

Jacob Martin [Pike County Attorney, Senator, Farmer]

It is profitable to examine character, - its singular manifestations. What would be the ruin of one is but the perfecting of another individual by drawing out his energies. An easy condition, rich parents, and all the gratifications so much coveted, are looked upon as blessings, while the reverse is deemed a misfortune for which there is no adequate compensation. Happily there is no patrician rank to keep down humble merit in this country. Had there been a monopoly of greatness by birth or fortune, no such name as that now presented would have appeared on the roll of distinguished lawyers in Georgia.

Jacob Martin was born in Jones County, Georgia, on the 30th day of June, 1810. His parents were unable to give him an education, and he grew up like thousands of poor young men, - neglected in their minds, and only conquering at last as circumstances permit. The story of his life can soon be told. It was a hard struggle and a brilliant triumph. As such, it should impress every youth with heroic determinations, knowing that an earnest will and upward aims will succeed at last. His efforts to overcome the difficulties of fortune were akin to those of the noble Arctic explorer* who, at the call of humanity, and inspired by a genius and courage equal to any this world has produced in the peaceful walks of life, opened new fields of thought, and dignified his race by an example which will remain bright and glorious through the annals of time. Nature was taxed beyond her capacity of endurance in both, and they fell in early manhood, but with trophies of intellect to mark the path they trod. The obscure frontier-boy was actuated by the same principle which impelled the learned Philadelphia youth to that course of action which for moral grandeur is unsurpassed in the history of man. The parallel is instituted merely for its moral lesson, to give tone and vigor to youthful minds, and to banish despair from all. The fame of one will never perish, nor will the memory of Sir John Franklin. The character of Jacob Martin has yet to be unfolded, unpretending as it is, for public judgment.

In reply to certain inquiries addressed by the author to a gentleman** well known and appreciated in Georgia, the following communication has been received relative to the subject of this memoir:-

His father removed from Jones to Pike County, of which he was one of the earliest settlers. The country was then a wilderness, without schools or churches, and without people to contribute to them. Indeed, no schools existed in that quarter, capable of teaching even a good English education, during his minority, and his father, having the care of a numerous family on his hands, and being a farmer of very limited means, was unable to send him to a distant school.

At the age of seventeen he left the paternal roof to seek his fortune in the wide world, without money, and against the will of his father. A company of young men having determined to go to the then young rising city of Columbus to seek employment, he went with them, and remained there several months, engaged at such work as opportunity threw in his way. He afterward returned and assisted in the farm-labors of his old neighborhood, industriously serving those who employed him. His leisure hours were devoted to the improvement of his mind.

About the time of the intrusion upon the Georgia gold-mines, he and several other young men visited the upper part of the State for the purpose of enriching themselves out of the underground treasury. After having been several weeks engaged digging the various places without much success, and being exposed to arrest by the United States soldiers who were then marching from place to place through the country to pick up such persons as might be found trespassing upon the mines, the balance of the company became alarmed at the prospect of danger, and determined on leaving. He, however, declined to accompany them; and they left him to his fate.

He was then eighteen or nineteen years of age, entirely alone, far from the habitation of any white person, his only neighbors being the Indians who were digging on the same branch: still, having found a rich place, he remained. At night he slept on the ground, without even the frail covering of a tent-cloth to protect him from the weather, exposed to the hospitality of the Indians, who frequently quarreled with him for the purpose of alarming him, that they might succeed to his digging-ground. On two occasions they actually attacked him and endeavored to take his life. At night, while he slept, they would steal his ham of meat from under his head. Notwithstanding he was often almost at the point of starvation on account of the roguery of the Indians, he maintained his ground until he was finally taken by the United States soldiers. After a fatiguing march from early in the morning till late at night, and not receiving the smallest allowance in the way of food, he made his escape and returned home.

He was then for several years variously employed, and finally embarked in school-teaching, which he continued for about a year under liberal patronage and to the entire satisfaction of parents and pupils. In the mean time, his leisure moments were employed in reading Blackstone's Commentaries on the laws of England, preparatory to the regular course of law-reading. His determination to read law was not well received by his father and other friends, who made considerable efforts to dissuade him from so unpropitious an undertaking. But it was all useless, as they soon discovered; and they then wisely gave him their well wishes. It is true his opportunities were unfavorable to the rapid acquisition of a thorough knowledge of law; but his zeal and indomitable energy in a great measure made up the deficiency. He went into the office of Col. James H. Stark, who was then residing at Jackson, in Butts County, and, after reviewing his legal studies, was admitted to the bar. He soon afterward located in the town of Zebulon, Pike County, where he continued to reside until his death.

He began his professional career without money, and, comparatively, without friends, and was compelled to deny himself many gratifications enjoyed by young men who possess means. His privations, heart-achings, despondings, and distrusting of his final success, perhaps none but himself ever knew. Up to this time his life had been one of hardship and toil. He now began the practice without means, without books, and without friends who were able to help him. He was indefatigable and successful from the beginning. Energy was all he could boast, and this was enough. His subsequent success, and his rapid rise as a safe, honest, and efficient lawyer, are mainly attributable to his untiring energy. True, his capacities were good, even excellent; but such energy is never without capacity, either from the fact that it will not grow in any other kind of soil, or that such energy will always bring forth such powers. Few men have sufficient energy to put their capacities to the test; and most men are much greater in capability than in action.

He was remarkable from his early boyhood for great firmness and determination in accomplishing whatever he undertook, and equally noted for fearlessness of character. He generally staked every thing - even his life, if necessary - to carry out his objects, however trifling they might appear. A little incident will show this trait of character, and also how he was foiled on the occasion.

His father owned a fine young horse, of an iron-gray color, that was so easily frightened and so high-spirited that he was soon considered a very dangerous animal, so that no one but Jacob was willing to undertake to manage him. The wildness of the horse suited Jacob's nature. He therefore purchased and began ploughing him. The horse would run away, but still he ploughed him: even though he ran away four or five times the same day, tearing every thing to pieces as he went, he brought him back as often to the plough and geared him in for another trial.

The horse being as troublesome to ride as to plough, one day while on his back, and having an umbrella in his hand, Jacob laid the umbrella between the horse's ears; and instantly the horse bounded with the fleetness of the wind through the woods, until he, though an accomplished rider, was thrown violently to the ground and much injured. He finally succeeded in catching the horse, when he mounted him again, and, against the remonstrances of

his father, tried the same experiment, which resulted in the same way. And thus he continued until he was a third time thrown violently in his fruitless efforts to conquer the animal. But the injuries occasioned by his falls were so severe that he was compelled to desist. This horse he called Quicksilver, - an appropriate name for a horse of his color and qualities, Quicksilver being rather too quick for him on several occasions.

In the year 1835, Mr. Martin intermarried with Miss Martha C. Howe, daughter of Robert Howe, of Crawford County, - a lady who has ever been remarkable for amiability of character and her great devotion to her husband while in life, and who has been a constant mourner since his death.

Mr. Martin's first case was in Butts, - trover [??] for a pair of oxen. The oxen had strayed from the owner, and Martin's clients (the defendants) had levied an insolvent execution on the oxen, had them sold by a constable, and became the purchasers. Of course, the transaction was indefensible; but Martin did all that human ingenuity could devise to soften the color of an illegal and fraudulent affair and to mitigate the damages. He lost his case, but gave such proofs of professional adroitness in the management of a desperate claim, that thenceforth he became a decided favorite with the people of Butts, and ever afterward enjoyed a good practice in that county.

A few weeks afterward he packed up his goods, consisting of a scanty supply of plain clothing and a few books borrowed from his friend with whom he had studied, and took up his residence in Zebulon. Here he soon convinced his landlord that his board-bill would not remain long in arrear. When not actively engaged in the duties of his profession, he toiled over the few books he had. He read *multum*, if not *multa*. Blackstone, Chitty, Starkie, and Maddox were read and reperused until he was absolutely master of every thing therein written. It may be safely affirmed that he could answer every question in Blackstone's Commentaries and the Notes, every question in Chitty's Pleadings, Starkie's Evidences, and Maddox's Chancery. Still, he found time to improve his education, which was very imperfect, and to extend his general information, so that he soon wrote and spoke the English language with purity and fluency, without any attempt at ornament. He soon became a gentleman of extensive and varied information. He was emphatically an independent thinker, swearing to the *ipse dixit* of no man, but in his law-researches rejecting as untrue all the *dicta* of the judges not founded in authority, in sound reason and common sense. In his investigations he sought the truth, and usually found it.

In court he was always ready. Every paper was in its proper place; his books were there; his clients and witnesses were more punctual in their attendance than others. He knew in advance nearly what the witnesses would swear; his pleadings were right, and his legal positions noted on his brief, or ready in his mind to be insisted on at once. His style of argument was pungent, forcible, and logical, without any attempt at wit or what is called rhetoric or eloquence. His object was to convince the judgment of the court and jury, and when he was done he stopped usually without effort at peroration.

In pecuniary matters he was scrupulous and systematic, never detaining his client's money a moment after he had the opportunity of paying it over, and invariably taking receipts.

He never was a candidate for office. In 1836, he was elected a delegate to the convention to amend the State Constitution. In 1845, he was persuaded to accept a nomination for the Senate from the counties of Pike and Monroe. Party feeling ran high in the district. His opponent was a gentleman of intelligence and great worth and respectability, as well as a decided favorite among the people. Martin took the stump and canvassed the district, bringing to the task a thorough knowledge of the common people, their habits of thinking and action. He found the district flooded with Pitt's pamphlets against "lawyer-legislation," and here and there the people had been led away by the reasonings of the author. He found his profession as a lawyer strongly urged against his election. His opponent was a planter and farmer. It so happened that year that certain fields of his corn and cotton on the road were overrun with weeds and grass. Martin saw the condition of things as he went to the district-court ground, where he was to address the people. After discoursing as usual on the political topics of the day, he came to a conclusion as follows:-

"But, fellow citizens, new issues have been sprung upon us in this campaign. I am arraigned for being a lawyer, and on that account it is urged that I am not to be trusted as your Senator. For the last twenty years the counties of Monroe and Pike have been more or less represented by lawyers, with little or no objection on that account. Your last Senator was a lawyer. Now that my friends have placed me in nomination, sudden light has flashed over the minds of the people. The district has been flooded with Pitt's pamphlets, and I am to be the first victim sacrificed on the altar of popular prejudice. True it is, I am a lawyer and my clients usually consider me faithful to their interests when committed to my charge. The legal profession, to which I belong, needs no extended vindication at my hands. I shall meet this issue at once in another way. I was raised in the new ground, in the cornfield and in the cotton-patch. I am still a farmer. My opponent is a farmer. I passed his plantation this morning. I can beat him in grubbing, in cutting and splitting rails, in hoeing and picking out cotton. I am a better farmer than he is. On one branch of a farmer's life along to him I yield the palm. *He can beat me in raising hog-weed and crab-grass*; go to his farm, and then to mine, and compare; and, if you do not render a verdict in my favor, I will take down my name."

The allusion to *weeds* and *crab-grass* had its effect with the multitude. Martin was elected, receiving largely over a party vote.

Shortly after the close of his term of service in the Senate, he was seized with what appeared to be a bronchial affection, and which ultimately terminated in tubercular consumption. A portion of two winters previous to his death he spent in Florida, and died in the cars on the Central Railroad between Savannah and Macon, in March, 1847. His wife was with him, soothing him by her tenderness to the last; also some of his children were present when he expired, in the vain effort to reach home before he breathed his last, in the 37th year of his age.

Fully to illustrate his professional worth would be to give a history of all his lawsuits, to go with him through his midnight researches and toils, the selection of his authorities, the arrangement and drafts of the bills, the declarations, the pleas, the demurrers, the preparation of the evidence, and, finally, the unfolding of the merits before the courts and juries. Nothing of this kind can be attempted in such a sketch as the present. Parties and their descendants and relations, witnesses and their descendants and relations, with whose characters and interests he necessarily came in conflict, still live, and whose quiet ought not now to be disturbed.

He left his lovely companion and interesting family of children abundantly provided for. His distinguishing characteristics were a shrewd, discriminating mind, drawing distinctions with unerring correctness, an iron will, firmness and inflexibility of purpose, unyielding perseverance and industry in all his undertakings; a devoted husband and parent, a humane master; fidelity to his clients, gratitude to his friends, - the warmest gratitude to those who had assisted him in his early difficulties. Indeed, to such his gratitude was absolutely boundless. He was moderate but decided toward his opponents, a good economist, a skilful agriculturist, frugal in his expenditures, discriminating in his acts of benevolence, yet never withholding when in his judgment, proper objects presented themselves.

Though at one period of his life he may have inclined to skepticism, it is certain that a sober examination of the evidences of Christianity convinced his judgment, and he remained to the period of his death a firm believer in the truths of revealed religion. Those who were his most intimate associates, who knew his bosom thoughts, entertain an abiding hope that he has gone to that rest which remains for the people of God.

The facts stated are sufficient to entitle Mr. Martin to an acknowledged rank among the clearest intellects which have adorned the profession of the law. He was a man of extraordinary force of character. His mind was radiant with light on legal questions, and there was no limit to its fertility. It is said that he was in the habit of reading Blackstone's Commentaries through once a year, and that he confessed he discovered new principles and new beauties at every perusal. He read nothing carelessly. Whatever work or subject engaged his attention, he probed it to the bottom after truth. A very

competent lawyer,* who once occupied the bench of Georgia creditably to himself and with much advantage to public order, remarked that he never felt safe in any stage of a cause when opposed by Jacob Martin; that the latter was so minutely versed in the curious distinctions of the law, aided by the strongest common sense, that any advocate was in danger of being tripped up suddenly when he least expected it.

Had Mr. Martin lived, he would most assuredly have reached a very high position at the bar and in public favor. His early death is to be deeply lamented, while at the same time his friends ought to feel grateful that he lived long enough to establish a bright name, which will not be soon forgotten.

*The late Dr. Kane.

**Hon. James H. Stark