

## **Osborne, Francis (Frank) Irwin** <sup>[1]</sup>

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by D. W. Adams, 1991

**29 May 1853–20 Jan. 1920**

Francis (Frank) Irwin Osborne, lawyer and politician, was born in the U.S. Mint building Charlotte <sup>[2]</sup>, where his father, James W. Osborne <sup>[3]</sup>, was superintendent. His mother was Mary Ann Irwin Osborne, the daughter of John and Mary Patton Irwin of Charlotte. In Charlotte Frank Osborne attended school and was prepared for college by his cousin, Fred Moore. He was graduated from Davidson College <sup>[4]</sup> in 1872. The following year he studied mathematics, Greek, and Latin at the University of Virginia <sup>[5]</sup>. He then entered the law school of Richmond M. Pearson <sup>[6]</sup> at Richmond Hill, Yadkin County <sup>[7]</sup>, where he read law for two years. He was admitted to the bar in 1875.

Osborne formed a partnership with T. H. Brem, Jr., in Charlotte and gained a wide reputation for studiousness and incisive presentations. At age twenty-five he was elected mayor of Charlotte. Later in the year, on 13 Nov. 1878, he married Mary Dewey, the daughter of Thomas Webber and Bessie Lacy Dewey of Charlotte.

In 1882 Osborne was elected solicitor of the Sixth Judicial District (Mecklenburg). He served through the district reorganization, which changed the Sixth to the Eleventh District, until 1892. His reputation for honesty, clarity, and fairness led to his nomination by the Democratic <sup>[8]</sup> party and subsequent election as attorney general of North Carolina in 1893. In his bid for reelection in 1896, he was defeated by the combined Populist <sup>[9]</sup>-Republican forces. Osborne won a seat in the state senate from Mecklenburg County <sup>[10]</sup> in 1898 and served in the term of 1899. A member of nine standing committees, he was elected to represent the upper house on a committee formed to hear and analyze Governor Daniel L. Russell <sup>[11]</sup>'s reasons for asking two railroad commissioners to resign. Osborne read the concluding report before a joint session of the legislature, which voted to exonerate S. Otho and James Wilson, the two commissioners, of any wrongdoing in the "Round Knob Hotel affair."

Though there was talk of Osborne running for governor in 1899, he returned to his law firm, Osborne, Maxwell, and Kearns. In 1901, on the impeachment of Chief Justice David Moffatt Furches <sup>[12]</sup> and Associate Justice Robert Martin Douglas <sup>[13]</sup> of the North Carolina Supreme Court <sup>[14]</sup>, Osborne was a counsel for the defendants. Although a Democrat <sup>[8]</sup>, he felt that the two Republican judges were victims of an attempted political purge. In his summation and closing words, considered the most brilliant speech of the trial, Osborne charged his fellow Democrats in the legislature with political partisanship in their accusations. The judges were acquitted. It is said that, because of this defense of the judges, Marcus Hannah of Ohio recommended Osborne to President Theodore Roosevelt <sup>[15]</sup> for federal appointment. On the death of Judge Thomas G. Fuller, Roosevelt appointed Osborne a judge of the U.S. Circuit Court of Private Land Claims, which met in Santa Fe, N.Mex., and Denver, Colo., in 1901. The purview of the court extended back from present claims to early Spanish titles, which involved an extensive review of records. Osborne served in this capacity until 1904, the designated length of the court.

Afterwards he returned to private practice in Charlotte, where he worked for the remainder of his life, except for a summer in New York City where he collaborated with his younger brother, James W., on some of his legal cases. Frank Osborne had been a partner of W. C. Maxwell in Charlotte for many years, but he spent the last ten years of his life in partnership with Norman Cocke <sup>[16]</sup> of Charlotte. He was the general attorney for the Southern Power Company <sup>[17]</sup> and the Southern Public Utilities Company and affiliates, one of the largest utility companies in the South.

Judge Osborne's portrait was hung in the Mecklenburg County courthouse in Charlotte. He was tall, lean, and fair-haired. A quietly dignified, courteous man, he was a student of history and literature and pursued a scholarly jurisprudence. His most intimate friend in Charlotte was Joseph Caldwell, editor of the Charlotte Observer <sup>[18]</sup>. Osborne was also an inveterate poker player and enjoyed competing for high stakes. He died in Charlotte and was buried in the Osborne plot in Elmwood Cemetery. Four of his seven children lived to adulthood and survived him.

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