

Sink, H[arvey] Hoyle ^[1]

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by M. Jewell Sink, 1994

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H[arvey] Hoyle Sink, jurist, was born in the Tyro community, Davidson County ^[2], a son of Thomas Franklin and Martha Anne Lanning Sink. The Sink (Zink or Zinck) family emigrated from Germany to Pennsylvania about 1728 and thence to North Carolina in the 1750s. Both the Sinks and the Lannings were farmers. H. Hoyle Sink's grandfather, John Lanning, enlisted in the Confederate army at the outbreak of the Civil War ^[3].

Sink disliked his first name, never used it, and members of the family helped him conceal it. He finished public school and attended Reeds High School in Davidson County for five months before becoming a fruit tree salesman. In 1907 he obtained a teacher's certificate and while teaching studied at night to gain admission to Bridgewater, Va., College. After graduation from Bridgewater in 1910, he was for the next two years principal of Hamburg School, Mount Jackson, Va., the first consolidated school in Virginia.

Appointed a lecturer on current topics to officers of the Imperial Japanese Navy, Sink spent two years in Japan. With the outbreak of World War I ^[4] in 1914 he went to Amoy, China, where he lectured in the Tung Win Institute. After a few months President Woodrow Wilson appointed him vice-consul in charge of the U.S. Consulate in Amoy; at that time he was the youngest officer in charge of a comparable consulate in the American Diplomatic Service. When the United States entered the war, he resigned and returned home to enter the officers' training corps but was rejected twice because of poor eyesight. Determined to serve, however, he studied law at Wake Forest College ^[5] for sixty days and obtained his license on 29 Jan. 1918. He then was admitted as a private into the legal department of the army but later was commissioned second lieutenant in the chemical warfare division; he was not called for overseas duty.

After the war Sink began to practice law in Lexington and in 1925, with the creation of the office of commissioner of pardons, Governor Angus W. McLean ^[6] named him to that position as well as executive counsel to the governor. In 1927 the governor appointed him a special superior court judge, and he moved his family to Charlotte ^[7]. By appointment, election, and reelection he served on the superior court bench until he retired in 1954, living at different times in Asheville ^[8] and Greensboro ^[9] as well as in Charlotte. Even after retirement he frequently served on an emergency basis until shortly before his death. His record reveals that he held court for a longer period than any other superior court judge in the history of the state.

During his nearly fifty years on the bench, Sink presided over countless civil and criminal cases that greatly varied in scope. He was considered to be a stern judge, tough on jurors, lawyers, and prisoners, but fair and consistent. His mastery of law, understanding of human nature, and fidelity to justice in the discharge of his duty all combined to make his decisions almost unassailable. At one time during the depression thirty-nine cases involving bank litigation were pending in the North Carolina Supreme Court ^[10] on appeal from trials held by Sink; of that number, only one was reversed by the supreme court.

Judge Sink was outspoken in his opinions. Although he had drafted the bill creating the parole board, he was sharply critical of its actions in later years. He said that "the Parole Board just assumes it has the sworn duty to reduce every sentence given by the trial judge. And it's an insult." In 1940 he initiated a work-release program for convicts in Mecklenburg County ^[11], but later he said, "Others have elaborated on it, and others, like the Parole Board have overdone it."

Sink was a charter member of the American Legion, a Democrat ^[12], and a Lutheran. He was especially interested in farming and maintained oversight of the Sink farm on which he was reared and which he owned after his parents' death. On 17 June 1920 in Salisbury, Sink married Kathleen Heilig. They had a daughter, Harriet (Mrs. Wilson Brown Prophet, Jr.). The judge died in Greensboro and was buried in Chestnut Hill Cemetery, Salisbury ^[13].

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