

En Memoriam.

THE action of the Supreme Court on the occasion of the death of Chief Justice THOMPSON would *of course* appear with the official reports of the cases heard in that court.

In addition, at the request of the members of the Bar, and in accordance with my own feelings, the proceedings of the Bar on the same occasion will appear in this volume, containing the last opinion pronounced by him.

By the kindness of the publishers, the insertion of this matter will not diminish the text of the reports. P. F. S.

At the meeting of the Supreme Court, Thursday, January 29th 1874, Chief Justice AGNEW, Justices SHARSWOOD, MERCUR and GORDON being on the bench,

Hon. GEORGE W. WOODWARD, lately Chief Justice, addressed the court as follows:—

May it please your honors, I rise to perform the most painful public duty of my life—the announcement of the death of the Hon. JAMES THOMPSON.

Yesterday morning, at the meeting of this court at 10 o'clock A. M., the case of McReynolds and others *v.* Langenberger and others, came on to be heard on a writ of error to the Common Pleas, of Columbia county. SAMUEL LINN, Esq., of the Williamsport bar, made the opening argument in behalf of the plaintiffs in error. He was followed by A. RICKETTS, Esq., of the Luzerne bar, and myself, for the defendants in error. At about half-past 12 o'clock, Judge THOMPSON rose to conclude the argument for the plaintiffs in error. He seemed infirm in physical health, but was in full possession of his very fine intellectual powers. He had proceeded about five minutes in his speech, marking the line of his argument with great clearness, when, with the words "Now, then," upon his lips, he sank into a chair beside him, and rested his elbow upon the bar table, and his head upon his hand. As I happened to be near him, I thought he was fainting, and

instantly passed a glass of ice water to him ; but before it could be applied to his lips he fell out of the chair upon the floor. From that moment every person in the court-room—judges, lawyers, tipstaves and spectators—did everything for his relief that affection could suggest, but within five minutes after his fall from the chair he breathed his last, without apparent suffering, and without a word.

Here, in this hall, devoted to the administration of justice, in the very presence of your honors, holding the highest court of the Commonwealth, in the act of faithfully performing a professional duty, Judge THOMPSON bowed his head in death. He died, as the true knight dies, with the harness on. He died as he lived, laboring for others, with an unselfish devotion to the high duties which official and professional life imposed.

Judge THOMPSON's life has been singularly full of good works. A printer in his youth, he fitted himself for the practice of law, and pursued the profession successfully in Venango county until an appreciative constituency sent him to the Legislature. By force of his well-balanced character, he soon rose to be Speaker of the House of Representatives, and that chair was never more ably filled. Then he was made the presiding Judge of a District Court, composed of Erie and Crawford counties ; next he was sent to Congress, where he maintained a commanding position.

Returning from Congress to the practice of his profession in Erie county, he became the counsel of the people against the Erie and North-East Railroad Company, and made himself so indispensable to them that when the contest was transferred to legislative halls, the people of Erie, though opposed to him in politics, turned instinctively to him for protection, and sent him to the Legislature. Thus, after honorable service in other fields of labor for a quarter of a century, he was again returned to the Legislature in his mature years, and wielded a commanding influence as the representative of his constituency. In 1857, two vacancies upon the Supreme Bench were filled by the election of Judges THOMPSON and STRONG. These two eminent lawyers took their seats upon that bench at the same time. For ten years it was my privilege to serve with them. I never have known a more faithful and industrious member of that court than Judge THOMPSON. Of his learning, of his easy and natural style of writing, and of his stern integrity, I need not speak, for the books of reports are an imperishable monument to these high judicial qualities. The last five years of his term he presided as Chief Justice, and as such he was a model of patience and urbanity. The profound impression his admirable judicial qualities had produced, took voice in that grand ovation at the Continental Hotel, when the bar of Philadelphia celebrated the virtues of the retiring Chief Justice, and recorded the universal regret that the time had come for him to retire. The best qualities of a great man were so happily blended in this man with warm affections and genial manners, that young men and old rose up to do him honor, as well for the *suaviter in modo*, as for the *fortiter in re*. An acute critic has said : " Perhaps the perfection of the judicial character consists in the exhibition of pure intellect divested of human sympathy. And yet who would choose for his judge such a monster of perfection ? He is the fortunate judge who can so conduct himself on the seat of justice, and

clothe his decisions in such language, that both he who wins, and he who loses his cause, can unite in paying a deserved tribute to his wisdom and integrity."

The mental and moral qualities of Judge THOMPSON were in such happy equipoise—a clear head was so well balanced by a good heart—that he came as near to the perfection of judicial character as any man of our day.

"Then," "Now," were his last words. And how significant! *Then* he was addressing to your Honors the words of wisdom his mature years, his active life, his large reading had stored away in his well-furnished mind—*Now* he lies a pallid corpse in your honors' presence. And this little interval, only a few minutes long, spans the space between life and death, between the active duties of a well-spent life and the dread realities of eternity. When have your honors witnessed a more impressive scene—one that tells us more solemnly how near we are to death even in the heat and stir of life? "In the midst of life we are in death."

That we may pause amidst the cares and duties of life to meditate upon death, and that we may join our fellow-citizens in mourning the sudden taking off of one of the most distinguished and estimable sons of the Commonwealth, I move that your Honors make a record of the death of Judge THOMPSON, and that you adjourn the court for the day out of respect to his memory.

Chief Justice AGNEW in reply, said:—

Gentlemen of the Bar—We have listened with great emotion to the announcement of the death of JAMES THOMPSON, late a Chief Justice of this court. It was fit it should be made by Judge WOODWARD, as your spokesman, a former Chief Justice, and associate of the lamented dead. His tribute was heartfelt, just and appropriate. In all this we recognise a proper observance of a customary and very fit ceremony. But, gentlemen, just, proper and eloquent as it was, how feeble, how very far short does the announcement fall of the sad reality itself—of that shocking scene which we ourselves saw but yesterday! Here, in our own presence, standing before us, speaking to us, he suddenly paused, stopped, rested his head on the desk, gradually sank back to his seat, was gently laid upon the floor, and in a few short moments breathed his last. Death, it seems, had laid his icy hand upon the seat of life—his heart; he felt the sudden chill, and life fled before the conqueror's touch.

Words cannot paint that scene in all its sorrowful reality. Forms of speech cannot reach the deep fountains of our grief. Nor were the circumstances ordinary which attended his death. He had risen to conclude the argument in a case of great interest to him. The questions involved were those he had grappled with and mastered in a long professional and judicial career. He had, as Chief Justice of this court, delivered its judgment in the same case, upon a former writ of error; and now, as counsel in that case, he felt a duty laid upon him to vindicate, not only the cause of his clients, but that opinion which he himself had delivered. I should not wonder, were we able to return to that moment and to search his palpitating heart, that some excitement was there stronger than was its wont.

The Bar has lost in him a kind, courteous, and upright member, and the State an able, eminent, and learned jurist; while we, ourselves, join in sympathy for his loss.

Personally, I may speak of Judge THOMPSON with especial feeling. My first entrance upon this bench was to participate in one of the most important causes that ever engaged its attention, in which we stood in opposition to each other, and which my casting vote was to determine. But opposition did not breed hostility; and as time wore on a friendship arose, which death only has severed. We came from the same section of the State, and our professional lives have been moulded somewhat alike.

It was natural we should think, feel, and judge similarly in many things. I had known him by reputation before, but our first personal acquaintance began in the year 1841, at Mercer, when I appeared before him as counsel, while he was the Judge of the District Court including that county. Afterwards, I became President Judge of the Seventeenth District, and he appeared before me in the same county in 1851, as counsel in an important case. I shall never forget the impressions made upon me by his conduct in that cause; a case in which he exhibited qualities of mind and heart not less striking than creditable. He followed an *alibi* of two weeks' duration, in the very scene of the occurrence itself, winding around his client a series of links until they became a chain armor, so complete that they were impervious to attack. He had the strongest prejudice to oppose and to overcome a sympathy for the unfortunate prosecutrix, and a family influence, seemingly invincible; and yet he dictated to the jury the very language of a verdict of acquittal, which, while exonerating his client, relieved the ruined prosecutrix from a charge of perjury. This victory he won as much by the qualities of his heart as by his ability.

Our intercourse upon the bench was ever pleasant, while his counsel was wise, and his words profitable. But this is not the time to dwell upon traits, or to recall reminiscences. His sudden death, while yet not very old, and yet retaining the vigor of his intellect, is one of those sad events which, while they rouse the deepest emotions of the heart, at the same time stand out as solemn warnings to those that remain.

There is a bereavement, of which it becomes me not to speak—too great, too sacred for public utterance—a loss to others of husband, father, friend.

It is the order of the court that the prothonotary minute the announcement just made upon the record, with the motion to adjourn, as a memorial and testimony of respect to our departed friend and former brother, and it is ordered that the court do now adjourn.

After the adjournment of the court, a very large number of the members of the Bar assembled in the Supreme Court room. The meeting was called to order by Chief Justice **WOODWARD**, on whose nomination Chief Justice **AGNEW** was called to the chair, and **JOHN R. REED**, **HENRY M. DECHERT** and **CLARENCE DERRINGER**, Esquires, were appointed secretaries.

HON. WILLIAM A. PORTER then submitted the following:—

The Bar of Philadelphia having convened for the purpose of doing honor to the character and memory of the late Chief Justice **JAMES THOMPSON**, whose sudden death we have been called to deplore, do *Resolve*:—

1. That his distinguished career as a Lawyer, a member of our State Legislature, a Judge of a local court, a representative in Congress, an Associate Judge of the Supreme Court of Pennsylvania, and finally the Chief Justice of that court, has made his fame an honorable part of our state and national history.

2. That his great learning, his eminent abilities, his discriminating judgment, his patient industry, and the spotless purity of his public and private life, have all contributed to place him in the very front rank of our American jurists.

3. That by his genial manners, his amiable temper, and his affectionate disposition, he had won his way to the strongest feelings of our hearts.

4. That we invite our fellow-citizens generally, to join with us in doing honor to the character of one who reflected so much lustre on them and on us.

5. That a committee of ten persons be appointed to convey to his family the assurance of our heartfelt sympathy with them in this great and sudden bereavement.

In moving the adoption of this paper, Judge **PORTER** said:—

Mr. Chairman—I am about to perform in a few words, a duty from which I would gladly have been relieved, and this, sir, for two reasons. I was present almost at the moment when this sad event occurred, and I confess it has had on my own faculties a benumbing effect. I feel like a man stunned by a severe blow; and then I feel, also, that in those beautiful eulogies pronounced in this room this morning by the late Chief Justice **WOODWARD**, and by the chairman of the meeting, everything that is appropriate has been said. Yet I can hardly permit the occasion to pass, occupying the relation which I held to Judge **THOMPSON** for several years, without adding a very few words.

I remember his telling me once, something of the place of his birth, and something of his ancestors. I derived from him the impression that he lost his father in very early life, and that his education was due almost entirely to his mother: a woman, as he frequently said, of wonderful natural endowments. I once said to him, "Judge, how did you come to be a lawyer? how, under such adverse circumstances, and obliged to labor with your hands, did you find your way to the bar?" He thereupon mentioned this incident, which it may be interesting to some of the gentlemen present to hear. When a little boy, I should suppose nine

or ten years of age, he was sent on an errand, and he happened to pass the county court-house on his way. A large crowd was assembled about the door, and in the windows, and great interest was manifested in some trial which was proceeding. It was a trial for murder. He entered the court-room, went through the crowd, passing between the legs of many of the persons standing there, and came within touching distance of the speaker. The speaker was Henry Baldwin, of whom some of us know much; of whom you, sir, know more. We all know his distinguished national character and career, and something of his habits, and the power which he wielded in that western country for so many years. There the little boy stood, looking sometimes at Mr. Baldwin, without knowing who he was, then at the criminal, who was within a few feet of the speaker, then at the jury, and then at the judge. He seems to have been particularly struck with the play of features of the jurors, and their emotions under the speech, many of them several times giving way to tears. When the address was concluded, he left the court-room with the thought, "I should like to be such a man, and stand in such a place." He told me that in all his subsequent labors, by night and by day, which were very great, this idea was continually present to his mind; and I suppose he lived to plead more than a hundred causes in that very court-room, standing in that very place. When I first remember to have seen his name, it was as Speaker of the House of Representatives of this State. When I first saw him, he was a Judge of the District Court, which had been created of the counties of Erie and Crawford. He remained judge of that court for six years; for six years he was a member of Congress, and returning home in about 1850 or 1851, he practised law again without much interruption. He practised law till 1857, when he was elected a Judge of the Supreme Court. A few months afterwards I sat by his side on that bench, and I shall never forget the kind and cordial words with which he received me; never forget the interesting, agreeable and instructive conversation we had during that time on the circuits throughout the State.

I need not say much of his qualities as a judge; as a presiding officer of this great and powerful court. You all know what he was. His first great quality was his quickness. I have seldom ever seen a man who could catch a thought more quickly than Judge Thompson; and then there was this singular combination; quick men are apt to be restless men; impatient men, not given to laborious research. He was a man of the most patient industry. You would hardly know that he had got the thought unless you asked him something about the question. Although so quick a man, he studied his cases as the slowest and dullest and most plodding man would have studied them—reading far into the night, frequently into the early hours of the morning. He studied every line of his case, as if he had never heard of the principle before. You know what his courage was when his conclusion was reached. He was courteous in announcing the result. He was, as you, Mr. Chairman, just remarked, very tolerant of opposition. He would listen calmly to anything you had to say on the subject, but when he had reached his conclusion, sir, there was no driving him from it. When he came to write his opinions he was not always careful of his style. He never

attended much to the polishing of his opinions. I doubt whether he ever transcribed any of them. He employed the simple and natural language that rose to his mind, taking care, however, to guard the thought with all proper limitation. Here and there you may find some inaccuracy of expression, but you will always find the thought sound and strong and good. He was a man of a very healthy mind; there were no shadowy or vague ideas; his thoughts were all strong thoughts. I do not know, I cannot now recollect, that any opinion which he committed to writing as a member of this court, was ever reversed.

While this was his character as a public magistrate, I cannot venture to say much of his intercourse in private life; so genial, so kind, so confiding, so full of humor. He was an exceedingly sociable man, very pleasant to meet on any occasion and on all occasions. As to his intercourse with his own family, who can describe it? I was once, many years ago, a guest for several days in his house, and such kindness, such tenderness, such consideration, as he evinced for every member of the household, even for the servants, could not have been exceeded by the tenderest woman. It happened when he was so suddenly stricken, some of his dear children were soon present, and many of us saw such grief as it seldom falls to the lot of any man to see. I devoutly pray to God this day that I may never see such sorrow again. Such, sir, was the man whom this bar has convened to honor. I move the adoption of the resolutions, as expressive of our estimate of his character, and of our sense of the loss we have sustained.

WILLIAM S. LANE:—

Mr. President:—I rise to second the resolutions, and in doing so, add a few words on this sad occasion. I have had a long acquaintance with the late Chief Justice THOMPSON. Our acquaintance began in 1844, and our intercourse continued from that time down to his death. We lived in the same town and practised at the same bar until he was elected to the Supreme Bench. I knew him intimately and well, our relations were cordial, and I have great respect for him as a man, a lawyer and judge. He was an able lawyer and superior advocate. He had a quick, comprehensive and well-balanced mind, and a large share of common sense. It was but rarely he was surprised in the trial of a cause, and as an advocate had few equals; these qualities made him a formidable opponent, but always a fair one, and ever a gentleman. Judge THOMPSON was a great deal in public life. When but a young man he served several terms in the State Legislature, the last of which as Speaker of the House, and although the youngest member of the body at the time, it has been well remarked that its chair has never been more ably or satisfactorily filled. Afterwards he was appointed the presiding Judge of the District Court of the Erie District, which position he continued to occupy with credit and distinction until the court expired by limitation of law. As District Judge he was much liked and held in estimation by the bar generally. After he left the bench he was elected to Congress from the Erie District, and re-elected the second or third time. He was a thorough Democrat, but always had enough votes from the other side, from those who knew

him well, to render certain what to most any other Democrat would have proved in that district a failure. In Congress he had a high rank and wielded large influence.

Subsequently, he was elected to the Supreme Court, and we all know how well and faithfully he discharged the duties of his high office of Justice and Chief Justice of that court. Judge THOMPSON was emphatically a public man. He was also a genial companion and friend. His loss will be greatly felt. In a word, he was an honest man, a good friend, an able lawyer, and upright judge. But he is gone—his work is finished, and we shall see his genial face here no more! The last sad summons which came so suddenly to him should remind us all of the truth that “it is appointed unto all men once to die,” and we should endeavor to be ready to meet that last summons when it comes to each of us.

GEORGE W. BIDDLE :—

I recollect well, Mr. Chairman, being present at Harrisburg, in June 1857, when the Convention of one of our great political parties placed in nomination at the same time, two candidates for the bench of the Supreme Court: WILLIAM STRONG and JAMES THOMPSON. The enthusiasm with which the nominations were received was remarkable; and fortunate, indeed, would it be for the people of this Commonwealth, if the action of such conventions always produced similar results. My acquaintance at that time with both these gentlemen was very slight. The one first named, I had, perhaps, seen once; but I remembered that I had both seen and heard the latter. In the room adjoining the one in which we are now assembled, in some phase of the varied and angry litigation which grew out of the Erie and North-East Railroad Company controversy, JAMES THOMPSON appeared before the Supreme Court, in advocacy of his clients' rights; and I was struck by the vigor of argument and lucidity of language with which he presented his cause. After these two judges took their seats upon the bench, I came to know them both well; for I may say that my practice was active in the court in which they sat, during the whole period of the service of both. Judge STRONG, sitting as a Judge of the Supreme Court of this State for some ten years, with great advantage to the bar and to the community, voluntarily returned to the practice of the law, to quit it very soon indeed, by his removal to another judicial station, not higher or more important than the one he had left, although of wider and more varied jurisdiction. For fifteen years Judge THOMPSON sat, both as Associate and Chief in the court over which you now preside, and his decisions are to be found reported in some forty volumes of our State Reports—from 6 Casey, in which the announcement of his first appearance as a judge there is to be found, down to the recently issued volume of 21 P. F. Smith, which contains some of his best considered opinions. The profession has long since recognised his great judicial qualities, and sealed his original selection with their emphatic approval; but I wish to call attention briefly to two characteristics which he possessed in a remarkable degree, and which are by no means always found united in the same person. I have seen the one possessed in a high degree by many,

in whom the other quality was almost absolutely wanting. Judge THOMPSON had, as has been pointed out by the mover of the resolutions, wonderful quickness of apprehension, a quickness of perception that seemed almost like intuition. But he possessed also in an eminent degree another quality, without which no man, whatever may be his learning, his industry, or his integrity, can be a great judge. He possessed strong *common sense*. He was wise in the common affairs of life. His views of the transactions and affairs of life, both private and public, were marked by practical wisdom and good sense. His mind was so constituted, was so robust, so healthy in its operations, that he never for a moment was led into an adoption or exhibition of brilliant fallacies. Sophistical reasoning was entirely foreign to his intellectual constitution; and as he never resorted to it himself he had little toleration for it in others. He had that breadth of mind which enabled him to reach substantial justice, when it was sought to be defeated through the intricacies of form and the undue restraints of technical procedure. Always able to pierce through the bark of technicality to the principle lying beneath it, his opinions, expressed in simple, unpretending, but easy and idiomatic English, sought to present results, rather than elaborate processes of legal ratiocination. Yet when he thought the subject demanded a full development of the train of reasoning by which his conclusions were justified, few judges were happier in the full presentation and exhaustive analysis.

I have been told that when at the bar, he stood unrivalled, both as a land lawyer, and a criminal advocate, particularly in the law of homicide. In this department of criminal law, all traditions concur that he was a consummate master, and not easily approached by any one.

When quitting the bench, and refreshing himself from his labors amidst the society of his friends, his manner was charming. Anecdote, humor, repartee, were all at his command, and freely used for the entertainment and delight of his friends. He had no false assumption of dignity which repelled or kept at a distance; but recognising the social arena as one in which all the performers are on equal terms, he charmed and made friends of the young as well as those of his own age, by powers of conversation which were at the service of all. His conduct in the domestic circle has been feelingly and beautifully touched upon by Judge PORTER, and to some extent I was myself a witness of his great merits in this respect. But he added a crowning virtue by his sincere and unostentatious belief in the great truths of religion. He was a constant worshipper at Dr. Boardman's church, and we may hope, we may be permitted to believe, that now that he has passed from this life, he has been made acceptable to his Creator, in the life that follows.

Chief Justice READ:—

I have known my deceased friend intimately for fifteen years, for fourteen of which we were members of the same court. He was a most kind and considerate associate, and I am personally deeply indebted to him for his thoughtfulness and attention to myself when ill health called for the indulgence of my brethren. He was a good man, an honest and upright man, an

admirable Judge, and a learned lawyer, with great good sense. I was warmly attached to him, and I deplore his loss. I believe every word of the resolutions offered by Judge PORTER, to be true and eminently just, and a proper tribute to the virtues, talents and great ability of our deceased friend.

P. FRAZER SMITH :—

Looking over those assembled in this room, I think I will speak in accordance with the fact, if I say that my acquaintance with Judge THOMPSON covers a greater length of time, than that of any one here.

I met him in 1832, in Bellefonte, in this State; he was on his way to Harrisburg, as a representative in the Legislature from Venango county. I had been at Bellefonte for some days, and on taking my seat for home in the stage-coach, which had come from his residence, I found him there. A friend, also a member of the Legislature, who was going at the same time to Harrisburg, introduced me to "James Thompson, of Venango county."

Until then, I had never seen him, but the close contact into which a stage-coach brings its passengers, had created a familiar companionship before much of the road had been traversed; his affability, unaffected bearing, and genial and unstudied humor, drew us so together, that I am justified in saying, that the end of the journey of ninety miles, left us intimate acquaintances. The territorial distance between our homes limited our intercourse for some years afterwards to few meetings.

In 1858, after Judge THOMPSON had been elected to the Supreme Court, my professional duties renewed my intercourse with him. I found JAMES THOMPSON a Justice of the Supreme Court, the same heartsome JAMES THOMPSON who had been my stage-coach companion a quarter of a century before.

He maintained the dignity of his position whilst performing its duties; he never indicated by word or act, that he thought it would be lowered by recognising the members of the bar as his brethren, or hesitated to have it understood, that he was aided in their arguments to him; nor was the familiarity of his social intercourse marred by bringing the judge into it.

As soon as I knew that I was to assume the official relations to the Supreme Court which I now sustain, I went at once to Judge THOMPSON, as I did to others on the bench, to inform him of the fact and seek his counsel. He received me, as I was sure he would, with great cordiality, and made many suggestions to me, which have aided me much in performing my duties. During these relations, I have found nothing in him but the greatest kindness; not the less appreciated by me, when it was manifested in his frank criticism. Nothing ever was said by him which drew any division line in our friendship; it was unbroken until the calamity of yesterday.

I have in my mind, no man to whom I could have more confidently gone for sincere sympathy and sound counsel, in professional or official duties, than Judge THOMPSON. What struck me from the first, after he became a judge of the Supreme Court, was the quickness with which he grasped a case and discovered where its merits lay; he was sedulous to ascertain its

honesty. Believing that the *principles* of law, properly administered, would attain justice, as all here know they will, he was not cramped by the technicalities of mere form, and yet no judge more rigidly adhered to settled rules or resisted the removal of the land-marks of the law.

The *standing-out* features of his character have been more than once faithfully and graphically exhibited in what has been said here this morning. They are those which have been before me ever since he has been on the bench. Judge STRONG well described him in the letter read at the banquet referred to by Chief Justice WOODWARD, as a man of "uncommon common sense."

At the commencement of the present session of the Supreme Court, I met him in the adjoining room, and had a pleasant half hour's talk with him. He was very cheerful and spoke of being in excellent health, entirely recovered from a severe cold he had earlier in the season. He had promised to fulfil an engagement which he had sometime before made to visit me. I should see him, he said, at my home when the pleasant days of spring should come and the fields should be green. The spring has not come, and those fields which we together were to see when they should be clothed in their bright green, he will not look on; but through that faith which has been spoken of here to-day, may we not be confident, that his eyes are now opened upon a spring whose sun will be for ever unclouded, and upon fields whose verdure is eternal.

HON. JAMES R. LUDLOW:—

I have been requested to say a few words here to-day—I do so willingly, because it is proper, and because it is my duty to do so. My acquaintance with Chief Justice THOMPSON commenced in 1857, at the general election of that year, when Judges STRONG and THOMPSON were elected justices of the Supreme Court, and I went into the Common Pleas. Of course, sir, I never had the privilege of appearing before him as an advocate, my duties upon the bench keeping me in another sphere of action; but officially, as you know, sir, I was obliged to meet with him occasionally. In proper cases I have consulted with him; and in another sphere altogether, I mean in the management of one of the medical institutions of this country, we met as ~~members~~ of the same board. Whenever we met he was the same genial, kind, warm-hearted man, ever ready with advice, strongly marked by its common sense, its general soundness.

When in times of great excitement I have been loaded down with cares known only to myself, a word from that lion-hearted old man would give me strength and courage to go on; and now, when I reflect upon what has passed, when I remember that I shall see him no more, and when this sad thought comes upon me with overwhelming power, that within eight months three members of a board of trustees, to which I have referred, have all fallen, it is enough to make a man stop and think. Judge KING, THOMAS S. SMITH and JAMES THOMPSON have passed away; and during the year also the leader of this bar, Mr. MEREDITH.

And what a sight was presented here yesterday! Hastening to this room,

I saw the form of the late Chief Justice of this tribunal, tenderly laid there, within the shadow of the bench on which he sat for fifteen years, and two thoughts arose in my mind, shocked as it then was. The first was, that such a sight could have been possible in the Commonwealth—that a system of laws could exist, leaving him, an old man, to struggle on to the perilous edge of danger, and fall with the words “Now, then !” on his lips, as he addressed this court. I find no fault with men, but with the system ; and then it illustrates the character of the man, who, with a lion-heart, fought the battle of life and fell in his tracks before your tribunal here ; and yet there was something consoling in the fact that he had left the altar at which he had administered as High Priest, had gone down among the people of his native state, and returned at the foot of the altar here, in the presence of justice, before its highest Court of Appeals, to die in the harness. There are some lessons to be learned, one has been referred to : the dreadful uncertainty of life. Ay, sir, when the angel of death entered this chamber your business was palsied. There was not a tribunal in this country which did not tremble under the shock, as if some unseen hand had interfered and stopped the public business ; and then there is a lesson of courage to every man, no matter what the circumstances may be which surround him. There is a lion-hearted courage, which bears its own reward, and that was exhibited here yesterday ; there is a final lesson, sir : we may enter into the conflicts of life, we may have our different opinions upon questions of politics, of law or of religion, but how such a scene as the one we saw yesterday teaches us to banish malice—to cultivate a sincere friendship. The ex-Chief Justice has gone, but his memory will live long in this Commonwealth.

ELI K. PRICE :—

Mr. Chairman :—I should be derelict to my sense of duty, if I were to let this opportunity pass without bearing my testimony to the character and learning of our deceased friend. It is quite impossible for me, so closely in the presence of the appalling event, to become critical in the analysis of character. While the breast heaves with emotions, the head cannot command the coolness to become critical. Indeed, it seems almost irreverent to make the attempt. I shall but give expression to my feelings.

It is twenty years ago, this month, since I made the acquaintance of Judge THOMPSON. I was then in the State Senate ; and I had the year before taken side with the people of Erie, in their contest with the Erie and Northeast Railroad Company. To the session of 1854, Judge THOMPSON came their representative to the House, and became the earnest champion of the rights of the people of Erie. We quickly acted in accord, shoulder to shoulder, with hearts beating in unison. A friendship was then formed that never ceased.

I confirm all that has been said of the genial social qualities of Judge THOMPSON ; his learning, his ability, and judicial impartiality and integrity. I also testify to his great kindness of heart, and deep sympathy with humanity ; and could illustrate, were it fitting here.

But that I wish most to say, is to express my sense of gratitude for his judi-

cial services. Those not situated as I have been, cannot fully estimate the great value of those services. Men are daily making their contracts and investing in real estate, the earnings of their lives, on professional opinions; and those opinions must be mainly based upon the decisions of the Supreme Court. But in the rapid changes of judges which take place in that court, from deaths, resignations, and expiration of term of office, new judges, as is natural from differences of training, experience and reflection, bring new views into our highest tribunal; and the old decisions are sometimes not followed in judgment. Then the work most carefully considered and executed under the advice of counsel, in conformity with existing authorities, is undermined, and the people lose their investments. Legislation on the bench is the most dangerous and destructive removal of landmarks. The legislature can make laws only for the future, and the people may conform to them. When judges legislate, they do it for the future, the present, *and the past*; for they declare what the law *has been*, as well as what it is, and is to be. If they declare that to have been unlawful, which their predecessors declared was lawful, then the people have been misled, and suffer disaster. Judges cannot safely bring novelties upon the bench. New discoveries are seldom to be found in the law, as in other sciences, the arts, mechanics and machinery. True, the world is rapidly advancing by discoveries and inventions made in these; and the law must follow them in deciding the new cases that thence arise. But the law will yet wisely follow precedent, by drawing from the body of legal wisdom, treasured up in the past, those principles which are applicable to the new circumstances. The same principles, the same analogies, and the same sound judgment, that look to the convenience and welfare of mankind and society, and that seek to avert evil consequences, are the only course of safety on the bench.

It is because Judge THOMPSON was always thus wise and cautious, and careful to follow in the footsteps of his wise and learned predecessors, that I have ever gratefully respected and honored him as a judge. Look through the forty volumes in which the reports of his decisions may be found, you will find them all characterized by wise caution and prudence; clear of all speculation; deciding only the case in hand, and that according to precedent; justly for the suitors, safely for the law.

Am I presumptuous in thus speaking in the presence of many judges? They will, I hope, pardon me, when they reflect that for more than half a century, much of my professional occupation has been that of an advisory counsel; and that I am the senior, by a number of years, of all the judges in this Commonwealth. I came into the Supreme Court, when TILGHMAN, DUNCAN and GIBSON were on the bench. I have known all the judges who have sat upon it since; lawyers eminent for their knowledge of the law and for their ability, and I have known none more cautious and circumspect, to do nothing to unsettle the law and imperil the titles of the citizen, than he whose loss we all now so sincerely deplore. In this he closely followed TILGHMAN. And I yet but give expression to my emotions, when I repeat my sense of gratitude to the memory of the late Chief Justice, and point to his many decisions for the truth of all I have said; decisions that will pre-

serve his memory in respect, and honor for the long and indefinite future. I shall love his character and memory while I live, and hold them in profound respect and veneration.

DANIEL DOUGHERTY :—

Oppressed with the solemnity of these proceedings, I yet venture to say a parting word of the occasion, and of the friend whom I honored in life, and mourn, profoundly mourn in death. No event has happened in my remembrance—nor can I on the moment recall from history, one connected with our profession—so sad, startling, and awe-striking, as that which happened on this spot not twenty-four hours ago. The venerable head of the bar, who had presided as Chief Justice of Pennsylvania for a longer time than any of his associates since the amendment of 1851, while addressing this tribunal struck dead !

His voice was the last heard here in formal argument before this meeting convened. While yet his dying words seem lingering around these walls, we have assembled to record the expression of the loss—the irreparable loss the bar, the city, and the state, have suffered in the death of this great jurist, upright citizen, and noble man. His learning, integrity and truth, his industry, patience, and promptitude, his impartiality—above all, let me mention that characteristic which pre-eminently marked his decisions—not blind adherence to precedent, but absolute devotion to substantial justice. These inestimable qualities have been alluded to by distinguished gentlemen who have preceded me, and will be dwelt on by those who will hereafter write his worth in elaborate eulogies.

His simple, unaffected courtesy, genial manners, contagious laugh—Oh, how in these sad moments it grates upon my ear—will be remembered and recalled by all who ever met him in the charmed circle of social or home life. His speeches in the Legislature and the National House of Representatives, his reports as the head of the Judiciary Committee of Congress, will be treasured among the archives of the state and nation. His judicial decisions are recorded, and will be read wherever the English tongue is spoken, and as long as justice is administered by law.

It is often a necessary result of our American system—humiliating to us as a people, and looked on with amazement by Great Britain and Ireland—that the lawyer may be seen arguing at the bar of the court where he had once presided as the judge. No more striking example could be given than him whom we have met to commemorate and mourn.

A year and a month ago JAMES THOMPSON was the Chief Justice of this our Supreme Court. Yesterday he stood in the midst of us addressing the court, and you, honored sir, who had been one of his associates, and are now his successor. To-day he himself is judged in the High Court of Heaven ! May this appalling dispensation purify all our lives, and may our departed friend rest in the eternal embrace of the Omnipotent Judge and Merciful Ruler of the Universe.

On motion of JAMES OTTERSON, it was

Resolved, That the judges and members of the bar, both of the city and

state, are hereby invited to meet in the Supreme Court, at 1 o'clock on Saturday next, to proceed in a body to attend the funeral of Hon. JAMES THOMPSON.

The chairman appointed the following gentlemen the committee under the last resolution:—

Hon. William A. Porter, Hon. James R. Ludlow, Hon. Eli K. Price, William Henry Rawle, Hon. Thomas K. Finletter, William S. Lane, Geo. W. Biddle, Daniel Dougherty, Charles Gilpin, and George M. Dallas.

On motion of HORATIO GATES JONES, the officers of the meeting were added to the committee.