

# IN MEMORIAM.

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## JUSTICE SILAS M. CLARK.

“Omnibus, qui patriam conservaverint, adjuverint, auxerint, certum esse in cælo definitum locum, ubi beati ævo sempiterno fruuntur; nihil enim est illi principi Deo, qui omnem hunc mundum regit, quod quidem in terra fiat, acceptius quam consilia cætusque hominum jure sociati, quæ civitates appellantur; harum rectores et conservatores hinc profecti, huc revertuntur.”

—Cic. Somn. Scip.

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The line, “Justice, SILAS M. CLARK,” will no longer appear in the lists of Justices of the Supreme Court of Pennsylvania, in these volumes. A silver plate upon a casket in Oakland cemetery, Indiana, Pa., bears the simple inscription :

### SILAS M. CLARK.

BORN, Jan. 18, 1834 :

DIED, Nov. 20, 1891.

A son of James Clark, Esq., who removed from Elderton, Armstrong county, and settled in Indiana county in 1835, Mr. Justice SILAS MOORHEAD CLARK, born on the date above stated, obtained his early education in the schools, common and academical, of the latter county, and entered the Junior Class in Jefferson College in 1850. His admission to that class in that college, at the early age of sixteen, is proof of the ability and acquirements he then possessed, and was a prophecy of the distinguished position he was to attain in mature manhood.

Graduating in 1852, very near the head of his class containing forty-nine members, he taught for a year or two in the Indiana Academy, and for a year or two was an editor of the *Democrat-Messenger*. In the meantime, he was a student of the law under the direction of Mr. William M. Stewart, now one of the solicitors of the Pennsylvania Railroad Company in its offices at Philadelphia, then practicing at the Indiana county Bar. Admitted to the

Bar in 1857, he became the law-partner of his preceptor, the relation terminating when the latter removed to Philadelphia in 1873.

From the Indiana county Bar, Mr. Clark was chosen a member of the Constitutional Convention of 1873, and served on the important committees on Declaration of Rights, Private Corporations, etc., and on Revision and Adjustment. The volumes of the convention debates bear witness to the influence exerted by him in the formation of the present constitution of this Commonwealth. In 1882, he was nominated and elected a Justice of the Supreme Court of Pennsylvania, and ascended the Bench of that court at its first session thereafter, on the first Monday of January, 1883. The first opinion he delivered seems to be that deciding *Blessing v. Miller*, 102 Pa. 45. On November 9, 1891, seven opinions were handed down, which were the last he prepared. They are to be reported in the next volume. His opinions, to be found in forty-three volumes of the Pennsylvania State Reports, are the polished granite blocks which form the "monumentum aere perennius," erected to his memory by his own hand.

The wild, stormy day, outside, when the cover which bound up the book of his life was laid away, was unobserved by the friends and associates who loved him, as they met on November 23, 1891, in the Indiana county court-room, the scene of his early forensic triumphs, to express in public meeting their sorrow for his departure from them, and to do honor to his memory. His excellency Governor PATTISON, Attorney-General HENSEL, and other state officers were present; so, also, his brethren and associates, the Justices of the Supreme Court, with the Bench and Bar of the surrounding counties. Many eloquent addresses were delivered. Among other remarks made,

Governor PATTISON said:

You are familiar with his career upon the Bench; you have been brought into personal contact with him; you have, as lawyers representing the interests of your clients, appeared before him. You know how patient, how painstaking, how ready, how careful, how anxious he was to ascertain the truth, to arrive at a just conclusion, and to give to the cause before him the very best judgment that it was possible to give. All the citizens of Pennsylvania, those who have had acquaintance with him, and those who have simply heard of him through members of the Bar who have spoken of him from time to time to their constituency, have given this character to Justice Clark throughout the state of Pennsylvania; and now, at his sudden taking off, we feel the loss of this good man who but yesterday was with us.

Chief Justice PAXSON said :

My acquaintance with Justice Clark commenced years ago, when he came out to Pittsburgh to argue cases in the Supreme Court ; and he so impressed me with his forcible, clear and lucid arguments that, one day, after he had concluded his argument, I called him up to the side-bar, and I remember as if it were only yesterday of making this remark : “ Mr. Clark,” I said, “ Indiana county is getting too small for you ; keep your eye on our Court.” Not very long after that, there was a nomination for the Supreme Court. Justice Sharswood and Justice Green being in my room one evening, the matter was discussed, and we urged upon Justice Sharswood, who was of the same party as Justice Clark, the propriety of the latter’s nomination for the place that was about to become vacant, and the movement started there and then.

I need hardly say that we have never had any reason to regret or to change our opinion in regard to Justice Clark. As a general rule, the Bar takes the measure of a judge after he is dead, seldom while he is living ; and I am confident that the judgment of this Bar and of the Bar of the whole state will be that Justice Clark was one of the strong men, and one of the greatest men who ever sat in our Court. I regard him as the peer of any man who ever occupied a seat there, and I am quite sure that that is the judgment of all my brethren.

I need not tell you, gentlemen, how greatly we shall miss Justice Clark. You, who have known him perhaps since boyhood, who have grown up with him and who have practiced law side by side with him, and who have argued cases in our Court since he has been upon the Bench, know his character and his attainments so well that I need not refer to them.

But there is one thing, over and above his eminent judicial qualities, about which I wish to say a word, and that is his social qualities. I never in my life have met a man who was more endeared to me by his social qualities than Justice Clark. In the long years that I have been associated with him in the Court, I have never yet heard an impatient word in consultation or at any other time ; always genial ; his smile always like a sunbeam. While in the consultation room, no man ever adhered to his opinions with greater tenacity than Justice Clark. He formed his opinions deliberately, and when so formed it was very difficult to shake him ; but his difference of opinion was never accompanied with any show of feeling. He differed as a gentleman, urging his views of the law, and invariably submitting with the best possible grace to the opinion of the majority of the Court.

I need hardly say, gentlemen, that his loss will be almost irreparable to our court. We shall be extremely grateful if we have some one to take his place who is his peer in legal ability, and whose nature is so genial and in every way so agreeable to those with whom he was associated.

Attorney-General HENSEL said :

My acquaintance with Justice Clark, like that of the Executive of Pennsylvania, dated from the time of his nomination for the high place to which he was called by so large a vote of his fellow-citizens ; and upon the first mention of his name, a lawyer, I may be permitted to say, with scarcely more than a local reputation, I well remember that it was the subject of special wonder to the two members of your Bar who were especially intrusted with his political interests at that convention, that the fitness of his nomination met with such universal favor, and its propriety with such quick recognition ; and that circumstance was due, almost entirely, to the circumstance that in his service in the Constitutional Convention as the immediate representative of your district, Justice Clark came into personal and official contact with a very large number of the best trained minds of the profession in Pennsylvania from all the counties of the state, and to the movement to which his Honor, the Chief Justice, has referred. There was scarcely a representative body of delegates in that state convention that did not go there with instructions and advice, whispered by the leading lawyers of his party : “ If Silas M. Clark’s name is presented in that convention, you will make no mistake in nominating him for Supreme Judge.”

I need not say, what has been already said, that his brethren on the Bench, and the profession throughout the state, soon experienced and appreciated that no mistake had been made in his selection. He had more than ability. He had industry ; he had patience ; he had courage ; he had conservatism ; and these, added to the many qualities which make a good judge, made him a member of the Bench in Pennsylvania who has written in the reports of your courts the best and most lasting eulogy of his character as a judge and a jurist.

—After other addresses, and the adoption of resolutions recording the respect and love entertained for Mr. Justice Clark, the gentlemen present joined in a body in taking part in the funeral exercises.

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At the sitting of the Supreme Court at Philadelphia, on Monday, January 4, 1892, the first day of the January Term, Mr. Chief Justice PAXSON said:

Gentlemen of the Bar:

It is my painful duty to announce to you the death, since the last term in the Western District, of the Honorable Silas M. Clark, one of the Justices of this Court.

Some of you, at least, are aware that for several years past Justice Clark has not been in good health. He had been suffering from an organic disease, of a grave nature, which interfered seriously with his comfort; especially in the summer season, when relaxation from labor and freedom from pain were so essential to his recovery. The culmination of his disease occurred at Pittsburgh, during the last term of the Court; and his trouble was aggravated by the fact that, against our earnest remonstrances, he persisted in remaining at his post of duty long after he should have desisted from labor, and sought the rest and careful nursing which he could receive only in his home.

Justice Clark was born at Elderton, Armstrong county, Pennsylvania, on January 18, 1834. He graduated at Jefferson College in 1852, studied law with William M. Stewart, and was admitted to the Bar in Indiana county in 1857. He rose rapidly in his profession; and in a short time had acquired the confidence, not only of the people of that county, but of all of that portion of the state, by whom he was recognized as one of the ablest lawyers in Western Pennsylvania.

He was a member of the last Constitutional Convention, and took a leading part in the formation of that important instrument, the present constitution.

In the year 1882, he was elected one of the Justices of this Court, and took his seat upon this Bench on the first Monday of January, 1883. His record since that time is known to you all.

This is not the time nor the occasion for a biographical sketch of our deceased brother, nor even for an extended eulogy of his character. But we desire to express, upon this our first meeting after his death, our keen sense of the loss which we, in common with the Bar and the public, have sustained. It

is a loss both official and personal. He was a thorough lawyer; a strong able man; and we shall sadly miss his clear head and sound judgment in our consultation room, where the important portion of our duties is performed. We have always there found him of great assistance. No member of the Court examined his cases with more patient care, and he always came into consultation with an accurate knowledge of the facts of each particular case and an intelligent view of its law; and, when a decision was reached, and the case assigned to him for an opinion, we always felt that his opinion would be adequate to the case, and based upon a microscopical examination of its law and its facts.

While we shall miss him in our official labors, much more shall we miss him in our personal and social relations. He was one of the most genial men I have ever met, and our years of close intercourse have never been marred by an unkind word, or a hasty expression. While he was decided in his views, and, when he felt he was right, not easily moved, he was nevertheless appreciative of the views of others, and modest in the expression of his own. At all times, and upon all occasions, he was the same kind, genial gentleman. We all loved him for his noble qualities of head and heart; and we are unwilling that this occasion should pass, without placing upon record the expression of our high appreciation of his character as a lawyer, a judge, and a citizen.

It may not be inappropriate for me to say that our Brother Clark is the fifth justice of this Court who has died in commission since I have been a member of it. Our labors are now so exacting that nothing short of a constitution of iron will carry a man through a term of twenty-one years.

As a further mark of respect to the memory of our deceased brother, it is ordered that the prothonotary enter a proper minute of these proceedings upon the records of the Court.

The commission of Hon. Christopher Heydrick, appointed by the Governor to fill the vacancy caused by the death of Mr. Justice Clark, until the first Monday of January, 1893, was then read.