

IN MEMORIAM.

THE DEATH OF HON. JOHN TRUNKEY, JUSTICE OF THE SUPREME COURT.

At the sitting of the SUPREME COURT at Pittsburgh, on Monday, October 1, 1888, the first day of the October Term, present, GORDON, C. J., PAXSON, STERRETT, CLARK and WILLIAMS, JJ., the commission of Hon. Alfred Hand, appointed by the Governor to fill the vacancy caused by the death of MR. JUSTICE TRUNKEY, was read, when at two o'clock P. M., *Mr. George Shiras, Jr.*, of the Allegheny County Bar, arose and addressed the Court as follows :

May it please the Court :

The recent death of JOHN TRUNKEY, one of the honored justices of this Court, renders this session of the Court, the first since the sad event, a fitting occasion to take proper action, and to give an opportunity to the Judges and Bar of the Court to express their sense of the great loss which they have thus sustained.

It has been suggested the better course to pursue will be to have an adjournment of the Court, and an immediate meeting of the Bar, at which shall be appointed a committee to prepare and present at a subsequent meeting suitable resolutions commemorative of the excellent qualities of our departed friend. This, therefore, is not the time for extended remarks upon the life of Judge TRUNKEY, or in reference to his exemplary career as a Justice of this Bench.

I accordingly move that, out of respect for the memory of Honorable JOHN TRUNKEY, one of the justices of this Court, who departed this life on the 24th day of June, A. D. 1888, this Court do now adjourn.

MR. CHIEF JUSTICE GORDON :

Upon me, as the mouthpiece of this Court, devolves the sad task of attempting to put into words the feelings of sorrow

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which fill our hearts in consequence of the loss of our distinguished associate. Men of our age and habits of life, are not ordinarily outwardly demonstrative, for we have so often encountered the afflictions and vexations of life that we have learned to regard them as the ordinary concomitants of mortal existence, to be borne as best they may, and from which death alone can deliver us. We know also that the tongue can but feebly express the deeper feelings of the soul ; hence, whatever our sorrow, our words are apt to be few. Since I have been on this Bench it has been almost constantly pervaded by the shadow of death. No less than five of my immediate associates, four of them in commission, have gone the way of all flesh. One year ago we assembled with the Bar to lament the loss of our beloved CHIEF JUSTICE, and now again we meet to express our sorrow on account of the death of our brother TRUNKY, whose memory will long live in the hearts of every one of us.

I was fortunate enough to have been intimately acquainted with this gentleman for many years ; hence I came to know him better and more thoroughly, perhaps, than any other member of this Bench, and, for myself, I am constrained to say that on a careful review of his whole character, moral, civic, social and judicial, he was a man more nearly perfect than any other I ever knew. I first became acquainted with him some twenty-two years ago, when presiding over the courts of Mercer County, and I then regarded him not only as a kind gentleman, but as an accomplished and thoroughly conscientious lawyer. His cases were carefully prepared, and presented with remarkable clearness and precision ; he saw their strong points, urged them strongly, and waived, or refused to notice, immaterial issues. He was an eminently fair man. His statements to the Bench were concise and impartial, and he never attempted to deceive or even to embarrass opposing counsel. Of his character as a judge, both at nisi prius and on this Bench, I need not speak, for he has been for years regarded by the Bar and people of this commonwealth as one of the ablest and noblest of our jurists.

But this partial measure of this great man would do his memory but scant justice ; for we have had very great lawyers and judges who were by no means good citizens, and who fell far short of being truly great men. The glamour of genius is

apt to obscure even gross and serious personal defects ; nevertheless, he is a bad judge of human nature who will substitute genius for goodness, or attempt to make one distinguished feature of a man's life represent his entire character. It was in the completeness of his manhood that our brother TRUNKEY excelled. There were no flaws in his character. He was like a well built mansion, chaste, severe and well proportioned, complete in all its appointments and beautiful without meretricious ornament. We have had many lawyers who in legal learning were his equals, but few who had the same innate and severe sense of justice ; many upright men, but rarely one who accompanied his sense of justice with the same charity. In essentials, he was stern and unwavering, immovable as the everlasting hills ; but in matters of opinion merely, he was always ready to yield, and was never disposed to quarrel about indifferent matters.

Social men and kind companions are by no means infrequent, but as a steadfast and enduring friend, Judge TRUNKEY had few if any equals. His friendship was no mere profession, but an abiding, unending affection which induced willing self-sacrifice to an extent incomprehensible to ordinary minds. As a son, husband, father and brother, he was kind and faithful to the last degree, and as a citizen, loyal to the core. To him duty never seemed to be a task, and when ascertained, he performed it with cheerfulness and alacrity, and his courage and patience in sickness and suffering were something little less than marvelous. I am sure no ordinary man, under the physical suffering endured by him, could so long and so well have discharged the irksome and laborious duties of this Bench, and have so faithfully fulfilled every necessary requirement of domestic and social life. In this case, the domination of the mind over the infirmities of the body cannot but challenge our admiration. But more than this : JOHN TRUNKEY lived on a higher plane, and in a purer atmosphere than that which is comprehensible to the merely earth born. He was not only a prince among men, but a genuine son of the Most High ; and, concerning the divine love, and the verity of the plan of salvation in Christ Jesus, he had no more doubt than of his own identity. Infidelity to God was to him an impossibility ; the complete and thorough balance of his mental constitution precluded a doubt as to either the being or the goodness of the

Father of the Universe, or of the truth of that revelation which he has made of himself in the Holy Scriptures.

As a conclusion, then, of this short and imperfect history of our beloved brother's life, we may be permitted to say, that whilst we lament the great and irreparable loss which we have sustained by his death, and whilst we are filled with sorrow when we reflect that he will meet with us no more on earth, nevertheless we may derive some consolation from the assurance that to him the change is all for the better ; that he fell asleep in the full conviction of a divine resurrection, and of that immortality which God has provided for all who are loyal to Him.

Ordered, that the proceedings now had be filed among the records of this Court, and further, that as a token of the respect due the memory of our deceased brother, that this Court be now adjourned.

The Court was then adjourned. Thereupon, a meeting of the members of the Bar, convened in the Supreme Court room, was called to order by Mr. Sol. Schoyer, Jr., on whose motion Mr. Chief Justice GORDON was made Chairman. A committee, consisting of Mr. R. B. Carnahan, Mr. Thomas C. Lazear, Mr. Sol. Schoyer, Jr., Mr. A. M. Brown and Mr. H. A. Miller, of the Allegheny County Bar, Mr. C. Heydrick and Mr. J. D. Hancock, of the Venango County Bar, Mr. Joshua Douglass, of the Crawford County Bar, Mr. J. S. Kirkpatrick, of the Tioga County Bar, and Mr. Samuel Griffith, of the Mercer County Bar, was appointed to prepare a suitable memorial to be reported at an adjourned meeting to be held on Thursday, October 4th, at two o'clock P. M. The Bar meeting was then adjourned.

On October 4, 1888, at two o'clock P. M., the Supreme Court having adjourned the hearing of causes, the meeting of the Bar was re-convened, as ordered, when, the organization having been completed by the choice of a number of Vice-Chairmen and Secretaries, the committee appointed for the purpose reported a memorial, and in support of a motion that it be adopted,

Mr. Thomas M. Marshall, of the Allegheny County Bar, said :

In moving the adoption of the minute reported by the committee,

I desire to suggest a few thoughts upon the life and character of Judge TRUNKEY.

As a Judge in the administration of the law he possessed rare excellences of character. Whilst he was presiding in the Common Pleas of the Venango district I had opportunities of observing his method and manner in the trial of causes.

In method he was systematic and particular. In manner, no man could be more affable, kind and considerate. The merest tyro in the profession received the same quiet constant attention which was accorded to the leaders. His charges to the jury were brief, pointed and clear. In cases of great public moment, when excitement pervaded the community, it never reached the bench where Judge TRUNKEY presided. In his charge to the jury he was careful to avoid dicta and side remarks, directing the jury to the immediate point in issue, so that the ordinary mind could not fail to comprehend his instructions. He was always clear and precise in his expressions, because his mind was clear and accurate in its perceptions of the law. He never made law; he was content to announce and administer the law of Pennsylvania.

When called to the Supreme Bench he exhibited the same qualities which distinguished him in the Common Pleas. He was an admirable listener. When a young man opened his case, he had an attentive,—more, an interested listener, in Judge TRUNKEY, helping the feeblest advocate by his encouraging manner. He never interrupted a lawyer, puncturing his preparation.

Another remarkable trait of character was his extreme modesty; his retiring disposition. And this was the more remarkable because he had other qualities of mind that do not always go with modesty. He had unfaltering courage and unfailing firmness. When conscience had marked out his line of duty, he could never be seduced or driven from his position.

I must not forget the higher and larger characteristics of the man. Judge TRUNKEY had the highest and noblest endowments of human character,—absolute integrity and purity both in public and private life. I think no man, lawyer or suitor, ever doubted the fairness of his judgments. We have had great judges upon the Bench of the Supreme Court of Pennsylvania, eminent, learned and pure jurists: GIBSON, TILGHMAN and others; but in all our judicial history, no fairer, purer, better man has passed to his rest. With the modesty of a pure woman, with a courage that could not be moved, he was a learned, honest, fearless, just judge, fit and prepared to meet the Judge of all.

Mr. S. H. Miller, of the Mercer County Bar, said :

The eloquent tributes to the dead from those who have been his associates in our highest judicial tribunal, as also from distinguished members of the Bar who have practiced before our Supreme Court during the years when John TRUNKY did his full duty as a judge and a man, would seem to have so fully met the demands of reverence and affection, that it was not needed that I should be heard in words of eulogy.

As a citizen of the county which claims him as an honored son, I cannot resist the invitation, extended to me by your committee, to speak in this presence of his benignant courtesy, his stainless honor, his fidelity to his convictions, his unsullied integrity, his legal acumen, and of the high position he attained in a profession rich with lustrous names.

John TRUNKY was born in Mercer county, October 28, 1829. He inherited by birth a strong character. While not yet twenty years of age, and with only the advantages of an academic education, he entered the office of Hon. Samuel Griffith, of Mercer, as a law student. Under him, he not only studied elementary law but also the higher English branches and Latin classics, and was admitted to the Bar of Mercer county in June, 1851. Although not favored in early years with a collegiate education, he was all his life a student, and few in the profession acquired the faculty he possessed in an eminent degree to so thoroughly grasp a subject, to so readily lay hold of the leading points of a case, and so tersely group the facts and the law governing the same.

He thought clearly, and with rare grace selected the words which could best express his thoughts in the most forcible manner. There was no room left for construction in what he wrote. His style was direct, clear, and forcible without excess of verbiage. It needed no interpreter. His opinions are models of purity of diction, clearness of style, and felicity of expression. He used words sparingly as though they were gems to be carefully treasured. He was painstaking, deliberate and laborious, and yet no judge of my knowledge dispatched business more rapidly or methodically. It was seldom necessary for him in the lower courts to grant a new trial to correct any errors.

Judge TRUNKY first became connected with public affairs in his official capacity, by his election to the office of President Judge of the Mercer-Venango judicial district in the fall of 1866.

His elevation to the Bench was not an accident, as some have been pleased to call it. His qualities of heart and mind made him a favorite with men of all classes and politics who had made his

acquaintance through his professional services; and his election, although the nominee of a minority party, was but the public expression of the esteem in which he was universally held, in the community where his youth and manhood had been spent.

A gentleman of more perfect honor and of more perfect kindness of heart, of more catholicity of spirit, of less bigotry, of less envy or uncharitableness, or of less self-seeking, has seldom been honored by the suffrages of his fellowmen. And yet he was not devoid of political ambition. Plain of speech, straightforward in all his dealings with men, entirely devoid of political cunning, by virtue of fitness and merit he was promoted from the Bar to the Common Pleas Bench, and thence to the Supreme Court.

In social life, Judge TRUNKEY was a man of amiable manners, differential to those about him, and mindful of all the proprieties of life. He impressed with a sense of regard and respect all with whom he was brought in close relations. While never obtrusive, he was full of conversational resources. He was strong in his friendships, tender in his sensibilities, yet with absolute self control.

But above all, Judge TRUNKEY was a Christian judge. It is a crowning honor to our profession that the judiciary of our State are at least believers in the divinity of the law laid down by Moses, and of the gospel preached by Paul; and no man in the profession or on the bench emphasized by practice and profession in a higher degree than Judge TRUNKEY, that Christianity which is the foundation of the laws and institutions of our Commonwealth.

As has been fittingly said of one of earth's noblemen, so I can truthfully say of Judge TRUNKEY:

"His life was not fragmentary and unfinished, but full orb'd and complete. To him death was not an interruption, but a climax. His sun was neither obscured nor eclipsed, but followed its appointed path to the western horizon. So he departed, and alone his spirit and his fame abide the enduring covenant of peace."

His life was gentle; and the elements
So mix'd in him, that Nature might stand up
And say to all the world, This was a man!

Mr. Charles Heydrick, of the Venango County Bar, said:
Mr. Chairman:

It was my good fortune to know Judge TRUNKEY intimately during many years before his elevation to the Supreme Bench, and to witness his growth in all the elements which rounded out that character which was so beautifully delineated by you, sir, a few days ago, from your place upon the Bench. He began his professional career

under most unfavorable circumstances. His preceptor was an able and aggressive lawyer, and one of the foremost advocates at the local Bar. Immediately after his admission to practice, he formed a partnership with that preceptor, which continued until he was elected President Judge of the several courts of the 28th judicial district, then composed of the counties of Mercer and Venango. While such partnerships are ordinarily regarded by young men as desirable, I can conceive of nothing more unfavorable to their growth as lawyers. Habitual deference to the opinions of a preceptor-partner, and awe of him, inspired by forensic triumphs, witnessed during the most impressible period of life, are well calculated to dwarf a young man of ordinary parts. But our friend had more than this to contend against. His diffidence, which until his death he was unable to overcome, was in early life so extreme as to render anything like self-assertion impossible. A discerning public, however, soon discovered in him those qualities for which he subsequently became distinguished. He quite early became known, to a narrow circle it is true, as a studious, painstaking lawyer, and as a man with a conscience and of a pure life. That circle steadily widened, until it included the whole Commonwealth.

He never sought office ; he was too modest and too diffident for that. His first nomination for the office of President Judge was tendered to him because of his possession of the qualities which I have described, and with a knowledge on the part of those who proposed his name, that he possessed no other qualities which would render him an available candidate. His subsequent advancement was in like manner proposed to him by his friends.

He was a model *Nisi Prius* judge. His court was always orderly and dignified. No unseemly passages between counsel were tolerated. Witnesses were protected against brow-beating, and no fair witness was ever, in his presence, subjected to a humiliating or annoying cross-examination. If he held the Bar to a strict observance of the rules of propriety and decorum, he held himself to as strict an observance of their rights and of the proprieties of his own position. He listened patiently and respectfully to the arguments of the humblest members of the profession, as well as to those of the most gifted or otherwise distinguished. He never sought to control verdicts, otherwise than by such instructions as could be reviewed. He was always fair, always deliberate, always painstaking. As a consequence, he seldom felt constrained to grant new trials on account of his own errors ; few of his judgments were removed to the Supreme Court, and of that few, but a small percentage were reversed.

His conscience dominated his official as it did his private life. It was sometimes said that he was a severe judge. But no man can say that he ever dealt as severely with an offender against the laws as he dealt with himself in holding himself to the performance of his official duties. When he came upon the bench of the Common Pleas, he found in one of the counties of his district a vast number of causes that had been awaiting trial for from one to two or three years, and that number rapidly increasing. He addressed himself to the work before him by opening court at eight o'clock in the morning, and often sitting until a late hour at night, taking two short recesses for meals. It became evident after a while that these labors were undermining his health, but he did not spare himself until he had so far cleared the dockets that any vigilant suitor could have his cause tried within six months after it had been commenced. To a friend, who expostulated with him for so jeopardizing his health, he replied that the business of the Court was very much behind and suitors had a right to demand speedy trials. His health weighed nothing against duty.

Judge TRUNKY undoubtedly had a stronger hold upon the confidence and respect of the people of all classes, in the two counties in which he was best known, than any other person living at the time of his death. This was not because he possessed the elements of popularity, as ordinarily understood, for he was destitute of them. It was because of the singular purity of his life, his wonderful self-abnegation, and his entire consecration of all that was in him, and of him, to the performance of his duties as judge, citizen, neighbor, friend, and in those tenderer relations of which we may not speak here.

Mr. Samuel Griffith, of the Mercer County Bar, said :

To pay a tribute of respect and friendship to a deceased Brother, and recall the many virtues and noble traits of character of the departed, is the mournful yet pleasant duty we are here to perform to-day.

Nearly forty years of intimate personal acquaintance with Judge TRUNKY has afforded me a good opportunity to learn his true character and form a fair and just estimate of the man.

In the spring of 1849 he entered my office as a student, read law with me and was admitted to the Bar in June, 1851, when he became my associate and partner and so continued until January, 1867, when he assumed a judicial position, which he occupied, either in our lower courts or as a member of our Supreme Court, until the time of his death.

The son of a respectable farmer in moderate circumstances, he did not enjoy, nor could that father afford him, in early life, the advantages of a fine classical education. Yet good habits, great industry and close attention to his studies soon made him a fine—a superior English scholar, well versed in the English classics and well acquainted with the various branches of English literature, thus overcoming the defects of early scholastic training. During this preparation for his profession, his close and constant attention to his books, his untiring industry, his methodical manner and his thorough and exhaustive investigation of every question embraced in his course, soon gave promise of what his future would be, and caused his friends to place a high estimate on his character and predict for him a great and useful public career.

Sixteen years of close and intimate personal friendship and professional association, as partners, engaged in a large and laborious practice together, as well as in business enterprises, gave me a rare opportunity to become better acquainted with him and tended to make our long-standing friendship more intimate, and increased my high estimate of his character, formed when he was my student, and which continued till his death.

He was a great student; his mind, not brilliant, but clear and broad, possessing great analytical power,—separating the wheat from the chaff, the gold from the dross, the true from the false; with habits of patient, untiring industry in the investigation of all questions, combined with a firm determination to do right; true to client and court; fair and honorable to his brethren; his honor and integrity, like the virtue of Cæsar's wife, above suspicion.

These noble qualities of head and heart were soon recognized and appreciated by his professional associates and the community, and he was called to wear the judicial ermine, an honor fairly earned and won and most worthily borne. In 1866 he was elected Judge of the counties of Mercer and Venango, a position then very difficult to fill and involving great labor and responsibility, arising from the character of the litigation, the importance of the legal questions, and the large sums involved in the controversies connected with the oil development in Venango county. How well and faithfully he discharged these important duties to the entire satisfaction of the community, is well shown by his re-election in 1876 by the citizens of that county. But he was not born to spend his days in that office, important and great as were its duties; and in 1877 his fellow-citizens called him to a higher, a more exalted and much more responsible position,—the most honorable and responsible office in our great Commonwealth,—a judge of our Supreme Court.

How faithfully, conscientiously and acceptably he has discharged the great duties of that exalted office, the universal approbation of our citizens, of our profession and of his honored associates in that high office, bear ample testimony.

I have not the time, nor would it be proper for me to attempt a history of his judicial labors and decisions, for I see many here who are much better qualified to discharge that pleasing duty; but I hope I may be permitted to say that the partiality of his friends induce them to believe that had life and health been given him to fill his term, his name would have been associated with the greatest and most distinguished names that have occupied that exalted position and given our judiciary a world-wide name and fame.

Our departed friend had a great love and profound reverence for our profession. He regarded it, as it really is, the great controlling profession of the world; that the character of its members for moral worth, integrity and learning is the true index of the refinement, intellectual culture and moral character of the age in which they live. Hence, that love and veneration led him, like the old Roman philosopher, to the fountain of legal science and to drink from its crystal waters,—to study the civil and common law, the source and fountain of our complex jurisprudence. That he thoroughly mastered these, with all the changes and advancements made and adopted to accommodate their principles to the complex and multifarious relations, conditions and improvements of our marvelous modern civilization, is clearly shown by his decisions on these great questions.

He was not only a great student of law, but, believing with that great jurist, the apostle to the gentiles, that “by wisdom the world knew not God,” he was a great student of and a firm believer in the Bible; and, in all the relations of life, son and brother, husband and father, citizen and judge, he beautifully exemplified, in his life and conduct, the principles of our pure and holy religion. Though suffering for years from a painful and wasting malady which he bore with Christian patience and resignation, he yet brought these great qualities of head and heart to the discharge of the great and important duties of his office, and his history will forever be a bright page in the annals of our Commonwealth, and his name and fame will forever be connected with the good and great of our land.

Judge TRUNKEY was ambitious, as we all should be; ambitious faithfully to discharge the duties of any trust reposed in him, ambitious to obtain the approval and commendation of his fellow-citizens; ambitious to attain high position in society and leave a name and

example to others; and he was successful. But he is gone. Friends have laid him to rest. The tears of sympathy have watered the flowers affection has planted on his grave. Yet he is still here. He remains with us, and will remain in the memory and affection of friends. In his kindly, gentle nature and manners, in his broad Christian sympathies, in his untiring industry in the discharge of duty, in his great love of justice and right, and in his spotless purity of life and integrity of character, he will forever remain a proud specimen of American manhood, a bright example to all the young members of our profession, a noble product of the creating, moulding and developing influence of American institutions and American liberty.

Mr. Roger Sherman, of the Venango County Bar, said :

I first met the late Judge TRUNKER nearly twenty-two years ago and under peculiar circumstances, coming to him an entire stranger, bearing a letter of introduction. He had just been chosen to the office of President Judge of the district comprising the counties of Mercer and Venango, but had not yet taken his seat upon the Bench. My visit to him was personal to myself and, though not so known to him, involved the future of my life. To him I was an unknown young man with no claims upon his time or his consideration; yet I have never forgotten, and shall never forget, the patient attention with which, with judicial care, he read the paper given to him, nor his prompt and hearty declaration of good will, which at once raised me from despondency to hope, and filled my heart with the sense of the kindness and nobleness of the man.

I may be pardoned for speaking of this incident in this presence, where so many have met to pay a deserved tribute to his great abilities as a public officer, and to the conscientious fidelity with which he performed the duties of high and responsible station; for it is the introduction to the thought which I wish to express, that the distinguishing characteristics of the deceased jurist were kindness and justice. With him justice was always kind, and in kindness he was always just. It was my good fortune to practice before him during the whole of the eleven years during which he adorned the Bench as a Common Pleas judge, and never do I remember that he did not treat the younger members of the Bar and the poorest suitor with the same fairness and attention with which he listened to the elder or the richer. The modest, confused and sometimes ill-directed efforts of inexperienced counsel to serve the cause of his client, passed apparently unnoticed, and always without comment, if it were seen that they were honestly intended.

But through all this forbearance and patience, Judge TRUNKEY held a firm hand over the unruly and the irregular. A reproof from him was something not soon to be forgotten, yet it was never administered without sufficient cause, and then the offender was made to understand that it was for no reason personal to him, but rather in the interest of the orderly administration of justice. In those early days of the settlement and building up of a new country, in which a new productive industry was being developed, the people as well as the Bar of his district can bear witness to the firmness and ability with which he brought order out of confusion, elevated the tone of a Bar gathered from all parts of the union, and applied the established principles of law to new subjects under new conditions. Few men have passed away from the activities of life and left so few enemies, and so little in their careers upon which just criticism could be made. He commanded the respect of the legal profession and of his colleagues upon the Bench, and not only this, but the affection of those who really knew him. His was a most rare and beautiful character, in which modesty, mercy, kindness and justice were the ever apparent features.

If the conscientious discharge of the duties of a high station, without allurements by false ambition, or being swerved by selfishness; if strict integrity and a record of right doing in places of power; if proved ability in the performance of public duty, entitle the man of whom these things can be truthfully said, to be numbered among the great, then I do not hesitate to say that the dead jurist whom we mourn was a great judge and a great man.

Mr. Thomas C. Lazear, of the Allegheny County Bar, said :

The virtues and character of Judge TRUNKEY have been so fully and faithfully expressed, that I hesitate to add anything to what has been so well said by others. And yet I cannot resist the impulse to pay my tribute to the memory of a man who so completely won both my admiration and my love.

My acquaintance with Judge TRUNKEY began when he was promoted from a subordinate court to the Supreme Bench of the state. How well he discharged the duties of that responsible position, from that time till he laid down his spotless ermine to answer the summons to a higher tribunal, need not be told to this assembly. The purity of his character as a just and impartial judge,—who ever questioned? Who ever breathed a breath of suspicion affecting his judicial integrity? And as to his fitness in other respects for a seat on the Bench, what better testimonials could be required than his published opinions in our Supreme Court Reports? These are a fitting monument to perpetuate his memory and hand down his name

to future generations, as a learned and able jurist entitled to be ranked among the foremost of the land. His public career was spent in a judicial capacity exclusively, but there he achieved a reputation of which his family may well be proud and which will descend to his posterity as a priceless heritage.

And in private life he was also conspicuous. No observing person who came in contact with Judge TRUNKEY in social relations and in the common walks of life, could fail to be impressed with the fact that he was eminently a good man. He was a model gentleman of the old school—but he was more, he was what Young has justly termed “the highest style of man—a Christian.” He will be missed both in Church and State. And where will he not be missed? In the family circle now broken by his death, no language can describe the sadness of the bereavement; and by the same event the Bench and the Bar throughout the state have also sustained a bereavement universally regretted.

How often, Mr. Chairman, on occasions like this are encomiums passed upon the dead which are insincere and untruthful! But that cannot be remarked of this occasion, for the sentiments expressed here to-day concerning Judge TRUNKEY are no more than reiterations of what was frequently said of him when he moved among us in the vigor of life.

“None knew him but to love him,
None named him but to praise.”

Thereupon, on motion, the meeting adopted as reported by the committee, through Mr. R. B. Carnahan, its Chairman, the following

MEMORIAL.

HON. JOHN TRUNKEY, a Justice of the Supreme Court of this state, having departed this life on June 24, 1888, in London, England, where he had gone for medical treatment, the members of the Bar of the Supreme Court, at this early day of the session which has called us together, desire to express in enduring form the estimation in which they hold his character and their veneration for his memory.

Mr. Justice TRUNKEY was born on the twenty-sixth day of October, 1828, in Trumbull county, Ohio, where his parents, citizens of Pennsylvania, were temporarily residing. His boyhood was spent upon his father's farm in Mercer county, in this state, and there, in the intervals of farm work, and at a school of high grade in the neighborhood, he became qualified for the study of law. Admitted to the Bar in 1851, he began

his professional career in the borough of Mercer, and by that unflagging industry which characterized his whole life, he soon became one of the recognized leaders of that Bar.

In 1866, he was elected to the office of President Judge of the Twenty-eighth Judicial District, then composed of the counties of Mercer and Venango. In 1876, he was re-elected to the same office in the county of Venango, to which he had in the meantime removed, and which at that time and since 1874 constituted the Twenty-eighth District. In 1877, he was elected a Justice of the Supreme Court, and died in office.

The business of the courts of Venango county had been rapidly increasing for several years preceding Judge TRUNKEY's elevation to the Bench, and had reached its maximum at the time of his election. The result was the accumulation of a large number of causes awaiting trial when Judge TRUNKEY came upon the Bench. An Herculean task was before him, but to him the statute which declares that "It shall be the particular duty of the Judges to see that all actions in their respective courts shall be reached and have a fair opportunity of trial, at least within one year after they shall have been commenced," was of equal obligation with any other. The amount of judicial work which he performed for many years, in the counties of Mercer and Venango, is thought to have been greater than was ever performed by any Common Pleas Judge in this state. His sessions began at 8 o'clock in the morning, and terminated at six o'clock in the evening, with the interval of an hour at noon, and he often held night sessions. It was while quietly engaged in these arduous and protracted judicial labors, that he made his reputation as one of the foremost Common Pleas Judges in the Commonwealth.

Although he dispatched business with great rapidity, no man ever saw the slightest evidence of haste in the court room, or, in anything that he did. He patiently heard, and carefully and respectfully considered, everything that suitor or counsel had to offer, and no man was ever known to complain that he was not fully and fairly heard. It is said that during his first year on the Bench he tried, in Venango county, one hundred and twenty indictments in the Quarter Sessions and Oyer and Terminer; one hundred and thirty-six jury cases in the Common Pleas, and also heard and decided two hundred and forty-four causes at argument sittings, besides doing much

work at Chambers, and keeping the business of the populous county of Mercer well in hand. Notwithstanding the large number of novel and difficult questions growing out of the mining industries in his district, which came before him, it appears that but eight of his judgments in Venango county were reversed, during the eleven years that he sat in that Court. It must be added that the parties litigant before him had such confidence, in both his disposition and ability to mete out justice, that the number of writs of error taken was not large.

He was an eminently modest man. He never thrust himself forward, but instinctively shrank from all notoriety. As a citizen, as a neighbor, as a friend, he shone pre-eminently, in spite of his unconquerable diffidence. His life was pure; his conversation was pure; his heart must have been pure. He allowed his public station to excuse him from no private duty. He was found in the house of mourning, and at the bedside of the suffering; in the homes of the lowly, as well as in the mansions of the great; he was a Christian gentleman in the highest and fullest sense of that term. It need hardly be said that in his parental and domestic relations, he exhibited the same admirable qualities, ennobled by the purest affection.

The reputation which he made as a Common Pleas Judge in the Twenty-eighth District, and the great qualities and beautiful virtues, which had come into full development in his life, brought to him, without effort of his own, and, as it were, by necessary consequence, the nomination of his party for the Judgeship of the Supreme Court in 1877. He took his seat at the beginning of the January Term, 1878, and continued to be one of the Justices of that Court until his honorable and useful career was terminated by his lamented death.

It is as one of the Justices of the Supreme Court of this state that he is best known to the Bar and people of Pennsylvania, for it was in that Court that the most important work of his public life was performed. His opinions are officially reported in the Pennsylvania State Reports, in the volumes from the 86th to the 116th inclusive; and exhibit by their number, importance and variety, not only his industry as a judge, but also the plastic nature of our jurisprudence, and the ever extending domain of its application and administration. The authorized reports of cases determined are the only certain,

reliable and enduring evidence and basis on which the Bar can form an estimate of the learning, ability and industry, of the several judges composing the Court, though it is well known that these exhibit but a part, and perhaps, the smaller part, of the judicial labor actually performed.

In theory, the judgment of the Court is impersonal; but the personal qualities, moral as well as mental, of the writer, cannot be eliminated from the opinion which states the reasons for the judgment. It seems to be the decree of Providence that the human agency used for the communication of even Divine Truth, retains its personality. It is so of the Prophets, Evangelists, Apostles, and other writers of the Sacred Scriptures. The more important opinions of Mr. Justice TRUNKEY are, indeed, moral and mental portraitures of himself. All exhibit the same qualities, and impress on the mind of the reader the conviction that his judicial work was conscientiously done. There is no trace of haste in preparation, nor of uncertainty or doubt in the determination. His reported opinions show that he performed his full share of the labors of the Court, and sufficiently prove his industry; and they also make it just as clear that he came to no hurried conclusion, but had or took time for such patient, earnest and conscientious consideration as the case in hand required, and gave the reasons for his judgment, which were always clearly stated.

His unflagging attention to the oral argument is well known to the Bar of this Court. If he ever made or concurred in a decision that was not in accord with his own judgment as to how the law should be declared, he was controlled by stare decisis, that doctrine and rule of decision, without which, the indispensable element of certainty of the law could not be maintained. His judicial opinions also show that his firmness and independence kept pace with his integrity; but his firmness never degenerated into obstinacy, and his independence did not incline him to regard lightly the opinions of others entitled to equal respect.

His mind was clear, logical and vigorous. Perfect clearness of statement of relevant facts and logical deduction, expressed in plain words, were among his prominent mental characteristics, as they appear in his judicial decisions. His language was simple, correct and expressive, and his style dignified.

His mental vigor was not of the kind sometimes called robust, which seems to suggest that mental strength may be supplemented by physical force, and that strong expression may stand for sound reasoning. It was the vigor which comes from mental clearness and pure reason. Such was the great power of Lord MANSFIELD, of Chief Justice MARSHALL, of Chief Justice TANEY, and of our Chief Justice TILGHMAN. Nor was his logical power of the quality which expended itself in metaphysical refinements and ideal distinctions and abstractions. He seems, too, to have realized that the path of a judge does not lead through the realms of fancy, and we look in vain in his writings for poetical sentiment, elegant phrases, or flowers of rhetoric. The atmosphere in which intellect and conscience blend in judicial labor, is ordinarily too cool for the successful cultivation of the flowers of fancy, and too practical for the study of the mere graces of language.

He was deeply learned in the principles, rules and practice of our system of law and equity, and had a natural aptitude for its administration. He was an able and upright judge, whose character as such will rise higher as the years roll on.

As a son, husband and father, and as a man, associate and friend in business and social relations, as a Christian gentleman, whose daily life, in health and in sickness, was the abundant evidence of the Christian faith that was in him, he may be fitly described as one, "*Qui nihil in vita, nisi laudandum, aut fecit, aut dixit, aut sensit.*"

On motion, a committee, consisting of Messrs. Thomas M. Marshall, R. B. Carnahan and J. B. Sweitzer, was appointed to cause a report of the proceedings of the meeting to be engrossed, a copy thereof transmitted to the family of the deceased JUSTICE, and to move the Court that said proceedings be filed and entered upon the records of the Supreme Court. The meeting of the Bar was then adjourned.

On Monday, October 8, 1888, on motion of the committee in open Court, it was ordered that said proceedings be filed and entered at length upon the records of the Court.