

IN MEMORIAM.

HON. JOHN STEWART.

At a session of the court on Friday, December 31, 1920, Chief Justice BROWN announced the death of Mr. Justice STEWART, in the following terms:

It seems but as yesterday that I came to this place, which, in a few moments, I shall leave forever. Of those with whom I was associated here, eleven have answered the summons of the messenger of death. The last to heed the inexorable call was our Brother STEWART, full of days and honor. When the tidings of his harrowing taking off went out from his home town to the people of the Commonwealth there was a feeling everywhere that a Prince in Israel had fallen.

Through all of his more than four score years, Judge STEWART exemplified the most exalted manhood in every relation of life. Of its private side it is not for us now to speak, except to say that he was devout and Godfearing, with an abiding sense of responsibility to his Creator for the proper discharge of each day's duties. It is fitting, however, that we give expression to our estimate of his services to the public through more than an ordinary lifetime, and especially to those rendered in the Commonwealth's highest court.

Judge STEWART first served the public as a soldier in the army of the Union, in which he enlisted shortly after he had entered upon the practice of his profession. Not many years later he was chosen a member of that distinguished body which framed our present Constitution. Though one of the youngest of it, he ranked in ability with the oldest. Subsequently he served the people of

the State as a senator, and in the hall of legislation was conspicuous for his wisdom and fidelity to the public interests. Though he was born for the forum, he began a judicial career in 1888, as president judge of the courts of his county, and, from the day he stepped from the arena of the knightly contests of his profession to the placidity of the bench, he became a model of calm, dignified and learned judicial fitness. After serving as a judge on the common pleas for seventeen years, he was commissioned June 8, 1905, by the Governor of the Commonwealth to fill a vacancy in this court created by the death of Judge DEAN, and, on the 22d of that month, entered upon his duties. In the following fall he was elected by practically popular unanimity to serve for twenty-one years from the succeeding first of January. He was with us for more than fifteen years as a helpful and cherished colleague. To meet the grave responsibilities which confronted him here he brought a mind highly endowed and thoroughly trained in the best schools, industrious habits, discriminating judgment, vast professional and general knowledge, patience to hear and a conscience abhorrent of wrong. There were combined in him to a marked degree the highest judicial qualities. To his judicial purity there was linked judicial courage. The hands of a judge may be as clean as were those of him who judged his people all the days of his life, and, when he was old and gray-headed, called upon them to witness before the Lord and His anointed if there was any taint upon him; but such hands without courage are unfit to hold the scales of justice. A judge may be as just as Aristides, but he cannot worthily wear the robes of his sacred office if he hesitates to fearlessly declare what is the law in the light of his conscience, with its accountability only to the great Judge, the great God of all law. Now, that our Brother STEWART has gone, after a half century's devoted, faithful, intelligent and patriotic service to the public, his

fame has become a possession, precious in the eyes of the people.

And now, December 31, 1920, the prothonotary is directed to note upon the minutes that John STEWART, who entered upon his duties as a justice of this court, by appointment, June 8, 1905, and, on the first Monday of January, 1906, by popular election, to serve for a term of twenty-one years, died November 25, 1920, in the eighty-second year of his age, with eye undimmed, beloved by his colleagues, esteemed by the profession which he so long adorned, and looked up to with reverence by the people of the Commonwealth for his fidelity to every trust they had committed to him, for the perfect purity of his life and for his learning, uprightness and courage as a judge in their courts.