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ACTION OF THE COURT AND PROCEEDINGS RELATIVE TO THE DEATH OF JUDGE JEREMIAH S. BLACK.

On Monday the 27th inst., the members of the Bar of Somerset county met at the Court House to consider what action should be taken by them on the recent death of Jeremiah S. Black, who died on the morning of the 19th inst., at Brockie, near York, Pa.

On motion of Samuel Gaither, Esq., who is the oldest member of the bar now living in Somerset county, Wm. J. Baer, the President Judge of this Judicial District, was selected as President of the meeting, Samuel Gaither and John R. Edie, Esqs. were made Vice Presidents, and Ed B. Scull and H. S. Endsley Esqs., Secretaries.

Isaac Hugus was requested to state the object of the meeting, which he did, briefly. He also moved for the appointment of a committee of five by the President, who should prepare appropriate resolutions expressive of the much regretted event, and report the same in open Court on the afternoon of Monday the 29th inst., whereupon a committee of five was appointed with Isaac Hugus, Esq., as chairman. In presenting the report of ehe Committee Monday afternoon, Col. Hugus said:

May it please the Court:

The sad and painful duty has been imposed on me of reporting to this court certain resolutions prepared by the committee appointed at the preliminary meeting on Monday last by the members of the bar, to express their feelings upon the subject of Judge Black's sudden death. I am instructed by the committee to report the following preamble and resolutions:

WHEREAS, An all-wise Providence in His infinite wisdom has seen fit to take from this world Jeremiah S. Black, a native of this county, for many years a member of this bar, and for ten years the President Judge of this Court, who during a long and eventful life occupied many high official positions, in all of which he was distinguished for great natural endowments, vast learning, and unquestioned integrity, therefore be it

Resolved, 1st. By the members of the Somerset Bar, that we have learned with unfeigned sorrow of the sudden death of that eminent lawyer, jurist and statesman, Jeremiah S. Black, and that we tender to his bereaved widow and children our deepest sympathy.

2d. That not only by the family and friends of Judge Black will his death be deplored and mourned, but by thousands in all parts of our wide-extended country his removal from amongst us will be looked uponas an irreparable loss. He will be missed not only in the circles of the learned and wealthy, but in the lowly haunts and cottages of the poor.

3d. That a copy of these resolutions be sent to the family of our deeply lamented friend.

I am instructed by the Committee to ask on the part of the Court for the adoption of this preamble and these resolutions. I do not know that I have anything to add particularly in the way of eulogy to Judge Black. He was known to the people of this county perhaps as well as any man who was ever born, raised or lived here. That he was a great judge is admitted on all sides—greater as a judge, perhaps, than as a lawyer, although as a lawyer he stood at the head of the bar. We may say, with perhaps some consolation, that he died in the fullness of his fame, after having lived beyond the time usually allotted to man to live—more than three score years and ten—and that he met death not only as a philosopher, but as a Christian should meet the summons of the grim monster, not

"Driven like the quarry slave at night,
Scourged to his dungeon,"

but sustained and soothed by an unfaltering trust," he yielded up his spirit to his Maker, "Like one who folds the drapery of his couch about him, and lies down to pleasant dreams."

I have then, in addition, if the Court will hear me, a short history of Judge Black's official life.

Judge Black was born in Stonycreek township, Somerset county, on the 10th day of January 1810, on a farm eight miles east of Somerset. Henry Black, his father, was born, lived and died on the same farm. He was elected four times to the Pennsylvania House of Representatives, served afterwards as an Associate Judge for twenty years, and died a member of Congress in the year 1842.

Judge J. S. Black, on motion of Charles Ogle, was called to the bar on the 3d day of December, 1830. He was sworn in as Deputy Attorney General for Somerset county at April term, 1831, which office he held for some years with credit to himself, and to the satisfaction of his friends.

In January, 1842 he was appointed by David R. Porter, then Governor, Judge of the 16th Judicial District, comprised of the counties of Franklin, Bedford and Somerset, which office he held until he was sworn in as Chief Justice of Pennsylvania. As a judge, in the long list of eminent men who graced those high positions, he had no superior and few equals. He had the courage to reverse his own decisions when convinced of his error, as he did on two occasions—one in Somerset county, the other on a writ of error from Washington county. He laid down the ermine on three separate occasions as pure and stainless as when he took it up. After a few years of his second term as Judge of the Supreme Court he was called by President Buchanan to Washington as Attorney General of the United States and ended his official life at Washingtoh on the 4th day of March, 1861, having acted for three months preceding that date as Secretary of State, and left in that Department state papers which will serve as a model to all of his successors. His eulogies on General Jackson and Judge Gibson are masterpieces of composition, and will be read with pleasure as long as the English is a spoken language.

SPEECH OF COL. JOHN R. EDIE.

May it please Your Honor:

I did not intend to say anything at this meeting, but, being one of the older members of this bar, and looking around and seeing but a single gentleman now present who was a lawyer in 1838, and but myself and another who were here in 1840, I deem it my duty to say a word or two on this occasion. When I came here in 1838, there were five gentlemen practicing members of this bar, all of whom have since made their mark upon the history of their country. The last of them has lately gone from amongst the people of this State. They were Chauncey Forward, Charles Ogle, Moses Hampton, Joshua F. Cox and Jeremiah S. Black. I name them in the order in which they were admitted to this bar, and not with any view of preference for either or any of them; for if I did, I certainly would not name Judge Black last, far as a lawyer he attained higher honors than any of them. Chauncey Forward was a great lawyer, a man "cunning of fence," and a wily antagonist. So was Ogle, and so was Hampton; Cox was a combative man, but Judge Black devoted himself to the acquisition of a scientific knowledge of the law. He studied it as a science, more so than any of them, and as such lawyer he rose to be the acknowledged head of the American bar. Indeed, the distinguished Jno. V. L. McMahon, of Maryland, said years ago that, in his opinion, Jeremiah S. Black had the best legal mind of any man in the United States. I practiced law with him, tried cases against him—not many, because he was soon on the bench after I came to the bar—and I tried causes before him, as Judge, for ten years, as Your Honor knows; I tried cases before him in the Supreme Court, and it is my pride and pleasure to say to-day that in every act of his as a Judge, his conduct was without spot or blemish. Everybody knows that Judge Black was one of the most zealous political partizans that ever lived in this country, but no man can say, and no man dare say, that he ever brought a single touch of politics on to the bench, or suffered politics to interfere with any decision that he ever made. Indeed I know of a case which had a somewhat partisan aspect attached to it, in which there was a determination to make an arrest in such a way that it would bring more disgrace to the defendant in the case than would have attached to an ordinary arrest, for it was intended the man should be arrested in the Court House. Judge Black, by some means, got to hear of it, and he sent for the men that were attempting to do this thing, and told them that it must not be done. They were his political friends, and the man that was to be arrested was his political enemy. He said "you must not insult the Court in that way, and, as the Lord liveth, if you do, I will send every man of you to jail."

As a politician I do not desire to speak of Judge Black. He and I differed entirely in politics—as much as two men possibly could differ; but, as a Judge, it is my great pleasure to say that he was as honest a man as ever sat upon the bench; and, saying this, I think that I have given him the highest meed of praise that can be given to any man—that of being a just and upright Judge. To throw off the weaknesses of human nature and not suffer them to influence him in his judicial conduct is the highest praise a man can get.

Judge Black was made by President Buchanan, Attorney General of the United States; and as a lawyer he was fit for the position; and his management of that office, while in it, shows that he was no less successful as Attorney General of the United States than he was as Chief Justice of Pennsylvania. I remember another instance. I was in Philadelphia shortly after the time at which Judge Black was re-elected to the bench of the Supreme Court, when he ceased to be Chief Justice and became one of the puisne judges of the court. He came to the city and we were stopping at different hotels. I called to pay my respects to him at the Merchant's Hotel. I came there and I found him in consultation with one of his then political friends, Mr John W. Forney. I attempted to withdraw, but they said, "Come in, we are not talking any secrets;" and I did go in. I found while I was there they were conversing on the subject of the Attorney Generalship, and I soon ascertained for the first time, that it was proposed by Judge Black's friends to make him Attorney General of the United States. I sat and listened to the conversation, and, after Forney had withdrawn, I said to Judge Black, "it is not possible you want to leave the bench of the Supreme Court of Pennsylvania?" He said his friends talked of having him appointed Attorney General. I entreated him not to give up his place upon the bench. Said I to him, "Nature designed you for a Judge, and you will acquire more fame and honor in that than any of the political offices you can get from any administration in this country." He differed from me, but I think still I was right; not perhaps in a pecuniary point, however, for he got a reputation as a lawyer which enabled him to amass a colossal fortune, at which, of course, all his friends rejoiced. But he has gone, and, in my judgment, it will be a long time before the State will see a judge upon her Supreme Court bench the equal of Jeremiah S. Black.

SPEECH OF HON. W. H. KOONTZ.

May it please the Court:

On Sunday, the nineteenth day of this month, the sad news was telegraphed over the country that Jeremiah S. Black was dead. At the time of his death he was a private citizen, and for the past twenty years had held no official position, except to occupy a seat in the convention of 1874, which framed the new constitution for this Commonwealth. But the death of this private citizen created a profound impression over the entire country. The interest taken in the events that were transpiring at his home for several days previous to the supreme moment, when his spirit quit its tenement of clay to take its flight to the better world, was not limited to the loved ones that surrounded his bedside, or to his immediate neighbors, but it extended over the limits of our own State and the entire Nation. Swiftly upon the news of his death, words of tenderest sympathy were telegraphed to his bereaved family, and on the next morning the leading journals of the country, irrespective of party, were filled with words of eloquent tribute to the memory of the dead man.

Why was it that for days the press of the country contained such lengthy accounts of his sickness and final dissolution? Why was it that people thronged from different sections of the country, from the great commercial centres, from prominent points throughout this and other States, to mingle their tears with those of his bereaved family over his grave? Why those tender messages from distinguished men and angelic women? Why was York in mourning and her streets thronged with people who stood with bowed heads and sorrowing hearts as the funeral procession passed by? It was not simply because he was a great statesman, who had occupied high official positions, both judicial and political in times of great public peril; not alone because he was a great lawyer, who had shed such brilliant lustre upon the jurisprudence of his country; not alone because he had acquired vast stores of knowledge which his memory held with most tenacious grip; not alone because he was a most skillful controversialist, 'a foeman worthy of the steel' of any one who chose to enter the lists. It was because, added to his genius, his learning, his unrivaled eminence as a jurist, he was a great, grand, honest, good man. It was because his kindly nature, his genial disposition, his remarkable power as a conversationalist made him the centre of every social circle in which he entered, and over which he wielded the power of an enchanter, shedding his influence over all, only to please, gratify, and ennoble, and leaving no withering touch behind.

Since his death, so many eloquent tributes have been paid to his memory by the press, the pulpit and the bar, that very little is left to be said about him. It is pre-eminently fit, however, that here in the county where he was born, in the town where he lived so long, in the court where he practiced so many years as a successful lawyer and over which he presided as an able, dignified, impartial and just judge, that proper action be taken, and fitting words spoken, to show to the world our appreciation of his splendid talents, his great learning, his profound wisdom and manly worth.

Of his great reputation as a lawyer and jurist it is not necessary that anything should be said here, for it is known of all men. His fame as such, is recorded in the judicial decisions of the Supreme Court of this State, in his opinions as Attorney General of the United States, and in his splendid forensic efforts before the Supreme Court of the United States.

As a skillful controversialist he was a dangerous antagonist to any one, and had he lived in the days of Dr. Samuel Johnson, that distinguished man might well have said there was another person besides Lord Thurlow, for whom he would have made preparation for a discussion.

Indeed there were many points of resemblance between Dr. Johnson and Judge Black. They were both men of large physical proportions, of extraordinary intellectual power, of strong convictions, of stubborn integrity of character, of great learning, and skilled in the act of disputation. Who that has read Boswell's life of Johnson and who knew Judge Black well, will not be struck with the points of character common to both. Who that has read the earnest, strong prayers of Johnson will not be impressed with the similarity to them of that uttered by our departed friend just before his death, when he begged to be relieved from his pain and misery and invoked the Divine blessing upon his family.

He was familiar with the whole field of English Literature, and no flower that was worthy of notice was passed by unplucked. He not only knew what was good in literature, but could use it most aptly when occasion required it. It was said by Sir Walter Scott, the wizard of the north, of himself, that he never forgot any fact or circumstance which he desired to remember, but that he could treasure it in his brain, just as papers could be placed in pigeon holes and brought forth when needed. Such also was the remarkable memory of Judge Black. His wit was of the keenest order, and so varied was his learning and so subtle was his intellectual power, that had he lived in the Elizabethan age, the most splendid era in English Literature, when Shakspeare and Bacon and Raleigh flourished, or among the wits of Queen Anne's time, or in the days of Johnson and Goldsmith and Burke, he would have ranked as the peer of any of them. Thaddeus Stevens once said to me, and that too, at a time when they were not on very intimate terms, that "Judge Black is one of the strongest writers of our rugged Anglo-Saxon that we have."

Judge Black was not only a great man intellectually, but he was great physically. As Theodore Parker said of Daniel Webster, he was a native king; and if the coal heavers on the docks of London turned to look over their shoulders at Webster's majestic person, so did the crowds who gathered in the English Courts look with admiration upon the commanding form of Black when he rode the circuit with the lawyers of London, and sat upon the Bench with their judges.

He was always deeply interested in the affairs of Somerset county. He loved dearly to come back and mingle with his old friends, and always went away reluctantly. But he will come no more. He will never look again in wrapt admiration, either upon the mountains of old Somerset, or his beautiful Brockie, both of which he loved so well. He lies in Prospect Hill Cemetery, in the cold embrace of Death. His beloved wife, one of the noblest of her sex, has lost a devoted and faithful husband; his children a fond and affectionate father; his State and Nation an ardent patriot; the legal profession one of its brightest ornaments; mankind an earnest and able defender of its rights, and *Somerset county its most illustrious son.*

If there be no other remarks, I second the motion to adopt the resolution.

REMARKS OF JUDGE BAER.

Gentlemen of the Bar:

As presiding officer of this Court, and a successor of him whose memory by your resolutions we wish to honor, it becomes me to add my mite to the tribute bestowed before putting the motion for their adoption. It is not my purpose, as it was not yours, to assume the role of the funeral orator. The day for such services is gone. In these days the press takes the place of the orator, and does the service better.

Mark Antony to-day could not stir the hearts of his countrymen over the dead body of Caesar as he did in Rome. His flashes of genius and fiery eloquence could at best repeat in glowing speech and fervid oratory that of which the press has already in the choicest language and most rounded periods told the people. But it is our purpose to pay a becoming tribute to one of the ablest and purest of judges; a peerless lawyer, a wise statesman of the olden school. It is not often, indeed, that I find myself able, or even disposed to endorse the fullsome praise bestowed in commendation of a deceased friend and associate, or a public man. In some instances I have felt as though the resolutions and flattering speeches had better been withheld, and that our duty would have been best performed by a breach of the custom that leads us to pay such tribute, rather than by its observance. The community knowing us and the subject of our praise, doubtless often looks upon such commendation when bestowed upon an ill-deserving member of our fraternity, as sheer mockery, whereas when we come to commend the life and work of one who in every sphere of action did his part well, and attained that measure of human greatness allotted to but a few, our speeches and resolutions find an echo in the hearts of all who hear us. Such a noble character these resolutions are intended to honor.

Here and now then, though a sense of inability, and a choking sensation prevents me from uttering such words as the occasion warrants, I nevertheless most cheerfully and heartily endorse and approve all that has been so well said, and all that these resolutions mean, commendatory of our deceased friend, who, taken all in all, was the most illustrious Pennsylvanian that has yet appeared. To have been great in all things was to have been more than human. But he was human, and while known by all to be a wise and just judge and to be great in great things, he was probably sometimes small in little things, but this only was stronger proof of his greatness. He had a helpmate that was one of a thousand—the little things he could not see because of being absorbed in the greater; she as naturally cared for and attended to as he did the greater; and thus the twain, a happy, God-fearing pair, in their union as one, performed all things well, both great and small.

His fame as a jurist, a statesman, a defender and expounder of constitutional liberty, and as a zealous and irrepressible advocate of the rights of the people is not hemmed in by State lines, but is co-extensive not only with the boundaries of this Republic, but with the bounds reached by the Anglo-Saxon tongue of which he was an acknowledged master. He was indeed a true friend of popular government. No man believed more in the rights of the people, and none more cheerfully conceded their rights on all occasions. Constitutional government never had a more honest or abler defender; his motto was "Liberty regulated by law," and he could not, though a perfect master of his language, find words severe enough to fittingly denounce any infraction of the bill of rights—the poor man's shield—the fundamental law of the land.

When he died, the strongest champion the people had against the encroachment of power fell, leaving no one, now known, who is both worthy and able in every respect to wear his mantle. Men may cry in vain "Let thy mantle fall on me;" until one appears who is both able and fit, it will not be worn. Doubtless God will in due time raise from the plane of the common people, whence all such heroes come, another sage and patriot to fill his place, if, and when, it is again attempted to violate the principles of constitutional liberty, or corporate power seeks to enslave free men. We are happy in the reflection that it will be a long time before it is again attempted to subordinate the civil to the military power—and for this we owe our friend much; not because he was the author of the doctrine that, in all free governments the military must be held in subjection to the civil power, but because when by passion, bigotry, blind partizanism, and the pomp and show of arms, the people were in danger of losing the very foundation principle of Liberty, *he* boldly and fearlessly espoused her cause as she sat weeping on the citadel, and almost single-handed in the courts and through the press fought the battle of civil liberty over again, and thus re-established the glorious doctrine upon which in the eyes of all good men, the perpetuity of free government depends.

If it is praiseworthy for all Americans to magnify *magna charta*, and glorify the Barrons who wrested it from King John at Runnymead and left it an inheritance to them; how much more glorious is it for us to honor the name of our illustrious friend, who so signally and successfully fought the battle over again for us. But his memory also deserves the fairest tribute we can pay, because he livied the life of a Christian patriot, sage and jurist. He lived a Christian; and, as he lived he died.

He passed from us to that beautiful home beyond the river, in the faith of the Christian, in the fullness and ripeness of years and of honor, having rounded a life of the greatest moral beauty and general usefulness by a fitting end.

He fell before decay had impaired his faculties, in the full enjoyment of all the powers of his wonderous mind breathtng out his soul in prayer to Him who gave him being, and whom he always followed and loved, in death as inlife, professing his faith.

His life and death stand out in bold contrast with the life and death of modern unbelieving statesmen and politicians, and will go far in correcting the growing evil influence of infidelity upon the minds of the rising and coming generations. It disproves the sceptics charge that the christian's faith is unfounded, and confined to the illiterate, the weak, the nervous, and to *women*, and therefore beneath the concern of educated men. The strong faith boldly professed, in which he lived and died, by such a mind, is a stronger argument for christianity, than was his unanswerable reply to the chiefribald skeptic of the age. And sucha life is more potent for good than all the cant of philosophers who, actuated by the common principal of self-glorification, are more concerned to establish *their* views, than they are to *find the truth*

Very well was St. Paul's caution heeded by him—"Beware lest any "man spoil you through philosophy "and vain deceit, after the tradition "of man, after the rudiments of the "world, and not after Christ."

These philosophers start out with the premise, all truth may be discovered by the human mind unaided; and then meditating in their own philosophic minds, they come to a fixed notion of what truth *ought* to be, and endeavor to maintain it by such logic as they can apply, always convincing themselves that they have succeeded, but never suggesting anything to subserve the purpose of the beautiful faith they seek to destroy. Not so, however, with our departed friend. Following in the footsteps of the honest seeker for truth in all ages, and impelled by an innate longing of the soul for something better, purer and more enduring than the fleeting pleasures of temporal life, he starts out inquiring, what and where is truth? and makes an honest effort to find it. Before getting far an in life he hears the sounds, as coming up from hoary age, "I am the way, the truth "and the life." Here is the challenge to the philosopher—who is this truth? Truth must be enduring, the same at all times and all places. What human mind fills such an age and space as of itself to comprehend all enduring truth. Man's mind is limited, and is as varied as are the people's of any age or country—it cannot possibly of itself conceive of truth, as it may be comprehended by the individuals of the various nations and tribes of men, and as enduring forever; to be able to do so, would be to cease to be finite. But, pursuing his investigations to discover truth, and not to establish a pet theory, he learns of one who said, "Before Abraham was I am." He hears of one as being "the same yesterday, to-day and forever."

From Patmos he hears of one revealed as the "Alpha and Omega, the beginning and the ehding, the first and the last." He hears of one who prayed, "O Father, glorify me with thine own self, with the glory which I had with thee before the world was."

He hears the sweet singer of Israel sing, "Thy righteousness is an ever-"lasting righteousness, and thy law "is truth." He hears an Apostle pray, "Sanctify them through the truth; tky word is truth." And as if echoing from afar, come the words, "I am the light of the world, the true light which lighteth every man that cometh into the world."

And then pursuing the inquiry in the light of a conscience challenge by these wonderful utterances seemingly embracing time and eternity, with an eye single to the discovery of the truth, he finds that Jesus is the Christ, the Son of the living God—the way, the truth and the light, the same yesterday, to-day and forever, and that all who believe in him shall be saved—thus he believed. His religious faith was as firm as the everlasting hills, never waning for an instant in a long and eventful life, and as pronounced at death as in life.

His was not a spasmodic faith—embraced at the last hour to pave the way to an uncertain end; or as a mere averter of danger, when human helplessness was made manifest by bodily infirmity, nor as a *last* resort, when nothing was left, to hang a hope upon.

His last prayer was not the cry of distress: Lord, help me, or I perish, but the pouring out of the Christian's soul to his God, praying him to end his suffering, and take him home, with the full assurance that the Father had in store for him such a home beyond the river.

Such a character should be vindicated, honored, revered and commended by all good men.