

LIFE SKETCHES ⁰⁷

OF

EMINENT LAWYERS,

AMERICAN, ENGLISH AND CANADIAN,

TO WHICH IS ADDED

THOUGHTS, FACTS AND FACETIÆ.

IN TWO VOLUMES.

BY

GILBERT J. ^{ohn}CLARK, ESQ.

OF THE KANSAS CITY BAR; AUTHOR OF ENGRAVINGS OF 144 "EMINENT
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HORACE BINNEY, PENNSYLVANIA.**(1780-1875.)**

The vanquisher of Daniel Webster, in the great Girard will case. Born in Philadelphia, January 4, 1780; died there August 12, 1875, aged ninety-five. Of Scotch-English descent. Educated at University of Pennsylvania and Harvard; graduating at seventeen, with first honors of his class. Read law with Jared Ingersoll, then Attorney General of Pennsylvania, and one of its foremost lawyers. Admitted in 1800. His clientage for some years was meager; but of unflagging industry, he edited, during this time, six Pennsylvania Supreme Court reports, notably the decisions of Tilghman and Gibson, which are models of reporting. In 1807, his professional engagements had become extremely large, and before 1815 he was in the enjoyment of all that the profession could give in reputation and emolument. When seventeen years at the bar he had argued about thirty cases in the State Supreme Court; before fifty, had twice refused position upon that bench; and in 1843, was tendered by President Tyler a Supreme Justiceship, but de-

clined it, having resolved not to accept public office after sixty. Represented, in the United States Supreme Court, with John Sergeant, the city of Philadelphia, trustee under the will, in *Videl et al. v. Girard's Exrs.* (2 How. 127), being opposed by Walter Jones and Daniel Webster. His argument, made after a year's thorough preparation in Europe, was exhaustive, unanswerable and overwhelming, showing a complete mastery of every chancery precedent, ancient or modern, as to charitable uses, and won for the city the princely gift, and for him imperishable renown.

Two years before his death he was pronounced by Sumner and Evarts as at the head of the American bar. He is entitled to the highest rank as eulogist, biographer, historical critic and legal disputant. He was reserved, cold and unsympathetic; but accomplished and profound—never disappointing and often surpassing expectation; eloquent, earnest and self-possessed; of inflexible honor, a model citizen, and an earnest Christian.

Indexes.

"I certainly think that the best book in the world would owe the most to a good index, and the worst book, if it had but a single good thought in it, might be kept alive by it."—To S. Austin Allibone, April 8th, 1868.

Judges Should Hold Office During Good Behavior.

"THE certainty and permanence of the law depend in a great degree upon the judges; and all experience misleads us, and the very demonstrations of reason are fallacies, if the certainty and permanence of the judicial office by the tenure of good behavior are not inseparably connected with a righteous, as well as with a scientific, administration of the law."—From "The Leaders of the Old Bar of Philadelphia," 1859.

Two Ways of Studying Law.

"There are two very different methods of acquiring knowledge of the laws of England, and by each of them men have succeeded in public estimation to an almost equal extent. One of them, which may be called the old way, is a methodical study of the general system of the law, and of its grounds and reasons, beginning with the fundamental law of estates and tenures, and pursuing the derivative branches in logical succession, and the collateral subjects in due order; by which the student acquires a knowledge of

principles that rule all departments of the science, and learns to feel, as much as to know, what is in harmony with the system and what is not. The other is to get an outline of the system by the aid of commentaries and to fill it up by desultory reading of treatises and reports, according to the bent of the student, without much shape or certainty in the knowledge so acquired until it is given by investigation in the course of practice. A good deal of law may be put together by a facile or flexible man in the second of these modes, and the public is often satisfied; but the profession itself knows the first, by its fruits, to be the most effectual way of making a great lawyer."—Ency. Amer. article, Edward Tilghman.

Charitable Uses—Love of God and Our Neighbor.

“Here are the two great principles upon which charitable or pious uses depend. The love of God is the basis of all that are bestowed for His honor, the building up of His Church, the support of His ministers, the religious instruction of mankind. The Love of his neighbor is the principle that prompts and consecrates all the rest. The currents of these two great affections finally run together, and they are at all times so near that they can hardly be said to be separated. The love of one’s neighbor leads the heart upward to the common Father of all, and the love of God leads it through Him to all His chil-

dren."—From *Argument Videl vs. City of Philadelphia*, in 1844.

Religion.

"I have no pleasure in a public investigation of even points of law that require me to speak upon the subject of religion. Few men who think seriously in regard to it are ever ready to utter what they think in mixed assemblies. Few men who think with the greatest attention upon it, and are happy in always expressing precisely what they think, are ever willing to trust themselves with it in a debate like this. In a contest for victory we are not always masters of our language, not always, perhaps, followers of our principles. Though the subject, and the duty we owe to it, require us to weigh our words in 'scales of gold,' yet slight words that will not bear the weighing may thoughtlessly escape, to our own prejudice, and, what is much worse, words alloyed below the standard may be hastily uttered, to the prejudice and dishonor of religion itself."—*Idem*.

Old Books Like Old Girls.

"Almost any law book that is more than twenty-one years of age, like a single lady who has attained that climacter, is said to be too old for much devotion."—From "*The Leaders of the Old Bar of Philadelphia*," 1859.

The Law a Noble Study.

“The law is a noble study, and worthy of the most ardent devotion. You will find the road to success a hard one to travel; harder than in my day, for methods have changed, and competitors are more numerous. But do not suffer yourself to become discouraged. For more than eight years after my admission to the bar I could not afford to stir my porridge with a silver spoon.”—October, 1893, Green Bag.

Hamilton.

“Hamilton was the greatest man this country ever produced. He did more than any man of his day to give us a government; and Chief Justice Marshall, in expounding the Constitution, applied Hamilton’s principles and borrowed his language. Read Hamilton’s report as Secretary of the Treasury, upon the Funding Scheme, and then read Marshall’s opinion in *McCulloch v. The State of Maryland*.”—*Idem*.

The Supreme Court of the United States.

“What, sir, is the Supreme Court of the United States? It is the august representation of the wisdom and justice and conscience of this whole people, in the exposition of their Constitution and laws. It is the peaceful and venerable arbitrator between the citizens in all questions touching the extent and sway of constitutional power. It is the great moral sub-

stitute for force in controversies between the People, the States, and the Union.”

Head of the American Bar.

S. Austin Allibone, in 1873, two years before Mr. Binney's death, dedicates his "Poetical Quotations" to the venerable LL.D., "the head of the American Bar," and states that that was the verdict, verbally expressed to him, of Charles Sumner of the Boston bar, and William M. Evarts of the New York bar.