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OBITUARY ADDRESSES

ON THE

Occasion of the Death

OF THE

HON. ROBERT H. MORRIS,

JUSTICE OF THE SUPREME COURT

OF THE

FIRST JUDICIAL DISTRICT OF THE
STATE OF NEW-YORK.

Obituary Notice, Adjournment of the Courts,

FUNERAL OBSEQUIES

AND

ORATION.

Reported by HAYES, HINCKS, CAREY and KEMPSTON.



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OBITUARY.

Death of Hon. Robert H. Morris.

[From the New-York Herald, Oct. 26th, and Hudson Daily Star, Oct. 29th, 1855.]

THE death of the HON. ROBERT HUNTER MORRIS, one of the Justices of the Supreme Court of this District, took place suddenly, on Wednesday last, 24th Oct., 1855, at the residence of his father-in-law, Marcena Monson, Esq., of Astoria. There was no member of the Bar more generally known or more universally admired, and the intelligence of his death was received in New-York with feelings of intense grief. It was but a few days since, on Tuesday last, that we saw Judge MORRIS sitting as a spectator in the Court of Oyer and Terminer, apparently in the enjoyment of good health, and on Wednesday he was seized with a sudden attack, and died from the bursting

of one of the blood vessels of the heart. Judge MORRIS was fifty-three years of age. His public career is familiar to almost every New-Yorker. He was born in this City in 1802, and when he was a mere lad his father moved to Hudson, where the subject of this notice received his education. He studied law in the office of Mr. Killian Miller, of Hudson, and commenced practice at Johnston, Columbia County, and was made a Justice of the Peace about the same time. In 1827, Mr. MORRIS came to New-York to act as Assistant District Attorney. Mr. MORRIS became a member of the Legislature in 1833, and was re-elected in 1834. During the Session of 1833, he voted for Silas Wright, Jr., as U. S. Senator, and at the Session of 1834, his vote may be found recorded in favor of the concurrent resolutions of the Legislature sustaining General Jackson in the removal of the deposits. He was appointed Recorder of the City of New-York by Governor W. L. Marcy in 1838, but it will be recollected, that in consequence of his seizing the "Glentworth Papers" while holding that office, he was removed by Governor William H. Seward. A plan had been set on foot by James B. Glentworth, before the Presidential

election in 1840, to send on a number of voters from Pennsylvania, nominally to lay the Croton water pipes through this City, but virtually to vote for General Harrison in opposition to Martin Van Buren. Mr. MORRIS ascertained that documentary evidence of this fact was in the house of Mr. Pierce, of this City, and a few days before the election he proceeded to Mr. Pierce's residence, in company with Mayor Varian, where he seized the "Glentworth Papers" and revealed their contents to the public. For this, as we have said, he was removed and F. A. Tallmadge was appointed Recorder in his place. But the people of New-York viewed the act of the Recorder in a different light, and in 1841 he was elected Mayor of the City, and was re-elected to the high position of Chief Magistrate of New-York in 1842 and 1843, with increased majorities, the last majority being over seven thousand—the only instance in this City of a man being elected Mayor three times in succession. At that period of our City's history the Mayor was elected every year. In 1845, Mr. MORRIS was appointed Postmaster of New-York by President Polk, and he held that office for four years. While Postmaster, he was elected,

in 1846, a member of the Constitutional Convention of the State, which formed the State Constitution under which we now act. His speeches in that body upon the term and qualifications of the Governor, the judicial system, the imprisonment of witnesses, the qualifications of voters, the rights of married women in property, and on the constitution as adopted by the convention, are all marked with his peculiar habit of thought and expression. And last of all, he was elected, in 1852, a Justice of the Supreme Court of the First Judicial District, for eight years, more than five years of which are unexpired. The law requires that twenty days notice shall be given before the election to fill an office, and as this cannot be done in the present case, the Governor will have the appointment of Judge MORRIS' successor up to January, 1857, when the vacancy will be filled by the people. Some time after his elevation to the Bench, Judge MORRIS was seized with illness and was unable to attend to his judicial duties for a few months. He resumed his labors, however, afterwards, and last month sat in General Term of the Supreme Court, with Judges Mitchell and Roosevelt; and next month, had he lived, he was to have presided at the Court of Oyer and

Terminer, now in Session. Judge MORRIS' popularity is apparent from the number of important offices he has held, both by the gift of a President and a Governor, and by the choice of the people. As an advocate at the Bar he was at times forcible, eloquent, sarcastic and jocose ; he was a sound lawyer, and in criminal jurisprudence he was considered a very high authority. As a Judge he was impartial, just and patient ; the tyro and the black letter adept alike received his attention and his courtesy ; to the young he gave encouragement, whilst the experienced lawyer received from him a becoming deference to his position and standing in the profession. As a private friend he was affable and sincere, and being well stored with a fund of anecdote from vast professional experience, he was an excellent and an entertaining companion. In his domestic relations he was exemplary, and leaves a fond wife to lament his loss ; but to the members of the Bar, who will meet in the Supreme Court, on Saturday morning, at 10 o'clock, we leave the melancholy task of speaking in more extended terms of the character of the deceased Judge, as he was known to the profession and to the community.

Adjournment of the Courts.

SUPREME COURT—CIRCUIT.

HON. JUDGES MITCHELL, CLERKE AND COWLES PRESIDING.

OCTOBER 25, 1855

The Hon. ROBERT H. MORRIS, one of the Justices of the Supreme Court of this District, died at the residence of his father-in-law, at Astoria, on Wednesday noon, after a very brief illness. Judge MORRIS was in the Court of Oyer and Terminer, as a spectator, at the commencement of the trial of Alderman Herrick, which was still pending when the intelligence of his sudden decease was whispered, and spread a gloom throughout the City Hall.

In the Circuit Court, ex-Judge Edmonds, in addressing the Bench, said the sudden demise of Mr. Justice MORRIS, which took place yesterday has cast a gloom over the Bench and Bar; he did not mean to say now all that his merits demanded, but begged, without further remark, to move that a Committee be appointed to make arrangements for a general meeting of the Bar, to take into consideration their bereavement arising from the sudden death of Mr. Justice MORRIS, and that the Court, from respect to his memory, do now adjourn.

He (Judge Edmonds) understood that the funeral would take place from Astoria, at 2 o'clock, on Saturday, and in the meantime the convocation of the Bench and Bar could be held.

Judge Mitchell briefly said that the motion met with the approbation of the Court, and announced that the Committee would consist of Judge Edmonds, D. E. Wheeler, C. O'Connor, W. C. Noyes and J. R. Whiting, Esqrs.

The Court was then adjourned for the day. Judge Cowles announced that a cause then on trial would be resumed in the morning.

The Oyer and Terminer did not adjourn, in consequence of the important trial of Alderman Herrick.

COURT OF OYER AND TERMINER.

HON. JUDGE ROOSEVELT PRESIDING.

When the Jury retired in the case of the People against Alderman Herrick, about 6 o'clock, the District Attorney rose and said:—May it please your Honor—Since the last adjournment of this Honorable Court, the Supreme Ruler of the universe, who varies the business of men, however they may plan or intend it, has for the second time in this year of grace interrupted the proceedings of this Court by the hand of His messenger of death. Since yesterday ROBERT H. MORRIS has surveyed the transitory things of this life—in which he may never again share—from the world of spirits. It was but a short time ago, in the course of the arguments in this very case, he sat by your Honor's side. Now, he is gone and yonder is his vacant chair. It rather becomes my associates in this case, who knew him longer than I, to speak of the industrious magistrate, the faithful friend and the upright man. But it has been deemed appropriate, that as the officer of this Court, leading its business from day to day, I should move that from respect to the memory of the deceased, and in reverent recognition of the mysterious Providence who bereaves the City, the Profession and the Bench, this Court, when it adjourns, do adjourn its business over Friday and Saturday, and until Monday, at 10 o'clock, and that the cause of adjournment be noted upon the minutes.

Mr. Whiting rose to second the motion and said:—I shall not, in seconding the motion of my learned friend, indulge in extended remarks. These more properly belong to the meeting of the Bar which has been called for Saturday morning. It was my fortune to know the late Judge MORRIS well. I would sum his memory in a few sentences—he had a heart of whose friendship all might be proud. Let us mourn him as gone “where the wicked cease from troubling, and the weary are at rest.” I second the motion that this Court adjourn to Monday next.

The Court said that the two successive and sudden deaths which had taken place within the last twelve months amongst the Judges of the Supreme Court, ought to admonish the remaining members of the Bench of the vanity of human events. Such events should admonish them all of the necessity of cultivating toward each other sentiments of kindness, charity and forgiveness: for who

amongst them did not err? I take the lesson afforded me to my own heart. I am now the oldest member of the Supreme Court, and I feel the bereavement keenly from its taking my associate, as has been observed, from my very side. For the last time I met him in this Court Room. Small, indeed, appear the petty things of this life when we have such warnings. We are here to-day, and to-morrow we are cut down like the grass of the field, and I trust we will all lay these things to heart. I accept the motion, and order the proposed adjournment.

M A R I N E C O U R T .

BEFORE HON. JUDGE BIRDSALL.

Mr. Holmes said:—May it please the Court, I rise in response to a request made by many of the members of the profession who now surround me, to move the adjournment of this Court. I have heard, with feelings of the most poignant grief, that Justice MORRIS, of our Supreme Court, died yesterday. To the young members of the Bar these are truly heavy tidings, and this is, indeed, a bereavement. They have lost a kind friend, a gentle exemplar and an upright judicial officer—one who looked upon their mistakes without severity, and whose reproofs for faults were so gentle that even his admonition endeared him the more to them. To his equals he was affable and kind—in his judicial career faithful and honest—in his political life pure and conscientious—in private life, just, courteous and deeply beloved, and in all a bright ornament to society. When the hand of death was stretched forth and stripped from his shoulders the judicial ermine, it was found to be as spotless as when a discerning people placed it there. Let us show by a suspension of the business of this Court that we feel the blow which has been struck through the fiat of an all-wise Providence. I, therefore, move that the Court stand adjourned until to-morrow morning, at 10 o'clock.

Mr. Van Winkle seconded the motion, in a few touching remarks, when

Judge Birdsall ordered the Court to stand adjourned to the day and hour named.

The Common Pleas and other Courts were not in Session.

Meeting of the Bench and the Bar

SUPREME COURT—GENERAL TERM.

SPEECHES

OF

Hon. EX-JUDGE EDMONDS, CHAS. O'CONOR, Esq.,
WILLIAM CURTIS NOYES, Esq., EX-RECORDER
TILLOU, and JAMES R. WHITING, Esq.

The members of the Judiciary and of the Legal Profession, assembled in the General Term Room of the Supreme Court, on Saturday, 27th October, 1855, to pay their tribute of respect to the memory of their departed friend and brother, ROBERT H. MORRIS, one of the Justices of this Court. The bench, windows and doors, were draped in mourning, and the chair, on which the late lamented Judge sat within the present week, was appropriately enveloped in crape, and was the only vacant seat in the room. The meeting was the largest we have seen on any similar occasion, which have been, alas! too frequent in this city within the last few years; during which brief period the Bench and the Bar have lost, by sudden death and by the perils of the sea, some of their brightest luminaries and most favored members. Amongst the recent dead, we may name Judge Sandford, Judge Paine, District Attorney Blunt, Chief Justice Jones, Edward Sandford and Mr. Woodruff (lost in the Arctic), Judge Edwards, and Henry S. Dodge.

At the present meeting, we noticed Judges Mitchell, Roosevelt, Clerke, and Cowles, associates of the late Judge MORRIS, Chief Justice Oakley, Judges Duer, Woodruff, Bosworth, Slosson,

Campbell, Ingraham, Daly, Recorder Smith, ex-Recorders Tallmadge and Tillou, the Attorney General, (Hon. Ogden Hoffman,) ex-Judge Edmonds, the United States District Attorney, (Hon. John McKeon,) United States Commissioners, Morton and Betts, the Surrogate, the Corporation Counsel, and very many of the most eminent as well as the most unpretending members of the profession.

Judge Edmonds:—In order to organize this meeting, I, on behalf of the Committee of Arrangements, propose his Honor, Judge Mitchell, as the President of the meeting.

The nomination was unanimously ratified, and Judge Mitchell took the Chair.

On motion of Wm Curtis Noyes, Esq., the Judges of the Supreme Court, the Superior Court and the Court of Common Pleas and the Recorder and Surrogate of the City were appointed Vice Presidents.

On motion of Mr. D. E. Wheeler, formerly law-partner of the late Judge, Messrs. R. J. Dillon, Corporation Counsel, and E. L. Fancher were appointed Secretaries.

Ex Judge Edmonds on behalf of the Committee appointed by the Court on Thursday last, offered the following resolutions:—

Resolved, That in the death of Mr. Justice MORRIS the Bench and the Bar have lost an estimable friend and a valuable companion and fellow-laborer in the administration of justice, who was endeared to them by the strict integrity, the uniform kindness of feeling and sterling good sense which marked his whole life.

Resolved, That in the name borne by our departed friend, and in the blood which flowed in his veins, we recognize the presence of the spirit of the Revolution, to which he was ever true, and which, in our day, in his person, as in former times in his ancestors, was firm, but unobtrusive—gentle, yet unyielding in its defence of the liberty of man.

Resolved, That in every position of life, as a lawyer and a legislator, as an executive or administrative officer, in private and on the Bench, he whose loss we now deplore, was distinguished for his inflexible uprightness of purpose and the fearlessness with which, on all occasions, he acted up to his convictions of what was right; yielding never to importunity what he ought to deny to a sense of justice, utterly regardless of popular clamor when swayed by passion or prejudice, and evincing ever a readiness to sacrifice himself for the sake of that which he deemed to be right.

Resolved. That in his career on the Bench we ever observed the predominance of that goodness of heart, integrity of purpose, courtesy of demeanor, which, while they endeared him to us, and now add to the pang inflicted upon us by his departure, yet stand out before us as an example for our imitation.

Resolved. That we deeply sympathize with his widow and his friends in their and our bereavement; that these resolutions be communicated to them by the officers of this meeting, and that the Supreme Court be requested to enter them at large upon their minutes.

The resolutions were seconded by Chas. O'Connor, Esq.

In presenting the resolutions Judge Edmonds said:—

If your Honor pleases—I ought not to ask this assemblage, intelligent, educated, acute, as it is, to adopt resolutions like these in memory of one who has occupied so conspicuous a position among us, without saying some few words in regard to them. It is now, Sir, about thirty-five years since sitting in an office as a clerk, pursuing my studies, in connection with a few others younger than myself, I one day saw enter a young man, somewhat rustic in his appearance, shy and timid in manner, hobbling upon crutches, and plainly clad. It was the first time I had ever seen him. My compassion was excited, for I thought that he was a beggar. Sir, that young man *was* the future Mr. Justice MORRIS entering that office as a fellow clerk with me. I continued with him there till my own admission to the Bar. After my admission he continued with me as a clerk, and on

his admission he and I together formed a connection in the practice. We were together but a short time, when he received from the powerful family of the Livingstons an invitation to remove to the manor and take charge of their business. He accordingly left the County town and retired to the interior, where for some years he was engaged in practice, and there actually began his professional career.

For a period of four years prior to that time, I had formed with him ties of intimacy and of friendship, which I rejoice to say have never—whatever the waywardness of my own temper—been shadowed by a single cloud, so uniform has been his kindness of heart, so generous, and noble and true has been his affection. And for a period of thirty-five years my regard for our departed brother has never for one moment been clouded by aught of suspicion or of alienation. He was always, Sir, of a generous and liberal spirit, and wherever he went, that spirit manifested itself. He was ever exceedingly affectionate in his temper, and that affection ever produced its effect throughout the whole of his life. My own children, Sir, young as they then were, now parents themselves, are mourning over his loss with a strong recollection

of the kindness which bound them to him in their infancy.

That same kindness of heart, Sir, followed him through his profession in the comparatively unsettled parts of the County where he began his career, and where he became a politician as well as a lawyer : and although in a section of country where the political power was immensely strong against him, he was over and over again—owing to his personal popularity with those who knew him best—able to achieve position and power.

But it was not long before he discovered that his mind outgrew the position in which he was ; and he accordingly, in 1828, removed to this City, and here, from that time to this, he has resided. I found him, when I came here a few years afterwards, extensively engaged in practice. I need not, to those who surround me on this occasion, and who knew him even better in his professional career in this City than I did, speak of that career. I need not speak of his action on the Bench in the Court of Sessions, or of his administrative career as the Chief Magistrate of this City afterwards, in the executive office which he subsequently filled under the General Administration, or even of his action in the Constitutional Conven-

tion which amended our fundamental law. These are matters known to those who hear me as well as—and perhaps to many of them better than—myself. But I may be permitted to speak of him one moment as a Judge while I was associated with him on the Bench. I speak not of his appearance to the world as a Judge, for there I knew but little of him in comparison with most who hear me. But it is of the trying scenes of the consultation room that I would speak. And those of us who have assembled on such occasions, know how often the heart and the temper are tried to the very core by the scenes there occurring. We, Sir, who have met our departed brother under such circumstances know full well that his temper was never disturbed, that his courtesy of demeanor never swerved from the uniform “even tenor of its way,” and that even there, amid the stormy discussions which necessarily would arise, that generosity and liberality of heart which marked his whole life was ever conspicuous.

Early in life he met with an accident, under which his health ever afterwards suffered. When I first knew him—as I have already remarked—he could move only with the assistance of crutches. He afterwards became better, but yet that lame-

ness continued during life, and was in very many respects a source of unhappiness and uneasiness to him, for it denied him the advantage of an education, such as so many of his friends have been able to achieve. It denied to him the privileges of that hard study which is so necessary at the Bar and at the Bench. It also forbade that indefatigable industry in the library which, with his natural capacity, would surely have enabled him to attain the very highest eminence in our profession, either at the Bar or on the Bench. And yet, Sir, the talent which was in the man by nature, the great vein of good sense which characterized his whole life, the inimitable tact which always taught him what was proper to do on any emergency, sustained and elevated him in all contingencies, enabled him to overcome all these difficulties, and to attain the exalted position which he held at the time of his death.

Sir, it is unnecessary for me here to speak more at large, for his merits are as well known to you—and to this large assemblage around—as to me. Yet there was one attribute of his character on which I may be allowed to say yet one word. It was an attribute which—now when popular prejudice is even invading the sanctity of the Bench,

and party passions are measuring aspirants for judicial station, by their readiness to pursue a particular line of decision—will be regarded as of infinite value. It was an attribute which distinguished him throughout his whole life, *that of not fearing to speak what he thought, and to do what he deemed was right*. No clamor, no opprobrium, no noise, no importunity, could disturb him in the firm attitude with which he always marched up to what was right. And, Sir, surrounded as we are, we know how to value a quality like that.

To those of us who knew him well, no eulogy can be necessary, but to those who knew him not, we may safely say—

“ Let the future write his epitaph.”

MR. CHARLES O’CONOR next arose and said—

MR. PRESIDENT :—It was my good fortune to enjoy, during nearly as many years as were named by the honorable gentleman who has preceded me, relations of intimate friendship with Judge MORRIS. For a brief space, but in a very important branch of public duty, I had the honor of an official connection with him. *I loved and respected him*, and therefore avail myself of this occa-

sion to add my mite to the tribute now being paid to his memory by his professional brethren.

If association by descent, and consanguinity with names illustrious in the history of our country by eminent position, great personal virtue and valuable public services, can confer distinction ; Judge MORRIS might well have carried himself whilst among us, with a far loftier port than he was ever known to assume. It is truly indicated in one of the resolutions submitted to this meeting, that the names and deeds of his ancestors form an important part of the annals of our country, and are intimately connected with the rise, progress and establishment of our most cherished principles, and our most valued and valuable institutions. In this remark, and any other which may fall from me, let it be understood that I intend not to advocate any opinion, but expressly to withhold even my own, in respect to any question of party-politics which may have been involved in the acts to which I shall refer, or connected with the eminent person whose loss we deplore. On occasions of this kind, no judgment should be pronounced on the merits of any controversy in which the active life of the deceased may have been engaged ; for whatever may be our own opinions,

we can always admire high qualities, and pay respect to virtue and constancy in advocating and sustaining those of an opposite description.

The family of Judge MORRIS, in the parent state, was distinguished for its hostility to kingly power, and for its firm attachment to those republican principles on which our government is based, and to which, in one form or other, his countrymen without exception, profess to adhere. Military service, rendered to the Protectorate of Cromwell against the Crown, compelled the emigration of his ancestor, Richard Morris, who settled at Morrisania, in the County of Westchester, about 1670. From him descended a race remarkable for their uniform firmness and fidelity in maintaining the very principles to which his life was devoted, and for which he cheerfully submitted to exile.

Judge MORRIS was the *third* of his family who presided in the Supreme Court. His great-grandfather, Lewis Morris, was Chief Justice of the Province. On the resignation of John Jay, first Chief Justice of the State of New-York, Richard Morris, the grandfather of our lamented friend, succeeded him in that high office. His grand-uncle, Lewis Morris, rendered important service during the struggle which gave birth to this re-

public, as a Brigadier General in the Continental Army, and gave immortality to his name by affixing it to the Declaration of Independence. He was a member of the Continental Congress of '76,—that “assemblage of rational men who first declared the immutable principles of justice, and consecrated in defiance of a tyrant the rights of nations.” Robert Morris, the father of Judge MORRIS, took up arms in support of that declaration at the age of nineteen years, and served until its triumphant establishment in '83. His collateral kinsmen were equally distinguished for patriotism and services with his immediate ancestors. His grand-uncle, Gouverneur Morris—world renowned for wit and scholarship—was the principal draftsman of that revered instrument, the Constitution of the United States, “the ark of our political safety—the hope of nations yet lingering in political bondage.”

Of this honorable stock was ROBERT H. MORRIS, and in every act of his life, his character shone out in harmony with these antecedents. It was eminently a life of struggle—misfortune assailed him whilst yet in his cradle, and failed not to try his spirit full often in after years—yet was he eminently successful. To those who have to follow

him and are now beginning the struggle of life, he has left a bright example. In what he achieved, notwithstanding difficulties apparently insurmountable, in the triumph of this hour, when the Bench and the Bar of his country unite to honor his memory, in this his ultimate success; it is shown, for the encouragement of the younger members of our profession, that to a fair degree of manly and persevering effort, accompanied by integrity, success, by the bounty of Omnipotence, is always vouchsafed. At the age of four years ROBERT H. MORRIS suffered an accidental injury, which produced permanent lameness. This was to him a terrible misfortune. The sports of childhood and of youth were denied him. When he attained manhood, the active exercise demanded by his vigorous frame, was also denied him—that exercise which would have been rewarded with high health and its numerous enjoyments—which would have enabled his large brain the better to perform its important functions. These disadvantages which would have overcome any ordinary man, to ROBERT H. MORRIS only increased life's burthens and diminished its enjoyments. His resolute temper and unconquerable industry nevertheless sustained him to the accomplishment of all

his undertakings ; and few men in the course of a long and prosperous life have effected so much. His parents deemed him incapacitated to pursue any laborious occupation. In none is the sound body accompanying the sound mind more needed than in our own, and nothing could have seemed less practicable in their eyes than that ROBERT could ever become a lawyer. But Providence had otherwise decreed. Whilst attending school at Hudson, in the County of Columbia, he was led by curiosity to visit the Court-House, and for the first time witnessed one of those dramas of real life, in which he was one day to play so leading a part. An important jury case was on trial, and the first tones that caught his ear were those of Elisha Williams, who was then in the zenith of his power. That matchless orator, at first, attracted attention only ; gradually he won upon the youth ; pleasure deepened into delight ; until at length the fire of emulation was kindled, which thenceforth burned on through all the trials of life. Scarcely had the speaker's deep voice ceased from its work of fascination, when the young auditor's resolve was taken. He hastened to his parents and declared his unalterable determination, in despite of all obstacles, to become a law-

yer. How he entered upon his studies and his career in its earlier stages, have been well described by his friend Judge Edmonds. Within three or four years after his return to New-York, his native City, he had become an universal favorite with the Bench and the Bar. His great popularity drew him into political life ; twice or thrice he was elected to the Legislature. Here his influence became more extended. The annually chosen select-men of the interior, and the permanent officials of the Capitol, alike admired and respected him. At the house of the Hon. Wm. L. Marcy, then Governor of the State, he first met the lady who became his companion in life, and who this day bewails his death as a loss to her irreparable. Promoted to the Recordership of New-York, Judge MORRIS became Presiding Magistrate in the department of criminal justice in this City. Whilst he occupied this post a collision of opinion arose between himself and the Governor. The contestants were of opposite political sentiments. The affair eventuated in a summary removal, *without trial*, for, at the worst, a very venial trespass, that is to say, being in the judgment of a political opponent, deemed over zealous in endeavoring to detect a political

crime, whose perpetration tended to injure the party of the Judge, and to benefit that of the Governor. The merits of that dispute are not now to be discussed. I impeach no man's motives. But I confess myself too much of a conservative to approve the laying of violent hands upon the judiciary, except under circumstances rendering it imperiously necessary. This was one of the marked events of Judge MORRIS' life. It was soon followed by a strong manifestation of popular confidence. He was elected by the people to the Mayoralty of this City; he was again, and yet a third time, elected by a vast majority. His removal did not meet the approbation of the people, as appears not only by these facts; *but in 1846, when a new Constitution was formed, the very power to make such a removal was abolished forever!* It is a curious coincidence that *Lewis Morris*, the first Chief Justice, had a similar controversy with the Colonial Executive, which terminated, says Bolton's History of Westchester, in his removal, after having served "unimpeachably for twenty years." A remarkable letter to Governor Cosby, written on that occasion by the Chief Justice, evinces the same sturdy independence which marked the conduct of his great-grandson under like circumstances.

Among other things, he wrote as follows :—“ I
 “ am heartily sorry, Sir, for your own sake, as
 “ well as that of the public, that the King’s re-
 “ presentative should be moved to so great a de-
 “ gree of warmth, which, I think, could proceed
 “ from no other reason, but my giving an opinion
 “ in a Court, of which I was the judge, upon a
 “ point of law that came before me, and in
 “ which I might be, innocently enough, mistaken ;
 “ (though I think I am not :) for judges are no
 “ more infallible than their superiors are impecca-
 “ ble. But if judges are to be intimidated so as
 “ not to dare to give any opinion, but what is
 “ pleasing to *a governor*, and agreeable to his
 “ private views, the people of this province, who
 “ are very much concerned, both with respect to
 “ their lives and fortunes, in the freedom and in-
 “ dependency of those who are to judge of them,
 “ may possibly not think themselves so secure in
 “ either of them, as the laws and his Majesty in-
 “ tend they should be.”

We thus see in the ancestor and the descendant*
 the same defiance of arbitrary power, the same
 fearless performance of duty, the same firm vindic-
 cation of motive.

Public favor spontaneously followed Judge

* For Recorder MORRIS' Letter to Governor Seward, see Appendix.

MORRIS through life. He represented this City in the Convention which formed the present organic law of the State. Here it was my pleasure to be his associate, and whilst his votes bear witness to a singular accuracy in perceiving the popular will, and a truly republican fidelity in conforming to it, his whole course in life proves that the coincidence arose from principle, not servility. I have never known a man more resolute and self-willed in adhering to the conclusions which his own reflections had led him to adopt. He conformed to the spirit of the times, because his opinions were truly American, and his every pulse-beat was in sympathy with his country.

Judge MORRIS' health had been gradually undermined by the consequences of his early misfortune, and though his labors were extensive, arduous and valuable since his election to the Bench of this Court, that may, perhaps, be regarded as the least active portion of his public life. On the Bench he sustained the same relations to his brethren of the Bar which had marked him whilst in their ranks. Those relations I need not attempt to describe. They were the genuine offspring of a most happy temperament. For myself I can say that rarely have I derived as much

pleasure from association with any individual. Nearly equal in age and experience at the Bar, we were frequently placed in the attitude of competition for forensic success. Such contests are trying to the passions, and very liable to produce irritation, yet never, in a single instance, were the amenities of professional intercourse disturbed or suspended between us. His demeanor was ever courteous ; his manners were ever amiable and conciliatory ; it was, indeed, impossible to avoid reciprocating the kind feelings which marked his every word and action. In him the solid, substantial common sense, which it is the fashion to call Saxon, seemed to be happily commingled with the spirit, the vivacity, the readiness and the excitability belonging to his Welsh Ancestry. Although ever ready to meet, and coolly to respond to a forensic attack, and, if necessary, to "carry the war into Africa," he used no weapons but those which civilized warfare allows. He never used one that left a rankling wound, consequently neither on the Bench nor at the Bar has he left an enemy.

Judge MORRIS' talents were not of an order more calculated to please the common than the cultivated mind. What made ROBERT H. MORRIS a

lawyer? It was admiration for the most eloquent lawyer whom the State of New-York has ever produced. His temperament was not that of an imitator, yet, in connection with this known circumstance in his life, I will advert to a fact as indicating the character of his mind. I well remember an occasion whilst he was a leader at our Bar, on which a strong testimony was given of his abilities. Mr. MORRIS addressed a jury for several hours, in a case of great importance, then on trial in the Superior Court. The presiding Judge, who had been an intimate friend of Elisha Williams, listened throughout the argument with marked attention, and at its close, stated that Mr. MORRIS' tone, manner, diction and arrangement at once easy, natural, persuasive and forcible, had so strongly reminded him of Elisha Williams, that he had been occasionally under an illusion. *His fancy depicted the great orator recalled from the shades of death and speaking before him.* That Judge still lives and this day honors us with his presence. Perhaps I should not name him. I will say this, however. He is one whose competency to form an accurate opinion none will dispute, and who has always been too rigid a lover of truth to pay an unmerited compliment. Let this

suffice to vindicate the name and fame of ROBERT H. MORRIS as a lawyer and as an advocate.

It is, perhaps, not generally known, that our present admirable POLICE system owes its existence to Judge MORRIS. It was he who, foreseeing the rapid growth of our City, called into council a number of our wealthiest and most influential citizens, and first securing their approval and support, framed the law, and carried it through the Legislature by his active advocacy. But I feel that I have trespassed too far upon your time, and should not, in my zeal to applaud, in the indulgence of my admiration, or the expression of my grief, engross too much of your attention. I am not his only friend, and others are here, willing and desirous to testify their sense of this great public and private loss. I will, however, say one thing more: from his bereaved companion I have a note requesting me to state a fact of deep and solemn interest. Judge MORRIS died as good men should wish to die—"in the faith of his Maker, in the assured hope of a blessed resurrection, and in charity with all mankind."

WM. CURTIS NOYES, Esq. next took the floor and said—

It is quite fitting, Mr. President, that the members of a profession, whose appropriate office it is to aid in the administration of justice, should meet on such occasions as this on which we are now assembled, to show their sense of the merits of their departed brethren.

We find ample proof of this, in recalling the noble list of those who have more recently—some of them in the spring-time of their lives—gone from among us. Among these is Ogden, as a constitutional lawyer, with only a single superior; Graham, as a complete criminal lawyer and eloquent advocate, almost without a parallel; Sandford, as a youthful Vice-Chancellor and Judge, the imitator and promised rival of Lord Eldon; Blunt, generous as a man, and accomplished in some departments of our profession, beyond any of his brethren; Jones, as Chancellor, as Chief Justice of the Superior Court and as a Judge of the Supreme Court and of the Court of Appeals, in variety and profundity of learning, without a compeer; Edward Sandford, unrivalled for industry and legal research, whose professional ambition was as large as the deep Atlantic, where his re-

mains rest for ever ; Woodruff, who shared his unhappy fate, and who united a feminine delicacy with Doric integrity of character worthy of general imitation ; Edwards, the very " Bayard " of a Judge, " without fear and without reproach ;" and last, and saddest, but not the least—though he died very young—Henry S. Dodge, " the admirable Crichton " of our profession. These, Sir, are some of the jewels in our casket of professional recollections ; for as a Bar, we have met in the character of a family, with the same interest, the same reputation, and the same destiny ; and although rivalries sometimes distract or alienate us, yet, on such occasions as this, they are and must be, all forgotten.

And now, Sir, another is added to the melancholy list. He whose loss we now mourn, was conspicuous in this community for more than a quarter of a century. At the Bar, in the strife of Politics, in our Legislative Halls, as Mayor of the City and Postmaster, as twice on the Judicial Bench, he attracted public observation in an eminent degree. This cannot be done without merit, or in the absence of ability ; and this was possessed by him in no common measure. We shall remember him, Sir, and we shall cherish his

memory, because of his good sense and his profound knowledge of men. This learning, which, for practical purposes, is far better than that of books, he possessed in a great degree. We shall remember him, too, for the sound judgment which characterized his private as well as his judicial opinions ; for the kindness and urbanity which he invariably displayed on the Bench, and elsewhere, especially toward the younger members of the profession ; for the easy familiarity and correctness with which he discharged the duties particularly of a *Nisi Prius* Judge ; and for the clearness with which he committed a cause to a Jury, and directed their investigations in quest of truth. He rarely failed in cases of this description, and I do not recollect a single instance in which a Jury, under his instructions, disagreed. We shall remember him, too, for his uniform generosity, for his noble unselfishness, and for that enlarged philanthropy, which embraced all men and all conditions, and which made him so great a favorite, that whenever he became a candidate for popular distinction, he always distanced all competitors. This trait in his character was nobly exemplified, as some of your Honors will remember, in his able and energetic, but gratuitous efforts, in behalf of the two homicides, Clark and

Sullivan, and in the great exertions which he made to procure their pardon, after what he deemed and what—I am sorry to say—a good many of our profession deemed, an illegal conviction. Selfishness had no home in his composition, and all who came within the sphere of his influence, knew and appreciated it. Elevated to the Bench of the Supreme Court, he discharged the duties of the office, notwithstanding feeble and failing health, and under circumstances, in which no less an energetic spirit than his, could have sustained him at all. He discharged those duties with industry, with unquestioned probity, and has left many judgments, which show the vigor of his mind, and the accuracy of his legal knowledge. We may differ with regard to one great act of his life while Recorder—one which brought him more conspicuously before the public than any other, and which has been alluded to here to day. Gentlemen, who express themselves here, are, of course, responsible for their own opinions. If I were called upon to speak upon that subject, I should differ with the learned gentleman who has preceded me, in respect to any censure being applicable to the Chief Magistrate who acted upon that occasion. But, in reference to that act, I can say, with

the sincerity of a perfect conviction, that the individual whose loss we now deplore, acted conscientiously, believing that he was right ; nevertheless, I have always believed, and still believe, he was wrong. That, however, has passed away. It left no stain upon his character ; integrity of purpose was accorded to him, and it perhaps, rather elevated him in the common regard, especially with his own partizans, because it proved that when he believed he was right, he went forward, regardless of consequences. That was one great characteristic of the man.

As an acquaintance and a friend of Judge MORRIS, of many, many years, a friendship commenced and cemented in the country when we were both young ; one, whom he was the first to welcome, socially and professionally, when, a stranger, he became a member of this Bar, and found himself in solitude, although surrounded by multitudes—a kindness which he can never forget—I offer this tribute to the memory of Mr. Justice MORRIS.

EX-RECORDER TILLOU then arose and said—

MR. PRESIDENT :—I cannot resist the mournful satisfaction of saying a few words in commendation of the deceased. It was my lot, Sir, to have not only professional, but official relations with Judge MORRIS in years past. Those official relations were at a period in the municipal history of our City, which was then, has since been, and still is, regarded as a very interesting one. By professional relations, I had long previously become intimate with Judge MORRIS, and I have had further relations with him in those public stations which he has occupied since being Mayor of this City. Our acquaintance, therefore, may be said to have extended over five and twenty years, and it is due to his memory to say, that from all the knowledge I thus acquired of the man, I believe all that has been said in commendation of him, is strictly true. He was not only an efficient officer, but he was endowed with true benevolence. From my observation of him, I always thought that he was distinguished, not only for his fidelity as a lawyer and advocate, but for the beneficence which marked all his actions. He seemed to delight most in protecting the helpless against the strong, in guiding the unintelligent, in consoling

the afflicted, and in establishing and guarding the rights of those who seemed to be abandoned by others. Misfortune not only always met with respect from him, but received efficient assistance. He united as many useful and excellent qualities as a lawyer, as any man you could point to ; he was not only faithful, devoted and industrious, but he was zealous, and when he sincerely believed his cause was right, there was no limit to his exertions, *but the limit of his utmost ability.*

But, Sir, it was as Mayor of this City that I knew him most intimately. I happened then to be a member of the Common Council, and had frequent, indeed, daily intercourse with him. I can truly say, that if ever a public officer performed his duty conscientiously, indefatigably, industriously, devotedly, and with a deep and abiding sense of true patriotism, ROBERT H. MORRIS was that officer. During that year, many circumstances arose, and many events occurred, which brought him to the test as to what he would do, and what he would not do, and there never was one single occasion, when he was called upon to do his duty, in which he failed to do it. He always did it fearlessly,

energetically, and to the utmost extent of his ability. The annals of that year will tell the story more accurately than my memory will enable me to do. It was an eventful year. It was a year in which many important measures were suggested—some of which were adopted—for the reform of the evils that were then deemed to exist in this City. It was in that memorable year, that the finances of this City were, for the first time, so managed, as that the burthen of taxation was lessened, and it was to his energies and to his exertions, that it was in a great measure to be attributed. As has been well and truly said by one of the eloquent speakers who have preceded me, it was in that year that ROBERT H. MORRIS used his utmost ability to endeavor to improve the condition of the POLICE Department—which, up to that time, had been a subject of general and deserved complaint—and to give to this City a policy and a system, which should enable the life and property of the citizen to be secure, and the laws to be properly enforced. In the annals of that year, will be found the plan which he himself suggested ; but he was liberal enough to advocate any other plan which was suggested, that had any merit. Often, during that year, have I

sought him upon official business, when he could not be found for some time : at last, he would be discovered, locked up in one of the upper rooms of the City Hall, there, by himself, working industriously and anxiously upon some measure or some document, or some branch of his official duty. I doubt whether one single day of that man's existence, during that official term, was spent by him in idleness, or neglect of his duty. I never knew him for a moment to evade any thing. I never knew him guilty of a single act of manœuvring. I never knew him guilty of any thing that might be called, for a moment, a deceitful action. In his official career, he was always frank, candid, open and ready to lend all his power to carry out any measure of reform in his department. It always appeared to me, that not only in private, but in official life, he was a model for men to follow. As has been well said, the acts of his relatives and his family still live in the memory of this nation—their actions, their characters and conduct forming some of the brightest jewels of our history. With all that patrician right—if you please to call it so—to rank and respect, he was modest, unassuming and affable, and to all, the humblest, as well as the most high, he was dis-

tinguished for the eminent courtesy and kindness of his manners. "Take him, for all in all," perhaps no public man has gone through so long a career, where conflicts and collisions will more or less arise, from their actions in the performance of their duty, and come out with a deservedly greater degree of credit than ROBERT H. MORRIS. That he was a true Christian, I always believed; his conduct showed it. If real charity, if kindness of heart, if the exercise of the practical offices of benevolence daily, to the most lowly and unprotected, if devotion to his Maker and his fellowmen—if these constitute the elements of the Christian character—then, indeed, was ROBERT H. MORRIS a true Christian. I never heard him avow a principle to which the most fastidious might object. It is, therefore, with satisfaction, that I support the Resolutions which have been offered upon this occasion.

MR. JAMES R. WHITING then took the floor and said—

MR. CHAIRMAN :—We have again met in the court of mourning. We are again surrounded with the habiliments of woe, announcing to us that the shaft of death has turned from among the ranks of our profession, and fallen upon the Bench. We have come together to praise and to bury one who was recently enrolled in the ranks of our profession, who, at the time he was stricken down, was in the very midst of his usefulness on the Bench, reminding us that the hand of death may be laid heavily in high places, as well as in low. We have come to speak of one with whom it was our pleasure to associate when at the Bar, and before whom we discharged a pleasurable duty when he presided upon the Bench. I became acquainted with our late lamented friend—our late professional brother—our still later Judge, who held the even balances without tremulousness—the man, who while in the profession, did his duty and his whole duty, and who, when upon the Bench, performed his duties alike acceptably to suitors and an honest conscience, and, I trust so truly as to be approved of by his great Maker. It was my fortune, I say, to

become acquainted with him about the year 1838, about which period he first came to the City of New-York : shortly before, and in the year 1836, he had been elected a member of the Legislature of this State. In April, 1838, he was appointed Recorder of the City of New-York, and succeeded our Richard Riker. He first presided at the May Term of that Court, and in the following June it became my good fortune (if it was so) to receive the appointment of Prosecuting Attorney for this County. I appeared before him on the 4th of June, the day of my appointment. He held the office of Recorder of the City of New-York, until the January Term, in 1841, and during that period, in the administration of criminal justice in the City of New-York, I never heard aught against the purity of his character, or the justice of his judgments. I had hoped that there would have been no reference to the scene that occurred in 1839—a scene that was the result of one of the deepest laid political plots, to overthrow and destroy the purity of the ballot-box of the City of New-York, that ever occurred in this or any other State. And having knowledge of the circumstances connected with that transaction, it appears to me, to be my duty now, or peradventure, I may

never hereafter have another fitting opportunity to bear testimony to the truthfulness of purpose, and to the fidelity with which he supposed he was performing a legal and a proper duty upon that occasion. I remember well when the information first came to the knowledge of the Recorder, through Mayor Varian, who then presided as Chief Magistrate of this City. I remember well when Mayor Varian, together with his Honor, the Recorder, upon that occasion called on me for legal advice in relation to that transaction. I well remember that the information received by his Honor, the Mayor, was reliable ; and I remember well when Recorder MORRIS made up his mind to accompany Mayor Varian to the house of Mr. Pierce ; it was the subject of consultation between themselves. I remember when they called upon me on the evening of that night ; it was then suggested to me that I should accompany them. I declined, simply asking what they intended to do at the house of Mr. Pierce. They said they had been given to understand that in calling at the house of Mr. Pierce he would surrender the papers voluntarily. When they left me I did not—and I do not now—believe that they had any intention of assailing the rights secured by law to Mr. Pierce of

entire and perfect protection in his own house. Upon that occasion it was alleged against the Recorder, that he had violated the law and invaded the constitutional rights and privileges of Mr. Pierce. *The excitement that grew out of that occasion was purely political, with nothing patriotic about it.* The Recorder loved his country ; he loved her institutions ; and the last sad resting place on which our future hopes depend, is the purity of that ballot-box for which he strove ; and in relation to which, if he committed any error, or his reputation suffered for it, he was nevertheless, the most anxious to support. Sir, at that time, political excitement had gone so far, that men high in office did not hesitate to lend themselves to sacrifice their honor, their conscience, and their duty towards themselves, their fellow-citizens, and their God. But a few days before that transaction, a trembling witness entered my office, under the influence of a subpoena, to attend a Grand Jury, and implored to be relieved from the cruel necessity, either of bringing starvation upon himself and a famishing family, OR OF WALKING INTO THE GRAND JURY ROOM AND COMMITTING A VILE, PROFLIGATE, AND OUTRAGEOUS PERJURY. It was supposed by our lamented brother and his Honor, the

Mayor, that the possession of certain written documents would render it unnecessary to drag from the kennel and the gutter the men who had been paid, and whose poverty had yielded to temptation, and save the necessity of placing those men either in the fearful position of committing perjury, or of being cast into that long, wide road, that leads to destruction : by discharge from employment, threatened by men of character, standing, and wealth. And upon that occasion our late and lamented friend, by whose body we now stand, and which we are soon to consign to the tomb—if, I say, he committed an error then in violating private right, or constitutional liberty, he did it in a cause that, sooner or later, will present the sad spectacle of the utter unfitness of men for self-government. Perhaps a present admiring world may witness a total disregard of our institutions, and an entire neglect of all laws for the preservation of the purity of the ballot-box. As his motive was pure, it will be acceptable in that place whither his spirit has now fled to meet many of the spirits then inhabiting a tabernacle but of clay, who deemed that life would last forever, and that the last sad reckoning would not come. Many of whom, I say, who were connected in

that transaction have, with him, gone to that judgment to be meted out to them from which there is no appeal, and in relation to which there will be no error. And I say to the memory of that friend of mine, "Blessed are the dead who die in the performance of their duty, for their works shall follow them."

That time is coming, and I speak to this large assemblage as a man who has passed the meridian of life, when the severest test of the strength of human beings to sustain a popular and representative form of government is to be made—when, perhaps, within one short week temptation will spread throughout this district, in all its various forms—when men will forget that beautiful portion of the prayer which we have all been taught to utter—"Lead us not into temptation." I trust in God, that in this coming contest, at the ballot-box, the services which our departed friend has rendered towards maintaining its purity, will be remembered; and that every man will place his ballot there upon the responsibility which he owes to his conscience and to his fellow-citizens, unmoved by power, unseduced by favor, and with but a single eye to how he may serve the best and overshadowing interests of his coun-

try in placing upon that Bench those in whom the people may trust.

What is life? It is but the commencement of the race that we are all to run. Our birth is but the starting point and death the goal. Some of us reach the end of the race sooner than others; and he who reflects properly upon his life needs not to fear death. What is death? The separation of the soul from the body. Who is it that fears it? Who is it that is not ready to meet it? We must all meet it, though, perhaps, not so gently and so peacefully as our lamented friend. He met it almost without premonition. He met it

“ Without a groan or sigh, or glance to show—a parting pang.”

Sitting in his chair, in cool and calm conversation, the great arbiter of events thought proper peacefully and quietly to call him, to himself. Blessed for all of us will it be, if we are prepared to go. The question is one of preparation; and it strikes me, that when we are gathered together to contemplate a scene like that, it is proper and wholesome and useful to think of our own latter end. The confusion, the turmoil, the strife of our every day life, the excitement naturally flowing from our professional career, often bring us in sharp conflict with each other. We should hus-

band a spirit of benevolence, a spirit of kindness toward each other, such as would leave us in that condition in which it were better that we should depart, than in a state of angry controversy.

I do not intend to dwell upon the various traits of his character which have been alluded to by the gentlemen who have already addressed this meeting, but I will say for him, that he had a kind and a noble heart, which knew no guile, and he had a forgiving spirit. I remember one occasion, a day set apart to pass judgment on those who had been convicted during the previous week, and called the sentence day ; Saturday was the day set apart for such purpose ; the Court room was thronged and crowded ; and the convicted culprits who were to undergo sentence and punishment, were in their box ; from the number a poor, miserable, emaciated female was put into the dock, and asked by the Clerk the usual question, why sentence should not be pronounced against her ; the Judge had his attention called by a gentleman then in Court, to a little fellow among the audience, some ten or twelve years old, who, when the woman was placed in the dock, fell from his seat upon his knees, and with upraised arms and clasped hands, seemed breathing forth a prayer to

Him who pardons iniquity. The moment that Judge MORRIS' attention was called to this affecting scene, the answer was—"WOMAN, GO AND SIN NO MORE." She departed from the dock, and on her way out of the Court room, the little fellow clasped her by the hand, apparently the only surviving friend she had on earth. And will any man tell me that such a response from a Judge upon the Bench on such an occasion, (for, perhaps, some little temporary error,) will not find an echo in Heaven?

This was but a single act of many similar which I could mention to the honor of Judge MORRIS while he was on that Bench; and although a gentleman now living—operated on by political, and, perhaps, not just causes—removed him from the Bench, his reputation did not suffer by such removal. On the contrary it was greatly enhanced, owing to *the manner* in which such removal was effected. A Judge for error of judgment should be called to account by his fellows only when he is operated upon by improper motives. If his motives are pure, then neither the people nor the Governor have the right to inflict so severe a punishment as deprivation of office. Notwithstanding the removal, and in view of all

this, we find our lamented friend elected in 1841, by—I had almost said, the unanimous vote of the people, but certainly by—an immense majority of the votes of the citizens of New-York, to the high and dignified office of Chief Magistrate of the City. In 1842 he was again elected, and again in 1843. For these three years he presided over the Municipal Administration of this City, and while doing so, he made no war upon the defenceless; he made no war upon the poor and friendless; he exercised no tyranny over his constituents; and when any act of his was approved by the people, he did not attribute that approval to his personal character, or to his personal standing, or to his extreme severity, but he acknowledged that his dependence was on a superior being, and that he was but the instrument in His hands.

Again, he was appointed to the high and responsible office of Postmaster of the City of New-York. He left that office with a character for integrity, for purity of purpose, unsullied and without reproach. In 1852, by the suffrage of his fellow-citizens, he was elevated to that seat now occupied by your Honors, and there, in just, accordance with the rules which had always actuated him, he held the scales of justice true.

And, in three short years thereafter, at an early age, in the midst of usefulness, with great hopes of a prompt restoration to measurable health from a previous attack, he is cut down by the hand of death. He had hoped again to minister to his fellow-citizens that high, that important, that responsible duty—a duty, the awful responsibilities connected with which, there is not a man following our profession, who does not know and in some manner appreciate. I cannot speak of the storms of passion that may be let loose in the private consultation room of the Judges, but I believe, as my learned friend (Judge Edmonds) has stated, that our friend never partook of them. It does not become me to speak of such scenes, because I am personally unacquainted with them, but if there ever have been such storms, let the death of that honest Judge who presided on yonder Bench, admonish us of the fleetingness of all human things, and let us resolve, that if such scenes have ever occurred, they shall never occur again. The Judges when they enter the consultation room should, like the ancient priesthood entering into the holy of holies—take the truth from off the altar on which her bright flame burns, and with guidance from him who is on

High, and administer judgment and justice, tempered with mercy. That cannot be done amidst the turbulent storms of passion ; it can only be done by a cool, calm and dispassionate weighing of the truth. What is life ? A fleeting vapor ! The poet has beautifully said :—

Our lives like hasting streams must be
That into one engulfing sea—
Are doomed to fall.
“ The Sea of Death ” whose waves roll on
O'er king and kingdom, crown and throne
And swallow all.

Let us all remember this. “ Let him who thinketh he standeth, take heed, lest he fall,” for alike we must all lie side by side with him whom we this day mourn—we shall alike appear before a tribunal, where each will be held responsible for the strict performance of his duty here, to himself, to his fellow-men, and to his Maker—and where we shall all have the full fruition of our conduct while living dealt out to us, without any of the errors and imperfections belonging to that profession at whose shrine we now worship.

We have, within a very short time, been called together upon one, upon two, upon three, and upon four sad and melancholy occasions like this. Let us each ask ourselves whose turn will it be next, remembering the direction—

“ Be ye also ready.”

The question was then taken and the Resolutions were unanimously adopted.

On motion of Mr. DISOSWAY, it was ordered that the proceedings of the Meeting be authenticated by its officers and furnished by the Secretaries for publication in the daily papers.

The Meeting then adjourned.

Proceedings in the Board of Councilmen,

FRIDAY, OCTOBER 26, 1855.

The President, D. D. CONOVER, Esq., in the Chair :

On motion, the reading of the minutes of the last Meeting was dispensed with.

Councilman SEELY then arose to a privilege question, and by permission offered the following Resolutions and desired the adoption of the same :

Whereas, On the 24th instant, by the will of Divine Providence, one of the noblest and most just of our fellow-citizens, who occupied one of the first positions before our countrymen as well as before the Bar, as Judge of the Supreme Court, was suddenly called to a higher sphere than that of human greatness, and to the presence of the great and immortal Judge of the Universe, and,

Whereas, The lamented Judge ROBERT H MORRIS, in the years 1841-'42-'43, occupied the Mayoralty Chair of our great City with honor and credit to himself and to the community, therefore be it

Resolved, That this Board, deeply sympathizing with the family of the deceased in the loss of one time-honored, respected and beloved by all, tender their sympathy in the bereavement under which, by the will of God, they are at present afflicted.

Resolved, That the members of this Board attend the funeral of deceased in a body, from the house of the father-in-law of deceased, at Astoria, on Saturday, the 27th inst., at 2 o'clock, P. M.

This was unanimously adopted.

The Board of Aldermen had adjourned for the month before the intelligence of the death of Judge MORRIS was authenticated in the City.

The Funeral Obsequies.

On Saturday, October 27th, 1855, after the adjournment of the meeting of the Bench and the Bar, a large number of the members of the Legal Profession and other friends of the late lamented Mr. Justice MORRIS, assembled at 2 o'clock, at the residence of his father-in-law, Marcena Monson, Esq., of Astoria, to attend the Funeral Obsequies. Great numbers passed up the River on board the steamer Ravenswood, and others went by the cars. The body, inclosed in lead, and afterwards in an elegant rosewood coffin, was placed on trestles in the lobby. A plate of glass permitted inspection of the face, which bore no trace of change. Those who had known the Judge, even slightly, during life, would have instantly recognized him. The coffin-plate was simply inscribed with his name, and the dates of his birth and death—

“ROBERT HUNTER MORRIS,”

“BORN 15 FEB., 1802; DIED 24 OCT., 1855.”

The officiating Clergymen were the Rev. W. H. TEN EYCK, of the Prot. Ref'd Dutch Church, and the Rev. T. R. CHIPMAN, of the Protestant Episcopal Church. The Rev. Mr. TEN EYCK invoked the divine blessing, after which the Rev. Mr. CHIPMAN read the 15th chapter of the 1st Epistle to the Corinthians, beginning at the 20th verse.

The REV. MR. TEN EYCK then made the following

ADDRESS.

We have assembled, my friends, to pay the last tribute of respect to one who has held a large place in the regards of the public. And I may here remark, that whatever I may say in relation to the departed, is at the request of others, some of whom are very near and dear friends; and on information received from them, not having myself had the pleasure of an acquaintance with him whom so many mourn. The Brother whose duty it would have been to speak to you, was absent from home when the arrangements for these services had to be made, and not returning, as I expected, last evening, the duty devolves on me.

ROBERT H. MORRIS was born in the City of New-York, on the 15th of February, 1802. Both his grandfather and great-grandfather were Judges under the English Crown; the former being Judge in the Court of Admiralty at the period of the American Revolution, when he resigned his office, with all its emoluments, and espoused the cause

of the people. After the formation of the State Government of New-York, and in process of time, he received the high office of Chief Justice of this State, and held it during the time prescribed by the Constitution.

The father of the deceased removed from New-York City to Hudson, when his son was but a lad, and in that City his boyhood and youth were spent, and he there received his education. Having pursued the study of law he was admitted to practice, and commenced his honorable career at Johnston, Columbia County. In 1827, Mr. MORRIS came to New-York City, where he acted as Assistant District Attorney. Mr. MORRIS was elected to the Legislature of the State in 1833, and was re-elected. He was appointed Recorder of the City in 1838 ; in 1841, Mayor of the City, and re-elected to this office also twice, the incumbent at that time holding office for one year. In 1845 he was appointed Postmaster of the City by President Polk, and held that office for four years. While Postmaster, he was elected, in 1846, a member of the Constitutional Convention of the State which formed the present State Constitution ; and in 1852, he was elected a Justice of the Supreme Court of the First Judicial District,

for eight years ; only about one-quarter of his term of office had expired when death laid him low. In February, 1854, he was taken sick, and for a long time his life was considered in great danger. In the Providence of God he was spared, and after nearly five months of great prostration, most of the time he being unable to help himself, he was so far restored as to be able to visit one of the Medicinal Springs in the interior of the State. His health gradually improved, until he was finally able to attend to his duties. He resumed his labors, although never perfectly well, and with fidelity discharged the duties of his office. His general health just previous to his death, had been as good as he had enjoyed for sometime—and the Messenger, as is so generally the case, came suddenly—we cannot say unexpectedly, for we think that he did not anticipate many years upon the earth. In all the relations of life, Judge MORRIS, we believe was beloved, and those who knew him best, appreciated his worth the most. But it is not for me to speak his eulogy. His course is ended, his race is run, and all who were associated with him in life in whatever capacity, may be admonished that the grave is to be their home. As we stand here to-day,

how impressive is the lesson taught us. How solemn are the thoughts which must crowd upon every mind. The JUDGE speaks to us not from the Bar nor the Bench—not from the halls of Legislation or the Chair of the Chief Magistrate—but from the Coffin, with the shroud about his prostrate form. And so, my friends, we are reminded that—it is appropriate for the Minister of the Gospel, whenever he is called to mingle his sympathies with a sorrowing family under circumstances like the present, to say something which is connected with his office. We are reminded by the event which has called us here of our mortality; and when we think of that we cannot fail to remember, that in many a respect we are enveloped in mystery. In every department of knowledge there are points beyond which unassisted reason cannot go, and where man stands in earnest and inquiring solicitude. But among all the subjects which have called into exercise his reasoning powers, there is not one around which has gathered more of uncertainty, and more of mystery, than man himself. Curiously and wonderfully made in his physical frame—curiously and wonderfully formed in his mental constitution, with vast powers both of mind and

of body, man stands forth the noblest of all animal being, and at the same time the most shrouded in mystery. From whence he came? whither is he going? are questions which have agitated his bosom in every period of his history. And they are questions, too, which reason unassisted by Divine Revelation, has never been able so to answer, as not to leave man himself anxiously looking for more light and more knowledge.

One of the wisest of all the ancient philosophers, when about to take the last farewell of earth, said to those about him—"It is time for us to depart, that I may die and you may live, to which of us it shall be better is unknown to all but God." Dreadful mystery was felt to hang about the future. There has ever been so much to lead man to look for another state of being than that which he possesses here, that he has never been able to settle quietly down in the belief that death is an eternal sleep. And there ever has been so much uncertainty about the future existence of the whole man, soul and body, that he has never, with only the light of nature to guide him, been able to look forward with certainty to a continued life beyond the grave. So, that while some, as did Socrates of old, have

faintly hoped for another life ; others have as faintly denied that man would exist after death. And yet, my friends, the testimony which reason gives in favor of such an existence is so strong, that whoever will look at it with a candid mind, cannot—nay, he dare not say—that the grave is man's final home.

Behold that delicate infant ! It looks fair and beautiful in its mother's arms. The smile of life and oft of joy lights up its countenance, and it seems to have been formed for some other purpose than to sleep forever in the earth. But suddenly death comes, and all that remains of it, or appertains to it, is the *clay*, the *shroud*, the *coffin*, and the *grave*. Look at that noble youth ! He bids fair for some great achievement in knowledge, in art, or in science. But death comes and the light is put out in his tabernacle ; the bounding heart ceases to beat, and all that is now before us is the *clay*, the *shroud*, the *coffin*, and the *grave*. Look at that earnest investigator of scientific truth ! He goes down into the depths of the earth and brings up knowledge. He ascends into the regions of space, and tells the courses of the planets, unfolds the vastness of creation, and finds himself at home among the stars. He makes

the earth, the air, and the waters bring their tribute to his stores of learning, and men pay to him the homage of their admiration. But death comes, and his busy mind is darkened. The treasures of his learning are all sealed up, and nothing remains for his fellow-men to contemplate, but the *clay*, the *shroud*, the *coffin*, and the *grave*. Look at that wise and enlightened statesman! He threads his way through the most intricate difficulties of governmental policy, and by the solidity of his judgment, and the far reaching wisdom of his statesmanship challenges the respect of his countrymen. But death comes, and his form is prostrate. The powers of his mind are all broken, and we have only to contemplate the *clay*, the *shroud*, the *coffin*, and the *grave*.

Look at that fearless champion of human rights! Senators and Legislators hang in breathless silence on his lips. The stirring appeals of his oratory wake up the fire of patriotism in their bosoms, and they resolve to peril their all for their country. But death comes, and he is laid low in that very presence where he was the all animating spirit, and the wise and the honorable have before them nothing but the *clay*, the *shroud*, the *coffin*, and the *grave*. And look again at the noble

Counsellor and Judge, as he sits among his peers ! His mind can grasp the science of law, and follow it in its varied applications. Respected for his legal attainments, he is honored among his brethren at the Bar. But in a few short hours, he is cut down in the ripeness of his intellect, and we have before us the CLAY, the SHROUD, the COFFIN, and the GRAVE.

And thus is it with all that live upon the earth. The good, the wise, the noble, and the brave, are all borne to the great charnel-house, there to sleep in silence. And now, can we believe ; can even men, without the light of revelation, persuade themselves so as to be free from all doubt, and have no fear of their hereafter, that when Death lays the body low, there is an end of man.

No ! men cannot believe thus. They will not have such belittling views of man. Their aspirations and their desires are to live again, and reason suggests that they *shall*. And so they are prepared for the magnificent announcement that there shall be a resurrection of the dead. Though this announcement may not resolve all the mysteries connected with man's future being, it does give him a *rock* on which to build his hopes. And as an Ambassador of Christ, we may testify

to our faith in this glorious doctrine, as we have the emblems of man's mortality before us. And here, in the presence of such an assembly, may we point to the *promtse* and the *power* of Almighty God for the fulfillment of our expectations. This is *the rock* on which the Christian builds his hopes. God hath *said it*, and he has *power* to fulfill the declaration that "the dead shall hear the voice of the Son of God and live."

But along with this comes from the same book, that other declaration in which all are interested, high and low, rich and poor, learned and unlearned—after death the Judgment—not the judgment of man, but the Judgment of Almighty God. And in view of this, all, without respect of persons, are told, that in order to meet that Judgment, they need some other righteousness than their own, even the righteousness of Jesus Christ, which is by faith.

Now, my friends, these truths which we have thus briefly stated, were felt in all their importance by him whose prostrate form is before us, and they who knew him best, feel that it is an act of justice to his memory that a glimpse of his inner and retired life should be given. We comply with their wishes; not—let us be distinctly

understood—not for the purpose of securing testimony to the truth of Christianity from a Judge. Christianity has too much external and internal evidence, that appeals to every man's reason and judgment to require such testimony. No—we speak that the departed may have justice done to his memory.

Judge MORRIS, when on his sick bed, in 1854, had his mind specially called to religion; and then and there received impressions that remained with him until his death. One who was his nearest and dearest friend says, that since that time the Bible was his constant companion when in his retirement. To her he imparted his intention to espouse his Maker's cause, by becoming a communicant in His Holy Church, and he had selected one of the Presbyterian Churches in the City, (the Rev. Dr. Adams') as the place where he would number himself with the regular worshippers. Being weak in body, and impressed with the idea that his life would not be long, his thoughts naturally were directed to the last great change, and the needed preparation to meet it. And often, in the still hours of the night, when he was upon his bed, unable to sleep, he was engaged in prayer. He was brought, where it is

hard to bring men, to that point when he would confess himself a sinner, and that only the Atonement could meet his wants. One whose Christian experience is large was sought by him, and to her he unbosomed his thoughts, confessing himself a sinner, recognizing the need of regeneration by the Spirit, and salvation by Christ. It was only last Sabbath that he said—"I have hope only through the blood and righteousness of Jesus Christ." He wanted no other Mediator to stand between him and his God. Just as he was breathing out his spirit into the hands of God who gave it, the last words he uttered were, "I AM NOT AFRAID TO DIE"—"GOD BE MERCIFUL TO MY SINS."

We leave you, my friends, to draw your own inferences. But we cannot fail to impress upon you all, the duty of thinking of your hereafter *now*. It is only because men neglect to *think* on this subject that they live without Christ, and die without hope. While by this dispensation of God's Providence we may all learn "to cultivate towards each other sentiments of kindness, charity and forgiveness." May it not also teach us all—how short is life—how certain is death. And may it not also lead us all to turn to that Savior

who has brought life and immortality to light. Of old it was written—"O death, I will be thy plagues—O grave, I will be thy destruction." And in the fullness of time, he of whom this was written, came, and entering the dark valley, that he might taste death for man, he came forth in triumph, with the exultant language—"I *am* he that liveth, and was dead ; and behold, I am alive forever more ; and have the keys of hell and of death."

"O death, where is thy sting?
O grave, where is thy victory?"

What shall be compared to such knowledge? Who can slight the teachings of such a Gospel? We pray that you may all be led to consider that you not only must die, but that you also need a preparation for death, in that repentance for sin and regeneration by the Spirit, which is accompanied by that faith in the atonement of Jesus Christ by which men alone can be saved.

At the close of these remarks, Mr. TEN EVCK offered an appropriate prayer, and pronounced the Benediction.

The Closing Ceremonies.

The sorrowing relatives and friends of the Deceased, having surrounded the Body, and taken their "last long-lingering look" of one who was so dearly beloved; the Coffin, preceded by the Rev. Messrs. TEN EYCK and CHIPMAN, was then borne by hand from the Mansion to the Vault of the Church in Astoria, from whence it is to be removed to the Family Vault at Morrisania. The Pall-Bearers, were Judges MITCHELL, ROOSEVELT, CLERKE and COWLES, (associates of the late Judge on the Bench of the First Judicial District,) Ex-Judge EDMONDS, Mr. CHAS. O'CONNOR, Mr. DANIEL LORD and Mr. DAVID E. WHEELER. The Procession, which was very numerous, moved two and two—Immediately after the Pall-Bearers came Doctors BAYLIES, Sen'r and Jun'r—who, with the Clergymen and Pall-Bearers, were robed in the usual white scarf—Mr. MARCENA MONSON, the Father-in-law of the deceased Judge; Mr. JAMES L. MORRIS, Mr. WILLIAM. L. MORRIS, Mr. LEWIS G. MORRIS, his Brothers; Mr. MARCENA MONSON, Jun'r, (formerly Assistant Postmaster of the deceased,) Mr. JAMES A. HAMILTON, Mr. THOMAS W. LUDLOW, his Brothers-in-law; and very many other members of the family, and his personal and professional friends. The Rev. Mr. CHIPMAN conducted the funeral services at the Vault, in a very feeling and eloquent manner. The whole scene was solemn and impressive, and the flags of the Village, as well as those on the ferry boats, were half mast, out of respect to the memory of one who, while living, was beloved, and is now mourned as among the dead.

Death Abolished by our Savior.

Funeral Sermon

DELIVERED BY THE

REV. BENJAMIN F. STEAD,

Pastor of the Presbyterian Church, Astoria, on Sunday, Dec. 23, 1855.

II. TIMOTHY, i, 10.

— OUR SAVIOR JESUS CHRIST, WHO HATH ABOLISHED DEATH, AND HATH BROUGHT LIFE AND IMMORTALITY TO LIGHT THROUGH THE GOSPEL.

We have, in this Epistle, a beautiful illustration of the power of the Gospel to support and comfort those who truly receive it.

It was written by one who was a prisoner for the Gospel's sake, an ambassador of Christ in bonds. He had been called to speak before the Roman tribunal, and had successfully defended himself against the first charge brought against him.

His Earthly friends, with perhaps a single exception, had deserted him, but his Heavenly Friend

stood by him. He was strengthened by the power of God's Spirit, and pleaded the cause, not of himself only, but of the Gospel.

Although acquitted on the first charge, he was remanded to prison, and was there awaiting the second stage of his trial. Paul did not expect a final acquittal, but looked for his death there in Rome, a martyr for Christ.

But not with fear and trembling did he anticipate that event ; on the contrary, he expresses his feelings in that sublime strain of triumphant hope, which has cheered many a Christian and nerved the heart of many a martyr. "I am now ready to be offered, and the time of my departure is at hand. I have fought a good fight ; I have finished my course ; I have kept the faith : henceforth there is laid up for me a crown of righteousness, which the Lord, the righteous Judge, shall give me at that day, and not to me only, but to all them that love his appearing."

If you ask the foundation of this good and glorious hope, you will find it in our text, it rested only upon "Our Savior Jesus Christ."

The very first sentence of Paul's First Epistle to Timothy expresses this sentiment : "Paul, an Apostle of Jesus Christ, by the commandment of

God, our Savior, and Lord Jesus Christ, which is *our hope.*"

Christ is the ground of the Christian's hope. All that he hopes for, is through Christ. Christ is the object of the Christian's hope ; to be like Christ ; to be with Christ, that is Heaven.

To one supported by this hope, the galling fetters, the gloomy dungeon, the bloody sword of the executioner lost their terror, and his only anxiety, was to inspire his Christian friends with the same holy, fearless confidence, which he felt himself.

Paul expected soon to die : to die in circumstances from which human nature shrinks, to die a violent death, to die as a criminal, to die amid the exulting shouts of his own and his Master's enemies ; but with calmness, and fortitude, and exultation, he could face this death and truly say, "None of these things move me."

What supported him ?

We can understand why the patriot warrior, or the patriot martyr boldly faces death. But no such motive could apply in the case of Paul.

It was not patriotism ; it was not the hope of posthumous renown. Apart from his confidence in his Christian principles, he could have no hope,

either for posthumous renown in this world, or for a happy life in another.

His energy, his fortitude, his peace of mind, all sprung from this one source, his FAITH.

He said, "I believe, and therefore preach." With equal truth, he might have said, "I believe, and therefore die."

In regard to himself, Paul believed, that although he was a sinner—yea, the chief of sinners—he was a pardoned sinner ; that in Christ he had redemption through his blood, the forgiveness of sins according to the riches of God's grace ; that being in Christ he was not under condemnation, and being justified by faith, he had peace with God through our Lord Jesus Christ : he knew in whom he believed, and that our Lord and Savior was able to keep that sacred deposit which his servant had committed to him : being fully persuaded that the promises of God were faithful, and worthy of all acceptation, he rejoiced with joy unspeakable and full of glory.

In regard to his future destiny, Paul felt perfectly at ease. He valued his life as needful to the Church, but he regarded death as really desirable, because then he should be with Christ. He knew that his body might be treated with indig-

nity, the scorn and sport of the multitude on a Roman Holiday, but he believed the Savior, the Lord Jesus Christ, would change his vile body that it might be made like unto Christ's glorious body. He believed, that in a moment, in the twinkling of an eye, at the last trump, his body should be raised incorruptible, and the mortal would put on immortality ; that death should be swallowed up in victory, and that God would give him the victory through our Lord Jesus Christ ; that having thus been raised up, his soul reunited to his body, made incorruptible, glorious and spiritual, he should be forever with the Lord. This was Paul's creed in regard to his personal salvation, soul and body, through our Lord Jesus Christ. These expectations were not founded upon the indications of nature, or the speculations of philosophy, or the fictions of imagination, vainly shrinking from a gloomy and uncertain future, but upon the sure word of God.

All this is summarily contained in our text and its connection. " God hath not given us the spirit of fear ; but of power, and of love, and of a sound mind. Be not thou therefore ashamed of the testimony of our Lord, nor of me, his prisoner : but be thou partaker of the afflictions of

the Gospel according to the power of God : who hath saved us and called us with a holy calling, not according to our works, but according to His own purpose and grace which was given us in Christ Jesus before the world began ; but is now made manifest, by the appearing of our Savior Jesus Christ, who hath abolished Death and hath brought life and immortality to light through the Gospel."

If we place along side of this Christian hope, that of any heathen, of the wisest and best men, destitute of Divine Revelation, we must be struck with the contrast. In these days, and in these Christian lands, when all our sentiments are so pervaded with the hope of immortality, we can scarcely conceive of the intense darkness which brooded over the human mind in the days of Paul.

We know enough of the great men, both of Grecian and Roman history, to be assured that their sentiments, their motives, their actions, were in no measure controlled by the hope or the fear of a future existence.

The hope of a future state is styled by Cicero "a surmise of future ages." "It is," said Seneca, "a most pleasant thing promised, rather than proved, by our great men."

At his death, Socrates spoke thus : " I hope to go hence to good men, but of that I am not very confident, nor doth it become any wise man to be positive that so it will be." " I must now die," said he, " and you shall live, but which of us is in the better state is unknown to all except to God."

If such was the gloomy uncertainty that brooded over the human mind, without Divine Revelation, how well is it said that our Savior Jesus Christ hath abolished Death and brought life and immortality to light through the Gospel.

But so far as there existed a sentiment of immortality, how different was it from the Christian sentiment. It was not founded upon any substantial basis. It rested upon dreamy metaphysical reasoning, upon foolish traditions, upon absurd mythologies ; while our Christian sentiment is based upon the most authentic facts, upon the infallible word of God himself, upon the work and promises of Him who was manifestly the Son of God.

How different too, the Christian doctrine in regard to the nature of that existence.

The heathen notions were gross, sensual, absurd, but the Gospel reveals for the righteous a state of enlarged knowledge, of purity, of happi-

ness, in harmony with our spiritual nature, and with the character of a holy God.

The expression used by the Apostle, that our Savior hath *abolished Death*, seems to be an illusion to the idea of Death as a reigning power, as a tyrant ruling over men with relentless severity. That tyrant shall be destroyed. In the apocalyptic vision of John, Death was cast into the lake of fire. The incarnation of the Son of God was to the end, that through Death He might destroy him that had the power of Death. And in his argument for the resurrection of Christ, and his statement of the resurrection of believers, Paul declares that Christ must reign until He hath put all enemies under His feet, and that the last of His enemies, Death, also shall be destroyed.

This final triumph is the object of Christian hope. There is, indeed, a sense in which Christ has actually abolished Death, nullified his power, taken away his sting ; but that blessing is apprehended only by faith, is realized only by those who walk by faith, and live as seeing the things that are invisible.

To the eye of sense, Death yet reigns, and really and fatally over those who love not Christ.

They, indeed, remain substantially in the condi-

tion in which we may presume all mankind would have been, had not the Grace of God provided a Savior.

Take away the hope of Salvation, and how gloomy the prospect.

How universal, how absolute the reign of Death. He puts an end to earthly projects ; in that day earthly plans are brought to naught.

He strips of earthly possessions : as we brought nothing into this world, so it is certain we can carry nothing out. He levels all ranks. The small and the great are there. Death is an inexorable and an impartial enemy. No wealth can bribe him ; no tears can move him : the strength of the strongest cannot withstand him ; the skill of the wisest cannot baffle him. None can redeem himself from Death, nor give a ransom for his brother.

Thus absolute, seems the reign of Death, and yet it is true, this assertion of our text, that our Savior Jesus Christ hath abolished Death. True, the ancient edict still remains. "Dust thou art, and unto dust thou shall return," but the dissolution of the body is of itself an event comparatively insignificant.

Thus certainly, it may be regarded by those

who can say, "We know that if our earthly house of this tabernacle were dissolved, we have a building of God, a house not made with hands, eternal in the heavens."

Christ hath abolished Death, by delivering His people from all the evil consequences of Death. To them, Death is no longer a leap in the dark, no longer a dreadful uncertainty, but only a change from imperfection to perfection, from ignorance to knowledge, from a world of sorrow to the comfortable presence of God. In the light and hope of the Gospel, the death of the body is only a temporary sleep : it is the decay of a tent, in the place of which shall be erected a building of Divine workmanship and durability.

Such is the Gospel doctrine on this most interesting subject. It is well and briefly expressed in these words : "The souls of believers are at their death made perfect in holiness, and do immediately pass into glory : and their bodies being still united to Christ, do rest in their graves until the Resurrection."

In the prospect of death, or in the death of those precious to us, what could be more comforting than this hope of a future life. A hope so well founded, resting on the most rational and

substantial grounds ; a hope of a life to come of perfect purity from sin, and exemption from sorrow ; a life of enlarged and ever increasing knowledge, of perfect peace, of endless and uninterrupted happiness. This is an adequate support under all the ills of life.

To one strong and unwavering in this faith, and whose heart is fixed in the love of God, death has lost its terrors. To such, dying is but going home. Blessed Gospel, that reveals to us this glorious truth ! Blessed hope, that can support us in every trial of life or death !

In every age, Christ's people have found their strength and their hope in these blessed promises of God.

For more than two hundred years, the excavations under the City of Rome were the refuge of the persecuted Christians. During those days of persecution, those caves were at once, dwelling, temple and sepulchre, for the people of God.

When the Roman Empire fell, these catacombs were neglected, their entrances were closed up, and for a thousand years, they were well nigh forgotten. In the latter part of the 16th Century, they were opened, and many of their treasures were brought to light. Three thousand marble slabs, with

their various inscriptions, were brought out and placed in the wall of a long gallery, at the entrance of the Vatican Museum. There the traveler may now read the annals of a noble army of Martyrs.

This exhibition is rendered more impressive by the fact, that on the opposite side of the gallery are arranged a multitude of inscriptions, taken from heathen monuments.

How great the contrast! On the one side are dedications to heathen divinities, embellished with the symbols of the Roman heathen mythology, all full of gloom : no Hope, no Heaven, no Resurrection.

On the other side, is every emblem and every expression of faith, and hope, and blessedness. Usually the inscription is accompanied by a monogram of the name, CHRIST, showing the source and ground of all their hopes.

Among the inscriptions are such as these ; the name of the deceased, with the words, " He sleeps," or " He sleeps in Peace." The symbols employed illustrate the hopes and doctrines of the persecuted infant Church : there is the palm leaf, sometimes a wreath, sometimes a branch, signifying victory over Death, and a crown beyond this

life : there is the anchor, the emblem of Christian hope : the Cross, the emblem of Christian faith : the dove, the ship under full sail, heavenward bound : the letters A Ω, the apocalyptic title of Christ. All these are full of glorious meaning, and show what it was that sustained these Christian worthies in enduring persecution even unto death.

The ground of a Christian's belief on this subject of a future life, and of the Resurrection, is simply in Divine Revelation. Here, nature is dumb. No reasoning concerning matter or spirit can satisfy us. The man whose faith is founded on such a basis, can hope only amid fears and apprehensions. The ground of our belief must be a "Thus saith the Lord," our "faith should not stand in the wisdom of men, but in the power of God."

Satisfied that we have God's word in these Scriptures, we come with confidence to them for light and consolation.

Who of us does not need this light, when we consider our own rapid progress to the end of our earthly career ?

Who of us does not need this consolation, when we consider those dear to our memory, whose mortal bodies are slumbering in the dust ?

We believe that Jesus died and rose again, and we also believe that those who sleep in Jesus, God will bring with Him. The pious dead sleep in Jesus. Precious words! The redeemed spirit is in Paradise with its Lord. The body sleeps in Jesus. It awaits the hour of its Resurrection. It is still united to Christ. Such is the utterance of the voice from Heaven.

“Blessed are the dead which die in the Lord.” Their Spirits are forever with the Lord: their bodies rest in hope.

A Christian youth was being borne to the tomb. The venerable father follows, and to the young men bearing the precious object, he says: “Step lightly, young men, step lightly, you bear a temple of the Holy Ghost.”

A Christian body is a temple of the Holy Ghost, and when it is laid down to its last long sleep, the Son of God that redeemed it, still regards it with interest and affection.

It may slumber long, but still, He with whom a thousand years is as one day, watches faithfully the sacred dust.

As the mother watches her sleeping babe, so does our glorious Savior watch each redeemed body, until the time of the first Resurrection.

The centuries that your departed friends may sleep, are to the eternal God no longer than is the hour of the babe's slumber to its watching mother.

But while the body thus rests in hope, the Soul is active and happy in the presence of the Lord. In God's appointed time the final glorious change shall come, when the dead in Christ shall be raised, when the living righteous shall joyfully greet the coming of their Lord, and changed into His glorious likeness, with the pious dead of every age, they shall be perfectly holy and happy, both in soul and body, in the immediate vision and fruition of God the Father, of our Lord Jesus Christ, and of the Holy Spirit, to all eternity. This is the life, brought to light in the Gospel. This the Eternal Life, freely offered as a gift through our Lord Jesus Christ.

All this, and more than heart can conceive, is included in that closing sentence of Paul's description of the happiness of the Christian dead.

(*I. Thess.*, iv., 13-17.)

—— “So shall we ever be with the Lord.”

“For ever with the Lord,”

Amen, so let it be!

Life from the dead is in that word,

'Tis immortality.

Here in the body pent,
 Absent from Him I roam,
 Yet nightly pitch my moving tent
 A day's march nearer home.

My Father's house on high,
 Home of my Soul, how near,
 At times to faith's foreseeing eye,
 Thy golden gates appear!

"Knowing as I am known,"
 How shall I love that word!
 And oft repeat before the throne,
 "For ever with the Lord."

The tomb shall echo deep
 That death-awakening sound:
 The Saints shall hear it in their sleep
 And answer from the ground.

Then when they upward fly,
 That Resurrection word
 Shall be their shout of victory,
 "For ever with the Lord."

That Resurrection word,
 That shout of victory,
 Once more, "for ever with the Lord,"
 Amen, so let it be.

This is what God's word teaches us to hope for ourselves, if we receive Christ to our hearts.

This is what God's word teaches us to hope for our friends who have departed in the faith of Christ.

It is in this light and with this hope that we

would contemplate the death of one who has recently been removed from us.

The Hon. ROBERT H. MORRIS, to whose memory we offer a brief tribute, and of whose death we wish to speak, in connection with the religious truths just presented, although not permanently a resident among us, we were wont to regard, on account of his connection and frequent sojourn with an esteemed family of this congregation, and his occasional presence in this House of Worship, as really one of us.

The public life of Judge MORRIS has already been spoken of in the appropriate places. He has been eulogized, highly indeed, but we believe not unduly, as a Lawyer, a Magistrate, a Judge. His compeers in these various positions have spontaneously uttered their sentiments of respect and admiration for his talents, his industry, his integrity.

His courtesy, his generosity, his benevolence, his philanthropy, have been well and truly characterized.

It is not the office of the Minister of Christ, from the desk consecrated to religion, to indulge in indiscriminate eulogies on mortal men, the living, or the dead ; but it is becoming and proper

to recognize the virtues of our departed friends, and to magnify the Divine Grace which we regard as the source of all moral excellence, and the only ground of hope for any of our race.

Being absent on a Christian duty at the time of his disease and funeral, I follow both the suggestion of my own mind and the wishes of those nearest to him, in performing this service, which, from various circumstances, has been necessarily postponed until this day. Although my opportunities for personal acquaintance and intercourse with Judge MORRIS were somewhat limited, they were sufficient to inspire a high degree of respect and a sincere interest in his spiritual welfare.

On the subject of religion I found him entirely accessible, ready to converse on the most serious topics : while the tenor of his conversations indicated his recognition of the reality and importance of religion as a personal matter.

When in the House of God he appeared as a candid and devout listener. I well remember his allusion to a discourse which he heard from this pulpit, on "Man's judgment of himself, contrasted with God's judgment." Meeting him during the week he expressed himself in such terms in regard to the subject, as indicated a spirit of in-

terest, and as I hoped, a sense of those great practical truths of religion, the sinfulness of man and the holiness of God.

Judge MORRIS never made a public profession of religion.

This is a matter of regret. There is no intellect so lofty as to be exempt from allegiance to Christ. There is no position so high that it may not be ennobled by the influence of Christianity.

I am glad to say, however, that our honored Friend recognized this in expressing to her ever nearest to him, his intention to make such a profession, and his conviction, that every one conscious of the change, which he had realized in his own feelings, should before the world avow God as his Guide and Savior. That in his case it might have been made consistently and properly, we believe was happily indicated by the whole tenor of his last days.

We all knew Judge MORRIS as a man of most cheerful temperament, of most genial disposition, of most unlimited kindness.

The poor heard of his death with sorrow, and felt that they had lost a friend.

I think that, without exaggeration, we may apply to him the language of the patriarch Job in

the vindication of himself against unjust accusations.

“ When the ear heard me, then it blessed me ;
 And when the eye saw me, it gave witness to me :
 Because I delivered the poor that cried,
 And the fatherless, and him that had none to help
 him.

The blessing of him that was ready to perish came
 upon me :

And I caused the widow’s heart to sing for joy.”

(*Job*, xxix., 11–13.)

In speaking of his domestic character, I feel that I am approaching holy ground. There are those, it is to be feared, who appear best away from home ; who keep their good manners and kindness for exhibition in public, rather than to be used at home.

Such was not the case with our deceased Friend. Those who knew him best esteemed and loved him most. He was a joyous light in his household. Only those who have heard the expressions of those most near, can conceive of their estimate of their loss in his death. His private life was of unsullied purity, and in his domestic relations his fidelity and devotion were unsurpassed.

Since the time of Judge MORRIS' serious illness, more than a year ago, his mind had evidently been especially directed to the subject of his spiritual condition.

God's Word was his daily study. Often was he seen with folded hands, and moving lips, lifting up his heart to that God who has revealed himself as the hearer of prayer, and who has graciously promised in answer to prayer, to bestow every spiritual blessing. On the Lord's Day, all professional studies were laid aside, and although physical infirmities kept him from the House of God, he found in the Holy Scriptures appropriate subjects of study and conversation.

He was familiar with the Scriptures, and often as he studied some point of law, with his surviving companion sitting beside him, he would turn to her and repeat some text as confirming or illustrating his view of the subject in hand.

Taught by that Divine Word and Spirit, on the last Sabbath of his life, when in his ordinary health, and having no apprehension of his dissolution, he made this good confession :

“ I HAVE HOPE ONLY THROUGH THE BLOOD AND RIGHTEOUSNESS OF JESUS CHRIST.”

When, unexpectedly to all, but perhaps least so

to himself, his last hour came, he calmly said, "I AM NOT AFRAID TO DIE," and expired with a peaceful reliance on the mercies of the Almighty, through the merits of our Lord and Savior Jesus Christ.

This mercy of our God through our Savior Jesus Christ, is the only ground of hope for ourselves or for our friends. This we feel to be a sufficient ground. Our warrant is the *true sayings of God*, the completed work of redemption wrought by Him who is *Mighty to save*. Let us, however, remember, that the promise is to those who believe. Jesus saith: "I am the Resurrection and the Life: he that believeth in Me, though he were dead, yet shall he live: and whosoever liveth and believeth in Me, shall never die."

Dost thou believe on the Son of God?

This clear light from Heaven, this wonderful revelation of Divine love, has been granted us, that we might be stimulated to attain that glory which shall be revealed. The light of the Gospel which so illumines the narrow path, casts a still deeper gloom over the broad road.

The dying heathen goes into the future world with only apprehensions of unknown evil, but he who from the midst of Gospel light goes down to death in impenitence and unbelief, has before him

“a certain, fearful looking for of judgment and fiery indignation.”

Heaven's glories are set before us as an object to be striven for. “To them, who by patient continuance in well doing, seek for glory, and honor, and immortality, God will render eternal life.” Each one of us is rapidly advancing towards the close of this present life. That event settles ultimately each man's condition. The second death stands under the shadow of the first; and He only can deliver us from the one, who in His own glorious Resurrection triumphed over the other.

While we joyfully hope for our departed friends in Christ, let us not ourselves neglect the Great Salvation. But seeking to be made free from sin, and becoming servants of God, may we have our fruit unto holiness, and the end everlasting life. For the wages of sin is Death ; but the gift of God is Eternal Life through Jesus Christ our Lord.

APPENDIX.

THE EXECUTIVE

AND

THE RECORDER OF THE CITY OF NEW-YORK.

TO THE PUBLIC:

As I know that Governor Seward, after having written to me for my answer to charges preferred by him against me, has, without waiting for my defence, recommended to the Senate my removal from office, I deem it due to the public and to myself to publish the annexed correspondence. I received the Governor's communication on Saturday, the 2d of January, which concludes thus: "I shall expect a reply at your *earliest convenience*." I immediately acknowledged the receipt of it, and stated, "I will at the earliest moment my business in Court will permit, (the January Term of the Court of Sessions will commence on Monday,) reply to it." I finished my reply on the 8th of January, and forwarded it on the 9th, and yet the Governor, notwithstanding the severe storms which for days interrupted the course of the mails, on Tuesday, the 12th, without waiting for my justification, recommended to the Senate my removal from office.

ROBT. H. MORRIS.

JANUARY 15, 1841.

EXECUTIVE DEPARTMENT, {
Albany, December 29, 1840. }

SIR.—My attention has been called to a charge published in several newspapers in the City of New-York, purporting to have been delivered by you to the Grand Jury impaneled for the General Sessions of the peace of the City and County of New-York in November last

In that charge you give an account of certain official proceedings in which you had been engaged, and you state, among other things, that you proceeded in the night time to the house of a citizen, and demanded of him certain papers sealed in a package which had been delivered to him for safe keeping, by an individual against whom a criminal complaint had been made before you, but which complaint did not involve any charge of having unlawfully obtained the papers so demanded; that upon the said citizen hesitating to deliver the package, you declared to him that if he did not deliver it, you would search for the papers and seize them by force, by virtue of your authority, as a Magistrate; and that under the coercion of the threat the papers were delivered to you, and in the charge before mentioned, you vindicate this conduct, and maintain that it was strictly legal and proper.

The most mature deliberation has satisfied me that in the case stated, any search warrant for the private papers of the accused, which papers were not alleged to have been feloniously stolen or unlawfully acquired, would have been a violation of the most sacred private rights and of the most cherished principles of civil liberty, and that the seizure of such papers, in such case, by you as a judicial officer, without warrant on oath, was more aggravated than the issuing of a search warrant would have been, because it was a mingling of executive and judicial functions derogatory to your station, and dangerous to the citizen. In availing yourself of your station as a Judge, to spread your defence and vindication of these proceedings, before the body to whom was assigned by law the duty of inquiring into your conduct, and who were restricted to the evidence, and could have only the Counsel on the part of the people, you not only obtained an improper advantage denied to all other citizens in similar circumstances, but furnished an example to other judicial officers, which, if permitted to pass without censure, may become a precedent of the most alarming tendency.

With these views I shall deem it my duty to recommend to the Senate your removal from the office of Recorder of the City of New-York, unless you deny the fact of having delivered the published charge, or unless you can change the conviction of my mind in respect to the illegality of the specified proceedings, by some

legal adjudications, or by expositions of the common law by elementary writers of established authority, and which adjudications and expositions shall be other than those referred to in the charge.

I do not call upon you for any facts or proofs in relation to the case that was the subject of the complaint before you. With them I have no official concern in the present stage of the proceedings, and they can have no bearing upon the points presented in this letter. Every Judge, and every Justice of the Peace, has the same right and power of search that you can lawfully claim, and if the power of search be possessed by such officers to the extent in which you have exercised it and maintained it before the Grand Jury, the dwellings of our fellow-citizens, whether they be innocent or guilty of offence against the laws, their family affairs, their private transactions, and even the meditations of their hearts, are all exposed at the discretion of a Magistrate, and we are without safeguards against oppression and the abuse of power.

If our laws have designed to produce such a state of society, the innocence of the party accused in the proceedings before you, cannot change laws; and on the other hand your conduct, if it was hostile, as I believe it was, to the spirit and letter of our statutes, cannot be excused by the criminality of the individual in whose person the wrong has been consummated.

Nor do I call upon you for any proofs in relation to the fact of your having delivered the published charge. Your denial or admission will for the present be sufficient.

You will perceive, therefore, that if you deny the fact of having delivered the charge published there will be no occasion for further action, and that, if you admit that fact, all that in the present view of the case is called for, are the authorities before mentioned, bearing upon the legality of your proceedings, with such comments on those authorities as you may think proper to make. I shall expect a reply at your earliest convenience.

I am your obedient servant,

WILLIAM H. SEWARD.

The Hon. ROBERT H. MORRIS, Recorder of the City and County of New-York.

New-York, January 2, 1841.

TO HIS EXCELLENCY GOV. SEWARD :

SIR,—Your letter of the 29th of December, was received by me this morning, at half past 10 o'clock. I will at the earliest moment my busi-

ness in Court will permit, (the January Term of the Court of Sessions will commence on Monday,) reply to it.

Very respectfully, yours, &c.,

ROBERT H. MORRIS,
Recorder of the City of New-York.

TO HIS EXCELLENCY WM. H. SEWARD, GOVERNOR OF THE STATE OF NEW-YORK :

SIR,—Professional and official duties have prevented an earlier reply to your Excellency's letter of the 29th December ult., the receipt of which I acknowledged by my note to your Excellency of the 2nd of January inst.

Your Excellency's letter informs me that your Excellency's "attention has been called to a charge published in several newspapers in the City of New-York, purporting to have been delivered by you" [me] "to the Grand Jury impaneled for the General Sessions of the City and County of New-York, in November last." To which charge your Excellency takes exception, as well as to my conduct detailed in that charge.

Your Excellency also uses the following language: "I shall deem it my duty to recommend to the Senate your removal from the office of Recorder of the City of New-York, unless you *deny the fact* of having delivered the charge, or unless you can change the conviction of my mind in respect to the illegality of the specified proceedings, by some adjudications or by expositions of the common law by elementary writers of established authority." And your Excellency adds, "Nor do I call upon you for any proofs in relation to *the fact* of your having delivered the published charge. Your denial or admission will for the present be sufficient.

You will perceive, therefore, if *you deny the fact* of having delivered the charge published, there will be *no occasion for further action*.

I cannot call to recollection any act of mine, or any occurrence in my official communications with your Excellency, which should induce your Excellency to suppose I could, under any circumstances, *deny a "fact"* of which I had personal knowledge ; or that could create a suspicion in your Excellency's mind that I would permit two months to elapse, after the public prints had given in their report of the proceedings of the Court of Sessions, a charge to the Grand Jury, purporting to have been delivered by me, without denying its authenticity, if I had not delivered it ; and I am at a loss to determine how your Excellency could, with a proper regard to a sense of duty, receive from me a denial of this "*fact*" as a circumstance which would destroy all "*occasion for further action*."

I did deliver to the Grand Jury of the City and County of New-York, at the November Term of that Court, a charge to which I presume your Excellency refers ; though your Excellency has not informed me of the name of the paper in which your Excellency read it. Your Excellency informs me, "The most mature deliberation has satisfied" you "that in the case stated, any search warrant for the private papers of the accused, which papers were not alleged to have been feloniously stolen or unlawfully acquired, would have been a violation of the most sacred private rights, and of the most cherished principles of civil liberty." Your Excellency also expresses an opinion that my conduct "was hostile to the spirit and letter of the statute."

These two last extracts from your Excellency's communication to me, indicate that your Excellency supposes that in my charge I contended that a search warrant could be issued for the private papers of the accused, which papers were not alleged to have been feloniously stolen; and that I claimed that the spirit and letter of the statute authorized such search warrant. In my charge I expressly state that no search warrant can be issued for the papers of the accused, and that the statutes do not apply to the case of my taking the papers; and I also stated, that if no other legal authority existed for making search than the statutes, my conduct was indefensible.

To avoid any further misapprehension on this subject, on the part of your Excellency, I will make an extract from my charge.

"This conduct of mine is contended to have been illegal—and if, after the censures which have been passed upon me, for my previous conduct in this investigation, is made the most prominent act of my alleged offending."

The 11th section of the Bill of Rights, 1st Revised Statutes, 2d edition, page 84, states:

"The right of the people to be secure in their persons, houses, papers and effects, against *unreasonable search and seizure*, ought not to be violated; and no warrants can issue but upon probable cause, supported by an oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

This section shows that a *reasonable search and seizure* is not a violation of the people's rights.

[2 Revised Statutes, 625, sections 25, 26, 27, 29.]

§ 25. Upon complaint being made on oath to any officer or Magistrate specified in the Second

Title of this Chapter, as authorized to issue warrants for the apprehension of offenders, that any personal property has been stolen or embezzled, and that the complainant suspects that such property is concealed in any particular house or place, if such Magistrate be satisfied that there is reasonable ground for such suspicion, he shall issue a warrant to search for such property.

§ 26. Such a warrant shall be directed to the Sheriff of the County, or any Constable or Marshal of the Town or City, and shall command him to search the place where such property is suspected to be concealed, in the day time, (which place shall be particularly designated, and the property shall be particularly described in such warrant,) and to bring such property before the Magistrate issuing the warrant.

§ 27. If there be positive proof that any property stolen or embezzled, is concealed in any particular house or place, the warrant may authorize the search of such house or place in the night time.

§ 29. Any Magistrate who shall commit any person charged with any offence to prison, or by whom any vagrant or disorderly person shall be committed, may cause such person to be searched for the purpose of discovering any property he may have; and if any property be found, the same may be taken and applied to the support of such person while in confinement.

These sections of our statutes have been relied upon to show that I acted not only without law, but against the express letter and spirit of the law. These sections, with the exception of section 11, from the Bill of Rights, have no application whatever to the question whether I had a right to

search *for written testimony* against Glentworth. Before referring again to the 11th section of the Bill of Rights, which, in my judgment, sanctions the course I pursued, I will show what those sections do mean, and to what interests they are applicable.

The sections 25, 26 and 27, which I have read to you, are for the same object. They give to a Court or Judge exercising criminal jurisdiction, the power to issue a warrant for civil, individual redress. Upon the warrant mentioned in those sections, an individual's property is reclaimed and delivered to him ; such warrant is to answer the same object that is accomplished by writ of replevin in civil Courts. These sections do not contemplate, nor do they authorize a search warrant, or to search property or papers for evidence of guilt. A search warrant cannot be issued to search for the property of the accused, to be used as evidence.

The 29th section is only for the purpose of authorizing the Magistrates to take from the person accused property belonging to the accused, and to apply such property to pay his maintenance while he is imprisoned. If these sections were the only law authorizing Magistrates and officers to search the premises of accused persons, and take therefrom property, then there would be no law to authorize the persons and the premises of accused persons, and his papers to be searched : and there would be no right to take from the premises of accused individuals, either counterfeit bills, or weapons with which murder had been committed.

It is, therefore, perfectly apparent, if these sections of the statute are applicable at all to the question, growing out of my taking Glentworth's

papers, that they establish that under no circumstance is there legal right, by warrant or otherwise, to search the person, house or papers of an accused person, to find evidence tending to prove his guilt.

Your Excellency will therefore perceive, that I take precisely the same view of the statutes, and of search warrants, that is so happily expressed in your Excellency's communication. It is with unfeigned satisfaction that I receive the high authority of your Excellency's opinion, formed as it has been, "after the most mature deliberation," that under no circumstance can a search warrant be issued for the papers of the accused, which have not been feloniously or illegally taken. I will hereafter, when I consider the law which justifies my conduct, again refer to your Excellency's opinion as conclusive in establishing the legality of my course.

Your Excellency is pleased to say, "I do not call upon you for any facts or proofs in relation to the case that was the subject of the complaint before you; with them I have no official concern in the present stage of the proceedings, and they can have no bearing upon the points presented in this letter." "If our laws have designed to produce such a state of society, the innocence of the party accused, in the proceedings before you, cannot change those laws; and, on the other hand, your conduct, if it was hostile, as I believe it was, to the spirit and letter of our statute, cannot be excused by the criminality of the individual in whose person the wrong has been consummated."

I am confident that your Excellency, after due reflection, will admit the propriety of my not following your Excellency's dictation, as to what is

or is not essential to my defence, as to what statement of facts are or are not necessary to the perfect understanding of the law, which I claim sustains the course I pursued. A Judge who is either to condemn or acquit, (at least in this republican land of equal rights, (leaves to the culprit the discretion and privilege of presenting his defence in such manner as his judgment dictates, to be best calculated truly to exhibit his innocence. I cannot, therefore, be instrumental in establishing a precedent which hereafter might be used as authority for a Judge to dictate to the accused the manner and substance of his defence ; and least of all, can I do so in a matter where the Judge dictating has prejudged the case, who has, in the language of your Excellency, determined that the conduct of the accused is "derogatory to his station and dangerous to the citizen," who says to the accused, unless you can change the "*conviction of my mind* in respect to the illegality of the specified proceedings," and who also states, "your conduct, *if it was hostile, as I believe it was*, to the spirit and letter of the statute," &c.

I will therefore claim and exercise the same right that all culprits enjoy. I will present to your Excellency all the facts and circumstances which I deem necessary to show that I am not obnoxious to the imputations made against me.

The first charge which your Excellency prefers against me is, that my taking the package of papers from Mr. Pierce was illegal.

That conduct I justify. I send with this communication copies of the affidavits of Jas. Young, Jonathan D. Stevenson, Patrick McArdle, John F. Raymond, Richard M. Blatchford and Robert C. Wetmore, witnesses examined before me, in the

matter of election frauds of the fall of 1838, and the spring of 1839. These are correct copies of the affidavits now in the possession of the District Attorney for the City and County of New-York. I made them a part of this my defence.

These examinations were all taken, before I went and obtained from Mr. Pierce the papers which are the subject of this charge.

The facts thus testified to, established in my judgment that there had been a conspiracy to subvert the fundamental principle of our Republican Government ; that among the conspirators were men of wealth, of high standing, of previously esteemed unexceptionable character ; men of talent and corresponding influence in the community. That testimony also satisfied my judgment that the conspirators had been successful ; that votes from Philadelphia had defrauded a majority of the electors of the City and County of New-York out of their just representation ; that adverse to the Democratic Republican principle of our institutions, which requires that the majority should be represented, the minority, through the aid of fraud and perjury, elected the officers.

The testimony of Patrick McArdle, and of John F. Raymond, taken in the order I have named them, were both examined on the 22d of October, separately from each other, and testified before Richard M. Blatchford and Robert C. Wetmore were examined. These affidavits showed the conspiracy, and that the conspirators were numerous, and Raymond's testimony, if true, showed that Robert C. Wetmore was a prominent and active conspirator.

Richard M. Blatchford was then examined : the first suspicious circumstance in Mr. Blatchford's

testimony is, when he first gives the date of the letter which is said to have been sent to Glentworth. He testified : " The following is a copy of the letter : New-York, October 31st, 1840. I have made a mistake, as this is written from a copy, and I ask leave to alter it. As altered it should read New-York, October 31st, 1838." This circumstance did excite suspicions in me. If the letter had been written for the purposes of the examination, then it would be natural, as it was written in 1840, that the person writing it would run into the figures of the year he was in the habit of writing ; it was also true that a person in 1840 copying a paper written in 1838, may write 1840 ; still my suspicions were excited, because it was so unprofessional for a lawyer of Mr. Blatchford's known standing and experience, to produce a copy of a copy from which to testify.

My suspicions were more excited when I heard Mr Wetmore testify, who was examined after Mr. Blatchford. Mr. Wetmore's testimony expressly contradicted the evidence of Mr. Raymond ; either his or Raymond's testimony must be corruptly false : at the time, I was impressed with the belief that there was less probability that Raymond, a subordinate politician, would falsely accuse his friend and leader, than that the leader should deny his own participation in the frauds. All these circumstances induced me to suppose that the conspiracy about which I was inquiring would affect individuals who would make desperate efforts to free their characters from obloquy.

The result of my observation has been—and I presume that of your Excellency is the same—that intelligent individuals, possessing wealth, of previously good character, of an elevated standing

in the community, surrounded by dependents, and connected in their social and political relations with the elevated and the influential, when suspected of the commission of a crime, will resort to more desperate means, to avoid detection and conviction, than low and ordinary culprits will presume to use; and that such delinquents, not unfrequently, to avoid the conviction of one offence, will either cause others to be committed for their benefit, or will themselves commit more heinous offences, to defeat the prosecution of the one suspected. As many of the individuals implicated by the testimony, in this most vile plot against freemen's rights and privileges—against the very foundation of liberty and our boasted democratic institutions, were men of the elevated and influential standing alluded to, I deemed it my duty as an officer, sworn to support our Constitution, and to perform the duties of my office according to the best of my abilities, to make every legal effort to obtain the receipts for moneys paid for the illegal votes mentioned in the testimony of Mr. Young and Mr. Stevenson, before they should be destroyed by those whose characters might be injured by their production.

If those could be obtained they would be, if I may so speak, *written* witnesses, who would tell the same story, "yesterday, to-day and forever;" witnesses who could not forget, or form ingenious and plausible misrepresentations, which would give to falsehood the semblance of truth. I believed, if those receipts could be obtained, they would be corroborations strong "as proofs of holy writ," of the truth of the transaction. I therefore went and obtained of Mr. Pierce the package of papers, as described in my charge to the Grand Jury.

This package of papers has since been opened—opened before my charge was delivered to the Grand Jury, and it contained the receipts alluded to, and other papers, showing the commission of the frauds. I annex copies of the papers as a part of my defence.

These papers are *a part of the res gestæ, a part and parcel of the fraud itself*, as much so as *counterfeit bills are a part and parcel of the act of counterfeiting*.

The facts to which I apply the law, and call your Excellency's attention, are—

An examining and committing Magistrate, in the course of his investigation into an offence, treasonable in its effects against the people of this State, discovers that receipts and memoranda given at the time the treason or conspiracy was in progress, by one set of the conspirators to other of the conspirators, for moneys paid by the last mentioned persons in consideration of the treasonable acts to be rendered and performed, are in the custody of the confidential friend of one of the parties implicated. The Magistrate, fearing that the receipts and memoranda will be destroyed, goes immediately, and in the night, to the dwelling of the confidential friend, and in his official capacity demands and receives the receipts and memoranda.

The receipts and memoranda proved to be of the description supposed, and are important evidence, showing the commission of the offence. Your Excellency has been pleased to state: "*Every Judge and every Justice of the Peace, has the same right and power of search that you can lawfully claim, and if the power of search be possessed by such officers to the extent in which you have exer-*

cised it, and maintained it before the Grand Jury, the dwellings of our fellow citizens, whether they be *innocent* or guilty of offence against the laws, their family affairs, their private transactions, and even the meditations of their hearts, are all exposed at the discretion of a Magistrate, and we are without safeguards against oppression and the abuse of power."

I fully agree with your Excellency that every Judge and Justice of the Peace has the same legal power of search that the Recorder of the City of New-York possesses, and contend that they not only have the right, but that it is their imperious duty, at the earliest moment after information reaches them, whether it be day or night, to enter the dwelling of the murderer—to search for the implements which caused the death, before the blood of the victim could be washed from the fatal weapon—to seek for the blood-stained garments of the culprit: to go into the house of the counterfeiter, to search for the implements of his felonious labors, and for counterfeit bills and coin: to enter the dwelling of the burglar for his bars, his false keys, his screws for forcing locks and doors; to enter the dwellings of conspiring traitors for written agreements of their conspiracy. This power does not authorize either them or the Recorder to invade the sacred private sanctuary of the honest and virtuous citizen; and least of all does it authorize them to usurp the power of the Deity, and search "the meditations of their hearts."

The abuse that might be made of a necessary power, never should be used as an argument against the power itself: for upon this principle, with equal truth it may be contended, that Magistrates

should not have the power of arresting and detaining criminals, lest they might abuse the power and arrest innocent citizens.

The power which I exercised has been used by the Magistracy of this City, for a period longer than we have been a nation, and has been exercised for the benefit and protection of the innocent citizen. To this City the apprehensions of your Excellency do not apply : neither can your Excellency's apprehensions with justice apply to the country. Although I am a native of this City, much of my early life was spent in the country ; and I know the sterling worth, the staunch integrity, the pure patriotism, the indomitable opposition to tyranny and oppression, and the strong practical good sense and intelligence of the inhabitants of the country. I have reason to know them ; the benefits I have received from their association, from their precept, example and principles, are invaluable to me. I also know their Magistracy, and knowing them as I do, I feel assured they cannot abuse the power delegated to them. Your Excellency's ardent patriotism has created spectre abuses that can never be realized.

Your Excellency's opinion, contained in your letter to me, to which I have before alluded, shows conclusively that no search warrant can be issued for the property of the accused, which were not alleged to have been feloniously or unlawfully acquired. I would remark, that if the property had been feloniously stolen, or illegally obtained by the accused, the property would not be the property of the accused, but would belong to the individual from whom he stole it, and the search warrant would be to take from the accused, property belonging to others—the ordinary case where

search warrants lie. As your Excellency could not have intended to speak of papers and property feloniously stolen, and unlawfully obtained by the accuser from the accused, the clear unembarrassed manner of stating your Excellency's opinion is, "that a search warrant cannot issue to take the property of the accused." In this opinion I fully agree with your Excellency, and the authorities certainly sustain us in that opinion. The only difference between your Excellency and myself is, that your Excellency is of the opinion that where a search warrant will not lie, then no search can be made; while I contend that there are cases where no search warrant can lie, and yet the Magistrate may search, or may direct others to make the search; and my opinion is, that it is always most prudent for the Magistrate to be present at the search, to direct it, so that improper acts should not be committed, and that strictly private rights and domestic affairs, in which the public's rights and interests were not concerned, should not be violated.

Was there not such power given by the law to Magistrates, and did not the Magistracy exercise it, the apprehension of your Excellency "and we are without safeguards against oppression and the abuse of power," would be fearfully realized.

We would have houses occupied by *hordes* of prowling miscreants, distributed through our Cities and Villages; from these houses—these castles—these Cities of refuge—counterfeiters would sally forth, and impose their counterfeit bills and coin upon the *innocent* citizen.

Should they be detected in passing a counterfeit bill or false coin, their persons could not be searched to see if they had other coin or bills of the same description. Their houses could not be searched,

for no warrant can be issued, as the counterfeit money and the implements would be the property of the accused, therefore the scienter could not be established. The same security and immunity would be extended to every grade and class of crime, and no one could be convicted unless taken in the act. Such *law* would produce *such consequences*, and the innocent citizen would be "without safeguards against oppression and the abuse of power" imposed and exercised upon them by the vile, the abandoned, and the felonious. There would be no redress for the innocent, because the law which your Excellency contends for, would be an impenetrable shield and a tower of strength, guarding the houses and the persons of depredators against the honest efforts of the despoiled, seeking protection and redress.

My case is not one in which I had invaded the sanctuary of a citizen's home, or made search amongst his private papers to obtain evidence of his having committed a crime. I took from a depository of a criminal, part of his criminal acts, and whether they were taken from a strong box, or hiding place, or a fiduciary, is of no consequence in determining the question of right. Nor is it important that in this case the *act* consisted of written papers, while in other cases they are counterfeit plates, burglars' tools, the implements with which murder has been perpetrated, or the bloody garments of the murderer. If a Magistrate has the right to search a house for such articles as these, then my conduct in seizing the Glentworth papers was clearly legal. Whether such a right exists, I shall very briefly discuss; first premising that as *we* have already seen, and you so clearly and strongly state, the rules appli-

cable to search warrants have nothing to do with the question, and that the power I claim has been exercised for centuries, and under our institutions, without being before called in question.

I must still refer your Excellency to the authorities contained in my charge, in addition to which I allude to the following :

In Blackstone, 4th vol. 292, and 1st Blackstone 350, you will find the powers of Justices of the Peace defined, and the books to which he refers, viz. : Lambard's Eirenarch and Burn's Justice, show that a commission of a Justice of the Peace, "first empowers him singly to conserve the peace, and thereby gives him all the powers of the ancient conservators of the common law, in suppressing riots and affrays, in taking securities for the peace, and in apprehending and committing felons and other inferior criminals." In 1st Blackstone 356, the duties of constables are thus described : "The general duties of all constables, both in high and petit, as well as those of the other officers, is to keep the King's peace in their several districts, and to that purpose, they are armed with very large powers of arresting and imprisoning, of breaking open houses and the like." This means of course, breaking open houses for lawful purposes.

There is no difference between the powers of Justices of the Peace, and constables, in regard to the arrest of felons, and searches, as the authorities I have cited show, and both have power "to pursue felons and keep the goods found on them, as directed by the Court," (5th Report 2,) cited in Petersdorff's Abridgment, vol. VI. 129. Some of the cases I have cited in my charge, show clearly, that property and papers found on the persons of criminals, have been received in evidence against them,

and without any objection made to the obtaining them by the officers ; such was Watson's case, 2d Starkie, C., 140. *Rex vs. Salter*, 5 Esp. Cases, 125, and the remark of Abbot, C. J., is very strong, that "an assize had scarcely ever occurred, where it did not happen that part of the evidence against a prisoner, consisted of proof that the stolen property was found in his house after his apprehension.

In the celebrated case of Fontleroy, the great banker, tried in London, for forgery, he was arrested by a police officer in his banking house. As he left to accompany the officer, he locked his desk with a key attached to his watch chain. Upon this fact being stated to the Magistrate, the officer and a solicitor of the bank were sent with the key to search the desk of Fontleroy. In the search of the desk and in a private drawer, they found other keys with which they returned to the Magistrate. They were directed to return to the place, and with the aid of the keys make further search. In an adjoining room to that in which he had been arrested, they found two boxes lettered "Fontleroy;" upon trying the keys, they were found to open the boxes, and they then took the boxes with them. These boxes were examined and found to contain bonds, mortgages, certificates of stock and powers of attorney, some of which were forgeries, were used as evidence against him upon the trial, produced his conviction, and he was executed. Now, he was defended by a Counsel of such eminence, that he has since been raised to the Bench of England.

In the late case of Robinson, who was lately arrested and committed for the murder of Mr. Suydam, at New Brunswick, he was arrested on sus-

picion growing out of some declarations he had made. Being brought before the Magistrate, and not sufficient proof appearing against him, he was asked if he would consent to have his house searched. He positively refused. Without warrant, his house was searched. The flooring of his basement was torn up, and the mangled corpse of Suydam was there found buried. His papers were then searched. Among them, were found a bond and mortgage, which had been given by Robinson to Suydam. The finding of these papers which had shortly before been in the possession of Suydam, connected Robinson with the murder, and will no doubt produce his conviction. For all this there was no search warrant, nor could one have been issued. These are two of the numberless cases which years have witnessed, and every day produces. I need not detail others. Your Excellency will find in the reports countless cases, in which, from what was discovered in searches like those I have described, the community was rid of most desperate offenders.

The remaining specification which your Excellency prefers against me, is for my having delivered my charge to the Grand Jury. Your Excellency says. "In availing yourself of your station as a Judge to spread before the body to whom was assigned by law the duty of inquiring into your conduct, and who were restricted to the evidence, and could hear only the Counsel on the part of the people, you not only obtained an improper advantage denied to all other citizens in similar circumstances, but furnished an example to other judicial officers, which if permitted to pass without censure, may become a precedent of the most alarming tendency."

Your Excellency, having read my charge, is informed of the excited state of public feeling at the time it was delivered. You have learned the extraordinary, preposterous and dangerous opinions of the law, which designing men inculcated among the inhabitants of this City, for the purpose of destroying the constituted authorities and the law itself, that guilty men might escape the legal penalties their criminal acts merited. You have seen that the most plain provisions of the Statutes were denied, the clear and ordinary powers of the Magistracy were disputed; that brute force attempted to wrest from the custody of the law, legal testimony, which I have shown was legally obtained; and that the actors and abettors in this crusade against the law, were men of intelligence, standing and influence. You have also seen that the apprehensions I entertained, which induced me to obtain from Mr. Pierce the possession of the papers, for fear they would be destroyed, were more than realized, and that even the seal of the Supreme Court was prostituted to the purpose of an attempt to destroy testimony essential to vindicate the violated laws of the State.

There was that also which your Excellency has not learned, that which your Excellency cannot understand, and appreciate to its full extent, not having been present and witnessed it. There was among a mass of our fellow citizens, a deep and quiet determination, at every hazard, to maintain inviolate, the sacred institutions of our country; it was like a pending cloud, which a current of air might remove, or cast with all its fury upon a devoted City.

These facts I knew: the apprehended evil that might occur to this City I saw, and determined by

my charge to the Grand Jury, to inform them, and through them the community, what the law was, that they might see what powers Magistrates and Courts possessed; that I would state facts that would inform the conspirators that their machinations were known, to the end that all patriotic citizens might confide to the legal tribunals the vindication of their violated privileges, and that the violators of the law might be induced to make no further effort to pervert the course of justice. Your Excellency appears to suppose that the Court are not the legal counsellors and advisers of the Grand Jury, and in this your Excellency is in error. The Court are the legal counsellors of the District Attorney, and of the Grand Jury; and it was my duty to charge the Grand Jury what the law was; it was not as your Excellency states, "availing" myself of my "situation as Judge."

Your Excellency appears to believe that the charge was delivered "to spread my defence" before the Jury, and that I delivered the charge to screen myself from punishment.

If your Excellency so believes, then does your Excellency not know me; neither do you appreciate the motive that actuated me. I then knew and now know, that all my acts were legal, and that my motives were a strict desire fully to perform my judicial duties to the furtherance of justice, and the protection of the citizens in their constitutional privileges.

Your Excellency has been pleased to say, my conduct, if permitted to pass without censure, may become "a precedent of the most alarming tendency."

I would not obliterate that conduct or that charge, even to save me from your Excellency's

censure. The principle and the motives which prompted that conduct, and caused that charge, are a glowing sun of approbation, whose genial rays the thin vapor of your Excellency's censure will not shade.

Your Excellency assigns as one reason for recommending to the Senate my removal from office, that my conduct, "permitted to pass uncensured, may become a precedent of the most alarming tendency."

Does it not strike your Excellency's judgment that the removal of judicial officers, without resorting to the ordinary legal and just course—that of impeachment—"may become a precedent of the most alarming tendency?" May it not form a precedent for succeeding Executives (who want the discrimination and the patriotism claimed for your Excellency) to authorize the summary removal from office of vigilant Judges, who have detected, and are about punishing the offenders, and place the participators in the crime upon the judgment seat, which would enable them in the language of your Excellency, "to avail" themselves of their station as Judges, to spread their defence before the Jury, if not to smother the prosecution?

This method of removal of judicial officers, under the peculiar and unfortunate circumstances of the case, as regards your Excellency's situation in the matter, (Mr. Blatchford being your personal friend, and the father of your Private Secretary, and Mr. Wetmore having been chosen one of your Excellency's aids, both of whom are implicated in the crime, for detecting which, your Excellency thinks of recommending my removal from office,) may be resorted to as authority, to authorize fu-

ture Executives, less scrupulous and conscientious than your Excellency, for political purposes, or at the dictation of political associates, to remove from office all Judges who are not supple in their principles, and accommodating in their opinions. Then an honest Judiciary—the bulwark which protects the people from the prosecutions of the Government, and which protects the honest citizen from the depredations of felons, would be exchanged for mere echoes of Executive *will*; and their legal opinions, judgments and decrees, would be founded only upon the political character of the parties—not upon the evidence or judicial precedents.

Very respectfully, yours, &c.,

ROBERT H. MORRIS,

Recorder of the City of New York.

JANUARY 8. 1841.

ERRATUM.

On page 4, line 7, for Mr. William Miller, read Messrs. Monell & Busnell.





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