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MEMORIAL
OF
JAMES W. GERARD.
PROCEEDINGS OF THE NEW YORK BAR.



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Ever yours
James W. Gerard
Jan. 4th 1863.

THE MAN OF NEW YORK,

A NOVEL IN THREE VOLUMES.

JAMES O. GERARD

Published by the author, 150 Nassau Street, New York.

New York

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Ever yours
James W. Gerard
Jan 11 1863

PROCEEDINGS

OF

THE BAR OF NEW YORK,

IN MEMORY OF

JAMES W. GERARD.

new York (State) Bar of the city of New York



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PROCEEDINGS AT A MEETING
OF THE
MEMBERS OF THE BAR OF THE CITY
OF NEW YORK,
HELD ON THE OCCASION OF THE DECEASE OF
JAMES W. GERARD,

PURSUANT TO THE FOLLOWING CALL:

THE Members of the Bar are requested to attend a meeting to be held on Thursday, Feb. 12, 1874, at the General Term Rooms of the Supreme Court, at 2 o'clock P.M., to take action upon the death of the late Mr. James W. Gerard.

CHAS. O'CONOR,	E. H. OWEN,
WM. M. EVARTS,	JAMES THOMSON,
EDGAR S. VAN WINKLE,	C. A. SEWARD,
HENRY NICOLL,	A. J. VANDERPOEL.

PURSUANT TO THE ABOVE CALL a large number of members of the Bar assembled, including many representatives of the Judiciary, in the General Term room of the Supreme Court, on Thursday, Feb. 12, 1874, for the purpose of giving united expression in relation to the life, labors, and character of the late James W. Gerard.

The meeting was called to order by Mr. Henry Nicoll, upon whose nomination, CHIEF JUSTICE DALY, of the Court

of Common Pleas, was nominated to preside. The following named gentlemen were appointed Vice-Presidents :

HON. NOAH DAVIS,
Presiding Justice of the Supreme Court.

HON. CLAUDIUS L. MONELL,
Chief Justice of the Superior Court.

HON. LEWIS B. WOODRUFF,
United States Circuit Judge.

HON. SAMUEL BLATCHFORD,
United States District Judge.

CHARLES O'CONNOR, ESQ.	HON. EDW. PIERREPONT.
HON. WILLIAM M. EVARTS.	BENJAMIN D. SILLIMAN.
HON. JAMES I. ROOSEVELT.	F. F. MARBURY.
EDWIN W. STOUGHTON.	HON. JOSEPH S. BOSWORTH.
GENL. CHARLES W. SAND- FORD.	ISAAC P. MARTIN.
EDGAR S. VAN WINKLE.	HON. JOHN MCKEON.
HON. DANIEL P. INGRA- HAM.	JAMES THOMSON.
EDWARD H. OWEN.	EDGAR KETCHUM.
HON. WILLIAM MITCHELL.	AARON J. VANDERPOEL.
	CLARENCE A. SEWARD.
	JOHN E. PARSONS.

SMITH E. LANE, *Secretary.*

The organization of the meeting being completed, Ex-Judge PIERREPONT said :

“Of the eminent members of the New York Bar who have died within the memory of the living, I think no one was followed to the grave by a larger concourse of sincere mourners than was our friend, the late James W. Gerard. The sorrow for his death did not arise from the fact that an eminent lawyer had ceased to live ; it had its spring in the hearts of those to whom he had devoted, or for whose benefit he had devoted, all the later years of a long life. He had sought no public honors. He had desired to devote his time and his energies, after he had acquired his great reputation and a sufficient fortune, to the good of his fellow-citizens, in those varied ways with which we are all familiar.

He had preferred, instead of taking a public course, and serving his fellow-men before the public gaze, to devote himself to their private interests, to their welfare, to their education, to their enlightenment—to lead them in the paths of honor and of virtue. Sometimes reflecting men in our country of late begin to be somewhat alarmed lest good men like Mr. Gerard shall too much neglect the public service, and prefer in the serenest walks of private life to gain their honors, to perform their duties, and to do their great work. If the time shall ever arrive, if the day shall ever come, when good men, feeling themselves driven from public life, shall turn their backs upon the public service, and prefer to serve their country and their fellow-men in private walks, it will not be an auspicious day for those who love our country and our Government. The committee have prepared some resolutions, which it is proposed I shall present to this meeting, and I will now read them.

Judge Pierrepont then read the following resolutions :

Resolved, That in the death of James W. Gerard we recognize with peculiar solemnity the removal of one who for nearly sixty years has been identified with the Bar of New York, among its most prominent and distinguished members, who, although shunning public life and official station, has earned the character of a model citizen, and who throughout an active life of more than fourscore years retained unsullied the reputation of an honest man.

Resolved, That the Bar of New York desire to place on record their appreciation of his high professional ability, his self-sacrificing devotion to the educational interests of the community, and his inflexible integrity in every walk of life.

Resolved, That, though he stood among us full of years and full of honors, the connecting link between this and a former generation of lawyers, yet his never-failing flow of youthful spirits and genial humor, and his uniform kindness of heart, endeared him alike to the oldest and the youngest of us as a pleasant companion and a familiar friend.

Resolved, That we sincerely sympathize with the family of our late friend in their bereavement, and that a copy of these resolutions and of the proceedings of this meeting be duly certified to them by the President and Secretary.

Mr. EDGAR S. VAN WINKLE said :

Mr. CHAIRMAN: I have been requested to second the Resolutions, and I heartily do so, as tending to contribute to the memory of our deceased friend some little tribute,

slight indeed, but perhaps the only one which the members of the Bar could pay to the memory of a lawyer. As a lawyer I could not forbear the thought, when I heard the eloquent remarks of the gentleman who moved the Resolutions, how fit and proper it was that the members of the Bar should, on an occasion like the present, meet together as a body, and pay their tribute of respect to the memory of a departed brother, and thus deliberately express their sense of the worth of the departed as a man, and his ability as a lawyer; for of all fame and the reputation which men seek, there is none more ephemeral and evanescent than that of a lawyer. The fame of a great soldier, or statesman, or writer, or poet, or philosopher, may endure for centuries; but that of a lawyer, merely as an advocate, seldom survives beyond his own generation.

Where is the fame of the earlier lawyers of this State, even of Hamilton, and Burr, and Van Ness, and Van Vechten, and Henry, and a score of others? Lost in oblivion. Hamilton and Burr have still a name as statesmen and politicians, but only the plodding student, who digs into the rich quarries of law-learning in our earlier reports would know anything of them or their associates *as lawyers*. To come down later, who now, except those who lived partly in their times, can do justice to the ability and performances of Emmet, and Ogden, and Hoffman, and Slosson? In fact, but recently, when I was speaking to a young but intelligent and generally well-informed member of our Bar about the late George Wood, he inquired who he was, and when and where he flourished. Now the reason why the fame of the soldier, the statesman, the historian, the poet, and the philosopher, is so much more enduring than that of the lawyer, is, that they act in wider fields, to more extended and general audiences, and appeal to general sympathies and interests; while the lawyer is the advocate of some particular view, appeals to no common interests, and commits his utterances to some local tribunal, and to very limited audiences.

This being so, I say it seems highly proper, that on the death of a distinguished lawyer, his fellow-lawyers should assemble together, and over his closing grave testify to the

world around of the worth, the learning, and the ability of their fallen brother, so that he does not descend to his grave without even the light of a present reputation.

The life of Mr. Gerard, historically considered, was an uneventful one. One day or one year had but little to distinguish it from any other day or any other year. He was a successful lawyer, good as an advocate at the Bar, but perhaps better as a jury lawyer. For over half a century he was engaged as an active lawyer—one much sought after and extensively retained—and I think it is something to say in his high distinction, that of all his forensic contests, some of them involving great interests, and many severely and bitterly contested and urged by him, sometimes with warmth, there was nevertheless in his character such an upright and truth-loving principle, and so much charity and good-will to man, in his temperament, that no one man long entertained any enmity towards him, and that he retired from the arena without leaving an enemy behind. This is indeed high praise, and should consecrate his memory so long as ours endures.

Mr. Gerard, though he from his early manhood, now some sixty years ago, was a busy and successful lawyer, yet found the ability, as he had the inclination, to give a portion of his time and attention to the interests of his fellow-mortals. Half a century since, he united with a few other citizens to found the HOUSE OF REFUGE, on a principle then new, but humane, benevolent, and philosophical—that is, to reform the young transgressor, rather than to punish him; to open the doors of honest and respectable life to him, and induce him to enter, rather than to stamp out all shame in him, and to close the doors of a prison upon him.

This institution, then, founded by his aid, was one of the first of those reformatory institutions now bearing such a prominent part in the criminal jurisprudence of many nations.

Mr. Gerard helped to lay the foundation of this New York House of Refuge, then one of the first, as it has continued to be, to this day, one of the leading reformatories of the world. As this was one of the earlier good works of Mr. Gerard, he continued through his active professional life to take a warm interest in all improvements of the

government of this his native city. And after he retired from his forensic labors, he took such an interest in the children of our Public Schools, and spent so much time in their behalf, and endeared himself so much to them, that I think, however evanescent his fame as a lawyer may be, it will survive greenly and fresh as a man for this generation, or until the scholars of to-day shall have passed away, and a new generation shall succeed them.

And with these few remarks, I now formally second the Resolutions.

REMARKS OF HON. JOHN MCKEON.

Frequently, Mr. Chairman, has the Bar of New York been summoned to pay the last tribute of respect to some one of our distinguished dead, but I venture to say that never have we come together with sadder hearts than on this occasion. The grief our brethren feel for the loss of James W. Gerard is deep and sincere. All of us are aware how feeble words are to express our sorrow or to speak of his merits as a man, a citizen, and a lawyer. Mr. Gerard was a native of this city. In his nature Scotch and French ancestry mingled. In him were united the solid sense of the Saxon with the refined taste of the Celt. Educated in Columbia College, in this city—an institution which has given to the Bar and the Commonwealth intellectual giants like Hamilton, and Jay, and Clinton—he prepared himself diligently for the profession of the law, and for about half a century pursued the practice in this city. During that period he contended successfully with the master spirits of his time, and retired, only a few years since, amid the plaudits of his associates. An ovation was tendered to him, at which his professional brethren attended to do honor to one whom they not only respected, but loved. It was a compliment such as no man but himself ever received in this city. It may be said of Mr. Gerard that he tried more causes than any other member of the profession, and it also may be said of him, with truth, he tried them more successfully than any other. At *nisi prius* he was unrivalled. He was indefatigable in the preparation of his case. He was master of his facts. He was armed with the law appli-

cable to those facts. He entered the arena the well-oiled gladiator. In the struggle before the jury he was always courteous to the Court and to his opponent. There was not a weak point in his adversary's case which he did not attack with vigor, and at the same time he never exposed any weak points in his own cause to his opponent. His knowledge of human nature, displayed in his examination of witnesses; his genial humor and kind-heartedness, enlivening and brightening every step in the cause; his style of putting himself perfectly *en rapport* with the jury; above all, his matchless tact, all combined to give command of the case and sweep him on to an easy victory. One of his peculiarities was well expressed by the late Justice Nelson, that Mr. Gerard knew when to stop speaking to a jury. He had learned and profited by the lesson that Ctesiphon was driven into exile by the Spartans because he said he could speak all day on any subject. One of the strong points in his character was, that, while apparently trifling with the cause, he was constantly engaged in developing to the jury the essential facts in controversy. He had the faculty of thinking like ordinary men. He knew that the movement of this world was made up by business men, not dreamers. He appealed with unerring success to the common sense of jurors, and during all the time he appeared before them he was without a peer, and has left no man to fill his place. And yet they who have crossed lances with him, and who have been vanquished by his skill, can find no trace of wounds. No unkind word, spoken often in the heat and excitement of a trial by most of us and as frequently regretted so soon as uttered, ever escaped Mr. Gerard's lips. After the contest was over, nothing could be remembered but his kind words, and they who were conquered by him did not envy him his triumph. Mr. Gerard, although pre-eminent as an advocate before a jury, was deeply versed in legal lore. Our books of reports will show how frequently he was engaged in cases of the highest importance, and that in the development of the great principles of jurisprudence he was fully equal to any occasion on which he was called upon to appear. Let me now turn to Mr. Gerard as a citizen of this great metropolis. As such, he was full of generous and Christian charity. He was identified with

movements which tended to promote the interests of society, to advance the power of this city, and to relieve human suffering. About twenty years ago he suggested most important reforms in our police system. In the earlier part of his career he was the originator of the House of Refuge. He sought to create an asylum for the young in crime, where they would be saved from the contamination of old and hardened violators of the criminal law. His ambition was to save the young offender from total ruin. In after years we find him devoting himself to the children of your schools. No man so thoroughly sympathized with them and took such sincere pleasure in preparing them for the active duties of life. If ever man enjoyed the love of children, Mr. Gerard did. The spectacle presented at his funeral, the attendance of the little ones he loved, with their moist eyes and saddened hearts, is one that will not soon be forgotten. Of him with truth it may be said,

The children's voices hymn his sweetest praise.

Mr. Gerard lived to a ripe old age. More than eighty years had been given to him on earth. He was one of those of whom it has been said, although he had the misfortune to be old in years, yet he had the happiness of dying with a young heart. Up to the close of his career there was a vivacity and freshness of feeling which would not permit us to realize his advanced age. One of the remarks made by Mr. Gerard was, that the lawyer has no immortality. In the changing scenes of life eminent men for a time fill certain *rôles*; soon they disappear and are forgotten, their places to be filled by others. As Massillon has truly said of life, "It is but the dream of a night." Yet even if the fame of the lawyer is so transitory, may we not hope there is one at least, who, for a long series of years, will be remembered as the accomplished and generous man, the good citizen, and brilliant lawyer? For such was James W. Gerard.

REMARKS OF HON. MAUNSELL B. FIELD.

Mr. CHAIRMAN: Although not a professional contemporary of Mr. Gerard at the time of his greatest triumphs

at the Bar, I presume that there are but few present who have known him longer than myself. More than forty years ago his family and mine resided on contiguous blocks on Broadway, and among my early boyish recollections there are none more delightful than those of the charming musical evenings which I used to pass with others of my age at the house of the great lawyer. Mr. Gerard's fondness for children was not of recent date, and in what he has done for the youth of this city in late years he has but yielded to an affectionate impulse of his nature. Mention has been made, by the two gentlemen who immediately preceded me, of Mr. Gerard's efforts in establishing the House of Refuge. My own father, who has been dead many, many years, was also one of the first governors of that beneficent institution.

Mr. Gerard was in many respects a remarkable man, and kindness was one of his most distinguishing traits. Reared amid the appliances of luxury, adversity overtook him while still young and made a man of him. Instead of whining and desponding, he threw himself into his profession with an industry and an energy which soon brought him to the foremost rank, and enabled him not only to retrieve his losses, but to withdraw from the Bar in affluence years ago. His power over a jury in civil cases was almost equal to that of Ogden Hoffman in criminal ones. Good-humored, genial, full of wit, humor, and tact, and possessed, withal, of that magnetic power which brings men to you, he was always a formidable antagonist in *nisi prius* cases. His knowledge of commercial law was versatile and profound, and he was the peer of LORD and CUTTING, in that galaxy which shone so brightly upon our courts a quarter of a century ago. Friendship made no demands upon him which he found too exacting. He was imbued with kindness toward all his species. It seems but yesterday that he came to me, an unpaid advocate in behalf of a humble suitor, and never in the time of his glory did he labor more earnestly when his fee was thousands. Although his political views were sometimes considered whimsical, he was an honest, if occasionally a mistaken, patriot. He never sought office and never would consent to accept it. When such a man drops by the wayside crowned with honors and with years, we may well pause for a moment to thank God

that he has permitted him to live to dignify humanity and to elevate our common profession.

REMARKS OF JUDGE HENRY E. DAVIES.

In the absence of the senior member of the Bar who has communicated his great regret at his inability to be present on this occasion, Judge Davies stated that he had been requested to add his tribute of respect to the memory of their deceased friend and brother.

It had been the fortune of the speaker to have known Mr. Gerard for many years, and to have witnessed at the Bar his great ability as a lawyer, his courtesy as a gentleman, and his affectionate regard for his associates. He had ever been distinguished for varied learning and exhaustive research. He never came to the trial of a cause without complete and perfect preparation, obtaining the mastery of all the points to be established for his client and anticipating those to be made by his adversary. He was ever fully armed to sustain his own positions and to refute and overthrow those which might be suggested by his opponent. As a jury lawyer he stood unrivalled at the Bar; his kind and cordial manner won for him the confidence of the jury, and the ability and candor with which he discussed all the questions presented for their consideration carried great weight and most generally insured to him a victory. His courtesy to his associates at the Bar, and particularly his encouraging and kind treatment of the younger members of it, won for him unbounded respect and grateful affection. Perhaps there is not a member of this Bar now living who has not, on more than one occasion, been the recipient of his courtesy and encouraging voice. He left no sting behind him when the trial of a cause was concluded, and if, in the heat and ardor of debate, anything might have been suggested which to sensitive minds would cause disquiet, Mr. Gerard never failed to have it entirely removed before a separation occurred. His remarkable success in this particular presents him as a noble example, worthy of the closest imitation by the younger members of the Bar. If they would attain his success, and carry with them the kind and affectionate regard, and have gathered round them at

their departure such sincere mourners as attended the funeral of Mr. Gerard, let them closely follow in his footsteps, and adhere with rigidity to the noble example he has set them.

Of Mr. Gerard it may be truly and emphatically said :

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

REMARKS OF WM. HENRY ANTHON, ESQ.

I desire to add my humble tribute of loving respect to the many which have been cast upon the bier of our departed brother. And in doing this, it seems to me that I am performing a filial duty, and one which a revered parent, were he now living, under these sad, sad circumstances, would by no means omit.

There were many beautiful and touching traits in the character of my own and my father's friend—prominent among which were his entire truthfulness, his great simplicity and purity of conduct, and his intense love of children ; and the presence of those little ones at yesterday's funeral ceremonies was one of the most moving incidents of a scene where so much genuine and heartfelt sorrow was displayed.

Mr. Gerard was a man of high and generous impulses ; his great manly heart was full of noble feelings ; there was nothing mean or low about him, and I doubt whether any one has ever passed through the conflicts of our professional arena, leaving so few enemies and so many, very many friends.

Ambition and the lust of office never lured him away from his professional path ; his pride was in his high profession : he honored it and it has honored him : he was a lawyer in every sense of the word, true to himself, true to his clients, true to his country, and, like other great lawyers accustomed to weigh evidence, both direct and circumstantial, true to his God and Saviour, who now, at the close of his earthly pilgrimage, we do not doubt will receive him among the number of those who, having faithfully performed their allotted task in this world, lay them down to rest in

calm expectation of the peace and happiness which reign in the world to come.

REMARKS OF HON. WILLIAM M. EVARTS.

WILLIAM M. EVARTS then said: I can hardly remember, Mr. Chairman, any earlier familiar person at the Bar, since my knowledge of it, than Mr. Gerard. Coming here as I did as a student, and into Mr. Lord's office, at the time when Mr. Griffin, and Mr. Anthon, and Mr. Lord, and Mr. Gerard, younger than they, and Mr. Cutting and Mr. O'Connor, still younger, occupied the principal attention of the courts and of the profession, in the best business and most frequent causes in litigation, I necessarily came to be, as an errand-boy at least, in my master's service, familiar with all these men; and from the moment of my own introduction to the Bar, now thirty-three years ago, all of those distinguished lawyers have been constantly present to my sight and in the circle of my friends, until, one by one, all but Mr. O'Connor have been withdrawn. I think it is entirely true—true while the contests of the Bar were going on, true after their triumphs had all faded, and true after one after another has passed to his grave—that among them all there was none that seemed more truly an active, practising, useful lawyer than Mr. Gerard. Whatever may be said of the learning of the one as superior, and the logic of another as more penetrating and subtle, as to the grasp of larger questions less frequently brought into play that might be assigned to the third; yet I think during all these many years it has been familiarly understood that Mr. Gerard, in the multitude of his cases, in the variety of his litigations, in the versatility of his powers, and in the general fortune of his success, was quite as pre-eminent as any; and it was always true of him that he touched nothing that he did not tinge with the traits of his own genial and brilliant mind—no case in which he was an advocate and served his clients successfully, but gained some of its prosperity from the genial character and bright humor of the advocate. So of him, of his contemporaries, certainly of no younger contemporaries of his, the testimony must be that he had no enemy. He everywhere was welcome—

welcome to the Court, welcome to the jury, welcome to his associates, and welcome to his opponents; and in the constant play of the drama of human life, as performed in the courts, he was always cheered as an actor. No doubt Mr. Gerard sometimes pushed to the furthest verge a communication of his personal traits in the management of causes, and sometimes his opponents, who, either without these faculties or without the purpose to employ them, did not avail of the opportunity of their use. But it is entirely true that no one ever preserved a temper to censure beyond the day or week of the discomfiture he had suffered. Now Mr. Gerard seems to us all in this community as one of our most useful and prominent citizens; yet he never held public office and never aspired to the honors with which our profession, furnishing, as it does, a great part of the public service in its most distinguished position, is quite familiar. But Mr. Gerard has seemed to me always a favored example of the public relations of a lawyer in the every-day discharge of his professional duties. Who has done more to settle and advance principles essential to the welfare of great States and of every community than Mr. Gerard, who, in litigation, without legislation, established the rights of the mother to be heard as to the fate and control of her child, and did more to accommodate the severity of criminal law to the indulgence of paternal protection in dealing with youthful vagrants and marauders? And who, later in life, has better understood and more worthily adopted the hallowed principle than Mr. Gerard, that he who cares for the nurture and admonition of the boys and girls of a country will find its matrons and its men able to take care of themselves? He quite comes up to the proposition of the Roman moralist: Not he alone serves the State who presides in the public councils, or administers affairs of peace or war, or brings forward candidates, or manages conventions; but he who either by steady advocacy, or by particular devotion, cares for the nurture and education of the people; he who advances public morals and who diffuses just sentiments of which others have greatest need; and he in his private station is all the while filling a public office. *In privato publicum negotium agit.* And now, certainly in his lifetime, certainly in his death,

Mr. Gerard, if he has never tempted or received the noisy suffrage of us, or the rash plaudits of the press, has yet in the silent, permanent, intelligent sentiment of this community, evinced in every way, found that in these public services he had a popular reward of special significance. And from Homer's time till now, cheers and feasts in life, tears and funeral trains after their death, are all that human nature can furnish as testimony of its regard; and those who have attended the cheerful course of Mr. Gerard until death struck him at last, and then at the touching scene of his funeral, will see that he has lost no form of popular affection and regard.

REMARKS BY THE CHAIRMAN.

The chairman, Judge C. P. Daly, before putting the Resolutions to the vote, said that Mr. Gerard had tried as many cases before him as any other gentleman now remaining upon the Bench. It was a great pleasure to him to say, from that wide field of experience, that nothing in look, word, or manner ever came from Mr. Gerard that subjected him (Judge Daly) even to a momentary unpleasantness. There were two other ex-members of the Bench present who had a like experience in that respect as himself, and he had no doubt they would unite with him in that expression. He had a vivid recollection of Mr. Gerard's courtesy. It was now nearly thirty years since he (Judge Daly) came upon the bench. He was at the time of his appointment the youngest person placed in so important a position, and he felt, when undertaking the discharge of that duty, a degree of uneasiness which was the consequence of the immaturity of his experience and of his years; and in one of the first cases, not the first, at which he ever presided, Mr. Gerard was one of the leading counsel. He placed him (Judge Daly) at his ease immediately. Through the case he treated him, a very young man, with all the respect, deference, and courtesy that would be paid to an old judge, laden with judicial honor. Mr. Gerard's bearing on that occasion inspired him (Judge Daly) with a feeling of respect for him, and, if he might be permitted to say it, a feeling of affection, which continued down to the time of his death.

The Judge having paid a tribute to the eminent legal abilities of Mr. Gerard, concluded by putting to the meeting for adoption the Resolutions as proposed by Mr. Pierrepont and seconded by Mr. Van Winkle.

The Resolutions were unanimously adopted, and the meeting then separated.

PROCEEDINGS IN THE UNITED STATES DISTRICT COURT.

On the 9th of February, 1874, at two o'clock in the afternoon, about an hour before the usual time for adjournment, a motion was made in the United States District Court, Judge Blatchford presiding, for the adjournment of the Court, in consequence of the death of Mr. Gerard.

REMARKS OF MR. J. H. CHOATE.

Mr. J. H. Choate said it would be highly proper that this Court, in which Mr. Gerard had practised for nearly half a century, should take some notice of the event of his death. Mr. Gerard occupied so high a place in his profession, and was so thoroughly devoted to sustaining it and its reputation and dignity; he was distinguished by such valuable gifts that fitted him for its practice and enabled him to maintain the profession on a high scale, to which he was always devoted; he was so familiarly known and so much beloved by the members of the Bar and the general profession, and had endeared himself so much to the judges in the various courts in this City and State, that it would be strange indeed if no proper notice were taken of his death by the Bar to which he belonged and by the courts before which he practised. He (Mr. Choate) believed that a meeting of the Bar had been called for the purpose of expressing regret for his death and affection for his memory, and inasmuch as various branches of the Federal and State courts had taken notice of Mr. Gerard's death, he would move, in deference to the same custom, that the Court allow the entry of a motion for adjournment, so as to give the

Court itself and the members of the Bar and the judges an opportunity to attend the funeral, which takes place to-morrow (this day), at ten o'clock.

REMARKS OF MR. EDMOND H. SMITH.

Mr. Edmond H. Smith, United States Assistant District Attorney, seconded the motion, hoping that it was not presumptuous in so young a lawyer as himself to speak of the eminent qualities of so distinguished a member of the Bar as Mr. Gerard had proved himself to be in the course of a long, able, and honorable career. Young lawyers were personally interested in the lives of such men as Mr. Gerard. They were the examples to which they should look up. He (Mr. Smith) well remembered reading the account of the public entertainment given to Mr. Gerard on his retirement from the profession, and the expression of kindness, affection, and esteem which that event called forth in regard to Mr. Gerard was one that could never be forgotten.

REMARKS OF JUDGE BLATCHFORD.

Judge Blatchford said he recognized fully the propriety of this motion. It was his good fortune to enjoy the personal friendship of Mr. Gerard for some thirty-five years, and the substantial point on which Mr. Gerard made his mark among his brethren of the Bar and in the private walks of life was in his kindness of disposition and the aid he extended to the younger members of the profession. There was scarcely one of that vast crowd, all of whom were younger in the profession than himself, who could not recall some marked instance of their professional intercourse with him, and of his kindness and consideration for them, quite as much in cases where they were opposed to him as when associated with him. His regard for young men connected with the profession was well known, and manifested itself for young people in every department of life. He took a deep interest in the House of Refuge and in the public schools of the city. He was an honest, earnest, upright lawyer, especially a lawyer of vast force in a case before a jury. He won his verdicts not by artifice nor by mere forms of words, but by earnestness of purpose, thorough devotion to his client, assiduity, ability and per-

severance, in which he set an example to all. The Court, therefore, not only for the purpose of acceding to the motion, but also with a view to attend the funeral, orders that the Court adjourn until twelve o'clock to-morrow (this day), and that an entry of the cause of the adjournment be made on the minutes.

The Court then adjourned.

PROCEEDINGS OF THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK.

At a meeting of the Association of the Bar of the City of New York, held on the tenth day of February, 1874, the following resolutions were adopted, on motion of Ex-Judge Mitchell, seconded by Ex-Judge Emott :

Resolved, That by the death of our honored and revered associate, James W. Gerard, the community, of which he was an eminent citizen, have suffered a loss not easy to be supplied and long and seriously to be felt in many relations of society.

Resolved, That we bear willing testimony to the conspicuous abilities, elevated character, generous labors, and unfailing spirit which Mr. Gerard brought to the practice of the law, and to the general service of the public, and in the retrospect of his long and useful life, we find no failure of the full measure of duty in the lawyer and the citizen, and a multitude of instances and occasions of marked and permanent value in the administration of justice, and the promotion of good government and public morals.

Resolved, That we recognize with pride and gratitude the lively and constant interest which Mr. Gerard took in the institution and maintenance of this association of the Bar, and the large share which his wisdom and genial temper have had in promoting its prosperity, and insuring its permanence and strength.

Resolved, That this association will attend the funeral of Mr. Gerard in a body, to-morrow, to mark their respect for his character, his distinguished professional career, and his great public services.

Resolved, That a copy of these resolutions be presented to the family of the deceased, and be published in two or more papers published in this city, and that a committee be appointed by the Chairman of this meeting to make arrangements for a meeting of the Bar to pay proper respect to the memory of Mr. Gerard, with power to co-operate with any other committee of the Bar for the same purpose.

CHAS. W. SANDFORD,

Chairman.

A. R. MACDONOUGH,

Secretary.

PROCEEDINGS IN THE COURT OF APPEALS.

At a Court of Appeals for the State of New York, held at the Capitol in the City of Albany, on the 10th of February A.D. 1874.

Present, HON. SANFORD E. CHURCH, Chief Judge, presiding.

Justices.—W. F. Allen, Martin Grover, Charles J. Folger, Charles A. Rapallo, Charles Andrews, Alexander Johnson.

Judge Amasa J. Parker called the attention of the Court to the death of the Hon. James W. Gerard, a prominent member of the New York Bar, and after addressing the Court on the subject of the life and character of the deceased, moved that the Court, out of respect to his memory, adjourn.

Mr. John J. Townsend, of New York, on rising to second the motion, paid an eloquent tribute to the memory of the deceased.

Chief Justice Church, in behalf of the Court, said they heartily concurred in all that had been spoken.

Ordered that the motion be granted, and the Court, out of respect to the memory of Mr. Gerard, adjourn until to-morrow morning at 10 o'clock.

A copy from the minutes.

E. O. PERRIN,

Clerk.

PROCEEDINGS OF THE BOARD OF MANAGERS
OF THE SOCIETY FOR THE REFORMATION
OF JUVENILE DELINQUENTS.

At a special meeting of the Board of Managers of the Society for the Reformation of Juvenile Delinquents held on Feb. 11, 1874, Mr. Edgar S. Van Winkle submitted the following resolutions, which were adopted unanimously:—

Resolved, That in the death of our honored fellow-citizen, James W. Gerard, the Managers of this Society have peculiar cause of sorrow, because, while they, in common with the community at large, lament the loss of the upright man, the wise counsellor, and useful citizen, they also remember that fifty years ago he was one of the founders of their Institution, was one of its Managers, and for the rest of his life was the

consistent supporter of its foundation principle, the reformation, rather than the punishment, of the juvenile offender.

Resolved, That we express, with sympathy to the family of the deceased, our respect for the memory of the good man, our appreciation of the learned lawyer and sagacious advocate, and our admiration of the earnest philanthropist, who amidst the cares of life, and the labors of his profession, did not forget or neglect the claims of degraded and suffering humanity upon his vigorous exertions for its elevation and relief.

Resolved, That the Board of Managers will attend the funeral of Mr. Gerard, to take place this morning.

Resolved, That a copy of these resolutions be sent to the family of the deceased, and be also published.

Extract from the minutes.





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