

Biog. & Crit.
Moncure, R.C.L.

Cataloged



PROCEEDINGS

IN

MEMORIAM

OF

JUDGE R. C. L. MONCURE

AND

JUDGE ROBT. OULD.

RICHMOND:
DALTON & GUTHRIE, PRINT.
1883.

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PREFACE.

The lives and deaths of persons who have been eminent in the different spheres in which they have been prominent actors are worthy of the highest commemoration by the living, as incentives to similar attainments by subsequent generations; and thus, though dead, may still speak through past words and actions with eloquence rendered more impressive and solemn by the consideration that only thus can their elevation and excellencies be preserved as precious treasures by their admiring and appreciative cotemporaries.

Our State and country have reason to lament the recent departure of some of its brightest intellectual luminaries in Judges R. C. L. Moncure, and Robt. Ould and Hon. Jas. Lyons. Public meetings and addresses have occurred, exciting interest throughout the country and desire for their publication.

It has been thus determined to collect them for presentation in convenient form for preservation and perusal, as exhibited in the following pages.

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Judge R. C. L. MONCURE.

RESOLUTIONS, &c.

The meeting held by the Bar of Richmond to take memorial action on the death of Judge R. C. L. Moncure was very largely attended by the members of the profession, not only in Richmond, but from distant parts of the State.

The court-room of the Court of Appeals was nearly filled, and the exercises were of the most interesting and solemn character.

Judge Christian was, on motion of Judge Fitzhugh, made chairman. He made a beautiful and feeling address, as follows :

Gentlemen of the Bench and Bar of Virginia :

I accept gratefully and with pride the position you have assigned me as president of this meeting.

This large assemblage of the representative men of the Bench and Bar of Virginia attests more eloquently than any poor words of mine the respect, reverence and filial affection which we all feel for that great jurist and noble citizen whose memory we come to honor to-day.

Within this hall and at the other places of session of this court in the last twelve years we have had many sad meetings to express our sense of bereavement by death of so many, alas! so many of our beloved companions of the Bench and Bar of the State : a long catalogue—Allen, Lee, Joynes, Bouldin, Hallyburton, Daniel, Guigon and Meredith of the Bench, and William Green, R. T. Daniel, N. P.

Howard, Patrick H. Aylett, John G. Williams, Henry A. Wise, Holladay, Peachy R. Grattan, John Baldwin, Michie, James W. Sheffey, Campbell, Humes, Beverly Johnston, and a number of others, old and young, who in the short period of twelve years have passed away, admonishing us of the uncertainty of life, and painfully impressing us of how many great and good men in this brief period of twelve years have been lost to our profession and to the State.

This is a galaxy of great names of which any State might be proud—jurists, and orators, and scholars who illustrated by their great talents, and genius, and learning that the Bar of Virginia was second to no Bar of any State in the Union. And now we come together again, after laying in the grave so many of our brethren, to honor the memory of him who was more than a brother to us all, indeed the father of our profession.

We come reverently to perform a filial duty.

Not only every surviving member of this Bench, but every member of the Bar of the State and the whole people of the Commonwealth to-day mourn the death of that great jurist and noble citizen, Judge R. C. L. Moncure.

He had the respect, affection and reverence of the people as well as the Bench and Bar.

His pure character, his simplicity, his blameless life, his courage, his inflexible devotion to duty, unostentatious and unselfish life won the hearts of the people, and there are thousands and tens of thousands of people to-day in Virginia who, knowing nothing of him as a great jurist as he is known by the Bench and Bar, yet love him as a man, love and cherish his memory, and love the example of his noble life illustrated by so many manly and Christian virtues, and who will say of him, a purer and nobler man never lived or died.

But in opening these proceedings as president of this meeting, I will not attempt to pronounce his eulogy. I am not equal to the task. After seventeen years of service on the Bench I feel I have no aptitude to speak on such an occasion. There are distinguished members of the Bar present who will eloquently discharge that duty. I will leave it to them.

I can only briefly refer to the public career of this great and good man, and to the striking points of his noble char-

acter. I think I am at least equal to this task. I knew him as well as any man can know another, and I loved him as well as any man could love another. He was for more than thirty years a judge of the Court of Appeals, and for fifteen years its president. There are many of us now present who never knew him, except as a judge of the Court of Appeals. You will pardon me for a reference to myself, simply because it illustrates his character.

The first case of importance, after I came to the Bar, when I was a very young man, I argued in the District Court of Appeals at Fredericksburg, of which Judge Moncure was president, sitting with Lomax, Clopton, Meredith and Tyler—all now sleeping in their honored graves.

I shall never forget, but will ever gratefully remember, the kind words of encouragement with which he spoke of my poor argument in that, my first important case.

What he said to me then was a stimulus which had its effects upon my professional and judicial career.

Afterwards, for seventeen years, I sat by his side on the Bench of the District Court and the Supreme Court of Appeals.

In all that period I looked up to him as the Nestor of the Bench, whose wisdom not only guided us in our decisions, but which inspired the public mind with confidence, because the public trusted the integrity, purity and learning of this great head of the Judicial Department of the State.

All men felt and knew that the decisions of Judge Moncure were the utterances of a pure and incorruptible judge, who always declared what he believed to be right without fear, favor or prejudice.

It will ever be the proudest recollection of my life that this great and good man was my friend, and that I can truly say of him, as was once said by a great lawyer of a great judge, "I did love the man and do honor to his memory on this side of idolatry as much as any." And if his reputation as a man and as a judge had ever been assailed, and needed any defence, I would have been as quick to defend him from all assaults as a son would be to shield his father.

Let me now briefly refer to his public career. Coming to the Bar at the early age of twenty he soon attained the first rank in his profession in the courts in which he prac-

ticed. His first public service was in the Legislature of 1849-'50.

Such was his learning and accuracy as a lawyer, and so did he impress himself upon that body of great men and great lawyers, that he was placed on the committee for the revision of the statute law of the State, and every lawyer before me knows how diligently and faithfully he performed that great work of revision and brought out of chaos and confusion, and aided by his great associates, produced the most compact and comprehensive system of statute law to be found in any State of the Union.

During the same session of the Legislature, on the 13th of March, 1851, he was elected to fill the vacancy occasioned by the death of the venerable Judge Brooke.

Under the Constitution of 1851, which provided that judges of the Supreme Court of Appeals should be elected by the people, Judge Moncure was elected one of the five judges. This position he held up to the close of the war, when for a brief period he retired to private life, but as soon as the restored government was established he was again elected by the Legislature of that government, and was then elected as president of the Court.

Again, in the dark days of reconstruction, when the military government came in, he retired once more to private life. But as soon as civil government was restored upon the adoption of the present Constitution he was again elected by the Legislature as one of the five judges of the Court of Appeals, and was again appointed its president, which position he held up to the time of his death, which occurred on the 24th of August, 1882.

It thus appears that he was for more than thirty years on the Bench of the Court of Appeals of this State, and for more than fifteen years its president. And for all that thirty years the ermine he wore was pure and unspotted until he laid it aside for the habiliments of the grave.

In twenty-seven volumes of Grattan's Reports, extending from 7th Grattan to 1st Matthews, or 75th Virginia, may be found his great opinions, covering a period of over a quarter of a century.

These opinions will stand forever as enduring memorials of his great judicial career.

"Though dead, he yet speaketh," and for years to come will continue to speak to the Bench and Bar of Virginia

and of the whole country, words of wisdom to guide both Bench and Bar in the application of these great principles of law which protect and guard the rights of life, liberty and property in every free country.

But this brief sketch of his public services would be incomplete without reference to his private character, in which he shone as an exemplar of every manly and christian virtue.

He was of all the men I ever met on this earth, the most devoted and earnest lover of truth for truth's sake.

When reflection convinced him he had been wrong, he took the first opportunity to acknowledge it. He was often the earliest to discover his own mistakes as well as the foremost to correct them.

I think the language of a great judge in reference to the character of that great jurist, Chief-Justice Gibson, of Pennsylvania, may be well applied to Judge Moncure: "He was inflexibly honest. The judicial ermine was as unspotted when he laid it aside for habiliments of the grave as when he first assumed it." I do not mean to award to him merely that commonplace integrity which is no honor to have, but simply a disgrace to want.

He was not only incorruptible, but scrupulously, delicately, and conscientiously free from all wilful wrong in thought, word, or deed.

The benevolence of his heart was one of the most marked features of his character. Affectionate and kind to his friends, he was magnanimous to his enemies, who were few if any. Benefits received by him were engraved on his memory as on a tablet of brass. Injuries were written on sand. He was quick to forgive, and "never let the sun go down upon his wrath."

The most conspicuous trait of his character was devotion to duty, and his whole life illustrated that conscientious purpose, never to disregard the obligations of duty, so graphically set forth by the great orator of America when he said: "There is no evil that we cannot either face or fly from but the consciousness of duty disregarded. A sense of duty pursues us ever. It is omnipresent like the Deity. If we take to ourselves the wings of the morning and dwell in the uttermost parts of the sea, duty performed or duty violated is still with us for our happiness or our misery. If we say the darkness shall cover us, in the darkness as

in the light our obligations are yet with us. We cannot escape their presence. They are with us in this life, will be with us at its close; and in that scene of inconceivable solemnity which lies yet farther onward, we shall find ourselves surrounded by the consciousness of duty, to pain us wherever it has been violated and to console us so far as God may have given us grace to perform it."

It may be truly said of Judge Moncure, he was without prejudice as well as without fear. His firmness and moral courage were only equalled by his simplicity, which was sublime, and to him may be applied the words of the poet laureat of England:

"Rich in saving common sense,
And as the greatest only are,
In his simplicity sublime."

And looking now upon that portrait hanging before you, recently placed in this hall, in which the great artist has brought out every lineament of his noble features, we may say of him as the same poet said of the Duke of Wellington,

"O, good grey head, which all men knew,
O, iron nerve, to true occasion true,
O, fallen at length, that tower of strength,
Which stood four-square to every wind that blew."

And now I cannot close these remarks without reference to his godly life and Christian character; the picture would be incomplete without reference to this. I have spoken already of the sublime simplicity of his character. His Christian faith was simple as that of a little child. He believed the Bible, and accepted it all as true. He was no bigot. He was an ardent Episcopalian, believing in all the doctrines and tenets of that Church, but of broad and catholic spirit. He recognized in all the churches the principles of the Christian religion, and accorded to them all the right to believe in the doctrines of their own church.

This was illustrated by a remark he has often made to me, which was in effect this: "In all the churches there are good Christians, and when I meet a man whose life is governed by the commands and precepts of the Bible, I greet that man as a Christian, and never inquire to what church he belongs—such a man, whether Catholic, Episco-

palian, Presbyterian, Baptist, or Methodist, I recognize as my Christian brother, believers in the same great doctrines of the Bible."

I heard him say on one occasion (and this I want to put on record) to some young graduates of the University of Virginia, who came to us for examination, and in reply to one who asked the question, What is the best law book for a young lawyer to read? he said: "The best law book, young gentlemen, to start with, is the Bible. Read and study that as the foundation of all law and of all jurisprudence of every civilized country."

And now, in conclusion, I cannot refrain from giving you an account of his peaceful end.

We all know how he lived, let me tell you how he died.

It was my mournful privilege to take leave of him on his death-bed a short time before he passed away.

He was the only man I ever saw who was not only willing but anxious to die. He was then greatly enfeebled in mind and body, a mere wreck of his former self. But he recognized me at once and expressed great pleasure at seeing me before his death, saying it was the last time we should ever meet on earth. With difficulty of speech he inquired affectionately after all his brethren on the Bench and of many of the members of the Bar, with whom he was closely associated and dearly attached. He said to me when we parted, taking me by both hands, and with something of the fire and energy of his former nature, "Farewell, my dear old friend, we shall never meet again on this earth; you have sat by my side for seventeen years on the bench of the District Court and the Court of Appeals. All that time we have been fast friends, we have tried to do our duty in the most trying and difficult period in the history of our State. You see me now a dying man; I have no fear of death; I long to be at rest. I can no longer be of any service to my family or to my State, and am ready to go. I wish I could die now while you are standing by my bedside and holding my hand. My affairs in this life are now all closed, and I long to enter upon that immortal life. There is only one thing that now disturbs me: I fear I am sinning against our Heavenly Father by my impatience to die and go at once to my eternal rest."

These were the last words I heard him utter, and I de-

liver them to you to show how a great and good man can meet his death.

He served his country well. He died wept and honored by a whole Commonwealth.

“ And now he wears a truer crown
Than any wreath that man can weave him.”

At the conclusion of his remarks, and on motion of Judge George L. Christian, St. George R. Fitzhugh, Esq., and Major Robert Styles were elected secretaries of the meeting; and on motion of Major Legh R. Page, the following Committee on Resolutions was appointed—viz.: Messrs. Legh R. Page, Judge E. H. Fitzhugh, James Alfred Jones, Judge Beverly R. Wellford, Judge Robert Ould, Judge W. W. Crump, Judge George L. Christian, John O. Steger, John H. Guy, Judge Richard Parker, J. S. Harnsberger, J. Thompson Brown, John A. Waddill, James M. Stubbs, ex-Senator John W. Johnston, and J. V. Brooke.

During the absence of the committee letters were read from Prof. John B. Minor, John A. Campbell, Henry E. Blair, Prof. S. O. Southall, Hon. John W. Daniel, Hon. A. H. H. Stuart, C. W. Wattles, Judge James Garland, and Robert Crockett.

Speeches were made by E. G. Booth, Esq., Judge B. R. Wellford, Jr., Robert W. Ward, Esq., Judge Richard Parker, Major Robert Styles, C. G. Griswold, Esq., and W. C. Roane.

The Committee on Resolutions made the following report:

The members of the Bench and Bar of this Commonwealth, called together by the death of the Hon. Richard C. L. Moncure, desire not only to express a deep sense of their loss, but to bear witness to the great value of his public services, to the rare simplicity of his character, the courtesy and kindness of his manner and his single-minded devotion for a long life to the profession of his choice.

Very early in life he was elected a member of the Legis-

lature from Stafford, his native county, but he soon retired from political life, and devoted himself to his profession. He was then appointed Attorney for the Commonwealth, which place he filled until 1849, when he was prevailed upon to represent the county as a member of the House of Delegates. The revision of our laws then excited a great measure of public attention, and he was appointed by that body chairman of the committee. While a member of the Legislature he was elected a judge of the Court of Appeals to fill a vacancy occasioned by the death of Judge Brooke. Soon thereafter he was, under the new Constitution, again elected to the same office by the people, and without opposition. He continued to hold the position, with the exception of a brief period, until removed by the military power in the days of reconstruction. When that political era had ended he was re-elected for a term of twelve years from January, 1870, and was chosen by his associates as president of the court; and there he remained until death closed his useful and honored career.

The patient and earnest industry with which he investigated every case before he formed his judgment is well known, not only to his associates upon the bench, but to the bar throughout the State. His recorded opinions, covering a period of more than thirty years, best attest his profound learning, his extensive research, and the independence with which he maintained the views he had deliberately formed and believed to be right. If any discrimination is to be made as to the value of his opinions, those in which he enforced the great cardinal principles of equity jurisprudence will, it is believed, be most highly esteemed by the profession. No one could have discharged the duties of his high office with greater zeal and industry and a loftier integrity.

While absolutely free from all ostentation or pretence of any kind, and caring nothing for the externals of office, he had a just sense of the dignity of the tribunal over which he so long and so ably presided. There can be no doubt that his nature was vehement and passionate, but he had subdued it, and though often provoked, it is believed that he seldom or never spoke harshly of any one. In his friendships he was sincere and zealous, of a warm and generous heart, and a most gentle and devoted husband, father, and son.

From early manhood Judge Moncure was an earnest member of the Episcopal Church. Indeed, the cornerstone of his reputation as a man, a lawyer, and judge was his Christian character, manifested by his love to God and his neighbor, consistent always—forgetful never. He had an ever-present sense, that as one of the chief magistrates of Virginia, he was a ruler as well as a law-giver, and was always mindful of the sacred injunction that “He that ruleth over men must be just, ruling in the fear of God.”

We do not mourn for him as one stricken down in the midst of his usefulness, for we know that the ravages of disease had made life a burden too heavy to bear; that he was at the end of his pilgrimage—on the very bank of the river—awaiting the last summons. He had kept the faith, and was ready to be delivered.

The loss of such a man at any period is a calamity that all good men must deplore, but in these times the blow falls most heavily. It is our duty to take care that we and those who come after us do not lose the benefit of so pure and spotless a life. We cannot willingly let die the memory of such virtue and excellence as that which dignified and adorned the life of our loved and venerated friend and brother.

Resolved, That the foregoing is but a just tribute of respect and admiration to the eminent ability, profound learning, and rare private virtues exhibited in the long and distinguished judicial career of the Hon. Richard C. L. Moncure.

Resolved, That the Secretaries of this meeting forward a copy of these proceedings to the family of the deceased, with the assurance of our deep sympathy with them in their bereavment.

Resolved, That Robert Ould, Esq., be requested to communicate these proceedings to the Court of Appeals, and ask to have them entered on the records, and that copies thereof be published in the “Virginia Law Journal” and daily papers of this city.

Mr. E. G. Booth followed Judge Christian, after resolutions were submitted.

REMARKS OF MR. E. G. BOOTH.

MR. CHAIRMAN :

If this be the time for remarks, and if it be necessary to move the adoption of the resolutions, I will now say, by way of reserving the best for the last—expecting many to succeed me—that though entitled to the privileges of your court, or through the United States courts, I was impelled in accepting the kind invitation to be present on this occasion by different and more tender considerations.

I believe, sir, that of those committees to which such reference has been made, selected to revise the laws in 1849, and of which Judge Moncure was chairman, only Conway Robinson, Wm. M. Ambler, Esqs., and myself remain. Neither of the others being present, I alone can appear as the representative of those committees.

He was really called and passed by the soubriquet the father of that committee. I thus can commingle my tears with the lugubrious current rolling through this assemblage in the loss not only of a friend, but a father. The last time I recollect to have met him in this building, hearing I was in the adjoining room, he left the bench and came in with open arms to embrace me. He had a warm heart, as well as clear, wise head.

Associated as he was on that committee, with such giants as John M. Patton, Conway Robinson, Burr Harrison; Robt. E. Scott, in strength of intellect the peer of all creation, it would be invidious and unnecessary to say that Judge Moncure was the best man I ever knew, or the best judge or the best advocate.

But, sir, take him all in all, and in general combination, I may say, without the fear of successful contradiction, that we ne'er or rarely will look upon his like again; my distinguished deceased friend, Judge Thos. S. Gholson, occurring to me as in the same category.

Sir, you were perfectly correct in saying his whole impulse was from a sense of duty.

His seat in the hall of the House of Delegates to my left, his form and manner, are vivid before me at this time, though over thirty years ago; much more so than the picture before me, as he arose to oppose the removal of the Legislature from Richmond to Fauquier Springs in appre-

hension of the cholera, and uttered the solemn words, "The path of duty is the path of safely—*trust* in God!"

Sir, I can truly say that in the eight months of our association I never heard an unkind word or witnessed an unkind manifestation. I could write a book of incidents illustrative of his character, but fear I am trespassing on the time that might be so much better occupied by others. I will state one incident so illustrative of his benignant disposition.

While the committee was seated around a table in an upper room of the Capitol, some inferior officer occupying the position, as I understood, as runner for the Governor—but regarding it, perhaps, as above the Governor—entered the room and enquired if we were engaged in making the laws of the State. He was answered in the affirmative and referred to the chairman of the committee, remarking that he had some suggestions to make connected with the duties of his position, and enquiring if there could not be some mitigation of them. At the end of each enquiry he received the most pleasant, polite response, "*Certainly, sir.*" He was thus encouraged to repeat his suggestions and enquiries with the same response. At the conclusion, instead of ordering him off, Judge Moncure remarked with the kindest and blandest manner, "I suppose you understand that in thus relieving you of the duties of your office there should be a corresponding reduction of your salary." It was amusing to see the fellow's change of countenance and change of base—certainly never returning with similar interruption.

It seems inscrutable that we should mourn the departure of such individuals while so many less worthy remain.

We read, however, that—

" Empires decay, and nations die,
Our hopes to winds are given,
The vernal blooms in ruin lie,
Death reigns o'er all beneath the sky,
There's nothing sure but Heaven."

Sir, your impressive description of his death-bed illustrates the sentiment, "Mark the perfect man and behold the upright; for the end of that man is peace."

Indeed, sir, well may we enquire,

" Is that a death bed where the Christian lies?
No, 'tis not his; 'tis death itself that dies."

He had appropriated those great doctrines of faith, repentance, Holy Spirit, atoning blood, sovereign grace, substitution, adoption, that make death and the grave run like cowards. The valley may be dark and the clouds lowering, but spanned by a bright bow of promise dispelling all gloom. Sir, how appropriate to paraphrase and explain your description, this desire to depart, &c., with the verse—

“The clouds disperse, the light appears,
My sins are all forgiven,
Triumphant grace has quelled my fears,
Roll on thou sun, fly swift my years,
I'm on my way to Heaven.”

Sir, while much might be said and written, the whole may be summed up in a small compass.

“He was—
But words are wanting to say what—
Say what a person ought to be.
And he was *that*.”

Sir, his sun of life has set forever; but the bright beams of his example will long linger on the horizon to cheer the rising youth of our country in the paths of virtue, of honor, and renown.

NOTE.—Mr. Booth will make appendix towards the conclusion.

REMARKS OF JUDGE WELLFORD.

MR. CHAIRMAN :

I offer no apology for occupying the attention of this large assemblage of my brethren of the Bench and Bar of Virginia for a brief period. To most of them Judge Moncure was only known in the maturity of his and their own lives. I recognize around me a few, but very few, whose recollections, like my own, ante-date his public life and reach back to a time when he was little known outside of that community in which, except when called from home by official duty, he passed his life from the cradle to the

grave. I was born and raised in that community. He was a generation ahead of me. His oldest son, now an honored occupant of the Bench in a sister State, and myself were associated in our first experiences of life by ties and feelings which time and distant space have never obliterated or obscured. Judge Moncure, though some years younger than either my father or mother, was their contemporary and a hereditary friend of his and her family.

When I can first remember him he was a comparatively young man, engaged in the laborious and successful practice of his profession. No man ever commanded to a greater extent the affectionate confidence and esteem of the community in which he lived. It was a community whose praise or censure was not of little value. Rich in remote traditions, recent memories and the present possession of honored sons, in measuring every claimant upon its confidence it subjected him to a high standard. Men and women of middle age in that community, when Judge Moncure began life, detailed in daily conversation to their juniors vivid recollections of their association in earlier life with Washington, and Madison, and Monroe, and George Mason, and the Lees, and Grayson, and John Taylor of Caroline, &c., &c. The homestead which sheltered the declining years of Mary Washington was there. The humble office from which James Monroe first hung out his sign as a candidate for practice as a lawyer was still standing. Upon the one side of the river the memory was as recent as ours of the late war of an animated election for Representative in Congress in which the personal influence of George Washington cast the scales in favor of Lighthorse Harry Lee. While upon the other shore the fathers told their sons with honest pride of their maiden vote under the Constitution of the United States for James Madison to represent them upon the floor of Congress. That venerable man was still living, and a few years later was summoned from his retirement to close his official life as a representative of that same people in the memorable Virginia Convention of 1829.

When Judge Moncure came to the Bar Fredericksburg was the seat, under the old Constitution of 1776, of one of the four or five District Chancery Courts of the State. Three of the five then judges of the Court of Appeals were residents of the immediate vicinage. Judge Brooke

lived but eight miles below Fredericksburg, Judge Coalter immediately across the river, in Judge Moncure's own county of Stafford, and Judge Green, who had spent in Fredericksburg his active life as a practicing lawyer, and for some time as judge of the District Court of Chancery, was living some twenty or thirty miles distant in the county of Culpeper. The then circuit judge of the Fredericksburg circuit was William Brockenbrough, who subsequently became a judge of the Court of Appeals. Robert Stanard, also an after judge of the Court of Appeals, was then in the maturity of his early fame at the head of the resident Bar of Fredericksburg. John Tayloe Lomax was only temporarily absent as the first Professor of Law in the University of Virginia, from which position he was recalled by the General Assembly to succeed Judge Brockenbrough as judge of the Circuit Court.

The non-resident Bar whose constant attendance made names and faces familiar embraced among its elder members two subsequent judges of the United States Supreme Court—Philip P. Barbour and Peter V. Daniel—and other such men as John Scott of Fauquier, John S. Barbour, and Andrew Stevenson.

Among Judge Moncure's own contemporaries of the younger Bar it suffices to name John M. Patton, Arthur A. Morson, the venerable ex-Governor Wm. Smith, Robert E. Scott, Wm. Green, John L. Marye, Lawrence W. Berrey, Thomas B. Barton.

At that Bar and among those people Judge Moncure began his professional life without the advantage of early education or the patronage of older lawyers. He staked his success upon his worth as a man, his capacity for the work he undertook, and his earnest consecration to that work as the duty of life.

He succeeded. How well he succeeded has become matter of history in Virginia.

Upon that point I need not dwell. There are times and occasions which are suggestive of more than any eloquence of speech could equal, and I do not mean in this presence to attempt any expression of my own appreciation of Judge Moncure's merits as a lawyer and a judge. Before that Bench from which he has these many years spoken the law; before this audience, each of whom have thumbed the thirty volumes of Virginia Reports which transmit in

the most permanent literature of this Commonwealth the results of his judicial labor, it would be idle to say that he was a great lawyer and a great judge.

But Judge Moncure was a great lawyer and judge less from native talent and acquired learning, eminent as they were, than from the force of personal character as a good man in principle and in action.

His head was always under the domination of a heart which recognized his obligations to God and to man, and accepted as the standard of his own life the golden rule of doing as he would be done by. He earnestly believed that the limit of human authority in the Legislative Department was to order, and in the Judicial and Executive Departments to enforce between man and man, in all the relations of life, the observance of that cardinal principle.

Upon that theory he practiced at the Bar and he spoke from the Bench, and the only reproach which I have ever heard suggested upon his long judicial career was that in his honest purpose to command from every suitor before him strict and even justice proportioned to the facts of the case, he may sometimes have weakened the force of technical rules and precedent cases.

Judge Moncure's life was spent in the labors of his profession. He was not unfrequently tempted to enter the political field with assurances of promotion and success, which would have diverted the current of almost any other man's life. But he steadfastly refused the temptation. His connection with political life was limited to a brief period of service in the General Assembly, mainly for the purpose of assisting in the formation of the first Code of Virginia, and in the Constitutional Convention of 1849.

But no man ever felt a deeper or profounder interest in political affairs. His opinions upon every question of political policy were always of the most pronounced character, and whenever occasion required or justified their expression, his voice never bore an uncertain sound. He was an earnest patriot and intensely a Virginian. His emigrant ancestors had found their homes among her people, and nothing which affected her honor or her interest was a matter of indifference to him.

He cherished her past, he was jealous of her present, and in her darkest hours looked with hope and confidence to her future. No son of hers was ever more loyal to the

mother that bore him, and never had mother a son in whom she had better cause to feel an honest pride. The soil of Virginia is rich in honored dust, but her great bosom never opened to receive a form which tabernacled a soul more earnestly consecrated to her in life than when the sods of his native Stafford rattled upon the coffin of Richard C. L. Moncure.

R. D. Ward, Esq., made the following remarks :

REMARKS OF MR. WARD.

MR. PRESIDENT :

I desire to add my humble tribute to the memory of a man whom I have known for forty years, and who by many acts of disinterested kindness to me during that long period I know was my friend.

The members of the Bench and the Bar of the State have assembled to commemorate the death of Judge Richard C. L. Moncure, late President of the Supreme Court of Appeals of Virginia. When such a man dies, the public looks for and his life deserves more than a mere passing notice. He possessed a character so worthy of emulation and example to all, and discharged so many and such important public trusts for a long life, that some account of them will be interesting and beneficial.

Richard C. L. Moncure was born in the county of Stafford in the year 1805, of highly respectable and honest parentage. His father, Col. John Moncure, held an office under the United States Government, was a man of large possessions and much given to hospitality, his house being all the time full of guests. He died when Richard was only three years of age, and his fortune had melted away and after his death it realized for his children almost nothing. Richard was left to the care of his mother, Miss Alice Gaskins, of Northumberland, with nothing but his own talents, perseverance and industry to make his way in the world. He had no other school advantages than those furnished by an old field school in the county of

Stafford, which he attended for three years, and a school of higher grade in the village of Falmouth, which he attended for one year. When about thirteen years of age he removed to Falmouth to live with his brother, who was sheriff of the county, and while with him he assisted him and borrowed law books from lawyers in that village and in Fredericksburg, which he read during his time of leisure from his regular pursuits. In this way he acquired a knowledge of law, and in 1825 he was admitted to the Bar. He commenced practice in Falmouth, and in one year thereafter, when only twenty-one years of age, he was appointed Attorney for the Commonwealth for that county. In the same year he was elected to the Legislature from that county, and he served in that body five sessions. When just arrived at age he married Miss Mary C. Conway, an estimable lady, who was his life-long companion and still survives him. He was a member of the Constitutional Convention of 1849-'50, and while a member of that body he was appointed by the Legislature one of the judges of the Supreme Court of Appeals of Virginia, on the bench of which he has remained until his death (except during the years of reconstruction), a period of over thirty years. Thus from youth to old age his life has been spent in the service of his State in the discharge of the most important and honorable duties which can be imposed upon a citizen. In all her annals no official of the Commonwealth ever performed the duties of his office with more conscientious fidelity or with more constant effort to do his whole duty. The measure of his success is seen in his labor in the revision of the laws and everywhere upon the pages of Grattan's Reports, and its completeness is acknowledged in the respect and veneration in which he is held by the whole Bar of the State as well as all her people. The work of the revision of the laws was one not only of great importance, but it required a vast amount of thought and labor. In 1846 the General Assembly passed an act appointing John M. Patton and Conway Robinson, Esqs., to revise and digest the civil code. It was made their duty to revise all the civil statutes then in force, and to report to the General Assembly which of the general statutes ought and which ought not to remain in force, with drafts of such bills as might seem to them ought to be passed. The revisors finished their work

in 1849, having bestowed upon it their most careful consideration which their training and ability as eminent lawyers enabled them to do. They made their reports to the Legislature, who referred them to the joint committee of the two Houses, which was composed of the following members: On the part of the House of Delegates—Messrs. Moncure, Scott, Harrison, Conway, Whittle, Smith, and Booth; and on the part of the Senate—Messrs. Thompson, Witcher, Sloan, Kinney, and Ambler. Judge Moncure was made chairman of the joint committee, and the labor which he especially, as well as others of the committee, performed was continuous and exacting. Owing to the prevalence of cholera at Richmond the General Assembly sat at the Fauquier White Sulphur Springs, and it was at that delightful spot that the labor of the committee was performed. It was employed in examining the revisors' reports and conferring with them, and making such amendments thereto as they deemed proper. Judge Moncure bent his whole energies and gave all his legal experience and learning to this work. In the committee and in the House of Delegates he took a leading part in the discussions of the various bills which were reported. The whole work of the revisors and of the Committee of Revision resulted in the Code of 1860, every page of which is stamped with the labor and learning of this distinguished jurist. In addition to the prominent part which Judge Moncure took in perfecting the civil laws of the Commonwealth, he, with Messrs. Scott of Fauquier, Harrison of Loudoun, Mosby of Campbell, and Mayo of Richmond city, in 1848 framed, and the General Assembly passed, the act of March 14th, 1848, to reduce into one the several acts concerning crimes and punishments and proceedings in criminal cases, which, later, was substantially accepted and reported by the revisors, and became the criminal law of the State.

During his long service as a judge of the Supreme Court of Appeals, Judge Moncure delivered the opinion of the Court and dissenting opinions in about 400 cases, comprising about 3,000 pages of Grattan's Reports. These opinions are generally indicative of a clear understanding of the cases, expressed in apt language, and lay down sound principles of law. They have received the sanction and approbation of the profession, and no counsel ever

heard Judge Moncure read an opinion, even though he decided his case against him and he might have thought at the time that he was wrong, ever doubted his integrity and honesty of purpose, and after a while did not come to the conclusion that he was right. Virginia may have had other judges whose legal learning and scholastic training was greater, whose powers of mind were stronger and more comprehensive, whose treatment of judicial questions was more profound and whose language was more concise and pointed, but among the long line of distinguished jurists that have adorned her Bench not one can be found who possessed more conscientiousness in the discharge of his whole official duty or used more diligent and industrious efforts to perform it. Of all the public men of the State that I have known for the last forty years, there is not one who throughout his whole career has exhibited greater zeal, earnestness and conscientious industry to discharge his public duties. I know of many little incidents which beautifully illustrate the child-like simplicity and purity of his character; but I will relate only one, which shows his scrupulous conscientiousness in regard to the expenditure of public money. On one occasion some years ago, with the stationery I usually purchased for the court, I bought knives for the judges. When I presented one to Judge Moncure he declined to take it, saying his old knife, which he had had for twenty years, would last as long as he lived. I suggested to him that he had better take the knife, that it would just suit to trim his trees at home, and that surely he should feel justified in taking from the State one knife in twenty years, when the members of the Legislature and other State officials got them every year. He consented at last and put the knife in his pocket. The next morning when he came to the court-room he said to me: "Mr. Ward, during the night I have been thinking much about the knife you gave me," and with his old wornout one in his hand said, "Take it back to the store from which you got it; I have concluded to use my old knife the balance of my life, and do not feel satisfied to put the State to the expense of a new one for me when I can do without it." What a contrast to the conduct of many of our public officials of the present time! How advantageous to the country it would be if they were inspired with the sentiment which pushed the old Judge to so

overmuch scrupulousness. For the past twelve years, during which time I have occupied an humble position in this court, I have observed the veneration and love entertained for him by his brethren of the Bench, as well as the honor and respect felt for him by the Bar of the State, and when, in the last year of his declining health, I called on the members of the Bar of Richmond for the means to purchase yonder excellent portrait which now hangs on the wall of this court-room to remind us of the living form which we have seen so often on that bench, and which will hang there, I trust, through all time, to encourage future generations of lawyers to study, admire and emulate the sublime character of the man and judge, I had no difficulty in getting the money, but I had to put the subscription quota very low in order that all might have the privilege of subscribing, and many lawyers outside of the city expressed to me their earnest desire to subscribe. It was put there without his consent or knowledge in his lifetime, and when he was absent from the city. When the old Judge first looked upon it and was told its history, unshed tears stood in his eyes and his heart swelled with emotions inexpressible as he gazed upon the patent, lasting tribute of the respect, esteem and honor thus bestowed upon him by his professional brethren who knew him so well and loved him so much.

Alas! Judge Moncure has gone from earth. We will see him no more in this forum, no more in the paths he so often trod; but yet he still lives, and will continue to live so long as men delight to contemplate the deeds of an honest life, of a wise counsellor, of an upright judge and a Christian gentleman. He still lives in his character and his example—an inestimable legacy to his professional brethren if they will but rightly appreciate it and emulate it. He lived a worthy, true life, and he died triumphant in the Christian faith, and angels have borne his immortal spirit to that glorious City of God not made with hands, eternal in the heavens.

It is but natural for his friends and companions to sorrow and grieve when such a man departs, but let us rejoice that he has obtained so great a reward, and let us all try so to live that we may secure a similar one.

It is to be regretted that the letters and some of the speeches and documents of the Bar meeting could not be conveniently procured for this edition. Since it was closed letters have been received from Judge Sheffey, Judge Watson, Samuel Price, John A. Thompson, Wm. M. Burwell, Esqs., all breathing the same exalted devotion and appreciation, and thus from one learn all. Mr. Burwell's gives assurance that the mantle of a noble sire has fallen on a noble son, now of Louisiana.

REMARKS OF JUDGE OULD

Remarks of Judge Ould in presenting the resolutions of the Bar meeting to the Court of Appeals:

May it please the Court:

On the first day of this term a large number of the members of the Bench and Bar of the State assembled in this room to pay their tribute to the memory of the late president of this court, who, in the interval of its sessions, at his own home and in the midst of a loving household, was released from the labors of a long and eventful life. I was instructed by that meeting to present the memorial and resolutions then adopted to this honorable court, over which he so long presided, with a request that they be entered on its records.

The death in office of the president of the highest court of the Commonwealth is an event of such moment that his survivors can well turn aside from the judicial routine and perpetuate on their records the memory of one who, for so long a time, was their honored chief and friend.

Judge Moncure, in early life, was compelled to struggle with the privations of poverty. But he was born of a sturdy stock; and to one who meets such difficulties with the spirit which he at once displayed, they are not a real disadvantage. Most of the world's worthies have had this training, and by it were made more independent, more

buoyant, more self-reliant, more athletic in mind and body, and thus braver and stronger in the subsequent battles of life than their brothers reared in luxury and ease.

Although Judge Moncure was called to the bench at a comparatively early age, he had previously won great distinction at the bar in a section of the State prolific in able lawyers. His studious habits and pure life gave him the confidence of the people, and they ever watched his course with interest and followed his fortunes with their affection. He had all the qualities to make him a noted man in the community, zeal for the cause he espoused, and strong common sense, which, a distinguished judge has aptly called, the great solvent of legal perplexity. Nature also had built his body on a breadth and strength of plan which capacitated him for great labor and endurance. His triumphs in his profession were not confined to the local bars of his section. He distinguished himself in arguments before this Court, when it was not common for local counsel to follow their causes to this tribunal. One of the most noted of them was in *Yerby v. Lynch*, 3 Grattan, which was made memorable by reason of its connection with the death of Judge Stanard, who was stricken with a mortal illness while writing an opinion in that case, in which he paid a high compliment to Judge Moncure's argument.

Judge Moncure began his judicial career in April, 1851, and with but little intermission continued on the Court of Appeals, either as Associate Justice or its President, until the time of his death. His published opinions are found in twenty-eight volumes of the Virginia Reports, running from 7th Grattan to 1st Matthews, inclusive, and embracing a period from April, 1851, to November, 1880. During the greater part of this time he was the President of the Court, and it can be truly said of him that his wisdom and purity had no little to do in inspiring the public with confidence in its decisions. During this judicial career he analyzed and mastered the most difficult questions of jurisprudence, and presented them with clearness and precision. Some of these subjects were fields which he had scarcely ever traversed in his practice at the bar, such, for instance, as commercial securities, yet his great industry and accuracy soon made him master of all that was essential to be known. In treating obtruse matters, he was free from all pedantry and affection of learning, and in the noble func-

tion of construing constitutions and statutes, of determining the controversies of men, of disentangling complicated questions of law and fact, and reducing them into harmony, he was patient, industrious, impartial, bringing to his high office all the graces of a conscientious spirit. If he committed errors by inattention, want of time or preconceived opinions, it is a wonder, in his long judicial life, he did not make more. In the controversies which come for judicial determination before courts, it must needs be that there are matters of difference that are almost equally balanced, where some parts of the record are apparently for one party and others are against him; and in such cases, common to all courts, it would be too high a praise to be given to any judge, that he had always decided correctly. No man would have been prompter than Judge Moncure to deny any general infallibility on his part, earnest as he was in almost every case to insist upon the view which he had maturely adopted. That he did hold to such opinions in the face of any opposition cannot be denied. The second opinion which he delivered in this Court, that in *Dabney v. Kennedy*, 7th Grattan, was one of dissent from the otherwise unanimous judgment of the Court, consisting of Cabell, Allen, Baldwin, Daniel and himself, when he was junior, both in years and term of service, to all of them. He had such independence of character that dissent from the majority of his brethren was not an uncommon occurrence in his judicial life.

This self-reliance of Judge Moncure was also shown by the fearless way in which he walked through the dark places of the law, where the light of precedent did not reach him. Some of the best opinions he ever delivered fall under this class. But when he was required to blaze his own way, he never moved rashly and hastily, but always with circumspection. If direct precedent could not be found, he followed what was its best substitute, the analogies of the law. Yet, it cannot be altogether denied, that while he held that the artificial reason and judgment of the law ought to come into play in deciding causes, as well as natural reason, still, he had such a predominating sense of justice that he was sometimes led to the very verge of the law in his effort to decide a case upon its particular right.

Of course, we of the Bar know nothing of Judge Mon-

cure's conduct in conference, but all of us can speak of the kindness of his manner in leading the public business of the court, of his gentleness in imposing any restraint whenever it was necessary, of his noble courtesy, of his patience in hearing counsel, even when they were extravagant. How often have we seen him as much out of kindness to the advocate as from a desire that the case might be thoroughly sifted, almost fain doubts, or put questions which would lead counsel to the pith of the case. In the same spirit he adopted the opinion of Lord Kenyon, that it was "the duty of every court to administer justice as well as could be between litigating parties, and that another and not less material duty was to satisfy these parties that the whole case had been examined and considered." Acting upon this view, it may be, and doubtless is true, that some of his opinions, especially in his later years, are too much in detail and too prolix in the discussion of facts when tested by the best models; but this very natural fault grew out of

NO DESIRE TO DISPLAY,

but resulted from a purpose to show to all interested in the controversy that he had not overlooked any material fact.

Judge Moncure never turned out of his way for figures of speech or rhetorical adornment. He clearly stated, in a transparent style and in vigorous words, what he clearly saw, and with that was content. He made no claim to classical taste or acquirement, or to any superior literary excellence. Indeed, it must be admitted that in his forensic efforts he displayed but little of what is called in these days oratory, and in his judicial opinions the student who seeks the classic eloquence of Lord Stowell or the polished rhetoric of Chief-Justice Gibson will be disappointed. He was too direct and too impetuous for any such finery.

THE FULL STREAM

of his thought never loitered on its way to make eddies, but rushed directly to its end. So intent was he about this that if any one had brought against him, with any degree of truth, the accusation that he had preferred ornament to substance, he would have felt that he had been untrue to his great office. He never thought of display, and seemed unconscious that he had the power to make any.

One of his judicial characteristics was his devotion to his native Commonwealth. It was almost a passion with him. In every controversy in which her honor, her interests, or her prosperity was concerned, he came to the front as her guardian and protector and with fervor that sprung from instinct, and was made more intense by habit. It made no difference whether it was an assault by bad men from within upon her penal statutes, or an encroachment from without on her dignity or honor, he stood at the gate "with flaming sword, which turned every way." He was

A MAGISTRATE OF DAUNTLESS COURAGE—

a courage which, as Carlyle says of Henry Irving, was not "pugnacious nor ferocious, but as of the generous war-horse, gentle in strength, yet that laughs at the shaking of the spear." No terror or force could overawe him. He would have gone to the stake rather than recant a judgment in which he had, to his own satisfaction, established a right or defended a principle.

In thus depicting Judge Moncure's judicial life I have not indulged in what is so natural, but yet too common, indiscriminate praise. No human figure is all of gold, and I have not pretended to present him as such. But I do mean to say, and perhaps no higher eulogium could be pronounced, that if he could have had an enemy, who would undertake to write his biography with any regard to truth, he would be compelled, in spite of any private malice, to present a figure of unblemished integrity, purity, and inflexible purpose to do right, as of a man living consciously under his Maker's eye.

Turning from his judicial life, I desire to speak a few words of him

AS A MAN.

What is ordinarily called pleasure had but very little charm for him. He took greater delight in disentangling a record, or in following the run of a principle through the books, than he could have felt as an honored guest in a king's palace. He was wonderfully simple and domestic in his tastes, preferring the routine of his own home and the attractions of his household to the hospitality and feasts of his most valued friends,

So direct was his mind, and so intent was he about the duties and issues of life, that he never perceived a jest, unless he was led up to it and elaborate explanation made; but yet, without contradiction, no soul was more genial than his, no one's laughter more hearty, and no man's sympathies more quickly kindled. He had a genuine urbanity and delightful unreserve which gave a charm and beauty to his daily life.

But the most distinguishing characteristic of Judge Moncure was his simplicity. It might be called massive, not only in the materials of the structure, but also in its style and order. And that simplicity was made more noble and beautiful by reason of his unconsciousness of the fact. If he had speculated or built upon it, or, indeed, if he had been aware of it, it would have lost much of its charm. It attended him as closely as his shadow—nay, more so, for that follows, while the grace to which I have referred sat upon him like a glory. It was a characteristic as well known to all the classes of the people with whom he had intercourse as to his brethren of the Bench and Bar. It was never thrown off. He could not have done so had he tried. I have dwelt thus long on this trait of his, because it is so rare with those who have had much to do with men and their affairs, public and private, and still rarer to be seen anywhere in such unconscious beauty.

Yet, notwithstanding all I have said, I have heard that in his youth and early manhood he was of hot temper and easily provoked to wrath. We who have seen him on the bench, not frequently perhaps, but now and then, when he was delivering *ore tenus* a dissenting opinion in a case where he had caught fire, can well understand how this statement can be true.

HIS TEMPERAMENT WAS ARDENT,

and his nature fervid, and on occasions, even in his later years, he would break into vehement speech. But however he might kindle, there was never malice or any uncharitableness in these utterances, and he was never moved even to them, unless he believed that some great and valuable principle of the law had been disregarded, or that some personal right had been invaded.

The truth of the matter is that Judge Moncure, having become in early life a Christian disciple, his volcanic na-

ture was presided over and controlled by a supernatural grace—by a divine power which stooped from the heavens and lifted him above his natural plane. His faith was simple and reverent—not a cloudy abstraction, nor even a succession of gleams followed by darkness, but something that glowed with the celestial radiance of a perfect day. Perhaps no man that ever lived was more absolutely free from doubt or indecision as to the matters which pertained to his lasting peace than Judge Moncure. He put his hand into that of the Eternal Father with all the filial trust and confidence of a little child, and thus, far more than by his original nature, was held to duty with all the precision with which gravitation holds a planet in its sweep.

The Roman poet says:

“ Pallida mors, œquo, pulsat pede pauperum tabernas
Regumque tures ;”

but Judge Moncure himself, without a tremor, knocked at the door of Death, not complainingly, or indeed with any assertion of self, but in reverent submission to the will of God. The shadows had been long gathered about him, each day deepening the gloom, and the plaintive cry was wrung from him by bodily anguish that the darkening twilight might close at once in night. But even in this the sensitive soul feared that he might show a lack of submission to the divine will. The release came in its appointed time, welcomed by no one as by him—“the silver cord was loosed and the golden bowl broken.” Let us thank God that He gave to the country such a patriot, to the State such a citizen, to the administration of the law such a magistrate, and to those that loved him, such a friend.

“Crown me with flowers,” cried Mirabeau in his last hour, and loving friends brought them. But our elder brother needed no human hands to bring him garlands, for

GOD HAD ALREADY CROWNED HIM,

and out of a pure and noble life had already sprung eternal flowers, which bloomed not only on earth, but were glorious enough to be transplanted from that quiet Stafford death-bed to the celestial gardens.

Though a senior to all of us, he has preceded us but a little. The hearts of even the youngest of us are but

“muffled drums, beating funeral dirges to the grave.” Even while we are viewing the procession of the dead, the order comes for us to fall in. And now, in this moment, when I am speaking the last words which I will ever utter in the presence of this Court, as it is now formed, I can express no better hope for Bench and Bar than that when our summons comes we may receive and welcome it as did our friend and chief.

JUDGE ROBERT OULD.

ADDRESS OF REV. DR. HOGE

AT THE

FUNERAL OF Judge ROBERT OULD,

Second Presbyterian Church, Sunday, December 17th, 1882.

The funeral of Judge Robert Ould took place from the Second Presbyterian Church in this city at 2½ o'clock P. M. on Sunday, December 17th, 1882. A great concourse of people were assembled to do honor to the memory of the illustrious deceased. The services were conducted by the Rev. Dr. Hoge, assisted by the Rev. Dr. Peterkin and the Rev. Dr. J. L. M. Curry. The following is a report of the remarks made by Dr. Hoge on the occasion :

Were a total stranger to this city, ignorant of all that had occurred in it during the past week, now to enter this church, he could not look around him for a single moment without being impressed by the fact that some event of more than ordinary interest was now absorbing the minds and affecting the hearts of our people.

This vast assembly, so hushed and still, these badges of mourning, these tears, not only of bereaved relatives, but of a bereaved community, would tell him in a language more impressive than words that to-day we all together constitute one household, smitten of God and afflicted and needing consolation.

It is not true that out of the abundance of the heart a ready utterance always comes. There are times when the very fullness of emotion makes silence more natural than

speech. When men stand in the presence of appalling danger their words are few. In the midst of overwhelming sorrow they are dumb. "I opened not my mouth because thou didst it." When God makes some soul-subduing manifestation of himself, he seems to say, "Be still, and know that I am God."

My friends, I am troubled. Outside the circle of the immediate family, I am the most bereaved—the chief mourner. When I look upon this great, sorrowing assembly, and then remember whose dust it is that this coffin encloses, I feel like asking you to permit me to leave this pulpit and take my more appropriate place among those who weep beneath it. "Lord send me help from the sanctuary, and strengthen me out of Zion."

It is not my custom to make funeral addresses. If I deviate from this now, it is because of the assurance I have received that there is a pent-up feeling in the whole community that demands some expression, and that such expression would be a relief even to those most nearly touched by this bereavement. I shall have your sympathy while I attempt to give vent to these struggling emotions, and all the more if what I say is not so much a tribute to the man, the friend, the brother, for whom we mourn, as to the grace of God which was magnified in his life and in his death.

The child of eminently pious parents, never even in the days when the gay world with its enticements, its ambitions, and its pleasures most possessed him, did he wholly forget the example, the prayers and the instructions of those who consecrated him to God at his birth.

In early life he chose the profession which he preferred to all others, save one, which in later life he ranked above it, and his choice was a noble one. "Our human laws," says a modern writer, "are but copies, more or less perfect, of the eternal laws, as far as we can read them." Law has been called the perfection of reason. It is the visible impersonation of justice, the tangible embodiment of right. It touches society at every point; guards property, life, and character; it curbs license, protects the feeble, honors good faith, circumvents fraud, and binds the turbulent in chains. It secures social order, shields domestic happiness, and makes national prosperity possible. Such was the noble profession of his choice.

How well he discharged the duties of his high calling, with what fearlessness, with what fidelity, with what success, will be told in another place; and honored will be the man who, at the command of Bench and Bar, will place on record for the instruction of the profession in all coming time an adequate tribute to Judge Robert Ould, as an instructive illustration of what distinction may be won when genius, learning, industry, and personal honor are the constituent elements of success and the sure guarantees of the eminence which will be accorded to one who possesses these characteristics, by all the legal tribunals of this Commonwealth.

But, my friends, to-day our concern is not with the laurels of earth, or the monuments which genius erects for itself, but with the interests which pertain to a higher life, and with the judgments which belong to a higher tribunal.

The most pathetic of the ancient prophets on a certain occasion, exclaimed, "How is the strong staff broken and the beautiful rod." Manly, physical strength and the fairest creations of human intellect are frail at best and evanescent. "Thy rod, thy staff," cried one of the greatest American statesmen in a dying hour, "that is what I want." The staff of the Lord, our Shepherd, alone is strong. His rod, like that of Aaron, is the only one that buds and bears perennial blossoms. All other dependences are but as the frail web that the spider weaves across the chasm. All the glory of man is but the flower of the grass. All the posthumous honors, won by human toil and talent, bring no joy to the heart which lies still and chill in the coffin, and all the music of the world's applause cannot penetrate the dull cold ear of death. The honor which God confers on those who serve him, and the glory to which he summons the redeemed soul, alone are endearing and satisfying. It is only the sweet remembrance of what God's grace did for my departed friend and brother that gives me comfort to-day, and this remembrance alone gives me strength to pay this tribute of tender affection. It is not of the jurist that I would speak, eminent as he was in his profession, nor of the man, attractive as he was by his virtues, but of the Christian, the servant of Christ, and for His sake the servant of the Church he loved.

I cannot better refer to the great and eventful change in

his life—a change that gave a new direction to his whole future—than in his own words. On Christmas day, 1870, he sent me as a keepsake a volume recently published by a distinguished divine. In the round, clear hand which he wrote, he covered the whole of the first fly-leaf of the book with an inscription, the first sentence of which was this: “I desire to record in this Christmas offering the fact—the supremest in my life—that just one year ago the Spirit of God led me to your ministry. I do so in this form in the hope that it may the more readily meet your eye in future days, perhaps when I am no more.” What follows is too delicately personal for repetition, but it is a grateful record of the spiritual experiences of that memorial year. From that day to this I have known him in his public and in his private walks; known him in his joys and sorrows; known him when success crowned his labors and when disappointment chilled his hopes; known him when misrepresentation assailed his good name, and when with a magnanimity which was as rare as it was beautiful, he chose to suffer in silence, assured that God in his own good time, would bring forth his righteousness as the light and his judgment as the noonday. I have known him as a student of theology, taking it up after his conversion, as he would a new treatise on science or international law, and mastering it as few divines in the pulpit have done; known him as a student of polemics and church government, coming to an unalterable conclusion as to the Scriptural origin of the creeds and confessions of the church of his choice; known him in the humble, but in his esteem, the honored office of superintendent of a Mission Sunday School in the suburbs of the city; known him as a teacher of a Bible Class for which he began to prepare his lectures on Monday morning lest the pressure of professional duties should hinder him at the close of the week; known him as an office-bearer in the church, giving to his pastor all the hearty co-operation, encouragement and support which a man of his clear judgment and generous nature was so capable of rendering; known him as a devout and regular attendant on all the services of the church on the Sabbath and during the week, in heat and cold, in sunshine and storm, even when failing health rendered such regular attendance difficult and hazardous; known him as the friend of the poor, and the generous contribu-

tor to all the enterprises of Christian benevolence ; known him as a member of ecclesiastical courts, always heard with deference when he spoke because of his familiarity with ecclesiastical law and his fair, lucid and conciliating style of discussion ; known him as a friend congenial to my intellect and heart, loyal, true, and loving ; known him as an appreciative hearer, never listening critically, captiously or distrustfully, but giving me his fullest sympathy and confidence, so that he was to me (none of you will misunderstand what I mean) as it it were, an audience in himself. And now that I shall no more see him coming with slow and measured step along that isle, no more look upon his calm and placid face, full of light and loving kindness, I feel like this church hereafter cannot be to me all that it has been since 1870.

I hasten to the close. I was absent from the city when the mortal chill seized him. When I entered his chamber on my return and expressed my concern at finding him so ill, he smiled and quietly said. " You came near losing one of your Elders last night." Little did I think when I knelt and commended him to God, that this was my last interview. The next morning I lost him—oh, no, not that—if heaven found him, and if while walking with God, he was not, because God took him.

His departure was sudden, but sudden death is sudden glory to the Christian. It seems to bring the eternal world nearer when one makes the transition from earth to heaven by a single step. When one dies by long and lingering illness, it interposes, as it were, a wide and dreary territory between the two worlds, like a broad and barren beach of sand between cultivated fields and the ocean. Not so when the green grass comes down to the very margin of the blue water and is kissed by its rippling waves. Not so when the spirit with a bound leaves its encumbering clay. Then heaven is not distant but near ; a door in the very house we live in, a door in the very house we die in, suddenly opens, and in an instant we are in a house not made with hands, eternal in the heavens.

It is touching and impressive to remember that the last effort of his noble intellect and loving heart was in portraying the character and commemorating the virtues of the lamented Judge Moncure—who wore his ermine spotless until he put on brighter robes in heaven—and that in

so doing he was unconsciously pronouncing his own eulogy. That tribute to the pure and incorruptible Judge, spread upon the records of the court, will form a part of the judicial history of the Commonwealth, and will go down to other generations as the testimony of the lawyers and judges of our time, to the superior dignity and worth of moral excellence above all the adventitious advantages of birth, wealth and power—a testimony not from theologians and the editors of religious journals, but from judges and lawyers to the nobility of a life whose foundations were laid in Christian faith, and whose superstructure was a harmonious and symmetrical development of Christian manhood, and thus to compel even the frivolous and profane to feel “how awful goodness is,” and see “virtue in her own shape how lovely.”

The pause he made when he said, “this is the last time I shall ever address this court,” before he added “as it is now constituted,” was prophetic. The assertion that, “as we review the procession of the dead the order comes for us to fall in,” is now historic.

I have said we shall see our friend no more, but I recall the words, for

“Hope looks beyond the bounds of time,
When what we now deplore
Shall rise in full immortal prime,
And bloom to fade no more.”

We consign these mortal remains to the tomb in the sure and certain hope of resurrection. We part a while from this chastened spirit, but in the midst of our grief we are glad that the ties which bind us to those who die in the Lord are not severed by the stroke of death, but that these Christian friendships, cemented by the love of Christ, shall have a resurrection beyond the grave, and spring up and flourish beautiful and immortal in the paradise of God. We will regain our departed friends in the land of re-union, recognition, and communion, in glory everlasting, and so we may say, though with voices made tremulous with emotion, “Glory be to the Father, and to the Son, and to the Holy Ghost; as it was in the beginning, is now, and ever shall be, world without end. Amen.

PROCEEDINGS OF THE BIBLE CLASSES

Of the Second Presbyterian Church Relative to the Death of
JUDGE ROBERT OULD.

Pursuant to an invitation of the Bible Class of the late Hon. Robert Ould, LL. D., a joint meeting of all the Bible Classes of the Second Presbyterian Church was held in the north gallery of the Church, Sunday morning, December 31, 1882.

Hon. George L. Christian was called to the chair and Mr. G. Watson James was made Secretary. The Chairman stated that the object of the meeting was to take action touching the death of Judge Ould.

Mr. James Pleasants, who, at the request of the Chair, had consented to draft a memorial, after paying a brief and touching tribute to the memory of the deceased, submitted the following:

Resolved, 1. That in the death of Judge Ould the members of his Bible Class have sustained an incalculable loss. We honored, admired and loved him. He excelled as a teacher of the Bible; his great talents nowhere shone more conspicuously. He brought to the task not only eminent moral qualifications, such as untiring zeal, gentleness and patience of temper, a courteous bearing and a faithfulness "unto death," but abilities and accomplishments of a very high order. He was a profound thinker, and his well-trained and vigorous intellect had been ripened by culture and scholarship. He was intimately versed in the knowledge of the Scriptures and a devout believer in their teachings, and his studies had taken a wide range through the fields of theology and Biblical learning. His well-known brilliant powers of eloquence and debate, both as a speaker and a writer, lent to his discourses and essays on the grand and solemn themes of Holy Writ the charms of style and oratory; he always handled those themes with the skill and ability of a master, convincing the understanding and persuading the heart.

Resolved, 2. That we, for whose good he discharged during many years his "work of faith" and "labor of love" in the cause of his beloved Lord, feel that ours is a peculiarly tender sorrow, beyond our common grief with the citizens of this community and the members of this Church. The relations between him and us were so friendly and cordial; our communion was of so sacred and sweet a nature, and the tie between us so strong and holy, and our intercourse so easy and delightful, that, like the Ephesian brethren of old on taking their last leave of Paul at Melitus, we would weep sore, sorrowing most of all that we shall see his face no more. And in this hallowed place, where he delighted to gather us around him, and had so endeared himself to us by his loving kindness and self-sacrifice—where he

"Allured to brighter worlds and led the way,"

would we record our lasting appreciation of his pre-eminent worth, our gratitude for his labors and our affection for his memory.

Resolved, 3. That the works of Robert Ould, consisting of his discourses, and essays and lectures before this class, would form a valuable addition to Biblical literature and learning, and should live after him; and we request of his literary executor their publication for the good of mankind.

Resolved, 4. That a copy of these proceedings be given to the widow and family of our lamented teacher, and another to the session of this Church, with a request that they may be spread on their minutes.

Dr. George W. Harris moved to amend the resolutions so as to embody a request that the proceedings of the meeting be published in the "Central Presbyterian."

On a motion of Mr. James, seconded by Mr. S. H. Hawes, the resolutions, as amended, were unanimously adopted.

Adjourned.

GEO. L. CHRISTIAN, *Chairman*,

G. Watson James, Secretary.

APPENDIX

By Mr. Booth, previously referred to :

Being the only living associate of Judge Moncure on that Revision Committee of the House of Delegates in 1849, (Mr. Ambler the only one of the Senate,) it has been deemed appropriate and important, and expressly suggested and impressed by Judge Ould, that I should present and thus perpetuate any incidents and concomitants entwined and interwoven in the history and associations of that great and good man; his legal fame and subsequent promotion emanating from his connection and paramount achievements in what others have pronounced the best code of laws the State ever had—and thus the circumstances of its preparation of value in any subsequent exigency of similar character.

I will first state that it was a much better Code when it passed from the committee than from the Legislature, and I do not think I can enforce a more important injunction, that never again should a code of laws be submitted to the ratification of a promiscuous assemblage of one hundred and thirty-five persons, some not highly skilled in the rudiments of the inferior sciences. Some, with officious pretensions in proposed alterations or amendments, would excite prejudices against the explanations and protection of the committee by the remark, "It is your work, and, of course, we do not expect your concurrence in any amendments," and thus succeeded in mutations and mutilations. The strong-minded Vincent Witcher was put on that committee, as General Scott, speaker of the Senate told me, in representation and protection of the county courts and common people, and most faithfully did he discharge the trust confided to him. He might well be regarded one of

nature's noblemen, a "Native born Demosthenes," though it is said he was late in life learning the orthography of the English language, though able to use it more effectively than some of the most learned scholars. He was the hardest man to *beat out* of any position he once took I ever saw, or ever expect to see again, though pleasant and courteous in all his demonstrations, and a favorite with the committee.

He made war against every latin word requiring satisfactory explanation of full meaning in all its ramifications.

When beaten on motion to strike out the words "bona fide," he quietly left the Senate chamber where we were then sitting, and after considerable absence, I well recollect his tall form as he opened the door on his return, seeming to be elongated several inches, and with magnificent air of triumph vociferated, "Gentlemen, I have examined every dictionary in the library, and the words bona fide are not in one of them."

The words "bonus" and "fides" never occurred to him. It was really amusing to see the chairman attempting to explain and illustrate the meaning and derivation of these latin words. He was generally *tolerably* successful until he came to the words "mutatis mutandis, de bene esse," &c. Ghastly ghosts with gory locks could scarcely have presented a more frightful apparition. It must be admitted the chairman had all he could do to the extent of his prolific resources, and a *little more*, but never losing his equanimity and good temper. I was really not aware myself of the difficulty of such explanation to the unsophisticated in such language. However, the things to be changed, as he thought, were not changed. But in the efforts of the committee to withdraw the intricacies of litigation from the county courts and transfer them to the superior courts, and simplify the proceedings by motion, &c., were much mutilated, and, I may say, destroyed. I never attempted it in my practice but once, and it then seemed so disjointed and unintelligible that I never repeated it. By way of putting it in better hands I gave my book, with original draft and marginal notes of the different phases, to my learned friend James Alfred Jones, and have no doubt he could devise proceedings preferable to either. But we must make the best of such matters, and leave them where we find them.

It was in this session of the Legislature, with which Judge Moncure was so prominently connected, that what

were known as the "all hazards and last extremity resolutions" were discussed, and in which the transcendent abilities of Robt. E. Scott shone with such surpassing brilliancy. With a personal courage unknown to Julius Cæsar (costing his valuable life, perhaps), he had to repel the taunts of timidity from those who were for going out before breakfast and never returned to be heard amidst the trumpet's clangor and the cannon's roar. Men in earnest about fighting, and mean to stand up to it, never spoil for it, however—they may spoil the fight. Those gallant men at Chancellorsville, so eloquently and thrillingly described by General Fitz. Lee, required and possessed more than an effervescence to support their heroic bravery and unrivaled achievements.

Well do I recollect Mr. Scott's poised, extended arm, his handsome, radiant, determined countenance, flashing eye (his accurate photograph before me as I write), as he portrayed and expressed how he thought he could stand up in a cause sustained by all the elements of deliberation and forbearance, and determined to bear the consequences in exigencies of final resort. His power seemed sufficient to shake a mountain. He was immediately followed and ably sustained by John A. Thompson, Esq. The angry, foaming current had become too strong for effective resistance.

Judge Moncure, I think, being so engaged otherwise, did not fully embark amongst these raging whitecaps, and not in full accord with party affiliations. He was fully alive to all the requirements for the interests of his section and constituents in questions pertaining to them—failing in protection in what he regarded the blighting effects of some conflicting railroad enterprise. In addition to those intellectual giants previously named, that Legislature presented a galaxy that would glitter in any position they might occupy. No ordinary man could exhibit any special effulgence amongst such luminaries or actors. The present living roll-call is thus fully illustrative, embracing the names of Faulkner, Thomson, Barbour, Thomas, Sheffey, Watson, Price, Fairfax, Ferguson, Laidley, Boyd, Dorman, Critcher, Rogers, Finney, Ambler, McCue, Burwell, Irving, Chapman—others, perhaps, not occurring to me in hasty enumeration, and others deceased equally meritorious. I have not designed to be discriminating or exclusive in any

selection of names. I might thus embrace as a member of that committee, as almost a part or counterpart of Judge Moncure himself, in Judge Conway—really a brother-in-law, I believe, (*par nobile fratrum*)—of most exemplary Christian devotion and excellence, and general desirable attainments, he and Judge Moncure concurring in politics and differing from the majority of the committee, but never, that I am aware of, exciting a word of political dissension, all at times uniting in Mr. Scott's social parental mansion, exhibiting the fountain of his intellectual power with the amenities of real elevation. Indeed, there was never anything approaching the appellation of *cold* except some delightful ice-cream, for which I strongly suspected that Mrs. Conway Robinson was responsible, and exciting *warm* commendation and appreciation.

Neither in debate or elsewhere did Judge Moncure have any use for what the world calls bravery, bravado, pugnacity, &c. He might have lived a thousand years and never given or received any such offence or occasion. Nor did he have any fear unless the fear of that in "fearing which there's nothing else to fear." All this may be fully illustrated in the sentiment—

"I saw the martyr at the stake,
And not fierce flames his faith could shake,
Nor death his sould appal.
I asked him whence such strength was given?
He looked triumphantly to Heaven,
And answered, Christ is all."

As long as he felt it was his duty to be in Richmond he didn't fear the cholera any more than he did his breakfast. And here he and Mr. Witcher came in direct and somewhat amusing conflict and contrast. While Judge Moncure with great dignity, solemnity and earnestness was uttering the expression, "The path of duty is the path of safety—trust in God," Mr. Witcher told the anecdote of a good, pious old lady in his section, a great devotee to Providence and Providential dispensations. He said the horse hitched to a buggy ran away with her, and she afterwards said she trusted in Providence till the breeching broke, and then she gave up. He said he trusted in Providence till the cholera came, and then he gave up; and he carried the Legislature and Judge Moncure with it to Fauquier Springs.

But except that I am now detailing the incidents of Judge Moncure's associations, so interwoven with these occurrences as to defy elimination, and in the conclusion which any one can read or not, some of these presentations might be regarded a digression.

In connection with the resolutions to which I have referred, incidental conferences with such as Hons. Thos. Ewing, Samuel F. Vinton, John J. Crittenden, Sherman Seward, Mr. Lincoln's favor for Robt. E. Scott, Esq., as Cabinet officer, in protection and satisfaction of the South; corresponding resolutions in the handwriting of Thos. Ewing, presented to a committee of the Legislature by Judge Henry W. Thomas, might be profitable subjects for allusion for future benefit, a sufficient length of time having elapsed for the consideration and indulgence of calm and deliberate meditation.

They might be considered unsuited to the present contemplation and open wounds it were better to cicatrise, Gov. A. H. Stephens having with great ability and research written two volumes of "War Between the States."

Not so with Judge Ould. The wounds are too fresh, bleeding too profusely; the dirges sounding too solemnly and extensively for any general historical biography.

Little did we think when returning together from the bar meeting for Judge Moncure, and when suggesting the appropriateness of my present occupation, how soon similar lamentations and appreciations would be expressed for him. Truly, "in the midst of life we are in death." We had recently been associated at his own house in animated and elevated bridal festivities; at his own private table, with charming surroundings; in his own pew, under exalted ministrations. We were Elders in the same church, had associated as representatives in the same judicatories, had taken "sweet counsel and walked to the house of God together," realizing—

" 'Tis pleasant in our pilgrimage,
In fair or stormy weather,
To meet a traveler Zion bound,
And journey on together."

His eloquent, impressive enunciations in presenting the resolutions of the bar meeting to the Court of Appeals were the re-echoing and reverberations of himself. In the beautiful, eloquent, expressive words of Judge Sheffey,

addressed to another—"I feel deeply with you in connection with all that pertains to that great and good man whose eulogy Ould so recently pronounced with burning eloquence and then died. It would seem that in gazing upward, where Moncure had gone before, the attraction was irresistible, and Ould was drawn up too. Two pure, bright lights extinguished on earth, but still shining in Heaven."

It was once, at least, the prevailing impression that the profession of the law was unfavorable to the profession of religion. I can only say, that with Judge John Tayloe Lomax as a preceptor in the rudiments of the law, and Judge Moncure as chairman of a committee revising the laws, and other distinguished judges and lawyers I could name, and have named, and may name, no brighter illustrations of Christian excellence and perfection need be presented effectually to refute such misconception. Indeed, in a former production on the "Personality of the Holy Spirit," written chiefly during the war for the souls of the Confederate prisoners, while supplying their bodies, I remarked: "This *personification* or reality by faith should enliven every occupation or profession, especially that accustoming its votaries to the association of a judge—a judgment seat, a bar, advocate, trial, judgment, penalty, final decree." What surer guaranty of justice, fidelity, integrity and propriety in a judge or advocate than the impressive and abiding conviction that he may become the subject of similar proceedings in a court from which there is no appeal from the sentence "Depart ye cursed," or "Well done, good and faithful servant," &c. And when the trembling convict retires under the affecting and despairing benediction, "May the Lord have mercy upon you," what an opportunity for *personifying* the expression of the martyr John Bradford under similar exhibition. "There goes John Bradford, but for the grace of God," or the similar expression of John Bunyan in reference to the profane swearer. The written commendations of these and similar sentiments are appended in the little tract or treatise containing them, by the eminent Christian Supreme Court Chief Justices Woodward and Sharswood, of Pennsylvania, and Judge Strong, of the Supreme Court of the United States, and others, as well as most distinguished divines.

General Wm. H. Broadnax, of Dinwiddie county, and Gov. Gilmer, of Albemarle county, Va., were members of the Virginia Legislature at the same time, and boarded at the same house. Another member, fond of gaming, &c., boarded with them there. He said, when he came to his breakfast with loss of sleep, appetite, and with other uncomfortable annoyances, and saw his two associates come in with smiling countenances and their elegant, polished, happy manifestations; he could not stand it, and went to them in consultation, perhaps, or their actions spoke louder than words; and the consequence was he certainly became a member and, I think, died an Elder in the Presbyterian Church.

General Brodnax died calmly at his home in the zenith of professional fame and popularity, surrounded by all the comforts and embellishments of life, remarking on the morning of his death, it was the most important court he was ever required to attend; but left to his choice, he preferred to attend the court of Heaven, and was gratified.

Governor Gilmer had no such warning, and needed none. But oh! how unspeakably important the necessity of preparation exhibited in an event which cast a whole nation into mourning. So far from digression, these illustrations follow irresistibly in the wake and presentations exhibited for the distinguished individuals referred to in the public remarks that have occurred, and others likely to occur, as to them and others alluded to. What now remains of the mighty warriors, statesmen, and others who have lived and died without this faith?—perhaps only weeping, wailing and gnashing of teeth. It is said that Sir Walter Scott, who had electrified the world by his books, when on his dying bed desired waiting companions to read to him. They enquired from what book? He replied there was but one book in the world, and that was the Bible.

On such occasions there are sentiments and feelings too big for utterance, as with Judge Anderson following Judge Ould—overwhelmed by such effort and emotions for his dear old friend and associate. I can only conclude with the exclamation: Farewell dear friends; we shall never again meet on earth. But as this whole life compared

with eternity is but a twinkling, the aching interval is scarcely long enough for a parting salutation. And as to those who remain—

“ Then let us each in strength divine
Still walk in wisdom's ways,
That we and those we love may join
In never ceasing praise.
The good shall meet above,
The good shall meet above.
O ! that will be joyful,
O ! that will be joyful,
To meet to part no more.”