

PROCEEDINGS

OF THE

Bar of the County of Clinton,

NEW YORK,

WITH

Other Memorials,

COMMEMORATIVE OF THE

LIFE AND CHARACTER

OF

WILLIAM SWETLAND.



ALBANY :

J. MUNSELL, 78 STATE STREET,

1865.

INTRODUCTION.

To prepare a memorial of the dead, whom we have loved and revered on earth, is a sad, although a pleasant and grateful office. As we recall their virtues, and the recollection of their deeds, of their tender affections and endearing relations, passes in gloomy procession through our memory, the heart is saddened, we feel afresh the bereavement that has stricken us and mourn again the desolation wrought by the inexorable hand of death. It is pleasant and consoling, when we chronicle the life and character of the pure and just who have passed through the dark valley, and know that to them death with all its gloomy associations was but a word and has been a glorious change, for

“There are no dead ! The stars go down
To rise upon some fairer shore,
And bright in Heaven’s jewelled crown
They shine forever more.”

It is grateful to our nature to revive the memory of the wise and good, who have left to the world in their

acts and principles a shining light of noble example. When we reveal the story of a life crowded full of rugged steeps, all surmounted by wisdom, energy and perseverance, we may well cherish the hope that its contemplation will strengthen the purpose of some doubting one, and tend to encourage and animate a heart fainting in the great conflict of life. When men eminent in the public councils of a nation die, the symbols of woe, in every hamlet and village and city, typify the sorrow of the people, and the peasant in his cottage mingles his grief and sympathy with the noble in his palace. Not less deep and poignant is the sorrow of a more humble and secluded community, when the universal destroyer strikes down in their midst him whose walk, although more private, has been equally adorned by the virtues and grandeur of a noble life. All mourn in the consciousness of a common loss, and together bring around the tomb of the revered dead the homage of their love and veneration. With such emotions, we have arranged the following memorial of our venerated friend, and of our professional father and guide.

Although the records of our courts and the traditions of the people would long preserve a recollection, without any of our agency, of the labors, the powers and successes of William Swetland, we are happy in being instrumental by the preparation of this volume, of more perfectly perpetuating his memory in securing a memorial of him in the libraries of the lawyer and scholar, and in the public archives of the nations.

This little volume is offered to the public in the

hope that it may the more perfectly register the character of the late WILLIAM SWETLAND, who for many years stood at the head of the bar of Clinton county, whose eminent ability contributed so much toward the advancement of the estimate and character of the profession in his county, by which he is and always will be remembered with esteem and reverence.

It seems eminently fitting that Mr. Swetland's memory should be preserved by the profession who have tried the rigor of the path of his ascent, who know the "by-paths and foot-paths" which surrounded him on every hand, and thus can the better appreciate the efficacy of that "resolve which makes man manliest," which shone so strongly in Mr. Swetland's character, which bore him through so long a career so successfully, and which blended with the mild, pure, potent light of Christianity that gilded so magnificently the sunset of his life, when on that New Year's evening he died so calmly,

" Like one who wraps the drapery of his couch
About him, and lies down to pleasant dreams."

For the purpose of thus impressing the mind of youth, we respectfully DEDICATE this memoir to the BAR OF CLINTON COUNTY, and particularly to those young in the profession who may chance to read, in after years, this memorial of one, alike eminent for his attainments, his virtues and professional triumphs.

When "the golden bowl" of his life was broken, when "the silver cord" which bound his immortal soul to his decaying body was loosed, we mourned, all,

and with one accord, the loss irreparable to the bar of his judicial district. As a lawyer, the kind interest he always manifested in the younger members of the profession, and his never failing words of encouragement have given him a place in their hearts which time cannot efface, while every member of our society will cherish the memory of one whose open handed public spirit was ever prompt to advance the interests of his community. His work is done—nobly, worthily done”—and we cannot envy him the crown which he wears in that “far-off bourne,” and which is truer than any wreath that man can weave him. Go, young men of his profession ; bend before his tomb ; mourn there as for a father departed. Feel there how great, eloquent and mighty is death, and how true it is God only is great ! But then return and find in what he won—and what he failed to win—the wisdom and the influences over which death has no power.

We deeply regret that circumstances beyond our control have so long suspended the publication of this memorial, but we are rejoiced that the delay has enabled us to secure the rich contributions which adorn the appendix.

PROCEEDINGS
OF THE
CLINTON COUNTY BAR.

AT a Circuit Court holden at Plattsburgh on the 2d day of February, 1864, Hon. Amaziah B. James, presiding.

The Hon. Lemuel Stetson addressed the Court as follows :

May it please the Court :

I have to announce that since the last term of the court in this county, the oldest and most respected resident member of the bar has departed this life. William Swetland, Esq., expired at his residence in this village on the 1st day of January, 1864, in the eighty-second year of his age. He died at 7 o'clock in the evening of congestion of the lungs, symptoms of which had first appeared only on the morning of the same day.

He had been disabled by paralysis for a great many

years, and his death from that cause had been generally expected; but Providence removes us in his own way.

Mr. Swetland had been an attorney and counsellor of this honorable court, and in practice here since the year 1811. Beside an extensive and lucrative practice in the courts of law, he had a large country practice in the late Court of Chancery. He has left behind a widow, his second wife, and two daughters, the issue of the former marriage, one unmarried,—a family of the highest social position and respectability. Ordinarily when a member of the bar departs this life, our profession speak of him on occasions like this as “our departed brother;” but in this case I am sure I ought to use other language and say that in the death of Mr. Swetland this bar has lost a venerable father.

Your Honor: To pluck a half-blown flower and in its immature fragrance crush it in the dust—to cut down a young and thrifty tree—or to put the scythe to a growing crop are acts which in mortal vision appear to be unqualified *waste*. But not so when the dead ripe corn is gathered for the barn; then the same idea of utility that conducted to the thought that the first was waste makes us feel that it is very proper to have the sickle applied to the other; indeed, we would consider it *waste*, then, not to cut it down. And when man is dead ripe in years why should we grieve to see him fall before the scythe? It is God’s own appointed

harvest time and we all know He never failed to gather the crop! William Swetland was dead ripe in years. His physical nature had become exhausted. With him “the silver cord was ready to be loosed; and the golden bowl to be broken and the pitcher to be broken at the fountain and the wheel at the cistern.” A longer continuance of human life could not enable him to reproduce the usefulness or repair any errors of former years. And, in anticipation of that condition, he *had* remembered his Creator in the earlier days. For many years he had felt that the end of this life was the beginning of another; and in the devotion of a true and earnest Christian he trusted in redemption, in a glorious resurrection and in an immortality beyond the grave. He was fully prepared to go. I repeat the question then,—why should we grieve that he has fallen before the scythe?

Why, sir, a man of great practical usefulness, a man respected by every body for probity, great professional learning, experience and wisdom and all the virtues of private life—is something more than a full-blown flower, a full-grown tree or a field of corn dead ripe. We all know that the sun will set at an appointed hour and make ready for the night accordingly; but it is not till his glory has fully departed that we feel the *chill* of night and appreciate the value of sunlight. When a trusty pilot who has safely conducted the ship in every voyage and through every storm, in ex-

treme old age drops from his place into the sea never to return, the crew will bewail the loss, notwithstanding they expected the event would occur. The conclusion is this:—in our poor humanity we are never quite prepared to part with those whom we love, though we know it is time for them to go. And in the latter years of Mr. Swetland, notwithstanding constitutional physical feebleness—prostration from repeated paralysis and extreme age there was a remaining strength and freshness of intellect that enabled him to feel a lively interest in the current events of the day; and to comprehend fully in detail the condition of his large business interests and to make final disposition of his estate. And his heart still throbbed with noble sentiments—with the love of religion, of family, of friends and of country. Faculties like these were preserved to him till the morning of the day he died—compensation for departed bodily powers that continued to endear him to the family circle and to society, and to make both feel his departure quite as much as though it had occurred at the time of the middle age of man.

In the face then of my own analogies—which, if not false, we see are incomplete—the family, the church, the social circle, the bench, the bar, and the community generally do grieve and will long continue to grieve the death of William Swetland.

Of him it is not too much to say that a great man

has fallen from among us—a man whose history for more than half a century is intimately interwoven with the business and business men of the western shore of Lake Champlain. A man for whom the community in all that time cherished the most profound respect and in whose legal advice there was a continuing confidence scarcely without a parallel. He was conceded to be the great Lawyer of Northern New York.

Your Honor : Having said thus much—and which is more than is usually said on such occasions, I might now, according to precedent, conclude with the usual formal motion ; but the work would not be half complete. The life and character of William Swetland are personally known to the old men and many men of middle age of the present generation, and those of them who now hear me or should afterwards read what I have said, would, from their own knowledge, fill up the blanks in my imperfect description ; and, so far as concerns that class of persons, I might with propriety stop here.

But, sir, these men are fast passing away ; soon none of them will remain, and who or what shall then supply the omissions and convey to the young of the present generation, or those who come after them, our knowledge of the personal history of William Swetland ?

Is that to rest in oral tradition—in the formal resolutions of condolence and regret—in the usual

entries in the family bible—in the inscription upon his monument, and in the impressions of the daguerreotype? I admit that these are much and better than nothing; but with these only, persons living at the close of the next half century would have a very imperfect idea indeed of William Swetland. In preserving for the future the marked lineaments of his face, the daguerreotype can do more than all else; but even that fails to give a complete description. What was the look of his eye—his complexion, the natural living expression of his face—his height and the general appearance of his person? And especially how did he look when, inspired, he stood in majesty before the court and jury to convince the one by his logic and thrill the other by his eloquence?

Ah, sir, the daguerreotype fails in all these to describe as I have seen him, and I have no proper words in which to convey a just description. And the voice, the life, the character, the degree of his capacity, the lofty eminence of his position, in all these, too, that instrument fails. On some other competent person devolves the duty of supplying the distant future with answers to these questions; I can only give a very few rude sketches—mere imperfect outlines.

William Swetland, Esq., attorney and counsellor-at-law, was born in the town of Salisbury, in the state of Connecticut, on the 19th day of April, in the year of our Lord 1782. He died, as we have said, at his

home in Plattsburgh, on the 1st day of January, 1864. When growing from a boy into manhood he foresaw the necessity of being well educated, and he could not turn aside from the conviction from any unfavorable pecuniary condition. He persevered against this obstruction, and at the age of twenty-seven graduated, with high honor, at Middlebury College, in the state of Vermont. This was quite late in life—much later than the usual period; but the circumstance undoubtedly made his education more profound and of greater value to him. The knowledge he had gained of the world enabled him to understand that a collegiate course was only a great aid to the future pursuits of life—that it was only a knowledge of the use of tools that he had acquired; and that much more was necessary—that he had yet *to plan* and *to build*.

Another advantage was—in after life he was never vainglorious of his rich knowledge of letters; or contemptuous of those whose acquirements were less extensive. But his finished education was, doubtless, of vast benefit in his professional course and helped to conduct him direct to eminence.

On leaving college at twenty-seven years of age, he entered the law office of Zebulon R. Shepherd, an eminent lawyer of Washington county, New York; there he remained, reading law and acquiring a knowledge of the practice, for three years, when he was admitted as an attorney of this court, and in the year

1811, opened an office for business here in Plattsburgh, and where he remained till he died.

In the year 1811 he had married Henrietta Julia Kirtland, a most estimable lady, highly accomplished and very respectably connected. From this marriage there were two daughters, who still survive, and to whom I have already alluded.

In the year 1821 his wife died and he remained single till the year 1829, when he intermarried with Elizabeth Delord, the widow of Henry Delord—a lady of rare social accomplishments, and whose home had been and remained the centre for social circles of the distinguished of the pulpit, of the bench, the bar, the army, the navy, and the learned and the genteel. From this marriage there was no issue. I saw Mr. Swetland occasionally in the early, and very frequently in the later days of his bereavement, and very distinctly remember the sadness that continued to rest upon his countenance, and I remember the expressions of sympathy that were uttered; frequently by persons who had no acquaintance with him personally but only with his fame.

But to go back to his professional career: I have said that he was conceded to be *the* great Lawyer of Northern New York. But repute like that is very indefinite without we measure it by living standards, his brothers of the bar among whom he had to acquire the fame. The members of the bar residing in Platts-

burgh at the commencement of Mr. Swetland's practice, and who remained in practice for a great many years afterwards, and till long after his eminent professional position was won, were Reuben H. Walworth, late chancellor of this state, and of whom it is unnecessary to say that he became preëminent as a lawyer; John Lynde and John Palmer, eminent counsellors, and successively first judges of the common pleas, men whose abilities and private virtues adorned the profession. Anson J. Sperry and Gilead Sperry, men of remarkable skill, legal ingenuity, subtlety and wit, and John Warford and Caleb Nichols, who rose from the bar to be judges of the common pleas. And afterwards came William F. Haile and George Marsh and Winslow C. Watson, men of great professional ability, large practice and of the highest personal character. St. John B. L. Skinner, John Morgan and Amasa C. Moore also belonged to the same period. Next, the lawyers of the present time or some of them.

Outside Plattsburgh, within the county, were, from the earliest period, Silas Hubbell and Julius C. Hubbell, lawyers of highly respectable legal acquirements and of large practice.

And from contiguous or more remote counties there frequently came to this bar, or Mr. Swetland met them at theirs, of the older class, Abraham Van Vechten, John V. Henry, Daniel Cady, Zebulon R. Shepherd, Thomas J. Oakly, Benjamin F. Butler,

John Fine, Ralph Hascall, Asa Hascall, Henry H. Ross, Gardner Stow, Ezra C. Gross, David B. McNeil, Wheeler and Jabez Parkhurst; and later, John Willard, A. C. Paige, A. B. James, Augustus C. Hand, George A. Simmons, Cornelius L. Allen, Enoch H. Rosekrans, Thomas A. Tomlinson, Orlando Kellogg, and Robert S. Hall.

(Judge Stetson here presented a luminous and extended sketch of the members of the bar from foreign counties with whom Mr. Swetland was accustomed to meet in intellectual conflict, and also of the judiciary which existed under the various constitutions during Mr. Swetland's protracted professional career.)

In the course of this very long continued practice, which extended from 1812 to 1857, a period of forty-five years, Mr. Swetland appeared professionally, I think, before every one of the judges whom I have named, and very often before nearly all of them in their time. He was entirely at home in the courts, civil and criminal, held by Walworth, by Cowen and by Willard. And, your Honor, it was before eminent judges, and surrounded and opposed by an eminent bar, such as I have named, that Mr. Swetland, in a course of practice running through forty-five years, acquired the name by general consent of "*The Great Lawyer of Northern New York.*" He was a very superior office lawyer as well as an able and accomplished advocate. No detail was too much

for him, and he executed everything with remarkable precision and accuracy. His legal reading was profound. As an office lawyer (if there was any difference) he excelled in the department of special pleading. With him Chitty on Pleading was a handbook, and the preparation of his causes showed immense diligence both upon the fact and the law. In open court he was great in the examination of a witness; and if he suspected prevarication he placed his eye upon the witness and never withdrew it till the witness *proved* his innocence or stood exposed. His eye was light blue approaching grey, and though generally very mild and pleasant, it had remarkable power, and when firmly fixed upon a doubtful witness it was unrelenting as the grave. Often have I seen a witness confounded, and brought in the end to confess in confusion his inaccuracy in facts, by the combined effect of skillful questions and that unrelenting eye.

But he was greater in an argument upon the law and fact before a court or a court and jury. He could not justly be called greater before the one than the other; he was equally well fitted for either; and he seldom spoke before either without preparation, and never talked anywhere without reflection. There was method and great clearness in all that he said, and whenever the occasion required it he had great force and eloquence. I never heard an argument from him before court or jury, but would have read well if

it had all been printed. His clear, logical way of dealing with a subject was very fine—that alone would have secured him unabated attention anywhere. But the effect of this was helped very much by his fine person and finer manner and still finer voice. He was a thin, spare, pale-faced man, full six feet high and stood erect; his shoulders were angular and he could give great effect to what he said by a one-sided shrug—his neck was quite long, but his head was *very* long and towered high above his ears. His forehead, nose and chin were very prominent—the cheeks rather thin; but there was a remarkably firm expression about the mouth. When young and in middle-age he had light-brown hair, and his complexion was a pure, delicate white. His voice was fine toned and had wonderful compass and power of variable expression. When he pushed a point in great earnestness, it was like a silver trumpet, both in power and in melody,—it never grated, it never failed, it always pleased. Even in church he could not read the responses in the service, except in those distinct, rich, silver tones, rivalling the music of the choir. His motions were deliberate and tranquil—he always appeared very calm. He never rose to speak but instantly the most profound respect and attention were observable in the audience. And I never failed to notice in him just before rising to speak, a very peculiar change in the expression of his countenance

—so much so that I came to know, from that sign, what he was about to speak. I never saw but one other case so marked, and that was in the forehead of John Quincy Adams. I happened to occupy a seat for many months where I could look directly into his face—he was distant from me about fifty feet. Those who have seen the prints will remember that he was bald to the crown of his head. In watching his countenance one day, I observed that he had a very quiet fixed look ; but a streak of red shot up from his brow to his crown, and then another and another till his forehead was in a bright glow of red, and then “the old man eloquent” rose to his feet. It reminded me of the streaks and growing red in the east from early dawn to the rising sun, and *of the rising sun*. And I afterwards never failed to notice those signs just before Mr. Adams rose to speak. But in Mr. Swetland the manifestations were different. He was always very pale, and on those occasions he seemed paler if possible. The blood instead of rushing to the surface appeared to retire from the surface, what little there was ; but nevertheless the *sign* was equally observable.

But I will forbear further minute personal description or I may produce an image which more observing friends of the deceased may fail to recognize.

He was of the party out of power at the time of the adoption of the system of 1821, and being eminently

conservative he did not quite like the change. It looked, to him, as though Young America was pulling too hard upon the leading strings. And when the next more radical change came, that of 1846, he thought the strings were quite broken, and that it was not worth while to pursue that wild young man. He never felt at home in the practice under the Code of Procedure.

He was at the acme of his fame and power at the close of the first period, and there was no diminution during all the second period of his practice. It was a brilliant and long continued meridian light.

I may be permitted to relate a personal incident that will serve to illustrate the estimation in which he was held among people from the records at an early day. In the fall of 1823, when I was a boy, it became my duty to call on him and be examined for teacher of a common school. I had never seen him, but had heard of him every month of my life. I found him in a little white cottage, alone, and in his slippers, musing, and warming his feet over the wood fire upon the hearth. I felt considerable trepidation; but in a very cordial, welcome manner he put me at my ease, and after a very brief examination he closed and gave me the certificate required by law. This is very little, perhaps nothing; but I thought that certificate was something; not merely because it passed me but because it bore the signature of William Swet-

land, the scholar—the *Great* Lawyer, for so every body called him. I was proud of the autograph—preserved it, and showed it with the satisfaction that a young aspirant for military promotion would exhibit a recommendation from General Grant or General McClellan. This shows a fact not the fruit of eulogy.

He had wonderful power of control over himself, and never or rather seldom approached ungentlemanly discourtesy. When the temptation to do so from provocation arose (and it often does arise at the bar), we could see he felt, if he did not utter the words, “*retro satanas.*”

Mr. Swetland belonged to the bar of the first period of his practice. His legal education—his habit of legal thought—his style of argument—his close adherence to the first principles of the law—his manner of making up a brief—his gentlemanly courtesy—his care and caution—his simple, unostentatious habits of life; his scrupulous honesty and fidelity all belonged to that period and were fashioned by the noblest examples of that day. Every where and in all he did he followed the sum of Lord Bacon’s philosophy, that every thing that could in any way contribute to human happiness was worthy his attention, and all else was to be rejected. He was eminently utilitarian, at the same time that he was a devout Christian. He was one of the best specimens of the true American gentleman. He was a good man and a great lawyer. He

passed through his long course of practice, retaining the full confidence of his clients, and without an act to sully his honor.

But, your Honor, he has made up his last Brief; he has argued his last case; the light in his office has gone out, not again to be relighted. The silver voice is silent. Crape hangs at the door of his dwelling, and he sleeps with the dead—with the dead of his household—with the dead of the bench and of the bar,—with his clients; and with the dead of the three wars for Independence!

On conclusion of the address Mr. Stetson moved the court that the proceedings of the bar to be now had in respect to the deceased, or printed copies thereof be entered on record.

And it was so ordered by the court, and also that the Address, or a printed copy thereof, be also placed upon the records of this court.

Judge Stetson was followed by the Hon. G. M. Beckwith in a forcible and eloquent encomium upon the social and domestic character of Mr. Swetland. The public will concur in our regret that we have not been able to procure a copy of this highly interesting address for publication.

On granting the motion of Mr. Stetson, Judge James remarked :

I need not say, Gentlemen of the Bar, how cordially I endorse the sentiments of those who have preceded me in speaking of the deceased. We use no meaningless words when we say “there has fallen from among us a *great* lawyer.” We realize too well what we have lost from our forensic tribunals in his eloquence and legal ability. It is true that, for many years past, physical prostration compelled a personal withdrawal from the judicial arena, but even in his retirement, the influence of his large heart and comprehensive intellect flowed out upon the community around him—suggesting, aiding, counselling. Though many years my senior, I have a vivid recollection of Mr. Swetland in his prime. I distinctly remember the impression made upon me the first time I ever saw him in court. It was a great many years ago,—still, upon my mind and memory he made his mark as distinctly then, as since, upon the age. I came to Plattsburgh when young in my profession to attend a circuit. At that day Mr. Swetland was looked up to as the leader of the bar of the county, and one of the first lawyers in the state. I particularly remember one beautiful trait which struck me at the time—his kindness to the younger members of the profession, and have especial occasion to note its cordial manifestation to myself. From that time up to Mr. Swetland’s death

I have known him personally and by reputation; have met him often professionally, and it is with the sincerest pleasure I add my tribute to the high moral and legal standing he always took at the bar, and to the many noble qualities that made Mr. Swetland almost unrivalled as an able lawyer, a polished gentleman and a manly friend. When we remember the peculiar temptations to which a lawyer is exposed in the surroundings of his profession—a profession capable of the noblest uses, though not seldom perverted to the worst—we cannot withhold our admiration and reverence from a man who has “walked uprightly” among them and passed untarnished to the close. Upon the monument of such a lawyer there might well be inscribed as an epitaph one of the early maxims of his own profession—“*Cujus est solum ejus est usque ad coelum.*”

Let this court be now adjourned.

MEETING OF THE BAR.

IMMEDIATELY on the adjournment of the court a meeting of the bar was organized, and on motion of Hon. G. M. Beckwith the Hon. Julius C. Hubbell, the senior member of the bar of Clinton county, was called to the chair, and Smith M. Weed and Samuel Ames, Esquires, were appointed Secretaries. On assuming the chair Mr. Hubbell offered a few pertinent and feeling remarks eulogistic of the deceased. George Henry Beckwith, Esq., then presented the following Resolutions, in behalf of a committee consisting of Hon. L. Stetson, S. M. Weed and G. H. Beckwith, Esquires, which were unanimously adopted. Resolutions :

Whereas, It has pleased the Supreme Judge of the Universe to summon from these earthly courts, William Swetland, Esq., who for upwards of forty years was a leading member of the bar of Northern New York, widely known, esteemed and beloved among the profession ; therefore,

Resolved, That we mourn the death of Mr. Swetland as that of our elder brother, whose professional example of industry, integrity and honor, of uniform kindness and courtesy endeared him to all ; whose

learning, logic and eloquence always commanded the respectful and at times the admiring attention of courts and jurors; and whose broad views and public enterprise were a constant blessing to the community in which he lived.

Resolved, That, cordially sympathizing with the bereaved family, we would refer to his exalted character as a lawyer and a man, to his ripe scholarship and his eloquence, to his rare social and friendly qualities, to the universal esteem which he enjoyed undiminished throughout a prolonged life, and to his death in the Christian faith at a ripe old age, as more than ordinary consolation.

Resolved, That his professional talents, attainments and virtues ever commanded our highest admiration and respect, and are models worthy of imitation.

Resolved, That these resolutions be published in the Plattsburgh papers, and a copy thereof be presented to the family of the deceased.

Resolved, That these resolutions be presented to the Supreme Court, now in session at Plattsburgh, with the request that they be entered in the minutes thereof.

Winslow C. Watson then addressed the meeting.

Mr. Chairman : My presence here is wholly accidental, and I had no intimation of the meeting of the bar until this evening. I am therefore without any preparation to respond to the very courteous call

which has been made upon me. Indeed, after the glowing and elaborate eulogiums to which we have listened with so much interest, with the eloquent and appropriate resolutions which have been read, little more can successfully be said. These productions and the reminiscences excited by the occasion, which well up from my heart, will inspire the brief remarks I may offer.

I am most happy to render my homage of reverence and affection to the memory of Mr. Swetland. I should have been delighted had the opportunity been afforded me, to revive my recollections of the character and labors of our lamented friend and brother. Incidents are now thronging upon my mind, which illustrate his learning and eloquence, but this is not the occasion for me to attempt to embody these memories, nor can I, without premeditation, satisfactorily glance at them.

When, Mr. Chairman, I look around this circle, I recognize not a single countenance but your own, of those members of the bar who were actively engaged in its fervid but genial conflicts, when I, in that long bygone period, united with it. Sad and gloomy is the thought! It admonishes me, more than my own advancing years and the frost that is gathering around my temples, of the ravages of time—the desolations of death—and the emptiness and frivolity of all human powers and pursuits.

Where is John Palmer, whose vigorous and exuberant intellect shed a flood of light and wisdom on every theme he touched? Lynde, always ardent, eloquent and impassioned—the keen and sagacious Sperry—the more youthful Marsh, whose noble and generous qualities of heart, not less than his powers of mind, have embalmed his memory in our warmest and deepest affections—all—all have passed from these earthly courts; and now, William Swetland, full of years, and resplendent in professional fame, has descended into an honored grave. When we contemplate these changes we are led to exclaim, “What shadows we are and what shadows we pursue!”

I became a member of this bar when a mere youth—a stranger, unknown, unfriended, with no social influence or local patronage to aid and fortify my aspirations for success in our noble profession. While my mind clings to the recollections of the past, I shall cherish with the warmest gratitude, the memory of the kindness and consideration then extended to me by our venerated friend. My weak and faltering steps were at all times sustained by his strong arm; his experience gave me counsel—his wisdom and learning was never withheld in shedding light on my path. To my early efforts, and I doubt not but every youthful member of the bar received the same invigorating influence, he would extend a generous applause, extorted from his kindness and sympathy, but infinitely valuable to

a young man battling in his first conflicts of life, in a land of strangers and surrounded by unfriendly elements. In after years, when I met Mr. Swetland in the collisions of the profession, I always found him forbearing, courteous and honorable.

When I became a resident of this county, the Clinton bar, although one of its brightest luminaries had just removed into another sphere, was in proportion to its numbers, one of the most distinguished in the state. Eminent for its talent and learning, it was equally remarkable for the geniality of feeling and fraternal friendship which is an ennobling characteristic of the profession, when it is impressed and elevated by learning and talent. However humble may have been my position at this bar, during a brief professional career, my association with it is one of the most grateful recollections of my life. As has been most justly remarked, it was no slight evidence of the great powers of Mr. Swetland, that he towered far above his associates in a bar such as Clinton then possessed. In eloquence and professional science, when I first knew him, he was approached by no rival. The professional acquirements of Mr. Swetland were vast, profound and diversified. In every department of the profession, whether as a practitioner, a counsellor or advocate, he was at home and alike conspicuous. Yet he was far from being a mere case lawyer. Although profoundly and familiarly conversant with books, and

always prepared to fortify his position by precedents and authority, he was wont to shed around his arguments a philosophical spirit, and to present it with a metaphysical dissection, that uniformly illuminated and illustrated his reasoning.

A mind singularly acute and logical, enabled him with great felicity and force to analyze legal questions, to dissect facts, and to penetrate and reveal truths. None, who have ever listened to him, will forget the pathos and earnestness with which he was accustomed to vindicate innocence and assert justice and right; nor the excoriating invective by which he would denounce vice and crime. How often, sir, have you and I seen him tear the mask from villainy and pursue fraud through all its windings and evasions, exposing its artifices and schemes, and fastening upon his shrinking victim an unrelenting grasp, expose his iniquities to the scorn and detestation of a court and jury. On such occasions, we have witnessed efforts, that would have distinguished any orator and illustrated any tribunal.

When I was compelled in early life to relinquish the profession, I left Mr. Swetland entering into the vale of years, but in the meridian of his labors and fame, and in the plentitude of his powers; and for a long period afterwards he continued with unabated energy and enthusiasm to pursue its toils.

The last time I saw Mr. Swetland in public, he presided at the inauguration of your rail road. He had then been stricken by paralysis of his limbs, which had left, however, his intellect unimpaired, and I remember well how gloomy and painful was the spectacle, and how I compared him then to the majestic oak towering in magnificence and glory, while the ax was laid to its root.

One of my learned friends has referred, with just encomium, to Mr. Swetland's high scholarly attainments. He was indeed "a scholar and a ripe and good one." He loved to cultivate literature and learning himself, and delighted to cherish and promote their culture with others. I have cause to recollect the exquisite taste with which he would examine a literary performance, and with what a graceful, exact and kindly hand he would touch and prune it.

Mr. Swetland was the ardent and efficient friend to education in all its branches. I was associated with him for a series of years on the board of trustees of your academy. His office was at times the place of our meetings, and I can attest the zeal and earnestness with which he watched over the interests of the institution, and how much its course was guided and moulded by his wisdom and knowledge. To this influence I would ascribe the great usefulness it has exerted and the high position it now occupies.

No subject of social interest, no question of moral or benevolent effort was agitated in this community, where Mr. Swetland did not sustain a prominent and congenial attitude as its friend and advocate. When the great temperance movement was in its palmy days, before it had been unwisely mingled with the bitter waters of politics, and before its spirit was fettered by fanatical schemes, he was enlisted in its ardent and vigorous promotion. When we were accustomed to address the reason and consciences of men—to arouse their kindly affections and to stimulate their sentiments of manliness and rectitude, Mr. Swetland was the effective champion of temperance, and I fully believe that his influence and efforts were most potent in accomplishing the amazing results which at that period marked in this community the success of that most noble and beneficent reformation.

The fact that Mr. Swetland was never placed in an elevated political position was always to me a subject of regret and surprise. His great intellectual accomplishments; his unusual eloquence; his pure and elevated character, would have rendered his services of infinite value to the country, and must have secured distinction to himself. He once mentioned an incident in his early career, which manifested a familiarity with political topics and the ability to achieve success in the arena of politics. He said, that in his youth he made a political speech standing upon the steps of

the pulpit at Granville, I think, which he considered the most successful and vigorous effort of his life.*

The circumstance that Mr. Swetland, from conviction and deep sentiment, was attached to a party which had fallen into popular disrepute, may to some extent account for this singular feature in his history. He was unyielding in his adhesion and attachment to that party, and he never abandoned any principle from regard to expediency or the suggestions of personal interests. I impute the fact, however, mainly to another reason. In the exercise of a cool and sagacious judgment, which was a decided trait in his intellectual organization, Mr. Swetland saw that he must decide between a political career and professional success. He wisely abandoned the tortuous, thorny and unsatisfactory path of politics, for an assured triumph in the conflicts of the bar.

The long years which have elapsed since I moved amid these scenes, and my great seclusion, disqualify me from judging how worthily the mantles are now worn, which have fallen from the men who once adorned this circle. But this I know, if the younger

* The justness and truth of this allusion by Mr. Watson has been amply vindicated by the discovery, since these proceedings, among the papers of Mr. Swetland, of his correspondence with an eminent national press and individuals prominent in official position, which, redolent with the purest and loftiest patriotic sentiments, and affluent by wise and sagacious political pressages.

members of the bar would emulate the example of him whose virtues we this evening commemorate; if they expect to attain such eminence as he won, they must erect an exalted standard of excellence. His motto was—Excelsior—onward, upward. Through laborious industry; by untiring perseverance; by an energy that never shrank from toil and study, and above all by the loftiest integrity and a chastity of professional honor that was without stain or suspicion, he reached distinction and crowned his brow with a radiant halo of professional fame.

Let the young lawyer toil and persevere with his eye steadily fixed on that high mark, and guided by the same deep-toned sentiments of honor and integrity, and he may live surrounded by a similar atmosphere of love and reverence, and descend, like William Swetland, to a hallowed grave, leaving a name which shall be a beacon to guide and animate other generations who shall occupy these seats.

On motion the meeting then adjourned.

J. C. HUBBELL,

Chairman.

S. M. WEED, }
SAM AMES, } Secretaries.

APPENDIX.

PROCEEDINGS OF THE VESTRY OF TRINITY CHURCH, PLATTSBURGH.

AT a special meeting of the Rector, Wardens and Vestrymen of Trinity Church, Plattsburgh, held on the 18th day of January, 1864, The following Preamble and Resolutions were unanimously adopted :

Whereas, Our Heavenly Father has removed from this world and has taken to Himself our aged venerable friend William Swetland, Esq., for many years an active and efficient member of this Vestry and a liberal supporter of Trinity Parish : Therefore,

Resolved, That we acknowledge with devout gratitude to Almighty God, that our departed fellow laborer was spared so many years, even to a good old age, to be a light in the midst of us, and so efficiently to aid us, both by his judicious counsels and by his generous contributions.

Resolved, That we shall ever hold in lively remembrance his zealous efforts in connection with others, in the early history of this Parish, when there were but

a few of us, and in later years, his cheerful readiness in every way to support its best interests.

Resolved, That we thankfully bear testimony to the faithful and punctual attendance of our deceased friend upon the services of the sanctuary, as long as his physical condition allowed. And also the reverent manner in which he ever took part in holy worship, and that therein he has left behind him an example worthy to be followed by us all.

Resolved, That we have in remembrance, with thanks to the grace of God, his "faith in Christ Jesus" and his intelligent and steadfast adherence to the great truths of the gospel as the Church has received the same. And we do hereby record our humble trust, that through faith in the "only foundation" his "soul delivered from the burden of the flesh, is in joy and felicity."

Resolved, That while we cheerfully submit to God's blessed will in this dispensation, seeing our friend was "gathered to his grave in peace" we trust that his good example will not be lost, but that many will be raised up to take his place in the Church.

Resolved, That we offer our cordial sympathy to the family of the deceased in this their day of sorrow, with our assured confidence, that they sorrow not as those without hope.

Resolved, That a copy of these resolutions be given to the family of the late William Swetland, Esq.

Resolved, That these resolutions, signed by the Rector and Wardens, be recorded in the minutes of the Vestry, and that they be published in one or more of our village papers.

JOSEPH H. COIT,

Rector of Trinity Church.

F. L. C. SAILLY, }
H. H. HAILE, } Wardens.

REMARKS OF REV. JOSEPH H. COIT, D.D., RECTOR OF
TRINITY CHURCH, PLATTSBURGH.

William Swetland, Esq., for many years occupied so prominent a position, both socially and professionally, and he has left behind him such an example of excellence in the private walks of life, of professional ability, and especially of Christian consistency, that some more enduring memorial is demanded than the mere ephemeral obituary notice of a weekly village journal. To commemorate the virtues of those who have lived well, and faithfully fulfilled their parts, and to make a permanent record of such, is a tribute due to the dead, and it is also a work that may be profitable to the living. It is with this view, that those who honor the memory of William Swetland, would give an abiding testimony to his worth by this Memorial.

That virtuous qualities, or that high intellectual ability will, in all cases, descend through an ancestral line it would not perhaps be safe to assert—but that they sometimes may can scarcely be questioned. For it is almost an acknowledged principle among physiologists that a man may inherit a vigorous, healthy constitution from his ancestry, as he may have an inheritance of a vitiated physical system. Why may it not be so in regard to the mental constitution?

In regard to the subject of this memorial, it may be asserted that his lineage was worthy and honorable. On his father's side it has not been possible to connect so fully the links in the ancestral line as on the mother's, but it has been ascertained that his father's ancestors came to this country at a very early date, for it is well established that in A. D. 1681, a William Swetland (the same name with our deceased friend) was settled at Salem, New London county, Connecticut.

The mother of Mr. S. was of the Chipman family—a family among the early settlers of the country. For John Chipman, the common ancestor of the family, was from Barnstable, England, and came to this country in the year 1630 and married a daughter of John Howland, who was one of the pilgrims that came over in the May Flower. Several of the name have been distinguished, and one especially in our own day, the Hon. Nathaniel Chipman, late of Middlebury (Vt.),

was honored with some of the highest offices in the gift of the people, for he was for many years Chief Justice of the Supreme Court of the State of Vermont, and was also a Senator of the United States from the same state. On both sides, then, it may be asserted that the ancestry of our friend was honorable, and as regards himself, however high the standing or reputation of his family, there was no degeneration;—whatever he inherited of moral worth, or of intellectual power was, in him, finely cultivated, and largely developed.

William Swetland was born in Salisbury, Conn., April 19th, 1782. His father was a man of great integrity and of true religious character, and his mother was a woman of great worth, and of more than ordinary mental power. From both he derived those characteristics which shone so eminently in his after life. It was his misfortune to lose his mother when he was five years of age—but though she died when he was so young he retained a vivid recollection of her, and ever revered her memory. His father, in 1797, removed to Granville, in the State of New York.

The youth and the first years of his manhood fell, as we have seen, in those times when American society was in its transitional and formative state. It was a time when great—it may be said, the greatest—questions were discussed, involving the dearest rights and privileges of man. In the old

world there was great commotion. European society was much moved and influenced by the principles that were agitated in America, and for which there had been maintained so long and bloody a struggle. All this must have exerted a great influence upon a youth of active and inquiring mind. And the condition of things around him, with the hardships and difficulties he encountered in early life, made their impression upon him, and helped to form that decided and marked character which he exhibited in his maturer years. Of him it may with great truth be said, "the boy was father of the man." Mr. Swetland was literally a self-made man. We mean by this that whatever he was, was the fruit of his own persevering efforts in the use of all legitimate and tried means. When quite a boy he felt within him the laudable ambition to secure for himself the advantage of a thorough education. It may be that he saw before him that honorable career of professional life, which he afterwards filled. He met with many discouragements, but by teaching, and sometimes labor on a farm, and by persevering effort, and much self-denial, he attained means for the accomplishment of his favorite object. After a faithful preparation he entered Middlebury College (Vt.), in 1804, and passed through the full course of academical studies, graduating in 1808. There can be no doubt, with those who knew what were his habits of study,

his close application, and his inquiring mind, that he passed through the college course with much credit. At any rate the fruits of that course were seen in his after life. For his mind was enriched by large stores of general knowledge, and he had made himself master of the old standard English authors in the various departments of literature. His natural abilities and mental power, which were far above ordinary, were much strengthened by collegiate studies, and he acquired a refined literary taste. It may not be out of place to mention here that even in his last days, to relieve the tedium of confinement, and to amuse and refresh his mind, the best classics in our language were read to him.* He was eminently fitted to occupy the highest position, and if he had seen fit to have given himself to the study of political science, and to have entered the political arena, he might have taken his stand by the side of the first statesmen of the land. But he chose the profession of law, one of the noblest to which the human mind can devote itself.

* His love of the beautiful in literature was a passion. Whole pages of Milton, Scott's Eulogy on Pitt and Fox, passages of Shakespeare, and many of like beauty he would repeat from *memory* with tearful pathos. Some volume of the classics always lay upon his table. History, the daily journals, every variety of choice reading furnished both study and amusement in his declining years. Undimmed to the last, his intellect watched and grasped every development, every movement on the map of nations.

Accordingly, in 1808, he entered the office of Z. R. Shepherd, Esq., one of the fathers of the legal profession in Northern New York, and continued with him pursuing legal studies till the year 1811. He then removed to Plattsburgh, Clinton county, and was admitted to the bar as attorney and counsellor-of-law, and also as solicitor in chancery. And now he entered upon the active duties and business of life—the commencement of that brilliant professional career which ended only a few years before his death. His qualifications for this profession were eminent. For he possessed that rare combination of accurate observation and practical judgment, with keen logical decision. He had that strength of mind that could grapple with the most difficult subjects. To this was added great caution, and the most thoughtful study of all subjects submitted to him. Never hasty in making up, or giving his opinion (and especially where much was at stake), his clients might be assured that when he undertook their cause, it was with the firm conviction that there was justice and right on their side, and that his best abilities would be devoted to its prosecution. In trials before a jury, and in arguments before the bench he gained a high reputation. He met few that could surpass him in eloquence, or in the logical clearness and force with which he argued points of law. In the practice of his profession as well as in all his dealings and intercourse with men, he was strictly

upright and honest. But we must pass to some notice of his social and religious character. In social life he was kind, courteous and attentive. His house was the home of hospitality, and he entertained both friends and strangers with a whole-hearted liberality. In his domestic relations he was affectionate, devoted and respectful as a husband, loving, tender and watchful as a father. Many have judged Mr. S. as wanting in tenderness of feeling, but those who knew him best, and were most familiar with him in private life can testify that he was a man of great sensibility, and if he had such self-control, that he was not accustomed to display it, neither was he ever seen to give way to ill temper, or angry passion. As regards all schemes and plans of usefulness he ever gave his influence, and when necessary, his means. For many years he was the active and efficient president of the board of trustees of the Plattsburgh Academy, and ever manifested a lively interest in its concerns. He was also president of the Plattsburgh and Montreal Rail Road Company, and devoted to it his time and talents even when his physical condition required rest from active exertion. Mr. S. was most heartily attached to the Union and constitution, and the secession of the southern states was with him a matter of deep regret and of heartfelt sorrow. He read most carefully and critically the history of all matters pertaining to the administration of the government, and his

remarks on these subjects were marked by profound wisdom and knowledge. We conclude this sketch by a few remarks on the religious character of Mr. Swetland. Though for many years sceptical in regard to some matters of religious faith, he always manifested great respect for religion. From a conviction of the importance and necessity of religion to the welfare of society he was ever forward in advocating whatever he deemed conducive to the advancement of its interests. On one occasion when an interest was manifested for the better observance of the Lord's Day, and a public meeting of the citizens of the village of Plattsburgh was called to consider and adopt such measures as would further the proposed object, Mr. S. made a most eloquent and forcible speech, in which he argued the value of Sunday to the well-being of society, and urged the adoption of such measures as would ensure its strict observance. He took an interest in the Bible Society, and on one or two occasions delivered addresses at its anniversary meetings. For years before he made any public profession in Holy Baptism, he was always regular and punctual in his attendance upon the public services of the sanctuary both on the Lord's Day and at other times, and joined heartily in the responsive worship of the church. He was among the first that took an active part in the organization of Trinity Parish in Plattsburgh, and liberally contributed towards the erection of the church edifice,

and also to the support of the ministry. To his Rector he was always considerate and attentive, and few clergymen had ever a more respectful parishioner and hearer. Somewhat more than twenty years ago his mind was deeply awakened to serious inquiry, and the result was, through the influence of the Holy Spirit, a sincere conviction of the truth, and of his own spiritual wants as a sinner, and a steadfast purpose of avowing himself on the Lord's side. He was publicly baptized, and in due time came to the holy communion, and from that time to his last days he manifested the truest interest in religious things, and continued a faithful and consistent member of the church. During his last years his religious experiences were deepened, and his mind calmly rested on the great cardinal truth of the gospel, Jesus Christ and Him crucified. The Bible and Prayer Book were his constant companions, and he found in them food for his soul. The evening of his days passed quietly away. What with his literary readings and his devotional exercises he illustrated most beautifully the saying of the great Roman philosopher, "*nihil est otiosa senectute jucundius.*" His chamber was a pleasant place to visit, for he was mostly bright and cheerful, happy to see his friends, and freely and sometimes with spirit conversed on all topics of general interest. The patient cheerfulness with which he bore the prostration of his physical powers—the

tender consideration which always graced his sick room, were beautiful daily lessons to all who would learn them.

It was quite remarkable how in the very last years of his life he retained most perfectly his mental power. He thought and reasoned nearly with as much vigor as he had done in his better days. And his command of language, and readiness of expression never failed him. The following extract of a letter addressed to a young relative, for whom he felt a lively interest, is given as proof of his unabated powers of mind, and as illustrating that facility with which he could express himself. It is also interesting as showing how clear were his views on the most important subject of religion. After a few words more especially of a private nature, Mr. S. thus writes: "I add a few words of counsel which, as coming from a very aged man, and one who has had much experience of the world, I hope, as you grow older, you will carefully ponder. And firstly and above all, I urge you earnestly often to reflect upon the deep, divine wisdom contained in the declaration so often repeated in scripture, "that the fear of God is the beginning of wisdom," not only heavenly wisdom but also of that worldly wisdom which lays the surest foundation for temporal honor, prosperity and usefulness. The sincere fear and love of God produce a condition of mind and heart most favorable for the honorable, earnest and successful con-

duct of all earthly business—a calm, thoughtful state of mind, and an enlightened conscience, leading not only to a strict uprightness and integrity, but an abhorrence and avoidance of all vice, and also leading to a humane, charitable and kindly disposition of mind and heart. It requires much reflection to perceive the profound wisdom of the divine declaration, “that the fear of God is *the beginning* of wisdom,” and not only its beginning, but its continuance and practical application to all the concerns of life. Fear and love that Great, Omnipotent, Omniscient, Omnipresent Being who controls and directs all your destinies, and that glorious Saviour who redeems you from death eternal.” In the sequel of the letter he urges upon his nephew the importance of thoroughly cultivating his mind, and gives hints bearing on the subject. He closes his epistle in the following forcible language: “I wish you to remember and often contemplate upon a maxim of a celebrated ancient Latin author, the English of which is, “that every man is the artificer of his own fortune,” and the meaning of which is, that every man of good capacity, with strictly correct, honorable principles, and with strong ambition, can, with the blessing of God, make of himself what he resolutely determines to become. I am anxious you should be an honorable, eminent, useful man, and it depends on yourself. Make your mark high, and with sufficient ambition, resolution, application and perseverance you

can reach it. Make your mark low, and you will never rise above it." This letter was written on the eve of Mr. Swetland's eightieth birth day, and it is certainly remarkable.

Though for many years he had been an invalid and confined to the house, yet death came at last quite suddenly. It was on the morning of the New Year, 1864, such symptoms appeared as alarmed his family. His attending physician was summoned, and upon entering the chamber Mr. S. with almost an exultant smile looked up and said, "Doctor, this is all of earth, I am content." He continued through the day gradually failing, very calm, patient and self-possessed. Half an hour before he died he repeated distinctly the Lord's prayer, and joined audibly in the prayers offered at his bedside. He recognized to the last his family and friends gathered around him, and smiled upon them his last farewell. The sharp sickness of a few hours ended in a sleep almost as peaceful as an infant's. And thus our venerable friend departed. It was the evening of the 1st January, 1864. He rests from his labors.

LETTER OF CHANCELLOR WALWORTH.

PINE GROVE, SARATOGA SPRINGS, }
 March 13, 1865. }

My Dear Young Friend: Understanding that the committee are about to publish a tribute to the memory of your deceased father, I will endeavor to gratify the wishes of the foster daughter of my dear deceased wife by contributing my mite for the anticipated memorial.

I settled at Plattsburgh, in January, 1810. Your Father, the late William Swetland, Esq., was admitted as an attorney of the Supreme Court soon after that time, and came to Plattsburgh and commenced his professional labors. He made that place his residence during the remainder of his long and useful life; considerably more than half a century. During the thirteen years that I lived at Plattsburgh I was on terms of friendship with him and his family. Afterwards, when official duties required a change of my residence, and during the whole twenty-five years of my judicial life, he was frequently before me as an advocate of the causes of his clients. And I can truly say, no counsel ever appeared before me who discharged his duties to his clients more honestly or more faithfully. I may truly apply to him the maxim, *Semper*

paratus, semper fidelis. I recollect several capital cases which were before me as circuit judge, in which he managed the defences of the accused with distinguished ability ; particularly in the case of Stephen Videtto, tried at Malone in the summer of 1825, for the murder of Fanny Moseby. I recollect that in summing up the cause to the jury he kept the attention of a densely crowded audience and of the jury riveted from 8 o'clock in the evening until 11 o'clock, although the weather was intensely hot, and we had been engaged in court from 7 o'clock in the morning. That he, and the other very able counsel associated with him in the defence in that case, did not succeed was owing to the overwhelming nature of the circumstantial evidence against the accused, which no exertions or arguments of counsel could successfully resist.

Had Mr. Swetland been ambitious of political preferment, he might have occupied a place in the counsels of the state or of the nation. But he appeared to be wedded to his profession and to literary studies.

When death has leveled the distinctions of professional and official life, it is to the private, social, and religious character of an individual that we must look to form a just and proper estimate of the man. And I propose now to say a few words of your deceased father in these respects. During the first thirty years

after I left Plattsburgh, I visited there, I think, every year, and during a part of the time, as often as twice a year. When there, I frequently stayed with your father, and enjoyed the hospitalities of his house; and I have always visited him whenever I was at Plattsburgh on any occasion. From these opportunities, and my long intimacy with his family, I had the means of knowing Mr. Swetland in the relations of a neighbor, a husband, a father, and a friend. And I can sincerely say, so far as man can judge, he discharged all his duties most faithfully; as a good neighbor, an affectionate husband, a kind and careful father, a trusty and faithful friend.

He was a regular attendant at church at all times, even before the organization of the Episcopal Church at Plattsburgh, and contributed to the support of the institutions of the gospel and other benevolent objects; though he did not make a public profession of religion until some years after I removed to this place. From the time when he did make such a profession he was a sincere and devoted Christian gentleman; and I trust he is now joining in the songs of the redeemed around the throne of the Eternal.

Yours with esteem,

REUBEN H. WALWORTH.

Miss H. J. SWETLAND.

NOTE.

It is somewhat singular that the words which fell in that crowded court room, that sultry summer evening, seemingly lost in air, should be reproduced after the lapse of so many years. Among Mr. Swetland's papers was found the very argument referred to by Chancellor Walworth, which, it appears, was taken down in the course of its delivery, by a reporter, with the intention of publication. It was sent to Mr. Swetland for revision for that purpose,—endorsed by himself—"not desiring the publication, did not comply with the request;" and thus was retained among his own papers. Another able and accomplished legal gentleman in referring to it writes—"I remember well the Videtto trial, which occurred at Malone, although I was not present. Mr. Swetland was associated as counsel with Judge Lynde. He was prevented from engaging in the trial of the cause by one of his frequent headaches and did not much appear in court until his argument, which was spoken of at the time as a masterly metaphysical and philosophical effort, as well as a brilliant and graphic historical sketch of criminal trials." It is very long and a remarkable evidence of forensic ability. Public opinion had so unanimously predecided the case against the prisoner, impelled thereto by the incontestable nature of the evidence, that his counsel were driven to a peculiar line of defence, and that was, to turn to the prisoner's advantage the fact that this "overwhelming prejudice in the community" *did* exist against him,—because,— "men, while under the influence of such prejudice" were not capable of "drawing *right conclusions from established premises*," and — "its characteristic is, that it is unperceived by those under its influence." Courteously addressing the jury — "if you *are* under its influence, you are ignorant of the fact." "Gentlemen of the jury, I mean no imputation in this charge, any further than to call you human beings. All minds have bent before its gigantic power, like chaff before the wind. Can *you* be unmoved by it? If so, you stand alone in the world! Statues should be erected to your memory!" The impeachment, trial and execution of the Earl of Strafford are dwelt upon as illustration of its power

over the public mind, and then, most reverently, the case of “Him who spake as never man spake — the illustrious Victim of the passion and prejudice of an imperative multitude!” It is impossible to give any just idea of the power and elaborateness of the whole argument, or to touch upon the other points brought out in the management of the defence. It is a masterly dissection of the human heart in its dark intricacy, and closes with this thrilling appeal — “Gentlemen of the jury, to you I consign the victim. Life or death await your bidding! Pardon me, but, if you suffer your minds to be swayed by the tempest of popular feeling, spectres more awful than the fictitious apparition conjured up with unfeeling cruelty to torture the imprisoned Videtto shall haunt the repose of your chamber and your nightly wanderings. That most dreadful and most real of all apparitions, the ghost of a murdered conscience, shall throw its gloomy horrors around the still solitude of your midnight hours.”

COMMITTEE.

