

REPORT OF THE COUNCIL.

THE visitor to the Library will find excellent order prevailing throughout the building, the result of the intelligent labors of the Librarian and his Assistant. The mass of unbound matter, including much that is of great value, is constantly increasing, and it is to be wished that our binding fund might be sufficiently ample to secure the preservation of this portion of our treasures in a proper shape. The funds of the Society are well invested, yielding a net income of a little over six per cent. upon the par value of the securities.

Four vacancies in our membership have been caused by death since the last meeting of the Society.

Alphonso Taft was born at Townshend, Vt., Nov. 5, 1810. His grandparents on both sides migrated to Vermont from Worcester county, Mass. He was descended from Edward Rawson, the famous Secretary of the Massachusetts Province. His father, Peter Rawson Taft, was reared as a farmer, but afterward studied law, served for many years as a member of the Vermont Legislature, and was judge of the probate and county courts of Windham county. The son was reared upon the farm, but by special effort became fitted for Yale College, from which he was graduated, with high honor, in the class of 1833. He was for two years a tutor at Yale, graduated from the law school of that institution in 1838, and was immediately admitted to the Connecticut bar. In the following year he opened an office in Cincinnati, and during twenty-five years subsequently he had an extended practice, and was engaged in some cases of

the most important character. An effort having been made to set aside the will of one Charles McMicken who had devised half a million dollars to found a university for the free education of the youth of Cincinnati, Mr. Taft was engaged to defend the will. The case was tried in the U. S. Circuit Court, which sustained the will, and was carried to the Supreme Court of the United States. The brief, prepared by Mr. Taft, is said to have been "a complete compendium of the law on the subject of religious and eleemosynary trusts, and reviewed all the decisions of the English and American courts [on this subject] from the statute of the 43d Elizabeth to the present time." The will was sustained. During his early residence in Cincinnati he served as a member of the City Council, and was active in efforts for the benefit of the city, especially for the building of railroads. He defended in court, successfully, a bill which was attacked as unconstitutional, authorizing the city to issue \$2,000,000 in bonds for the completion of the Cincinnati Southern Railroad. He was one of the incorporators of the Ohio and Mississippi Railroad, one of the first trustees of the Marietta and Cincinnati Railroad, and for many years a director of the Little Miami Railroad. He did much to develop the system of street railways in his adopted city. In 1865, he was appointed Judge of the Superior Court of Cincinnati, to fill a vacancy, and held the office by re-elections, resigning in 1873. While he was upon the bench, a suit was brought to enjoin the school board of Cincinnati from abolishing the rule requiring the Bible to be read in the opening exercises of the public schools. Judge Taft read an opinion dissenting from the other judges, and taking the ground that the school board had power to abolish the rule; and that it should properly be stricken out, because the King James version was not recognized by the large Roman Catholic population, and because its doctrines were in part disbelieved by the Jewish portion of the citizens. The case was carried to the

Supreme Court of the State, which reversed the decision of the lower court and sustained Judge Taft. His opinion in this case lost him the nomination for Governor, as a candidate at the Republican conventions in 1875 and 1879, because it was alleged that the popular prejudice upon the subject would not secure for him the full strength of the party. In March, 1876, Judge Taft was called to the Cabinet of President Grant, as Secretary of War, and three months later was made Attorney-General. In April, 1882, he was appointed by President Arthur, U. S. Minister to Austria, and in the summer of 1884, he was transferred, in the same capacity, to the court of Russia, where he remained until the close of 1885. At St. Petersburg, he had a severe attack of typhoid pneumonia, and on recovering he returned to Cincinnati, where he resumed the practice of law, continuing it for about two years. In the autumn of 1889, his health compelled him to seek the salubrious climate of San Diego, Cal., where he died on May 2, 1891.

Judge Taft received the degree of LL.D. from Yale College in 1867, and was a member of its corporation for ten years from 1872. He married, in 1841, Fannie Phelps of Townshend, Vt., who died in 1852, leaving two sons. He married, in 1854, Louise M. Torrey, of Millbury, Mass., who, with her four children, survives him. He was elected to membership in this Society in October, 1876.

Benson John Lossing is a name familiar to all who are interested in United States History.

He was born at Beekman, Dutchess Co., N. Y., Feb. 12, 1813, and died on the 3d day of June, last. Left an orphan at the age of 11 years, he labored upon the farm for three years, when he was apprenticed to a watchmaker in Poughkeepsie, N. Y., with whom, at the age of twenty, he entered into partnership. At twenty-two, he became joint editor of the Poughkeepsie *Telegraph*, a weekly newspaper, and shortly afterward established the Poughkeepsie

Casket. He now acquired the art of wood engraving, to illustrate his paper, and in 1838, removed to New York City, to perfect himself in the art of drawing. He was soon invited to edit and illustrate *The Family Magazine*, said to be the first American illustrated periodical. His first literary work of importance was an Outline History of the Fine Arts, which formed one of the volumes of Harper's *Family Library*. In 1847, he issued a history of the Revolution, entitled "Seventeen hundred and Seventy-six." In 1848, he began his greatest work, "The Pictorial Field-Book of the Revolution."¹ He received the

¹ The following is a list of Dr. Lossing's works:—

OUTLINE HISTORY OF THE FINE ARTS.
 SEVENTEEN HUNDRED AND SEVENTY-SIX.
 PICTORIAL FIELD-BOOK OF THE REVOLUTION.
 LIVES OF THE PRESIDENTS OF THE UNITED STATES.
 THE NEW WORLD.
 THE OHIO BOOK.
 BIOGRAPHICAL SKETCHES OF THE SIGNERS OF THE DECLARATION OF INDEPENDENCE.
 THE MARRIAGE OF POCAHONTAS.
 PICTORIAL HISTORY OF THE UNITED STATES FOR SCHOOLS.
 MEMOIRS OF EMINENT AMERICANS.
 LIFE OF WASHINGTON.
 THE LIFE AND TIMES OF PHILIP SCHUYLER.
 THE HUDSON FROM THE WILDERNESS TO THE SEA.
 PICTORIAL FIELD-BOOK OF THE WAR OF 1812.
 PICTORIAL FIELD-BOOK OF THE CIVIL WAR IN AMERICA.
 PICTORIAL HISTORY OF THE UNITED STATES.
 VASSAR COLLEGE AND ITS FOUNDER.
 MEMOIR OF JOHN T. GREBEL.
 A HISTORY OF ENGLAND.
 MEMOIR OF ALEXANDER ANDERSON, THE FIRST ENGRAVER ON WOOD IN THE UNITED STATES.
 THE AMERICAN CENTENARY.
 OUR COUNTRY. Illustrated by Darley.
 STORY OF THE UNITED STATES NAVY, FOR BOYS.
 MOUNT VERNON, THE HOME OF WASHINGTON.
 CYCLOPEDIA OF UNITED STATES HISTORY.
 BIOGRAPHY OF JAMES A. GARFIELD.
 HISTORY OF NEW YORK CITY.
 MARY AND MARTHA WASHINGTON.
 THE TWO SPIES.
 THE EMPIRE STATE.
 HOURS WITH LIVING MEN AND WOMEN OF THE REVOLUTION.

honorary degree of A.M., from Hamilton College in 1855, and from Columbia College in 1870, and that of LL.D., from the University of Michigan in 1873. He was made a member of this Society in October, 1872. He died at his home on Chestnut Ridge, Dover Plains, N. Y., where he had lived with his family for some twenty years previously.

Lyman Copeland Draper, who has been styled "The Western Plutarch," died at his home in Madison, Wis., August 26, 1891, at the age of 77 years, 11 months and 9 days. He was born September 4, 1815, in the little town of Hamburg, now Evans, in Erie county, N. Y., and was of the fifth generation from James Draper, who, about the year 1650, came from England and settled at Roxbury, Mass. His paternal grandfather was a soldier in the war of the Revolution; his maternal grandfather fell in the defence of Buffalo against the British, in December, 1813; and his own father, Luke, was twice incarcerated by the British during the second war with Great Britain. As a youth, he had but a meagre education, but was early interested in Revolutionary lore, and devoured with avidity such works of history or historical romance as he could obtain. In 1834, he entered Granville (Ohio) College, now called

At the time of his death he was engaged upon a work entitled "New York City; its Commerce and Industries."

Besides the above works, Dr. Lossing, in connection with the late Edwin Williams, compiled—

THE STATESMAN'S MANUAL.

THE NATIONAL HISTORY OF THE UNITED STATES.

A SKETCH OF MARTHA WASHINGTON.

THE LEAGUE OF STATES.

FIRST IN PEACE.

He arranged and fully annotated—

CUSTIS'S RECOLLECTIONS OF WASHINGTON.

McFINGAL, AN EPIC POEM OF THE REVOLUTION; by Trumbull.

DIARIES OF WASHINGTON.

THE OLD FARM AND NEW FARM; an allegory, by Francis Hopkinson.

POEMS BY WILLIAM WILSON, with a biography of the author.

In addition to these labors he edited for three years "The American Historical Record and Repertory of Notes and Queries."

Granville University, where he spent two years as an undergraduate. In 1838, he conceived the idea of writing a history of the Western pioneers, which should correct the errors which had been made by the early historians of the border; and, to that end, opened a correspondence and sought interviews with all the leading pioneers. In this service he travelled, often through dense wildernesses, over sixty thousand miles, having many narrow escapes by land and flood. The result of all this labor is shown by "two hundred and fifty portly volumes of manuscript, the greater part made up of wholly original matter, most of it as yet unpublished, covering the entire history of the fight for the Northwest, from 1742, the date of the first skirmish with the Indians in the Virginia valley, to 1813-14 when Tecumseh was killed and the Creeks were defeated."¹ The collection includes many diaries kept by the leading pioneers, in the original manuscript.

In October, 1852, he removed to Madison, by invitation of the State Historical Society of Wisconsin, and, about a year later, was chosen as its Corresponding Secretary. To his fostering care the society owes a large measure of its remarkable success. Its valuable "Historical Collections" were edited by him, and the society "is to-day practically what he, aided by the intelligent munificence of the Commonwealth, has made it."² His great individual published work was his "King's Mountain and its Heroes," published in 1881. "The Mecklenburg Declaration of Independence" and several biographies of eminent pioneers, were nearly completed at the time of his death. He was a gleaner to the end, gathering into his storehouse, but taking little thought of marketing his crops.

In 1858 and 1859, Dr. Draper served as State Superintendent of Public Instruction, to the great benefit of the

¹ From a biographical sketch by Reuben G. Thwaites in the *Magazine of Western History*, January, 1887.

² *Ibid.*

cause and the State. He secured the passage of an act of the Legislature making liberal appropriations for a township library-fund; but the financial exigencies of the State during the Rebellion led to its repeal. He was made M. A. by Granville University in 1851, and LL. D. by the University of Wisconsin in 1871. His fellowship with our Society dates from October, 1877.

Hamilton Barclay Staples, was born in Mendon, Massachusetts, February 14, 1829. His ancestors were conspicuous among the early founders of that township, and the sturdy qualities of character for which they were noted have been perpetuated through eight generations of their descendants; some of whom have remained cultivators of the soil in their native town, while others have won honorable distinction in other places and in other walks of life. The father of the subject of this notice was a farmer, though with little love, it is said, for that vocation. He was passionately fond of history, and devoted large portions of such leisure as he could command, to the reading of his favorite authors in that department of knowledge; he was well known among his fellow-townsmen for his general intelligence and for his active interest in town affairs and in the politics of his day, both State and national; he was a good talker and fond of debate; his voice was often heard in town meeting,—those little local parliaments, as they have been fittingly called, in which many of our eminent statesmen have received their first lessons in parliamentary debates and as experts in parliamentary law. The mother of our late associate was a woman of deep religious convictions and elevated Christian character. She was a constant reader of the Bible and sought to implant its exalted ethical and religious precepts in the minds and hearts of her children. If there be any truth in the law of heredity, it cannot be difficult, with a knowledge of these traits in the character of the parents, to trace to their true source the distinguish-

ing qualities in the mind and character of the son. His boyhood was that of the ordinary country boy, living in the typical one-story farmhouse, and doing a little light work on the farm in the spring, summer and fall, and attending the district school during the winter. He early evinced a love of books; and was often found with some favorite volume in hand; while his companions were engaged in their youthful sports. He also early developed a love for extemporary speech in addresses of more or less serious import, to his young associates. These few traits and incidents in the character and life of the boy, have been referred to, because of the light they cast upon the matured character and life of the man. His life was a serious one, having clearly defined and fixed objects in view, and for the attainment of which, his wisely directed labors were unremitting. Impelled by a strong desire for a broader education than the schools of his native town afforded, he began a preparatory course of studies at the Worcester Academy, and at the age of eighteen entered Brown University, and graduated from that institution with the second highest honor of his class in 1851, at the age of twenty-two. Soon after graduating he began the study of law in the office of Chief Justice Ames, in Providence, Rhode Island, and afterwards continued his legal studies in the office of the Hon. Peter C. Bacon, late of Worcester. He was admitted to the bar in 1854, and immediately thereafter opened an office in the town of Milford, which was originally a part of his native town of Mendon.

He remained in Milford fifteen years, and during that period he was, at different times, associated in business with several well-known members of the bar in that part of the County. During those fifteen years Judge Staples, by his industry and fidelity, and by the skill and learning displayed by him in the management of cases in Court, and by the wisdom of his counsel to clients seeking his advice, made steady and sure progress in his professional reputation,

and acquired that practical knowledge of the law, which enabled him the more easily to attain the leading position which he held when he left the bar for the bench.

In 1869, he removed to Worcester and formed a partnership in the practice of law with Frank P. Goulding, Esq., of this city. This firm took high rank as one of the leading law firms of the State.

In 1873, Judge Staples was elected District Attorney for the Middle District, one of the largest and most important in the Commonwealth. He held that office by successive elections eight years; and it is no exaggeration of his merits as a criminal pleader, to say, that he had no superior among all the distinguished prosecuting officers of the State, including those who held the office of Attorney-General, during his term of service. He served two or more years as a member of the City Council, and was a Trustee of the City Hospital, and he held, from time to time, other positions of trust and responsibility, to all of which he rendered faithful and efficient service, under a high sense of the duty which he owed to the community in which he lived. In 1881, he was appointed an Associate Justice of the Superior Court of the Commonwealth, to fill a vacancy created by the resignation of his kinsman, the late Judge Francis H. Dewey; he held that office at the time of his death, August 2, 1891.

He was elected a member of this Society in 1878. He regarded the election as an honor and as a gratifying recognition of his merits and reputation as a scholar. He took a deep interest in the work of the Society; and original papers from his facile pen will be found in the published proceedings of the Society for the years 1879, '82, '84 and '88. They are entitled: "A Day at Mount Vernon in 1797"; "Origin of the Names of the States of the Union"; "The Province Laws of Massachusetts"; a brief but interesting paper on the "Sword of Fitz-John Winthrop, sometime a captain in Monk's army"; "La Salle's monu-

ment at Rouen," &c. All these papers show careful research and a clear and chaste style in the statement of facts and opinions—together they form valuable additions to the publications of the Society.

In 1884, the University from which he graduated conferred upon Judge Staples the degree of LL.D.

He was twice married; first, in 1858, to Elizabeth A. Godfrey, the step-daughter of Hon. Benjamin Davenport, of Mendon; and after her death in 1867, he married, the following year, Mary Clinton Dewey, a daughter of Judge Charles A. Dewey, late of Northampton, who for nearly thirty years was an Associate Justice of the Supreme Judicial Court of Massachusetts. The only members of his immediate family surviving him are his widow and son, Francis Hamilton Staples, who is now an undergraduate in Brown University.

Judge Staples with his family made two visits to Europe and travelled extensively on the Continent and through England and Scotland. The foregoing is a brief statement of the leading objective facts and incidents in his busy and strenuous life of sixty-two years.

A slight acquaintance and occasional conversations with him were sufficient to show that he was a man of scholarly habits and tastes. He loved knowledge and he loved the pursuit of it. He was a diligent reader of good books and was especially fond of historical and metaphysical writings. His mind was eminently analytical and he sometimes carried the process of analysis into such remote and refined distinctions as to endanger if not impair the soundness of his judgments. Analysis can never add anything to our mental conceptions; it can only discover their contents. It is only by the synthetic grasp of related facts by the understanding, that the sum of knowledge can be increased and become the basis of safe and valid judgments. I do not mean to imply that Judge Staples did not possess this power, but that by his very acute analytical processes, he sometimes failed

to attain the best mental results of which he was capable.

He was ambitious—he loved distinction, and he bore his honors with a conscious pride and becoming dignity. But the objects of his ambition were worthy, and he sought their attainment ever and only by honorable means. He highly prized the good opinion of his fellow-men, and was keenly sensitive to adverse criticism. There was, however, something which he valued more than the approval of others, and that was his own self-approving conscience; and in the seclusion of his boyhood and by his severe struggles with limited pecuniary resources during the entire period of his collegiate life, he acquired the habits of self-reliance and independent action. His character and will were tested and strengthened early in the school of privation and self-dependence. A man with a character so disciplined may be often defeated; he can never be conquered.

His brethren of the Worcester County bar, by whom he was best known, have, since his death, placed on record their high estimate of his character both as a lawyer and judge. In their memorial of him they declare that “as a lawyer, he was, in the preparation of his causes for trial, quick of apprehension, industrious, minute and critical, patient and untiring. In actual trial he was alert, sagacious, and possessing an unfailing memory, courage, and powerful advocacy; he was a tower of strength to his clients and a formidable opponent. He brought to the bench a thorough knowledge of the common and chancery law and its application in practice. As a judge, he was dignified, patient, painstaking, discriminating, careful and always just. His judicial life was upright and unstained.”

To gain an adequate conception of the extent of that theoretical and practical knowledge of law here attributed to Judge Staples, it would become necessary to consider the extent of the jurisdiction of the court of which he was an Associate Justice. That court has original and exclusive jurisdiction of all felonies, and original or appellate

jurisdiction of all misdemeanors ; in other words, jurisdiction of every offence known to the criminal code of the State.

It has original and exclusive jurisdiction of all actions of tort, wherein the amount claimed exceeds a certain limit, and original or appellate jurisdiction of such actions when the amount claimed falls below that limit—in short, there is not an actionable wrong to person or property, which that court may not be called on to try. As a court of equity it has full and complete jurisdiction. It has exclusive original jurisdiction of all causes of divorce and nullity or validity of marriage. It has large appellate jurisdiction of appeals from the Probate and Insolvency Court and from other subordinate courts ; and besides these general powers, there are numerous statutes conferring upon the court special and extraordinary jurisdiction. It may well be doubted whether there is any other court, in any of the States, whose jurisdiction is at once so extensive and varied. And to say of our friend, that he was competent to deal with any and all of the innumerable questions likely to arise under this wide jurisdiction, would be to pronounce upon him, as a jurist, the highest possible eulogium. And to affirm that he failed in some respects, to reach the highest degree of judicial excellence, would be only to affirm that he was human. His administration of the criminal law was sometimes made the subject of criticism. It was thought that at times his kind and sensitive nature led him to treat convicted offenders with too much leniency ; that his reluctance to inflict pain, even upon the violators of law, made him for the moment forget the larger purposes of penal statutes to prevent crime and secure public order and safety. But if this was a fault in his judicial character, was it not one of those faults which lean to virtue's side ? It is undoubtedly the better judgment of those competent to form an opinion upon the subject, that so long as it is thought necessary to maintain upon the statute book a penal code, it should be administered with a firm and vigorous hand, and that those

who are called upon to pronounce its sentences should look to the law and to the public safety to discover their rule of action.

Whoever heard Chief Justice Shaw pronounce sentence upon a convicted felon, will remember never to have seen or heard him perform that painful duty, when he did not exhibit visible signs of deep emotion ; but it was the man that wept, while the great magistrate declared the stern sentence of the law.

Turning now from Judge Staples's honorable public career to the remembrance of him in the private walks of life, it will, I believe, be the concurrent judgment of all who knew him best, that he was an accomplished scholar, whose tastes and scholarship had been assiduously cultivated and improved by study and association with the learned and refined at home, and by the larger opportunities of foreign travel ; that he was an agreeable and instructive companion, with a warm heart and capable of the most genuine and permanent friendships, and that he was a lawyer of wide and varied learning ; and that as a magistrate, he has left a reputation unsullied by a single unworthy deed, constituting as it does the richest legacy he could transmit to those of his own name and lineage.

For the Council.

P. EMORY ALDRICH.

CHARLES A. CHASE.

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